NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on April 9, 1980 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 Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: April 1, 1980

By: Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PUBLIC HEARING

 General Plan Amendment to Reclassify 1,877 Acres (Sun Tree Villas)

 Located at the Northeast Corner of Northwood and Fairway Boulevards
 In Incline Village, Washoe County, from General Commercial to High Density
 Residential (Property Owned by E. Stevenson and P. Barnes)

 V PUBLIC WORKS

 A. Incline Village/Crystal Bay Visitor and Convention Bureau,
 Incline Village Community Center and Pool Complex, and Building
 Height Variance, Washoe County

 B. Sierra Pacific Power, 60-120 KV Line Rebuild, Truckee to
 Kings Beach, Placer County

 C. Douglas County Sewer Improvement District No. 1, Wastewater
 Treatment Plant Improvements

 VI PLANNING MATTERS

 A. Land Use and Subdivision Ordinance Amendments Relating
 to a High Density Apartment Land Use District, Timesharing,
 and Condominium Conversions

 B. Status Report on the 208 Plan

 VII REPORTS

 A. Public Interest Comments

 B. APC Members

 VIII RESOLUTIONS

 IX CORRESPONDENCE

 X PENDING MATTERS

 XI ADJOURNMENT
Sun Tree Villas
General Plan Amendment
General Commercial to
High Density Residential
Washoe County

Location and Description

The applicant, Russ Zito, is requesting approval of a change of land use from General Commercial to High Density Residential in conjunction with a condominium project located on the northwest corner of Northwood and Fairway Boulevards in Incline Village. This project proposes a 18 unit condominium project on a 1.9 acre parcel (Washoe County Assessor Parcel No. 124-163-05). The proposed project would consist of condominium units at a density of 10 units per acre.

Land Use

The property is currently classified as General Commercial and would not allow any residential uses. Allowed uses would be commercial in orientation such as restaurants, offices, or a small commercial facility. General commercial allows up to 70% land coverage. The proposed amendment to High Density Residential (HDR) would allow both residential and professional office uses but not commercial uses. The maximum allowable land coverage in HDR is 50%.

Land Capability

The property is classified as IsC, Inville stony coarse sandy loam, 2 to 9% slopes, land capability level 6. The site slopes to the south at approximately 6%. There are no identified stream channels on the property.

Surrounding Uses

This project is proposed in an area that has existing single and multiple family residences, interval ownership condominiums, and the Incline Village championship golf course. The proposed Third Creek Inn and Condominiums are located across Northwood Boulevard from the project. The golf course and approved pool site are across Fairway from the site. There is a small commercial operation located adjacent to this site to the west. If this General Plan amendment is approved, it will leave a small pocket of remaining General Commercial that contains an existing commercial establishment. There is also the possibility that Club Tahoe may seek a land use classification change if the Agency takes formal action regarding restriction of interval ownership to commercial use districts.

This property could provide a location for either a small commercial project or a restaurant. It is the last vacant piece of commercial land in the immediate area. The following impact analysis indicates that a commercial restaurant operation would have the greatest impact upon this area.

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Impacts

This requested amendment would change the classification of this property from General Commercial to HDR. This would have the effect of changing the allowable uses from commercial to primarily residential.

Water - In evaluating this proposal's effect on water supply and availability, staff has developed the following table. Water use from multi-family residences is estimated using IVGID's January, 1980 water use analysis. Potential commercial water use is generated from IVGID's January report and compares with existing commercial uses. Two existing Incline Village water users, a small commercial complex and a restaurant were used for partial comparison. This was necessary because IVGID estimates commercial water use based on past use levels for different diameters of service line. The District estimates that a 1.9 acre commercial site would be serviced with a 1-1/2" water line.

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Use</th>
<th>Water Use AF Annually</th>
<th>Sewage Generation GPD</th>
<th>Sewage Generation AF Annually</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing GC</td>
<td>150 seat restaurant</td>
<td>5.8</td>
<td>4,363</td>
<td>4.9</td>
</tr>
<tr>
<td>Zoning</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GC</td>
<td>Small commercial complex</td>
<td>1.5</td>
<td>1,130</td>
<td>1.27</td>
</tr>
<tr>
<td>GC</td>
<td>IVGID estimate</td>
<td>1.4</td>
<td>1,060</td>
<td>1.19</td>
</tr>
<tr>
<td>Proposed HDR</td>
<td>19 unit condominium</td>
<td>2.85</td>
<td>2,153</td>
<td>2.42</td>
</tr>
</tbody>
</table>

GPD - gallons per day
AF - acre feet

1  Stanley's Restaurant - 60 seat capacity (2.23 AF year x 2.5) = 5.57 AF
Chart House - 200 seat capacity (8.25 AF year x .75) = 6.18 AF
Clement's Analysis - 140 seat capacity (5.5 AF year x 1.07) = 5.88 AF

2  Small commercial complex in Incline Village contains 7-11, theater, clothing store, butcher shop and two professional offices on 1 acre parcel, 1.1 AF per year

3  Use 1-1/2" line for 1.9 acre parcel @ 455,000 gal/yr.

4  IVGID report: multiple family @ .15 AF/yr in area 5

This table indicates that a 19 unit condominium will use more water than a low water consumptive commercial complex but would use substantially less water than a restaurant on the site.

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Sun Tree Villas
General Plan Amendment
Page Three

Sewer - The existing plant has the capacity to handle sewage inputs from any of these projects. A restaurant would make the greatest incremental additions to sewage flows. Approximately 85% of water intake is used to derive sewage flows. The above table displays anticipated sewage flows.

Traffic - These impacts were evaluated based upon projected generation from a 20,000 square foot commercial project, a 7,000 square foot restaurant, and a 19 unit condominium project. This information is shown on the following table. A commercial project will generate 115 vehicle trips per 1,000 square feet of gross, leasable area. A restaurant is anticipated to generate 223 vehicle trips per 1,000 square feet. A condominium project will generate 7 vehicle trips per unit.


Of the three uses analyzed, the residential use will have the least impact upon traffic generation. The other uses will have a substantial negative impact on Village Boulevard traffic flows which already experience periods of F service levels during afternoons of the peak month.

Environmental - This General Plan amendment will reduce the amount of allowable land coverage from 70 to 50%. This will reduce the area of disturbance and provide for retention of more of the existing characteristics. Approval of this amendment would necessitate the approval of a specific development plan of more than 4 units. Review of this project will provide TRPA the opportunity to insure the design and placement of adequate erosion and drainage control devices. The preceding impact analyses indicate that a residential use will create less traffic and air quality problems.

