TRPA
GOVERNING BOARD
PACKETS

AUGUST
1979
Preliminary Agenda

I. Call to Order and Determination of Quorum

II. Approval of Agenda

III. Disposition of Minutes

IV. Consent Calendar

V. Agency Review

A. Sea Cap Villas, Tentative Map for 9 Condominium Units, Washoe County

B. Mark Michelsen, Modification of Conditions of Approval for the Kingsbury Supermarket, Douglas County

C. L. Silverman (490 x 2, C. C.)

VI. Special Policy Matter - August 22, 11:00 a.m.

Review of the Land Capability System

VII. General Plan Amendments

A. Tahoe Keys Homeowners Association, Reclassification of the Land Capability Level from 1B to 7 for the Fd (Fill Land) Soil Type of Various Subdivisions in the Tahoe Keys Area, City of South Lake Tahoe

B. Panoramic Point, Reclassification of 20 Acres Located on the Northerly Side of State Route 27, Two Miles from Its Intersection With State Route 28, from General Forest to Rural Estates, Washoe County

VIII. Planning Matters

A. Discussion of Highway 50 Corridor Study

B. Discussion of Nonattainment Air Quality Planning

IX. Agency Administration

A. Public Hearing - August 22, 2:00 p.m., Emergency Resolution or Regular Resolution Amending the Agency's Rules and Regulations of Practice and Procedure Concerning Shorezone Review

B. Emergency Ordinances or Regular Ordinances Amending the Agency's Land Use and Subdivision Ordinances Concerning Project Review

* There is a possibility that due to a lack of a quorum this meeting will be adjourned to a regular adjourned meeting on August 29, 1979 at 10:00 a.m. in the TRPA office. For further information, contact the TRPA office (916) 541-0246.
C. Resolution Amending the Filing Fee Schedule

D. Discussion of Advisory Planning Commission Functions and Consideration of General Plan Amendments

E. Policy on Office Hours

X REPORTS

A. Appeals of Staff Decisions
   1. Ski Run Marina, Relocation of 70 Existing Buoys, City of South Lake Tahoe
   2. Donald P. Steinmeyer, Conditions of Approval, Washoe County

B. Executive Session

C. Advisory Planning Commission Attendance Record

D. Field Enforcement Report

E. Business Manager Report

F. Executive Director Report

G. Legal Counsel Report

H. Governing Body Members
   1. Request by Board Member Tom Stewart to Call for a Congressional Hearing on Lake Tahoe

I. Public Interest Comments

XI ORDINANCES

A. Second Reading of Ordinance Amending the Regional Plan to Reclassify One-Half Acre Owned by Rene Aro from Low Density Residential to Medium Density Residential, Douglas County

B. Second Reading of Ordinance Amending the Regional Plan to Reclassify 76.87 Acres Known as Fallen Leaf Lodge from Low Density Residential and General Forest to Conservation Reserve, El Dorado County

C. Second Reading of Ordinance Amending Section 9.23 of the Land Use Ordinance to Allow Grandfathered Coverages for Condominium Parcels Recorded After February 10, 1972

D. First Reading of Indirect Source Review Ordinance

E. First Reading of Ordinance Amending the Sign Ordinance to Permit Political Signs and to Establish Height Limitations
XII RESOLUTIONS
XIII PENDING MATTERS
XIV CORRESPONDENCE

Letters of Commendation for Departing Staff Members

XV OTHER BUSINESS
XVI ADJOURNMENT

CONSENT CALENDAR
August 22, 23, 1979

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**Agency Review**

| Richard Lieberman, Administrative Permit for the Replacement of Nonconforming Land Coverage, Douglas County | Approval |
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TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Public Works
California Department of Transportation
Erosion Control Project in the
Vicinity of D. L. Bliss State Park
El Dorado County

Summary

The California Department of Transportation (Caltrans) proposes to stabilize eroding cut slopes along State Highway 89 in the vicinity of D. L. Bliss State Park (Attachment 1). The project consists of the installation of approximately 400 feet of native rock retaining wall, installation of toe slope protection and revegetation of existing cut slopes. The project is located on both sides of State Highway 89 approximately one-half mile south of the entrance to D. L. Bliss State Park.

Background

In January, 1979, Caltrans submitted preliminary plans for slope stabilization and revegetation work to be performed along Highway 89 in the vicinity of the proposed project. During staff's review of the proposed improvements, questions were raised by the U.S. Forest Service regarding the effectiveness of the proposed slope stabilization treatment program. It was later learned that the project would take place on lands leased to the State of California by the U.S. Forest Service. The project was subsequently revised to incorporate the recommendations of the Forest Service and other concerned agencies. The project as revised conforms to the recommendations of the Agency's Handbook of Best Management Practices and will benefit water quality through reducing the runoff potential from the existing cut slopes.

Recommendation

Agency staff recommends support of the subject project.

Advisory Planning Commission Action

On August 8, 1979, the APC voted unanimously to support the project.
Public Works
Kingsbury General Improvement District
Replacement of Water Storage Tank
Douglas County

Agency Action Required By September 30, 1979

Summary

The Kingsbury General Improvement District proposes to replace an 80,000 gallon redwood storage tank with a 216,000 gallon welded steel storage tank. The project site is located on the west side of the intersection of Andria Drive and Bradbury Way adjacent to the Douglas County Park in the Upper Kingsbury area (Attachment 1). The project is proposed in order to provide adequate water storage to meet the requirements of the Safe Drinking Water Act and to provide for increased fire protection.

Land Use

The site is classified General Forest by the Agency. Water storage tanks are a permitted use under the existing land use classification.

Land Capability

The soils on the site are classified as CaE and Ev by the Agency, both allowing only 1% land coverage under the land capability system. The upper portion of the site adjacent to Andria Drive is an area of Cagwin soils characterized as less than 5% slopes according to the applicant's information report and may be more appropriately classified as CaD, land capability level 4, which would permit up to 20% land coverage under the land capability system (Attachment 2). The proposed water storage tank would be installed in this portion of the site; the balance of the site which is characterized by extremely lush vegetation and high groundwater would not be disturbed.

The entire parcel is located within a stream environment zone as defined by the Agency's stream environment zone maps. A site inspection, however, verified that the upper portion of the site, where construction activity would take place, is outside of the stream environment zone as suggested in the applicant's information report.

The proposed construction will result in approximately 1,700 square feet of impervious surface coverage. The applicable coverage limitation for the site is 2,800 square feet under the "grandfathered" provisions established in Section 9.24 of the Land Use Ordinance.

Because the construction site is located immediately adjacent to a stream environment zone and the soils have a relatively high infiltration capacity, infiltration of runoff from the site should be included as part of the project design.

Grading and Vegetation Protection

The proposed project will involve the installation of a 32 foot diameter water storage tank immediately adjacent to the existing redwood tank. Upon completion, the redwood tank would be removed from the site. Approximately four aspen trees which provide a buffer along Andria Drive would be removed and replaced with trees of a smaller size. The balance of the site would be revegetated with grasses.

Installation of the storage tank would require only minimal grading. The applicant indicates that a man-made ditch would have to be relocated on the property to allow for the installation of the water storage tank and proper roadside drainage.
Local Approvals

The project has been approved by Douglas County and the Kingsbury Fire Protection District.

Off-Site Impacts

The applicant's information report does not provide information regarding the effect of the project on the service area other than with regard to increased fire protection. The information report also does not contain information regarding any impacts on water rights maintained by the District or the source of water provided to the storage tank.

Advisory Planning Commission Action

On August 8, 1979, the APC voted unanimously to approve the project.

Recommendation

Agency staff recommends approval of the proposed storage tank subject to the following conditions:

1. A revised revegetation plan shall be submitted for approval by Agency staff which provides for adequate screening of the proposed storage tank along Andria Drive.

2. Dripline infiltration trenches or other means to infiltrate runoff from the site shall be installed in order to provide for detention of a 2 year-6 hour storm from impervious surfaces on the site.
Tahoe Regional Planning Agency
Staff Summary and Recommendation

Richard Lieberman
Administrative Permit for the Replacement of Nonconforming Land Coverage, Douglas County

Agency Action Required By September 29, 1979

Summary

The applicant, Richard Lieberman, represented by Dick Whitney of Martin Engineering, is requesting approval of a replacement of nonconforming land coverage under Section 9.21(3) of the Land Use Ordinance. The subject property (Assessor's Parcel No. 03-070-01) is located 1/4 mile north of Cave Rock in Douglas County. The 4 acre parcel is located within the shorezone of Lake Tahoe. The purpose of this application is to establish the total amount of allowable land coverage based upon the development and revegetation plans of the applicant.

Land Use and Land Capability

The subject 4 acre parcel is classified as Rural Estates (RE) and is allowed 1 unit per acre. The soils on the property are identified as RtG, rock outcrop-Toem Complex, 50-70% slopes, land capability district 1A, allowable land coverage 1%. Under Section 9.24 of the Land Use Ordinance, the property is allowed 7,400 square feet of impervious coverage. The property is located in Shorezone Tolerance District 5.

Applicable Ordinance Section

Land coverage legally existing prior to the effective date of the Land Use Ordinance that does not conform to the regulations established in the ordinance is nonconforming land coverage and may be replaced in total. Nonconforming land coverage other than a building may be replaced by a building if existing land coverage equal to the square footage of the new building is removed. When the applicant proposes to place new coverage over existing open space a 9% reduction in overall existing nonconforming coverage must also be made.

Proposed Project

The applicant proposes to remove two existing deteriorating cabins and replace them with three new dwellings. These dwellings will be for the children of Mr. Lieberman and their families. The new dwellings will be 3 stories in height. The bottom floor will be an entry way with a staircase leading to the upper floors. The units are proposed to be constructed on pilings to take advantage of the Agency's height land coverage credit. The credit applies in this manner: for each 3 vertical feet finished floor elevation above grade, 1 foot times the linear length of any appropriate building side may be discounted from land coverage calculations. The placement of dwellings on pilings where the unit is elevated above natural grade can result in substantial coverage discounts. These units would be fully counted at 1,027 square feet each but due to being elevated above grade each unit is calculated for land coverage purposes at approximately 750 square feet.

8/14/79
Nonconforming Land Coverage Replacement Analysis

In order to proceed with the project, the applicant proposes to remove existing impervious coverage in an amount equal to the new construction plus 9%. The proposed reduction consists of removal of a combination of existing buildings and asphalt as well as revegetating existing disturbed areas. Removal of two existing deteriorating buildings is proposed. Areas adjacent to and including excess paving will be revegetated and stabilized in accordance with the required revegetation plan. In total, the applicant proposes to revegetate approximately 5,000 square feet of existing impervious surface. The total amount of allowable land coverage after replacement is 19,056 square feet. The project will result in better environmental protection by the placement of devices to infiltrate runoff from paved parking areas and buildings. This is particularly important since the project site is adjacent to Lake Tahoe. The project will also restabilize existing cut slopes thereby reducing erosion problems.

Slope Stabilization and Drainage

The applicant has submitted conceptual drainage facilities to control stormwater runoff on the site. The proposed buildings will have infiltration trenches constructed under the eaves. Stormwater flows emanating from the paved driveway and parking areas will also be collected in infiltration trenches. The project has only minimal existing exposed cut slopes. Some natural revegetation has already occurred. This will be augmented by the developer. The proposed project will result in new areas of disturbance primarily around the building envelopes. These areas are identified for revegetation.

Revegetation

A conceptual revegetation plan has been submitted. This plan identifies areas to be revegetated both to satisfy the land coverage removal requirements and to restabilize areas disturbed by the proposed construction activity. Final plans including details on plant specifications will be approved by staff prior to the issuance of building or grading permits by the County.

Local Agency Action

The Douglas County Building Department approved the proposed land coverage replacement on May 23, 1979.

Recommendation

The project as proposed will result in substantial drainage and erosion control improvements over the existing site conditions. Agency staff recommends that the Governing Board conditionally approve the administrative permit for replacement of nonconforming land coverage and establish the amount of allowable land coverage at 19,056 square feet. The recommended conditions of approval are:

1. The approval will not become effective and the project may not commence unless and until the applicant acknowledges and accepts the following conditions by placing his signature on a form which is furnished by the Agency after approval is granted, in accordance with backshore construction requirements.
2. All construction shall be accomplished as per the approved plans.

3. There shall be no disturbance to the land located lakeward of the highwater line without approval by TRPA.

4. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other approved methods shall be removed from the subject parcel.

5. Each of the following conditions shall be completely performed prior to the issuance of the approval letter for this administrative permit:

   a. The final construction drawings for all site improvements shall be submitted to and approved by Agency staff. The final construction drawing shall clearly depict: 1) slope stabilization methods to be performed to stabilize all 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 7.140 of the Grading Ordinance. The undertaking or other document shall provide that the Agency may enforce the same and use the funds provided therein to assure compliance with the landscaping, revegetation and slope stabilization and drainage plans.

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

   d. The final construction drawings for all site improvements shall be found by Agency staff to be in substantial conformance with the plans and information submitted as part of this application and this finding so indicated in writing to the permit-issuing authority.

6. 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.

8/14/79
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.

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.

7. 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.

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

9. 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.

10. 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, 1980.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Ferdie Sievers
Administrative Permit for Replacement of
Nonconforming Land Coverage
Douglas County

Agency Action Required by October 4, 1979

Project Description

In order to complete an application for a backshore construction
of a single family dwelling, the applicant is requesting an
administrative permit to replace nonconforming land coverage.
The attached Staff Summary and Recommendation prepared for the
Shorezone Hearing requires the applicant receive Governing Board
approval for the removal of 1,377 square feet of land coverage
in order to be in compliance with the Land Use Ordinance.

