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

NOTICE IS HEREBY GIVEN that on November 12, 1980 at
10:00 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: November 3, 1980

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

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

November 12, 1980
10:00 a.m.

PRELIMINARY AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  PUBLIC HEARING - General Plan Amendments
   A.  Herb Weinman, Lots 5-10, Block C, Tahoe Vista Subdivision No. 1,
       Placer County - from General Commercial to Tourist Commercial
   B.  Steven Bourne/Nevada Banking Company, 2.61 Acres in Douglas County,
       Located 75 Feet North of Kingsbury Grade on the East Side of Highway 50 -
       from Tourist Commercial to General Commercial
   C.  Hyatt Tahoe, Inc., 2.1 Acres Between Incline Creek and the West Property
       Line of Hyatt Tahoe, Between Incline Way on the North and Lakeshore Boulevard
       on the South, Washoe County - from Recreation to Tourist Commercial

V  PLANNING MATTERS
   A.  Status of the Water Quality Management (208) Plan for the Tahoe Basin
   B.  Activities Exempt from the Definition of a "Project" and Projects Exempt
       from Environmental Impact Report Requirements (Article VII of the
       Proposed Tahoe Regional Planning Compact)
   C.  Report from the Tahoe Federal Coordinating Council on the President's
       Executive Order for the Lake Tahoe Basin and Status of Work Program
       Development for the Threshold Carrying Capacity Analysis

VI  REPORTS
   A.  Public Interest Comments
   B.  APC Members

VII  RESOLUTIONS

VIII  CORRESPONDENCE

IX  PENDING MATTERS

X  ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tåhöc, California

October 8, 1980
10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order by Chairman Phil Overeynder at 10:10 a.m. It was noted that the meeting had been properly noticed as required by the Nevada Open Meeting Law.

APC Members Present: Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Burnham, Mr. Iturreria, Mr. Sanford, Mr. Hoole, Mr. Hoefer, Mr. Wright (present at 10:30 a.m.), Mr. Maki, Mr. White, Mr. Curtis (present at 10:30 a.m.), Ms. McMorris, Mr. Hadfield, Mr. Pyle

APC Members Absent: Mr. Scribner, Mr. Hansen, Mr. Bailey

II APPROVAL OF AGENDA

MOTION by Mr. Milam with a second by Mr. Hadfield to approve the agenda as presented. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Burnham to approve the September 10, 1980 APC meeting minutes. Second by Mr. Iturreria. The motion carried unanimously.

IV PUBLIC HEARING

General Plan Amendment to Reclassify Parcels Abutting the North Side of Vista Avenue Between Coon Street and Chipmunk in Kings Beach, Placer County, California - from General Commercial to Tourist Commercial

Senior Planner Gordon Barrett presented the staff’s summary and recommendation for approval of the reclassification to Tourist Commercial with coverage to be set at 35% for residential uses and 50% for commercial uses. The application is being processed in order that lot owner Joyce Grunauer can construct a single family dwelling in Tahoe Vista and utilize a sewer permit she recently received. To prevent a case of spot zoning and to obtain TRPA staff support, the applicant has included adjacent properties not owned by her in the request. All affected property owners have been sent written notice of the hearing. The Tourist Commercial land use district permits both light commercial uses and residential and would make all existing uses on the block, which are primarily residential, conforming. Placer County has recently changed the property to Residential-Professional which allows residential uses but also allows professional offices. With the current General Commercial zoning, any homes that burn down could not be replaced since residential uses are not permitted in General Commercial. A question has arisen with regard to availability of water rights for the North Tahoe Public Utility District to serve this area. That District has water rights for 2230 acre feet which is short of the 3719 acre feet needed to serve buildout of TRPA’s General Plan.
APC REGULAR MEETING MINUTES OCTOBER 8, 1980

A letter from Jay and Roberta Shatting dated October 3, 1980 supports the reclassification; a September 23 letter from E.R. Crippa objects to the amendment.

Mr. Combs advised that the North Tahoe PUD has been flexible in granting extensions on the sewer permits it has issued. A residential zoning in this neighborhood is really more appropriate than commercial.

Mr. Tom Mills spoke on behalf of the application stating that the only difference between the two zones would be a reduction in permitted commercial space. Tourist Commercial is consistent with existing uses. The NTPUD has granted a sewer permit extension to Mrs. Grunauker until December 17. No house plans will be drawn up until it is certain that a home can be built. Mr. Grunauker urged approval of the request since it would encourage upgrading of the neighborhood which is primarily residential. Brockway Vista is a very narrow street and would not lend itself well to commercial uses and their attendant traffic. Mr. Eugene Crippa spoke against the rezoning stating he had purchased a lot on this block in 1947 and had not been successful in obtaining a sewer permit. He was hoping to open an electronics shop and the new zoning would preclude this. Mr. Crippa questioned the restrictive land coverage requirements and was advised that CTRPA's regulations for coverage are more restrictive than TRPA's. Mr. Crippa objected to previous commitments from the sewer district and now finding he cannot build. Staff advised that, should Mrs. Grunauker's request be approved, Mr. Crippa could submit a request for a finding that an electronics shop is similar in nature to those uses currently permitted in the Tourist Commercial land use district.

Mr. Carl Boberg, a nearby property owner, questioned staff's desire not to approve a spot zone of Tourist Commercial in a predominantly General Commercial area. Staff explained that it was not good planning practice to mix residential with commercial uses. To amend the General Plan to allow 70% coverage in all Tourist Commercial zones would cause a significant impact to the land use system in the whole Basin. Mr. Jim Shalukis asked that the amendment not be approved if it would prohibit him from moving his drycleaning and hamburger businesses back further onto his property as required by Caltrans. The highway is currently infringing onto his property and he is being required to move his buildings onto the back part of the property. Staff pointed out that both uses would be permitted in the Tourist Commercial zone.

Mrs. Roberta Shatting, a property owner across the street from the subject properties, spoke in favor of the amendment since it would encourage upgrading of the entire neighborhood which now is almost all residential. Mrs. Boberg spoke against the amendment since she felt it would eliminate development of necessary service-oriented businesses. John Hunter, representing the CTRPA, explained that the reclassification was currently before CTRPA, and it would seem more appropriate to address the rezoning after the CTRPA General Plan Update has been completed.

Discussion followed on the benefits of Tourist Commercial over High or Medium Density Residential zoning for the area.

MOTION by Mr. Milam to approve staff's recommendation for a reclassification of the subject parcels on Brockway Vista Avenue to Tourist Commercial. Second by Mr. White.

Mr. Combs advised that any future commercial proposal would be required to include offsite improvements to Brockway Vista Avenue. From a physical standpoint this is practically impossible given the nonconforming setbacks. It is not likely that future commercial development would be approved on this street. With the Tourist Commercial...
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zoning, the currently existing uses whether residences or motels would be conforming. The HDR zoning would cause the motels to face a nonconforming situation and would discourage improvements.

The motion carried on the following vote:

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

Mr. Barrett pointed out that, should the bistate compact take effect, the zoning would revert to whatever the property is zoned by CTRPA as of July 1, 1980.

V. PUBLIC WORKS

A. Douglas County Sewer Improvement District No. 1, Wastewater Treatment Facility Improvements

Phil Overeynder explained that EPA comments on the proposed expansion and revision of the NPDES permit for the DCSID facility have not been received although verbal comments have been given that EPA's concerns correspond to the Nevada legislation in terms of mitigation measures and the plant's capacity. There are three paragraphs in the recently passed bistate compact which are effective immediately and which affect expansion and upgrading of sewage treatment plants. The section which relates specifically to DCSID would automatically allow 3.0 MGD expansion, which is the original design capacity, without it becoming a project. Staff has researched the compact with regard to flows and agrees with the Nevada Division of Environmental Protection (NDEP) that a figure of 3.32 MGD would be permitted under the proposed compact. A letter from the Nevada Legislature has clarified its intent on this particular section of the compact and that is simply to provide onsite mitigation measures. The Legislature was not concerned about secondary impacts permitted as a result of further development. TRPA's standard conditions of approval prepared by staff for the proposal have taken care of the mitigation program in terms of erosion control and onsite impacts. Based on the resolution of these previous concerns, concurrence with 3.32 MGD flow limitation, and the mitigation program required under the compact as well as under the standard conditions of approval, staff recommends approval of the DCSID expansion subject to the 18 standard conditions. Staff also recommends that a letter be sent to NDEP requesting issuance of a permit allowing a 30 day flow of 3.32 MGD.

