TRPA
GOVERNING BOARD
PACKETS

MAY 1984
TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on May 23, 24, 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 May 23 and 24, 1984, at 8:15 a.m. each day in the same location, the TRPA Litigation Committee will meet to discuss pending litigation involving Hunton/Anderson and James Fernhoff.

NOTICE IS FURTHER GIVEN that at some point during the two-day regular meeting at the same location at a time to be announced the Finance Committee will meet to discuss the Agency's budget and work program.

Date: May 4, 1984

By

Gary D. 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.
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

May 23, 1984 9:30 a.m.
May 24, 1984 9:30 a.m.

NOTE: There will be a meeting of the Litigation Committee on May 23 and on May 24 at 8:15 a.m. each day at the TRPA office. The purpose of said meetings is to discuss pending litigation involving Hunton/Anderson and James Fernhoff.

At a time to be announced, there will be a meeting of the Finance Committee at some point during the two-day session. The purpose of said meeting is to discuss the Agency's budget and work program.

PRELIMINARY AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  CONSENT CALENDAR

V  PUBLIC HEARING

A. To Consider Amendments to Ordinance 84-1
   Adopting and Implementing the Regional Plan

   1. Treatment of Pending Commercial
      Projects Under the Adopting Ordinance

   2. Treatment of Activities Covered By Existing Memoranda
      of Understanding With Other Public Agencies

   3. Other

B. To Consider Amendment of the Land Capability Overlay
   Maps Adopted as Part of the Regional Plan Maps

   1. Incline Redelineations

   2. Rubicon Redelineations

   3. Other

VI  RESOLUTIONS

A. Resolution Setting Forth Exemptions
   for Payment of Project Filing Fees

B. Resolution Concerning Pending Commercial Projects

C. Other
VII PLANNING MATTERS

A. Presentation by the Tahoe Transportation District of the Draft Short-Range Transit Plan (Five Years) for the Tahoe Basin

B. Status of Ordinances and Plan Area Statements

C. Status of APC Review of Water Quality and Air/Transportation Mitigation Fees

VIII SPECIAL DETERMINATIONS

A. Glenbrook Co., Determination on Proposed Removal of Historical Pilings, Douglas County

B. Hunton/Anderson vs. TRPA, Determination of Acceptance of Proposed Litigation Settlement, Douglas County APN 07-263-14

C. Other

IX APPEALS

A. C., P., National, Appeal of Staff Determination That (Expansion of Service Is Not An Emergency As Set Forth Under the Temporary Restraining Order), El Dorado County, TRPA File #84124

B. Earl Stevenson, Appeal of Staff Determination That Modifications to a Commercial Project With a Valid Building Permit Are Substantial and Therefore Constitute a New Project, Washoe County APN 124-163-05, TRPA File #83673

C. Other

X ENFORCEMENT

A. Show Cause Hearings

1. Barsotti, Unauthorized Land Coverage, Construction of a Deck, Lot 71, Elks Subdivision, Douglas County APN 05-232-32

2. Nevada State 4-H Camp/Glenn Amundson, Contractor, Unauthorized Pier Repair, Stateline, Douglas County

B. Reports

XI ORDINANCE

First Reading of Ordinance Amending the Regional Plan

XII ADMINISTRATIVE MATTERS

XIII REPORTS

A. Litigation Committee Report

B. Finance Committee Report
C. Acting Executive Director Report

D. Executive Session

F. Legal Counsel Report

F. Governing Body Members

G. Public Interest Comments

XIV CORRESPONDENCE

XV PENDING MATTERS

XVI ADJOURNMENT

CONSENT CALENDAR

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommended Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Placer County Request for $8,500 in Water Quality Mitigation Funds for the Cedar Flat Drainage Improvement Project, File #83918</td>
<td>Approval</td>
</tr>
<tr>
<td>Carrillo, Request for Finding of Vested Rights, Single Family Dwelling, Douglas County APN 07-180-13-6, TRPA File #84150</td>
<td>Approval w/ Findings</td>
</tr>
</tbody>
</table>

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.
MEMORANDUM

May 14, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Consent Calendar Item - Placer County Request for $8,500 in Water Quality Mitigation Funds for the Cedar Flat Drainage Improvement Project, TRPA File #83918

Placer County, in conjunction with the Cedar Flat Homeowners Association, has requested $8,500 from the Water Quality Mitigation Fund for engineering, design and construction costs associated with 300 feet of outfall channel to be constructed concurrently with the Caltrans Cedar Flat Drainage Improvements project.

History: In late 1983, Caltrans submitted an application to replace an existing 18" pipe under Highway 28 with a 71" x 47" x 68' bituminous-lined corrugated steel pipe arch. The original application submitted included work within Caltrans right-of-way only. As such, with approximately 300 feet of unimproved outfall remaining to the Lake shore and the unstable condition of the site, Agency staff could not make the finding of no significant impact required to approve the project. Caltrans has remained firm in its position that work beyond the right-of-way was not its responsibility.

