TRPA
APC
PACKETS

APRIL
1983
Preliminary Agenda

I. Call to Order and Determination of Quorum

II. Approval of Agenda

III. Disposition of Minutes

IV. Public Hearing (9:30 - 5:00 p.m. April 13)
   Continued Public Hearing on the Regional Plan Environmental Impact Statement

V. Special Report (Estimated Time 10:00 a.m. April 14)
   Request by Applicant for APC Comments, Galena Ski Resort, Mt. Rose/Slide Mountain Summit, Washoe County

VI. Environmental Impact Statements, Determination of Technical Adequacy (Estimated Time 10:30 a.m. April 14)
   A. Proposed Amendments to the Subdivision of Brockway Springs of Tahoe, Pursuant to Settlement of Litigation, Placer County
   B. Round Hill Village, Douglas County
   C. Evaluation of Technical Adequacy of Environmental Impact Statement for Amendments to the Regional Plan

VII. Administrative Matters

VIII. Appeals

Bambridge/Fleming Appeal of Staff Determination of a High Risk Rating with Regard to the Case-by-Case Review Criteria, Lot 60, Tyrolia #7, Washoe County, APN 126-082-44, TRPA File #82912

IX. Reports

A. Distribution of Draft Environmental Impact Statements
   1. Lake Parkway (Loop Road) Completion
   2. Third Street and South Avenue Extensions and Improvements

B. Report on TRPA Public Hearings on Regional Plan Environmental Impact Statement

C. Public Interest Comments
GREG NOLAN
USER FEES - WOULD HAVE TO PAY BACK TO FED'S

MILT MANOUIAN

STAN LEONARD
- LAND OWNER @ INCLINE
- 8/8 - VALUATION PROBLEM
- AIR POLLUTION FROM SACR. VALLEY
- UNRESPONSIVENESS OF TRPA STAFF - LAND CAP. REVIEW

DOUGLAS BERTON
- WHAT IS FUNCTION OF TRPA?
- TRPA A FAILURE
  ISSUE EROSION CONTROL @ LAKE TAHOE
- CONTROL OF IMPERVIOUS COVER NOT SOLUTION
- SHOULD SOLVE EXISTING PROBLEMS
- NEED MANDATED LAWS FOR STORM DRAINAGE
- PASS LEG. FOR CO. BLDG. DEPARTMENTS TO IMPL. BMP'S
- ALL PROP. WHICH ARE "UNAFFORDABLE" BE TAKEN OFF
  COUNTY TAX ROLLS AFTER DEC. 1980

DON BECK
- DEVELOPMENT OF COMMERCIAL PROPERTY
- NEED TO PROTECT " " " " 30% CO'S. NOT ACCEPTABLE
- STATEWIDE SALES TAX NEEDED
D. APC Members

X RESOLUTIONS

A. Lois Shellhammer
B. Maurice Bidart
C. Dennis Schlumpf
D. Other

XI CORRESPONDENCE

XII PENDING MATTERS

XIII ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe California

February 9, 1983
9:30 a.m.

I  CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Harper called the meeting of the Advisory Planning Commission to order at 9:45 a.m.

APC Members Present:  Mr. Renz, Mr. Sullivan, Ms. Bogush, Mr. McMullen,
Mr. Smith, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Pyle
Ms. McMorris, Mr. Randolph, Mr. Harper

APC Members Absent:  Mr. Raper, Mr. Combs, Mr. Schlumpf, Mr. Bidart,
Mr. Hansen, Ms. Shellhammer

Mr. Harper noted that Mr. Schlumpf's, Mr. Bidart's and Mr. Hansen's terms had expired in January. The Governing Board would consider appointments and or reappointments at their February meeting.

Mr. Harper welcomed Mr. Verne Rosse serving as Mr. Lew Dodgion's alternate.

II  APPROVAL OF THE AGENDA

Phil Overeynder, Executive Director stated that the applicant requested agenda Item V A. Deal/Soeller, Appeal of Staff Decision to Reject Application for a New Multiple Use Pier be continued for 30 days.

MOTION by Mr. Randolph, with a second by Mr. Sawyer, to approve the agenda as amended. The motion carried unanimously.

III  DISPOSITION OF MINUTES

Ms. Bogush stated that on page 1, Mr. McMullen was incorrectly introduced at last month's APC meeting as representing the Tahoe Transportation District. Mr. Overeynder clarified the direction of the Governing Board was to have better communication with the Tahoe Transportation District by appointing a member from either the Transportation District board or the Technical Advisory Committee. Mr. McMullen is therefore representing the Governing Board.

Mr. Randolph clarified that on page 10, pertaining to the U.S. Postal Service Action Plan, his vote was not against the Action Plan, but rather a vote against going back to ground zero.

MOTION by Mr. Pyle, with a second by Mr. Sullivan, to approve the minutes as amended. The motion carried unanimously.
IV ADMINISTRATIVE MATTERS

A. Election of Chairman and Vice Chairman

Mr. Overeynder conducted this portion of the meeting, asking for nominations for chairman. Ms. Sparbel nominated Mr. Harper for chairman, with a second by Mr. Smith. No discussion followed the nomination.

MOTION by Mr. Pyle, with a second by Mr. Renz, that the nominations be closed.

Ayes: Mr. Renz, Mr. Sullivan, Ms. Bogush, Mr. McMullen, Mr. Smith, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Pyle, Ms. McMorris, Mr. Randolph
Nayes: None
Abstain: Mr. Harper
Absent: Mr. Raper, Mr. Combs, Mr. Schlumpf, Mr. Bidart, Mr. Hansen, Ms. Shellhammer

Ms. McMorris nominated Ms. Bogush for vice chairman, with a second by Mr. Harper. There was no discussion following the nomination.

MOTION by Mr. McMullen, with a second by Mr. Sawyer, that the nominations be closed.

Ayes: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Smith, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Pyle, Ms. McMorris, Mr. Randolph, Mr. Harper
Nayes: None
Abstain: Ms. Bogush
Absent: Mr. Raper, Mr. Combs, Mr. Schlumpf, Mr. Bidart, Mr. Hansen, Ms. Shellhammer

MOTION by Mr. Smith, with a second by Mr. Sullivan, to prepare a resolution for Mr. Randolph thanking him for serving as vice chairman. The motion carried unanimously.

B. APC Recommendations to the Governing Board

Mr. Overeynder stated this item had been placed on the agenda, at Mr. Harper's request, to discuss the role of the APC recommendations and how they would be transmitted to the Governing Board. The new Governing Board chairman, Jim Reed provided a letter to Mr. Overeynder and members of the Governing Body, as well as to Mr. Harper, indicating his recommendations for a procedure to formalize the APC's role pertaining to project and planning matters. Mr. Overeynder further stated this would be a joint responsibility between the Agency staff and the APC members to transmit information through the chairman, or other members of the board, and the Executive Director's responsibility to insure the staff summaries and reports refer explicitly to the action of the APC, along with what the majority and or minority view(s) were in each case.
Mr. Harper stated he had the opportunity to discuss this matter with Mr. Reed who indicated he would like to see the APC's input be considered and recognized by the Governing Body. Mr. Harper further stated he did not think it necessary for the APC chairman, vice chairman, or APC members attend every TRPA Governing Board meeting in order to present the APC's position, but there should be a procedure to confirm and transmit the actual statements presented by the APC members to the Governing Board. On major items of concern, the chairman or vice chairman should appear before the Governing Board since it is important to have that opportunity to voice the recommendations of the APC's majority and minority positions.

Mr. Sawyer commented that where it is appropriate, the chairman be present or designate an APC member to prepare a report on the APC's position and have a majority/minority report which in turn would be a part of the Governing Board packet. He also suggested that staff prepare the report, but it should be left to the chairman's judgement when this should be done. Mr. Sawyer further commented that consideration should be given to have one APC member take the lead on reviewing the report and to have the chairman sign it. Mr. Harper stated he had no objection to this procedure, but since there were time constraints and driving distances to be considered, he suggested that Ms. Bogush could sign the necessary reports on his behalf. Mr. Overeynder explained that in order to meet the deadlines for the Governing Board mailing, which is usually on the same day as the APC meeting, staff has a minimal amount of time to incorporate that information in the packet. When there are joint items on the APC and Governing Board agendas, an attempt is made to coordinate the information, recommendations, and actions of the APC members but the practical implications of getting a signature would be somewhat difficult. It was suggested and agreed that when there is a major item of concern, a supplement to the Governing Board packet would be mailed separately. Ms. Bogush suggested where the Regional Plan is concerned, separate reports should be done. Mr. Harper noted this was done when the thresholds were being considered and felt it would be appropriate to prepare a supplemental report for the Regional Plan. Mr. Harper suggested that the APC members who live and work in South Lake Tahoe form an informal committee to review the routine staff summaries/reports to be discussed prior to the Governing Board meeting. Mr. Smith volunteered and Ms. Bogush, Mr. Renz, and Ms. McMorris were selected for this committee.

V APPEALS

A. Deal/Soeller, Appeal of Staff Decision to Reject Application for a New Multiple Use Pier, Washoe County, APN 123-250-03 and APN 123-250-04, TRPA File #82331

This item was deferred for thirty days at the request of the applicant.

As part of the informal policy the APC members discussed and agreed upon at a previous meeting, an applicant can request one continuance, choosing a convenient date when the applicant/representative could be present at the APC meeting. The project would be scheduled for that date and, whether or not the applicant/representative is present at the meeting, the project would be heard for recommendations of the APC.
VI PLANNING MATTERS

A. Dillingham Commercial Project Environmental Impact Statement, Determination of Technical Adequacy, City of South Lake Tahoe

Greg George, Chief of Project Review, stated the EIS had been handed out to the APC at their January, 1983 meeting. The document was made available for circulation on December 15, 1982 and the required 60 day circulation period would end on February 14, 1983. The EIS will be placed on the February Governing Board agenda for consideration of certification.

Mr. Randolph asked if the number of daily vehicle trips indicated in the EIS for the facility were consistent with the vehicle trips estimated in the Postal Service Action Plan. Dale Neiman, Senior Planner, responded the Action Plan did not evaluate trip reductions for the different alternatives. The figures are only estimates, but once the proposed Postal Service projects occur within the next three months, an evaluation to determine the reductions will be done at that time. The Dillingham EIS was reviewed with and without the postal facility being located there. The decision to locate the postal facility in the shopping center will be made by the Postal Service and the local agencies sometime in the future. Mr. George stated that an independent vehicle trip analysis was done by John Glab which evaluated the service area for the postal facility and calculated trips based on that information.

Mr. Sawyer commented on the many modified stream environment zone questions discussed in the EIS on pages II-46 and II-47, and indicated a need for a thorough analysis to respond to these questions with clear recommendations for the Governing Board. Referring to question number 3, is the TRPA Resolution 81-7 fee of $16,226 based on erosion control applicable and is it in addition to or included in the $117,000 fee? Mr. Sawyer stated that from the standpoint of the Lahontan Board the TRPA mitigation fee has to be in addition to the stream zone mitigation fee. Mr. Sawyer further stated that in the case of the Tahoe Keys, the TRPA mitigation fee came out of the stream zone mitigation fee; whereas the resolution for the Dillingham project clearly states the TRPA mitigation fee is in addition to the stream zone fee. What happened on the Tahoe Keys was not what the Lahontan Board intended, and with this resolution, they tried to make sure the same mistake wasn't made again.

Mr. Sawyer asked why the coverage analysis pertaining to lot by lot coverage did not address the watershed association in the EIS. Mr. George responded that during the timeframe the Regional Plan was being developed, the Governing Board has directed projects requiring an EIS be prepared with comparative analysis with the thresholds. Under the current ordinance regulations, staff can only evaluate parcel by parcel land coverage restrictions until the ordinance is possibly modified through the adoption of the Regional Plan. Mr. Sawyer commented if this watershed was not under coverage on land capability 4-7 it should be addressed. Mr. Oversynder responded that research has been done on the situation both within that planning area covering the whole Tahoe Keys area as well as the watershed association. It appears that within the planning area, land capability class 6 is the redesignated classification and it is under coverage in that entire area as well as through the watershed association.
Mr. George stated that officially the Agency has not recognized the area as anything but a 1b land capability. It is difficult to put this project into a category that is easily assessed since this is a unique situation. The allowable land coverage for this particular parcel is 30% but has been set by the litigation settlement to go up to 35%. The additional coverage will have to be transferred from other parcels in the area owned by Dillingham.

Mr. Sawyer pointed out that the words "Water Quality" on page I-98 should read "Water Quantity".

Ms. McMorris commented the traffic section in the EIS appeared valid and the area may see a possible reduction in vehicle trips.

Mr. Sawyer asked if the proposed shallow well to serve the area would be metered and, if not, suggested it should be. Mr. Sawyer explained the State of California does not issue a permit for every well but does keep track of the total water usage to make sure that it does not exceed the allocations of the California-Nevada Interstate Compact. Mr. Sawyer also asked if there were plans to meter the indoor or domestic water use.

Jere Williams, Consulting Engineer, responded that to his knowledge there are no specific plans to meter the domestic water but he would comply with the requirements of the Tahoe Keys Water Company. Mr. Williams stated they meter the water only at the wells and the details pertaining to the well have not been specifically proposed. Mr. Sawyer stated the reason he raised this point is because the Tahoe Keys area has the highest rate of water use in the Tahoe Basin and the issue of a water conservation program will have to be addressed in an EIR and EIS on well water for the Tahoe Keys Water Company.

Mr. Smith asked if it wouldn't be just as well to use an electrical pump meter and utilize the electric bill to measure how much water is pumped, rather than a water meter on the well. Mr. Sawyer responded electrical utility rates were used in a report on Water Rights and Water Use in the Lake Tahoe Basin and the engineers felt it was not as good a measure as metering the wells.

Mr. Pyle noted that on page II-55, pertaining to terminology, use of native plant species for landscaping is a misnomer. He also asked why is the well system for irrigation of landscaped areas needed since the plant species established in the Basin over the last 30 years are selections of some of the native species and use of native species plants requiring low water are available. He suggested there may be better solutions to stabilization than with high water use plants and lawns. Mr. Williams responded that one of the mitigation measures listed in the EIS is to get an approved landscape plan. There are several aspects to the plan and low water use plants, although not mentioned, should have been.

Mr. Williams stated with respect to the well, the monitoring of the electrical use adds another variable to the accuracy and he would definitely recommend to the applicant that a meter be put on the well.
MOTION by Mr. Sawyer, with a second by Mr. Pyle, certifying a finding that the Environmental Impact Statement for the Dillingham Convention Center is technically adequate and directed staff to prepare an analysis with recommendations to the questions of the man modified stream environment zones. In addition, the comments concerning the type of vegetation and metering of the well be included in the document.

Discussion on the motion followed. Mr. Overeynder stated that the questions pertaining to the man-modified stream environment zones would be addressed through the project review process. The intent of this document was to disclose the environmental impacts and the alternative mitigation measures. It would be appropriate to indicate what the preferred alternative would be, but it would not be appropriate for staff to recommend what should be done.

Ms. Bogush asked if these additions were more relevant to the project review stage or should it be included in the EIS as part of the determination for the technical adequacy. Mr. Sawyer stated that both the federal CEQ regulations on federal EIS's and the State Resources Agency regulations on CEQA EIR's call for environmental documents to designate the staff or the Agency's preferred alternative and the environmentally preferable alternative. Mr. Sawyer suggested the recommendations should be incorporated in the environmental documentation.

Ms. McMorris stated that the mitigation fee seemed extremely high for the 23,000 square feet of building proposed and suggested the TRPA fee be included in the $117,000. Mr. Sawyer responded that the fee was based on the man-modification of the area, reemphasizing damage that was done by modifying the stream zone was environmentally damaging to the Basin. Mr. Sawyer pointed out that extensive studies were prepared for the CTRPA which evaluated how much nitrogen is leaching from the soils as a result of this project. Mr. Sawyer also pointed out that this is an action taken pursuant to the Lake Tahoe Basin Water Quality Plan which is a state plan for the protection of the environment and the Agency cannot approve projects without making this finding.

Mr. Sawyer commented the impact statement suggests stream zone restoration instead of the mitigation fee. Speaking for the State Water Resources Control Board, restoration is looked at very carefully as the Board is not set on fees as the best way to deal with project mitigation. He further urged staff to follow through on recommendations for a specific mitigation program.

Mr. Smith stated, in regard to the State of California policy being imposed upon TRPA, there is some difference as far as the Agency reviewing environmental documents being tied into the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). Mr. Overeynder responded the statute that the Agency is operating under is neither NEPA or CEQA. However, this environmental document was prepared in satisfaction of the requirements of CEQA, since it is a California project, and Article VII Compact requirements for the preparation of an environmental impact statement. Mr. Sawyer further explained that in interpreting CEQA, California courts do consider the federal precedents under NEPA. With the TRPA environmental documentation requirements which are patterned after NEPA and CEQA, he stated it is a reasonable
expectation when there is litigation involving the environmental documentation requirements of the Compact, the courts will look at how the federal courts deal with CEQA or NEPA. The TRPA is not bound to follow them, but there is a risk because the court might say what the federal court did under NEPA is quite reasonable and the TRPA should have done the same.

The motion carried on the following vote:

Ayes: Mr. Renz, Mr. Sullivan, Ms. Bogush, Mr. McMullen, Mr. Smith, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Pyle, Ms. McMorris, Mr. Randolph, Mr. Harper
Nayes: None
Abstain: None
Absent: Mr. Raper, Mr. Combs, Mr. Schlumpf, Mr. Bidart, Mr. Hansen, Ms. Shellhammer

B. U.S. Postal Service, Action Plan for Mail Delivery

Mr. Harper thanked Ms. Bogush for her time preparing the information addressing the APC's concerns relating to the U.S. Postal Service Action Plan for mail delivery and her presentation to the Governing Board at their January meeting. Mr. Harper stated that the APC was not opposed to the concept of the U.S. Postal Service Action Plan and, if any harsh words appeared to be said at the last meeting, the statements were made without malice, since the APC's intentions and responsibility is to attempt to make this plan as effective as possible.

Dale Neiman, Senior Planner, stated he worked with Ms. Bogush and Ms. Dena Schwarte, U.S. Postal Service Consultant, along with assistance from Mr. Harper and Dick Milbrodt, City Manager to address the APC members and Governing Board's concerns with the responses outlined on Attachment B of the staff summary. Mr. Neiman also stated information on snow removal cost for Incline Village was prepared by Mr. Harper but was not included in the report. The cost estimate would be an increase of approximately $700,000 per year to meet the Postal Service requirements, which averages out to about $10,000 per mile of road.

Mr. Neiman clarified the wording of local government entities mentioned throughout the report refers to the City of South Lake Tahoe since the first three neighborhood delivery centers (NDC's) will be implemented in the City of South Lake Tahoe. Mr. Pyle suggested changing the wording to affected local governmental entities.

Ms. Bogush stated that she consulted with Glenn Smith, Stan Randolph, Andy Sawyer, and Mike Harper as to how the APC's comments should be addressed. The consensus of the subcommittee and the Governing Board was that the existing data be used. Ms. Bogush pointed out that the addendum was based on existing data.

Mr. Sawyer stated that a federal agency is not required under federal law to obtain any building permits, but a federal agency is required to comply with local regulations for protection of air and water quality which would apply to the Postal Service. Mr. Smith clarified that Executive Order 12088 covers air and water quality and noise. Mr. Neiman stated the Postal Service would be
required to obtain a building permit for any project in the Basin based on the Clean Water Act, Clean Air Act, and the TRPA Compact. The Postal Service agrees with this requirement, however, they do not agree that they should be subject to permits at the local level as these permits do not implement the program under the Air Quality Plan. The Postal Service has informed staff that it is their position they will not get a local building or use permit from the city or county, but they will obtain a permit from TRPA, and are willing to work with the local entities on this issue. Mr. Neiman further stated it was his understanding, when discussing this issue with the Postal Service's attorney, the reason they do not want to get a permit from the local entities is because they want to protect their rights under federal law. Mr. Sawyer stated the Clean Water Act is absolutely clear and the requirement to obey the local water quality laws has nothing to do with 208 planning; all it has to do is meet the local water quality regulations. If there is a local water quality ordinance then the local officials should state to what extent their ordinances protect water quality. The Postal Service or any federal agency is then required to comply with that law. Mr. Smith commented that point of a building or use permit addressed by Mr. Neiman is different than what the federal government recognizes as their responsibility under air, water and noise standards, both from the standpoint of federal legislation and the Executive Order. Mr. Sawyer stated that local building permits may or may not be affecting water quality, but if local government takes the position, especially through a finding in their ordinances that one of the ways to implement the water quality ordinance is through a building permit, then that building permit is a water quality regulation. Mr. Neiman responded that what Mr. Sawyer stated is correct if the local governments have permits that would implement the air quality plan, they could attempt to require the Postal Service obtain a permit.

Ms. Dena Schwarte, Consultant for the Postal Service, commented that she did not have a conversation with the same attorney, but has been directed by the project manager of the Postal Service to process the use permits through the City of South Lake Tahoe for the main postal facility and she is presently waiting for the appropriate signatures on the application. Mr. Neiman stated that both he and Ms. Schwarte have been working with the local postmaster and a number of people at the district level in Sacramento and the regional level in San Francisco, and there seemed to be a conflict with what he had been told by one attorney and what Ms. Schwarte had been directed to do.

Mr. Harper pointed out that the TRPA ordinance states before the Agency will issue a permit that the applicant must receive the appropriate permits from the local entities. Washoe County has an ordinance which specifically states public uses on public lands shall obtain a special use permit, and this particular type of project will require a special use permit. Mr. Harper stated he did not understand why the Postal Service felt they were protecting their rights under federal law, and asked how the legal problem could be resolved. Mr. Overeynder responded that Mr. Sawyer outlined the legal requirements as well as anyone, but Agency staff would have to determine whether or not there was, in fact, some consideration in the special use permit for either air quality, water quality, or noise. If there was, there would be a valid basis for enforcing that condition. If there was not a valid basis, then the Agency would abide with the law which says to the extent those are not factors, the local permit would not be necessary.
Mr. Randolph commented the staff is requesting approval as an implementing element of the Agency Air Quality Plan and from what Mr. Sawyer stated, it seems that if those words are added, there isn't any option and the Postal Service will have to obtain a use permit.

Ms. McMorris suggested that staff add a condition that the Agency will not grant a permit to the Postal Service without concurrence from the local government. Mr. Renz stated from Douglas County's point of view, it is important the Postal Service get a special use permit since the concern for air and water quality is mitigated. Mr. Renz further stated that Douglas County's ordinance does not list specifically air and water quality, but the conditions are listed under the special use permit.

Mr. McMullen suggested phrasing the condition that the Postal Service be required to obtain all necessary permits, which allows some flexibility at both the local government level as well as TRPA's point of view to determine what is necessary. Mr. Pyle suggested adding the wording "as stated in Executive Order 12088 as it pertains to air, water, or noise".

Mr. Smith stated there is a concept called "Supremacy of Government". The state rules over counties and cities; the federal government rules over states and no federal agency or executive branch of the federal government has any prerogative to give up any of its legal constraints and its authorities to any lessor government. All federal employees must protect those federal interests. They can not give in where it is not legally binding upon them to do so. Mr. Smith explained this is a part of federal government and cooperation has been demonstrated effectively in the Basin by the federal government.

Ms. Schwarte stated that the Postal Service has attempted to amend past events that have occurred and asked the APC members recognize the spirit of cooperation being demonstrated with the CTRPA, TRPA, the City of South Lake Tahoe, and all the county governments.

Mr. Harper suggested that, in the spirit of cooperation and to alleviate staff time, the Postal Service pursue obtaining the local use permits to help identify items and issues of concern for acceptable mitigation measures.

Mr. Smith stated there is a federal provision for informing and getting input from local and state agencies called A-95. TRPA being a regional clearinghouse in which any federal project having an affect in this area is brought before the Governing Body receives comments from representatives of the counties, the City of South Lake Tahoe, as well as other agencies. That is the approach for participation with local governments on federal projects.

Mr. Sawyer suggested if the recommendation to include Executive Order 12088 is approved as a condition, that Section 311 of the Clean Water Act also be included. Or to state that under federal law that a federal agency is not required to obtain any building permit except to the extent those permits implement local programs for air quality, water quality and noise.
Mr. Harper suggested that, in addition to a six month review, there should be a twelve month review in order to assess effects of any modifications that might be necessary. Ms. Schwarte stated she did not think the Postal Service would be opposed to an additional six month review to evaluate the success of the program or to determine if any modifications need to be made.

MOTION by Mr. McMullen, with a second by Mr. Sullivan, to recommend to the Governing Board approval of the Action Plan with modification of the conditions that all local actions will have a less than significant level, or subsequent environmental documentation will be prepared on those particular implementing actions; that the staff recommended condition state that all required permits for construction of these facilities will be obtained from local governments and TRPA pursuant to federal law Executive Order 12088 and Section 311 of the Clean Water Act; the additional evaluation period of six months; and that Attachment B be included as part of the Action Plan. The motion carried unanimously.

C. Staff Report Regarding the Effectiveness of a Program to Provide Driver Advisories and Idling Restrictions

Dale Neiman stated that the Federal Air Quality Plan adopted by the TRPA Governing Body in August of 1982 included a number of measures which require further study before they could be implemented. Staff completed two of the required studies regarding Driver Advisories and Idling Restrictions, and requested that the studies be reviewed by the Technical Advisory Committee who assisted in developing the Air Quality Plan.

Mr. Neiman reported that the draft study for driver advisories concluded that the system of computerized signs indicating the optimum speed to travel on the U.S. 50 Corridor may be effective in reducing carbon monoxide emissions from automobiles. The comment received from Caltrans stated that this system would not work because Model 170 controllers do not have this capability and the necessary software is not available. Agency staff concurred with this comment.

Mr. Neiman explained that the draft study for Idling Restrictions reviewed the potential effectiveness of a program that would either prohibit drive-up facilities or require a review to assess any impacts. The draft study concluded that more carbon monoxide would be produced by prohibiting drive-up facilities. Mr. Neiman further explained this conclusion was based primarily on a draft study completed by EPA and, as far as Agency staff is aware, includes the only test information on this subject. The comment received from Caltrans was that there is not enough information available to either support or reject the adoption of a program based strictly on emissions. It is EPA's opinion that the test data is inconclusive because only two automobiles were used for the test and both automobiles used were Fords. Agency staff agrees with both Caltrans and EPA that the test data is inconclusive. Mr. Neiman added that prohibiting drive-up facilities may also be considered as a disincentive to using the automobile.

Mr. Smith commented there seemed to be a conflict with regard to the driver advisories staff summary which stated such a system would not work because Model 170 controllers do not have this capability. The draft study report stated that
either system could be installed after the computerized signalization system is upgraded by replacing the Model 200 controllers with the Model 170. He questioned why would there be a conversion to the Model 170 controllers. Mr. Neiman responded that neither one of the systems would work, as indicated by comments and discussion with Caltrans traffic engineers, as the Model 170 did not have the capability in the Tahoe Basin on the U.S. 50 Corridor based on configuration of the road system and technical problems.

Keith Maki, Senior Planner, clarified that the Model 170 signal controller cannot indicate optimum speed, but the other comments as far as the Model 170 being used as a computerized traffic signal system, is an entirely different matter. The Model 170 will be installed to improve the signal system function. The Model 170 is a micro-processor similar to a mini computer which allows more detection from side streets and the Highway 50 Corridor. The system would be set up in three segments with communications between the three segments since Caltrans does not have the ability to have a driver advisory sign. The estimated cost for the Model 170 is $170,000 which is expected to be installed in the spring of 1983.

Ms. Bogush suggested Pioneer Trail could be used as an alternate route instead of Highway 50 with strategic signs placed on Highway 50 directing people to Pioneer Trail. Mr. Pyle pointed out Pioneer Trail is already heavily used and several years ago El Dorado County tried to present modifications for realignment at Stateline from Highway 50 to Elks Club Road. The study showed the amount of traffic Pioneer Trail was carrying at that time was unsafe and overcrowded during most of the year. Mr. Pyle stated people should not be directed to travel on Pioneer Trail until the road is upgraded to meet the criteria for the amount of traffic proposed/projected to travel upon it.

MOTION by Mr. Sullivan to continue until further information can be evaluated. There was no second to this motion.

Mr. Neiman explained there is a time schedule in the Air Quality Plan according to the Air Resources Board, Environmental Protection Agency and the Nevada Department of Transportation that will have to be met, but there should be no problem to consider the driver advisories further as new information becomes available.

MOTION by Mr. Randolph, with a second by Mr. Renz, based on review of the present technical information available on driver advisories, there does not appear to be a need for immediate action. The APC will continue to evaluate the program based on new technical information as it becomes available.

Ms. Bogush noted the signs near Placerville indicating the radio stations to listen to for road conditions in Tahoe cannot always be received and on many occasions the computer signs are broken. This could be one of the goals to make sure the signs work to their fullest efficiency.

Mr. Smith commented that the driver advisory sign between Sacramento and Placerville only carries one message and asked if it could be modified to handle additional messages which flash every few seconds. Keith Maki responded that he would look into the potential of the sign to add messages.
The motion carried unanimously.

Mr. Randolph called for discussion pertaining to idling restrictions because the document stated that drive-up facilities were a detriment to air quality. The TRPA should avoid concluding that the results of the test show that more pollution would be produced by prohibiting drive-up facilities and therefore, eliminated from any further consideration. Mr. Randolph stated if this cannot be substantiated, he would recommend development of an ordinance which would require drive-up facilities be reviewed based on potential air quality impacts. Since traffic is already evaluated, this is one further step to evaluate the air quality aspect. Mr. Overeynder responded traffic impacts are evaluated but not necessarily the air quality emission impacts. If the methodology is not conclusive, it is difficult to determine whether or not there will be an adverse impact by placing a drive-up window. The Agency can develop an ordinance, but it would be somewhat inconclusive in terms of Agency review as to whether it will be either a positive or negative impact. Mr. Overeynder stated that the CTRPA does have an ordinance for the California portion of the Basin which prohibits drive-up windows.

MOTION by Mr. Renz, with a second by Ms. Bogush, that idling restrictions be studied further and no implementation provisions be proposed until further information is available, either through methodology or through additional data, and at such time an ordinance could be considered as part of the traffic evaluation for drive-up facilities.

The motion carried unanimously.

VII REPORTS

A. Status of Nonattainment Redesignation of Placer County
   Pursuant to Federal Clean Air Act

Dale Neiman stated the air quality monitoring and modeling data compiled since 1978 have shown that the carbon monoxide air quality problem is limited to the U.S. 50 Corridor in South Lake Tahoe. In May, 1982 the Placer County Board of Supervisors formally requested redesignation of the Lake Tahoe Basin portion of Placer County. The APC passed a motion at their January meeting to defer the matter for 60 days since information was being collected on the North Shore. Mr. Neiman stated staff felt it would be appropriate to schedule this matter on the February APC agenda to discuss the letter the Agency received from Ken Selover, Placer County Air Pollution Control Officer, which expressed the County's concern with the delay in action being taken by the APC.

Mr. Randolph explained the monitor was placed at the same location on February 2, 1983 as it was during the winter months of 1980-81 and since the data results would not be available until the end of February, he had recommended deferring this matter for 60 days.

Mr. Selover stated that since he did not attend the January APC meeting, this matter could possibly have been resolved at that time since the Placer County Board of Supervisors position is clearly outlined in the resolution passed in
May, 1982. Mr. Selover also stated that the technical data in the Air Quality Plan was approved by the Air Resources Board and transmitted to EPA. The modeling results are in the Air Quality Plan, along with the air monitoring conducted by the Air Pollution Control District (APCD) with the assistance of the Technical Services Division of the ARB. Mr. Selover reiterated it is Placer County's position that the North Shore portion of Placer County is presently an attainment area for carbon monoxide and will be an attainment area henceforth. The original designation of nonattainment was made on the recommendation to EPA by the ARB based on limited data. Since that time, Placer County has voiced the opinion that the designation was wrong from the beginning because it was based upon modelling which was done on the South Shore. The major contention Placer County has on a number of issues is that the South Shore is a different entity and environment than the North Shore. Mr. Selover pointed out his letter dated January 25, 1983 regarding traffic volumes and other conditions on the South Shore and the North Shore outlines this issue.

Mr. Selover stated assistance had been requested from the Air Resources Board prior to the monitoring program conducted by the APCD last winter. The monitoring assistance requested from the ARB was not done and, consequently, it was done with the staff and resources of APCD. The assistance that was finally received was through the loan of equipment and staff to do the quality control checks. Mr. Selover stated it was unfortunate that this action was not taken in a more timely manner noting the ARB could set up air monitoring equipment on the North Shore in a matter of two weeks and Placer County had requested monitoring be set up for over three years.

Mr. Selover emphasized if the data is shown to be nonattainment, if it is valid data done properly pursuant to federal regulations and within the guidelines, Placer County would have no problem with that, but it has been shown to be an attainment area and it should be classified as an attainment area.

Mr. Selover introduced Russ Roberts of the Air Pollution Control District, stating he had performed extensive analysis of the monitoring and modelling conducted on the North Shore. Mr. Roberts stated he had consulted with the Research Division of the ARB concerning this matter, and reviewed the minutes of the January APC meeting. The objection to the redesignation request centered around two things - the environmental conditions during the winter of 1980-81 allegedly were not conducive to violations of the carbon monoxide standard and the model in South Lake Tahoe had underestimated carbon monoxide concentrations and perhaps had been conservative on the North Shore as well. The 1981 monitoring data was reviewed during the time the carbon monoxide station was in operation along with the weather station in order to have weather data to compare CO concentrations monitored. After looking at the data, there is nothing that supports the position that last winter was typical in any way as far as wind conditions, wind speeds, direction, or temperatures. For the 30 day period starting with the Christmas week and ending the last week of January, on every weekend there was at least one day during the weekend when there were weather conditions conducive to carbon monoxide violations. Mr. Roberts commented that it was not a typical traffic year and that he did not have the traffic count data to support this either way. From his own observation, it was a typical year during last winter at sometime during every day of the week but
it did not appear that traffic volumes was much different. As an example, Mr. Roberts pointed out December 31, which is a time when a lot of people are expected on the North Shore, with a lot of traffic, and if there is going to be violations this would probably be a good day to look at. During that day, there were 11 hours of completely calm conditions, with no wind, and the average temperature for that 11 hour period was almost 37°. The highest concentration during that 11 hour period was 4 ppm which was at 11 a.m. The high for the day was 7 ppm at 4:00 p.m. in the afternoon and during that hour the temperature was 36° with 3 mile an hour winds. It was Mr. Robert's opinion this was a worse case day with high traffic volumes and bad weather conditions, but it did not show any violations. This was not the only day this happened during the sampling period; it happened at least once every weekend during the 30 day period from December 31 through the end of January.

