October 1980

NOTICE OF MEETING OF AND
AGENDA FOR THE
FINANCE COMMITTEE OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on Friday, October 17, 1980, at 1:00 p.m.
in the hearing room of the Tahoe Regional Planning Agency, located at 2155
South Avenue, South Lake Tahoe, California, the Finance Committee of said
agency will conduct a meeting to discuss the following:

- Revised Work Program to Incorporate Tahoe
  Regional Planning Compact Amendments
- Revised Fiscal Year 1980-81 Budget
- Overall Work Program Through 1983
- Requests for Financial Assistance.

Dated: October 10, 1980

By: Philip A. Overeynder, Executive Director
   Tahoe Regional Planning Agency
NOTICE OF MEETING OF THE
GOVERNING BODY OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on October 22, 1980 at

9:30 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Governing Body of said agency will
conduct its regular meeting. The agenda for said meeting is
attached to and made a part of this notice.

Dated: October 10, 1980

By: Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency
It is advisable that the applicant for each agenda item be present at the meeting.

PRELIMINARY AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA ✓

III  DISPOSITION OF MINUTES ✓

IV  CONSENT CALENDAR ✓ APPROVED

V  AGENCY REVIEW

A. Caesar’s Tahoe, Administrative Permit for a Modification to the Approved Parking Plan, Douglas County

B. Steve Sederquist, Variance to Construct Multiple Units on Parcels Containing Stream Environment Zones, Washoe County

C. Dr. Dennis Bowman, Variance Under Section 8.34 of the Land Use Ordinance and Modification of a Prior Approval for Kingsbury Estates Unit 3 to Relocate a Building Envelope, Douglas County

D. Dan Monen, Replacement of Nonconforming Land Coverage and Variance to Section 9.30 of the Land Use Ordinance to Permit a Division of Land With Nonconforming Land Coverage, Douglas County

E. Bitterbrush (Ski Way), Washoe County

1. Request for Reconsideration

2. Finding of Substantial Conformance to Permit Timesharing Use and Reduction of 41 Units

F. Sierra Boat Company, Show Cause Hearing and Possible Marina Modifications, Placer County

VI  PUBLIC WORKS

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

B. Nevada Division of State Parks, Spooners Lake Dam Reconstruction, Douglas County

VII  PLANNING MATTERS

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

A. Enforcement
   1. Tahoe City Public Utility District, Star Harbor Athletic Fields, Placer County
   2. Summit Village Master Plan for Units, Parking, Drainage and Revegetation, Douglas County
   3. Other

B. Finance Committee

C. Executive Session

D. Executive Director Report

E. Legal Counsel Report

F. Governing Body Members

G. Public Interest Comments

IX ORDINANCES

First Reading of Ordinance Amending the Regional Plan to Reclassify the South Shore Marina (Tahoe Keys) to General Commercial, City of South Lake Tahoe

X RESOLUTIONS

XI PENDING MATTERS

XII CORRESPONDENCE

XIII ADJOURNMENT

CONSENT CALENDAR

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<td>Support</td>
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<td>Agency, Incline Village General Improvement District</td>
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<td>Wastewater Facility Grant Increase to Provide for</td>
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<td>Cumulative Impact Analysis of Disposal in the Carson Valley</td>
<td></td>
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Clearinghouse
U. S. Environmental Protection Agency
Incline Village GID Wastewater Facility
Grant Increase for Cumulative Impact
of Waste Disposal in Carson Valley

Background

Agency staff has received a request to review a proposal by the Incline Village General Improvement District (IVGID) to develop a cumulative impact analysis of wastewater disposal in the Carson Valley. The impact analysis would be funded under an EPA grant agreement.

Both districts providing wastewater treatment within the Nevada portion of the basin currently utilize the Carson River for wastewater disposal. Because of more stringent water quality standards on the Carson River, both districts (as well as other waste dischargers located in the Carson Valley) propose to utilize various forms of land treatment and disposal to meet these upgraded requirements. The Douglas County Commissioners have taken the position that a cumulative impact study addressing the effect of these land discharges must be performed prior to acceptance of the IVGID proposal. The Agency has denied at least 6 requests for new subdivisions in the Incline Village area based partially on the failure to demonstrate that an adequate wastewater treatment and disposal mechanism exists to meet the revised waste discharge requirements of the Nevada Division of Environmental Protection. This proposal would facilitate a resolution of this existing problem consistent with the requirements of Douglas County.

Recommendation

Agency staff recommends support of the proposed cumulative impact analysis. It is further recommended that Douglas County submit to IVGID a list of items which must be included in the scope of work of a satisfactory cumulative impact analysis.

Advisory Planning Commission Action

On October 8, 1980, the APC voted unanimously to support the request.

10/15/80
CAESAR'S TAHOE (Park Tahoe)
Administrative Permit for a Modification
to the Approved Parking Plan,
Douglas County

Agency Action Required by December 8, 1980

Project Description

The applicant is requesting approval of an administrative permit to allow Caesar's Tahoe to incorporate a 1 acre parcel previously occupied by the First National Bank into the surface parking facilities of the casino hotel complex.

Background

On March 27, 1973, the Douglas County Commissioners conditionally approved a special use permit for the Park Tahoe Hotel-Casino at Stateline. Following this action, the NTRPA conditionally approved this project on June 14, 1973.

At the June 27, 1973 TRPA meeting the project was presented and the Governing Body failed to take a position action, and after 60 days the project was deemed approved as presented (including the Douglas County and NTRPA conditions).

On March 23, 1978, the TRPA Governing Body approved the Douglas County portion of the Loop Road which by virtue of its alignment and design required the Park Tahoe Hotel to redesign the 1973 approved parking plan.

In May, 1978, the Douglas County Commissioners found in "substantial conformance" a plan submitted by the applicant which indicated all surface parking to be removed from the exterior of the Loop Road and relocated to the interior. The plan increased the surface parking from the approved 600 open surface parking spaces to 871 open surface parking spaces.

At the June 26, 1978 NTRPA meeting, the NTRPA found the same revised plan for open surface parking to be in "substantial conformance" but added several new conditions.

Later, at the June 28, 1978 TRPA meeting, the Governing Body found the total project, which included the revised parking plan, to be in "substantial conformance" with the 1973 approval. The application for an administrative permit for the subject parking plan was continued until the July Governing Body meeting because it was discovered that there were procedural difficulties in processing the administrative permit.

On June 30, 1978, the applicant commenced construction based on a revised parking plan.

On July 26, 1978, the TRPA approved a site plan labeled "As-Built Site Survey of the Park Tahoe", dated July 7, 1978. This plan indicates an increase of 480 surface parking spaces over the 871 such spaces identified on the original revised plan (those found in substantial conformance by Douglas County, NTRPA and TRPA). The July 7, 1978 modifications show temporary surface parking at locations indicated for a swimming pool and parking structures on the original revised plans.

10/14/80
On July 26, 1978, the TRPA Governing Body also approved a General Plan amendment which would allow the First National Bank to move from the subject 1 acre site to a larger parcel across Highway 50. Although there was no specific condition, there were assurances by Douglas County and the applicant, Brooks Park, that the structure would be demolished and no new commercial structure would be erected.

On October 6, 1978, the Agency staff, acting at the direction of the TRPA Governing Body, reviewed and found in compliance the construction plans for a two phase parking structure which would park 998 vehicles. Phase I has been completed and has a capacity of 741 spaces.

Other Approvals

Douglas County approved an administrative permit for a revised landscaping/parking plan which incorporated the old First National Bank site into the project area for Caesar's Tahoe.

TRPA has not been notified of any NTRPA action on the project.

Land Coverage

As of this date, the 37.201 acre site of Caesar's Tahoe has an approved land coverage of 17.28 acres, or 46.5%, which is under the permitted 50% land coverage limitation of the Tourist Commercial land use district. The 1 acre bank site if added to the project area would increase the project area to 38.21 acres with 18.21 acres of land coverage, or 47.1% (including 0.26 acres of land coverage for Friday's Station).

The existing bank site is located in a capability level 7 (low hazard) area and was originally developed with a bank and parking area covering approximately 90% of the parcel.

Land Use

The hotel casino complex is located in a Tourist Commercial land use district and is a conforming use. The bank site is also located in the Tourist Commercial land use district, and the conversion to hotel casino parking would be permitted.

Parking

In 1973, the site was approved for 1,600 parking spaces as noted below. The 1978 approval for the modification of the parking lot increased the permanent surface parking to 7.12 acres with no specific number of spaces designated for this area. The 1978 plans indicate an estimated total temporary and permanent surface parking of 1,351 spaces. A count of parking spaces existing on the site today indicates there are 730 permanent open surface spaces and 741 parking structure spaces. The 145 temporary spaces noted below are open surface spaces located on the site of the tennis courts and the Phase II parking structure.

10/14/80
Parking Analysis - Caesar's (Park Tahoe)

<table>
<thead>
<tr>
<th></th>
<th>Permanent Open Surface</th>
<th>Parking Structure</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved 1973</td>
<td>5.06 acres - 600 spaces</td>
<td>1,000 spaces</td>
<td>1,600 spaces</td>
</tr>
<tr>
<td>Approved 1978</td>
<td>7.12 acres - 1,034* spaces</td>
<td>998 spaces</td>
<td>2,032 (+ 317 temp. spaces)</td>
</tr>
<tr>
<td>Existing 1980</td>
<td>7.12 acres - 730 spaces</td>
<td>741 spaces</td>
<td>1,616 (+ 145 temp. spaces)</td>
</tr>
<tr>
<td>Proposed</td>
<td>8.12 acres - 830 spaces</td>
<td>741 + 257 spaces (Phase II)</td>
<td>1,828 spaces</td>
</tr>
</tbody>
</table>

* A 1978 TRPA staff estimate for 7.12 acres of parking at 1 space per 300 square feet

As shown above, the applicant's proposal will increase the surface parking area by 1 acre and approximately 100 spaces.

