TRPA
GOVERNING BOARD
PACKETS

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

NOTICE IS HEREBY GIVEN that on September 26, 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.

NOTICE IS FURTHER GIVEN that the Governing Body of the Tahoe
Regional Planning Agency at said regular meeting will conduct a public
hearing to consider amendments to the Rules and Regulations of Practice
and Procedure of said agency. The amendments to be considered are
attached to and made a part of this notice.

ALL INTERESTED PERSONS are invited to attend said meeting and
present evidence concerning these items. Information may be obtained
from the office of the Tahoe Regional Planning Agency, 2155 South Avenue,
P. O. Box 8896, So. Lake Tahoe, CA 95731, telephone (916) 541-0246.

Dated: September 14, 1979

By:

James J. Jordan
Executive Director
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

September 26, 1979  10:00 a.m.
September 27, 1979  9:00 a.m.

It is advisable that a representative familiar with each application on this agenda be present.

PRELIMINARY AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  CONSENT CALENDAR

V  SPECIAL STATUS REPORT

Western Federal Regional Council
Tahoe Basin Environmental Assessment
B. David Clark, Project Leader

VI  FINANCE COMMITTEE REPORT

VII  AGENCY REVIEW

A. Mein Subdivision, Tentative Map for 5 Single Family Lots, Placer County

B. Cal-Neva Lodge, Administrative Permit for the Replacement of
Nonconforming Land Coverage, Washoe County

C. Manzanita Heights, Tentative Map for a 15 Unit Condominium,
Douglas County

D. Cave Rock Estates Unit 1, Lot 1, Determination of REMOVED TIL OCT. allowable land coverage, Douglas County

E. Mt. Brook Station, Satisfaction of a Condition of Approval,
Washoe County

F. Ancita Man, Variance to Allow a 4 Unit Condominium in
Incline Village Unit 4, Washoe County

G. Jack Gray, Tentative Map for 4 Condominium Units, Washoe County

H. Slaun/Erickson, Variance to Construct Multiple Residential Units
in a Stream Environment Zone, Washoe County

I. Hansen Hilltop Estates, Tentative Map for 8 Lots, Douglas County

J. RAI$E$
VIII CLEARINGHOUSE

U.S. Forest Service, Lake Tahoe Basin Management Unit, Draft EIS Land Management Plan, Part 2

IX AGENCY ADMINISTRATION

A. Public Hearing - September 26, 3:00 p.m., Resolution Amending the Agency's Rules and Regulations of Practice and Procedure Concerning Shorezone Review

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

C. Advisory Planning Commission Functions and Consideration of General Plan Amendments

X PLANNING MATTERS

A. Discussion and Resolution on Highway 50 Corridor Study

B. Status Report on the Shorezone Ordinance

XI REPORTS

A. Appeals of Staff Decisions
   1. Ken Jones, Zephyr Cove, Nevada Section 9.30, Creation of Lots or Parcels

B. Executive Session

C. Field Enforcement Report

D. Business Manager Report

E. Executive Director Report

F. Legal Counsel Report

G. Governing Body Members
   1. Resolution by Board Member Tom Stewart Calling for a Congressional Hearing on Lake Tahoe

H. Public Interest Comments

XII ORDINANCES

First Reading of Ordinance Amending the Sign Ordinance to Permit Political Signs and to Establish Height Limitations
## CONSENT CALENDAR
September 26, 27, 1979

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PUBLIC HEARING TO CONSIDER AMENDMENTS
TO THE RULES AND REGULATIONS OF
PRACTICE AND PROCEDURE OF THE
TAHOE REGIONAL PLANNING AGENCY

The Governing Body of the Tahoe Regional Planning Agency at its regular
meeting on September 26, 1979 commencing at 10:00 a.m. in the meeting room
of said agency located at 2155 South Avenue, South Lake Tahoe, California,
will consider the following amendments to its Rules and Regulations of
Practice and Procedure:

A. To simplify Shorezone Ordinance permit application and other procedures
and expedite the processing of shorezone permits, including, but not limited
to:

1. The elimination of the formal Shorezone Review Committee
requirement and requirements related thereto;

2. The elimination of the requirement of hearing before the Agency's
Executive Officer and requirements related thereto;

3. The elimination of particular requirements of notice to adjacent
property owners and requirements related thereto;

4. The elimination of or amendment thereto of provisions of said
rules and regulations in order to facilitate staff issuance under
the Shorezone Ordinance of most shorezone permits, with
appeal to the Governing Body; and

5. The elimination or amendment to other provisions of said rules
and regulations in order to simplify said procedure and expedite
the processing of said permits.

B. To provide notice and opportunity to be heard with respect to Agency
permits significantly or substantially affecting rights of others.
Cave Rock Estates Unit 1
Lot 3, Cave Rock Villas
Modification of a Condition of Approval
Douglas County

Agency Action Required By: November 9, 1979

Summary

The applicant, Cave Rock Villas, represented by Creegan & D’Angelo, is requesting approval of a modification to increase the land coverage above that approved by the Governing Board on June 24, 1976. The project is on Lot 3 of Cave Rock Estates Unit 1 in Douglas County. The applicant is requesting approval for 48.44% land coverage; the Board previously approved 45% land coverage.

Project History

This 22 unit condominium project was originally approved on December 18, 1974. The applicant did not have the final map recorded within the required 18 months. The Board on June 24, 1976 reapproved the project. The project as constructed contained more coverage than was approved. The Agency Investigator upon site inspection identified the presence of this land coverage. It was agreed by the involved parties that the project would be allowed to continue construction as long as the developers submitted new site plans for Governing Board approval. Mr. North Swanson, the project's agent, was further advised that continued construction was at the developer's risk as the project was in violation of the approved plans.

Land Use and Land Capability

The soils on the property are identified as MsG, Meeks very stony loamy coarse sand, 30 to 60% slopes, land capability classification 1a. The site has been used as a borrow pit and has been substantially modified by past grading activities. The project site is under 2 acres in size, classified High Density Residential and under Section 9.23 is allowed up to 50% land coverage. The applicant is requesting approval of 48.44% land coverage.

Proposed Modifications

The applicant retained Creegan & D'Angelo to conduct a field survey to accurately record the land coverage existing on the site. The recorded modifications relate to the size and configuration of the units, driveways, parking areas, and stabilized slopes. All the modifications are within the area of proposed disturbance and do not result in creation of noncontiguous land coverage. Buildings 16 - 22 have all been increased in size. The parking areas and driveways have been revised. The total amount of increased land coverage is 2,701 square feet.
Slope Stabilization and Drainage

The project has also modified the approved drainage plan and eliminated one of the required rock-lined channels. Agency staff has requested verification from the developer that the revised drainage facilities can provide capacity to detain the flows generated by a 2 year-6 hour storm on site.

The revegetation and slope stabilization methods proposed in the original approval are continuing. No modifications are proposed.

Recommendation

Agency staff recommends that the Governing Board conditionally approve the subject application and establish the total amount of allowable land coverage at 48.44%. The recommended conditions of approval are:

1. The applicant shall submit a modified site plan identifying all proposed land coverage. This site plan shall not exceed the amount of coverage specified in this staff summary and recommendation.

2. Calculations showing that the proposed drainage facilities will retain a 2 year-6 hour storm on site. Such calculations shall be prepared by a qualified civil engineer and shall be submitted to Agency staff.

3. Compliance with all requirements and conditions of the Agency’s previous approvals.

4. The maximum land coverage on the site after completion of the project shall not exceed 32,407 square feet.

9/18/79
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
Richard Raisler
Variance to Construct a Triplex
in a Stream Environment Zone
Washoe County

Agency Action Required By: November 10, 1979

Background

The applicant, represented by Jim Johnson, received the staff's approval on July 23, 1979 to record a final map for 3 condominium units in Incline Village Unit 3. Agency review of the proposed condominium was not required since the units were included in the "grandfathered" finding which the Governing Board made on March 29, 1979, with regard to Incline Village Unit 3. In approving the tentative map to be recorded as a condominium, it was staff's intent to indicate that the project conformed to land coverage and height constraints and included site controls which would minimize impacts. The project was not checked for its location within a stream environment zone (SEZ) by the Agency staff, however.

Based upon the Agency staff's approval of the tentative map, indicating that all requirements of the Agency had been met, the applicant proceeded with work on the triplex units. Upon a site inspection of the proposed Slain/Erickson fourplex units, which are located in the vicinity of the project, it was discovered that the construction of the Raisler units was clearly being carried out within the SEZ of a tributary of Third Creek. Washoe County was requested by Agency staff to post a stop work order on the project. After the stop work order was posted, it was learned that the tentative map had been approved for recording by Agency staff at the location within the SEZ. Upon discussing the matter with Agency legal counsel, it was concluded that the applicant had clearly been misled to believe that all of the requirements of the Agency had been met prior to initiating construction. Agency legal counsel therefore recommended that the stop work order be lifted and that the applicant file an application for a variance to construct the units within the SEZ and that the filing fee for the variance be waived.

Prior to lifting the stop work order, Agency staff met with the applicant's representative to discuss mitigation measures for construction within the SEZ. The applicant agreed to modifications which would minimize the impact of construction. The stop work order was then suspended by Washoe County.

Project Description

The proposed project consists of a triplex on Lot 10, Block D, Incline Village Unit 3, located on a tributary to the west fork of Third Creek on Titlist Drive adjacent to Incline Green Golf Course. The stream was apparently channelized upon construction of the subdivision or the golf course and is contained within a rock-lined channel approximately 15 feet in width. Construction has already been initiated and the bulk of riparian type of vegetation has been removed as a result of grading, with the exception of vegetation immediately adjacent to the stream banks. The nearest structure is located approximately 10 feet from the stream channel banks.

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Soil Characteristics

The site is classified as Inville stony, 9 to 15% slopes by the Soil Conservation Service soil survey. However, the level of resolution and mapping criteria for soil surveys used by the SCS would not provide any information on groundwater conditions in the Incline area. Excavation on the site has revealed groundwater is present on the site at an approximate depth of two feet. The mottled gray coloring of the soils evidenced the presence of groundwater at very shallow depths. The proposed foundations would constrain groundwater flow patterns.

Land Capability

The Agency's soil classification maps indicate an IsD soil type. Based upon soil classification alone, the land capability would be level 4, moderate hazard land with a 20% allowable land coverage. However, because of the presence of a seasonably high groundwater table and the area's inclusion in the stream environment zone, the more proper land capability classification would be level 1b, high hazard land, allowing only 1% coverage.

Proposed Land Coverage

The proposed land coverage shown on the applicant's plot plan is 4,643 square feet, not including proposed decks. The maximum allowable coverage based on a land capability level 4 at 20% coverage would be 4,123 square feet. The proposed lot coverage differs from that shown on the final map approved by Agency staff on July 23, 1979. Only 3,548 square feet of coverage was shown on the final map approved by the Agency.

However, in determining the impacts of construction within an SEZ, other means to evaluate land capability should be considered. An alternative means of determining allowable land coverage would be to consider the lot as high hazard land because of the presence of the high groundwater and the importance of the groundwater-surface water interchange in the SEZ. Utilizing this approach would allow only 205 square feet impervious surface coverage based on an allowable land coverage of 1%.

The third possible method for determining allowable land coverage would apply the grandfathered coverage amounts which can be applied to condominiums in Incline Village Unit 3. Under this criteria, up to 3,200 square feet of coverage would be allowed. The proposed land coverage, not including proposed decks which were not shown on the applicant's site plan, exceeds the allowable land coverage in any of the three possible methods of computing allowable land coverage.

Land Use Classification

The lot is classified High Density Residential by the Agency, allowing up to 2 dwelling units. However, the lot was designated as a fourplex lot with recordation of the final map of Incline Village Unit 3. The Agency recognized the provision in the Covenants, Codes and Restrictions for Unit 3 which specified that the lots could be further subdivided. In so doing, the Agency recognized the lot as a fourplex lot.

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Site Layout

In reviewing proposed construction within an SEZ, the Agency's Handbook of Best Management Practices recommends that each site be analyzed to ensure that the structures are located outside of the stream zone or located so as to minimize the encroachment. With single family residences, even on smaller parcels, it is often possible to site the unit so as to accomplish these objectives. However, in this case, the lot is contained entirely within the stream zone and even the objective of minimizing the encroachment through site design is impractical with a triplex unit on a lot of this size. The nearest structure is approximately 10 feet from the stream channel. The subject stream is a second order stream. The minimum setback from the stream according to the recommendations of the Handbook of Best Management Practices is 50 feet.

Flood Plain Analysis

A flood plain analysis has been performed on the subject stream indicating that the 100 year flood would be contained within the existing channel cross section. The channel banks are located at an elevation higher than the proposed building sites. However, any debris in the channel carried by floodwaters may cause the floodwaters to leave the improved channel, subjecting the building site to minor flooding.

Required Variance Findings

In order to grant a variance under Section 8.0 of the Grading Ordinance, the following findings must be made:

1. Owing to special conditions, a literal enforcement would result in unnecessary hardship;

2. The variance will not be contrary to the public interest nor the purpose of this ordinance; and

3. The variance will not nullify the purpose of the ordinance.

Further elaboration on the criteria for determining the extent of acceptable disturbance is contained in the Grading Ordinance. In granting an administrative permit for a single family dwelling unit, one of the following findings is required to be made under the provisions of Section 7.8 of the Grading Ordinance:

1. The dwelling unit and related land coverage are located outside of the boundary of the SEZ; or

2. Such dwelling unit and related land coverage are located, designed and constructed to minimize encroachment on and disturbance of the stream environment zone where sitting outside of the SEZ is impractical.

Section 10.0 of the "208 Ordinance" provides specific objectives for the management of SEZ's as follows:

*10.10 Findings and Development Policies

The Agency hereby finds that high erosion hazard lands and

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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."

Analysis

An analysis of the findings required to issue the variance indicates that a hardship condition would result if the variance were denied. Other properties within Incline Village Unit 3 have been granted development privileges in excess of that allowed by the Agency's land use classification. To deny the variance would result in the loss of 3 units on the lot as compared to similarly designated lots in Incline Village Unit 3.

With regard to the finding that the variance must not be contrary to the public interest nor the objectives of the ordinance, one should look for further elaboration on the prescribed management of SEZ's contained in the 208 Ordinance. The key factor in the development policies contained in the 208 Ordinance is that SEZ's should be protected from land use activities which degrade their natural characteristics. The important natural characteristics of an SEZ are its ability to provide natural treatment, the exchange of surface and groundwater, and the storage of groundwater to aid in supplementing stream flows during periods of low flow. The proposed construction of a triplex unit, even with the application of mitigation measures, would adversely effect each of the above natural characteristics. The applicant has proposed mitigation measures to reduce the impact on the groundwater table. The proposed foundation is designed to function without the need to lower the groundwater table through the installation of a drainage system.

Recommendation

In view of the applicant's reliance on Agency staff's approval of the final map, it is recommended that the variance be granted subject to the following conditions:

1. The erosion control devices and vegetation protection fencing as shown on the site plan shall be maintained on the construction site.

2. Removal of vegetation, compaction of soil, and grading shall be minimized. No earth movement, stockpiling of spoil materials, traffic, or clearing is allowed outside the construction site boundary.

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3. Grading, excavation, and filling shall be performed in such a manner as to minimize soil disturbance and shall not occur during periods of inclement weather.

4. Upon completion of any grading for the driveway, the driveway surface shall be covered with base rock or gravel to prevent erosion.

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

6. Agency staff shall be notified prior to any grading, filling, or clearing of vegetation and after the temporary erosion control devices and vegetation protection fencing have been installed.

7. Violation of the conditions of approval or provisions of the Tahoe Regional Planning Agency Grading Ordinance shall be cause for suspension of all work on the site.

8. The units shall be constructed according to the approved plans.

9. No measures shall be implemented other than those shown on the approved plans which would lower the groundwater table in the vicinity of the project.

