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

NOTICE IS HEREBY GIVEN that on July 23, 1980, at 9:00 a.m.,
the Governing Body of the Tahoe Regional Planning Agency will conduct
its regular meeting. Said meeting will take place at The Chateau,
955 Fairway Boulevard, Incline Village, Nevada. The agenda is
attached to and made a part of this notice.

July 11, 1980

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

The Chateau, 955 Fairway Boulevard
Incline Village, Nevada

NOTE:
July 23, 1980
9:00 a.m.

It is advisable that the applicant for each agenda item be present at the meeting.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

- Remove Heavenly Valley from C.C. - Minor Mod. to Cond.'ns.

II APPROVAL OF AGENDA

- Remove Monen - Cont'd at Applicant's Request

III DISPOSITION OF MINUTES

- Sierra Boat Co. - J. Williamon - Will Ask for Continuance

IV CONSENT CALENDAR

- Heavenly Valley

V SPECIAL REPORT

Incline Village Status Report on Water Availability, Sewage Capacity, and Traffic

VI AGENCY REVIEW

A. Hansen & Perry Development, Tentative Map for 109 Condominium
   (Interval Ownership) Units, (Club Tahoe Phase II), Washoe County

B. Finding of Reformation on Covenants, Conditions & Restrictions to
   Allow Vested Right to Create Condominium Units:

   1. Ellison C. Grayson, 603 Lariat Circle, Washoe County
   2. Dennis Maloney, 595 Lariat Circle, Washoe County
   3. Rogers/Jerbak/Vicini Realty, 624 Lariat Circle, Washoe County

C. Dan Monen, Replacement of Nonconforming Land Coverage and
   Variance to Section 9.30 of the Land Use Ordinance, Douglas County
   - Cont'd

D. Sierra Boat Company, Shoreline Protective Device, Placer County

VII PLANNING MATTERS

A. Litigation to Establish Planning Authority for the Tahoe Basin
   - GAO/PAO

B. 208 Water Quality Work Program for Federal Fiscal Year 1981
   - PAO

VIII PUBLIC WORKS

A. Tahoe City Public Utility District, Star Harbor Athletic Field, Placer County
   1. Request for Reconsideration by the Tahoe Resource Conservation District - PAO
   2. Administrative Permit for the Athletic Field (if the request for
      reconsideration is approved)
IX REPORTS

A. Appeals

B. Enforcement Report

1. Summit Village Master Plan for Parking, Drainage and Revegetation, Douglas County

2. Tahoe Boat Company, Status of Application for Marina Modifications and Posting of Bond, Placer County

C. Executive Session

D. Executive Director Report

E. Legal Counsel Report

F. Governing Body Members

G. Public Interest Comments

X ORDINANCES

First Reading of Ordinance Amending the Regional Plan to Reclassify Four Lots Owned by Douglas County from High Density Residential to Recreation

XI RESOLUTIONS

XII PENDING MATTERS

XIII CORRESPONDENCE

XIV ADJOURNMENT
CONSENT CALENDAR  
TRPA Governing Body Meeting - July 23, 1980

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Public Works  
Washoe County Public Works Department  
Clean Lakes Sediment and Nutrient Control Project  
Incline Village

Background

In August, 1978 the Agency reviewed and supported a proposal for a pilot demonstration project for mechanical slope stabilization of eroding cut and fill slopes in Incline Village as part of a clearinghouse review of Washoe County's Clean Lakes Grant application. During the past two years, Washoe County has been monitoring water quality in the watershed it has selected as a pilot demonstration project and preparing plans and specifications for the erosion control project. Water quality monitoring will continue in the affected watershed, both upstream and downstream of the project area, in order to determine the effectiveness of the slope stabilization and drainage improvements proposed as part of the project.

Project Description

The proposed project is located in portions of Ponderosa Subdivisions 1, 3, and 5 in Incline Village. The project consists of slope stabilization and drainage improvements to be installed along Silvertip Drive, Knotty Pine Drive, Dale Drive, Ponderosa Avenue, Tyner Way and Spencer Way.

The project proposes to stabilize existing cut and fill slopes within public rights-of-way on the above-referenced streets. In order to stabilize these slopes, gabion retaining walls, rock walls, rock rip rap and revegetation will be utilized. Drainage will be improved through the installation of rock-lined "V" ditches and sediment traps.

Advisory Planning Commission Action

On July 9, 1979, the APC voted unanimously to approve the project with the understanding that Washoe County would be responsible for continued maintenance of drainage and slope stabilization.

Recommendation

Agency staff recommends that the project be approved subject to the following conditions:

1. The final construction drawings and project specifications be revised to include the comments of the SCS staff for the following areas as follows:
   a. Compaction density for fill areas be reduced in the top 3 inches to allow plant root penetration.
   b. Side slopes for rock-lined ditches be reduced to 1-1/2:1.
   c. Connecting wires for gabions be utilized in accordance with the Bekaert Gabion Handbook.
2. Washoe County shall be responsible for maintaining drainage and slope stabilization devices.
Washoe County Department of Parks and Recreation
Incline Village Bikeway System - Phase 1
Washoe County

Location and Project Description

The Washoe County Department of Parks and Recreation is requesting approval of the construction of Phase 1 of the Incline Village bikeway system. The project includes approximately 23,900 feet of bike paths and 5,400 feet of bike lanes. Phase 1 concentrates on providing bike paths within the core area of Incline Village (Attachment 1). The bike paths are facilities designed for the exclusive use of bicyclists and pedestrians which are located within existing roadway rights-of-way but are separated from motor vehicle traffic except at intersections.

Master Plan Action

At its regular May 14, 1980 meeting, the Advisory Planning Commission approved the subject master plan with the condition that individual phases of the project be reviewed by the APC and that the submittals specifically address the questions of intersection safety and the separation of bicycle, vehicle, and pedestrian traffic on a seasonal basis.

On May 28, 1980, the Governing Board approved the subject master plan with the same condition.

Specific Project

The bike paths will be 8 feet wide with a minimum 5 foot setback from the roadway. The paths are proposed for location entirely within the existing road rights-of-way. Some of this area has been used by private property owners as parking and as landscaped area. The construction of this facility will substantially alter the use of these areas. No new right-of-way acquisition is proposed. Phase 1 will involve five stream crossings over three separate creeks in Incline Village. Rose Creek will be crossed three times, Incline Creek and Third Creek once each. The major crossing will be of Third Creek at Lakeshore Boulevard (Attachment 2).

Land Capability

The project is entirely within the IsC land capability district. IsC, Inville stony coarse sandy loam, 2 to 9% slopes, is a land capability district 6 and allows a maximum of 30% coverage. This facility has been designated a regional public facility and is therefore exempt from land coverage restrictions.

On-Site Environmental Impacts

Grading - The bike path will be located within the existing road rights-of-way. Grading activity will involve primarily surface clearing of vegetation and compaction of a surface approximately 12 feet wide. Cut and fill slopes will be stabilized with rock rip rap or revegetated. The bike path is located adjacent to existing roadside drainages. In areas where the path will encroach into a roadside drainage, Agency staff has requested the applicant to provide more specification on resulting cuts and fills and proposed rerouting of the roadside drainages.

7/14/80
Drainage - Phase 1 is designed to perpetuate the existing roadside drainage pattern. Existing culverts will be extended and new culverts placed. The plans identify areas where the bike path will encroach into the existing roadside drainages. Staff has requested further delineation of the proposed improvements in these areas to assure that existing drainage patterns and capacities are not being detrimentally affected. The revised details will be reviewed by the Agency staff and the applicant in the field. Adherence to the 208 Water Quality Program Handbook of Best Management Practices recommendations and maintenance of existing drainage capacities will be the review criteria.

The project proposes to cross three creeks in Incline Village. Three of the crossings are of Rose Creek, one over Third Creek, and one over Incline Creek. Only the Third Creek crossing was proposed with a bridge structure. At the Development Review Committee field meeting, Ted Frantz of the Nevada Department of Fish and Game stated that no live streams in Incline Village should be crossed with culverts or reinforced concrete box structures. These types of improvements detrimentally affect fish spawning patterns and are not in conformance with the recommendations of the Agency's Handbook of Best Management Practices. Based upon these comments, the applicant has agreed to reevaluate the stream crossing proposals. These revisions would be subject to Agency staff and Department of Fish and Game approval.

Intersection Safety Improvements

The Phase 1 bike path provides spatially separated travel ways for pedestrian and bicycle traffic from automobiles except at intersections. The design of the system forces bicycle traffic into interactions with automobile traffic at certain critical intersections in Incline Village. The APC directed that special attention be given to the safety aspects of the intersection crossings. The five critical intersections will have striped crossing lanes and will be signed. A stacking area separated from the traffic lanes will be provided. One critical intersection is not proposed for improvement at this time. This is the easterly intersection of Northwood and Southwood Boulevards with State Route 28 near the core area of Incline Village. The path is proposed to deadend approximately 100 yards short of this intersection. This intersection is just north of the sites of the Middle School, the athletic fields and the swimming pool. This area will be subject to more intensive use and greater traffic generation in the near future. Greater pedestrian/bicycle traffic, as well as automobile traffic, will be generated in this area and through this intersection. Agency staff therefore recommends that this project provide striping and signing at this intersection to advise of pedestrian and bicycle traffic.

Advisory Planning Commission Action

The APC approved the subject project on July 9, 1980 with the conditions recommended by staff.

Staff Recommendation

Agency staff recommends that the findings under Section 8.33 of the Land Use Ordinance be made and that the project be approved subject to the following conditions:

7/14/80
1. Each of the following conditions shall be completely satisfied prior to the issuance of any building or grading permits:

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

   b. Provision is made in the bid documents for this project that the intersection of Tahoe and Southwood Boulevards be striped and signed for bicycle traffic.

   c. Submittal of revised live stream crossings plans. These plans are subject to Agency staff review and approval.

   d. Submittal of an ongoing maintenance program and schedule for the continued maintenance of the bike system. This program must address seasonal use of the facilities.

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

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

4. 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.

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

6. 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.

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

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

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

7/14/80
10. 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.

11. 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.
Stream Crossings
Incline Village Bikeway System - Phase 1

June 1980

Fig. 9
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

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

Summary

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

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

Need for Facility

The purposes of the proposed project are as follows:

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

Proposed Construction

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

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

Conformance With Public Facilities Master Plan

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

7/14/80
The master plan recommends under "ultimate electrical system expansion" that the existing 60 KV line in this area be replaced with a 120 KV transmission line.

**Height**

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

1. The provision has been made for protection from fire hazards and against aviation accidents;
2. Consideration has been given to the protection of view and to the character of the neighborhood;
3. Proper provision has been made for light and air; and
4. Such greater height will better promote the protection of the environment in the area.

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

The poles will be placed in existing areas of disturbance and will provide greater reliability of service in the area with the minimization of service interruptions.

**Approvals**

The California Tahoe Regional Planning Agency Governing Body approved the subject project at the July 3, 1980 meeting.

**Recommendation**

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

California Department of Transportation
Shoreline Protective Device at El Dorado Beach
City of South Lake Tahoe

Project Location and Description

Application has been made by District 3 of Caltrans in Marysville for a shoreline protective device, pursuant to Section 10.00 of the Shorezone Ordinance, in connection with bank stabilization and construction of a pedestrian access at El Dorado Beach in the City of South Lake Tahoe. The work will be located at El Dorado County Assessor Parcel Nos. 27-01-14, -15, -17 and 26-05-02 in the vicinity of State Highway 50 and Rufus Allen Boulevard. The project is in a Shorezone Tolerance District #4.

The project site will be a maximum of 860 feet along the shoreline and involves a gently sloping sand beach at the base of a steep 25 foot + eroding bank. The protective devices will consist of incorporating a terrace effect of timber walls and rock rip rap retaining walls. A maximum of approximately 300 cubic yards of rock rip rap will be placed below the high water line of Lake Tahoe (6229.1 Lake Datum) as part of a complete bank reconstruction project.

This system of rock walls below the timber walls is to serve as protection against undermining of the walls and provides areas for planting and revegetation. The new slopes will be revegetated to help maintain a stable slope and natural appearance. The purpose of this work is to contain the State Highway 50 embankment and to prevent further erosion of the bank from wave action. In addition to the bank protection, the applicant proposes to construct a pedestrian access to the beach. The construction will require approximately 7 cubic yards of concrete to be placed below the high water elevation of the Lake. Additional rock fill will be placed on three sides of the concrete landing to prevent undermining.

Finding

Agency staff is in support of this project. The extreme erosion problem occurring at El Dorado Beach has long been the subject of discussion along with possible mitigation measures to control the problem while still maintaining an aesthetic balance at this high use tourist area. Two main areas of concern at El Dorado Beach are as follows:

1. The existing erosion problem. The timber and rock walls should control the erosion while also being beneficial for a successful revegetation program.

2. A major contributor to the erosion problem at the beach is pedestrian access flow which has not been concentrated or directed in any order but has allowed the creation of numerous trails along the entire frontage. If properly constructed and maintained the pedestrian access proposed in conjunction with the retaining walls should provide for a concentrated flow pattern to and from the beach along the eroded area hence solving this area of concern.

Recommendation

Agency staff recommends approval of the project subject to the condition that erosion control methods applied during construction be shown on the final plans.

Advisory Planning Commission Action

At its July 9, 1980 meeting, the APC voted unanimously to support the staff recommendation.

7/15/80
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

California Department of Transportation
Roadway Improvements, Highway 89
City of South Lake Tahoe to Eagle Creek, Emerald Bay
El Dorado County

Location and Project Description

The California Department of Transportation (Caltrans) is requesting clearinghouse approval of proposed roadway improvements along Highway 89 from the City of South Lake Tahoe to Eagle Creek at Emerald Bay. The purpose of the project is to provide a safer highway facility, reduce maintenance costs, reduce flooding and icing problems, and reduce sediment runoff from unstabilized cut slopes.

The proposed project consists of reconstructing portions of the existing roadway, placing asphalt concrete overlay, improving the alignment of four existing curves, cut slope improvement of one curve, improving stability on an existing slope, correcting existing drainage problems, and providing revegetation planting.

Need for the Project

The principal deficiencies of the existing highway are:

1. Areas of very narrow paved roadway;
2. Inadequate or incorrect cross slope of the pavement;
3. Inadequate roadway structural section;
4. Stormwaters and snowmelt overflowing and sometimes freezing sections of the existing roadway; and
5. Proximity of obstructions to the roadway.

By correcting, where practical, the above-mentioned problems, the proposed project will provide a safer facility for motorized and nonmotorized traffic. It will also help to reduce existing drainage and erosion problems in the area.

Environmental Setting

Highway 89 at this location is a 2 lane north-south highway. The highway has an existing pavement width of 22 feet with 2 foot gravel shoulders. This portion of the highway is included in the State Scenic Highway System Master Plan but has not been officially designated.

The land adjacent to the highway is, generally, heavily forested, rural, recreational land, and for the most part under the management of the U.S. forest Service. The State's rights on Highway 89 on Forest Service lands exist by virtue of a prescriptive easement from the Forest Service. The easement extends to the width of the highway as maintained, including cut and fill slopes. This proposal will cross four major creeks along the southwest shore. At each natural and manmade drainage crossing, appropriate improvements will be constructed to provide adequate drainage control. Approximately 50 trees will be removed due to the project.

6/30/80
Recommendation

Agency staff recommends that this clearinghouse project be approved with the condition that the Agency staff shall review and approve the final construction drawings for all site improvements. These plans shall be in conformance with the requirements of the Agency's Grading Ordinance and 208 Handbook of Best Management Practices.

Advisory Planning Commission Action

On July 9, 1980 the APC voted unanimously to support the clearinghouse application with the condition as recommended by staff.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: July 15, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Proposed Memorandum of Understanding for A-95 Review of Caltrans Projects by TRPA

Background

The Office of Management and Budget (OMB) Circular A-95 requires clearinghouse review of federally assisted transportation programs and projects. As the designated areawide clearinghouse, TRPA has the responsibility to review and comment on transportation programs and proposals which would have a significant impact on the environment, local or regional plans or would conflict with other ongoing programs.

Because of the large number of relatively small projects undertaken by Caltrans, the Department of Transportation has entered into memoranda of understanding with areawide clearinghouses regarding the types of projects which would be excluded from clearinghouse review (categorically exempt). The Agency has an existing memorandum of understanding with Caltrans regarding A-95 review of transportation programs and proposals. Caltrans has approached the Agency to renegotiate this agreement in a standardized format.

