TRPA
GOVERNING BOARD
PACKETS

JUNE
1980
NOTICE OF MEETING OF THE
GOVERNING BODY OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on _______ June 25, 1980 _______ at

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

Dated: June 13, 1980

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

July 9:00
IN INCLINE
If possible
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

June 25, 1980
10:00 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

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V AGENCY REVIEW

A. Tahoe Keys Homeowners Association, Administrative Permit for a Man-Modified Area, City of South Lake Tahoe

B. E. C. Grayson, Variance to Construct a Fourplex in a Stream Environment Zone, Washoe County

C. Edgeking Venture, Administrative Permit for a Specific Development Pursuant to Section 7.110 of the Land Use Ordinance, Douglas County

D. Ski Etude, Administrative Permit for an Educational Facility, Washoe County

VI PLANNING MATTER

A. Litigation to Establish Planning Authority for the Tahoe Basin

B. Scheduling of General Plan Amendment Public Hearings to Consider Reclassification of Timesharing Properties to Commercial Land Use Districts

VII CLEARINGHOUSE

Tahoe-Truckee Sanitation Agency, Draft Environmental Impact Report for Increasing Wastewater Treatment Capacity, Placer County

VIII GENERAL PLAN AMENDMENT

Douglas County, 4 Lots Fronting Laura Drive from High Density Residential to Recreation

IX REPORTS

A. Appeals of Staff Decisions

T. C. P. U. D.
B. Field Enforcement Report

1. Summit Village Master Plan for Parking, Drainage and Revegetation, Douglas County
2. Boatworks Marina, Placer County
3. Sierra Boat Company, Placer County

C. Executive Session

D. Executive Director Report – Extent of FNUD on Insuring Compliance w/ Cond. of Approval

E. Legal Counsel Report

F. Governing Body Members

G. Public Interest Comments

X ORDNANCES

A. Second Reading of Ordinance Amending the Subdivision Ordinance to Provide for an Administrative Procedure for Condominium Conversions and Establishing Findings for Approval of Tentative Maps – Approved

B. First Reading of Ordinance Amending the Land Use Ordinance to Provide an Administrative Procedure for Timesharing Developments – Postponed Indefinitely

XI RESOLUTIONS

XII PENDING MATTERS

XIII CORRESPONDENCE

XIV ADJOURNMENT

CONSENT CALENDAR

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Clearinghouse
U.S. Forest Service
Land Acquisition of .8 Acre at Tahoe Woods
Placer County

Summary

The U.S. Forest Service proposes to acquire an .8 acre parcel through donation, located near Tahoe City in Placer County. The property is located in Tahoe Woods Unit 1 at the end of Woodhill Court and is classified as Low Density Residential by the Agency. The land capability and land use classifications would permit up to 25% impervious cover and 3 residential units on the site. However, because of the lot's location within an existing subdivision the most likely alternative use would be for one single family dwelling.

Adjacent Land Use

The surrounding property to the north and west is undeveloped and has been inventoried for public acquisition. The area to the south of the parcel is currently subdivided with all improvements including roads, water and sewer. The nearest developed property lies within approximately 300 feet. (See the attachment)

Recommendation

Agency staff recommends support of the proposed acquisition.

Advisory Planning Commission Action

On June 11, 1980, the APC voted to support the staff recommendation and asked that the Forest Service give a presentation to the APC in July outlining its tentative plan for management of these types of lands.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: June 17, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Clearinghouse Review of the California Water Resources Control Board's (CWRCB) Clean Lakes Grant Application

Agency staff has been notified that the California Water Resources Control Board has applied for a Clean Lakes Grant from the U.S. Environmental Protection Agency (EPA). Although staff has not received any documentation regarding the application to date, it is staff's current understanding that the CWRCB is applying for the balance of Clean Lakes Grant funds available from EPA Region IX in the current fiscal year. The only competing application for a Clean Lakes Grant in all of EPA Region IX is the application of the Nevada Division of Environmental Protection (on behalf of Douglas County) for the proposed drainage and slope stabilization work on Kingsbury Grade.

The details of the work to be performed under the proposed CWRCB grant application were not available at the time of the APC meeting on June 11 and have not since been submitted. The APC voted, however, to support the concept of a Clean Lakes grant application with a provision that the State of California present more specific information at the July APC meeting on which projects are to be funded. There was concern among APC members whether or not a clearinghouse application could be processed without a specific project(s) in mind. In spite of assurances from the Lahontan member of the APC that there would be no conflict, several members expressed concern that the State's request would directly compete with Nevada's request for funds to provide drainage and slope stabilization on Kingsbury Grade.

The motion to support the State's request in concept with additional details to be presented in July carried on the following vote:

Ayes: Mr. Combs, Mr. Drawbaugh, Mr. Iturreria, Mr. Scribner, Mr. Duncan, Mr. Hoole, Mr. Hoefer, Mr. Pyle
Nays: Mr. Milam, Mr. Wright, Mr. Terry Hanson, Mr. Stan Hansen, Ms. McMorris, Mr. Bailey
Abstain: Mr. Burnham, Mr. Antonucci, Mr. Hadfield
Absent: Mr. Bidart

Staff Recommendation

Staff recommends that the APC action be approved.
No comment in Water Master Plan on specifics.

Meeting scheduled June 30 to present Consent Plan to Board of Directors.
South Tahoe Public Utility District
Water Service Improvements
City of South Lake Tahoe

Location and Project Description

The applicant, the South Tahoe Public Utility District (STPUD), is requesting approval of certain water distribution system improvements to be undertaken in the South Lake Tahoe area. The project proposes the placement of two new water storage reservoir tanks and associated on-site improvements. The project also proposes the replacement of existing water lines as well as addition of new lines. One of the new lines is proposed to cross Cold Creek south of Pioneer Trail.

Of primary concern to Agency staff are three specifics of this proposal: the on-site controls around both proposed reservoir installations and the crossing of Cold Creek.

At this time, the CTRPA has not finalized a determination regarding the processing procedure for this project as it relates to the high hazard lands ordinance recently adopted by CTRPA. If CTRPA determines that this project is allowable, it will be scheduled for the July 3, 1980 CTRPA agenda. An indication of the disposition of this project at CTRPA will be transmitted to Agency staff on Friday, June 13, 1980. If the disposition is favorable, staff proposes to take this application to the Agency Governing Board in June. This procedure would facilitate completion of this project during this construction season and allow the stream crossing to be undertaken during the month of September as required by the California State Department of Fish and Game.

Project Specifics

The first portion of this project proposes the placement of a new 100,000 gallon capacity water tank. Associated with this project would be the paving of an extension of Tata Lane as well as the site access road, H Street. Necessary infiltration measures will be placed to provide percolation of tank overflows and storm drainage. These improvements will be placed around the reservoir tank and the access road. Drainage facilities and snow storage areas will also be provided for the Tata Lane extension.

The second project proposes the replacement of an existing water tank with a new tank of greater capacity (500,000 gallons). The existing water tank will be removed upon completion of the new tank placement. Asphalt paving will be provided on the access road. Drainage facilities will be provided for tank overflow and stormwater flows.

The third major portion of this project is the placement of a water line within Cold Creek. This line is proposed to be located immediately north of the storage reservoirs currently located about .5 miles south of the Pioneer Trail crossing of Cold Creek. Access to this pipe will be up an existing unstable dirt road adjacent to the stream channel. The roadbed is deteriorating with unstable cut and fill slopes. This road has recently been used for materials stockpiling.

To minimize the extent and duration of encroachment into the Cold Creek stream channel, a prefabricated crossing structure is proposed for placement into the channel. This structure will be connected to standard water pipe on either side of the stream. The stream will be diverted at the storage ponds above this project and will be temporarily rerouted while the pipe is being placed. The prefabricated crossing structure will be placed a minimum of 3 feet below the stream bed with native stream materials to be

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replaced when the crossing is completed. This stream will then be diverted back to the original channel. This project has received and proposes to utilize Soil Conservation Service recommendations on all phases of this project.

Stream Environment Zone Encroachment

The method proposed to cross this creek will result in disturbance to the stream environment zone associated with Cold Creek. This area has been subject to repeated encroachment as an access road and storage area. There are currently no erosion control or slope stabilization measures along Cold Creek. Section 7.80(1) of the Agency's Grading Ordinance provides that:

"No clearing of vegetation, grading or filling shall take place within a stream environment zone except as provided in Section 7.80(2), and except that drainage facilities required by this ordinance, utility facilities and roads may be constructed therein if it can be demonstrated that (a) there will be no substantial alteration of natural flows of water or other detrimental effect on water quality; and (b) the proposed work will not be detrimental to the environment within or adjacent to the stream environment zone."

The natural flows will be temporarily interrupted due to this work. The project engineers anticipate that this work can be completed in one or two days. After construction, the crossing as proposed would not affect the flows in the channel. Redisturbing of this area would occur should the line break at this point. The documents received by the Agency do not explain why an overhead pipeline could not be used to cross the channel.

The SCS has made specific recommendations regarding the restabilization of the trench cuts on the slopes leading to this crossing. As part of this application, Agency staff has requested the applicant to provide a proposed schedule of improvements to rectify existing problems in the area. The District water engineer has indicated his desire to get the access road paved and improved. He proposes to include a budget item to this effect in his fiscal year budget request. This improvement program should address the recommendations in the Agency's 208 Plan for this portion of the Cold Creek drainage.

Recommendation

The Agency staff recommends that, subject to CTRPA action, this request be approved. The approval is subject to the following conditions:

1. This project is subject to reconsideration by this agency should the project components be substantially modified during CTRPA's consideration.

2. A watershed improvements program for the Cold Creek area shall be submitted to Agency staff and incorporated into future capitol improvement program expenditures proposed by the STPUD. This program shall identify existing problems, provide recommended solutions, and establish a timetable for completion of the identified improvements. This improvements program shall be subject to Agency review and approval.

3. The final construction drawings shall be subject to staff approval.

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Advisory Planning Commission Action

On June 11, 1980, the APC voted to support the staff recommendation. The one abstaining vote was cast by the Soil Conservation Service representative whose agency had prepared much of the soil stabilization and erosion protection work for the project.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Tahoe Keys Property Owners Association
Administrative Permit for Additional
Land Coverage for a Man-Modified Area
City of South Lake Tahoe

Applicant's Request

The Tahoe Keys Property Owners Association is requesting approval of an administrative permit for additional land coverage in order to recognize an area substantially modified by man's activities prior to initiation of TRPA ordinances. The requested permit would recognize an equivalent land capability level of Class 6, permitting 30% impervious surface coverage on the affected lands. The administrative permit procedure for man-modified areas is provided by Section 8.29 of the Land Use Ordinance as recently amended by the Agency. The purpose of the Land Use Ordinance amendment was to recognize areas which were so substantially modified as a result of dredging, filling or grading that their land capability characteristics no longer could be characterized as being similar to lands in their natural state. An administrative permit issued under this section allows coverage different from land under the land capability classification of the Agency in accordance with lands that have similar capability characteristics but does not affect the "grandfathered" land coverage provisions of Section 9.24 of the Land Use Ordinance which generally permit coverages in excess of those allowed under the land capability classification.

Required Findings

An administrative permit for man-modified areas may be approved with the following findings:

(a) The land was modified prior to February 10, 1972, by man's placement of fill, dredging or grading in a fashion substantially altering the land's soil or geomorphic characteristics;

(b) The modification was so substantial that the land generally exhibits the characteristics of land in another land capability district, which district shall be expressly identified, rendering the limitations of such other district properly applicable to the land; and

(c) The land coverage authorized by the permit will not cause substantial harmful environmental consequence on the land of the applicant or on other lands or waters or in the region, generally.

In general, the intent of the ordinance amendment for man-modified areas is to recognize situations which would not be approved under today's standards for environmental protection, but where the environmental impacts due to development of the area are so substantial as to be irreversible, at least over the near term future.

In addition, the administrative permit may include reasonable conditions designed to mitigate any adverse environmental impacts of the land in a modified state.

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Natural Conditions

Soils - The Tahoe Keys area is bounded by the Truckee River Marsh to the east, by the Tallac Lagoons to the west and south and by Lake Tahoe to the north. The earliest soil surveys available to the Agency were produced after dredging and filling of the marsh and wetlands in the Keys area was initiated; and, hence, the natural soil conditions have not been accurately delineated. However, the Tahoe Keys area is surrounded on all sides by water influence areas including streams, marshlands, meadowlands and areas characterized by poorly drained floodplain soils. The applicant’s information report indicates that prior to dredging and filling, the Tahoe Keys was part of the Truckee River Marsh.

Hydrology and Geomorphology - The floodplain profiles prepared by the Army Corps of Engineers were prepared subsequent to development and floodproofing of the Tahoe Keys area. Hence, there is little information available regarding the extent, frequency, and duration of flooding in its predevelopment state. The applicant’s information report indicates that the deltaic deposits which originally formed the area now occupied by the Keys were low lying, nearly flat marsh or meadow traversed by sluggish meandering streams. As such, the land in its natural state was an important part of the Lake Tahoe environment in terms of providing floodwater and sediment storage, surface and groundwater exchanges, wildlife habitat, and fish spawning grounds.