Visual - The General Plan amendment will reduce the allowable height from 40 to 35 feet. Land coverage will also be reduced. The preliminary plans for the project show the proposed buildings being located off of the street with the retention of trees for visual screening.

Subregional - This amendment will reduce the total amount of General Commercial property available in Incline Village. (The applicant's representative has indicated that this property would be used as a restaurant site if the amendment is not approved.) Due to the approval of Third Creek Inn and condominiums adjacent to the south, this piece of General Commercial is no longer a functioning part of the commercial core area of Incline. It has become isolated by residential properties. In fact, this property and the one to the west represent a spot zone of commercial surrounded by residential uses.

Recommendation

The Staff recommends approval of the requested amendment to reclassify the subject 1.9 acre parcel from General Commercial to High Density Residential. Staff recommends that an implementing ordinance be prepared.
LEGEND
SF - SINGLE FAMILY
MF - MULTIPLE FAMILY
C - COMMERCIAL
V - VACANT

SUNTREE VILLAS
EXISTING LAND USES
SURROUNDING AREA
BUILDOUT 3,190
AUTH. 2725 UNIMPAVED REC. PROP. 11.7 AF
S/F 464. POTENTIAL OTHER PUB. USE = 59 AF

459,700 GA.

POOL MAINTENANCE

TGT. H2O USE:

AREA A 5 SF D AVERAGE 0.500 - 5 HOMES
U 56160 - 8 CONDOS

W 1.74 MGY 4.1 AF - 1.4 x 27 FOR REC. FAC.
S 1.05 MGY 3.2 AF

EXIST. APP. EXPIRES: JUNE JULY 26, 1980

Traffic crossing on 28 for KIDS

MINUTES &
SUMMARY OF
NPC DISCUSSION
Incline Village/Crystal Bay Visitor and Convention Bureau,  
Incline Village Community Center and Pool Complex and  
Building Height Variance, Washoe County

Summary

The applicant, the Incline Village/Crystal Bay Visitor and Convention Bureau is requesting approval of a relocation of a swimming pool and community center complex previously approved by the Agency near the Incline Village golf course. The revised location of the project is on the north side of Incline Way adjacent to the proposed middle school. The project utilizes part of a 20.6 acre parcel (Assessor Parcel No. 127-030-01) owned by the District. The project is to be funded by Washoe County and the Reno/Sparks Convention Authority and operated by the Incline Village GID. This project is an adjunct to the middle school and ball field projects previously approved by the Agency.

The proposed project consists of a 25,000 square foot enclosed 50 meter long, 8 lane covered indoor/outdoor swimming pool joined to a 3-story building at the north. The lower floor of the 3-story building will house support facilities, i.e. lockers, showers, administration and recreation rooms, for the pool complex. The two upper floors will be for building entry, meeting rooms, and multi-use rooms. A total of 201 parking spaces are proposed, 100 on the pool site and 101 on the middle school site.

Existing Environmental Setting

The site is presently heavily forested along Incline Way. The vegetative cover consists of a pine and fir overstory and a manzanita and squaw carpet understory. There are 217 identified trees with a diameter of over 6" located within the area of disturbance. The property slopes to the east to a depression bordering Third Creek which runs along the east side of the property. The applicant's plans delineate the boundaries of the 25 year, 100 year flood plains and the boundaries of the stream environment zone. The applicant has modified the location of the parking and the pool building to eliminate encroachment into the stream environment zone. There is existing fill material on the rear of this site. This fill will be removed as part of this project.

Land Use Classification

The project area is currently classified as Tourist Commercial and Recreation. The Agency has initiated public hearings to reclassify this property to Recreation. The proposed project would be a conforming use under either land use classification.

Land Capability

The project area's soil type has been identified as IsC, Inville, stony, coarse, sandy loam with 2 to 9% slopes, land capability 6, allowable land coverage up to 30%. Previous approvals including the athletic fields and middle school have utilized approximately 12.6% of the allowable land coverage. With the proposed project, the total land coverage for the 26.6 acres, which includes all three projects, is 21%.

Surrounding Uses

The project is to be located on the southeast fringe of the central core area of Incline Village in an area that borders High Density Residential subdivisions. The pool site
ITEMS OF CONCERN

1) WATER WILL SERVE LETTERS SHOULD BE VABLE
    EXPEDITE CONS TIL 16. WONT WAIT TIL 16 MU EXPIR.

2) GRND WATER LEVELS - SOILS ANALYSIS

3) PED SAFETY IMP. BKE AND PED. SAFETY

4) height:
Incline Village Community Center and Pool Complex
Page Two

is bordered on the north by ball fields, on the west by the middle school, on the east by Incline Village Park and on the south by McCloud Condominiums. Virtually all commercial property, high density housing, transient housing, public services, schools, and recreation facilities are located within 1 mile of the project site.

Height

The maximum permitted height in Recreation is 35 feet. The average height of the 3-story building and pool enclosure is 53 feet. Due to the excess height associated with this building, a variance to the height limit in the Recreation district must also be granted.

Grading

The construction of this project will result in substantial grading and land disturbance on the site. The pool support facilities located on the basement floor will have a finish floor elevation approximately 11 feet below natural grade on the north side. As proposed, the second floor of the building will be the main entry floor. The pool enclosure will be located to the south of the 3-story structure. There will be substantial excavation associated with the construction of the 50 meter pool. Surface grading and clearing will need to be done to provide for the onsite parking spaces. The applicant has submitted a grading plan which coordinates these improvements with those of the middle school and the ball fields. As proposed, this project will not result in any disturbance to the stream environment zone located east of the pool.

Slope Stabilization

The applicant has submitted a slope stabilization plan identifying the location and extent of cut and fill slopes associated with the project. This plan coordinates the plans of the middle school and the ball fields where interfaces occur. The major exposed slope will be adjacent to the ball fields north of the pool building. This slope will have a maximum height of 10 feet. This slope will be layed back to a 2:1 slope and rock riprapped. Other cuts and fills associated with the parking area will be minor and will be revegetated and rock riprapped. The excavation for the building will be backfilled to reestablish natural grade.