Chuck White asked for an explanation of "vested right" and which projects had such rights under the compact. The anticipated 300 gallons per day per unit projected for residential development seems a great deal more than what is necessary. Two-hundred gallons per day per unit is a more reasonable figure. Mr. White questioned the accuracy of the discharge figures. The end result should be a figure which is at or below the compact figure of 3.0 MGD.

Staff explained that the figures used in the staff summary were supplied by DCSID and NDEP. The flow per capita rate for DCSID that is found in the 208 Plan verifies
a figure close to 300 gallons per day per unit.

Keith Maki explained that the figures were arrived at by looking at what would be developed over a period of time. As far as EPA comments on the permit, EPA has suggested that the monitoring requirements are too strict and should be lowered.

Mr. White commented that it was inadvisable to approve a figure greater than the 3.0 MGD in the compact and the discussion should be limited to what development is allowed under the compact revisions. If it goes beyond that figure, the expansion should be subject to a higher grade review to see if the capacity is necessary. Mr. Maki explained that the 3.32 MGD would not be achieved until May of 1983.

There was further discussion on the figures and the allocation of flow rates to residential and commercial uses. Bob Hadfield pointed out that the Nevada Legislature would not have passed the compact if it were not understood that Harvey's had a "vested right" to proceed. Staff explained that the critical point is not the size of the sewage treatment plant but what set of land use controls will be in effect to enforce limitations on growth.

Mr. Jere Williams, representing DCSID, explained that the vested rights relate to the remaining portion of Caesar's and Harvey's. In addressing the difference between the 3.32 figure in staff's recommendation and the 3.0 figure in the compact, Phil explained that the concept is to limit the amount of capacity while the new General Plan is being developed. What is being addressed now is what is likely to happen or what is permitted to happen in the next 2-1/2 years. Mr. White suggested that if a number is approved which is different from the figure in the compact it should be backed by significant information. Phil suggested that the APC members consider adopting the 3.0 MGD limitation now but that the 3.32 MGD figure be considered at subsequent meetings should staff, DCSID, NDEP and others agree that this is necessary. Jere indicated he concurred with the staff conditions.

MOTION by Mr. Burnham to approve the staff recommendation for approval of the DCSID treatment plant expansion with the change that the flow figure be limited to 3.0 MGD. Second by Mr. White.

Bill Curtis suggested that the Agency's approval not be tied to a specific flow rate but to the compact. Keith Maki suggested that this would leave the decision open to challenge as to what would be legally allowed to build out. Staff suggested that it was encumbent upon TRPA to provide direction to NDEP on the interpretation of the compact.

Mr. Burnham amended his motion to eliminate reference to a specific flow rate and instead to tie the approval to the compact limitation. Mr. White withdrew his second on the motion. Second by Mr. Milam. The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Burnham, Mr. Iturrieria, Mr. Sanford, Mr. Hoole, Mr. Hoefer, Mr. Wright, Mr. Maki, Mr. Curtis, Ms. McMorris, Mr. Hadfield, Mr. Pyle
Nays: Mr. White
Abstain: None
Absent: Mr. Scribner, Mr. Hansen, Mr. Bailey
B. Nevada Division of State Parks, Spooner Lake Dam Reconstruction, Douglas County

Associate Planner Jim Dana presented the staff summary and recommendation for the proposed dam reconstruction project and explained that the original application had been modified to delete action on the proposed diversion because of concerns raised by the Forest Service, the Division of Water Resources and Fish and Game on the effect of diversions on North Canyon Creek and the meadow areas below the new dam structure. Staff recommends approval with conditions of the amended project to reconstruct the dam. An environmental impact study addressing specific concerns shall be completed prior to submittal of the North Canyon Creek diversion application.

Mr. Steve Weaver, of the Nevada Division of State Parks, agreed to the conditions with the exception of the study to address the effect of climate on the runoff in terms of wind, humidity, and temperatures. Mr. Dana agreed that this should have been omitted from the staff's conditions. The Division does not now have the money available to build the diversion, and the delay in processing this particular application will give the Division time to prepare the environmental studies. It is expected that fish can be managed in the dam 50% of the time, and it is intended that fish will be put into the lake each year. Mr. Pyle questioned whether or not a diversion could be denied at a later date if the dam reconstruction was approved now. The diversion should be obtained before the dam is reconstructed.

Staff explained that adequate data is not now available on the water yield from the dam because of its state of disrepair and because it is in a small watershed. A major commitment is being made by Fish and Game and the Parks Division to prepare environmental studies. These entities will have an opportunity to evaluate how the reconstruction has affected the fishery and to evaluate whether it is wise to proceed with the diversion request. Mr. Weaver explained the environmental studies will take two years to complete.

MOTION by Mr. Maki to approve the Spooner Lake dam reconstruction with the conditions recommended by staff.
Second by Mr. Hoole.

The dam will cost $230,000; the diversion is $70,000. The Nevada Department of Fish and Game has agreed to supply an aerator in the Lake to help sustain the fish in the event the water level is lowered (which would occur without the diversion).

The motion carried on the following vote:

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

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VI CLEARINGHOUSE

A. U.S. Environmental Protection Agency, Incline Village General Improvement District Wastewater Facility Grant Increase to Provide for Cumulative Impact Analysis of Disposal in the Carson Valley

Phil Overeynder presented the staff summary and recommendation for approval of the request by IVGID to approve the development of a cumulative impact analysis of wastewater disposal in the Carson Valley. The analysis would be funded under an EPA grant agreement. This is of particular interest to the Agency because the Governing Body has denied six projects in Incline, a portion of the rationale being the inability to satisfy the wastewater treatment requirements. In order for IVGID to satisfy Douglas County’s requirements to dispose of discharge through various forms of land treatment in the Carson Valley, a cumulative impact study is to be undertaken. Douglas County has been deluged with applications from sewage treatment entities for disposal of wastewater in the Carson Valley using land application techniques. This study should provide the basis for a final decision with regard to whether or not wastewater would be permitted to be disposed in the Valley. Douglas County should submit to IVGID a list of items which must be covered in the analysis so that there is an agreement on the scope of work.

MOTION by Mr. Pyle to strongly support the IVGID’s request for an EPA grant to conduct a cumulative impact report of waste disposal in the Carson Valley. Second by Mr. Hoefer. The motion carried unanimously.

B. U.S. Environmental Protection Agency, Notice of Proposed Rulemaking on the Lake Tahoe Basin Nonattainment Air Quality Plan

and

VII PLANNING MATTERS

A. Lead Agency Designation for the Nonattainment Air Quality Plan

Phil explained that comments are to be submitted on the Rulemaking on the Lake Tahoe Basin Nonattainment Air Quality Plan by October 10, 1980. A complete set of the documents is available for review in the office. EPA is giving until January 1, 1981 to reach compliance with standards set forth in the Nonattainment Air Quality Plans or EPA will have to impose mandatory sanctions on governments in the Basin. This would affect funding for highways and for sewage treatment plants. In discussing the proposed rulemaking with EPA, the two state air quality agencies and local governments, there has been an indication that these entities would be receptive to TRPA’s designation as the lead agency for air quality planning, particularly in view of the pending compact amendments. Staff recommends that the APC vote to support this designation.

MOTION by Mr. Hadfield with a second by Mr. Hoole to support TRPA’s designation to provide the air quality plan for the Tahoe Basin so that there are not two conflicting plans. The motion carried on the following vote:
APC REGULAR MEETING MINUTES OCTOBER 8, 1980

Ayes: Mr. Combs, Mr. Milam, Mr. Drawbaugh, Mr. Burnham, Mr. Iturreria, Mr. Sanford, Mr. Hoole, Mr. Hoefer, Mr. Wright, Mr. Maki, Mr. Curtis, Ms. McMorris, Mr. Hadfield, Mr. Pyle

Nays: None

Abstain: Mr. White

Absent: Mr. Scribner, Mr. Hansen, Mr. Bailey

B. Status of the Water Quality Management (208) Plan for the Tahoe Basin

Phil explained that an October 14 meeting has been scheduled which will involve Lahontan, NDEP, EPA and TRPA to resolve under what process the differences between the two 208 Plans can be resolved. Staff asks that this item be put off for 30 days.

C. Projects Exempt from Environmental Impact Report Requirements

The new compact requires that TRPA adopt by ordinance a list of projects which are exempt from EIR procedures, and the Governing Body directed staff to prepare such an ordinance. The alternatives are to define existing TRPA regulatory requirements as defining those projects not subject to TRPA review and therefore not subject to EIR requirements, to utilize existing regional environmental impact analyses to identify those categories of projects which will and will not have a significant impact on the environment, or to defer judgment until the completion of new master environmental documents which would be developed as part of the threshold and General Plan development process. Mr. Combs indicated he would make Placer County’s list of categorically exempt projects available to staff for review. Mr. Milam suggested that the APC members meet in a workshop session after a list of possible exempt projects has been prepared.

