TRPA
APC
PACKETS

AUGUST
1983
NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on August 10 and 11, 1983 at 9:30 a.m. at the hearing room of the Tahoe Regional Planning Agency, located at 2155 South Avenue, South Lake Tahoe, California, the Advisory Planning Commission of said agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

Dated: August 1, 1983

By:

Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency
I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV APPEALS

A. Lowry/Pillsbury, Logan Creek Estates, Appeal of Staff Rejection of an Application for Subdivision Improvement, Douglas County, (August 10, Estimated Time 9:45 a.m.)

B. Peterson/Curtis, Appeal of Staff Decision Pursuant to the Case-by-Case Lot Review Criteria, 759 Allison Drive, Washoe County APN 126-051-06, TRPA File #821010 (August 10, Estimated Time 10:30 a.m.)

C. Carpenter/Curtis, Appeal of Staff Decision Pursuant to the Case-by-Case Lot Review Criteria, 760 Allison Drive, Washoe County APN 125-051-07, TRPA File #82430 (August 10, Estimated Time 10:45 a.m.)

D. W. F. Gabrys, Appeal of Intent to Approve Two Projects at a Staff Level: W. Rush, Washoe County APN 126-570-06, TRPA File #82116; and H. Blank, Washoe County APN 126-570-04, TRPA File #82862 (August 10, Estimated Time 11:00 a.m.)

V GENERAL PLAN AMENDMENT

A. Fallen Leaf Lake Lodge Redevelopment, General Plan Amendment to Consider Reclassification of 76.8 Acres in El Dorado County from Low Density Residential and General Forest to Medium Tourist Residential, General Forest and Recreation (Estimated Time 11:30 a.m.)

VI PLANNING MATTERS

A. Advisory Planning Commission Subcommittee's Report on Regional Plan Part I (Goals and Policies, and Plan Area Statements) Estimated Time 1:00 p.m.

B. Certification of Environmental Impact Statement for Adoption of Amendments to the Regional Plan

C. Consideration of Recommendations to Governing Board on Regional Plan
1. Land Use Element
2. Transportation Element
3. Conservation Element
4. Recreation Element
5. Public Services and Facilities Element
6. Implementation Element
7. Plan Area Statements

D. Progress Report on Visual Resource Inventory

VII ADMINISTRATIVE MATTERS

VIII REPORTS
A. Staff Reports
B. Public Interest Comments
C. APC Members

IX RESOLUTIONS

X CORRESPONDENCE

XI PENDING MATTERS

XII ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California
June 8, 1983 9:30 a.m.
June 9, 1983 9:30 a.m.

I CALL TO ORDER AND DETERMINATION OF QUORUM

With the determination of a quorum present, Mr. Sawyer suggested that an Acting Chairman could be elected to conduct the APC Meeting until the arrival of Chairman Harper or Vice Chairman Bogush.

APC Members Present: Mr. Milam, Mr. Renz, Mr. Combs, Mr. Sullivan, Mr. Randolph, Mr. McMullen (arrived at 10:15 a.m.), Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Pyle, Mr. Hansen, Mr. Curtis (arrived at 11:40 a.m.), Mr. Poppoff, Ms. Bogush (arrived at 10:10), Mr. Harper (arrived at 10:15 a.m.)

APC Members Absent: Mr. Hoefer, Ms. McMorris, Ms. Michael

MOTION by Mr. Randolph, with a second by Mr. Hansen, that Mr. Sawyer would be the Acting Chairman during the absence of the Chairman and Vice Chairman. The motion carried unanimously.

Andy Sawyer called the Advisory Planning Commission meeting to order at 9:45 a.m.

II APPROVAL OF AGENDA

Phil Overeynder, Executive Director stated that Items IV A and IV B had been withdrawn from the agenda. Mr. Overeynder explained that the applicants, Lowery/Pillsbury, had requested a continuance to the July APC meeting because they felt that more time was needed to adequately respond to the information contained in the staff summary, and due to the sensitive nature of this application staff concurred with this request.

Mr. Overeynder also explained that the applicants, Loomis/Barrow, had requested a continuance for 30 days in order to prepare additional drainage details on the plans.

Mr. Overeynder noted that both applicants are aware of the policy for requesting continuances to a date certain.

MOTION by Mr. Hansen, with a second by Ms. Sparbel, to approve the agenda as amended. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Pyle, with a second by Mr. Hansen, to approve the minutes with no corrections. The motion carried unanimously.
Mr. Sawyer noted that a letter was received from Lew Dodgion designating Verne Rosse to serve as his alternate for the June 8 and 9 APC meeting. It was also noted that Mr. Rosse's Conflict of Interest Statement on file with the TRPA is current.

Mr. Sawyer stated that a letter was received from Sarah Michael who could not attend the APC meeting this month, requesting that her written comments be read into the record when the related agenda items were discussed.

Mr. Overeynder distributed a proposed schedule for Development of Regional Plan, explaining staff attempted to emphasize the work products that would come out of various activities along with suggested timeframes for completion. Mr. Overeynder stated the proposed schedule was presented to the Governing Board but they did not take any specific action to approve this schedule, however, the Board did refer it to the APC for their recommendations. Mr. Overeynder briefly explained there are four component parts to the completion of the Regional Plan that needs to be considered: (1) Certification of the Environmental Impact Statement; (2) Adoption of the Policy Plan (3) the Planning Area Statements; and (4) the Implementing Ordinances. The proposed schedule outlined completion for the first three components of the process through August 19, 1983 and Mr. Overeynder stated this would bring a Regional Plan before the Governing Board for adoption at their August meeting.

Gary Midkiff, Assistant to the Executive Director, distributed copies of the June 6, 1983 solicitation letter and scope of work outline that the TRPA mailed to prospective financial consultants. Mr. Midkiff explained that the Agency is seeking professional assistance in evaluating the fiscal impacts of the plan alternatives for local governments, special districts, and also the economic impacts on the region in general. Mr. Midkiff stated the Ways and Means Committee suggested that special consideration be given to consultants that are working for the City of South Lake Tahoe and the Tahoe Transportation District because they would have a good overview and familiarity with the Tahoe situation. Mr. Midkiff stated that each of the prospective consultants received copies of the public service, the implementation and the land use portions of the Regional Plan to review what is contemplated during each of the 5 year increments of the Plan. Mr. Midkiff explained that consultant will develop a financial plan recommendation which would be consistent with the direction of the Board for adoption of a Regional Plan. Mr. Overeynder added that staff has done a great deal of the preliminary work in assimilating most of the data necessary to do the financial analysis. The Ways and Means Committee will review the qualifications and personnel statements of the financial consultants, and it is anticipated that the Governing Board will select the consultant based on the Committee's recommendations at the Board's June meeting.

Mr. Harper stated that he and Ms. Bogush had discussed the preliminary schedule for the Regional Plan with Chairman Jim Reed. Mr. Harper further stated that both Mr. Reed and the Governing Board recognized that this schedule was consistent with the APC's action in April. Mr. Harper noted there was concern with the ability to get the APC's recommendations to the Governing Board in a timely manner, to have the APC work out the time schedule in June, the possibility of setting up subcommittees/core groups between the APC members to review the various elements and issues, and to provide the Governing Board with comprehensive recommendations for the Basin wide process.
Mr. Combs suggested that a field trip to review some of the case-by-case sites prior to any action on the policy plan/area planning statements might be helpful to the APC members and could possibly be added to the time schedule.

The proposed schedule was further discussed which included the APC's suggestions to extend the APC meeting to two days for the next few months in order to hold workshop sessions and to conduct public hearings.

V ENVIRONMENTAL IMPACT STATEMENTS, DETERMINATION OF TECHNICAL ADEQUACY

A. Lake Parkway (Loop Road) Completion, City of South Lake Tahoe

Greg George, Chief of Project Review, stated the Final EIS/EIR prepared by QUAD Consultants responded to comments received for the Lake Parkway (Loop Road) completion for the APC's determination of technical adequacy will be scheduled for the Governing Board's certification at their June meeting. Mr. George stated that the project cannot be considered until adoption of the transportation element of the Regional Plan. Mr. George stated that two of the primary issues have not been resolved. One issue focuses on the uncertainty as to what mitigation measures that the City proposes to implement in the document as part of the project. The second issue involves the position of Caltrans and the Air Resources Board that the one-way alternative should be approved and not the two-way alternative proposed. Mr. George stated Nevada Department of Transportation disagrees with the one-way alternative and supports the two-way alternative. Mr. George further stated that Caltrans also indicated in their comments that they would like to have the EIS clarify that the project will include the 8 mitigation measures listed on page 4-4 in the draft EIS. Mr. George also stated he checked with representatives of the City of South Lake Tahoe who indicated to him that they did not intend to incorporate those as mitigation measures with this project, and he pointed out that this issue may have to be determined by the Governing Board as far as what is necessary to mitigate the impacts to a less than a significant level.

Mr. Sawyer stated that he expected that APC's comments would have been clearly identified and answered, except where the comments were duplicated by that agency's representative on the APC. Mr. Sawyer stated that in the future when the APC's comments are identified that have already been responded to there should be some type of cross references to the APC's comments and comments raised from other agencies. Mr. Sawyer noted that at the May APC meeting Mr. Kortick had raised a question, but they were not written comments from his agency, and apparently some other agency had raised the same issues. Mr. Sawyer stated he could not find it in the document and that he spoke to Mr. Hauge concerning this matter about why there is a left turn lane if this project is not growth inducing.

Mr. George stated that since the response document did not contain a response to some of the comments from other agencies, he had discussed this matter with Andy Hauge, QUAD consultant and that he and Mr. Hauge would go back through the minutes, which are part of this document, and see if there were any other comments that were not adequately responded to and prepare an addendum. Mr. George stated that Mr. Hauge replied to the question of the left hand turn lane
that at the last APC meeting representatives from the City indicated there are a number of alternatives that could be looked at. Considering that where a left turn lane is not necessary to provide safe left turning movements to existing uses along that Loop Road it could possibly be a landscaped median instead of additional land coverage and the median could be incorporated into part of the drainage facilities for the project.

Mr. Randolph commented it would be difficult to determine the technical adequacy of this document until the APC had had an opportunity to review the addendum. Mr. George responded that possibly the addendum could be prepared for the following day and he would see what could be done.

Mr. Harper stated that Ms. Michael's written comments pertaining to Lake Parkway (Loop Road) would be given to staff and included in the response to comments addendum.

Tim Oliver, City of South Lake Tahoe, stated that review of the waste discharge requirements was scheduled for the Lahontan Board on June 9 and his concern was they may not approve the document without the APC's certification. Mr. George explained that TRPA is not certifying the EIR but that Lahontan has to certify it before they will issue discharge requirements. The City as the lead agency had already certified the EIR and Mr. George thought it was clear for Lahontan to go ahead to take an action on the waste discharge requirements since the EIR under California Environmental Quality Act (CEQA) had been certified. Mr. Sawyer added that Lahontan has to go by the document approved by the City and a day's delay to respond to the APC's comments would not affect the Lahontan decision.

Ms. Sparbel stated that she was unable to find a response to the May APC discussion regarding traffic volumes resulting from extension of Montreal to Pioneer Trail and Highway 50. She noted that the EIS on a project of this size should consider and discuss further how traffic will proceed through neighborhoods affected.

Mr. Popoff commented that the letter from Ken Smith expressed a concern that there was a drainage problem in the Tahoe Meadows which is already heavily impacted. Mr. Popoff noted there was no response to this comment, and he asked if there was one. Mr. Oliver responded that all of the drainage would be put into dry wells along the entire right-of-way so that runoff from the new portion of the Loop Road will be percolated into the ground. Mr. George added that the plan does indicate that overflow from the infiltration drainage system will eventually reach the Tahoe Meadows area, as all the drainage does from that general area, which could add additional flows to the Tahoe Meadows drainage problem.

Mr. Sawyer stated that it appears that infiltrating runoff will not keep it out of the Tahoe Meadows; it will just affect peaking because it will still run downhill underground and end up in almost the same area. Gary Shellhorn, Senior Planner, responded that the engineering planning staff review was done under the Agency's and Lahontan's requirements to handle or to treat the 20-year, 1-hour storm. The engineering firm designed an infiltration system to handle that amount of water; anything over that amount of water would then overflow down
into the existing road drainage and that water would eventually reach Tahoe Meadows. Mr. Shellhorn stated that the question about groundwater movement was difficult to assess and questioned whether that groundwater would end up in the Tahoe Meadows since that part of the Basin is relatively flat. Mr. Shellhorn added that there is a good chance that it would move straight down to the Lake. Montreal Road is not above Tahoe Meadows and probably does not have the same groundwater flow mechanisms. Mr. Shellhorn stated this would be a difficult question to answer even if we had a year or two to study it, adding that anything over a 20-year, 1-hour storm would cause overflow into the drainage system which could eventually reach the Meadows.

Mr. Popoff commented that there were some calculations of the Dissolved Inorganic Nitrogen (DIN) loadings considered to be insignificant. He asked what was calculated to assume that there would be increased DIN loadings on this particular project? Mr. Shellhorn responded the calculations of DIN loadings were from just the impervious coverage/the pavement. Mr. Popoff then asked if it is assumed that there is a fraction more watershed covered, could that fraction more DIN end up in the Lake? Mr. Shellhorn responded that because the groundwater system and because of the infiltration capacity there is no question how much of that load would reach the Lake and how much filtering is taken care of in the groundwater system. Mr. Popoff stated the fraction seemed fairly large of the DIN loading and if you are talking about the DIN loading of the whole Lake that one little project seems like it would contribute quite a bit. Mr. Shellhorn stated it was his understanding that it would not be of the whole Lake, but rather just the project area.

Mr. Overeynder further responded to Mr. Popoff's question regarding overflows and clarified the conclusion is that there will some increase in adverse impact, although very small. The question that needs to be addressed is whether or not that is significant enough to propose a mitigation measure. The mitigation measure that the City, TRPA, Lahontan and other entities are attempting to put together is a drainage plan for the entire Wildwood area which utilizes the Tahoe Meadows as a final treatment mechanism. It is basically our judgment that this particular project was not significant enough to propose that entire mitigation package which treats the whole area as part of that proposal.

Mr. Sawyer asked what the specific mitigation measures were that Caltrans had suggested be incorporated in the project. Mr. George responded that this issue needs to be clarified further, because as he understood the draft EIS does set forth the mitigation measures necessary for all of the alternatives, but it does not clearly state what mitigation measures need to be incorporated as part of this project to mitigate the impacts to less than a significant level. If this can be clarified in the response document it will become part of the EIS.

