TRPA
GOVERNING BOARD
PACKETS

FEBRUARY
1980
NOTICE OF MEETINGS OF THE
NOMINATING COMMITTEE AND GOVERNING BODY
OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on February 27, 1980, at 9:00 a.m.
at the hearing room of the Tahoe Regional Planning Agency, located at 2155
South Avenue, South Lake Tahoe, California, the Nominating Committee of the
Tahoe Regional Planning Agency will conduct a meeting to nominate officers
of said agency.

NOTICE IS FURTHER GIVEN that on February 27, 1980, at 10:00 a.m.
at the same hearing room, the Governing Body of said agency will conduct
its regular meeting. The agenda for said meeting is attached to and made a
part of this notice.

Dated: February 15, 1980

By: Philip A. Overeynder, Manager
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

February 27, 1980
10:00 a.m.

NOTE: There will be a meeting of the Nominating Committee at 9:00 a.m., February 27, 1980, to nominate officers of the Tahoe Regional Planning Agency Governing Body. The regular meeting will commence at 10:00 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V ORDINANCES - Second Readings

A. Ordinance Amending the Land Use Ordinance to Establish a Land Capability Classification for Man-Modified Areas

B. Ordinance Amending the Regional Plan for Properties Owned by Carole Terry, Douglas County

C. Ordinance Amending the Regional Plan for Property Owners by Tony Farina, Douglas County

VI AGENCY REVIEW

A. Tahoe Carriage, Administrative Permit for a Commercial Development, City of South Lake Tahoe

B. Harrah's Tahoe, Finding of Conformance With Previous Approvals, Douglas County

VII CLEARINGHOUSE

U.S. Environmental Protection Agency, Draft Environmental Impact Statement, Proposed Wastewater Treatment Facilities, South Shore, Lake Tahoe Basin

VIII PLANNING MATTERS

A. Work Program - General Plan Update, Threshold Carrying Capacities, and Budget Requirements

B. Land Use Ordinance Amendments - High Density Apartment Land Use District and Standards for Timesharing, Interval Ownership Condominiums
C. Information Necessary for Applicants to Submit When Requesting an Administrative Permit for Additional Land Coverage Pursuant to Section 8.25 of the Land Use Ordinance

D. State of California, State Water Resources Control Board, Draft Water Quality Plan: Lake Tahoe Basin

E. Implementation of Notice Requirements to Affected Property Owners for Projects Approved at Staff Level

IX REPORTS

A. Appeals of Staff Decisions
B. Field Enforcement Report
C. Agency Manager Report
D. Legal Counsel Report
E. Governing Body Members
   1. Election of New Agency Officers
   2. Appointments to the Advisory Planning Commission

F. Public Interest Comments

X RESOLUTIONS

For Past Board Member Tom Cooke

XI PENDING MATTERS

Executive Session

1. Interviews With Applicants for Executive Director Position

XII CORRESPONDENCE

XIII OTHER BUSINESS

XIV ADJOURNMENT

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CONSENT CALENDAR
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Item                                                                 Recommendation
Glenbrook, Modification of Previous Approvals, Douglas County          Approval

U.S. Forest Service, Clearinghouse Review, Acquisition of 1,240 Acres Near Glenbrook, Douglas County, from the Trust for Public Lands Support
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Conference Room, 2155 South Avenue                January 23, 1980
South Lake Tahoe, California                     10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Jim Henry called the meeting of the Tahoe Regional Planning Agency to order at 10:10 a.m., noting that the proper notices had been posted and mailed as required by the Nevada Open Meeting Law. The Board joined in the Pledge of Allegiance to the Flag.

A letter from Roland Westergard, Director of the Nevada Department of Conservation and Natural Resources, was read into the record appointing John Meder to represent that agency for the January 23 meeting. It was noted that Bill Morgan was sitting in for Marc Petty. Mr. Henry announced that Tom Cooke, Governor List's representative on the Board, had submitted his resignation and that the Governor was actively seeking a replacement.

TRPA Members Present: Mr. Kjer, Mr. Stewart, Mr. Woods, Mr. Ferrari,
Mr. Jacobsen, Mr. Meder, Mr. Henry, Mr. Morgan

TRPA Members Absent: Mr. Johnson, Governor of California Appointee (position vacant), Governor of Nevada Appointee (position vacant)

II APPROVAL OF AGENDA

MOTION by Mr. Stewart to approve the agenda as presented. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Kjer to approve the regular December 19, 1979 meeting minutes as presented. The motion carried on the following vote:

Ayes: Mr. Kjer, Mr. Stewart, Mr. Woods, Mr. Ferrari,
Mr. Jacobsen, Mr. Henry

Nays: None

Abstain: Mr. Meder

Absent: Mr. Johnson

IV CONSENT CALENDAR

MOTION by Mr. Meder to approve the items on the consent calendar. The motion carried unanimously.
V GENERAL PLAN AMENDMENTS

The following properties (agenda items A through C) are located adjacent to Kingsbury Grade in Douglas County and are approximately 1.3 miles east of the intersection of Kingsbury Grade and U.S. Highway 50.

A. A 1.02 Acre Portion of a 1.34 Acre Parcel Owned by Carole Terry, Located North of Kingsbury Grade - from General Commercial to Medium Density Residential

Senior Planner Gordon Barrett presented the staff summary and recommendation for approval of the requested amendment, explaining that the development trend in this area on Kingsbury Grade is towards residential uses with approximately 35% coverage and a density of 8 units per acre. The property owner in this case is requesting Medium Density Residential on the front portion of the parcel with a reduction in coverage from 70% to 35% in hopes that another parcel which she owns will be reclassified from General Forest to MDR as an exchange. Although the impacts on this parcel will be reduced with the residential zoning, staff is concerned about the availability of sewer capacity and water in the Kingsbury area. Approximately 50% of this area is built out. Ms. Carole Terry indicated she concurred with the staff's recommendation.

MOTION by Mr. Jacobsen to approve the requested amendment for the Carole Terry property from General Commercial to Medium Density Residential. The motion carried unanimously.

B. 1.62 Acres Owned by Carole Terry, Located South of Kingsbury Grade, from General Forest to Medium Density Residential

Mr. Barrett explained that this parcel was across Kingsbury from the previously-discussed application. The applicant is proposing to construct a 6 unit development and agrees to the staff-recommended coverage of 35%, or 15,600 square feet. The staff recommends that the request be approved for Tourist Commercial which will allow the coverage for residential uses to be set at 35% of the site and to be located in the disturbed area; a reclassification to MDR would permit 35% coverage of the total site. The APC recommended that the amendment to Tourist Commercial be approved with 35% coverage allowed for residential uses to be located on the northern third of the property. All other uses would be permitted 1% coverage. Dan Jenkins, on behalf of the property owner, explained that Douglas County had approved the site for 8 units per acre and either MDR or TC zoning would allow the proposed development. The applicant intends to restrict the coverage to the disturbed portion of the site in any case.

MOTION by Mr. Kjer to approve a General Plan amendment for the subject parcel to be reclassified from General Forest to Medium Density Residential with the zoning line between the MDR and General Forest portions of the property to be such that 15,600 square feet of coverage is allowed on the MDR property. The motion carried unanimously.
C. 3.1 Acres Owned by Tony Parina, Located South of Kingsbury Grade, from General Forest, General Commercial and Medium Density Residential to Tourist Commercial

Mr. Barrett presented the staff summary and recommendation for approval of the requested amendment. The applicant intends to process a 31 unit condominium development. The staff recommends that the 35% allowable coverage for residential use be restricted to the areas with slopes of less than 15% and also that the development be confined to the disturbed areas. The APC recommended approval of the requested amendment but felt that the applicant should be given the latitude to design the project utilizing the entire site. It was felt that staff would have the ability to restrict development if necessary at time of the tentative map review. Ms. Germaine McMorris, representing Tony Parina, concurred with the staff recommendation to approve the General Plan amendment to Tourist Commercial pointing out that the County had limited the future project to 10 units per acre. The applicant requests that the architect be given the flexibility to use the total site in the design of the units and not be limited to those areas with slopes less than 15%. One design possibility is to cantilever the front units over the slopes to take maximum advantage of the views, thereby allowing the back units to have views as well. Mr. Tony Parina gave a brief background of the project site explaining that the most unstable areas are the banks and these unstable areas will be used to get a drop in elevation. Extensive revegetation will be planned for the flat areas.

MOTION by Mr. Kjer to approve the requested reclassification of the Tony Parina property to Tourist Commercial with the maximum permitted land coverage for residential uses to be 35%. The land coverage for all other uses shall be governed by land capability. The motion carried unanimously.

VI CLEARINGHOUSE

A. Heritage Conservation and Recreation Service/Incline Village General Improvement District, Incline Village Park Athletic Field, Washoe County

Phil Overeynder, Chief Engineer, explained the Incline Village General Improvement District's request for Agency comment on its application for Federal funds for the Incline Village Park athletic fields. These fields were approved as public works projects on December 19, 1979. Staff recommends that the Heritage Conservation and Recreation Service be notified that TRPA has approved the athletic fields with the specific findings that there will be no detrimental effects to the stream environment zone on the subject property and further specify that the procedural requirements of the executive order regarding funding for projects in the flood plain should be followed.

MOTION by Mr. Meder to approve the staff's recommendation on the Incline Village GID's request of Federal funds from the Heritage Conservation and Recreation Service. The motion carried unanimously.
B. U.S. Environmental Protection Agency/Incline Village General Improvement District, Incline Lakes Facility, Washoe County

Planning Assistant Jim Dana presented the staff summary and recommendation for approval of the District's request for partial funding to undertake the study of alternative methods of providing sewage collection and disposal for the Incline Lake area. The area encompasses forty leaseholds in the proximity of Incline Lake and is 1/2 mile north of the present District boundary. The present limit of the existing sewer system is 8,000 linear feet from the study area and 1,000 feet above the elevation of the highest point of the present system. Staff recommends that the funding be granted for the study but asks that the study incorporate six specific items of concern not originally outlined as part of the study, that the Agency staff be given the opportunity to give input during the plan formulation stage and review of the completed facility plan, and that the analysis address a no-action alternative. Mr. Jack Shefchik, representing the Incline Village GID, concurred with the staff recommendation and conditions.

Mr. Bill Morgan commented that one of the implications of the Agency supporting this request for funding is that the TRPA does support the use of Federal funds. Such a study could eventually result in construction of the project. This should be taken into consideration. Mr. John Meder indicated that TRPA's support at this stage of the process is possibly the first step towards some type of increased development in this area.

John Reily, from the audience, advised the Board that he was interested in the ski potential of this area. If the skiing demand is not satisfied in the Tahoe Basin, this area may in the future be needed to provide housing or other development suitable for the skiing public.

MOTION by Mr. Ferrari to approve the staff’s recommendation as outlined to support the funding of the study for the Incline Lake area. The motion carried on the following vote:

Ayes: Mr. Kjer, Mr. Stewart, Mr. Woods, Mr. Ferrari, Mr. Jacobsen, Mr. Henry
Nays: Mr. Meder
Abstain: None
Absent: Mr. Johnson

C. U.S. Environmental Protection Agency, Draft Environmental Impact Statement, Proposed Wastewater Treatment Facilities, South Shore, Lake Tahoe Basin

Phil Overeynder presented the staff summary on EPA's draft document and outlined the service areas for the Douglas County Sewer Improvement District and the South Tahoe Public Utility District. Both of these facilities have prepared facilities plans that describe recommended alternatives to meet revised waste discharge requirements for the 1982 deadline. This draft was prepared by EPA as a preliminary step in determining whether or not proposed improvements and expansions of the facilities should be funded. There are numerous mitigation measures addressed in the report which are analyzed in terms of five scenarios (low growth to full growth). The impact statement analyzes the secondary effects due to plant expansion and upgrading and is basically an impact statement on the Agency's General Plan.
The APC has reviewed the document and has made several recommendations on the validity of the impacts, the desirability of implementing the mitigation measures, and the responsible entities. The two districts are asking local governments and regional entities to agree to commitments on the mitigation measures so that they can proceed with their grant processes. The deadline for receipt of comments by EPA is February 29 and staff intends to take the document back before the APC on February 13 for further review.

The APC felt that expansion of the South Tahoe PUD plant to 10 MGD and the upgrading of the Douglas County SID plant to its original design capacity of 3 MGD was within the limitations established by the TRPA General Plan and should be supported. With regard to protecting water quality of the stream environment zones, it was felt that no further action was necessary since the ordinances currently in effect are sufficient. With regard to best management practices to control erosion, the APC felt the existing 208 ordinance was sufficient mitigation. The APC members agreed that local governments within their own jurisdiction could institute an evaluation point system to limit the number of sewer connections to control location and level of growth. The criteria for this system would be determined by the local governments.

Board member Ken Kjer objected that the draft EIS was using sewage capacity as a constraint on natural development. Agreements with EPA were entered into many years ago to sewer the lands of the Basin as a mitigation measure to protect the Lake’s water quality. There are natural and public constraints for development and sewage capacity should not be one of them. If the real intent is to stop development, the money should be made available to purchase the lots on which homes cannot be built. In the meantime, however, sewage should not be used as a constraint.

In explaining the intent of the document, Bill Morgan pointed out that for a number of years the Federal Government has been in partnership with state and local agencies at Tahoe and this draft EIS is an attempt to reassess and reexamine these arrangements to see if changes are necessary.

Jim Cofer, General Manager of the South Tahoe Public Utility District, voiced concern that statements had been made by the California Water Quality Control Board, prior to hearings on the new California 208 Plan, that any grants for improvements which call for capacity greater than 7.5 MGD will not be supported. It is still felt, however, that EPA has an open mind and will listen to the comments of the local agencies on proposed mitigation measures. Jere Williams, on behalf of the Douglas County SID, emphasized the importance of timing and the necessity of meeting permit requirements by 1984. Substantial money is necessary for the proposed expansion to meet new discharge requirements and this funding is currently being held up by EPA. The hearing process on this document must be satisfied before EPA can make any funding decisions. In California, the State Water Resources Control Board will be responsible for disbursement of construction funds.

Tom Stewart informed the Board that El Dorado County and the City of South Lake Tahoe were putting together a memorandum of understanding to come up with implementable mitigation measures to be handled by the local governments. A meeting has been scheduled for early in February. Mr. Henry asked that the agreed-upon mitigation measures be submitted to the Advisory Planning Commission in February for further review. Agency legal counsel Gary Owen indicated he would get together with TRPA staff to go over his concerns with the EIS. Ken Kjer advised staff that Douglas County’s comments would also be submitted for review.
TRPA REGULAR MEETING MINUTES JANUARY 23, 1980

The Board recessed for a lunch break.