Drainage

The applicant's plans show conceptual drainage facilities designed to collect all stormwater runoff generated by a 2 year 6 hour storm and to allow for infiltration on site. The pool enclosure will be covered with a retractible fabric cover which will slope from north to south. Drainage is proposed to sheet flow off the pool cover into a concrete gutter at the roof line. This gutter will be heated and will direct drainage into a downspout and into a collection basin located south of the pool deck. Drainage from the pool deck will be directed into an infiltration trench adjacent to the deck. The roof line of the 3-story structure slopes to the north. Drainage from the roof line is proposed to be collected in an infiltration trench located adjacent to the north wall. The north wall will have a basement floor elevation 11 feet below natural grade. To avoid water seepage problems

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along this wall, the applicant has designed an overflow connection to carry drainage away from the building and into another infiltration trench. Drainage emanating from the paved surfaces is proposed for collection in infiltration trenches located at the edge of paving.

Drainage from the upper parking area will be directed into a drop inlet for treatment in the same collection basin as the roof line drainage. Drainage from the north parking area will be collected in an infiltration trench located on the west side of this parking area. The project proposes a bus pull-out area on Incline Way in front of the project site. To provide room for this improvement, the applicant will alter the course of the existing roadside drainage ditch and provide rock riprapping. CMP culverts will be provided at the entry and egress points. Snow storage areas have been identified and infiltration trenches around these areas proposed.

Traffic

The project has had a traffic evaluation study prepared by the firm of Creegan & D'Angelo, consulting engineers. As part of this application, Agency staff requested that a traffic evaluation be done based upon the entire project area including the middle school and the athletic fields. Calculations were derived for all three projects in this area estimating peak day and hour volumes, average annual volumes, and peak 8 hour volumes.

The middle school is anticipated to have most of its traffic generation occur during school hours five days a week during the months October to June. The total estimated daily trip generation is 211 trips per day. Use of the athletic fields will occur mostly in the evening after 3:00 p.m. during the week and on weekends. The middle school and the athletic fields will probably not result in extended periods of concurrent peak generation due to different use characteristics. What will occur from this dual use is average increases to traffic loads in the area over extended periods of time. Traffic generated by the school will be replaced by traffic from the athletic fields during the week in the spring and fall months. During the summer months, the school will be closed and will not add to daily traffic. During the summer months, the accumulation of traffic will be due to the concurrent use of the ball fields and the proposed pool complex. The pool complex is anticipated to generate 823 trips on a peak summer weekend day. This combined with the trip generation from the athletic fields of 160 peak summer weekend day will result in a total trip generation from the site of 983 vehicle trips on a peak summer day. Winter peak summer day generation is a function of the concurrent use of the middle school and the pool site. The applicant's report does not evaluate peak traffic generation for winter. Due to the relative staggering of peak traffic generation from each project, the total traffic from the site will not result in periods of traffic congestion. However, these three projects will substantially increase the average traffic loads in the area over that currently existing. In the submitted report, the applicant estimates the traffic flows at adjoining intersections around the project. Based upon a peak day generation of 983 vehicle trips, traffic movements through these intersections were estimated.
Incline Village Community Center and Pool Complex
Page Four

<table>
<thead>
<tr>
<th>Location</th>
<th>Location A</th>
<th>Location B</th>
<th>Location C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Traffic</td>
<td>2,500</td>
<td>1,850</td>
<td>1,200</td>
</tr>
<tr>
<td>Proj. Generation</td>
<td>540</td>
<td>185</td>
<td>125</td>
</tr>
<tr>
<td>Total</td>
<td>3,040</td>
<td>2,035</td>
<td>1,325</td>
</tr>
</tbody>
</table>

*see attached map

These increased loads will be spaced over different time periods resulting in average daily traffic loads over that currently existing. At this time, the roads in the area have the remaining capacity to handle these loads. The primary intersections surrounding this project are controlled by stop signs which can effectively control interactions resulting from intermittent traffic flows. As these flows are increased, greater interaction control may be needed both for traffic and pedestrian safety. This project will result in both pedestrian and bicycle traffic. Due to this fact, improved intersection control other than that provided by stop signs may be needed. No intersection improvements are proposed at this time. Though not specified, this group of projects should provide pedestrian striping at nearby intersections.

Air Quality Impacts

Ambient air quality data collected for the years 1976-1978 indicate that no Nevada ambient standards have been exceeded in the study area. Utilizing estimated vehicle generation figures and computing average emission levels from vehicles, concentrations at certain specific locations were evaluated. The analysis included only CO emissions and did not evaluate hydrocarbons or suspended particulates. Below is a table regarding CO emissions at the three evaluation sites:

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum 8 Hour</th>
<th>Peak Hour</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Project</td>
<td>Total</td>
</tr>
<tr>
<td>A</td>
<td>0.28</td>
<td>0.02</td>
<td>1.45</td>
</tr>
<tr>
<td>B</td>
<td>0.18</td>
<td>0.01</td>
<td>0.66</td>
</tr>
<tr>
<td>C</td>
<td>0.11</td>
<td>0.02</td>
<td>0.40</td>
</tr>
</tbody>
</table>

The project is anticipated to provide sufficient parking, adequate loading and discharge points, provide sufficient driveways to prevent excess congestion and idling time. The applicant is also assuming that coordination of this project with the proposed bike trail system for Incline will encourage walking and bicycle use. For peak activities, a busing system has been indicated which will bus participants to the project. Agency staff has received documentation indicating that this will be implemented. Based upon the above considerations, it is concluded that the air quality impact of the project will be minimal.

Water and Sewer

This project was previously approved by the Governing Board. That approval anticipated the use of approximately 453,300 gallons of water to fill the pool (1.4 Acre Feet) plus that amount used daily. As an example of the potential

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alternative uses of this quantity of water, IVGID's water analysis indicates that a 1.6 acre commercial project serviced with a 1.5 inch water line will utilize approximately 1.39 Acre Feet of water in a year. In the opinion of TRPA legal counsel, this relocation does not affect the commitments for water at the new location. This application affects the location of an existing commitment, not the commitment itself. In view of the existing water situation in Incline Village, if this were a new proposal, staff would be concerned with the effect of this proposal on the water supply in Incline Village.

Required Actions

Due to the excess height of the building, a variance to allowable height must be granted by the Agency. To approve this variance, the following findings must be made:

1. that the provision has been made for protection from fire hazards and against aviation accidents;

2. that consideration has been given to the protection of view and to the character of the neighborhood;

3. that proper provision has been made for light and air; and

4. that such greater height will better promote the protection of the environment in the area.

The building is designed in accordance with the standards of the State of Nevada regarding building and fire safety.