In recognition of the potential hazard to public health and safety due to flooding caused by an inadequate drainage system and the potential environmental impacts resulting from implementation of only a partial solution to the problem, staff is recommending payment of an amount not to exceed $8,500 for funding of the remaining 300 feet of outfall channel.

Payment of the funds shall be conditioned upon compliance with the following:

1. Final approval for the Caltrans Cedar Flat Drainage Improvement project by TRPA (TRPA File #83918).

2. Funding is not to exceed actual cost. Method of disbursement of the funds shall be mutually agreed upon by TRPA, Placer County and the Cedar Flat Homeowners Association.

RA:jf
5/14/84

CONSENT CALENDAR ITEM 1.
3. Final plans for the outfall channel shall be reviewed and approved by TRPA staff.

4. An agreement concerning the operation and continued maintenance of the outfall channel shall be reviewed and approved by TRPA staff prior to commencement of the project.
MEMORANDUM

May 11, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Consent Calendar Item - Carrillo, Request for a Finding of Vested Rights, Single Family Dwelling, Douglas County APN 07-180-13-6, TRPA File #84150

After further discussions with Agency legal counsel, it has been determined that the Agency is prohibited from taking action concerning the above item under the provisions of the temporary restraining order. As such, the item has been removed from consideration at the May 23, 1984 Governing Board meeting.
MEMORANDUM

May 15, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Treatment of Pending Commercial Projects Under the Adopting Ordinance - Agenda Item V A.1.

Pursuant to the Governing Board's direction last month, the staff has placed on the agenda a public hearing item to consider amendment of the Regional Plan ordinance to set forth guidelines for treatment of commercial projects on file with the Agency. According to legal counsel, giving special status to these commercial projects can be accomplished either by ordinance amendment or by resolution (see agenda item VI B. - Resolution Concerning Pending Commercial Projects).

Enclosed for your information is a copy of a draft resolution previously prepared and submitted by Mr. George Echan, attorney for Mr. Jouflas, the owner of a proposed commercial project in Douglas County.

Due to time constraints and the extensive work load caused by the recent litigation activities, staff has been unable to prepare an ordinance draft for consideration but will attempt, if possible and as time allows, to have ordinance amendments available for consideration at the May 23 meeting.

Enclosure
RESOLUTION

WHEREAS, there are two new commercial projects which were the subject of a complete, fee-paid Agency application in advance of the effective date of Agency Resolution 83-21 (August 26, 1983) [pending projects]; and

WHEREAS, each of the pending projects is consistent with current staff recommended Planning Area Statements, Regional Goals & Policies Plan, Attachment C, (February 1984); and

WHEREAS, each of the pending projects is located on land classified as Land Capability District 4 through 7 and is in compliance with land coverage limitations of said district, or has received Agency notice of land coverage consistent with the scope of the pending project; and

WHEREAS, in the absence of Agency Resolution No. 83-21 the application for the pending projects would have continued within the permit process, subject to all applicable Agency plans, ordinances, rules, regulations and policies in effect at that time; and

WHEREAS, each of the pending projects shall now be subject to the provisions of Ordinance 84- (Ordinance Adopting Amendments to the Regional Plan) as clarified by the Memorandum regarding Project Review under the Agency Ordinance dated March 27, 1984; and
WHEREAS, equitable considerations dictate that
the pending commercial projects qualified as described above
be given priority in allocation over new commercial project
applications; and

WHEREAS, review of said pending projects should
be limited to a specific period of time, expiring December
31, 1985, it being understood that such time is reasonably
required to accommodate Agency adoption of plan area statements,
Agency code of ordinances, air quality and water quality
fees and the pending projects' processing thereunder;

NOW THEREFORE, be it resolved as follows:

1. Provided that a pending project is located
in a city or county which as of December 31, 1983 had a
surplus of available commercial building square footage
sufficient to accommodate the commercial building square
footage of the pending project, said project shall not be
subject to allocation by Tahoe Basin Area Governments (TBAG);
but shall be permitted to proceed as an allocation pursuant
to Article VI(c)(4) of the Compact, and not be counted against
the allocation limitations for commercial square footage
in the Regional Plan of the Lake Tahoe Basin, Part I: Goals
and Policies, February 1984 (the Regional Plan). The term
"surplus" as used herein shall mean that number derived
by subtracting the commercial building square footage for

2. To the extent there is inadequate surplus to accommodate a pending project, the city or county in which a pending project is located shall be given an immediate allocation for the project, and the project shall be permitted to proceed as part of the 1984 allocation for commercial square footage under the Regional Plan. Said allocation shall be counted against the relevant city's or county's share of allocation as determined by TBAG. However, in no event shall such city or county receive in 1984 an allocation less than the amount of the commercial square footage contained in the pending project.