Drainage

The applicant proposes to continue the grade of the existing parking area to the east and to install a drop inlet at the lower end of the new parking area. This drop inlet will be attached to the now existing drainage treatment system of Caesar's.

Traffic Circulation

The applicant proposes to extend the landscape berm across the portion of the property abutting Highway 50. This will remove two existing accesses from Highway 50. All access to the new parking area will be internally from the existing site.

Analysis

Agency staff finds no significant impacts as a result of this proposal based on the following analysis:

1. The existing site was disturbed with approximately 90% land coverage. The redevelopment of this capability level 7 land would appear to have little impact, particularly when the area will be attached to the drainage treatment system under a Nevada Division of Environmental Protection permit.

2. The removal of two access points on Highway 50 would be an improvement to the general traffic circulation in the area.

3. The increase in 100 open surface parking spaces would appear to be within the scope of the 1978 TRPA approval.

10/14/80
Recommendation

Agency staff recommends approval of the administrative permit subject to the following conditions:

1. Each of the following conditions shall be completely performed prior to the issuance of any building or grading permits:
   
a. The final revegetation, slope stabilization, and drainage plans shall be submitted to and approved by the Agency staff. These plans shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage facilities.

b. An undertaking by corporate surety guaranteeing the performance of landscaping, revegetation, and proper installation of slope stabilization and drainage facilities shall be posted with the permit-issuing authority as provided in Section 7.140 of the Grading Ordinance.

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

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

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

2. Upon the issuance of building and grading permits, construction shall proceed in the following sequence:
   
a. Installation of permanent drainage system and erosion control devices.

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

10/14/80
c. Installation of utilities including water mains and fire hydrants required by the fire department.

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

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

f. Paving.

g. Landscaping and revegetation.

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

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

5. There shall be no grading or land disturbance performed with respect to the project or any other minor project between October 15 and May 1, without TRPA staff approval.

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

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

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

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

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

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

10/14/80
12. All other permits regarding the development shall comply with these conditions.

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

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

15. The maximum land coverage on the site after completion of the project shall not exceed 18.21 acres.

16. The maximum parking capacity of the site shall not exceed 1,828 parking spaces without TRPA approval.

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

MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Steve Sederquist, Variance to Construct Multiple Units on Parcels Containing Stream Environment Zones, Washoe County

Due to problems encountered by staff in the review of the subject project and preparation of the summary and recommendation, the applicant has agreed with staff's concurrence to continue the application to the November 19 meeting. A letter from the applicant regarding this continuance will be submitted for the file.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Dr. Dennis Bowman, Variance and Modification of Prior Approval

This item was scheduled on the agenda in response to a recent enforcement action by TRPA and Douglas County. The problem was that the applicant had commenced work on a single family dwelling which was located in a designated open space area. This was in violation of the land coverage and open space requirement of the TRPA approval for the Kingsbury Estates Subdivision. The problem was discovered just prior to mailing the agenda when an adjacent homeowner notified the Agency staff of the violation. The staff then requested a stop work order be placed on the project.

Since the applicant had trenched the foundation and winter was fast approaching, Agency staff scheduled this project as an agenda item without the necessary Douglas County administrative permit to allow a prompt resolution regarding the project should Douglas County decide to approve the variance. Subsequent to the agenda mailing, Agency staff has been notified by Bob Smalley, Chief Building Department Official for Douglas County, that the County has not approved the required variance.

Recommendation

Agency staff recommends this item be withdrawn from the October Governing Body agenda and continued until the application is deemed complete with the required Douglas County approval.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: October 14, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Reconsideration of Dan Monen's Request for a Variance and Replacement of Nonconforming Land Coverage

The Governing Body considered Mr. Monen's request for a variance to Section 8.30 of the Land Use Ordinance at its September 24, 1980 meeting but failed to take a positive dual majority action on whether to approve or deny the application. As provided under the Tahoe Regional Planning Compact, the application would be deemed approved within 60 days of receipt of a complete application (October 28, 1980).

The Governing Body Chairman Roland Westergard has requested that the item be placed on the agenda in order to provide new information which would affect the application. Agency staff's recommendation would remain the same as outlined in the attached staff summary presented at the September, 1980 meeting of the Governing Body.

Attachment
- September, 1980 staff summary
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Dan Monen
Administrative Permit for
Replacement of Nonconforming Coverage and
Variance to Allow Creation of Parcels
Douglas County

Requested Application

The applicant, represented by Creegan & D'Angelo Consulting Engineers, is requesting an administrative permit for replacement of nonconforming land coverage under Section 9.21(3) of the Land Use Ordinance. The 5.5 acre parcel is located in Zephyr Heights adjacent to U.S. Highway 50 at the intersection of North Martin Drive. The applicant has documented that a substantial amount of nonconforming land coverage exists on the parcel including a borrow pit area fronting U.S. Highway 50, an unimproved roadway traversing the steeply sloping property and an unimproved cul-de-sac cut into the hillside property. The requested replacement of coverage could be administered through a staff determination, but since the applicant proposes to parcel the property to allow the creation of additional interests, action on a variance to Section 8.30 of the Land Use Ordinance is required by the Governing Board. Section 8.30 of the Land Use Ordinance prohibits creation of lots or parcels where nonconforming land coverage exists. The variance is proposed to allow the creation of four parcels for four single family dwellings.

Project Location and Site Characteristics

The subject property is located in Zephyr Heights and is bounded by U.S. Highway 50 to the west and north, Zephyr Heights Subdivision #5 and Point Road to the east and Zephyr Heights #1 to the south. The property slopes steeply to the east from Highway 50 towards the Zephyr Cove Lookout. An unimproved extension of South Martin Drive traverses the property from the southerly property line to North Martin Drive which also traverses the property and provides access to substantial portions of Zephyr Heights. In addition to the unimproved extension of South Martin Drive, there is an excavated pit area fronting Highway 50 which has been utilized by the Nevada Department of Transportation for stockpiling materials. The third disturbed area consists of an unimproved cul-de-sac cut into the north side of the hillside property. Portions of these disturbed areas are currently being utilized as stockpile areas for the Zephyr Heights erosion control project and with the owner's permission would be stabilized as part of that Soil Conservation Service project.

Land Use

The property is classified Low Density Residential (LDR) by the Agency and R-3, Multiple Residential, by Douglas County. Under the terms of the Agency's Land Use Ordinance, up to 22 single family dwelling units could be constructed on the property. However, the land capability classification permits only 1% impervious surface coverage and substantially reduces the development potential. The development potential is also currently affected by the availability of services including limits on water and sewer availability in Douglas County as well as traffic volumes on Highway 50 in the vicinity.

Lands adjacent to the 5.5 acre parcel were subdivided prior to the adoption of TRPA ordinances. Low Density Residential development bounds the property to the east and south. A limited commercial development fronting Highway 50 also bounds the property to the south.

9/17/80
Dan Monen  
Administrative Permit and Variance  
Page Two

Land Capability and Coverage

The property is classified RTF, land capability 1a, which permits 1% impervious surface coverage. The parcel slopes steeply to the east at 20-35% slopes. Vegetation cover is relatively sparse but a dense understory of manzanita reduces the erosion potential in undisturbed portions of the site.

The applicant has identified a total of 33,696 square feet of impervious surface currently existing on the site composed of the pit area, the unimproved roadway and the unimproved cul-de-sac. The allowable land coverage on the site is 3,130 square feet which results in existing nonconforming coverage of 30,566 square feet.

Replacement of Nonconforming Coverage

Section 9.21(3) of the Agency's Land Use Ordinance permits replacement of nonconforming land coverage when certain conditions are found to prevail. This includes a reduction of nonconforming coverage on a 1 for 1 basis. If the replacement occurs on a different portion of the site, it must be demonstrated that the replacement at the alternative location "will protect and enhance the natural environment of the parcel and surrounding lands to a substantially better extent than replacement on the original site".

The applicant proposes to replace the existing 30,566 square feet of nonconforming coverage with 7,500 square feet at alternate locations on the site. The existing pit area adjacent to Highway 50 is highly visible, subject to traffic conflicts and is not suitable for development. The dirt road extension of South Martin traverses steeply sloping lands and is only 10 feet wide and similarly would not be highly suitable for development: Replacement of nonconforming coverage within the cul-de-sac area would be a feasible alternative, but extensive excavation would be required for construction and restoration of natural slopes and revegetation would better enhance the environment in this area. The fourth alternative location available is a currently undisturbed area at the southeast corner of the parcel. Access is available to Point Road at this location and a relatively level bench would provide a possible building site.

As part of the Soil Conservation Service's Marla Bay/Zephyr Heights erosion control project, all three currently disturbed areas would be restored. The existing unimproved roadway will be utilized as a rock lined drainageway to convey runoff safely off of the Zephyr Heights area. The pit area and cul-de-sac will be utilized for disposal of excess fill from the SCS project and will be recontoured and revegetated as part of the project.

Project Description

The proposed project would replace the bulk of the existing nonconforming land coverage in currently undisturbed areas. Two units are proposed to be located near the southeast corner of the parcel with access off of Point Road (Figure 2). The third unit is proposed to be placed at the end of the paved portion of South Martin Drive and the fourth near the northeast property corner (Figure 2). A parcel map is proposed in order to create four individual ownerships. No improvements are proposed as part of the project.

9/17/80
Each proposed building site would be allocated land coverage for driveways and a building envelope adequate to provide for construction of a single family residence. Extension of utilities and driveways would follow with construction of each residence and would be dependent on the exact siting and design of each building. Design specifications for stabilization of cut and fill slopes resulting from construction have not been provided at this time, but the applicant has agreed to a later review of the siting, design and specifications for each residence by Agency staff.

Public Facilities and Services

Water Supply and Sewage Treatment - The applicant has submitted information which indicates that the project area would be serviced by the Tahoe Douglas District (sewage collection and treatment) and the Zephyr Cove Water Company. Information previously available to Agency staff indicates that existing commitments to the Douglas County Sewer Improvement District (DCSID) exceed existing sewage treatment capacity and that the Nevada Division of Environmental Protection has indicated that no subdivision maps will be recorded until this problem is resolved. This project is not subject to this requirement since it is not a subdivision under Nevada statutes.