10. Impervious surface coverage shall not exceed 4,123 square feet. A revised site plan including proposed walkways and decks shall be submitted to Agency staff for approval indicating the proposed impervious surface coverage in an amount not to exceed 4,123 square feet.
Clearinghouse
U.S. Forest Service
Acquisition of 22.73 Acres
One-half Mile West of Tahoma
El Dorado County

Summary
The U.S. Forest Service is proposing to acquire 22.73 acres from Emmeline Gray located about one-half mile west of Tahoma (see figure 1).

Project Description
The parcel, which is undeveloped, is bordered on the west by private land which is optioned to the Forest Service for purchase and on the south by Sugar Pine Point State Park (see figure 2). Access is by a poorly maintained private road from the easterly side of the property.

Vegetation includes an attractive stand of second growth conifers with an understory of various mountain shrubs. No surface water sources are present; however, subsurface sources may be available. The property lies at the 6,400 foot elevation and has relatively moderate to gentle slopes. Soils fall into two types within the Tallac series, with the majority being in higher land capability class 5 with 25 percent allowable coverage.

TRPA Plans
The subject property is in a Low Density Residential use classification under the TRPA General Plan which would allow up to 90 single family dwelling units. The proposed use of the property for multiple use management and outdoor recreation opportunities is compatible with the Agency's Land Suitabilities Map and Conservation, Recreation and Open Space Elements.

Recommendation
Staff recommends support of the subject acquisition.

Advisory Planning Commission Action
On September 12 the APC voted (with the Forest Service representative abstaining) to support the acquisition.

9/4/79
Public Works
Cave Rock Water Company
Installation of Water Line
Douglas County

Summary

The Cave Rock Water Company proposes to install 1,265 feet of 8 inch water line along the right-of-way of U.S. Highway 50 south of Hidden Woods Drive in Douglas County. The installation is proposed in order to extend the water service area of the Cave Rock Water Company to an area which is proposed to be annexed by the water company. The water line extension would service 11 parcels, totaling approximately 11.1 acres. The applicant has applied for extension of the service area from the Nevada Public Service Commission and for the necessary permits from the Nevada Department of Highways and the Nevada Division of Water Resources.

Compatibility With Agency Plans

The service area of the proposed water line extension is classified Low Density Residential by the Agency. Up to 44 units could be constructed in conformance with the density requirements of the Agency's Land Use Ordinance. However, the majority of the lands to be serviced by the water line extension is classified as land capability 1, allowing only 1% land coverage. Therefore, from a practical point of view, the ultimate land use pattern within the expanded service district would approximate 1 single family dwelling unit for each existing parcel, or approximately 11 units.

According to information submitted by the applicant, 4 of the 11 lots have already been developed utilizing water supplied from wells. In order to adequately service the area with water, additional water storage facilities would have to be constructed in the absence of a water line extension.

There are no competing water utilities or special districts which could supply water to the expanded service area. Creation of a new district would entail disturbance of additional areas to provide the necessary storage facilities at a suitable elevation.

Land Capability

The alignment of the proposed water line extension is classified as a Cae soil type, land capability level 1. However, all construction will take place within the existing highway right-of-way which has already been graded and disturbed. No significant additional erosion problems are anticipated as a result of construction.

Grading and Slope Stabilization

The existing cut slope adjoining the proposed excavation is in need of long-term stabilization to reduce erosion occurring within the highway right-of-way.
Water Rights

The applicant has filed an application with the Nevada Division of Water Resources for an amendment to the place of use for existing water rights controlled by the Cave Rock Water Company. No additional water rights are required.

Other Approvals

The applicant has submitted a copy of the request to expand its water service area with the Nevada Public Utilities Commission as well as an unexecuted permit for encroachment within the State Highway right-of-way. Douglas County has approved the project.

Staff Recommendation

Agency staff recommends approval of the proposed water line extension with the following conditions:

1. This approval shall not be effective unless and until the Nevada Division of Water Resources approves an amendment to the place of use for the existing water rights.

2. This approval shall not become effective unless and until the Nevada Public Utilities Commission approves the extension of the water service area for the subject area.

3. This approval shall not become effective unless and until the Nevada Department of Highways approves an encroachment permit including requirements for revegetation of adjacent cut slopes for the work within the highway right-of-way.

Advisory Planning Commission Action

On September 12, 1979 the APC voted with one abstention to approve the project.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

William Mein
Tentative Map for 5 Lots
Placer County

Agency Action Required By: October 23, 1979

Project Location and Description

The applicant is requesting approval of a tentative map to re parcel 5 existing lots into 5 new parcels and a common area in order to settle the Mein estate. The estate, located on the Lake in Sunnyside, now consists of 3 separate residential structures, 1 guest house, 1 tennis court, 4 piers, and 2 launching ramps.

Summary

The 15 acre project area is currently comprised of Lots 18-21 and a portion of Lot 3 of Miramar Heights Subdivision. The development potential for the property under the TRPA land use designation of Low Density Residential with a land capability level 6 is approximately 60 units. The more restrictive CTRPA ordinances would recognize 5 potential building sites for this property, of which only 3 are developed at this time. The proposed subdivision map will limit the new building sites to just 2 sites or a total of 5 single family dwellings and 1 guest house at buildout. An additional common area will be created and administered by a homeowners association.

Sections 7.24 and 7.25 of the TRPA Shorezone Ordinance prohibit single use piers and other shorezone facilities in new residential developments or in existing developments where the residents have a common ownership in a littoral parcel. Therefore, the applicant has eliminated any new piers on Lots 3 and 4 through the requirements of the CC&R’s. The existing piers on Lots 1, 2 and 3 would be nonconforming structures under the Shorezone Ordinance.

Approvals

The tentative map has been approved by Placer County and the CTRPA with a total of 35 conditions.

Recommendation

Staff recommends that the tentative map for 5 single family lots be approved subject to the following conditions:

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

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

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b. An undertaking by corporate surety or other similar and appropriate document guaranteeing the performance of landscaping, revegetation, and proper installation of slope stabilization and drainage facilities shall be posted with the permit-issuing authority as provided in Section 7.140 of the Grading Ordinance. The undertaking or other document shall provide that the Agency may enforce the same and use the funds provided therein to assure compliance with the landscaping, revegetation and slope stabilization and drainage plans.

c. Calculations and other necessary analyses demonstrating that the design of the surface water runoff control system will meet the requirements for surface and/or subsurface discharge as established in the Uniform Regional Runoff Quality Management Plan. Such calculations and analyses shall be prepared by a qualified civil engineer and submitted to the Agency for staff review and approval.

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

e. Covenants, conditions, and restrictions respecting all of the real property of the proposed development shall be subject to TRPA review and approval. Such document shall include: a prohibition of new piers on Lots 4 and 5; a prohibition of the use of chemicals for deicing in all vehicular areas except public streets; a prohibition of vehicles in all nonvehicular open spaces; vegetation preservation and protection plan with adequate provision to insure the permanent maintenance of open spaces and the temporary installation of vegetation protection fencing within each building site prior to the commencement of construction; and a provision making TRPA an express beneficiary of said document with the right to pursue such judicial remedies as it wishes arising out of or relating to such document.

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

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

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

b. Installation of fencing for vegetation protection.

c. Installation of temporary erosion protection devices.

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

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

f. Completion of rough grading including installation of mechanical stabilization devices.
Mein Tentative Map
Page Three

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

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

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

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

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

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

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

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

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

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

13. Construction of all improvements shall be completed within twenty-four (24) months of the date of Governing Body approval. If construction is not completed within said time, this approval shall expire and the applicant or his successor in interest shall immediately remove all partially completed work and return the site, as far as possible, to its original condition. If the applicant or his successor in interest fails to do so, the permit-issuing authority or the Agency may have the work performed at the applicant's or his successor's in interest expense, costs to constitute a lien against all the real property which is the subject of this approval.

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

15. No structure shall exceed an average height of 35 feet measured from the natural grade.

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

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

18. The maximum land coverage on the site after completion of the project shall not exceed 30%.

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

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TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Cal-Neva Lodge
Administrative Permit for the
Replacement of Nonconforming Land Coverage
Washoe County Agency Action Required By 11/16/79

Project Location and Description

The applicant requests a permit under Section 9.21(3) of the Land Use Ordinance to replace an existing parking lot with two new tennis courts. The .5 acre parcel is located at the corner of Stateline Road and Crystal Drive adjacent to the Cal-Neva Lodge at North Stateline.

Summary

The .5 acre parcel is currently being used by the Cal-Neva as an unimproved parking lot. It is staff's estimate that 80 to 85% of the surface has been so compacted by this use as to qualify as land coverage. In order to change the use to tennis courts, the applicant has to reduce the land coverage to 50% which is the maximum permitted in the Tourist Commercial land use district. With this reduction, the applicant has indicated proper drainage facilities will be installed. Parking barriers will be installed, and the necessary open space will be landscaped.

Staff does have a concern in regard to parking for the gaming facility since the reduction of land coverage at other such facilities has aggrevated an existing parking problem. The applicant has indicated to staff that Cal-Neva has 522 parking spaces and that this number is adequate for the facility. The Washoe County parking requirement for this facility is 485 spaces.

Recommendation

Agency staff recommends conditional approval of the administrative permit with the findings required under Section 8.33 of the Land Use Ordinance. The recommended conditions are as follows:

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

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

3. Continuing conditions:
   a. Compliance with all requirements and conditions of the permit-issuing authority. None of said requirements and conditions shall be waived or modified without the concurrence of TRPA.
   b. Whenever possible, all utilities shall occupy common trenches and shall be installed at one time. Trench spoil shall be stored upgradient of the trench.

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

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

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

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

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

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

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

4. If substantial work has not been performed pursuant to this approval within 18 months from the date of approval, and if the applicant has not obtained an extension, the approval shall expire.

5. An undertaking by corporate surety or other similar and appropriate document guaranteeing the performance of landscaping, revegetation, and proper installation of slope stabilization and drainage facilities shall be posted with the permit-issuing authority as provided in Section 7.140 of the Grading Ordinance. The undertaking or other document shall provide that the Agency may enforce the same and use the funds provided therein to assure compliance with the landscaping, revegetation and slope stabilization and drainage plans.

9/14/79
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Manzanita Heights
Tentative Map for 15 Condominium Units
Douglas County

Agency Action Required By: October 25, 1979

Summary

The applicant, Edgar Scharruhn, is requesting approval of a condominium conversion of a 15 unit apartment complex in Douglas County, Nevada. The 1.85 acre parcel is located on the south side of Kingsbury Grade approximately 1 mile east of the intersection of Kingsbury Grade and Highway 50. The subject parcel is Douglas County Assessor's Parcel No. 07-292-02.

The Governing Body approved a 14 unit apartment complex on May 24, 1978. On August 23, 1978 the Governing Body approved the addition of 1 unit for a total project size of 15 apartment units.

Land Use and Land Capability

The 1.85 acre parcel is classified Medium Density Residential which permits up to 15 units on this project site.

The land capability map classified approximately .8 acre of the property located closest to Kingsbury Grade as CaD soil. This soil type is in a land capability level 4, which permits 20 percent land coverage. The remaining area of the parcel, approximately 1 acre, is classified as CaF. The slope of the terrain in this area ranges from 15 to 40 percent. However, since the subject parcel is less than 2 acres in size and was recorded prior to February 10, 1972, Section 9.23 of the Land Use Ordinance permits a maximum of 35 percent land coverage for either apartments or condominiums. The total amount of land coverage approved by the Governing Body for the 15 unit apartment complex was 27,358 square feet. This condominium application proposes 22,422 square feet of land coverage, or a reduction in land coverage of 4,936 square feet. The total amount of proposed land coverage is 28 percent.

Proposed Modifications

The project is currently under construction based upon the plans submitted to the Agency for the condominium conversion. After a site inspection, Agency staff found the proposed modifications to the apartment complex to be in substantial conformance with the Governing Board's approval. The modifications are as follows:

1. The revised site plan proposes 4,936 square feet less land coverage than the original site plan.

2. The revised site plan will require substantially less grading for building construction due to the revised dwelling units being only 22 feet in length; whereas, the original dwelling units were to be 42 feet in length.

3. One unit has been relocated from the northerly portion of the project to the southerly portion.

4. Building 1 is located closer to the property line. An abandonment of easement deed has been filed with Douglas County which allows the placement of Unit 1 within 10 feet of the common property line.

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5. A slope easement deed has been filed with Douglas County granting Mr. Scharruhn a 5 foot wide easement to allow the approved vertical retaining walls shown along the westerly property line on the approved plans to be replaced with fill slopes stabilized with rock rip-rap.

6. The maximum height of the structures shown on the revised site plan is 34 feet 8 inches which conforms to the Agency's height limitations as set forth in Section 7.13 of the Land Use Ordinance.

Housing

The project was originally approved as an apartment project providing housing for rent. The proposed conversion will allow for individual ownership potentially reducing the availability for permanent resident usage. Douglas County has been identified as an area deficient in apartment-type rental stock. The conversion will result in increasing the relative value of each unit. Each unit upon sale will have 3 residential use options available. First, individual ownership for second home occupancy precluding long-term rentals; second, utilization as vacation rental; third, income property for resident rental. Since the sale of units represents another financial transaction based upon increased value, units that are available for rental will be rented at a rate commensurate with the purchase price. Due to high demand and constricted supply, units with escalated prices will still be rented with an attendant skewing toward higher rents. Due to the allowance of condominium conversions in most areas with no active or passive incentives toward apartment-type development, construction of new apartment units is being effectively precluded.

Traffic

The project was anticipated to generate approximately 98 vehicle trips per day as an apartment. This level of traffic generation is not anticipated to change because of conversion. It can be expected that the distribution of traffic may change since the project as condominiums would be providing housing to a different component of Basin residents and nonresidents. Less likely are typical resident work trips and more likely are recreation-type trips by nonresidents.

Slope Stabilization and Drainage

The applicant has submitted a revised slope stabilization and drainage plan based upon the proposed tentative map. Fill slopes will be rock rip-rapped instead of stabilized with retaining walls. Drainage from the buildings will be collected in infiltration trenches placed under the building driplines. Drainage from the paved surfaces will be directed by concrete curb and gutter to infiltration trenches for percolation.

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Revegetation

An area to the north of the project as well as any areas disturbed by construction will be revegetated. Specifications for the revegetation were included in the apartment application.

Local Agency Action

The Douglas County Planning Commission conditionally approved the conversion request on August 30, 1979.

Recommendation

Due to the negative impact on housing availability and rental rates, Agency staff recommends that the Governing Board deny the subject request to allow condominium conversion of the approved 15 unit apartment project.

Analysis

The plans submitted as part of the condominium application propose substantial alterations to the previous approval. Since these alterations minimize disturbance, reduce cut and fill slopes, limit grading activities and result in better siting of the units, the new proposal represents an improvement to the approved on-site conditions. The new proposal is environmentally less disruptive to the site.

However, Agency staff is concerned with approving condominium conversions of apartment units. Reduction in the availability of rental units will have a negative impact on housing prices. Conversion of apartment units will limit the availability of housing to the rental component of the population and may result in increased rental scales. The applicant at previous Governing Board meetings indicated his belief in the viability of the project as an apartment project.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 18, 1979

TO: The TRPA Governing Board

FROM: Richard M. Heikka, Former Executive Officer

SUBJECT: Cave Rock Estates, Lot 1, Determination of Allowable Land Coverage

I have been asked by the staff and Mr. Gerald Martin to offer an opinion as to the action taken by the Governing Board and its hearings on property located at Cave Rock, then in the ownership of Mr. Martin. The comments that I offer in no way should reflect on current policy of the Agency or its staff but merely are my private opinions as to the action that was taken at that time.

Mr. Martin first discussed the problem of land capability on this property with me and after substantial discussion, probably more at my recommendation than his, we suggested the reduction of the zoning to less than 2 acres. The belief in our interpretation of Section 9.23 of the Land Use Ordinance was that this would allow the grandfathering of the remaining parcel at 50% coverage.