MOTION by Mr. Stewart to approve the executive session minutes from the December 19, 1979 meeting. The motion carried on the following vote:

Ayes: Mr. Kjer, Mr. Stewart, Mr. Woods, Mr. Ferràri, Mr. Jacobsen, Mr. Henry
Nays: None
Abstain: Mr. Meder
Absent: Mr. Johnson

D. U.S. Forest Service, Acquisition of the Jennings Casino Site, Douglas County

Mr. Overeynder presented the staff's summary and recommendation to support the Forest Service's request for funding to acquire the Jennings casino site in the Stateline area. Staff recommends that the Forest Service give consideration to the restoration of the hydrological characteristics of the site. Mr. Bill Morgan, of the U.S. Forest Service, advised that if the funding request is successful the Forest Service's intent is to restore the site to as near the natural condition as possible, recognizing that some major alterations have taken place.

MOTION by Mr. Kjer to support the staff recommendation. The motion carried unanimously.

VII  PLANNING MATTERS

A. Land Use Ordinance Amendments

1. High Density Apartment Land Use District

Mr. Barrett explained the proposed amendments to the Land Use Ordinance which would create a new land use district for apartment-only developments. Board member Norm Woods commented that he could not support such an amendment because such development, while permitted in Nevada, is prohibited in California. Current regulations will not allow development at a greater density than 8 units per acre; what is being proposed here is 15 units per acre. Mr. Kjer asked that the proposed definition for an apartment dwelling unit speak specifically to duplexes, triplexes and fourplexes in order to be consistent with state and local laws. Mr. Ferràri suggested that the specific purpose of this new use district be to provide rental housing for residents. Mr. Owen suggested several modifications.

There was general agreement that the amendments should be discussed further with the Advisory Planning Commission in February.

2. Standards for Timesharing, Interval Ownership Condominiums

Mr. Kjer questioned the advisability of the Agency's involvement in timesharing and pointed out that interval ownership would be a difficult thing to police, especially for already built projects. Staff pointed out that the issue was being addressed at the request of Washoe County in an attempt to assure that if timesharing were going to occur at Tahoe that it take place in the appropriate use district. Mr. Ferràri advised that the economic
impact to a community should be studied. What is really occurring with these timesharing condominiums is a commercial use and a lot of money is being spent for units which are owned by people residing out of the Tahoe area. These units are unfairly competing with local motels and are not required to collect room taxes from their guests. TRPA must address this situation in order to provide for orderly planning for the Basin. Too often an apartment project or high density project is approved only to have the owner convert the units into condominiums or timesharing units. Timesharing units should be restricted to commercial land use areas. Mr. Meder suggested that the staff research ownership of these units by corporations for employee or client use; the number of owners per unit should also be addressed. Chairman Jim Henry asked that the discussion be continued with the APC.

B. Subdivision Ordinance Amendments Relating to Condominium Conversions

The proposed amendments would call for conversions to be reviewed under the current subdivision standards. Mr. Kjer suggested that the proposed amendments call for TRPA review of five or more units. Mr. Ferrari suggested that the conversion issue be discussed with the APC in conjunction with the new apartments-only zone.

VIII REPORTS

A. Western Federal Regional Council,
   Tahoe Basin Environmental Assessment

David Clark, project leader for the Western Federal Regional Council's (WFRC) assessment, gave a slide presentation summarizing the major points in the document. The purpose of the assessment is for the federal agencies to review past reports, to make a determination as to the adequacy of the data base, and to resolve some of the questions that have arisen based on the data. The document describes what has happened in the Lake Tahoe Basin over the last ten years, develops cause and effect relationships and explores the possibility of environmental thresholds as a way to manage growth in the Tahoe Basin.

Mr. Morgan pointed out that this assessment is the first step in a three stage process. Following preparation of the assessment it was planned that its interpretation would lead to establishment of thresholds relating to the Basin's finite capacities and implementation of measures, regulations or land use programs to achieve those thresholds. It was felt that the federal agencies could handle the first step and that phases two and three would be the concern of local and regional agencies. The Agency's 208 Plan and Nonattainment Air Quality Plan have both addressed some of the major concerns; other concerns which should be addressed are noise levels, traffic increases, and visual qualities.

There was considerable discussion among the Board members on past problems in the Tahoe Basin and efforts by local and regional governments to correct them.

The public has been invited to respond to the document and all comments will be reviewed in February to see whether or not the federal government will foster further use of the information. It was hoped at the outset that TRPA could proceed with phases two and three.
MOTION by Mr. Jacobsen to accept the Western Federal Regional Council's environmental assessment document into the TRPA record. The motion carried unanimously.

MOTION by Mr. Stewart to place the item on the agenda for the next meeting. The motion failed on the following vote:

Ayes: Mr. Stewart, Mr. Woods, Mr. Ferrari, Mr. Meder
Nays: Mr. Kjer, Mr. Jacobsen, Mr. Henry
Abstain: None
Absent: Mr. Johnson

MOTION by Mr. Woods to request funds from the California Governor's office and the California Resources Agency for a General Plan Update which would address the establishment of thresholds in the Tahoe Basin.

The Board members discussed the wisdom of requesting financial aid when the amount that would be necessary to undertake the General Plan Update was presently unknown. Mr. Meder suggested that the Agency would be in a more reasonable position if it had a more specific program to present to both states and staff should be directed to put something together for the Board's review next month.

Mr. Woods withdrew his motion.

MOTION by Mr. Woods that this matter be considered by the Board at the next meeting and that staff be directed to prepare a brief work program outline for presentation in February. The motion carried on the following vote:

Ayes: Mr. Stewart, Mr. Woods, Mr. Ferrari, Mr. Jacobsen, Mr. Meder, Mr. Henry
Nays: Mr. Kjer
Abstain: None
Absent: Mr. Johnson

Mr. Kjer and Mr. Jacobsen indicated they were opposed to requesting funds from the states on a piecemeal basis. Mr. Stewart advised that presentation of a new work program may require amendments to and resubmittal of the Agency's budget.

B. Appeals of Staff Decisions - none

C. Executive Session - none

D. Field Enforcement Report

1. Harvey's Inn, Compliance With Open Space Requirements

Senior Planner Gordon Barrett presented the staff summary on the Harvey's Inn coverage situation commenting that the existing 84% coverage on the Harvey's Inn site far exceeds any coverage overrides allowed by TRPA. There is no infiltration system on the site and no drainage is being retained. Staff is also concerned with the enforcement aspect of the situation and the Agency's image in terms of requiring compliance with the ordinances. One alternative which has been proposed to resolve the required open space problem is the deeding of four lots on Laura Drive to Douglas County for permanent open space as a
neighborhood park. At one time during previous compromise negotiations, Harvey's had offered to dedicate all of the lots along Laura Drive to open space. The four lots total .55 acre.

Bob Gardner, on behalf of Harvey's, presented Harvey's understanding of the coverage situation at Harvey's Inn explaining that Harvey's had presented an application to Douglas County in August 1976 for a parking area which would have increased coverage from 67.2% to 83%. That application was approved by Douglas County on August 9, 1976 with findings which were submitted to TRPA. TRPA failed to reach a dual majority on the variance application on September 22, 1976, and Harvey's felt the variance was deemed approved after 60 days. Harvey's proceeded according to the variance issued by the County and engaged Summit Engineering for parking lot improvements following the map approved by Douglas County. After these plans were approved, Harvey's went to the County and obtained a grading permit for the improvements after which the applicant proceeded to pave the parking area.

After the project was paved (storm drainage improvements were not yet installed), two meetings were held with TRPA to reach a compromise solution on the coverage. The paving added 1 acre of coverage to the site and compliance with the TRPA ordinances would have required removal of 1 acre of coverage. If the variance is legal it would not require uncovering any space. Harvey's therefore felt that a compromise would mean returning up to 1 acre or, as a compromise, 1/2 acre to open space. The proposed compromise at this point is to commit four lots to be deeded to Douglas County. The only request that Harvey's has is that should the Board act favorably on the compromise proposal it would be such that legal counsel could work out the details to Harvey's benefit from a tax standpoint.

In further discussing the deeding of the four lots, Board member Ken Kjer commented that Douglas County would not permit the closing of Laura Drive since it provides an access to the nearby 4-H Camp.

Grant Bastian, of Summit Engineering, explained the proposed drainage system to be installed on the Harvey's Inn parking lot and indicated that it would be similar to the one in use at Harvey's Resort Hotel at Stateline. This system has been designed for a 100 year, 2 hour storm. Staff explained that it was concerned with buildup of materials on the parking lot because of the additional impervious coverage and increased flows into an unstable drainage channel (Burke Creek). Staff wants to assure that the runoff is being detained on the site so that the flows are not increased into this eroding channel. Staff requests that this be a condition of any compromise.

Agency legal counsel Gary Owen explained the situation from a legal standpoint and commented that one question which must be addressed if litigation is pursued is whether a project can have more coverage through a deemed approved variance than that which is allowed in the ordinances. Mr. Owen indicated he did not believe this was possible. However, the 60 day rule has not been tested with regard to a project which appears to exceed the ordinances or a project which does not conform to the project previously approved by a dual majority. TRPA would likely have a 50/50 chance at best in a legal attack on the project.
TRPA REGULAR MEETING MINUTES JANUARY 23, 1980

Mr. Kjer explained that after much discussion with Mr. Harvey Gross it was decided that nobody would be benefited by litigation and a compromise agreement should be studied. Mr. Gross in the past few years has been very helpful in trying to accomplish several environmentally beneficial activities, i.e. the Loop Road, the pedestrian undercrossing at Stateline, acquisition of a casino site. As a result of recent discussions, Mr. Gross has agreed to grant a deed to Douglas County for a park consisting of four lots (totaling $240,000). In exchange he would want a withdrawal by TRPA of any protest to the variance. Douglas County would like to see a children's play area in this neighborhood and intends to proceed with plans for the park's development in the near future.

Mr. Ferrari spoke in favor of the deed but commented that in the future he would recommend immediate legal action to enforce the Agency's rules and regulations should a similar situation arise.

MOTION by Mr. Ferrari to accept the compromise and the deed and following its execution TRPA would proceed with reclassifying the four lots so that they can never be used for anything except a park.

Mr. Kjer informed the Board that the deed had already been signed and executed and was ready to be recorded.

Mr. Ferrari amended his motion to withdraw the protest regarding the Harvey's Inn variance and to accept the deed as prepared.

Mr. Ferrari did not accept Mr. Kjer's suggestion that the motion speak only to the withdrawal of the protest and not to the deed (for tax purposes).

Mr. Ferrari restated that his motion was to withdraw the protest subject to Douglas County's acceptance of the deed as prepared.

To concerns raised by Mr. Meder that the drainage improvements be installed, Mr. Gardner commented that the storm drainage improvements are a requirement of the Douglas County building permit which has already been issued. Mr. Ferrari indicated that in addition to the deed an indemnity agreement should be signed by both parties stipulating that Harvey's Inn will not take any action. Mr. Owen commented that the motion could call for a withdrawal of the protest subject to an indemnity agreement being signed, installation of storm drainage facilities, requirement for open space and commencement of rezoning the four lots fronting Laura Drive to Recreation.

Mr. Ferrari agreed to include these items in his motion. The motion carried unanimously.

F. Legal Counsel Report - none

G. Agency Manager Report

Phil Overeynder informed the Board that several applications had been received for the Executive Director position. Applications will be accepted until February 8. Corey Creasy, from Douglas County; Bob Conen, from the City of South Lake Tahoe; and Glenn Smith, of the Forest Service, have been asked to serve on the February 14 screening committee. Preliminary interviews will take place with this same committee and additional technical representatives from the APC on the 26th with Governing Board interviews to be the 27th. Mr. Stewart suggested that the top-most qualified persons
be selected for the Board interviews rather than trying to select a specific number to be interviewed.

On the subject of the Agency's finances, the year-end financial report dated December 31, 1979, prepared by Kafoury, Armstrong, Bernard & Bergstrom, was distributed to the Board members and shows TRPA in good financial health. TRPA will be going to computerized bookkeeping next month and staff will provide a quarterly report. Phil outlined several modifications which should be made to the Agency's budget, among which is an EPA grant for $6,100 which may be reprogrammed. The revenue increases total approximately $34,000 in potential funds for the Agency over and above what is currently budgeted. In addition, building expenses can be reduced by approximately $9,000 over what was budgeted because of cutbacks in office space. Staff will stay in the same building. Because of these expense decreases and budget revenue increases, funds in the amount of approximately $44,000 are available for reprogramming to other purposes. TRPA must allow $9,400 for a new executive director for 3 months beginning April 1; this is not currently in the budget. Existing staff (including the shorezone assistant) should be kept through the first of the fiscal year. Phil indicated that he would work out the details with the Finance Committee.

The second payment from El Dorado County has been received. Placer and Douglas County's dues have not yet been received. Mr. Henry asked the staff to call Kimbuck Williams, the County Auditor, for Placer County's dues. Mr. Kjer presented the Agency with a check to cover Douglas County's dues.

G. Governing Body Members

Norm Woods asked that the staff analyze the Fazio Bill which calls for a National Scenic Area at Tahoe. All local representatives should be concerned about this bill since it appears to call for total dictatorship. The staff indicated it would get copies of the bill to all Board members.

H. Public Interest Comments

John Reily informed the Board of a letter dated January 18 from Biz Johnson regarding the Fazio Bill.

IX ORDINANCES

A. Second Reading of Ordinance Amending Section 7.110 of the Land Use Ordinance to Clarify Level of Detail Necessary for a Conceptual Plan Submittal

Gary Owen read the ordinance by title.

Ordinance No. 80-1

An Ordinance Amending Ordinance No. 4, the Land Use Ordinance, of the Tahoe Regional Planning Agency, as Amended, to Clarify the Terminology Utilized in Adopting Conceptual Development Plans Under Section 7.110; and Providing Other Matters Properly Related Thereto.

MOTION by Mr. Woods to waive further reading and to adopt Ordinance No. 80-1. The motion carried unanimously.
B. Second Reading of Ordinance Amending the Regional Plan to Reclassify the Edgeking Venture Property to Rural Estates and General Forest, Douglas County

Gary Owen read the ordinance by title.