The area was provisionally classified as land capability Class 1b in the land capability system adopted by the Agency because of its geomorphic characteristics as alluvial land as partially described above. In delineating geomorphic units, Dr. Bailey and the authors of the land capability system only delineated areas of a square mile or larger and did not consider "islands" or inclusions smaller than that size since they were considering "landscape" units.

Erosion Hazard - Alluvial lands such as the Keys area in a natural state have a slight erosion hazard due to their relatively flat slopes. However, removal of alluvial debris through stream channel erosion can significantly increase the rate of sediment delivery. It was estimated in 1969 that 39 percent of the total sediment load from the Upper Truckee River resulted from stream channel erosion. Land use disturbing activities within these alluvial lands can accelerate the removal of debris, producing large volumes of sediment and nutrients to be discharged to Lake Tahoe.

Vegetation - There is no available documented information regarding natural vegetation types prior to development at Tahoe Keys. However, it is logical to conclude that the vegetation could be characterized by the meadow and marsh grasses, willows, lodgepole pine and aspens on undisturbed lands surrounding Tahoe Keys.

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Man's Alteration of Tahoe Keys

There has been evidence submitted substantiating that man's modification of the Tahoe Keys was completed in the 1950's and 1960's, prior to the adoption of TRPA ordinances. Although included as part of the application for a man-modified area, Mt. Tallac Village #3 has not been dredged or filled and was not included in the areas delineated as Fd (fill) in any of the published soil surveys. The following physical characteristics have been documented in the applicant's information report as a result of man's modification of the natural environment.

Soils - The Soil Conservation Service has classified the area in question as Fd (fill material) as part of its published soil survey, with the exception of Mt. Tallac Village #3, as noted above - this resulting from both dredging and filling which created material from 48 to 60 inches deep over the former marsh soils. The soil texture is medium to coarse sand with gravel and only small fractions of silt and clay.

Hydrology - The depth to groundwater in disturbed areas is four feet or greater as indicated in the applicant's information report. The runoff potential is low due to the rapid permeability of the soil material. All filled soils are well drained. The elevation of the filled lands within Tahoe Keys is above the 100 year flood plain as delineated by the Corps of Engineers. The area within Mt. Tallac Village #3 has not been modified by fill and is within the 100 year flood plain.

Erosion Hazard - The erosion hazard for the fill material is slight due to the flat slopes and low runoff potential. The contact areas with the lagoons have been stabilized by bulkheads, rip rap and vegetation. Open areas of bare ground are subject to wind erosion.

Vegetation - The natural vegetation existing in the marsh and meadow areas was removed as a result of dredging and filling. The existing vegetation is a combination of naturally reseeded areas of meadow grasses, aspen and lodgepole pine in relatively undeveloped areas of Tahoe Keys and maintained landscaping. In addition, the property owners association has seeded open areas for aesthetic purposes and erosion control. The low moisture retention capacity of the fill soils generally requires irrigation to sustain growth of either native plants or landscaping. Willows have been establishing themselves at the edge of the lagoons.

Geomorphology - As previously mentioned, the Tahoe Keys were provisionally classified as a land capability Class 1b because of their alluvial characteristics and because they were surrounded by water influence lands. Characteristic limiting land use qualities of alluvial lands are gully erosion, channel erosion, flood hazard and seis mic hazard. Dredging and filling of the Tahoe Keys have eliminated any naturally occurring stream channels and hence gully and channel erosion on the site have been virtually eliminated. The flood hazard has been eliminated as a result of filling as previously described. The high water table and poor natural drainage characteristics of flood plain soils have been eliminated as a result of restructuring the soil material. Since the depth to groundwater has been increased as a result of dredging and filling, the liquifaction due to seismic disturbances would have been reduced.

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Dredging and filling operations in the area may have increased channel and gully erosion off of the site due to encroachment on the flood plain soils and constriction of floodplain paths. This, however, would not affect the capabilities of the lands in question to withstand further development in their currently modified state.

Local Agency Action

The City of South Lake Tahoe has supported the land capability challenge and recommended that the Agency approve the administrative permit.

Comments from Other Agencies

The Soil Conservation Service has reviewed the documentation provided by the applicant, found that Fd soil material does not fit the current land capability classification of 1b and agrees that the proposed challenge is correct. The U.S. Forest Service has reviewed the applicant's information report and has concluded that there is a strong comparison of land within the Tahoe Keys to lands with higher capabilities.

Management and Mitigation Measures

The applicant has included a list of measures designed to minimize any adverse impacts of man's activities at Tahoe Keys. This includes erosion controls, drainage, revegetation, offroad vehicle prohibitions, stabilization of fill slopes at the water interface and a water circulation and treatment system to prevent intercharge of lagoon waters with Lake Tahoe, and complying with water quality criteria established by the City of South Lake Tahoe and the Lahontan Regional Water Quality Control Board.

**Water Treatment Plant** - The water treatment plant is designed to remove suspended solids and phosphorus from the lagoons. The plant is operated in order to control the water quality within the lagoons. An internal circulation system within the lagoons minimizes interchange of lake waters with that of the lagoons. Agency staff has been informed by Lahontan that it is currently evaluating the current waste discharge permit for the treatment plant, particularly with regard to the period of operation. A revised waste discharge permit will be issued within a year.

**Revegetation Program** - The revegetation program of Tahoe Keys is for both developed lands and undeveloped lands. The property owners association encourages use of native species to minimize irrigation and fertilization and hence nutrient additions to the lagoon waters.

Analysis

Agency staff concurs in the analysis prepared by the applicant with the exception of inclusion of Mt. Tallac Village #3 which has not been filled and is not included in the Fd soil delineation. The management measures submitted by the applicant appear to be particularly important to ensure that the additional permitted land coverage would not have any adverse effects on the environment.

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Recommendation

Agency staff recommends approval of an administrative permit for additional land coverage with the findings required under Sections 8.29 and 8.33 of the Land Use Ordinance. This administrative permit would be subject to the following conditions:

1. This approval is specifically for lands modified prior to February 10, 1972, rendering the existing coverage restrictions for Land Capability Class 1b lands inapplicable and substituting the limitations for land coverage for Land Capability Class 6, not to exceed 30% impervious surface coverage.

2. This approval is specifically for those lands identified by legal description in the appendix of the applicant's information report dated May, 1980. Those lands included in Mt. Tallac Village Unit 3 shall be deleted from said list.

3. This permit will be subject to renewal on a date within one year of Governing Board approval. Additional information regarding the effectiveness of the water treatment plant and any revisions to the waste discharge permit will be reviewed at that time.

This approval is subject to the continued homeowners association implementation of the management measures listed on pages 26-28 of the applicant's information report dated May, 1980.
E. C. Grayson
Variance to Grade in a Stream Environment
Zone for a Fourplex, Washoe County

Background

The applicant received the staff's approval in August of 1979 to record a final map for 4 condominium units located on Titlist Drive in Incline Village Unit 3. Agency review of the condominium units was not required since the units were included in the "grandfathered" finding which the Governing Board made on March 29, 1979, with regard to Incline Village Unit 3. That action found that the CC&R's for Incline Village Unit 3 specifically allowed further subdivision of parcels which did not conform to the Agency's density standards. As a result of that action, Agency staff reached an agreement with Washoe County regarding staff review of condominium maps in Incline Village Unit 3. The condominium map for the subject project was approved by Agency staff pursuant to that agreement.

Several other multiple residential units located in the vicinity of the Grayson fourplex units on Titlist Drive and Crosby Court were also reviewed and approved by Agency staff under the agreement with Washoe County during the summer of 1979. This included tentative maps for Slain/Erickson (2-fourplex units) and Richard Raisler (threeplex unit), all located adjacent to the same tributary of Third Creek as the subject property (figure 1). Each of the above units was later reviewed by the Agency Governing Board under the Grading Ordinance as a variance to construct multiple residential units in a stream environment zone.

Agency legal counsel has advised that the "grandfathered" finding which allows recordation of a final map in each of the above cases does not release the applicant from the requirements of the Grading Ordinance which affects environmentally sensitive lands. An important factor in determining the stance the Agency staff took in previous cases in the same area under similar circumstances was the degree of reliance that the applicant had placed on Agency staff's approval of the tentative map and the extent of commitments made by the applicant in reliance on that approval. In the case of the Raisler units, Agency staff recommended approval under the guidance of Agency legal counsel since the applicant had proceeded to the construction stage even though the location of the units was anticipated to cause problems with groundwater seepage and possible flooding.

In the case at hand, the applicant has not proceeded to the point of construction relying on staff's approval of the tentative map. The scope of Agency review is therefore broader than in previous cases, but it does appear that previous Agency actions have provided for a fourplex on the site. The areas of concern in Agency review would therefore relate to design factors which could be incorporated to minimize any adverse effects on the environment or to minimize hazards to the structures.

Project Description

The proposed project consists of a fourplex unit located on Lot 8, Block D, Incline Village Unit 3, located on Titlist Drive near the Incline Green Golf Course. Based on a site inspection, it is apparent that a stream channel at one time traversed through the center of the subject lot. The tributary to the West Fork of Third Creek was apparently rerouted and channelized during construction of subdivision improvements or at the time of construction of the golf course.

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Soil Characteristics

The site is classified as IsD, Inville, stony, coarse, sandy loam 9 to 15% slopes by the SCS soil survey. Such soils are generally characterized by good drainage without a seasonably high groundwater table and with a moderate erosion hazard and have therefore been classified as land capability class 4, permitting up to 20% impervious surface coverage.

However, a soil investigation performed by the applicant indicated a seasonably high groundwater table is present on the site. A site investigation performed by Agency staff in May confirmed the presence of a seasonal high groundwater located at the contact point of an abandoned stream bed at approximately two feet in depth. Recent construction across Titlist Drive indicates that grading in excess of four to five feet would intercept groundwater causing seepage along the roadway. Areas characterized by high groundwater and riparian vegetation are more properly classified as land capability 1b, which permits only 1% coverage.

Proposed Land Coverage

The project as proposed would utilize 3,554 square feet, or 19.99%, impervious surface coverage. The maximum permitted coverage is 20% under the recommendations of the present land capability classification. By comparison, a single family residence on the same lot would be permitted up to 3,200 square feet of land coverage under the grandfathered provisions of the Land Use Ordinance.

For purposes of analyzing the impacts of the project, alternative methods of analyzing land capability should be investigated. The land capability classification as an SEZ would allow substantially less land coverage (1%); however, the Agency staff's previous approval of the tentative map allowed up to 20% land coverage on the site based upon the soil survey as a land capability class 4 without the benefit of a site inspection. The previous approval which is substantiated by the soil survey is therefore the basis of the applicant's request for 3,554 square feet of coverage.

Land Use Classification

The area is classified as Low Density Residential by the Agency, which would permit up to 2 residential units. The parcel was recorded as a fourplex lot prior to the Agency's Land Use Ordinance. However, since the lot is included within Incline Village Unit 3, the Agency recognized that a fourplex unit could be constructed and further subdivided under the provisions of the CC&R's.

Site Layout

The basic site layout has been predetermined through the recordation of a final map and Agency staff's previous approvals permitting the subdivision. The applicant has identified the extent of the SEZ based on the extent of riparian vegetation. The nearest unit is located approximately 120 feet from the centerline of the stream in its present location but only approximately 12 feet from the abandoned stream channel. The project
has been so designed as to involve only minor encroachment into the SEZ by locating the units on a relatively dry hillside characterized by a forest floor of manzanita and Jeffrey pine. The only direct encroachment into the riparian area will be deck overhangs and dripline trenches designed to contain surface runoff.

**Flood Plain Analysis**

The applicant has submitted a flood plain analysis indicating that the present stream channel is capable of containing the 100 year flood within its banks. However, since the channel has apparently been rerouted, it is difficult to determine what the effect of upstream conditions would be during flood conditions. Debris blockage of the channel may force the floodwaters to leave the channel banks upstream near the Raisler project, entering the abandoned channel and subjecting the site to possible flooding. The finished floor of the unit closest to the abandoned channel is approximately 7 feet above the abandoned stream channel which would appear to mitigate any possible flooding of the units even in the event that floodwaters should leave the currently defined channel.

**Drainage and Grading**

All on-site drainage will be collected in dripline infiltration trenches for percolation on the site. Any groundwater intercepted by the foundations of the units will be conveyed to an infiltration system on the site located in an area of soil suitable for obtaining percolation. Grading will be minimal in the stream environment zone due to the use of cantilevered decks and a partial pole foundation.

**Required Variance Findings**

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

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

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

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

**Analysis**

Given that the tentative map was previously approved by Agency staff including 4 units at the land coverage specified in the current application, Agency staff has concentrated its analysis on design measures which could be utilized to minimize on-site environmental impacts. The application includes measures which minimize encroachment into the stream.

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environment zone and drainage improvements which will assist in maintaining the surface and groundwater interchange which currently occurs on the site.