As reflected in the minutes, the staff obtained unanimous approval of the Governing Board, first to hold the public hearing and subsequently unanimous approval of the action zoning part of the property to General Forest, thereby creating the less than 2 acre High Density Residential parcel.

In my opinion, the total intent of that action was to allow the future filing of either an apartment or condominium plan at up to 50% coverage as Mr. Martin is now claiming. The remarks by Mr. Raymond Knisley on the motion were relative only to his demand that any future plan was not automatically guaranteed approval but would be required to come in under a discretionary Type B permit. We in turn assured that was the case and that by the action of the Governing Board we were, in essence, giving a future owner a "hunting license" for up to 50% coverage.

In conclusion, there appears to be a major difference in interpretation of Section 9.23 of the Land Use Ordinance between the action then taken and the current position of the staff and legal counsel. We were of the belief at the time of the adoption of the zoning ordinance and map that a zoning boundary comprising less than 2 acres regardless of the amount of land additionally held by a person was the significant provision that allowed for the overages on coverage. I had hoped to attend the Governing Board hearing but will be unable to do so due to prior commitments. I will if necessary be available for a future hearing should such an appearance be requested.

RMH:jf
Mountain Brook Station
Satisfaction of a Condition of Approval for
a 64 Unit Apartment
Washoe County

Background

The Governing Body approved the subject 64 unit apartment project on March 28, 1979. The project was subject to a condition that the applicant must pursue funding under the Housing Assistance Program for lower income families. The applicant has submitted the attached letter asking that Tantara Corporation be released from any further need to continue negotiations with the Department of Housing and Urban Development to obtain low income housing assistance. The approval was subject to the following condition which was agreed to by all parties:

1. Prior to receipt of a certificate of occupancy by Washoe County, the applicant shall make application with the U.S. Department of Housing and Urban Development for qualification of the project under the Housing Assistance Program for lower income families (Section 8 of the Federal Housing Act). In processing the application for housing assistance, the applicant shall, with due diligence, assure that all requirements of qualification for Section 8 Housing Assistance, within the applicant's control, are met within the proposed project.

In the event that this condition as worded prevents the applicant from being able to obtain a commitment for a mortgage loan, it shall be modified or amended to comply with the reasonable terms required by the mortgage company.

If for reasons beyond the applicant's control, after best efforts have been made to secure qualification for Section 8 Housing Assistance, this condition cannot be met, it may be voided by the Agency. Such determination shall be made by Agency staff and may be appealed to the Governing Board of the Tahoe Regional Planning Agency. Said reasons excusing this condition shall include, but not be limited to, a failure of the U.S. Department of Housing and Urban Development to approve the finished building as constructed in accordance with Tahoe Regional Planning Agency approved plans and specifications, unreasonable time constraints, or termination of the Section 8 Program by administrative or Congressional action.

The right of the Tahoe Regional Planning Agency Board to inspect and review all applications made by applicant to the U.S. Department of Housing and Urban Development is hereby granted and confirmed in order that said body may monitor applicant’s compliance with this condition.

Recommendation

Agency staff is currently in correspondence with the Department of Housing and Urban Development to determine whether or not there is any possibility of obtaining funding under the Housing Assistance Program, and, if so, under what conditions. Agency staff will prepare a recommendation based on these findings.
The Tantara Company
Post Office Box 3641
872 North Enterprise
Incline Village, Nevada 89450 U.S.A.

The Staff - T.R.P.A.
P.O. Box 8996
2155 S. Avenue
So. Lake Tahoe, Ca.
95731.
Att: Mr. Greg George

RECEIVED
AUG 24 1979

Re: Mountain Brook
Apartments.

August 21, 1979

Gentlemen;

Reference is herein made to the findings of T.R.P.A. dated March 23, 1979 and the letter of approval dated April 2, 1979 with particular attention to paragraph 4 of findings requiring The Tantara Company to apply for H.U.D. Housing Assistance program in developing its project.

The Tantara Company engaged a specialist in H.U.D. requirements to conduct the negotiations with H.U.D. officials in San Francisco whose authority pertains in the State of Nevada.

Contrary to early indications from Mr. M.I. Lewis of H.U.D., an examination of the enclosed correspondence will indicate that there is virtually no possibility that Tantara's project would qualify for Rent Assistance under Section 8.

The unwillingness of H.U.D. to create a fair market price for rent schedules for new construction in Incline Village and their statement that fair market prices as of Reno would pertain, make it virtually impossible for Tantara to meet a price that would satisfy H.U.D.. Construction costs in Incline Village are historically and, in reality, higher than Reno.

It is apparent that H.U.D. does not regard Incline Village as an area needing rent assistance.

Therefore, Tantara feels that it has used its best efforts to comply with the T.R.P.A. requirements and requests that it be relieved of any further need to continue negotiations with H.U.D.

Respectfully,

Jules Bricken

Jr/jh
cc: J. Bricken
Aneita Man  
Variance to Allow a 4 Unit Condominium in  
Incline Village Unit 4, Washoe County  

Agency Action Required By: October 28, 1979  

Summary  
The applicant, Aneita Man, represented by Jeff Lundahl, is requesting approval of a 4 unit condominium and variance to allow excess density. The .62 acre parcel is located on Lariat Circle in Incline Village Unit 4. The property is one of 24 lots which were designated for up to 4 units on the final map approved by Washoe County.  

Administrative Background  
On March 29, 1979, the Governing Board reviewed the CC&R's for Incline Village Unit 3 and determined that a vested right existed to allow 4 units on parcels less than 1 acre that were classified Low Density Residential by the Agency. This determination was made based upon Section T of the Unit 3 CC&R's which specifically allowed multiple densities on certain designated lots.  
The CC&R's for Unit 4 were then reviewed. No such provision was incorporated in Unit 4's CC&R's. The Board therefore did not make a determination that "vested rights" existed to allow development of the designated lots at multiple densities for individual ownership in accordance with the final map for Unit 4 approved by Washoe County. Based upon this determination, the construction of units at the density approved by Washoe County could only be allowed if a variance to allowable density in Low Density Residential were granted by Washoe County and approved by the Governing Board. This is the first application requesting a variance to allow a multiple residential project at the density shown on the final map approved by Washoe County.  

Requested Variance  
Under Section 8.34, the following must be found to establish grounds for granting the variance:  

1. This property is being deprived of such privileges enjoyed by other property in the vicinity and in the same use district.  

2. The applicant cannot make reasonable use of the property.  

3. The variance shall be a minimum departure from existing regulations.  

4. The proposed use will not create significant probabilities of harm to property and improvements in the neighborhood nor the general environment.  

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Below are the comments of the applicant relative to the required findings:

"1. Other property in the vicinity and in the same use district, which would be those above-mentioned parcels in Unit 3, enjoy the privilege of being able to build four-plex condominiums.

2. Because of the high land value and construction costs, a four-plex apartment is not feasible to build and operate.

3. Existing regulations allow a four-plex apartment and proposed is a four-plex condominium. In essence, the structure and land planning will be the same. The difference is that of ownership which is a minimum departure from existing regulations.

4. The proposed use will not harm the environment nor neighborhood and, in fact, will enhance it since the surrounding area is zoned single-family and has numerous custom homes in excess of $200,000 in value."

Staff Analysis

The right to further subdivide was recognized in Incline Village Unit 3. This recognition was based upon clear specifications in the CC&R's. The Unit 4 CC&R's were not specific on this point. It was made clear that the increased density on some lots in Unit 3 was granted due to the inclusion of the golf course in the project. Since this land could not be developed, the increased density was transferred to certain lots in Unit 3. Unit 4 was not proposed with density transfers from unsubdividable areas.

Existing regulations allow four-plex apartment construction where the density proposed exceeds the Agency land use constraints. This is based upon Section 9.11 of the Land Use Ordinance which allows construction in accordance with an approved final map if the local jurisdiction approved the map prior to February 10, 1972.

A reduction in density to allow the number of units allowed by the Land Use Ordinance will have beneficial aspects by reducing the amount of development, incidence of crowding, and the extent of traffic problems. The value of land and construction costs are related to the development rights recognized and the type of construction proposed. The Unit 4 area is not the most appropriate area for apartments. But the question here is not between the appropriateness of an equal number of apartments or condominiums. It is a question of allowable density for either apartments or condominiums and conformance with the Land Use Ordinance. Any applicant can still propose condominiums in Unit 4. The staff contention is that the number of condominium units must conform to the land use designations of the Agency and not the County-approved final map of Unit 4. This interpretation would allow construction of 2-3 units on parcels less than 1 acre.

Agency staff has checked the location of the Unit 4 designated lots. Approximately 10 of the 24 lots are identified as containing some capability level 1 lands. Sufficient land area may not be available to allow 4 units to be constructed without overrides being requested. Even Section 9.24 of the Land Use Ordinance (grandfathered coverage) may not be sufficient to allow the excess density. Recognizing excess density should not

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establish vested rights that conflict with the land capability system. The high hazard lands are classified so because of soil type and slope. Unit 4 high hazard properties have major slopes in the range of 30 to 50°. Higher density construction will negatively affect these lands by increasing the scope of disturbance, increasing amount and size of cuts and fills complicating drainage solutions, and making vegetation preservation more difficult. While the Board has recognized a vested right for Unit 3 to allow construction of 4 units for apartments and has recognized a vested right to allow further subdivision, only a recordation of a vested right to construct 4 apartment units exists for Unit 4.

Following is an excerpt from the March 29, 1979 Governing Board minutes:

"It was determined that the CC&R's for Unit 4 did not contain the same language as for Unit 3, thus making it impossible for the Board to grandfather in the development of condominium units on multiple residential lots. The Board advised that the owners of property in Incline Unit 4 could process requests for variances as a group for consideration by Washoe County and by TRPA. The CC&R's as well could be revised if all property owners are in agreement, although this would not affect the TRPA ordinances or the processing of a variance."

It is Agency legal counsel's opinion that an affirmative action by the Board on this request should be followed up by an action by the homeowners association of Unit 4. This action should take the form of a modification to the existing CC&R's. The modification should be a specific allowance for further subdivision of the designated lots.

Specific Proposal

The applicant is proposing to construct a 4 unit condominium consisting of 2-story buildings and elevated parking decks. Each building footprint will be approximately 750 square feet in size.

Land Capability

The property is classified as IsE, Invilie stony coarse sandy loam with 15 to 30% slopes, land capability level 4, allowable coverage 20%. The slope of the property approaches 30% in most areas. The applicant proposes 17% land coverage.

Slope Stabilization

Since the parking areas and buildings are to be elevated, no mass padding is proposed. This will limit the scale and number of cut and fill slopes. The major fill areas will be adjacent to Larix Circle. The maximum fill slope will be approximately 10 feet high. The applicant proposes rock rip-rap. Due to the vertical height and angle of repose, this slope should be stabilized with a retaining wall or a grouted rock wall. Areas disturbed by construction activity will be revegetated. Conceptual revegetation specifications have been submitted.

Drainage

At this time no specific drainage facilities have been proposed for either the parking areas or for the building driplines. The parking areas slope slightly to the south. Infiltration facilities will need to be incorporated to infiltrate a 2 year-6 hour storm. Building runoff has also not been addressed. This is critical due to the high back side elevation of the proposed units. Infiltration trenches will need to be placed under the building driplines. These trenches will need to be of sufficient size to collect and infiltrate a 2 year-6 hour storm.
Local Agency Action

The Washoe County Building Department issued a variance under Section 8.34 of the Land Use Ordinance with the required findings on August 22, 1979.

Recommendation

Agency staff recommends that the Governing Board deny the variance request for the following reasons:

1. The property is not being denied privileges granted other similarly situated property. The recognition of higher densities in Unit 3 was specific to that area and has no effect on Unit 4.

2. Reasonable use of the property can be made while conforming to Agency requirements.

3. Granting this variance will establish privileges not now granted to other properties. Other properties located on lower capability lands would then be able to apply under Finding 1.

9/18/79
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Jack Gray
Tentative Map for 4 Condominium Units
Washoe County

Agency Action Required By October 28, 1979

Summary

The applicant, Jack Gray, is requesting approval of a condominium conversion of a newly constructed four-plex building in Incline Village, Nevada. The .34 acre parcel is located on Willow Court adjacent to the core area of Incline Village. The subject parcel is Washoe County Assessor's Parcel No. 124-041-05.

Land Use and Land Capability

The soils on the property are classified IsC, Inville stony coarse sandy loam, 2 to 9% slopes, land capability level 6, allowing coverage of 30%.

The property is classified as High Density Residential (HDR) and is allowed up to 5 units. Under Section 9.23 of the Land Use Ordinance, parcels recorded prior to February 10, 1972 that are 2 acres or less in size are allowed up to 50% land coverage. The applicant is proposing 7,246 square feet, or 49%, land coverage.

Building Height

The 2-story buildings will have an average height of approximately 22 feet.

Revegetation and Slope Stabilization

The property slopes approximately 5%. There will be no major cuts or fills resulting from the construction. Revegetation work will consist of restabilizing areas disturbed by construction activity.

Drainage

Stormwater drainage emanating from the building driplines will be collected in infiltration trenches. Drainage from the paved areas will be collected in infiltration trenches located on the south side of the paved surface. The placement and maintenance of these trenches is critical due to the high percentage of impervious coverage.

Housing

The project is located adjacent to the core area of Incline Village. The need for apartments in Incline Village has been identified. The best location for apartments is contiguous to commercial areas where alternatives to the automobile can be utilized. Condominiums reduce the availability of housing for permanent resident housing by offering the options of second home ownership, or vacation rental. Condominiums generally rent for a greater monthly rental than apartments. This has an impact by increasing rents not only for other condominiums but for apartments which will escalate in price in accordance with overall average rents. Encouraging apartment construction especially adjacent to the core area will have a beneficial impact upon

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housing availability and on average rents. Condominium construction and conversions result in an actual disincentive toward apartment development. This trend will continue until active incentives are developed in Lake Tahoe to encourage some yearly component of housing construction as apartments.

Public Services

The applicant has certificates from all of the required public service providers. Most of the utilities have already been installed. The project seeks to convert an existing use and will have no impact on the availability of sewer or water services.

Local Agency Action

The Washoe County Parcel Map Review Committee approved the condominium request on March 19, 1979.

Recommendation

Agency staff recommends that the Board deny the subject application because the project is located within an area suitable for apartment units and seeks to convert to a condominium use.

9/18/79
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Variance to Construct Multiple Residential Units in a Stream Environment Zone
Doug Slain and Paul Erickson
Washoe County

Agency Action Required By: November 6, 1979

Background

The Agency's Grading Ordinance prohibits grading, clearing or filling within a stream environment zone with the exception of construction of roads and utilities and the construction of a single family dwelling unit on a preexisting lot or parcel. Therefore, the only vested right within an area identified as a stream environment zone is the construction of a single family dwelling unit, which is subject to siting constraints and additional measures which may be required to ensure protection of the stream zone. Any other use of an existing lot located within a stream environment zone requires a variance approved by the Governing Body.

History

The two proposed four-plex units are located within Incline Village Unit 3. At the March 29, 1979 meeting of the Governing Body, a motion was passed which specifically recognized that multiple residential lots in Incline Village Unit 3 were, in effect, already subdivided because of the wording in the Covenants, Codes and Restrictions. As a result, condominium units in Incline Village Unit 3 are not required to be reviewed by the Agency. However, in the case at hand, the proposed construction of the two four-plex units is also located within a stream environment zone. Because both lots are only approximately a half acre in size and are located entirely within the stream environment zone, siting of four units allows little flexibility to minimize the effects of construction within the stream environment zone. Agency legal counsel has advised that the finding which "grandfathered" multiple residential units in Incline Village Unit 3 has no effect upon the Grading Ordinance which prohibits disturbance within the stream environment zone. Therefore, if the right to develop multiple residential units on the subject lots is to be recognized, a variance to the requirements of the Grading Ordinance must be granted. Without the issuance of a variance, each lot would have the vested right to construct one single family dwelling unit provided the required findings for such construction are made.

