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

NOTICE IS HEREBY GIVEN that on September 24, 1980, at 9:00 a.m.,
at the California Room of the Cal-Neva Lodge, located in Crystal Bay,
Nevada, the Governing Body of the Tahoe Regional Planning Agency
will conduct its regular meeting. The agenda for said meeting is
attached to and made a part of this notice.

Dated: September 12, 1980

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

California Room of the Cal Neva Lodge
Crystal Bay, Nevada

September 24, 1980 9:00 a.m.
September 25, 1980 9:00 a.m.

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

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V SPECIAL REPORT

Status of Tahoe Regional Planning Compact Amendments

VI GENERAL PLAN AMENDMENT

South Shore Marina (Tahoe Keys), General Plan Amendment to Reclassify Four Parcels Totaling 5.67 Acres from High Density Residential to General Commercial, City of South Lake Tahoe

VII PUBLIC WORKS

Incline Village General Improvement District, Water Distribution System Improvements, Water Tank Addition, Washoe County

VIII AGENCY REVIEW

A. Heavenly Valley North Parking Area, Modification of Prior Approval to Permit Bus Parking and Designation as a Local Public Road, Douglas County

B. Discovery II Jet-Powered Boat, Variance Under Sections 19.00 and 20.00 of the Shorezone Ordinance, Inland Water Speed Record, Douglas County

C. Caesar's Tahoe (Park Tahoe), Finding of Substantial Conformance to Permit Covered Swimming Pool, Douglas County

D. Tahoe Shores, Tentative Map for 186 Condominium Units and an Administrative Permit for a 54 Unit Apartment, Washoe County

E. Village Center Condominiums, Tentative Map for 20 Units, Washoe County

F. Tahoe Pine Villas, Tentative Map for 8 Condominium Units, Washoe County

G. Ski Way Villas, Tentative Map for 9 Condominium Units, Washoe County

H. Southwoods of Tahoe, Tentative Map for 12 Condominium Units, Washoe County
I. Hansen & Perry Development, Tentative Map for 109 Condominium (Interval Ownership) Units, (Club Tahoe Phase II), Washoe County

J. James Fernhoff, Variance to Allow Additional Land Coverage, Douglas County

K. 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

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

M. Pinewood, Show Cause Hearing and Possible Modification to Previous Approval of a 24 Unit Apartment, Washoe County

N. Mt. Brook Station, Show Cause Hearing and Possible Modification to Previous Approval of 64 Unit Apartment, Washoe County

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

IX REPORTS

A. Enforcement

1. Tahoe City Public Utility District, Star Harbor Athletic Fields, Placer County
2. Other

B. Status of Research on Pending Litigation to Establish Planning Authority for the Tahoe Basin

C. Executive Session

D. Executive Director Report

E. Legal Counsel Report

F. Governing Body Members

G. Public Interest Comments

X ORDINANCES

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

XI RESOLUTIONS

XII PENDING MATTERS

XIII CORRESPONDENCE

XIV ADJOURNMENT

CONSENT CALENDAR

Item Recommendation
Fairway Pines, Modification of Condition of Approval, Washoe County Approval
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Fairway Pines
Modification of a Condition of Approval
Washoe County

Location and Description

The applicant, Larry Harris, representing Fairway Pines is requesting approval of a modification to one of the conditions of the Governing Body's approval granted March 28, 1979. The 48 unit condominium project is located on the northeast corner of Village Boulevard and Harold Drive in Incline Village, Nevada. The applicant is requesting that condition 13 be modified to allow until March 28, 1982 for completion of the project. Condition 13 currently requires completion of the project by March 28, 1981. The applicant is requesting a one year extension.

Reason for the Request

The submittals accompanying the application state that the principal reason for the request is the time delays in commencing construction resulting from the need to negotiate a new loan after the original lender withdrew financing due to the tightening of credit associated with the increase in interest rates this past year. Alternative financing was arranged by September, 1979. Due to the onset of winter and the financing limitations imposed by the lender, only six units were started in 1979. The lender's continued participation was tied to sales of the units which also were minimal due to economic conditions. In the past few months, sales of the units has increased and the lender has guaranteed continued financing to build out the project.

All required onsite improvements including water, sewer and power have been completed. The access road to all 48 units has been completed. Improvements associated with the individual units have been completed on those units already constructed.

Recommendation

Agency staff recommends the Governing Body find that substantial work has commenced on the project and approve the request for a one year extension of the completion deadline to March 28, 1982.
South Shore Marina (Tahoe Keys)
General Plan Amendment
City of South Lake Tahoe

Amendment Request

The applicant, Ray Carreau, is requesting an amendment to the TRPA Land Use District Map to reclassify four parcels totaling 5.67 acres from High Density Residential (HDR) to General Commercial (GC). The amendment is proposed in order to recognize the existing marina as a conforming use under the TRPA Land Use Ordinance and thus permit the continuation and improvement of the facility.

This application is a conditional requirement of an August 1979 TRPA permit for the unauthorized construction of boat slips and a travel hoist.

Property Location and Description

South Shore Marina is located off Venice Drive in the eastern portion of Tahoe Keys in the City of South Lake Tahoe. The 5.67 acre marina (El Dorado County Assessor Parcel Nos. 22-210-09, -14, -15, and -20) is located on the interior lagoon system of the Tahoe Keys with access to the lake via the east channel. The land-based facilities consist of restaurants, shops, realty office, boat storage and repair facilities, boat launching, 3 apartments, and improved and unimproved parking. The water-based facilities include 257 boat slips of differing sizes which extend beyond the property boundaries.

The site abuts undeveloped fill land on the east and south sides and lagoons on the west and north sides. Across the lagoons to the west are numerous condominium units.

Local Zoning

The City of South Lake Tahoe zoning for the subject site is General Commercial (GC). The TRPA and CTRPA land use classification is High Density Residential (HDR).

Land Capability

The TRPA land capability maps indicate the soils on this property to be man-modified (fill) and are designated 1B, permitting 1% land coverage. Although similar soils in the Tahoe Keys were found to be man-modified and permitted 30% land coverage, the parcels in question were not included in that June, 1980 Governing Body determination.

Since the existing land coverage on the site is 87.7% and the applicant's requirements for the commercial facility far exceed the maximum 30% permitted, the processing of a land capability challenge for a man-modified area would not resolve the land coverage problem. The General Commercial land use district, which the applicant is requesting, permits coverage overrides up to 70% if specifically indicated in the ordinance effecting such reclassification.

Impacts

The proposed reclassification to General Commercial would eliminate residential uses as a permitted use and permit all commercial and tourist residential uses. In the short
term, it would recognize the existing marina and accessory uses as conforming uses and permit substantial modifications to the facility and permit substantial modifications to the facility in the long term, if approved by the Agency. However, the applicant has submitted a master plan map for the site which indicates no substantial modifications are anticipated for the site.

Analysis

Upon review of this application, Agency staff has identified several concerns as follows:

Conflict With TRPA General Plan and Elements - The TRPA General Plan Map as defined on the 1"=400' scale maps indicates the subject and surrounding properties to be most suitable for high density residential uses. This statement was made in spite of the fact that the marina existed prior to the adoption of the TRPA General Plan in 1972. The later Conservation, Recreation and Open Space Element adopted in 1973, however, recognizes the subject marina as a "major marina". The adopted element further indicates that future expansion of marina services should be at such designated marinas.

Comment - Except for maintenance dredging problems associated with the sandy shelf of the South Shore, this man-modified area would appear to be an ideal marina area because of its good land access, level backshore, sheltered harbor, substantial improvements, and connection to a water treatment system.

Excessive Land Coverage - The second concern directly relates to the size of the marina. The facility has been allowed to develop to an extent that the parking and boat storage areas are not adequate for the facility even at 87.7% land coverage. The land capability system permits only 1% land coverage and, at best, 30% if a land capability challenge recognizing the area as man-modified is approved.

Comment - If the reclassification to General Commercial is approved, the Land Use Ordinance provides that the allowable land coverage can range from that allowed under the land capability system (1%) to 70%. The Agency's options are 1) to approve the General Plan amendment with nonconforming land coverage; 2) to require the applicant to reduce the scale of the project to achieve more open space; or 3) to require the applicant to include additional undeveloped land as open space to be included in the project area.

Limits of the Project - The applicant has extended boat slips to the north beyond the property boundaries and beyond the limits of the proposed General Commercial zone. Also, the applicant and his customers have continued to use Venice Drive and lands owned by others to the south as boat and trailer storage areas.

Comment - If the applicant intends to use lands other than those included in this request, the application should be so modified as to include those areas.

9/2/80
Conflicts in Permitted Uses - The 3 existing apartment units are at present the only conforming uses. With the proposed General Plan amendment, they and any other residential use (such as boat slips for residential use) will be nonconforming.

Comment - It is staff's intent to pursue the nonconforming use provisions of the TRPA Land Use and Subdivision Ordinances to the fullest extent possible.

Recommendation

Agency staff recommends the applicant's request to reclassify the marina from High Density Residential to General Commercial be approved with a 70% land coverage limitation. This recommendation is made only to recognize existing uses as conforming. Any further expansion of the marina would require conformance with the land coverage limitations. Conformance could be achieved by a reduction of land coverage within the site or by acquisition of additional lands recognizing the coverage limitations associated with such property.

Advisory Planning Commission Action

At a September 10, 1980 public hearing on the requested reclassification, the APC voted unanimously (with 1 abstention) to approved the change from High Density Residential to General Commercial as recommended by staff. Testimony was heard from representatives of the homeowners in the area who basically did not object to the reclassification but were concerned about hidden costs should the marina wish to expand its operation. The costs cited were maintenance of retaining walls, lagoon walls, and bulkheads. Concern was also expressed about increased pollution of the lagoons from boat-cleaning operations. The homeowners had agreed previously to work with the marina operator to resolve any problems which might arise from future marina expansion. Staff advised that any such expansion would be reviewed by staff keeping in mind these concerns.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Incline Village General Improvement District
Water Distribution System Improvements
Washoe County

Summary

The applicant, the Incline Village General Improvement District (IVGID), is requesting approval to construct an additional 250,000 gallon water storage and distribution tank in Incline Village, Nevada. The new tank is proposed to be located adjacent to an existing water tank on the Ski Incline property which is of equal size and capacity to the proposed tank. The added tank would augment the existing fire protection capacity in the area. The North Lake Tahoe Fire Protection District has indicated that, due to the construction of the Bitterbrush project, inadequate fire protection flow would be available in the area without the new tank. This new tank will provide both domestic and fire protection water flows to Bitterbrush.

Project Description

The new tank will be located adjacent to the existing tank at an elevation of 7370 feet on the Ski Incline ski area property. Water is currently pumped from Incline Creek up to the existing tank through a pump station located adjacent to Ski Way. The new tank will be constructed to the same dimensions as the existing tank and will be located at the same elevation. The new tank will be connected to the existing transmission main and will be interconnected to the existing tank so that water level in the two tanks will always be equal. No additional piping, controls or pumping facilities are anticipated. Access to the site will be over an existing graded road. No improvements or modifications to the existing road are proposed.