3. Review of each of the pending projects shall be completed on December 31, 1985. In the event a pending project has not received Agency approval on or before said date its allocation priorities herein provided for shall lapse.
May 15, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Agenda Item V A. 2. - Treatment of Activities Covered by Existing Memoranda of Understanding With Other Public Agencies

Last month, the Governing Board discussed a list of project types that cannot be processed until adoption of the TRPA code of ordinances. This list is "Attachment A" to the adopting ordinance. Prior to second reading of that ordinance, Agency staff suggested that language be included to allow processing of activities that are exempt under existing Memoranda of Understanding (MOU's). The Governing Board directed staff to come back in May with additional information with respect to existing MOU's, at which time an amendment to "Attachment A", in the form of a resolution, would be considered.

As provided for under Sections 3.41(4) and 3.42(2) of TRPA Ordinance 81-1, the Agency has entered into several MOU's with other public agencies to establish specific lists of activities that do not have significant impacts on the environment and are, therefore, exempt from TRPA review and approval.

The TRPA has entered into MOU's with the following agencies:

1. U.S. Forest Service, Lake Tahoe Basin Management Unit;

2. Nevada Department of Transportation;

3. California Department of Transportation; and

4. Tahoe City Public utility District.

Generally, these MOU's allow these agencies to continue performing ordinary maintenance and repair activities on existing improvements, such as roads, utilities and recreation facilities; and, with respect to the Forest Service MOU, to continue to implement existing land management programs for the protection and enhancement of vegetation, watersheds, range, fish and wildlife. The provisions of these MOU's have been applied to similar activities undertaken by public agencies that have not entered into individual MOU's.
Memo to the Governing Board
MOU's With Public Agencies
May 15, 1984  page two

The types of activities set forth as exempt have been evaluated by Agency staff and have been determined to result in no significant cumulative or individual adverse impacts on the environment. Each MOU does, however, contain a provision defining any of the activities set forth therein as projects if it is found by the Governing Board that such activity has a significant cumulative or individual impact on the environment. The MOU's also contain procedural requirements where Agency staff must sign off on the activities determined to be exempt.

The Forest Service MOU only contains a procedure which allows the Executive Director of the TRPA to issue permits for activities that are not exempt under the MOU. The procedure requires the Forest Service to submit to TRPA the Environmental Assessment prepared under the National Environmental Policy Act (NEPA). The scope of the review by the TRPA is limited to compliance with "the principles of the air and water quality policies and ordinances of the TRPA and to application of Best Management Practices (BMP's)". If an agreement between the Forest Service and the Executive Director regarding the extent of compliance and mitigation measures cannot be reached, the matter is to be referred to the Governing Board.

Recommendation: Agency staff recommends that "Attachment A" be amended by resolution to allow processing of only those activities identified and found to be exempt under the provisions of the existing MOU's identified in this memo. Those activities that are projects under the Forest Service memo should be reviewed on an individual basis to determine if the existing ordinances and Goals and Policies Plan provide adequate standards and regulations to assure compliance with the amended regional plan and adopted environmental thresholds. If this determination can be made, the procedure set forth in that MOU should be continued for issuance of a permit.

The recommendation regarding exempt activities is consistent with the stipulation amending the temporary restraining order issued to the Agency by the United States District Court. The procedure recommended for the issuance of permits for Forest Service activities that are not exempt cannot be implemented under the terms of the stipulation.
MEMORANDUM

May 14, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Proposed Amendments to the Land Capability Overlay Maps - Agenda Item V B.

The proposed areawide "land capability challenges" noted on the May agenda are being continued as a result of the May Advisory Planning Commission meeting, at which time it was noted that there were some technical mapping problems with the California challenges and that all affected property owners were not notified of the APC's hearing. Although such notice is not required for the APC meeting, it was generally agreed that the Agency would renotice and provide individual notices to all affected owners and that both the APC and the Governing Body would be considering such amendments at their regular June meetings.
May 14, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Agenda Item VI A. - Resolution Setting Forth Exemptions for Payment of Project Filing Fees

History: In the past, the Agency has not required filing fees for projects submitted by departments of local government, the U.S. Forest Service, or agencies of State Governments (i.e. Caltrans, NDOT, etc.). Local utility districts have always paid project filing fees. This exemption was based on an interpretation of the language contained in Section 7.11 of the TRPA Rules and Regulations that were in effect prior to adoption of the amended Compact in December, 1980.

Section 7.11 read as follows: "Applications for all permits issued, reviewed or approved by the Agency, except those of public agencies having a representative upon the Governing Board, shall be accompanied by a filing fee, as established by resolution of the Governing Board." The current TRPA Rules and Regulations are silent with respect to exemptions to project filing fees.

Alternatives: Agency staff has prepared the following alternatives for consideration by the Governing Board:

A. **Intent:** Exempt projects submitted by local government only.

**Language:** The TRPA filing fee schedule shall not apply to projects submitted by departments of local government having a representative upon the Governing Board.

