May 1980

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

NOTICE IS HEREBY GIVEN that on May 28, 1980, at 9:00 a.m.
at the hearing room of the Tahoe Regional Planning Agency, located at
2155 South Avenue, South Lake Tahoe, California, the Finance Committee
of said agency will conduct a meeting to discuss TRPA's financial status
and budget.

NOTICE IS FURTHER GIVEN that on May 28, 1980, at 10:00 a.m.
at the same hearing room, the Governing Body of said agency will conduct
its regular meeting. The agenda for said meeting is attached to and made
a part of this notice.

Dated: May 16, 1980

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

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

May 28, 1980
10:00 a.m.

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

NOTE: There will be a meeting of the Finance Committee at 9:00 a.m. in the TRPA office prior to the regular 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. Cox-Michelsen, Administrative Permit for a 67 Unit Motel, Douglas County

B. Boatworks Marina, Modification of a Condition of Approval, Placer County

C. E. C. Grayson, Variance to Construct a Four-plex in a Stream Environment Zone, Washoe County

D. Harvey's Resort Hotel, Phase II, Finding of Substantial Conformance, Douglas County

VI PUBLIC WORKS

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

B. TCPUD - SEZ Variance - Star Harbor Athletic Fields

VII PLANNING MATTERS

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

VIII REPORTS

A. Appeals of Staff Decisions

B. Finance Committee Report

C. Revised Budget, FY 1979-80 and 1980-81

D. Field Enforcement Report
E. Executive Session
F. Executive Director Report
G. Legal Counsel Report
H. Governing Body Members
I. Public Interest Comment

IX ORDINANCES

A. Second Readings of Ordinances Amending the Land Use Element of the Regional Plan
   1. 9.91 Acres Owned by the Bliss Family to Rural Estates, Douglas County
   2. 2.9 Acres Owned by C. Clements to Tourist Commercial, Douglas County
   3. 20.6 Acres Owned by the Incline Village General Improvement District to Recreation and 6.0 Acres to Public Service, Washoe County
   4. 10 Acres Leased by the Tahoe City Public Utility District from the State of California to Recreation and Public Service, Placer County

B. First Readings of Ordinances
   1. Amending the Subdivision Ordinance to Provide for an Administrative Procedure for Condominium Conversions and Establishing Findings for Approval of a Tentative Map
   2. Amending the Land Use Ordinance to Provide an Administrative Procedure for Condominium Conversions and for Timesharing Developments

X RESOLUTIONS

XI PENDING MATTERS

XII CORRESPONDENCE – "WRKB RESPONSE"

XIII ADJOURNMENT

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CONSENT CALENDAR

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<tr>
<th>Item</th>
<th>Recommendation</th>
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<tr>
<td>Public Works:</td>
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<td>South Tahoe Public Utility District, Headstart Program Improvements, Phase 1</td>
<td>Approval</td>
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<tr>
<td>Washoe County, Incline Village Bikeway Master Plan</td>
<td>Approval</td>
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<td>California Department of Parks and Recreation, Sugar Pine Point State Park Bike Trail, El Dorado County</td>
<td>Approval</td>
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<td>Nevada Department of Transportation, U.S. Highway 50 and Elk Point Road Intersection Improvements, Douglas County</td>
<td>Approval</td>
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<td>U.S. Forest Service/Traveler System, Ltd., Zephyr Cove Marina Improvements, Douglas County</td>
<td>Approval</td>
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<td>Clearinghouse:</td>
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<td>Nevada Division of Environmental Protection, Kingsbury Grade Erosion Control Improvements, Douglas County</td>
<td>Support</td>
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Tahoe City Public Utility District

May 19, 1980

Mr. Phil Overeynder
Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, CA 95731

Dear Mr. Overeynder:

I would appreciate your honoring the Tahoe City Public Utility District's request to place our Star Harbor Project on the Governing Board's agenda for May 28th as an urgency item. You are aware that we must receive agency approval in a short period of time so that we do not jeopardize our funding source for this much needed recreation facility. I will be happy to meet with you or your staff prior to the meeting to provide any additional information which may be required and, of course, will be present on May 28th at the meeting.

Your cooperation is sincerely appreciated.

Sincerely,

Bruce Shindler
Director of Parks, Recreation and Engineering

BS:bls
Public Works
South Tahoe Public Utility District (STPUD)
Headstart Program Improvements
City of South Lake Tahoe

Background

The South Tahoe Public Utility District has applied for a federal grant from the Environmental Protection Agency (EPA) for expansion and upgrading of its wastewater treatment facilities located in South Lake Tahoe, El Dorado County and Alpine County. In reviewing the facility plan as presented by STPUD in May, 1978, EPA determined that the project would have a significant environmental impact due to its potential growth inducing effects and required an Environmental Impact Statement (EIS) on proposed improvements. A draft of the EIS was released in December, 1979, but EPA has indicated that the EIS cannot be finalized until a 208 Plan has been adopted for the area which is consistent with the EIS and the sizing of components of the STPUD facilities. The current schedule for finalizing a 208 Plan and hence the EIS is optimistically some time during the summer of 1980. No decisions regarding the federal funding of capacity-related elements of the STPUD system can be reached until those documents are finalized.

The headstart program proposed by STPUD is an effort to identify those elements of the wastewater facilities that are not capacity related or are common to all wastewater management alternatives currently being evaluated. STPUD has received approval from the State Water Resources Control Board (SWRCB) for the improvements proposed as part of the headstart program. Additional applications for state and federal funding and Agency review will be made once the issue of treatment plant capacity is resolved by the District.

Proposed Facilities

The current project proposes numerous improvements to the facilities located in South Lake Tahoe and El Dorado County including odor control equipment, screening and flow measurement, digester modifications, chlorination system modifications, engine-driven pumping, standby generation, replacement of effluent pumps and laboratory and office improvements.

Several of the proposed improvements will increase the reliability of the facility, particularly during storm events. However, the current plant capacity of 7.0 million gallons per day will not be affected. The EPA grant conditions specify that the improvements cannot be considered in calculating plant capacity but are rather intended to increase efficiency and reliability.

Land Capability and Coverage

The STPUD treatment plant site allows up to 30% land coverage under the land capability system. Current facilities utilize 22.0% impervious surface coverage. With the addition of the proposed facilities, the total coverage will be 25.5%, within the allowable coverage.

Conformance With Agency Plans

The project is in conformance with the wastewater facility as prepared by STPUD. TRPA has provided comments to EPA supporting the facility plan through comments on the DEIS.

5/19/80
The basis for the Agency comments on the DEIS was the Lake Tahoe Basin Water Quality Management Plan (208 Plan) as adopted by TRPA. The 208 Plan indicates the need for facility upgrading and expansion. The proposed project is therefore in conformance with Agency plans although it should be recognized that additional capacity-related elements of the treatment plant will be required at a later date.

Other Agency Actions

The project has been approved by the City of South Lake Tahoe and the California Tahoe Regional Planning Agency. The Lahontan Regional Water Quality Control Board has determined that the project is within the scope of existing waste discharge requirements.

On-Site Improvements

The STPUD has worked closely with the Soil Conservation Service in designing slope stabilization, revegetation, and drainage improvements. The proposed plans and specifications for the project therefore correlate closely with the requirements of the Handbook of Best Management Practices with one minor exception. Although all new buildings include dripline trenches for infiltration of on-site runoff, a proposed parking area would drain runoff into the wastewater treatment facility for treatment and export. On-site detention or infiltration would reduce wet weather flow to the plant as well as provide for natural groundwater recharge.

Advisory Planning Commission Action

At its regular meeting on May 14, 1980, the APC voted with one abstention to approve the project. APC member Dick Pyle, representing the Soil Conservation Service, abstained from the vote since his office had made recommendations to the South Tahoe PUD as part of the project package.

Recommendation

Agency staff recommends approval of the project subject to inclusion of infiltration trenches for runoff from the proposed parking area.
TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY AND RECOMMENDATION

Washoe County Department of Parks and Recreation  
Incline Village Bicycle System Master Plan

Summary

The applicant, the Washoe County Department of Parks and Recreation, is requesting conceptual approval of the proposed Incline Village bicycle master plan (see attachment 1). The master plan encompasses approximately 19 miles of bikeways. The bicycle network utilizes three classes of bikeways: 1) the bike path; 2) the bike lane; and 3) the bike route. The network provides a comprehensive bicycling system, with particular emphasis given to corridors with potentially high levels of demand. Construction of the overall facility is proposed based upon five priorities. Priority 1 is proposed for construction this year. This project is estimated to cost approximately $400,000. Prior to construction of any phase, submission of environmental documents and TRPA review will be required.

System Description

The master plan is proposed to penetrate effectively the major recreational, commercial and educational activity centers of Incline Village. Most of these centers are located in the core area of Incline and will be serviced by spatially separated bike paths. Bike lanes and routes will be provided in peripheral locations and on less heavily traveled roadways. Most of the bikeway system, 15.8 miles or 84% of the network, is composed of bike paths. These bikeways are for the exclusive use by bicyclists and pedestrians with no vehicle use permitted. Bike paths are the safest type of bicycle facility because of vehicle and bicycle separation.

Eleven percent, or 2.1 miles, of the bicycle network consists of bike lanes. Bike lanes are located in the motor vehicle right-of-way and are delineated by striping, bike lane markings, and signing. Bike routes make up the remaining 5% of the system, 0.8 miles. Bike routes are streets with bike route signing to indicate they are part of the bicycle network. The bike routes are on streets which carry relatively low traffic volumes.

As currently envisioned in the master plan, all of the system components will be located either adjacent to or within existing road rights-of-way (see attachment 2). While separating automobile and bike traffic, this design does not reduce interactions at intersections but forces bicycle traffic to mimic established vehicle traffic patterns. The master plan does not address unique opportunities to establish a bicycle path system independent of the existing street system. Reoccurring intersection interactions will affect the system quality by reducing the safety and overall flow efficiency of the system. No provisions are made for providing grade-separated crossings especially at intersections along State Route 28. These interactions will be directed through existing intersections at the crosswalks.

Land Use and Land Capability

This master plan does not directly address land capability constraints. Each specific phase of this master plan will be required to provide land capability calculations and coverages. This project will result in disturbance in many different land capability districts. Each phase will be required to submit plans identifying methods proposed to minimize land disturbance and provide for slope stabilization and drainage improvements.

5/5/80
Due to the nature of this project, Agency staff recommends that a regional public facility designation be granted with this proposal.

Conformance With Adopted Plans

**Tahoe Regional Transportation Plan** - The long-range objective for bicycle paths is a continuous system of interconnecting regional bicycle trails around the Lake with branches into the back country where feasible. Phase 1 of the proposed system will provide a bike path along Lakeshore Boulevard which can be connected to the regional bike system in the future. Provision was made in this adopted plan for the inclusion of an Incline Village bicycle master plan when it was developed.

**Recommended Short-Range Transportation Plan** - The Short-Range Transportation Plan includes a bicycle path system encircling the Lake. This plan provides for the inclusion of the Incline master plan into the North Tahoe Subregion Short Range Transportation Plan.

Agency staff finds that this proposal is in conformance with the adopted transportation plans.

Specific Improvements

The type and scale of improvements proposed as part of this project depend upon the class of bike route proposed. Bike paths will be separated from the existing roadway by a minimum of 5 feet and will be 8 feet wide. The bike paths will result in the most disturbance in new areas. Grading and clearing work will be necessary to provide for the path. The path of this disturbance will be approximately 12 feet wide. To provide for acceptable grades on the path, some extensive grading will be required. During the review process for each development phase, specific slope stabilization and drainage improvements will be required. Bike lanes will be 5 feet wide and will be added as new asphalt. This will increase the amount of pavement adjacent to existing drainage channels. Restoration of some drainage channels will be required due to this work. Phase 1 proposes 23,400 feet of bike path and 5,400 feet of bike route. No bike lanes are proposed as part of Phase 1.

Regional Public Facility

This bicycle facility is proposed for construction initially within the Incline Village area with provision for connection to the regional bike system in the future. The major portion of the system will benefit primarily Incline Village residents and visitors. Regional public facility designation can be applied to projects which are contained in one of the elements of the TRPA General Plan and which will be constructed or administered by a public agency.

Section 8.24 of the Land Use Ordinance sets forth the criteria for determining the applicability of regional public facility designation:

1. The need for such facility in the location proposed in view of the estimated demand for the services required by the permitted development within the Land Capability Districts, chiefly served by the facility, and by the Region generally;

2. The land capability of the area upon which the facility is proposed to be located;

5/5/80
3. An estimate of the environmental harms that will be created by the proposed facility in the proposed location; and

4. The conformity of the plans for such proposed facility with the requirements established in other ordinances adopted by the Agency."

A survey taken of Incline Village residents indicated support for the provision of a safe bicycle system that offers an alternative to other forms of travel. Survey results indicated that the bike path system was desired for both utilitarian and recreational use. With the current use by bicyclists of the paved streets in Incline Village, adequate safety is not provided. The most pleasurable biking experience is also not provided for. This system would enhance both the safety and aesthetic deficiencies. An even more pleasurable biking experience could be provided if more spatial separation were provided and if the system could be developed even more independently from the existing road network.

Land capability calculations for each phase will be submitted with each phase's review. Complete plans will be submitted identifying the location and extent of proposed improvements. Complete plans regarding slope stabilization, revegetation, and drainage improvements will also be subject to Agency review. Preliminary review has indicated the need for the provision of specialized crossing improvements across some creeks and drainage channels. Due to the steep topography of Incline Village, portions of the system will have excessive grades in some areas. More standard grades cannot be provided without excessive disturbance and cutting and filling. Where these excessive grades occur, the extent will be minimized.

The bike path system is in conformance with the adopted TRPA Short-Range Transportation Plan.

Staff Comment

At the April, 1980 APC meeting, members expressed concern over the safety aspects of a bicycle system in Incline Village as it related to the proposed pool facility. This master plan does not address specific improvements except to identify conceptual locations. Agency staff has performed a preliminary site review with the project consultants. This review pointed out the need for very specific details regarding intersection improvements. Since the master plan is designed to follow the roadway system, a large number of interactions between bicycles and automobiles will still occur. Of primary concern are the intersections of Northwood, Southwood and Village Boulevards with State Route 28.

Recommendation

Agency staff recommends that this facility be designated a regional public facility under Section 8.24 of the Land Use Ordinance and further recommends conceptual approval of the Incline Village bicycle master plan.
Advisory Planning Commission

At its regular May 14, 1980 meeting, the APC voted unanimously to support the staff recommendation for a regional facility finding and for a conceptual approval of the master plan. The APC added a condition to the project that individual phases of the system as they are brought back before the APC specifically and particularly address the question of intersection safety and the separation of bicycle, vehicle and pedestrian traffic on a seasonal basis.
State of California
Department of Parks and Recreation
Sugar Pine Point State Park
Bicycle Trail
El Dorado County

Summary

The State of California Department of Parks and Recreation is requesting approval to construct a .6 mile long bicycle trail along Highway 89 at the entrance to Sugar Pine Point State Park. The trail will extend from the end of the Tahoe City Public Utility District bicycle path at the north park boundary to the paved nature trail 635 feet south of the campground entrance road. The trail will run roughly parallel to Highway 89 approximately 100 feet west of the roadway. Funding for the project will be provided by the State of California.

