TRPA
GOVERNING BOARD
PACKETS

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

NOTICE IS HEREBY GIVEN that on May 23, 1979 at 10:00 a.m. at the hearing room of the Tahoe Regional Planning Agency, located at 2155 South Avenue, South Lake Tahoe, California, the Governing Body of said agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

DATED: May 11, 1979

BY: 
James J. Jordan
Executive Director
Tahoe Regional Planning Agency
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V AGENCY REVIEW

   Southern Pacific Land Company, Brockway Timber Sale,
   Timber Harvesting Permit, Placer County

VI GENERAL PLAN AMENDMENTS

   A. Douglas County Sewer Improvement District No. 1, 40 Acres Located
      Near Highway 50 and the Community of Pond Hill, Douglas County -
      From Conservation Reserve to Public Service

   B. Rene Aro, One-Half Acre Located North of and Adjacent to Palasade Road,
      350 Feet East of the Intersection of Palasade Road and Kingsbury Grade,
      Douglas County - From Low Density Residential to Medium Density Residential

   C. Bert A. Jakobson, One-Third Acre Located North of and Adjacent to
      Tahoe Boulevard, 300 Feet East of the Intersection of Country Club Drive
      and Tahoe Boulevard, Washoe County - From High Density Residential
         to Tourist Commercial

   D. Marcus and Ila Rizzardini, Property Located North of and Adjacent to
      Tahoe Boulevard, 450 Feet East of the Intersection of Country Club
      Drive and Tahoe Boulevard and Abutting the Previously-Described
      Property (Item VI C), Washoe County - From High Density Residential
      to Tourist Commercial

VII PLANNING MATTERS

   A. Policy on Processing New Applications on Expired Tentative Maps

   B. Revisions to the General Plan Amendment Processing Procedure

   C. Advisory Planning Commission Referrals

      1. Policy on Processing Applications in the Kingsbury Service
         Area of the Douglas County Sewer Improvement District

      2. Discussion of Land Coverage Constraints in the Edgewood
         Creek Watershed, Douglas County
D. Ordinance Amendments

1. To Incorporate Political Signs and to Reference the Height Limit in the Sign Ordinance

2. To Allow Grandfathered Coverages on Parcels Recorded After February 10, 1972, in the Land Use Ordinance

VIII REPORTS

A. Status Report on Compact Amendments

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

IX ORDINANCES

A. Second Reading of Ordinance Amending the Regional Plan by Reclassifying Property Owned by Ancel Casentini in Douglas County, from General Commercial to Medium Density Residential

B. Second Reading of Ordinance Recognizing the Official Pierhead Line Maps

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

D. Second Reading of Ordinance Amending the Regional Plan for Two Parcels in the Granite Springs Subdivision Reclassified from Low Density Residential to Public Service, Douglas County

E. First Reading of Ordinance Establishing Indirect Source Review Standards and Procedures

F. First Reading of Ordinance Amending the Regional Plan by Reclassifying 78 Acres Known as Edgeking Venture in Douglas County, from General Forest to Conservation Reserve

G. First Reading of Ordinance Amending the Regional Plan Reclassifying Property Owned by Chuck Maynes in Washoe County, from General Commercial to Low Density Residential

H. First Reading of Ordinance Amending the Land Use Ordinance to Allow Grandfathered Coverages on Parcels Recorded After February 10, 1972
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY MEETING - May 23, 24, 1979

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PROJECTS TO BE REVIEWED
AT THE MAY 23-24, 1979
GOVERNING BOARD MEETING
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Ken Kjer
Administrative Permit
Douglas County

Project Description and Location

The applicant requests a permit to replace nonconforming land coverage in order to continue construction of a single family residence on a 10 acre parcel in the Palasades area of Douglas County (see Attachment 1). This permit is being processed in conjunction with a staff-issued permit for "local road" under Section 8.25(4) of the Land Use Ordinance.

Summary

The subject 10 acre parcel is classified General Forest and is located in a 1A land capability district. The permitted land coverage is 4,356 square feet and the land coverage which existed prior to construction minus the two local roads is 15,873 square feet. The applicant has constructed a house with decks covering 5,312 square feet and requests a total coverage including parking of 7,751 square feet (Attachment 2). Section 9.21 of the Land Use Ordinance requires the applicant to reduce the total nonconforming land coverage to 9,611 square feet. The applicant has indicated this will be done by revegetating areas A, B, C, D, E and F as shown on Attachment 3.

History

In May, 1978, the Douglas County Building Department issued Mr. Kjer a building permit for the subject residence without the necessary administrative permits required by the Agency. In June, staff discovered through the regular review of Type A permits that the residence was under construction without the necessary permits. A meeting was arranged in July between Mr. Kjer and staff to discuss the problem. At this meeting some of staff's concerns were satisfied but it was staff's position that an administrative permit for the replacement of nonconforming land coverage (Section 9.21(3)) and an administrative permit for a local road (Section 8.25(4)) were required. It was Mr. Kjer's position that he had acted in good faith in proceeding with the construction of the residence and that the project would easily qualify for the required permits. Staff agreed with Mr. Kjer and withheld formal stop work procedures in lieu of the submittal of necessary documentation for the issuance of the two permits.

In December of 1978, staff notified Mr. Kjer in writing that the required information had not been received. Mr. Kjer responded with a letter indicating he thought the problem had been resolved earlier, but he hoped the information he attached to the letter would satisfy staff concerns.

After Agency staff met with the Douglas County Building Department staff in February to discuss the project, a letter was written to Mr. Kjer documenting the problems and the information required for their resolution. It was later determined that processing the application would have to wait until after the spring melt in order to properly evaluate the site.

Recommendation

Agency staff recommends approval of an administrative permit for the replacement of nonconforming land coverage pursuant to Section 9.21(3) of the Land Use Ordinance subject to the following conditions:

5/15/79
1. The approval will not become effective and the project may not commence unless and until the applicant acknowledges and accepts the following conditions by placing his signature on a form which is furnished by the Agency after approval is granted.

2. Construction shall be as indicated on the approved plans.

3. A revegetation and slope stabilization plan as per the Soil Conservation Service recommendation shall be submitted to the Agency staff for approval.

4. Prior to issuance of the occupancy permit, the revegetation and slope stabilization plan shall be implemented.
KEN KJER

Replacement of Nonconforming Land Coverage

Subject Area

4H Club Camp (Univ of Nevada)
KEN KJER

Replacement of Nonconforming Land Coverage

Douglas County

Proposed Site Plan

Residence

Parking

Local Road

Attachment #2
KEN KJER
Replacement of Nonconforming Land Coverage
Douglas County

Existing Coverage
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Clearinghouse
U.S. Forest Service
Road Restoration:
   Fountain Place, El Dorado County
   Barker Pass, Placer County

Summary

The U.S. Forest Service Tahoe Basin Management Unit is proposing to restore portions of the Fountain Place Road in El Dorado County and Barker Pass Road in Placer County. Both are unmaintained roads with significant erosion problems contributing to water quality degradation in the respective areas.

Fountain Place Project

The project involves the restoration of approximately 4.4 miles of Fountain Place Road from its origin near Pioneer Trail to the boundary of private property at Fountain Place. It will consist of stabilizing the eroding road surface and upgrading the drainage system of the road to alleviate air and water quality problems stemming from the airborne and waterborne transport of the fine soil material.

The work proposed includes the reconstruction of the roadway to enhance drainage, the placement of a dust oil seal on the road surface and the stabilization of drainageways and cut and fill slopes along the route with either aggregate or revegetation, depending upon the steepness of the slope. The travel way will be maintained at 12 feet. No modification of the two stream crossings will be required.

Barker Pass Project

The project involves maintenance and restoration of approximately 6.8 miles of Forest Service road within the Tahoe Basin, and includes approximately 2.4 miles of repaving on the lower portion of Barker Pass Road. The remainder of the road will receive the same stabilization and drainage improvement as is programmed for the Fountain Place Road.

The Barker Pass project is necessary to provide an improved route for the hauling of timber from major timber sales west of the Basin in the Bear Lake area, scheduled for this summer, and in the Diamond Crossing area, scheduled within the next five years. Both of these sales are accessed only from the Tahoe Basin. The sales in the Bear Lake area could have utilized McKinney Creek Road without necessity of upgrading Barker Pass, but Placer County action has prevented the upgrading of McKinney Creek Road, forcing the utilization of Barker Pass.

Water Quality

The principal impact of both projects will be enhancement of water quality in the respective areas by applying improved drainage and erosion protection techniques to the roads. In both cases the guidelines of the TRPA 208 Program are being followed. It is likely that the work undertaken will reduce maintenance requirements significantly as well.

5/2/79
Principal Issue: Improved Access

The principal issue relating to the two projects is the enhanced access to the backcountry areas serviced by the roads that would result from their upgrading. From a water quality standpoint the roadway must be improved. This poses the basic choice of either upgrading them or returning them to a more natural state. The Forest Service proposal on the subject roadways is to upgrade them.

In both cases the decision to upgrade is tied heavily to private interests serviced by the road. In the case of Fountain Place that interest is in the form of private land holdings at Fountain Place. In the case of Barker Pass that private interest is in the form of timber companies requiring access to harvesting areas, with the decision being forced by the Placer County rejection of using the more desirable McKinney Creek route.

Staff Concern

In both cases, staff recognizes the merit of upgrading the roadways and strongly supports any effort at erosion and drainage improvement. In the case of Fountain Place Road the enhancement of access along the roadway is not likely to have significant long term impacts, since it is not contemplated to go beyond Fountain Place, and vehicle access to that point is available presently. Hence, staff views this project as being primarily a water quality project and fully supports the proposal.

However, with respect to Barker Pass Road, a larger issue exists regarding the possible intrusion into the Granite Chief area, and even the ultimate connection of Barker Pass Road across to the western slope. This possibility of creating a third access route across the Sierra to the Tahoe Basin has been discussed frequently and remains a distinct possibility because of the numerous roads from the western slope within less than two miles of the terminus of the present road. In this context, the improvement of the Tahoe Basin portion of the road and the enhancement of access which may result would clearly be more supportive of a Barker Pass connection with the western slope than a decision to phase out the road, and would accelerate user pressure on the Granite Chief area.

It appears that the immediate commitments to utilization of the Basin portion of Barker Pass Road for timber removal have dictated a necessity to upgrade the facility. The long term future of Barker Pass remains uncertain, however, and staff believes the resolution of this issue should be addressed directly.

An additional concern of staff involves the haul route from the proposed sales which will bring all of the trucking operations through the Tahoe Basin. According to Forest Service officials, the total harvest in the Bear Lake and Diamond Crossing areas is likely to be approximately 31 million board feet over the next five years. Considering an average haul of 5,000 board feet per truck over a typical four month season, this could subject the Tahoe Basin roadways to as many as thirty logging truck operations per day during the summer months. It is likely that most of these would be utilizing the section of Highway 89 north to at least Tahoe City, but alternatives beyond that point would depend upon the location of the milling site. They could conceivably extend across the North Shore and
exit the Basin over Spooner Summit if the destination is a Nevada mill. Staff is concerned regarding this level of vehicle impact, both from the standpoint of the already serious traffic congestion and from the standpoint of noise impacts along the stretch of Highway 89 south of Tahoe City, which is not normally subjected to heavy diesel vehicle activity.

Recommendation

Staff recommends support of both proposed projects, with the reservation that the U.S. Forest Service be requested to reevaluate its position on the long term future of Barker Pass Road with specific attention to the following:

1. Should Barker Pass Road be connected with the western slope?

2. Should timber harvesters be allowed to service harvesting areas outside the Basin via Tahoe Basin roadways, or should they be required to provide western slope access?

Advisory Planning Commission Action

On May 9, 1979, the APC recommended support of both clearinghouse applications with inclusion of the staff recommendations and recommended that the Forest Service conduct a public hearing on the proposed Barker Pass project in order to get public input from the residents in the subject area on the access routes and impacts on transportation corridors.

5/2/79
Public Works
South Tahoe Public Utility District
High Lift Discharge Replacement and
Surge Protection Pipeline
El Dorado County

Summary

The South Tahoe Public Utility District (STPUD) proposes improvements to its Luther Pass effluent export system. The improvements are necessary to eliminate repeated failures of the system which have resulted in discharges of treated effluent to the Tahoe Basin in violation of the Porter-Cologne Act and STPUD's waste discharge requirements as established by the Lahontan Regional Water Quality Control Board. Since the effluent export line was put into service in 1969, there have been 21 failures resulting in leakage of the system. Repeated emergency repairs to the effluent export line have left the pipeline in a weakened state subject to further operational problems.

STPUD proposes to replace a 4,700 foot section of the effluent export pipeline (high lift discharge replacement) and to construct additional facilities which will provide protection from surge conditions which occur when pumps or utilities are suddenly put out of service. STPUD proposes to construct a surge protection pipeline which will eliminate water hammer conditions which have led to the past failures of the system. The project also includes installation of surge protection valves at the Luther Pass pump station, installation of valves in the low lift section of export pipeline between the treatment plant pump station and the Luther Pass pump station, and construction of access manholes in the above-referenced section for maintenance purposes.