Proposed Memorandum of Understanding

Caltrans has submitted a proposed memorandum of understanding (attachment) for consideration by TRPA. The proposal is to be considered only as a guideline and can be modified to meet the Agency’s perceived needs.

The proposal sets forth those projects which are subject to clearinghouse review (page 4 of the attachment) and those which are categorically exempt (page five and Appendix).

Analysis

Agency staff has reviewed the category of projects which are proposed to be categorically exempt from A-95 review. These guidelines appear to be more appropriate for large metropolitan areas where, because of the large number of projects, the magnitude of a project which triggers a review is relatively major. However, in the Tahoe Basin, relatively minor transportation projects may have a significant impact on air quality plans or water quality plans. Also there is presently no mechanism to review the programming of Caltrans funds towards the solution of existing air and water quality problems which are well documented
in association with the existing transportation system. The normal procedure for incorporating these concerns would be through the annual State Transportation Improvement Plan (STIP) and Transportation Improvement Plan (TIP) for the Basin.

Staff Recommendation

Agency staff recommends that the memorandum of understanding be executed with the following modifications:

1. The State Transportation Improvement Plan (STIP) and Transportation Improvement Plan (TIP) will be subject to an annual review by TRPA to ensure proper prioritization of plans and programs and to ensure the incorporation of elements of adopted air and water quality programs as elements of each proposed project.

2. The proposed exemptions for A-95 review be modified to delete the following from the categorical exemptions (i.e. not exempt from TRPA review):
   - projects costing $500,000 or less
   - projects included in an appendix noted as being recommended for Agency Review (A.R.).

Advisory Planning Commission Action

At its July 9, 1980 meeting, the APC voted unanimously to approve the memorandum of understanding as recommended by staff.

(The appendix is available for viewing in the TRPA office.)
MASTER MEMORANDUM OF UNDERSTANDING

(A-95 Review Process)

Related to coordination of the CALIFORNIA DEPARTMENT OF TRANSPORTATION projects with the CALIFORNIA OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE.

This is a MASTER MEMORANDUM OF UNDERSTANDING (MOU) by and between the CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) and the CALIFORNIA OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE (SCH). This MOU is applicable to transportation-related projects for which Federal Aid Transportation Funds will be sought from the FEDERAL HIGHWAY ADMINISTRATION (FHWA), the FEDERAL URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA), the FEDERAL RAILROAD ADMINISTRATION (FRA), and the FEDERAL AVIATION ADMINISTRATION (FAA). In those areas within California where both SCH and AREAWIDE CLEARINGHOUSE (ACH) reviews are required, separate MOUs cover respective ACH and SCH review responsibilities.

This MOU supersedes all previously executed MOUs and supplements thereto, pertaining to the CIRCULAR A-95 review process, between CALTRANS and the SCH.

Reference to CALTRANS shall mean CALTRANS acting either on behalf of itself on or behalf of Local Agencies, in submitting transportation-related projects for processing by the Federal Agencies.
PURPOSE

This MOU sets forth procedures to implement the FEDERAL OFFICE OF MANAGEMENT AND BUDGET, CIRCULAR A-95. The CIRCULAR A-95 process responds to the need for coordination of planning and development activities within and among Federal, State and local governmental agencies.

As there are overlapping laws, regulations and policies at all governmental levels, this MOU addresses the need to reduce duplication without sacrificing service to the public.

To the extent that coordination, cooperation and resolution of differences is achieved among all levels of government, via the CIRCULAR A-95 process, Federally assisted transportation projects are likely to result in more effective use of the public investment.
AUTHORITY

It is the intent of this MOU to establish both an efficient process of intergovernmental coordination and the review of transportation-related projects in compliance with existing governmental policies and procedures. The early warning and continuing coordination provisions of CIRCULAR A-95 are applicable to the SCH and to all governmental agencies requesting Federal financial assistance.

This MOU is based on the following laws, regulations, procedures and policies:

- Intergovernmental Cooperation Act of 1968, Public Law No. 90-577;
- National Environmental Policy Act of 1969 (NEPA), Public Law No. 91-190;
- Council of Environmental Quality Regulations for Implementation of the National Environmental Policy Act, November 29, 1978;
- Office of Management and Budget Circular A-95;
- Title 23, United States Code;
- Title 23, Code of Federal Regulations;
- Federal Highway Administration Federal-Aid Highway Program Manual (FHPM) 4-1-4, and FHPM 6-3-2-2;
- Catalog of Federal Domestic Assistance;
- California Environmental Quality Act of 1979 (CEQA);
- Caltrans Policy and Procedure Memorandum 80-7;
- Caltrans Local Programs Manual, Volume 1.
APPLICABILITY

The provisions of this MOU are applicable to the Federal Department of Transportation programs listed in Attachment-D to CIRCULAR A-95 or Appendix-I of the Catalog of Federal Domestic Assistance, whichever bears the later date. At this time, the Federal programs covered are as follows:

- Airport Development Aid Program;
- Airport Planning Grant Program;
- Highway Beautification - Landscaping and Scenic Enhancement - Control of Outdoor Advertising - Control of Junkyards;
- Highway Research, Planning and Construction;
- State and Community Highway Safety;
- Public Lands Highways;
- Forest Highways;
- Grants-in-Aid for Railroad Safety;
- Railroad Rehabilitation and Improvement - Guarantee of Obligations;
- Urban Mass Transportation Capital Improvement Grants (Planning and Construction only);
- Urban Mass Transportation Capital Improvement Loans (Planning and Construction only);
- Urban Mass Transportation Technical Studies Grants (Planning and Construction only);
- Urban Mass Transportation Demonstration Grants - Section 6, UMT Act;
- Urban Mass Transportation Capital and Operating Assistance Formula Grants - Sections 3 and 5, UMT Act.
EXEMPTIONS

It is agreed that certain classes of highway and public transportation projects are exempt from CIRCULAR A-95 review.

Such exemptions include:

- projects listed in FHPM 4-1-4;
- projects which are categorically excluded from the provisions of NEPA;
- projects which are categorically exempt from the provisions of CEQA;
- projects costing $500,000 or less (construction costs only).

Examples of exempt projects are included in the appendix.
PROCEDURES

CALTRANS -

For applicable Federally assisted highway and public transportation projects, CALTRANS will submit a STANDARD FEDERAL FORM 424 (SF424) to the SCH when undertaking highway or public transportation planning or improvement activities. All SF424 submittals to the SCH for review will include Federal-Aid application information as required by CIRCULAR A-95.

SCH -

It is the responsibility of the SCH to assign an SCH number to each SF424 upon receipt and to notify the applicant of the SCH number for future identification. The SCH will circulate the SF424 with attachments among appropriate State agencies and ACHs. The SCH will arrange meetings between CALTRANS and the reviewing agencies to resolve any conflicts.

The SCH will have a period of 30 days in which to circulate, review and respond to the SF424. However, the SCH may elect to shorten the 30-day review period when requested to do so by CALTRANS. The SCH also may have an additional 30-day period to complete its review if requested.

The SCH will notify the applicant at the completion of its review of all projects covered by this MOU.

CIRCULAR A-95 provisions require that the SCH be notified of actions taken by the applicable Federal agency concerning each project for which an SCH number has been assigned.

In lieu of a completed Section III on the SF424, a copy of the Federal agency's project authorization document attached to the SF424 will be accepted by the SCH as the agency's notification of action.
TERMINATION/AMENDMENT

This MOU may be terminated by CALTRANS or by the SCH, by written notice from either party. The MOU may be amended by mutual written agreements between the parties in the form of a SUPPLEMENTAL MOU.
IN WITNESS WHEREOF, the parties hereto have caused this
MASTER MEMORANDUM OF UNDERSTANDING to be executed by
their respective officers, duly authorized:

State of California
Department of Transportation

APR 30 1980
Date

Adrian القدمر
Director of Transportation

State of California
Office of Planning and Research
State Clearinghouse

APRIL 15, 1980
Date

Stephen Williams
State Clearinghouse

Approved as to Form and Procedure

APRIL 19, 1980
Date

Susan K. Johan
Attorney
California Department of Transportation
Heavenly Valley
Additional Ski Lift
Clearinghouse Review
El Dorado County

Location and Project Description

The applicant, Heavenly Valley, is requesting approval to construct a new ski lift on the upper mountain of the California side. The proposed triple lift extends from an elevation of 8600 feet to an elevation of 9750 feet. The base of the chair will be adjacent to the base of Betty's Run and the chutes of Sky Chair. Its upper terminus will be slightly below the entrance of Betty's Run and the continuation of Ridge Run. The lift will have 171 chairs with an hourly capacity of 1,500 skiers.

Existing Situation

On the upper California side, the Sky Chair provides access to the Nevada side as well as to upper California runs. Due to the increased capacity of the lifts at the California base facility, skiers are able to access the upper mountain earlier in the day. Skiers are unable to see the base of the Sky Chair prior to committing themselves to that line. What results is severe congestion at the Sky Chair in particular and also at the Ridge Chair.

Construction of the Canyon Lift will reduce congestion in two ways. First, the Canyon Lift will provide increased access to intermediate runs on the California side. This will reduce the pressure on both the Sky Chair and the Ridge Chair. Second, there will be increased availability of chairs on the Sky Lift for access to the Nevada side by skiers parked at the California base facilities. This proposal will enhance the internal circulation pattern on the upper California mountain and will reduce the average lift line wait time.

Existing Environmental Setting

The vegetation on the site is a mixture of lodgepole-pine, Western white pine, red fir and hemlock. The tree cover is sparse, with an understory cover of primarily greenleaf manzanita. The placement of this lift is in an area that has already been substantially modified by man's activities. There are no live streams or stream environment zones identified in the area.

Land Use

The property on which the new chair will be located is classified General Forest. The placement of the new chair lift is permitted in the General Forest land use district since Heavenly Valley is a conforming use.

Grading

The construction of the new Canyon Lift will result in the following amounts of grading
and land disturbance:

- Lower terminal: 75 cubic yards
- Upper terminal: 60
- (Each tower: 12-13)
- Total tower excavation: 241

Total: 376 cubic yards

Revegetation

The applicant's temporary and permanent erosion control plan identifies areas to be stabilized during and after construction. If this project is approved, a final revegetation plan will be subject to review and approval by TRPA and the U.S. Forest Service.

Traffic

This proposal will effectively increase the internal circulation capacity of the upper mountain which has been affected by the increased capacity of the lower mountain access lifts. Heavenly's seasonal patronage has been increasing over the last three years. During this time, the capacity of Heavenly's parking areas has not expanded. Generally the parking areas are at capacity during peak weekends. In order to provide alternative modes of transportation, Heavenly has participated in the shuttle bus program and plans to increase its participation in the future. Heavenly has also expressed a desire to facilitate greater use of package tours to attract skiers.

While this lift is proposed primarily to provide increased skier safety, better circulation, and to increase the quality of the skier's experience, increased capacity will result. This capacity will be used up by either additional patrons or increased utilization by existing skiers. At this time, no increases in parking are proposed.

Approvals

This project will be heard at the August 1980 CTRPA Governing Body meeting. CTRPA must wait for approval under CEQA by the State of California prior to hearing the project but has requested that TRPA hear the project prior to CTRPA review in order to expedite the review process. The Lake Tahoe Basin Management Unit of the Forest Service supports the project. The Forest Service Regional Office must approve the amendment to the special use permit.

Advisory Planning Commission Action

The APC voted unanimously to approve the subject project with the attached conditions.

7/14/80
Recommendation

Agency staff recommends that the subject project be approved subject to the following conditions:

1. Each of the following conditions shall be completely performed prior to the issuance of any building or grading permits:
   a. The final revegetation, slope stabilization, and drainage plans shall be submitted to and approved by the Agency staff. These plans shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage facilities.
   b. An undertaking by corporate surety or other similar and appropriate document guaranteeing the performance of landscaping, revegetation, and proper installation of slope stabilization and drainage facilities shall be posted with the permit-issuing authority as provided in Section 7.140 of the Grading Ordinance. The undertaking or other document shall provide that the Agency may enforce the same and use the funds provided therein to assure compliance with the landscaping, revegetation and slope stabilization and drainage plans.
   c. Calculations and other necessary analyses demonstrating that the design of the surface water runoff control system will meet the requirements for surface
   d. 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. There shall be no grading or land disturbance performed with respect to the project during periods of inclement weather or when there is snow on the site.

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

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

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

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

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7. Construction of all improvements shall be completed within twenty-four (24) months of the date of Governing Board 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.

8. Agency staff shall be notified at least 48 hours prior to the commencement of construction. This notification shall include: 1) who will be doing the work; b) when the work will commence; and c) when the completion of work is expected.

9. All disturbed sites shall be maintained and revegetated in precise accordance with the requirements of the U.S. Forest Service and shall include a minimum of the following on lands subject to TRPA approval:

a. All disturbed soils shall be immediately stabilized and maintained in place in accordance with instructions of the U.S. Forest Service inspector and the plans approved by TRPA.

b. All disturbed sites shall, upon completion of work, be revegetated and maintained in accordance with plans and proposals approved by the U.S. Forest Service and TRPA.

c. If upon site inspection the inspector for the U.S. Forest Service or TRPA determines temporary erosion control measures are required on lands subject to TRPA approval, temporary erosion control berms of a design approved by Agency staff shall be in place prior to any land disturbance.

10. Power lines will be put underground.

11. Use of old, nonmaintained roads or new road construction for access to towers will not be permitted because of the need to avoid disturbance of the ground and removal of ground vegetation.

12. No earth moving equipment will be used except at the top and bottom loading and unloading areas.

13. The ski lift tower base will be excavated by hand to avoid destruction of ground vegetation.

14. The tower and concrete will be flown in by helicopter.

15. The old tower will be removed by helicopter.

16. The concrete tower base will be removed to below ground level and covered.

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17. Debris from the loading area will be removed.

18. All lift components will be painted flat black to blend with the existing tree stands and the shadows they cast.

19. 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.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Rieff Construction
Administrative Permit for
Minor Commercial - Mini-Storages
El Dorado County

Location and Project Description

The applicant, Jim Rieff, represented by the firm of Jones & Turner, is requesting approval to construct a mini-storage facility consisting of 71 units on Jewell Road near Highway 50 south of the Lake Tahoe Airport in El Dorado County. The facility would consist of four 1 story structures totaling 14,200 square feet of storage area. Each storage unit will be 20 feet by 10 feet. Access to the units will be provided by a 24 foot access road traversing the project.

Land Use and Land Capability

The 5.1 acre site is classified General Commercial. Commercial storage facilities are an allowed use in General Commercial. The TRPA Land Use Ordinance allows up to 70% land coverage in General Commercial. Because this project is located in California, the CTRPA has established the amount of allowable land coverage at 34,465 square feet. This amount of land coverage is based on the proposed restoration of the existing borrow pit located on the property. The applicant proposes to create 27,352 square feet or within the CTRPA allowable land coverage.

Existing Environmental Setting

The soils on the site are identified as Px, pits and dumps, and as TrF, Toem-Rock outcrop complex, 30-50% slopes. Both these districts are classified as land capability district 1, allowable land coverage 1%. The project will be located in an extremely disturbed area, a former pit and quarry operation. Due to the former excavations on the site, erosion and drainage problems exist. There are two seasonal drainages on the site. These drainages currently produce uncontrolled sediment release from the site especially during spring runoff. The applicant will stabilize and revegetate the site and also proposes a system of infiltration trenches and an overall drainage plan to curtail further erosion and redirect surface drainage around the structures.

Project Proposal

The property contains a relatively flat portion adjacent to Jewell Road. The proposed buildings will be located on this flat portion to avoid disturbance to the currently unstable cut slopes that form the back portions of the property. The four buildings will be 18 feet high.

Grading

Only surface grading will need to be done on the improved portions of the property. Some vegetation, primarily willows, will be removed. No grading work will be performed on the unstable cut slopes behind the project.

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Slope Stabilization

A major component of this project is the proposed restabilization of the existing unstable cuts and fills on the property. The applicant has solicited and received SCS assistance in developing an overall stabilization plan for the project area. This plan has been submitted to TRPA staff for review. The primary ingredient in this plan is the use of vegetation appropriate to this area and the minimization of encroachment to insure survival of the plantings undertaken.