Recommendation

Agency staff recommends an administrative permit for the
replacement of nonconforming land coverage be approved.

8/15/79
Application Type: Shorezone - Single Family Dwelling and Administrative Permit for Local Road

Applicant: Ferdie Sievers
15191 E. Highway 88
Lockeford, California 95237

Owner: Same

Assessor's Parcel: Douglas County #05-051-13

Project Location: Skyland Subdivision

Review Per Section: 4.11(9), Shorezone Ordinance
8.25(4), Land Use Ordinance

Shorezone: Tolerance District 8

Land Use Classification: Low Density Residential

Land Capability District: 4

Project Area: 12,112 square feet

Land Coverage:

Existing Coverage - 6,200 square feet
Permitted Coverage - 2,800 square feet
Proposed Coverage - 2,800 square feet plus 2,411 square feet for easement

Building Height:

Proposed Height - 33 feet
Permitted Height - 35 feet

Project Description: The applicant is requesting a permit to construct a single family residence and parking garage on a lot currently used as a parking area and accessway for four other residences. The proposed 20 foot by 80 foot structure will be a three story structure with the lower level used for parking for both the applicant and the other residents.

Also included with this application is a request for an administrative permit for land coverage exemptions in regards to a "local road".

8/10/79
Analysis: In order to construct the proposed project, the applicant needs the following TRPA permits:

1. "Local Road", Section 8.25(4) of the Land Use Ordinance permits the exemption of 2,411 square feet of land coverage if the following findings are made:

   "The excess land coverage exists or is to be created in connection with the construction or improvement of a local road which construction or improvement: (a) is required to provide access to property other than that owned by the applicant; (b) will be constructed or maintained by a public agency or is required to be so constructed or improved by the terms of a lawfully created easement recorded prior to February 10, 1972; (c) the road is designed to minimize land alteration and prevent erosion; and (d) the road as so constructed or improved will be sited in such a manner as to minimize the additional coverage. Such excess land coverage as is permitted pursuant to Section 8.25(4) shall be fifty (50) percent of the total land covered by the local road, unless such road is located in a General Forest or Recreation District, in which event the road shall not exceed twenty (20) feet in width and such excess coverage shall be one-hundred (100) percent of the total land covered by the local road."

A recent decision by the Nevada Supreme Court and plans submitted by the applicant indicate the above findings can be made.

2. Replacement of nonconforming land coverage, Section 9.21(3)(b) of the Land Use Ordinance, requires the applicant to remove an amount equal to his proposed building (1,600 square feet) or come into conformance with the 2,800 square foot limitation on land coverage. The applicant proposes to remove 1,377 square feet as shown on the attached plan to achieve conformance with the 2,800 square foot limitation. This requires an administrative permit approved by the TRPA Governing Board.

3. Backshore construction, Section 4.11(9) of the Shorezone Ordinance, requires TRPA review of the proposed single family dwelling. In reviewing the application, staff is required to analyze the environmental impacts which would be minimal except for the removal of one tree.

The visual impact may be significant in regards to existing vistas now enjoyed by neighboring properties. The proposed structure will have redwood siding and a shed-type shake roof. The design is unusual due to the conflict with the parking requirements and land coverage limitations. Although the proposed use is permitted in a LDR zone and the project meets the TRPA standards, staff is concerned about the compatibility with the surrounding residences.
Finding: If the proposed construction is accomplished according to the approved plans and following conditions, Agency staff can find that this project is in conformance with Section 5.00 of the Shorezone Ordinance and Section 8.25(4) of the Land Use Ordinance.

Recommendation: Agency staff recommends that a permit be conditionally approved under Section 5.00 for the proposed backshore construction and under Section 8.25(4) of the Land Use Ordinance for land coverage exemption of 2,411 square feet. The recommended conditions of approval are:

1. The approval will not become effective and the project may not commence, unless and until the applicant acknowledges and accepts the preceding findings and the following conditions by placing his signature on a form which is furnished by the Agency after approval is granted.

2. All construction shall be accomplished as per the approved plans.

3. This approval will not be effective until the TRPA Governing Board approves the subject administrative permit as required by Section 9.21(3)(b) of the Land Use Ordinance.

4. Prior to the issuance of the occupancy permit, the applicant shall remove and landscape the areas indicated on the approved plans.

5. Prior to the issuance of the Staff Decision letter, the applicant shall submit revised plans indicating proper drainage facilities, landscaped areas and parking barriers, and corrected land coverage calculations.

6. There shall be no disturbance to the land located lakeward of the highwater line without approval by this Agency.

7. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other approved methods, shall be removed from the subject parcel.

8. 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.

8/10/79
e. Installation of utilities.

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.

9. Continuing Conditions:

a. 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.

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

c. There shall be no grading or land disturbance performed between October 15 and May 1 of any year without express approval by the TRPA staff.

d. 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 the October 15 grading and land disturbance deadline.

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

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

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

h. During construction, environmental protection devices such as adequate erosion control devices, dust control and vegetation protection barriers shall be maintained.
i. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

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

10. 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.

11. If substantial work has not been performed pursuant to this permit within 18 months from the date of approval, and if the applicant has not obtained an extension permit, the permit shall expire.
Seacap Villas
Tentative Map for a 9 Unit Condominium
Washoe County

Agency Action Required By September 24, 1979

Summary

The applicant, Seamans Capital Corporation, is requesting approval of a 9 unit condominium project in Incline Village. The subject .63 acre parcel is located on the southeast corner of Village and Southwood Boulevards in the core area of Incline Village (see attachment). The project proposes the construction of 9 condominium units located in two 4-plex buildings and a single unattached unit. Two accesses will serve the project, one on Village Boulevard and one on Southwood Boulevard.

Existing Environmental Setting

The site is gently sloping from north to south at approximately 7%. The existing tree cover consists of a mixed stand of pine and fir trees with some manzanita understory covering. The site is presently traversed by a drainage channel created by the placement of an 18" culvert across Southwood Boulevard. The roadside channel into which this drainage should flow was subsequently filled in by a utility company. This has resulted in the creation of an eroding channel across the property.

Land Use

The property is zoned C-2 by Washoe County which allows multiple-residential development. The TRPA land use classification is Tourist Commercial which allows up to 15 units to the acre. The subject site would be allowed 9 units under the current application; the applicant proposes 9 units. Tourist Commercial parcels are allowed up to 35% land coverage for residential uses; the applicant proposes the full 35% in impervious surface.

Land Capability

The subject property is classified as IsC, Inville, stony, coarse, sandy loam, 2 to 9% slopes, capability district 6, allowable coverage 30%.

Height

The maximum allowable height in Tourist Commercial is 40 feet. The 3-story buildings will have an average height of 34 feet.

Grading

The building foundations will be stepped to fit with the existing contours. The proposed cuts will not exceed 2 feet in height. Stabilization of these slopes has been included in the revegetation plans.

8/15/79
Drainage

Stormwater runoff from the buildings will be collected in infiltration trenches located under the building rooflines. Drainage emanating from the paved driveways will also be directed to infiltration trenches. There is an existing drainage channel on the property created due to the location of an 18" CMP culvert under Southwood Boulevard. The roadside channel into which this drainage was designed to flow was subsequently filled and the drainage eroded a new channel across the property. To provide for percolation of these flows, the applicant has agreed to construct a stabilized channel on the north side of the property. This channel will be linked to the McCloud Condominium drainage channels which may eventually direct the drainage to a natural treatment area located east of the McCloud property. The existing eroded channel will be filled in and exposed areas revegetated.

Revegetation

The applicant has submitted a detailed revegetation plan identifying areas to be revegetated and specifications of plant types that will be used. There are 26 trees on the site. Development will result in the removal of 10 trees. The applicant has proposed to replant 13 new trees.

Traffic

The proposed 9 unit project will be located within the core area of Incline Village. The project is anticipated to generate approximately 63 vehicle trips per day. The project is being developed to provide residences for members of Seamans Capital Corporation. Seamans Capital represents marine engineers who are involved in worldwide shipping activities. This generally requires an engineer to be at sea for extended periods of time, approximately 6 months of the year. All 9 units have been reserved by members of the corporation. At this time, six of the potential owners are single. Due to the low average family size and the anticipated occupancy factor, it is anticipated that the initial average traffic generation will be less than the estimates. The developer has indicated that a rental program will be instituted to rent units vacant while the owners are at sea. This program will be somewhat encumbered by the variability of owners' sea duty schedules. Staff anticipates that the project when fully occupied by owners or renters could approach the estimated traffic generation but would not exceed it. However, this project as well as other recently approved projects will increase the current traffic loads in Incline Village as well as State Route 28. Agency staff will monitor these anticipated traffic changes in accordance with the direction of the Board on future projects.

Public Services

Agency staff has received copies of will-serve letters from the required public service providers. The letters indicate that capacity exists to provide the project with all the necessary services.

Local Agency Action

The Washoe County Regional Planning Commission recommended approval of the project; the Washoe County Commissioners conditionally approved the project on July 25, 1979.
Recommendation

Agency staff recommends that the Governing Board approve the Seacap Villas tentative map subject to 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 7.140 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 and other necessary analyses demonstrating that the design of the surface water runoff control system will meet the requirements for surface and/or subsurface discharge as established in the Uniform Regional Runoff Quality Guidelines as well as other requirements set forth in the Lake Tahoe Basin Water Quality Management Plan. Such calculations and analyses shall be prepared by a qualified civil engineer and submitted to the Agency for staff review and approval.

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

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

8/15/79
f. The final subdivision map shall not be recorded until the Agency staff has found, and so indicated in writing, that the final map substantially conforms to the approved tentative map.

2. Upon the issuance of building and grading permits, construction shall proceed in the following sequence:
   a. Such trees as TRPA has authorized shall be removed and the initial phase of the vegetation preservation and protection plan shall be completed.
   b. Installation of fencing for vegetation protection.
   c. Installation of temporary erosion protection devices.
   d. Prior to the removal of spoil materials from the construction site, a separate grading permit shall be obtained from the permit-issuing authority for offsite disposal of spoil materials.
   e. Installation of utilities including water mains and fire hydrants required by the fire department.
   f. Completion of rough grading including installation of mechanical stabilization devices.
   g. Completion of structure foundations.
   h. Final grading and installation of base for paved areas.
   i. Completion of structures.
   j. Paving.
   k. Landscaping and revegetation.

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

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

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

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

8/15/79
7. Trees and natural vegetation to remain on the site shall be fenced for protection. Scarifying of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

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

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

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

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

12. This approval expires eighteen (18) months from the date of Governing Body approval unless a final map has been recorded.

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 34 feet measured from the natural grade.

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

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

18. The maximum land coverage on the site after completion of the project shall not exceed 35%.

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.

8/15/79
SEA CAP VILLAS
9 Condominium Units
Washoe County
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Mark L. Michelsen
Modification of Condition of Approval
Kingsbury Supermarket, Douglas County

Agency Action Required By September 30, 1979

Summary

On August 23, 1978, the Agency approved an administrative permit for Mark L. Michelsen to allow construction of a 57,000 square foot supermarket complex on a 3.65 acre site located on the south side of Kingsbury Grade. The approval was subject to two standard conditions requiring that construction commence within 18 months and be completed within 24 months from the date of approval or the approval expires. Under these two conditions, construction must commence by February 23, 1980 and be completed by August 23, 1980.

Mr. Michelsen is requesting that the time limits established under these two conditions be extended to July, 1981 for the commencement of construction and July, 1983 for completion of construction. Mr. Michelsen contends that the two conditions of approval cannot be met because of difficulties created in securing financing due to the unstable economic conditions in the South Lake Tahoe area and the short building season in the Tahoe Basin which makes it impossible to complete a project of this scale within the time allotted.

Staff Comment

Agency staff is of the opinion that Mr. Michelsen's request to extend the deadlines for commencement of construction to July, 1981 and completion of construction to July, 1983 is inconsistent with the intent of the original condition for the reason that the requested deadlines would provide a longer period of time in which to commence and complete construction than if the project were currently being considered for approval. To be consistent with the intent of the original conditions, the extension to commence construction should not be for more than an 18 month period commencing from the date of the regular August, 1979 Board meeting and the extension to complete construction for not more than a 24 month period.

Recommendation

Agency staff recommends that the Governing Board deny Mr. Michelsen's specific request to extend the deadline for commencement of construction to July, 1981 and the deadline for completion of construction to July, 1983 but approve extensions of shorter duration by modifying conditions 14 and 15 of the Agency's approval granted on August 23, 1978 to read as follows:

14. This approval expires on February 25, 1981 unless substantial work has commenced on the project.

15. Construction of all improvements shall be completed by August 26, 1981. 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 fail 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.

8/13/79
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: August 15, 1979

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Review of the Land Capability System

At the request of the Governing Board and the Advisory Planning Commission, Agency staff participated in a technical review of the land capability system conducted on July 18 and 19, 1979. The review session involved staff members from the U.S. Forest Service, the Soil Conservation Service, the California Tahoe Regional Planning Agency, the University of California (Davis and Berkeley), as well as Agency staff. Dr. Robert Bailey, author of the land capability system, attended the technical review session and provided a valuable analysis of the administration of the land capability system to those agencies which actually use the system developed by Dr. Bailey and other members of the planning team.

Background

In reviewing the application for a General Plan amendment presented by the Tahoe Keys Homeowners Association, both the Advisory Planning Commission and Governing Body recognized the need to evaluate the land capability system particularly with regard to man-modified areas and directed the experts on the land capability system to come forth with specific findings and recommendations within 60 days. This memo serves to summarize the findings and recommendations of the technical review session conducted by these entities listed above. It should be noted that the subject review session was the first analysis of the land capability system performed in the eight year period since it was first adopted by the Agency.