The building is partially underground so that the full effect of the height of the structure is partially mitigated. The building has been designed to blend as much as possible into the existing environment. The main reason for the additional height is to provide the required structural characteristics for proper functioning of the retractible pool cover. The pool area will be covered with the pool cover during the winter months; the rest of the time, the cover will be retracted. The building has been designed to provide adequate light and air flow. The building has been sited so that some visual screening is present. Existing trees to remain are approximately 70 to 80 feet in height. The building will not project above the existing tree line. To provide the same facilities without using the additional height, greater land coverage and encroachment into the stream environment zone would occur. Recognizing the excessive bulk of this facility, the applicant has sited it to minimize visual impacts.

Compatibility With Master Plan

IVGID has prepared a report entitled "Incline Village Park Master Plan" which has not been formally adopted by TRPA. The master plan for park development indicates that the subject 26.6 acre parcel would be the site of the middle school, athletic fields, performing arts center and related parking facilities. The Agency has approved the middle school and athletic field projects in their approximate locations as shown on the master plan. However, the proposed community pool project is located in an area shown as the performing arts center in the master plan. Relocation of the pool complex to the proposed location raises questions with regard to the location of the performing arts center if the facility is eventually to be constructed by IVGID.
CONTINUE TO MAY
WAIVE 60 DAYS
WAIVE FEES

D wo P
Conformance With Previous Approvals

In considering the Incline Village Park athletic fields, the site plan and representations made by IVGID to the Governing Board indicated that the subject area would be left as open space and permanently revegetated. This was a consideration in granting the variance to allow grading in the stream environment zone (SEZ) to allow construction of the athletic fields.

Recommendation

Agency staff recommends that the findings required under Section 7.13 of the Land Use Ordinance to allow excess height not to exceed an average of 53 feet measured from natural grade be made and the height variance approved.

Agency staff further recommends that the request to relocate this facility be approved subject to the following conditions:

1. Each of the following conditions shall be completely performed prior to the issuance of any building or grading permits:
   a. The final revegetation, slope stabilization, and drainage plans shall be submitted to and approved by the Agency staff. These plans shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage facilities.
   b. The contract bidding documents for all proposed site improvements shall be subject to Agency staff review and approval and shall include all measures included as mitigation measures in the applicant’s information report as well as assure the proper installation of slope stabilization, drainage, landscaping, and vegetation measures.
   c. Calculations and other necessary analyses demonstrating that the design of the surface water runoff control system will meet the requirements for surface and/or subsurface discharge as established in the Uniform Regional Runoff Quality Guidelines as well as other requirements set forth in the Lake Tahoe Basin Water Quality Management Plan. Such calculations and analyses shall be prepared by a qualified civil engineer and submitted to the Agency for staff review and approval.
   d. All authorizations (except building and grading permits) from appropriate public authority applicable to the proposed development shall be obtained, i.e. state highway encroachment permits.
   e. The final construction drawings for all site improvements shall be found by Agency staff to be in substantial conformance with the plans and information submitted as part of this application and this finding so indicated in writing to the permit-issuing authority.

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HANDแฮน์ STUDY
PCP SAFETY.
f. Submittal of plans identifying pedestrian and vehicle safety improvements at the intersection of Incline Way and Southwood Boulevard (pedestrian walkway striping) and at the bus pull-out lane adjacent to Incline Way.

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

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

   b. Installation of fencing for vegetation protection.

   c. Installation of temporary erosion protection devices.

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

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

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

   g. Completion of structure foundations.

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

   i. Completion of structures.

   j. Paving.

   k. Landscaping and revegetation.

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

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

5. There shall be no grading or land disturbance performed with respect to the project between October 15 and May 1, unless the proper approvals for same are obtained.

6. Replanting of all exposed surfaces, as per the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance. Planting shall be accomplished prior to the October 15 grading and land disturbance deadline.
7. Trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

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

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

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

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

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

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

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

15. No structure shall exceed an average height of 53 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 any vehicles to designated parking and driveway areas.

18. The maximum land coverage on the site after completion of the project shall not exceed 21% for the middle school, athletic fields, and pool facility.

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

Sierra Pacific Power
Power Line Replacement
Highway 267 to Kings Beach
Placer County

Summary

The Sierra Pacific Power Company is requesting TRPA approval of a public works project in Placer County. This project proposes the upgrading of an existing 60 KV transmission line to 120 KV. The majority of the line is located in rights of way on private property; however, short sections of the transmission will be located on Forest Service property. Approximately 3.1 miles of this project are located in the Lake Tahoe Basin.

The proposed 120 KV line consists of 65 foot class H-1 single pole structures, stand-off port insulators, and non-specular conductors. Upgrading will consist of replacing all of the existing poles.

Need for Facility

The purposes of the proposed project are as follows:

1. to increase electrical service reliability to the North Lake Tahoe area;
2. To decrease air traffic obstacles at the Truckee-Tahoe Airport;
3. To provide additional electrical service to the Truckee Donner Public Utility District; and
4. To reduce electrical line losses.

Proposed Construction

Due to the electrical demand on the North Tahoe system, the Truckee-Kings Beach transmission line cannot be completely taken out of service in order to repair it. It can, however, be taken out of service during the summer daytime period. Because of this demand, the following construction methods must be adhered to daily:

- disconnect existing transmission line;
- pull existing power poles;
- drill new pole holes;
- install new poles and insulators;
- string new conductor (electrical wire); and
- connect rebuilt section to existing transmission line.

Conformance With Public Facilities Master Plan

Under the section dealing with transmission facilities in the master plan, the following is stated: "The present transmission system to the North Tahoe area is deficient in capacity. This area is serviced by two 60 KV lines located on separate supply corridors and the loss of either line at a time of the area peak load will result in an interruption of service to about 50% of the customers served."

4/1/80
ANNIE ALBRECHT

3335 to DOE CONSIDER

1976 LAW A
ON SPEC USE PERMIT
CANT AMEND
MUST ISSUE NEW

1mo + REGION
1-2mo TO WASHINGTON
ON A FROM 40-120KV

1976 LAW IS NOW INTERIM

MASTER PERMIT ON REGION
[TIME]
The master plan recommends under "ultimate electrical system expansion" that the existing 60 KV line in this area be replaced with a 120 KV transmission line.

Height

The transmission poles will be two types. Tangent poles which will be approximately 57 feet high and angle poles which will be approximately 75 feet high. In order to approve this excess height the following findings must be made:

1. The provision has been made for protection from fire hazards and against aviation accidents;

2. consideration has been given to the protection of view and to the character of the neighborhood;

3. proper provision has been made for light and air; and

4. such greater height will better promote the protection of the environment in the area.

