TRPA
GOVERNING BOARD
PACKETS

MARCH
1984
TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on March 28 and 29, 1984, commencing
at 9:30 a.m. each day 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 on Wednesday, March 28, 1984,
commencing at 8:30 a.m. in the same location, the TRPA Finance Committee
will meet to discuss the Agency's budget and work program.

NOTICE IS FURTHER GIVEN that on Thursday, March 29, 1984,
commencing at 8:15 a.m. in the same location, the Litigation Committee
will meet to discuss pending litigation involving Hunton and Anderson.

Date: March 9, 1984

By: Gary J.K. Midkiff
Acting Executive Director
Tahoe Regional Planning Agency

NOTE: Items on the agenda without a time designation may not necessarily
be considered in the order in which they appear on the agenda.
NOTE: There will be a meeting of the Finance Committee at the TRPA office at 8:30 a.m. on Wednesday, March 28 to discuss the Agency's budget and work program.

There will be a meeting of the Litigation Committee at the TRPA office at 8:15 a.m. on Thursday, March 29. The purpose of said meeting is to discuss pending litigation involving Hunton and Anderson.

PRELIMINARY AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  CONSENT CALENDAR

V  ORDINANCE

First Reading of Ordinance Adopting and Implementing the Regional Plan

VI  PLANNING MATTERS

A. Status of Code of Ordinances

B. Status Report on Plan Area Statements

C. Status of Monitoring and Evaluation Program

VII  ADMINISTRATIVE MATTERS

A. Appointment of Representative from the Tahoe Transportation District to Serve as Bistate Member on the Advisory Planning Commission

B. Other

Thursday, March 29, 1984  9:30 a.m.

VIII  APPEALS

Edgar Scharruhn, Appeal of Staff Decision Regarding Status of the Kingsbury Terrace Subdivision Pursuant to Ordinance 81-5, Douglas County, TRPA File #80016

IX  SPECIAL DETERMINATIONS

A. Tom Watson, Third Creek Inn, Determination of Vested Right, Washoe County APN 124-100-06, TRPA File #84002
B. Determination on Status of Projects Whose Approvals Expired During the Moratorium

C. Determination on Status of Pre-1980 Permits Not Requiring TRPA Approval

X ENFORCEMENT

A. Show Cause Hearings

1. Tahoe Equestrian Center, Inc., Unauthorized Operation of Commercial Off-Road Vehicle Rental, El Dorado County APN 33-110-03 and -04, TRPA File #82002

2. Rasmussen, Unauthorized Tree Cutting, Logan Creek Estates, Douglas County APN 03-022-16

3. Donald Marken, Unauthorized Construction of Rock Jetties, Violation of TRPA Approved Slope Stabilization Project, Douglas County APN 01-020-07, TRPA File #81141

B. Reports

XI REPORTS

A. Diversion of Water From Echo Creek For a Hydroelectric Facility, El Dorado County

B. Finance Committee Report

C. Litigation Committee Report

D. Executive Session

E. Acting Executive Director Report

F. Legal Counsel Report

G. Governing Body Members

H. Public Interest Comments

XII CORRESPONDENCE

XIII RESOLUTIONS

XIV PENDING MATTERS

XV ADJOURNMENT
CONSENSE CALENDAR

Clearinghouse Review:

Staff recommends that letters be sent to the U.S. Forest Service indicating that no conflicts are foreseen between the following transactions and the Agency’s plans and rules and regulations as currently drafted.

1. Donation of 25 Foot Strip of Land at Camp Richardson Owned by Ted and Paul Chamberlain, El Dorado County

2. Acquisition of 125.35 Acres Owned by Stephen H. Bourne, Douglas County APN 05-230-10-7

Requests for Mitigation Funds:

Staff recommends the following requests be approved:

1. Placer County - $25,000 for Griff Creek Erosion Control and Stream Restoration

2. Douglas County - $33,000 for Kingsbury General Improvement District/Aspen Valley Erosion Control

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.

- Article III(g) Public Law 96-551
MEMORANDUM

DATE: March 16, 1984

TO: Governing Body

FROM: Agency staff

SUBJECT: Donation of 25 Foot Strip of Land at Camp Richardson Owned by Ted and Paul Chamberlain, El Dorado County

The U.S. Forest Service has requested that the Agency, in its capacity as a Regional Clearinghouse, review the donation proposal by Ted and Paul Chamberlain and bring it to the attention of the Governing Board and the public at the Governing Board meeting. The parcel, located in El Dorado County at Camp Richardson Resort, is a 25 foot wide strip of land 1,227 feet long. The parcel was inadvertently left out of the property transfer when the Federal Government acquired Camp Richardson.

Agency staff foresees no conflicts between the donation and the Agency's plans and rules and regulations as currently drafted and recommends that a letter be sent to the U.S. Forest service indicating the same.
DATE: March 16, 1984

TO: Governing Body

FROM: Agency staff

SUBJECT: Acquisition of 125.35 Acres Owned by Stephen H. Bourne, Douglas County, APN 05-230-10-7

The U.S. Forest Service has requested that the Agency, in its capacity as a Regional Clearinghouse, review the acquisition proposal to buy 125.35 acres (Bourne Estate) for inclusion in the National Forest System.

Because of existing improvements the property does not qualify for purchase under authority of PL 96-586, the Santini-Burton Act. The Bourne family ownership of 241.0 acres east of the Highway does qualify for purchase under PL 96-586. A separate offer will be made using that authority and funding. Congress has appropriated $9.5 million to acquire this lake front parcel.

The property under consideration at this time has 1,689.48 feet of Lake Tahoe shoreline fronting along Marla Bay, including Round Hill Pines Resort. The State of Nevada is willing to manage the lakeshore recreation facilities starting with the 1985 season, under an agreement with the Forest Service. In the interim, a Forest Service Special Use Permit will be offered to the present lessee.

In public ownership, this property will no longer contribute to the maintenance of roads, utilities, etc. It may, though, slightly increase the County's share of National Forest Receipt monies. However, this will not balance the loss in tax revenue.

Agency staff foresees no conflicts between the acquisition and the Agency's plans and rules and regulations as currently drafted and recommends that a letter be sent to the U.S. Forest Service indicating the same.
MEMORANDUM

Date: March 15, 1984

To: Governing Body

From: Agency Staff

Subject: Placer County - $25,000 for Griff Creek Erosion Control and Stream Restoration

Placer County has requested an additional $25,000 from the Water Quality Mitigation Fund for engineering and design costs of the Griff Creek project. These funds, coupled with the $10,000 allocated last fall, would comprise a portion of the local share for an EPA Clean Lakes Grant. Placer County has expended funds from its General Fund to cover consulting services for project design and would utilize mitigation funds to repay the General Fund loan until the grants are approved.

The Griff Creek project was approved by the TRPA Governing Board in August, 1983 and consists of restoring the stream channel by excavating a channel utilizing a natural flow line, removing the existing culverts, and stabilizing the channel with rock and riparian vegetation. The total project is estimated at $374,720 with $263,200 being applied for through Lahontan Regional Water Quality Control Board for EPA Clean Lakes Grant. The remaining $111,520 will be made up of TRPA mitigation funds and probably Santini-Burton erosion control funds.

The Griff Creek project is consistent with the Lake Tahoe Basin Water Quality Plan and Problem Assessment. The project is also consistent with the goals of the Environmental Threshold Carrying Capacities to restore disturbed SEZ lands. The Placer County mitigation fund account presently has a balance of $50,989.44. Further, these mitigation funds may be returned by the county to the account if Santini-Burton funds are approved by the U. S. Forest Service to cover the entire portion of the local share match.

Based on these factors, the staff recommends the Governing Board approve the request for the $25,000 from the Water Quality Mitigation Fund pursuant to the Placer County Agreement of June 15, 1982 for erosion and runoff control projects.

GS:bl
3-15-84

Consent Calendar Item #1
Request for Mitigation Funds
MEMORANDUM

Date: March 15, 1984

To: Governing Body

From: Agency Staff

Subject: Douglas County - $33,000 for Kingsbury General Improvement District/Aspen Valley Erosion Control

Douglas County has requested a total of $33,000 from the Water Quality Mitigation Fund be allocated to Kingsbury General Improvement District (KGID) for an erosion and runoff control project within the KGID service district. These funds would match funds allocated by KGID for the project.

The project was approved by the Governing Board in August, 1983 and was completed in October, 1983. The total project costs were $64,910 which comprised construction of 755 feet of rock lined drainage ditch, installation of curbs, culverts and siltation basins along Aspen Way in the Aspen Valley subdivision.

The Aspen Valley project is consistent with the Lake Tahoe Basin Water Quality Management Plan and Problem Assessment. The Douglas County Mitigation fund account presently has a balance of $75,060.36. Based on these factors, the staff recommends the Governing Board approve the request for $33,000 pursuant to the Agreement with Douglas County of July 11, 1983 for erosion and runoff control projects.
ERRATA TO ORDINANCE ADOPTING AND 
IMPLEMENTING THE REGIONAL PLAN AMENDMENTS 

DRAFT: February 24, 1984

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 84-

AN ORDINANCE RELATING TO THE REGIONAL PLAN OF THE TAHOE REGIONAL 
PLANNING AGENCY; PRESCRIBING AMENDMENTS TO SAID REGIONAL PLAN, AS 
AMENDED TO DATE, PURSUANT TO ARTICLE V(c) OF THE TAHOE REGIONAL 
PLANNING COMPACT, AS AMENDED, SO THAT, AT A MINIMUM, THE PLAN AND ALL 
OF ITS ELEMENTS, AS IMPLEMENTED THROUGH AGENCY ORDINANCES, RULES AND 
REGULATIONS, ACHIEVES AND MAINTAINS THE ADOPTED ENVIRONMENTAL 
THRESHOLD CARRYING CAPACITIES; MAKING FINDINGS REGARDING THE 
BACKGROUND FOR AND BASES OF THE AMENDMENTS TO SAID REGIONAL PLAN 
ADOPTED HEREBY; PRESCRIBING SPECIFIC WRITTEN FINDINGS PURSUANT TO 
ARTICLE V(g) OF SAID COMPACT ASSURING THAT APPROVAL OF A PROJECT WILL 
NOT ADVERSELY AFFECT IMPLEMENTATION OF THE REGIONAL PLAN, AS AMENDED 
HEREBY, AND NOT CAUSE THE ADOPTED ENVIRONMENTAL THRESHOLD CARRYING 
CAPACITIES OF THE REGION TO BE EXCEEDED; PRESCRIBING PROCEDURES FOR 
IMPLEMENTATION; PRESCRIBING PROCEDURES FOR REVIEW OF APPLICATIONS FOR 
PROJECTS ON FILE PRIOR TO THE ADOPTION OF THIS ORDINANCE AND 
APPLICATIONS FOR OTHER SPECIFIED PROJECTS; REQUIRING PLAN ENFORCEMENT; 
AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

1.23 The Governing Body acknowledges the existence of the 
Santini-Burton Act (P.L. 96-586, 94 Stat. 3381) and the 
Lake Tahoe Acquisition Bond Act (California Government Code, 
Section 66950 et seq). The Agency recognizes said.....

Add: This amended Regional Plan is not conditioned in any 
respect on an acquisition program, nor is it intended to 
designate any lands to be acquired, or to assist in such 
acquisition.

1.27(2) Review of said pending projects is limited to a specific period 
of time, expiring December 31, 1984.

1.27(5) It is necessary and desirable to set December 31, 1984 as the 
deadline for the Agency to take final action on such pending 
projects.

1.28(2) Review of said pending projects is limited to a specific period 
of time, expiring December 31, 1984.

3/20/84
2.11 Plan Documents


3/20/84
Errata to Adopting Ordinance
Page Three

Section 3.00  Article V(g) Findings for Project Review Pending Adoption of Agency Regulatory Code

3.10  (13) It has been demonstrated that the suppliers of water, sewage treatment, fire protection, educational services, police protection and other appropriate utilities have or will have the physical and legal capacity to supply said services to the project.

(14) As an alternative to the specific findings listed in subsection 3.10(7) through (13), inclusive, the Agency may find that:

(a) The project presents a situation or circumstance demanding immediate action to preserve the public peace, health, safety or general welfare, or to protect and enhance the environment of the Lake Tahoe Region;

(b) The project will not individually cause the adopted thresholds to be exceeded;

(c) A mitigation program is required as a condition of project approval which will ensure that the impacts of the project will be mitigated to the greatest extent possible; and

(d) Conditions of approval have been placed on the project to insure that as soon as possible after such situation or circumstance ceases to exist, a complete application for said project, including the appropriate environmental document, shall be submitted to the Agency, at which time approval of said project shall be subject to the findings required under Section 3.00, other than those in subsection 3.10(14).

(15) There is substantial evidence in the record supporting the foregoing findings.

4.20  Review of Certain Pending Applications

(2) Complete applications for single family houses on lots having valid 1983 Placer County development allocations and for which letters have been issued by the CTRPA establishing that said lots are buildable. For purposes of reviewing and approving any of said applications, or, where applicable, applications referred to in subsection 4.20(1), the provisions of CTRPA Urgency Ordinances entitled "Development Permit Allocation for Placer County" (adopted on July 30, 1982 and extended on December 3, 1982) and "Development Permit Allocation for El Dorado County" (adopted on May 6, 1983), notwithstanding the expiration of said ordinances, shall be the standards for review and approval of said applications pursuant to this ordinance.

3/20/84
(3) The project is consistent with the Agency Regional Plan in effect on August 25, 1983 and the applicable plans, ordinances, regulations and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the Lake Tahoe region.

4.30 Review of Other Pending and New Projects

(2) Complete applications for projects received after the effective date of this ordinance, other than those identified under subsection 4.20(2).

4.31


(2) Pending final adoption of the applicable Plan Area Statement, pursuant to subsection 2.12, the project does not propose density in excess of one (1) single family house per lot or parcel of record prior to the effective date of this ordinance, or a use inconsistent with said Plan Area Statement.

4.40 The Agency on or before December 31, 1984 shall take final action on all projects referred to.

4.60 Development Permit Allocations

Applications for projects identified under subsection 4.30 shall not be accepted, reviewed or approved by the Agency unless the applicant has received either of the following:

(a) A 1983 Placer or El Dorado County development allocation and, with respect to El Dorado County, an allocation having been determined by El Dorado County to be one of the 177 1983 allocations; or

(b) A development allocation from the appropriate government entity pursuant to Goal #2, Policies 2, 3, 4 and 5 of the Development and Implementation Priorities subelement of the Regional Plan for the Lake Tahoe Basin, Part I, Goals and Policies, Amended Final Draft, February 1984.

3/20/84
Section 5.00  Implementation Plan

5.10 Except as otherwise provided by this section, all Agency ordinances, maps, rules, regulations and policies in effect on August 25, 1983, including, but not limited ...
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 84-

AN ORDINANCE RELATING TO THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; PRESCRIBING AMENDMENTS TO SAID REGIONAL PLAN, AS AMENDED TO DATE, PURSUANT TO ARTICLE V(c) OF THE TAHOE REGIONAL PLANNING COMPACT, AS AMENDED, SO THAT, AT A MINIMUM, THE PLAN AND ALL OF ITS ELEMENTS, AS IMPLEMENTED THROUGH AGENCY ORDINANCES, RULES AND REGULATIONS, ACHIEVES AND MAINTAINS THE ADOPTED ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES; MAKING FINDINGS REGARDING THE BACKGROUND FOR AND BASES OF THE AMENDMENTS TO SAID REGIONAL PLAN ADOPTED HEREBY; PRESCRIBING SPECIFIC WRITTEN FINDINGS PURSUANT TO ARTICLE V(g) OF SAID COMPACT ASSURING THAT APPROVAL OF A PROJECT WILL NOT ADVERSELY AFFECT IMPLEMENTATION OF THE REGIONAL PLAN, AS AMENDED HEREBY, AND NOT CAUSE THE ADOPTED ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES OF THE REGION TO BE EXCEEDED; PRESCRIBING PROCEDURES FOR IMPLEMENTATION; PRESCRIBING PROCEDURES FOR REVIEW OF APPLICATIONS FOR PROJECTS ON FILE PRIOR TO THE ADOPTION OF THIS ORDINANCE; REQUIRING PLAN ENFORCEMENT 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 On December 19, 1980, the Tahoe Regional Planning Compact ("Compact") was amended, requiring, among other things, that the Agency adopt environmental threshold carrying capacities for the Lake Tahoe region. The Compact further provided that, within one (1) year after the adoption of the environmental threshold carrying capacities, the Agency shall amend its regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities.

1.11 The Compact finds, among other things, that: (a) the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region; (b) the public and private interests and investments in the region are substantial; (c) the region exhibits unique environmental and ecological values which are irreplaceable; (d) said region is experiencing problems of resource use and deficiencies of environmental control; (e) increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands; (f) maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by said region; (g) there is a public interest in protecting, preserving and enhancing such values for the residents of the region and for visitors to the
region; (h) in order to preserve the scenic beauty and outdoor recreational opportunities of said region, there is a need to insure an equilibrium between said region's natural endowment and its manmade environment; and (i) it is imperative that there be established an agency with powers, among others, to establish environmental threshold carrying capacities and adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

1.12 The Agency Governing Body unanimously approved Resolution No. 82-11, adopting environmental threshold carrying capacities for the Lake Tahoe region pursuant to Article V(b) of the Compact. Said carrying capacities were adopted subsequent to consideration by the Agency Governing Body of an environmental impact statement, including response to comments, thereon, a lengthy, detailed study report, and oral testimony and documentary evidence received at public hearings concerning said carrying capacities.