The second point Mr. Roberts wanted to clarify was that the model has shown to be conservative for the data taken at the South Shore, which modelled 15 ppm maximum concentration and actually 17 ppm was monitored. Mr. Roberts stated it was possible to challenge the results of the model from one of two ways. Either challenge the validity of the model itself, which was believed to be Caline 3 but the model has been validated over and over, so there cannot be an argument with the validity of the model. The second way to challenge the results of the model would be to look at the inputs and say worse case traffic volumes were not used, or the wind speeds were too high, or the temperatures were too high or the background levels were too high. Mr. Roberts further stated when the ARB Research Division modelled for carbon monoxide concentrations in the Basin, they used worse case situations and used the worse case traffic. In the case at the North Shore, they used traffic volumes that were in excess of the roadway capacity, they used worse case weather conditions, and they used a 2 or 3 ppm background level. If it is remodeled, the only thing that can change which could be argued would be the background concentrations by saying the background concentrations were too low. The monitoring done at North Shore by the APCD doesn't seem to support the contention that background levels were too low. With 1, 2, 2½, 1½ ppm concentration, perhaps a 3 ppm background level for North Shore was high. But the model results, at least for the North Shore seem valid even though they may be a little bit high as far as the eight hour concentration.

Mr. Roberts stated that as far as the model is concerned, the North Shore did not get 8.9 ppm when the standard is 9 ppm. There was a 7.6 ppm in Kings Beach and a 5 ppm in Tahoe City. The same argument could be made that the North Shore model results were off by the same proportion as the South Shore model results, but he did not think this was a valid argument since circumstances are much different on the South Shore than they are on the North Shore. The 2 ppm difference is about 12%; it's 12% off. If it is 12% off on the South Shore, it's 12% off on the North Shore and multiplied the model results on the North Shore by 12% you still would not have a violation. The model can be off, not saying it is, but it is not off enough to show violations in 1982 and certainly not in 1987.
Mr. Roberts discussed the violations that were monitored in 1979. When reviewing the data sent to him from Caltrans, Mr. Roberts noted the site was located in the Wells Fargo Bank parking lot on the North Shore which did not seem a good location to place a CO site with vehicles lined up idling at the drive-up window in the bank parking lot. He pointed out when vehicles are in the idle mode that is the highest emission figure. There were only two violations monitored during the entire sampling period which were fairly significant with 11.4 ppm and 11.1 ppm.

With regard to the monitoring being done presently, Mr. Roberts stated he did not know how much additional information there would be since the Christmas and New Year holiday period was missed and unless something showed up during the first weekend of February, it appeared doubtful any new information would be shown beyond what is available now.

Mr. Randolph responded by stating he did not disagree with the report presented by Mr. Roberts, but clarified the monitor device was inside the Wells Fargo Bank, and the probe was out on the front of the bank over the lawn area. It was not in the parking lot. Mr. Randolph commented that he is not saying anything different will be found with the new data, but monitoring at this particular time when there was some differences on the South Shore seemed worth while. The other aspect was that it seemed to him it was urgent because of the potential sanctions, even though there is no indication of sanctions being placed in the Basin because of the Air Quality Plan. Mr. Randolph stated the model is good and will not try to refine the model. Part of the process is monitored data verifies the modelled data. And now there is a verified model with data which shows 15 ppm and monitored 17 ppm, which is what prompted his recommendation to defer this matter for 60 days. Mr. Roberts asked what can be changed in the model when it already reported there are maximum traffic figures, have F class service level, weather conditions, and what other than background can change? Mr. Randolph responded background may be one of those things; at this particular point if Placer County wants to request this monitoring, they may do so. Mr. Roberts stated the point that he was trying to make was that there may not be any data either way and it may end up as having wasted 60 days.

Mr. Selover reiterated that the issue of this request was made in May, 1982 and now approaching a year for a decision, and it isn't a matter of 30 or 60 days. To the Placer County Board of Supervisors and the APCD the sanctions are real, irrespective of what it says in the Federal Register. As the Executive Officer of the APCD, Mr. Selover stated he acts at their direction. The Placer County Board of Supervisors are very concerned about the federal sanctions, also in light of the information being released from EPA in the last few weeks regarding the sanctions, it is very real to the Board. That doesn't mean that another rule cannot come out at any given time in the future and sanction the entire Basin at the whim of the EPA administration. Because of the lack of consultation with the APCD on this matter and lack of response to the air monitoring on the North Shore in the past, it seemed to be a waste of resources, both of staff and finances, which are in short supply at this time.
Mr. Harper asked that, assuming the TRPA was to redesignate Placer County portion of the Tahoe Basin, does ARB intend to cease the monitoring effort? Mr. Randolph responded that the monitoring effort has been a winter time program and, yes if the designation is made it would not be a proper expenditure of money at that point trying to verify it was not the right decision. The ARB has served notice to EPA that there is a potential change in the Placer County portion of the Tahoe Basin which is consistent with seven or eight other areas in the State where it is thought there will be changes this year.

Mr. Selover stated there would not be any problem with running an air monitor in Tahoe City and it would be good data to have, but again in consideration of resources may not be the most valuable place to spend the money.

Mr. Selover also addressed the issue of participation on behalf of the Placer County Board of Supervisors. There is a concern that if the North Shore is designated an attainment area for carbon monoxide, the participation in the air quality process in the Tahoe Basin will cease. Mr. Selover stated Placer County has been first in the Basin and first in the State in many areas in putting innovative measures to facilitate transportation other than the automobile, i.e., bicycle paths, use of the mini buses, and cooperation with the ski resorts to have transit buses for skiers. Placer County has been involved at all levels, both private and public, participating in transportation and air quality planning which is continually ongoing, especially with ski resorts. Mr. Selover further stated, considering the transportation measures such as Squaw Valley, the capital improvement plan clearly addresses this issue and there is a commitment made by the Board which has been backed up by resources to be followed through for a number of years.

In conclusion, Mr. Selover requested that the APC reconsider this item at an appropriate time and the APC members give consideration to make a recommendation to the Governing Board to designate the Placer County portion of the Basin as an attainment area for carbon monoxide.

Ms. McMorris stated that since one of the major winter holiday weekends occurs during February, would Placer County be willing to give ARB until the end of February, with the condition that if they really felt they were going to be given some sanctions they could immediately request the APC consider this as an emergency item.

Mr. Sawyer stated that the APC has a responsibility to set the record clear, and as an agency administering federal grants, he could be assured that none of the federal grants in the Tahoe Basin are affected by attainment or nonattainment status within Placer County. Further, he did not see any grants that are affected. The TRPA does have a State Implementation Plan (SIP) which is being implemented and there are two provisions of Section 176 which state no federal agency can approve a project inconsistent with nonattainment, and the other gives priority for funding transportation measures to implement the nonattainment plan. Mr. Sawyer also referred to Section 316 which only affects sewage treatment grants; it does not affect the other programs the State Water Resources Control Board administers.
Mr. Selover disagreed with Mr. Sawyer’s interpretation of Section 316, stating the issue before the APC is if the Placer County portion of the Basin is an attainment area or not.

Mr. Smith stated he had discussed the issue with EPA and asked them what happens if the recommendation for attainment. Their reply was that it didn’t make any difference at all. This has absolutely no effect upon the air quality in the Tahoe Basin.

Mr. McMullen stated since it is so close to the President’s holiday weekend, the APC should just continue the matter and defer action until the March APC meeting.

Mr. Selover stated he hoped in the future to avoid some of the confusion that has occurred in this matter and that Placer County could be involved in the process. He stated they would be glad to provide to the APC whatever technical assistance was necessary.

Mr. Randolph commented that whatever data is collected, including the strip charts, it will be available to Mr. Selover and Placer County prior to March 9, 1983.

It was agreed that a letter from APC would be mailed to the Placer County Board of Supervisors indicating the structure to this point. The Governing Board will be given the APC’s recommendation and Mr. Selover’s concurrence that he would agree to a continuance.

D. Development of Regional Plan Alternatives

Randy Sheffield, Chief of Long Range Planning, explained the timeframes for the release of the Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin. It will be presented to the Governing Board at their February 23 and 24 meeting, beginning the 60 day public review period. Public hearings will be conducted before the APC on March 9 and April 13, and before the Governing Board on March 23-24 and April 27-28. Workshops will be conducted during this timeframe both in and out of the Basin so the public will have an opportunity to comment on the alternatives in the EIS. The end of the 60 day review period will be prior to the April Governing Board meeting. The Governing Board will then look at certification of the EIS and the first step towards decision making in terms of agreeing upon or establishing the policy plan for the region. On May 13, a special Governing Board meeting will be scheduled to act upon adoption of the policy plan which will give direction for preparation and adoption of ordinances implementing the programs.

Mr. Sheffield stated the alternatives that will be examined during this process, and the baseline strategies which have been discussed with both the APC and the Board during the January meetings were as follows: 1) work within the existing urban boundary; 2) no new subdivisions outside that urban boundary; 3) no development in stream environment zones (SEZ); 4) apply the Bailey system to watershed associations; and 5) apply Best Management Practices (BMP).
Mr. Sheffield explained the priority for allocating remaining resources was: 1) allocate up to 40% of the remaining coverage to outdoor recreation; 2) single family dwellings which includes supporting commercial and public services that may be an essential part of additional single family dwellings; 3) affordable housing; 4) multi-family units, including supporting commercial and public services that would be required; 5) further subdivision within existing urban boundaries; 6) tourist accommodations; 7) non-service commercial; 8) subdivision and other development outside the existing urban boundary if there are resources available.

Mr. Sheffield outlined the alternatives for the Regional Plan as follows:

**Alternative 1 Maximum Regulation** - (a) the emphasis is on Agency control and minimum environmental risk; (b) maximum prohibition and maximum compensation for those lots that would not be developed; (c) new residential development in capability districts 4-7 only if within watershed associations where there is coverage available with no development on lots that contain stream environment zones. **Alternative 2 Development With Mitigation** - (a) the emphasis on private mitigation programs and equity (b) allows for perhaps maximum building of single family dwellings; (c) new residential development on capability districts 3-7 or lots/parcels that are similar to capability district 3; and (d) if the coverage is fully mitigated. **Alternative 3 Redirection** - (a) the emphasis is on local governmental and private programs that would redirect development or redevelop areas where environmental concerns could be better met; (b) maximum change of land use patterns; (c) new residential development in capability districts 3-7 and use redevelopment or redirection to transfer high hazard development to low hazard. Alternative 3 has proven to be the most difficult alternative to define. The first two alternatives are relatively mechanical in some respects. Perhaps, in terms of totals, it may provide opportunity to build somewhere in the neighborhood of 15,000 additional single family units within the Basin, or a combination of single family and multi-family units. In many cases it will require a change in use characteristics within portions of the Basin, increasing the density, and perhaps changing the use.

Mr. Sheffield clarified that in Alternative 2, if there is a stream environment zone lot that shows up in the data base as an SEZ lot, but yet there is a buildable site and enough land area to provide development, it would be looked at on a case-by-case basis. It has been found that there are perhaps as many as 25% of the SEZ classified or designated lots that do have a buildable site on them. In Alternative 1, SEZ lots would be prohibited and in Alternative 2 it would be evaluated. Mr. Overeynder explained that if the maps are misdrawn, the Agency would have to do an on-site review of the lot in question.

Mr. Sheffield stated that with the 175 planning areas, 5 use designations, and 3 alternatives, there is a lot of choosing and selecting that can be done which is the value of looking at a plan from the standpoint of individual planning areas. Some planning areas will have varying use districts, because the use district may not stay consistent through all three alternatives. The whole purpose is to insure that the full range of options has been explored.
Mr. Sheffield displayed a chart explaining the coverage calculations for watershed associations, what the allowed coverage is, what the additional coverage would be with each one of the first two alternatives, the number of units, and the weighted coverage ratio to be restored. The process is complicated but staff is trying to structure something that is attainable and feasible, and the EIS will look at all of the factors in addition to the costs involved.

B. Brockway Springs Environmental Impact Statement

The APC members received a copy of the Environmental Impact Statement for Proposed Amendments to Brockway Springs of Tahoe pursuant to the settlement of litigation and Mr. Evereynder noted the comment period ends on March 22, 1983. The document will be scheduled for determination of technical adequacy at the March 9 APC meeting.

C. Status Report on Proposition 4 and Burton-Santini Programs

Mr. Harper noted the APC received a report on Burton-Santini at the January meeting. Mr. Sawyer briefly reported on the structure of the Lake Tahoe Acquisitions Bond Act (Proposition 4) which authorizes the Lake Tahoe Acquisitions Finance Committee to authorize sale of $85 million in general obligation bonds. The Finance Committee will make recommendations to the Governor and to the legislature concerning how the funds will be used. Funds are available to the federal, state, regional, or local agency designated by statute in accordance with the Tahoe Area Land Acquisitions Commission. Funds will be available to purchase undeveloped lands on the California side of the Lake Tahoe region, including vacant subdivided lots where development will adversely affect the environment, with preference being given to stream environment zones and other areas where development would threaten water quality.

D. Annual Report for the Lake Tahoe Basin Air Quality Plan (Federal Clean Air Act)

Dale Neiman stated that an annual report is required to be prepared each year to evaluate progress made towards retaining the federal air quality standards and implementation of measures included in the federal air quality plan. The report is to be submitted to the state agency(s) responsible for air quality planning. Staff prepared a draft report for the Lake Tahoe Basin Air Quality Plan requesting the APC, EPA, state and local agencies provide comments by January 28, 1983. The staff received written comments from the City of South Lake Tahoe, California Air Resources Board, and Nevada Department of Transportation, in addition to verbal comments from the Environmental Protection Agency and Caltrans. These comments were incorporated into the final report. The revisions to the draft report are either dashed out or underscored. No action is required on this report but is available to the public.

Mr. Randolph commented the monitored data listed in the report covered nine months of data that was available at that time. He suggested since there was not an urgent need to submit the report, to wait for the remainder of information in order to submit a report for a full year.
E. 208 Public Involvement Report - Erosion Control Brochure

Gary Shellhorn, Senior Planner, presented copies of a brochure guide for home builders in the Lake Tahoe Basin entitled "How to Protect Your Property from Erosion". Mr. Shellhorn stated the brochure was compiled under the 208 Public Involvement Program which took about a year to complete, explaining there are only two documents for the Basin pertaining to this subject. One was the practical guide to building compiled by the Soil Conservation Service two years ago, and the Handbook of Best Management Practices which is a more technical document. With comments received from the public, Agency staff felt there was a definite need for a consolidated brochure which provides information to the property owner, architect, engineer, technical planning people explaining why there is a need for implementing erosion control in the Basin.

F. Public Interest Comments - None

G. APC Members

Mr. Overeynder reported on the status of the Loop Road contract with QUAD Associates which will be in two phases. The first phase analyzes the issues that need to be addressed and the second phase identifies the scope of work in the final EIS. The final contract between QUAD Associates, the City of South Lake Tahoe, and the TRPA is scheduled to be finalized on March 15, 1983.

Mr. Randolph assured staff that the monitoring data results for the North Shore and Placer County’s redesignation request discussed earlier would be transmitted to the Agency, along with an explanation. Mr. Randolph explained that he could not report at this time if the State standard will be different than the current 6 ppm. Continued growth will have to be offset with transportation measures. Mr. Randolph also reported he anticipates the atmospheric deposition study contract will be completed the week of February 14.

Mr. Sawyer introduced Sarah Michael. Mr. Sawyer explained that Jim Reed will make a recommendation to the Governing Board to appoint Ms. Michael to the APC at the February Board meeting.

Mr. Sawyer reported he mailed a notice of a proposed amendment to the Lake Tahoe Basin Water Quality Plan to the APC members. Mr. Sawyer briefly explained that the Placer County Superior Court issued a ruling on the lawsuit challenging the State Water Resources Control Board’s plan which upheld it in all but one respect, which was whether the SWRCB complied with the section of the water code that does not apply to TRPA. The court could not rule on the plan because it is ambiguous. On January 20, the SWRCB proposed and adopted an amendment to eliminate the ambiguities.

Ms. Bogush invited all who were interested to the American Planning Association Sacramento Section meeting on avalanches and land use regulations to be held on February 17. Ms. Bogush reported the Tahoe Basin Association of Governments (TBAG) met the end of January to discuss how TBAG can participate in the Regional Plan in a productive way. The calendar of participation includes three TBAG meetings to compile comments on the Regional Plan EIS and to serve as a
base for individual jurisdiction position on the Regional Plan. The local
governments are going to volunteer to coordinate citizen meetings. The basic
goal is to have comments to the TRPA staff and Governing Board by the end of
March.

Mr. Harper announced the Northern Nevada American Planning Association will hold
a meeting on February 25, with Ken Topping as the speaker. He is the Planning
Director for San Bernardino County. The same Northern Nevada Chapter is
proposing a one day work session with the joint planning commissions and
planners, and Lane Kendick, the author of Performance Zoning, will be scheduled
for sometime in late April. Mr. Harper also reported that the Washoe County
Board of Commissioners authorized staff to pursue legislation to institute an
annual inspection and maintenance program in the Truckee Meadows portion of
Washoe County.

VIII RESOLUTIONS - None

IX CORRESPONDENCE - None

X PENDING MATTERS - None

XI ADJOURNMENT

The APC meeting adjourned at 4:00 p.m.

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

Respectfully submitted,

Mary Bailey

Mary Bailey
Secretary II
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

March 9, 1983
9:30 a.m.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chairman Ann Bogush called the meeting of the Advisory Planning Commission to order at 9:40 a.m.

APC Members Present: Mr. Kortick, Mr. Renz, Mr. Combs, Mr. Randolph, Mr. McMullen (arrived at 9:45), Mr. Smith, Ms. Sparbel, Mr. Sawyer, Mr. McCurry, Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Curtis, Ms. Shellhammer, Mr. Poppoff, Ms. Michael, Ms. Bogush, Mr. Harper (arrived at 9:45)

APC Members Absent: Mr. Sullivan

Ms. Bogush welcomed the new APC members Mr. Kortick, Mr. Curtis, Mr. Poppoff, and Ms. Michael. Mr. Overeynder, Executive Director, announced there would be an orientation meeting for the new Governing Board an APC members on March 15, 1983. The purpose of the meeting would be to bring the new members up to date on project review procedures, the environmental threshold standards, and status of the regional planning process. In addition, Ms. Sparbel will report on the Nevada Tahoe Regional Planning Agency’s (NTRPA) functions are and how casino floor space is reviewed.

II APPROVAL OF THE AGENDA

Mr. Combs suggested it would be more appropriate to defer Agenda item VI, during the afternoon portion of the meeting, as more time would be needed to discuss the EIS.

MOTION by Mr. Combs, with a second by Mr. Hansen, that Item VI, Public Hearing to Consider the Environmental Impact Statement and Amendments to the Regional Plan be scheduled as the last item to be discussed on the agenda. The motion carried unanimously.

III DISPOSITION OF MINUTES

Due to the time constraints of working on the EIS of the Regional Plan the February 9, 1983 APC minutes were not available for this meeting.

IV ADMINISTRATIVE MATTERS

A. Mechanisms to Convey APC Recommendations to Governing Board and Role of Advisory Planning Commission

Mr. Overeynder stated he met with Mr. Harper, and Mr. Reed to discuss how to improve communications and conveyance of the APC recommendations to the Governing Board. Mr. Harper noted that a copy of his letter dated February 25, 1983, which outlined the understanding reached from the meeting was included in the packet to the APC.
APC REGULAR MEETING MINUTES MARCH 9, 1983

Mr. Harper clarified that a majority and minority report of the APC votes and recommendations will be coordinated as one document rather than two separate documents. Staff will try to put administrative items reviewed by the APC on the second day of the Governing Board agenda. This will give staff an additional day to prepare the report for the Governing Board packet mailing by placing planning matters on the first day of the Board agenda and projects on the second day. Mr. Overeynder explained the ten day requirement for projects reviewed by the Governing Board and the critical time constraint of getting the packets to the Board within the timeframe allowed.

B. Other

Mr. Overeynder suggested that due to the increased number of the APC members it might be a good idea to consider finding a new location for the APC meetings. Mr. Overeynder stated the public hearing for the Regional Plan was scheduled for the Governing Board meeting in March at the TRPA office. In April, the Governing Board meeting will be held at Harvey's Inn, and in May the Board will meet at Granlibakken. Mr. Overeynder also stated it would be appropriate to schedule the April APC meeting and public hearing at another location, possibly on the North Shore. The APC members agreed that the April meeting would take place at Incline Village and their meeting in May will be scheduled for the TRPA office.

Mr. Harper stated that in his letter to Mr. Reed it was agreed that the APC does not have authority to approve or disapprove projects. Therefore, when an EIS is scheduled before the APC for a recommendation for technical adequacy, the project would also be discussed. This will provide the APC an opportunity to review a complete package, and action would consist of a recommendation and technical comments or suggestions regarding the project.

V APPEALS

Deal/Seller, Appeal of Staff Decision to Reject Application for a New Multiple Use Pier, Washoe County, APN 123-250-03 and APN 123-250-04, TRPA File #82331

Kristina Elfving, Planning Assistant, explained that on July 23, 1981 the Governing Board adopted a policy not to accept any future applications for single or multiple use piers. This policy was based on two studies being performed at that time. One study was done by the California Division of State Lands on the cumulative impacts of shoreline development or pier construction on Lake Tahoe, and the other study being the development of the Regional Plan. Ms. Elfving noted both studies are expected to be completed by June, 1983 and, since July 23, 1981, the Agency has not accepted new pier applications.

Ms. Elfving stated the applicant submitted a pier application on December 9, 1982. Agency staff informed the applicant in January, 1983 by letter explaining the policy, stating that the application could not be accepted, but the applicant could appeal the staff decision before the Governing Board. On January 13, 1983 staff received a letter from the applicant requesting that the staff decision be appealed before the Governing Board.

- 2 -
Hank Etchemendy, with the firm of Lemos & Associates in Carson City, stated this application was made on behalf of their clients I.C. Deal and Clem Soeller. Mr. Etchemendy explained he checked with State Lands in Carson City and was informed that there was a moratorium for single use piers, but application for multi-use piers were allowable. In addition, Mr. Etchemendy stated a member of the TRPA staff confirmed that a multiple use pier application could be made. The applicants proceeded with the application based on that information. Mr. Etchemendy stated that the applicant was led to believe an application for a multiple use pier could be made based upon Item F on the Agency's form for requirements of a complete application, dated June 29, 1982. For these reasons the applicants feel an appeal and consideration of the application, both by the APC and the Governing Board, should be made due to the confusion in obtaining information.

Ms. Elfving explained that the California Division of State Lands has adopted the Agency's policy with regard to single and multiple use piers, and has incorporated it into their policy. The Nevada Division of State Lands did have a moratorium on single use piers prior to the adoption of the Agency's moratorium on single and multiple use piers. These agencies were not required to adopt this policy, but it is the TRPA's policy not to accept new single or multiple use pier applications until the Regional Plan is adopted. Mr. Overeynder clarified that there are certain provisions in the threshold standards that would affect the creation of new single use piers. The plan alternatives which have been explored indicate that multiple use piers would be allowed in areas outside of prime fish habitats.

Ms. Elfving stated the proposed pier in Crystal Bay is in a very steep area between the Gonowable subdivision, directly west of the existing condominiums, has been designated as a prime fish habitat. Greg George, Chief of Project Review, stated the proposed project will have to be field checked and verified as prime fish habitat and spawning area before any final determination can be made.

MOTION by Mr. McCurry, with a second by Mr. Renz, to recommend denial of the appeal without prejudice.

Mr. McMullen stated the APC may not have the jurisdiction to act on this appeal since an application had not been accepted. Mr. Overeynder stated if the motion were to pass, it would be a recommendation to the Board on its merits, and this appeal would still be heard before the Governing Board. Mr. Harper stated that there should be a complete application which indicates the merits of the pier and its location. He suggested a motion to recommend denial of the appeal based upon the fact it is in a prime fish habitat which creates adverse impacts, rather than a recommendation to deny the appeal based upon the policy.

Mr. Sawyer stated the motion was to recommend to the Governing Board that the appeal be denied which supports the Agency policy of not accepting pier applications until the Regional Plan is adopted. In processing this appeal the applicant would be given the opportunity to request that the Governing Board rescind the policy. Mr. George stated technically staff cannot accept the application, unless directed by the Governing Board to do so, because it would be contrary to the policy. Mr. George stated that the Agency did accept a $50 filing fee for the appeal but did not accept an application for a new multiple use pier.
MOTION amended by Mr. Pyle and Mr. McCurry, with a second by Mr. Renz, to support the existing policy to not accept single or multiple use pier applications until the Regional Plan has been adopted. If application fee for a single or multiple use pier was accepted the fee will be refunded to the applicants at the time the Board makes a determination regarding the policy. The motion carried on the following vote.

Ayes: Mr. Kortick, Mr. Renz, Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Smith, Ms. Sparbel, Mr. Sawyer, Mr. McCurry, Mr. Pyle, Ms. McMorris, Mr. Hansen, Ms. Shellhammer, Mr. Popoff, Ms. Michael, Ms. Bogush

Nayes: None

Abstain: Mr. Curtis, Mr. Harper

Absent: Mr. Sullivan

Mr. Overeynder clarified that if the Governing Board directs staff to accept the application, it would be scheduled for the Governing Board based on its merits the following month without being brought back to the APC again.

VII PLANNING MATTERS

A. Nonattainment Redesignation of the Lake Tahoe Basin Portion of Placer County Pursuant to Federal Clean Air Act

Dale Neiman, Senior Planner, reported that the California Air Resources Board conducted a carbon monoxide modeling program on the North Shore in February. The monitored data at selected sites in the Placer County portion of the Lake Tahoe Basin showed the carbon monoxide to be 5.4 ppm. The modeling information in the 1982 Air Quality Plan predicted that the concentrations would be 7.4 ppm and the 1987 projections were 5.8 ppm. The reason for the reduction was due to cleaner automobiles.

Ken Selover, Placer County Air Pollution Control Officer, expressed appreciation to the Air Resources Board, TRPA staff and APC for their assistance given to the redesignation request. Mr. Selover stated he discussed this matter with the Air Programs Division of the Environmental Protection Agency. Based on the data and the significant amount of work performed, Mr. Selover stated he felt assured there should be no difficulty in obtaining the redesignation request from EPA. Mr. Selover also stated the model prediction of the CO analysis results on the North Shore had been overpredicted by actual concentrations on the South Shore. Using the same approximate figure of 2 ppm, added on to the actual monitored concentrations, the North Shore still would not have a violation. In addition, when ARB did the modeling of a number of sites on the North Shore, they used a fairly high background concentration of approximately 3 ppm. The APCD data and ARB background concentrations used at 2 or 3 o’clock in the morning when few automobiles were on the road showed that the background concentrations are in fact 1 ppm. The 3 to 4 ppm is a significant margin of safety and the standards would not be exceeded.
Mr. Sawyer stated Placer County is not an area where implementation strategies need to be applied to achieve compliance, and suggested additional language be added to the resolution as follows: WHEREAS, none of the strategies identified in the Tahoe Regional Planning Agency's nonattainment plan for the Lake Tahoe Air Basin as necessary to achieve the National Ambient Air Quality Standards for carbon monoxide requires implementation in the Placer County portion of the Basin.

MOTION by Ms. Shellhammer, with a second by Mr. McCurry, to recommend to the Governing Board approval of the resolution for redesignation of the Lake Tahoe Basin portion of Placer County as an attainment area.

Ms. Bogush reaffirmed the City's position that air quality is a regional problem and the City of South Lake Tahoe is very concerned about being abandoned left exclusively to solve the U.S. 50 Corridor violations. Ms. Bogush also stated that this approval would set a precedence for other jurisdictions in the Basin to request attainment status.

Ms. Bogush suggested the fifth paragraph of the resolution be amended to: WHEREAS, this data demonstrates that the Placer County portion of the Lake Tahoe Air Basin is in attainment with the National Ambient Air Quality Standards for carbon monoxide and that future concentrations are not expected to exceed this Standard. She also suggested to add another paragraph as follows: WHEREAS, designation as attainment does not diminish Placer County's commitment to, and participation in regional efforts to improve air quality, pursuant to the 1982 Air Quality Plan or the environmental threshold carrying capacities.

Ms. Shellhammer and Mr. McCurry agreed to include the proposed amendments of the language to the resolution in their motion.

Mr. Randolph suggested the word standard be changed to standards consistently in the resolution.

Mr. Combs commented he supported the second part of the proposal which reaffirms that Placer County will continue to cooperate wherever possible for achieving the air quality standards. He stated the attainment status not only reflects current conditions and is expected to remain an attainment area through 1987, but questioned if the wording of the resolution should be changed. Mr. Selover responded that the significant data available indicates the resolution is correct as written, and he urged that it not be changed.

Mr. Overeynder suggested that since this was based on modeling results to include the wording in the fifth paragraph to read: WHEREAS, this data demonstrates that the Placer County portion of the Lake Tahoe Air Basin is in attainment with the National Ambient Air Quality Standards for carbon monoxide and that data and modeling show that future concentrations will not exceed this Standard.
Mr. Selover stated the Placer County Board of Supervisors had requested the Governing Board include specific measures in the air quality plan and this is still the position of the Board of Supervisors. The Board of Supervisors recognize, once the air quality standard has been attained, the Clean Air Act requires maintenance of the ambient air quality standard. Mr. Selover further stated that the Placer County Board of Supervisors would not recommend Mr. Sawyer's amendment be included in the resolution.

The amended motion carried on the following vote:

Ayes: Mr. Kortick, Mr. Renz, Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Smith, Ms. Sparbel, Mr. Sawyer, Mr. McCurry, Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Curtis, Ms. Shellhammer, Mr. Poppoff, Ms. Michael, Ms. Bogush, Mr. Harper

Nayes: None

Abstain: None

Absent: Mr. Sullivan

B. Scope of Work for Regional Plan Design Review Requirements

Gordon Barrett, Senior Planner, stated staff and local planners prepared a draft scope of work to give the planners direction to insure that the Agency meets the mandates of the Compact and threshold requirements under a regional design review program. The scope of work is a staff estimation of what the objectives are that could be implemented through an ordinance if necessary. The intent of the outline was to give the APC an opportunity to review and respond to the draft scope of work.

Ms. Bogush commented one of the concepts discussed at a Tahoe Basin Association of Governments (TBAG) meeting was the idea of TRPA establishing performance criteria for design. If each of the local governments had guidelines that meet the performance criteria, that would be acceptable, and if a jurisdiction did not have the guidelines then the TRPA would develop specific guidelines or standards based on general performance criteria.

Mr. Smith suggested the word "preserve" be eliminated under Objectives B. Referring to the Lighting Design Criteria, he also suggested the words "light sheds" be included.

Mr. Combs suggested to compile all existing local design review criteria. In terms of meeting the threshold requirements, and with the Agency's concurrence that this design review criteria is acceptable, it can be used Basin wide, and either the local governments or the TRPA will implement it.

Mr. Kortick stated El Dorado County has developed and adopted design guidelines. He suggested that the planners compare each of the local guidelines. Another section for implementation should be added to the draft scope of work which will be consistent throughout the Basin. Mr. Kortick also suggested under Section II Design Criteria, after F, add a requirement for review of the type of requirements and responsibilities.
Mr. Curtis expressed his concern with the words form, bulk, and texture. He asked how they can be defined and set into guidelines. Mr. Renz responded the regulation of bulk refers to setbacks and height, expressing he shared the same concern; if they are controlled, then who decides bulk. Mr. Combs clarified that setbacks and height are a single dimension and bulk is three dimensional. Mr. Combs suggested an ordinance that addresses width ratios and length ratios.

Mr. Harper pointed out this draft scope of work provides an outline as a starting point, and staff is looking for local expertise.

Mr. Combs suggested that citizens/design advisory groups be encouraged to participate in the local planning areas.

Mr. Pyle stated that he would like to see the definitions in order to prevent confusion in the future. It was clarified that the scope of work will define how these things will be looked at along with the actual criteria.

Mr. Harper stated the draft scope of work for the Regional Plan design review requirements should be sent to the Governing Board with the recommendation and emphasis it will be handled as a draft. Mr. Harper suggested that the ad hoc group of six planners who represent the local entities be expanded to include Mr. Curtis, Ms. Sparbel and Mr. Kortick. Mr. Kortick stated the group of planners that are involved should remain at six, but the opportunity to express comments/recommendations should be provided.

Mr. McMullen suggested restructuring the document. In Section II, include the word Local Design Criteria; add a new section for "Implementation"; under Implementation add an subheading A to read: Designation of Responsibility for Implementation - recommended roles for local government and the TRPA; and change F, Standard Conditions, to B under Implementation.

Ms. Sparbel expressed concern with the word "local" being added. She stated the locals should be implementing their own design criteria. The Agency and APC should discuss design criteria but not get into specifics.

Mr. Harper commented this document informs the Governing Body that the locals are proposing to work with this type of guideline, but they are not restricted to expanding it.

Ms. Michael stated "energy conservation" should be added to Lighting under Section II D.

Mr. Harper suggested it should be conveyed to the Governing Board that this scope of work is a draft, which can be amended.

Mr. Sawyer requested discussion return to the Nonattainment Redesignation of the Lake Tahoe Basin Portion of Placer County. He realized there was an ambiguity in the language he had proposed and wanted to make a change.

MOTION by Mr. Sawyer, with a second by Mr. Randolph, for reconsideration to discuss the change in the language of the resolution. The motion carried unanimously.
Mr. Sawyer clarified the language he proposed in the motion for the resolution stated ...'none of the nonattainment strategies require implementation in Placer County.' What he meant was it would require implementation in order to correct nonattainment in the South Shore, and Mr. Selover felt it might be necessary for other reasons, such as traffic control or other pollutants.

MOTION by Mr. Sawyer, with a second by Mr. Smith, to amend the new paragraph to read: WHEREAS, none of the strategies identified in the Tahoe Regional Planning Agency's nonattainment plan for the Lake Tahoe Air Basin requires implementation in the Placer County portion of the Basin in order to achieve the National Ambient Air Quality Standards for carbon monoxide in other portions of the Basin. The motion carried unanimously.

VIII ENVIRONMENTAL IMPACT STATEMENTS, DETERMINATION OF TECHNICAL ADEQUACY

A. Proposed Amendments to the Subdivision of Brockway Springs of Tahoe, Pursuant to Settlement of Litigation, Placer County

Mr. Sawyer stated he submitted written comments on the EIS to both the TRPA and Larry Hoffman, Attorney, representing Brockway Springs.

Mr. Overeynder clarified the Board's direction to APC to review the project, and any conditions of approval that the APC would recommend as part of the EIS, will provide a dual type of review in April. The purpose of placing this item on the March agenda was to get initial comments from the APC so that staff and the project proponents could focus efforts to address concerns the APC may have.