Recommendation

Agency staff recommends approval of the requested variance including the variance findings required under Section 8.0 of the Grading Ordinance. This approval would be subject to the following conditions:

1. The erosion control devices and vegetation protection fencing as shown on the site plan shall be installed on the construction site prior to any grading, filling, or clearing of vegetation.

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

3. No grading, filling, or other site disturbance shall be permitted between October 15 and August 1 during periods of inclement weather. An extension of the permitted grading time period may be made with Agency staff approval upon a finding that the site is in a dry and stable condition.

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

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

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

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

On June 11, 1980, the Agency received notification from Washoe County that an administrative permit to construct a four unit condominium in a stream zone had been granted.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Edgeking Venture
Administrative Permit for a
Specific Development for Four Units
Douglas County

Agency Action Required By: August 16, 1980

Applicant's Request

The applicant, Nevada Pines Association, is requesting approval of an administrative permit to allow the recordation of a parcel map for four units located on a 78.9 acre parcel, pursuant to the requirements of Section 7.110 of the Land Use Ordinance. Although parcel maps do not require review under the Agency's Subdivision Ordinance, the Agency has previously approved a specific development plan and land use classification change to General Forest and Rural Estates under the provisions for modifying the land classification from its previous designation as Conservation Reserve. The section of the Land Use Ordinance dealing with Conservation Reserve requires that an administrative permit be approved by the local jurisdiction and the Agency prior to construction of the development.

In reviewing such applications, the Agency must find:

1. The development complies with applicable ordinances of the Agency and those, if any, of the permit-issuing authority imposing stricter standards; and

2. The development substantially conforms to the specific plan.

The review procedure allows the Agency to utilize the information submitted as part of the specific plan application in order to eliminate duplication of effort on the part of the applicant and the Agency.

Project History

The Governing Board approved a specific plan and a General Plan amendment from Conservation Reserve to General Forest and Rural Estates for the 78.9 acre parcel. The specific plan and land use classification of 6.5 acres as Rural Estates was to allow for a development of not more than 6 units on the subject parcel. The history and concept of the project which allowed clustering of up to 6 "grandfathered" development rights from 5 other large parcels on the highest capability land in closest proximity to existing development is described in the attached staff summary prepared for consideration of the specific plan and General Plan amendment. This staff summary will only address items which were not resolved during review of the specific plan or areas where updated information has been provided.

Water and Sewer

The applicant submitted a letter from the Kingsbury General Improvement District (KGID) indicating that the parcel lies within its service area for both water and sewer at the time of Agency consideration of the specific plan. Since that time, Agency staff

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has received information indicating that the Douglas County Sewer Improvement District (DCSID) plant (which provides service treatment to KGID) is expected to reach its capacity by the end of the current construction season. Tentative information from KGID indicates they will have the ability to provide water service to all developments within its service area in accordance with the Agency's General Plan. Although there appears to be a deficiency in sewage treatment capacity, the project concept as previously approved by the Agency would not increase the demands on the treatment plant above that which could have been built under the "grandfathered" provisions of the Land Use Ordinance without requiring Agency review. This project was specifically designed to minimize on-site environmental impacts in close cooperation with Agency staff. The time requirements for Agency review of all the required elements have resulted in new information becoming available regarding sewage treatment capacity. However, since the project does not involve a greater sewage flow than would have been generated under buildout of the previous approved and widely isolated parcels, Agency staff would find that the project does not threaten the health, safety or welfare of persons residing in the Region.

Fire Protection

During review of the specific plan, the Advisory Planning Commission and Agency staff identified the 10 foot road width with approximately 2,600 feet with no provisions for turnaround or alternative access points as a potential problem from the standpoint of providing fire protection services. As a result of these concerns, the Agency's approval of the specific plan was conditioned to require approval of the roadway design by the Kingsbury Fire Protection District and/or Douglas County. The Agency has received a letter dated June 13, 1980 indicating the Fire District's approval of the roadway plan and the fire hydrant locations.

Local Agency Approvals

Douglas County has approved the parcel map and improvement plans as indicated in a letter of June 16, 1980.

Conformance With Specific Plan Elements

Agency staff has reviewed the proposed development plans against those submitted for the specific plan. With the following exceptions, the development proposal is identical to the specific plan approved by the Agency:

Project Site Plan  - The site plan included in the specific plan indicated a total of up to 6 units on the 6.5 acres classified for Rural Estates uses. The parcel map proposed would allow only 4 divided interests providing for 4 single family dwellings. The building envelope for "Parcel A" is not in the same location as in the specific plan and could result in the creation of nonconforming land coverage if the building is not limited to the higher capability district as previously delineated. The access road and proposed utility locations are consistent with the Agency's previous approvals.

Grading and Slope Stabilization  - The primary area of concern with regard to grading as identified during Agency review of the specific plan is the access road beginning at the Heavenly Valley Boulder parking lot to the point where an existing unimproved road is intercepted. This area is currently undisturbed and will require grading through substantial rock outcrop areas. In order to
minimize disturbance, the conditions of approval of the specific plan required mechanical slope stabilization in this area. The specific plan proposed both native rock retaining walls and rock rip rap to comply with this condition. The current proposals only include rock rip rap in this area. Agency staff has scheduled a field review to evaluate the effectiveness of the rock rip rap solution but currently favors native rock retaining walls in order to minimize the area of disturbance.

Number of Units - The current proposal is for 4 units as opposed to 6 included in the specific plan. The applicant has previously represented that each of the 5 large parcels which he controls would be stripped of its development rights prior to recordation of a final map. To date, 3 of these parcels have been sold to the Forest Service and are therefore no longer developable. The proposal for 4 units is therefore consistent with previous representations made by the applicant.

Recommendation

Agency staff recommends approval of the requested administrative permit with the findings required under Sections 7.113 and 8.33 of the Land Use Ordinance. This approval is subject to the following conditions:

1. This approval is specifically for a parcel map for 4 units and related improvements including access roads and utilities. Any further improvements shall be subject to Agency review and approval pursuant to Section 7.110 of the Land Use Ordinance and shall be consistent with the specific plan approved by TRPA on November 2, 1979.

2. As provided in Section 7.110 of the Land Use Ordinance, the approval of the final phase of the specific plan (Units 5 and 6) will expire if the necessary administrative permit is not obtained within two (2) years of the ordinance implementing the General Plan amendment to Rural Estates.

3. 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 including mechanical slope stabilization for all currently undisturbed areas following the proposed access road; 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 and/or subsurface discharge as established in the Uniform Regional Runoff Quality Guidelines as well as other requirements set forth in the Lake Tahoe Basin Water Quality Management Plan. Such calculations and analyses shall be prepared by a qualified civil engineer and submitted to the Agency for staff review and approval.

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

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

f. The final parcel map shall not be recorded until the Agency staff has found, and so indicated in writing, that the final parcel map conforms to this approval. Prior to final recordation, the building envelope for "Parcel A" shall be modified so as to lie within land capability district 5 as delineated in the specific plan approved by the Agency on November 2, 1979.

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

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

b. Installation of fencing for vegetation protection.

c. Installation of temporary erosion protection devices.

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

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

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

g. Completion of structure foundations.

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

i. Completion of structures.

j. Paving.

k. Landscaping and revegetation.
5. 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.

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

7. 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.

8. 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.

9. 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.

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

11. 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.

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

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

14. 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.

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

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

17. This approval becomes invalid if a local government permit for this project expires or will-serve letters are cancelled.
18. Physical barriers shall be provided to confine all vehicles to designated parking and driveway areas.

19. The maximum land coverage on the site after completion of the project shall not exceed 20,979 square feet.

20. 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.

6/16/80
Edgeking Venture
Consideration of a Specific Plan and
Modification of Land Use Classification from
Conservation Reserve to Rural Estates and
General Forest - Douglas County

Applicant's Request

The applicant, represented by Robert Tout, is requesting approval of a specific plan and an amendment to the TRPA land use district map to classify portions of a 78.9 acre parcel from Conservation Reserve (CR) to Rural Estates and General Forest. Section 7.110 of the Land Use Ordinance establishes procedures for assessing lands which are classified CR and developing a specific plan for development of lands within those areas. The applicant is requesting approval of a specific plan which identifies approximately 6.5 acres proposed to be reclassified as Rural Estates (RE), allowing up to 6 single family dwelling units on the site. Under the procedures established by the Agency, the specific plan is implemented through an amendment to the land use district classification of the property which is based on the specific plan submitted by the applicant.

The Agency's Land Use Ordinance requires that a tentative map for a subdivision be submitted for approval by Douglas County and the Agency after approval of the specific plan and the amendment to the land use classification which implements the plan. If no action is taken by the Agency within two years, the property would revert back to its existing land use classification of Conservation Reserve.

Concept of Request

The applicant previously owned six large parcels classified as General Forest, including the subject parcel. Three of these parcels including the subject 78.9 acre parcel are still controlled by the applicant. Under Section 9.13 of the Land Use Ordinance, each parcel is allowed 1 single family residence. Two other parcels are adjacent to the subject parcel and compose the 240 acre property known as Edgeking Venture property. The other three parcels are located on the north side of Kingsbury Grade and are known as the Sierra Views property. The applicant represented that he would not construct a single family residence on each of the other five parcels if he were permitted not more than 6 single family units on the subject parcel. The applicant has further represented "that the nonused acreage would be stripped of its grandfathered right under Section 9.13, either by conveyance to public ownership, or by written waiver of such right; or other mechanism to insure the grandfathered right on the adjacent parcels is erased". The three properties known as Sierra Views have been conveyed to public ownership as a result of acquisition by the U.S. Forest Service.

It should be noted that the intent to convey the properties to public ownership should not be a matter of consideration in the classification of the subject parcel. However, the applicant's stated intent not to build on the remaining property is the most significant aspect of the proposal.

10/3/79
All of the subject parcels owned by the applicant contain a high percentage of lands sensitive to development. Construction of access roads and utilities to service those areas even for construction of 1 single family residence per parcel would have a significant impact on the environment. The subject parcel contains limited amounts of moderate hazard land which is the most readily accessible from existing developed areas. The concept of the request is to locate up to 6 units on the higher capability lands contained within the subject parcel, thereby minimizing the impact on the environment. The initial request was for a Conservation Reserve use designation to allow the development of a specific plan for placement of 6 units on the subject parcel. The Agency approved a reclassification to CR based on the applicant's representations that a small scale project would be proposed in an area best able to withstand the impact of development.

Property Location and Description

The subject parcel is a 78.9 acre portion of the 240 acre property owned by Edgeking Venture. The undeveloped property is located in the upper portion of the Kingsbury area of Douglas County adjacent to the Heavenly Valley ski area.

The 78.9 acre parcel abuts undeveloped General Forest lands on all sides except the northeast corner which abuts Kingsbury Estates Subdivision. At this time, there is no improved access to the property. There are, however, several unimproved logging roads and utility access roads across the property.

Local Zoning

The subject property is currently zoned residential (E-3) and agricultural (A-3) by Douglas County. In 1976, the Douglas County Commissioners passed a resolution of intent that affirmed the existing zoning.

History

The entire 240 acre Edgeking Venture property was classified General Forest in 1971 with the adoption of the General Plan. The initial action was based on the low land capability and inaccessibility of the property as well as other pertinent factors. Following this action, the applicant requested that the Governing Body consider reclassifying the entire 240 acres to Tourist Commercial or to a residential use but withdrew this request at the June, 1974 Governing Body meeting.

In June, 1976, the Governing Body approved a land capability challenge for the 240 acres recognizing significant areas of level 4 capability lands. Subsequently in that year, the applicant requested a General Plan amendment for High Density Residential; however, the APC recommended Low Density Residential and in November, 1976, the Governing Body rejected motions for a zoning change to Low Density Residential as well as Rural Estates, leaving the entire 240 acres classified as General Forest.

10/3/79
At the December, 1977 meeting of the Governing Body, a request to reclassify the entire 240 acres to Conservation Reserve was denied. A motion was approved, however, that affirmed the Governing Body's intent that General Forest uses were the most appropriate uses for the 240 acre property.

The Governing Board approved a request to reclassify the 78.9 acre parcel to Conservation Reserve in April, 1979. The current proposal is for a specific plan which would implement a new land use classification on the 78.9 acre parcel. Approximately 6.5 acres would be classified Rural Estates, allowing up to 6 single family lots. The balance of the 78.9 acres would be reclassified as General Forest.

Land Capability

The Governing Body approved a revised land capability map for the 240 acre property owned by Edgeking Venture in June, 1976. The subject 78 acre parcel is a portion of this larger property. Included with this summary is the plat showing the 1976 Governing Body approved land capability for the 78 acre parcel. Based on this map, there are approximately 5 acres of level 4 (CaD) lands which would permit land coverage up to 20% or 43,560 square feet of impervious surface in the level 4 areas. The remaining 73 acres were classified as high hazard lands.

The TRPA stream environment zone (SEZ) maps indicate Edgewood Creek, a third order stream, traverses the northeast portion of the property. Two first order streams also originate on the property. The applicant has identified the extent of all stream environment zones on the property as part of the information report.

