TRPA
GOVERNING BOARD
PACKETS

AUGUST
1978
NOTICE OF MEETING OF THE
GOVERNING BODY OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on August 23, 1978 at 10:00 a.m. at the hearing room of the Tahoe Regional Planning Agency, located at 2155 South Avenue, South Lake Tahoe, California, the 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.

DATED: August 11, 1978

BY: JAMES J. JORDAN
    Executive Director
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V ORDINANCES

A. Second Reading of Ordinance Amending the Regional Plan for 4 Acres, More or Less, Classified High Density Residential and General Commercial, Douglas County

B. First Reading of Ordinance Amending the Regional Plan for 3 Acres, More or Less, Classified Tourist Commercial and General Commercial, Douglas County

VI GENERAL PLAN AMENDMENTS

A. General Plan Amendment - Property Owned by W.B. Dow, Being One-Half Acre, More or Less, on the East Side of State Highway 28, Approximately 200 Feet Westerly of "Crystal Towers Condominium", Washoe County - From General Forest to Low Density Residential

B. General Plan Amendment - Property Owned by Jay Johnson & Preston Hale, Located at 929 Southwood Blvd., Being 1.95 Acres, More or Less, and Further Described as a Portion of Block E, Commercial Subdivision No. 1, Incline Village, Washoe County - From Tourist Commercial to High Density Residential

C. General Plan Amendment - Lots 25 through 40 of Block B, Brockway Vista Subdivision, Placer County - From Recreation to a Commercial District

VII PUBLIC WORKS

City of South Lake Tahoe, Pine Boulevard Extension/Loop Road Connection

VIII AGENCY REVIEW

A. Michelsen & Associates, Administrative Permit for Minor Commercial Development, Douglas County

B. Park Tahoe Hotel, Administrative Permit for a Sign to Exceed Height Limit, Douglas County

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

August 23, 1978 10:00 a.m.
August 24, 1978 9:00 a.m.
C. Douglas County, Administrative Permit for Existing Signs to Exceed Height Limit, Douglas County

D. Manzanita Heights, Modification of Prior Approval, 1 Additional Unit, Douglas County

E. James Darby, Modification of Prior Approval, Douglas County

F. Mountain Shadows, Administrative Permit for Replacement of Non-Conforming Land Coverage, Washoe County

G. Stanford Sierra Camp, Determination of Conformance to Master Plan, El Dorado County

IX ADVISORY PLANNING COMMISSION REFERRALS

Revisions to the Grading Ordinance

X PLANNING MATTERS

A. General Plan Update

B. Non-Attainment Air Quality

XI REPORTS

A. Presentation by the U.S. Forest Service, Lake Tahoe Basin Management Unit, RARE II

B. Public Interest Comments

C. Appeals of Staff Decisions

D. Executive Session

E. Business Manager Report

F. Executive Director Report on Administrative Matters

G. Legal Counsel Report

H. Governing Body Members

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XIII RESOLUTIONS

XIV OTHER BUSINESS

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# CONSENT CALENDAR

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LOCATION MAP OF PROJECTS TO BE REVIEWED AT THE AUGUST 23-24, 1978 GOVERNING BOARD MEETING

AR - AGENCY REVIEW
CC - CONSENT CALENDAR
PW - PUBLIC WORKS
GPA - GEN. PLAN AMEND.
Clearinghouse
North Tahoe Public Utility District
Water Systems Planning Grant
Placer County

Summary

The North Tahoe Public Utility District is applying for federal funds to develop a comprehensive plan for the District's water system. The District has been acquiring smaller water systems within its boundaries since 1967. The planning grant is being sought to provide a detailed assessment of the existing physical system, projected service demands, and formulate plans for meeting the projected user and fireflow demands on the system.

TRPA Plans

The adopted Public Facilities Plan of the TRPA supports the consolidation of local water companies to improve efficiency and service capability and also recommends development of comprehensive system plans such as is proposed.

Recommendation

Agency staff recommends support of the proposed application with the condition that the proposed master plan be submitted for TRPA review when it is developed.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Clearinghouse
U.S. Postal Service
New South Lake Tahoe Main Post Office

SUMMARY

The U.S. Postal Service is proposing to construct a new main post office facility in the City of South Lake Tahoe. The present South Lake Tahoe Main Office is located in Bijou and is to be retained as a branch office. Two other facilities, the Al Tahoe Branch Office and the temporary Al Tahoe Lockbox Unit are to be consolidated in a new main post office building on Al Tahoe Boulevard adjacent to the existing Lucky-Payless shopping center.

Though specific plans for the building have not yet been developed, it is anticipated that the building will be approximately 22,000 square feet with an anticipated 30 employees. The building will be designed to integrate home delivery services, should the decision be made in the future to provide home delivery in the South Lake Tahoe area.

The new facility is being sought to relieve heavy service demands which cannot be accommodated with the present facilities.

TRPA PLANS

The proposed site is located in a General Commercial Land Use District, permitting the proposed use.

RECOMMENDATION

Staff recommend support of the proposed project with the condition that development of detailed plans for the facility be coordinated with TRPA to insure conformance to Agency standards for such concerns as land coverage, drainage and erosion control.

Staff recommends additionally that the Postal Service be strongly urged to implement home delivery in the South Tahoe area as soon as possible.

8/15/78
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Public Works
Tahoe City Public Utility District
Rubicon Water Line Replacement
El Dorado County

Summary

The Tahoe City Public Utility District is proposing to replace approximately 2,700 feet of existing water line on Mountain and Sierra Drives in the Rubicon area. This is part of a series of water system improvements proposed by the District to correct problems of inadequately sized lines and lines placed at depths too shallow to prevent freezing in the winter months and to provide more water supply and fire control.

The subject line replacement will be within existing roadways with the exception of approximately 320 feet of line in a driveway easement paralleling Highway 89. The major amount of the line will be placed along road shoulders or along a section of Mountain Drive which has never been surfaced. Because much of the project area is relatively steep, the District has specified use of check dams, extra compaction, and revegetation measures to control the potential erosion hazard, in addition to standard specifications to control spoil material during the trenching operations.

The new lines will service approximately 50 units with four new fire hydrants included in the project. The fire protection demands have been a major consideration in the sizing of the 6 inch mains being placed in the project.

Recommendation

Agency staff recommends approval of the project as per the plans submitted, including the condition the erosion protection measures proposed in the Final Environmental Impact Report be incorporated into the Final Plans and Specifications for this project as Environmental Protection Requirements.
Public Works
Incline Village General Improvement District
Incline Park, Phase I
Washoe County

Summary

Incline Village General Improvement District acquired approximately 58 acres of land in October 1977. This land, combined with adjacent IVGID properties, forms a centrally located area of approximately 80 acres running from Highway 28 to the lake shore which the district is proposing to develop as a park. The long range master plan for the park area includes development of a new middle school which is to be the subject of a ballot measure in November, play fields, performing arts center, park headquarters, tennis complex and various day use improvements such as picnic and child play areas.

The proposed project is Phase I of the master plan and includes development of the tennis complex and associated parking facility and the revegetation of a large disturbed area.

Tennis Complex

The proposed tennis complex includes seven regulation tennis courts, two practice courts, a tennis building to include restrooms, storage area, office and snack bar, an access road, parking lot and connecting pathways. The complex is proposed for the area to the north of Incline Way and the east of Third Creek, adjacent to existing tennis courts at the Tahoe Resort and Racquet Club. The district is considering the acquisition of the southerly courts at the Racquet Club and the proposed park complex has been designed to integrate those courts should that acquisition come about. The complex has also been located to minimize vegetation disturbance. An existing unimproved access road leads to a large unvegetated disturbed area on which the courts are to be developed. A large healthy timber stand on the northerly portion of the property is being left undisturbed. Some tree removal will be required to site the courts but the amount has been minimized by location of the courts on the property. The courts are also being located in a manner to prevent encroachment into Third Creek and its adjacent stream environment zone.

The parking lot is to be located along the easterly boundary of the site in an area presently disturbed by unauthorized fill. The fill will be removed and the parking lot will connect with Incline Way along a new access road approximately 400 feet in length. Since access is not anticipated in the winter, the road is being designed to maintain existing contours to the maximum extent possible and will be of minimum width.
Incline Park, Phase I
Page Two

The existing unimproved access road along Third Creek will be closed and the area ultimately developed as a day use and picnic area. The decision not to utilize the existing access road for the proposed project is based upon a desire to maintain the inner portions of the park in a relatively undisturbed atmosphere, free from automobile encroachment. In this context, the district is considering seeking closure of Incline Way which presently bisects the park though final decision on whether to proceed toward closure is still pending.

Turf Area

Also included in the Phase I Project is rehabilitation of a large disturbed area south of Incline Way. This area, between Third Creek and the Hyatt Lake Tahoe, is relatively flat and is without vegetative cover. The project proposes to cover this area with turf and utilize it as a free play area.

TRPA Plans and Ordinances

The general plan of the Tahoe Regional Planning Agency identifies the subject area as recreation, permitting the proposed uses.

The TRPA 208 Plan has identified the subject area as being in need of rehabilitation for those portions which are presently disturbed, as is contemplated in the proposed project.

The land in question is located in an IsC soil type with a capability level 6 permitting up to 30% land coverage. The proposed project would cover approximately 11.6%.

Recommendation

Staff recommends approval of the proposed project subject to the following conditions:

1. Final plans for the Phase I Project shall be submitted for TRPA Staff review and approval and shall depict vegetation protection fencing, temporary and permanent erosion and stormwater runoff control measures, landscaping, grading and slope stabilization measures.
2. All applicable provision of the TRPA Grading Ordinance shall be complied with.

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Development Plan

1. Middle School
   Gymnasium, cafeterias, library, classrooms, administration
   300 students
   85,000 sq. ft.

2. West Parking Lot
   130 cars

3. Play Fields
   Joint use by school & park
   Softball, soccer, track & field, 100-meter track
   Ballfield & volleyball court
   Storage & maintenance building, restrooms

4. Performing Arts Center
   150-seat indoor theatre; outdoor amphitheater
   Arts, crafts, photography & rehearsal studios
   Parking in East Lot

5. Picnic Area
   25 tables, barbecues

6. Path System
   2 miles loop
   Bicycling, jogging, handicapped access
   Nature interpretation

7. Tennis Complex
   3 courts, 2 courts to be acquired
   Practice areas
   Pro shop, 1200 sq. ft.

8. East Parking Lot
   120 cars
   Performing Arts, Tennis Complex, Park Headquarters, picnic areas

9. Park Headquarters
   1000 sq. ft. offices, multi-purpose meeting room
   Nature interpretive display
   Rest rooms

10. Exercise
    Existing 18-hole course adjusted to be adjacent to Park Headquarters

11. Picnic and Children's Play Area
    15 tables, barbecues
    Play equipment

12. Free Play Area
    Unsupervised recreation & picnicking

13. South Parking Lot
    1600 car parking
    Approximately 60 spaces

14. Pedestrian Underpass
    For 6000 pedestrians per day
    Handicapped access

15. Boat Ramp Access
    Waterway from north, improved parking lane
    Traffic signal
    Double lanes, submittal ramp

Master Plan
Incline Village Park

Prepared by
Incline Village
General Improvement District

By
Economics Research Associates
EDAW, Inc.
Public Works
Caltrans
Highway 50 Bikeways
City of South Lake Tahoe

SUMMARY

Caltrans is proposing to create a 5-8 foot wide bikeway along portions of Highway 50 between Lyons Avenue and Winnemucca Avenue in the City of South Lake Tahoe. The Caltrans Project will be on the South side of the highway and will connect existing portions of sidewalk and biketrail along Highway 50 with the bike trail project recently approved for the City of South Lake Tahoe through the Sierra Tract. When completed, the project will enable bicyclists to travel along designated bike routes from El Dorado Campground to approximately Tahoe Keys Boulevard.

Along the Caltrans portions of the bike route, the road shoulder will be paved sufficiently wide to accommodate the bike trail with separation from the automobile traffic lanes accomplished by asphalt concrete dikes. Most of the areas to be paved are presently unstabilized dirt areas utilized by pedestrians and bicyclists already.

The project is to begin in mid-September with completion anticipated by mid-October.

TRPA PLANS AND ORDINANCES

The adopted short range transportation plan of the TRPA calls for development of a bike trail system in the City of South Lake Tahoe including those elements proposed in the subject project.

RECOMMENDATION

Staff recommends approval of the proposed project subject to submission of final plans and specifications for TRPA Staff review.
proposed Cal Trans Bik Trails

Existing South Lake Tahoe Bike Trails
Public Works
Placer County
Huckleberry Road Widening

Summary

Placer County is proposing to widen North Ridge Road and Huckleberry Road in Cedar Flat. The project includes the widening of the road from its present one lane width to accommodate two way traffic and the adding of rolled curb and gutter to facilitate drainage of the roads. The total width of the roadway, including the curb and gutter, will be 21 feet upon completion of the project. The length of the project is approximately 1,000 feet.

The project is necessitated by bulldozer of the surrounding subdivision with associated increases in traffic volumes on the subject sections of roadway.

Approximately 37 trees of 6" or greater diameter will be removed in the project.

Recommendation

Staff recommends approval of the project as per the plans submitted.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Agency Review
Pacific Telephone
Four Seasons Telephone Cable
Placer County

SUMMARY

Granlibakken Resort (Tahoe Four Seasons) is proposing to install approximately 1900 feet of underground telephone conduit connecting the resort with existing conduit on Tonapah Drive. The purpose of the conduit is to allow homeowners at the resort to enjoy private phone lines.

The conduit will be layed along the shoulder of the existing access road to the resort with the trenching to be done to a depth of 18 inches. Granlibakken Creek is crossed by the access road; however, the creek is contained within a culvert approximately 40 inches below the road surface and will not be disturbed by the trenching.

RECOMMENDATION

Staff recommends support of the proposed project with the following conditions:

1) conformance with all applicable provisions of the TRPA Grading Ordinance,
2) deposition of soil material on the up slope side of all trenching operations,
3) installation of hay bail barriers or siltation fencing to prevent loose soil material from being transported down the road shoulder into Granlibakken Creek in the event of shower activity,
4) restoration of all roadside drainage disturbed during construction.

8/15/78
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Agency Review
Francis & Luciana Murray
Variance to Grade in a Stream
Environment Zone
Washoe County

Summary
The applicant is requesting a variance from Section 7.70 of the Grading Ordinance to
grade in a Stream Environment Zone (SEZ) on Lot 16, 995 Galaxy Way, Incline Village.
The lower half of the property, furthest from Galaxy Way, is in a SEZ with willows,
quaking aspens, and obvious surface and groundwater flow.

The applicant was proposing to build on the upper portion of the property near Galaxy
Way. However, the initial site plan showed the structure encroaching approximately
30 feet into the SEZ. The lower portion of the structure, the deck, was to be on piers.

The TRPA Development Review Committee viewed the site on August 3, 1978 and stated
that the structure should be near Galaxy Way and out of the SEZ and that the lower portion
of the structure should be on piers where it encroaches into the SEZ. As shown on the
plans, the structure was encroaching into the SEZ with a solid foundation.

Recommendation
Staff recommends approval of this variance to grade in a SEZ with the following conditions:

1. The structure and garage are to be sited as close to Galaxy as possible.
   This requires that the house be as close to Galaxy as the setback require-
   ments allow.

2. During construction, erosion control will be placed, following the 208
   Handbook of Best Management Practices, to prevent any runoff from
   entering the SEZ.

3. As much natural vegetation as possible is to be preserved and the areas
   of vegetation to be disturbed will be shown on the final plans.

On August 11, 1978, the applicant informed staff that the house design was being changed
to a modular structure and would eliminate the encroachment into the SEZ. Therefore,
staff recommends approval of this variance contingent upon staff review and approval
of the final plans.

8/15/78
Agency Review
Jeff Lundahl
Variance to Grade in a Stream
Environment Zone
Washoe County

Summary

The applicant is requesting a variance from Section 7.70 of the Grading Ordinance to grade in a Stream Environment Zone (SEZ) located at the intersection of State Highway 28 and Lakeshore Boulevard at the west end of Incline Village. This 1.1 acre site, which is Washoe County Assessor's Parcel No. 122-128-03, is zoned General Commercial and Second Creek transects the property in a north-south direction.

A large portion of the lot is dry and does not appear to be a water influence zone. However, Second Creek crosses the property from State Highway 27 to Lakeshore Boulevard (see attached map) and carries a major flow. In a 100-year flood Second Creek carries approximately 600 cfs (cubic feet per second) as reported by Sharp, Krater and Associates, August 10, 1978. The stream bed has been altered in the past with fill having been used to shore up and heighten the stream embankments.

The TRPA Development Review Committee (DRC) viewed the site on August 2, 1978 and found that it was necessary to request a 100-year flood plain analysis for the area. The applicant proposed to utilize a solid foundation for the structure.

The applicant obtained a 100-year flood plain analysis and found that a major portion of the lot was below the 100-year flood plain elevation. The applicant then proposed to reshape and rock-line the stream channel to insure 100-year flood flow capacity. In this manner the stream bed would carry 100-year flows thereby removing the remainder of the property from the 100-year flood plain and allowing conventional building to take place along both sides of the stream.

However, the culverts which carry the flows from Second Creek under State Highway 27 and Lakeshore Boulevard are both 4x6 foot box culverts. These 4x6 foot culverts will carry approximately 150 cfs and not the 600 cfs necessary under 100-year flood conditions. If a 100-year flood occurred, excess flows could not be carried through these existing structures and would possibly flow down Highway 27 and into other culverts. However, the closest culvert appears to be only 2x3 feet and would not handle the projected flow, resulting in the flows backing up and sheet flowing over the subject property. It does not appear, therefore, beneficial to increase the carrying capacity of this stream on the property when the two culverts are limited in their capacity.

For the above reasons, the applicant has agreed to either move the building site out of the 100-year flood plain or build on a pier-type foundation.

8/15/78
Recommendation

Staff recommends that the variance to grade in a Stream Environment Zone be granted with the following conditions:

1. The building site is to be moved out of the 100-year flood plain or the structure is to be designed on a pier-type foundation.

2. The existing stream embankments which have been shored up with fill are to be reinforced. The reinforcement technique is to be included in the final plans.

3. This approval is contingent upon TRPA staff review and approval of the final plans.

The applicant concurs with the staff recommended conditions.
Agency Review
Joe Olson
Variance to Grade in a Stream Environment Zone
Section 7.70 of the Grading Ordinance
Douglas County

Summary

The applicant is requesting a variance from Section 7.70 of the Grading Ordinance to grade in a Stream Environment Zone (SEZ) on Lot 2, Ansaldo Acres, Douglas County. This lot is located on Kingsbury Grade with the SEZ flowing parallel to the highway. Ansaldo Acres has one access road which crosses the SEZ. The lots are sited on the other side of the SEZ from the highway and have access via a fifteen foot wide driveway. The driveway borders the SEZ and runs parallel with Kingsbury Grade.

The applicant is requesting encroachment into the SEZ in order to widen the road. The applicant states he needs the extra driveway width in order to allow equipment into the area (i.e., snow removal, fire, construction) and to allow the equipment to turn around. The applicant is currently under a stop-work order from Douglas County as the applicant had begun widening of the road in the SEZ without County or TRPA approval. The applicant had also deposited fill on the neighboring property, also in the SEZ, to widen the driveway past the adjoining property and allow for additional parking.

The applicant submitted plans by Martin Engineering to fill in the SEZ and widen the road an additional 20 to 25 feet from the edge of the existing 15 foot driveway.

Staff reviewed the site on August 3 and again on August 7 with the applicant and a Douglas County Building Department representative. The applicant was found to be filling in the SEZ, which was not a part of the Douglas County plan approval. Coverage requirements were checked and appear to be inadequate to allow for any additional impervious coverage.