Purpose of Technical Review Session

The purpose of the technical review session was somewhat broader than the specific directions of the Governing Board with regard to the Tahoe Keys application. Specifically, the technical review session was conducted in such a manner as to accomplish four broad purposes:

1. To review the application of the land capability system by the various entities who are involved with the administration of the system on a day-to-day basis.

2. To evaluate the land capability system to determine if the system as initially developed had considered all relevant factors.
3. To evaluate the proper classification of man-modified areas including dredged and fill areas, pits, quarries and areas with modified drainage.

4. To develop a methodology and general criteria to evaluate proposed challenges to the land capability system

Findings of Technical Review Session

Review of Application of the System

The findings of the technical review session conducted on July 18 and 19 indicated that the current administration of the land capability system by the Agency and others is substantially different from the system as originally developed and documented. Specifically, the following areas of the land capability system had been misinterpreted from the viewpoint of Dr. Bailey and others attending the review session as shown in the attachment:

1. Geomorphic Units

Geomorphic units formed the nucleus for the development of the land capability system. The Basin was analyzed from the standpoint of the hazards and limitations presented by these rather broad geomorphic "landscape" units. For purposes of the land capability system, all lands were divided into one of two basic geomorphic unit types:

a. High Hazard Geomorphic Units were not considered as usable in terms of development and were classified as Land Capability Class 1.

b. Moderate and Low Hazard Geomorphic Units were considered to be potentially usable. Land capability classifications for these lands were based on combined soil characteristics including erosion hazard, runoff potential and disturbance hazards.

The Agency's administration of the land capability system has, however, failed to recognize the importance of geomorphic units and their inclusion in the land capability system. In determining land capability and administering land capability challenges, the practice of the Agency has been to base such determinations entirely upon soil characteristics. The Agency's 1"=400' scale maps, which have been used to determine land capability on a daily basis, only indicate soil classifications, with no indication of geomorphic unit classification.

2. Stream Environment Zones

The land capability system as adopted by the Agency as part of the General Plan identified Capability Class 1b lands as areas represented by poor natural drainage, flood plains, streams, marshes, meadows
and beaches. The land capability system was utilized to classify certain soil types characterized by poor natural drainage. It has been the Agency's practice in the past to limit Class 1b to those lands whose soil classification indicates poor natural drainage. However, the concept of Class 1b lands is again broader than that of the soil classification as indicated in the text of the land capability map as adopted by the Agency. Specifically the text of the Land Capability Map states:

"For example, flat valley floors locally contain riparian zones along stream courses that meet the criteria for Class 1b, although shown on the map as Class 7. It is therefore necessary that the final land capability classification for individual parcels should be based on detailed site evaluation and more detailed application of the land capability criteria."

This more detailed mapping has essentially been accomplished through the Agency's stream environment zone mapping program. The technical review team found that the criteria used in mapping stream environment zones had basically accomplished the recommendations for a more thorough delineation of Class 1b lands throughout the Basin. It was therefore the review team's finding that the procedures established for identification of stream environment zones in the Handbook of Best Management Practices could be utilized in identification of Class 1b lands throughout the Basin.

3. Minimum Size of Land Capability Challenges

The technical evaluation of the Agency's administration of land capability challenges under Section 8.25 of the Land Use Ordinance indicated that the Agency's procedures were at variance with the intent of the capability system. Dr. Bailey stated that it was clearly recognized at the time of developing the system that there would be small pockets or inclusions of land which would meet the criteria of higher capability lands. However, the system was basically developed as a "landscape unit analysis" and was not intended to identify these inclusions. For purposes of the land capability system, it was determined that the minimum level of resolution of mapping should be the same as the Soil Conservation Service's Soil Survey, which is between 10 and 20 acres depending on the area of the Basin. A land capability challenge procedure was therefore suggested by the authors of the system as a means to identify more precise boundaries between land capability units recognizing that the soil boundaries were often imprecise. A land capability challenge should not, however, in the opinion of the technical review team, identify pockets or inclusions of higher capability land or be utilized to identify new land capability areas smaller than the level of resolution of the Soil Conservation Service Soil Survey.
Evaluation of Land Capability System

The review of the technical considerations which were included in the development of the initial system indicated that there was no empirical data collected or quantitative analysis performed which would verify the various limitations as described for each land capability district. The review team concluded that an effort to collect such data or perform such a quantitative analysis would be a long term undertaking requiring a substantial resource commitment from all agencies and was probably not feasible at the present. Some additional factors which should be integrated into the system at a future date include land suitabilities, natural hazards, vegetation and nutrient cycling relationships and spatial relationships.

It was generally concluded, aside from the need to incorporate some additional relationships previously excluded from the system, that the land capability system if properly interpreted had served its intended purpose of describing limitations on the development of various lands and prescribing the relative intensity of land disturbance which could be tolerated.

Evaluation of Man-Modified Areas

With regard to man-modified areas, the technical review team concluded that the basic purpose of the land capability system was to classify lands according to their inherent or natural characteristics. To the extent that lands have been modified as a result of dredging, filling, mining and quarry operations and modifications of drainage, it is necessary to evaluate these lands based on the extent of modifications to determine if the characteristics which resulted in the initial classification still operate on these lands and to evaluate these areas based on surrounding lands.

It was recognized, however, that certain lands that have been modified as a result of, for instance, quarrying would have a lesser impact on the environment if allowed to have higher percentages of land coverage than recommended in the land capability system. It was suggested that the proper mechanism to handle such a situation was through administrative procedures which would recognize this situation and provide coverage allowances in addition to those recommended in the land capability system based on a case-by-case review rather than through an artificial manipulation of the capability system. The primary reason for this recommendation is that the land capability system presently serves two basic purposes: first, the system was designed to provide information on limitations on certain types of lands and, second, the system prescribes management techniques in the form of recommended land coverages. If the system were modified to recognize specific man-modified environments, with the purpose of allowing greater amounts of land coverages, the system would lose any information to be provided regarding the other limitations which may exist on that land.
Criteria to Evaluate Modifications to the Capability System

With regard to processing modifications to the system through land capability "challenges", it was concluded that the Agency's information report requirements should be more strictly adhered to. In the past, it has been the practice to process land capability "challenges" on the basis of slope analysis alone or soils analysis alone. Future land capability challenges should provide more information on other factors including geomorphic unit analysis, hydrologic characteristics, etc.

Recommendations

The findings of the technical review session have led to the following recommendations with regard to the Agency's future administration of the land capability system:

1. In view of the finding that the Agency's past interpretation of the land capability system is at odds with the system as described in both the "Land Capability Report" (adopted as part of the Agency's General Plan) and the Land Capability Map (adopted by ordinance as the official delineation of land capabilities), Agency Legal Counsel has suggested that it would be appropriate to implement ordinance amendments to reaffirm the system as documented. Specific reference should be made in the Land Use Ordinance to Geomorphic Units and stream environment zones which are an integral part of the land capability system. The Agency should initiate these modifications in order to clarify its intent to implement the land capability system as initially drafted and adopted by the Agency.

2. Administrative overrides should be provided through modification of the Land Use Ordinance in order to allow additional coverage for man-modified areas where it is determined that development could result in a positive environmental impact.

3. The Agency's procedures for processing land capability challenges should be updated to reflect the current understanding of the land capability system. This would include requirements for information including all aspects of land capability such as geomorphic units, surface and subsurface hydrology, vegetation, soil properties, and related environmental factors.

4. Although the technical review team recommended that land capability challenges should not identify land capability districts smaller than the level of resolution of the SCS Soil Survey, Agency staff finds this position to be contradictory to the text of the Land Capability Map which indicates that "the final land capability classification for individual parcels should be based on detailed site evaluation and more detailed application of the land capability criteria". Agency staff therefore recommends that no limitations be placed on the minimum size of land capability challenges because of this apparent contradiction.
MEMORANDUM

DATE: August 15, 1979

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: General Plan Amendment - Tahoe Keys Homeowners Association

Staff has had discussions with Mr. Richard Bailey, representing the Tahoe Keys Homeowners Association, and he has asked that the Tahoe Keys General Plan amendment item remain on the August, 1979 Governing Body agenda but that the majority of the discussion focus on the earlier land capability review item. Pending the outcome of that discussion staff will be prepared to give recommendations on the General Plan amendment.

Staff will be sending the Board members a specific summary of the Tahoe Keys requested amendment and how it would be affected by various alternative actions the Board may take in view of the land capability discussion.
Panoramic Point  
General Plan Amendment  
Washoe County

Amendment Request

The applicant, Donald P. Steinmeyer, is requesting an amendment to the TRPA Land Use District Map to reclassify a 20.4 acre parcel from General Forest (GF) to Rural Estates (RE). The amendment is proposed in order to construct a condominium development of 10 units on the property.

Property Location and Description

The subject property is located adjacent to a bend of the Mt. Rose Highway (State Highway 27) known as View Point. This bend is located above Incline Village approximately two miles north of the Tahoe Boulevard (State Highway 28) and Mt. Rose Highway intersection. The 20.4 acre parcel is currently undeveloped and undisturbed. The property is surrounded by the Mt. Rose Highway on three sides and General Forest properties on the remaining side. The property location provides an excellent vista of the Lake Tahoe Basin, hence the name of the proposal.

Local Zoning

The Washoe County zoning for the property is commercial (C-2). It is the applicant's contention that this pre-TRPA commitment to development should be recognized in some form by the Agency particularly since $250,000 worth of bonds were assessed to this property based on the C-2 zoning. Boise Cascade and the applicant, who recently acquired the property, have paid most of the outstanding bonds.

Land Capability

The TRPA land capability maps had originally indicated the property was classified as high hazard, over-steepened lands. Recently, the applicant submitted a land capability report which indicated the following soil characteristics:

<table>
<thead>
<tr>
<th>Acres</th>
<th>Soil Type</th>
<th>Capability</th>
<th>Permitted Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Rx</td>
<td>1-A</td>
<td>1%</td>
</tr>
<tr>
<td>3.0</td>
<td>UmF</td>
<td>1-A</td>
<td>1%</td>
</tr>
<tr>
<td>13.4</td>
<td>UmE</td>
<td>3</td>
<td>5%</td>
</tr>
<tr>
<td>3.0</td>
<td>UmD</td>
<td>5</td>
<td>25%</td>
</tr>
</tbody>
</table>

Total permitted coverage: 63,694 square feet

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The property is characterized by a few pockets of relatively level areas surrounded by slopes in excess of 15%. The runoff potential is rated moderately high to high on all but three acres.

Compatibility With General Plan

The proposed reclassification would provide for a significant deviation from the Agency's General Plan, which established growth area boundaries according to generalized land capability determination. The presence of a relatively small amount of moderate capability land pockets is not, in the opinion of Agency staff, sufficient grounds to justify a deviation of past Agency policy which established the limits of development.

Impacts

The proposed reclassification would permit an increase in intensity of use from one single family residence permitted under GF to 20 dwelling units permitted under RE. The permitted land coverage would remain the same although it would not seem realistic that a single family residence would utilize 63,694 square feet of coverage. The resulting impacts of the proposed reclassification are as follows:

Land Use - The subject property is located just beyond the urban boundary of Incline Village. The property is surrounded by GF lands but is in close proximity to lands zoned RE located across the Mt. Rose Highway to the west. Currently all the property within 300 feet is publicly owned or undeveloped.

Although the subject property was originally zoned commercial by Washoe County, the 1972 TRPA General Plan analysis indicated this property to be unsuitable for urban uses and thus it was zoned General Forest. The most recent analysis for the proposed TRPA General Plan Update reaffirmed the 1972 action.

Environmental - The subject property is located in the Incline Creek Watershed of which approximately 1,000 acres of the total 4,080 acres are committed to development. Staff estimates based on data set forth in the third volume of the TRPA 208 Plan that the addition of 20 acres of RE classified land to the Incline Creek Watershed should have 1.4% increase in suspended solids and 1.2% increase in total nitrogen compared with the natural condition of the watershed.

In regard to flooding, the applicant has indicated the runoff from a 50 year storm can be mitigated on the site although such facilities are not indicated on the proposed plans. He also indicates that the down stream impacts of additional impervious surface during a 100 year storm would be negligible.

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Other significant impacts relate to the proposed design of the project as shown on attachment #2. The units are spread out on the site thus requiring extensive grading for the 1700 feet of proposed roadway and 2400 feet of sewer lines. This is critical since successful revegetation at high elevations (7600 feet) is very difficult. The applicant has indicated he will revegetate and stabilize the disturbed areas.

There will be no direct modification or interference with any of the following areas: wetland, wildlife habitat, fish or aquatic habitat, stream outlet, stream environment zone, brush or broadleaf habitat, or unique ecological association areas.

Public Service - The applicant has submitted statements from the public service entities indicating that the property is in their service district and service could be supplied at this time. The proposed development will require considerable expense to the applicant since the nearest water/sewer lines are 1,600 feet from the property and must be extended by the applicant.

Traffic - The proposed project should generate 70 to 90 additional trips on the Mt. Rose Highway. Staff has not received evidence at this time that the Mt. Rose Highway has any capacity problems but the project may require minor improvements for access on the highway.

Scenic - The area adjacent to the property is used as a vista point by the State of Nevada Division of State Parks and staff has received a letter from them expressing concern on the potential impacts on the area. The area is a visually sensitive area both at the site and from other points in the Basin and staff does have concerns over development in this area.