Mr. Sawyer referred to Sara Michael's letter of comments asking what does it mean when it says 'incorporated?' The response to comments was not clear whether the final EIS merely recognizes that this comment was made or is actually incorporated in the finding. Mr. George stated that in some cases technical experts sometimes disagree on the conclusions and he thought that Mr. Nauge in preparing the document indicated that an opinion will be included as part of this document but that he did not go into a lengthy argument why he feels his interpretation is correct or incorrect.
Mr. Randolph quoted from Ken Smith's letter pertaining to page 4-4 of the EIS. "Caltrans Phase 2 Plan to provide an additional lane on Highway 50 to provide a free right turn onto Park from Highway 50 but this is not shown on any of the plans or diagrams. No mention is made whether this plan is a commitment by Caltrans or just a dream. The response says that the State Department of Transportation suggested these mitigation measures be incorporated in the project and the decisions as to the most appropriate timing for implementation has yet to be made". The City has stated they are certifying the EIS without those mitigation measures. Mr. Randolph stated that on page 4-7 of the EIS/EIR "it is the conclusion that none of the alternatives evaluated will achieve the project's objectives unless they incorporate the recommended traffic and environmental mitigation measures". Mr. Randolph stated he felt uncomfortable with the amount of unknowns of the mitigation measures and the decisions that still have to be made to certify this document. Mr. George responded that the draft EIS clearly assesses the alternatives and in a number of areas that the certain mitigation measures need to be incorporated if any of the alternatives are to be approved, but it does not make that determination for the project itself. Mr. George added that Caltrans commented these mitigation measures are listed for the project, but those mitigation measures are listed for the one-way access.

Mr. George suggested that he would call Mr. Nauge to see if this document could be revised or an addendum be prepared before the APC meeting adjourned.

Mr. Overeynder stated he was concerned with what measures are necessary to be incorporated as part of the project in order for the Governing Board to make a finding that all of the impacts will be adequately mitigated. Mr. Overeynder also stated the function of the EIS is to clearly state what those areas are, not necessarily indicate that they have been incorporated as part of the project. The Board does have the potential of making one of two findings: that the impacts have been adequately mitigated, in which case they can directly move to approve the project and presume that if certain items needed to be incorporated to mitigate the impacts those would be conditions of approval in some format; or they may decide that there is overwhelming socio-economic impacts or other considerations that make it necessary to approve the project even without those mitigation measures incorporated. Mr. Overeynder further stated that the Board will be looking for some direction from the technical body as to why that is justified, and the APC will have to deal with that issue as a policy directive.

Mr. Sawyer stated that either finding has to be supported by the administrative record and a supplemental economic report can be added, which explains why it is not feasible to put in a right turn lane, and that doesn't need to be in the EIS if there is additional information in the record to make that finding. Mr. Sawyer further stated he thought it would be best to have it in the EIS because the question of whether the project will have a significant impact without this mitigation measure should be something that can be answered by looking at the EIS itself. Mr. Sawyer added that most of the information necessary to make those findings has to be in the EIS and preferably all of it should be in one document, including the economic analysis, that is easy to use and for the public to have an opportunity to look at.
Ms. Bogush stated that the City Council certified the Lake Parkway (Loop Road) EIS/EIR and the mitigation measures that were called for but were not included as part of the alternatives were not specifically addressed. The City Council treated the document as a disclosure document identifying all of the alternatives and that the mitigation measure issue would be dealt with when the project was reviewed. Edith Wilson, City of South Lake Tahoe, added the City Council was including the various mitigation measures that could be used and would be chosen at the time the project was approved.

Mr. Randolph commented that the response to the Air Resources Board's letter recommended "that it will be the responsibility of the lead agency to balance the relative air quality impacts and the traffic benefits and impacts of the various project alternatives, and to incorporate those mitigation measures deemed feasible and timely in the project approval process for the selected alternative. The recommendations contained in the comment should be considered during the legislative deliberation process which considers project alternative selection and the determination of appropriate mitigation measures." Mr. Randolph stated that in essence the response is saying this document has disclosed the problems and it will be up to TRPA Governing Board to determine whether those mitigation measures are a part of the project at the time of implementation, and he asked if that is what the City Council approved? Ms. Bogush replied, yes.

Mr. Harper stated there seemed to be concerns that some of the comments had not been responded to appropriately, in addition to a desire to provide the Governing Board with some direction as to whether the mitigation measure are available to reduce the impacts to a less that significant standard.

Mr. Sawyer stated that he did not think that the two approaches were inconsistent because as a disclosure document the EIS should disclose what the consequences are by identifying the project with or without mitigation, and in his opinion the question of whether there is a significant impact or whether there will be a significant impact without the mitigation has to be addressed in the EIS.

The APC members agreed that this item would be deferred until the afternoon, at which time Mr. George would be able to provide the APC with information whether the consultant could respond with an addendum to the final EIS/EIR on the Lake Parkway (Loop Road) completion by the following day of their meeting.

B. Third Street and South Avenue Extensions and Improvements, City of South Lake Tahoe

Jim Dana, Associate Planner, reported that the draft EIS had completed the circulation period. Mr. Dana stated that during the APC's consideration of the technical adequacy of the subject EIS in May, three comments that were received had been addressed in an addendum from the City of South Lake Tahoe. Mr. Dana used a chart which depicted the turning movements in describing the City's response to comments.
Mr. Sawyer stated that the wording in the City's response document should be corrected to reflect that: the proposal conforms to the requirements for an exception rather than a variance; and that the Lahontan Regional Water Quality Control Board has decided that the offsetting mitigation required for this project is provided by the City's D Street Drainage Project.

Mr. Randolph commented that the EIS stated there were no accidents in 1979 through 1982 in the 190 foot stretch between the center line of the shopping center driveway and the center line of the proposed South Avenue extension, which he found unbelievable since there has been very limited use of South Avenue. But what happened in the past is not necessarily an indication of what will happen in the future. Mr. Randolph stated that the City is saying there is no problem with this location because of the 5 left turns in and 5 left turns out, Mr. Randolph commented he was confused about the 1500 vehicles per day and the 100 vehicles or 50 vehicles per hour since the numbers were inconsistent and he questioned if this was the right set of numbers. Ms. Wilson, responded that those numbers were produced by the consultant, but that she would check further. Mr. Dana referred to page E-13, Figure 8, the existing and projected daily traffic volumes and to page E-14, Figure 9 the existing and projected peak hours of traffic were the ones in question.

Mr. Hansen suggested to continue this item until next month since the consultant was not present.

It was agreed that this item would be deferred until the afternoon.

C. Rubicon Water System Reconstruction, Tahoe City Public Utility District, El Dorado County

Gary Shellhorn, stated that the Tahoe City Public Utility District (TCPUD) proposes to reconstruct the water system in the Rubicon Properties Subdivision. The present system is extremely deteriorated, in need of major renovation in order to provide water supply which meets the drinking water standards. In addition there are problems with fire protection demands, problems with all year operation, and the California Department of Health Services has ordered that the water system be upgraded to supply adequate water to the Rubicon Properties Subdivision. Mr. Shellhorn further stated the District has outlined five alternatives to upgrade the water system. All of the alternatives would include abandonment of Lonely Gulch Reservoir which is the present point of diversion; require replacement of the existing 3 inch lines with 6 inch lines to provide adequate fire flows; and that the system will be winterized to prevent freezing. Mr. Shellhorn noted some of the key issues of consequences and impacts: water use will decrease since the system will not require "bleeding" during the winter to prevent freezing; stream flows in Meeks Creek could be affected by development of a well adjacent to Meeks Creek associated with extreme pumping conditions; riparian vegetation within 26 feet of the proposed well could be impacted with worst-case pumping rates due to dewatering; the proposed storage tanks would create impervious coverage on high hazard lands in excess of the 1% allowed coverage. For the lake intake alternatives, the District would be required to obtain a change from the California State Water Quality Control for points of diversion of existing water rights; and the well diversion would not require a change in existing water rights. Mr. Shellhorn also noted some of the
major mitigation measures would include: that Best Management Practices for erosion control would be utilized during construction; revegetation of areas disturbed during construction; construction in or near Lake Tahoe and streams would be conducted to minimize suspended sediment; and the 4,000 square feet of disturbed area where the proposed upper tank is to be located will be stabilized and the areas not covered by the tank will be revegetated. Mr. Shellhorn pointed out that Alternative 5, the well diversion, is the District's preferred alternative it would have the least cost and would not require a change in points of diversion of their existing water rights, but the potential for environmental impacts are greater because of the uncertainty of the groundwater impacts due to pumping adjacent to Meeks Creek. Mr. Shellhorn added although the reports indicate that these impacts are minimal and the chance of that occurring is slight, there is still the uncertainty with the groundwater pumping. Mr. Shellhorn distributed copies of the comments and responses addendum to the APC members noting that because of the timing requirements for State of California EIR review system and the TRPA EIS review system, the EIR review period ended May 27, 1983. The District has received all the comments on the EIR and responded to the comments in the addendum which were addressed in the staff summary. Mr. Shellhorn stated that the TRPA EIS requirements closing date for that review period was June 13, 1983 but comments could be still received. Staff recommended that the APC determine the technical adequacy of the EIS, including the addition of the addendum, and if any comments are received between this date and June 13 the entire matter would be brought back to the APC in July. Mr. Shellhorn noted that Jim Yost, Brown and Caldwell Engineering Consultants, and David Antonucci, Tahoe City Public Utility District, were both present to answer questions.

Mr. Sawyer commented that the TCPUD and the consultant did an excellent job on the EIR/EIS, especially as a result of early consultation with all affected agencies. Mr. Sawyer stated he is concerned however with every one of the documents that there is a different comment period for the EIR and EIS, and asked that in the future in putting together these joint documents try to have a simultaneous comment period. Mr. Sawyer commented that he was concerned about certifying the document before the close of the comment period because the possibility of the public thinking that it may be too late for them to comment if they think the EIS has already been approved. Mr. Shellhorn responded that staff is hoping in this situation is that under the EIR review period the comments from the California agencies have all been received.

Mr. Sawyer further commented that the draft EIR states that under the California-Nevada Interstate Compact once the allocations within California's share of allocations to various service areas become final the District will prepare and implement a program to stay within its allocations. Mr. Sawyer pointed out that in the response to comments there was mention of a proposal to include those allocations as part of a blanket water permit. Mr. Sawyer stated the California State Water Resources Control Board issued the water rights for 1979, and the staff report recommended that the 23,000 acre feet available to California be sub-allocated along three various areas corresponding to the three public utility districts. The sub-allocations would be set and then one of the means to assure that each of those areas stayed within its allocation would be issuance of a blanket water right permit which incorporates
that allocation. The draft EIR/EIS stated that once those allocations are filed the District will comply with them. The response to comments states that once those blanket water right permits are issued the District will comply them. Mr. Sawyer asked if it is the District's intent to prepare and implement a plan to comply with those allocations once they become final whether or not it is a surface water right permit? David Antonucci responded that so much depends on how the State Board issues the allocation. He explained that if it is issued as a comprehensive water right permit, which is what the District's water rights lawyer has contemplated, then once the comprehensive water rights permit becomes final the District will comply with it. If it is in some other form, an allocation or some other order of the State Board, once that order becomes final, assuming it is other than a water rights permit, then the District will comply with that and prepare the action plan necessary to bring the water use into alignment. Mr. Antonucci further responded that the District reserves the right to challenge the allocation, but is not reserving the right to fail to comply with the allocation once final.

Mr. Sawyer pointed out that in any water supply project the State of California Water Resources Control Board's most serious concern is what are the impacts on cumulative water use. He is aware that the District has identified a means to make sure that cumulative water use does not exceed that available under the California-Nevada State Compact, and he was trying to get some clarification as to what the District's position was.

Ms. Bogush commented she was concerned that the APC members had not had a chance to review the addendum that was distributed. In addition, the comment period had not ended, and she pointed out the APC's action in the past was to continue consideration of issues such as this until the comment period was over and the APC had had an adequate opportunity to consider the addendum.

Mr. Sawyer asked if there was any harm in waiting until the second day of the APC meeting to give the APC an opportunity to review the addendum or to continue this item for a month. Mr. Sawyer commented that all of the issues appeared to be addressed but he restated he was concerned with the public comment period still being open. Mr. Sawyer stated that if there was some necessity for certifying this document before the close of the public comment period he would suggest it be conditioned on coming back to the APC to review any comments that might be raised. Mr. Antonucci responded that the document had been out for at least 50 days for public review under the California Environmental Quality Act (CEQA). In addition, it was advertised in the newspapers under CEQA requirements and there was a public hearing held by the board of directors of the District on a Saturday so the public could attend and comment on the project. Mr. Antonucci stated that the portion of the public was composed of the residents of the area affected by the project voiced their support for the project and urged the board of directors to take action. Mr. Antonucci further stated the District went to great extremes during the comment period to solicit public comment and the District has received it and he did not think that the public was being deprived to comment with the remaining 10 days left of the comment period. He added that he did not think there was any danger in the APC cutting off the public comment by setting forth a certification that would take affect in a certain number of days provided significant comments are not received. Mr. Antonucci suggested
that if comments on the document are received within the 10 days, that the APC defer to the TRPA staff to decide whether those comments are significant to the environmental document that would result in a significant change in the document, or whether it is already covered adequately in the document and the addendum. Mr. Antonucci also stated he would hate to see someone write a letter to obstruct or derail the project for 30 days just to slow it down. Mr. Overreynder responded that he would rather be put in the position of making the decision of whether or not the comments were substantive requiring a response but not whether they were trying to delay the process.

Mr. Antonucci explained the problem with continuing this item for 30 days was that the schedule called for the District to have all the permits by the end of August. If the EIS is scheduled to go before the Governing Board in June and the District hopes to get the permit at the August Governing Board meeting, and there was a 30 day delay it would delay this project until September. Mr. Antonucci stated the District had hoped to start the bid process after Labor Day. Allowing for the 60 day bid process for the bidders to inspect the project site and submit their bids, which the District will open during winter, in order to start by May 1. If the critical period is missed in the fall, then the District will be forced to wait until the spring of 1984 when the snow melts so the bidders can go out to examine the project site and then submit their bid. Mr. Antonucci emphasized that a 30 day delay could jeopardize the bid process which could put it back into October and the risk of being under snow by that time. Mr. Antonucci stated he would be opposed to a 30 day delay if it could be avoided.

Ms. Bogush commented since the TRPA established a process for the environmental impact statements the process should be followed for all applicants. If the APC decides to conditionally certify this document based on no substantial comments being received by the end of the comment period, then it would be a precedent for all the other environmental impact statements. Ms. Bogush stated she was concerned that this might put the APC in a position that would look arbitrary, and she would not recommend it.

Mr. McMullen commented the important factor should be determining if the EIS is technically adequate. If the APC members could not provide any significant comments or questions, then it should be a matter of moving the process forward on a conditional approval that staff will determine if any significant comments are received the EIS/addendum will be returned to the APC for further review.