Surrounding Land Use and Zoning

The subject parcel abuts undeveloped lands classified as General Forest on all sides except the northeast corner which abuts the Kingsbury Estates Subdivision classified as Rural Estates. Although the parcel is contiguous to existing single family lots which are partially built out, the subject parcel is physically isolated from this development by natural barriers including steeply sloping lands dropping to Edgewood Creek.

The parcel is located approximately 1/4 mile west of the base of Heavenly Valley North. Access from Heavenly Valley North is currently limited to unimproved logging roads and utility access roads.

Water and Sewer

The applicant has submitted a letter from the Kingsbury General Improvement District (KGID) indicating that the parcel is within its service area for both water and sewer. The service commitment of KGID for both water and sewer is subject to their ability to meet the requirements of all regulatory agencies affecting their ability to provide these services.
Fire Protection

The specific plan calls for the construction of a 10 foot wide access road from the parking lot of Heavenly Valley North to the proposed homesites, a distance of approximately 2,600 feet. Upon consideration of the specific plan or of a tentative map by Douglas County, the issue of the road width acceptable to both the County and the Kingsbury Fire Protection District will be resolved. No formal correspondence has been received from the Fire Protection District regarding its ability to provide service under the conditions proposed under the specific plan.

Specific Plan Elements

Project Description - The specific plan calls for locating 5 of the single family lots on top of a saddle which joins the two major ridge tops on the property. This area is classified as CaD, land capability level 4, allowing up to 20% impervious surface and is the least sensitive area on the project site in terms of land disturbance. The sixth proposed building site is located along a ridge line to the north of the other building sites in an area classified as CaF, land capability level 1. The specific plan also includes a proposed tennis court, also located near the saddle area adjacent to the building sites.

Access - The specific plan proposes that access to the proposed building sites be gained by following the alignment of an existing logging road to the property which begins near the parking area of Heavenly Valley North's Boulder Lodge. This alternative access plan eliminates the need for an additional stream crossing of Edgewood Creek and minimizes the amount of disturbance by following the existing alignment of a logging road to the property along the major portion of the proposed access road. The proposed access road would utilize the existing stream crossing at the Heavenly Valley parking lot. A new roadway would be constructed from the parking lot to a point where the existing logging road leaves a saddle near the Heavenly Valley North Boulder Lodge. This alignment eliminates conflicts with the ski area base facilities. From this point, the proposed access road could be constructed within the existing road bed with only minor disturbance. The slope of the roadway would vary from 3% to 12%, with relatively short sections of the steeper slopes.

The proposed roadway width would be 10 feet to minimize the land disturbance, to stay within the existing alignment, and to minimize impervious surface coverage. Stabilization of cut and fill slopes would not require a major effort since the majority of these slopes have been well stabilized with native vegetation.

The proposed access road would be a single lane roadway. Two turnouts have been provided within areas where the existing terrain permits a wider roadway section. The proposed roadway would not meet the standards of Douglas County
or the Kingsbury Fire Protection District in terms of roadway width and length without a turnaround. Douglas County and the Kingsbury Fire Protection District must resolve the issue of roadway width, grade and length prior to approval of the specific plan and approval of a tentative map. (Note: in considering a specific plan, the Agency acts prior to consideration by the local permit-issuing authority.)

Land Coverage - The applicant has proposed a 10 foot wide roadway section in order to minimize the land coverage and conform to the land capability requirements of the Agency. Proposed land coverage conforms to the Agency's land capability requirements on each land capability district on the property as follows:

<table>
<thead>
<tr>
<th>Land Capability District - Level</th>
<th>Allowed Coverage</th>
<th>Proposed Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 1a (1%)</td>
<td>1,391 sq. ft.</td>
<td>0</td>
</tr>
<tr>
<td>2 - 2 (1%)</td>
<td>11,086</td>
<td>9,390 sq. ft.</td>
</tr>
<tr>
<td>3 - 1a (1%)</td>
<td>6,622</td>
<td>6,622</td>
</tr>
<tr>
<td>4 - 4 (20%)</td>
<td>19,166</td>
<td>0</td>
</tr>
<tr>
<td>5 - 4 (20%)</td>
<td>18,818</td>
<td>18,818</td>
</tr>
<tr>
<td>6 - 1a (1%)</td>
<td>994</td>
<td>0</td>
</tr>
<tr>
<td>7 - 1a (1%)</td>
<td>12,242</td>
<td>10,173</td>
</tr>
<tr>
<td>8 - 2 (1%)</td>
<td>134</td>
<td>0</td>
</tr>
</tbody>
</table>

Proposed allowable land coverage for each building site varies from 2,439 square feet to 6,622 square feet.

Grading and Earth Disturbance - The major earth disturbance on the project will take place as a result of construction of roads, utilities and of the housing units. The proposed roadway will be primarily within high hazard lands. Land disturbance will be minimized by following the alignment of an existing road which has already been stabilized by natural vegetation. Substantial new grading will take place from the Heavenly Valley parking lot to the point where the proposed roadway joins the existing logging road. Slope stabilization is proposed to utilize rock riprap and gravity rock retaining walls in conjunction with these areas.

Tree Removal and Vegetation Protection - The project will minimize the removal of vegetation through use of the narrow roadway section following within the existing rough graded roadway. A detailed tree location map will be prepared prior to the submission of a tentative map such that building sites, utility lines and roadway alignments will be sensitive to considerations of preserving vegetation on the site. The project does not propose any land disturbing activities within the sensitive vegetation of the stream environment zones on the property.
Building Height - The proposed maximum building height contained in the specific plan is 35 feet, which is consistent with the limitations for Rural Estates lands. Some buildings may be highly visible from Lake Tahoe because of the relatively scarce vegetation and the prominence of the ridge line from Lake level.

Drainage Facilities - The proposed project would utilize the following design criteria for drainage facilities as contained in the Agency's Handbook of Best Management Practices. All runoff and paved surfaces will be controlled by curbs and gutters into infiltration trenches. Infiltration trenches will be designed to accommodate a two year, six hour storm, estimated as 3/10" of runoff per hour. Internal drainage facilities will be designed to accommodate the 25 year storm event. Storm drainage features will be designed to perpetuate as nearly as possible the existing runoff pattern. Wherever runoff is concentrated by construction of paved surfaces or construction of storm drains, facilities will be provided to spread and disperse the runoff into natural patterns.

Traffic Analysis - The applicant's traffic analysis indicates that the average daily traffic on Kingsbury Grade is 7,280 vehicles per day in the vicinity of the project. The analysis indicates that Kingsbury Grade is approaching its capacity by existing traffic volumes.

Staff Recommendation

Agency staff recommends approval of the specific plan and the requested amendment to the General Plan. The following conditions should apply to the approval of the specific plan:

1. Mechanical stabilization of cuts and fills shall be employed in areas of new roadway alignment where the roadway is located within high hazard lands.

2. The Kingsbury Fire Protection District or Douglas County approval of a proposed roadway which conforms to the land capability requirements of the Agency and provides inter-visible turnouts throughout the road access.

3. As provided in Section 7.110 of the Land Use Ordinance, the approval of the specific plan and the land use classification which implements the specific plan will expire if Douglas County fails to approve an administrative permit required for construction of the proposed development within two years of the date of the Agency's enabling amendment.

4. The maximum building height shall not exceed 35 feet.

10/10/79
Advisory Planning Commission Action

At an October 10, 1979 public hearing on the subject specific plan and General Plan modifications, the APC raised concerns about the 10 foot wide road access and the resulting problems with visibility, and fire and police access, particularly in the winter months. It was therefore recommended that condition 2 be modified to incorporate inter-visible turnouts throughout the road access. The Forest Service representative urged caution in approving the project because of the problems which would be encountered in attempting to fight a fire should one occur either at one of the sites in the isolated subdivision or in the vicinity. The Placer County Planning Department representative pointed out that the problems being encountered with this specific plan clearly exhibit why the property with its unsuitability for development was designated General Forest at the time the General Plan was adopted in 1971.

The following action was taken:

MOTION by Mr. Hadfield with a second by Mr. Koch to approve the specific plan with a modification to condition 2 that inter-visible turnouts be provided along the road access. The motion carried on the following vote:

Ayes: Mr. Walton, Mr. Burnham, Mr. Sullivan, Mr. Minedew, Mr. Rosse, Mr. Koch, Mr. Hansen, Mr. Hadfield, Mr. Parson
Nays: Mr. Prigmore, Mr. Milam, Mr. McIntyre
Abstain: Mr. Hoefer, Ms. Unsicker
Absent: Mr. Scribner, Mr. Duncan, Mr. Eskin

A MOTION by Mr. Koch with a second by Mr. Rosse to approve the General Plan amendments carried with a similar vote.

10/12/79
Ski Etude
Administrative Permit for an
Educational Facility
Washoe County

Agency Review Required By: July 28, 1980

School has previously operated in Incline.

Location and Project Description

The applicant, Don Steinmeyer, is requesting approval to operate a private educational facility in Incline Village. The school will provide general education for grades K-12 as well as specialized ski racing instruction during the winter months. The school is to be operated in the motel building on the Lake Tahoe Resort and Racquet Club site. The property is located on the south side of State Highway 28, .5 miles east of the core area of Incline Village. The school will operate 10 months of the year with a maximum enrollment of 50 students. The school has seven faculty members and administrators.

Site Description

The site was part of an earlier application to construct a hotel and associated facilities. At that time, it was determined that nonconforming land coverage existed on the site. Subsequently the owner of the property processed a lot line adjustment through Washoe County to facilitate the sale of this property for the school operation. The revised parcel still contains nonconforming land coverage. No modifications to the existing land coverage are proposed. The TRPA Land Use Ordinance provides that existing nonconforming land coverage may be continued. There is an existing stream channel on the property. This channel has been previously improved by the former owner and shows no evidence of instability.

The existing onsite improvements consist of an 18 room hotel and offices, 4 tennis courts, 10 cottages, and sufficient paving for 68 automobiles. All of these improvements will remain. Seven of the hotel rooms will be used as classrooms; 11 will be used as student housing; and the cottage units will be used by the faculty and coaches.

Project Impacts

All necessary public services are available currently. No increase in utilization is anticipated. The school operation will require 37 parking spaces which is within that available on site. Students will be transported in mini-vans to practice and to scheduled events. The project is anticipated to generate 92 vehicle trips per day. The previous hotel use on the site was estimated to generate 205 vehicle trips per day. Due to the housing of students and faculty onsite, traffic generation will be substantially less than the potential traffic generated by the hotel operation.

The applicant proposes to provide onsite drainage controls in areas subject to currently uncontrolled stormwater runoff. These measures will insure that parking lot runoff is treated prior to reaching the stream channel on the property. The stream channel is stable and does not require any improvements at this time.

Recommendation

The Agency staff recommends that this application be approved subject to the condition that the applicant shall submit plans and a work schedule for completion of the required drainage improvements. Calculations showing the adequacy of the proposed drainage measures shall be subject to staff review and approval.

6/13/80
2-Part Presentation

1- The Ordinance
2- The Process

Preliminarily I.D. 3 Projects that would be affected others over the horizon

Detail to Legal 4 Ordinance Wording
MEMORANDUM

DATE: June 17, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Scheduling of General Plan Amendment Hearings to Consider Reclassification of Timesharing Properties to Tourist Commercial

Agency legal counsel has advised that the Agency should consider holding public hearings to consider reclassification of existing timesharing projects to commercial land use districts in view of the proposed amendments to the Land Use Ordinance affecting timesharing uses. Although Agency staff has not performed an exhaustive study of the timesharing projects which may have been initiated in the past several months, the following projects have been evaluated by Agency staff and legal counsel with regard to any effects of the proposed ordinance.

Club Tahoe - This 93 unit project is classified High Density Residential and was approved by TRPA in 1978 as a timesharing project. It is legal counsel's initial opinion that this project would be vested as a timesharing project but any additional phases would require commercial zoning and TRPA review if the ordinance is adopted.

Tahoe Chaparral (Bitterbrush) - This 250 unit project is a pre-1972 TRPA approved project with "grandfathered" rights to construct what was approved at that time. Soon after the approval, Phase 1 (26 units) was constructed as condominium units as originally approved. Since that time, the concept of the project has been changed to timesharing and Phase 2 (21 units) has commenced construction. Legal counsel's initial opinion is that the vested right exists only for a condominium project and that with the adoption of the new ordinance the timesharing portion of this project would be nonconforming and any future construction of such units would require commercial zoning and TRPA review.

All Seasons (Woodstock) - This 98 unit project was approved by TRPA in 1972 as a condominium project. Since that time, the project has been converted to a timesharing project which is now completed and sold out. It is legal counsel's initial opinion that these timesharing units would be nonconforming under the proposed amendments.