With regard to water supply, the fire protection district has indicated that the existing water system in the Zephyr Heights area is inadequate to provide acceptable fire protection. Existing residents of the area are without water for substantial periods of time. Based on this situation, the Douglas County Commissioners have indicated that no new building permits within the Zephyr Cove Water Company service area will be issued until adequate water supply is available.

Fire and Police Protection - The applicant has indicated that fire and police protection is available for all property surrounding the subject parcel. The adequacy of fire protection without improvements to the water system is in question, however. In a letter dated September 16, 1980, the Tahoe Douglas Fire District indicates that it opposes the use of Point Drive for access because of its inadequate design. The attached letter suggests that alternative designs be considered including extension of South Martin Drive to North Martin Drive. This alternative, however, would utilize extensive land coverage.

Road Maintenance - Douglas County currently maintains North Martin Drive which would provide access to one of the proposed building sites. South Martin Drive and Point Road are currently maintained by the Zephyr Heights General Improvement District. According to the improvement district, Point Road is subject to severe icing and cannot be reliably maintained to provide year-round access. Because of this factor and the extreme grade and alignment of the roadway, existing residents of Point Road often park their vehicles on adjacent roadways during the winter and aggravate snow removal and emergency access on Point Road. Adjacent property owners and the improvement district have voiced concerns over the potential of the proposed project to further aggravate these problems (see attached letter). The applicant has proposed improvements to Point Road which would minimize the potential access problems.

9/17/80
Request for Variance to Allow Creation of Parcels

Section 9.30 of the Land Use Ordinance prohibits the creation of lots or parcels where the maximum percentage of impervious surface would exceed the amount permitted under the land capability system for lands classified as Low Density Residential. The applicant proposes to create four single family dwelling units through a parcel map and would therefore require a variance to this provision.

Required Variance Findings

In order to grant a variance to allow the creation of parcels with nonconforming coverage, the following findings must be made:

1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the use regulations deprives such property of privileges enjoyed by other property in the vicinity and within the same use district.

2. The applicant has shown that he cannot make any reasonable use of the property if the regulations are applied.

If the foregoing findings are made the ordinance requires that the variance:

1. Be the minimum departure from existing regulations necessary to avoid such deprivation of privileges enjoyed by such other property;

2. Facilitate a reasonable use;

3. Not create significant probabilities of harm to property and improvements in the neighborhood or of substantial harmful environmental consequences; and

4. Not provide the applicant with any special privileges not enjoyed by other properties in the vicinity.

Analysis

The proposed design would meet the requirements for replacement of nonconforming coverage. However, the off-site impacts on public facilities including water and sewage treatment as well as the objections of the Tahoe Douglas Fire Protection District and the Zephyr Heights General Improvement District to the project as presently proposed appear to preclude the necessary findings for the requested variance. Specifically, the above objections indicate that the variance would create a significant probability of harm to property and improvements in the neighborhood.

Recommendation

Agency staff recommends the request for a variance and replacement of nonconforming coverage be denied based on the foregoing analysis.

9/17/80
ZEPHYR HEIGHTS #1

POINT RD.

SOUTH MARTIN DR.

NORTH MARTIN DRIVE

HIGHWAY 50

TO BE REVEGETATED
September 16, 1980

Joyce Frisco
Zephyr Heights General Improvement District
Zephyr Heights, Nevada

Dear Joyce;

This Department opposes the use of Point Drive as the access to the proposed four unit development on the Monen property. Point Drive is unable to handle existing traffic due to its narrowness and inadequate off street parking areas. Fire Department access to the Point Drive area is difficult in the summer months and even more so in the winter.

A solution to the access problem would seem to be the use of the unfinished portion of South Martin Drive. The connecting of the unfinished section of South Martin with North Martin Drive would also aid in the overall traffic flow and access to this area.

Sincerely,

Steve Miller
Fire Marshal
September 16, 1980

TAHOE REGIONAL PLANNING AGENCY
2155 South Avenue
South Lake Tahoe, California

Re: Monen Property in Zephyr Heights

Gentlemen:

The subject of Dan Monen's property, which abuts our District, was discussed at our last meeting. The Board is concerned about Mr. Monen's plan to use Point Drive, a District road, as access to one or more of his proposed building sites.

We are concerned about increased use of this road for the following reasons:

1) The Fire Department has stated that access to this area by fire protection equipment would be next to impossible. (see letter attached)
2) Our snow removal contractor has stated that because of the steep grade of this road and the lack of adequate sun exposure, plowing the road throughout the winter is too dangerous. (The present owners on Point Drive during past winters have had to park their cars on Zephyr Heights Drive and walk down to their homes).
3) New homes built off of Point Drive would not only be inconvenient for the new property owners but also would create an added burden on the neighbors living on Zephyr Heights Drive who would have to contend with additional cars parking on the street in front of their homes. Not to mention the obstacle these cars create for snow removal equipment.

The Board would like to see Mr. Monen develop his property, but, as you can see, using Point Drive would only create problems for the District and future homeowners.

The Board would like to suggest extending South Martin Drive and developing homesites there (whether the road went through to North Martin Drive or not) as this would create less of an access problem year round. In addition, this land at the end of South Martin Drive has already been disturbed whereas the area at Point Drive seems to be environmentally-sensitive area, but naturally stable in its present state.

Therefore, the Board of Trustees feels that everything possible should be done to assist Mr. Monen in developing his property at the end of South Martin. Perhaps, concessions could be made in regards to land coverage, etc., to provide the use of this property without harming the environment or the neighborhood.

Sincerely,

Joyce Frisco
Secretary - ZHGRID

cc: County Commissioners
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: October 14, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Reconsideration of Bitterbrush (Ski Way) Application

Background

At the September 24, 1980 meeting, the Governing Body found that a requested modification to allow a timesharing use and deletion of 41 units from the Bitterbrush (Ski Way) Subdivision was not in substantial conformance with the 1971 TRPA approval. Since the Agency's General Plan, adopted subsequent to the 1971 approval of the subject project, classifies the area in question as General Forest and permits only 1% land coverage, the project will continue to be a nonconforming use and would only be permitted to be constructed and used as initially approved (Section 9.10 of the Land Use Ordinance). Washoe County has processed a zone change to a commercial district and has approved a special use permit to allow a timesharing use. The September, 1980 Governing Body action would therefore not permit the proposed timesharing use of a portion of the Bitterbrush Subdivision as approved by Washoe County, but would allow the units to be constructed and used as condominiums. Since the Washoe County special use permit allows only timesharing uses, the project must either be modified at the County level to allow residential uses (i.e. condominiums) or modified by TRPA to permit a timesharing use since at the present the TRPA and Washoe County approvals are in conflict and provide for mutually exclusive uses.

Applicant's Request

The applicant has requested reconsideration by the TRPA Governing Body in order to permit a proposed timesharing use of Bitterbrush Unit 2. The request is documented in the attached letter transmitted for the consideration of the Governing Body.

Staff Recommendation

Agency staff recommends that the applicant's request for reconsideration be denied. This recommendation is based on a failure to produce new evidence regarding the impacts of the timesharing uses or a resolution of the questions pertaining to emergency access to the site. The factual basis for review of the project would be the same as those available to the Governing Body at the September, 1980 meeting.

Attachments
- letter requesting reconsideration
- September, 1980 staff summary
October 10, 1980

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

Re: Bitterbrush Unit #2
Substantial Conformance

Gentlemen:

Leroy Land Development Corporation respectfully requests the Governing Board of TRPA to reconsider their action of September 24, 1980 regarding the above project wherein the Board found that a reduction of 41 units from the approved subdivision and use of the units on an Interval-Ownership basis was not in substantial conformance with TRPA approval of 1971.

This request is made, in that we feel a great deal of information pertinent to the Board's decision-making process was not sufficiently presented, and a number of issues were raised within the hearing which were not relevant to the matter or were misstated thus creating possible misunderstanding by Board members. Specifically, items which were not presented, were inadequately covered, or were obscured by introduction of extraneous material including the following:

1. The history and background of the project, leading up to the TRPA action, was not adequately presented.

2. The Board was not made aware that the project has been constructed, marketed and occupied as an Interval-Ownership development since 1978.

3. Twenty-one units currently exist as Interval-Ownership condominiums.

4. The finding of non-conformance is inconsistent with previous and current attitude toward other Interval-Ownership projects which have
been or are currently being developed and marketed within the Tahoe Basin.

5. The finding of non-conformance is not consistent with the analysis presented by TRPA staff in their "Summary and Recommendation" and their oral presentation at the meeting of September 24, 1980.

6. Rejection of the 41 units ignores the real possibility that substantial benefits could accrue to Incline Village and Lake Tahoe.

7. Your finding of non-conformance has created inconsistencies and non-conformities under Washoe County Ordinances.

8. TRPA failed to specifically identify, under existing TRPA Ordinances, the point at which a condominium becomes an Interval-Ownership condominium.

Pursuant to my phone conversation with Mr. G. Owens, council for TRPA, the above items do not necessarily constitute all the justifications for reconsideration, and additional information and more specific details will be provided prior to or at time of reconsideration.

We have no desire to belabor the subject unnecessarily, however, due to the unusual nature of the subject matter, its complexity and the affects of your discussions on the projects' future development we feel there is justification for reconsideration.

In addition, the action taken by TRPA would undo the benefits Washoe County had anticipated with reduction of density. Therefore, there is an obligation to Washoe County to exhaust all possible remedies to obtain TRPA approval and thus retain the goals of the Washoe County Commissioners.

