TRPA
GOVERNING BOARD
PACKETS

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

NOTICE IS HEREBY GIVEN that on September 27, 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: September 15, 1978

BY: [Signature]
James J. Jordan
Executive Director
<table>
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<tr>
<th>Agenda Item</th>
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<tr>
<td>Consent Calendar</td>
<td>Approved</td>
</tr>
<tr>
<td>Glenbrook Unit 2, Modification of Prior Approval, Douglas County</td>
<td>Approved</td>
</tr>
<tr>
<td>Chart House, Inc., 3.5 Acres, General Plan Amendment to General Commercial, Douglas Co.</td>
<td>Approved with 45% allowable coverage. Staff directed to prepare an ordinance.</td>
</tr>
<tr>
<td>Douglas County, Administrative Permit for Sahara Tahoe Sign to Exceed Height Limit</td>
<td>Continued to October 25, 1978.</td>
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<tr>
<td>Park Tahoe Hotel-Casino, Compliance With Conditions of Approval, Douglas County</td>
<td>Action taken on each of the six conditions placed on 7/26/78 approval of the revised parking plan to either find compliance, to extend the completion date for compliance, or to place on October, 1978 agenda.</td>
</tr>
<tr>
<td>T &amp; R Theaters, Variance for Off-Premise Sign, South Lake Tahoe</td>
<td>Approved</td>
</tr>
<tr>
<td>Tarantino's Restaurant, Variance for Off-Premise Sign, South Lake Tahoe</td>
<td>Denied</td>
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<tr>
<td>W. Grafton Worthington, Administrative Permits and Variances for Unauthorized Shorezone Structures, El Dorado County</td>
<td>Approval granted for unauthorized structure adjacent to Lot 12; denial of unauthorized structure adjacent to Lot 11 with direction to bring it into substantial conformance with approval granted to conforming structure. Two existing buoys approved with conditions. Application for approval of unauthorized fence continued to October.</td>
</tr>
<tr>
<td>Non-Attainment Air Quality Planning</td>
<td>Staff presentation; draft plan to be presented in October.</td>
</tr>
<tr>
<td>General Plan Update</td>
<td>Staff presentation; map to be completed for October meeting and endorsement by Board prior to public hearings.</td>
</tr>
<tr>
<td>208 Update</td>
<td>TRPA to pursue adoption of implementing ordinance, to proceed with implementation statements, and to prepare executive summary.</td>
</tr>
<tr>
<td>U.S. Forest Service, RARE II Presentation</td>
<td>TRPA is not taking an official position at this time, but individual members will be sending in comments to the Forest Service.</td>
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<tr>
<td>Agenda Item</td>
<td>Action Taken</td>
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<td>---------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
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<tr>
<td>Amended Grading Ordinance</td>
<td>First reading</td>
</tr>
<tr>
<td>First and Second Reading of Various Ordinances for General Plan Amendments</td>
<td>Approved</td>
</tr>
<tr>
<td>(see agenda)</td>
<td></td>
</tr>
<tr>
<td>Sign Ordinance Enforcement</td>
<td>Staff to draft revision to Sign Ordinance to permit political</td>
</tr>
<tr>
<td></td>
<td>signs of a temporary nature</td>
</tr>
</tbody>
</table>

Miscellaneous:

Staff directed to prepare impact report on parking structures in South Stateline area. Report to be done in conjunction with U.S. Forest Service comments.
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V PUBLIC HEARING - General Plan Amendment

Chart House, Inc., 3.35 acres, Douglas County, Request for Reclassification from Medium Density Residential to General Commercial

VI AGENCY REVIEW

A. Douglas County, Administrative Permit for Sahara Tahoe Sign to Exceed Height Limit

B. Park Tahoe Hotel-Casino, Compliance With Conditions of Approval, Douglas County

C. T & R Theaters, Variance for Off-Premise Sign, City of South Lake Tahoe

D. Tarantino's Restaurant, Variance for Off-Premise Sign, City of South Lake Tahoe

E. W. Grafton Worthington, Administrative Permits and Variances for Unauthorized Shorezone Structures, El Dorado County

VII PLANNING MATTERS

A. Non-Attainment Air Quality Planning

B. General Plan Update

C. 208 Update

VIII REPORTS

A. U.S. Forest Service, Lake Tahoe Basin Management Unit, Presentation on 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

IX. ORDINANCES
A. Grading Ordinance Revisions and First Reading
B. First Reading of Ordinances Amending the Regional Plan
   1. 1.95 Acres, a Portion of Block F, Commercial Subdivision No. 1, Incline Village, Washoe County, Tourist Commercial to High Density Residential
   2. Lots 25 through 40 of Block B, Brockway Vista Subdivision, Placer County
C. Second Reading of Ordinances Amending the Regional Plan
   1. 1.68 Acres, Recreation to Tourist Commercial, Douglas County
   2. 1.829 Acres, Recreation to General Commercial, Douglas County
D. Sign Ordinance Enforcement

X. PENDING MATTERS
XI. RESOLUTIONS
XII. OTHER BUSINESS
XIII. ADJOURNMENT

CONSENT CALENDAR

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<th>Item</th>
<th>Recommendation</th>
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</thead>
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<td>William Grace/Martin Engineering Replacement of Nonconforming Land Coverage, Douglas Co.</td>
<td>Approval</td>
</tr>
<tr>
<td>Glenbrok Unit 2, Modification of Prior Approval, Douglas Co.</td>
<td>Approval</td>
</tr>
</tbody>
</table>
William Grace
Replacement of Nonconforming
Land Coverage - Section 9.21(3) of the
Land Use Ordinance, Douglas County

Summary

The applicant, represented by Dick Whitney, is seeking approval of an administrative permit for the replacement of nonconforming land coverage on Lot 3, Harris Heights Subdivision in Douglas County (Assessor Parcel No. 01-020-02). The applicant seeks to extend his driveway over existing impervious coverage. The proposed driveway addition will cover approximately 2,273 square feet. Under Section 9.21(3) of the TRPA Land Use Ordinance, in order to construct the proposed driveway and bring the land coverage on the site into conformance, the applicant must either replace the proposed coverage with an equal amount of open space or meet the total coverage limitation of the applicable land use district.

The applicant has chosen to replace open space in the equivalent square footage of the proposed driveway, plus 10% due to the relocation of the proposed coverage. The applicant has identified 2,504 square feet of existing nonconforming coverage that will be removed.

Local Agency Action

Douglas County has issued an administrative permit for the nonconforming coverage replacement.

Recommendation

The Agency staff recommends approval of the administrative permit for replacement of nonconforming coverage subject to the following conditions:

1. Erosion control be utilized during construction.

2. Soil Conservation Service revegetation assistance be utilized.

3. 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.

9/19/78
Staff felt it was not a substantial modification to coverage relative to Unit 2.

Tennis courts shown on Master Plan.

- Resub. for an Admin Permit to approve the proposed project as part of the Master Plan for Glendbrook Unit 2.
Glenbrook Unit 2
Modification of Prior Approval
Douglas County

Summary

The applicant, Ron Nahas, representing Glenbrook Properties, is requesting approval of a modification to the tentative map approval granted Glenbrook Unit 2 by the TRPA Governing Board on February 22, 1978. The modification is for the construction of a 6 court tennis facility. This project was originally anticipated as a separate project to be phased in under the Glenbrook master plan approval. The applicant now proposes to construct the tennis club as part of Unit 2. The proposed tennis club will be constructed on the site approved by the Board in the Glenbrook master plan approval. The applicant proposes that the tennis club be included in Glenbrook Unit 2. The proposed construction will result in increased land coverage over that approved by the Board. The tennis club will be located adjacent to the current north boundary for Unit 2.

Land Use Classification

The subject property is classified Low Density Residential (LDR) by the Agency. The LDR land use classification permits day-use areas which include tennis courts.

Land Capability and Land Coverage

The proposed tennis club is situated on four different soil districts. Areas contained in these districts and allowable coverages are outlined below. The applicant's proposed coverages are also detailed.

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>% Allowable Coverage</th>
<th>Allowable Coverage</th>
<th>Proposed Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>UmF</td>
<td>1</td>
<td>140 sq. ft.</td>
</tr>
<tr>
<td>Area B</td>
<td>UmE</td>
<td>5</td>
<td>29,750 sq. ft.</td>
</tr>
<tr>
<td>Area C</td>
<td>UmD</td>
<td>25</td>
<td>54,051 sq. ft.</td>
</tr>
<tr>
<td>Area D</td>
<td>Lo</td>
<td>1</td>
<td>6,270 sq. ft.</td>
</tr>
</tbody>
</table>

There is an existing graded road that will be used to provide access to the tennis club.

Proposed Project

The proposed project will contain 6 tennis courts, parking facilities for 12 cars, and a club house. The club house building is a building which is being relocated from the cottage field area. The proposed tennis courts are grade separated to minimize the extent of grading. Court number 1 will require approximately a 5 foot cut along the eastern edge. This cut slope will be laid back to a 2:1 slope, stabilized, and revegetated.

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Glenbrook Unit 2
Modification of Prior Approval
Page Two

The cut slope between courts 2 and 3 will be stabilized and revegetated. To minimize disturbance during construction, temporary erosion control berms will be placed along the downhill sides of all disturbed areas.

