TRPA
GOVERNING BOARD
PACKETS

JUNE
1983
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Ways and Means Committee* of the Tahoe Regional Planning Agency will meet at 8:30 a.m. on Wednesday, June 22, 1983, at the Chateau 995 Fairway Boulevard, Incline Village, Nevada, prior to the regular monthly meeting of said agency. The purpose of the Committee meeting is to discuss a conceptual framework of sources and mechanisms for funding the Regional Plan of said agency and to discuss the selection of a financial consultant to aid in assessing the financial impacts of the Regional Plan alternatives.

Date: June 10, 1983

By:

Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency

*Board members Jim Robertson
Jim King
Larry Sevison
Tom Stewart, Committee Chairman
TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on June 22, 1983, at 9:30 a.m. at the Chateau, 995 Fairway Boulevard, Incline Village, Nevada, the Governing Body of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that at some point during said regular meeting in the same location the Finance Committee of said Agency will conduct a meeting to discuss the Agency's budget and work program.

Date: June 3, 1983

By: Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

The Chateau, 995 Fairview
Incline Village, Nevada

June 22, 1983  9:30 a.m.
June 23, 1983  9:45 a.m.

PRELIMINARY AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  CONSENT CALENDAR

V  SPECIAL REPORT (June 22 estimated time 9:45 a.m.)
   A. Federal Agency/TRPA Coordination Effort
      Bill Morgan
   B. Tahoe Transportation District - Status Report
      Don Laut
   C. Ways and Means Committee Report and Selection of Financial Consultant

VI  PLANNING MATTERS (June 22 est. time 11:00 a.m.)
   Amendments to the Regional Plan

VII  PUBLIC HEARINGS (June 22 est. time 9:45 a.m.)
   A. To Consider Adoption of an Ordinance Extending the
      Allocation System for Issuance of Residential and
      Commercial Building Permits as Set Forth in the Compact
   B. To Consider Amendments to Ordinance 81-5 to Extend the
      Case-by-Case Review Procedure for Single Family Dwellings in
      Land Capability Districts 1A, 1C, 2 and 3

VIII CERTIFICATION OF ENVIRONMENTAL IMPACT STATEMENTS
   (June 23 est. time 11:00 a.m.)
   A. Lake Parkway (Loop Road) Completion, City of South Lake Tahoe
   B. Third Street and South Avenue Extensions and Improvements,
      City of South Lake Tahoe
   C. Tahoe City Public Utility District, Rubicon Water System Improvements,
      El Dorado County

IX AGENCY REVIEW (June 23 est. time 1:00 p.m.)
   A. Tahoe City Public Utility District, Pomin Park Boat Ramp
      Parking Lot, Placer County APN 94-140-14, TRPA File #821354
   B. Lake Tahoe Cruises/Ski Run Marina, Tour Boat Operation, City of South
      Lake Tahoe, El Dorado County APN 27-051-09, TRPA File #82357
C. Sturm Pier Repair, Request for Reconsideration, Placer County
   APN 89-282-02, TRPA File #82223

D. Convenience Market (7-11 Store), Change in Commercial Use, Kingsbury
   Square Shopping Center, Douglas County APN 07-170-08, TRPA File #83242

E. Manny Beals, Variance to Allow Structural Modifications to a Nonconforming
   Use, Douglas County APN 03-140-01 and -08, TRPA File #83320

F. Star Harbor, Modifications to Staff-Issued Emergency Permit for Shoreline
   Protective Structures, Starboard Drive, Placer County APN 94-340-35 and
   -37, TRPA File #82271

G. U.S. Postal Service, Main Post Office, Al Tahoe Boulevard, Modification of
   Prior Approval, City of South Lake Tahoe, TRPA File #79236

   SPECIAL DETERMINATION (June 23 est. time 2:30 p.m.)

   F. Hart, Dwelling in Area to be Redelineated as a Land Capability 2,
      533 Dale Drive, Washoe County APN 122-132-11, TRPA File #83246

XI APPEALS

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

XII ENFORCEMENT (June 23 est. time 3:45 p.m.)

A. Show Cause Hearings

1. Odenthal, Reconsideration of Requirement to Remove Jetty,
   Washoe County APN 122-181-45, TRPA File #81145

2. Mark Michelsen, Violation of Condition of Approval, Administrative
   Permit for Kingsbury Market Project, Douglas County APN 07-180-69,
   TRPA File #78226

3. Edward Stearns/Bruce Outdoor Advertising, Off-Premise Sign
   Violation, El Dorado County APN 33-223-06

4. David Salzburg/Three M National Advertising, Off-Premise Sign
   Violation, El Dorado County APN 33-050-01

5. Lawrence Burke/Bruce Outdoor Advertising, Off-Premise Sign
   Violation, El Dorado County APN 33-160-14

6. Spitsen Lumber, Unauthorized Addition to Existing Structure, 1054
   Tahoe Boulevard, Incline Village, Washoe County APN 126-050-12,
   TRPA File #82358

7. Elvis Sholer, Excavation and Filling Without Authorization,
   Busch Way, El Dorado County APN 25-562-13

8. Svendsen, Unauthorized Pier Construction, El Dorado County
   APN 16-091-48, TRPA File #83155
B. Report

Douglas Rumberger, Proposal by Applicant to Bring Coverage Within the Allowable, 936 Third Green, Washoe County APN 124-121-19, TRPA File #80192

XIII REPORTS

A. Executive Session
B. Finance Committee Report
C. Executive Director Report

1. List of Projects Approved at Staff Level

2. Other — LETTER FROM GOV. BRYAN PLEDGING ASSISTANCE TO LOCATE FUNDING FOR HAY SO EROSION CONTROL

D. Legal Counsel Report

E. Governing Body Members — PREPARATION OF GRANT APPLICATION — UMTA (COOPERATING W/ TTD) FOR DEMONSTRATION PROGRAM FOR TRANSIT — S. SHORE

F. Public Interest Comments — LEGAL COUNSEL — REQUEST — DM NOT TO EXCEED TOTAL BUDGET UNDER LEG

XIV RESOLUTIONS X

XV ORDINANCES

XVI PENDING MATTERS

XVII ADJOURNMENT

CONSENT CALENDAR

Approval of the following projects requires specific findings and conditions:

1. Marashi/Edmondson, Single Family Dwelling With 1980 Status, 261 Andria Drive, Douglas County APN 11-192-18, TRPA File #83092

2. Davis/Dooley, Case-by-Case Single Family Dwelling, Existing Foundation, Lot 28 Lakewood Knolls, Douglas County APN 07-253-05, TRPA File #83208

3. El Dorado County Airport, Erosion Control Project, TRPA File #83466

4. Tahoe Area Regional Transit, Bus Turnouts/Shelters, Placer County, TRPA File #83302

5. Dollar Point, Buoy Field, Placer County APN 93-072-26, TRPA File #81099

6. Alpine Marina, General Improvement Plan, Placer County APN 89-143-20, 89-163-13, 89-161-05, 89-161-06, 89-161-10, TRPA File #83011
Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

- Article III(g) Public Law 96-551
# Tahoe Regional Planning Agency
## Statement of Assets and Liabilities
(As of May 31, 1983)

### Assets

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<tr>
<th>Fund</th>
<th>Amount</th>
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<td><strong>General Fund</strong></td>
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<td>Workman's Comp Deposit</td>
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**Amount to be Provided**

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### Liabilities

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<td>State Withholding Tax Payable</td>
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<td>Contract Payable - Savin 790</td>
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<td>Contract Payable - Mercury (R)</td>
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### Fund Balances

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**Fund Balance**

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<td>$304,635.35</td>
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# Tahoe Regional Planning Agency

**Statement of Revenues & Expenditures**

(As of May 31, 1983)

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<tr>
<th>REVENUES</th>
<th>CURRENT PERIOD</th>
<th>YEAR-TO-DATE</th>
<th>REVISED BUDGET F.Y. 1982-1983</th>
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<td>Carson City</td>
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## Expenditures

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<th>EXPENDITURES</th>
<th>CURRENT PERIOD</th>
<th>YEAR-TO-DATE</th>
<th>REVISED BUDGET F.Y. 1982-1983</th>
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**Excess of Revenues Over Expenditures**

($82,877.93) ($74,348.85) ($197,368.00)

**Fund Balance**

**Beginning**

$378,984.20

**Fund Balance**

$304,635.35
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Office, 2155 South Avenue
South Lake Tahoe, California
Regular Adjourned Meeting

May 25, 1983 9:00 a.m.
May 26, 1983 9:30 a.m.
June 1, 1983 9:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Jim Reed called the meeting of the Tahoe Regional Planning Agency Governing Body to order at 9:05 a.m. and led the Board in the Pledge of Allegiance to the Flag.

Members Present: Mr. Stewart, Mr. Pruett, Mr. Gibbs, Mr. Swackhamer,
Mr. Sevison, Mr. Robertson, Ms. Roberts, Mr. Hansen,
Mr. Haagen, Mr. Westergard, Mr. Hsieh, Mr. King (present at 9:50 during discussion on item VI), Mr. Heikka (present at 9:15 a.m. during discussion on item VI), Mr. Reed,
Mr. Morgan

Members Absent: None

Neva Roberts was welcomed to the Board as the representative for the City of South Lake Tahoe.

II APPROVAL OF AGENDA

Executive Director Philip Overeynder advised of several agenda modifications: 1) Staff recommends agenda item VII (Consideration of Ordinance to Extend the Allocation System) be continued to the next meeting since the ordinance itself has not been drafted. Consideration of an extension of the allocation system is noted later on the agenda as a discussion item. 2) The appellant in the Bambridge/Fleming matter (item X) has withdrawn from the agenda. 3) Certification of the EIS's for the Lake Parkway (Loop Road) and for the Third Street and South Avenue Extensions (items XII A. and B.) is to be continued to the June meeting to give the Advisory Planning Commission (APC) more time to assess the technical adequacy of the documents and to respond to the comments which have been received. 4) Gary Michelsen, on behalf of the Michelson show cause hearing (item XIII A. 7.), has requested a continuance to June in order to secure legal counsel.

MOTION by Mr. Robertson to approve the agenda as amended. The motion carried unanimously.

III DISPOSITION OF MINUTES

"MOTION by Mr. Robertson to approve the minutes of the regular April 27, 28, 1983 meeting as submitted. The motion carried on the following vote:
TRPA REGULAR MEETING MINUTES MAY 25, 1983

Ayes: Mr. Stewart, Mr. Pruett, Mr. Gibbs, Mr. Swackhamer, Mr. Sevison, Mr. Robertson, Mr. Hansen, Mr. Haagen, Mr. Westergard, Mr. Hsieh, Mr. Reed

Nays: None

Abstain: Ms. Roberts

Absent: Mr. King, Mr. Heikka

IV CONSENT CALENDAR

MOTION by Mr. Sevison to approve the consent calendar. The motion carried unanimously.

V SPECIAL REPORT — Federal Agency/TRPA Coordination Effort

Mr. Bill Morgan reported on the status of the Burton-Santini acquisition program and distributed copies of a written summary of offers made, accepted, declined and pending. In addition to the numbers of offers made, the Board should know there are between 15 and 20 more offers to be made in the next few days. These were held up until assessments against the various properties could be resolved.

VI ENVIRONMENTAL IMPACT STATEMENT SUPPLEMENT AND AGENCY REVIEW

Round Hill Village, Tentative Map for 295 Residential Units, Douglas County, TRPA File #81156

Greg George, Chief of the Project Review Division, presented a history of the project, summarized the impacts identified in the environmental impact statement (EIS) along with proposed mitigation, presented the project alternatives set forth in the EIS (Alternative A — no project; Alternative B — standard 40 lot single family subdivision; and Alternative C — 250 dwellings including 12 single family, 188 condominiums and 50 apartment units), and explained the various findings required for approval of the project. Should the Board wish to approve the project, staff recommends specific conditions which, if implemented by the applicant, will mitigate traffic and air quality impacts to the greatest extent possible; these have not been included in the project by the applicant and, in some cases, are not under the applicant’s control since they involve cooperation with other individuals and agencies for implementation (i.e. the casinos, Caltrans, Nevada Department of Transportation).

The supplemental information report ("Water Supply, Consumption & Rights — Round Hill Village, Douglas County, Nevada", May 20, 1983) reaches six conclusions, one of which finds that the amount of water allocated to the Nevada side of the Tahoe Basin is inadequate to allow buildout of existing urban areas, let alone new subdivisions. Approval of a new subdivision will increase the number of existing lots which, in the future, will not have water available for building. No mitigation for this impact has been identified. The TRPA Subdivision Ordinance states that no tentative map shall be approved unless the water supplier has necessary water to serve the subdivision, has made a commitment to supply water, and such service is consistent with existing and future demands on the water supplier. The six conclusions contained in the supplemental report were presented to the Board.
Discussion followed on whether the project was properly before the Board due to the inability of the applicant to show there existed adequate water for the project. Mr. Pruett suggested that figures in the report on the certificated water rights held by the Forest Service in Nevada were inaccurate, and there were errors in the sewage export and infiltration figures. Additionally the tentative map can be approved if the water supplier can show he will in the future have the physical capacity to supply necessary water. Traffic and air quality concerns are new issues raised by staff, and the project should be heard by the Board. Agency legal counsel Gary Owen advised the Board that the applicant did wish to respond to staff's concern that, as set forth in Section 7.1 of the Subdivision Ordinance, the applicant must demonstrate that the water supplier has the physical and legal capacity to supply water to the subdivision. Mr. Owen submitted a May 23, 1983 letter from Gary Bostwick of the law firm of Barash & Hill, attorneys for the Round Hill GID bondholders, setting forth concern that the matter had been continuing for so long and advising that the bondholders would pursue their suit if some compromise development was not approved.

Mr. Ron Alling, from the law firm of Manoukian, Scarpello & Alling on behalf of the applicant, suggested that the ordinance required the water supplier to demonstrate that he will be able to supply water, not that there be actual certificated water rights. Round Hill GID has the legal capability to supply water. In an early 1981 meeting with Roland Westergard, Director of the Nevada Department of Conservation, it was agreed that it would be necessary for the project proponent to acquire rights from other water holders in the Basin; that preference would be given to expedite transfer of rights, and that the transfer would be expressly allowed to be used for the proposed project, as opposed to being required to make up the existing deficit or to make up the necessary water for future lots. Mr. Westergard disagreed with the representation on some of those points. Mr. Alling suggested that determination of adequate water supply was a determination to be made by the permit-issuing authority, in this case Douglas County - and not TRPA. The Compact specifically prohibits TRPA from getting involved in interstate water or water rights issues. There is a will-serve letter in the file, and there is no debate as to whether or not Round Hill has sufficient physical ability to supply water. The District has a commitment to supply water upon transfer of the rights, subject to the review of the Nevada State Engineer, not TRPA.

Mr. Milton Sharp, from Sharp, Krater & Associates, Inc., indicated that a February, 1981 will-serve letter from Round Hill GID was sent to the Douglas County Planning Department, and a Douglas County condition of approval (March, 1981) included the requirement to obtain the Nevada State Engineer's approval of the water. A 1979 TRPA approval on the same properties stated that the approval becomes invalid if the Nevada State Engineer fails to approve the map; at that time the Agency felt such a conditional approval was acceptable in making findings necessary under Section 7.1 of the Subdivision Ordinance, and that ordinance has not changed since 1979. Application has been made to the Nevada State Engineer to transfer water rights to the District. Some of the rights are under option and not owned by the District. An action by the State Engineer will take a number of months. The subdivision map cannot be recorded until the State Engineer certifies adequate water rights are available.
Mr. Jim Bruner, representing the League to Save Lake Tahoe, advised the Board of a May 10 letter stating the League's concerns and questioned the procedural aspects of the discussion, suggesting that the Agency was not following its own rules in hearing a project for which there was not proof of adequate water rights. The District has rights to 146 acre feet of water per year but is providing 215 acre feet per year to existing development, thereby creating a substantial overdraft now. The project application is not complete and will not be until Section 7.1 of the ordinance can be satisfied.

Mr. Andrew Sawyer, staff counsel for the California Water Resources Control Board, asked that the Board hold off on hearing the project until his agency, as the administrator of the water rights program in California, could review the supplemental report on water.

Mr. Jeff Rahbeck, attorney for Round Hill General Improvement District (RHGID), explained that the District when formed had more than enough water rights to serve the total buildup of 10,000 people. In proving beneficial use as required by the Nevada Department of Water Resources, however, all excess water rights for development beyond that which existed at the time beneficial use was proven were taken away from the District.

Mr. Owen disagreed with Mr. Alling's statements that TRPA did not have jurisdiction to look at water availability. There is no question that the District is a water purveyor; the question is whether or not there is adequate quantity. Mr. Overeynder explained that staff's concerns related to the necessary factual findings: whether or not there is adequate water to serve the existing commitments (whether the District has made up the deficit for water that already has been committed since 1972 to the present time, i.e. 215 acre feet per year are being used; the District's water rights are for 146 acre feet per year), and whether or not the estimated 229 gallons per unit per day is adequate to serve future commitment if this project is approved.

Mr. Westergard commented that on May 23, 1983 applications were filed by the District with the State Engineer's Office to change existing water rights. This prerogative has been available to the District for a long time. Statutorily the State Engineer cannot give a response for several months. On the deficit, the agreement between the State and the District is, unless there is a request for action by some other party, the State would not initiate action immediately to compensate for the deficit; but, under Nevada law, the District has to have a right to use water and at some time the deficit will have to be addressed. While the State Engineer would not sign off on a subdivision map without final TRPA approval, the issue of acquiring or transferring water rights can be addressed by the Engineer at any time the statutory procedures are followed by the District. If water becomes available within the 11,000 acre feet and ongoing litigation on the the Truckee River stream system is settled, it may be possible that the State Engineer will have to issue additional water rights. It does not appear that in this case there is a demonstration of legal capacity to serve water. As recognized by the permit-issuing authority in submitting the application on to the Agency, the only way this can be demonstrated is to show Nevada's approval of legal capacity to serve water. TRPA shall not supersede the State's jurisdiction in the allocation of water rights. Mr. Morgan pointed out that the additional 75 acre feet per year acquired under option by the District represents accommodation of 193 of the proposed 295 units and still is insufficient to serve the total project.
Mr. Alling explained that the applicant was willing to consider a reduction in the number of proposed units. The Board should know that applications have been before the Nevada State Engineer for additional water rights to make up the deficit since 1975. The Nevada Tax Commission is requiring that all capital improvement funds be used to pay off bonded indebtedness, not to acquire other water rights.

MOTION by Mr. Hsieh to close the hearing and deny the applicant's request, without prejudice. If he chooses, the applicant shall work with the staff to clarify the proposal, particularly with regard to water deficiencies, for resubmittal to the Board.

REPHRASING of the motion by Mr. Hsieh to continue the Round Hill project.

Should the motion pass and the project return, Mr. Reed clarified that the issues to be addressed were whether the project meets the legal requirements of the ordinance with regard to water (the State Engineer's approval would demonstrate this), whether the applicant has legal capacity under the terms of the ordinance to serve water, and whether there is sufficient capacity to serve the individual units. Mr. Heikka suggested that, in hearing the project today, there may be other concerns raised by the people in the audience.

The motion failed on the following vote:

Ayes: Mr. Westergard, Mr. Hsieh, Mr. Reed
Nays: Mr. Swackhammer, Mr. Sevison, Mr. Robertson, Ms. Roberts, Mr. Hansen, Mr. Haagen, Mr. King, Mr. Stewart, Mr. Pruett, Mr. Heikka
Abstain: Mr. Gibbs
Absent: None

Mr. Ron Alling presented the history of the project to the Board explaining that an earlier 1979 approval of a tentative map for the subject property had expired because a final map had not been recorded. The Nevada State Engineer's approval was not received because of water problems. The 1980 Compact amendments recognized the District's financial hardship; and in March, 1981 TRPA found that the District fit within the Compact exemption on new subdivisions. An EIS has been prepared for the project now before the Board, and water rights have been purchased along with an additional option for water rights from Lake Tahoe. Since last month's meeting, application has been filed with the State Engineer to transfer these rights, previous such applications having been precluded because of the District's economic condition, problems relating to existing applications and the Nevada Tax Commission. The transfer of development alternative as addressed in the EIS is not feasible at this time because local taxing entities do not want to see immediate removal of properties from the tax rolls and the public at large is not willing to proceed with the concept. Of 170 high hazard lot owners contacted, only 6 favored such a program. It is felt that the Nevada State Engineer will make a final determination on water rights at such time as the final map is presented to him. The supplemental report does recognize the nonconsumptive nature of irrigation rights. (Mr. Westergard pointed out that allocation was not based on consumption but diversion.) Mr. Westergard pointed to other areas in the supplemental report with which he disagreed; in not recognizing existing restrictions together with the acquisition of high hazard lots under the Burton Santini acquisition program, the report cannot reflect accurate projections for water use and buildout in the
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Tahoe Basin. The amount of water necessary would not exceed the amount of water available to Nevada under the compact. Mr. Jeff Rahbeck presented the District's financial picture and explained the negotiations underway for sale of 116 acres to pay off delinquent bonds. Under the present tax rate, the bonds can be paid off in four years, but the bondholders will not wait that long.

Mr. Donald Allie, RHGID chairman, explained the financial arrangement with Chapman General Hospital for purchase of 116 acres and urged the Board's approval of the project to eliminate the tax burden on the Round Hill residents. Mr. Milton Sharp asked the Board to consider the positive effects of the project. Staff's concerns with regard to traffic congestion and air quality are not new concerns with this project but are problems existing now. Realignment of Bourne Way has been suggested as a public works project and therefore exempt from Ordinance 81-5. This would be environmentally unsound because of its impact. What is now being suggested is that the applicant will scale the project down from 295 to 224 units, the rationale being that the 75.5 acre feet of water that has been acquired will accommodate these units at a 320 gallon per day allocation. The proposed conditions are those presented by the applicant, which are the same as those presented by staff last month, with the additional condition being offered for payment of a mitigation fee of $400,000 to be administered by TRPA and Douglas County on mitigation determined by both entities to be the most effective. All mitigation measures suggested in the EIS within the applicant's control are included in the applicant's recommendations.

Chairman Reed directed that all letters and petitions regarding the project be included in the record.

Mr. Jere Williams, the subcontractor to Duncan & Jones, the firm which prepared the EIS, clarified that the 350 gallons per day per unit figure was the recommended figure for determining future demand and represents a high occupancy rate of almost 100%. The 224 figure is on the low side and would apply to a family unit which would not use a lot of outside irrigation water.

Mr. Michael Roesser, resident of the area speaking for himself, advised the Board of his efforts to obtain opinions on the project from other residents in the area and submitted a petition opposing the project as proposed. Most residents would likely not oppose the modified project as single family residences. Mr. Eric Shafer, resident of Elks Point Road, spoke in favor of the subdivision as a welcome relief for the high taxes and suggested it would improve the environment by cleaning up the litter. Development of traffic measures and revegetation will mitigate the damage still taking place. Resident Helen Wallace urged that the open areas be kept green belt. Additional cars, an increase in crime and more congestion will destroy the beauty of the area. Peace and quiet is important. She would not be opposed to single family units and felt Alternative B was the best proposal. Resident Pat Waldorf indicated she would be willing to pay the additional taxes for 5 to 6 years to keep the project from proceeding. Mr. Harold Dayton suggested the project was approved 20 years ago by the State Engineer and the water rights have since been taken away since the project was being built out slowly. Resident Gladys DeRaade indicated she would oppose the project as originally submitted. The reason there is low occupancy in many of the units now is because the units are not sold. Many of the units are rentals.
Chairman Reed closed the public hearing and directed that the supplemental report be made a part of the record along with all exhibits submitted. With regard to the proposed modifications, Mr. Overeynder suggested that staff would need time to determine whether they fit within the range of alternatives addressed in the EIS.

Mr. Owen explained the two findings outlined in the Compact, one of which would have to be approved before going on to action on the project itself. These findings relate to changes in the project which reduce impacts to a less-than-significant level and overriding social and economic considerations which justify approval of the project.

MOTION by Mr. Pruett that, with regard to the Round Hill project, there are overriding social and economic considerations related to the solvency of the Round Hill General Improvement District, as recognized in the Compact, which justify approval of the project as amended to 224 units.

Mr. Owen asked that the motion set forth findings specifically on traffic congestion, air quality, visual and water usage since these impacts had been identified in the EIS. Mr. Pruett asked that his motion be voted on as stated since it fit in with the project and with Douglas County's position and willingness to cooperate in administering the $400,000 mitigation fund. Mr. Reed advised that voting on this motion as phrased would not determine that all significant impacts were being mitigated. Mr. Owen reiterated his request to phrase the motion more in line with Compact language, but suggested that he did not think there was evidence before the Board to tie in the modified project to the EIS.

REPHRASED MOTION by Mr. Pruett that, with regard to traffic congestion and the Round Hill modified project (224 units), specific considerations such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the EIS on the project. With regard to air quality and the Round Hill modified project (224 units), specific considerations such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the EIS on the project. With regard to visual impacts of the Round Hill modified project (224 units), specific considerations such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the EIS on the project. There is substantial evidence in the record to support these findings. The motion failed on the following vote:

Ayes: Mr. Robertson, Mr. Hansen, Mr. King, Mr. Pruett
Nays: Mr. Swackhamer, Mr. Sevison, Ms. Roberts, Mr. Haagen, Mr. Westergard, Mr. Hsieh, Mr. Stewart, Mr. Gibbs, Mr. Heikka, Mr. Reed
Abstain: None
Absent: None

Roberts explained that she voted against the motion because the Board and staff had not had an opportunity to analyze the modified project. Mr. Sevison suggested that the applicant might wish to look again at Alternative B (a 40
unit lot and block subdivision). Mr. Heikka commented that, in view of the Regional Plan alternatives which could preclude building on many of the existing lots in Nevada, he had difficulty approving a new subdivision. Mr. Hsieh suggested he favored Alternative B at the beginning of the discussion but now favored keeping the whole area green belt.

The meeting recessed for a lunch break from 12:15 p.m. to 1:30 p.m.

Discussion followed on the Round Hill project. Mr. Hansen suggested that the EIS prepared for the original submittal would certainly address a modified project because the unit count was less. Mr. Hsieh suggested he was not convinced of the economic hardship; there is a real problem here with water which must be resolved; the Board is not taking into account the parties which will be benefiting from approval of the project. Mr. Alling suggested that the price necessary to bail out the District from its debt and to meet the demands of the law suit in which the District is a party cannot be met with the 40 unit project, but the applicant would be willing to work with staff to reach consensus on unit numbers and mitigation.

MOTION by Mr. Heikka to continue the Round Hill matter for 60 days and to direct staff to work with the applicant and Douglas County staff to arrive at a consensus of units and a program which can mitigate the concerns raised. The applicant shall bring the Board figures on water to address the issues discussed earlier, and the staff shall also present a definitive opinion on whether the modified project meets the requirements of the ordinance.

Mr. Morgan reminded the Board that the project was being heard only because of a hardship. What is brought back for action should be the minimum project required to alleviate the hardship.

The motion carried on the following vote:

Ayeş: Mr. Sevison, Mr. Robertson, Ms. Roberts, Mr. Hansen, Mr. Haagen, Mr. King, Mr. Stewart, Mr. Pruet, Mr. Gibbs, Mr. Heikka
Nays: Mr. Westergard, Mr. Hsieh, Mr. Swackhamer, Mr. Reed
Abstain: None
Absent: None

XV REPORTS

A. AFC Referrals

1. Extension of the Allocation System From April 30 to the Adoption of the Regional Plan and Implementing the Ordinances

2. Extension of the Case-by-Case Process

AFC Chairman Mike Harper presented the AFC's unanimous recommendation that the allocation system be continued until another system has been determined in the Regional Plan. This system shall be retroactive to May 1, 1983 with local governments being encouraged to adopt their own allocation systems to meet the intent of the Compact. Currently-existing local systems shall be exempt from
any such allocation ordinance to be adopted by TRPA provided they meet Compact intent. Such action is consistent with the status quo during Regional Plan preparation, and there is no reason to interject new issues into the planning process at this time.