Ordinance no. 80-2.
An Ordinance Amending the Land Use Element of the Regional Plan of the Tahoe Regional Planning Agency by Amending Exhibit "A" to Ordinance No. 22, by Adding Paragraph 89 Thereto, to Change the Land Use District Applicable to Certain Real Property.

MOTION by Mr. Kjer to waive further reading and to adopt Ordinance No. 80-2. The motion carried unanimously.

C. Second Reading of Ordinance Amending the Regional Plan to Reclassify the Scharruhrn Property from General Commercial to Medium Density Residential, Douglas County

Gary Owen read the ordinance by title.

Ordinance No. 80-3
An Ordinance Amending the Land Use Element of the Regional Plan of the Tahoe Regional Planning Agency by Amending Exhibit "A" to Ordinance No. 22, by Adding Paragraph 90 Thereto, to Change the Land Use Districts Applicable to Certain Real Property.

MOTION by Mr. Ferrari to waive further reading and to adopt Ordinance No. 80-3. The motion carried unanimously.

D. First Reading of Ordinance Amending the Regional Plan for Properties Owned by Carole Terry, Douglas County (Agenda Items V A. & B.)

Gary Owen read the ordinance by title and asked that the ordinance mailed in the packet be modified to reflect the amendment approved by the Board earlier in the meeting (item V B.). Staff's draft shows the property to be reclassified to Tourist Commercial; the Board approved the amendment to MDR.

MOTION by Mr. Woods to introduce the Carole Terry ordinance for first reading. The motion carried unanimously.

E. First Reading of Ordinance Amending the Regional Plan for Property Owned by Tony Parina, Douglas County (Agenda Item V C.)

Gary Owen read the ordinance by title and asked that the proposed ordinance be amended to delete the sentence requiring coverage to be restricted to the areas with slopes of less than 15%. This would be consistent with the Board's earlier action.

MOTION by Mr. Kjer to introduce the Tony Parina ordinance for first reading. The motion carried unanimously.
TRPA REGULAR MEETING MINUTES JANUARY 23, 1980

X RESOLUTIONS

The staff was directed to prepare a resolution for former Board member Tom Cooke to be signed by all the Board members.

XII CORRESPONDENCE - none

XIII OTHER BUSINESS

A. Selection of Nominating Committee for Chairman and Vice Chairman

Jim Henry appointed Marc Petty to chair the Nominating Committee which will include Board members Tom Stewart and Harold Jacobsen. The Committee will meet at 9:00 a.m. the morning of February 27 and the Board will elect a new chairman in February who will start a new term in March.

B. Appointment of Four Lay Members to the APC

The Board members responsible for selection of lay members to the APC asked that the past attendance records be made available to aid in the appointments. Names of new APC members will be presented in February for Board confirmation.

XIV ADJOURNMENT - The meeting adjourned at 5:30 p.m.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

Respectfully submitted,

[Signature]
Julie D. Frame
Senior Secretary
Glenbrook
Modification of Previous Approvals
Douglas County

Agency Action Required by March 31, 1980

Summary

The applicant, Ron Nahas, representing the Glenbrook Company, is requesting approval of two modifications to previous approvals granted by TRPA. The first request is to modify the Glenbrook tennis club approved by the Board on September 27, 1978. The modification entails removing two tennis courts, the tennis clubhouse, parking area and access road from the approved facility. Proposed is the creation of two new building sites for single family residences and the retention of four courts, possibly five. The new building sites will have 5,612 and 6,000 square feet of allowed land coverage, respectively. Access to the parcels will be off of the Back Road which connects Glenbrook Units 2 and 3. The removed tennis clubhouse will be incorporated into the existing golf course clubhouse as will the necessary parking facilities. Access to the courts will be by paved cart paths.

The courts being removed from this facility will be replaced by courts approved in Unit 3. During the approval process, the master plan density for Unit 3 was substantially reduced from 225 units to 77 single family residence lots. The design of the tennis facility had been envisioned to adequately serve the 225 units. It is the developer's opinion that the reduction in units will significantly reduce the demand for the courts. Based on this, he has reduced the facility size. With the inclusion of the approved courts in Unit 3, the tennis facilities should be adequate to service anticipated demand. None of the courts will have lights for evening play.

The second requested modification is to extend the deadline for completion of construction work on Unit 3. The Governing Board approval for Unit 3 granted on June 27, 1979 specified that all improvements are to be completed by June 27, 1981. Glenbrook Unit 3 is proposed for completion in two phases. The anticipated time of completion for Phase 2 is the fall of 1981. The applicant therefore requests an extension on the 24 month completion deadline to December 31, 1981. In view of the proposed phasing and the construction constraints imposed by the winter grading deadline, staff has no objection to the requested completion deadline extension.

Land Capability and Coverage

The tennis club is proposed to serve all of Glenbrook but was a separate application, so land capability analyses and land coverage calculations were made independently from those in Units 2 and 3. The road which provides access to the tennis club, the Back Road, also provides access from Unit 2 to Unit 3. Therefore, the road coverage calculations for the road were partially attributed to Unit 2, Unit 3 and to the tennis club site. Within each unit and the tennis club, land coverage calculations were distributed by land capability districts identified on the accompanying map as land capability zones.
Glenbrook Tennis Club
Modifications of Prior Approvals
Douglas County
Page 2

Z- Land Capability Zone
P- Parcel
    - Existing Courts
    - Proposed Court

Glenbrook Tennis Club
Road Coverage

<table>
<thead>
<tr>
<th>soil type</th>
<th>land capability</th>
<th>allow. cover.</th>
<th>road cover.</th>
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<tbody>
<tr>
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<td>3 - 5%</td>
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<tr>
<td>Unit 3</td>
<td></td>
<td></td>
<td></td>
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<tr>
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<tr>
<td>Zone 10</td>
<td>MxF</td>
<td>1c - 1%</td>
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<td></td>
<td></td>
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<tr>
<td>Club</td>
<td>UmE</td>
<td>3 - 5%</td>
<td>29750</td>
</tr>
</tbody>
</table>

* 23,950 sq. ft. represents unused land coverage remaining in Unit 2 in UmE soil classification

New Parcels and Tennis Club Land Coverages

<table>
<thead>
<tr>
<th>soil type</th>
<th>land capability</th>
<th>allow. cover.</th>
<th>prop. cover.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel A</td>
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<tr>
<td>+ road</td>
<td>UmE</td>
<td>3 - 5%</td>
<td></td>
</tr>
<tr>
<td>Parcel B</td>
<td>UmD</td>
<td>5 - 25%</td>
<td>54000</td>
</tr>
<tr>
<td>Parcel C</td>
<td>UmD</td>
<td>5 - 25%</td>
<td></td>
</tr>
</tbody>
</table>

* This figure does not include land coverage associated with the driveways providing access to parcels A & B. Both driveways will be constructed in the UmE soil classification. When driveways are provided the amount of land coverage existing will exceed that shown in this Table.

** Parcels B & C are both in the UmD soil classification. The amount of allowable land coverage specified for Parcel B applies to both Parcels B & C

2/14/80
Glenbrook
Modification of Previous Approvals

Page Three

Based upon the above tables, staff is satisfied that this application complies with the requirements of the land capability system regarding land coverage.

Drainage

Drainage emanating from the remaining courts will be handled in accordance with the previously approved plans. Drainage from the proposed residences will be collected in infiltration trenches located under the building driplines. Drainage from the proposed parking areas and driveways will also be handled with infiltration trenches. Design considerations for the driveways were not included. Staff recommends that driveway site plans and specifications be submitted prior to recordation of the proposed parcel map.

Slope Stabilization and Revegetation

Unchanged aspects of this proposal will be handled in accordance with previous approvals. Staff has not yet seen the proposed location or specifications for the access driveways to the two new residence parcels. When these plans are submitted as recommended above, final approval of proposed slope stabilization and revegetation measures will be granted.

Recommendation

Agency staff recommends that both requested modifications to the Glenbrook project be approved. The modification of the prior approval for the tennis club shall be subject to the following conditions:

1. Final construction drawings for all site improvements shall be approved by the Agency. These plans shall clearly depict: a) slope stabilization measures to be performed to stabilize all proposed cut and fill areas; b) areas to be revegetated, including complete specifications for such revegetation; and c) all drainage devices.

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

3. All construction activity shall be in compliance with all Douglas County and TRPA requirements.

2/14/80
Clearinghouse
U.S. Forest Service
Acquisition of 1,240 Acres Near Glenbrook
Douglas County

Summary

The U.S. Forest Service proposes to acquire 1,240 acres from the Trust for Public Lands (TPL), a non-profit organization. TPL has entered into a bargain sale agreement with the Bliss family who has owned the property for over 100 years. TPL would sell the property to the Forest Service at their cost. The property is located east of Shakespear Point near Glenbrook in Douglas County.

Property Description

The lands proposed for acquisition include two assessor's parcels totaling 1,240 acres. The property lies on the western slope of the Carson Range and is composed primarily of high hazard land. The Agency has classified the property as General Forest and there are no existing improvements except a water supply intake and water line which supplies water to development at Glenbrook. The proposed acquisition would not affect existing water rights or diversions. Access to the property is provided by a number of unimproved roads from U.S. Highway 50 and Genoa Peak Road.

The parcels are located within the boundary of the Toiyabe National Forest. Adjacent lands to the south, east and north are currently within the National Forest system and are unimproved. The parcel immediately to the west is privately owned and undeveloped.

The proposed acquisition includes a portion of North Logan House Creek and surrounding meadow lands. Logan House Creek supports a small fishery. The property is considered prime wildlife habitat because of its vegetation types, topography and location. The property is prominently located so as to be highly visible from Lake Tahoe as well as major transportation corridors.

Compatibility with Agency Plans

The parcels are classified as General Forest by the Agency. Two single family residences could be constructed under current Agency ordinances. Severe restrictions in terms of availability of utilities and land coverage would have to be overcome prior to any development activities. Acquisition would provide for protection of visual resources, fish and wildlife resources, water quality and provide for increased outdoor recreation opportunities.

Recommendation

Staff recommends Agency support for the proposed land acquisition.

2-14-80
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 80-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A" TO ORDINANCE NO. 22, BY ADDING PARAGRAPHS 91 and 92 THERETO, TO CHANGE THE LAND USE DISTRICTS APPLICABLE TO CERTAIN REAL PROPERTIES.

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that the following amendments to the land use element of the Regional Plan are in accordance with the provisions and purposes of the Tahoe Regional Planning Compact, and that all required notices have been given and public hearings held as required by Article V of said Compact.

Section 2.00 Change In Land Use Districts

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new paragraphs 91 and 92 to accomplish changes in the applicable land use districts, which paragraphs shall read as follows:

"91. All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada and being all that portion of the East 1/2 of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 24, T13N, R18E, MDB&M, that lies northerly of the centerline of the present Kingsbury Road, and more particularly described as follows: Commencing at the southwest corner of Section 24, T13N, R18E, MDB&M, thence North 0 degrees 07 minutes West along the centerline of the Kingsbury Road a distance of 225 feet; thence North 15 degrees 08 minutes 08 seconds East along said centerline a distance of 284.89 feet to a point; thence North 10 degrees 45 minutes East along said centerline a distance of 403 feet to a point; thence North 82 degrees 34 minutes East along said centerline a distance of 14.50 feet to the True Point of Beginning; thence North 0 degrees 06 minutes 13 seconds West a distance of 412.64 feet to a point on the north boundary of the Southwest 1/4 of the Southwest 1/4 of Section 24, T13N, R18E, MDB&M; thence South 89 degrees 55 minutes 13 seconds East along said north boundary a distance of 165.41 feet to a point; thence South 0 degrees 05 minutes 25 seconds East a distance of 426.00 feet to a point on the centerline of Kingsbury Road; thence North 67 degrees 33 minutes West along said centerline a distance of 70 feet to a point; thence South 82 degrees 34 minutes West along said centerline a distance of 101.50 feet to the point of beginning. Said described property is classified Medium Density Residential."
All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

A portion of the Southwest 1/4 of the Southwest 1/4 of Section 24, T13N, R18E, MDB&M, described as follows:

Parcel 2: Commencing at the section corner common to Sections 23, 24, 25 and 26, T13N, R18E, MDB&M; thence along the south line of said Section 24, North 89 degrees 54 minutes East 657.68 feet to the southeast corner of parcel conveyed by Clyde Barber and Lucille Barber by deed recorded February 18, 1959, in Book B-1 of Deeds, Page 77, Douglas County, Nevada records; thence continuing along the south line of said section North 89 degrees 54 minutes West a distance of 164.42 feet; thence North 0 degrees 07 minutes West a distance of 530.92 feet, more or less, to the southwest corner of the parcel conveyed by Mary Hansen to Richard Eugene Hemperly and Jean Hemperly; thence along the south line of said parcel North 89 degrees 57 minutes West a distance of 329.68 feet to the True Point of Beginning; thence North 0 degrees 07 minutes West a distance of 171.5 feet, thence North 89 degrees 57 minutes East a distance of 164.84 feet to a point on the east line of the Southwest 1/4 of the Southwest 1/4 of Section 24, thence along the east line of the Southwest 1/4 of said Section 24 South 0 degrees 00 minutes 19 seconds West a distance of 171.5 feet, thence South 89 degrees 57 minutes West a distance of 164.84 feet more or less to the True Point of Beginning.

Parcel 1: Commencing at the section corner common to Sections 23, 24, 25 and 26, T13N, R18E, MDB&M; thence along the south line of said Section 24, north 89 degrees 54 minutes East 657.68 feet to the southeast corner of parcel conveyed by Clyde Barber and Lucille Barber by deed recorded February 18, 1959, in Book B-1 of Deeds, Page 77, Douglas County, Nevada records; thence continuing along the south line of said section North 89 degrees 54 minutes West a distance of 530.92 feet, more or less, to the southwest corner of the parcel conveyed by Mary Hansen to Richard Eugene Hemperly and Jean Hemperly; thence along the south line of said parcel North 89 degrees 57 minutes West a distance of 329.68 feet to the True Point of Beginning; thence North 0 degrees 07 minutes West a distance of 171.5 feet; thence continuing North 0 degrees 07 minutes West a distance of 238.5 feet, more or less, to a point on the South boundary of the Kingsbury Grade right-of-way; thence North 67 degrees 48 minutes 19 seconds East, along the south right-of-way, a distance of 179.11 feet, more or less, to a point on the east line of the Southwest 1/4 of said Section 24, South 0 degrees 00 minutes 19 seconds West a distance of 288.5 feet; thence South 89 degrees 57 minutes West a distance of 164.84 feet to the True Point of Beginning.

