TRPA
GOVERNING BOARD
PACKETS

FEBRUARY
1979
NOTICE OF MEETING OF THE
GOVERNING BODY OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on February 28, 1979 at 10:00 a.m.
at the North Tahoe Recreation and Visitors Center, located at 8318 North Lake
Boulevard, in Kings Beach, California, the Governing Body of the Tahoe
Regional Planning Agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: February 16, 1979

By: James J. Jordan
   Executive Director
   Tahoe Regional Planning Agency
<table>
<thead>
<tr>
<th>Agenda Item</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent Calendar</td>
<td>Approved</td>
</tr>
<tr>
<td>Lake Tahoe Resort and Racquet Club, Administrative Permit for a 212 Room Hotel, Washoe County</td>
<td>Denied</td>
</tr>
<tr>
<td>Lakeside Community Hospital, Administrative Permit, Washoe County</td>
<td>Approved with findings and conditions</td>
</tr>
<tr>
<td>Southwood Glen, Administrative Permit for a 14 Unit Apartment, Washoe County</td>
<td>Approved with conditions</td>
</tr>
<tr>
<td>Boatworks, Modification of a Condition of Approval for an Administrative Permit for a Marina, Placer County</td>
<td>Continued to March at applicant's request</td>
</tr>
<tr>
<td>Sahara Tahoe, Modification of Conditions of Approval for an Administrative Permit for a Parking Garage, Douglas County</td>
<td>Continued to March at applicant's request</td>
</tr>
<tr>
<td>Harvey's Resort Hotel, Compliance with Previous Approval, Douglas County</td>
<td>Motion failed to accept the staff recommendation for the Governing Body to review the proposed modifications (in conjunction with pedestrian undercrossing to Harrah's Tahoe) under Section 7.12(4) of the Land Use Ordinance which requires an administrative permit for substantial modification to a commercial development of 3 or more acres. Motion carried to find that the proposed modifications are in substantial compliance with the 1973 Harvey's master plan.</td>
</tr>
<tr>
<td>General Plan Amendment</td>
<td></td>
</tr>
<tr>
<td>- 2.26 Acres Owned by Ancel Casentini, Douglas County, General Commercial to Medium Density Residential</td>
<td>Approved with direction to staff to prepare implementing ordinance</td>
</tr>
<tr>
<td>- Fairway Pines Property, Washoe County, Low and High Density Residential to Medium Density Residential</td>
<td>Approved and ordinance approved for first reading</td>
</tr>
</tbody>
</table>
Action Sheet
TRPA Governing Body Meeting
February 28, 1979 - page two

Agenda Item

Adoption of Plan for the Attainment of Federal Air Quality Standards (Nonattainment Air Quality Plan)

The Governing Body urged that the Nevada Environmental Commission delay action on a nonattainment plan until after the March 28 TRPA Governing Body meeting. Should the Environmental Commission elect to take action on the Nevada portion of the plan prior to culmination of the bistate planning process, TRPA urges that such action be taken with the express reservation that any adopted plan would be reconsidered by the Commission when the bistate planning process is concluded. This recommendation is to be transmitted to the Nevada Environmental Commission by letter from Chairman Jim Henry.

Discussion of Policy on Grandfathering Shorezone Structures Constructed Prior to 1968

Approval of staff recommendation not to revise the Shorezone Ordinance at this time to grandfather all shorezone structures as of December, 1968. Staff was directed to initiate within the next six months an evaluation of the effectiveness of the Shorezone Ordinance for consideration by the Governing Body.

Determination on Agency Pierhead Line

Staff directed to prepare an ordinance recognizing the official pierhead line maps. A set of maps will be available at the March meeting showing both the Heikka pierhead line and the Williamson pierhead line.

Discussion on Processing Tentative Maps on Nonconforming Properties

No action was taken through failure to reach a dual majority vote from both states on a motion to express an intent to conform with the Land Use and Subdivision Ordinances with respect to processing tentative condominium maps on nonconforming properties.

Interpretation of Agency Action on Administrative Permit for Harrah's Parking Structure Regarding Connection to Loop Road

The Governing Body found that: 1) the opening of the Harrah's parking lot to the Loop Road was not a condition of approval to the parking garage; 2) Harrah's representation to the Board on January 24, 1979 that it intended to connect the parking lot to the Loop Road was a modification of the proposal before the Board, which modification was made prior to the Board's approval on January 25, 1979 of the parking structure.
Action Taken

3) if the connection to be made is different from the one depicted on Sheet 4 dated Aug. 7, 1978 which was before the Board on January 25, 1979, that application would be made to TRPA by Harrah's for an appropriate modification of the permit previously approved; 4) any construction pursuant to the approval or modification thereof should it be necessary shall be in compliance with the Grading Ordinance. All of the foregoing reflects the intention of the Governing Body at its January 25, 1979 meeting as to its action on this project.

Staff Report on Pending Matters

- Cumulative Environmental Impact Assessments
- Glenbrook Properties - Local Facilities Determination
- On-Premise Signs
- Stateline Marina Breakwater

To be on the March meeting agenda

Far West Ski Association Presentation

Continued to 9:00 a.m. Thursday, March 29.

Ordinances

- Second Reading of Grading Ordinance Amendments
- Second Reading of Ordinance Amending the Regional Plan to Incorporate as an Element the Lake Tahoe Basin Water Quality Management Plan
- Second Reading of Ordinance to Implement the 208 Plan
- Second Reading of Ordinances Amending Sections 7.103 and 7.13 of the Land Use Ordinance
- First Reading of Ordinance Establishing Indirect Source Review Standards and Procedures

Approved

Continued to March meeting

Approved

Continued to March meeting
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

North Tahoe Recreation and Visitors Center
8318 North Lake Boulevard, Kings Beach, California

February 28, 1979 10:00 a.m.
March 1, 1979 9:00 a.m.

NOTE: There will be a tour of the Tahoe-Truckee Sanitation Agency plant from 4:00 p.m. to 6:00 p.m. on February 28, 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. Lake Tahoe Resort and Racquet Club, Administrative Permit for a 212 Room Hotel, Washoe County

B. Lakeside Community Hospital, Administrative Permit, Washoe County

C. Southwood Glen, Administrative Permit for a 14 Unit Apartment, Washoe County

D. Boatworks, Modification of a Condition of Approval for an Administrative Permit for a Marina, Placer County

E. Sahara Tahoe, Modification of Conditions of Approval for an Administrative Permit for a Parking Garage, Douglas County

F. Harvey's Resort Hotel, Compliance with Previous Approval, Douglas County

VI GENERAL PLAN AMENDMENTS

A. 2.26 Acres Owned by Ancel Casentini, Douglas County, Fronting on Kingsbury Grade, from General Commercial to Medium Density Residential

B. Property Known as Fairway Pines Located at the Northeast Corner of Village Boulevard and Harold Drive, Washoe County, Nevada, From Low Density Residential and High Density Residential to Medium Density Residential

VII PLANNING AND POLICY MATTERS

A. Adoption of Plan for the Attainment of Federal Air Quality Standards (Nonattainment Air Quality Plan)
B. Discussion of Policy on Grandfathering Shorezone Structures Constructed Prior to 1968

C. Determination on Agency Pierhead Line

D. Discussion on Processing Tentative Condominium Maps On Nonconforming Properties

E. Interpretation of Agency Action on Administrative Permit for Harrah's Parking Structure Regarding Connection to Loop Road

VIII REPORTS

A. Staff Report on Pending Matters
   1. Cumulative Environmental Impact Assessments
   2. Glenbrook Properties - Local Facilities Determination
   3. On-Premise Signs
   4. Stateline Marina Breakwater

B. Appeals of Staff Decisions

C. Executive Session

D. Business Manager Report

E. Executive Director Report

F. Legal Counsel Report

G. Governing Body Members

H. Public Interest Comments
   1. Far West Ski Association Presentation

IX ORDINANCES

A. Second Reading of Grading Ordinance Amendments

B. Second Reading of Ordinance Amending the Regional Plan to Include the Lake Tahoe Basin Water Quality Management Plan as an Element of the Regional Plan

C. Second Reading of Ordinance Implementing the Lake Tahoe Basin Water Quality Management Plan

D. Second Reading of Ordinances Amending the Land Use Ordinance
   1. Section 7.103 to Allow Land Coverage Not to Exceed 50% in the Public Service Land Use District
   2. Section 7.13 to Clarify Calculation of Limitations on Building Height
E. First Reading of Ordinance Establishing Indirect Source Review Standards and Procedures

F. First Reading of Ordinance Amending the Regional Plan for Property Known as Fairway Pines, Reclassified to Medium Density Residential, Washoe County

X RESOLUTIONS

XI PENDING MATTERS

XII OTHER BUSINESS

XIII ADJOURNMENT

CONSENT CALENDAR

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<th>Item</th>
<th>Recommended Action</th>
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<td><strong>Clearinghouse</strong></td>
<td></td>
</tr>
<tr>
<td>U.S. Forest Service, Lake Tahoe Basin Management Unit Acquisitions, Placer County</td>
<td></td>
</tr>
<tr>
<td>1. 83.5 Acres 1/2 Mile West of Tahoe City</td>
<td>Support</td>
</tr>
<tr>
<td>2. 69.8 Acres 1/2 Mile North of Tahoe Vista</td>
<td>Support</td>
</tr>
<tr>
<td>3. .34 Acre 1 Mile North of Tahoe Pines</td>
<td>Support</td>
</tr>
<tr>
<td><strong>Public Works</strong></td>
<td></td>
</tr>
<tr>
<td>Nevada Department of Highways, Mt. Rose Highway (Rt. 27) Improvements, Washoe County</td>
<td>Support</td>
</tr>
<tr>
<td><strong>Agency Review</strong></td>
<td></td>
</tr>
<tr>
<td>Woodminster Tentative Map, Modification of Prior Approval to Permit Minor Building Relocation and Additional Land Coverage, Washoe County</td>
<td>Approval</td>
</tr>
<tr>
<td>North Shore Club, Modification of Condition of Approval Requiring Commencement of Construction Within 18 Months of TRPA Approval, Washoe County</td>
<td>Approval</td>
</tr>
<tr>
<td>Star Lake Investments Office Building, Administrative Permit for Replacement of Nonconforming Land Coverage, City of South Lake Tahoe</td>
<td>Approval</td>
</tr>
</tbody>
</table>
Clearinghouse
U.S. Forest Service

Acquisitions:
- 83.5 Acres 1/2 Mile West of Tahoe City, Placer County
- 69.8 Acres 1/2 Mile North of Tahoe Vista, Placer County
- .34 Acre 1 Mile North of Tahoe Pines, Placer County

Summary

The U.S. Forest Service is proposing to acquire approximately 154 acres of land in Placer County in three separate transactions. The acquisitions include 83.5 acres of land immediately adjacent to Tahoe City; 69.8 acres of land adjacent to the North Tahoe Public Utility District Regional Park in Tahoe Vista; and .34 acre parcel just north of Eagle Rock being donated to the Forest Service.

Tahoe Vista Property

This proposed acquisition abuts the North Tahoe Public Utility District Regional Park on the northerly and westerly boundaries of the park, with National Forest lands immediately to the east of the proposed acquisition. The subject property consists of approximately 13 acres of General Forest land, 14 acres of Recreation land, and 42 acres of Low Density Residential land. The property is relatively flat, with the exception of the General Forest section at the northwest corner of the property which is steep. The property is covered with native fir and pine trees.

TRPA Plans: The urban uses possible under the TRPA Land Use Plan would allow up to 170 units on the subject property, principally on the Low Density Residential land. This potential is reflected in the adopted Recreation Element, as well, which includes the subject property in the "Urban" classification, rather than the "Natural Environment Area" classification that would be more reflective of the intended dispersed recreation uses contemplated by the Forest Service. The adjacent Regional Park is identified as a day use recreation area on the adopted Recreation Plan, however, and the proposed uses under the Forest Service acquisition would compliment the day uses of the park by offering more extensive ski touring opportunities and similar pursuits.

Present Limitations on the Property: Although the TRPA Land Use Plan would permit approximately 170 units on the subject property, present sewer capacity limitations and the regulations on subdivision of land being imposed by the California Tahoe Regional Planning Agency severely constrain the practical development potential of the property.

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Tahoe City Property

This proposed acquisition abuts California State Park land to the north and National Forest land along a portion of the westerly property boundary. The subject property includes approximately 64 acres of land designated General Forest by the TRPA General Plan, and approximately 19 acres of Low Density Residential land. The property is moderately sloped with steeper terrain along the westerly boundary. The vegetative cover is primarily second growth pine and fir trees.

TRPA Plans: The Low Density Residential portion of the subject property would be allowed up to 76 residential units under the TRPA Land Use Ordinance, and is recognized as within the Tahoe City Urban Area under the adopted Recreation Element. The remainder of the property is identified on the Recreation Plan as being appropriate for maintenance as a natural environment area. The intended dispersed recreation use contemplated by the Forest Service is consistent with that identification.

Present Limitations on the Property: As with the Tahoe Vista property, present sewer capacity constraints and the regulations of the CTRPA combine to severely limit the potential for development of the subject property in the foreseeable future.

Tahoe Pines Property

This acquisition is a single General Forest parcel bounded on two sides by National Forest land, and is being donated to the Forest Service.

TRPA Plans: The subject property is designated General Forest on the TRPA General Plan, with a potential for one single family residence. The property is near both the Kaspian Day Use Area and the Blackwood Canyon Area, both of which are recognized as intensive recreation areas in the TRPA Recreation Plan. The subject property is identified as being appropriate for maintenance as a natural environment area.

Recommendation

TRPA staff recommends support of all three proposed acquisitions.

Advisory Planning Commission Recommendation

At the regular meeting of February 14, 1979 the Advisory Planning Commission recommended support of the subject acquisition.
Nevada Highway Department  
Widening of Mt. Rose Highway (SR 27)  
Washoe County

Project Description

The Nevada Department of Highways proposes to widen and repave 2.8 miles of the Mt. Rose Highway (SR 27). The currently proposed project begins at the intersection of SR 28 at Incline and connects an already improved section of SR 27 at Panoramic Point overlook, (see attached). Upon completion of the currently proposed project, roadway widening and resurfacing will be completed on SR 18 within the Tahoe Basin. The project is funded with Forest Highway Funds and incorporates substantial erosion and drainage controls which have been successfully demonstrated in the improvement of the adjoining section of highway.

Summary

The existing roadway on the 2.7 mile section of SR 27 will be widened from the present 26 foot paved surface to a 38 foot paved surface providing two 12 foot travel lanes with 7 foot paved shoulders. In addition, a 5 foot paved roadway ditch on a 6:1 slope will be constructed adjacent to cut and fill slopes. Extensive slope stabilization and drainage facilities conforming to the intent of the 208 Handbook of Best Management Practices are an integral part of the project. The project will utilize improved methods for slope stabilization and drainage developed during construction of an adjacent section of SR 27 which have been proven as effective management practices. The widening will closely follow the existing alignment and all work will be within the existing 200 feet right of way. A major benefit of the widening will be improved motorist safety. The project will also benefit water quality by stabilizing existing unstable slopes and correcting existing erosion problems within the highway right of way.

The proposed project includes two contracts. The first contract is for widening and repaving the existing highway, installing drainage structures and slope stabilization. A second contract will be in effect the year following initial construction for further slope stabilization, revegetation and providing for additional drainage facilities necessary to correct any drainage problems resulting from the project.

Slope Stabilization

A variety of methods are proposed to stabilize cut and fill slopes including:

1. 6" riprap with hydroseding on 2:1 cut slopes
2. Fiberglass roving, 2" surface duff and hydroseding on 3:1 and flatter cut slopes and on 6:1 fill slopes
3. Rock-filled gabions on 1-1/2:1 cut slopes
4. A concrete barrier curb placed at the toe of 1-1/1:1 cut slopes

2/7/79
5. Cut slopes with wire mesh treatment and concrete barrier curbs with and without underdrains.

6. Hydroteeading with fiberglass roving on 2:1 fill slopes

7. Gabion bench sections on cut slopes with and without concrete barrier curbs and underdrains.

8. Reinforced earth walls in limited areas of new earthen fill.

Previous Agency Action

An adjacent section of the Mt. Rose Highway (SR 27) was reviewed by TRPA in December, 1976. The APC provided favorable comment on the project and additionally recommended that the Nevada Highway Department pursue the commitment of annual Forest Highway Funds to help solve erosion control problems in the Tahoe Basin. The project currently under review by the Agency appears to contain the commitment sought by the APC since a substantial portion of the project cost is for erosion control and correction of drainage problems which result from the existing highway as well as new construction.

The Governing Body also forwarded favorable comments on the project with certain stipulations. All of the applicable stipulations of the earlier project have been incorporated into the design of the current project or otherwise provided for.

The Governing Body also recommended that a Public Hearing be conducted in the Incline area in its December 17, 1976 comment letter on the previous project. According to the Nevada State Highway Department, the Incline Village and Crystal Bay Advisory Committee have been involved in the current design phase and support the project.

Staff Recommendation

TRPA staff recommends that favorable comments be transmitted on the project with the following condition which has been agreed to by the applicant:

1. Final construction plans should indicate the precise areas of erosion controls and "v" ditches or other means to divert runoff away from cut slopes.

Advisory Planning Commission Action

At its regular February 14, 1979 meeting, the APC voted unanimously to support the project and further recommended that a letter be sent to Nevada commending the Nevada Highway Department for the job done to date on the Mt. Rose project.

2/7/79
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Woodminster Subdivision
Tentative Condominium Map
Modification of Prior Approval
Washoe County

Location and Description

The applicant, Osterlund Enterprises, represented by Milton Sharp of Sharp, Krater & Associates, Inc., is requesting Governing Board approval of a modification to the conditional approval granted by TRPA on June 28, 1978 for the Woodminster Subdivision. The project is located at the southwest corner of the intersection of Village Boulevard and Country Club Drive in Incline Village, Nevada. (See attachment #1) The project consists of 38 2- and 3-bedroom condominium townhouse units. There will be 38 covered parking spaces and 21 uncovered spaces.

The project was recently sold to a new owner. The new owner's architect has made some modifications to the proposed building and parking areas. The modifications will result in an increase of coverage over that approved by TRPA. The modifications do not result in any additional units or increase the proposed building heights.

Land Coverage

Below is a breakdown of the project's allowed coverage, approved coverage, and proposed coverage by land capability districts. (See attachment #2)

<table>
<thead>
<tr>
<th>Parcel IsD</th>
<th>Allowed Coverage Percent</th>
<th>Allowed Coverage Square Feet</th>
<th>Approved Coverage</th>
<th>Proposed Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>20%</td>
<td>3,120</td>
<td>3,018</td>
<td>No change</td>
</tr>
<tr>
<td>East</td>
<td>30%</td>
<td>27,990</td>
<td>20,154</td>
<td>21,996</td>
</tr>
<tr>
<td>West</td>
<td>30%</td>
<td>40,772</td>
<td>31,489</td>
<td>37,300</td>
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<tr>
<td>Totals:</td>
<td></td>
<td>71,882</td>
<td>54,661</td>
<td>62,314</td>
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</table>

The proposed modifications include increasing the size of some of the units, rearranging the proposed parking places to provide concentrated parking, redirecting access walkways to the relocated parking areas, and the addition of another access driveway to a relocated parking area.

Slope Stabilization

The proposed modifications will result in new cut and fill slopes, none of which will be substantial. These cuts and fills will be restabilized according to the submitted slope stabilization and revegetation plan.

Infiltration trenches will be placed around the revised parking areas. The trenches will be designed to handle all stormwater flows emanating from the paved parking areas.

2/15/79
Local Action

The Washoe County Regional Planning Commission approved the proposed modifications on January 5, 1979.

Recommendation

Agency staff recommends approval of the requested land coverage modifications with the following change to condition 18 of the June 28, 1978 approval:

"The maximum land coverage on the site after completion of the project shall not exceed the amounts of land coverage as stated in this staff summary and recommendation."

2/15/79
North Shore Club
Modification of Condition of Approval
for an Administrative Permit for a Hotel and
Parking Structure Addition, Washoe County

Background

The applicant, North Shore Club, Inc., represented by Gregg W. Zive, has requested a modification of a condition of approval for an administrative permit issued by the Governing Board on February 22, 1978. The administrative permit issued will expire if substantial work is not initiated within eighteen (18) months following Governing Board approval (August 22, 1979). The applicant has requested that Condition No. 9 of the administrative permit for a hotel and parking structure addition be modified to allow for additional time to initiate the project. The request is based on delays incurred by the applicant which are legitimately beyond his control due to litigation to determine the validity of approvals.

Requested Modification

North Shore Club requests that Condition No. 9 be modified to allow 18 months after obtaining a final resolution of litigation on the project for initiation of the project.

Staff Recommendation

Agency staff finds the request to be reasonable and recommends that Condition No. 9 of the subject approval be modified as follows:

"Except for delays in work directly resulting from litigation challenging the validity of any approval required for this project, this approval expires eighteen (18) months from the date of Governing Body approval unless substantial work has commenced on the project."

2/20/79
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Star Lake Investments
Administrative Permit for the
Replacement of Nonconforming Land Coverage
City of South Lake Tahoe

Project Summary

The applicant, Star Lake Investors, is requesting approval of a replacement of nonconforming land coverage on two parcels located in the City of South Lake Tahoe (Parcel Nos. 31-290-19 and 31-290-20). The project is located at the corner of Lodi Avenue and Highway 50, 1-1/2 miles east of the South Shore Y. The applicant proposes the construction of a 2-story office building with nine offices and 31 parking spaces. In order to proceed with the proposed construction, existing nonconforming land coverage on the two parcels must be removed. (See Attachment #1)

Land Use Classification

The property consists of two land use districts: 1.56 acres of General Commercial adjacent to Highway 50 and .45 acre of High Density Residential located on the rear portion of the project site. The proposed modifications occur only within the General Commercial area. (See Attachment #1)

Existing Land Coverage

The portion of the two parcels adjacent to Highway 50 is currently almost 100% covered with asphalt paving and concrete pads. It has been used as an overnight recreation vehicle parking area and automobile storage area for a nearby auto dealership. The back portion classified both High Density Residential and General Commercial contains an existing mobile home park.

Required Replacement

Under Section 9.21(3)(b) of the Land Use Ordinance: "Nonconforming land coverage other than a building may be replaced... by a building or an extension of an existing building only if other land coverage on the same parcel is removed in an amount which is the lesser of (i) the amount of land coverage created by such building or extension, or (ii) such amount of land coverage so that the total land coverage on the parcel complies with the land coverage limitations of the use and land capability districts within which the parcel is located". The applicant has proposed the removal of an amount of existing nonconforming coverage so that the total land coverage on the project site after completion will be under the 70% allowed in General Commercial. Following is a breakdown of the existing, allowed and proposed coverages within the General Commercial area:

<table>
<thead>
<tr>
<th></th>
<th>Square Feet</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing coverage</td>
<td>52,657</td>
<td>77.27</td>
</tr>
<tr>
<td>Allowed coverage</td>
<td>47,770</td>
<td>70</td>
</tr>
<tr>
<td>Proposed coverage</td>
<td>42,338</td>
<td>62.13</td>
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</tbody>
</table>

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Star Lake Investments  
Administrative Permit for the  
Replacement of Nonconforming Coverage  
Page Two

In order to achieve a site coverage reduction to 62% total land coverage, the applicant proposes to remove 10,313 square feet of existing land coverage.

Local Agency Action

The City of South Lake Tahoe Architectural Review Committee approved the negative declaration on environmental impact on March 7, 1978. The California Tahoe Regional Planning Agency conditionally approved the project on July 7, 1978.

Recommendation

Agency staff recommends the requested replacement of nonconforming coverage be approved.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Lake Tahoe Resort and Racquet Club
Administrative Permit for a 212 Room Hotel
Washoe County

Project Description and Location

The applicant, Jeffrey A. Lundahl, representing the property owner, Hubert A. Brugger, of Redwood City, California, is requesting an administrative permit as required under Section 7.12(14) of the Land Use Ordinance in order to construct a 212 room hotel and related facilities on the Tahoe Racquet Club property which is located on Tahoe Boulevard in Incline Village, Nevada. (See attachment #1) In addition to the administrative permit required under Section 7.12(14), the applicant is requesting an administrative permit as required under Section 9.21(3) of the Land Use Ordinance to be permitted to relocate existing nonconforming land coverage.

The total project area contains 13.51 acres and includes the total area of six Washoe County Assessor Parcels (Nos. 122-291-07, -10, -17, -19, -23, and -25), all of which are owned by Hubert A. Brugger, and 7,900 square feet of Assessor Parcel No. 122-291-03, a 2.69 acre parcel which is also owned by Mr. Brugger. (See attachment #2)

A .26 acre parcel located in the middle of the project area is under different ownership and is therefore not part of this project. This parcel contains an 8 unit apartment building.