Existing Environmental Setting

The proposed tank site is located on the divide between the Incline Creek sub-basin and the Mill Creek sub-basin. Since the tank site is located on the divide between the sub-basins, there is little watershed area tributary to the site and little potential for substantial concentration of surface runoff. The tank site is not within a stream environment zone.

The proposed tank site is presently vacant with a scattered stand of Ponderosa pines with a diameter ranging from 6" to 36". The limited understory vegetation is primarily grasses, probably induced by the existing water tank. The land surrounding the project contains limited facilities associated with the ski area. The development of the ski area has resulted in the clearing of trees and understory vegetation for ski lifts and runs.

Land Capability

The land capability designation is CaF, Cagwin rock outcrop, 30-50% slopes, land capability level 1, allowable land coverage 1%. The proposed tank site is relatively flat. There are no geologic fault zones identified in the area. The amount of land coverage associated with this project is within that allowed on the ski area property.

9/12/80
Slope Stabilization

The applicant has submitted a permanent slope stabilization plan to the Agency. Areas disturbed by the construction activity will be revegetated. All cut and fill slopes will be rock riprapped at a 2:1 ratio. Graded areas forming the tank apron will be rock-surfaced and graded to connect with the proposed drainage system. The plan includes stabilization for both tanks.

Drainage

The drainage plan submitted proposes placement of an infiltration trench around the perimeter of the new tank. Overflow from this trench will be directed through the rock apron into a drainage swale and into another set of infiltration trenches. Drainage devices have also been included for the existing tank.

Incline Creek Diversion

Water for the two tanks will be diverted from Incline Creek. The allowable diversion rate according to the IVGID water report is 2 cfs (cubic feet per second). Assuming a continuous diversion rate year round, the maximum diversion would be 1,440 acre feet per year. The calculated maximum diversion is not practically achievable due to seasonal alterations in the stream. IVGID estimates that the practical maximum diversion is 1,000 acre feet (AF) annually. The estimated diversion for the calendar year 1978 from Incline Creek was 240 million gallons, or 736 AF. Assuming a continuous diversion, the rate is approximately 1.02 cfs. A 250,000 gallon tank has storage capacity of .765 AF. Increased diversion rates could have an effect on fish migration and spawning patterns all along Incline Creek. The placement of this tank will not substantially increase the existing quantity of water diverted.

Due to the problems of high and low stream flow and turbidity, diversions from Incline Creek are irregular with the diversions being periodically discontinued. IVGID has proposed to make a thorough study of methods to upgrade the existing diversion and treatment facilities to cover all flows. The District also proposes the placement of a permanent Parshall flume structure for measuring year round stream flows. Agency staff would recommend that the proposed study for Incline Creek be undertaken immediately and that all proposed improvements be reviewed by the Nevada Department of Fish and Game.

Advisory Planning Commission Action

On September 10, 1980, the APC approved the project with two modifications to the staff recommended conditions of approval. These revised conditions are recommended conditions numbers 1 and 2.

Recommendation

Agency staff recommends approval of the subject project subject to the following conditions:

1. The Incline Village General Improvement District, in conjunction with the Nevada Department of Fish and Game, shall conduct a study of minimum flow rates necessary in Incline Creek for maintenance of fishery and wildlife habitats and

9/12/80
the resulting minimum flows shall be met by IVGID at all times in the future. The study report shall be completed and submitted to the Agency by October 1, 1981.

2. IVGID shall, through ordinance or other means, require that Ski Incline not be allowed to encroach into fire flow storage for the process of snowmaking.

3. 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.

   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.

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

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

   b. Installation of fencing for vegetation protection.

   c. Installation of temporary erosion protection devices.

   d. Prior to the removal of spoil 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.

9/12/80
i. Completion of structures.

j. Paving.

k. Landscaping and revegetation.

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

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

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

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

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

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

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

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

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

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

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

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

18. This approval becomes invalid if a local government permit for this project expires or willserve letters are cancelled.

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

20. The maximum land coverage on the site after completion of the project shall not exceed 53,000 sq. ft.

21. 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.
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
Heavenly Valley North Parking Area
Modification of Prior Approval to
Permit Bus Parking and
Designation as a Local Public Road
Douglas County

Summary
The applicant, Heavenly Valley Ski Area, is requesting approval of a modification to the Boulder parking lot in Douglas County, Nevada. The modification is to allow a bus parking area with additional land coverage and the designation of a local public road.

Subject Proposal
The reconfiguration is being proposed to provide an area for ski bus turnaround and ski tour bus storage and to accommodate a new parking plan. Also drainage and erosion control measures required by earlier approvals are proposed.

Required Permits
To allow the subject proposal, the Agency must approve the following permits:

1. An administrative permit under Section 9.12(3)(c) to allow replacement of nonconforming land coverage; and

2. An administrative permit under Section 8.25(4) to allow additional land coverage based on a finding that a "local public road" traverses the Boulder parking lot.

Local Public Road
The applicant is requesting that a 60 foot wide easement providing access to the Nevada Pines Association property be designated a local public road and be credited concerning land coverage. The Agency in other actions on local roads has given credit for those portions of a road that are subject to repeated use and benefit properties other than that owned by the applicant. Agency staff can make the required findings that the subject road is a local public road, but staff questions designating the entire 60 foot width a local road. Portions of this easement are driveway and other parts are parking. The driveway is 30 feet wide; the balance is Heavenly Valley parking. Areas used by Heavenly as patron parking do not meet the standards for local road and should not be so designated. Therefore, staff has proposed to recognize a 30 foot wide portion of the easement as a local public road and allow coverage for this portion to be calculated as the linear length times 15 feet. The coverage discount allowed is 50% of the coverage created by such road. Coverage discounted by this section is not transferable to other portions of the property.

9/17/80
Replacement of Nonconforming Land Coverage

The Land Use Ordinance allows replacement of nonconforming land coverage if certain circumstances exist and if the required findings can be made. The amount of allowable land coverage in the Tourist Commercial area is 141,250 square feet. The existing amount of land coverage is 168,700 square feet. With the credit allowed for the local public road designation, the amount of allowable land coverage is 148,375 square feet. The local road designation allows the amount of permitted land coverage to be increased equal to the amount being designated as a local road. Staff has proposed to allow a 15 foot width to be credited. Utilizing this calculation, the permitted land coverage for the Heavenly Valley Boulder parking lot is 148,375. The applicant’s information report indicates that the total proposed land coverage is 176,892. Therefore, based upon the requirements of Section 9.21(3) of the Land Use Ordinance, this proposal is not in compliance. To be in compliance based upon the proposed design, the applicant must remove an additional 28,517 square feet of existing land coverage.

Stream Environment Zone

The Boulder parking lot is located in an area which was historically a stream environment zone. Construction of the parking area prior to TRPA ordinances involved substantial grading, blasting and placement of fill in the former stream drainage. Fill material was also taken from the stream environment zone which exposed a high groundwater condition on portions of the site.

The proposed bus turnaround and storage area is located within a substantially modified area which may have previously existed as a stream environment zone. The present extent of the stream environment zone has been defined by the applicant with Agency staff’s concurrence. No encroachment or pavement will be placed in those areas identified as stream environment zones and the subject area is not subject to the seasonably high groundwater of adjacent areas. A fifty foot setback from the stream channel will be maintained.

Storm Drainage and Hydrology

The applicant proposes to place drop inlet structures and to include sediment detention basins for runoff from paved surfaces. A revised erosion control and parking plan has been submitted which reflect these modifications. Presently, paved areas to be converted to open space would be utilized for snow storage and infiltration.

Compliance With Existing Approval

The area proposed to be paved for the bus turnaround and storage area is designated on the approved plans as an area to be converted to open space and revegetated and barriers were to be provided to prevent vehicular access. During the first year’s operation of the Boulder Lodge, the subject area was sometimes utilized for parking. Requests by Agency staff to comply with the approved plans and eliminate parking were honored by the applicant, but the area has not been revegetated and is presently graveled.

9/17/80
Staff recommends that the findings necessary to designate a local public road be made with the stipulation that the designation applies to only a 30 foot wide strip of the 60 foot wide easement.

Based upon the design submitted Agency staff further recommends that the request for replacement of nonconforming land coverage be denied since the proposal is not in conformance with the requirements of Section 9.21(3) of the Land Use Ordinance.
Application Type: Variance on Section 19.00 of TRPA Shorezone Ordinance

Applicant: Lee Taylor
           16101 Construction Circle West, Unit C
           Irvine, California 92714

Owner: U. S. Discovery II, Inc.
       Broadway Executive Park, 6601 North Broadway
       Oklahoma City, Oklahoma 73116

Project Location: Douglas County, Nevada

Review Per Section: 19.00 and 20.00, Shorezone Ordinance

Project Description: The applicant proposes to break the world inland waterspeed record, which is currently held by an Australian (317.61 mph). To attempt this record, the applicant would need a variance to Section 19.00(1) of the Shorezone Ordinance which limits the noise levels from boats.

The applicant proposes to attempt to break the record in a 40 foot jet powered boat, "The Discovery II" on a course approximately one mile off the shore of Lake Tahoe.

The applicant proposes to attempt to break the record on Lake Tahoe because it is the highest lake with a size suitable for the safely running of a sanctioned course. The altitude would be critical for performance of the aerodynamics of the boat design and with the pressurized fuel used.

The course is approximately between Cave Rock and Deadman's Point. The applicant will use the launching facilities at Cave Rock for entry and exit. During the run, two temporary timing balloons attached to buoys will be placed one kilometer apart running south to north as required by the American Power Boat Association, who is officiating the record attempt. There will be approximately 12-20 boats and a back-up crew of 30 people that will monitor the event in conjunction with U. S. Coast Guard.

The fuel used with the boat is H₂O₂ Hydrogen Peroxide. The spent fuel exiting out of the exhaust will be 40 percent O₂ Oxygen and 60 percent steam, a non-pollutive emission.

The applicant proposes to attempt the record in early November between 7 a.m. and 11 a.m. PST when conditions permit. The entire run will last approximately 30 seconds.

All test runs have been done at Walker Lake, Nevada. The applicant proposes that the variance be only for the record run at Lake Tahoe, and not for testing purposes.
Recommendation: Agency staff recommends that a permit be conditionally approved under Section 20.00 of the Shorezone Ordinance for this application. The recommended conditions of approval are:

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

2. There shall be no disturbance to the shorezone during entry and exit of the craft.

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

4. The applicant and owner shall be responsible for cleanup of any waste and debris that should occur in the lake in conjunction with the project.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Caesar's Tahoe (Park Tahoe)
Finding of Substantial Conformance to
Permit a Covered Swimming Pool
Douglas County

Project Description

Caesar's Tahoe has submitted plans for a swimming pool cover with a request for a
determination on conformance with previous TRPA approvals. The hotel casino proposes
to construct a building to cover the approved swimming pool area located behind the main
casino and adjacent to the recreation building. The proposed rectangular structure
(130' x 97') will have a floor area of approximately 13,000 square feet and a building
height of 21 feet, including the skylight. The facilities to be included in this single level
structure are two swimming pools and waterfalls, restrooms, bar and lounge, and pool
equipment room.