Project History

The project was reviewed by Agency staff in June, 1978. Agency staff determined at that time that the project constituted maintenance and safety improvements to an existing facility and would not require Agency review. However, CTRPA and the Lahontan Regional Water Quality Control Board reviewed the project and raised questions regarding the alignment, land capability, erosion hazards, revegetation and slope stabilization, construction methods, and encroachment permits required from Caltrans. The applicant developed additional information as part of the Environmental Impact Report for each of these unresolved questions and has resubmitted the project for review by CTRPA, Lahontan, Caltrans, the U.S. Forest Service and TRPA. In view of the questions raised by the California agencies, Agency staff recommends that the project be reviewed by TRPA to ensure compliance with the Land Use and Grading Ordinances. The Forest Service is currently preparing an Environmental Assessment in order to meet NEPA requirements necessary to grant rights of way for the project.

Pipeline Alignment

The construction of the replacement pipeline and surge protection pipeline will necessitate construction activities in high hazard lands. The proposed replacement pipeline and surge protection pipeline will primarily cross lands classified as capability level 1a. The replacement pipeline will follow the alignment of the existing export pipeline along State Route 89 in the area north of the summit of Luther Pass. The surge protection pipeline
is proposed to be constructed roughly perpendicular to the highway alignment, on a steeply sloping hillside to the north of the highway.

Land Capability

The land capability of the majority of the area within the proposed construction site indicates that runoff potential from the construction site will be moderate to rapid and erosion potential will be high. The alignment of the proposed surge protection pipeline on a steep slope with a south aspect will increase the difficulty of providing permanent slope stabilization.

Erosion Hazards

The land capability of the construction area will require stringent adherence to Best Management Practices in order to minimize runoff from the site during and after construction. The applicant has prepared detailed plans providing for temporary erosion controls during construction, slope stabilization and revegetation after construction, and long term maintenance of the area after completion of construction. A substantial performance bond will be posted with the Forest Service in order to ensure that the revegetation program outlined by the applicant provides for adequate slope stabilization and revegetation, particularly on the area disturbed by the surge protection line.

Alternatives to the Project

The applicant has evaluated both alternative means of protection against surge conditions which have led to the failure of the pipeline in the past as well as alternative pipeline alignments and construction methods which may further minimize the impacts of the project. The applicant has demonstrated to the satisfaction of Agency staff that the proposed project will result in minimal impacts if the proposed slope stabilization and revegetation program is strictly adhered to.

Recommendation

Agency staff recommends approval of the projects as proposed.

Advisory Planning Commission Action

At its regular May 9, 1979 meeting, the APC voted unanimously to approve the projects.

5/1/79
Public Works
Tahoe City Public Utility District
Water Line Replacement
Placer County

Summary

The Tahoe City Public Utility District (TCPUD) proposes to replace sections of its water line and other improvements within the Tahoe Tavern Heights and Dollar Point Subdivisions in Placer County (see attachment). The improvements are proposed in order to increase the water system reliability, reduce operating costs and provide adequate fire flow protection within the District. In addition to replacement of existing water lines, the applicant proposes to extend transmission lines to the property line of Cedar Point Condominiums in order to provide for fire protection.

Grading

TCPUD's Standard Specifications for Water and Sewer Line Construction on file with the Agency provides for adequate protection from erosion during and after construction.

Recommendation

Agency staff recommends approval of the proposed project provided that the TCPUD follows the specifications for construction as referenced above.

Advisory Planning Commission Action

At its regular May 9, 1979 meeting, the APC voted unanimously to approve the project.
Nevada Highway Department
Incline Maintenance Station Residence

Summary

The Nevada Highway Department is proposing to add a new residence to the Incline Village Maintenance Station to accommodate additional personnel assigned to the station. This will bring the total number of residences on the site to five. The four existing residences were all constructed prior to the TRPA's 1971 General Plan. The Department is presently paying rent in the Incline area for the additional personnel who cannot be accommodated on the site.

Project

The project consists of a two story single family residence with a building footprint of approximately 1,050 square feet. No additional improvements to the site are proposed other than the necessary utility connections.

Land Coverage/Capability

The maintenance station is located on an IsE soil type with a corresponding capability level #4, permitting 20% land coverage. Recent amendment of the TRPA Land Use Ordinance recognizes existing Public Service (PS) land use districts, including that in which the maintenance station is located, as being allowed up to 50% land coverage. The coverage existing on the site with the proposed project will be approximately 26%.

Land Use

The TRPA Land Use Ordinance is unclear with respect to the subject application's proposed residential use in the Public Service district. While the ordinance maintains a recognition of accessory residential uses in most non-residential districts, it makes no such recognition for the Public Service District. This is somewhat in conflict with the application of the Public Service district, which has been utilized to recognize Public Service uses which have clearly associated accessory residential uses. For example, the Caltrans Maintenance Station in Meyers and the U.S. Coast Guard Station at Lake Forest are designated Public Service, but clearly have a significant portion of their developed area devoted to residential uses servicing the station personnel. The same is true at the subject maintenance station, where the four existing residences make up the bulk of the structures on the site.

Recommendation

Staff recommends approval of the subject application, with a finding that the proposed residence is an appropriate accessory use, with the condition that the TRPA staff and the Nevada Highway Department staff conduct a field review to identify appropriate erosion control measures and identify possible reductions in impervious surface to bring the coverage on the site closer to conformance with capability. Staff recommends, additionally, that the Agency initiate amendment of the Land Use Ordinance to clarify the Public Service section by specifically recognizing residential uses accessory to the permitted Public Service uses.
Nevada Highway Department
Incline Maintenance Station Residence

Advisory Planning Commission Action

At its regular May 9, 1979 meeting, the APC voted to approve the project (3 ayes, 2 nays, 1 abstention). Concerns were raised about increasing residential use of the property and of giving special consideration to a public agency for land coverage.
Residence to be constructed. Bldg. limits to be located by owner.

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Douglas County School District
Parking/Play Area Expansion
Kingsbury Middle School

Summary

The Douglas County School District is proposing to add a new parking area to the Kingsbury Middle School, and to convert the existing parking area at the school to a playground. The new parking lot will provide 25-30 spaces, and is proposed to be located in front of the school, to be accessed from the existing driveway off of Echo Road (the proposed Douglas County Bypass Road).

The reason for the new parking area is a desire by the School District to utilize the existing parking area for playground use. They contend that the parking area has better sun exposure than the existing play area, and would therefore offer more opportunities for utilization during the winter and spring months.

Grading and Drainage

The location of the proposed new lot is relatively flat with little grading required for the project (estimated less than one foot cut at maximum). Some tree removal will be required, as the area is in the midst of the only remaining grove of trees in front of the school.

Parking lot drainage will be provided, and will lead to an infiltration system on the school site. The location proposed for the parking lot is the location of an existing infiltration system for drainage from the school buildings. The location of the parking area at this point will require relocation of this infiltration system.

Land Coverage

The subject project is located in a JAC soil type, capability level #5, permitting 25% impervious surface coverage. Calculations provided in the information material indicate that the proposed parking area will bring the coverage within the JAC soil type on the site to approximately 25%.

Staff Concern

Staff is concerned with the location of the proposed parking area, and will be meeting with the applicant's representative within the coming week to discuss the relative merit of either alternative parking locations or the development of an alternative play area location. Staff will prepare a recommendation based upon the conclusions of that meeting.

5/11/79
Recommendation

Agency staff recommends approval of the proposed project with the condition that the applicant submit a master plan for the site, subject to staff approval, indicating the ultimate use of the project area.

APC Action

The APC approved the staff recommendation at its regular meeting on May 9, 1979.
Summary

Southern Pacific Land Company is proposing to harvest 3.2 million board feet of timber from 370 acres of land within Section 7, adjacent to the California-Nevada state line, approximately one mile north of Kings Beach. The land is owned by Southern Pacific Land Company. The operation is proposed to be completed in two months, with no activity scheduled for weekends or holidays. During the days of operation, approximately 14-18 truckloads of timber per day will leave the harvest area. The trucking will access Highway 267 via Forest Service roads and exit the Tahoe Basin directly on Highway 267. According to the applicant's information report, approximately 5.2 trees in excess of 12 inches diameter will be left in the areas to be logged for each tree scheduled for removal.

Land Capability

The area to be logged is a mix of capability levels ranging from level 1 through level 6. The harvest plan identifies 11 separate sub areas in which the harvesting will be done. These areas avoid stream zones, and are all accessed by existing roads (this area was logged in 1964 and 1965). Several of the roads to be utilized do cross streams. At these points the applicant is proposing to utilize metal culverts to improve the road access and minimize risk to the streams. The most substantial crossing is that of Griff Creek, with an existing bridge. Because of concerns regarding the weight bearing capability of this bridge, the applicant proposes to place a temporary bridge across the existing bridge. This will allow use of the same road and will not require any extensive new grading or disturbance of the creek itself.

Slash Disposal

Pursuant to the requirements of the TRPA Timber Harvesting Ordinance, the applicant is proposing to require that all slash be lopped and scattered, except within 200 feet of any roadways, where it will be chipped and removed.

Prior Approvals

All necessary approvals have been secured for the subject project including the timber harvesting permit issued by the California Division of Forestry, road use permit from the Lake Tahoe Basin Management Unit of the U.S. Forest Service, and project approval from CTRPA. Other agencies which have reviewed the project include Placer County (which has conditioned the Griff Creek stream crossing), the California Department of Fish and Game, and the Lahontan Regional Water Quality Control Board. Neither of the latter two agencies conditioned the project.
TRPA Plans and Ordinances

The subject property is located in the General Forest land use district under the TRPA Land Use Plan. Timber Harvesting is a permitted use in this district. The land suitabilities map adopted by reference in the TRPA Conservation Plan identifies the subject area as being appropriate for timber production.

The TRPA Timber Harvesting Ordinance prescribes the circumstances under which harvesting is to be permitted within the Basin and the manner in which it is to be carried out, including restrictions on the extent of the harvest, limitations on practices according to land capability, and protection of stream zones. The subject application generally conforms to the requirements of the ordinance.

Recommendation

Staff recommends approval of the subject application subject to the following conditions:

1. All measures proposed by the applicant for the mitigation of adverse environmental impacts shall be strictly adhered to. In cases where addending material has identified more stringent standards than are identified in either the Southern Pacific Land Company Environmental Guide or the Timber Harvesting Plan, the more stringent practices shall be followed.

2. All applicable provisions of the TRPA Timber Harvesting Ordinance shall be followed, including the following provisions not specifically spoken to in the applicant's information report:

   a. Stumps shall be cut to 12 inches height, or less.

   b. No cutting or yarding shall be allowed within 100 feet of any stream channel.

   c. Slash disposal shall be completed in one area before cutting is commenced in the next area.

3. TRPA staff shall be advised of, and shall approve in advance, any deviations from the project as proposed and approved by this Agency.
Douglas County Sewer Improvement District
General Plan Amendment, Douglas County

Amendment Request

The applicant is requesting an amendment to the TRPA Land Use District Map to reclassify a 40 acre portion of its property from Conservation Reserve (CR) to Public Service (PS). It is the applicant's contention that the original CR zoning was an error and that the existing sewer treatment facility should be reclassified to PS to recognize the existing use. The zoning request would permit maintenance and expansion of the facility as a conforming use.

Property Location and Description

The property owned by the Douglas County Sewer Improvement District is located in the Round Hill area of Douglas County. In this area, the District owns 128 acres, 40 of which are currently classified CR. The subject 40 acre site is the location of the existing sewer treatment plant and would be the location of any new facilities.

Local Zoning

The Douglas County zoning for the subject property is residential (R-3).

Land Capability

The TRPA Land Capability Maps indicate the soils on the property to be Cagwin and Jabu as shown on the attachment. The permitted coverages for the soil types are as follows:

- CaF = 1%
- CaE = 1%
- JaC = 25%

The facilities are presently located in the JaC area and presently create 3.12 acres (12.25%) of land coverage. The applicant's plans indicate a possible expansion of land coverage to 4 acres (16%) which is still within the 25% limitation. There appears to be no need for any coverage overrides as permitted in the PS land use district.

Impacts

The impacts of this reclassification are twofold. The first impact is that the sewer treatment facility is no longer a nonconforming use and can be maintained. The maintenance of the existing plant should have no significant impact on the environment or on other public service facilities. The existing facility is suitably located on the extremity of development and has a sufficient buffer space to prevent conflicts with lands now classified for residential use.

The second impact is that the plant may be expanded as a conforming use. This expansion may have significant impacts but would also require Agency review as a public works project. It is staff's position that the proper time to consider these impacts would be when and if such expansion projects are proposed.

5/1/79
Compatibility With Agency Plans

The Lake Tahoe Basin Water Quality Management Plan (208 Plan) identifies a wastewater treatment facility at the subject site. The 208 Plan further indicates a facility with a treatment capacity of 3.0 million gallons per day (MGD). The existing plant with improvements recently approved by the Agency will have a treatment capacity of 2.5 MGD. The intensity of the existing and proposed uses of the site is therefore consistent with the Agency's plans.

Recommendation

Agency staff recommends approval of the General Plan amendment with the limitations on land coverages to be as set forth in Section 6.20 (land capability) of the Land Use Ordinance.

Advisory Planning Commission Action

At a May 9, 1979 public hearing, the APC recommended approval of the staff recommendation with land coverage to be as set forth in Section 6.20 of the Land Use Ordinance.
DOUGLAS COUNTY S.I.D.
General Plan Amendment
Rene Aro  
General Plan Amendment  
Douglas County  

Amendment Request  
The applicant is requesting an amendment to the TRPA Land Use District Map to reclassify an 0.51 acre parcel from Low Density Residential (LDR) to Medium Density Residential (MDR). The amendment is proposed by the applicant in order to construct 4 rental units which the applicant feels would be more consistent with the uses in the surrounding area.