Mr. Sawyer commented the draft EIS was not adequate to submit for public review. Mr. Sawyer stated he did not think the draft EIS deficiencies could be corrected in a supplement for a final EIS unless the final is treated as a draft and goes back out for another 60 days public comment period. Mr. Sawyer expressed his concern with the proposed project which involves subdivision development, excess coverage, including excess coverage on high hazard land, and the only alternatives considered in the EIS were no action alternatives. Mr. Sawyer stated this EIS should include an alternative that complies with land capability coverage restrictions and mitigates the environmental impacts. Mr. Sawyer further stated that he wrote a letter to the representative of this project, with a carbon copy to the TRPA, stating that a thorough analysis of the coverage issue, alternatives and coverage compliance needed to be considered.

Mr. George stated the EIS was prepared to assess the impacts that may result from a proposed project which may come about as a result of a litigation settlement. The only project being considered at this time in the litigation settlement is the project that is being assessed in the EIS. Mr. Overeynder clarified that if this site was totally undisturbed other alternatives which fully comply with the ordinances would be looked at. The intent of settling the litigation is to get as close as possible to the current ordinances, however, in this particular instance the EIS describes the existing site characteristics and the extent of disturbance on the site. Mr. Overeynder stated that the project as proposed utilizes those areas that have already been disturbed and would result in a net reduction in the total amount of disturbance.
Mr. Sawyer responded he has looked at the site and has read the EIS, but has not found a basis for concluding that other alternatives are not feasible. Mr. Sawyer reemphasized it is essential that other alternatives be considered because without them the environmental impacts are not clearly presented.

Mr. Combs stated one of the issues involved is recognizing the vested right of a recorded final map in Placer County. The project describes a 7 story building with 100 units and one of the alternatives is to phase that down both in number of units and size. Mr. Combs stated that although Placer County does recognize the recorded final map for the old project it would not be a vested right to build out the project to the full 52 units. He emphasized that point because it is also Placer County's opinion that permits for this project would be subject to the allocation program in existence under the Regional Plan. If the present allocation program is continued under the Regional Plan, and if the project is found to be vested, the applicant will have to seek permits through the random selection process or replacement process in existence at that time.

Ms. Michael asked how this type of development can be approved and still achieve the threshold goal to meet the 10% reduction of VMT? Mr. Overeynder responded there is a certain amount of development permitted by the Compact during this interim period. The threshold standards adopted by the Governing Board in August, 1982 are not an ordinance and there is no way to implement those provisions until the Regional Plan is adopted. In preparing the Regional Plan projects like this one, with activities going on during this interim period, will be looked at and staff has to structure ways to mitigate these projects through regional programs. The Board has taken the position that staff identifies the impacts on the thresholds as part of the EIS process to indicate whether there is any conflict between attainment of the thresholds or how attainment of the thresholds will be affected.

Mr. Randolph stated since the APC members are reviewing the technical adequacy of the EIS, he thought it would be appropriate to look at alternatives pertaining to land coverage, traffic and air quality to determine what the impacts might be. Mr. Overeynder explained the mechanism for keeping tract of increase and or reductions will be the Regional Plan by looking at all of the 175 planning areas within the Basin and what the growth potential would be under the different planned scenarios. The process represents an accumulation of these types of decisions, distributing where growth is going to take place, what the traffic implications are, impact analysis, and mitigation measures necessary to offset the impacts.

Mr. Overeynder stated that pending litigation settlements in the Basin are substantial, which includes this particular project in Placer County, one in Washoe County, and another pending litigation settlement with the Dillingham Corporation. Mr. Overeynder explained most of these settlements were not initiated by the Agency and we were not initially party to this lawsuit. The California Tahoe Regional Planning Agency through their desire to dispose of their pending litigation resulted in the Agency having to deal with the settlements. Mr. Sawyer followed up by stating there is a need to have the EIS address the cumulative impacts of litigation settlements.
Mr. Harper commented on the possibility that this project could become a timeshare project sometime in the future which was not addressed. The VMT that could result is substantially different than from what is implied in the EIS. Mr. Harper stated he would like to see that addressed, since this project will be essentially second homes with very few primary residences being occupied year round. Mr. George responded that that the proposal before the APC is not for a timeshare project. If, in the future, the litigation settlement is approved and the 52 units were built and the applicant wanted a timeshare, that would be a project in itself and it would have to go through the review process of the Agency at that time.

Larry Hoffman, Attorney on behalf of the applicant, commented this is a litigation settlement which is different from most of the applications reviewed by the APC. This situation involves three principal defendants, the CTRPA, TRPA and Placer County and there is difficulty of getting to that point where everybody agrees on what the settlement is going to be. Mr. Hoffman stated at this point we are as close to an agreement as possible on the outlines of the settlement, how many units, what happens to the old map, a major dollar exchange of $300,000 to buy additional public lakeshore access on Lake Tahoe, and a waiver of almost a million dollars in bonafide claims against Placer County for dollars spent for a sewer system that cannot presently be used. Mr. Hoffman explained this is a very complex piece of litigation and this is not a situation where everybody has an opportunity to fashion in their own mold. On the advice of the legal counsel of the TRPA it was decided that the environmental aspects of that settlement should be reviewed and the Governing Board instructed staff to prepare a focused EIS on the settlement. Mr. Hoffman stated the applicant is not in a mode to tolerate additional delay in the process or to completely redesign the project, and he will be present to respond to questions and comments at the April meeting.

Mr. Hoffman responded to the transportation questions raised by the APC stating there are suggested mitigation measures in the EIS. One of the terms of this settlement is that the applicant, at his own expense, must provide a winterized TART bus station, which is proposed at the entrance to the project, and is a substantial onsite improvement. In addition the applicant will be subject to the Indirect Source Review process and the additional mitigation fees above and beyond that which are already addressed in the EIS. Mr. Hoffman added that there are a number of units which are being removed so the actual new number of units along with traffic generation is relatively small.

Mr. Harper suggested the applicant may want to coordinate their presentation with staff and include the response to comments in an addendum to the EIS.

B. Round Hill Village, Douglas County

It was noted that the APC received a copy of the Round Hill Executive Summary in the mail after the February APC meeting. Greg George stated the draft EIS was prepared to identify the impacts that may result from a 295 unit project proposed for the Round Hill Village area, a number of alternatives, and a number of feasible mitigation measures.
Mr. Sawyer stated he found the listing of the mitigation measures very helpful along with the references to the table. He stated there were numerous references to National Environment Policy Act here (NEPA), but EIS did not mention any other environmental requirement. Mr. George responded that to his knowledge there is no federal permit required for development of the project and he would have to defer an answer to that question until next month when Duncan and Jones, the consulting firm who prepared the document would be present.

Mr. Sawyer also stated it appeared that the assumptions on additional sewage treatment capacity needs for casino development were solely limited to the consultant's analysis. He asked if the additional internal gaming needs were not considered in the facilities needs? Mr. George stated the response to the EIS will have to include consideration of the 15% interior expansion allowed by the Compact.

Mr. Sawyer commented the EIS appeared to equate the conclusions that an impact has been mitigated to acceptable levels, with the conclusion that an impact has been mitigated to insignificant levels, particularly in the area of water quality where runoff will be infiltrated runoff. He stated more recent studies on nitrate transport in the ground water have shown that the nutrients are not being eliminated entirely and there are still significant acceptable levels after mitigation. Mr. George responded we may be dealing with terminology that is almost interchangeable. Where an EIS has been prepared the Compact requires the Governing Board to make a finding when they approve a project that the impacts have been reduced to a level less than significant level not an insignificant level. That may be comparable to the other term which is an acceptable level. Mr. George suggested going through this document with the consultant to see if the language used could be standardized and verify that the language is consistent with the Compact.

Mr. Sawyer commented another area of concern was water rights; whether there is a water right for this particular development and if there is cumulative water use within the Basin. Mr. Sawyer stated both of these concerns are important environmental impacts and it is important that they be considered in the EIS. Mr. Sawyer also stated that this EIS and other EIS's on development proposals should include assessment of water use and cumulative water use. Mr. George clarified at the time this application was accepted, there was no identification of water rights available for this project. The requirement of the current Agency Subdivision Ordinance is prior to the Agency accepting an application for a new subdivision, the applicant must show proof of available water supply. In this case, that could not be done, because of the special circumstances surrounding this project. That is an exception from the prohibition on new subdivisions in the Compact itself. The Agency legal counsel met with the applicant's legal counsel and they agreed that the Agency would accept the application and prepare the environmental document with the clear understanding that prior to this project being presented to our Governing Board they would have to show proof of adequate water supply. Mr. George stated it was his understanding the applicant is in the process of obtaining options on water rights and hopefully by the time this project is ready to go to the Governing Board the applicant will be able to show the Board that he does have options on necessary water rights to satisfy the requirements of the project itself. Mr. George agreed the cumulative impacts of water usage in the Tahoe Basin should be addressed in the document and, if appropriate, it will be addressed in the response document.
Ms. Sparbel commented the availability of water rights had been specifically excluded from the EIS. She stated that water rights should be included in the EIS addressing where they propose to come from and what is proposed to do about it since there is some question regarding a sufficient amount of water rights to provide water to those that are currently served, and the impact this may have on surrounding properties if they propose to buy water rights from someone else. Ms. Sparbel noted a recent State Supreme Court decision which may impact this EIS and it should also be addressed.

Mr. Randolph commented that from an air quota standpoint the Executive Summary disclosed the impacts of the project even to a point where they indicate it is going to delay the attainment of the thresholds and reduction of VMT.

Mr. George stated the project is designed to conform to the land coverage allowed within each separate capability district and not totals. However, the actual design recognizes each separate land capability district and only proposes that amount of allowable coverage within each one of the districts. Mr. George further stated the traffic improvements that have been identified are to mitigate traffic impacts which are possibly necessary to accommodate the growth that is recognized in the various alternatives in the Regional Plan. Other alternative mitigation measures for traffic and air quality will have to be considered and the applicant is also looking into a transfer of development rights for a mitigation measure.

Mr. McCurry commented that the sewage use projections of 300 gallons per unit per day was inconsistent with other areas in the Basin. He noted at Incline Village they use 219 gallons which is based on measured flows. Mr. George stated that staff will take a closer look at this data.

Mr. Combs commented the summary mentioned that the district was exempt from the prohibition of the new subdivisions. He asked if that included the properties that the district owns; does the district have to be the subdivider and actually be the owner of record for the recording of the final title? Mr. George responded that the determination of the Agency legal counsel was the district does have to be the applicant throughout this process. The approval would be granted to the district and the district will have to actually record the final map.

Present at the meeting was John L. Thompson, who stated he was the only property owner in this area. He noted that on page 5 of the map an acre of land is marked which is not part of this property. Mr. Thompson stated he has the water and sewer rights and is still in the sewer district, in addition to a unique meandering right away which has never been acted upon because he is waiting to see what is going to happen here. He further stated wherever the shortest distance between his property and the road, then he can apply his 30 foot right of way.
Mr. Thompson pointed out that the map shows the closest distance is going to be between the corner of his property and Bourne Way, where two condominiums exist. He stated he doesn't want the buildings that are being proposed next to his property on the west and southwest side which will take away his view. Mr. Thompson stated he wanted the APC to be aware that this right of way exists even though it doesn't show on any map, he does not want them to downgrade his property and make it valueless. If the project doesn't go through, Mr. Thompson stated he will still have that right of way that will take his property all the way out to Elk Point Road.

Mr. George clarified that in considering the cumulative impacts and drainage patterns, the possibility of buildout of that fifteen unit subdivision was not taken into account. The property is zoned high density residential by the Agency so one acre would be permitted fifteen units. The impacts of this development on that property were not assessed in any respects in this document, either the visual impacts, impacts on legal access, it was basically left out of the document. Mr. George further clarified this is a final zoning map and there is no approval on that property at all.

Prior to opening the Public Hearing, Dale Neiman handed out the re-draft of the resolution for redesignation request of the Lake Tahoe Basin portion of Placer County for the APC members to review. Mr. Neiman stated that he discussed the new wording with Ken Selover and it was agreeable with him. The APC members had no changes to the wording of the resolution.

VI   PUBLIC HEARING

To Consider the Environmental Impact Statement and Amendments to the Regional Plan

Randy Sheffield, Chief of Long Range Planning, outlined the timeframes for the determination of technical adequacy of the EIS, and the recommendations to the Governing Board for Regional Plan. Mr. Sheffield stated a list of scheduled public hearings was being prepared, noting the comment period for the EIS closes on April 25. The public hearings will begin with the Governing Board meeting on March 23 and will continue through the April 27 Governing Board meeting. They will be held at various locations both in and out of the Basin. Mr. Sheffield also stated the Tahoe Basin Association of Governments (TBAG) will schedule public hearing meetings to be conducted during the weeks of March 28 and April 4. There will be a special Governing Board meeting scheduled for May 13 to adopt the EIS and Regional Plan which will give the APC additional time to respond with their recommendations which follows the May APC meeting by two days.

Mr. Sheffield stated a 7 page summary of the EIS was mailed to approximately 800 individuals on the mailing list. The summary identifies the process, the timeframes, and the three alternatives that were developed. The EIS is available to anyone who wants to purchase a copy at a cost of $5.00 plus $2.50 for mailing. A two page newspaper advertisement in the local Basin newspapers will list the process and the alternatives, and provide an opportunity for people to comment and respond.
Mr. Sheffield displayed a chart which outlined the alternatives and baseline strategies in the EIS as it relates to the thresholds which he noted had been discussed at the February APC meeting. Alternative 1 - Maximum Regulation; Alternative 2 - Development with Mitigation; and Alternative 3 - Redirection of Development. The baselines that were developed in response to the adopted environmental thresholds, existing plans of the Agency, federal, state and local law/regulations included: (1) No New Subdivisions Outside the Current Urban Boundaries; (2) Reduce Vehicle Miles Traveled (VMT) by 10%; (3) Reducing Emissions from Other Sources; (4) Applying Best Management Practices (BMP's) Basinwide; (5) Rehabilitating 80% of Disturbed Areas in the Basin; (6) Restoration of 25% of the Stream Environment Zones (SEZ); (7) Improving the Transit System; (8) Improving Mail Delivery; (9) Improving Fish and Wildlife Habitat; (10) Recreation Fair Share; (11) Development Priority; and (12) 20-Year Capital Improvement Program to Improve Water Quality, Reduce VMT, Improve Transit necessary to achieve and maintain the adopted thresholds. Mr. Sheffield also explained the priority system for implementation and a cost revenue summary for potential revenue sources identified in the EIS which include: (1) mitigation fees; (2) Burton-Santini land acquisition program; (3) a Basin user fee; (4) assessment districts; (5) sales tax; and (6) state and federal grants.

Mr. Sheffield explained the APC's role is to make a recommendation on the technical adequacy of the EIS and provide a response to the Governing Board with a recommendation as to which alternatives should be developed. A draft of the Regional Plan which will be a separate document, which will include the APC's comments and will be provided to the Governing Body prior to their April meeting. Mr. Sheffield further explained the Compact calls for an amendment to the Regional Plan which will include the five elements: (1) Land Use Element; (2) Transportation Element; (3) Recreation Element; (4) Conservation Element; and (5) Public Services and Facilities Element. These five elements make up the Regional Plan.

Mr. Poppoff commented that from his observations he did not think that the activity around the piers was that intense. Mr. Sheffield clarified that shoreline pier development is probably beneficial to fish habitat in the prime fish habitat areas. The problem is the people who use the pier and the activity around it, such as swimming, the motoring in and out of the pier areas which disturbs the fish habitat.

Mr. Pyle noted he had a difficult time focusing on the alternatives and suggested having a definite arrangement identifying the alternatives and the various staff preferred alternatives in one place rather than going back and forth through the chapters. Mr. Sheffield responded that three options have been laid out and the staff preferred is basically just a beginning hint as to what direction staff will ultimately begin to develop this document and will become clearer as the recommended Regional Plan is developed. Mr. Overeynder clarified this document discloses what alternatives have been looked at and what the environmental impacts are. The primary purpose is not to disclose what the staff recommends. Staff felt they had an obligation to give some indication for a conceptual outline as to which direction we are leaning towards. The primary focus point will be at the April meeting when a draft Regional Plan that is based on the staff preferred alternative will be presented.
Mr. Sawyer commented on several points. The first concerned the relation between the EIS and further Forest Service planning. He stated the Forest Service deferred some major issues until completion of the Regional Plan and their planning for the Basin, which included ski area expansion and wilderness area designation. Mr. Sawyer pointed out that the Forest Service is considering only four areas for possible wilderness designation and the EIS discusses ecological change in all forest lands in the management strategy and the other two alternatives discuss ecological changes in no forest lands. How is this going to help the Forest Service in making its decision? Mr. Sheffield responded that use districts identified as conservation area on the map for each of the planning areas. Under the alternatives which deal with conservation, Alternative 1 states ecological change only in conservation use districts. Alternatives 2 and 3 states in those conservation use designations forest management is permitted. There are two choices - either ecological change only, or forest management practices permitted. Selection for either one of the alternatives for any one of the areas so designated as conservation. This whole system is set up to allow the picking and choosing so that not every conservation use district has to be the same alternative. The policies can apply differently to different planning areas. Mr. Sawyer commented this needs to be more focused in which areas are being looked at and the plan does not make that designation. Mr. Sheffield explained just because it is designated ecological change only does not mean it has to be wilderness; it just means that management tools would not be employed in that area, and wilderness is just one designation of public land.

Mr. Sawyer commented on sewage treatment capacities and there are no projections made in the EIS for additional recreational needs. He also commented concerning how coverage should be applied which were debated during development of the thresholds. Mr. Sawyer recalled the staff proposed that coverage be applied on a watershed association basis. The alternative California Governing Board member draft stated parcel by parcel basis. This issue was never specifically raised, but his interpretation of the parcel by parcel basis is that it would not necessarily require existing parcels rip out 30% of their coverage to get back to coverage; that it was a prospective parcel by parcel basis. The environmental threshold adopted deferred that issue refusing to accept either the staff draft or the parcel by parcel draft. Mr. Sawyer stated it appeared that the entire EIS is based on the assumption that the coverage threshold would be interpreted as staff had proposed and he asked if the APC will have a choice as to how the threshold will be interpreted?

Ms. Bogush also commented that it seemed the EIS refers to Bailey system consistently but it does not say how it is going to be followed. Mr. Sheffield responded that the Bailey system is identified as a planning tool for orderly development or planning for development within the capability of a land use. It does not say that it should be used parcel by parcel, watershed by watershed, or total Basin. Mr. Sheffield explained it was felt that the most equitable way to apply the Bailey system was to look at it on a watershed association basis giving the most opportunity for orderly planning within the Basin. Mr. Overeynder clarified that when the Board adopted the thresholds, the question was put to the staff, if the Governing Board adopts the thresholds as it is currently worded, what will staff do in the Regional Plan in terms of
interpretation of the Bailey system. The response to the Governing Board was staff interprets Bailey to be a planning guide to evaluate coverage on a watershed basis as part of the EIS and Regional Plan. It has not been determined how we actually allocate the coverage back to individual properties. Staff can evaluate where we are on a watershed basis and can allocate that coverage back on a grandfathered coverage basis or allocate back on a lot by lot basis under the Bailey system and is still a decision that is left to the specific ordinances that will be adopted as part of the Regional Plan.

In order to accommodate the public hearing schedule and to allow time to take care of the administrative/planning matters the APC agreed the April meeting would be scheduled for April 13 and 14.

The public hearing was opened at 3:10 p.m.

Ms. Michael expressed concern that there was a lack of public participation at this meeting.

Discussion followed with suggestions for press releases and publicity to encourage public attendance to the scheduled hearings and meetings.

Mr. Overeynder reemphasized that the Governing Board is looking for APC recommendations in providing their comments on cost and revenue sources which is a major issue in putting this plan together. There is also a great deal of concern of the Governing Board if the program is feasible, how far they should go in raising revenues, what kinds of groups they should target, and what entities they should look to for assistance in putting together revenue programs. Mr. Overeynder suggested to form some sub-groups of APC members to work on specific items of concern that can address each element.

Mr. Combs stated he would like to know where each of the figures and data for the figures came from before preparing a response.

Ms. Michael stated in order for her to evaluate the various options she would like to see quantification of the transportation options.

Mr. Curtis asked if any other regional planning areas had any studies of coverages within the Basin and whether they corresponded with the EIS. Mr. Sawyer responded that a study was done with the computer printouts for the Lake Tahoe Basin Water Quality Plan which included roads, not just lot by lot basis, but it was not combined on a watershed basis.

It was agreed that the APC's comments/questions to the EIS would be transmitted in writing to the staff within two weeks. If there is a need for an addendum to the EIS it will be addressed at the April meeting.

MOTION by Ms. Sparbel, with a second by Ms. Bogush, to continue the EIS public hearing until April 13. The motion carried unanimously.

IX REPORTS

A. Public Interest Comments - None
B. APC Members

Both Mr. Renz and Mr. Harper expressed concern of the desire of the Governing Board to keep expanding the APC to possibly 20 members. Mr. Harper suggested conveying these concerns to the Governing Board. Mr. Saywer recommended the APC convey to the Governing Board that the one vacancy should be filled but that no new appointments be considered until there is an expiration of the current term.

Mr. Sawyer expressed concern with the proposed ski area developments in the Mt. Rose and Truckee areas which may affect the Tahoe Basin but may not be within the jurisdiction of the TRPA. Mr. Sawyer stated there might be a need to consider the impacts on traffic, housing, recreational demand and other matters that will have to be addressed in the Regional Plan. If these are serious proposals Mr. Sawyer asked that either Mr. Harper or Mr. Combs bring them before the TRPA for the APC to comment on and how the proposed projects should be considered. Mr. Combs responded that if the project occurs, it will occur much later than the adoption of the Regional Plan. The project will have to identify impacts with the Regional Plan rather than vice versa. Most of the out of Basin projects that could have an impact in the Basin will have to address what has been adopted in the Basin and adjust to that if necessary.

Mr. Kortick reported that Fallen Leaf Lake Lodge Revitalization Plan was adopted and approved by the El Dorado County Board of Supervisors. Mr. Kortick also stated the County has taken a more aggressive stand on some of the erosion control projects that had been deferred. El Dorado County is planning on completing four of these projects this year.

X RESOLUTIONS

Mr. Harper read the resolution prepared for Stan Randolph expressing APC's appreciation for serving as vice chairman of the Advisory Planning Commission.

MOTION by Mr. Pyle, with a second by Ms. Sparbel, to adopt the resolution. The motion carried unanimously.

XI CORRESPONDENCE - None

XII PENDING MATTERS - None

XIII ADJOURNMENT

The APC meeting adjourned at 3:40 p.m. This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

Respectfully submitted,

Mary Bailey
Secretary II
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 96731
(916) 541-0246

MEMORANDUM

April 7, 1983

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Proposed Amendments to the Subdivision of Brockway Springs of Tahoe, Pursuant to Settlement of Litigation, Placer County

Please find enclosed a copy of a staff summary for the subject project, including a list of the recommended conditions of approval, and a copy of the responses to the comments received on the draft EIS for the project. Based on the contents of the response document, Agency staff recommends that the APC find the EIS for the project to be technically adequate.

CG:md

APC Agenda Item VI A.
Proposed Amendments to the Subdivision of Brockway Springs of Tahoe, Pursuant to Settlement of Litigation.

Applicant: Brockway Development Company

Project Description: The applicant proposes to construct 52 new condominium units in 17 lowrise clusters as part of a proposed litigation settlement. There are 3 existing residential units which are to be retained on the 21 acre site. The 3 to be retained consist of a single family residence, known as the Stone House, and an associated guest house, and a recently restored historical cottage. The Stone House and guest house will be retained on a separate parcel and the cottage will be retained as the 53rd condominium unit.

The project also includes the following shorezone improvements:

1. Modification to the existing Hot Springs facility to improve circulation and increase its useability by constructing new redwood decking and stairways.

2. Removal of an existing rock retaining wall located below the existing tennis courts and restoration of the area to a more natural condition.

3. Placement of 3 new floating boat landings on the west side of the existing breakwater.

4. Relocation of 11 existing buoys into a buoy field containing a total of 15 buoys. The new buoy field will be located on the west side of the existing breakwater and within the TRPA pierhead line.

5. Renovation of the existing North Tahoe Public Utility District water pump house facility.

6. Construction of a spa facility containing 4 hot tubs on an existing terraced area adjacent to the existing club house.

7. Revegetation and mechanical stabilization of eroding areas along the shoreline.

Proposed Litigation Settlement: A lawsuit was filed in the Placer County Superior Court in May, 1980, following certain actions taken by the California Tahoe Regional Planning Agency (CTRPA) in 1977-78 that precluded the owners of the property from proceeding to redevelop the site, and specifically precluded the construction of the so-called Phase 3, 100-unit, 7-story condominium structure on the property in accordance with a final condominium subdivision map that had previously been approved by CTRPA, TRPA, and the County of Placer.

During the latter part of 1981, a proposed settlement of the litigation was developed between representatives of the plaintiffs and representatives of CTRPA. The proposed settlement contains the following elements:
1. The previously approved map for a 100 unit high rise condominium tower would be amended to permit construction of 53 condominium units in approximately 17 low rise cluster units. This includes replacement of approximately 20 existing units.

2. All future development potential on the project site, claimed in association with the Master Plan approval, would be abandoned. Accordingly, future development on the entire parcel would be limited to that approved under the settlement.

3. Contribution of $300,000 to a fund for acquisition of lakeside property for public access and recreation.


However, the tentative settlement of litigation was specifically conditioned upon the plaintiffs first seeking and obtaining the concurrence of TRPA with the terms of the proposed settlement.

Therefore, commencing in late 1981, the TRPA was asked to review the terms and conditions of the proposed settlement. A TRPA litigation subcommittee met with representatives of the Brockway Development Co. and the CTRPA in joint session in January, 1982. At that time, it was agreed that cooperation between the two regional agencies was imperative to avoid conflicting positions in settlement of the litigation pending before CTRPA.

At its meeting on April 29, 1982, the TRPA Governing Body considered a report from its Legal Counsel and litigation Committee regarding the proposed settlement. Agency staff identified five general areas of concern relative to the proposed settlement. These included conformance with land capability and coverage requirements, application of the permit allocation system, public access, architectural controls and conformance with the EIS requirements of the Compact. In order to adequately address these areas of concern and to properly identify and assess the significant environmental impacts and feasible mitigation measures, the TRPA Governing Board determined that a focused EIS would have to be prepared for the project. It was generally agreed to that the focused document would evaluate the principal environmental consequences of the specific proposal involved in the pending settlement of the litigation.

Environmental Impact Statement: A draft EIS for the project was made available for the 60 day public review and comment period beginning on January 21, 1983. The comment period ended on March 22, 1983. The draft EIS was initially reviewed by the APC in March. Responses to the comments received on the document, including those of the APC, will be presented to the APC in April.

Site Description: The 21-acre project site, which is somewhat long and narrow in shape, has a lake-frontage of approximately 2,150 linear feet. The land slopes gently up from the Lake in a series of broad, nearly level terraces, for a distance of 150 to 200 feet back from the Lake, and then rises sharply to slopes as much as 30-50% up near Highway 28. Along the lakeshore there is a long, flat, wide terrace on the easterly half of the parcel, and three to four terraces on the westerly half. Elevations on the property range from Lake elevation to about 6,365 feet. A paved access road extends through the project
site from the intersection of Chipmunk Avenue and Highway 28 on the west, and connects to the two private residences on the easterly edge of the property, and then up the hill to an abandoned county road known as the Brockway Springs Hotel Road.

The site contains numerous structures and building foundations dating back to its original development in 1870 as the Brockway Hot Springs and Hotel. There are 10-12 former hotel-related buildings and residential structures on the site that have been rehabilitated into 16-18 rental accommodations. There are also 12-14 condemned cottages, old foundations and other related structures on the sites.

There are significant recreational amenities located in the center of the project which were constructed in the 1970's to serve the entire project. These amenities include a clubhouse, heated outdoor pool, children's wading pool, a refurbished pier and small boat harbor, two tennis courts, greenbelt and landscaping, pathways, and the reconstructed Hot Springs facilities and associated pier.

The westerly portion of the lake frontage, approximately 700 feet in length, consists of the narrow shoreline area lying immediately lakeward of the existing Phase I and 2 (78-unit) complex. This area generally consists of a rocky/cobble substrate, a steep shoreline bank of approximately 10 to 12 feet in height, and a narrow landscaped belt in front of the existing condominiums.

From the easterly edge of the existing Phase I and II condominiums, the shoreline continues easterly to the clubhouse-pool-pier facility located on the easterly portion of the project site. This portion of the shoreline, approximately 900 feet in length, is also characterized by a rocky/cobble substrate with the highwater of the Lake lapping against a 10-15 foot high, steep bank. Most of this bank is sparsely vegetated except in the area immediately west of the clubhouse complex which is heavily vegetated with riparian-type vegetation. In the areas of exposed lakefront bank, there are numerous footpaths causing some limited areas of erosion along the bank, and requiring stabilization. Also, approximately 300 feet west of the clubhouse is located a water inlet and pump station operated by the NTPUD to supply water to the Brockway area. This facility is in a dilapidated and unsightly condition.

The easterly portion of the lake frontage is the center of lakefront activity. Above a 6-8 foot retaining wall are located the existing property owners' clubhouse and swimming and wading pools. Also, a rock crib pier extends into the Lake approximately 150 feet, and dog-legs to the west to form a very small boat harbor and landing area. The lake bottom and shoreline within this small boat area also consists of rocks and cobble, except for a small 10' x 5' man-made sandy beach area immediately adjacent to the westerly side of the pier (which is underwater during high water periods). Offshore, there are at least 14 mooring buoys.

Immediately to the east of the pier is located a rectangular seawall structure, approximately 150 feet in length and 40 feet wide, which once was the front veranda of the former Brockway Springs Hotel. A dormant hot springs site is also located in this area. In maximum high water conditions, this area is submerged, although the structure was originally constructed prior to the raising of the Lake by the damming of the Truckee River.
To the east of this seawall structure there is a small, rocky shoreline area. On the far easterly portion of the project's lake front are located the active Brockway Hot Springs, which have been encased with concrete walls creating several small hot spring pools. A horseshoe-shaped pier complex connects these hot springs with the shoreline. This pier complex is also in part constructed using the older rock-cribbed design, and extends approximately 100 feet into the Lake. The area encircled by the pier complex is generally underwater during high water conditions, and is nearly dry (except for the hot springs themselves) during low water conditions.

The remainder of the lake frontage on the far easterly portion of the property extends in front of the so-called Stone House, and generally consists of a boulder area with some shoreline riparian vegetation.

Review Per Section: Article VI(b), TRPA Compact: Section 4.12, California Side Land Use Ordinance.

Land Capability Classification: The official land capability maps developed and maintained by TRPA currently show four land capability/soil classifications on the project site. The westerly portion of the lakefront terrace area is mapped Umd (Class 5), while the easterly portion of the lakefront terrace is mapped CaD (Class 4). The upper, steeper portions of the parcel are mapped UmF (Class 1a) on the west, and a smaller area of Rtf (Class 1a) on the easterly edge of the property. No stream environment zones (SEZ's) are shown on the parcel, although there is a riparian vegetation interface area along some portions of the shoreline. Additionally, some small seeps are located on the site, some of which occur in previously cut or disturbed areas.

In an effort to update the land capability analysis of the project site, in 1976, Geomechanics, Inc. and other consultants, in consultation with CTRPA and TRPA, made an intensive investigation of the soils and geology of the area. This study was further updated in 1982 and has been submitted to the Agency's land capability review team for their review and recommendation. Three major soil series, each with varying slopes, have been identified. These are the Cagwin Rock Outcrop complex (Ca), Rock Outcrop Tent complex (Rt), and Umpa very stoney sandy loam (Um). Additionally, the specific soil types and land capability classes have been mapped so that the precise boundaries of each could be ascertained. Table I sets forth the results of this analysis.

Land Coverage: Existing -- The existing amount of land disturbance on the 21-acre site has also been extensively mapped by Geomechanics, Inc., with the assistance of Raymond Vail and Associates, and has been updated in 1982. The mapping of the existing site categorized all portions of the site into five categories, shown in Table II. Additionally, the analysis was done for each specific soil type and land capability class on the site. A table showing this information is included as Table V in the draft EIS.

Based upon the foregoing land capability analysis of the site, it can be concluded that approximately 19% of the current site consists of existing land coverage composed of structures, roads, or highly compacted areas, while a total of approximately 65% of the site has historically been subjected to intensive human activities and impacts. Only 35% of the site still remains in a relatively undisturbed natural condition.
<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Classification</th>
<th>Description</th>
<th>% Slope</th>
<th>Approx. Area in Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CaD*</td>
<td>4 (20%)</td>
<td>Cagwin Rock Outcrop</td>
<td>5-15</td>
<td>197,536</td>
</tr>
<tr>
<td>CaE</td>
<td>1a (1%)</td>
<td>Cagwin Rock Outcrop</td>
<td>15-30</td>
<td>59,600</td>
</tr>
<tr>
<td>CaF</td>
<td>1a (1%)</td>
<td>Cagwin Rock Outcrop</td>
<td>30-50</td>
<td>6,368</td>
</tr>
<tr>
<td>RtF</td>
<td>1a (1%)</td>
<td>Rock Outcrop Toem</td>
<td>30-50</td>
<td>37,360</td>
</tr>
<tr>
<td>UmD</td>
<td>5 (25%)</td>
<td>Umpa very stoney sandy loam</td>
<td>5-15</td>
<td>317,024</td>
</tr>
<tr>
<td>UmE</td>
<td>3 (5%)</td>
<td>Umpa very stoney sandy loam</td>
<td>15-30</td>
<td>28,528</td>
</tr>
<tr>
<td>UmF</td>
<td>1a (1%)</td>
<td>Umpa very stoney sandy loam</td>
<td>30-50</td>
<td>275,984 sq.ft.</td>
</tr>
</tbody>
</table>

**Total:** 921,984 sq.ft. (Appx. 21.17 acres)

* This CaD area is shown on the Agency's Geomorphic Unit Map, as annotated by Robert G. Bailey, to be in a Geomorphic Unit C-3 (steep strongly dissected granitic lands), and would be considered a Land Capability Class 1 area. However, a field inspection by the agency staff, as well as by Geomechanics, Inc., indicates the Geomorphic Unit may have been mapped incorrectly. The Agency's land capability review team will be providing a recommendation on the proper classification of this area.
## Brockway Springs—Analysis of Existing Site Disturbance (1982)

### Classification

<table>
<thead>
<tr>
<th>Classification</th>
<th>Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Existing Structures, Foundations, Roads, etc.</td>
<td>112,641</td>
</tr>
<tr>
<td>2. Existing Highly Compacted Areas With No Existing Vegetation—Cleared Building pads, gravelled parking areas, pathways, etc.</td>
<td>43,473</td>
</tr>
<tr>
<td>3. Historically Used Areas—Highly Compacted w/ Sparse Vegetation (e.g., old building pads, pathways, areas disturbed during prior construction phases.) (Areas of Existing Land Coverage) Subtotal:</td>
<td>21,706</td>
</tr>
<tr>
<td>4. Historic Man Impacted Areas—Old Brockway Hotel Vicinity, Shoreline Areas, Areas Disturbed during earlier construction and similar areas historically heavily utilized by visitors to and users of the resort during the past century</td>
<td>177,822 (19%)</td>
</tr>
<tr>
<td>5. Remaining Natural Areas Subtotal:</td>
<td>324,090 (35%)</td>
</tr>
<tr>
<td>Total Area:</td>
<td>744,162 (81%)</td>
</tr>
<tr>
<td>921,984 sq. ft. (21½ acres)</td>
<td></td>
</tr>
</tbody>
</table>
Proposed--A review of the land capability information developed to date indicates that neither the existing development on the site, nor the coverage to be utilized should the proposed project proceed, will be in conformity with the Agency's land coverage restrictions. Under the land capability system the maximum coverage permissible would be 124,277 square feet, or 13.5%. By contrast, there currently exists approximately 177,822 square feet of land coverage on the site, or 19%. The plans for the proposed project show a total of 206,388 square feet of coverage, or 22%, a 3% increase over the existing amount. The proposed project would also result in a 1% increase in the total coverage in land capability classes 1 and 2; up from the existing of 2.5% coverage to a maximum of 3.5%. Almost all of this new land coverage will, however, be placed on previously disturbed areas.