Drainage

This project is located in an area subject to seasonally high runoff and a high water table. Drainage facilities have been designed to provide infiltration of stormwater flows from the proposed improvements and the undisturbed areas of the site. Drainage from the buildings and paving will be collected in a system of infiltration trenches located adjacent to the proposed improvements. A separate diversion ditch will be constructed at the base of the existing cut slope to collect stormwater and drainage flows off the undisturbed backdrop areas of the project. This water will be directed to a settling basin and then to an existing drainage swale located adjacent to the property. This existing drainage swale will also provide the necessary overflow capacity for the project.

County Road Improvements

The Agency staff has contacted the El Dorado County Public Works Department to solicit comment on the necessity of road improvements being made to Jewell Road which fronts this property. This road currently has no drainage improvements and the roadbed is deteriorating.

Traffic

The indirect source analysis submitted to CTRPA indicates that this project will generate up to 40 vehicle trips per day. In order to mitigate this anticipated traffic generation, the applicant proposes to construct a bus shelter at the Raley's shopping center located at the South Tahoe "Y". CTRPA has approved this proposed mitigation measure.

Local Agency Action

The County of El Dorado has approved the project. The CTRPA approved the subject project at the July 3, 1980 Governing Board meeting.

Recommendation

Agency staff recommends that this project be approved subject to the following conditions:

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

   a. The final construction drawings for all site improvements shall be submitted to and approved by Agency staff. The final construction drawings shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to
be revegetated, including complete specifications for such revegetation; 3) temporary and permanent fencing for vegetation protection; 4) temporary and permanent erosion control devices, 5) measures to be taken for dust control; 6) all drainage facilities; and 7) improvements to Jewell Road as required by El Dorado County.

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

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

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

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

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

b. Installation of fencing for vegetation protection.

c. Installation of temporary erosion protection devices.

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

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.

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

i. Completion of structures.

j. Paving.

k. Landscaping and revegetation.

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

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

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

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

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

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

9. Mud shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of tracking mud 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.

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

15. No structure shall exceed an average height of 18 feet measured from the natural grade.

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

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

18. The maximum land coverage on the site after completion of the project shall not exceed 27,352 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

MEMORANDUM

DATE: July 16, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Incline Village Status Report

Attached is the March, 1980 Incline Village status report which was presented at the March 26 Governing Board meeting prior to consideration of the five proposed subdivisions located in Incline Village. Although no specific policy was adopted as a result of the consideration of this report, the five projects were denied by the Governing Board primarily for the concerns documented in this report. Staff has contacted the following agencies to update the attached report and has found the following:

Incline Village General Improvement District - Kermit McMillin, District General Manager, has indicated that the problems in regard to a shortfall in water supply (465 Acre Feet) remain unchanged and the District is still actively seeking additional water rights. The sewage treatment facility is operating at approximately half of its 3.0 MGD capacity under today's waste discharge standards but has yet to resolve the land disposal problem with Douglas County in order to meet the 1982 standards.

Washoe County Engineering Department - Floyd Vice, Department Chief, has advised that the Washoe County Commissioners have authorized the County staff to spend up to $20,000 for contracting work with Summit Engineering to study the Incline traffic problem. This study would document the extent of existing and future traffic problems and would identify solutions including a capital improvements program. The County is currently considering improvements at Country Club and Tahoe Boulevard and at Country Club and Village Boulevard.

Nevada Department of Transportation - Charles Collins has advised that the State has not done any further studies since Don Pray's March, 1980 report and there are no state highway projects planned for the immediate future for Incline.

Nevada Division of Water Resources - Brian Randall reports that the status of the water supply in Incline Village is still the same as in March, 1980. The Division of Water Resources has continued its policy not to approve new subdivisions until the water supply issue is satisfactorily resolved.
Douglas County – Planning Director Andy Burnham advises that the issue of disposal sites for Incline Village General Improvement District's treated effluent has yet to be resolved, but the baseline study is in progress.

Finding

Agency staff finds that the concerns expressed in the attached March memo regarding water supply, disposal of effluent, and transportation are still valid. Staff finds that there has not been substantial resolution on any of the three critical issues discussed at the March meeting of the Governing Board.

Attachment
MEMORANDUM

DATE: March 19, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Incline Village Status Report on Water Availability, Sewage Capacity, and Traffic

Background

In November, 1979, the TRPA staff presented a status report regarding water supply, sewage treatment and traffic levels experienced in Incline Village. The status report was in response to items of concern to the Governing Board and Advisory Planning Commission with regard to the ability to continue to provide utilities and services under the high growth rate that Incline Village has experienced during the past two years. As a result of a letter to Washoe County in August, 1979 to register these concerns and the information available as the result of the November status report, the Agency denied without prejudice pending subdivision applications at its December, 1979 meeting. The applicants were directed to submit applications in February after an opportunity to resolve these questions at the local level. This memo will serve as a current status report regarding efforts to resolve these questions since December, 1979.

In evaluating the status of water supply, sewage treatment and traffic levels in Incline Village, Agency staff requested presentations from various entities with responsibility for these functional areas at the March 12 APC meeting. The presentations are summarized below.

WATER SUPPLY

Incline Village General Improvement District

Kermit McMillin, General Manager of Incline Village GID, presented the results of IVGID's most recent analysis of water availability and use contained in a January 30, 1980 report to the trustees (Attachment 1). The report is a refinement of earlier information presented in a January, 1980 newsletter (Attachment 2). The more refined information presented in the January 30 report projects a shortfall of 465 Acre Feet of water at full buildout of Incline Village. This shortfall is projected to be realized if no additional water supplies are attained by the District, water consumption patterns remain the same as in 1979, and unsubdivided properties are developed at their full density.
Memo to the TRPA Governing Board  
Incline Village Status Report on  
Water, Sewage and Traffic  
3/19/80  Page Two

The District had previously estimated annual water consumption rates of .39 Acre Feet per residential unit. Through refinement of the data and analyzing discrepancies between various service areas within Incline Village, IVGID projects that the current rate will drop to .28 Acre Feet per residential unit since the majority of new construction will occur in an area where outside water usage is expected to be minimized.

The District is currently endeavoring to increase its available supply through purchase of additional water rights to make up the projected 465 Acre Feet shortfall. In addition, IVGID is continuing its efforts to reduce systems losses through replacement of lines and estimates that current systems losses can be reduced from 15% to 5%. If necessary, the District has additional means including urgency water conservation measures to curb water usage within its available supply. IVGID may also exercise its right of eminent domain to condemn water rights if other efforts to gain additional supplies fail.

Division of Water Resources

Brian Randall, of the Nevada Division of Water Resources, analyzed the water rights situation for Incline Village and presented the position of the State Engineer regarding further development in Incline Village. The position of the State Engineer as expressed in a letter of December 5, 1979 (Attachment 3) has not been modified as a result of the January 30 report as prepared by IVGID. The State Engineer has evaluated the data presented by IVGID and has reservations regarding the assumptions used in preparation of the report. The current position of the State Engineer after evaluating the IVGID report is that no further subdivision maps will be approved until additional water rights are obtained. There are no specific proposals before the State Engineer with regard to purchase of additional water rights to change the point of diversion or use.

Washoe County Department of Regional Planning (RPC)

Steve Bradhurst presented the analysis prepared by RPC in response to IVGID's water availability report (Attachment 4) and the status of the Washoe County Commissioners' moratorium on building permits in Incline Village. Based on the analysis prepared by IVGID and RPC staff's concern for the adverse effect of building moratoria, the RPC staff recommended the following to the Washoe County Commission:

1. The current moratorium on building permits in the District (IVGID) be lifted.

2. IVGID should continue to provide information on water system operations in order to confirm their projections and allow RPC, TRPA, the State Engineer, and the Washoe County Commissioners to monitor the situation.
3. The Board of County Commissioners not approve any new requests for subdivisions (including parcel maps) or any zone changes which would increase development potential.

The Board of County Commissioners responded to the above recommendations by lifting the moratorium and asked for continued monitoring of the water supply situation. The recommendation that further subdivisions be denied was rejected by the Board.

With regard to IVGID’s analysis of water availability, RPC questioned the validity of several key assumptions contained in the IVGID report including the average water consumption data, occupancy rates, system loss rates and failure to consider other demands on the system such as Forest Service campgrounds. The RPC analysis cautions that abnormally low water usage rates may over-estimate the available water supply. RPC concludes that there are at least 1,500 to 2,000 additional dwelling units which could be accommodated under existing supplies compared to 4,662 dwelling units yet to be built.

Staff Analysis

IVGID has prepared detailed analyses of current water consumption patterns and based projections on this analysis. Although the calculations for future demands are mathematically correct, staff questions several of the underlying assumptions used by IVGID in the January 30 report. Staff’s concerns parallel those of the RPC and State Engineer with regard to assumptions on occupancy rates, average water consumption data, system loss rates and failure to consider other demands on the system including increased commercial and recreational uses on public lands. TRPA staff concurs with the RPC analysis which indicates that approximately 1,500 to 2,000 units could be constructed within existing supplies of water.

Regardless of which projections are accepted with regard to water availability, all of the analyses have a common element by projecting a shortfall of water at buildout of Incline Village. The degree of the shortfall obviously depends on which set of projections are accepted as the basis of future planning. If IVGID’s January 30 report is accepted as the basis for future Agency actions, a shortfall of 465 Acre Feet would be projected. Unsubdivided lands account for 247 Acre Feet of the total demand according to IVGID’s projection. If IVGID’s analysis is correct, the shortfall in water supply exceeds the demand from unsubdivided lands, indicating that there is no reserve water supply for currently unsubdivided lands.
Alternatives for TRPA Action

The Agency has a wide choice of options with regard to the extent of its involvement in providing for water supplies for continued development of Incline Village. Those options range from no action to requesting a limited building ban be imposed by the local government as previously requested and rejected by Washoe County. The options which may be available include:

1. The Governing Board determine that the problem does not warrant immediate action and review of projects should continue.

2. The Governing Board determine that the situation does not require immediate action but a monitoring and update program should be initiated. This program would include information on building activity upon which to determine if building activity is occurring at a rate which may substantially affect the IVGID’s ability to provide adequate service capacity to all residents who may decide to build.

3. The Governing Board determine that the problem is significant enough to warrant actions to be taken to control the extent of new approvals which may further aggravate an identified problem. This policy would recognize existing Washoe County approvals including those currently scheduled for TRPA review which are determined not to have other significant adverse environmental consequences including potential effects on building activity in Incline. This policy would remain in effect until the State Engineer has indicated the problem has been resolved.

4. This policy would recommend the same features as Policy 3 except that this policy would recommend that Policy 3 be applied to those projects which have Washoe County approval but do not have TRPA approval.

5. The Governing Board determine that the extent of the problem has not been fully addressed by Washoe County and should be further studied. This policy would recommend that no further approvals be granted by TRPA until Washoe County has devised a mechanism to allocate building permits pending the acquisition of sufficient water rights by IVGID to ensure service provision to all properties within the service area. This policy would recommend the continued buildout of existing subdivided lots but with a limited number of connections per year.
Staff Recommendation on Water Supply

Agency staff recommends that the Governing Board adopt Policy 4 as listed above based on the requirements of Section 7.1 of the Subdivision Ordinance and previous Agency actions to put Washoe County and potential applicants on notice regarding the Agency's concerns for provision of services in Incline Village (Attachment 5). Section 7.1 states (in part):

"...No tentative map shall be approved unless the applicant demonstrates that the water supplier has or will have the physical and legal capacity to supply the necessary water to the subdivision, has made a commitment to supply such water, and that such commitment is consistent with existing and future commitments and demands on such water supplier...."

If this policy were adopted, the Agency would rely on the State Engineer's office and data supplied by IVGID to determine if and when water supplies are adequate to meet new demands on the system. This policy would remain in effect during that period of time while IVGID maintains its efforts to secure additional supplies of water.

SEWAGE TREATMENT AND EFFLUENT DISPOSAL

Incline Village General Improvement District

Kermit McMillin presented a status report at the March 12, 1980 APC meeting regarding IVGID's efforts to resolve the questions raised by Douglas County regarding the cumulative effects of effluent disposal in the Carson Valley by several sanitation agencies including IVGID. IVGID has prepared a revised facility plan which will be presented to Douglas County. The facility plan is designed to respond to revised waste discharge requirements of the Nevada Division of Environmental Protection and the Environmental Protection Agency scheduled to take effect in 1982. In addition, the facility plan attempts to respond to questions of Douglas County regarding the cumulative effects of effluent disposal on groundwater and health and safety. IVGID has agreed to participate in a "baseline study" of cumulative impacts of waste disposal in Douglas County along with other entities which discharge effluent in the Carson Valley.

Douglas County

Larry Wahrenbrock, Douglas County Planning Department, presented Douglas County's position with regard to effluent disposal in the Carson Valley. The County has adopted an ordinance requiring that prior to permitting additional disposal of wastes in Douglas County, the applicant must demonstrate that the project will be beneficial to residents of the County and not be harmful to public health. In order
to accomplish these objectives, Douglas County has requested the three primary entities which dispose of wastewater within its jurisdiction to participate in a "baseline study" to evaluate the cumulative impacts of these activities. IVGID has agreed to participate in such a study which will be completed in 4 to 6 months.

Until the baseline study is completed, it is Douglas County's position that it will not support any further projects which would contribute additional wastewater to be disposed in Douglas County (Attachment 6). The study will take 4 to 6 months to complete and the results of that study are obviously unknown at the present.

Nevada Division of Environmental Protection (NDEP)

Verne Rosse presented the position of NDEP with regard to IVGID's wastewater treatment facilities. The treatment plant is well under its design limitations with adequate capacity to provide for total buildout of Incline Village. NDEP has issued revised waste discharge requirements which will require improvements to the treatment facilities. The facility plan prepared by IVGID is a response to these requirements.

Staff Analysis

The sewage treatment and effluent disposal question is more direct than the water supply question and does not involve analysis of data regarding wastewater generation or available capacities. The question is basically one of treatment and final disposal of wastewater and not of physical limitations imposed by plant capacities. Although progress has been made by IVGID in satisfying the requirements of Douglas County, the situation has not changed greatly since the staff report presented in December, 1979.

Section 10.1 of the Subdivision Ordinance requires that:

"Each lot or condominium unit in a subdivision shall have a connection to a sanitary sewage facility that has the capacity for collection, treatment and export of such sewage from the Lake Tahoe Region as required by the Agency and other governmental entities."

Until the required baseline study has been completed and Douglas County has authorized a specific form of waste disposal under its locally adopted ordinance, it appears that the requirements of Section 10.1 of the Subdivision Ordinance have not been satisfied.
Staff Recommendation on Wastewater Treatment and Effluent Disposal

Based on the foregoing analysis, Agency staff recommends that further subdivisions within IVGID's service area be denied without prejudice until IVGID has satisfied the locally adopted ordinance regarding waste disposal in Douglas County.

TRAFFIC

Washoe County

Floyd Vice presented a status report to the APC on March 12 regarding Washoe County's progress towards resolving existing and potential traffic problems in Incline Village. Washoe County has solicited the assistance of all involved entities in identifying existing and potential traffic problems. Upon completion of a study which Washoe County has currently undertaken, specific traffic improvements will be identified, a timetable for implementing these improvements will be established, a street and highway master plan will be developed, and a capital improvement program identified.

Nevada Department of Transportation (NDOT)

Don Pray of NDOT presented a report regarding existing traffic volumes and roadway capacities in Incline Village (Attachment 7). Mr. Pray's report also projected traffic volumes based on the extent of construction of housing units. The attached report projects the extent of unacceptable (i.e. service levels E and F) traffic conditions for various locations based on potential building activity. At full buildout, the report indicates increasing periods of unacceptable traffic volumes on State Route 28 both east and west of the core area of Incline Village as well as extended periods of unacceptable service levels on Village Boulevard.

Staff Analysis

The Agency's ordinances do not provide any specific standards for traffic volumes or conditions and the Nonattainment Plan did not indicate any projected violations of air quality standards. However, the projected situation with deteriorating levels of service on the highway and street system is cause for continued concern. Previous presentations by NDOT indicate that the outlook for funding needed traffic and transportation improvements in Incline Village is not good because of the relatively low priority of highways in the area.
Staff Recommendation On Traffic

Agency staff recommends that monitoring of traffic volumes and service levels be continued in Incline Village and that the efforts of Washoe County to develop a capital improvement program be fully supported by the Agency. In addition, the Agency should endeavor to modify the priority for improvements on the State Highway system in the Incline Village area.

Although the Agency's ordinances do not provide specific standards for traffic volumes, the protection of safety and welfare may dictate that projects substantially affecting traffic volumes on critical highways and streets should be delayed until the results of the above-referenced study are available and specific commitments are made for necessary improvements.