Land Use and Land Capability

The land capability classification of the property is TcB, Tallac gravelly coarse sandy loam, seeped, 0-5% slopes, land capability level 5, 25% land coverage and GR, gravelly alluvial land, land capability level 1B, 1% land coverage.

The applicant has submitted land coverage calculations for each land capability district identifying all existing land coverage. The bike path will be constructed in the TcB area and will not exceed allowable land coverage. Due to the nature of this proposal, Agency staff recommends that a regional public facility designation be granted with this proposal.

Conformance With Adopted Plans

Recreation Plan - The Summer Recreation Element of the Conservation, Recreation and Open Space Plan identifies Sugar Pine Point State Park as an outdoor recreation area and identifies a scenic corridor and bike trail system along the west shore. This facility will provide another link in this overall system.

Tahoe Region Transportation Plan - The long range objective for bicycle paths is a continuous system of interconnecting regional bicycle trails around the Lake and branches into the back country where feasible. This system component will connect up with the existing TCPUD system and the State Park paved nature trail paths.

Recommended Short-Range Transportation Plan - The Short-Range Plan includes a bicycle path system encircling the Basin. The bicycle path element in the Short-Range Plan identifies a bicycle path corridor from north of Emerald Bay to the north shore of Lake Tahoe.

The Agency staff finds that this proposal is in conformance with the adopted Regional Long and Short Range Transportation Plans.

5/2/80
Regional Public Facility

This bicycle facility is proposed for construction by the State of California within the Sugar Pine Point State Park and will be one of the connecting links in the accomplishment of the recommended Lake Tahoe Basin bike trail system. Regional public facility designation can be applied to projects which are contained in one of the elements of the TRPA General Plan and which will primarily serve the needs of persons other than those owning or residing on the property subject to the development.

Section 8.24 of the Land Use Ordinance sets forth the criteria for determining the applicability of regional public facility designation:

"1. The need for such facility in the location proposed in view of the estimated demand for the services required by the permitted development within the Land Capability districts, chiefly served by the facility, and by the Region generally;

2. The land capability of the area upon which the facility is proposed to be located;

3. An estimate of the environmental harms that will be created by the proposed facility in the proposed location; and

4. The conformity of the plans for such proposed facility with the requirements established in other ordinances adopted by the Agency."

A facility such as this will be necessary to connect the existing Tahoe City PUD bike trails with the proposed Meeks Bay extension. The provision of this facility will not generate the need for expanding any currently provided services.

The property contains both land capability level 5 and 1B lands. None of this proposal is to be constructed within class 1B lands. Inclusion of this facility in land coverage calculations still leaves a substantial amount of unused land coverage allowable. Construction is proposed to comply with the TRPA Grading Ordinance and 208 Handbook of Best Management Practices. This proposal will result in the disturbance of a strip of land approximately 12 feet wide and 3,130 feet long. The removal of approximately 25 trees is anticipated. Construction specifications require restoration and revegetation of all disturbed areas. The bike path proposed is in conformance with the Agency’s Conservation, Recreation and Open Space Plan, the Tahoe Region Transportation Plan, and the Short Range Transportation Plan.

5/2/80
Recommendation

Agency staff recommends that this facility be designated a regional public facility under Section 8.24 of the Land Use Ordinance and further recommends approval of the subject bike path system subject to the following conditions:

1. The final construction drawings for the project shall be subject to Agency staff review and approval prior to construction.

2. All construction work and improvements shall be accomplished in accordance with the Agency's Grading Ordinance and 208 Handbook of Best Management Practices.

Advisory Planning Commission Action

At its regular meeting on May 14, 1980, the APC voted unanimously to support the project.
Nevada Department of Transportation
Highway 50 and Elk Point Road Intersection Improvements
Douglas County

Project Location and Description

The Nevada Department of Transportation requests approval of a public works project to improve the intersection of U.S. Highway 50 and Elks Point Road located in Round Hill. These improvements include the construction of new signals, widening of Highway 50 to accommodate left turn lanes, construction of an advanced warning signal to the south of the intersection, and minor drainage improvements.

Summary

When TRPA reviewed the Round Hill subdivision, this intersection was identified as having inadequate capacity to handle the projected traffic flows. The Highway Department's information confirms this finding and indicates the subject improvements are necessary at this time. It is the Department's contention that the improvements will permit a Service Level A, based on 1979 traffic flows.

Agency staff has inspected the site with the Development Review Committee and has suggested some minor drainage and slope stabilization improvements. The two concerns staff has with the project are the sedimentation retention capacity of the drainage improvements and the size and color of a large galvanized signal warning device to be placed south of the intersection. The Highway Department indicated at the May 14, 1980 APC meeting that these concerns would be addressed in the final plans within the limits of the Department's budget and consideration of safety factors.

Advisory Planning Commission Action

At its regular meeting on May 14, 1980, the APC voted unanimously to support the project subject to the coloration of the structure being approved by the TRPA staff.

Recommendation

Agency staff recommends support of the proposed improvements with the following conditions:

1. Prior to issuance of the contract to bid, Agency staff shall review the final plans and documents to insure the applicant has adequately addressed such factors as sediment retention, Soil Conservation Service recommendations, and traffic control during construction.

2. The signal warning device should be designed to minimize intrusion into the scenic highway corridor, with particular attention given to size and color.
Application Type: Pier Extension and Fresh Water Intake Line for Zephyr Cove Resort

Applicant: U.S. Forest Service - Travel Systems Ltd.
P.O. Box 8465
South Lake Tahoe, California 95731

Owner: U.S. Forest Service

Assessor's Parcel: Douglas County 05-01-03

Project Location: Zephyr Cove, Nevada

Review Per Section: 4.11(5) Pier Extension, and 4.11(8) Water Intake Line

Shorezone: Tolerance District 1

Project Description: The applicant proposes a new commercial T-shaped fueling dock adjacent to the existing pier. Included with this additional pier section are the necessary fuel pumps, lines, and backshore storage facilities. The length of the addition is 81 feet. The applicant is also proposing a 300 foot extension to an existing 4" fresh water intake line which does not require dredging.

There is an existing unauthorized buoy field consisting of approximately 65 mooring buoys associated with this project.

If the proposed construction is accomplished according to the approved plans and following conditions, Agency staff can find that this project is in conformance with Section 5.00 of the Shorezone Ordinance.

Recommendation: Agency staff recommends that a permit be conditionally approved under Section 5.00 of the Shorezone Ordinance for this application. The recommended conditions of approval are:

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

2. The proposed pier extension shall be constructed according to the attached approved plans.

3. No construction methods shall be utilized that will degrade the waters of Lake Tahoe.

4. No rock or other natural material shall be relocated without staff approval.

5. Prior to commencement of construction the applicant shall submit an application for the 65+ existing buoys.

5-20-80
6. 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.

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

8. Prior to commencement of construction of the fuel system, the applicant shall submit construction plans (1) detailing all safety devices, (2) noting fire department approval, (3) location and grading details of the storage tanks and (4) any other information necessary for evaluation of the proposed fuel system.
APPLICATION FOR PERMIT
FOR:
INTAKE WATER LINE EXTENSION.

RESULTED
ZEPHYR COVE, NEVADA
COUNTY OF DOUGLAS

APPLICATION BY:
UNITED STATES FOREST SERVICE

DATE: JAN. 3, 1980

ELEVATIONS BASED ON U.S.B.R. DATUM.

RECEIVED
APR 10 1980

SHT. 1 OF 2
LOCATION MAP

PREVAILING WIND

NOTE:
ELEVATIONS BASED ON
U.S.B.R. DATUM.

APPLICATION FOR PERMIT
FOR:
COMMERCIAL FUELING DOCK

ZEPHYR COVE, NEVADA
COUNTY OF DOUGLAS

APPLICATION BY:
UNITED STATES FOREST SERVICE

DATE: DEC. 18, 1979

RECEIVED
10-5-80

SH. 1 OF 2
Clearinghouse
Nevada Division of Environmental Protection
Clean Lakes Grant Funds Request
Douglas County

Background

The Nevada Division of Environmental Protection is applying for a Clean Lakes Grant from the U.S. Environmental Protection Agency on behalf of Douglas County. The funds would be utilized for drainage and slope stabilization improvements along Kingsbury Grade as part of the reconstruction of the roadway. The roadway improvements themselves would be funded from other sources.

The U.S. Soil Conservation Service has initiated slope stabilization and drainage improvements under the Resource Conservation and Development Program (RC&D) in the general vicinity of the project area. However, due to funding constraints, only the first phase of the project was completed in 1979. The RC&D Program envisioned drainage improvements along Kingsbury Grade as part of a total solution for severe erosion and water quality problems documented in this area. The severe winter storms during January, 1980 graphically demonstrated the severity of the problems in the area.

Consistency With Agency Plans

The Agency’s adopted Water Quality Management Plan identifies the Upper Kingsbury Watershed as the highest priority for corrective measures. Roadside drainage and mechanical slope stabilization account for the bulk of the costs of proposed remedial measures. The proposed project is therefore consistent with adopted Agency plans.

Advisory Planning Commission Action

On May 14, 1980, the APC voted unanimously to support the project.

Recommendation

Agency staff recommends full support of the project in order to assist in correcting an identified severe erosion problem.

5/19/80
Cox and Michelsen
Administrative Permit for a 67 Unit Motel
Douglas County

Agency Action Required by July 13, 1980

Project Location and Description

The applicants request a permit to construct a 67 unit motel on two parcels of land totaling 1.67 acres. The 67 units (includes a manager's unit) will be located in two buildings, one located on each parcel. The first parcel (parcel #3) will accommodate 20 units in a three-story building with 20 parking spaces located under and adjacent to the structure. The second parcel (parcel #4) will accommodate 47 units in a four-story building with 44 parking spaces located under and adjacent to the structure. Ten percent of the units will have kitchens.

The two parcels (Douglas County Assessor Parcel Nos. 07-130-17 and 07-130-18) are located at the end of a cul-de-sac which traverses a stream environment zone to provide access to the project. The cul-de-sac accesses Kingsbury Grade approximately 1,100 feet east of the Highway 50/Kingsbury Grade intersection (attachment A).

Previous Approvals

On January 26, 1978, TRPA approved the construction of the 380 foot cul-de-sac as a stream environment zone project. Although this project was labeled the Michelsen Industrial Park, there were no project approvals for any of the four parcels created in connection with this cul-de-sac.

On October 8, 1979, Douglas County issued building permits for the construction of an 82 unit motel on parcels 3 and 4. In early November of 1979, TRPA staff discovered the unauthorized permit for parcel 4 while checking Douglas County Type A permits. The Building Department was notified and a letter dated December 14, 1979 was sent to Douglas County requesting a stop work order. A January 30, 1980 letter from the County indicated the applicant would be notified and the permit would be revoked within 90 days if TRPA action was not forthcoming. Ben Hawkins, of the Building Department, has indicated the permits are suspended until further notice from TRPA.

On March 26, 1980, the Douglas County Building Department approved an administrative permit for the 67 room motel project.

Land Use

The subject parcels are zoned C-2 by Douglas County and General Commercial (GC) by TRPA. The GC land use district permits motels up to 40 units per acre. Although parcel #4 exceeds the TRPA density limitation, both parcels combined just meet the density limitations of 67 units.

The parcels are surrounded by lands zoned General Commercial with undeveloped land to the south, Nevada highway right-of-way to the east, a post office to the west, a restaurant under construction on parcel #2 and an office building on parcel #1 to the north (attachment B). A key land use determination is the potential use of the Oliver Casino site located across Kingsbury Grade from the project. If the hotel is built then the applicant's proposal would be compatible with the two hotels in the area. If the site
is acquired by the County for an administrative center, then the applicant's original industrial park concept may be more compatible, particularly if office buildings are constructed on the site.

**Land Capability**

The TRPA land capability maps show the site in a land capability district 3 which would permit maximum land coverage of 5%. More recent information indicates that there is an extensive stream environment zone (SEZ) (attachment A) abutting the site. Pre-1972 aerial photographs indicate parcels 3 and 4 were and are today significantly disturbed.

The General Commercial land use district permits up to 70% land coverage on the site. The applicants propose to cover 46.4% of parcel #3 and 58.0% of parcel #4 with most of the open space devoted to preservation of the SEZ.

**Architecture**

The site will contain two large block-shaped buildings with a Swiss chalet type of exterior very similar to the design of an adjacent project named Kingsbury Station. The building on parcel #3 will have an average height of 32.5 feet and the building on parcel #4 will have an average height of 36.25 feet.

**Public Utilities**

The applicant has submitted the proposed motel project to the Kingsbury General Improvement District, the Douglas County Sewer Improvement District, the Tahoe Douglas Fire Protection District, Sierra Pacific Power and Southwest Gas Corporation for consideration. These utilities indicate that the proposed project will not adversely affect their ability to serve the property.

Staff does have a concern about the water supply and sewage capacity. The most recent information for sewer and water from the Kingsbury GID and DCSID indicates the following:

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<td>Water (KGID)</td>
<td>1,880 Acre Feet</td>
<td>998 Acre Feet</td>
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</tbody>
</table>

Although the water supply issue is yet to be resolved pending submittal of a report by the Kingsbury General Improvement District consultants (CH2M Hill), it is apparent that the sewage treatment capacity of the main treatment facility at DCSID will approach capacity this summer. DCSID was operating at 92% of peak capacity in 1979 and is projected to reach peak capacity this summer with new projects coming on line, i.e. Caesar's Tahoe at .146 MGD.

The applicant's information report indicates this project should generate approximately 6,700 gallons per day (GPD) of effluent at full occupancy which is the equivalent of 22 single family dwellings. It is the applicant's contention that special contractual arrangements with DCSID and the fact that the project acquired the necessary sewer permits in 1979 establish this project's right for a portion of the remaining capacity.
Traffic

The applicants have submitted a traffic/air quality report which has been reviewed by the Nevada Department of Transportation and the Nevada Division of Environmental Protection with no objections. This report indicates that the capacity of Kingsbury Grade in the project area is 22,000 vehicle movements per day with a capacity of 1,760 vehicles per peak hour. The latest 1979 traffic counts indicate the peak daily traffic to be 14,191 with an estimated peak hour of 1,020. The project is estimated to generate approximately 467 vehicle movements on a peak day. The peak hour estimate is 38 trips which would be 3.2% of the 1979 peak hour count. Based on this information and a 5% growth rate, the applicant has submitted a detailed analysis indicating that this section of highway will not reach capacity and will fluctuate between a service level A through D in 1984 (attachment C).

However, the critical traffic flow limitation found at the intersection of Highway 50 and Kingsbury is approaching a theoretical service level E and will be at a service level E by 1984 based on the applicant’s report.