Should the previously approved 100-unit condominium tower be constructed with the other existing structures remaining on the balance of the property, the additional coverage in land capability classes 1 and 2 would nearly doubling to 4.5%, with significant disturbance resulting in a previously undisturbed Class 1 area.

Building Height: The maximum allowable building height is 30 feet under the California Side Land Use Ordinance. The draft EIS indicates that the proposed buildings will conform to the TRPA height restrictions. The average height of the previously approved 7-story condominium tower is approximately 102 feet.

Impact Analysis and Mitigation Measures: The draft EIS assess the impacts of the proposed project against the following elements of the environment; land use; land coverage; water quality, drainage, and erosion control; vegetation; air quality, traffic and climate; energy conservation; wildlife; visual and aesthetic; archaeology; noise; social and economic; and public services, including fire and police protection, sewage treatment, solid waste, parks and recreation, water supply, and snow removal. The draft EIS first identifies and assesses the impacts resulting from the project and then compares these impacts to those that would result if the previously approved 100 unit tower were construction.

The draft EIS concludes that the project will result in significant adverse affects on the following elements of the environment.

1. Water Quality - Upon project completion, the amount of land coverage will be increased by approximately 3% over the existing condition. This impervious coverage may present a potential for adverse water quality impacts by altering the natural hydrological regime. However, the existing site contains numerous areas where, due to past development activities, the land has been modified substantially. Generally, only a portion of one building cluster is proposed to be located in an area that contains significant amounts of mature vegetation. The other 16 building clusters will be located in areas presently occupied by existing residential or partially demolished structures, old foundations or previous disturbed building sites.

The application proposes to mitigate these impacts by revegetating approximately 9 acres of previously disturbed land (approximately 42% of the project site). In combination with the existing natural areas, the revegetation of this 9 acres will bring the total open space up to 78% of the site.
Another area of concern in regards to water quality impacts is the shorezone area of the property, particularly those exposed portions of the existing, terraced areas that exhibit some signs of runoff and erosion to the Lake. The project has been designed so as to provide a setback of at least 40-50 feet along the shoreline bluff on the westerly portion of the project so as to minimize any disturbance to the existing vegetation in this area. The project will incorporate appropriate vegetation, landscaping, and protective measures in this shoreline bluff area to ensure that the slopes along the lakefront are stabilized, existing sources of erosion are eliminated, and that foot traffic down these steep shorezone bluffs is discouraged.

All construction on the site will be required to comply with the Handbook of Best Management Practices and rules and regulations of TRPA. All existing structures remaining on the site will be brought up to current "208 Water Quality Standards" so as to incorporate current BMP's. This retrofitting of existing structures will have a significant positive impact on water quality due to the large amount of impervious surface currently on the project site. Additionally, while there will necessarily be soil disturbance and potential for temporary sources of soil erosion during the course of construction, rigid adherence to construction techniques and practices now required by TRPA will minimize these impacts.

2. Vegetation - The development of the proposed project will necessitate some vegetation clearing and soil disturbances as discussed above. However, under the proposed development plans most of the existing vegetation on the property will remain untouched. The development plans also require the removal of only a few of the existing native trees on the property. To the extent possible, buildings have been sited on existing clearings, foundations, or sites of former buildings.

As stated above, the applicant proposes to revegetate and landscape nearly 9 acres of existing disturbed land to compensate for the comparatively minor amount of mature native vegetation that must be removed to construct the proposed project.

3. Traffic and Air Quality - the proposed project will generate approximately 255 new vehicle trips per peak day and, therefore, may adversely affect traffic circulation and air quality. The analysis in the DEIS concludes that the traffic generated by the project is not expected to cause any applicable air quality standard to be violated or cause the capacities of nearby intersections or roadways to be exceeded.

To partially mitigate the traffic and air quality impacts that may occur, the project includes the construction of a winterized TART station at the entrance to the project. In accordance with CTRPA's and TRPA's "indirect source review" criteria, the applicant proposed to either pay the appropriate mitigation fee or implement an adequate offsite traffic mitigation project.
4. Wildlife - The most significant impact of the development on the existing wildlife will be through the increase in human activity. People and their pets will represent an increase in human disturbance to wildlife. Any additional disturbances may be minimal in terms of impacts to wildlife due to the already disturbed nature of the property, its surroundings, and the level of human activity already present. Maximum retention of existing shrub associations and revegetation may mitigate some of the more obvious impacts.

The shorezone improvements will tend to concentrate people along a zone extending from the hot springs facility to the pumphouse. Swimming-related activities will presumably frighten fish away from the swimming area. The dock and boat mooring area will similarly concentrate activity and likely prevent fishes from full utilization of that habitat. This disturbance will likely be significant only during the summer months.

5. Visual and Aesthetic - The overall visual impact of the proposed project, both as seen from the site itself and from distances, is beneficial when comparing the low rise units of the proposed project to the previously-approved 100 unit high rise tower.

However, construction of the proposed project will result in an increase in the number of residential structures visible from the shoreline. The project has been designed to minimize those impacts by establishing a 40-50 foot building setback along the shoreline and siting building behind existing vegetative screening as much as possible. The applicant also proposes as part of the project to establish new vegetative screening within the shoreline building setback.

6. Public Services/Sewage Treatment - The North Tahoe Public Utilities District and Tahoe-Truckee Sanitation Agency have indicated they have or will have the sewer capacity to serve the proposed project. Currently, the owners have permits for 24 sewer connections. The applicant has agreed to be subject to existing or future allocation programs for obtaining the additional sewer connections required for the project. Further, the proposed project will, of course, not add any greater demand to the sewage treatment, conveyance and disposal system than would the previously approved 100 unit project.

Water Supply - The North Tahoe PUD indicates that sufficient water supply meeting applicable local, state, and federal potability and safe drinking standards is available to serve the project.

Lakeshore Access: Some concern has been expressed during the course of the settlement negotiations and discussions regarding the subject of lakeshore access, particularly in view of the unique hot springs feature on the site. In that regard, generally accepted public policy today encourages the development of appropriate lakeshore access to such areas wherever feasible. Additionally, this public policy is consistent with the land use policies of both TRPA and CTRPA. In fact, the subject of "lakeshore access" was very much the subject of "the negotiations" with CTRPA leading to the proposed project.

In summary, while it may appear desirable to require a dedicated public access to the Brockway shoreline by which members of the public would have access to the facilities, the DEIS concludes that such a requirement would have several
practical difficulties due to: (1) providing access to the Brockway site through the existing private roadway transversing Phases 1 and 2; (2) the difficulties in providing alternative access by virtue of topographic and the private ownership of the terrain surrounding the parcel; (3) the obvious difficulties involved in controlling and regulating public access to prevent undue disturbance to the owners and users of the privately held property; and, (4) due to the problems related to potential liability exposure. Accordingly, it appears that the alternative proposal to provide for the purchase of public lakeshore access and use of an offsite lakeshore parcel in the vicinity to be funded by the $300,000 contribution from the plaintiffs provides an opportunity to offset the majority of any lost potential along the shoreline. Combined with the "controlled public visitation" to be provided to the Brockway site consistent with the conditions for approval, it would appear that no major long-term options have been precluded. This controlled public access would be available to interested members of the public such as historians, scientists, photographers and other visitors who desire to see, study, photograph, or otherwise visit the historical hot springs and hotel site on a "prior arrangement basis."

Alternatives: The DEIS assesses two alternatives to the proposed project; the previously approved Phase 3 project and no action. The statement concludes that the Phase 3 project would result in at least a two-fold increase over the proposed project in terms of density, population, and traffic impacts. Greater demands would also be placed on sewage treatment and solid waste facilities, water supply, electrical power, natural gas, schools, roads, police protection, health case, recreational facilities and transportation. The Phase 3 project would also have a greater visual impact and there would be no specific restriction on the further use of the remaining 14 acres.

Under the no project alternative it is assumed that the site would remain as is. This alternative would result in a reduction of the potential environmental impacts identified for the proposed project.

Consistency With Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of a project, the Governing Board must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. However, since the subject project is part of a proposed litigation settlement, premised upon a law suite to establish a vested right to a development otherwise inconsistent with said elements, the Governing Board may approve the proposed project even through it may be found to be inconsistent with applicable elements. Agency staff has analyzed applicable elements for consistency and has made the following findings:

California Side General Plan -- The proposed project is consistent with the density limitations set forth under the California Side Land Use Ordinance, but is inconsistent with the land coverage restrictions set forth in the same ordinance. The project is also inconsistent with the prohibition on new subdivisions.

California Air Resources Board Nonattainment Air Quality Plan -- Consistent
California Water Resources Control Board's Water Quality Plan -- The proposed project is inconsistent with this element due to noncompliance with land coverage restrictions.

208 Water Quality Plan -- The proposed project is inconsistent with this element again due to noncompliance with land coverage restrictions.

Project Analysis and Issues for Discussion: The proposed project does not comply with the applicable land coverage restrictions, will result in an increase in the total amount of land coverage on the site from 19% to 22% and an increase in the amount of land coverage in land capability levels 1 and 2 from 2.5% to 3.5%. However, the total land coverage resulting from the proposed project (22%) is less than the total amount that would result if the Phase 3 project was constructed, and the land coverage in capability levels 1 and 2 will be less with the proposed project than with the Phase 3 project (3.5% compared to 4.5%). In addition, the new structures proposed have been sited, to the greatest extent possible, to overlay existing disturbed areas containing either existing buildings, foundations or existing cleared areas.

The proposed project will result in significant impacts on water quality and vegetation due to noncompliance with present land coverage restrictions and the removal of mature native vegetation in excess of that permitted by the land capability system. However, the two primary mitigation measures proposed by this applicant; revegetation on the site of approximately 9 acres that are presently disturbed, and retrofitting the entire site with drainage facilities to properly infiltrate the runoff from substantial areas of existing land coverage, should be considered to adequately offset the resulting impacts on water quality and vegetation.

The Governing Board should discuss and determine the adequacy of the applicant's proposal to contribute $300,000 for the purchase of property to provide for public lakeshore access in lieu of providing public access to the unique hot springs feature on the subject site. To determine that the applicant's proposal is acceptable, the Governing Board should find that all feasible methods of providing public access to the hot springs site have been assessed and found to be infeasible.

Agency staff has found that the proposed project, including the mitigation measures proposed by the applicant and the elements that are part of the proposed settlement as outlined in this staff summary, qualifies for the finding as set forth in the TRPA Compact, that "changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level."

Conditions of Approval: Agency staff recommends the following conditions of approval:

A. The standard conditions listed on Attachment D.

B. The following special conditions which are the mitigation measures recommended in the EIS.
1. The 17 clustered units to be sited throughout the remaining parcel shall be sited insofar as possible to place them on the "footprints" of previously disturbed areas, or in already cleared areas. Additionally, the sitings of the already cleared areas. Additionally, the sitings of the cluster units will be required to be done in a manner to minimize tree removal and injury to native vegetation.

2. The height limits currently required by TRPA should be maintained in designing the units. Additionally, a minimum setback from the edge of the shoreline terrace of at least 40 feet should be required for all units placed near the lakefront.

3. Non-reflective, earthen materials should be used on the exteriors and roofs of all structures to ensure that they blend into the natural surrounding. Architecture in the "old Tahoe style", consistent with the historical use of the site, should be encouraged.

4. All existing structures and disturbance on the site should be removed including the rehabilitated "rental buildings", the condemned and boarded-up structures, old foundations and debris, and related structures, except the common recreational facilities, Stone House complex, and the rehabilitated "historical cabin" to be utilized as the 53rd unit.

5. The existing roadway that will be retained should be improved to ensure compliance with the Agency's 208 Water Quality Plan, and to ensure that surface run-off from the roadway is collected and infiltrated on site.

6. As required in the Agency's 208 Water Quality Plan, existing surface run-off from existing structures or facilities should be brought up to current standards to ensure that run-off is infiltrated on-site through previous drains, etc.

7. All disturbed areas on the 21-acre site not covered by impervious cover for buildings, roads, and pathways should be revegetated in accordance with a detailed vegetation and restoration plan emphasizing the use of native vegetation insofar as feasible, and providing for the absolute minimum of soil additives where necessary. The vegetation plan shall set forth a long-term maintenance program to ensure the permanent establishment and protection of revegetated areas in a manner that will minimize nitrate input into the subsurface and surface runoff. Only slow-release fertilizers absolutely essential to aid in the initial growth of new or young plants should be permitted. The revegetation plan should also specifically provide for implementation of all the mitigation measures discussed under Section III, E.
8. The total land coverage to be permitted on the project shall be not greater than that shown in the proposed Proposed Development Plan, (Figure 10) (not more than 22% of the remaining 21-acre project site.)

9. Appropriate deed restrictions should be recorded in favor of the Agency to ensure that the maximum density permitted on the site shall be not exceed 55 residential units (the 53 condominium units included in the settlement and the existing Stone House/guest house). Additionally, the Agency's new Regional Plan currently being developed should limit future development on the site to this maximum density.

10. Construction activities should be carefully regulated to ensure full and strict compliance with existing Agency requirements regarding soil disruption, vegetation protection and related matters. Erosion control measures during grading of construction sites, parking pads, and related construction should also be required, including providing temporary erosion control fences on the downhill side of all construction activities, use of straw on exposed earth areas, and related Best Management Practices (BMP’s).

11. Construction should only be permitted during the dry summer months to minimize the threat of erosion from cleared soil. All construction on the site should be required to comply with the Agency’s Handbook of Best Management Practices, including particularly the requirements to collect and infiltrate all run-off from impervious surfaces on the property through appropriate percolation trenches and related methods.

12. Construction equipment should be restricted to roadbeds and other areas scheduled to be disturbed. Equipment and materials should be stored in rights-of-way and other areas scheduled for construction.

13. A separate, detailed plan for restoration and improvements along the shorezone area should be developed to ensure adequate setbacks along the shorezone, minimum disturbance to existing vegetation, incorporation of new vegetation and protective measures in areas that are currently subject to disturbance, construction of walkways and stairs to prevent man-created dirt paths being cut along the shorezone slopes, and related measures to ensure that there is minimal impact from human disturbance in the shorezone area.

14. Snow removal and snow storage should be planned to avoid major modifications of runoff patterns, and the use of chemicals or sand in treating snow and ice should be prohibited.
15. A part of the settlement, the development plan should include detailed plans for the construction of a TART winterized bus station at the intersection of Chipmunk and State Highway 28, which should be constructed prior to completion of the project. In accordance with CPRPA's and TRPA's "indirect source review" criteria, either a mitigation fee or direct responsibility for offsite traffic mitigation measures such as the TART bus stop are required to ensure that any offsite traffic-impacts are mitigated.

16. The project owner should be encouraged to proceed with their efforts to determine the feasibility of using the on-site geothermal energy sources as a source of heating for the new units. A separate environmental review may be required if this option is pursued. Additionally, to the extent that fireplaces are utilized, systems should be selected which provide for efficient combustion. Further, the project owner should be encouraged to incorporate as much "passive solar technology" as feasible in their design in view of the southerly exposure of the site and its excellent potential for utilization of passive solar technology. Finally, all proposed construction should, of course, meet all applicable federal, state and local standards for energy conservation and building techniques.

17. In order to minimize noise impacts on the surrounding residential area during construction, construction should be limited to the hours of 7:00 a.m. to 7:00 p.m., and every effort should be made to minimize high noise generating equipment on the site.

18. To reduce demands on the public agencies for services, the subdivision documents should provide for a homeowners' association with specific responsibilities for maintaining the internal roads, providing security, providing snow removal, and maintenance of the recreational grounds.

19. In regards to the question of "public access to shoreline resources", the proposed $300,000 fee to purchase alternative lakeshore access property should be paid to Placer County not later than the point in time that the first building permit from Placer County is issued, and said fee should be expeditiously earmarked and utilized by Placer County for development of an alternative lakefront access parcel.

20. Low NO\textsubscript{x} emissions burner units shall be used in heating devices for space and water heating, and solar energy shall be used where possible.
1. Each of the following conditions shall be completely performed prior to the issuance of the TRPA permit:

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

   b. Adequate security shall be posted with the permit-issuing authority or the Agency to insure proper installation of the slope stabilization and drainage improvements and revegetation shown on the plans approved under condition 1a. (For details on security procedures, please refer to Attachment J.)

   c. Calculations prepared by a qualified civil engineer demonstrating that the drainage improvements are capable of infiltrating on site the storm water flows from a 2-year, 6-hour storm shall be submitted to and approved by Agency staff.

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

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

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

   a. The initial phase of the vegetation preservation and protection plan shall be completed.

   b. Installation of temporary erosion protection devices.
Standard Conditions of Approval
Attachment D - page two

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

d. Completion of structure foundations.

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

f. Completion of structures.

g. Paving.

h. Landscaping and revegetation.

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

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

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

6. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other approved methods shall be removed from the subject parcel and disposed of at an approved location.

7. 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.

8. All 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.

9. All areas to be paved shall be paved prior to October 15.

10. Mud shall not be tracked off the construction site or improved roads. 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.

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

ATTACHMENT D

(page 2 of 3 pages)
12. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

13. "Approval by the Agency of any project expires 3 years after the date of final action by the Agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted." [Compact Article VI(p)].

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

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

16. All erosion control, drainage improvements, revegetation and temporary erosion control shall be in compliance with the guidelines set forth in the TRPA 208 Handbook of Best Management Practices.

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

18. All construction shall be accomplished in strict compliance with the plan approved by TRPA.

19. The TRPA permit and the final construction drawings bearing the TRPA stamp of approval shall be present on the construction site from the time construction commences to final TRPA site inspection. The permit and plans shall be available for inspection upon request by any TRPA employee. Failure to present the TRPA permit and approved plans may result in construction on the site being stopped.
RESPONSES TO COMMENTS ON DEIS
FOR BROCKWAY SPRINGS LITIGATION SETTLEMENT PROJECT

As of the date of the close of public comment in connection with the Draft Environmental Impact Statement (DEIS) for the Brockway Springs litigation settlement project, one written comment was received. That comment was transmitted by letter dated March 7, 1983 on behalf of the California State Water Resources Control Board, and signed by Andrew H. Sawyer, Staff Counsel. The following are comments received and responses thereto in connection with that communication:

1. **COMMENT:** The DEIS lists three types of "existing coverage" currently found on the project site, which it assumes should be counted as "existing coverage" in analyzing land coverage impacts. These include (1) existing structures; (2) existing highly compacted areas; and (3) so-called historic man-impacted areas. In the opinion of a Water Resources Control Engineer with the Lahontan Regional Water Quality Control Board, only the first two categories should be counted as "existing coverage"—not the third category.

**RESPONSE:** The third category of existing on-site coverage includes 21,708 square feet of historically used areas that are highly compacted. Tables II and V identify these areas as "old building pads, pathways, and areas disturbed during prior construction phases". This classification of impervious coverage is consistent with the definition of "land coverage" contained in TRPA's Land Use Ordinance, which definition includes "lands so used that the soil will be compacted so as to prevent substantial infiltration, such as parking of cars and heavy and repeated pedestrian traffic". The areas of the site identified in
the detailed examination undertaken by Raymond Vail & Associates (refer to page 44 of DEIS) identified a number of such areas including dirt parking pads, heavily compacted footprints of old building sites, and heavily compacted footpaths (such as that leading to the boat pier between the tennis courts and swimming pool area). In total, this third category of identified land coverage constitutes only 2.3% of the site, with nearly all of it occurring on portions of the site identified as being in areas identified as land capability classes 4 or 5, and thus is not considered to be significant.

2. COMMENT: "While much of the project is located on areas of existing land coverage, significant coverage would be constructed on areas with no existing coverage, and significant existing coverage would be removed." The DEIS fails to provide an adequate analysis to determine to what extent the coverage resulting from the proposed project should be considered replacement of existing coverage.

RESPONSE: The DEIS, in the discussion of Land Coverage on pages 44-48, sets forth a detailed analysis of land coverage. Table V on page 46 shows specifically, for each soil type and land capability classification identified on the parcel, the existing amount of land coverage, and the land coverage that would result for each of such areas should the proposed project be constructed. Additionally, the land coverage that will result should the previously approved Phase 3, 100-unit project proceed, is also identified by specific land use areas. The DEIS concludes that there currently exists 177,822 square feet of coverage on the site (19%), which will be increased 3% to 206,388 square feet (22%) by completion of the proposed project—with existing coverage on high hazard areas (Class 1 and 2
areas) being increased by 1% from 2.5% to 3.5%. By contrast, the DEIS states that should the previously approved Phase 3, 100-unit structure be constructed, total coverage on the site would increase 5% to 24%, with coverage on Class 1 and 2 lands increasing from 2.5% to 4.5%. (See DEIS, pages 44-46.)

Detailed site examination by Agency staff and review of the proposed site plan for the project has confirmed that all proposed new structures have been sited as optimally as possible so as to overlay existing heavily disturbed or cleared areas, or existing foundations. Although there will be a small increase in total coverage of 3%, almost all of that coverage will be in existing covered or disturbed areas. While recognizing there will not be strict compliance with the Land Capability System as applied to this parcel, nevertheless given the existing heavily disturbed nature of the site, the fact that nearly all new construction is proposed in areas that are either covered by existing coverage or heavily disturbed, and in view of the many other environmental improvements resulting from the project, it is felt that this small increase in total coverage is acceptable. The resulting coverage from the entire project will be approximately 22% of the 21.1 acre site, with the balance to be maintained in its current natural condition or to be revegetated in accordance with a revegetation plan to be submitted and approved by Agency staff.

3. **COMMENT:** "An analysis is required to determine whether replacement of existing coverage, or permitted coverage assuming there were no existing coverage, should be the guide, both in terms of what is acceptable and what is environmentally preferable. Again, it may be that replacement of existing coverage would have less impacts than
removal of existing coverage combined with new coverage in presently undisturbed areas."

RESPONSE: See the foregoing Response to Comment No. 2. Additionally, it should be underscored that the siting of the proposed project has been done in such a manner as to minimize any new coverage in undisturbed areas, with almost all coverage involved to be in areas of existing old foundations or building sites, or in areas that have been heavily disturbed or previously covered. The siting of the new units is felt to represent the most optimal siting, given the number of new low-rise cluster units that will be required to implement the proposed project and the existing configuration of the project site.

4. COMMENT: The proposed project will result in an increase in density on the site, although the Environmental Impact Statement does not address the "soil disturbance associated with this increased density".

RESPONSE: The DEIS identifies at great length the historical uses of the site, densities that have occurred on the site, as well as the densities that are permitted under existing zoning and prior approvals. All of these densities are substantially in excess of densities that will be permitted by the proposed settlement—55 residential units on the entire remaining 21.1 acre site. Additionally, the DEIS addresses the soil disturbance impacts of the densities that would occur should the 100-unit Phase 3 project proceed. Further, the DEIS, at pages 44-48, clearly identifies the land coverages that will be involved should the project proceed, as contrasted with the previously approved 100-unit condominium tower. In brief, it is felt the DEIS adequately addresses the issue of the impact of the proposed densities in terms of soil disturbance.
5. **COMMENT:** The DEIS creates the impression that the "re-vegetation of disturbed areas" will only occur if the proposed project is approved. It is suggested that such revegetation could be required by the Agency, even in the absence of the project approval.

**RESPONSE:** As discussed in the Introduction to the DEIS, it has been prepared in connection with the consideration of the proposed settlement of pending litigation, in which the applicants (plaintiffs) assert their right to proceed with the previously approved, Phase 3, 100-unit high-rise project. While it is theoretically possible that TRPA could attempt to enforce some water quality corrective measures on the site absent approval of the settlement, it would appear that such efforts in the absence of resolution of the litigation would only further compound and prolong the litigation, and not result in any immediate corrective measures on the site. Accordingly, the resolution of the litigation provides an orderly means in which assurances can be provided that all necessary water quality corrective measures, including revegetation of all remaining disturbed areas, and retrofitting of all remaining structures and improvements with currently accepted BMPs, can be implemented as expeditiously as possible.

6. **COMMENT:** The DEIS should address the cumulative impacts of new subdivision development.

**RESPONSE:** Because of the "focused nature" of the DEIS involved in the Brockway project, it appears inappropriate to include such a detailed cumulative impact assessment of further subdivision development in the Lake Tahoe Basin. However, it should be noted that the DEIS does rely upon and incorporate a number of more comprehensive Environmental Impact Statements and reports and studies that have been
prepared by the Agency that consider the impacts of subdivision development, and to that extent this subject would appear to be adequately covered by the focused DEIS prepared in connection with the Brockway matter. (See pages 3-4 of the DEIS.) Also, it should be noted that Article VII(c) of the TRPA Compact applicable to the preparation of EISs specifically provides that an EIS need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public.

7. **COMMENT:** "It may be concluded that a residential project in California will not contribute cumulatively to water use in excess of that available so long as it does not involve new subdivisions, complies with the land capability coverage constraints, and incorporates water conservation measures which will prevent an increase in water use rates. The proposed Brockway Springs subdivision involves new subdivision development which exceeds land capability coverage limitations, and does not specifically identify any water conservation measures as mitigation for impacts on water supply. The conclusions in the environmental impact statement that there is an adequate water supply are simply unsupportable."

**RESPONSE:** The issue of water supply for the Tahoe Basin, as addressed in the Comment, appears to be beyond the scope of this DEIS. It is noted that the California State Water Resources Control Board has previously prepared a Report on Water Use and Water Rights for the Lake Tahoe Basin, dated October, 1979. Additionally, a Draft Environmental Impact Report regarding water quantity is currently being prepared by the California State Water Resources Control Board. Again, given the focused nature of the DEIS at issue, it would appear to go well beyond the scope of the DEIS to try to develop a comprehensive analysis of such water quantity issues.
The North Tahoe Public Utility District reports that it has adequate water capacity to serve the additional units to be constructed on the site (31 new units beyond that for which permits previously have been issued). Additionally, it should be noted that the site has previously been the site of a major hotel, and numerous ancillary facilities, which presumably used substantially more water than will be required by the proposed project on the site.

As to water conservation measures, certain measures are required by recent changes to the Uniform Building Code, and will necessarily be incorporated within the project as a consequence.

8. **COMMENT:** "Both equitable and environmental considerations dictate that new subdivision development or new development in excess of land capability limits should not be allowed to use sewage treatment capacity which may be needed to serve existing subdivided vacant lots where construction would not exceed coverage limitations."

**RESPONSE:** The North Tahoe Public Utility District reports that it will have adequate sewage capacity to service the additional units to be constructed on the site. It should be recognized that there currently are existing 24 sewer connection permits for the site, with an increase of only 31 new connections to accommodate the additional capacity required.

It should also be noted that the settlement involves waiver by the applicants (plaintiffs) of their claim for refund of sewer assessment charges levied against the property to fund the cost of a sewer connector system that was constructed to service over 700 units previously planned for the site. The waiver of this claim in excess of $900,000 is a significant element of the proposed settlement.
Also, it should be noted that the litigation involves settlement of a previously approved final subdivision map for a 100-unit condominium project. It is the position of the applicants that the settlement does not involve a "new subdivision", but involves instead the resolution of the claim of the applicants that they have a legally approved right to proceed with a 100-unit subdivision, which by way of the settlement is being substantially reduced in terms of environmental impacts. Accordingly, the settlement involves the amendment of that previously approved 100-unit subdivision final map to reduce densities, not creation of a new subdivision.

9. COMMENT: The Environmental Impact Statement should include an alternative based on the use of the existing 24 authorized sewer connections, rather than the proposed 55 total sewer connections should the settlement be approved.

RESPONSE: See Comment No. 10 below.

10. COMMENT: The DEIS fails to include a number of alternatives for analysis, including:

a. An alternative based on 24 sewer connections.

b. An alternative which limits development to replacement of existing coverage.

c. An alternative which complies with the coverage which would be allowable if there were no existing coverage on the site.

d. An alternative or alternatives which are based in part on existing coverage, and in part on the coverage allowable if there were no existing coverage, relying on coverage replacement in some areas while complying with allowable coverage in others.
e. An alternative which does not involve subdivision of property.

RESPONSE: As directed by the Governing Board during the course of processing the proposed settlement of litigation involved, the Agency has prepared a focused EIS which considers three principal alternatives:

a. The proposed project which would be approved by the litigation settlement;

b. The previously approved, Phase 3 project, including the 100-unit, 7-story high-rise tower for which prior Agency approvals have been obtained; and

c. A no-action alternative.

It was felt from the outset that these three alternatives covered the range of reasonable alternatives that should be considered in connection with processing the DEIS for the proposed settlement of litigation, keeping in mind that the issue before the Agency is whether to proceed with the tentative litigation settlement which has been negotiated between the applicants (plaintiffs) and each of the defendant agencies involved.

As to the proposed settlement, the total number of units that has been agreed upon in consultation and coordination with the other agencies involved, constrains the range of options available. In terms of the proposed footprints and siting of the low-rise condominium units to be included as part of the proposed settlement, and as discussed in Responses to other Comments above, Agency staff has concluded that the siting has been done in a way so as to minimize any new land coverage, and so as to site all new structures
on previously covered or disturbed areas to the extent possible. As a consequence, the proposed project incorporates what is felt to be the optimal siting for the proposed settlement.

In brief, in view of the fact that the DEIS is a focused document to assess the environmental impacts of the proposed settlement, it is believed to be outside the scope of the DEIS to consider the range of other possible options that could occur for new development on the site.

11. **COMMENT:** The DEIS fails adequately to address the cumulative impacts of all litigation settlements currently being considered by TRPA, including those involving other subdivision projects. Such cumulative impacts of these projects should be addressed.

**RESPONSE:** Again, the DEIS in the instant case is a focused document, being prepared at the direction of the TRPA Governing Board pursuant to the provisions of the TRPA Compact. It is intended to analyze the proposed project that would be approved should the litigation settlement be adopted. To attempt a comprehensive analysis of the impacts of all pending litigation settlements, and the cumulative impacts of the resulting projects assuming each of such settlements were approved, appears to be well outside the scope of the DEIS at issue.

Also, it should be noted that the cumulative impacts of the several settlements at issue are in fact being considered as part of the current consideration of the new TRPA Regional Plan, and the density and other impacts involved with those proposed projects are incorporated in the analysis of the DEIS prepared in connection with that Regional Plan. Again, it should be noted that Article VII(C)
of the TRPA Compact specifically provides that any environmental impact statement required pursuant to Article VII need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public.

NOTE: Attached hereto is a full copy of the Comments dated March 7, 1983, submitted by the California State Water Resources Control Board, signed by Andrew H. Sawyer, Staff Counsel. These were the only written comments submitted in connection with the Brockway DEIS.
Mr. Phil Overeynder  
Executive Director  
Tahoe Regional Planning Agency  
P.O. Box 8896  
South Lake Tahoe, CA 95731

Dear Phil:

DRAFT EIS: PROPOSED BROCKWAY SPRINGS SUBDIVISION

I have reviewed the Draft Environmental Impact Statement for Proposed Amendments to the Subdivision of Brockway Springs of Tahoe and am submitting these comments on behalf of the California State Water Resources Control Board.

The draft environmental impact statement is seriously deficient in its analysis of land coverage, water supply, and sewage treatment capacity.

The most serious deficiency is in consideration of alternatives. The environmental impact statement fails to propose alternatives, other than the no project alternative, consistent with TRPA's own plans and ordinances. Even assuming that no allowance is made for replacement of existing coverage, and that coverage is limited to capability classes 4 through 7, the land capability system would allow nearly 120,000 square feet of coverage. Despite a written request from the State Water Resources Control Board that alternatives consistent with land capability be evaluated, no such alternatives are considered.

Environmental impact statements are intended to serve both as environmental full disclosure documents, so that the agency and the public are fully informed of environmental consequences, and as "action forcing" documents, which encourage adoption of alternatives which will avoid potential adverse impacts. See Council on Environmental Quality Guidelines for Implementing the Procedural Provisions of the National Environmental Policy Act (CEQ Regulations) 40 CFR § 1500.1. Because of its failure to adequately address environmental impacts, or to propose reasonable alternatives, the environmental impact statement on the proposed Brockway Springs subdivision serves neither purpose. It cannot be certified as meeting the environmental documentation requirements of the Tahoe Regional Planning Compact.

I. COVERAGE

A. Existing Coverage

The adverse environmental impacts of excess coverage, especially the impacts on water quality, are well documented. To adequately address application of land capability coverage restrictions to the project site, consideration must be given to how the land capability system is applied to replacement of existing coverage, and how compacted areas should be
treated. By letter dated April 16, 1982, I requested there be a full environmental analysis of the issue, including consideration of alternatives consistent with land capability coverage limitations. The environmental impact statement fails to provide that analysis.

The environmental impact statement lists four kinds of covered or disturbed areas: 1) existing coverage; 2) existing highly compacted areas; 3) historically used areas; and 4) historic non-impacted areas. The environmental impact statement assumes that the first three kinds of coverage and disturbance should be counted as existing coverage, but provides no analysis to support this assumption.

I have visited the site, in the company of representatives of the developer and Mr. Eric Hong, a Water Resource Control Engineer with the Lahontan Regional Water Quality Control Board. Mr. Hong is familiar with the land capability classification system and its application to parcels in the Lake Tahoe Basin. In his opinion, a more thorough review would be desirable, but if a decision had to be made based on his review of the site and the information provided in the environmental impact statement, only the first two categories should be counted as existing coverage. It may be premature to rule out the possibility that historically used areas can be counted as existing coverage. It is clear that a thorough analysis would be required, an analysis not provided by the environmental impact statement, to justify the assumption that these areas can be counted as existing coverage.