Cumulative Impacts

Beyond the specific project impacts are the cumulative impacts of the project itself. If the criteria for granting a General Plan amendment on GF lands in the backdrop country is to be based on pre-1972 local development commitments and land capability challenges identifying pockets of moderate to high land capability lands, then the cumulative impacts of such an action are significant.

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Panoramic Point
General Plan Amendment
Page Four

In 1972, recognizing that local zoning commitments for a population of 800,000 far exceeded the "holding capacity" of the Tahoe Basin, TRPA rezoned numerous parcels of land, thus reducing the total population potential to 300,000. Currently, according to the Dornbusch Impact Study, there are 68,500 acres of privately owned land in the Tahoe Basin with 33,360 committed to development under the TRPA General Plan. Development of the remaining 35,140 acres of GF lands which were classified with characteristics similar to the subject property would be contrary to previous actions and inconsistent with current evidence relating to Basin holding capacities.

According to the Dornbusch Impact Study, there are approximately 8,000 acres of GF lands not owned by the U. S. Forest Service or the State of Nevada in Washoe County. Staff estimates approximately 2,000 of these acres are owned by Incline Village General Improvement District which leaves 6,000 acres of privately owned GF lands. The county zoning on these lands ranges from C-2 to A-4. It has been staff's experience that most "land capability challenges" can establish pockets of moderate land capability in lands now designated as high hazard. In reviewing the Agency's administration of the land capability system in July of 1979, Dr. Robert Bailey, author of the system, indicated that "small pockets" of land which would meet the criteria for higher capability land existed throughout the Basin, but it was not the intent of the system to recommend development of those areas because of the high environmental costs of reaching those areas with roads and utilities. Assuming the application represents a typical situation with regard to isolated pockets of higher land capability a projection of 2 acres per unit to the 6,000 acres would result in 3,000 new residential units. This would be a 26% increase in the 11,500 units TRPA zoning is now committed to in Washoe County.

Although the evidence indicates there is short term water/sewer capacity for this proposal, staff cannot assure this finding at buildout. The area served by IVGID is approximately 50% built out. Under the District's estimates for water consumption, the District is utilizing 53.6% of its permitted and certified water rights. Also, the District is utilizing approximately 47% of the capacity of the sewage treatment plant providing the proposed Douglas County disposal site is approved. It would appear that IVGID's capacity should meet the current TRPA General Plan but additional development would require additional water rights and expansion of the sewage treatment plant.

The cumulative impact of development of similarly classified properties on water quality would also be significant. Staff estimates based on the third volume of the TRPA 208 Plan that existing commitments to development result in a 281.5% increase in suspended solids as

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Panoramic Point  
General Plan Amendment  
Page Five

compared to natural conditions in the 12 watersheds of Washoe County.  
Development of an additional 6,000 acres at RE densities would increase  
the contribution of suspended solids an additional 63.0%, resulting  
in a cumulative increase of 344.5% as compared to natural conditions.  
This analysis does not include additional development which may occur  
in other local jurisdictions as a result of such a precedent.  

Recommendation

Agency staff recommends denial of the proposed General Plan amendment  
based on the following reasons:

1. The project area will further extend the urban limits  
of Incline Village and require the extension of utilities  
through fragile areas. Also, the site plan for the project  
will require an extensive network of roads and utilities to  
service the 10 units which would cross the lower capability  
portions of the site.

2. The development of 20 more acres in the Incline Creek Watershed  
will have adverse impacts on nutrient and sediment loadings  
in the watershed.

3. The cumulative impacts of this precedent-setting action are  
significant in regards to water supply, sewage treatment  
capacity, and water quality.

Advisory Planning Commission Action

At a public hearing on June 13, 1979, the APC voted with two abstentions to deny the requested General Plan amendment. On June 15, 1979, Mr. Steinmeyer requested by telephone that the item be taken off the June, 1979, Governing Board agenda.

8/16/79
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: August 15, 1979

TO: TRPA Governing Board

FROM: The Staff

SUBJECT: Highway 50 Corridor

In June you were sent copies of the summary and the final report prepared by JHK & Associates containing their findings and recommendations concerning the Highway 50 Corridor. At the June Board meeting, Terry Austin who was the team leader for JHK & Associates gave a presentation concerning this matter. At this month's meeting, staff will be prepared to give a summary of what these documents propose.

Staff will provide an update as to actions that have taken place in recent months concerning continuation of the effort to try and solve the problems within the Highway 50 Corridor. Staff will also be prepared to discuss any action the Board may wish to initiate concerning the JHK report or the Highway 50 Corridor effort in general.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: August 15, 1979

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Nonattainment Air Quality Plan Implementation

Since the last meeting, Agency staff has met with representatives of the U.S. Environmental Protection Agency (EPA), the Nevada Division of Environmental Protection and the California Air Resources Board to discuss implementation of the Nonattainment Air Quality Plan (NAP) adopted by this agency. Because the plan adopted by TRPA and subsequently included as part of the State Implementation Plan (SIP) of Nevada differs from the one adopted by the California Air Resources Board for the California portion of the Basin, there is some question as to how the Regional Administrator of EPA will resolve these differences. It is our understanding that EPA is presently considering how to reach a resolution on this issue and will be proposing mechanisms to accomplish same in the near future.

However, now that TRPA has adopted the plan which calls for specific implementation actions, it leaves the Agency with basically two alternatives in light of its current financial constraints:

1. To take a do-nothing approach in relationship to implementation.

2. To incorporate, to the extent possible, implementation of the NAP in the Agency's ongoing project review and enforcement activities and in its policy development activities.

In considering these two alternatives, it is important to note that the EPA has the capability of imposing sanctions under the Clean Air Act if the adopted plan is not implemented. Therefore, in relationship to pursuing implementation of the adopted NAP, staff recommends that the Agency pursue the second option and implement the Plan utilizing existing staff resources in project review and enforcement and policy development. In the project review area, this would mean evaluating project proposals for their compliance with the NAP and assuring that the elements of the Plan related to the project proposal are incorporated therein. In addition, staff recommends that the Agency pursue adoption of an Indirect Source Review Ordinance in the future so that air quality requirements are specifically incorporated into the Agency's project review functions. In the policy realm, staff recommends that the Agency continue to participate in transportation planning so that short-term and long-term solutions can be prepared and implemented for solving the existing
traffic problems in the Basin. Also through the Agency's policy development activities, the monitoring of implementation progress of the NAP would also be carried out.

An additional question that remains is whether or not TRPA should pursue development of a separate air quality plan which would be adopted by the Agency for the entire Basin based on achieving state air quality standards. It is staff's recommendation that the Agency not pursue development and adoption of such a plan at this time pending resolution of the problem raised by both States having separate SIP's for this area and the Agency's limited financial and staff resources.

Staff will be prepared to discuss these proposals and answer any questions the Board members may have.
To: The TRPA Governing Board

From: The Staff

Subject: Agenda Items Regarding Agency Administration

Agency staff presented several proposed modifications to the Agency's ordinances and regulations at the July Governing Board meeting in order to effectuate revised operating procedures necessitated by a substantially reduced Agency staff. The proposals included modifications to the Land Use Ordinance, Subdivision Ordinance, Shorezone Ordinance, Agency Filing Fee Schedules and Agency Rules and Regulations of Practice and Procedure. The proposals were presented as part of the Finance Committee report which was accepted by the Governing Board. Agency Legal Counsel indicated at that time that it would be most appropriate to adopt any proposed ordinance modifications as urgency ordinances. Due to time constraints, final versions of proposed ordinance amendments are not available at present but will be made available at the August Governing Board meeting.

Agency Legal Counsel is currently in the process of drafting proposed amendments which would effectuate the following changes in the Agency's ordinances and regulations:

**Land Use Ordinance Modifications**

Section 7.12 - Section 7.12 of the Land Use Ordinance is proposed to be modified to allow for two types of administrative permits issued by the Agency. Projects with major impact would require review and action by the Governing Board. Those projects with lesser impact would be reviewed by Agency staff with administrative permits issued at the staff level. All staff determinations would be subject to appeal to the Governing Body. Projects would be reviewed as follows:

Projects Requiring Governing Board Review:

- Commercial developments of three or more acres
- Hotels, motels and apartment houses of five or more units
- Marinas
- Major public works
Projects Requiring Staff Review With Right of Appeal to the Governing Board:

- Airports, heliports and landing strips
- Batch plants
- Bulk storage
- Commercial forest products removal
- Commercial parking lots
- Construction in stream channels
- Fish and wildlife management projects
- Developed campgrounds
- Educational facilities, general
- Electric power plants
- Electrical substations
- Golf courses
- Medical facilities
- Mobile home parks
- Organized recreation camps
- Multiperson dwellings
- Outdoor amusement facilities
- Outdoor recreation concessions
- Overhead or underground utilities, but excluding service connections
- Highways, roads and structures
- Sewage treatment plants
- Water storage tanks and reservoirs
- Water treatment plants
- Quarries
- Recreation vehicle parks
- Religious facilities
- Radio, TV and telephone relay stations and transmission lines and structures
- Skiing facilities
- Private stream crossings
- Solid waste transfer stations
- Transportation facilities
- Wrecking yards.

Public works projects would be determined to be either major or minor depending on environmental impacts and their ability to provide increased services within the Basin. The determination would be at the discretion of the Executive Director but would be subject to appeal.

Section 9.21(3) - Section 9.21(3) currently requires Governing Board action to issue an administrative permit for replacement of nonconforming land coverage. It is proposed that this section be modified to allow the staff to issue the necessary permits in that the determinations are of a primarily technical nature. Staff determinations would be subject to appeal to the Governing Board.
Memo to the TRPA Governing Board  
Agency Administration  
August 15, 1979   Page Three  

Subdivision Ordinance Modifications  

The Subdivision Ordinance currently requires Agency review for all condominiums regardless of the number of units; whereas, review is required only for five or more lots. It is proposed that the definition of subdivision be modified such that a consistent number of units is applied to both condominium units and lots. It is proposed that 5 or more condominium units be defined as a subdivision, exempting those condominiums with 4 or fewer units from Agency review under the Subdivision Ordinance. However, the Agency would continue to monitor the activities of the local jurisdictions as provided under the Grading Ordinance to ensure that proper environmental controls are implemented on smaller condominium projects.  

Shorezone Ordinance Modifications and Amendments to the Agency's Rules and Regulations of Practice and Procedure  

The Shorezone Ordinance and the Agency's Rules and Regulations of Practice and Procedure require all shorezone applications to be processed through a monthly public hearing process similar to the Governing Body requirements. In order to reduce the staff time required for this "mini-Governing Board process", it is proposed to amend the Shorezone Ordinance and Rules and Regulations to eliminate the requirements for the formal Shorezone Review Committee, the requirement for a hearing before the Agency's Executive Director, and the requirement of notice to adjoining property owners. It is proposed to replace the shorezone hearing process with staff-issued permits for all projects except marinas and variances. This new process would be similar to the procedure the Agency now practices with stream environment zone review and Grading Ordinance review and would leave the standard 10 day appeal to the Governing Board.  

Modifications to the Filing Fee Schedule  

Proposed modifications to the Agency's Filing Fee Schedule were discussed at the July Governing Board meeting. The proposed modifications are designed to bring filing fees in line with the Agency's costs of processing applications. The proposed modifications to the Filing Fee Schedule are attached to this memo.  

Modifications to Agency Rules and Regulations of Practice and Procedure Regarding APC Functions and Processing of General Plan Amendments  

The Advisory Planning Commission discussed methods to reduce the staff workload resulting from processing General Plan amendments and to increase the effectiveness of General Plan amendment reviews by providing a mechanism which would allow amendment requests to be evaluated only quarterly. Similarly, the APC would only meet quarterly to consider these and other requests. Agency Legal Counsel is currently evaluating what effect such an amendment to the Agency's Rules and Regulations of Practice and Procedure would have on the requirement that the Agency must act on an application within 60 days. It is currently Legal Counsel's opinion that any change that would interfere with the Agency's obligation to adhere to the 60 day limitation would be ill-advised. Therefore no modifications to allow for a modified General Plan amendment processing procedure are proposed at present.
Memo to the TRPA Governing Board
Agency Administration
August 15, 1979     Page Four