The poles will be visible and located adjacent to the roadway in most instances and will not be a hazard to aviation. This project is partially to rectify an existing aviation problem adjacent to the Truckee Airport. The poles will be obtrusive due to the height. The maximum visibility will be next to Highway 267. Due to constraints recognized in the Public Facilities Master Plan, undergrounding is not feasible. Undergrounding would also result in encroachment into a stream environment zone surrounding Griff Creek. This greater height will not substantially affect the environment in the area. The poles will be placed in existing areas of disturbance and will provide greater reliability of service in the area with the minimization of service interruptions.

Approvals

At the time this summary was prepared, CTRPA had not determined if the project would require CTRPA Governing Board review. If review is required, TRPA staff will not schedule this item for TRPA Governing Board review until after CTRPA has taken action.

Recommendation

Agency staff recommends that the height variance be approved with the necessary findings. Staff further recommends that the public works project be approved subject to the condition that all grading, clearing, and land disturbance relative to this project be done in accordance with the TRPA Handbook of Best Management Practices and the Agency’s Grading Ordinance.

4/1/80
MEMORANDUM

DATE: April 2, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Douglas County Sewer Improvement District, Improvement Plans

At the March 1980 Governing Board meeting, action on a tentative map in Douglas County was delayed until the April meeting because information obtained from the Douglas County Sewer Improvement District (DCSID) engineers (Creegan & D' Angelo) indicated the treatment facility's capacity to be 2.5 to 2.6 MGD and 1979 peak monthly flows to be 2.3 MGD. The required "capacity" findings of the TRPA Subdivision Ordinance could not be made since it was estimated the plant would be at capacity by the summer of 1980 and there were no approved expansion plans for the treatment facility.

At the same March meeting, Jere Williams, representing DCSID, indicated that the proposed expansion plans would be submitted for the April Governing Board meeting; however, the application was received March 31, the day before the APC mailing and at this time is not considered complete due to many unanswered questions and the lack of a Douglas County approved administrative permit. Staff has scheduled this item for APC discussion without a complete application in order to obtain APC comments and concerns for the upcoming Board meeting. Staff has attached a staff summary for your consideration and will be prepared to update the APC members at the meeting.
Douglas County Sewer Improvement District (DCSID)
Public Works, Douglas County

Project Location and Description

The applicant requests an administrative permit to construct improvements necessary at the Douglas County Sewer Improvement District (DCSID) wastewater treatment plant to permit treatment and disposal of peak month flows of 3.75 MGD. These improvements to be constructed at the treatment facility in Round Hill will increase the capacity by 1.25 MGD under current discharge standards.

Background

The wastewater treatment plant was constructed in 1968 and is an activated sludge-type secondary treatment facility with a design capacity of 3.0 MGD. The plant was designed to provide for future expansion to 6.0 MGD in increments of 1.5 MGD each. Effluent from the treatment plant is pumped to an adjacent on-site holding reservoir for storage prior to pumping over the Daggett Pass to the Carson Valley where it is applied as irrigation water on a ranch in accordance with procedures approved by the Nevada Division of Environmental Protection Services. Present authorization is only for summer land application with winter outfall to the Carson River. However, winter land application is being performed under a test program supervised by State and EPA officials to determine the feasibility of year-round land application. Sludge from the treatment process is thickened, dewatered, incinerated, and disposed of on-site in ash lagoons. The principal features and proposed improvements of the treatment plant are shown schematically on Figure 1.

The DCSID No. 1 wastewater treatment plant was originally designed and constructed as a 3.0 MGD plant on the basis of BOD loadings anticipated at the time as appropriate for the service area. As a result of BOD loadings which actually were encountered in operation of the plant and as a result of increased effluent quality standards subsequently required by State and Federal regulatory agencies, the present rating of the plant is considered by EPA to be about 2.5 to 2.6 MGD. While recent evaluation by the DCSID's engineers indicates that the EPA rating is probably low, it is acknowledged that the 1979 peak month flow of 2.3 MGD is expected to reach 2.5 MGD.

On-Site Impacts

The applicant's information report indicates that all of the improvements will be located on the site of the existing treatment facility. The additional land coverage (2,291 square feet) associated with this project will increase the land coverage to 12.79% which is well within the land capability limit of 25%. The applicant has not submitted any plans for construction indicating the location and type of construction proposed nor details regarding drainage, slope stabilization and erosion controls.
Compatibility With Agency Plans

208 Plan - The Lake Tahoe Basin Water Quality Management Plan (208 Plan) identifies a wastewater treatment facility at the subject site. The 208 Plan further indicates a facility with a treatment capacity of 3.0 MGD. The existing plant with improvements approved by the Agency will have a treatment capacity of 2.5 MGD.

Water and Sewer Master Plan - The 1973 TRPA Water and Sewer Plan and Program indicates the existing DCSID plant to have a capacity of 3.0 MGD and an ultimate capacity of 6.0 MGD. These capacities were based on the projection of the buildout occurring under the 1972 TRPA General Plan.

General Plan Buildout

To accurately determine future plant requirements based on the TRPA General Plan, the engineers for the District have reviewed each area or general improvement district served by the District to identify the number of vacant properties on which residential or commercial development would be authorized under the General Plan. This research has provided the information set forth below.

DCSID Flow Projections - Near-Term Buildout

<table>
<thead>
<tr>
<th>Average Daily Flow, August 1979</th>
<th>2.30 MGD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projected Hotel/Casino Development</td>
<td>0.96*</td>
</tr>
<tr>
<td>Projected Residential Development</td>
<td>0.88</td>
</tr>
<tr>
<td>Projected Commercial Development</td>
<td>0.27</td>
</tr>
<tr>
<td>Projected Recreational Development</td>
<td>0.07</td>
</tr>
<tr>
<td>Projected Public Service</td>
<td>0.02</td>
</tr>
</tbody>
</table>

Total: 4.50 MGD

*0.5 is estimated for the Jennings and Kahle hotel casino projects

Compatibility With Other Plans and Programs

NDEP Waste Discharge Permit - The NDEP has issued revised waste discharge requirements which will become effective in 1982. The permit conditions would require removal of un-ionized ammonia, phosphorous and chlorine prior to discharge to the Carson River.

DCSID Facility Plan - DCSID has prepared a facility plan for wastewater treatment plant improvements in order to meet the 1982 waste discharge permit requirements as determined by NDEP. The plan was presented to the Environmental Protection Agency (EPA) as part of an application for federal funding for the improvements. EPA has determined that the project would have a significant impact on the environment and has required that an EIS would be required. A draft EIS has been prepared by EPA, but no decision has been made to date regarding the federal grant.