The project area is bordered on the north by Tahoe Boulevard, on the east by the remainder of the 2.69 acre parcel owned by Mr. Brugger, and a parcel containing 101 condominium units, and on the west by land owned by the Incline Village General Improvement District. (See attachment #3) The 2.69 acre parcel owned by Mr. Brugger presently contains non-conforming land coverage associated with tennis club facilities (restaurant, bar, dressing rooms, banquet room, sport facility buildings, 6 tennis courts, swimming pool and whirlpool), which are proposed to be converted to private use only. The applicant's exclusion of this property from the subject project has been determined to be proper by Agency legal counsel.

Existing Facilities

The two westerly parcels comprising 6.16 acres of the project area presently contain 17 tennis courts, a clubhouse, pro shop building, viewing stands, a maintenance shop, a building containing 8 condominium units and a partially constructed foundation for 4 additional condominium units. (See attachment #4)

The two easterly parcels and the 7,900 square foot portion of the third parcel comprising a total of 2.09 acres of the project area presently contain 4 tennis courts, a building containing an 18 room hotel, accessory parking, and a small 225 square foot office building used by the Chamber of Commerce. (See attachment #4)

There are two parcels comprising 5.26 acres of the project area which are located between the westerly and easterly parcels described above. These two parcels are presently undeveloped and include the land on which the proposed 212 room hotel is to be constructed. (See attachment #4)

When the existing tennis facilities on the westerly and easterly parcels were constructed, approximately nine years ago, they were under different ownership. However, according to the applicant, for the past several years the two tennis facilities have been under common ownership and have been operated as one enterprise. The intent of the project is to
provide a planned family recreation-oriented destination resort hotel utilizing the existing tennis facilities on the westerly and easterly parcels, in conjunction with the proposed 212 room hotel complex to be located on the two middle parcels.

Proposed Facilities

On the two middle parcels, the applicant proposes to construct what will appear to be three new buildings, all of which will be interconnected with a continuous underground parking level. The total structure varies from 4 to 5 stories, including the underground parking level, and is to contain 212 hotel rooms, a large restaurant with an outdoor eating area, hotel lobby and an indoor/outdoor swimming pool. In addition to the hotel structure on the two middle parcels, the applicant proposes to construct a 47 space parking lot for hotel guests, a 35 space parking lot for the employee housing units, and accessory driveways and walkways.

The applicant proposes to modify the existing facilities on the two westerly parcels by converting the two most southerly tennis court clusters, each cluster containing 4 courts, to parking lots for hotel guests and employees. The existing 8 unit condominium structure is to be converted to employee housing. The applicant also proposes to complete the construction of the 4 unit condominium structure and convert its use to 8 employee housing units. The existing driveways are to be widened and a new driveway is to be constructed to provide access to the new parking lots. Except for the removal of the existing maintenance building and some walkways, the other existing tennis facilities are to remain.

The applicant proposes only minor modification to the existing facilities on the easterly parcels. The use of the existing 2-story structure, which presently contains 18 hotel rooms, is to be converted to hotel meeting rooms on the upper floor and hotel retail shops on the lower floor. The 4 existing tennis courts and the small Chamber of Commerce building are to remain and the existing 43 space parking lot is to provide parking for the retail shops and for the existing private club located on the adjoining parcel to the east.

In summary, the total complex as proposed will include within the project area the following facilities: 1) a 212 room hotel complex with accessory restaurant, lobby, swimming pool, meeting rooms and retail shops; 2) 13 outdoor tennis courts; 3) 16 employee housing units; 4) a 225 square foot Chamber of Commerce office building; and 5) a total of 370 parking spaces, 288 of which are uncovered open surface spaces and 82 of which are located on the lower floor of the hotel structure.

Land Use Classification

The two middle parcels and the easterly parcels which contain a total of 7.35 acres are classified Tourist Commercial by the Agency. Tourist Commercial permits hotel or motel units at a density of up to 40 units per acre. The proposed 212 hotel units create a density of 28.84 units per acre. Therefore, the proposed density and uses on the 7.35 acres classified Tourist Commercial conform to the use regulations set forth in the Land Use Ordinance.

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The two westerly parcels, containing a total of 6.16 acres, are classified Recreation by the Agency. The existing tennis courts and accessory facilities are permitted uses in the Recreation District. The 8 existing condominium units are legal, nonconforming uses that were established prior to the effective date of the Land Use Ordinance and therefore may be continued as proposed by the applicant.

Construction of the other 4 condominium units within the Recreation District as proposed by the applicant can only be permitted if the applicant can establish a "vested right" to complete construction. According to Agency legal counsel to establish a "vested right" the applicant must provide evidence showing that prior to February 10, 1972 substantial construction had been completed in conformance with a legal building permit. As of February 19, 1979, the applicant had not submitted any information in an attempt to establish a "vested right" to construct the 4 condominium units proposed as part of the project.

The applicant's proposal to provide required parking for hotel guests on land classified Recreation by the Agency would result in a use that is not specifically set forth in the Land Use Ordinance as a permitted use in that district. Pursuant to an administrative permit issued in accordance with Section 8.33 of the Land Use Ordinance, uses may be permitted in the Recreation District that are found to be appropriate and similar in nature to the permitted uses and specific purpose of the district. In this specific case, Agency staff and legal counsel recommend that the proposed hotel parking not be permitted in the Recreation District for the following reasons:

1. A hotel parking lot is not appropriate or similar in nature to the uses permitted in the Recreation District or the specific purpose of the district, which is to assure adequate public opportunity for outdoor recreation, including ski facilities, boating, day-use areas, and access to public and quasi-public beaches in urban core areas and settlement node areas.

2. To allow parking lots in the Recreation District to satisfy the parking requirement for uses that themselves are not permitted in that district establishes an undesirable precedent and is inconsistent with the precedent that has been established relative to this issue. The Sahara Tahoe Hotel was required to process a General Plan amendment in order to construct a parking garage on land that was classified Recreation. The developers of Still Water Cove were required to process a General Plan amendment to construct parking lots with tennis courts on the roofs on land that was classified Recreation.

Land Capability and Land Coverage

The entire project area is classified as an Inville, stoney, coarse, sandy loam soil, IsC, which is in a land capability level 6. Under Section 6.20 of the Land Use Ordinance, lands classified as land capability level 6 are permitted 30% land coverage.

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Although the Land Use Ordinance requires that in the Recreation District permitted land coverage conform to the land capability constraints, the area of this project that is classified Recreation contains 55,400 square feet of existing nonconforming land coverage which, under the provisions of Section 9.21 of the Land Use Ordinance, may be continued, replaced or relocated. The gross area classified Recreation is 6.16 acres. The total allowable land coverage is 80,500 square feet and the amount of existing land coverage is 135,900 square feet. Therefore, there is 55,400 square feet of existing nonconforming land coverage within the Recreation District.

The applicant proposes to replace 8,090 square feet of existing nonconforming land coverage in order to widen the existing driveways and to construct new driveways for improved internal circulation. The Land Use Ordinance, under Section 9.21, requires the applicant to reduce the amount of existing nonconforming land coverage by 10% to be allowed to relocate existing nonconforming land coverage to an area that is presently open space. Under this provision the ordinance requires the removal of 13,630 square feet of existing nonconforming land coverage, including the 8,090 square feet to be relocated. The applicant's plans show a total of 14,665 square feet of existing nonconforming land coverage to be removed from within the Recreation District.

The remainder of the project area, 7.35 acres, is classified Tourist Commercial which is allowed 50% land coverage under Section 7.83 of the Land Use Ordinance. The total allowable land coverage on the land classified Tourist Commercial is 160,100 square feet. There is 68,000 square feet of existing land coverage on the westerly parcels. The applicant proposes 81,900 square feet of new land coverage, resulting in a total amount of land coverage on the land classified Tourist Commercial of 149,900 square feet.

Tree Removal

The applicant's plans indicate that 72 of the 247 existing trees are to be removed and 175 trees are to remain. The site design has taken best advantage of the existing open areas.

Grading

Substantial grading will be required to construct the underground parking levels of the proposed hotel structure. The applicant's plans indicate that 8,490 cubic yards of material will be excavated to permit construction of the hotel. The plans also indicate that 4,760 cubic yards of that material will be used on the site for fill. The remaining 3,730 cubic yards is to be removed from the site and deposited at an approved location.

Slope Stabilization

The applicant's Information Report and plans identify adequate proposals for slope stabilization including rock riprap on embankments having a greater slope than 2:1 and extensive revegetation.

2/20/79
Storm Drainage

The applicant's site plan depicts the use of infiltration trenches to collect the stormwater runoff emanating from the proposed and existing asphalt surfaces, including the tennis courts, parking areas and driveways, and the proposed and existing buildings. The drainage plan does not, however, indicate how overflow from the infiltration trenches is to be transmitted to existing stable drainageways. Agency staff is concerned with this omission due to the difficulty likely to be encountered in attempting to connect the infiltration trenches into a common overflow system. If the project is approved, the drainage plan as presently proposed may have to be substantially modified to provide for proper transmission of overflow drainage.

Stream Environment Zone

The applicant’s plans identify the limits of a stream environment zone (SEZ) that traverse the northeasterly corner of the project site. The stream enters the project site by way of a small culvert located under Tahoe Boulevard. The only intrusion proposed by the applicant into the SEZ is the construction of a bridge to provide adequate internal circulation within the project area.

Building Height

The maximum permitted average height of any structure in the Tourist Commercial District is 40 feet. The proposed structure is to vary in average height from 37 feet to 40 feet measured from the finished grade.

Parking

On November 28, 1978, Washoe County granted a variance from the terms of its parking requirements to allow the parking standard for motel units to be applied to this project instead of the standard for hotel units. The requirement for motel units of one parking space per unit was found to be more appropriate in this case than the requirement for hotel units of 2.5 parking spaces per unit which assumes that the hotel units are operated in conjunction with a hotel/casino complex. The required parking for certain uses accessory to the hotel, such as the restaurant, meeting rooms, and retail shops, was reduced based on the assumption that the use of these facilities will be by 50% hotel guests for which parking has already been provided. The total parking requirement for all the uses proposed within the project area, as per Washoe County code, is 370 spaces. The applicant proposes to provide these 370 spaces, 288 of which are to be open surface spaces (uncovered) and 82 of which are to be in the lower floor of the hotel structure (covered).

Traffic - Access and Internal Circulation

Access to the project will be from Tahoe Boulevard by way of two separate driveways. The driveways provide access to a single roadway system which meanders throughout the project area. This road system also provides access to the 101 condominium units located south of the project.
In order to mitigate potential adverse impacts to traffic flow due to turning movements along Tahoe Boulevard, the applicant proposes to construct, as part of the project, a left-turn storage lane and right-turn acceleration and deceleration lanes within the right-of-way of Tahoe Boulevard. If the project is approved, the detailed construction drawings for these improvements will require approval by Washoe County, TRPA staff, and the Nevada Highway Department.

Traffic - Local Traffic Impacts

The applicant's traffic report states that the most significant traffic increases due to the proposed project will occur on Tahoe Boulevard to the west of the project site. At this location the project will cause an increase of about 10.7% of average daily traffic (ADT) and an increase of about 6.8% of average traffic during the peak month. The applicant estimates that for service levels B or C, which represent free flowing traffic, the capacity of this section of Tahoe Boulevard is approximately 13,300 ADT. The applicant projects that in 1980 the traffic volumes at this location will be 8,560 vehicles per average day and 14,550 vehicles per average day during the peak month. This information indicates that without the project the traffic volumes in 1980 along this section of Tahoe Boulevard will exceed the design capacity of the roadway for service levels B or C. With the project completed and the resulting 6.8% increase in peak traffic volumes realized, the traffic volume on an average day during the peak month will be 15,540 vehicles per day. This situation will result in less desirable service levels and obstructions to free flowing traffic and serious traffic congestion.

Traffic - Subregional Traffic Impacts

Although the applicant's traffic report indicates that the proposed project will increase traffic on all the highways providing access to Incline Village, the most serious impacts will result on State Highway 28 between Incline Village and North Stateline due to this section of highway being one of the most congested at the north end of Lake Tahoe. The applicant estimates that the capacity of this section of State Highway 28, at service levels D or E, is approximately 22,500 ADT. Service levels D and E are at the more congested end of the Nevada Department of Highways scale of service levels which ranges from level A to level F. Level F represents bumper-to-bumper traffic similar to the traffic congestion along U.S. Highway 50 at South Stateline during a peak summer day.

The applicant projects in his traffic report that in 1980 without the proposed project the traffic volumes along this section of State Highway 28 will reach 14,000 vehicles per average day (ADT) and as high as 23,800 vehicles per average day during the peak month. These projections show that in 1980 the capacity of this highway under service level E will be substantially exceeded. The applicant also states in his traffic report that, based on his estimates, the capacity of State Highway 28 at this location is already exceeded by demand.

The applicant's traffic report indicates that the proposed project will generate 361 additional vehicle trips on an average day and 500 additional vehicle trips on an average day during the peak month on the section of State Highway 28 between Incline Village and North Stateline. This additional traffic represents a 2.6% increase over the projected ADT in 1980 and a 2.1% increase over the projected average volumes during the peak month in 1980.
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The applicant's assessment also indicates that the project will increase the total number of vehicle miles traveled in the Incline Village area by 2.9%. This increase amounts to approximately 1,171,000 additional vehicle miles traveled annually.

Traffic - Proposed Mitigation

The applicant's traffic report and information report contain numerous references to the owner's intent to market the proposed hotel as a destination resort and to discourage the use of the automobile. The applicant states that it is the intent to market and advertise so that approximately 50% of the guests can be transported by mass transit. Bus tours from the population centers of Northern California will be promoted and use of air transportation to Reno or South Lake Tahoe, with bus transport to Incline Village, will also be provided according to the applicant. The applicant states that the owner has three 50-passenger buses available and will provide additional shuttle buses when necessary.

It is unlikely that the proposed mitigation measures can be effectively implemented. It is unreasonable to assume that the applicant has the ability to implement these measures without the development of a regional or subregional public transportation system.

To encourage a diligent effort on the part of the applicant to operate the facility in a manner that would minimize reliance on the automobile, the Agency staff would suggest that the number of parking spaces on the site be substantially reduced to perhaps 60% of the number presently proposed. This reduction in parking would also help resolve the problem of the proposed parking area for hotel guests in the Recreation District.

Air Quality

The following three paragraphs constitute the summary and conclusion section of the applicant's air quality report prepared by John M. Collins, P.E. of Reno, Nevada:

"On the basis of the review presented in this assessment, the proposed Lake Tahoe Resort and Racquet Club project will not have an adverse (greater than 5 percent increase) impact on the air quality of the Tahoe Basin or Incline Village area. The proposed project is estimated to represent between 2.5 percent to 3.0 percent of the vehicular emissions in the Incline Village area.

"The proposed project will represent approximately 18 percent of the carbon monoxide concentration in the vicinity of the project and 35 percent and 40 percent for hydrocarbons and oxides of nitrogen. This is in line with a project of this size and traffic access configuration.

"In summary, the air quality impact of the proposed project will be minimal, but detectable. If the mitigation measures as outlined in the traffic report prepared by Sharp, Krater and Associates, Inc. are implemented the project impact can be lessened. The proposed Lake Tahoe Resort and Racquet Club will not endanger any ambient air quality standards."

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Approvals

On November 29, 1978, the TRPA Governing Board found that the proposed project would generate less than 105 additional vehicle trips per day per acre. This action by the Governing Board would have allowed the proposed project to be considered on its merits prior to January 1, 1979 if the project could have been placed on the December agenda.

On December 5, 1978, the Washoe County Commissioners approved the proposed project under their Major Project Review procedure. The County’s approval was subject to a number of conditions; however, Agency staff is not in receipt of a letter indicating the County’s action or the conditions imposed.

Will-Serve Letters

Will-serve letters have been received from the North Lake Tahoe Fire Protection District, the Southwest Gas Corporation, and the Incline Village GIID for water and sewer service and solid waste removal. A will-serve letter has also been received from the Sierra Pacific Power Company.

Recommendation

Agency staff recommends that the Governing Board deny the administrative permit for the Lake Tahoe Resort and Racquet Club based on the following:

1. The project proposes a use in the Recreation District consisting of a parking lot for required hotel guests’ parking. This use is not appropriate or similar in nature to the permitted uses in that district or the specific purpose of that district.

2. The applicant has not provided any information to establish a "vested right" to construct the four condominium units in the Recreation District that are part of this project.

3. The applicant’s own assessment of traffic impacts reveals that the proposed project will result in the generation of an additional 500 vehicle trips on an average day during the peak month on a section of State Highway 28 that presently, and to a more severe degree in 1980, is subjected to traffic volumes that are significantly greater than the roadway design capacity even at service level E. These additional trips will significantly worsen a traffic congestion problem that is presently a threat to the safety and welfare of the general public.

4. Although the applicant has outlined proposed traffic mitigation measures, he has not provided a substantial mechanism to insure implementation.

5. Although the applicant has indicated in the Information Report that efforts will be made to reduce reliance on the automobile by 50%, no disincentives in the form of reduced parking accommodation have been proposed.

2/20/79
LAKE TAHOE RESORT and RACQUET CLUB

Project Location Map
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY AND RECOMMENDATION

Lakeside Community Hospital  
Administrative Permit  
Washoe County

Project Description and Location

The applicant, Careage Corporation of Bellevue, Washington, is requesting an administrative permit as required under Section 7.12 of the Land Use Ordinance to construct a 64,816 square foot hospital and all necessary auxiliary facilities including 44 parking spaces. The facility is to be constructed on a 4.87 acre site located on the north side of Alder Avenue, 250 feet west of Village Boulevard (see attachment #1). The hospital will contain 30 beds, an operating room, recovery room, and other related facilities, i.e. medical testing laboratory, radiology room, emergency treatment area, pharmacy, business management facility, kitchen and dining area, storage area, and mechanical and electrical equipment areas.

The project area consists of two parcels: a 3.36 acre parcel, being Washoe County Assessor Parcel No. 124-051-07 and a 1.51 acre parcel being Assessor Parcel No. 124-051-10 (see attachment #2). The hospital facilities and required parking are to be constructed on the 3.36 acre parcel, and the 1.51 acre parcel, which fronts on Northwood Boulevard, is to be used to provide secondary access to the proposed hospital.

History

On April 26, 1978, the TRPA Governing Board denied without prejudice an administrative permit for the Lakeside Community Hospital pending completion of the Nonattainment Air Quality Plan and the General Plan Update. In January, 1979, Milton Sharp, representing Lakeside Community Hospital, indicated to Agency staff that his client wished to have the Governing Board reconsider the subject application prior to the completion of the Non attainment Air Quality Plan and the General Plan Update, based on the conclusions contained in a revised and updated traffic and air quality report prepared by his firm. Mr. Sharp indicated that the project they wished to have reconsidered was identical in all respects to the project denied in April, 1978, except for the revised traffic and air quality report.

Land Use Classification and Land Coverage

Both parcels are classified General Commercial and are therefore allowed 70% land coverage. The total land coverage proposed on the 3.36 acre parcel is 40%, or 58,545 square feet. The total land coverage proposed on the 1.51 acre parcel is 7%, or 4,804 square feet. The amount of permitted land coverage in excess of that now being proposed on both parcels is to be utilized for possible future expansion of the facility. The hospital has been designed to allow for a 20 to 30 bed expansion.

Building Height

Section 7.13 of the Land Use Ordinance establishes a permitted height of 40 feet in the General Commercial use district. The proposed structure is an average height of 34 feet.

Public Facilities

The Incline Village General Improvement District will provide water supply, wastewater collection and disposal, garbage collection, and snow removal from the public streets. Southwest Gas will provide power service; the North Tahoe Fire Protection District will provide fire protection service; and Sierra Pacific Power Company will provide electricity.

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Personnel and Housing

Representatives of the Carcage Corporation estimate that operation of the hospital will require approximately 46 full time equivalent employees. Some employees will work part time only so that as many as 75 individuals may be employed in operation of the hospital. Approximately 70% of the employees will be nurses, administrators, or technicians. The remainder will be maintenance and housekeeping personnel. Doctors using the hospital will primarily be those who currently reside in and provide service for the community.

The applicant estimates that approximately two-thirds of the management and technically-qualified employees will have to be relocated from other areas to Incline Village. This relocation is expected to generate a demand for approximately 25 to 30 new dwelling units.

The applicant estimates that the majority of the nurses and administrator-technician personnel required to staff the hospital can be found presently living in Incline Village or the immediate vicinity. The applicant projects that the only type of personnel, of which the majority will live outside of Incline Village, are those holding nontechnical, minimum wage positions. The majority of these employees will most likely live in the secondary service area which is defined by the applicant as being that portion of Placer County between Brockway and Dollar Point. Considering all the 46 employees required to staff the proposed hospital, the applicant estimates that 19 will live within the secondary service area.

Storm Drainage and Erosion Control

The plans and reports submitted with the application establish adequate storm drainage and erosion control facilities to be constructed as part of the proposed project. All storm water runoff emanating from proposed impervious surfaces is to be directed into infiltration trenches to allow for onsite percolation. Overflow from the infiltration trenches is to be directed into stable, natural drainageways in the vicinity of the project.

The limits of the stream environment zone and 100 year flood plain for Wood Creek, which traverses the subject property along the westerly property line, have been identified by the applicant. The only construction activity proposed within these areas of water influence is that directly associated within improvements to presently eroding embankments adjacent to the creek. The eroding embankments are to be rock-lined to prevent further erosion.

All existing areas exhibiting characteristics for potential erosion and all cut and fill slopes resulting from construction of the project are to be either revegetated or stabilized with rock riprap.

Traffic Impacts

The traffic report prepared by Sharp, Krater & Associates compares the present impacts of traffic resulting from patients having to travel to hospitals outside of Incline Village to the projected impacts on traffic resulting from the proposed hospital. The report considers both altered traffic patterns as well as new traffic movements induced by the proposed hospital.

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In order to assess traffic impacts relative to vehicle miles traveled, the report defines a primary service area for the proposed hospital as well as a secondary service area. The preliminary service area is considered to be the immediate area of Incline Village and Crystal Bay. The secondary service area is that portion of Placer County within the Tahoe Basin between North Stateline and Dollar Point.

The traffic report estimates the number of vehicle trips generated and vehicle miles traveled within the Tahoe Basin by patients traveling to the existing hospitals in Reno, Carson City, Truckee and South Lake Tahoe. The roadways affected by these traffic movements and accordingly assessed in the report are State Highway 28 to Kings Beach and Truckee in a westerly direction and to South Lake Tahoe and Carson City in a southerly direction; and State Highway 27 to Reno in a northerly direction.

The traffic report also assesses the impacts on the local street system in Incline Village resulting from the proposed hospital.

The traffic report contains numerous assumptions relative to traffic distribution, vehicle miles traveled, trips generated by hospital employees, outpatients, emergency vehicles and visitors, hospital use rates, and roadway capacities. These assumptions appear to be reasonably accurate and correct.

The report concludes that the proposed hospital will, by altering existing hospital-related traffic movements, reduce average daily traffic (ADT) on State Highway 28 at locations both west and south of Incline Village and on State Highway 27 north of Incline Village. The report identifies a 43% decrease in hospital-related traffic on State Highway 27, a 60% decrease on State Highway 28 between Incline Village and State Highway 50, and a 44% decrease on State Highway 28 between Incline Village and Crystal Bay. The projection that the proposed hospital will result in a decrease in traffic volumes on State Highway 28 between Incline Village and Crystal Bay is a significant benefit since that section of roadway is frequently subjected to traffic volumes well in excess of its present design capacity.

However, the report projects that the proposed hospital will result in a 114% increase in hospital-related traffic on State Highway 28 in the vicinity of Village Boulevard. More specifically, the report indicates that the proposed hospital will increase average daily traffic at this location on State Highway 28 by 204 vehicles per day. This additional traffic must be considered as a significant impact due to the determination in the applicant’s traffic report that the average daily traffic at this location on State Highway 28 in 1978 (8070 ADT) exceeded the design capacity for service levels representing free flowing conditions (service levels B and C) by nearly 8%.

The report does point out that with increased congestion, reduced speeds, and increased interference to traffic movement (service levels D and E), possible capacity of State Highway 28 at this location could be as much as 13,000 to 17,000 ADT. The additional traffic generated from the hospital will cause the traffic volumes at this location to reach the more congested service levels sooner than might otherwise occur.

2/20/79
Air Quality

The applicant's air quality report assesses the estimated number of vehicle trips generated and miles traveled in the Tahoe Basin by patients of the proposed hospital in comparison to the estimated number of vehicle trips generated and miles traveled by patients using other hospitals. The report concludes that, although the proposed hospital will result in an 81% net increase in hospital-oriented vehicle trips within the Tahoe Basin because the traffic generation will be more concentrated after completion of the proposed hospital, net vehicle miles traveled per day will decrease by 30%. The net reduction in vehicle miles traveled has a direct effect on reduction of pollutants emitted from vehicles.

However, the report indicates that air quality may be adversely impacted at particular locations where the proposed hospital results in additional vehicular traffic. The report concludes that adverse air quality impacts are most likely to occur at the intersection of Tahoe Boulevard and Village Boulevard where the increase in traffic due to the proposed hospital is greatest. The applicant points out, though, that even at this critical location there will be no violation of the state air quality standard.