B. **Intent:** Exempt projects submitted by local government and only those agencies of State Government having direct representation on the Governing Board as indicated below:

<table>
<thead>
<tr>
<th>California</th>
<th>Nevada</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor's Office</td>
<td>Governor's Office</td>
</tr>
<tr>
<td>Assembly Speaker</td>
<td>Secretary of State</td>
</tr>
<tr>
<td>Senate Rules Committee</td>
<td>Department of Conservation &amp; Natural Resources</td>
</tr>
</tbody>
</table>

**Language:** The TRPA filing fee shall not apply to projects submitted by departments of local government or state offices or departments having direct representation on the Governing Board.

5/14/84
GG:jf
Memo to the Governing Board
Filing Fee Exemptions
May 14, 1984
Page two

C. Intent: Exempt projects submitted by all local governments and all agencies of State and Federal Government.

Language: The TRPA filing fee schedule shall not apply to projects submitted by departments of a local government having a representative upon the Governing Board or agencies, departments or offices of State or Federal Government.
MEMORANDUM

May 15, 1984

To: The TRPA Governing Board

From: The Staff

Subject: TTD Presentation on the Draft Short-Range Transit Plan - Agenda Item VII A.

At the request of the Tahoe Transportation District (TTD), the staff recommends that this item be continued to the June agenda.

Originally, the TTD staff and consultant had planned to make a presentation on the short-range plan to both the TTD Board and the TRPA Board in May, prior to approval of the plan by the TTD Board in June. However, the TTD is unable to convene a quorum for its scheduled special meeting on May 18 and, therefore, requests the one-month continuance.

The TTD staff and consultant (JHK Associates, Sacramento) made a brief presentation to the APC on May 9. TRPA staff has been working with the TTD to help them produce a high quality plan.

Board members who have questions or comments on this agenda item should direct them to Dave Ziegler or Bill Murphy, TTD Transit Manager.
MEMORANDUM

May 15, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Status of Ordinances and Plan Area Statements

The nine-chapter code of ordinances is currently under review, and the status of each chapter is as follows:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Staff Draft</th>
<th>APC Committee</th>
<th>APC Recommendation</th>
<th>GB Committee</th>
<th>GB Approval</th>
</tr>
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<tbody>
<tr>
<td>1 Procedure</td>
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<td>2 Land Use</td>
<td>X</td>
<td>X</td>
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<td></td>
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<tr>
<td>3 Subdivision</td>
<td>X</td>
<td></td>
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<td></td>
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<td>4 Shorezone</td>
<td>X</td>
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<tr>
<td>5 Grading</td>
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<td>9 Growth</td>
<td>X</td>
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X = Completed Review

The status of the Plan Areas was discussed at the May APC meeting, and the following schedule and procedure for review were recommended:

1. Staff will complete the second draft of the Plan Areas by local jurisdiction (5 areas).

2. Staff will circulate the drafts for public review and comment for approximately a month (targeted for June).

3. A workshop will be scheduled in each area which will include staff, APC members, and Governing Board members; at a minimum, these workshops will include the local APC and Governing Board representative (targeted for July).

4. The APC and Governing Board will conduct public hearings in August at their regular meetings.

5/15/84
GWB:jf

AGENDA ITEM VII B.
Memo to the Governing Board
Status of Plan Areas and Ordinances
May 15, 1984  page two

The status of each jurisdiction at the date of the Governing Board meeting will be as follows:

<table>
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<tr>
<th>Jurisdiction</th>
<th>1st Draft</th>
<th>Hearing</th>
<th>2nd Draft</th>
<th>Workshop</th>
<th>APC</th>
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</table>

X = Completed
MEMORANDUM

Date: May 14, 1984

To: TRPA Governing Board

From: Agency Staff

Subject: Glenbrook Co., Determination on Proposed Removal of Historical Pilings, Douglas County

The Tahoe Regional Planning Agency Governing Board at their regular meeting on April 24, 1984 could not make the special determination that the subject pilings are historical structures. Although two motions failed that would have identified the subject pilings as historical structures, a third motion passed that generally directed the interested parties to get together in an attempt to reach an acceptable resolution regarding the issue of piling removal in Glenbrook Bay. The third motion required that the matter be brought back to the Governing Board for final action. Agency staff has interpreted this action as requiring Governing Board approval of any proposal to remove piling located in Glenbrook Bay.

On May 10, 1984, Agency staff met with Randy Nahas, Fritzi Hunnington, and representatives from Nevada Division of State Lands and the Historical Preservation Division at Glenbrook to work on a resolution as directed. At that meeting, the parties agreed that an acceptable resolution could be not reached.

Therefore, Agency staff is requesting further direction from the Governing Board on the matter of removing the piling. Please see the attached staff summary for further information.