1.13 Prior to the adoption of this ordinance, the Advisory Planning Commission ("APC") of the Tahoe Regional Planning Agency conducted a duly-noticed public hearing in accordance with Article V(a) of the Compact, at which hearing considerable oral testimony and documentary evidence concerning the proposed amendments to the Agency's regional plan were received and considered by the APC. The Governing Body has received and considered the recommendations of the APC, which recommendations were formulated after said public hearing. In addition to said APC public hearing, the Governing Body, both prior and subsequent to said APC public hearing, has conducted duly-noticed public hearings in accordance with said Article V(a), at which hearings considerable oral testimony and documentary evidence were received and considered. The substance of the amendments including, but not limited to, the documents and maps adopted by this ordinance was the subject of said public hearings. In addition to said formal public hearings, the Governing Body and staff conducted numerous public meetings and forums in various locations within the States of California and Nevada, at which meetings and forums the proposed amendments were discussed.

1.14 The provisions of this ordinance, themselves, were also the subject of a duly-noticed public hearing before the Governing Body as required by the Agency's Rules and Regulations of Practice and Procedure.

1.15 As required by Article V(c) of the Compact, the amendments to the Agency's regional plan adopted by this ordinance, including all the elements thereof, as implemented by this ordinance and as to be implemented through other agency ordinances, rules and regulations, at a minimum will achieve and maintain the adopted environmental threshold carrying capacities, while providing opportunities for orderly growth and development consistent with such capacities. Each element of the regional plan, as amended hereby, contains implementation provisions and time schedules for such implementation by ordinance in compliance with said Article V(c).
1.16 As further required by said Article V(c), the regional plan, as amended by this ordinance, consists of a single, enforceable plan and includes correlated elements consisting of a land use plan, a transportation plan, a conservation plan, a recreation plan, a public services and facilities plan, and an implementation element, each of which plans sets forth the material required by, and otherwise complies with, said Article V(c) of the Compact.

1.17 As required by Article V(d) of the Compact, the regional plan, as amended by this ordinance, provides for the attaining and maintaining of federal, state or local air and water quality standards, whichever are strictest, in the respective portions of the Lake Tahoe region for which such standards are applicable. To the extent said plan, as amended, imposes air or water quality standards or control measures more stringent than the applicable state implementation plan or applicable federal, state or local standards for the Lake Tahoe region, the Governing Body finds that such additional standards or control measures are necessary to achieve the purposes of the Compact. Each element of said regional plan, as amended hereby, where applicable, identifies the means and time schedule by which air and water quality standards will be attained in compliance with said Article V(d).

1.18 The provisions of this ordinance prescribing specific written findings pursuant to Article V(g) of the Compact relate to environmental protection and insure that the project under review will not adversely affect implementation of the Agency's regional plan, as amended, and will not cause the environmental threshold carrying capacities of the Lake Tahoe region to be exceeded.

1.19 This ordinance is necessary and desirable to promote, and is reasonably related to, a legitimate governmental interest, consisting of the public health, safety, general welfare, and environment of the Lake Tahoe region. In addition to the specific findings of compliance set forth hereinabove, this ordinance otherwise complies in all respects, procedural and substantive, with the Compact and is necessary to effectuate and implement the same.

1.20 The amendments to the Agency's regional plan, adopted by this ordinance, were the subject of an environmental impact statement ("EIS"), which was processed, reviewed and approved by the Agency in accordance with the substantive and procedural provisions of Article VII of the Compact and the applicable provisions of the Agency's Rules and Regulations of Practice and Procedure. Without limiting the generality of the foregoing, the Governing Body further finds that said EIS contained the following information required by Article VII(a)(2) of the Compact: (a) the significant environmental impacts of the proposed amendments to said plan; (b) any significant adverse environmental effects, which cannot be avoided should said amendments be implemented; (c) alternatives to the proposed plan amendments, the number, description and types of which are hereby found to be appropriate and adequate for purposes of said Article VII of the Compact; (d) mitigation measures which must be implemented to assure meeting the standards of the Lake Tahoe region; (e) the relationship
between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; (f) any significant irreversible and irretrievable commitments of resources which would be involved in the proposed amendments, should they be implemented; and (g) the growth-inducing impact of the proposed amendments. The Governing Body further finds that said EIS adequately addressed the amendments to the regional plan, adopted by this ordinance, and provided the Governing Body substantial, detailed information and a proper disclosure, upon which it has based a reasoned, sufficient and deliberate review and evaluation of the environmental impacts and commitments of said plan amendments adopted hereby, as well as those of various alternatives thereto set forth in said EIS. The Governing Body further finds that, prior to adopting this ordinance, the Governing Body complied with the findings requirements of Article VII(d) of the Compact, a separate written finding having been made for each significant effect identified in said EIS as resulting from the amendments to the regional plan adopted hereby. The Governing Body further finds that said written findings pursuant to Article VII(d) are supported by substantial evidence in the record.

1.21 The administrative record for purposes of consideration and adoption of this ordinance is hereby declared to include, but not be limited to: all documents adopted hereby as comprising the amendments to the Agency's regional plan; the environmental impact statement, including response to comments, and documents incorporated therein, prepared with respect to said amendments; all reports or studies received, prepared or authorized by the Agency with respect to said amendments, including, but not limited to, the report of the Urban Land Institute; Resolution No. 82-11, adopting environmental threshold carrying capacities; the environmental impact statement and documents incorporated therein, prepared with respect to said environmental threshold carrying capacities; the Study Report prepared with respect to said environmental threshold carrying capacities; the Agency's Lake Tahoe Region Water Quality Management Plan, including all documents incorporated therein and supplemental thereto; the environmental impact statement and documents incorporated therein and supplemental thereto, prepared with respect to said water quality management plan; the Findings and Declarations contained in Article I of the Compact; all oral testimony and documentary evidence received or noticed by the Governing Body or APC relating to all of the foregoing; and the minutes and transcripts of the Governing Body and APC relating or referring to preparation, consideration, or adoption of the amendments to the Agency's regional plan and the environmental threshold carrying capacities upon which such amendments are based.

1.22 The Governing Body incorporates herein, as though fully set forth, the findings and provisions of Resolution No. 82-11, adopting environmental threshold carrying capacities for the Lake Tahoe region.

1.23 The Governing Body acknowledges the existence of the Santini-Burton Act (P.L. 96-586, 94 Stat. 3381) and the Tahoe Area Land Acquisition Commission ("TALAC"), created by Chapter 833 of the Statutes of 1980 of the State of California. The Agency recognizes said federal and state programs as separate and distinct from the
Agency, an entity having no power of eminent domain, vested exclusively with authority to regionally plan and zone for the use of property pursuant to the police power. While the Agency, including its regional plan and ordinances, and said land-acquisition programs are legally and operationally separate and distinct, the Agency recognizes that substantial acquisition of land through said independent programs may affect the environment of the Lake Tahoe region to some degree. As required by Article V(c) of the Compact, it is the present intent of the Governing Body to reexamine the provisions of the amendments to the regional plan, adopted by this ordinance. As part of said review, the effect, if any, upon said region resulting from said acquisition programs shall be noted. Said intent to reexamine the provisions of said amendments is not to be construed as a suggestion or advocacy by the Agency that the governmental entities administering said programs, or any other governmental entity, purchase or otherwise acquire any real property situated within the Lake Tahoe region.

1.24 The land-use regulatory provisions of the amendments to the regional plan, adopted by this ordinance, turn upon the provision of a reasonable, beneficial use of land under all the circumstances within the Lake Tahoe region, including, but not limited to, the circumstances identified in Article I of the Compact. The goals of such regulatory provisions comply with the intent and purpose of the Compact, including, but not limited to, the protection of the quality of the water of Lake Tahoe. It is not the intent of the amendments to the regional plan adopted hereby to reduce or otherwise affect the value of real property in the Lake Tahoe region, the desire being that the value thereof remain as that of property subject to a reasonable, beneficial use pursuant to the regulations set forth in said amendment. The portions of the amendments adopted hereby concerning stream environment zones recognize the necessity of said wetlands for protection and maintenance of the quality of water in Lake Tahoe, as documented in the Agency’s Water Quality Management Plan and Environmental Threshold Carrying Capacities, including the environmental impact statements prepared for same, and that development of said wetlands has an immediate, adverse impact upon the quality of said water. The portions of the amendments adopted hereby concerning land classified within Land Capability Districts 1 through 3 recognize that development of said fragile lands has an adverse impact upon the quality of water within Lake Tahoe, as documented in said water quality management plan and environmental thresholds, including said environmental impact statements, and that the Agency has no environmentally documentable or supportable development screening system to adequately review and control development upon said fragile lands without harming the quality of said water. There is thus a necessity to temporarily prohibit development upon said lands in the manner set forth in the amendments adopted hereby subject to the preparation of said development screening system.

1.25 The Governing Body, by the adoption of this ordinance, does not intend, and the amendments to the regional plan adopted hereby shall not be construed as authorizing the Agency, to exercise its regulatory power to grant or deny a permit in a manner which shall take or damage private property for public use without payment of just compensation.
or due process of law. Nothing in said amendments is intended to increase or decrease the rights of any property owner under the Constitutions of the United States, the State of California, or the State of Nevada.

1.26 It is the intent of the Governing Body, by the adoption of this ordinance, to amend the regional plan heretofore in effect, including, but not limited to, the regional plan of the California Tahoe Regional Planning Agency otherwise applicable to the portion of the Lake Tahoe Region located in the State of California pursuant to Article V(e) of the Compact. It is also the intent of the Governing Body, by adoption of this ordinance, to amend the Agency's "Lake Tahoe Basin Water Quality Management Plan, January, 1978". The amendments to said water quality management plan are set forth in the Regional Plan for the Lake Tahoe Basin, Part I, Goals and Policies, referred to in subsection 2.11(1). The amendments to said water quality management plan shall take effect upon certification by the States of California and Nevada and approval by the U.S. Environmental Protection Agency pursuant to Section 208 of P.L. 92-500.

1.27 The following findings are made with respect to the provisions of Section 4.00 of this ordinance relating to pending projects reviewed under the provisions of Agency Ordinance No. 79-10, as amended:

(1) Said provisions of Section 4.00 are limited to a finite number of projects.

(2) Review of said pending projects is limited to a specific period of time, expiring August 31, 1984.

(3) The amendments to the Water Quality Management Plan and the provisions of Agency Ordinance 79-10 for review and approval of applications for construction of single family residences upon high erosion and high runoff hazard lands, including the environmental impacts resulting therefrom, were 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 adequately addressed the effects of construction upon Land Capability Districts I through 3 as proposed by the pending projects under Agency Ordinance No. 79-10, as amended, and thus provided the Governing Body a proper disclosure upon which it has based a reasoned, sufficient and deliberate review and evaluation of the environmental impacts and commitments of said projects.

(4) The review procedure for said pending projects adopted by this ordinance is necessary to allow them to be processed, to the greatest extent possible, under the standards and regulations in effect at the time said applications were accepted by the Agency. The provisions of this finding are not to be construed as granting said applications the status of a common law vested right.
(5) It is necessary and desirable to set August 31, 1984 as the
deadline for the Agency to take final action on such pending
projects.

(6) The Addendum to the Environmental Impact Statement for the
Agency's 208 Water Quality Management Plan (revision date May 28,
1981) assesses the adverse impacts on soils, water quality,
vegetation and wildlife resulting from the construction of a
typical single family residence on land classified as Land
Capability Districts 1 through 3, and generally concludes that a
significant adverse impact on water quality will result from such
construction, due primarily to sediment loading amounting to
approximately .44 metric tons per year for each such residence.

(7) The Environmental Impact Statement for Adoption of a Regional
Plan for the Lake Tahoe Basin (TRPA, February, 1983) assesses the
adverse impacts resulting from the existing land uses in the
region and concludes that such uses result in significant adverse
impacts on water quality due to, but not limited to, sediment
loading amounting to 42,000 metric tons per year from
"controllable erosion".

(8) Under a worst case scenario of all pending projects reviewed
under the provisions of Agency Ordinance No. 79-10, as amended,
being approved pursuant to subsection 4 of this ordinance, the
resulting significant adverse impacts on water quality due to
sediment loading will amount to a .09% increase over that amount
presently resulting from existing land uses and, therefore, is
insignificant

1.28 The following findings are made with respect to the provisions of
Section 4.00 of this ordinance relating to pending projects other than
those referred to in subsection 1.27:

(1) Said provisions of Section 4.00 are limited to a finite number of
projects.

(2) Review of said pending projects is limited to a specific period
of time, expiring August 31, 1984.

(3) In view of said limitations, the provisions of Agency Ordinance
No. 81-1, and the assessment and conclusions contained in the EIS
for Adoption of a Regional Plan for the Lake Tahoe Basin (TRPA,
February, 1983), the approval of said pending projects will not
cause the adopted environmental threshold carrying capacities of
the region to be exceeded and will not adversely affect
implementation of the regional plan.

1.29 The following findings are made with respect to the provisions of
Section 4.00 of this ordinance relating to 1983 building allocations
issued in El Dorado and Placer Counties:
(1) Said provisions of Section 4.00 are limited to a finite number of projects, which projects will consist exclusively of single family houses located on land classified as Land Capability Districts 4-7 and in compliance with the land coverage limitations of said districts.

(2) The number of 1983 building allocations issued in Placer County of 278 is consistent with the allocation limitations set forth in the Compact for Placer County for previous years, using said limitations as a guideline for the entirety for 1983.

(3) One-hundred and five of the recipients of the 278 allocations in Placer County have received notice from the California Tahoe Regional Planning Agency (CTRPA) that their lots are buildable and that they should proceed with the permit process, including development of plans.

(4) Said 105 of the recipients, in the absence of Agency Resolution No. 83-21, may have proceeded with the permit process subject to all applicable CTRPA and Agency plans, ordinances, rules, regulations and policies in effect at that time.

(5) The number of 1983 building allocations issued in El Dorado County of 374 exceeds by 122 the allocation limitations set forth in the Compact for El Dorado County for previous years, using said limitations as a guideline for the entirety for 1983. To be consistent with the intent of the Compact, said excess number shall be counted against El Dorado County's share of the allocation limitations set forth in the amended regional plan.

(6) None of the 299 recipients of the 1983 allocations issued by El Dorado County on September 8, 1983 has received notice from the CTRPA that their lots are buildable or that they should proceed with the permit process.

(7) Placer County issued all 278 allocations in 1983 prior to the effective date of Agency Resolution No. 83-21 (August 26, 1983), and El Dorado County did not issue 299 of the 374 allocations in 1983 until September 8, 1983.

(8) Based on the foregoing findings, said provisions of Section 4.00 with respect to 1983 building allocations issued by El Dorado and Placer Counties are equitable and consistent with the intent of the Compact and the Agency's amended regional plan, adopted hereby, and therefore will not adversely affect compliance with the mandate to adopt an amended regional plan that will achieve and maintain the adopted environmental threshold carrying capacities.

1.30 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00 Adoption of Amendments to the Regional Plan

2.10 The regional plan of the Agency, as amended to date, is hereby further amended to consist exclusively of the following documents, each of which is incorporated herein by this reference as though fully set forth:

2.11 Plan Documents


2.12 Planning Area Statements

The document entitled Draft, Regional Plan for the Lake Tahoe Basin, Part I: Plan Area Statements, Tahoe Regional Planning Agency, is adopted as an interim policy guideline, effective until July 1, 1984, unless otherwise provided by amendment to this ordinance. The Governing Body shall amend this subsection pursuant to at least one duly-noticed public hearing, the subject of which hearing shall be the adoption of said document, as it may be amended, as a final land use regulation.

2.13 Regional Plan Maps

(1) Plan Area Overlays for base maps at scales of 1"=400' and 1"=2000' (July 1983), which maps shall be subject to the public hearing referred to in subsection 2.12.

(2) Land Capability Overlays for base maps at scales of 1"=400' and 1"=2000' (July 1983).
3. Shorezone Capability/Pierhead Line Maps (Photographs) at an approximate scale of 1"=400' (July 1976).

4. Special Interest Species and Sensitive/Uncommon Plant Maps at the scale of 1"=2000' (August 1982).

5. Prime Fish Habitat Map at the scale of 2"=1 mile (August 1981).


7. Historical Sites Map at the scale of 2"=1 mile (July 1983).

2.14 Said maps are subject to variation in a particular case upon a demonstration that the land in question, based upon a detailed site investigation, is not accurately classified, delineated or depicted.

2.20 Plan Reference Documents

The following documents represent reference documents for the regional plan. Said documents are to be used when necessary for interpretation of the regional plan. In the event of an inconsistency or conflict between any said document and the regional plan, said plan, to the extent of said inconsistency or conflict, prevails.


Section 3.00 Article V(g) Findings for Project Review
Pending Adoption of Agency Regulatory Code

3.10 Pursuant to Article V(g) of the Compact, the Agency shall make the following specific, written findings prior to approving any project in the region, except those pending projects referred to in subsections 4.20(1) and (2).
(1) The project is consistent and complies with the CTRPA and Agency ordinances, maps, rules, regulations and policies in effect on August 25, 1983 where said ordinances, maps, rules, regulations and policies are not inconsistent or in conflict with the amendments to the regional plan adopted by this ordinance. In the event said ordinances, maps, rules, regulations or policies are inconsistent or in conflict with said amendments to the regional plan, the Agency shall find that the project is consistent and complies with said amendments to the regional plan.

(2) The project has been processed in accordance with the Agency's Rules and Regulations of Practice and Procedure.

(3) With respect to projects for which an environmental impact statement has been prepared, changes or alterations have been required in or incorporated into the project which avoid or reduce the significant adverse environmental effects to a less than significant level; or specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project; and that a separate written finding has been made for each significant effect identified in the environmental impact statement on the project, which said findings are supported by substantial evidence in the record.

(4) With respect to projects for which an environmental impact statement has not been prepared, the project, including compliance with the conditions of approval, will not have an adverse significant, individual or cumulative impact on the environment.

(5) The establishment, maintenance and operation of the project will not be detrimental to the health, safety, peace, comfort or general welfare of the Lake Tahoe Region.

(6) The project, including compliance with the conditions of approval, is consistent with, and thus will not adversely effect implementation of, the regional plan and all of its elements as amended pursuant to Article V(c) of the Compact, including but not limited to the Land Use, Transportation, Conservation, Recreation, Public Services and Facilities and Implementation Elements of said plan.