Need

According to the feasibility report prepared by the Board of Directors of the Lakeside Community Hospital, the hospital as proposed will have a positive cash flow after the first year of operation, thereby suggesting by inference that there exists a need for the facility. Estimates of revenues and expenses used in the analysis are based on experience of existing small-sized hospitals in Nevada and a conservative population base for the area to be served, according to the report.

On the other hand, it is the opinion of some governmental agencies that the estimates and statistics used in the Lakeside Community Hospital feasibility report are overly optimistic or exaggerated. The State of Nevada Office of Health Planning and Resources, the Golden Empire Health Systems Agency, and the State of Nevada Department of Human Resources have pointed out that, in their view, it would seem to be impossible for the Lakeside Community Hospital to make a profit. Their opinions consider that "no hospital in Nevada of less than 50 beds has operated at a break-even point or made a profit in the last three years. All of them have had to receive local governmental financial support". The need for the proposed hospital is therefore nonexistent using the Lakeside Community Hospital method of analysis. Similarly, the Nevada State Medical Facilities Plan does not indicate a need for the proposed hospital.

Approvals

In a letter dated February 12, 1979, D. Brent Carithers, Senior Building Inspector for Washoe County, informed Milton Sharp that the administrative permit granted by Washoe County on March 9, 1978 for the Lakeside Community Hospital remains valid.

Staff Position on Critical Issues

Housing: Based on the applicant's identification of the demand for housing generated from the proposed hospital in comparison to the substantial increases in building activity in Washoe County (from 1977 to 1978 a 92% increase and an increase from
68 permits issued in 1975 to 766 permits issued in 1978) and recent approvals by Washoe County and TRPA of projects designed to provide low income housing. Agency staff does not suspect that the proposed hospital will create a significant problem relative to housing supply in Incline Village.

Traffic: Agency staff concurs with the applicant's conclusion that the proposed hospital will reduce traffic on State Highways 27 and 28 in the fringe areas of Incline Village. Agency staff considers these reductions in traffic to represent positive impacts resulting from the proposed hospital. Agency staff considers the substantial increases in traffic in the vicinity of the intersection of State Highway 28 and Village Boulevard, as identified in the applicant's traffic report, to be an adverse impact that should be mitigated to the greatest extent possible. Don Pray, of the Nevada Highway Department, requested at the February 13, 1979 Development Review Committee meeting that if the project is approved the applicant be required to participate in funding the improvements to the above-mentioned intersection and adjoining roadways that the Highway Department deems are necessary to mitigate the traffic impacts resulting from the project.

Air Quality: Based on the applicant's assessment of air quality impacts resulting from the proposed hospital and the data assessed by Agency staff relative to the severity of the air quality problems in Incline Village, Agency staff concludes that the proposed hospital will not result in significant degradation of air quality.

Need: It appears from reviewing all the information contained in the subject application relative to the financial feasibility and need for the proposed hospital that there is a definite divergence of opinion. However, it seems to Agency staff that Washoe County's approval of the Lakeside Community Hospital certainly establishes the County's general support for the facility and possibly a responsibility for financial assistance from the County if the hospital does not realize the revenues which are projected.

**Recommendation**

Agency staff recommends that based on the analysis and conclusions contained in this staff summary and the additional information contained in the applicant's Information Report, the Governing Body find, as required under Section 8.33 of the Land Use Ordinance, that the establishment, maintenance, or operation of the Lakeside Community Hospital will be detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters.

Agency staff further recommends that based on the above-recommended finding the Governing Board conditionally approve an administrative permit for the subject application. The recommended conditions of approval are:

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1. Each of the following conditions shall be completely performed 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 as shown on the final construction drawings shall be posted with the permit-issuing authority as provided in Section 7.130 of the Grading Ordinance. The undertaking or other document shall provide that the Agency may enforce the same and use the funds provided therein to assure compliance with the landscaping, revegetation and slope stabilization and drainage plans.

c. Calculations 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.

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.

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

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

g. Completion of structure foundations.

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

i. Completion of structures.

j. Paving.

k. Landscaping and revegetation.

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

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

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

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

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

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

9. Mud shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of tracking mud onsite 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. Except for delays in work directly resulting from litigation challenging the validity of any approval required for this project, this approval expires eighteen (18) months from the date of Governing Body approval unless substantial work has commenced on the project.

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

14. All other permits issued by any other agencies regarding this development shall assure compliance with the conditions of TRPA.

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

16. Upon the completion of construction, physical barriers shall be provided to confine all vehicles to designated parking and driveway areas. The design of the barriers shall be reviewed for approval by Agency staff.

17. The maximum land coverage on the site after completion of the project shall not exceed 58,600 square feet on Washoe County Assessor Parcel No. 124-051-07 and 4,900 square feet on Washoe County Assessor Parcel No. 124-051-10.

18. 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.

19. A separate grading permit shall be required for disposal of all earthen material removed from the construction site. This grading permit must be approved by the Agency staff.

20. The applicant shall provide the funding necessary to construct the improvements to the intersection of Tahoe Boulevard and Village Boulevard and adjoining roadways that the Nevada Highway Department deems are required to mitigate to the greatest extent possible the adverse impacts to traffic movement resulting from the additional traffic generated from the Lakeside Community Hospital.
Southwood Glen
Administrative Permit for a
14 Unit Apartment Complex
Washoe County

Project Location and Description

The applicant, Glen Rieken, is requesting approval of a 14 unit apartment complex located in Incline Village, Nevada. The subject 1.04 acre parcel (Washoe County Assessor's Parcel No. 122-223-18) is located at the corner of Southwood Boulevard and Oriole Way within the core area of Incline Village. (See attachment #1) The project proposes the construction of 14 townhouse apartment units located in one duplex building and three 4-plex buildings. The applicant proposes 21 parking spaces on the site. Two accesses will serve the project; one will be onto Southwood Boulevard; the other will be off of Oriole Way.

Existing Environmental Setting

The site is gently sloping from north to south, with slopes of 5 to 9%. The existing tree cover consists of pine, fir, and cedar trees. The trees will be preserved as a natural buffer to traffic noises. Of the 65 trees identified on the site, 9 will be removed. The center of the site has been previously disturbed for the placement of sewer lines. The applicant proposes to revegetate these areas as part of the project.

Land Use

The property is zoned R-3 by Washoe County which allows multiple residential development. The TRPA land use classification on the property is High Density Residential (HDR), which allows up to 15 units to the acre. The subject site would be allowed 16 units under the current classification; the applicant proposes 14 units. HDR parcels under 2 acres are allowed up to 50% coverage under Section 9.23 of the TRPA Land Use Ordinance. The applicant proposes 21,883 square feet of coverage, or 48.3% coverage.

Land Capability

The soils on the site have been identified as IsC, Inville, stony, coarse, sandy loam, 2 to 9% slopes, capability district 6, allowable coverage 30%.

Height

The maximum allowable height in HDR is 35 feet. The 2-story buildings will have an average height of 35 feet.

Grading

The building foundations will be stepped to fit with the existing contours. The cuts and fills associated with the project will in no case exceed 2 feet in vertical height. These cuts and fills will be stabilized and revegetated.

Drainage

Stormwater from the buildings will be collected in infiltration trenches located under the building driplines. Stormwater flows emanating from the paved parking surfaces will be collected in infiltration trenches designed and sized to handle and percolate the flows.

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on the site. The applicant will improve the existing eroding drainageways located adjacent to Southwood Boulevard and Oriole Way. The improvements include installation of culverts under the access driveways and rock lining the channels.

Revegetation

The applicant has submitted a detailed revegetation plan identifying areas to be revegetated and specifications of plant types that will be used. Revegetation will occur in those areas disturbed by the proposed construction and those areas disturbed by previous activities on the site.

Traffic

The proposed 14 unit apartment complex will be located within the core area of Incline Village. The project is anticipated to generate approximately 98 vehicle trips per day. The project's location within the core area should encourage other modes of transportation for some trips, such as walking, bicycling or busing. The project is located within 1/2 mile of the major shopping complex in Incline. Most other retail and professional offices are located within the core area and are accessible from the project without the necessity of automobile use. The project is well served by other local streets which may reduce the need to use Highway 28 for business, shopping, or pleasure trips. The applicant has designed the access points to the project to minimize the potential conflicts with autosstacking on Southwood Boulevard at the intersection of Southwood Boulevard and Highway 28. The provision of separated parking lots will encourage the use of Oriole Way by tenants of the southeast units. Due to the size, location, and design considerations, the project should have minimal impacts upon the traffic levels and flows within the Incline area.

Public Services

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

Local Agency Action

The Washoe County Regional Planning Commission recommended approval of the project on December 15, 1978. The Washoe County Commissioners conditionally approved the project on January 16, 1979.

Recommendation

Agency staff recommends that the Governing Board approve the subject project with the following conditions:

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

   a. The final revegetation, slope stabilization, and drainage plans shall be submitted to and approved by the Agency staff. These plans shall clearly depict revegetation and/or other methods of slope stabilization to be performed by the applicant for all existing and proposed cut and fill slopes

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and areas denuded of vegetation. These plans shall also depict: fencing for
vegetation protection; temporary and permanent erosion control devices;
dust control; and all drainage facilities.

b. An undertaking by corporate surety 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.

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. 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.

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.

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14 Unit Apartment - Page Four

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 between October 15 and May 1, unless the proper approvals for same are obtained.

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 the October 15 grading and land disturbance deadline.

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

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

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

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

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

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

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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 35 feet measured from the natural grade.

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

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

18. The maximum land coverage on the site after completion of the project shall not exceed 21,883 square feet.

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.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Boatworks Marina
Modification of Condition
of Approval
Placer County

Proposed Modification

On May 26, 1977, the TRPA Governing Board conditionally approved the plans for the renovation of the Boatworks Marina located in Tahoe City (see Attachment 1). The applicant, John Kearns, now requests that condition #12 of that approval be modified to permit him to retain an existing filled area and further extend it lakeward. Instead of removing the 5,869 square feet of fill as approved, the applicant proposes to retain this area, plus fill an additional 10,395 square feet (see Attachment 2). The purpose of the modification according to the applicant is to construct a bicycle path and prevent negative impacts which he feels will occur if the steel bulkhead is modified.

The removal of the 5,864 square foot area of fill located lakeward and southwest of the applicant's property was a condition accepted by the applicant and noted on the approved plans. Condition #12 as approved states:

"The removal of the existing steel bulkhead located southwest of the marina and shown on the improvement plans shall be completed prior to October 15, 1977."

This is also a condition of approval for Lahontan Regional Water Quality Control Board, CTRPA, Placer County and the U. S. Army Corps of Engineers.

Analysis

The applicant has submitted the attached letter from Dr. Charles Goldman stating that the impact of removing the subject bulkhead on shorezone erosion would be minimal for the reasons stated in points 1 through 3. The Lahontan Regional Water Quality Control Board, in a letter dated September 15, 1978 (attached), generally concurs with Dr. Goldman's analysis in regards to erosion.

Agency staff would also agree with Dr. Goldman's analysis, particularly with the conclusion that the marina itself would be the major obstacle to the natural processes of the shoreline. The erosion problem was brought to staff's attention when the property owner to the west complained of erosion on his property.

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Boatworks Marina
Modification of Condition
of Approval
Page Two

It was staff's opinion that the square and unnatural section of the steel bulkhead may be impeding the littoral drift and also deflecting the wave action in such a manner as to aggravate the problems on the adjoining property.

Neither Agency staff nor Lahontan concurs with Dr. Goldman's point #4 in regards to water quality or his conclusion that the overall impact of the realignment and removal of the bulkhead would be negative. As stated in the letter from Lahontan, the recontouring of the shoreline to approximate a more natural shoreline with proper mitigation methods should not have a negative, but in fact, would have a positive visual impact by removing an existing storage area and a minimal but positive environmental impact on the shorezone.

With regard to the applicant's new proposal, it should be noted that Section 11.20 of the TRPA Shorezone Ordinance prohibits fill in the lake except at those locations where such fill is found to be beneficial to existing shorezone conditions or water quality and clarity.

The currently approved plans indicate that approximately 5,864 square feet of filled surface area will be removed while approximately 5,956 square feet of the shorezone will be filled. Staff finds that realignment of the shoreline and the removal of existing fill would meet the requirements of Section 11.20 due to the positive visual and environmental impacts which would result.

Staff finds the proposal to retain the existing 5,864 square feet of fill area plus create approximately 10,395 square feet of new surface area fill within Lake Tahoe does not meet the requirements of Section 11.20. Dr. Goldman's letter and the proposed modification of approval are silent in regards to any positive impacts of extending the filled area into the waters of Lake Tahoe.

Recommendation

Agency staff recommends denial of the request to modify condition #12 to permit the retention and further extension of the existing bulkhead located in the southwesterly corner of the marina. Agency staff further recommends that the Governing Board direct the applicant to modify the subject bulkhead as per the approved plans on or before May 1, 1979, and request that Placer County not release the $25,000 landscaping bond until the completion of all proposed landscaping which would include the modification of the subject bulkhead.

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BOATWORKS

Modification of a Condition of Approval
BOATWORKS

Modification of a Condition of Approval

APPROVED PLANS

PROPOSED MODIFICATIONS

Existing Fill

Proposed Fill

Attachment #2
May 3, 1978

Mr. John Kearne  
The Boatworks Marina  
P. O. Box 42  
Tahoe City, CA  95730

Dear Mr. Kearns,

The purpose of this letter is to summarize my observations which were made on 27 April 1978 concerning the proposed bulkhead reduction at the southwestern edge of your marina and associated matters related to possible beach erosion. Specifically, I observed firsthand the physical layout and the erosional-depositional patterns associated with the existing bulkhead. Also, I have considered the consequences of the Tahoe Regional Planning Agency Condition 12 of their June 1977 permit requiring the removal of a portion of the existing bulkhead with installation of a new one about 30 feet in from the lake. The purpose of this plan was to reduce erosion. A diagram of the alternative configurations is attached.

I have concluded that the action required by Condition 12 of the TRPA permit would not be helpful from the standpoint of controlling beach erosion for the following reasons:

1) The configuration of the existing bulkhead and the beach area immediately west of the existing bulkhead (area A on the attached diagram) strongly suggest that currents would be slowed when reaching this zone, and any transported particles of silt or sand would settle out. That is, the physical configuration of structures and shoreline alone suggests that this area is a depositional zone, not an erosional zone.

2) I observed and photographed deposits of sand and detached periphyton along the beach and immediately offshore from area A. There is no question that such deposits occurred through deposition from reduced current and reduced water turbulence; erosion in this area would definitely have prevented these fresh deposits from occurring.

3) Along-shore currents are presently deflected by the Boatworks harbor which extends into the lake much further than the retaining wall. Even if the retaining wall was relocated 30 feet, the harbor structures would continue to act as the dominant factor in deflecting currents.
4) Removal of the existing dike and fill will introduce into the lake particulate matter which may be aesthetically objectionable and noticeable from the Commons Beach and adjacent public areas.

From the above considerations, I would expect that the overall environmental impact of the proposed dike realignment to be negative. Please note that additional information on current patterns and velocities under various wind conditions can be obtained if you so desire, but I doubt that they would alter the opinions expressed above. I would suggest that on the basis of the evidence presented above that you request reconsideration of the Condition 12 by the TRPA. I will be glad to discuss the findings of this investigation further with you and TRPA staff members.

Sincerely,

Charles R. Goldman
Limnologist

CRG/mj
Enclosure
September 15, 1978

Mr. John V. Kearns
Tahoe Boat Company
P. O. Box 1314
Tahoe City, CA 95730

Dear Mr. Kearns:

REQUEST TO FILL IN LAKE TAHOE AT THE (BOATWORKS MARINA)

Your letter to us dated July 14, 1978, requested that we allow Tahoe Boat Company to retain an existing fill in Lake Tahoe at the southwest corner of your property and add a new fill behind a new steel bulkhead extending from the existing fill to the southwest wall of the Boatworks Marina. On April 8, 1977, this Board received a report of waste discharge from you describing extensive dredging and related improvements at the Boatworks, including plans to remove the existing fill you now propose to retain. In response, we adopted waste discharge requirements for the Boatworks, Board Order No. 6-77-56, on May 12, 1977. These requirements specify removal of approximately 1,050 cubic yards of the fill at the southwest corner of your property, as shown on Attachment "A" (copy enclosed). Considering the amount of fill which you agreed to remove at that time, the Board allowed you to fill approximately 780 cubic yards behind new retaining walls as shown in Attachment "A", in adopting those requirements.

We understand your current proposal is to extend the southwest fill area and relocate the adjacent retaining wall shown in Attachment "A" approximately 35 feet offshore to the straight dashed line shown on Attachment "A"; a considerable volume of fill would be added in Lake Tahoe, with none removed. The only way the Regional Board could allow such modifications would be to adopt revised waste discharge requirements for your marina and rescind Board Order 6-77-56.

Regional Board staff has reviewed the report prepared by Dr. Charles R. Goldman, Limnologist, attached to your July 14, 1978 request. Staff has additionally conducted an on-site investigation and reviewed other pertinent information and concluded Dr. Goldman is correct in his assertion that removal of the fill shown in Attachment "A" will not significantly reduce shoreline erosion to the southwest. We disagree, though, with his assumption that the overall environmental impact of the proposed fill removal and retaining wall realignment would be negative. Proper mitigation measures will virtually eliminate the siltation problem referred to in his report, and removal of the artificial fill will increase aquatic habitat and recreational space in the lake as well as remove a portion of a structure which impairs visual enjoyment of the lake from shore.
Your July 14, 1978 letter implies we should approve your new proposal because Placer County is "considering" a bike and pedestrian path along the shoreline, and that a safety hazard would result if this were implemented. We could not revise waste discharge requirements solely to mitigate possible safety problems from a facility tentatively proposed by the county. If you feel public safety is a problem, that matter should be taken up directly with Placer County.

In a personal conversation with Regional Board staff, you indicated all land reclaimed from Lake Tahoe, if your new proposal is approved, would be landscaped and available for public use by means of a bicycle trail and foot path. We have seen no concrete proposals for assuring long term public access by means of public easement dedication, down-zoning, or any other means. Additionally, no detailed plot plans have been prepared, and it is doubtful the entire land area to be gained by implementing your new proposal would be necessary for construction of a bike trail and foot path.

Permission from other public agencies including Tahoe Regional Planning Agency, California State Lands Commission, and Placer County would have to be gained before your new proposal could be implemented. Since staff does not believe the project would be beneficial to water quality, we cannot recommend those agencies approve your project at this time.

You have the privilege of submitting a detailed report of waste discharge describing your new proposal and requesting revised waste discharge requirements. Due to the Regional Board's long standing policy of prohibiting filling in Lake Tahoe, it is doubtful such a request would be granted.

Very truly yours,

ROY C. HAMPSON
EXECUTIVE OFFICER

cc: Tahoe Regional Planning Agency
    Placer County Planning Department
    California State Lands Commission
    U. S. Corps of Engineers
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Sahara Tahoe
Modification of Conditions of Approval
for an Administrative Permit for a
Parking Structure, Douglas County

Background

The applicant, Sahara Tahoe Corporation, has requested clarification and/or modification of five conditions of approval contained in an administrative permit for a parking structure issued December 20, 1978 by the Governing Board. The conditions of approval were discussed with and accepted by the applicant at the time of approval and were formally transmitted by letter on January 22, 1979. On February 6, 1979, subsequent to conversations with Agency staff regarding procedural requirements, the applicant transmitted the request for clarification and/or modification of the five conditions in question. (See attached letter.)

Conditions In Question

The applicant has requested clarification and/or modification of the following conditions which raise questions regarding the timing of construction and removal of open surface parking contained within the project area as approved by the Governing Board:

Condition No. 11 - existing wording

"Except for delays in work directly resulting from litigation challenging the validity of any approval required for this project, this approval expires eighteen (18) months from the date of Governing Body approval unless substantial work has commenced on the project."

Applicant's Position

The applicant has requested an interpretation of this section in light of a Complaint for Declaratory and Injunctive Relief filed in U.S. District Court, District of Nevada, on January 15, 1979. It is the position of the applicant that the injunction sought would fall within the intent of this condition and would stay the running of the eighteen month period specified in the condition.

Staff Recommendation

The staff recommends that Condition No. 11 be interpreted to include such litigation as referenced above and any delays resulting from this litigation be added to the eighteen (18) month period in which the Governing Board approval is effective.

Condition No. 12 - existing wording

"Except for delays in work directly resulting from litigation challenging the validity of any approval required for this project, 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."

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Applicant's Position

The applicant similarly requests a determination that the above-referenced litigation would stay the running of the twenty-four (24) month period referenced in Condition No. 12.

In addition, it is the interpretation of the applicant that eighteen (18) months would be allotted for initiation of construction, beginning on the date on which pending litigation is settled, and that twenty-four (24) months would be allotted for final completion of construction beginning on the same date. The applicant does not believe that the project could be reasonably constructed within the six (6) month period following the period in which initiation of the project must begin. The applicant requests that the twenty-four (24) month period for completion of the project begin upon commencement of substantial work on the project.

Staff Recommendation

Agency staff recommends that the above-referenced litigation affecting the initiation of substantial construction on the project be interpreted as staying the requirement for completion of the project until the litigation is resolved. Further, it was the intent of staff in writing Condition No. 12 that the twenty-four (24) month period for completion of the project should operate after commencement of substantial work on the project. Agency staff recommends that Condition No. 12 be modified as follows:

"Except for delays in work directly resulting from litigation challenging the validity of any approval required for this project, construction of all improvements shall be completed within twenty-four (24) months from the date of commencement of substantial work on the project as required by Condition No. 11. 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."

Condition No. 14 - existing wording

"Except for delays in work directly resulting from litigation challenging the validity of any approval required for this project, this approval becomes invalid if a local government permit for this project expires or will-serve letters are cancelled."

Applicant's Position

The applicant requests that this condition be interpreted to include the above-referenced litigation.
Interpretation

Condition No. 14 could be interpreted in two ways in light of the applicant's request. First, it could be concluded that any local approvals or service commitments which were withdrawn during a delay caused by litigation on the project would not affect TRPA approval. An alternative interpretation is that only litigation which is determined to directly affect local government approvals or commitments for services would result in the approval remaining in effect. This second interpretation would imply that if such an action were taken by a local government or utility and was not a direct result of litigation on the project, Agency approval would become invalid.

Staff's Recommendation

Staff recommends that the intent of this condition be clarified by the Board. It is the opinion of Agency staff that the correct interpretation of this condition is that the litigation must directly result in the withdrawal of local government approvals or service commitments. Since the effect of the above-referenced litigation on these commitments is unknown at the present, it is not possible to make a determination regarding the applicant's request. However, if approvals were withdrawn in the future, the applicant should submit a request for a determination on this matter at that time.

Condition No. 22 - existing wording

"Prior to the issuance of an occupancy permit by Douglas County for Phase II or the parking garage, the amount of impervious surface required to be removed from the site under Section 9.21(3) of the Land Use Ordinance for Phase II shall be removed. In addition, prior to the issuance of an occupancy permit by Douglas County for Phase II of the parking garage, all of the impervious surface to meet the requirements for removal of the additional 458 parking spaces shall be satisfied."

Applicant's Position

The applicant finds the requirement to physically remove and restore an additional land coverage equivalent to 458 parking spaces over that proposed in the original application to be unnecessarily restrictive. This condition requires the removal and revegetation of impervious surfaces prior to the issuance of an occupancy permit for Phase II of the parking garage. The applicant believes that they would be precluded from applying for the replacement of those 458 parking spaces once restored and revegetated, since the Agency's Land Use Ordinance does not allow any increase in coverage on parcels with nonconforming coverage. The applicant therefore is requesting that the additional 458 parking spaces only be made unavailable for parking and not be required to be physically removed and restored. This would allow the applicant a period of time to demonstrate the need for those additional spaces and apply for an administrative permit.

Staff Recommendation

The staff recommends that Condition No. 22 remain as accepted by the applicant at the December 20, 1978 Governing Board meeting. Throughout the application for the administrative permit, Sahara Tahoe stressed the advantages of replacing open
surface parking to reduce stormwater runoff from existing impervious surfaces. Making open surface parking merely unavailable for parking would do little to reduce runoff from that portion of the site and would not be consistent with the considerations offered by the applicant at the time of TRPA approval.

Further, the applicant would not be precluded from making application for later replacement of the 458 spaces required to be removed by an addition to the parking structure. A variance to land coverage requirements could be issued by TRPA for necessary land coverage requirements of a parking structure addition.

Condition No. 26 - existing wording

"Any expansion of casino floor space at the Sahara Tahoe shall require approval by Douglas County, the Nevada Tahoe Regional Planning Agency and the Tahoe Regional Planning Agency."

Applicant’s Position

The applicant requests that this condition be removed since in the opinion of the applicant it is outside of the jurisdiction of TRPA. Sahara Tahoe states that it will comply with all applicable statutes, laws, regulations, and ordinances regarding expansion of the facility.