Drainage

The drainage emanating from the paved access road will be contained by curbs and gutters on the uphill side of the road and directed to a drop inlet located in the parking lot. Parking lot drainage will be directed toward this same drop inlet. Drainage from the courts will be directed across court into two drop inlets located on the east side of each court. The drainage will be carried along the north side of the courts and released into an energy dissipator located on the south side of court 4. The dissipator will be designed to handle a 2 year-6 hour storm.

Existing Environmental Setting

The proposed construction site contains slopes that range from 5 to 30%. The tennis courts and club house building are located on areas with slopes ranging from 5 to 10%. The site is heavily forested with pine and fir trees. Of the 220 trees identified within the boundaries of the project, approximately 43 are to be removed.

Recommendation

Agency staff recommends that the subject modification to Glenbrook Unit 2 be approved with the following 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 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.

9/19/78
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.

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

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 in 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 24.5' 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 62,075 sq. ft.

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.

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Chart House Restaurant
General Plan Amendment
Douglas County

Property Location

The applicant, Chart House, Inc., representing the property owner, C & G, Inc., is requesting a General Plan amendment on a 3.42 acre parcel (Douglas County Assessor Parcel No. 07-291-11) located adjacent to and north of Kingsbury Grade approximately 1,200 feet east of the intersection of Kingsbury Grade and Palisade Road. (See attachment #1.) The subject parcel contains 537 feet of frontage on Kingsbury Grade.

Amendment Request

The subject parcel is currently classified General Forest and Medium Density Residential by the Agency. The most easterly .92 acres, having 174 feet of frontage on Kingsbury Grade, are classified General Forest. The remaining 2.5 acres, having 363 feet of frontage on Kingsbury Grade, are classified Medium Density Residential. (See attachment #2.)

The applicant is requesting that the entire 3.42 acre parcel be reclassified to General Commercial so that the existing restaurant on the parcel, the Chart House, becomes recognized as a permitted and conforming use. The subject parcel has been used for a restaurant since prior to the adoption of the 1971 General Plan.

The applicant is requesting that the reclassification to General Commercial also permit a maximum of 45% land coverage. The land coverage associated with the existing improvements amounts to 30% of the parcel area. The applicant plans to submit an application to the Agency for an administrative permit to enlarge the present parking lot to conform with the Douglas County parking requirement for the existing restaurant. The proposed parking lot expansion will increase the onsite land coverage to 37%. The applicant is requesting 45% land coverage, or an additional 8%, to allow for additional onsite improvements of a minor nature that cannot be foreseen at this time. The applicant indicates that these improvements may include vehicle turnarounds to improve onsite traffic circulation, walkways, additional drainage facilities, or retaining walls.

Local Zoning

Douglas County zoning on the subject parcel is consistent with the Agency's use classifications. Douglas County has the land classified Medium Density Residential zoned R-3 (Multiple Residential) and the land classified General Forest zoned E-2 (Second Estates).

Land Capability

The subject parcel is in a land capability district 1a, CaF soil type, 30 to 50% slopes, as shown on the Agency's 400 scale land capability maps. However, the applicant has submitted a contours map showing several small undisturbed areas where the slopes are less than 15%, a CaD soil type, land capability district 4.
Surrounding Use Classifications

The subject parcel is within an area that, on the original 1971 General Plan, was classified a mixture of Medium Density Residential and General Commercial. (See attachment #2.) The use classifications were shown on the 1971 General Plan in conformance with Douglas County zoning at that time.

Surrounding Uses

The property classified General Commercial in this area has not been developed to date. However, much of the Medium Density Residential property has been developed into multiple residential. (See attachment #3.) The subject parcel is bordered on the north by U.S. Forest Service land.

Traffic

It is very unlikely that the requested General Plan amendment would result in additional vehicle trips being generated from the subject parcel. To expand the existing restaurant would be difficult in light of the 45% land coverage limitation and the parking requirement of Douglas County.

Access to the existing restaurant from Kingsbury Grade appears to be adequate, although the possible need for a left-turn lane will be analyzed during review of the administrative permit to expand the parking lot.

Recommendation

Based on the following findings, Agency staff recommends that the requested General Plan amendment to reclassify the subject 3.42 acre parcel from Medium Density Residential and General Forest to General Commercial with allowable land coverage of 45% be approved. The recommended findings are:

1. The subject parcel currently contains a nonconforming commercial use that was established prior to the adoption of the 1971 General Plan.

2. The subject parcel is within an area that is classified a mixture of multiple residential and commercial and therefore to reclassify the subject parcel to General Commercial would not be inconsistent with the surrounding use classifications.

3. The allowance of 45% land coverage is consistent with the current improvements on the parcel and the desire of the applicant to increase the number of parking spaces on the site to the minimum required by Douglas County for the existing restaurant.

4. To reclassify the subject parcel to General Commercial, thereby recognizing the existing use as permitted and conforming, will not create a threat to public safety or welfare.

9/19/78
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Douglas County
Administrative Permit for Sahara Tahoe
Sign to Exceed Height Limit

Summary

At the August 23, 1978 meeting, the Governing Body denied the administrative permit for a 64 foot high sign for the Sahara Tahoe Hotel-Casino and directed the applicant to resubmit a redesigned sign not to exceed 56 feet in height for review at the September meeting. The Agency staff had not received the revised plans as of September 14 and contacted the designer, Ad Art, Inc. The designer requests that the hearing be continued until the October meeting in order to complete the designs and properly submit them to the Agency staff.

Recommendation

The Agency staff recommends the project be continued until the October Governing Board meeting in order that staff may review the subject plans and present written comment.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Park Tahoe Hotel Casino
Compliance With Conditions of Approval
Douglas County

Project Summary

On July 26, 1978, the Governing Body of the TRPA approved an administrative permit for a revised parking plan for the Park Tahoe Hotel Casino. At this meeting, the Governing Body and legal counsel specifically drafted six conditions of approval which were based on concerns set forth in the staff summary and recommendation. In order to prevent unnecessary hardship, the Governing Body set specific time limits for future compliance rather than the normal procedure of preventing construction or use of a facility until conditions are satisfied.

Since the approval date, staff has been working with the applicant in order to assure compliance with the six conditions. As of the September 27, 1978 Governing Body meeting date, the time limit for five of the six conditions will have expired. It appears, based upon the attached correspondence from Gordon DePaoli, the applicant's legal counsel, that certain portions of the conditions will not be met as to staff's interpretation of compliance; therefore, staff seeks Governing Body determination of compliance with the conditions of approval and direction as to future enforcement in the event compliance is not deemed satisfactory.

Summary

The following is a status report as of September 18, 1978 on compliance with the conditions:

Conditions of Approval:

1. "Within 60 days (September 25, 1978) after the date of this approval, a water treatment system, the final plans for which are to be approved by the Agency staff, shall be implemented to treat all runoff from the Park Tahoe site."

Status as of September 18:

Plans have been submitted to staff for the total drainage system that services the Park Tahoe site. The Nevada Department of Environmental Protection and the Nevada Department of Forestry have reviewed and concurred with the subject plans. An on-site inspection indicates that all parts of the system with the exception of the leach lines are constructed.

To Be Completed Prior to September 25:

The leach lines have yet to be placed due to a redesign of the leach field and problems of acquiring necessary materials. It appears the applicant is making all reasonable progress to implement the system.

9/19/78
2. "Within 60 days after approval, the Agency staff shall review temporary and permanent traffic circulation and parking plan."

Status as of September 18:

A plan for circulation has been submitted, but no parking plan indicating the location of all parking spaces has been submitted. The applicant has expressed a reluctance to submit a parking plan which includes the number and location of parking spaces. (See attached letter.)

To Be Completed Prior to September 25:

Agency staff interpretation of the condition would be that the applicant submit a site plan indicating number and location of parking spaces, both temporary and permanent. Staff finds this information to be critical when reviewing various parking proposals in the core area.

3. "Within 60 days after approval, Agency staff shall review slope stabilization and revegetation plan for both the temporary parking plan and the permanent parking plan and the Agency shall be named as obligee upon the bond posted with the Agency for this purpose, which bond shall be in the same amount as posted with the County for said purpose."

Status as of September 18:

Agency staff has reviewed a slope stabilization and revegetation plan submitted by the applicant. The required $25,000 bond has been posted.

To Be Completed Prior to September 25:

Staff finds the applicant has complied with the requirements of the condition.

4. "The subject 37.201 acres shall be legally recorded within 30 days and if such recordation is not permissible under the State of Nevada laws the subject 37.201 acres as depicted upon a registered surveyor's certified map shall be filed with the Agency."

Status as of September 18:

No indication has been submitted that the parcel has been recorded, nor has the applicant submitted the alternative information. The applicant has submitted a written statement describing the problems of recording the subject parcel and his intent to have the required recordation completed as soon as possible. (See attached letter.)

9/19/78
To Have Been Completed Prior to August 25:

Agency staff needs a written verification that the parcel has been legally recorded with Douglas County.

5. "Within 60 days after the time of this approval, the applicant shall submit revised construction phasing plan for the remainder of the project to include the date for the commencement of the parking structure and the removal of all temporary surface parking."