4/1/80
DCSID plant improvements
page three

The facility plan as prepared by DCSID calls for improvements to the treatment plant, construction of a major storage reservoir and acquisition of land and improvements in order to provide land treatment of secondary sewage effluent. Effluent disposal to the Carson River would be ceased under this plan.

Draft EIS for Wastewater Facilities, South Shore - The EPA has prepared a draft EIS which identifies the secondary impacts of wastewater treatment plant expansion on the South Shore (including DCSID and STPUD). The draft EIS is based on a 3.0 MGD capacity for the DCSID facility.

The DEIS identifies impacts and proposed mitigation measures which the EPA felt should be incorporated into planning efforts of local and regional agencies prior to initiating any treatment plant expansion. The Agency has provided comments on the draft EIS indicating which mitigation measures it would commit to for implementation.

4/1/80
MEMORANDUM

DATE: April 1, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Ordinance Amendments

As directed by the Advisory Planning Commission, the staff contacted David Thompson of the Real Estate Division of the State of Nevada and requested a copy of the proposed state legislation. The proposed legislation concentrates on the fiscal and contractual responsibilities of the developer. It appears the TRPA ordinance does not conflict with this legislation or the proposed definitions. With regard to conflicts with local ordinances, staff would request the local planning representatives come to the meeting prepared to comment on their respective jurisdiction rules and regulations as they relate to the proposed TRPA amendments.

The staff's proposals have not changed from what was presented at the March meeting, so please bring those amendments included in the March packet with you to the meeting.

STAFF RECOMMEND:

1) APP. OF ADDIT TO SUPLN. GRDN. FOR CONDO COND.

2) APP. OF ADDITIONS TO L.V. ORDIN. REGARDING TIMESHLING DEF, PROV. FOR REVIEW, APPLN. L.V. DIST, & ALLOW COVERAGE

3) NO ACTION ON HDA.
N T/5 0

REVIEW OF INSTRUMENTS
CONTENT OF INSTR
LICENSE REQUIREMENT
SPEC OF ANY IAN OFFERED
RESTRICT
LIABILITIES?
RIGHTS
EXPENSES
DENIAL
SALES
PRACT.
MISDEE? ACTIONS
LEASE AND REST
ORDERS

ATTEMPT TO APPLY RETROACTIVE
PROPOSED FOR N. ST LEGIS
ACTION DURING 81 LEGIS. SESSION
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: April 1, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Status Report on the 208 Plan

Attached is a copy of the official transmittal from TRPA to the California State Water Resources Control Board on the Draft 208 Plan prepared by California. Staff has been advised that an extension of 60 days has been approved by the State Board for receipt of comments. Please be prepared to discuss a schedule which TRPA might implement for reaching agreement between the two plans.
March 25, 1980

Ms. Carla Bard, Chairwoman
California State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95801

Subject: Review of California Water Resources Control Board’s
Draft Water Quality Plan for the Lake Tahoe Basin

Dear Ms. Bard:

The Tahoe Regional Planning Agency (TRPA) has conducted a preliminary review of the above-referenced document, dated January, 1980. The procedure utilized by the California State Water Resources Control Board (SWRCB) in proposing the above-referenced plan raises severe questions regarding the jurisdiction over water quality management planning as provided in Section 208 of the Federal Clean Water Act. Until the question of proper jurisdiction over water quality planning has been resolved and until the full range of public comments regarding the SWRCB’s proposed plan have resulted in a final version of a water quality plan that would be acceptable to the State of California, it appears that it is premature for TRPA to make specific comments on the substance of the proposed plan.

It is the intention of TRPA to make comments with regard to the process utilized by the SWRCB in proposing the plan, to offer specific measures which could be utilized to resolve the long outstanding question of proper jurisdiction over this matter, and, upon resolution of these questions, to make specific comments with regard to elements of the proposed plan. The final comments of TRPA will include commitments to implement those elements which can be substantiated as effective water quality control measures. These comments, however, deal only with questions raised by the process utilized by the SWRCB in proposing the subject plan.

Background

The Tahoe Regional Planning Agency was designated by the Governors of California and Nevada as the water quality management planning agency in 1974 as provided by Section 208 of the Federal Clean Water Act. In August, 1974, this designation was approved by the Administrator of the Environmental Protection Agency. TRPA developed a work program for completion of a water quality management plan under the direction of both states. The plan developed and approved by TRPA on January 25, 1978, satisfied the requirements of the work program as agreed to by both states. The Governor of Nevada certified the 208 Plan as approved by TRPA to the Environmental Protection Agency (EPA) for adoption. The plan as adopted by TRPA was rejected by the State Water Resources Control Board on July 20, 1978. The SWRCB’s action also called for the de-designation of TRPA as the arca-wide water quality planning agency.

Section 208(3) of the Federal Clean Water Act specifically provides for designation of planning agencies in interstate areas having common water quality problems for which areawide waste treatment management plans would be most effective. This section also provides for designation of a single representative organization as the water quality management planning agency in interstate areas having substantial water quality problems. Section 208(2) also provides that designated planning agencies shall provide for a single representative organization, including representation from locally elected officials. TRPA's application for designation substantiates the basis for designation of the bistate planning agency as the water quality management planning agency.

Provisions of the Tahoe Regional Planning Compact

In addition to the requirements and regulations established under the Federal Clean Water Act, responsibility for development of plans to maintain water quality and clarity is assigned to TRPA under the provisions of the Tahoe Regional Planning Compact as approved by the legislatures of both states and ratified by Congress. The compact provides that any political subdivision within either state may adopt standards more restrictive than those of TRPA but that these plans must be consistent with the plans as adopted by TRPA. The compact further provides that a general plan which integrates water quality as one element of that plan be developed by TRPA. This is consistent with criteria for designation of planning agencies contained in federal regulations for Areawide Water Quality Management Plans which state that the planning agency shall have the ability to coordinate or participate in comprehensive land use planning.