Staff Recommendation

Staff recommends that the condition be retained as worded inasmuch as the applicant accepted the condition at the time of TRPA approval.
Mr. James Jordan
Tahoe Regional Planning Agency
P.O. Box 8896
South Lake Tahoe, California 95731

Re: Conditions on Administrative Permit for Sahara-Tahoe Parking Structure

Dear Mr. Jordan:

Sahara-Tahoe hereby applies to the TRPA for modification and/or clarification of certain conditions imposed on the Administrative Permit for the Sahara-Tahoe parking garage as approved by the TRPA Governing Body at the meeting of December 20, 1978. Reference to the conditions herein will be directed to the final set of conditions as set forth the letter of January 22, 1979, to Mr. Al Buonaccorsi from Greg George. The requested modifications and/or clarifications of conditions are as follows:

A. Condition No. 11. Enclosed herewith is a copy of a legal action commenced by the State of California challenging the approval received for the Sahara-Tahoe parking structure. Condition No. 11 requires the commencement of work on the project within eighteen months of the date of Governing Body approval, "[e]xcept for delays in work directly resulting from litigation challenging the validity of any approval required for this project . . ." It is the position of Sahara-Tahoe that this litigation stays the running of the eighteen month period set forth in this condition. It is requested that the Staff and/or the Governing Body confirm that this litigation does indeed stay the eighteen month time limit for commencement of substantial work on the project.

B. Condition No. 12. The same request as is set forth for Condition No. 11 above. In addition, Condition No. 12
requires that the construction of all improvements shall be completed within twenty-four months after the date of the Governing Body approval. However, Condition No. 11 only requires that the project be substantially commenced within eighteen months. Thus, Condition No. 11 could be complied with, but then it would be necessary to complete the entire project in approximately six months in order to comply with Condition No. 12. A six-month construction period for the entire project is not reasonably possible. Therefore, it is requested that the twenty-four month period as set forth in Condition No. 12 start to run not from the date of the Governing Body approval, but from the date of the commencement of substantial work on the project in accordance with Condition No. 11.

C. Condition No. 14. The same request is made as set forth for Condition No. 11 above.

D. Condition No. 22. This Condition requires, in part, that all impervious surface relating to the requirement of removing an additional 458 parking spaces shall be accomplished prior to the issuance of the certificate of occupancy of Phase II, and that within said area all impervious surfaces shall be removed and the area shall be revegetated. It was my understanding that the reason the Governing Body required the removal of the additional 458 parking spaces was to eliminate all doubt that the project was in compliance with TRPA Ordinance No. 78-5. It was not the intent or purpose of the requirement of removing the 458 parking spaces to forever preclude the Sahara-Tahoe from obtaining those spaces in a subsequent application, assuming that the demand for those spaces could be satisfactorily demonstrated to the Governing Body. Indeed, it was specifically mentioned that the Sahara-Tahoe should be allowed to reapply for the 458 spaces. However, if it is required that the space encompassed by the 458 spaces be returned to natural vegetation, then the Sahara-Tahoe would never be allowed to obtain those additional parking spaces even if the need were demonstrated. The reason for this is that the existing land coverage on the site is non-conforming and, as you are aware, the TRPA Land Use Ordinance does not allow any increase in non-conforming land use coverage. The only way the 458 additional parking spaces could be obtained would be to remove a like amount (plus 9%) of non-conforming coverage which does not exist on the site, thus making it impossible for Sahara-Tahoe to ever obtain approval for the 458 spaces.
It is therefore requested that Condition No. 22 be modified so as to only require that the area of the additional 458 parking spaces be barricaded or otherwise made unavailable for parking for a reasonable period of time so as to allow the Sahara-Tahoe an opportunity to apply for said additional 458 parking spaces and to demonstrate the need therefore. Modification of this Condition would also require a slight modification of Condition No. 1(e) and Condition No. 16.

E. Condition No. 26. It is requested that this Condition be removed. This Condition imposes an unwarranted governmental intervention into management decisions and operations of an existing business. This Condition is not limited with respect to the quality or quantity of any expansion, or with respect to any particular time frame. In addition, this Condition appears to be an attempt by the TRPA obtain control over gaming within the Tahoe Basin which is specifically precluded by the terms of the Compact and the Land Use Ordinance. As you are aware, the Compact requires that the Agency must recognize gaming as a permitted and conforming use under every plan, ordinance, rule, regulation or policy of the Agency; thus, there can be no basis or standard upon which the TRPA could review gaming use. The Sahara-Tahoe will, of course, comply with all existing statutes, laws, ordinances, rules and regulations applicable to any expansion of the Sahara-Tahoe facility, including interior or exterior expansion.

Enclosed herewith is some proposed language modifying the above mentioned conditions in accordance with the above remarks. Also enclosed herewith is a check in the amount of $50 for the application fee for processing this request. It would be appreciated if this matter could be placed upon the agenda of the Agency for the February meeting of the Governing Body. If you have any questions regarding this matter, or need any additional materials please feel free to contact me.

Very truly yours,

John Frankovich

JF:mmw
encl

c: Ed Nigro
Merle Coombs
Keith Ashworth
Brian Webb
Al Buonaccorsi
Harvey's Resort Hotel
Compliance with Previous Approval
Douglas County

Finding of Compliance

At the request of Douglas County, TRPA staff has scheduled the proposed modifications to Harvey's Resort Hotel as approved by Douglas County for a finding by the TRPA Governing Body that they are in conformance with the 1973 Master Plan approval. The work proposed is to be done in conjunction with the construction of the approved pedestrian undercrossing connecting Harvey's and Harrah's (Attachment A).

Background on 1973 Master Plan Approval

On June 20, 1973, the Douglas County Commissioners conditionally approved a Master Plan application for Harvey's Resort Hotel at Stateline, Nevada. Following this action, on July 18, 1973, the Nevada Tahoe Regional Planning Agency (NTRPA) conditionally approved the Master Plan.

On July 25, 1973, the Governing Board of the Tahoe Regional Planning Agency (TRPA) failed to take action on the Master Plan application for Harvey's Resort Hotel. Subsequently, the 60 day rule went into effect and the Master Plan was deemed approved as presented. The information submitted as part of the Master Plan application included an "Environmental Information Report", a brochure entitled "Harvey's Resort Hotel Project Summary", a boundary and proposed building site plan at a scale of 1"=50' and a verbal presentation made before the TRPA Governing Board. Also, all previous approvals and conditions are considered as part of the project.

Project Description

Harvey's Resort Hotel proposes to do the following work in conjunction with the construction of the pedestrian undercrossing. The total project area, including Harvey's proposed work, is shown on Attachment A.

1. Remodel three levels of the existing structure adjacent to the Highway 50 entrance.

   Basement Level - Harvey's proposes to excavate 5 to 7 feet below the existing floor level which will match the floor level of the approved pedestrian undercrossing tunnel. The
basement space at present is crude and irregular, useful only for support facilities to the casino/hotel complex. The remodeled basement would have 11 foot ceilings which would be suitable for a variety of uses. Based on staff's and Harvey's calculations the basement area is to be excavated laterally toward Highway 50 for an increase of 830 square feet of floor area and toward Stateline Avenue for an increase of 493 square feet of floor area. Staff estimates Harvey's will need to utilize 1,233 square feet for the elevator, escalators, walkway, etc. for a net increase of 90 square feet of floor area in the basement. This differs with Harvey's estimate of a loss of 208 square feet because staff disagrees with inclusion of certain storage areas to be counted as part of the pedestrian undercrossing.

Main Casino Level - Harvey's proposes to raise the ceiling to 11 feet above the floor level and also add a 6 to 8 foot security space above the 11 foot ceiling. The current gaming uses will be maintained on the main floor level. Harvey's has indicated there will be a net reduction of 350 square feet of casino floor area due to the elevator and needed pedestrian space.

Harvey's also proposes to extend the wall facing Highway 50 approximately 6 feet streetward in order to accommodate the escalators. A new canopy will extend approximately 4 1/2 feet from the new wall, which at the narrowest point will be 3 1/2 feet from the existing curb line.

Second Floor Office Level - Harvey's proposes to remodel and expand existing office space located on this level. The existing second level floor will be raised 10 feet and the existing roof will be raised to a height sufficient to provide a uniform ceiling height of 9 feet.

Agency staff estimates the current usable floor space to be 4,304 square feet which is less than the applicant's figure of 5,070 square feet. The difference of 766 square feet results from areas labeled "Air Conditioning Equipment Room" and "Marquis Area" which are not usable for office space. No provision has been made in the proposed structure for these uses.

The applicant has reduced the original proposal of 6,787 square feet of new space to 5,084 square feet for a net difference of 780 square feet by staff's estimate. This modification more closely approximates the existing office area and does not extend toward Highway 50 as originally proposed.
2. The building facade will be remodeled. The existing building height fronting Highway 50 will increase from 25 feet to 37 feet over a distance of 163 feet.

Approvals

The following is a chronological list of approvals in regards to this project which was originally processed as part of the Nevada Highway Department Public Works project:

December 4, 1978 - Douglas County Planning Commission approved the entire project with findings and conditions including action to forward the complete project to TRPA as a State Public Works Project.

January 4, 1979 - Douglas County Commissioners approved the entire project with additional findings and conditions.

January 10, 1979 - TRPA-APC approved the State Public Works project with the findings and conditions of the Douglas County Planning Commission and the County Commissioners.

January 22, 1979 - NTRPA made a finding that Nevada State Highway Department pedestrian crossing does not require NTRPA approval. However, at the request of Harvey's, the remodeling within Harvey's, which is in question as to its necessity for completion of the pedestrian crossing, would be brought back for separate action.

January 25, 1979 - Based on revised plans, the Douglas County Board of Development Review approved an application by Harvey's for remodeling the area adjacent to the pedestrian crossing to accommodate the crossing.

January 26, 1979 - TRPA Governing Board recommended approval of the Nevada State Highway Department's pedestrian undercrossing and deleted Harvey's remodeling from consideration at the request of the Highway Department.

2/21/79
February 1, 1979 - Douglas County Commissioners approved the revised plans for remodeling within Harvey's and found it in compliance with the 1973 Master Plan. The following findings and conditions were approved:

1. The proposed remodeling is necessary to accommodate the pedestrian undercrossing and comply with 1976 UBC, Section 104. Upgrading of a quasi-public structure to meet current code requirements is in the best interest of the public health, safety, and welfare.

2. The project does not propose an increase in building area, but a decrease of 544 square feet of usable area.

3. The project will not add gaming space but represents a reduction of 350 square feet of usable gaming space.

4. The project will not add new uses. The existing uses will be replaced with the same type of uses upon completion.

5. To reduce interference with traffic flow on Highway 50, this project be constructed at the same time as the pedestrian crossing construction.

Options for TRPA Review

Option A - TRPA Governing Board review of the proposed modifications under Section 7.12(4) of the TRPA Land Use Ordinance which requires an administrative permit for substantial modification to a commercial development of 3 or more acres.

Comment - This would be the most appropriate administrative method and is recommended by Agency legal counsel providing the Governing Board find these modifications "substantial" and that they are not in compliance with the 1973 Master Plan. Harvey's has indicated that they do not support this course of action and that they do not intend to make any application to the Agency for the proposed project based on advice of their legal counsel.
Option B - A finding by staff or the Governing Board that the Harvey's modifications are in substantial compliance with the 1973 Master Plan.

Comment - Staff could make such a finding for the basement and the main level, providing the uses indicated on the plans are implemented. A finding of conformance for the second level is questionable since the 1973 Master Plan does not indicate any use in this area and the 12 feet increase in building height to 37 feet is not indicated in any plans or reports possessed by the Agency. Attachments B, C, and D compare the project area to the 1973 Master Plan.

However, the 1973 Master Plan as approved contained a pedestrian overcrossing which is now to be located underground. The 1973 Master Plan makes no allowance for the required undercrossing which would require some design modifications to the originally approved plans.

Therefore, based on information on changes necessitated by the pedestrian undercrossing and other information that may subsequently be presented to the Governing Board, it may be possible for the Board to find that the existing office area is to be maintained under the 1973 Master Plan. The Governing Board may also find that the increased height is within the conceptual design of the approval since no specific figure is indicated.

This option would preclude any TRPA conditions on the project since the applicant is not a party to this action, but may expedite the construction of the proposed undercrossing.

Recommendation

Agency staff recommends Option A as the proper course of action. This would require Harvey's to submit an application for an administrative permit and be processed under the procedures set forth in the TRPA Land Use Ordinance. It has been staff's position since December that the modifications are substantial and that compliance with the 1973 Master Plan is questionable with the given evidence. This course of action would also permit conditions of approval to alleviate any Agency concerns.

2/21/79
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
General Plan Amendment
Property Owned by
Ancel Casentini
Douglas County

Amendment Request

The applicant is requesting an amendment to the TRPA Land Use District Map to reclassify 1.75 acres of a 2.26 acre parcel from General Commercial to Medium Density Residential. The remaining half acre of this parcel is currently classified Medium Density Residential and the applicant proposes to maintain this use designation.

The General Plan amendment is proposed by the applicant in order that he may construct a condominium project of up to 18 units on the property instead of a commercial project as now permitted.

Property Location and Description

The subject parcel is located adjacent to Kingsbury Grade approximately 1.2 miles above the Kingsbury and Highway 50 intersection. The 2.26 acre parcel is currently undeveloped and abuts Kingsbury Grade on the south, Kingsbury Heights Subdivision on the west, undeveloped General Forest lands on the north and apartments and undeveloped commercially zoned lands on the east. (See attachment)

Local Zoning

The Douglas County zoning for the property is R-3 and C-1 in the same configuration as the TRPA land use districts.

Land Capability

The land capability maps indicate the soils on this property to be Cagwin with the majority of the slopes less than 15% which would permit 20% land coverage. The front portion of the property contains a low knoll and the rear portion of the property drops off steeply. There are no identified stream environment zones on the property, but there is a drainageway identified on the property which runs parallel to Kingsbury Grade.

The current General Commercial use designation on the 1.75 acres would permit land coverage up to 70%. The proposed classification would permit land coverage as per land capability which would not exceed 20% for this portion of the parcel. The site is currently undisturbed with a mixture of mature trees and scrub vegetation.

Impacts

The proposed amendment would change the potential uses on the site from commercial to residential. This would be a change in type of permitted use and, depending on the project, a change in intensity of use.

Public Utilities:

The applicant has submitted the proposed use classification to the Kingsbury Improvement District, Kingsbury Fire Protection District and Southwest Gas Corporation for consideration. These utilities indicate the proposed reclassification will not adversely affect their ability to serve the property.

2/6/79
General Plan Amendment  
Property Owned by  
Ancel Casentini - page two

Traffic:
If the condominium project were constructed to the maximum permitted density of 18 dwelling units, the project would generate approximately 126 vehicle trips per day. Depending on the type of commercial development utilized for comparison, the proposed amendment would generally reduce the trip potential from the site. This could be a critical factor since access to the property is from a very tight curve of Kingsbury Grade.

Visual Impact:
The proposed amendment would reduce the permitted height and land coverage hence preserve the natural amenities of the site. It should be noted that the construction of any project on this site will affect the view of Lake Tahoe for neighbors to the east of the project site.

Environmental Impact:
The reduction in permitted coverage from 70% to 20% will permit a majority of the existing trees and low story vegetation to be maintained.

Regional Plan:
The loss of commercially zoned lands in the middle Kingsbury area will reduce the supply of strategically zoned commercial lands. To date, two other parcels of land in this area have been reclassified from General Commercial to Medium Density Residential. The only existing commercial use located in this area was recently reclassified from Medium Density Residential to General Commercial which may be inconsistent with the trend toward residential uses. The most recent analysis under the General Plan Update indicates the parcel should be reclassified to Medium Density Residential, but this would assume the remaining spot of General Commercial property to the east would be reclassified to Medium Density Residential.

Recommendation
Agency staff recommends the subject General Plan amendment be approved with the applicant to submit a legal description delineating the 1.75 acre portion of the property being reclassified to Medium Density Residential.

Advisory Planning Commission Action
At a public hearing held on February 14, 1979, the APC voted unanimously to approve the requested General Plan amendment.

The APC further recommended that the Governing Body initiate a General Plan amendment on the 1.34 acre General Commercial parcel adjacent to the Casentini parcel and to reclassify it to Medium Density Residential.

2/6/79
Fairway Pines
General Plan Amendment
Washoe County

Property Description

The applicant, Rutgers Mortgage, represented by William F. Pillsbury, Inc. is requesting approval of a General Plan amendment on a 6.1 acre parcel (Washoe County Assessor Parcel No. 124-203-08). The subject parcel is located on the northeast corner of the intersection of Village Boulevard and Harold Drive. (See attachment #1) The applicant proposes to construct 48 2-story wood frame condominium units and all the necessary improvements including a 24 foot wide private access road through the project.

Existing Zoning

The property is zoned R-3 by Washoe County which allows multiple residential developments. Under Washoe County zoning, the maximum number of allowable units is 54. The northerly 3.9 acres of the parcel is classified Low Density Residential and the southerly 2.2 acres is classified High Density Residential by the Agency (see attachment #1). The maximum number of units allowed by the Agency is 49 under current land use classifications. The applicant is requesting approval of Medium Density Residential classification on the property which would allow a maximum of 48 units on the property.

Existing Land Use

The entire parcel is currently undisturbed. The proposed General Plan amendment will reduce the allowed unit density on the site. It will also resolve the problem of having two different land use districts on the same property. The project will provide a buffer of intermediate density development between the high density areas surrounding the central core area of Incline Village and the low density residential subdivisions that are the residential backdrop of Incline.

Previous Agency Action

At the July 26, 1972 meeting, the Governing Board approved a tentative map for a 54 unit condominium subdivision on the subject parcel. However, Section 4.31 of the Subdivision Ordinance provides that Agency approval of tentative maps shall lapse unless the applicant records a final map of the subdivision within eighteen months of such Agency approval. It is the opinion of Agency staff and legal counsel that the eighteen month provision operated on the approved tentative map and that the tentative map has lapsed. The applicant submitted an application to the Agency for approval of 48 condominium units in December, 1978. The submitted project is in excess of the allowed density in the Low Density Residential portion of the property. The Governing Board at the January 24, 1979 meeting continued the project application pending action on the General Plan amendment requesting that the property be reclassified Medium Density Residential.

Land Capability

The entire project site is identified as IsC, Inville stony, coarse, sandy loam, land capability level 6 with 30% allowable coverage. There is a stream environment zone located on the southwest corner of the property. No construction is proposed within this area. The proposed land coverage is under the 30% allowed.

2/21/79
Surrounding Uses

Attachment #2 illustrates the surrounding land uses. To the south of the proposed project is a large undeveloped zone of high density land; to the east is a substantially built out section of High Density Residential lands; also portions of the Incline Village golf course form part of the proposed development's eastern boundary. To the north is mostly Low Density Residential development built around the golf course. To the west is the Incline Village High School. The land is classified to allow residential uses. Its best use is for infilling with a use compatible with the surrounding uses. The surrounding uses are primarily residential of varying allowable densities and the high school which services local residential development. A residential development of medium density would be compatible with the currently existing uses.

Open Space

The allowable coverage on the site will not be altered by the requested amendment. The proposed amendment will result in more uniform spacing of the units than the existing classifications. This will reduce the visual disruption and crowding of units within the high density portion of the site. The units are proposed to be constructed along the proposed access road which will bisect the site from the northwest corner to the southeast corner. This will result in an open space buffer zone along the corner of Harold Drive and Village Boulevard. The units proposed to be constructed along the north side of the access road will abut portions of the golf course.

Public Services

The proposed General Plan amendment is anticipated to have a minimal effect on the remaining capability of public services. A project with approximately the same overall density could be proposed utilizing a combination of the existing land use classifications.

Traffic

The requested amendment will not increase the number of vehicle trips generated from the site over that resulting from the existing classification. However, it is estimated that the construction of 48 condominium units will generate approximately 336 vehicle trips per day. The majority of the trips generated from the project will be to local destinations in Incline Village. The project is located adjacent to Village Boulevard which is a major collector street connecting Country Club Boulevard and the central core area of Incline. The capacity of Village Boulevard is estimated to be approximately 510 vehicles per hour. The estimated current utilization of Village Boulevard is 154 vehicles at the 30th highest hour. The proposed project is anticipated to generate approximately 62 vehicle trips at the 30th highest hour. The 30th highest hour represents 80% of the peak hour flows that would be generated on the peak day. The addition of the estimated 62 trips from the project to those currently generated results in an estimated of 216 vehicle trips during the 30th highest hour. This total anticipated generation represents a 45% utilization of the estimated design capacity of Village Boulevard. Most vehicle trips from the site will travel over Village Boulevard. This collector street will then distribute
the trips along other local streets depending on destination. It is estimated that Village Boulevard will accrue the greatest number of generated trips and that the increase in traffic on Village Boulevard will not significantly affect design capacity or traffic movements.

The traffic impact on Highway 28 will not be significant. According to the Tahoe Regional Transportation Study, 28% of Incline Village residential trips occur along State Highway 28. Given that, the project when developed would result in 336 additional vehicle trips per day with only 62 of those trips occurring during the 30th highest hour. Traffic increase on Highway 28 would be 83 vehicle trips per day and 18 vehicle trips resulting from the project during the 30th highest hour.

Recommendation

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

Advisory Planning Commission Action

At a public hearing before the APC on February 14, 1979, the staff's recommendation was unanimously approved.

2/21/79
MEMORANDUM

DATE: February 16, 1979

TO: Governing Body

FROM: Agency Staff

SUBJECT: Nonattainment Air Quality Plan - TRPA Position

At the special workshop session held on February 14, 1979 to discuss the nonattainment air quality plan there was Governing Body consensus and APC action to defer consideration of the plan until at least March 1979 in order to allow for conclusion of the bistate planning process. It was pointed out at the workshop that the Nevada Environmental Commission has scheduled action on possible consideration of the Tahoe plan for the Nevada side of the region for its March 13, 1979 meeting. In subsequent conversation between TRPA staff and staff of the Nevada Division of Environmental Protection, it appears that it may be the intent of NDEP staff to move ahead on Nevada action based upon the information developed to date, rather than awaiting conclusion of the planning process and formal TRPA action. They have indicated that it is not their intent to abandon the bistate planning process, and that any action would be taken with the understanding that that process would continue and that amendment of the Environmental Commission action would be considered if such amendment as appears justified based upon subsequent planning conclusions.

In light of the possible action by NDEP, TRPA staff believes it is appropriate to transmit a formal Agency position to the Environmental Commission, clarifying the TRPA position. Staff would, therefore, recommend that the following position be formally endorsed by the Governing Board for transmittal to the Commission:

1. Though the timing of EPA nonattainment deadlines is of concern to the Tahoe Regional Planning Agency, the pursuit of unified planning for control of the region's air quality is of greater concern, and the Agency, therefore, has declined to take any action on the nonattainment plan until such time as has been refined to reflect the total problem of the region, including both the California and Nevada portions thereof. It is therefore the intent of the TRPA to continue to work within the coordinated planning process under which the plan has developed to date.

2. Should the Environmental Commission elect to take action on the Nevada portion of the nonattainment plan prior to culmination of the bistate planning process, TRPA urges that such action be taken with the express reservation that any adopted plan would be reconsidered by the commission at such time as the bistate planning process has concluded, and that the NDEP technical support which has been relied upon by TRPA and the other agencies participating in the coordinated planning process continue.
TRPA further recommends that any action taken by the environmental commission give full consideration to the technical analysis and recommendations developed by the bistate planning effort as of the date of such action.
Memorandum

Date: January 16, 1979

To: TRPA Governing Board

From: TRPA Staff

Subject: Policy on Grandfathering Shorezone Structures Constructed Prior to 1968

At a recent Governing Board meeting, controversy arose over the question of what determines an "authorized" structure under the TRPA Shorezone Ordinance. The importance of this determination is that Section 18.00 requires existing unauthorized structures to be reviewed by TRPA in the same manner as a proposed structure. The result is that numerous existing shorezone structures that do not conform to the terms of the current ordinance could be required to be removed or severely modified if they are determined to be unauthorized.

Jim Williamson, representing the Tahoe Shorezone Representation, has submitted the attached letter requesting that the Governing Board adopt a policy similar to the U. S. Army Corps of Engineers for review of shorezone structures. At present, the TRPA does incorporate the Corps' "grandfathering" provision in the Agency determination of authorized but also includes other agencies' requirements.

Determination of authorized or unauthorized shorezone structures by the Agency is based on the criteria set forth in Section 3.00 of the Shorezone Ordinance:

"Existing Structures or Alterations - Structures or alterations which have been constructed before the effective date of this ordinance or for which a permit has been issued pursuant to this ordinance. They are authorized existing structures or alteration if all permits required under existing law at the time of their construction were obtained and they were constructed in conformity with such permits; they are unauthorized if constructed without a required permit or not in conformity with existing law at the time of their construction."