Agency staff recommends that General Plan amendment hearings be scheduled to hear testimony regarding reclassification of existing timesharing uses.
Clearinghouse
Tahoe-Truckee Sanitation Agency
Draft Environmental Impact Report
for Increasing Wastewater Treatment Capacity
Placer, El Dorado and Nevada Counties

Background

The Tahoe-Truckee Sanitation Agency was formed in order to provide regional wastewater treatment and export in accordance with state and federal requirements for five sanitation districts, both within and outside of the Tahoe Basin. The treatment facilities were completed with a design capacity of 4.83 million gallons per day (MGD) in 1978 and provide treatment and export for all wastewater generated within the North Tahoe PUD and Tahoe City PUD service areas. Upon opening, the treatment plant received average seasonal flows of 3.8 MGD and it was determined that the remaining capacity would provide for only three years of growth in the service areas of the member districts. The District therefore commissioned engineering and environmental studies to investigate the expansion of the treatment plant. The attached summary (Chapter 2) indicates the findings of those studies.

Proposed Expansion

The proposed expansion would increase the wastewater treatment capacity of 3.8 MGD (7 day average flow) to 5.44 MGD, consistent with state and federal requirements for the Truckee River Basin. This proposal is distinguished from earlier proposals including the South Tahoe PUD and Douglas County SID plant expansions in that it does not propose to utilize federal grant funds to finance the expansion. However, the District has followed the same general format utilized in preparation of environmental impact statements for those projects. Also the improvements to the treatment facility would take place outside of the Basin such that the project itself would not fall within the Agency's jurisdiction, although a portion of the secondary impacts of plant expansion would be realized within the Basin.

Conformance With Agency Plans

The Lake Tahoe Basin Water Quality Management Plan (208 Plan) as adopted by the Agency recognizes the regional wastewater plant as providing service for the north and west shore of the Tahoe Basin's California side. The 208 Plan indicated that the treatment plant was expected to reach capacity and would need to be expanded in the early 1980's. The proposed plant expansion is within the limits of the population which would be accommodated by the Agency's General Plan.

Conformance With Waste Discharge Requirements

The Environmental Impact Report carefully evaluates the impacts of alternative treatment technologies and disposal mechanisms on both water quantity and water quality. The proposed expansion would conform to water quality objectives for the Truckee River.

Analysis

In reviewing similar proposals for treatment plant expansion, it has been the APC's policy that the appropriate regulatory authority for issuing waste discharge permits should have primary authority for determining treatment requirements and should precede the

6/12/80
Agency's review of specific expansion proposals. Although the proposal is consistent with all Agency plans, a revision to the water quality standards for the Truckee River and a revision to the discharge permit is still pending Lahontan approval. Prior to revising the water quality standards and waste discharge permit, the Environmental Impact Report must be finalized pursuant to CEQA requirements. The Nevada Division of Environmental Protection has expressed some concerns regarding modification of standards for the Truckee River and modification of the waste discharge permit for the treatment plant. Additional public hearings will be conducted on these proposals by the California Water Resources Control Board.

Advisory Planning Commission Action

On June 11, 1980, the APC voted to support the TTSA Draft Environmental Impact Report and selected alternative with the condition that the Governing Body strongly urge the Lahontan Regional Water Quality Control Board in setting new discharge permit requirements for the expanded plant to recognize the concerns of the Nevada Division of Environmental Protection, Washoe County, and any downstream users on the water quality of the Truckee River.

This motion carried on the following vote:

Ayes: Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Burnham, Mr. Iturreria, Mr. Duncan, Mr. Hoole, Mr. Hoefer, Mr. Stan Hansen, Mr. Bailey, Mr. Hadfield

Nays: Mr. Scribner, Mr. Wright, Mr. Terry Hanson, Ms. McMorris

Abstain: Mr. Antonucci

Absent: Mr. Bidart

Mr. Antonucci explained that while he could support approval of the EIR he could not as an employee of the Lahontan Regional Water Quality Control Board vote in favor of the motion since it contained a recommendation to the Lahontan Board.

Ms. McMorris explained that she had voted against the motion because the statement from TRPA should be more strongly worded to take into account downstream users and the concerns of the State of Nevada.

Mr. Scribner commented that EPA in this whole process of expanding the TTSA plant has demonstrated a lack of knowledge on the Truckee River. The EIR stage is the proper place for Nevada to register its concerns and a representative should be attending all the hearings who is familiar with the situation and can speak for the State.

Staff Recommendation

Staff recommends that the APC comments be forwarded as the Agency position on the proposal.

6/12/80
CHAPTER 2
SUMMARY

Creation of the Tahoe-Truckee Sanitation Agency (T-TSA) in 1972 and construction of regional wastewater treatment facilities in 1978 culminated almost two decades of efforts to eliminate wastewater (sewage) discharges along the north and west shores of Lake Tahoe, and to assure protection of the water quality and beneficial uses of the Truckee River. On February 1, 1978, the T-TSA Regional Water Reclamation Plant began operation with a design capacity of 4.83 million gallons per day (based on an average of seven consecutive days).

The T-TSA plant treats wastewater generated in North Tahoe Public Utility District (NTPUD), Tahoe City Public Utility District (TCPUD), Truckee Sanitary District (TSD), Squaw Valley County Water District (SVCWD) and Alpine Springs County Water District (ASCWD). Placer County Service Area No. 21 (Placer CSA No. 21) is also served through a contract with TSD. The T-TSA plant is one of the most sophisticated tertiary treatment plants in the world. It removes 95 to 99 percent of such pollutants as oxygen-demanding substances, nutrients, and bacteria. Treated wastewater is discharged to a subsurface leach field. Additional removal of pollutants occurs as the wastewater percolates through the soil to Martis Creek and the Truckee River.

Problem Setting

During August 1978, at the height of the summer tourist season, average flows to the plant approached 3.8 million gallons per day (mgd). The remaining capacity is probably sufficient to accommodate about three years of growth in the service areas of the T-TSA member districts. In response to this situation, T-TSA commissioned engineering and environmental studies to examine options available to the agency for meeting its statutory responsibilities for water pollution control.

Design and construction of major wastewater facilities usually span a period of three to five years or more. Moreover, frequent construction of wastewater facilities is disruptive to the environment and more costly to the users of such facilities. For these reasons, wastewater facilities are usually designed to accommodate future as well as present waste flows. Sizing of wastewater facilities should be based on established regional and community plans which set out goals for the types of development which will best serve the public interest. One of the objectives of the current studies was, therefore, to inform decision makers and the public in general of the implications of providing
wastewater treatment capacity. This was accomplished by assessing the environmental and socioeconomic impacts of accommodating various levels of development in the planning area.

Solution of the problems facing T-TSA is made more complex by very stringent water quality objectives (standards) established by state and federal regulatory agencies to protect the interstate waters of the Truckee River and its tributaries. Generally, these standards do not allow the quality of these streams to be changed by treated wastewater discharges. Although it is recognized that changes in the standards would be necessary to accommodate the T-TSA discharge, there is disagreement about the extent to which they should be changed. There is also uncertainty about the amount of population and economic growth that the finite air and water resources of the Lake Tahoe and Truckee River basins can support.

Alternative Solutions

More than 20 alternative solutions to the wastewater management problems facing T-TSA were considered during the current facilities planning process. Based on the findings of initial engineering and environmental studies, the following 10 alternatives were selected for detailed evaluation.

No Action. With this alternative, T-TSA would take no action to provide upgraded or enlarged wastewater facilities. The existing T-TSA plant would be operated at its design capacity and no connections to member district sewer systems would be allowed over the number that can be accommodated by current capacity allocations.

Alternative L-1: Land Application in Martis Valley. This alternative involves use of biologically stabilized, filtered, and disinfected wastewater for crop irrigation during the growing season, and discharge of tertiary effluent to enlarged subsurface disposal fields the remainder of the year. All existing treatment processes at the T-TSA plant would be expanded to provide tertiary treatment during the nongrowing season. During the summer, biologically stabilized wastewater secondary effluent would be filtered and disinfected. Following disinfection, treated wastewater would be pumped to land application sites near the present and abandoned Truckee airports.

Alternative L-2: Land Application in Long Valley. This alternative differs from the previous plan in that secondary effluent from an expanded T-TSA plant would be conveyed (in a pipeline) out of the Truckee River basin on a year-round basis. Treated wastewater would be stored in a large reservoir during the nongrowing season and released through a pipe network for use by ranchers along Long Valley Creek as irrigation water.
Alternative T-1: Expand Existing Facility. This alternative involves expanding existing T-TSA tertiary treatment and disposal facilities. From an engineering viewpoint, it could be readily implemented because provisions were made in the design of the existing facility for the doubling of its capacity. The level of treatment provided would be the same as that currently provided.

Alternative T-2: Expand Existing Facility and Relocate Disposal Field. This alternative is similar to Alternative T-1 in that tertiary treatment and subsurface disposal would be provided. With this alternative, however, a portion of the treated wastewater would be conveyed to a new subsurface disposal field near the abandoned Truckee airport. In this manner, the amount of treated wastewater that would enter Martis Creek, and hence wastewater impact on Martis Creek water quality, would be reduced.

Alternative T-3: Expand Existing Facility and Increase Level of Treatment. This alternative is similar to Alternative T-1 except that additional treatment would be provided to reduce the dissolved salt concentrations in the T-TSA plant effluent in order to meet the Truckee River and Martis Creek water quality objectives. A brine solution containing the salts removed from the wastewater would be conveyed to about 400 acres of lined ponds where solar energy would be used to evaporate the remaining water.

Alternative T-4: Resume Operation of Member Entity Plants. With this alternative, secondary treatment and subsurface effluent disposal would be provided at the T-TSA regional plant, and at each of the three existing member district plants. The ASCWD, SVCWD and TSD plants would be reactivated and operated on either an interim or permanent basis. The T-TSA plant would also be expanded as necessary to accommodate all future flows. A primary advantage of this alternative is the lower operating cost and reduced consumption of chemicals and energy associated with secondary treatment.

Alternative T-4a: Resume Operation of Member Entity Plants, Use Existing Tertiary Facilities. This alternative also calls for resumed operation of member entity plants to provide secondary treatment and discharge to local disposal fields. All flow to the T-TSA plant would receive tertiary treatment up to the capacity of the present plant. Flows in excess of that capacity would undergo secondary treatment only.

Alternative T-7: Expand T-TSA Secondary Treatment Facilities. With this alternative, secondary treatment capacity would be provided at the T-TSA plant to accommodate future flows. Existing member entity plants would not be operated. Existing tertiary treatment facilities would either be converted to alternative uses or would be abandoned.
Alternative T-7a: Expand T-TSA Secondary Treatment Facilities, Use Existing Tertiary Facilities. With this alternative, all flows would undergo a minimum of secondary treatment at the T-TSA plant. Existing member entity plants would not be operated. Flows up to the capacity of existing tertiary facilities would receive tertiary treatment.

Environmental Impacts

The primary (direct) and secondary (indirect) environmental impacts of each of these alternatives were assessed. The study also assessed the impacts of population growth on the environment. Four wastewater capacity or growth scenarios were considered: (1) no action—provides no additional capacity, (2) engineer's proposal—provides capacity for the 1992 level of development projected by T-TSA's engineer, (3) subdivided buildout—provides capacity for all subdivided land in the planning area, and (4) zoned buildout—provides capacity for all zoned land in the planning area. All of the growth scenarios were constrained by the most restrictive regional planning agency plans (and other local land use and/or development plans) that could reasonably be expected to be implemented. The engineer's proposal growth scenarios were analyzed with and without development of the proposed Independence Lake resort area. The environmental impacts of the no action and action alternatives are summarized below.

No Action Alternative. Continued operation of T-TSA wastewater management facilities would have the following impacts:

- Treated wastewater would continue to constitute about 90 percent of the groundwater in the shallow aquifer near the disposal field. Impacts on the deeper aquifers in Martis Valley are not anticipated.

- Tertiary treatment would continue to consume a significant amount of energy, chemicals, and other scarce resources.

- Violent seismic activity or accidents could result in release of hazardous chemicals (such as chlorine gas) or untreated sewage.

Action Alternative. Implementation of an action alternative would have the following impacts:

- Construction activities would disturb soil surfaces and destroy vegetation, thereby increasing erosion; temporarily impair air quality; alter wildlife habitat; temporarily increase ambient noise levels; and could disturb heretofore unrecorded archaeological sites.

- Alternatives involving continued disposal of tertiary effluent in the Truckee River basin would add minor amounts of nutrients, dissolved salts, and residual organic
materials to the basin's waters. Available evidence indicates that no beneficial uses would be adversely affected. California health authorities have, however, expressed concerns about the long-term chronic health effects of ingestion of reclaimed water.

- Alternatives involving disposal of treated wastewater containing nutrients, especially nitrogen, would cause changes in the abundance and distribution of algae and benthic invertebrates (mostly insects) in receiving surface waters. The primary effect of discharge of secondary effluent from the T-TSA plant would be to change the visual character of about 500 meters of the Truckee River and Martis Creek.

- Alternatives that call for secondary treatment of wastewater could eventually increase nitrate-nitrogen concentrations in portions of Martis Creek to levels that are toxic to Lahontan cutthroat trout eggs during dry years. The Lahontan cutthroat trout is a threatened species.

- Alternatives involving export of treated wastewater from the Truckee River basin would eventually reduce river flows by up to 12,700 acre-ft per year. This would reduce the quantity of water that eventually reaches Pyramid Lake and could eventually reduce the surface area of the lake by more than 44,000 acres.