ATTACHMENTS

1 January 30, 1980 Incline Village GID Report
2 January, 1980 Incline Village GID Report (leaflet)
3 Nevada State Engineer Letter Dated December 5, 1979
4 Regional Planning Commission Staff Report - Water Supply
5 TRPA Letter Dated August 3, 1979 to Washoe County
6 February 1, 1980 Letter from Ken Kjer to IVGID
7 Nevada Department of Transportation Report

(ATTACHMENTS 1 - 7 ARE AVAILABLE FOR VIEWING IN THE TRPA OFFICE.)
Hansen and Perry Development (Club Tahoe Phase II)  
Tentative Map for 109 Condominium Units  
Washoe County  

Agency Action Required by September 6, 1980  

Name of Owner: David Hansen and Peter Perry  

Project Location and Description  

The applicants are requesting approval of the Hansen and Perry Development (Phase II of the Club Tahoe) interval ownership resort development. Included in this application are:  

1. A request for approval of a condominium map for 109 units;  

2. A request for approval of an administrative permit for Agency determination that "a private member-owned resort" is a similar and appropriate use for the High Density Residential land use district; and  

3. A request for approval of an administrative permit to construct pathways across a stream environment zone.  

Although the project is listed as the Hansen and Perry Development for sales reasons, Phase II is a continuation of the 93 unit Club Tahoe project approved by the Agency in 1978. Phase II will add 109 units of a similar design to Phase I with the addition of a recreation complex. The recreation complex will include two indoor tennis courts and an indoor swimming pool.  

Phase II will be located to the north of Phase I on a 13.4 acre parcel bounded by Village Boulevard on the west, Harold Drive on the north and Wendy Lane on the east. (See Attachment A.)  

Land Use  

Land Use Classification - The entire project is classified as High Density Residential (HDR) by the Agency. This land use district permits residential developments up to 15 units per acre; however, it does not specifically address "private member-owned resorts" as a permitted use. The applicants propose to construct 109 units (8.2 units per acre) with physical characteristics similar to a single family dwelling, i.e. all have kitchen units, but the actual use pattern will be tourist residential. Washoe County has determined the subject use to be commercial in nature and has recently rezoned the subject property to C-1 (limited commercial) to permit the project.  

Existing Land Use - The property to the north is zoned Medium Density Residential (MDR) and is developed with a residential condominium project. The lands to the east are zoned HDR and are developed into residential-oriented duplexes. The high school is located across Village Boulevard on the west side of the property. To the south is Phase I of Club Tahoe and further south is Raley's Shopping Center and Third Creek Condominiums. The site is currently undeveloped.
Administrative Permit for the Private Member Resort - Since the proposed use is not specifically permitted, Section 7.42 requires an administrative permit to be issued in accordance with Section 8.33 of the Land Use Ordinance with the findings that the use is appropriate and similar in nature to permitted uses in HDR. The TRPA Governing Board precedents in regard to this finding are:


2. TRPA Governing Board finding that timesharing resort projects are a similar and appropriate use in Tourist Commercial.

3. Draft TRPA Land Use Ordinance amendment limiting timesharing resort projects to Commercial districts.

Land Capability

The total 13.4 acre project site is classified as a land capability 6 which permits up to 30% land coverage under the recommendation of the land capability system. However, the TRPA 208 stream environment zone maps and the applicant's information report indicate there is a large stream environment zone traversing the property. (See Attachment B.)

Land Coverage - Plans submitted indicate the proposed project would create approximately 167,390 square feet of impervious surface or 29.0% of the total site.

Stream Environment Zone (SEZ) - Utilizing the criteria as required in the Grading Ordinance, the applicant has defined a 3.3 acre SEZ created by Third Creek as it flows across the property. The project proposes no development in this area other than foot paths to traverse the SEZ. There are some proposed building sites which encroach into the 100 foot setback limit on the banks above the SEZ. The applicants have indicated that those units would be relocated to avoid encroachment into the SEZ or be removed. (See Attachment C.)

Grading and Clearing

Both the east and west side properties have a relatively uniform stand of coniferous trees with an understory primarily consisting of manzanita. The property is bisected by the west fork of Third Creek. The stream environment zone is well defined and is characterized by willows, alders, and other streamside vegetation. The grading and clearing plan indicates that the site is designed to maintain the stream zone vegetation in its natural state. According to the applicant, the grading for the project site will be minimized to one foot cut and fills in an attempt to follow the natural contours except in the area of the recreation center. The recreation center as designed will require cuts and fills up to 10 feet due to the design building height of 40 feet and an architectural design that does not step the main floor levels. It is staff's estimation that the one foot maximum for cuts and fills is not realistic since staff can identify areas requiring cuts and fills of 3 to 4 feet. The applicant has indicated these concerns will be mitigated. (See Attachment C.)

7/16/80
Hansen and Perry Development (Club Tahoe Phase II)

page three

Design and Height

The proposed 109 units are to be of a similar design as those found in Phase I. They will be two story units plus a loft and will be approximately 32 feet in height. The exteriors are sided with natural wood siding and the gable roof will be shake. The foundations are concrete block and are stepped to require minimal grading. There are no garages associated with the units or the project since all parking will be open surface parking. The recreation complex will be a large building requiring extensive grading. The indoor tennis courts require high ceilings which would exceed the 35 foot height limit of the HDR land use district; therefore, the building must be lowered into the ground approximately 5 feet in order to meet the height limit. The exterior will be wood with extensive use of glass, particularly around the swimming pool.

Local Approvals

On April 8, 1980, the Washoe County Commissioners approved the rezoning of the subject property to C-1 and also approved a special use permit and tentative map for the 109 unit project.

Traffic

The project is designed primarily for automobile access with four loop driveways and one cul-de-sac. (See Attachment B.) This traffic plan requires nine entrances to the site to serve the 109 units, while Phase I only required four entrances to serve 93 units. Staff finds the nine entrances to be excessive, particularly the four additional driveways on Village Boulevard, a major arterial. The project will provide 164 parking spaces as required by the County (1-1/2 spaces to 1 unit). The applicant has indicated he will resolve the onsite traffic flow design to staff’s satisfaction. (See Attachment C.)

With regard to the offsite traffic impacts, the applicants estimate the project will generate 828 additional trips daily. It is the applicant’s conclusion that the project will have "no measurable impact on the critical intersections". This finding conflicts with the March 25, 1980 report presented to the TRPA Advisory Planning Commission on the Incline Village traffic situation. Don Pray, of the Nevada Transportation Department, indicated the intersection at Village Boulevard and Tahoe Boulevard (Highway 28) is experiencing reduced service levels. In fact, the Village Boulevard portion of this intersection is being reduced to Service Level F for 6 hours during a peak day. This project would add an additional 36 trips to the 1979 peak hour estimate of 530 trips on Village Boulevard, or a 7% increase in traffic loading.

The cumulative impacts of this and other projects have not been addressed by the applicant which is the major concern of Charles Collins, of the Nevada Department of Transportation. As an example, the applicant has estimated that Phase II would only add 13 trips to the peak hour flows of 1,660 trips on Highway 28 at Crystal Bay. The 0.8% increase may seem insignificant on this highway that is operating beyond its design limit unless one
Hansen and Perry Development (Club Tahoe Phase II)
page four

• considers the other projects recently approved or under consideration by the Agency. The other projects, which also maintain that their individual contribution is an insignificant amount, are as follows:

<table>
<thead>
<tr>
<th>Condominiums</th>
<th>Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>McCloud</td>
<td>11</td>
</tr>
<tr>
<td>Third Creek</td>
<td>30</td>
</tr>
<tr>
<td>Tahoe Shores</td>
<td>12</td>
</tr>
</tbody>
</table>

53 trips

If Phase II is added to these projects \((13 + 53 = 66)\) the traffic increase is 4% at peak hour on State Highway 28 at Crystal Bay.

Although the applicant's report indicates that such facilities as Tahoe Boulevard, the intersection of Tahoe Boulevard and Village Boulevard, and the intersection of Tahoe and Northwood Boulevards are inadequate, there are no proposed mitigation measures proposed with this project other than a county requirement to construct bike trails on the property. The applicant has indicated the project will provide further analysis and will attempt to mitigate the impacts as per staff's recommendation. (See Attachment C.)

Air Quality

• The applicant's information report indicates this project will account for 1.5% increase in emissions in Incline Village but does not indicate the impacts of such an increase. This lack of analysis was the major concern expressed by Dick Serdoz of the Nevada Division of Environmental Protection. The Washoe County Health Department's concern upon reviewing this report was that there was very little mitigation of the air quality impacts as part of this project. The applicant has indicated the project will provide further analysis and will attempt to mitigate the impacts as per staff's recommendation. (See Attachment C.)

Public Facilities and Services

The applicant has submitted will-serve letters from Southwest Gas Corporation, North Lake Tahoe Fire Protection District, Sierra Pacific Power Company and from the Incline Village General Improvement District (IVGID) for water, sewer, and solid waste service. IVGID indicates that its ability to provide water and sewer service is contingent upon existing and future water rights and any action brought against the District contesting such rights.

Water Supply and Availability - Washoe County staff estimates that the project will require 21,800 gallons of water per day, or 24.4 Acre Feet (AF) per year. This would equate to .22 AF/unit/year as opposed to average water consumption of .28 AF/unit/year for single family residences in Incline Village. The applicant
further states that the projected demands are within the capacity of the IVGID system, and the Division of Water Resources in Nevada has approved the subdivision.

Section 7.1 of the Subdivision Ordinance requires the applicant to demonstrate that "the water supplier has or will have the physical and legal capacity to supply the necessary water to the subdivision, has made a commitment to supply such water and that such commitment to provide water is consistent with existing and future demands on the water supplier". As noted in the Incline Village status report included in the July, 1980 Governing Board packet, several studies have been performed by IVGID regarding the availability of water for both currently subdivided lands and lands zoned for development. Although the assumptions used in preparing the latest IVGID report on water supply (January 30, 1980) have been questioned by the Washoe County Regional Planning Commission, the State Engineer, the APG, and the Agency staff, all of the projections indicate that existing water rights will not be adequate to service the full buildout of Incline Village.

IVGID's latest analysis indicates that there are currently 606 AF of water available and that a potential shortfall of 464.5 AF could result from buildout in Incline Village. Depending on the rate of growth, IVGID projects that the existing water supply could be exhausted within 2.5 to 14 years without any further subdivision activity. The projected shortfall (464.5 AF annually) is greater than the quantity of water which would be needed to service existing unsubdivided lands (247 AF annually). It therefore appears that the existing commitments to the IVGID system exceed the currently available water supply. Although IVGID is pursuing additional water rights through negotiation of purchase agreements, it does not appear that there is currently sufficient water available in order to meet the requirements for further subdivisions under Section 7.1 of the Subdivision Ordinance.

Based on information currently available to the State Engineer, the Nevada Division of Water Resources (DWR) has indicated that no further subdivision maps in Incline Village will be signed until additional water supplies are secured. The subject project was reviewed by the State Engineer prior to the current policy of the DWR and would not be included in the above-referenced policy.

Sewage Treatment and Effluent Disposal - Section 10.1 of the Subdivision Ordinance requires that each unit shall have a connection to a sanitary sewage facility that has the capacity for collection, treatment and export of such sewage from the Lake Tahoe Basin as required by the Agency and other governmental entities. The ability of the Incline Village GID to collect and treat wastewater has not been in question; however, as noted in the status report on sewage treatment included in the July, 1980 packet, the continued exportation and disposal of wastewater in the Carson Valley portion of Douglas County is subject to a local ordinance regulating effluent disposal as well as federal and state standards. Although progress appears to have been made by IVGID in satisfying the requirements of Douglas County with regard to effluent disposal, completion of a "baseline study" is necessary before Douglas County will commit to any waste disposal schemes. Until the baseline study is completed and the County authorizes a specific form of effluent disposal.
under the locally adopted ordinance, it appears that I VGID has not met the require-
ments of Section 16.1 of the Subdivision Ordinance with regard to export of
wastewater in accordance with the requirements of governmental entities.

Transportation - The Agency's Subdivision Ordinance does not provide any
specific standards with regard to the service level of the Region's streets and
highways. As described in the Incline Village status report, the Nevada Depart-
ment of Transportation has projected that several locations within Incline Village
will be subject to increasing periods of traffic congestion as represented by Service
Levels E. and F. Washoe County has recognized this potential problem and has
authorized a study to develop a capital improvements program for transportation
needs within Incline Village. The results of that study are not currently available
but the County Commissioners have authorized Summit Engineering to prepare a
study on the traffic problems at Incline. This will be available in 90 days.

TRPA Action On Projects In Incline Village

After consideration of the Third Creek Inn and Condominium project (July 25, 1979),
the Governing Board, acting unanimously, directed the staff to prepare a letter to
Washoe County "to register a concern that the Agency will not look favorably on
individual projects". Club Tahoe (Hansen and Perry Development) was specifically
mentioned during the preceding discussion as a project which would potentially be
affected by the Agency's action to forewarn developers in the area. At the March 26, 1980
Governing Board meeting, five proposed subdivisions were denied based on the identified
and unsolved problems with water supply, sewage treatment capacity and disposal, and
traffic.

Recommendation

Agency staff recommends that the proposed subdivision and administrative permits be
denied without prejudice. This recommendation is based on the analysis of offsite impacts
as included in the staff summary and findings contained in the Incline Village Status Report
on Sewage Capacity, Water Availability, and Traffic also included in the July, 1980
Governing Board packet.
July 16, 1980

Mr. Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, CA 95731

Re: Hansen & Perry Development

Dear Sir:

On behalf of the above application, I would agree on behalf of the applicants that the following terms and conditions be added to the normal conditions for projects appearing before the Tahoe Regional Planning Agency Governing Body:

1. That to stay within the designated setback line, the applicant will move the location of designated units and reduce the number of units from 109 to 99.

2. That the applicant agree to redesign the delivery (traffic) system to a design approved by your staff.

3. Applicant agrees to redesign the "recreational complex" building to a maximum height of 40 feet from a height of 35 feet and to utilize a split level concept if necessary to minimize cuts.

4. That the applicant agrees to implement automobile mitigation plans to minimize the effect of traffic generation on air quality and traffic flow pursuant to the Washoe County traffic study and your staff approval.

Thank you for your cooperation and consideration in this matter.

Sincerely,

s/ Peter A. Perry
Ellison Grayson
Finding of Reformation on Conditions,
Covenants & Restrictions to Allow Vested
Right to Create Condominiums in
Incline Village Unit 4, Washoe County

Location and Project Description

The applicant, Ellison Grayson, represented by Ken Barrow, is requesting a finding of vested rights to allow the creation of condominium units on multiple zoned lots in Incline Village Unit 4. The property is located on Lariat Circle in Incline Village. There are 25 multiple zoned lots located on Lariat Circle.

Land Use and Land Capability

The property is classified as Low Density Residential (LDR) by the Agency. This use classification allows up to 4 units to the acre. This property is .97 acres in size. The overall size of this property allows the construction of 4 units. Therefore, this property can meet the terms of the Land Use Ordinance regarding allowable density. Of specific concern in this application is the allowance to further subdivide which is not currently contained in the Unit 4 CC&R's. The Agency has recognized a vested right to construct the number of apartment units designated on the final map approved by Washoe County in 1969. But under the terms of the Agency's Subdivision Ordinance, creation of condominiums is a division of land occurring after February 10, 1972, necessitating conformance with the Agency's Land Use Ordinance requirements unless the project can be determined to have vested rights based upon the specific actions taken prior to the Agency's enactment of the Land Use Ordinance.

The subject property is classified as UMF, Umpa, very stony, sandy loam, 30-50% slopes, land capability level 1, allowable land coverage 1%. Section 9.24 allows up to 3,600 square feet of land coverage.

Proposed Project

The project consists of 4 units to be built as a single structure to condominium specifications. Each unit will have approximately 1,650 square feet of living space and a garage. The units will be 35 feet in height.

Administrative Background

On March 29, 1979, the Governing Board reviewed the CC&R's for Incline Village Unit 3 and determined that a vested right existed to allow 4 units on parcels less than 1 acre that were classified Low Density Residential by the Agency. This determination was made based upon Section T of the Unit 3 CC&R's which specifically allowed multiple densities on certain designated lots.