Analysis

Conformance With Previous TRPA Approvals

June, 1973 - The plans submitted indicate an open swimming pool to be constructed
at the location currently under consideration.

June/July, 1978 - Plans including an open swimming pool were found to be in
substantial compliance with the 1973 approval. Also approved was a modification to
the parking plan which showed the previously approved pool site to be used as
temporary parking.

September 9, 1980 - Plans were submitted to TRPA showing landscaping
modifications, a chiller building and a pool cover structure. These plans were
found by staff to be in substantial conformance, with the exception of the pool
cover which was deleted from the finding.

Conformance With TRPA Ordinances

The proposed pool complex is a permitted use in the Tourist Commercial Land
Use District. The most recent landscaping plans (September, 1980) indicate that
the subject project utilizes only 45.7% of the permitted 50% land coverage, and
the proposed structure would not alter the existing land coverage as currently
calculated. The proposed building height of 21 feet is well within the permitted 40
foot height limitation. Staff cannot foresee any significant external impacts on
traffic, air quality or water supply resulting from this proposal.

Conformance With Douglas County Approvals

A letter from Andrew Burnham, Douglas County Planning Director, indicates
the pool cover was not a part of the original approval, and it was his opinion
that the proposed structure would not require an administrative permit based
on findings that there would be no increase in land coverage, and the facility
would be for the exclusive use of hotel guests and would therefore not increase
public area.

9/17/80
Conformance With NTRPA Approvals

The applicant has not submitted any documentation that the project is in conformance with previous NTRPA approvals or would require NTRPA review.

Conformance With Proposed Bistate Compact Amendments

The status of this proposed modification is unclear at this time since the staff has not had the time to thoroughly review the proposal against the recent legislation enacted by Nevada.

Summary

The Agency staff finds that, under previous approvals by TRPA, a swimming pool was approved for this project in the proposed location. TRPA staff concurs with the Douglas County planning staff that no cover was approved but that the proposed cover would not be a substantial modification to the previous approvals under the current TRPA ordinances. However, the staff does have a concern that the increase in cubic volume of building area associated with this project may have substantial impacts on limitations on cubic volume as provided in current Nevada State law and in the proposed bistate compact.

Recommendation

The Agency staff recommends that the determination on substantial conformance be continued to the October Governing Body meeting at which time the Agency will also be reviewing an administrative permit for Caesar's to incorporate the old First National Bank site into its parking area. This will give staff time to research the impacts of the recent legislative acts with regard to this project.

9/17/80
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 17, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Tahoe Shores, Tentative Map for 186 Condominium Units and an Administrative Permit for a 54 Unit Apartment, Washoe County

Project History

On July 31, 1979 the Tahoe Shores application for approval of a tentative map for 272 condominium units and an administrative permit for a 54 unit apartment including a recreation complex were submitted to TRPA with a request for action by the Governing Body in September. Because of the proximity of the project to the stream environment zone, the total number of condominium units was reduced from 272 to 268.

By letter dated September 13, 1979, the staff was advised that the Washoe County Board of Commissioners took action to defer consideration of the Tahoe Shores application to October 23, 1979, and that future meetings would be held with Incline Village General Improvement District officials in an attempt to explore the water and sewer situation at Incline. Because TRPA does not consider an application complete until local approval has been granted, the County’s action to defer the project essentially kept it from TRPA consideration.

On October 23, 1979, the Washoe County Commissioners approved the project for 268 condominium units and 54 apartment units. The project was later revised to delete 82 condominium units; this revised tentative map for 186 condominium units was approved by Washoe County on December 11, 1979.

On December 19, 1979, the Tahoe Shores project was presented to the Governing Body and was denied without prejudice because of unresolved problems with water availability, sewage treatment capacity and traffic in the Incline Village portion of Washoe County. The applicant was advised at that time that he could resubmit the project for consideration at the February, 1980 meeting with a waiver of the filing fee.

After submitting the project for the February agenda, the applicant requested that the project be delayed to the March meeting. On March 26, 1980, the project was denied without prejudice because of the still unresolved problems with water, sewage and traffic (see attached staff summary and recommendation).
On August 15, 1980, the project was resubmitted for the September Governing Body agenda. On August 27, 1980, after a presentation by Kermit McMillin, of the Incline Village General Improvement District, the Board found that the situation in Incline had not substantially changed since March. The applicants for the six pending projects in Washoe County which had been denied without prejudice in March, 1980, and which had resubmitted for the September, 1980 Governing Body agenda were notified of the Board's finding and were asked to submit any new documentation to the staff which might be relevant and which might indicate the concerns previously expressed had been satisfactorily resolved.

On September 13, 1980, the Nevada Legislature approved and Governor List signed a revised Tahoe Regional Planning Compact which is to take effect upon ratification by Congress. Effective immediately, however, is a provision (Article VIII, Section 2) which temporarily prohibits Nevada State or local agencies from approving new subdivisions. Although the five other projects have requested to be withdrawn from the agenda, the Tahoe Shores representative has asked that the project be kept on the agenda.

Status of Water Supply Sewage Treatment and Traffic Problems

The applicant has submitted the attached letter indicating disagreement with the Agency finding that the three issues which led to denial of the project have not been adequately resolved.

Traffic Impacts - Agency staff would concur that recent traffic counts have been lower than projected in 1979 when the project was initially reviewed and that adjustments to the traffic analysis may be warranted. However, these traffic volume reductions have been relatively short term and are likely attributable to rising gasoline prices and limited availability. Experience has shown similar short-term occurrences of reduced traffic volumes for short time periods following the 1973 Arab oil embargo. The long-term trends in traffic increases on State Route 28 have been relatively unaffected by these short-term events. As indicated in the attached letter, Washoe County has contracted with Summit Engineering to thoroughly analyze the transportation problems in Incline Village and make specific recommendations for needed improvements. Final action on this project should be contingent upon completion of this analysis, particularly in view of the current status of water supply and sewage treatment problems which have not been resolved to the Agency's satisfaction.

Water Supply and Sewage Treatment - The status of water supply and sewage treatment remains the same as presented by Kermit McMillin at the August, 1980 Governing Body meeting. At that time, the Governing Body made a finding that there had not been a substantial resolution of these problems.

Recommendation

In view of the August, 1980 Governing Body finding that the situation in Incline is still unresolved with regard to water and sewage treatment and because the information currently available would not permit the findings necessary under the Subdivision Ordinance to be made, staff recommends that the Tahoe Shores tentative map and administrative permit be denied. This action would be consistent with the recent action by Nevada to impose a temporary moratorium on new subdivisions.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Tahoe Shores
Tentative Map for 186 Condominium Units and
Administrative Permit for a 54 Unit Apartment
Washoe County

Agency Action Required By: March 26, 1980

Name of Owner: Mansel & Patricia Ocheltree

Project Description and Location

The applicants and Tahoe Shores, Incorporated, are requesting approval of a tentative
map for 186 condominium units and an administrative permit for a 54 unit apartment. The
project consists of a west and east side as follows:

1. West Side – 132 condominium units and a recreation complex located
on 34.83 acres on the west side of Country Club Drive and bounded by
Incline Way and Tahoe Boulevard in Incline Village.

2. East Side – 54 unit apartment complex and 54 condominium units on
9.25 acres bounded by Tahoe Boulevard, Country Club Drive and Mill
Creek Road (see Figures 1a and 1b for location).

Land Use Classification

The project site is classified as Tourist Commercial and Recreation by the Agency. The
west side of the project consists of 9.91 acres of land classified Recreation and 24.92 acres
classified Tourist Commercial (Figure 1b). The east side contains 9.25 acres classified
Tourist Commercial. The Tourist Commercial land use classification would permit a
variety of uses such as hotel units, multi-person dwellings, multiple residential units, and
limited commercial facilities. The Recreation classification permits such uses as day-use
areas and is to provide for public opportunity for outdoor recreation.

Proposed Uses and Density

The proposed project would create a residential dwelling unit density of 5.3 units per acre
on the west side property and 11.7 units per acre on the east side property (Figure 1b).
The Agency's Land Use Ordinance permits up to 15 dwelling units per acre. The pro-
posed 54 unit apartment complex which forms a 3.6 acre portion of the east side of the
project has a proposed density of 15 dwelling units per acre.

The portion of the project classified Recreation is proposed to be utilized for a recreation
complex including an indoor swimming pool, racquetball courts, three tennis courts, a
parking area for the recreation complex and 36 boat storage garages. The recreation
complex and other open areas would be maintained in undivided common ownership of the
purchasers of condominium units. The recreation facilities would be open to renters of
the apartment units for additional fees. The specific purposes of the Recreation District

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are to assure adequate public opportunity for outdoor recreation. Permitted uses within this district include day-use areas. A day-use area is defined as "land or premises other than Outdoor Amusement Facilities designed to be used by members of the public, for a fee or otherwise, for outdoor recreation purposes on a daily basis."

There are two staff concerns regarding the proposed uses in the Recreation District. First, the proposed boat storage garages are not a specifically permitted use in the Recreation District. In order to permit the proposed boat storage garages as an accessory use in the use district, the Agency must find that the use is appropriate and similar to that classification and consistent with the general purposes. The proposed storage area would be used exclusively for the storage of boats and would not be a commercial facility. It may therefore be appropriate to consider this use consistent with the specific purposes of the district. The proposed boat storage garages would alleviate aesthetic and land coverage problems which are often associated with boat storage in common open space areas of condominium projects.

The second staff concern with regard to use in the Recreation District is that the specific purpose of the district is to provide for public recreation. The facilities are for the use of the homeowners and renters of apartments. Given that there is a limited supply of land classified for recreation use, there are questions regarding whether or not the proposed use would be consistent with the specific purpose of the district. Again, a specific finding that the use is consistent with the specific purposes of the district is necessary if the Governing Board finds the use to be "public" in nature.

Existing Land Use

The project site (see Figure 2a) is bounded to the west by the Incline Village Park (see site plan included in agenda item V C.), which would adjoin the proposed recreation complex for use of residents of the project. The site is bounded to the northwest by a high-density housing project which would adjoin the proposed boat parking garages but would be well buffered by Incline Creek from any proposed condominium units. The project is adjacent to a commercial project currently under construction to the north of the proposed west side condominium units. The proposed apartment units would be the closest units to Tahoe Boulevard (Highway 28) but would be buffered from the highway because of topography. The apartment units are also adjacent to a motel to the west and residential development to the east. Commercial uses and a hotel-casino adjoin the project to the southeast across Country Club Drive and Incline Way. The project is so designed to minimize conflicts of residential uses with any surrounding more intense uses.