Property Location and Description  
The subject 0.51 acre parcel is located on Palasade Road just east of the Palasade/Kingsbury Grade intersection in Douglas County. The property is currently undeveloped and undisturbed.

Local Zoning  
The Douglas County zoning for the subject property is residential (R-2) and would permit 4 units to be constructed on the property.

Impact  
The proposed reclassification would permit an increase of 2 residential units to 4 residential units. The land coverage limitation under LDR is 3,200 square feet which would increase to 7,775 square feet under MDR. The resulting impacts of the proposed reclassification are as follows:

Land Use - The subject parcel fronts the north side of Palasade Road with an approved commercial project to the east and undeveloped LDR parcels to the west. The north end of the property abuts an approved apartment complex of 15 units. The proposed use would be consistent with the existing land use pattern.

The TRPA Housing Element has identified a need for moderate to low income housing for the employees of the gaming industry. The applicant proposes to rent each of these 4 units for approximately $400 per month.

Environmental - The subject parcel is classified as "high hazard" land under the TRPA land capability system. The actual permitted coverage for this pre-1972 parcel is 3,200 square feet. The applicant will require 3,200 square feet of land coverage in order to construct the project as proposed. There will be no modification or interference with any of the following areas: wetland, wildlife habitat, fish or aquatic habitat, stream outlet, Stream Environment Zone, brush or broadleaf habitat, or unique ecological association areas.

Public Service - The reclassification will result in an increase of two more potential residential units in the area served by the Kingsbury General Improvement District. Conversations with Ms. Jeanine McClintock of the District indicate that the Kingsbury GiD is currently withholding issuing
sewer permits because of capacity-allocation problems within the District and the Douglas County Sewer Improvement District. It is staff's position that applications which further expand the development potential in the Kingsbury General Improvement District should not be approved until the District can verify its ability to serve such increased development.

Traffic - The primary access to the project via Palasade Road is Kingsbury Grade. Don Pray of the Nevada Highway Department has indicated that the summer ADT is approximately 11,000 but has not indicated any capacity figures for the roadway. The applicant has indicated the proposed project would generate 28 trips or 14 trips more than the existing zoning would permit.

Recommendation

Agency staff recommends denial of the proposed General Plan amendment based on the inability of the Kingsbury General Improvement District to provide required services.

Advisory Planning Commission Action

A public hearing was held on the requested amendment at the May 9, 1979 APC meeting. A motion to deny the amendment based on the inability of the Kingsbury GID to provide required services and on the overtaxing of the watershed as a result of increased coverage failed on a 6 to 5 vote. A motion to approve carried on a 6 to 5 vote.

The APC asked that the staff send a letter to Douglas County requesting that coverage be kept at a minimum (as represented by the applicant) in order to disturb the site as little as possible. One APC member commented that the capacity of the Kingsbury GID should not be used as a basis for determining whether zoning amendments should be granted.

The APC asked that the Governing Body establish a policy for treatment of future applications within the Kingsbury service area of the Douglas County Sewer Improvement District and also urged that the Board consider tightening land coverage constraints in the Edgewood Creek Watershed due to the existing erosion problems.
Bert Jakobson and Marcus Rizzardini  
General Plan Amendments  
Washoe County

Amendment Requests

The applicants, in separate applications, are requesting amendments to the TRPA Land Use District Map to reclassify two adjoining 0.419 acre parcels from High Density Residential (HDR) to Tourist Commercial (TC).

The amendments as proposed are not related to any specific project proposal but it is the applicants' stated intent to develop the sites for commercial uses.

Property Location and Description

The two parcels are located in the eastern portion of Incline Village on Highway 28, just east of the Highway 28/Country Club Drive intersection. The properties are on the north side of Highway 28 and also abut Ski Way (see Attachment A). The primary difference between the adjoining properties is the topography which dictates access (see Attachment B). Mr. Jakobson's property is the westerly parcel which is currently the site of a real estate office. This office is located on the graded level portion of the property which has access via Highway 28. Mr. Rizzardini's property is the easterly parcel and is currently undeveloped. The level area of this property is located in the upper portion of the parcel and abuts Ski Way.

Local Zoning

The Washoe County zoning for the subject properties is commercial (C-1). It is Mr. Jakobson's contention that this "pre-1972" local zoning should have been recognized in the 1972 TRPA General Plan. There was correspondence between staff and Mr. Jakobson concerning this matter, but the record indicates the Governing Board in 1974 approved only the rezoning of the property to the west.

Land Capability

The TRPA Land Capability Maps indicate the soils on the property to be Umpa cobbly coarse sandy loam (UmE) with 9 to 30% slopes which permit land coverages up to 5%. Information submitted by the applicants indicate the TRPA classification to be inaccurate for the two parcels since extensive grading has taken place on the site. Evidence indicates the grading occurred prior to 1972 and there has been little revegetation occurring on the sites.

Impacts

The present land use classification allows all land uses permitted in the proposed Tourist Commercial classification with the exception of transient dwelling units, recreational vehicle parks, outdoor and indoor amusement facilities, limited retail commercial and service stations. The proposed land use classification would allow a significant change

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from the existing professional office building use and other allowable residential uses to more intensive uses of the properties. Analysis of the impacts is as follows:

**Land Use** - The subject parcels are bordered by commercially zoned property on the west (undeveloped) and south (existing motel). The lands to the east and north are zoned HDR and are developed with condominiums and an art studio (see Attachment C).

For commercial uses, the primary access and orientation of the two sites would be toward Highway 28 and the commercially zoned lands. The reclassification would be considered compatible with the existing land use pattern and orientation of the immediate area. In a recent staff study, it was estimated that existing TRPA zoning commitments would allow an additional 13,550 residents in Incline Village. Currently, there is enough undeveloped General Commercial acreage to serve 8,900 people and enough undeveloped Tourist Commercial acreage to serve 11,500 people. This total service potential of 20,400 people assumes commercial, not hotel or residential, uses of the undeveloped, commercially zoned property. It appears there is sufficient commercial acreage at this time to adequately serve Incline Village. However, approval of large residential/hotel projects on these undeveloped commercial lands could radically alter the supply of available commercial sites.

**Transportation Facilities** - The subject parcels would require access on Highway 28 (Tahoe Boulevard). The Nevada Highway Department traffic counts indicate the two-lane highway is experiencing accelerated growth in traffic flows as shown below:

<table>
<thead>
<tr>
<th>Year</th>
<th>AADT</th>
<th>Increase</th>
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<tbody>
<tr>
<td>1973</td>
<td>5,600</td>
<td>6%</td>
</tr>
<tr>
<td>1977</td>
<td>6,900</td>
<td>42%</td>
</tr>
<tr>
<td>1978</td>
<td>9,800</td>
<td></td>
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</table>

The current HDR zoning for both parcels would permit projects generating approximately 90 new trips on an average day. The proposed Tourist Commercial zoning would permit commercial projects generating up to 2,060 trips per average day or motel projects generating 165 trips per average day. Based on the "Policy on Geometric Design of Rural Highways", the capacity of Highway 28 in this area can vary from 13,300 ADT at a B or C level of service to 20-25,000 ADT at a D or E level of service. Utilizing a 1.7 conversion factor for summer ADT (1.7 x 9,800) staff estimates the summer ADT to be 16,600 ADT. Currently, Don Pray, of the Nevada Highway Department, is preparing a more accurate report of the Incline traffic situation and has suggested the above is a fair approximation of the situation until his report is completed.

Based on the above information, it appears that the service level of State Route 28 through Incline Village would be further reduced by the proposed General Plan amendments as a result of increased traffic flows which could be generated from a commercial project. Although staff has no specific information on Ski Way, staff
would like to "flag" this road for potential traffic problems due to the limits of the facility itself and the potential development and ski area which it serves.

Public Service and Facilities - When compared to a potential 13 residential units, the reclassified use would increase the demand of power, telephone, sewer, water, and natural gas service but not to an amount that would adversely affect the capacities of these various services. There will be minimal, if any, increase in school attendance. There will be a light increase in demand on law enforcement and security. Fire protection is presently provided to the area as there is adequate fire flow and no natural hazards.

Environmental - The proposed reclassification will permit land coverages up to 50% which is the same coverage permitted with the existing HDR zoning. The two sites are denuded of vegetation except for the landscaping around the real estate office. There will be no modification or interference with any of the following areas: watershed, wetlands, wildlife habitat, fish or aquatic habitat, stream outlet, Stream Environment Zone, brush or broadleaf habitat, or unique ecological association areas.

Visual - Staff has received several phone calls and letters from owners of the condominiums north of and above the subject parcels voicing concern over possible impacts to their view. The proposed rezoning would increase the allowable height limit from 35 feet to 40 feet. This additional 5 feet should have a minimal impact since there is a 40 foot grade differential between the level portion of the property and Ski Way.

Analysis

Based on the above analysis, staff cannot support the addition of more commercially zoned property in Incline Village. Although these sites would be suitable for light commercial uses, the evidence indicates that such sites are not needed at this time. It should be noted that under the existing zoning an office complex would be a permitted use and most appropriate for the location.

Recommendation

Jakobson - Agency staff recommends denial of the proposed General Plan amendment for the following reasons:

1. There is no demonstrated need for additional commercially zoned lands. In fact, there is an excess of lands classified Tourist Commercial in Incline Village.

2. The uses permitted under the Tourist Commercial zone would allow the construction of high traffic generating projects which could impair the traffic flows (lower service level) on Highway 28.

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Rizzardini - Agency staff recommends denial of the proposed General Plan amendment for the following reasons:

1. There is no demonstrated need for additional commercially zoned lands. In fact, there is an excess of lands classified Tourist Commercial in Incline Village.

2. The primary building area of the site is in the upper portion of the parcel and would require access to Ski Way which would be inconsistent with the residential nature of Ski Way.

Advisory Planning Commission Action

At public hearings held on May 9, 1979, the APC recommended approval of the Jakobson General Plan amendment with up to 35% allowable coverage and denial of the Rizzardini General Plan amendment. A major concern with the latter request was the required access to Ski Way and the potential traffic problems due to the limits of the facility and the potential development and ski area which it serves.
MEMORANDUM

DATE: May 15, 1979

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Policy on Processing New Applications on Expired Tentative Maps

Members of the Governing Board have raised a question with regard to the available mechanisms for processing applications on tentative maps previously approved by the Agency which have expired as a result of failure to record a final map within the time limits specified in the Subdivision Ordinance. Agency staff and legal counsel have researched the mechanisms available to approve tentative maps for such situations with regard to the provisions of the Subdivision Ordinance as well as the Agency's policy in the past. The following options were evaluated.

Reaffirmation of Previous Approvals

The applicable Agency ordinances do not provide a specific mechanism to allow reaffirmation of an expired tentative map approval. However, the option to reapprove a tentative map without requiring new submittals exists if the project or applicable Agency ordinances affecting the project have not changed. In this case, the tentative map as previously approved would need to be in conformance with current Agency ordinances.

Review as a New Submittal

The tentative map may be reviewed against the Agency's current ordinances without regard to previous approvals issued by the Agency which have expired as a result of failure to record a final map as required by the Subdivision Ordinance. In reviewing expired tentative maps for Kings Run, Powderhorn, Rocky Ridge and the Summit at Heavenly Valley at the August 1975 meeting, the Governing Body established the following policy to process these types of submittals as new projects under the Agency's current ordinances:

"MOTION by Mr. Woodward that with regard to the extension of the tentative maps that we charge (half of) the initial filing fee and that the projects be reviewed under the conditions in effect as far as the ordinances are concerned and that these are substantially new projects."

The motion carried unanimously.
Specific Proposal Before the Governing Board

A tentative map for an 8-unit subdivision known as Hansen Hilltop Estates was approved by the Governing Body on June 27, 1977. No final map was recorded within the 18 month time limitation as provided in the Subdivision Ordinance, and the approval therefore expired. It has been requested that the previous approval be reaffirmed by the Governing Body. In order to determine whether this option is feasible, staff has analyzed the previous approval with regard to the Agency’s current ordinances. As noted earlier, only those projects which have not changed and fully conform to the Agency’s current ordinances could be reapproved without additional submittals.

Analysis

The tentative map for Hansen Hilltop Estates was approved under the ordinances which were effective in June, 1977. A critical facet of the project was a finding that a portion of the proposed road servicing the subdivision was a regional public facility and was therefore not subject to land coverage requirements. Agency legal counsel has advised that the finding was directly tied to the approval of the subdivision and therefore expired along with the approval of the tentative map. Subsequent to the approval, the Agency’s Land Use Ordinance was amended to include a category for a local public road which allows a 50% land coverage credit as opposed to a 100% land coverage credit for a regional public facility. The road in question more appropriately fits the definition of a local public road. Since the Agency’s Land Use Ordinance has been amended in such a manner as to affect the allowable coverage subsequent to the previous approval, the existing project does not conform to the Land Use Ordinance.

In addition to the question of a local public road versus a regional public facility, staff’s review of the tentative map indicated two additional areas where the subdivision does not conform to the ordinances:

1. The tentative map as previously approved does not meet the Agency requirements regarding allowable land coverage, even with the credit for a regional public facility. The area identified as land capability district D in the submittal includes an amount of land coverage in excess of that allowed in the Agency’s Land Use Ordinance.

2. Assurances of adequate public services should be brought up to date for the project, particularly in view of the fact that the Kingsbury General Improvement District will no longer issue sewer permits in the area. (See memo on Processing Applications in the Kingsbury Service Area of the Douglas County Sewer Improvement District).