The CC&R's for Unit 4 were then reviewed. No such provision was incorporated in Unit 4 CC&R's. Further, the CC&R's contained no provisions allowing further subdivision of existing lots. The Board therefore could not make a determination that "vested rights" existed to allow development of the designated lots at multiple densities for individual ownership in accordance with the final map for Unit 4 approved by Washoe County.

7/15/80
The Governing Board advised the applicant that "the owners of property in Incline Village Unit 4 could process requests for variances as a group for consideration by Washoe County and the Governing Board. The CC&R's as well could be revised if all property owners are in agreement, although this would not affect the TRPA ordinances or the processing of a variance." Subsequently the Agency has reviewed three applications requesting an individual variance to the terms of the Land Use Ordinance. All three applications have been denied.

Subject Request

The subject request is based upon a recent judgment rendered by the Second District Court of the State of Nevada in and for the County of Washoe. Legal counsel for the applicant and two other interested parties filed an amended complaint for reformation of the Unit 4 CC&R's on March 11, 1980. The reformation application requested the Court to rule on the reformation based upon an affidavit filed with the Court by Mr. Arthur Wood. Mr. Wood was president of Incline Village Incorporated at the time of the recordation of the original Unit 4 CC&R's in 1969. He had previously been president of the Crystal Bay Development Company until its merger with Boise Cascade in 1968. The text of Mr. Wood's affidavit is as follows:

"1. It was the intent of the officers and owners of Incline Village, Inc., that the restrictions of Units 3 and 4 to be similar in form and substance.

2. That the Declaration of Restrictions for Unit 3 were already in existence and were therefore used as a model for the Unit 4 Declaration of Restrictions.

3. That Section 7s of the Unit 4 Declaration of Restrictions was inadvertently omitted when it was copied from its counterpart in Section 7t of the Unit 3 Restrictions.

4. That it was the specific intent of the officers and owners of Unit 4 that a property owner in either Unit 3 or Unit 4 should have the option of choosing a condominium or townhouse over a rental type duplex or four-plex on the multiple zoned lots."

It was requested that the Court recognize this pre-existing intent and to order favorable relief. Based upon the evidence presented the Court rendered a June 26, 1980 decision to allow a reformation to Section 7s of the Unit 4 CC&R's to read as follows:

"Section 7s - No lot shall be subdivided into smaller lots or parcels of land other than that pertaining to a condominium or townhouse development on multiple zoned lots."

It is the request of the applicant that this Court judgment be recognized and that the Agency recognize a pre-existing right to further subdivide the lots in accordance with the specific determination made for Incline Village Unit 3. The judgment rendered by the Court was specifically applied to this lot and to two others. It does not seem to be the intent that this judgment be applied to the remaining lots absent a similar judgment by the Court. Due to the contention that this course of action was necessitated by an erroneous omission at a clerical level, no documentation of the original intent of the Unit 4 CC&R's is available. One available guide is that the pattern of development and designation of multiple zoned lots with an allowance to further subdivide was contained in the Unit 3 CC&R's and the pattern of development and the CC&R's for Unit 4 is substantially similar except for the critical
omission for further subdivision of multiple zoned lots in the Unit 4 CC&R's.

Legal Counsel Opinion

Agency legal counsel has reviewed the subject petition and judgment. Review was based upon whether the subject action clearly established that the intent in 1969 was to allow further subdividing of multiple zoned lots even though the recorded CC&R's were deficient on this point. Based upon the affidavit presented and the judgment of the Court, the Agency legal counsel's opinion is that this intent has been established.

Agency Recognition of Intent

The documents submitted as part of this application establish that the intent of the CC&R's for Unit 4 was to allow further subdividing on multiple zoned lots. The Agency is being requested to recognize this intent and to apply it to the three applications subject to this Court judgment. There are 22 other multiple zoned lots within Unit 4. Agency legal counsel's opinion is that since this finding is related to three specific projects it cannot be applied to the subdivision as a whole. Therefore, the Agency must review each proposed multiple residential condominium application and make the required finding. Legal counsel's opinion is that these applications do not need a specific court judgment regarding intent to be filed as part of the application.

Recommendation

Agency staff recommends that the finding of vested rights to allow further subdividing of certain multiple zoned lots be made for this application. This recommendation is subject to the following conditions:

1. Agency staff shall sign the condominium parcel map prior to recordation by Washoe County.

2. The applicant shall submit final improvement plans clearly depicting: 1) slope stabilization methods to be performed to stabilize all existing cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications; 3) permanent erosion control devices; and 4) all drainage facilities.

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

4. Calculations showing the adequacy of the infiltration trench design prepared by a qualified civil engineer shall be submitted to the Agency.

7/15/80
Dennis Maloney
Finding of Reformation on Conditions,
Covenants & Restrictions to Allow Vested
Right to Create Condominiums in
Incline Village Unit 4, Washoe County

Location and Project Description

The applicant Dennis Maloney, represented by Ken Barrow, is requesting a finding of vested rights to allow the creation of condominium units on multiple zoned lots in Incline Village Unit 4. The subject property is located on Lariat Circle in Incline Village. There are 25 multiple zoned lots located on Lariat Circle.

Land Use and Land Capability

The property is classified as Low Density Residential (LDR) by the Agency. This use classification allows up to 4 units per acre. This property is .62 acres in size and would be allowed up to 2 units. The Agency has recognized a vested right to construct the number of apartment units designated on the final map approved by Washoe County in 1969. But under the terms of the Agency's Subdivision Ordinance, creation of condominium units is a division of land after February 10, 1972, necessitating conformance with the Agency's Land Use Ordinance requirements unless the project can be determined to have vested rights based upon specific actions taken prior to the Agency's enactment of the Land Use Ordinance.

The property is classified as IsE, Inville stony, coarse, sandy loam, 15-30% slopes, land capability level 4, allowable land coverage of 20%.

Proposed Project

The project proposes the construction of 4 units built in one building to condominium specifications. Each unit has approximately 1,400 square feet of living space and an attached garage. The units are within the 35 foot height limit.

Administrative Background

On March 29, 1979, the Governing Board reviewed the CC&R's for Incline Village Unit 3 and determined that a vested right existed to allow 4 units on parcels less than 1 acre that were classified Low Density Residential by the Agency. This determination was made based upon Section T of the Unit 3 CC&R's which specifically allowed multiple densities on certain designated lots.

The CC&R's for Unit 4 were then reviewed. No such provision was incorporated in Unit 4 CC&R's. Further, the CC&R's contained no provisions allowing further subdivision of existing lots. The Board therefore could not make a determination that "vested rights" existed to allow development of the designated lots at multiple densities for individual ownership in accordance with the final map for Unit 4 approved by Washoe County.

7/15/80
The Governing Board advised the applicant that "the owners of property in Incline Village Unit 4 could process requests for variances as a group for consideration by Washoe County and the Governing Board. The CC&R's as well could be revised if all property owners are in agreement, although this would not affect the TRPA ordinances or the processing of a variance." Subsequently the Agency has reviewed three applications requesting an individual variance to the terms of the Land Use Ordinance. All three applications have been denied.

Subject Request

The subject request is based upon a recent judgment rendered by the Second District Court of the State of Nevada in and for the County of Washoe. Legal counsel for the applicant and two other interested parties filed an amended complaint for reformation of the Unit 4 CC&R's on March 11, 1980. The reformation application requested the Court to rule on the reformation based upon an affidavit filed with the Court by Mr. Arthur Wood. Mr. Wood was president of Incline Village Incorporated at the time of the recordation of the original Unit 4 CC&R's in 1969. He had previously been president of the Crystal Bay Development Company until its merger with Boise Cascade in 1968. The text of Mr. Wood's affidavit is as follows:

"1. It was the intent of the officers and owners of Incline Village, Inc., that the restrictions of Units 3 and 4 to be similar in form and substance.

2. That the Declaration of Restrictions for Unit 3 were already in existence and were therefore used as a model for the Unit 4 Declaration of Restrictions.

3. That Section 7s of the Unit 4 Declaration of Restrictions was inadvertently omitted when it was copied from its counterpart in Section 7t of the Unit 3 Restrictions.

4. That it was the specific intent of the officers and owners of Unit 4 that a property owner in either Unit 3 or Unit 4 should have the option of choosing a condominium or townhouse over a rental type duplex or four-plex on the multiple zoned lots."

It was requested that the Court recognize this pre-existing intent and to order favorable relief. Based upon the evidence presented the Court rendered a June 26, 1980 decision to allow a reformation to Section 7s of the Unit 4 CC&R's to read as follows:

"Section 7s - No lot shall be subdivided into smaller lots or parcels of land other than that pertaining to a condominium or townhouse development on multiple zoned lots."

It is the request of the applicant that this Court judgment be recognized and that the Agency recognize a pre-existing right to further subdivide the lots in accordance with the specific determination made for Incline Village Unit 3. The judgment rendered by the Court was specifically applied to this lot and to two others. It does not seem to be the intent that this judgment be applied to the remaining lots absent a similar judgment by the Court. Due to the contention that this course of action was necessitated by an erroneous omission at a clerical level, no documentation of the original intent of the Unit 4 CC&R's is available. One available guide is that the pattern of development and designation of multiple zoned lots with an allowance to further subdivide was contained in the Unit 3 CC&R's and the pattern of development and the CC&R's for Unit 4 is substantially similar except for the critical
omission for further subdividing of multiple zoned lots in the Unit 4 CC&R's.

Legal Counsel Opinion

Agency legal counsel has reviewed the subject petition and judgment. Review was based upon whether the subject action clearly established that the intent in 1969 was to allow further subdividing of multiple zoned lots even though the recorded CC&R's were deficient on this point. Based upon the affidavit presented and the judgment of the Court, the Agency legal counsel's opinion is that this intent has been established.

Agency Recognition of Intent

The documents submitted as part of this application establish that the intent of the CC&R's for Unit 4 was to allow further subdividing on multiple zoned lots. The Agency is being requested to recognize this intent and to apply it to the three applications subject to this Court judgment. There are 22 other multiple zoned lots within Unit 4. Agency legal counsel's opinion is that since this finding is related to three specific projects it cannot be applied to the subdivision as a whole. Therefore, the Agency must review each proposed multiple residential condominium application and make the required finding. Legal counsel's opinion is that these applications do not need a specific court judgment regarding intent to be filed as part of the application.

Recommendation

Agency staff recommends that the finding of vested rights to allow further subdividing of certain multiple zoned lots be made for this application. This recommendation is subject to the following conditions:

1. Agency staff shall sign the condominium parcel map prior to recordation by Washoe County.

2. The applicant shall submit final improvement plans clearly depicting: 1) slope stabilization methods to be performed to stabilize all existing cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications; 3) permanent erosion control devices; and 4) all drainage facilities.

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

4. Calculations showing the adequacy of the infiltration trench design prepared by a qualified civil engineer shall be submitted to the Agency.

7/15/80
Rogers/Jerpbak/Vicini

Finding of Reformation on Conditions, Covenants & Restrictions to Allow Vested Right to Create Condominiums in Incline Village Unit 4, Washoe County

Location and Project Description

The applicant, represented by Ken Barrow, is requesting a finding of vested rights to allow the creation of condominium units on a multiple zoned lot in Incline Village Unit 4. The subject property is located on Lariat Circle in Incline Village. There are 25 multiple zoned lots located on Lariat Circle. The project proposes the conversion of four completed, attached apartments into condominiums.

Previous Agency Action

An application for a variance to the terms of the TRPA Land Use Ordinance to allow excess density has been previously heard by the Governing Board in October, 1979. That application was denied.

Land Use and Land Capability

The property is classified as Low Density Residential (LDR) by the Agency. This use classification allows up to 4 units per acre. This property is .41 acre in size and is allowed 2 units. The Agency has recognized a vested right to construct the number of apartment units designated on the final map approved by Washoe County in 1969. Under the terms of the Agency's Subdivision Ordinance, creation of condominiums is a division of land after February 10, 1972, necessitating conformance with the Agency's Land Use Ordinance requirements unless the project can be determined to have vested rights based upon specific actions taken prior to the Agency's enactment of the Land Use Ordinance.

The property is classified as IsE, Inville, stony, coarse, sandy loam, 15 to 30% slopes, land capability level 4, allowable coverage 20%. The applicant is proposing 3,590 square feet, or 20%.

Proposed Project

The applicant has constructed 4 units in accordance with Washoe County's approval which did not require Agency review. The units consist of 4 units built in one building to condominium specifications. Each unit has approximately 1,600 square feet of living and a garage. Construction of the units is complete. The units are 35 feet in height.

Administrative Background

On March 29, 1979, the Governing Board reviewed the CC&R's for Incline Village Unit 3 and determined that a vested right existed to allow 4 units on parcels less than 1 acre that were classified Low Density Residential by the Agency. This determination was made based upon Section T of the Unit 3 CC&R's which specifically allowed multiple densities on certain designated lots.

The CC&R's for Unit 4 were then reviewed. No such provision was incorporated in Unit 4 CC&R's. Further, the CC&R's contained no provisions allowing further subdivision

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of existing lots. The Board therefore could not make a determination that "vested rights" existed to allow development of the designated lots at multiple densities for individual ownership in accordance with the final map for Unit 4 approved by Washoe County.

The Governing Board advised the applicant that "the owners of property in Incline Village Unit 4 could process requests for variances as a group for consideration by Washoe County and the Governing Board. The CC&R's as well could be revised if all property owners are in agreement, although this would not affect the TRPA ordinances or the processing of a variance." Subsequently the Agency has reviewed three applications requesting an individual variance to the terms of the Land Use Ordinance. All three applications have been denied.

Subject Request

The subject request is based upon a recent judgment rendered by the Second District Court of the State of Nevada in and for the County of Washoe. Legal counsel for the applicant and two other interested parties filed an amended complaint for reformation of the Unit 4 CC&R's on March 11, 1980. The reformation application requested the Court to rule on the reformation based upon an affidavit filed with the Court by Mr. Arthur Wood. Mr. Wood was president of Incline Village Incorporated at the time of the recordation of the original Unit 4 CC&R's in 1969. He had previously been president of the Crystal Bay Development Company until its merger with Boise Cascade in 1968. The text of Mr. Wood's affidavit is as follows:

"1. It was the intent of the officers and owners of Incline Village, Inc., that the restrictions of Units 3 and 4 to be similar in form and substance.

2. That the Declaration of Restrictions for Unit 3 were already in existence and were therefore used as a model for the Unit 4 Declaration of Restrictions.

3. That Section 7s of the Unit 4 Declaration of Restrictions was inadvertently omitted when it was copied from its counterpart in Section 7t of the Unit 3 Restrictions.

4. That it was the specific intent of the officers and owners of Unit 4 that a property owner in either Unit 3 or Unit 4 should have the option of choosing a condominium or townhouse over a rental type duplex or four-plex on the multiple zoned lots."

It was requested that the Court recognize this pre-existing intent and to order favorable relief. Based upon the evidence presented the Court rendered a June 26, 1980 decision to allow a reformation to Section 7s of the Unit 4 CC&R's to read as follows:

"Section 7s - No lot shall be subdivided into smaller lots or parcels of land other than that pertaining to a condominium or townhouse development on multiple zoned lots."

It is the request of the applicant that this Court judgment be recognized and that the Agency recognize a pre-existing right to further subdivide the lots in accordance with the specific determination made for Incline Village Unit 3. The judgment rendered by the Court was specifically applied to this lot and to two others. It does not seem to be the intent that this
judgment be applied to the remaining lots absent a similar judgment by the Court. Due to the contention that this course of action was necessitated by an erroneous omission at a clerical level, no documentation of the original intent of the Unit 4 CC&R's is available. One available guide is that the pattern of development and designation of multiple zoned lots with an allowance to further subdivide was contained in the Unit 3 CC&R's and the pattern of development and the CC&R's for Unit 4 is substantially similar except for the critical omission for further subdivision of multiple zoned lots in the Unit 4 CC&R's.

Legal Counsel Opinion

Agency legal counsel has reviewed the subject petition and judgment. Review was based upon whether the subject action clearly established that the intent in 1969 was to allow further subdividing of multiple zoned lots even though the recorded CC&R's were deficient on this point. Based upon the affidavit presented and the judgment of the Court, the Agency legal counsel's opinion is that this intent has been established.

Agency Recognition of Intent

The documents submitted as part of this application establish that the intent of the CC&R's for Unit 4 was to allow further subdividing on multiple zoned lots. The Agency is being requested to recognize this intent and to apply it to the three applications subject to this Court judgment. There are 22 other multiple zoned lots within Unit 4. Agency legal counsel's opinion is that since this finding is related to three specific projects it cannot be applied to the subdivision as a whole. Therefore, the Agency must review each proposed multiple residential condominium application and make the required finding. Legal counsel's opinion is that these applications do not need a specific court judgment regarding intent to be filed as part of the application.