Status as of September 18:

While verbal statements with respect to this item were made to the Governing Body on July 26, 1978, no written schedule has been submitted; however, a letter was received explaining the legal problems of the project and its future scheduling. (See attached letter.)

To Be Completed Prior to September 25:

Agency staff interpretation of the condition would be that the applicant submit a written statement indicating the proposed commencement and completion dates of the following items which were originally phased to be completed prior to occupancy:

a. parking structure  
b. hotel facilities  
c. showroom  
d. convention center  
e. removal of temporary parking

Staff's concern, as per the staff summary and recommendation presented at the July, 1978 meeting, was that this information was necessary to assess the adequacy of parking in the future as new areas of the project become operational.

6. "The applicant shall comply with the letter statements submitted on July 26, 1978 regarding the pedestrian separations."

Status as of September 18:

A letter has been submitted stating that plans for a pedestrian separation will be completed by October 24, 1978. Agency staff has not been contacted regarding the plans.

9/19/78
To Be Completed Prior to October 24:

Plans for the pedestrian separation are to be completed and ready for review. Hopefully, as these plans are prepared, all parties concerned, i.e., Sahara Tahoe, TRPA, Douglas County, the Nevada Department of Highways, etc., will be consulted in order to coordinate the effort.

Recommendation

Agency staff recommends the Governing Body take the following actions in regard to each condition with the provision that staff be directed to take the proper enforcement actions to insure compliance:

Condition #1 - Staff recommends upon proof that the leach lines are constructed and the system is operational, the Governing Body find the applicant has complied with this condition. If necessary, staff would support a limited extension in order to complete the leach lines.

Condition #2 - Staff recommends the Governing Body direct the applicant to submit the "parking plan" as per staff’s request within 10 days of the September meeting.

Condition #3 - Staff recommends a finding be made that the applicant has satisfied this condition.

Condition #4 - Staff recommends the Governing Body direct the applicant to submit the verification (with description) that the subject 37.201 acre parcel has been recorded within 10 days of the September meeting.

Condition #5 - Staff recommends the Governing Body direct the applicant to submit a revised phasing plan with proposed commencement and completion dates of items a through e within 10 days of the September meeting.

Condition #6 - Staff recommends the Governing Body request a progress report on the pedestrian separation.
September 8, 1978

Tahoe Regional Planning Agency

P. O. Box 8896
South Lake Tahoe, California 95713

Attn: Mr. G. W. Barrett

Re: Conditions of Approval of Park Tahoe Hotel-Casino Administrative Permit For Modification of Approved Parking Plan

Gentlemen:

This is in response to G. W. Barrett's August 23, 1978 letter to Mr. Brooks Park concerning the status of the Park Tahoe's compliance with the above conditions. It is my understanding that since Mr. Barrett's letter many of the conditions have been met or that there no longer is any concern that they will be met. Therefore, this letter will address only the remaining matters.

1. Number of Parking Spaces

Mr. Barrett's letter states that a site plan showing the number of parking spaces "needs to be submitted to Agency staff." At the July 26, 1978 meeting there was a great deal of discussion about the "number of parking spaces," particularly during the morning hearing on the Sahara parking garage. It was evident after that discussion that the Governing Body was not concerned with the number of parking spaces. Rather their concern was with land coverage.

The Governing Body approved an administrative permit for 7 plus acres of permanent open parking and 2 plus acres of temporary open parking. Their concern was land coverage, not the number of parking spaces. Douglas County has an ordinance dealing with parking space numbers but the TRPA does not. In addition, Park feels it is
imprudent to cast its parking spaces in concrete. As it gains experience with its parking facility, it may be sensible to change the size, location and number of parking spaces. Moreover, in the years to come the automobiles on our highways will be significantly smaller than now. That fact may call for a change in the parking space size, and Douglas County may some day amend its ordinance with respect to the appropriate size of parking spaces.

In summary, then, the location of the Park Tahoe's parking is as shown on the map submitted at that July 26, 1978 meeting. In our view that meets the condition imposed by the Governing Body. Its traffic circulation is as shown on the map submitted by Grant Bastian on August 31, 1978.

2. The subject 37.201 acres shall be legally recorded within 30 days and if such recordation is not permissible under the State of Nevada laws, the subject 37.201 acres as depicted upon a registered surveyor's certified map shall be filed with the Agency.

Mr. Park took the registered surveyor's certified map to the Douglas County, Nevada Recorder for recording. At that time the Recorder would not record the map. Mr. Park was prepared to file the map with the TRPA when he was advised that if a transparency of the map were presented to the Douglas County Recorder it could and would be recorded. Upon acquiring that information Mr. Park ordered a transparency which will be recorded in Douglas County. When the transparency has been recorded we will provide the TRPA with written verification.

3. Within 60 days after the time of this approval, the applicant shall submit a revised construction phasing plan for the remainder of the project to include the date for the commencement of the parking structure and the removal of all temporary surface parking.

On August 18, 1978 I wrote the Governing Body a letter intended to meet that condition and in our view the
Tahoe Regional Planning Agency
September 8, 1978
Page Three

letter meets the condition. As you may recall that condition was proposed condition No. 4. I responded to that condition at the July 26, 1978 meeting. I said:

"I'm going to tell you what our phasing schedule is as best I can give you.

"You all know where we've been since 1973. Needless to say we've had a problem for too long. But if we get the Park Tahoe open, we'll begin construction on the parking structure on September 15, 1978 or thereabouts. Then when financing is available the rooms will follow the garage; the other facilities will follow when financing is available.

"I say when financing is available because we have been in continuous litigation since September of 1973 with the League to Save Lake Tahoe, Sierra Club, California - one, two or all three; and lenders don't like litigation and we don't know what the future might hold in that regard." Transcript of Proceedings Before the TRPA Governing Body, July 26, 1978, at pp. 40-41.

Later in the meeting the Chairman, Mr. Henry, speaking of the proposed conditions said:

"Let me go down these very quickly with you so that we're in accord, so that the Board is in accord with your thinking." Transcript, at p. 44.

When he came to proposed condition No. 4, which is approved condition No. 5, I, referring to my above statement, said:

"Well, I just gave it to you orally. That was it.

The Chairman: So you agreed with it?

Mr. DePaoli: Yes. That was it.

Transcript, at p. 48.
Later in the meeting Mr. Jordan stated that he felt it was useful "to have four in writing." I responded:

"You want a letter from Park Cattle Co. saying that if we get open, we will commence construction of the parking garage at or about September 15, 1978?"

The Chairman: I can understand this. It takes money to be able to operate. But I think you ought to submit such a letter."

Transcript, at p. 56.

Still later in the meeting the colloquy referred to in my August 18, 1978 letter occurred. As a result of that discussion I suggested that Park Cattle Co. would commence construction of the parking structure sixty days after it opened.

It is obvious from the above discussions that I told the Governing Body that Park could not give them a "projected commencement date" on anything other than the parking structure. It is also clear that the Governing Body accepted the substance of my oral statement as meeting the condition. They simply wanted it in writing. No one on the Governing Body or even the Staff suggested that my statement was not satisfactory. No one hinted that Park ought to be required to predict the future and give commencement dates for the other facilities, much less completion dates.

Moreover the condition itself requires only a commencement date for the parking structure. If the Governing Body intended to require commencement and completion dates for each of the facilities listed in the letter, they would have said so. If they intended by their silence to require such dates, the specific language concerning a date for commencement of the parking structure would have been surplusage.
It would be imprudent for me or Park to attempt to give you commencement and completion dates for all of the facilities listed in your letter. Most importantly the condition of approval does not impose such a requirement. It appears that construction will begin on the parking structure on or about September 15, 1978.

4. The applicant shall comply with the letter submitted on July 26, 1978 regarding the pedestrian separations.

Park expects to timely comply with the letter it submitted on July 26, 1978.

If you have any questions concerning any of the above items, please let me know.

Sincerely,

Gordon H. McPeek

GHD:ds
Sec. 4.

Four Seasons

All off premise signs are prohibited

Granted variance for temporarily off-premise sign on Nov. 17, 1976

Sign to be removed by Nov. 17, 1979

Sign approved for resort on sign face changed to "Granlibakken Ski & Racquet Resort"

The sign will be allowed to remain until July 1980 under the sign ordinance.

Incline Bowling Alley

South Wood Club

Tommy's place

Happy Hour
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

T & R Theaters
Variance for Off-Premise Sign
City of South Lake Tahoe

Summary

The applicant, T & R Theaters, is requesting a variance under Section 8.00 of the Sign Ordinance to allow the continued use of an off-premise sign advertising the T & R Drive-In Theater. The sign is located at the corner of Highway 50 and Herbert Avenue in the City of South Lake Tahoe.

The T & R Drive-In Theater sign is supported on two 20' high, 8' diameter pipe stanchions anchored into an 8' by 2' stone footing. The sign is topped with an 18" redwood shingle coping. Under the sign coping is an 8' by 4' illuminated reader board. The reader board contains the name of the theater, directional arrows, and the title of current features playing at the theater. The theater is located on Glenwood Way approximately 1 mile south of Highway 50. This off-premise sign is the only sign in South Lake Tahoe indicating the location and current features at the T & R Drive-In. Due to the drive-in theater's location, the applicant feels that the sign is necessary to provide direction to the theater.