The applicant’s report estimates that 19 trips could be diverted from the intersection by the construction of this project in the Kingsbury location. It is staff’s contention there is not a relocation of 67 units but an addition of 67 units; therefore, the project will contribute 2% to the traffic loading from Kingsbury at the intersection. This problem was identified in previous TRPA staff reviews of Kingsbury Square and Granite Springs Subdivision and was a basis for recommendation of denial. Both the applicant and the Highway Department propose no improvements to this intersection; however, the applicant will provide left-turn lanes and right-turn lanes at the entrance to the cul-de-sac.

Grading and Drainage

The applicant has submitted plans indicating there will be minimal grading to the already disturbed sites. Also, the proposed drainage system will be designed to the standards recommended in the 208 Plan. The applicant has taken care to minimize intrusion into the stream environment zone within the context of previous Agency approvals.

Analysis

It is staff’s finding that the applicant has modified the project previously approved by Douglas County so that it falls within acceptable TRPA standards for on-site improvements. The design and site planning is acceptable with the possible exception that the County’s parking requirement may not be adequate during peak periods. With regard to off-site impacts, the staff has the following concerns in evaluating this project:

1. This project will contribute 2% to the projected traffic flows at the Kingsbury/Highway 50 intersection, which is currently approaching a service level E; there are no planned improvements to this intersection nor any significant mitigation measures provided by the applicant.

5/21/80
2. The DCSID plant is projected to reach capacity this summer with the proposed expansion plans and the timetable for improvements unresolved at this time.

3. The issue of water supply at Kingsbury GID has not been resolved nor is staff in receipt of the long-awaited report from Kingsbury GID on the water supply situation.

4. The short-term need for transient overnight facilities is somewhat diminished with the scheduled addition of 446 rooms at Caesar's Tahoe.

It is staff's finding that the short-term limitations of public services including available sewage capacity and traffic congestion at the intersection of Kingsbury Grade and Highway 50 could be mitigated by a project proposing less intensive land uses. Alternative uses for the site such as offices or warehouses could result in less off-site impacts and be more compatible with land use patterns which would evolve in the area if the adjacent hotel casino site is purchased as presently proposed.

Recommendation

Based on the off-site impacts, particularly the traffic problems identified at the Kingsbury/Highway 50 intersection and the sewer capacity problems of the Douglas County SID, Agency staff has great difficulty making the findings of health, safety and no adverse environmental impacts as required by Section 8.33 of the Land Use Ordinance.

"Administrative permits may be issued for any of the uses or purposes for which such permits are required by the terms of this ordinance. Such permit may be granted only if it is found by the permit-issuing authority that the establishment, maintenance, or operation of the use or purpose in the particular case is not detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to property and improvements in the neighborhood or 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."

Therefore in the absence of any significant mitigation measures offered by the applicant or the public service entity, staff recommends this application for an administrative permit be denied.

5/21/80
<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Intersection</th>
<th>Highway</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Uncongested operations, all queues clear in a single-signal cycle.</td>
<td>Free flow where vehicles are unaffected by other vehicles in the traffic stream.</td>
</tr>
<tr>
<td>B</td>
<td>Uncongested operations, all queues clear in a single cycle.</td>
<td>Higher speed range of stable flow. Volume 50% of capacity or less.</td>
</tr>
<tr>
<td>C</td>
<td>Light congestion, occasional backups on critical approaches.</td>
<td>Stable flow with volumes not exceeding 75% of capacity.</td>
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<tr>
<td>D</td>
<td>Significant congestion of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed.</td>
<td>Upper end of stable flow conditions. Volumes do not exceed 90% of capacity.</td>
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<tr>
<td>E</td>
<td>Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es).</td>
<td>Unstable flow at roadway capacity. Operating speeds 30-25 mph or less.</td>
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<tr>
<td>F</td>
<td>Total breakdown, stop-and-go operation.</td>
<td>Stop-and-go traffic with operating speeds less than 30 mph.</td>
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### Hourly Analysis

**Traffic on Kingsbury Grade**

(Winter, Saturday - 1984)

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<th></th>
<th><strong>UP</strong></th>
<th><strong>SVC. LEVEL</strong></th>
<th><strong>DOWN</strong></th>
<th><strong>SVC. LEVEL</strong></th>
<th><strong>TOTAL</strong></th>
<th><strong>SVC. LEVEL</strong></th>
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</tbody>
</table>

**Total** | 7,330 | 7,330 | 14,660

**Attachment C**

(Sheet 2 of 2)
May 19, 1980

Mr. Gary A. Owen
Attorney at Law
P.O. Box 605
Carson City, NV 89701

Re: Tahoe Boat Company Marina/Tahoe Regional Planning Agency

Dear Gary:

I apologize for the delay in responding to your letter of May 5, 1980. I had hoped to have something more definite to send to you by now.

Mr. Kearns and engineers working for him are in the process of preparing an application for a revised plan regarding the subject bulkhead. We shall advise you as soon as something has been developed.

The $20,000 bond which you have suggested may be a problem. Mr. Kearns had his insurance broker up from Stockton last week, and they are working diligently on this matter. It appears that at the present time obtaining such a bond may not be easy. As an alternative, would staff recommend to the governing board an assignment of a $10,000 interest bearing account?

It is entirely possible that given the great number of agencies which will have to review this application, all approvals may not be obtained prior to October 30, 1980. The application may still be pending at that time. Mr. Kearns would not wish to be put in the position to forfeit a bond or certificate of deposit, merely because all agencies had not acted upon his application prior to October 30, 1980. Hopefully, we can work out some language in the conditions to be imposed by TRPA to deal with his concern.

I recognize that we have to get something to you by May 28. I shall be in touch with you further.

Sincerely,

ROBERT C. MADDOX

RCM/dl
cc - John Kearns
Robert C. Maddox, Esq.
Maddox & Olsen
P. O. Box 75
Tahoe City, California 95730

Re: Boat Works Marina

Dear Bob:

Thank you for your letter of May 19, 1980, concerning the above-referenced matter. Regarding your alternative to the $20,000.00 bond, consisting of assignment of a $10,000.00 account, such alternative may be acceptable to agency staff, assuming a rather clear, binding written assignment is prepared.

With respect to the October 30, 1980, deadline for compliance with TRPA's original approval in the event the new application is not approved, I can only refer your concern to TRPA staff. It may be possible, however, that in the event your client is actively pursuing this amended application and has obtained favorable approval thereof by the vast majority of the other agencies involved, staff may be willing to recommend an extension of the deadline to the TRPA governing body. That decision, of course, is up to staff.

Finally, if you have further papers to file with the agency in this regard on or before May 28, 1980, I suggest you file them directly at TRPA's office in South Lake Tahoe, California. My letter of May 5, 1980, however, simply indicated the governing body would consider the proposed settlement reflected in my letter of that date and that, should the governing body approve the recommended course of action, staff would recommend Mr. Kearns be allowed through Friday, June 6, 1980, within which to file the new application and bond. In any event, of course, the recommended settlement will be considered by the TRPA governing body at its meeting to be held on May 28, 1980. I would hope that you or another representative of Mr. Kearns attend at that time to consider the proposed settlement.

Sincerely yours,

SHAW, HEATON & DOESCHER, LTD.

By
Gary A. Owen

cc: Philip A. Overeynder
Gordon W. Barrett
MEMORANDUM

DATE: May 19, 1980

TO: The TRPA Governing Board

FROM: The Staff

SUBJECT: Boatworks Marina; Modification of a Condition of Approval

On November 2, 1979, the TRPA Governing Body took action with regard to the Boatworks Marina to direct the applicant to post a bond in an amount sufficient to accomplish removal of fill on or before May 30, 1980. The Board further directed that if the applicant had not posted the bond within 30 days to guarantee the completion of this work, TRPA legal counsel was to proceed with legal action.

After receiving notice of the Governing Body's action, Mr. Robert Maddox, representing John Kearns, contacted Gary Owen, TRPA legal counsel, and requested an extension of the deadline for removal of the bulkhead pending submittal of a new application to the involved agencies. Staff and legal counsel have agreed that if the applicant would submit a bond insuring compliance by October 30, 1980, this proposal would be the most cost-effective method of insuring compliance. Gary Owen has submitted the attached letter for the applicant's consideration.

Recommendation

Staff would recommend that the Governing Body modify its previous action provided the applicant file a new application under the conditions as outlined in the attached letter.
May 5, 1980

Robert Maddox, Esq.
Attorney at Law
P. O. Box 75
Tahoe City, California 95730

Re: Boat Works Marina - Tahoe Regional Planning Agency ("TRPA")

Dear Mr. Maddox:

I am writing to confirm our telephone conversation of May 1, 1980, wherein I indicated to you the conditions required by TRPA staff for potential settlement of the Boat Works Marina matter. As you will recall, you telephoned my office on April 30, 1980, to inquire concerning such a settlement as a result of Mr. Barrett's letter to your client, John Kearns, dated April 24, 1980.

As I indicated in our conversation, TRPA staff would recommend settlement of the dispute to the Governing Body of the TRPA at its meeting to be held May 28, 1980, upon the following bases:

1. As proposed by your office, the filing by Mr. Kearns of a new application for Shorezone review of the pertinent area and facilities;

2. The filing with the application of a $20,000.00 bond executed by good and sufficient surety guaranteeing that, in the event the new application is not approved, Mr. Kearns will abide by TRPA's original approval, including all conditions pertaining thereto, which approval, among other things, required Mr. Kearns' removal of the subject bulkhead and fill and realignment of sheet piling, which bond shall guarantee compliance with such original approval on or before October 30, 1980; and

3. Prior approvals of the new application by the California Regional Water Quality Control Board, Lahontan Region, and the California Tahoe Regional Planning Agency, receipt of which prior approvals by the TRPA shall be a condition precedent to the completeness and sufficiency of Mr. Kearns' new application to the TRPA.
May 5, 1980
Robert Maddox, Esq.

While we did not discuss a specific deadline for filing the bond and new application, exclusive of the prior approvals by the other agencies, TRPA staff will recommend Mr. Kearns be allowed through Friday, June 6, 1980, to do so. Accordingly, I suggest you commence efforts very soon to obtain the bond in order that it might be timely filed should the Governing Body concur in this settlement.

It is my understanding from our telephone conversation on April 30, 1980, that Mr. Kearns indeed desires to make a new application to TRPA, and that if his new effort does not result in approval by TRPA and the other agencies, Mr. Kearns will comply with TRPA's original approval, including all conditions pertaining there-to.

You indicated on May 1, 1980, that if Mr. Kearns had any objection to the foregoing resolution of the matter, you would advise me at your earliest convenience. Inasmuch as I have not heard further from you in this regard, I assume Mr. Kearns is in accord with the foregoing. If that is not the case, please so advise me immediately. Also, please be advised that the Governing Body of the Tahoe Regional Planning Agency will consider the matter at its meeting to be held May 28, 1980.

Sincerely yours,

SHAW, HEATON & DOESCHER, LTD.

By

Gary A. Owen

GAO: je

cc: Philip A. Overeynder, TRPA Executive Director
    Gordon W. Barrett, Senior Planner
E. C. Grayson

Variances 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 Cresby 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.

5/20/80
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.

5/20/80
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 or 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.

5/20/80
E.C. GRAYSON

Variance to Construct a Four-plex in a Stream Environment Zone
Washoe County

LIMITS OF Stream Environment Zone

Grayson Property  Slain/Erickson Property  Raisler Property
Harvey's Resort Hotel
Phase II Finding of Conformance with Previous Approvals
Douglas County, Nevada

Finding of Conformance

Harvey's Resort Hotel proposes extensive remodeling and expansion of the main casino area of the facility, located south of the hotel tower. The plans indicate there will be an expansion of gaming area, an expansion of total floor area, expansion of the footprint of the building, the expansion of existing restaurants, and the addition of a new restaurant. This expansion will create a sub-basement and a second floor level for a total of four usable levels in the main casino area.

As noted in a letter to Harvey's, (attached) and copied to all Governing Body members, Agency staff expressed concerns with regard to compliance with the 1973 Master Plan and potential off site impacts. After a meeting with the representatives of Harvey's, it was agreed that Harvey's would submit the proposed "Phase II" plans to the Agency for consideration of a finding of substantial conformance. Several of the staff concerns addressed in the attached letter have been satisfied as a result of the opportunity to thoroughly review the proposed plans.

Background

On June 20, 1973, the Douglas County Commissioners conditionally approved a Master Plan application for Harvey's Resort Hotel at Stateline, Nevada. Following this action, on July 18, 1973, the Nevada Tahoe Regional Planning Agency (NTRPA) conditionally approved the Master Plan.

On July 25, 1973, the Governing Board of the Tahoe Regional Planning Agency (TRPA) failed to take action on the Master Plan application for Harvey's Resort Hotel. Subsequently, the 60 day rule went into effect and the Master Plan was deemed approved as presented. The information submitted as part of the Master Plan application included an "Environmental Information Report", a boundary and proposed building site plan at a scale of 1"=50' and a verbal presentation made before the TRPA Governing Body. Also, all previous approvals and conditions are considered as part of the project.

On July 18, 1975, the TRPA staff signed an agreement with Harvey Gross agreeing not to contest the construction of a building addition at the rear of the hotel tower as the initial phase of the Master Plan if Harvey's would remove 11,000 square feet of impervious surface.

On June 28, 1978, the Governing Body of the TRPA failed to take action on a finding of substantial conformance on a proposed parking garage. The garage has not been constructed as of this date.
On February 28, 1979 the TRPA Governing Body found that the proposed improvements to be implemented with the pedestrian undercrossing, were in substantial conformance with the 1973 Master Plan (now labeled "Phase I"). Phase II, as proposed, will modify the approved floor plan of Phase I.

Analysis

The applicant has submitted the attached ten page report to substantiate that the proposed improvements are within the scope of the 1973 approval. This report has been reviewed by the NTRPA and Douglas County and found to be accurate. Agency staff, as noted in the April 5, 1980 letter, does not completely concur with the applicant's analysis, for the reasons noted in the letter (attached). Generally, the areas of disagreement center on the location and timing of proposed uses; the significance of such conflicts must rely on the resultant impacts. Table I sets forth the general parameters of the 1973 approval and compares them to the existing situation and the proposed modifications under Phase II.

<table>
<thead>
<tr>
<th></th>
<th>1973 Approval</th>
<th>Existing May 1980</th>
<th>Phase II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Floor Area</td>
<td>1,070,000 sq. ft.</td>
<td>340,796 sq. ft.</td>
<td>435,500 sq. ft.</td>
</tr>
<tr>
<td>Gaming Floor Area</td>
<td>88,000 sq. ft.</td>
<td>52,387 sq. ft.</td>
<td>56,303 sq. ft.</td>
</tr>
<tr>
<td>Hotel Rooms</td>
<td>740</td>
<td>194</td>
<td>194</td>
</tr>
<tr>
<td>Parking</td>
<td>4,500 spaces (with parking garage)</td>
<td>1,600 spaces</td>
<td>1,600 spaces</td>
</tr>
<tr>
<td>Main Casino Area</td>
<td>2 to 4 levels</td>
<td>2 levels (except 3 levels for Phase I)</td>
<td>4 levels</td>
</tr>
<tr>
<td>Levels</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Bldg. Footprint</td>
<td>133,300 sq. ft.</td>
<td>82,108 sq. ft.</td>
<td>89,674 sq. ft.</td>
</tr>
<tr>
<td>Openspace</td>
<td>25 %</td>
<td>8 %</td>
<td>8%</td>
</tr>
</tbody>
</table>

It is the Agency's staff position that the criteria for judging modifications to a project as substantial is the resultant impacts. Therefore, when reviewing the Phase II plans staff first determined what, if any, modifications were made to the 1973 approval and then determined if the impacts are substantial.