Project Description

The proposed project consists of two four-plex units on Lots 4 and 5, Block D, Incline Village Unit 3, located on Crosby Court off of Driver's Pass Road adjacent to the Incline Green Golf Course. A tributary of the west fork of Third Creek traverses Lot 5 along the westerly edge of the lot and is adjacent to Lot 4 along the westerly portion of the lot. Both lots are characterized by typical stream environment zone vegetation capable of surviving with saturated root zones, indicating high groundwater throughout the sites. It is apparent that the stream channel was rerouted and rock-lined at the time of construction of the subdivision or the Incline Green Golf Course. The lots are located at a lower elevation than the rock-lined banks of the stream and may therefore be susceptible to flooding as well as high groundwater. The nearest proposed structure is approximately 20 feet from the stream channel.

9/17/79
Soil Characteristics

The site is classified as Inville, stony, coarse, sandy loam, 9 to 15% slopes by the SCS soil survey. However, the level of resolution and mapping criteria for soil surveys used by the SCS would not provide any information on groundwater conditions in the Incline area. The applicant has prepared a soils report indicating that groundwater is present on the site at an approximate depth of two feet. The mottled gray coloring of the soils evidenced the presence of groundwater at very shallow depths. The proposed foundations would intercept groundwater flow patterns on both sites.

Land Capability

The Agency's soil classification maps indicate an IsD soil type. Based upon soil classification alone, the land capability would be level 4, moderate hazard land with a 20% allowable land coverage. However, because of the presence of a seasonably high groundwater table and the area's inclusion in the stream environment zone, the more proper land capability classification would be level 1b, high hazard land, allowing only 1% coverage.

Proposed Land Coverage

The proposed land coverage is 4,886 square feet and 3,541 square feet on Lots 4 and 5, respectively. The maximum allowable coverage based on a land capability level 4 at 20% coverage would be 5,026 square feet and 3,588 square feet, respectively. However, the applicant has proposed 2 foot strips to be utilized as driveways. The staff's experience has been that the gravelled areas between the driveway strips are susceptible to repeated vehicle usage and should be counted as impervious surface coverage, therefore resulting in an excess amount of impervious surface coverage.

However, for purposes of analyzing the impacts of the proposed variance, alternative methods of analyzing allowable land coverage should be investigated. An alternative means of determining allowable land coverage would be to consider both lots as high hazard lands because of the presence of the high groundwater and the importance of the groundwater-surface water interchange in the stream environment zone. Utilizing this approach would allow only 251 square feet and 179 square feet of impervious surface coverage based on an allowable land coverage of 1%. The proposed land coverage on both lots substantially exceeds these amounts.

The third possible method for determining allowable land coverage would apply the grandfathered coverage amounts which can be applied to condominiums in Incline Village Unit 3. Under Section 9.24 of the Land Use Ordinance, both parcels would have a grandfathered coverage of 3,200 square feet.

Land Use Classification

Both lots are classified Low Density Residential by the Agency, allowing up to 2 dwelling units on each lot. However, both lots were designated as four-plex lots with the subdivision of Incline Village Unit 3. The Agency recognized the provision in the Covenants, Codes and Restrictions for Unit 3 which specified that the lots could be further subdivided. In so doing, the Agency recognized the lots as four-plex lots.

9/17/79
Site Layout

In reviewing proposed construction within a stream environment zone, the Agency's Handbook of Best Management Practices recommends that each site be analyzed to ensure that the structures are located outside of the stream zone or located so as to minimize the encroachment. With single family residences, even on smaller parcels, it is often possible to site the unit so as to accomplish these objectives. However, in this case, both lots are contained entirely within the stream zone and even the objective of minimizing the encroachment through site design is impractical with a four-plex unit on a half acre (approximately) site. The nearest structure is approximately 20 feet from the stream on Lot 5 and 80 feet from the nearest structure on Lot 4. A final map has already been recorded for the subject project, thereby eliminating any flexibility to site or align the units to minimize any adverse impacts. The subject stream is a second order stream. The minimum setback from the stream according to the recommendations of the Handbook of Best Management Practices is 50 feet.

Flood Plain Analysis

The applicant has submitted a flood plain analysis indicating that the 100 year flood would be contained within the existing channel cross section. However, any debris in the channel carried by floodwaters may cause the floodwaters to leave the improved channel, subjecting both building sites, which are at a lower elevation, to minor flooding.

Required Variance Findings

In order to grant a variance under Section 8.0 of the Grading Ordinance, the following findings must be made:

1. Owing to special conditions, a literal enforcement would result in unnecessary hardship;

2. The variance will not be contrary to the public interest nor the purpose of this ordinance; and

3. The variance will not nullify the purpose of the ordinance.

Further elaboration on the criteria for determining the extent of acceptable disturbance is contained in the Grading Ordinance. In granting an administrative permit for a single family dwelling unit, one of the following findings is required to be made under the provisions of Section 7.8 of the Grading Ordinance:

1. The dwelling unit and related land coverage are located outside of the boundary of the stream environment zone; or

2. Such dwelling unit and related land coverage are located, designed and constructed to minimize encroachment on and disturbance of the stream environment zone where siting outside of the stream environment zone is impractical.

Section 10.0 of the "208 Ordinance" provides specific objectives for the management of stream environment zones as follows:

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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.

Analysis

An analysis of the findings required to issue the variance indicates that a hardship condition would result if the variance were denied. Other properties within Incline Village Unit 3 have been granted development privileges in excess of that allowed by the Agency's land use classification. To deny the variance would result in the loss of 3 units on each lot as compared to similarly designated four-plex lots in Incline Village Unit 3.

With regard to the finding that the variance must not be contrary to the public interest nor the objectives of the ordinance, one should look for further elaboration on the prescribed management of stream environment zones contained in the 208 Ordinance. The key factor in the development policies contained in the 208 Ordinance is that stream environment zones should be protected from land use activities which degrade their natural characteristics. The important natural characteristics of a stream environment zone are its ability to provide natural treatment, the exchange of surface and groundwater, and the storage of groundwater to aid in supplementing stream flows during periods of low flow. The proposed construction of four-plex units on each of the lots, even with the application of mitigation measures, would adversely affect each of the above natural characteristics. The proposed amount of land coverage exceeds that allowed under the land capability system under either the current classification as land capability level 4 or level 1b thereby reducing the infiltration on site. The proposed foundations and French drains would intercept groundwater on the site, lowering the groundwater table. Lowering of the groundwater table could be mitigated by alternative construction techniques but the infiltration and groundwater interchange occurring on the site would be reduced because of the land coverage.

Since it is primarily the amount of land coverage which cannot be mitigated and not the number of dwelling units which cause the adverse impacts, staff would suggest that the maximum variance to be granted would be an amount of coverage permitted for a single family dwelling unit, or 3,200 square feet, based on grandfathered coverage. This would allow construction of a duplex unit on each lot, consistent with the Agency's land use classification of Low Density Residential.

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Recommendation

Staff recommends denial of both requested variances to construct two four-plex units on the subject lots. However, staff would recommend approval of a variance for a duplex unit on each lot with coverage not greater than that allowed for a single family dwelling unit under Section 9.24 of the Land Use Ordinance. Agency staff's support of such a variance would be subject to redesign of the proposed units such that mitigation of the impacts was an integral part of the design of the units.
Hansen Hilltop Estates
Tentative Map for 8 Lots
Douglas County

Agency Action Required By: November 9, 1979

Summary

The applicant, Mary Hansen, is requesting approval of a tentative map for an 8 lot subdivision known as Hansen Hilltop Estates located in Douglas County, Nevada. The subject 10 acre parcel is 300 feet north of Kingsbury Grade and west of Highlands Drive. Access to the site is over a 300 foot long dedicated easement. An 830 foot long dead-end road is proposed to access the 8 building sites. The first 750 feet of the proposed road follow generally along an existing forest access road.

Previous TRPA Action

In August, 1975, the Governing Board approved a General Plan amendment reclassifying the property from General Forest to Rural Estates. The applicant also processed an administrative permit for additional land coverage in August, 1976, identifying areas of higher capability lands on the flatter portions of the site at the ridge line of the property. The Governing Board approval contained a finding of regional public facility allowing 100% road coverage credit for portions of the access road generally following an existing Forest Service access road. As approved with the regional public facility finding, the total amount of land coverage exceeded the amount of land coverage permitted in the Land Use Ordinance.

No final map was recorded within the 18 month time limitation as provided in the Subdivision Ordinance. The final map and the previous regional road finding have therefore expired. Subsequent to this approval, modifications were made to the Land Use Ordinance, adding the classification of local public road to the ordinance. The addition was to allow partial land coverage credit for roads that are public in use but not regional in orientation. At the June, 1979 meeting, the Governing Board determined that the application must be evaluated against the criteria in effect at the time of the new application and that the filing fee would be one-half of the amount originally charged.

Tentative Map

The applicant proposes the subdivision of the property into 8 single family residence lots. The lots are clustered on the top of a ridge on the northeast portion of the property.

Land Use and Land Capability

The property has a land use classification of Rural Estates which permits a maximum of 10 units on the 10 acre parcel. Approximately 136,590 square feet are in land capability district 4 and 302,000 square feet are in land capability district 1. The allowable land use is

\[
\text{ allowable land use }
\]

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coverage in district 4 is 20% and in district 1 is 1%. There are five separate land capability districts on the 10 acre parcel, and the allowable and proposed coverages are as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Capability District</th>
<th>Allowed Coverage Percent</th>
<th>Allowed Coverage Sq. Ft.</th>
<th>Proposed Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>A &amp; B</td>
<td>48,260 sq. ft.</td>
<td>20</td>
<td>9,652</td>
<td>9,600 sq. ft.</td>
</tr>
<tr>
<td>* C</td>
<td>88,320</td>
<td>20</td>
<td>17,664</td>
<td>19,040</td>
</tr>
<tr>
<td>* D</td>
<td>162,180</td>
<td>1</td>
<td>1,621</td>
<td>1,900</td>
</tr>
<tr>
<td>E -1</td>
<td>44,000</td>
<td>1</td>
<td>440</td>
<td>0</td>
</tr>
<tr>
<td>E -2</td>
<td>98,508</td>
<td>1</td>
<td>985</td>
<td>0</td>
</tr>
</tbody>
</table>

* The proposed coverage exceeds the allowable.

Under the land capability system, separate land capability districts must be identified and the amount of allowable land coverage specified. The amount of land coverage proposed cannot exceed the allowable as identified for each land capability district. This project proposes to exceed the allowable in land capability districts C and D. The excess coverage is identified in those areas where the proposed access road crosses high hazard lands with high erosion potential. The land identified as higher capability along the top of the ridge would conform to the land coverage restrictions although drainage from this area must be carefully handled to ensure that runoff is safely conveyed down the steeper slopes.

The applicant has proposed the cul-de-sac at a radius of 55 feet. This amounts to a 45 foot radius for vehicle movement plus a 10 foot wide parking strip on the outside edge of the cul-de-sac. If the 10 foot wide parking strip is deleted, this results in a reduction of approximately 3,200 square feet. This coverage could be applied to each of the 8 lots to provide for a 400 square foot driveway and off-street parking. Based upon the amount of allowable coverage remaining in Area C, the project as proposed would be allowed approximately 1,555 square feet for each of the 8 units. This small amount of allowable coverage allocated to each lot will present design constraints to the lot owners and may result in attempts to seek further land coverage overrides.

**Drainage**

The drainage from the proposed cul-de-sac and parking area located along the ridge line of the property will be directed to an infiltration trench located along the west side of the proposed access road. Drainage from the upper roadway will be directed along curb and gutters and released into an infiltration trench. Both trenches will need to be modified to carry drainage in excess of a 2 year-6 hour storm to a stable natural drainage. The restrictions on the development would need to specify a roofline drainage system for each structure.

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Slope Stabilization

The upper portion of the roadway will result in cut and fill slopes to establish grade. The cut slopes will range from 5 to 7 feet. The maximum fill slope will be 6 feet. The plans reviewed do not contain clear specification of the methods proposed to stabilize all the resulting cuts and fills. Some of the cut slopes could be revegetated. The south facing slopes should have a good chance of survival. It is Agency staff's position that all disturbance within land capability district 1 should be stabilized by retaining walls in order to minimize disturbance in those sensitive areas of the site.

Public Services

Agency staff has received copies of updated will-serve letters from the required public service providers with the exception of a letter from the Fire Protection District.

Environmental Impacts

Watershed - The proposed project is located within the Edgewood Creek Watershed. Agency staff presented a report on watershed conditions in Edgewood Creek at the May Governing Board meeting after concerns were voiced about watershed conditions by the Soil Conservation Service. Staff concluded that the watershed values in the Edgewood Creek area were being overtaxed as a result of several factors including Agency actions which allow coverage overrides such as regional public facilities and local public roads. Agency staff recommended that additional scrutiny be placed on projects within the Edgewood Creek Watershed which proposed to utilize provisions in the Land Use Ordinance which allowed land coverage limitations over and above the limitations in the land capability system. The Governing Board generally concurred in the recommendations as presented by the staff.

In addition to the land coverage on the site, the project would require the extension of a roadway from Kingsbury Grade across an adjacent parcel to the project site. The additional land coverage from the roadway to the site would create 6,000 square feet of coverage which may be 100% discounted since it can be considered a local public road on a General Forest parcel. The excess coverage over that permitted under the land capability system, both on and off the site, would contribute to the further degradation of the Edgewood Creek Watershed.

Land Use - The land capability challenge processed by the applicant points out a basic deficiency in the methods which have been utilized by the Agency to approve administrative permits for additional land coverage. The Agency's land capability district maps are recognized to be generalized, and it has been the Agency's policy to recognize what can best be described as "pockets" of higher capability lands. These pockets of higher capability lands generally occur on ridge tops or valley bottoms and allow more intensive development while still providing for environmental protection. However, the development
of these lands often entails constructing access roads and utilities across more sensitive lands to reach the higher capability lands. This is the case with the proposed project; a proposed roadway would be constructed from Kingsbury Grade across capability level 1 lands to the higher capability lands along the ridge. This type of development requires the extension of roads and utilities across sensitive lands, creating a relatively inefficient land use pattern with additional disturbance in low capability districts.

Traffic

Agency staff estimates that this 8 unit development will generate approximately 72 vehicle trips per day. Due to the location, a majority of the trips will occur along Kingsbury Grade toward Highway 50. A majority of shopping trips can be satisfied either on Kingsbury or in Round Hill. Recreation trips will be distributed both to South and East Shore. This potential increase in traffic represents less than 1% of the estimated capacity of Highway 50. However, Highway 50 has been identified as being at or exceeding design capacity at certain peak periods.

Local Agency Action

Douglas County has issued a one year extension on the previously approved tentative map and the finding of a regional public facility.

Recommendation

Agency staff recommends that the tentative map be denied for the following reasons:

1. The proposed tentative map results in impervious land coverages which exceed the Agency's land coverage limitations.

2. The extension of roads and utilities to the area classified as higher capability land crosses through an area of highly erodible lands, creating an unnecessary level of disturbance and excess land coverage. Agency staff has suggested an alternative development plan which would eliminate these impacts.

3. The land coverage proposed for each building site imposes a severe design constraint which forces some property owners to seek relief through administrative overrides, creating still further amounts of excess land coverage.
 TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY AND RECOMMENDATION

Clearinghouse  
U.S. Forest Service  
Lake Tahoe Basin Management Unit  
Land Management Plan - Part 2  
Draft Environmental Impact Statement

Summary

The Lake Tahoe Basin Management Unit (LTBMU) of the U.S. Forest Service has prepared a draft Environmental Impact Statement (EIS) for Part 2 of the Land Management Plan. The document identifies the particular physical features and human influences in the area for which the plan was prepared. It also sets forth specific evaluation criteria which were used to judge the alternative plans presented. Then, the document identifies five separate alternatives for the future use of the National Forest lands in the Tahoe Basin, provides an analysis of the effects of implementing these alternatives, and also presents an evaluation of the alternatives prior to selecting a "preferred alternative".