Staff agreed with the Douglas County Building Department that there was not adequate room available for equipment access and turn around, but that an additional 20 to 25 feet of driveway width was unnecessary. The applicant submitted revised plans reducing the proposed road width to a 6 foot increase from the edge of the existing driveway for a total driveway width of 21 feet. In addition, the applicant agreed to the removal of all other fill which was placed in the SEZ including that fill placed on the neighboring property.

Recommendation

Staff recommends that the variance to grade in a Stream Environment Zone be granted with the following conditions:

8/14/78
1. Only that amount of fill as shown on the approved plans submitted to TRPA by the applicant on August 10, 1978, which shows 6 feet from the edge of the existing driveway, is allowed.

2. This approval is contingent upon the applicant showing that he has the available coverage.

3. That all other additional fill in the SEZ on this property and on the adjoining property is to be removed by September 15, 1978.

4. Permanent erosion control is to be placed on the expanded driveway area utilizing rock placement as shown on the TRPA approved plans and is to be installed prior to commencement of any further work.

5. The filled area which is to be restored to SEZ is to be revegetated. The revegetation specifications are to be reviewed and approved by the SCS. Those shown on the present plans do not meet with SCS approval.

6. Revegetation of the disturbed area is to be completed by October 15, 1978. A bond is to be taken out with the Douglas County Building Department prior to commencement of work.

7. All slash and other waste material now on the site and in the SEZ is to be removed prior to commencement of work.

8. TRPA Staff is to be advised when the fill removal begins, when the stabilization work begins and when the entire project is complete.

8/14/78
Agency Review
Grafton Worthington
Administrative Permit for:
   Replacement of Nonconforming
   Land Coverage
   El Dorado County

Project Location and Description:

The applicant is requesting an administrative permit to remove
2,464 square feet of existing coverage in order to construct
an 814 square foot addition to his existing single family
dwelling. The project is also being reviewed under the Shore-
zone Ordinance and is scheduled to be on the August 22, 1978
Shorezone Hearing agenda. The project is located on Jameson
Beach Drive in Camp Richardson and is zoned General Forest with
1% land coverage.

Summary:

As required by Section 9.21(3)(c) of the TRPA Land Use Ordinance,
the applicant must either replace the proposed coverage to be
created with new open space in an amount specified in Section
9.21(3)(c) or meet the land coverage limitations of the applica-
tible land capability district. The applicant has chosen to
remove 2,464 square feet of land coverage in order to comply
with Section 9.21(3)(c). Agency staff finds that this proposed
relocation will better protect and enhance the natural environ-
ment by substantially reducing the land coverage on the site.

Recommendation:

Agency staff recommends approval of the administrative permit
for the replacement of nonconforming land coverage in accordance
with Section 9.12(3)(c) of the Land Use Ordinance as indicated
on the approved plans and subject to the following condition:

1. The applicant shall comply with the conditions of
the Shorezone approval.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: August 15, 1978

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT Second Reading of Ordinance Amending the Regional Plan

The following ordinance reflects the General Plan amendment approved by the Governing Body for the Mark Michelsen property south of Kingsbury Grade in Douglas County, Nevada. The northerly 3 acres of the property were reclassified General Commercial for the purpose of constructing a market with the southerly portion of the property to retain its High Density Residential use classification with the coverage to be as approved by the Board for a land capability challenge. (See June 28, 1978 minutes, page 2)

Please note that the reading of the ordinances has been placed before Agency Review on the agenda so that the General Plan amendment for the Michelsen property can receive second reading and become legally effective prior to consideration of the Michelsen & Associates project.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 78-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN
OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A"
TO ORDINANCE NO. 22, BY ADDING PARAGRAPH 73 THERETO, TO CHANGE
THE LAND USE DISTRICTS APPLICABLE TO CERTAIN REAL PROPERTY.

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that
the following amendment to the land use element of the Regional Plan
is in accordance with the provisions and purposes of the Tahoe Regional
Planning Compact, and that all required notices have been given and public
hearings held as required by Article V of said Compact.

Section 2.00 Change In Land Use Districts

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency,
as amended, is hereby amended by adding thereto new paragraph 73 to
accomplish changes in the applicable land use districts which paragraph
shall read as follows:

"73. The following described real property, situate in Douglas County, Nevada,
containing 3.058 acres more or less and further described as beginning at a
point on the Section line between Sections 23 and 26, T13N, R18E, MDB&M, which
is 1146.6 feet West from the Quarter corner between Sections 23 and 26; thence
South 00 degrees 08 minutes 00 seconds East, 190.00 feet to the True Point
of Beginning; thence continuing South 00 degrees 08 minutes 00 seconds East,
850.35 feet; thence North 89 degrees 46 minutes 00 seconds West, 157.85
feet; thence North 00 degrees 02 minutes 17 seconds West, 815.36 feet;
thence South 89 degrees 46 minutes 00 seconds East, 60.00 feet; thence
North 00 degrees 08 minutes 00 seconds East, 35.00 feet; thence South
89 degrees 46 minutes 00 seconds East, 100.29 feet to the point of beginning
is reclassified from High Density Residential to General Commercial with
the limitation on land coverage to be 64.9 percent of said property.

The following described real property, situate in Douglas County,
Nevada and containing 1.00 acre more or less and further described as
beginning at a point on the Section line between Sections 23 and 26,
T13N, R18E, MDB&M, which is 1146.6 feet West from the Quarter corner
between Sections 23 and 26; thence South 00 degrees 08 minutes 00
seconds East, 1040.35 feet to the True Point of Beginning; thence
continuing South 00 degrees 08 minutes 00 seconds East, 276.78 feet;
thence North 89 degrees 42 minutes 00 seconds West, 157.02 feet; thence
North 00 degrees 02 minutes 17 seconds West, 276.60 feet; thence South
89 degrees 46 minutes 00 seconds East, 157.85 feet to the point of
beginning is classified High Density Residential, and the limitation
on land coverage shall be as approved by the Tahoe Regional Planning
Agency Governing Body on June 28, 1978 as indicated in a report
entitled: "Soil Investigation - Michelsen Tract, Stateline Lake Tahoe -
Douglas County, Nevada" dated May 11, 1978 and prepared by Grant M.
Kennedy."
Section 3.00 Severability

If any part or provision of this ordinance, or the application thereof to any person, thing or circumstance, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the parts, provisions or applications that can be given effect without the invalid part, provision or application, and to this end the parts and provisions hereof are severable.

Section 4.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING: July 27, 1978

SECOND READING:

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at its regular meeting held , 1978 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

__________________________
Chairman
MEMORANDUM

DATE: August 14, 1978

TO: Governing Board

FROM: The Staff

SUBJECT First Reading of Ordinance Amending the Regional Plan

The following ordinance reflects the General Plan amendments approved by the Governing Board for the 1) Park Cattle Company — Sahara Tahoe Parking Garage, and 2) Park Cattle Company — First National Bank, both located in Douglas County, Nevada.

Paragraph "74" effectuates the amendment for the Sahara Tahoe Parking Garage reclassifying the 1.68 acres from Recreation to Tourist Commercial with an allowable land coverage of 50%. Paragraph "75" effectuates the amendment for the First National Bank reclassifying 1.82 acres from Recreation to General Commercial with allowable land coverage of 70%.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 78-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN
OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A"
TO ORDINANCE NO. 22, BY ADDING PARAGRAPHS 74 AND 75 THERETO, TO
CHANGE THE LAND USE DISTRICTS APPLICABLE TO CERTAIN REAL PROPERTY.

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that the
following amendments to the land use element of the Regional Plan is in
accordance with the provisions and purposes of the Tahoe Regional
Planning Compact, and that all required notices have been given and
public hearings held as required by Article V of said Compact.

Section 2.00 Change in Land Use Districts

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency,
as amended, is hereby amended by adding thereto new paragraphs 74 and
75 to accomplish changes in the applicable land use districts which
paragraphs shall read as follows:

"74.

The following described real property, situate in Douglas County, Nevada,
containing 1.68 acres more or less and further described as beginning
at the North East corner of the Sahara Tahoe leased property and Highway
50, generally West along the Northerly line of said property 30.00 feet
to the Point of Beginning; thence generally North parallel to Highway 50,
120.00 feet; thence generally West, parallel to the Northern boundary
of the Sahara Tahoe leased parcel, 610.00 feet; thence generally South,
parallel to Highway 50, 120.00 feet; to the Northern boundary of the
Sahara Tahoe leased parcel and then along said boundary, East 610.00
feet; to the Point of Beginning is reclassified from Recreation to Tourist
Commercial with the limitation on land coverage to be 50 percent of said
property."

"75.

The following described real property, situate in Douglas County, Nevada
further described as a parcel of land located in the North East Quarter of
Section 27, Township 13N, Range 18E, MDB&M and more particularly
described as commencing at a point where the Westerly right-of-way of
U.S. Highway 50 intersects the Nevada/California State Line; thence along
said right-of-way line North 28 degrees 36 minutes 12 seconds East
1652.78 feet, to the True Point of Beginning; thence continuing along
said right-of-way line, North 28 degrees 36 minutes 12 seconds East
176.00 feet; thence along a tangent curve to the left having a radius of
24.00 feet through a central angle of 90 degrees 00 minutes 00 seconds a
length of 37.70 feet, to a point on the Southwesterly 30 foot right-of-way
line of the Stateline Loop Road at Engineers Station 40+09.76; thence along
said right-of-way for the following three courses:
North 61 degrees 23 minutes 48 seconds West 314.00 feet;
North 68 degrees 14 minutes 22 seconds West 50.36 feet;
North 61 degrees 26 minutes 40 seconds West 12.00 feet;
thence leaving said right-of-way line South 28 degrees 36 minutes 12 seconds
West, 193.99 feet; thence South 61 degrees 23 minutes 48 seconds East
400.00 feet, to the Point of Beginning, containing an area of approximately
1.829 acres is reclassified from Recreation to General Commercial."

Section 3.00 Severability

If any part or provision of this ordinance, or the application thereof to any
person, thing or circumstance, is held invalid by a court of competent
jurisdiction, such invalidity shall not affect the parts, provisions or
applications that can be given effect without the invalid part, provision
or application, and to this end the parts and provisions hereof are
severable.

Section 4.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING:

SECOND READING:

PASSED AND ADOPTED by the Governing Body of the Tahoe Regional Planning
Agency at its regular meeting held , 1978 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Chairman
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Brad Dow
General Plan Amendment
Washoe County

Location and Description

This application is a request by Brad Dow for a General Plan amendment on a .58 acre parcel located at Crystal Bay southeast of State Highway 28 approximately 1.3 miles west of the intersection of State Highways 28 and 27. The subject parcel fronts on State Highway 28 for a distance of 181 feet, contains approximately 130 feet of Lake Tahoe shoreline, and dimensions approximately 180 feet along the northeast boundary and 150 feet along the southwest boundary. The parcel is approximately 200 feet southwest of the Crystal Tower Condominiums.

Previous TRPA Action

At a public hearing before the Advisory Planning Commission on May 10, 1978, the request for a reclassification from General Forest to Medium Density Residential (MDR) was recommended for denial with an 8 to 2 vote. On May 24, the TRPA Governing Board denied the request by Mr. Dow to reclassify the property to MDR. MDR would have permitted 5 single family dwelling units on the subject parcel.

Amendment Request

The subject parcel is presently classified General Forest by the Agency and is zoned R-3, multiple residential, by Washoe County. The applicant is requesting a reclassification from General Forest to Low Density Residential (LDR) so that he may be permitted to construct two single family dwelling units on the .58 acre parcel.

Permitted Uses

Presently, under the General Forest classification, the parcel, being a parcel of record prior to February 10, 1972, is permitted one single family dwelling unit and those uses set forth under Section 7.22 of the Land Use Ordinance. Although the subject parcel is in a land capability level 1a, Section 9.24 of the Land Use Ordinance permits 3,200 sq. ft. of land coverage on the parcel. Low Density Residential would permit a maximum of two single family dwelling units and the same amount of land coverage, 3,200 sq. ft., permitted on the subject parcel under the present General Forest classification.

Land Capability

The land on which the subject parcel is located has been classified by the Soil Conservation Service as RtF. The RtF map symbol identifies a soil described as "rock outcrop - Toem complex, 30 to 50 percent slopes". The SCS has also determined that the RtF soil type has a high erosion potential and severe limitations for road location, excavation, and dwellings. The RtF soil type is classified as a land capability level 1a which permits 1 percent land coverage. The 3,200 sq. ft. of land coverage permitted under Section 9.24 of the Land Use Ordinance equals 12.7 percent of the total parcel area.

Additional precautions must be taken to avoid harmful environmental impacts due to the nature of the soil and the extreme steepness of the terrain. The proximity of the subject parcel to the shoreline makes proper erosion and stormwater runoff control extremely critical.

7/3/78
Surrounding Uses

The adjoining property to the south of the subject parcel is a 4.1 acre parcel that is owned by Boise Cascade Home/Land Corporation. This Boise Cascade parcel is also within an RtF soil type, land capability level 1a, and is classified General Forest. Although this parcel contains 4.1 acres, it is permitted only one single family dwelling unit under the General Forest use classification. The adjacent property to the north of the subject property is a 9,600 sq. ft. parcel that is owned by Clemens F. and Anne C. Soeller. The Soeller parcel is also within an RtF soil type, land capability level 1a, and is classified General Forest. Since the Soeller parcel is a parcel of record prior to February 10, 1972, it is permitted one single family dwelling unit.

In addition to the Soeller parcel, there is a 17,000 sq. ft. parcel situated between the subject parcel and the Crystal Tower Condominium. This 17,000 sq. ft. parcel is also classified General Forest and is within an RtF soil type, land capability level 1a. This parcel is also a parcel of record prior to February 10, 1972 and is therefore permitted one single family dwelling unit.

The High Density Residential (HDR) classification along the shoreline of Incline Village extends in a westerly direction from Crystal Shores Villas to include other high density residential uses that existed prior to the adoption date of the Land Use Ordinance. These uses include Crystal Villas, Crystal Shores East, Crystal Shores West, Lakeshore Terrace Condominiums, Crystal Bay Cove Condominiums, and Crystal Tower Condominium.

Beginning at the southwest property line of Crystal Tower Condominium, the General Forest classification extends along the shoreline on both sides of State Highway 28 for a distance of approximately 1.2 miles. This land generally exhibits the same physical characteristics as the subject parcel, being high hazard land, although some areas contain subdivisions that were recorded prior to the effective date of the Land Use Ordinance. Within this General Forest classification, all the lots and parcels of record prior to February 10, 1972 including the subject parcel enjoy the same reasonable use through the allowance of one single family dwelling unit.

Recommendation

The Agency staff recommends that the requested General Plan amendment be denied for the following reasons:

1. Under the present General Forest classification, the subject parcel is permitted a reasonable use in the form of one single family dwelling unit. This use is consistent with the uses permitted on both adjoining parcels and is more compatible with the applicable land capability constraints.

2. To reclassify the subject parcel to Low Density Residential would be inconsistent with the present General Forest use classifications on the adjoining parcels.

3. The subject parcel is located on land that has been classified as capability 1a, high hazard land. The land capability report which was adopted by the TRPA Governing Board indicates that capability 1a lands are the principal sources of sediment and recommends that these lands, to the greatest extent possible, remain in their natural condition. Therefore, it is recommended that this parcel be continued in its present General Forest classification.

7/3/78
Advisory Planning Commission Action

At the August 9, 1978 Advisory Planning Commission meeting the following action was taken:

MOTION by Mr. Prigmore that this application be recommended for denial to the Governing Board based on staff's findings and the following considerations: 1) low land capability; 2) the parcel not being divided prior to the ordinance being adopted; and 3) traffic and coverage problems. Motion passed on the following vote:

Ayes:  Mr. Prigmore, Mr. Milam, Mr. Walton, Mr. J. Hanson, Mr. Scribner, Mr. Duncan, Mr. Sullivan, Mr. Hoefer, Mr. Rosse, Mr. Hampson, Mr. Bidart, Mr. Pyle
Nays:  Mr. P. Allen, Mr. Eskinol, Mr. Koch, Mr. S. Hansen
Abstain: None
Absent: Mr. Jenkins, Mr. Gardner
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Jay Johnson/Preston Hale
General Plan Amendment
Washoe County

Location and Description

This application is a request by Jeffrey Lundahl, representing Preston Hale and Jay Johnson, for a General Plan amendment on 1.95 acres of land located south of Highway 28 on the south corner of Southwood Boulevard and Incline Way. The subject area (Washoe County Assessor's Parcel No. 122-263-11) has dimensions of 390 feet on Southwood Boulevard and 128 feet on Incline Way.

Amendment Request

The subject area is currently classified Tourist Commercial on the Agency's General Plan. The applicant is requesting that the 1.95 acres be reclassified to High Density Residential to allow an apartment complex to be built on the property. The proposed General Plan amendment will not alter the allowable density but will provide 15% more allowable coverage. Under Section 9.23 of the TRPA Land Use Ordinance existing lots or parcels of record as of February 10, 1972 that are two acres in size or less and located in a High Density Residential zone shall be allocated coverage up to a limit of 50%.

Land Capability

The entire 1.95 acres is in land capability district 6. The soils are classified Inville, clay coarse sandy loam (Isc) and would allow 30% coverage.

Existing Land Use

The entire parcel is currently undisturbed.

Local Zoning

Washoe County zoning on the subject area is C-2 (General Commercial) which allows residential as well as commercial uses.

Aspects of the Proposed Use Relative to:

1) Regional Needs: The Agency has identified a need for moderate income housing in the Lake Tahoe Basin. This housing should be available in or around all of the urban core areas in the Basin. The proposed use would be compatible with the High Density Apartment zone proposed in the 1978 General Plan Update.

8/1/78
2) Subregional Needs: The Incline Village area has been identified as an area deficient in moderate income housing stock. This forces moderate income families working in Incline Village to seek housing in other areas. Alternative housing is primarily located in the Kings Beach, Brockway areas across the state line in California. Housing individuals in this location necessitates longer work trip distances to Incline. These trips occur over State Highway 28 which is currently experiencing periods of severe congestion. The project that will result if this proposed zoning is approved will provide some moderate income housing close to Incline Village employment centers, partially alleviating the need to find housing in other areas. This should beneficially affect State Highway 28.

3) Land Use: The property is bordered by General Commercial use to the north and by Tourist Commercial elsewhere. The surrounding Tourist Commercial zoning is only partially developed. The proposed use is allowed in a Tourist Commercial zone and would not be incompatible with other allowable uses in the area. The proposed reclassification will cover approximately 50% of the site with impervious coverage, which is an increase from 35% for residential use under the existing zoning, however, the existing zoning allows 50% for commercial use.

4) Transportation - Traffic: The site is bordered by Southwood Boulevard which currently has minimal traffic. As development increases in this area the intersection of Village and Southwood Boulevards with Highway 28 will become more congested. There is a proposed traffic signal approved for Village and Highway 28 and it will likely be utilized by north or westbound traffic crossing Highway 28. It is estimated that the local streets (Southwood Boulevard and Incline Way) will be able to accommodate additional traffic loads. The close proximity of the project site to Incline employment centers will provide the opportunity to utilize other modes of transportation such as walking, bicycling or bussing. Considering the parcel size and historic trip generation rates of various land uses, the following are potential traffic impacts of the existing and proposed land use districts:

   a. Existing Zoning - TC
   (1) Motel. Allowable density of 40 units per acre could produce 858 trips per day.
   (2) Single Family. Allowable density of 15 units per acre could produce 263 trips per day.
   (3) Commercial. Allowable coverage of 50% would yield a 22,000 sq. ft. professional office building which could produce 226 trips per day, which is the minimum generation from commercial use of that square footage.

   b. Proposed Zoning - HDR
   (1) Residential. Allowable density of 15 units per acre could produce 263 trips per day.
   (2) Commercial (professional offices). Allowable coverage of 50% could yield a 22,000 sq. ft. professional office building which would produce 226 trips per day.