Mr. Pyle suggested that the APC meet in a regular adjourned session at a time and date to be established by the Chairman.

VIII REPORTS

A. Public Interest Comments - none

B. APC Members - no reports

IX RESOLUTIONS

MOTION by Mr. Hoole with a second by Mr. Wright to adopt Resolution No. 80-8 commending Verne Rosse for his service to the APC. The motion carried unanimously.

X CORRESPONDENCE - none

XI PENDING MATTERS - none

XII ADJOURNMENT - The meeting adjourned at 1:10 p.m. to a regular adjourned meeting to be scheduled by the Chairman.

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

Respectfully submitted,

[Signature]
-Julie D. Frame
-Administrative Assistant
APC REGULAR ADJOURNED MEETING MINUTES OCTOBER 16, 1980

APC Members Present: Mr. Overeynder, Mr. Hoefer, Mr. Hoole, Mr. Hansen

APC Members Absent: Mr. Combs, Mr. Milam, Ms. Bogush (new member from the City of South Lake Tahoe), Mr. Burnham, Mr. Iturreria, Mr. Duncan, Mr. Wright, Mr. Maki, Mr. White, Mr. Bidart, Ms. McMorris, Mr. Hadfield, Mr. Pyle, Mr. Scribner, Mr. Pyle

Since a quorum was not present, a workshop session was held to discuss preparation of a list of projects which would not be required to undergo the environmental review requirements outlined in the pending bistate compact. Participating in the discussion was Dennis Winslow, CTRPA Acting Executive Officer, and Gordon Barrett, TRPA Senior Planner.

The meeting started at 10:00 a.m. and concluded at noon. Staff indicated it would take the suggestions made at the meeting and incorporate them into a list to be presented to the Governing Body for discussion at the October 22 meeting. Additionally staff will get a list of exempt projects under CEQA and NEPA and will contact the local planning departments for "ministerial" type projects.

Respectfully submitted,

[Signature]
Julie D. Frame
Administrative Assistant
The applicant is requesting an amendment to the TRPA land use district maps to reclassify his property from General Commercial to Tourist Commercial. This application is being processed in order that the applicant may construct an addition to his existing single family dwelling.

In order to prevent a case of spot zoning and to obtain TRPA staff support, the applicant has included adjacent properties not owned by him in the request. All affected property owners have been sent written notice of the public hearing.

The properties under consideration are located south of the intersection of Agapine (Agatam) Avenue and State Route 28 in Tahoe Vista as shown on the attached map. The applicant's property is approximately in the middle of the block adjacent to the Moon Dunes Estate.

The area under consideration for reclassification is part of Tahoe Vista Subdivision No. 1 and is approximately 45,000 square feet with 6 lots divided into 4 parcels. The existing uses include 3 single family residential units and 1 motel of 6 units. The property south is a Placer County beach, zoned Recreation and to the east is open space also zoned Recreation.

The TRPA land capability maps indicate that approximately 85 percent of the area is classified as capability 5, or low hazard lands which permit 25 percent land coverage. The shoreline maps classify this area as a tolerance district 6 where shoreline erosion problems are minimal. The remaining 15 percent of the area, on the southern boundary, is classified as capability 1B allowing 1 percent coverage.

There are no stream environment zones on the parcels, although a creek abuts the properties to the east. The TRPA Land Use Ordinance permits coverage overrides up to 70 percent land coverage because the properties in question are classified as General Commercial.

Placer County has the area zoned Tourist Residential. CTRPA currently has the 4 properties zoned General Commercial.
Analysis

Land Use Impact - The proposed zoning will permit the construction of residential units up to 15 per acre which was not permitted under the General Commercial land use designation. All uses now existing would be conforming under the proposed change. There should be no significant loss in commercially zoned lands since Tourist Commercial permits limited commercial uses.

Environmental Impacts

The permitted land coverage will be reduced from 70 percent permitted under General Commercial to 50 percent for commercial or 35 percent for residential under Tourist Commercial. Uses that would be excluded from General Commercial yet permitted under Tourist Commercial would include single family dwellings, multiperson dwellings and mobile home parks. No significant environmental impact is expected to occur from zoning reclassification since the area is presently built out.

Public Service Impacts

Rezoning should not affect public service demand since user accommodation is expected to remain the same because all four parcels are developed. By letter dated September 5, 1980, the Lahontan Regional Water Quality Control Board has indicated that there is no excess sewage treatment capacity available to the North Tahoe Public Utility District (NTPUD) which services the area. Also, the NTPUD has indicated that their existing annual water rights are 2,230 acre feet which is far short of the estimated 3,719 to 6,476 acre feet needed for build-out under the TRPA General Plan.

Alternatives

Retain General Commercial land use designation - This alternative would provide the maximum permitted land coverage (70 percent) and require the eventual phase out of residential uses. The TRPA Dornbush Study did indicate there would be a shortage of commercial floor area buildout under the current TRPA General Plan.

Recreation - This alternative would provide opportunity for additional recreation area on the backshore of the lake and make any single family houses on pre-existing lots and parcels conforming uses. It would not permit any commercial uses and would require such uses to eventually be phased out.

Recommendation

Agency staff recommends the request for reclassification to Tourist Commercial be approved and the land coverage limitations be established at 35 percent for residential uses and 50 percent for commercial uses.

11/5/80
Subject Properties Scheduled for General Plan Amendment Public Hearing - 11/12/9
General Commercial (GC) to Tourist Commercial (TC)
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Bourne/Nevada Banking Company
General Plan Amendment
Douglas County

Amendment Request

The applicant is requesting an amendment to the TRPA land use district maps to reclassify a 2.6 acre site from Tourist Commercial (TC) to General Commercial (GC). This application is being processed in order that the applicant may construct a bank on the site since financial institutions are not a permitted use in Tourist Commercial.

Property Location and Description

The subject property is located on the northeast corner of the Highway 50/Kingsbury Grade intersection next to the Love building. The property is currently in a disturbed state and is used as a stockpile area for landscape materials.

Land Use

The parcel under consideration for reclassification is part of a large Tourist Commercial area that was originally approved for a casino-hotel complex containing Harvey's Inn, Hotel Oliver, and Jennings Tahoe Palace. The parcels up Kingsbury Grade were zoned General Commercial and were envisioned under the General Plan for primarily resident-oriented commercial uses. The subject parcel does abut GC lands to the south (the Love building) and across Kingsbury Grade (Continental Telephone). Other uses in the area that are oriented toward tourist sales are Dart Liquor and the Trading Post.

Since the purchase of the Jennings site by the U.S. Forest Service and the possible acquisition of the Kahle site by Douglas County, the planning for the area has been in question. Also the status of transportation planning in this area is unresolved at this date.

Land Capability

The TRPA land capability maps indicate the parcel is classified as capability level 7 on the lower portion of the property (permitting 30% land coverage) and capability level 3 on the upper portion (permitting 5% coverage). This classification would appear to be in error since the site is entirely disturbed with extensive grading. There are no stream environment zones on the property.

The actual land coverages permitted under TC are 35% for residential and 50% for all other uses. The GC land use classification could permit up to 70% land coverage, but the applicant is only requesting 50%.

Local Zoning

Douglas County has the entire parcel zoned C-3 (gaming commercial) and has approved a special use permit for the subject bank. The approved bank is to be 2 stories (36 feet) and to have a gross floor area of 15,000 square feet. There will be parking for 68 vehicles and 3 drive-up windows under this permit.

11/4/80
Analysis

Land Use Impacts - The change in zoning from TC to GC will eliminate the possibility of residential uses on the site. All types of commercial uses would be permitted instead of limited commercial uses permitted under TC. However, the Douglas County special use permit would limit the use to a bank at this time.

Staff's concern is that the current TRPA General Plan does not effectively address this area because of the recent change in direction of land use in this area. The issue of land use (i.e. purchase of the Hotel Oliver site for other uses) has not been resolved nor is there any approved transportation plan for the area.

Environmental Impacts - The permitted land coverage would remain the same and there would be the opportunity for much needed slope stabilization and drainage work. The site improvements would be the strongest asset to this proposed amendment. Visual impact would be minimal since the height limit would remain at 40 feet. The proposed project would have a maximum height of 36 feet and would set up against a cut slope thus minimizing its impact.