Nonconforming Signs

Nonconforming signs are any signs lawfully existing on the effective date of the Sign Ordinance which fail to comply with the standards of the off-premise sign regulations. Section 5.10 of the ordinance requires removal of existing off-premise signs by July, 1980 unless a variance is granted by TRPA.

Local Agency Action

The City of South Lake Tahoe issued a special use permit (#72-43) granting the continued use of the T & R Drive-In Theater off-premise sign on June 28, 1973.

Required Findings

In order for the variance to be approved, Section 8.00 of the Sign Ordinance requires the following findings: 1) that such sign is necessary to provide directions to the business, location or commodity advertised; 2) that the lack of such sign will deprive the business, location or commodity advertised of privileges enjoyed by other similarly situated businesses, locations or commodities; 3) the variance will not be contrary to the public interest nor the purpose of this ordinance; and 4) the variance will not nullify the objectives of this ordinance.

Staff Recommendation

Agency staff recommends denial of the subject request since item 2 above requires a finding that the lack of the sign will deprive the applicant of privileges enjoyed by other similarly situated businesses. Other businesses situated off of Highway 50 do not have off-premise signs. There have currently been no variances granted to allow an off-premise sign past the effective removal date of July, 1980. Staff is unable to find that the lack of this sign will deprive the theater of privileges accorded other similarly located businesses.

9/19/78
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Joe Tarantino's Restaurant
Variance for Off-Premise Sign
City of South Lake Tahoe

Summary

The applicant, Joe Tarantino, is requesting a variance under Section 8.00 of the Sign Ordinance to permit the continuation of an existing off-premise sign. The sign is located on the north side of the intersection of Highway 50 and Takela Street in the City of South Lake Tahoe. Tarantino's Restaurant is located one block south of Highway 50 on Takela Street. The subject sign provides information regarding the presence and location of Tarantino's Restaurant.

The sign is supported on two 15' high, 6" diameter pipe stanchions with a sign face of 3' by 4.5'. The advertising face provides the name of the restaurant and a directional arrow. The sign height is 5' off the ground. The pipe stanchions also support signs advertising businesses located on the same parcel as the sign. For these signs, the pipe stanchions support allowable on-premise signs. Tarantino's sign is the only off-premise sign on this structure.

Nonconforming Signs

Nonconforming signs are any signs lawfully existing on the effective date of the Sign Ordinance which fail to comply with the standards of the off-premise sign regulations. Section 5.10 of the ordinance requires removal of existing off-premise signs by July, 1980 unless a variance is granted by TRPA.

Local Agency Action

The City of South Lake Tahoe issued a special use permit (#74-01) to allow the continuance of the subject sign on June 12, 1974.

Required Findings

In order to grant the requested variance, Section 8.00 of the Sign Ordinance requires the following findings: 1) that such sign is necessary to provide directions to the business, location or commodity advertised; 2) that the lack of such sign will deprive the business, location or commodity advertised of privileges enjoyed by other similarly situated businesses, locations or commodities; 3) the variance will not be contrary to the public interest nor the purpose of this ordinance; and 4) the variance will not nullify the objectives of this ordinance.

Recommendation

Agency staff recommends denial of the subject request for the following reason. Finding 2 requires the finding that the lack of the sign will deprive the applicant of privileges enjoyed by other similarly situated businesses. Other businesses similarly situated off of Highway 50 do not have off-premise signs. No new off-premise signs are allowed in the Basin under the Sign Ordinance. Businesses with existing off-premise signs will be allowed to keep them in use until July, 1980. There have currently been no variances granted to allow an off-premise sign past the effective removal date of July, 1980. Staff is unable to find that the lack of this sign will deprive the restaurant of privileges accorded other similarly located businesses.

9/19/78
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

W. Grafton Worthington
Administrative Permit and
Variance to Shorezone Ordinance
El Dorado County

Project Location and Description

The applicant requests a permit and variance for unauthorized extensions of the two piers located adjacent to Lots 11 and 12 of Jameson Beach Tract. Also, the applicant seeks a permit for an unauthorized wooden fence extending lakeward beyond the high water line which separates the applicant's property from the U.S. Forest Service Pope Beach.

Summary - Piers

Agency photographs indicate that between 1970 and 1975 sun decks were constructed on the two existing piers. The additions of a 31.5' x 19.5' sun deck on the Lot 11 pier and a 22' x 13.5' sun deck on the Lot 12 pier were performed without the required U.S. Army Corps of Engineers permits; therefore, the structures are unauthorized. The applicant applied to the Agency for the required permits in May, 1976 and was denied without prejudice pending completion of the Shorezone Ordinance.

The Shorezone Ordinance which was adopted after the application was denied now sets forth the standards for review of unauthorized structures as follows:

"Section 18.00 Existing Unauthorized Structures
An administrative permit must be obtained for the use of an existing unauthorized structure located in the nearshore or foreshore, as provided in Section 4.00. Permits for such existing unauthorized structures will be granted or denied according to the provisions of this ordinance in the same manner as permits for proposed structures. If the permit is denied, the structure must be altered to conform to the provisions of this ordinance or removed by the owner at his expense. The Agency in denying the permit shall specify whether the structure is to be altered or removed."

Following the review procedures set forth in Section 18.00, Agency staff finds the width of the structures to be nonconforming in regards to the maximum width standards of the ordinance. Section 7.31 limits the width of single use piers to 10 feet plus a 3 foot wide catwalk.

Summary - Fence

Evidence indicates that the subject wooden fence was constructed in 1975 without the required permits. This wooden fence parallels and is immediately adjacent to an existing U.S. Forest Service chain link fence. The subject wooden fence is intended to establish both a physical barrier to prevent public access and a visual barrier to protect the applicant's privacy. To meet staff concerns regarding interference with the natural littoral drift, the applicant proposes to utilize removable sections and adjust the fence in order to prevent intrusion into the waters of Lake Tahoe.

9/19/78
The Shorezone Ordinance is silent in regards to the dimensions and features of fences which extend lakeward of the high water line. Agency staff would take this opportunity to seek Governing Body direction in Agency review of all fences extending into the waters of Lake Tahoe. Of principal concern to staff are protection against interference with littoral drift, potential for creation of navigation hazards, consideration of the public's right to access to Lake Tahoe as guaranteed by the Rivers and Harbors Act of 1899, the visual impacts of such barriers, and the need or utility of such structures.

In light of the above concerns, Agency staff would suggest that the following policy be adopted in regards to fences located lakeward of high water:

Fences and other barriers to public access to the navigable waters of Lake Tahoe shall be discouraged except when it is found that:

1. The fence or barrier is required to protect the health and welfare of the public.

2. The fence or barrier will be constructed as not to create any adverse visual or environmental impacts, i.e. 90% open.

Recommendation

Agency staff recommends the variance for the additional width be denied. Section 20.00 of the Shorezone Ordinance states variances may be granted only when it is found that "because of special circumstances applicable to the property involved, a strict application deprives such property of privileges or safety enjoyed by other similarly situated property". Agency staff finds that all new single use piers reviewed by this agency do conform to width standards set forth by the ordinance; therefore, the applicant is not being deprived of privileges enjoyed by others.

Agency staff recommends the following actions be taken in regards to this application:

1. Find the 13.5' wide pier located adjacent to Lot 12 to be in substantial conformance and approve the required permit.

2. Direct the applicant to bring the 19.5' wide pier adjacent to Lot 11 into conformance by removal or alteration of the nonconforming sun deck before July 1, 1979 as a condition of approval of the required permit.

3. Deny the permit for the existing wood fence located lakeward of high water and parallel to the U.S. Forest Service fence and direct the applicant to remove the structure from the waters of Lake Tahoe.

9/19/78
ADDITION TO AN EXISTING PIER

PURPOSE: PRIVATE RECREATIONAL USE

DATE: LAKE DATUM

ADJACENT PROPERTY OWNERS:
1. U.S. FOREST SERVICE
2. W. GRAFTON WORTHINGTON

PLAN

IN LAKE TAHOE
AT JAMESON BEACH TRACT
COUNTY OF EL DORADO STATE CALIFORNIA
APPLICATION BY W. GRAFTON WORTHINGTON

SHEET 1 OF 2 DATE 23 FEB 78

NOTE: ELEVATIONS ADD 6200

U.S. Forest Service
MEMORANDUM

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Non-Attainment Air Quality Planning

DATE: September 19, 1978

Staff will present a verbal report and supplemental material at the September meeting.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 18, 1978

TO: The Governing Board

FROM: The 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 has received 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 each reduction take the form of tighter density limitations or tighter limitations on land subject to development?

APC Recommendation - The APC recommended to the Board that it consider alternative 3 as set forth in the Dornbusch Analysis which is essentially infill of existing urban areas with housekeeping chores involved. The recommendation also would include the modifications suggested in the draft plan to encourage high density apartments or zoning for apartments rather than condominiums and that lands in outlying areas in lower capability levels be zoned General Forest and higher capability lands be classified Development Reserve areas. It was also the APC's recommendation that projects proposed for these Development Reserve lands should come in for review on a project-by-project basis. The APC recommendation was passed unanimously with the Lahontan and El Dorado County Health representatives abstaining.