Land Capability and Allowable Coverage

The majority of the project is classified Inville stony coarse sandy loam, 2 to 9% slopes, land capability level 6 with an allowable land coverage up to 30% under the recommendations of the land capability system. A very small portion of the east property located near Tahoe Boulevard is classified as Umpa, very coarse sandy loam, 15 to 30% slopes, land capability level 3 with an allowable coverage of only 5%. However, that portion of the site classified as Tourist Commercial is allowed up to 35% impervious surface coverage if used for residential purposes under the terms of the Land Use Ordinance.

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Proposed Land Coverage

The proposed land coverage fully conforms to the requirements of the Land Use Ordinance. The total coverage on the site would be 28.9% after development.

Grading and Clearing

Both the east and west side properties have a relatively uniform stand of coniferous trees with an understory primarily consisting of manzanita. The west side property is bisected by Incline Creek. The stream environment zone is well defined and is characterized by willows, alders, and other streamside vegetation. The grading and clearing plan indicates that the site is designed to maintain the stream zone vegetation in its natural state. The proposed recreation complex will be located to take advantage of an open area. The west side condominium units are designed as five separate clusters with adjoining areas of open space which will be retained in a primarily natural state. The east side condominium units follow the contours and are laid out in a row design with a vegetative buffer between the rows of units. The apartment area, the highest density portion of the site, requires larger cleared areas to accommodate the required parking. Overall the site is well planned in order to minimize disturbance to the existing vegetation. Native plant species will be utilized in landscaping disturbed areas around building edges, roadway and parking edges.

Grading proposed for the project site will be minimized by following natural contours for most roadways. The most substantial grading will occur within the apartment complex in order to place the proposed parking areas. Cut and fill slopes will be stabilized with rock rip rap.

Drainage and Hydrology

The applicant has defined the 100 year flood plain for Incline Creek. No encroachment into this area is proposed with the exception of pedestrian pathways and bridges proposed to allow foot traffic to access the recreation center located on the west side of Incline Creek. All units are located behind a 75 foot stream buffer zone which coincides closely with an existing cleared area for a utility easement.

The Inville soils on the site have a high water retention capacity and rapid permeability. Runoff from this soil type is slow to moderate. The storm drainage plan submitted by the applicant proposes to collect runoff from a 2 year-6 hour storm from impervious surfaces and infiltrate those flows on site. Overflow drainage resulting from higher intensity storms will be directed to overflow swales to be constructed in the open space areas between the clusters. Dripline infiltration trenches will be constructed at the base of all structures. The existing roadside ditches along Incline Way, Mill Creek Drive and Country Club Drive are proposed to be retained to maintain drainage past the site. Overflow drainage from the east side property will be directed to the roadside ditch. All roadside ditches will be rock lined to minimize scour and erosion. Agency staff has suggested that drainage which currently bypasses the site through the roadside ditches be rerouted through the site to the stream environment zone to restore natural drainage conditions to the entire site.

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Utility Locations

Utilities are generally proposed to be located within the road sections within unit clusters with the exception of sewer lines. Sewer lines are located to allow gravity flow on the low side of the proposed units. Utility connections between unit clusters minimize the disturbance of common open areas.

Slope Stabilization and Revegetation

Extensive areas of cut and fill are not required because of the relatively gentle sloping nature of the site and the general layout of the project. The applicant proposes to rock rip rap cut and fill slopes. It is also proposed that all roadside ditches bordering the site be rock lined to reduce the erosion occurring in these areas.

The applicant's revegetation plan indicates the use of native plant species in disturbed areas. This will minimize the requirements for outdoor water use.

Protection of Open Space

All open areas will remain in common ownership with the exception of the apartment complex. Maintenance of these areas and other common elements will be shared by the unit owners. Pedestrian paths will link unit clusters and the recreation complex within these areas and should minimize disturbance to natural vegetation. However, the project does not include adequate measures to restrict vehicles from open space areas within high vehicle usage areas such as driveways and parking areas.

Building Height

The east side condominium units will be three stories including a garage under the units and will have a maximum building height of 35 feet from natural grade. The maximum building height for the apartment units and west side condominium units is also 35 feet.

Project Phasing

The project is proposed to be completed in five phases beginning in the spring of 1980 and completion of all improvements by 1984. The phasing would be as follows:

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>-spring 1980</td>
<td>4</td>
<td>36</td>
<td>54</td>
</tr>
<tr>
<td>II</td>
<td>-spring 1981</td>
<td>X</td>
<td>14</td>
<td>30</td>
</tr>
<tr>
<td>III</td>
<td>-spring 1982</td>
<td>22</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>-spring 1983</td>
<td>27</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>-spring 1984</td>
<td>18</td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

As noted above, the proposed 54 unit apartment complex is proposed to be completed during the first phase of construction in order to mitigate any housing impacts relating from the project.
Housing

The applicant has submitted information on demographic characteristics of the Incline Village area as well as housing cost and availability. The proposed project is expected to require 105 employees during construction and 8 employees after completion of the project. The secondary employment generated by the project could result in 186 additional persons employed in the Incline area.

In order to offset the anticipated demand for resident housing, the applicant proposes to construct a 54 unit apartment for moderate income families during the first phase of the project. The proposed one and two bedroom apartment units are proposed to rent for $300 to $350 per month. Information submitted by the applicant indicates that the apartment units would satisfy 5.5% of the need for moderate income housing of Washoe County as projected by the Washoe Council of Governments.

Traffic

The applicant's traffic and transportation analysis indicates that the proposed development will add an additional 5% to the existing inventory of dwelling units in the Incline Village area. Based on trip generation factors, the applicant has projected the traffic impacts of the completed project in 1985 as summarized in the following table:

<table>
<thead>
<tr>
<th>Route Description</th>
<th>1985 Pk Day-Pk Hr (proj)</th>
<th>1985 Pk Day-Pk Hr (total)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Route 28 - Crystal Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 28 from intersection of</td>
<td>76-6 = 0.25%</td>
<td>26800-1700</td>
</tr>
<tr>
<td>Lakeshore Drive to SR 27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 27</td>
<td>135-11 = 1.37%</td>
<td>9880-790</td>
</tr>
<tr>
<td>SR 28 from intersection with</td>
<td>82-7 = 0.36%</td>
<td>22500-1700</td>
</tr>
<tr>
<td>SR 27 to Southwood Boulevard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR 28 from intersection of Southwood</td>
<td>89-8 = 0.41%</td>
<td>21500-1700</td>
</tr>
<tr>
<td>to Village Boulevard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR 28 from Incline Way to</td>
<td>27-3 = 0.13%</td>
<td>21500-1700</td>
</tr>
<tr>
<td>Southwood Drive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR 28 from Southwood to</td>
<td>17-2 = 0.18%</td>
<td>9600-770</td>
</tr>
<tr>
<td>Lakeshore Drive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lakeshore Boulevard from Southwood Drive</td>
<td>33-3 = 0.69%</td>
<td>4770-390</td>
</tr>
<tr>
<td>Drive to Lakeshore Boulevard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR 28 south of Lakeshore Boulevard</td>
<td>50-4 = 0.38%</td>
<td>13000-1040</td>
</tr>
</tbody>
</table>

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The projected traffic increases resulting from the project range from .25% increase on State Route 28 to 1.37% increase on State Route 27. The applicant's traffic analysis concludes that the project would result in only minor impacts and would not adversely affect traffic movement in the area. Mitigating measures for traffic include a $100/unit contribution to establish public transportation, shuttle bus service, construction of bus shelters, intersection improvements at Tahoe Boulevard and Country Club Drive and construction of pedestrian and bicycle pathways.

The comments of the Nevada Department of Transportation (NDOT) are presented in a letter from Don Pray, dated August 31, 1979. The NDOT analysis indicates that service levels on State Route 28 between Crystal Bay and Lakeshore Boulevard will drop from a service level E to a service level F by 1983 and that these conditions will persist from 11 a.m. to 6 p.m. during the peak traffic month. Other roadway segments are expected to experience a similar decline in service levels, including State Route 28 through Incline Village and Village Boulevard at State Route 28. Mr. Pray generally agrees with the traffic projections resulting from the project as presented by the applicant.

The presentation by NDOT at the March 12, 1980 meeting of the APC and summarized in the Incline Village Status Report included in the Governing Board packet indicates that roadway improvements will be necessary to adequately satisfy projected traffic demands in the Incline Village area. The schedule for needed improvements is difficult to project because of the relatively low priority of State Route 28 within the State's primary road network.

### Air Quality

The applicant's air quality analysis indicates that there are no expected violations of State or Federal air quality standards in the Incline Village area. However, the analysis does indicate that the project will contribute to local carbon monoxide concentrations expected at various locations under serious atmospheric stagnation as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum 8 Hour</th>
<th></th>
<th>Peak Hour</th>
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<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Project</td>
<td>Total</td>
</tr>
<tr>
<td>Incline Way</td>
<td>0.19</td>
<td>0.07</td>
<td>0.76</td>
</tr>
<tr>
<td>Country Club Dr.</td>
<td>0.28</td>
<td>0.04</td>
<td>1.10</td>
</tr>
<tr>
<td>Tahoe Boulevard</td>
<td>1.33</td>
<td>0.02</td>
<td>5.21</td>
</tr>
</tbody>
</table>

### Public Facilities and Services

The applicant has submitted will-serve letters from Southwest Gas Corporation, North Lake Tahoe Fire Protection District, Sierra Pacific Power Company and from the Incline Village General Improvement District (IVGID) for water, sewer, and

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solid waste service. IVGID indicates that its ability to provide water and sewer service is contingent upon existing and future water rights and any action brought against the District contesting such rights.

Water Supply and Availability - The applicant estimates that the project will require 59,000 gallons of water per day or 66 Acre Feet (AF) per year. This would equate to .28 AF/unit/year as opposed to average water consumption of .28 AF/unit/year for single family residences in Incline Village. The applicant further states that the projected demands are within the capacity of the IVGID system and that water conservation measures including natural landscaping and water-conserving appliances will be utilized.

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

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

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

Sewage Treatment and Effluent Disposal - Section 10.1 of the Subdivision Ordinance requires that each unit "shall have a connection to a sanitary sewage facility that has the capacity for collection, treatment and export of such sewage
from the Lake Tahoe Basin as required by the Agency and other governmental entities. The ability of the Incline Village GiD to collect and treat wastewater has not been in question; however, as noted in the status report on sewage treatment included in the March, 1980 packet, the continued exportation and disposal of wastewater in the Carson Valley portion of Douglas County is subject to a local ordinance regulating effluent disposal as well as federal and state standards. Although progress appears to have been made by IVGiD in satisfying the requirements of Douglas County with regard to effluent disposal, completion of a "baseline study" is necessary before Douglas County will commit to any waste disposal schemes. Douglas County estimates that this will take from 4 to 6 months to complete. Until the baseline study is completed and the County authorizes a specific form of effluent disposal under the locally adopted ordinance, it appears that IVGiD has not met the requirements of Section 10.1 of the Subdivision Ordinance with regard to export of wastewater in accordance with the requirements of governmental entities.