(7) The project is consistent with the goals and policies of the Water Quality Element of the amended regional plan and therefore will not cause the adopted environmental threshold carrying capacities for water quality to be exceeded.

(8) The project is consistent with the goals and policies of the Transportation and Air Quality Elements of the amended regional plan and therefore will not cause the adopted environmental threshold carrying capacities for air quality to be exceeded.
(9) The project is consistent with the goals and policies of the Conservation Element of the amended regional plan and therefore will not cause the adopted environmental threshold carrying capacities for vegetation, wildlife, fisheries, soils and scenic quality to be exceeded.

(10) The project is consistent with the goals and policies of the Recreation Element of the amended regional plan and therefore will not cause the adopted environmental threshold carrying capacities for recreation development to be exceeded.

(11) The project is consistent with the goals and policies of the Public Services and Facilities Element of the amended regional plan.

(12) The project is consistent with the goals and policies of the Implementation Element of the amended regional plan.

(13) As an alternative to the specific finding listed in subsection 3.10(7) through (12), inclusive, the Agency may find that:

(a) The project presents a situation or circumstance demanding immediate action to preserve the public peace, health, safety or general welfare, or to protect and enhance the environment of the Lake Tahoe Region;

(b) The project will not individually cause the adopted thresholds to be exceeded;

(c) A mitigation program is required as a condition of project approval which will ensure that the impacts of the project will be mitigated to the greatest extent possible; and

(d) Conditions of approval have been placed on the project to insure that as soon as possible after such situation or circumstance ceases to exist, a complete application for said project, including the appropriate environmental document, shall be submitted to the Agency, at which time approval of said project shall be subject to the findings required under Section 3.00, other than those in subsection 3.10(13).

(14) There is substantial evidence in the record supporting the foregoing findings.

Section 3.00 expires upon adoption by the Agency Governing Body of the Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance, which code or other compilation shall include the findings required by Article V(g) of the Compact.
Section 4.00  Interim Project Review

Pending adoption of the Agency's Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance, and amendment of subsection 2.12 of this ordinance, the Agency shall accept, review and approve applications for projects only in accordance with Section 4.00.

4.10 Definitions

(1) "Single-family house" as used in subsection 4.10 means "single-family house" as defined by Section 3.00 of the Agency's Land Use Ordinance (No. 4), as amended.

(2) "Emergency" refers exclusively to a project presenting a situation or circumstance demanding immediate action to preserve the public peace, health, safety or general welfare, to protect and enhance the environment of the Lake Tahoe Region.

4.20 Review of Certain Pending Applications

Applications for the following classes of projects shall be accepted, where applicable, reviewed and may be approved pursuant to the Agency plan, ordinances, rules, regulations and policies in effect on August 25, 1983, and for activities in California, pursuant to the CTRPA plan, ordinances, rules, regulations and policies in effect on May 1, 1983:

(1) Complete applications for single family houses or additions thereto received by the Agency on or before 5:00 p.m. August 26, 1983. For purposes of reviewing and approving any of said applications that are pursuant to Agency Ordinance No. 79-10, as amended, the provisions of said ordinance, as amended, including but not limited to those that may have otherwise expired, shall be in effect.

(2) Complete applications for single family houses on lots having valid 1983 Placer County development allocations and for which letters have been issued by the CTRPA establishing that said lots are buildable.

4.21 Required Findings

Prior to approving any of the projects identified in subsection 4.20, the Agency shall make the following findings:

(1) The findings set forth in Agency Ordinance No. 79-10, as amended, if applicable to the application.

(2) The findings set forth in the CTRPA Urgency Ordinance, if applicable to the application.
(3) 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 Lake Tahoe region.

(4) The establishment, maintenance or operation of the project will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood of the project.

(5) The project will not be detrimental or injurious to the environment or general welfare of the Lake Tahoe region.

(6) There is substantial evidence in the record supporting the foregoing findings.

4.30 Review of Other Pending and New Projects

Applications for the following classes of projects shall be accepted, where applicable, reviewed and maybe approved pursuant to Section 5.00, and prior to approving such projects, the Agency shall make the findings set forth under Section 3.00.

(1) Complete applications received by the Agency on or before 5:00 p.m. August 26, 1983, other than those identified under subsection 4.20(1).

(2) Complete applications for projects received after the effective date of this ordinance.

4.31 Review Criteria

Prior to approving any of the projects referred to in subsection 4.30, the Agency shall find that:


(2) Pending adoption of the applicable Plan Area Statement, the project does not propose density in excess of one (1) single family house per lot or parcel of record prior to the effective date of this ordinance.

(3) With respect to applications for single family houses, or additions thereto, the project complies with the following development criteria:
(a) Under the limitations of the land capability system, a parcel must contain sufficient high capability (Class 4-7) land so that at least 1,200 square feet of impervious surface area can be created on the lot or parcel. The limitations imposed by the land capability system specify what percentage of a lot or parcel may be covered by impervious surface area. For high capability lands, these limits range from 20 to 30 percent, depending upon the land classification.

(b) The parcel must be located in a Development Priority Area. A parcel is within a Development Priority Area if it is serviced by at least three of the following:

1. Paved road.
2. Water service.
3. Sewer service.
4. Electric utility.

If a parcel receiving an allocation does not have sufficient high capability land and thus cannot create 1,200 square feet of impervious surface area, or is not in a Development Priority Area, the owner must do one of the following:

1. Relinquish the allocation.
2. Transfer the allocation to another high capability lot which does meet the criteria.
3. Combine one or more adjacent parcels with the parcel that received the allocation in order to meet the criteria.
4. Appeal to the TRPA Governing Board and explain why or how the parcel that received the allocation meets the criteria.

4.40 Deadline for Processing Certain Applications

The Agency on or before August 31, 1984 shall take final action on all projects referred to in subsection 4.20. The applicable provisions of Section 4.00 shall remain in effect for this purpose until all such applications have received final action by the Agency or August 31, 1984, whichever occurs first.

4.50 Expiration

Except as otherwise provided by subsection 4.40, Section 4.00 expires upon adoption by the Agency Governing Body of the Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance.
Section 5.00  Implementation of Regional Plan

5.10 Except as otherwise provided by this section, all Agency ordinances, maps, rules, regulations and policies in effect on February 23, 1984, including, but not limited to, those otherwise expiring upon the adoption of the amendments to the regional plan pursuant to this ordinance, shall remain in effect until otherwise amended or repealed. Pending adoption of the Agency's Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance, said existing Agency ordinances, maps, rules, regulations and policies shall be utilized by the Agency to implement the regional plan, as amended, to the extent that they are consistent with said regional plan, as amended, and the environmental threshold carrying capacities. In the event said ordinances, maps, rules, regulations or policies are inconsistent or in conflict with said regional plan, as amended, or with said carrying capacities, said regional plan and carrying capacities, to the extent of said inconsistency or conflict, prevail.

5.20 This section expires upon adoption by the Governing Body of the Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance.

Section 6.00  Compliance With Agency's 208 Water Quality Management Plan

Except as otherwise provided by Section 5.00, all projects referred to in Section 4.30 shall comply with the ordinances implementing the Agency's 208 Water Quality Management Plan, January 1978, unless and until said ordinances and plan are amended and said amendments are certified by the States of California and Nevada and approved by the U.S. Environmental Protection Agency pursuant to Section 208 of P.L. 92-500.

Section 7.00  Enforcement

The provisions of this ordinance and the amendments to the Agency's regional plan adopted by this ordinance shall be enforced by the Agency, the States of California and Nevada, the City of South Lake Tahoe, and the Counties of El Dorado, Placer, Washoe, Carson City and Douglas.

Section 8.00  Interpretation and Severability

The provisions of this ordinance and the amendments to the regional plan adopted by this ordinance shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or said amendments is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance or said amendments, as the case may be, shall not be affected thereby. For this purpose, the provisions of this ordinance and said amendments are hereby declared respectively severable.
Section 9.00 Effective Date

This ordinance shall be effective immediately upon adoption hereof.

FIRST READING:

SECOND READING:

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held _____________, 1984, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Norman C. Woods, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

March 16, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Status of Code of Ordinances

The Agency staff has drafted a nine-chapter code of ordinances to implement the Regional Goals and Policies Plan. The chapters are as follows:

1. Procedure and Definitions
2. Land Use
3. Subdivision
4. Shorezone
5. Grading
6. Resource Management
7. Water Quality
8. Transportation/Air Quality
9. Growth Management

Chapters 1, 2, 3, 4, and 9 have not been released pending Governing Board adoption of the Regional Plan. Chapters 5, 6, 7, and 8 are currently being reviewed by the Advisory Planning Commission and may be ready for Governing Board review at the regular April meeting.

3/16/84

CWB: jf

AGENDA ITEM VI A.
MEMORANDUM

March 16, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Status Report on Plan Area Statements

The July, 1983 draft of the Plan Area Statements has been the subject of special hearings held during January and February of this year. Agency staff has assembled all the comments and has prepared responses. The revised drafts of the Plan Area Statements are now being prepared. The staff has completed the Washoe County Plan Areas and has released them for APC consideration. Staff plans to complete Placer County/North Shore next, with the West Shore, City of South Lake Tahoe, El Dorado County and Douglas County Statements to follow over the next two months.

Following the APC discussion, the revised Plan Area Statements will be brought to the Governing Board for discussion and public hearings. Once all Plan Area Statements have been revised and the APC and Governing Board have completed an initial review, the Plan Area Statements will be offered for adoption in final form by the Governing Board.

GWB: jf
3/16/84

AGENDA ITEM VI B.
DATE: March 20, 1984

TO: The TRPA Governing Board

FROM: Agency staff

SUBJECT: Status Report--Monitoring and Evaluation Program

For the past several months, the staff has been preparing a draft monitoring and evaluation program to carry out the Goals and Policies, Monitoring and Evaluation Subelement. This program is one of several Agency programs which will implement the Regional Plan. Working with other affected entities, the staff has assembled draft summaries of each performance standard, cause-effect study, and individual monitoring parameter mentioned in the Plan. The summaries for the standards and individual parameters cover:

--- Purpose

--- Method (frequency, period, location, equipment, procedures, data storage and retrieval)

--- Responsible agency

--- Cost and source of funding

--- Schedule

At the March 14 meeting of the APC, the staff made a brief presentation on the draft program, with the assistance of the United States Geological Survey (USGS) which has been assisting the staff with the water quality aspects of the program. (The USGS also serves as the focal point of, and provides matching funds for, the Interagency Tahoe Monitoring Program, which coordinates the activities of all agencies conducting water quality monitoring in the region.) After discussion, the staff and APC agreed to refine the program at the subcommittee level before bringing it back to the full APC and the Governing Body for their concurrence.

At the March 28 Governing Board meeting, the staff will hand out some example summaries and answer questions. If you have any questions or comments prior to the meeting, please contact Dave Ziegler.
MEMORANDUM

March 16, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Agenda Modification

Mr. Edgar Scharruhn has requested that his appeal of the staff decision regarding the status of the Kingsbury Terrace Subdivision (TRPA File #80016) be continued in order for him to submit additional information. Staff concurs with this request.
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731

MEMORANDUM

March 16, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Tom Watson, Third Creek Inn, Determination of Vested Right, Washoe County APN 124-100-06, TRPA File #84002

History

1. On July 25, 1979, the TRPA Governing Board conditionally approved a tentative map for 190 residential condominium units and an administrative permit for a 60 unit Inn on a 26.25 acre site located at the northwesterly corner of the intersection of Northwood and Tahoe Boulevards in Incline Village. The TRPA conditions of approval relative to the tentative map were satisfied on April 11, 1980, and a final map was recorded in July, 1980.

2. On July 15, 1980, a Subdivision Improvement Agreement was entered into between Washoe County and the Third Creek Associates, a Nevada Limited Partnership. On July 18, 1980, a contract was entered into between Third Creek Associates and Williams & Burrows, Inc. for the construction of all site and civil improvements depicted on the final construction drawings approved by Washoe County and the TRPA. These improvements included roads, underground water, sewer and power lines, and drainage facilities. Construction under this contract began shortly thereafter and was completed in November, 1981.

3. On August 19, 1980, building permits were issued by Washoe County for the first 24 residential units. Construction of these units is completed.

4. On September 4, 1980, a building permit was issued for a parking garage. The construction site for the garage was cleared and leveled shortly thereafter for use as a storage area for construction equipment and materials. Actual construction of the garage structure has not commenced. The building permit for the garage is still valid.

5. In June, 1983, a building permit was issued for a recreation complex, including a multi-purpose recreation building, tennis court and swimming pool. Construction of the recreation complex is completed.

GG: jf
3/16/84

AGENDA ITEM IX A.
6. Building permits were issued on September 11, 1981 for the next 32 residential units, but construction of these units has not commenced. These building permits are still valid.

7. In November, 1981, the TRPA Governing Board granted a vested rights determination to allow construction of the 190 condominium units and associated improvements, including the parking garage and recreation complex, pursuant to the approval granted by the Agency on July 25, 1979. The 60 unit Inn was specifically excluded from this determination.

Applicant's Request: The applicant is requesting that the TRPA Governing Board grant a vested rights determination to allow construction of the Inn pursuant to the approval granted by the Agency on July 25, 1979.

Staff Analysis: The following information is provided relative to a determination of vested rights:

1. By law, as set forth in the TRPA Compact, the administrative permit approved in 1979 for the 60 unit Inn expired on December 19, 1983. Therefore, absent a finding of vested right by the TRPA Governing Board, the 60 unit Inn, being a project as defined in the amended TRPA Compact, cannot be constructed unless a new TRPA permit is issued in compliance with current TRPA plans, standards and rules and regulations.

2. Although no building permit has been issued by Washoe County for the 60 unit Inn, all the civil improvements for the Inn have been constructed pursuant to permits issued by Washoe County. The applicant has provided information identifying 6 specific improvements that were constructed exclusively for the Inn site (see Attachment A). According to the applicant, the approximate construction costs for these improvements is $45,000. The applicant also claims that approximately $25,000 has been spent for landscaping and revegetation of existing cut slopes adjacent to and on the Inn property.

The applicant has also provided information (see Attachment B) indicating that, after receiving Agency approval in July, 1979, certain other costs were incurred relative to the Inn for items including land purchase, architecture, engineering, marketing and finance fees. The total amount of these expenditures is estimated by the applicant to be $1,214,000.

3. Absent the issuance of a building permit for the Inn, the extent to which the Inn and 190 unit subdivision is an integrated project is significant in determining a vested right. To the extent the two are integrated, the building permits issued for the subdivision and reliance thereon may apply to the Inn.
The subdivision and Inn were submitted as one project under one application (TRPA File #79144) entitled "Third Creek Inn and Condominiums". The Environmental Information Report was prepared for the entire project, including both the Inn and condominiums, and the staff analysis and recommendation were on a single project. The Inn and condominiums were considered by the Governing Board at the same time, and the Board approval was granted under one motion: "to approve the Third Creek Inn and Condominiums". The Subdivision Ordinance in effect in 1979 required approval of a tentative map for the subdivision and the Land Use Ordinance in effect in 1979 required approval of an administrative permit for the Inn. The Governing Board action based on the motion made was interpreted by Agency staff to constitute approval of the required tentative map and administrative permit. The Governing Board action was subject to one set of conditions of approval.

4. Condition #16 of the original July 25, 1979 project approval reads as follows:

"Except for delays in work directly resulting from litigation challenging the validity of any approval required for this project or the interruption is not at the fault of the applicant, construction of all improvements shall be completed within twenty-four (24) months from the initiation of construction. If the construction is not completed within said time, this approval shall expire and the applicant or his successor in interest shall immediately remove all partially completed work and return the site, as far as possible, to its original condition."

Review of Agency records indicates that apparently the intent of this condition was to require all civil improvements to be completed within two years from the initiation of construction. It was not the intent to require construction of the entire project to be completed within two years. In fact, a phasing plan submitted as part of the project indicates that construction of the entire project would take a minimum of three years. Construction of the civil improvements began during the summer of 1980 and was completed at the end of the summer in 1981.

5. Except for approval of the final construction drawings by Agency staff, the conditions of approval have been satisfied relative to the Inn.

6. Since it appears from John Frankovich's summary that the subject claim is based partly on the construction of the civil improvements (including roads, water, sewer, power and drainage) and the recreation complex, and issuance of a permit for the parking garage, it is important to establish when these events took place in relationship to the effective date of the amended TRPA Compact.
Construction of the offsite improvements started during the summer of 1980. The offsite improvements were completed in November 1981. According to Larry Bogdon, of the Washoe County Engineering Department, most of the offsite improvements were constructed during the summer of 1981.

As of December 19, 1980, no permits had been issued for construction of the recreation complex. The Washoe County building permit for the complex was not issued until June, 1983. Construction was completed on November 30, 1983. The building permit for the parking garage was issued on September 4, 1980. As stated earlier, the construction site was cleared and leveled shortly after issuance of the permit and used for storage of construction equipment and materials. Construction of the actual garage structure has not commenced.

7. In determining a vested right, consideration may be given to the specificity of the plans for the Inn that were part of the record when Governing Board approval was granted. The precise footprint of the Inn structure was depicted on the project site plan and the tentative map. Architectural elevations of the Inn structure and typical sections, including finish floor elevations, were part of the record at the time of project approval. These drawings will be displayed at the Board meeting.