8/1/78
5) **Open Space:** The proposed reclassification will result in 15% more coverage than would be allowable in the Tourist Commercial zone for residential use. However, the proposed coverage will be the same as that allowable for a commercial use on the property under the current Tourist Commercial zoning.

6) **Schools:** It is anticipated that the effect on schools will be negligible as the project will provide housing primarily to moderate income singles who work in the area.

7) **Public Services:** The reclassification will result in increased demand for power, sewer, water, natural gas, and telephone services. It is estimated that sufficient supplies of these services exist to create only minimal impact.

8) **Public Safety:** It is not anticipated that the proposed development will overburden public police or fire department capacities.  

**Recommendation**

Agency staff recommends that the requested General Plan amendment be approved.

8/1/78
Brockway Vista, Block B
General Plan Amendment
Placer County

Location and Description

Block B of Brockway Vista Subdivision is located in Kings Beach next to the California State Beach. The property consists of 16 lots (1.1 acres) which front Highway 28 and are owned by five separate individuals.

Amendment Request

All five of the property owners have petitioned the Agency to rezone the property from Recreation to Commercial in order to recognize the existing uses as conforming uses. The subject properties have a mixture of light commercial, motel and residential uses. Under the Recreation Land Use District all the uses, except a single family residence, are non-conforming, which limits the property owner's ability to utilize and maintain the existing structures.

Land Capability

The subject site is located in a land capability district 5, soil type "Jabu stony sandy loam" (JhC) which permits 25% land coverage. It should be noted that under Section 9.24 of the Land Use Ordinance all 16 lots of record are permitted a "grandfathered" coverage of 2,500 square feet or 87% land coverage per lot.

Existing Land Use

The subject properties have been developed with small commercial establishments fronting Highway 28 and transient and residential dwellings generally located to the rear of the sites. All the sites contain a high percentage of land coverage.

The properties in the Kings Beach area fronting Highway 28 are commercial in nature and are zoned General Commercial by the Tahoe Regional Planning Agency.

Local Zoning

The property is currently zoned for commercial uses (C-1) by Placer County.

History

The subject property was zoned Recreation as part of the General Plan process in 1971-72. The TRPA Governing Body took a corrective action on 3/20/73 to rezone several parcels zoned Recreation to General Commercial in the Kings Beach area. At this time, it appears Block B was improperly identified as part of the King Estate which was being purchased by the State of California. A check with the State indicates there are no plans at this time to purchase the subject property.

8/1/78
Impacts of the Proposed Action

The classification of the subject property as General Commercial would have minor impacts to the existing commercial uses. This action would permit the rehabilitation of these uses and a general improvement to the properties. Traffic and air quality impacts should be minor since the property is currently developed.

The most severe impact would be that the residential uses would become non-conforming and would be phased out at some future date.

Alternative to the Proposed Action

A Tourist Commercial Land Use District would permit both residential and commercial uses with less permitted land coverage.

Recommendation

In order to be consistent with the 1973 TRPA action and the existing zoning of the neighborhood, the Agency staff recommends the rezoning of the subject property to General Commercial be approved with the maximum permitted 70% land coverage.

Advisory Planning Commission Action

At the August 9, 1978 Advisory Planning Commission meeting the following action was taken:

MOTION by Mr. Prigmore to recommend to the Governing Board to approve the General Plan amendment from Recreation to General Commercial, allowing 70% coverage. Motion carried on the following vote:

Ayes: Mr. Prigmore, Mr. Milam, Mr. Walton, Mr. J. Hanson, Mr. Scribner, Mr. Duncan, Mr. Sullivan, Mr. Hoefer, Mr. P. Allen, Mr. Rosse, Mr. Hampson, Mr. Eskind, Mr. Bidart, Mr. Koch, Mr. Pyle

Nays: None

Abstain: None

Absent: Mr. Jenkins, Mr. Gardner, Mr. S. Hansen

8/1/78
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Public Works
City of South Lake Tahoe
Pine Boulevard Extension/Loop Road Connection

Summary

On August 11, 1978 the Nevada portion of the Loop Road encircling the Stateline hotel/motel core area was opened to traffic. The upper (Park Tahoe) portion of the Loop Road was opened only to the Park Tahoe parking entrances, as traffic beyond those points must await the connection of the Loop Road with either Harrah's parking lot or Montreal Road (on the California side). The lower Loop, however, ended at the Stateline adjacent to an existing minor access road which has historically provided access from Pine Boulevard and Stateline Avenue on the California side to the Edgewood Golf Course and Harveys' and Sahara parking lots on the Nevada side. To facilitate some utilization of the Loop Road pending full development of the California portion of the road, Douglas County connected the newly constructed Loop Road with the existing minor access road to provide access across the Stateline and thereby make at least one side of the Loop Road functional.

To facilitate more efficient operation of the lower Loop Road and to provide a safety improvement at the point of intersection of the Loop Road and the minor access road, the City of South Lake Tahoe has accepted title to the right of way necessary to widen the minor access road on the California side, thus, in essence, extending Pine Boulevard to meet with the Douglas County Loop Road and upgrade the connection across the Stateline (see Map #1).

Background

The 1975 Short Range Transportation Plan adopted by TRPA gave a high priority to completion of the basic Loop Road system encircling the Stateline hotel/motel core area at South Shore. This system included the Douglas County portion of the Loop as it has been constructed and the connection with Pine Boulevard as is proposed by the current project of the City of South Lake Tahoe. Since Pine Boulevard has a 100 foot right of way width and is already paved as a wide thoroughfare, the upgrading of the small section between Stateline Avenue and the Nevada Stateline is all that is necessary to provide a full width arterial along the California portion of the lower Loop Road.

The California Tahoe Regional Planning Agency has adopted a transportation plan for the California side of the Tahoe Basin which does not include the Loop Road, arguing that such a road system merely enhanced the accommodation of the automobile and thereby induced additional growth in the Stateline area.

8/15/78
Despite the CTRPA action, the Loop Road has been retained as a key element of the Short Range Transportation Plan for the Stateline area by the TRPA and also by Douglas County and the City of South Lake Tahoe. The latter two entities have executed two Memoranda of Understanding on the Loop Road Project, committing themselves to coordination in the development of the Loop Road system as a top priority.

In February of this year, Douglas County applied to TRPA for an Administrative Permit to construct its portion of the Loop Road system. After lengthy testimony, including that of CTRPA and the California Air Resources Board, the TRPA Governing Board approved the Douglas County project. With the operation of the Douglas County Loop and with its connection across the Stateline, the lower portion of the Loop is operational, since that portion utilized existing streets in the City of South Lake Tahoe.

The Project

The specific request of the City of South Lake Tahoe, as described in the material submitted to date, is for the re-alignment and pavement widening of the existing road connecting Stateline Avenue and the Douglas County Loop Road, as shown on Map #2. The total length of the project is approximately 260 feet. The existing street is only approximately 20 feet in width and is in relatively poor condition. The Loop Road with which it connects, in contrast, is a 3 lane facility with a 40 foot pavement width.

Presently, the existing road intersects the Loop Road off-center, requiring a barricade at the end of the Loop Road on the south bound (toward the City of South Lake Tahoe) side. At this point, southbound traffic must jog around the barricade to connect to the existing road. The City's proposal would eliminate this alignment problem by connecting directly with the Loop Road, maintaining the Loop Road at its full width to the intersection with Stateline Avenue and Pine Boulevard.

To facilitate use of the lower Loop, the City of South Lake Tahoe has already installed stop signs on Stateline Avenue at the Pine Boulevard intersection, has removed two trees adjacent to the existing access road which they determined to be potentially hazardous, is prohibiting parking on the existing access road and has patched the existing roadway to enhance safety.

Under the City's proposal, the Stateline Avenue - Pine Boulevard intersection would be a 4-way stop intersection.
Project Impacts

Traffic analysis of the proposed Loop Road undertaken by the Nevada Highway Department projects significant traffic increases in the project area with the full Loop Road system operational, assuming full operation of the Park Tahoe and Harveys Resort Hotel expansion. The Highway Department has also undertaken a projection of traffic volumes with only the lower Loop operational and with only the Park Tahoe added to the existing operational facilities at Stateline. This estimate also projected a significant increase in traffic through the project area. In both cases, however, the traffic volume across the Stateline was determined to be a function of expansion of trip generation with the Loop Road improvements affecting only the distribution of the trips.

The City has concluded that the improvements proposed in the current project are minor in nature and will serve primarily public safety, not influencing the use of the road. This is particularly so since the 4-way stop sign system at the Stateline Avenue intersection will remain as an impediment to through traffic movements, requiring a slow down and stopping for Loop Road traffic even after the connection is improved. In essence, the road is already operational and the slight inconvenience of the jog at the existing connection point will not inhibit traffic seeking an alternate route around the Stateline now that the Nevada side of the Loop is operational.

The City has provided an Air Quality Assessment of the project area with existing traffic volumes (approximately 7300 cars per day), with and without the proposed improvements. Given the same traffic volume across the project area, the conclusion of this analysis is that the proposed improvements would result in approximately 16% reduction in carbon monoxide, 17% reduction in hydrocarbon emissions and 11% reduction in oxides of nitrogen emissions. These reductions are principally the result of the slight increase in average speed through the project area for southbound traffic. Earl Withycombe, Consultant to the Lake Tahoe Air Basin, indicated in conversation with TRPA Staff that the reductions in emissions could be even greater if the impediment of the stop signs at Stateline Avenue were removed and traffic allowed to flow freely through the area.

Lower Loop Road System

The proposed project is one of a number of possible improvements which could be undertaken on the California side of the lower Loop Road to enhance the efficiency of the road system in the area. The project will connect the Douglas County Loop Road with Pine Boulevard. Pine Boulevard connects with Park Avenue to access Highway 50, completing the lower Loop system. The Pine Boulevard–Park Avenue section of the Loop Road was a focal point of Staff concern in the approval of the
Douglas County Loop Road, as it was felt by Staff that this was the most likely point along the Loop to experience negative impacts as a result of the full Loop Road system. This portion of the Loop is bounded on both sides by motels, most of which have swimming pools and other facilities where patrons would likely be exposed to air pollutants emitted by Loop Road traffic. At the Park Avenue–Highway 50 intersection, Loop Road traffic will be merging onto Highway 50 at the point of heaviest vehicle congestion in the Lake Tahoe Basin and the manner in which traffic is handled at that intersection may well determine the impacts of Loop Road traffic along the Park Avenue–Pine Boulevard corridor.

This conclusion is supported by the "Stateline Area Loop Road Traffic Study" prepared for the City recently by the consulting firms of Barton-Aschman Associates, Inc. and William F. Pillsbury, Inc. This study focuses attention on the Park Avenue intersection and makes a number of recommendations for modification of the intersection. It concludes that the improvements can increase the efficiency of the intersection, providing a level of service comparable to or slightly better than existing service, even with the additional traffic projected with full Loop Road operation and operation of the Park Tahoe and Harveys expansion.

In addition to the Park Avenue intersection improvements, the report makes a number of recommendations for enhancing the efficiency of the Park Avenue–Pine Boulevard section, including the creation of a center left turn lane to facilitate separation of turning movements from through traffic.

Staff Analysis

Staff has reviewed the material supplied to date by the City of South Lake Tahoe along with the documentation submitted during consideration of the Douglas County portion of the Loop Road and has observed traffic movement through the project area with the Loop Road operational. Based upon the above, particularly the field observations, Staff has concluded that the project proposed by the City is a necessary project to enhance the safety and efficiency of the Loop Road system but will not appreciably affect the volume of traffic attracted to the Loop Road (including the Park Avenue–Pine Boulevard area).

Staff is concerned, however, that the Loop Road be viewed as a system and is particularly concerned with the handling of the lower Loop Road traffic. The proposed project will not impact the critical area of concern, the Park Avenue section between Highway 50 and Pine Boulevard. The ability of the Loop Road system to function efficiently is dependent upon improvements in this area. Suggested improvements have been identified in the Loop Road Traffic Study prepared for the City. The recommendations of that study are preliminary and will require more detailed review, including assessment of the air quality implications of the recommendations but improvement of this area is necessary and every reasonable effort should be exerted by the City and Caltrans to determine precisely the

8/15/78
City of South Lake Tahoe
Pine Boulevard Extension/Loop Road Connection
Page Five

Recommendation

On the basis of the above considerations, Staff recommends approval of the proposed project, subject to the following conditions:

1. Final plans and specifications for the project shall be submitted for TRPA Staff review and approval and shall depict temporary and permanent erosion and stormwater runoff protection measures.

2. The City of South Lake Tahoe shall submit by January 1, 1979 a phased plan identifying the improvements necessary to maximize the efficiency of the lower Loop Road and the Highway 50-Park Avenue intersection and an implementation schedule to undertake such improvements as are within the power of the City to effectuate. This plan shall be based upon both traffic and air quality analysis.
Agency Review
Michelsen and Associates
Administrative Permit for Minor Commercial Development
Douglas County

Project Location

The applicant, Mark L. Michelsen, is requesting approval of an administrative permit to construct a 56,800 sq. ft., three story structure on 3.65 acres. The proposed project would be located on the south side of Kingsbury Grade approximately 1/4 of a mile east of U.S. Highway 50 and abutting the easterly right-of-way of the proposed bypass road (see Attachment 1). The split level structure is to contain a 24,000 sq. ft. supermarket, a 4,800 sq. ft. liquor store, and 8,000 sq. ft. for retail shops on the main or third floor. The bottom floor is to provide an additional 10,000 sq. ft. for retail shops and the second floor 10,000 sq. ft. for 53 parking spaces. Access to the parking level is to be provided by a ramp sloping at 8%, located adjacent to the surface parking area for the market. A separate loading dock ramp, sloping at 15%, is to provide access to the retail shops on the bottom floor.

Open surface parking for an additional 120 vehicles is to be provided by two separate parking lots; one to the rear of the structure for 50 vehicles and one in front of the structure for 70 vehicles. The total number of parking spaces to be provided for the entire project is to be 173. Douglas County ordinances require 156 spaces.

Access to the site, which is separated from Kingsbury Grade by a .55 acre parcel, is to be provided by a 60 foot wide easement located between the subject property and the adjacent property to the east.

Existing Environmental Setting

The subject property generally slopes downward across its width in a westerly direction at approximately 9% for a distance of approximately 160 feet. From this point the property drops steeply for the remainder of its width. This sudden change in elevation allows for the split level construction proposed by the applicant. The three story side of the structure is to be the westerly facing elevation.

The property has been substantially disturbed as a result of fill material and miscellaneous debris being deposited on the site. There are estimated to be 104 medium sized pine and fir trees on the subject property of which 63 are to be removed to allow for construction.

Land Use Classification

The subject 3.65 acres is classified General Commercial by the Agency and C-1 by Douglas County. The uses proposed are all permitted under Agency and County regulations. The majority of the property, 3.07 acres, dimensioning 160 feet in width by 833 feet in length, was reclassified from High Density Residential to General Commercial, with allowable land coverage of 64.9% by the TRPA Governing Board on June 28, 1978. The ordinance implementing this amendment is scheduled for second reading at the August Governing Board meeting. The remainder of the property, a .58 acre sliver of land located west of the 3.07 acres, has been classified General Commercial since the adoption of the Agency's General Plan and is therefore permitted 70% land coverage.

8/15/78
Surrounding Uses

The subject property is generally situated within a commercial core area that is developing along both sides of Kingsbury Grade. The adjoining property to the east is classified High Density and Medium Density Residential and is presently undeveloped. This property shares the 60 foot wide easement being utilized for access to the subject project.

Land Coverage

As per the General Plan amendment approved by the Governing Board on June 28, 1978, 3.07 acres of the subject General Commercial property is permitted 64.9% land coverage and the remaining .58 acre is permitted 70% land coverage. The proposed land coverage on the 3.07 acres portion is 64.84% and on the .58 acre portion, 69.86%. The total coverage proposed on the property is 65.64%.

Building Height

The average height of the three story, split-level structure from finish grade is 31 feet. The maximum permitted height in the General Commercial use classification is 40 feet.

Grading

A substantial amount of earthen material is to be excavated from the higher, easterly portion of the property and used to fill the lower, westerly portion to facilitate construction. The applicant’s plot plan shows temporary erosion control berms to be placed along the entire lower side of the construction area.

Drainage

The applicant’s plot plan shows conceptual drainage facilities designed to collect all stormwater runoff generated by a two year frequency, six hour duration storm, and allow for infiltration of those flows on the site. Overflow from the drainage system is to be directed by way of a rock-lined channel into the existing Stream Environment Zone located west of the subject property.

Tree Removal

Sixty-three of the estimated 104 trees on the subject property are to be removed to allow for construction. In several instances trees could be saved with minor modification to parking lot boundaries.

Slope Stabilization and Revegetation

Where it is possible to grade cut and fill embankments to a 2:1 slope, or flatter, revegetation, as per Soil Conservation Service specifications, will be used for slope stabilization. Where a 2:1 slope cannot be obtained, retaining walls are to be used for slope stabilization. The highest retaining wall required is approximately 6 feet in height. The applicant’s plot plan indicates that existing ground cover in open areas is to be enhanced with low-lying juniper ground cover. If the project is approved the final revegetation plan will be subject to approval by Agency staff. The use of plant species native to the Tahoe Basin will be encouraged.

8/15/78
Traffic

Based on the trip generation factors developed in conjunction with TRPA Ordinances 78-5 and 78-6, it is estimated that the subject project will generate the following vehicle trips:

<table>
<thead>
<tr>
<th>Use</th>
<th>Trip Factor</th>
<th>Total Trips Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket (24,000 sq ft)</td>
<td>135/1000 sq. ft.</td>
<td>3,240</td>
</tr>
<tr>
<td>Retail Commercial (18,000 sq ft)</td>
<td>45/1000 sq. ft.</td>
<td>810</td>
</tr>
<tr>
<td>Liquor Store (4,800 sq ft)</td>
<td>81/1000 sq. ft.</td>
<td>389</td>
</tr>
<tr>
<td>TOTAL:</td>
<td></td>
<td>4,439</td>
</tr>
</tbody>
</table>

The total project, when 100% occupied, will generate approximately 4,439 vehicle trips per day. However, based on a market survey prepared by Warehouse Markets, a significant percentage of the 3,240 vehicle trips per day due to the supermarket will be generated by the approximately 12,000 residents of the Kingsbury Grade area. These vehicle trips will occur primarily on Kingsbury Grade, which, according to traffic volume figures provided by the Nevada Division of Highways, has adequate capacity to accommodate the additional vehicle trips.

Although the subject project will generate additional vehicle trips on U.S. Highway 50, these additional vehicle trips will be compensated to a certain degree by residences of Kingsbury Grade no longer having to travel on U.S. Highway 50 to grocery shop at the Round Hill or Crescent "V" shopping centers.

Applicability of Ordinances 78-5 and 78-6

As per a letter dated August 11, 1978 from Dan Jenkins, Planning Administrator for Douglas County, the applicant submitted an application for an administrative permit to Douglas County on March 17, 1978. Therefore, the subject project is exempt from the regulations of Ordinances 78-5 and 78-6.

Air Quality

The applicant's Information Report indicates that "the local degradation of air quality due to use of the automobile as the major available means of transportation will be decreased by the number of vehicle trips of local residents using this supermarket in lieu of the other available markets in the Round Hill and Stateline, California, areas." Agency staff agrees with the applicant's theory relative to the vehicle trips generated by the supermarket and that the resulting impacts on air quality will be minimum, but believes the additional 18,000 sq. ft. of retail commercial will generate new vehicle trips and likewise further degradation of air quality in the Tahoe Basin.

Will-Serve Letters

Letters are contained in the applicant's Information Report indicating that the Kingsbury Fire Protection District, Southwest Gas Corporation, Sierra Pacific Power Company, the Kingsbury General Improvement District, and the Douglas County Sewer Improvement District No. 1 can each provide the required service.