Sincerely,

LERoy LAND DEVELOPMENT CORPORATION

Terrence V. Fennessy
Vice President

TVF/1a
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Bitterbrush Subdivision (Ski Way)
Finding of Substantial Conformance to
Permit Timesharing Use and Reduction
of 41 Units
Washoe County

Background

On January 27, 1971, the Agency approved a tentative map for a 250 unit condominium subdivision known as Ski Lane. This action occurred prior to the adoption of the Agency’s General Plan and ordinances in 1972. The area in question was subsequently classified as General Forest as a result of its low land capability classification and other factors, and as such this project became an existing nonconforming use under Section 9.10 of the Agency’s Land Use Ordinance. The first phase (26 units) of the subdivision was completed, but for a variety of reasons construction of the second phase was delayed.

After initiating construction of the balance of the improvements and units, the present owners of the project, Leroy Land Company, initiated a zone change and special use permit request for the Bitterbrush Subdivision with Washoe County to permit the second phase of the proposed project to be utilized as an interval ownership resort. On July 22 and August 12, 1980, respectively, the Washoe County Commissioners approved a land use change to permit timesharing and a special use permit to allow a vacation timesharing project of 183 units to take place on Unit 2 of the Bitterbrush Subdivision. This resulted in a reduction of 41 units which Leroy Land Company agreed to restrict from future development through deed restrictions.

Having been previously notified of the pending action by Washoe County, Agency staff indicated that a two part review to establish conformance with previous Agency approvals would be required by TRPA in order to accomplish the above proposals. This review would require a finding that the deletion of 41 units was in substantial conformance with the tentative map approved by the Agency in 1971 and a finding that the interval ownership proposal is also in conformance with that approval. Although the mechanism to accomplish the deletion of 41 units is not an amended final map as previously anticipated by Agency staff and the Regional Planning Commission, Agency legal counsel has advised that the substance of the Washoe County action has resulted in an amendment to the map.

Based on the staff presentation and recommendation at the August 27, 1980 Governing Body meeting and other testimony presented to the Board, the following action was taken:

1. Direct Leroy Land Company to submit an application to the Agency for a finding of substantial conformance to allow the deletion of 41 condominium units and to allow a change in use from a condominium project to a timesharing project.

2. Pursuant to legal counsel’s recommendation, Leroy Land Development Company be notified that any further construction on the modified project (i.e. timesharing and deletion of units) is at its own risk and that TRPA review of the proposal will be based on its merits.

In addition, Agency staff’s review of the 1971 TRPA approval indicates that the Washoe County conditions of approval were incorporated as the TRPA conditions of approval. The applicant has therefore been notified that the review of the project will also include review of conformity with these conditions of approval.

9/17/80
Proposed Modification

The applicant proposes to delete 41 units and to utilize the condominium units as a vacation timesharing project. The 41 units to be deleted from the project would come from Unit 2 (currently 224 condominium units) which would leave a balance of 183 vacation timesharing units. The balance of the project in Bitterbrush Unit 1 would remain as condominium units and would not be subject to the timesharing use.

Deletion of 41 Units

The 41 units proposed to be deleted would consist of "piggyback" or second row units in Phase II which do not have direct frontage on the roadway providing access to the subdivision. No other physical modifications of the project are proposed at this time. The deletion of 41 units would reduce the total approved land coverage on the site from 43.9% to 39.7%. The land capability classification would permit only 1% land coverage, but since the tentative map for the project was recorded prior to the effective date of TRPA ordinances, this nonconforming coverage would be permitted, provided it was in accordance with the final map.

Timesharing Use

The applicant has submitted an information report which provides details regarding the proposed timesharing use and analyzes the impacts of the proposal on a variety of factors. The evaluation of the timesharing use versus a standard condominium use is based on the occupancy factors prevalent in Incline Village condominiums and an assumed higher occupancy for the timesharing use. Data available from IVGID suggests residential uses are occupied 74% of the year at an average of 3.1 persons per residence. The applicant has assumed the timesharing use will result in increased utilization at 90% occupancy during the year.

Impacts of Proposed Modifications

Grading and Slope Stabilization - The reduction in units will result in less land disturbance on the site. Because of the extremely fragile nature and steep slopes prevalent on the site, the net result of reduced units and land coverage would result in less impact on the site than previously approved.

Storm Drainage and Hydrology - The applicant has prepared a revised surface water management plan for the project which has been previously approved by Agency staff. Although this plan is a substantial improvement over the 1971 approval, the nature of the site does not permit adequate retention of stormwater on site utilizing detention storage or infiltration trenches. The Soil Conservation Service has also reviewed the revised drainage plans and has recommended that a maintenance program be required for the drainage system because of its reliance on mechanical measures for sediment reduction.
Temporary Erosion Controls - As previously noted, construction is presently occurring on the site. Although not required as part of the 1971 approval, the applicant has complied with staff requests to install temporary erosion controls. However, because of the extremely fragile soils, additional measures may be required to stabilize the site during the winter.

Water and Sewage Use - The applicant has submitted an analysis of expected water consumption under existing approvals and with the proposed deletion of units and the inclusion of the timesharing use. That information indicates that water use would be reduced from 34.8 AF/year to 34.6 AF/year. Agency staff concurs with this analysis and does not expect an adverse effect on IVGID's limited water supply as a result of the proposed modification. The utilization of sewage capacity would be similarly affected by the proposed change.

Fire Protection - The 1971 conditions of TRPA approval (Washoe County Condition #7) required approval by the fire protection district to include an emergency access and fire flows and storage facilities. While the proposed physical modifications to the site would not affect this condition, the provision of an emergency access to the site is still in question. Provision of adequate fire flow and storage facilities will be satisfied by construction of a water storage tank (see Agenda Item VIII).

Traffic Generation - The applicant's information report compares traffic generated by the project as it is currently approved versus those expected with a timesharing use and reduction of 41 units.

Traffic - Regional - Trips generated as a result of the proposed modification are expected to be reduced from 1,618 vehicle trips per day to 1,419 vehicle trips per day. However, because of the change to timesharing use, the type, timing and destination of traffic generated from the project will differ. This proposed use is not expected to have a significant impact on any regional streets or highways.

Traffic - Local - All traffic generated within Bitterbrush Unit 2 gains ingress and egress from a single roadway which traverses Bitterbrush Unit 1. The 26 units within this area are provided with parking under the units and must back onto the 20 foot roadway in opposing directions in order to gain access. The existing grade separation from the driveways and the steep slope of the roadway makes access to these units extremely difficult. This is an existing design deficiency in the currently approved subdivision. Emergency access in the event of a fire would be extremely difficult, especially during peak traffic hours.

The applicant's traffic information report indicates that this roadway section has a capacity of 200-300 vehicles per hour and estimates the existing approval would generate between 200-250 trips during peak hours. The information report also indicates that the modified project would result in fewer trips generated on this local roadway, in the vicinity of 170 to 190 trips during peak hours. The applicant's traffic report does not, however, quantitatively address the impacts of the timing of trips from a recreational timesharing use on peak hour generation. Because of the similarity of users, peak hour traffic could be expected to exceed these levels during, for instance, early morning trips for skiing.

9/17/80
The information report does not include employment generated trips which would be different under the current proposal. Since there is not a substantial supply of available parking spaces not to be assigned to individual units, the applicant proposes that employees will utilize a shuttle system.

Testimony received at the August, 1980 Governing Body meeting indicates Unit 1 homeowners contend that the easement for this roadway is only for construction access and not permanent ingress and egress.

Land Use - The property is classified as General Forest by the Agency. The project site is bounded by Bitterbrush Unit 1 to the west and Tyrolian Village to the east. Both of these developments are of a residential (condominium or planned unit development) nature. The lands to the north are undeveloped General Forest property and land to the south across Ski Way Boulevard is utilized for parking for the Incline Ski area.

Timesharing uses have been determined by the Governing Body to be appropriate in commercial use districts because of potential conflicts with residential uses. The potential use conflicts are therefore limited to Bitterbrush Unit 1 and Tyrolian Village, each of which share a small common boundary with the project site. Potential use conflicts include such factors as visitors being unfamiliar with the area and particularly being able to negotiate the steep access road during winter conditions. Similar impacts on use could be expected with a standard condominium unit although the degree would probably be less.

Compliance With 1971 Approval

Agency staff has identified two conditions of TRPA approval where adequate information to assess compliance was not readily available, as follows:

7. Approval by the North Lake Tahoe Fire Protection District of fire flow and water storage facilities, fire hydrant location, and emergency access road through Tyrolian Village Unit No. 4.

14. Provision of a time schedule for the construction of the subdivision with detailing explanation concerning stream and watershed protection during construction of roadways, building sites and installation of utilities.

Fire Storage and Emergency Access - Condition #7 requires the approval of the fire district for provision of adequate water storage for fire protection and provision of an emergency access road through Tyrolian Village Unit 4. The water storage for fire protection will be satisfied upon completion of a water storage tank, as previously indicated. The Tyrolian Village Homeowners Association has provided testimony that it has not granted and does not intend to grant an easement for emergency access to the project from Styria Way. The applicant has stated that granting an easement is not necessary in order to provide adequate emergency access since the road has been improved to the boundary of Bitterbrush Unit 2 and during an emergency, access could be obtained via the existing roadway.

9/17/80
The 1980 Washoe County Commission approval of a special use permit (condition 17) requires the applicant to demonstrate to the satisfaction of the District Attorney that the emergency access has been provided in a legal sense.

**Time Schedule for Improvements** - The Agency is not presently aware of a time schedule for improvements for the project submitted pursuant to the 1971 conditions of approval.

**Summary**

Agency staff finds the deletion of 41 units and the change in use to present no substantial adverse impacts in the following areas: water supply and sewage treatment, regional traffic congestion, erosion rates, water quality, and peak populations generated. However, the proposal would have adverse impacts on adjacent land uses, local traffic congestion and safety. Regardless of the use and number of units proposed, there are remaining questions with regard to satisfaction of the 1971 conditions of approval regarding provision of emergency access.