Once it is determined what areas should be treated as existing coverage, further analysis is required to determine what is acceptable as coverage replacement. While much of the project is located on areas of existing coverage, significant coverage would be constructed on areas with no existing coverage, and significant existing coverage would be removed. Natural vegetation and hydrologic conditions can only partially be restored through revegetation. Replacement of existing coverage at the existing site is likely to have less of an impact on water quality than removal of existing coverage with allowance for creation of an equal amount of new coverage nearby. If allowance is to be made for replacement of existing coverage, it must be determined how much, if any relocation of that coverage should be allowed. While the environmental impact statement relies on the extent of existing coverage in evaluating the impacts of the project, it fails to provide the analysis necessary to determine to what extent the coverage resulting under the proposed alternative should be considered replacement of existing coverage.

Finally, an analysis is required to determine whether replacement of existing coverage, or permitted coverage assuming there were no existing coverage, should be the guide, both in terms of what is acceptable and what is environmentally preferable. Again, it may be that replacement of existing coverage would have less impacts than removal of existing coverage combined with new coverage in presently undisturbed areas. A thorough analysis, including consideration of alternatives following both approaches, is needed to adequately address the environmental impacts of development of the site.
B. Impacted Areas

In addition to the covered or compacted areas created by development, more intensive use increases soil disturbance in the vicinity of development:

Within the Tahoe Basin, development of impervious coverage results in associated surface disturbance. Field studies indicate that for the various types of land use, there is a corresponding amount of surface disturbance which varies depending on the type of land use. As an example, for residential development, the amount of surface disturbance increases as the density of development increases. Analysis of the data from subdivisions throughout the Basin indicates the natural vegetation decreases and is virtually eliminated as density approaches 50-60% (50-60% of the lots in the subdivision are developed).

Tahoe Regional Planning Agency, Environmental Impact Statement for the Establishment of Environmental Threshold Carrying Capacities 18 (1972). As density increases, soil disturbance from activities such as use of vacant areas for parking or for play by neighborhood children also increases. Litton, Land Coverage and Disturbance Estimates within the Lake Tahoe Basin (1981).

The proposed project would replace eight rental units with fifty-three condominium units. Yet the environmental impact statement does not address the soil disturbance associated with this increase in density. To that contrary, it creates the impression that 78% of the site, encompassing all areas not devoted to land coverage, will be natural vegetation.

The project incorporates plans to revegetate disturbed areas. In the absence of detailed revegetation plans, however, it is by no means clear how successful the project will be in avoiding the increase in soil disturbance normally associated with increasing density. The increases in disturbance observed as density within a subdivision increases can be attributed primarily to more intensive use, not just to failure to revegetate areas cleared during construction.

Because the environmental impact statement relies heavily on revegetation in assessing environmental impacts of the project, the limits on effectiveness of revegetation must be recognized, especially where revegetation of high hazard lands is proposed. A report prepared by Burgess L. Kay evaluates erosion control work in two areas. One was a high hazard area on the west shore. The other was on high capability land just outside the Lake Tahoe Basin. The report rates the success of revegetation on a scale of one to ten. In the high hazard area, the average rating is about three. In the high capability area, the average rating is about seven. Thus, while revegetation efforts are valuable, and are often the most effective means of controlling erosion, revegetated areas still contribute more erosion and runoff than areas left in their natural state. Assuming that revegetated areas function as natural areas overestimates the value of mitigation, and thus underestimates the adverse impacts of development.
Finally, the environmental impact statement creates the impression that revegetation of disturbed areas will occur only if the proposed project is approved. But revegetation still could be required if the project is scaled down to conform to land capability. More important, existing TRPA policy is that revegetation of disturbed areas may be required even where no application for a permit to develop the site is pending.

Under the water quality management plan adopted by TRPA in 1978, correction of erosion and runoff problems was required only when an application was submitted and approved for a project at the site. As a condition of approval of the plan, Nevada required that corrective measures be provided for without the constraint of awaiting applications for construction or use permits. The environmental impact statement on TRPA’s 1981 water quality management plan recommended, and the governing body adopted, a regulatory program to require correction of existing erosion and runoff problems.

When TRPA’s remedial erosion control program is taken into account, the consequences of refusing to approve the project are far different than would appear from the environmental impact statement. TRPA can require that the site be upgraded, and indeed may be required to do so under the terms of its own water quality management plan. To base an environmental analysis on the unstated assumption that the agency will not enforce its own plans and ordinances is at best misleading. At worst, it condones agency failure to implement environmental protection programs. As the remedial program was itself proposed in another environmental impact statement, at least in part for the stated purpose of mitigating environmental impacts resulting from development allowed under a plan adopted in reliance on that environmental impact statement, such an approach is unacceptable.

II. SUBDIVISION DEVELOPMENT

New subdivision development has many adverse impacts on the Tahoe Basin, especially cumulative impacts, including impacts on water quality, sewage treatment capacity, and water supply.

The moratorium set by Article VI(c) of the Tahoe Regional Planning Compact applies only to subdivisions for which no tentative map had been approved before the effective date of the compact. But it may be possible to avoid or mitigate the adverse environmental impacts of new subdivision development as part of other discretionary agency approvals which occur before subdivision improvements are constructed. The environmental impact statement for the Brockway Springs development therefore should address the cumulative impacts of new subdivision development. Such an analysis would be required even if the final map for the 100 unit high-rise project is deemed to constitute a tentative or final map for the proposed project for purposes of Article VI(c) of the compact. So long as TRPA has discretion to avoid or mitigate the impacts of subdivision development, those impacts must be evaluated.

It is particularly important that the environmental impact statement consider the impacts of subdivision development, and propose means of avoiding or mitigating those impacts, as part of its review of the alternative of the 100 unit high-rise. The discussion of an environmental
impact statement discussing alternatives should "Include appropriate mitigation measures not already included in the proposed action or alternatives". See CEQ Regulations 40 C.F.R. § 1502.14(f). Where, as here, it is suggested that an alternative might go forward against the agency's wishes, it is especially appropriate to consider measures to avoid or mitigate the environmental impacts that would result.

It is not probable that the high-rise could be built. The high-rise does not conform to land capability constraints, and therefore constitutes a project within the meaning of the Tahoe Regional Planning Compact, requiring agency approval after completion of an environmental impact statement. The existence of a final map does not compel TRPA to approve the project, any more than the existence of final maps compels the agency to approve construction on vacant high hazard lots in existing subdivisions. Nevertheless, there appears to be a sufficient possibility of the high-rise moving forward to justify adoption of measures to mitigate or avoid that eventuality. These measures should be proposed in the environmental impact statement, based on evaluation of the impacts of new subdivision development.

Among the actions which should be considered are those which in effect would rescind the previously approved subdivision map. In certain circumstances, apparently applicable here, the California Government Code authorizes a "reversion to acreage", whereby a previously approved subdivision is combined into a single lot. Cal. Gov't. Code § 66499.11 et seq. (West Supp. 1982).

III. WATER QUANTITY

Only a limited amount of water is legally available for use in the Lake Tahoe Basin. If water use in the Basin increases beyond that limit, the rights of downstream water users dependent on the Lake's outflow into the Truckee River will be infringed.

In 1968, after 13 years of extensive debate and negotiation, the Joint California-Nevada Interstate Compact Commission adopted the California-Nevada Interstate Compact allocating water in the Lake Tahoe, Truckee River, Carson River and Walker River Basins. California ratified the compact in 1970; Nevada ratified in 1971. Although ratification by Congress is still pending, the compact has been accepted by both states and the only comprehensive basis available for allocating water rights. The principal uncertainty concerning the allocation made by the compact involves the unresolved claims of the Pyramid Lake Paiute Tribe of Indians. These claims are for more water at Pyramid Lake, the terminus of the Truckee River. Thus, the allocation set by the interstate water compact sets an upper limit on the amount of water which can be diverted for use in the Lake Tahoe Basin.

The interstate water compact allocates a total of 23,000 acre-feet per year total gross diversions for use, from surface and ground water, to the California side of the Lake Tahoe Basin. At present water use rates per household, California would exceed the compact allocation before reaching buildout of existing subdivisions. State Water Resources Control Board, Report on Water Use and Water Rights in the Lake Tahoe Basin
(1979). On the other hand, water use will stay within the compact allocations if water use rates per household do not increase, and development is limited to lots in existing subdivisions where coverage will not exceed land capability limitations. State Water Resources Control Board, Lake Tahoe Basin Water Quality Plan 259 (1980).

Put another way, it may be concluded that a residential project in California will not contribute cumulatively to water use in excess of that available so long as it does not involve new subdivision, complies with land capability coverage constraints, and incorporates water conservation measures which will prevent an increase in water use rates. The proposed Brockway Springs subdivision involves new subdivision development, which exceeds land capability coverage limitations, and does not specifically identify any water conservation measures as mitigation for impacts on water supply. The conclusions in the environmental impact statement that there is an adequate water supply are simply unsupportable.

IV. SEWAGE TREATMENT CAPACITY

In evaluating adequacy of sewage treatment capacity, the cumulative impacts of allowable development must be considered. To decide whether there is sufficient capacity for new subdivision development or development in excess of land capability in the Tahoe Basin, it first must be determined whether there is sufficient capacity for existing subdivided lots where coverage would not exceed applicable land capability limitations.

The Tahoe-Truckee Sanitation Agency treatment facilities serve areas both inside and outside the Tahoe Basin, including the area of the proposed Brockway Springs subdivision. According to the Tahoe-Truckee Sanitation Agency's Final Environmental Impact Report on Increasing Wastewater Treatment Capacity, Appendix J (1981), there are 8,530 subdivided vacant lots within service areas outside the Tahoe Basin, plus 3,040 lots within the Tahoe Basin where construction would not exceed coverage limits, for a total of 11,570 vacant lots. The environmental impact report estimates that the increased capacity made available by the capacity expansion now underway will be adequate for 10,500 of these lots. In other words, capacity is slightly below that necessary to serve existing buildable subdivided vacant lots.

Both equitable and environmental considerations dictate that new subdivision development or new development in excess of land capability limits should not be allowed to use sewage treatment capacity which may be needed to serve existing subdivided vacant lots where construction would not exceed coverage limitations.

Thus, it appears that there is insufficient sewage treatment capacity to serve the proposed Brockway Springs subdivision. The environmental impact statement indicates, however, that the owners of the site already have permits for 24 sewer connections. Accordingly, the environmental impact statement should include an alternative based on use of those 24 sewer connections.
Consideration of an alternative relying on the existing sewer permits may also serve to identify a means of allowing substantial development of the property without violating TRPA plans and ordinances. The Lake Tahoe Basin Water Quality Plan, which has been adopted by TRPA as part of its water quality management plan, provides certain exemptions for units issued sewer permits before October 29, 1980.

V. ALTERNATIVES

The discussion of alternatives is a critical part of any environmental impact statement. An environmental impact statement would be of limited value if it documented adverse environmental impacts, but failed to propose reasonable alternatives which would avoid or mitigate those impacts. As the CEQ Regulations state:

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment and the Environmental Consequences, it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.

40 C.F.R. § 1502.14 (citations omitted).

To satisfy the requirement that alternatives provide a basis for comparing impacts, and to allow for consideration of means of avoiding adverse impacts, alternatives cannot be limited to those deemed acceptable to the project applicant. As the Resources Agency Guidelines for Implementation of the California Environmental Quality Act of 1970 state:

The discussion of alternatives shall focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives substantially impede the attainment of project objectives, and are more costly.


The environmental impact statement for the Brockway Springs subdivision identifies significant adverse impacts, particularly those resulting from excess coverage, but fails to propose alternatives which would avoid or mitigate these impacts. The environmental impact statement fails to propose options which would avoid environmental impacts while at least partially achieving the objectives of the project. Rather, the environmental impact statement appears calculated to leave the agency with no choice but to approve a project which does not comply with existing plans, ordinances, rules and regulations for the protection of the environment.

At a minimum, the environmental impact statement should include the following alternatives:
o An alternative which limits development to replacement of existing coverage.

o An alternative which complies with the coverage which would be allowable if there were no existing coverage at the site.

o An alternative or alternatives which are based in part on existing coverage, and in part on the coverage allowable if there were no existing coverage, relying on coverage replacement in some areas while complying with allowable coverage in others.

o An alternative which uses only the sewage treatment capacity authorized by the sewer permits already held for the site.

o An alternative which does not involve subdivision of the property.

For some projects, consideration of eight or more alternatives would be unnecessary. But the scope of consideration of alternatives depends on the environmental harm the proposed project would cause, and the availability of alternatives to avoid that harm. Where the proposed project would not comply with existing plans and ordinances adopted for the protection of water quality, all available options should be exhausted before consideration of the proposed project.

VI. CUMULATIVE IMPACTS OF LITIGATION SETTLEMENTS

A number of lawsuits pending against TRPA and other agencies assert the right to build subdivision or condominium projects, or to build on environmentally sensitive lands. A summary of active litigation prepared by the California Attorney General's Office in November, 1981, lists eleven such cases pending against the California Tahoe Regional Planning Agency. Additional cases are pending against TRPA in Nevada courts. The individual impacts of these projects are significant; the cumulative impacts are staggering. Literally thousands of lots in stream environment zones and high hazard lands could be developed if plaintiffs' proposals were approved.

Many of these lawsuits assert that existing rules and regulations of general applicability, adopted to avoid cumulative environmental impacts of new development, should not be applied to the projects involved. Similarly, some of the plaintiffs are seeking settlement before adoption of TRPA's revised regional plan. The process of setting environmental threshold carrying capacities and adopting a regional plan which achieves these environmental threshold carrying capacities was designed to ensure that cumulative impacts are taken into account.

The desirability of settling any of these cases before completion of the regional plan is questionable. Recent settlements have allowed development of watersheds later shown to have a great deal of excess coverage. If settlement negotiations are to continue before the regional plan takes effect, the cumulative impacts of the projects involved must be addressed. Before any of the projects is approved, an environmental impact statement should be completed which addresses the cumulative impacts.
It may be argued that a particular case is unique, and that therefore cumulative impacts need not be addressed. But the eleven cases discussed above which are pending against the California Tahoe Regional Planning Agency all assert claims based on taking or vested rights theories. Moreover, the focus should be on similarity of environmental impacts, rather than on similarity of the legal issues raised. Existing coverage of site disturbance is not unusual at project sites in the Tahoe Basin, and certainly is not a basis for ignoring cumulative impacts of subdivision development or development in excess of land capability. TRPA has been confronted with a seemingly innumerable variety of assertedly unique legal and equitable situations, both in litigation and in proceedings before the agency for determination of vested rights. Even assuming the legal and equitable situations are unique, the environmental consequences are not, and must be addressed cumulatively in accordance with the environmental documentation requirements established by the Tahoe Regional Planning Compact.

VII. CONCLUSION

Any draft environmental impact statement will have some deficiencies. One purpose of the public comment period is to allow for input which will provide a basis for improvements in the document. At some point, however, the deficiencies in the draft are so great that it fails to allow for adequate input from other agencies and the reviewing public. In such a case, revisions incorporated into the final document will not be sufficient to cure the deficiencies. Instead, a new environmental impact statement should be issued in draft form.

The draft environmental impact statement for the Brockway Springs subdivision presents such a case. Instead of providing the thorough analysis of land coverage needed to assess the project, the environmental impact statement glosses over important issues, and relies heavily on misleading comparisons. Instead of addressing the serious problems of water quantity and sewage treatment capacity, the environmental impact statement relies on unsupported statements that supplies are adequate. Cumulative impacts of this and similar development proposals are ignored.

Perhaps some of the deficiencies could be cured through revisions incorporated in a final environmental impact statement. But the failure to adequately address alternatives cannot. In effect, the environmental impact statement states there are no alternatives. Apart from a summary statement that several factors such as the pendency of litigation make alternatives unrealistic, no explanation is given as to why alternatives consistent with land capability and other environmental constraints are not considered. The public has been deprived of the opportunity to participate in the process of making choices which would avoid or mitigate environmental impacts.

The environmental impact statement does not reveal whether it was prepared by agency staff or a consultant. If it was prepared by a consultant, responsibility for preparation of the document should be reassigned. In general, the environmental impact statements recently reviewed by the advisory planning commission have been of high quality. Much of the credit is due to the direction given consultants by agency staff, and the willingness of the consultants to follow that direction. Circulation of an
environmental impact statement such as this, which is inconsistent with agency policies and fails to adequately address environmental impacts, undermines the agency's efforts to maintain the quality of its work. TRPA, not the consultant, is ultimately responsible for the contents of environmental documents.

Article VII(b) of the Tahoe Regional Planning Compact requires that copies of the comments of State environmental protection agencies accompany a project throughout the review process. Please make sure that these comments and the specific comments attached are distributed to the governing body members as part of any agenda item involving preview or certification of the environmental impact statement.

Sincerely,

Andrew H. Sawyer
Staff Counsel

Enclosure/

cc. Mr. Gary Owen
    Shaw, Heaton, Buescher & Owen, Ltd.
    P.O. Box 605
    Carson City, NV 89701

    Mr. Dennis Winslow
    California Tahoe Regional Planning Agency
    P.O. Box 14467
    South Lake Tahoe, CA 95731

    Mr. Craig Thompson
    Deputy Attorney General
    555 Capitol Mall, Suite 350
    Sacramento, CA 95814

    Mr. Bill Combs
    Chief Planning Officer
    Placer County
    11414 B Avenue, Dewitt Center
    Auburn, CA 95603

    Mr. Roy Hampson
    California Regional Water Quality Control Board,
    Lahontan Region
    P.O. Box 9428
    South Lake Tahoe, CA 95731-2428
Ms. Bonnie Wolstoncroft  
State Water Resources  
Control Board  
Legal Division  
1416 Ninth Street, 6th Floor  
Sacramento, CA 95814

Mr. Lawrence L. Hoffman  
P.O. Box 2  
Tahoe Vista, CA 95732
The correct date for the final Lake Tahoe Basin Water Quality Plan is October, 1980.

It is unclear whether by "existing agency standards relating to water quality protection" water quality objectives or control measures are intended. If the latter, the proposed project clearly does not comply, as it does not comply with land capability coverage limitations.

Even assuming the narrow definition of standards is used, the environmental threshold carrying capacities are existing agency standards. Clearly, the soil conservation threshold is a standard "relating to" water quality protection and vegetation protection. Thus, the project must comply with land capability coverage limitations to comply with the proposed settlement.

The environmental threshold carrying capacity for Native Vegetation includes a provision that:

Native vegetation shall be maintained at a maximum level to be consistent with the limits defined in the Land Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide For Planning, Bailey, 1974, for allowable impervious cover and permanent site disturbance.

Again, the proposed alternative does not comply.

Other environmental impact statements previously reviewed by the advisory planning commission have included sections reviewing impacts on attainment of environmental threshold carrying capacities. The environmental impact statement on the proposed Brockway Springs subdivision should include a similar discussion.

The environmental impact statement bases its conclusions on the assumption that the land capability challenges will be accepted. TRPA could have waited until the challenge was completed before releasing the document. Alternatively, the document should have included an analysis of land coverage assuming the challenge is rejected, as well as analysis assuming the challenge is accepted.

Historically used areas should not be counted as existing coverage.

The discussion of water supply should address availability of water in view of the limitations imposed by the California-Nevada Interstate Compact. To conclude that there is an adequate water supply because potable water is physically available is at best misleading when appropriation of the water could work to the detriment of other diverters or instream beneficial uses.
Revegetation, while unquestionably beneficial, will not fully restore natural conditions.

In considering the effects of "strict adherence" to land capability, the possibility that no coverage, or no new coverage, will be allowed on capability levels 1 and 2 should be considered. The land capability system states that high hazard lands in capability levels 1 and 2 should be left in their natural state, and should not be used for residential development. The environmental impact statement should also consider the possibility that, consistent with the California Tahoe Regional Planning Agency's Regional Plan Update, no coverage, or no new coverage, will be allowed on capability level 3.

Lake Tahoe Basin Water Quality Plan allows replacement of existing coverage, even if it exceeds that which would be allowable if there were no development on the site. Low capability lands include capability level 3.

The application of the TRPA remedial erosion control ordinance should be addressed.

The meaning of "208 water quality standards" is unclear. Water quality standards, in the narrow sense, are set under Section 303 of the Clean Water Act, not Section 208. If by "standards" the environmental impact statement means control measures, the assertion that the proposed project will comply with 208 water quality standards is incorrect. TRPA's 208 plan sets coverage restrictions which are not complied with by the project.

A statement that there is adequate sewage treatment capacity for the project is all but meaningless unless it is made clear what assumptions were made concerning capacity needs for other allowable development.

Similarly, a statement that there is sufficient water supply is meaningless unless it is made clear what assumptions were made concerning competing needs, including diversions under existing water rights, demands from new development and increasing occupancy of existing development, and needs for instream beneficial uses. The allocations set by the California-Nevada Interstate Compact may be used as an indication of the amount of water available without unacceptable adverse impacts on downstream water uses, but projected needs from other users in California portion of the Lake Tahoe Basin must also be considered.

There are economic incentives to upgrade the property even if the proposed project is not approved. Upgrading the property would increase the value of the rental units, and protect the owners from liability that might otherwise be incurred because of hazardous conditions on the property.
MEMORANDUM

April 7, 1983

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Round Hill Village, Douglas County

Please find enclosed a copy of a staff summary for the subject project, including a list of recommended conditions of approval. The responses to the comments received on the DEIS will be presented in writing to the APC at the April 13, 1983 meeting.

GG:md

APC Agenda Item VI B.
Round Hill Village

**Applicant:** Humanex Corp., Chapman General Hospital

**Property Owner:** Round Hill General Improvement District (RHGID)

**Project Description:** The applicant proposes to construct 295 residential dwelling units (14 single family detached residences and 281 condominiums in 37 multi-unit structures) on a 116.2 acre site. The development is to also include a developed community park and four unimproved open space areas. The total project site has been separated into 6 land areas identified as parcels B, D and G, and Sub-Parcels L, F and C. These divisions conform to TRPA land use classification boundaries.

Parcel B - The development proposed for Parcel B (12.7 acres) is designated as Unit 5. Unit 5 would consist of 67 condominium units contained in seven Type A buildings. Five of the buildings would contain ten units each, one nine units and one eight units. The Type A structure is designed on the uphill side with ground floor garages facing an uncovered parking lot, and one upper level of units. On the downhill side would be three levels of units, corresponding to "lower", "middle" (or ground floor) and "upper". Each upper unit in addition would include a loft level above the unit's primary living area.

The seven buildings are grouped in four clusters - three blocks of two buildings each, and one block consisting of a single building - and are reached via four access-ways from Devaux Lane. Block A at the northern end of the parcel would require construction of an extension to Devaux Lane, which would roughly follow an existing dirt road. The four buildings in Blocks A and B generally parallel U.S. Highway 50, and are relatively close to that road, while buildings 5, 6, and 7 are set back further from the highway.

Parcel D - This parcel (7.3 acres), which is designated as Unit 6, is proposed to be dedicated almost entirely for use as a community park, which would be constructed and improved by the developer. Two lots, each with a detached single-family dwelling, are proposed on the western frontage of McPaul Way, north of Round Hill Townhouses No. 1. A driveway leading to an eight-space parking lot along the north boundary of the parcel is proposed from this same frontage, north of the two single-family units, to serve the park.

Proposed park improvements include a path system leading to several picnic areas. Suggested facilities include fifteen picnic tables, five barbecue pits, three benches, a horseshoe pit and a large play structure. Most of the park development would be located within the northern half of the parcel, which does not slope as steeply as the southern section. The park lies between single-family homes on the north-east, uphill side and the townhouse complex downhill to the west.
This community park is intended to satisfy a condition of approval established for the Project by Douglas County. It would be donated to and maintained by either the County or the Round Hill General Improvement District. The park would serve the recreational needs of all residents of Round Hill Village, which currently has no improved public open space. To meet another defined condition of approval, the developer would construct a school bus stop on the east side of McPaul Way, between the park driveway and the common driveway for the two single-family units.

Parcel G - The development on Parcel G (4.8 acres), designated as Unit 7, consists of ten detached single-family dwellings in two clusters of four units each and one cluster of two units. Three driveways would provide access to these clusters from Elks Point Road. All the dwellings would be located on the eastern half of the parcel, set back as much as possible from the steep slope leading down to the stream channel which bisects the parcel. The western half of the parcel would remain undeveloped.

Sub-Parcel I - This area contains 12.5 acres. The majority of Sub-Parcel I (11.5 acres) is designated as Open Space Parcel 'D' on the Project plans.

Sub-Parcels F and C - These two contiguous segments of the Project site (which total 78.9 acres) contain the developments designated as Units 8, 9 and 10, plus two single-family lots and three open space parcels. A new public street (identified as Bourne Way) is proposed to be constructed through the area, connecting with Elks Point Road on the north in Sub-Parcel F, opposite Unit 7, and curving generally southeastward to the southern boundary of Sub-Parcel C, where it would connect with Treatment Plant Road (connection will require right-of-way purchase over a narrow intervening parcel, and agreement with the Sewer District.) A private roadway ("Mohawk Drive") would provide access to portions of Units 8 and 9, linking Bourne Way to Elks Point Road.

The Project has been designed to accommodate possible future construction of the Kingsbury Bypass, which is under consideration by Douglas County. The roadway would cross Sub-Parcel C in an east-west direction, passing to the north of Unit 10 and the knoll previously described, and connect with Elks Point Road between U.S. Highway 50 and McPaul Way.

Unit 8 is located on 8.1 acres, including the adjoining segments of Bourne Way and Mohawk Drive. Unit 8 straddles the boundary between Sub-Parcels F and C between Elks Point Road and Bourne Way (as proposed). The development proposed for Unit 8 consists of forty condominium units contained in four Type A structures, previously discussed in the description of Unit 5. All four buildings are oriented generally parallel to the prevailing contours of the site, following a north-south alignment with the open parking areas on the uphill, eastern side. One structure connects with Bourne Way to the north, while access to the other three structures is provided by separate driveways from Mohawk Drive on the south. Each building is completely separate and detached from the others, with no walkways or other connections between. Provision is made in the design of Unit 8 for a second school bus stop, on Elks Point Road.

Unit 9 extends east-west across the northern portion of Sub-Parcel C, and contains 18.4 acres (including a portion of Bourne Way). Unit 9 is irregular in shape, with its western half extending as a relatively narrow strip, 25 to 400 feet in width, for about half the distance between Elks Point Road and the
eastern boundary of the Project site. The eastern portion of Unit 9 occupies a broader area measuring about 800 feet in both the north-south and east-west dimensions. The development proposed in Unit 9 consists of 72 condominium units within nine Type D structures. These are two-story buildings with four units on each floor. All parking is located within and under the building in a garage at or below adjacent ground levels.

The structures are oriented in varying directions, and generally parallel slope contours or take advantage of level areas. Buildings 1, 2 and 3 in the western section of Unit 9 have separate driveways connecting to Mohawk Drive, while access to the remaining structures is from Bourne Way. Buildings 5 and 6 have one common driveway; Buildings 7 and 8 are connected by a loop roadway passing through their garages and linking with Bourne Way at two points; and Buildings 4 and 9 each have separate driveways. As with Unit 8, each building is separate, with no connecting paths (except for the two driveway connections).

Unit 10 occupies 13.5 acres (including Bourne Way) in the southeastern section of Sub-Parcel C currently used in part by an existing gun club. It consists of 102 condominium units within seventeen Type C structures each containing six units. These two-story structures are designed for relatively level sites. The ground floor contains nine parking spaces and two dwellings, while four units are located on the second floor.

Unit 10 is designed in three clusters of buildings, each with a separate main driveway connecting to Bourne Way. Two clusters on the east side of Bourne Way consists of five and three buildings respectively, and contain additional open parking lots. The single large cluster on the west side of Bourne Way features nine buildings together with open parking lots along a loop road with one exit. The Stream Environment Zone (SEZ) which traverses Unit 10 passes between the two eastern clusters and south of the western grouping. As with Units 8 and 9, there are no pathways indicated between buildings or clusters, besides common roadways.

The two single family lots, designated as lots 1 and 2, are roughly flag-shaped and are 6.7 and 10.0 acres in size respectively. About one acre of Lot 1 is derived from Sub-Parcel I, while all of Lot 2 is within Sub-Parcel F. In order to conserve allowable coverage, the Project applicant has proposed a common driveway, extending about 350 feet along the common lot line from Bourne Way. Two separate drives continue from this point and stretch another 100 feet to suitable building sites. The two homes would be located approximately 160 feet apart.

The three open space parcels are designated as Open Space Parcels 'A', 'B' and 'C' on the Project plans. Open Space Parcel 'A' would consist of 3.7 acres on the north side of Bourne Way at Elks Point Road, adjacent to single-family Lot 1. Parcel 'B', which also has an area of 3.7 acres, would be located further south on the same side of Bourne Way, between Unit 9 and single-family Lot 2. Parcel 'C', with 15.5 acres, centers on the prominent knoll in the southwestern section of the area, and would have a short length of frontage on the east side of Elks Point Road. Disturbed and compacted areas would be revegetated with native species (as would similar areas within every Unit of the Project), and there would be no impervious surface coverage. Ownership of these area would be dedicated to the Round Hill General Improvement District.
The Project includes improvements at three intersections, in response to conditions of approval by Douglas County. At the intersection of McPaul Way with the private drive which crosses the northern end of Round Hill Shopping Center and connects with U.S. Highway 50, curbs would be installed to improve the definition of travel lanes and the roadway entrance. At the intersection of that same private drive with U.S. Highway 50, various improvements would be installed to benefit turning movements, including acceleration and deceleration areas and left turn lanes coordinated with the Elks Point Road intersection to the south. At the intersection of Treatment Plant Road with U.S. Highway 50, a rounded concrete median strip would be installed along the highway, in order to prohibit any left turns and correct a potentially hazardous situation; the rounded barrier would allow for emergency vehicle access if needed. (Nevada State Department of Transportation has approved plans for both improvements involving U.S. Highway 50.)

The Project design includes a surface water management system, intended to control drainage and minimize erosion. Compacted trails and other disturbed areas would be revegetated with native species. Land areas within each unit of the development not occupied by structures, parking lots, driveways, roads and other defined areas of impervious coverage are designed as open space common areas, and would be left undisturbed. No permanent fences are proposed within the developed portions of the Project site.

Project Location: The Project site is located on the east side of U.S. Highway 50 within Douglas County, Nevada, east of Elk Point and Round Mound on the southeastern side of Lake Tahoe, approximately two miles north of the boundary between Nevada and California (Stateline). The location of the Project is shown on Exhibit A.

Site Description: A detailed site description is contained in the draft EIS prepared for the Project, starting on page II-1.

Project History: The Project site currently is owned by the Round Hill Improvement District (RHGID), which acquired the property in 1974 as a settlement for non-payment of assessments. RHGID has been and continues to be in financial difficulty concerning repayment of bonds, which had been sold during the late 1960’s to finance the costs of constructing public improvements within the District. In recognition of this situation, the moratorium placed on new subdivision of land by the Tahoe Regional Planning Compact in 1980, specifically exempted the property owned by RHGID. This was intended to enable the District to sell the Project site to a private developer, and to use the proceeds from the land sale to repay the bondholders.

In 1976 RHGID entered into an agreement to sell the Project site to the present applicant. Tentative approval was received from Douglas County in 1979 for a development proposal consisting of 73 single-family lots. TRPA subsequently granted tentative approval of a modified plan containing 54 such lots. However, the Nevada State Engineer would not approve the development, because the applicant could not demonstrate ownership of rights to a sufficient supply of water. Consequently, the original Douglas County tentative approval experienced in 1980.

The current proposal represents a second effort by RHGID to sell the Project site to settle its financial obligations, taking advantage of the special
exemption granted by the 1980 Compact. The applicant submitted a tentative map and Project proposal to Douglas County for a 330-unit Planned Unit Development. The Douglas County Planning Commission on March 19, 1981 gave tentative approval, listing a number of conditions, to a development of 309 units. The proposal currently before TRPA has been scaled down further, and now consists of 295 dwelling units.

Environmental Impact Statement: A draft environmental impact statement (DEIS) was prepared for the subject project and made available for the 60 day public review and comment period on February 10, 1983.

The DEIS evaluates the significant environmental effects of the Project, considers alternatives to the Project, and identifies possible methods to mitigate or avoid undesirable impacts. This DEIS focuses attention on those primary impact categories defined by TRPA as requiring analysis. The impact categories addressed within the DEIS are: Community Development; Economic, Financial & Fiscal; Traffic, Circulation & Transportation; Public Facility & Service; Hydrology; Air Quality; and Visual.

Land Use District: The following table shows the TRPA land use districts, the maximum densities and number of dwelling units permitted and the number of dwelling units proposed on the Project site.

<table>
<thead>
<tr>
<th>Area</th>
<th>District</th>
<th>Size (acres)</th>
<th>Allowable Density (units/acre)</th>
<th>Allowable Units</th>
<th>Proposed Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel B</td>
<td>HDR</td>
<td>12.7</td>
<td>15.0</td>
<td>190</td>
<td>67</td>
</tr>
<tr>
<td>Parcel D</td>
<td>HDR</td>
<td>7.3</td>
<td>15.0</td>
<td>109</td>
<td>2</td>
</tr>
<tr>
<td>Parcel G</td>
<td>MDR</td>
<td>4.8</td>
<td>8.0</td>
<td>38</td>
<td>10</td>
</tr>
<tr>
<td>Sub-Parcel I</td>
<td>LDR</td>
<td>12.5</td>
<td>4.0</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td>Sub-Parcel F</td>
<td>MDR</td>
<td>26.3</td>
<td>8.0</td>
<td>210</td>
<td>22</td>
</tr>
<tr>
<td>Sub-Parcel C</td>
<td>HDR</td>
<td>52.6</td>
<td>15.0</td>
<td>781</td>
<td>194</td>
</tr>
<tr>
<td>Totals:</td>
<td></td>
<td>116.2</td>
<td></td>
<td>1,386</td>
<td>295</td>
</tr>
</tbody>
</table>

Alternatives: One of the major purposes of the EIS is to review possible alternatives to the Project, and to enable their comparative effects to be identified and assessed. The three alternatives represent variations on development at intensities that are generally lower than those of the Project.

Alternative "A" - This alternative is the no project alternative and is based on the assumption that no further subdividing of the property will occur. Alternative "A" assumes the development of four estate-type residences, one on each of the four existing parcels.

Alternative "B" - This Alternative to the Project represents a standard single-family subdivision. Early in the course of preparation of this DEIS, it was agreed that the Project applicant would prepare a design for a single-family development that would comply with applicable Douglas County and TRPA standards and regulations, and which could be regarded as a feasible project. This alternative consists of a 40 lot, detached single family subdivision.
Alternative "C" - This Alternative is designed to incorporate two major goals in relation to the Project. The first was an interest expressed by TRPA to include moderately priced rental units in the Round Hill Village development, in order to address perceived housing needs in the region. The second was to reduce the overall scale of possible generalized impacts related to the Project, by lowering the total number of dwelling units. Alternative "C" consists of a total of 250 dwellings: 12 single-family, 188 multi-family condominium, and 50 apartment units.