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?

APC Recommendation - The APC recommended that the Board approve the staff recommendation with the addition that specific plans under the Development Reserve district be processed through the APC and that the Governing Board direct the APC and the staff to develop specific guidelines over the next year for each of the Development Reserve districts and hold approval of projects in these areas in abeyance for one year. This APC recommendation was unanimous.
Memo to the TRPA
Governing Board
Major General Plan Update Issues
Page Three

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 those development limitations?

4. If so, what should those priorities be?

APC Recommendation - The APC recommended that the Board adopt the staff recommendation for a growth rate based on the percentage of the remaining building capacity with this growth rate to be worked out at a later date along with an allocation plan for low income housing and other priorities. This recommendation was unanimous with the Lahontan representative abstaining.

Issue #4: Transportation

The proposed General Plan references adopted TRPA transportation policy but suggests no changes in the adopted Transportation Plan. The TRPA does not have a long range Transportation Plan. This is significant, particularly in light of the Dorbusch Analysis, 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 bypasses 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?

APC Recommendation - Action on the transportation issue was tabled until further discussions can be undertaken between the Agency, UMTA, and other involved entities.
TAHOE REGIONAL PLANNING AGENCY

AREAWIDE WASTE TREATMENT MANAGEMENT (208) PROGRAM

PROGRESS REPORT

Program Status

In 1975 the U.S. Environmental Protection Agency (EPA) designated the Tahoe Regional Planning Agency as the Area wide Waste Treatment Management (208) Planning Agency for the Lake Tahoe Basin. This planning effort was to span two years, January 1975 to January 1977, identify the Tahoe Basin's water quality problems and develop an implementation plan to eliminate those problems. In January 1977 the Environmental Protection Agency granted a six-month time extension to TRPA however, during this time and until a subsequent extension grant was awarded, TRPA funded continuation of the 208 Program.

In July 1977, EPA awarded a six-month 208 continuation grant to TRPA which was designed to take the Plan through reviews, revisions and final adoption. This grant award included seven specific work tasks which were to be undertaken and completed. These tasks included:

1. Completion of the Plan Adoption Process
2. Adoption of TRPA Implementing Ordinance
3. Development of Memorandum of Understanding
4. Development of Standard Operating Procedures
5. Plan Summary and Executive Summary
6. Obtain local commitment to implement Program
7. Short Term or Early Action Implementation Projects

The Development of Memorandum of Understanding and Standard Operating Procedures were later merged into one work task entitled "Implementation Statements."

All seven elements have been at least 75% completed by TRPA. However, final completion has awaited state comments. TRPA has now received state action on the Plan since Nevada has approved the 208 Plan with certain conditions and has sent it forward to the EPA for certification. California has rejected the plan and called for TRPA's redesignation as the 208 Planning Agency. California, however, will review their position in November.

Work Tasks Requiring Completion and Staff Recommendation

Of the seven work tasks listed above, there is still work remaining on elements 2, 3 and 4, and 5 in order for TRPA to fulfill the contractual grant agreement with EPA. It is staff's recommendation that we proceed with completing these tasks and fulfilling our contract with EPA.
Below is an explanation of the three remaining work tasks and staff recommendations for proceeding to complete these tasks.

Adoption of the 208 Ordinance. The final 208 Plan with all revisions must be adopted by ordinance in order to be legally implementable and an element of the TRPA General Plan.

Staff recommends proceeding with ordinance adoption procedures. Although California has not approved the plan and submitted formal comments, staff does not feel TRPA can wait any longer. Also, California's informal recommended changes for the plan are not in agreement with public and governmental input which was received during the public involvement process. Some of California's reorganizations are inclusion of Stream Environment Zones (SEZ's) and high hazard land rezoning, mandatory retrofitting of existing developed properties, a one-year moratorium on development in SEZ's, and a fixed implementation schedule.

Therefore, staff recommends a final review of the ordinance with the 208 management agencies in October and that it be considered for first reading at the November TRPA Governing Board meeting.

Completion, Distribution, and Agreement on the 208 Implementation Statements. These statements are to be the management agencies agreement to assume 208 responsibilities as outlined in the Plan.

Staff is skeptical as to whether the California agencies will be able to sign these statements due to the California State Water Resources Control Board action on the 208 Plan. The State Board has also directed the Lahontan Regional Water Quality Control Board to prepare a 208 program for the California portion of the Lake.

However, again staff feels TRPA must proceed with attempting to gain implementation statement concurrence with the management agencies and move forward with implementation. Nevada and EPA also recommends this action.

Plan Summary and Executive Summary Publication. The Plan Summary was completed and distributed in January 1978. The Executive Summary was to be a synopsis of the final plan with all changes. This is to be prepared after the plan is adopted by ordinance and finalized. EPA is considering the format this Executive Summary might take (i.e., a newspaper insert, formal bound text).

Staff recommends beginning work on this document after the first reading of the ordinance with the intent that distribution be ready December-January.
TO: GOVERNING BOARD

FROM: Agency Staff

SUBJECT: U.S. Forest Service - RARE II Program

The U.S. Forest Service is requesting comment on their Roadless Area Review and Evaluation, RARE II, Program which will determine the future management of millions of acres of roadless and undeveloped areas throughout the Country. RARE II included an inventory and review of the roadless areas throughout the National Forests System. The outcome of RARE II will be recommendations to Congress for wilderness classifications.

The areas of the Tahoe Basin which are included in this evaluation effort are the Dardanelles, Pyramid, Granite Chief, Freel, and Lincoln Creek areas covering a total of 46,300 acres. (see attached map)

The program poses ten management alternatives for the designated areas ranging from designating them all wilderness to designating them all nonwilderness. The U.S. Forest Service definition of wilderness is:

**Wilderness** - Undeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least 5,000 acres or is of sufficient size as to make practical its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or features of scientific, educational, scenic, or historical value.

Criteria for development of the ten management alternatives included the Wilderness Act guidelines, Multiple-Use-Sustained Yield Act, and two sets of factors the public identified as important in deciding the disposition of roadless areas. The two public factors included characteristics they felt described a wilderness area (i.e., landform, ecosystem, wildlife); and cost of impacts on uses (i.e., timber, energy, mineral resources).

The ten management alternatives include:

**ALTERNATIVE A** - No action is to be taken at the present time; allocation decisions for the inventoried roadless areas will continue to be made through the Forest Service land management planning process.

**ALTERNATIVE B** - All of the inventoried roadless areas are allocated to nonwilderness uses.

**ALTERNATIVE C** - Output of commodities is emphasized by allocating roadless areas with high resource values to nonwilderness uses, but consideration is also given to areas with particularly high wilderness attributes ratings.
ALTERNATIVE D - Wilderness attributes are emphasized through identification of roadless areas with high attribute ratings for wilderness, but consideration is also given to areas with especially high resource values.

ALTERNATIVE E - Low-level achievement of landform, ecosystem, wildlife, and accessibility representation is identified for wilderness.

ALTERNATIVE F - A moderate-level achievement for the same characteristics as alternative E is identified for wilderness; further planning is proposed for additional areas with high wilderness attribute ratings.

ALTERNATIVE G - A high-level achievement of the same characteristics as alternatives E and F is identified for wilderness.

ALTERNATIVE H - Appropriate roadless areas are identified for either wilderness or allocated to nonwilderness uses, reflecting the Forest Service's perception of regional and/or local issues.

ALTERNATIVE I - Wilderness attributes are emphasized by identifying roadless areas with high attribute ratings for wilderness while giving secondary consideration to very high resource outputs.

ALTERNATIVE J - All of the inventories areas are identified for wilderness.

The USFS Lake Tahoe Basin Management Unit will have a representative at the September Governing Board Meeting to make a presentation on the RARE II Program and outline the alternatives under consideration, especially the aspects of the program that directly relate to lands in or adjoining the Basin which are being evaluated.

After presentation and discussion by the USFS, staff would like to obtain Governing Board direction for formal TRPA comment to the USFS.
MEMORANDUM

DATE: 9/19/78

TO: Governing Board

FROM: Agency Staff

SUBJECT Fiscal Year 1977/78 Audit Report

Attached please find a copy of the Fiscal Year 1977/78 Audit of the Tahoe Regional Planning Agency's financial records and accounts. Staff requests that the Governing Board accept and adopt this report and direct the staff to forward copies to all participating bodies, pursuant to Article VII(c) of the Tahoe Regional Planning Compact.