Changes in Agency Office Hours

The Agency currently is open for business from 8:00 a.m. to 5:00 p.m., including conducting business during the lunch hour. Due to a substantially reduced work force, it is increasingly difficult to schedule Agency operations and maintain the phone and counter over the lunch hour. It is proposed that the Agency close from 12:00 noon to 1:00 p.m. to allow all employees to take their lunch during this period.
<table>
<thead>
<tr>
<th>Type B Permits</th>
<th>Existing Fee</th>
<th>Proposed Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Motels &amp; Hotels</td>
<td>$100.00 + 5.00/unit</td>
<td>$150.00 + 5.00/unit</td>
</tr>
<tr>
<td>B. Minor Commercial (3 to 5 acres)</td>
<td>$200.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>C. Major Commercial (Over 5 acres)</td>
<td>$400.00</td>
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<tr>
<td>D. Apartments - Minor (5 to 10 units)</td>
<td>$50.00 + 5.00/unit</td>
<td>$150.00 + 5.00/unit</td>
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<tr>
<td>E. Apartments - Major (Over 10 units)</td>
<td>$100.00 + 5.00/unit</td>
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<tr>
<td>F. Subdivisions</td>
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<tr>
<td>G. General Plan Amendments</td>
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<td>H. Variances</td>
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<tr>
<td>I. Public Works</td>
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<td>J. Shorezone:</td>
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<td></td>
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<tr>
<td>1. Piers</td>
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<td>2. Floating Dock</td>
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<td>3. Platform</td>
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<td>4. Boat Ramp</td>
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<td>5. Jetties and Breakwaters</td>
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<tr>
<td>6. Shoreline Protective Devices - Major</td>
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<tr>
<td>(cost in excess of $500.00)</td>
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<td>7. Shoreline Protective Devices - Minor</td>
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<tr>
<td>(cost $500.00 or less)</td>
<td>$50.00 for 1st buoy</td>
<td>$50.00 for 1st buoy</td>
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<td>8. Mooring Buoys</td>
<td>$10.00 per buoy for each buoy numbering from 2 to 10 &amp; thereafter $5.00 for ea. additional buoy</td>
<td>$10.00 per buoy for each buoy numbering from 2 to 10 &amp; thereafter $5.00 for ea. additional buoy</td>
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<tr>
<td>9. Any construction within backshore requiring review</td>
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</tr>
<tr>
<td>10. Placement or replacement of submarine conduit and pipelines</td>
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<tr>
<td>11. Filling and dredging - Major</td>
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<td>(cost $500.00 or less)</td>
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<td>(cost $500.00 or less)</td>
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<td>13. Combination of facilities except mooring buoys (where individual fees would exceed)</td>
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<tr>
<td>14. Marinas</td>
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<td>15. Repairs:</td>
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<td>a) Repairs to piers, floating docks and platforms and other facilities exceeding $500.00.00</td>
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<tr>
<td>b) repairs to piers, floating docks and platforms and other facilities less than $500.00 when requiring permit of ShoreZone Ordinance...</td>
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<td>c) Expansion or modification in the backshore creating 200 sq. ft. of coverage</td>
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<td>16. Appeals of staff decisions</td>
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<tr>
<td>17. Applications for approval of unauthorized structures</td>
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<td>Twice Applicable Fee</td>
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<td>K. Mobile Home Park</td>
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<td>$250.00 + 10.00/unit</td>
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<td>L. Parking Structures</td>
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<td>M. Stream Environment Zones (SEZ's)</td>
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<tr>
<td>N. Grading</td>
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</tr>
<tr>
<td>O. All Other Type B's</td>
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</table>
| P. Applications for approval of unauthorized uses or structures | Twice Applicable Fee | 7/24/79
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Ski Run Marina
Appeal of Staff Decision
City of South Lake Tahoe

Description of Appeal

The applicant is appealing the Shorezone Hearing Officer's
decision of July 24, 1979 to approve an extension of a renewal
permit for 70 existing buoys which includes a requirement that
the applicant relocate the buoys as per the approved plans by
August 23, 1979 (see attached plan).

Background

At the June 25, 1978 Shorezone Hearing, the Shorezone Hearing
Officer approved a renewal permit for 70 existing buoys at the
Ski Run Marina. The Shorezone Hearing Officer granted a renewal
permit for one year to give the applicant sufficient time to
submit a master plan for Ski Run Marina at which time the Agency
would reconsider the subject buoy field in conjunction with said
master plan (based on the parking capacity of the marina). A
condition of the approval was that the buoys be relocated no further
than 1400 feet lakeward from the highwater line and entirely within
the property lines of the marina as projected lakeward, as some of
the buoys are located in front of Tahoe Meadows, the adjoining
property to the east.

At a meeting on July 10, 1979 between the applicant and Agency
staff, the applicant indicated that he has been unable to coordinate
with Raymond Vail and Associates, the applicant's representative,
to compile information for the master plan. Therefore, the appli-
cant requested that the renewal permit be extended until December 28,
1979.

At the July 24, 1979 Shorezone Hearing, Agency staff recommended
to the Shorezone Hearing Officer that a five month extension for
the renewal permit be granted and the applicant be directed to
submit a master plan to this Agency by December 28, 1979. Agency
staff indicated at said Shorezone Hearing that the applicant had
agreed to size a permanent buoy field based on the existing parking
capacity of the marina in the event that a master plan is not
completed by December 28, 1979.

Mr. Gordon Johnson, representing the Tahoe Meadows Homeowner's
Association, objected to the issuance of an extension to the
renewal permit for five months based on the fact that the appli-
cant has already had one year to submit a master plan. Mr. Johnson

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said that some of the buoys are located in front of Tahoe Meadow's property and that this condition has been in existence during the entire period since granting of the permit in 1978. Mr. Johnson stated that the applicant indicated he would relocate the buoys at the beginning of this season, but it has not yet been accomplished. He requested the Shorezone Hearing Officer give the marina 30 days to relocate the buoys, or the permit should be terminated.

Mr. Michael Phillips, the owner of the Ski Run Marina, was not present at the hearing, nor were any representatives. Agency staff received a letter from Mr. Phillips dated August 1, 1979 stating he wishes to appeal the Shorezone Hearing Officer's decision. During a telephone conversation with Mr. Phillips on August 13, 1979, he indicated the reason for the appeal is because this is the peak boating season and he has 60 boats on the buoys at this time. He also stated that financially, he just can not afford to relocate the buoys now. He is working on the removal of the breakwaters which will be accomplished in September, and he is requesting relocation of the buoys after January, 1980.

Recommendation

Agency staff recommends that the Shorezone Hearing Officer's decision of July 24, 1979 be upheld and the applicant be directed to relocate the 70 existing buoys by September 15, 1979.
Lake

Adjacent Upland Owners

1. El Dorado Improvement Co.
2. Ginelli, Chappell, Schneider and Vansouni
3. Tahoe Meadows, Inc.

Lakeward Projection of Upland Property Lines:

1. From Mean High Water Line per U.S. Army policy
2. From Mean Low Water Line per Fee Title Ownership and TRPA Ordinance

Notes:
1. USCG approved buoys and concrete anchors of approx. 1/3rd the boat weight.
2. Bottom contours per 1976 survey
   ...1965 USGS chart

Existing Buoys Relocation

IN LAKE TAHOE, CITY OF SOUTH LAKE TAHOE
EL DORADO CO., CALIF.

APPLICATION BY
Michael Phillips
Ski Run Marina
Rev.-Feb, 1979
Sht. 1 of 1
May, 1978
Don Steinmeyer
Appeal of Staff Decision
Washoe County

Agency Action Required by October 5, 1979

Description of Appeal

The applicant is appealing the June 26, 1979 decision of the Shorezone Hearing Officer at which time the application for a proposed floating dock and an unauthorized 17 foot pier extension was conditionally approved (attachment #1). Specifically, the applicant requests the consideration of the floating dock be deleted from the application and that condition #4 be deleted from the approval.

Condition #4 required the applicant to remove an unauthorized and nonconforming concrete platform discovered during review of this application, or submit an application for the structure as required by Section 4.20 of the Shorezone Ordinance.

Background

On September 21, 1976, the Shorezone Hearing Officer approved a straight, 156 foot long pier for the applicant with an alternative plan that was later chosen (attachment #2). The approved alternative plan is described as follows:

"The alternate plan calls for the construction of the proposed pier with the most lakeward 50 foot portion of it angled 45 degrees to the east. The alternate plan was presented so that the pier could be constructed and not extend in a lakeward direction past the existing rock island adjacent to the parcel."

On March 13, 1978, the Shorezone Hearing Officer approved the "alternative plan" without the 15 foot extension requested by the applicant and granted a one year extension to the permit. These approved plans indicated the pier to be reduced to the approved length and a concrete cap to provide support would be placed at the point the pier angles. The approved plans did not include the 20 foot by 15 foot concrete platform (attachment #2). Staff did not reinspect the site at the time of approval of the "alternative plan".

Staff first became aware of the concrete platform in the Spring of 1979 while visiting a neighboring site. At that time, the Development Review Committee observed the applicant's contractor moving rock with a crane and went over to the site to inform him this activity was not approved.

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Since this was the first time that the staff observed the platform, they deferred action until TRPA approvals could be checked.

In May of 1979, staff and the U. S. Army Corps of Engineers inspected the pier construction for compliance with approved plans and discovered the pier was built 17 feet beyond the approved length. The applicant indicated the additional 17 feet was constructed without his knowledge and agreed to make an application for the unauthorized extension. It was during review of said application that staff verified that the existing concrete platform was unauthorized and thus included it for consideration in the Staff Summary and Recommendation.

On June 26, 1979, the Shorezone Hearing Officer approved the application with staff recommended conditions. Based on the photographic evidence and plans submitted by the applicant, the Shorezone Hearing Officer found the subject platform to be:

1. Unauthorized - constructed between September 1976 and April of 1977 without a TRPA permit.
2. Nonconforming - constructed in the foreshore and not in conformance with the standards of the Shorezone Ordinance.

Based on these findings and a Shorezone Ordinance requirement that an application must be filed, the Shorezone Hearing Officer approved condition #4. The applicant's concern is Section 18.00 which requires unauthorized structures be reviewed as a "new" structure and since the platform is nonconforming, it is staff's opinion the project could not be approved within the standards established in the Shorezone Ordinance.

On July 16, 1979, after receiving official notice of the Shorezone Hearing Officer's decision, the applicant requested that his application be withdrawn from consideration. The applicant, at this time, indicated that the conditions of approval were not acceptable, particularly in regards to condition #4 which requires him to remove or make application for the unauthorized concrete platform.

Upon consultation with TRPA Legal Counsel, Agency staff informed the applicant that an application for an unauthorized structure (the 17 foot pier extension) could not be withdrawn after the Agency took action on a project. The applicant was informed that the proper procedure was to appeal the Shorezone Hearing Officer's decision, which is the request before the Governing Board (attachment #3).
Recommendation:

Agency staff recommends the Governing Board permit the applicant to remove the floating dock from consideration, and approve the 17 foot unauthorized pier extension with the following conditions:

1. The approval will not become effective unless and until the applicant acknowledges and accepts the preceding findings and the following condition by placing his signature on a form which is furnished by the Agency after approval is granted.

2. Prior to the issuance of the approval letter, the applicant shall remove the 20 foot by 15 foot concrete platform located on the rock island or submit an application to this Agency for the unauthorized structure.

8/15/79
1976 Approved Plans

Concrete Supports

156'

Rock Island

Property Line

High Water Line

Existing Jetty

1978 Approved Alternate Plan

Rock Island

Concrete Cap

Property Line

Pierhead Line

Attachment #2
August 6, 1979

Mr. Gordon W. Barrett
TRPA
P.O. Box 8836
South Lake Tahoe, California 95731

Dear Mr. Barrett:

I, quite frankly, do not believe you or your Counsel in the determination that an application cannot be withdrawn, and am confident there is no basis for this determination. However, in the spirit of cooperation, something which TRPA staff has seemed long ago to have lost, I am enclosing $25 to appeal the hearing officers approval conditions which I do not accept.

In reviewing our file on the matter I (1) find that the hearing officer granted an extension on the pier permit in March 1978; a time subsequent to the concrete stabilization of the rocks adjacent to the abutment and that, further, staff was fully aware of the three concrete infill sections, as my notes clearly reflect. If there was an objection it should have been made or conditioned at that time. And (2) the Corps of Engineers which properly has jurisdiction over such matters, has approved the infill in question. And (3) at the conclusion of the hearing on this matter the hearing secretary said "you know don't you, what Gabby's recommendation will be if you apply for a permit (on the pad)", indicating a clear bias and prior discussion of staff's handling of the matter.

I would like to advise you further that this so called "unauthorized concrete pad" is above high water, does not create additional impervious surface and could only cause environmental damage if removed.

I am enclosing no further information since the only request I am making is to request authorization for the extension of +17 feet. The float application is withdrawn.

Sincerely,

Donald P. Steinmeyer

enc.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 79-

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 87 THERETO, TO CHANGE THE LAND USE DISTRICT 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 District

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new paragraph 87 to accomplish a change in the applicable land use district, which paragraph shall read as follows:

87.  All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows: A parcel of land being a portion of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 24, Township 13 North, Range 18 East, M.D.B.& M. and being further described as follows: COMMENCING at the Section corner common to Sections 23, 24, 25, and 26, Township 13 North, Range 18 East, M.D.B. & M., thence Easterly along the Section line common to Sections 24 and 25, North 89° 42' 25" East, a distance of 329.00 feet; thence leaving said Section line North 00° 07' 00" West, a distance of 180.95 feet to a point on the Northerly line of an access and utility easement, said point being the True Point of Beginning; thence leaving said easement continuing North 00° 07' 00" West, a distance of 83.98 feet; thence North 89° 42' 25" East, a distance of 164.79 feet; thence South 00° 05' 10" East, a distance of 202.59 feet to a point on the Northerly line of the aforementioned easement; thence along the Northerly line of said easement North 39° 55' 52" West, a distance of 42.33 feet to a tangent curve to the left with a central angle of 22° 41' 00" and a radius of 160.00 feet; thence along said curve an arc distance of 63.34 feet; thence tangent to said curve North 62° 36' 52" West, a distance of 99.85 feet to the POINT OF BEGINNING. Said property comprises 0.51 acres and is reclassified from Low Density Residential to Medium Density Residential.
Section 3.00  Severability

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

Section 4.00  Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING: July 25, 1979

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

__________________________
Jim Henry, Chairman
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 79-

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 88 THERETO, TO CHANGE THE LAND USE DISTRICT 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 District

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new paragraph 88 to accomplish a change in the applicable land use district, which paragraph shall read as follows:

88. All that certain real property situate in the County of El Dorado, State of California, more particularly described as follows: Parcel No. 1: Lots 4 and 5, of Section 14, the Northeast quarter of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section 23, Township 12 North, Range 17 East, M.D.B. & M. EXCEPTING THEREFROM the following:
DESCRIPTION

(a) All that portion thereof described in deed to Edith Kirk Dorrance, et vix, recorded February 27, 1935 in Book 142 at page 11, Official Records, as follows:

BEGINNING at the Southeast corner of Lot 4, Section 14, Township 12 North, Range 17 East, M.D.B.&M., thence South 39° 15' West 229.43 feet along the line between Sections 14 and 23 to a 1 inch pipe on the East boundary of the parcel surveyed; running thence North 19° 32' West 101.5 feet to the shore of Fallen Leaf Lake; thence South 73° 06' West 100.1 feet along the shore of said Lake; thence South 19° 32' East 226.9 feet; thence South 79° 24' East 115.63 feet; thence North 19° 32' West 187.37 feet to the point of beginning.