Mr. Poppoff commented that he did not understand the difference between this EIS and the Third Street Extension EIS that had been deferred which seemed to him a very similar problem that could have been handled last month under the same argument that is being made right now. Ms. Bogush responded that the impact of the construction season and the bid process is the same for any agency or private sector. There was only one concern with the amount of traffic generated/turning movements on the Third Street Extension EIS that was brought up that was not addressed at the May APC meeting, and she pointed out the comment period had not closed on the Rubicon Water System. Mr. Randolph added that there were uncertainties in the other documents as to information included, and in this particular EIS it appeared not to be and that would be the difference.
Mr. Sawyer commented this hearing is during the public comment period on the EIS just as the hearing on Third Street was during the public comment period. The difference is that at the last APC meeting specific issues were raised by APC members which had to be responded to as part of the response document. At this meeting the only comment that has been voiced in terms of the adequacy of the environmental issues and response is the issue he raised, and with the clarification given by Mr. Antonucci, it has been adequately responded to. With the other EIS that there was still the need to prepare responses to comments that the APC had not seen. Mr. Sawyer suggested however that he would like to continue this item until the afternoon in order to give the APC an opportunity to read the response to comments.

Ms. Sparbel questioned if the EIS process was in writing or something that had been agreed to, that the APC has generally been doing things? Mr. Overeynder stated it is generally an agreed procedure, but there is no written policy.

MOTION by Mr. McMullen, with a second by Mr. Rosse, that the Tahoe City Public Utility District Rubicon Water System Reconstruction EIR/EIS was determined to be technically adequate.

Amended by Mr. Sullivan that if there are significant comments received within the 10 days remaining for the public comment period that the EIR/EIS will be continued to the July APC meeting. Mr. McMullen added that if any comments are received staff will determine if the comments are significant for response. The amendment was agreed to by Mr. Rosse.

Mr. Sawyer suggested a clarification as to what a significant comment is. He added that a comment raising significant environmental issues which has not already been addressed will require a response document.

The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Renz, Mr. Combs, Mr. Sullivan, Mr. Randolph, Mr. McMullen, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Pyle, Mr. Curtis,
Nayes: Ms. Bogush, Mr. Harper
Abstain: Mr. Popoff
Absent: Mr. Hoefer, Ms. McMorris, Mr. Hansen (had left of the room), Ms. Michael,

Mr. Popoff explained that he abstained because he had not had a chance to read the response to comments document. Mr. Popoff stated that if this kind of document is prepared and reviewed by the APC, the APC should have a chance to look at it beforehand, and he did not think this was proper procedure.

Mr. Harper stated that his vote was based on his agreement with Ms. Bogush because of the procedural problem and that it had not been demonstrated to him that to wait until July would have any significant impact. Mr. Harper further stated that the APC does not have a clear set of rules of what the EIS's should look like, what kind of information is to be provided, and what type of process should be followed. He felt that the APC should help the staff set up some procedures that both the APC and the Governing Board would be comfortable with. Mr. Harper stated that each time an EIS is presented the APC has a new or different set of rules that the APC has to find an exception to and he would like to see the rules established before finding exceptions to them.
Ms. Bogush stated she thought that this vote also sets a precedent in the handling of all future EIS's, and that it should be an established policy of the APC that they are willing to conditionally certify EIS's before the comment period is over or that if the APC does not receive addendums prior to the meeting, to take a vote then that is acceptable to the APC.

Mr. Sawyer explained that he and Mr. Midkiff had promised to provide procedural information to the APC. He is waiting for copyright clearance on an article and the information is still being compiled. Mr. Sawyer also stated that the subcommittee included Dr. Judith Unsicker, Lahontan Regional Water Quality Control, and he requested that he be substituted in her place. Mr. Harper suggested that someone from Nevada should be included on the subcommittee.

Mr. Curtis commented the reason that he did not have a problem with this EIS was that staff admitted the timing was a mistake and he did not think that this would establish a precedent. He added the majority of the comments either for or against were all from the California Water Resources Control Board and he did feel that anyone going to argue with Mr. Sawyer's technical expertise in this area, he thought that both of the issues were adequately addressed.

Mr. Randolph commented that the reason he voted yes was because he did not see a precedent being set here because there was totally different situations with this EIS.

Mr. Sawyer suggested that if there is an APC member who had an opportunity to look at the document and discovers there is a problem, that the APC accept a motion for reconsideration. Mr. Shellhorn explained that staff received the response to comments addendum on June 3 and review it to see if the questions had been adequately addressed which did not allow enough time to mail it to the APC prior to the presentation. Mr. Shellhorn stated that it was staff's opinion the addendum appeared to have been adequately addressed both technically and procedurally.

Mr. Overeynder stated that he accepted some of the responsibility because he did not clearly understand that staff was submitting the addendum to the APC for the first time during the meeting and he thought it had been mailed as part of the packet, and he added hopefully this will be cleared up in the future.

Ms. Sparbel stated that she is concerned with the timing that the APC packets are received by the members and not having adequate time to read them in order to make intelligent recommendations. She suggested that the APC should receive the packets at least a week prior to the meeting.

Mr. Combs suggested that it would help to get the packets at least the Friday before the APC meeting unless there is an overriding reason.

Ms. Bogush commented that the APC determines the technical adequacy of the EIS's and she asked if the APC wanted to consider recommending conditions of approval for the project. Mr. Randolph added this brings up the problem that the APC does not take an action on a project, so the members do not have that opportunity.
Mr. Harper stated that it was the view of the Governing Board that the APC would have the opportunity to make suggestions in an advisory capacity to the Board, but he would not use the term recommendation, obviously trying to stay away from approval of a project. He added although it has been argued before that the EIS and project are separate actions, the EIS and the project are so intertwined on this project that it is difficult to separate them.

It was noted that no further specific comments were made on the Rubicon Water System Reconstruction EIR/EIS, or the response to comments addendum.

VII ADMINISTRATIVE MATTERS

Mr. Midkiff presented a report on the Ways and Means Committee stating that the report will also go to the Governing Board for discussion. The Committee recommended that an implementation financing package that focuses on the first 5-year period of the Regional Plan and efforts be undertaken immediately to provide funds to cover what is currently a shortfall. Mr. Midkiff explained that in the area of water quality the projected annual expenditures during the first 5-year period would be $6 million dollars a year, and it is currently possible to identify $2.9 million; which leaves a $3.1 million shortfall. In the transportation area there is a range of expenditures from $3.3 to approximately $5.5 million dollars leaving a shortfall of $1.6 to $3.8 million dollars depending on the specific action items that are chosen for immediate implementation. An effort will be made to equitably distribute the responsibility for new revenue among the various state, federal and local governmental entities, as well as among the user groups of residents, visitors, and transportation system.

Mr. Midkiff further reported that several items that will be considered in Phase I of the proposed financial options will include additional legislation, perhaps some referendums for a half cent sales tax Basin-wide that could be used for water quality, erosion control, and related activities. The Committee discussed a utility tax, a motel room fee, and specific appropriations under Burton-Santini for erosion control for an additional 15 percent that is provided under the statute but has not been appropriated to date. Mr. Midkiff stated that discussions have begun with Senator Alan Cranston's office and other members in Congress regarding methods to undertake funding for additional Burton-Santini erosion control measures. The Committee will also look for federal and state assistance grants, using mitigation funds that are received from applicants in the course of project approvals.

Mr. Midkiff explained that under Phases II-IV of the financial options include establishment of specific assessment districts for water quality improvement, that the Committee will look at the possibility of automobile licensing and registration fees similar to the environmental license plate fund. This might include an additional dollar on the license plate fee to go into a special Tahoe fund in California and an attempt to get something under way in Nevada as well, also looking at automobile registration fees for a similar surcharge with a specified commitment of those dollars to Tahoe. A property transfer tax has been suggested, but it was determined that in California this was prohibited under Proposition 13, but apparently there is no prohibition in Nevada. The Ways and Means Committee will try to determine whether it will take a constitutional change or what will be
necessary in order to institute a property transfer tax in California. Mr. Midkiff stated it was also suggested that staff begin discussions with the Forest Service to look at some portion of the Forest Service special use permit fees being channeled back into the Basin for specific erosion control improvements and resource management in the Basin.

Mr. Midkiff reported that the Transportation District has undertaken an active program in both the Nevada and California legislature for a modification to the Compact language establishing the Transportation District that provides the referendums that can be adopted with a 50 percent simple majority vote, rather than a two-thirds majority for revenue implementing programs. Nevada adopted SB-441 statutory language which has been signed by the Governor that modifies the Compact language in the Transportation District regarding fund raising and certain other specific provisions. A similar provision has been introduced as a rider to a moving bill in the California legislature and is expected to proceed, but the exact schedule or timing for adoption is not known at this time.

Mr. Midkiff explained that specific recommendations from the Ways and Means Committee to the Governing Board are that they retain a consultant to perform a financial analysis; that they direct staff to further define requirements, and then proceed to support the initiation of a legislative package for Congress, California and Nevada, to undertake adoption of the other proposed financing measures identified; and that a formal request for the 15 percent supplementary Burton-Santini funds be transmitted to the Congress. Mr. Midkiff stated that Senator Cranston's office was supportive as long as those funds do not come out the Land and Water Conservation Fund, and Acquisition Funds since there is such limited money being requested by the federal administration for acquisition. Senator Cranston's office indicated a strong opinion against diverting acquisition funds into erosion control.

Mr. Sawyer stated that as he understood the Burton-Santini Bill, Land and Water Acquisition Funds cannot be used for land purchase. Congressman Fazio's recommendation for the funding for the $3.3 million dollars for the erosion control is from a separate source.

Mr. Midkiff pointed out that Senator Laxalt is on the Senate Committee who will be hearing related budgets during the week of June 13 and he suggested that it would be timely to contact Senator Laxalt's office in support of the funding.

Mr. Fyle stated he was concerned with the Basin wide sales tax in addition to a half cent sales tax proposed by the Ways and Means Committee because it seemed to be double taxing the local people and he asked if that was going to be acceptable to the locals. Mr. Midkiff responded that the Ways and Means Committee has discussed this at length and they feel there is support for a half cent dedicated sales tax in the Basin. A large share would be paid by users and it would not strictly be local. Mr. Hansen clarified that the Ways and Means Committee is not discussing a utility tax and a sales tax, but rather discussing a list of possibilities of the mechanisms as either/or suggestions.
APC REGULAR MEETING MINUTES JUNE 8 and 9, 1983

VIII REPORTS

A. Staff Reports - No further reports were presented.

B. Public Interest Comments - None

C. APC Members

Mr. Popoff suggested that occasional APC meetings be held at the North Shore in order to ease the transportation problem for the people who come from that direction. Mr. Harper stated that the APC discussed the possibility of scheduling the July and August meetings on the North Shore and that the locations would be confirmed.

Ms. Spaibel reported that public workshops on the Tahoe State Park Master Plan would be held in the afternoon of June 16 in Carson City, and in Reno in the evening if anyone wished to attend.

Ms. Bogush reported that on June 16 the consultants that are doing the South Tahoe Redevelopment Agencies Financial Feasibility Study will give their final presentation of the study results. Ms. Bogush explained the consultant is focusing on the market in the South Shore as a tourist destination resort where it can be capitalized on; the financial feasibility of redevelopment on the South Shore given the environmental restrictions; and what kind of land use flexibility will be needed from the regional agencies to make redevelopment succeed. The consultants are developing a computer model that will show financial feasibility of individual projects, as well as how land use regulations affect financial feasibility of individual projects. The consultants will have four sample projects - at the Wye area, Stateline, Al Tahoe, and one in the shorezone area as case studies to show what can work and what types of projects the redevelopment agencies should be focusing on to generate additional tourist market that will be financially feasible.

Mr. Harper noted that since the APC members had mentioned their concerns with the timing of the packet mailing he suggested that they provide him with any particular issues and directions that could possibly be resolved. Mr. Overeynder pointed out that the timing between the Governing Board meetings and APC mailings is a difficult situation to resolve.

There were no further reports and Mr. Harper returned the discussion to the proposed field trip that had been suggested earlier for the APC to review some of the case-by-case projects for both California and Nevada.

Mr. Randolph suggested rather than have two separate field trips to schedule the field trip in conjunction with the Governing Board meeting. Mr. Overeynder commented that some of the Board members might be interested in going on the field trip and he suggested to schedule the date around the Governing Board meeting date, inviting them to participate.

Mr. Overeynder informed the APC that last year a field trip was conducted on the Tahoe Research Group's vessel and it was demonstrated to the Governing Board the collection techniques and study of water quality. Mr. Overeynder suggested that the APC members also might want to consider this type of field trip sometime in the future.

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Mr. Sawyer raised the question if there was a procedural requirement to notify the applicants prior to a field review and Mr. Overeynder responded that there was no procedural requirement for the applicant to be notified of a field review by the staff or the Board members. Mr. Overeynder added that at least one of the sites might potentially result in some sort of litigation and that it would be wise to notify the applicant of the field review if they wished to be present on the site. Mr. Overeynder also clarified that the Nevada open meeting rules require that the APC meeting will have to be continued to a regular adjourned meeting for the field trip on June 21, 1983.

The APC members further discussed the Regional Plan/EIS time schedule with their for the meeting dates, public hearings and workshops. It was noted that the new schedule would be distributed the following day. (Schedule follows on page 19)

Discussion returned to Third Street and South Avenue and Edith Wilson, City of South Lake Tahoe, provided further information to the questions raised earlier concerning the traffic generation/turning movements. Ms. Wilson stated she had contacted the consulting engineer, George Nicholson and she explained that on page D.10 of the EIS, second paragraph, pertaining to the 2000 vehicles traveling between the Barton Hospital area, and the residential areas to the south and the west. Ms. Wilson stated the location of the residential areas suggested to Mr. Nicholson that two-thirds of this travel or 1300 daily vehicles would be on Highway 50 at the present time and therefore these would be likely to use the South Street extension as they would be coming from the hospital area and the various medical complexes. Ms. Wilson referred to the fourth paragraph which indicated 500-1000 daily trips reaching the hospital and medical offices from Winnemucca Avenue. Ms. Wilson stated there had been some concern about another statement made in the EIS about 500-1000 split, but that she could not find any other indication of that split. She stated that possibly it was picked up from this particular paragraph, but would not relate necessarily to what was being discussed coming out on the South Avenue extension. Ms. Wilson noted that on page E.12 the traffic volumes again referred to the 1300 daily vehicles expected to use the South Avenue extension to and from the hospital area. An additional 200 vehicles were added on the assumption that a certain amount of the through highway traffic would come in that direction down through the hospital area in order to avoid any congestion that might be present at the Wye. Ms. Wilson stated the total adds up to the 1500 vehicles in and out of the South Avenue extension shown on Figure 8 for the daily traffic volumes. Ms. Wilson stated that the peak hour traffic shown in Figure 9, using the computation of a 10 percent range the figure is that 155 vehicles would be using South Avenue extension in the peak hour traffic. Five would be coming from the Wye area to enter with a left hand turn onto South Avenue, five would be exiting South Avenue and going north. Additional to that would be 100 exiting going south, and 45 would be coming from the Tahoe Paradise area or other areas beyond that to enter South Avenue for a total of 155 vehicles anticipated using the access into or out of South Avenue during a peak hour period. Ms. Wilson added that the City feels this is a reasonable expectation, however, under ordinary circumstances people who would be coming from the Gardner Mountain area or moving eastward from Lake Tahoe Boulevard area would be traveling into the hospital area by using the signalized intersection and also going out that way rather than compete with the turns they would have to make at the intersection. Therefore, the City does feel that the 1500 trips is a reasonable projection and that the 155 vehicle trips at the peak hour is also reasonable.
Mr. Randolph stated that the explanation of the 1500 vehicle trips appeared logical, but he did not agree that only 5 vehicles would make that movement, and since he could not dispute it, he would not pursue it. Mr. Randolph also stated that it should be watched once it is implemented and he thought that the closure of the south access drive to exit traffic at the Raley's Center would help the situation. Ms. Wilson added that was part of the original approval of the Raley's Shopping Center but over a period of time they realigned the parking configuration which has been used for both an entrance and exit but an entrance only sign will be added very shortly.