The cost of the annual financial audit is a required expenditure. However, the experience over the years of working with the auditors has helped enable the staff to significantly reduce the time necessary to complete the analyses, as evidenced by the following schedule of the annual audit cost:

<table>
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<tr>
<th>Fiscal Year</th>
<th>Cost of Audit</th>
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<tbody>
<tr>
<td>1973/74</td>
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<tr>
<td>1974/75</td>
<td>5,775</td>
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<tr>
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<td>4,650</td>
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<tr>
<td>1977/78</td>
<td>2,900</td>
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Staff shall be prepared to answer any questions the Governing Board may have concerning the Audit Report at the meeting next week.
MEMORANDUM

DATE: 9/19/78

TO: Governing Board

FROM: Agency Staff

SUBJECT: Financial Statement dated August 31, 1978, and line item changes in the adopted budget

You will find attached the Financial Statement for the Agency, dated August 31, 1978. Please note the following changes in budget line items from those in the budget adopted at last month's Governing Board meeting:

Revenue Line Items

1) Fund Balance 7/1/78, increased from $60,228 to $65,605, due to inclusion of beginning-of-year transportation study funds to be used for transportation planning purposes;

2) C.E.T.A., increased from $36,652 to $39,561, because of inclusion of employee benefits costs paid by the C.E.T.A. Program;

3) Total Revenue, increased from $463,583 to $471,869, as a result of changes #1 and #2 above;

Expense Line Items

4) Staff Salaries, decreased from $241,677 to $230,160, because of exclusion of proposed cost of living increase and changes in hire dates of new employees;

5) Employee Benefits, decreased from $31,649 to $28,911, for same reasons as the change in Staff Salaries;

6) Total Expenses, decreased from $438,801 to $424,546, as a result of changes #4 and #5 above; and

Ending Fund Balance

7) Fund Balance 6/30/79, increased from $24,782 to $47,323, as a result of all line item changes listed above.

The Business Manager shall be prepared to answer any questions the Governing Board may have concerning the Financial Statement at the meeting next week.
## Statement of Revenue & Expenses From July 1, 1978 Thru August 31, 1978

**Percentage of Fiscal Year Completed:** 17%

### Revenue

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<th>Fund</th>
<th>Budgeted Revenue &amp; Expenses</th>
<th>Actual Revenue &amp; Expenses Thru 8/31/78</th>
<th>Actual In Proportion To Budgeted</th>
<th>Actual (Over)/Under Budgeted</th>
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<td>198</td>
<td>17 %</td>
<td>1,002</td>
</tr>
<tr>
<td>Miscellaneous Income</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Fund Balance 7/1/78</td>
<td>65,605</td>
<td>65,605</td>
<td>14 %</td>
<td>60,039</td>
</tr>
<tr>
<td>H.U.D.</td>
<td>70,000</td>
<td>9,961</td>
<td>8 %</td>
<td>36,199</td>
</tr>
<tr>
<td>C.E.T.A.</td>
<td>39,561</td>
<td>3,362</td>
<td>8 %</td>
<td>36,199</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td><strong>$471,869</strong></td>
<td><strong>$170,149</strong></td>
<td><strong>36 %</strong></td>
<td><strong>$301,720</strong></td>
</tr>
</tbody>
</table>

### Expenses

<table>
<thead>
<tr>
<th>Fund</th>
<th>Budgeted</th>
<th>Actual</th>
<th>In Proportion</th>
<th>Actual (Over)/Under</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Salaries</td>
<td>$230,160</td>
<td>$30,563</td>
<td>13 %</td>
<td>$199,597</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>28,911</td>
<td>3,939</td>
<td>14 %</td>
<td>24,972</td>
</tr>
<tr>
<td>Legal Notices</td>
<td>2,000</td>
<td>183</td>
<td>9 %</td>
<td>1,817</td>
</tr>
<tr>
<td>Repairs/Maintenance</td>
<td>1,260</td>
<td>79</td>
<td>6 %</td>
<td>1,181</td>
</tr>
<tr>
<td>Office Supplies</td>
<td>4,500</td>
<td>854</td>
<td>19 %</td>
<td>3,646</td>
</tr>
<tr>
<td>Publications</td>
<td>30</td>
<td>25</td>
<td>83 %</td>
<td>5</td>
</tr>
<tr>
<td>Communications</td>
<td>9,500</td>
<td>985</td>
<td>10 %</td>
<td>8,515</td>
</tr>
<tr>
<td>Postage</td>
<td>4,000</td>
<td>570</td>
<td>9 %</td>
<td>3,630</td>
</tr>
<tr>
<td>Travel Expenses</td>
<td>2,000</td>
<td>-0-</td>
<td>-0-</td>
<td>2,000</td>
</tr>
<tr>
<td>Auto Maintenance</td>
<td>2,000</td>
<td>414</td>
<td>21 %</td>
<td>1,586</td>
</tr>
<tr>
<td>Insurance</td>
<td>4,440</td>
<td>3,971</td>
<td>89 %</td>
<td>469</td>
</tr>
<tr>
<td>Building Expenses</td>
<td>50,000</td>
<td>7,953</td>
<td>16 %</td>
<td>42,047</td>
</tr>
<tr>
<td>Office Equipment Rent</td>
<td>5,210</td>
<td>1,092</td>
<td>21 %</td>
<td>4,118</td>
</tr>
<tr>
<td>Auditing Services</td>
<td>3,000</td>
<td>-0-</td>
<td>-0-</td>
<td>3,000</td>
</tr>
<tr>
<td>Reproduction/Printing</td>
<td>3,000</td>
<td>783</td>
<td>26 %</td>
<td>2,217</td>
</tr>
<tr>
<td>Equipment Purchases</td>
<td>2,100</td>
<td>-0-</td>
<td>-0-</td>
<td>2,100</td>
</tr>
<tr>
<td>Contractual Labor</td>
<td>1,710</td>
<td>1,854</td>
<td>108 %</td>
<td>(144)</td>
</tr>
<tr>
<td>Legal Services</td>
<td>70,000</td>
<td>10,139</td>
<td>14 %</td>
<td>59,861</td>
</tr>
<tr>
<td>Inspection Fees</td>
<td>725</td>
<td>725</td>
<td>100 %</td>
<td>(19)</td>
</tr>
<tr>
<td>Miscellaneous Expenses</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>(19)</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td><strong>$424,546</strong></td>
<td><strong>$63,948</strong></td>
<td><strong>15 %</strong></td>
<td><strong>$360,598</strong></td>
</tr>
</tbody>
</table>

### Fund Balance
- **6/30/79:** $47,323
- **8/31/78:** $106,201

*Carson City contributed $1,003 over and above TRPA's requested allocation of $7.*
# CONDITION OF FUND BALANCE ON 8/31/78

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash On Hand</td>
<td>$70</td>
</tr>
<tr>
<td>Savings, Investments</td>
<td>$118,506</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>$15,582</td>
</tr>
<tr>
<td>Less: Accounts Payable</td>
<td>(27,957)</td>
</tr>
<tr>
<td><strong>TOTAL FUND BALANCE</strong></td>
<td>$106,201</td>
</tr>
</tbody>
</table>
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: 9/15/78

TO:       Governing Board

FROM:     Agency Staff

SUBJECT: Complimentary copies of APC and Governing Board meeting minutes

With costs of paper and postage continually rising concurrently with demands on Agency staff's time, the expense of sending out complimentary copies of APC and Governing Board meeting minutes is becoming increasingly apparent. Presently, eighteen individuals and their respective governmental entities (not directly connected with TRPA) receive complimentary copies. List is attached.

Staff realizes the importance of keeping others informed of the actions taken at APC and Governing Board meetings. However, we think that meeting "action sheets" could accommodate this need and thereby replace meeting minutes, with a savings in staff time, paper, and postage. If meeting minutes are specifically requested after such notice, staff proposes to charge those individuals (or their respective governmental entities) at the regular subscription rate of $100 annually.

Staff shall be prepared to discuss this matter with the Governing Board at this month's meeting.
**Documents Station**  
Nevada State Library  
Carson City, NV  89701

**Board of Supervisors**  
County of El Dorado  
330 Fair Lane  
Placerville, CA  95667

**Roger C. Steele**  
P. O. Box 4079  
Incline Village, NV  89450

**Board of Commissioners**  
Douglas County  
121 - 8th Street  
Minden, NV  89423

**Board of Supervisors**  
County of Placer  
175 Fulweiler Avenue  
Auburn, CA  95603

**Board of Supervisors**  
Carson City  
813 N. Carson Street  
Carson City, NV  89701

**Alden T. Darrow**  
Calif. State Lands Comm.  
1807 - 13th St.  
Sacramento, CA  95814

**Council on Intergovernmental Relations**  
1400-10th St., Rm. 121  
Sacramento, CA  95814

**Leo J. Trombatore**  
CALTRANS  
P. O. Box 911  Dist. 3  
Marysville, CA  95901

**E. Clement Shute, Jr.**  
Calif. Dep. Attorney General  
6000 State Building  
San Francisco, CA  94102

**Mr. F. E. Hawley**  
Federal Hwy. Admin.  
450 Golden Gate, Box 36096  
San Francisco, CA  94102

**Charles Renda**  
U.S. Dept. of Interior  
2800 Cottage Way  
Sacramento, CA  95825

**G. F. Worts, USGS**  
Rm. 229, Federal Bldg.  
705 No. Plaza Street  
Carson City, NV  89701

**Arthur M. Caines**  
HUD Reg'l. Planning Office  
450 Golden Gate, Box 36003  
San Francisco, CA  94102

**Keith Ashworth**  
Clark County Senator  
P. O. Box 14066  
Las Vegas, NV  89114

**Harvey's Resort Hotel**  
P. O. Box 128  
Stateline, NV  89449  
Attn: Eldon Campbell

**Ira Michael Heyman**  
Vice Chancellor  
University of California  
Berkeley, CA  94720

**Assemblyman Eugene Chappie**  
State Capitol, Rm. 5158  
Sacramento, CA  95814

**A. J. Gallardo, Dist. A**  
Federal Hwy. Admin.  
P. O. Box 1915  
Sacramento, CA  95805

**Burton Brockett**  
Caltrans  
Dist. 3, P.O. Box 911  
Marysville, CA  95901

**Bob Chapman**  
Caltrans  
P. O. Box 1499  
Sacramento, CA  95807

**George Westenhoefer**  
Nevada Hwy. Department  
1236 So. Stewart Street  
Carson City, NV  89701

**Richard Milbrodt, Mgr.**  
City of So. Lake Tahoe  
P. O. Box 1210  
So. Lake Tahoe, CA  95705

**Barbara Lekisch, Librarian**  
Sierra Tahoe Reg'l. Resource  
P. O. Box 14287  Library  
So. Lake Tahoe, CA  95702

**Richard J. Allen**  
Regional Planning Comm.  
P. O. Box 1286  
Reno, NV  89504

*Individuals proposed to be sent meeting "action sheets" instead of meeting minutes.*
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: 9/19/78