History

On July 26, 1978, the Regional Forester for the California Region of the U.S. Forest Service approved the Land Management Plan, Part 1 for the National Forest lands in the Lake Tahoe Basin. This document set forth broad goals and management directions for the lands managed by the LTBMU in the following areas:

- Water Quality and Quantity  
- Outdoor Recreation  
- Wilderness and Roadless Areas  
- Transportation  
- Fire  
- Air Quality  
- Land Ownership Adjustment  
- Energy Sources and Minerals  
- Special Land Uses  
- Noise  
- Visual Resources  
- Cultural Resources  
- Wildlife and Fish Habitat  
- Timber  
- Range  
- Threatened and Endangered Plants  
- Soils

The Part 1 plan emphasized protection and enhancement of the natural environment of the Basin while providing outdoor recreation opportunities. The Part 2 plan, which was developed during the intervening year, divides the Basin into smaller areas and presents specific alternative ways those areas could be managed.

Alternative Plans Presented

The alternative plans presented in the document were developed with the recognition that "although all National Forest activities will have some effect upon the future character of the Basin, providing for the use of the recreation resource will probably cause the greatest change to the National Forest environment. Therefore, alternatives were formulated primarily around themes for developing recreation opportunities. The five themes selected are certainly not all encompassing. Rather, the intent was to present

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an array of recreation opportunities within the scope of the land management goals established by the Land Management Plan, Part 1." The five characteristics that were used to stratify the National Forest for alternative planning are:

1. Areas presently committed to a particular type of recreation development.
2. Areas inventoried as suitable for Alpine skiing development.
3. Areas inventoried as being roadless.
4. The tolerance of areas for use in relationship to their disturbance hazard.
5. The tolerance of areas for use in relationship to their visual suitability.

The five plans presented can be generally characterized in the following manner recognizing that there are certain similarities among all five, such as:

"Desolation Wilderness will continue to be managed as Wilderness, habitats of threatened and endangered plant and animal species will be protected,

the Marlette-Hobart watershed will be managed to protect the domestic water supply,

significant historical and archeological features will be protected,

stream environment zones including flood plains and wetlands are recognized as environmentally sensitive areas to be protected, and

the land acquisition program will continue towards achieving the stated goal of 85% of the Basin in public ownership."

Alternative 1 provides for little or no change from the current situation in that it approaches development on a short-range, case-by-case basis to provide for flexibility in responding to evolving Basin goals.

Alternative 2 would limit sites for new and expanded recreation facilities to lands concentrated near existing highways, utilities, and other public services.

Alternative 3 is similar to Alternative 2 but proposes that the activities that place the greatest demand on public services be concentrated near urban areas.

Alternative 4 would provide for recreation developments that would be relatively smaller in size and more widely spread throughout the Basin.
Alternative 5 would be similar to Alternative 2 by providing for recreation developed in areas near public services but with the additional requirement that sites also be near water attractions.

In addition to describing the five alternative plans, the draft EIS further disaggregated the lands of the Basin into fifteen management areas. Management areas were defined as aggregations of similar types of land within which specific types of resource management activities were proposed. These specific activities were then overlaid on each of the five plans as they would apply to each alternative.

Analysis and Evaluation

The effects of implementing the five plans were analyzed and expressed in terms of a) environmental changes; b) outputs of goods and services; and c) costs. These effects were then evaluated in terms of how well the alternatives fulfilled the management goals set forth in the Part 1 plan, how well the alternatives dealt with issues of critical concern the Forest Service had set forth such as fire protection and transportation, how well the alternatives met the Forest Service's National Program developed pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974 (RFA), and how feasible were the alternative proposals.

Preferred Alternative

Alternative 5 was selected by the Forest Service on the basis that it contributed the greatest public benefit from the National Forest land in the Lake Tahoe Basin. The specific attributes of Alternative 5 that were considered of most importance in the selection were:

1. Outstanding opportunities would be available for providing outdoor recreation experiences in a broad range of environments; urbanized to wilderness.

2. Concentrated recreation developments and activities would occur primarily on lands most tolerant of disturbance.

3. Major additions would not be required for road, sewer, and other utility systems that would impact the environment and raise the cost of recreation improvement construction.

4. A favorable situation would be available to manage for dispersed recreation demands and other activities of a rapidly increasing urban population.

5. New campgrounds, organization camps, day use sites and summer resorts would be in close proximity to water-oriented recreation activities sites.

6. Amount of auto emissions would be controlled by encouraging walking, biking, and, when available, use of public transportation for visitor access to recreation attractions and service areas.

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Draft EIS
page 4

7. The natural integrity of large areas of public land, especially the stream environment zones, would be substantially retained.

8. Water quality standards would be achievable, though not necessarily easily.

9. All land areas, except Desolation Wilderness, would be treatable, via motorized or nonmotorized techniques, for vegetation and fuels management.

10. Potential property and environmental losses from large, devastating wildfires would be at an acceptable level.

11. Ample area would be available for future expansion of Alpine skiing in locations where public transportation opportunities could be fully utilized.

Compatibility With TRPA Plan

The plan the Forest Service has selected as its preferred alternative is compatible with the Agency's Regional Plan and its elements. In addition, the preferred alternative will be implemented in such a manner as to satisfy relevant requirements contained in the Agency's ordinances.

Recommendation

Agency staff recommends support of the Forest Service preferred alternative.

Advisory Planning Commission Action

On September 12, 1979, the APC voted to support Alternative 5, the alternative selected by the Forest Service. There were three abstaining votes with the Lahontan representative commenting that her agency had asked for expansion of the alternatives in several ways. Lahontan does not feel there was enough discussion of the impacts of recreational development on the private sector, i.e. private uses on public lands. Additionally, the EIS should have addressed how a National Recreation Area would fit into the picture in view of the recent discussions on this alternative for the Tahoe Basin.

9/4/79
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 17, 1979

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Agenda Items Regarding Agency Administration

Agency staff presented several proposed modifications to the Agency's ordinances and regulations at the July Governing Board meeting in order to effectuate revised operating procedures necessitated by a substantially reduced Agency staff. The proposals included modifications to the Land Use Ordinance, Subdivision Ordinance, Shorezone Ordinance, Grading Ordinance and Agency Rules and Regulations of Practice and Procedure. The proposals were presented as part of the Finance Committee report which was accepted by the Governing Board. Agency Legal Counsel indicated at that time that it would be most appropriate to adopt any proposed ordinance modifications as urgency ordinances.

These items were placed on the August Governing Board agenda but discussion was tabled due to Legal Counsel's concern regarding notice requirements for affected property owners. Mr. Owen has since evaluated the requirements for notification and redrafted ordinance amendments which would implement the recommended modifications. The proposed ordinance modifications would ensure that affected property owners are given an opportunity to comment on both staff and Governing Board actions.

The following summarizes the proposed modifications to Agency ordinances:

Land Use Ordinance Modifications

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

Projects Requiring Governing Board Review:

- Commercial developments of three or more acres
- Hotels, motels and apartment houses of five or more units
- Marinas
- Major public works
- Airports, heliports and landing strips
- Batch plants
- Commercial forest products removal
- Commercial parking lots
- Developed campgrounds
- Educational facilities, general
- Electric power plants
- Golf courses
- Medical facilities
- Mobile home parks
- Outdoor amusement facilities
- Highways, roads and structures
- Sewage treatment plants
- Water storage tanks and reservoirs
- Recreation vehicle parks
- Skiing facilities
- Solid waste transfer stations
- Transportation facilities

Projects Requiring Staff Review With Right of Appeal to the Governing Board:

- Bulk storage
- Construction in stream channels
- Fish and wildlife management projects
- Electrical substations
- Organized recreation camps
- Multiperson dwellings
- Outdoor recreation concessions
- Overhead or underground utilities, but excluding service connections
- Water treatment plants
- Quarries
- Religious facilities
- Radio, TV and telephone relay stations and transmission lines and structures
- Private stream crossings
- Wrecking yards.

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

Section 9.21(3) - Section 9.21(3) currently requires Governing Board action to issue an administrative permit for replacement of nonconforming land coverage. It is proposed that this section be modified to allow the staff to issue the necessary permits in that the determinations are of a primarily technical nature. Staff determinations would be subject to appeal to the Governing Board.
Memo to the TRPA Governing Board
Agency Administration
September 17, 1979 Page Three

Subdivision Ordinance Modifications

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

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

The Shorezone Ordinance and the Agency’s Rules and Regulations of Practice and Procedure require all shorezone applications to be processed through a monthly public hearing process similar to the Governing Body requirements. In order to reduce the staff time required for this "mini-Governing Board process", it is proposed to amend the Shorezone Ordinance and Rules and Regulations to eliminate the requirements for the formal Shorezone Review Committee, and the requirement for a hearing before the Agency’s Executive Director. It is proposed to replace the shorezone hearing process with staff-issued permits for all projects except marinas and variances. Affected property owners would be given the opportunity to comment in writing prior to a staff determination. A 10 day appeal period would be granted, during which time the staff decision could be appealed to the Governing Board.

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

The Advisory Planning Commission discussed methods to reduce the staff workload resulting from processing General Plan amendments and to increase the effectiveness of General Plan amendment reviews by providing a mechanism which would allow amendment requests to be evaluated only quarterly. Similarly, the APC would only meet quarterly to consider these and other requests. Agency Legal Counsel's opinion is that such a modification would contravene the Agency's Compact as described in the attached memo.

Attachments:
- Proposed Ordinance Modifications
- Modifications to the Rules and Regulations of Practice and Procedure
- Memo regarding General Plan Processing Procedure
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION NO. 79-

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY AMENDING THE RULES AND REGULATIONS OF PRACTICE AND PROCEDURE OF SAID AGENCY CONCERNING PROJECT REVIEW; PROVIDING FOR NOTICE AND OPPORTUNITY TO BE HEARD WITH RESPECT TO AGENCY ACTION SIGNIFICANTLY OR SUBSTANTIALLY AFFECTING PROPERTY RIGHTS OF OTHERS; PROVIDING FOR SIMPLIFICATION OF THE SHOREZONE ORDINANCE PERMIT APPLICATION PROCEDURES, ELIMINATION OF FORMAL SHOREZONE HEARING BEFORE THE EXECUTIVE OFFICER, ELIMINATION OF SHOREZONE REVIEW COMMITTEE, AND ELIMINATION OF SPECIAL SHOREZONE NOTICE TO ADJACENT PROPERTY OWNERS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Governing Body of the Tahoe Regional Planning Agency finds that, as a result of recent case authority, the Agency may be constitutionally required to give notice and opportunity to be heard to owners of real property significantly or substantially affected by a use or activity authorized by a permit, and it is thus necessary to adopt this resolution providing such notice and opportunity with respect to certain agency actions; and

WHEREAS, the Governing Body finds that, as a result of the lack of sufficient operating funds for the Agency, it is necessary to adopt this resolution simplifying permit application procedures under the Shorezone Ordinance, set forth in the Agency's Rules and Regulations of Practice and Procedure; and

WHEREAS, the Governing Body finds that, absent the amendments to said shorezone permit application procedures, the Agency soon will be financially unable to maintain the staff necessary to conduct the pertinent procedural steps otherwise required by the Agency's Rules and Regulations of Practice and Procedure; and

WHEREAS, the Governing Body finds that all notices have been given and hearings held, as required by the Agency's Rules and Regulations of Practice and Procedure;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Tahoe Regional Planning Agency, by virtue of authority conferred by the Tahoe Regional Planning Compact, that the
Rules and Regulations of Practice and Procedure of said Agency, as amended to date, are hereby further amended in the following manner:

1. By adding thereto new Section 7.19 to read as follows:

"7.19 Notice And Opportunity To Be Heard With Respect To Adjudicatory Actions Significantly Or Substantially Affecting The Property Rights Of Others

(a) Determinations By Executive Officer. Upon receipt of a permit, proposal or application required to be reviewed or approved, or both, by the Agency, the executive officer, or his designee, shall determine whether the nature or magnitude of the use or activity envisioned by the permit, proposal or application is one that may significantly or substantially affect the real property interests of others or whether it would have only minimal impact upon such interests. If the executive officer, or his designee, determines a significant or substantial effect may occur, he shall give advance notice of the Agency's consideration of said permit, proposal or application to persons, other than the proponent thereof, whose real property interests may be significantly or substantially affected. The executive officer, or his designee, shall determine the class of such persons in each particular case and in making such determination shall consider at least the following factors:

(I) Whether such use or activity would substantially increase the density of population near the real property of such persons;

(II) Whether such use or activity would substantially increase traffic near the real property of such persons;

(III) Whether such use or activity would substantially degrade air quality on or near the real property of such persons;

(IV) Whether such use or activity would substantially degrade the quality of water on or near the real property of such persons; and

(V) Whether such use or activity would otherwise detrimentally affect, in a substantial or significant manner, the real property of such persons."
The executive officer, or his designee, shall advise the proponent of the permit, proposal or application of the class of such persons, and the proponent shall thereupon determine the name and mailing address of each person within the class.

(b) Names And Addresses Of Affected Persons. The proponent of the permit, proposal or application shall deliver to the executive officer an accurate list of the names and addresses of the members of the class of persons whose real property interests may be significantly or substantially affected by the use or activity envisioned by the permit, proposal or application. Such list may be in the form of the addressed, stamped envelopes referred to in Subsection (c), below. The executive officer, or his designee, shall inform such proponent of his obligation to supply correct information and that such proponent shall assume the risk of any challenge to the Agency's action because of incorrect information. Information accurately taken from the most recent and available real property assessment rolls shall be conclusively presumed correct.

(c) Addressed, Stamped Envelopes And Completion Of Application. The proponent of the permit, proposal or application shall deliver to the executive officer, or his designee, addressed, stamped envelopes correctly addressed to the members of the class of persons whose real property interests may be significantly or substantially affected by the use or activity envisioned by the permit, proposal or application. Unless and until such addressed, stamped envelopes are delivered, the proponent's application or proposal shall not be complete or otherwise delivered for purposes of Article VI(k) of the Tahoe Regional Planning Compact.

(d) Notice Of Application. Upon receipt of said addressed, stamped envelopes, the executive officer, or his designee, shall prepare and deposit therein a notice stating the name of the applicant, the location of the real property upon which the use or activity envisioned by the permit, proposal or application is to occur, as well as the nature of such use or activity. Such notice shall state that the particulars of the permit, proposal or application are on file in the Agency's office and that such particulars may be reviewed during office hours. Such notice shall advise the interested person of his opportunity to be heard pursuant to Subsection (e), below, and shall be deposited by
the executive officer, or his designee, in the United States Mail, first class with postage prepaid, addressed to the members of the class of persons whose real property interests may be significantly or substantially affected by the use or activity envisioned by the permit, proposal or application.

(e) Opportunity To Be Heard.

(I) With respect to a permit, proposal or application to be acted upon by the Agency's governing body, said notice shall state the date of the governing body meeting at which the permit, proposal or application is to be considered and shall be deposited in the mail at least ten (10) days prior to the date of such meeting, excluding the date thereof.

(II) With respect to a permit, proposal or application to be acted upon by the Agency staff, said notice shall require that written comments upon the permit, proposal or application be submitted to the Agency within fifteen (15) days after the date of such notice, which date shall be the date of mailing thereof. Such notice shall also state that no formal hearing will be held upon the permit, proposal or application, and that any response to written comments by the person so notified must be submitted to the staff by the proponent of the permit, proposal or application within five (5) days after receipt by the Agency staff of timely comments by such person.

(f) Notice Deemed Given Upon Mailing. Notice under this Section 7.19 shall be deemed given upon the date of deposit in the United States Mail, first class with postage prepaid, of the form of notice required by this section.

(g) Waiver Of Notice. Any notice required by this Section 7.19 may be waived orally at any meeting of the governing body of the Agency or by a writing indicating waiver filed with the Agency.