...
The following is a list of agencies that require permits for construction activity in the shorezone of Lake Tahoe:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Period of Required Permits</th>
<th>Activities Requiring Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRPA</td>
<td>March 1972 to Present</td>
<td>Generally, any new construction, repairs over $500, filling or dredging below highwater of Lake Tahoe. Also backshore review of construction of 200 square feet from May of 1976 to present.</td>
</tr>
<tr>
<td>U. S. Army Corps of Engineers</td>
<td>December 18, 1968 to Present</td>
<td>Generally, a permit for any new construction, filling or dredging below the highwater has been required since 1899. The Corps has a nationwide policy which generally &quot;grandfathers&quot; non-hazardous structures existing before 1968.</td>
</tr>
</tbody>
</table>

**State Agencies**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Period of Required Permits</th>
<th>Activities Requiring Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>California State Lands</td>
<td>June 11, 1938 to Present</td>
<td>Generally, any new structures and filling or dredging below highwater (State claims) or lowwater (owner claims) requires a permit.</td>
</tr>
<tr>
<td>Lahontan Régional Water Quality Control Board</td>
<td>January 1, 1970 to Present</td>
<td>Discharge permit for filling and dredging and any construction that will affect the water quality.</td>
</tr>
<tr>
<td>Nevada State Lands</td>
<td>March 29, 1967 to Present</td>
<td>Same as California State Lands</td>
</tr>
</tbody>
</table>
Local Agencies

<table>
<thead>
<tr>
<th>County</th>
<th>Start Date</th>
<th>End Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Placer County</td>
<td>1968 to Present</td>
<td>(7/11/72 Shore-</td>
<td>Generally, most structures built in the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>zone Ordinance)</td>
<td>shorezone require a building permit, and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>dredging or filling require grading permits.</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>December 1, 1961</td>
<td>to Present</td>
<td></td>
</tr>
<tr>
<td>South Lake Tahoe</td>
<td>1965 to Present</td>
<td></td>
<td></td>
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<tr>
<td>Douglas County</td>
<td>1963 to Present</td>
<td></td>
<td></td>
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<tr>
<td>Washoe County</td>
<td>1969 to Present</td>
<td>(Piers)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1971 to Present</td>
<td>(Fill)</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation

Agency staff does not recommend revising the TRPA Shorezone Ordinance at this time to grandfather in all structures as of December 18, 1968. This is an Army Corps of Engineers' date and has no relation to TRPA ordinances which were adopted in 1972. The existing Shorezone Ordinance recognizes all structures as authorized that were built with the permits required at the time of construction which would include consideration of the Army Corps of Engineers' date. Staff would suggest the proper time to evaluate the "authorized" provisions of the ordinance would be upon total review of the Shorezone Ordinance.
A nonprofit corporation dedicated to reasonable and balanced use of the Lake Tahoe shoreline. Now entering its fourth year.

November 30, 1978

Governing Board
Tahoe Regional Planning Agency
Post Office Box 8896
South Lake Tahoe, CA 95731

Re: Policy

Dear Members of the Board:

The Tahoe Shorezone Representation respectfully requests that the TRPA Governing Board adopt a policy to coincide with that of the U. S. Army Corps of Engineers which states that .."all structures constructed in the waters of Lake Tahoe before December 18, 1968, be considered an authorized structure"...

We feel that this policy would simplify many matters in the future.

Very truly yours,

James W. Williamson,
Executive Director
MEMORANDUM

DATE: January 12, 1979

TO: TRPA Governing Board

FROM: Agency Staff

SUBJECT: Determination of Pierhead Line Maps

Summary:

On the November Governing Board agenda, there was an application for a variance to extend a single-use pier beyond the pierhead line. This item was continued when, just prior to the meeting, Mr. Jim Williamson questioned the authenticity of the TRPA pierhead line maps. It is his contention that a set of "red line" maps he personally drafted are the official maps and not the more restrictive maps currently in use by the TRPA.

The question before you is which are the maps officially adopted by reference in Section 7.26(1) of the TRPA Shorezone Ordinance? (Exhibit A)

The best evidence seems to be the actual minutes of the April and May, 1976 Governing Board meeting at which the Governing Board adopted the TRPA Shorezone Ordinance. Exhibit B contains a verbatim excerpt in which Mr. Ken Woodward specifically asked Mr. Richard Heikka about the pierhead line maps. It appears the subject maps were not available at this meeting and were to be completed by the second reading and were to be signed by the chairman.

Exhibit C contains verbatim excerpts from the May meeting. These transcripts indicate the incomplete maps were on Mr. Heikka's desk and not on display at the second reading of the Shorezone Ordinance. The maps drafted by Mr. Heikka but never signed by the chairman are the maps currently in use by the TRPA and were forwarded to the other State agencies.

On January 3, 1979, Agency staff met with Mr. Heikka and Mr. Williamson to discuss the pierhead line maps. Based on this meeting (see Exhibit D), Agency staff has determined that the "red line" maps
were working or resource maps and that the Agency maps are the official maps. It was also agreed that in the areas in which the maps conflict, an individual could ask for a Governing Body determination of the location of the pierhead line.

Recommendation:

Agency staff recommends that the Governing Board find that the Agency pierhead line maps are the maps referenced in Section 7.26(1) of the Shorezone Ordinance and that this action should be verified by the Chairman's signature.
An owner or lessee of a littoral parcel may be permitted to construct piers and launching facilities and to place mooring buoys, floating docks and platforms within the area described in Section 7.26 for the use of individuals on a multiple or commercial use basis if such use, structure and facility is otherwise permissible. If any such structure is, or is to be, accessory to a marina, the provisions of Section 9.00 shall also apply.

7.24 Piers, Launching Facilities, Mooring Buoys, Floating Docks and Platforms for Use In Connection with a Proposed Residential Development Project

Where the littoral parcel adjacent to the proposed pier, launching facility, mooring buoy, floating dock or platform is part of a residential land development served by the shorezone which is being developed for use by, or sale or lease to, more than one person, no pier, launching facility, mooring buoy, floating dock or platform shall be approved intended solely for the use of one individual or family and guests.

7.25 Piers, Launching Facilities, Mooring Buoys, Floating Docks and Platforms for Use in Connection with an Existing Residential Land Development Project

Where the littoral parcel adjacent to the proposed pier, launching facility, mooring buoy, floating dock or platform is held in common ownership by owners of parcels within a residential land development served by the shorezone, or by an association representing them, or by a person for use of such owners, no pier or launching facility, mooring buoy, floating dock, or platform shall be approved intended solely for the use of one individual or family and guests.

7.26 Placement of Piers, Mooring Buoys, Boat Ramps, Boat Launching Facilities and Floating Docks or Platforms

(1) A pierhead line as shown on the shorezone maps is herein adopted by reference. Except for mooring buoys and navigational structures, no facilities shall extend beyond the pierhead line except as provided in Section 7.26(4).

(2) Piers, mooring buoys, boat ramps, boat launching facilities, and floating docks and platforms shall be placed only within an area that is enclosed by lines that are parallel to and five (5) foot minimum inward of parcel lines extended lakeward at right angles from the low water line or as specified by Corps of Engineers regulations.
Verbatim excerpts from the April 28-29, 1976 Governing Body meeting regarding the first reading of the Shorezone Ordinance; in particular, the pierhead line.

Ken Woodward - ...Under Section 6.10 you talk about the tolerance district aerial maps and I believe you have a map referring to the pierhead?

Dick Heikka: Yes.

Ken Woodward: Let's identify those maps a little better by date or title so forth because those things can be changed arbitrarily without the person who has .....  

Dick Heikka: We would propose to you in answer to this one, that we are waiting until we find out if we got it past first reading, we would go in and prepare a series of mylars with a signature-title block that would be signed by the chairman and dated as the referenced maps and would become the official maps of this Ordinance and that's how we would propose and that's what I commented to you yesterday that we would then be able to send to DNOD, State Lands and the Nevada agencies a complete set of these shorezone maps and we would put both the tolerance district and the pierhead line on these maps and if we got past first reading this would be the next step that we would do within 30 days.
Verbatim excerpts from the May 26-27, 1976 Governing Body meeting regarding the second reading of the Shorezone Ordinance; in particular, the pierhead line.

Dick Heikka: We will, have, complete, particularly Ken for your benefit, the pierhead line-tolerance zones. I still have some lettering to do and it has forced me to dust off all my drafting equipment, I had to do it personally cause I can't steal a draftsman from Cramer, and those will be ready within probably a week and I will be shipping a copy down to you so that you will have them for the State agencies. They will be available and reproducible for anyone. We have put this information right on our land capability maps and will be selling them for the same price as the land capability maps which is $1.50 which covers our cost of printing. They will actually be stored at Sacramento Blue Print and you order directly through them, the tracings.

In response to Ken Woodward's motion that pier lengths be limited to a length of 100 feet -

Dick Heikka: ....As an example, the pierhead line around Lake Tahoe, I got them all drafted, I got them on my desk right now, from a point...westerly edge of Baldwin in South Shore...Going east almost all the way to Roy's (Robinette) house that pierhead line is about 100 feet, in fact some places we dropped it to 0 feet in a number of areas where we have barrier beaches we simply are not going to allow piers. We did this on the basis of alot of review...At Incline the average pier, and most of those properties have piers, are about 140 to 160 feet which gets them out to a reasonable depth for use. The pierhead line along Incline at about 150 feet. Now, if you go around North Stateline westerly and south there is a tremendous variation in that shorezone, but if you want to take the time to look at those 400 scales, there's an incredible uniformity of piers along that shoreline. For the most part in the range of 100 to 150 feet. We have drawn the pierhead line at the end of those piers. Now in a few areas, such as at Tahoe City we get out to 250 feet. Very few areas though do we get those kind of problems....fairly carefully identified. Overall we have drawn that pierhead line tight against the existing line of piers around Lake Tahoe. I think this is a fair approach in representing a reasonable approach in getting a reasonable use of the lake. Everybody that has taken the time to look at it, and I remind you again that this committee (CTRPA Shorezone Committee) has never looked at that map, has said that this is the best approach.
MEMORANDUM

DATE: January 5, 1978

TO: File

FROM: Judy George

SUBJECT: The Official TRPA Pierhead Line Maps

On January 3, 1979, Jim Jordan, Gabby Barrett and Judy George met with Mr. Richard Heikka and Mr. Jim Williamson to try and resolve the matter of which pierhead line maps are the official ones, the Agency pierhead line maps or the "red line" maps.

Mr. Heikka said that he asked Mr. Williamson to sit down and draw the so-called "red line" maps and then they both went over them. Mr. Williamson said that the intent of the pierhead line was to go to elevation 6219 feet, but Mr. Heikka did not agree. Mr. Heikka said the best way to handle the areas where the Tahoe Shorezone Representation and he differed was to let the Governing Board modify certain areas by resolution. Mr. Heikka said he impressed to the Governing Board at the public meetings that the pierhead line was okay except for some locations (he explained that they did not agree on the pierhead line in the Dollar Point area).

Mr. Williamson said the "red line" maps were at the meeting on April 29, 1976 and on May 27, 1976 the maps were on a table in the back of the room. He said that the Agency pierhead line maps did not exist at that time. Mr. Heikka said that he expressed time and again in those meetings that there was going to be changes on those maps. He explained that the pierhead line at Lake Forest was brought in expressly by staff since they felt it would protect the area.

Mr. Heikka said he does not agree that the "red line" maps were the ones adopted by the Governing Board and that Jim does not have a leg to stand on saying that the "red line" maps are the adopted maps. Mr. Williamson said that the TSR was under the impression that the "red line" maps were the adopted ones. Mr. Heikka said that he expressed publicly at the meetings that there was adjustments being made and that the Governing Board has prerogative to change the maps.

EXHIBIT D
Mr. Williamson said he has a TSR newsletter saying that the pierhead line would be at 6219 feet. Mr. Heikka agreed, but that applies to only 90% of the lake (not the shoal areas). He explained that we are not handcuffed by the Agency pierhead line maps, that the Governing Board could modify them because he knew there would be some areas where we would want to change them. He explained to Mr. Williamson that if he had a problem with the Lake Forest area he could ask for a review on its individual merits. Or Mr. Williamson has a right to ask for a variance or ask the Governing Board to establish the accurate maps again.

Mr. Williamson said again that the intent was 6219 feet or 300 feet out and Mr. Heikka said he could not agree on that. He said that the Agency's pierhead line maps took out 90% of the controversy. The Governing Board could adjust the line.

Mr. Heikka said that he had to defend staff's interpretation that the Agency's pierhead line maps are the official maps.

He explained that the Agency's pierhead line maps solves most of the problems but because of the shoal areas there would be a few problems. He said they were not made an ordinance because they could be changed, they could be challenged.

Jim Jordan said that the solution then, from Mr. Heikka's standpoint, the official maps are the ones we have on file now, and the applicant can appeal or go to the Board and ask for a policy decision on the Lake Forest area.

Mr. Heikka said we should bring the whole set up for interpretation.

Mr. Heikka said the key thing at the time was that he drew the Agency's pierhead line maps with Mr. Williamson's "red line" maps; everyone was fully aware that the Agency's maps would not coincide with the "red line" maps.

Mr. Jordan asked Mr. Heikka specifically "which are the official maps"? Mr. Heikka pointed to the Agency's pierhead line maps and said "these maps because we prepared them. We always reserved judgement that we had to adopt something. Not what TSR had done though. I would have to defend the staff all the way around that these (pointing to the Agency's pierhead line maps) are the official maps. These maps (pointing to the "red line" maps) were working maps. That pierhead line (on the "red line" maps) was used to evolve the pierhead line on the official maps".
MEMORANDUM

DATE: February 20, 1979

TO: TRPA Governing Body

FROM: TRPA Staff

SUBJECT: Processing Tentative Condominium Maps On Nonconforming Properties

The Governing Board discussed processing of tentative condominium maps on nonconforming properties at its January, 1979 meeting. The basis of that discussion was a memorandum prepared by Agency staff (attachment 1) which suggested that further subdivision of these parcels may have a substantial impact on the cost and availability of housing within the Tahoe Basin, as well as being at variance with land use densities established in the General Plan.

Background

The January 17, 1979 staff memorandum recommended that applications for tentative condominium maps, requiring a variance for nonconforming densities or coverage, be denied on the basis that the "grandfathered" entitlement already constituted a reasonable use and that further subdivision would have substantial impacts on the cost and availability of housing within the Tahoe Basin. The Governing Board deferred action on the policy statement recommended by the staff and requested that Washoe County investigate alternative means of resolving this issue. On February 8, 1979, members of TRPA staff met with representatives of Washoe County to discuss methods of processing tentative condominium maps on nonconforming parcels. It was generally agreed to by all parties at that meeting that approval of condominium maps on a parcel of land with a "grandfathered" nonconforming density or coverage would result in the creation of new parcels in violation of Section 9.30 of the TRPA Land Use Ordinance, which states in part:

"No person shall create a lot or parcel upon which there will exist more than the maximum number of dwelling units or maximum percentage of coverage permitted by this Ordinance..."

Previous Agency policy with regard to processing tentative condominium maps of this type has been to require a variance under Section 15.0 of the Subdivision Ordinance which would allow the higher density or coverage on each property created by the subdivision of condominium units. It was generally agreed among representatives attending the meeting with Washoe County that this method has some major drawbacks...
primarily resulting from the number of variances which are expected to be processed. In Incline Village Units 3 and 4 alone, there are 94 4-plex and 23 duplex lots which fall under the definition of nonconforming parcels. It is likely that the majority of the owners of these lots would request variances under Section 15.0 of the Subdivision Ordinance if such a procedure or precedent were established by the Governing Board. Processing this number of variances while assuring that each applicant will not be provided with "special privileges not enjoyed by other similarly regulated properties" leads to the obvious conclusion that the exception would then become the rule.

Alternatives

It is staff's analysis that there are four options for resolving the matter of processing tentative condominium maps on nonconforming parcels, as follows:

Alternative 1 Governing Board Adopt Policy to Deny Variances

This is the option recommended by Agency staff in the January 17, 1979 memo to the Governing Board. Tentative condominium maps on nonconforming properties would be denied on the basis that the required findings cannot be made in order to issue a variance.

Advantages: This option has the advantage of protecting the integrity of the General Plan and Land Use Ordinance by assuring that nonconforming properties are not created by the further subdivision of parcels with density or coverage in excess of that allowed by those ordinances. In order to protect against this situation, the Subdivision Ordinance required the issuance of a variance with several findings required. It is staff's opinion that the information currently available to make those required findings, weighs against issuing variances, as follows:

1. Section 9.10 of the Land-Use Ordinance allows nonconforming uses to be constructed or continued provided they are to be constructed according to the approved subdivision map. This section provides for a reasonable use of property and recognizes existing entitlements to development.

2. Section 15.0 of the Subdivision Ordinance requires a variance to be granted in order to create new nonconforming parcels if the applicants can demonstrate that they cannot make any reasonable use of the property. Agency staff is of the opinion that the existing entitlements to development on such properties constitute a reasonable use and cannot make the required finding that any reasonable use would be denied without issuance of a variance to allow the processing of condominium maps.

3. Section 15.0 (variance) of the Subdivision Ordinance also requires a finding that a significant probability of harmful environmental consequences will not be the result of the issuance of the variance. The January 17, 1979 memo prepared by Agency staff and the updated attachment point out the economic impacts which could be expected by the conversion of apartment units to
condominium units in relationship to rental rates prevalent within the Basin. Rental rates for condominiums are in the order of 40% greater than that of apartment units of a similar size. This in turn affects the availability of housing for permanent residents of the Basin.

For instance, according to income distribution levels contained in the Housing and Community Development Element of the General Plan, a conversion from apartment type of units to condominium units would result in requiring a substantial income group segment of the resident population to "overpay" for housing. Overpayment for housing results when renters or owners pay over 25% of their gross income for housing. Utilizing data from the Housing and Community Development Element, approximately 24% of the resident population which can currently absorb monthly rental payments for apartment dwellings without overpayment would either be forced out of that segment of the rental market, seek another place of residence, or be caused to pay a disproportionately high percentage of its income for housing if those rental apartment units were not available.

Comparing income requirements for apartment versus condominium units and utilizing income data provided in the "Nevada Review of Business and Economics", 3rd Quarter, 1978, provides an even higher estimate of the percentage of the work force which may be displaced or at best not accommodated by the higher rental rates charged for condominium units. According to that data, approximately 63% of the work force would be displaced or required to overpay if apartment type rental units were not available.

Because of the propensity of the work force to locate housing within its ability to pay, even at the cost of commuting greater distances when housing is not available at an affordable price, staff is unable to recommend the required finding that a significant probability of adverse environmental consequences would not result from a policy allowing the issuance of variances for processing condominium maps on nonconforming properties. Agency staff is of the opinion that a significant percentage of the work force would be required to seek a residence in areas away from general employment centers, thereby increasing traffic congestion and air pollution along key sections of highways, rather than allowing for the internalization of employee trips in closer proximity to places of employment.

Disadvantages: This alternative would not allow processing of tentative condominium maps on nonconforming parcels under the existing ordinances of the Agency. As a result, financial gains which may have been realized through the process of further subdivision of property may be less than anticipated by developers.
Alternative 2: Governing Board Adopt Policy to Approve Variances

Advantages: This option has the advantage of being an established mechanism to resolve the question of processing condominium maps on nonconforming parcels. The issuance of a variance under Section 15.0 of the Subdivision Ordinance has been used in the past in processing applications for the St. Francis of the Woods and the Tahoya Shores condominium conversions and more recently for the property being developed by Jerry Cruitt.

Disadvantages: The major disadvantage of establishing this type of policy is in the number of variances which are anticipated to be processed. In Incline Village Units 3 and 4 alone, there is the potential for creation of 422 nonconforming properties, each requiring a variance. A further disadvantage of adopting such a policy is the requirement that like properties be given equal treatment in granting variances. Once such a policy is adopted, even if informally through granting a variance, similar requests must be treated in a like manner.

The implications of adopting such a policy to grant variances are outlined in the staff findings under Alternative 1.

Alternative 3: Amend Sections 9.10 and 9.30 of the Land Use Ordinance

As mentioned previously, Section 9.10 of the Land Use Ordinance allows nonconforming uses to be constructed or continued provided those uses comply with a vested right created by a subdivision map created prior to the effective date of TRPA ordinances. Section 9.30 of the Land Use Ordinance, however, does not allow any further subdivision of property which would create densities or coverage not in conformance with the ordinance. One possible means of resolving the question of processing condominium maps on these types of parcels would be to amend both above-referenced sections of the ordinance to recognize not only the use created but the further subdivision of condominium units on nonconforming parcels as a vested right.

Advantages: This alternative has the advantage of being procedurally correct and eliminating a requirement for making the findings necessary under each variance to be granted as in Alternative 2.

Disadvantages: The major disadvantage of this method is that it is not generally advisable to modify an ordinance to remedy a relatively specific circumstance which could be handled by another means. Legal counsel advises that it would be difficult to word such amendments to the Land Use Ordinance with assurances that they would not erode the Agency's powers over some similar circumstance which was not envisaged at the time of rewriting the ordinance.
Alternative 4: Process General Plan Amendment Utilizing Planned Unit Developments

Agency staff has identified the need for the creation of a Planned Unit Development Zone and has proposed such a zone in the General Plan Update. Provisions would need to be made for the creation of such a zone within the TRPA Land Use Ordinance and reflected in appropriate areas of the Basin in the Tahoe Regional General Plan Map. Each nonconforming parcel could be zoned for Planned Unit Development recognizing existing levels of entitlements which would result in the same densities recognized by County zoning.

Advantages: This alternative has the advantage of establishing a process which would allow the determination of classification of a parcel to be based upon the individual merits of each classification. The Agency would not be bound to an across-the-board rule and would only be dealing with the specific parcels affected. Establishment of such a use district through an amendment of the TRPA Land Use Ordinance would also have utility in other situations not directly related to nonconforming parcels.

Disadvantages: The timing of the General Plan Update may forestall action on this alternative. However, the Land Use Ordinance and Tahoe Regional General Plan Map could be amended independently of TRPA action on the General Plan Update.

Staff Recommendations

Agency staff recommends that the Governing Board adopt a policy not to process condominium maps on nonconforming parcels based on the staff findings listed under Alternative 1.

If the Governing Board does not look favorably on Alternative 1, Agency staff would recommend that the Board initiate a General Plan amendment to allow for Planned Unit Development Zones (Alternative 4). This alternative has the fewest disadvantages of Alternatives 2, 3, and 4 and would significantly improve the Agency's ability to deal with these types of situations.
DATE: January 17, 1979

TO: TRPA Governing Board

FROM: Agency Staff

SUBJECT: Processing Tentative Condominium Maps on Nonconforming Properties

Presently, the Agency has several applications pending for TRPA review of condominium tentative maps on nonconforming properties. As required by the TRPA Subdivision Ordinance, it has been TRPA policy in reviewing St. Francis and Tahoya Shores condominium conversions that a variance is required to process condominium maps on properties that are nonconforming in density or coverage. A question of basinwide policy has arisen for Agency approval of all variances on tentative maps for nonconforming residential structures.

Background

The TRPA Land Use Ordinance, upon its adoption, "grandfathered" certain planned unit development subdivisions which were approved prior to 1972. Section 9.10 permits nonconforming uses to be constructed or continued provided they are to be constructed as per the approved subdivision map. It appears the intent was to recognize prior legal commitments to development. It also appears to be the intent of the Land Use Ordinance that further development, i.e. new subdivision maps, must conform to TRPA densities, land capability and coverage limitations since there are no "grandfathering" provisions for such development. Section 9.30 of the Land Use Ordinance specifically states "No person shall create a lot or parcel upon which there will exist more than the maximum number of dwelling units or maximum percentage of land coverage permitted by this Ordinance..."

Analysis

The question arises, what are the impacts of a basinwide policy of approving variances to the Land Use Ordinance in order that these tentative maps may be approved. Agency staff has analyzed both environmental and economic impacts and has discovered one major negative impact.
The cost of housing should increase significantly due to the high cost per unit created by the conversion of apartment units to condominiums or single ownership units. Staff estimates a potential 15 - 30% increase in cost of dwelling units. This total increase could be significant if one considers all the nonconforming apartments and the 1,200+ nonconforming units approved in planned unit developments. The availability of housing to permanent residents may also decrease as a result of the increased costs of ownership and the resulting incentive to convert these units to seasonal rentals.

At the present, staff has not had the manpower to analyze the conversion problem in order to obtain exact statistics. The recent City of South Lake Tahoe action prohibiting conversions and the attached pricing samples obtained from the real estate section of the Tahoe Tribune indicate that such conversions may result in a significant increase in housing costs.