5-21-80
Harvey's Resort Hotel
Phase II Finding of Conformance
Douglas County, Nevada
Page three

Use

There are no new uses identified on the plans. The existing uses are to be expanded i.e., Phase I lower level is to open to the public, the Sage Room and a new restaurant are to be located on the level with the pedestrian undercrossing, extensive office space is to be located on a second level that is not identified on the 1973 plans, and it appears that the proposed show room will not be located under the main casino as proposed.

Staff finds these modifications identified on the Phase II plans to be with the overall perimeters of the approval with almost no identifiable impact. The one impact that staff could identify would be the building height which would be increased from 22 ft to an average height of 35 feet to permit the second level. Since the height is within the TRPA limit and would approximate Harrahs across the street, this impact would be insignificant.

Phasing of the Project

In the Harvey's information report a phasing plan for construction was submitted as follows:

Phase One construction will consist of the new hotel tower, a new boiler plant, additional casino and supporting areas, and a portion of the new parking structure. This will increase capacity to approximately 2,500 cars. Phase One will add about 620,000 square feet exclusive of the parking structure. Of this total, more than 400,000 square feet is directly related to the hotel room expansion.

Construction in Phase Two will generally be construction of additional casino, restaurant and support facilities.

Phase Three will consist of remodeling the existing hotel tower and the casino, and construction or additional parking garage.

Phase Four will include the construction of a new dinner showroom and required supporting areas.

Since it is impossible to judge what Harvey's development needs will be in the future, Phases Two, Three and Four may intermingle and may be undertaken in several increments and in varying order.

As noted there is some flexibility in phasing which is important since Harvey's has not followed the phasing plan, i.e., the hotel tower and parking garage of Phase I has not been constructed. Up to this point, there do not appear to be any substantial impacts to Harvey's modification of the phasing plan. With the proposed Phase II expansion, there maybe substantial adverse impacts. As originally conceived, Phase I was to include a parking garage that would increase the parking on the site from 1,600 to 2,500 spaces in order to accommodate the expanded facilities. This structure has not been constructed nor has there been any alternative method of transportation provided to replace the automobile. As an indicator, staff calculated the Douglas County parking requirements for the project after Phase II as follows:
Harvey's Resort Hotel  
Phase II Finding of Conformance  
Douglas County, Nevada  
Page four

<table>
<thead>
<tr>
<th>Use</th>
<th>Floor Area</th>
<th>Ratio Required</th>
<th>Parking Spaces Required</th>
</tr>
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<tbody>
<tr>
<td>Office</td>
<td>53,200 sq. ft.</td>
<td>1:250</td>
<td>212</td>
</tr>
<tr>
<td>Other</td>
<td>249,167 sq. ft.</td>
<td>1:100</td>
<td>2,491</td>
</tr>
<tr>
<td>Hotel</td>
<td>194 rooms 1st 30 after</td>
<td>1:1 1:0.8</td>
<td>2,864</td>
</tr>
</tbody>
</table>

The calculations indicate that the proposed expansion will be approximately 1,264 spaces short of the Douglas County requirement. Modification of the phasing plan to permit facility expansion without the required back-up facility appears to be a substantial modification to the project and would, therefore, require TRPA review.

Public Services

The 1973 information report for Harvey's included will serve letters from the various entities providing utility services to the facility. At this date it appears that the Douglas County Sewer Improvement District treatment facility may not have the capacity to provide treatment for the project flows associated with this expansion in view of existing commitments. Based on the 5.66 gpd factor for calculation of water demand for Harvey's found in the 1978 DCSID Facility Planning Report, staff estimates the 3,916 sq. ft. increase in gaming area would result in a 22,165 gpd increase in sewage flows. This relates to the DCSID treatment facility as follows:

- 1979 Peak Flows: 2.30 mgd
- Caesars Improvements to be completed this summer: 0.146 mgd
- Harvey's Phase II: 0.022 mgd
- Douglas County Other Development: Unknown
- Total (excluding Other): 2.468 mgd
- Plant Capacity: 2.5 mgd

5-21-80
Information provided to TRPA by DCSID indicates that the treatment plant is expected to reach its design capacity by the summer of 1980 with continued build out of single family residences and other known commitments (specified above) which will come on line during the current construction season. In view of the current situation with an extremely limited remaining treatment capacity, it appears that the ability to provide adequate public services for the project has been substantially modified from the time of Master Plan approval.

Open Space

The 1973 approval indicated that upon completion of the project there would be 25% open space on the site. There was no specific timetable for removing the impervious surface, but with the initial phase, 11,000 square feet of open space was created based on the footprint of the new building. The Phase II plans indicate 787 square feet (0.1%) will be landscaped. A more agreeable figure would be 6,745 (0.8%) based on the additional building footprint created by Phase II. This would increase the total open space to 8.8% which would be a step toward the required 25%.

Recommendation

Agency staff recommends that the project not be found in conformance with the 1973 approval based on the following concerns:

1. The expansion of the facilities was envisioned to include additional parking in Phases I and III in order to prevent aggravation of the already existing parking problem in the Stateline area. Without the parking garage or a staff recommended transit system it would appear this significant expansion is not in conformance with the 1973 approval.

2. The situation in regards to sewage treatment capacity has significantly changed in the last seven years. Until there is a demonstrated available capacity as existed at the time of the Master Plan approval, it cannot be found that the project is in conformance with the environmental assessment as represented in the environmental report.

3. It cannot be found that the applicant is making reasonable progress toward achieving the required 25% open space.
April 25, 1980

Mr. Richard Kudrna
Harvey's Resort Hotel
P.O. Box 128
Stateline, Nevada 89449

Subject: Harvey's Resort Hotel - Phase II

Dear Richard:

It has come to our attention that Harvey's proposes extensive remodeling of the "Lake Club" portion of the resort hotel. Based on observations of plans submitted to Douglas County for this proposed expansion, TRPA staff has the following concerns:

1. The floor plans for the basement area near the pedestrian undercrossing do not comply with the plans on file with the TRPA, i.e. there are public uses indicated with public access in areas previously designated for employee use only.

2. Plans submitted for the 1973 Master Plan indicate the proposed construction of a large show room in the "Lake Club" portion of the resort hotel. Douglas County, Phase II plans do not indicate this use.

3. Floor plans submitted for the 1973 Master Plan do not indicate any use or expansion on the second floor level of the "Lake Club" portion of the resort hotel, or a sub-basement level as shown on the Douglas County Phase II plans.

4. The phasing plan indicated that a major portion of the parking structure would be constructed in the first phase to accommodate the expansion plans. A change in phasing should be based on an evaluation of the parking requirements of Phase II.

5. Construction of Phase II should be contingent on finding that adequate public services exist to serve this facility.
6. Agency staff has not received proper plans and documents to properly evaluate the proposed project.

Based on these concerns, Agency staff would request that Harvey's submit an application to the Agency for a modification to a "B" use or submit Phase II plans for a finding of substantial conformance with the 1973 Master Plan.

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

Sincerely,

Gordon W. Barrett
Senior Planner

cc: TRPA Governing Board Members
    Douglas County Planning Department
    Douglas County Building Department
    Douglas County Manager
    Gary A. Owen - TRPA Legal Counsel
    Peter Laxalt
    NTRPA
HARVEY'S RESORT HOTEL

CLARIFICATION OF SUP
EXPANSION AND RECONSTRUCTION OF
EXISTING STRUCTURES

BY: Robert A. Gardner, P.E.
February 22, 1980
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INTRODUCTION

A SUP for Harvey's Master Plan was approved by the following agencies:

26 May 1973 - Douglas County Planning Commission
20 June 1973 - Douglas County Commissioners
18 July 1973 - NTRPA

Phase I reconstruction to accommodate the pedestrian undercrossing is near completion. Several months ago, we initiated design of Phase II reconstruction to bring all old buildings up to code, match the new basement floor elevation, and comply with the Master Plan expansion in that area. It was after application was made for Phase II reconstruction, that some questions were raised concerning the Master Plan with respect to the second floor of the existing buildings.

Rather than to proceed with Phase II application, we felt it would be in the best interest of both Harvey's and the County to request clarification of the SUP first, then to proceed with Phase II.

After reviewing all reports, minutes, correspondence, newspaper coverage, maps, etc., it became evident that so much attention was devoted to evaluating the visual and environmental impacts of the new hotel tower and parking garage, that minimal attention was devoted to the reconstruction and expansion of existing buildings. This was true of both the applicant and the approving agencies.

PURPOSE

It is the purpose of this report to present all evidence that we have found showing that a second floor over that portion of the existing building, south of the existing tower, was intended and approved with the 1973 SUP. After reviewing our findings, we request that you take action to clarify the SUP with respect to reconstruction and expansion of existing facilities. This request does not include any other elements of the Master Plan and SUP.

1Appendix, Page 1
2Appendix, Page 1
3Appendix, Page 3
FINDINGS

A. HARVEY'S RESORT HOTEL: ENVIRONMENTAL INFORMATION REPORT

There are two (2) copies of the EIR that have been used for reference. The DRAFT COPY\textsuperscript{4} is dated April 26, 1973 and the FINAL REPORT\textsuperscript{5} is dated April 26, 1973 and UPDATED May 25, 1973. Both reports were prepared by James A. Roberts Associates, Inc. and Baxter, McDonald & Smart, Inc.

The following evidence supports the FINAL DRAFT or UPDATED REPORT as the copy used in approvals by Douglas County and NTRPA.

1. The UPDATED REPORT is dated (May 25, 1973) prior to approvals by the Planning Commission (May 26, 1973), County Commissioners (June 20, 1973) and NTRPA (July 18, 1973).

2. Condition Number 3 of all approvals refers specifically to: "... the EIR dated April 26, 1973 and updated May 25, 1973."\textsuperscript{2,3}

3. In the County Commissioner minutes of June 20, 1973, Mr. Denny Small in response to a question by Commissioner Honley stated: "In the EIR we have proposed a storm water drainage treatment plant...."\textsuperscript{2} The updated EIR (Pages 46-47) is the only report proposing and detailing a storm water treatment plant.\textsuperscript{6}

4. Condition Number 1 of all approvals requires that "... the directives pointed out in the EIR (and any addendums made a part thereof) shall be met."\textsuperscript{2,3}

It is standard procedure for an EIR to first be prepared and distributed in draft form. This is supported by a letter dated May 1, 1973 from Denny Small transmitting the draft EIR to Roland Adams, Planning Director.\textsuperscript{7} The EIR will address all of the impacts of the proposed project. After review and receipt of

\textsuperscript{4}Appendix, Page 6
\textsuperscript{5}Appendix, Page 7
\textsuperscript{6}Appendix, Page 8
\textsuperscript{7}Appendix, Page 10

-2-
comments, the final draft or updated report will address all impacts with a proposed mitigation of each impact. The directives spoken of in the approvals are the mitigation measures required to offset each impact.

The DRAFT EIR does not include mitigation measures for each impact (i.e., population and employment) and does not include the specific details that are included in the UPDATED report (i.e., storm drainage, transportation, etc.). Therefore, the UPDATED report is the more restrictive of the two and must have been the intent of Condition Number 1.2

B. EIR REFERENCES TO SECOND FLOOR

Now that we have established the approved EIR as that UPDATED on May 25, 1973, we will now cover all references to a second floor on the existing building, south of the existing tower. The entire building south of the existing tower is referred to as the Lake Club.

In referring to the EIR for a project description, we must remember that the main purpose of the EIR was to evaluate the environmental impacts of the project, not to give a detailed description of the projects. For example, the Project Description (Pages 2-4) cover only three (3) pages of a 157 page report.

1. Project Description (Page 2)

The ultimate project description is defined in four (4) elements as follows:

"1. An addition of approximately 546 hotel rooms in a new tower extending 22 floors above grade increasing the total number of rooms to 740.

2. An expansion of casino and supporting areas in a low-rise structure.


4. A multi-level parking structure increasing parking capacity to 4,500 spaces."8

8Appendix, Page 12
Element 2 includes the expansion and reconstruction of the existing buildings. It specifically includes *"expansion" of existing facilities in a "low-rise structure"*.

Since the footprint is specifically defined, any expansion would have to be in a second floor.

A *"low-rise structure"* is generally descriptive of a building from 2 to 5 stories. A high-rise structure is descriptive of a building exceeding 5 stories.

I have been a Registered Structural Engineer in Nevada for 12 years, with over 7 years of practice specifically in design of buildings. I have never heard a one-story building defined as a low-rise structure. I have asked several knowledgeable people including the Chief Building Inspector how would they define a low-rise structure. All of them considered it a multi-story building of two or more stories.

2. **Project Description (Pages 2,3)**

After discussing the elements of the project, phasing is discussed. PHASE ONE includes "... the new hotel tower, a new boiler plant, additional casino and supporting areas, and a portion of the new parking structure." "PHASE ONE will add about 620,000 square feet exclusive of the parking structure. Of this, 400,000 square feet is directly related to the hotel room expansion."

If only 400,000 square feet of the 620,000 square feet is related to hotel, the other 220,000 square feet would cover all other casino, restaurant and support facilities. This would be all of the new construction south of the new tower.

PHASE TWO "... will generally be construction of additional casino, restaurant and support facilities."

PHASE THREE is "... remodeling of the existing hotel tower and the casino, and construction of additional parking garage."

PHASE FOUR "will include the construction of a new dinner show room and supporting areas."
All phasing is quoted so you can understand that the PHASE TWO expansion is separate from the new tower and new construction south of the new tower. PHASE TWO then clearly includes expansion of the existing buildings intended to take place on the second floor.

The paragraph following the phasing should be noted: "Since it is impossible to judge what Harvey's development needs will be in the future, Phases Two, Three and Four may intermingle and may be undertaken in several increments and in varying order." This statement has been upheld by Douglas County and NTRPA.

3. Phasing Description in Creegan and D'Angelo Letter to Sierra Pacific Power Company (Page 18)

This letter dated April 12, 1973, outlines the phasing with square footages attached to each phase. PHASE ONE again is all new construction. PHASE TWO and PHASE THREE both include expansion (new construction) and reconstruction of existing facilities. In fact, all four phases include expansion of public and support areas.9 This letter also clearly establishes the intent to expand with the reconstruction of existing facilities.