The above-described Parcel 2, consisting of approximately .62 acres, remains General Forest; the above-described Parcel 1, consisting of approximately 1.00 acre, is reclassified Medium Density Residential.
Section 3.00  Severability

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

Section 4.00  Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING:  January 23, 1980

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

______________________________________________
Chairman
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 80-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A" TO ORDINANCE NO. 22, BY ADDING PARAGRAPH 93 THERETO, TO CHANGE THE LAND USE DISTRICT APPLICABLE TO CERTAIN REAL PROPERTY.

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that the following amendment to the land use element of the Regional Plan is in accordance with the provisions and purposes of the Tahoe Regional Planning Compact, and that all required notices have been given and public hearings held as required by Article V of said Compact.

Section 2.00 Change In Land Use Districts

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new paragraph 93 to accomplish a change in the applicable land use district, which paragraph shall read as follows:

93. All that real property situate in the Southwest 1/4 of the Southwest 1/4 of Section 24, T13N, R18E, MDB&M, Douglas County, Nevada, described as follows: Commencing at the section corner common to Sections 23, 24, 25 and 26, T13N, R18E, MDB&M; thence along the south line of said Section 24, North 89 degrees 54 minutes East, a distance of 657.68 feet to the southeast corner of the parcel conveyed to Clyde Barber and Lucille Barber, by deed recorded in Book E-1 of Deeds, at Page 77, Douglas County, Nevada; thence continuing along the south line of said Section 24, North 89 degrees 54 minutes East, a distance of 164.42 feet; thence North 0 degrees 07 minutes West, a distance of 428.42 feet to the Point of Beginning; thence continuing North 0 degrees 07 minutes West 365.09 feet to a point on the southerly right-of-way of Kingsbury Grade; thence along said southerly right-of-way North 60 degrees 01 minutes 00 seconds East 153.77 feet to the beginning of a tangent curve concave to the southeast with a radius of 960.00 feet and a central angle of 12 degrees 46 minutes 00 seconds; thence along said curve on an arc length of 213.91 feet; thence North 72 degrees 47 minutes 00 seconds East 0.57 feet; thence leaving said southerly right-of-way South 00 degrees 07 minutes 00 seconds East 424.79 feet; thence South 89 degrees 57 minutes 00 seconds West 81.68 feet; thence South 00 degrees 07 mintes 00 seconds East 102.50 feet; thence South 89 degrees 57 minutes 00 seconds West 248.00 feet to the Point of Beginning. Said described property contains 3.25 acres, more or less, and is reclassified to Tourist Commercial. The coverage of said described property shall be limited to 35 percent for residential uses. Coverage for all other uses shall be as set forth in Section 6.20 of Ordinance No. 4, the Land Use Ordinance."
Section 3.00  Severability

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

Section 4.00  Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING:       January 23, 1980

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

______________________________
Chairman
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Tahoe Carriage
Administrative Permit for a Commercial Project
City of South Lake Tahoe

Agency Action Required By: April 1, 1980

Project Description

The applicant, Brian Stack, requests approval of a permit to construct an automobile sales and service facility on a 4.1 acre site. The proposed Cadillac, Pontiac and Jeep dealership is to replace the motorcycle dealership now located on the property in substandard buildings. The new construction, consisting of a new two-story building covering 9,774 square feet and a 123 car parking area covering 44,479 square feet, will be located in an existing disturbed area which was once a borrow pit.

Project Location

The project is to be located adjacent to Highway 50 in the area of the South Lake Tahoe Airport. The dealership will be sited on the front portion of the property between Tahoe Western Concrete and H Street. (El Dorado County Assessor's Parcel No. 32-172-01)

Prior Approvals

City of South Lake Tahoe - On March 7, 1979 the Planning Commission approved the project subject to 18 conditions and certified the Negative Declaration. On March 20, 1979 the Architectural Review Committee approved the project subject to the same 18 conditions.

Lahontan - On August 29, 1979 waste discharge requirements were adopted by the Regional Board.

Caltrans - Caltrans has approved driveway encroachments for the project but the approved design (developed by Caltrans) requires removal of some trees that the applicant wishes to retain. The applicant is attempting to develop an alternative scheme acceptable to Caltrans to protect these trees.

CTRPA - On February 1, 1980, the CTRPA approved the project with 34 conditions. One notable condition requires the applicant to provide the CTRPA with $20,000 for signal improvements at the South Tahoe "Y".

Land Use

The site is presently classified General Commercial (GC) by TRPA, permitting land coverage up to 70%. The proposed car dealership is a permitted use in GC. There are existing commercial uses to the south (Tahoe Western Concrete, Par Gas) and residential development to the north. There has been some concern expressed by the residents in the area which both the City and CTRPA have attempted to mitigate through the conditions of approval.

2/15/80
Land Coverage

Although the GC land use district permits land coverage up to 70%, the land capability system indicates that the undisturbed portions of the property would have a maximum coverage of 25% and the disturbed portions of the property would be limited to 1% land coverage. The applicant has spent considerable time trying to resolve this dilemma with CTRPA and the result is a CTRPA approval limiting the project's coverage to 30.28% (54,423 square feet). This coverage is to be located within the disturbed pit area and is well within the TRPA limit of 70% land coverage.

Public Services

The applicant has submitted the necessary will-serve letters indicating this facility will be provided the required services except for fire protection. In the case of fire protection, the applicant will be required to install two 5,000 gallon water tanks until the South Tahoe Public Utility District can provide water lines with adequate fire flows.

Traffic and Air Quality

It has been estimated by CTRPA staff that this project would generate 371 vehicle trips per day which would be a net increase of 294 trips per day over the existing facility. The project has been estimated to increase CO emissions by 166,975 grams and the applicant proposes to reduce 16,000 grams with on-site mitigation measures and 150,100 grams by contributing $20,000 for signal improvements at the South Tahoe "Y".

Drainage Slope Stabilization and Revegetation

The applicant proposes to utilize the existing level disturbed areas for his project. The plan indicates there will be an extensive system of infiltration trenches and a modification of the existing drainageway. Staff does have some concerns over the proposed measures to protect the open space, the types of modifications to the drainage system and some of the proposed minor improvements to the access ways to Highway 50. It is staff's position that these details can be corrected with the requirement of staff approval of the construction drawings.
Recommendation

The Agency staff recommends approval of the administrative permit with the findings required pursuant to Section 8.33 of the Land Use Ordinance and 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. An undertaking by corporate surety guaranteeing the performance of landscaping, revegetation, and proper installation of slope stabilization and drainage facilities shall be posted with the permit-issuing authority as provided in Section 7.140 of the Grading Ordinance.

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

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

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

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

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

   b. Installation of fencing for vegetation protection.

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

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

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

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 40 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 54,253 square feet.

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

Harrah’s Tahoe
Conformance With Previous Approvals
Douglas County

Items for Consideration

As noted in a letter dated February 8, 1980 to Harrah's, copied to all Governing Body members, the Agency staff with concurrence of legal counsel has scheduled Harrah's Tahoe for a hearing before the Governing Body in order to clarify TRPA's position on enforcement. What was thought to be a simple matter of enforcing open space requirements last summer has evolved into more complex issues regarding enforcement activities of TRPA, NTRPA and Douglas County. It is in this context that Agency staff requests direction from the Governing Body on TRPA's role in the enforcement of Agency approvals and ordinances as they relate to Harrah's Tahoe. Specific issues for Governing Body action are itemized below:

A. Determination of Project Conformance With 1971/1973 TRPA Approvals

Is the Douglas County approved expansion of casino area, i.e. gaming, restaurant, bar, cabaret uses, into areas specified for hotel lobby and children's recreation in substantial conformance with TRPA approvals?

B. Determination of Compliance With Conditions 5 and 6 of 1973 TRPA Approval

Has the applicant submitted detailed plans and maintenance procedures to insure adequate quality of stormwater runoff and does the runoff now occurring meet TRPA and Nevada Division of Environmental Protection waste discharge standards? As to condition 6, are the signs now installed on the hotel and parking structure acceptable to the Agency?

C. Determination of Compliance With Open Space Requirements of Previous TRPA Approvals

Has the applicant satisfied the open space requirements by removing paving but still allowing parking on the now exposed dirt areas?

Background

On January 27, 1971, the TRPA Governing Body granted a special use permit for a 542 room hotel tower and a multilevel parking structure. The applicant's information report established the existing and proposed gaming area at 41,100 square feet and indicated the annex building now called the "North Casino" was to be a children's recreation building.

On May 23, 1973, the TRPA Governing Body approved what was determined to be the second phase of the 1971 approval. This included the 291 room second phase of the hotel tower and three more levels to the garage structure. This approval did not include any additional casino area.

Harrah’s Position

<table>
<thead>
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<th>2/19/80</th>
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<tbody>
<tr>
<td>0 No Jurisdiction - no change in height, etc.</td>
</tr>
<tr>
<td>2 TRPA Approval - with Garage</td>
</tr>
<tr>
<td>3 Vested Right thru continued use</td>
</tr>
</tbody>
</table>
On April 28, 1976, the TRPA Governing Body approved the construction of an executive garage located in the rear of the casino. This approval did not include any additional casino area.

On November 17, 1977, the TRPA Governing Body approved the construction of a bus loading area in the rear of the casino. This approval did not include any additional casino area.

The October 1978 TRPA staff report, entitled "Analysis of Potential Parking Expansion, South Lake Tahoe Gaming Area", indicates that an area designated for hotel lobby is being used for gaming and the recreation building is being used for gaming, a ski shop and children's recreation area.

On January 25, 1979, the TRPA Governing Body approved a parking structure that would increase the parking capacity on the site to 4,884 automobiles. Although this approval did not include any additional casino area, the applicant's site plan did label the children's recreation building as the "North Casino".

On October 8, 1979, the Agency staff sent a letter to Douglas County requesting that no permits be issued for further construction until compliance with open space requirements are satisfied.

On October 15, 1979, Douglas County issued a $1.5 million remodeling permit for the "North Casino".

On February 4, 1980, after months of negotiations on enforcement matters with Douglas County, the County District Attorney notified Agency staff that the County would not withhold any permits on Harrah's and that the Agency's enforcement concerns should be directed to Harrah's.

Analysis

A. Determination of Project Conformance With 1971/1973 TRPA Approvals

When the Agency approved this resort hotel, the approval was based on the applicant's representation of size, shape, uses, parking, open space, etc., which is well documented in the TRPA files. It is Agency staff's and legal counsel's opinion that these limitations must be adhered to unless otherwise specified by TRPA. The issue under consideration is one of use, an issue that has been clouded by the various interpretations of the Agency's jurisdiction regarding gaming. Specifically, Harrah's Tahoe under Douglas County permit (but without TRPA or NTRPA approvals) has remodeled portions of the main casino and the annex, dramatically changing the uses approved by two regional agencies. The following table indicates the changes which have been documented from TRPA files and onsite inspections:
<table>
<thead>
<tr>
<th></th>
<th>Main Building</th>
<th>Annex (North Casino)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971/1973 TRPA and</td>
<td>41,100 sq. ft. of gaming and a defined hotel lobby</td>
<td>To be a children's recreation building</td>
</tr>
<tr>
<td>NTRPA approvals</td>
<td></td>
<td>5,390 sq. ft. gaming area in summer ski shop in winter</td>
</tr>
<tr>
<td>October 1978</td>
<td>45,400 sq. ft. of gaming including the hotel lobby (converted to gaming)</td>
<td>3,380 sq. ft. bar, restrooms, snack bar in summer (unused in winter)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9,990 sq. ft. children's rec. area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11,920 sq. ft. other nonpublic area</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>30,680 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>October 15, 1979</td>
<td>Unknown - plans not available</td>
<td>14,560 sq. ft. gaming, poker, race book</td>
</tr>
<tr>
<td>Douglas County</td>
<td></td>
<td>4,200 sq. ft. bar, stage, restaurant</td>
</tr>
<tr>
<td>approval (under</td>
<td></td>
<td>2,190 sq. ft. restrooms moved to basement</td>
</tr>
<tr>
<td>construction)</td>
<td></td>
<td>9,730 sq. ft. other nonpublic area</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>30,680 sq. ft.</td>
<td></td>
</tr>
</tbody>
</table>

It is staff's policy when judging substantial modifications to TRPA approvals to consider the impacts of the proposed modifications. In this case, staff's preliminary analysis indicates that there are substantial impacts to the environment, the health, and the safety of those in the area, and to existing public services.

Traffic - According to Don Pray of the Nevada Highway Department, a rough factor of 258 vehicle trips per day for each additional 1,000 square feet of gaming area can be used to estimate the maximum traffic impacts on an average summer day. Based on this factor, the 9,690 square feet of gaming area created between 1973 and October 1978 without approval by TRPA or NTRPA could generate up to 2,500 vehicle trips per day. The most recent Douglas County approved expansion of 9,170 square feet of gaming area in the annex could generate an additional 2,370 vehicle trips per day. The traffic problems on Highway 50 at Stateline are well documented.

4,870 veh. trips total

2/19/80
Parking - When the TRPA Governing Body approved Harrah's application for a parking garage in January of 1979, it was established that the 2,491 existing parking spaces were inadequate for the project. Again, based on Don Pray's estimate of 4.8 parking spaces for each 1,000 square feet of gaming area, the increased gaming up to October of 1978 would require 520 more spaces and the expansion in the annex should require 493 more spaces. Such parking is not available on the site at the present time; thus it would appear these expansions would aggravate an existing parking problem.

Air Quality - In December of 1977, both the California and Nevada sides of the Tahoe Basin were declared nonattainment areas for automobile-related pollutants of carbon monoxide and oxidant. This designation reflects the fact that permanent monitoring stations have recorded violations of federal and state air quality standards in the South Tahoe Stateline area. Dick Serdoz, of the Nevada Division of Environmental Protection, indicates to staff that the emission levels would roughly relate to the percentage increase in traffic. Therefore, one can assume that the pre-October 1978 expansion would account for a 7% increase in emissions and the most recent October 1979 Douglas County permit would account for another 7% increase in emissions in this area of recorded violations.

Sewerage Treatment - Creegan & D'Angelo, the consulting engineering firm for the Douglas County Sewer Improvement District, estimates that the October 15, 1979 Douglas County approval will increase the sewerage flows by 3,500 gallons per day. This is the equivalent of 12 single family dwellings.