Agency counsel Gary Owen will be prepared to discuss this matter in detail at the Board meeting. Attachment C is a brief summary prepared by the applicant's attorney, John Frankovich.
February 1, 1984

Mr. Robert Medearis  
THIRD CREEK JOINT VENTURE  
735 Live Oak  
Menlo Park, CA 94025  

RE: Third Creek Joint Venture; Inn Site Development  
Incline Village, Nevada

Dear Bob:

As a supplement to my previous summary letter of January 19, 1984, I am submitting this approximate cost breakdown. Attached, also, please find an "As-Built" plan which indicates the location of the 6 items that were discussed as having been exclusively built for the inn site. The following are the estimated construction costs for those 6 specific items of improvement:

1) 550' of 8" water @ $25 per lin. ft. $13,750  
   1 - 8" Gate Valve @ $1,250  
   1,250
2) "Un-Sizing" of the gas supply by Southwest Gas Co. (?)  
3) 225' of 3 - 4" pvc conduits @ $4 per lin. ft.  
   2,700  
4) 280' of 4" pvc conduit @ $10 per lin. ft  
   1 - 3'x6' utility box @ $1,000  
   2,900  
   1,000  
   1,500  
5) Cost of easement appropriation (Engr. only)  
   15,840  
   $38,340

In addition to these estimated construction costs, there were additional mark ups for contractors' overhead and profit; financing fees; inspection; As built plans preparation, etc. in the order of 15% $38,840 + (15%) $5,5926 = $44,666. This is how the approximate construction costs of $45,000 associated with the inn site were calculated.

* Direct landscaping cost for hydroseal, drainage work, planting, and earth shaping work was $25,000, expended in 1980, '81 & '82.

ATTACHMENT A
THIRD CREEK ASSOCIATES

Expenditures for Inn land after July 25, 1979

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\[ \text{TOTAL} = \$1,214,000.00 \]

* These expense area's totals are 24% (60/250) of the actual year's expenditures for the total project.
THIRD CREEK INN
ATTACHMENT 1

The sixty-unit Third Creek Inn (see Site Plan, Exhibit "A") is part of the total Third Creek Project which consists of 190 condominiums, together with the 60-unit Inn. From its inception, the Third Creek Project, including the Inn and condominiums, has been an integrated project, utilizing common access, utilities, easements, parking and recreational facilities. The entire development and approval process for the project has proceeded as a single project. In April, 1979, the Washoe County Commissioners approved the Third Creek Tentative Map and Special Use Permit covering both the condominiums and the Inn, subject to 44 conditions (Exhibit "B"). Thereafter, in July, 1979, the TRPA approved both the Tentative Map and Administrative Permit for the Inn and condominiums subject to 17 conditions (Exhibit "C"). All the conditions of approval for the Inn imposed by Washoe County and the TRPA were fully satisfied by July, 1980, when the Final Map for the condominiums was recorded. Shortly thereafter, work commenced on the first 24 condominium units and on the offsite improvements for the entire project, including the Inn.

All offsite improvements for the Inn and the condominiums, including roads, water, sewer, power and drainage, were completed in September, 1981, at a cost in
excess of $1,000,000. These offsites are in place ready to serve the Inn property, including water meters, for which annual payments have been made since their completion in 1981.

The first 24 condominium units have been fully completed. Building permits have been issued and are outstanding for the next 32 condominium units, and construction plans are complete on the following 24 units. In November, 1981, the TRPA granted a vested rights determination for construction of the 190 condominium units within the Third Creek Project. While this vested rights determination was applicable only to the 190 condominium units, it specifically did not preclude a subsequent determination of vested rights on the Inn. Indeed, the application for vested rights, a copy of which is attached hereto as Exhibit "D", specifically indicated that the Third Creek Project consisted of 190 condominium units, together with the 60-unit Inn, and that the project was designed to be an integrated project with both the Inn and the condominiums contributing a proportionate share of the expenses for the maintenance and operation of the common area improvements. The CC&R's encumbering the Third Creek condominiums specifically provide for the right of the Inn property to utilize the recreational and parking facilities within the condominium portion of the project. In addition, the CC&R's, together with a Declaration of Mutual Restrictions encumbering both
the condominium and Inn properties filed concurrently therewith, grants specific rights in the recreational facilities to the Inn property and further requires a pro rata payment of costs and expenses to maintain and support these facilities (Exhibit "E").

A substantial portion of the recreational facilities to be utilized and paid for by the Inn property have already been constructed. As indicated, all offsite improvements and utilities are fully completed. In addition, the recreational building, consisting of a recreation room, pool, spa and tennis court to be utilized by the Inn, has been fully completed. The construction cost of this building was $517,000. The development plan, together with the CC&R's and Mutual Restrictions and Covenants and the original applications for approval, provided for parking for the Inn within the garage to be located on the condominium site. A valid and issued building permit is outstanding for the construction of this parking garage (Exhibit "F").

To date, the owners and developers of the Third Creek Project have expended $15,600,000 for the entire project. An itemization of these expenditures is attached hereto as Exhibit "G".

It is anticipated that construction of the Inn will commence in 1984 and that the estimated construction cost is $7.2 million.

In addition to the Exhibits attached hereto,
construction drawings for the completed recreational building and the parking garage are available upon request. At the time of submitting the application for the vested rights determination on the condominium portion of the project (Exhibit "D" hereto), other documentation was submitted to the TRPA which is also relied on and incorporated herein by reference, including the following:

1. Information and Environmental Impact Report submitted to the TRPA in obtaining approval of entire project.
2. Final Subdivision Map.
3. Subdivision Improvement Agreement with Washoe County.
4. Final Improvement (Civil) Drawing accepted by the TRPA.
5. Contract for Civil Improvements.

If there are any additional questions regarding this matter or if any additional information is required, please feel free to contact me.

There can be no question that the owners and developers of the Third Creek Project have made substantial and significant reliance upon the initial approval of the entire project consisting of the 190 condominium units plus the 60-unit Inn. The project was always anticipated to be constructed in phases, with portions of the condominiums being constructed in the initial phases with the Inn to follow. The Third Creek owners have endured difficult
economic times and have expended considerable sums of money and have now reached the stage in the project for the construction of the Inn. The Inn has been previously fully reviewed and approved, all conditions of approval have been satisfied, all the offsite work has been completed, substantial portions of the recreational facilities have been completed and a building permit has been issued for the construction of the parking garage to service the Inn site. Therefore, it is submitted that Third Creek Joint Venture has proceeded in good faith in reliance on the approval by the Washoe County Commissioners and the TRPA and have completed substantial work thereon and are entitled to construct the Third Creek Inn in accordance with these existing permits and approvals.

John Frankovich
McDonald, Carano, Wilson, Bergin, Frankovich & Hicks
241 Ridge Street, Suite 440
P. O. Box 2670
Reno, Nevada 89505
Telephone (702)322-0635

JF:nz T/f
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 96731
2155 South Avenue

MEMORANDUM

DATE: March 19, 1984

TO: Governing Board

FROM: Agency Staff

SUBJECT: Agenda Item IX.B. Determination of Status of Projects Whose Approvals Expired During the Moratorium

As provided for in the TRPA Land Use Ordinance, the Agency has approved a number of administrative permits for additional land coverage. As of adoption of the amended TRPA Compact, these permits expire on December 19, 1980 or 3 years after the date of approval, whichever is later, unless construction is begun within that time and diligently pursued thereafter. In some cases these administrative permits were not issued in conjunction with a permit to actually allow construction. For example, the issuance of an administrative permit for additional land coverage based on a land capability challenge, without the issuance of a permit to allow the construction of a use on the property, such as a single family residence.

TRPA Resolution 83-21 has prevented the Agency from accepting new applications from August 26, 1983, until the present. In some cases these temporary provisions effectively shortened the period of time in which an application could be submitted to prevent these permits for additional land coverages from expiring. For example, an administrative permit issued in February, 1981 expired in February, 1984, unless an application was submitted and approved for construction on the property. However, since August, 1983, approximately 7 months, the Agency could not accept such an application.

The Agency has received requests that the expiration dates for these types of administrative permits be extended for the period of time that applications for construction could not be submitted due to TRPA Resolution 83-21.

The Compact does state that; "in computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision."

Agency staff recommends that the Governing Board find that adoption of TRPA Resolution 83-21 effectively shortened the 3 year expiration period established in the Compact for the permit types described in this memorandum and, therefore, extend the expiration dates for each such permit for the period of time that applications for construction can not be submitted due to TRPA Resolution 83-21.

AGENDA ITEM IX.B.
TO: Governing Board
FROM: Agency Staff
SUBJECT: Agency Item IX.C. Determination on Status of Pre-1980 Permits Not Requiring TRPA Approval

Prior to the effective date of the amended TRPA Compact, December 19, 1980, numerous building permits were issued by local governments for activities that did not require approval by the Agency. These range from single family residences to commercial projects on less than 3 acres. On the effective date of the amended TRPA Compact many of these activities became "projects" requiring review and approval by the Agency.

It is Agency legal counsel's opinion, as stated in a letter to Agency staff dated February 17, 1984, that if the activity for which a building permit had been issued constitutes a "project" under TRPA Ordinance 81-1, it is subject to TRPA review and approval unless the activity is vested. In those instances where no construction has commenced it is Agency legal counsel's opinion that there is likely no vested right involved.

In many cases these building permits have been kept valid with no construction having commenced through various renewal procedures established by local government.

In the letter cited above, Agency legal counsel recommends that in view of the apparent efforts by persons holding such permits to maintain their validity, it may be advisable to notify these persons, along with the local agency issuing the permits, that should the owners fail to proceed to vest the permits within a specific period of time, they shall be unable to proceed with the projects envisioned by the permits without compliance with currently applicable TRPA plans and ordinances.

In exchange for granting an additional specified time period to allow construction of these projects to commence, Agency staff recommends that the original building permit plans be reviewed and approved by Agency staff to assure compliance with BMP's.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

SHOW CAUSE HEARING: Tahoe Equestrian Center, Inc., Unauthorized Operation of Commercial Off-Road Vehicle Rental, El Dorado County, APN 33-110-03 and -04, TRPA File #82002

Property Owner: Tahoe Equestrian Center, et al., Janet Moore

Violation Description: During late February and March of 1984 the Tahoe Equestrian Center (TEC) (formerly Sunset Corrals) began commercial off-road vehicle rental (ORV) operation on its property located immediately south west of the Lake Tahoe Airport. The vehicles (four wheel motorcycle-type) were operated on wet and muddy ground within identified stream environment zones and land capability district 6 lands. Significant soil and vegetation disturbance occurred as a result of the operation.

A significant amount of the disturbance occurred on an area revegetated by the previous owner by order of this Agency to settle a violation of the TRPA Grading Ordinance. Such a commercial rental operation requires an Agency permit. The Agency did not issue such a permit nor did it authorize in any way the rental operation.

The TEC was noticed by Agency letter dated March 6, 1984 (attached) that they were in violation of Agency ordinances by operating the ORV (motorcycle) rental without an Agency or El Dorado County approval. They were required at that time to cease the operation. Subsequent telephone conversations with TEC management indicated that the ORV's would be rented in defiance of the TRPA order to cease the activity. In response a letter (attached) dated March 9, 1984, was sent to the TEC further stating the Agency position regarding the ORV rental activity and again explaining the penalties outlined in the Tahoe Regional Planning Compact. Agency staff witnessed and photographed the continued ORV activity on TEC property on March 17, 1984.

The Tahoe Equestrain Center (TEC) has a permit to operate a commercial snowmobile operation. The permit was renewed by Agency letter (attached) on January 27, 1984 with specific conditions including:

9. "No environmental degradation due to the operation and no vegetation removal."

13. "The TRPA must be immediately informed of any modifications to the operation and any violations of the above conditions."

The TEC contends that the off road vehicle rental operation is only an extension of the snowmobile rental permit. Condition #13 clearly states that a modification requires Agency involvement. The Agency staff position is, as stated in the letters of March 6 and 9, 1984 that such an activity as ORV (motorcycle)
SHOW CAUSE HEARING
Tahoe Equestrian Center
Page Two

rentals is a separate project and requires Agency review and approval. The possible and witnessed impacts of such a project would require that the project be reviewed by the Governing Board.

Violation Location: Tahoe Equestrian Center, El Dorado County, APN 33-110-03 and -04

Site Description: Stream environment zone, lodgepole pine trees, high water table, close proximity to the Upper Truckee River; land capability 6 land having a history of disturbance and subsequent revegetation.

Land Use District: Recreation

Violation Analysis: The Tahoe Equestrian Center rented off-road vehicles (motorcycles) on their property without an Agency permit. The owners were notified of the violation by letters and phone calls. They subsequently continued the activity, causing further environmental degradation in close proximity to the Upper Truckee River. A major tributary to Lake Tahoe. The initial violation consisted of significant environmental degradation which was willful. The second violation, in defiance of written Agency requirements to cease the activity was also of a willful nature.

Staff Recommendations:

1. Agency staff recommends that the Governing Board find that a violation exists and direct the Tahoe Equestrian Center to cease all off-road vehicle activities on the subject parcels, and

2. That the Board direct the Tahoe Equestrian Center to completely revegetate all disturbed areas, and

3. That the Board require a $5,000 security within thirty days to insure that the above occurs, and

4. That the Tahoe Equestrian Center pay a penalty of $10,000 to the TRPA in lieu of civil litigation, and

5. That the Board direct Agency legal counsel to pursue civil litigation and seek the maximum allowable penalty under Article VI(1) of the Compact for willful violations of Agency ordinances if the above are not complied with.
TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8826
South Lake Tahoe, California 95731

2155 South Avenue

(916) 541-0246

CERTIFIED MAIL RETURN RECEIPT REQUESTED

March 9, 1984

Tahoe Equestrian Center Inc.
P. O. Box 2000-681
S. Lake Tahoe, CA 95705

Re: Unauthorized Operation of Commercial Off-Road Vehicle Rental

This letter is in response to our recent telephone conversation's on the 7th and 9th of March 1984. As I reiterated in the phone conversation, per my letter of March 6, 1984, the activity of operating a commercial off-road vehicle (dune buggy) rental is clearly not covered by the Agency authorization for the snowmobile operation. The commercial snowmobile operation permit was extended thru May 1, 1984 by my letter of January 27, 1984. The letter in no way covers such an off-road vehicle (ORV) rental as you have now.

As to your stated intention of operating the ORV (dune buggy) rental this weekend (March 10 and 11, 1984) or at any time, in direct defiance of the March 6, 1984 Agency requirement to cease the operation until such time that TRPA, El Dorado County and any other required approvals are obtained, I must further inform you of the possible civil penalties for violations of a willful nature or which result from gross negligence.

Article VI of the Tahoe Regional Planning Compact reads:

(1) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

Please have your attorney, Mr. Allen Smith, contact me immediately.

Sincerely,

Steve Chilton
Senior Environmental Investigator

SC: sf
Enclosure (Letters of March 6, 1984 and January 27, 1984)

cc: El Dorado County Planning Department
Lahontan
March 6, 1984

TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731

2155 South Avenue

(916) 541-0246

Tahoe Equestrian Center, Inc.
P. O. Box 2000-681
South Lake Tahoe, CA 95705

Subject: Commercial Snowmobile Operation

The Tahoe Regional Planning Agency has become aware that the commercial snowmobile operation at the Tahoe Equestrian Center has expanded and now includes off-road-vehicle (dune buggy) rentals. This activity is clearly not covered by the Agency authorization for the snowmobile operation. Our letter of January 27, 1984 (copy enclosed) stated a list of conditions. You are now in violation of a number of those conditions. Specifically, the violations are as follows:

9. "No environmental degradation due to the operation and no vegetation removal."

The off-road-vehicles (ORV's) have been operated on wet and muddy ground creating significant soil disturbance within stream environment zones. Environmental degradation has definitely occurred and will continue to occur as long as the ORV operation continues.

13. "The TRPA must be immediately informed of any modifications to the operation and any violations of the above conditions."

The renting of ORV's is definitely a modification to the snowmobile operation and requires its own permit. During a meeting with Mr. Briggs in May, 1983, the possible renting of 'dune buggys' was discussed. At that time, he was informed that such an operation was a project and required separate review and approval by this Agency and El Dorado County.

At this time, you are required by this Agency to immediately cease the ORV (dune buggy) rental operation until such time that you have obtained TRPA, El Dorado County and any other approvals required. Failure to do so will result in a show cause hearing before the TRPA Governing Board at its next scheduled meeting.

Article VI of the Tahoe Regional Planning Compact reads:

(1) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.
Please contact me immediately.

Sincerely,

Steve Chilton
Environmental Investigator

SC:bl

Enclosure

cc: Lahontan
    El Dorado County Planning Department
January 27, 1984

Tahoe Equestrian Center, Inc.
P.O. Box 2000-681
South Lake Tahoe, California 95705

Subject: Commercial Snowmobile Operation

This letter will confirm our telephone conversation concerning the renewal of the Tahoe Equestrian Center, Inc. commercial snowmobile operation. The permit is renewed until May 1, 1984 when it may be renewed again. The $250 security submitted by you last year has been carried over and applied to this year's operation.

Please be aware that the following conditions remain in effect:

1. Adequate improved parking facilities (1 space per snowmobile plus 1 for each two spectator seats, paved or covered with gravel).
2. Adequate sanitary facilities (meeting health department criteria).
3. Reasonable hours of operation.
4. Reasonable noise level at nearest occupancies (maximum 65 dba outside nearest residence).
5. Safe access from public streets and highways.
6. Reasonable signing (not more than 64 square feet).
7. Removal of all signs and temporary structures by May 1.
8. No operation of snowmobiles unless the area of use is completely covered with snow (minimum of 6 inches) including the staging area. No ground contact is permitted.
9. No environmental degradation due to the operation and no vegetation removal.
10. The approval expires on May 1.
11. The site will be restored prior to a permit being considered for the following year.
12. Compliance with all El Dorado County requirements.
13. The TRPA must be immediately informed by any modifications to the operation and any violations of the above conditions.
Tahoe Equestrian Center, Inc.
RE: Commercial Snowmobile Operation
January 27, 1984
Page two

Please contact me if you have any questions on this matter.