4. Population And Employment Impact (Page 52)

This table deals with gaming areas only and separates the expansion and replacement into the four phases. PHASES ONE, TWO and THREE all show added casino space. PHASES TWO and THREE show replacement or reconstruction of existing casino space. Again, PHASE ONE is all new construction and PHASE FOUR is the showroom construction.10

It should be noted that the casino area in this table totals 98,000 square feet which was reduced by NTRPA to 88,000 square feet. That NTRPA action did not reduce any buildings or additions by 10,000 feet; therefore, that must be charged to restaurant or some other type of supporting use.

This table concludes that the reconstruction of existing buildings also included expansion of those facilities which could only be on the second floor.

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9Appendix, Page 14
10Appendix, Page 15
5. Pedestrian Crossing (Pages, 58, 59, 65, and 66)

The mitigation of Transportation and Circulation states: "Pedestrian traffic across Highway 50 between the different hotels is a cause of traffic congestion and could be relieved by a system of pedestrian overpasses" (under lining added). Please note the words across and overpasses; Page 66 uses the term "pedestrian bridge".11

The NTRPA minutes (Page 1)3 uses the term, "Pedestrian Overpasses" and the motion (Page 3)3 included that crossing as a condition of approval.

It is clear that in 1973, a pedestrian overpass was both proposed and required. An overpass could not function effectively without a second floor. This action then also supports a second floor in the original concept and approval.

C. MASTER PLAN REPORTS: REFERENCES TO SECOND FLOOR

Included in the original presentation and approval, is a report entitled: "HARVEY'S RESORT HOTEL - PROJECT SUMMARY". This includes a brief narrative, floor plans of the new tower and parking garage, and photographs of a model of the project.

1. The project description also defines the pertinent element as:

   "2. An expansion and remodeling of the existing casino and supporting areas in a low-rise structure."12

   This is consistent with and supports the findings in Item B above.

2. The model photographs clarify several items.

   a. The existing tower and reconstruction south of it, is clearly separate in architecture, style and construction from the new tower and related facilities.13

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11 Appendix, Page 16
12 Appendix, Page 20
13 Appendix, Page 21, 22
b. The final result of reconstruction and expansion of the buildings south of the existing tower is one roof level throughout, with a raised portion for an enclosed mechanical room. This single level building is two story for the following reasons:

1. It matches that small area north of the tower which is an existing second floor.

2. A second floor is necessary to accommodate the pedestrian overpass.

3. A second floor now exists with the Sage Room, offices, and support facilities.14

4. That portion of the second floor in PHASE ONE remodeling was found by Douglas County and NTRPA to be in substantial conformance to the Master Plan.16

5. That portion of the second floor housing the Executive Suites was found by Douglas County to be in substantial conformance to the Master Plan.17

D. PUBLIC HEARING: REFERENCES TO SECOND FLOOR

1. In the July 18, 1973 NTRPA hearing, the following statement is made by Ian Mackinlay (Page 19 of transcript):

   After discussing the dinner-theater, he said, "We would simply remove the Lake Club, build a two-story high theater restaurant underneath it and then put the Lake Club back on the roof."

   This statement also agrees with all previous references stating that a second floor was planned.

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14Appendix, Page 23
16Appendix, Page 25
17Appendix, Page 26
2. NTRPA MINUTES: "Motion by Elmo DeRicco that the structure be approved with present footprint dimensions and height limit of 193 feet." 3

The second floor over the existing buildings is not in conflict with any approvals by Douglas County and NTRPA.

This is further supported by a letter from Norman S. Hall, Executive Director, NTRPA, to Harvey's dated June 2, 1975. 17 This is when the second floor area now housing the Executive Suites was proposed. This letter states: "After reviewing the motion made on July 18, 1973 approving your Master Plan and your proposed first phase construction, the members agree that your first phase construction fits within the approved "footprint and height limitation."

3. STATEMENT OF POSITION: A "STATEMENT OF POSITION" was submitted with the referenced construction in Item 2 above, and in the referenced Norman S. Hall letter that the Statement was approved by NTRPA.

4. PEDESTRIAN SEPARATION: Douglas County Commissioner minutes of January 4, 1979. 16 The pedestrian crossing included reconstruction of the basement, ground floor and second floor to accommodate the crossing. There was no expansion included so as not to complicate the approval of this project as a public works project. The approval did however, include a condition or finding Number 3 as follows:

"3. Project shows substantial conformance to Harvey's Master Plan." 16

That substantial conformance including a second floor is consistent with all of references in this report.

E. OTHER REFERENCES TO SECOND FLOOR

1. A photograph and newspaper article in the Tahoe Daily Tribune dated July 26, 1973. 19 This photo is consistent with all other references in this report.

15 Appendix, Page 24
16 Appendix, Page 27
19 Appendix, Page 30
2. Plans prepared by Frank Green, AIA, for the existing tower included details of the entire second floor. We realize that these plans were prepared prior to the 1973 Master Plan approval; however, it does show that it has always been the intent to include a second floor south of the existing tower.

3. Photographs of the existing building show the existing second floor at the Sage Room (foreground), the new second floor constructed with the pedestrian crossing (right side), and the reinforcing for the balance of the second floor (center). The photograph also clearly shows the design and construction of the existing tower was to include a second floor south of the tower.

Even though the reinforcing shown was prior to 1973, it clearly shows the intent to have a second floor. It is important to note that no Master Plan proposal or approval is in conflict with the existence of a second floor, and there has never been any proposal or action eliminating the second floor.

CONCLUSION

Since the major thrust of all submittals and hearings in 1973 dealt with the new tower and parking garage, minimal attention was given to expansion of the existing buildings. The data presented in this report supports a second floor expansion with the reconstruction of the existing buildings south of the existing tower. The data clearly establishes such plans prior to 1973 and support those same plans in the EIR, Project Summary, Public Hearing Record and Approvals. There are no plans or data submitted that are in conflict with the second floor and no proposal or action eliminating the second floor.

RECOMMENDATIONS

A. We recommend the County Commissioners clarify the 1973 SUP with respect to the existing buildings south of the existing tower (Lake Club), with the findings in this report, and find the second floor was intended to be part of, and is in substantial conformance to Harvey's Master Plan.

B. That this clarification be sent to NTKPA with a recommendation that they make the same findings.
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<tr>
<th>FOOTNOTE REFERENCE NUMBER</th>
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<td>NTRPA APPROVAL - MINUTES OF JULY 18, 1973</td>
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<tr>
<td>11</td>
<td>UPDATED EIR (Pages 58, 59, 65 and 66)</td>
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<td>PHOTOGRAPH EXISTING BUILDING - EXISTING TOWER CONSTRUCTION FOR A SECOND FLOOR</td>
</tr>
<tr>
<td>16</td>
<td>DOUGLAS COUNTY COMMISSION APPROVAL, PHASE ONE, MINUTES, JANUARY 4, 1979</td>
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<tr>
<td>17</td>
<td>NTRPA LETTER, JUNE 2, 1975, APPROVING SECOND FLOOR IN AREA OF CURRENT EXECUTIVE OFFICES</td>
</tr>
<tr>
<td>18</td>
<td>STATEMENT OF POSITION</td>
</tr>
<tr>
<td>19</td>
<td>TAHOE DAILY TRIBUNE, JULY 26, 1973</td>
</tr>
<tr>
<td>20</td>
<td>ARTIST CONCEPTION PEDESTRIAN SEPARATION</td>
</tr>
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Incline Village/Crystal Bay Visitor and Convention Bureau, Incline Village Community Center and Pool Complex and Building Height Variance, Washoe County

Summary

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

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

Existing Environmental Setting

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

Land Use Classification

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

Land Capability

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

Surrounding Uses

The project is to be located on the southeast fringe of the central core area of Incline Village in an area that borders High Density Residential subdivisions. The pool site
is bordered on the north by ball fields, on the west by the middle school, on the east by Incline Village Park and on the south by McCloud Condominiums. Virtually all commercial property, high density housing, transient housing, public services, schools, and recreation facilities are located within 1 mile of the project site.

Height

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

Grading

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

Slope Stabilization

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

Drainage

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

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

Traffic

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

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

Page Four

<table>
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<th>Location</th>
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<th>Location C</th>
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</table>

*see attached map

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

Air Quality Impacts

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

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

Water and Sewer

This project was previously approved by the Governing Board. That approval anticipated the use of approximately 453,300 gallons of water to fill the pool (1.4 Acre Feet) plus that amount used daily. As an example of the potential
alternative uses of this quantity of water, IVGID's water analysis indicates that a 1.6 acre commercial project serviced with a 1.5 inch water line will utilize approximately 1.39 Acre Feet of water in a year. In the opinion of TRPA legal counsel, this relocation does not affect the commitments for water at the new location. This application affects the location of an existing commitment, not the commitment itself. In view of the existing water situation in Incline Village, if this were a new proposal, staff would be concerned with the effect of this proposal on the water supply in Incline Village.

Required Actions

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

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

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

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

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

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

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

Compatibility With Master Plan

IVGID has prepared a report entitled "Incline Village Park Master Plan" which has not been formally adopted by TRPA. The master plan for park development indicates that the subject 25.6 acre parcel would be the site of the middle school, athletic fields, performing arts center and related parking facilities. The Agency has approved the middle school and athletic field projects in their approximate locations as shown on the master plan. However, the proposed community pool project is located in an area shown as the performing arts center in the master plan. Relocation of the pool complex to the proposed location raises questions with regard to the location of the performing arts center if the facility is eventually to be constructed by IVGID.
Conformance With Previous Approvals

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

Recommendation

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

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

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

4/1/86
f. Submittal of plans identifying pedestrian and vehicle safety improvements at the intersection of Incline Way and Southwood Boulevard (pedestrian walkway striping) and at the bus pull-out lane adjacent to Incline Way.

2. Upon the issuance of building and grading permits, construction shall proceed in the following sequence:
   a. Such trees as TRPA has authorized shall be removed and the initial phase of the vegetation preservation and protection plan shall be completed.
   b. Installation of fencing for vegetation protection.
   c. Installation of temporary erosion protection devices.
   d. Prior to the removal of spoil materials from the construction site, a separate grading permit shall be obtained from the permit-issuing authority for offsite disposal of spoil materials.
   e. Installation of utilities including water mains and fire hydrants required by the fire department.
   f. Completion of rough grading including installation of mechanical stabilization devices.
   g. Completion of structure foundations.
   h. Final grading and installation of base for paved areas.
   i. Completion of structures.
   j. Paving.
   k. Landscaping and revegetation.

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

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

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

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

4/1/80
7. Trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

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

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

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

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

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

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

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

15. No structure shall exceed an average height of 53 feet measured from the natural grade.

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

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

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

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

4/1/80
20. Pedestrian and bicycle safety improvements at Northwood and Highway 28 shall be completed before an occupancy permit is issued for use of the pool. Said safety improvements shall be submitted to TRPA for review and approval.

Advisory Planning Commission Action

The Incline Village Community Center and Pool Complex was first presented to the APC at its regular meeting on April 9, 1980. At that time, the APC denied the project without prejudice because of five specific concerns as follows: water availability; depth to groundwater; pedestrian safety across Highway 28; the visual impact of the building height; and the piecemeal approach to site planning and phasing. The project was presented again to the APC on May 14, 1980 with additional information to satisfy the APC's concerns on these five issues. The APC at that time voted unanimously to support the staff's recommendation for approval of the pool and height variance. An additional condition was placed on the approval that pedestrian and bicycle improvements at Northwood and Highway 28 be completed before an occupancy permit is issued for the pool and that whatever improvements are proposed be submitted to the APC for review.
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 Tourist Commercial in view of the proposed amendments to the Land Use Ordinance affecting timesharing uses. Although Agency staff has not performed an exhaustive study of 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 Tourist 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 Tourist 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.
April 30, 1980

Tahoe Regional Planning Agency
2155 South Avenue
South Lake Tahoe, California

Gentlemen:

On September 11, 1979, Washoe County passed an ordinance restricting time sharing to commercial zones. An amendment to grandfather in existing projects failed to pass at that time. On November 20, 1979, a request for reconsideration for exemption from the ordinance for Tahoe Chaparral was also denied, although the county has agreed that they will initiate a request to rezone our project so that we may proceed with our time share development, provided that we decrease the density of our subdivision.

As a result of these actions, a claim in the amount of Twenty Million Dollars was filed against Washoe County on March 10, 1980. Although there are several additional causes of action included in the claim, the main basis for our claim is that we made commitments in good faith based on existing law at the time to both investors and purchasers at Tahoe Chaparral that required the completion of the project on a time sharing basis, in order for us to fulfill those commitments. In effect, the ordinance has an adverse "ex post facto" effect upon both our investors and purchasers.

We understand that TRPA is currently adopting some provisions to regulate or restrict time sharing in the Lake Tahoe area. We would prefer to avoid having the same problems with TRPA that we are presently having with Washoe County. We believe that it is extremely important that you understand that any ordinance that would restrict our development or impede our progress would have the same adverse effect upon our project as the ordinance recently adopted by Washoe County. All commitments that we have previously made were also made in accordance with existing TRPA ordinances. We strongly urge that in the event TRPA adopts any provisions pertaining to the development of time share operations that they carefully consider a grandfather provision for existing projects that have made their intentions clear.

If we could assist you in any manner by providing input as it pertains to the industry and other factors with which the TRPA staff may be unfamiliar, we will be happy to do so. We would further appreciate it if you would include us on your mailing list so that we can be advised of any meetings or actions taking place that might affect Tahoe Chaparral.

For our records, would you please acknowledge receipt of this letter on the enclosed
copy and return it to us for our files. Thank you very much for your cooperation.

Yours very truly,

[Signature]

ROBERTO J. WALTERS
Managing General Partner

TAHOE REGIONAL PLANNING AGENCY

By: _______________________

Date: ______________________
TO: The TRPA Governing Board

FROM: Phil Overeynder, Executive Director

SUBJECT: Modification of FY 1979-80 and 1980-81 Budgets

During the April Governing Board meeting, the Finance Committee reported the findings on the current financial status of the Agency. Also included was a report regarding the FY 1979-80 and 1980-81 budget years. As I indicated in my report in April, I had recommended changes to the Agency's budget for both fiscal years based on our current levels of revenue and expenditures.

The budget and financial reports submitted to the Finance Committee were preliminary and for discussion purposes. Based on further refinements of that information, I am recommending modifications to the budget for both fiscal years.

Please find attached the following information which will assist in your review:


2. Proposed Modifications to FY 1979-80 budget including explanations for adjustments to both expenses and revenue.

3. Salary structure proposed to be effective May 1, 1980 which indicates new job descriptions and salaries for an Administrative Assistant, Secretary II/Business Manager and Planning Assistant.