Mr. Randolph stated that he was satisfied with Ms. Wilson's response to his questions.

MOTION by Mr. Randolph, with a second by Mr. McMullen, that the APC find the Third Street and South Avenue Extensions and Improvements EIS technically adequate. The motion carried on the following vote:

Ayes: Mr. Sullivan, Mr. Randolph, Mr. McMullen, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Pyle, Mr. Hansen, Mr. Curtis, Mr. Popoff, Ms. Bogush, Mr. Harper

Nayes: None

Abstain: None

Absent: Mr. Milam (left at 3:45), Mr. Renz (left at 12:30), Mr. Combs, Mr. Hoefer, Ms. McMorriss, Ms. Michael

Ms. Bogush asked if any of the APC members had recommendations concerning conditions of approval for the project which will be forwarded to the Governing Board. There was no response to this question.

Mr. Harper returned the discussion to Lake Parkway (Loop Road). Mr. George stated he had contacted Mr. Hauge, and bring back to the APC on that an addendum to the EIS would be prepared responding to the comments/questions discussed earlier, and that Mr. Hauge will try to specifically identify the mitigation measures that must be incorporated as part of the project to keep the impacts to a less than significant level. Mr. George also stated that Mr. Hauge would be present at the Thursday APC meeting to respond to any further comments that might arise which would also be added to the addendum. Mr. Harper suggested deferring the Lake Parkway (Loop Road) to Thursday when Mr. Hauge could be present.

The meeting recessed at 4:00 p.m. with Mr. Harper indicating the APC meeting would reconvene at 9:30 a.m. on the 9th.

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Chairman Mike Harper called the APC meeting back to order at 9:40 a.m. followed by the roll call.

APC Members Present: Mr. Renz (arrived at 9:45 a.m.), Mr. Combs, Mr. Randolph, Mr. McMullen (arrived at 9:16 a.m.), Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Pyle, Ms. McMorris, Mr. Hansen (arrived at 10:05) Mr. Curtis (arrived at 10:10 a.m.), Mr. Poppoff (arrived at 9:45 a.m.), Ms. Bogush, Mr. Harper

APC Members Absent: Mr. Kortick, Mr. Sullivan, Ms. Michael

Mr. Harper noted that this meeting would be mostly devoted to discussion of the Regional Plan and Environmental Impact Statement issues. Mr. Harper also distributed copies of the revised time schedule for the Regional Plan/EIS with the recommendations that the APC had discussed the previous day for suggested target dates that would be transmitted to the Governing Board.

1983 TARGET DATES

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<td>APC Review of Regional Plan, Creation of Sub-committees by Elements</td>
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<td>June 22 and 23</td>
<td>Governing Board Review of Specific Regional Plan Issues</td>
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<td>July 13 and 14</td>
<td>APC Selection of Ways &amp; Means Contractor Workshop on Policy Plan</td>
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<td>(Hart Federal Savings &amp; Loan Tahoe City - to be confirmed) Receive Sub-committee Recommendations</td>
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<td>July 27 and 28</td>
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<td>APC Public Hearing on Policy Plan/ Area Planning Statements</td>
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<td>(Granlibakken Ski and Racquet Resort - to be confirmed)</td>
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<td>August 10 and 11</td>
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VI  PLANNING MATTERS

Draft Regional Plan and Environmental Impact Statement for the Lake Tahoe Basin

EIS Issues

Mr. Overeynder outlined the general topics of the major issues in the EIS and the major issues in the Preliminary Regional Plan draft stating that with the time schedule established for the target dates, the basic intent of the presentation was to get the APC's input. Mr. Overeynder stated that to help eliminate some of the confusion about how the public hearing testimony relates to specific aspects of the Regional Plan, staff tried to organize the comments into four different areas: the EIS, the Policy Plan, the Planning Area Statements, and the Implementing Ordinances.

Mr. Overeynder used a display chart that depicting the different alternatives, and he explained which alternatives are going to have the greatest risk of not meeting the thresholds, and which alternatives will have the greatest risk of not being acceptable. Mr. Overeynder stated that staff feels that each of the three general alternatives looked at have a different degree of risk involved with attainment of the thresholds. Mr. Overeynder pointed out the major uncertainties that still exist in all the alternatives are how effective the transportation controls/ measures will be; how effective the Best Management Practices will be in removing nutrients; and the availability and timing of the necessary funding to implement the measures necessary to mitigate the impacts.

Mr. Overeynder referred to the May meeting where the APC looked at three general parameters that staff thought were key measurements for the threshold standards and attainment. Mr. Overeynder explained that the first parameter was the vehicle miles traveled (VMT) with a target of a 10\% reduction. There are certain positive things being done through expenditures of capital programs and the first 5 year program, such as a bus system. The second 5 years looks at the transition to a ferry system and fixed guideways. After the first 5 years there will be a decision point as to whether or not a more intensive system will be needed, and whether or not the thresholds are being met. The concept is to have a specific measurement in all of the alternatives as to transportation system improvements, how many people are getting out of their cars and for what kinds of distances to meet the overall reductions, the expenditures of capital and continued evaluation as to how effective those things are, and adjustments over time to make that the most effective transportation system. Mr. Overeynder further explained that at the same time the down side has to be looked at (because the Compact already provides that certain things can happen in the Basin, such as casino expansion within the 15 percent floor area), and what will be allowed to take place in the Basin, and what the net effect will be. Mr. Overeynder pointed out that the chart depicts that it will get worse before it gets better, and that between the years 5 and 10 when there will be more capital intensive programs and continued controlled growth in the Basin, is when there will start to be some positive improvements in the 10\% VMT reduction.

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Mr. Combs commented that in looking at the chart the threshold would be reached in the year 20 and the objective of reducing the VMT's involves a number of things but primarily an air quality issue. He asked if it isn't likely that there will be technological breakthroughs in a cleaner fleet mix, such as, combustion engines, and that the 20 year horizon assumes that the same kind of engines that are presently used. Mr. Overeynder responded that the real objective for the VMT reduction is to reduce the amount of emissions in the Basin on a gross basis, and the chart reflects in the near term of the next 5 years (1987-88) we have a fairly good idea as to what will happen with the fleet mix. Mr. Overeynder explained there is a federal program in effect which projects 98-99% removal efficiencies for the combustion engine and after that point it levels off. Within that 5 year period, if people continue to buy new cars and the federal government doesn't change the Clean Air Act, these kinds of improvements can almost be counted on immediately. At years 7-10 there may be a decision point if we find that technology has changed and that it may not be necessary to implement the more intensive transit elements to meet the same objectives. Mr. Overeynder stated the decision points are keyed at 5 year intervals based on available information to decide whether or not we should go to the capital improvements at the next stage. At the same time have to recognize the down side of permitting new growth.

Mr. Overeynder pointed out the important thing between transportation and air quality, which is somewhat isolated from the water quality, is that the increases due to growth are very significant, not so much as a backlog problem. The ability to offset increases due to growth is part of the risk and uncertainties involved with meeting the ultimate goal at the end of 20 years. If change in the fleet mix does not take place or the projections for how many people use the ferry system or or bus system are incorrect, then there is a risk factor as to whether the objective will be met. Mr. Overeynder stated the regulatory type of approach that limits growth provides generally the most safety. With the other two alternatives, more incentives are built into the programs to change the use patterns. Mr. Overeynder explained staff feels with redevelopment and cluster development there is a multiplier factor in terms of getting people out of their cars. With this particular one, if you want to take the minimum risk approach, look at the regulatory approach and at the same time put a big infusion of money into the system to try to correct the problems. Sometimes that does not work. Staff has taken the basic approach that with interval timing we can work our way ultimately to this objective and still permit this growth to take place. There is a high risk factor involved with that approach because it is not known for a fact that we will get that kind of ridership, but we also have the ability to either adjust the curve by spending more money, or another curve by controlling the rate of growth at a different level after a 5 year period.

Mr. Sawyer stated that increasing occupancy is not an uncertainty, the uncertainty is how much. Mr. Sawyer asked what assumptions were made concerning diesel automobiles in the fleet mix? Dale Neiman, Senior Planner, responded that staff held it the same as it is today.
Mr. Randolph commented that if growth begins to increase immediately there may not be that recovery ability. He asked if the plan would still have that programming of growth during the 5 year increments? Mr. Overeynder responded that staff is recommending an annual growth rate. With regard to transportation, staff feels that things will get worse before they get better. With regard to air quality, the federal national emission program will allow some lead time, which eliminates some of the uncertainty in that particular area for continued evaluation of the transportation system.

Mr. Pyle asked when ridership for buses/ferry system was developed if the projections were based on what other areas had done? Mr. Overeynder responded that two key areas were looked at. The bus system will eventually be converted to a bus system with a fixed guideway. Those projections came from the the 1979 JHK market analysis for ridership on the Highway 50 Corridor. Mr. Neiman added that staff also looked at studies from other areas of the country which were related to low fares and ridership levels that had been achieved on implementing various improvements. Mr. Pyle commented that he felt the projections were too optimistic expecting to get people to ride the bus/ferry system.

Mr. Randolph commented he didn't know if the figures were right, but when comparing potential ridership in the Basin to somewhere else there is a risk because the situations are not the same in Tahoe. Mr. Overeynder stated there is a risk/uncertainty factor in terms of ridership, such as how much money will be put into the transportation system, and how effective it will be, but the approach is one of setting specific goals for 5 year increments. Staff will evaluate how effective and successful the first 5 year program is with a more intense bus system and establish a target for the next 5 years along with capital expenditures so at the end the objectives will be reached.

Mr. Pyle stated that in most areas local governments feel that transportation has to be self-sufficient, and yet staff is recommending that this will be an expensive system which assumes that some tax dollars will go into it. Mr. Pyle also stated that it should be implemented at the local level with a consensus from them that this will work. Mr. Overeynder responded the Agency has specifically tried to involve the Transportation District and the local governments in the Ways and Means Committee, and there seemed to be a general consensus that revenue sources must be obtained from sources other than from the fare box to make the transportation system work.

Ms. Bogush commented she did not think the local governments expect to implement the majority of the transportation measures because it is the commitment of the Tahoe Transportation District (TTD) that is important. She added the TTD does not expect it to be a self sufficient operation, but they do expect heavy subsidies. Mr. Overeynder stated that the legislative efforts are headed in that direction. Mr. Pyle stated that the TTD is composed of local people from government. The people who live here will have to pay the bills, and they need to know where it is going to come from. Mr. Overeynder responded there is a basic risk involved that people are not going to ride and if the additional funds are not obtained to build the transportation system during the first 5 years, it will more than offset improvements in the NOx emissions due to the federal fleet mix. There will be technical limits and there will be limits as to how far people are willing to spend money, but those decision points are keyed as the process progresses.
Ms. Bogush asked if the transportation approach is going to be reevaluated every 5 years, what will happen to the fixed guideway concept, and will it still be maintained as a long term goal? Mr. Overeynder responded yes; the elements in Phases III and IV between the years 10 and 20 are much more conceptual and subject to being authorized. Staff feels that it is necessary to outline this general direction so the lead time for planning can begin, but have not committed the capital to it at this point.

Mr. Harper asked at what point in time can reassessment be expected as to whether the thresholds can be achieved within a specific period of time, or whether they will be achieved at all? Mr. Overeynder responded that he thought it should be done between the years 3 and 5, because the uncertainty at this point is how many people will use the transit system. The data will be monitored from the transit ridership in order to know how many miles people are actually riding, and how many people are driving their cars, to evaluate whether or not the net change projected is actually taking place and whether the transportation improvements are working. If the bus fleet is brought on line in the second year as projected, the data can be collected to find out if the objectives are being met between years 2 and 5 and make that decision at the end of that time period.

Mr. Harper asked what factors will go into the monitoring program since the Governing Board, APC and staff should be comfortable with the monitoring program to make the decisions. Mr. Overeynder explained with the monitoring program the uncertainties will be narrowed down so that there will be enough information to make the next decision. Mr. Harper stated he would like to see the monitoring program included as part of the implementation strategy of the Plan, and he suggested the monitoring program outline all of these things for supporting data in order to make the decisions at that point in time.

Mr. Popoff supported Mr. Harper's comments concerning the monitoring program. He stated that the monitoring program is not described in the Plan and should be added. Mr. Popoff further stated he was concerned that staff is planning to monitor how many people use the transit system and he was not sure that this is the right approach. Mr. Popoff commented the real issue is if there will be a reduction in the NOx and CO levels that the Plan is supposed to accomplish, and he added this will require very careful planning and evaluation. Mr. Overeynder clarified that the initial draft contained a detailed idea of exactly what components would be measured, such as highway traffic counts, sulphur dioxide, NOx, particulate, etc. Staff decided in favor of a more conceptual idea and that the specifics of what would be measured would be included in the Policy Plan, and the details would follow in an appendix. Mr. Popoff stated he thought it was an extremely important factor of the Plan which deserves a great deal of attention, not only to Agency staff, but for outside experts to review both the Plan and the collected data.

Mr. Overeynder moved the discussion to water quality, stating that in this particular area staff has progressed much further in putting together a detailed long range monitoring program of what needs to be measured, the frequency, who is responsible for doing it and how all the entities fit together.
Mr. Overeynder stated there are some important differences in the EIS issue in
terms of the risk analysis of water quality than those with the VMT and NOx
emissions. Mr. Overeynder explained that staff felt that this problem is a
backlog problem which we need to aggressively attack in order to meet the
threshold. Mr. Overeynder stated the approach is generally that the preventive
part on water quality is a very important part of the program, although it is
balanced by the need to do the restoration measures. Staff found that the
timeliness of attaining thresholds is primarily a function of how aggressively
and how rapidly the remedial programs can commence. Mr. Overeynder pointed out
the importance of the uncertainty factors of the effectiveness of Best
Management Practices. Some of the assumptions are trying for a 50% reduction in
dissolved inorganic nitrogen loading. The questions and uncertainties are how
effective are Best Management Practices in removing nitrates. Staff knows how
effective BMP's are in sediment control, but staff does not have any data from
the search that was conducted on the effectiveness of Best Management Practices
on nutrients. Staff estimated that 50% reduction efficiency, whereas we might
be able to get 80% or 90% of sediments. Mr. Overeynder further pointed out this
is clearly an assumption in the Plan, but the target at that point assumes that
the efficiencies will be attained with remedial programs in order to meet the
threshold standards.