- Land application in Martis Valley or Long Valley could conflict with land use plans.

- Resource consumption by wastewater treatment would increase with increasing wastewater flows. Removal of dissolved salts from wastewater would almost double the already substantial energy requirements of tertiary treatment.

Socioeconomic Impacts

The direct economic impacts of each alternative were evaluated by estimating the capital and operation costs of each one and by converting those costs into approximate charges to typical single-family residences. The estimated costs in Table 2-1 are expressed in 1978 dollars but estimated charges reflect inflation. Actual charges would be affected by the methods selected for financing capital costs and distributing costs among the member districts.

Inaction by T-TSA would result in a moratorium on new connections to member district sewer systems. Such a moratorium would significantly increase the value of existing homes and other improved property and decrease the value of undeveloped property.
Investments in unused subdivision improvements would be lost and the property tax burden would eventually shift to improved property.

Table 2-1. Direct Economic Impacts of Alternatives

<table>
<thead>
<tr>
<th>Item</th>
<th>Alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-1</td>
</tr>
<tr>
<td>Capital costs, first cost, millions of dollars</td>
<td>26.2</td>
</tr>
<tr>
<td>Average annual operating costs, first class, millions of dollars</td>
<td>2.2</td>
</tr>
<tr>
<td>Present worth, millions</td>
<td>22.4</td>
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<tr>
<td>Consumer benefits</td>
<td>144</td>
</tr>
<tr>
<td>Consumer benefits, total</td>
<td>144</td>
</tr>
</tbody>
</table>

Expanding of T-TSA wastewater management facilities would accommodate an increase in population in the planning area. A number of unavoidable adverse environmental impacts are associated with this growth. The magnitude of these impacts is roughly proportional to the size of the expansion. Forecasts of resident population levels associated with the alternative growth scenarios described previously are summarized in Table 2-2. Forecasts of visitation levels, land use, housing, commercial development, and employment were also developed.

Table 2-2. Resident Populations Associated With Alternative Growth Scenarios

<table>
<thead>
<tr>
<th>Level</th>
<th>Total population</th>
<th>Scenario A</th>
<th>Scenario B</th>
<th>Scenario C</th>
<th>Scenario D</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>With</td>
<td>Without</td>
<td>With</td>
<td>Without</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Infection</td>
<td>Infection</td>
<td>Infection</td>
<td>Infection</td>
</tr>
<tr>
<td>Treatment demand</td>
<td>23,000</td>
<td>29,100</td>
<td>34,000</td>
<td>17,200</td>
<td>14,000</td>
</tr>
<tr>
<td>Annual non-resident visits</td>
<td>11,000</td>
<td>13,000</td>
<td>12,000</td>
<td>7,000</td>
<td>11,000</td>
</tr>
<tr>
<td>Total</td>
<td>14,000</td>
<td>16,100</td>
<td>22,000</td>
<td>10,200</td>
<td>25,000</td>
</tr>
</tbody>
</table>

Unavoidable adverse impacts include increased consumption of finite resources such as water and energy, increased traffic and congestion with resultant air quality degradation, and increased
demands for public services. Participants in public workshops held to date have also expressed concerns that growth and its impacts would adversely affect the quality of life in the area. A noticed public hearing will be held to provide an opportunity for interested parties to contribute additional information to the environmental review process.
Douglas County
General Plan Amendment
High Density Residential to Recreation
Douglas County

Proposed Amendment

At the direction of the TRPA Governing Board, Agency staff is initiating a change in the land use designation on four lots located in the Oliver Park Subdivision from High Density Residential (HDR) to Recreation (Rec). These lots were deeded to Douglas County to be used as a local park as part of an agreement between the Agency and Harvey's Inn.

Property Location and Description

Lots 9, 10, 11, and 12 are located on Laura Drive across the street from Harvey's Inn. At present, the lots are surrounded by other single family dwellings. The four lots which total .55 acre are unimproved and have been used for parking and the storage of construction material for the last few years.

Analysis

It is staff's interpretation of the agreement that the lots were to be used as a local park and the land coverage permitted was to be severely limited. The TRPA Land Use Ordinance would permit land coverages up to 10,400 square feet (43%) if the properties were classified Recreation. Since General Plan amendments cannot be conditioned, the limitation of land coverage must rest on Douglas County assurances. Also, the site is in a disturbed condition and needs immediate revegetation work, and parking barriers need to be installed and maintained since the site is very susceptible to vehicle parking.

Advisory Planning Commission Action

At a public hearing before the APC in March, 1980, the General Plan amendment for the four lots fronting Laura Drive was continued for three months in response to concerns raised by neighboring property owners regarding a possible noise and litter nuisance with the proposed park. The petition that was submitted to the APC in March pointed out that "with only a few children in the whole neighborhood the children using it most would be the patrons of Harvey's Inn as a recreation center". The APC therefore requested that the Douglas County Parks and Recreation Commission comment on the County's plans and timetable for the park.

At the continued hearing on June 11, Bob Hadfield, on behalf of Douglas County, explained that the deeding of the property to the County was conditioned on the development of the site for recreation. The development of the park is not in the County's 5 year park plan adopted 2 years ago, nor is there money budgeted for specific improvements. The County would, however, be in favor of a low maintenance open space park.

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Mr. Daniel Follasco, on behalf of the property owners, spoke in favor of retaining the site as open space rather than allowing the property to revert back to Harvey's Inn for possible development of residential units.

The APC voted unanimously to approve the reclassification of the site to Recreation with a strong suggestion to Douglas County that the site be revegetated. Mr. Hadfield made a commitment to the APC that a letter would be sent to TRPA outlining a timeframe for cleaning up the site and for completion of some type of erosion control and revegetation.

Recommendation

Agency staff recommends approval of the change in land use districts from HDR to Recreation and requests assurances from Douglas County that the site will be protected immediately with adequate barriers to prevent vehicle parking and other such use, that the site be stabilized as per Soil Conservation Service recommendations, and that the site be developed into a community park with a minimal amount of impervious surface. Staff further recommends that a time schedule for implementation of these improvements be received within 30 days of first reading of the implementing ordinance and that the staff be directed to prepare such an ordinance.

60 days from today

6/12/80
Douglas County/Harvey's Inn
General Plan Amendment - 4 lots
High Density Residential to Recreation
NORDIC SKI AREA
1 BLK FROM H.S.

REQUEST TO BE SCHEDULED FOR JULY.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: June 17, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Enforcement Report: Summit Village Master Plan

This item is on the June agenda at the direction of the Governing Board in April. Attached is a copy of the minutes giving background information on the problems in the Summit Village Subdivision. Staff will be contacting the Douglas County Engineering Department to ask that a progress report be given at the June meeting.

Attachment
Doug: Applied 600 pk space requirement to project

June 1960: phy. inventory of existing site.

S.V - 3/1964
app 7/67

Use open space to provide addit 200 parking spaces

MASTER
SLOPE STUD
DRAINAGE PLAN
W. WARNER PHILLIPS

Grant 30 day extension to Doug to go to DE final fin.

1) Doug. Only app 360 units in Sum. Vill.
2) Sept 5 1968 1st amended 400 MF units
3) RND Amend Map 1-6-69
   Add. of 110 footprints
4) Lots A & B Oct 13, 1969 app
   Tot. 175 footprints
If that is unsuccessful, legal counsel shall direct a letter to the applicant.

Mr. Stewart's motion to authorize staff to proceed to enforce the Board's previous action on the Boatworks Marina carried on the following vote:

Ayes: Mr. Kjer, Mr. Phillips, Mr. Stewart, Mr. Woods,
       Mr. Westergard
Nays: Mr. Henry
Abstain: Mr. Warnecke
Absent: Mr. Ferrari, Mr. Johnson

On another field enforcement item, Mr. Barrett explained the situation in Summit Village, Douglas County. By virtue of previous approvals, this is a grandfathered subdivision for 400 units in a 1% coverage land capability area. After a meeting last fall between Douglas County, TRPA staff and the homeowners, it was generally agreed that more parking was necessary, and the County on all parcel maps and building permits is now requiring the lot owners to put in parking over and above what is on the original map. Nonconforming land coverage is being created however. Originally there was a conceptual approval for 600 parking spaces although only 400 are on the map. The County has authorized 800 spaces.

The other problem in this area is drainage and erosion coming off the building sites. The additional impervious surface from the parking areas is causing runoff to come through this area to Kingsbury Grade where drainage facilities are totally inadequate to handle the runoff. The project is approximately 50% built out. The master plan shows no drainage facilities and staff would like to see Douglas County condition each parcel map and building permit with drainage improvements. Staff's recommendation to the County and to the homeowners is to have a master plan prepared to clarify the number of approved units, the coverage, and the required parking, with a drainage and slope stabilization plan for the whole complex (more than just dripline trenches on each house). The Board should be presented with the plan and asked to make a finding on whether or not it complies with what was approved prior to 1972. A major problem, however, is the cost to undertake such a plan and designation of someone or some entity to do the work. Warner Phillips, the Douglas County engineer, said he could do some of the engineering and survey work in six months. Staff would like to see the homeowners take the primary responsibility for completion of the plan.

Mr. Kjer explained that the County is requiring county engineer approved slope stabilization and drainage improvements for any building permit requiring additional parking. SCS is also working to provide engineering on the project free of charge and has offered to provide engineering for a drainage master plan. Funding will also be sought in the next year to help with drainage improvements in this area. The County's legal counsel feels it is inappropriate to stop building permits for individual lots because of the problems caused by the total subdivision. The County would like to see this plan prepared, but it is not possible right now due to other commitments.

Staff pointed out the legal problem with allowing building permits and parcel maps to proceed with additional parking and driveways which are over allowable coverage. Mr. Kjer pointed out the change in intended use for the subdivision; it was built as a second home vacation area where cars would be centrally parked with the residents walking to their individual units. Since it has now become a primary residence area,
the homeowners are wanting to park their cars near their units, necessitating additional driveways and parking. Phil Overeynder pointed out the two alternatives: 1) not to hold up parcel maps or building permits based on information that the County intends to see that a master plan as described is prepared for review in the future and because the number of parking spaces is under the 600 spaces originally envisioned as part of the final map; or 2) to hold up issuance of any building permits or final parcel maps until the necessary information is available on a plan. Staff's main concern is to get a good project that meets the standards.

To concerns expressed about the extent of erosion problems occurring on Kingsbury Grade, Mr. Kjer responded that the County Commissioners have allocated $400,000 to improve drainage and to reconstruct Kingsbury Grade. EPA Clean Lakes funds will be sought to help alleviate the runoff problems. Additionally, Secondary Highway Funds equal to $300,000 are being requested for realigning Kingsbury. The Federal Highway Department has indicated preliminarily that the funds will not be available because of two curves on this roadway which are in violation of federal regulations. The Highway Department's suggested routing would realign Kingsbury along Edgewood Creek, an alignment which TRPA will not likely approve. The County will meet in the near future with the Highway Department to attempt to straighten out the problem and is anticipating success in obtaining funding to realign Kingsbury and to correct drainage problems. To summarize, Mr. Kjer pointed out that the County's funds have been allocated to other projects to this point, but the Summit Village master plan will be worked on as soon as possible. The County requests up to 60 days to come forward with a plan to address TRPA's concerns and will continue to work cooperatively with the TRPA staff toward this goal.

Phil asked that the Board give Douglas County 30 to 60 days for the plans to come in. If they are not available in that time, enforcement action would be taken.

MOTION by Mr. Stewart to give Douglas County up to 60 days for submittal of a master plan for Summit Village to show parking spaces, number of approved units, and a drainage and slope stabilization plan for the entire subdivision. The motion carried on the following vote:

Ayes: Mr. Henry, Mr. Warnecke, Mr. Phillips, Mr. Stewart, Mr. Woods, Mr. Westergard
Nays: None
Abstain: Mr. Kjer
Absent: Mr. Ferrari, Mr. Johnson

C. Executive Session - none

D. Executive Director Report

Phil Overeynder advised the Board that the Agency was in healthy financial condition with total expenditures being less than anticipated and budgeted revenues greater than planned. A report was presented to the Finance Committee at 9:00 a.m. requesting suggested modifications to the existing budget to allow pursuit of an EPA grant for 208 planning as explained earlier and to revise the salary structure to reflect some of the increased responsibilities of the staff. Phil asked that he be given another month to refine the material before formal presentation to the Board. The Finance Committee
MEMORANDUM

DATE: June 18, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Enforcement Report: Boatworks Marina

Attached is a letter from Gary Owen, the Agency's legal counsel, to Robert Maddox, the representative for the Boatworks Marina, explaining the Board's action at the May Board meeting. Early in June the staff met with Mr. Kearns, the marina operator, and Mr. Maddox to go over what materials would be necessary to file a new application for retention of the bulkhead, marina modifications and a buoy field. To date, no applications have been received.

A June 19 meeting has been scheduled with all involved parties to review the current status of the marina.