4. Proposed job descriptions for the three above positions indicating current level of duties assigned to each position.

5. Proposed FY 1980-81 budget including documentation of modifications to currently adopted budget.
Tahoe Regional Planning Agency
Statement of Assets and Liabilities
At
March 31, 1990
(See Accountant's Report)

Assets

General Fund
Petty Cash
$ 79.00
Operating Cash - Checking Acc't.
12,294.31
Savings
92,868.38
Savings Bond Posted Deposits
523.41
1,175.00
Accounts Receivable - Misc
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Prepaid Insurance
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$ 106,931.10

General Fixed Assets
Group of Accounts
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Autos
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Office Furniture & Equip

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51,551.21
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$ 158,482.31

Liabilities

General Fund
Accounts Payable
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Calif Sales Tax Payable
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Bonds Posted Payable
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Due Douglas County
300.00
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2,02
Contracts Payable
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$ 158,482.31
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<tr>
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<tr>
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<td>49,705.81</td>
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</table>

**Note:** The variance is calculated as the difference between the actual and budgeted amounts.
## FANCE REGIONAL PLANNING AGENCY

**COMPARISON TO BUDGET**

**FOR 3RD QUARTER ENDED**

**MARCH 31, 1980**

(SEE ACCOUNTANT'S REPORT)

<table>
<thead>
<tr>
<th>EXPENSES</th>
<th>CURRENT PERIOD</th>
<th></th>
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<tr>
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<td>BUDGET</td>
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<td>+0.00</td>
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<tr>
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<td>+0.00</td>
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</tr>
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<td>+0.00</td>
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<td>+0.00</td>
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<tr>
<td>AUTO EXPENSES</td>
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<td>+0.00</td>
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</tr>
<tr>
<td>LEGAL NOTICES</td>
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<td>+0.00</td>
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</tr>
<tr>
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<td>+0.00</td>
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</tr>
<tr>
<td>LEGAL SERVICE</td>
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<td>+0.00</td>
<td></td>
</tr>
<tr>
<td>CONSULTING SERVICE</td>
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<td>+0.00</td>
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</tr>
<tr>
<td>TAXES &amp; LICENSES</td>
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<td>+0.00</td>
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<tr>
<td>MISC EXPENSE</td>
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<td></td>
<td>+0.00</td>
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<tr>
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<td>$ 78,240.37</td>
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VARIANCE:  
Actual vs. Budget
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<th>Item</th>
<th>Existing Budget</th>
<th>Proposed Budget</th>
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<td>Budgeted Expenses</td>
<td>Actual Expenses</td>
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<td>$302,752</td>
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| Actual Proportion    | 78%             | 100             | 79%               | 100             |
## FY 79-80 Budget: 3rd Quarter Status Report

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Existing Budget</th>
<th></th>
<th>Proposed Budget</th>
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<tr>
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<td>Budgeted Revenue</td>
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<td>Actual Proportion</td>
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<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>Nevada</td>
<td>$ 50,000</td>
<td>$ 50,000</td>
<td>100%</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Carson City</td>
<td>13</td>
<td>13</td>
<td>100%</td>
<td>13</td>
</tr>
<tr>
<td>Douglas Co.</td>
<td>24,985</td>
<td>12,492</td>
<td>50%</td>
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<tr>
<td>El Dorado Co.</td>
<td>60,661</td>
<td>60,661</td>
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<tr>
<td>Placer Co.</td>
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<td>34,592</td>
<td>100%</td>
<td>34,592</td>
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<tr>
<td>Washoe Co.</td>
<td>29,749</td>
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<td>Filing Fees</td>
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<td>183</td>
<td>31,231</td>
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<td>Investments</td>
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<td>245</td>
<td>4,592</td>
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<td>218</td>
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<td>595</td>
<td>9,454</td>
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<tr>
<td>CETA</td>
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<td>16,593</td>
<td>86%</td>
<td>19,604</td>
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<tr>
<td>Federal Grants</td>
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<td></td>
<td></td>
<td>10,068</td>
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<tr>
<td><strong>Total Revenue</strong></td>
<td>$239,394</td>
<td>$248,083</td>
<td>104%</td>
<td>$277,385</td>
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<td>Fund Balance 7/1/79</td>
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<td>Fund Balance 4/1/80</td>
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<td>Projected Fund Balance 7/1/80</td>
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<td>$ 70,722</td>
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Modifications to FY 1979-80 Budget

Expenses

Salaries:
The budgeted salaries have been increased to reflect current staffing levels. The adopted budget did not provide for an Executive Director position after January 1980 nor for a Shorezone Assistant after March, 1980. Both of these positions were retained in order to maintain the current level of Agency programs.

Employee Benefits:
Employee benefits have been increased commensurate with staff salaries.

Auto Maintenance:
Auto maintenance has been increased to reflect actual levels of expenditures.

Insurance:
Insurance has been increased to reflect actual expenses.

Auditing Services:
Auditing services have been increased to account for an unbudgeted end-of-calendar-year audit requested due to the resignation of the Executive Director and for additional expenses incurred as a result of setting up the computerized bookkeeping system.

Equipment Purchase:
Equipment purchases have been modified to reflect actual expenditures.

Legal Services:
The Agency's legal counsel has estimated legal costs through the end of the fiscal year based on holding costs below budgeted amounts for the first three quarters of FY 1979-80. The budgeted amounts reflect legal counsel's estimates of costs for the final quarter allowing for an expected increase in litigation during the last two months of the fiscal year.

Consulting Services:
Consulting services have been increased to reflect actual expenditures.

Termination Pay:
Termination pay has been reduced to reflect actual costs to date. No additional termination costs are anticipated in the current fiscal year.
## Modifications to FY 1979-80 Budget

### Federal Grants

<table>
<thead>
<tr>
<th></th>
<th>FY 79-80</th>
<th>FY 80-81</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPA - 208 (Existing)</td>
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</tr>
<tr>
<td>EPA - 208 (Proposed)</td>
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</tr>
<tr>
<td>(May-Oct. 6 mos. fulltime professional - Senior Planner level)</td>
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</tr>
<tr>
<td>$19,496 x 6/12 x 1.20</td>
<td>3,900</td>
<td>7,798</td>
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<td><strong>Total:</strong></td>
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### Filing Fee Income

<p>| | |</p>
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</tr>
</thead>
<tbody>
<tr>
<td>Actual to date</td>
<td>$27,481</td>
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<tr>
<td>Proposed 4th quarter</td>
<td>3,750 (1/4 x $15,000)</td>
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<td><strong>Total:</strong></td>
<td>$31,231</td>
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</table>

### Investment Income

<p>| | |</p>
<table>
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</thead>
<tbody>
<tr>
<td>Actual to date</td>
<td>$3,444</td>
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<tr>
<td>Proposed 4th quarter</td>
<td>1,148</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
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</table>

### Sales/Printed Matter

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<tbody>
<tr>
<td>Actual to date</td>
<td>$2,186</td>
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<tr>
<td>Projected 4th quarter</td>
<td>250 (1/4 x $1,000)</td>
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<tr>
<td><strong>Total:</strong></td>
<td>$2,436</td>
</tr>
</tbody>
</table>

### Employee Benefits

14.93% of total salaries

$148,830 x .1493 = $22,220

### Legal Notices

No change
CETA
Actual to date: $16,593
Projected 4th quarter 3,011 ✔
Total: $19,604

Legal Services
Actual to date: $41,941 ✔
Projected 4th quarter 15,000 ✔
Total: $56,941
Budget: $57,000

Expenses

**Staff Salaries** - Actual to date: $118,382 (last quarter)

**Alternative I - Present Salary Structure**

Executive Director
3 mos: 3/12 x 34,240 = $ 8,560

Planning Assistant
3 mos: 3/12 x 12,171 = 3,043

Senior Secretary
3 mos: 3/12 x 15,838 = 3,960

Secretary II
3 mos: 3/12 x 13,030 = 3,258

Shorezone Ass't. (Planning Technician)
1.5 mos: @ 10,696 + (1,337 + 1,273) = 2,610

Streamzone Ass't. (Planning Technician)
3 mos: 3/12 x 10,000 = 2,500

Senior Planner
3 mos: 3/12 x 18,221 = 4,555

Senior Planner (208 contract) 2 mos: 2/12 x 18,221 = 3,037

Last 1/4 Total Staff Salaries = $ 31,523

Yearly Total Staff Salaries = $ 149,905
### Alternative II - Revised Salary Structure

<table>
<thead>
<tr>
<th>Position</th>
<th>Hours/Period</th>
<th>Hourly Rate (if applicable)</th>
<th>Total Salary</th>
</tr>
</thead>
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<tr>
<td>Executive Director</td>
<td>3 mos</td>
<td>$34,240</td>
<td>$8,560</td>
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<tr>
<td>Planning Assistant</td>
<td>3 mos</td>
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<tr>
<td>Admin. Assistant</td>
<td>3 mos</td>
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</tr>
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<td>Secretary II/Bs. Mgr.</td>
<td>3 mos</td>
<td>$13,896</td>
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<td>Planning Tech. (Shorezone)</td>
<td>2 mos @ 2/12</td>
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<tr>
<td></td>
<td>1 mo @ 1,085</td>
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<td>(1,782 + 1,085)</td>
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<tr>
<td>Planning Tech. (Streamzone)</td>
<td>3 mos</td>
<td>$13,020</td>
<td>$3,255</td>
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<tr>
<td>Senior Planner</td>
<td>3 mos</td>
<td>$18,221</td>
<td>$4,555</td>
</tr>
<tr>
<td>Senior Planner (208 contract)</td>
<td>2 mos</td>
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</tr>
<tr>
<td>Last 1/4 Total Staff Salaries</td>
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<tr>
<td>Yearly Total Staff Salaries</td>
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<td>$151,867</td>
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</tbody>
</table>

### Alternative IIIa - Revised Salary Structure (no 208 contract)

- Last 1/4 Total Staff Salaries = $30,448
- Yearly Total Staff Salaries = $148,830

Basis of proposed budget.
<table>
<thead>
<tr>
<th>Position</th>
<th>Steps:</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Engineer (Vacant)</td>
<td></td>
<td>25,354</td>
<td>$26,622</td>
<td>$27,953</td>
<td>$29,350</td>
<td>$30,817</td>
</tr>
<tr>
<td>Senior Planner</td>
<td></td>
<td>18,221</td>
<td>19,132</td>
<td>20,088</td>
<td>21,093</td>
<td>22,148</td>
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<tr>
<td>Administrative Assistant</td>
<td></td>
<td>16,584</td>
<td>17,413</td>
<td>18,242</td>
<td>19,072</td>
<td>19,900</td>
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<tr>
<td>Senior Environmental Investigator (Vacant)</td>
<td></td>
<td>16,958</td>
<td>17,807</td>
<td>18,697</td>
<td>19,631</td>
<td>20,614</td>
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<tr>
<td>Associate Planner (Vacant)</td>
<td></td>
<td>15,974</td>
<td>16,772</td>
<td>17,611</td>
<td>18,492</td>
<td>19,416</td>
</tr>
<tr>
<td>Planning Assistant</td>
<td></td>
<td>14,364</td>
<td>15,082</td>
<td>15,800</td>
<td>16,518</td>
<td>17,237</td>
</tr>
<tr>
<td>Secretary II/Administrative Analyst</td>
<td></td>
<td>13,896</td>
<td>14,591</td>
<td>15,286</td>
<td>15,980</td>
<td>16,675</td>
</tr>
<tr>
<td>Planning Technician</td>
<td></td>
<td>13,020</td>
<td>13,671</td>
<td>14,322</td>
<td>14,973</td>
<td>15,624</td>
</tr>
</tbody>
</table>
General

Provide administrative services to the Executive Director and short and long range planning functions; prepare and maintain project files; serve as secretary to the Governing Body and Advisory Planning Commission (APC); prepare and maintain ordinance files.

Specific - Short Range Planning

Responsible for logging in projects, scheduling project review and setting up Development Review Committee meetings; edit and type project correspondence and summaries for presentation to the APC and Governing Body; schedule General Plan amendments for public hearings and assure that legal public hearing and notice requirements are met; coordinate review of projects with planning staff members; assist in the development of work programs and budgets.

Specific - Long Range Planning

Maintain records relating to the Agency’s General Plan and functional elements relating thereto; develop and maintain summaries of each planning element; assist in the development of work programs and budgets; assist in the management and reporting of work progress for federal grant programs.

Specific - Clerk to the Governing Body and APC

Prepare and mail monthly agendas for the APC and Governing Body meetings and supervise the preparation and mailing of the staff information packets for both meetings. Responsible for maintaining accurate records and minutes of the meetings. Prepare and mail action sheet from Governing Body meetings. Maintain membership lists for both the Governing Body and the APC and responsible for the mailing lists for annual subscriptions to Agency minutes, agendas and action sheets. Responsible for media mailings and for maintaining affidavits of mailings and postings.

Provide secretarial services for Governing Body members upon request.

Specific - Ordinances

Prepare and mail legal notices to the media and to affected property owners for all public hearings. Prepare implementing ordinances under the direction of legal counsel and the planning staff and provide all related correspondence to local jurisdictions before and after final ordinance adoption. Responsible for keeping ordinances up to date and for maintaining the General Plan documents.
TAHOE REGIONAL PLANNING AGENCY

PLANNING ASSISTANT

General

Provide technical assistance to senior staff in project review and long range planning functions. Assist in review of development projects for compliance with Agency ordinances. Provide technical information regarding development of various General Plan elements.

Specific Duties - Project Review

Assist senior project review staff in reviewing Type B development proposals for conformance with Agency ordinances. Provide information regarding land use, land coverage, development standards and subdivision law. Review applications to insure submittal of required information.

Participate in preparation of staff summaries and recommendations for presentation to the Advisory Planning Commission and Governing Board. Responsible for review of other Type B administrative permits including nonconforming land coverage applications and land capability challenges.

Assist in enforcement of Agency Sign Ordinance. Pursue removal of unauthorized signs and prepare variance requests for presentation to the Governing Board.

Respond to requests from the general public regarding TRPA development policies and regulations. Maintain records of building permit activity in the Tahoe Basin.

Specific Duties - Long Range Planning

Provide assistance in preparation of special reports as necessary; provide assistance in preparation of planning documents for General Plan revisions; and maintain Agency land use and population data bases.

Qualifications

Bachelor's Degree in planning or a related field; 1 year of professional planning experience; ability to communicate effectively. Working knowledge of federal and state statutes regarding regional planning, environmental quality and zoning regulations.
General Description

Provides secretarial and backup services for planning staff members. Assists in the administration of Agency fiscal affairs under the direction of the Executive Director and coordinates activities of financial consultants.

Specific - Fiscal Responsibilities

Accounting and Internal Control: Administer accounting and fiscal record operations; monitor fund cash flows; assist outside consultants in the preparation of quarterly financial statements.

Banking: Conduct Agency banking business; review and authorize payments; co-sign Agency checks and co-authorize Agency bank account transfers.

Other Fiscal Operations: Develop and carry out inventory control procedures; determine and authorize purchases; prepare cash disbursements and payroll; prepare invoices for accounts receivable.

Specific - Administrative Duties

Serve as the Agency’s liaison officer in accounting, budgeting, banking, grant management, insurance matters, office management, the CETA and retirement programs; maintain office security; prepare related correspondence.