Recommendation

Agency staff recommends that the finding of vested rights to allow further subdividing of certain multiple zoned lots be made for this application. This recommendation is subject to the following conditions:

1. Agency staff shall sign the condominium parcel map prior to recordation by Washoe County.

2. The applicant shall submit final improvement plans clearly depicting: 1) slope stabilization methods to be performed to stabilize all existing cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications; 3) permanent erosion control devices; and 4) all drainage facilities.

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

4. Calculations showing the adequacy of the infiltration trench design prepared by a qualified civil engineer shall be submitted to the Agency.

7/15/80
MEMORANDUM

DATE: July 16, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Dan Monen, Replacement of Nonconforming Land Coverage and Variance to Section 9.30 of the Land Use Ordinance, Douglas County

The subject project has been continued to the August 27, 1980 meeting at the request of the applicant who has agreed to waive the 60 day time limit for Agency action. This request is the result of the applicant's desire to resolve the concerns raised by adjacent property owners.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Sierra Boat Company
Shoreline Protective Device
Unauthorized Bulkhead Replacement
Placer County

Agency Action Required By September 6, 1980

Project Location and Description

As directed by the Governing Body on June 25, 1980, the applicant, Dick Clark, is requesting Agency approval of the unauthorized replacement of 380 feet of sloping concrete bulkhead with steel sheet piling. The work now in progress will result in the expansion of the surface area of the harbor by approximately 4,000 square feet of surface area which could permit the addition of 14 to 20 new boat slopes.

The concrete bulkheads, which were in various states of disrepair, were located on the north and west sides of the Sierra Boat Company marina which is located in Carnelian Bay, Placer County.

Background

March 1980

TRPA received a March 6, 1980 letter from Williamson Engineering requesting a permit for bulkhead repair at Sierra Boat Company. Attached to the request was a February 15, 1980 letter from R. A. Melin, Placer County Supervising Building Inspector, stating that, under Section 10.130 of the County's Shoreline Ordinance, the bulkhead was in an unsafe condition and was to be repaired in 180 days.

On March 25, 1980, TRPA replied, after consulting with legal counsel, that the previous permit of April 27, 1977 had expired, that the applicant had not met the open space requirement of 4,020 square feet, and that the project did not appear to conform to the 92 boat slips that were part of a September 24, 1975 approval. In order to process the Sierra Boat Company application, the applicant must meet four additional conditions related to the work underway. The applicant's representative, Mr. Williamson, agreed to comply with these conditions which would bring the marina into conformance with previous TRPA approvals as well as satisfy procedural requirements of the Agency.

April 1980

On April 29, 1980, TRPA received an application signed by Jim Williamson, the Sierra Boat Company agent, for bulkhead repair.

May 1980

On May 5, 1980, TRPA responded that the application was incomplete until the four requirements had been satisfied. Additionally, the envelopes required for notification of adjoining, affected property owners were not supplied as part of the application.
A May 7, 1980 Agency field inspection found that replacement of the bulkheads had proceeded without the required TRPA approvals. Dick Clark of Sierra Boat Company was verbally notified to stop work on the project, to apply for the necessary permits, and to abate existing safety and water quality problems in the interim.

On May 13, 1980, Larry Tannehill, Placer County Senior Engineer, issued a stop work order stating that the work at Sierra Boat Company was in violation of Placer County ordinances.

On May 15, 1980, TRPA wrote Dick Clark to stop work and, in the interim and until further notification, to secure the project with four conditions.

On May 19, 1980, the U.S. Army Corps of Engineers wrote Mr. Williamson advising him that his work constituted a violation of the River and Harbor Act and directing him to comply with five conditions to reduce further environmental impact.

In May, the CTRPA granted approval to the Sierra Boat Company project subject to 18 conditions which included TRPA and Lahontan approval requirement. Mr. Williamson was to concur by signature and return.

June 1980

On June 4, 1980, TRPA received a letter from John Ward, the Placer County Deputy District Attorney, stating that Placer County had ordered Mr. Clark to finish certain repair work which presently constituted hazardous conditions.

On June 6, 1980, TRPA hand-delivered a stop work order to the Sierra Boat Company site. Mr. Williamson and Mr. Clark refused to acknowledge receipt of the stop work order.

On June 6, 1980, TRPA received a copy of a letter from Jim Williamson to Lahontan explaining the installation of sheet pilings and CMP culverts.

On June 10, 1980, Bill Combs, Placer County Associate Planner, wrote TRPA advising that because Mr. Williamson had refused to stop work on the project and because his record showed a past disregard for County and/or TRPA ordinances it would seem appropriate to bring the matter to the attention of the California State Contractors Licensing Board.

On June 12, 1980, TRPA wrote to Dick Clark advising that the staff had scheduled a hearing before the TRPA Governing Board on the matter and that Agency legal counsel had requested that the Sierra Boat Company be notified of the unauthorized work and that, as such, Mr. Clark was proceeding at his own risk. Copies of this letter were sent to all affected parties asking for their position with regard to enforcement actions on the unauthorized work.
On June 18, 1980, Bill Combs indicated the project was in violation of stop work orders placed by the Placer County Building and Public Works Departments. John Ward had taken responsibility for the project and had indicated the County would issue no further stop work orders, thus permitting the work to proceed.

On June 23, 1980, a letter from Don Denny, District Counsel for the U.S. Army Corps of Engineers, indicated the project was in violation of a cease and desist order, was unauthorized, and the Corps was considering legal action.

On June 25, 1980, the TRPA Governing Body, upon considering the evidence presented by the staff and the applicant, directed the applicant to file an application for the subject work. Such application was to be considered at the July 23, 1980 meeting. The applicant was notified of the Board's action.

On July 1, 1980, a letter from Roy Hampson, Lahontan Executive Officer, indicated the project was unauthorized but no legal action was to be taken at this time.

Analysis

Finding - The subject work is unauthorized and has no vested rights. The subject work does not have a TRPA permit as required under Section 4.11 of the TRPA Shorezone Ordinance. The applicant was notified on May 7, May 15 and June 6 that the work was unauthorized, was directed to stop work, and to complete an application for a shoreline protective device.

Section 18.00 of the TRPA Shorezone Ordinance further indicates "permits for such existing unauthorized structures will be granted or denied according to the provisions of this ordinance in the same manner as permits for proposed structures".

Finding - The project site is not in conformance with previous TRPA approvals. On September 24, 1975, the TRPA Governing Body approved the expansion of buildings on the site providing the applicant remove 4,020 square feet of nonconforming land coverage as required by the Land Use Ordinance. The applicant has failed to comply with this requirement: Also, the number of boat slips existing since 1970 (120) conflicts with the number indicated on the 1975 approved plans (92), and the required parking spaces shown on the plans are currently being utilized for boat storage.

Finding - The work in progress is not in conformance with plans submitted by the applicant (attached) nor is the new steel wall location as per staff recommendation.

By driving the new steel sheet piling landward of the existing angled concrete bulkhead, the applicant has expanded the harbor area by approximately 4,000 square feet which will permit the addition of 14 to 20 new boat slips. Plans submitted by the applicant show the sheet piling on the north wall was to be located lakeward of the existing concrete bulkhead. It is staff's contention that the applicant should locate the new sheet piling at the toe of the existing sloping concrete bulkhead, thus increasing the land area for parking and open space purposes.
Finding - The Agency is supportive of the replacement of the concrete bulkhead. In the April 27, 1977 approval of a dredging permit for Sierra Boat Company, Condition No. 8 required the applicant to submit plans for the slope stabilization and general cleanup of the northwest corner of the marina.

Recommendation

Agency staff recommends the approved number of boat slips be established at 120 slips and the replacement of the 380 feet of concrete bulkhead with steel sheet piling be approved subject to the following conditions:

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

2. The applicant shall submit detailed site plans with construction drawings for the proposed project. These plans shall include:
   a. The precise location and structural details of the new steel wall;
   b. A drainage system as per the recommendations of the 208 Best Management Practices;
   c. An open space/landscape plan including protective barriers;
   d. A parking plan; and
   e. Grading/dredging plan.

3. Within 30 days of TRPA approval, a bond of $100,000 shall be posted for a period of five years to be payable to the Agency upon determination by the Governing Body that the project is in violation of the conditions of this approval.

4. The applicant shall submit an application within 30 days to the Agency for the buoy field located lakeward of the marina.

5. The new steel sheet piling shall be located lakeward of the existing sloping concrete bulkhead and backfilled. The new land area shall be utilized for open space, drainage and parking as per staff's recommendation.

6. All work in progress shall be suspended until all necessary permits are acquired, the required bond has been posted, and all required plans have been approved by TRPA staff.

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

7/14/80
SECTION "A-H" - Not to scale

MATERIAL TO BE REMOVED
MAX DEPTH

KINGS BEACH -

Hwy.

STATE

LAKE CITY

"A" SKE W-S.

MATERIAL TO BE REMOVED

PHASE - B-I

TIDE TIME

SCALE: 1" = 100'

PROPOSED DREDGING AND DISPOSAL

IN LAKE TAHOE

Purpose: Maintenance of Commercial Marina

Datum: Lake Tahoe

Adjacent Property Owners:
1) LANAI, INC.
2) Udaya Hadji Broto

Note: Less than 1,400 C.Y. of accumulated
granular material to be removed by clam
shell and will be deposited at a legal point
of disposal above ELEV. 6279.

PHASE - B 1,000 C.Y.

PHASE - B-I + B-II 1,600 C.Y.

Vicinity Map

Scale: 1" = 1,000'

From USGS Gold Sht. "Tahoe" (1:24000)
MEMORANDUM

DATE: July 15, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: 208 Water Quality Work Program - Federal Fiscal Year 1981

The Nevada Division of Environmental Protection requested the Agency's work program for Federal Fiscal Year 1981. Attached is the draft which was submitted.

Attachment
Proposed Work Program

I. Existing Program Status

The Lake Tahoe Basin Water Quality Management Plan was approved by the Governing Body of the Tahoe Regional Planning Agency (TRPA) on January 25, 1978. This plan was subsequently certified by the Governor of Nevada. The California Water Resources Control Board rejected the plan and moved for de-designation of the TRPA as the designated areawide water quality management planning agency and subsequently produced a second water quality plan for the Basin. The California plan has not been adopted at this time and neither version has been approved by the EPA as the official water quality plan for the Tahoe Basin as provided under Section 208 of the Federal Clean Water Act.

A. Program Implementation

The 208 Plan developed by the TRPA was adopted by ordinance and has been implemented by TRPA under the authorities of the Tahoe Regional Planning Compact. The TRPA 208 Plan relies on a regulatory review program for prevention of additional non-point source pollutants to Lake Tahoe and a combination of a regulatory review function and implementation of remedial control measures by federal, state and local jurisdictions operating within the Tahoe Basin. All new development and redevelopment is reviewed against the recommendations of the Handbook of Best Management Practices as developed under the 208 program by the local jurisdictions and the Tahoe Regional Planning Agency depending on the scope of the development proposal. Remedial control measures identified in the 208 Plan have been implemented by a variety of entities including the watershed restoration program of the U.S. Forest Service on federal lands, the Nevada Department of Transportation on state highway rights-of-way, and local jurisdictions utilizing Clean Lakes Grants and Resource Conservation and Development funds for existing known water quality problem areas.

B. Regulatory Review Program

The regulatory review program for water quality management was formalized by an implementing ordinance which adopted the Lake Tahoe Basin Water Quality Management Plan as an element of the General Plan for the Lake Tahoe Basin. This program is implemented through a cooperative effort between local jurisdictions and the TRPA. Single family residences and minor commercial projects not in critical environmental areas are generally
reviewed by local jurisdictions for temporary erosion controls, extent of impervious coverage, vegetation protection, slope stabilization, revegetation and drainage measures necessary to protect water quality during and after construction.

More major projects such as new subdivisions, apartments, commercial centers and public works projects are reviewed by TRPA for conformance with the recommendations of the Handbook of Best Management Practices. In addition to the measures included above, a comprehensive grading and revegetation plan is required in addition to retention of stormwater on site. In addition, TRPA reviews construction of single family dwelling units within areas identified as stream environment zones. This includes identification of proper siting of the dwelling unit for provisions of adequate setbacks, protection from the limits of the 100 year flood and provision of mitigative measures during and after construction designed to protect water quality. Grading activities after the October 15 grading deadline are also reviewed by TRPA to prevent erosion problems during runoff periods.

C. Remedial Control Measures

The implementation schedule contained in the adopted TRPA Plan indicates that implementation of remedial control measures for slope stabilization, drainage improvements and on-site runoff control would proceed according to the availability of funds. The following projects have been initiated with the current status indicated:

<table>
<thead>
<tr>
<th>Project</th>
<th>Type</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County Clean Lakes Grant</td>
<td>Erosion/Sediment Control - Drainage</td>
<td>Incline Village, First Creek</td>
<td>Final plans and bid documents prepared</td>
</tr>
<tr>
<td></td>
<td>Improvements</td>
<td>Watershed</td>
<td></td>
</tr>
<tr>
<td>Kingsbury Grade Critical Area Treatment (SCD)</td>
<td>Erosion/Sediment Control</td>
<td>Summit Village, Edgewood Creek</td>
<td>1st phase completed</td>
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<td></td>
<td>Watershed</td>
<td></td>
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<tr>
<td>Marla Bay/Zephyr Hts. (RC&amp;D)</td>
<td>Erosion/Sediment Control - Drainage</td>
<td>McFaul Creek Watershed</td>
<td>Final plans and bid documents prepared</td>
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<tr>
<td></td>
<td>Improvements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe Valley Drainage Control Project</td>
<td>Drainage Control</td>
<td>Upper Truckee Watershed</td>
<td>Preliminary design prepared</td>
</tr>
<tr>
<td></td>
<td>Urban Runoff</td>
<td></td>
<td></td>
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<tr>
<td>Bijou Valley Drainage Control Project</td>
<td>Drainage and Erosion Control - Urban</td>
<td>Bijou Creek Watershed</td>
<td>1st phase initiated</td>
</tr>
<tr>
<td></td>
<td>Runoff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pioneer Trail Erosion Control</td>
<td>Erosion Control on Oversteepened Slopes</td>
<td>Bijou/Trout Creek Watersheds</td>
<td>Under construction</td>
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<tr>
<td>Project</td>
<td>Type</td>
<td>Location</td>
<td>Status</td>
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<td>-------------------------------</td>
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<tr>
<td>Caltrans/D.L. Bliss State Park</td>
<td>Erosion Control</td>
<td>Rubicon</td>
<td>Final contract documents prepared</td>
</tr>
<tr>
<td>Kingsbury Grade Clean Lakes Grant</td>
<td>Erosion Control/Drainage Improvements</td>
<td>Edgewood Creek Watershed</td>
<td>Application filed; plans prepared</td>
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<td>U.S. Forest Service Watershed Restoration</td>
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<td></td>
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<tr>
<td>- El Dorado County Landfill</td>
<td>Landfill Rehabilitation</td>
<td>Trout Creek Watershed</td>
<td>Completed</td>
</tr>
<tr>
<td>- Jennings Casino Site</td>
<td>SEZ Restoration</td>
<td>Burke Creek</td>
<td>Plans prepared</td>
</tr>
<tr>
<td>- Osgood Swamp</td>
<td>SEZ Restoration</td>
<td>Upper Truckee Watershed</td>
<td>Completed</td>
</tr>
</tbody>
</table>

II Identification of Existing Program Deficiencies

The first two years of implementation of the Lake Tahoe Basin Water Quality Management plan have resulted in identification of several program deficiencies.

A. Regulatory Review Program

The regulatory review program relies on implementation of the recommendations of the Handbook of Best Management Practices. The degree of restrictiveness of these measures is also a function of the land capability classification of the area in question which is an indication of the potential for water quality problems which may result from construction activities. The land capability classification is actually a combined rating of erosion hazard, runoff potential, the presence of sensitive vegetation or a stream environment zone, or the geomorphic setting of the land in question.