**Recommendation**

Agency staff would recommend that applications for variances be denied on tentative maps that do not conform to the provisions of the TRPA Ordinances. Staff finds that two or more apartment units constitutes reasonable use; therefore, variances can not be granted under the provisions of Section 15.00 of the Subdivision Ordinance. Staff also finds significant evidence to indicate this deviation from the TRPA Ordinances will have substantial impacts to the cost and availability of housing in the Tahoe Basin.
## HOUSING COSTS

### APARTMENTS VS. CONDOMINIUMS

Source: Classified Ads, Tahoe Tribune  
January 12, 1979

**Condominiums**

<table>
<thead>
<tr>
<th>Listed Price</th>
<th>1 Bdrm</th>
<th>2 Bdrm</th>
<th>3+ Bdrm</th>
<th>Listed Rent</th>
<th>1 Bdrm</th>
<th>2 Bdrm</th>
<th>3+ Bdrm</th>
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<tbody>
<tr>
<td>$55,000</td>
<td>105,000</td>
<td>69,900</td>
<td></td>
<td>$375</td>
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<tr>
<td>78,500</td>
<td>77,650</td>
<td></td>
<td></td>
<td>300</td>
<td>475</td>
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<td>72,300</td>
<td>125,000</td>
<td></td>
<td></td>
<td>475</td>
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<td>650</td>
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<tr>
<td>92,500</td>
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<td></td>
<td></td>
<td>475</td>
<td></td>
<td>575</td>
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<td>55,000</td>
<td>115,000</td>
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<td>32,000</td>
<td>79,000</td>
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</tbody>
</table>

Average: $55,000  $72,550  $97,758  
Average Per Unit: $82,834  
$477

**Apartments**

<table>
<thead>
<tr>
<th>Listed Price</th>
<th>Unit Cost</th>
<th>List Price</th>
<th>Unit Cost</th>
<th>Listed Rent</th>
<th>1 Bdrm</th>
<th>2 Bdrm</th>
<th>3+ Bdrm</th>
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</thead>
<tbody>
<tr>
<td>$149,000</td>
<td>74,750</td>
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<td>94,500</td>
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<td>39,750</td>
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<td>145,000</td>
<td>72,500</td>
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<td>40,000</td>
<td>250</td>
<td>285</td>
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<td>89,950</td>
<td>44,975</td>
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<td>64,500</td>
<td></td>
<td></td>
<td></td>
<td>350</td>
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</tr>
</tbody>
</table>

Avg. Rent: $231  $350  $441

Average Per Unit: $48,252  
$339

**Unit Cost Difference:**
- Condominiums - $82,834
- Apartments - 48,252
  - $34,582 or 72% increase

**Listed Rent Difference:**
- Condominiums - $477
- Apartments - 339
  - $138 or 41% increase
### Income Requirements

"Average" Apartment Rental $15,320/yr.  
"Average" Condominium Rental $23,040/yr.

### Income of Local Work Force

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage of Labor Force Employed</th>
<th>Weekly Income</th>
<th>Per Family Employment</th>
<th>Yearly Income</th>
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<tr>
<td>Trade (includes hotel service, gaming)</td>
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<td>$ 204</td>
<td>1.4</td>
<td>$ 14,411</td>
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<td>Public Utilities (includes local government)</td>
<td>24²</td>
<td>$ 314</td>
<td>1.4</td>
<td>$ 22,149</td>
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<td>Construction</td>
<td>9²</td>
<td>$ 421</td>
<td>1.4</td>
<td>$ 29,723</td>
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<tr>
<td>Other</td>
<td>19</td>
<td>Unknown</td>
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### Ability of Resident Population to Meet Income Guidelines

<table>
<thead>
<tr>
<th>Income Level (Dollars)</th>
<th>Percentage of Permanent Residents in Income Group</th>
<th>Income Groups Qualifying for Rental Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Summer Winter Average</td>
<td>Qualify for &quot;Average&quot; Rental Housing</td>
</tr>
<tr>
<td>1974 1979</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 - 8000 0 - 10400</td>
<td>12 16 14</td>
<td>x</td>
</tr>
<tr>
<td>8000-10000 10400-13000</td>
<td>17 10 13.5</td>
<td>x</td>
</tr>
<tr>
<td>10000-15000 13000-22500</td>
<td>19 28 23.5</td>
<td>x</td>
</tr>
<tr>
<td>15000-20000 22500-26000</td>
<td>16 21 18.5</td>
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</tr>
<tr>
<td>20000-35000 26000-45500</td>
<td>27 19 23</td>
<td>x</td>
</tr>
<tr>
<td>35000-50000 45500-65000</td>
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<td>50000+ 65000+</td>
<td>5 2 3.5</td>
<td>x</td>
</tr>
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</table>

### Ability of Local Employment Base to Meet Income Guidelines

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Income Requirements for Average Unit</th>
<th>Percentage of Work Force Not &quot;Qualifying&quot; for Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment</td>
<td>$15,320</td>
<td>9% +</td>
</tr>
<tr>
<td>Condominium</td>
<td>$23,040</td>
<td>72% +</td>
</tr>
</tbody>
</table>

1 Assumes Federal guideline of 25% gross income allocated to housing costs  
3 Source: Tahoe Regional Transportation Study  
4 Source: Housing and Community Development Element, TRPA, 1978  
5 Assumes income rise of 6%/yr. from last available year with income data  
6 Based on income information contained in "Nevada Review of Business and Economics", 3rd Quarter, 1978, Reno SMSA
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: February 21, 1979

TO: Governing Body

FROM: Agency Staff

SUBJECT: Interpretation of Administrative Permit Action; Harrah's Tahoe Parking Structure - Loop Road Connection

Harrah's Tahoe has submitted to the TRPA preliminary plans for the connection of the existing Harrah's parking lot to the Douglas County Loop Road and has indicated their intent to make this connection as soon as they are given the go ahead by TRPA, even if the Loop Road extension to Montreal Avenue on the California side is not completed. While connection was specifically provided for in the TRPA approval of the Loop Road and was discussed conceptually at the hearing of January 24 and 25, 1979 on the Harrah's parking structure, the administrative record is not clear with respect to the subject proposal by Harrah's. Staff is, therefore, seeking clarification of the Governing Board's intent with respect to the Loop Road connection.

1. Harrah's Parking Structure Action

The application for construction of Harrah's Parking Garage was approved by the TRPA Governing Body on January 25, 1979. In that approval there were no specific conditions or actions relating to the connection of Harrah's with the Loop Road. Though the project plans identified a conceptual connection with the Loop Road, it was specifically indicated in the documents provided for the Parking Garage that the connection would not be made until the Loop Road is extended to the California side of the State Line at Montreal Avenue. At such time the subject connection would become, in essence, a driveway for vehicles ingressing and egressing Harrah's. It was upon this representation that the traffic and air quality analyses of the project were based, and upon which the staff evaluation was founded.

At the Governing Board meeting of January 25, 1979, Harrah's Vice President John Gionatti made verbal representations that Harrah's had changed its position and did intend to connect their property to the Loop Road, even if the California side is not connected. He, in fact, proposed to connect the road by March 1, 1979. No specifics were provided regarding such an early connection, however, and no action was taken by the Board pursuant to Mr. Gionatti's comments.

The basic issue posed by these circumstances is a question of intent of the Governing Board with respect to Harrah's connection to the Loop Road: was the Board approval of the Parking Garage application founded upon the assumption that the connection would not be made until the Loop Road was extended to the California side of the State Line, as represented in the application; or did the Board assume Mr. Gionatti's comments amended the application to allow for an earlier hook up with the Loop Road?
Staff requests clarification from the Board as to which of these positions reflect the prevailing Board understanding.

2. Secondary Issue

If it is the Governing Board judgement that Harrah's may connect prior to the Loop Road extension to Montreal Avenue, then such an early connection poses some complicating factors which, in staff's judgement, would require additional scrutiny by the Governing Board.

There is no question regarding the intent of the TRPA to allow Harrah's to connect with the Loop Road. The Agency approval of the Loop Road specifically included a connection with Harrah's at the location identified on the subject proposal. Such a connection, however, was envisioned as a point of ingress and egress from Harrah's. If the connection is made prior to the Loop Road extension to Montreal Avenue, then it will take on a significantly different character. Under those circumstances, the Harrah's connection would become the Loop Road connection and, instead of serving just Harrah's, it would foster significant through traffic movements.

Though some discussion did take place at the January 25, 1979 meeting, it is staff's opinion that the implications of such a connection were not discussed in sufficient detail to allow a decision. Furthermore, the current proposal by Harrah's does not provide any information on traffic circulation or traffic flows by which the impact of such a connection may be assessed.

It would be staff's recommendation, therefore, that any proposal by Harrah's to connect with the Loop Road prior to the extension to Montreal Avenue should be brought before the TRPA Governing Board for review. In such review specific attention should be given to the traffic flow and circulation impacts of the connection, with the specific intent of insuring that any through movement would be properly accommodated, should such an early connection be approved. An additional concern which would have to be addressed would be the integration of such a connection into the approved site plan of the parking structure, including the assurance of conformance with the land coverage limitations imposed therein.
MEMORANDUM

DATE: February 20, 1979

TO: Governing Body

FROM: Agency Staff

SUBJECT: Status Report on Previous Governing Board Requests

At the January Governing Body meeting, Mr. Dwight Steele and Mr. Norm Woods requested updates from staff on four issues which had been pending from previous meetings. The requests related to: (1) Modification of the General Plan Update recommendation to incorporate a policy on cumulative environmental impacts; (2) incorporation into the sign ordinance of regulations relating to on-premise signs; (3) resolution of the road coverage issue at Glenbrook Properties; and (4) a status report on the Lakeside Marina breakwater.

1. Cumulative environmental impact policy

At the May, 1978 meeting of the TRPA Governing Body a lengthy workshop session was devoted to discussion of the General Plan Update recommendations, as contained in the document titled Tahoe Regional Plan (proposed), dated April, 1978. The outcome of this session was a series of recommendations from the Governing Body for amendment of the subject document. One of these recommendations was the addition of a policy regarding cumulative impacts.

In response to the recommendations of the Governing Body, staff prepared and distributed, to the Board the following month, a summary of the Board recommendations and the proposed revisions to the plan text to accomplish those recommendations. A copy of that summary is attached. Item #3 of the summary addresses the cumulative impact issue.

2. On-premise signs

At the August, 1978 Governing Body meeting consideration was given to requests for variance to the TRPA height limitations for several signs in the Douglas County gaming core area. One issue which arose in the context of that discussion was the fact that the height limitations in question are contained in the TRPA Land Use Ordinance, but not referenced in the Agency's Sign Ordinance. It was recommended by the Governing Body that this oversight be remedied by incorporating the height limitations into the Sign Ordinance as well as the Land Use Ordinance, thereby reducing the potential confusion over sign height.

Another question arose regarding the Sign Ordinance at the September, 1978 Governing Body meeting at which there was a discussion of political signs and their status under the ordinance. It was staff's conclusion that political signs were not accommodated by the ordinance, and in response to this, the Board directed that modifications of the ordinance be prepared to allow political signs under appropriate circumstances.
While the referencing of the height standards can be a relatively simple process, it will require an amendment of the Sign Ordinance, as will the recognition of political signs. Rather than propose separate amendments to the ordinance, staff has withheld consideration of the height amendment pending development of an appropriate standard for political signs. Staff has been preparing the necessary language and has tentatively scheduled consideration of both ordinance modifications for the March, 1979 Governing Board meeting.

3. Glenbrook road coverage questions

At the September, 1978 Governing Body meeting staff raised an issue with the Board regarding a finding of the regional public facility which had been made on the main access road into the Glenbrook area. This finding had allowed the road to be excluded from land coverage calculations for the Glenbrook development. It had come to staff's attention, however, that public access along the road had been restricted, raising questions regarding the original regional public facility determination and the associated land coverage.

Staff has discussed this issue with the developer of the Glenbrook project and reached tentative resolution of the related land coverage questions. Pursuant to these discussions, an application has been filed by the developer for a finding of local road. As per Section 8.25(4) of the Land Use Ordinance, such a finding can be made with respect to the Glenbrook access road regardless of the resolution of the public access question. This finding could allow the discounting of only a portion of the road coverage. In future applications relating to the Glenbrook project, it is this more limited coverage consideration which would apply. The two existing Glenbrook units were created prior to the raising of the coverage issue. The total coverage on the two units is less than what would have been allowed by the application of the regional public facility provision, however, and staff is satisfied that the applicant has not in fact received significant benefit from the original determination of regional public facility.

The issue of public access on the Glenbrook road is not yet resolved. The developer contends that maintenance of access is not required. The U.S. Forest Service has raised a question with that conclusion because of public lands to the north of the Glenbrook development which have traditionally been accessed via the subject road. TRPA staff believes that the only legal issue with respect to the Agency's ordinances involving the road is the land coverage consideration, and hence has not pursued additional action regarding the public access issue.

4. Lakeside Marina Breakwater

This issue involves down-drift erosion which has occurred along various sections of beach in the vicinity of Lakeside Marina in South Lake Tahoe since the Marina was first constructed in 1956. The initial construction has necessary permits, as did the subsequent construction of the breakwater intended to reduce the erosion problem within the Marina. Since construction of the breakwater, however, the erosion problem has simply moved eastward to the point where the breakwater ends.

Concern for the erosion brought the issue to TRPA initially in 1972, at which time the Agency approved creation of several openings in the breakwater in an attempt to moderate its impact. This was done, but has not eliminated the problem. More recent discussions between TRPA and the Marina have resulted in a proposal to
create more openings in the Marina, institute some dredging in the Marina, and stabilize the eroded areas. TRPA staff believes the basic problem is the existence of the Marina, but since the Marina was constructed under proper permit, staff has informally concurred in this proposal. Final approval has been held up pending action by the Lahonton Regional Water Quality Control Board to establish waste discharge requirements.
GOVERNING BOARD DIRECTION
MAY GENERAL PLAN WORKSHOP

1) Revise objective A-1 (page 2)

Recommended Revision:

Objective: Within the constraints of private property rights, establish and support policies to 1) bring existing land use patterns into closer conformance with the constraints of natural scenic and recreation resources, 2) encourage land uses and land use patterns in both the private and public sectors which enhance the ability of the public to experience and utilize these natural resources, and 3) prevent the creation or expansion of primary attractors which do not enhance the ability of the public to experience and utilize these natural resources.

2) Delete policy A-1-e (page 4)

Deleted Policy:

A-1-e: The TRPA shall actively encourage and support any public land acquisition or development proposals within the region which will preserve or enhance the natural scenic and recreation resources of the region or the ability of the public to experience or utilize these resources.

3) Add policy regarding cumulative impacts

Recommended Addition (in place of policy A-1-e):

A-1-e: In the evaluation of potential land uses, consideration shall be given to the relationship of those potential uses to the cumulative impacts of development upon the region, in addition to the specific impacts associated with the uses in question.

4) Revise policy C-1-a (page 9) to reflect umbrella policy with opportunities for local plans.

Recommended Revisions:

C-1-a: The maximum growth rate permitted on private lands within each of the six local government jurisdictions of the region will be 5% per year of the remaining residential buildout capacity identified within that jurisdiction and 5% per year of the remaining tourist residential/tourist commercial buildout capacity identified within that jurisdiction. This policy shall be considered an umbrella policy for the region. Each local government may develop its own growth management plan proposal, which if approved by the Governing Board, may supplant the umbrella policy within the particular jurisdiction.

5) Revise policy C-2-b (page 10) to delete "encourage"

Recommended Revision:

C-2-b: TRPA shall actively encourage and support capital and service improvements necessary to maintain the permitted growth rates.
CONFLICT RESOLUTION POLICIES

The directives of the Bistate Compact establish potentially conflicting mandates for the Tahoe Regional Planning Agency in providing for both conservation of the region's resources and orderly growth. Accordingly, there is a potential for conflict between policies established in response to these directives. The following section identifies areas of potential policy conflict and establishes overriding policy for resolution of those conflicts.

Potentially Conflicting Policies

<table>
<thead>
<tr>
<th>A-1-a vs. A-1-b, B-4-a, D-1-b</th>
<th>The allowance of a single family residence on a lot or parcel of record (A-1-a) poses a potential conflict with policies limiting uses in certain areas (A-1-b, B-4-a and D-1-b).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflict Resolution Policy #1:</td>
<td>In the event of such a conflict, policy A-1-a shall prevail unless a finding is made by the TRPA Governing Board that an alternative reasonable use for the property is available and more in keeping with uses permitted pursuant to the conflicting policy.</td>
</tr>
<tr>
<td>Rationale:</td>
<td>There is both a legal and an ethical mandate to allow a reasonable use of private property. The allowance of residence on the property has been the traditional manner in which the Agency has met these mandates.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A-1-a vs. B-1-b</th>
<th>The allowance of a single family residence on a lot or parcel of record (A-1-a) poses a potential conflict with conformance to land coverage limitations (B-1-b).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflict Resolution Policy #2:</td>
<td>In the event of such a conflict, policy A-1-a shall prevail, with allowance of sufficient coverage to provide a reasonably sized dwelling.</td>
</tr>
<tr>
<td>Rationale:</td>
<td>There is both a legal and an ethical mandate to allow a reasonable use of private property. The allowance of residence on the property has been the traditional manner in which the Agency has met these mandates.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A-1-a, A-1-b vs. B-3-a, C-1-a, C-1-b</th>
<th>The permitting of certain uses (A-1-a and A-1-b) poses a potential for conflict with policies limiting uses to maintain a reasonable growth rate (C-1-a) or to prevent critical environmental or public service problems (B-3-a and C-1-b).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflict Resolution Policy #3:</td>
<td>In the event of such a conflict, the policy limiting use (B-3-a, C-1-a or C-1-b) shall prevail.</td>
</tr>
<tr>
<td>Rationale:</td>
<td>The Compact mandates orderly development. The permitting of uses under A-1-a and A-1-b orders potential development by locating it geographically within the region. Policies B-3-a, C-1-a and C-1-b add a temporal element to the</td>
</tr>
</tbody>
</table>
orderly development by insuring against premature development. They are viewed as policies which may postpone development of a particular parcel pending mitigation of a problem or cause modification of a proposed development, but will not ultimately prevent use of the parcel pursuant to the permitted uses.

A-1-b vs. D-1-b

The permitting of certain uses (A-1-b) poses a potential for conflict with use prohibitions along scenic corridors (D-1-b).

Conflict Resolution Policy #4: In the event of such a conflict, the permitted use pursuant to policy A-1-b shall be allowed only upon a finding by the TRPA Governing Board that there is no reasonable alternative use more consistent with the scenic corridor policy.

Rationale: There is both a legal and an ethical mandate to allow a reasonable use of private property. The allowance of residence on the property has been the traditional manner in which the Agency has met these mandates.

B-1-b vs. C-5-b

The conformance to land coverage (B-1-b) poses a potential conflict with the allowance for land coverage deviation for certain uses (C-5-b).

Conflict Resolution Policy #5: In the event of such a conflict, policy C-5-b shall prevail to the extent allowed in implementing Land Use Ordinance provisions.

Rationale: The types of residential uses specified in policy C-5-b are such that strict adherence to land coverage limitations, particularly on smaller parcels, would either force higher structures or would prevent achievement of permitted densities, in which case a use district change would be more appropriate. With respect to commercial and industrial districts, these uses are largely a function of residential development, with a certain level of residential development requiring a given level of commercial use. The Conflict Resolution Policy allows these uses to be concentrated, rather than to be spread less intensely over a much larger area. Additionally, the Conflict Resolution Policy allows for tailoring of the override allowances to specific situations (i.e., separate standards for the various use districts and parcel sizes).

B-2-d vs. C-2-b

The maintenance of water supply for fish, wildlife and vegetation (B-2-d) poses a potential for conflict with support for public service improvements to maintain permitted growth rates (C-2-b).

Conflict Resolution Policy #6: In the event of such a conflict, policy B-2-d shall prevail.
Rationale: Studies undertaken for TRPA have indicated sufficient water within the constraints of the bistate Truckee River Water Compact agreements to accommodate the demands of potential Tahoe Basin development, with the requirement of some redistribution of resources and with conservation. This Conflict Resolution Policy may require some redistribution or conservation to avoid placing an excessive demand that would adversely impact supply for fish, etc., in a particular stream, but should not prevent securing of necessary supplies.

C-1-c vs. C-3-d

The allowance for Planned Unit Development on Development Reserve lands only upon the finding of public facility capacity over and above the level necessary to service the maximum growth rate (C-1-c) poses a potential for conflict with the policy of encouraging low and moderate income housing (C-3-d).

Conflict Resolution Policy #7: In the event of such a conflict, policy C-3-d shall prevail, with a Governing Board finding of community benefit due to provision of needed low and moderate income housing being sufficient to allow a Development Reserve project to be considered within the permitted maximum growth rate, rather than over and above the maximum growth rate.

Rationale: Policy C-1-c reflects a priority for buildout within areas already committed to urbanization rather than an expansion into undeveloped areas. The Conflict Resolution Policy recognizes the problem of deficiencies in low and moderate income housing as sufficiently critical to allow for equal consideration of expansionary development if such development is meeting that problem specifically.

C-3-d vs. C-4-a

The granting of priority to projects addressing low and moderate income housing needs (C-3-d) poses a potential for conflict with the granting of priority to development on public lands (C-4-a).

Conflict Resolution Policy #8: In the event of such a conflict, policy C-4-a shall prevail.

Rationale: The Conflict Resolution Policy reflects a larger potential public benefit from development and utilization of public lands than from the provision of low and moderate income housing needs, since the latter provides the employment base largely for private development within the region and is not inherently necessary for utilization of the public lands of the region. Implicit also is the judgement that the public has not yet secured a return on its investment in the Tahoe region commensurate with that enjoyed by private development.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: 2/15/79

TO: TRPA Governing Board

FROM: Agency Staff

SUBJECT: Financial Statement, January 31, 1979

The accompanying financial statement reflects the Agency's fiscal status as of January 31, 1979. At 58% of the year completed, actual line-item figures are for the most part within budgeted amounts, with the following significant exceptions:

Revenue Line Items
Filing Fee Income-$1,900 over budget;
Investment Income-$300 under budget;
State of California-$37,500 under budget;
State of Nevada-$18,750 under budget;

Expense Line Items
Staff Salaries-$16,000 under budget;
Employee Benefits-$1,800 under budget;
Communications-$1,500 under budget;
Travel Expenses-$1,500 under budget.

On the revenue side, filing fee income is up at January 31st because of the high number of grading variances requested so far this fiscal year. Investment income is down with half of the California and Nevada funds unavailable to earn interest for the Agency. You will notice on page 2 of the financial statement that staff is nevertheless attempting to maximize investment income.

On the expenditure side, staff salaries and benefits are down as a result of the current staff level being below the level budgeted for the year by three positions. Communication costs and travel expenses are also down at January 31st, due to the cooperative efforts of the staff in operating under tight conditions.

Staff shall be prepared to answer any related questions the Governing Board may have at the meeting this month.
## ALL PROGRAMS BUDGETED FOR FISCAL YEAR 1978/79

### STATEMENT OF REVENUE & EXPENSES FROM JULY 1, 1978 THRU January 31, 1979

Percentage of Fiscal Year Completed: 58%

<table>
<thead>
<tr>
<th></th>
<th>Budgeted Revenue &amp; Expenses</th>
<th>Actual Revenue &amp; Expenses Thru 1/31/79</th>
<th>Actual In Proportion To Budgeted</th>
<th>Actual (Over)/Under Budgeted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State of California</td>
<td>$ 75,000</td>
<td>$37,500</td>
<td>50 %</td>
<td>$37,500</td>
</tr>
<tr>
<td>State of Nevada</td>
<td>37,500</td>
<td>18,750</td>
<td>50 %</td>
<td>18,750</td>
</tr>
<tr>
<td>Carson City</td>
<td>1,010*</td>
<td>1,010</td>
<td>100 %</td>
<td>-0</td>
</tr>
<tr>
<td>Douglas County</td>
<td>25,470</td>
<td>25,470</td>
<td>100 %</td>
<td>-0</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>62,505</td>
<td>62,505</td>
<td>100 %</td>
<td>-0</td>
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<tr>
<td>Placer County</td>
<td>38,024</td>
<td>38,024</td>
<td>100 %</td>
<td>-0</td>
</tr>
<tr>
<td>Washoe County</td>
<td>23,994</td>
<td>23,994</td>
<td>100 %</td>
<td>-0</td>
</tr>
<tr>
<td>Filing Fee Income</td>
<td>25,000</td>
<td>16,415</td>
<td>66 %</td>
<td>8,585</td>
</tr>
<tr>
<td>Air Quality Grant</td>
<td>11,000</td>
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<td>55 %</td>
<td>5,000</td>
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<tr>
<td>Investment Income</td>
<td>7,000</td>
<td>3,315</td>
<td>47 %</td>
<td>3,685</td>
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<tr>
<td>Sales/Printed Matter</td>
<td>1,200</td>
<td>1,059</td>
<td>88 %</td>
<td>141</td>
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<tr>
<td>Miscellaneous Income</td>
<td>-</td>
<td>362</td>
<td>141 %</td>
<td>(362)</td>
</tr>
<tr>
<td>Fund Balance 7/1/78</td>
<td>65,605</td>
<td>65,605</td>
<td>141 %</td>
<td>147,428</td>
</tr>
<tr>
<td>H.U.D.</td>
<td>70,546</td>
<td>17,346</td>
<td>25 %</td>
<td>53,000</td>
</tr>
<tr>
<td>C.E.T.A.</td>
<td>39,036</td>
<td>17,907</td>
<td>46 %</td>
<td>21,129</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$482,690</td>
<td>$335,262</td>
<td>69 %</td>
<td>$147,428</td>
</tr>
</tbody>
</table>

|                      |                            |                                        |                                 |                             |
| **EXPENSES:**        |                            |                                        |                                 |                             |
| Staff Salaries       | $221,451                   | $112,404                               | 51 %                            | $109,047                    |
| Employee Benefits    | 27,621                     | 14,225                                 | 52 %                            | 13,396                      |
| Legal Notices        | 2,000                      | 854                                    | 43 %                            | 1,146                       |
| Repairs/Maintenance  | 1,260                      | 589                                    | 47 %                            | 671                         |
| Office Supplies      | 4,500                      | 2,471                                  | 55 %                            | 2,029                       |
| Publications         | 54                         | 34                                     | 100 %                           | -0                          |
| Communications       | 9,500                      | 4,002                                  | 42 %                            | 5,498                       |
| Postage              | 4,000                      | 1,764                                  | 44 %                            | 2,236                       |
| Travel Expenses      | 3,000                      | 288                                    | 10 %                            | 2,712                       |
| Auto Maintenance     | 2,000                      | 1,467                                  | 73 %                            | 533                         |
| Insurance            | 4,440                      | 4,277                                  | 96 %                            | 163                         |
| Building Expenses    | 50,000                     | 27,992                                 | 56 %                            | 22,008                      |
| Office Equipment Rent| 5,205                      | 3,401                                  | 65 %                            | 1,804                       |
| Auditing Services    | 2,900                      | 2,900                                  | 100 %                           | -0                          |
| Reproduction/Printing| 3,000                      | 1,594                                  | 53 %                            | 1,406                       |
| Equipment Purchases  | 2,100                      | 396                                    | 19 %                            | 1,704                       |
| Contractual Labor    | 1,854                      | 1,854                                  | 100 %                           | -0                          |
| Legal Services       | 70,000                     | 37,955                                 | 54 %                            | 32,045                      |
| Inspection Fees      | 725                        | 725                                    | 100 %                           | -0                          |
| Miscellaneous Expenses| 54                       | 54                                     | 100 %                           | -0                          |
| Consulting Services  | 1,000                      | 702                                    | 70 %                            | 298                         |
| **TOTAL EXPENSES**   | $416,644                   | $219,948                               | 53 %                            | $196,696                    |

**FUND BALANCE 6/30/79 $ 66,046**

**FUND BALANCE 1/31/79 $ 115,314**

*Carson City contributed $1,003 over and above TRPA's requested allocation of $7.
CONDITION OF FUND BALANCE ON 1/31/79

Cash On Hand $ 887
Savings, Investments 115,549
Accounts Receivable 19,632
Less: Accounts Payable (20,754)

TOTAL FUND BALANCE $ 115,314
February 7, 1979

James Jordan
TRPA
Box 8896
South Lake Tahoe, CA 95736

Dear Mr. Jordan:

This letter is to confirm that the Far West Ski Association wishes to make a presentation at your meeting on March 1, regarding the Ski Circus from Sugar Bowl to Lake Tahoe at Homewood.