Secretarial

Type and edit correspondence and reports for planning staff.

Public Information

Assists in handling inquiries regarding Agency plans and programs including basic zoning information, ordinances and related matters.
## FY 1980-81 Budget

### Revenue:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of California</td>
<td>0-</td>
<td>0-</td>
</tr>
<tr>
<td>State of Nevada</td>
<td>$ 50,000</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Carson City</td>
<td>13</td>
<td>15(^1)</td>
</tr>
<tr>
<td>Douglas County</td>
<td>24,985</td>
<td>25,140(^1)</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>60,661</td>
<td>59,715(^1)</td>
</tr>
<tr>
<td>Placer County</td>
<td>34,592</td>
<td>38,505(^1)</td>
</tr>
<tr>
<td>Washoe County</td>
<td>29,749</td>
<td>26,625(^1)</td>
</tr>
<tr>
<td>Filing Fee Income</td>
<td>20,000</td>
<td>30,000(^2)</td>
</tr>
<tr>
<td>Investment Income</td>
<td>3,000</td>
<td>4,500(^3)</td>
</tr>
<tr>
<td>Sales of Printed Matter</td>
<td>1,000</td>
<td>2,400(^4)</td>
</tr>
<tr>
<td>Miscellaneous Income</td>
<td>2,000</td>
<td>2,000</td>
</tr>
<tr>
<td>CETA</td>
<td>7,880</td>
<td>4,789(^5)</td>
</tr>
<tr>
<td>Federal Grants - Fed.-208</td>
<td>-0-</td>
<td>57,798(^6)</td>
</tr>
</tbody>
</table>

**Income From Other Sources**  
75,000

**Total Revenue:**  
$ 308,880  
$ 301,487
FY 1980-81 Budget

Expenses:

<table>
<thead>
<tr>
<th>Item</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Salaries</td>
<td>$140,278</td>
<td>$134,431</td>
</tr>
<tr>
<td>Benefits</td>
<td>21,041</td>
<td>20,070</td>
</tr>
<tr>
<td>Legal Notices</td>
<td>1,500</td>
<td>1,300</td>
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<tr>
<td>Repairs and Maintenance</td>
<td>1,200</td>
<td>1,200</td>
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<tr>
<td>Office Supplies</td>
<td>4,000</td>
<td>4,000</td>
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<tr>
<td>Communications</td>
<td>5,000</td>
<td>5,000</td>
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<tr>
<td>Postage</td>
<td>3,000</td>
<td>3,000</td>
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<tr>
<td>Travel</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Vehicle Maintenance</td>
<td>2,000</td>
<td>2,000</td>
</tr>
<tr>
<td>Insurance</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>Building Expenses</td>
<td>24,000</td>
<td>20,500</td>
</tr>
<tr>
<td>Office Equipment Rental</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>Auditing Services</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Reproduction/Printing</td>
<td>2,500</td>
<td>1,500</td>
</tr>
<tr>
<td>Equipment Purchases</td>
<td>1,600</td>
<td>1,600</td>
</tr>
<tr>
<td>Legal Services</td>
<td>75,000</td>
<td>75,000</td>
</tr>
<tr>
<td>Miscellaneous Expenses</td>
<td>500</td>
<td>500</td>
</tr>
</tbody>
</table>

Total Expenses: $295,119 | $285,601

Beginning Fund Balance: $70,722
Ending Fund Balance: $86,608
Contingency: Termination Pay $18,120
Contingency: Law Suits $10,000
Net: $58,488
Footnotes:

Modifications to Budget

1 County allocations have been modified to show correct percentage of assessed valuation as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Percentage of Basin Valuation</th>
<th>Allocation of $150,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado</td>
<td>39.81</td>
<td>$ 59,715</td>
</tr>
<tr>
<td>Placer</td>
<td>25.67</td>
<td>38,505</td>
</tr>
<tr>
<td>Carson City</td>
<td>0.01</td>
<td>15</td>
</tr>
<tr>
<td>Douglas</td>
<td>16.76</td>
<td>25,140</td>
</tr>
<tr>
<td>Washoe</td>
<td>17.75</td>
<td>26,625</td>
</tr>
</tbody>
</table>

Total: 100.00 $ 150,000

2 Filing fee income has been modified to reflect 1979-80 filing fee levels after filing fee schedule was amended. 1979-80 filing fees are projected at $31,231.

3 Investment income has been modified to reflect 1979-80 levels of return. 1979-80 investment income is projected at $4,592.

4 Sales of printed material have been modified to reflect current year sales levels.

5 CETA income is based on 5 month contract for existing employee at current rate of compensation.

6 Projected Federal grants from U.S. EPA, based on $50,000 requested in 1980-81 Nevada/EPA agreement and $5,798 from 1979-80 funds requested from the Nevada Division of Environmental Protection.

7 Staff salaries are based on the following positions for FY 1980-81:
   - Executive Director
   - Administrative Assistant
   - Senior Planner
   - Planning Assistant (promoted to Associate Planner 10/80)
   - Secretary II/Administrative Analyst
   - Planning Technician (Shorezone Assistant)
   - Planning Technician (Receptionist)

8 Fringe benefits computed at 14.93% of staff salaries.

9 Legal notices have been reduced to reflect current year costs.
10 Building expenses have been reduced to reflect current rental agreement with Barton Memorial Hospital.

11 Reproduction and printing costs have been modified to reflect current year costs.

12 Legal costs have been increased to reflect Legal Counsel's estimate of costs. An additional $10,000 has been budgeted as a contingency item to provide for Agency-initiated law suit to determine proper jurisdiction for regional planning.
TAHOE REGIONAL PLANNING AGENCY
PROPOSED SALARY SCHEDULE

With 7% Cost of Living - July 1, 1980

<table>
<thead>
<tr>
<th>Position</th>
<th>Steps:</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td></td>
<td>$36,637</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Engineer - position vacant</td>
<td></td>
<td>27,128</td>
<td>$28,485</td>
<td>$29,910</td>
<td>$31,404</td>
<td>$32,974</td>
</tr>
<tr>
<td>Senior Planner</td>
<td></td>
<td>19,496</td>
<td>20,471</td>
<td>21,494</td>
<td>22,570</td>
<td>23,698</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td></td>
<td>17,745</td>
<td>18,632</td>
<td>19,519</td>
<td>20,407</td>
<td>21,293</td>
</tr>
<tr>
<td>Senior Environ. Investigator - position vacant</td>
<td></td>
<td>18,145</td>
<td>19,053</td>
<td>20,005</td>
<td>21,005</td>
<td>22,057</td>
</tr>
<tr>
<td>Associate Planner - position vacant</td>
<td></td>
<td>17,092</td>
<td>17,946</td>
<td>18,843</td>
<td>19,786</td>
<td>20,775</td>
</tr>
<tr>
<td>Planning Assistant</td>
<td></td>
<td>15,369</td>
<td>16,138</td>
<td>16,906</td>
<td>17,674</td>
<td>18,444</td>
</tr>
<tr>
<td>Secretary II/Administrative Analyst</td>
<td></td>
<td>14,869</td>
<td>15,612</td>
<td>16,356</td>
<td>17,099</td>
<td>17,840</td>
</tr>
<tr>
<td>Planning Technician</td>
<td></td>
<td>13,931</td>
<td>14,628</td>
<td>15,325</td>
<td>16,021</td>
<td>16,718</td>
</tr>
</tbody>
</table>
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 80-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A" TO ORDINANCE NO. 22, BY ADDING PARAGRAPH 94 THERETO, TO CHANGE THE LAND USE DISTRICT APPLICABLE TO CERTAIN REAL PROPERTY.

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

Section 1.00 Findings

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

Section 2.00 Change In Land Use Districts

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new paragraph 94 to accomplish changes in the applicable land use districts, which paragraph shall read as follows:

"94. All that certain parcel of land situate in the State of Nevada, County of Douglas, being a portion of the Northeast 1/4 of Section 10, T14N, R18E, MDB&M, and being more particularly described as follows: Commencing at the Northeasterly corner of Lot "Z" of Glenbrook Subdivision Unit No. 2, as shown on the amended official plat of Glenbrook Subdivision Unit No. 2, recorded in the official records of Douglas County, Nevada, October 13, 1978, Document No. 26250; thence North 17 degrees 22 minutes 38 seconds East, 34.54 feet along the North boundary of said subdivision to the True Point of Beginning; thence continuing along said North boundary North 17 degrees 22 minutes 38 seconds East, 376.31 feet to a point; thence North 64 degrees 29 minutes 15 seconds East, 232.48 feet along said boundary to a point; thence leaving said boundary North 12 degrees 01 minutes 34 seconds East, 56.25 feet to a point; thence North 04 degrees 26 minutes 43 seconds East, 187.89 feet to a point; thence North 81 degrees 59 minutes 08 seconds West, 393.37 feet to a point; thence South 33 degrees 48 minutes 30 seconds West, 209.16 feet to a point; thence South 78 degrees 49 minutes 14 seconds West, 75.86 feet to a point on the Easterly right-of-way of Pray Meadow Road; thence North 86 degrees 39 minutes 34 seconds West, 83.36 feet across Pray Meadow Road to a point on the Southwesterly right-of-way; thence North 76 degrees 11 minutes 47 seconds West, 256.89 feet along said right-of-way to a point; thence leaving said right-of-way South 23 degrees 45 minutes 00 seconds West, 122.97 feet to a point; thence South 72 degrees 00 minutes 00 seconds West, 95.28 feet to a point on the meander line of Lake Tahoe; thence South 23 degrees 45 minutes 00 seconds East, 547.35 feet along said meander line to a point; thence continuing along said meander line South 12 degrees 17 minutes 00 seconds East, 126.40 feet
to a point; thence leaving said meander line North 66 degrees 45 minutes 38 seconds East, 381.45 feet to a point on the Westerly right-of-way of Pray Meadow Road; thence South 23 degrees 16 minutes 40 seconds East, 19.70 feet returning to the True Point of Beginning. Said described property contains 9.90 acres more or less and is reclassified from Conservation Reserve to Rural Estates. The development of this property shall be in substantial conformance with the specific plan approved by the Governing Body on March 26, 1980. Said plan consists of one sheet entitled "Site Plan to Accompany an Application for an Amendment to the General Plan of the Tahoe Regional Planning Agency - Parcel Map for Glenbrook Company", prepared by Sharp, Krater & Associates, Inc. Said plan was received by the Tahoe Regional Planning Agency on February 1, 1980; is contained in a report entitled "Environmental Information Report Parcel Map for the Glenbrook Company", prepared by Sharp, Krater & Associates, Inc.; and is a part of TRPA administrative file no. 80024."

Section 3.00 Severability

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

Section 4.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING: April 23, 1980

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

_________________________
Chairman
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 80-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A" TO ORDINANCE NO. 22, BY ADDING PARAGRAPH 95 THERETO, TO CHANGE THE LAND USE DISTRICT APPLICABLE TO CERTAIN REAL PROPERTY.

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

Section 1.00 Findings

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

Section 2.00 Change In Land Use District

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new paragraph 95 to accomplish a change in the applicable land use district, which paragraph shall read as follows:

"95. All that real property situate in the Southwest 1/4 of the Southwest 1/4 of Section 24, T13N, R18E, MDM, Douglas County, Nevada, described as follows: Beginning at a point on the South line of said Section 24 which bears North 89 degrees 54 minutes East 657.68 feet from the Southwest corner of Section 24; thence North 00 degrees 07 minutes West 702.37 feet, more or less, to a point on the Southerly line of Kingsbury Grade; thence along a non-tangent curve concave to the Northwest with a radius of 290 feet, a central angle of 13 degrees 32 minutes 41 seconds, an arc length of 68.56 feet; thence North 60 degrees 01 minute East 118.11 feet; thence leaving said Southerly line South 00 degrees 07 minutes East 788.06 feet, more or less, to a point on the South line of said Section 24; thence along said South line South 89 degrees 54 minutes West 165.34 feet to the Point of Beginning. Said property contains 2.9 acres, more or less, and is reclassified to Tourist Commercial with the limit on land coverage to be 38,000 square feet for residential uses and as set forth in Section 6.20 of Ordinance No. 4, the Land Use Ordinance, for all other uses."

Section 3.00 Severability

If any part or provision of this ordinance, or the application thereof to any person, thing or circumstance, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the parts, provisions or applications that can be given effect without the invalid part, provision or application, and to this end the parts and provisions hereof are severable.
Section 4.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING: April 23, 1980

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

Chairman
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 80-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A" TO ORDINANCE NO. 22, BY ADDING PARAGRAPHS 96 AND 97 THERETO, TO CHANGE THE LAND USE DISTRICTS APPLICABLE TO CERTAIN REAL PROPERTIES.

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

Section 1.00 Findings

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

Section 2.00 Changes In Land Use Districts

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding thereto new paragraphs 96 and 97 to accomplish changes in the applicable land use districts, which paragraphs shall read as follows:

"96. All that certain real property being a portion of Section 15 and Section 22, T16N, R18E, MDB&M, Washoe County, Nevada; also being Parcel 1, Parcel Map #945, File No. 631770, more particularly described as follows: Beginning at the most Easterly corner of said Parcel 1, Parcel Map #945 filed in the office of the County Recorder of Washoe County, State of Nevada on September 26, 1979; thence South 40 degrees 00 minutes 01 seconds West 185.72 feet; thence South 29 degrees 32 minutes 12 seconds West 173.67 feet; thence South 14 degrees 17 minutes 47 seconds East 131.69 feet; thence South 25 degrees 13 minutes 04 seconds West 89.66 feet; thence South 7 degrees 25 minutes 25 seconds West 261.59 feet; thence South 16 degrees 29 minutes 37 seconds West 381.65 feet; thence South 8 degrees 42 minutes 38 seconds West 179.42 feet; thence South 21 degrees 05 minutes 00 seconds East 281.45 feet; thence South 49 degrees 49 minutes 20 seconds West 121.77 feet; thence South 5 degrees 25 minutes 02 seconds East 50.29 feet; thence Northwesterly along the arc of a curve concave Northeasterly to a point of tangency; thence North 33 degrees 05 minutes 50 seconds West 503.02 feet; thence North 32 degrees 30 minutes 00 seconds East 190.00 feet; thence North 10 degrees 30 minutes 00 seconds East 610.00 feet; thence North 79 degrees 24 minutes 52 seconds West 340.39 feet; thence North 28 degrees 42 minutes 20 seconds East 483.84 feet; thence along the arc of a tangent curve to the right, having a radius of 310.00 feet and a central angle of 6 degrees 14 minutes 19 seconds, an arc distance of 33.75 feet to a point of compound curve; thence along the arc of a tangent curve to the right, having a radius of 40.00 feet and a central angle of 71 degrees 03 minutes 43 seconds, an arc distance of 49.61 feet; thence South 73 degrees 59 minutes 38 seconds East 407.08 feet; thence along the arc of a tangent curve to the right, having a radius of 2,930.00 feet and a central angle of 6 degrees 57 minutes 39 seconds, an arc distance of 355.96 feet to the Point of Beginning.
Said property contains 20.60 acres, more or less, and is reclassified from Tourist Commercial to Recreation with the limitation on land coverage to be as provided in Section 6.20 of Ordinance No. 4, the Land Use Ordinance.