**Land Capability:** The following table shows the amounts of land coverage permitted on the Project site under the land capability system:

<table>
<thead>
<tr>
<th>Area</th>
<th>Map Symbol</th>
<th>Land Capability District</th>
<th>Allowable Coverage (%)</th>
<th>Allowable Coverage (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel B</td>
<td>CaD</td>
<td>4</td>
<td>20</td>
<td>508,191 101,638</td>
</tr>
<tr>
<td></td>
<td>CaE</td>
<td>2</td>
<td>1</td>
<td>34,625 346</td>
</tr>
<tr>
<td></td>
<td>SEZ</td>
<td>1b</td>
<td>1</td>
<td>9,525 95</td>
</tr>
<tr>
<td>Parcel D</td>
<td>CaD</td>
<td>4</td>
<td>20</td>
<td>185,100 37,020</td>
</tr>
<tr>
<td></td>
<td>CaE</td>
<td>2</td>
<td>1</td>
<td>114,077 1,141</td>
</tr>
<tr>
<td></td>
<td>SEZ</td>
<td>1b</td>
<td>1</td>
<td>18,375 184</td>
</tr>
<tr>
<td>Parcel G</td>
<td>CaD</td>
<td>4</td>
<td>20</td>
<td>107,485 21,497</td>
</tr>
<tr>
<td></td>
<td>CaE</td>
<td>2</td>
<td>1</td>
<td>63,500 635</td>
</tr>
<tr>
<td></td>
<td>SEZ</td>
<td>1b</td>
<td>1</td>
<td>35,925 359</td>
</tr>
<tr>
<td>Sub-Parcel I</td>
<td>CaE</td>
<td>2</td>
<td>1</td>
<td>89,600 896</td>
</tr>
<tr>
<td></td>
<td>CaF</td>
<td>1a</td>
<td>1</td>
<td>454,900 4,549</td>
</tr>
<tr>
<td>Sub-Parcel P</td>
<td>CaD</td>
<td>4</td>
<td>20</td>
<td>644,000 128,800</td>
</tr>
<tr>
<td></td>
<td>CaE</td>
<td>2</td>
<td>1</td>
<td>411,628 1,116</td>
</tr>
<tr>
<td></td>
<td>CaF</td>
<td>1</td>
<td>1</td>
<td>90,000 900</td>
</tr>
<tr>
<td>Sub-Parcel C</td>
<td>CaE</td>
<td>2</td>
<td>1</td>
<td>821,300 8,213</td>
</tr>
<tr>
<td></td>
<td>CaE</td>
<td>2</td>
<td>1</td>
<td>107,400 1,074</td>
</tr>
<tr>
<td></td>
<td>CaD</td>
<td>4</td>
<td>20</td>
<td>1,333,256 266,651</td>
</tr>
<tr>
<td></td>
<td>SEZ</td>
<td>1b</td>
<td>1</td>
<td>29,300 293</td>
</tr>
</tbody>
</table>
**Land Coverage:** The following table shows the allowable and proposed land coverage by land capability district for the Project and Alternatives "B" and "C".

<table>
<thead>
<tr>
<th>Area</th>
<th>Allowable Coverage (sq. ft.)</th>
<th>Project (sq. ft.)</th>
<th>Alt. &quot;B&quot; (sq. ft.)¹</th>
<th>Alt. &quot;C&quot; (sq. ft.)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel B</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dist. 4 plus SEZ</td>
<td>101,733</td>
<td>101,555</td>
<td>22,830</td>
<td>68,275</td>
</tr>
<tr>
<td>Dist. 2</td>
<td>346</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Parcel D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dist. 4</td>
<td>37,020</td>
<td>23,160</td>
<td>18,210</td>
<td>18,960</td>
</tr>
<tr>
<td>Dist. 2</td>
<td>1,325</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Parcel G</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dist. 4 plus SEZ</td>
<td>21,692</td>
<td>21,593</td>
<td>19,210</td>
<td>21,593</td>
</tr>
<tr>
<td>Dist. 2 plus SEZ</td>
<td>799</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td><strong>Sub-Parcels I, F &amp; C</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dist. 4 plus SEZ</td>
<td>395,744</td>
<td>395,484</td>
<td>238,132</td>
<td>350,559</td>
</tr>
<tr>
<td>Dist. 1</td>
<td>5,449</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Dist. 2 (north side)</td>
<td>6,086</td>
<td>6,086²</td>
<td>-0-</td>
<td>6,086²</td>
</tr>
<tr>
<td>Dist. 2 (south side)</td>
<td>8,213</td>
<td>8,003³</td>
<td>8,003³</td>
<td>8,003³</td>
</tr>
</tbody>
</table>

1 Represents probable extent of development, based on assumption of 5,000 sq. ft. of actual coverage per residential lot, plus common improvements.

2 This land coverage is being utilized for the development of the two single family detached residences on Sub-Parcel F.

3 This land coverage is being utilized for construction of a portion of Bourne Way, which is to be accepted by Douglas County as a public road.

**Building Height:** The multi-unit Type A structures on Parcel B (Unit 5) and Sub-Parcels F and C (Unit 8) will be an average height of approximately 35 feet. These down hill structures will contain three levels of units, with the top level including a loft level above the unit's primary living area. The multi-unit Type C structures in Unit 10 will contain two stories and be an average height of approximately 28 feet. The multi-unit Type D structures in Unit 9 will contain two stories and be an average height of approximately 30 feet. The three plans for the single family detached residences, Type B structures, will be an average height of approximately 29 feet.
The maximum average building height permitted on the Project site is 35 feet.

Impact Analysis and Mitigation Measures: Based on the conclusions contained in the DEIS, the Project, Alternative "C", and to a lesser degree Alternative "B" will result in the following, unavoidable, significant adverse impacts:

1. Traffic congestion within the U.S. Highway 50 corridor - Traffic congestion at the seven U.S. Highway 50 signalized intersections analyzed will substantially increase between 1982 and 1987 without the project, even assuming the increase in STAGE ridership projected in the Air Quality Plan. At the Kingsbury Grade and Park Avenue intersections demand will exceed capacities in 1987 even without the Project. The following table shows the impacts the Project and Alternatives will have on the seven intersections analysis:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ski Run Blvd.</td>
<td>0.75</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
</tr>
<tr>
<td>Pioneer Trail</td>
<td>0.75</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
</tr>
<tr>
<td>Park Ave.</td>
<td>1.00</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
</tr>
<tr>
<td>State Line Ave.</td>
<td>0.93</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
</tr>
<tr>
<td>South Ave.</td>
<td>0.80</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
</tr>
<tr>
<td>Kingsbury Grade</td>
<td>1.01</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
</tr>
<tr>
<td>Six Point Rd.</td>
<td>0.64</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
</tr>
</tbody>
</table>

V/C: Volume/capacity
L.O.S.: Level of Service
With the proposed Project, new trips will nearly double the amount of traffic currently generated from Round Hill Village. On a peak summer day the projected 1987 traffic volumes on U.S. Highway 50, just north of the Kingsbury Grade intersection, will increase by 6.3% with the project. The 1982 peak day hour volumes just north of the Kingsbury Grade intersection will increase from 2,150 to 3,590, a 67% increase.

Within the impact study area, the project generated trips would result in an increase of 3,750 vehicle-miles of travel (VMT) per day. The impact would be significant because a reduction in current level of VMT is required to achieve the Environmental Thresholds which have been established for this area.

**Mitigation** - The DEIS identifies a number of mitigation measures for this impact, most of which require physical modifications to intersections within CALTRANS and NDOT right-of-ways. None of the mitigation measures identified for this impact are under the control of the developer to implement.

2. **Traffic volumes at the intersection of Elks Point Road and McFaul Way** - Within Round Hill Village, traffic volumes at the intersection of Elks Point Road and McFaul Way would increase by 40% with the proposed Project. The DEIS concludes though that the intersection has sufficient capacity to accommodate the addition traffic.

**Mitigation** - The DEIS recommends as a mitigation measure that the channelization and signing at the intersection be modified to improve safety. The developer has agreed to make these improvements at his costs.

3. **Air Quality**

**Direct Emissions** - The most significant emissions generated by the Project would be total suspended particulates (TSP), which would amount to 44.5 lbs/day in summer and 179.6 lbs/day in winter. Almost all of this emission is from fireplaces and woodstoves. The Project's summer TSP generation represents a 0.1 percent increase over 1980 basinwide emissions; the winter emission represents a 0.5 percent increase.

**Mitigation** - The DEIS recommends the following mitigation measures to reduce direct emissions:

1. Adopt stricter insulation standards.
2. Prohibit fireplaces, allow woodstoves only.
3. Install catalytic combusters on all woodstoves.
4. Prohibit woodstoves and fireplaces.
5. Require developer to provide an emission offset.
6. Install low NO gas-fired water and space heaters.
7. Require only electric space/water heaters.
Indirect Emissions - Indirect emissions are those emitted by automobile traffic generated by development. Emissions are related to the VMT associated with development.

The table below shows calculated VMT and indirect emissions of oxides of nitrogen (NOx). An average travel speed of 20 mph and ambient temperature of 60°F were assumed. VMT is based on an average trip length of 4.4 miles for permanent residents and 6.3 miles for visitors.

<table>
<thead>
<tr>
<th>Project</th>
<th>VMT</th>
<th>Daily Emission, lbs/day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>9,665</td>
<td>42.4</td>
</tr>
<tr>
<td>Alternative &quot;A&quot;</td>
<td>120</td>
<td>0.5</td>
</tr>
<tr>
<td>Alternative &quot;B&quot;</td>
<td>1,440</td>
<td>6.3</td>
</tr>
<tr>
<td>Alternative &quot;C&quot;</td>
<td>8,611</td>
<td>37.6</td>
</tr>
</tbody>
</table>

The Project's summer NOx emission of 42.4 lbs/day represents a 0.22 percent increase over 1980 basinwide emissions. This additional emission would necessarily degrade ozone air quality, although the net change in air quality would be too small to measure. NOx emissions have also been linked to nitrate deposition in Lake Tahoe. A quantitative relationship between NOx emissions and acid deposition is not available, but deposition can be expected to increase as NOx emissions increase.

Mitigation - The DEIS identifies a number of mitigation measures including the extension of STAGE to service Round Hill Village, provision of shuttle buses to service Stateline and encouragement of carpooling; none of which are under the direct control of the applicant to implement.

Carbon monoxide hotspot effects - Project-related traffic would affect traffic volumes along U.S. Highway 50. The U.S. Highway 50 corridor from the South Tahoe WYE to Kingsbury Grade is currently a nonattainment area for carbon monoxide.

Carbon monoxide concentrations along U.S. Highway 50 have been predicted for the year 1987 under varying assumptions of traffic growth and roadway/transit improvements. These predictions were revised to account for the effect of traffic generated by the Project and Alternatives. The CALINE-3 diffusion model was employed to identify increases in carbon monoxide levels at four critical intersections; the intersection of U.S. Highway 50 with Kingsbury Grade, Stateline Avenue, Park Avenue and Ski Run Boulevard.

Of the four locations modeled, only U.S. Highway 50/Kingsbury Grade is expected to meet the Federal standards by 1987 without efforts to reduce traffic and congestion on U.S. Highway 50. The additional contribution from Project-related traffic would cause the standard to be approached but not exceeded, as the predicted worst case concentration without the Project is 6.5 ppm and the standard is 9.0 ppm. These levels however do exceed Nevada and California standards.
At the other three locations, attainment of the standard is expected in 1987 only after reductions in travel on the U.S. Highway 50 corridor. The Project contribution at these locations would delay attainment of the standard and/or increase the need for traffic reductions or capacity improvements. The Project's effects do not appear to extend further into California than Ski Run Boulevard.

Mitigation - The DEIS identifies the same intersection improvements as mitigation measures for this impact as for the impacts on traffic volumes on the U.S. Highway 50 corridor, plus the extension of the existing computerized signal system from Stateline to Kingsbury Grade. None of these mitigation measures are under the direct control of the applicant to implement.

4. Visual - The DEIS concluded that development of the subject property as proposed, and to a lesser degree under Alternative "C" and "B", will result in a change in the visual character of an area viewed from a short stretch of U.S. Highway 50, from a more open and somewhat undeveloped area to a less open and more developed area. This is applicable only to one portion of Unit 5 of the Project as proposed, and would not represent a change from a pristine, natural landscape condition.

Mitigation - The DEIS does identify measures that can be implemented by the developer to lessen the visual impacts resulting from the Project.

Transfer of Development Rights (TDR) Option: The possibility of applying a TDR program to the Round Hill Village Project has been evaluated as a means of mitigating existing and future regional impacts of development. Round Hill Village appears to be a prospective candidate for application of a TDR system since the subdivision is specifically exempt from the moratorium imposed by the Tahoe Regional Planning Compact. Regardless of the particular system adopted, the TDR may involve the acquisition of development rights directly or indirectly from the owners of surrounding, high hazard capability lots or contributing to a fund, maintained by third parties for land purchases.

As suggested in Chapter II, the success of such a system is dependent upon many variables. However, in terms of the general feasibility of TDR, the key variable is the financial incentive for the prospective purchaser of development rights and the economic margin created which can be tapped. Normally, the purchase of development rights must improve or enlarge a project's profit potential. However, a TDR program that transfers development rights from high hazard capability lands and from the fringes of an existing urban core area to low and moderate hazard lands within the urban core, will have positive impacts in such areas as water quality and air quality that can be considered as mitigation associated with the project. Therefore, the developer's incentive to implement a TDR program is the effect such a program will have on the developer's ability to show some mitigation of the impacts resulting from the projects. In fact, implementation of a TDR program may be the only way the developer can identify adequate mitigation of certain impacts, such as air quality.
Considering the costs to the developer and the uncertainties of mitigating such off site impacts as air quality and traffic, a TDR program may be a more direct and cost effective method of mitigation. Monies that would otherwise be spent by the developer to fund off site mitigation projects, such as the intersection improvements identified in Chapter V of the DEIS may be better spent to implement a TDR program and may result in more meaningful mitigation.

Estimated prices for development rights have ranged from $3,000 in a TDR study prepared by the CTRPA to $25,000 as suggested by TRPA staff. The $25,000 figure is a rough estimate of the average "fair market value" of high hazard lots in Douglas County. However, the transfer of one development right may equate to the right to construct several dwelling units in the Round Hill Village project based on the establishment of a "unit transfer ratio". Such a ratio would represent the difference in the extent of impact as a result of the dwelling units being constructed on the project site instead of on remote, high hazard lots. For example, Agency staff estimates that on the average, construction on high hazard lands results in water quality impacts that are 4-8 times greater than when construction occurs on low or moderate hazard lands. Likewise, a similar ratio could be developed based on the reduction in vehicle miles traveled (VMT) by constructing the dwelling units in a more central location. These ratios and perhaps others could be applied to the project to arrive at a "total unit transfer ratio" of perhaps 4-8 to 1. Using this example, the developer would receive credit for 4-8 units for the purchase of each development right. Since preparation of the DEIS the developer and Agency staff have agreed on a "total unit transfer ratio" of 4 to 1.

The analysis of economic feasibility in Chapter IV of the DEIS indicates that the project as proposed might yield up to $5.2 million. If the average purchase price of a development right was $25,000 and the "total unit transfer ratio" was 4:1, the cost to transfer all 295 units to the project site would be approximately $1.8 million. Under this example, the development rights would be transferred from approximately 75 high hazard lots.

Considering the type of off site impacts associated with the project, a mitigation package consisting of a combination of certain mitigation projects and a TDR program may be most effective.

Implementation of such a TDR program could be accomplished by the developer dealing directly with individual owners or by the available funds being transmitted to a third party for inclusion in current acquisition programs.

**Economic Feasibility:** The DEIS contains the following summary information on this subject:

**The Project** - The proposed Project, which includes 295 single family and condominium units, should produce a reasonable profit while providing the RHGID with a land price ($2,500,000) adequate to eliminate its debt. If Mitigation Measure 5, regarding substitution of apartments for condominiums, were implemented, the estimated economic margin could be reduced by over $4 million, which in percentage terms would reduce the net income from 19 percent to 13 percent. Although profit potential would be reduced by this mitigation measure, an adequate incentive would remain for the developer to pursue the Project.
DRAFT RESPONSE TO COMMENTS
ENVIRONMENTAL IMPACT STATEMENT

ROUND HILL VILLAGE
DOUGLAS COUNTY, NEVADA

APRIL 7, 1983

DUNCAN & JONES
PRELIMINARY RESPONSES TO COMMENTS RECEIVED AS OF APRIL 7, 1983 REGARDING ROUND HILL VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

COMMENT BY ANDREW SAWYER
(designee of Lahontan Regional Water Quality Control Board to the TRPA Advisory Planning Commission)

Questions references in the EIS to the National Environmental Policy Act (NEPA) and its relationship to the Compact, and whether any federal permits are needed for the Project?

RESPONSE

The Round Hill Village development proposal, as a private project, does not appear to involve assistance or direct approval from any federal agency, and therefore is not within the jurisdiction of NEPA. Rather, the Project is subject to the environmental impact reporting requirements of the Tahoe Regional Planning Compact.

The provisions of Article VII of the Compact governing the preparation and use of Environmental Impact Statements (EISs) closely follow those defined by the Council on Environmental Quality (CEQ) for EISs involving Federal government interests. The EIS on Round Hill Village was prepared in conformance with both the Compact and NEPA, so as to satisfy any possible federal oversight implications for the Project. Such conformance with NEPA did not affect either the content or the conclusions of the environmental analysis, which remains fully consistent with the Compact.

COMMENT BY ANDREW SAWYER

Questions whether the analysis of sewage treatment capacity recognized and considered the possible expansion of casino gaming space by up to 15 percent, as permitted by the Tahoe Regional Planning Compact?

RESPONSE

Casinos are permitted under the Compact to enlarge their gaming areas by up to 15 percent. This authorization does not include the addition of any hotel rooms, which are the principal source of sewage from the casinos. Gaming areas and ancillary facilities, even if enlarged by the maximum 15 percent, are not expected to generate a significant amount of additional sewage.
COMMENT BY ANDREW SAwyER

Questions terminology used in the EIS regarding "significant", "insignificant" and "acceptable" impacts.

RESPONSE

The terminology used in the EIS regarding impacts, designates as "significant" those impacts which would exceed or violate the standards or requirements established by the TRPA or other agency. Impacts which, of themselves, or as proposed to be mitigated, are judged not to violate recognized standards, are variously referred to within the EIS as "insignificant", "not significant" or "less than significant". These three terms are intended to be interchangeable.

The EIS refers to a third, subjective category of impacts, those which may be "acceptable". The implication of this label is that impacts which are determined to be "less than significant" may or may not be considered acceptable by the general community. For example, in discussing the potential for flooding in the vicinity of the proposed Project, the EIS determines that proposed mitigation measures would render the threat and impact of such flooding not only insignificant but also reduced to an acceptable level. An impact could conceivably be mitigated to a less than significant level based on formal standards, but remain unacceptable to the public.

COMMENT BY STAN RANDOLPH
 desiGnee of California Air Resources Board to the TRPA Advisory Planning Commission

Questions determinations expressed in the Executive Summary of the EIS concerning mitigation of impacts (Table S-4, column "j"), especially the basis for judgments regarding the extent to which proposed mitigation measures would reduce impacts to insignificant levels?

RESPONSE

Table S-4 of the EIS presents a summary of the evaluation of impacts and mitigation measures presented in the body of the EIS. Column "c" of that table designates those identified impacts which are judged to be significant before mitigation; columns "h" and "i" rate the effectiveness and practicality of each proposed mitigation measure; column "m" estimates the possible costs for mitigation implementation. These determinations, as well as those in column "j" regarding reduction of impacts to insignificance, are recognized as being subjective in nature and open to other interpretations.

Some mitigation measures, such as the prohibition of fireplaces and woodstoves (#34) would clearly eliminate all potential impact from woodsmoke. Others, such as catalytic combusters on woodstoves (#32), or the use of gas-fired heaters (#36), would reduce emissions by some indefinite amount and possibly mitigate an impact to an insignificant level. These judgments by the consultants are based on evaluation of the best available data, interpretation of
applicable regulations, and an assumption that all recommended mitigation measures would be implemented. Availability of more precise information, different interpretations of standards by local bodies, or rejection of certain mitigation measures for cost, technical or other reasons (see Caltrans comment) might result in a revision to the determination of mitigation. The table in question, and the EIS, are intended to serve as a guide and a tool to assist TRPA in evaluating the proposed Project, and to make needed determinations in as objective and well-documented a manner as possible.

---

COMMENT BY WENDELL MCCURRY
/designee of Nevada State Division of Environmental Protection to the TRPA Advisory Planning Commission/

Questions the use of a 300 gallon per day per unit standard for projecting sewage volume, in light of Incline Village's measured flows averaging 219 gallons?

RESPONSE

The standard of 300 gallons of sewage per day per dwelling has been used by the Douglas County Sewer Improvement District Number 1 (DCSID) to estimate potential sewage volumes from proposed development and project future treatment capacity needs. This figure was provided to DCSID by TRPA, which also uses it for planning purposes. While experience at Incline Village may suggest a much lower figure as more appropriate, the Kingsbury General Improvement District conducted an analysis of water demand during Fall 1982 which was based on projected daily per unit water consumption of 284 gallons.

The projections contained in this EIS, for future sewage volumes from the proposed Project and within the DCSID, should be recognized as being worst-case scenarios, based on possibly high per unit generation levels and questionable assumptions of 100 percent year-long dwelling occupancy. Satisfying the capacity requirements implied by this analysis would provide a sufficient safety margin to accommodate unanticipated occupancy characteristics or other variables.

---

COMMENT BY JOHN THOMPSON (SEE ATTACHMENT #1)
/owner of property adjacent to the Project site/

Questions design of the proposed Project related to provision of access to his one-acre parcel, which is bounded on three sides by the Project site, and regarding visual impacts of the Project upon possible future residents of his property.

RESPONSE

As currently designed, a driveway within the proposed Project which would serve two multi-unit condominium structures passes close to the southwest corner of Mr. Thompson's property. A roadway from that driveway could provide access to his property. TRPA land classification standards would
allow approximately 8,700 feet of coverage on Mr. Thompson's property; the number of dwelling units which could be constructed within that coverage allowance should not generate too large a volume of traffic for the Project's driveway to accommodate.

The nearer of the two proposed structures adjacent to Mr. Thompson's property would be situated between 25 and 60 feet from his western boundary, while the second building would stand more than 100 feet from his southern property line. Both these buildings would be constructed at a ground-level elevation of approximately 6,428-6,436 feet at their uphill sides. Mr. Thompson's property rises away from these structures, from 6,436 up to 6,458 feet. It appears that the difference in elevation between building sites on these two properties might exceed 10-20 feet, which would reduce the potential visual impact of the proposed Project.

SKA, the Project engineer, has indicated an intention to present illustrations of access and elevation differences between these two properties, to be examined as a part of Project review. If TRPA determines that the proposed access may not be sufficient, or that the visual impact on Mr. Thompson's property may be significant, then some redesign of this portion of the Project may be required.

COMMENT BY CALTRANS (SEE ATTACHMENT #2)

Mitigation measures were proposed in the EIS involving improvements to three intersections on U.S. Highway 50 within California. Caltrans indicates that it does not propose to undertake the suggested channelization and signalization improvements at Park Avenue (Mitigation Measure #14) or at Pioneer Trail (#15), for reasons of operational difficulties and excessive costs. The proposed improvements at Ski Run Boulevard (#16) are being planned for installation by Caltrans, with the exception of a north-south split phase movement.

RESPONSE

Caltrans indicates that "the cost, time and interjurisdictional coordination involved to implement the recommended intersection improvements would be more extensive than is suggested in the EIS". While the EIS does recognize that any improvement project in the Tahoe Basin requires the involvement of numerous jurisdictions and agencies, it may have underestimated the complexity associated with these particular recommendations. Cost estimates presented in the EIS may also have been understated somewhat, perhaps not reflecting the extent of physical intersection alterations or the possible replacement of traffic control equipment which Caltrans states may be necessary.

The traffic analysis contained within the EIS indicates that, even without the proposed Round Hill Village development, U.S. Highway 50 will become increasingly congested, and the intersections in question will be operating at or near their maximum capacity levels. The improvements recommended would serve to increase the volume of traffic these intersections can accommodate, improving their levels of service during peak periods of congestion. TRPA may desire to pursue these circulation improvements as part of its
regional transportation planning effort, even if costs do exceed those identified in the EIS. (Deletion of a north-south split phase at Ski Run Boulevard by Caltrans is acceptable, if the controller that is installed has sufficient capacity to accommodate the split phase at some future time when it may prove to be desirable.)

Caltrans states that the agency would not recommend implementing these improvements "at this time". While these circulation changes may be useful and desirable, they will require a significant amount of planning coordination and a definite source of funding. The EIS has attempted to identify a package of mitigation measures for the proposed Project which would represent the most effective reductions in impact and most efficient use of available resources. If the TRPA determines that the probable cost and difficulty of these intersection improvements is not a best use of resources, then available mitigation funds may be channelled into alternative measures to reduce impacts, such as the proposed Transfer of Development Rights program.

COMMENT BY ANDREW SAWYER

Any EIS on new development at Tahoe should address water use, including cumulative water use.

RESPONSE (Prepared by Agency staff)

The water rights issue is definitely pertinent when identifying potential impacts related to the proposal. The source of water rights for this project has yet to be determined. No rights have been allocated for this project. Prior to final approval the applicant must obtain the water rights necessary for this 295 unit project.

Consumptive water use is provided for by the California-Nevada Interstate Water Compact. This 1971 Compact allows for a maximum of 44,000 acre/feet to be used annually in the Basin, 23,000 in California and 11,000 in Nevada. According to the Nevada State Engineer's office, approximately 6,900 acre/feet were allocated in 1980 in Nevada. This figure may be low, however, due to some uncertainties which will be addressed below.

Assuming an estimated average water use of .157 acre feet per capita per year and an average household of three persons, the subject development would require approximately 139 acre/feet annually. This requirement would impact not only the amount of water available for future development, but also the water available for instream flows.

Availability of Water for Future Development - The EIS on the Environmental Thresholds (1982) addresses this issue as water quantity. The threshold used for water quantity is the allocation as outlined in the Interstate Water Compact. It is pointed out that these allocations are not sufficient to allow full build out of existing subdivisions, such as those in Incline Village. The Incline Village General Improvement District does have available water to date, but it is expected that they will run short of full build out.
There is also some development, currently using water, which does not have certificated water rights. The existing Round Hill Subdivision is an example as well as the Zephyr Cove and Cave Rock areas. These overdraws should be considered when examining the current water usage. They are not included in the 6,900 annual acre feet estimate for 1980.

The State Engineer's office could identify only one instance of a surplus of water rights on the Nevada Side of the Basin. The U.S. Forest Service possesses excess water rights which were obtained when they acquired the Whittell property at Zephyr Cove. These rights cannot be sold, however, due to terms of the acquisition. It is questionable whether these excess rights can even be given away.

It seems then that allocating some of this limited resource to a new subdivision will adversely impact the availability of water for already subdivided parcels.

Impacts on Instream Flows - Any water used for consumption is exported as treated sewage and is not returned to the Basin. Any new development requiring diversions, therefore, impacts instream flows. If instream flows decrease due to diversions, fisheries are negatively impacted. Downstream impacts will result, including reduced flows in the Lower Truckee River. This will result in a reduction of available water for downstream sources.

Additional consumptive use will also result in increased loads to waste water facilities. The additional water use required for this project will, therefore, affect the water budget of the region.

-----------------------------
COMMENT BY WILLIAM MOLINI
(Director, Nevada Department of Wildlife)

Concerned with additional runoff created by the project and the apparent lack of mechanical devices for the collection and entrapment of silt and/or petrochemical materials.

RESPONSE

All projects processed by the Agency are required to comply with 208 Water Quality Standards. These requirements are fairly extensive and include provisions for infiltration of runoff and entrapment of silts. All runoff from a 20 year, 1 hour storm must be infiltrated on site. Silt traps require periodic maintenance to function correctly. In addition to silt traps, gas and oil traps are required to be installed for large parking facilities. Final details of these devices will be reviewed and approved by Agency staff prior to permit issuance. A maintenance schedule enforceable through the CC&R's will be required by the Agency to insure that silt, gas and oil traps function properly.
Mr. Greg George  
Tahoe Regional Planning Agency  
P.O. Box 8896  
South Lake Tahoe, Ca. 95731

RE: Objections to Round Hill Village Planning and Environmental Impact of Unit #9.

Dear Mr. George:

I am objecting to the maps and planning that have been engineered for Round Hill Village. The maps show no roadway into the Thompson property. Thompson's recorded document, dated the 11th day of March, 1981, states:

If RHGID's property is sold to Chapman General Hospital, Inc., a California corporation, within two years of this date, March 11, 1981, Thompson agrees to designate the easement along the established routes for roadways and utilities reflected in the plan and maps of Chapman General Hospital, Inc., for the development of the property, insofar as those routes come to the nearest point to Thompson's parcel.

Thompson's recorded document also states that Thompson shall not designate the exact course of the easement across RHGID's property prior to September 22, 1983, and without the prior written approval of the Chairman of the Board of Trustees of Round Hill General Improvement District or a successor owner of RHGID property.

Thompson also objects to the two buildings located south and west of Thompson's property.

A. Buildings are too close to Thompson's property line.
B. Building heights.
C. The backs of the buildings and balconies facing Thompson's property.
D. Back yard visual appearance.
E. Obstructing the view.
F. The gas fumes and noise from the congested parking area.

I also, object very strongly to being discriminated against in this proposed development.

Sincerely,

/John L. Thompson

JLT/cc
CC: RHGID
March 29, 1983

Mr. Philip Overeynder  
Executive Director  
Tahoe Regional Planning Agency  
P. O. Box 6896  
South Lake Tahoe, CA  95731

Dear Mr. Overeynder:

Caltrans, District 3, has received the draft EIS for improvements within Round Hill Village, a neighborhood two miles north of Stateline on the east side of Highway 50 in Nevada.

On Page 5-8, improvements are recommended at several intersections on Highway 50 within Caltrans' jurisdiction. With the exception of #16 (Ski Run Boulevard), Caltrans does not propose to construct these improvements. At Ski Run Boulevard it is planned to replace the signal controller and provide three lanes in each approach, with improved detection and a five-phase signal operation. However, the north-south split phase movement is not included or recommended.

For operational and financial reasons, we would not recommend the other mitigation measures at this time. Costly intersection revision and replacement of existing traffic control equipment would be necessary in order for these improvements to be feasible. The cost, time, and inter-jurisdictional coordination involved would be more extensive than is suggested in the EIS.

Very truly yours,

E. F. GALLIGAN  
Acting District Director of Transportation  

Jeff M. London  
By R. D. Skidmore  
Chief, Environmental Branch
March 25, 1983

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

Gentlemen:

The Nevada Department of Wildlife appreciates the opportunity to review the document and provide comments concerning the Draft Environmental Impact Statement (DEIS) Round Hill Village, Douglas County, Nevada.

Our Department is concerned about the additional runoff that will accrue from this area, once it is developed. Runoff from the new streets and parking lots and other impervious surfaces will contribute additional surface contaminants that will follow the natural drainage and enter lower Burke Creek and Lake Tahoe. This may also apply to the portion of the development known as the M1 sub-watershed which appears to drain towards lower McPual Creek.

Mention is made of "sediment deposition depressions" (the sub-watersheds B1, B3, B4, B5 - pages VII-9, VII-11, VII-12, VII-13, and figure 7-2). We doubt that these "depressions" would be functional for any extended period of time. It is probable that in a short time they would fill with silt and debris, allowing snow melt and rain to flow directly to Tahoe, carrying any deleterious material with it.

It is not apparent in this document that any provisions have been included for the installation of any mechanical or other type devices for the collection and entrapment of silt and/or petrochemical materials originating within the project area.

If you have any questions concerning these comments, please contact this office at your earliest convenience.

Sincerely,

William A. Molini
Director
APR 7 1983

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

Dear Phil:

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR ROUND HILL VILLAGE

Thank you for the opportunity to comment on the draft environmental impact statement for Round Hill Village, Nevada.

The draft document provides a good overview of the project and its environmental impacts. The summary of identified impacts and mitigation measures is especially useful.

The State Water Resources Control Board has two principal concerns which should be addressed in the final document. First, the discussion of water quality impacts, while evaluating those impacts in sufficient detail to provide a good picture of the nature of the impacts and feasible mitigation measures, tends to downplay the significance of those impacts. Second, impacts on water use are not addressed.

I. WATER QUALITY IMPACTS

The draft environmental impact statement identifies the potential for significant adverse environmental impacts on water quality. The Tahoe Regional Planning Compact requires that when significant adverse impacts are identified, they must be mitigated to insignificant levels, or a finding of overriding considerations must be made.

In the case of Round Hill Village, there may well be justification for making a finding of overriding considerations, even though such a finding could not be justified for other subdivision projects with comparable environmental impacts. The bi-state compact, in providing for an exemption from the subdivision moratorium for a subdivision necessary to avoid insolvency of a general improvement district, recognized that there may be overriding economic considerations in such a case. Assuming the proposed Round Hill Village meets the conditions of the exemption, it is not necessary to find that water quality impacts have been reduced to a less than significant level for the project to be approved.

APR 8 1983

TAHOE REGIONAL PLANNING AGENCY
The draft environmental impact statement concludes that for many water quality impacts of the project, mitigation measures will mitigate the impact to an acceptable level. It should be noted that in reaching this conclusion, the impacts of the specific project, not cumulative impacts, are being considered. The water quality impacts of a number of new subdivisions, as opposed to this one subdivision, would not be acceptable.

It should also be noted that mitigation of impacts to an acceptable level may not necessarily reduce those impacts to insignificance. The Guidelines for Implementation of the California Environmental Quality Act of 1970 indicate that in some cases unavoidable significant effects may still be acceptable. See 14 Cal. Adm. Code Section 15088(e)(2). Thus, Table S-4 on page S-15 should not indicate that any of the water quality impacts have been reduced to insignificance. It may be that in many cases impacts have been reduced to an acceptable level, as indicated in the discussion of individual mitigation measures, but the impacts still are significant.

In one case, where the discussion of the individual mitigation measure does conclude that mitigation could reduce impacts to insignificant levels, the draft document should be revised. For mitigation measure 21, the document concludes that with infiltration, dissolved nutrient loads could approach insignificant levels. But the document also identifies problems, such as the need to ensure proper maintenance of infiltration facilities and the lack of specificity in the revegetation program, which make it unlikely the mitigation measure will be as successful as hoped.

The environmental impact statement on the regional plan concludes that infiltrated runoff may result in a significant increase in the nitrate load to Lake Tahoe. Tahoe Regional Planning Agency, Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin (1983) at 35, 47. The environmental impact statement for the Round Hill Village should be revised to provide a more realistic appraisal of the ability to remove nutrients from ground water. The regional plan environmental impact statement provides a more thorough, and more realistic consideration of the effectiveness of best management practices than does the Round Hill Village document.