Traffic/Air Quality - This is the area of greatest staff concern because of the identified traffic problems in the Kingsbury/Highway 50 area. The applicant's report represents that the project will generate approximately 1,116 trips on a worst-case basis. Staff finds the range using various trip factors to be from 645 trips to 2,220 trips. If the estimated trip factor of 1,116 is taken as an average day figure, which it would appear to approximate, then this would represent 3.7% of the 30,105 AADT recorded in 1979 for Highway 50. Although the applicant has estimated traffic by peak hour for the project, it has not been related to peak hour flows on Highway 50 or the intersection at Kingsbury Grade. Also, the applicant has not indicated the impacts on the service levels of the transportation corridor.

Staff does have concerns in regards to air quality impacts even though the applicant has indicated there would be no significant impacts. The first concern is the construction of drive-up windows which the Nonattainment Air Quality Plan and other studies have identified as an air quality problem. Upon forwarding the Nonattainment Plan to Nevada, the TRPA Governing Body recommended that drive-up windows be prohibited. The second problem is that traffic impacts have not been directly related to air quality impacts (particularly for CO) at receptor sites on Highway 50 at the Kingsbury Grade intersection.

Public Services - The Agency staff concurs with the applicant's analysis that the project will have no significant impact on public services. It should be noted that the Governing Body approved the DCSID plant expansion to 3.32 MGD which would account for commercial development within the 57,000 square foot limitation of the compact. The plant has not received the final permits nor commenced construction as of this date.

11/4/80
Alternatives

- To retain the Tourist Commercial land use designation which would not permit the specific project but which would still permit limited commercial uses.

- To prepare a master plan including zoning for the entire area and to withhold development until the use of the Oliver Kahle hotel site is resolved.

- To make a finding that the bank is a similar and appropriate use in the Tourist Commercial land use district. This would require an administrative permit to be approved by the Governing Body. The finding may be difficult due to prior actions limiting banks to the General Commercial district since they generally serve residents, not tourists.

Recommendation

Although the Agency would favor the on-site improvements associated with this General Plan amendment, there are still unresolved concerns with regard to traffic and air quality impacts. Agency staff would therefore withhold any recommendation pending the Advisory Planning Commission's comments along with those of the Nevada Division of Environmental Protection and the Nevada Division of Transportation.
BOURNE/NEVADA BANKING
GENERAL PLAN AMENDMENT

OLIVER KAHLE SITE

TC

LINGSBURY GRADE

HIGHWAY 50

GC

HARVEY'S INN

TRADE POST

DACT LIQUIDS

REC

CORE AREA
Hyatt Tahoe
General Plan Amendment
Recreation to Tourist Commercial
Washoe County

Summary

The applicant, Hyatt Lake Tahoe, is requesting a General Plan amendment to reclassify a 2.1 acre portion of property from Recreation to Tourist Commercial. The subject property is adjacent to the hotel-casino but is physically separated by Incline Creek. The reclassification is requested to allow the continued use of an existing unauthorized employee parking lot. The Hyatt Hotel-Casino site is 20 acres in size, of which 17.9 acres is classified Tourist Commercial and 2.1 acres is classified as Recreation.

Background

In 1974 the Hyatt Corporation took control of the then closed Kings Castle Casino. The site at that time was in conformance with TRPA ordinances regarding use and land coverage. Over the next five years, Hyatt made certain modifications and additions to the existing facility. These additions included open surface parking, 2 tennis courts, and a swimming pool. Placement of these improvements brought the land coverage on the 17.9 acre site to an amount greater than the 50% allowable coverage permitted in the Tourist Commercial area. Subsequently, in 1979, a new employee parking lot was constructed within the Recreation area without Agency approval. The amount of land coverage created exceeded the amount allowed by the land capability system classification of the property which is capability level 6, allowable land coverage up to 30%.

Since the subject 2.1 acre area is classified as Recreation, a commercial parking lot is not specifically allowed. Section 7.12 of the Land Use Ordinance provides that Agency review of commercial parking lots is required. None of the parking lot additions to Hyatt since 1972 were reviewed by the Agency. Based upon the land coverage calculations, both the Tourist Commercial and Recreation land use districts have existing land coverage in excess of that allowed under Agency ordinances.

The new employee parking lot was constructed without TRPA approval of a commercial parking lot, approval of construction within a stream environment zone, or approval to construct a commercial improvement within a Recreation land use district. The staff upon noticing completion of this parking lot contacted Hyatt Lake Tahoe regarding the unauthorized construction. The first meeting was held May 29, 1980; this application is the result of that and subsequent discussions.

Existing Land Use Classification

In attempting to verify the land use classification of the Hyatt property, a discrepancy on the classification maps was found. Since an accurate determination was essential, Agency staff, using the procedure provided by Section 8.13 of the Land Use Ordinance, requested Washoe County to make a final determination. On August 25, 1980, Washoe County responded to the Agency's request with a boundary determination. That determination established the centerline of Incline Creek as the boundary between the Tourist Commercial and Recreation districts. This established the Tourist Commercial area as being 17.9 acres and the Recreation district as being 2.1 acres. These are the baseline figures used to establish allowable land coverage and verify conformance.

11/4/80
Existing Situation

Following is a table outlining the existing land coverage situation on the Hyatt Lake Tahoe property based upon the determination of land use districts provided by Washoe County.

<table>
<thead>
<tr>
<th>Use District</th>
<th>Acreage</th>
<th>Maximum Allowable Coverage</th>
<th>Existing Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourist Commercial</td>
<td>17.9</td>
<td>50% 389,600 sq. ft.</td>
<td>413,953 sq. ft.</td>
</tr>
<tr>
<td>Recreation</td>
<td>2.1</td>
<td>30% 27,442 sq. ft.</td>
<td>38,208 sq. ft.</td>
</tr>
</tbody>
</table>

Under the existing land use classifications, both use districts exceed allowable land coverage limitations and are not in conformance with the Agency ordinances. The amount of land coverage that needs to be removed is 24,353 square feet in the Tourist Commercial area and 10,766 square feet in the Recreation area. The Land Use Ordinance establishes that no more than 50% land coverage may be created in a Tourist Commercial district. Section 6.20 of the Land Use Ordinance establishes that the maximum amount of land coverage within a land capability district 6 is 30%. Therefore, the excess land coverage in each use district must be reduced to achieve compliance.

Items of Noncompliance

Based upon the previous concerns, the following are the areas of noncompliance as identified by staff:

1. Creation of additional commercial parking within the Tourist Commercial area without TRPA approval.

2. Creation of additional land coverage within the Tourist Commercial area exceeding the amount allowed.

3. Creation of a parking lot within a Recreation land use district where it is not specifically permitted.

4. Creation of the new employee parking lot without TRPA approval.

5. Creation of land coverage within a land capability level 6 in excess of that allowed by this district.

6. Grading within a stream environment zone without TRPA review or approval.

7. Creation of a private stream crossing across Incline Creek without TRPA approval.

11/4/80
The applicant has decided to proceed with an application to reclassify the property in order to retain the employee parking lot which is not specifically allowed in the Recreation district and which exceeds allowable land coverage. The applicant is requesting that the amount of land coverage allowed within the reclassified Tourist Commercial area be 50%. Even with 50% land coverage allowed on the entire 20 acre parcel, the project would exceed allowable land coverage. Approximately 16,560 square feet of existing coverage would need to be removed in order to bring the site to conformance under the applicant's request.

Requested Classification

Land Capability - The subject application requests Tourist Commercial (TC) zoning with an allowance of 50% land coverage. The TRPA land capability maps reflect a soil classification of IsC which permits up to 30% allowable land coverage. Unaccounted for within the soil classification of the subject 2.1 acre area is the stream environment zone as defined by Incline Creek. Portions of the 2.1 acres within the boundaries of Incline Creek should more properly be classified as a capability level 1b and should be more properly limited to 1% land coverage. This deficiency in the land capability classification of properties has been addressed with regard to other projects but has not been resolved. Agency actions have recognized this deficiency by directing development activity away from these sensitive areas but allowing the Agency's soil maps to establish the amount of allowable land coverage. An allowance of 50% land coverage within this 2.1 acre area would not be consistent with either the current land capability classification (IsC, level 6) or the stream environment zone designation (land capability level 1b).

Land Use - The 2.1 acre portion is currently classified as Recreation. This designation also includes the property owned by the Incline Village CID adjacent to the west. The area is of a meadow type within the 100 year flood plain and stream environment zone of Incline Creek. Major flooding and drainage problems that would be encountered in this area would be those associated with a large sustained rainfall or with substantial snow melt. In either case, the parking lot as currently constructed would be within the 100 year flood plain of such an occurrence.

The Recreation use classification of this area recognizes the sensitivity of such areas and encourages non-intensive uses. Within a Recreation use district, a parking lot is allowed to support the permitted use. Proper site planning should be guided by the criteria of the land capability system and the existence of an SEZ. The land capability system stresses management of these areas for floodwater and sediment storage, wildlife habitat and fish spawning grounds.