AGENDA ITEM VIII A.
Glenbrook Co., Special Determination on
Proposed Removal of Historical Pilings,
Douglas County

Project History: The Glenbrook Company submitted an application to TRPA on January 4, 1983 to install a boat lift on the south side of the community pier in Glenbrook. Installation and accessing the proposed lift would necessitate removal of 20 old pilings that were once part of the historical Glenbrook pier. The item was scheduled to be heard as a project at the regular Governing Board meeting in February, 1983. Between the time of application submittal and the meeting, the Agency received approximately 12 letters in opposition to the project stating that the pilings were of major historical and aesthetic value to Glenbrook Bay. Further, the Nevada Division of Historical Preservation and Archeology and the California Heritage Council have stated in writing that the historical pilings should be retained as a reminder of Glenbrook Bay's colorful past.

At the February 1983 TRPA Board meeting, Pam Wilcox, of the Nevada Division of State Lands, recommended that a master plan be developed by all concerned parties for the future development in Glenbrook Bay. This concept was agreeable to all parties and residents at Glenbrook; and the TRPA Chairman Jim Reed therefore continued the item to a later agenda.

The Nevada Division of State Lands held four meetings (April, May, June and July, 1983) to discuss with the interested parties a shorezone development plan for Glenbrook Bay. The pilings were always discussed, and all parties agreed on a compromise on which pilings should be removed and which should remain. The shorezone master plan for Glenbrook provided for removal of the first group of seven deteriorated pilings west of the community pier and submerged pilings south of the pier as indicated on Attachment A, as well as other miscellaneous pilings in the Bay deemed hazardous. Then in February, 1984, the last meeting was held, and the Glenbrook Company representatives stated that, after further legal research, they had concluded that the historical pilings were a liability hazard and that additional pilings should be removed. More specifically, the additional pilings included the 17 pilings located adjacent to the south end of the community pier which are closest to the shoreline. Of these 17 pilings, approximately 10 are submerged. Nevada State Lands does not object to the submerged pilings being removed, only to those 7 or 8 which are above the water's surface.

Review Per Section: Section 3.90 of Ordinance 81-1 which reads as follows:

The demolition of existing single family residences and accessory structures, except historical structures, is not a "project" within the meaning of the Compact and is exempt from the Agency's review and approval where such demolition is pursuant to a local government permit.

4/16/84
KE:jf
Agency staff has interpreted the above section to require that removal of historical structures of any type is a project requiring that an application be submitted and reviewed by the Agency. Pursuant to this interpretation, removal of the historical pilings in Glenbrook Bay is considered to be a "project" requiring approval by the Agency.

**Impact Analysis and Mitigation Measures:** The historical pilings in Glenbrook Bay are considered to have general historical significance by the Nevada Division of Historical Preservation and the California Heritage Council. The pilings are reminders of the role the lumbering activity at Tahoe had on the Comstock era. The pilings are all greater than one hundred years old and are some of the only remains at Tahoe of an industry which contributed to Nevada's admittance to the Union, which was of national significance. The Historic Preservation representatives feel that the most potentially hazardous pilings may be removed; however, the pilings that remain should represent an impression of the old piers and structures that once existed. They think that removal of the pilings closest to the shoreline along the south end of the community pier would remove the impression that the old pier was once located there.

The Glenbrook Company, which owns the littoral property landward of the subject pilings, feels that the deteriorated piling along the south side of the community pier should be removed because they pose a serious threat to human safety as well as an unacceptable liability to the Company. The Company has offered to remove the pilings at its own expense. Removal of the pilings would be done by cutting them at the lake bottom elevation. This method would minimize disturbance to the lake bottom.

Removal of the pilings along the south side of the community pier would also provide increased boat access to the multiple use pier.

**Issues for Discussion:**

The Glenbrook Company is concerned that the people, especially children, that utilize the community pier and beach area may harm themselves on the jagged, broken pilings adjacent to the pier and beach. If an injury or death occurred as a result of harm from a piling, the Glenbrook Company assumes it will be held liable. To date, there has been no confirmation as to who is responsible for the pilings. The State of Nevada owns the property lakeward of the low water elevation (elevation 6223.1) on which some of the pilings are located, and the Glenbrook Company owns the property between high and low water where the remaining pilings are proposed to be removed.

There may be alternatives other than removing the pilings that may lessen the possibility of someone being injured on the historical structures. Such an alternative includes installation of a railing or fence along the south end of the pier and posting signs that prohibit swimming in the vicinity of the piling.

4/16/84
MEMORANDUM

May 14, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Current Status of Hunton/Anderson Litigation Settlement

At the April meeting, the Governing Board directed Agency counsel to negotiate with the applicant to try and reach a settlement addressing the concerns expressed by the Board. These concerns included:

1. The 1974 parcel map was recorded without the allowable coverages being indicated on the map.

2. The foundation-only permit was issued based upon incorrect coverage information on the application.

3. The building permit may therefore have been invalid and a vested right would therefore not be appropriate.

A meeting was subsequently held with the applicant, Agency legal counsel, and Agency staff. Several options for a settlement were discussed. It was decided that the most appropriate settlement would be for the applicant to purchase a critical lot and retire it from development. The proposal by the applicant is attached.