The APC's recommendation on the case-by-case process calls for continuation of the process for 90 days with a commensurate extension of the review deadline. The minority vote against the recommendation felt that such an extension would require an EIS; staff does not have time for such work. Additionally there is no need for case-by-case since there is a large backlog of projects now pending, and staff should concentrate its efforts on the Regional Plan. Some APC members felt there was a threat of legal action should the process be continued.

MOTION by Mr. Robertson to approve the two actions recommended by the APC: to extend the allocation system through adoption of an ordinance and to continue the case-by-case for 90 days.

Mr. Overeynder explained that, while staff concurred with the allocation recommendation as it would continue the status quo and provide an opportunity for locally-initiated programs, extension of the case-by-case could not be legally defended and justified in the current EIS on the 208 Water Quality Plan as having no significant environmental effect. The record does not support that finding; and, further, these issues should be addressed in the larger context of the Regional Plan and long-term issues.

MOTION by Ms. Roberts to sever the allocation and case-by-case discussion and to act on the items separately. The motion carried on the following vote:

Ayes: Ms. Roberts, Mr. Westergard, Mr. Hsieh, Mr. Stewart, Mr. Gibbs, Mr. Swackhamer, Mr. Sevison, Mr. Reed
Nays: Mr. Robertson, Mr. Hansen, Mr. Haagen, Mr. King, Mr. Pruett, Mr. Heikka
Abstain: None
Absent: None

MOTION by Mr. Robertson to direct that an ordinance to extend the case-by-case process as recommended by the APC be prepared for the Board's consideration.

Mr. King suggested that the positive effects of the process far outweigh any negative impacts. Mr. Stewart explained that El Dorado County had taken a unanimous position in support of building only in capability levels 4-7 and prohibiting building in capability lands 1-3 and SEZ's. If this motion passes, it would apply only to Nevada and not California. Any plan that evolves from TRPA should treat the total Basin equally rather than setting two standards, and this process should be addressed in the Regional Plan. Mr. Reed suggested that a finding of no significant effect would have to be made before approving the extension, and the record of the 208 planning effort is clear that case-by-case projects do have a significant effect. Also a deal was made last year in setting the thresholds which set a specific time limit on case-by-case; that limit is now being undone. Mr. Haagen spoke in favor of the process because it gives lot owners an opportunity to be heard. Mr. Westergard reminded the Board that extension of the case-by-case had actually been approved twice, once until
adoption of the thresholds and again until the end of May, 1983. On the agree-
ment negotiated at the time of threshold adoption, Mr. Heikka suggested that the
majority of those Board members were no longer present, and the intent of the
agreement was to have the planning process done in August. It is still not
certain this can be accomplished. If there is no plan by August, case-by-case
should be continued. Mr. Owen advised that action to direct staff to prepare
such an ordinance would not require a finding of no significant effect;
justification of the extension through such a finding would have to be made
prior to first reading, however. Combining of first and second readings can
only be done by a unanimous finding of an emergency situation. The effective
date of the ordinance (even an emergency ordinance), however, will not occur for
60 days.

Mr. Jim Bruner, on behalf of the League to Save Lake Tahoe, urged the Board not
to disregard its carefully negotiated agreement achieved upon adoption of the
thresholds. Mr. Hoffman, representing the Tahoe Sierra Preservation Council,
suggested that without an extension there would be a moratorium this building
season in Nevada, and people in the pipeline would be penalized. Additionally,
property values will be affected. Mr. Andrew Sawyer, California Water
Resources, suggested the extension would require a new EIS and a 60 day
circulation period. The existing 208 Water Quality Plan EIS cannot be used to
justify the extension, and such extension without an additional EIS is
absolutely indefensible in a lawsuit.

The motion carried on the following vote:

Ayes:    Ms. Roberts, Mr. Hansen, Mr. Haagen, Mr. King, Mr. Pruett,
         Mr. Gibbs, Mr. Sevison, Mr. Robertson, Mr. Heikka
Nays:    Mr. Westergard, Mr. Hsieh, Mr. Stewart, Mr. Swackhamer, Mr. Reed
Abstain: None
Absent:  None

Upon conclusion of the vote, Chairman Reed advised he would be reluctant to
enter into any agreements from this point on; the expiration dates for
case-by-case processing were put into the negotiated agreement at the time of
adoption of the thresholds for a purpose. Mr. Heikka suggested that the Board
wouldn't see extension of the process much before August in any case so no
agreements have been violated.

MOTION by Ms. Roberts to direct staff to prepare an ordinance continuing the
allocation system set forth in the Compact to the end of calendar year 1983 and
that the operative effect of this ordinance would be retroactive to May 1, 1983,
that local governments be encouraged to adopt their own allocation systems for
development rights in line with the Compact, and that any allocation system in
effect or to be put into effect by any jurisdiction within the Basin shall be
exempt from any allocation ordinance should it meet the intent of the Compact.

Mr. Owen advised that an adopted Regional Plan would take precedence over any
such ordinance. Such an ordinance would be drafted along the lines of the
allocation system in the Compact.
The motion carried on the following vote:

Ayes: Mr. Haagen, Mr. Westergard, Mr. King, Mr. Pruett, Mr. Gibbs, Mr. Sevison, Mr. Robertson, Ms. Roberts, Mr. Heikka, Mr. Reed

Nays: Mr. Hsieh, Mr. Stewart, Mr. Swackhamer

Abstain: None

Absent: Mr. Hansen

VIII PLANNING MATTERS

Amendments to the Regional Plan, Staff Presentation on Draft Policy Plan and Planning Area Statements

Mr. Overeynder stressed the preliminary nature of the "Preliminary Working Draft, Regional Plan for the Lake Tahoe Basin" passed out to the Board members, went over the proposed schedule of workshops and hearings through August, and described the anticipated role of the APC. Extensive discussion followed on the first major land use issue raised by staff, i.e. to what extent it was necessary to control development of new subdivisions in the Region. While some Board members felt that an outright prohibition of new subdivisions should be adopted, others suggested different approaches, i.e. a five-year phased approach, permitting subdivisions as redevelopment incentives or within existing urban areas as part of a transfer of development rights program to retire existing subdivided lots. Several Board members indicated that agreeing to prohibit subdivisions would depend to a large degree on what happens to existing lots. Mr. Owen cautioned the Board that legally it had to provide zoning for some use of all lands, whether recreational or forest management.

The second issue discussed by the Board was to what extent development on high hazard lands needed to be regulated to meet environmental standards and whether the Regional Plan would allow for individual review. Staff recommends a system to direct single family development to the most suitable areas with individual review of development proposals for all lots under a point priority system which analyzes environmental constraints (environmental features such as runoff, vegetation, water areas, shorezone tolerance), site design, extent of disturbance, downstream impacts, and proximity to urban services. The system would be revised after the first five year phase where building was permitted in the 4-7 capability areas to allow building in capability 1-3 areas as well. The advantages and disadvantages of such a point system were discussed.

Because of the need for further discussion, the Board decided to adjourn to a regular adjourned meeting on June 1, 1983 after the Thursday session.

The meeting recessed at 5:25 p.m. to Thursday, May 26 at 9:35 a.m.
IX AGENCY REVIEW

A. Proposed Amendments to the Subdivision of Brockway Springs of Tahoe, Pursuant to Settlement of Litigation, 54 Residential Units, Placer County

Mr. George presented the staff summary of the proposal to amend the final subdivision of Brockway to construct 52 new condominium units in 17 low rise clusters as part of a proposed litigation settlement. The previously-approved project was described along with the significant impacts identified in the EIS relative to water quality, vegetation, traffic circulation, air quality, wildlife, visual and aesthetic, public services and public access to the shoreline. Because of the proposed mitigation package, staff feels that, with the exception of water quality, identified impacts can be mitigated to a less-than-significant level. With regard to water quality, staff feels that social, economic or technical considerations make infeasible the mitigation measures or alternatives discussed in the EIS. Staff asks that an additional condition be placed on the project which requires that Lahontan issue waste discharge requirements prior to receipt of the TRPA permit. Mr. George explained that the applicant has new wording for condition 27 which is intended to require issuance of building permits by Placer County in compliance with limitations on permits which are in existence at the time permits are applied for.

Mr. Sevison asked that condition 19 regarding acquisition of additional property to provide public access to the shoreline be modified such that an improvement plan for the identified beach property be included with approval of this project so the County can move ahead with the improvements. The developer has done a tentative plan for the County on the settlement agreement and has agreed to such a plan as part of the settlement.

Mr. Larry Hoffman, on behalf of Brockway, described the proposal, presented a history of the project and of the ongoing litigation negotiations, and explained the proposed mitigation program. Condition 27 should be amended to read: "The method of issuance by Placer County of all necessary building permits for the development shall be subject to those rules and regulations of TRPA or Placer County in effect at the time such permits are sought, e.g., the current random selection process. This condition, however, is not intended to limit the right of the applicant to receive all necessary building permits required to complete the project shown on the amended final subdivision map which is hereby approved, but only pertains to the annual method or process used to issue such permits." Staff agreed that the intent of this condition was similar to the original condition 27. The applicant opposes the additional staff condition requiring Lahontan to issue waste discharge permits prior to issuance of the TRPA permit and feels the applicant should have the ability to pursue these permits without TRPA's involvement. There was general agreement among the Board members that such a condition would give Lahontan veto power over the total project. With regard to public access through the development to the hot springs, the developer has agreed to the extent possible to arrange with the two existing homeowners associations and the one to be formed for limited public access (for photographers, scientists, authors, etc.) on a call-ahead basis.
Mr. Owen asked that condition 22 be modified to require that approval of this "amended final" (not tentative) map shall lapse unless the applicant records an amended final map of the subdivision within "three years" (not eighteen months) from the date of TRPA approval.

Mr. Andrew Sawyer, staff counsel with the California Water Resources Agency, suggested that no serious consideration was given to any modification of the project to reduce coverage or to comply with land capability. One problem with the EIS was that the applicant was allowed to prepare the statement and respond to comments himself; usual Agency practice is to hire an outside consultant. Consideration was not given to all alternatives, and cumulative impacts of water quantity and sewage treatment were not addressed. The response to comments dismissed these remarks out of hand and did not address them in detail. Letters were written to both the CTRPA and TRPA when the State Board learned of litigation negotiations with a request for a thorough environmental analysis of all alternatives. This was not done, and waste discharge requirements will be required for the project along with a full environmental analysis; a vested right does not entitle a project to discharge without a permit.

Mr. Jim Bruner, with the League to Save Lake Tahoe, suggested that, to alleviate the problem of setting a precedent, the findings should show the disputed claim for vested rights arose prior to the effective date of the Compact amendments. Mr. Bruner spoke in favor of the Board's acting today to approve beach improvements for the acquired property so that the specific project details can be handled at staff level. Mr. Owen described the Board's previous action to certify the EIS within the context of a litigation settlement. Mr. Sawyer advised the Board that Lahontan and the State Board were left out of all negotiations and felt during CTRPA's discussions with the applicant that Lahontan's concerns would later be addressed because CTRPA conditioned its settlement on a full TRPA review of the project. Although the State felt that it would have the opportunity to become involved in that full environmental assessment, its concerns were ignored under the focused review.

Mr. Overeynder advised that a May 23 letter from Mr. Sawyer and a May 19 letter from Mr. Richard M. Frank, California Deputy Attorney General, had been transmitted to the staff. These letters set forth the State Board's and CTRPA's positions, respectively, on the project. Mr. Owen presented specific language changes to the findings and conditions presented by staff.

MOTION by Mr. Sevison to find that changes or alterations have been required in or incorporated into the subject amended map for Brockway Springs which avoid or reduce the significant adverse environmental effect on vegetation identified in the EIS for the project to a less-than-significant level. It is also found that changes or alterations have been required in or incorporated into the subject amended map for Brockway Springs which avoid or reduce the significant adverse environmental effect on traffic circulation identified in the EIS for the project to a less-than-significant level. It is also found that changes or alterations have been required in or incorporated into the subject amended map for Brockway Springs which avoid or reduce the significant adverse environmental effect on air quality identified in the EIS for the project to a less-than-significant level. It is also found that changes or alterations have been required in or incorporated into the subject amended map for Brockway Springs
which avoid or reduce the significant adverse environmental effect on wildlife identified in the EIS for the project to a less-than-significant level. It is also found that changes or alterations have been required in or incorporated into the subject amended map for Brockway Springs which avoid or reduce the significant adverse environmental effect on visual and aesthetic features identified in the EIS for the project to a less-than-significant level. It is also found that changes or alterations have been required in or incorporated into the subject amended map for Brockway Springs which avoid or reduce the significant adverse environmental effect public services identified in the EIS for the project to a less-than-significant level. It is also found that changes or alterations have been required in or incorporated into the subject amended map for Brockway Springs which avoid or reduce the significant adverse environmental effect public access identified in the EIS for the project to a less-than-significant level. It is further found that there is substantial evidence in the record to support each such finding. The motion carried unanimously.

MOTION by Mr. Sevison to find that, in regard to water quality impacts, specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the amended map. It is further found that there is substantial evidence in the record to support this finding. The motion carried on the following vote:

Ayes: Mr. Westergard, Mr. Hsieh, Mr. King, Mr. Stewart, Mr. Pruett, Mr. Gibbs, Mr. Swackhamer, Mr. Sevison, Ms. Roberts, Mr. Hansen, Mr. Haagen, Mr. Heikka

Nays: Mr. Reed

Abstain: None

Absent: Mr. Robertson

Mr. Reed explained that he had voted against the motion because there had been no response by the applicant to the concerns raised by the Water Resources Control Board. Discussion followed on Mr. Hsieh's request that the applicant provide boat access to the property and the hot springs. Mr. Hsieh agreed to withdraw his request because of the hazardous navigational conditions and the extremely high temperatures of the hot springs, so long as it was understood that the applicant did intend to permit some public access. Mr. Hoffman concurred that the conditions recommended by staff made this provision. It was agreed that condition 23 would be modified to change limited public "use of" the hot springs to limited public "access to" the hot springs.

Mr. Owen presented amended language (underscored) to finding A as follows: "The amended map is approved as part of a litigation settlement of disputed claims, including, among others, a disputed claim arising prior to the effective date of the amended Tahoe Regional Planning Compact that the amended map is entitled to a vested right against otherwise applicable development standards under said amended Compact including, without limitation, the restrictions on land coverage, the ordinances and Regional Plan of the Tahoe Regional Planning Agency, and otherwise applicable plans, ordinances, regulations and standards of state and federal agencies relating to the protection, maintenance and enhancement of environmental quality in the Region, making it impracticable or impossible, factually and legally, in certain instances, to make the findings
otherwise required pursuant to said Compact. In each of the areas with identified environmental impacts, the amendments to the final map proposed by the development result in a net reduction from those expected from construction of the previously-approved and recorded final map.

**MOTION** by Mr. Sevison to approve the proposed amended map for Brockway Springs and to amend the land capability map as set forth under Section 6.15 of the California Side Land Use Ordinance based on specific findings A, B and C, as amended, and subject to standard conditions (Attachment D) and special conditions 1-27, as amended, and to direct legal counsel to prepare the final settlement agreement. The motion carried unanimously.

Discussion followed on the park improvements and the degree to which the Board could approve the public works proposal today without specific project plans. Mr. Bruner pointed out that the park discussion had been included as part of the settlement negotiations and the beach site is now in escrow. Mr. Hoffman advised that the park proposal had not been addressed in the EIS and would be subject to CEQA. There was general agreement that the project would have to come back to the Governing Body for action.

**MOTION** by Mr. Sevison that the Governing Body as part of the settlement agreement endorse development of the recreational facility on the beach site being acquired as a mitigation feature of the Brockway Springs of Tahoe project. Said project is generally in conformance with the plan for Brockway Springs submitted at this meeting. The motion carried unanimously (Mr. Reed was out of the room.)

Mr. Sevison advised that Placer County would be submitting a plan for the project to the Agency.

C. Harrah's Tahoe, Modification of Condition of Approval, Heat Recovery Incinerator System, TRPA File #811476

Senior Planner Dale Neiman presented the summary of the request by Harrah's to modify a previously-approved condition on Harrah's heat recovery incinerator system of 0.175 lbs/day of fine particulate matter (less than 2 microns). The limitation was originally submitted to the staff by Harrah's to be included in the conditions of approval. After approval, Harrah's determined that an error was made in the consultant's calculations estimating the emissions from the facility to be 34.96 pounds per day. This is a significant increase in fine particulate matter and sulfur dioxide which will adversely impact environmental thresholds for both regional and subregional visibility. If approved, a 15.8% (instead of a 15%) reduction in particulate emissions would be required to attain the visibility thresholds; this is equivalent to the environmental impacts associated with 235 new single family residential units. The particulate emissions from the incinerator can be reduced by approximately 98%, however, by installation of a bag house.

Mr. Sam McMullen, associate general legal counsel with Harrah's, suggested that the matter was before the Board simply to correct a clerical error. Mr. McMullen explained the beneficial energy-saving aspects of the project and explained that staff's initial concerns in 1982 when the project first came to the Agency related not so much to particulate emissions as they did to reduction of sulphates. Because the conditions of the original permit require monitoring
for the next two years and every year thereafter if necessary, it is requested
that staff's new condition be found unnecessary. Harrah's is responsible for
achieving compliance. The EPA and Nevada standard is 46 lbs. per day and
Harrah's tests demonstrate that this figure can be cut in half to 22 lbs. per
day. Rather than a double-compliance limitation, Harrah's is willing to stand
by the 11 lbs. per day. Harrah's is also willing to continue its sweeping of
the grounds as required in condition 2. Harrah's is unsure how discontinuing
washing down of sidewalks and gutters (condition 2) relates to controlling
particulate emissions. If a bag house is found to be necessary (condition 3),
Harrah's is willing to install one to achieve compliance. The bag house will
cost $50,000 for the equipment and an additional $20,000 to 25,000 for
installation. Harrah's has already committed to removing high sulphur garbage
and controlling the burning hours and would prefer not to have staff approval of
the burning schedule (condition 5). Harrah's recommends that the only condition
be amendment of the original permit to put in 11 lbs. per day as an emission
limitation for particulate emission.

Mr. Overeynder explained that, while staff favored the energy-efficient system,
its concern was the environmental tradeoffs in approving the modification. The
initial analysis was based on Harrah's calculations, and little concern was
given to particulate matter because a very small amount was involved. The
proposal now changes the emission factors and the analysis, and staff does not
agree with 11 lbs. per day of particulate matter as an adequate figure to
mitigate all impacts. There is technology available which can mitigate this
further, but it is costly. Staff is looking for something in the order of 2
lbs., and by use of a bag house a removal of up to 80 to 90% of emissions is
possible.

MOTION by Mr. King to find that the modification to Harrah's incinerator system
as proposed, to comply with the lowest achievable emission rate as defined in
the Clean Air Act for fine particulate matter and sulfur dioxide, not to exceed
11 lbs. will have no significant environmental effect. The motion failed on the
following vote:

Ayes: Mr. Pruett, Mr. Gibbs, Mr. Sevison, Ms. Roberts, Mr. Hansen, Mr. King,
Mr. Heikka

Nays: Mr. Stewart, Mr. Swackhamer, Mr. Haagen, Mr. Westergard, Mr. Hsieh,
Mr. Reed

Abstain: None

Absent: Mr. Robertson

MOTION by Mr. Haagen to find that the modification to Harrah's incinerator
system with condition 1 (not conditions 2-5) as recommended by staff (to comply
with the lowest achievable emission rate as defined in the Clean Air Act for
fine particulate matter and sulfur dioxide) would have no significant
environmental effect. The motion carried unanimously.

MOTION by Mr. King to approve the Harrah's incinerator modification subject to
condition 1 and installation of a bag house. Harrah's original permit shall be
amended to reflect that particulate emissions shall not exceed 4 lbs. per day.
The motion carried unanimously. (Mr. Heikka was out of the room.)
Chairman Reed asked the record to show that Mr. Hart was present in the morning at 11:30 when his special determination was to have been heard according to the agenda.

B. Zephyr Cove Homeowners Association, Authorization for Existing Buoy Field, Douglas County, TRPA File #81089

Mr. George explained the homeowners request for authorization to relocate 74 existing buoys, a swim float and a swim line in Zephyr Cove. The field would extend 550 feet from the high water line. Nevada State Lands and the Army Corps of Engineers have approved the request. Mr. Gordon Severance, president of the homeowners association, explained there had been 74 buoys in the area for 20 years, and the Corps and State Lands approval required that there be 1 buoy for each lot owner. There are 74 property owners. The adjacent Forest Service buoys extend much further than 550 feet.

MOTION by Mr. Heikka to find that the Zephyr Cove buoy field, swim float and swim line will have no significant environmental effect as proposed. The motion carried unanimously.

MOTION by Mr. Heikka to approve the Zephyr Cove project with findings and conditions as outlined by staff. The motion carried unanimously.

D. Oberex's Marina, Authorization and Extension of Existing Buoy Field, Placer County APN 95-154-01 and 97-040-12, TRPA File #62343

Mr. George presented the summary of the proposal and explained that staff's concern related to the adequacy of parking on the site for the 18 buoys, plus the additional uses now on the site. Further, the applicant has not agreed to upgrade the site to 208 standards. The existing buoys do encroach in front of the adjacent properties to the north and south and will be brought into conformance. Mr. Walt Auerbach, from Raymond Vail & Associates on behalf of Mr. Oberex, presented a summary of the applications submitted to the CTRPA, State Lands and the Corps of Engineers and explained that there were 15 existing buoys with 3 new buoys proposed. The nature of the request does not justify bringing the total site to 208 standards. There will be other opportunities to require upgrading of the site with future applications. The applicant will provide 7 parking spaces, but they may not all be on the site.

Mr. Choate, representing the neighboring Choate family to the north, read a letter into the record from Martin Choate suggesting that many of the buoys were only 2 years old (not 30 as indicated in staff's summary) and described tree cutting, disregard of land use regulations, dumping of debris and encroachment onto private property by the marina owner. Any parking plan should not recognize parking which now is occurring illegally on neighboring properties.

MOTION by Mr. Severson to find that the Oberex buoy field for 15 buoys will have no significant environmental effect. The motion carried unanimously.

MOTION by Mr. Haagen to approve the 15 existing buoys. The three most lakeward buoys are denied without prejudice but may be considered along with other site improvements at a future date. The motion carried unanimously.
Chairman Reed directed that the staff work with Placer County in determining what course of action to take on Obexer's disregard of neighboring owners' properties, the illegal parking, and the dumping of debris.

XI SPECIAL DETERMINATIONS

A. Marashi/Edmondson, Request for Determination of Vested Right, Andria Drive, Douglas County APN 11-192-18, TRPA File #83092

Associate Planner Nora Shepard reminded the Board that this request had been continued twice previously. It involved an expired county permit and a subsequent request for a finding of vested right due to the disturbed nature of the site and the inability of the property owner to complete the dwelling because he was detained in Iran. Mr. John Marashi, the applicant's brother, submitted a letter stating that $100,000 was available to complete the project and presented a notarized statement indicating that he had the authority to continue with the building should TRPA grant the vested right. Mr. Marashi indicated he was willing to work with the staff to stabilize the slopes and install other improvements. Mr. Owen advised that any conditions placed on the Board's action would run with the land and would carry over to any future buyers of the property but again voiced doubt that adequate proof was on the record to make the vested right finding. Mr. Mike Edmondson, the builder, advised that rebar was in on the site; footings were not in.

Ms. Shepard advised that processing the application under the case-by-case review criteria would require extensive work to be performed in the immediate subdivision area and would open the door for additional applications to be submitted. Completion of all erosion control and stabilization improvements on the lot should be assured with a bond, and all work should be completed before occupancy; staff can work with the applicant's brother and Mr. Edmondson on a plan which will mitigate the impacts.

MOTION by Mr. King to find a vested right for Mr. Marashi predicated upon the evidence in the record, the eight points outlined in the staff's summary, and the unique circumstances applicable to the situation and, further, to include a condition that the applicant will submit a revegetation and slope stabilization plan from which the applicant and staff will develop the most cost-effective plan acceptable to the staff. The applicant will post a bond to cover these costs; and the improvements, mitigation program, and dwelling shall be completed this year. The motion failed on the following vote:

Ayes: Mr. Hansen, Mr. Haagen, Mr. Hsieh, Mr. King, Mr. Stewart, Mr. Pruett, Mr. Gibbs, Mr. Severson, Ms. Roberts, Mr. Heikka, Mr. Reed

Nays: Mr. Westergard, Mr. Swackhamer

Abstain: None

Absent: Mr. Robertson

The meeting recessed for a lunch break from 1:10 p.m. to 2:15 p.m.

Before a quorum was present, Mr. John Reily asked that the Board make certain modifications in the Regional Plan map to reflect existing, not proposed uses in the Ward Valley area of Placer County. Chairman Reed asked that Mr. Reily give him a call to discuss the matter further.
C. J. Case, Request for Refund of Mitigation Fee, 301 Sheri, Washoe County APN 125-181-28, TRPA File #821388

Ms. Shepard explained that the subject application was processed as a noncritical dwelling and approved in December, 1982. The applicant paid a $750 mitigation fee and posted a $2,000 security deposit. In February, 1983 the lot was sold to an adjacent lot owner who has no intention of building; the permit was voided and the $2,000 security released. The applicant now is requesting a refund of the $750 mitigation fee. Discussion followed on the Board's previous action not to refund mitigation fees.

MOTION by Mr. Sevison to deny Mr. Case's request for return of the mitigation fee. The motion carried on the following vote:

Ayes: Mr. Haagen, Mr. Westergard, Mr. Hsich, Mr. Stewart, Mr. Pruett,
       Mr. Gibbs, Mr. Swackhamer, Mr. Sevison, Mr. Robertson, Mr. Hansen,
       Mr. Reed
Nays: Mr. Heikka
Abstain: None
Absent: Mr. Robertson, Mr. King (out of the room)

XIII ENFORCEMENT

A. Show Cause Hearings

1. William Crabtree, Unauthorized Pier Extension, Placer County APN 98-191-12, TRPA File #82399

Environmental Investigator Steve Chilton presented a summary of the unauthorized pier extension work done without permits in a prime fish spawning area and of the discussions with Mr. Crabtree. Staff recommends posting of a letter of credit equal to 150% of the removal cost of the pier extension. In the event such extensions are allowed in the Regional Plan, the application for the extension will be reviewed following ordinance adoption. If the pier is not approved, the security will be used to remove the extension. Mr. Crabtree shall pay TRPA a sum of $3,000 in lieu of civil litigation. Mr. Kenneth Rollston, attorney for Mr. Crabtree, reminded the Board this was a pier extension, not a new pier. Mr. Crabtree was unaware that he had to have a permit to construct the extension. The original pier itself dates from the mid-1960's and has proper permits. Photos of neighboring piers were passed to the Board members. Mr. Rollston suggested that the extension complied with the Shorezone Ordinance in every respect but one, i.e. the fish spawning area. A pier application submitted by Mr. Wells just 135 feet away was approved by TRPA in 1979, and his property exhibits the same site characteristics.