Sincerely,

[Signature]

Steve Chilton
Senior Environmental Investigator

SC: md

cc: Denise Paquette, El Dorado County Planning Department
MEMORANDUM

DATE: March 16, 1984

TO: TRPA Governing Body
FROM: Agency Staff
SUBJECT: Rasmussen, Unauthorized Tree Cutting, Logan Creek Estates, Douglas County, APN 03-022-16

Background: In January of 1984, Agency staff received notice from the Nevada Division of Forestry that trees were being cut at the subject location. Site inspection by TRPA staff showed that 11 healthy trees had been cut as noted:

- one 17" fir
- one 18" pine
- one 20" pine
- one 16" fir
- one 14" fir
- one 10" pine
- five 8" fir and pine

The property owner, Mr. Rasmussen, stated that the trees were cut to facilitate solar panels, a satellite receptor dish, and a slope retaining wall. However, site inspection showed that the trees that were cut in no way interfered with any of these items. Staff is also researching the receptor dish and solar panel additions for conformance to current land use ordinances.

The tree cutting took place without benefit of a permit or authorization from the Nevada Division of Forestry, or from the TRPA, as required by Section 4.10 of the Tree Conservation Ordinance.

Recommended Action: With previous tree cutting violations, TRPA has used a penalty formula of $50 per inch of tree diameter. In this case, the 135" diameter total for the 11 trees would indicate a fine of $6,750. Staff suggests a penalty assessment of $1,000, along with a three to one replacement plan in lieu of civil litigation. The replacement stock to be a minimum of thirty-three trees 12" in height, to be planted according to a plan approved by Agency staff. Trees to be planted prior to June 1, 1984.

If a resolution cannot be reached on this recommendation, the Governing Board shall direct Agency legal counsel to proceed with litigation in this matter.
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731
(916) 541-0246

MEMORANDUM

Date: March 15, 1984

To: Governing Body

From: Agency Staff

Subject: Donald Marken, Unauthorized Construction of Rock Jetties, Violation of TRPA Approved Slope Stabilization Project, Douglas County APN 01-020-07, TRPA File #81141

Background:

In May of 1982, the Tahoe Regional Planning Agency (TRPA) issued a permit to Mr. Marken for a slope stabilization and erosion control project in the shorezone along Glenbrook Bay. The approved plan included a series of retaining walls and rock riprap to prevent further slope deterioration and sediment deposition. At the time of approval, the Governing Board made the finding required by Section 5.10 of the Shorezone Ordinance that no significant harm would result from this project, which is located in the backshore of a prime fish habitat and spawning area.

In September of 1982, revised plans were submitted to and approved by this Agency depicting rocks that were to be placed below the high water elevation of Lake Tahoe as a structural base for the rock riprap. However, in the process of placing the riprap, the rock material was extended out approximately 25 feet into the lake to form a jetty. Additional rocks have been placed on the opposite side of the cove to form another small jetty. These rock structures are not a part of the approved plans or permitted project, and were constructed without authorization from this Agency.

Recommended Action:

Mr. Marken was granted a 60 day extension from the December Board meeting, and after meeting with staff in February, was granted an additional 30 days to resolve this matter. Staff has since met with the soils engineer on the project and are working towards a satisfactory resolution as per Mr. Marken's letter (copy attached).

Mr. Marken's engineer is to provide to this Agency, prior to the Governing Board meeting, a plan effectuating the removal of excess rock material from the lake. Staff will be seeking Governing Board concurrence with the proposed resolution of the violation.
2-22-84
South Lake Tahoe

To: Tahoe Regional Planning Agency

Re: Sept. 29, 1982 Plans regarding erosion control

This letter confirms agreement to extend show cause hearing for 30 days while engineers meet to agree with agency staff on the form of foundation required below high water level to support rip rap erosion control on the west side of the property.

It is understood that excess rock forming the groin will be redistributed in the bay or stacked as part of the rip rap or used in adjacent erosion control when possible.

When agreement is reached a second deposit of $2,280 will be provided guaranteeing performance.

Donald W. Marken
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Donald Marken, Replacement of Nonconforming Coverage, Glenbrook, APN 01-020-07,
Douglas County, TRPA File #81141

Applicant: Donald Marken

Project Description: The applicant is proposing to construct a funicular to provide access to the beach from his home in the backshore. The funicular is a cable car on rails located at a height of approximately 4 feet above the ground. The loading area will be in the existing residence and the landing area will be on a concrete slab located on the beach above the high water elevation. The proposed coverage of 214 square feet will consist of the landing base and footings supporting the elevated rails. To meet the coverage reductions required by Section 9.21 of the Nevada Side Land Use Ordinance, the applicant proposes to relocate an existing driveway on the west side of the parcel to the east side. The replacement will result in 712 square feet less coverage on the site and the applicant will access the dwelling via a local road easement that extends across the neighbors property to the east. An administrative permit for additional land coverage was approved by the Agency in December 1980 to recognize a local road on the property to the east.

Project Location: Deadmans Point, Glenbrook, Douglas County.

Site Description: The site is a downsloping lot in the backshore containing a slope of approximately 30%. The property contains a single family home that was approved by the Agency on June 21, 1977.

There is an existing dirt road within the local road easement that extends from the neighboring property to the applicant's property. The applicant is proposing to improve and utilize this existing dirt road access to his parcel.

Review Per Section: Article VI(b) of the TRPA Compact, Section 9.21 of the Nevada Side Land Use Ordinance, Section 4.11 of the TRPA Shorezone Ordinance.

Land Use District: Low Density Residential

Land Capability Classification: CaF, Level 1A

Shorezone Tolerance: District 3

Land Coverage:

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KE:sf
4/15/82

AGENDA ITEM VIIIA.8.
Impact Analysis and Mitigation Measures: At the March, 1982 Governing Board meeting the Board approved an erosion control project to mitigate the erosion problem adjacent to the shoreline on the subject parcel. The funicular was to be a part of that proposal, however, at that time there was inadequate information regarding the land coverage reductions. The funicular as proposed will allow for access to the beach without further degradation to the backshore. Construction of the funicular will coincide with the construction of the erosion control project to minimize the time and amount of disturbance. Temporary erosion control and vegetative protection are proposed to mitigate the impacts of construction. An extensive revegetation plan and sprinkler system is proposed to aid in revegetation of all disturbed areas. There will be a net reduction of coverage on the site of 712 square feet, therefore decreasing the impact of runoff from impervious surface.

To lessen the impacts the applicant has proposed to pave the driveway and install curb and gutters to accommodate drainage. The existing driveway on the west side of the parcel does not meet the requirements for access by the Douglas County Fire Department, whereas the proposed driveway will. In addition, a fire hydrant that is currently existing on the west side of the property, which is inadequate to service the parcels to the east, will be relocated to the east side of the parcel.

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:

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* Development standards in the TRPA Shorezone Ordinance for Shorezone Tolerance District 3 states that access to the shoreline shall be restricted to planned footpaths only.

4/15/82
KE; sf

AGENDA ITEM VIIIA.8
MEMORANDUM

March 16, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Proposed Hydroelectric Project on Echo Creek

A private party is seeking a water rights appropriation from the State Water Resources Control Board to allow for the construction of a hydroelectric facility on Echo Creek. At this time, few details of the project are known except that the applicant wishes to have the right to withdraw up to 22 cubic feet per second (10,000 acre feet/yr) from the outlet of Echo Lake. This water would be collected through an 18 inch pipe that would extend from a dam located downstream from the dam at Echo Lake to a point below Highway 50 where the actual generator facility would be located. The total length of the diversion would be approximately 1,500 feet. The water passed through the facility would be returned to the creek.

This project would utilize water from Echo Creek which is subject to dramatic fluctuations in stream flow due to the diversion of the outflow by Pacific Gas & Electric (PG&E) during the fall and winter months. Historically, PG&E has withdrawn an average of 1,600 acre feet of water from Echo Lake during the fall season to supplement water demands for other American River diversions. Apparently, the PG&E diversion, which takes the water out of the Basin, is subject to pre-1914 appropriative rights. This would basically allow PG&E to continue its existing use of Echo Lake's water indefinitely. The proposed diversion on Echo Creek would only affect the flow of Echo Creek below the point of the PG&E diversion.

The TRPA staff was notified of this application for water rights by the State Water Resources Control Board and was encouraged to submit comments on the proposed diversion. Based on comments received, the Water Board can either deny or place conditions of approval on the water appropriation. The mechanism to submit comments and to become a party to the hearings before the Water Board is to complete a standard protest form. In no way does the protest form suggest that the TRPA is against the project but, instead, expresses TRPA's concern over possible adverse environmental impacts. In the protest form, staff points out that the TRPA has established environmental threshold carrying capacities and has also established policy direction for development proposals in stream environment zones, among others. Staff is hopeful that any conditions placed on the water appropriation will consider and attempt to mitigate impacts to the environment for which thresholds and policies have been established.

DG:jf
3/16/84

AGENDA ITEM XI A.
Echo Creek Hydroelectric Project
Memo to the Governing Board
March 16, 1984
Page Two

The applicant has met with staff and has indicated a desire to cooperate fully with the Agency. Staff also expressed TRPA's full support in cooperating with the applicant and with the preparation of any environmental documentation that might be necessary.
MEMORANDUM

DATE: February 15, 1984

TO: Litigation Committee

FROM: Agency Staff

SUBJECT: Hunton/Anderson - Determination of Vested Status on Proposed Single Family Dwelling. APN 07-263-14, 272 Ridge Drive, TRPA File #81-1074

I. Project Description: The applicant, Cho Hunton, wishes to gain a finding of vested right to construct a single family dwelling on APN 07-263-14. Litigation has been filed on the issue, and the applicant wishes to settle the matter. The applicant has agreed to perform subdivision improvements consistent with the direction of 81-5 to bring the subject subdivision up to a "potentially adequate" standard.

II. Site Description: The subject parcel is .672 acres of Land Capability 2 (CaE soil type). There is an unimproved, dirt road, an extension of Ridge Drive, which leads to the subject parcel. This road existed prior to 1972. There is an existing foundation on the parcel, which has consisted of grading and placement of stem walls. The sewer and utilities have been brought into the building site adjacent to the existing dirt road.

III. Project History: The parcel was created in 1974 when a parcel map was filed with Douglas County to create 3 parcels. The split did not require action by the Agency. Douglas County, however, was required to review the parcel map in accordance with the regulations of the TRPA. Section 9.31 of the TRPA Land Use Ordinance requires that the allowable coverages be indicated on the plans. In 1977, a foundation only permit was issued by Douglas County on APN 07-263-14. Water and sewer were installed in the Fall of 1978. The foundation work was conducted in 1980. Douglas County "reinstated" a building permit on December 2, 1982 based upon review of full plans for a single family dwelling.

In September of 1981, Mr. Lou Thomas filed an application for case-by-case review on the subject parcel. He was notified that he was not eligible for the coverage overrides for case-by-case review since the parcel was created after 1972. The parcel is therefore allowed only 1% coverage.

At approximately the same time permits were being processed on APN 07-263-14 (1977), Mr. Bartholomew contacted Douglas County with the intent of obtaining a permit on APN 07-263-20. This parcel was also created as a result of the 1974 map. Douglas County referred him to this Agency since the parcel was created after 1972 and allowable coverage was an issue. Mr. Bartholomew proceeded to process a land capability challenge so that he could gain enough coverage to build a single family dwelling. The land capability challenge was approved by the Agency on October 31, 1977, a building permit was issued and the house was built.

AGENDA ITEM XI C.
MEMORANDUM
Litigation Committee
February 15, 1984
Page Two

The possibility of proceeding with a land capability challenge was discussed with Mr. Hunton in February of 1982. Based upon some preliminary information, however, it was decided that the land capability challenge on APN 07-263-14 would not be pursued.

IV. Issues:

A. Parcel Map Issue: According to Section 9.31 of the TRPA Land Use Ordinance (the ordinance in effect at the time the parcel map was filed), when a parcel is divided, the person making the division is to calculate the land coverage allocable to each of the resulting lots or parcels and is to note such allocations in the deeds to such resulting lots or parcels and on the lot or parcel map that records such division.

When the subject map was recorded in 1974, no such coverages were indicated. According to Section 9.24, if the coverages were noted, they would have been that which is allowed by land capability, or 1% of the total lot size. The overrides in Section 9.24 (see below) apply only to subdivisions created prior to February 10, 1972:

9.24 Pre-Existing Lots in Subdivisions: The following land coverage limitations, if greater than the amounts otherwise allowed in the land capability districts in which the lot in question is located, shall apply to lots contained in any subdivision, a final map of which was approved by a local government, and where required, by the Agency, prior to February 10, 1972, provided, however, that this section shall not apply where the final map of such subdivision was approved and filed for record more than five (5) years prior to February 10, 1972 and there has been no construction of roads, sewers, or other substantial facilities serving the subdivision, or the posting of performance bonds assuring such construction, prior to February 10, 1972.

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<th>Lot Size (in Sq. Feet)</th>
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<td>Over 430,000</td>
<td>1% of the Lot Area</td>
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Additionally, Section 9.30 states that "no person shall create a lot or parcel upon which will exist more than the ... maximum percentage of land coverage permitted by this ordinance." The dirt road which accesses the property was existing when the parcel map was recorded in 1974. It therefore appears that nonconforming coverage (over the 1% allowable) was created when the parcel map was recorded. This is inconsistent with the provisions of Section 9.30.

B. Allowable Coverage and Foundation Permit: In 1977, when Douglas County issued the foundation only permit, the total amount of coverage which was indicated as being allowed was 5,417 square feet. This is approximately 20% of the total lot size. Since the parcel is a land capability 2, the allowable coverage was actually 1% of the total lot size, rather than 20%. The application for a building permit, dated August 19, 1977, indicates that the soil type is a CaD, land capability 4. This parcel is mapped, and has been mapped since 1972, as a CaE soil type, land capability 2. The information upon which the Foundation Permit was issued was therefore incorrect.

C. Vested Rights and a Foundation Permit: It has been the consistent opinion of the Agency's legal counsel that a vested right is only appropriate if reliance has occurred on a valid Building Permit. The issue of a Foundation Permit has arisen several times, particularly in Douglas County. Legal Counsel has indicated that if a set of full building plans is on file at the time the Foundation Permit is issued, and substantial reliance has occurred thereafter, a finding of vested right may be appropriate. If no such plans were on file, however, a vested right may not be appropriate. There is no evidence that full plans were submitted when the Foundation Permit was issued in 1977 on APN 07-263-14.

V. Proposed Settlement: Cho Hunton requests authorization from the Board to continue construction of a single family dwelling utilizing the existing foundation. As a tradeoff, the applicant has offered to install drainage and stabilization improvements on Ridge Drive to bring it up to a standard which would be classified as "potentially adequate" based upon the case-by-case review criteria. These improvements include paving of Upper Ridge Drive (300 lineal feet) providing infiltration facilities, installing a toe slope retaining wall, revegetating cut slopes and placing of some riprap. The estimated cost of these improvements is $16,000. These would extend the improved portion of Ridge Drive by 300 feet to the Hunton parcel. At this time, it is anticipated that this extension of improvements will serve only the Hunton parcel. Another parcel (APN 07-263-15) owned by Mr. Hilmur Nelson is also served by this road. No approvals have been issued and no construction has commenced on this parcel, although Mr. Nelson has filed a case-by-case review application. Since the allowable coverage is only 1%, he has not been able to pursue the application.

/sf
APPLICATION FOR BUILDING PERMIT

Date of Application: AUG. 19, 1977

Parcels existing on 2/10/72

Lot Area: 29,272

Section of Work: 407-263-14, PARCELS 3, 7, 15, PORTION OF A, B, C, D, OF EFL

Section 23, T13N, R18E, STATELINE, DOUGLAS CO., NEVADA

Name of Applicant: DOB HUNTON

Address: P.O. BOX 1462, ZEPHYR COVE, NV. 89448

Name of Architect or Engineer: CDB ASSOCIATES

Address: P.O. BOX 1462, ZEPHYR COVE, NV. 89448

Name of Contractor: W.C. WOODS #5976A

Address: P.O. BOX 1462, SOUTH LAKE TAHOE, CA

DESCRIPTION OF WORK

New (X) Alteration ( ) Addition ( ) Repair ( ) Moving ( )

Foundation only for proposed single family dwelling

Walls Covering: Roof Covering:

Describe briefly: Foundation only for proposed single family dwelling

General Plan Designation: LDR Land Capability Classification: C2D

Total Building Surface Allowed: 5417 Proposed: 5336 Existing: 0

Total Land Coverage: 5336 Proposed Building Height:

Square Footage: Valuation (including plumbing, wiring, etc.): $3,000.00

I agree to save, indemnify and keep harmless The County of Douglas its officers, employees and agents, against all liabilities, judgments, costs, and expenses which may accrue against them in consequence of the granting of permit inspections, or use of any on or off-site improvements placed by virtue hereof, and will in all things strictly comply with all applicable rules; ordinances and laws.

Signature of Applicant:

APPLICANT DO NOT FILL OUT BLANKS BELOW

Submitted Plans: (a) Plan Substitute Forms: ( ) Not Required: ( )

Zone: Z-1 Building Department Note: Foundation only for proposed SFH

Approved Building Department: Signature

Permit Fee: $24.00 Paid (X) Plan Check Fee: $12.00 Paid (X) TOTAL: $36.00 PD

Requirements for moved buildings met ( ) Bond Filed ( )

Permit 01048 Issued 8/24/77 By Signature
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 96731

2155 South Avenue

(916) 541-0246

MEMORANDUM

Date: March 27, 1984

To: TRPA Governing Board

From: Agency Staff

Subject: Project Review Under Adopting Ordinance

The following information identifies, generally, the types of projects that can be processed by the Agency once the adopting ordinance receives second reading. Certain types of projects, which are also identified herein, can not be processed until other actions are taken by the Governing Board, such as final adoption of plan area statements, approval by both states and EPA of the amendments to the Agency's Water Quality Management Plan, adoption of TRPA Code of Ordinances and establishment of new air and water quality mitigation fee schedules. This information identifies general project types. Projects that do not fall within a project type identified herein, will have to be reviewed individually by Agency staff to determine if the Article V(g) findings can be made. Appendix A identifies some of the projects and activities that can not be processed until adoption of the TRPA Code of Ordinances and Appendix B summarizes the actions that must be taken by the Governing Board to allow processing of some general types of projects. This list is not intended to be inclusive.