Because a primary issue in this situation has been one of allowable coverage, the proposed settlement may most appropriately address the problem.

Attachment

5/14/84
NS:jf

AGENDA ITEM VIII B.
May 9, 1984

Ms. Susan E. Scholley
Shaw, Heaton, Doescher & Owen, Ltd.
P.O. Box 605
Carson City, NV 89702

Re: Hunton/Anderson, TRPA Settlement

Dear Susan,

Thank you for the opportunity of meeting with you and Nora Shepard on Tuesday afternoon. This letter is to confirm our settlement discussion. Following is the settlement proposal you informed me that the staff would recommend for approval to the TRPA Board.

The settlement proposal would include:

1. Mitigation measures as stated by Ernie Jones at the April TRPA meeting and outlined in Ernie Jones letter dated June 28, 1983, a copy of which is attached.

2. Transfer of development rights based on the following parameters:

   a) Hunton will purchase a pre 1972 subdivision lot located in Douglas County, Nevada and donate such lot to an agency approved by TRPA such as the Forest Service, League to Save Lake Tahoe or Trust for Public Lands.

   b) Such lot will be in land capability classification 1, 2 or 3 or the stream environment zone.

   c) Such lot will be undeveloped.

The mitigation measures outlined by Ernie Jones are estimated to cost approximately $16,000. Any remaining concerns for mitigation would be offset by the transfer of development rights.
Ms. Susan Scholley
Re: Hunton/Anderson
May 9, 1984 - 2

The cooperation of the staff in working out this settlement is appreciated.

Sincerely yours,

[Signature]

LESTER H. BERKSON

LHB: sb

cc: Ms. Nora Shepard
    Hunton/Anderson
    Ernie Jones
    Gary Midkiff, TRPA Executive Director
    TRPA Board Members
June 28, 1983

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

Attn: Nora Shepard

Re: Hunton Application, Douglas County, APN 07-263-14

Dear Nora:

Thank you for your timely site visit on June 25, 1983 to the Hunton parcel. I think it was most productive to be able to meet with you on the site to discuss the alternative remedies for the existing condition.

My understanding of the necessary drainage improvements to satisfy staff concerns is as follows:

A. Grade existing driveway at a 2 percent slope.

B. Pave existing driveway at a 10 to 12 foot width.

C. Construct adequately sized infiltration trenches on the down hill side of the driveway. Minimize disturbance of existing vegetation.

D. Construct two foot high timber retaining wall along the toe of the existing cut slope.

E. Backfill, as possible, behind the wall and revegetate with SCS recommended mixtures.

F. Provide approximately 20 foot wide rip-rap slope protection along existing fill slope at location where existing drainage is causing noticeable gullyng.
June 28, 1983

Hunton application, APN 07-263-14

If there are any other requirements please advise me as soon as possible.

Very truly yours,

Ernest L. Jones

ELJ/elg

cc: Cho Hunton
    Lester Berkson
    Lou Douscher
MEMORANDUM

Date: May 14, 1984

To: TRPA Governing Board

From: Agency Staff

Subject: C. P. National, Appeal of Staff Determination That Expansion of Service Is Not An Emergency As Set Forth Under the Temporary Restraining Order, El Dorado County, TRPA File #84124

Subsequent to the final agenda mailing, the applicant submitted additional information regarding the above-referenced appeal. Based upon the additional information submitted and an agreement by the applicant to separate out only those portions of the project intended for the protection of the public health and safety, staff has resolved this matter.
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 96731

MEMORANDUM

May 11, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Earl Stevenson, Appeal of Staff Determination That Modifications to a Commercial Project With a Valid Building Permit Are Substantial and Therefore Constitute a New Project, Washoe County APN 124-163-05, TRPA File #83673

Applicant: Earl Stevenson

Site Location: The site contains 1.88 acres and is located at the northeasterly corner of Fairway Boulevard and Northwood Boulevard in Incline Village.

Land Use District: General Commercial (GC)

Land Capability Classification: Level 6, IsC soil type, 30% allowable land coverage

Project History: On September 12, 1980, the applicant received four building permits to construct four commercial/professional office buildings on the subject property (see Exhibit A). The exterior dimensions of each building were to be 92 feet by 52 feet, with the lower story containing 2,800 square feet for three retail commercial shops and the upper story containing 3,700 square feet for three professional offices. The four buildings would contain a combined total of 14,800 square feet of professional office space and 11,200 square feet of retail commercial space. The site plan shows 66.5% land coverage (53,500 square feet) and contains 77 parking spaces.

On February 23, 1982, the original building permits issued in September, 1980 were renewed and were valid through September 14, 1983. On September 14, 1983 the Washoe County building permits were again renewed and are valid until March 14, 1985. Therefore, the applicant has the right to construct the project for which the building permits were issued. To date, no construction has taken place on the site.

In September, 1980, TRPA review and approval was not required for commercial projects on sites of 3 acres or less in size. The subject project site is 1.88 acres in size; therefore, the building permits were properly issued by Washoe County in September, 1980. The original building permits were valid for 18 months, until March 12, 1982; therefore, the renewals issued by Washoe County in February, 1982 and September, 1983 were also proper.