8/15/78
Approvals

On August 2, 1978, Dan Jenkins, Planning Administrator for Douglas County, issued an administrative permit for the subject project; however, the project must still be reviewed by the County for building location, planting, parking, and architectural approval. The administrative permit was not subject to any conditions of approval.

Recommendation

Agency staff recommends that the Governing Board conditionally approve an administrative permit for the subject project based on the finding that "the establishment, maintenance, or operation of the proposed use is not detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters." (Section 8.33 of the TRPA Land Use Ordinance).

The recommended conditions of approval are:

1. The applicant shall modify the boundaries of the proposed parking areas and driveways, where feasible, in order to save more than 41 of the existing trees on the site.

2. The maximum height of the structure shall not exceed elevation 135.0 feet, as referenced on the applicant's Plot Plan and building elevations, as submitted to the Agency on July 31, 1978.

3. Each of the following conditions shall be completely satisfied prior to the issuance of any building or grading permits:

   a. The final construction drawings for all site improvements shall be submitted to and approved by Agency staff. The final construction drawings shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage facilities.

   b. An undertaking by corporate surety or other similar and appropriate document guaranteeing the performance of landscaping, revegetation, and proper installation of slope stabilization and drainage facilities shall be posted with the permit-issuing authority as provided in Section 7.130 of the Grading Ordinance. The undertaking or other document shall provide that the Agency may enforce the same and use the funds provided therein to assure compliance with the landscaping, revegetation and slope stabilization and drainage plans.

8/15/78
c. Calculations showing the adequacy of the infiltration trench design prepared by a qualified civil engineer shall be submitted to the Agency.

d. All authorizations (except building and grading permits) from competent public authority applicable to the proposed development shall be obtained, i.e. state highway encroachment permits.

4. Upon the issuance of building and grading permits, construction shall proceed in the following sequence:

a. Such trees as TRPA has authorized shall be removed and the initial phase of the vegetation preservation and protection plan shall be completed.

b. Installation of fencing for vegetation protection.

c. Installation of temporary erosion protection devices.

d. Prior to the removal of spoil materials from the construction site, a separate grading permit shall be obtained from the permit-issuing authority for offsite disposal of spoil materials.

e. Installation of utilities including water mains and fire hydrants required by the fire department.

f. Completion of rough grading including installation of mechanical stabilization devices.

g. Completion of structure foundations.

h. Final grading and installation of base for paved areas.

i. Completion of structures.

j. Paving.

k. Landscaping and revegetation.

5. Compliance with all requirements and conditions of the permit-issuing authority. None of said requirements and conditions shall be waived or modified without the concurrence of TRPA.

6. Whenever possible, all utilities shall occupy common trenches and shall be installed at one time. Trench spoil shall be stored upgradient of the trench.

7. There shall be no grading or land disturbance performed with respect to the project during periods of inclement weather or when there is snow on the site.

8/15/78
8. Replanting of all exposed surfaces, as per the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance. Planting shall be accomplished prior to October 15.

9. Trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

10. Areas to be paved shall be paved prior to October 15.

11. Mud shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of tracking mud offsite exists. The site shall be cleaned up and road right-of-way swept clean when necessary.

12. During construction, environmental protection devices such as adequate erosion control devices, dust control and vegetation protection barriers shall be maintained.

13. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

14. This approval expires eighteen (18) months from the date of Governing Body approval unless substantial work has commenced on the project.

15. Construction of all improvements shall be completed within twenty-four (24) months of the date of Governing Body approval. If 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. If the applicant or his successor in interest fails to do so, the permit-issuing authority or the Agency may have the work performed at the applicant's or his successor's in interest expense, costs to constitute a lien against all the real property which is the subject of this approval.

16. All other permits regarding the development shall comply with these conditions.

17. This approval becomes invalid if a local government permit for this project expires or will-serve letters are cancelled.

18. Physical barriers shall be provided to confine all vehicles to designated parking and driveway areas. The type and design of the physical barriers shall be approved by Agency staff.

19. The maximum land coverage on the site after completion of the project shall not exceed 104,360 sq. ft.

20. All revegetation, to the extent practicable, shall be undertaken utilizing plants native to the Tahoe Basin.

21. Agency staff shall be notified at least 48 hours prior to the commencement of construction. This notification shall include: 1) who will be doing the work; b) when the work will commence; and c) when the completion of work is expected.

8/15/78
Agency Review
Park Tahoe Hotel
Administrative Permit for a
Sign to Exceed Height Limit
Douglas County

Project Description and Location:

The Young Electric Sign Company requests a permit to exceed the 40 foot height limit as set forth in Section 7.13 of the Land Use Ordinance in order to construct a 56 foot high, free standing sign on the Park Tahoe Hotel-Casino site. The sign, which is to contain approximately 1,250 square feet of sign face, will be located adjacent to Highway 50 and the existing bank site.

Summary:

The requirements for an administrative permit are set forth in the TRPA Land Use Ordinance under Sections 7.13 and 8.33. These sections require the following findings be made:

Section 7.13 -

(1) Provision has been made for protection from fire hazards and against aviation accidents;

(2) Consideration has been given to the protection of view and to the character of the neighborhood;

(3) Proper provision has been made for light and air; and

(4) Such greater height will better promote the protection of the environment in the area.

Section 8.33 -

Such permit may be granted only if it is found by the permit-issuing authority that the establishment, maintenance, or operation of the use or purpose in the particular case is not detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters.

8/15/78
Park Tahoe Hotel
Administrative Permit for a
Sign to Exceed Height Limit
Page Two

The applicant has submitted a technical report, the Abstract, Section II and Conclusion of which are attached, to substantiate that the required findings can be made.

Based on the applicant's report and the plans submitted, staff can make all the required findings except under Section 7.13(4) "such greater height will better promote the protection of the environment in the area".

Staff can not find from evidence submitted that the proposed 56 foot high sign would "better promote the protection of the environment" than a 40 foot sign. The applicant has not identified why the same sign, at 40 feet in height, could not fulfill the same design requirements as the sign at 56 feet.

Recommendation:

Agency staff recommends the height of the proposed Park Tahoe free standing sign be limited to 40 feet until or unless the applicant can submit further evidence that the additional 16 feet will "better promote the protection of the environment".
ABSTRACT

This document is to support an application for an administrative permit (Section 8.33, Tahoe Regional Planning Agency Land Use Ordinance) to vary from allowable height limitations for signs (Section 7.13 TRPA, Land Use Ordinance). The permit is requested for a sign built by Young Electric Sign Company of Sparks, Nevada, for the Park Hotel-Casino of Stateline, Nevada, owned by the Park Cattle Company, P. O. Box 550, Stateline, Nevada 89450. The permit would allow that sign to be 56 feet in height rather than the standard 40 feet.

The Park Hotel sign has been built with architectural integrity and graphic sophistication in order to promote and enhance the environment in which it is placed. It has been built to provide a maximum number of communication functions on one structure, thereby defeating the need for a proliferation of other signs. Because it was built with these factors in mind, additional height is needed to allow the sign to meet its intended goals.

This report gives technical documentation to support the request for additional height. The information includes formulas for calculating sign size, sign placement height, and details of the communication functions signs perform. By complying with these technical criteria, a sign will promote the environment by demanding minimum use of it. The Park Hotel sign, in fact, mandates issuance of the permit by meeting both environmental objectives and the technical criteria.
II. SIGNS AND THE ENVIRONMENT

When one speaks of the environment in relation to signage, we are speaking of the environment in a very specific sense. The decision has already been made to develop the area; funds have been appropriated. The sign is an accessory to the already existing commitments. Protection of the environment, in relation to signage, means that we look for the best possible ways to use the environment as it has been committed. There are a number of ways to view this commitment.

The sign may be viewed as an appendage to a building. To demonstrate environmental awareness, a sign must have architectural integrity.

The sign may be viewed as part of a macro-environment. The sign structure and graphics—the symbols, angles, shapes and colors—must work in the context of the total surroundings.

To efficiently use the space available in the environment for signage, the communication functions of a sign must be combined. Maximum communication promoted through one sign, rather than limited communication in many signs, will protect the environment.
V. CONCLUSION

In constructing signs we try to be environmentally aware. We strive to use materials and designs that are aesthetically pleasing. There are, in addition, technical criteria that must be met in order for the sign to be effective.

The Park Hotel sign is both environmentally and technically sound. Specific consideration was given to the sign structure so that it compliments the building. Graphics and colors were chosen to be pleasing to the eye. Communication functions were combined on one sign, through the use of a logo, to avoid unnecessary additional signs and to facilitate identification with other forms of advertising. The problem is that through meeting these criteria the sign does not conform to the standards of the Tahoe Land Use Ordinance.

The informational-directional readerboard must be placed at an optimal height for efficient reading. Had the sign not been designed to blend architecturally with the building, adding five feet of room, and had the sign not included the logo, the display portion of the sign could have been centered to save the 16 additional feet of height requested in this permit application.

The alternatives to the Park Hotel sign are a proliferation of smaller signs to provide the necessary communication functions, or less environmentally conscious signs to comply with the limitations of the Land Use Ordinance.

Protection of the environment, as it has been committed through the building plan to date, will be promoted through the issuance of a permit for greater height. It is indeed ironic that the deep concern shown here for the environment makes the request for a permit necessary.
Agency Review
Douglas County
Administrative Permit for Existing Signs to Exceed Height Limit
Douglas County

Project Location and Description

The Douglas County Department of Public Works requests an administrative permit to allow the Sahara Tahoe Hotel and Barneys Casino to erect new signs in order to comply with the Douglas County Sign Ordinance which requires their signs to be brought into conformance as of July 1, 1978. The two existing non-conforming signs will be replaced by two new signs of the following heights:

<table>
<thead>
<tr>
<th>Existing Height</th>
<th>Proposed Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sahara Tahoe Hotel</td>
<td>140'</td>
</tr>
<tr>
<td>Barneys Casino</td>
<td>80'</td>
</tr>
</tbody>
</table>

The new signs will require the issuing of an administrative permit under Section 7.13 of the Land Use Ordinance for structures that exceed the maximum height limit (40 feet) in the Tourist Commercial Use District.

Summary

The requirements for an administrative permit are set forth in the TRPA Land Use Ordinance under Sections 7.13 and 8.33. These sections require the following findings be made:

Section 7.13:

(1) Provision has been made for protection from fire hazards and against aviation accidents;
(2) Consideration has been given to the protection of view and to the character of the neighborhood;
(3) Proper provision has been made for light and air; and
(4) Such greater height will better promote the protection of the environment in the area.

Section 8.33:

Such permit may be granted only if it is found by the permit-issuing authority that "the establishment, maintenance, or operation of the use or purpose in the particular case is not detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters."

8/15/78
Douglas County Administrative Permit
Signs to Exceed Height Limit
Page Two

Douglas County has made the required findings based on the following statements submitted by Bob Gardner, Douglas County Public Works Director.

1. "Provisions have been made for fire protection since the new signs comply with the latest Electrical and Fire Codes. No aviation hazard exists since no signs have been approved which protrude above existing hotel towers.

2. The prime consideration in requiring compliance to the County Sign Ordinance has been to protect the view and visual impact of the signs to improve the character of the neighborhood. The new signs will eliminate all rotating, flashing and blinking signs and reduce the area of the sign to approximately half of the original area.

3. Provisions have been made for light and air in reducing the total sign areas.

4. The height will better promote the protection of the environment in the area as listed in item 2 above. The approved height, while exceeding the 45' limitation in all cases, represents a considerable reduction from the existing sign heights."

Of critical concern in this instance is condition #4 of the ordinance provision: "Such greater height will better promote the protection of the environment in the area." Douglas County has interpreted that condition to require a finding of net benefit comparing what presently exists in the area to what is proposed. Under that interpretation, staff would concur that the proposed signs will be an improvement over what presently exists in the area.

An equally valid interpretation of the ordinance, however, would be to compare the project as proposed to the standard of 40 feet. Under this interpretation staff could not support a finding of environmental betterment, since the environment would clearly be better protected if the signs met the height limit than if they were erected as proposed at the greater height. It is staff's interpretation that this section of the ordinance was originally intended to apply in allowing a trade-off between height and land coverage in instances where excess height may be determined to be less objectionable than the full buildout of permitted land coverage.

Recommendation

These contrasting interpretations present a basic choice point for the Governing Board, since both appear to be valid interpretations of the ordinance. Staff has concluded that the latter interpretation is more consistent with the overall intent of the Agency's mandates and recommends accordingly that the administrative permit be denied.

8/15/78
Agency Review
Manzanita Heights
Modification of Prior Approval,
One Additional Unit
Douglas County

Project Location and Description:

The applicant, Edgar Scharruhn, is requesting a modification to an administrative permit that was approved for Manzanita Heights by the TRPA Governing Body on May 24, 1978. The request is to construct an additional apartment unit in Manzanita Heights, bringing the total number of units from 14 to 15. The 1.85 acre parcel is located on the south side of Kingsbury Grade, approximately one mile east of the intersection of Kingsbury Grade and Highway 50. The subject parcel is Douglas County Assessor's Parcel #07-292-02.

The 14 unit apartment complex as approved by the TRPA Governing Body contained 5 duplex buildings and one four-plex building. Each unit contains two bedrooms, two baths, and is provided two covered parking spaces. Each unit was 24 feet by 42 feet and covered 1,008 square feet.

The proposed one unit addition will be added to the four-plex building making it a five-plex building. Each unit in the proposed five-plex building will be 16 feet by 40 feet or 640 square feet of coverage per unit. The five-plex building will cover a total of 3,200 square feet which is 832 square feet less than the previously approved four-plex building.

The five-plex building will be sited generally in the same location as the four-plex building to minimize encroachment into the Stream Environment Zone that runs from east to west across the property.

Land Use Classification:

The 1.85 acre parcel is classified Medium Density Residential, which at a maximum density of 8 single family units per acre, would permit up to 15 units on the subject parcel. The applicant's request for an additional unit is in accordance with the maximum allowable density on the subject parcel.

8/15/78
Manzanita Heights
Modification of Prior Approval,
One Additional Unit
Page Two

Land Coverage:

The parcel is allowed 35% coverage

The land capability map classified approximately .8 acre of the property located closest to Kingsbury Grade as CaD soil. This soil type is in a land capability level 4, which permits 20% land coverage. The remaining area of the parcel, approximately 1 acre, is classified as CaF. The slope of the terrain in this area ranges from 15 to 40 percent. However, since the subject parcel is less than 2 acres in size and was recorded prior to February 10, 1972, Section 9.23 of the Land Use Ordinance permits a maximum of 35 percent land coverage. The total amount of land coverage originally approved was 28,200 square feet or 34.9% of the site. The total amount of land coverage proposed with the modification is 27,358 square feet or 34%. The proposed amount of land coverage is 832 square feet less than originally approved.

Building Height:

The approved two-story structures are to be an average height of approximately 20 feet. The height limit in Medium Density Residential is 35 feet. The proposed five-plex will also be approximately 20 feet in height.

Grading:

The proposed five-plex building will be located within the footprint of the approved four-plex building. Within the approved building footprint, the proposed five-plex building will be moved slightly east to minimize encroachment into the Stream Environment Zone running through the property.

Transportation and Air Quality:

The additional apartment unit will add approximately 7 vehicle
trips per day to the 98 vehicle trips per day anticipated to
be generated by this project. This converts to approximately
57 vehicle trips per day per acre which is less than the 105
vehicle trips per day per acre standard contained in Ordinances
78-5 and 6.

Approvals:

Douglas County issued an administrative permit for the requested
additional unit on August 14, 1978.

8/15/78
Recommendation:

Agency staff recommends that the Governing Body conditionally approve the requested administrative permit for Manzanita Heights based on the following finding:

"...that the establishment, maintenance, or operation of the use or purpose in the particular case is not detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters." (Section 8.33 of the Land Use Ordinance)

The recommended conditions of approval are the same as originally approved for the Manzanita Heights administrative permit which are:

1. Each of the following conditions shall be completely satisfied prior to the issuance of any building or grading permits:

   a. The final construction drawings for all site improvements shall be submitted to and approved by Agency staff. The final construction drawings shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage facilities.

   b. An undertaking by corporate surety or other similar and appropriate document guaranteeing the performance of landscaping, revegetation, and proper installation of slope stabilization and drainage facilities shall be posted with the permit-issuing authority as provided in Section 7.130 of the Grading Ordinance. The undertaking or other document shall provide that the Agency may enforce the same and use the funds provided therein to assure compliance with the landscaping, revegetation and slope stabilization and drainage plans.

   c. Calculations showing the adequacy of the infiltration trench design prepared by a qualified civil engineer shall be submitted to the Agency.
d. All authorizations (except building and grading permits) from competent public authority applicable to the proposed development shall be obtained, i.e. state highway encroachment permits.

e. Covenants, conditions, and restrictions respecting all of the real property of the proposed development shall be subject to TRPA review and approval. Such document shall include: a prohibition of the use of chemicals for deicing in all vehicular areas except public streets; a prohibition of vehicles in all nonvehicular open spaces; vegetation preservation and protection plan with adequate provision to insure the permanent maintenance of open spaces and the temporary installation of vegetation protection fencing within each building site prior to the commencement of construction; and a provision making TRPA an express beneficiary of said document with the right to pursue such judicial remedies as it wishes arising out of or relating to such document.

f. The final subdivision map shall not be recorded until the Agency staff has found, and so indicated in writing, that the final map substantially conforms to the approved tentative map.

2. Upon the issuance of building and grading permits, construction shall proceed in the following sequence:

a. Such trees as TRPA has authorized shall be removed and the initial phase of the vegetation preservation and protection plan shall be completed.

b. Installation of fencing for vegetation protection.

c. Installation of temporary erosion protection devices.

d. Prior to the removal of spoil materials from the construction site, a separate grading permit shall be obtained from the permit-issuing authority for offsite disposal of spoil materials.

e. Installation of utilities including water mains and fire hydrants required by the fire department.

f. Completion of rough grading including installation of mechanical stabilization devices.
g. Completion of structure foundations.

h. Final grading and installation of base for paved areas.

i. Completion of structures.

j. Paving.

k. Landscaping and revegetation.

3. Compliance with all requirements and conditions of the permit-issuing authority. None of said requirements and conditions shall be waived or modified without the concurrence of TRPA.

4. Whenever possible, all utilities shall occupy common trenches and shall be installed at one time. Trench spoil shall be stored upgradient of the trench.

5. There shall be no grading or land disturbance performed with respect to the project during periods of inclement weather or when there is snow on the site.

6. Replanting of all exposed surfaces, as per the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance. Planting shall be accomplished prior to October 15.

7. Trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

8. Areas to be paved shall be paved prior to October 15.

9. Mud shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of tracking mud offsite exists. The site shall be cleaned up and road right-of-way swept clean when necessary.

10. During construction, environmental protection devices such as adequate erosion control devices, dust control and vegetation protection barriers shall be maintained.

11. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

12. This approval expires 18 months from the date of Governing Body approval unless substantial work has commenced on the project.

8/15/78
13. Construction of all improvements shall be completed within twenty-four (24) months of the date of Governing Body approval. If 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. If the applicant or his successor in interest fails to do so, the permit-issuing authority or the Agency may have the work performed at the applicant's or his successor's interest expense, costs to constitute a lien against all the real property which is the subject of this approval.

14. All other permits regarding the development shall comply with these conditions.

15. No structure shall exceed an average height of 20 feet measured from the natural grade.

16. This approval becomes invalid if a local government permit for this project expires or will-serve letters are cancelled.

17. Physical barriers shall be provided to confine all vehicles to designated parking and driveway areas.

18. The maximum land coverage on the site after completion of the project shall not exceed 34% of the total site.

19. Agency staff shall be notified at least 48 hours prior to the commencement of construction. This notification shall include (a) who will be doing the work; (b) when the work will commence; and (c) when the completion of work is expected.
Agency Review
James Darby
Modification of Prior Approval
Douglas County

Project Location and Description:

The applicant, James Darby, is requesting approval of a modification to the tentative map approved by the Governing Body on February 24, 1977 for Kingsbury Heights Unit 3. The applicant is requesting approval of a modification to relocate the building envelope on Lot 6 (see Attachment 1).