Recommendation

Agency staff recommends that the tentative map for Hansen Hilltop Estates be reviewed as a new project against the Agency’s current ordinances as established under the past policy of the Governing Body. The project as submitted does not fully conform to the current ordinances of the Agency.
MEMORANDUM

DATE: May 15, 1979

TO:           Governing Body

FROM:         Agency Staff

SUBJECT:      Revisions to General Plan Amendment Processing Procedure

This item was scheduled for additional discussion with the APC at their May 9, 1979 meeting. Due to time constraints, however, the APC was unable to give this matter any consideration. The APC has requested that a special meeting be set up with the local government planning directors to discuss both the General Plan Amendment procedure and local housing problems, an issue on which staff has initiated discussion with the APC. No date has yet been set for this special meeting.
TO: The TRPA Governing Body
FROM: The Staff
SUBJECT: APC Request to Discuss Policy on Processing Applications in the Kingsbury Service Area of the Douglas County Sewer Improvement District

DATE: May 15, 1979

The Advisory Planning Commission, upon consideration of the General Plan amendment request for Rene Aro, requested that the staff prepare a summary of the status of sewage treatment capacity within the Douglas County Sewer Improvement District (DCSID) service area in order that the Governing Body could consider the matter for any appropriate policy actions with regard to processing applications which would require additional sewage treatment capacity. The APC requested that particular attention be paid to the Kingsbury General Improvement District (KGID) service area because KGID had not responded to the verbal and written requests of staff to verify its ability to service the Aro property under a more intensive land use classification.

Background

Agency staff prepared a summary for the April meeting of the Governing Body regarding improvements necessary to upgrade the DCSID treatment plant in order to meet the discharge requirements of the Nevada Division of Environmental Protection and the Environmental Protection Agency. The staff summary pointed out that the present effective treatment capacity of the DCSID facility is less than the peak wastewater flows generated within the service district. The staff summary also pointed out that a pending court settlement may have required DCSID to limit future connections to the system in order to ensure that the waste discharge standards are complied with.

In addition to the question of the available treatment plant capacity within the entire DCSID service area, there is the question of allocation of sewage treatment capacity to smaller districts which contract with DCSID for treatment and export of sewage from the Basin. As pointed out in the staff summary for Round Hill Units 5, 6, and 7, certain smaller districts, particularly KGID, which are part of the DCSID service area have over-extended their commitments for service in relation to their allotted share of the plant capacity. As a result, there are continuing questions regarding those districts' ability to provide service within their allotted share of sewage treatment capacity. The EPA lawsuit challenging the effectiveness of treatment provided by the DCSID plant has further complicated the matter by casting a degree of uncertainty over what the capacity of the plant is under various discharge requirements. Hence the relative allotment of each district which contracts
with DCSID for service has become further clouded. The end result has been that some districts have ceased to issue new permits for sewer hookups.

Court Settlement

On May 9, 1979, the Federal District Court refused to enjoin the DCSID from continuing to allow hookups to its system. The court found that DCSID was proceeding with due diligence with improvements to the plant in order to ensure that the waste discharge standards would be complied with. This will allow continuation of service hookups to the system within most of the districts serviced by DCSID. However, because the allocation of sewage capacity to districts serviced by DCSID through contracts is an internal problem, the court settlement did little to resolve the issue of which district has how much remaining capacity in the plant.

Allocations of Sewage Capacity

Staff has been informed that all of the districts involved have set up a meeting for May 15 to attempt to resolve the internal issue of allocation of the remaining plant capacity. Agency staff will be prepared to report the outcome of that meeting and advise the Governing Body regarding any appropriate Board actions which would be necessary to ensure that the Agency does not intensify the sewer service shortcomings in any district serviced by DCSID.
TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Advisory Planning Commission Request to Discuss Land Coverage Constraints in the Edgewood Creek Watershed

DATE: May 15, 1979

During discussion of the General Plan amendment for the parcel owned by Rene Aro, the Advisory Planning Commission expressed a concern over Agency policies which are leading to an apparent increase in impervious coverage in environmentally sensitive areas of the Edgewood Creek Watershed in Douglas County. The APC requested that the matter be put before the Governing Body for discussion and any action which may be appropriate to limit land coverage in this area to a minimum consistent with existing vested rights.

Background

The Agency identified high and moderate erosion hazard lands through the land capability system which was adopted as part of the General Plan. These lands were expected to contribute to the accelerated eutrophication of Lake Tahoe if developed. However, local zoning actions had previously identified the development potential of lands within the Basin without the benefit of the land capability system. The Agency's General Plan therefore attempted to balance the land capability system against the development potential which was already recognized by local zoning actions. Upon adoption of the Agency's ordinances, land coverage necessary to allow buildout of those areas identified as susceptible to further development was "grandfathered", although a strict interpretation of the land capability system would have practically precluded development on moderate and high erosion lands.

The capability system identifies a relatively large portion of the Kingsbury Grade area within the Edgewood Creek Watershed as high and moderate erosion hazard lands. However, local zoning had previously recognized the development potential of this area as a result of its proximity to the employment and commercial centers at the South Shore. In adopting the General Plan, the Agency recognized local zoning in parts of the Kingsbury Grade area. The development within the watershed has resulted in substantial erosion and sedimentation problems.

Recent land use classification actions of the Agency to rectify some of the land use problems in the middle Kingsbury area have been at the expense of watershed protection in the opinion of some APC members. In evaluating the General Plan amendment for Rene Aro, the APC found that a change in the land use classification
was appropriate from a zoning standpoint but would have allowed 35% land coverage on lands with a high erosion hazard. Because many of the projects resulting from a change in land use classification are minor and do not require Agency review, the APC requested that Douglas County review these projects with a view towards ensuring that the land coverage is kept to a minimum necessary for the planned use.

APC Request

The APC expressed concern over the Agency's inability to condition zoning actions of this type to ensure that land coverage on the resulting project is minimized. In the opinion of some APC members, the grandfathered coverages allowed by the Land Use Ordinance have resulted in many projects utilizing the maximum coverages allowed rather than seeking to minimize land disturbance associated with the land uses allowed under the Agency's ordinances. It was requested by members of the APC that this matter be brought before the Governing Board in order to discuss any appropriate measures which could be implemented to ensure that the Edgewood Creek Watershed is protected.

Analysis

Staff's analysis of the land coverage situation in the Edgewood Creek Watershed indicates that there are two separate and distinct issues. First, the maximum permitted land coverage under the Agency's ordinances has, in the opinion of some APC members, allowed coverage in excess of the capability of the watershed to withstand that development while maintaining water quality. Second, recent actions of the Agency have allowed still further increases in allowable land coverage without consideration for watershed limitations.

With regard to the first issue, Agency staff has evaluated the requirements of the Land Use Ordinance and finds that the existing wording and general purpose of the ordinance would allow some discretion on the part of the Agency or permit-issuing authority in determining the maximum land coverage allowed. In each instance where land coverage requirements for a particular use district are described in the ordinance, the phrase "shall not create land coverages in excess of" is used. This implies that the coverages specified are maximum amounts and may be subject to an individual determination. Section 5.50 of the Land Use Ordinance also indicates that the coverage limitations specified are guidelines and "are subject to variation in any particular case". In the past, Agency staff has viewed coverage limitations as "allowable coverage" rather than as coverage which should not be exceeded. A possible remedy for this matter would be an interpretation of the ordinance that would allow the exercise of discretion on the part of the Governing Body to establish coverage limitations less than those set forth in the Land Use Ordinance where watershed values are known to be endangered.
With regard to the second issue, staff has analyzed past Agency actions in the Kingsbury Grade area to determine if the cumulative effect of recent Agency actions has in fact increased the allowable coverage beyond that which would have been allowed in the initial adoption of the General Plan. There are four general areas where Agency actions have increased the permitted land coverage in the Kingsbury area. These include General Plan amendments allowing more intensive uses, increased use of Public Service district classifications, local public road determinations and regional public facility determinations. On the other hand, many recent General Plan amendments in the middle Kingsbury area have reduced the maximum allowable land coverage through classifications for less intensive uses. A possible resolution of this issue is a more thorough scrutiny of these types of actions with regard to their impact on the watershed.
MEMORANDUM

TAHOE REGIONAL PLANNING AGENCY

TO: The TRPA Governing Board

FROM: The TRPA Staff

SUBJECT: Revisions to the Sign Ordinance

DATE: April 17, 1979

The Governing Body has directed the staff to prepare some modifications to the Agency Sign Ordinance. The first revision was to add a section to the ordinance on allowable height. Staff proposes to add a definition of on-premise signs and allowable height to Section 3.00 of the Sign Ordinance to read as follows:

On-Premise Signs - A sign advertising or otherwise relating to any business product or activity being conducted or produced on the lot or parcel on which the sign is located. Permitted on-premise signs shall not exceed the height limits established in Section 7.13 of the TRPA Land Use Ordinance for the land use district in which the sign will be located, except as provided for under Section 7.13 of the Land Use Ordinance.

The second revision requested was regarding the inclusion of political signs as allowable temporary signs. Staff proposes the inclusion of a definition of political signs in Section 3.00 and an additional section to the ordinance dealing with allowable duration.

Political Signs - Any sign which advertises support or opposition to a political candidate or ballot issue that will be subject to the vote of the residents of the Region or a portion thereof in a public election.

Political signs are temporary signs and shall be limited in their placement and duration as follows:

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

(2) No sign shall be placed or erected earlier than one (1) month prior to the date of the subject election.

(3) All signs shall be removed within ten (10) days after the date of said election. It is the responsibility of the candidate for election or the election committee to insure removal of signs within the specified time period.
The third revision deals with the attachment of objects to trees or other natural vegetation within the Region. The staff proposes an addition to the ordinance under Section 4.00 "Prohibited Signs".

The attachment of any signs to any trees or other natural vegetation within the Region is prohibited.

These revisions are submitted for discussion purposes. Recommendations supported by the Board will be incorporated into the Sign Ordinance and brought back for Governing Board approval and adoption.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: May 15, 1979

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Amendment to Section 9.23 of the Land Use Ordinance to Allow "Grandfathered" Coverage for Tentative Condominium Maps

At the April meeting of the Governing Board, the Board directed staff to prepare an amendment to Section 9.23 of the Land Use Ordinance to allow the grandfathered coverage limitations to be extended to condominium maps and to assess the impacts of such a change. This memo addresses the impacts of a change which would allow condominiums to be treated the same as apartment buildings or other multiple dwelling units which are retained on the same (i.e. pre-1972) parcel. It should be noted that the Governing Board passed a motion to interpret the existing wording in Section 9.23 of the Land Use Ordinance to prohibit creation of new parcels through processing of a tentative condominium map where the resultant land coverage would exceed those as set forth in Section 6.20 (i.e. land capability limitations) of the Land Use Ordinance.

Alternative Ordinance Amendments

Agency staff has identified three alternative methods of approaching an amendment to the Land Use Ordinance which would allow "grandfathered" coverages to apply to condominiums as well as other multiple residential dwelling units which do not involve a subdivision of property. The first alternative would be to extend the grandfathered coverages to all tentative maps recorded on parcels that are under 2 acres and were recorded prior to February 10, 1972. The second and third alternatives would be a limited extension of the "grandfathered" coverage for tentative condominium maps only in those areas of the Basin where it is determined that further subdivision would not create adverse impacts on the availability of housing or adverse environmental impacts.

Alternative 1 - Extend Grandfathered Coverage to All Tentative Condominium Maps

This alternative would require two conditions to be met prior to the approval of a tentative condominium map which would create coverage in excess of that allowed under Section 6.20 (land capability) of the Land Use Ordinance. The tentative condominium map would be required to:

1) Be for an existing parcel of record which was recorded prior to February 10, 1972.

2) The subject parcel must have been two acres or less in size prior to subdivision.
In order to meet the requirements as set forth above, the following modifications to Section 9.23 of the Land Use Ordinance are proposed:

"The following land coverage limitations, if greater than the percentages otherwise allowed in the land capability districts in which the lot or parcel in question is located, shall apply to existing lots or parcels of record as of February 10, 1972, or to tentative condominium maps on lots or parcels recorded prior to the above date, that are two (2) acres or less in size and that are located in the following use districts:

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

Alternative 2 - Limited Extension of Grandfathered Coverage to Certain Defined Areas of the Basin

This alternative would require four conditions to be satisfied in order to process a tentative condominium map which would allow coverage in excess of that allowed under land capability restrictions. The first two conditions would be the same as those required under Alternative 1. The third condition would be a finding that no adverse impacts on the environment would result from the action, particularly with regard to land coverage in sensitive environmental areas. The fourth condition would require a finding that the condominium units would have no substantial impacts on the availability of housing. The concept of this alternative is that in order to encourage the building of low to moderate income housing as suggested in the Housing Element, the Agency should maintain an incentive through its land coverage overrides for apartments in certain areas of the Basin. In order to accomplish this objective, the "grandfathered" land coverage would only be extended to condominium projects in those areas which would not further aggravate the limited supply of low to moderate income housing. This concept was included in the General Plan Update through creation of a High Density Apartment (HDA) zoning classification.

In order to meet the requirements as set forth above, the following modifications to Section 9.23 of the Land Use Ordinance are proposed:

"The following land coverage limitations, if greater than the percentages otherwise allowed in the land capability districts in which the lot or parcel in question is located, shall apply to existing lots or parcels of record as of February 10, 1972, and that are located in the following use districts:

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The allowable land coverages set forth in each use district specified above also apply to tentative condominium maps, if greater than the percentages otherwise allowed in the land capability districts in which the lot or parcel in question is located, if the Governing Body finds:

1) The lot or parcel in question is two (2) acres or less in size.