**Recommendation**

Agency staff recommends that the applicant's request for a finding of substantial conformance be denied without prejudice pending satisfactory resolution of the disputes regarding primary and emergency access to the site. It would be inappropriate for the Agency to take favorable action on a modification to a project which may aggravate these problems when there is not conclusive evidence that the applicant has satisfied the existing conditions of approval.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: TRPA Staff

SUBJECT: Show Cause Hearing - Sierra Boat Company Compliance with Conditions of Approval

At the direction of the Governing Board, Agency staff held a meeting at Sierra Boat Company on October 2, 1980. Those in attendance included TRPA Governing Board members Jim Henry and Bennie Ferrari, Sierra Boat Company Manager Dick Clarke, his agent Jim Williamson, and staff from Placer County, CTRPA, and Lahontan Regional Water Quality Control Board. A discussion was held on the concerns listed for the September Governing Board meeting and as a result the following attached letter was sent to Mr. Clarke informing him of the October 22, 1980 show cause hearing and the results of the October 2, 1980 meeting.

Attachment
October 15, 1980

Mr. Richard Clarke
Sierra Boat Company
P. O. Box 69
Carnelian Bay, California 95711

Subject: Show Cause Hearing - Sierra Boat Company, Compliance with Conditions of Approval

Dear Mr. Clarke:

This letter is to notify you that there will be a show cause hearing on the October 22, 1980 Governing Board agenda (attached) for Sierra Boat Company. The purpose of this hearing is to establish whether or not the project is in compliance with the 1975 and 1980 TRPA approvals and if legal action is necessary.

As you are aware, the hearing was originally scheduled for the September Governing Board meeting with the attached list of concerns, but was continued until the October meeting pending an inspection of the site by TRPA Governing Board members Jim Henry and Bennie Ferrari. As a result of this inspection, the two Governing Board members present suggested the following as a possible alternative solution.

The applicant shall agree to and implement the following by a date to be mutually agreed upon:

1. A parking plan indicating all parking areas, parking restrictions and improvements.

2. A drainage plan indicating location and type of drainage facilities as discussed on the site. Such facilities will be designed to prevent contaminants from discharging into the waters of the harbor/Lake Tahoe.

3. A buoy and boat slip plan which indicates the location and number of buoys and slips that do not exceed the number legally existing as of July 26, 1976.
4. A plan indicating the required 4,025 square feet of open space shall be provided on the site, or if legal counsel and the Governing Board concur, provide proof of purchase of high hazard land in such an amount that the coverage permitted would equal the 4,025 square feet required to be converted to open space. The purchased land should be deed restricted as to prevent any impervious surface on the subject parcel and such lands would preferably be in the Carnelian Creek watershed. As noted in our October 10, 1980 telephone conversation, Agency staff upon advice of our legal counsel is hesitant to name any such properties for purchase and suggest you contact the Basin Management Unit of the U.S. Forest Service.

Agency staff would suggest you be prepared to address all the listed concerns and your proposed course of action at the Governing Board meeting.

If you have any questions or would require Agency staff's assistance in preparing the necessary documentation for proof of conformance before the meeting, please feel free to contact us.

Sincerely,

Gordon W. Barrett
Senior Planner

GWB: jg
Attachment

cc: Placer County Public Works
    Placer County Building Department
    Placer County Planning Department
    Placer County District Attorney
    Army Corps of Engineers
    California Tahoe Regional Planning Agency
    Lahontan Regional Water Quality Control Board
    Gary A. Owen
    Jim Williamson
    TRPA Governing Board
LIST OF CONCERNS FOR
SIERRA BOAT COMPANY

The following is a list of concerns or apparent violations of the 1975 TRPA approval and the 1980 TRPA approval of modifications to the marina. The applicant, Mr. Dick Clarke, will be given a copy of this list and directed to respond at the October 22, 1980 Governing Body meeting.

1. Noncompliance with the 4,020 square feet open space requirement of the 1975 TRPA approval to expand the building structures at the marina.

2. Noncompliance with the parking plan approved in 1975. The plan indicated 20 spaces were to be provided outside the buildings and 6,600 square feet of parking area was to be provided inside the building.


4. Noncompliance with conditions of July 23, 1980 TRPA approval which are as follows:

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

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

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

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

10/15/80
5. All work in progress shall be suspended until all necessary permits are acquired, and all required plans have been approved by the TRPA staff.

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

7. The applicant has 60 days from the date of this approval to submit the necessary plans and documents for staff approval and to commence work as per the approved plans.
MEMORANDUM

TO: The TRPA Governing Body

FROM: The Staff

DATE: October 15, 1980

SUBJECT: Douglas County Sewer Improvement District (DCSID) Application for Wastewater Treatment Plant Expansion

Summary

The Douglas County Sewer Improvement District (DCSID) proposes to upgrade and expand its facility located near Round Hill. The modifications to the treatment plant are necessary to meet upgraded standards for discharge of treated effluent to the Carson River under a proposed permit from the Nevada Division of Environmental Protection (NDEP).

Background

The Advisory Planning Commission has reviewed the application on three separate occasions. Agency review of the project has been evolutionary in terms of resolving issues which have been relevant to the project since the initial application was received in April, 1980.

Project History

Detailed information regarding the application is available in the attachments as noted. The project history can best be summarized by indicating the key issues which were discussed and resolved at subsequent APC meetings as follows:

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<tr>
<th>APC Meeting</th>
<th>Issues</th>
<th>Issue Resolution</th>
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<tr>
<td>April, 1980</td>
<td>1. NDEP Permit</td>
<td>NDEP Draft Permit issued 9/80</td>
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<td>(attachmt.3,4)</td>
<td>2. Final Federal EIS permitting EPA funding</td>
<td>Bond issue approved allowing upgraded plant to be locally financed</td>
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<td></td>
<td>3. Compatibility with buildout permitted by TRPA General Plan</td>
<td>Plant expansion must be consistent with limitations on building permits imposed by Nevada law (bistate compact)</td>
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Memo to the TRPA Governing Body
October 15, 1980 page two
DCSID Plant Expansion

<table>
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<tr>
<th>APC Meeting</th>
<th>Issues</th>
<th>Issue Resolution</th>
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<tr>
<td>September, 1980</td>
<td>1. Effect of proposed Nevada legislation on:</td>
<td>Nevada law passed 9/13/80</td>
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<td>(attachmt. 1,2)</td>
<td>a. plant sizing</td>
<td>Flow limited to be consistent with Nevada law under NDEP permit</td>
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<tr>
<td></td>
<td>b. mitigation measures</td>
<td>On-site mitigation measures required under TRPA approval</td>
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<tr>
<td></td>
<td>2. EPA Comments</td>
<td>EPA comments limited to a. and b. above</td>
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<td>October, 1980</td>
<td>1. Effect of Nevada legislation</td>
<td>Flow limited to be consistent with Nevada law under NDEP permit</td>
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<td>(attachmt. 1)</td>
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Advisory Planning Commission Action

At the October 8, 1980 meeting, the APC (on a 14 to 1 vote) voted to approve the DCSID project with the flow limitation to be consistent with the bistate compact.

Recommendation

As indicated in the above brief project history and more fully detailed in the attached staff summaries prepared for the APC, the significant issues regarding the proposed project have been resolved to the satisfaction of both APC and staff. Agency staff therefore recommends the project be approved subject to the attached conditions. Agency staff also recommends that a letter of transmittal be submitted to the NDEP requesting that all waste discharge permits limit the treatment plant flow to 3.32 MGD.

Admin Permit Findings sec 8.37
MEMORANDUM

DATE: September 30, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Douglas County Sewer Improvement District (DCSID) Application for Wastewater Treatment Plant Expansion

September, 1980 APC Action

The Advisory Planning Commission (APC) considered DCSID’s application to expand and upgrade its wastewater treatment facility as described in the attached staff summaries on September 10, 1980. The APC accepted staff’s recommendation that the project be continued for 30 days in order to resolve the following concerns:

1. Environmental Protection Agency (EPA) comments on the proposed expansion and revision of the NPDES permit for the facility.

2. Effects of the proposed bistate compact revisions affecting expansion of public works facilities including sewage treatment facilities.

The status of resolution of each of those concerns is outlined in this memorandum.

EPA Comments

The APC anticipated receipt of EPA comments on the proposed NPDES permit for the expanded plant to be transmitted to the Nevada Division of Environmental Protection (NDEP) and TRPA by the end of September, 1980. At this time, no written comments regarding the effect of the proposed expansion on federal funding or permits for the treatment plant expansion have been received from the EPA. Verbal conversations with EPA indicate two concerns with regard to the draft permit proposed by NDEP, both of which are raised by the revised TRPA compact as enacted by the Nevada Legislature on September 13, 1980. These questions involve flow limitations consistent with the compact requirements and the extent of mitigation measures required for a plant expansion.

Flow Limitations Imposed by Compact Revisions

The Nevada statutes which enact the revisions to the Tahoe Regional Planning Compact include limitations on construction of wastewater treatment facilities as follows:

"(f) No facility for the treatment of sewage may be constructed or enlarged except:

(1) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean

..."
Water Act, 33 U.S.C. paragraph 1251 et seq., and the applicable state law for control of water pollution;

(2) To accommodate development which is not prohibited or limited by this section; or

(3) In the case of Douglas County Sewer District #1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the prohibition imposed by this section so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Before commencing such a modification or alteration, the district shall submit to the Tahoe Regional Planning Agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems…"

The prohibitions outlined above are effective immediately upon passage of the Nevada legislation and are binding upon Nevada agencies. Agency legal counsel has advised that these requirements are not binding upon TRPA but are an indication of strong policy direction.

Agency staff's review of the consistency of the application with the above requirements indicates the following requirements for wastewater treatment consistent with building activity authorized under the limitations on residential and commercial development.

| Existing capacity                  | 2.5 MGD (million gallons per day) |
| Existing flow (August, 1980)       | 2.32                               |
| Projected residential development  | 1,320 units @ 300 gpd/unit (208.1 MGD) |
| projected hotel/casino development "vested" under compact provisions | 0.40 |
| Other (commercial/recreational/public service) | 0.19 |
| Total:                             | 3.32 MGD |

The proposed NPDES permit would limit flow to 3.32 MGD.