5/11/82
RA:jf

AGENDA ITEM IX B.
Applicant's Request: The applicant now proposes to modify the commercial project for which the building permits were issued by converting the project to a motel (see Exhibit B). The current proposal is for a two-story single structure (16,032 square foot) housing 52 motel units. The site plan shows 29.8% land coverage (24,368 square feet) and contains 52 parking spaces.

Building Permit Modifications: The Washoe County Building Department has indicated that the proposed modifications would be processed as revisions to the existing building permits. The applicant would be required to pay new plan check fees and any building permit fees in excess of those paid for the original project. The uses proposed under the valid building permits and those under the proposed modifications are permitted under Washoe County zoning without issuance of a "special use permit".

Comparison of Impacts:

Traffic - The applicant has prepared and submitted a traffic study which compares the vehicle trips generated from the commercial project against those generated from the proposed motel project. The applicant concludes that the original commercial project will generate a total of approximately 1,151 vehicle trips per day and that the proposed motel project will generate a total of 735 vehicle trips per day. Staff believes, however, that there is a potential difference between the two proposals. The original commercial project may have redistributed trips, while the motel project may result in a new trip-end generator, thereby generating new trips within the Basin.

Water Usage - Water usage will be substantially greater for the motel project than for the commercial project.

Water Quality: The proposed project represents a significant reduction in land coverage over that of the commercial project (24,368 square feet vs. 53,500 square feet). As such, potential water quality impacts associated with site disturbance and land coverage will be less for the motel project.

Agency Review: Current ordinances and regulations as well as those in effect at the time of the September, 1980 Washoe County approval provide that any activity involving the creation of new transient dwelling units requires final action by the Governing Body of the Agency, including issuance of an Agency permit. Staff believes that new construction or conversion of an existing structure resulting in an increase in tourist accommodation units is clearly defined as a "project" requiring Agency review and approval.

Further, the development priority system of the amended Regional Plan does not permit any new tourist accommodations in the early phases of the Plan. Tourist Accommodation units permitted in the later phases of the Plan will only be allowed through transfer of development rights from existing developments to more suitable sites.
Environmental Documentation: When the original project was reviewed and approved by Washoe County in September, 1980, TRPA review and approval were not required for commercial development on sites of 3 acres or less in size. As a result, no environmental documentation was ever prepared for development of this site.

Staff Findings: In light of the above, Agency staff finds that the proposed modifications to replace 11,000 square feet of professional office space and 8,124 square feet of retail commercial space with 52 motel units are substantial and result in a different project than the project for which the building permits were issued.
MEMORANDUM

Date: May 9, 1984

To: TRPA Governing Body

From: Agency Staff

Subject: Barsotti, Unauthorized Land Coverage, Construction of a Deck, Lot 71, Elks Subdivision, Douglas County APN 05-232-32

This item was continued from the April, 1984 Governing Board meeting to allow Mr. Barsotti sufficient time to obtain representation in this matter.

Background

In February of 1982, the Tahoe Regional Planning Agency issued a permit to Mr. Barsotti to construct a single family dwelling under the Nevada side case-by-case review, based upon the following criteria:

<table>
<thead>
<tr>
<th>Capability Level:</th>
<th>1A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size:</td>
<td>5,000 sq. ft.</td>
</tr>
<tr>
<td>Allowed Coverage by Land Capability:</td>
<td>50 sq. ft.</td>
</tr>
<tr>
<td>Proposed Coverage:</td>
<td>1,000 sq. ft.</td>
</tr>
<tr>
<td>Coverage in Excess of Land Capability:</td>
<td>950 sq. ft.</td>
</tr>
<tr>
<td>Mitigation Fee:</td>
<td>$2,862</td>
</tr>
</tbody>
</table>

The dwelling was constructed utilizing the maximum permitted coverage of 1,000 sq. ft., and was completed in February of 1983. In August of 1983, Agency staff found that a 10' x 15' wood deck, not shown on the approved plans, had been added to the house without benefit of a permit from this Agency. This enforcement action was postponed from August due to the work load and priorities involved in adopting a new general plan for this Agency.