This concept has been in Placer County's planning for at least 25 years. More recently, David Tucker, a planner who lives in Squaw Valley, has done a drawing showing this possibility. It has come to be known as the "Tahoe Ski Circus."

We would like to have adequate time to acquaint your board members with the importance of this to skiers.

At the end of our presentation, we would request that you unanimously direct your staff to work with Far West Ski Association representatives in preparing a program within six months for the implementation of the Ski Circus. This would require an analysis of the environmental effects and the ability of the various parts of the Ski Circus to meet the "Criteria for Development of Ski Areas at Tahoe," prepared by CTRPA two years ago.

On behalf of the million skiers in California and the 14 million skiers nationwide who want Ski Space.

Sincerely,

Edward L. Gehle
President
ELG:dle

cc: John McClintic Reily
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO.

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

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that in order to effectuate the adopted Regional Plan, it is necessary to adopt this ordinance amending the Grading Ordinance to clarify certain provisions of such ordinance, to identify those responsible for compliance therewith and to correct certain typographical and drafting errors therein.

Section 2.00 Clarification of Certain Definitions

Section 3.00 of Ordinance No. 5, as amended, is hereby amended by deleting therefrom the present definitions of "Agency" and "Grading" and adding thereto the following definitions of "Agency" and "Grading":

"Agency - [The Governing Body and/or the staff of] The Tahoe Regional Planning Agency.

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

Section 3.00 Amended Administrative Permit Requirements

The first three sentences of Section 4.23 of Ordinance No. 5, as amended, are hereby amended to read as follows:
"4.23 Application Form and Required Information for Administrative Permits

Applicants for an administrative permit shall submit an application to the permit-issuing authority upon a form prescribed by the Agency. Applicants for an administrative permit shall furnish to the permit-issuing authority an information report prepared by individuals qualified by training and experience to have expert knowledge of the subject. The permit-issuing authority and the Agency shall determine the adequacy of the report and may require the submission of additional information [pursuant to Section 5.00] where necessary."

Section 4.00  Amended Section 7.70

Section 7.70 of Ordinance No. 5, as amended, is hereby amended to read as follows:

"7.70 Identification of Stream Environment Zone

The width of a particular stream environment zone shall be determined by on-the-ground investigation by [the] Agency staff. Investigation shall consider: (1) soil type and how surface water filters into the ground; (2) the type and amount of vegetative cover and how it stabilizes the soils; (3) the slope of the land within the zone and how significant it is for retaining sediment from reaching the streams; and (4) the boundaries of the 100-year flood plain."

Section 5.00  Amended Section 7.80(1)

Section 7.80(1) of Ordinance No. 5, as amended, is hereby amended to read as follows:

"(1) No clearing of vegetation, grading or filling shall take place within a stream environment zone except as provided in Section 7.80(2), and except that drainage facilities required by this ordinance, utility facilities and roads may be constructed therein if it can be demonstrated that (a) there will be no substantial alteration of natural flows of water or other detrimental effect on water quality; and (b) the proposed work will not be detrimental to the environment within or adjacent to the stream environment zone. [for example, there will be no discharge of sediment or other material into any water course and fish habitats will not be detrimentally affected by the construction.]"
Section 6.00  Amended Section 7.80(2)

Section 7.80(2) of Ordinance No. 5, as amended, is hereby amended to read as follows:

"(2) A single family dwelling may be constructed on an existing legal lot or parcel containing a stream environment zone; [pursuant to the granting of an administrative permit under Section 4.22(4);] provided, however, that (d) such dwelling unit and related land coverage are located outside the boundaries of the stream environment zone; [as determined through the provisions of Section 7.70;] or (b) such dwelling unit and related land coverage are located, designed and constructed in such a manner as to minimize encroachment on and disturbance of the stream environment zone where sitting outside of the stream environment zone is impractical [it is not possible to meet the condition specified in Section 7.80(2)(a).]

Section 7.00  Amended Responsibilities of Contractor

Section 7.154 of Ordinance No. 5, as amended, is hereby amended to read as follows:

"7.154 Responsibility of Contractor

The permittee, contractor and subcontractor shall be fully responsible for compliance with the requirements of this ordinance, including, without limitation, any damage caused to existing trees or other vegetation. Each shall be responsible for all employees from the first day of construction until the notice of completion is filed. Each shall be aware of and comply with all laws, ordinances and regulations of competent governmental authority effective as of the date of permit issuance which in any way affect the work; and each shall protect and indemnify the Agency and all officers and employees thereof connected with the work.

If any discrepancy or inconsistency is discovered in the plans, drawings, specifications, or contract for the work in relation to any such law, ordinance or regulation, the contractor shall forthwith report the same to the project engineer and Agency in writing."
Section 8.00 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 ________________, by the following vote:

Ayes:
Nays:
Abstain:
Absent:

__________________________
Chairman
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 78-

AN ORDINANCE AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY TO INCLUDE THE LAKE TAHOE BASIN WATER QUALITY MANAGEMENT PLAN AS AN ELEMENT OF THE REGIONAL PLAN.

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

Ordinance No. 22 of the Tahoe Regional Planning Agency is hereby amended to read as follows:

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that the Regional Plan, adopted December 22, 1971, by Ordinance No. 3 of the Agency, and as amended to date, was and continues to be in compliance with the provisions of the Tahoe Regional Planning Compact, Public Law 91-148, but that said Plan should be further amended by adding to said Plan the Water Quality Plan of the Lake Tahoe Basin as an element of the Land Use Plan. The Governing Body further finds that said amendment, and the Regional Plan, as further amended thereby, comply with the provisions of the Tahoe Regional Planning Compact, and that all required notices have been given and public hearing held, as required by Article V of said Compact.

Section 2.00 Adoption of the Regional Plan

The Regional Plan of the Tahoe Regional Planning Agency, as adopted by Ordinance No. 3 of the Agency on December 22, 1971, and as amended to date, is hereby continued in effect. The Lake Tahoe Basin Water Quality Management Plan is hereby added to the elements of said Regional Plan by this ordinance and, with said addition, said Regional Plan contains the following correlated elements (each of the documents hereinbelow set forth are incorporated herein by this reference):
(a) The Land Use Plan composed of:

(I) The General Plan Map setting forth land use districts;

(II) The Environmental Constraint Map and accompanying text referred to as the Land Capability Map and the report compiling the scientific bases for the preparation of said map entitled "Land Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide for Planning", by Robert G. Bailey, 1974; the accompanying text referred to is that contained in the pocket part of said report;

(III) The Summary and Findings adopted by the Tahoe Regional Planning Agency, set forth in the minutes of the meeting of the Agency held December 21-22, 1971;

(IV) The narrative of the brochures entitled "The Plan for Lake Tahoe";

(V) The "Tahoe City Urban Design Plan, 1975"; and

(VI) The "Lake Tahoe Basin Water Quality Management Plan", January, 1978, consisting of:

- Water Quality Problems and Management Program; and

(b) The Transportation Plan composed of:

(I) The brochure entitled "The Plan for Lake Tahoe"; and

(II) The document entitled "Plan Summary - The Recommended Short-Range Tahoe Regional Transportation Plan", dated July 18, 1975, including the following maps incorporated in said document:

- (A) "Tahoe Regional Transportation Plan, Short-Range Plan, North Tahoe Subregion, East and West Corridor Transit and Road Elements", dated July 1975;
(B) "Tahoe Regional Transportation Plan, South Tahoe Subregion, Short-Range Transportation Plan, Transit and Road Elements", dated July 1975;

(C) "Tahoe Regional Transportation Plan, Short-Range Plan, North Tahoe Subregion, East and West Corridors, Bike Trail Element", dated July 1975; and

(D) "Tahoe Regional Transportation Plan, South Tahoe Subregion, Short-Range Transportation Plan, Bike Trail Element", dated July 1975.

(III) The document entitled "Draft, Tahoe Regional Transportation Plan, Short-Range Element, 1975-1980", dated June 1975; and


(c) The Conservation Plan composed of:

(I) The brochure entitled "The Plan for Lake Tahoe";

(II) The document entitled "Conservation Recreation and Open Space Elements, Lake Tahoe Region", June 1973, including the Land Suitabilities Map which is made a part of said document; and


(d) The Recreation Plan composed of:

(I) The brochure entitled "The Plan for Lake Tahoe";

(II) The document entitled "Conservation, Recreation and Open Space Elements, Lake Tahoe Region", June 1973, including the Land Suitabilities Map which is made a part of said document; and

(e) The Public Services and Facilities Plan composed of:

(I) The brochure entitled "The Plan for Lake Tahoe";

(II) The document entitled "Water and Sewer Planning and Programming, Lake Tahoe Region", June 1973; and


Section 3.00 Planning and Policy Guidelines

The Conservation, Recreation and Public Services and Facilities Plans, and the "Tahoe City Urban Design Plan, 1975", a part of the Land Use Plan, shall serve exclusively as planning and policy guidelines to which the Agency shall refer, and upon which it shall rely, in whole or in part, for purposes of consideration of:

(a) Amendments to the Regional Plan, including but not limited to, changes of the land use district applicable to any real property included within the Regional Plan;

(b) Applications for approval of private developments, projects and proposals;

(c) Plans, programs and proposals of the State of Nevada, of the State of California, or of their executive or administrative agencies, or of any local or regional government;

(d) Public works projects;

(e) Proposed ordinances and amendments thereto; and

(f) Other proposals for consideration of which said plans reasonably may serve as guidelines.

Section 4.00 Regional Plan Amendments - Changes in Land Use Districts

All amendments to the Regional Plan accomplished by a change in the land use district applicable to any real property subject to such plan shall be set forth in Exhibit "A", attached hereto and incorporated herein by this reference. Said Exhibit "A" shall be amended by ordinance to accomplish and reflect all such changes in land use districts.
Section 5.00 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 6.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING: November 30, 1978

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

_____________ Chairman
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 79-

AN ORDINANCE IMPLEMENTING THE LAKE TAHOE BASIN WATER QUALITY MANAGEMENT PLAN.

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 effectuate the adopted Regional Plan, it is necessary to adopt this ordinance implementing the Lake Tahoe Basin Water Quality Management Plan. The Governing Body further finds that the provisions of this ordinance are in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00 General Provisions

2.10 Compliance

Land use, construction and improvement of property shall be in compliance with the terms of this ordinance and permits respecting same shall be granted or denied in conformity with the provisions of this ordinance.

2.20 Minimum Standards

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.

2.30 Interpretation and Severability

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

This ordinance may be cited and referred to as the "208 Ordinance".

2.50 Subject Matter of Ordinance

This ordinance addresses surface water management, wastewater management, and solid waste management pursuant to the requirements of Section 208 of Public Law 92-500.

Section 3.00 Definitions

For the purposes 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. All references to "sections" herein are to be sections of this ordinance and all subsections thereof (e.g., "Section 4.00" means Section 4.00 to 4.50, inclusive) unless the context indicates to the contrary.

Agency - The Tahoe Regional Planning Agency.

Grading - Cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing land form.

Handbook of Best Management Practices - The Handbook for controlling erosion and drainage as developed through the Areawide Waste Treatment Management (208) Program.

Permit-Issuing Authority - Anyone who issues or is charged by law with the responsibility of issuing a permit for any construction or use within the region.

Plan - The Lake Tahoe Basin Water Quality Management Plan as described in Ordinance No. 78-___.

Primary 208 Planning Agency - The governmental entity so designated pursuant to the provisions of Section 208(a)(2) of Public Law 92-500.

Region - All that area described in Article II(a) of the Tahoe Regional Planning Compact.

States - The State of Nevada and the State of California.

Stream Environment Zone ("SEZ") - A strip of land on each side of a stream bed essential or necessary to maintain existing water quality. Stream environment and related hydrologic zones consist
Section 4.00 Statement of Policy

4.10 Adoption of Plan

By Ordinance No. 78- __, the Agency adopted the Plan as a portion of its land use element of the Regional Plan for the region. This ordinance implements the Plan.

4.20 Findings

The Agency hereby finds that the interest, responsibility and capability to protect the water quality of the region is shared by local government, regional planning agencies, the States of California and Nevada and the United States. It is further found that implementation of the program to protect the quality of the waters of the region can best be achieved through cooperation of and, if possible, the adoption of this Plan by the Environmental Protection Agency (EPA), United States Forest Service (USFS), California State Water Resources Control Board (CSWRCB), California Regional Water Quality Control Board, Lahontan Region (LRWQCB), Nevada Division of Environmental Protection (NDEP) and all other governmental entities with responsibility for protection of environmental resources of the region. It is further found that the Plan and this ordinance have as their objective the proper purpose of obtaining and, where necessary, restoring the natural water quality conditions of the region.

4.30 Policies

In order to maintain and, where necessary, restore the natural water quality of the region, the Governing Body of the Agency hereby adopts the following policies:

(a) Natural and manmade improvements shall be implemented so that waters entering Lake Tahoe and waters in tributary streams of Lake Tahoe are essentially natural in their quality characteristics.

(b) The actions of governments required to implement and establish the administrative procedures set forth on Figures 1-8 and 1-9 of the Plan shall occur.
(c) All future construction and grading shall be planned, designed and constructed utilizing as a guide the provisions set forth in the 208 Handbook of Best Management Practices.

4.40 Recommended Institutional and Regulatory Program

It is hereby recommended by the Governing Body of the Agency that the respective Governors of the States designate pursuant to the provisions of Section 208(c)(1) of Public Law 92-500, the entities listed on Figure I-8 of the Plan as management agencies for implementing the Plan.

4.50 Recommended Continuing Planning Program

It is hereby recommended by the Governing Body of the Agency that the respective Governors of the States designate pursuant to the provisions of Section 208(c)(1) of Public Law 92-500 the entities listed on Figure I-9 of the Plan as management agencies for carrying out continuing planning to effectuate the Plan.

Section 5.00 Plan Refinement and Update

5.10 Findings

The Agency hereby finds and declares that periodic review and updating of the Plan is essential to assure that the Plan is and continues to be responsive to the current needs of the region.

5.20 Schedule for Review and Updating

Within the time specified hereinbelow, the primary 208 planning agency within the region, after considering the recommendations of all of the agencies listed on Figure I-9 of the Plan shall review and update the following elements of the Plan:

<table>
<thead>
<tr>
<th>Plan Element</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Quality Problems and Management Program</td>
<td>Annualy</td>
</tr>
<tr>
<td>Handbook of Best Management Practices</td>
<td>Every two (2) years</td>
</tr>
</tbody>
</table>

(beginning one year after Plan adoption)
5.30 **Public Hearings**

The primary 208 planning agency shall hold public hearings on each of the Plan elements defined in Section 5.20 at least sixty (60) days prior to adoption of amended Plan elements.

5.40 **Cooperation with Management Agencies**

In considering modifications to the Plan, the primary 208 planning agency shall seek the cooperation and consider the recommendations of all 208 management agencies and private individuals.

5.50 **Annual Report**

After considering the recommendations of all of the agencies listed on Figure I-9 of the Plan, the primary 208 planning agency shall prepare and submit an annual report to EPA and the States containing the following information:

(a) A summary of the testimony at each public hearing held pursuant to Section 5.30 and staff responses thereto.

(b) A summary of the modifications of each Plan element.

(c) A general description of the progress of work undertaken pursuant to the Plan.

Section 6.00 **Regulations and Enforcement**

6.10 **Findings**

The Agency, in accordance with the provisions and purposes of Article V(b)(1) and Article VI(a) of the Tahoe Regional Planning Compact, hereby finds it necessary to adopt water quality standards and objectives for the Basin.

6.20 **Adoption of Water Quality Standards**

The water quality standards for Lake Tahoe, as adopted by the Nevada State Environmental Commission and by California Regional Water Quality Control Board, Lahontan Region, for the water of Lake Tahoe, are hereby adopted as the water quality objectives of Lake Tahoe for the Agency.

6.30 **Adoption of Runoff Quality Guidelines**

The following runoff quality guidelines for the region are hereby adopted:
UNIFORM REGIONAL RUNOFF QUALITY GUIDELINES

Surface Discharges

Surface water runoff which enters Lake Tahoe or a tributary thereto shall meet the following constituent levels:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Permissible Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total nitrogen as N</td>
<td>0.5 mg/liter</td>
</tr>
<tr>
<td>Total phosphate</td>
<td>0.1 mg/liter</td>
</tr>
<tr>
<td>Total iron</td>
<td>0.5 mg/liter</td>
</tr>
<tr>
<td>Turbidity</td>
<td>20 JTU</td>
</tr>
<tr>
<td>Grease and oil</td>
<td>2.0 mg/liter</td>
</tr>
</tbody>
</table>

If the constituent levels of water entering a lot or parcel from upstream areas are of a superior or equal quality to the above, waters leaving a lot or parcel shall meet the quality level listed above.

If the constituent levels of water entering a site do not meet the above, there shall be no statistically significant increase (one standard deviation at a 90 percent confidence level) in the water quality constituent of the waters as they are discharged from the site.

Runoff Discharged to Groundwaters

Waters infiltrated into soils shall not contain excessive concentrations of grease and oils, floatable organic materials, or other litter or settleable solids in quantities which could clog the infiltration system. To ensure effective operation of an infiltration system, runoff into such facilities shall meet the following recommended constituent levels:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Permissible Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total nitrogen as N</td>
<td>5 mg/liter</td>
</tr>
<tr>
<td>Iron</td>
<td>4 mg/liter</td>
</tr>
<tr>
<td>Turbidity</td>
<td>200 JTU</td>
</tr>
<tr>
<td>Grease and oil</td>
<td>40 mg/liter</td>
</tr>
</tbody>
</table>
6.40 Capability of Imposing Higher Standards

The runoff quality guidelines set forth in Section 6.30 define the acceptable minimum level of water quality required in surface runoff in the region. Any governmental entity of competent jurisdiction may enforce equal or higher standards within its territory and these runoff quality guidelines shall not be deemed a limitation or repeal of any other powers granted to the governments of the region by the United States or the States.

6.50 Compliance with Best Management Practices

The Agency finds that in order to prevent erosion and surface water management problems in future land use activities, the Handbook of Best Management Practices shall be utilized as a guide for approval of a development proposal, or issuance of a building, grading, tree removal, encroachment, or other necessary permit by any permit-issuing authority or any other governmental body within the region.

6.60 Compliance with Best Management Practices on Public Lands

Handbook of Best Management Practices should be utilized as a guide on public lands by respective state or federal agencies with jurisdiction over those lands.

6.70 Issuance of Permits

The permit-issuing authority shall issue no permits for any grading or construction until it is assured that the activity will be conducted following the guides set forth in the Handbook of Best Management Practices.

Section 7.00 Erosion and Drainage Management Systems

7.10 Designation of Projects

There is hereby adopted Exhibit "A" to the Plan which consists of 17 maps scaled at approximately one inch equals sixteen hundred feet (1/1600) which maps are presently on file with the Agency. Each of said maps are hereby incorporated herein by this reference. Exhibit "A" designates erosion and drainage management projects.
7.20 Implementation of Projects Shown in Exhibit "A"

Projects defined on Exhibit "A" are to be used in carrying out the following:

(a) The counties and cities of the region shall annually review those projects in Exhibit "A" and perform the projects therein set forth as funds become available therefor.

(b) At least one full watershed erosion and drainage project should initially be completed and assessed for its cost effectiveness and environmental effects by the primary 208 planning agency and all cities and counties within the region.

7.30 Responsibility for Implementation

The management agencies identified in Section 4.40 shall be responsible for attempting to undertake and complete the projects set forth in Exhibit "A" to the extent that funds can be obtained therefor. It shall be the responsibility of each such management agency to do all things necessary to obtain the necessary approval from the Agency and Nevada Department of Environmental Protection or the Lahontan Regional Water Quality Control Board approvals for Exhibit "A" projects.

Section 8.00 On-Site Runoff Management Systems

8.10 Proposed On-Site Runoff Management Systems

In the course of development of the Plan, a list of names of specific properties for which on-site surface water management systems are desirable in the future was prepared.

8.20 Implementation of On-Site Surface Water Management Systems

Properties identified in the Plan and other properties on which on-site surface management systems are desirable, upon the application for construction or use permits, shall be reviewed for the purpose of assessing the need for, desirability of, and feasibility of requiring an on-site surface water management system.
Section 9.00 Waste Management

9.10 Findings

The Agency hereby finds that existing laws for the management of sewage effluent, solid wastes, and water craft wastes are adequate to protect the quality of the water of the region.

9.20 Dissemination of Information

Those who provide waste management facilities, including, without limitation, sewage and solid waste disposal services shall meet and confer with entities having jurisdiction over waste management facilities and with entities having jurisdiction over planning within the region for the purpose of assuring the expeditious exchange of information concerning the capacity, efficiency, flows, operations and anticipated expansion of waste management facilities.

Section 10.00 Planning for Critical Environmental Areas

10.10 Findings and Development Policies

The Agency hereby finds that high erosion hazard lands and stream environment and related hydrologic zones (SEZ) are critical environmental areas for purposes of water quality management. It is hereby further found that the protection of SEZ against encroachment by land use activities that degrade their natural characteristics is critical to the preservation of the quality of the waters and watershed of the region.

10.20 Development on SEZ

Development on SEZ lands shall comply with the appropriate guidelines contained in the Handbook of Best Management Practices.

10.30 Determination of Precise SEZ Boundaries

In establishing SEZ boundaries, the guidelines set forth in the Agency Grading Ordinance were utilized. Any interested party may dispute the accuracy of SEZ boundaries by an application to the Agency supported by data demonstrating the appropriate SEZ boundaries. Such application shall be evaluated based upon the criteria set forth in the Agency Grading Ordinance and this ordinance. All such applications shall be determined by the Agency staff as provided by Section 4.00 of the Agency Grading Ordinance.
10.40 Development on High Erosion Hazards Lands

Development on lands within land capability classification 1a, 1c and 2 shall comply with the appropriate guidelines contained in the Handbook of Best Management Practices.

Section 11.00 Plan Financing

11.10 Findings

The Agency hereby finds that a financial program is necessary to fund implementation of the Plan, prevent water quality problems within the region on future development and to control and alleviate water quality problems created by past development practices.

11.20 Funding of Plan Implementation on Public Lands

All funding necessary to implement Plan improvements on public lands shall be paid from the annual budget or other funding source from the entity owing such lands.

11.30 Maintenance and Repair of Surface Water Management Systems

Funds necessary for maintenance and repair of all surface water management systems are the responsibility of the appropriate management agency and may be derived from such sources as are available.

11.40 Other Plan Costs

All available and feasible financial mechanisms may be utilized to implement the provisions of the Plan.