The parking lot as now placed does not meet these siting criteria. First, as a commercial parking lot, it is not allowed under the current classification. Second, the lot exceeds allowable land coverage. Third, the lot is located within the boundaries of an SEZ. Based upon the physical configuration of the property, it is not feasible to construct the parking lot so that it will not encroach into the boundaries of the SEZ.

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Hyatt Tahoe
General Plan Amendment
Page Four

The classification of this property to Tourist Commercial would not alter the existing use but would allow more land coverage up to 50%. Because this parking lot improvement was created without permits, the site must be reviewed as if the parking lot did not exist. Up until the paving of this area by Hyatt, the area had been used as an uncontrolled parking area by residents of and visitors to Incline Village. Primarily, this area was used as overflow parking and boat trailer storage for the IVGID beach located across the street. The area was unpaved and experienced substantial vegetation loss as well as severe disruption and rutting of the soil. Tourist Commercial zoning would allow more intensive uses than are allowed in Recreation. Such zoning to allow a parking lot is not totally inconsistent with the uses foreseeable within a Recreation zone. The applicant has indicated the only reason for the zone request is to allow the continued use of the parking lot.

The parking lot has altered the traffic flows in the area by directing employees to this area to park. It has also allowed more space for Hyatt patrons in the upper parking lots. These changes have not substantially affected the capacity of Lakeshore Boulevard or the Lakeshore Boulevard and Country Club Boulevard intersection. The proposed General Plan amendment would not alter this pattern except to perpetuate it.

The subject request will not have a substantial effect on water, sewer, or other public service capacities.

Other Necessary Actions

Approval of the amendment request and retention of the lower parking lot would necessitate the following subsequent actions by the Agency. Approval of the parking lot would be necessary. Approval of construction of a parking lot within a stream environment zone would be necessary. Approval of a private stream crossing would be necessary. Enforcement of land coverage reductions to insure conformance would be necessary.

On-Site Parking

Of the approximately 452,000 square feet of land coverage on the 20 acre site, approximately 85,000 square feet is building coverage. The rest is driveways, parking, and recreation facilities. In 1972, there were approximately 375 parking spaces available on the site. The additions made by Hyatt brought the total number of spaces to 650.

The Washoe County parking standard for hotel/casinos at Lake Tahoe is 1 space per hotel unit plus 1 space per 100 square feet of gross floor area. This standard if applied to the Hyatt using only building coverage as floor area would estimate the parking requirement to be 1,887 spaces. The number of parking spaces available at other hotel casinos in the North Shore area was also looked at. The Cal-Neva has 188 hotel rooms and 485 parking spaces available onsite; the Tahoe Mariner will have 147 rooms and 316 spaces.

Density

The proposed amendment would increase the allowable number of units from 716 to 800, a potential increase of 84 units.

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**Staff Analysis**

Under the existing land use classifications and Agency ordinances, the applicant would be required to remove the parking lot in the Recreation area, to restore the site, and to remove existing land coverage in the Tourist Commercial area unless the General Plan amendment is granted. The amount of land coverage that would have to be removed from the Tourist commercial area is 24,353 square feet. A smaller reduction in land coverage utilizing Section 9.21(3) (Replacement of Nonconforming Land Coverage) is not applicable since the coverage was not constructed until after February 10, 1972. Complete removal of the parking lot in the Recreation area would necessitate transferring the employee parking back onto the Tourist Commercial area while at the same time requiring the removal of 24,353 square feet of land coverage. Reductions in land coverage will occur not with reductions in the buildings but with reductions to paved areas and other facilities. This would aggravate a potential deficiency in the existing onsite parking.

The applicant has requested that the 2.1 acres be classified Tourist Commercial with an allowable 50% land coverage. This would allow the parking lot in the Recreation area and allow the land coverage calculations to be aggregated over the entire site. This would minimize the land coverage reductions necessary to achieve conformance with the Agency's requirements. The required coverage reduction would be 16,561 square feet. This would allow land coverage in excess of that allowed by the land capability system and allow the parking lot to remain within close proximity to Incline Creek. At the closest point, the parking lot is approximately 15 feet from the creek. Another possibility with this request would be to allow 50% land coverage and require removal of the parking lot. This would allow coverage increases in the existing Tourist Commercial area not to exceed 50% of the entire 20 acre parcel.

Allowing the parking lot to remain but reducing the allowed land coverage to less than 50% would require removal of pavement. The required reduction could be used to eliminate the encroachment into the SEZ while still allowing some necessary parking. In this case, coverage could be established according to the land capability system and placement of the coverage controlled so as to minimize the encroachment into the SEZ. The allowed land coverage at 30% is 27,442 square feet, and the required land coverage reduction is 10,766 square feet.

**Available Options**

1. Approve the requested reclassification with 50% coverage allowed. This would require removal of 16,561 square feet of land coverage from the site.

2. Approve the reclassification with 50% land coverage allowed but not allow any land coverage within the stream environment zone of Incline Creek. This would require removal of the parking lot in the current Recreation district but would allow this to meet the requirements for the site.
3. a. Approve the reclassification with 30% allowed coverage but allow no land coverage within the SEZ. This would require removal of the parking lot.

   b. Same as 3a. with 1% allowed coverage for the stream environment zone.

4. Deny the request. This would require removal of the parking lot in the Recreation area and a reduction in coverage on the existing Tourist Commercial portion to a maximum of 50% land coverage.

Recommendation

Agency staff recommends approval of the requested amendment with the land coverage to be established by ordinance not to exceed 30% of the 2.1 acre area with a further limitation that no coverage be permitted within the boundaries of the stream environment zone (option 3).
Area within land use classification request is bounded by Incline Creek on the east and by the Hyatt property line on the west.
Area of application: 2.1 acres
MEMORANDUM

DATE November 4, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Status of Water Quality Management (208) Plan for the Tahoe Basin

At the direction of the Agency Governing Body, the attached letter was sent to the California Water Resources Control Board (CWRCB) urging postponement of final action on adoption of elements of its 208 Plan where there are remaining and unresolved discrepancies between the TRPA plan and the CWRCB plan. A summary comparison of the differences between the two plans is contained in the attachment to the letter transmitted to the CWRCB.

On October 29, 1980, the CWRCB adopted its own version (Lake Tahoe Basin Water Quality Plan) of a 208 Plan for the Basin along with the attached resolution setting forth the conditions for certification of the TRPA Water Quality Plan. The resolution allows 90 days for TRPA to respond to the conditions for certification at which time it is expected that a California plan will be certified to the Environmental Protection Agency for approval.

Agency staff has recommended that the Governing Body consider the resolution presented by the State Board and adopt those measures where there is substantial agreement and pose alternative solutions where there are remaining differences. Agency staff will be prepared to lead a discussion of the differences in the two plans and will be soliciting the recommendations of the Advisory Planning Commission regarding possible modifications to the TRPA 208 Plan.

Attachments
October 27, 1980

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

Subject: Adoption of Lake Tahoe Basin Water Quality (208) Plan

Dear Ms. Bard:

Please be advised that the Governing Body of the Tahoe Regional Planning Agency discussed the proposed adoption of the subject plan by the California Water Resources Control Board at its meeting of October 22, 1980. The Governing Body emphasized the need to move forward immediately with implementation of those elements which are common to the State Board's proposed plan and TRPA's adopted Lake Tahoe Basin Water Quality Management Plan. The Governing Body also directed the Agency staff to cooperate with the State Board and other entities to ensure prompt implementation of those elements of the two plans which have been identified as being consistent (see attached summary comparison).

It must be realized that there are narrowing areas of disagreement between a water quality control program acceptable to TRPA and that proposed in the State Board's plan. Although those areas of disagreement may be viewed by your board as substantial at the present time, it is the intention of TRPA to work in a cooperative manner to resolve these differences in the coming months. However, in order to maintain a cooperative atmosphere, the Governing Body has urged that you delay adoption and implementation of those plan elements where there is still disagreement between the two plans.

In the view of the TRPA Governing Body, the adoption of the amendments to the Tahoe Regional Planning Compact by the respective state legislatures sets forth the need for a new cooperative approach towards protection of the Basin's environmental resources. The compact amendments would also set forward development controls including prohibitions on new subdivisions and apartments, limitations on commercial and residential development, and environmental review procedures with mandatory findings for environmental protection prior to allowing development to proceed. However, premature adoption and
The implementation of the State Board’s plan would not serve towards creating an atmosphere of cooperation necessary to carry out acceptable water quality controls on both sides of the Basin boundary. Further, adoption of the proposed development restrictions on stream environment zones and high erosion hazard lands prior to resolution of current proposals for land acquisition may spark unnecessary litigation and delay implementation of the needed plan elements. The TRPA Governing Body therefore urges you to delay adoption of those plan elements where there is disagreement between the two plans until it has had an adequate opportunity to respond to the proposed conditions of approval for a water quality management plan. (See attached summary comparison.)