(h) Other Manner Of Notice. In the event the manner of notice otherwise required by this Section 7.19 is impracticable or unduly burdensome with respect to a particular permit, proposal or application, the governing body shall prescribe another manner of reasonable notice and opportunity to be heard therefor.
(i) Nonapplicability To Legislative Acts. The provisions of this Section 7.19 shall not apply to amendments of the Agency's regional plan or other actions taken by the Agency in its legislative capacity.

2. By repealing subsections (d) and (e) of Section 8.2 thereof and relettering remaining subsections accordingly.

3. By repealing Sections 8.6 and 8.7 thereof.

4. By amending present subsection (f) of Section 8.2 to read as follows:

"(f) The hearing before the governing body upon marina and variance applications, including preparation and delivery prior thereto of the staff summary and recommendation, shall be conducted in accordance with the Agency's otherwise applicable Rules and Regulations of Practice and Procedure."

5. By amending present subsection (g) of Section 8.2 to read as follows:

"(g) Where the decision upon the application is rendered by the Agency staff, said decision shall be final unless any person aggrieved thereby files a written notice of appeal with the Agency staff within ten (10) days of the date of decision, along with a $25.00 fee for processing the appellate proceeding. All appeals shall be to the governing body of the Agency, and, upon filing notice thereof, the decision of the staff, while constituting final action until disposition of the appeal, shall be automatically stayed and the matter placed on the next available agenda of the governing body for its consideration. The governing body may affirm, reverse or modify the decision below, and the hearing on appeal, including preparation and delivery prior thereto of the staff summary and recommendation, shall be conducted in accordance with the otherwise applicable Rules and Regulations of Practice and Procedure."
PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency this ______day of September, 1979, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENTEES:

JAMES HENRY, Chairman
Tahoe Regional Planning Agency
Tahoe Regional Planning Agency

Ordinance No. 79-

An emergency ordinance amending Ordinance No. 4, the Land Use Ordinance, of the Tahoe Regional Planning Agency, as amended, to modify project review procedures; simplifying such procedures by authorizing staff review and issuance of permits for certain projects; requiring administrative permits for public works projects; defining and requiring governing body review of "major public works projects"; providing an appeal procedure; providing for notice and opportunity to be heard in certain cases; and providing other matters properly relating thereto.

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that, as a result of lack of sufficient operating funds for the Agency, it is necessary to adopt this emergency ordinance simplifying project review procedures under the Land Use Ordinance. The Governing Body further finds that, absent said amendment effected by this ordinance, the Agency soon will be financially unable to maintain the staff necessary to conduct the level of project review otherwise required by said Land Use Ordinance. The Governing Body further finds that, as a result of recent case authority, the Agency may be constitutionally required to give notice and opportunity to be heard to owners of real property significantly or substantially affected by a use or activity authorized by a permit. The Governing Body further finds that an emergency exists for the foregoing reasons, that this ordinance is necessary to properly effectuate the Agency's regional plan and that it is in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.
Section 2.00 Amendment Adding Definition Of "Major" Public Works Projects

Section 3.00 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto the following definition:

"Major Public Works Projects - Public works projects determined by the Executive Officer of the Agency as having potentially major impact on the environment of the region or on the provision of regional public services in the region."

Section 3.00 Amendment Authorizing Staff Review Of And Action On Certain Projects And Providing For Notice And Opportunity To Be Heard In Certain Cases

Section 4.32 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

"4.32 Administrative permits and variance permits required pursuant to Section 4.10(2) and issued by the permit-issuing authority shall be subject to Agency review, and upon review of any such permit the Agency shall take final action, whether to approve, to require modification of or to reject such permit within sixty (60) days after such permit is delivered to the Agency. If the Agency does not take final action within sixty (60) days, the permit shall be deemed approved. [Provided, however,] Agency staff shall review and [shall] take action whether to approve, to require modification of or to reject the following administrative permits [required pursuant to Section 8.25], and the action of Agency staff shall be final in the absence, or until disposition, of any appeal[.]

(1) Permits for the uses, activities and structures referred to in subsections 3, 7, 8, 12, 17, 18, 20, 21, 26, 27, 29, 30, 32 and 35 of Section 7.12 and those in subsection 22 of said Section 7.12 not amounting to major public works projects;

(2) Permits required pursuant to Section 8.25; and
(3) Permits required pursuant to subsection 3 of Section 9.21.

The Governing Body shall take final action with respect to all other administrative permits and variances. Action by the Governing Body or Agency staff pursuant to this ordinance shall be after reasonable notice and opportunity to be heard are given to the owners of certain affected real property, other than the applicant, as required by the Agency's Rules and Regulations of Practice and Procedure. Agency staff shall post a written, public notice of all permits periodically approved by staff under this ordinance, posting to be at the principal office of the Agency and at two (2) other separate, prominent places within both the States of Nevada and California, and to occur no less frequently than twice each month at the times of posting of the agendas for the meetings of the Agency Governing Body and Advisory Planning Commission. Posting shall occur once for each such permit and shall include all such permits approved during the time from one posting until the next. An appeal from the determination of Agency staff may be made by an aggrieved party by lodging with Agency staff a written notice of appeal within ten (10) days of the date of determination. On appeal, the Agency Governing Body may affirm, reverse or modify the determination of Agency staff and such Governing Body action shall be final."

Section 4.00. Amendment Excluding Projects Receiving Staff Action From Projects Directly Reported To Governing Body

Section 4.34 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

"4.34 The permit-issuing authority shall notify the Agency of all permits issued by it for any construction or use within the Lake Tahoe region. All permits issued and reported to the Agency shall be reviewed by the Agency staff, and all permits required pursuant to
Section 4.10(2), other than those to be acted upon by Agency staff pursuant to Section 4.32, and appeals from determinations of Agency staff lodged pursuant to Section 4.32 shall be reported by the staff with staff recommendations to the Governing Body of the Agency for its review and action as provided in Section 4.32. The staff report and recommendations shall be available to the public at least five (5) days prior to the meeting [of] at which [the] any such permit [issued pursuant to Section 4.10(2)] or appeal is reviewed by the [Agency] Governing Body. Reference to the permit or appeal shall be made in the agenda of such meeting, and the applicant, appellant and other interested persons shall be afforded opportunity at such meeting to comment on the permit or appeal."

Section 5.00 Amendment Requiring Public Works Projects To Receive Administrative Permit

Subsection 22 of Section 7.12 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

"(22) Public works projects and public services."

Section 6.00 Effective Date

This ordinance shall become effective immediately.

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

AYES:
NAYS:
ABSTENTIONS:
ABSENTEES:

JAMES HENRY, Chairman
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 79-

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 5, THE GRADING ORDINANCE, OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED, TO MODIFY GRADING PERMIT PROCEDURES; PROVIDING FOR NOTICE AND OPPORTUNITY TO HEARD IN CERTAIN CASES; PROVIDING FOR PUBLIC NOTICE OF PERMITS ISSUED BY AGENCY STAFF; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that, as a result of recent case authority, the Agency may be constitutionally required to give notice and opportunity to be heard to owners of real property significantly or substantially affected by a use or activity authorized by a permit. The Governing Body further finds that it is necessary to provide for public notice of grading permits issued by Agency staff in order to be consistent with similar notice requirements to be adopted by emergency amendments to other Agency ordinances. The Governing Body further finds that an emergency exists for the foregoing reasons, that this ordinance is necessary to properly effectuate the Agency's regional plan and that it is in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00 Amendment Providing For Notice And Opportunity To Be Heard And Public Notice Of Permits Issued By Agency Staff

Subsection (4) of Section 4.22 of Ordinance No. 5 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

**Brackets indicate deletions.
Underscoring indicates new language.**
"(4) Agency staff shall review and shall take action whether to approve, to require modification or to reject administrative permits required pursuant to Sections 7.11, 7.12, 7.13 and 7.80 hereof. The Governing Body of the Agency shall take final action respecting all other administrative permits. Action by the Governing Body or Agency staff pursuant to this ordinance shall be after reasonable notice and opportunity to be heard are given to the owners of certain affected real property, other than the applicant, as required by the Agency's Rules and Regulations of Practice and Procedure. Agency staff shall post a written, public notice of all permits periodically approved by staff under this ordinance, posting to be at the principal office of the Agency and at two (2) other separate, prominent places within both the States of Nevada and California, and to occur no less frequently than twice each month at the times of posting of the agendas for the meetings of the Agency Governing Body and Advisory Planning Commission. Posting shall occur once for each such permit and shall include all such permits approved during the time from one posting until the next. An appeal from the determination of Agency staff may be made by any aggrieved party by lodging with Agency staff a written notice of appeal within ten (10) days of the date of determination. On appeal, the Agency Governing Body may affirm, reverse or modify the determination of Agency staff, and such Agency Governing Body action shall be final."

Section 3.00 Effective Date

This ordinance shall become effective immediately.

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

AYES

NAYS:

ABSTENTIONS:

ABSENTEES:

JAMES HENRY, Chairman
Tahoe Regional Planning Agency
**Brackets indicate deletions.  
Underscoring indicates new language.**

**TAHOE REGIONAL PLANNING AGENCY**

**ORDINANCE NO. 79**

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 76-3, THE SHOREZONE ORDINANCE, OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED, TO MODIFY SHOREZONE PROJECT REVIEW PROCEDURES; SIMPLIFYING SUCH PROCEDURES BY AUTHORIZING STAFF REVIEW AND ISSUANCE OF PERMITS FOR CERTAIN PROJECTS; CONTINUING APPEAL PROCEDURE; REQUIRING GOVERNING BODY REVIEW OF ALL MARINA APPLICATIONS; PROVIDING FOR NOTICE AND OPPORTUNITY TO BE HEARD IN CERTAIN CASES; MAKING TECHNICAL CHANGES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00  **Findings**

The Governing Body of the Tahoe Regional Planning Agency finds that, as a result of lack of sufficient operating funds for the Agency, it is necessary to adopt this emergency ordinance simplifying project review procedures under the Shorezone Ordinance. The Governing Body further finds that, absent said amendment effected by this ordinance, the Agency soon will be financially unable to maintain the staff necessary to conduct the level of project review otherwise required by said Shorezone Ordinance. The Governing Body further finds that, as a result of recent case authority, the Agency may be constitutionally required to give notice and opportunity to be heard to owners of real property significantly or substantially affected by a use or activity authorized by a permit. The Governing Body further finds that an emergency exists for the foregoing reasons, that this ordinance is necessary to properly effectuate the Agency's regional plan and that it is in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.
Section 2.00 Amendment Requiring Governing Body Review Of And Action On Marinas, Providing For Notice And Opportunity To Be Heard In Certain Cases, And Making Technical Changes

Section 4.51 of Ordinance No. 76-3 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

"4.51 The Governing Body of the Agency shall take final action respecting all [proposed new] marinas and variances. Agency staff shall review and [shall] take action whether to approve, to require modification of or to reject all other permits required pursuant to the provisions of this ordinance, and the action of Agency staff shall be final in the absence, or until disposition, of any appeal. Action by the Governing Body or Agency staff pursuant to this ordinance shall be after reasonable notice and opportunity to be heard are given to the owners of certain affected real property, other than the applicant, as required by the Agency's Rules and Regulations of Practice and Procedure. Agency staff shall post a written, public notice of all permits periodically approved by staff under this ordinance, posting to be at the principal office of the Agency and at two (2) other separate, prominent places within both the States of Nevada and California, and to occur no less frequently than twice each month at the times of posting of the agendas for the meetings of the Agency Governing Body and Advisory Planning Commission. Posting shall occur once for each such permit and shall include all such permits approved during the time from one posting until the next. An appeal from the determination of Agency staff may be made by any aggrieved party by lodging with Agency staff a written notice of appeal within ten (10) days of the date of determination. On appeal, the Agency Governing Body may affirm, reverse or modify the determination of Agency staff, and such [Agency] Governing Body action shall be final.

Section 3.00 Amendment Removing Requirement That Staff Action On Permit Application Occur At Public Meeting And Making Technical Changes

Section 4.53 of Ordinance No. 76-3 of the Tahoe Regional
Planning Agency, as amended, is hereby amended to read as follows:

"4.53 [Both staff and] Governing Body consideration of permits [requiring Agency action] and appeals from determinations of Agency staff lodged pursuant to Section 4.51 shall be conducted at meetings open to the public. Reports considered at said meetings shall be available to the public at a reasonable time prior to the meetings. The applicant, appellant and other interested persons shall be afforded opportunity at such meetings to comment on the proposed permit or appeal. Agency action on the proposed permit, including action by staff under Section 4.51, and disposition of any appeal shall be supported by appropriate findings setting forth the basis for the Agency action."

Section 4.00 Effective Date

This ordinance shall become effective immediately.

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

AYES:

NAYS:

ABSTENTIONS:

ABSENTEES:

JAMES HENRY, Chairman
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 79-

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 7, THE SUBDIVISION ORDINANCE, OF THE TAHOE REGIONAL PLANNING AGENCY, TO MODIFY SUBDIVISION REVIEW REQUIREMENTS AND PROCEDURES; EXCLUDING CONDOMINIUM PROJECTS OF FOUR (4) OR FEWER UNITS FROM THE DEFINITION OF "SUBDIVISION" AND THE REVIEW PROCESS; PROVIDING FOR NOTICE AND OPPORTUNITY TO BE HEARD IN CERTAIN CASES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00: Findings

The Governing Body of the Tahoe Regional Planning Agency finds that, as a result of lack of sufficient operating funds for the Agency, it is necessary to adopt this emergency ordinance excluding condominium projects of four (4) or fewer units from the definition of "subdivision" and the review process under the Subdivision Ordinance. The Governing Body further finds that, absent said amendment effected by this ordinance, the Agency soon will be financially unable to maintain the staff necessary to conduct the level of subdivision review otherwise required by said Subdivision Ordinance. The Governing Body further finds that, as a result of recent case authority, the Agency may be constitutionally required to give notice and opportunity to be heard to owners of real property significantly or substantially affected by a use or activity authorized by a permit. The Governing Body further finds that an emergency exists for the foregoing reasons, that this ordinance is necessary to properly effectuate the Agency's regional plan and that it is in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.
Section 2.00 Amendment Excluding Condominiums Of Four (4) Or Fewer Units From Definition Of "Subdivision"

Section 3.00 of Ordinance No. 7 of the Tahoe Regional Planning Agency is hereby amended by amending the definition of "subdivision" therein to read as follows:

"Subdivision -- Any real property, improved or unimproved, or a portion thereof, shown on the latest adopted tax roll of a local government as a unit or as contiguous units, which is divided for the purpose of use, sale, lease or financing, whether immediate or future, into [two] five (5) or more condominiums or into five (5) or more lots, or in which five (5) or more undivided interests are created or are proposed to be created."

Section 3.00 Amendment Providing For Notice And Opportunity To Be Heard In Certain Cases

Section 4.33 of Ordinance No. 7 of the Tahoe Regional Planning Agency is hereby amended to read as follows:

"4.33 The permit-issuing authority shall notify the Agency of all tentative maps approved by it for lands within the Lake Tahoe region. All such approvals reported to the Agency shall be reviewed by the Agency staff, and shall be reported by the staff with staff recommendations to the governing body of the Agency for its review and action as provided in Section 4.31. The staff report and recommendations shall be available to the public at least 5 days prior to the meeting at which the approval of the tentative map by the permit-issuing authority is reviewed by the Agency. Reference to the tentative map shall be made in the agenda of such meeting and the applicant and other interested persons shall be afforded opportunity at such meeting to comment on the tentative map. Action by the governing body of the Agency pursuant to this ordinance shall be after reasonable notice and opportunity to be heard are given to the owners of certain affected real property, other than the applicant, as required by the Agency's Rules and Regulations of Practice and Procedure."