Mitigation Measures

The legislation enacted by Nevada requires the submission of a plan to mitigate soil erosion problems. Testimony presented during the Nevada legislative hearings on the subject bill indicates that the legislative intent is to require on-site improvements for erosion control and not mitigation of off-site impacts (secondary impacts) which may be facilitated by a plant expansion. The Agency's standard conditions of approval for administrative permits address this problem.
Recommendation

Agency staff recommends approval of the proposed wastewater treatment plant expansion subject to the attached conditions. Agency staff also recommends that a letter of comment to the Nevada Division of Environmental Protection be transmitted requesting that the peak 30 day flow be limited to 3.0 MGD in the NPDES Permit.
MEMORANDUM

DATE: September 3, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Douglas County Sewer Improvement District, Wastewater Treatment Plant Improvements

Background

During April, 1980, the Advisory Planning Commission reviewed a request by the Douglas County Sewer Improvement District (DCSID) to expand and upgrade its facilities located near Round Hill. The APC determined that the proposal was premature in that financing of the proposed facility had not been determined or secured, the Nevada Division of Environmental Protection (NDEP) had not issued a revised waste discharge permit which would permit any expansion, and there were unanswered questions regarding federal grants to fund the proposed project. The project, as evaluated in April, is outlined in the attached staff summary. This memo serves to update the APC members regarding the current status of the above concerns as well as to present a recommended course of action.

Financing Status

DCSID gained approval of a $6 million bond which would provide for construction of the facilities as outlined in the attached staff summary with the deletion of the substantial effluent storage reservoirs proposed in the Carson Valley. The project would propose to utilize land treatment and discharge on a year-round basis.

NDEP Review

NDEP has reviewed the proposed project including the plans and specifications and has issued a tentative determination for a revised waste discharge permit (NPDES permit). After public hearing and approval by EPA, NDEP proposes to issue a revised waste discharge permit which would allow the plant to be expanded to 3.75 million gallons per day (MGD) capacity. However, the draft permit would limit the increase in effluent discharge rates to 2.5 MGD (30 day average) until 60 days of compliance with existing standards is attained, to 3.0 MGD (30 day average) until the pressure filter system is fully operational, and to 3.32 MGD until the land application system is fully operational. The draft compliance schedule calls for the land application system to be fully operational by July, 1983. At that time, all discharges to the Carson River would be terminated and the facility would no longer require an NPDES permit (requires EPA approval), but would require a permit from NDEP for land application. The public comment period on the proposed NPDES permit expires on September 22, 1980.
Federal Funding and Regulation

As outlined in the attached staff summary, Federal funding for an expansion and upgrading for the DCSID facility is contingent upon finalizing an Environmental Impact Statement. The draft EIS recommends that all secondary impacts of any treatment plant expansion be adequately mitigated prior to a commitment for Federal funding. The status of the EIS at this time is the same as presented in April, 1980. However, the applicant has indicated that Federal funding is not a prerequisite to plant expansion and upgrading under the year-round land treatment mechanism and with funds available from bond proceeds.

A draft Federal Executive Order on Lake Tahoe affecting Federal funding and permitting activities could potentially affect the current proposal. If adopted, Federal funding and permitting activities would be required to be consistent with environmental threshold capacities, and any adverse environmental impacts (as identified in the draft EIS) would be required to be offset. The Federal position regarding implementation of the Executive Order is obviously clouded at this point in time.

Unresolved Questions

Staff's review of the information currently available raises several questions which are currently unresolved. First is the advisability of expanding the facility to 3.75 MGD but limiting the treatment plant flows via the NPDES permit. The details of the financing program have not been made available to the staff, but it appears that the flow limitations would be difficult to enforce if the financing program were based on connections to a 3.75 MGD facility. The physical limitations of the facility may ultimately dictate the final flow limitations and would be outside of TRPA jurisdiction once the facility was constructed.

The second unresolved question is the compatibility of the proposed expansion with the draft Federal Executive Order and other pending legislation. Federal comments on the proposed permit have not been received and will not likely be received by the date of the APC meeting. The pending Tahoe Regional Planning Compact (California S.B. 82) proposes a flow limitation of 3.0 MGD for the DCSID facility which would not be compatible with the current proposal.

Recommendation

Agency staff recommends that the proposal be continued for 30 days pending resolution of Federal comments on the NPDES permit and details regarding the compatibility of the financial program with the proposed permit.
MEMORANDUM

DATE: April 15, 1980

TO: TRPA Governing Board

FROM: The Staff

SUBJECT: Status Report on Proposed DCSID Improvement Plans

As represented at the April, 1980 Governing Board meeting the Douglas County Sewer Improvement District (DCSID) has submitted an application to TRPA to construct improvements to the wastewater treatment plant to permit treatment and disposal of peak month flows of 3.75 MGD. It has been determined upon review at the Development Review Committee and Advisory Planning Commission meetings that this application is premature, since this proposal is still in the conceptual stages and lacks approval of a revised waste discharge permit from the Nevada Division of Environmental Protection (NDEP) to allow for the increased flow. This finding is based on the facts that financing arrangements had not been completed, construction drawings were not available, the Nevada Division of Environmental Protection and Douglas County had not reviewed the proposal, and there were unanswered questions with regard to future funding from the Environmental Protection Agency (EPA).

Since the issue of capacity must still be addressed with proposed developments in Douglas County, staff has prepared the following status report on DCSID.

Background

The DCSID wastewater treatment plant was constructed in 1968 to treat and export all sewage generated in the various improvement districts in Douglas County. It is an activated sludge-type secondary treatment facility which was initially constructed with a design capacity of 3.0 MGD. The plant was designed to provide for future expansion to 6.0 MGD in increments of 1.5 MGD each. Effluent from the treatment plant is pumped to an adjacent on-site holding reservoir for storage prior to pumping over Daggett Pass to the Carson Valley where it is applied as irrigation water on a ranch in accordance with procedures approved by the Nevada Division of Environmental Protection. Present authorization is only for summer land application with winter outfall to the Carson River. However, winter land application is being performed under a test program supervised by State and EPA officials to determine the feasibility of year-round land application. Sludge from the treatment process is thickened, dewatered, incinerated, and disposed of on-site in ash lagoons.
DCSID Improvement Plans
Status Report
Page Two

The DCSID No. 1 wastewater treatment plant was originally designed and constructed as a 3.9 MGD plant on the basis of BOD loadings anticipated at the time as appropriate for the service area. As a result of BOD loadings which actually were encountered in operation of the plant and as a result of increased effluent quality standards subsequently required by State and Federal regulatory agencies, the present rating of the plant is considered by EPA to be about 2.5 to 2.6 MGD. While recent evaluation by the DCSID's engineers indicates that the EPA rating is probably low, it is acknowledged that the 1979 peak month flow of 2.3 MGD is expected to reach 2.5 MGD this summer.

Compatibility With TRPA Plans

208 Plan - The Lake Tahoe Basin Water Quality Management Plan (208 Plan) identifies a wastewater treatment facility at the subject site. The 208 Plan further indicates a facility with a treatment capacity of 3.0 MGD. The existing plant with improvements approved by the Agency will have a treatment capacity of 2.5 MGD.

Water and Sewer Master Plan - The 1973 TRPA Water and Sewer Plan and Program indicates the existing DCSID plant to have a capacity of 3.0 MGD and an ultimate capacity of 6.0 MGD. These capacities were based on the projection of the buildout occurring under the 1972 TRPA General Plan.

General Plan Buildout

To determine future plant requirements accurately, based on the TRPA General Plan, the engineers for the District have reviewed each area or general improvement district served by the District to identify the number of vacant properties on which residential or commercial development would be authorized under the General Plan. This research has provided the information set forth below:

<table>
<thead>
<tr>
<th>DCSID Flow Projections</th>
<th>Near-Term Buildout</th>
<th>Existing Commitments</th>
</tr>
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<tbody>
<tr>
<td>Average Daily Flow, August 1979</td>
<td>2.30 MGD</td>
<td>2.30 MGD</td>
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<tr>
<td>Projected Hotel/Casino Development</td>
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<td>.96*</td>
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<tr>
<td>Projected Residential Development</td>
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<td>Projected Recreational Development</td>
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<tr>
<td>Projected Public Service</td>
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<td>.02</td>
</tr>
<tr>
<td>Total:</td>
<td>4.65 MGD</td>
<td>4.03 MGD</td>
</tr>
</tbody>
</table>

*0.5 is estimated for the Jennings and Kahle hotel/casino projects
Compatibility With Other Plans and Programs

NDEP Waste Discharge Permit - NDEP has issued revised waste discharge requirements which will become effective in 1982. The permit conditions would require removal of un-ionized ammonia, phosphorous and chlorine prior to discharge to the Carson River. The permit limits peak day flows to 3.0 MGD.

DCSID Facility Plan - DCSID has prepared a facility plan for wastewater treatment plant improvements in order to meet the 1982 waste discharge permit requirements as determined by NDEP. The plan was presented to EPA as part of an application for federal funding for the improvements. EPA has determined that the project would have a significant impact on the environment and has required that an EIS would be required. A draft EIS has been prepared by EPA, but no decision has been made to date regarding the federal grant.

The facility plan as prepared by DCSID calls for improvements to the treatment plant, construction of a major storage reservoir, and acquisition of land and improvements in order to provide land treatment of secondary sewage effluent. Effluent disposal to the Carson River would be ceased under this plan.

Draft EIS for Wastewater Facilities, South Shore - EPA has prepared a draft EIS which identifies the secondary impacts of wastewater treatment plant expansion on the South Shore (including DCSID and STPUD). The draft EIS is based on a 3.0 MGD capacity for the DCSID facility.