As a final matter, there are additional elements of the proposed final plan which do not appear to relate directly to the most critical water quality problems in the Lake Tahoe Basin - protection of the Lake from accelerated cultural eutrophication. This includes a proposed prohibition against new piers in prime fish spawning habitats which cannot be directly linked to enhancement and protection of water quality in that sense. TRPA staff would urge deletion of this required element from the adopted plan.

Again, the Tahoe Regional Planning Agency wishes to thank the California Water Resources Control Board for the opportunity to comment on this important proposal and wishes the opportunity to continue a dialogue to resolve the remaining inconsistencies in the two plans.

Sincerely,

Philip A. Overpeck
Executive Director

PAO: jf

Enclosure

cc: w/encl.
   Governor Edmund G. Brown
   Governor Robert List
   Chairman Zane Smith, Lake Tahoe Federal Coordinating Council
   Sheila Prindiville, Environmental Protection Agency
   Lew Dodgion, Nevada Division of Environmental Protection
   Roy C. Hampson, California Regional Water Quality Control Board - Lahontan Region
   TRPA Governing Body Members
### SUMMARY OF ELEMENTS OF TRPA AND PROPOSED STATE WATER RESOURCES CONTROL BOARD 208 PLANS

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<th>Notes</th>
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<tr>
<td>- Erosion and drainage from existing development</td>
<td>Erosion and urban runoff control projects</td>
<td>Implementation schedules differ; Nevada certification would require TRPA to implement controls consistent with SWRCB Plan.</td>
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<tr>
<td>- On-site runoff</td>
<td>Best Management Practices (BMP's)</td>
<td>Same as above</td>
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<tr>
<td>- Erosion and runoff from future development</td>
<td>Development Restrictions</td>
<td>Proposed Bistate Compact prohibits new subdivisions for 2½ years.</td>
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<td></td>
<td></td>
<td>Proposed Bistate Compact requires findings of no significant environmental impact prior to project approval.</td>
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<tr>
<td></td>
<td></td>
<td>Same as above</td>
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<td></td>
<td></td>
<td>Existing commitments for remedial measures are substantial in terms of reduction for offset.</td>
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<tr>
<td>- Erosion on forest land</td>
<td>Forest practices</td>
<td></td>
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<tr>
<td>Nutrients in Groundwater</td>
<td>Vegetation protection</td>
<td>No specific element in TRPA plan; proposed solutions consistent</td>
</tr>
<tr>
<td>Problem Area</td>
<td>Proposed Solutions</td>
<td>SWRCB Plan</td>
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<tr>
<td>Municipal Sewage</td>
<td>Prohibitions under state law</td>
<td>Additional restrictions and further studies</td>
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<td>Toxic and Hazardous Spills</td>
<td>No element</td>
<td>Contingency plan</td>
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<tr>
<td>Dredging and Pier Construction</td>
<td>Regulatory review, BMP's</td>
<td>BMP's, prohibition in spawning areas</td>
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<tr>
<td>Industrial Discharges, etc.</td>
<td>Prohibition under state law</td>
<td>Prohibition</td>
</tr>
</tbody>
</table>
In Reply Refer to: 401:AHS

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

Dear Mr. Westergard:

CONDITIONS FOR CERTIFICATION OF A TRPA WATER QUALITY PLAN

Enclosed is a copy of the resolution adopted by the California State Water Resources Control Board at its October 29, 1980, Board Meeting setting the conditions for certification of a water quality plan submitted by the Tahoe Regional Planning Agency. A draft of the resolution was made available to your Executive Director, Philip Overeynder, on October 9. As you know, the procedures for plan certification, as outlined in the resolution, were discussed at our October 14 meeting in San Francisco.

The State Board looks forward to working in cooperation with the Tahoe Regional Planning Agency. It is our sincere hope that it will be possible to obtain a plan for both states which fully implements the measures needed to prevent further deterioration of Lake Tahoe water quality.

Sincerely,

Clinton L. Whitney
Executive Director

Enclosure
WHEREAS:

1. It is the responsibility of the State Board under Section 208 of the Clean Water Act to certify to the Environmental Protection Agency an areawide water quality plan (208 plan) for the Lake Tahoe Basin.

2. Any 208 plan certified by the State Board must provide that further deterioration of the outstanding water quality of Lake Tahoe shall not be permitted.

3. In 1974, California and Nevada designated the Tahoe Regional Planning Agency to prepare a 208 plan for the Lake Tahoe Basin.

4. On January 25, 1978, the Tahoe Regional Planning Agency approved a 208 plan for the Lake Tahoe Basin which was conditionally approved by Nevada on May 23, 1978.

5. The 208 plan submitted by the Tahoe Regional Planning Agency in 1978 would not have protected Lake Tahoe from further degradation.

6. On July 20, 1978, the State Board rejected the plan submitted by the Tahoe Regional Planning Agency and reaffirmed its decision on November 6, 1978.

7. When the State Board rejected the 208 plan submitted by the Tahoe Regional Planning Agency, the State Board assumed responsibility for preparing an adequate plan.

8. The State Board has prepared a Lake Tahoe Basin Water Quality Plan which provides the needed control measures to protect Lake Tahoe water quality.

9. The plan meets all requirements of Section 208 of the Federal Clean Water Act and Environmental Protection Agency regulations interpreting the Act.

10. Full implementation of the control measures in the State Board's plan on both sides of the Lake is needed to protect Lake Tahoe water quality.

11. The plan provides that before the State Board considers certification of the plan to the Environmental Protection Agency, the Tahoe Regional Planning Agency shall be given another opportunity to submit an adequate plan.

12. California and Nevada have ratified amendments to the Tahoe Regional Planning Compact which require the Tahoe Regional Planning Agency to adopt an amended regional plan.

13. The regional plan must ensure attainment of water quality standards, within the thirty months after the Compact is ratified by Congress.
THEREFORE BE IT RESOLVED:

1. That the State Board, acting pursuant to a delegation of authority from the Governor of the State of California, adopts the following list of the elements which should be included in a 208 plan for the Lake Tahoe Basin. The State Board will certify a 208 plan submitted by the Tahoe Regional Planning Agency if and only if the plan meets these conditions, or provides fully equivalent protection of Lake Tahoe water quality.

   A. The 208 plan must provide for implementation of each of the control measures set forth in Section B of Chapter III of the Lake Tahoe Basin Water Quality Plan prepared by the State Water Resources Control Board.

   B. The 208 plan shall identify the means of implementation. The 208 plan may rely on implementation by the Tahoe Regional Planning Agency or by other agencies making implementation commitments.

   C. The 208 plan shall include regulatory programs to enforce controls relating to:

   - Erosion and Urban Runoff Control Projects
   - Onsite Surface Runoff Control
   - Development Restrictions
   - Best Management Practices for Permitted Development
   - Forest Practices
   - Construction and Dredging in Lake Tahoe
   - Vessel Wastes

   Except where other agencies make implementation commitments, the 208 plan must include a commitment by the Tahoe Regional Planning Agency to enforce those programs.

   D. The regulatory program enforcing restrictions on development:

   - Shall apply to any new structure which has not received a valid sewer connection permit before October 29, 1980.

   - Shall not allow exceptions or variances except where such variances or exceptions are allowed under the Lake Tahoe Basin Water Quality Plan prepared by the State Water Resources Control Board.

   - Shall include a transfer of development rights system or similar measures which provide compensation to lot owners who can realize no beneficial use of their lands as a result of the restrictions on development set by the 208 plan.

   E. The 208 plan shall not prohibit or limit the ability of any other agency to enforce controls consistent with the State Water Resources Control Board’s Lake Tahoe Basin Water Quality Plan.
2. The 208 plan submitted by the Tahoe Regional Planning Agency may provide for enforcement of controls on an interim basis, pending adoption of an amended regional plan as provided by Compact amendments recently ratified by California and Nevada provided:

A. State Board approval of the 208 plan shall be conditioned upon submission of the amended regional plan to the State Board, and State Board certification of the regional plan as consistent with Section 208 of the Clean Water Act.

B. Enforcement on an interim basis will not delay implementation of any of the control measures.

3. If the Tahoe Regional Planning Agency adopts an adequate 208 plan, the State Board is prepared to assist in its implementation. To ensure the effectiveness of the State Board's program, the 208 plan shall include, or the Tahoe Regional Planning Agency shall accept as a condition of certification:

A. A requirement that National Pollutant Discharge Elimination System permits be issued for storm sewers. These permits shall include conditions enforcing best management practices and other control measures including conditions requiring construction of erosion control projects, enforcing onsite controls, and applying development restrictions.