Mr. Heikka suggested that, while ignorance of the law was no excuse, the only time piers are a problem in prime fish habitats is when there are identified underground springs in which the fish can spawn. Mr. Rollston submitted a copy of a December, 1982 letter from the Resources Agency to the Corps of Engineers, copied to Fish and Game, requesting public notice circulation by the Corps as part of its regular permitting process for the Crabtree pier extension. No objections from the Department of Fish and Game were raised at that time. Mr. Chilton pointed out that neither TRPA nor CTRPA were included in that notice. Because the issue of piers and fish spawning habitats is a major item to be
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addressed in the Regional Plan, Mr. Rollston asked that the Board continue the Crabtree matter until these major decisions are made. Mr. Crabtree agrees to a waiver of any constraints imposed by the Compact with regard to time limits for Agency action. Consider the matter fresh after the Board has looked at the criteria to be included in the Plan and Shorezone Ordinance.

MOTION by Mr. Stewart to continue the Crabtree matter until it is determined what criteria will be used in reviewing shoreline structures under the Regional Plan and ordinances. The motion carried unanimously.

2. P. Auern, Unauthorized Pier Repair and Violation of Stop Work Order, Placer County APN 90-141-20

Mr. Chilton presented the staff summary of the attempts by staff to stop unauthorized pier work early in 1983 being conducted by Mr. William Biggs. Several stop work orders posted on the site were removed and work continued. Staff recommends that Mr. Auern submit an application for the pier repair work within 30 days and pay double the filing fee. Should this not be done, legal action shall be taken. Mr. Larry Hoffman, on behalf of the Auern's, indicated he had just been called to represent the Auern's; they were in agreement with the staff recommendation.

MOTION by Mr. Westergard to approve the staff recommendation in the Auern matter. The motion carried on the following vote:

Ayes: Mr. Hsieh, Mr. King, Mr. Stewart, Mr. Pruett, Mr. Gibbs, Mr. Swackhamer, Ms. Roberts, Mr. Hansen, Mr. Haagen, Mr. Westergard, Mr. Heikka, Mr. Reed

Nays: None

Abstain: Mr. Sevison

Absent: Mr. Robertson

3. William Biggs, Unauthorized Pier Construction, Violation of Notices to Stop Work, 52 Moana Circle, Placer County and 8754 Brockway Vista Avenue, Placer County (APN 98-191-12 and APN 90-141-20)

No one was present on behalf of Mr. Biggs.

MOTION by Mr. Heikka that, in view of the severity of the two violations, together with Mr. Biggs apparent misrepresentations to property owners with regard to permit and other requirements and the likely possibility that Mr. Biggs is continuing to operate on Lake Tahoe in this manner, the Board finds that violations have occurred and that Agency legal counsel is directed to begin civil litigation proceedings immediately and to request that the Placer County District Attorney also file charges applicable to the offenses. Counsel is directed to seek the maximum penalty allowable under the Compact. The motion carried on the following vote:

Ayes: Mr. King, Mr. Stewart, Mr. Pruett, Mr. Gibbs, Mr. Swackhamer, Ms. Roberts, Mr. Hansen, Mr. Westergard, Mr. Hsieh, Mr. Heikka, Mr. Reed

Nays: None

Abstain: Mr. Sevison, Mr. Haagen

Absent: Mr. Robertson
4. Edward Stearns/Bruce Outdoor Advertising, Off-Premise Sign Violation, El Dorado County APN 33-223-06

5. David Salzburg/Three M National Advertising, Off-Premise Sign Violation, El Dorado County APN 33-050-01

6. Lawrence Burke/Bruce Outdoor Advertising, Off-Premise Sign Violation, El Dorado County APN 33-160-14

Environmental Investigator Bob Pavich presented the staff summary on the three off-premise sign violations and requested that the Board authorize removal of the signs in accordance with the provisions of the Sign Ordinance. Mr. Gary Ricks, attorney representing Bruce Outdoor Advertising, Three M National Advertising and Mr. Stearns, suggested that the signs could not legally be required to be removed because of defects in the ordinance which favor on-site, commercial signs over other types of signs, a factor which the Supreme Court in an earlier case found was a denial of First Amendment rights. Another ordinance defect is it impermissibly chooses categories of non-commercial speech that are permissible for off-premise signs. The ordinance says, basically, all off-premise signs are unlawful except certain specific categories that are found valid for non-commercial speech. These categories relate to information signs, hospital directional signs, lease/rent/for sale signs, traffic signs, etc. Although the on-site signs were not being attempted to be removed by San Diego in this earlier case, this was the basis on which the Court found that there was an impermissible categorization of either on-site or off-site signs. The same thing is happening here.

Beyond the ordinance defects, there is the question of legislative preemption by the Federal Highway Beautification Act and California's Outdoor Advertising Act. These signs are all located within 660 feet of Highway 50, a federally-funded highway, and, as such, fall within these two legislative enactments which attempt to integrate control over the federally-funded highway system and set forth criteria for removal of signs, one being just compensation paid to the owners for signs that a governmental body desires to have removed. Mr. Heikka commented that neither of the acts was the basis for the Agency's Sign Ordinance; the basis for the Agency's ordinances is the bistate compact which specifically finds the need to protect scenic beauty of the Tahoe Basin.

MOTION by Mr. Heikka to approve the staff recommendation to have the signs removed and to direct legal counsel to research the issues raised today to determine if there is merit on the legal points raised.

Mr. Owen disagreed with Mr. Ricks' preemption argument. The Federal Highway Beautification Act is an incentive act for the states to fund beautification of Federal highways within their boundaries. It does not convey a private right to sue or give a person or owner of a sign right to say under the law just compensation must be given. Rather it directs the states to give compensation if they want to receive federal funds for beautification. TRPA does not jeopardize California's ability to comply with that law and specifically in its Compact has the authority to regulate outdoor advertising. It does not have the power of eminent domain or to pay compensation. There was an intention in the Compact for TRPA to be able to deal with these very questions, and there is
an amortization period given under these circumstances to owners of off-premise signs. The California law does not apply. Mr. Owen asked that the Board give him additional time before acting to research the constitutionality argument raised by Mr. Ricks. It is a new issue to be addressed; and if it is determined that there is a case on constitutionality, it is suggested that Mr. Ricks' clients be approached in lieu of protracted and expensive litigation to determine if they would be willing to reach some type of settlement and phase-out over a period of time of the signs. Otherwise it will be a long and bitter battle due to the nature of the cases.

Mr. Heikka withdrew his motion.

Ms. Roberts advised Mr. Ricks that the signs were to have come down in September of 1980. All other signs in the community came down on that date and these signs were in violation long before the case cited by Mr. Ricks.

MOTION by Mr. Heikka to continue the matter for 30 days to give legal counsel time to research the constitutional issues raised by the sign owners' attorney. The motion carried unanimously.

8. Jensen/Bernard, Unauthorized Construction of a Boathouse, Placer County APN 83-195-13, TRPA File #78157

Mr. George presented a summary of the unauthorized work which, although performed prior to the effective date of the Agency's Shoreline Ordinance, is still considered unauthorized. The necessary Army Corps of Engineers permit for the boathouse was not obtained. Mr. Lou Basile, representing the property owners, presented a history of the pier construction and explained that there are three residences which share the facilities. The structure should therefore qualify as a multiple use facility.

MOTION by Mr. Sevison that the Jensen/Bernard pier is determined to be a multiple use pier which can maintain the use of the existing boathouse. The motion carried unanimously.

XVI RESOLUTIONS

MOTION by Mr. Sevison to adopt Resolution Nos. 83-16 and 83-17 for former Board members Carlyle Hall and Dwight Steele, respectively, commending them for their service to the Agency. The motion carried unanimously.

XV REPORTS

E. Litigation Committee Report

Mr. George explained the status of Kings Run negotiation discussions and the proposal by the Kings Run representatives to construct 100 condominium units on 27.4 acres. There are numerous alternatives and concerns which should be addressed in an EIS for the project in accordance with EIS procedures. Mr. Mike Langs, attorney for Senior Corps, a major creditor for the original construction lender in the early 1960's and 1970's, presented a history of the project and suggested that there was greater evidence to support a vested right finding than on the previously-approved Brockway Springs project. Ongoing litigation with an adjacent homeowners association seeks to recognize a 200 foot buffer between
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this property and an earlier phase of the Kings Run development, and it is requested that the Board direct staff to resolve this problem independently of the balance of the property. Mr. Owen advised the Board that, upon conclusion of the Litigation Committee meeting, he had intended to send the Board a memo on the matter, but due to time constraints and other commitments he had not been able to do so. In discussing the matter with Litigation Committee member Roland Westergard, his recommendations were to find that: 1) continued pursuit of the proposed settlement is meritorious, with no unit commitment; to be along the procedural lines of prior settlements; 2) an EIS discussing alternatives shall be prepared thereon; and 3) if a settlement project is ultimately approved, after the EIS procedure, a settlement agreement shall be prepared and a dismissal per same entered thereon.

Mr. George advised that there was a stream environment zone in the 200 foot buffer area described by Mr. Langs; it may be possible to prepare a scope of work which will not include this area. Mr. Langs asked that the Board include approval of the scope of work mailed out to the Board members in its action. Mr. George suggested that there were additional items of concern raised at the meeting which would have to be addressed in the EIS, but a final scope of work could be available within five days.

MOTION by Mr. Westergard to approve the recommendation on Kings Run litigation negotiations as set forth by legal counsel. In addition to the items noted in the prepared scope of work, concerns raised at the meeting shall also be addressed. The motion carried unanimously.

XIV ADMINISTRATIVE MATTERS

A. Designation of SCS Appointment on the APC as Bistate Representative

MOTION by Mr. Heikka to designate the Soil Conservation Service representative on the Advisory Planning Commission as a bistate appointment. The motion carried unanimously.

XI SPECIAL DETERMINATIONS

B. F. Hart, Dwelling in Area to be Redelineated as a Land Capability 2, 533 Dale Drive, Washoe County APN 122-132-11, TRPA File #83246

Ms. Shepard explained that the applicant proposes a dwelling in an area shown on the redelineation maps as a capability level 2. The applicant prefers to process the application as a non-critical level 4 and wishes to dispute the redelineation to a level 2; because the applicant disputes the redelineation, the matter is before the Board for a determination. The main concern of the applicant is the difference in mitigation fees. If the application is processed as a level 2, the fee is $7,000; if at a level 4, the fee is $750. (Chairman Reed reminded the Board that Mr. Hart was present earlier in the day for action on his request; he was not present now.) Discussion followed on the equity of continuing to process at staff level those applications whose capability is improved and at the same time requiring those applicants whose capability is redelineated downward to be subject to the case-by-case criteria. If better capabilities are being recognized, it is only equitable that poor capabilities be recognized as well. It was suggested that the applicant make the determine
whether he wants to proceed now or not. Staff recommends that the property be recognized and processed as a level 2 to be consistent with previous action. Action must be consistent in both cases. In terms of the fee, it is suggested that it be left open until the matter is resolved in the Regional Plan. Mr. Hart has an unknown in the equation at this point.

MOTION by Mr. Stewart to approve staff's recommendation.

Mr. King suggested continuing the matter for 30 days and to get some agreement from Mr. Hart on the processing of the application.

Mr. Stewart withdrew his motion.

MOTION by Mr. Stewart to continue the Hart matter for 30 days. The matter carried on the following vote:

Ayes: Mr. Hansen, Mr. Haagen, Mr. Westergard, Mr. Hsieh, Mr. King, Mr. Stewart, Mr. Pruett, Mr. Gibbs, Mr. Swackhamer, Mr. Sevison, Mr. Heikkka, Mr. Reed

Nays: Ms. Roberts

Abstain: None

Absent: Mr. Robertson

Ms. Roberts explained that she had voted against the motion because the item was noted on the agenda for action today at a specific time, and the request should have been heard at that time.

XIII ENFORCEMENT (continued)

B. Reports

1. Manford Beals, Status of Application Submittal, Douglas County

Ms. Shepard advised that Mr. Beals had submitted a General Plan amendment to reclassify his property from Low Density Residential to Commercial. If this application is approved, a subsequent application can be considered to resolve the nonconforming coverage problems.

XIV ADMINISTRATIVE MATTERS

B. Determination of TRPA's Willingness to Assume CTRPA's Administrative Functions

Mr. Overeynder advised the Board that a proposed outline had been prepared for a memorandum of understanding between CTRPA and TRPA for transfer of specific functions. The Finance Committee earlier today recommended that the Chairman and Executive Director be authorized to enter into the understanding.

Mr. Gary Midkiff, Assistant to the Executive Director, advised that the California Assembly Ways and Means Subcommittee last Wednesday recommended cancellation of the $300,000 for TRPA in the State budget. (Jim Costa from Fresno is chairman of the committee; Assemblyman Tom Bates from the East Bay made the motion.) The justification for this action was to send the item to conference committee where there is maximum ability to add or pull dollars out
to balance the budget. The TRPA Finance Committee recommended that the Chairman send letters to the respective Senate and Assembly Committees and to the Speaker and President Pro Tem pointing out the importance of TRPA's budget. Chairman Reed asked that letters be drawn up for him to sign and that he be reminded to contact representatives in Sacramento. Mr. Hsieh offered his assistance.

Mr. Midkiff advised that the Finance Committee had recommended staff be authorized to proceed with requests for proposal for hiring a financial consultant to work with the Ways and Means Committee to evaluate fiscal impacts of the proposed plan and other implications discussed at public hearings. As soon as funds are available, staff could be authorized to enter into agreement with the consultant. Mr. Heikka suggested that staff proceed with sending out proposals but asked that the Governing Body make the final selection of the financial consultant.

Mr. Hansen asked that the Board consider hiring an outside planning consultant or organization to evaluate the Regional Plan and process to date. The Urban Land Institute and American Land Use Planning Organization were suggested as possible consultants. Mr. Haagen indicated he would help in coordinating such a review. Mr. King suggested that this outside input would lend credibility to the state legislatures which are being asked to fund the resulting plan. Chairman Reed indicated he would discuss this further with Mr. Haagen.

As a final item on CTRPA deactivation, Mr. Midkiff advised there was money in the California budget for a negotiated contract between TRPA and the Resources Agency to undertake a number of functions for deactivation of CTRPA, including administering conditions of approved permits (1,200 outstanding) and their attendant securities. The Assembly has $122,000 in the budget; the Senate has $149,000. That item is in conference as well. An MOU is being discussed with CTRPA to initially bring commercial functions over to TRPA in July and other functions at a later date (October 1). No final arrangements have yet been reached. The Finance Committee recommends authorization for the Executive Director and Chairman to enter into this MOU to specify an orderly transition. Chairman Reed directed that staff proceed with this.

MOTION by Mr. Sevison to adopt Resolution 83-18 to prepare a Transportation Action Plan in compliance with California AB 120 at the request of CTRPA. The motion carried unanimously.

Mr. Overeynder summarized the other report items on the agenda and in the packet not needing official Board action. There will be a Ways and Means Committee meeting on June 3.

MOTION by Mr. King that the Governing Body adopt a resolution commending Glenn Smith, who is retiring from the Forest Service.

F. Executive Director Report

2. Request from Placer County for $16,080 in Mitigation Funds for Sequoia Avenue/Tahoe Park Way and Bearing Drive Projects

3. Douglas County Request for Mitigation Funds for Lower Kingsbury Drainage Improvement Project
TRPA REGULAR MEETING MINUTES MAY 26 & REGULAR ADJOURNED MEETING JUNE 1, 1983

Senior Planner Gary Shellhorn presented a brief summary of the requests.

MOTION by Mr. Gibbs to approve allocations from the Placer County and Douglas County mitigation funds as outlined by the staff. The motion carried unanimously.

Mr. Overseynder formally introduced Gary Midkiff to the Governing Board as Assistant to the Executive Director and advised of Gordon Barrett's assignment to the position of Acting Principal Planner and Dave Ziegler's assignment to Acting Chief of Long Range Planning.

On a final item, the staff would recommend that, in view of the ongoing work on the Regional Plan, the redelineation hearings be postponed. There is a concern on the net effect of holding the hearing and the possibility that the Agency may be considering implementation of a processing system on individual lots which will be in effect for only a few months. Staff understands the Board's desire to ensure fair and equitable treatment on both sides of the equation, but staff is concerned with changing the system for only a two or three month period of time, only to have the Board further modify the system through the Regional Plan. It is recommended that the amended maps be incorporated as part of the amended plan in any case and that the hearing be tabled.

MOTION by Mr. Heikka to postpone the redelineation public hearing originally scheduled for June and to take the matter up with the Regional Plan. The motion carried unanimously.

MOTION by Mr. Westergard to continue settlement negotiations on Glenridge Park. The motion carried unanimously.

At 5:40 p.m. Chairman Reed directed that the meeting adjourn to a regularly adjourned meeting on June 1, 1983 at 9:00 a.m.

Wednesday, June 1, 1983 9:10 a.m.

Chairman Reed called the regular adjourned meeting to order at 9:10 a.m.

Members Present: Mr. Stewart, Mr. Pruett (present at 10:00 a.m.), Mr. Gibbs, Mr. Swackhamer, Mr. Severson, Ms. Roberts, Mr. Hansen, Mr. Haagen, Mr. Westergard, Mr. King, Mr. Heikka, Mr. Reed

Members Absent: Mr. Robertson, Mr. Hsieh, Mr. Morgan

Mr. Overseynder again went over the tentative schedule for Governing Board, APC and Ways and Means Committee review and input. The APC and Ways and Means will also be asked to respond to the schedule and timing. It is anticipated that much of the responses from special districts and local governments on specific proposals and alternatives included in the process will be channeled through the Ways and Means Committee. Mr. Stewart asked that the Ways and Means meeting scheduled for June 21 be moved back to June 17 because of County budget hearings.

Mr. Heikka expressed concern that the Board and staff were getting bogged down in general planning statements and were not addressing the specific planning details which must eventually be adopted to have a workable plan. The Board
must get down to specific land use delineations and specific ordinances for public hearings. The staff could work with the existing 1"=400' land use maps instead of the proposed 175 planning areas. Mr. Overeynder suggested that these specific land use delineations and standards were set forth in the planning area statements.

Discussion followed on the content of the analysis to be performed by the financial consultant under a 30 to 60 day contract, including review of the existing plan and all proposed alternatives. The list of proposed consultants will be circulated to all Board members, and final selection will be made by the Board. The Ways and Means Committee will select the final applicants. Staff requested that the Board members submit names of any prospective consultants to the staff for inclusion on the list.

Mr. King asked that there be a cooperative effort between TRPA and the 25 member Washoe County planning team put together specifically to work on the amended Plan. Mr. Overeynder agreed to make TRPA staff available to work with the County. In July the Board will have the final proposed version of the Regional Plan, the planning area statements, the maps which adopt the land capability system, the use designations and the APC recommendations. In conclusion, Mr. Overeynder stressed that the schedule presented to the Board was preliminary.

Discussion followed on the major Regional Plan issues outlined in the May 25 handout. A summary of the point-priority system, its advantages and possible application were presented and discussed. Mr. Hansen suggested that many of these discussion points should first be addressed by the Advisory Planning Commission before transmittal to the Board members. Mr. Overeynder commented that in many cases staff was looking for direction or concurrence from the Board on a particular choice of alternatives. After that direction was given, the matter would be presented to the APC for further refinement and more detailed analysis.

The next issue addressed by the Board was treatment of lots in low priority areas, transfer and incentive programs and redevelopment possibilities. Mr. Haagen suggested actual encouragement of comprehensive development through a clustering concept in the better capability areas as an incentive to retire development rights on high hazard lots. Staff advised that this option was set forth in the plan. Another issue raised by the Regional Plan is the appropriate system for measurement of land coverage under the Bailey land capability system and the appropriate method for allocating remaining coverage to individual uses. Staff's recommendation is to evaluate coverage on a watershed association basis with application of the Bailey system on a lot-by-lot basis with certain exceptions. Mr. King suggested that the figures on what areas are over-covered should be verified first.

The meeting recessed briefly for lunch from 12:20 p.m. to 1:00 p.m.

Ms. Ann Bogush, APC Vice Chairman, asked that the APC be given an opportunity to comment on these issues being discussed. It appears that some of the steps agreed to several months ago are now being skipped, and staff recommendations are going directly to the Board before the APC sees them. Chairman Reed advised
that staff was only verifying with the Board that it was going in the right
direction. Once this direction is given, staff fully intends to process these
discussion items through the APC. Mr. Reed advised he would be meeting with APC
Chairman Mike Harper on June 2 on this and other matters.

Commenting on the point priority system and treatment of low priority lots in
high hazard areas, Mr. Jim Bruner, from the League to Save Lake Tahoe, spoke
against adoption of a system which could possibly allow development of
environmentally sensitive lands or any plan which would take away the time
needed to let the acquisition programs work. The Board should face the fact
that some lots can't be built on and capability 1-3 lots should not enter into
any development system for at least 10 years.

Discussion followed on corrective programs for erosion on public lands and the
involvement of the states and Federal Government in funding and implementing
such programs. Mr. Bruner suggested that funding for implementation of the plan
would be more readily available if the Board could come up with a very
comprehensive plan which addresses the problems and ties directly to achievement
of the thresholds. Development should take a breather; Tahoe shouldn't get
worse before it gets better.

Mr. Larry Hoffman, attorney for the Preservation Council, agreed that the
concern was to slow development and to buy time for the acquisition programs to
work. It is time to start focusing efforts on the erosion control monies and to
commit to a transportation system. One problem with the work to date is its
failure to even acknowledge ongoing land acquisition programs. These programs
are not dovetailing with TRPA's ongoing planning process. The lots which are to
be acquired should be identified so that these buyout programs can start
working. As far as the point-priority system, it will do the job of keeping
value in the property while the acquisition program is underway. It should,
however, be further analyzed to surface problems. Chairman Reed suggested that
it was not TRPA's responsibility to look at the acquisition process, only to
give scientific data upon request; it is the responsibility of the Federal
Government and TALAC (Tahoe Area Land Acquisition Commission) to dovetail
their acquisition programs into TRPA's planning process. Perhaps TRPA can take a more
active role in encouraging this tack.

Mr. Andrew Sawyer, staff counsel for the California Water Resources Control
Board, suggested that the Board could discuss acquisition as part of its
plan preparation. TRPA cannot, however, downzone or regulate property for the
purpose of seeing it acquired, but it can adopt restrictions for the purpose of
protecting environmental quality. In identifying lands which should not be
built on, TRPA should devise regulatory programs which assure these lands will
not be developed. At the same time and in order to avoid inverse condemnation
claims, the Agency should identify that the purpose of the program is to
preserve environmental resources and should adopt mechanisms which insure
property values through transfer of development rights. TRPA must make clear to
the land purchasing agencies those lands which it thinks are necessary to be
preserved to protect water quality or other environmental features. With regard
to application of the capability system and determination of coverage, the
ultimate plan should ensure that those areas left undisturbed can absorb the
impacts of disturbed areas. Applying coverage on a watershed association basis
does not ensure this. The system should be applied on a lot-by-lot basis and
the point priority system should be applied only on capability level 4-7 lots, not 1-3 lots.

Mr. Ron Nahas suggested that the process should be simplified by eliminating the erroneous assumption that everyone wants to build on his lot. Many of the housing starts seen in the last few years came about simply because people were concerned that future building would be prohibited. Turn the mind-set around and come up with rules, whether through case-by-case or the point-priority system, which allow every lot owner to build, if he chooses, under his own schedule. If people believe it, the rate of permits will drop.

In summarizing the Board's discussion, Mr. Overeynder advised that staff would proceed in the direction outlined, working closely with the APC to present specific recommendations for the Policy Plan and planning area statements. Staff will continue to follow the schedule presented and work out details on the products to be submitted. The EIS addendum will address the issues raised today.

The meeting adjourned at 3:30 p.m.

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

Respectfully submitted,

[Signature]

Julie D. Frame
Administrative Assistant
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Davis/Dooley, Case-by-Case Single Family Dwelling
Existing Foundation, Lot 28 Lakewood Knolls
Douglas County APN 07-253-05, TRPA File #83208

Applicant: Robert A. Davis/Cecil Dooley

Project Description: The applicant requests approval to construct a single family dwelling on a lot containing an existing foundation consisting of poured concrete footings and block stem walls. The foundation was built in 1979 with reliance on a foundation-only permit issued by Douglas County. House plans were drawn up at that time, but the current applicant does not want to utilize the original plans. The applicant proposes to redesign the structure but to build it on the existing foundation. The project is in a subdivision which was rated as "in need of further evaluation" by the subdivision rating team.

Project Location: Sherwood Drive, Lakewood Knolls

Site Description: The subject parcel slopes uphill from Sherwood Drive. The driveway is already cut in, and the foundation exists. The balance of the site is undisturbed. There is a stream environment zone on the adjacent parcel, but the dwelling is proposed at the opposite side of the parcel.

Review Per Section: Section 12.20 of TRPA Ordinance 81-5

Land Use District: Low Density Residential

Land Capability Classification: Level 2, CaE Soil Type

Land Coverage:
- Total lot size: 16,400 sq. ft.
- Area in stream zone: 2,200 sq. ft.
- Lot area outside stream zone: 14,200 sq. ft.
- Allowable coverage: 2,840 sq. ft. (20% of usable lot size)
- Proposed coverage: 2,765 sq. ft.

Building Height: Proposed - 32 feet, Permitted - 35 feet

Impact Analysis and Mitigation Measures: Although the subject parcel is in an area which is rated as "in need of further evaluation", it can be processed as a case-by-case review in accordance with an amendment to Ordinance 81-5 (Ordinance 82-1). The applicable ordinance section reads as follows:

(a) A permit pursuant to subsection 12.21 may be issued for the construction of a single family house on an existing foundation located on a lot or parcel within a subdivision or area classified as

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Consent Calendar Item 2.
Page 1.
"in need of further consideration" provided the Agency, in addition to all other findings required by this ordinance, finds:

(I) The foundation was lawfully constructed or construction initiated thereon on or before May 28, 1981, and no further substantial work thereon is necessary to construct the single family residence proposed by the application;

(II) The application proposes measures to significantly mitigate or reduce the adverse effects upon water quality otherwise present or potential as a result of the construction and existence of the foundation; and

(III) Approval of the application will not result in any increase in development potential, or in land coverage in excess of that otherwise permitted by this ordinance, unless otherwise determined by the Governing Body in order to mitigate environmental damage, provided such determination shall not result in land coverage in excess of that permitted by Section 9.24 of the Agency's Land Use Ordinance, and will not have an individually adverse impact on the health, safety, general welfare or environment of the region.

The applicant proposes to utilize the existing foundation and to install infiltration and slope stabilization facilities, as necessary. The project rates as a Low or Moderate Risk in each of the four case-by-case lot review criteria. No additional tree removal is necessary for this project.

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

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<tr>
<th>Applicable Elements</th>
<th>Findings</th>
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<td>Nevada Side General Plan and Sub-Elements</td>
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<td>TRPA 208 Water Quality Plan</td>
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<td>Nevada Division of Environmental Protection</td>
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Project Analysis and Issues for Discussion: Agency staff finds that the impacts resulting from the project will be mitigated to the extent possible and that those impacts are not excessive. The following special conditions are recommended by Agency staff.