GG:bl
I. Project Review Pursuant to Previous Plan and Ordinances: All those projects accepted and reviewed pursuant to Section 4.20 of the adopting ordinance may be approved if determined to comply with the plan, ordinances, rules, regulations and policies in effect on August 25, 1983. This class of projects includes 87 pending single family case-by-case applications, 56 other pending applications for single family residences or additions thereto, and 105 Placer County 1983 allocations for single family residences that received "buildable" letters from CTRPA.

II. Project Review Pursuant to Amended Plan: (This information is in summary form in the table in Appendix B)

A. Pending distribution by TRAG of the allocation limitations set forth in the Regional Plan for the Lake Tahoe Basin, Part 1: Goals and Policies, February 1984:

1. No projects proposing a new single family dwelling or new commercial floor area.

B. Pending Establishment of Water and Air Quality Mitigation Fee Schedules:

1. No projects that create new land coverage or generate new vehicle trips or miles travelled in the Basin. Projects proposing to replace existing conforming or nonconforming land coverage could be accepted and processed, provided no new vehicle trips or miles travelled are generated. Projects that are otherwise exempt from these mitigation fees could be accepted and processed.

C. Pending Final Adoption of Plan Area Statements:

1. No new multiple density residential or tourist accommodations since the plan area statements will identify in which plan areas these uses are allowed, special or prohibited uses and establish maximum densities.

2. No new commercial floor area since the plan area statements will identify where new commercial floor area is an allowed, special or prohibited use and will establish maximum limits for new commercial floor area within each plan area.

3. No uses that are identified as a special use in a plan area since the findings required for a special use to become an allowed use will not be established until adoption of the TRPA Code of Ordinances.

4. No uses that are identified as a prohibited use in a plan area.

5. Applications for uses that are identified as an allowed use in a plan area, other than those set forth in 1 and 2 above, could be accepted and processed, provided the actions identified under A. and B. above have been taken by the Governing Board.
D. Pending Approval by Both States and EPA of the Amendments to the Agency's Water Quality Management Plan:

1. No projects proposing land coverage in land capability districts 1, 2, or 3 or in excess of the limits set forth in land capability districts 4, 5, 6, and 7, except for regional public facilities, public outdoor recreation facilities and public works projects provided the required findings are made as set forth in the Regional Plan for the Lake Tahoe Basin, Part I: Goals and Policies, February 1984.

E. Pending Adoption of TRPA Code of Ordinances: Appendix A lists projects and activities that can not be processed by the Agency until adoption of the TRPA Code of Ordinances. These projects and activities can not be processed because the Code, as currently drafted, establishes specific standards and regulations relative to these projects and activities that are not included in current Agency ordinances or addressed in adequate detail in the Goals and Policies Plan.
PROJECTS AND ACTIVITIES THAT CANNOT BE PROCESSED UNTIL ADOPTION OF TRPA CODE OF ORDINANCES*
(Appendix A)

1. Transfers of land coverage.

2. Reconstruction of structures creating nonconforming density or a use, nonconforming if reconstruction exceeds 50% of replacement value.

3. Division of land for tourist accommodation units.

4. Changes in shorezone tolerance district based on man-modified designation.

5. Extensions for grading after October 15. (except emergency)

6. Tree removal or harvesting within streams environment zones, land capability districts 1, 2, and 3, or on areas of 5 acres or more, unless exempt under applicable memorandum of understanding (MOU).

7. Tree removal for solar access.

8. Tree removal purposes of enhancing scenic viewpoints from public roadways.

9. Permits for livestock grazing.

10. Prescribed burning, unless exempt under applicable MOU.

11. Landscaping with other than approved species listed in Handbook of Best Management Practices.

12. Modifications to stream channels or other uses that may physically alter the natural characteristics of a stream, except stream improvement projects.

13. Modifications to wetlands, except the creation of artificial nesting sites for waterfowl.

14. Approval for the use of holding tanks or other no-discharge systems.

15. Approval of sewage spill contingency plans.

16. Approval for the use of pesticides, except use in connection with prevention and eradication of structural pests such as termites and carpenter ants in buildings, which is exempt from Agency review.

17. New development requiring water unless it is demonstrated that there is adequate water supply with an existing water right.

18. New development that does not employ appropriate devices to conserve water and reduce water consumption.
19. New development requiring water unless there exists adequate storage and distribution systems to deliver adequate quantity and quality of water for domestic consumption and fire protection.

20. Transfer of a single family residence or commercial allocation issued under the amended regional plan.

21. Transfers of development rights.

22. Projects that are not included in Phase I Priorities in the amended regional plan.

23. Redevelopment projects.

24. New piers, buoys or other foreshore/nearshore structures.

25. Structural repairs to nonconforming structures in the nearshore and foreshore unless the applicant agrees to remove the nonconforming structure by 1999.

26. Approvals resulting in increased use of diesel engines in the Basin.

27. Approvals creating new stationary sources of air pollution.

28. Use of off road vehicles.

29. New signs.

30. New aviation facilities.

31. New construction of transportation facilities.

32. Increases in noise levels from the Lake Tahoe Airport.

33. Disturbance within stream environment zones or the removal of riparian vegetation.

34. Removal of vegetation in the interface between the backshore and foreshore.

35. New projects that restrict public access to the shorezone.

36. New hydroelectric projects.

37. New approvals for snowmobile use.

38. Expansion of existing ski facilities.

39. Density credits.

*Some projects or activities not listed may require individual review to determine if they can be processed.
# Project Review Under Adopting Ordinance

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1. Provided these are not in land capability districts 1, 2 or 3 on sites larger than 5 acres.
2. Exempt for regional public facilities, public outdoor recreation facilities, and public works projects when the findings set forth in the Goals and Policies Plan are made.
3. Only in accord with the development criteria under Section 4.111(5) of adopting ordinance and only on lots in Plan Areas classified residentialivity.
MEMORANDUM

Date: March 29, 1984

To: TRPA Governing Board

From: Agency Staff

Subject: Basis for Proposed TRPA Policies Implementing the Threshold for Impervious Cover

Introduction

Since the adoption of the environmental thresholds in August, 1982 (Resolution 82-11), the Agency has been developing an amended Regional Plan to attain and maintain the thresholds. In public hearings on the proposed adopting ordinance, members of the public have said that the proposed Plan fails to attain and maintain the threshold for impervious cover. The following is a discussion of the basis for the proposed Agency policies in this area.

Background

Prior to the adoption of the thresholds, the Agency established standards for the amount of impervious cover permitted on a site based on the land capability classification of the site. In a joint TRPA and Forest Service study (Bailey, 1974), the authors used information on soil type and geomorphic setting to assign hazard ratings to a range of capability classes from 1 to 7. The higher the capability class, the more tolerance for use. Under existing Agency rules, the creation of new impervious coverage on a site is limited to an amount determined by applying coefficients from 1% to 30%, based on the Bailey report.

The Study Report for the Establishment of Environmental Threshold Carrying Capacities ("Study Report") discusses the need for standards for impervious coverage. The Study Report says (p. 6-12) that all soil subjected to the forces of wind and water will erode, and that almost any use of a piece of land will result in some soil disturbance. Disturbance of a site will not only result in the potential for accelerated erosion, but also reduce the soil's ability to remove nutrients from snowmelt and rainfall. Covering soil with impervious surfaces restricts infiltration of rainfall and runoff into the soil, and concentrates the runoff as it leaves the site.
Coverage Basis
Page 2

The Study Report recommends (p. 6-23) the following threshold for impervious cover:

The limits for impervious cover as defined in the Land Capacity Classification of the Lake Tahoe Basin, (Bailey, 1974), shall be adopted as the environmental threshold while recognizing the additional surface disturbance caused by development activities associated with impervious coverage.

In the discussion of the implications of the recommended threshold, the Study Report adds (p. 6-27):

To be effectively applied, flexibility should be incorporated into the administration of this threshold to allow for attainment of other related thresholds. If slight variation from coverage restrictions in some areas will significantly affect attainment of other thresholds, the flexibility to accommodate this variation is imperative.

The final language of the thresholds differed somewhat from the recommendation in the Study Report. Resolution 82-11, adopting Environmental Threshold Carrying Capacities for the Lake Tahoe Region, includes the following threshold for the Impervious Cover sub-component of the Soil Conservation component:

MANAGEMENT STANDARD

The Study Report also says (p. 6-24) that soil disturbance associated with impervious coverage is just as detrimental to soil loss and water quality as the impervious cover itself. The staff generally refers to such disturbance (e.g., compacted and denuded areas) as "soft" coverage, as opposed to "hard" coverage (e.g., pavement, structures). The Common Vegetation threshold includes language to minimize this "soft" coverage. This threshold, in effect, requires both "hard" and "soft" coverage to stay within the guidelines of the Bailey report:

Native vegetation shall be maintained at a maximum level to be consistent with the limits defined in the [Bailey report], for allowable impervious cover and permanent site disturbance.
Proposed Regional Plan Policies

Under Goal #4 of the Land Use Sub-element, the proposed Regional Plan says (p. 13) that all development in the region may be allowed impervious coverage up to an amount calculated by applying the coefficients in the Bailey report to the area of the affected parcel, with the following exceptions:

--- TRPA-approved subdivisions which allocate coverage among all lots or parcels so that the total coverage does not exceed the coverage limits of the Bailey system,

--- Single-family dwellings, which may use a table of coverage limits included on page 13,

--- Lots in planned unit developments, which may use up to 100% of the building envelope, note to exceed 2,500 square feet,

--- Commercial, public service, tourist, and multi-family development subject to an approved redevelopment plan; commercial and public service uses are allowed up to 70% coverage, and tourist and residential uses are allowed up to 50% coverage,

--- Tourist and multi-residential uses in redirection areas but not covered by a redevelopment plan, which may earn credits for additional impervious coverage up to 50% through transfer-of-coverage policies,

--- Commercial and public service uses not covered by redevelopment plans which may be allowed up to 50% coverage; commercial uses may be allowed additional coverage up to 70% through transfer-of-coverage provisions, and

--- Regional public facilities whose linear configuration makes it impractical to comply with the applicable coverage limitations, which may be permitted additional coverage, if required, through transfer-of-coverage provisions.

It is important to note that these coverage policies set forth maximum values for allowable coverage. In many cases, actual coverage will be less. The implementing ordinances will set forth criteria for determining the exact amount of coverage the Plan allows in individual cases, especially for tourist, multi-residential, commercial, and public service uses.
Basis for the Proposed Policies

The Agency has a firm basis for its proposed policies to regulate impervious cover and attain the coverage threshold. The basis of the Agency’s position involves (1) interpretation of the threshold, (2) the need for an integrated Plan, and (3) related policies pertaining to restoration of disturbed areas. These points are discussed individually, below:

A. Interpretation of the Threshold

As the Threshold Study Report says, it is important to allow flexibility in the application of the Bailey report to ensure that the Regional Plan will attain and maintain all thresholds. The coverage coefficients should be placed in the context of the overall Bailey report. On pages 18-25 of his report, Bailey discusses the recommended land uses and application of the land capability system to planning. In setting forth the recommended uses and management strategies for each land capability, the report says, "The following guides to use and management are recommended [emphasis included] for each capability class. These guides must, of course, be adapted to the socio-economic conditions and objectives for the planning area." The Bailey report also characterizes the allowable percentages of impervious coverage as recommended, rather than absolute, standards (page 24).

Both the EIS and the proposed Regional Plan, using the Bailey report as a guide or framework for planning, include a mixture of prospective and retrospective policies to implement the threshold. For example, the Regional Plan includes both prospective application of the threshold for the creation of new coverage, and retrospective application of the threshold in calling for development of mitigation programs for areas with excessive coverage. (See Soils sub-element, Goal #1, Policy 2, page 90.)

Finally, the Bailey report points out (p. 25) that strict application of the guidelines for impervious coverage is not recommended in all cases. The report says, "This study does not suggest that development should necessarily occur on the locations shown. It merely indicates which lands are compatible with a number of alternative uses."

B. The Need for an Integrated Plan

Both the Study Report and the Bailey report refer to the need for flexible application of the coverage guidelines. The Bailey reports says (p. 25), "Control of impervious surface alone does not solve all environmental problems." In the areas of transportation, scenic
resources, and redevelopment, the Plan benefits from flexible application of the Bailey system. The transportation element of the Plan calls for the concentration of development around designated nodes, and the Plan implements this policy by allowing for the concentration of impervious coverage around such nodes. Nodal development will also assist with attainment of the scenic thresholds, since it will assist the Agency in preserving and expanding scenic corridors in developed areas. Over time, nodal development will also reduce coverage associated with linear commercial development along highway routes.

Redevelopment of blighted areas would not be practical economically unless the impervious coverage threshold were applied flexibly. This flexibility will provide an incentive for redevelopment to occur, while reducing the overall amount of coverage in redevelopment areas.

Economic considerations, specifically the need to ensure that commercial and tourist development allowed under the Plan is feasible, also require flexible application of the Bailey system. Economic modeling conducted by Peat-Marwick for the South Tahoe Redevelopment Agency shows that project profitability is approximately 40% lower for commercial and tourist projects which are limited to strict application of the Bailey coverage coefficients. The Plan also allows additional coverage to provide incentives for transfer of development rights (TDR). The TDR policies of the Plan are designed to direct new development to the best sites, facilitate nodal development and, at the same time, provide options to property owners who may not be satisfied with their development priority under the Plan.

C. Restoration of Disturbed Areas

As the Threshold Study Report points out, all types of interference with the "soil-vegetation system" affect soil stability and water quality. The proposed Regional Plan not only limits the amount of impervious "hard" coverage (e.g., structures, pavement) one may create, but also calls for the elimination of permanent disturbance or unnecessary alteration of natural vegetation associated with development activities ("soft" coverage). See, for example, Vegetation Sub-element, Goal #1, Policy 5, on page 80 of the final draft Plan.

The proposed Regional Plan will result in far more restoration of disturbed areas ("soft coverage") than generation of new impervious coverage ("hard coverage"), resulting in a substantial improvement in environmental quality in the region. As shown in Table 20a (p. 171) of the Regional Plan EIS, the amended Regional Plan will add approximately 1000 acres of new impervious coverage, but bring about the restoration of over 5,700 acres of disturbed area. This will bring about a major improvement in water quality and soil stability.
Redevelopment will also improve environmental quality by reducing "hard" coverage, restoring "soft" coverage, and employing state-of-the-art BMP's.

The Regional Plan will also bring about the restoration of 1200 acres of disturbed, developed, or divided stream environment zone (SEZ). This restoration effort will enhance attainment of the soils, water quality, vegetation, wildlife, and scenic thresholds. Restoration of SEZ's is more valuable, in terms of environmental quality, than any other type of restoration activity.

Summary and Conclusions

As discussed above, the Agency has a strong basis for its proposed policies to implement the threshold for impervious coverage. First, the coverage threshold is more than a set of coefficients; it is a set of guidelines which the authors intended to be flexible. Second, the Plan must interpret the coverage guidelines in the context of an integrated plan for land use, transportation, conservation, and implementation. The Tahoe Regional Planning Compact requires an integrated Plan. Third, the Plan will restore more disturbed areas than it will generate, and bring about significant improvements in environmental quality.
MEMORANDUM

March 27, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Ordinance Adopting Amendments to the Regional Plan

For purposes of discussion, the following copy of the proposed adopting ordinance has incorporated the errata to date as well as clarifying language added by legal counsel.

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

Section 1.00 Findings

1.10 On December 19, 1980, the Tahoe Regional Planning Compact ("Compact")
was amended, requiring, among other things, that the Agency adopt
environmental threshold carrying capacities for the Lake Tahoe region.
The Compact further provided that, within one (1) year after the
adoption of the environmental threshold carrying capacities, the
Agency shall amend its regional plan so that, at a minimum, the plan
and all of its elements, as implemented through agency ordinances,
rules and regulations, achieves and maintains the adopted
environmental threshold carrying capacities.

1.11 The Compact finds, among other things, that: (a) the waters of Lake
Tahoe and other resources of the Lake Tahoe region are threatened with
deterioration or degeneration, which endangers the natural beauty and
economic productivity of the region; (b) the public and private
interests and investments in the region are substantial; (c) the
region exhibits unique environmental and ecological values which are
irreplaceable; (d) said region is experiencing problems of resource
use and deficiencies of environmental control; (e) increasing
urbanization is threatening the ecological values of the region and
threatening the public opportunities for use of the public lands; (f)
maintenance of the social and economic health of the region depends on
maintaining the significant scenic, recreational, educational,
scientific, natural and public health values provided by said region;
(g) there is a public interest in protecting, preserving and enhancing
such values for the residents of the region and for visitors to the
region; (h) in order to preserve the scenic beauty and outdoor recreational opportunities of said region, there is a need to insure an equilibrium between said region's natural endowment and its manmade environment; and (i) it is imperative that there be established an agency with powers, among others, to establish environmental threshold carrying capacities and adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

1.12 The Agency Governing Body unanimously approved Resolution No. 82-11, adopting environmental threshold carrying capacities for the Lake Tahoe region pursuant to Article V(b) of the Compact. Said carrying capacities were adopted subsequent to consideration by the Agency Governing Body of an environmental impact statement, including response to comments, thereon, a lengthy, detailed study report, and oral testimony and documentary evidence received at public hearings concerning said carrying capacities.

1.13 Prior to the adoption of this ordinance, the Advisory Planning Commission ("APC") of the Tahoe Regional Planning Agency conducted a duly-noticed public hearing in accordance with Article V(a) of the Compact, at which hearing considerable oral testimony and documentary evidence concerning the proposed amendments to the Agency's regional plan were received and considered by the APC. The Governing Body has received and considered the recommendations of the APC, which recommendations were formulated after said public hearing. In addition to said APC public hearing, the Governing Body, both prior and subsequent to said APC public hearing, has conducted duly-noticed public hearings in accordance with said Article V(a), at which hearings considerable oral testimony and documentary evidence were received and considered. The substance of the amendments including, but not limited to, the documents and maps adopted by this ordinance was the subject of said public hearings. In addition to said formal public hearings, the Governing Body and staff conducted numerous public meetings and forums in various locations within the States of California and Nevada, at which meetings and forums the proposed amendments were discussed.