B. A requirement that the National Pollutant Discharge Elimination System permits for sewerage agencies prohibit issuance of new connections to development which is not in accord with the development restrictions in the 208 plan.

C. A statement that a project for construction of municipal waste treatment facilities is consistent with the 208 plan only if it is assured that it will not be used to serve development which is in violation of the plan.

4. The 208 plan may address the issues of municipal waste treatment needs, solid waste, and recommendations concerning State water quality standards in any of the following ways:

A. Addressing these issues in the 208 plan.

B. Agreeing to address these issues as part of continuing planning, including amendments to the regional plan.

C. Accepting as a condition of certification those provisions of the Lake Tahoe Basin Water Quality Plan prepared by the State Water Resources Control Board which address these issues.

5. The State Board authorizes the Executive Director to provide any clarification or greater detail requested by the Tahoe Regional Planning Agency concerning the requirements for certification of the 208 plan.
6. The Tahoe Regional Planning Agency shall adopt and submit to the State Board a 208 plan not later than 90 days after this resolution is adopted. After the expiration of 90 days, the State Board shall consider the issues of plan certification and designation of the agency responsible for continuing planning.

7. If the Tahoe Regional Planning Agency does not submit an adequate plan before the State Board acts on plan certification and agency designation, the State Board may reconsider these issues if the Tahoe Regional Planning Agency submits a 208 plan at a later date.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 29, 1980.

Clint Whitney
Executive Director
To: Advisory Planning Commission

From: TRPA Staff

Subject: Activities Exempt from Agency Review and/or Environmental Impact Statements Under the Proposed TRPA Compact

Under the proposed TRPA Compact (copy enclosed) there are certain mandated ordinances which must be adopted in regards to the project review exemption procedures of the TRPA. The TRPA Governing Board has directed staff to investigate these requirements and prepare the required lists for Governing Board consideration.

The two lists required are (1) a list of activities that would be exempt from the EIS requirements of Article VII; and (2) the list of activities exempt from Agency review and approval. The following lists are Agency staff's "first cut" at an attempt to meet these requirements of Article VII(f) and Article VI(a) of the proposed compact.
ACTIVITIES NOT SUBJECT TO ENVIRONMENTAL IMPACT STATEMENT REVIEW

Mandate by the Proposed Compact to list Activities Exempt from EIS Requirements

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment. (Article VII(f))

Agency staff has reviewed the National Environmental Policy Act, California Environmental Quality Act Guidelines, Placer County Environmental Guidelines, and has received input from APC in regards to the following list. It should be noted that this list is a first draft attempt to satisfy the requirements of Article VII(f) of the proposed TRPA Compact and there is still much work to be completed particularly in the required documentation of findings.

The following list of activities are exempt from the provisions of Article VII and do not require any environmental review:

1. Activities which do not fall within the definition of a "project" as defined in Article II of the TRPA Compact.

2. Activities which are "emergency projects".

3. Activities which are "ministerial projects". Ministerial projects include, but are not limited to, the following:
   a. The issuance of building permits.
   b. The issuance of business licenses.
   c. Approval of final subdivision maps.
   d. Approval of individual utility service connections and disconnections.
   e. The issuance of well drilling permits.

4. Projects which are categorically exempt:

The following list of projects have been determined not to have a significant effect on the environment and are therefore exempt from environmental review, provided, however, that exemptions for these classes are inapplicable when the cumulative effect of successive projects of the same type in the same place, over time, is significant.

Classes 3, 4, 5, 6 and 12 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, EXCEPT where the project may impact on an environmental resource of hazardous or critical concern as may be hereafter designated, precisely mapped, and officially adopted by the Agency.
a. CLASS 1. Existing Facilities

Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

1. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyance;

2. Existing facilities of both investor and publicly owned utilities. Repair, replacement, alteration, or maintenance of utilities systems where the increase in service level does not exceed levels in Agency approved plans.

3. Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will not involve removal of a scenic resource including but not limited to a stand of trees, a rock outcropping, or a historic building.

4. Restoration, or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood.

5. Additions to existing structures provided that the addition will not result in an increase of more than:

   a. The permitted land coverage limitation; or

   b. 50 percent of the floor area of the structures before the addition or 2,500 square feet, whichever is less; or

   c. 10,000 square feet if:

      1. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

      2. The area in which the project is located is not environmentally sensitive.

6. Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features including navigational devices;

7. New copy of existing on- and off-premise signs;

8. Maintenance of existing landscaping, native growth and water supply reservoirs (excluding the use of economic poisons);

9. Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources:
10. Fish stocking by the California or Nevada Departments of Fish and Game;

11. Division of existing multiple family rental units into condominiums;

12. Demolition and removal of individual small structures listed in this subsection except where the structures are of historical, archaeological or architectural significance:
   a. Single-family residences not in conjunction with the demolition of two or more units;
   b. Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the demolition of two or more such structures;
   c. Stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the demolition of two or more such structures;
   d. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

13. Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources;

14. Conversion of a single family residence to office use;

15. The conversion of existing commercial units in one structure from single to condominium type ownership.

   b. **CLASS 2. Replacement or Reconstruction**

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

1. Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent;

2. Replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity;

3. Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;

4. Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.
c. **CLASS 3. New Construction or Conversion of Small Structures**

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable within a two year period. Examples of this exemption include but are not limited to:

1. Single-family residences not in conjunction with the building of two or more such units;

2. Motels, apartments, duplexes and similar structures, with not more than four dwelling units if not in conjunction with the building of two or more such structures;

3. Stores, offices, restaurants and similar small commercial structures not involving the use of significant amounts of hazardous substances if designed for an occupant load of 30 persons or less, if not constructed in conjunction with the building of two or more such structures;

4. Water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction;

5. Accessory (appurtenant structures including garages, carports, patios, swimming pools and fences);

6. The creation of bicycle lanes on existing rights-of-way.

d. **CLASS 4. Minor Shorezone Construction**

Class 4 consists of construction of small structures within the shorezone of Lake Tahoe. Examples include but are not limited to:

1. Small boat berths and floating docks.
2. Intake and outfall structures.
3. Minor bank protection projects.
4. Overhead and submerged utility line crossings.
5. Mooring Dolphins.
7. Navigational aids, lights, or warning signs.
8. Small piers and wharfs.
9. Minor additions to existing marinas.
10. Small dredging projects.
12. Service docks.
13. Small breakwaters with no fill involved.
15. Water ski slalom courses.
16. Small structures placed in the waterway in connection with fish and wildlife conservation programs.
e. **CLASS 5. Minor Alterations to Land**

Class 5 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agriculture purposes. Examples include but are not limited to:

1. Grading on land capability districts 4, 5, 6, and 7, except where it is to be located in a waterway, in any wetland, in an officially designated (by federal, state, or local governmental action) scenic area, in critical wildlife habitat areas, in designated historical/archaeological sites, or in officially mapped areas of severe geologic hazard;

2. New gardening or landscaping;

3. Filling of earth into previously excavated land with material compatible with the natural features of the site.

4. Minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

5. Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.;

6. Minor trenching and backfilling where the surface is restored.

f. **CLASS 6. Minor Alterations in Land Use Limitations**

Class 6 consists of minor alterations in land use limitations in areas classified as land capability districts 4, 5, 6, and 7 which do not result in any changes in land use or density, including but not limited to:

1. Minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel;

2. Issuance of minor encroachment permits;

3. Reversion to acreage in accordance with the Subdivision Ordinance.

g. **CLASS 7. Information Collection**

Class 7 consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.
h. **CLASS 8. Actions by Regulatory Agencies for Protection of Natural Resources**

Class 8 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the California and Nevada State Departments of Fish and Game. Construction activities are not included in this exemption.

i. **CLASS 9. Actions by Regulatory Agencies for Protection of the Environment**

Class 9 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.

j. **CLASS 10. Inspections**

Class 10 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products.

k. **CLASS 11. Loans**

Class 11 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 11 includes but is not limited to the following examples:

a. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943;

b. Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

l. **CLASS 12. Accessory Structures**

Class 12 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

1. On-premise signs;

2. Small parking lots of four or less spaces;

3. Placement of seasonal or temporary use items such as lifeguard towers, mobile foot units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.
m. CLASS 13. Acquisition of Lands for Resource Conservation Purposes

Class 13 consists of the acquisition of lands for resource conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

n. CLASS 14. Minor Additions to Schools

Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25 percent or five classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

o. CLASS 15. Minor Land Divisions

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all service and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel is located in a land capability district 4, 5, 6, or 7.

p. CLASS 16. Transfer of Ownership of Land in Order to Create Parks

Class 16 consists of the acquisition or sale of land in order to establish a park where the land is in a natural condition or contains historic sites or archaeological sites and either:

1. The management plan for the park has not been prepared;

2. The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological site. Environmental review will apply when a management plan is proposed that will change the area from its natural condition or significantly change the historic or archaeological site.

q. CLASS 17. Open Space Contracts or Easements

Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests or easements is not included.

r. CLASS 18. Designation of Wilderness Areas

Class 18 consists of the designation of wilderness areas under the National or State Wilderness Systems.
s. **CLASS 19. Annexations of Existing Facilities and Lots for Exempt Facilities**

Class 19 consists of only the following annexations:

1. Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or prezoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities;

2. Annexations of individual small parcels of the minimum size for facilities exempted by Section (c), New Construction of Small Structures.