Transportation - The Agency's Subdivision Ordinance does not provide any specific standards with regard to the service level of the Region's streets and highways. As described in the Incline Village status report, the Nevada Department of Transportation has projected that several locations within Incline Village will be subject to increasing periods of traffic congestion as represented by service levels E and F. Washoe County has recognized this potential problem and has authorized a study to develop a capital improvements program for transportation needs within Incline Village. The results of that study are not currently available and no specific commitments have been made by Washoe County to finance the necessary improvements to eliminate the projected traffic problems.

Local Action

The Washoe County Commissioners approved a tentative map for 268 condominium units and a special use permit for 54 apartments on October 23, 1979. Since that date, the applicant has voluntarily reduced the project density to 186 condominium units and 54 apartments, which is the current application before the Governing Board. The Washoe County Commissioners reheard the project on December 11, 1979 and found the proposed reduction in units to be in conformance with their earlier approval.

TRPA Action On Projects In Incline Village

After consideration of the Third Creek Inn and Condominium project (July 25, 1979), the Governing Board, acting unanimously, directed the staff to prepare a letter to Washoe County "to register a concern that the Agency will not look favorably on individual projects". Tahoe Shores was specifically mentioned during the preceding discussion as a project which would potentially be affected by the Agency's action to forewarn developers in the area. The attached letter of August 3, 1979, was sent to the Washoe County Board of Commissioners prior to any action on the Tahoe Shores project.

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Recommendation

Agency staff recommends that the proposed subdivision and administrative permit be denied without prejudice. This recommendation is based on the analysis of off-site impacts as included in the staff summary and on the recommendations contained in the Incline Village Status Report on Sewage Capacity, Water Availability, and Traffic also included in the March, 1980 Governing Board packet.
Tahoe Shores Condominiums & Apartments
Incline Village, Nevada

ZONING

TC
9.25 acres

TC
24.92 acres

Rec
9.91 acres

North

Figure 1b
August 3, 1979

Washoe County Board of Commissioners
P. O. Box 11130
Reno, Nevada 89520

Attn: John MacIntyre, County-Manager

Dear Members of the Commission:

The Governing Body of the Tahoe Regional Planning Agency at its regular July 25, 1979 meeting directed Agency staff to register with the Washoe County Board of Commissioners an official concern on the part of TRPA regarding future approvals of major projects in Incline Village prior to the satisfactory resolution of two issues that were discussed in relationship to the project known as Third Creek Inn and Condominiums. The two issues are: 1) the potential traffic congestion problems in Incline Village and the lack of approved plans and implementation schedule to improve the major roadways in Incline Village to accommodate suspected increased traffic volumes; and 2) approval by the necessary agencies and Douglas County of the proposal by the Incline Village General Improvement District to modify its present method of disposing of sewage effluent in the Carson Valley.

Please consider this letter as official notification from TRPA of its concern regarding said issues. If you have any questions concerning these matters, please do not hesitate to contact this office.

Sincerely,

[Signature]

James A. Jordan
Executive Director

cc: Regional Planning Commission of Washoe County
Incline Village General Improvement District
Nevada Department of Highways
Douglas County Board of Commissioners
TRPA Governing Body Members
Owen & Rollston, TRPA Legal Counsel
August 27, 1980

Tahoe Regional Planning Agency
Post Office Box 8896
South Lake Tahoe, CA 95731

Attention: Phil Overeynder

Subject: Tahoe Shores Condominiums - Resubmittal of Application

Dear Phil:

In accordance with the request of Mr. and Mrs. Mansel Ocheltree, owners and proposed developers of Tahoe Shores Condominiums, we resubmitted, on August 15, 1980, the application for their project for consideration at the September 1980 meeting of the Governing Body.

In discussions with you and with members of your staff it was determined that documentation supporting resubmittal of the application is complete. If additional information is required to permit comprehensive consideration by your staff, please let me know and I will provide such data as you may request.

Review of the data submitted with the application considered by the Governing Body in March 1980 leads me to conclude that the recommendation contained in Jere Williams' letter of transmittal of the "Information Report, Environment Impact Statement, Vegetation Preservation Report and Land Capability Report" to the TRPA in November 1979 remains valid and pertinent to the current situation. This recommendation stated:

It is our opinion that the project in its revised state (240 units) represents logical utilization of an area within the highly sensitive Incline Village section of the Tahoe Basin. We recommend favorable consideration of this project.

Our present recommendation remains exactly as stated by Mr. Williams in his letter of November 9, 1979.
Environment and development factors as stated in previously submitted documents remain essentially accurate. Minor modifications indicated in this letter will have no adverse bearing on facts previously submitted, however, developments which have taken place since denial of the project indicate amelioration of the factors which led to denial without prejudice and approval of at least one adjoining project in May, 1980, could be considered as a precedent indicating Governing Body acceptance of the adequacy of water, sewer and transportation facilities in Incline Village.

Governing Body denial without prejudice of the Tahoe Shores project recognized the fact that many aspects of the proposal represented a high quality, logical and low density development of an area which had been zoned for more intensive development. Denial was based upon three factors which were unresolved as of the March hearing. The nature of the denial led the developer to believe that reasonably prompt action would be taken by the appropriate jurisdictions to resolve these matters and that the project could be resubmitted within a reasonable period of time. Favorable and unresolved considerations are listed below, and the developer is of the opinion that a decision by the Governing Body is appropriate at this time since he feels that the six month period between denial without prejudice and the rehearing of the matter has provided sufficient time for action by the appropriate agencies and jurisdictions.

**Favorable Features of the Project:**

1. Tahoe Shores proposes a total of 240 dwelling units on 44 acres. This represents a density of 5.44 units per acre. This figure would be reduced to 3.2 units per acre if the adjacent acreage of land which the developer donated to Incline Village were to be considered in total coverage on Ocheltree lands. Full utilization of the potential units authorized by existing zoning would greatly increase this density and would add to problems recognized by the TRPA's staff and Governing Body.

2. Aesthetic and natural values have been rigorously preserved in planning, and recommendations of the TRPA staff, Soil Conservation Service and all other public agencies and jurisdictions having valid input have been considered and incorporated in the proposal.

3. Mitigation measures offered by the developer include 8 measures set forth in the Traffic and Transportation Analysis submitted to the TRPA in November, 1979. These measures pose a minimum potential cost to the developer of $100,000 and will provide funding for community betterment measures for which public funding is extremely scarce or unavailable.
4. The developer has been paying taxes on this property since 1977, at a current annual cost of approximately $20,000 plus sewer and water assessments which in 1979 totaled $16,000. To date he has been unable to develop the property as a result of factors entirely beyond his control. Development in accordance with the proposed plan would provide an increased tax base for the community and would permit the developer to accomplish the purpose of an investment made in good faith.

5. Since the March, 1980, denial, a project for construction on land immediately west of land which Mr. and Mrs. Ocheltree gave to Incline Village was approved. This approved project permits construction of a community pool and recreation building which will generate 983 trips per peak day, or 839 per peak 8 hour period, or 238 per peak hour plus demands for increased sewer and water capacities. It may be considered that there is some inconsistency in permitting these added loads on public facilities while denying the Tahoe Shores project on the basis of non-availability of the same facilities.

6. The official document "1979 Traffic Volumes on California State Highways", published by Caltrans indicates that 1979 traffic volumes at the point at which State Route 28 crosses the State Line were considerably less than in 1978. These data indicate a 33 percent decline in peak hour traffic (2,550 in 1978 and 1,770 in 1979) and a 14 percent drop in peak month traffic (from 25,500 per day to 21,000 per day). At the east end of the section of State Route 28 which the TRPA considers to be the most critical portion of highway on the northshore, data provided by the Nevada Highway Department indicates a slight drop from 1978 to 1979 in traffic at the intersection of State Route 28 and Lakeshore Boulevard with a continuation of this volume decrease (about 2 percent) for the first six months of 1980. While it is recognized that the time span covered is not sufficient to constitute a long-range trend, it is also apparent that the traffic increases projected in early 1980 by the TRPA staff to analyze impacts at the northshore (about 12 percent per year) are not valid and the traffic which could be generated by Tahoe Shores would, therefore, have even less impact on congestion and air quality than the very minimal impacts forecast in the Creegan & D'Angelo and Environmental Consulting Services reports of November and June 1979.
7. To recognize the tenuous economic situation which has become apparent since denial of the application for the Tahoe Shores project, the developer is proposing that phasing be extended to permit a period of as long as ten years for completion of project buildout. This possible time extension could create a situation in which those impacts inherent in the project would be phased in on an even more gradual basis than initially proposed, thereby allowing sufficient time for accommodation by utilities and governmental entities responsible for public services and traffic management. Although the developer would like the option of completing the project in a minimum of five years and a maximum of ten years, he expressed willingness to coordinate his program to some extent to cooperate with local and regional authorities.

Bases of TRPA Denial Without Prejudice

1. Transportation - TRPA Governing Body felt that transportation congestion on the two-lane section of State Route 28 between the west end of Incline Village and the State Line created a situation in which no additional traffic generation within Incline Village should be permitted until suitable corrective measures had been accomplished. There was no serious question raised as to the adequacy of Village streets. It was indicated that a committee representing all responsible agencies would begin work on a solution to this measure.

As of this date, a committee has been appointed but it has not held a meeting. Washoe County recently awarded a contract to a consulting firm for a evaluation of county roads in the area, but no firm steps have been taken to accomplish the ends anticipated by the TRPA in March, 1980.

The only mitigation of the problems forecast by the TRPA staff on the basis of their dire projections of traffic increases has resulted from volumes far lower than those projected by the TRPA staff or the "worst case" projections made by Creegan & D'Angelo as part of the November 1979 report.

Since the peak hour and peak month daily traffic counts diminished by a far greater amount than the increases which could be caused by Tahoe Shores traffic under "worst case" conditions (a maximum of one-quarter of one percent of total projected traffic on the critical section in 1985), it may be reasoned that adequate mitigation has resulted. Certainly, the mitigating measures which will cost the developer more than $100,000 will represent a far more meaningful measure than anything governmental agencies have accomplished since the March denial of the project.
It is therefore believed that the reason for denial of Tahoe Shores on the basis of its potential for creation of transportation problems is not valid.

2. Water Supply - In the presentation of the project to the Governing Body and staff of the TRPA, it was shown that IVGID has sufficient permitted water to accommodate the project. However, the staff pointed out that, if vacant lots in presently approved subdivisions were all built out, water requirements would exceed present authorizations. In spite of questions concerning the legality of reserving water under permitted rights for possible use at a future date, the Governing Body determined that water would have to be reserved for possible use on subdivided lots already authorized and it was determined that there was insufficient water to meet Tahoe Shores requirements.

Subsequent to denial of the project, IVGID has taken action to obtain additional water rights and purchase of a right to provide the required water is now closing escrow.