97. All that certain real property being a portion of Section 15, T16N, R18E, MDB&M, Washoe County, Nevada, also being Parcel 2, Parcel Map #945 File No. 631770, more particularly described as follows: Beginning at the most Southerly corner of said Parcel 2, Parcel Map #945 filed in the office of the County Recorder of Washoe County, State of Nevada on September 26, 1979; thence North 33 degrees 05 minutes 50 seconds West 605.00 feet; thence along the arc of a tangent curve to the right, having a radius of 40.00 feet and a central angle of 83 degrees 00 minutes 09 seconds, an arc distance of 57.95 feet to a point of reverse curve; thence along the arc of a tangent curve to the left, having a radius of 740.00 feet and a central angle of 21 degrees 11 minutes 59 seconds an arc distance of 273.80 feet; thence North 28 degrees 42 minutes 20 seconds East 60.00 feet; thence South 79 degrees 24 minutes 52 seconds East 340.39 feet; thence South 10 degrees 30 minutes 00 seconds West 610.00 feet thence South 32 degrees 00 minutes 00 seconds West 190.00 feet to the Point of Beginning. Said property contains 6.00 acres, more or less, and is reclassified from Tourist Commercial to Public Service with the limitation on land coverage to be as provided in Section 6.20 of Ordinance No. 4, the Land Use Ordinance."

Section 3.00 Severability

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

Section 4.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING: APRIL 23, 1980

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

__________________________
Chairman
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 80-7

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN
OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A" TO
ORDINANCE NO. 22, BY ADDING PARAGRAPH 98 THERETO, TO CHANGE THE
LAND USE DISTRICTS APPLICABLE TO CERTAIN REAL PROPERTY.

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

Section 1.00 Findings

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

Section 2.00 Change In Land Use Districts

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency,
as amended, is hereby amended by adding thereto new paragraph 98 to
accomplish changes in the applicable land use districts, which paragraph
shall read as follows:

"98. Parcel 1 - All that certain real property situate in a portion of fractional Section
5, T15N, R17E, MDB&M, being 6.63 acres, more or less, as shown on Record of
Survey filed in the Office of the County Recorder of Placer County, California on
December 7, 1971, in Book 4 of Surveys, at page 14, more particularly described
as follows: Beginning at a point on the North line of said Section 5, a distance of
1,050 feet West of the Northeast corner of said Section 5; thence South 02 degrees
29 minutes 00 seconds West, 430 feet to a point on the Easterly property line of said
parcel of land; thence North 83 degrees 16 minutes West, 706 feet, more or less, to a
point on the Westerly property line of said parcel of land, said point also being the
Easterly right of way of Starboard Drive as shown on the above-mentioned Record
of Survey; thence along the Easterly right of way of Starboard Drive on the arc of
a curve to the left with a radius of 173 feet for a chord bearing and distance of
North 06 degrees 27 minutes 00 seconds West, 176.66 feet; thence North 37 degrees
09 minutes 00 seconds West, 98.80 feet; thence North 52 degrees 51 minutes 00
seconds East, 13.54 feet; thence North 00 degrees 01 minutes 05 seconds East,
84.90 feet to a point on the North line of Section 5, said point also being the
Northwest corner of said parcel of land; thence along the North line of Section 5,
South 89 degrees 58 minutes 55 seconds East, 785.96 feet to the point of beginning.
Said Parcel 1 is reclassified from Rural Estates to Recreation with land
coverage not to exceed the limits set forth in Section 6.20 of the Land Use
Ordinance."
Parcel 2—All that certain real property situate in a portion of fractional Section 5, T15N, R17E, MDB&M, being 3.71 acres, more or less, as shown on Record of survey filed in the Office of the County Recorder of Placer County, California on December 7, 1971, in Book 4 of Surveys, at page 14, more particularly described as follows: Commencing at a point on the North line of said Section 5, a distance of 1,050 feet West of the Northeast corner of said Section 5; thence South 02 degrees 29 minutes 00 seconds West, 430 feet to a point on the Easterly boundary line of said parcel of land, said point also being the Point of Beginning for Parcel 2 description; thence continuing South 02 degrees 29 minutes 00 seconds West, 469.89 feet to the low water mark of Lake Tahoe as shown on the above-mentioned Record of Survey, thence the following ten courses and distances:

(1) North 57 degrees 47 minutes 52 seconds West 126.27 feet,
(2) North 07 degrees 52 minutes 48 seconds West 152.70 feet,
(3) North 75 degrees 00 minutes 00 seconds West 123.00 feet,
(4) West 65.00 feet,
(5) North 58 degrees 30 minutes 00 seconds West 40.00 feet,
(6) North 42 degrees 00 minutes 00 seconds West 65.00 feet,
(7) North 47 degrees 00 minutes 00 seconds West 125.00 feet,
(8) North 83 degrees 30 minutes 00 seconds West 171.22 feet,
(9) North 83 degrees 30 minutes 00 seconds West 20.00 feet,
(10) North 75 degrees 10 minutes 00 seconds West 52.99 feet,

to a point on the Westerly boundary line of said parcel of land, said point also being the Easterly right of way of Starboard Drive as shown on the above-mentioned Record of Survey; thence along the Easterly right of way of Starboard Drive North 07 degrees 55 minutes 51 seconds East, 62.61 feet; thence along the arc of a curve to the left with a radius of 191.14 feet for a chord bearing and distance of North 16 degrees 05 minutes 25 seconds East, 54.26 feet; thence leaving the Easterly right of way of Starboard Drive South 83 degrees 16 minutes East, 706 feet, more or less, to the Point of Beginning. Said Parcel 2 is reclassified from Rural Estates to Public Service with land coverage not to exceed the limits set forth in Section 6.20 of the Land Use Ordinance.

Section 3.00 Severability

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

Section 4.00 Effective Date

This ordinance shall be effective immediately upon its adoption.

FIRST READING: April 23, 1980

SECOND READING:
Passed and adopted by the Governing Body of the Tahoe Regional Planning Agency at its regular meeting held by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Chairman
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 80 -

AN ORDINANCE AMENDING 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
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:

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
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 district 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 classification 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 one year.

*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 one year.

*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 Exclusively 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 Excluding Vacation Time-Sharing Projects from Tourist Residential Uses 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.
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;

(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 May 28, 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:

ABSENTES:

Chairman, Governing Body, Tahoe Regional Planning Agency
May 13, 1980

Mr. Roland D. Westergard, Chairman
Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, CA 95731

Dear Mr. Westergard:

Chairwoman Bard asked me to respond to your letter of March 25, 1980, requesting an extension of the public comment date on the State Water Resources Control Board's draft Lake Tahoe Basin Water Quality Plan. Your letter also asserted certain procedural and jurisdictional defects in the Plan.

The State Board has granted a three-month extension of the public comment date. Written comments may be submitted until June 16, 1980. The State Board granted the extension in response to requests from other parties before your letter arrived. The extension covers all aspects of the draft Water Quality Plan. The record has not been closed to any elements of the plan, as your letter suggests.

We were pleased to have your Executive Director, Phil Overeynder, testify at our hearing in San Francisco on April 21. His testimony indicates that TRPA is apparently willing to play a major role in implementing a plan on both sides of the state line if the plan can be modified to satisfy certain perceived deficiencies TRPA feels it now contains.

It has always been the Board's intent to remand its revised plan to TRPA, hopefully for TRPA to adopt it as its own and proceed with implementation. Given Mr. Overeynder's testimony, I recommend you and Mr. Overeynder meet with me and Mr. Sawyer, our Project Manager, in the very near future to see if we can't outline a methodology for our respective agencies working with each other over the coming months. Our objective should be to determine if TRPA can implement an effective Water Quality Control Plan for the entire basin.
As to the legal issues raised in your letter, we have the following response, by heading used in your letter:


Section 208(3) of the Clean Water Act provides that for interstate areas like the Lake Tahoe Basin, the states shall "consult and cooperate ... with a view toward designating ... a single representative organization capable of developing effective areawide waste treatment management plans for such area." California and Nevada jointly designated the Tahoe Regional Planning Agency as an areawide planning agency in 1974. In 1978, upon review of the plan prepared by the Tahoe Regional Planning Agency, the California State Water Resources Control Board determined that the agency had proven itself incapable of developing an effective areawide waste treatment management plan and thus withdrew its delegation of TRPA. Nevertheless, the State Board intends to give the Tahoe Regional Planning Agency another opportunity to submit an adequate plan. If it does not, the State Board clearly is not required to designate the bi-state agency anyway. The words "consult and cooperate with a view" toward designating a single agency do not absolutely require designation of a single agency for both states. Certainly the statute does not require designating a single agency if it is not "capable of developing effective areawide waste treatment management plans."

Provisions of the Tahoe Regional Planning Compact

The bi-state compact calls upon the Tahoe Regional Planning Agency to protect water quality. This responsibility is independent of the State Board's responsibilities pursuant to the Clean Water Act and state law. The bi-state compact does not preempt the State Board's responsibilities. Nor does the Tahoe Regional Planning Agency's responsibility to protect water quality depend on designation as an area-wide planning agency under the Clean Water Act. There is nothing to prevent the bi-state agency from acting now to adopt the controls needed to protect water quality.

Requirements for De-designation

The State Board's Lake Tahoe Basin Water Quality Plan will not take effect until after the State Board provides the Tahoe Regional Planning Agency another chance to submit an adequate plan. Based on the draft plan and the public comments it receives, the State Board will adopt a final plan and a detailed list of the elements which must be included in any plan submitted by the Tahoe Regional Planning Agency. This list and adopted plan will be submitted to TRPA for its consideration. If TRPA adopts the plan or submits a plan of its own which includes all the elements necessary for
State Board approval, the State Board will adopt TRPA's plan in lieu of its own. The Environmental Protection Agency has approved of this procedure as adequate to meet all procedural requirements of the Federal Act. (See attached EPA correspondence.) The draft plan now before the Board provides clear guidance as to what the State Board will be looking for in any plan the Tahoe Regional Planning Agency submits. TRPA could reasonably begin drafting its submittal now in anticipation of a formal remand from the State Board later this year.

Effectiveness of Bi-state Management

The State Board's draft Water Quality Plan evaluates the effectiveness of implementation on the California side only. The draft plan shows that implementation of the Proposed Alternative (Alternative C) on the California side only, would do far more to protect Lake Tahoe than implementation on both sides of the lake of the plan submitted by the Tahoe Regional Planning Agency in 1978. Implementation of the Proposed Alternative on the California side would still result in a basinwide net reduction in the amount of suspended sediment reaching Lake Tahoe each year. Application of the Tahoe Regional Planning Agency's 1978 plan basinwide would allow a major increase. Of course, the State Board hopes that in response to the detailed list the State Board prepares, the Tahoe Regional Planning Agency would submit an adequate plan, so the necessary controls are implemented basinwide.

Public Input

The State Board has a policy advisory committee for the Lake Tahoe Basin Water Quality Plan. Mr. Jim Henry, a member of the Tahoe Regional Planning Agency governing board, is one of the public officials on the committee. State Board members and staff have also met with local officials and community groups, and will continue to do so. Opportunity for public participation has also been provided through widespread publicity and distribution of the plan, and through five public hearings. In addition, the Board recognizes the public input conducted prior to the TRPA plan adoption by your governing board in 1978.
Again, the State Board appreciates Mr. Overeynder's positive testimony and we look forward to working with you on these issues. I will call you for an appointment within the next few days.

Sincerely,

[Signature]

Clint Whitney
Executive Director

Attachments
Mr. Larry Walker  
Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95811

Dear Mr. Walker:

This is in response to your letter of September 12, 1979 informing EPA that the State Board will send the Tahoe Regional Planning Agency a detailed list of the elements necessary for certification of a 208 plan for the Lake Tahoe Basin.

We are pleased the State Board will send EPA and TRPA a list of the revisions necessary for certification of the 208 plan in accordance with the requirements of 40 CFR 131.20(f) and (g) and the State's Planning Program Guidance Memorandum No. 10. We understand that if TRPA is unable to submit an acceptable revised 208 plan, the State Board is prepared to put into effect its own final 208 plan for the Lake Tahoe Basin.

Sincerely yours,

Frank M. Covington  
Director, Water Division
September 12, 1979

Mr. Frank M. Covington
Director, Water Division
EPA, Region IX
215 Fremont Street
San Francisco, CA 94105

Dear Frank:

This is in response to your letter of August 15, 1979, asking when the State Board will send the Tahoe Regional Planning Agency a detailed list of the elements necessary for certification of a 208 plan for the Lake Tahoe Basin.

The State Board staff is nearing completion of its study of water pollution at Lake Tahoe. It is anticipated that the study will be made public, in the form of a draft 208 plan, in October 1979. After receiving public comment, and making any necessary revisions, a final 208 plan will be adopted by the Board. The staff is proposing that the State Board adopt the final 208 plan, but stay the effectiveness of its order to give the Tahoe Regional Planning Agency another chance to submit an acceptable plan. In so doing the State Board will submit to TRPA a detailed list of what the TRPA will have to include in any revised TRPA 208 plan. It is anticipated that TRPA will be given approximately 30 days to submit its revised plan.

I am prepared to meet with you concerning this issue, or any other issue which arises as part of our Lake Tahoe water quality planning effort.

[Signature]

Harry F. Walker
Executive Director
Mr. Larry Walker  
Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95801  

Dear Mr. Walker:

This letter is in regard to the 208 plan prepared by the Tahoe Regional Planning Agency. In letters to the State Water Resources Control Board dated October 25, 1978 and January 15, 1979, EPA indicated the State Board had not complied with Federal regulations or State program guidance in rejecting TRPA's water quality management plan. Specifically, the requirements of 40 CFR 131.20(f) and (g) give the state authority to conditionally certify or not certify the plan produced by local input, but the local planning agency must receive from the State a listing of the specific revisions necessary to obtain full certification and the time period allowed for submission of the necessary revisions. Also, the State's Planning Program Guidance Memorandum No. 10 (July 21, 1977) restates the requirements of 40 CFR 131.20(f) and (g) and details eight "key actions" in the adoption process that involve the local and State levels in fine-tuning the plan.

In a letter to EPA in April, 1979 you indicated the State Board was undertaking a detailed review of the elements which should be included in a 208 plan for the Lake Tahoe Basin. This study would enable the State Board to provide more specific direction as to the changes needed in the 208 plan. The study was scheduled to be completed this summer.

Please inform EPA when this study will becompleted and when the SWRCB will send EPA and TRPA a list of the revisions necessary for certification of the Tahoe 208 plan and the schedule for the revisions. EPA staff would be willing to meet with State Board staff before or after this study is complete to discuss the future of the Tahoe 208.

Thank you for your cooperation.

Sincerely yours,

 Frank M. Covington  
Director, Water Division