The DEIS identifies impacts and proposed mitigation measures which the EPA felt should be incorporated into planning efforts of local and regional agencies prior to initiating any treatment plant expansion. TRPA has provided comments on the draft EIS indicating which mitigation measures it would commit to for implementation.

Conclusions

1. Existing treatment capacity of 2.5 - 2.6 MGD will be utilized during the 1980 construction season.

2. Existing commitments for currently approved and subdivided lands exceed the existing capacity of the plant by 1.53 MGD (4.03 MGD - 2.5 MGD).

3. Proposals for wastewater treatment plant expansion have not been acted upon by the required authorities (NDEP, TRPA) to allow for upgrading or expansion of the present facility. The EPA grant for the proposed plant upgrading and land disposal system in the Carson Valley cannot be resolved until a final EIS is issued by EPA.
Douglas County Sewer Improvement District (DCSID)
Public Works, Douglas County

Project Location and Description

The applicant requests an administrative permit to construct improvements necessary at the Douglas County Sewer Improvement District (DCSID) wastewater treatment plant to permit treatment and disposal of peak month flows of 3.75 MGD. These improvements to be constructed at the treatment facility in Round Hill will increase the capacity by 1.25 MGD under current discharge standards.

Background

The wastewater treatment plant was constructed in 1968 and is an activated sludge-type secondary treatment facility with a design capacity of 3.0 MGD. The plant was designed to provide for future expansion to 6.0 MGD in increments of 1.5 MGD each. Effluent from the treatment plant is pumped to an adjacent on-site holding reservoir for storage prior to pumping over the Daggett Pass to the Carson Valley where it is applied as irrigation water on a ranch in accordance with procedures approved by the Nevada Division of Environmental Protection Services. Present authorization is only for summer land application with winter outfall to the Carson River. However, winter land application is being performed under a test program supervised by State and EPA officials to determine the feasibility of year-round land application. Sludge from the treatment process is thickened, dewatered, incinerated, and disposed of on-site in ash lagoons. The principal features and proposed improvements of the treatment plant are shown schematically on Figure 1.

The DCSID No. 1 wastewater treatment plant was originally designed and constructed as a 3.0 MGD plant on the basis of BOD loadings anticipated at the time as appropriate for the service area. As a result of BOD loadings which actually were encountered in operation of the plant and as a result of increased effluent quality standards subsequently required by State and Federal regulatory agencies, the present rating of the plant is considered by EPA to be about 2.5 to 2.6 MGD. While recent evaluation by the DCSID's engineers indicates that the EPA rating is probably low, it is acknowledged that the 1979 peak month flow of 2.3 MGD is expected to reach 2.5 MGD.

On-Site Impacts

The applicant’s information report indicates that all of the improvements will be located on the site of the existing treatment facility. The additional land coverage (2,291 square feet) associated with this project will increase the land coverage to 12.79% which is well within the land capability limit of 25%. The applicant has not submitted any plans for construction indicating the location and type of construction proposed nor details regarding drainage, slope stabilization and erosion controls.

4/1/80
Compatibility With Agency Plans

208 Plan - The Lake Tahoe Basin Water Quality Management Plan (208 Plan) identifies a wastewater treatment facility at the subject site. The 208 Plan further indicates a facility with a treatment capacity of 3.0 MGD. The existing plant with improvements approved by the Agency will have a treatment capacity of 2.5 MGD.

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DCSID Flow Projections - Near-Term Buildout

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<td>Projected Commercial Development</td>
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<tr>
<td>Projected Recreational Development</td>
<td>0.07</td>
</tr>
<tr>
<td>Projected Public Service</td>
<td>0.02</td>
</tr>
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Total: 4.50 MGD

*0.5 is estimated for the Jennings and Kahle hotel casino projects

Compatibility With Other Plans and Programs

NDEP Waste Discharge Permit - The NDEP has issued revised waste discharge requirements which will become effective in 1982. The permit conditions would require removal of un-ionized ammonia, phosphorous and chlorine prior to discharge to the Carson River.

DCSID Facility Plan - DCSID has prepared a facility plan for wastewater treatment plant improvements in order to meet the 1982 waste discharge permit requirements as determined by NDEP. The plan was presented to the Environmental Protection Agency (EPA) as part of an application for federal funding for the improvements. EPA has determined that the project would have a significant impact on the environment and has required that an EIS would be required. A draft EIS has been prepared by EPA, but no decision has been made to date regarding the federal grant.

4/1/80
The facility plan as prepared by DCSID calls for improvements to the treatment plant, construction of a major storage reservoir and acquisition of land and improvements in order to provide land treatment of secondary sewage effluent. Effluent disposal to the Carson River would be ceased under this plan.

**Draft EIS for Wastewater Facilities, South Shore** - The EPA has prepared a draft EIS which identifies the secondary impacts of wastewater treatment plant expansion on the South Shore (including DCSID and STPUD). The draft EIS is based on a 3.0 MGD capacity for the DCSID facility.

The DEIS identifies impacts and proposed mitigation measures which the EPA felt should be incorporated into planning efforts of local and regional agencies prior to initiating any treatment plant expansion. The Agency has provided comments on the draft EIS indicating which mitigation measures it would commit to for implementation.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Nevada Division of State Parks
Spooner Lake Dam Reconstruction
Douglas County

Summary

The applicant, the Nevada State Parks Division, is requesting approval to reconstruct the Spooners Lake dam located on Spooner Summit in Douglas County. The Department of Wildlife plans to develop a quality fishery at Spooners Lake. Presently, it is not usable due to a malfunctioning outlet valve, seepage through the dam, and frequent winter kills.

When originally submitted, this application contained a proposal to reconstruct a diversion point on North Canyon Creek and a diversion line to carry flows into the new reservoir. Due to a substantial number of questions on the effect of this portion of the proposal on existing water rights and the effect on the adjacent environment, the applicant agreed to delete this portion of the proposal. This portion of the proposal will be scheduled for action by the Agency pending submittal of the reports required under condition 1.f. of this staff summary and recommendation. Therefore this application now only requests approval to reconstruct the existing dam structure at Spooners Lake.

Project Description

The planned earthfill dam will replace the existing dam at Spooners Lake which, due to significant leakage, is not stable. Spooner dam will be a zoned earthfill dam approximately 30 feet high with a crest length of approximately 430 feet in the same location as the existing dam structure. The reservoir capacity will be approximately 1,580 acre feet with a reservoir area at the spillway level of approximately 100 acres. The embankment is to be constructed from the existing dam materials and from sandy materials on the site. A broad crested concrete spillway will be located at the site of the existing spillway. The spillway will have a capacity of 127 cfs during maximum flood releases. An outlet structure will be built into the dam structure to allow maintenance of flows into North Canyon Creek.

Advisory Planning Commission Action

Based upon the applicant's agreement to delete the proposed diversion structure and diversion line and to undertake the study required by condition 1.f. of this staff summary and recommendation, the APC conditionally approved the subject project on October 8, 1980.

Recommendation

Agency staff recommends that the Governing Body approve the request to reconstruct the Spooners Lake dam subject to the following conditions:

10/14/80
Nevada State Park
Spooner Dam Reconstruction - page two

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

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

b. All authorizations (except building and grading permits) from appropriate public authority applicable to the proposed development shall be obtained, i.e. state highway encroachment permits, state waste discharge permits, Corps of Engineers Sec. 404 Dredge and Fill Permit.

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

d. Submittal of the proposed work schedule for the dam improvements.

e. Submittal of the proposed parking plan for the area.

f. Prior to submittal of the North Canyon Creek diversion application, an environmental impact study addressing the following concerns shall be completed:

(1) Stream runoff characteristics

(2) The effect of climate on the runoff in terms of precipitation rates and evapotranspiration rates.

(3) Snowpack assessments for the watersheds

(4) A study of the vegetation and soil characteristics as they pertain to the hydrology of the area

(5) The effect on Spooner Marsh groundwater quantity and regimen due to the possible increased hydrostatic pressure resulting from the proposed raising of the level of Spooners Lake

(6) The effect of the proposed underground pipeline diversion of water from North Canyon Creek below the Lower Canyon Gauging Station on the runoff of the creek below that point.

10/14/80
(7) A correlation of the hydrological data with State Parks legal water rights and how the rights will affect maintenance of a suitable pool in the proposed reservoir.

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

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

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

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

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

10/14/80
7. Trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

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

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

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

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

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

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

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

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

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

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

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

10/14/80
MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Request for Governing Body Direction in Processing a General Plan Amendment for Joyce Grunauer

The processing of General Plan amendments in recent months has raised some questions on which the Agency staff seeks Governing Body direction. The first set of questions relates to all General Plan amendment applications in regards to the proposed revisions to the bistate compact. The questions are as follows:

1. Although the Legislatures in the recent compact amendments gave direction in the processing of projects and subdivisions in the next few months or years, there was no specific direction on General Plan amendments. Does the Governing Body feel the Agency needs a policy or ordinance addressing this area?

2. The new compact specifically indicates that the CTRPA plans and ordinances existing as of July 1, 1980 will be the plan and ordinances for the California side of the Basin. The question is, should the Agency continue to process amendments such as the subject application for the California side since the new compact would revert them back to CTRPA zoning upon ratification of the compact?

More specific to the subject application is the processing of General Plan amendments which involve property not owned by the applicant. As indicated in the attached staff summary and recommendation, the original request for a General Plan amendment was submitted by only one property owner but was expanded by the applicant to include the whole block in order to overcome staff's concern about a "spot zoning". Since staff's analysis indicated the proposal had merit, the application was scheduled for a public hearing at the APC to see if the Commission and the neighboring property owners concurred with this analysis.

At the October 8, 1980 public hearing, the APC voted 11 to 3 (with 1 abstention) to approve the staff recommendation to reclassify the subject parcels from General Commercial to Tourist Commercial.