1. A final drainage and slope stabilization plan shall be submitted by the applicant and approved by Agency staff.

2. The applicant must contribute to an offsite mitigation fund. This fee is based on the proposed coverage in excess of that allowed by land capability and must be paid prior to the issuance of a TRPA permit. The mitigation fee is $6,733 as calculated below:

   Capability level: 2
   Lot size: 16,400 sq. ft.
   Allowed coverage by capability: 164 sq. ft.
   Proposed coverage: 2,765 sq. ft.
   Coverage in excess of capability: 2,601 sq. ft.
   Mitigation fee: $6,733

Required Actions and Findings: A motion to approve the project based on the following actions, findings and conditions:

1. Findings and actions listed on Attachment A.

2. Findings and actions listed on Attachment G.


4. The findings required by Ordinance 82-1 as outlined above.

5. The special conditions listed herein.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

El Dorado County Airport, Erosion Control Project, TRPA File #83466

Applicant: El Dorado County

Project Description: El Dorado County seeks approval to proceed with erosion control measures funded by the California Regional Water Quality Control Board and the Federal Aviation Administration. The measures generally consist of rock lining drainage ditches, installing slope stabilization and sediment retention structures, repairing an existing gully and increasing the water treatment capacity of existing ditches.

Project Location: El Dorado County Airport

Site Description: The project site is the existing airport facility. Unstable banks, ditches and gullies exist on the site.

Review Per Section: California Side Land Use Ordinance, Section 4.12(d), Public Works Projects and Section 4.12(f)(7), Construction in Stream Zones; TRPA Ordinance 81-5, Article VI(b) of the TRPA Compact.

Land Capability: The proposed project is located partially in a stream environment zone and partially in a land capability 5, JgC soil type.

Land Coverage: No new land coverage is proposed.

Impact Analysis and Mitigation Measures: The purpose of the project is to control erosion and treat runoff from the airport site, thereby improving the quality of runoff from the airport that enters the Upper Truckee River. The work will require land disturbance within a mapped critical area (SEZ), however, the prohibition on disturbance in SEZ's as set forth under Section 13.10 of TRPA Ordinance 81-5 does not apply to erosion control work approved by the Agency (Section 13.33, Ordinance 81-5).

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

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CONSENT CALENDAR #3
El Dorado County Airport
Erosion Control Project
June 6, 1983

Applicable Elements (Continued)                 Findings

TRPA 208 Water Quality Plan                     Consistent
Federal Nondegradation Policy for Water Quality Consistent

The project has approvals as follows: El Dorado County approved the project at its May 24, 1983 Board of Supervisors meeting and the California Water Resources Control Board, Lahontan Region waived waste discharge requirements. CTRPA plans on approving the project at staff level prior to the TRPA Governing Board meeting.

Project Analysis and Issues for Discussion: The project is necessary to reduce the amount of erosion occurring on the site. Treatment facilities are incorporated into the project to improve the quality of runoff as it leaves the site and enters the Upper Truckee River.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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

II. A motion to approve the project based on the following findings and conditions:

A. The findings listed on Attachment A.

B. The finding that the project is erosion control work approved by the Agency as set forth under Section 13.33 of Ordinance 81-5.

C. The finding that the proposed land disturbance in a stream environment zone is the minimum necessary to carry out the project and may be permitted under Sections 6.12(a) and 7.14(d) of the California Side Land Use Ordinance.

D. The finding that the proposed work is necessary for the protection and water quality of Lake Tahoe.

E. The standard conditions listed on Attachment D.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Tahoe Area Regional Transit (TART) Bus Turnouts/Shelters
Placer County, TRPA File #83302

Applicant: Placer County Department of Public Works

Project Description: The applicant seeks approval to construct a combination of thirteen (13) bus shelters with ten (10) bus turnouts along Highway 89 and Highway 28 in Placer County.

Project Location: Highway 28 and Highway 89, Placer County

Review Per Section: Section 4.12(d) of the California Side Land Use Ordinance
Section 6.12(a) of the California Side Land Use Ordinance
Section 12.62 & 14.24 of TRPA Ordinance 81-5
Article VI(b) of the TRPA Compact Revisions

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

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<td>208 Water Quality Plan*</td>
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<td>Federal Nondegradation Water Quality Plan</td>
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*This proposal is consistent with the TRPA 208 Plan if the findings required by Sections 12.62 and 14.24 of TRPA Ordinance 81-5 are made.

Staff Comment: The purpose of this project is to encourage use of public transit by providing safe and convenient bus stops for passengers. The project involves paving the shoulders of the existing roadway and construction of concrete slabs and passenger shelters. The project will result in the addition of approximately 9,735 sq. ft. of land coverage. In order to allow the proposed excess land coverage within the mapped low capability areas, the following findings must be made in accordance with Sections 12.62 and 14.24 of TRPA Ordinance 81-5:

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Consent Calendar Item 4.
1. That the project is necessary for implementation of the Nonattainment Air Quality Plan.

2. All other feasible alternatives not involving creation of land coverage in excess of that permitted by the pertinent land capability district have been exhausted.

The locations of the proposed turnouts and shelters are shown on the attached project maps.

Location:

Site 1: This site is located approximately 216'± NW from Post Mile 003 on Highway 89. Site work would include sawcutting approximately 100 feet of existing road, grading and paving the shoulder area, and constructing a Portland Cement concrete slab for transit passenger shelter. The proposed land coverage at this site would be approximately 906 sq. ft. Land Capability - TcB - 5.

Site 2: This site is located approximately 200'± north of the intersection of Oak Street and Highway 89. Site work will consist of sawcutting and removing approximately 500 sq. ft. of existing paving, repaving the shoulder area and the construction of a Portland Cement concrete slab and transit shelter. The proposed increase in land coverage would be approximately 591 sq. ft. Land Capability - TcB - 5.

Site 3: This site is located on the east side of Highway 89 at the intersection of Cedar Crest Road and Highway 89. Site work will consist of sawcutting existing paving, repaving the road shoulder area, re-routing an existing drainage ditch behind the proposed turnout and the construction of a Portland Cement concrete slab and transit shelter. The proposed increase in land coverage will be approximately 906 sq. ft. Land Capability - TdB - 5.

Site 4: This site is located on the east side of Highway 89 at Tahoe Taverns. Site work includes sawcutting existing paving, repaving the shoulder area and constructing a Portland Cement concrete slab and transit shelter. The proposed increase in land coverage at this site would be approximately 1,326 sq. ft. This coverage is larger than average due to increasing the turnout area in order to allow for the construction of a future left turn lane on Highway 89 at this location. Land Capability - TdB - 5.

Site 5: This site is located at the intersection of Mackinaw Road and Highway 28 in Tahoe City. Site work will consist of sawcutting existing paving, paving the shoulder area and the construction of a Portland Cement concrete slab and transit shelter. The proposed increase in land coverage at this area would be approximately 906 sq. ft. Land Capability - Gr - 1b.
Site 6: This site is located on the northeast side of Highway 28 at the Lighthouse Shopping Center. Site work consists of the construction of a Portland Cement concrete slab and transit shelter. The proposed increase in land coverage would be approximately 66 sq. ft. Land Capability - JhC - 5.

Site 7: Staff has discovered that this site was previously earmarked for a bus shelter under a condition of approval imposed by the Governing Board on a previous project. The applicant has agreed to develop an alternate replacement site to be reviewed and approved by staff.

Site 8: This site is located on the northwest corner of the intersection of Lardin Way and Highway 28 in Cedar Flat. Site work will consist of sawcutting the existing pavement, paving the shoulder area and constructing a Portland Cement concrete slab and transit shelter. The proposed increase in land coverage would be approximately 1,000 sq. ft. Land Capability - JwD - 6.

Site 9: This site is located on the east side of Highway 28 adjacent to the Boat House in Carmelian Bay. Site work would consist of constructing a Portland Cement concrete slab and transit shelter. The proposed increase in land coverage would be 66 sq. ft. Land Capability - Gr - 1b.

Site 10: This site is located on the south side of Highway 28 at the intersection of Highway 28 and Anderson Road. Site work consists of sawcutting the existing paving, paving the road shoulder and the construction of a Portland Cement concrete pad and transit shelter. The increase in land coverage would be approximately 722 sq. ft. Land Capability - JhC - 5.

Site 11: This site is located near the southerly entrance to the Kings Beach Recreation Area. Site work consists of constructing a Portland Cement concrete slab and transit shelter. Proposed increase in land coverage would be approximately 1630 sq. ft. Land Capability - JhC - 5.

Site 12: This site is located on the northwest corner of the intersection of Highway 28 and State Line Road. Site work consists of sawcutting of existing paving, paving the road shoulder and constructing a Portland Cement concrete pad and transit shelter. The proposed increase in land coverage would be approximately 660 sq. ft. Land Capability - CaD - 4.

Site 13: This site is located at the intersection of Highway 28 and Highway 89 on the north side of Highway 28. Site work consists of removing existing asphalt concrete and constructing Portland Cement concrete slabs and transit shelters. There is no increase in coverage at this site. Land Capability - Gr - 1b.

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Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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

II. A motion to approve the project based on the following findings and conditions:

1. The findings listed on Attachment A.

2. Findings required under Sections 12.62 and 14.24 of TRPA Ordinance 81-5:
   a. The project is necessary for implementation of the Nonattainment Air Quality Plan.
   b. All other feasible alternatives not involving creation of land coverage in excess of that permitted by the pertinent land capability district have been exhausted.

3. The standard conditions listed on Attachment D.

4. Adding the following conditions (these conditions were also placed on the project by the CTRPA Governing Board):
   a. The security referred to in Condition 1(f) shall be $1,500.
   b. The security referred to in Condition 1(g) shall be $780.
   c. The design of the shelters to be constructed shall be consistent with the coordinated standards which are being jointly developed by TART and STAGE staff prior to construction. The final shelter design shall be reviewed and approved by the CTRPA/TRPA staff prior to construction.
   d. This approval is for bus shelters 1 through 6 and 8 through 13 inclusive. The applicant shall submit plans for an alternate location for site 7. The alternate location shall be reviewed and approved by CTRPA and TRPA staff prior to commencement of the project.
Dollar Point, Buoy Field, Placer County APN 93-072-26, TRPA File #81099

Applicant: Dollar Point Homeowners Association

Project Description: The applicant is requesting the Agency to authorize 33 existing buoys that are utilized by the homeowners association in Dollar Point. The buoy field extends approximately 600' from the high water line (elevation 6229.1) lakeward of the homeowners beach. An undetermined number of buoys existed in May of 1972 and 30 buoys existed in the summer of 1974. Three additional buoys were placed over the next several years. The applicant is also requesting authorization of a seasonally placed swim line which extends a maximum of 275' from high water depending on the location of the water level and 2 swim floats that are proposed within the swim line boundaries.

Project Location: Dollar Point Placer County

Site Description: The backshore contains a gravelly sand beach and is classified as a shorezone tolerance district 4. Access to the beach from the parking lot is by an existing paved walkway. The foreshore is gently sloping. There is no evidence of erosion on site.

Review Per Section: Article VI(b); Section 4.11 of the Shorezone Ordinance.

Land Use District: Low Density Residential

Land Capability Classification: 3

Shorezone Tolerance District: 4, defined in the shorezone ordinance as having moderate potential for erosion with slopes of 15-30%.

Impact Analysis and Mitigation Measures: Section 6.52(1)(a) of the Shorezone Ordinance states that buoys are permitted in a shorezone tolerance district 4 where it is established that the methods of access that are provided to such buoys will result in minimum environmental harm. There is an existing paved walkway which provides access to the shoreline and existing pier. The surrounding areas are well vegetated and there are no signs of erosion on site.

The buoy field extends 600 feet lakeward from the high water line, however, the Army Corps of Engineers does not feel that they cause a hazard to navigation. The area is designated as prime fish habitat. Agency staff has circulated a notice of intent to certify a finding of no significant effect for the subject project and did not receive any comment from the California Department of Fish and Game.

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

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CONSENT CALENDAR #5.
agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

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<tr>
<td>Federal Nondegradation Water Quality Plan</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

Project Analysis and Issues for Discussion: The project is consistent with all the existing standards. Since the buoy field is considered to be existing and unauthorized it must be reviewed as if it was a new proposal. Agency staff recommends that the project qualifies for a finding of no significant impact.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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 project based on the following findings and conditions:

Actions and findings on Attachment A.

Actions and findings on Attachment B.

Conditions on Attachment F.

Plus the following special condition:

a. A multiple-use agreement must be submitted and approved by Agency staff.
PROPOSAL:
1. Authorize 33 existing boat buoys.
2. Authorize 2 existing speed limit markers.
3. Seasonally relocate 2 existing swim line anchors.
4. Seasonally relocate 6 existing buoys.
5. Seasonally relocate existing authorized swim lines in locations as shown.

LEGEND:
- Authorized location of swim area per FN 3866A
- Authorized location of swim line anchor buoy per FN 3866A
- Authorized location of 8'x10' swim floats per FN 3866A
- Existing buoy
- Existing buoy to be seasonally relocated
- Location of proposed anchor block, buoys to be relocated here during high water
- Proposed location of swim area during high water
- Proposed location of swim area during low water

APPLICATION FOR AUTHORIZATION OF EXISTING BOAT BuoYS, SWIM LINES, SWIM FLOATS AND SEASONAL RELOCATION OF EXISTING FACILITIES IN LAKE TAHOE, DOLLAR POINT

APPLICATION BY:
DollAR Point HomeOWNers assoc.
60 rayMOND vAIL and associATES
box 879
tAHOE CIty, CA 96148

REV. 2/82
DELETED PROP. BUOYS

ADJACENT PROPERTY OWNERS
93-060-18
NORTHWEST PROPERTIES
93-060-08
SHEEHAN
93-072-07 & 26
G.A. & MARGE REESE

REVISED 10/27/83
Alpine Marina, General Improvement Plan, Placer County APN 89-143-20, 89-163-13, 89-161-05, 89-161-06, 89-161-10, TRPA File #83011

Applicant: Stan Rundel & Byron West

Project Description: The applicant is proposing to improve and authorize the existing facilities and place 21 additional buoys at Alpine Marina. The details of the proposal modifications are as follows:

1. Install a 10,000 gallon gas tank and connect it to an existing gravity flow system.

2. Replace an existing solid concrete fork lift loading dock with an open steel piling dock. The dock would be narrowed from 18' to 12' and extended 17'. The elevation of the loading platform is to be raised to elevation 6236'.

3. Replace an existing broken concrete boat ramp with a 10' long steel grate boat ramp.

4. Replace existing wave dissipater wall with new redwood fence. The wall is located at the mouth of the harbor and is 17' long.

5. Authorize an existing cat walk located on the exterior of the main section of the pier and approve a new cat walk proposed to be located on the exterior of the "L" section of the pier. The new cat walk is proposed to be 3' wide and 152' long.

6. Relocate in an organized grid 19 existing authorized buoys and place an additional 21 buoys. The proposed buoy field would extend 500' from the high water line.

7. Replace non-conforming coverage in the backshore of the marina. This includes paving an existing disturbed area to be utilized for parking and revegetating a disturbed compacted dirt area which has historically been utilized for boat storage. The entire site is proposed to be brought up to 208 standards for drainage.

8. Provide additional parking across the highway by paving a parking area which has been used to accommodate parking for the Marina in the past. The area is classified as a land capability 5 and the proposed coverage is within the 25% allowable. In addition adequate drainage facilities and parking barriers are proposed.

9. Reconstruct an existing snack bar.

6/7/83
KE; sf

CONSENT CALENDAR 6.
Alpine Marina
General Improvement Plan
Page Two

Project Location: 7360 North Lake Boulevard (Highway 28) Tahoe Vista, Placer County.

Site Description: The backshore contains commercial buildings related to the marina uses, boat storage buildings, snack bar and parking area. There is a large area of dirt adjacent to the paved parking area which is disturbed and void of vegetation. The shoreline outside of the harbor is rock riprappled. The site slopes approximately 10-15%. The water area contains an "L" shaped rock crib pier, 30 boat slips within the harbor, a boat ramp, a boat launching pier and 19 buoys. The site is classified as a shoreline tolerance district 6 characteristic of volcanic or moranic debris with slopes of 5-15% and minimal shoreline erosion problems.

Review Per Section: Article VI(b) of the Compact; Section 4.11 of the Shorezone Ordinance.

Land Use District: General Commercial

Land Capability Classification: JhC, capability 5

Shorezone Tolerance District: 6

Land Coverage:

Marina Site:
Total Lot Area: 60,350 sq. ft.
Allowable Coverage: 15,087 sq. ft. (25%)
Existing Coverage: 46,265 sq. ft.
Proposed Coverage: 41,365 sq. ft.
Proposed Reduction: 4,900 sq. ft. (16%)
Required Reduction: 3,117 sq. ft.

Parking Lot:
Total Lot Area: 21,132 sq. ft.
Allowable Coverage: 5,285 sq. ft.
Proposed Coverage: 5,283 sq. ft.

Impact Analysis and Mitigation Measures: The 10,000 gallon gas tank was approved by the TRPA Governing Board on July 23, 1981. The concrete loading dock is to be replaced by a steel grate to mitigate the impacts resulting from pouring concrete in the Lake.

The wave dissipater wall is designed to protect boats within the harbor from wave action. The old wall does not appear to have had any deleterious effects on littoral drift or water quality.
Alpine Marina
General Improvement Plan
Page Three

There do not appear to be any environmental impacts resulting from the existing cat walk. The new cat walk will assist in the loading and unloading of passengers on boats.

The proposed buoy field is to extend approximately 500 feet from the high water line. Placer County has granted a variance from the extension limit of 350'. The U.S. Army Corps of Engineers has some concern that the buoys may cause a hazard to navigation.

Impervious surface coverage will be reduced on site by 4,900 square feet. The area will be revegetated with native plants and will therefore have a positive environmental impact. A drainage plan is proposed which will retain runoff from a 2 year, 6 hour storm on site.

The proposed parking area across the street is necessary to accommodate parking for the marina. The applicant has done a traffic evaluation study which concludes that there will be no significant impact resulting from the new parking lot. Agency staff has reviewed this study and concurs with the findings contained therein.

The snack bar is proposed to be reconstructed to the same size. The existing snack bar has been in operation for over 10 years.

Indirect Source Review: The proposed project is estimated to generate 17,283 grams of carbon monoxide per day. Under the Indirect Source Review Ordinance, the project is required to provide a mitigation for 150% of the emissions or 25,924 grams per day.

Proposed Mitigation: The applicant proposes to construct a transit shelter adjacent to the project site to enhance public transit service and encourage ridership. Staff feels the proposed mitigation measure is appropriate and adequate for off-setting the air quality impact.

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

<table>
<thead>
<tr>
<th>Applicable Elements</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Side General Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>California Air Resources Board Nonattainment</td>
<td>Consistent</td>
</tr>
<tr>
<td>Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>TRPA Shorezone Ordinance</td>
<td>Consistent</td>
</tr>
<tr>
<td>California Water Resources Control Board's</td>
<td>Consistent</td>
</tr>
<tr>
<td>Water Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>208 Water Quality Plan</td>
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</tr>
<tr>
<td>Federal Nondegradation Water Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>KE;sf</td>
<td>PAGE 3</td>
</tr>
</tbody>
</table>

CONSENT CALENDAR 6.
Alpine Marina  
General Improvement Plan  
Page Four

Project Analysis and Issues for Discussion: Generally the subject proposal will improve the quality of the existing marina by providing parking, drainage and repair of existing derelict structures. Agency staff feels that the subject project qualifies for a finding of no significant environmental impact.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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 project based on the following findings and conditions:

A. The findings listed on Attachments A & B.

III. The standard conditions of approval (Attachment D & F).

IV. The following special conditions:

A. The applicant must contribute to an offsite mitigation fund. This fee is based on the proposed coverage and must be paid prior to the issuance of a TRPA permit. The mitigation fee is $1,056 as indicated below:

<table>
<thead>
<tr>
<th>Capability level:</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot size:</td>
<td>21,132 sq. ft.</td>
</tr>
<tr>
<td>Allowed coverage by</td>
<td>5,283 sq. ft.</td>
</tr>
<tr>
<td>land capability:</td>
<td></td>
</tr>
<tr>
<td>Proposed coverage:</td>
<td>5,283 sq. ft.</td>
</tr>
<tr>
<td>Mitigation fee:</td>
<td>$1,056.00</td>
</tr>
</tbody>
</table>

B. The applicant shall construct a transit shelter adjacent to the project site as mitigation for the traffic impacts identified under the Indirect Source Review. The exact location and design of the shelter shall be reviewed and approved by Agency staff prior to construction. A security in the amount of $5,000 shall be posted with the Agency to ensure compliance with this condition. Said security shall be posted with the Agency prior to commencement of any portion of the work authorized by this approval.

KE:sf
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
1) Dock constructed of 6" reinforced concrete walls, backfilled with compacted earth, and covered with 6" reinforced concrete slab during low water level.

2) Resurface entire boat ramp with 6" reinforced concrete slab during low water level.

**ELEVATION**

- Forklift loading dock
- Dock EL. 6236'
- Exist. Rocks & Broken Asphalt
- High Water Line EL. 6229.1'
- EL. 6225'
- Low Water EL. 6223'
- Lake Bottom
- Excavation for forklift dock foundation

**EXIST. BOAT RAMP EXTENSION**

- Line of exist. rocks & broken asphalt
- High Water Line 6229.1'

**PLAN VIEW**

- Scale: 1"=20'
- Fortklift loading dock
- 4x4 posts @ 8' O.C.
- Diagonal bracing
- Expanded metal grate
- Rock crib
- Flange
- 2 3/4" bolts @ 5" O.C.

**SECTION**

- Catwalk framing
MEMORANDUM

June 14, 1983

To: The TRPA Governing Board

From: The Staff

Subject: Consent Calendar Item #7 - Bruzzone, Administrative Permit for Additional Land Coverage, Backshore Dwelling, 829 Lakeshore Boulevard, Washoe County APN 122-181-56, TRPA File #83125

Agency staff requests that the subject project be taken off the consent calendar and placed on the regular agenda as item IX H. After the agenda was finalized, staff discovered that it had misinterpreted a Governing Board policy in processing the subject project. Please see the staff summary for a further explanation.

GG:jf
6/14/83
Kirst, Replacement of Nonconforming Land Coverage, Backshore Dwelling, 462 Lakeview Avenue, Douglas County APN 05-241-08, TRPA File #83133

Applicant: James Kirst

Project Description: The applicant is proposing to demolish and remove an existing single family dwelling on a lot in Elks Point and construct a new dwelling in approximately the same location. The existing coverage on the lot is nonconforming to land capability, therefore, the applicant is required to make a net reduction in the amount of existing land coverage on site.

Project Location: 462 Lakeview Avenue, Elks Point, Douglas County

Site Description: The site is relatively flat for the first 80 feet then drops off steeply to the shoreline. The soil is rocky, however a majority of the lot is covered with asphalt paving and concrete. The bank adjacent to the shoreline has previously been terraced with railroad tie retaining walls and is therefore stable.

Review Per Section: Article VI(b) of the Compact Section 4.11 of the TRPA Shorezone Ordinance

Land Use District: Low Density Residential (LDR)

Land Capability Classification: CaF Capability Level 1

Shorezone Tolerance District: 2 defined as shorezones with 9-30% slopes; potential for erosion is high.

Land Coverage:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Lot Area</td>
<td>7121 sq. ft.</td>
</tr>
<tr>
<td>Allowable Coverage</td>
<td>71 sq. ft.  (1%)</td>
</tr>
<tr>
<td>Existing Coverage</td>
<td>5635 sq. ft.</td>
</tr>
<tr>
<td>Existing Nonconforming Coverage</td>
<td>5564 sq. ft.</td>
</tr>
<tr>
<td>Required Reduction</td>
<td>10% of nonconforming coverage + area equal to building additions = 556 + 1675 = 2231 sq. ft.</td>
</tr>
<tr>
<td>Proposed Reduction</td>
<td>2233 sq. ft.</td>
</tr>
<tr>
<td>Allowed Coverage</td>
<td>3404 sq. ft.</td>
</tr>
<tr>
<td>Proposed Coverage</td>
<td>3402 sq. ft.</td>
</tr>
</tbody>
</table>

Impact Analysis and Mitigation Measures: Coverage on site will be reduced by 2733 square feet. This area will be revegetated with native plant species. Further, the site will be brought up to 208 standards by implementation of a drainage plan designed to retain all runoff on site. The plans show an increase in the size of the lower floor. This increase requires approximately 240 cubic yards of new excavation. The applicant has agreed to revise the plans to eliminate the need for new excavation.

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

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

Project Analysis and Issues for Discussion: Agency staff feels the project qualifies for a finding of no significant impact.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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 project based on the following findings and conditions:

A. The findings listed on Attachment A. and B.

B. The standard conditions of approval (Attachment D and F).
C. The following special conditions:

1. The plans shall be revised to show no additional excavation for the proposed basement.

2. Prior to issuance of a permit the applicant must submit an agreement with the adjoining property owner that the structure that is encroaching on the subject property shall be removed.
Olinger/Jones, 1980 Status Single Family Dwelling, Lark Circle, Cave Rock Estates #2, Douglas County APN 03-112-07, TRPA File #83144

Applicant: Paul Olinger/Jones and Turner

Project Description: The applicant seeks approval to construct a 2 story single family dwelling with a detached garage. The proposed structure is octagonal in shape and is supported by a pole type foundation.

Project Location: Lark Circle, Cave Rock Estates Unit #2

Site Description: The subject parcel slopes uphill slightly from Lake Circle for about 40 feet and then flattens out, and eventually drops downhill fairly steeply. The entire site is scattered with rock outcrop. There is healthy manzanita on site, as well as some small pines.

Review Per Section: Section 20.32 of TRPA Ordinance 81-5. Douglas County has determined that the applicant was diligently pursuing a building permit in 1980. Water and Sewer permits were obtained prior to 1980. The applicant therefore qualifies for a 1980 status under Ordinance 81-5.

Land Use District: Low Density Residential

Land Capability Classification: Level 1A Rtf soil type

Land Coverage:

Total lot size: 20,702 sq. ft.
Allowed Coverage: 3,200 sq. ft. (Section 9.24 of TRPA Land Use Ordinance)
Proposed Coverage: 2,971 sq. ft.

Building Height: Proposed: 44' Permitted: 35' + 10' cross slope allowance = 45'

Impact Analysis and Mitigation Measures: Since this application is being processed as a 1980 status, according to Section 20.32 of TRPA Ordinance 81-5, it is exempt from the case-by-case review procedure. It is not exempt, however from the provisions of the Compact, and therefore requires review by the Agency.

The subject parcel is truly critical in nature, and requires that special measures be taken to minimize the impacts to the extent possible. The rock outcrop should not be disturbed, and a drainage plan which adequately infiltrates runoff should be carefully designed. The parcel drops off very steeply beyond the building site, and all disturbance should be kept off of these steep slopes.
The proposal does address the above described issues. The structure is supported by a pole type foundation, thereby limiting the area of disturbance. The garage is to be on a continuous foundation, and some 6 feet of cut is required, but this is not in an area of rock outcrop. A construction sequence and detailed grading plan will be required of the applicant to insure minimization of disturbance. A preliminary drainage plan has been submitted by the applicant. A final plan will be agreed upon after consultation with the Soil Conservation Service. Although the site is rocky in nature, there appears to be sufficient area for infiltration. Equipment access to the site will be limited and carefully monitored to confine disturbance to the building site itself.

Although this is a difficult site to work with, staff feels that with the proper construction methods, the impacts can be minimized.