Section 4.00 Effective Date

This ordinance shall become effective immediately.
PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held September ______, 1979, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENTEES:

JAMES HENRY, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

TO: Governing Body of the
Tahoe Regional Planning Agency

Attention: James J. Jordan
Executive Director

FROM: OWEN & ROLLSTON

RE: Authority to Regulate Frequency of Applications For
Regional Plan Amendments

DATE: September 18, 1979

At the August meeting of the Governing Body counsel was
requested to prepare a written opinion concerning the authority
of the Tahoe Regional Planning Agency ("TRPA") to regulate
the frequency of applications for regional plan amendments.
It has been suggested that TRPA consider regional plan
amendments quarterly or less frequently in order to more
adequately assess their cumulative impacts and other ramifi-
cations.

Language of the Tahoe Regional Planning Compact (NRS
277.200; Cal. Govt. Code § 66801) directly bearing upon this
subject is set forth in Article V(a):

"If a request is made for the amendment of the
regional plan by:

(1) A political subdivision a part of whose
territory would be affected by such amendment; or

(2) The owner or lessee of real property
which would be affected by such amendment,
the governing body shall complete its action on such amendment within 60 days after such request is delivered to the agency." (Emphasis added.)

Absent the foregoing, explicit provision, there is no question but what TRPA could reasonably regulate the times for submission and consideration of regional plan amendments. Such language, however, is unequivocal and appears statutorily designed to assure persons affected by regional plan amendments of expeditious consideration of requests therefor by the agency. Indeed, the only condition imposed by Article V(c), supra, upon TRPA's obligation to consider a request within 60 days is its delivery to the agency. Without question, TRPA may reasonably regulate, as it has in the past, the requisites for delivery of a complete request. We find considerable distinction, however, between the elements of a complete request and the timeliness of its delivery. Hence, we do not feel the agency could properly determine as "complete" only those applications delivered 60 or fewer days before the quarterly or less frequent date for consideration of regional plan amendments.

It is well settled that an administrative agency may not, by regulation, contravene the law establishing it and governing its operations. The principle was recently articulated by the California Court of Appeal in litigation involving the California Coastal Zone Commission.

While Article V(a) of the Tahoe Regional Planning Compact contains no "deemed approved" or other sanction similar to that in Article VI(k), the failure of the Governing Body to take timely action upon a request for amendment of the plan would subject it to suit to compel such action. This is not to say, however, that agency staff could not request applicants to defer submission of their proposals until a later date, but compliance with such requests, of course, would simply be a matter of courtesy.
Accordingly, it is our opinion that the Tahoe Regional Planning Agency has no authority under the Tahoe Regional Planning Compact to restrict the frequency of applications for amendments to the regional plan where restriction thereof would violate Article V(a) of the compact, set forth hereinabove.

Respectfully submitted,

OWEN & ROLLSTON

Gary A. Owen

GAO:kk
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 18, 1979

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Discussion and Resolution on Highway 50 Corridor Study

Pursuant to last month's discussion concerning this subject, attached is a copy of the action taken by the City of South Lake Tahoe and Douglas County. The resolution adopted by El Dorado County was not available at the time of the packet's preparation but will be made available at the Board meeting. These resolutions endorse the concept of the Highway 50 Corridor Study. Also attached is a redraft of a TRPA resolution for your consideration which hopefully incorporates the additions that you discussed last month.

At the September meeting, staff will provide a brief update on the continuing efforts in relationship to the Highway 50 corridor effort and will be prepared to discuss the proposed TRPA resolution.
CITY OF SOUTH LAKE TAHOE

RESOLUTION NO. 1979-83

A RESOLUTION OF THE CITY OF SOUTH LAKE TAHOE
SUPPORTING IN CONCEPT THE JHK HIGHWAY 50 CORRIDOR STUDY
AND AUTHORIZING PARTICIPATION IN
DISCUSSION CONCERNING ITS IMPLEMENTATION

WHEREAS, the City of South Lake Tahoe was instrumental in obtaining the completion of the JHK Highway 50 Corridor Study;

AND WHEREAS, said study has resulted in proposals for viable and realistic solutions to the transportation issues presently facing the Tahoe Basin;

AND WHEREAS, such study has resulted in formation of ad hoc committee to evaluate and make recommendations on implementation of transportation solutions;

AND WHEREAS, said ad hoc committee has designated Councilmember Laine as its chairperson;

AND WHEREAS, such proposals merit the fullest possible discussion between all interested and affected governmental agencies and private groups and individuals;

AND WHEREAS, the City of South Lake Tahoe wishes to formally express its interest in pursuing the goals and objectives of the JHK study;

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Council of the City of South Lake Tahoe hereby adopts, in concept, the proposals contained in the JHK study and authorizes Councilmembers Laine and Trupp to represent the City to the ad hoc task force formed to consider the study and to take whatever steps they may deem appropriate to obtain the fullest possible discussion of the JHK study among interested and affected agencies and further to obtain from such agencies commitment to proceed with implementation of the mutual agreeable portions of said study. This resolution does not, however, authorize the expenditure of, nor commit the Council to the expenditure of any public funds for such implementation until review and approval by the City Council as a whole of any and all such implementation measures.

PASSED AND ADOPTED by the City Council of the City of South Lake Tahoe on July 17, 1979 by the following
vote:

AYES: Councilmembers CEFALU, HUBBELL, LAINE, & TRUPP

NOES: Councilmembers NONE

ABSENT: Councilmembers WOODS

John Cefalu
Mayor Pro Tem

ATTEST:

Evelyn Kikerson
City Clerk

(CITY CLERK)
RESOLUTION NO. 79-49

ENDORsing THE CONCEPT OF THE
HIGHWAY 50 CORRIDOR STUDY

WHEREAS, the Board of Douglas County Commissioners is desirous of continuing participation in mutual efforts to alleviate transportation problems at Lake Tahoe and

WHEREAS, Douglas County has already demonstrated a vital concern in transportation planning and implementation with the construction of the loop road and private enterprises in Douglas County have implemented in part the CMT recommendations of the study and

WHEREAS, the JHK study recognized the need to further develop the loop road as a short term element of the transportation planning process for the Highway 50 and

WHEREAS, the study presents a range of alternatives directed at improving the movement of persons within this portion of the Lake Tahoe Basin involving both government and private enterprise.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Commissioners endorses the concept of near term presented in the study and recognizes the need to further study alternatives acceptable to the residents and visitors of the South Tahoe portions of the Basin for the long term.
ADOPTED this 2nd day of August, 1979 by the following vote:

AYES: Commissioners

Garry Stone

Harold Dayton

Daniel Hickey

Eugene Osborne

NAYS: Commissioner

ABSENT: Commissioner

KENNETH KJER, Chairman
DOUGLAS COUNTY BOARD OF COMMISSIONERS

ATTEST:

YVONNE BERNARD, Clerk
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION NO. 79-

A RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY RECOGNIZING THE CONCEPTS EMBODIED IN THE DOCUMENT ENTITLED "FINAL REPORT, HIGHWAY 50 CORRIDOR STUDY IN THE SOUTH LAKE TAHOE AREA" DATED JUNE, 1979 PREPARED BY JHK AND ASSOCIATES

WHEREAS, the Highway 50 Corridor in the South Lake Tahoe area has continued to experience transportation problems; and

WHEREAS mutually-agreed-upon solutions to the problems have been difficult to develop or implement; and

WHEREAS, within the past year all agencies with responsibility for planning and implementing solutions to the problems put aside their respective differences and developed a program for taking an objective review of the problems in the corridor as a basis for recommending both short-range and long-range transportation improvements; and

WHEREAS the document entitled "Final Report, Highway 50 Corridor Study in the South Lake Tahoe Area" dated June, 1979, prepared by JHK and Associates for all agencies with responsibility for planning and implementing solutions set forth concepts for solving the problems in the Corridor;

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Tahoe Regional Planning Agency recognizes the findings and recommendations contained in the above-referenced document which have been supported by Douglas County, El Dorado County, and the City of South Lake Tahoe and will use said document as a guideline for solving the problems in the Corridor; and

BE IT FURTHER RESOLVED that the Agency will continue with its efforts to achieve implementation of acceptable, workable solutions to the problems in the Corridor.

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at its regular meeting held on September 26, 1979, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Chairman Jim Henry
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 18, 1979

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Shorezone Ordinance Status Report

Background

Shortly after the adoption of the Shoreline Ordinance in 1972, it was decided that this ordinance would require substantial modification to be successfully implemented. There followed a period of moratorium on shorezone projects until July, 1976 when the new TRPA Shorezone Ordinance went into effect. At the time of adoption in 1976, there were some unanswered questions in regard to the future performance and impacts of the ordinance; therefore, the Governing Board directed the staff to follow up the adoption of the ordinance with a status report assessing the performance of the newly adopted Shorezone Ordinance.

Shorezone Assessment

In 1977, Phillips Brandt Reddick McDonald & Grefe, Inc. completed The Cumulative Impact of Shorezone Development at Lake Tahoe. This study, based on the 1976 TRPA Shorezone Ordinance evaluated the impacts of development in the shorezone of Lake Tahoe. The study could not document that a buildup of the shorezone under the TRPA ordinance would have any major adverse impacts, although there were some unanswered questions in regards to some cumulative impacts in specific circumstances. Also a major issue not resolved by the study was that of establishing specific "thresholds" for number, size and types of structures.

Administration of the Shorezone Ordinance

Since July of 1976, the TRPA has utilized two staff members to administer the Shorezone Ordinance. This process requires full project review procedures and a monthly shorezone hearing, a process very similar to the Governing Board review process. Since the implementation of the ordinance, TRPA has reviewed the following projects with the indicated results:

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Problem Areas

At the Governing Board's direction, staff has prepared the following evaluation highlighting the problem areas staff has discovered in three years of working with the ordinance. Also staff has requested comments from those parties both private and public who work with the ordinance on a daily basis. Only Tahoe Shorezone Representation replied in detail and their comments have been enclosed in the Board's packet.

Repairs on Nonconforming Structures - The ordinance is not clear on what repairs can be made on structures that do not meet the standards of the ordinance. It has been staff's policy to permit minor maintenance but not structural repairs on nonconforming structures. Generally, structural repairs on irregularly shaped piers, rock cribs, boat houses, etc. require the removal of the structure in question since it would have to be totally rebuilt to meet the TRPA standards. Since the ordinance requires the removal of all nonconforming structures in 1999, staff does have a concern over the amount of repairs that should be permitted. The Land Use Ordinance uses a 20% of replacement cost and no structural work as a guideline on nonconforming structures. Recent flights along the shoreline indicate there has been extensive unauthorized repair on nonconforming structures, particularly in Placer County.

Fences - There are no standards for fences below high water in the ordinance. It is staff's interpretation of recent Governing Board action that fences are to be discouraged unless there is a public benefit.

Backshore Construction - The ordinance requires review only when 200 square feet of land coverage is created. Review of extensive grading or soil disturbance is not required. Also, the issue of littoral parcel could exempt many backshore construction projects from review since review is keyed to littoral parcels.

Unauthorized Structures - The ordinance requires all structures to have the permits required at the time of their construction or repair. If not, they are unauthorized. In the past, staff and the Governing Board have had difficulty establishing if some structures do have all the required permits and most importantly is the structure grandfathered or does it have to be brought into conformance.

Houseboats - The ordinance prohibits houseboats on the Lake and defines houseboats as follows:

"A barge-like boat fitted for use primarily as a floating dwelling."

At present staff is aware of people living in cabin cruiser type boats for extended periods of time. A cabin cruiser does not fall under the definition of a houseboat. On the other hand, staff has been required by the ordinance to direct people who have houseboat type of craft to remove them even though they do not use them for residential purposes.
Littoral Parcel - The ordinance limits only the owners of littoral parcels to make application for piers, buoys, etc. The problem arises when a property owner's parcel does not abut but is very close with a narrow strip of land between the parcel and high water. The Agency is often asked to approve projects and in essence to determine ownership or planning policy for these narrow strips of land. Some of these problems have been resolved by Placer County identifying and completing a plan for narrow strips of land owned by the County. (This is primarily a Placer County issue.)

Shorezone Plan - Although many elements of the plan are incorporated into the ordinance, there has been very little coordination between the plan's recommendations and the implementation of the ordinance. Conflict resolutions have generally been in favor of other considerations.

Dimensions Standards - The maximum width and height standard is causing enforcement problems on piers that have recently added low level boat hoists without TRPA approval. Also, the height standard and the nonconforming status of boathouses is vague.

Standard Conflicts - There are certain ordinance standards, i.e. setbacks, speed limits, rail heights, etc. that conflict with other established standards.

Buoys - These structures are quite numerous throughout the Lake and the Agency has difficulty getting all these structures under permit. A review problem has been the ordinance sets no standards as to the number permitted by an applicant. The buoy marking program has not been implemented which causes an identification problem.

Pierhead Line - Most of the problems with the pierhead line have been recently resolved by the Board's identification of the correct pierhead line and the concepts which it represents. The major conflict is in shelf areas where the applicant desires a deep water pier.

Prime Fish and Aquatic Habitat - The Fish and Game Departments from both states have recommended denial of any structures to be located in areas designated prime fish and aquatic habitat. This request is based on generalized information and a concern for the fishing public (particularly top line trollers). TRPA staff has weighed these concerns with other evidence and has taken the position that unless the Fish and Game Departments could give specific evidence that a proposed project would have adverse impacts on the habitat or significant impacts on recreational fishing the project would not be denied on the generalized request.
RECOMMENDED CHANGES IN THE TRPA SHOREZONE ORDINANCE

BASIC ISSUES

The recommended changes address the following basic issues:

1. The need to correctly distinguish the TAHOE RESERVOIR from the NATURAL LAKE TAHOE which lies beneath it.

2. The need to limit the BACKSHORE to the land-water interface and minimize the present conflicts which arise from overlapping Land Use and Shorezone Ordinance provisions.

3. The need to clarify the meaning of SUPERSTRUCTURE to avoid wasteful debates about accessory structures such as flag poles.

4. The need to require technical honesty and equity in the use of FISH SPAWNING AND AQUATIC HABITATS as reasons for permit denial.

5. The need to establish an historical "cut-off" date in the labeling of UNAUTHORIZED STRUCTURES on the sole basis of having failed to obtain all permits required at the time of construction.

6. The need to provide a practical method for identifying the PIERHEAD LINE.

7. The need to establish the SHOREZONE PLAN as a guideline document instead of being a mandated regulation on the basis of having been incorporated into the Shorezone Ordinance by reference.

The following specific changes would recognize the foregoing issues.
TSR RECOMMENDED CHANGES IN
THE TRPA SHOREZONE ORDINANCE

August 15, 1979

Pg. 2 Sec. 2.40 Add "and reservoirs" after "lakes" in the first sentence.

Pg. 3 Sec. 3.00 BACKSHORE - Delete present definition, substitute:

"Land lying contiguous to the shoreline above the high water elevation and extending normal to the shoreline for a lateral distance of twenty five (25) feet, or ten (10) feet landward from the top of banks subject to erosion by lake or reservoir waters, whichever is the greater distance."

BARRIER - Add "or reservoir" after "lake".

BOAT LAUNCHING FACILITY - Add ", and which is accessory to the permitted structure." to the end of the definition.

DREDGING - Add "or reservoir" after "lake".

EXISTING STRUCTURES OR ALTERATIONS - Add ", or where constructed prior to December, 1968;" after after "permits" in the second sentence.

Pg. 4 Sec. 3.00 FISH SPAWNING AREAS, FISH AND AQUATIC HABITATS - Delete "containing" and substitute "covered by lake waters that are found to contain"

FORESHORE - Delete present definition, substitute:

"Land lying between the mean low water and the mean high water, being that area covered by Tahoe Reservoir waters between Elevation 6,223.0 and 6,229.1 Lake Tahoe Datum."

HOUSEBOAT - Delete present definition, substitute:

"A craft used primarily as a floating dwelling."

JETTY OR GROIN - Delete "currents and"
TSR RECOMMENDED CHANGES IN
THE TRPA SHOREZONE ORDINANCE

August 15, 1979

Pg. 4 Sec. 3.00
MOORING BUOY - Add "permanent" after "bottom".
NAVIGABLE WATER - Add "Lake" at the beginning.