Requirements for De-Designation

Paul DeFalco, Regional Administrator of EPA, has set forth the requirements for de-designation to the SWRCB in a letter dated October 25, 1978 (attached). It is clear that rejection of the TRPA plan and de-designation of TRPA are two separate actions. In rejecting the 208 Plan as adopted by TRPA, the SWRCB must "supply the planning agency (TRPA) with specific instructions detailing the changes necessary to comply with the program requirements". In addition to submitting specific comments for TRPA action, the letter from the EPA Regional Administrator indicates that a time schedule for resolving identified deficiencies should also be included and that EPA would have to hold public hearings regarding any proposed de-designation prior to final action by EPA. Later correspondence from Frank Covington, Director of the Water Division of EPA, to the SWRCB (attached) envisages an iterative process to resolve deficiencies in the TRPA 208 Plan once enumerated by the SWRCB. In response to correspondence from EPA regarding requirements for de-designation, the SWRCB indicated (attachment) that a "staff study" was being prepared to delineate the elements which should be included in a 208 Plan for the Tahoe Basin and that the study would be available in the summer of 1978. Apparently the "staff study" has resulted in the draft 208 Plan currently under consideration by the SWRCB.
The introduction contained in the draft plan indicates that the State Board will inform TRPA of the conditions required for California's approval of a plan for the bistate area. Yet the plan does not delineate specific measures or a time schedule to allow TRPA to respond to those specific deficiencies. Further, the draft plan appears to be a "take it or leave it approach", with no indication that consensus on a bistate water quality plan would be arrived at through an iterative process as envisioned by EPA.

Effectiveness of Bistate Management Program

In addition to concerns for the requirements of the Federal Clean Water Act and the Taho Regional Planning Compact regarding interstate cooperation for water quality management, it appears to be inappropriate to reject the designation of a bistate agency without consideration of the relative effectiveness of separate water quality programs on either side of the state line. The introduction of the draft plan indicates that the proposed measures would be effective in reducing the sediment and nutrient generation in California even if equally strict controls are not adopted in Nevada. The question that is left unanswered is whether or not a revised bistate water quality management plan prepared by TRPA could reduce nutrient and sediment loads to the Basin to a level below that proposed in the SWRCB's draft plan. Certainly, TRPA should be given an adequate opportunity to develop such a program based on a final version of the SWRCB plan after an opportunity for full public comment.

Adequacy of Public Input

The draft 208 Plan presented by the SWRCB does not appear to represent an honest effort to gain public support for environmental management programs as required by federal regulations. Under the provisions of CFR 25.7, advisory groups should be established to assist appointed or elected officials on important issues. The advisory group should provide for a broad cross-section of public interests including public officials. Public officials were not notified of the development of the proposed plan or consulted with regard to important issues raised in the draft 208 Plan prior to the public hearings.

Substantial public input including consultation with local jurisdictions has been documented in the 208 Plan adopted by TRPA and was an integral part of the work program as agreed to by the SWRCB. It appears that the SWRCB is relying on this substantial TRPA effort as an integral part of the draft 208 Plan. However, the SWRCB proceeded with its planning process without gaining the support of local jurisdictions for implementation of the proposed plan prior to initiating its proposals. The degree of local support for the implementation of the SWRCB draft 208 Plan has therefore not been documented at this time. Prior to finalizing any water quality plan, commitments of support from local jurisdictions for the proposed program should be obtained in the manner that such commitments were required of TRPA from the SWRCB and EPA.
Plan Adoption Process

As substantiated by the questions raised in the preceding paragraphs with regard to the proper jurisdiction for water quality management planning and the adequacy of public involvement in formulating the proposed plan, it does not appear from TRPA's perspective that it would be prudent to adopt the proposed plan at this time. There appear to be other options for proceeding with adoption of a revised 208 Plan which could be acceptable to both states and local jurisdictions involved. The Governing Board of TRPA fully supports efforts to arrive at a consensus of acceptable programs for water quality management and would be amenable to pursuing this objective in cooperation with the States of California and Nevada, locally elected officials and representatives of the full range of interests involved in the Tahoe Basin.

Toward these objectives, the Governing Board of the Tahoe Regional Planning Agency requests that the public comment period remain open on a limited number of issues for an extended period of 90 days. During this time period, it is further requested that a process involving the Governors of California and Nevada, representatives from TRPA and the Regional Administrator of the Environmental Protection Agency be initiated to resolve the jurisdictional and procedural problems discussed in this letter. If, within 120 days, the question of jurisdiction remains unresolved, it is requested that the SWRCB submit a detailed list of acceptable modifications to the adopted TRPA 208 Plan along with a time schedule to allow for a response to those recommended modifications.

Common Elements of Proposed Plans

The Governing Board of the TRPA has found during its review of the draft 208 Plan as presented by the SWRCB that there are substantial numbers of common elements contained in the 208 Plan adopted by TRPA. To the knowledge of the Governing Board, these elements have not been seriously questioned during the public hearing process on either proposed plan. The certification and implementation of these elements which are in substantial conformance in both versions of the 208 Plan (i.e. the SWRCB and TRPA) should not await resolution of the jurisdictional question or be the subject of further public scrutiny. Rather, the public hearing should be closed on those elements as scheduled on April 4, the SWRCB should certify those elements to EPA for approval, and implementation should proceed immediately.

This provision in certification of a 208 Plan is critical since over two years of delay have already resulted from the SWRCB's failure to identify and certify those common elements while working towards a resolution of outstanding issues.
Summary

In summary, the Governing Board of the Tahoe Regional Planning Agency maintains its commitment to the development and implementation of workable solutions to water quality problems in the Tahoe Basin. The Governing Board wishes to offer its assistance in resolving the long outstanding issue over the proper jurisdiction for water quality management planning. TRPA also is prepared to respond to a specific listing of identifiable deficiencies in the plan adopted by the Governing Board and Nevada, provided a reasonable time period is provided for such a response as required by federal regulations.

The Governing Board is requesting a 90 day extension of the public comment period on all those elements which are not common to both versions of the plan. It is also requested that a process to resolve the question of water quality planning jurisdiction within the bistate area be initiated immediately.

The Governing Board of the Tahoe Regional Planning Agency appreciates the opportunity to provide comments on the California State Water Resources Control Board's proposed 208 Plan. We look forward to responding to the substantive issues raised in the plan upon closing of the public comment period and/or resolution of the matter of planning jurisdiction.