Kingsbury Heights Unit 3 is a 7 lot subdivision located on Kingsbury Grade at Terrace View Drive, approximately one mile east of U. S. Highway 50 (see Attachment 2). Lot 6 is located on the east side of Terrace View Drive and immediately south of the Kingsbury General Improvement District water tank and pump station. The applicant has indicated he wishes to relocate the building envelope so that his single family dwelling is further away from the noise of the Kingsbury General Improvement District water tank and pump station and the noise of Kingsbury Grade.

The building envelope for Lot 6, as shown on the approved tentative map, was located in the extreme northerly portion of the lot on land which is primarily of a land capability level 4 where the terrain slopes generally less than 15 percent. The remainder of the land area of Lot 6 has slopes generally in excess of 15 percent and is therefore capability level 1, high hazard lands.

A slope analysis map prepared by Sharp, Krater and Associates, at a scale of 1 inch equals 80 feet, indicates that Lot 6 contains two different land capability districts as shown below:

<table>
<thead>
<tr>
<th>District</th>
<th>Capability</th>
<th>Allowable Coverage</th>
<th>Area</th>
<th>Allowable Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>CaD</td>
<td>4</td>
<td>20%</td>
<td>13,600</td>
<td>2,736 sq. ft.</td>
</tr>
<tr>
<td>CaE</td>
<td>2</td>
<td>1%</td>
<td>29,600</td>
<td>296 sq. ft.</td>
</tr>
</tbody>
</table>

The total allowable coverage for Lot 6 is 3,032 square feet.

8/15/78
Staff concerned that the subdivision was approved by the Board in conformance with land capa. and coverage and that the alteration of one of the building envelope will set a precedent.
The building site shown on the approved tentative map was located so that most of the 3,032 square feet of permitted land coverage would be placed on the capability level 4 land and so that the amount of land coverage proposed on the capability level 1 land for the entire subdivision would not exceed the allowable. Review of the project's slope analysis maps and building site location plans indicate that all the building sites were located primarily in the highest land capability portions of each lot. The subdivision as approved utilized all the allowable land coverage in the capability level 1 areas for access roads and small amounts of coverage for each lot.

The applicant's plans, showing a revised building envelope and proposed single family dwelling, proposes approximately 1,237 square feet of coverage on the capability 1 land of Lot 6. The maximum allowable coverage on the capability 1 land of Lot 6 is 296 square feet. The applicant's proposed plans would result in 941 square feet of coverage in excess of that permitted on the capability 1 land of Lot 6 and the entire subdivision.

Recommendation:

Agency staff recommends that the Governing Body deny the subject request for the following reasons:

1. The building envelopes as shown on the approved tentative map were sized and located so as to minimize encroachment into the high hazard lands as identified on the Sharp, Krakter and Associate's slope analysis map.

2. The building envelopes for each lot were layed out to conform to the requirements of the TRPA Land Use Ordinance, regarding land capability and coverage.

3. The subject request would result in approximately 53 percent of the proposed coverage being located on CaE, high hazard lands.

4. The subject request would result in 941 square feet of land coverage in excess of the maximum amount permitted on the capability 1 lands of the approved subdivision.

8/15/78
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Mountain Shadows
Administrative Permit for Replacement
of Non-Conforming Land Coverage
Washoe County

Project Description

The applicant, Mountain Shadows of Incline Condominium Association, represented by Carroll Barrow, is requesting an administrative permit to construct a new 1200 sq. ft. maintenance shed over existing non-conforming land coverage at the Mountain Shadows of Incline condominium project. The project is located off of Country Club Boulevard, one block north of State Highway 28 in Incline Village, Nevada.

Phases 8 and 9 of Mountain Shadows have recently changed ownership. The new owners have informed the Mountain Shadows Condominium Association that they must vacate the maintenance shed currently used by the end of August. The maintenance shed is used to store groundskeeping and snow removal equipment for the Mountain Shadows project.

Ordinance Regulations

In order to construct the proposed maintenance shed, Section 9.21(3)(b) of the TRPA Land Use Ordinance requires that other land coverage on the same parcel be removed in an amount equal to the amount of land coverage created by the proposed building.

Subsequent to a meeting held on July 24, 1978 in the TRPA offices with Agency staff, the applicant submitted eight sheets delineating areas of existing coverage to be removed in accordance with Section 9.21(3)(b). The total amount of existing non-conforming coverage to be removed is 1,752 sq. ft., or 52 sq. ft. more than required.

Local Agency Action

An administrative permit has been issued by Washoe County.

Recommendation

Agency staff recommends that the Governing Board of the Tahoe Regional Planning Agency conditionally approve the administrative permit for the subject request based on the following finding: "that the establishment, maintenance, or operation of the use or purpose in the particular case is not detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters."

(Section 8.33 of the TRPA Land Use Ordinance)

Recommended Conditions:

1. Each of the following conditions shall be completely satisfied prior to the issuance of any building or grading permits:
   a. The final construction drawings for all site improvements shall be submitted to and approved by the Agency staff. The final construction drawings shall clearly depict: 1) areas where existing coverage is to be removed; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary erosion control devices; and 5) measures to be taken for dust controls.

8/15/78
b. An undertaking by corporate surety or other similar and appropriate document guaranteeing the performance of landscaping and revegetation will be posted with the permit-issuing authority as provided in Section 7.130 of the Grading Ordinance. The undertaking or other document shall provide that the Agency may enforce the same and use the funds provided therein to assure compliance with the landscaping and revegetation plans.

2. Compliance with all requirements and conditions of the permit-issuing authority. None of said requirements and conditions shall be waived or modified without the concurrence of TRPA.

3. There shall be no grading or land disturbance performed with respect to the project during periods of inclement weather or when there is snow on the site.

4. Replanting of all exposed surfaces, as per the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance. Planting shall be accomplished prior to October 15.

5. Trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

6. Mud shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of tracking mud offsite exists. The site shall be cleaned up and road right-of-way swept clean when necessary.

7. During construction, environmental protection devices such as adequate erosion control devices, dust control and vegetation protection barriers shall be maintained.

8. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

9. This approval expires eighteen (18) months from the date of Governing Body approval unless substantial work has commenced on the project.

10. Construction of all improvements shall be completed within twenty-four (24) months of the date of Governing Body approval. If 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. If the applicant or his successor in interest fails to do so, the permit-issuing authority or the Agency may have the work performed at the applicant's or his successor's in interest expense, costs to constitute a lien against all the real property which is the subject of this approval.

11. This approval becomes invalid if a local government permit for this project expires or will-serve letters are cancelled.

12. Agency staff shall be notified at least 48 hours prior to the commencement of construction. This notification shall include: a) who will be doing the work; b) when the work will commence; and c) when the completion of work is expected.

8/15/78
Agency Review
Stanford Sierra Camp
Determination of Conformance to Master Plan
El Dorado County

Background

In 1969, the Stanford Alumni Association received approval from El Dorado County and the California Tahoe Regional Planning Agency for various construction projects under a master plan for development of its Sierra Camp at Fallen Leaf Lake. In 1973, the Stanford Camp sought authorization from the Tahoe Regional Planning Agency to proceed with the approved projects. During hearings on the Administrative Permit an issue emerged regarding the lack of sewerage facilities servicing Fallen Leaf Lake and on the basis of that concern the application of Stanford Camp was denied without prejudice by the TRPA Governing Board.

Stanford Camp challenged the Agency's denial in a suit in El Dorado County Superior Court. Stanford Camp received favorable judgement from the Court with TRPA mandated to:

"... desist and refrain from taking any action or proceeding to prevent, interfere with, or impose conditions upon the completion of the reconstruction of ... Stanford Sierra Camp ... as authorized by (The Special Use Permit) issued by El Dorado County on June 26, 1969 ..."

Stanford Camp is now proposing to continue with development of its facilities and is seeking TRPA concurrence with such development on grounds that it is in accordance with the Superior Court Judgement. Since this concurrence requires a determination of significant conformance to the original master plan referenced by the Court, Staff has placed the item before the Governing Board for such determination. El Dorado County has already made a determination of conformance.

Original Master Plan

The original master plan called for ultimate development of 13 residential unit complexes with accommodation for in excess of 300 people plus a 3 story lodge with another 26 rooms and residential buildings for the director and staff. Also included was a new 10% grade road section connecting an upper road at the camp with the existing lower access road and a substantial increase in parking, largely on the upland side of the camp.
Current Master Plan

The current master plan being pursued by Stanford Camp has reduced the number of residential unit complexes to 11, retains staff and director's buildings and has modified the proposed lodge facilities. The new lodge would be lower to conform to CTRPA height limits and has been pulled back away from the Lake shore with a reduction in building footprint size. Similarly, one of the proposed residential unit complexes also proposed for the Lake shore has been relocated.

The amount of parking surface has been reduced from the original master plan and the upper road connection has been abandoned.

The number of persons accommodated under the new plan would be approximately 300 guests and 50 staff, a reduction from that allowed under the original master plan.

Recommendation

Based on the following considerations, staff recommends that the Governing Board find the proposed improvements to be in substantial conformance with those the master plan originally approved for the project:

1. The uses contemplated and the scale of those uses are consistent with the original master plan.
2. The overall site plan for the project is generally consistent with the original master plan.
3. Those instances in which modifications have been made in the site plan have reduced the level of impact of the contemplated facilities and are therefore within the scope of the original master plan and consistent with the directions established by the plans and ordinances of the TRPA.

8/14/78
MEMORANDUM

DATE: August 15, 1978

TO: Governing Board

FROM: Agency Staff

SUBJECT: Grading Ordinance Revision

The following is a draft of the revised Grading Ordinance which was the subject of discussion at the August 10, 1978 Advisory Planning Commission meeting. The APC members generally concurred with the suggested changes which were discussed briefly at the May Governing Board meeting. These changes are:

1. Application of the Ordinance to both "A" and "B" permits with special informational requirements for "A" permits.

2. Grading year around, with staff issued permits for projects commencing between October 15 and May 1 in land capability districts 1 through 4.

3. Stream environment zone variances are changed to staff issued administrative permits.

The APC noted the enforcement problems associated with Type "A" permit requirements but generally agreed that such controls were necessary. The APC also suggested the following concerns be addressed in the Ordinance:

1. A waiver clause be introduced to the Ordinance to allow more flexible administration of the Ordinance.

2. "Adequate security" be further defined for the local permit-issuing authorities.

3. Criteria be established to determine the qualifications of individuals who would be required to furnish information reports for "B" permits.

4. A more technical term, i.e. "below saturation" be substituted for "naturally dry" in Section 7.50.
5. Introduce the Department of Fish and Game into the determination of fish habitats as described in Section 7.70.

6. Section 7.130 be reworded to provide more flexibility.

Agency staff has noted these concerns and forwarded this information to Legal Counsel for the correct terminology to be incorporated into the Ordinance if it is the desire of the Governing Board to do so. Due to the approaching October 15th grading deadline, staff has scheduled the revised Grading Ordinance for discussion at this meeting and has invited the APC members and those concerned to attend to provide input.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 78-

AN ORDINANCE AMENDING ORDINANCE NO. 5 OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED, CLARIFYING GRADING LIMITATIONS AND PERMIT PROCEDURES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

The Grading Ordinance, Ordinance No. 5 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that in order to effectuate the adopted Regional Plan, it is necessary to adopt this ordinance establishing minimum standards and providing regulations for the construction and maintenance of land fills, excavations, cuts and clearing of vegetation, providing for revegetation of cleared areas, and providing for other matters properly relating thereto. The Governing Body further finds that the provisions of this ordinance are in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00 General Provisions

2.10 Compliance

Construction and maintenance of any landfills, excavations and cuts and clearing of vegetation and the revegetation of cleared areas shall be in compliance with the terms of this ordinance. Permits shall be required as provided in this ordinance and such permits shall be granted or denied in conformity with the provisions of this ordinance.

2.11 The provisions of this ordinance establish the minimum standards applicable within the Region to the subject matters of the ordinance. Any political subdivision may enforce equal or higher standards within its territory, and this ordinance shall not be deemed a limitation or repeal of any other powers granted to the governments of the Tahoe Region by the United States or the respective states.
2.20 Interpretation and Severability

The provisions of this ordinance shall be liberally construed to effectuate their purposes. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.30 Short Title

This ordinance may be cited and referred to as the "Grading Ordinance".

Section 3.00 Definitions

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: words in the present tense include the future; words in the singular number include the plural number; [, and] words in the plural number include the singular number; [, The] and the word "shall is mandatory, not permissive, unless the context indicates that a directory meaning is intended. The following terms wherever used in this ordinance have the following meanings unless the context clearly indicates otherwise:

Agency - The Tahoe Regional Planning Agency.

Area of Instability - An area where there is a [foreseeable] risk of soil or rock movement.

Clearing of Vegetation - Total or partial removal of naturally occurring vegetation on an area of land.

Drainageway - A natural depression in the earth's surface such as a swale, ravine, draw and hollow in which surface waters collect as a result of rain or melting snow. [but at other times are destitute of water]

Flood Plain - Areas adjoining a water course, lake or other body of water that have been or may be covered by flood waters.

Flood Water - Water from water courses or bodies of water that temporarily inundates the land in flood plains or adjacent land.

Fill - Any rock, soil, gravel, sand or other material deposited by man

Geological Terms - [As defined] Any term used in this ordinance which pertains to the science of geology shall have the definition therefor set forth in the latest edition of the "Glossary of Geology" [and Related Sciences"] published by the American Geological Institute, unless such term is otherwise defined herein.
Governing Body - Governing body of the Tahoe Regional Planning Agency.

Grading - Cutting through or otherwise disturbing the layers of the solid mantle so as to [permantly] change the existing landform.

Permit-Issuing Authority - The local government within the territory of which the proposed construction and maintenance of land fills, excavations, cuts, clearing of vegetation or revegetation is [located] to be conducted which government has the authority and obligation to enforce the standards established by this ordinance.

Person - An individual, partnership, corporation, business association, or group of individuals and any governmental entity.

Region - The area of land described as the "Region" in Article II(a) of the Tahoe Regional Planning Compact.

Stream Environment Zone - A [required] land strip on each side of the stream bed essential or necessary to maintain existing water quality. The width of the particular stream environment zone shall be determined by on-the-ground investigation by the Agency. Investigation shall consider: (1) soil type and how surface water filters into the ground; (2) the type and amount of vegetative cover and how it stabilizes the soils; (3) the slope of the land within the zone and how significant it is for retaining sediment from reaching the streams. [The intent of maintaining the Stream Environment Zone shall be to preserve the natural environment qualities and function of the land to purify water before it reaches the stream.]

Surface Water - Water falling upon, arising from [the] and naturally spreading over land and that produced by rainfall, melting snow or a spring.

Water Course - A manmade [running] stream of water or a natural stream [including] such as a river, creek, run and [riverlet] rivulet. It may sometimes be dry, but must flow in a definite channel.

Section 4.00 Permit Procedure

4.10 When Required

Except as set forth in Section 4.11, no person shall commence or [perform] continue any grading, [or] filling or clearing of vegetation without having first obtained a permit [from the permit-issuing authority] in accordance with this ordinance.

4.11 Exceptions

[All other applicable provisions of this section shall apply, but a permit shall not be required if the work complied with any of the following conditions:]

-3-
Except as provided in Section 7.11, a permit under this ordinance shall not be required if the proposed work is limited to any of the following circumstances (except that all other applicable provisions of this ordinance shall apply to such work):

(1) The excavation does not exceed four (4) feet in vertical depth at its deepest point measured from the original surface and does not exceed two hundred (200) square feet in area and does not create a slope greater than two (2) horizontal to one (1) vertical in unconsolidated material;

(2) The fill does not exceed three (3) feet in vertical depth at its deepest point measured from the natural ground surface, [and] the fill material does not cover more than two hundred (200) square feet nor have a slope steeper than three (3) horizontal to one (1) vertical, and does not obstruct a drainageway;

(3) The work is an exploratory excavation[s] under the direction of a soils engineer or engineering geologist not to exceed an aggregate area of two hundred (200) square feet;

(4) The work is an excavation below finished grade for basements and footings of a building authorized by a valid building permit (this exception does not affect the requirement of a grading permit for any fill made with the material from such excavation);

(5) The work is the clearing of vegetation which does not exceed one thousand (1000) square feet in area and there is sufficient prevention of erosion; or

(6) The work is by a public agency in accordance with plans approved by the Agency.

4.20 [Application Form]

4.21 Applications required by this ordinance shall be made as provided by the applicable provisions of the Rules and Regulations of Practice and Procedure of the Agency and rules and procedures of the permit-issuing authority.]
Types of Permits

(1) "A" Permit

Unless a "B" permit is required under Subsection (2) of this section, no person shall commence or continue any grading, filling or clearing of vegetation for which a permit is required under Section 4.10 of this ordinance without first obtaining an "A" permit from the permit-issuing authority. Upon receipt of an application for an "A" permit, the permit-issuing authority shall review it, applying the standards and requirements of this ordinance, and either issue, issue with conditions or deny said permit in accordance with said standards and requirements. The permit-issuing authority shall not issue a permit which does not comply with the provisions of this ordinance.

(a) Immediately after issuance of an "A" permit, the permit-issuing authority shall notify the Agency in writing of the following: (1) the date of issuance of the permit; (2) the identity and address of the permittee; (3) a site plan clearly depicting: (a) the nature, dimensions, location and other details pertaining to the grading, filling or clearing; (b) adequate measures to prevent erosion and runoff from the site, and temporary vegetation protection fencing; and (c) a slope stabilization and revegetation plan clearly depicting: temporary and permanent slope stabilization, permanent revegetation methods, and drainage facilities: and (4) adequate security shall be posted with the permit-issuing authority to assure the completion of the work as depicted on the site plan and slope stabilization and revegetation plan. The permit-issuing authority shall find the work as described on such plans is completed prior to releasing the posted security.

(b) "A" permits, and any other permit required by the permit-issuing authority but not required by this ordinance, shall become valid and final without the necessity of approval by the Agency. This section shall not foreclose any judicial action authorized by the Tahoe Regional Planning Compact to enforce the provisions of this ordinance.

(2) "B" Permit

No person shall commence or continue any of the following grading, filling or clearing of vegetation without first obtaining a "B" permit from the permit-issuing authority and an approval thereof by the Agency:
(a) That to be performed pursuant to an extension of the October 15 deadline under Section 7.12; or administrative permit under Section 7.11 or 7.70.

(b) That requiring a variance pursuant to Section 8.00; and

(c) That preliminary to, or a part of, any construction, use or activity, the permit, tentative subdivision map or other authorization for which must be approved by the agency in accordance with any other Agency ordinance.
(3) Upon receipt of an application for a "B" permit, the permit-issuing authority shall review it, applying the standards and requirements of this ordinance and either issue, issue with conditions or deny said permit in accordance with said standards and requirements. The permit-issuing authority shall not issue a permit which does not comply with the provisions of this ordinance.

(4) Immediately after issuance of a "B" permit, the permit-issuing authority shall transmit it to the Agency along with the Information Report required by Section 4.21. The applicant for the permit shall apply to the Agency for approval thereof and pay to the Agency any fee required by it for processing the application. The permit and the Information Report transmitted by the permit-issuing authority shall be deemed part of the application to the Agency. If the application is incomplete or insufficient in any manner, including the failure to pay the processing fee, the Agency staff shall reject it and inform the applicant of the items needed to make it complete. An incomplete or insufficient application shall not be a proposal requiring action by the Agency within any deadline for action prescribed by ordinance or by the Tahoe Regional Planning Compact.