On another issue, consideration of the impacts of increasing coverage, the regional plan environmental impact statement should be revised to follow an approach more like that used in the Round Hill Village environmental impact statement. By examining coverage within sub-watersheds, the Round Hill document provides a much better picture of whether undisturbed areas can absorb the impacts of coverage and disturbance than would be provided if coverage were lumped together by watershed association.

II. WATER USE

Water use is a major environmental issue at Lake Tahoe. Pages 62 through 66 of the environmental impact statement for the Lake Tahoe Basin Water
Quality Management Plan (TRPA 1982) provides a good overview. As pointed out by that discussion, only a limited amount of water is legally available for use in the Lake Tahoe Basin. If water use in the Basin increases beyond that allowable under the California-Nevada Interstate Compact, the rights of other users dependent on Lake Tahoe's outflow into the Truckee River will be infringed. Increased water use at Lake Tahoe will also affect instream beneficial uses in the Truckee River.

The Water Quality Management Plan environmental impact statement concludes that further development could result in water use in excess of that allocated under the California-Nevada Interstate Compact, even if no new subdivisions are approved. Clearly, an environmental impact statement on a residential development project in the Lake Tahoe Basin should address water use. Both water rights for the specific project and cumulative water use should be addressed.

The draft environmental impact statement for Round Hill Village indicates that water rights may be considered during project review. But there is no assurance that the water use issue will be adequately addressed at the project review stage if the impacts are not even considered in the environmental impact statement. The agency would have little basis for determining how to address the water use issues.

The limitations on the agency's authority to affect appropriative water rights make it especially important to address water use in the environmental impact statement. Some mitigation measures, such as restrictions on landscape irrigation, are almost certainly within the agency's authority. Other measures may not be. At the project approval stage, the agency may not be able to adopt mitigation measures needed to address water use.

An environmental impact statement, on the other hand, may address alternatives and mitigation measures within the jurisdiction of other agencies. The Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act provide that an environmental impact statement "shall . . . Include reasonable alternatives not within the jurisdiction of the lead agency." 40 C.F.R. Section 1502.14(c). These federal guidelines, although not specifically applicable to environmental impact statements prepared by the Tahoe Regional Planning Agency, provide guidance as to how the environmental documentation requirements of the Tahoe Regional Planning Compact may be interpreted.

In Nevada, almost all diversions from surface or ground water require a permit from the State Engineer. Over the past ten years, the State Engineer has acted to limit the amount which may be diverted on the Nevada side of the Basin to ensure that diversions will not exceed the amount allocated under the California-Nevada Interstate Compact. It may well be that continued adherence to the policies of the State Engineer will mitigate impacts on water use to acceptable levels. The water use issue still must be addressed in the environmental impact statement, and the mitigation measures relied upon must be specified, before it can be concluded that the impacts on water use are acceptable.
In addition to these overall comments, I have attached specific comments, which are listed by page number of the environmental impact statement. Please feel free to call me if you have any questions.

Sincerely,

Andrew H. Sawyer
Staff Counsel

Enclosure
From the references to the National Environmental Policy Act, it is unclear whether a federal permit is required for this project, or merely that federal requirements are being used as guidance for compliance with the environmental documentation requirements of the Tahoe Regional Planning Compact.

Strictly speaking, Alternative "A" is not a no-project alternative. The four single family dwellings would still be projects, requiring review by agency staff.

A recent case under the California Environmental Quality Act, Environmental Planning and Information Council v. El Dorado County, 182 Cal. Rptr. 317 (3d Dist. 1982), held that environmental impacts must be assessed by comparing the project to a no development alternative, not by comparing the project with development allowable under existing plans and ordinances. The courts are likely to interpret the environmental documentation requirements of the Tahoe Regional Planning Compact similarly.

In many cases, there will be a major difference between the proposed project and the development likely to go forward if the proposed project is not approved. In this case, however, Alternative "A" is close enough to a true no-project alternative that consideration of an additional, no-project alternative does not appear to be necessary.

In what appears to be a typographical error, the discussion of mitigation measure 21 states that nutrient yields "would" approach insignificant levels. On page VII-22, it is stated that nutrient levels "could" approach insignificant levels, and the preceding pages list reasons nutrient levels probably will not. Even if the word "could" is used, the assessment of nutrient removal appears to be overly optimistic.

Implementation of on-site improvements that will reduce soil loss, sediment yield and nutrient transport should not be listed as a benefit of the project, as it would occur under all other alternatives, including Alternative "A".

The statement that, at present, no TDR system exists for the Tahoe Basin is incorrect. A system is in effect on the California side. Adoption of a TDR system by the Tahoe Regional Planning Agency would not require special enabling legislation.

A TDR system need not provide a bonus for transferred rights. Alternatively, retirement of fragile lands, through a TDR system, could be required of all new development.
Contrary to the statement on page III-3 that no transfer of coverage from SEZ's is allowed, a comparison of Table 3-2 with Table 3-6 indicates that some coverage is being allowed. In some cases, the allowable coverage assumes 1 percent coverage is allowable in SEZ, and this allowable coverage is being utilized.

Consistent with existing ordinances, the coverage analysis should consider the possibility that no coverage, rather than 1 percent coverage, will be allowed on high hazard lands.

If a mandatory TDR system is adopted, it could apply to Alternative "A". Of course, the number of losts retired under such a system would be relatively small for projects where only a few units would be built.

Use of a sediment yield model like that developed by the State Water Resources Control Board may not be necessary in this case, and could be subject to challenge because of the lack of field verification in this area. Nevertheless, the model could be useful. Arguably, use of the model would be artificial; it would not be "spurious."

Considering the enforcement problems with a direct ban on fertilizer use, consideration should be given to review of proposed landscaping, to require use of vegetation which does not need fertilizer on a long term basis.

As stated on page VII-31, the evaluation of water quality impacts does not address cumulative nutrient loadings. While the contribution of this particular project may not be great, it does represent an unavoidable contribution to nutrient loadings, and should be listed as an unavoidable adverse effect.

Revegetation should not be listed as a benefit of the project, as it applies to all alternatives, including Alternative "A", and would apply even if no project were approved.
4. Agency staff recommends that the following conditions be placed on this approval:

a. The standard conditions listed on Attachment D, plus the following special conditions:

(1) Modify configuration, signing of Elks Point Road/McPaul Way intersection to channelize right-turn from/to McPaul Way, and provide stop sign for left turns from Elks Point Road.

(2) Implement the surface water management program included in the Project (i.e. curbs/gutters along paved roads; infiltration trenches to attenuate peak flow rates; stabilization/lining of drainage channels, cleaning/repair of deteriorated culverts, storm drains; revegetation of existing/construction-related disturbed areas).

(3) Outline acceptable site inspection, maintenance procedures for proposed infiltration trenches.

(4) Develop a specific revegetation program to rehabilitate disturbed construction and existing areas.
(5) Convert depression at outlet of sub-watershed B-2 (north of Shell station) to a permanent sediment retention basin.

(6) Install energy-dissipation structure at western outlet of U.S. Highway 50 culvert.

(7) Redesign community park proposed for Parcel D to reduce adverse drainage, runoff impacts.

(8) Eliminate lots #4, 5, and 6 from Parcel G, or redesign Unit 7 to avoid disturbing the SEZ slope.

(9) Install either high efficiency wood stoves or high efficiency fireplace insert. The output shall be limited to that minimally necessary under Title 24 of the California Administrative Code heating requirements. High efficiency wood stoves and fireplace inserts are air tight and have zero clearance recirculations fans, secondary combustion chambers and primary and secondary airports.

(10) Install gas-fired water and space heaters designed to reduce NOx emissions.

(11) Install dense landscaping along property line as continuation of embankment alongside U.S. Highway 50 to obscure view of Building 3 to northbound travellers.

(12) Install sufficient landscaping, including trees, to soften the appearance of the four northern structures in Unit 5, and direct attention to the foreground.

(13) Require conditions on property use, restricting open display of personal items on balconies facing U.S. Highway 50.

(14) Construct all balconies facing U.S. Highway 50 with materials preventing any view of household articles, dwelling interiors.

(15) Screen view of any developed rear yard on lots #1 and #2 from U.S. Highway 50, and restrict nature, scale of rear yard activities.

(16) Locate parking on far side of dwellings on lots #1 and #2 from U.S. Highway 50, screened from view.

AGENDA ITEM IX.G.
(17) Landscape foreground of lots #1 and #2 to improve appearance from U.S. Highway 50.

(18) Restrict height of dwelling on lot #2 to two levels visible from U.S. Highway 50.

(19) Approval of this tentative map shall lapse unless the applicant records a final map of the subdivision within eighteen months from the date of TRPA approval.

(20) Prior to issuance of the TRPA permit or recordation of the final map, covenants, conditions, and restrictions respecting all of the real property of the proposed development shall be subject to TRPA review and approval. Such document shall include: a prohibition of the use of chemicals for deicing in all vehicular areas except public streets; a prohibition of vehicles in all nonvehicular open spaces; vegetation preservation and protection plan with adequate provision to insure the permanent maintenance of open spaces; provisions to assure continued maintenance of all drainage and erosion control facilities; and a provision making TRPA an express beneficiary of said document with the right to pursue such judicial remedies as it wishes arising out of or relating to such document.

(21) The final subdivision map shall not be recorded until the Agency staff has found, and so indicated in writing, that the final map substantially conforms to the approved tentative map.

(22) At the point where Bourne Way crosses to SEZ said road shall be designed to avoid disturbance within the SEZ to the greatest extent possible as determined by Agency staff.

(23) To assist in implementation of the 1982 Federal Air Quality Plan and the U.S. Postal Service Action Plan approved by the TRPA, and as an additional mitigation measure, the developer shall donate to the U.S. Postal Service a parcel of land of a size necessary to accommodate to a Neighborhood Delivery Center. The parcel shall be located with frontage on either Elks Point Road or Bourne Way and on low or moderate hazard lands. Land coverage for the parcel shall not affect the total land coverage available for the project.

(24) The project or any alternative development shall be redesigned to eliminate any land coverage on capability 2 lands.
(25.) Prior to issuance of the TRPA permit, the applicant shall pay an off-site water quality mitigation fee of $108,358 if the project is modified to eliminate land coverage on capability level 2 lands. If the project is not modified, the fee would be $111,176. If just the land coverage for Bourne Way remains on capability level 2 lands, the fee would be $109,959.
Alternative "A" - Alternative "A", the no-project Alternative which assumes four single family estate units, would not be profitable for the developer. In fact, when existing sunk costs are included (pre-development costs) the Alternative would lose money. The estimate land price that would result (between $200,000 and $400,000) would not be sufficient to ease the RHGID's financial problem. The combination of the land sales price and increased assessed value would probably not reduce the projected four year bond recovery period.

Alternative "B" - Alternative "B" could be profitable. However, it is shown to be below normally acceptable levels, producing a 5 percent gross income over cost, assuming a land price of $500,000, approximately 20 percent of the RHGID's debt. The increased assessed value would contribute significant property tax revenue, if development proceeded as scheduled, as shown in the section discussing fiscal impacts upon the RHGID.

Alternative "C" - While Alternative "C" could be profitable, it would be less so than the proposed Project, showing a net income between 5 and 10 percent. The lower profits are caused by both fewer units and the inclusion of the rental units, which may actually cost more to construct than their expected sales price. Alternative "C" could produce the land price required by the RHGID to eliminate its debt. However, the developer may demand a lower price, if the projected profits do not meet their minimum requirements.

Financial Status of the RHGID: The DEIS contains the following summary information on this subject:

The Project - The proposed Project, which increases the number of dwellings in the RHGID by 295, will increase operating and maintenance costs. No additional office or maintenance staff would be required, although office costs could increase slightly due to additional mailing and miscellaneous administrative costs. Operations and maintenance costs would increase directly in proportion to the additional roads, street lights, water consumption, etc. Other increased costs would include insurance and bonds, gas and oil, and utilities. The RHGID's share of Douglas County Sewer Improvement District's maintenance and operation costs would also increase proportionally.

In spite of these increased costs, a net positive impact will result from the sale of RHGID property and the proposed development. The $2.5 million purchase will completely eliminate the RHGID's existing bonded indebtedness. Also, property taxes for the RHGID, currently $.247 per $100 assessed valuation, will not be required after the current fiscal year, substantially reducing the existing taxpayers burden. Additional operating costs will be more than offset by sewer/water hook-up fees and by additional ongoing user fees. Sewer and water rates to existing property owners may decrease as average costs decrease, and the RHGID could pass this benefit to the rate-payers.

Alternative "A" - No significant impact upon the District costs and revenues will result from Alternative "A". Proceeds from sale of the property and increased user fees would offset any costs resulting from four additional homes.
Under current market conditions, no more than $200,000-400,000 could be expected from sale of the property. The time required to service the RHGID’s debt would probably not be reduced from the four years required without sale of the property. The property tax rate could be slightly less in the final year, than would occur without the property sale. In years one, two, and three, the tax rate would remain at its current level.

Alternative "B" - For alternative "B", increased operating and maintenance costs similar to those incurred by the proposed Project would result, though costs will be of a smaller magnitude.

Sale of RHGID property for between $500,000 and $800,000, and increased revenues generated by Alternative "B", would result in a net positive impact on the RHGID. The RHGID's financial indebtedness could be eliminated by the end of fiscal year 1985-1986, one year sooner than with no land purchase. Taxes would remain at the current level until 1985-86, in which the rate would decline to only $0.23 per hundred dollars of assessed value. Additional ongoing user fees and sewer/water hook-up charges will contribute to the net positive impact.

Alternative "C" - Alternative "C" would add a total of 250 units to the RHGID. Impacts upon the RHGID include increased operating and maintenance costs similar to those shown for the proposed Project, though because of the fewer units costs would be slightly less.

The net impact upon the RHGID will be positive. The $2.5 million purchase price would eliminate the RHGID's outstanding debt as well as its need for property tax. Increased operating costs are offset by additional user fees and hook-up charges.

Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of a project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

<table>
<thead>
<tr>
<th>Applicable Findings</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nevada Side Land Use Ordinance</td>
<td>Consistent</td>
</tr>
<tr>
<td>Nevada Side General Plan and Sub-Elements</td>
<td>Consistent</td>
</tr>
<tr>
<td>TRPA 208 Water Quality Plan</td>
<td>Inconsistent</td>
</tr>
<tr>
<td>Nevada Division of Environmental Protection</td>
<td>Inconsistent ^2</td>
</tr>
<tr>
<td>Air Quality Plan</td>
<td>Inconsistent ^2</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Inconsistent ^2</td>
</tr>
</tbody>
</table>

1 The Project proposes disturbance and the creation of land coverage on high hazard capability lands. The two single family dwellings on Sub-Parcel F will result in 6,086 sq. ft. of coverage on capability level 2 lands and the construction of Bourne Way will result in 8,003 sq. ft. of coverage on capability level 2 lands.

2 The DEIS identifies one of the unavoidable impacts resulting from the Project as being an increase in indirect and direct air quality emissions.
Consistency with Environmental Thresholds: The following table shows the degree to which development of the subject site is inconsistent with environmental thresholds.

<table>
<thead>
<tr>
<th>Threshold Category</th>
<th>Management Strategy</th>
<th>Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon monoxide</td>
<td>Reduce traffic on U.S. Highway 50 by 7%</td>
<td>Project: +3.0%  Alt.&quot;A&quot;: neg. (^1)  Alt.&quot;B&quot;: +0.4%  Alt.&quot;C&quot;: +3.0%</td>
</tr>
<tr>
<td>Ozone</td>
<td>Maintain NO (_x) emissions at 1981 level or below</td>
<td>Project: +0.3%  Alt.&quot;A&quot;: +0.01%  Alt.&quot;B&quot;: +0.05%  Alt.&quot;C&quot;: +0.3%</td>
</tr>
<tr>
<td>Regional Visibility</td>
<td>Reduce wood smoke by 15%</td>
<td>Project: +1.8%  Alt.&quot;A&quot;: +0.02%  Alt.&quot;B&quot;: +0.2%  Alt.&quot;C&quot;: +1.6%</td>
</tr>
<tr>
<td>Subregional Visibility</td>
<td>Reduce wood smoke by 15%</td>
<td>Project: +1.8%  Alt.&quot;A&quot;: +0.02%  Alt.&quot;B&quot;: +0.2%  Alt.&quot;C&quot;: +0.8%</td>
</tr>
<tr>
<td>Nitrate Deposition</td>
<td>Reduce VMT by 10%</td>
<td>Project: +0.9%  Alt.&quot;A&quot;: +0.01%  Alt.&quot;B&quot;: +0.1%  Alt.&quot;C&quot;: +0.8%</td>
</tr>
</tbody>
</table>

\(^1\) "neg." = negligible

Issues for Discussion: The DEIS concludes that the Project or Alternative "C" will result in significant adverse impacts to traffic circulation and air quality that cannot practically be avoided. Since the DEIS also concludes that only the Project or Alternative "C" provides enough "net income" to allow for purchase of the NUGID property for $2.5 million, and assuming that purchase of the property is desirable, the question becomes, how can the identified impacts be mitigated to the greatest extent possible? Agency staff is of the opinion that implementation of a TDR program offers the greatest likelihood of success, and may be the most cost effective. To that end, Agency staff is meeting with the applicant on April 12, 1983 to be brought up to date on the applicant's attempts to implement such a program.

Recommended Conditions of Approval: If the Project, or variation thereto, is approved, Agency staff would recommend the following conditions:

A. Standard conditions listed on Attachment D.

B. The following mitigation measures identified in the FEIS:

1. Modify configuration, signing of Elks Point Road/McFaul Way intersection to channelize right-turn from/to McFaul Way, and provide stop sign for left turns from Elks Point Road.
2. Implement the surface water management program included in the Project (i.e. curbs/gutters along paved roads; infiltration trenches to attenuate peak flow rates; stabilization/lining of drainage channels, cleaning/repair of deteriorated culverts, storm drains; revegetation of existing/construction-related disturbed areas).

3. Outline acceptable site inspection, maintenance procedures for proposed infiltration trenches.

4. Develop a specific revegetation program to rehabilitate disturbed construction and existing areas.

5. Convert depression at outlet of sub-watershed B-2 (north of Shell station) to a permanent sediment retention basin.


7. Redesign community park proposed for Parcel D to reduce adverse drainage, runoff impacts.

8. Eliminate lots #4, 5, and 8 from Parcel G, or redesign Unit 7 to avoid disturbing the 6% slope.

9. Prohibit fireplaces, allow installation of woodstoves only.

10. Install catalytic combusters on all woodstoves to reduce emissions.

11. Install gas-fired water and space heaters designed to reduce NOx emissions.

12. Install dense landscaping along property line as continuation of embankment alongside U.S. Highway 50 to obscure view of Building 3 to northbound travellers.

13. Install sufficient landscaping, including trees, to soften the appearance of the four northern structures in Unit 5, and direct attention to the foreground.

14. Require conditions on property use, restricting open display of personal items on balconies facing U.S. Highway 50.

15. Construct all balconies facing U.S. Highway 50 with materials preventing any view of household articles, dwelling interiors.

16. Screen view of any developed rear yard on lots #1 and #2 from U.S. Highway 50, and restrict nature, scale of rear yard activities.

17. Locate parking on far side of dwellings on lots #1 and #2 from U.S. Highway 50, screened from view.
18. Landscape foreground of lots #1 and #2 to improve appearance from U.S. Highway 50.

19. Restrict height of dwelling on lot #2 to two levels visible from U.S. Highway 50.
1. Each of the following conditions shall be completely performed prior to the issuance of the TRPA permit:
   a. The final revegetation, slope stabilization, and drainage plans shall be submitted to and approved by the Agency staff. These plans shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage facilities.
   b. Adequate security shall be posted with the permit-issuing authority or the Agency to insure proper installation of the slope stabilization and drainage improvements and revegetation shown on the plans approved under condition 1a. (For details on security procedures, please refer to Attachment J.)
   c. Calculations prepared by a qualified civil engineer demonstrating that the drainage improvements are capable of infiltrating on site the storm water flows from a 2-year, 6-hour storm shall be submitted to and approved by Agency staff.
   d. All authorizations (except building and grading permits) from appropriate public authority applicable to the proposed development shall be obtained, i.e., state highway encroachment permits, state waste discharge permits.
   e. The final construction drawings for all site improvements shall be found by Agency staff to be in substantial conformance with the plans and information submitted as part of this application and this finding so indicated in writing to the permit-issuing authority.

2. Upon the issuance of building and grading permits, construction shall proceed in the following sequence:
   a. The initial phase of the vegetation preservation and protection plan shall be completed.
   b. Installation of temporary erosion protection devices.
Standard Conditions of Approval
Attachment D - page two

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

d. Completion of structure foundations.

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

f. Completion of structures.

g. Paving.

h. Landscaping and revegetation.

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

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

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

6. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other approved methods shall be removed from the subject parcel and disposed of at an approved location.

7. 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.

8. All 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.

9. All areas to be paved shall be paved prior to October 15.

10. Mud shall not be tracked off the construction site or improved roads. 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.

11. During construction, environmental protection devices such as adequate erosion control devices, dust control and vegetation protection barriers shall be maintained.
12. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

13. "Approval by the Agency of any project expires 3 years after the date of final action by the Agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted." [Compact Article VI(p)].

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

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

16. All erosion control, drainage improvements, revegetation and temporary erosion control shall be in compliance with the guidelines set forth in the TRPA 208 Handbook of Best Management Practices.

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

18. All construction shall be accomplished in strict compliance with the plan approved by TRPA.

19. The TRPA permit and the final construction drawings bearing the TRPA stamp of approval shall be present on the construction site from the time construction commences to final TRPA site inspection. The permit and plans shall be available for inspection upon request by any TRPA employee. Failure to present the TRPA permit and approved plans may result in construction on the site being stopped.
Bambridge/Fleming, Appeal of High Risk Rating With Regard to the 1981 Case by Case Lot Review Criteria, APN 126-082-44, TRPA File #81912

Applicant: Robert Bambridge/Alan Fleming (Western Dynamics)

Project Description: The applicant seeks approval to construct a two story single family dwelling with a garage below.

Project Location: Lot 60, Tyrolian Village Unit #7, 1125 Lucerne Way.

Site Description: The subject parcel slopes uphill from Lucerne Way. There is a cut bank which is approximately 6 to 8 feet in height and is stabilized with gunnite. The parcel then slopes up hill at close to 30%. The soil in this area is rocky in nature. The vegetation on site is primarily healthy understory with few trees.

Review Per Section: Section 12.20 of TRPA Ordinance 81-5. Article VI(b) of the Compact.

Land Use District: Low Density Residential

Land Capability Classification: Level 3, Ume Soil Type

Land Coverage:

Total lot size: 1,200 sq. ft. (30ft x 40ft building envelop)
Allowable Coverage: 1,200 sq. ft.
Proposed Coverage: 1,020 sq. ft.

Building Height: Allowable: 35 ft. + 14 ft. cross slope allowance
Proposed: 31 ft.

Project History: The application was received in August of 1982. A field check was conducted by Agency staff in September. A letter was written to the applicant on September 21, 1982 which states that the parcel was rated as a High Risk with regard to land stability due to a large cut slope adjacent to the building site. This preliminary decision was appealed to Philip Overeynder, Executive Director. He concurred with the staff determination.

Impact Analysis and Mitigation Measures: The Case by Case Lot Review Criteria have been applied to the subject parcel. Because of the 6 to 8 foot cut bank, and slope across the building site of approximately 30%, the parcel is considered a High Risk in at least one of the four criteria:

Proximity to a Stream or Wetland: Low Risk. The parcel is away from direct area of influence of a stream environment zone.

4/4/83 NS;sf AGENDA ITEM VIII.
Runoff Potential: Moderate to High Risk. The soil in the area is rocky in nature; this coupled with the 29% slope may cause infiltration difficulties. Additional information would be required to properly assess the runoff potential.

Land Stability: High Risk. The case by case lot review criteria defines a High Risk with regard to land stability as follows:

High Risk (Class I)

These areas include over-steepened slopes between 30-60% on the construction site, contain some spring and seep areas with the potential for land instability, and contain some lots with steep road cuts or fills causing access difficulties for either driveways or utilities. Conformance with local requirements for on-site parking and setback standards or construction of utilities would require excessive excavation.

A High Risk rating in any one of the four criteria precludes an application from further case by case review. Agency staff finds that a 6 to 8 foot road cut slope and a slope across the building site of close to 30% would result in excessive excavation (a cut of up to 13 feet at the back of the garage), and causes access difficulties as described in the criteria. A cut of this height requires a retaining wall with supporting footings. Construction of these footings requires substantial excavation and backfill. The area of disturbance is therefore much greater than is reflected on the plans. Additionally, the drainage system is designed so that roof drainage is discharged into this unconsolidated backfill. This design would not function efficiently, and the runoff would eventually discharge at a street level. Cuts such as this cause stability problems as well as potential interference with ground water flows. Such a cut is necessary due to the subdivision requirement that this parcel provide its own off-street parking place.

Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

<table>
<thead>
<tr>
<th>Applicable Elements</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nevada Side Land Use Ordinance</td>
<td>Consistent</td>
</tr>
<tr>
<td>Nevada Side General Plan and Sub-Elements</td>
<td>Consistent</td>
</tr>
<tr>
<td>TRPA 208 Water Quality Plan</td>
<td>Inconsistent*</td>
</tr>
<tr>
<td>Nevada Division of Environmental Protection</td>
<td>Consistent</td>
</tr>
<tr>
<td>Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

AGENDA ITEM VIII.
*This project is not consistent with the 208 Water Quality Plan unless the Governing Board finds that the project fits within the parameters of the Lot Review Criteria for land stability and runoff potential.

Project Analysis and Issues for Discussion: Agency staff finds that the impacts resulting from the proposed project are excessive and are not minimized to an acceptable level. The project does not fit within the parameters of the case by case lot review criteria.

The proposal without a garage, thereby reducing excavation, does not meet the off street parking requirements of the subdivision.

The project, if approved, would be subject to a mitigation fee of $2,016.
- Why not measure for 6 ppm
- Transit mall in all RLD, should be considered
- WHY does Act 3 have fewer than Act 2 – How does this work?

- External/Internal trips - User Research - How valid?
- What is Harcourt - Who are we targeting to use system
- Assumptions on nitrogen deposition
  - Need to see assumptions - Meteorological / etc / etc.
- Funding
  - Socio-economic impacts
  - Restrictive Impact/Proactive Impact
- 6 ppm - How do we show attainment - What is documentation for
  - State 6 ppm Std.

- Wastewater economic impact by sub-area
  - 1300 lots lost due to? lost revenue $74M to Wastewater
  - 900 TDR lots lost? lost revenue +$25m to TGCID
  - $152M lost revenue

- ferry system
- Weather reliable NY

Andy
- Clarify what kinds of projects will have specific environmental impacts which would need to be addressed in PhR study review (e.g. dock facilities for spill prevention)
POOR QUALITY ORIGINAL (S) TO FOLLOW
AN ACT relating to agreements between states; limiting the effect of plans and related measures adopted thereunder; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. The provisions of sections 2 to 6, inclusive, of this act apply to any change in a regional plan or in an ordinance, regulation or rule adopted after September 1, 1980, to effectuate a regional plan if:

1. The change affects the development of land; and
2. The plan, ordinance, regulation or rule is adopted pursuant to an interstate compact or a cooperative agreement between this state or one of its public agencies with another state or one of its public agencies.

Sec. 3. As used in sections 2 to 6, inclusive, of this act, land has been "fully improved for the construction of single-family dwellings" when:

1. Activities pertaining to its development have been completed pursuant to the issuance of necessary permits and compliance with conditions of approval from public agencies which have jurisdiction over those activities in relation to that land; and
2. All streets and utilities required by public agencies have been completed.
Sec. 4. A change in a regional plan or in an ordinance, regulation or rule which becomes effective after a final map or parcel map has been filed pursuant to the provisions of chapter 278 of NRS, or after a parcel is otherwise lawfully created, is not effective as to land which has been fully improved for the construction of single-family dwellings.

Sec. 5. 1. Any person who owns land which has been fully improved for the construction of a single-family dwelling, is entitled to construct a single-family dwelling on that land pursuant to the regional plan and any applicable ordinances, regulations and rules that were in effect on September 1, 1980.

2. Construction of a single-family dwelling pursuant to the provisions of this section is subject to reasonable conditions imposed by local governmental agencies of this state.

Sec. 6. 1. The provisions of sections 2 to 6, inclusive, of this act do not provide an aggrieved person with a cause of action for damages against the state or any of its public agencies, but do provide a cause of action for affirmative relief.

2. Sovereign immunity is not waived by any provision of sections 2 to 6, inclusive, of this act on behalf of the state or any of its public agencies.

Sec. 7. This act shall become effective upon passage and approval.
AIR QUALITY
- Connection between air quality / transportation
- Two issues
  - Carbon monoxide & smoke factors
  - Road dust
- Evaluate large trans. plan - Nitrate reduction → driving force for plan
- Are nitrates from air impacting cause?
- Response - timing - phase more intensive transit elements - review nitrogen data before
- Full service airport
  - Scale of airport operations
    - Highway 50 - outside of basin - need to look at improvements
    - For internal trips
    - Light rail system - look at something less than Cadillac
    - Ferries - docking systems - what are impacts
  - Any conflicts with Con G. for airport & full service airport
- Documentation for displacing transit reductions in UMT
- Separate strategies for transit
  - Traffic congestion
  - UMT reduction
- Transit strategies - need strategies to reduce dependence on auto for people entering basin
- Recreation - how will added trips be offset - context is important?
- Sources of funds / route mile goals / thresholds - needed
APC

ECONOMIC EFFECT
- COST OF IMPLEMENTATION

EARL W. THOMAS

- WOODSMOKE
  - CAN'T - 80% OF PARTICLES UNIDENTIFIED
  - FURTHER RESEARCH NEEDED
  - CONTROLS ON RQS. WOODSMOKE SHOULD PROCEED WITH CONT'D EVAL
  - MORE EMPHASIS ON RETROFIT/INSULATION AS ACT. STRATEGY
  - CONSERVATION MEASURES SHOULD BE CONSIDERED

APC DISCUSSION

LED
- BACKUP INFO. - SUPPORTING DATA NEEDED
- REFER
- TECH APPENDICES SHOULD BE PROVIDED IN SOME AREAS

RANDOLPH
- NEED SUPPORT OR ANALYSIS ON 6 RPM ATTAINMENT

KORTING
- AS REG 2 PLAN EIS
- NEED NOTE ON ECON

STAPEL
- WATERSHED ASSOC.
- TECH. BACK-UP NEEDED

HARSCHE
- TRANSPORTATION ELEMENT - MORE DETAILS - E.G. WHAT DOES 400 ROAD COMPLIANCE
- POOL
  - KIRES CONCEPT PLAN
  - ECON. ANALYSIS

MACMICHAEL
-
MEMORANDUM

April 6, 1983

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Draft Environmental Impact Statement
Lake Parkway (Loop Road) Completion

The draft EIS for the Lake Parkway (Loop Road) Completion will be distributed to the APC at the meeting on April 13, 1983. The determination of technical adequacy will be scheduled for May 11. Comments and responses should be received by May 14.

DKM:md

APC Agenda Item IX A. 1.
Coverage Problems

- "Over-covered" - Watersheds - Nevada
  - Need more explanation of what is being protected
  - Analysis is deficient - where does water go? what is fate?
  - Question watershed association use

- Coverage Max
  - P.C.2 - Larger costs should get either/or $20-$200 - etc.

- Piers & Shorezone
  - Piers
    - Phillips/Brandt/Reddick: Study - not conclusive
    - Blanket piers does not work - need CAC for piers

- SEZ's
  - Don't use piers
  - Upgrade some man-modified areas

- 1/4
  - Disagree with recreation set aside for recr.

- Ways & Means
  - SEZ is #taker

LED Report - SCD
- M.R. depend

- Need to know
  - Defn of disturbed areas (SEZ's)
  - Where are these areas located

- Best Procedures are incentives - cooperative approaches
  - Concerned about restrictive application of BMP's - will not be regulatory

- Will Bailey system work to protect lake - what is evidence that these will reduce nutrients

- Incentives for redevelopment needed
MEMORANDUM

April 7, 1983

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Third Street and South Avenue Extensions and Improvements

The draft EIS for Third Street and South Avenue Extensions and Improvements will be distributed to the APC on April 13, 1983. Comments and responses should be received by May 29.