Action by IVGID represents a positive step toward providing sufficient supplies to meet water needs as envisioned by the approved master plan for the area. It should be noted again that Tahoe Shores represents a far smaller potential water demand than would be possible if the land were to be developed to the full potential authorized by existing zoning. In view of these facts it would appear that the developer has taken every logical step available to present a project which will minimize water demands and that the IVGID is acting in a responsible manner to back up its agreement as expressed in a "will serve" letter to provide required water supplies to Tahoe Shores.

Therefore, denial of the project on the basis of insufficient water supply availability does not seem justified.

3. Sewer Capacity - There is no doubt that collection lines, interceptors and treatment facilities in IVGID are entirely adequate to meet the demands of Tahoe Shores. The staff and the Governing Body agree with this fact but denied the project because of failure on the part of IVGID and Douglas County to reach agreement with regard to conditions under which land discharge of effluent can be accomplished in Douglas County.

Engineers for IVGID have developed a plan for "wetlands enhancement" to provide for land discharge in the Carson Valley. This concept appears technically feasible and current experience shows definite benefits to agricultural lands from this method.
of handling effluent. A study of the cumulative impact of all discharges in the Carson Valley has been undertaken by IVGID's engineers and results are expected in December 1980. However, even after the report of evaluation is submitted, there is no assurance that public opinion and resulting political action in Douglas County will accept the findings and recommendations of the engineers.

Since the amount of sewage flows which could potentially be added by Tahoe Shores would constitute only a small portion of the present flows (less than 4 percent) and an even smaller portion of the amount of wastewater which can effectively be treated by existing facilities (about 2 percent) it does not seem logical to deny this project on the basis of a problem which is technically soluble. IVGID is legally and morally committed to arriving at a solution which will collect, treat and dispose of wastewater from Tahoe Shores. The first two of these responsibilities constitute no problem. Because of the small increment which would be created by Tahoe Shores and in view of the period of from five to ten years which project phasing would permit for resolution of the manner in which disposal will be handled, it does not seem fair to require the developer to further delay reasonable development of this project.

It is requested that the facts and professional opinions contained in this letter be considered by you and your staff in the course of formulating recommendations concerning the resubmittal of the Tahoe Shores project and that essential elements of these considerations be communicated to the Governing Body as background information for their action.

Very truly yours,

John E. Glab, P.E.
Project Engineer

JEG:tb
MEMORANDUM

DATE: September 17, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Agenda Items VIII E. - I.

The following projects listed on the September 24, 1980 Governing Body agenda (items VIII E. - I.) have asked to be withdrawn:

Village Center Condominiums, Tentative Map for 20 Units, Washoe County

Tahoe Pine Villas, Tentative Map for 8 Condominium Units, Washoe County

Ski Way Villas, Tentative Map for 9 Condominium Units, Washoe County

Southwoods of Tahoe, Tentative Map for 12 Condominium Units, Washoe County

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

In view of the recent action in Nevada to approve the amended compact which temporarily prohibits the approval of new condominium projects and because the staff’s concerns relating to water availability, sewage treatment capacity and transportation in the Incline Village portion of Washoe County (see attached sample letter sent to each applicant), staff has agreed to withdraw these projects from the agenda and to remit the filing fees to each applicant.

Attachment
September 11, 1980

Mr. Don Luschar  
P. O. Box 5171  
Incline Village, NV  89450

Subject: Ski Way Villas

Dear Mr. Luschar:

Please be advised that the Governing Body of the Tahoe Regional Planning Agency made a finding that the current situation at Incline Village with regard to water supply, sewage treatment and the adequacy of transportation facilities has not substantially changed since the March, 1980 Governing Body meeting, at which time your project was denied without prejudice. Direction was also given at that time that, should you wish to resubmit the project at a later date, it should be revised to incorporate staff's concerns.

This finding was made at the regular meeting of the TRPA Governing Body of August 27, 1980, after a presentation by Kermit McMillin of the Incline Village General Improvement District regarding the status of water supplies and sewage treatment requirements. Your project has been tentatively placed on the September Governing Body agenda at your request in order to hear any new testimony which may be relevant to this matter which would indicate that these concerns have been satisfactorily resolved. Although the information currently available to the staff and Governing Body of the TRPA indicates that these concerns have not been resolved in order to permit the project to proceed with the findings required under the TRPA Subdivision Ordinance, we would welcome any new information you may have. I would also suggest that any information so presented be available to the TRPA staff prior to the September Governing Body meeting such that there is an adequate opportunity for review.

Please contact me if you have any questions in this regard or if you wish to present any additional information prior to the September 24, 25 Governing Body meeting.

Sincerely,

[Signature]

Philip A. Overeynder  
Executive Director

PAO: jf

cc: Russ Zito
James Fernhoff  
Variance to Allow Additional Land Coverage  
Douglas County

TRPA Action Required By: November 11, 1980

Variance Request

In order to process a 4 unit parcel map with Douglas County, the applicant is requesting a variance for additional land coverage. The variance includes increasing the permitted land coverage of 1% in capability 1a and capability 2 districts to 2%, or 3,126 square feet as permitted by Section 8.28 of the Land Use Ordinance and using this land coverage to cover the improvement of an existing unauthorized roadway serving the property.

Project Location and Description

The subject property (Douglas County Assessor Parcel No. 03-150-12) is located in the Cave Rock area of Douglas County, just north of the Lakeridge Subdivision and east of Highway 50. The 4.67 acre site is currently undeveloped except for minor pre-1972 dirt roads and trails and a graded 20 foot wide roadway constructed in 1978. This unauthorized road extends for a distance of 650 feet on both the subject parcel and the parcel to the north.

Land Use

The TRPA land use maps indicate this property is classified Low Density Residential (LDR) which permits residential uses up to 4 units per acre, or a maximum density of 19 units. Residential uses abut the property to the south (Lakeridge Subdivision) and west (Lincoln Park Subdivision). There is undeveloped U.S. Forest Service land to the east and undeveloped privately owned LDR lands to the north.

Douglas County Approval

In 1977 the Douglas County Planning Commission approved a 4 unit parcel map subject to meeting TRPA's standards. Subsequent to this approval, Douglas County approved a variance for additional land coverage under the Land Use Ordinance. The County has denied a request for an administrative permit for additional land coverage for a "local road".

Land Capability

The TRPA land capability maps indicate that a 3.6 acre portion of the property is classified 1a and 2 or high hazard lands and permit only 1% land coverage. The remaining 1 acre portion is classified as 7 or low hazard which permits 30% land coverage. The TRPA 208 stream environment zone (SEZ) maps indicate that there is an SEZ located in the rear portion of the property.

An inspection of the site by the Development Review Committee (DRC) revealed that the land capability maps do not accurately represent the existing condition of the site. A
land capability report consisting of a contour map and a soil scientist report verify the DRC findings. It appears this property would be more accurately classified as high hazard except for a small area abutting Highway 50 which would be more appropriately classified as moderate hazard. The applicant has delineated the SEZ located in the rear or eastern portion of the property, and it has been concluded by the DRC that the project would not affect the SEZ.

Public Facilities and Services

The applicant failed to produce will-serve letters from the appropriate service districts. The most important concern relates to sewer capacity since the Agency is aware that the main treatment plant (DCSID) does not have the capacity at this time to serve new subdivisions. This is verified by the fact that the Nevada Division of Environmental Protection is not approving new subdivision maps at this time.

Analysis

Although the applicant has attempted to mitigate many of the staff’s concerns through design, the following problems have not been resolved to staff’s satisfaction, primarily due to the applicant’s requirement that the project be no smaller than 4 units.

1. The 4 unit project as proposed does not have sufficient land coverage to practically construct 4 houses and driveways. The proposed coverage limitations are as follows:

   Parcel 1  2,080 square feet of permitted coverage
   Parcel 2  1,400
   Parcel 3  2,112
   Parcel 4  1,752

   As a standard, the TRPA Land Use Ordinance permits a minimum 2,600 square feet to reasonably construct a single family dwelling.

2. The above-permitted land coverages are based on an inaccurate representation of the true land capability of the property. If, as Section 5.50 of the Land Use Ordinance permits, the coverages were adjusted to reflect the actual capabilities, the 1% allowable coverage would not permit this project.

3. Although the Agency is not approving a parcel map, it is approving land coverage which will permit the subdivision of land, and the applicant has not demonstrated that there is adequate water supply or sewage treatment capacity to serve this development.

9/17/80
4. The project as presented will require the construction of a cul-de-sac which will require 8 foot cuts and fills. Other problems associated with the construction of the 4 single family dwellings would be steep slopes (25%) on building site 4, an 8 foot embankment for access to building site 1, and location of the building site on a 10 foot embankment on parcel 2 due to limited land coverage.

Recommendation

Agency staff recommends that the request for a variance be denied. As documented in the preceding analysis, staff cannot find as required by Section 8.28 and Section 8.34 of the Land Use Ordinance that the project will not create significant probabilities of substantial harmful environmental consequences.
James Fernhoff
Variance for Additional Coverage.
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
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 contoured 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.
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
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,

[Signature]

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 - ZHGD

cc: County Commissioners
    Dan Monen - c/o Creagan & D'Angelo
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 1½ 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.

9/17/80
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 NVGID'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.
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: September 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Pinewood, Show Cause Hearing and Possible Modification

At the direction of the Governing Body in August, 1980, the Agency staff has scheduled this project for a show cause hearing at the September meeting. The show cause hearing is to determine why this unit sales program modification to the project is not in violation of the previous approval and to establish why the administrative permit should not be revoked.

Subject: Modification

This project was approved by the Agency as an apartment project providing units for resident rental. The project has been modified to allow lease purchase of the individual units. Agency staff has interpreted this modification to be substantial and has requested a Governing Body determination.

As indicated in the attached Staff Summary and Recommendation, staff considers this to be a modification of the intent of the previous approval which will have an effect on the housing supply in the Incline Village area. The primary effects will be in rental housing supply and cost. These effects are more clearly provided in the attached staff summary.

Options

The staff has contacted the Agency's legal counsel regarding the options available to the Governing Body in making a determination on the project as it is now proposed. These are as follows:

1. To find the project to be in conformance with the previous approval and to allow the change to proceed.

2. To find that the proposed change is not in conformance with the previous approval and to provide for one or both of the following remedies:

   a. To uphold the previous approval and require by civil legal action the developer to rescind any unauthorized unit sales and in the future to use the units as apartments under the terms of the TRPA approval.

   b. To file a request with the Washoe County District Attorney's Office for criminal prosecution of those parties involved in an unauthorized modification of the TRPA approval.
Recommendation

Since this project is scheduled for a show cause hearing, the staff will not make a recommendation based upon the foregoing options until the applicant has presented remarks to the Governing Body. The purpose of this recommendation is to avoid prejudicing the Governing Body review.
Pinewood, Conformance With Previous TRPA Approval for a 24 Unit Apartment, Washoe County

Summary

The Agency staff has received information that a second TRPA-approved apartment project is being divided for individual ownership. This project was originally the 24 unit apartment project located on Southwood Boulevard adjacent to the core area of Incline Village. This project proposed a living unit with 4 bedrooms, each of which could be individually rented. Information received by staff indicates that these units are being sold for $134,000. Agency staff has contacted the original developer but has not received a response regarding the use change.