B. Determination of Compliance With Conditions 5 and 6 of the 1973 TRPA Approval

Condition 5 - "Detailed construction plans and maintenance procedures to insure adequate quality of stormwater runoff shall be subject to review by the Agency staff. All stormwater runoff shall be treated to meet standards to be established by the staff of this Agency and the Nevada Bureau of Environmental Health."

Staff Comment - In 1974 preliminary plans were submitted for a master drainage treatment system for Harrah's, Harvey's and the Park Tahoe, but this system was never implemented. Since then, Harvey's and Park Tahoe have implemented systems and are under the Nevada Division of Environmental Protection (NDEP) waste discharge permits. In 1979 Harrah's submitted detailed plans for a drainage treatment system but its implementation is contingent on the construction of the parking garage. Test data from the Agency's 208 Plan would indicate that the project has violated the Agency's waste discharge standards since the 1973 approval.

Condition 6 - "This approval does not include approval for any signs. Any signs to be installed on the hotel or parking structure shall be subject to Agency review."

2/19/80
Staff Comment - There is no record of TRPA approval of any signs for this project. The Agency has no specific standards other than height for on-premise signs but it is staff's judgment that the existing signs are suitable for the project and the area providing they are within the 40 foot height limit. Staff does have difficulty recommending approval at this time for any sign denoting the recreation center as the "North Casino" since the Agency has not approved this modification.

C. Determination of Compliance With Open Space Requirements of Previous TRPA Approvals

As a result of TRPA approvals of the second phase of the hotel project (1973), the approval of the revised swimming pool (1977), the approval of the executive garage (1976), and the approval of the bus loading area, Harrah's was required to remove and landscape 40,025 square feet. The applicant has removed most of the asphalt in the designated areas but has continued to use these areas for parking.

Data gathered in the 208 planning process indicates that unpaved parking areas have much higher concentrations of suspended solids, total nitrogen, grease and oil than paved parking areas or General Forest lands. Harrah's action of creating dirt parking areas may have increased the suspended solid concentration by 530% in the subject areas, a figure very significant if one considers that the project does not have the required drainage system.

Until a recent February 7, 1980 meeting with Mr. Gianotti of Harrah's, there has been very little cooperation from Harrah's or Douglas County in trying to rectify this problem. At this meeting, Mr. Gianotti indicated Harrah's would comply as soon as possible.

Recommendation

Item A - Agency staff recommends that the subject modifications to the lobby area and the recreation building be found a substantial modification of the 1971/1973 TRPA approvals, based on traffic, air quality, parking, and sewer flow impacts, and as such, the applicant be directed to cease any construction now in progress and to submit an application to TRPA for proposed modifications to previous approvals.

Item B - Agency staff recommends that the project not be found in compliance with Condition 5 and that no further permits be issued for this project unless such permit include a drainage system that will meet TRPA and NDEP standards. As to Condition 6, Agency staff recommends approval of the existing signs except for those exceeding the 40 foot height limit. Signs over 40 feet or referencing the "North Casino" should have separate Agency review.

2/19/80
Item C - Agency staff recommends that the project not be found in compliance with the open space requirements of previous TRPA approvals and that the applicant be directed to cease any construction now in progress until this condition from previous approvals is satisfied by placement of the necessary barriers. This would include implementation of a TRPA approved landscape plan or placement of a bond with TRPA to insure landscaping at a future date.

Milt Manoukian
BIFURCATION OF ISSUES

1. Enforcement of open space
   - job done
   - warrants work done - if not - sanctions by Board authorized
   - landscaping - specific date or interim plan
     2. Storm drainage - Ken Archer
     - landscaping
     - Parking structure requires 160,000 ft² coverage removal
     - will be completed when parking structure completed
   - 1973 approval - reg'1 solution
     - 1974 plan developed for stormwater
     - asked for state's participation
     - Mr. Bastian not interested - plans died
     - Norm 1978 - plan for parking, garage & 1/2 work with Harrah's staff
   - interim plan for repair for open space - ok

2. Harrah's is in conformance
   a. Jurisdiction over gaming
      - gaming in recr. center - 1973
      - Nov. 1978 - 61,000 sq. ft² - Milt's transcript

Work with Harrah's over next 30 days to come up with design & review signs
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: February 19, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Clearinghouse Comments on Draft Environmental Impact Statement (DEIS), Proposed Wastewater Facilities, South Shore, Lake Tahoe Basin

Background

The Advisory Planning Commission considered comments on the above-referenced document to be forwarded to the Environmental Protection Agency at a regular adjourned meeting held on January 16, 1980. Agency staff reported the thrust of these comments to the Governing Board at the January 23 meeting. Staff was directed to bring the matter before the APC so that the comments could be finalized for consideration by the Governing Board at the February meeting. The staff was further directed to coordinate the APC comments with those of Douglas County and the "Mitigation Measures Committee" from entities within El Dorado County and the City of South Lake Tahoe.

Local Government Comments and Actions

Mitigation Task Force - The mitigation task force is composed of entities within the service area of the South Tahoe Public Utility District (STPUD). The mitigation task force viewed the DEIS as the stimulus for a much broader plan for long-range improvements to the total environment of the Tahoe Basin. In response to the DEIS, the City of South Lake Tahoe, El Dorado County and the STPUD have prepared a draft memorandum of understanding.

The draft memorandum of understanding outlines existing authorities, plans, programs, and regulations of each involved entity and prescribes future actions to be taken by parties to the agreement. The mitigation task force has solicited comments on the draft memorandum of understanding and has requested the cooperation and assistance from regional, state and federal agencies in developing and carrying out these measures.

The draft memorandum of understanding commits support for mitigation measures which very closely correspond to those outlined in the attached draft comment letter.

Douglas County - Douglas County has developed a draft comment letter in response to the DEIS. Those comments will be reviewed by the Douglas County Commissioners on February 21 with regard to the Board’s official position on the proposed comments.
Presently, the position of Douglas County staff is that it is improper for EPA to ask for commitments to implement specific mitigation measures prior to finalizing the EIS. The letter drafted by Douglas County staff conceptually supports the mitigation measures as outlined in the proposed comment letter from TRPA. However, Douglas County will not commit to any specific mitigation measures until the EIS is finalized.

Schedule

The Environmental Protection Agency (EPA) has extended its deadline for comments to February 29, 1980. EPA is seeking comments with regard to the conclusions of the report and commitments from jurisdictions within the Basin regarding implementation of the mitigation measures outlined in the DEIS. Actual implementation of the mitigation measures may take place after EPA makes the decision regarding federal funding for expansion and upgrading of the facilities.

Proposed Comments

The attached draft letter to Paul DeFalco, Regional Administrator of EPA, was unanimously approved by the APC for consideration by the Governing Board. Agency staff recommends that the comments be forwarded to the Environmental Protection Agency in support of the requested grant programs and local efforts to mitigate adverse environmental effects identified in the DEIS.
February 26, 1980

Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, California 95731

Attention: Jim Henry, Chairman

Subject: TRPA staff report on Harrah's Tahoe conformance with previous approvals

Dear Mr. Henry:

Your staff is properly concerned that significant modifications to Harrah's have been and are being accomplished without TRPA approvals.

I gather from the staff report that Douglas County permits have been considered by Harrah's as adequate substitutes for TRPA action. Your staff rightfully believes TRPA action on these modifications is essential. We believe that increases in gaming area without TRPA approval contravenes the approved uses set forth in previous TRPA permits.

From the air quality perspective the ARB has been and remains opposed to casino floor space expansion because of the impact on California. Looking at your staff report emphasises our concern -- 19,860 square feet of new gaming area attracting 4,870 new auto trips with a resultant 14% increase in emissions.

As lead agency for the Nevada non-attainment planning process the TRPA Board should question the effect such an increase will have on the attainment of national and state ambient air quality standards in the casino core area of Nevada and the adjacent motel core area in California. We at the ARB are concerned.

I submit that the Nevada Non-Attainment Plan/State Implementation Plan, did not consider a 14% emission increase when 1982 attainment of the National Ambient Air Quality Standard for carbon monoxide was projected. I remind you that the plan is still being reviewed by Region IX of the EPA.
Ignoring the consequences of these modifications to Harrah's will be tantamount to abdication of the TRPA's responsibilities and purpose for existence.

The ARB supports the TRPA staff recommendation on Item A. We look for the TRPA Board to investigate and review the impacts of the modifications as part of TRPA's responsibility before acting on the modifications.

Sincerely,

[Signature]

Stan Randolph
Tahoe Unit Manager
California Air Resources Board

SR: cmb
DRAFT LETTER - FOR DISCUSSION PURPOSES

Paul DeFalco, Jr., Regional Administrator
U.S. Environmental Protection Agency, Region IX
215 Fremont Street
San Francisco, CA 94105

Subject: Comments on Draft Environmental Impact Statement, Proposed Wastewater Treatment Facilities, South Shore, Lake Tahoe Basin

Dear Mr. DeFalco:

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the proposed wastewater treatment facilities on the South Shore of the Lake Tahoe Basin. The DEIS has been reviewed by the Advisory Planning Commission and Governing Body of the Tahoe Regional Planning Agency, as well as local jurisdictions having authority within the service areas of the South Tahoe Public Utility District (STPUD) and the Douglas County Sewer Improvement District (DCSID).

Our review of the DEIS was based upon our A-95 Clearinghouse function, as well as requests from both affected sanitation districts to support their efforts to alleviate existing deficiencies in treatment abilities in order to meet revised waste discharge requirements. With regard to the A-95 function, the Agency was looking primarily to the consistency of the proposed expansion of the STPUD plant and upgrading of DCSID's facilities with the Agency's adopted plans as well as the validity of the assessment of impacts which may result from these actions. The second area of Agency concern is with regard to the desirability and effectiveness of incorporating mitigation measures into the Agency's operations and plans. Both STPUD and DCSID have requested the Agency's assistance in pursuing the implementation of appropriate mitigation measures.

Consistency With Agency Plans

The Agency's controlling document with respect to wastewater treatment facility improvements is the Lake Tahoe Basin Water Quality Management Plan as adopted by the Governing Body on January 25, 1978, and certified by the Governor of Nevada. The plan was rejected by the California Water Resources Control Board (SWRCB) and a revised plan has been remanded to TRPA by the SWRCB for adoption. The Agency has not yet had an opportunity to review the 208 Plan as recommended by the SWRCB and the EPA has not yet taken a position with regard to approval of either Water Quality Management Plan.

The proposed expansion of the STPUD facility to 10.0 million gallons per day (MGD) is consistent with the waste management program outlined in the Agency's Water Quality Management Plan. The required plant capacity under buildout of the Agency's General Plan would range from 9.3 MGD to 12.4 MGD depending on the extent of implementation of water conservation measures.
The upgrading of the DCSID plant calls for restoring the plant to its original design capacity of 3.0 MGD. This is consistent with the capacity which the Agency already recognized in the Waste Management Plan section of the 208 Plan. The required treatment capacity upon buildout of the Agency's General Plan would require a treatment capacity from 2.9 MGD to 3.9 MGD depending on the extent of implementation of water conservation measures.

Most importantly, the upgrading and expansion of the two facilities would permit both facilities to meet the revised waste discharge requirements of the Lahontan Regional Water Quality Control Board and the Nevada Division of Environmental Protection. The Agency's Subdivision Ordinance requires each unit within a subdivision to have a connection to a sanitary sewage facility that has the capacity for collection, treatment and export of sewage from the Basin as required by governmental entities with jurisdiction over such matters.

Growth Scenarios

The DEIS assumes that there is a direct relationship between federal funding of wastewater treatment plant improvements and growth which would take place as a result of those improvements. The DEIS analyzes five growth scenarios, each of which can be correlated with the degree of expansion of wastewater facilities. Although building activity may be limited as a result of limiting sewage treatment capacity, population growth may not be similarly affected because of increased utilization of existing structures and other related phenomena such as overcrowded housing.

In analyzing the DEIS, TRPA took the approach that the impact analysis was really an assessment of the Agency's General Plan and other controlling documents affecting land use. If an impact was identified, it was viewed from the resource base standpoint. In other words, the resource base of the region establishes threshold limitations which may be violated even if controlling land use documents are adhered to within the Basin. The adverse impact areas assist in identifying measures which should be taken to mitigate impacts.

No Action Alternative

The impacts of the no action alternative do not appear to have been adequately analyzed in the DEIS. The extent that the adverse impacts described in the DEIS would occur without federal involvement in upgrading and expanding wastewater treatment facilities is not adequately disclosed in the document as required under the National Environmental Policy Act. Any direct adverse impacts from a failure to provide for improved wastewater treatment facilities were not included in the analysis of alternatives. This is a serious deficiency in the document and should be remedied prior to finalizing the EIS. Many of TRPA's comments with regard to this deficiency reflect the lack of adequate consideration with regard to the no action alternative.
Impacts and Mitigation Measures

WATER QUALITY

Impact Assessment - The Agency generally concurs with the adverse impacts on water quality as identified in the DEIS. These impacts have been described in the Agency's Water Quality Management Plan. However, the assessment appears to assume a one-to-one correlation between impacts occurring as a result of development of structures on existing lots in high hazard lands or stream environments zones (SEZ's) and the resulting impacts on water quality. Given our current knowledge that the majority of erosion problems within the Basin are the result of eroding disturbed areas along roadsides and poor roadside drainage, the impacts on water quality projected from ultimate buildout may overstate the effects of buildout of single family residences in these areas. Similarly, the effectiveness of imposing development restrictions on high hazard lands and SEZ's without addressing existing erosion and drainage problems resulting from road construction may overstate the case for further regulating development in these areas. In the opinion of TRPA, an effective program for water quality management must address both existing problem areas and controls for any new development.