Sincerely,

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency

RDW: jj

Enclosures

cc: Paul DeFalco, Regional Administrator, U.S. Environmental Protection Agency
Governor Robert List
Governor Edmund G. Brown, Jr.
C. L. Whitney, California State Water Resources Control Board
Roy C. Hampson, Regional Water Quality Control Board, Lahontan Region
Ernest Gregory, Nevada Division of Environmental Protection
Placer County Board of Supervisors
El Dorado County Board of Supervisors
South Lake Tahoe City Council
Washoe County Board of Commissioners
Douglas County Board of Commissioners
Carson City Board of Supervisors
POOR
QUALITY
ORIGINAL (S)
TO FOLLOW
Mr. John Bryson, Chairman
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95801

Dear Mr. Bryson:

On July 26, 1978, the State Water Resources Control Board rejected the Lake Tahoe Water Quality Management Plan developed pursuant to Section 203 of the Federal Water Pollution Control Act of 1972. However, this action was not in accordance with the federal regulations governing the 203 program.

40 CFR Part 131 (November 22, 1975) provides a mechanism for certifying those portions of the 203 plan that are acceptable to the state while the remaining portions are being revised. These regulations make no provision for a simple rejection of a plan as reflected in the State Board's action of July 26th. Part 131.7(g) clearly states that a state must certify to EPA those portions of a plan that are acceptable while sending the defective portions back to the planning agency. The state must also supply the planning agency with specific instructions detailing the changes necessary to comply with the program requirements.

It must be recognized that the State Board has taken two separate and distinct actions regarding the TRPA 203 plan; the rejection of the plan and the redesignation of TRPA as a 200 planning agency. Regardless of the status of TRPA's redesignation, the State Board must still follow the procedures outlined above and advise both TRPA and EPA of the specific deficiencies in the TRPA 203 plan which preclude its certification by the Board, and a schedule for submission of the revisions.
because decisions concerning future 208 funding priorities for both the designated and non-designated planning areas will be made during the month of November the State should, within 2 weeks, inform EPA how it will assure that a water quality management plan for the Lake Tahoe area will be developed in an expeditious manner.

Sincerely,

[Signature]

Paul De Falco, Jr.
Regional Administrator

cc: TRPA
Mr. Larry Walker  
Executive Director,  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95801

Dear Mr. Walker,

In his letter of November 9, 1978, to Paul De Falco, John Bryson indicated that the State Water Resources Control Board's rejection of the Tahoe 208 plan was in compliance with Section 131.20 of the 208 regulations governing the certification of 208 plans by the State. This letter is to reiterate EPA's position, stated in a letter to the SWRCB on October 25, 1978, that the State Board has not complied with Federal regulations or State program guidance in rejecting TRPA's water quality management plan.

One of the underlying principles of 208 water quality management planning is the concept that, in designated areas, 208 planning will proceed with close interaction with the State. Local units of government and planning agencies were given the opportunity to develop local solutions to complex non-point source problems augmented by state participation and review. The commitment to local/state cooperation and feedback is embodied in 40 CFR Part 131 (November 28, 1975). This commitment is clearly demonstrated in 40 CFR 131.20(f) and (g). In those provisions the State is given the authority to conditionally certify or not certify the plan produced by local input, but the local planning agency must receive from the State a listing of the specific revisions necessary to obtain full certification and the time period allowed for submission of the necessary revisions. Even if the State assumes the planning agency may not be able to respond adequately to its comments or conditions, the State should not prejudge the agency's ability to respond or give it no
opportunity to reconcile its plan with the State's list of required revisions. Nowhere is provision made for removal of planning responsibility to the State during the plan certification process. These regulations clearly foresaw that a series of iterations would be necessary to work out local/state planning differences.

This iterative process was explicitly adopted by the State in Planning Program Guidance Memorandum No. 10 (July 21, 1977). PPGM No. 10 restates the requirements of 40 CFR 131.20(f) and (g) discussed above and details eight "key actions" in the adoption process that involve the local and State levels in fine-tuning the plan. Key action No. 8 provides for the following: "SWRCB either certifies/adopts [final] 208 plan with any conditions... or returns plan to 208 agency for further consideration...."

On July 20, 1973, the State Board, by Resolution No. 73-39, rejected certification of the TRPA 208 plan. This action was not in accordance with the federal regulations and PPGM No. 10 discussed above because all further planning responsibility was removed from TRPA. The State has the authority and responsibility to reject all nonconforming elements and remand them to the planning agency for revisions. The State has the concurrent authority and responsibility to certify to EPA those portions of the plan that meet the water quality management needs of the area. The July 6th Staff Report which was incorporated by reference into Resolution No. 73-39 specifically mentions portions of the plan that are adequate for the needs of the Tahoe basin. The report implicitly approves other portions of the plan because these portions are not included in a list of plan deficiencies. Resolution No. 73-39, however, contradicted the Staff Report by rejecting the entire plan.

It is clear from the foregoing that the State Board should certify to the EPA those portions of the TRPA 208 plan that it finds approvable and conditionally certify or not certify all elements it finds deficient, according to the requirements of 40 CFR 131.20. I would also suggest that the State Board provide the interstate coordination act forth in 40 CFR 131.20(f)(2) since the Governor of Nevada has already provided a conditional certification of the plan.

As Paul DeFalco said in his letter of October 25, 1978, rejection of the plan and redesignation of TRPA as the 208
planning agency are two separate and distinct actions. Until the State Board has performed according to its responsibilities under 40 CFR 131.20, consideration of redesignation by EPA would be premature, and inappropriate. The EPA, however, will hold a public hearing on the redesignation question upon completion of the State Board's actions in this matter.

Sincerely,

[Signature]

Frank M. Covington
Director, Water Division

cc: Jim Jordan, TBPA

Merkle: Irwin
reading/file
draft: 12/20/78
final: 12/21/78
re-final: 12/27/78
4471
3rd final: 1/12/79
Mr. Frank Covington
Environmental Protection Agency
215 Fremont Street
San Francisco, CA 94105

TRPA 208 PLAN

I am sorry for the delay in responding to your letter of January 15, 1979 concerning the procedures followed in reviewing the 208 plan prepared by the Tahoe Regional Planning Agency. The State Board still maintains that its action in rejecting the plan was proper.

The staff of the State Board is undertaking a detailed review of the elements which should be included in a 208 plan for the Lake Tahoe Basin. The study, which will be completed this summer, will enable the State Board to provide more specific direction as to the changes needed in the Tahoe 208 plan than was provided in previous Board Meetings and Workshops. The negotiations on revision of the bi-state compact should also be completed by summer. The State Board will consider sending the Tahoe Regional Planning Agency a list of the revisions necessary for certification of the Tahoe 208 plan, and specifying the time provided for the revisions, at a public hearing held after the staff study is completed.

Sincerely,

[Signature]

Larry F. Walker
Executive Director

Ycc: Jim Jordan (TRPA)