2) The lot or parcel to be subdivided through approval of a tentative condominium map was recorded prior to February 10, 1972.

3) The lot or parcel in question is contained wholly within land capability districts 4, 5, 6 or 7 as delineated on the Agency's Land Capability Maps.

4) The lot or parcel in question is not contained within a land use district designated as High Density Apartments (HDA) or Medium Density Apartments (MDA) as delineated on the Agency's Land Use Maps."

It should be noted that in addition to the above Land Use Ordinance amendment, this alternative would require additional amendments to the Agency's General Plan and Land Use Ordinance to establish the new use districts and delineate those districts on the Agency's Land Use Maps.

**Alternative 3 - Same as Alternative 2 Without Requirement for Creation of New Use Districts**

This alternative has the same purpose and concept as Alternative 2. The method of accomplishing the objective, however, would be less administratively cumbersome and would not require the creation of new land use districts in the Land Use Ordinance and within the Agency's General Plan and Land Use Maps. Rather, this alternative would require the Governing Body to make findings 1, 2 and 3 as listed under Alternative 2. The fourth finding would only require the Governing Body to determine that the lot or parcel in question is not within an area which is suitable for apartment uses.

In order to meet the requirements as set forth above, the following modifications to Section 9.23 of the ordinance are proposed:

"The following land coverage limitations, if greater than the percentages otherwise allowed in the land capability districts in which the lot or parcel in question is located, shall apply to existing lots or parcels of record as of February 10, 1972, and that are located in the following use districts:

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</table>
At the April 6 meeting the Board responding to a request from Jeff Lundahl directed staff to prepare modifications to Sec 9.23 and assess the impacts of two alternatives. The modifications relate to allowing condo construction at override coverages. The Board made the determination that the current interpretation of Sec. 9.23 does not allow condo construction utilizing override coverage. The Board and staff concur that on-site concerns vary insignificantly between condos & APTs.

The staff propose two options for consideration. The first proposes no allowance for condos at override coverages; this is the option favored by property owners. To achieve this option an addition to Sec 9.23 is proposed. The addition would specify that the override coverages apply to condo projects on parcels recorded prior to 1972.

The second proposes creation of high den. Apt. & med den Apt. zones. The zones would only allow
APT CONSTRUCTION. THE CONCEPT BEING THAT THE BOARD THROUGH ITS LAND USE PLANNING AUTHORITY DESIGNATE AREAS WHERE APARTMENTS SHOULD BE CONSTRUCTED. THIS WOULD BE IN LINE WITH THE AGENCY HOUSING ELEMENT. THE BOARD WOULD BE TAKING AFFIRMATIVE ACTION TO INVOLVE AN APPROPRIATE MIX OF HOUSING WITHIN THE BASIN. THIS OPTION ALSO INCOHERES AN EVALUATION OF LAND CAPABILITY. ON HIGH HAZARD LANDS (CAPA DIST 1-3) THE Override WOULD NOT BE GRANTED. CONDOS WOULD STILL BE ALLOWED BUT MUST BE CONSTRUCTED ACCORDING TO LAND CAPABILITY LIMIT COVERAGE. THIS WOULD EFFECTIVELY CREATE 3 DIFFERENT TYPES OF AREAS UNDER SEC 9.23 1) WHERE ONLY APARTS WOULD BE ALLOWED 2) AREAS WHERE BOTH CONDOS & APARTS ARE ALLOWED AT OVERRIDE COVERAGE (CAPA CAPABILITIES DIST 4-7) 3- AREAS WHERE DUE TO ENVIRONMENTALLY SENSITIVE LANDS, APARTS WOULD BE ALLOWED AT OVERRIDE COVERAGE BUT CONDOS MUST CONFORM TO LAND CAPABILITY. THIS OPTION WOULD ALLOW THE OVERRIDE TO APART
Recognizing that increased coverage is necessary to construct high density apartments and that apartment construction is needed to solve an identified housing problem, this option would entail revisions to the land use ordinance as well as revisions to the General Plan designating apartment zones. The changes would necessarily be subject to public hearings and would take a substantial amount of time.

The third option is the same as 2 except for finding 4.

Under option 3 agency staff and Council would determine where apartments are most appropriate. These areas would be delineated, but an apartment only zoning would not be created. The Board would then have to make the finding that the proposed condo project is not in an area more suitable for apartments. If this finding is made the project may be approved. This option like option 2 would give the Board the ability to
RAFT CONSTRUCTION TO APPROPRIATE AREAS AND INSURE AN ADEQUATE MIX OF HOUSING TYPES IN THE FUTURE. IT IS LEGAL COUNSEL'S OPINION THAT THE BOARD DOES HAVE THE POWER TO IDENTIFY A MOST APPROPRIATE USE FROM THE LAND USE ALTERNATIVES ALLOWED IN A LAND USE DIST. THIS OPTION WOULD BE ACHIEVED THROUGH THE DESIGNATION OF APPROPRIATE AREAS WITHOUT THE NECESSITY OF GEN PLAN AMENDMENT/ PUBLIC HEARINGS.
STAFF ANALYZED THE IMPACTS AGAINST 3 CRITERIA:

- LAND USE, HOUSING, LAND CAPABILITY.

OPTION 1 WOULD ALLOW CONDOS AT OVERTOP COVERAGE ON ALL LANDS. THE PROPENSITY HAP BEEN TO CONSTRUCT CONDOS. OTHER LAND USE DISTRICTS ALLOW CONSTRUCTION FOR OWNERSHIP. THIS OPTION WOULD REDUCE THE AMOUNT OF LAND AVAIL FOR RATS BY INCLUDING HIGHER DENSITY LAND FOR CONDOS. ALLOWING CONVERSIONS WOULD BE ALLOWED ON ALL AFFECTED PROPERTIES POTENTIALLY FURTHER REDUCING SUPPLY. OPTIONS 2-3 WOULD ALLOW FOR COHESIVE PROGRAMMING OF CONDO & APT CONSTRUCTION ACCORDING TO REGIONAL AND SUB-REGIONAL NEEDS AND GOALS. A LAND USE PATTERN WOULD BE ESTABLISHED TO INSURE A DIVERSIFIED MIX OF HOUSING.

USING OPTION 1 WOULD ALLOW CONDOS IN ALL AREAS. THIS WOULD RESULT IN CONDO FOR OWNERSHIP IN CLOSE PROXIMITY TO COMMERCIAL & EMPLOYMENT CENTERS. CENTRALLY LOCATED LANDS SHOULD BE PROGRAMMED FOR SOME LEVEL OF APT CONSTRUCTION. CONDOS CAN BE USED AS 2ND HOMES, PRIMARY RESIDENCES, VACATION RENTALS
of income property. Use of the property for any of the options except rentals reduces the supply of land upon which rental units can be placed. It also results in a reduction in available supply of units for resident rental housing. Under Alter 2, 3 units would be a component of yearly construction activity. The average rental rates are lower for apartments. If more units were programmed in future construction, the possibility exists that the rate of price escalation in rental housing would be slowed.

The extension of the override covenant for condominiums fails to recognize inherent capability constraint on property. Land is recommended for 10% coverage under land capability would be allowed up to 50% coverage. If 10% coverage overrides are to be granted, it should be to recognize vested rights or to achieve regional or subregional goals. The development of units at override coverage would seem to satisfy any vested rights. Further
DIVISION OF LAND SHOULD BE PREDICATED UPON LAND CAPABILITY CONSTRAINTS AND REGIONAL GOALS.
The allowable land coverages set forth in each use district specified above also apply to tentative condominium maps, if greater than the percentages otherwise allowed in the land capability districts in which the lot or parcel in question is located if the Governing Body finds:

1) The lot or parcel in question is two (2) acres or less in size.

2) The lot or parcel to be subdivided through approval of a tentative condominium map was recorded prior to February 10, 1972.

3) The lot or parcel in question is contained wholly within land capability districts 4, 5, 6 or 7 as delineated on the Agency's Land Capability Maps.

4) The lot or parcel in question is not within an area which the Agency has determined to be suitable for apartment uses."

Impacts

Agency staff has reviewed the above alternatives to evaluate the respective impacts upon the Lake Tahoe Region and associated subregions. In evaluating the impacts, staff utilized three parameters: land use, housing and land capability. The evaluation was done relating the proposed modifications against the parameters and not against each other.

Alternative 1

Land Use - Alternative 1 would allow the coverage override to apply to either apartment or condominium developments on the subject property. Recent experience indicates that the propensity is to develop condominiums wherever possible due to the relative economics. If condominiums were constructed, options such as primary ownership, second home use, and vacation rental are present. These options are not present for apartments. Condominium construction results in utilizing High Density Residential lands for ownership reducing quantities of lands with high density for rental units. The allowance of condominium conversions will potentially reduce the existing supply of rental housing. Current apartment units which cannot convert to condominiums because of land coverage constraints would be given the ability to convert. With either apartments or condominiums allowed the override coverage, the Agency has no mechanism to program apartment construction. This is especially important considering the propensity to construct condominiums. This option would further ensure this propensity. These higher density lands provide the scale economies necessary for apartment construction. These lands should be utilized to provide development insuring a mix of housing types. Development of condominiums skews housing availability toward ownership and reduces the land available for the construction of rental units.
Housing - Developing condominiums will raise the cost of construction due to building code differences and added amenities. This will result in higher quality units with higher rental rates. The possibility exists that it would be uneconomical to utilize some condominium units for rental at current market rates. These units would not be used for rental but as second homes or vacation rentals, thereby reducing the available housing supply. Alternative 1 would allow conversion of existing rental units, further reducing available supplies of rental units. High density core areas are typically provided to allow higher density rental units within close proximity to commercial and employment centers. Areas on the periphery are designated for lower density single family dwellings. Certain areas should be for apartment construction; high density core areas are the appropriate areas to encourage this type of development.

Land Capability - The extension of the coverage override for condominiums fails to recognize inherent capability constraints on property. Lands recommended for a maximum of 1% coverage under the land capability system would be allowed up to 50% coverage in some areas. The allowance of up to 50% coverage would not be appropriate on these properties. Staff contends that if the override to land capability is to be granted it should be to achieve either regional or subregional goals. Staff agrees that on-site environmental differences are negligible between apartments and condominiums. The development of apartments at override coverages would seem to satisfy any vested rights existing on the property. Further division of the land should be predicated on land capability constraints and regional needs.

Alternative 2

Land Use - Alternative 2 proposes to designate appropriately located properties for exclusive apartment construction. Properties centrally located to services and employment in those areas substantially developed with apartments would be reclassified to a use district allowing only apartment development. This would allow the Agency the ability to program further core area residential developments to include a mix of housing types. A future available supply of rental apartment units would be insured and such development would be consistent with the theory that rental housing should be available in close proximity to services and employment. Higher densities of people can be housed in such areas and, due to proximity, they would be able to increase greater options in relation to transportation alternatives. A land use pattern would be established that would insure the availability of a diversified mix of housing.

Housing - Under Alternative 2, apartment construction would be a component of building activity. A mix of housing types would be provided in further development. Rental housing would be insured within the core areas. Apartments are usually constructed at different standards and at less cost than condominiums. The average rental rates for apartments are less. If more apartments were programmed in future construction, the possibility exists that the rate of price escalation in rental housing would be slowed. The Agency would be taking an affirmative step toward programming the future supply of housing to insure regional and subregional goals were met.
Land Capability - Alternative 2 would more closely provide for evaluation of a property's land capability constraints than Alternative 1. On higher capability lands that can support larger amounts of impervious surface, the condominium option would be available. On lower capability lands, a vested right to build apartments at the override coverage would be recognized. The trade-off is increased land coverage to allow units that satisfy an existing identified housing need. This option would preclude conversion of existing units to condominiums on poor capability lands. The land capability system would become an integral part in determining allowable land uses in the future.

Alternative 3 - Alternative 3 has the same impacts on land use, housing and land capability as Alternative 2. However, this alternative eliminates the necessity to amend the General Plan and the Land Use Ordinance.

Recommendation

Agency staff recommends that Alternative 3 be adopted by the Governing Body. Staff requests that it be directed to prepare a set of maps delineating those areas of the Basin suitable for apartment uses to be used as a guideline in directing Agency actions on allowing grandfathered coverages for tentative condominium maps.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: 5/14/79

TO: TRPA Governing Board

FROM: Agency Staff

SUBJECT: Financial status as of April 30, 1979

Please find enclosed the April 30th financial statement. By inspection, you will note that the overall fiscal status of the Agency is sound, although the fund balance is not as bountiful as budgeted. The actual fund balance at April 30th is just a few thousand dollars more than the budgeted fund balance at the end of June.

For the first time in years, the percentage of actual total revenue received (80%) is less than the percentage of the fiscal year completed (83%). This has resulted from the absence of half the State monies budgeted. Accordingly, staff is continuing efforts to monitor expenses to insure that year-end funds are available to cover potential closing costs, which are estimated to be about $36,000.