**t. CLASS 20. Changes in Organization of Local Agencies**

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

1. Establishment of a subsidiary district;

2. Consolidation of two or more districts having identical powers;

3. Merger with a city of a district lying entirely within the boundaries of the city.

**u. CLASS 21. Enforcement Actions by Regulatory Agencies**

1. Class 21 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted or prescribed by the regulatory agency or law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

   a. The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General District Attorney, or City Attorney as appropriate, for judicial enforcement.

   b. The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate or entitlement for use or enforcing the general rule, standard, or objective.

2. Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.
v. **CLASS 22. Educational or Training Programs Involving No Physical Changes**

Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Example include, but are not limited to:

1. Development of or changes in curriculum or training methods;
2. Changes in the grade structure in a school which do not result in changes in student transportation.

w. **CLASS 23. Normal Operations of Facilities for Public Gatherings**

Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same kind of purpose. Facilities included within this exemption include, but are not limited to racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks.

x. **CLASS 24. Regulation of Working Conditions**

Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

1. Employee wages;
2. Hours of work; or
3. Working conditions where there will be no demonstrable physical changes outside the place of work.

y. **CLASS 25. Transfers of Ownership of Interests in Land to Preserve Open Space**

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space. Examples include but are not limited to:

1. Acquisition of areas to preserve the existing natural conditions;
2. Acquisition of areas to allow continued agricultural use of the areas;
3. Acquisition to allow restoration of natural conditions;
4. Acquisition to prevent encroachment of development into designated critical environmental areas.
z. CLASS 26. Acquisition of Housing for Housing Assistance Programs

Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

aa. CLASS 27. Leasing New Facilities

Class 27 consists of the leasing of a newly constructed or previously unoccupied privately-owned facility by a local or state agency where the local governing authority determined that the building was exempt from Article VII. To be exempt under this section, the proposed use of the facility:

1. Shall be in conformance with existing Agency plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;

2. Shall be substantially the same as that originally proposed at the time the building permit was issued;

3. Shall not result in a traffic increase of greater than 10 percent of front access road capacity; and

4. Shall include the provision of adequate employee and visitor parking facilities.

Examples of Class 27 include but are not limited to:

1. Leasing of administrative offices in newly constructed office space;

2. Leasing of client service offices in newly constructed retail space;

3. Leasing of administrative and/or client service offices in newly constructed industrial parks.
ACTIVITIES EXEMPT FROM AGENCY REVIEW AND APPROVAL

The proposed compact mandates the adoption of a list of projects exempt from Agency review and approval as follows:

The Agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval. (Article VI(a))

Under the current compact and existing Agency ordinances, there is no definition of "project"; however, the proposed compact defines project as:

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

As a starting point, Agency staff has compiled a list of activities that under current TRPA ordinances require permits. It could be assumed that such activities not listed would meet the criteria set forth in Article VII(a). Therefore, the ordinance requirements would be satisfied by indicating "all activities except those listed below". It should be noted that no documentation exists within the Agency that the following list of activities is all inclusive of projects that will have "a substantial effect" as prescribed by the proposed compact.
LAND USE ORDINANCE

Permits for additional height over 45 feet.
Airports, heliports and landing strips.
Batch plants.
Bulk storage.
Commercial developments of three or more acres.
Commercial parking lots.
Construction in stream channels.
Fish and wildlife management projects.
Developed campgrounds.
Educational facilities, general.
Electric power plants.
Electrical substations.
Golf courses.
Hotels, motels and apartment houses of five or more units.
Medical facilities.
Mobile home parks.
Organized recreation camps.
Multiperson dwellings.
Outdoor amusement facilities.
Outdoor recreation concessions.
Overhead or underground utilities, but excluding service connections.
Public works projects and public services.
Highways, roads and structures.

Requires Review by the Agency and Local Permit-Issuing Authority

Permits for additional height up to 45 feet.

Requires Issuance of a Permit by the Local Permit-Issuing Authority Only

Any construction or use involving the creation of land coverage on an area greater than 200 square feet.
Requires Review by the Agency and Local Permit-Issuing Authority

- Sewage treatment plants.
- Water storage tanks and reservoirs.
- Water treatment plants.
- Quarries.
- Recreation vehicle parks.
- Religious facilities.
- Radio, TV and telephone relay stations and transmission lines and structures.
- Skiing facilities.
- Private stream crossings.
- Solid waste transfer stations.
- Transportation facilities.
- Wrecking yards.

All uses not specifically listed as permitted use.

Variance permits for additional land coverage.
- Man-modified
- Land capability challenge
- Local road
- Regional facility

Permits for replacement of nonconforming land coverage.

GRADING ORDINANCE

Grading in land capability districts 1-4 during October 15 to May 1.

Grading in stream environment zones.

Variances for additional land coverage.

Variances.

Permits for additional land coverage.

Grading preliminary to or a part of any construction, use or activity requiring TRPA review.

All grading, filling, or clearing of vegetation except when:

1. The excavation does not exceed four (4) feet in vertical depth at its deepest point measured from the original surface, does not exceed two hundred (200) square feet in area, and does not create a slope greater than two (2) horizontal to one (1) vertical in unconsolidated material;
Requires Review by the Agency and Local Permit-Issuing Authority

Requires Issuance of a Permit by the Local Permit-Issuing Authority Only

2. The fill does not exceed three (3) feet in vertical depth at its deepest point measured from the natural ground surface, does not cover more than two hundred (200) square feet, does not create a slope steeper than three (3) horizontal to one (1) vertical, and is not placed within a stream environment zone;

3. The work is an exploratory excavation under the direction of a soils engineer or engineering geologist not to exceed an aggregate area of two hundred (200) square feet;

4. The work is an excavation below finished grade for basements, footings of a building, or driveways authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from such excavation;

5. The work is the clearing of vegetation for landscape purposes which does not exceed one thousand (1000) square feet in area and there is sufficient prevention of erosion; or

6. The work is by a public agency in accordance with plans approved by the Agency.

SUBDIVISION ORDINANCE

Tentative maps for 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

Not applicable
SHOREZONE ORDINANCE

New construction or placement of a buoy, pier, floating dock or platform for individual use.

Not applicable.

Repair of an existing conforming buoy, pier, floating dock or platform for individual use when said repairs exceed $500.00 in cost in any one year period.

Structural repairs of a nonconforming structure.

Non-structural repairs of a nonconforming structure when said repairs exceed $500.00 in cost in any one year period.

Construction or placement of any multiple or commercial use facility including a pier, buoy, floating dock or platform, boat ramp, launching facility, jetties or breakwaters, marinas, or shoreline protective structure.

Filling and dredging.

Any construction or use for which a variance is required.

Any cable, pipeline or submarine conduit to be constructed or placed in a lake including replacement of any existing facilities.

Any new construction or use within the backshore which involves the creation of coverage on an area greater than two hundred (200) square feet.

Construction or placement of any boat ramp, navigation structure, launching facility, jetty, breakwater, or shoreline protective structure.

Any repairs of an unauthorized structure.

Any construction or use within the nearshore or foreshore not specifically enumerated above.
TIMBER HARVESTING ORDINANCE

Timber harvesting.

Variances.

Not applicable.

TREE CONSERVATION ORDINANCE

Variances.

Removal of live trees more than six (6) inches dbh.

SIGN ORDINANCE

Variances.

Not applicable.
MEMORANDUM

DATE: November 5, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Report from the Tahoe Federal Coordinating Council

Glenn Smith, the project coordinator of the Tahoe Federal Coordinating Council's threshold carrying capacity analysis, will be present at 1:00 p.m. on November 12 to give a presentation on the status of the work program for the analysis and to report on the Executive Order.