Dave Ziegler, Acting Chief, Long Range Planning, explained the long range
monitoring program would allow staff to evaluate over a 10 year period whether
or not program is moving in the right direction for achieving the threshold
standards. Mr. Ziegler stated there is a report from the USGS on an agreement
to a 10 year monitoring program, and staff will have to continue evaluations of
the day to day study needs and the watershed monitoring program.

Ms. Bogush stated that the last several years there has been a large amount of
runoff from natural causes, and she asked how natural contributions to dissolved
inorganic nitrogen work into the graph? Mr. Overeynder responded these are
annual averages established as threshold loading reductions so that measurements
will be done over a period of time, not necessarily taking any one particular
year as showing whether the thresholds are being met. Continuity of the
monitoring program will be necessary.

Mr. Curtis asked how staff arrived at the conclusion that it is either coverage
or development when there are no studies that prove the correlation between the
BMP's and the dissolved inorganic nitrogen going into the Lake. Mr. Overeynder
clarified that data is available from the watersheds which have been evaluated
and established a correlation. Staff feels that the correlation is as good as
it should be, but it does indicate there is a correlation between coverage and
nutrient loading which will continue to be studied. There has to be reasonable
control to maintain future options by limiting the increments due to growth
and at the same time approach aggressively the remedial programs which are the
balancing sides of the spectrum for minimizing the risks.

Mr. Overeynder summarized that all of the alternatives would meet the threshold
standards as they are currently proposed, however, there would be a difference
in terms of the risk factors. He explained the costs for the systems are
outlined in the EIS, and the importance of tying expenditures to a specific
target and a monitoring program so that it can concluded that steady progress
towards attainment of the thresholds will be made.
Mr. Overeynder explained there are four fundamental ways which increase nutrient loads to the Lake that are interrelated. The first mechanism is due to soil disturbance or natural vegetation removal which releases nutrients stored in the soil profile as a result of the disturbance. The second function is the displacement of vegetation that takes up nutrients, and the fact that water is coming off of the watershed that is cleaner than the rainfall indicates that vegetation is doing something to either store or detain the nutrients in some form. The third basic function is changing the hydrology of the watershed which short circuits the natural treatment processes due to coverage disturbance which increases the energy in the watershed. Mr. Overeynder explained that runoff comes over a shorter period of time and there is less amount of time for nutrient stripping, which is an important factor affecting nutrient loads to the Lake. The fourth factor is increase of the NO₃ emissions to the air which adds significantly to the loads through atmospheric deposition on the Lake. Mr. Overeynder added with regard to the fourth point, the Agency recently entered into a contract to locate the sources and pathways of nutrients, to trace the sources of nutrients both in and out of the Basin, and those nutrients in the watershed with a detailed study and monitoring program.

Mr. Combs asked if there are any soils here in the Basin that are considered to be such sterile soils that their erosion into the Lake does not add to the loading? Mr. Overeynder responded that there are differences between the nutrient content of soils, particularly the alluvial soils where there is nutrient buildup, but in terms of one particular parameter, he thought that particularly the granitic soils are less productive. Mr. Overeynder explained there there are a number of threshold standards for soil loss and sediment that are also important in terms of control and it has been suggested that it may be better to select those portions of the Basin that have sterile soils because they would be suitable places for development. Mr. Overeynder added those also tend to have steeper slopes and other limitations not directly connected to the nutrient loss.

Mr. Harper commented there has been a great deal of land capability challenges, and he asked if there will be a program where staff intends to do a more site specific review of the land classification applicability over the entire Basin? Mr. Overeynder responded that staff has looked at that question but it will depend on what kind of planning system will be used, and whether or not reliance on the maps is absolute. With site review characteristics, or a point criteria system, or case-by-case review, the individual site characteristics will become more important than the mapped capability system. Mr. Overeynder added that even though some of the major errors are being corrected there are still going to be inclusions that do not fit mapped characteristics in both directions.

Mr. Overeynder stated the reason staff felt it important to discuss the EIS issues, particularly the uncertainties and risk analysis is that they will have a large effect on how the plan is structured and how the different components of the plan are put together. Mr. Overeynder added the timing of growth and implementation of remedial measures are key components that cannot be underemphasized.
Ms. Bogush commented the idea is that increased growth generates funds not only to solve or mitigate that growth, but also to solve other problems that exist, and if there is a minimum amount of growth there is also a minimum amount of problem solving. Ms. Bogush added there may be less risk in having very little growth, but that means it is a status quo situation instead of the broader urban problems, and if the minimum approach is taken then some of the other problems will not be addressed such as community design and aesthetics.

Regional Plan Issues

Mr. Overeynder outlined why it is necessary to control development of new subdivisions in the region and what staff thinks is the extent of the problem with new subdivisions. The draft EIS indicates that an additional 41,000 new residential units would be possible under current TRPA zoning. The EIS concludes that attainment of the threshold standards would be precluded if all of those areas were allowed to be developed. Unless the situation is controlled the threshold standards will not be met.

With regard to existing plans, programs, and standards, Mr. Overeynder stated that the TRPA Compact amendments and Ordinance 81-8 temporarily limited new subdivisions until April 30, 1983, and the water quality element of the TRPA Regional Plan prohibits new subdivisions until adoption of the Regional Plan in both states. Mr. Overeynder explained that in California the 85% rule under the California side ordinance prohibits new subdivisions until 85% of existing residential lots are built out, and also in California the State Water Resources Control Board prohibits new subdivisions as part of its 208 Plan. Mr. Overeynder explained that the policy statement proposed a two phase approach prioritizing new development. The first phase (first 5-years) deals with those activities that will have the least impact and where those impacts can be offset or mitigated. Mr. Overeynder further explained that in the first phase no subdivisions are proposed, with the exception of subdivision of land with no increase of external impacts and/or for conveyance to a public entity, and that parcel maps are included in the prohibition. In the second phase (years 5-10) further subdivision of land is provided for in a number of areas. The emphasis is to distinguish between areas that were designated for redirection of redevelopment. Mr. Overeynder stated that one of the first priorities of this phase is to insure that there are incentives for redirection of development, and one incentive would be to allow higher density as a result of transfer of development rights (TDR) to those areas and to allow those areas to subdivide.

Ms. Bogush asked why staff is recommending to wait five years for redevelopment or redirection when the redirection concept is to incorporate mitigation on a large scale? Ms. Bogush stated there should be an option that if the program is put together sooner then it could proceed with implementation. Mr. Overeynder responded that the assumption is that it will take that period of time to put together the programs.

Mr. Harper commented that expansion of intensity of use should not be limited to the second phase and if a redevelopment program is put together within the first 5 years it should be allowed to proceed.
Mr. Renz stated that he is concerned that any ability to transfer development rights off of a high hazard lot is put off until the second phase and he thought it should be done as soon as possible as a mitigation measure in the first phase.

Mr. Sawyer commented he didn't think there was capacity on the California side to do all of the construction proposed in Phase I, and if redevelopment is put behind Phase I there might not be any.

Mr. Overeynder clarified the rationale was first that it would take a period of time to get Phase II on line for redevelopment plans, the financing programs, and all the packages necessary to implement. Secondly, on a substantial portion of the California side, the South Tahoe Public Utility District has a very limited ability for sewage capacity.

Mr. Combs stated in theory a person could draw a permit on a single family lot in a high hazard area, transfer that permit to a redevelopment area, and then if it is transferred to a single lot of record they would have the ability to build a triplex, with exception to the apartment building ban. Mr. Combs further stated that he is fully supportive of the redevelopment/redirection concept but he is concerned with the equity issue of having the individual get that bonus as far as development potential from a single development allocation.

Mr. Harper commented that he was concerned with the transfer of development rights concept because it appeared certain land classifications would be treated on a lot by lot basis, whereas other classes of land are treated on a watershed basis. Mr. Overeynder clarified staff is not saying that there will be two different kinds of coverage systems and coverage will not be calculated differently for the high capability lands than for the high hazard lands. There can be coverage overrides in high capability areas, but there cannot be coverage overrides in high hazard areas. Mr. Overeynder explained that part of the coverage analysis on a watershed association basis was done by aggregating coverage classes and analyzing whether or not additional coverage was available. In the 4, 5, 6, and 7 land capability areas all of the available coverage is not being utilized, but the question is whether or not this can be allocated back. Staff is measuring the conformance on a watershed association and the high hazard areas with the same kind of evaluation, but with the 1% limitation there is less flexibility in terms of how it is allocated back. Mr. Overeynder added that it would be better to suggest development in the high capability areas within the land coverage limits.

Mr. Overeynder responded to Mr. Combs's question about whether or not there is equity by allowing these density bonuses or credits to take place. He explained that staff felt it was necessary to have an incentive in the system to make people want to go in that direction and the incentive would be to restore some of that density that would otherwise not be credited to that lot.

Gordon Barrett, Principal Planner, explained the zoning concept, and the first draft of going through the plan was to try to allow a minimum of one house on each lot. With the allocation systems it was found to be infeasible because so many houses had to be built. Staff then looked at each residential area if the
neighborhood would be conducive to multi-density because it was 50% to 60% built out, and to put a single family house in these locations may not be a good mix. Staff felt that if the person really wanted to build in this density in exchange for a trade off where a lot can be retired than possibly the two extra units to build a triplex could be an option. Mr. Barrett added the same applies to redevelopment in other areas. Where a high density pattern has been established the planning area would be designated as a transfer-in area, but not every area would be eligible.

Mr. Harper asked what would happen if no one ever accepts the TDR program and they build on all of the subdivided lots, or what happens if someone decides that they cannot afford the cost of retiring a lot in order to build in a multiple family residential zone? Mr. Overeynder responded that it could be a situation where economics change and it is not feasible, but there is feasibility to go from high hazard lands with the current market conditions in California to the high capability areas on a one for one transfer basis, or a mandatory program, which people are currently doing. Mr. Overeynder stated that a two for one transfer would be feasible even if the market conditions change and if it is found that it is not feasible to operate in all areas of the Basin, it is not the only transfer mechanism that staff has proposed. Mr. Overeynder explained the other transfer mechanism is an incentive approach in the point priority system. Where there is a marginal lot that does not fit the point criteria, additional points will be given to retire high hazard lots. He added there will be five or six different ways listed under the point priority system to move high enough into the priority system to build.

Ms. Bogush stated the TDR program also provides an opportunity for the private sector to develop affordable housing through the density bonus that is needed in appropriate areas.

Mr. Hansen asked if one single family dwelling could be traded for three units, either a triplex or multiple density, how does the allocation come out of the system? Mr. Overeynder responded that staff has proposed a development management system that allocates a total of 750 permits annually for the entire Basin, not necessarily on a year by year basis. Of that allocation staff has proposed that 150 permits be reserved for this kind of category and that one transfer would then be counted as three units against that 150.

Mr. Curtis stated that since the U.S. Forest Service is in the process of acquiring some of these lots and if the development rights were retired, he asked if a person could go to the Forest Service to buy development rights? Mr. Hoenig responded the Forest Service will not be in the business of selling development rights for private development. Bill Morgan, U.S. Forest Service, explained as soon as a property is acquired under the Santini-Burton Act it is labelled for Santini-Burton Act status, and the property cannot be developed; it can only be used for recreation purposes and other purposes that protect water quality. Mr. Curtis asked if those lots are automatically out of the system, is there a priority of which high hazard lots the Forest Service wants acquired or is it any high hazard lot? Mr. Overeynder responded that it is any high hazard lot. A person that enters into this density transfer will compete on the open market for acquisition of high hazard lots, which is a mechanism to create a market to buy high hazard lands, and the fact that the Forest Service is also buying high hazard lands does not interfere with that.
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Mr. Renz commented that what is proposed is a performance zoning system, and any performance zoning system if it is going to work cannot be based on what is called relative criteria which are the points given, but there has to be absolute criteria. Mr. Renz explained that a stream environment zone lot for instance that was more than 50% in the stream environment zone would have an absolute criteria by saying that it cannot be built on no matter how many points a person had, or that points cannot be given for this type of lot. Mr. Renz stated he thought that such a system should have something in it where if a lot is retired in order to gain points a person does not necessarily get a density bonus to put on that lot. Mr. Renz also stated he thought it was premature to ask the staff to furnish the APC with the details of a complex transfer system and performance zoning system which has to be worked out in ordinances.

Mr. Sawyer commented that the TDR system in California works and he thought that a system should be put together that works in Nevada. He suggested if that is infeasible then the next approach should be to look at allowing transfers as part of the TDR system across state lines.

Ms. McMorris asked if the TDR program could be used in a watershed that was overcovered? Mr. Overeynder responded yes, provided coverage is available in that area as part of a restoration plan for overcovered areas.

Discussion returned to the Lake Parkway (Loop Road) and the addendum to the EIS response document was distributed. Mr. George stated that both staff and Mr. Hauge, the consultant from QUAD, were prepared to address the additional responses.

Mr. Hauge clarified that the purpose of a left hand turn lane was to maintain consistent alignment of the Lake Parkway from Nevada into California conducive to traffic safety; to allow snow plowing which provides improved driver visibility; provides access to the Forest Inn, should Van Sickle Road which is a private road, ever be closed; and it provides adequate width for bike lanes. Mr. Hauge stated the City of South Lake Tahoe has made a commitment to acquire adequate land area to maintain the required 20% land coverage and they have designed the project to contain storm water runoff on site in compliance with TRPA regulations. Mr. Hauge added that the City is interested in maintaining the left turn lane configuration, but they can provide approximately an 8 foot wide median strip for approximately a 250 feet length which would be on the easterly side or the northeasterly side of the Lake Parkway. He explained the reason that it cannot go beyond that is because a left turn lane would be needed to make the turning movements onto Park Avenue and also a segment of that left hand turn lane to make turning movements into the Forest Inn would be needed. Mr. Hauge also clarified that there was no difference in the names Lake Parkway and Loop Road; they are the same road with a name change that has been modified to be called the Lake Parkway by Douglas County and the City of South Lake Tahoe.

Ms. Sparbel stated it was her impression that the Loop Road was to resolve some of the problems during the early 1970's in the casino core area and was to be a bypass road to route traffic around that area on Pioneer or Highway 50, and she did not think this has answered any of those traffic questions. Mr. Hauge
responded that the mitigation that is recommended is that traffic will have to go onto Park Avenue and out on Highway 50. The other alternative being considered in the Regional Plan is using the old highway alignment and taking traffic in a segment behind the Chonokis neighborhood and tying it back into the Loop Road/Lake Parkway at approximately the Park Avenue and Montreal Road interchange. Mr. Hauge stated that during the scoping process it was determined that the consultants would not look at that as part of this project, and he explained since the project had been proposed in this format for a number of years the consultants concentrated on using the Park Avenue alignment. Mr. Overeynder added that staff is looking at that as an alternative, including the Loop Road, but expanding that as a later phase of the project.