Administrative Background

On August 23, 1978, the Governing Body approved a General Plan amendment on the subject property from Tourist Commercial (TC) to High Density Residential (HDR). The original TC classification was changed to allow an increase in allowable land coverage of 15% to facilitate an apartment complex proposal. The information report accompanying the application contained the following representation:

"The intent of this project is to meet the need for low income housing in the Tahoe Basin at the same time preserving those environmental features that make the Tahoe area a unique place. To accomplish the goal of low income housing the units are designed to share common facilities such as kitchens, living rooms, dining areas and decks, while providing the privacy and personal territory of a separate bath and bedroom for each user. Thus, 4 bedrooms with private baths are built around a central core of the kitchen, living room, dining area, and deck."

On November 29, 1978, the Governing Board made an affirmative finding that the subject project would not generate more than 105 additional vehicle trips per acre as prescribed under Section 4.4 of TRPA Ordinance No. 78-5.

On December 20, 1978, the Governing Board conditionally approved an administrative permit for a 24 unit apartment complex. The applicant's information report again referenced the benefits of apartments located in this area.

Recommendation

Due to the effect of this proposal upon the supply and cost of rental housing in Incline Village and the intent of the original approval, staff recommends that this proposal not be found in conformance with the previous TRPA approval. Agency staff further recommends that the owner of this project file an administrative permit application for a modification of this project to allow a lease sales program. This project should be referred to Washoe County for a conformance determination prior to TRPA action. Agency staff also recommends that the filing fee charged for review of this proposal be twice the applicable fee since this modification proceeded without TRPA approval. The project proposal would be reviewed by the Agency on its merits as a new project.

8/20/80
MEMORANDUM

DATE: September 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Mt. Brook Station, Show Cause Hearing and Possible Modification

At the direction of the Governing Body in August, 1980, the Agency staff has scheduled this project for a show cause hearing at the September meeting. The show cause hearing is to determine why this unit sales program modification to the project is not in violation of the previous approval and to establish why the administrative permit should not be revoked.

Subject Modification

This project was approved by the Agency as an apartment project providing units for resident rental. The project has been modified to allow lease purchase of the individual units. Agency staff has interpreted this modification to be substantial and has requested a Governing Body determination.

As indicated in the attached Staff Summary and Recommendation, staff considers this to be a modification of the intent of the previous approval which will have an effect on the housing supply in the Incline Village area. The primary effects will be in rental housing supply and cost. These effects are more clearly provided in the attached staff summary.

Options

The staff has contacted the Agency's legal counsel regarding the options available to the Governing Body in making a determination on the project as it is now proposed. These are as follows:

1. To find the project to be in conformance with the previous approval and to allow the change to proceed.

2. To find that the proposed change is not in conformance with the previous approval and to provide for one or both of the following remedies:

   a. To uphold the previous approval and require by civil legal action the developer to rescind any unauthorized unit sales and in the future to use the units as apartments under the terms of the TRPA approval.

   b. To file a request with the Washoe County District Attorney's Office for criminal prosecution of those parties involved in an unauthorized modification of the TRPA approval.
Recommendation

Since this project is scheduled for a show cause hearing, the staff will not make a recommendation based upon the foregoing options until the applicant has presented remarks to the Governing Body. The purpose of this recommendation is to avoid prejudicing the Governing Body review.
Mt. Brook Station
Modification of Previous Approval
for a 64 Unit Apartment, Washoe County

Summary

The Agency staff is requesting a determination by the Governing Body on the conformance of the Mt. Brook Station apartment project with the terms of the previous Agency approvals. The project is located on Tanager Street within the core area of Incline Village in Washoe County. The 64 unit project is completed and ready for occupancy. The new owner has initiated a lease sale program and is currently selling the units. The 1 bedroom units sell for $65,000.

Administrative Background

The Governing Body has taken two previous actions regarding this project. On November 30, 1978, the Governing Body approved a land use district classification change from General Commercial to High Density Residential (HDR) to facilitate a 64 unit apartment project proposal. Following are excerpts from the information and analyses contained in the staff summary and recommendation on the zone change:

"The subject property is presently classified General Commercial by the Agency and until August 15, 1978 was zoned M-1 (Industrial) by Washoe County. On August 15, the Washoe County Commissioners approved a request by the Tantara Company to change the zoning to R-3 (Multiple Residential). County staff recommended approval of the zoning change based on the current need in Incline Village for lower income housing."

"The applicant's information report indicates that the amendment is being requested so that a 64 unit apartment complex can be constructed on the subject property to help satisfy the demand for lower income housing in Incline Village."

"Housing Needs - Data developed by Agency staff using a 'Modified Same Share Model' to determine the 'fair share' responsibility of Placer and Washoe Counties to provide adequate housing for all income groups indicates that relative to the Northshore market area Incline Village provides less than its proportionate share of lower income housing. The 'Modified Same Share Motel' shows that, as of 1974, Incline Village was 230 units short of meeting its 'fair share' responsibilities for lower income housing and 132 units short for very low income housing."

"The requested General Plan amendment and proposed development of the subject property into a 64 unit apartment complex will assist Incline Village in meeting its 'fair share' responsibilities for lower income housing."

"General Plan Update - Agency staff has recommended to the Governing Board that to assure adequate provision of lower income housing units within each community in the Basin regulations restricting residential development on certain property to apartments be applied by prohibiting the processing of tentative maps. The subject General Plan amendment which will permit the development of the proposed apartment complex will lessen the extent that the recommended regulations need be applied in Incline Village."

"Traffic - Presently many service employees are forced to commute from Tahoe Vista to Kings Beach to Incline Village because of the shortage of lower income..."
housing in Incline. These commuter trips occur on a portion of State Highway 28 between North Stateline and Incline Village that is frequently subjected to traffic volumes in excess of its design capacity. Provision of additional lower income housing units in Incline will lessen the number of commuter trips over State Highway 28."

The Governing Body approval of the zone change contained the two following findings:

The reclassification of the subject property to HDR will allow a proposed apartment complex that has the potential to help satisfy a present need in Incline Village for lower income housing; and

The subject property is suitable for a lower income housing development because it is physically located within direct proximity to the major employment and commercial service center of Incline Village.

Subsequently, Mr. Bricken, the project applicant, submitted an application for approval of a 64 unit apartment complex. The documents submitted contained the following representations:

"There is a recognized need within the Tahoe Basin and more specifically Incline Village for low cost housing. This project is designed to satisfy this need." (page 5)

"The majority of the persons realizing benefit from this proposed development will be within the low income category." (page 3).

Based on these representations by the applicant and the identification in the April, 1979 Housing Element (prepared in conjunction with the General Plan Update program to meet HUD requirements) that there is a critical need for low income housing in both the North and South Shore areas of Lake Tahoe, the County and the Agency supported the subject property to be reclassified from commercial and light industrial to multiple residential.

Based upon these further representations on March 28, 1979 the Governing Body conditionally approved the project with the following findings:

1. The project has been designed in an attempt to provide low income apartment units in Incline Village but only if the project qualifies under the HUD Housing Assistance Program, Section 8 of the Federal Housing Act, will it actually provide low cost housing.

2. The project will not result in significant and adverse impacts to traffic movement.

3. The project will not result in significant adverse impacts to air quality.

4. The required public services and facilities have adequate capacity to provide service to the project without endangering their ability in the future to provide required services.

5. The project conforms to the standards and regulations set forth in the TRPA ordinances and plans.
6. As set forth under Section 8.33 of the Land Use Ordinance, the establishment, maintenance or operation of the project will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters.

One condition of approval required the applicant to apply for rental assistance funding from the Department of Housing and Urban Development. This condition was deleted by the Governing Body on September 26, 1979.

Mr. Bricken subsequently sold the project to Orestes Finance who then sold the project to Mr. James Fuller. Mr. Fuller has initiated the proposed use change.

Agency staff upon discovering the proposed use change contacted Mr. Fuller by letter on July 17, 1980, requesting the applicant file an application for approval of the proposed modification. Staff indicated that if an application was not filed, enforcement direction would be sought from the Governing Body. As of this date, no application has been filed. This project is therefore scheduled under the enforcement section of the August 27, 1980 agenda.

Effect of Proposed Change

**Rental Housing** - The total number of rental units in Incline Village was to be increased with the approval of this project. The proposed target population was low and moderate income residents in Incline Village. The project site was considered viable and suitable as an apartment complex due to its proximity to the commercial core area of Incline and the possible reduction in vehicle trips. This would occur due to the option of other modes of travel being available. It was also the position of the Governing Body that resident rental housing should be encouraged and that the most appropriate location was adjacent to the core area of Incline. Perimeter properties were considered most appropriate for condominiums. This project was an attempt to actively support the need for increased availability of rental housing.

The units once divided may be purchased by residents or nonresidents. The units may then be rented, occupied by the owner, or used as second homes. If rented, the units would be available to Incline Village residents. The rental rate would be approximately equal to the monthly mortgage payment. If sufficient tax benefits accrued to the owner, the rental rate could very possibly be less. The staff has insufficient information to evaluate this possibility. Any option which does not result in use by a resident diminishes the supply of rental units.

This use conversion will result in a reduction in rental units in an approved apartment complex. The availability of residential rental units has been further reduced by actions which do not presently require Agency review. When units that were specifically approved as apartments are converted, the supply is even further diminished. With the lease sale program, 64 units which were specifically approved to assist the housing needs of local residents have been jeopardized.

8/19/80
One aspect of the housing supply which was not evaluated was the need to supply moderately priced single family residential units. The proposal by Mr. Fuller results in 1-bedroom units being available for purchase under a long-term lease program for $65,000. This price is substantially below the cost of other units in Incline. Therefore, this proposal does not satisfy a need for resident rental units but satisfies a desire for moderately priced single family residences. This was not the intent of the original Governing Body approval as documented in the findings as previously listed.

Price - Mr. Bricken originally represented that the project units could be rented for approximately $275 - $350 per month. Subsequently, the project has been sold twice. These two sales undoubtedly increased the value of the project and the associated rents that must be charged. After the sale to Mr. Fuller, the concept of the project changed. The units would be sold for $65,000 with 10% down and the balance amortized at 13% for 30 years. This equates to a payment of $652 per month. Using an industry standard that no more than 25% of gross monthly income should be spent for housing, the potential owners should have a monthly income of approximately $2,600.

Taxes and insurance are estimated to add approximately $100 per month to the cost of ownership of one of these units. Ownership of the units will provide tax benefits to the owners. The extent of the benefits will depend upon the overall tax position of the owner. The tax benefits will accrue to a greater extent to those with higher income levels. Some tax benefit would accrue to lower income purchasers. The primary constraint to lower income purchasers is the ability to make the monthly payments. Only if substantial tax benefits accrued would the cost of the unit be less per month than estimated. This proposal skews the intent of the original approval by providing primary benefits to higher income groups rather than the low to moderate income residents of the area.