The owner has proposed to remove existing coverage from an adjoining parcel that he owns, on which a single family dwelling is located. However, staff feels that it is not equitable to allow a violation to exist on one site and try to resolve it on another site, particularly considering the 1A land classification of the two parcels involved. A lot line adjustment between Mr. Barsotti's adjoining parcels would not solve the problem either, due to the excessive amount of nonconforming coverage involved.
Recommended Action

The project was constructed at the maximum allowable coverage; therefore, there is no additional allowable coverage to provide for the continued use and existence of the 150 square foot deck. Since the deck was constructed shortly after a final inspection was made on the Barsotti residence by Agency staff, the owner and his family should have been aware as to the required TRPA and county permits, and to the fact that no additional coverage could be approved. Therefore, staff recommends that in lieu of the Agency pursuing civil litigation, Mr. Barsotti be ordered to: 1) pay a $430.00 civil penalty to the Agency within 20 days; 2) remove the subject deck and all supporting members within 30 days; 3) restore and revegetate the area(s) disturbed as a result of the construction and/or removal within 60 days in accordance with a plan approved by Agency staff; and 4) post a $1,500.00 security with the Agency within 20 days to assure compliance with the requirements stated above. The $430.00 civil penalty is twice the amount of the filing fee that otherwise would have been required to bring this matter before the Governing Board. If compliance is not obtained within the time periods setforth herein, legal counsel shall be directed to commence civil judicial proceedings to resolve the current violation.
MEMORANDUM

May 11, 1984

TO: TRPA Governing Body

FROM: Agency Staff

SUBJECT: Nevada State 4-H Camp/Glenn Amundson, Contractor,
Unauthorized Pier Repair, Stateline, Douglas County

Background

On April 9, 1984, Agency staff placed a Stop Work order on unauthorized pier repair work occurring at the 4-H Camp facility that is owned and operated by the University of Nevada, Reno. The contractor, Glenn Amundson, had completed the replacement of 4 pilings when the work was stopped. No application for the repairs has been submitted to this Agency and, therefore no review has been performed by the TRPA.

In a letter to this Agency (see attachment), Donald K. Rolston of the University of Nevada staff contends that the pier repair is an emergency due to immediate health or safety risk. In their opinion "the unfinished pier, with the exposed pilings and beams, presents a great potential safety hazard".

Agency staff feels that the existing pier facility is in satisfactory condition, and may only require the replacement of a few deck planks to make the pier completely functional. The only potential hazard is that which has been created by the unauthorized pier work - the partial dismantling of the pier and the placement of 4 new pilings. If these new pilings are indeed a hazard, then their removal will eliminate the hazard.

Mr. Amundson has been contracting on piers and repairs to structures in Lake Tahoe for over 10 years and is fully aware of Agency permit requirements. Also, the UNR/4-H Camp has dealt with TRPA previously and, as stated in a phone conversation, were aware that Agency requirements had to be met.

Recommendation

Since repairs to existing, conforming piers have been exempted from the current temporary restraining order placed upon this Agency, staff can now accept an application for this particular item. To avoid any potential liability at this time they may choose to remove the newly placed pilings and/or install a temporary fence to prevent unauthorized access to the pier until the necessary permit can be obtained.

AGENDA ITEM X A. 2.
Staff recommends that the following requirements be met in lieu of the Agency pursuing civil litigation in this matter:

1. A pier repair application shall be submitted to TRPA within 15 days, along with a project security of $5,000.00. This security is to ensure project compliance, or in the event that approval is denied, to ensure the removal of the unauthorized work.

2. Require double the project filing fee for this application due to commencement of work without a permit.

3. A penalty assessment of $1,000.00 each for both the contractor and the UNR/4-H camp for the unauthorized work.

If compliance is not obtained on the above-noted items, legal counsel shall be directed to commence civil judicial proceedings to resolve the current violation.
May 4, 1984

Mr. Gary Midkiff
Acting Executive Director
Tahoe Regional Planning Agency
P. O. Box 5896
South Lake Tahoe, California

Dear Mr. Midkiff:

The Nevada State 4-H Office hereby requests an appeal to the staff decision of the Tahoe Regional Planning Agency relating to pier repair as not being an emergency at the Nevada State 4-H Camp facility located at Stateline, Nevada.

It is our understanding that the staff decision was based on the belief that no immediate health or safety risk to our campers would be incurred by leaving the pier unrepaired. It is the opinion of the Nevada State 4-H Office that the unfinished pier, with the exposed pilings and beams, presents a great potential safety hazard. We therefore ask that an exception to your staff decision be granted.

Nevada 4-H youth are not the only campers using the facility during the summer. The following is a partial list of our campers:

1. Approximately 500 4-H youth between the ages of 9-18 during five one week sessions.
2. Approximately 100 mentally or physically handicapped youth through Camp Lots O' Fun for one week.
3. A UNR Music Camp for high school students.
4. Numerous other family-youth oriented activities of one day to one week duration.

RECEIVED

May 4, 1984

Tahoe Regional Planning Agency
May 4, 1984
Page 2

Considering the diversity of our clientele listed above it would be impossible to erect a security gate that would keep campers away from the unrepaird portion of the pier or provide supervision that would effect the same. In fact a security gate would probably be nothing but an attractive nuisance that some campers would attempt to circumvent. We did not want this if it can be avoided.

We respectfully ask for your consideration on emergency safety hazard considerations. Please notify this office if it is necessary and/or appropriate for representation at your board meeting when this request is considered.

Sincerely,

Donald K. Rolston
State 4-H Leader

DKR: cam

cc: Dean Bernard Jones
    George C. Hill