APC Agenda Item IX A. 2.
Peter Perry
- Landowner @ Incline Village
- 195 Unit Zoning - Reduced Density to 99 units
- Denied Tentative Map - 4yo PDC, Due to Water/Sewer
  - Y2K
  - 1 - 4,000 ft² home ➔ Reduced to 1 SFD from 195 units
- No Further Subdivisions - Except within Existing Urban Areas
- TIDR - How would this work for large properties
  - Could TIDR have tax benefits - Paid as fee so its tax deduction
  - Delete provision tying new subdivisions to acquisition of funding

Larry Huffman
- Statutory Role of APC
  - Review & Recommending Plan
  - Tech Adequacy of EIS
- Problems
  - More land needed in EIS before decision making
  - Single Family Lots
  - Approved Subdivisions
  - Baseline - Const. in High HAZ. Lands is Prohibited
  - Valuation Problem - Acquisition Systems Won't Work with Prohibitions (Absolute)

> Need specific on lot counts by jurisdiction/service area
  - "Good Hard Core" - 12, SEZ's
- Case-by-case

Alt. 2?
- Isn't discussed in EIS - Needs to be addressed
- C & C: Limits on # Number - Not in EIS: Limits Tight
- Prohibitions Works in Appendix
- Limit on permits

Building Limits: Annual Limits - Market Pace should work
- Not Necessary
- Lid only on 12/15
- Need analysis of higher rates of growth
- Does it really tie to erosion control
<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>EIS INFORMATION</th>
<th>CASE-BY-CASE REPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(EIS, pp. 171-183)</td>
<td>(TRPA, January 1983)</td>
</tr>
<tr>
<td></td>
<td>Existing # Low Priority</td>
<td>**High Hazard</td>
</tr>
<tr>
<td></td>
<td>WSA</td>
<td>Total Vacant Lots</td>
</tr>
<tr>
<td></td>
<td>Lots</td>
<td>(1-3) SEZ</td>
</tr>
<tr>
<td></td>
<td>ALT 3-- Remaining Lots</td>
<td>Total 1-3</td>
</tr>
<tr>
<td></td>
<td>Difference Removed</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CALIFORNIA:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Placer County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>43</td>
<td>3,790</td>
</tr>
<tr>
<td>1</td>
<td>1,508</td>
<td>934</td>
</tr>
<tr>
<td>2</td>
<td>954</td>
<td>275</td>
</tr>
<tr>
<td>3</td>
<td>907</td>
<td>1,209 (32%)</td>
</tr>
<tr>
<td>*11</td>
<td>277</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>261</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3,689</td>
<td></td>
</tr>
<tr>
<td></td>
<td>815</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2,873</td>
<td></td>
</tr>
<tr>
<td>City of South Lake Tahoe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>9,414</td>
<td>3,660</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
<td>325</td>
</tr>
<tr>
<td>El Dorado County:</td>
<td></td>
<td>1,086 (30%)</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
<td>761</td>
</tr>
<tr>
<td>10</td>
<td>524</td>
<td>1,183 (40%)</td>
</tr>
<tr>
<td>*11</td>
<td>645</td>
<td></td>
</tr>
<tr>
<td></td>
<td>36</td>
<td></td>
</tr>
<tr>
<td></td>
<td>610</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,584</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2,783</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7,802</td>
<td></td>
</tr>
<tr>
<td>TOTAL CALIFORNIA:</td>
<td>14,273</td>
<td>14,611</td>
</tr>
<tr>
<td></td>
<td>3,598</td>
<td>3,346</td>
</tr>
<tr>
<td></td>
<td>10,675</td>
<td>2,219</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5,565 (38%)</td>
</tr>
<tr>
<td>NEVADA:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washoe County:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>3,343</td>
<td>2,352</td>
</tr>
<tr>
<td>Carson City:</td>
<td></td>
<td>702</td>
</tr>
<tr>
<td>Douglas County:</td>
<td></td>
<td>410</td>
</tr>
<tr>
<td>5</td>
<td>--</td>
<td>1,112 (47%)</td>
</tr>
<tr>
<td>5</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>6</td>
<td>130</td>
<td>959</td>
</tr>
<tr>
<td>7</td>
<td>575</td>
<td>698</td>
</tr>
<tr>
<td></td>
<td>392</td>
<td>102</td>
</tr>
<tr>
<td></td>
<td>526</td>
<td>800 (83%)</td>
</tr>
<tr>
<td></td>
<td>1,097</td>
<td></td>
</tr>
<tr>
<td></td>
<td>898</td>
<td></td>
</tr>
<tr>
<td></td>
<td>199</td>
<td></td>
</tr>
<tr>
<td>TOTAL NEVADA:</td>
<td>4,440</td>
<td>3,311</td>
</tr>
<tr>
<td></td>
<td>2,361</td>
<td>1,400</td>
</tr>
<tr>
<td></td>
<td>2,079</td>
<td>512</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,912 (58%)</td>
</tr>
<tr>
<td>TOTAL BASIN:</td>
<td>18,713</td>
<td>17,922</td>
</tr>
<tr>
<td></td>
<td>5,959</td>
<td>4,746</td>
</tr>
<tr>
<td></td>
<td>12,754</td>
<td>2,731</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7,477 (42%)</td>
</tr>
</tbody>
</table>

Notes:
*WSA 11 Split 30% Placer County and 70% El Dorado County.
**High Hazard includes Classes 1 through 3, but not approximately 400 building pads in PUDs in Washoe and Douglas Counties.
<table>
<thead>
<tr>
<th>PLAN AREA</th>
<th>#</th>
<th>START REC</th>
<th>New Res</th>
<th>New Com</th>
<th>New Tour</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tahoe City</td>
<td>001</td>
<td>CPSEC</td>
<td></td>
<td></td>
<td>6</td>
<td>Redvelop</td>
</tr>
<tr>
<td>Fairway Tr.</td>
<td>002</td>
<td>RS36</td>
<td>36</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Truckee</td>
<td>003</td>
<td>RC0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burton Creek</td>
<td>004</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rocky Ridge</td>
<td>005</td>
<td>RS4</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish Hatchery</td>
<td>006</td>
<td>RC3</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N. Forest Glen</td>
<td>007</td>
<td>RS7</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lake Forest</td>
<td>008</td>
<td>RS19</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dollar Hill</td>
<td>009</td>
<td>CA55</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dollar Point</td>
<td>010</td>
<td>RS127</td>
<td>127</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highlands</td>
<td>011</td>
<td>RS43</td>
<td>43</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.T. High Sch.</td>
<td>012</td>
<td>RC2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watson Ck.</td>
<td>013</td>
<td>C11</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cedar Flat</td>
<td>014</td>
<td>RS208</td>
<td>208</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. Star</td>
<td>015</td>
<td>RC0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carnelian Woods</td>
<td>016</td>
<td>RS157</td>
<td>157</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carnelian Bay</td>
<td>017</td>
<td>TIC</td>
<td>1</td>
<td></td>
<td></td>
<td>Redvelop</td>
</tr>
<tr>
<td>Flick Point</td>
<td>018</td>
<td>RS111</td>
<td>111</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Martin Peak</td>
<td>019</td>
<td>C21</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kingswood West</td>
<td>020</td>
<td>RS149</td>
<td>149</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe Estates</td>
<td>021</td>
<td>RS76</td>
<td>76</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tah. Vista Com.</td>
<td>022</td>
<td>T4C</td>
<td></td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Tah. Vista Subdiv.</td>
<td>023</td>
<td>RS63</td>
<td>63</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NTPUD Rec Area</td>
<td>024</td>
<td>RC104</td>
<td>104</td>
<td></td>
<td></td>
<td>Redvelop</td>
</tr>
<tr>
<td>Kingswood East</td>
<td>025</td>
<td>RS223</td>
<td>223</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kings Beach Indust.</td>
<td>026</td>
<td>CP53</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodvue</td>
<td>027</td>
<td>RS74</td>
<td>74</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLAN AREA</td>
<td>#</td>
<td>STAFF RES.</td>
<td>New Res.</td>
<td>New Com</td>
<td>New Tour</td>
<td>Notes</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----</td>
<td>------------</td>
<td>----------</td>
<td>---------</td>
<td>----------</td>
<td>--------------</td>
</tr>
<tr>
<td>Kings Beach-Res.</td>
<td>028</td>
<td>RS505</td>
<td>806</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Kings Beach-Com.</td>
<td>029</td>
<td>CRS605</td>
<td></td>
<td>6</td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Brockway</td>
<td>031</td>
<td>RS128</td>
<td>128</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chamber Lk.</td>
<td>156</td>
<td>RS555</td>
<td>255</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homewood/Tah Ski</td>
<td>157</td>
<td>RC6</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>McKinney Tr.</td>
<td>158</td>
<td>RS529</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homewood-Com.</td>
<td>159</td>
<td>T4c</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homewood-Res</td>
<td>160</td>
<td>RS27</td>
<td>27</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe Pines</td>
<td>161</td>
<td>RS128</td>
<td>128</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackwood</td>
<td>162</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Ward Valley</td>
<td>163</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sunnyside/Shiyok</td>
<td>164</td>
<td>RS42</td>
<td>42</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Timberland</td>
<td>165</td>
<td>RS21</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Ward Valley</td>
<td>166</td>
<td>RC0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alpine Peaks</td>
<td>167</td>
<td>RS125</td>
<td>125</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Talbot</td>
<td>168</td>
<td>RS209</td>
<td>209</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sunnyside</td>
<td>169</td>
<td>T3c</td>
<td></td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sunnyside/Pine</td>
<td>170</td>
<td>RS112</td>
<td>112</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tawnee Heights</td>
<td>171</td>
<td>RS89</td>
<td>89</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe Woodie</td>
<td>172</td>
<td>RS74</td>
<td>74</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Granlibakken</td>
<td>173</td>
<td>T30T</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>64 Here Tract</td>
<td>174</td>
<td>RC100</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoma, Com</td>
<td>155</td>
<td>T2c</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Placer County Totals: 3692 30 30
<table>
<thead>
<tr>
<th>PLAN AREA</th>
<th>#</th>
<th>STAFF RES.</th>
<th>NEW Res.</th>
<th>NEW Comm.</th>
<th>NEW Tour.</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. State Casing Core</td>
<td>032</td>
<td>1740</td>
<td></td>
<td></td>
<td>140</td>
<td></td>
</tr>
<tr>
<td>Stateline Point</td>
<td>033</td>
<td>R55</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crystal Bay</td>
<td>034</td>
<td>R50</td>
<td></td>
<td></td>
<td>401</td>
<td></td>
</tr>
<tr>
<td>Crystal Bay (condo)</td>
<td>035</td>
<td>R521</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I.V. Unit #4/Pond.</td>
<td>036</td>
<td>R540</td>
<td>401</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lakeview</td>
<td>037</td>
<td>R588</td>
<td>88</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wood Creek</td>
<td>038</td>
<td>R549</td>
<td>49</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I.V. Unit #2</td>
<td>039</td>
<td>R5185</td>
<td>185</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I.V. Unit #1</td>
<td>040</td>
<td>R5103</td>
<td>103</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I.V. Unit #3</td>
<td>041</td>
<td>R5129</td>
<td>129</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I.V. Unit #5</td>
<td>042</td>
<td>R534</td>
<td>34</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chateau/Country</td>
<td>043</td>
<td>R574</td>
<td>74</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairway</td>
<td>044</td>
<td>R5328</td>
<td>328</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In V11 - Commer.</td>
<td>045</td>
<td>CP512</td>
<td>12</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In V11 - Res</td>
<td>046</td>
<td>R5269</td>
<td>269</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tunnel Creek</td>
<td>047</td>
<td>C0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In V11 - Village (Tourist)</td>
<td>048</td>
<td>T50</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mill Creek</td>
<td>049</td>
<td>R547</td>
<td>47</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mt. Shadows</td>
<td>050</td>
<td>R597</td>
<td>97</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tyrolian Village</td>
<td>051</td>
<td>R5185+</td>
<td></td>
<td>185</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incline Ski</td>
<td>052</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incline Lake</td>
<td>053</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incl. Village Inclus.</td>
<td>054</td>
<td>CP52</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mount Rose</td>
<td>030</td>
<td>C0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total: 1880 325**
<table>
<thead>
<tr>
<th>PLAN AREA</th>
<th>#</th>
<th>STAFF</th>
<th>REC</th>
<th>NEW RES</th>
<th>NEW COM</th>
<th>NEW TOUR</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Shore</td>
<td>055</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MacLette Lake</td>
<td>056</td>
<td>C0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLAN AREA</td>
<td>#</td>
<td>STAF REC</td>
<td>NEW Res.</td>
<td>New</td>
<td>New</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>------</td>
<td>----------</td>
<td>----------</td>
<td>-----</td>
<td>-----</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>Spencer Lk</td>
<td>057</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenbrook</td>
<td>058</td>
<td>RS93</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shakespeare Point</td>
<td>059</td>
<td>RS11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Genoa Peak</td>
<td>060</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Logan Creek</td>
<td>061</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cave Rock</td>
<td>062</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lincoln</td>
<td>063</td>
<td>RS85</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leatheridge</td>
<td>064</td>
<td>RS2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skyland</td>
<td>065</td>
<td>RS35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zephyr Cove</td>
<td>066</td>
<td>RC0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marina Bay/Zephyr Cove</td>
<td>067</td>
<td>RS9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Round Mountain</td>
<td>068</td>
<td>RC0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elk's Point</td>
<td>069</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rabe/Edgewood</td>
<td>070</td>
<td>RC0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roundhill-Com</td>
<td>071</td>
<td>CP51c</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roundhill/Tahoe 072</td>
<td>R5306</td>
<td>306</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lake Village</td>
<td>073</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Round Hill-Paizid</td>
<td>074</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OCS1D</td>
<td>075</td>
<td>CP50c</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kingsbury Com</td>
<td>076</td>
<td>CP567</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oliver Park</td>
<td>077</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle Kingsbury</td>
<td>078</td>
<td>RS21</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chimney Rock</td>
<td>079</td>
<td>RS16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kingsbury Drainage</td>
<td>080</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kingsbury Village</td>
<td>081</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Kingsbury</td>
<td>082</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kingsbury HTs</td>
<td>083</td>
<td>RS0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLAN AREA</td>
<td>#</td>
<td>STAFF REC</td>
<td>NEW Res</td>
<td>New Com</td>
<td>New Tour</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>----</td>
<td>-----------</td>
<td>---------</td>
<td>---------</td>
<td>----------</td>
<td>---------------------------</td>
<td></td>
</tr>
<tr>
<td>Palisades</td>
<td>084</td>
<td>RS6</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavenly, Nev</td>
<td>056</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe Village</td>
<td>088</td>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. State Line</td>
<td>089</td>
<td>T500/7k</td>
<td></td>
<td></td>
<td></td>
<td>500 (stake line to divided between SLT &amp; Douglas)</td>
<td></td>
</tr>
</tbody>
</table>

Douglas Co. Totals: 507 x 1 567 306 @ Roundhill Agr
<table>
<thead>
<tr>
<th>PLAN AREA</th>
<th>#</th>
<th>STAMP REC</th>
<th>NEW Res.</th>
<th>NEW Com</th>
<th>New Tour</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>So. Stateline Core</td>
<td>089</td>
<td>T500/12</td>
<td>7</td>
<td></td>
<td></td>
<td>Redevelop - Plan Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(with Ski + Douglas Co)</td>
</tr>
<tr>
<td>Tahoe Meadows</td>
<td>090</td>
<td>RC19</td>
<td>19</td>
<td></td>
<td></td>
<td>Redevelop, Relocate</td>
</tr>
<tr>
<td>Ski Run</td>
<td>091</td>
<td>T7c</td>
<td>7</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Pioneer/Ski Run</td>
<td>092</td>
<td>RS658</td>
<td>659</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Bijou</td>
<td>093</td>
<td>RS63</td>
<td>63</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenwood</td>
<td>094</td>
<td>RS155</td>
<td>155</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trout/Cold Creek</td>
<td>095</td>
<td>C31</td>
<td>31</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pioneer Village</td>
<td>096</td>
<td>RS2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bijou Pines</td>
<td>097</td>
<td>RS35</td>
<td>35</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bijou/Ah Tahoe</td>
<td>098</td>
<td>CPS6c</td>
<td>6</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Ah Tahoe - Res</td>
<td>099</td>
<td>RS256</td>
<td>756</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Truckee Marsh</td>
<td>100</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bijou Meadow</td>
<td>101</td>
<td>RO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe Keys</td>
<td>102</td>
<td>RS565</td>
<td>565</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sierra Tract-Com</td>
<td>103</td>
<td>CPS6c</td>
<td>6</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Highland Woods</td>
<td>104</td>
<td>RS238</td>
<td>238</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Sierra Tract-Res.</td>
<td>105</td>
<td>RS763</td>
<td>763</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Winnemucca</td>
<td>108</td>
<td>RS27</td>
<td>27</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe Valley Campgrd</td>
<td>109</td>
<td>RSd</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>So. WVE</td>
<td>110</td>
<td>CPS25</td>
<td>25</td>
<td></td>
<td></td>
<td>Redevelop</td>
</tr>
<tr>
<td>Tahoe Island</td>
<td>111</td>
<td>RS318</td>
<td>318</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gardiner Mtn</td>
<td>112</td>
<td>RS261</td>
<td>261</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Tract</td>
<td>113</td>
<td>CPS6c</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bonanza</td>
<td>114</td>
<td>RS49</td>
<td>149</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laheview Hts</td>
<td>085</td>
<td>RS199</td>
<td></td>
<td></td>
<td></td>
<td>199 Heavenly Hilton</td>
</tr>
<tr>
<td>So. Lake Tahoe Totals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4030 52 199</td>
</tr>
<tr>
<td>PLAN AREA</td>
<td>#</td>
<td>STAFF REC</td>
<td>NEW Res.</td>
<td>NEW Com</td>
<td>NEW Tour</td>
<td>Notes</td>
</tr>
<tr>
<td>-------------------</td>
<td>----</td>
<td>-----------</td>
<td>----------</td>
<td>---------</td>
<td>----------</td>
<td>-------</td>
</tr>
<tr>
<td>Heavenly Creek</td>
<td>087</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montecito Estates</td>
<td>106</td>
<td>RSS47</td>
<td>742</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black Bear</td>
<td>107</td>
<td>RS71</td>
<td>71</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cascade Prop.</td>
<td>175</td>
<td>RS13</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golden Bear</td>
<td>115</td>
<td>RS216</td>
<td>216</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>116</td>
<td>CP36c</td>
<td></td>
<td></td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>T.P. Washtoean</td>
<td>117</td>
<td>RS623</td>
<td>623</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twin Peaks</td>
<td>118</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Co. Club Meadow</td>
<td>119</td>
<td>RC51</td>
<td>31</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T.P. Meadow Vale</td>
<td>120</td>
<td>RS565</td>
<td>565</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freez Peak</td>
<td>121</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T.P. Mandan</td>
<td>122</td>
<td>RS755</td>
<td>755</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meyers Forest</td>
<td>123</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meyers - Resid</td>
<td>124</td>
<td>RS3</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meyers - Com.</td>
<td>125</td>
<td>CP36c</td>
<td></td>
<td></td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Page Beach</td>
<td>126</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camp Richardson</td>
<td>127</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baldwin</td>
<td>128</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fallen Leaf No.</td>
<td>129</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anagoa Ridge</td>
<td>130</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anagoa Highlands</td>
<td>131</td>
<td>RS170</td>
<td>170</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mountain View</td>
<td>132</td>
<td>RS4/4</td>
<td>4/4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T.P. Upper Truckee</td>
<td>133</td>
<td>RS681</td>
<td>681</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Echo View</td>
<td>134</td>
<td>RS15</td>
<td>15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T.P. Chirapa</td>
<td>135</td>
<td>RS11</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KOA / Rainbow</td>
<td>136</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLAN AREA</td>
<td>#</td>
<td>SPPF</td>
<td>REC</td>
<td>NOW Res.</td>
<td>New Com</td>
<td>New Tour</td>
</tr>
<tr>
<td>------------------</td>
<td>----</td>
<td>------</td>
<td>------</td>
<td>----------</td>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td>Christmas Valley</td>
<td>137</td>
<td>RS526</td>
<td>286</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T.P. Nahane</td>
<td>138</td>
<td>RS138</td>
<td>138</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meyers Grade</td>
<td>139</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Echo Summit</td>
<td>140</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Luther Pass</td>
<td>141</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Echo Lake</td>
<td>142</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Desolation</td>
<td>143</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pal. Leaf - Fs. Trail</td>
<td>144</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>So. Fallen Leaf</td>
<td>145</td>
<td>RCO</td>
<td>17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emerald Bay</td>
<td>146</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gold Coast</td>
<td>147</td>
<td>RS6</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeks Creek</td>
<td>148</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rubicon</td>
<td>149</td>
<td>RS96</td>
<td>96</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeks Bay</td>
<td>150</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenridge</td>
<td>151</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>McKinney Lake</td>
<td>152</td>
<td>CO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sugar Pine Point</td>
<td>153</td>
<td>RCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoma - Resid</td>
<td>154</td>
<td>RS616</td>
<td>616</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoma - Cmn.</td>
<td>155</td>
<td>T2c</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

El Dorado County Total: 5274 13
Littoral Lake Tahoe

As discussed previously Lake Tahoe has been divided into the pelagic or open waters and the littoral or nearshore waters. The littoral waters have been further divided into several zones. The methods used to delineate littoral zones and the location of these zones, the water quality of the littoral waters, and the relationships between pelagic and littoral waters are discussed in this section.

Component Definition. Most observers of Lake Tahoe see the zone of shallow water which interacts with the shoreline and the bottom. Surface water discharges from tributaries, concentrated stormwater runoff, dispersed overland runoff, and groundwater enter the lake through the narrow band of water near the shoreline. Since the inflow of water and biostimulatory substances occurs in this zone, it is the most probable area in which changes in water quality or biological activity in the lake would be observed. Since any response of the pelagic waters of Lake Tahoe are the result of many independent activities, the littoral zones are also the most probable areas in which relative contributions of various watersheds can be observed. Watershed activities which could alter the quality of the lake will affect the littoral zone near the watershed earlier and to a greater extent than they will the open lake.

The littoral or nearshore zone of Lake Tahoe is distinguished from the pelagic zone by the 100m depth contour. All water less than 100m deep is considered to be part of the littoral zone. The littoral zone of Lake Tahoe represents approximately 20 percent of the surface area of the lake (Goldman, 1974). The following criteria were used to separate adjacent nearshore zones from one another:

2. Subsurface topography, including canyons and ridges.
3. Circulation patterns indicated by analysis of bottom sediments.
4. Preliminary information on the geologic origin of sediments along the shoreline (Osborne, personal communication).

As shown on Figure 4-18, the littoral zone of Lake Tahoe was divided into eleven distinct zones based on these criteria. Table 4-16 shows the major tributaries discharging into each littoral zone.
<table>
<thead>
<tr>
<th>Littoral zone</th>
<th>Major tributaries discharging to zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. McKinney Bay/Tahoe City</td>
<td>Homewood, Madden, Blackwood, Ward, and Burton Creeks</td>
</tr>
<tr>
<td>2. Carnelian Bay</td>
<td>Dollar, Watson, and Carnelian Canyon Creeks</td>
</tr>
<tr>
<td>3. Agate Bay</td>
<td>Snow and Griff Creeks</td>
</tr>
<tr>
<td>4. Crystal Bay</td>
<td>First, Second and Wood Creeks</td>
</tr>
<tr>
<td>5. Incline Village/East Shore</td>
<td>Third, Incline, Mill, Tunnel, Marlette, Secret Harbor, Bliss, Slaughterhouse and Glenbrook Creeks</td>
</tr>
<tr>
<td>6. Fast Shore/Cave Rock</td>
<td>North Logan House, Logan House, Lincoln, North Zephyr and Zephyr Creeks</td>
</tr>
<tr>
<td>7. Zephyr Point to Stateline</td>
<td>McPaul, Burke, and Edgewood Creeks</td>
</tr>
<tr>
<td>8. South Shore</td>
<td>Bijou, Trout, Heavenly Valley, Cold, Saxon Creeks, Upper Truckee River, Taylor and Tallac Creeks</td>
</tr>
<tr>
<td>9. Emerald Bay/West Shore</td>
<td>Cascade and Eagle Creeks</td>
</tr>
<tr>
<td>10. Rubicon/Meeks Bay</td>
<td>Rubicon, Lonely Gulch, Meeks and General Creeks</td>
</tr>
<tr>
<td>11. Chambers Lodge/Tahoma</td>
<td>McKinney and Quail Creeks</td>
</tr>
</tbody>
</table>

**Data Sources.** There have been several water quality related studies of the littoral waters of Lake Tahoe. Most of the long-term data have been collected by the Joint Studies Group. A limited amount of data have been collected by a number of other investigators. These studies are summarized in this section.

1. **Joint Studies Group.** The Joint Water Quality Investigation of Lake Tahoe began in 1965 and ended in 1975. The monitoring program was designed to collect
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION NO. 83 -

WHEREAS Lois Shellhammer was appointed on March 26, 1981, to the
Advisory Planning Commission of the Tahoe Regional Planning Agency to serve as
a lay member to said Commission representing the citizens of California; and

WHEREAS said appointment was made in recognition of Lois's concern
for, knowledge of, and long-standing desire to protect the unique qualities and
resources of the Lake Tahoe Basin; and

WHEREAS Lois has attentively and enthusiastically worked to improve,
protect and enhance the quality of Tahoe's water, air, land, recreation, and
wildlife, and to ensure that the Tahoe of the future would retain the
irreplaceable and unique environmental and ecological values for which the
Region has become so famous; and

WHEREAS of particular note has been the valuable role played by the
APC in preparation and final adoption of Environmental Threshold Carrying
Capacities for the Lake Tahoe Basin as called for in Public Law 96-551; and

WHEREAS the APC with Lois's help has taken on the task and fulfilled
the valuable function of reviewing, analyzing and transmitting recommendations
on all important planning matters to the Governing Body of the Tahoe Regional
Planning Agency; and

WHEREAS Lois's dedication to, and knowledge of the resources of the
Region will be missed;

NOW, THEREFORE, BE IT RESOLVED that the Advisory Planning
Commission of the Tahoe Regional Planning Agency hereby expresses its sincere thanks to
Lois for her service to the Agency and for her efforts on behalf of the citizens
of the State of California.

PASSED and ADOPTED by unanimous vote of the Advisory Planning
Commission on the fourteenth day of April, nineteen hundred and eighty-three.

Chairman
- EQUITABLE COMPENSATION
  - FAIR MARKET VALUE NOT BEING OFFERED BY FOREST SERVICE
- NEW PERS IN PRIME FISH HABITAT
  - HOW WILL REDUCTION IN PERS BE ACCOMPLISHED
- TAKES
  - PROPERTY OWNERS WILL PAY
- BMP'S
  - APPLIED TO ALL NEW DEVELOPMENT
  - HOW WILL THEY BE ENFORCED?
- COMMUNITY BENEFITS
  - WHO WILL DO IT?
- TRANS. SYSTEM
  - $4720
- MONEY
  - $472 - NEED MORE SPECIFIC DETAILS ON HOW TO FUND
  - NEED PUBLIC SUPPORT - UNDERSTAND
- SOCIO-ECONOMIC IMPACT ANALYSIS
  - INSUFFICIENT - NEED MORE INFO. BEFORE TAKING FUNDING
  - PROVIDE FLEXIBILITY IN ADMIN. PLAN

MINE VV
- QUALITY ISSUE - NOT QUANTITY
- TRANSPORTATION ISSUE

JOHN GALLANTE
- MANDATE FROM CASINO INDUSTRY - GIVE INPUT (CONSTRUCTIVE) TO
  FOCUS ON CONSTRUCTIVE
- 10% VMT REDUCTION
- SEE HANDOUT

SHIRLEY ALLEN
- CONTINUED DEGRADATION IN NEAR-TERM REGARDLESS OF WHICH ALTERNATIVES
- AGENCY MUST CONSIDER CUMULATIVE IMPACT OF "GRANDFATHERED" CASES
  (i.e. I-80/LAG/ROCKWAY/SETTS)
- PLEX TO HOLD OFF ON TAKES UNTIL FUNDING IN PLACE
- NEED SURVEYS ON ACCEPTANCE OF PUBLIC TRANSIT/USER FEES
- RESTORING LAND TO NATURAL STATE - SUCCESS OF REVENUE QUESTIONABLE
## MODE SPLIT ANALYSIS SUMMARY

### EIS ALTERNATIVES

<table>
<thead>
<tr>
<th>PERSON-TRIPS/DAY</th>
<th>1981</th>
<th>Baseline</th>
<th>#1</th>
<th>#2</th>
<th>#3</th>
</tr>
</thead>
<tbody>
<tr>
<td>External-Internal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Bus</td>
<td>&lt; 1,000</td>
<td>9,500</td>
<td>6,900</td>
<td>13,000</td>
<td>13,300</td>
</tr>
<tr>
<td>Train/Bus</td>
<td>&lt; 1,000</td>
<td>4,800</td>
<td>19,800</td>
<td>19,400</td>
<td>19,800</td>
</tr>
<tr>
<td>Plane</td>
<td>~500</td>
<td>3,600</td>
<td>6,900</td>
<td>6,800</td>
<td>6,900</td>
</tr>
<tr>
<td>Auto</td>
<td>121,700</td>
<td>109,400</td>
<td>107,100</td>
<td>99,700</td>
<td>101,300</td>
</tr>
<tr>
<td>Total</td>
<td>~124,000</td>
<td>127,300</td>
<td>140,700</td>
<td>138,900</td>
<td>141,300</td>
</tr>
<tr>
<td>Internal-Internal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus</td>
<td>1,500</td>
<td>35,600</td>
<td>66,800</td>
<td>75,200</td>
<td>74,500</td>
</tr>
<tr>
<td>Bike</td>
<td>---</td>
<td>2,400</td>
<td>7,600</td>
<td>8,100</td>
<td>7,800</td>
</tr>
<tr>
<td>Walk</td>
<td>---</td>
<td>4,500</td>
<td>11,000</td>
<td>11,700</td>
<td>11,200</td>
</tr>
<tr>
<td>Auto</td>
<td>430,900</td>
<td>406,600</td>
<td>405,400</td>
<td>417,600</td>
<td>420,700</td>
</tr>
<tr>
<td>No Trip</td>
<td>---</td>
<td>0</td>
<td>42,700</td>
<td>44,600</td>
<td>27,100</td>
</tr>
<tr>
<td>Total</td>
<td>558,000</td>
<td>581,700</td>
<td>679,600</td>
<td>701,500</td>
<td>688,000</td>
</tr>
<tr>
<td>External-External</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Person Trips/Day</td>
<td>5,400</td>
<td>5,400</td>
<td>5,400</td>
<td>5,400</td>
<td>5,400</td>
</tr>
<tr>
<td>Total</td>
<td>558,000</td>
<td>581,700</td>
<td>679,600</td>
<td>701,500</td>
<td>688,000</td>
</tr>
</tbody>
</table>

### IMPACT/COST

<table>
<thead>
<tr>
<th></th>
<th>1981</th>
<th>Baseline</th>
<th>#1</th>
<th>#2</th>
<th>#3</th>
</tr>
</thead>
<tbody>
<tr>
<td>External-internal Bus Trips</td>
<td>200</td>
<td>273</td>
<td>197</td>
<td>379</td>
<td>380</td>
</tr>
<tr>
<td>Train Trips</td>
<td>2</td>
<td>5</td>
<td>20</td>
<td>19</td>
<td>20</td>
</tr>
<tr>
<td>Plane Trips</td>
<td>4</td>
<td>30</td>
<td>57</td>
<td>57</td>
<td>58</td>
</tr>
<tr>
<td>Internal-Internal South Shore Fleet</td>
<td>10</td>
<td>127</td>
<td>225</td>
<td>257</td>
<td>255</td>
</tr>
<tr>
<td>North Shore Fleet</td>
<td>10</td>
<td>58</td>
<td>76</td>
<td>77</td>
<td>76</td>
</tr>
<tr>
<td>North Shore Fleet</td>
<td>0</td>
<td>4</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Total Transit Fleet</td>
<td>20</td>
<td>188</td>
<td>308</td>
<td>341</td>
<td>338</td>
</tr>
<tr>
<td>Total Annual Ops ($M)</td>
<td>$1.2</td>
<td>$16.6</td>
<td>$27.9</td>
<td>$31.2</td>
<td>$30.9</td>
</tr>
</tbody>
</table>

J.J. Gaudette  
4/12/83
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION NO. 83 -

WHEREAS Maurice Bidart, hereinafter referred to as Maury, was appointed on January 16, 1981, to the Advisory Planning Commission of the Tahoe Regional Planning Agency to serve as a lay member to said Commission on behalf of the citizens of Nevada; and

WHEREAS Maury's appointment was made to help ensure that the Tahoe of the future would retain the irreplaceable and unique environmental values for which the Region has become so famous; and

WHEREAS of particular note has been the valuable role played by the Advisory Planning Commission in preparation and final adoption of Environmental Threshold Carrying Capacities for the Lake Tahoe Basin as called for in Public Law 96-551; and

WHEREAS the APC with Maury's help has taken on the task and fulfilled the valuable function of reviewing, analyzing and transmitting recommendations on all important planning matters to the Governing Body of the Tahoe Regional Planning Agency; and

WHEREAS Maury's efforts on behalf of the Advisory Planning Commission will be missed;

NOW, THEREFORE, BE IT RESOLVED the Advisory Planning Commission of the Tahoe Regional Planning Agency hereby expresses its appreciation to Maury for his service to the Agency.

PASSED and ADOPTED by unanimous vote of the Advisory Planning Commission on the fourteenth day of April, nineteen hundred and eighty-three.

Chairman
SUSAN DAVIDSON
- Property owner at Tahoe City
- Question: Are threshold stds to be met with Act's outlined?
  - alt. 1 - Questions attainment in some areas
  - alt. 2/3 - Fees attainment highly questionable

JOANNE PAYNE
- Question Implementation of Plan
- Need explanation of Litoral/Watershed Association
- Land coverage estimates not considered (other sources)
  - Geography / factors
- Coverage restoration system not explained - will Indiv. Prop. owner be responsible
  - Is this in addition to Mit. Fee?
  - Middle class would be hurt
- Should consider basin on a whole

- Prohibition on 1/2
  - No case-by-case
  - Need appeal procedure for lots

- 30% slope
  - Still an issue
  - Degree of slope only one
  - Need mechanism to review lot evaluation

- See prohibition
  - Present
  - Reconstruction should be allowed
  - Need better definition of SEZ - setback questioned

- Coverage over-rider proposed not the same as present - should continue with sec. 9.24

- Mechanism must be allowed for flex in USE designation

- Devel. Priority System - objects to class 2 being last

- TLR - what is it?
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION NO. 83 -

WHEREAS Dennis Schlumpf was appointed on January 29, 1981, to the Advisory Planning Commission of the Tahoe Regional Planning Agency to serve as a lay member to said Commission representing the citizens of California; and

WHEREAS Dennis's appointment was made to give input on ensuring that the Tahoe of the future would retain the irreplaceable and unique environmental values for which the Region has become so famous; and

WHEREAS Dennis's efforts to serve on the Advisory Planning Commission and attend the meetings when Emerald Bay Road was open will be missed;

WHEREAS of particular note has been the valuable role played by the Advisory Planning Commission in preparation and final adoption of Environmental Threshold Carrying Capacities for the Lake Tahoe Basin as called for in Public Law 96-551; and

WHEREAS the APC with Dennis's help has taken on the task and fulfilled the valuable function of reviewing, analyzing and transmitting recommendations on all important planning matters to the Governing Body of the Tahoe Regional Planning Agency;

NOW, THEREFORE, BE IT RESOLVED the Advisory Planning Commission of the Tahoe Regional Planning Agency hereby expresses its appreciation to Dennis for his service to the Agency.

PASSED and ADOPTED by unanimous vote of the Advisory Planning Commission on the fourteenth day of April, nineteen hundred and eighty-three.

________________________
Chairman
4/13/83 ARA - Public Hearing on Reg. Plan/Sets

Kate Reed

- 16,000 add'l res. units - will add traffic congestion. Pollution
- Overdevelopment of Tahoe irretrievable
- Keep in mind high costs of control of pollution
- Demand for 2nd homes not there with present ee
- Drive cautiously / slowly
- Supports least dep - housing (suit areas)
- Supports trans. system improvements

Margarette Maxfield

- Prop. owner @ Incline
- Serious inadequacies exist
- Ferries have negative impact on cake - will bring trash
- Will not preserve air/water quality
- Starting / stuffing of engines
- Oil spills
- Unrealistic restrictions: cannot build garage without replacing coverage
- Must protect people too
- Approach problems realistically

Mary Mackinney

- Urges strong plan with growth limits
- Opposes Alt. 2/3 - Increased development will degrade air/water
- Restoration / mt. - not proven in Alt 2/3
- Forest mgmt. - Alt. 1 not feasible - need mgmt.
- P/S expansion - question impacts
- TSA? - 2 financing / permitting to expand
- Highway 89
- Urges support of strong sds (thresholds)
- Land acquisition being addressed in cal/nev (b/s - prop. 4)

Dr. Fred Sturges

- Threshold sds: reasonable - W.O. impacts clearly identified
- Environ. sensitive lands - should be acquired
- Alt. 1 - strongly support
- Alt. 2/3 betrays voters of cal.