(b) All that portion thereof described as an exception in deed from Herbert P. Blanchard, et al, recorded August 17, 1925 in Book 102 at page 404 of Deeds, Records of El Dorado County, as follows:

BEGINNING at a point on the shore of Fallen Leaf Lake scribed "S-1", from which point the South quarter section corner of said Section 14, bears South 41° East 160.36 feet; thence South 45° 20' West 97.3 feet; thence South 12° 17' West 79.5 feet to a point on the South line of said Section 14; thence following the South line of said Section, South 87° 16' West 224.6 feet; thence North 6° 03' West 116.7 feet; thence North 6° 03' West 12.15 feet to the center of a public road; thence along said road North 65° 15' East 188 feet to a stake on the North side of the road; thence North 39° 06' East 120.3 feet; thence North 39° 06' East to the Northerly or Northeasterly line of said Lot 5; thence Southeasterly along the said last named line to a point thenceon from which the point of beginning bears South 45° 20' West; thence South 45° 20' West to the said point of beginning.

(c) All that portion thereof described in deed to Elizabeth Peirce Kincaid, et al, recorded October 8, 1965 in Book 760 at page 215 Official Records, as follows:

All that portion of Lot 5 of Section 14, Township 12 North, Range 17 East, M.D.B.&M., particularly described as follows:

BEGINNING at the Southwest corner of the parcel of land herein described, a point on the Northerly line of Tananack Road, from which the Southwest corner of said Lot 5 bears (3 courses) South 0° 40' 50" East 10.19 feet, South 0° 15' 30" East 380.20

(continued)
feet and South 166.44 feet; thence leaving said point of beginning and along the Northerly line of said Tamarack Road, North 62° 06' 10" East 144.00 feet; thence leaving said Northerly line, North 02° 11' 30" East 222.51 feet to a 1/2 inch pipe; thence continuing North 02° 11' 30" East 55.00 feet to a 1/2 inch pipe in a mound of rocks; thence South 79° 39' 30" West 144.00 feet to a similar pipe; thence South 0° 40' 50" East 310.88 feet to the point of beginning, and being shown on the Record of Survey filed January 25, 1955 in Book 1 of Records of Surveys, Records of El Dorado County, Map No. 71.

(d) All that portion thereof described in deed to Olga C. Clifton, recorded October 8, 1965 in Book 760 page 212 Official Records, as follows:

All that portion of Lot 5 of Section 14, Township 12 North, Range 17 East, M.D.B.&M., particularly described as follows:

BEGINNING at the Southwest corner of the parcel of land herein described, a point from which the Southwest corner of said Lot 5 bears South 0° 15' 30" East 50.03 feet and South 166.44 feet; thence leaving said point of beginning, North 78° 27' 50" East 227.38 feet; thence North 06° 38' 50" West 120.00 feet to a rotted stake in a mound of rocks; thence continuing North 06° 38' 50" West 72.00 feet, a similar stake; thence continuing; North 06° 38' 50" West 92.08 feet to a similar stake thence North 89° 14' 50" West 191.41 feet to a 3/4 inch iron pipe; thence South 0° 15' 30" East 120.25 feet to a 1/2 inch pipe; thence continuing South 0° 15' 30" East 209.92 feet to the point of beginning, and being shown on the Record of Survey filed January 25, 1955 in Book 1 of Records of Surveys, Records of El Dorado County, Map No. 71.

(e) All that portion thereof described in deed to Harriett Price Fairchild, et.al, recorded October 8, 1965 in Book 760 page 221 Official Records, as follows:

All that portion of Lot 5 of Section 14, Township 12 North, Range 17 East, M.D.B.&M., described as follows:

BEGINNING at the Southwest corner of the parcel of land herein described, a point from which the Southwest corner of said Lot 5 bears (3 courses) South 78° 27' 50" West 227.38 feet, South 0° 15' 30" East 50.03 feet and South 166.44 feet; thence leaving said point of beginning South 78° 48' 40" East 111.16 feet; thence North 27° 52' 40" East 51.44 feet to a 1-1/2 inch iron pipe monument; thence continuing North 27° 52' 40" East 115.11 feet to a 3/4 inch iron pipe monument; thence North 25° 06' East 59.50 feet to a 1/4 inch iron pipe monument; thence North 25° 26' West 106.80 feet to a 1-1/2 inch iron pipe monument; thence North 09° 14' 50" West 201.07 feet to a rotted stake in a mound of rocks; thence South 06° 38' 50" East 92.03 feet to a similar stake; thence continuing South 06° 38' 50" East 72.00 feet to a similar stake; thence continuing South 06° 38' 50" East 120.00 feet to the point of beginning, and being shown on the Record of Survey filed in the office of the County Recorder of the County of El Dorado, on January 25, 1955, in Book 1 of Records of Surveys, Map No. 71.

(continued)
(f) All that portion thereof described in deed to Harriett Price Fairchild, et al., recorded October 8, 1965 in Book 760 page 218, Official Records, as follows:

All that portion of Lot 5 of Section 14, Township 12 North, Range 17 East, M.D.B.&M., particularly described as follows:

BEGINNING at the most westerly corner of the parcel of land herein described a 3/4 inch iron pipe monument, from which the southwest corner of said Lot 5 bears (2 courses) South 0° 15' 30" East 380.20 feet and South 166.44 feet; thence leaving said point of beginning and along the southerly line of Tamarack Road (4 courses) North 63° 33' 30" East 86.03 feet; thence North 65° 32' 10" East 101.77 feet; thence North 83° 27' 10" East 130.52 feet to a pipe monument; thence North 67° 34' 10" East 47.52 feet to a similar monument; thence leaving said Tamarack Road South 24° 54' 50" East 64.22 feet, a similar monument and South 19° 36' 50" East 56.83 feet to a 1-1/2 inch iron pipe monument; thence North 89° 14' 50" West 201.07 feet, a rotted stake in a mound of rocks; thence continuing North 39° 14' 50" West 191.41 feet to the point of beginning, and being shown on the record of Survey filed January 25, 1955, in Book 1 of Records of Surveys, Records of El Dorado County, Map No. 71.

(g) All that portion thereof described as follows:

BEGINNING at the southwest corner of the parcel of land herein described, a point on the northerly line of Tamarack Road, from which the southwest corner of said Lot 5 bears (4 courses) South 62° 06' 10" West 144.00 feet, South 0° 40' 50" East 10.19 feet, South 0° 15' 30" East, 380.20 feet, and South 166.44 feet; thence leaving said point of beginning, and along the northerly line of said Tamarack Road, North 75° 02' East 78.29 feet; thence North 86° 17' 30" East 78.29 feet, to a 1/2 inch pipe; thence North 63° 46' East 34.55 feet to a similar pipe, thence leaving said Tamarack Road, North 06° 37' West 118.35 feet and North 42° 15' 30" West 123.93 feet to a 1/2 inch pipe; thence South 63° 18' 30" West 135.02 feet to a similar pipe; thence South 02° 11' 30" West 223.51 feet to the point of beginning, and being shown on the Record of Survey filed January 25, 1955 in Book 1 of Records of Surveys, Records of El Dorado County, Map No. 71.

(h) All that portion thereof described in deed to Robert E. Reed, et ux, recorded July 15, 1947 in Book 242 page 271, Official Records, as follows:

BEGINNING at the northeastern corner of the Northwest quarter of the Northeast quarter of said Section 23, marked by a 1 inch iron pipe in a mound of rocks; thence South 369.15 feet to a 1-1/2 inch iron pipe; thence West 210 feet to a 1 inch iron pipe, the true point of beginning of the parcel herein described, and the northeast corner thereof; thence West 100 feet to a similar iron pipe; thence North 226.27 feet to a 1-1/2 inch iron pipe; thence South 79° 24' East 101.74 feet to a 2 inch iron pipe; thence South 207.55 feet to the point of beginning.

(continued)
(i) All that portion thereof described in deed to Blanche L. Pollock, by deed recorded November 17, 1950 in Book 239 page 174 Official Records, as follows:

BEGINNING at a one inch iron pipe in rock mound marking the Southeast corner of Lot 4 of Section 14, Township 12 North, Range 17 East, M.D.B.&M., and running thence South 89° 51' West 109.79 feet along the Section line between said Sections 14 and 23 to a one inch iron pipe; thence along the Easterly boundary of "Community Landing and Pathway" South 3° 24' East 170.7 feet to a one inch iron pipe; thence leaving the said "Community Landing and Pathway" and running East 84.52 feet to a two inch iron pipe; thence North 109.15 feet to the point of beginning.

(j) All that portion thereof described in deed to Alfred J. Fisher, et al., by deed recorded January 10, 1952 in Book 304 at page 260 Official Records, and as corrected in Book 394 at page 3 Official Records, as follows:

BEGINNING at a point in the Easterly boundary of the realty herein described, from which point the Southeast corner of Lot 4, Section 14, Township 12 North, Range 17 East, M.D.B.&M., bears South 88° 25' 20" East 229.45 feet; thence from point of beginning North 17° 42' West 101.96 feet to a 1-1/2 inch iron pipe; thence North 57° 02' East 113.16 feet to a 1 inch iron pipe; the Northeast corner of the parcel herein described; a point in the westerly boundary of a community landing and pathway; thence along said boundary South 17° 42' East 89.96 feet, a 1-1/2 inch iron pipe; thence South 09° 56' East 79.94 feet; a 1-1/2 inch iron pipe; thence South 06° 34' East 170.44 feet to a point in the centerline of a 12 foot right of way; thence leaving said westerly boundary of Community landing and pathway, and along said centerline of right of way North 89° 10' West 74.54 feet to Southwest corner of parcel herein described; thence leaving said centerline of said right of way North 17° 42' West 178.39 feet to point of beginning.

(k) All that portion thereof described in deed to Frances I. Price, recorded April 9, 1952 in Book 307 at page 234 Official Records, as follows:

BEGINNING at the Northwest corner of that certain tract of land described as the exception in deed dated August 6, 1925, executed by Herbert P. Blanchard, and others, to Harriet Frederica Price, unmarried, and Frances Price Street, and recorded August 17, 1925, in the office of the Recorder of El Dorado County, in Book 102 of Deeds, at page 404, from which an iron pipe monument set in concrete, marking the quarter corner common to Sections 14 and 23, bears South 03° 12' 15" East 120.85 feet and thence South 89° 53' 15" East 429.93 feet; thence from said point of beginning North 03° 12' 50" West 14.93 feet; thence South 26° 28' 10" West 106.86 feet; thence South 76° 10' 30" West 72.03 feet; thence North 40° 34' 20" West 65.30 feet to a point on the centerline of "Glenn Alpine Creek"; thence along the said centerline North 22° 26' 35" East 60.06 feet; thence North 67° 34' 25" East 9.00 feet to a white stake stamped "R. E. 2675" set on the Eastern bank of said Glenn Alpine Creek; thence continuing North 67° 34' 25" East 412.67 feet to a white stake

(continued)
stamped R.E. 2675; thence continuing North 67° 34' 25" East 15.00 feet to a point on the Westerly shore line of Fallen Leaf Lake, said point being the Northeasterly boundary of said Lot 5; thence along the said Northeasterly boundary of said Lot 5 and along the Westerly shore line of said Fallen Leaf Lake, following the meandering thereof South 32° 14' 40" East 109.06 feet to a point on the Northerly boundary of said Tract of land hereinafter referred to as the exception; thence along said Northerly boundary the following two courses and distances: South 41° 56' 45" West 15.00 feet to a white stake stamped R.E. 2675 and thence continuing South 41° 56' 45" West 135.30 feet; thence South 68° 05' 45" West 180.00 feet to the point of beginning.

(1) All that portion thereof described in deed to Harriet F. Craven, by deed recorded April 9, 1952 in Book 307 page 237 Official Records, as follows:

BEGINNING at a point from which the Northwest corner of that certain property described as an exception in a deed dated August 6, 1925, executed by Herbert P. Blanchard, and others, to Harriet Frederica Price, unmarried, and Frances Price Street, and recorded August 17, 1925, in the office of the Recorder of El Dorado County, in Book 102, at page 404, bears South 03° 35' 30" East 16.77 feet; thence South 13° 11' 34" East 150.51 feet and thence South 68° 05' 45" West 14.44 feet; said Northwest corner being located North 89° 53' 15" West 429.58 feet and North 03° 12' 15" West 128.85 feet from an iron pipe monument set in concrete marking the quarter corner common to Sections 14 and 23; thence from said point of beginning, South 67° 34' 25" West 180.30 feet to a white stake stamped R.E. 2675 on the Easterly bank of Glenn Alpine Creek; thence continuing South 67° 34' 25" West 9.00 feet to a point on the centerline of said Glenn Alpine Creek; thence along said centerline North 17° 13' 30" West 128.63 feet; thence North 69° 39' 40" East 12.00 feet to a white stake stamped R.E. 2675; thence continuing North 69° 39' 40" East 363.03 feet to a white stake stamped R.E. 2675; thence continuing North 69° 39' 40" East 12.00 feet to a point on the Westerly shore line of Fallen Leaf Lake, said point being on the Northeasterly boundary of said Lot 5; thence along said Northeasterly boundary and along the Westerly shore line of said Fallen Leaf Lake, following the meanderings thereof, South 40° 58' East 120.25 feet; thence South 67° 34' 25" West 15.00 feet to a white stake stamped R.E. 2675; thence continuing South 67° 34' 25" West 232.37 feet to the point of beginning.