Questions related to the financial statement shall be welcome during the Business Manager's Report at this month's meeting.
### Statement of Revenue & Expenses from July 1, 1978 thru April 30, 1979

Percentage of Fiscal Year Completed: 83%

<table>
<thead>
<tr>
<th>REVENUE:</th>
<th>Budgeted Revenue &amp; Expenses</th>
<th>Actual Revenue % Expenses Thru 4/30/79</th>
<th>Actual In Proportion To Budgeted</th>
<th>Actual (Over)/Under Budgeted</th>
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<tr>
<td>State of California</td>
<td>$75,000</td>
<td>$37,500</td>
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<td>$37,500</td>
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<td>State of Nevada</td>
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<td>18,750</td>
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<td>Carson City</td>
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<tr>
<td>Douglas County</td>
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<td>25,470</td>
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<td>El Dorado County</td>
<td>62,505</td>
<td>62,505</td>
<td>100%</td>
<td></td>
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<tr>
<td>Placer County</td>
<td>38,024</td>
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<td>Washoe County</td>
<td>23,994</td>
<td>23,994</td>
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<td>Filing Fee Income</td>
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<td>Air Quality Grant</td>
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<td>Investment Income</td>
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<td>70%</td>
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<td>Sales/Printed Matter</td>
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<td>Miscellaneous Income</td>
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<td>Fund Balance 7/1/78</td>
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<td>65,605</td>
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<td>H.U.D.</td>
<td>70,346</td>
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<td>C.E.T.A.</td>
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<td><strong>TOTAL REVENUE</strong></td>
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<td><strong>$387,647</strong></td>
<td><strong>80%</strong></td>
<td><strong>$95,043</strong></td>
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<table>
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<th>EXPENSES:</th>
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<tr>
<td>Staff Salaries</td>
<td>$221,451</td>
<td>$161,845</td>
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<td>$59,606</td>
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<td>Employee Benefits</td>
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<td>21,060</td>
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<td>6,561</td>
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<td>Legal Notices</td>
<td>2,000</td>
<td>1,261</td>
<td>63%</td>
<td>739</td>
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<td>Repairs/Maintenance</td>
<td>1,260</td>
<td>909</td>
<td>72%</td>
<td>351</td>
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<tr>
<td>Office Supplies</td>
<td>4,500</td>
<td>3,547</td>
<td>79%</td>
<td>953</td>
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<td>Publications</td>
<td>34</td>
<td>83</td>
<td>244%</td>
<td>(49)</td>
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<td>Communications</td>
<td>9,500</td>
<td>5,743</td>
<td>60%</td>
<td>3,757</td>
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<td>Postage</td>
<td>4,000</td>
<td>2,703</td>
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<td>1,297</td>
</tr>
<tr>
<td>Travel Expenses</td>
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<td>566</td>
<td>19%</td>
<td>2,434</td>
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<tr>
<td>Auto Maintenance</td>
<td>2,000</td>
<td>1,906</td>
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<td>94</td>
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<td>Insurance</td>
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<tr>
<td>Building Expenses</td>
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<td>Office Equipment Rent</td>
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<td>4,912</td>
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<td>Auditing Services</td>
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<td>2,900</td>
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<tr>
<td>Reproduction/Printing</td>
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<td>Equipment Purchases</td>
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<td>Contractual Labor</td>
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<td>Legal Services</td>
<td>70,000</td>
<td>59,146</td>
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<td>10,854</td>
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<td>Inspection Fees</td>
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<td>725</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Expenses</td>
<td>54</td>
<td>54</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Consulting Services</td>
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<td>1,241</td>
<td>124%</td>
<td>(241)</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td><strong>$418,644</strong></td>
<td><strong>$318,553</strong></td>
<td><strong>76%</strong></td>
<td><strong>$98,091</strong></td>
</tr>
</tbody>
</table>

**Fund Balance 6/30/79 $66,046**

**Fund Balance 4/30/79 $69,094**

*Carson City contributed $1,003 over and above TRPA's requested allocation of $7.
ALL PROGRAMS BUDGETED FOR FISCAL YEAR 1978/79

CONDITION OF FUND BALANCE ON 4/30/79

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash On Hand</td>
<td>$ 577</td>
</tr>
<tr>
<td>Savings, Investments</td>
<td>78,033</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>19,779</td>
</tr>
<tr>
<td>Less: Accounts Payable</td>
<td>(29,295)</td>
</tr>
<tr>
<td><strong>TOTAL FUND BALANCE</strong></td>
<td><strong>$  69,094</strong></td>
</tr>
</tbody>
</table>
MEMORANDUM

DATE: May 15, 1979

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: May, 1979 Governing Body Agenda - Ordinances

Following is a brief description of the ordinances listed for first or second reading on the May, 1979 Governing Body agenda:

A. Ancel Cașentini Property in Douglas County - This Regional Plan amendment was recommended for approval by the Advisory Planning Commission in February, 1979 and approved by the Governing Body on February 28, 1979. The first reading of the ordinance was approved by the Board at the April 4 session of the regular March meeting. The applicant has indicated his intent to process a 12 unit condominium on the 2.26 acre parcel.

B. The "pierhead line" ordinance officially recognizes the maps to be used by the Agency in all shorezone matters. The ordinance was introduced for first reading at the regular April meeting.

C. The "208 Ordinance" received its first reading in November, 1978 but failed to receive a dual majority vote for adoption at the regular March, 1979 meeting. Board member Tom Cooke has requested that the ordinance be placed back on the agenda for second reading.

D. Two Parcels in the Granite Springs Subdivision, Douglas County - This ordinance received first reading at the regular March, 1979 Board meeting. The reclassification of the two parcels to Public Service will allow Douglas County to proceed with its plans to process an application for an administrative center. Staff has been notified by Board member Ken Kjer that Douglas County will acquire title of the property some time in May and has requested that the ordinance be placed on the agenda for second reading.

E. This draft of the Indirect Source Review Ordinance was recommended for approval by the Advisory Planning Commission on April 11.

F. Edgeking Venture Property in Douglas County - This 78 acre reclassification to Conservation Reserve was approved at the April Governing Body meeting. The applicant has indicated that it is his intent to submit a specific plan for 4 to 6 units to be clustered in the better capability area as close to public facilities as possible.
G. Chuck Haynes Property in Washoe County - This Regional Plan amendment on 1/3 of an acre would permit the applicant to build one single family dwelling unit. The Board approved the reclassification on April 25.

H. This ordinance amendment would permit grandfathered coverages listed in Section 9.23 of the Land Use Ordinance to be used by condominium parcels recorded after February 10, 1972.
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 81 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 81 to accomplish
a change in the applicable land use district, which paragraph shall read as
follows:

"81. A piece or parcel of land situate in Douglas County, State of Nevada, and being
all that portion of the west 1/2 of the west 1/2 of the southwest 1/4 of the southwest 1/4 of Section 24, T13N, R18E, MDB&MP, that lies northerly
and westerly of the present Kingsbury Road, more particularly described by
metes and bounds as follows, to wit: Beginning at a point on the centerline of
the present Kingsbury Road, said point being described as bearing North 00
degrees, 07 minutes West, a distance of 225.00 feet from the southwest corner of
Section 24, T13N, R18E, MDB&MP; thence North 00 degrees 07 minutes West, a
distance of 1,085.68 feet to the northwest corner of the southwest 1/4 of the
southwest 1/4 of said Section 24; thence South 89 degrees 55 minutes 13 seconds
East, along the sixteenth line, a distance of 154.11 feet to a point; thence South
00 degrees 06 minutes 13 seconds East, a distance of 412.64 feet to a point on the
centerline of the aforementioned Kingsbury Road; thence South 82 degrees 34
minutes West along said centerline, a distance of 11.50 feet to a point; thence
South 10 degrees 15 minutes West, along said centerline, a distance of 104.00 feet
to a point; thence South 15 degrees 08 minutes 08 seconds West, a distance of
284.89 feet to a point; said piece or parcel containing an area of 2.837 acres,
more or less, is classified Medium Density Residential, and the limitation on
land coverage shall be as provided in Section 6.20 of Ordinance No. 4, the
Land Use Ordinance."
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:  April 4, 1979

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

__________________________
Chairman
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 79-

AN ORDINANCE AMENDING ORDINANCE 76-3 OF THE TAHOE REGIONAL PLANNING AGENCY TO IDENTIFY THE PIERHEAD LINE MAPS REFERENCED THEREIN.

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 to properly effectuate the adopted Regional Plan it is necessary to adopt this ordinance amending the Shorezone Ordinance, Ordinance No. 76-3, to identify the pierhead line maps referenced therein. The Governing Body further finds that this identification of the pierhead line maps is in accordance with the provisions and purposes of the Tahoe Regional Planning Compact. The Governing Body further finds that there has been and continues to be confusion concerning the location of the pierhead line and the identification of the maps depicting same.

Section 2.00  Amendment of Section 7.26(1) to Establish and Identify the Pierhead Line Maps

Ordinance No. 76-3 is hereby amended by amending Section 7.26(1) to read as follows:

(1) The pierhead line is established as depicted on the Tahoe Regional Planning Agency Shorezone Tolerance District aerial maps, scaled at approximately one (1) inch equals four-hundred (400) feet, which maps are presently on file with the Agency. Each of said maps is hereby adopted and incorporated herein 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).

Section 3.00  Effective Date

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

FIRST READING: April 25, 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 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 Area-wide 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. 79-3.

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
of natural marshes and meadow lands, watercourses and drainage-
ways, and floodplains which provide surface water conveyance
from upland areas into Lake Tahoe and its tributaries.

Section 4.00 Statement of Policy

4.10 Adoption of Plan

By Ordinance No. 79-3, 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 plan-
ning 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 respon-
sibility 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 character-
istics.

(b) The actions of governments required to implement
and establish the administrative procedures set
forth on Table I-8 and I-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 Table I-8 of the Plan as management agencies for implementing the Plan. Said Table I-8 of the Plan is attached hereto and incorporated herein as Exhibit "A".

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 Table I-9 of the Plan as management agencies for carrying out continuing planning to effectuate the Plan. Said Table I-9 of the Plan is attached hereto and incorporated herein as Exhibit "B".

Section 5.00 Plan Refinement and Update

5.10 Findings

The Agency hereby finds and declares that periodic review and updating of the Plan are 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 Table 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>Annually</td>
</tr>
<tr>
<td>Handbook of Best Management Practices</td>
<td>Every two (2) years</td>
</tr>
</tbody>
</table>
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 Table 1-9 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 the 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 17 Facility Plan Maps scaled at approximately 1"=1600' (1/1600), which maps are presently on file with the Agency and are contained in the Plan. Each of said maps is incorporated herein by this reference and hereinafter for convenience collectively referred to as "Exhibit C". Said Exhibit C designates erosion and drainage management projects.
7.20 Implementation of Projects Shown in Exhibit C