Mitigation Measures - With regard to mitigation measures for water quality impacts, the TRPA will commit to implementing the following measures with responsible entities as noted:

<table>
<thead>
<tr>
<th>Water Quality Mitigation Measures</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protect stream environment zones</td>
<td>TRPA-all Basin lands; CTRPA-California lands; U.S. Forest Service-federal lands</td>
<td>The existing TRPA Grading Ordinance requires BMP's for single family construction within SEZ's. (See Handbook of BMP's.) This measure only effective in combination with measures listed below.</td>
</tr>
<tr>
<td>Employ BMP's to to control erosion</td>
<td>U.S. Forest Service-federal lands; local governments-primary responsibility for private lands; TRPA, CTRPA, Lahontan, NDEP-oversight responsibility</td>
<td>Enforcement of existing ordinances would suffice</td>
</tr>
<tr>
<td>Institute evaluative point system and limit on number of sewer connections to control timing and location of growth</td>
<td>Local governments, TRPA, CTRPA-develop criteria for evaluative point system</td>
<td>May have limited application in Douglas County</td>
</tr>
<tr>
<td></td>
<td>Local governments- implement system in cooperation with special districts</td>
<td></td>
</tr>
</tbody>
</table>

-3-
(DRAFT)

### Water Quality Mitigation Measures

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement water quality monitoring program</td>
<td>All entities as listed in DEIS</td>
<td>Not mitigation but will assist in evaluating effectiveness of other efforts</td>
</tr>
<tr>
<td>Purchase lots in environmentally sensitive areas</td>
<td>Local governments, TRPA, CTRPA - develop criteria and prioritization of environmentally sensitive areas</td>
<td>Mechanisms and financing methods should include Santini Bill and other options</td>
</tr>
<tr>
<td>Local governments, States, Federal Government - acquisition entities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensate landowners who experience loss because of development restrictions</td>
<td>Responsible entities need to be identified</td>
<td>Ought to be a criteria and not identified as mitigation</td>
</tr>
<tr>
<td>Implement system to transfer development rights</td>
<td>Local governments, TRPA, CTRPA</td>
<td>Merits further study and consideration</td>
</tr>
<tr>
<td>Implement corrective measures for existing high erosion hazard and SEZ development</td>
<td>Local governments, TRPA, CTRPA, Lahontan, NDEP</td>
<td>Merits further consideration as &quot;offset&quot; policy to facilitate new development</td>
</tr>
</tbody>
</table>

### SEISMIC SAFETY

The implementation of land use controls to guard against seismic hazards is not feasible given the level of detail of existing information. The existing Uniform Building Code for Seismic Hazard Zone 3 provides adequate mitigation.

### BIOLOGICAL RESOURCES

**Impact Assessment** - The TRPA generally concurs with the impact analysis regarding development impacts and biological resources.

**Mitigation Measures** - The TRPA will commit to implementation of the following mitigation measures as noted:

<table>
<thead>
<tr>
<th>Biological Resource Mitigation Measures</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control recreational use of wildlife habitat</td>
<td>Local governments, TRPA, California and Nevada Fish &amp; Game Departments, U.S. Forest Service</td>
<td></td>
</tr>
<tr>
<td>Protect against sewage spills</td>
<td>U.S. EPA, Sanitation Districts</td>
<td>Fund necessary improvements</td>
</tr>
</tbody>
</table>
(DRAFT)

Biological Resource Mitigation Measures

Protect active osprey nests

All entities as noted in DEIS

Require biological inventories for rare and endangered species

All entities as noted in DEIS

Require adequate construction and management practices to protect habitat

All entities as noted in DEIS

Protect SEZ's

(See Water Quality)

NOISE

Impact Assessment - The Agency generally concurs with the impact assessment with regard to increases in ambient noise levels which would occur as a result of further development. The relationship of transportation control strategies to noise abatement mitigation measures is not adequately addressed. Although noise levels at peak periods may not be reduced, strategies to reduce traffic volumes may decrease the direction of peak noise levels.

Mitigation Measures - The Agency will commit to implementation of mitigation measures for noise as follows:

<table>
<thead>
<tr>
<th>Noise Mitigation Measures</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement noise control ordinance</td>
<td>Local governments, TRPA, CTRPA</td>
<td>Already implemented. Enforceability difficult.</td>
</tr>
<tr>
<td>Revise zoning ordinance to prevent incompatible land uses</td>
<td>Local governments, TRPA, CTRPA</td>
<td></td>
</tr>
<tr>
<td>Establish special permit procedures to implement noise reduction measures</td>
<td>Developers, local governments, TRPA, CTRPA</td>
<td></td>
</tr>
<tr>
<td>Construct noise barriers along major highways</td>
<td>Caltrans, Nevada Department of Transportation</td>
<td>Not feasible except in very limited applications</td>
</tr>
<tr>
<td>Implement transportation measures</td>
<td>(See Transportation)</td>
<td></td>
</tr>
</tbody>
</table>

-5-
AIR QUALITY

Impact Assessment - The Agency generally concurs with the projected impacts as described in the DEIS.

Mitigation Measures - The Agency has already committed to implementation of those measures contained in the Nonattainment Plan as recommended for adoption by the Nevada Environmental Commission.

VISUAL RESOURCES

<table>
<thead>
<tr>
<th>Visual Resources</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measures</td>
<td>(See Water Quality and Air Quality)</td>
<td></td>
</tr>
<tr>
<td>Implement measures protecting water and air quality</td>
<td>Local governments, TRPA, CTRPA, U.S. Forest Service</td>
<td></td>
</tr>
<tr>
<td>Adopt urban design plan with implementing ordinances for design review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establish National Scenic Area (N.S.A.)</td>
<td>U.S. Forest Service, U.S. Congress</td>
<td>Further study of N.S.A. proposals required before Agency can take a position</td>
</tr>
</tbody>
</table>

HOUSING

Impact Assessment - The housing analysis fails to evaluate the impact of the no action alternative on housing supply and availability within the Basin and the linkage of increased traffic, energy consumption and air quality problems which would result from "spillover" outside of the Tahoe Basin.

The impact analysis also failed to identify current deficiencies in sewer permit allocation systems which encourage the construction of single family residences in areas classified as High Density Residential. The loss of the integrity of higher density neighborhoods has resulted in a lower supply of resident housing at greater distances from work and activity centers. Due to current development restrictions in California and economic conditions in both states, construction of new apartment or rental type units has been virtually cut off. The viability of public transportation mechanisms and air quality control strategies is also lessened because of lower densities actually occurring within areas suitable for higher density construction.

Mitigation Measures - The mitigation measures offered in the DEIS include a provision to encourage development of moderately priced housing in nearby areas outside of the Tahoe Basin. Rather than dealing with housing problems by exporting those needs out of the Tahoe Basin, the Agency will commit to the following mitigation measures:
<table>
<thead>
<tr>
<th>Housing Mitigation Measures</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create high density apartment (HDA) zone to preserve existing rental stock and program development of rental units</td>
<td>Local governments, TRPA, CTRPA</td>
<td>Proposed zone prohibits construction of single family dwellings in HDA zones.</td>
</tr>
<tr>
<td>Redistribute development through transfer of development rights</td>
<td>Local governments, TRPA, CTRPA</td>
<td>Deserves further study. Could be used in conjunction with HDA designation.</td>
</tr>
<tr>
<td>Encourage housing rehabilitation loans and grants</td>
<td>Local governments</td>
<td></td>
</tr>
<tr>
<td>Improve neighborhood facilities to encourage private sector investments</td>
<td>Local governments</td>
<td></td>
</tr>
<tr>
<td>Institute incentives for new development to include moderately-priced housing</td>
<td>Local governments, TRPA, CTRPA</td>
<td></td>
</tr>
<tr>
<td>Institute incentives for major employers to expand housing stock when expanding operation</td>
<td>Local governments, TRPA, CTRPA</td>
<td>Limiting only to casinos does not address impact of other major employers.</td>
</tr>
</tbody>
</table>

**TRANSPORTATION**

Impact Assessment - The Agency generally concurs with the impact assessment with regard to increased demands on transportation systems.

Mitigation Measures - The mitigation measures offered in the DEIS substantially overlap recommendations of the Highway 50 Corridor Study prepared by JHK & Associates. Resolutions of support for the recommendations of the study have been adopted by all affected local jurisdictions. The Agency could therefore commit to implementation of the recommendations of that study.

**RECREATION**

Impact Assessment - The DEIS correctly identifies increased recreation conflicts arising due to increased use of the Basin.

Mitigation Measures - The Agency will commit to implementation of the following mitigation measures:
Recreation Mitigation Measures | Responsible Entities | Notes
--- | --- | ---
Adopt ordinances to protect SEZ's and high hazard lands | (See Water Quality) | 
Establish National Recreation Area (N.R.A.) | U.S. Congress | Agency can take no position until further details are available. The objectives of an N.R.A. vs. an N.S.A. may substantially differ.
Adopt Nonattainment Plan measures | (See Air Quality) | 
Adopt noise standards | (See Noise) | 
Acquire land for public recreational use | U.S. Forest Service, California and Nevada State Parks, local government programs | 

PUBLIC FACILITIES/FISCAL CONCERNS

Impact Assessment - The DEIS generally identifies areas of impacts on public facilities with regard to capacity limitations or other needed improvements. However, to be more useful, the document should more thoroughly analyze limitations on key public services such as water supply which are directly related to the proposal. The conclusion that water supplies may limit growth due to compact limitations can probably be supported, but a more immediate problem is the allocation of available supplies amongst competing water suppliers, particularly in Douglas County.

The fiscal impact analysis in the DEIS relates more to impacts of growth than to the impacts of decisions to not allow growth. Again, the impacts of the no action alternative on fiscal matters are not evaluated. Many of the conclusions regarding fiscal impacts of new growth would relate more to a community which is considering substantial new subdivided lands rather than in-filling of existing subdivided lands.

Mitigation Measures - The Agency will commit to working towards implementation of the following mitigation measures:

| Public Facilities Mitigation Measures | Responsible Entities | Notes |
--- | --- | ---
Consolidate water districts | Local governments, utility districts | Will assist in alleviating "spot" water shortages
Implement water conservation measures | Local governments, utility districts | 
Retrofit water conservation | Private |
### Public Facilities Mitigation Measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandatory water conservation on new construction</td>
<td>Utility districts, local governments, TRPA, CTRPA</td>
<td></td>
</tr>
<tr>
<td>In-Basin reuse of wastewater</td>
<td>DCSID, STPUD, Lahontan, NDEP</td>
<td></td>
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<tr>
<td>Make maximum use of grants to reduce local costs</td>
<td>EPA, States, DCSID, STPUD</td>
<td></td>
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<tr>
<td>Make improvements to the electrical supply system</td>
<td></td>
<td></td>
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<tr>
<td>Revise building codes for energy conservation</td>
<td>Local governments</td>
<td></td>
</tr>
</tbody>
</table>

The Tahoe Regional Planning Agency recognizes that this response to the DEIS serves only as an outline of actions which could be taken to mitigate the adverse impacts described. We look forward to a continuing working relationship with the Environmental Protection Agency to ensure that all of your concerns identified have been adequately satisfied. Please keep the Agency informed regarding your decision with regard to funding on this most important matter.

Sincerely,

Jim Henry, Chairman  
Tahoe Regional Planning Agency

JH: PAO: if

cc: City of South Lake Tahoe  
El Dorado County  
Douglas County  
Nevada Division of Environmental Protection  
Lahontan Regional Water Quality Control Board  
South Tahoe Public Utility District  
Douglas County Sewer Improvement District
TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Work Program for General Plan Update and Threshold Carrying Capacities

Background

During consideration of the Western Federal Regional Council’s (WFRC) Environmental Assessment of Lake Tahoe, the Governing Board directed the staff to initiate a work program including funding requests necessary to complete a General Plan Update. The proposed General Plan Update would result from a recognition of adverse impacts which may occur under the adopted General Plan. These impacts have been documented in several recent studies including EPA’s Draft EIS for wastewater facilities and the WFRC’s Environmental Assessment.

The WFRC study concludes by recommending that a threshold carrying capacity study be undertaken. How the study should be structured and who should maintain responsibility for carrying out the study is not specified.

The legislation to revise the bistate compact as agreed upon by representatives of both state legislatures included a common element for a threshold carrying capacity analysis and revised General Plan for a revamped Tahoe Regional Planning Agency. A.B. 503, as enacted in Nevada, provides for the threshold analysis and updated plan. Proposals for a National Scenic Area contain similar provisions. Thus it appears that regardless of what form of Basin environmental management emerges, such a study needs to be undertaken.

The remaining unresolved questions are how the study should be structured and who should undertake the program. In the opinion of Agency staff, such a study should be undertaken as soon as possible in order to avoid further time delays, regardless of what institutional form emerges. However, in order for the information to be useful, it must have been derived from an objective basis involving all affected interests within the Basin.

APC Comments

Agency staff has discussed this matter with the APC. The APC suggested that the first step in formulating such a work program would involve negotiation of memoranda of understanding for a cooperative planning effort involving both states as well as federal and local jurisdictions. APC members also suggested
that the state of the art with regard to threshold capacity analyses had moved beyond physical limitations to include fiscal impact analyses. It was strongly suggested that the plan of study include elements which relate to the fiscal impacts of reduced service resulting from other physical constraints.

Progress Report

Staff will be prepared to report on any progress made toward implementing memoranda of understanding. Particular emphasis will be made on reaching cooperative planning agreements with both State Resources Agencies. Agency staff will also present a general outline of a work program for a General Plan Update at the February 27 meeting.
To: The TRPA Governing Board

From: The Staff

Subject: Land Use Ordinance Amendments – High Density Apartment
Land Use District and Standards for Timesharing, Interval Ownership Condominiums

On February 13, 1980, the APC voted (7 ayes to 5 nays) to send the proposed ordinance amendments on to the Governing Board as presented by the staff for the High Density Apartment land use district provided that the staff would consider further amending the ordinance to include overrides for density, height and land coverage. These overrides would act as incentives to development of apartments in the designated areas. Staff will be prepared to discuss the merits of an alternative ordinance which would provide for the additional overrides.

At the same meeting, the APC voted unanimously to send on the timesharing amendments as proposed by the staff and concurred that timesharing should only occur in the Tourist Commercial land use district.

Since the APC wished to discuss condominium conversions further, the item was continued to the March 12 APC meeting.
LAND USE ORDINANCE AMENDMENT

Add a new Section 7.130:

7.130 High Density Apartment

7.131 Specific Purposes:

To provide rental housing for residents consistent with the housing needs and environmental protection of the Region.

7.132 Permitted Uses:

None but the following uses, or those allowed pursuant to an administrative permit issued in accordance with Section 8.33, which are found to be appropriate and similar in nature, shall be permitted.

(1) Residential:

(a) Single family dwelling units up to fifteen (15) dwelling units per acre;

(b) Multiperson dwellings not to exceed facilities for forty (40) persons per acre;

(c) Mobile home parks for permanent residences up to eight (8) mobile homes per acre.

Within this district, the Agency or the permit-issuing authority shall not consider or approve any proposal for a subdivision, condominium conversion, or any other division of land for residential development. Lots and parcels of land that were created in conformance with this ordinance or lawfully existed prior to February 10, 1972, shall be considered permitted and conforming uses within this district.

(2) Tourist Residential: None

(3) Outdoor Recreation:

(a) All those permitted in the Medium Density Residential District.