(m) All that portion thereof described in deed to William Price Craven, by deed recorded April 9, 1952 in Book 307 page 240 Official Records, as follows:

BEGINNING at a point from which the Northwest corner of that certain property described as an exception in a deed dated August 6, 1925, executed by Herbert P. Blanchard, and others, to Harriet Frederica Price, unmarried, and Frances Price Street, and recorded August 17, 1925, in the office of the Recorder of El Dorado County, in Book 102, at page 404, bears South 03° 35' 30" East 143.69 feet; South 13° 11' 34" East 150.51 feet and South 68° 05' 45" West 14.44 feet, said Northwest corner being located North 89° 53' 15" West 429.58 feet and North 03° 12' 15"
West 128.85 feet from an iron pipe monument set in concrete marking the quarter corner common to Sections 14 and 23; thence from said point of beginning South 69° 39' 40" West 206.76 feet to a white stake stamped R.E. 2675; thence continuing South 69° 39' 40" West 12.00 feet to a point on the centerline of Glenn Alpine Creek; thence along said centerline North 04° 40' 25" East 167.18 feet to a point from which a white stake stamped R.E. 2675 bears North 53° 21' 55" East 116.36 feet; thence continuing along the centerline of said Glenn Alpine Creek, North 22° 13' 50" East 198.24 feet to a point on the Westerly shore line of Fallen Leaf Lake, said point being on the Northeasterly boundary of said Lot 5; thence along said Northeasterly boundary and along the Westerly shore line of said Fallen Leaf Lake, following the meanderings thereof, the following three courses and distances: South 43° 20' 35" East 87.81 feet to a point from which a white stake stamped R.E. 2675 bears South 27.00 feet; thence South 64° 26' 05" East 141.68 feet to a point from which a white stake stamped R.E. 2675 bears South 45° 00' West 6.00 feet; thence South 43° 34' 30" East 125.06 feet; thence leaving said Westerly shore line and Northeasterly boundary of said Lot 5, South 69° 39' 40" West 12.00 feet to a white stake stamped R.E. 2675; thence continuing South 69° 39' 40" West 156.27 feet to the point of beginning.

(n) All that portion thereof described in deed to William R. Rogers, et ux., recorded September 19, 1952 in Book 315 page 467 Official Records, as follows:

BEGINNING at a one inch iron pipe in rock mound, the Southeast corner of Lot 4, Section 14, Township 12 North, Range 17 East, M.D.B.&M., running thence South 169.15 feet to a 2 inch iron pipe, the Northeast corner of the parcel to be described; thence West 110.0 feet to a one inch iron pipe; thence South 200.0 feet to a one inch iron pipe; thence East 110.0 feet to a 1-1/2 inch iron pipe; thence North 200.0 feet to the 2 inch iron pipe, the point of beginning.

(o) All that portion thereof described in deed to Frances I. Price Street, recorded August 4, 1955 in Book 365 page 557 Official Records, as follows:

BEGINNING at a point on the line common to Sections 14 and 23, Township 12 North, Range 17 East, M.D.B.&M., from which an iron pipe monument, set in concrete, marking the quarter corner common to said Sections 14 and 23, bears South 89° 53' 15" East 429.58 feet, said point of beginning being also the Southwest corner of that certain tract of land described as the exception in a deed dated August 6, 1925, executed by Herbert P. Blanchard, and others, to Harriet Frederica Price, unmarried, and Frances Price Street, and recorded August 17, 1925, in the office of the Recorder of El Dorado County, in Book 102 of Deeds, page 404; thence from said point of beginning; along the Westerly line of the above mentioned Exception North 03° 12' 15" West 123.85 feet to the Northwest corner of said Exception, said Northwest corner of said Exception being also the point of beginning of that certain parcel of land described in a deed dated March 31, 1952, and recorded April 9, 1952, in Book 307 of Official Records of (continued)
El Dorado County, at page 234, executed by Harriet F. Craven, and others to Frances I. Price Street; thence along the boundary of said parcel of land conveyed to Frances I. Price Street, North 03° 12' 50" West 14.98 feet; thence South 86° 30' 10" West 106.86 feet; thence South 76° 15' 30" West 72.03 feet to the most Southerly corner of said parcel of land conveyed to Frances I. Price Street; thence South 19° 55' 45" East 127.33 feet to a point on the line common to said Sections 14 and 23; thence continuing South 19° 55' 45" East 37.00 feet; thence North 86° 19' East 81.21 feet; thence North 21° 50' 30" East 82.19 feet to the point of beginning.

(p) All that portion thereof described in deed to Frances I. Price Street, recorded October 17, 1955 in Book 369 page 552 Official Records, as follows:

BEGINNING at a point from which a 1 inch iron pipe found in a rock mound marking the Southeast corner of Lot 4, Section 14, Township 12 North, Range 17 East, M.D.B.&M., bears South 88° 10' East 110.00 feet, and North 01° 50' East 109.15 feet; which said point of beginning is marked by an iron pipe set at the Northwest corner of a tract of land described in a Deed dated September 19, 1952, executed by Harriet F. Craven, et al., to William R. Rogers, et al., and recorded in the office of the Recorder of El Dorado County, California, on October 27, 1952, in Book 315 Official Records of El Dorado County, at page 467; thence from said point of beginning North 85° 10' West 59.64 feet; thence North 77° 34' West 41.06 feet to an iron pipe set at the Northeasterly corner of a tract of land described in a deed dated July 2, 1947; executed by Harriet F. Craven, et al., to Robert E. Reed, et al., which said Deed was recorded in the office of the Recorder of El Dorado County, California, July 15, 1947 in Book 242 of Official Records of El Dorado County, at page 271; thence South 01° 50' West 207.55 feet along the Easterly boundary of said Tract of land conveyed to said Robert E. Reed, et al., to a 1 inch iron pipe; thence South 88° 10' East 100.00 feet to a 1 inch iron pipe marking the Southwesterly corner of said tract of land conveyed to said William R. Rogers, et al.; thence North 01° 50' East 200.00 feet along the Westerly boundary of said tract of land conveyed to said William R. Rogers, et al., to the point of beginning.

(q) All that portion thereof described in deed to William Maderious, et ux., by deed recorded November 8, 1955 in Book 371 page 190 Official Records, as follows:

BEGINNING at the Southeast corner of the parcel herein described, being identical with the Southeast corner of Lot 4, Section 14, Township 12 North, Range 17 East, M.D.B.&M., and marked by a one inch iron pipe in a rock mound; thence North 83° 25' 20" West 109.74 feet along the Southerly boundary of said Lot 4, (which is also the Northerly boundary of a tract of land described in a Deed dated November 30, 1950, executed by Harriet F. Craven, et al., to Blanche L. Pollock and recorded in the office of the Recorder of El Dorado County, California, on November 17, 1950, in Book 289 of Official Records, at Page 174) to a one-inch iron pipe set in the Easterly boundary (continued)
of a right of way designated as "Community Landing and Pathway" on that certain Record of Survey made by Joseph E. Spink, Engineer, and recorded in the office of the Recorder of El Dorado County, California, on September 21, 1954, in Book 1 of Surveys, Map No. 70; thence leaving said South boundary of said Lot 4 and along the Easterly boundary of said right of way, North 09° 56' West 32.00 feet to a one-inch iron pipe; thence North 01° 50' East 61.39 feet to a 3/4 inch iron pipe set in the center of a roadway designated on said Record of Survey as "State Highway"; thence continuing North 01° 50' East 45.05 feet to a one-inch iron pipe; thence leaving said Easterly boundary of said "Community Landing and Pathway", North 36° 16' 20" East 208.12 feet to the most Northerly corner of the parcel herein described, a point in the Easterly boundary of said Lot 4; thence along said Easterly boundary of said Lot 4, South 01° 22' West 47.20 feet to a 3/4 inch iron pipe set in the center of said "State Highway"; thence continuing along said Easterly boundary of said Lot 4, South 01° 22' West 307.06 feet to the point of beginning.

(r) All that portion thereof described in deed to Stanford Camp Association, a California corporation, recorded October 3, 1965 in Book 760 at page 231, Official Records, as follows:

BEGINNING at the Northwest corner of the lands of Peirce as shown and so delineated on that certain map entitled Record of Survey, Parcels of Land located in Lots 4 and 5, Sections 14, and in the Northwest quarter of Section 23, Township 12 North, Range 17 East, M.D.&.M., recorded in Book 1 of Surveys at page 71, Official Records of El Dorado County, California; thence from said point of beginning North 0° 35' 39" West 349.30 feet to a 3 inch x 3 inch redwood stake identified as Northwest corner Lot 5, Section 14; thence North 56° 42' 21" East 35.09 feet to a point on the shoreline of Fallen Leaf Lake; thence along said shoreline as follows: South 17° 43' West 44.90 feet, South 42° 17' East 173.00 feet, North 71° 12' East 139.33 feet, South 21° 17' East 96.00 feet, South 15° 29' West 24.00 feet, South 60° 15' East 67.00 feet, South 7° 11' 14" West 154.00 feet, North 87° 12' East 42.00 feet, South 50° 04' East 64.00 feet, to Point A, thence South 01° 33' East 95.00 feet, South 18° 32' East 116.00 feet, South 17° 39' West 35.00 feet, and South 76° 20' West 13.00 feet; thence leaving said shoreline North 79° 46' 41" West 137.88 feet, to Point B; thence South 86° 54' 23" West 87.11 feet; thence South 72° 01' 40" West 112.74 feet to the most Easterly corner of the lands of Miller as shown on said Record of Survey; thence North 6° 37' 00" West along said lands of Miller 113.35 feet; thence North 42° 15' 30" West along the Northwesterly line of said lands of Miller 173.95 feet; thence South 68° 13' 39" West along the Northwesterly line of said lands of Miller 135.02 feet; thence North 2° 11' 30" East along the Easterly line of said lands of Miller 55.00 feet; thence South 79° 39' 30" West along the Northerly line of said lands of Peirce 144.00 feet to the point of beginning.

(a) All that portion thereof described in deed to Protestant Episcopal Bishop of Northern California, a corporation (continued)
sole, recorded December 24, 1966 in Book 610 page 605 Official Records, as follows:

That portion of Sections 14 and 23, Township 12 North, Range 17 East, M.D.B.&M., described as follows:

BEGINNING at a point on the section line between said Sections 14 and 23, from which iron pipe monument set in concrete marking the quarter corner common to said Sections bears South 89° 53' 15" East 938.90 feet; and running from said point of beginning North 06° 13' East 90.00 feet to an 1-1/2 inch iron pipe, thence South 82° 59' 40" East 143.33 feet to an 1-1/2 inch iron pipe, thence South 04° 02' 20" West 161.02 feet to an 1-1/2 inch iron pipe; thence North 39° 45' 50" West 150.25 feet to an iron pipe; thence North 06° 13' East 80.53 feet to the point of beginning.

(t) All that portion thereof described in deed to Duncan A. McLeod, Jr., recorded January 29, 1967 in Book 619 pages 603 and 604 of Official Records, as follows:

PARCEL NO. 1:
All that portion of Lot 4 of Section 14 and of the Northwest quarter of the Northeast quarter of Section 23, Township 12 North, Range 17 East, M.D.B.&M., described as follows:

BEGINNING at the Southeast corner of said Lot 4, marked by a 1 inch pipe in rock mound; thence South 169.15 feet and West 84.02 feet to the true point of beginning; thence from said true point of beginning West 10.21 feet; thence North 8° 24' West 170.67 feet; thence North 11° 46' West 79.73 feet; thence North 19° 32' West 89.86 feet to the shore of Fallen Leaf Lake; thence along the shore of said Lake North 58° 38' East 46.72 feet; thence South 107.04 feet; thence South 11° 46' East 81.6 feet; thence South 8° 24' East 170.7 feet to the true point of beginning.

PARCEL NO. 2:
All that portion of Lot 4 of Section 14, Township 12 North, Range 17 East, M.D.B.&M., lying between the Northerly prolongation of the Easterly and Westerly lines of Parcel No. 1 above described, and between the Northerly line of said Parcel No. 1 and the ordinary low water line of Fallen Leaf Lake.