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

<table>
<thead>
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<tr>
<td>Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>TRPA Shorezone Ordinance</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

Project Analysis and Issues for Discussion: A finding of No Significant Effect is not necessary since these projects were addressed in the EIS for the 208 Water Quality Plan. If the following special conditions are placed on the project, staff finds that the impacts are minimized to the greatest extent possible:

1. A grading plan and construction sequence will be submitted by the applicant and approved by Agency staff.

2. A plan for limited equipment access shall be submitted and approved by Agency staff.

3. Final details of the drainage plan shall be submitted after consultation with the Soil Conservation Service.

4. On site inspections shall be conducted by Agency staff to insure compliance with the approved plans.

6/7/83

PAGE 2
CONSENT CALENDAR #9.
Required Actions and Findings:

1. Findings listed on Attachment A.
2. Conditions listed on Attachment D – (Standard Conditions of Approval).
3. The special conditions listed herein.
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731
(916) 541-0246

MEMORANDUM

DATE: June 6, 1983

TO: TRPA Governing Board

FROM: Ways & Means Committee

SUBJECT: Committee Conclusions and Recommendations

This update is presented to identify the conclusions of the Ways and Means Committee and to make recommendations on specific actions that should be taken by the Governing Board.

Conclusions:

1. The Committee recommends that implementation financing focus on the first 5 year period and that a financial package should be initiated immediately to cover the projected shortfall.

2. The projected revenue requirements for Phase I are:

<table>
<thead>
<tr>
<th></th>
<th>$ Annual Expenditures</th>
<th>Shortfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Quality:</td>
<td>$6.0 Million</td>
<td>3.1</td>
</tr>
<tr>
<td>Transportation:</td>
<td>3.3 - 5.5 Million</td>
<td>1.6 - 3.8</td>
</tr>
</tbody>
</table>

3. Responsibility for new revenues should be equitably distributed among the following groups:

   Governmental Entities

   Federal
   State
   Local

   User Groups

   Residents:
   Property Owners
   Businesses

   Visitors:
   Overnight
   Day

   Transportation System

4. A financial consultant must be retained to analyze proposed financial options and assess impacts upon local jurisdictions and special service districts.

6/8/83
GM;sf

AGENDA ITEM V.C.
5. Proposed Phase I financial options include:
   1/2¢ sales tax, utility tax, motel room fee, Burton-Santini appropriations, federal/state grants, mitigation funds, jobs bill.

   Proposed Phase II-IV financial options include:
   assessment districts, automobile license/registration fees, property transfer tax, forest service special use permit fees.

6. Transportation programs must be cooperatively developed by TRPA and TTD with both agencies developing the financial package for TTD implementation.

In order to provide the data necessary for the financial consultants report, staff is continuing to work with local jurisdictions and special service districts. The entities contacted include: local governments, Incline Village General Improvement District (IVGID), South Tahoe Public Utility District (STPUD), North Tahoe Public Utility District (NTPUD), Tahoe City Public Utility District (TCPUD), Douglas County Sewer Improvement District (DCSID), and Kingsbury General Improvement District (KSID). Staff has also developed a scope of work for the consultants report identifying five work tasks (see attached).

Recommendations:

The Committee recommends that the Governing Board take the following actions:

1. Retain a financial consultant to perform the analysis described above. Consultant qualifications should be reviewed by the staff and the Ways & Means Committee to make recommendation to the Governing Board for final selection.

2. Initiate preparation of a legislative proposal package containing proposed financial measures and initiate contact with the respective legislatures.

3. Support the proposed State of Nevada acquisition fund legislation.

4. Formally request that the 15% supplementary Burton-Santini funds be appropriated by the U.S. Congress.

Attachments:
1. Ways and Means Committee Report
2. Financial Consultant Solicitation
3. Financial Consultant Draft Scope of Work
Plan Alternatives:

1. Existing TRPA Regional Plan including provisions of TRPA Compact Revisions (1980).

2.* Maximum regulation alternative

3.* Development with mitigation alternative

4.* Redirection alternative

5.** Staff preferred alternative

* See attached plan alternatives
** See attached draft policy plan

Affected Environment:

The Lake Tahoe Basin is comprised of the States of California and Nevada which contain 5 counties and 1 city. The impact assessment will address 7 utility districts which provide general sewage collection and treatment as well as partial water service.
Work Tasks:

1. **Assimilate TRPA Regional Plan Alternatives:**
   
   A. Review 5 alternatives
   
   B. Review proposed policy plan
   
   C. Review TRPA data sources
      
      a. WRIS, Geo Data Base, Assessor's Tapes, Census Tapes, TRTS

2. **Plan Impact Assessment: Socio-Economic**
   
   A. Recommend "key" indicators for socio-economic impacts; population, household income, housing cost, sales tax
   
   B. Provide methodology to assess impacts
   
   C. Project potential impacts: Consultant and/or staff
      
      a. 1-5 years
      
      b. buildout
   
   D. Recommend mitigation measures
      
      a. housing projects
      
      b. other

3. **Plan Impact Assessment: Local Jurisdictions and Special District**
   
   A. Analysis of existing budgets: Revenues/Expenditures
      
      a. 1-5 year
      
      b. buildout
   
   B. Analysis of indebtedness
   
   C. Analysis of cost functions
      
      a. Analyze cost savings due to reduce service requirements
   
   D. Provide mitigation analysis
   
   E. Recommend mitigation measures
      
      a. Extend debt payment periods
      
      b. Increase revenues
4. **TRPA Financial Plan Element:**
   
   A. Review CIP
   
   B. Review proposed revenue sources
   
   C. Recommend alternative revenue sources (e.g., proposed transfer tax, other)
   
   D. Establish implementation requirements
      
      a. Legislative voter approval, other
      
      b. Agency coordination, collect/distribution methods
   
   E. Recommend revenue options
      
      a. 1-5 years
      
      b. over 20 years
      
      c. achieve equitable distribution

5. **Transfer of Development Rights and Redevelopment Programs:**
   
   A. Assess transfer of development rights and redevelopment programs
      
      a. Economic feasibility
      
      b. Housing supply/cost impacts
      
      c. Tax base impacts
REVENUE SOURCE BREAKDOWN

Phase I - Annual Revenue Requirements
1-5

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>$1.9 million</td>
</tr>
<tr>
<td>Federal</td>
<td>$2.6 million</td>
</tr>
<tr>
<td>Unspecified</td>
<td>$2.0 million</td>
</tr>
<tr>
<td>Local</td>
<td>$2.5 million</td>
</tr>
<tr>
<td>Subventions</td>
<td>$0.23</td>
</tr>
<tr>
<td>STA</td>
<td>$0.05</td>
</tr>
<tr>
<td>Clean Lakes/CALTRANS</td>
<td>$1.75</td>
</tr>
<tr>
<td>UMTA</td>
<td>$1.60</td>
</tr>
<tr>
<td>Burton/Santini (15% appropriation)</td>
<td>$1.10</td>
</tr>
</tbody>
</table>

* Burton/Santini funds would constitute a federal contribution where initiation of a sales tax would increase the annual user/local uses.
MEMORANDUM

June 6, 1983

TO: Prospective Financial Consultants

FROM: Gary D. Midkiff
Assistant to the Executive Director

SUBJECT: Contract for Analysis of Impacts of Regional Plan Alternatives

The Tahoe Regional Planning Agency (TRPA), in developing a regional plan for the Tahoe Basin, is seeking professional assistance in evaluating the fiscal impacts of the plan alternatives on local governments and special districts. Also of concern are the economic impacts on the region in general. Due to the time constraints established by the statutes mandating preparation of a plan this year, the Agency is not proposing to go through a Request for Proposal process. Rather, the Agency requests that firms having the necessary expertise and desiring to be considered submit a qualifications and personnel statement indicating their capabilities in the desired area.

The attached outline of a scope of work is designed to provide a general description of the study tasks as perceived by the Agency. If your firm is interested in being considered, please submit a qualifications and personnel statement to the Agency by close of business June 17. It is not necessary to prepare a proposal in response to the preliminary work scope in order to receive full consideration.

Upon receipt of qualification statements, Agency staff will prepare a list of qualified firms for discussion by the TRPA Governing Board at its June 22 meeting to be held at The Chateau, 995 Fairway Boulevard, Incline Village, Nevada.

The TRPA Ways and Means Committee will interview finalists prior to final selection of a consultant to undertake the project.

Included in the interview will be discussion of the draft scope of work, suggested modifications, data sources and needs, proposed budget for the contract and any other questions raised by prospective contractors, the Governing Board or staff.
While no final budget has been determined the upper limit for this proposed contract will generally be in the $20,000 range unless further discussion justifies a higher expenditure. The final decision to enter into a contract for the subject discussed herein will depend on availability of funds following final action on the TRPA budget by the California legislature and signature by the Governor. Additionally, TRPA shall in no way be bound to enter into a contract with any respondent to this solicitation, or to reimburse respondents for any expenses in preparing their response and/or participating in selection interviews.

Should you require any additional information prior to responding to this solicitation please contact Gary Midkiff or Philip Overeynder at (916) 541-0246.

GDM:md
Attachment
MEMORANDUM

June 9, 1983

To: The TRPA Governing Body

From: The Staff

Subject: Public Hearing Items - Ordinances to Extend the Allocation System and to Extend the Case-by-Case Review Procedure

Agency legal counsel will be sending these ordinances to the Governing Body members under separate cover.

jf
6/9/83

AGENDA ITEM VII
MEMORANDUM

June 14, 1983

To: The TRPA Governing Board

From: The Staff

Subject: Agenda Item VIII A. - Lake Parkway (Loop Road) Completion, City of South Lake Tahoe, Certification of Environmental Impact Statement (EIS)

Following this memo is an executive summary of the subject project.

On June 9, 1983, the Advisory Planning Commission (APC) determined that the EIS for the subject project is technically adequate and recommended that the document be certified by the Governing Board.

At the June meeting, the APC members identified a number of significant comments made on the Draft EIS that they felt had not been adequately responded to in the response document. Therefore, the consultant who prepared the Draft EIS and response document proposed an addendum to the response document, which is enclosed. Comments D-3 and J-1 contained in the addendum summarize the main issues relative to the project. These issues will be addressed when the Governing Board considers the project. The project cannot be considered by TRPA until the Transportation Element of the Regional Plan is adopted.

Agency staff recommends that the Governing Board certify the project EIS, consisting of the Draft EIS, the response to comments document dated May, 1983, and the addendum to the response document dated June, 1983.
SUMMARY

The Proposed Action

Completion of a 490 foot connection of the Lake Parkway loop road between the California/Nevada State line and Montreal Road is the objective of the proposed action which is the subject of this Draft Environmental Impact Report/Statement. The project, for purposes of environmental impact analysis is described as the total road system between the intersection of the Nevada Loop Road at Highway 50 and the Highway 50/Chinokis neighborhood intersections with Pioneer Trail. The project includes Park Avenue between Highway 50 and Montreal Road, Pioneer Trail between Highway 50 and Glen Road, the Nevada portion of the Loop Road, Highway 50 between Park Avenue and Pioneer Trail, and the streets in the Chinokis neighborhood.

The Construction Project

The City of South Lake Tahoe proposes to construct approximately 490 feet of highway extending in a northeasterly direction from the present termination of Montreal Road to the California/Nevada State boundary line. The right-of-way would be approximately 60 feet in width. The paved roadway would be approximately 48 feet wide. The roadway would be marked so as to accommodate one lane in either direction together with a continuous two-way turn lane in the center. This configuration would match that of the Nevada Loop Road, and provide the final segment of the Loop.

Consistent with the objective of matching the already completed Nevada section of the Lake Parkway loop road there will be no sidewalks or streetlighting. There will be an approximate 6% uphill gradient from the Montreal Road connection to the existing finished grade at the State line. Sideslopes which will result from the necessary excavations will not exceed a 2:1 slope, and will be hydromulched to reduce soil erosion during the revegetation period.

The City will stripe the traffic lanes on Park Avenue at its intersection with Highway 50, as an interim measure, in conformance with Caltrans' recommendations.

The construction is to be completed during the summer of 1983.

The Alternatives

Three alternatives have been environmentally analyzed. Each alternative is shown graphically on Figures 4-7, 4-9, and 4-11.

The No-Project Alternative represents the existing street system and geometrics.

Alternative I provides for a one-way northbound connector between Park at Montreal and the current terminus of Lake Parkway east of U.S. 50. This alternative provides for direct two-way access between Montreal and Park but limits travel on Lake Parkway to northbound travel. It should
be noted, however, that southbound access to Park and ultimately Montreal is maintained via Van Sickle.

Alternative 2 provides for a two-way connector between Park at Montreal and the terminus of Lake Parkway. This alternative does not restrict access northbound or southbound to Montreal from the new loop roadway, but does restrict access southbound into the Chinokis neighborhood by means of a traffic barrier at the intersection of Park and Montreal.

**Significant Impacts and Mitigation Measures**

While no significant adverse environmental impacts have been identified as a result of the construction of the Lake Parkway loop road completion, those impacts which have been of concern Basin wide on which this project might effect a cumulative impact have been addressed and mitigation measures have been incorporated into the project design. The major areas of concern and the corresponding mitigation measures are as follows:

**Impact:** Increased impervious coverage.

**Mitigation:** The City of South Lake Tahoe will acquire 2.75 acres of right-of-way to assure that no more than 20% of the project site is covered.

**Impact:** Long-term erosion potential.

**Mitigation:** Include in project a full program of Best Management Practices (full permanent, temporary and preventative).

**Impact:** Air quality degradation resulting from potential of increased traffic.

**Mitigation:** Reduce number of vehicle trips by improvement in mass transit service, and improved traffic flow.

**Environmental Comparison of Alternatives**

Each of the alternatives has been evaluated assuming that all recommended mitigation measures have been incorporated. Except for the No-Project Alternative, which obviously does not involve mitigation measures, neither of the two project alternatives considered capable of achieving project objectives are viable without the incorporation of the recommended traffic control and environmental mitigation.

For each of the three project alternatives (No-Project, One-Way Access, Limited Access to Chinokis), the traffic, air quality, and other environmental impacts are summarized and evaluated as follows:
The No-Project Alternative

Traffic Impacts: If no project is undertaken, two critical Highway 50 intersections (Park and Pioneer) will degrade level-of-service by 1987. The Nevada (Lake Parkway)/Ski Run intersections with Highway 50 and Stateline intersection with 50 will also be degraded.

Air Quality Impacts: The No-Project Alternative, because of projected reductions in automotive emissions, would result in no decrease in air quality by 1987.

Environmental Impacts: There are no identified significant environmental impacts for the No-Project Alternative.

The One-Way Access Alternative

Traffic Impacts: The key intersections on Highway 50, Pioneer Trail, and Park Avenue will enjoy a significant level of service improvement over the No-Project levels. Little difference will exist between this alternative's traffic impacts and those of the Limited Access to Chinokis Alternative, including the impact on the Chinokis neighborhood.

Air Quality Impacts: This alternative would result in slight increase in air quality at two of the three modelled key stations and a slight decrease in air quality at the third station, by 1987 as compared to the No-Project Alternative.

Environmental Impacts: There are no unmitigated significant environmental impacts for this alternative. The project design incorporates mitigation measures for all identified impacts except for the project's exacerbation of existing watershed impervious coverage violation with respect to the adopted threshold. This increase in coverage ratio is considered too minimal to be a significant impact.

The Limited Access to Chinokis Alternative

Traffic Impacts: The key intersections will have impacts not significantly different than those of the One-Way Access Alternative.

Air Quality Impacts: This alternative would result in slight increase in air quality at two stations and a slight decrease in air quality at a third station in 1987, as compared to the No-Project Alternative. The increase at the third station is significantly greater than that for the One-Way Access Alternative; however, the decrease at one of the other stations is significantly greater for this alternative.
Environmental Impacts: The environmental impacts of this alternative are precisely the same as those for the One-Way Access Alternative.

The Environmentally Superior Alternative

It is concluded that the One-Way Access Alternative and the Limited Access to Chinokis Alternative are equally superior to the No-Project Alternative because of their lesser traffic impacts (improved traffic conditions), because there is no significant differential in air quality impacts between the three alternatives, and because there are no significant unmitigable environmental impact differences between the three alternatives.
ADDENDUM TO

FINAL ENVIRONMENTAL IMPACT STATEMENT/REPORT
LAKE PARKWAY (LOOP ROAD) COMPLETION
JUNE 1983

Comment D-3

"The EIS needs to be revised to clarify that the two-way Loop Road project will include the 490' connection to Montreal Road, restriping the traffic lanes on Park Avenue at the intersection with US 50 and the mitigation measures listed on Page 4-4:

a. traffic control barrier at Park and Montreal

b. a free right-turn lane from Pioneer Trail to eastbound Highway 50

c. an additional 12' lane with curb, gutter and sidewalk parallel to and contiguous to the south side of Highway 50 between Pioneer Trail and Park Avenue

d. a free right-turn lane from eastbound Highway 50 to Park Avenue

e. two left-turn lanes from Park Avenue to westbound Highway 50

f. new structural sections both north and south on Park Avenue

g. modification of the signal system at Pioneer Trail and Park Avenue

h. cul-de-sac on Fern Road because the existing Fern Road connection would not be compatible with the free right-turn lane from Pioneer Trail to eastbound Highway 50

The project description on Page 2-1 of the EIS; subsequent descriptions of the project on Pages 2-4, 2-6, 4-5 and 4-8; and Figures 2-2, 3-1 and 3-8 should all be revised to conform to the complete project description as discussed above."

Response D-3

The comment is repetitive of suggestions made by the Department of Transportation during the EIS/EIR scoping process. It was determined at that time that the project description in the Draft EIS/EIR would be utilized, and that the additions thereto suggested by the Department of Transportation would be incorporated in the EIS/EIR as suggested mitigation measures. See Response J-1
Comment Document H

Tahoe Regional Planning Agency Advisory Planning Commission meeting, May 11, 1983; minutes of discussion re Lake Parkway (Loop Road) Completion EIS/EIR, prepared by Mary Dailey, Secretary II.

Response, Document H

The environmental issues pertinent to the Lake Parkway (Loop Road) Completion project which were raised at this meeting were each the subject of written comments by individuals or agencies responding to the circulation of the Draft EIS/EIR, and responses thereto have been provided herein. Other key issues relating long-range transportation planning, and to the Lake Parkway design, were discussed but are not appropriately covered in this document have been provided herein and in comment H-1 and H-2.

Comment H-1

Kortick: "Just two points, first one being I don't understand why you need a center turn lane on the highway, maybe someone from the City can explain that, on the extension, I mean in an area where supposedly your not going to have any growth inducing effects."

Response H-1

The proposed configuration of the roadway is preferred by the City of South Lake Tahoe, according to Carol Drewbaugh, City Engineer, because it maintains a consistent driving lane alignment which is conducive to traffic safety, allows side snow plowing which provides improved driver visibility, provides access to the Forest Inn should Van Sickle Road (a private road) ever be closed, and provides adequate width for bike lanes.

Comment H-2

Sawyer: "... Specifically I'm interested in... because I haven't thought of it before, is that it can we reduce the coverage by eliminating the left turn lane for example?"

Response H-2

The City of South Lake Tahoe has made a commitment to the acquisition of land area adequate to maintain the required 20% land coverage and has designed the project to contain storm water runoff on site.
Carol Drawbaugh, City Engineer, stated that the left turn lane could be eliminated for a distance of approximately 250 feet at the northern end of the project. This configuration would provide an 8 foot wide median strip for approximately 250 feet and a left turn lane on the remainder of the project for movements into the Forest Inn and Park Avenue. The City prefers the proposed alignment, See Response H-1.

**Comment H-3**

Sparbel: "I have a question when you come down Montreal Road, why do you dump everybody into the puzzle labeled Chonokis? Why don't you bring them through to Glen Road or bring them through to Pioneer Trail, or bring them through to Highway 50, or do anything but dump 'em or dump everybody who's lost or wants to get through down into the neighborhood?"

**Response H-3**

The Alternative of directing traffic from the Lake Parkway through the Chonokis Neighborhood to Pioneer Trail was considered during the scoping process. It was determined that this alternative should not be considered because of the existing narrow streets which would require reconstruction and the existing residential character of the neighborhood and street system. Because of complaints from residents of the Chonokis neighborhood, that their streets were at times congested from existing traffic exiting the casinos via Van Sickle, the Scoping Task Force suggested that at least one alternative consider limiting access to the Chonokis neighborhood.

**Comment I-8**

"p. 3-8 Surface runoff: Diverted from the project to Tahoe Meadows where we already have an uncontrolled drainage mess which only "might" be corrected by the Wildwood Project if it is funded."

**Response I-8**

The amount of additional runoff generated by this project is not significant in comparison with the total runoff anticipated from the drainage basin. The project does provide on-site drainage retention for a 20 year return frequency. The comment is noted and incorporated in the EIS/EIR.
Comment Phone Communication J

Phone communication between Greg George, TRPA staff member and Anders Hauge, QUAD Consultants, on June 8, 1983, regarding comments made by the TRPA Advisory Planning Commission.

Comment J-1

The recommended project traffic mitigation measures need to be more clearly addressed.

Response J-1

With a limited data base available the consulting traffic engineer recommends the following mitigation measures be implemented to reduce the identified impacts to a less than significant level:

1. Essential mitigation to be implemented with project construction
   a. Construction of a traffic barrier at Park Avenue and Montreal prohibiting access to the Onokis neighborhood. (Alternative 2 only)
   b. Provision of two left-turn lanes from Park Avenue to westbound Highway 50
   c. Modification of the signal system at Park Avenue/Highway 50
   d. Stop sign at the southeast corner of Park and Montreal

2. Mitigation measures essential for implementation at an early date:
   a. New structural sections of both north and south Park Avenue if the final striping design does not permit the recommended cross section.

3. Mitigation measures essential to be implemented prior to 1987:
   a. A free right-turn lane from Pioneer Trail to eastbound Highway 50
   b. An additional 12 foot lane with curb, gutter and sidewalk parallel to and contiguous to the south side of Highway 50 between Pioneer Trail and Park Avenue
   c. A free right-turn lane from eastbound Highway 50 to Park Avenue
d. Cul-de-sac on Fern Road at the time the Pioneer Trail free right-turn on Highway 50 is constructed

e. Modification of the signal system at Pioneer Trail/Highway 50

f. Free right-turn from the Lake Parkway eastbound on Highway 50

See Table J-1, following page.

Comment J-2

The project impacts need to be more clearly stated.

Response J-2

The environmental impacts of the proposed project are listed in Chapter 3. 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. See Page 2 of the summary, paragraph 3 and page 4-7, paragraph 4. Project alternatives two or three as mitigated are recommended over the project or no project alternative.

AMMEND APPENDIX C as follows:

Tahoe Regional Planning Agency Advisory Planning Commission meeting meeting, May 11, 1983; minutes of discussion re Lake Parkway (Lgap Road) Completion EIS/EIR prepared by Mary Dailey, Secretary II, and meeting of June 8, 1983, comments as reported by Greg George.
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>City of South Lake Tahoe</th>
<th>Estimated Cost</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The project must include all permanent, temporary, and preventative BMP's—including infiltration, slope stabilization, drainage stabilization, revegetation, temporary erosion controls, proper placement of excavated materials, protective fencing, protectivewitching, and other practices as necessary.</td>
<td>YES</td>
<td>Included in Project Cost</td>
<td></td>
</tr>
<tr>
<td>2. Use the flattest possible side slopes with appropriate vegetative cover to reduce the long-term erosion potential of the project.</td>
<td>YES</td>
<td>Include in Project Cost</td>
<td></td>
</tr>
<tr>
<td>3. Erect protective fencing to enclose the project area during construction and to avoid damage to the surrounding areas by the operation or storage of construction equipment.</td>
<td>YES</td>
<td>Included in Project Cost</td>
<td></td>
</tr>
<tr>
<td>4. Select a site for the contractor’s office and storage yard which will not result in any increased disturbance, e.g., an already paved area such as a portion of the large parking lot at Park Avenue and Montreal Road.</td>
<td>YES</td>
<td>Included in Project Cost</td>
<td></td>
</tr>
<tr>
<td>5. Minimize the amount of land which needs to be cleared of vegetation.</td>
<td>YES</td>
<td>Include in Project</td>
<td></td>
</tr>
<tr>
<td>6. Revegetate the disturbed portions of an existing cleared strip of land extending from the north end of Montreal Road to a point on the Stateline just to the west of the proposed point of connection to the Nevada portion of the loop road with plant species similar to those which are presently found in the immediate vicinity.</td>
<td>YES</td>
<td>Included in Project</td>
<td></td>
</tr>
<tr>
<td>Implementation by Department</td>
<td>City of South Lake Tahoe</td>
<td>Estimated Cost</td>
<td>Comments</td>
</tr>
<tr>
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</tr>
<tr>
<td>Mitigation Measure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Revegetate the cut side slopes with plant species similar to those presently found in the immediate vicinity as listed above.</td>
<td>YES</td>
<td>Included in Project</td>
<td></td>
</tr>
<tr>
<td>8. Use boulders (on site) for erosion control.</td>
<td>YES</td>
<td>Included in Project</td>
<td></td>
</tr>
<tr>
<td>9. Design slope stabilization and other revegetation efforts to provide wildlife habitat as well as other functional and aesthetic purposes in compliance with the Lake Tahoe Best Management Practices.</td>
<td>YES</td>
<td>Included in Project</td>
<td></td>
</tr>
<tr>
<td>10. Ash of the impact from light and glare would be reduced by prohibiting vehicular access from the Lake Parkway into the Dominick Neighborhood.</td>
<td>YES</td>
<td>See Number 16</td>
<td>Construction of barrier at the Park Avenue/Montreal Intersection.</td>
</tr>
<tr>
<td>11. The adoption of the TIBPA Regional Plan, scheduled for 1993, will establish the parameters for all future development and growth in the Lake Tahoe Basin. If additional growth is permitted by the plan, it must be compatible with the adopted Environmental Threshold Carrying Capacities.</td>
<td>YES</td>
<td>N/A</td>
<td>Depends on action of the TIBPA.</td>
</tr>
<tr>
<td>12. Implementation of the South Lake Tahoe Redevelopment Program could provide a significant positive impact on the Lake Tahoe Basin's environment by encouraging the removal of existing coverage from sensitive lands.</td>
<td>YES</td>
<td>64,000+ first phase</td>
<td>First phase nearing completion.</td>
</tr>
<tr>
<td>13. In order to achieve the maximum beneficial visual impact it will be necessary to maintain the land to the east of the Lake Parkway in an 'natural' undeveloped state as presently exists.</td>
<td>YES</td>
<td>Land Purchase of between 2.15 and 2.75 Acres included in project</td>
<td>Depends on future actions of the TIBPA and City.</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>YES</td>
<td>included in City Operating cost</td>
<td>City and WaA Project Review</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
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<tr>
<td>In the event that development is allowed on the east side of the road (existing zoning is T6, Tourism Commercial), it shall be required that native trees and vegetation be maintained in a buffer strip between the road and any structures (allowing area for snow storage). In addition, the building sizes and architectural conformation should be carefully regulated so as to maintain the forest ambiance and to provide a transition zone from forestland to urban area.</td>
<td>YES</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>If artifacts are unearthed at a future point in the project's development, the California Archaeological Site Survey Regional Office should be consulted for the appropriate mitigation measures.</td>
<td>YES</td>
<td>5,000</td>
<td>For Alternative 2 only</td>
</tr>
<tr>
<td>Construction of a traffic barrier at Park Avenue and Montreal prohibiting access to the Guadalupe neighborhood.</td>
<td>YES</td>
<td>800 initial striping 1300 possible for traffic detector loops 500/yr maintenance</td>
<td></td>
</tr>
<tr>
<td>Provision of two left-turn lanes from Park Avenue to westbound Highway 50.</td>
<td>YES</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>Modification of the signal system at Park Avenue/Highway 50.</td>
<td>YES</td>
<td>400</td>
<td>Provide for two left turn lanes</td>
</tr>
<tr>
<td>Sign sign at the southeast corner of Park &amp; Montreal.</td>
<td>YES</td>
<td>depending on funding availability</td>
<td></td>
</tr>
<tr>
<td>New structural sections of both north and south Park Avenue if the final striping design does not permit the recommended cross section.</td>
<td>YES</td>
<td>depending on funding availability</td>
<td></td>
</tr>
<tr>
<td>A free right-turn lane from Pioneer Trail to eastbound Highway 50.</td>
<td>YES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Commitment to Implement by The City of South Lake Tahoe</td>
<td>Estimated Cost</td>
<td>Comments</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------</td>
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</tr>
<tr>
<td>22. A. additional 12 foot lane with curb, gutter and sidewalk parallel to and contiguous to the south side of Highway 50 between Pioneer Trail and Park Avenue.</td>
<td>YES-depending on funding availability</td>
<td>400,000+</td>
<td>currently in the Federal Aid Urban (FAU) System for 1985/1986, previously under consideration for adoption by City, County, California</td>
</tr>
<tr>
<td>23. A free right-turn lane from eastbound Highway 50 to Park Avenue.</td>
<td>YES-depending on funding availability</td>
<td>5,000+ with 7</td>
<td>above 30,000 without 7</td>
</tr>
<tr>
<td>24. On-de-pad on Park Road at the time the Pioneer Trail free right turn on Highway 50 is constructed.</td>
<td>YES-depending on funding availability</td>
<td>See #21</td>
<td></td>
</tr>
<tr>
<td>25. Modification of the signal system at Pioneer Trail/Hwy 50.</td>
<td>YES-depending on funding availability</td>
<td>See #22</td>
<td></td>
</tr>
<tr>
<td>26. Free right-turn from the Lake Park/Traffic eastbound on Highway 50.</td>
<td>YES-depending on funding availability</td>
<td>75,000+</td>
<td>A Nevada Project</td>
</tr>
</tbody>
</table>
Third Street and South Avenue Extensions
and Improvements, Draft Environmental
Impact Statement, City of South Lake Tahoe

The Draft Environmental Impact Statement (EIS) evaluates the environmental impacts of improving and extending Third Avenue and South Street within the City of South Lake Tahoe. The purpose of the project is to alleviate traffic congestion at intersections within one-half mile of the South Tahoe WYE and to provide safer, more direct access to Barton Memorial Hospital.