Section 12.00 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 13.00 Effective Date

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

FIRST READING: November 30, 1978

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

Ayes:
Nayes:
Abstain:
Absent:

__________________
Chairman
Draft: 1/9/79
Underscore = New Language
( ) = Deleted Language

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. -

AN ORDINANCE AMENDING ORDINANCE NO. 4 OF THE TAHOE REGIONAL
PLANNING AGENCY, AS AMENDED, TO ALLOW LAND COVERAGE NOT IN
EXCESS OF 50% ON ALL PUBLIC SERVICE PARCELS.

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 amend the Land Use Ordinance, to
allow Public Service District parcels land coverage amounts comparable to that of other similar
land use districts and uses. The Governing Body further finds that said amendment is necessary to
accord said parcels a more reasonable use under all the circumstances and is in accordance with
the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00 Amendment to Section 7.103 to Establish Coverage Allowance in a Public Service District

Section 7.103 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended to
read as follows:

"7.103 Limitations on Land Coverage

No person shall create land coverages in excess of
the limits set forth in Section 6.20) fifty percent
(50%) of the land area included in the application
for a permit, as calculated in accordance with
Section 8.22, except as otherwise permitted in
accordance with Section 9.24 of this ordinance.

This provision shall apply only to those lands
contained in Public Service Districts as shown
on the Tahoe Regional Plan as originally adopted.
The limitations on land coverage set forth in
Section 6.20 shall be applicable to lands which
may be reclassified into such districts in the
future unless the ordinance effecting such
reclassification specifically provides otherwise."
Section 3.00 Amendment to Section 6.20 to include Public Service Parcels

Section 6.20 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

"6.20 The limits on land coverage in each of said districts, except as otherwise provided in Sections 7.83, (and) 7.93 and 7.100, are as established in this section. Said limits are to be calculated in accordance with Sections 8.22 and 8.23 and are subject to modification in accordance with the provisions of Sections 8.25, 8.28 and 9.20.

<table>
<thead>
<tr>
<th>Lands Located in Land Capability District Number</th>
<th>Percentage of Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>3</td>
<td>5%</td>
</tr>
<tr>
<td>4</td>
<td>20%</td>
</tr>
<tr>
<td>5</td>
<td>25%</td>
</tr>
<tr>
<td>6</td>
<td>30%</td>
</tr>
<tr>
<td>7</td>
<td>30%</td>
</tr>
</tbody>
</table>

Section 4.00 Effective Date

This ordinance shall be effective 60 days after its adoption.

FIRST READING: January 26, 1979

SECOND READING:

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

Ayes: _______________________________________

Nays: _______________________________________

Abstain: ____________________________________

Absent: _____________________________________

______________________________
Chairman
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE 79-

AN ORDINANCE AMENDING ORDINANCE NO. 4 OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED, CLARIFYING THE CALCULATION OF THE HEIGHT LIMITATION.

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 the Land Use Ordinance to clarify the procedure for calculating the height limitation. 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 7.13

Section 7.13 of Ordinance No. 4, as amended, is hereby amended to read as follows:

"7.13 Limitation on Height

No building or other structure erected in any land use district shall have a height greater than that specified below except that the permit-issuing authority, by administrative permit pursuant to Section 8.33, may authorize a greater height to the extent that the permit-issuing authority determines that (1) provision has been made for protection from fire hazards and against aviation accidents; (2) consideration has been given to the protection of view and to the character of the neighborhood; (3) proper provision has been made for light and air; and (4) such greater height will better promote the protection of the environment in the area. Only those administrative permits that allow a building or other structure of a height of 45 feet or more shall be subject to Agency review pursuant to Section 4.32. Appurtenances such as chimneys and vents may be erected to a fifteen percent (15%) greater height than specified below. Building height shall be the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the (average height) peak of the highest gable of a pitch or hip roof. Grade is the average of the (finished) original ground level at the center of all walls of a building or structure."
Use District | Permitted Height
---|---
General Forest | 35 feet
Recreation | 35 feet
Rural Estates | 35 feet
Low Density Residential | 35 feet
Medium Density Residential | 35 feet
High Density Residential | 35 feet
Tourist Commercial | 40 feet
General Commercial | 40 feet
Public Service | 40 feet
Conservation Reserve | As approved in a specific plan.
Medium Tourist Residential | 35 feet

The above table of permitted heights may be modified with respect to residential buildings by permitting height limits of 35 feet plus one foot for each two percent (2%) of cross slope, measured at the building site coverage.

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
date: February 20, 1979

TO: TRPA Governing Board

FROM: TRPA Staff

SUBJECT: Indirect Source Review Ordinance

Attached for your consideration are three items relating to a possible Indirect Source Review Ordinance. As per the APC action at their February 14th meeting, this item will be discussed at the March APC meeting along with the Tahoe Basin Nonattainment Plan. Pursuant to Governing Board direction, however, we have left the item on the current Governing Board agenda.

The items attached are:

1. February 20, 1979 draft of a proposed TRPA Indirect Source Review Ordinance. This draft is consistent with the draft document handed out at the special meeting of February 14th, but it has been revised to incorporate the preliminary comments of TRPA legal counsel.

2. February 14, 1979 memo from Dick Serdoz of the Nevada Division of Environmental Protection. This is the only written comment received by staff to date regarding the revised TRPA ordinance proposal. Staff is in receipt of letters from Ron Nahas of Glenbrook properties and from Joseph Brecher, an attorney representing the League to Save Lake Tahoe, regarding the initial draft ordinance which was presented in November. Staff will be prepared to discuss the substance of these comments at such time as discussion of the current draft takes place.

3. The Indirect Source Review Ordinance adopted by the CTRPA as an urgency matter February 2, 1979. Staff will be prepared to discuss this regulation and its points of difference with the proposed TRPA ordinance.

Attachments
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 finds that the Tahoe Region, as defined in the Tahoe Regional Planning Compact, has been designated by the State of Nevada, the State of California and the United States 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 more properly effectuate and implement the adopted Regional Plan of the Tahoe Regional Planning Agency and more effectively provide for the maintenance 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 or use of any structure or facility 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 Region by the United States or the respective states.
Section 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 Definitions and Application of Terms

For the purposes of this ordinance, unless the context otherwise requires, the following terms have the following definitions. 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.

Agency - The Tahoe Regional Planning Agency.

Governing Body - The Governing Body of the Tahoe Regional Planning Agency.

Indirect Source - Any facility, building, structure, installation, real property, road, highway, subdivision or condominium 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 Agency pursuant to the Agency's Land Use Ordinance or Subdivision 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 or pollutants.

Region - The Tahoe Region, as defined in the Tahoe Regional Planning Compact.

Vehicle Trip - A single vehicle movement from one point to another.

Vehicle Trip Generation - For vehicle trip generation from residential or tourist residential units, the total number of vehicle trips anticipated from persons occupying such units. For Commercial and other uses, the total number of vehicle trips to and from the project site.

Section 4.00 Permit Standards

4.10 No permit or other authorization shall be issued or approved for construction, use or modification of any indirect source, or any portion thereof, unless the source, or applicable portion thereof, complies with the provisions of this ordinance and all other applicable local, state, and federal air quality rules and regulations.
Section 5.00 Applicability

5.10 Except as provided in 5.20, all indirect sources as defined in Section 3.00 shall be subject to the review under the requirements of this ordinance.

5.20 Exemptions

The following are exempt from indirect source review under this ordinance:

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

b. Any indirect source, or modification thereof, which has received formal approval and lawful building and construction permits on or before the effective date of this ordinance. In the event such source is substantially modified, which modification results in increased trip generation potential, or is not constructed in conformance with approved plans, the source is no longer exempt and must be reviewed pursuant to this ordinance.

Section 6.00 Permit Procedures

6.10 Any proposal for construction, use or modification of an indirect source shall be reviewed and approved by the Governing Body. Such review shall be to determine the proposal's compliance with Section 8.00 of this ordinance and shall be based upon the information required to be submitted pursuant to Section 7.00 of this ordinance.

6.11 For such review, the process prescribed in the TRPA Land Use Ordinance shall be followed.

6.20 The Agency may charge the applicant a filing fee sufficient to cover the cost of analysis of the proposal, which fee shall be set by resolution of the Governing Body.

6.30 Upon receipt of any application for review under this ordinance, The Agency shall forward notice of such application to the Nevada Division of Environmental Protection and the California Air Resources Board, as well as any local air pollution control district within whose boundary the project or use is to be located. In addition, the Agency shall make available to any agency so notified any additional information supplied regarding the application. The notice forwarded by the Agency pursuant to this section shall specify the proposed date of Governing Body action on the application and specify a final date for receipt of comments thereon. Such final 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 application for approval of an indirect source under this ordinance shall contain, 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 or use thereof, the general types of activities therein, and anticipated trip generation therefrom.

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 source 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 Agency staff determines on the basis of the foregoing information that a potential exists for significant air quality impacts as a result of vehicle trips associated with the proposed indirect source, the applicant may be required by staff to submit any or all 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 proposed source, and an estimate of the traffic volumes contributed to the roadways, highways and intersections thereby.

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

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 in nonattainment, and for such other pollutants as may be required by the Agency staff. Such estimate shall reflect the total vehicle trip generation from the source and provide identification of emissions associated with the traffic assessments contained in subsections (a) and (b) of this section.

d. Information pertaining to the location, design, construction, and operation of the proposed source.

e. An estimate of additional residential, commercial, and industrial development (secondary growth) which may occur as a result of the proposed source.
f. The availability of existing and projected mass transit to service the source site.

g. Any additional information or documentation that the Agency staff deems reasonably necessary to determine the air quality impact of the proposed source, including, without limitation, measured air quality data at the proposed site prior to construction or modification, air quality impacts of construction thereof, and an identification of the cumulative effect of the proposed project or any similar projects.

7.30 Where a proposed indirect source is to be constructed in phases, the information required by this section shall be submitted for the entire project to facilitate assessment of the project as a whole.

Section 8.00 Mitigation

8.10 Except as hereinafter set forth, the Agency shall not approve any proposal for construction, use or modification of an indirect source if such source will interfere with the attainment or maintenance of applicable state or national ambient air quality standards for any pollutant for which the Region has been designated by state or federal authorities as a Nonattainment Area, or for any pollutant identified in the information submitted pursuant to Section 7.00 of this ordinance. Such proposal may be approved only if the applicant agrees, as a condition of approval, to provide or contribute to the provision of, mitigation measures which the Governing Body finds 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 proposal to the violation of the state or national ambient air quality standard, which measures may include, but shall not be limited to:

a. Support of public transit, such as through financial assistance, provision of public transit passes to customers or employees, and provision of sheltered bus stops or bus turn-out lanes.

b. Provision of private mass transit for customers or employees, 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, use or modification.
Section 9.00 Variances

Variances from the terms of this ordinance may be granted by the Governing Body only if it is found that because of special circumstances applicable to the property involved, a strict application of this ordinance 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 hereof.

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 Body of the Tahoe Regional Planning Agency at a regular meeting held by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Jim Henry, Chairman
MEMORANDUM

TO: TRPA Governing Board
FROM: Dick Serdoz, Air Quality Officer
SUBJECT: Review of Proposed Indirect Source Ordinance, February 6, 1979

The Division of Environmental Protection has completed review of the TRPA proposed indirect source ordinance. The concept in the ordinance will help to maintain air quality, but it is not an available control measure that can be used for reducing emissions to attain the ambient air quality standards in the Tahoe Basin. With this qualification we offer the following comments:

Section 5 - Applicability

5.10.b - The life of this general exemption should have a specific time limit. A source could get a number of local approvals or already have their approvals and delay construction to the future when any additional traffic generation could cause an air quality problem. The previous approvals should have limits such as construction commencing within one year of approval and completion within three years.

Section 6 - Permit Procedures

6.30 - The application should be submitted to EPA, Region IX, for their technical evaluation, if this ordinance is going to be a maintenance measure in the SIP.

Section 7 - Traffic and Air Quality Evaluation

7.10 - The existing and projected traffic should be approved by the respective state highway departments, as these agencies are the traffic engineers and must be consulted when any change in existing traffic patterns is proposed. The applicant should be responsible for developing the emissions
from the roadways and determining the air quality impact; these projections should be a part of their application. These emissions and air quality impacts should be approved by the respective state air pollution control agencies prior to submittal to your agency.

7.20.b - When the TRPA staff is evaluating peak traffic volumes the applicant should be given information on all previous approvals so that his application is complete. When the TRPA staff is developing the amount of emissions that will be used, the reference guide should be identified in the ordinance, such as AP-42, Mobile 1, IMPAC 5.

Section 8 - Mitigation

During the TRPA approval process and the development of the SIP, certain growth scenarios were developed. It is the responsibility of the agency to apportion or allocate that growth to prospective sources. Therefore, the source may not have to mitigate all its impacts. In the mitigation portion the emission trades, such as those identified in a through d should only be allowed in your evaluation area, such as the three mile criteria. Many of these trades will be difficult to quantify, especially when you are looking at the total Basin.

I hope these comments will be beneficial in your consideration of this ordinance.

gm
THE GOVERNING BODY OF THE CALIFORNIA TAHOE REGIONAL PLANNING AGENCY does ordain as follows:

CHAPTER 1.00 FINDINGS

Section 1.10 The Governing Body of the California 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 California and the State of Nevada and the Environmental Protection Agency as a Non-Attainment Area for carbon monoxide and oxidant;

Section 1.20 The Governing Body further finds that a Non-Attainment Plan for the Tahoe Region, including strategies necessary to attain and maintain air quality standards will be adopted and in effect sometime after January 1979 to comply with the Clean Air Act Amendments; actions contrary to the goals and objectives of that Plan shall not be undertaken;

Section 1.30 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 these two pollutants;

Section 1.40 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 and that such conditions contribute to degradation of Basin air quality;

Section 1.50 The Governing Body further finds that there is evidence that emissions from idling vehicles waiting in line at drive-up windows contribute to degradation of air quality and can cause pollutant concentrations that pose health concerns for service personnel and persons in the idling vehicles;

Section 1.60 In view of the foregoing, the Governing Body further finds that in order to properly effectuate and implement the adopted Regional Plan of the California Tahoe Regional Planning Agency and provide for the attainment and maintainence of air quality in the region, it is necessary to determine the potential impact of proposed land use activities on air quality and provide for the mitigation of air quality degradation resulting from such activities.
CHAPTER 2.00 GENERAL PROVISIONS

Section 2.10 Compliance
Construction, alteration and use of any new or modified indirect source within the California side of the Tahoe Basin shall be in compliance with the terms of the Ordinance. Permits shall be granted or denied based on a determination of conformity with the provisions of this Ordinance and existing rules and regulation of the Agency.

Section 2.20 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 State.

Section 2.30 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 2.40 Short Title
This Ordinance may be cited and referred to as the Indirect Source Review Ordinance.

CHAPTER 3.00 DEFINITIONS

Section 3.10 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. The following terms wherever used in this Ordinance have the following meanings:

Indirect Source-A facility, building, structure, installation, real property, road or highway, modification or change of use, which attracts or may attract, mobile sources of pollution (motor vehicles) or serves as a trip end for motor vehicles. A source shall be deemed an indirect source regardless of whether the source itself is the ultimate vehicle attractor or merely provides convenient parking or access to the primary attraction. Such indirect sources shall include, but not be limited to:
   a. Highways and roads
   b. Parking lots and garages
   c. Shopping centers and other retail facilities
d. Recreational developments, including amusement parks, ski areas, gambling facilities, and day use recreation areas

e. Sports stadiums

f. Airports

g. Commercial, residential or industrial developments

h. Subdivisions, including lot splits or condominium conversion

i. Redevelopment projects

j. Governmental buildings

k. Hospitals and other medical facilities

l. Educational institutions

m. Hotels and motels

n. Office buildings

o. Restaurants

p. Theaters

q. Substantive change of use

r. Timber harvesting

s. Ski areas

t. Drive Up Window

Modification—Any physical change, change in use, change in hours of operation of, or addition to an indirect source, except that, ordinary maintenance or repair shall not be considered to be a physical change.

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 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. Trip generation rates in Appendix A of this Ordinance shall serve as the guideline in calculating trip generation rates by type of use.

Remaining Capacity—The difference between the absolute capacity of the roadway and the existing traffic (including approved but unbuilt project traffic) during the peak 8-hour period.
CHAPTER 4.00 DETERMINATION OF APPLICABILITY

Section 4.10 When Required

Any new or modified existing indirect source other than an airport or highway or drive-up window will be subject to indirect source review if the resulting new trip generation is determined by the Executive Officer or the Governing Body to exceed one percent (1%) of the remaining capacity of any principal street, road or highway located within one quarter mile of the source or beyond one quarter mile but likely to be impacted by the source or, generate 100 additional auto trips per day, whichever is less.

a. For this purpose, the applicant shall furnish the Agency with an estimate of the total number of new vehicle trips to be generated by the new source or modification to an existing source, calculated pursuant to the vehicle trip generation definition in Section 3.00 of this Ordinance and use as a guide trip generation rates by type of use determined by the Agency Executive Officer and available from the Agency.

b. A chart of remaining capacity of principal roads and highways on the California side of the Basin has been prepared by the Agency Executive Officer and will be updated by the Agency at least annually. Trip generation of the proposal will be compared with the remaining capacity indicated on the Capacity Chart to determine if the trips generated will exceed 1% remaining capacity and thereby subject the proposal to review under this Ordinance. Trips generated by projects approved but not yet built will be included in the determination of remaining capacity.

Section 4.20 Airports

All proposed new airport construction or modifications of an existing airport allowing an increase in capacity of aircraft, passengers or automobiles shall be subject to review. This shall include review of decisions allowing increases in the number of flights per day.

Section 4.30 Highways and Roads

Any proposed new highway or roadway improvement or expansion will be subject to indirect source review if it allows an increase in capacity.

Section 4.40 Drive Up Windows

Any proposed new drive-up window or drive-up addition or modification to an existing facility will be subject to indirect source review because of prevailing evidence that such facilities result in degradation of air quality.
Section 4.50 Ski Area

Any new ski area or expansion or modification of an existing ski area and/or its associated facilities, which is subject to Agency review, shall be subject to review under this ordinance.

Section 4.60 Other Projects Subject to Review

CTRPA may review any proposed or modified indirect source not otherwise subject to review under the above criteria if, in its opinion, construction or modification of the source could interfere with the attainment and/or maintenance of any state or national ambient air quality or visibility standard, or cause a violation of the Lake Tahoe Basin Non-Attainment Plan (NAP) or the Lake Tahoe Basin SIP control strategies.

Section 4.70 Modification or Construction in Increments

Where an indirect source is constructed or modified in increments which are not individually subject to review, all such increments, including modifications completed after January 1, 1979 which were not subject individually to indirect source review shall be subject to review if the cumulative impact would exceed criteria specified in this ordinance.

Section 4.80 Exemptions

The agency shall exempt from indirect source review the following projects:

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

b. Any new or modified source, which will be a replacement for an existing indirect source, or portion thereof, on the same property, for the same general use, if resulting emissions of any pollutant will not be increased beyond those from the existing indirect source. CTRPA will require from the applicant the information necessary to make this determination.

c. Any new or modified source which is found to be exempt under Section 9.11 of the CTRPA Land Use Ordinance. In the event that a proposed source which received formal approval is substantially modified the proposed source is no longer exempt and must undergo review pursuant to the criteria set forth in Chapter 4.
CHAPTER 5.00 PERMIT PROCEDURES AND APPLICATION FORM CONTENTS

Section 5.10 Existing Land Use Permit Procedures

Permit procedures required by CTRPA in Chapters 4 and 8 of the Land Use Ordinance apply to this Ordinance; permit procedures as stated in Chapter 5 of this Ordinance represent an addition to such procedures.

Section 5.20 Additional Requirements

Any proposal determined to fall within the criteria set forth in Chapter 4 of this Ordinance shall be required to comply with the review procedures and evaluation requirements prescribed in subsequent sections of this Ordinance. Any proposal determined not to fall within said criteria shall be exempt from the additional requirements of this Ordinance.

Section 5.30 Information That May be Required of Applicable Proposals for Traffic and Air Quality Evaluation

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

b. A map (8 1/2 x 11) showing the location of the source and the topography of the area, including existing principal streets, roads, and highways within three miles of the source.

c. A site plan (8 1/2 x 11) showing the location of associated parking areas, 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.

d. An identification of the principal roads, highways, and intersections within three miles of the source and leading to the source as well as critical locations beyond three miles that will be utilized by traffic generated by the proposal. Such locations will be stipulated by the Agency and utilized by the applicant in the traffic and air quality evaluation set forth in Subsections e and f below.

e. 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 Subsection d, for the first year after the substantial completion and operation of the proposed project.
The following items to be certified by a registered engineer:

f. An estimate of the nature and volume of the total net increase in vehicular emissions that would result from the source which may contribute to pollutants for which the region has been designated Non-Attainment, 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 d and e above.

g. An estimate of the nature and volume of direct emissions that would result from the source which may contribute to pollutants for which the region has been designated Non-Attainment and for such other pollutants as may be required by the Agency.

H. Information on location, design, construction, and operation of the facility which is pertinent to an air quality and traffic evaluation. An estimate of additional residential, commercial, and industrial development which may occur as a result of such construction or modification (secondary growth).

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

j. Proposed mitigation measures which the applicant believes will offset an amount of emissions equivalent to those to be generated by the proposed source.

k. Any additional information or documentation that CTRPA Executive Officer or Governing Body 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.

1. Environmental Impacts of the proposed mitigation measures.

Section 5.40 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 impact assessment of the project as a whole and to ensure adequate evaluation of the projects cumulative impacts.

Section 5.50 Application Fee

CTRPA will charge the applicant a filing fee sufficient to cover the cost of analysis of the applicant's air quality and traffic evaluations as determined by CTRPA Governing Body.
Section 5.60 CTRPA Governing Board shall not approve or issue a permit for 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 the region has been designated as a Non-Attainment Area, or for which the Agency has required an air quality evaluation of the applicant unless the applicant agrees as a permit condition to provide and/or maintain mitigation measures which CTRPA determines can reasonably be anticipated to reduce indirect emissions from the proposed source or from an existing source by an amount 1.5 times the emissions attributable to the proposal.

CHAPTER 6.00 MITIGATION MEASURES

Section 6.10 Mitigation Measures 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 provided that such improvements do not increase the overall carrying capacity of the roadway or encourage additional traffic.

Section 6.20 Mitigation measures shall be located at or adjacent to the site or other location as deemed appropriate.

Section 6.30 Traffic flow improvements which increase the overall capacity of a roadway or encourage a long term increase in vehicle traffic in an area shall not be considered as mitigation measures.
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 80 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 80 to accomplish a change in the applicable land use district, which paragraph shall read as follows:

"80. All that certain real property being a portion of the northwest 1/4 of Section 25, T16N, R18E, MDB&M, Washoe County, Nevada, more particularly described as follows: Beginning at the southwesterly corner of Lot 44 and the easterly right of way line of Village Boulevard as Lot 44 and said Village Boulevard are shown on the map of Fairway Estates No. 2, Washoe County, Nevada, filed in the Office of the County Recorder of Washoe County, State of Nevada on August 28, 1963; thence North 89 degrees 10 minutes 51 seconds East 291.00 feet; thence South 36 degrees 22 minutes 46 seconds East 87.98 feet; thence South 60 degrees 40 minutes 51 seconds West 70.00 feet; thence South 16 degrees 04 minutes 09 seconds East 87.00 feet; thence North 73 degrees 55 minutes 51 seconds East 130.00 feet; thence South 16 degrees 04 minutes 09 seconds East 215.00 feet; thence South 23 degrees 28 minutes 45 seconds East 46.49 feet; thence South 80 degrees 58 minutes 04 seconds East 101.98 feet; thence North 73 degrees 08 minutes 53 seconds East 51.66 feet; thence North 69 degrees 23 minutes 20 seconds East 102.78 feet; thence South 02 degrees 16 minutes 40 seconds East 200.33 feet to a point on the northerly right of way line of Harold Drive as said Harold Drive is shown on the map of said Fairway Estates No. 2; thence South 87 degrees 43 minutes 20 seconds West 633.01 feet along the northerly line of said Harold Drive to the beginning of a tangent curve to the right having a radius of 40.00 feet and a central angle of 90 degrees 54 minutes 08 seconds; thence westerly and northwesterly along the arc of said curve an arc length of 63.46 feet to a point on the easterly right of way of said Village Boulevard and the beginning of a curve to the left, having a radius of 1640.00 feet, a central angle of 12 degrees 31 minutes 50 seconds and the tangent to which bears North 01 degrees 22 minutes 32 seconds West 180.05 feet; thence northwesterly along the arc of last said curve and the easterly right of way of said Village Boulevard an arc length of 358.67 feet;
thence North 13 degrees 54 minutes 22 seconds West 44.14 feet along the easterly right of way of said Village Boulevard to a tangent curve to the right having a radius of 1960.00 feet and a central angle of 4 degrees 31 minutes 08 seconds; thence northwesterly along the arc of last said curve and the easterly right of way line of said Village Boulevard, an arc length of 154.58 feet to the point of beginning of this description. Said property contains 6.0 acres more or less and is reclassified 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:

SECOND READING:

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