Attachment
Robert C. Maddox, Esq.  
Maddox & Olsen  
P. O. Box 75  
Tahoe City, California  95730  

Re: Boat Works Marina  

Dear Bob:

I am writing to advise you of the action of the TRPA Governing Body taken at its meeting held May 28, 1980. In view of the lack of presence by either yourself or another representative of Mr. Kearns at the meeting, the Governing Body rather reluctantly continued the matter until its next regular meeting, to be held June 25, 1980. The continuance, at least in part, was a result of my indication to the Governing Body that you had theretofore dealt with me in good faith and appeared to earnestly desire a prompt resolution of the matter. That continues to be my assumption. Nevertheless, you should be advised that the lack of presence of a representative of Mr. Kearns was not at all appreciated by the Governing Body. Accordingly, as the action of the Governing Body, discussed below, indicates, I strongly suggest either yourself or another representative of Mr. Kearns appear at the June 25, 1980 meeting.

At the May 28, 1980, meeting, the Governing Body directed that a representative of Mr. Maddox appear at the June 25, 1980 meeting. In addition, several members of the Governing Body expressed serious reservations concerning the adequacy of even the $20,000.00 figure for purposes of bonding or cash deposit to secure compliance with the previous TRPA approval. Nevertheless, the Governing Body is willing to further consider the matter at the June meeting. In addition, you should be advised that the Board directed the staff to confer with California State Lands and the United States Army Corps of Engineers to determine those agencies' posture in this matter. I learned yesterday from a telephone conversation with Jim Poe of California State Lands that Mr. Kearns apparently had filed some sort of an application with that office in this regard.
Robert C. Maddox, Esq.
June 2, 1980

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Finally, in view of your previous representations to me, I strongly suggest you at least file your new application with the TRPA on or before June 6, 1980. While the Governing Body has yet to set any amount of cash deposit or bond to secure compliance with the prior approval, or even approve of this manner of settlement, the filing of at least the application would indicate Mr. Kearns' good faith and intent to cooperate. Such filing, of course, is entirely up to you.

Thank you for your kind attention to this matter.

Sincerely yours,

SHAW, HEATON & DOESCHER, LTD.

By
Gary A. Owen

cc: Philip A. Overeynder
Gordon W. Barrett
TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Enforcement Report: Unauthorized Work at Sierra Boat Company

DATE: June 18, 1980

This project involves unauthorized work at the Sierra Boat Company marina for which the Agency has posted a stop work order. The chronology of events leading to this point is listed below.

March

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. Molin, 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 4 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

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

May

On May 5, 1980, TRPA responded that the application was incomplete until the 4 conditions 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 4 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 5 conditions to reduce further environmental impact.

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

June

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. Those present refused to sign the stop work order.

On June 6, 1980, TRPA received a copy of a letter from Jim Williamson to Lahontan explaining the installation of sheetpilings 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 shows 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. A copy of that letter is attached.

Staff Recommendation

Agency staff will be prepared to make a recommendation to the Governing Board following responses and further consultation with the affected parties.
June 12, 1980

Mr. Dick Clark
Sierra Boat Co.
P.O. Box 599
Carnelian Bay, California 95711

Subject: Unauthorized Replacement of a Bulkhead at Sierra Boat Company Placer County

Dear Mr. Clark:

This letter is to notify you that the Tahoe Regional Planning Agency staff has scheduled a hearing before the TRPA Governing Board on the subject work. As Agency staff notified you in the letters dated March 25, 1980 and May 5, 1980, you do not have a complete application, nor are you in compliance with the previous 1975 TRPA approval of modifications to this marina. Without a complete application Agency staff could not approve the work now in progress. Therefore, you were verbally asked to stop work on May 7, 1980, notified in writing on May 15, 1980 to stop work, hand delivered the same stop work letter on May 30, 1980 and issued a second stop work order on June 6, 1980. Since you have failed to comply with the directives of the Agency, staff has referred this matter to the Governing Board for their consideration at the June 25, 1980 meeting to be held at the TRPA office at 2155 South Avenue, South Lake Tahoe, California.

Agency legal counsel has requested that you be notified that the work is unauthorized and, as such, you are proceeding at your own risk. Also a violation of the TRPA Shorezone Ordinance constitutes a misdemeanor under Section 20.00 which could result in a fine of $500 per day while the violation continues.
Sierra Boat Co.
RE: Unauthorized Replacement of a Bulkhead at
Sierra Boat Company - Placer County

June 12, 1980
Page two

If you have any questions concerning this matter please do not hesitate to contact this office.

Sincerely,

Gordon W. Barrett
Senior Planner

CWB: md

cc: Jim Williamson
    Corps of Engineers
    CTRPA
    Lahontan
    Placer County Public Works Dept.
    Placer County Planning Dept.
    Placer County Building Dept.
    Placer County District Attorney
    Jim Henry, Placer County Supervisor
    Larry Severson, Placer County Supervisor Elect
    Gary A. Owen, TRPA Legal Counsel
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 80-11

AN ORDINANCE AMENDING ORDINANCE NO. 7, THE SUBDIVISION ORDINANCE, OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED, TO DEFINE AND ESTABLISH STANDARDS FOR THE APPROVAL OF CONDOMINIUM CONVERSIONS, COMMUNITY APARTMENTS AND STOCK COOPERATIVES; TO ESTABLISH FINDINGS WHICH MUST BE MADE FOR THE APPROVAL OF TENTATIVE MAPS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that the number of conversions of apartments and similar dwellings to condominiums and similar individually owned units in the Tahoe Region is rapidly increasing, thereby reducing the availability of rental housing affordable and vitally needed by a substantial portion of the resident population in the region. The Governing Body further finds that it is necessary to include "community apartments" and "stock cooperatives" of five (5) or more units within the definition of "subdivision" and to provide findings which must be made for the approval of tentative maps. The Governing Body further finds that this ordinance is reasonably related to and furthers the protection of the public health, safety and general welfare of the Tahoe Region, that it is necessary to properly effectuate the Agency's Regional Plan, and that it is in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00 Amendments to Definitions

2.10 Section 3.00 of Ordinance No. 7 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto the following definitions:

*Community Apartment - A multi-residential project in which the buyer receives a right of exclusive occupancy to a particular unit without separate ownership of air space.

*Condominium Conversion - Any change in the form of ownership of real property whereby persons obtain ownership interests in and to, or rights of occupancy of, individual units thereof, including but not limited to, condominiums, community apartments, stock cooperatives and any other similar change in the form of ownership of real property.
Stock Cooperative - A multi-residential project in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.

2.20 The definition of "subdivision" in Section 3 of Ordinance No. 7 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

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

Section 3.00 Amendment Referring to Community Apartments and Stock Cooperatives In Procedure for Approval of Subdivision

Section 4.1 of Ordinance No. 7 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

No person shall record a map of a subdivision, or sell, lease or convey any lot, condominium unit, interest in or unit of any community apartment or stock cooperative, or undivided interest within a subdivision unless:

1) a tentative map of the subdivision has been approved by the permit-issuing authority and by the Agency as provided in Section 4.3[1]; and

2) a final map of the subdivision has been approved by the permit-issuing authority as provided in Section [4.34] 4.35.

Section 4.00 Amendment Establishing Findings to be Made Before Approving Tentative Subdivision Maps

4.10 Section 4.34 of Ordinance No. 7 of the Tahoe Regional Planning Agency, as amended, is hereby renumbered to "4.35".

4.20 Ordinance No. 7 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new Section 4.34 to read as follows:

*Approval of the tentative map by the permit-issuing authority and the Agency may be granted only if it is found by such authority and the Agency that the tentative map is in compliance with the Regional Plan and ordinances of the Agency and that

2.
the establishment, maintenance, and operation of the proposed subdivision, and associated uses, will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed subdivision, nor detrimental nor injurious to property and improvements in the neighborhood thereof nor to the general welfare of the region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters.

Section 5.00 Effective Date

This Ordinance shall be effective sixty (60) days after the date of its adoption.

FIRST READING: May 28, 1980

SECOND READING:

Passed and Adopted by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held ___________, by the following vote:

AYES:

NAYS:

ABSTENSIONS:

ABSENTEES:

Chairman, Governing Body,
Tahoe Regional Planning Agency
June 10, 1980

Mr. Phil Overeynder
TRPA
P. O. Box 8896
So. Lake Tahoe, Calif.  95705

Dear Phil:

I have received a copy of TRPA Ordinance #80 relative to community apartments, condominium conversions and stock cooperatives. I have strong concerns about the proposed ordinance for the following reasons.

1. Community apartments and stock cooperatives are not considered subdivisions by Nevada law. This ordinance requires a tentative map to be approved by the permit-issuing authority before review by the agency. It is my understanding that tentative maps are not required for these things in Nevada.

2. I am very concerned about including community apartments, condominium conversions and stock cooperatives under the definition of subdivisions. While a condominium conversion technically is a subdivision, the other two are not. In any case, the common usage of the word "subdivision" in the Tahoe Basin refers to permits allowing the division of property, the improvement of streets and construction of houses which were not previously permitted. As such, there are prohibitions on "subdivisions" on the California side of Lake Tahoe and currently in Douglas County. There is a possibility that additional moratoriums on subdivisions for purposes of restricting growth may be forthcoming out of bi-state legislation currently being negotiated by the states. It would be unfair and unreasonable to include changes in the method of ownership of existing occupied properties under the provisions of these sorts of restrictions.

I would like to suggest that stock cooperatives and community apartments be handled as administrative permits on the Nevada side of Lake Tahoe until Nevada law treats them as subdivisions.
I would further like to suggest that changes in the method of ownership of existing improved properties be treated under a separate section from subdivisions in order not to create unreasonable future restrictions on what could otherwise be perfectly acceptable changes in method of ownership.

Cordially,

Ronald C. Nahas
APC INPUT - JUNE 11, 1980

CITY + WASH ADOPTED T/S ORD. IN TC + GC

PLACE - NO
ELDON NO
NOUQ CONSID. + RGS + 20MM.

STAFF HARP A ORD. TO ALLOW IN
LEGAL

GC IF CONFORM IN DEN + COURAGE

ALLOW: UP TO 40 UNITS/ACRE
W/ UP TO 100% W/ KITCHENS
AT 35% COV. IN TC
AT 70% IN GC.
At the June 11, 1980 meeting of the Advisory Planning Commission, the timesharing ordinance was discussed in an effort to obtain comments from the local planners on what regulations were in effect at the local level and whether or not the proposed TRPA ordinance would conflict. The APC was also asked to comment on whether or not TRPA should become involved in adopting timesharing regulations.

The City of South Lake Tahoe and Washoe County have adopted timesharing ordinances which permit this use in the Tourist Commercial and General Commercial districts; TRPA's original proposal restricts the use to Tourist Commercial. The staff pointed out that the proposed ordinance could be amended to permit the use in all commercial districts in order to allow conversions of motel units to timesharing units so long as they are conforming on coverage and density.

Placer County does not have a timesharing ordinance and would not be in favor of an ordinance which would prohibit motel to timesharing conversions. While El Dorado County has no timesharing ordinance, Douglas County is considering adopting one which would permit timesharing in both residential and commercial use districts.

There was general agreement that timesharing should be permitted in both the Tourist Commercial and General Commercial land use districts and that TRPA should adopt a basinwide ordinance. The APC voted with two abstentions to support a TRPA timesharing ordinance setting forth minimum standards; this would allow the local jurisdictions to adopt more restrictive regulations.

(The following ordinance has been amended to provide for timesharing in both the Tourist Commercial and General Commercial land use districts.)

Attachment
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 80 –

AN ORDINANCE AMENDING ORDINANCE NO. 4 OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED, TO DEFINE, CLASSIFY FOR PURPOSES OF ZONING AND PROVIDE AN ADMINISTRATIVE PERMIT PROCEDURE FOR TIME-SHARING DEVELOPMENTS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00  Findings

1.10 The Governing Body of the Tahoe Regional Planning Agency finds that there is a dramatic increase in the use of the interval ownership or time-sharing form of development and use of land in the Tahoe Region, that said form of development and use, unless regulated as provided by this ordinance, poses land ownership and use patterns differing from and inconsistent with those customarily found within strictly residential land use districts, and that it is necessary, therefore, to require that said form of development and use of land occur within the appropriate land use districts as prescribed by the Regional Plan and Land Use Ordinance of the Tahoe Regional Planning Agency.

1.20 The Governing Body of the Tahoe Regional Planning Agency further finds that it is necessary to adopt this ordinance in order to properly effectuate the Regional Plan of the Agency, that the zoning classifications and regulation of the interval ownership or time-sharing form of development and use of land in the Tahoe Region, as prescribed by this ordinance, are reasonably related to and in furtherance of the public health, safety and general welfare of the Tahoe Region, and that the provisions of this ordinance are in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00  Amendments to Definitions

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

*Accommodations - Any hotel or motel room, condominium or cooperative unit, cabin, lodge, apartment, mobile home, dwelling or any other private or commercial structure designed for occupancy by one or more individuals.
*Contract - Any contract, promissory note, credit agreement, negotiable instrument, lease, use agreement, license, security or other document or other paper conferring on the purchaser the rights, benefits and obligations of a vacation time-sharing plan.