Pg. 5 Sec. 3.00
NEARSHORE - Delete "Lake Tahoe" where it first appears in the definition, and substitute "the Tahoe Reservoir".

PIERHEAD LINE - Delete the present definition and substitute "A line representing elevation 6,219, Lake Tahoe Datum, or three hundred and fifty (350) feet from the shoreline, whichever is less."

SHORELINE - Delete "lake" where it first appears, and substitute "Tahoe Reservoir".

SUPERSTRUCTURE - Delete "(other than a handrail)" and substitute ", excepting minor accessory structures such as handrails and flagpoles,"

Pg. 6 Sec. 4.11 (2) Increase $ 500 to $ 1,000.

(3) Add "in excess of $ 500."

(4) Increase $ 500 to $ 1,000.

(10) Add ", excluding minor accessory structures."

Pg. 7 Sec. 4.31
In the last sentence, delete "there is evidence", and substitute "it is found".

Pg. 8 Sec. 4.42 (2) Delete "poses substantial environmental hazards as determined by Agency staff", and substitute "is found to pose substantial environmental hazards."

Pg. 10 Sec. 6.10
In the third sentence, delete "incorporated herein by this reference", and substitute "referenced as development guidelines."

Pg. 10 Sec. 6.22 (1) (c) - Delete the entire (1) section and change (2) and (3) to (1) and (2).
Pg. 10 Sec. 6.23 (6) Delete "(other than a handrail)", and Add "or new minor accessory structure" immediately behind "structure" and before ", no structure . . ."

Pg. 18 Sec. 7.26 (1) Delete the first sentence.

(2) Delete "or as specified by Corps of Engineers regulations." in the last sentence, and substitute "of the Tahoe Reservoir."

Pg. 19 Sec. 7.26 (3) Delete "high water elevation" and substitute "low water elevation of the Tahoe Reservoir."

(3) (c) Delete everything after "Piers shall not extend beyond", and substitute "the pierhead line."

Pg. 20 ADD "Section 8.00 Jetties and Breakwaters"

Pg. 21 Sec. 9.22 Delete (1) and (2), and change (3) to (1).

Pg. 23 Sec. 11.30 Add ", or navigational safety." to the sentence.

Sec. 11.40 Add "except at those locations where such deposition is found to be beneficial to existing shorezone conditions, uses and water quality and clarity."

Sec. 12.20 Add "or reservoir." to the sentence.

Pg. 24 Sec. 15.10 Delete everything after "(200) square feet."

Pg. 25 Sec. 16.10 Add "or reservoir waters" after "lake."

Sec. 16.50 Delete "has" in the third line of the first paragraph, and substitute "is found to have".

Pg. 26 Sec. 16.50 Delete "has" in the second line of the last paragraph, and substitute "is found to have".
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 17, 1979

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Ken Jones Appeal of Staff Determination

The applicant owns a parcel in Zephyr Cove with existing impervious land coverage which exceeds the amount allowed within the land capability district in which the parcel is located as provided under Section 6.20 of the Land Use Ordinance. The subject parcel is classified as land capability district 1, allowing 1% impervious surface coverage.

The existing use consists of several structures and associated parking. The existing use may be continued and repairs and reconstruction may take place under the provisions of Section 9.21 of the Land Use Ordinance. However, Mr. Jones seeks to create new parcels so that portions of the existing parcel could be conveyed under new ownership. Since the newly created parcels would each have land coverage greater than that allowed under the land capability system, the proposed parceling would create nonconforming parcels. Section 9.30 of the Land Use Ordinance prohibits creation of parcels which exceed the applicable land coverage limitations.

Agency staff reviewed the proposed parcel map and informed the applicant that it would violate Section 9.30 of the Land Use Ordinance. The applicant is appealing the staff’s determination.
EXPENSES BY QUARTER

FIRST QUARTER
July 1, 1979 through September 30, 1979

Statement of Expenses for July 1, 1979 through August 31, 1979 (66% of Quarter).

<table>
<thead>
<tr>
<th>Category</th>
<th>Budgeted Amount</th>
<th>Amount Expended</th>
<th>Relationship Between Expended Amount and the Budgeted Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Salaries *</td>
<td>$44,476</td>
<td>$37,142.30</td>
<td>85.5 %</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>6,571</td>
<td>3,700.08</td>
<td>56.3 %</td>
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<tr>
<td>Legal Notices</td>
<td>429</td>
<td>116.33</td>
<td>27.1 %</td>
</tr>
<tr>
<td>Repairs/Maintenance</td>
<td>300</td>
<td>184.00</td>
<td>61.3 %</td>
</tr>
<tr>
<td>Office Supplies</td>
<td>1,320</td>
<td>948.38</td>
<td>71.8 %</td>
</tr>
<tr>
<td>Publications</td>
<td>-0-</td>
<td>-0-</td>
<td>-0- %</td>
</tr>
<tr>
<td>Communications</td>
<td>1,650</td>
<td>1,125.80</td>
<td>68.2 %</td>
</tr>
<tr>
<td>Postage</td>
<td>990</td>
<td>602.45</td>
<td>60.9 %</td>
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<tr>
<td>Travel Expense</td>
<td>165</td>
<td>13.54</td>
<td>8.2 %</td>
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<tr>
<td>Auto Maintenance</td>
<td>528</td>
<td>820.48</td>
<td>155.4 %</td>
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<tr>
<td>Insurance</td>
<td>3,696</td>
<td>3,996.00</td>
<td>108.1 %</td>
</tr>
<tr>
<td>Building Expenses</td>
<td>11,216</td>
<td>10,736.46</td>
<td>93.7 %</td>
</tr>
<tr>
<td>Office Equipment Rent</td>
<td>1,591</td>
<td>1,141.58</td>
<td>71.6 %</td>
</tr>
<tr>
<td>Auditing Services</td>
<td>2,700</td>
<td>-0-</td>
<td>-0- %</td>
</tr>
<tr>
<td>Reproduction/Printing</td>
<td>825</td>
<td>310.44</td>
<td>37.6 %</td>
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<td>Equipment Purchases</td>
<td>395</td>
<td>394.20</td>
<td>99.8 %</td>
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<td>Contractual Labor</td>
<td>-0-</td>
<td>-0-</td>
<td>-0- %</td>
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<tr>
<td>Legal Services</td>
<td>23,100</td>
<td>11,649.38</td>
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<td>Inspection Fees</td>
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<td>-0- %</td>
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<td>Miscellaneous Expenses</td>
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<td>-0- %</td>
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<td>Consulting Services</td>
<td>480</td>
<td>-0-</td>
<td>-0- %</td>
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<tr>
<td>Termination Pay*</td>
<td>11,116</td>
<td>-0-</td>
<td>-0- %</td>
</tr>
</tbody>
</table>

TOTAL                                | $111,548         | $72,881.42      | 65.3 %                                                      |

*Combined budget amount for staff salaries and termination pay for quarter is $55,592.
$37,143.30 has been expended to date in both categories which is 66.8% of budgeted amount.
# Tahoe Regional Planning Agency

**ALL PROGRAMS BUDGETED FOR FISCAL YEAR 1979-80**

**STATEMENT OF REVENUE AND EXPENSES FROM JULY 1, 1979 THROUGH August 31, 1979**

Percentage of Fiscal Year Completed: 17%

<table>
<thead>
<tr>
<th>REVENUE:</th>
<th>Budgeted Revenue &amp; Expenses</th>
<th>Actual Revenue &amp; Expenses Thru 8-31-79</th>
<th>Actual In Proportion To Budgeted</th>
<th>Actual (Over)/Under Budgeted</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Nevada</td>
<td>$ 50,000</td>
<td>$ 50,000.00</td>
<td>100 %</td>
<td>$ -0-</td>
</tr>
<tr>
<td>Carson City</td>
<td>13</td>
<td>13.49</td>
<td>103</td>
<td>(49)</td>
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<tr>
<td>Douglas County</td>
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<td>-0-</td>
<td>24,985.00</td>
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<tr>
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<td>-0-</td>
<td>60,661.00</td>
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<tr>
<td>Placer County</td>
<td>34,592</td>
<td>17,300.00</td>
<td>50</td>
<td>17,292.00</td>
</tr>
<tr>
<td>Washoe County</td>
<td>29,749</td>
<td>29,748.96</td>
<td>100</td>
<td>29,748.96</td>
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<tr>
<td>Filing Fee Income</td>
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<td>6,430.00</td>
<td>43</td>
<td>8,570.00</td>
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<td>Investment Income</td>
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<td>391.90</td>
<td>39</td>
<td>2,000.00</td>
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<tr>
<td>Sales/Printed Matter</td>
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<td>391.90</td>
<td>39</td>
<td>608.10</td>
</tr>
<tr>
<td>Miscellaneous Income</td>
<td>2,000</td>
<td>13.48</td>
<td>1</td>
<td>1,986.52</td>
</tr>
<tr>
<td>Fund Bal. as of 7/1/79</td>
<td>80,940</td>
<td>78,572.00</td>
<td>97</td>
<td>2,368.00</td>
</tr>
<tr>
<td>C.E.T.A.</td>
<td>19,394</td>
<td>7,046.38</td>
<td>36</td>
<td>12,347.62</td>
</tr>
</tbody>
</table>

**TOTAL REVENUE**

$320,334

$189,516.21

$130,817.79

**EXPENSES:**

<table>
<thead>
<tr>
<th>Budgeted</th>
<th>Actual</th>
<th>Percent</th>
<th>Over/Under</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Salaries</td>
<td>$128,411</td>
<td>$37,142.30</td>
<td>29</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>19,169</td>
<td>3,700.08</td>
<td>19</td>
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<tr>
<td>Legal Notices</td>
<td>1,300</td>
<td>116.33</td>
<td>9</td>
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<tr>
<td>Repairs/Maintenance</td>
<td>1,200</td>
<td>184.00</td>
<td>15</td>
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<tr>
<td>Office Supplies</td>
<td>4,000</td>
<td>948.38</td>
<td>24</td>
</tr>
<tr>
<td>Publications</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Communications</td>
<td>5,000</td>
<td>1,125.80</td>
<td>23</td>
</tr>
<tr>
<td>Postage</td>
<td>3,000</td>
<td>602.45</td>
<td>20</td>
</tr>
<tr>
<td>Travel Expenses</td>
<td>500</td>
<td>13.54</td>
<td>3</td>
</tr>
<tr>
<td>Auto Maintenance</td>
<td>1,600</td>
<td>820.48</td>
<td>51</td>
</tr>
<tr>
<td>Insurance</td>
<td>4,066</td>
<td>3,996.00</td>
<td>98</td>
</tr>
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<td>Building Expenses</td>
<td>32,933</td>
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<td>33</td>
</tr>
<tr>
<td>Office Equip. Rent</td>
<td>3,917</td>
<td>1,141.58</td>
<td>29</td>
</tr>
<tr>
<td>Auditing Services</td>
<td>3,000</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Reproduction/Printing</td>
<td>2,500</td>
<td>310.44</td>
<td>12</td>
</tr>
<tr>
<td>Equipment Purchases</td>
<td>1,577</td>
<td>394.20</td>
<td>25</td>
</tr>
<tr>
<td>Contractual Labor</td>
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<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Legal Services</td>
<td>70,000</td>
<td>11,649.38</td>
<td>12</td>
</tr>
<tr>
<td>Inspection Fees</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Miscel. Expenses</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Consulting Services</td>
<td>1,680</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Termination Pay</td>
<td>18,719</td>
<td>Included in Staff Salaries Above</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL EXPENSES**

$302,572

$72,881.42

$210,690.66

*Received $2,435.76 from Caltrans for the JHK & Associates Transportation Study and $2,072.73 was expended to JHK.
MEMORANDUM

DATE: September 17, 1979

TO: The TRPA Governing Body

FROM: Tom Stewart

SUBJECT: Agenda Item XI G. 1.

Attached is a resolution which was drafted along the lines of the Board's discussion in August regarding a request for a Congressional hearing on Tahoe issues.
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 79-

RESOLUTION CALLING FOR A CONGRESSIONAL HEARING ON
LAKE TAHOE

WHEREAS in 1969, Congress ratified a compact between the States of
California and Nevada as Public Law 91-148, the Tahoe Regional Planning Compact; and

WHEREAS said compact appoints a Presidential appointee to sit on the
Tahoe Regional Planning Agency established by said compact; and

WHEREAS the Federal interest in the Tahoe Basin is further exhibited
by the United States Forest Service's management of 65 percent of the Tahoe
Basin lands; and

WHEREAS additional Federal interest in the Tahoe Basin is proposed
through the establishment of a National Scenic Area; and

WHEREAS local and state levels of government, as well as residents,
property owners, and the general public, are imminently involved in the use
and management of the Basin; and

WHEREAS the Tahoe Basin faces opportunities as well as problems which
the Tahoe Regional Planning Agency was originally instituted to deal with; and

WHEREAS if a National Scenic Area were established it would be
confronted with the same opportunities and problems; and

WHEREAS there has been no recent opportunity for local and state
officials, residents, property owners, and the general public to voice their opinions
to the United States Congress concerning the management of the Tahoe Basin;

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Tahoe
Regional Planning Agency does request the United States Congress to hold a
public hearing on all matters pertaining to Lake Tahoe prior to initiation of any
legislative actions related to the Tahoe Basin; and

BE IT FURTHER RESOLVED that said hearing be conducted in the Tahoe
Basin to provide for a full and complete airing of all points of view concerning
Lake Tahoe.

PASSED and ADOPTED by the Governing Body of the Tahoe Regional
Planning Agency at its regular meeting held on September 26, 1979, by the
following vote:

Ayes:

Nays:

Abstain:

Absent:

Chairman Jim Henry
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 79-

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

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

Section 1.00 Findings

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

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

Section 2.00 Additions to Section 3.00, The Definitions Section

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

— "On-Premise Signs —

A sign advertising or otherwise relating to any business product or activity being conducted or produced on the lot or parcel on which the sign is located or a sign advertising a business or activity being conducted within an integrated commercial complex and located on property within that commercial complex. Permitted on-premise signs shall not exceed the height limits established
"Political Signs -" A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

Section 3.00 Prohibition Upon Attachment of Signs to Vegetation and Regulation of Height of Permitted Signs

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

"Section 4.00 Prohibited Signs and Height of Permitted Signs

4.10 Prohibition Upon Off-Premise Signs

Except as otherwise provided in Section 10.00, all off-premise signs are prohibited within the Region.

4.20 Prohibition Upon Attachment of Signs to Vegetation

No sign shall be attached to any tree or other natural vegetation within the Region.

4.30 Height of Permitted Signs

No permitted on-premise sign or sign excluded from the definition of "off-premise sign" shall, except as otherwise provided in said Section 7.13, exceed the limitations upon height set forth in Section 7.13 of the Land Use Ordinance of the agency for the land use district in which the sign is or is to be located."

Section 4.00 Addition of Section 10.00 Permitting Political Signs

There is hereby added to said Ordinance No. 24 new Section 10.00 reading as follows:

"Section 10.00 Political Signs

Notwithstanding any other provision of this ordinance, political signs are permitted subject to the following requirements:

(1) No sign shall be placed or erected on any premises within the Region without the consent of the owner or occupant of such premises.
(2) No sign shall be placed or erected more than twenty-one (21) days prior to the date of the election to which such sign relates except as provided in Section 10.00(3).

(3) Except as otherwise provided in this section, a political sign shall be removed within seven (7) days after the date of the election to which the sign relates. In the event a primary election occurs sixty (60) or fewer days prior to a general election, a candidate successful in said primary may maintain a political sign until seven (7) days after the date of the general election. The owner or occupant of the premises on which a political sign is placed or erected shall timely remove such sign; provided, however, that the timely removal of any such sign placed or erected on any premises without the consent of the owner or occupant thereof shall be the responsibility of both the person placing or erecting such sign and such owner or occupant.

(4) A political sign shall not exceed twelve (12) square feet in total sign face area."

Section 5.00 Effective Date

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

FIRST READING:

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

______________________________
Chairman