(u) All that portion thereof described in deed to William Price Craven and Barbara Granger Craven, husband and wife, as Joint Tenants, by deed recorded October 13, 1966 in Book 807 page 614 Official Records, as follows:

"All that portion of Lot 5, Section 14, Township 12 North, Range 17 East, M.D.B.&M., described as follows:

BEGINNING at the most Northerly corner of that certain Record of Survey entitled 'Parcels of Land Owned by Craven and Street' recorded in the Office of the Recorder of El Dorado County in Book 1 of Surveys, Map No. 51; thence from said point of beginning (continued)"
along the Westerly boundary of said Record of Survey the following four (4) courses and distances: (1) South 22° 13' 50" West 193.24 feet, (2) South 04° 40' 25" West 167.13 feet, (3) South 17° 13' 30" East 123.63 feet, and (4) South 22° 28' 35" West 60.03 feet; thence North 76° 08' 56" West 304.33 feet to the most Southerly corner of that certain parcel of land designated "Robert M. Price" as shown on that certain Record of Survey entitled "Parcel of Land located in Lots 4 and 5 of Section 14 and in the Northwest quarter of Section 23, Township 12 North, Range 17 East, "D.D.3 M.," recorded in the office of said Recorder in Book 1 of Surveys, Map No. 71 from which a one and one-half inch iron pipe monument bears North 27° 52' 40" East 51.44 feet; thence along the Easterly boundary of said Record of Survey the following six (6) courses and distances: (1) North 27° 52' 40" East 170.53 feet to a three-quarter inch iron pipe monument, (2) North 25° 06' 00" East 59.50 feet to a one-quarter inch iron pipe monument, (3) North 25° 26' 00" West 106.80 feet to a one-and-one-half inch iron pipe monument, (4) North 19° 38' 50" West 56.83 feet to an iron pipe monument, (5) North 24° 54' 50" West 64.22 feet to an iron pipe monument, and (6) North 19° 13' 40" East 35.92 feet to a one-half inch iron pipe monument; thence North 72° 01' 40" East 112.74 feet; thence North 86° 54' 23" East 87.11 feet; thence South 79° 46' 41" East 137.83 feet; thence South 66° 43' 59" East 15.54 feet to the point of beginning." Said property comprises 76.87 acres and is reclassified from Low Density Residential and General Forest to Conservation Reserve.

Section 3.00 Severability

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

Section 4.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING: July 25, 1979

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

Jim Henry, Chairman
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 79-

AN ORDINANCE AMENDING ORDINANCE NO. 4 OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED, PERTAINING TO THE COVERAGE ALLOWED CERTAIN DEVELOPMENTS.

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 in order to more adequately effectuate the adopted Regional Plan, it is necessary to adopt this ordinance amending the Land Use Ordinance to change the coverage allowed certain condominium developments. The Governing Body further finds said amendment is in compliance with the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00  Amended Section 9.23

Section 9.23 of Ordinance No. 4, as amended, is hereby amended to read as follows:

"The following land coverage limitations, if greater than the percentages otherwise allowed in the land capability districts in which the lot or parcel in question is located, in the following use districts shall apply to:

(a) existing lots or parcels of record as of February 10, 1972, that are two (2) acres or less in size [and that are located in the following use districts:]; and

(b) tentative condominium maps on lots or parcels which on February 10, 1972, were two (2) acres or less in size:

<table>
<thead>
<tr>
<th>Use District</th>
<th>Land Coverage Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Density Residential</td>
<td>35%</td>
</tr>
<tr>
<td>High Density Residential</td>
<td>50%</td>
</tr>
<tr>
<td>Medium Tourist Residential</td>
<td>35%</td>
</tr>
</tbody>
</table>
Section 3.00   Effective Date

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

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at its regular meeting held 1979, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Chairman

FIRST READING:    July 25, 1979

SECOND READING:
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO.

AN ORDINANCE ESTABLISHING STANDARDS AND PROCEDURES FOR THE REVIEW AND APPROVAL OF INDIRECT SOURCES OF AIR POLLUTION

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

Section 1.00 Findings

1.10 The Governing Body of the Tahoe Regional Planning Agency ("Agency") finds that the Tahoe Region, as defined in the Tahoe Regional Planning Compact ("Tahoe Region"), has been designated by the State of Nevada, the State of California and the Environmental Protection Agency as a nonattainment area for carbon monoxide.

1.20 The Governing Body further finds that there is evidence that increased use of vehicles contributes to the degradation of air quality by directly contributing to this pollutant.

1.30 The Governing Body further finds that there is, and likely will continue to be, serious traffic congestion upon major arterial highways and roads in the Tahoe Region.

1.40 In view of the foregoing, the Governing Body further finds that in order to properly effectuate and implement the adopted Regional Plan of the Tahoe Regional Planning Agency and still provide for the maintainence of air quality in the region as mandated by Article VI(a) of the Tahoe Regional Planning Compact, it is necessary to determine the potential impact of proposed land use activities on air quality, and provide for the mitigation of significant air quality degradation which may result from such activities.

Section 2.00 General Provisions

2.10 Compliance

Construction, alteration and use of any structure within the Region shall be in compliance with the terms of this ordinance. 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.

Section 3.00 **Permit Standards**

3.10 No permit shall be approved for any new or modified indirect source as defined in Section 4.00, or any portion thereof unless:

(1) The source or applicable portion thereof complies with the provisions of this rule and all other applicable local, state, and federal air quality rules and regulations.

Section 4.00 **Definitions**

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

**Indirect Source** - For purposes of this ordinance any facility, building, structure, installation, real property, road or highway which attracts or may attract mobile sources of pollution (motor vehicles), or serves as a trip end for motor vehicles and requires review by the Tahoe Regional Planning Agency pursuant to Section 7.12 of the TRPA Land Use Ordinance shall be considered an indirect source requiring compliance with this ordinance.

**Nonattainment Designation** - A designation made by either the State of California or the State of Nevada which is ratified by the U.S. Environmental Protection Agency identifying the Region or a portion thereof as an area which does not meet federal ambient air quality standards for a specified pollutant(s).

**Vehicle Trips** - A vehicle trip shall be considered to be a single vehicle movement from one point to another.

**Vehicle Trip Generation** - For purposes of calculation, trip generation from residential or tourist residential units shall be considered to be the total number of vehicle trips anticipated from persons occupying such units. For Commercial and other uses, trip generation shall be considered to be the total number of vehicle trips to and from the project site.
Section 5.00 Applicability

5.10 Exemptions

TRPA shall exempt from indirect source review:

a. Any single family residence or modification thereof on any legal lot or parcel.

b. Any source or modification thereof which has received formal approval and necessary building and construction permits by the effective date of this ordinance. In the event that such a proposed source which received formal approval is substantially modified with the result of increased trip generation potential, or is not constructed in conformance with the approved plans, the proposed source is no longer exempt and must undergo review pursuant to the criteria set forth hereinafter.

Section 6.00 Permit Procedures

6.10 Any proposal for which an indirect source review is required under the terms of this ordinance must be reviewed and approved by the Governing Board of the Tahoe Regional Planning Agency.

6.11 For such review, the process prescribed in the TRPA Land Use Ordinance shall be followed, with the addition that the applicant shall provide the evaluation required pursuant to Section 7.00 (Traffic and Air Quality Evaluation) and the TRPA action on such proposal shall conform to the requirements of Section 8.00 (Mitigation).

6.20 TRPA may charge the applicant a filing fee sufficient to cover the cost of analysis of the Applicants Air Quality Evaluation.

6.30 Upon receipt of any application requiring an indirect source review, the TRPA shall forward notice of such application to the Nevada Division of Environmental Protection and the California Air Resources Board, plus any local air pollution control district within whose boundary the project is to be located. Additionally, the TRPA shall make available to any agency so notified any additional information supplied regarding the subject application. The notice forwarded by TRPA pursuant to this section shall specify the proposed date of Governing Board action on the subject application and shall specify a final date for receipt of comment upon the subject application. Such date shall be not less than two weeks prior to the scheduled date of action.
Section 7.00 Traffic and Air Quality Evaluation

7.10 Any proposal for which an indirect source review is required under the terms of this ordinance shall submit as a minimum the following information:

a. The name and address of the applicant.

b. The name, address, and location of the source.

c. A description of the proposed source, including the normal hours of operation of the facility, the general types of activities to be performed therein, and anticipated trip generation.

d. A map showing the location of the source and the topography of the area, including existing principal streets, roads, and highways, and traffic control facilities within three miles of the source.

e. A site plan showing the location and amount of associated parking, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

7.20 If TRPA staff determines on the basis of the above information that a potential exists for significant impacts as a result of vehicle trips associated with the proposed project, the applicant may be required to submit any of the following additional information:

a. An identification of the principal roads, highways, and intersections both within the region and leading to the region that will be utilized by traffic generated by the proposal, and an estimate of the traffic volumes contributed to the roadways, highways and intersections by the proposal.

b. An estimate of the summer and winter peak month traffic volumes, maximum traffic volumes for 1-hour and 8-hour periods, average travel speeds at the locations identified in Sub-section a, for the first year after the substantial completion and operation of the proposed project.

c. An estimate of the nature and amount of the total vehicular emissions which may contribute to pollutant(s) for which the region has been designated nonattainment, and for such other pollutants as may be required by the Agency. Such estimate shall reflect the total traffic generated by the proposal (as defined in Section 4.00) and shall provide identification of emissions associated with the traffic assessments contained in a and b, above.
d. Information pertaining to the location, design, construction, and operation of the facility.

e. An estimate of additional residential, commercial, and industrial development which may occur as a result of such construction or modification (secondary growth).

f. The availability of existing and projected mass transit to service the site.

g. Any additional information or documentation that the TRPA deems necessary to determine the air quality impact of the source, including the submission of measured air quality data at the proposed site prior to construction or modification, air quality impacts of construction, or an identification of the cumulative effect of the proposed project or any similar projects.

7.20 Where a proposal is to be constructed in phases, the information required by this section shall be submitted for the entire project (all phases) to facilitate assessment of the project as a whole.

Section 8.00 Mitigation

8.10 TRPA shall not approve any proposal if the air quality evaluation documents that the project will interfere with the attainment or maintenance of applicable state or national ambient air quality standards for any pollutant for which a plan has been adopted by TRPA, unless the applicant agrees as a permit condition to provide and/or contribute to the provision of mitigation measures which TRPA determines can reasonably be anticipated to reduce indirect emissions from the proposed source or from an existing source by an amount sufficient to preclude any contribution by the proposed project to the violation of the subject state or national ambient air quality standard, and may include, but shall not be limited to:

a. Supporting the provision of public transit (i.e., financial assistance, providing public transit passes to customers or employees, providing sheltered bus stops or bus turn-out lanes).

b. Provision of private mass transit for employees or customers.

c. Provision or expansion of telephone order and delivery services.

d. Traffic flow improvements which have the ability of improving or decreasing emissions at or adjacent to the site of the proposed construction or modification.
Section 9.00 Variances

Variances from the terms of this ordinance may be granted by the Agency Governing Board only if it is found that because of special circumstances applicable to the property involved a strict application deprives such property of privileges or safety enjoyed by other similarly situated property, or where it is found that there exists overriding concerns of public health, safety or welfare which warrant exemption from strict application of this ordinance.

Section 10.00 Violation of Ordinance

Violation of any provision of this ordinance shall be a misdemeanor. Upon notification of such violation, each day's violation subsequent to notification shall constitute a separate offense.

Section 11.00 Effective Date

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

FIRST READING:

SECOND READING:

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

Ayes: 

Nays: 

Abstain: 

Absent: 

Jim Henry, Chairman
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE 79-

AN ORDINANCE AMENDING ORDINANCE NO. 24 OF THE TAHOE REGIONAL PLANNING AGENCY RECODIFYING CERTAIN PROVISIONS RELATING TO THE PLACEMENT OF SIGNS AND REGULATING THE PLACEMENT AND REMOVAL OF POLITICAL SIGNS.

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 in order to more adequately effectuate the adopted Regional Plan, it is necessary to adopt this ordinance amending Ordinance No. 24, the Sign Ordinance of the Tahoe Regional Planning Agency, to recodify and properly place certain provisions of other ordinances pertaining to signs and to regulate the placement and removal of political signs.

The Governing Body also finds that this amendment is necessary and desirable to maintain the natural scenic quality of the region and to effectuate the adopted Regional Plan. The Governing Body further finds that said amendment is in compliance with the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00    Additions To Section 3.00, The Definitions Section

Section 3.00, the Definitions section of Ordinance No. 24, is hereby amended by adding thereto the following definitions:

"On-Premise Signs - A sign advertising or otherwise relating to any business product or activity being conducted or produced on the lot or parcel on which the sign is located or a sign advertising a business or activity being conducted within an integrated commercial complex and located on property within that commercial complex. Permitted on-premise signs shall not exceed the height limits established
Section 3.00 Prohibition On The Attachment Of Signs To Vegetation

Section 4.00 of Ordinance No. 24 is hereby amended to read as follows:

"All off-premise signs are prohibited within the Lake Tahoe Region. The attachment of any sign to any tree or to any other natural vegetation within the Region is prohibited."

Section 4.00 Addition Of Section 10.00 Pertaining To Political Signs

There is hereby added to Ordinance No. 24 Section 10.00 ending as follows:

"Section 10.00 Political Signs

Notwithstanding the provisions of Sections 5.00 and 6.00 hereof, political signs shall be placed and removed only as follows:

(1) No sign shall be placed or erected on any premises within the Region without the consent of the owner or occupant of such premises.

(2) No sign shall be placed or erected more than twenty-one (21) days prior to the date of the election to which such sign relates except as provided in Section 10.00(3).

(3) All signs shall be removed within seven (7) days after the election to which any such sign relates except when the General Election is within sixty (60) days of the Primary Election. When the General Election occurs as provided above, the winners of the Primary Election shall be allowed to maintain the subject sign until seven (7) days after the General Election. It is the responsibility of the owners and occupants of the premises on which any such sign is situate to assure timely sign removal; provided, however, that the timely removal of any such sign placed or erected on any premises without the consent of the owner or occupant thereof shall be the responsibility of the person or persons placing or erecting such sign and the owners and occupants of such premises.

(4) A political sign shall not exceed twelve (12) square feet in total sign face area."
Section 5.00 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 its regular meeting held by the following vote:

Ayes:

Nays:

Abstain:

Absent:

__________________________________________
Chairman