The first segment of the project is improvement of the existing Third Street and its extension to Tahoe Island Drive. General improvements include widening the street to 32 feet, adding curb and gutter, and improving the existing storm drainage system along Third Street between U.S. Highway 50 and James Avenue. The second segment will be an extension of Third Street south of U.S. Highway 50 through undeveloped property to connect with Second Street, which provides access to Barton Memorial Hospital. Improvements include paving, curb and gutter, and drainage facilities. The third segment involves extension of South Avenue westerly to connect with U.S. Highway 50 one-quarter mile south of the South Tahoe WYE. Improvements include pavement widening, curb and gutter, and drainage facilities.

Environmental Setting: The existing Third Street segment is located in the EfB (capability level 7) and Ev (capability level 1b and stream environment zone - SEZ) soil types. This section of roadway will be widened creating 6,784 square feet of additional land coverage within the SEZ. The extension of Third Street is located in an EfB soil type.

Between Highway 50 and Barton Avenue 9,180 square feet of additional land coverage within an SEZ is proposed. From Barton Avenue to Second Street the soil type is EfB (capability 7).

The southward extension of South Avenue will add 20,822 square feet with an SEZ (Ev soil type). A portion of this extension will be over the existing Tahoe Valley Campground road. The total new impervious surface due to the project is 94,111 square feet. The new land coverage within identified SEZ's is 47,730 square feet. The number of trees proposed for removal is 180. The trees are primarily Jeffrey pine.

Alternatives to the Proposed Project: The draft EIS/EIR evaluated alternative alignments for the portion of the project south of Highway 50 connecting with either Fourth Street or Second Street. Both alignments would result in additional land coverage within the SEZ adjacent to Highway 50. The Second Street alignment is proposed to connect directly with the revised emergency entrance to Barton Hospital. This alignment does not involve adding an additional conflict at the Fourth Street intersection which is now a 4-way intersection. This alignment also involves no removal of structures.
Third Street and South Avenue Extensions and Improvements
Page 2

Three alternatives were analyzed for the extension of South Avenue. The first alternative leads between the Lakeside Theatre and McDonald's restaurant adjacent to the South Tahoe Wye. This alignment was rejected for three reasons. First, the alignment would cross a natural drainage channel that is classified as a first order stream. Second, the alignment would conflict with the theatre and McDonald's operations. Third, this alignment would result in traffic movement conflicts along Highway 50 south of and at the Wye. This extension would be located about 500 feet south of the Wye.

The second alternative would extend South Avenue between Mom's Restaurant and the Standard Station. This alignment was also rejected due to proximity to the South Tahoe Wye and encroachment in the first order stream.

The chosen alternative will extend South Avenue to intersect with the existing Tahoe Valley Campground road which avoids crossing the first order stream, utilizes the existing disturbed power pole alignment and utilizes the existing campground road.

Traffic: Currently, traffic accessing the Tahoe Island Drive area from Highway 50 must use Tahoe Keys Boulevard. It is estimated that the proposed Third Street extension will divert approximately 1500 vehicle trips per day from this intersection. This will raise the service level at the Tahoe Keys intersection and result in a reduction of 344 vehicle miles per day. The estimated carbon monoxide emissions reduction is 15 kilograms per day. In addition, the intersection of Third Street and Highway 50 will be signalized with the signal phasing controlled in conjunction with the Tahoe Keys intersection.

The extension of Third Street to interconnect with Second Street will provide more direct access to the residential, commercial and hospital area south of Highway 50. This will confine more of the traffic in this area to a central corridor and provide more direct access to Barton Hospital for emergency vehicles. The South Avenue extension will achieve the same goals. The South Avenue extension is projected to carry approximately 1500 vehicles daily. The total estimated carbon monoxide emission reduction is 29.1 kilograms per day.

The South Avenue extension will connect with Highway 50 approximately 190 feet south of an existing access drive to the South "Y" Shopping Center creating the potential for traffic conflicts along the Highway 50 median left turn lane. The south driveway primarily provides access for delivery trucks to the delivery bays located behind the center. During the peak hour, the estimated number of left turn movements from Highway 50 onto South Avenue is 5 and the median has stacking room for 7 to 8 automobiles or 4 cars and 1 large delivery truck.

6/9/83

Agenda Item VIII B.
Page 2
Unavoidable Impacts:

1. Removal of approximately 180 Jeffrey pine trees.
2. Creation of 47,730 square feet of land coverage within identified SEZ's.
3. Creation of land coverage in excess of 1% within identified SEZ's.

Mitigation Measures:

1. The applicant proposes to acquire sufficient land area adjacent to the project to bring the project land coverage to 30%. The project will not comply with the 1% land coverage standard applicable to SEZ's. Under Section 13.31 of TRPA Ordinance 81-5 public works projects can be allowed to exceed the land coverage standards if the following findings are made:

   The project is necessary to comply with the nonattainment air quality plan, or the transportation element of the Regional Plan, or is necessary for public health, safety and welfare, and all feasible alternatives not involving construction within the SEZ have been exhausted.

2. The City of South Lake Tahoe proposes to complete the D Street drainage project which will provide improvements in drainage collection and infiltration from the south Wye industrial area through the project sites.

3. TRPA Best Management Practices for drainage and erosion control will be implemented for the project impacted areas.

4. Signalization of Third Street and Highway 50 will be completed as part of the project.

5. Evaluation will be undertaken of the need to signalize the South Avenue and Highway 50 intersection.

6. The south Highway 50 access drive to the South "Y" Shopping Center will be signed for "Entrance Only" to reduce the potential traffic conflicts along the Highway 50 median divider north of the proposed South Avenue Extension.

APC Action:

The APC at its June 8, 1983 meeting determined that the Final EIS, consisting of the Draft EIS and response to comments document, was technically adequate.

Recommendation:

Agency staff recommends that the Governing Board certify the Third Street/South Avenue Final EIS. The project is scheduled to be placed on the July Governing Board agenda for consideration.

6/9/83
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Tahoe City Public Utility District,
Rubicon Water System Reconstruction
El Dorado County - Certification of
Environmental Impact Statement

The Advisory Planning Commission at its regular June, 1983 meeting found that
the EIS and addendum for the Rubicon Water system reconstruction was technically
adequate and recommended that the Governing Board certify the EIS. The document
addresses the relationship of the proposed project alternatives and the
environmental threshold carrying capacities as required by the Agency. The EIS
provides a comprehensive disclosure of the alternatives and the impacts
associated with those alternatives. The staff recommends that the Governing
Board certify the EIS.

Following is a brief summary of the EIS outlining the proposal, alternatives,
impacts and consequences, and the mitigation:

Background of the Proposal

The Tahoe City Public Utility District proposes to reconstruct the water system
in the Rubicon Properties Subdivision on the west shore of Lake Tahoe in El
Dorado County. The present system is in a state of extreme deterioration and is
in need of major renovation in order to provide year-around water supply which
meets drinking water standards and fire protection demands. The California
Department of Health Services has ordered an improvement in the water quality
supplied to Rubicon Properties Subdivision.

Alternatives

All alternatives include abandonment of the present point of diversion (Lonely
Culch Reservoir) and require replacement of the 3 inch lines with 6 inch lines
to provide adequate fire flows. The new distribution system will be winterized
to prevent freezing. The key features of the proposed alternatives are:

<table>
<thead>
<tr>
<th>Source of Supply</th>
<th>Storage System</th>
<th>Distribution System</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alt. 1</td>
<td>Lake intake</td>
<td>2 tanks - 200,000 gal.</td>
<td>Complete replacemt.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 150,000 gal.</td>
<td></td>
</tr>
<tr>
<td>Alt. 2</td>
<td>Lake intake</td>
<td>3 tanks - 140,000 gal.</td>
<td>Complete replacemt.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 140,000 gal.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 70,000 gal.</td>
<td></td>
</tr>
<tr>
<td>Alt. 3</td>
<td>Lake intake</td>
<td>2 tanks - 280,000 gal.</td>
<td>Partial replacemt.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>70,000 gal.</td>
<td></td>
</tr>
</tbody>
</table>

GS: jf
6/8/83

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Rubicon Water System Reconstruction

page two

Alt. 4       Lake intake       3 tanks - 140,000 gal. Partial replacement. $1,496,000
                     140,000 gal.
                      70,000 gal.

Alt. 5       Well            2 tanks - 280,000 gal. Partial replacement. $1,391,000
                     70,000 gal.

All of the proposed alternatives would provide adequate service for the level of
new development permitted in the service area, which would include 19 new
residences under the present CTRPA and State of California 208 Plan criteria.
The sizing of the distribution system is based on meeting the fire flow
requirements which are greater than the customer service demands.

Consequences and Impacts

- Water use will decrease since the system will not require "bleeding" during
  the winter to prevent freezing.

- Water conservation programs will be implemented.

- Vehicle trips would be increased dependent upon the level of development
  permitted by the 1983 TRPA Regional Plan. Utilizing the present
development criteria permitting only 19 more residences would increase
  total VMT by 12,841.

- Water quality of Lonely Gulch and Meeks Creek would not be significantly
  affected. Lonely Gulch reservoir would continue to reduce sediment loads
  until the reservoir is filled (in approximately 10 years). Nitrogen
  loading would not be significantly altered.

- Stream flows in Lonely Gulch would return to natural conditions.

- 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.

- Some loss of vegetation will occur due to construction of the water system.

- The proposed storage tanks would create impervious coverage on high hazard
  lands.

- Nitrate loading into Lake Tahoe would be decreased under Alternative #5
  utilizing the well, since the groundwater would be utilized.

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page three

- There would be a minor impact on fish in Meeks Creek due to increased suspended sediment during construction.

- 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.

- The well diversion would not require a change in existing water rights.

Mitigation

- Best Management Practices for erosion control to 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.

- Storage tanks will be painted to blend and will be screened with vegetation.

- The 4,000 square feet of disturbed area where the proposed upper tank is to be located will be stabilized and areas not covered by the tank will be revegetated.

- The District would acquire high hazard lots adjacent to the proposed storage tank locations in order to meet the 1% allowable coverage for high hazard lands. These lots would be retired from development of single family dwellings.

- A vegetative inventory and assessment of the riparian areas adjacent to the proposed well location near Meeks Creek will be conducted to insure groundwater pumping does not adversely affect the riparian vegetation.

Preferred Alternative

Alternative 5, the well diversion, is the District's preferred alternative. This alternative would be the least costly and would not require a change in the points of diversion. The potential for environmental impacts is greater due to the uncertainty of depleting the groundwater as a result of pumping adjacent to Meeks Creek.

(A summary of the EIS and the "Responses to Comments" are available from the Agency staff upon request.)
TRPA Governing Board  
PO Box 8696  
S. Lake Tahoe, Ca. 95731

7320 N. Lake Blvd.  
Tahoe Vista, Ca. 95732  
June 23, 1983

Re: Alpine Marina  
TRPA File 83011

Dear Sirs:

I want to thank you for hearing my objections to this project, although I feel the action taken on this issue was the result of misrepresentations made by the applicant to you and to your staff.

I feel that the applicant represented and you accepted in good faith, the following facts which were not completely true or were false. It was represented:

1. That Placer County approval had been obtained. This was not true as a land use permit must be obtained for this project and the hearing for this is set for July 7, 1983 at 2:30 P.M.

2. That the zoning was compatible for the project. This was not true as Placer County zoning is C-1 and a marina operation requires a land use permit and any expansion or modification requires a land use permit according to what I was told by a representative of the Placer County Planning Commission.

3. It was represented that the buoy field would contain more buoys but would occupy the same area as now. This is not true, and not acceptable to me. The area would almost be double in size and would extend out into the lake an additional 150 feet.

4. It was represented that this is a commercial area and that those living adjacent to the marina were non-conforming. I would like to clarify this information. When I built and moved into my residence over 23 years ago, there was a C-1 area on the lake in this area about one block long. All of the people in that area had a home associated with their small business, including the boat harbor. The boat harbor property is the last property on the east end of the block. The next neighbors to the east are private residences and were not made non-conforming by later passed ordinances, so the marina is enclosed on both sides by private residences.
There were other misrepresentations such as the "blackmail" charge, and non-
representations such as the fact that Mr. Rundel is no longer the owner of the
Marina, etc.

I would further like to state that neither I nor my neighbor were given
sufficient notice of this hearing. We received no letters or contact from the
TRPA and did not have the opportunity to participate in the fact gathering or the
decision making process. For example, why was there not an environmental impact
statement required to study the impact of 40 boats bouyed in a small area in
regards to noise, navigation, swimming activity, water pollution, parking, traffic,
etc.? Surely changing a small overcrowded traffic oriented boat marina by this amount
will not have a negative impact on our community or our environment. Due process
requires that we have the right of this input.

Since Placer County has not approved a land use permit and this is a requirement
before your board acts on a project, and since I feel that the property owners in
this area, including myself, did not have due process, I respectfully request that
you rescind your action of June 22, 1983 in regards to the Alpine Marina master plan
and re-schedule a hearing at a later date, with plenty of notice given to the property
owners adjacent to the marina.

Sincerely,

[Signature]

DON BECK
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Tahoe City Public Utility District, Pomin Park Boat Ramp Parking Lot, Placer County APN 94-140-14, TRPA File #82-1354

Applicant: Tahoe City Public Utility District, Wildlife Conservation Board and the State of California

Project Description: The applicant proposes to modify the Pomin Park boat ramp parking lot to improve circulation for vehicles with boat trailers. The modifications include the removal and relocation of several paved areas, removal of five trees, restriping, surface sealing and landscaping. The project includes retrofitting the parking lot with runoff control measures and water quality treatment facilities.

Project Location: Lake Forest Road near the intersection of Lake Forest Road and Highway 28.

Site Description: Although the site was once a stream environment zone the area has been substantially man-modified. Currently a paved parking lot exists which covers 46.9% of the parcel area. The remainder of the lot is undisturbed and is considered a functioning stream environment zone.

Review Per Section: California Side Land Use Ordinance Section 4.12(d), Section 4.12 (f), Section 6.12 and Section 9.16; TRPA Ordinance 81-5; and Article VI(b) of the Compact.

Land Use District: Public Service

Land Capability Classification: 1b (The entire site is considered a stream environment zone.)

Land Coverage: To be permitted to modify the nonconforming land coverage on the site Section 9.16 of the California Side Land Use Ordinance requires a net reduction of 9,381 sq. ft. in the amount of land coverage presently on the site, as calculated below. The applicant, however, is proposing only a 3,362 square foot reduction. The applicant is requesting that the Governing Board approval the project based on the facility being of a regional public recreation nature.

<table>
<thead>
<tr>
<th>Description</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Area</td>
<td>156,816 sq. ft. (3.6 acres)</td>
</tr>
<tr>
<td>Permitted Coverage</td>
<td>1,568 sq. ft. (1% SEZ)</td>
</tr>
<tr>
<td>Existing Coverage</td>
<td>73,500 sq. ft. (47%)</td>
</tr>
<tr>
<td>Existing Non-conforming Coverage</td>
<td>71,932 sq. ft.</td>
</tr>
<tr>
<td>Proposed New Coverage</td>
<td>2,188 sq. ft.</td>
</tr>
<tr>
<td>Required Reduction (Section 9.21)</td>
<td>10% of nonconforming: 7,193 sq. ft.</td>
</tr>
<tr>
<td>Area of new coverage</td>
<td>2,188 sq. ft.</td>
</tr>
<tr>
<td>Total</td>
<td>9,381 sq. ft.</td>
</tr>
<tr>
<td>Total Permitted Coverage</td>
<td>64,119 sq. ft.</td>
</tr>
</tbody>
</table>

Proposed Reduction: 3,362 sq. ft.
Proposed Total Coverage: 70,138 sq. ft.

6/8/83
KS;sf

AGENDA ITEM IX.A.
Impact Analysis and Mitigation Measures: Land and Water: In conjunction with the alteration of the parking facility, the applicant proposes to implement an extensive runoff control and water quality treatment program. This program will include the implementation of Best Management Practices on the site, and will have an overall net beneficial effect on water quality.

Traffic and Parking: The project is designed to improve traffic flow and boat launching movements within the existing facility. At present the facility can accommodate 52 car and boat trailer combinations. The project will increase the accommodation to 55 car and trailer combinations.

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

<table>
<thead>
<tr>
<th>Applicable Elements</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Side General Plan and Implementing Ordinances</td>
<td>Inconsistent*</td>
</tr>
<tr>
<td>California Air Resources Board Nonattainment Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>TRPA Shorezone Ordinance</td>
<td>Consistent</td>
</tr>
<tr>
<td>California Water Resources Control Board's Water Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>208 Water Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Nondegradation Water Quality Plan</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

* See following section.

Project Analysis and Issues for Discussion:

A. The project does not comply with the requirements of Section 9.16 of the California Side Land Use Ordinance. That section requires a 9,381 square foot reduction in existing land coverage and the applicant proposes a reduction of 3,362 square feet. Section 6.12 contains the only exceptions to the land coverage standards set forth in the California Side Land Use Ordinance. This section contains an exception for "regional transportation facilities proposed in the Agency Transportation Plan, including roads, bikeways, pathways and transit systems." This section does not specifically include an exception for the subject parking lot.

The Governing Board should consider the applicant's request to find that the project is consistent with the intent of Section 6.12. The following items should be considered in making that determination.
1. The project site is a regional public recreation facility.

2. The existing coverage will be reduced by 3,362 square feet.

3. The project site will be retrofitted with drainage facilities in compliance with the 208 standards.

4. The site is substantially modified but could be restored to a functional SEZ.

5. The project could be redesigned to comply with the land coverage standards.

B. Grading and clearing of vegetation can be permitted on the project site under Section 13.31 of TRPA Ordinance 81-5 for public works by a public entity only if it is found that the project is necessary for public recreation and all other feasible alternatives not involving construction within the SEZ have been exhausted. The applicant has not provided the Agency with any evidence on which to base a finding that all other feasible alternatives have been exhausted. The applicant has also refused to prepare an alternative site design that conforms to the required reductions in nonconforming land coverage.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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 project based on the following findings and conditions:

A. The findings listed on Attachment A.

B. The finding that the project is consistent with the intent of Section 6.12 of the California Side Land Use Ordinance, based on the evidence contained herein, and is therefore exempt from the land coverage standards set forth in said ordinance.

C. The finding that the project is necessary for public recreation and that all other feasible alternatives not involving construction within the SEZ have been exhausted.

D. The standard conditions of approval (Attachment D).
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Lake Tahoe Cruises/Ski Run Marina, Tour Boat Operation,
City of South Lake Tahoe, El Dorado County APN 27-051-09,
TRPA File #82357

Applicants: The applicants are Joe Thieman, owner of the Tahoe Belle cruise
boat and Mike Phillips, owner of the Ski Run Marina.

Project Description: The applicant is proposing to operate a new tour boat from
Ski Run Marina. The Tahoe Belle is 122' long, 30' wide, 25' high and has a 36"
draft. Currently, during the summer months, a cruise boat, named the Tahoe
Queen, operates out of Ski Run Marina with a passenger capacity of 150. The
cruise boat presently operates on a daily basis, four times a day. The tour
boat goes to Emerald Bay and back. The schedule for the Tahoe Belle has not yet
been determined; however, it will replace the existing boat, and its schedule
will probably be similar to the current operation. The existing boat is to be
relocated to Lakeside Marina. The relocation of the boat from Ski Run Marina to
Lakeside Marina is considered to be a project requiring review and approval by
TRPA under a separate application. The Tahoe Belle has a passenger capacity of
approximately 500 passengers; however, the applicant is only applying for
approval to permit 250 passengers.

The Tahoe Belle is being assembled in the parking lot of the South Shore Marina,
and construction of the boat is almost complete. Launching will take place at
the marina. The finish work will be done while the boat is in the water.

Project Location: Ski Run Marina, City of South Lake Tahoe

Site Description: The site contains an on-shore marina. An existing pier will
be used for mooring the boat.

Review Per Section: Article VIib of the Compact, Section 4.11 of the Shorezone
Ordinance.

Land Use District: GC - General Commercial

Land Capability Classification: 1 BE, Shorezone Tolerance District 1

Land Coverage: Total lot area: 125,020 sq. ft.

Existing Land Coverage:
- paved parking areas 31,263 sq. ft.
- decks, walkways 4,866 sq. ft.
- overhangs 3,962 sq. ft.
- vehicle storage and
  seasonal parking area 29,850 sq. ft.
- easements, motel &
  restaurant 2,470 sq. ft.
  Total: 72,411 sq. ft. (57.9% of site)

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Impact Analysis and Mitigation Measures: To assess the impacts resulting from increased passenger capacity, the applicant operated two cruise boats from the Ski Run Marina. The other boat operated during the assessment period is currently operated on a regular basis from the Lakeside Marina.

Water Quality - The emissions of nitrogen (N) from the existing and proposed projects are listed below:

<table>
<thead>
<tr>
<th>Project</th>
<th>Emissions of Nitrogen (N) (Pounds/Yr.)</th>
<th>Discharge Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>1,900</td>
<td>Lake Tahoe</td>
</tr>
<tr>
<td>Proposed</td>
<td>3,600</td>
<td>Atmosphere</td>
</tr>
</tbody>
</table>

As shown, the exhaust from the new boat is to be discharged into the atmosphere, while the exhaust from the two existing boats is discharged into the Lake. There are adverse water quality impacts associated with both the existing and proposed projects. For example, if 15% of the emissions of nitrogen (N) is absorbed and deposited in the Lake from the existing operation, approximately 285 pounds of nitrogen (N) would be added to the Lake each year. For the proposed project with discharge of the emissions to the atmosphere, approximately 90 pounds of nitrogen (N) would be added to the Lake each year if 2.5% of the emissions were deposited on the Lake. For comparison, approximately 1 pound of nitrogen (N) is added to the Lake each year from approximately 2.5 acres of high hazard land under worst case conditions.

Using the above assumptions, staff has determined that there would be a net decrease in nitrate loading to the Lake by replacing the Tahoe Queen with the new Tahoe Belle. The impacts from the proposed project, however, can be decreased further by reducing nitrogen oxide (NOx) emissions from the proposed boat and providing an offset by modifying the other boat owned and operated by the applicant. The net change in loading is shown below.

<table>
<thead>
<tr>
<th>Project/Condition</th>
<th>Loading - Nitrogen (N), Pounds/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>+ 285</td>
</tr>
<tr>
<td>Proposed</td>
<td>+ 90</td>
</tr>
<tr>
<td>Offset</td>
<td>- 153</td>
</tr>
</tbody>
</table>

These numbers were developed using the above assumptions. The recommended conditions to require these reductions are included in condition #5.

Ski Run Marina has adequate fueling facilities to accommodate the Tahoe Belle's two diesel engines. At the fueling inlet there will be a five gallon overflow sump for containment of accidental discharge. The boat will be equipped with a 1,000 gallon stainless steel fuel storage tank which will require fueling less frequently than the existing boats.

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Lake Tahoe Cruises

The boat will also have a 1,000 gallon capacity holding tank for all waste discharge. The applicant proposes to have the holding tank pumped out periodically while docked, utilizing the proposed waste disposal system at Ski Run Marina. Section 9.40 of the Shorezone Ordinance requires that all commercial marinas provide pump-out facilities for boat sewage.

Parking: Based on a survey done by the City of South Lake Tahoe and the applicant, the number of parking spaces required at the marina is 133. This necessitates the utilization of 50 parking spaces that are located in an unimproved compacted dirt area that has historically been used for parking. Section 6.50 of TRPA Ordinance 79-10 requires that all project sites be brought into compliance with the Handbook of Best Management Practices. In Chapter X, the Handbook requires that all commercial parking lots be paved and drainage facilities be provided for all impervious surfaces.

The applicant and the owner of the Marina have stated that it is economically infeasible to pave the unpaved portion of the parking area and install drainage facilities this summer. The impacts associated with dirt parking areas include uncontrolled runoff, mud being tracked off site, and dust and wind erosion. These impacts would be mitigated by paving the unpaved parking area and providing drainage facilities for the site. Without these improvements included as part of the project as recommended in the proposed conditions of approval, the impacts stated above will not be mitigated to a less-than-significant level. No additional land coverage is proposed as part of this project.

Traffic: The proposed project will adversely affect traffic movements at the intersection of Ski Run Boulevard and U. S. 50. The impact will be primarily due to an increased number of vehicular turning movements. Other intersections will be impacted less because, due to vehicular trip distribution characteristics, vehicles will generally be making a through-traffic movement.

Under a "worst case/peak hour" scenario, 54 additional trips will pass through the Ski Run/U. S. 50 intersection. Calculation of the sum of the existing critical traffic movements for planning purposes places the intersection at a level of service (LOS) E. LOS E is representative of operations at or near capacity. Operations at this level are unstable, and a minor disruption may cause rapid deterioration of flow into LOS F. LOS F represents forced, or breakdown, flow. With the additional trips, the LOS would remain at an LOS E, but the additional trips represent a 1.3% increase in the peak hour traffic.
Lake Tahoe Cruises

To assist in mitigation of this 1.3% increase, the applicant will be required to contribute to the traffic and air quality fund. Public transportation will be encouraged in the Lake Tahoe Cruise informational brochure. The applicant has further agreed to incorporate a shuttle bus system by June 30, 1984.

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

<table>
<thead>
<tr>
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<td>Consistent</td>
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<tr>
<td>Federal Nondegradation Policy for Water Quality</td>
<td>Consistent</td>
</tr>
<tr>
<td>California Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

* The implementing ordinance (No. 79-10) for the Water Quality Plan requires that commercial parking lots be paved and adequate drainage facilities provided. The current application does not comply with this requirement. However, if approved with the recommended conditions of approval, including posting of adequate security, this inconsistency would be adequately resolved.