(4) Resource Management and Agriculture:

(a) Forest management programs.

(5) Public and Quasi-Public:

(a) All those permitted in the Medium Density Residential district;

(b) Cultural facilities.
(6) Commercial:

(a) All those permitted in the Medium Density Residential district;

(b) Professional offices.

7.133 Limitations On Land Coverage:

No person shall create land coverages in excess of the limits set forth in Section 6.20, as calculated in accordance with Section 8.22, except as otherwise permitted in accordance with Sections 8.25, 8.28, and 9.24, unless the ordinance effecting such reclassification specifically provides otherwise. Such provision shall not exceed land coverage limits in excess of fifty (50)-percent of the land area as calculated in accordance with Section 8.22.

Add to Section 3.00 Definitions:

New language.

Condominium Conversion - Any change in the form of ownership of real property wherein persons obtain ownership interest of individual units thereof, including but not limited to condominiums, community apartments, stock cooperatives, and any other form of such interest regulated by this ordinance.

New language.

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 five (5) or more condominiums, or into five (5) or more condominium units through condominium conversion, or into five (5) or more lots, or in which five (5) or more undivided interests are created or are proposed to be created.
Amend Sections 7.10 and 7.13 as follows:

7.10 Regulations indicating the allowable land uses in each district are hereby established as set forth in Sections 7.20 through 7.120. In the cases of those uses listed in Section 7.12 the permit-issuing authority shall require an appropriate administrative permit, in accordance with Section 8.33, before such use shall be authorized. The permitted uses shall include accessory uses consistent with such permitted uses. The permitted uses are stated as illustrative of the types of uses consistent with the Tahoe Regional General Plan. The listings are not intended to be exclusive, except the density limitations set forth in Sections 7.30 through 7.90 and 7.120.

7.13 Limitations on Height

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

<table>
<thead>
<tr>
<th>Use District</th>
<th>Permitted Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Forest</td>
<td>35 feet</td>
</tr>
<tr>
<td>Recreation</td>
<td>35 feet</td>
</tr>
<tr>
<td>Rural Estates</td>
<td>35 feet</td>
</tr>
<tr>
<td>Low Density Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>High Density Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>Tourist Commercial</td>
<td>40 feet</td>
</tr>
<tr>
<td>General Commercial</td>
<td>40 feet</td>
</tr>
<tr>
<td>Public Service</td>
<td>40 feet</td>
</tr>
<tr>
<td>Conservation Reserve</td>
<td>As approved in a specific plan.</td>
</tr>
<tr>
<td>Medium Tourist Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>High Density Apartment</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

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

Add to Section 3.00 the following definitions:

Timesharing Unit - A single family dwelling unit located in a vacation timesharing project of five (5) or more units that is subject to a timesharing program.

Timesharing Program - Any arrangement in a timesharing project whereby the use, occupancy or possession of real property has been made subject to either a timesharing estate or timesharing use whereby such use, occupancy or possession circulates among purchasers according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of time in excess of three (3) years in duration.

Timesharing Estate - An ownership or leasehold estate in property devoted to a timesharing fee (tenants in common, timespan ownership, interval ownership) or a timesharing lease.

Timesharing Use - Any contractual right of exclusive occupancy which does not fall within the definition of a timesharing estate including, without limitation, a vacation license, prepaid hotel reservation, club membership, limited partnership or vacation bond.

Add to Section 7.12 of the Land Use Ordinance the following use which requires an administrative permit:

(36) Complexes of five (5) or more timesharing units.

Add to Section 7.80 reference to timesharing units:

7.80 Tourist Commercial District

7.81 Specific Purposes:

(1) To provide adequate space for motels, hotels and related facilities to house and provide services for tourist visitors to the Region in appropriate locations.
Permitted Uses:

None but the following uses, or those allowed pursuant to an administrative permit issued in accordance with Section 8.33, which are found to be appropriate and similar in nature, shall be permitted:

(1) Residential:
   (a) Single family dwelling units up to fifteen (15) dwelling units per acre;
   (b) Multiperson dwellings not to exceed facilities for forty (40) persons per acre;
   (c) Mobile home parks for permanent residences up to eight (8) mobile homes per acre.

(2) Tourist Residential:
   (a) Transient dwelling units up to forty (40) units per acre, provided that up to ten (10) percent of such dwelling units contained in any motel or other development devoted to the provision of transient dwelling units may include kitchen facilities;
   (b) Recreation vehicle parks up to fifteen (15) mobile homes per acre;
   (c) Timesharing units up to fifteen (15) units per acre.

(3) Outdoor Recreation:
   (a) All those permitted in the High Density Residential District;
   (b) Skiing facilities;
   (c) Outdoor amusement facilities.

(4) Resource Management and Agriculture:
   (a) Forest management program.

(5) Public and Quasi-Public:
   (a) All those permitted in the High Density Residential District;
   (b) Transportation facilities.

(6) Commercial and Industrial:
   (a) All those permitted in the High Density Residential District;
   (b) Indoor amusement facilities;
   (c) Limited commercial;
   (d) Service stations.
7.83 Limitations on Land Coverage:

No person shall create land coverages in excess of thirty-five (35) percent if a residential or a timesharing use and fifty (50) percent if any other use of the land included in the application for a permit, as calculated in accordance with Section 8.22 of this ordinance, except as otherwise permitted in accordance with Sections 8.25, 8.28 and 9.24 of this ordinance.

This provision shall apply only to those lands contained in Tourist Commercial Districts as shown on the Tahoe Regional Plan as originally adopted. The limitations on land coverage set forth in Section 6.20 shall be applicable to lands which may be reclassified into such district in the future unless the ordinance effecting such reclassification specifically provides otherwise.
TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Status Report on Areas Suitable for High Density Apartment Designation

As part of the analysis on proposed High Density Apartment (HDA) land use districts, Agency staff has performed a site review of areas proposed to be designated in this classification. This analysis was done to determine the extent of development in each area and any effects on these areas resulting from the proposed HDA designation.

Douglas County

In Douglas County, the primary area under consideration for inclusion in the proposed HDA land use district is the High Density Residential area adjacent to Kahle Drive north of Harvey’s Inn. This area currently contains a mix of housing types. This mix includes single family dwellings, duplexes, triplexes, 4-plexes and intermediate to high density apartment projects. As a result of extensive development in this area, there are only five or six lots existing that do not have some type of development on them. This area also includes the Oliver Park Trailer Court. This classification would affect development proposals should the trailer court be removed and residential construction proposed.

Due to the mix of housing types, there is a substantial variety of ownership types. Included are owner-occupied, single family residences; renter-occupied single family dwellings: owner-occupied and renter-occupied duplexes; triplexes, 4-plexes; and trailers; and renter-occupied units in intermediate and large apartment complexes.

The other areas under consideration are the HDR areas across the street from and behind Kingsbury Square on Kingsbury Grade. The area behind Kingsbury Square is currently a trailer court. The area across the street from Kingsbury Square is approximately 7 acres in size and is currently undeveloped.

The major impact from the proposed modification would be to restrict the ability to further subdivide existing rental units through condominium conversion. Due to the small number of vacant lots, this change would do little to encourage further apartment construction. Increasing allowable density would probably do little in this area due to the small square footage area of each lot. Visual survey indicates that a number of the projects, especially the large apartment projects, may be over allowable land coverage and possibly over density. This will substantially affect their ability to request conversion and stay within Agency land coverage and density requirements. The Agency is unable to verify whether current Douglas County building codes to allow conversion would be met.
Washoe County

In Incline Village, there are three areas under consideration for inclusion in the proposed HDA land use district. The first area is located within the core area of Incline and includes Robin Drive and Lark Court. Of the 33 existing lots, approximately 24 already have units. Most of these lots contain either single family dwellings or duplexes. The Agency has approved three condominium conversions in this area. Due to the size of the lots, the highest density achievable is typically 2 units. Washoe County Assessor's parcel books indicate recordation of condominium maps on 4 parcels. At this time, an applicant can propose a condominium project of 4 or fewer units and it would not be reviewed by the Agency. Immediately adjacent to the west are two larger parcels of land. One has an existing apartment complex; one is vacant. There is currently a condominium project proposed on the vacant parcel. This project would be substantially affected by the HDA land use designation.

The second area under consideration is north of and adjacent to the core area and includes Cottonwood Court, Alder Court and Willow Court. This area contains 35 lots of which 28 already have units. These lots vary in size and would be allowed from 2 to 6 units.

The third area is located adjacent to and surrounds the Sierra Nevada Community College. This area currently contains an existing trailer court. This classification would affect development proposals should the trailer courts be removed and residential construction proposed. This area is currently classified as Low Density Residential (LDR) and the existing trailer court is nonconforming. Reclassification to HDA would bring this into conformance in use.

The three areas in Incline under investigation have mostly duplex, triplex and 4-plex units. Although most of the existing projects seem to conform to allowable density, there are indications that excess land coverage was created on some of the projects.

The major impact of the proposed modification will be to restrict the ability to further subdivide existing rental units through condominium conversion. Due to the small number of vacant lots remaining, this modification would not result in an incentive for apartment construction. Due to the relatively small size of each lot, a substantial increase to allowable density per acre would be needed to even get one more unit per lot. Assuming a lot over the size of approximately 6,000 square feet (the minimum lot size to qualify for 2 units at 15 units per acre) and a desire to provide an incentive for apartment construction of 1 additional unit per parcel, the effective potential density would be 22 units per acre.
El Dorado County

On the California side, a number of existing trailer courts are included in HDA areas. This classification would affect development proposals should the trailer courts be removed and residential construction proposed. A large number of the trailers currently existing are available for rental. The rental rate is generally less than that for a residential unit. The HDA classification would not affect the existing units but would affect proposals should the units be removed.

The first area under consideration is the trailer court located south of Lake Tahoe Boulevard. Across the street is an existing apartment complex. Agency staff proposes this area in HDA to retain this complex. Two existing apartment complexes across the street from the U.S. Forest Service offices on Tata Lane are also proposed for inclusion in an HDA classification, again to retain these units as apartments.

The second area includes the area south of Highway 50 from South Avenue to Second Street. This area has approximately 70 lots. Existing development includes a mix of apartments, trailer courts, duplexes, 4-plexes, single family residences, professional offices, and a hospital. There are 17 unimproved lots in the area. The lots range in size from 8,500 square feet to 50,000 square feet and could contain from 3 to 17 units. Affected in this area would be conversions of existing units and construction of new units. Also possibly affected would be the construction of professional office buildings unless specifically allowed.

The third area would be the area north of Highway 50 behind the Pillsbury Office Building adjacent to Keys Boulevard. This area has 18 existing lots, 5 of which are developed. Development includes small apartment complexes and a florist shop. Lots range in size from 10,000 to 40,000 square feet.

The fourth area runs along both sides of Sierra Boulevard, one block east and west from Highway 50 to Barbara. This area contains a mix of housing from older cabins to new single family dwellings and apartments. Most of the lots are relatively small averaging about 5,000 square feet. The maximum allowable density on most lots would be 2 units under the current HDR classification. The primary effect would be whether potential duplex units could be apartments or condominiums. New construction in this area has been limited to single family dwellings. This area is near essential services and is served by the City of South Lake Tahoe bus system. Of the 170 existing lots, approximately 140 are currently developed.

The fifth area is north of Highway 50, 1/2 mile east of Sierra Boulevard. This area is currently a mix of single family dwellings and duplex and 4-plex apartments. There are approximately 86 subdivided lots of which 55 have already been developed. The major impacts would be on the retention of existing units and the construction of units on the remaining small parcels. Most of the remaining parcels are approximately 5,000 square feet in size and would be allowed 2 units.
Memo to the Governing Board
High Density Apartment Areas
Page Four  - February 19, 1980

The sixth area is located west of Ski Run Boulevard and runs from Osgood Avenue to Pioneer Trail. The area currently contains a mix of single family dwellings, duplexes, and triplexes. Of the 145 existing lots, approximately 105 are already developed. Of the remaining lots, most average approximately 5,000 square feet and could be allowed up to 2 units at an allowable density of 15 units per acre. Some of the lots are up to 15,000 square feet in size and would be allowed up to 5 units. Again, the major impact would be on the construction of 2 unit apartment projects or condominiums.

The seventh area includes all the property bordered by Highway 50, Ski Run Boulevard, the proposed highway right-of-way and the Tourist Commercial land use district adjacent to Highway 50 and Pioneer Trail. This area contains a mix of older cabins, new single family residences, duplexes, 4-plexes and some intermediate size apartment complexes. Of the 631 existing lots, approximately 190 lots are vacant. Most of the existing lots are approximately 5,000 square feet in size and would be allowed up to 2 units. However, as a result of past resubdivision, some vacant lots are around 3,000 square feet and would only be allowed 1 unit.

The eighth area is located southeast of Pioneer Trail and involves an area bordered by Pioneer Trail, Glen Avenue, Montreal, and the Crescent V shopping center. This area contains a mix of single family dwellings, duplexes, 4-plexes, and small apartment complexes. There are approximately 155 subdivided lots, 54 of which are vacant. Most of the lots are 5,000 square feet in size and would be allowed up to 2 units.

To summarize this analysis, there are approximately 375 vacant lots proposed for inclusion in the HDA land use classification. These lots would immediately be affected by this proposal. Most of these lots are roughly 5,000 square feet in size and would be allowed up to 2 units. There is a remaining supply of larger vacant lots, some of which could qualify for up to 15 or more units. However, in some areas further subdividing has reduced lot sizes so that only 1 unit could be constructed. In some areas, HDA is proposed to retain existing apartment units and to preclude condominium conversion. Also some trailer parks are included where removal of the trailer park could result in residential construction.

Placer County

Only one area in Placer County has been identified for inclusion in the HDA classification. This area is in Brockway and is located north of Highway 28 and east of Highway 267. This is one of the oldest neighborhoods in the Basin. The area contains a mix of housing from older cabins to single family residences, duplexes, 4-plexes, and small and intermediate apartment complexes. Of the 383 subdivided lots in this area, 128 vacant lots exist. A large number of the lots average approximately 6,000 square feet. However some lots have been further subdivided and are smaller than 6,000 square feet in size. Some of these lots would only be eligible for a single unit. Within this area, approximately 60% of the improved lots have single family residences. The remaining 40% of the lots have varying densities of multiple residential development.
MEMORANDUM

DATE: February 19, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Information Requirements for Land Capability Challenges

In order to process an administrative permit for additional land coverage pursuant to Section 8.25 (land capability challenge) of the Land Use Ordinance, a land capability report is required to be submitted by the applicant. Section 8.27 defines the land capability report and indicates in subsection (1) the following:

(1) With respect to environmental and use capacity, the Report shall contain detailed information (as prescribed in guides, if any, issued by the Agency) concerning topography and slope; geologic conditions and hazard, soil properties, capabilities, and limitations; and surface and ground water conditions; vegetation characteristics; and related environmental factors pertinent to the property.