The usual procedure at this point is to pass the staff and APC recommendations on to the Governing Body with a request for final action. Staff would, however, like direction
Memo to the TRPA Governing Body
October 15, 1980    page two
re:  Joyce Grunauer General Plan Amendment

from the Governing Body on how to proceed with this application since there were objections raised at the public hearing from two affected property owners who did not wish to have the property reclassified to Tourist Commercial since it would eliminate certain commercial uses from future development.

Although there was APC support for the amendment and the majority of public input was favorable, staff was hesitant to schedule the amendment as an agenda item without direct Governing Body direction, since there was a strong objection from one property owner within the area to be reclassified.
Joyce Grunauer
General Plan Amendment
Placer County

Amendment Request

The applicant is requesting an amendment to the TRPA land use district maps to reclassify her property from General Commercial to Tourist Commercial. This application is being processed in order that the applicant may construct a single family dwelling and utilize a sewer permit she recently received.

In order 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 public hearing.

Property Location and Description

The properties under consideration are located on the north side of Brockway Vista Avenue between Coon Street and Chipmunk Street in Kings Beach, as shown on the attached map. The applicant’s property is located approximately in the middle of the block.

Land Use

The area under consideration for reclassification is part of Brockway Vista Subdivision which is an older subdivision which was subdivided into narrow lots 25 feet wide. Although each lot could be a legitimate building site under any non-commercial land use district, the trend has been to aggregate these narrow lots into more suitable building sites. The 6.2 acre area to be considered has approximately 73 lots which are aggregated into approximately 26 parcels of contiguous ownership. There are 16 single family dwellings on 32 lots, 3 motels on 11 lots, one state park parking lot on 4 lots, and 10 undeveloped parcels consisting of 26 lots.

The existing land use pattern is primarily residential and tourist residential on Brockway Vista Avenue. The properties to the north which abut Highway 28 are commercial; the properties to the east are residential; and the state beach is to the west.

Land Capability

The TRPA land capability maps indicate the entire area is classified as capability 5, or low hazard lands, which permit 25% land coverage. There are no stream environment zones in the area. The TRPA Land Use Ordinance permits coverage overrides up to 70% land coverage because the properties in question are classified as General Commercial.

Local Zoning

Placer County has the entire area zoned commercial but has recently processed a variance and a rezoning to residential to permit the construction of a single family dwelling on the applicant’s 50 x 150 property. The CTRPA is considering a reclassification on the subject lot to permit the construction of the subject single family dwelling.
GENERAL PLAN AMENDMENT
General Commercial (GC) to Tourist Commercial (TC)
Analysis

Land Use Impacts - The proposed zoning will permit the construction of residential units up to 15 units per acre which was not permitted under the General Commercial land use district. 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% permitted under General Commercial to 50% for commercial or 35% for residential under Tourist Commercial. The development of 35% of the remaining area could occur with either land use classification. A survey of the area would indicate a need for some site improvements, i.e. repairs, drainage, etc.

Public Service Impacts - The development potential in regards to public service demand may be increased since residential uses will now be permitted. It is difficult to assess the difference in potential impacts since both General Commercial and Tourist Commercial permit a broad range of development; however, there are some serious problems related to water and sewer no matter what the development for this area.

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 buildout under the TRPA General Plan.

Alternatives:

Retain the General Commercial Land Use Designation - This alternative would provide the maximum permitted land coverage (70%) and require the eventual phaseout of residential uses. The TRPA Dornbusch Study did indicate there would be a shortage of commercial floor area at buildout under the current TRPA General Plan.

Reclassify to High Density Residential - This alternative would provide 50% land coverage and residential uses at 15 units per acre. It would not permit any commercial or tourist residential uses. This would be compatible with the existing lot density (11 lots per acre) and the land use district on the south side of Brockway Vista.

Recommendation

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

9/30/80
MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Lead Agency Designation for the Nonattainment Air Quality Plan

The U.S. Environmental Protection Agency has issued a notice of proposed rulemaking on the Tahoe Air Basin Nonattainment Area Plans. Satisfactory compliance with conditions of approval outlined in the Nonattainment Plans is currently scheduled for January 1, 1981, and failure to satisfy the conditions of approval would result in mandatory sanctions regarding Federal funding for highways and sewage treatment capacity.

EPA's proposed rulemaking on the Nonattainment Air Quality Plan emphasizes the need for a bistate planning program; and, in discussions with EPA, Nevada, California and local governments, these entities have indicated they would be receptive to TRPA's designation as the lead agency for air quality planning in the Tahoe Basin, particularly in view of the pending revised bistate compact.

On October 8, 1980, the Advisory Planning Commission voted unanimously to support TRPA's designation as the lead agency for air quality planning, and the staff would recommend that the Governing Body take similar action.
TAHOE REGIONAL PLANNING AGENCY

DATE: October 14, 1980

TO: The TRPA Governing Body

FROM: The Staff

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

A meeting is scheduled to take place on October 14 to be attended by Roland Westergard, Phil Overcynder and representatives from EPA and the California Water Resources Control Board. A report on the status of the California Water Resources Control Board's 208 Plan adoption and position with regard to continued 208 planning by TRPA will be presented on October 22.

ALTERNATIVES

1) Submit Existing Plan (Request Cal/Nev. to Certify & ask for EPA approval)

2) Take best shot at plan revisions to bring two plans together

3) Continue to attempt to resolve jurisdictional question over w.q. Planning - i.e. - Congressional testimony
MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Activities Exempt from the Definition of a "Project" and Projects Exempt from EIR Requirements

A discussion on the subject item was scheduled for the October 8, 1980 Advisory Planning Commission meeting but due to the number of items on the agenda the meeting was adjourned to a regular adjourned meeting on October 16, specifically to discuss and prepare a list of projects exempt from EIR requirements. A report on the results of that meeting will be presented on October 22.
MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Tahoe City PUD, Star Harbor Athletic Fields

According to Bruce Shindler of the Tahoe City PUD, the Lahontan Regional Water Quality Control Board approved the subject project on October 9, 1980. The scope of the project has been significantly reduced from the TRPA approved two ball fields and one soccer field to one ball field and one soccer field. The originally approved parking lot of 40 spaces has been reduced to 8 spaces. Mr. Shindler has also indicated that the State Water Resources Control Board has requested that this project be brought before it.

As of this date, it appears the project has not quite completed the review process, and Agency staff review of the final construction drawings would be premature. Therefore, without such review, the conditions of the TRPA approval have not been satisfied and the TRPA stop work order remains in effect.
MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Summit Village Master Plan

Agency staff indicated at the August Governing Body meeting that a three part master plan would be presented to the Board for a finding of substantial conformance. This finding is made necessary by the fact that there is construction occurring in this "grandfathered subdivision", i.e. driveways, parking areas, and residential units, which Agency staff had no clear evidence was vested.

The status of the three part master plan is as follows:

1. **Number and location of units** - All parties have agreed that the homeowners map accurately represents the final map as to location and density (400 units) of approved units. However, Agency staff finds substantial evidence that some building sites have been constructed beyond the approved density on specific building sites (12 to 20 additional studio units) which causes staff concern over approving such a plan until conformance is assured by all parties involved.

2. **Parking plan** - Agency staff met on the site in September with the parties involved to review the proposed parking plan. A plan has been submitted to SCS, but Agency staff has not received or reviewed the modified plan.

3. **Slope stabilization and drainage plan** - SCS originally indicated that it would target the end of October for completion of a first cut on the plan with a provision that they would try to have something available for the October Governing Body meeting. It appears that SCS will not be able to meet this timetable.

**Recommendation**

Agency staff recommends the Governing Body set a deadline of the December 17 meeting to have a master plan submitted for TRPA review.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: October 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: First Reading of Ordinance Amending the Regional Plan

The following ordinance reclassifies the property known as the South Shore Marina (Tahoe Keys) from High Density Residential to General Commercial with coverage limited to 70%. This General Plan amendment was approved by the Governing Body on September 24, 1980.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 80-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN
OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A"
TO ORDINANCE NO. 22, BY ADDING PARAGRAPH 100 THERETO, TO CHANGE
THE LAND USE DISTRICT APPLICABLE TO CERTAIN REAL PROPERTY

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

Section 1.00 Findings

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

Section 2.00 Change In Land Use District

Exhibit "A" to Ordinance No. 22 of the Tahoe Regional Planning Agency, as
amended, is hereby amended by adding thereto new paragraph 100 to accomplish
a change in the applicable land use district, which paragraph shall read as follows:

"100. All that certain real property situate in the City of South Lake Tahoe, County of
El Dorado, State of California, more particularly described as follows: All that
real property situate in Sections 4 and 5, T12 N, R18E, MDB&M. Beginning at a
point from which the southeasterly terminus of that certain course described as
North 37 degrees 27 minutes 00 seconds West, 1075.00 feet in that certain
instrument exercised by Dillingham Corporation of California to City of South
Lake Tahoe recorded November 3, 1966 in Book 810 Page 715 Official Records
bears the following two courses: (1) South 52 degrees 33 minutes 00 seconds West,
316.00 feet; and (2) South 37 degrees 27 minutes 00 seconds East, 190.00 feet distant;
thence from said point of beginning North 37 degrees 27 minutes 00 seconds West,
150.00 feet; thence North 52 degrees 33 minutes 00 seconds East, 297.50 feet; thence
South 37 degrees 27 minutes 00 seconds East, 830.00 feet; thence South 52 degrees
33 minutes 00 seconds West, 297.50 feet; thence North 37 degrees 27 minutes
00 seconds West, 830.00 feet, to the point of beginning, which property is made
up of four parcels identified by the El Dorado County, California Assessor as

Said described property is reclassified from High Density Residential to
General Commercial with the limitation on land coverage to be 70% of the land
area as calculated in Section 8.22 of the Land Use Ordinance."

Section 3.00 Severability

If any part or provision of this ordinance, or the application thereof to any person,
thing or circumstance, is held invalid by a court of competent jurisdiction, such
invalidity shall not affect the parts, provisions or application, and to this end the
parts and provisions hereof are severable.