(5) Agency staff shall review and shall take action whether to approve, to require modification or to reject permits required pursuant to Sections 7.11, 7.12 & 7.70 hereof. The Governing Body of the Agency shall take final action respecting all other "B" permits. An appeal from the determination of Agency staff may be made by any aggrieved party by lodging with Agency staff a written notice of appeal within ten (10) days of the date of determination. On appeal, the Agency Governing Body may affirm, reverse or modify the determination of Agency staff, and such Agency Governing Body action shall be final.

(6) A "B" permit issued by the permit-issuing authority shall not be valid, effective or final until it is approved, either as submitted or with modifications, by the Agency and, until approved by the Agency, such permit operates exclusively as a recommendation to the Agency by the permit-issuing authority for action to be taken by the Agency upon the permit approval application.
The Agency shall consider each "B" permit issued by the permit-issuing authority and approve such permit, either as submitted or with modifications, if it meets the applicable standards and requirements of this ordinance. The Agency shall reject a permit which does not meet such standards and requirements, and shall reject a permit required under Section 4.20(2)(c) unless it concurrently approves, or has already approved, the permit, tentative subdivision map or other authorization for the particular construction, use or activity.

The Agency may impose reasonable conditions upon the approval of a "B" permit.

Both staff and Governing Body consideration of permits requiring Agency action shall be conducted at meetings open to the public. Reports considered at said meetings shall be available to the public a reasonable time prior to the meetings. The applicant and other interested persons shall be afforded opportunity at such meetings to comment on the proposed permit.

4.21 Application Form and Required Information

[4.22 Information Report]

Applicants for a "B" permit shall submit an application to the permit-issuing authority upon a form prescribed by such authority, unless a form is prescribed by the Agency, in which case application shall be upon such Agency form. Applicants for [a grading permit pursuant to the provisions of this ordinance] any permit required by this ordinance shall furnish to the permit-issuing authority an Information Report prepared by a [person or firm] civil engineer, soils engineer or engineering geologist qualified by training and experience to have expert knowledge of the subject. The permit-issuing authority and, in the case of a "B" permit, the Agency, shall determine the adequacy of the report and [may] require the submission of further information where necessary. The report shall provide the following information [as follows] except to the extent that the permit-issuing authority and, in the case of a "B" permit, the Agency determine[s] that such information is not applicable to the project.
(1) A statement of the land capabilities of the property on which the grading is to be performed, including the applicable land capability district(s), soil name, soil group, hydrologic group, slope, runoff potential, soil depth, erosion potential, and natural drainage;

(2) A statement of the credentials of the person or persons who [drew up] prepared the plans and made the certifications required by this ordinance or [applicable Rules and Regulations of Practice and Procedure] other applicable regulation of the Agency;

(3) Accurate contours at two (2) foot intervals for slopes [up to] through sixteen percent (16%) and five (5) foot intervals for slopes over sixteen percent (16%) showing the topography of the ground to be graded, [and] filled or cleared and the topography of the fifteen (15) feet adjacent to such area;

(4) A subsurface soil and geological report including subsurface investigations, [as may be] if such report is required [in] pursuant to Section [5.00] 5.20 of this ordinance.

(5) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed, [and including] which plot plan shall include a grading plan[s] prepared in accordance with engineering and planning practices, applicable codes and restrictions imposed by the recommendations of the subsurface soil and geological report;

(6) Elevations and dimensions, including quantity, location and extent of proposed grading;

(7) Erosion control measures to prevent soil loss, sedimentation and siltation while the grading is in process;

(8) A report showing existing tree locations, size, species, and the proposed extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation;

(9) A description of equipment and methods to be employed in processing and disposing of solid and other material that is removed from the grading site, including the location of disposal sites;
(10) Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area, and the estimated runoff of the area served by any drains and proposed method of runoff disposal;

(11) A schedule showing when each stage of the project will be completed, including estimated starting and completion dates, hours of operation, and days and weeks of operation; and

(12) A soil slope stabilization and revegetation plan in accordance with Section 5.31. Report including final ground cover, landscaping, and erosion control, and requirements for stable cut and fill slopes based upon detailed stability analysis.

4.30 Agency Review of Permits

4.31 Permits required by this ordinance and any other permit required by the permit-issuing authority, but not required by this ordinance, shall become final without the necessity of review by the Agency, except for the construction mentioned in Section 7.71, variances mentioned in Section 8.00, and any grading or filling or clearing of vegetation which is preliminary to or a part of any construction, use, or activity which requires Agency review pursuant to any other Agency ordinance, provided, however, that the fact that a permit becomes final without the necessity of review by the Agency shall not foreclose any judicial action authorized by the Tahoe Regional Planning Compact to enforce the provisions of this ordinance.

4.32 Permits required by this ordinance for the construction mentioned in Section 7.71, variances mentioned in Section 8.00, and any grading or filling or clearing of vegetation which is preliminary to or a part of any construction, use or activity which requires Agency review pursuant to any other Agency ordinance and issued by the permit-issuing authority shall be subject to Agency review, and upon review of any such permit the Agency shall take final action, whether to approve, to require modification or to reject such permit within 60 days after such permit is delivered to the Agency. If the Agency does not take final action within 60 days, the permit shall be deemed approved.

4.33 When an application for a permit is received by the permit-issuing authority, it shall immediately notify the Agency in writing of the following: (1) the fact that an application has been received; (2) the type of permit for which the application is made; and (3) the nature, scope and location of the grading or filling or clearing of vegetation proposed. Upon receipt of such documents, the Executive Officer of the Agency and its staff shall cooperate with the permit-issuing authority when requested to do so by the permit-issuing authority in interpreting and applying the standards of the ordinance to the grading or filling or clearing of vegetation for which the permit application has been made.
4.34 The permit-issuing authority shall notify the Agency of all permits issued by it for any grading or filling or clearing of vegetation within the Lake Tahoe region. All permits issued and reported to the Agency shall be reviewed by the Agency staff, and all permits requiring Agency review pursuant to Section 4.32 shall be reported by the staff with staff recommendations to the Governing Body of the Agency for its review and action as provided in Section 4.32. The staff report and recommendations shall be available to the public at least five days prior to the meeting of which the permit issued pursuant to Section 4.10 is reviewed by the Agency. Reference to the permit shall be made in the agenda of such meeting and the applicant and other interested persons shall be afforded opportunity at such meeting to comment on the permit.

Section 5.00 Required [Additional Investigations and ] Investigations. Reports and Plans

5.10 General Requirements of Subsurface Investigations

[For the purposes of preparing the] If a subsurface soil and geological report is required pursuant to Section 5.20, subsurface investigations shall be performed throughout the area to sufficiently describe the existing conditions.

5.20 Specific Requirements of Subsurface Investigations

[In particular] Subsurface investigations shall be conducted, and a subsurface soil and geological report prepared, where stability [will] may be lessened by the proposed grading or filling or when such grading or filling will be performed at any of the following locations: [where any of the following conditions are discovered or proposed]

1. [At] Fault zones; [where past land movement is evident]
2. [At] Contact zones between two or more geologic formations;
3. [At] Zones of trapped water or high water table;
4. [At] Where bodies of intrusive materials are prevalent;
5. [At] Historic landslides or where the topography is indicative of prehistoric landslides;
6. [At] Adversely sloped bedding planes, short-range folding areas, overturned folds, fractures and other geologic formations of similar importance;
7. [At locations] Where a fill slope is to be placed above a cut slope;
8. [At] Proposed or existing cuts exceeding twenty (20) feet in height, unless in extremely competent rock;
9. [Locations of] Proposed or existing fills exceeding twenty (20) feet in height;
(10) Where side hill fills are to be placed on existing slopes steeper than sixteen percent (16%); or

(11) Wherever groundwater from either the grading project or adjoining properties is likely to substantially reduce the subsurface stability.

Where any of the particular problem areas listed above or other weaknesses are found, the subsurface investigation shall be of sufficient intensity to describe the problem thoroughly. The person [or firm] making the report shall submit a written report of [their] findings and recommendations.

5.30 Revegetation and Slope Stabilization

5.31 Plan Required

The applicant shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be planted, erosion control, percentage of compaction, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality, and fish and wildlife.

5.32 Submittal of Plan

The revegetation and slope stabilization plan shall be submitted with the grading plan required under Section 5.21(5), unless the revegetation plan is a part of an application for clearing of vegetation which does not include or contemplate grading or filling.

5.40 Additional Investigations and Reports

When requested by the permit-issuing authority or the Agency, the applicant shall procure and furnish at his own expense additional engineering, geologic and ownership reports, plans or surveys and other material necessary to determine and evaluate site conditions and the effect of the proposed work on abutting properties, public ways and public welfare and safety within the purposes of this ordinance.
Section 6.00 Inspections

6.10 Inspection at Reasonable Times

All construction or work for which a permit is required shall be subject to inspections at reasonable times by authorized employees of the permit-issuing authority or Agency.

6.20 General Inspections

The permit-issuing authority or Agency may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this ordinance and other ordinances which the permit-issuing authority or Agency enforces of the Agency.

6.30 Notification

The permittee or his agent shall notify the permit-issuing authority and the Agency at least two (2) working days in advance of the start of the grading, filling or clearing operation.

6.40 Changed Inconsistent Conditions

If the inspector finds the soil or other conditions other than as stated in the application for a grading permit, he may revoke the permit and refuse to approve work until approval is obtained for a revised grading plan permit which will conform to the existing conditions. In such event, all work shall cease until a revised permit is obtained.

6.50 Inspection of Concealed Work

Whenever any work on which inspections are required by this ordinance is covered or concealed by additional work without first having been inspected, the permit-issuing authority or the Agency may require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail expense to the permit-issuing authority or the Agency.

Section 7.00 Standards of Grading, Filling and Clearing

7.10 Permit Duration

7.11 Time Limit in Land Capability Districts 1-3

All grading, filling, clearing of vegetation, or other disturbance of the soil shall be completed by October 15. Provided, however, that such grading activities incidental to the construction of a single family residence and accessory facilities thereto may be performed after October 15 subject to the approval of the permit-issuing authority and TRPA staff for all properties situate in land capability districts 1, 2, 3, and 4 and by the permit-issuing authority for lands situate in land capability districts 5, 6, and 7.
Neither the permit-issuing authority nor Agency staff shall issue any such permit unless all of the following are found to exist:

(1) A site plan clearly depicting: (a) adequate measures to prevent erosion and runoff from the site, and (b) temporary vegetation protection fencing;

(2) A slope stabilization and revegetation plan clearly depicting: (a) temporary and permanent slope stabilization, and (b) permanent revegetation methods;

(3) A condition of issuance of any such permit shall be that such erosion control devices as shown on the site plan be installed on the site prior to any grading, and that such devices are to be properly maintained;

(4) Issuance of the permit will not endanger public health, safety or welfare;

(5) Grading between October 15 and May 1 will not increase the risk of environmental damage caused by the grading, filling or clearing of the vegetation;

(6) Grading and filling shall not occur during periods of inclement weather; and

(7) Adequate security shall be posted with the permit-issuing authority to assure the completion of the work as depicted on the site plan and slope stabilization and revegetation plan.

Subject to the provisions of Section 7.12, all grading, filling, clearing of vegetation or other disturbance of the soil in land capability districts 1-3 shall be completed or work thereon terminated by October 15. Unless otherwise revoked for cause under Section 6.40, the permit for the work shall remain valid, but no work shall be performed pursuant thereto until after May 1 of the following year.

All grading, filling, clearing of vegetation or other disturbance of the soil in land capability districts 1-3 commencing between October 15 and May 1 shall require a "B" permit.
7.12 Extension

(1) An extension of the permit may be granted by the Executive Officer of the Agency upon a showing by the permittee that his work was delayed by reasons beyond his control or that an extension will not increase the risk of environmental damage caused by the grading, filling, or clearing of vegetation. Such permit extension may be granted only if the criteria specified in Section 7.11 hereof are met.

(2) Any such extension may be revoked by the permit-issuing authority or the Agency pursuant to a finding that the circumstances under Subsection (1) warranting such extension no longer exist.

7.20 General Criteria for Grading, Filling and Clearing Operations

All grading, filling and clearing operations, whether or not requiring a permit under this ordinance, shall be designed:

(1) To preserve, match or blend with the natural contours and undulations of the land;

(2) To retain trees and other native vegetation, to stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff and preserve the natural scenic beauty;

(3) To minimize scars from cuts and fills;

(4) To reduce the amount of cuts and fills and to round off sharp angles at the top, and sides of all necessary cut and fill slopes;

(5) To limit development on steep or hazardous terrain;

(6) To take into consideration geologic hazards and adverse soil conditions and their effect on the future stability of the development;

(7) To assure that all cleared slopes, including ski slopes, cuts and fills and other areas vulnerable to erosion shall be stabilized;

(8) To assure that construction, clearing of vegetation or disturbances of the soil will be limited to those areas of proven stability;
(9) To assure that the natural geologic erosion of hillsides, slopes, graded areas, cleared area, filled areas, or streambanks will not be exceeded; and

(10) To assure that sediment or other material deposited in Lake Tahoe, or other lakes in the region, or its flood plains or its tributaries, or any other public or private lands will not exceed that which would have been deposited if the land had been left in its natural state.

7.30 Discharge Prohibitions [Manmade]

7.31 Direct Discharge

No person shall discharge solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials shall be discharged into Lake Tahoe or other lakes in the region, or any of its tributary lands below the high-water rim of Lake Tahoe, or such other lakes, or within the 100-year flood plain or any tributary to Lake Tahoe or such other lakes.

7.32 Indirect Discharge

No material shall be placed below the high-water rim of Lake Tahoe, or below those of other lakes in the region, or within the 100-year flood plain of any tributaries to Lake Tahoe, or such other lakes, or in any other location from which it would be susceptible to erosion and/or deposition into said waters.

7.33 Discharge Control Devices

In order to prevent such discharges from occurring, approved erosion and siltation control devices and measures shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:

(1) Energy absorbing devices to reduce the velocity of runoff waters;

(2) Sedimentation controls such as desilting basins and catchbasins. (Any trapped sediment shall be removed to a disposal site approved by the permit-issuing authority or the Agency);

(3) Dissipation of water runoff from developed areas over large undisturbed areas;

(4) Discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil;

(5) Multiple discharge points to reduce the volume of runoff over localized discharge areas; and

(6) Physical erosion control devices.

7.34 Temporary Control

Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.
7.40 Dust Control

Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material. Dust control methods must be approved by the permit-issuing authority or the Agency.

7.50 [Weather Conditions]
Prohibition of Grading During Inclement Weather

7.51 [Prohibition of Grading During Inclement Weather]
Seasonal Prohibition on Grading

[Grading and filling shall be prohibited during the period from October 15 through May 1, except as otherwise provided by this ordinance.] Grading, filling, clearing of vegetation or other disturbance of the soil are prohibited during inclement weather and/or when the site is not in a naturally dry and stable condition.

7.60 Schedule of Operations

All grading and filling operations shall proceed according to a work schedule included in the grading plan. The schedule shall be [drawn up] prepared to limit to the shortest possible period the time that soil is exposed unprotected.

7.70 Prohibition or Regulation of Work in Stream Environment Zones or other areas of water influence

(1) No clearing of vegetation, grading or filling shall take place within a stream environment zone, drainageway, water course, or 100 year flood plain, [provided, however,] except that drainage facilities required by this ordinance, utility facilities and roads may be constructed [within said zone] therein if [(1)] it can be demonstrated that (1) there will be no detrimental effect on water quality of [the] any water course; (2) there will be no discharge of sediment or other material into [the] any water course[s]; and (3) fish habitats will not be detrimentally affected by the construction.

(2) With respect to any construction otherwise permissible under Subsection (1), no clearing of vegetation, grading or filling shall be performed within a drainageway or water course unless it also can be demonstrated that: (1) the proposed work will not substantially alter the natural flow of water in any manner; and (2) the proposed work will not be detrimental to the environment within or adjacent to the drainageway or water course.

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(3) Any clearing of vegetation, grading, filling, or construction pursuant to this section shall be in accordance with a "B" permit issued and approved in accordance with Sections 4.20(2) through 4.20(8).

7.71 A permit for any construction resulting in changes alterations or shape of stream channels shall be subject to Agency review, and upon review of any such permit the Agency shall take final action whether to approve, to require modification or to reject such permit within 60 days, the permit shall be deemed approved. All permits required pursuant to this section shall be reported by the staff with staff recommendations to the Governing Body of the Agency for its review and action as provided above. The staff report and recommendations shall be available to the public at least 5 days prior to the meeting of which the permit is reviewed by the Agency. Reference to the permit shall be made in the agency of such meeting and the applicant and other interested persons shall be afforded opportunity at such meeting to comment on the permit.

7.72 No clearing of vegetation, grading or filling shall be done within a drainageway without the prior written approval of the permit-issuing authority. Approval shall not be given unless it can be shown that:

1. The proposed work will not substantially increase or alter, in any manner the natural flow of water; and

2. The proposed work will not be detrimental to the environment within or adjacent to the drainageway.

7.80 Disposal of Cleared Vegetation

Vegetation removed during clearing operations shall be disposed of by chipping all or some of the cleared vegetation and stockpiling it on the site for use as mulch or compost, or by disposal in the manner and at a location approved by the permit-issuing authority or the Agency.

7.90 Disposal of Removed Earthen Materials

Earthen material removed during operations hereunder shall be disposed of as follows:

1. By stockpiling all or some of the topsoil on the site for use on areas to be revegetated; or

2. By disposal of the material at a location approved by the permit-issuing authority or the Agency.

7.100 Cuts

7.101 Maximum Slope

The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility as shown by the soil information report, the subsurface soil and geological report or other available information.
7.102 Slope Material

If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, the permit-issuing authority or the Agency shall require such measures as are necessary to insure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.

7.103 Setbacks

Tops of cut slopes shall not be made nearer to a property line than three (3) feet, plus one-fifth (1/5) of the height of the cut, but need not exceed a horizontal distance of ten (10) feet. Top of any cut shall be a minimum distance of six (6) feet measured horizontally from any fill slope.

(1) Building foundations shall be set back from the top or the toe of a slope a minimum distance of six (6) feet for all cut slopes steeper than the ratio or two horizontal to one vertical.

(2) The setbacks given in this subsection are minimum and may be increased if considered necessary for safety, or to prevent possible damage from water, soil or debris.

7.104 Mechanical Stabilization

Where mechanical stabilization or containment of the slope by other than the use of native material is employed, the stabilization devices shall be at least partially screened by vegetation.

7.110 Fills

7.1.1 Maximum Slope

The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility as shown by the soil information report and the subsurface soil and geological report or other available information.

7.1.2 Fill Material

No organic material, such as vegetation or rubbish, or any other material not subject to proper compaction, or otherwise not conducive to stability, shall be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than eight (8) inches shall be buried or placed in the top six (6) feet of fills.

7.1.3 Borrowing

Borrowing for fill is prohibited unless a grading permit under this ordinance has been issued therefor.
7.114 Compaction

Each layer of material for fill shall be compacted to relative compaction of not less than ninety percent (90%) ASTM D1557-70 as certified by the applicant to the permit-issuing authority or the Agency.

7.115 Moisture Content

At the time of compaction, the moisture content of the fill material shall be such that the specified relative compaction may be obtained with the equipment being used.

7.116 Setbacks

The top and bottom of fill slopes shall be so located that no portion of the fill slope will be closer than ten (10) feet to any adjacent property line. In addition, the toes of fill slopes shall not be nearer to any adjacent property line than one-half the height of the fill, but need not exceed a horizontal distance of twenty (20) feet.

The setbacks given in this section are minimum and may be increased if necessary for safety, stability or to prevent damage from water, soil or debris.

7.120 Interceptors

Paved or riprapped interceptors shall be installed at the top of all cut and filled slopes where there is a surface runoff potential.

7.130 Revegetation Performance Bond

A revegetation performance bond shall be posted with the permit-issuing authority. The amount of bond shall be the estimated cost of the revegetation as determined by the permit-issuing authority. The bond shall not be released until the required vegetation has survived satisfactorily for three (3) years. The permit-issuing authority shall either call or release the bond not later than six (6) years after the date of posting thereof.