1.14 The provisions of this ordinance, themselves, were also the subject of a duly-noticed public hearing before the Governing Body as required by the Agency's Rules and Regulations of Practice and Procedure.

1.15 As required by Article V(c) of the Compact, the amendments to the Agency's regional plan adopted by this ordinance, including all the elements thereof, as implemented by this ordinance and as to be implemented through other agency ordinances, rules and regulations, at a minimum will achieve and maintain the adopted environmental threshold carrying capacities, while providing opportunities for orderly growth and development consistent with such capacities. Each element of the regional plan, as amended hereby, contains implementation provisions and time schedules for such implementation by ordinance in compliance with said Article V(c).
1.16 As further required by said Article V(c), the regional plan, as amended by this ordinance, consists of a single, enforceable plan and includes correlated elements consisting of a land use plan, a transportation plan, a conservation plan, a recreation plan, a public services and facilities plan, and an implementation element, each of which plans sets forth the material required by, and otherwise complies with, said Article V(c) of the Compact.

1.17 As required by Article V(d) of the Compact, the regional plan, as amended by this ordinance, provides for the attaining and maintaining of federal, state or local air and water quality standards, whichever are strictest, in the respective portions of the Lake Tahoe region for which such standards are applicable. To the extent said plan, as amended, imposes air or water quality standards or control measures more stringent than the applicable state implementation plan or applicable federal, state or local standards for the Lake Tahoe region, the Governing Body finds that such additional standards or control measures are necessary to achieve the purposes of the Compact. Each element of said regional plan, as amended hereby, where applicable, identifies the means and time schedule by which air and water quality standards will be attained in compliance with said Article V(d).

1.18 The provisions of this ordinance prescribing specific written findings pursuant to Article V(g) of the Compact relate to environmental protection and insure that the project under review will not adversely affect implementation of the Agency's regional plan, as amended hereby, and will not cause the environmental threshold carrying capacities of the Lake Tahoe region to be exceeded.

1.19 This ordinance is necessary and desirable to promote, and is reasonably related to, a legitimate governmental interest, consisting of the public health, safety, general welfare, and environment of the Lake Tahoe region. In addition to the specific findings of compliance set forth hereinabove, this ordinance otherwise complies in all respects, procedural and substantive, with the Compact and is necessary to effectuate and implement the same.

1.20 The amendments to the Agency's regional plan, adopted by this ordinance, were the subject of an environmental impact statement ("EIS"), which was processed, reviewed and approved by the Agency in accordance with the substantive and procedural provisions of Article VII of the Compact and the applicable provisions of the Agency's Rules and Regulations of Practice and Procedure. Without limiting the generality of the foregoing, the Governing Body further finds that said EIS contained the following information required by Article VII(a)(2) of the Compact: (a) the significant environmental impacts of the proposed amendments to said plan; (b) any significant adverse environmental effects, which cannot be avoided should said amendments be implemented; (c) alternatives to the proposed plan amendments, the number, description and types of which are hereby found to be appropriate and adequate for purposes of said Article VII of the Compact; (d) mitigation measures which must be implemented to assure
meeting the standards of the Lake Tahoe region; (e) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; (f) any significant irreversible and irretrievable commitments of resources which would be involved in the proposed amendments, should they be implemented; and (g) the growth-inducing impact of the proposed amendments. The Governing Body further finds that said EIS adequately addressed the amendments to the regional plan, adopted by this ordinance, and provided the Governing Body substantial, detailed information and a proper disclosure, upon which it has based a reasoned, sufficient and deliberate review and evaluation of the environmental impacts and commitments of said plan amendments adopted hereby, as well as those of various alternatives thereto set forth in said EIS. The Governing Body further finds that, prior to adopting this ordinance, the Governing Body complied with the findings requirements of Article VII(d) of the Compact, a separate written finding having been made for each significant effect identified in said EIS as resulting from the amendments to the regional plan adopted hereby. The Governing Body further finds that said written findings pursuant to Article VII(d) are supported by substantial evidence in the record.

1.21 The administrative record for purposes of consideration and adoption of this ordinance is hereby declared to include, but not be limited to: all documents adopted hereby as comprising the amendments to the Agency's regional plan; the environmental impact statement, including response to comments, and documents incorporated therein, prepared with respect to said amendments; all reports or studies received, prepared or authorized by the Agency with respect to said amendments, including, but not limited to, the report of the Urban Land Institute; Resolution No. 82-11, adopting environmental threshold carrying capacities; the environmental impact statement and documents incorporated therein, prepared with respect to said environmental threshold carrying capacities; the Study Report prepared with respect to said environmental threshold carrying capacities; the Agency's Lake Tahoe Region Water Quality Management Plan, including all documents incorporated therein and supplemental thereto; the environmental impact statement and documents incorporated therein and supplemental thereto, prepared with respect to said water quality management plan; the Findings and Declarations contained in Article I of the Compact; all oral testimony and documentary evidence received or noticed by the Governing Body or AFC relating to all of the foregoing; and the minutes and transcripts of the Governing Body and AFC relating or referring to preparation, consideration, or adoption of the amendments to the Agency's regional plan and the environmental threshold carrying capacities upon which such amendments are based.

1.22 The Governing Body incorporates herein, as though fully set forth, the findings and provisions of Resolution No. 82-11, adopting environmental threshold carrying capacities for the Lake Tahoe region.

1.23 The Governing Body acknowledges the existence of the Santini-Burton Act (P.L. 96-586, 94 Stat. 3381) and the Lake Tahoe Acquisition Bond Act (California Government Code, Section 66950 et seq.). The Agency recognizes said federal and state programs as separate and
distinct from the Agency, an entity having no power of eminent domain, vested exclusively with authority to regionally plan and zone for the use of property pursuant to the police power. While the Agency, including its regional plan and ordinances, and said land acquisition programs are legally and operationally separate and distinct, the Agency recognizes that substantial acquisition of land through said independent programs may affect the environment of the Lake Tahoe region to some degree. As required by Article V(c) of the Compact, it is the present intent of the Governing Body to reexamine the provisions of the amendments to the regional plan, adopted by this ordinance. As part of said review, the effect, if any, upon said region resulting from said acquisition programs shall be noted. Said intent to reexamine the provisions of said amendments is not to be construed as a suggestion or advocacy by the Agency that the governmental entities administering said programs, or any other governmental entity, purchase or otherwise acquire any real property situated within the Lake Tahoe region. The regional plan, as amended hereby, is not conditioned in any respect on an acquisition program, nor is it intended to designate any lands to be acquired, or to assist in such acquisition.

1.24 The land use regulatory provisions of the amendments to the regional plan, adopted by this ordinance, turn upon the provision of a reasonable, beneficial use of land under all the circumstances within the Lake Tahoe region, including, but not limited to, the circumstances identified in Article I of the Compact. The goals of such regulatory provisions comply with the intent and purpose of the Compact, including, but not limited to, the protection of the quality of the water of Lake Tahoe. It is not the intent of the amendments to the regional plan adopted hereby to reduce or otherwise affect the value of real property in the Lake Tahoe region, the desire being that the value thereof remain as that of property subject to a reasonable, beneficial use pursuant to the regulations set forth in said amendments. The portions of the amendments adopted hereby concerning stream environment zones recognize the necessity of said wetlands for protection and maintenance of the quality of water in Lake Tahoe, as documented in the Agency's Water Quality Management Plan and Environmental Threshold Carrying Capacities, including the environmental impact statements prepared for same, and that development of said wetlands has an immediate, adverse impact upon the quality of said water. The portions of the amendments adopted hereby concerning land classified within Land Capability Districts 1 through 3 recognize that development of said fragile lands has an adverse impact upon the quality of water within Lake Tahoe, as documented in said water quality management plan and environmental thresholds, including said environmental impact statements, and that the Agency has no environmentally documentable or supportable development screening system to adequately review and control development upon said fragile lands without harming the quality of said water. There is thus a necessity to temporarily prohibit development upon said lands in the manner set forth in the amendments adopted hereby subject to the preparation of said development screening system.
1.25 Although the framers of the Compact were aware of the difficulty of the mandate set forth in Article V, the process of amending the regional plan has been even more arduous than anticipated due to the exceedingly complex nature of the task. The Governing Body has deliberated for many months with due diligence and made many difficult decisions, which decisions have resulted in the amendments to the regional plan adopted hereby.

1.26 The Governing Body, by the adoption of this ordinance, does not intend, and the amendments to the regional plan adopted hereby shall not be construed as authorizing the Agency, to exercise its regulatory power to grant or deny a permit in a manner which shall take or damage private property for public use without payment of just compensation or due process of law. Nothing in said amendments is intended to increase or decrease the rights of any property owner under the Constitutions of the United States, the State of California, or the State of Nevada.

1.27 It is the intent of the Governing Body, by the adoption of this ordinance, to amend the regional plan heretofore in effect, including, but not limited to, the regional plan of the California Tahoe Regional Planning Agency otherwise applicable to the portion of the Lake Tahoe Region located in the State of California pursuant to Article V(e) of the Compact. It is also the intent of the Governing Body, by adoption of this ordinance, to amend the Agency's "Lake Tahoe Basin Water Quality Management Plan, January, 1978". The amendments to said water quality management plan are set forth in the Regional Plan for the Lake Tahoe Basin, Part I, Goals and Policies, referred to in subsection 2.11(1). The amendments to said water quality management plan shall take effect upon certification by the States of California and Nevada and approval by the U.S. Environmental Protection Agency pursuant to Section 208 of P.L. 92-500.

1.28 The following findings are made with respect to the provisions of Section 4.00 of this ordinance relating to pending projects reviewed under the provisions of Agency Ordinance No. 79-10, as amended:

(1) Said provisions of Section 4.00 are limited to a finite number of projects, which number is 87.

(2) Review of said pending projects is limited to a specific period of time, expiring December 31, 1984.

(3) The amendments to the Water Quality Management Plan and the provisions of Agency Ordinance 79-10 for review and approval of applications for construction of single family residences upon high erosion and high runoff hazard lands, including the environmental impacts resulting therefrom, were 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 adequately addressed the effects of construction upon Land Capability
Districts 1 through 3 as proposed by the pending projects under Agency Ordinance No. 79-10, as amended, and thus provided the Governing Body a proper disclosure upon which it has based a reasoned, sufficient and deliberate review and evaluation of the environmental impacts and commitments of said projects.

(4) The review procedure for said pending projects adopted by this ordinance is necessary to allow them to be processed, to the greatest extent possible, under the standards and regulations in effect at the time said applications were accepted by the Agency. The provisions of this finding are not to be construed as granting said applications the status of a common law vested right.

(5) It is necessary and desirable to set December 31, 1984 as the deadline for the Agency to take final action on such pending projects.

(6) The Addendum to the Environmental Impact Statement for the Agency's 208 Water Quality Management Plan (revision date May 28, 1981) assesses the adverse impacts on soils, water quality, vegetation and wildlife resulting from the construction of a typical single family residence on land classified as Land Capability Districts 1 through 3, and generally concludes that a significant adverse impact on water quality will result from such construction, due primarily to sediment loading amounting to approximately .44 metric tons per year for each such residence.

(7) The Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin (TRPA, February, 1983) assesses the adverse impacts resulting from the existing land uses in the region and concludes that such uses result in significant adverse impacts on water quality due to, but not limited to, sediment loading amounting to 42,000 metric tons per year from "controllable erosion".

(8) Under a worst case scenario of all pending projects reviewed under the provisions of Agency Ordinance No. 79-10, as amended, being approved pursuant to Section 4.00 of this ordinance, the resulting significant adverse impacts on water quality due to sediment loading will amount to a .09% increase over that amount presently resulting from existing land uses and, therefore, is insignificant.

1.29 The following findings are made with respect to the provisions of Section 4.00 of this ordinance relating to pending projects other than those referred to in subsection 1.27:

(1) Said provisions of Section 4.00 are limited to a finite number of projects, which number is 56.

(2) Review of said pending projects is limited to a specific period of time, expiring December 31, 1984.
(3) In view of said limitations, the provisions of Agency Ordinance No. 81-1, and the assessment and conclusions contained in the EIS for Adoption of a Regional Plan for the Lake Tahoe Basin (TRPA, February, 1983), the approval of said pending projects will not cause the adopted environmental threshold carrying capacities of the region to be exceeded and will not adversely affect implementation of the regional plan.

1.30 The following findings are made with respect to the provisions of Section 4.00 of this ordinance relating to 1983 building allocations issued in El Dorado and Placer Counties:

(1) Said provisions of Section 4.00 are limited to a finite number of projects, which projects will consist exclusively of single family houses located on land classified as Land Capability Districts 4-7 and in compliance with the land coverage limitations of said districts.

(2) The number of 1983 building allocations issued in Placer County of 278 is consistent with the allocation limitations set forth in the Compact for Placer County for previous years, using said limitations as a guideline for the entirety for 1983.

(3) One-hundred and five of the recipients of the 278 allocations in Placer County have received notice from the California Tahoe Regional Planning Agency (CTRPA) that their lots are buildable and that they should proceed with the permit process, including development of plans.

(4) Said 105 of the recipients, in the absence of Agency Resolution No. 83-21, may have proceeded with the permit process subject to all applicable CTRPA and Agency plans, ordinances, rules, regulations and policies in effect at that time.

(5) The number of 1983 building allocations issued in El Dorado County of 374 exceeds by 122 the allocation limitations set forth in the Compact for El Dorado County for previous years, using said limitations as a guideline for the entirety for 1983. To be consistent with the intent of the Compact, said excess number shall be counted against El Dorado County's share of the allocation limitations set forth in the amended regional plan.

(6) None of the 299 recipients of the 1983 allocations issued by El Dorado County on September 8, 1983 has received notice from the CTRPA that their lots are buildable or that they should proceed with the permit process.

(7) Placer County issued all 278 allocations in 1983 prior to the effective date of Agency Resolution No. 83-21 (August 26, 1983), and El Dorado County did not issue 299 of the 374 allocations in 1983 until September 8, 1983.
Based on the foregoing findings, said provisions of Section 4.00 with respect to 1983 building allocations issued by El Dorado and Placer Counties are equitable and consistent with the intent of the Compact and the Agency's amended regional plan, adopted hereby, and therefore will not adversely affect compliance with the mandate to adopt an amended regional plan that will achieve and maintain the adopted environmental threshold carrying capacities.

1.31 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Adoption of Amendments to the Regional Plan

2.10 The regional plan of the Agency, as amended to date, is hereby further amended to consist exclusively of the following documents, each of which is incorporated herein by this reference as though fully set forth:

2.11 Plan Documents


2.12 Plan Area Statements

The document entitled Draft, Regional Plan for the Lake Tahoe Basin, Part I: Plan Area Statements, Tahoe Regional Planning Agency, is adopted as an interim policy guideline, effective until July 1, 1984, unless otherwise provided by amendment to this ordinance. The Governing Body shall amend said document and the Plan Area Overlay Maps referred to in subsection 2.13(1), pursuant to at least one duly-noticed public hearing, the subject of which hearing shall be the adoption of said document and said maps, as they may be amended, as final land use regulations.

2.13 Regional Plan Maps

(1) Plan Area Overlays for base maps at scales of 1"=400' and 1"=2000' (July 1983), which maps shall be subject to the public hearing referred to in subsection 2.12 and as they may be amended pursuant thereto.

(2) Land Capability Overlays for base maps at scales of 1"=400' and 1"=2000' (July 1983).

(3) Shorezone Tolerance/Pierhead Line Maps (Photographs) at an approximate scale of 1"=400' (July 1976).

(4) Special Interest Species and Sensitive/Uncommon Plant Maps at the scale of 1"=2000' (August 1982).

(5) Prime Fish Habitat Map at the scale of 2"=1 mile (August 1981).

(6) Stream Habitat Quality Maps at the scale of 1"=2000' (August 1982).

(7) Historical Sites Map at the scale of 2"=1 mile (July 1983).

2.14

Said maps are subject to variation in a particular case upon a demonstration that the land in question, based upon a detailed site investigation, is not accurately classified, delineated or depicted.
2.20 Plan Reference Documents

The following documents represent reference documents for the regional plan. Said documents are to be used when necessary for interpretation of the regional plan. In the event of an inconsistency or conflict between any said document and the regional plan, said plan, to the extent of said inconsistency or conflict, prevails.


Section 3.00 Article V(g) Findings for Project Review Pending Adoption of Agency Regulatory Code

3.10 Pursuant to Article V(g) of the Compact, the Agency shall make the following specific, written findings prior to approving any project in the region, except those pending projects referred to in subsections 4.20(1) and (2).

(1) The project is consistent and complies with the CTRPA and Agency ordinances, maps, rules, regulations and policies in effect on August 25, 1983 where said ordinances, maps, rules, regulations and policies are not inconsistent or in conflict with the amendments to the regional plan adopted by this ordinance. In the event said ordinances, maps, rules, regulations or policies are inconsistent or in conflict with said amendments to the regional plan, the Agency shall find that the project is consistent and complies with said amendments to the regional plan.

(2) The project has been processed in accordance with the Agency's Rules and Regulations of Practice and Procedure.

(3) With respect to projects for which an environmental impact statement has been prepared, changes or alterations have been required in or incorporated into the project which avoid or reduce the significant adverse environmental effects to a less than significant level; or specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project; and that a separate written
finding has been made for each significant effect identified in
the environmental impact statement on the project, which said
findings are supported by substantial evidence in the record.

(4) With respect to projects for which an environmental impact
statement has not been prepared, the project, including compli-
ance with the conditions of approval, will not have an adverse
significant, individual or cumulative impact on the environment.

(5) The establishment, maintenance and operation of the project will
not be detrimental to the health, safety, peace, comfort or
general welfare of the Lake Tahoe Region.