Mr. Randolph referred to page 2.1 of the EIS which he stated defines the project two ways. The one for EIR/EIS covers the required mitigation measures with either alternative 2 or 3; and the one for construction proposes 490 feet of Loop Road completion and restriping of traffic lanes on Park Avenue at the intersection with Highway 50. He stated he thought that the impacts of that had not been divulged in the EIS document. Mr. Randolph also referred to the EIS addendum noting that it mentions that the environmental impacts of the proposed project are listed in Chapter 3, but that the project isn’t satisfactory and that mitigation measures are needed with alternatives 2 or 3 to offset the impacts. He stated that the impacts of the are not divulged defined as a construction project and that he is concerned with the project as opposed to an environmental document and being asked to certify it is technically adequate for an environmental document that isn’t a construction project. The addendum lists the essential mitigation measures to be implemented with project construction with a barrier at Park Avenue and Highway 50, modification of the signal system, a stop sign at the southeast corner of Park Avenue, and possibly another one, which if restriping Park Avenue is not effective there would be some structural changes on Park Avenue. Mr. Randolph stated he understands the constraints and right of way acquisition, but all of those measures have been identified as necessary in the document to mitigate the impacts of alternatives 2 or 3, but he is still concerned that we are not going to have one of those in five years.

Mr. Hauge responded the environmental impacts of the proposed project are listed in Chapter 3. The transportation section addresses mitigation in Chapter 4 which concludes neither of the two projects being considered capable of achieving project objectives without the incorporation of the recommended traffic control and environmental mitigation. Mr. Hauge explained the project with no mitigation would increase traffic in the Chonokis neighborhood and would not improve traffic flows on Highway 50 at Park Avenue. The unmitigated project would not achieve its objectives. The project alternatives 2 or 3 which is the one-way loop or the two-way loop, are recommended over the project or no project alternative.

Mr. Hauge further responded to the question of the right lane. As the EIS was being developed he discussed this matter if the lane was essentially needed at this time with the traffic engineers. Their reply, based on 1982 traffic inventories that it would be desirable; it is not required to mitigate the Loop Road, but by 1987 it would be. It is recommended that all of the mitigation required for the project to bring it into compliance with thresholds, environmental concerns and phasing the mitigation over a period of time be completed by 1987.
Mr. Sawyer commented the items listed on the last page of Table J-1 to be committed by the City of South Lake Tahoe depending on funding availability, and he asked what that met. Mr. Hauge responded that the City is willing to take the responsibility for constructing these improvements, but at the present time they do not have the funding available. There is some funding that will possibly be available as noted for the additional 12 foot lane approximately in the amount of $400,000 in Federal Aid Urban (FAU) money which is being considered for the 1985-86 budget. Mr. Hauge added that the City is willing to work with these things, but at the present time they do not feel they have the funding available from their general fund. Carol Drawbaugh, City of South Lake Tahoe, explained funding the project for widening the 12 foot lane will be approximately between $400,000-$500,000. The FAU program lists projects where for 5 to 6 years. Currently the City is updating a resolution which approves the FAU projects in El Dorado County, has to be agreed upon by Caltrans, the county and the. The projects that are currently scheduled for this year are the ones that have been on the list for about 5 years. Money accrues each year and by 1985-86 there will be about $400,000. Mr. Drawbaugh further explained that it is the City's recommendation to the City Council, El Dorado County and Caltrans that this resolution for that funding be approved. Mr. Drawbaugh also noted this item is scheduled for the June, 1983 City Council meeting. It will then go to El Dorado County and Caltrans for approval.

Mr. Randolph commented that the project does address the impacts of the one-way as opposed to the two-way operation, but there is the problem that the APC does not review projects. If the APC were to certify that the EIS is technically adequate, they do not have the opportunity to provide recommendations on the alternatives. Mr. Randolph also commented usually the document lists the preferred alternative, and he restated that he did not think this EIR/EIS did that. Mr. Hauge stated that either of the two alternatives recommended as the preferred alternatives were addressed in the document and the impacts are recognized. It would then be up to the decision making body to choose the alternative. Mr. Overeynder added that the EIS lists two alternatives that have advantages and disadvantages, depending on which particular point is looked at. Each have different traffic impacts and different air quality impacts, and there are tradeoffs, but there is no preferred alternative based on those facts. Mr. Overeynder stated that if there is no preferred alternative that it is incumbent on the EIS to say this is the environmentally preferred alternative when there are tradeoffs between the two, and he added that is a policy decision to be made by the TRPA Governing Board.

Mr. Randolph stated that he was still concerned with a statement in the document which mentions one area where the two-way operation will have 4.2 ppm in 1987 as opposed to .2 ppm which he thought that was a significant difference. Mr. Randolph further stated that the staff should be making a recommendation to the Governing Board rather than leaving it up to the Board to decide. Mr. Overeynder responded that the staff's primary function is to identify the impacts and options available to the Board indicating where there are clear choice points, and whether or not there are impacts that can or cannot be mitigated. The staff proposes to submit to the Governing Board the facts on the mitigation which mitigation measures would be necessary with either alternative, and continue the public hearing on the process. If staff finds that further information or other considerations that are not environmental, then a specific alternative may be recommended at that time.
Mr. Overeynder also clarified that the Regional Plan has to be adopted and the State of California has to certify that plan through their process before the Agency becomes the designated transportation planning agency and before the project can be approved.

Mr. Sawyer commented the Council on Environmental Quality (CEQ) regulations for implementation of the procedural provisions of the National Environmental Policy Act (NEPA) does call for designation of the environmentally superior alternative. The reason is that it does involve better disclosure to designate and it does help to get better environmental decisions. If there is evidence that one alternative is environmentally superior to the other, he thought that a final EIS or at least a record of decision for the Governing Board should have a clear recommendation.

Mr. Hauge explained when the modeling was done for the air quality impacts at that time it was determined that the "No Project" would not solve the traffic problems. Due to the limited time in putting the air quality model together and on line they did not consider the "No Project" without any mitigation and the closest mitigation would probably be the limited access to Chonokis alternative as to the impacts. The impacts would increase at Park Avenue and Highway 50 because of the increased congestion at that location based on the traffic analysis. Mr. Hauge further explained that the "No Project", based on the Caline model, analyzed that air quality still improved over time, based on cleaner vehicles, but there would be more people in the intersection with the two-way project which would increase the congestion.

Mr. Overeynder suggested that if the APC members were concerned about making their recommendations known to the Governing Board on the decision of this particular project, their comments could be addressed through the Transportation Plan with preferred findings.

Mr. Randolph asked if this item could be deferred for one month in order for staff to make a determination in case there is a significant difference in the impacts. Mr. Drawbaugh responded that the general assumption is that the Regional Plan will possibly be adopted in September. In order for this project to go ahead there are a number of major sequences that have to fall into place. He explained the City is crossing Caltrans' right of way, which means the City will need to obtain a Caltrans encroachment permit. Caltrans has conceded to give the City the encroachment permit at such time as the EIS is certified as technically adequate. The City has to acquire right of way from two different areas; that acquisition cannot take place until the EIS has been certified. Mr. Drawbaugh added there is a strong possibility that construction could be under way, with a possible opening late this year, and by postponing an action on this would delay the project a year.

Ms. Sparbel asked if there was a legal problem with purchasing a right of way prior to an EIS being approved and also why they couldn't condemn prior to an EIS being approved? Mr. Drawbaugh responded that a right of way can be purchased at anytime. However, the people who sell the right of way have to be willing to sell and under certain circumstances it may be under condemnation. In order to get condemned and get possession of the property there has to be a project for an EIS which has been certified. Mr. Drawbaugh explained that the City presently has some court cases that date back five years ago when the lower portion of the Loop Road was completed.
Ms. Sparbel stated that her concern was that there should be some discussion of what the process is and what the ramifications are if it is approved or not approved. Mr. Overeynder responded that the relationship of the project to the Transportation Plan was addressed in the EIS.

**MOTION** by Ms. Bogush, with a second by Mr. Rosse, that the Lake Parkway (Loop Road) EIS along with the addendum and Table J-1 was technically adequate; the addendum and Table J-1 would be included in the EIS, and that the APC recommend to the Governing Body certification of the document.

Mr. Harper read Ms. Michael's written concerns pertaining to the mitigation measures as follows: "Since the Loop Road EIR does not address how VMT increases or air quality degradation will be mitigated by mass transit improvement, it is important for the Regional Plan EIS to address this issue. Mass transit improvements alone won't achieve the environmental thresholds in the Highway 50 corridor. The concept of a South Lake Tahoe transit mall and a workable loop road should be included in all alternatives. Since the Loop Road EIS does not address how transit improvements can mitigate some of the environmental consequences of this project, the Plan EIS should do this and also discuss strategies such as a transit mall, coordinated jitney/bus service between the motels in the corridor and the casinos, and other TSM strategies."

Mr. Harper commented that this appears to be an issue, assuming that for some reason there is a motion or desire of the Governing Body to approve this project prior to the Regional Plan being adopted, that the APC is suggesting that is an inappropriate move.

Mr. Sawyer suggested an amendment to the motion. That the Lake Parkway (Loop Road) be addressed in the Regional Plan and EIS, and that both the Regional Plan and EIS, and this project EIS, be considered environmental documentation on the project.

Ms. Bogush asked if information from the Regional Plan EIS had been incorporated into the project EIS? Mr. Hauge replied that with the TRPA staff's assistance the information was incorporated, but it did not come directly out of the EIS. It was the intent to include this information into the final EIS at another point in time because this document was prepared prior to certification of the Regional Plan EIS.

Ms. Bogush stated that the amendment was not acceptable and there was no a second to the amendment.

Mr. Randolph commented that the amendment was too vague of what the overall picture would be. He would like to see the details of what the entire system will look like before he would agree to the proposed amended condition.

The motion carried on the following vote:

**Ayes:** Mr. Combs, Mr. McMullen, Mr. Hoenfer, Mr. Rosse, Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Curtis, Mr. Popoff, Ms. Bogush, Mr. Harper

**Nayes:** Mr. Renz, Mr. Randolph, Ms. Sparbel, Mr. Sawyer

**Abstain:** None

**Absent:** Mr. Milam, Mr. Sullivan, Ms. Michael
Mr. Harper directed discussion toward the topics suggested for the core group subcommittees. He suggested that if any of the APC members were interested in working on more than one committee to indicate which one. Mr. Harper stated that since a considerable amount of time would be spent discussing the topics the subcommittee should have their reports to the APC in early July and August, and that it would be up to each of the subcommittee's to organize the group, setting the meeting schedules, and Agency staff will be available to participate in the discussions. Mr. Harper explained the intent of the core group was to look at the Regional Plan; review and discuss the proposed policies, decisions and or conclusions; if new policies should be substituted/modified; and submit reports with their recommendations to the APC.

Mr. Overeynder returned the discussion back to the staff presentation on the Regional Plan and the questions pertaining to what extent development on high hazard lands need to be regulated; and if the plan allows for individual review for development suitability to still meet the threshold standards to the application of appropriate mitigation measures. Mr. Overeynder stated staff looked at two alternatives that provided for mitigation and to what extent. The draft EIS indicates that there are limits to the extent that environmental impacts can be mitigated consistent with the threshold standards. There are only just so many mitigation strategies that can be looked at, particularly with water quality and air quality that are feasible. The plan is basically contingent on the ability to mitigate those impacts, the risks and uncertainties, and whether Best Management Practices obtains 50% efficiency. Mr. Overeynder further stated that staff looked at a policy that would either regulate construction on high hazard lands or allow some development with mitigation. Alternative 1 would have permitted 8600 new residential units and would have prohibited construction on high hazard lands. Alternative 2 adds an additional 3200 units, each unit on a single family lot. Alternative 3 allows the same number of lots to be constructed as a result of that policy, but because of density bonus's, allows an additional 3200 dwelling units.

Mr. Overeynder presented background information on the existing plans, the different programs, and standards on the Nevada and California side of the Basin. Mr. Overeynder stated that staff has recommended a point priority system that all lands in the Tahoe region will be eligible for evaluation and a two-phased priority system. Mr. Overeynder briefly explained the point priority system for Phase I and Phase II as described in the preliminary working draft of the Regional Plan for the Lake Tahoe Basin.

Mr. Sawyer noted that the House Appropriations Subcommittee approved the federal fiscal year 1984 budget for $10 million land purchase funds, $2.5 million dollars for local erosion control, and $835,000 for Forest Service erosion control. Mr. Sawyer explained this has to go to the Senate Subcommittee, headed by Senator McClure of Idaho, and he suggested contacting Senator Laxalt and Senator Hecht, requesting exactly the same funding which is based on the formulas in the Burton-Santini Bill. If there is an impasse on the entire federal fiscal 1984 budget as a whole, he explained typically the continuing resolution where both houses agreed go by what both houses agreed on. If the House and Senate both have local erosion control money then the continuing resolution should include that $2.5 million dollars. If the House and Senate
Budgets differ then the continuing resolution is likely to include only the land purchase funds. Mr. Sawyer suggested the best strategy at this point would be to contact the Senators, asking them to contact Subcommittee Chairman McClure and ask for inclusion of the exact same funding that the House Appropriations Subcommittee approved. Mr. Overeynder commented that Agency staff is preparing a letter for the Governing Board Chairman's signature requesting the same funding levels.

Mr. Overeynder discussed the Bailey system and how the EIS relates to the Plan since there are separate issues with regard to land coverage. Once it has been determined if there is overcoverage, it will have to be determined how the situation will be handled; how it will be allocated back to an individual parcel; or if there is overcoverage, how will more coverage be obtained out of that watershed. Mr. Overeynder stated that from the EIS background information with regard to coverage in the Basin, staff concluded: (1) stream zones are overcovered; (2) certain watershed associations primarily 4, 6, and 7 are overcovered; (3) capability level 4-7 have the greatest remaining coverage in the Basin; (4) the water quality data suggests that there is a correlation between coverage and disturbance of allowable coverage under the Bailey system that is taking place in the watersheds. Mr. Overeynder also explained the rationale staff considered in selecting the use of watersheds, parcel by parcel application of the allowable coverage under the Bailey system, certain exceptions and redirection areas, and areas where coverage can be transferred in. Mr. Overeynder noted that coverage restoration program was inadvertently left out of the working draft, which was initially in the draft EIS as a mitigation measure for the overcoverage situation in watershed associations 4, 6 and 7. The EIS indicated that it would be the responsibility of each individual lot owner. Staff has since looked at that as a result of the public comments on the EIS, and staff feels it would be better to be a programmatic kind of responsibility of local government to do that as part of the restoration program which would be an integrated type of program as opposed to an add-on type of mechanism.

There was no further discussion.

IX RESOLUTIONS - None
X CORRESPONDENCE - None
XI PENDING MATTERS - None

XII ADJOURNMENT

The APC meeting adjourned at 4:20 p.m., but it was noted that it would be continued to 9:00 a.m. June 21, 1983 for the field trip.