7.140 Plant Material Protection Methods

7.141 Restriction of Vehicles to Graded Areas

There shall be no excavation on the site before the permit-issuing authority has approved the location of the stake-out of the drives, parking sites, building sites and other areas to be graded or filled. Construction equipment shall be limited to the actual area to be graded according to the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plans.
7.142 Tree Buffer Zone

No grading or operation of heavy equipment shall take place within the area bounded by the drip line of any tree on or off the property. This does not apply to those trees which are within the actual construction area and are to be removed according to the Tree Removal Plan and the Tree Removal Permit.

7.143 Protective Barriers

During construction the permittee shall provide appropriate barriers around all native vegetation proposed for retention. A tree barrier shall be installed at the drip line, unless good cause is shown for installation at a point nearer the trunk.

7.144 Responsibility of Contractor

The permittee shall be fully responsible for any damage caused to existing trees or other vegetation. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed.

7.150 Objects of Antiquity

7.151 Prohibition of Grading

No grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present. The grading plan shall indicate all such areas on the site and shall indicate the measures that will be taken to protect such areas.

7.152 Discovery of Antiquities

Whenever during excavation there are uncovered or become apparent any historic or prehistoric ruins or monuments or objects of antiquity not previously accounted for in the grading plan, all work in the immediate area shall cease until the permit-issuing authority shall determine what precautions should be taken to preserve the historic artifacts.

Section 8.00 Variances

The permit-issuing authority may grant modifications from the provisions of this ordinance in specific instances or circumstances where, owing to special conditions, a literal enforcement will result in unnecessary hardship. Such action shall be contrary to the public interest nor the purpose of this ordinance. No variance shall be granted if the effect will be to nullify the objectives of this ordinance. Such modifications shall be subject to review in the method of a type "B" use.

A variance granted by the permit-issuing authority shall be subject to Agency review, and upon review of a variance the Agency shall take final action, whether to approve, to require modification or to reject such variance within 60 days after such variance is delivered to the Agency. If the Agency does not take final action within 60 days, the permit shall be deemed approved. All variances shall be reported by the staff with staff recommendations to the Governing Body of the Agency for its review and action as provided above. The staff report and recommendations shall be available to the public at least 5 days prior to the meeting at which the variance shall be made in the agency of such meeting and the applicant and other interested persons shall be afforded opportunity to make written or oral comments.
(1) A variance from the provisions of this ordinance may be granted in specific instances or circumstances where it is expressly found by the permit-issuing authority and the Agency that: (1) owing to special conditions, a literal enforcement will result in unnecessary hardship; (2) the variance will not be contrary to the public interest nor the purpose of this ordinance; and (3) the variance will not nullify the objectives of this ordinance.

(2) A variance shall be pursuant to a "B" permit issued and approved in accordance with Sections 4.20(2) through 4.20(9).

Section 9.00 Violation

Violation of any provision of this ordinance is a misdemeanor. Each day's violation shall constitute a separate offense.

Section 10.00 Effective Date

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

FIRST READING:

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

_________________  Chairman
TO: Governing Board

FROM: Agency Staff

SUBJECT: Major General Plan Update Issues

Background

As discussions have proceeded since submission by Staff of preliminary General Plan Update Policy Recommendations, a number of issues have arisen which pose major choice points for the General Plan. These have come from Governing Board comments and concerns, APC comments, review and analysis of the Dornbusch Impact Analysis, and additional Staff review of the proposed policies. Staff has introduced these issues in discussion at the August APC Meeting and proposes to solicit formal comments and recommendations from the APC at its September 13 meeting.

Issue #1: Growth Potential

The 1971 TRPA General Plan essentially removed major development opportunities from many areas of the Basin and reduced densities permitted in many other areas. The net result was a reduction in the holding capacity of the Lake Tahoe Basin from approximately 800,000 persons under the previous zoning to approximately 300,000 under the TRPA Plan. These figures reflect the number of people who could be accommodated overnight in residential, tourist, or campground units.

The policies proposed in the General Plan Update would slow the rate of growth and would reduce the ultimate holding capacity somewhat by removing major development potential from undeveloped areas in poor land capability levels. For the bulk of the Basin, however, the basic permitted land uses would not change from the current plan. The Dornbusch Analysis suggests that under the proposed General Plan the holding capacity of the Basin could be reduced by from 20,000 to 70,000 persons, depending upon the amount of development occurring in the development reserve areas. Even if future development under the proposed policies occurred only within identified urban areas, however, there would still be a potential for in excess of 230,000 people to be accommodated overnight in the Basin. This is nearly twice the present level of Basin use. On top of that figure, Dornbusch projects continued increases in the number of day users impacting the region.
Questions:

1. Should the Plan allow for a doubling, or more, of the Basin's population?

2. If the potential holding capacity is to be further reduced, should such reduction take the form of tighter density limitations or tighter limitations on land subject to development?

Issue #2: Expansionary Development

One major policy change suggested in the proposed Plan is to treat development outside existing urbanized areas differently from development within urban boundaries. Specifically, the Plan suggests creating a special "Development Reserve" district for all lands which have reasonable land capability, have development potential under the current General Plan, and are not already committed to some urbanization. Additionally, it is suggested that development of such lands be subject to tighter standards and be given a lower priority than development within urbanized areas.

Questions:

1. Should the Plan distinguish between areas already committed to urbanization and areas with development potential but without that commitment?

2. If the distinction is to be made, should it take the form of an overlay zone, specifying permitted uses on particular lands, or should it take the form of an indeterminant zone such as is proposed in the "Development Reserve" district?

3. Should expansionary development have a lower priority in allocation of limited development opportunities?

Issue #3: Growth Rate

Another major policy suggestion in the proposed Plan is the establishment of an annual maximum growth rate in the form of a percentage of the remaining development potential, allocated as an annual development limit. It is also suggested that priorities be established in the allocation of that development potential.

Questions:

1. Should a maximum growth rate be established?

2. If so, should it be in the form of a "floating" percentage allocation or a fixed number of units?
3. Should a growth limitation be accompanied by priorities in the allocation of development limitations?

4. If so, what should those priorities be?

Issue #4: Transportation

The proposed General Plan references adopted TRPA Transportation Policy, but suggests no changes in that adopted Transportation Plan. The TRPA does not have a long range Transportation Plan. This is significant, particularly in light of the Dornbusch study, which concludes that:

"Perhaps the most striking finding of this study is that the present transportation system at Lake Tahoe will not be able to accommodate the traffic loads in 1985 for even the lowest growth alternatives. The cypasses and loop roads specified for (the proposed allowed growth level) can alleviate some traffic problems, but even these improvements are insufficient to accommodate the trips forecast beyond 1985."

Questions:

1. Should the absence of a long range Transportation Plan constrain the amount of development permitted by the General Plan?

2. Should long range transportation recommendations be incorporated into the General Plan recommendations?

Staff will be prepared to discuss these items in more detail at the Governing Board Meeting August 24, and will be seeking Board Direction on these issues.
AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of ___, 1978,

by and between the Nevada Division of Environmental Protection of the Department
of Conservation and Natural Resources, hereinafter referred to as AGENCY, and
the Tahoe Regional Planning Agency, hereinafter called TRPA,

WITNESSETH:

THAT WHEREAS, under the provisions of Chapter 445 of the Nevada
Revised Statutes, the AGENCY is designated the air pollution control agency
of the State of Nevada; and

WHEREAS, the Governor has designated TRPA as being responsible for
preparing the nonattainment plan for oxidants and carbon monoxide for the Tahoe
Basin (as described by the State Engineer), pursuant to Section 174 of the
Federal Clean Air Act as amended August, 1977; and

WHEREAS, federal funds through the State of Nevada Department of
Conservation and Natural Resources, Division of Environmental Protection, are
available to TRPA for nonattainment planning; and

WHEREAS, under provision of NRS 284.173, authorization has been
expressly conferred upon elected officers, heads of departments, boards,
commissions, or institutions to enter into contracts for services of persons, firms,
or corporations as independent contractors, upon said conditions and as limited
in said act, and rights to and benefits hereby provided; and

WHEREAS, TRPA is ready, willing, and can accomplish the nonattainment
planning requirements pursuant to Sections 172 and 173 of the Federal Clean
Air Act as amended August, 1977, which is further defined in the Work
Plan, which is attached hereto and made a part hereof.

NOW, THEREFORE, in consideration of aforesaid promises and mutual
understanding of the parties hereto, it is hereby agreed as follows:

FIRST: AGENCY hereby retains and engages TRPA for services
hereinafter set forth.

SECOND: AGENCY agrees to pay TRPA the sum of not more than
FIVE THOUSAND DOLLARS ($5,000.00) for the period beginning August 1,
1978, and ending December 31, 1978. Payment shall be made upon receipt of
billings from TRPA, which billings may be submitted in advance of work to
TO: Governing Board
FROM: Agency Staff
SUBJECT: Non-Attainment Air Quality Plan

Attached for your information is the revised Agreement between TRPA and the Nevada Division of Environmental Protection signed by Chairman Jim Henry as per the July 27 Governing Board Authorization. The revisions suggested by TRPA Staff after discussions with the Nevada Division of Environmental Protection are on Page Two. They are on Line 4, where the word "may" was inserted to replace the word "must", and in the eight conditions (Lines 25-30) where the language was changed to clarify the intent of the condition. Staff is drafting a resolution to meet this condition for consideration by the Governing Board and by Douglas and Washoe Counties.

Please note, also, that the work program for development of the Non-Attainment Plan is appended to the Agreement. The various agencies identified in the work program are proceeding in accordance with the responsibilities outlined. The effort is behind schedule, however, as delays have been encountered in the running of the computer models to provide the detailed oxidant and carbon monoxide projections and time constraints imposed by conflicting priorities have prevented timely production of some material. In general, most of the work for the "Emissions Inventory" and the "Air Quality Analysis" has been done, though both areas will require additional computer modeling work before they will be completed. The analysis of applicable control measures has just begun. No products have been generated for review.

While the Non-Attainment Plan has been proceeding, a simultaneous cooperative program in air quality and meteorology research and monitoring has been underway. Utilizing equipment from Caltrans, Nevada Highway Department, and the California Air Resources Board's various agencies, a network of monitoring stations has been established around the Basin and at key passes into the Basin and along the western slope to assess various aspects of the Basin's air quality and meteorology, possibly making up for some of the lack of data which has tended to confuse Tahoe air quality discussions in recent years. Major contributions to this program have been Caltrans, The California Air Resources Board and CTRPA, all of which have contributed extensive material or financial support to the effort.

Staff will be prepared to discuss the status of the Non-Attainment Air Quality Planning effort with the Board at the meeting.
be performed by TRPA. Payment is contingent upon receipt by AGENCY of funds
for services from the U.S. Environmental Protection Agency, and a local match
in the form of in-house resources on a one-to-one basis to not more than FIVE
THOUSAND DOLLARS ($5,000.00). A portion of the matching monies may be
from the Federal Highway Fund.

THIRD: TRPA agrees to keep a financial record to document the required
match to AGENCY and the U.S. Environmental Protection Agency.

FOURTH: The products and supporting information of TRPA's work
performed as provided herein will be performed in accordance with the attached
Work Plan and Sections 172 and 173 of the Federal Clean Air Act as amended
August, 1977, and will be incorporated into the State Implementation Plan (SIP)
as approved by AGENCY in accordance with the Federal Clean Air Act requirements
and criteria developed by the EPA and AGENCY.

FIFTH: Any of the work or services covered by this contract may be
subcontracted only with the prior written approval of the AGENCY.

SIXTH: Any of the work or services described herein and the budget
thereof may be subject to adjustment only with the prior approval of the AGENCY.
Funds will be used primarily for work on mobile source pollutants (carbon
monoxide and oxidants) as directed by the designated lead agency.

SEVENTH: Any of the work or services covered by this contract may be
suspended by AGENCY by the issuance of a Stop Work Order to TRPA in the
event of substantial failure to perform in accordance with the terms hereof.
Any costs incurred by TRPA during the period covered by a Stop Work Order
shall not be eligible for payment by the AGENCY.

EIGHTH: The 18 transportation measures must be considered and evaluated
(Section 108(f) Clean Air Act Amendments of 1977, Public Law 95-95); and TRPA
shall exert all reasonable efforts to cause the local governments and regional
agencies within the nonattainment area as appropriate to pass a resolution
assuring that no expenditure of local monies is undertaken which is not in
accordance with Section 176(c) of Public Law 95-95.

NINTH: This contract, or part hereof, shall be subject to amendment
as may be proposed by either party and agreeable to both.
TENTH: This contract is subject to review and concurrence by the U.S. Environmental Protection Agency.

ELEVENTH: It is expressly understood and agreed that, in accordance with the provisions of NRS 284.173, the employment and services herein provided are to be furnished by TRPA as an independent contractor and not as an agent or employee of the State of Nevada.

TWELFTH: This contract may be terminated upon thirty (30) days prior written notice of such termination by either party hereto. In the event of termination, TRPA shall return to the AGENCY all sums of money received from the AGENCY, less the sum of such money expended by TRPA in completing services under the terms of this contract.

THIRTEENTH: This contractual agreement shall become effective upon the date it is made and entered into, and remain in effect until TWELVE O'CLOCK MIDNIGHT, December 31, 1978.

FOURTEENTH: A written report is required to the AGENCY upon realization or anticipation of a major delay in scheduled work plan outputs stating the reason(s) for a jeopardized due date, remedial action to be taken, and development of an alternative timetable, or an acceptable output agreeable to both.

This contract does not become effective until approved by the Nevada State Board of Examiners.

IN WITNESS WHEREOF, the undersigned parties hereto have caused this contract to be executed as of the date first written above.

APPROVED AS TO FORM ONLY this ___ day of ________, 1978

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

ROBERT LIST ATTORNEY GENERAL

By: Matthew H. Feltey Deputy Attorney General

E. G. Gregory, Administrator
Division of Environmental Protection

TAHOE REGIONAL PLANNING AGENCY

Howard L. Barrett, Clerk
Nevada State Board of Examiners

Effective Date: ______________

Norman Hall, Director

James Henry, Chairman
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<th>ASSISTING AGENCIES</th>
<th>RECOMMENDED COMPLETION DATE</th>
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<td>Counties*</td>
<td>CTRPA, NHD</td>
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<td>States</td>
<td>Counties*, BCC</td>
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<td>d. Baseline mobile sources</td>
<td>CTRPA/TRPA</td>
<td>Counties*, SLT, Carson City</td>
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<td>f. Growth projections (Land Use and Transportation)</td>
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<td>g. Emission projections for appropriate future years</td>
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2. Air Quality Analysis

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<td>b. Select method of analysis by pollutant</td>
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<td>c. Document choice of methodology and those assumptions made in using it.</td>
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<td>d. Conduct needed special studies</td>
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</tr>
<tr>
<td>e. Utilizing selected methods, project future concentrations for nonattaining pollutants</td>
<td>ARB (Ox)/NDEP (CO)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Project allowable emissions for each pollutant/geographic area for which a plan is needed.</td>
<td>ARB (Ox)/NDEP (CO)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3. Select Applicable Controls Measures

a. Survey stationary source emission controls
   Responsible Agency: Counties*
   Assisting Agencies: BCC, States

b. Stationary source emissions reduction & implementation costs analysis.
   Responsible Agency: Counties*
   Assisting Agencies: BCC, States

c. Stationary source growth management (New Source Review)
   Responsible Agency: Counties*
   Assisting Agencies: States

d. MVIP
   Responsible Agency: States
   Assisting Agencies: States

f. Motor vehicle emission reduction & implementation costs analysis.
   Responsible Agency: States
   Assisting Agencies: States

g. Survey transportation control measures
   (18 measures in CAAA as a minimum)
   Responsible Agency: NHD/CTRPA
   Assisting Agencies: States, Caltrans, TRPA, SLT, Carson City

h. Transportation control measures emission reduction & implementation costs analysis.
   Responsible Agency: NHD/CTRPA
   Assisting Agencies: TRPA/CTRPA

i. Survey land use measures
   Responsible Agency: TRPA/CTRPA
   Assisting Agencies: States, Counties, SLT, BCC, Carson City, U.S. Forest

j. Land use measures emission reduction & implementation costs analysis.
   Responsible Agency: Counties*
   Assisting Agencies: States, U.S. Forest

k. Survey forest management waste burning controls
   Responsible Agency: Counties*
   Assisting Agencies: Counties*

l. Forest waste burning controls emission reduction and implementation cost analysis
   Responsible Agency: Counties*
   Assisting Agencies: Counties*

m. Prioritize control measures considering RACM and cost-effectiveness
   Responsible Agency: All**

n. Select control measures which show attainment by 1982.
   Responsible Agency: Lead Agency
   Assisting Agencies: All**

o. Outline "reasonable further progress" showing incremental reductions in emissions.
   Responsible Agency: Lead Agency
   Assisting Agencies: All**

p. If qualifying for extension of attainment date, list "advanced" control measures (non-RACMs) and demonstrate now their implementation would attain standards by 1987.
   Responsible Agency: Lead Agency
   Assisting Agencies: All**
<table>
<thead>
<tr>
<th>PRODUCT</th>
<th>RESPONSIBLE AGENCY</th>
<th>ASSISTING AGENCIES</th>
<th>RECOMMENDED COMPLETION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Impact Analyses of Plan</td>
<td>CTRPA/TRPA</td>
<td>All**</td>
<td>September 1, 1978</td>
</tr>
<tr>
<td>a. Health and welfare analysis.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Economic analysis.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Energy analysis.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Social analysis.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Water quality impacts.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Other.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Citizen Participation - Inform public of plan progress.</td>
<td>Lead Agency, CTRPA, TRPA</td>
<td>All**</td>
<td></td>
</tr>
<tr>
<td>6. Compile nonattainment plan.</td>
<td>Lead Agency/States</td>
<td>All**</td>
<td></td>
</tr>
<tr>
<td>7. Adopt Nonattainment Plan and Submit to States</td>
<td>Lead Agency</td>
<td>November 1, 1978</td>
<td></td>
</tr>
<tr>
<td>a. Lead agency schedule hearings and adopt nonattainment plan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Responsible agencies schedule hearings and adopt all RACMs contained in the plan.</td>
<td>All**</td>
<td>November 1, 1978</td>
<td></td>
</tr>
<tr>
<td>c. Upon receipt of adopted plan (7a) and indication of reasonable progress toward achievement of RACMs (7b), ARB and Nevada DEP hold hearings to consider adoption as a SIP revision.</td>
<td>States</td>
<td>December 31, 1978</td>
<td></td>
</tr>
</tbody>
</table>

* Includes Placer APCD, El Dorado APCD, Washoe Co. Health Dept., NDEP.
** Includes ARB, NDEP, Counties, BCC, City of South Lake Tahoe, Carson City, CTRPA, TRPA, Caltrans, Nevada Highway Department, U.S. Forest Service, Mountain West Weather Service (MWWS).
MEMORANDUM

DATE: August 15, 1978

TO: Governing Board

FROM: Agency Staff

SUBJECT Status of California's 1978/79 Appropriation to TRPA

In a letter to Mr. Huey Johnson in July, staff requested the 1978/79 California appropriation to the TRPA, in the amount of $75,000. We were later notified by Mr. Hal Waraas, Assistant to the Secretary, that Mr. Johnson wants to see more progress in the California-Nevada Compact negotiations before releasing TRPA's appropriation.

After discussion of this matter with the Governing Board at last month's meeting, the Agency requested the help of California's Senator Rodda, Senator Smith, Assemblyman Boatwright, and Assemblyman Fazio to secure the release of TRPA's allocation. Please find attached the letter requesting their aid (same letter to each senator and assemblyman).

Also attached is TRPA's letter to Mr. Hal Waraas, reporting the Agency's accounting of the 1977/78 California appropriation.