The attached draft information requirement check list is staff's attempt to establish formal guides for applicants with land capability challenges. Important to note is the concept that more complicated situations will require increasing levels of information. Those areas where the hydrologic and geologic properties are not in question would only require a soil scientist report. Water influence areas would require a hydrologist's report. In those areas where the geomorphic classification is being challenged, a geomorphologist report would be required.

As indicated to the Governing Board last summer after a meeting with Dr. Bailey, the geomorphic and hydrologic aspects of the land capability system have not been properly interpreted by the Agency. Staff is now working closely with the U.S. Forest Service and Dr. Bailey to resolve mapping discrepancies and to establish the necessary criteria to be included on the check list. Staff requests the Board's comments and direction on the attached guide.
MEMORANDUM

DATE: February 20, 1980

TO: The TRPA Governing Board

FROM: The Staff


Included in the packet mailing, each of you has received a summary of the above-referenced document. Public hearings to receive comments on the Draft Plan have been established by the State Water Resources Control Board (SWRCB) beginning March 7 and ending March 26, 1980. A response to the California Draft 208 Plan will be considered at the March meeting of the Governing Board after comments are received from the Advisory Planning Commission. The document is being brought to your attention at this time for a discussion regarding the general direction that the Agency should take with regard to the proposed plan.

Background

The Agency was designated to prepare an Areawide Water Quality Management Plan pursuant to Section 208 of the Federal Water Pollution Control Act in 1974. In January, 1978, the Governing Board approved the Lake Tahoe Basin Water Management Plan and submitted the plan to the Governors of California and Nevada for certification. The Governor of Nevada certified the plan for approval by the U.S. Environmental Protection Agency (EPA), while the SWRCB rejected the plan and called for de-designation of the Agency as the Section 208 planning authority. At this point, EPA intervened and noted that de-designation of the Agency was improper until the SWRCB had remanded acceptable changes in the 208 Plan to the Agency for consideration. During the time period from the SWRCB's consideration of the Agency's 208 Plan to the present, the SWRCB has prepared the Draft Water Quality Management Plan for adoption by the Agency and other affected jurisdictions.

If TRPA fails to adopt a plan which is totally acceptable to the State of California, the SWRCB will submit the plan, including any revisions resulting from the hearings, to the EPA for approval. EPA would then have to determine whether the version of the plan certified by California or Nevada is acceptable or whether separate plans for either side of the state line would be acceptable.

Agency staff will be prepared to lead a discussion which outlines the major differences between the SWRCB's plan and the Agency's adopted plans and to establish a procedure for resolving any differences.
TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Implementation of Notice to Affected Parties

Effective January 2, 1980, the Agency's Rules and Regulations of Practice and Procedure were modified to provide notice to affected property owners regarding any permit or proposal considered by the Agency. Section 7.19 of the Rules and Regulations provides for a determination by the Executive Officer regarding the classes of property owners to be so notified.

Attached is a proposed guideline to be utilized by Agency staff in order to determine the affected property interests to be notified. It is the responsibility of the applicant to provide stamped, addressed envelopes for notification of each affected property owner. Agency staff is soliciting your comments on the attached guidelines in order to provide an equitable notice requirement for each class of permit issued by the Agency.
GUIDELINE FOR NOTIFICATION OF AFFECTED PROPERTY OWNERS

Following is a listing by ordinance of the classes of persons to be notified upon receipt of a project which will result in significant or substantial impacts. The applicant upon submittal of an application is to be made aware of the applicable class and is to supply the Agency with stamped, addressed envelopes for said class. It is the applicant's responsibility to assure the accuracy of the names and addresses.

Shorezone Ordinance

Buoy - Directly adjacent property owners on all sides of subject property

Piers - Two property owners on each side of subject property (4 total)

Backshore construction - Two property owners on each side of subject property (4) and the three properties located across the street or directly behind the subject property (7 total)

Marinas - Two property owners on each side of subject property (4) and the three properties located directly behind the subject property (7 total)

Unauthorized structures - Same as with a new application

Grading Ordinance

Extensions - the notification requirement is to be waived

SEZ - the notification requirement is to be waived

Land Use Ordinance (see Section 7.12 - uses requiring an admin. permit)

(1) Airports, heliports and landing strips

the state clearinghouse, any property within the flight pattern for takeoffs and landings

(2) Batch plants

all properties located around the perimeter, all properties within 500'

(3) Bulk storage

all properties located around the perimeter

(4) Commercial developments of 3 or more acres

all properties located around the perimeter, all properties within 500'
(5) Commercial forest products removal
   all properties located around the perimeter
(6) Commercial parking lots
   all properties located around the perimeter, all properties within 500'
(7) Construction in stream channels
   all properties located around the perimeter
(8) Fish and wildlife management projects - notice waived
(9) Developed campgrounds
   all properties located around the perimeter
(10) Educational facilities, general
    all properties located around the perimeter
(11) Electric power plants
    state clearinghouse, all properties located around the perimeter, all properties within 500'
(12) Electrical substations
    state clearinghouse, all properties located around the perimeter, all properties within 500'
(13) Golf courses
    all properties located around the perimeter
(14) Hotels, motels and apartment houses of five or more units
    all properties located around the perimeter, all properties within 500'
(15) Medical facilities
    all properties located around the perimeter
(16) Mobile home parks
    all properties located around the perimeter, all properties within 500'
(17) Organized recreation camps
    all properties located around the perimeter
(18) Multiperson dwellings
    all properties located around the perimeter

(19) Outdoor amusement facilities
    all properties located around the perimeter

(20) Outdoor recreation concessions
    all properties located around the perimeter

(21) Overhead or underground utilities, but excluding service connections
    notice waived

(22) Public services
    Significant: state clearinghouse, perimeter properties, properties within 500'
    Insignificant: notice waived

(23) Highways, roads and structures
    state clearinghouse, all abutting properties

(24) Sewage treatment plants
    state clearinghouse, perimeter properties, properties within 500'

(25) Water storage tanks and reservoirs
    perimeter properties

(26) Water treatment plants
    state clearinghouse, perimeter properties, properties within 500'

(27) Quarries
    perimeter properties, properties within 500'

(28) Recreation vehicle parks
    perimeter properties, properties within 500'

(29) Religious facilities
    perimeter properties
(30) Radio, TV and telephone relay stations and transmission lines and structures
notice waived

(31) Skiing facilities
state clearinghouse, perimeter properties, properties within 500'

(32) Private stream crossings
perimeter properties

(33) Solid waste transfer stations
state clearinghouse, perimeter properties, properties within 500'

(34) Transportation facilities
state clearinghouse, abutting properties

(35) Wrecking yards
perimeter properties, properties within 500'

(36) Condominium conversions
perimeter properties

Other Type B applications (Sec. 8.25, 8.28) - perimeter properties
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: February 20, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Enforcement Report

Over the past four months, the TRPA staff has been working with Douglas County officials on Agency ordinances and application requirements. This memo serves to summarize the substantial progress made in this regard as well as to outline remaining conceptual differences in interpretation of Agency ordinances. Recently Agency staff received Douglas County's response to a letter sent on December 14, 1979 requesting specific actions on certain projects. Where there is concurrence between the Agency and Douglas County, rectification of the existing problems is proceeding. Instructional meetings have been held where the respective staffs have clarified the procedural requirements of each jurisdiction. A more thorough understanding of Agency and County ordinances and requirements has been achieved. This will result in fewer problems which may occur in the future.

However in these discussions, certain conceptual differences have arisen regarding the applicability and procedural requirements of TRPA ordinances. The staff is concerned with clarification of ordinance interpretations so that a stable review procedure can be applied in the future. Proposed resolution of these differences in interpretation as they have related to certain projects is provided below. Staff will be prepared to discuss these concerns at the February meeting.

1. 60 Day Rule - A single family residence was approved in August, 1978 with a long driveway which exceeded allowable coverage. The Agency allows excess coverage to be created for a driveway if an administrative permit is granted by the local jurisdiction and TRPA. Douglas County contacted the Agency three times about this particular project notifying the staff that approval of the excess driveway coverage would be granted. However, the applicant did not file an application with the Agency for concurrent approval. Sixty days after Douglas County's first letter notifying the Agency of County approval, a building permit was issued. Douglas County's position is that, since no action was taken by the Agency within 60 days, the application was deemed approved, thus allowing the issuance of the permit.
Staff Analysis - Because an administrative permit was required, the 60 day rule was operative in this case. The 60 day clock starts with the receipt of a complete application by the Agency. Such application must be filed with the Agency by the applicant. Upon receipt of the filing fee and determination on the completeness of an application, the 60 day clock starts. In order for the application to be complete, an administrative permit issued by the County must be included.

Therefore in this case, notification by Douglas County that an administrative permit had been issued was necessary but did not start the 60 day clock because no application had been received and no filing fee paid. Future administrative permit issuance by the County should recognize that when TRPA approval is required a building permit should not be issued unless a TRPA-issued administrative permit has been received. Further, the 60 day rule only applies if the Agency fails to take action on a complete application filed with the Agency by the project applicant.

2. Pre-Existing Use - The building which housed Gary's Casino adjacent to Harvey's Inn has recently been converted to an emergency medical clinic. Prior to becoming Gary's Casino, this building housed the Olesner Drug Store and the offices of Dr. Wright. Other minor commercial uses had previously occurred on the less than 3 acre parcel but were not reviewed by the Agency. Douglas County issued an occupancy permit for the medical facility based upon the position that since a medical use had been allowed in the past no further permits were necessary. This reasoning may be applicable at the County level but is not applicable to TRPA ordinance requirements.

Staff Analysis - At the time of the adoption of the Land Use Ordinance, a medical facility was not the existing use of this building. Under Section 7.12 of the Land Use Ordinance "no person shall commence or carry out any of the following uses or activities.... without first having obtained an administrative permit...." Section 7.12(15) specifically requires review of medical facilities. Section 3.00 defines medical facilities as "buildings and uses related to the treatment and prevention of human disease, including hospitals and clinics. Section 4.10(2) (Permit Procedures) states that no use that requires an administrative permit may be undertaken until an administrative permit has been issued.

Therefore it is Agency staff's position that no pre-existing rights for a medical facility can be conveyed to this project based upon a prior use. Staff requests that the Board direct that an administrative permit be processed in accordance with the requirements of the Land Use Ordinance.
3. Pre-Existing Lots and Parcels - On recently received parcel book update maps, Douglas County approval of an 8 lot parcel map is indicated. Approval of this parcel map was after February 10, 1972. Under Agency ordinances, creation of 5 or more lots must be accomplished through a subdivision map and allowed coverage determined by land capability.

Approval of this map was based upon the following representations. The proposed parcels were indicated on sewer district assessment maps from 1966. The proposed parcels were declared to be parcels by deed prior to 1972 by the Commission in 1976 and grandfathered coverage was permitted for each parcel.

Staff Analysis - This project raises a number of questions and concerns:

a. An 8 lot subdivision was created by parcel map after February 10, 1972.

b. No subdivision map was approved as required by TRPA ordinances.

c. The lots created were granted grandfathered coverage overrides.

d. Coverage for parcel maps and subdivisions must be calculated in accordance with the Agency's land coverage standards.

e. Recognition of sewer assessment maps that predate the Agency for determining land divisions could result in subdivisions or parcel maps that exceed allowable densities.

Staff would like an opportunity to examine the sewer assessment maps as well as copies of the deeds alluded to. Until these submissions can be checked, staff is concerned that the parcels granted approval by Douglas County may have been in recognition of rights which do not in fact exist. Agency ordinances require that only parcels recorded prior to February 10, 1972 can utilize vested rights.

4. Conformance With Pre-Existing Rights - This concern arises out of the continuing buildout of Summit Village. Summit Village has recognized vested rights for 400 units and any land coverage identified on the final map pursuant to Section 9.22 of the Land Use Ordinance. This coverage is to include all buildings and paving. The master plan for Summit Village proposed centralized parking areas with no parking available to individual units. Since the time of the master plan approval, questions have arisen regarding access to units, public safety, and fire safety. In order to reduce these concerns, Douglas County has allowed the construction of driveways and parking areas as development occurs. Douglas County's position is that as long as parking requirements are being adhered to
location of this land coverage is immaterial. Douglas County's stated parking requirement is 400 spaces. These spaces were to be provided at centralized parking areas. Since none of this parking has been removed and individual driveways and parking areas are allowed, in actuality more parking and land coverage is being allowed than was originally envisioned. A field survey done by Agency staff indicates increased use of the units as primary residences thereby generating more use than the original concept of vacation and second homes.

In evaluating these changes, the primary concern is creation of land coverage and conformance with the approved master plan. Section 9.22 of the Land Use Ordinance is explicit on this point. The section reads as follows: "The limitation on land coverage established by this ordinance shall not apply to land coverage created or to be created in connection with a subdivision the final map of which was approved by the appropriate local government and where necessary by the Agency within five (5) years prior to February 10, 1972, provided however that such coverage shall be no greater in size than planned at the time such subdivision was approved." Since there is no indication that coverage has been removed from the subdivision, the creation of these new individual driveways and parking areas has resulted in coverage above that recognized by the Agency in the final map. Such action, even for public safety reasons, is not allowed by Section 9.22.

These improvements are being allowed in a manner which is unacceptable in an administrative and on-site environmental sense. Where provision of excess paving is occurring, no slope stabilization or drainage facilities are being required or constructed. The result is not only the creation of excess land coverage but coverage which contributes to increasing erosion and sedimentation problems on and off the site. This is further aggravated by the poor land capability of the area and the lack of functioning drainage mechanisms.

Staff concurs that the provision of centrally located parking areas was not a functional design concept and probably needs revision. Staff seeks Board concurrence in organizing meetings with Douglas County and the Summit Village Homeowners Association to establish a mechanism to deal with the continuing conformance questions. If coverage and environmental control questions can be resolved, the project could then be brought back to the Board for a substantial conformance finding. In view of the recent modifications, Agency staff does not interpret this project as being in conformance with either the approved master plan or Section 9.22 of the Land Use Ordinance.
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