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
STAFF SUMMARY

Lowry/Pillsbury, Logan Creek Estates Unit #2, Appeal of Staff Rejection of an Application for Subdivision Improvement, Douglas County, TRPA File #83462

Applicant: William F. Pillsbury/Albert J. Lowry

Project History: The applicant has submitted approximately 30 applications for case-by-case review in Logan Creek Estates Unit #2. This area was previously not rated due to the unimproved status of the subdivision. The roads are not paved, there are no drainage or slope stabilization improvements, no utilities to the individual lots, and no developed single family dwellings. As a result of the applications being submitted the subdivision has been examined and rated as "in need of further evaluation". (See attachment A for subdivision evaluation.) The subject applications are therefore not eligible for review under case-by-case review unless: 1) drainage and erosion control improvements are made to the subdivision, as per plans approved by the Agency, and the subdivision is then reclassified as either "Adequate" or "Potentially Adequate"; or 2) it is allowed for in the Agency's amendments to the Regional Plan pursuant to Article V(c) of the Compact.

The applicant has therefore submitted plans for subdivision improvements for Logan Creek Estates Unit 2. These improvements include widening and paving existing dirt roads, placement of sewer and water lines, stabilization of road cuts and fills, and infiltration of roadside drainage.

The Agency staff feels that the intent of the case-by-case review procedure is for review of parcels in subdivisions which are already improved. Section 12.60 of Ordinance 81-5 prohibits any grading, clearing, removal of vegetation, filling or creation of land coverage in land capability districts 1a, 1c, 2, and 3. Additionally, Section 13.10 of Ordinance 81-5 prohibits disturbance in a stream environment zone. It is therefore staff's opinion that construction of necessary subdivision improvements would fall under these sections of the ordinance and would therefore be prohibited. The application has therefore been rejected. The applicant is now requesting an appeal of this staff rejection.

According to the Douglas County Department of Community Development, no building permits have been issued for any of the parcels in question. No subdivision improvements have been approved by the County, although plans were submitted in 1980 and 1981. Also, any subdivision improvement plans for this subdivision would have required Agency review and administrative permits under Section 8.12 of the TRPA Land Use Ordinance, which have not been issued.

In December of 1982, a request was made to the Douglas County Board of Commissioners to grant 1982 building allocations for parcels in Logan Creek Estates Unit 2. The request was denied.

NS:jf
8/2/83

Agenda Item: IV A.
Lowry/Pillsbury, Logan Creek Estates Appeal

Site Description: The area consists of steep slopes with rock outcrops. Small dirt roadways traverse the slopes (North Peak, South Peak and Rim Rock Drive). These roadways are of variable width, being as narrow as 8 to 10 feet in areas. In some areas, the road bed width is less than that necessary for construction of the proposed improvements. Vegetation is being established on the roadway and on the cut and fill slopes. The soil type in the subdivision is primarily mapped as RtG (Rock outcrop - Toem Complex 50 to 70% slopes). Some CaF (Cagwin-Rock outcrop complex, 30 to 50% slopes) also exists in the area. The entire area is mapped as a C2, High Hazard Geomorphic Unit. According to the Bailey Report, 1974 "these lands are the primary source of potential erosion in the Basin. Soils are shallow and are underlain by almost impermeable bedrock. Water concentrated from impervious surfaces, such as paved roads, produces severe gully and channel erosion in loose decomposed granitic material".

Because the subdivision encompasses such a large area, slopes are variable. Generally, however, slopes exceed 30%. However, the undisturbed slopes are fairly well vegetated with manzanita and mature pines and firs. The road cuts and fills have begun to revegetate as well.

Project Description: The proposed subdivision improvements include: (See details attached)

1. Placement of sanitary sewer (6" PVC pipe) on one side of the road and water lines (6" PVC pipe) on the opposite side.

2. Widening and paving of North Peak Drive, South Peak Drive and Rim Rock Drive to a width of 16 feet. (Douglas County ordinances require a minimum 20 foot width.)

3. Curb and gutter with drop inlets to infiltration trenches along the roadways.

4. Revegetation of cut and fill slopes, where feasible.

5. Rip-rap of cut and fill slopes where slopes are 1:1.

6. Retaining walls where cut slopes are of excessive height.

Review Per Section: Article VI(b) of the TRPA Compact
Sections 12.11, 12.12, and 12.60 of Ordinance 81-5

Land Use District: Logan Creek Estates Unit 2 is classified General Forest.
The Governing Body of the Tahoe Regional Planning Agency at its regular meeting on January 26, 1977 made the following findings with regard to the subject subdivision:

1. There has been construction of roads, sewers or other substantial facilities to serve the subdivision prior to February 10, 1972;

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Agenda Item IV A.
2. The subdivision does qualify for one single family house per lot under Section 9.14 of the Agency’s Land Use Ordinance; and

3. The subdivision does qualify for the land coverage allowed under Section 9.24 of the Agency’s Land Use Ordinance.

*It is Agency legal counsel's opinion that the provisions of these sections of the ordinance must comply with currently applicable ordinances and regulations. The ability to construct a single family dwelling on the subject parcels must therefore comply with Ordinance 81-5 and can be processed only as applications for case-by-case review.

Conformance with Case-by-Case Lot Review Criteria: Each lot would be rated individually, although the general character of the area indicates that the majority of the parcels would be rated as a high risk in at least one of the four criteria:

Proximity to Stream or Wetland: Most of the parcels appear to be away from the influence of a stream or wetland.

Runoff Potential: The general character of the area is one of very rocky soils and rock outcrop. Additional information would be required to adequately evaluate the infiltration capacity of each lot.

Land Stability: Slopes are generally well over 30% slope which results in a high risk rating for land stability. Additionally, cut slopes created for the dirt road cause access problems to many of the individual lots.

Vegetation: Because of the rocky soils and steep slopes, revegetation of disturbed areas may prove difficult. High risk ratings may therefore be assigned for many of the parcels.

A high risk rating in any of the four criteria precludes an application from further review under the case-by-case procedure.

Project Analysis and Issues for Discussion:

1. Determination of Environmental Impact - Prior to approval, the Governing Body must make a finding of no significant effect. Staff can identify a number of impacts which would result from the proposed improvements:

   a. The widening of the roadway and placement of utilities will create additional land coverage, grading and disturbance in a high hazard area containing highly erodible soils.
Lowry/Pillsbury, Logan Creek Estates Appeal
Page four

b. Potential cumulative impacts will result from approval of the subdivision improvements. Some 30 applications for case-by-case review have been received by TRPA to date. The cumulative impacts of this single family dwelling construction should be considered. The slopes are steep and include road cuts and fills which may cause access difficulties to individual lots.

c. Impacts on public services should be addressed. Additional sewer capacity will be required as well as water supply. The applicant contends that there are water rights currently allocated to this area. The water supply system will have to be upgraded including an additional water tank and underground water lines. Analysis of point of diversion should also be addressed. Current information from the Nevada Division of Health indicates that the present water system for Logan Creek Estates Unit 1 is substandard in quality as well as quantity and is currently designated as not safe for drinking. The water system for Unit 2 would have to be completely constructed with associated land disturbance and coverage.

Additional single family dwellings will result in increased traffic generation and will impact the existing roadways in Logan Creek Estates Unit #1.

Although the proposed improvements will resolve some erosion problems on the site, TRPA staff feels a more complete environmental assessment (Environmental Impact Statement) is appropriate to adequately assess impacts which may result from this project.

2. **Intent of Ordinance 81-5** - The case-by-case review procedure, as set forth in Ordinance 81-5, is intended for review of single family dwellings in subdivisions which are "potentially adequate" or "adequate". Some subdivisions, or portions of subdivisions, rated as "in need of further evaluation" require only minor drainage and slope stabilization improvements to bring the areas up to a "potentially adequate" standard.

This subdivision, however, requires substantial improvements which involve new coverage and disturbance in high hazard areas. This is contrary to the intent of Ordinance 81-5 which was to only allow new coverage associated with single family dwellings in already-improved subdivisions, as addressed in Section 12.60 of ordinance 81-5.

Advisory Planning Commission Recommendation: The APC heard the subject appeal on July 13, 1983. The Commission confined its discussion to the appeal of subdivision classification and appeal of staff rejection of the subdivision improvement plans. The Commission did not discuss the vested rights issue.

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Agenda Item IV A
Although the applicant intends to submit additional information which requires review by the Agency's Land Capability Review Team, the APC made a recommendation to the Governing Body. If the case-by-case processing deadline is extended, the APC would like the opportunity to review new information.

The Commission recommends that the Governing Body find that the area was properly classified as "In Need of Further Evaluation" and that the staff rejection of the improvement plans be upheld based upon the following findings:

1. The proposed improvements would cause additional coverage, grading or removal of vegetation in a critical area which is prohibited in Ordinance 81-5.

2. The proposed improvements would cause construction which could increase erosion and sediment and nutrient loading to Lake Tahoe.

3. The improvements are not adequate and may not be made adequate due to the soil types and erosion hazards of the area.

4. Further consideration should be given to options for stabilizing the site other than the proposed subdivision improvements.

5. Further consideration should be given to the cumulative impacts of the proposed improvements.
TAHOE REGIONAL PLANNING AGENCY

SUBDIVISION
Logan Creek Subdivision

SUB-AREA
Unit 02

DRAINAGE AREA
Logan Creek

1. Road Placement

   Good Placement in Relation to Natural Features
   Fair Placement in Relation to Natural Features
   Poor Placement in Relation to Natural Features

   Remarks - Roadway traverses steep slopes and rock outcrops. Width expansion would involve severe excavation/cross slopes.

2. Drainage System

   Good Placement in Relation to Natural Features
   Fair Placement in Relation to Natural Features
   Poor Placement in Relation to Natural Features

   Remarks - No existing drainage system. Vegetation is being naturally re-established to minimize erosion problems on roadway.

3. Maintenance

   Good Maintenance of Vegetation/Structures/Snow
   Fair Maintenance of Vegetation/Structures/Snow
   Facilities Not Adequately Maintained

   Remarks - Roadway not maintained. Natural vegetation being established.

4. Downstream Impacts

   No Channel Cutting, Flooding, Deposition Evident
   Some Channel Cutting, Flooding, Deposition Evident
   Channel Cutting, Flooding, Deposition is Evident

   Remarks -

5. Stable Cuts and Fills

   Cuts & Fills Stabilized by Vegetation/Structures
   Some Cuts & Fills Stabilized by Vegetation/Structures
   Inadequate Stabilization

   Remarks - Natural revegetation is in process. Fills/cuts still unstable.

ATTACHMENT A
6. Stable Internal Drainage

No Internal Channel Instability/Cutting Deposition
Some Internal Channel Instability/Cutting Deposition
Internal Channel Instability
Remarks -

7. Access Difficulties

Low Percentage of Lots with Severe Access
Moderate Percentage of Lots with Severe Access
High Percentage of Lots with Severe Access
Remarks - Extreme access to most lots in rock outcrop areas. Lots would not conform with 30% slope criteria.

8. Land Coverage

Land Coverage Generally in Conformance with Land Capability
Land Coverage Generally Not in Conformance with TRPA Ords.
Land Coverage in Excess of TRPA Ords.
Remarks - Improvement of roadway to county standards would create new coverage in excess of land capability in high hazard area.

Planning Team Classification

Adequate
Potentially Adequate
Needs Further Evaluation
Remarks - Application would create new coverage in excess of capability in high hazard area in order to make necessary improvements. Existing vegetation and drainage could be managed to better assist in water quality control without roadway/subdivision improvements.
NOTE: TOP OF PAVING SHALL MATCH EXISTING GROUND  
UPHILL EDGE OF DIRT ROAD 
WHERE PRACTICABLE

* SCARIFY AND COMPACTION
  SUPERGRADE TO 95% R.C.
  PROPOSED ROADWAY

TYPICAL ROAD SECTION
NOT TO SCALE

* NORTH PEAK DR.  2.0 W. x 3.5' D. - 10° PMP
SOUTH PEAK DR.  2.5' W. x 4.0' D. - 24° PMP
RIMROCK DR.  2.5' W. x 4.0' D. - 24° PMP
SLOPE STABILIZATION GENERAL NOTES

<table>
<thead>
<tr>
<th>Slope</th>
<th>Stabilization</th>
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<tbody>
<tr>
<td>&lt;2:1</td>
<td>Revegetate</td>
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<tr>
<td>1 1/4:1 - 2:1</td>
<td>Hand place native angular rock (Minimum 30°)</td>
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<tr>
<td>1:1 - 1 1/4:1</td>
<td>Hand place and set in mortar native angular rock (Minimum 30°)</td>
</tr>
<tr>
<td>&gt;1:1</td>
<td>Masonry retaining wall</td>
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SLOPE STABILIZATION NOTES

INFILTRATION TRENCH DETAIL
POOR QUALITY ORIGINAL (S) TO FOLLOW
NOTES:

1. All PCC curb, gutter, and sidewalk shall be class AA or DA concrete unless otherwise specified (3,000 psi).

2. All concrete curb, gutter, and sidewalk shall have 1/2" expansion joints every 30' and at all curb returns and shall have weakened plane joints every 10 feet.

3. Aggregate base material shall conform to the specifications for Type 2 Aggregate Base and be comp. to a min. 96% max. dry density.

TYPE 1 P.C.C. Curb & Gutter,
A.C. Curb, and Gen. Notes
NOTE:
See Masonry Retaining Wall General Notes, Dwg. No. 1-17.1 and 1-17.2 and Details, Dwg. No. 1-19.

MASONRY RETAINING WALL W - L
MEMORANDUM

August 3, 1983

TO: Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Agenda Items IV B. and IV C. Peterson/Curtis and Carpenter/Curtis

Agency staff requests that the subject items be withdrawn from this agenda. Additional information has been submitted which has not yet been adequately reviewed by Agency staff.

NLS:md
MEMORANDUM

August 2, 1983

TO: Advisory Planning Commission

FROM: Agency Staff

SUBJECT: W. F. Gabrys, Appeal of Intent to Approve Two Projects at a Staff Level: W. Rush, Washoe County APN 126-570-06, TRPA File #82116; and H. Blank, Washoe County APN 126-570-04, TRPA File #82862

Project History: The two subject applications were submitted to the Agency for review under the Case-by-Case Review Procedure. The project sites are in Upper Tyrolian Village, off of Tirol Drive. Tyrolian Village entered into an agreement with the Agency and Washoe County to perform subdivision improvements which would qualify the subdivision for a rating of "Potentially Adequate".

Review of the individual files indicated that the subject applications were complete enough to process and fit within the Case-by-Case Lot Review Criteria. A notice of intent to approve the project was therefore sent to the adjacent property owners. Mr. Gabrys was notified, as he owns the lot between Lot 159 and Lot 161 (Rush and Blank).

Characteristics of Parcels:

Lot 159, H. Blank: This parcel is set back from Tirol Drive and is a downhill lot with a slope of approximately 24% across the building site. The soil is rocky in nature and understory vegetation sparse. There is no stream environment zone on or adjacent to the lot.

The proposal is for a single family dwelling, proposing a total of 1,711 square feet of coverage. The dwelling is to be 3 stories in height. Foundations and utility trenches will be hand dug and foundations will be stepped. Access to the dwelling will be via a walkway off of Tirol Drive. No garage is proposed.

Lot 161, W. Rush: The subject parcel is a downhill lot with a slope of approximately 25% across the building site. Access to the site is by a wooden walkway from Tirol Drive. Foundations and utility trenches will be hand dug. The dwelling proposes to use stepped foundations to minimize disturbance. The proposed coverage is 1,681 square feet and the structure is to be 3 stories. There is no stream environment zone on or adjacent to the parcel.