Project Analysis and Issues for Discussion: The applicant has not accepted the recommended condition of approval requiring that the entire parking area be improved prior to the operation of the tour boat. The City of South Lake Tahoe has accepted a master plan for the Ski Run Marina which includes upgrading the parking lot in 1986. Agency staff finds that the improvements are necessary immediately to satisfy the requirements of the 208 Water Quality Plan and implementing ordinance and to adequately mitigate potential water quality impacts. If the improvements are not completed as part of this project approval, staff finds that the impacts resulting from the project will not be mitigated to a less-than-significant level.

The Tahoe Belle has a passenger capacity of approximately 500; however, the applicant is proposing to limit the capacity to 250 at this time. Agency staff feels that, without physical restraints constructed on the boat to temporarily limit the capacity to 250 passengers until additional capacity is approved by the Agency, this limitation would be very difficult to enforce. The applicant has stated that there are periodic checks done on passenger capacity by the U.S. Coast Guard as well as the City of South Lake Tahoe Police Department. To date, staff has not received confirmation from these agencies that this will be done.

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Page 4.
Currently there are no sewage pump-out facilities on the site. Section 9.41 of the Shorezone Ordinance states that sewage pump-out facilities must be provided at all commercial marinas and harbors. The applicant has agreed to install a pump-out facility at the Ski Run Marina as part of this application to accommodate the proposed tour boat.

Provided the staff-recommended conditions of approval are approved and implemented as part of the project approval, Agency staff finds that the project would qualify for a finding of no significant impact.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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

II. A motion to approve the project based on the following findings and conditions:

1. Actions and findings listed on Attachment A.
2. Findings Listed on Attachment B.
3. Conditions listed on Attachment F.

The following special conditions:

1. The applicant will pay a $1,344 Traffic/Air Quality Mitigation fee prior to issuance of the TRPA permit.

2. The Lake Tahoe Cruise informational brochure must be expanded prior to operation of the Tahoe Belle to include the following public transportation information:
   a. STAGE bus schedules and rates;
   b. Dial-a-Ride information including rate and phone number; and
   c. Incorporation of other available transportation services. The brochure must be submitted to Agency staff to verify that the required information is included.

3. The applicant must implement a plan to operate a shuttle bus(es) by August 1, 1983. The plan shall be submitted to Agency staff for review and approval prior to operation of the boat and shall include the
identification of routes, schedules, number of buses, capacity of each bus and a marketing program. The primary objective of the plan shall be to eliminate the increase of 100 person trips from the project site as a result of the project. The plan shall be subject to review and approval by Agency staff and shall not be approved unless staff determines that the primary objective as stated above is likely to be achieved.

4. The applicant shall limit emissions from the proposed operation to the lowest achievable emission rate. The applicant shall prepare a report by at least July 15, 1983 which describes the lowest achievable emission rate. The report shall consider adjustment and testing of the injection pump timing, increasing the exhaust gas temperature of the proposed boat, a gasoline turbine or propane engine for the new boat with a catalytic converter, limiting the hours of operation and/or limiting the amount of fuel consumed each day. The applicant shall also offset the emissions from the proposed operation by modifying the Miss Tahoe to discharge the exhaust into the atmosphere.

5. A parking and drainage plan must be submitted and approved by Agency staff prior to issuance of the TRPA permit. This parking plan shall include paving the lot and providing drainage facilities consistent with current 208 water quality standards. The plan for the site and a security to insure compliance shall be submitted and approved prior to operation of the tour boat.

6. The passenger capacity is limited to 250. The boat shall be constructed to contain seating capacity for only 250 passengers, and the number of life-jackets on board shall not exceed the number necessary for 250 passengers. If it is documented that the boat's passenger load exceeds 250 at any time, the TRPA permit is revoked.

7. A sewage pump-out facility must be installed at Ski Run Marina. The facility shall be available for use prior to operation of the tour boat. Plans for the pump-out facility must be reviewed and approved by Agency staff. All other permits from agencies requiring approval of such facilities must be obtained.

8. The 150 passenger Tahoe Queen which is currently operated from the Ski Run Marina shall not be operated on the waters of Lake Tahoe or from any other marina facility unless such operation is approved by TRPA under separate application.
MEMORANDUM

DATE: June 8, 1983

TO: TRPA Governing Body

FROM: Agency Staff

SUBJECT: Stirn Pier Repair, Request for Reconsideration, Placer County, APN 89-282-02, TRPA 82223

The subject application was heard by the TRPA Governing Board at the regular meeting of March 24, 1983. The Board failed to make the finding that the project would have no significant environmental effect, therefore, the application is considered incomplete pending additional environmental documentation being submitted. However, due to the absence of some of the Board members from California, Agency legal counsel stated that the project may be reconsidered at a later date and no additional information would be required to be submitted.
Stirn, Pier Repair, Placer County APN 89-282-02, TRPA File #82223

Applicant: Brad Stirn

Project Description: The applicant is proposing to repair a 110 foot long "L" shaped pier. The existing pier is supported entirely by a rock cribbed foundation. The repair includes replacing the most landward 60 feet of pier with an open piling pier. The remaining portion of the pier is to be repaired by replacing the pier deck and repairing and refilling the rock cribbing. The rocks from the cribbed portion of the pier that is proposed to be removed will be used to refill the damaged cribbed foundation. The pier is proposed to be repaired to the same size and configuration.

Project Location: 5470 N. Lake Boulevard, Flick Point, Carnelian Bay.

Site Description: The backshore is gently sloping, stable, and well vegetated. The shoreline is classified as a Shorezone Tolerance District 6 characteristic of volcanic or morainic debris with slopes of 5-15%.

Review Per Section: Article VI(b) of the Compact Sections 4.11, 5.00 and 7.32 of the Shorezone Ordinance.

Land Use District: Low Density Residential (LDR)

Shorezone Tolerance District: The shorezone is classified as level 6, which is described in the Shorezone Ordinance as follows:

Shorezones underlain by weathered volcanic or morainic debris with slopes of five to fifteen percent (5-15%). Shoreline erosion problems are minimal.

Impact Analysis and Mitigation Measures: Section 7.32 of the Shorezone Ordinance states as follows:

To permit free circulation of water, piers shall be floating or shall be built on a foundation which is at least ninety percent (90%) open, unless it is found that it is unlikely that an impermeable structure will cause shoreline erosion or harm water quality or clarity.

The rock cribbing creates a pier foundation that is less than 90% open. The applicant has submitted a report by Robert Osborn, Professor of Geology at USC, to address the impact the subject pier has on shoreline erosion or harm water quality or clarity (Exhibit A). If the Agency finds that the rock crib pier is not likely to cause shoreline erosion or harm water quality or clarity the structure may be recognized as conforming and therefore repaired to it previous configuration.

In addition, Section 5.00 of the Shorezone Ordinance requires the applicant shows, and the Agency finds, that the proposed construction or use will not cause significant harm to:

3-6-83
KE:md
1. The shorezone and underlying land;
2. Fish and aquatic habitats and fish spawning grounds;
3. The natural beauty of the area;
4. Navigation, safety or health; and
5. The water quality of the lake, including, but not limited to, its purity, its clarity, temperature, color, taste, and odor; the more restrictive of federal and state water quality standards shall set the minimum water quality standards applicable to a proposed development or use.

The schematic diagram contained in the report by Robert Osborn, (Exhibit A) shows gravel buildup on both sides of the subject pier and the accumulation of sand and silt within the "L" portion of the structure.

The solid foundation portion of the pier will continue to restrict water movements. The lack of water circulation may allow nutrients entering the Lake to accumulate to high levels during periods of calm weather. This accumulation of nutrients may result in an increase in algae growth. The Flick Point area, where the subject repair is located, is designated as a good fish habitat. The sand deposition within the "L" section of the pier, as shown in the diagram, inhibits light penetration and circulation of oxygen to the immobile benthic (bottom dwelling) organisms which could adversely affect fish habitat. The accumulation of sand and silt in the "L" shaped portion of the pier indicates that the structure interferes with littoral current and therefore upsets the balance between the net input and output of materials within the littoral zone. Two studies have been due for the TRPA to assess the cumulative impacts of impermeable structures on the shorezone of Lake Tahoe. The studies are entitled The Shore-Zone System for Lake Tahoe by Antony R. Orme (May 1971) and The Cumulative Impacts of Shorezone Development at Lake Tahoe by Phillips Brant, Reddick McDonald and Grefe, Inc. (February 1978). Both studies reach the same conclusion; "Beach erosion occurs because there is insufficient updrift sediment arriving to replace the material moved downdrift as littoral processes continue unabated. The construction of an impermeable marina wall, jetty or groin at the updrift end of the segment results in beach erosion because littoral sediment is trapped by such a barrier, and there is no updrift sediment arriving to replace the material moving downdrift." Both studies reach the same general conclusion that impermeable structures interfere with natural littoral processes, and, therefore cause shoreline erosion. The report prepared in 1978 concludes the impermeable structures will have an adverse cumulative impact on the shorezone.

The applicant has proposed to mitigate the impacts resulting from the impermeable pier foundation by providing an open piling foundation from the high water elevation 6229.1' to elevation 6225' L.T.D. This will increase the circulation of water around the landward side of the structure when the lake elevation is at high levels. However, during periods of lower lake levels, accumulation of littoral materials will still occur on either sides of the pier.

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

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*Agency staff finds that the information submitted by the applicant does not adequately address the findings required to be made pursuant to Section 5.00 and Section 7.32 due to the following concerns:

1. The report by Robert Osborn states that on the east side of the pier a littoral deposition extending 6 feet lakeward from the shoreline was evident on December 11, 1982. Further the report concludes that by replacing the most landward 60 feet of cribbing with open piling the shoreline will straighten out. Based on the information contained in the studies cited herein, Agency staff contends that the remaining 100' of cribbing, and especially retention of the "L" shaped portion of the pier, will continue to cause the accumulation of littoral material and impair water circulation especially during periods of low water levels.

2. The report does not adequately speak to the impacts on water quality or clarity, or aquatic habitats, nor does it address the cumulative impacts identified in the reports previously cited in this summary.

Project Analysis and Issues for Discussion: Based on the conclusions contained in studies cited in this summary Agency staff finds that the retention of impermeable structures in lake waters will have adverse cumulative environmental impacts on littoral drift, shoreline erosion, water quality and fish habitat. Further, the studies cited herein recommend that the continued use of such structures be discouraged. Even if the pier was modified to include rock cribbing only at the end, "L" shaped portion, adverse impacts in the shorezone may still occur due to the large size of the structure. The "L" shaped portion dimensions 10' by 40'. The reports cited in this summary indicate that such a structure which is in effect, a 40' long breakwater, can cause "depositional algae to form on the shoreline".

AGENDA ITEM IX D.
Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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

II. A motion to approve the project based on the following findings and conditions:

1. Findings listed on Attachment A.
2. Findings Listed on Attachment B.
3. Conditions listed on Attachment F.
4. Findings required under Section 7.32 of the Shorezone Ordinance:

   It is unlikely that the impermeable structure will cause shoreline erosion or harm water quality or clarity.
Mr. Walter R. Auerbach, P.E.
Staff Engineer
Raymond Vail and Associates
395 North Lake Blvd.
P.O. Box 879
Tahoe City, CA 95730

Re: Brad Stirn Pier Repair Job No. 7125.20A

Dear Mr. Auerbach:

The information forwarded to me on October 10, 1982, regarding the Brad Stirn pier has been reviewed, and the sedimentologic characteristics of the shorezone segment containing this structure were field checked December 11, 1982. Obtained data was integrated with current research concerned with bedload sediment transport in Lake Tahoe by personnel associated with the Sedimentary Petrology Laboratory at the University of Southern California.

Although the project pier occurs in a relatively high mechanical-energy littoral segment, the beach is relatively stable due to its coarse-grained character. The backshore and foreshore zones consist of a gravel and cobble shingle derived by the reworking of older lacustrine strata. In the nearshore zone, below an elevation of 6226 feet, the substrate consists of exposed bedrock with an associated cobble and boulder pavement (Fig. 1). Such pavement occurs along all lakeward sides of the pier.

The net littoral drift direction along this beach segment is to the east as indicated by grain-size trends and a grain-tracer analysis performed during July and August 1982, at the county beach at the southern terminus of Onyx Street, which occurs approximately 2800 feet eastnortheast of the project site. Easterly drift is also indicated by the small gravel buildup which extends about 3 feet lakeward along the west side of the pier (Fig. 1). However, a similar but slightly larger gravel buildup extends about 6 feet lakeward on the east side of the pier (Fig. 1), which suggests westerly littoral drift. This westerly component was confirmed on December 11, 1982, by observing the orientation of small, shallow-water gravel bars from the project site to the Onxy Street beach area. All of these small bars occurred at water depths of less than 2 feet, and therefore represent gravel transport at very shallow depths. The westerly drift component reflects wave climates developed by
Figure 1. Schematic diagram of the Brad Stirn pier showing substrate textures and small gravel buildups on both sides of this structure. This sketch is based on observations taken December 11, 1982.

- elevation 6233 feet
- hachured section to be rebuilt as open pier
- shoreline position 12/11/82; 6227.84
- gravel buildup
- MHW
- MLW

Explanation:
- fine sand and silt
- gravel
- cobble and boulder

Scale: 1" = 20'
easterly winds. Although there is evidence for bidirectional littoral drift directions in this area, the very coarse-grained nature of the shorezone and associated bedforms indicate that littoral drift components are restricted to very shallow water and are probably very limited in lateral extent. Although net drift is most likely to the east, the presence of a western component acts further to impede the rate of such transport.

The presence of the small gravel buildups on both sides of the Brad Stirn pier indicates that this structure is obstructing vectorially small components of littoral drift both to the east and west. These gravel buildups are considered volumetrically insignificant to the total sediment budget of this littoral segment. Inasmuch as the larger of these two buildups, which occurs on the east side of the pier, extends lakeward about 6 feet, the proposed removal of 60 feet of cribbing from the inner pier and its replacement with open pile should permit the adjacent shoreline to straighten with minimal resultant impact.

Again, due to the coarse-grained aspect of this littoral segment, the outer part of the pier with its cribbing poses no deleterious effects on the associated substrate or shorezone. An extremely thin veneer of fine sand and silt has accumulated in the southwest corner of the eastern side of the pier (Fig. 1) during the last 20 years or more. This veneer may have been derived by the reworking of fines from the adjacent beach or may have been washed in during storm conditions, but in either case, this veneer is volumetrically insignificant and is not aesthetically displeasing.

In summary, the existing and proposed Brad Stirn pier should pose no deleterious effects to water clarity, water quality or the character of the associated beach segment. In fact, the repair should enhance the "natural" condition of the beach by allowing it to straighten.

Sincerely yours,

Robert H. Osborne
Professor of Geology

RHO:sw
THIS PORTION OF THE PIER WILL BE REBUILT OPEN PILE, SIX FEET WIDE, SINGLE PILE.

ROCK AND TIMBER CRIBS WILL BE RECONSTRUCTED ABOVE EL. 6226.
REPLACE WOOD SUPPORT FILES WITH 10½" STEEL FILES @ 7.5' O.C.
NEW DECK SUPPORTED BY PILINGS.

EXIST. PILINGS (TP)

MAIN DECK EL.
6230.9

COBBLES & BOULDERS
ENTIRE LENGTH

NOTE: VERTICAL SCALE IS DISTORTED

PROFILE
1' = 20' HORIZ.
1' = 5' VERT.
MEMORANDUM

DATE: June 9, 1983

TO: Governing Body

FROM: Agency Staff

SUBJECT: Convenience Market (7-11 Store), Change in Commercial Use, Kingsbury Square Shopping Center, Douglas County APN 07-170-08, TRPA File #83242

The applicant requests that this item be placed as an appeal of the staff determination that the proposed change in use is a project pursuant to Section 3.30 of Ordinance 81-1. The item will therefore be heard under Item XI, Appeals. Please find the summary placed accordingly in the packet.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Manny Beals, Variance to Allow Structural Modifications to a Nonconforming Use, Douglas County APN 03-140-01 and -08, TRPA File #83320

Applicant: Manny Beals

Project Description: The applicant owns and operates an existing commercial use at Cave Rock, Nevada. The commercial use consists primarily of a gas station, restaurant and real estate office. The TRPA land use classification for this area is Low Density Residential. The commercial facility is therefore a nonconforming use. Section 9.11 of the Land Use Ordinance prohibits structural alterations to any nonconforming structures.

Mr. Beals is required by the public health department to install restroom facilities for the existing restaurant. Additionally, Mr. Beals has built two storage sheds on the property which have not been authorized. In order to obtain permits for these items a variance must be granted which would allow Mr. Beals to make structural modifications to a nonconforming use. If such a variance is granted, the applicant will be required to reduce nonconforming land coverage on the site in an amount equal to any building addition that may be approved.

Project Location: Cave Rock, Douglas County, Nevada

Site Description: The site contains 100% impervious coverage associated with the commercial use. Behind the restaurant is a foundation which was constructed a number of years ago.

Review Per Section: Section 9.11 of the TRPA Land Use Ordinance Section 8.30 of the TRPA Land Use Ordinance

Land Use District: Low Density Residential

Land Capability Classification: Levels 1 and 7

Impact Analysis and Mitigation Measures: This variance would allow the applicant to make structural modifications to an existing commercial use. These structural modifications could include repairs and remodeling which would encourage the continued use of the area as a commercial facility.

The variance would be effective only until the amendment to the Regional Plan is adopted. Agency staff is recommending in the planning statement for this area that all of the existing uses be considered conforming.

The structural modifications which may be proposed by the applicant include a new restroom facility, which may require additional sewer and water connections. Availability of these services is not a problem in the Cave Rock area at this time.

6/8/83
NLS:SF

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

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* Any structural modification is inconsistent with the Land Use Ordinance unless a variance is granted.

Project Analysis and Issues for Discussion: Findings required for a variance: Section 8.34 of the TRPA Land Use Ordinance reads as follows:

**8.34 Variance**

Variances from the terms of the use regulations established in this ordinance shall be granted by the permit-issuing authority only if it is found that because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the use regulations deprives such property of privileges enjoyed by other property in the vicinity and within the same use district, and the applicant shows that he cannot make any reasonable use of the property if such regulations are applied. Where such conditions are found, the variance permitted shall be the minimum departure from existing regulations necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harm to property and improvements in the neighborhood or of substantial harmful environmental consequences. In no case may a variance be granted that will provide the applicant with any special privileges not enjoyed by other properties in the vicinity.

Agency staff feels that granting such a variance would be a better solution to this situation than processing a General Plan Amendment for a change in land use classification. Such a variance would allow Mr. Beals to correct existing violations now, and decisions as to whether or not the commercial area should be considered conforming can be made as part of the Regional Plan update.

6/15/83

AGENDA ITEM IX.E.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Star Harbor, Modifications to Staff-Issued Emergency Permit for Shoreline
Protective Structures, Starboard Drive, Placer County APN 94-340-35 and -37,
TRPA File #82271

Applicant: Star Harbor Homeowners Association

Project History: In the fall of 1971 the Army Corps of Engineers approved a
marina facility lakeward of the Star Harbor property. The project included
construction of multiple boat slips, breakwaters, a 200 foot long pier and a
sheet metal bulkhead/jetty running along the shoreline from the mouth of the
inland harbor to the end of the pier. The permit also included extensive
dredging in the lake for the marina and placement of 10,000 cubic yards of sand
fill along the 800 feet of shoreline from the pier to the eastern property line.
The TRPA did not take any action on the marina project because the Agency's
Shoreline Ordinance had not been adopted.

Because of financial constraints, the project was not completed. The
construction that was completed includes the 200' long pier and bulkhead/jetty
extending from the mouth of the harbor to the end of the pier and placement of
10,000 cubic yards of sand along the shoreline. In addition, 40' of sheet pile
bulkhead wall was placed from the base of the pier out into the water towards
the shoreline in a curved configuration. The bulkhead wall was to eventually
connect to the retaining wall located parallel to the shoreline but this
construction was also not completed.

Project Description: The subject application currently being reviewed by TRPA
was submitted on September 17, 1982. The project entails placement of 40 feet
of sheet metal bulkhead wall below the high water line to connect the unfinished
wall at the base of the pier to the retaining wall along the shoreline.
Two-hundred cubic yards of sand fill are to be placed behind this wall.
Further, 80 feet of sheet metal retaining wall is to be constructed along the
shoreline at the high water line, elevation 6,229.1, to replace the old wood
retaining wall (Exhibit A). The purpose of the project is to replace an
existing wood retaining wall that has been damaged and to stabilize the
shoreline between the wood retaining wall and the existing breakwater pier. The
sand fill that had been placed along the shoreline as part of the 1971 approval
has since washed away from wave action, and erosion has started to deplete the
fill utilized to access the pier.

It is the consensus of the members of the Shorezone Development Review Committee
that the proposed project would require more fill than necessary to protect the
shoreline and maintain access to the existing pier. The California Regional
Water Quality Control Board, Lahontan, rejected the subject project for the
above-mentioned reason on October 29, 1980. Because of Lahontan's refusal to
approve a waiver of waste discharge requirements, the U.S. Army Corps of
Star Harbor
Page Two

Engineers denied the applicant a permit. In addition, the Tahoe City Public Utility District was concerned that the proposed sheet metal bulkhead wall appeared to be located directly over the District's main sewer line and requested that the U.S. Army Corps withhold its approval until evidence to the contrary had been submitted.

Since the erosion on site was worsening and the structural stability of a condominium building in the backshore was being threatened, TRPA staff issued a conditional emergency approval on January 6, 1983 to replace the 80 foot long existing wood retaining wall running parallel to the shoreline with a sheet metal retaining wall (see exhibit A). Although the preferred alternative under the Shorezone Ordinance for shorezone protective structures is a sloping permeable revetment, Agency staff found that this alternative was not feasible due to the proximity of the existing condominium building to the eroding embankment.

On January 26, 1983 Lahontan waived the adoption of waste discharge requirements and granted a conditional waiver for a modified version of the original proposal. The Lahontan approval allowed the existing wood retaining wall to be replaced with a sheet metal wall as approved by Agency staff and a new sheet metal wall running perpendicular to the shoreline to be installed from the existing breakwater on the pier to the existing wood retaining wall along the bank (see exhibit B). Neither of the alternatives approved by TRPA or Lahontan were acceptable to the applicant; therefore, no construction was pursued. The area of beach between the shoreline and the pier has continued to erode, threatening the fill area that provides access to the pier.

To prevent further erosion from eliminating the access to the pier, Agency staff issued another conditional emergency approval to stabilize the eroding fill area by placing a sloping permeable revetment in this area (exhibit C). Again the applicant would not accept the alternative approved by Agency staff, and to date no work has been done to solve the erosion problem.

Project Location: Starboard Drive, Tahoe City

Site Description: The backshore is developed with condominiums. There is an inland harbor on site which provides for boat mooring.

Review Per Section: Article IV(b) of the Compact; Section 4.11 of the Shorezone Ordinance

Land Use District: Rural Estates

Land Capability Classification: 5 (JhC)

6/8/83

AGENDA ITEM IX.F.
Shorezone Tolerance District: 4 - defined as stoney sandy loam on slopes 15-30%; high erosion potential.

Impact Analysis and Mitigation Measures: Agency staff and the Shorezone Development Review Committee feel that the applicant’s proposal requires excessive fill to be placed in Lake Tahoe. Agency staff's emergency approvals to allow the existing wood retaining wall to be replaced with 80 feet of sheet metal retaining wall and a sloping permeable revetment to be installed to prevent further erosion of the fill that provides access to the pier is consistent with the provisions of the Agency’s Shorezone Ordinance and the recommendations contained in the U.S. Army Corps of Engineers brochure entitled, “Low Cost Shore Protection”, 1981. The approvals granted by Agency staff also allow the applicant to take the steps necessary to prevent further erosion of the shoreline.

The environmental impacts associated with the applicant’s proposal may cause increased wave energy to accelerate erosion of the lake bottom as well as erosion down drift of the subject parcel. Vertical bulkhead walls direct much of the wave energy downward to the toe of the structure. This portion of the lake bottom, therefore, is subjected to a much greater magnitude of wave energy than if there were no wall and as a result is more likely to erode. This downward deflection of wave energy is what usually causes vertical bulkhead walls to be undercut and eventually collapse. Sloping revetments, however, are designed to absorb wave energy by causing the wave to break on the revetment, allowing the water to run up the slope. Sloping revetments do not direct wave energy to vulnerable unprotected areas, as do vertical bulkhead walls. For more information on this subject, please see Exhibits D and E which are taken from the U.S. Army Corps of Engineers brochure mentioned above.

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

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*See following section.

6/8/83
Project Analysis and Issues for Discussion: The applicant's proposal to place 40 feet of new sheet metal bulkhead wall and 200+ cubic yards of fill below the high water line of Lake Tahoe does not comply with two provisions of the Shorezone Ordinance. Section 11.20 of the ordinance states that "except for beach replenishment, there shall be no fill placed in the lake, nearshore or foreshore except at those locations where such fill is found to be beneficial to existing shorezone conditions or water quality and clarity". The applicant has not provided Agency staff information to warrant such a finding.

Section 10.00 of the Shorezone Ordinance states that "sloping permeable revetments are the preferred shoreline protective structures. Seawalls and bulkheads shall be permitted only when it is established that sloping permeable revetments are not feasible and that the alternative structure will cause no undue beach erosion". The second emergency approval issued by Agency staff permits the applicant to install a sloping permeable revetment to protect the shoreline from further erosion. The applicant has not provided information on which to base findings that a sloping permeable revetment is not feasible and that the proposed bulkhead will not cause undue beach erosion.

Staff Comment: Prior to approving the applicant's proposal to construct 40 feet of new sheet metal bulkhead wall in Lake Tahoe, an independent third party consultant should be hired to analyze this substantially modified section of shoreline to determine not only the impacts of the proposed structures but the impacts of the existing structures. It should be determined if any of the existing structures associated with Star Harbor could be modified or removed to minimize existing adverse impacts on the shoreline. For example, if openings were made in the existing sheet metal jetty located under the existing pier, the adverse impacts resulting from this structure may be minimized. Such a study should be done by a qualified consultant at the cost of the applicant.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

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 project based on the following findings and conditions:

A. Findings required under Section 10.31 of the TRPA Shorezone Ordinance:

   A sloping permeable revetment is not feasible and an alternative structure will cause no undue beach erosion.
B. Findings required under Section 11.20 of the TRPA Shorezone Ordinance:

The fill material to be placed below the high water line of Lake Tahoe as part of this project will be beneficial to existing shorezone conditions or water quality and clarity.

C. Findings listed on Attachments A & B.

III The standard conditions of approval (Attachment D & F).

IV The following special condition:

1. The applicant must submit detailed construction drawings for review and approval by Agency staff. The plans must include installation of a turbidity curtain during construction. Details of the turbidity curtain must be approved by staff prior to issuance of a permit.
**Exhibit A**

Diagram showing:
- Condo
- Existing Wood Wall
- Steps
- Wood Fence
- Area to be filled
- Existing Sheetmetal Wall
- Existing Pier
- Bulkhead to be extended
- End of Existing Sheetmetal Wall
- Clean Sand Fill
- Deck
- Condo
- Present H/LINE E1.6229.1
- Existing Sheetmetal Bulkhead
- Pier Access
- Sec BB
- Sec AA

**Notes:**
- A
- B
- B
- A

**Legend:**
- A
- B
- Condo
- Deck
- Clean Sand Fill
- Existing Wood Wall
- Proposed Sheet Metal Bulkhead
- Existing Pier
- Sec BB
Lahonton's conditional waiver-extension of sheetmetal wall
Area to be stabilized with sloping, permeable rock revetment.
Revetments

Revetments are structures placed on banks or bluffs in such a way as to absorb the energy of incoming waves. They are usually built to preserve the existing uses of the shoreline and to protect the slope. Like seawalls, revetments armor and protect the land behind them. They may be either watertight, covering the slope completely, or porous, to allow water to filter through after the wave energy has been dissipated.