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

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

(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 C 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 C 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, sewerage 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 la, lc 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 and available to implement Plan improvements on public lands shall be paid from the annual budget or other funding source from the entity owning 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
<table>
<thead>
<tr>
<th>Plan Element (Agency Responsibility)</th>
<th>Section of 40 CFR 131.11 Addressed</th>
<th>Management Agency (ies)</th>
<th>Major Near-term Actions &amp; Financing Program</th>
<th>Agency (ies) with Final Review and/or Enforcement Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Wastewater Treatment System Needs</td>
<td>h</td>
<td>Sewage Agencies</td>
<td>Actions as defined in the state Basin Plans and project lists, will be completed.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>201 Facilities Planning</td>
<td>h.2iii</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
<td>Existing review procedures will be utilized.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>Review &amp; Approval of Facilities Plans</td>
<td>h.2iii</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
<td>Existing operation &amp; financing procedures will be utilized.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>System Design, Construction, Operation, &amp; Maintenance</td>
<td></td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
<td>As prepared &amp; submitted, facilities plans will be reviewed by the states and by TRPA for concurrence with the 508 Plan.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>Surface Water Management System Needs</td>
<td>j.2</td>
<td>Local Agencies, State Agencies, USFS</td>
<td>In accordance with the approved schedule, facilities plans and design will be prepared using any available source of funds.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>Facilities Planning</td>
<td>j.2</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA, USFS</td>
<td>As prepared &amp; submitted, facilities plans will be reviewed by the states and by TRPA for concurrence with the 508 Plan.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>Review &amp; Approval of Facilities Plans</td>
<td>j.2</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA, USFS</td>
<td>Existing construction and operational procedures will be utilized and will be financed from any available funding sources.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>System Design, Construction, Operation, &amp; Maintenance</td>
<td></td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
<td>Funds will be allocated in the 1976-78 USFS Budget for Purchase of some Critical Environmental Areas.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>Land Purchase Needs &amp; Financing</td>
<td>k.2</td>
<td>USFS, any appropriate state agencies, local and private agencies</td>
<td>Funds will be allocated in the 1976-78 USFS Budget for Purchase of some Critical Environmental Areas.</td>
<td>CSWIRN/LMWQCB, NDEP, TRPA*</td>
</tr>
<tr>
<td>Plan Element (Agency Responsibility)</td>
<td>Section of 40 CFR 131.11 Addressed</td>
<td>Management Agency (ies)</td>
<td>Major Near-term Actions Financing Program</td>
<td>Agency (ies) with Final Review and/or Enforcement Authority</td>
</tr>
<tr>
<td>--------------------------------------</td>
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<td>-------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Control of Other Nonpoint Pollution Sources</td>
<td>5</td>
<td>USFS, CD, appropriate local &amp; state agencies</td>
<td></td>
<td>TRPA, USFS, CSWRCB/LBWCB, NDEP, and other appropriate state agencies</td>
</tr>
<tr>
<td>Livestock Confinement Facilities &amp; Grazing Lands</td>
<td>3.3i</td>
<td>USFS, CD, appropriate local &amp; state agencies</td>
<td>Actions will be instituted in accordance with specific findings of the continuing planning process.</td>
<td>TRPA, USFS, CSWRCB/LBWCB, NDEP, and other appropriate state agencies</td>
</tr>
<tr>
<td>Silviculture</td>
<td>3.3ii</td>
<td>USFS, CD, appropriate state agencies</td>
<td></td>
<td>TRPA, USFS, CSWRCB/LBWCB, NDEP, and other appropriate state agencies</td>
</tr>
<tr>
<td>Construction Activities</td>
<td>3.3vi</td>
<td>Local agencies, TRPA, USFS</td>
<td></td>
<td>TRPA, USFS, CSWRCB/LBWCB, NDEP, and other appropriate state agencies</td>
</tr>
<tr>
<td>Hydrologic Modifications</td>
<td>3.3vii</td>
<td>Local agencies, TRPA, USFS, Corps of Engineers</td>
<td></td>
<td>TRPA, USFS, CSWRCB/LBWCB, NDEP, and other appropriate state agencies</td>
</tr>
<tr>
<td>Solid Waste Management Systems</td>
<td>k</td>
<td></td>
<td></td>
<td>California State Solid Waste Management Board, CSWRCB/LBWCB, NDEP, TRPA, FAA</td>
</tr>
<tr>
<td>Facilities Planning &amp; System Design</td>
<td>k</td>
<td>Local agencies</td>
<td>(Same note as above.)</td>
<td>California State Solid Waste Management Board, CSWRCB/LBWCB, NDEP, TRPA, FAA</td>
</tr>
<tr>
<td>Operation</td>
<td>k</td>
<td>Franchised refuse cons.</td>
<td>Existing contractual arrangements will be reviewed and amended as required.</td>
<td>Local agency franchisers</td>
</tr>
<tr>
<td>Urban &amp; Industrial Stormwater Needs</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities Planning</td>
<td>1.3</td>
<td>Local agencies, state agencies, USFS</td>
<td></td>
<td>LWQCB, USFS, NDEP (on federal lands)</td>
</tr>
<tr>
<td>System Design, Construction, Operation, &amp; Maintenance</td>
<td>1.3</td>
<td>Local agencies, state agencies, USFS</td>
<td></td>
<td>LWQCB, NDEP, TRPA</td>
</tr>
<tr>
<td>Regulatory Program</td>
<td>m &amp; n</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adoption of BMP</td>
<td>m.2</td>
<td>Local agencies, CD, TRPA, USFS, LWQCB, NDEP</td>
<td>Within a year of plan adoption BMP will be adopted &amp; required for all permit approvals.</td>
<td></td>
</tr>
<tr>
<td>Plan Element (Agency Responsibility)</td>
<td>Section of 40 CFR 137.11 Addressed</td>
<td>Management Agency (ies)</td>
<td>Major Near-term Actions Financing Program</td>
<td>Agency (ies) with Final Review and/or Enforcement Authority</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------------------------------------</td>
<td>-------------------------</td>
<td>------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>Enforcement of WIF</td>
<td>n.2</td>
<td>Local Agencies, TRPA, USFS</td>
<td>Existing inspection &amp; enforcement procedures will be utilized, supplemented by additional staff and financed by increased filing fees.</td>
<td>LAMOCB, NDEP, USFS</td>
</tr>
<tr>
<td>Adoption of Runoff Quality Guidelines</td>
<td>n.2</td>
<td>Local Agencies, TRPA, USFS</td>
<td>Adoption within a year of Plan adoption.</td>
<td>LAMOCB, NDEP</td>
</tr>
<tr>
<td>Adoption &amp; Enforcement of NPDES Permits and/or Waste Discharge Requirements</td>
<td>n.1</td>
<td>SWRCB/LAMOCB, NDEP</td>
<td>Existing budgeting &amp; administrative procedures will be utilized.</td>
<td>EPA (Final review &amp; approval only)</td>
</tr>
<tr>
<td>Adoption &amp; Enforcement of Water Quality Standards or Objectives</td>
<td>n.1</td>
<td>SWRCB/LAMOCB, NDEP</td>
<td>Existing budgeting &amp; administrative procedures will be utilized.</td>
<td>EPA (Final review &amp; approval only)</td>
</tr>
<tr>
<td>Project Review</td>
<td>n.1</td>
<td>Local Agencies, TRPA, USFS</td>
<td>Revision to the project review process, formalization of the DRC, and procedures for issuance of building permits will be instituted within one year of Plan adoption.</td>
<td>Local Agencies, TRPA, USFS</td>
</tr>
<tr>
<td>Issuance of Construction Permits</td>
<td>n.1</td>
<td>Local Agencies, TRPA, USFS</td>
<td>Revision to the project review process, formalization of the DRC, and procedures for issuance of building permits will be instituted within one year of Plan adoption.</td>
<td>TRPA, USFS (Federal lands only)</td>
</tr>
<tr>
<td>Protective Zoning &amp; Ordinances</td>
<td>n.1</td>
<td>Local Agencies, TRPA, USFS</td>
<td>Zoning &amp; ordinance revisions to protect SPS’s and high hazard lands will be instituted within one year of Plan adoption.</td>
<td>TRPA, USFS (Federal lands only)</td>
</tr>
<tr>
<td>Water Quality Monitoring</td>
<td>n</td>
<td>Local Agencies, TRPA, USFS</td>
<td>To be instituted as permits are issued and financed by the permittee.</td>
<td>TRPA, USFS</td>
</tr>
<tr>
<td>Surveillance for compliance with Construction Permit Conditions</td>
<td>n.1</td>
<td>Local Agencies, TRPA, USFS</td>
<td>To be instituted as permits are issued and financed by the permittee.</td>
<td>TRPA, USFS</td>
</tr>
<tr>
<td>Self-monitoring or surveillance for NPDES or Waste Discharge Permit Compliance</td>
<td>n.1</td>
<td>LAMOCB, NDEP</td>
<td>To be instituted as permits are issued and financed by the permittee.</td>
<td>EPA</td>
</tr>
</tbody>
</table>
FOOTNOTES FOR TABLE: I-R

1 Definitions for all agency names used in this table are shown on the following page. Management agencies, as identified in column 3, are those agencies with the primary responsibility for completing the specified Plan Element. Agencies identified in column 5 have the authority to complete the specified function and will utilize that authority if a management agency is either incapable or fails to act in an acceptable manner.

2 The existing authorities of agencies identified on this table are adequate to provide the specific defined functions. No special authorities will be required and no existing agency authorities are eliminated by the implementation program defined herein.

3 Near-term actions are defined herein to be those actions expected for Plan implementation within the two-year period following Plan adoption.

4 Primary responsibility for review and approval of facilities plans and design will be with the NDEP and CSWRC/CWE. TRPA will provide the existing function of project review for compliance with TRPA ordinances and issuance of a construction permit and to review 204 grant applications for consistency with the 204 Plan as now exercised within the A-95 Clearinghouse function.

5 The Tahoe Resource Conservation District and/or the Nevada Tahoe Conservation District, through staff support provided by the US Soil Conservation Service, may be requested by these agencies to provide this function.

6 The funding agency, if Federal or State grants or other funding sources are utilized, may have final review and approval authority as specified in the regulations of a specific funding program.

7 Near-term actions for management of urban and industrial stormwater are addressed under j.2, Surface Water Management System Needs.
DEFINITION OF TERMS
FOR TABLES 1-5

Sewerage Agencies—South Tahoe Public Utility District, North Tahoe and Tahoe City Public Utility Districts, Tahoe-Truckee Sanitation Agency, Incline Village General Improvement District, and Douglas County Sewer Improvement District No. 1.

CSWRCB—California State Water Resources Control Board.

NWRCB—Nevada Regional Water Quality Control Board.

NDERP—Nevada Division of Environmental Protection.

TRPA—Tahoe Regional Planning Agency. This definition also includes the California Tahoe Regional Planning Agency and the Nevada Tahoe Regional Planning Agency.

EPA—U. S. Environmental Protection Agency.

Local Agencies—City of South Lake Tahoe, El Dorado County, Sierra County, Washoe County, Carson City, and Douglas County. This reference also includes appropriate departments within each agency such as public health, and agriculture.

State Agencies—the California Department of Transportation, the California Department of Parks and Recreation, the Nevada Division of Highways, and the Nevada State Park System or any other state agencies that own or manage property in the Basin.

USFS—U. S. Forest Service, Lake Tahoe Basin Management Unit.

Conservation District (CD)—The Tahoe Resource Conservation District, the Nevada Tahoe Conservation District, and the staff support provided by the US Soil Conservation Service.


Development Review Committee (DRC)—

US Forest Service (USFS) All Local Agencies
US Soil Conservation Service Tahoe Regional Planning Agency (TRPA)
California Regional Water Quality Control Board, Lahontan Region (LRWQCB)
Nevada Division of Environmental Protection (NDERP)
California and Nevada Departments of Fish and Game
California and Nevada Division of Forestry
<table>
<thead>
<tr>
<th>Section of 40 CFR 121.11 Addressed</th>
<th>Agency Responsibility</th>
<th>Planning Agency (ies)</th>
<th>Major Near-term Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Boundaries &amp; Map</td>
<td>a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definition of Areas needing Wastewater Facility Plans</td>
<td>a.2</td>
<td>CSWRRCB/ LWMCRB/ NDEP</td>
<td>Prepare for annual Plan update</td>
</tr>
<tr>
<td>Location of Significant Point Source Dischargers</td>
<td>a.4</td>
<td>CSWRRCB/ LWMCRB/ NDEP</td>
<td>Prepare for annual Plan update</td>
</tr>
<tr>
<td>Location of Fixed monitoring stations</td>
<td></td>
<td>CSWRRCB/ LWMCRB/ NDEP</td>
<td>Prepare for annual Plan update</td>
</tr>
<tr>
<td>Water Quality Assessment &amp; Segment Classification</td>
<td>b</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description &amp; Assessment of Water Quality problems</td>
<td>b.1</td>
<td>CSWRRCB/ LWMCRB/ NDEP</td>
<td>Complete analysis and prepare written report for inclusion in the first annual Plan update</td>
</tr>
<tr>
<td>Point Sources</td>
<td>b.1</td>
<td>CSWRRCB/ LWMCRB/ NDEP</td>
<td>Complete analysis and prepare written report for inclusion in the first annual Plan update</td>
</tr>
<tr>
<td>Nonpoint Sources</td>
<td>d.1</td>
<td>TRPA</td>
<td>Complete analysis and prepare written report for inclusion in the first annual Plan update</td>
</tr>
<tr>
<td>Segment Classification</td>
<td>b.2</td>
<td>CSWRRCB/ LWMCRB/ NDEP</td>
<td>Complete analysis and prepare written report for inclusion in the first annual Plan update</td>
</tr>
<tr>
<td>Inventories and Projections</td>
<td>c</td>
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</tr>
<tr>
<td>Inventory &amp; Ranking of Municipal &amp; Industrial Wastewater Sources</td>
<td>c.1</td>
<td>CSWRRCB/ LWMCRB/ NDEP</td>
<td>Complete analysis and prepare written report for inclusion in the first annual Plan update</td>
</tr>
<tr>
<td>Summary of Existing Land Use Patterns</td>
<td>c.2</td>
<td>TRPA</td>
<td>Complete analysis and prepare written report for inclusion in the first annual Plan update</td>
</tr>
<tr>
<td>Demographic &amp; Economic Growth Projections</td>
<td>c.3</td>
<td>TRPA</td>
<td>Complete analysis and prepare written report for inclusion in the first annual Plan update</td>
</tr>
</tbody>
</table>
| Process | Description | Step | 1.2.3.4.5.6.7
|---------|-------------|------|-------------------------
| Data Collection | Collect data from various sources. | Step 1. |... |
| Pre-Processing | Clean and preprocess data. | Step 2. |... |
| Feature Extraction | Identify important features. | Step 3. |... |
| Model Training | Train a predictive model. | Step 4. |... |
| Prediction | Use the model to make predictions. | Step 5. |... |
| Post-Processing | Interpret and refine results. | Step 6. |... |
| Deployment | Implement the model in a real-world application. | Step 7. |... |

**Note:** The process described above is a general workflow for implementing a predictive model. The specific steps and details may vary depending on the context and requirements of the project.
<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Identification &amp; Evaluation of Exposed Problem Areas</th>
<th>Reclamation &amp; Grazing Management</th>
<th>Silviculture</th>
<th>Erosion &amp; Drainage Problems</th>
<th>Grazing Lands Management</th>
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<tr>
<td>County</td>
<td>CONRCA/REDA/USDA/USDA</td>
<td>N/A</td>
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<td>N/A</td>
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<td>Local Agency</td>
<td>CONRCA/REDA/USDA/USDA</td>
<td>N/A</td>
<td>CONRCA/REDA</td>
<td>N/A</td>
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<td>State Agency</td>
<td>CONRCA/REDA/USDA/USDA</td>
<td>N/A</td>
<td>CONRCA/REDA</td>
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<td>Regional Prov.</td>
<td>CONRCA/REDA/USDA/USDA</td>
<td>N/A</td>
<td>CONRCA/REDA</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Notes:**
- County agencies are responsible for identifying and evaluating exposed problem areas.
- Local agencies may need to prepare schedules for reclamation and grazing management.
- State agencies may assist with silviculture plans.
- Regional prov. agencies may have additional responsibilities.

**Actions:**
- Prepare schedules for reclamation and grazing management in accordance with approved plans.
- Monitor and evaluate performance of reclamation and grazing management projects.
- Ensure compliance with applicable regulations and standards.