The land capability classification results in the extent of impervious surface coverage allowable for most new developments in the Tahoe Basin. Older development, including existing single family lots, commercial developments and certain high density developments retain "grandfathered" coverage provisions which permit land coverage in excess of the recommendations of the land capability system. Recent environmental studies prepared by the EPA and the Western Federal Regional Council suggest that these land coverage overrides permit water quality degradation and that additional development controls including reduction of land coverage overrides are necessary. Empirical evidence exists which would document this conclusion in certain watersheds.
However, it should be recognized that the combined land capability classification of a particular area reflects a number of hydrologic characteristics which subsequently affect water quality and may be an indication of potential water quality problems. Some of these problems may be effectively mitigated through the implementation of best management practices while others may require more restrictive development controls including further limitations on allowable land coverage. The California Water Resources Control Board '208' Plan suggests strict adherence to the land capability system which would effectively preclude further building of even single family dwellings on most land capability class 1, 2 and 3 lands as well as in stream environment zones. There is a need for a uniform and effective means of identification of the need for further development controls as well as more refined delineation of the areas and number of lots so affected. The program needs to be basinwide as well as thoroughly documented.

Coordination of such information developed under a water quality management program with land purchase proposals such as the Santini-Burton Bill and California Tahoe Conservancy Bond proposals is obvious. The water quality program must also be coordinated with basinwide land use and growth management activities in order to be effective. Existing regulatory review of proposed developments needs to be continued.

B. Remedial Control Measures

Implementation of remedial control measures has been hampered by availability of funding sources as well as uncertainty regarding continuation of existing programs and funding sources. An additional problem is the number of agencies exerting regulatory and funding control over programs for correction of existing problems. Overlapping jurisdictions with conflicting requirements for implementation of remedial measures have stifled development of programs on a cooperative basis.

1. Watershed Restoration Programs on Federal Lands

The watershed restoration program on U.S. Forest Service lands has been funded at a continually growing rate. The capability and staff level effort to develop watershed programs has been increased substantially as a result of identification of water quality problems on public lands. However implementation of these programs has relied heavily on labor provided by the Youth Conservation Corps (YCC) and the Young Adult Conservation Corps (YACC). The continued success of this program is highly dependent upon a stable work force capable of implementing control measures for known water quality problem areas.

2. Clean Lakes Grants

Application has been made for Clean Lakes Grants in three of the local jurisdictions within the Basin. Only one of these grants is currently being implemented. Implementation has been impeded within the California portion of the Basin as a result of conflicting requirements of planning agencies operating within the Basin. TRPA has supported the grant process through technical assistance in design and review of these projects.
III Proposed Work Program

A. Enhancement of Regulatory Review Capabilities

1. Objectives:

The objectives of this work element are to continue with implementation of the existing regulatory review program currently implemented at the local and regional government levels and to provide additional tools and standards for the review of development proposals designed to protect water quality.

2. Description of Work:

a. Continue Implementation of Existing Regulatory Review Program

In cooperation with local building, engineering and building departments, the TRPA staff will continue to provide review of major development proposals for compliance with the Handbook of Best Management Practices, review proposed construction of single family dwelling units in SEZ's, and enforce the provisions of the Grading Ordinance.

b. Refine Assessment and Management of Critical Environmental Areas

i. Identify Class of Lands Developable With Existing Restrictions

Evaluate land coverage restrictions, slope stabilization, revegetation and drainage requirements for sub-categories of each land capability district including stream environment zones, high erosion hazard lands, high runoff potential lands and high hazard geomorphic units. Produce criteria for those lands which are developable with implementation of best management practices and existing regulations without significant threat to water quality. Coordinate activities with those of local planning, state, regional and federal agencies. Coordinate development of criteria for these lands with mapping and data systems programs designed to more accurately identify and manage those parcels.

ii. Identify Class of Lands Developable With Additional Restrictions

Using methodology identified in item b. i., identify those lands which are developable with additional restrictions. Evaluate effectiveness and cost of additional restrictions
by each sub-category of land capability districts. Evaluate and identify stream environment zone lots which can be developed without further degradation to water quality. Produce criteria for lands which may be developed with additional restrictions on land coverage or more restrictive management practices. Conduct public meetings and hearings to present data and findings, prepare necessary amendments to 208 Plan and draft implementing ordinances which would effectuate any needed modifications.

iii. Identify Class of Lands on Which Development Should Be Deferred

Using methodology described in the two above elements, identify those lands on which further development under existing or upgraded best management practices would still result in substantial water quality degradation. Develop criteria for identification of such lands and coordinate identification with mapping and data systems programs. Evaluate alternative strategies for management of these lands including growth management strategies, transfer of development rights and public acquisition. Conduct public meetings and hearings to present data and findings, prepare necessary 208 Plan amendments and draft ordinances which would implement Plan recommendations.

iv. Refine Land Use/Water Quality Interface

Re-evaluate above determinations regarding sensitivity of major assumptions to obtaining water quality goals. Evaluate water quality goals in terms of costs for attainment and recommend suitable goals. Conduct public hearings to establish final goals and amend 208 Plan and implementing ordinances as necessary. Refine definitions of each above class of lands as necessary to ensure water quality goals are attained.

B. Develop Water Quality Threshold Limitations as an Element of Federal Tahoe Coordinating Council's Threshold Limitation Study

1. Objective:

Integrate program outputs with Threshold Limitation Study prepared by the Federal Tahoe Coordinating Council.

2. Description of Work:

Utilizing the above methodology, provide input to the Federal Tahoe Coordinating Council's Threshold Limitation Study. Provide input to coordinate activities of water quality program update and recommend adoption of the revised 208 Plan as the threshold limitation for water quality.
C. Identify Funding Sources for Increased Program Implementation

1. Objective:

Evaluate alternative funding sources and mechanisms for increased implementation of remedial control measures as well as funding to acquire environmentally sensitive lands.

2. Description of Work:

Evaluate available funding sources such as Clean Lakes Grants, Resource Conservation & Development Grants, Critical Area Treatment Grants, Federal Watershed Restoration Programs, State bond acts, local funding sources, and revenue generation from private sources. Revise implementation schedule for remedial control measures. Evaluate potential funding for acquisition of environmentally sensitive lands including Burton-Santini proposal (if adopted) and state bond acts. Provide input to prioritization of acquisition with alternatives such as transfer of development rights which would encourage expenditure of private capital to protect environmentally sensitive lands. Develop implementation schedule for protection of environmentally sensitive lands subject to availability of funding.

Schedule and Cost

<table>
<thead>
<tr>
<th>Work Element</th>
<th>Completion Schedule</th>
<th>Level of Effort</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
<tr>
<td>A. Enhancement of Regulatory Review</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Continue Implementation</td>
<td>Continuous</td>
<td>30 person months</td>
<td>$35,552</td>
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<tr>
<td></td>
<td>Oct. 1, 1981</td>
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<tr>
<td>3. Develop Water Quality Threshold</td>
<td>Oct. 1, 1981</td>
<td>12 person months</td>
<td>18,221</td>
</tr>
<tr>
<td>4. Identify Funding Sources</td>
<td>Oct. 1, 1981</td>
<td>6 person months</td>
<td>9,110</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Total Costs: $99,325</td>
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<td>Federal Share: $74,494</td>
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<td>TRPA Share: $24,381</td>
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TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: July 16, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Request for Reconsideration of Administrative Permit and Variance to Grade in a Stream Environment Zone for the Tahoe City Public Utility District Athletic Fields

Request for Reconsideration

The Tahoe Resource Conservation District has requested that the above Governing Board actions be set aside based upon the factors outlined in the attached letter. The Governing Board discussed the letter at its June 25, 1980 meeting but did not take an action since the matter was not properly before it as an item on the agenda with proper notification to affected parties. However, the Governing Board directed staff to place the request for reconsideration on the July agenda along with an agenda item which would permit reconsideration of the administrative permit for the athletic fields, a variance to grade in a stream environment zone, and an administrative permit for replacement of nonconforming coverage.

Project History

In March, 1980, the Advisory Planning Commission and Governing Board considered a request by the Tahoe City Public Utility District (TCPUD) to reclassify the subject 10.3 acre site from Rural Estates to Recreation and Public Service. Both the Governing Board and APC supported the requested land use classification based on representations that the site had been heavily disturbed as a result of previous construction activities, was in need of revegetation and stabilization, and that an athletic field could be constructed in this disturbed area which would both enhance the environment and outdoor recreation opportunities in the Tahoe City area. The amendment to the land use classification for the property became effective after first and second reading including opportunity for public comment at the public hearings.

Agency staff met with the applicant subsequent to the approval of the land use classification amendment, indicating the requirements for submission of an administrative permit for the athletic fields and for any work to be performed within the limits of an area which exhibited the characteristics of a stream environment zone (SEZ). This included the necessary information needed to identify the extent of the SEZ, including flood plain analysis, vegetation analysis, setbacks from stream channels and soil characteristics.
Agency staff subsequently received an application for the athletic fields including a request to grade within the limits of the SEZ. The project was reviewed at the April DRC meeting at which time staff concerns regarding project design and submission requirements were discussed in detail with the applicant. The project was not placed on the May APC agenda because of incomplete information regarding the extent of the SEZ and insufficient information to assess the amount of impervious coverage which existed on the site. The project had been approved by Placer County and the CTRPA and was otherwise a complete application under the Agency's guidelines.

TCPUD requested that the item be placed as an urgency item before the May, 1980 APC meeting based on the possibility of losing state grant funds if the project was not under contract by June, 1980. Agency staff supported this request for hearing of the project before the APC based on the applicant's representations.

At the May, 1980 APC meeting the staff presented the project including the findings necessary to allow a variance to grade within an SEZ. This included several suggested modifications to the design of the project such as relocation of the proposed parking area outside of the SEZ, modifications to the grading plan to minimize encroachment, bridging the stream, and drainage modifications designed to protect the stream zone. The APC recommended that the project be continued since there was insufficient information to assess its remaining questions regarding land coverage, the extent of flooding potential, the extent of the SEZ, and the effect of nutrients from fertilizers on groundwater. Based on the APC's recommendations, Agency staff did not include the project on the May, 1980 Governing Board agenda but did continue to work with the applicant and other agencies (including Placer County, Lahontan, and CTRPA) which had already approved the project to resolve these deficiencies.

The applicant subsequently directed a letter to the Governing Board requesting that the item be placed on the May, 1980 agenda as an urgency item. Agency staff indicated at that time that it had continued to make progress towards resolving the issues raised at the APC meeting and would be prepared to make an oral presentation but had not prepared a written staff summary. Agency staff's presentation recommended that both the administrative permit and a variance to grade in an SEZ be granted subject to modification of the parking area outside of the SEZ, modification of the access road to avoid a culvert crossing, and modifications to the grading plan. The staff's verbal summary and testimony before the APC reflected extensive discussion of the findings required to grant a variance to grade in an SEZ. The Governing Board's action to approve the project, subject to staff's recommended condition, included the findings necessary to allow grading within an SEZ as permitted in the Grading Ordinance.
Memo to the TRPA Governing Board  
TCPUD Athletic Fields  
July 16, 1980  Page Three  

Basis of Request for Reconsideration  

The June 19, 1980 letter from the Tahoe Resource Conservation District suggests that the TRPA and other agency actions to conditionally approve the project were not made pursuant to TRPA ordinances and requirements. The basis for this request is in several areas as follows:  

**CEQA Requirements** – The Conservation District alleges that Placer County ignored the requirements of the California Environmental Quality Act in approving the project, ignoring its location in an SEZ.  

**TRPA Ordinances and Regulations** – The June 19, 1980 letter suggests that TRPA did not apply its own ordinances in approving the project.  

**Discriminatory Treatment** – The Resource Conservation District contends that there was discriminatory treatment of a public project by the reviewing agencies in interpreting the requirements of the ordinances and guidelines.  

**Proper Siting** – The presentation before the APC by the Conservation District questioned whether alternative sites would be available where less impacts would result from construction of athletic fields.  

Analysis  

**CEQA Requirements** – In preparing its environmental documents for the project, Placer County recognized the project to be located within a man-modified environment that had previously been an SEZ. Because of the extensive nature of grading and filling that had previously taken place and because of the revegetation to take place as a result of the project, Placer County concluded that the environment would be enhanced by the project.  

**TRPA Ordinances and Regulations** – As summarized in the attached project description, three actions were requested by TCPUD as part of their application: 1) an administrative permit for an athletic field; 2) an administrative permit for replacement of nonconforming land coverage; and 3) a variance to grade within an SEZ.  

The administrative permit for the athletic fields was granted with the findings required under Section 8.33 of the Land Use Ordinance (health, safety, and welfare) and was subsequent to public hearings regarding an amendment to the General Plan to permit the athletic fields in a Recreation district.
The administrative permit under Section 9.21 to permit the replacement of non-conforming land coverage resulted in a net reduction in land coverage from 50,975 square feet to 15,470 square feet.

The variance to grade in an SEZ was granted under Section 8.00 of the Grading Ordinance with the expressed findings required as follows: a) owing to special conditions, a literal enforcement will result in unnecessary hardship; b) the variance will not be contrary to the public interest nor the purpose of this ordinance; and c) the variance will not nullify the objectives of the ordinance.

The action of the Governing Board relied on the disturbed nature of the site and the fact that the majority of the site no longer had the characteristics of an SEZ. However, the staff presentation indicated that there were small areas of functioning SEZ's which would be filled under the proposal. The Lahontan "approval" of the project had required mitigation of this impact by construction of berms to retain water within the floodplain to reduce erosion in a similar manner to the natural SEZ. The conditions of TRPA approval required redesign of the site plan to eliminate encroachment of the parking and access way outside of the SEZ. The major deficiency in the submittal remaining to this date in staff's estimation, however, is the lack of an adequate delineation of the SEZ as defined in Section 7.70 of the Grading Ordinance and the Agency's Handbook of Best Management Practices. This would include delineation of the area previously disturbed by grading and filling and the effect of those activities on the land capability characteristics, such as erosion hazard, depth to groundwater, soil characteristics, flood hazard, etc. This information would assist in properly designing the project. The previous modification of the site seems to be the "intuitive" basis for Placer County, CTRPA and Lahontan approvals of the project but cannot be completely documented without this information.

Discriminatory Actions - The Conservation District alleges that a private project of similar dimensions would not have been approved within an SEZ. More properly stated, the Conservation District has not indicated an opposition to the project itself but to the lack of information presented on the project to properly assess its impacts. Because the project was taken as an urgency item, no written staff summary has been prepared prior to this date which factually presents information regarding the project's impacts. Also since the project was discussed as an urgency item, the opportunity for public comment was limited at the time of TRPA consideration. However, this would not hold true for the numerous other agencies who considered the project as part of noticed agendas open to the public for comment.
Memo to the TRPA Governing Board
TCPUD Athletic Fields
July 15, 1980 Page Five

Proper Siting - The Conservation District has outlined several alternative sites for an athletic field as part of its presentation. However, this does not appear to be the proper time to accept such testimony in view of the Agency's actions to reclassify the property to permit an athletic field.

APC Actions

The Advisory Planning Commission considered the project at its meeting of July 9, 1980 and recommended that disturbance be limited to an area which could be delineated as man-modified and that documentation be provided to properly delineate the area (see attachment).

Finding

Agency staff finds merit in the argument that the degree of information submitted by the applicant did not provide an adequate basis to fully assess the merits of the project and supports the recommendations of the APC. However, staff does not concur with the Conservation District that the Agency failed to enforce its own ordinances and guidelines in this matter and would find that its previous action should be reaffirmed and upheld.

Recommendation

The Agency staff recommends that the Governing Board reaffirm its approval of the project with the conditions imposed as a result of its May 28, 1980 action. Staff suggests that the administrative permit be modified by the addition of the following condition:

Prior to issuance of any building or grading permits, the following condition shall be satisfied:

1. The applicant shall submit a report delineating the extent of the area substantially modified by dredging, filling and grading activities prior to the enactment of TRPA ordinances. This report shall identify the land capability characteristics of the site including soils, presence of SEZ characteristics, hydrology (i.e. depth to groundwater and flood plain analysis), vegetation and geomorphic classification. The project shall be redesigned as to limit disturbance to the area so identified as man-modified subject to staff approval.

Finding

sec. 8.33 L.U.O
sec. 8.00 6.0 - Variance
sec. 9.24 L.U.O
June 19, 1980

Tahoe Regional Planning Agency
Members of the Governing Body
P.O. Box 8896
So. Lake Tahoe, CA  95731

RE: Tahoe City Public Utility District - Star Harbor Project
Placer County

Gentlemen:

The Board of Directors of the Tahoe Resource Conservation District is deeply concerned by the action of TRPA in granting approval for the referenced project.