TO: Governing Board

FROM: Agency Staff

SUBJECT: Notification of legal services rate increase

Gary Owen has notified the staff that Owen and Rollston, Legal Counsel for the Agency, intends to increase the hourly rate for legal services from $40 to $50 per hour. The increase is to be effective January 1, 1979. A copy of Mr. Owen's letter regarding this matter is attached.

Staff has calculated that the Agency's budget allotment of $70,000 for legal services will fall short of estimated costs by approximately $7,000 if this increase is approved.

With this rate increase occurring at a time when other expenditures are frozen, staff wishes to discuss this matter with the Governing Board at the meeting next week as a basis for taking action on the increase proposed by Legal Counsel.
September 1, 1978

James J. Jordan, Executive Director
Tahoe Regional Planning Agency
Post Office Box 8896
South Lake Tahoe, CA 95731

Dear Jim:

It is with regret that Ken and I must notify the agency of our desire to increase, from $40 to $50 per hour, the hourly rate for our work upon agency projects and litigation. In view of the ever-increasing cost of performing legal services for the agency, and clients generally, the $40 per hour figure is one under which it is increasingly difficult to effectively and economically operate. Moreover, the $40 figure, and even the $50 one for that matter, are far below customary rates charged by attorneys for services, particularly in view of the difficulty and significance of the litigation concerning the agency. As with the $40 amount, however, Ken and I feel the $50 rate is more than reasonable and in keeping with our philosophical belief in the agency's purposes and objectives.

If you have any questions or comments in this regard, please do not hesitate to call.

Very truly yours,

OWEN AND ROLLSTON

GARY A. OWEN

GAO/b
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; words in the plural number include the singular number; 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 Governing Body or the staff of the Tahoe Regional Planning Agency.

Area of Instability - An area where there is a 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.

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 - 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" 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 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 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 land strip on each side of the stream bed essential or necessary to maintain existing water quality. Stream environment and related hydrologic zones (SEZ) consist of the natural marsh and meadowlands, water-courses and drainageways, and floodplains which provide surface water conveyance from upland areas into Lake Tahoe and its tributaries.

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

Water Course - A manmade stream of water or a natural stream such as a river, creek, run and 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 continue any grading, filling or clearing of vegetation without having first obtained a permit in accordance with this ordinance.

4.11 Exceptions

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, though 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, 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, 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 is not placed within a stream environment zone;

(3) The work is an exploratory excavation 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, footings of a building, and driveways 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;

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(5) The work is the clearing of vegetation for landscape purposes 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 Types of Permits

(1) Permits Requiring Approval By the Permit-Issuing Authority But Not Requiring Approval By the Agency

(a) Unless an administrative 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 a permit from the permit-issuing authority. Upon receipt of an application for such 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.

(b) Permits required under this section 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.

(c) Immediately after issuance of an administrative permit or the issuance of any other permit which involves grading but does not require Agency review, including projects such as are described in Section 4.11 hereof, the permit-issuing authority shall transmit to the Agency the following: (1) written notification of the date of issuance of the permit and the identity and address of the permittee; (2) 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 (3) documentation that there has been adequate security 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.
(d) In the event that the project does not present any risk or need for the matters required by Subsections 2(b), 2(c) or 3 of Section 4.20(1)(c), the permit-issuing authority may determine that same are unnecessary and forthwith notify the Agency. Provided, however, that the Governing Body may periodically review the performance of the permit-issuing authority for compliance with the objectives of this ordinance, and should the Governing Body so determine, require the permit-issuing authority to comply with all provisions of Subsections 2(b), 2(c) and 3 of Section 4.20(1)(c).

(2) Permits Requiring Approval By the Permit-Issuing Authority and Final Approval by the Agency - Administrative Permits

No person shall commence or continue any of the following grading, filling or clearing of vegetation without first obtaining an administrative permit from the permit-issuing authority and approval thereof by the Agency:

(a) That to be performed pursuant to an extension of the October 15 deadline under Section 7.12 or under Sections 7.11 or 7.80;

(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 requiring an administrative 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 an administrative 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 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.

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(5) Agency staff shall review and shall take action whether to approve, to require modification or to reject administrative permits required pursuant to Sections 7.11, 7.12, 7.13 and 7.80 hereof. The Governing Body of the Agency shall take final action respecting all other administrative 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) An administrative 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.

(7) The Agency shall consider each administrative 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.

(8) The Agency may impose reasonable conditions upon the approval of an administrative permit.

4.21 Application Form and Required Information for Administrative Permits

Applicants for an administrative permit shall submit an application to the permit-issuing authority upon a form prescribed by the Agency. Applicants for an administrative permit shall furnish to the permit-issuing authority an information report prepared by individuals qualified by training and experience to have expert knowledge of the subject. The permit-issuing authority and the Agency shall determine the adequacy of the report and require the submission of further information and that information required pursuant to Section 5.00 where necessary. The report shall provide the following information except to the extent that the permit-issuing authority and the Agency determine that such information is not applicable to the project:
Option Two For Section 4.21

Applicants for an administrative permit shall submit an application to the permit-issuing authority upon a form prescribed by the Agency. Applicants for an administrative permit shall furnish to the permit-issuing authority an information report prepared by a civil engineer, soils engineer or engineering geologist qualified by training and experience to have expert knowledge of the subject. The permit-issuing authority and the Agency shall determine the adequacy of the report and require the submission of further information and that information required pursuant to Section 5.00 where necessary. The report shall provide the following information except to the extent that the permit-issuing authority and the Agency determine that such information is not applicable to the project:

Option Three For Section 4.21

Applicants for an administrative permit shall submit an application to the permit-issuing authority upon a form prescribed by the Agency. Applicants for an administrative permit shall furnish to the permit-issuing authority an information report prepared by individuals who have been determined by the Soil Conservation Service to be qualified by training and experience to have expert knowledge of the subject. The permit-issuing authority and the Agency shall determine the adequacy of the report and require the submission of further information and that information required pursuant to Section 5.00 where necessary. The report shall provide the following information except to the extent that the permit-issuing authority and the Agency determine that such information is not applicable to the project:
(1) A map clearly depicting 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, natural drainage, and limits of stream environment zone(s);

(2) A statement of the credentials of the person or persons who prepared the plans and made the certifications required by this ordinance or other applicable regulation of the Agency;

(3) A map clearly depicting accurate contours at two (2) foot intervals for slopes through sixteen percent (16%) and five (5) foot intervals for slopes over sixteen percent (16%) showing the topography of the ground to be graded, 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, if such report is required pursuant to Section 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, which plot plan shall include a grading plan 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 map and 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 and protection of vegetation remaining on the site;

(9) A description of equipment and methods to be employed in processing and disposing of soil 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, 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 slope stabilization and revegetation plan in accordance with Section 5.31.

Section 5.00 Required Investigations, Reports and Plans

5.10 General Requirements of Subsurface Investigations

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

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

(1) Fault Zones;

(2) Contact zones between two or more geologic formations;

(3) Zones of trapped water or high water table;

(4) Where bodies of intrusive materials are prevalent;

(5) Historic landslides or where the topography is indicative of prehistoric landslides;

(6) Adversely sloped bedding planes, short-range folding areas, overturned folds, fractures and other geologic formations of similar importance;

(7) Where a fill slope is to be placed above a cut slope;

(8) Proposed or existing cuts exceeding twenty (20) feet in height, unless in extremely competent rock;

(9) 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 making the report shall submit a written report of 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 4.21(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 the Agency.

6.20 General Inspections

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

If the inspector finds the soil or other conditions other than as stated in the application for a permit, he may revoke the permit and refuse to approve work until approval is obtained for a revised 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 Seasonal Limitation on Grading in Land Capability Districts 1-4

No grading, filling, clearing of vegetation or other disturbance of the soil in land capability districts 1 through 4 shall commence after October 15 or before May 1 unless an administrative permit is approved pursuant to Section 4.20(5) and such administrative permit shall be granted only when to do so will not increase the risk of environmental damage caused by the grading, filling, or clearing of vegetation.