APC Agenda Item IV D.
Mr. Gabrys wishes to appeal staff's intent to approve both projects. The appeal is based primarily on the location of the building envelopes. Lot C-159 is 2 feet from the deck of the existing single family dwelling that Mr. Gabrys owns on Lot C-160. Lot 161 is within 3 feet. The appellant proposes a relocation of the building sites to allow free passage between the single family dwellings.

Agency staff would not object to these relocations, as the topography in the area is fairly uniform. Prior to any action by the Agency, however, the final map for Tyrolian Village would require amendment. Additionally, the relocation of these parcels may bring them very close to other building envelopes (Lot C-162 and Lot C-158). Attached please find the letter of appeal from Mr. Gabrys and a map showing approximate building envelop locations.
RE: Item 17. Rush/ Hoffman & Lien, Lot C-161 Tyrolian Village, Washoe County APN 126-570-06 TRPA File # 821116

Item 23. Blank/Fleming, Lot C-159 Tyrolian Village, Washoe County APN 126-570-04 TRPA File # 82852

In reference to your "Notice Of Intent To Approve", dated July 6, 1983 I would like to make the following comments.

The latest survey of the building site for lot C-159 puts the new dwelling two feet from my deck. It puts lot C-161 within three feet. Please see Assessors Map on next page. Therefore I wish to appeal to TRPA for consideration to grant me the option of having lot C-159 re-located roughly ten feet north of its present position and lot C-161 moved ten feet south of where it now sits.

The present location of these lots leaves no easement to allow free passage between my Chalet and the proposed new additions. Since there is roughly 30 feet of free space south of C-161 and 60 feet of free space north of C-159 this move would provide adequate easement and encroachment space for the new builders whose decks or roofs or overhang might extend beyond their lot boundaries.

I am aware that moving these lots may require satisfying Tyrolian Village Association By Laws which would require 55% written approval of the members of Unit "4". See Map on last page.

Unless an easement is granted I stand to lose a significant amount of money in the market value of my Chalet, and a view of the magnificent lake.

I feel that this move will not adversely affect lots C-159 or lot C-161 or any Chalet now standing in Parcel "V". See Map next page.

Sincerely yours,

W. F. Gabriés
Owner, C-160
TYROLIAN VILLAGE UNIT NO. 4, PORTION N\textsuperscript{2} OF SEC. 14 T16N R18E

UNITS ONLY
SEE 126-54 FOR COMMON AREA
A TOWNHOUSE

PROPOSED
MOVE
10 FT

NARROW
EASEMENT

PARCEL "V"

PARCEL "Y"

Dedication of all streets to the County of Washoe is rejected, but the offer of dedication will remain open under N.R.S. 278.390
TRPA PERMIT DATA FORM

Date: 7-21
By: DC

1. Parcel Number: 12657006104
2. County Code: WA
3. TRPA File Number: 3734
4. Project Type Code: A
5. Project Name: W.F. Galnys

6. Applicant's Name: W.F. Galnys

7. Staff Assigned: NS
8. Date Received: 7-19-83
9. Notice Date: 
10. Action Code: IN
11. Action Date: 
12. Date Action Expired: 
13. Final Insp. Date: 
14. Field Check Date: 
15. Field Check By: 
16. Perf Bond Amount: 
17. Perf Bond Rel Date: 
18. Project Units: 
19. Land Coverage: 
20. Land Coverage Pct: 
21. Allow Land Cover: 
22. Violations: 
23. Revoke Code: 
24. Remarks: Appeal

8/18/82
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

 Fallen Leaf Lodge Redevelopment, General Plan Amendment to
Consider Reclassification of 76.8 Acres in El Dorado County
from Low Density Residential and General Forest to Medium
Tourist Residential, General Forest and Recreation

Applicant: Fallen Leaf Lodge Associates

Owner: William Craven

Location: Along the southern shore of Fallen Leaf Lake, approximately 5 miles
south of the Highway 89 and Fallen Leaf Lake Road intersection (see Exhibit A)

Assessor's Parcel No.: El Dorado County 21-410-11

Review Per Section: Section 7.27 of the California Side Land Use Ordinance
(Amendments to the Regional Plan Land Use Districts)

Amendment Request: The applicant is requesting an amendment to the TRPA General
Plan to reclassify a 76.87 acre parcel from 10 acres of Low Density Residential
(LDR) and 66 acres of General Forest (GF) to 18 acres of Medium Tourist
Residential (MTR), 57 acres of General Forest and 1 acre of Recreation (Rec)
(see Exhibit B). The purpose for requesting the amendment is to make the TRPA
land use districts on the property consistent with a proposed rehabilitation
project for the Fallen Leaf Lake Lodge site. The project is scheduled for
review by the Governing Board in August, 1983. According to the Rules and
Regulations of the Agency, the required General Plan amendment must be approved
by the Governing Board and the effectuating ordinance receive first and second
readings prior to consideration of the project.

General Plan Amendment History: On June 28, 1979, the TRPA Governing Board
approved a General Plan amendment to reclassify the subject property from LDR
and GF to Conservation Reserve (CR). This action was taken to allow the
applicant to submit the current rehabilitation plan for consideration as a
"specific plan" as set forth under the procedures for the CR use district.
However, when the amended Compact was adopted in December, 1980 and TRPA was
required to implement the California Side General Plan, the use district
classifications on the property reverted to LDR and GF as a result of
legislative action. On June 24, 1983, the CTRPA Governing Board reclassified
the subject property to the use districts requested herein (MTR, Rec, and GF).

Project Description: The existing Fallen Leaf Lodge facility consists of
numerous structures including a lodge, motel building with 6 units, laundry,
store, recreational hall, coffee shop, 30 cabins, 9 tent platforms, 5 cook
shacks, storage buildings, restrooms and a boat dock. Additionally, there are
32 dirt camp sites and 50 to 60 dirt parking places. The site is highly
disturbed and the structures are, by and large, in a state of disrepair.
Fallen Leaf Lake Lodge
General Plan Amendments
page two

The rehabilitation proposal includes the removal of 23 cabins, 6 motel units, 9 tent platforms and 32 camp sites. Four units in the existing lodge and 7 cabins would remain and 30 new cabins would be constructed. Additionally, approximately 1,200 linear feet of existing paved roadway would be removed from the water's edge and approximately 6,000 linear feet of dirt roads and 50 to 60 dirt parking spaces would be removed. A new road would be constructed well back from the edge of Fallen Leaf Lake and paved parking areas would be provided both at the boat ramp facility and in close proximity to the cabin facilities.

The construction of the project will be phased over five years and include a revegetation program. The first phase will involve construction of the new road, removal of the deteriorating structures and old roadway, installation of the new water and sewer system, and revegetation of the disturbed areas and shoreline. The shoreline road would also be removed and the shore rehabilitated. Cabins would then be constructed over the five year period. The estimated cost of the project is $1.5 million.

Existing Use Districts: Currently the developed lakefront portion of the site (approximately 10 acres) is classified LDR. The remaining rear portion (approximately 66 acres) is classified GF.

Proposed Use Districts: The request is to reclassify the area that under the rehabilitation plan is to contain the relocated road, lodge and cabins (approximately 18 acres) to MTR. The rear portion of the site (approximately 57 acres) will remain GF, and the public access area along the shoreline (approximately 1 acre) will be reclassified to Rec.

Comparison of Use Districts:

MTR - Specific Purposes: To provide for tourist residential uses consistent with the existing character of areas within the region and environmental protection. Permitted uses are as follows:

1. Residential
   a. One single family dwelling per parcel recorded as of September 19, 1975.
   b. Multiperson dwelling at 25 persons per acre (450 persons)*.
   c. Mobile home parks at 6 homes per acre (108 mobile homes)*.
   d. If subdivision prohibition is terminated, 8 single family units per acre (144 units)*.

8/2/83
APC Agenda Item V A.
2. **Tourist Residential**
   a. Transient dwelling units without kitchens at 20 units per acre (360 units)*.
   b. Transient dwelling units with kitchens at 15 units per acre (270 units)*.

3. **Outdoor Recreation**
   a. Private recreation areas and day-use areas.
   b. Outdoor amusement facilities.

4. **Public and Quasi-Public**
   a. Child care nurseries and medical facilities.
   b. Transportation facilities.

5. **Commercial**
   a. Professional offices and home occupations.
   b. Indoor amusement facilities.

**LDR - Specific Purposes:** To preserve outdoor recreation opportunities for all income groups and to permit each property owner the option of residential use of his property. Permitted uses are as follows:

1. **Residential**
   a. One single family dwelling per parcel recorded as of September 19, 1975.
   b. If subdivision prohibition is terminated, 1 single family unit per acre.
   c. No mobile home parks or multiperson dwellings.

2. **Tourist Residential** - none
3. **Outdoor Recreation**
   a. Private recreation areas and day-use areas.
   b. Developed and undeveloped camp grounds.
   c. No outdoor amusement facilities.

4. **Public and Quasi-Public**
   a. No child care nurseries or medical facilities.
   b. No transportation facilities (roads excluded).

5. **Commercial**
   a. Home occupations.
   b. No professional offices or indoor amusement facilities.

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**Rec** - Specific Purposes: To assure adequate public opportunity for outdoor recreation, including skiing facilities, boating, day-use areas, and access to public and quasi-public beaches. Permitted uses are as follows:

1. **Residential**
   a. One single family dwelling per lot or parcel recorded as of February 10, 1972.

2. **Tourist Residential** - none

3. **Outdoor Recreation**
   a. Day-use areas.
   b. Developed and undeveloped camp grounds.
   c. No private recreation areas.

4. **Public and Quasi-Public**
   a. Educational facilities, avocational.
   b. Roads and certain public utility-related structures.

5. **Commercial** - none
Fallen Leaf Lake Lodge
General Plan Amendments
page five

GF - Specific Purposes: To preserve outdoor recreational opportunities and to permit the growing and harvesting of timber, agricultural activities, and extraction of resources. Permitted uses are as follows:

1. Residential - Same as in Recreation.
2. Tourist Residential - none
3. Outdoor Recreation - Same as in Rec except no day-use areas.
4. Public and Quasi-Public - same as in Rec except no educational facilities, avocational.
5. Commercial - none

*permitted under requested reclassification

Compatibility of Rehabilitation Plan With Use Districts: Except for the existing commercial uses in the vicinity of the lodge, the other uses proposed are permitted within the proposed reclassifications. The existing commercial uses can be continued as part of the rehabilitation plan as nonconforming uses.

Environmental Document:

Lead Agency - CTRPA/TRPA


Certification - CTRPA - July 9, 1982
- TRPA - September 22, 1982

Other Agency Approvals:

El Dorado County - Special use permit authorizing rezoning from Agriculture, Commercial and Single Family Residential to Recreational Facility Zone, February 8, 1982

- Design waiver regarding the width and grade of the relocated road, approved April 8, 1983

Lahontan - Waste discharge requirements, Board Order 6-83-41, issued April 10, 1983

8/2/83

APC Agenda Item V B.
CTRPA - General Plan Amendment (same as described herein), approved June 24, 1983
Rehabilitation Project approved June 24, 1983

EIR/EIS Summary: The EIR/EIS prepared for the project and certified by the CTRPA and TRPA concludes that the proposed project represents an overall net reduction in adverse environmental impacts in comparison to the existing development around Fallen Leaf Lake. The report concludes that the project would generally contribute to improving the water, air and visual quality of the Fallen Leaf Lake area. The report predicts that soil stability will be enhanced through an extensive revegetation program, and traffic generated to the site will be lessened by a reduction in units on the property.

However, the EIR/EIS does identify four unavoidable significant adverse environmental effects if the project is implemented. These are: 1) relocation of the road; 2) conversion of the majority of the area, except for the 1 acre Recreation area along the shoreline, from semi-public use to primarily private use; 3) short-term erosion, noise levels and traffic generation; and 4) consumption of nonrenewable energy and natural resources during construction. Further, the proposed project will contribute to a cumulative decline of low cost recreational accommodations, especially camp sites, in the Tahoe Basin. The rezoning of the property by CTRPA and TRPA could further this decline by encouraging private acquisition and rehabilitation of older lodging facilities around the Tahoe Basin.

In addition, Agency staff has identified encroachment and disturbance in stream environment zones as other issues.

These issues will be addressed further when the project is before the Governing Board for consideration next month.

Staff Comment: The EIS prepared for the project does not address the General Plan amendment. Therefore, an addendum to the EIS should be prepared assessing the potential impacts of the General Plan amendment.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the requested amendment to the land use classification:

I A motion for a finding of no significant effect with direction to staff to prepare the necessary certification documents to be included with the permit.

II A motion to approve the subject General Plan amendment based on the findings listed on Attachment A. The ordinance effectuating this amendment is on this month's agenda for first reading (Agenda Item XII C.).

8/2/83

APC Agenda Item V A.
MEMORANDUM

August 3, 1983

TO: Advisory Planning Commission
FROM: Agency Staff
SUBJECT: Progress Report on Visual Resources Inventory

On January 12, 1983 the Agency contracted with the firm of Wagstaff and Brady (Berkeley, California) to conduct a "Scenic Quality Evaluation of Outdoor Recreation Areas and Bicycle Paths." The evaluation was to include:

1. Inventory of outdoor recreation areas
2. Visual quality survey of outdoor recreation areas
3. Evaluation of visual quality in recreation areas
4. Mapping and description of scenic quality of recreation areas
5. Scenic quality evaluation of bicycle paths.

The fee for the contract is $29,432.

Most of the field work under this contract has been completed. (Steve Hammond, Landscape Architect, has performed most of the work.) The contractor is now in the process of preparing the final report.

Because of the high quality of the work completed to date, and because of the importance of the Scenic Quality Evaluation to the Regional Plan (especially the Plan Area Statements), the staff felt it would be beneficial for the contractor to make a presentation to the APC.

If you have any questions or comments prior to the APC meeting, please contact Dave Ziegler, Long Range Planning Division.

DZ:md

Agenda Item VI D. 
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION NO. 83 -

WHEREAS Brad Kortick was first appointed to the Advisory Planning Commission of the Tahoe Regional Planning Agency on March 9, 1983, and thereafter faithfully attended said Commission meetings on behalf of El Dorado County; and

WHEREAS Brad's attendance at the Advisory Planning Commission meetings aided the Commission in fulfilling its function of reviewing, analyzing, clarifying and transmitting information on all important planning matters to the Agency Governing Body; and

WHEREAS on June 23, 1983 the Agency was notified that Brad would be leaving the El Dorado County Planning Department to join the Sierra Planning Organization in Auburn, California; and

WHEREAS Brad's judgment, knowledge, and professionalism have earned the respect of Agency staff, and Commission members alike; and

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

BE IT FURTHER RESOLVED that the Advisory Planning Commission of the Tahoe Regional Planning Agency wishes Brad Kortick the best of luck and success in his new job.

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

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Chairman