At the time of the original application for the project, Agency staff was concerned that the $275 - $350 a month rental rate would be beyond the financial capabilities of the target population. Agency staff analysis revealed that if a person were to spend only 1/4 of his income for housing, which is the U.S. Department of Housing and Urban Development standard, a person living in the proposed units should have a yearly income of $13,200 to $16,800. Information obtained from the 1974 Tahoe Regional Transportation Study (TRTS) relative to income levels, expanded to represent 1979 dollars, indicates that 27.5% of the permanent residents of the Tahoe Basin have yearly incomes of less than $13,000. According to this information then, nearly 28% of the lower income families in the Basin could not afford to rent the 1-bedroom apartments then proposed by the applicant. Utilizing the same analysis, a $650 a month mortgage payment would require an average yearly gross income of $31,000. According to this information, nearly 70% of the families in the Basin could not afford the rent or mortgage payments on the 1-bedroom units.
Recommendation

Due to the effect of this proposal upon the supply and cost of rental housing in Incline Village and the intent of the original approval, staff recommends that this proposal not be found in conformance with the previous TRPA approval. Agency staff further recommends that the owner of this project file an administrative permit application for a modification of this project to allow a lease sales program. This project should be referred to Washoe County for a conformance determination prior to TRPA action. Agency staff also recommends that the filing fee charged for review of this proposal be twice the applicable fee since this modification proceeded without TRPA approval. The project proposal would be reviewed by the Agency on its merits as a new project.
Land Use Type

1. Veterinarian Hospital
2. Auto Repair Shop
3. Contractor Storage Yard
4. General Professional Offices
5. Retail Commercial
6. Service Station
7. Condominiums
8. Apartments
9. Restaurant-Bar

Mountain Brook Station

- Subject Parcel
- Developed Parcels

Attachment #2
MEMORANDUM

TO: The TRPA Governing Body

FROM: TRPA Staff

DATE: September 17, 1980

SUBJECT: SIERRA BOAT COMPANY, SHOW CAUSE HEARING ON NONCOMPLIANCE WITH PREVIOUS AGENCY APPROVALS

As directed by the TRPA Governing Body, Agency staff has scheduled a show cause hearing for Sierra Boat Company. Since the August Governing Body meeting, Agency staff has met with the applicant's representatives to discuss the enforcement problems at Sierra Boat Company. The attached letter and plan was submitted by the applicant in response to the discussion and the pending hearing.

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 Clark, will be given a copy of this list and directed to respond at the September 24-25, 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.

Status: Applicant has refused to sign acceptance form and continued construction until completion of the project.
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;

   Status: The applicant submitted the attached site plan. The submitted plan does not give the specific detail as requested or the approved location of the subject wall.

   b. A drainage system as per the recommendations of the 208 Best Management Practices;

   Status: The applicant has indicated on the attached plans two drywells would be constructed before June 1, 1981.

   c. An open space/landscape plan including protective barriers;

   Status: The applicant has indicated 3,200 square feet of land area would be landscaped and barriered upon completion of a parking deck in 1984 (see attached letter).

   d. A parking plan;

   Status: As an alternative, the applicant proposes to construct a 238 by 60 foot parking deck over the water area of the marina to provide 34 additional parking spaces. Until completion of the deck in 1984, the applicant would continue to use the required open space area as parking. The approved parking area inside the buildings will be continued as boat storage area.

   e. Grading/dredging plan.

   Status: No grading or dredging plan has been included since the applicant does not propose to relocate the walls as required.

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

   Status: No application has been received and the 30 day limitation has expired.

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.

   Status: The applicant indicates he will not comply and offers the construction of a parking deck as an alternative (see attached letter).
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.

   Status: Agency staff observed work in progress on August 11, 1980, and a stop work order was delivered and was ignored by the applicant.

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.

   Status: The deadline under the July 23, 1980 approval is September 21, 1980. As of the date of this report, the applicant has not submitted plans and documents pursuant to this approval and no authorized work has commenced pursuant to this approval.
September 15, 1980

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

Attention: Philip Overeynder, Executive Director

Dear Mr. Overeynder:

Hereewith, Sierra Boat Company is submitting a proposal that may resolve the dilemma that now exists with the 1975 Building Addition Conditions.

We propose the following improvements for your consideration:

1. An over the harbor parking pad, 238 feet long and 60 feet deep with an entry and exit at each end. This will provide approximately 34 additional parking spaces and with the 14 existing parking spaces we would have a total of 48 which should easily satisfy the requirements. Of the 126 existing boat slips, 16 are used as company repair slips, leaving 110 for public use. With a 3:1 parking ratio, this would require 36.5 parking spaces leaving a balance of 11.5 parking spaces to apply to the 25 off-shore mooring buoys.

2. Approximately 3200 square feet of planted pervious area would be placed between the harbor and the State Highway. This area would be maintained with a vehicle barrier preventing vehicle traffic on the area.

3. The drainage facility that would consist of two drywells; one would accommodate run-off from the 14 parking spaces in front of the showroom; the other would accommodate run-off from the front main building. The proposed parking pad would slope to the vegetated area. The two drywells would be installed by June 1, 1981.

Due to heavy loan burdens at the present time to accomplish the extensive harbor repairs that have been done this year, we would not be able to undertake this parking pad project much before May 1, 1984. We would need the proposed vegetated area as a construction site and for interim parking.
Sierra Boat Company would agree to post a good faith bond payable in the amount of $50,000.00 to the TRPA to apply to the compliance of this proposal or the 1975 conditions. This proposal will be contingent upon approval of the other concerned agencies. The improvements are depicted in Exhibit "A" attached herewith.

Sincerely,

SIERRA BOAT CO, INC.

[Signature]

Richard S. Clarke
Vice-President and General Manager

RSC/kc
MEMORANDUM

TO: TRPA Governing Body

FROM: Agency Staff

SUBJECT: Tahoe City Public Utility District Star Harbor Athletic Fields – Placer County

The utility district has secured the unauthorized graded areas as per the recommendations of Agency staff and Lahontan Regional Water Quality Control Board. Also, the required flood plain analysis has been completed and submitted for staff review. Any further action on the project itself is pending Lahontan Regional Water Quality Control Board's decision whether or not to approve the project.
Mr. Roland Westergard, Chairman
Tahoe Regional Planning Agency
P.O. Box 8896
South Lake Tahoe, California 95731

RE: Star Harbor Project

Dear Mr. Westergard:

At an adjourned regular meeting on August 27, 1980, the Board of Directors of Tahoe City Public Utility District passed the enclosed Resolution No. 80-89.

The District Board felt it was important to emphasize the District position on the unauthorized work as well as reaffirm the merits of the project itself.

We request that you enter the enclosed resolution in the minutes of your next meeting.

Sincerely,

[Signature]
Wm. S. Briner
Manager

WSB/SW/ps
Enclosure
RESOLUTION NO. 80-89
OF
TAHOE CITY PUBLIC UTILITY DISTRICT

Reaffirming Merits of Star Harbor Baseball Field Project,
Disavowing Unauthorized Work on Said Project and Requesting
that No Punitive Action Be Taken By Other Agencies Against
Tahoe City Public Utility District

WHEREAS, the Board of Directors of the Tahoe City Public Utility District
has approved and supported the construction of two Little League baseball fields
and ancillary improvements on land owned by the State of California near Star
Harbor, Placer County, California;

WHEREAS, said Board has previously determined that said project including
appropriate erosion control measures and revegetation plan would have no signifi-
cant environmental impact on the water quality of Lake Tahoe;

WHEREAS, substantial filling and grading work was done at said project
site on or about August 2 and 3, 1980, in the absence of necessary approvals
from all agencies who have jurisdiction over said project; and

WHEREAS, it has been determined that an investigation is appropriate
of the involvement of any District employees in said unauthorized work on
August 2 and 3 and that the position of said Board as to this matter be clearly
stated;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Tahoe
City Public Utility District as follows:

1. That said Star Harbor baseball field project continues to be a
necessary and worthy project for the benefit of the Lake Tahoe community;

2. That the Board of Directors of the Tahoe City Public Utility District
has never authorised any work to be conducted on said project without approvals
of all agencies who have jurisdiction over said project;

3. That said Board disavows and disapproves of the actions of those
persons who performed the work on August 2 and 3 in the absence of necessary
agency approvals on a project which was and is the responsibility of the Tahoe
City Public Utility District;

4. That said Board has conducted an investigation and is satisfied
based on the available evidence that no District management personnel authorized,
participated in or had prior knowledge of said work performed on August 2 and 3;

5. That the Lahontan Regional Water Quality Control Board, the California
Tahoe Regional Planning Agency, Tahoe Regional Planning Agency and all other
boards and agencies who have jurisdiction over said project be and are hereby
requested to pass final approval on said project, release any and all stop work
orders regarding said project and take no punitive action of any kind against
the Tahoe City Public Utility District as a result of any work done on said
project.
PASSED AND ADOPTED this 27th day of August, 1980 at an adjourned regular meeting of the Board of Directors of Tahoe City Public Utility District by the following vote:

AYES: Directors Pomin, Maddox, Shaheen
NOES: Directors None
ABSENT: Directors Kelley, Nadau

TAHOE CITY PUBLIC UTILITY DISTRICT

By [Signature]
President

ATTEST:

[Signature]
Clerk & ex-officio secretary thereof.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: September 15, 1980

TO: The TRPA Governing Body

FROM: The Staff

SUBJECT: Second Reading of Ordinance Amending the Regional Plan

The attached ordinance was introduced for first reading at the July 23, 1980 meeting with the second reading contingent upon submittal of a site improvement program by Douglas County. On August 27, 1980, the staff received a letter from the County's Planning Department outlining proposed improvements and a timetable for their completion.

Staff therefore recommends that the Board proceed with the second reading and adoption of the ordinance.

Attachment
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 80-

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY BY AMENDING EXHIBIT "A" TO ORDINANCE NO. 22, BY ADDING PARAGRAPH 99 THERETO, TO CHANGE THE LAND USE DISTRICT APPLICABLE TO CERTAIN REAL PROPERTY

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

Section 1.00  Findings

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

Section 2.00  Change In Land Use District

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

"99. Properties owned by Douglas County described as Lots 9, 10, 11, and 12, Block 2 of Oliver Park Subdivision, Douglas County, Nevada, as recorded in March, 1980, in Document 42988, Book 380, Page 1924 in the Official Records of Douglas County are reclassified from High Density Residential to Recreation. The limitation on land coverage shall be as outlined in Section 6.20 of Ordinance No. 4, the Land Use Ordinance."

Section 3.00  Severability

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

This ordinance shall be effective immediately upon its adoption.

FIRST READING: July 23, 1980

SECOND READING:

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

Ayes:

Nays:

Abstain:

Absent:

__________________________
Chairman