7.12 Extension

An extension of a permit for grading in land capability districts 1-4 may be granted by the approval of an administrative permit pursuant to Section 4.20(5) upon a showing by the permittee that an extension will not increase the risk of environmental damage caused by the grading, filling, or clearing of vegetation.

7.12 Revocation of Seasonal Grading Permits

Any administrative permit granted in accordance with Section 7.11 or 7.12 may be revoked by the permit-issuing authority or the Agency pursuant to a finding that the circumstances warranting such permit or extension no longer exist.

7.20 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, toe 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 areas, filled areas, or streambanks will not be exceeded;

(10) To assure that sediment or other material deposited in Lake Tahoe, or other lakes in the region, their flood plains or 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; and

(11) To assure minimal disturbance within stream environment zones.

7.30 Discharge Prohibitions

7.31 Direct Discharge

No person shall discharge solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials into Lake Tahoe or other lakes in the Region, or any of their tributaries, or onto 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 the 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 Prohibition of Grading During Inclement Weather

Grading, filling, clearing of vegetation or other disturbance of the soil are prohibited during inclement weather and for the resulting period of time when the site is covered with snow or is in a saturated, muddy or unstable 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 prepared to limit to the shortest possible period the time that soil is exposed unprotected.
7.70 Identification of Stream Environment Zone

The width of a 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; and (4) the boundaries of the 100-year flood plain.

7.80 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 except as provided in Section 7.80(2), and except that drainage facilities required by this ordinance, utility facilities and roads may be constructed therein if it can be demonstrated that (a) there will be no substantial alteration of natural flows of water or other detrimental effect on water quality; and (b) the proposed work will not be detrimental to the environment within or adjacent to the stream environment zone, for example, there will be no discharge of sediment or other material into any water course and fish habitats will not be detrimentally affected by the construction.

(2) A single family dwelling may be constructed on an existing legal lot or parcel containing a stream environment zone pursuant to the granting of an administrative permit under Section 4.20(5); provided, however, that (a) such dwelling unit and related land coverage are located outside the boundaries of the stream environment zone as determined through the provisions of Section 7.70; or (b) such dwelling unit and related land coverage are located, designed and constructed in such a manner as to minimize encroachment on and disturbance of the stream environment zone where it is not possible to meet the condition specified in Section 7.80(2)(a).

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

7.90 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.

7.100 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.

7.110 Cuts

7.111 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 information report, the subsurface soil and geological report or other available information.

7.112 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.

7.113 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. The toe 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 of two horizontal to one vertical.

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

7.114 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.

7.120 Fills

7.121 Maximum Slope

The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility as shown by the information report, the subsurface soil and geological report or other available information.
7.122 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.

7.123 Borrowing

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

7.124 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.

7.125 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.

7.126 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.

7.130 Interceptors

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

7.140 Adequate Security for Revegetation and Slope Stabilization

Adequate Security shall be posted with the permit-issuing authority or the Agency to insure the completion of the work as depicted on the site plan and the slope stabilization and revegetation plan. Such security shall be posted for all projects requiring grading wherein any slope stabilization or revegetation is to occur.
7.150 Plant Material Protection Methods

7.151 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.

7.152 Tree Buffer Zone

No grading or operation of heavy equipment shall take place within the area bounded by the drip line of any tree 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.

7.153 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.

7.154 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.

7.160 Objects of Antiquity

7.161 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.

7.162 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 determines what precautions should be taken to preserve the historic artifacts.
Section 8.00 Variances

(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:
(a) owing to special conditions, a literal enforcement will result in unnecessary hardship; (b) the variance will not be contrary to the public interest nor the purpose of this ordinance; and
(c) the variance will not nullify the objectives of this ordinance.

(2) A variance shall be pursuant to an administrative permit issued and approved in accordance with Sections 4.20(2) through 4.20(8).

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
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 18, 1978

TO: The Governing Board

FROM: The Staff

SUBJECT: First and Second Readings of Ordinances - September, 1978

Items B.1 and B.2 under Ordinances are first readings of ordinances reflecting General Plan amendments approved at the August Governing Board meeting. Item B.1 is an ordinance which reclassifies property in Incline Village to High Density Residential for future development of apartment units, and Item B.2 is an ordinance reclassifying property in the Brockway Vista Subdivision to recognize the currently existing commercial uses.

Items C.1 and 2 are second readings of ordinances reclassifying properties in the South Shore casino core area. The Sahara Tahoe is proposing to present a parking garage plan for the 1.68 acre site reclassified Tourist Commercial, and the First National Bank of Nevada is proposing to relocate its bank to the 1.829 acre General Commercial site.
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 76 AND 77 THERETO, TO
CHANGE THE LAND USE DISTRICTS APPLICABLE TO CERTAIN REAL PROPERTIES.

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 are 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  Changes 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 76 and 77 to
accomplish changes in the applicable land use districts, which paragraphs
shall read as follows:

"76. Lots 25 through 40 of Block B, Brockway Vista Subdivision, Map of Record
filed in Book D, Page 16 in the Office of the Recorder of the County of Placer,
California, are reclassified from Recreation to General Commercial with the
limitation on land coverage to be 70% of said property."

"77. All that real property being a portion of Block E, Commercial Subdivision
No. 1, Incline Village, Washoe County, Nevada, according to the map thereof,
filed in the Office of the County Recorder of Washoe County, State of Nevada,
on March 2, 1965, more particularly described as follows: Beginning at the
most easterly corner of said Block E, Commercial Subdivision No. 1; thence
South 58 degrees 03 minutes 03 seconds West, 439.60 feet; thence North
28 degrees 45 minutes 25 seconds West, 225.14 feet to a point on the southerly
right of way line of Southwood Boulevard as said boulevard is shown on the
map of said Commercial Subdivision No. 1, last said point being on a curve
concave to the northwest, having a radius of 1440.36 feet, a central angle of
1 degree 18 minutes 00 seconds and the tangent to which bears North 66 degrees
50 minutes 34 seconds East, 16.34 feet; thence northeasterly along the arc of said
curve and the southerly right of way line of said boulevard an arc distance of 32.68
feet; thence continuing along the southerly right of way line of said boulevard North
65 degrees 32 minutes 34 seconds East, 307.52 feet to a tangent curve to the left
having a radius of 740.00 feet and a central angle of 03 degrees 51 minutes 42
seconds; thence northeasterly along the arc of last said curve and the southerly

...
right of way line of said boulevard an arc distance of 49.88 feet to a curve
to the right having a radius of 40.00 feet, a central angle of 85 degrees 13 minutes
18 seconds and the tangent to which bears North 61 degrees 40 minutes 52 seconds
East, 36.80 feet; thence northeasterly, easterly and southeasterly along the arc
of last said curve an arc distance of 59.50 feet to a point on the easterly right of
way line of Incline Way as said Incline Way is shown on the map of said Commercial
Subdivision No. 1; thence South 33 degrees 05 minutes 50 seconds East, 136.14
feet along the easterly right of way line of said Incline Way to the point of beginning
of this description and containing 1.95 acres, more or less, is reclassified from
Tourist Commercial to High Density Residential with the limitation on land
coverage to be 50% of said property."

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
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 74 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 74 to
accomplish changes in the applicable land use districts which paragraph
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,
120.000 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."

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: August 23, 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
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 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 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 75 to
accomplish changes in the applicable land use districts which paragraph
shall read as follows:

"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 with
the limitation on land coverage to be 70 percent of said property."

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: August 23, 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
Enforcement of Sign Ordinance
Political Signs

Summary

Staff has received a number of inquiries since adoption of the TRPA Sign Ordinance regarding the compliance of political signs with that ordinance, including several within the past month. The ordinance prohibits off-premise signs within the Tahoe Basin. Though it was primarily intended to eliminate billboard-type signs, it makes no exception for political signs.

The ordinance defines off-premise signs as follows:

"A sign advertising or otherwise relating to any business, product or activity not being conducted or produced on the lot or parcel on which the sign is located, with the exception of: signs advertising a business or activity being conducted within an integrated commercial complex and located on property within that commercial complex, signs erected or authorized by the state or local government for the purpose of public safety or information (e.g., traffic signs, hospital directional signs, signs indicating that the property on which said sign is located is for rent, lease or sale)."

Under this definition, political signs are not permitted. In the past years, TRPA has not actively enforced the Sign Ordinance. Within the past few months, however, the Agency has begun an enforcement campaign on the prohibition against off-premise signs. In this context, staff is seeking direction as to the extent of enforcement activities that should be undertaken on political signs.

A related concern with respect to political signs is that they are frequently attached to trees. This is a violation of the Tree Conservation Ordinance of TRPA as well as the Sign Ordinance. The Tree Conservation Ordinance expressly prohibits the attachment of appurtenances to trees without approval of the appropriate local government in the form of a tree cutting permit. The intent of this prohibition is to prevent damage and the increased susceptibility to disease and infestation which results from nail holes and the like.

Recommendation

The options open to the Agency for securing compliance with the Sign Ordinance range from a vigorous campaign of direct contact with candidates and their principal supporters or supporting groups, to continuation of the posture of the past few years, largely ignoring the issue. In light of limited staff resources and the temporary nature of the problem, staff recommends an intermediate step of appealing for voluntary compliance through the area news media.

9/19/78