*Time-Sharing Facilities - Any structure, service or property, whether improved or unimproved, made available to the purchaser for recreational, social, family or personal use.

*Time-Sharing Unit - The actual accommodations and related time-sharing facilities which are the subject of a vacation time-sharing lease plan or a vacation time-sharing ownership plan pertaining to a time-sharing project consisting of five (5) or more units.

*Vacation Time-Sharing Lease Plan - Any arrangement, plan or similar device, whether by membership agreement, lease, rental agreement, license, use agreement, security or other means whereby the purchaser receives a right to use accommodations or time-sharing facilities, or both, but does not receive an undivided fee simple interest in the property, for a specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than three (3) years.

*Vacation Time-Sharing Ownership Plan - Any arrangement, plan or similar device, whether by tenancy in common, sale, deed or other means, or which is subject to a supplemental agreement or contract for use of the time-sharing unit, whereby the purchaser receives an undivided ownership interest in and the right to use accommodations or time-sharing facilities, or both, for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than three (3) years.

*Vacation Time-Sharing Project - A project, containing five (5) or more time-sharing units, which is used or intended for use, either in whole or in part, pursuant to a vacation time-sharing lease plan or a vacation time-sharing ownership plan.

Section 3.00 Amendment to Require an Administrative Permit

Section 7.12 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new subsection (36) to read as follows:

(36) Vacation Time-Sharing Projects.

Section 4.00 Amendment to Permit Vacation Time-Sharing Projects Within Tourist Commercial District

Section 7.82(2) of Ordinance No. 4 of the Tahoe Regional
Planning Agency, as amended, is hereby amended to read as follows:

(2) Tourist Residential:

(a) Transient dwelling units up to forty (40) units per acre, provided that up to ten percent (10%) of such dwelling units contained in any motel or other development devoted to the provision of transient dwelling units may include kitchen facilities;

(b) Recreation vehicle parks up to fifteen (15) mobile homes per acre;

*(c) Time-sharing units up to fifteen (15) units per acre and time-sharing units consisting of transient dwelling units up to forty (40) units per acre, provided that up to ten percent (10%) of such transient dwelling units contained in any motel or other development devoted to the provision of transient dwelling units may include kitchen facilities.

Section 5.00 Amendment to Prescribe Limitation on Land Coverage for Vacation Time-Sharing Projects

Section 7.83 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

No person shall create land coverages in excess of thirty-five percent (35%) [if] in the case of a residential use or a vacation time-sharing use and fifty percent (50%) [if] in the case of any other use [of], such percentages to be applied to the land area included in the application for a permit, as calculated in accordance with Section 8.22 of this ordinance, except as otherwise permitted in accordance with Sections 8.25, 8.28 and 9.24 of this ordinance.

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

Section 6.00 Amendment Permitting Certain Vacation Time-Sharing Projects in General Commercial District

Section 7.92(2) of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

(2) Tourist Residential:

(a) All those permitted in Tourist Commercial District, except time-sharing units shall consist exclusively of transient dwelling units up to forty (40) units per acre, provided that up to ten percent (10%) of such transient dwelling units contained in any motel or other development devoted to the provision of transient dwelling units may include kitchen facilities.
Section 7.00 Amendment Concerning Non-Conforming Time-Sharing Projects

Section 9.10 of Ordinance No. 4 of the Tahoe Regional Planning Agency, as amended, is hereby amended by numbering the existing single paragraph contained in said Section 9.10 as subsection "(1)" and by adding to said Section 9.10 new subsection "(2)" to read as follows:

*(2) Vacation time-sharing projects, including time-sharing units therein, that do not conform to the regulations established by this ordinance are non-conforming uses and structures and may be continued, transferred or sold in the following cases and to the following extents:

(a) A subdivision, including uses of land and structures therein, that otherwise may be continued, transferred or sold pursuant to subsection (1) of this Section 9.10, but, notwithstanding the reference in said subsection (1) to uses to be created in connection with any such subdivision, only to the extent of the lawful, actual use of time-sharing units therein as of May 28, 1980; (n/28/80)

(b) A subdivision, the tentative map of which was approved by the Agency after February 10, 1972, but only to the extent of the lawful, actual use of time-sharing units therein as of May 28, 1980;

(c) A subdivision, the tentative map of which was approved by the Agency after February 10, 1972 as a time-sharing project, but only to the extent of the number, configuration and area planned for the time-sharing units therein at the time such subdivision was approved by the Agency; and

(d) Other uses of land and structures, but only to the extent of the lawful, actual use thereof for time-sharing units as of June 25, 1980.

If any such use ceases for a period of one (1) year, subsequent use of the land shall be in conformity with the regulations contained in this ordinance.

Section 8.00 Effective Date

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

FIRST READING:

SECOND READING:
Passed and Adopted by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held ______________, by the following vote:

AYES:

NAYS:

ABSTENSIONS:

ABSENTEES:

Chairman, Governing Body, Tahoe Regional Planning Agency
June 6, 1980

TO: Phil Overenyyder, Executive Director
    Tahoe Regional Planning Agency

FROM: J. Dennis Crabb, City Attorney

RE: Proposed TRPA Time Sharing Ordinance

We wish to thank the TRPA board for their recent action in
continuing this matter so that the City would have an opportu-
nity to provide input regarding its concerns with the
proposed ordinance.

The City has three basic concerns with the proposed ordinance.
First, we feel obliged to question the desirability of TRPA
entering into this area of land use regulation. While I have not
formally discussed the matter with the City Council, there appears
to be a consensus that TRPA should become involved in this area
only if the local governments decline to do so and sufficient
problems exist to justify TRPA involvement. At least with regard
to the City of South Lake Tahoe, we believe neither of these
criteria exist.

As you are aware the City has adopted a time sharing ordinance
modeled very closely after that of Washoe County. We have
processed one application under the new ordinance, and have
several more pending. Based upon that admittedly limited experi-
ence, there appear to be no substantive issues which our ordi-
nance does not address; thus, we perceive no basis for TRPA
involvement.

Assuming, however, that the TRPA determines that an agency ordi-
nance is, in fact, required, we have several questions regarding
the presently proposed version. First, it would limit time shar-
ing arrangements to Tourist Commercial zones. The City's ordi-
nance allows such conversion in all commercial zones, a regulation
which we think is much more appropriate. Since we are regulating
the conversion of existing structures to time sharing, and not
new construction, the type of commercial zoning involved would
appear to be irrelevant.

Second, the density provisions in the proposed ordinance appear
to exclude virtually all motels in South Lake Tahoe from converting. It is my understanding that the most common density for motel units is 80 to the acre, or twice that allowed in the proposed ordinance. Since we are talking about the conversion of existing structures, such a restriction on density would appear to be counterproductive given the very real benefits in terms of property improvements and additional tax base which such conversions could generate.

Third, pending California legislation would place all time sharing arrangements under the jurisdiction of the California Department of Real Estate and subject them to the various public reporting requirements and other related consumer protection rules. Therefore, any additional regulation in this area, at least as it applies to California, would appear to be unnecessary.

In summation, we would request that you place before the board three alternatives:

1. That any proposed TRPA ordinance be postponed until all affected local governments have been contacted to determine what time sharing problems, if any, exist within their jurisdiction and what action, if any, they intend to take. After such a survey, if necessary, a more "focused" ordinance could be prepared. OR...

2. That, in the event such an ordinance is to be adopted, it exclude from its coverage any jurisdiction which has adopted its own time sharing ordinance. OR...

3. That any such ordinance, if adopted, be consistent with regard to zoning, density and any other standard of a local government enacted time sharing ordinance. Concurrently, we would urge that TRPA become involved in counseling local governments to insure that all ordinances adopted are, in fact, consistent.

Thank you for your consideration and cooperation in this matter. If there are any questions, please feel free to contact me at any time. I would also appreciate an opportunity to appear at the TRPA meeting, if such an appearance would be beneficial to the board to further explain or discuss the City's position.

J. Dennis Crabb

JDC:jlp

cc: Norm Woods
    Gary Owen, Esq.
Mr. James Dana  
Chief Planner  
Tahoe Regional Planning Agency  
2155 South Avenue  
So. Lake Tahoe, CA

RE: Proposed Ordinance No. 80 Amending Ordinance No. 4 of the  
Tahoe Regional Planning Agency

Dear Mr. Dana:

This letter is written in furtherance of the appearance of Richard L.  
Ragatz, Ph.D., and myself before the Tahoe Regional Planning Agency  
on May 28, 1980, on behalf of the Resort Timesharing Council of the  
American Land Development Association.

My comments on the proposed amendment are as follows:

1. Definition of "timesharing unit" and "vacation timeshare project"  
provide that the ordinance cover only five or more dwelling units.  
This in my opinion induces the mixed use (whole ownership and  
timeshare ownership) and scattered checkerboarding of timeshare  
units within the same planned unit development. It would also  
appear to induce timesharing development in single family and other  
low density residential units which appears to be a concern of  
many of the members of the governing body. Based upon the fact that  
mixed use complaints have nationally been one of the major local  
concerns of the proposed location of timesharing projects, I feel  
further consideration of the five or more dwelling units threshold  
should be had. In the event staff and the governing body wish to  
leave low density and single family units available for timeshare  
use, I feel a further definition of "common promotional plan" should  
be included to prevent multiple four-plex developments from circum-  
vention of the restrictions contemplated by the amending ordinance.

2. Definition of "vacation timeshare lease plan" and "vacation time-  
share ownership plan" contain a limitation of prepaid rentals in  
excess of one year. The present Nevada proposed timeshare act and  
the probable regulations under the Subdivided Lands Law in California  
will extend this period to three years. I would recommend confor-  
mance with the proposed statutory provisions to be adopted in either  
or both states. I feel failure to extend this period would cause  
every existing rental pool and property management within the Tahoe  
Basin to be covered by the projects in addition to any sororities,  
fraternities, rooming houses, boarding houses and the like.
3. The amendment to Section 3.00 requiring an administrative permit appears to refer to Section 8.33 which are very general standards of what characteristics the governing board should consider in determination of the issuance of an administrative permit assuming the underlying zoning classification is correct. Obviously, this leaves an existing or future developer in a rather precarious position of not being able to determine whether or not the intended use is acceptable even if the underlying land classification may be so. Additionally, as has been the case with the Washoe County Conditional Use Permit, any use permit once issued should be irrevocable in order to protect the retail purchaser's continued rights to transient occupancy as contracted for. Also, any revocable use permit would effectively destroy third party developer financing of commitments made by any retail purchasers. Should the governing board feel an administrative permit be required, I feel that specific requirements of granting of the permit should be provided for in the amendment, namely that adjacent property to the proposed project is currently subject to transient occupancy (that being defined as occupancy of less than 30 days).

4. The proposed limitation of timesharing projects to tourist commercial (T-C) zone would effectively be mortal to industry growth within the Tahoe Basin as indicated by the survey results presented by Dr. Ragatz. At the present time, approximately 60% of industry sales have occurred in locations which contain characteristics attributable to residential zoned property in the form of density, common area, recreational facilities, and cooking and eating facilities. After reviewing the existing T-C zone limitations contained in the TRPA Land Use Ordinance, T-C zone severely restricts density and limits the number of kitchen facilities to 10% of the units. Obviously, this severe density limitation, in order to provide kitchen facilities (from 40 units per acre to 15 units per acre), would substantially increase developer cost and project site availability which would no doubt be transferred to the consumer. Additionally, low unit developments generally result in a higher continuing management and maintenance cost which also would be transferred to the ultimate consumer.

5. The amendment of Section 7 concerning the grandfathering of existing timeshare projects not having established nonconforming use prior to May 28, 1980, appears to be rather harsh in light of the possibility that various developers may, during the pendency of the ordinance adoption or have prior thereto, enter into escrows for the purchase of projects with this intended use. It is my understanding after speaking with Mr. Owen that he feels the grandfather protections can be rectified with various vested right hearings on those specific projects involved.
In the form of constructive recommendation, I would recommend that this matter be reviewed by APC to identify where existing transient occupancy room tax is being paid throughout the Basin, and prepare an overlay to include those areas presently subject to transient occupancy. I feel that any ordinance whether by the TRPA or its member counties and municipalities based upon zoning classifications, would result in unenforceable and inconsistent ordinance provisions whereas preparation of a transient occupancy overlay for the Basin would result in the specifically identifiable land use restriction which could be consistently applied to permit controlled growth of the industry and at the same time respond to community and environmental concerns.

After you have had an adequate opportunity to review this matter with staff, I will be most happy to meet with you and lend any assistance you feel warranted in the adoption of comprehensive and consistent land use restriction. After reviewing these comments in addition to those discussed at our meeting of May 29, I would appreciate your contacting me with your thoughts.

Thank you again for your continued cooperation with respect to this matter.

Very truly yours,

BILBRAY, GIBBONS & PITARO

By Robert F. Bilbray

cc: Roland D. Westergard, TRPA Chairman and Director
    Phillip A. Overeynder, TRPA Executive Director