We concur in the creation of recreational facilities for our youth, but we are disturbed by the apparent disregard by the Board in its failure to apply TRPA's adopted ordinances and regulations.

We are even more surprised that the Lahontan Regional Water Quality Control Board waived discharge requirements for this project. It is of further surprise and concern that the CTRPA staff identified the project site as "completely contained within the stream environment zone", and yet accepted the fact that Placer County, apparently totally ignoring the requirements of the California Environmental Quality Act, granted a negative declaration to this project, even though it was identified as located "entirely within a stream environment zone".

Finally, we must bring to your attention that the stream environment zone within which this project is sited has been identified by the United States Department of Agriculture Forest Service map, as specified in H.R. 7306 (the Burton/Santini bill), as to be acquired as "sensitive environmentally endangered land".

In view of our concerns, we question as to whether the precedent established by the actions of Lahontan, CTRPA, Placer County, and TRPA can be expected to apply to private lands located in environmentally sensitive areas as well as it does to those government lands within environmentally sensitive areas. If so, we see no requirement for the Burton/Santini bill.

We therefore request that the TRPA Governing Body set aside its action on this project, which apparently has been taken with total disregard to the concerns of the Advisory Planning Commission of your agency and with disregard to its members' personal appearance before you.
By copy hereof, the Tahoe Resource Conservation District Board is extending its request for recision of approval to CTRPA, Lahontan, and Placer County, as well as to your Governing Body. After a thorough review and positive findings under the conditions and requirements of the California Environmental Quality Act and the National Environmental Protection Act, as well as the conditions established by the TRPA 208 Water Quality Management Plan, the project could be found as exempt and approval would be in order.

We trust that the Governing Body of TRPA, the Lahontan RWQCB, the CTRPA Governing Body, and the Placer County Board of Supervisors share our concern over this obviously discriminatory treatment of property, and will take appropriate action to right the wrong.

We enclose copies of the CTRPA staff report dated May 2, 1980 (project No. 77-12-16); TRPA Advisory Planning Commission minutes dated May 14, 1980; and the USDA-Soil Conservation Service report dated June 17, 1980. We hope this material will assist you in your deliberations.

Sincerely,

Walter C. Bailey, President
Tahoe Resource Conservation District

cc: Roy Hampson, Lahontan RWQCB, and Board Members
    All TRPA Governing Body Members
    Placer County Board of Supervisors
    Bob Twiss, Chairman of the Board, CTRPA
    David Dubbink, Executive Officer, CTRPA
Tahoe City Public Utility District  
Star Harbor Athletic Fields  
Placer County

Project Location and Description

At the May 28, 1980 TRPA Governing Board meeting, the Tahoe City Public Utility District (TCPUD) requested approval under an emergency finding to construct athletic fields and a parking lot on a 10.3 acre parcel identified as a stream environment zone (SEZ). Conceptually the project is to construct the athletic field on areas that have been so disturbed as to no longer qualify as SEZ and to revegetate the remaining areas to restore the site. It was determined that the project as presented would require:

1. An administrative permit for a public works project;
2. An administrative permit for replacement of nonconforming land coverage;
3. A variance for grading in an SEZ.

The project is located on a 10.3 acre site that was originally filled in preparation for a residential development known as Star Harbor which is located in the Lake Forest area of Placer County.

Land Use

The property which was recently reclassified from Rural Estates to Recreation and Public Service is currently undeveloped. The property is owned by the State of California and is leased to TCPUD.

It was determined that the proposed athletic fields would be compatible with the surrounding uses which are a picnic area to the north, a boat launching area to the east, a residential development (Star Harbor) to the south and a private recreation area for Star Harbor to the west.

Land Capability

The TRPA land capability maps indicate the entire site to be classified as 1b land capability district due to poor natural drainage. The soil classification on the TRPA 400 scale maps indicate this soil to be Fd or fill material.

Stream Environment Zone

The TRPA 208 SEZ maps indicate that the entire site is in an SEZ created by Polaris Creek, Barton Creek, and Burton Creek. The onsite investigation by the Development Review Committee which included experts in soils and hydrology concluded that there were disturbed areas that would no longer be considered as a functioning SEZ because of grading activities which had altered natural vegetation, depth to groundwater and the extent of flooding. The staff and DRC agreed with the applicant that conceptually the athletic fields would be constructed with minimal impact on the SEZ but did not concur.
with the plans as proposed. The conditions of approval of the variance required a redesign to minimize the project's intrusion into the SEZ. Of specific concern was fill in the southwest corner of the property and the parking lot on the east side of the property.

Land Coverage

The applicant identified 50,975 square feet (11%) of existing impervious surface in the form of areas compacted by vehicular traffic. The proposed 39 space parking lot and pathways were designed to cover 15,470 square feet (3.5%). Section 9.21 of the Land Use Ordinance permits the relocation of nonconforming land coverage providing the applicant reduce the land coverage by at least 19,652 square feet. The applicant has volunteered to remove all the land coverage needed for the pathways and parking.

Agency Action

The TRPA Governing Body approved the athletic fields on May 28, 1980 subject to the attached conditions.

Advisory Planning Commission Action

Pursuant to the request by the Conservation District to reconsider the project, the APC was asked to evaluate the technical merits of the project and took the following action at its meeting of July 9, 1980.

MOTION by Mr. White to recommend to the Governing Body that it should make a finding on what areas of the subject site are in fact man-modified and what areas are stream environment zones and any activity should be completely precluded from those areas which are found to be in a stream environment zone. Second by Ms. McMorris. The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Iturreria, Mr. Hoefer, Mr. Wright, Mr. Rosse, Mr. White, Mr. Hansen, Mr. Bidart, Ms. McMorris, Mr. Bailey, Mr. Renz
Nays: Mr. Milam, Mr. Drawbaugh, Mr. Scribner, Mr. Sanford
Abstain: Mr. Pyle*
Absent: Mr. Burnham, Mr. Hoole

MOTION by Mr. Scribner that the APC sees no need for reconsideration of the subject project by the TRPA Governing Body and further finds that the TRPA staff and the staff of the Tahoe City Public Utility District presently working on the site are solving what minor problems still remain to be solved. Second by Mr. Combs. The motion failed on the following vote:

Ayes: Mr. Combs, Mr. Milam, Mr. Scribner, Mr. Sanford
Nays: Mr. Drawbaugh, Mr. Iturreria, Mr. Hoefer, Mr. Wright, Mr. Rosse, Mr. White, Mr. Hansen, Mr. Bidart, Ms. McMorris, Mr. Bailey, Mr. Renz
Abstain: Mr. Pyle
Absent: Mr. Burnham, Mr. Hoole

7/16/80
MOTION by Mr. White that the intention of his previous motion was to refer the request for reconsideration to the Governing Body for its decision on the man-modified or nonman-modified status of the site. Second by Ms. McMorris. The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Drawbaugh, Mr. Iturreria, Mr. Hoefer, Mr. Wright, Mr. White, Mr. Hansen, Mr. Bidart, Ms. McMorris, Mr. Bailey, Mr. Renz
Nays: Mr. Milam, Mr. Scribner, Mr. Sanford, Mr. Rosse
Abstain: Mr. Pyle
Absent: Mr. Burnham, Mr. Hoole

Mr. White explained that the intent of the motion was that the man-modified section of the ordinance (Section 8.29 of the Land Use Ordinance) and the criteria for determining the man-modified status of the Star Harbor site be applied to the project location.

*Mr. Pyle explained that he was abstaining from the vote because, as the Soil Conservation Service representative, he had a technical interest in the project site and did not think it proper to vote in this case.
Conditions of Approval

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. 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.
   c. 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.
   d. The proposed parking lot shall be redesigned as to minimize intrusion into the SEZ and shall require TRPA staff approval.
   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. Completion of stabilized access way to the site.
   e. 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.
   f. Installation of utilities including water mains and fire hydrants required by the fire department.

5/28/80
g. Completion of rough grading including installation of mechanical stabilization devices.

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

i. Paving.

j. 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.

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

Field lighting is not approved as part of this project.

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 31,323 square feet, or the amount established by the redesign of the parking lot.

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.
Mr. Philip A. Overcynder  
Tahoe Regional Planning Agency  
P.O. Box 9396  
South Lake Tahoe, CA 95731  

Dear Mr. Overcynder:

Ref: Your letter dated July 8, 1980, Subject: 
Placer County Assessor's Parcel 90-350-06, Kingsview Subd.

Herewith, I respectfully request that the above subject matter be added to your board's agenda for the July 23, 1980 meeting. The purpose of this request is to appeal your staff's recommendation to have the Lahonton Regional Water Quality Control Board review the Kingsview Subdivision and particularly Assessor's Parcel 90-350-06 (Lot 15 Kingsview).

I made an offer to buy the subject property on September 7, 1979 contingent upon verification that Lahonton Orders 6-70-48 and 6-71-29 (or later more favorable orders) applied to this parcel. I made an appointment with Mr. James Scribner of the Placer County Health Dept. to examine the property with me. He confirmed that the property would be acceptable for a building site in accordance with the Lahonton orders, and that he was responsible for seeing that those orders were complied with.

Then, when we were getting ready to close the escrow in October, 1979, Mr. David Dobbink, Executive Director of the CTRPA issued a letter stating that he thought this subdivision was covered under an "urgency ordinance" which would restrict building. We had to hold up the escrow and arrange to go before two public hearings in January and February, 1980 before it was determined that Kingsview was not covered by the "urgency ordinance" and that the Lahonton orders would still prevail on any construction in the area. We finally arranged to close the escrow on April 21, 1980, at which time I made a $12,000 cash downpayment.

Since that time I have obligated over $3,000 in engineering fees, design fees and a house rental in Kingswood Estates for the months of July and August. Additional trips were made to the property with Mr. Harry Gibson of the CTRPA and Mr. James Scribner of the Placer Co. Health Dept., both of whom approved the building site, fully recognizing the requirement for primary and alternate leach fields for the gray water. The location is safely removed from Griff Creek and the underground water table.

Additional delays at this time would put me in a severe financial hardship to say nothing of the problem of retaining or re-arranging specially skilled construction workers for a remote area construction of this type.
I believe that I exercised reasonable prudence in checking out the restrictions with the two most restrictive controlling agencies for that area, namely the CTRPA and Lahonton. This resulted in a considerable delay in the closing of the escrow. Since then I have incurred considerable additional expense and have made commitments and financial arrangements for the construction.

I will appreciate your assistance in getting this matter satisfactorily resolved for me by July 23, 1980.

Sincerely,

[Signature]

Thomas A. Chandler

TAC/Ekl

cc: Roland Westergard-Tahoe Regional Planning Agency
    Harry Gibson-California Tahoe Regional Planning Agency
    Jim Scribner-Placer County Health Department
    Bill Combs-Placer County Planning Department
    Ragnar Helin-Placer County Building Department
July 8, 1980

Mr. Roy C. Hampson
Lahontan Regional Water Quality Control Board
P.O. Box 14367
South Lake Tahoe, California 95702

Subject: Placer County Assessor's Parcel 90-350-06, Kingsview Subdivision

Dear Roy:

The Tahoe Regional Planning Agency has received an application to construct a single family residence located in a stream environment zone in the Kingsview Subdivision in Placer County. This area is not presently served by utilities or improved roads and is not within the service area of the North Tahoe Public Utility District for provision of sewage collection and treatment. The applicant proposes to incinerate all solids and construct a greywater system involving a leachfield for disposal of liquid wastes.

Pursuant to a phone conversation with your staff, it is my understanding that the Kingsview Subdivision was granted a variance from the requirement to collect, treat, and export sewage from the Lake Tahoe Basin as provided for in Section 13950 of the Porter-Cologne Water Quality Act of 1973. However, since the particular parcel in question is located within a stream environment zone, our staff has some reservations regarding the effectiveness of a greywater system utilizing a leachfield for disposal of greywater. For instance, would the presence of a high groundwater table provide effective removal of nutrients from washwater prior to reaching the groundwater?

We also question whether a waiver of the requirements to export wastewater from the basin is proper in the case of a septic system to be constructed rather than a use to be continued. Section 13950 of the Porter-Cologne Act states that the requirement for export of sewage shall not be applicable when the "Lahontan region finds that the continued operation of septic tanks, cesspools, or other means of waste disposal will not individually or collectively, directly or indirectly, affect the quality of the waters of Lake Tahoe and that the sewering of such areas would have a damaging effect upon the environment."

Given both the potential impacts of the individual greywater system in an area of high groundwater and the collective impacts of a number of new systems in the general area which may be created by this precedent, the staff of the TRPA requests that the Lahontan Water Quality Control Board clarify their position with regard to construction of the proposed greywater system.
Further, we would request that you evaluate whether the waiver under Section 13951 of the Porter-Cologne Act is applicable to new systems as opposed to the continued use of existing systems.

Thank you for your prompt consideration in this matter in order that we may expedite our review of the requested permit.

Sincerely,

Philip A. Overeynder
Executive Director

cc: Harry Gibson-California Tahoe Regional Planning Agency
    Jim Scribner-Placer County Health Department
    Bill Combs-Placer County Planning Department
    Ragnar Melin-Placer County Building Department
MEMORANDUM

DATE: July 16, 1980

TO: The Governing Body

FROM: The Staff

SUBJECT: Summit Village

The DRC met on site July 7, 1980, to discuss the problems of drainage and revegation. Warner Phillips, Douglas County Engineer, will make a report on this meeting and a progress report on the county efforts to complete a master plan for Summit Village for Governing Board Consideration.
MEMORANDUM

DATE: July 16, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT Tahoe Boat Company/Enforcement Report

Attached is the letter sent to the applicant listing the conditions set forth by the Governing Body.

As of this date, the staff has received neither the bond or the written estimates.
July 2, 1980

Mr. John Kearns
Tahoe Boat Company
P. O. Box 42
Tahoe City, CA 95730

Subject: Conformance to Previous TRPA Approvals

Dear Mr. Kearns:

On June 25, 1980, the Tahoe Regional Planning Agency Governing Body approved the staff's recommendation that was presented to the Governing Board. This recommendation provides that a bond or security be posted guaranteeing removal of the fill and retaining wall and replacement of the steel sheet piling by June 1, 1981, in the event that TRPA does not approve the application for marina modifications. This bond is to ensure that work is completed in accordance with previous approvals.

This recommendation was approved by the Governing Board subject to the following conditions:

1. Within 30 days a bond must be presented to the Tahoe Regional Planning Agency based on two written estimates for cost involved in removing the fill and bulkhead and replacement of steel sheet piling (as shown on earlier approved plans);

2. Within 60 days, the applicant shall present a full set of plans to the Agency staff for the proposed marina modifications; and

3. The applicant shall have an additional 60 days from submittal of the completed plans to transmit the necessary environmental documents.

Should you have any questions in this matter, please do not hesitate to contact this office.

Sincerely,

[Signature]
Phil Caterino
Shorezone Assistant

cc: Robert Maddox, Esq.
    Gary A. Owen, TRPA Legal Counsel
TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: First Reading of Ordinance Reclassifying Four Lots Owned by Douglas County

The following ordinance implements the Board's action at the June 25, 1980 meeting to approve the reclassification of four lots owned by Douglas County from High Density Residential to Recreation.

These four lots were deeded to Douglas County by Harvey's Inn as part of an agreement to provide required open space on the Harvey's Inn site. One requirement of the deed is that the four lots be developed for recreational purposes. County officials serving on the Agency's Advisory Planning Commission have advised that the site will be developed as a low-maintenance neighborhood park. The Board in approving the General Plan amendment in June requested assurances from Douglas County that the site would be protected immediately with adequate barriers to prevent vehicle parking and other such use, that the site be stabilized as per SCS recommendations and that the site be developed into a community park with a minimal amount of impervious surface. In approving the staff's recommendation, the Board also recommended that a time schedule for implementation of these improvements be received within 30 days of first reading (or by August 22, 1980).

The ordinance becomes effective immediately upon second reading.
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 99 THERETO, TO CHANGE
THE LAND USE DISTRICT APPLICABLE TO CERTAIN REAL PROPERTY

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

Section 1.00   Findings

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

Section 2.00   Change In Land Use District

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as
amended, is hereby amended by adding thereto new paragraph 99 to accomplish
a change in the applicable land use district, which paragraph shall read as
follows:

"99. Properties owned by Douglas County described as Lots 9, 10, 11, and 12, Block
2 of Oliver Park Subdivision, Douglas County, Nevada, as recorded in March,
County are reclassified from High Density Residential to Recreation. The limitation
on land coverage shall be as outlined 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:

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