Staff will continue to pursue this matter and will be prepared to give an updated status report at the meeting next week.
August 3, 1978

Senator Albert S. Rodda
State Capitol
Room 5052
Sacramento, California  95814

RE:  BUDGET ITEM #170.1, TAHOE REGIONAL PLANNING AGENCY

Dear Senator Rodda:

I am writing to enlist your aid in securing the release to the Tahoe Regional Planning Agency of the funds approved for the Agency in the 1978-79 California State Budget by the Senate-Assembly Budget Conference Committee.

It is our understanding that the above referenced budget item was approved by the Conference Committee in the amount of $75,000 with the same conditions that were placed on the similar amount we received during the last fiscal year. These conditions are that the funding be expended only for enforcement of ordinances, defense of inverse condemnation suits and for establishment of air and water quality standards for the Tahoe Basin. I have attached a copy of a letter which demonstrates how we used the California appropriation last year. The Agency has made a similar commitment in relation to the $75,000 for the current fiscal year.

TRPA staff has been in contact with the California Resources Agency within the past week and has been advised that Resources Secretary Huey Johnson intends to withhold the budgeted monies until more satisfactory progress is made in the current negotiations on revising the Bistate Tahoe Regional Planning Compact. While I recognize the desire on the part of the State of California to secure meaningful revision of the Bistate Compact, it is not my understanding that the Conference Committee conditions of approval on the TRPA budget item encompass use of the funds as leverage on the Compact negotiations. In fact, the express rejection by the Conference Committee of language specifically granting such authority to Secretary Johnson implies that it was not the intent of the Committee that the monies be utilized in that fashion.
The staff of TRPA has dwindled steadily in the past three years to the point currently where the eleven staff people remaining are severely taxed in attempting to meet the mandates of the Bistate Compact. The withholding of California funding at this time would be a serious blow to TRPA. Until the Agency is sure of receipt of the California appropriation, it is impossible for us to adopt a final work program for the current fiscal year. The California appropriation is particularly crucial since receipt of the Nevada appropriation, $37,500, is tied to receipt of the California appropriation. In addition, since we have not received the $75,000, the Agency's cash flow has been jeopardized which not only affects the salaries of the existing staff but makes it impossible to consider adding new staff to fill existing vacancies. Obviously, the delay we are experiencing in receipt of the California appropriation is severely constraining the effective and efficient operation of the Agency. In addition, coming at a time when there is hope of reaching agreement on Compact revisions, it seems self-defeating to further jeopardize the staff and work program that will be so critical to a smooth transition when a revised Compact takes effect.

In consideration of the above concerns, I would request that you contact Secretary Johnson on behalf of the Conference Committee and clarify the intent of the Committee in its actions on the TRPA budget. I have made a similar request of Senator Smith, Assemblyman Boatwright and Assemblyman Fazio.

I appreciate the demands on your time and attention, but I believe the long term interests of the State of California in the Tahoe Basin are threatened by this situation and any efforts you may see fit to extend would be most significant.

Sincerely,

Jim Henry
Chairman

cc: Huey Johnson, Resources Secretary
    Kenneth Cory, State Controller
    Hal Waraas, Resources Agency
    Don Benedict, Legislative Analysts Office
    Rob Connolly, Senate Finance Committee
    Rod Tuttle, Assembly Ways and Means Committee
August 3, 1978

Mr. Harold F. Maraas
Assistant to the Secretary
The Resources Agency of California
1416 Ninth Street
Sacramento, California 95814

Dear Hal:

This is to report the accounting results of the State of California's appropriation to the Tahoe Regional Planning Agency for Fiscal Year 1977/78.

The Agency accounting records indicate that California's appropriation of $75,000 was expended per the budget specifications adopted by the State of California. These specifications are addressed in detail in my letter to you, dated September 16, 1977. The table attached shows the budget numbers and the actual funds expended for the TRPA programs specified.

Because the 1978/79 California Budget contains the same specific guidelines for TRPA's appropriation this fiscal year, please be advised that we shall continue to keep an accurate accounting of California funds.

A copy of the 1977/78 Audit of TRPA's accounts and records shall be transmitted to you when it becomes available. If you should have any questions in the meantime, Hal, please feel free to call me.

Very truly yours,

[Signature]

James A. Jordan
Executive Director

Enclosure
<table>
<thead>
<tr>
<th>Specified Program</th>
<th>Budgeted Program Cost</th>
<th>California Funds Specified In Budget</th>
<th>Actual Program Cost</th>
<th>% of California Funds Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense of Inverse Condemnation Suits</td>
<td>$46,980</td>
<td>$13,750</td>
<td>$22,984***</td>
<td>100%</td>
</tr>
<tr>
<td>Enforcement of Agency Ordinances*</td>
<td>$165,892</td>
<td>47,250</td>
<td>166,734</td>
<td>100%</td>
</tr>
<tr>
<td>Establishment of Water Quality Standards**</td>
<td>$36,779</td>
<td>9,750</td>
<td>38,326</td>
<td>100%</td>
</tr>
<tr>
<td>Establishment of Air Quality Standards</td>
<td>$6,500</td>
<td>2,250</td>
<td>5,204</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>$256,151</strong></td>
<td><strong>$75,000</strong></td>
<td><strong>$233,248</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Regulatory Review Program less all legal service costs
**TRPA's matching contribution to EPA 208 Grant
***The budgeted cost of defense activity was estimated using historical data. Due to the amount of plaintiff action in FY 1977/78, actual costs were lower than budgeted.
TO:       Governing Board
FROM:     Agency Staff
SUBJECT Attached Budget and Work Program Material

The proposed Fiscal Year 1978-79 budget adopted as part of the Overall Work Program of the Agency earlier projected more revenue than will be forthcoming under the final budget actions of the States of California and Nevada. For this reason, the budget and related Work Program of the Agency will have to be revised to reflect those changes. In addition, the Agency will be receiving more revenue than was projected from the opening fund balance and from the Department of Housing and Urban Development. Staff would like to discuss this matter in detail with the Governing Board at the meeting so that a budget for the current year can be adopted. To facilitate that discussion, the following information is appended to this memo:

1. A proposed Fiscal Year 1978-79 budget, dated August 15, 1978, reflecting revised revenue and expenditure figures and a comparison with the figures for the past Fiscal Year.

2. A proposed organization chart for the remainder of the Fiscal Year reflecting the proposed budget. This chart includes two new CETA positions which have been authorized by El Dorado County and the filling of the existing vacancies in the Chief Engineer and Senior Environmental Investigator positions.

3. A proposed salary schedule for the positions identified on the organization chart. The schedule reflects a 6% cost of living increase effective September 1st, for all employees with the exception of the CETA employees, the Business Manager, and Associate Planner, who received salary advancements per the July Governing Board action.

4. The time schedule from the Draft Overall Work Program. This schedule identifies the various Work Program areas proposed in the original Work Program. Some modification of these areas will be necessary to reflect the more constrained budget.
5. Summary of proposed TRPA Fiscal Year 1978-79 Work Program and budget reflecting the Draft Work Program and budget. This summary totals 204 person months of effort in the program categories identified in Item #4. This total will have to be reduced by approximately 30 person months.

Please note that proposed budget revisions and staffing changes are all contingent upon receiving the full $75,000 appropriated for TRPA by the State of California and the full appropriation from the other agencies identified in the budget.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State of California</td>
<td>$75,000</td>
<td>$75,000</td>
<td>$0</td>
</tr>
<tr>
<td>State of Nevada</td>
<td>37,500</td>
<td>37,500</td>
<td>0</td>
</tr>
<tr>
<td>Carson City</td>
<td>1,010</td>
<td>8</td>
<td>1,002</td>
</tr>
<tr>
<td>Douglas County</td>
<td>25,470</td>
<td>18,897</td>
<td>6,573</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>62,505</td>
<td>63,500</td>
<td>(995)</td>
</tr>
<tr>
<td>Placer County</td>
<td>38,024</td>
<td>41,334</td>
<td>(3,310)</td>
</tr>
<tr>
<td>Washoe County</td>
<td>23,994</td>
<td>26,311</td>
<td>(2,317)</td>
</tr>
<tr>
<td>Filing Fee Income</td>
<td>25,000</td>
<td>27,305</td>
<td>(2,305)</td>
</tr>
<tr>
<td>Investment Income</td>
<td>7,000</td>
<td>7,305</td>
<td>(305)</td>
</tr>
<tr>
<td>Sales of Printed Matter</td>
<td>1,200</td>
<td>1,471</td>
<td>(271)</td>
</tr>
<tr>
<td>Beginning Fund Balance</td>
<td>60,228</td>
<td>53,180</td>
<td>7,048</td>
</tr>
<tr>
<td>H.U.D.</td>
<td>70,000</td>
<td>52,000</td>
<td>18,000</td>
</tr>
<tr>
<td>C.E.T.A.</td>
<td>30,652</td>
<td>1,564</td>
<td>35,088</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>$463,583</td>
<td>$405,375</td>
<td>$58,208</td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff Salaries</td>
<td>$241,677</td>
<td>$225,116</td>
<td>$16,561</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>31,649</td>
<td>26,154</td>
<td>5,495</td>
</tr>
<tr>
<td>Legal Notices</td>
<td>2,000</td>
<td>1,871</td>
<td>129</td>
</tr>
<tr>
<td>Repairs/Maintenance</td>
<td>1,260</td>
<td>320</td>
<td>940</td>
</tr>
<tr>
<td>Office Supplies</td>
<td>4,500</td>
<td>4,009</td>
<td>491</td>
</tr>
<tr>
<td>Publications</td>
<td>50</td>
<td>24</td>
<td>6</td>
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<tr>
<td>Communications</td>
<td>9,500</td>
<td>9,059</td>
<td>441</td>
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<tr>
<td>Postage</td>
<td>4,000</td>
<td>3,563</td>
<td>437</td>
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<tr>
<td>Travel Expenses</td>
<td>2,000</td>
<td>1,302</td>
<td>698</td>
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<tr>
<td>Auto Maintenance</td>
<td>2,000</td>
<td>1,778</td>
<td>222</td>
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<tr>
<td>Insurance</td>
<td>4,440</td>
<td>3,711</td>
<td>729</td>
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<tr>
<td>Building Expenses</td>
<td>50,000</td>
<td>49,576</td>
<td>424</td>
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<tr>
<td>Office Equipment Rent</td>
<td>5,210</td>
<td>10,283</td>
<td>(5,073)</td>
</tr>
<tr>
<td>Auditing Services</td>
<td>3,000</td>
<td>4,650</td>
<td>(1,650)</td>
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<tr>
<td>Reproduction/Printing</td>
<td>3,000</td>
<td>31,979</td>
<td>(28,979)</td>
</tr>
<tr>
<td>Equipment Purchases</td>
<td>2,100</td>
<td>0</td>
<td>2,100</td>
</tr>
<tr>
<td>Contractual Labor</td>
<td>1,710</td>
<td>616</td>
<td>1,094</td>
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<tr>
<td>Legal Services</td>
<td>70,000</td>
<td>67,952</td>
<td>2,048</td>
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<tr>
<td>Inspection Fees</td>
<td>725</td>
<td>575</td>
<td>150</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td>$438,801</td>
<td>$442,538</td>
<td>$3,737</td>
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<tr>
<td>Ending Fund Balance</td>
<td>$24,782</td>
<td>$60,228</td>
<td>($35,446)</td>
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<tr>
<td>Contingency-Closing Costs</td>
<td>$25,210</td>
<td>$35,088</td>
<td>($11,878)</td>
</tr>
<tr>
<td>Net Revenue</td>
<td>$1,572</td>
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</table>

*For comparison purposes, only 1977/78 line items with budgeted amounts in 1978/79 are shown; other 1977/78 line items are not shown.*
TAHOE REGIONAL PLANNING AGENCY

PROPOSED ORGANIZATION CHART EFFECTIVE SEPTEMBER 1, 1978*

Governing Board

Advisory Planning Commission

Executive Director
(12)

Business Management

Regulatory Review

Chief Engineer
(10)

Planning & Coordination

Project Review

Shorezone

Enforcement

Business Manager
(12)

Senior Planner
(12)

Associate Planner
(12)

Senior Environmental Investigator

Draftsperson/Cartographer
(10)**

Senior Secretary
(12)

Planning Technician
(12)**

Secretary II
(12)

Asst. Envir. Investigator
(12)**

Secretary I
(10)**

Senior Planner
(12)

Senior Planner
(12)

Secretary II
(13)

*Person/months of effort when in parenthesis
**CEPA positions approved
# Proposed Salary Schedule Effective September 1, 1978

<table>
<thead>
<tr>
<th>Position</th>
<th>Steps:</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
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</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td></td>
<td>$33,920*</td>
<td></td>
<td></td>
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<tr>
<td>Chief Engineer</td>
<td>25,117</td>
<td>$26,373</td>
<td>$27,691</td>
<td>$29,076</td>
<td>$30,530</td>
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<tr>
<td>Senior Planner</td>
<td>18,051</td>
<td>18,953</td>
<td>19,901</td>
<td>20,896</td>
<td>21,941</td>
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<tr>
<td>Senior Environmental Investigator</td>
<td>16,800</td>
<td>17,640</td>
<td>18,522</td>
<td>19,448</td>
<td>20,421</td>
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<tr>
<td>Business Manager</td>
<td>16,800</td>
<td>17,640</td>
<td>18,522</td>
<td>19,448</td>
<td>20,421</td>
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<tr>
<td>Associate Planner</td>
<td>14,929</td>
<td>15,675</td>
<td>16,459</td>
<td>17,282</td>
<td>18,146</td>
<td></td>
</tr>
<tr>
<td>Senior Secretary</td>
<td>12,909</td>
<td>13,554</td>
<td>14,232</td>
<td>14,943</td>
<td>15,691</td>
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<tr>
<td>Planning Assistant</td>
<td>12,058</td>
<td>12,660</td>
<td>13,293</td>
<td>13,958</td>
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<tr>
<td>Environmental Investigator</td>
<td>12,058</td>
<td>12,660</td>
<td>13,293</td>
<td>13,958</td>
<td>14,656</td>
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<tr>
<td>Secretary II</td>
<td>11,709</td>
<td>12,294</td>
<td>12,909</td>
<td>13,554</td>
<td>14,232</td>
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<tr>
<td>C.E.T.A. Positions**</td>
<td>9,520</td>
<td>9,996</td>
<td>10,496</td>
<td>11,021</td>
<td>11,572</td>
<td></td>
</tr>
</tbody>
</table>

*Unclassified position.

**Assistant Environmental Investigator, Draftsperson/Cartographer, Planning Technician, Secretary I.
<table>
<thead>
<tr>
<th>Program Subcategory</th>
<th>FY 78/79</th>
<th>FY 79/80</th>
<th>FY 80/81</th>
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<tbody>
<tr>
<td><strong>REGULATORY REVIEW DIVISION</strong></td>
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<td></td>
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<tr>
<td>100 Project Review Program</td>
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<td></td>
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</tr>
<tr>
<td>101 Review of Private Development/Type B Permits</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>102 Review of Public Works Projects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>103 Review of Shorezone Projects</td>
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<td></td>
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</tr>
<tr>
<td>104 Review of Type A Permit Applications</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>200 Field Enforcement Program</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>201 Surveillance of Land Use Activities</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>202 Litigation Efforts</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>PLANNING DIVISION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>300 Policy and Plan Development Program</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>301 Transportation</td>
<td></td>
<td>++X</td>
<td></td>
</tr>
<tr>
<td>302 Air Quality</td>
<td></td>
<td>++X</td>
<td></td>
</tr>
<tr>
<td>303 Energy</td>
<td></td>
<td>++++X</td>
<td>++X</td>
</tr>
<tr>
<td>304 Noise</td>
<td></td>
<td></td>
<td>++X</td>
</tr>
<tr>
<td>400 Policy and Plan Monitoring Program</td>
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<td>601 Implementation of the Project Review Program</td>
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<td><strong>MANAGEMENT DIVISION</strong></td>
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<tr>
<td>800 Executive Direction</td>
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<td>900 Program Administration</td>
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<td>901 Administrative Services</td>
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<td>902 Fiscal Management Services</td>
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*Legend: Ongoing work in program subcategory designated by "+++X+++"  
Completion of major work in program subcategory designated by "X"  
Completion of updating process in program subcategory designated by "O"
## CHAPTER III

PROPOSED FY 1978/79 WORK PROGRAM

SUMMARY OF PROPOSED
TAHOE REGIONAL PLANNING AGENCY
FISCAL YEAR 1978/79 WORK PROGRAM & BUDGET

<table>
<thead>
<tr>
<th>Program</th>
<th>Staff Effort</th>
<th>%</th>
<th>Cost</th>
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<tr>
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<td>In Person Months</td>
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<td>Regulatory Review Division</td>
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<tr>
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<td>200 Field Enforcement Program</td>
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<td>Total This Division</td>
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<td>Coordination &amp; Involvement Division</td>
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<td>Grand Totals</td>
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<td>$541,671</td>
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MEMORANDUM

DATE: August 15, 1978

TO: Governing Board

FROM: Agency Staff

SUBJECT: Status of Public Official Liability Insurance for the TRPA Governing Board

Pursuant to the Board's request at last month's meeting, staff has submitted a proposal for Public Official Liability Insurance for the TRPA Governing Board. As of today, our insurance agent has not received any news as to the status of the proposal. Staff will update the Governing Board of this matter at the meeting next week.
TO: Governing Board

FROM: Agency staff

SUBJECT: November and December Governing Board Meeting Dates

As was discussed earlier this year, it may be desirable to change the dates for the Governing Board meetings in November and December to better fit with the Thanksgiving and Christmas holidays. Staff has reviewed several alternatives and would recommend that the Board change the meeting dates for these two months to the third Wednesday and Thursday instead of the fourth Wednesday and Thursday. If this recommendation is adopted, the November meeting would be held the 15th and 16th and the December meeting would be held the 20th and 21st.

Staff will be prepared to discuss this recommendation and other alternatives with the Board so that some action can be taken at this month's meeting and the necessary changes properly noticed.

jg
MEMORANDUM

DATE: August 15, 1978

TO: Governing Board

FROM: Agency Staff

SUBJECT: Alternate Project Review Format

On a monthly basis, Agency staff prepares staff summaries and recommendations for all projects considered by the Governing Board. The format for these staff summaries and recommendations was developed during the early years of the Agency and has been somewhat "standardized". The content of the staff summary is based on all the information submitted by the applicant; plus, additional information supplied by state, federal or local agencies and information developed by Agency staff. The summary, in addition to depicting the primary elements of the projects, relates these elements to applicable Agency ordinance requirements and regulations, current state and federal standards, and, in special instances, Governing Board policy.

The staff recommendation to either approve, approve with conditions, or deny is developed based on analysis of the application's conformance with the applicable Agency ordinance requirements and regulations, Board policy, and current state and federal standards. When staff recommends to deny a proposal, in order to clearly establish the reasons why denial is recommended, the summary lists the specific reasons. This list of reasons is intended to provide the Board with a clear indication of the staff concerns and the elements of the project that do not conform with applicable standards or policies.

In cases where the staff recommends approval of a project, the recommendation section of the summary lists those findings that must be made by the Governing Board in order to satisfy the requirements of applicable Agency ordinances. The summary also identifies the evidences on which the recommended findings can be made.
Memo to Governing Board
Alternate Project Review Format
Page Two

It has come to the attention of Agency staff that perhaps the Governing Board would like the staff summaries and recommendations for denial of an application to include an indication of those findings required to be made under applicable Agency ordinances if the Governing Board decides to vote for approval of the application. If this change to the format used in the staff summaries and recommendations is desired by the Board, a section would have to be included in every staff summary which contains a staff recommendation of denial stating those findings that would have to be made in order to approve the application and the evidence in support of those findings. Agency staff would suggest that evidence indicating that the required findings can not be made should also be included in this section. Staff will be prepared to discuss the pro's and con's of changing the existing format of the staff summaries and recommendations with the Board at the meeting.

jg