**Timeframe:**
- Schedule A & B will be developed within one year of project initiation and adopted in a public meeting.

**Preventative Measures:**
- Implement preventative measures to minimize future problems related to erosion and drainage.
- Ensure all projects are consistent with environmental standards.
<table>
<thead>
<tr>
<th>Deficient Areas</th>
<th>Deficient Action</th>
<th>Recommended Action</th>
<th>Date Action Due</th>
<th>Notes</th>
</tr>
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<tbody>
<tr>
<td>No specific action required</td>
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<td>No specific action required</td>
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<tr>
<td>Agency Responsibility</td>
<td>Section of 40 CFR 131.11 Addressed</td>
<td>Planning Agency (ies)</td>
<td>Major Near-term Actions 1</td>
<td>Support Agency (ies)</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------</td>
<td>-----------------------</td>
<td>---------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Nonpoint Sources</td>
<td>Local Agencies; State Agencies; USFS; TRPA</td>
<td>Develop annual priority list and schedule and annual report of progress to date.</td>
<td>CSWRCB/ LWQCB, NDEP</td>
<td></td>
</tr>
<tr>
<td>Residual Wastes</td>
<td>El Dorado County, Placer County, TRPA</td>
<td></td>
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<tr>
<td>Stormwater Systems</td>
<td>Local Agencies, State Agencies, USFS, TRPA</td>
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<td></td>
<td></td>
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<tr>
<td>Regulatory Program</td>
<td>n</td>
<td></td>
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<tr>
<td>Update of BMP Handbook:</td>
<td>n.2</td>
<td>All Agencies submit recommended changes to TRPA for annual update.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revision of Runoff Quality Guidelines</td>
<td>n.2</td>
<td>CSWRCB/ LWQCB, NDEP</td>
<td>Revise as required by changing conditions or in accordance with new data</td>
<td>EPA</td>
</tr>
<tr>
<td>Revision of Water Quality Standards</td>
<td>e</td>
<td></td>
<td></td>
<td>EPA</td>
</tr>
<tr>
<td>Water Quality Monitoring</td>
<td>n</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surveillance for Changes in Ambient Receiving Water Quality</td>
<td>n.2</td>
<td>CSWRCB/ LWQCB, NDEP</td>
<td>Continue existing monitoring programs.</td>
<td>EPA</td>
</tr>
<tr>
<td>Environmental, Social &amp; Economic Impact Analysis of Plan</td>
<td>p</td>
<td>TRPA</td>
<td>Prepare analysis of all major revisions to the Plan for annual update.</td>
<td>All Other Planning Agencies</td>
</tr>
<tr>
<td>Basinwide Financial Planning</td>
<td>3.2</td>
<td>TRPA</td>
<td>Stimulate and coordinate all available sources of funding for land purchase and implementation of surface water management systems. Provide annual progress report.</td>
<td></td>
</tr>
</tbody>
</table>
FOOTNOTES FOR TABLE 1-9

1 Those actions required within the first year following Plan adoption.

2 Includes development of financial plan and revenue program.

3 Property owners will be responsible for planning and design of on-site runoff control facilities on their own property but the local agencies should be designated as the agency responsible for ensuring that this function is completed and for reporting any changes in the annual update.

4 Any revisions, like all elements of the annual Plan update, must be reviewed and approved by the CSWRCB/LRWQCB, NDEP, and EPA.

5 Planning and design of these facilities may be completed by the staff of SCS as requested for specific projects by each local agency, however, the local agencies have the ultimate accountability for completion of this work.

6 Including Forestry, Fish and Game, and similar agencies in California and Nevada.

7 This section should only address those stormwater systems needs not included under Nonpoint Source Control Needs, Section i, above.
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 82 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 82 to accomplish a change in the applicable land use district, which paragraph shall read as follows:

"82. All that certain parcel of real property situate in the County of Douglas, State of Nevada, and more particularly described as follows, to wit: a portion of a parcel of land situate in the County of Douglas, State of Nevada, located in the North 1/2 of the Northeast 1/4 of Section 26, T13N, R18E, MDB&M, and more particularly described as follows: Beginning at a point on the southerly right-of-way of Kingsbury Road that bears South 81 degrees 20 minutes 23 seconds West a distance of 1844.57 feet from the northeast corner of Section 26, T13N, R18E, MDB&M; thence continuing from said point, said point being the True Point of Beginning, South 81 degrees 20 minutes 23 seconds West a distance of 1844.57 feet to a point; thence South 00 degrees 22 minutes 08 seconds West a distance of 226.26 feet to a point; thence South 89 degrees 24 minutes 26 seconds West a distance of 358.92 feet to a point; thence South 57 degrees 15 minutes 00 seconds West a distance of 71.00 feet to a point; thence North 32 degrees 45 minutes 00 seconds West a distance of 100.00 feet to a point; thence from a tangent that bears the last described course curving to the right with a radius of 142.27 feet through an angle of 44 degrees 50 minutes 00 seconds an arc distance of 111.32 feet to a point; thence North 12 degrees 05 minutes 00 seconds East a distance of 27.16 feet to a point; thence from a tangent that bears the last described course curving to the right with a radius of 25.00 feet through an angle of 87 degrees 20 minutes 47 seconds an arc distance of 38.11 feet to a point; thence continuing through a curve to the left with a radius of 1055 feet through an angle of 17 degrees 43 minutes 44 seconds an arc distance of 326.46 feet to a point; thence North 08 degrees 18 minutes 00 seconds West a distance of 15.00 feet to a point; thence North 81 degrees 42 minutes 00 seconds East a distance of 137.87 feet to the Point of Beginning and containing 2.21 acres more or less; and
All that certain parcel of real property situate in the County of Douglas, State of Nevada, and more particularly described as follows, to wit: a portion of a parcel of land situate in the County of Douglas, State of Nevada, being a portion of the North 1/2 of the Northeast 1/4 of Section 26, T13N, R18E, MDB&M, and more particularly described as follows: Beginning at a point which bears South 85 degrees 05 minutes 23 seconds West a distance of 2614.65 feet from the northeast corner of Section 26, T13N, R18E, MDB&M; thence continuing from said point, said point being the True Point of Beginning, South 73 degrees 54 minutes 48 seconds East a distance of 210.88 feet to a point; thence from a tangent that bears the last described course curving to the left with a radius of 1055.00 feet through an angle of 01 degrees 20 minutes 59 seconds an arc distance of 24.85 feet to a point; thence continuing through a curve to the right with a radius of 25.00 feet through an angle of 88 degrees 20 minutes 47 seconds an arc distance of 38.11 feet to a point; thence South 12 degrees 05 minutes 00 seconds West a distance of 27.16 feet to a point; thence from a tangent that bears the last described course curving to the left with a radius of 192.27 feet through an angle of 22 degrees 08 minutes 35 seconds an arc distance of 74.31 feet to a point; thence South 79 degrees 56 minutes 25 seconds West a distance of 74.30 feet to a point; thence North 89 degrees 52 minutes 00 seconds West a distance of 165.00 feet to a point; thence North 00 degrees 08 minutes 00 seconds East a distance of 207.43 feet to the Point of Beginning and containing 0.93 acres more or less.

The above-described parcels are reclassified from Low Density Residential to Public Service with the limitation on land coverage to be as provided by the first paragraph of Section 7.103 of Ordinance No. 4, the Land Use Ordinance, as amended.

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: April 4, 1979

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent: Chairman
TO:         The TRPA Governing Board

FROM:       The Staff

SUBJECT:    The Indirect Source Review Ordinance

Attached for your benefit is another copy of the draft Indirect Source Review Ordinance. This draft has been recommended for approval by the APC pursuant to its April 11 meeting, with the exception of Section 8.10 (Mitigation) to be modified as follows:

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

(Section 8.10 continues as in the attached draft)

The Advisory Planning Commission at the April 11 meeting recommended that the words underlined above be deleted from Section 8.10 of the ordinance. There was considerable discussion about national vs. state standards and which should be referenced in the ordinance. All APC members did agree that more study was necessary to determine the validity of the standards for a high altitude environment and for TRPA to adopt specific standards at such time as the most appropriate standards are determined.

Attachment
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO.

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

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

Section 1.00 Findings

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

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

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

1.40 In view of the foregoing, the Governing Body further finds that in order to properly effectuate and implement the adopted Regional Plan of the Tahoe Regional Planning Agency and still provide for the 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 and use of any structure within the Region shall be in compliance with the terms of this ordinance. Permits shall be granted or denied in conformity with the provisions of this ordinance.

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

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

Section 3.00 Permit Standards

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

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

Section 4.00 Definitions

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

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

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

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

Vehicle Trip Generation - For purposes of calculation, trip generation from residential or tourist residential units shall be considered to be the total number of vehicle trips anticipated from persons occupying such units. For Commercial and other uses, trip generation shall be considered to be the total number of vehicle trips to and from the project site.
Section 5.10 Exemptions

TRPA shall exempt from indirect source review:

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

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

Section 6.00 Permit Procedures

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

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

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

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

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

a. The name and address of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

Section 8.00 Mitigation

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

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

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

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

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

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

Section 10.00 Violation of Ordinance

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

Section 11.00 Effective Date

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

FIRST READING:

SECOND READING:

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

Ayes:
Nays:
Abstain:
Absent:

Jim Henry, Chairman
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 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 83 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 83 to accomplish
a change in the applicable land use district, which paragraph shall read as
follows:

"83. Property known as Edgekeng Venture, comprising 78.9 acres, more or less, and
further described as the west 1/2 of the northwest 1/4 of Section 30, T13N,
R19E, MDB&M, Douglas County, Nevada, excepting therefrom the following
described parcel: Beginning at a point where the north line of said Section 30
intersects the westerly line of Lot 13, Block 8 of Kingsbury Estates Unit No. 2
as shown on the official map thereof contained within the records of Douglas
County, Nevada; said point being located at a distance of 1177.69 feet on a bearing
of South 89 degrees 59 minutes 10 seconds East from the northwest corner of
said Section 30; thence continuing along the north line of Section 30 South
89 degrees 59 minutes 10 seconds East a distance of 142 feet, more or less, to the
northeast corner of the northwest 1/4 of the northwest 1/4 of said Section 30;
thence southerly along the east line of the northwest 1/4 of the northwest 1/4 of
said Section 30 a distance of 405 feet, more or less, to a point on the southline of
Lot 11, Block 8 of Kingsbury Estates Unit No. 2; thence South 72 degrees 02
minutes 00 seconds West along the south line of Lot 11 a distance of 72 feet, more
or less; thence North 10 degrees 33 minutes 00 seconds West along the west line
of Lots 11 and 12, Block 8 of Kingsbury Estates Unit No. 2 a distance of 328.00
feet; thence North 03 degrees 21 minutes 00 seconds West along the west line of
Lot 13, Block 8 of Kingsbury Estates Unit No. 2 a distance of 107.85 feet to the
Point of Beginning. The above-described parcel consists of portions of Lots 11,
12, 13, Block 8 of Kingsbury Estates Unit No. 2 and contains 1.1 acres, more or
less. The subject 78.9 acres are reclassified from General Forest to Conservation
Reserve."
Section 3.00 Severability

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

Section 4.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING:

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
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 84 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 84 to accomplish
a change in the applicable land use district, which paragraph shall read as
follows:

"84. All that real property being a portion of the East 1/2 of Section 17, T16N, R18E,
MDB&MP, Washoe County, Nevada, more particularly described as follows:
Beginning at the most easterly terminus of that certain curve designated C-107
located on the northerly boundary of Crystal Peak Road, Lakeview Subdivision,
Washoe County, Nevada, filed in the office of the County Recorder of Washoe
County, State of Nevada, on February 27, 1961; thence southwesterly along the
arc of said curve C-107, (having a radius of 176.29 feet, a central angle of
55 degrees 18 minutes 10 seconds and the tangent to which bears South 68 degrees
04 minutes 35 seconds West 92.36 feet) an arc distance of 170.16 feet to a curve
designated C-105 (on the map of said Lakeview Subdivision) having a radius of
30.00 feet, a central angle of 80 degrees 59 minutes 53 seconds and the tangent to
which bears South 12 degrees 46 minutes 25 seconds West 25.62 feet; thence
southwesterly, westerly and northwesterly along the arc of said curve C-105
an arc distance of 42.41 feet to a point on the northerly right of way line of Lake-
shore Boulevard and the beginning of a curve to the left having a radius of
4,040.00 feet a central angle of 00 degrees 32 minutes 00 seconds and the tangent
to which bears North 86 degrees 13 minutes 42 seconds West 18.80 feet; thence
North 00 degrees 15 minutes 00 seconds West 85.00 feet; thence North 89 degrees
10 minutes 00 seconds West 21.32 feet; thence North 00 degrees 50 minutes 00
seconds East 10.15 feet to the southerly right of way line of State Highway No. 27;
thenencnortheasterly along the arc of a curve concave to the northwest having a
radius of 804.53 feet, central angle of 8 degrees 20 minutes 00 seconds, an arc
distance of 117.01 feet; thence North 67 degrees 12 minutes 00 seconds East 137.88
feet; thence South 22 degrees 49 minutes 45 seconds East 22.25 feet; thence South
68 degrees 04 minutes 35 seconds West 54.01 feet along the northerly right of
way line of said Crystal Peak Road to the True Point of Beginning of this
description. Said described property comprises .031 acre and is reclassified
from General Commercial to Low 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