(6) The project, including compliance with the conditions of
approval, is consistent with, and thus will not adversely affect
implementation of the regional plan, as amended hereby, including
but not limited to the Land Use, Transportation, Conservation,
Recreation, Public Services and Facilities and Implementation
Elements of said plan.

(7) The project is consistent with the goals and policies of the
Water Quality Element of the regional plan, as amended hereby,
and therefore will not cause the adopted environmental threshold
carrying capacities for water quality to be exceeded.

(8) The project is consistent with the goals and policies of the
Transportation and Air Quality Elements of the regional plan, as
amended hereby, and therefore will not cause the adopted
environmental threshold carrying capacities for air quality to be
exceeded.

(9) The project is consistent with the goals and policies of the
Conservation Element of the regional plan, as amended hereby, and
therefore will not cause the adopted environmental threshold
carrying capacities for vegetation, wildlife, fisheries, soils
and scenic quality to be exceeded.

(10) The project is consistent with the goals and policies of the
Recreation Element of the regional plan, as amended hereby, and
therefore will not cause the adopted environmental threshold
carrying capacities for recreation development to be exceeded.

(11) The project is consistent with the goals and policies of the
Public Services and Facilities Element of the regional plan, as
amended hereby.

(12) The project is consistent with the goals and policies of the
Implementation Element of the regional plan, as amended hereby.

(13) It has been demonstrated that the suppliers of water, sewage
treatment; fire protection, educational services, police
protection and other appropriate utilities have or will have the
physical and legal capacity to supply said services to the
project.
(14) As an alternative to the specific findings listed in subsection 3.10(7) through (13), inclusive, the Agency may find that:

(a) The project presents a situation or circumstance demanding immediate action to preserve the public peace, health, safety or general welfare, or to protect and enhance the environment of the Lake Tahoe Region;

(b) The project will not individually cause the adopted thresholds to be exceeded;

(c) A mitigation program is required as a condition of project approval which will ensure that the impacts of the project will be mitigated to the greatest extent possible; and

(d) Conditions of approval have been placed on the project to insure that as soon as possible after such situation or circumstance ceases to exist, a complete application for said project, including the appropriate environmental document, shall be submitted to the Agency, at which time approval of said project shall be subject to the findings required under Section 3.00, other than those in subsection 3.10(14).

(15) There is substantial evidence in the record supporting the foregoing findings.

3.20 Section 3.00 expires upon adoption by the Agency Governing Body of the Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance, which code or other compilation shall include the findings required by Article V(g) of the Compact.

Section 4.00 Interim Project Review

Pending adoption of the Agency's Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance, and pending adoption of Plan Area Statements and Plan Area Overlay Maps as final land use regulations pursuant to subsection 2.12 of this ordinance, the Agency shall accept, review and approve applications for projects only in accordance with Section 4.00.

4.10 Definitions

(1) "Single-family house" as used in Section 4.00 means "single-family house" as defined by Section 3.00 of the Agency's Land Use Ordinance (No. 4), as amended.

(2) "Emergency" refers exclusively to a project presenting a situation or circumstance demanding immediate action to preserve the public peace, health, safety or general welfare, or to protect and enhance the environment of the Lake Tahoe Region.
4.20 Review of Certain Pending Applications

Applications for the following classes of projects shall be accepted, where applicable, reviewed and may be approved pursuant to the Agency plan, ordinances, rules, regulations and policies in effect on August 25, 1983, and for activities in California, pursuant to the CTRPA plan, ordinances, rules, regulations and policies in effect on May 1, 1983:

(1) Complete applications for single family houses or additions thereto received by the Agency on or before 5:00 p.m. August 26, 1983. For purposes of reviewing and approving any of said applications that are pursuant to Agency Ordinance No. 79-10, as amended, the provisions of said ordinance, as amended, including but not limited to those that may have otherwise expired, shall be in effect.

(2) Complete applications for single family houses on lots having valid 1983 Placer County development allocations and for which letters have been issued by the CTRPA establishing that said lots are buildable. For purposes of reviewing and approving any of said applications, or, where applicable, applications referred to in subsection 4.20(1), the provisions of CTRPA Urgency Ordinances entitled "Development Permit Allocation for Placer County" (adopted on July 30, 1982 and extended on December 3, 1982) and "Development Permit Allocation for El Dorado County" (adopted on May 6, 1983), notwithstanding the expiration of said ordinances, shall be the standards for review and approval of said applications pursuant to this ordinance.

4.21 Required Findings

Prior to approving any of the projects identified in subsection 4.20, the Agency shall make the following findings:

(1) The findings set forth in Agency Ordinance No. 79-10, as amended, if applicable to the application.

(2) The findings set forth in the CTRPA Urgency Ordinances, if applicable to the application.

(3) The project is consistent with the Agency's regional plan in effect on August 25, 1983, and the applicable plans, ordinances, regulations and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the Lake Tahoe region.

(4) The establishment, maintenance or operation of the project will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood of the project.
(5) The project will not be detrimental or injurious to the environment or general welfare of the Lake Tahoe region.

(6) There is substantial evidence in the record supporting the foregoing findings.

4.30 Review of Other Pending and New Projects

Applications for the following classes of projects shall be accepted, where applicable, reviewed and may be approved pursuant to Section 5.00, and prior to approving such projects, the Agency shall make the findings set forth under Section 3.00:

(1) Complete applications received by the Agency on or before 5:00 p.m. August 26, 1983, other than those identified under subsection 4.20(1).

(2) Complete applications for projects received after the effective date of this ordinance, other than those identified under subsection 4.20(2).

4.31 Review Criteria

Prior to approving any of the projects referred to in subsection 4.30, the Agency shall find that:


(2) Pending adoption of the applicable Plan Area Statements and Plan Area Overlay Maps as final land use regulations, pursuant to subsection 2.12, the project does not propose density in excess of one (1) single family house per lot or parcel of record prior to the effective date of this ordinance or use inconsistent with the applicable Plan Area Statement and Plan Area Overlay Map.

(3) With respect to applications for single family houses, or additions thereto, the project complies with the following development criteria:

(a) Under the limitations of the land capability system, a lot or parcel shall contain sufficient high capability (Class 4-7) land so that at least 1,200 square feet of impervious surface area can be created on the lot or parcel. The limitations imposed by the land capability system specify what percentage of a lot or parcel may be covered by impervious surface area. For high capability lands, these limits range from 20 to 30 percent, depending upon the land classification.
(b) The lot or parcel shall be located in a Development Priority Area. A lot or parcel is within a Development Priority Area if it is serviced by at least three of the following:

i. Paved road.

ii. Water service.

iii. Sewer service.

iv. Electric utility.

(c) If a lot or parcel does not have sufficient high capability land and thus cannot create 1,200 square feet of impervious surface area, or is not in a Development Priority Area, the owner shall do one of the following:

i. Relinquish any development allocation issued pursuant to the regional plan, as amended hereby.

ii. Transfer said allocation to a high capability lot or parcel which does meet the criteria referred to in subsection 4.31(3).

iii. Combine one or more adjacent lots or parcels with the lot or parcel that received the said allocation in order to meet said criteria.

iv. Appeal to the TRPA Governing Board and explain why or how the lot or parcel that received said allocation meets said criteria.

4.40 Deadline for Processing Certain Applications

The Agency on or before December 31, 1984 shall take final action on all projects referred to in subsection 4.20. The applicable provisions of Section 4.00 shall remain in effect for this purpose until all such applications have received final action by the Agency or December 31, 1984, whichever occurs first.

4.50 Expiration

Except as otherwise provided by subsection 4.40, Section 4.00 expires upon adoption by the Agency Governing Body of the Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance, and the Plan Area Statements and Plan Area Overlay Maps as final land use regulations pursuant to subsection 2.12.
4.60 Development Permit Allocations

Applications for projects identified under subsection 4.30 shall not be accepted, reviewed or approved by the Agency unless the applicant has received either of the following:

(i) A 1983 Placer or El Dorado County development allocation and, with respect to El Dorado County, an allocation having been determined by El Dorado County to be one of the 177 allocations issued in 1983; or


Section 5.00 Implementation of Regional Plan

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

5.20 This section expires upon adoption by the Governing Body of the Regulatory Code, or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance, and the Plan Area Statements and Plan Area Overlay Maps as final land use regulations pursuant to subsection 2.12.

Section 6.00 Compliance With Agency’s 208 Water Quality Management Plan

Notwithstanding Section 5.00, all projects referred to in subsection 4.30 shall comply, at a minimum, with the ordinances implementing the Agency’s 208 Water Quality Management Plan, January 1978, unless and until said ordinances and 208 Plan are amended and said amendments are certified by the States of California and Nevada and approved by the U.S. Environmental Protection Agency pursuant to Section 208 of P.L. 92-500.
Section 7.00  Enforcement

The provisions of this ordinance and the amendments to the Agency's regional plan adopted by this ordinance shall be enforced by the Agency, the States of California and Nevada, the City of South Lake Tahoe, and the Counties of El Dorado, Placer, Washoe, Carson City and Douglas.

Section 8.00  Interpretation and Severability

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

Section 9.00  Effective Date

This ordinance shall be effective immediately upon adoption hereof.

FIRST READING:

SECOND READING:

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held _______________, 1984, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Norman C. Woods, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

Date: March 28, 1984

To: TRPA Governing Board

From: Agency Staff

Subject: Clarification of Time Schedules for Implementation of the Regional Plan

Article V(c) of the Tahoe Regional Planning Compact requires that each element of the Regional Plan must contain implementation provisions and time schedules for such implementation by ordinance. In previous discussions of this issue, the staff and APC have said that the Plan is a 20-year plan and contains the required time schedules. For the convenience of the Governing Body, the staff has prepared the attached schedule of implementation activities by excerpting relevant policy statements from the Amended Final Draft (February, 1984) and other Regional Plan documents.

The attached schedule, in some instances, clarifies the intent of the staff and the APC regarding the timing of implementation. Where the Amended Final Draft does not specify the intended time schedule for a given activity, the staff has generally included this activity in Phase I (years 1-5).

In summary, the Plan contains a complete time schedule for implementation. However, the APC and the Governing Body must "continuously review and maintain the regional plan" (Article V(c)) to ensure that the Plan stays current with future developments.

Attachment
TIME SCHEDULE FOR IMPLEMENTATION
OF THE REGIONAL PLAN

I. Land Use Element

**Phase I (Years 1-5)**

- Adopt Code of Ordinances and Design Review Guidelines
- Develop Management Agency agreements; MOU's
- Develop TRPA/TBAG MOU on allocation policy
- Establish joint review agreements with City, counties
- Develop single family residential evaluation system
- Establish Capital Financing Committee; Capital Improvements Task Force
- Carry out Capital Financing legislative program
- Refine Capital Improvements Program for water quality
- Conduct fiscal capability studies for local government, utility districts; determine fair share contribution
- Develop consensus on short-term Capital Improvements Program
- Complete Stream Zone Restoration program plan
- Implement Phase I Stream Zone Restoration projects (480 acres)
- Implement Phase I Capital Improvements Program for water quality ($30 million)
- Establish regional water quality protection district (research, draft legislation, legislative initiative, establishment of district)
- Implement automobile inspection and maintenance program
- Implement home weatherization and solar heating program
Memo to the Governing Body
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Coordinate with local building departments regarding the enforcement of key provisions of the implementing ordinances

Carry out public awareness program related to water quality and air quality policies

Study feasibility of Phase II vapor recovery program for gas stations

Define CNEL levels for noise in wilderness and roadless areas and critical wildlife habitat

Establish monitoring and evaluation program; conduct special studies

Revise Handbook of Best Management Practices

Conduct major threshold and Regional Plan evaluation; contingency planning

Phase II (Years 6-10)

Implement Phase II Stream Zone Restoration program (360 acres)

Implement Phase II Capital Improvements Program for water quality ($30 million)

Carry out public awareness program related to water quality and air quality policies

Conduct threshold and Regional Plan evaluation; contingency planning

Phase III (Years 11-15)

Implement Phase III Stream Zone Restoration program (240 acres)

Implement Phase III Capital Improvements Program for water quality ($30 million)

Carry out public awareness program related to water quality and air quality policies

Conduct major threshold and Regional Plan evaluation; contingency planning
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Phase IV (Years 16-20)

Implement Phase IV Stream Zone Restoration program (120 acres)

Implement Phase IV Capital Improvements Program for water quality ($30 million)

Carry out public awareness program related to water quality and air quality policies

Conduct major threshold and Regional Plan evaluation; contingency planning
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II. Transportation Element  

Phase I (Years 1-5)  

Adopt Code of Ordinances and Design Review Guidelines  

Develop management Agency agreements, MOU’s  

Carry out formal TTD formation  

Complete TRPA/TTD MOU  

Establish Capital Financing Committee; Capital Improvements Task Force  

Develop consensus on short-term Capital Improvements program  

Refine Capital Improvements Program for transportation  

Implement U.S. 50 (South Shore) rapid transit system  

Extend STAGE service  

Expand TART routes, service  

Provide summer beach and campground bus service  

Establish scheduled transit service between N. Tahoe and Truckee  

Establish Incline Village paratransit system  

Establish N. Shore transit maintenance facility  

Establish S. Stateline-Carson City-Garnderville-Minden scheduled transit service  

Establish ridesharing program, including public awareness program and computer matching  

Coordinate establishment of park-and-ride lots  

Establish social services (elderly, handicapped) transportation service  

Establish coordinated South Shore casino shuttle service  

Implement bus pullout and bus shelter construction program
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Implement Basin-wide parking standards
Implement on-street parking restrictions
Conduct waterborne transit feasibility study
Prepare bicycle/pedestrian facility plan
Carry out highway capacity improvements--Phase I
Construct new highway alignments--Phase I
Initiate region-wide neighborhood mail delivery
Establish highway capacity and level-of-service criteria
Coordinate federal, state, and local transportation programs and plans
Establish monitoring and evaluation program; conduct special studies
Carry out public awareness program related to transportation policies
Conduct major threshold and Regional Plan evaluation; contingency planning

Phase II (Years 6-10)

Establish ridesharing incentive/disincentive program
Establish transit ridership incentive program
Conduct South Shore Light Rail feasibility study
Conduct transit evaluations for Kings Beach/Tahoe City paratransit; Douglas Co. paratransit; North-South Shore service
Evaluate combined student and public transit service
Construct U.S. 50 Corridor pedestrian facilities
Carry out highway capacity improvements--Phase II
Construct new highway alignments--Phase II
Provide waterborne transit service
Carry out public awareness program related to transportation policies
Conduct major threshold and Regional Plan evaluation; contingency planning
Phase III (Years 11-15)
Establish region-wide multi-modal transportation terminals
Establish South Shore busway or light rail system
Carry out highway capacity improvements--Phase III
Construct new highway alignments--Phase III
Carry out public awareness program related to transportation policies
Conduct major threshold and Regional Plan evaluation; contingency planning

Phase IV (Years 16-20)
Establish South Stateline transit mall and terminal
Determine feasibility of light rail system between Lake Tahoe and Sacramento
Determine feasibility of fixed guideway system between South Stateline area and Heavenly Valley ski area
Carry out highway capacity improvements--Phase IV
Construct new highway alignments--Phase IV
Carry out public awareness program related to transportation policies
Conduct major threshold and Regional Plan evaluation; contingency planning
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III. Conservation Element  

Phase I (Years 1-5)  
Adopt Code of Ordinances and Design Review Guidelines  
Develop Management Agency agreements, MOU's  
Revise land capability map  
Survey areas where excess coverage is causing environmental damage  
Identify uncommon plant communities  
Identify population sites and critical habitat of all sensitive plant species  
Develop in-stream maintenance program  
Evaluate Cascade and Fallen Leaf Lakes for low intensity uses and restrictions on use and size of boat motors  
Design view corridors from highways, identify scenic viewpoints, provide pull-outs, place appropriate signs, establish time limits for roadside turnouts  
Update procedures for stream environment zone identification  
Develop coordinated program to encourage recycling  
Establish monitoring and evaluation program; conduct special studies  
Implement Phase I SEZ restoration program (480 acres)  
Carry out public awareness program related to conservation policies  
Conduct major threshold and Regional Plan evaluation; contingency planning  

Phase II (Years 6-10)  
Implement Phase II SEZ restoration program (360 acres)  
Carry out public awareness program related to conservation policies  
Conduct major threshold and Regional Plan evaluation; contingency planning
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Phase III (Years 11-15)
Implement Phase III SEZ restoration program (240 acres)
Carry out public awareness program related to conservation policies
Conduct major threshold and Regional Plan evaluation; contingency planning

Phase IV (Years 16-20)
Implement Phase IV SEZ restoration program (120 acres)
Carry out public awareness program related to conservation policies
Conduct major threshold and Regional Plan evaluation; contingency planning

IV. Recreation Element

Phase I (Years 1-5)
Adopt Code of Ordinances and Design Review Guidelines
Develop management agency agreements, MOU's
Develop five-year recreation plan
Establish separate use areas for snowmobiling and cross country skiing
Restrict parking along scenic corridors
Promote use of underutilized recreation areas through public awareness and waterborne and inland transit systems
Establish monitoring and evaluation program; conduct special studies
Conduct major threshold and Regional Plan evaluation; contingency planning
Phase II (Years 6-10)
Conduct major threshold and Regional Plan evaluation; contingency planning

Phase III (Years 11-15)
Conduct major threshold and Regional Plan evaluation; contingency planning

Phase IV (Years 16-20)
Conduct major threshold and Regional Plan evaluation; contingency planning

V. Public Services and Facilities Element

Phase I (Years 1-5)
Adopt Code of Ordinances and Design Review Guidelines
Develop Management Agency Agreements, MOU's
Conduct major threshold and Regional Plan evaluation; contingency planning

Phase II (Years 6-10)
Conduct major threshold and Regional Plan evaluation; contingency planning

Phase III (Years 11-15)
Conduct major threshold and Regional Plan evaluation; contingency planning

Phase IV (Years 16-20)
Conduct major threshold and Regional Plan evaluation; contingency planning