Most revetments do not significantly interfere with transport of littoral drift. They do not redirect wave energy to vulnerable unprotected areas, although beaches in front of steep revetments are prone to erosion. Materials eroded from the slope before construction of a revetment may have nourished a neighboring area, however. Accelerated erosion there after the revetment is built can be controlled with a beach-building or beach-protecting structure such as a groin or a breakwater.

Waves break on revetments as they would on an unprotected bank or bluff, and water runs up the slope. The extent of runup can be reduced by using stone or other irregular or rough-surfaced construction materials. A rough surface offers more resistance to the water’s flow than the original shoreline surface, decreasing the energy of the wave more quickly and preventing the water from traveling as far.

Important design considerations include providing appropriate height, width, and toe protection. Revetments should be high enough to prevent overtopping by high waves. To prevent flank erosion, the sides should be protected by tiebacks or returns. Scour at the toe can be prevented by a rock apron. Where there is a beach between the revetment and the water, access over the structure should be provided for beach users.

Exhibit D
Bulkheads and seawalls protect banks and bluffs by completely separating land from water. Bulkheads act as retaining walls, keeping the earth or sand behind them from crumbling or slumping. Seawalls are primarily used to resist wave action. Design considerations for these types of structures are similar. The illustrations on this page show the action of water on an unprotected bluff and demonstrate how bulkheads and seawalls help prevent erosion of the land behind them.

These structures do not protect the shore in front of them, however. In fact, when bulkheads and seawalls are used in areas where there is significant wave action, they may actually accelerate beach erosion. This happens because much of the energy of waves breaking on the structure is redirected downward, to the toe where the wall meets the soft sand or earth. The shore on this side of the bulkhead or seawall is thus subjected to much more of the force of the waves than if there were no wall, and it erodes quickly.

Bulkheads and seawalls are most appropriate where fishing and boating are the primary uses of the shore, and gently sloping areas for sunbathing or shallow-water swimming are not essential.

**Design Considerations**

Bulkheads and seawalls can be built in three basic types of design. They may consist of thin, interlocking sheet piles driven deeply into the ground; individual piles used to support an above-ground structure; or a massive gravity construction resting on the shore bottom or embedded slightly in it, supported by its own weight rather than by piling.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

U.S. Postal Service, Main Post Office, Al Tahoe Boulevard, Modification of Prior Approval, City of South Lake Tahoe, TRPA File #79236

The main Post Office facility in the City of South Lake Tahoe was reviewed and approved as a project in 1979. That approval was based on plans provided at the time by the U.S. Postal Service (U.S.P.S.). The Postal Service provided the Agency on June 3, 1983 with plans depicting modifications in access, coverage and tree removal. The plans also provide only for a drainage conveyance system from the site to the overloaded and untreated discharge area of the Lucky - Payless Center instead of onsite infiltration of a 2-year, 6-hour storm as required by the Tahoe Basin 208 Water Quality Plan and the 1979 TRPA approval.

The modified plans depict a new access off of Al Tahoe Boulevard for employee parking and deliveries. The previously approved access from the existing parking lot would be abandoned. Separate traffic analyses by CTRPA and City of South Lake Tahoe staff show that the access modifications would not have a significant impact upon Al Tahoe Boulevard traffic.

This modified employee parking and delivery access is aligned through a stand of healthy Jeffrey pine trees adjacent to Al Tahoe Boulevard. A brush and grass area exists northwest of the proposed alignment. Agency staff recommends that the alignment be altered to take advantage of the open brush area and retain the stand of healthy trees.

The 1979 approval allowed 29.8% of the land capability 7 area to be covered. The allowable coverage at that time was 30% (73,695 square feet). The modified plans call for 30.5% coverage (74,973 square feet); 1,278 square feet over the allowable coverage. Agency staff recommends that the U.S.P.S. delete 1,278 square feet from the modified proposal. The area could be deleted from proposed parking areas.

The site drainage system does not treat runoff water on site. The system as designed carries runoff from the U.S.P.S. site to the collection system on the Lucky - Payless Center and then into a low lying wetland area without the benefit of water treatment. Staff recommends that the plans be altered to reflect the 1979 Governing Board approval condition that a drainage system be designed to include onsite infiltration of the runoff generated from a 2-year, 6-hour storm.

In addition to the previously stated staff recommendations, it is recommended that the Governing Board find that the present proposal is not a substantial modification from the previously approved proposal.

In light of contractual obligations of the U.S. Postal Service and the apparent willingness of the U.S.P.S. to agree to the staff recommendations, Agency staff granted a limited and conditional approval to begin work on the Post Office building only. The approval is based on the similarities of the early and presently proposed building pads. Staff will be meeting again with U.S.P.S representatives to further clarify the situation.

6-13-83
SC:md

AGENDA ITEM IX G.
Page 1
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Bruzzzone, Administrative Permit for
Additional Land Coverage, Backshore Dwelling,
829 Lakeshore Boulevard, Washoe County
APN 122-181-56, TRPA File #83125

Applicant: Russel Bruzzzone

Project Description: The applicant is proposing to construct a 2-story single family dwelling in the backshore. The lot is flag-shaped, and there is an existing paved driveway providing access to the subject building site as well as to three other parcels containing existing single family dwellings. The portion of the driveway that is located on the applicant's parcel amounts to 1,400 square feet of coverage. No additional coverage for driveway access is proposed.

Project Location: 829 Lakeshore Boulevard, Incline Village

Site Description: The site is gently sloping and well vegetated with pines and manzanita. The shoreline bank drops approximately 5 feet and is stabilized by existing vegetation.

Land Use District: Low Density Residential (LDR)

Land Capability Classification: 6 (30% allowable land coverage)

Shorezone Tolerance District: 7 - defined as comparatively level shorezones underlain by morainic and alluvial materials with slopes of 0 to 9%.

Related Governing Board Policy: In April, 1982, the Governing Board adopted a policy permitting applicants to apply for administrative permits under Section 8.25(2) of the TRPA Land Use Ordinance for additional land coverage in excess of that permitted in land capability districts 4 through 7 for "local roads". The Board agreed to allow such applications to be considered based on an interpretation of Section 14.10 of Ordinance 81-5. This section prohibits land coverage in excess of that permitted in land capability districts 4 through 7 but includes an exception for land coverage located on land not owned or controlled by the applicant, such as public streets and other off-site public facilities. The Board also determined that to allow land coverage in excess of the land capability system for local public roads would not result in adverse impacts on water quality due to the requirement that local roads provide access to more than one existing lot and would therefore result in less land coverage than required to provide access separately to each lot.

When the applicant's architect originally contacted TRPA staff, prior to submittal of the application, he was incorrectly informed that the Board policy adopted in April 1982 also allows applications to be submitted for excess land
coverage in land capability districts 4 through 7 under Section 8.25(3) of the Land Use Ordinance. This section allows excess land coverage when required to construct a driveway or parking area where such excess land coverage: a) will not result in a residential structure larger than would otherwise be permitted; b) will result in the siting of the single family house on the existing lot in such a manner so that the natural environment on such lot, especially the preservation of trees and other flora, is better protected than if permission for such excess land coverage were denied; and c) the site plan is designed to minimize land alterations, such as grading and the removal of vegetation.

Based on this information, the applicant's architect designed and submitted preliminary house plans proposing that the 1,400 square feet of land coverage for the driveway be excluded from the land coverage calculations. The following land coverage figures comply with the direction given the applicant by Agency staff.

Proposed Land Coverage:

| Total Lot Area: | 17,940 sq. ft. |
| Allowable Coverage: | 5,362 sq. ft. (30%) |
| Proposed Coverage: | 6,116 sq. ft. |
| Flag Portion of Lot Area: | 15,540 sq. ft. |
| Allowed Coverage in Flag Portion: | 4,662 sq. ft. (30%) |
| Proposed Coverage in Flag Portion: | 4,662 sq. ft. (30%) |

The proposed site plan conforms to the 30% land coverage permitted on the flag portion of the lot. The only land coverage excluded from the calculations is that associated with the driveway. The land area of the pole portion of the lot has also been excluded from the land coverage calculations. In order to be in compliance with the land capability system, the amount of land coverage proposed in the flag portion of the lot would have to be reduced by approximately 662 square feet.

Building Height: Proposed - 35 feet Permitted - 35 feet

Impact Analysis and Mitigation Measures: The EIS prepared for the TRPA 208 Water Quality Plan concludes that the creation of land coverage in excess of the amounts permitted under the land capability system will result in cumulative adverse impacts of water quality. However, in this particular case, the excess land coverage on the applicant's lot also provides access to three other existing single family dwellings. If individual access were provided to each dwelling, more total land coverage would be created in the general area.

However, the adverse impacts could be mitigated if the project were redesigned to comply with the land capability system. If the land coverage required for the driveway were included in the land coverage calculations, approximately 4,000 square feet of land coverage would remain for construction of a single family dwelling. The allowance of 4,000 square feet of land coverage for a single family dwelling is adequate to assure a reasonable use.
Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

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

* The project as proposed is not in compliance with the regulations contained in Ordinance 81-5 and, according to the conclusions contained in the EIS for the 208 Water Quality Plan, will result in significant adverse impacts on water quality.

Project Analysis and Issues for Discussion: In determining the most appropriate action to take on this application, the Governing Board should consider the extent to which the applicant has relied on Agency staff's misunderstanding of the policy adopted by the Board. The applicant's architect will provide information relative to this matter at the meeting.

The Board should also consider the fact that a single family dwelling of a reasonable size could be constructed on the subject lot in compliance with the land capability system and that the project as proposed will have a significant impact on water quality.

Required Actions and Findings: The Governing Body must take the following actions and make the following findings to approve the project:

II 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 project based on the following findings and conditions:

A. The findings listed on Attachment A.

6/14/83

Agenda Item IX H.
Page three
III The standard conditions of approval (Attachment D).

IV The following special condition:

The applicant must contribute to an offsite mitigation fund. This fee is based on the proposed coverage and must be paid prior to the issuance of a TRPA permit. The mitigation fee is $1,223, as shown below:

<table>
<thead>
<tr>
<th>Capability level:</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot size:</td>
<td>17,940 sq. ft.</td>
</tr>
<tr>
<td>Allowed coverage by capability:</td>
<td>5,382 sq. ft.</td>
</tr>
<tr>
<td>Proposed coverage:</td>
<td>6,116 sq. ft.</td>
</tr>
<tr>
<td>Mitigation fee:</td>
<td>$1,223</td>
</tr>
</tbody>
</table>

6/14/83
F. Hart, Dwelling in Area to be Redelineated as a Land Capability 2, 533 Dale Drive, Washoe County APN 122-132-11, TRPA File #83246

Applicant: Frederick B. Hart/Dave Beebe

Project Description: The applicant proposes to construct a single family dwelling in the area shown on the redelineation maps as a land capability 2. The proposed dwelling is 3 stories with a 2 car garage and a suspended driveway. The applicant prefers to process the application as a non-critical and wishes to dispute the redelineation.

Applicable Board Policy: At the August, 1982 meeting the Governing Body directed staff to issue administrative permits for additional land coverage in the delineated areas which were being upgraded to a noncritical capability. This process was to be followed until the maps were officially changed. Since that time, a large number of administrative permits have been issued.

In February, 1983 the redelineation again came before the Board. In order to be consistent, the Board directed staff to process applications which are being redelineated as a lower capability, as a Case-by-Case Review, recognizing the redelineated land capability. If, however, the applicant did not agree with this determination the item was to be brought before the Board for consideration.

Project Location: Lot 11, Block 4, Ponderosa Subdivision #5, Dale Drive

Site Description: The subject parcel slopes downhill from Dale Drive at approximately 30% across the building site, it then drops off more steeply to Knotty Pine. The site is well vegetated with manzanita and medium sized pines and firs. The soil is rocky in nature.

Review Per Section: Section 8.25 of the TRPA Land Use Ordinance - additional land coverage.

Land Use District: Low Density Residential (LDR)

Land Capability Classification: Formerly an IsE, Land Capability 4, Redelineated as an IsE, Over 30%, Land Capability 2

Land Coverage:
- Total Lot Size: 18,864 sq. ft.
- Allowable Coverage: 3,600 sq. ft.
- Proposed Coverage: 2,998 sq. ft.

Building Height: Proposed: 42 ft. Permitted: 35 ft. + 15 ft. cross slope allowance

6-7-83
NLS:md

Agenda Item X
Page 1
Impact Analysis and Mitigation Measures: The applicant feels that since the slope across the majority of the building site is less than 30%, the application should be handled as a land capability 4 rather than the redelineated land capability 2. At the March, 1983 meeting the Governing Body directed staff to bring applications such as these to the Governing Body.

Both the Land Capability Team and the Soil Conservation Service has expressed that a land capability rating of 2 is appropriate for this area (see Attachment A for delineation of area). Within this area, there will be some small inclusions of slopes less than 30%. The general character of the area, however, is that slopes exceed 30%. This parcel does contain a small bench which appears to be slightly less than 30% slope. The parcel does contain slopes in excess of 30%, however. Because there is a building site on the property which is approximately 30% slope, the applicant would be eligible for a case-by-case review. The project rates as a low or moderate risk in each of the four categories of the case-by-case lot review criteria.

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

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<td>Consistent</td>
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<tr>
<td>Federal Air Quality Standards</td>
<td>Consistent</td>
</tr>
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</table>

Project Analysis and Issues for Discussion: The applicant requests that the Governing Body allow this proposal to be processed as a land capability 4, as it was formerly classified. The Land Capability Team and the Soil Conservation Service both feel that this area is appropriately redelineated as a land capability 2. The Board has not taken a formal action on this issue, but requested that these applications be brought before the Governing Body on an individual basis. If the Board directs staff to process it as a land capability 2 it could be handled at a staff level. The mitigation fee would be approximately $7,270. If the application were to be processed as a land capability 4, it would handled through the local building department and charged a mitigation fee of $750.
Required Actions and Findings: If the Governing Board wishes to approve this project as a case-by-case review, the following findings and conditions are necessary:

1. Actions and Findings listed on Attachment A.
2. Actions and Findings listed on Attachment G.
3. The standard conditions of approval (Attachment D).
4. The following special conditions:
   a. Final details of the drainage plan shall be submitted by the applicant and approved by Agency staff.
   b. Foundations and utility trenches shall be hand dug unless a plan for limited equipment access is approved by Agency staff.
   c. The applicant must contribute to an offsite mitigation fund. This fee is based on the proposed coverage in excess of that allowed by land capability and must be paid prior to the issuance of a TRPA permit. The mitigation fee is $7,270 as calculated below:

   Capbility Level: 2
   Lot size: 18,864 sq. ft.
   Allowed Coverage by
   Land Capability: 189 sq. ft.
   Proposed Coverage: 2,998 sq. ft.
   Coverage in Excess of
   Land Capability: 2,809 sq. ft.
   Mitigation Fee: $7,270
MEMORANDUM

DATE: June 7, 1983

TO: Governing Body
FROM: Agency staff
SUBJECT: Lowry/Pillsbury, Logan Creek Estates, Appeal of Staff Rejection of an Application for Subdivision Improvements, Douglas County TRPA File #83462

The applicant requests that the above-referenced item be continued for 30 days to allow additional time for infiltration studies. The item will be rescheduled for the July Governing Board meeting.

6/7/83
NLS; sf

AGENDA ITEM XI.
TO:       Governing Body
FROM:     Agency Staff
RE:       Convenience Market (7-11 Store), Change in Commercial Use, Kingsbury
          Square Shopping Center, Douglas County APN 07-170-08, TRPA File #83242

Project History:

- Agency staff was contacted by the applicant in April of 1983. Staff
  notified the applicant that the proposed change in use is a project
  under Section 3.30 of TRPA Ordinance 81-1 and is a modification in the
  original approval for Kingsbury Square.

- An application was filed by the applicant on April 22, 1983.

- On May 8, 1983, Agency staff directed a letter to the applicant
  indicating that additional traffic information was required.

- The application was placed on the June Agenda in response to the
  applicant's request to expedite the review process. At that time
  staff felt that the application would be complete for review in June.

- On June 2, 1983, the applicant submitted traffic information. Agency
  staff evaluated that information and does not agree with the applicant's
  method of estimating the number of new vehicle trips resulting from
  the changes in use. However, the analyses by the applicant and that
  by Agency staff both show that the increase in trips will exceed 100
  vehicle trips per day and 1% of the remaining roadway capacity.

- Additionally, traffic information was requested by Agency staff in
  accordance with the Agency's indirect source review policies.

- The applicant objects to this request and now wishes to appeal the
  determination by staff that this change in use is a project.

Project Description: The applicant proposes to put a convenience store (7-11)
in an existing commercial center. The original approval for Kingsbury Square
identified the use for this area as a grocery store. The proposed use will
occupy 2,800 square feet of the 6,100 feet that has been used by a grocery
store.

6/10/83
NLS; sf

AGENDA ITEM XI.B.
No increase in land coverage is proposed. Modifications will be internal only, the exterior dimensions of the structure will not change. As a part of the Douglas County Approval, the applicant is being required to resurface and restripe the Kingsbury Square parking lot.

Ordinance Requirements: Section 3.30 of the TRPA Ordinance 81-1 establishes that certain commercial activities are exempt provided they do not result in any additional land coverage, do not result in an increase in the dimensions of the structure, do not result in a change in use, do not result in an intensification of external impacts, do not exceed a value of 50% per annum of the replacement cost of the pertinent facility.

Additionally, the original approval for Kingsbury Square indicated that this commercial space would be utilized by a grocery store. The proposed use is therefore considered a modification of the original approval.

The position which has been taken consistently in the past by TRPA is that such a change in use has been processed as a project. Each has been brought before the Board for approval as a project. Examples include:

Western Mountain Mini-mart, South Lake Tahoe, Governing Board Approval 7/22/81

Southland Corporation, Convenience Store, Incline Village Governing Board Denial 7/22/81

Incline Shell Mini-mart, Incline Village Governing Board Approval 9/22/82

Impact Analysis and Mitigation Measures:

Land and Water: The existing development contains drainage and infiltration facilities required by the approval of Kingsbury Square. Some repairs are necessary to the parking area. The applicant will be required to resurface the existing parking lot and repair drainage facilities, as necessary.

Public Services and Utilities: The project will not require any additional provisions of public services or utilities.

Air and Transportation/Circulation: Agency staff has reviewed the traffic information submitted by the applicant and has assessed the traffic impacts independently. Both analyses conclude that there will be an increase in vehicle trips per day for this 2,600 square foot use over the original 6,100 square foot grocery store. It is assumed that another commercial use will occupy the remaining vacant space and additional vehicle trips will result. The original approval estimated a trip generation rate of 135 trips/day/1,000 square feet of commercial floor space for the grocery store.
Convenience Market (7-11 Store)
Page Three

use. A 24-hour convenience store is estimated to generate 577 vehicle trips/day/1,000 square feet of floor space. Using these figures, the following increases would result from the square footage being converted to a 7-11:

- Millers Market - 378 vehicle trips/day
  (2,800 square feet commercial floor space)
- Convenience Store - 1,616 vehicle trips/day.

This increase will significantly impact Kingsbury Grade and will have a significant impact on the Kingsbury Grade/Highway 50 intersection.

The applicant utilized sales information to determine the following analysis of vehicle trips:

- Millers Market 347 trips/day
- Convenience Market - 487 trips/day

Traffic information submitted on other projects processed in this area have shown that the current capacity of the Kingsbury Grade-Highway 50 intersection is a level of service "D"* for a summer peak day and "E"** for a peak winter day. Any increase in vehicle trips could therefore have a significant effect on the existing roadway.

Both analyses initially conclude that there will be an increase in vehicle trips resulting from this change in use. The external impacts therefore may be intensified which causes staff to determine that the change is, in fact, a project. After a detailed traffic analysis is completed, it may be that there will be a net positive impact. This cannot be determined, however, until more complete information is obtained.

*Level of Service D - Unstable flow, high volumes, tolerable but fluctuating operating speed and maneuverability.

**Level of Service E - Unstable flow, high volumes approaching roadway capacity, limited speed, intermittent vehicle queuing.
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731
(916) 541-0246

MEMORANDUM

DATE: June 7, 1983

TO: Governing Body
FROM: Staff

SUBJECT: Odenthal, Jetty Removal, Washoe County, APN 122-181-45, TRPA File #81145

At the Governing Board meeting on January 27, 1983 the Board heard a report from staff on the status of Mr. Odenthal's progress on removing the jetty lakeward of the subject parcel. The Governing Board had directed Mr. Odenthal to remove the entire jetty in February 1982. Agency staff's report to the Board in January 1983 indicated that Mr. Odenthal had substantially complied with the Board's direction. However, after hearing the testimony from the Army Corps of Engineers and the Nevada Division of State Lands at the January 4 meeting, Agency staff has changed its position and agrees that some of the large boulders that were not relocated to deep enough water as part of the jetty dismantling project may cause a navigational hazard during periods of low water and should be removed to comply with the Board's direction.

The matter was placed on the January agenda as a report item to review the status of compliance with the Board's direction. Mr. Odenthal was under the impression that he did not need to attend the Governing Board meeting because no action would be taken at that time. However, the Governing Board took the following action at that meeting:

Within 30 days Mr. Odenthal is to be given explicit direction for completing the removal of the jetty rocks and 60 days to comply with the specific plan. If the work is not completed within that time, the security posted by Mr. Odenthal is to be used to complete the necessary work. Should this not occur, a suit shall be filed.

Mr. Odenthal has requested reconsideration of the matter based on what he perceived to be lack of adequate notification of the Governing Board's action. TRPA legal counsel, Gary Owen, suggested that the item be placed on the June TRPA agenda in order to give the Governing Board an opportunity to reconsider its previous action based on any information Mr. Odenthal may have.

No additional removal work on the jetty has been done since the Board's January direction.

6/7/83
KE; sf

AGENDA ITEM XII.A.1.
MEMORANDUM

DATE: June 7, 1983

TO: TRPA Governing Body

FROM: Agency Staff

SUBJECT: Mark Michelsen, Violation of Condition of Approval, Administrative Permit for Kingsbury Market Project, Douglas County APN 07-180-69 TRPA File #78226

This item was continued from the May 26, 1983 Governing Board meeting at the request of the project permittee for the purpose of obtaining legal counsel.

Attached please find the staff summary from the May Governing Board meeting regarding this item. In addition, a letter from Mark Michelsen is enclosed stating that the project will be fully completed by the end of July. Staff recommends a permit extension through July 31, 1983 to allow completion of this project and removal of the subject gas station structure.

6/7/83
RP: sf

AGENDA ITEM XII.A.2.
MEMORANDUM

May 12, 1983

To: The TRPA Governing Board
From: The Staff

Subject: Mark Michelsen, Violation of Condition of Approval, Administrative Permit for Kingsbury Market Project, Douglas County APN 07-180-69, TRPA File #78226

Background

In August of 1978, TRPA approved an administrative permit for construction of the Kingsbury Market complex. Condition #15 of the Agency's approval required "construction of all improvements shall be completed within twenty-four (24) months of the date of Governing Body approval". It further states that if the project is not completed within that time period the approval shall expire and the applicant, or his successor, shall immediately remove all partially completed work and return the site to its original condition (see attachments 3 and 4).

In July of 1979, the applicant requested a permit extension due to economic and construction difficulties (attachment 2). In August of 1979, the Governing Body modified the conditions of approval to allow a 2-year extension on the original permit, with construction of all project improvements to be completed by August 1, 1982 (attachment 4). To date, the project remains incomplete in terms of several site improvements including slope stabilization, site revegetation, and removal of an existing gas station structure. Removal of this structure is necessary to bring the project within allowable land coverage in conformance with the approved plans.

Recommended Action

Since the market building itself is mostly complete, staff recommends that the Board grant a permit extension through July 31, 1983 to allow the applicant to bring the approved project into full compliance, to include all site improvements and removal of the gas station building. If compliance is not obtained within that time period, Agency legal counsel be directed to proceed with civil litigation to ensure project compliance and completion.

5/11/83
RP:jf

Agenda Item XIII A. 7.
May 11, 1983

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

RE: TRPA Letter of May 3, 1983 relative to conditions of approval.

The administrative permit issued by the TRPA for the Shopping Center Market Project never mentioned, nor has any information ever illuded to the construction storage shed, its presence or removal, for which we had a permit in 1975 to place it next to an existing construction yard since 1968.

However, upon examination of the approved building plans ANYONE can see that the structure and yard must be removed to complete the approved project. Mr. Pavich said he was aware we plan to complete the project, and we will do so as time, economics, and weather permit as per telephone conversation May 10, 1983 during a snow storm when I was again informed not to grade the access road to the shed due to weather conditions, but no later than the end of July.

Let it be understood that upon completion of the project or near that time, or as soon as is feasible the shed will be removed and the area treated as per approved plans. In any case the shed will be removed this summer.

Regards,

Mark L. Michelsen
Michelsen Const. Co.
July 31, 1979

Greg George
Tahoe Regional Planning Agency
P. O. Box 8896
So. Lake Tahoe, Calif. 95731

Re: Kingsbury Supermarket request for extended time.

On August 31, 1978 the Governing Board approved a permit for a Supermarket on Kingsbury Grade.

A condition of the approval was construction completion within 24 months.

Request is made for an extended amount of time to:

A. Commence construction from 18 months which will expire January 1980 to July 1981.

B. Complete construction of this substantial project to 24 months. The January 1980 to January 1982.

Reasons for request are based upon the following:

A. Economic conditions and the unstable situation of business in the South Lake Tahoe area. Due to gas shortages, etc. have created difficulty in the arrangement of financing for this major project.

B. Economic conditions had changed dramatically between application and final approval by Governing Bodies.

C. Construction and Building periods being from May to October on a project of this size are extremely difficult to plan around. Since total construction time would extend over a 15 month period with only 5 months during Summer for agency approved land disturbance it is nearly impossible to live with present conditions.

Your consideration would be mostly appreciated.

Thank you,

Mark L. Michelsen

BONDED: GENERAL ENGINEERING — HEATING — SEWERS
Modification of Condition of Approval
Kingsbury Supermarket, Douglas County

Agency Action Required By September 30, 1979

Summary

On August 23, 1978, the Agency approved an administrative permit for Mark L. Michelsen to allow construction of a 57,000 square foot supermarket complex on a 3.65 acre site located on the south side of Kingsbury Grade. The approval was subject to two standard conditions requiring that construction commence within 18 months and be completed within 24 months from the date of approval or the approval expires. Under these two conditions, construction must commence by February 23, 1980 and be completed by August 23, 1980.

Mr. Michelsen is requesting that the time limits established under these two conditions be extended to July, 1981 for the commencement of construction and July, 1983 for completion of construction. Mr. Michelsen contends that the two conditions of approval cannot be met because of difficulties created in securing financing due to the unstable economic conditions in the South Lake Tahoe area and the short building season in the Tahoe Basin which makes it impossible to complete a project of this scale within the time allotted.

Staff Comment

Agency staff is of the opinion that Mr. Michelsen's request to extend the deadlines for commencement of construction to July, 1981 and completion of construction to July, 1983 is inconsistent with the intent of the original condition for the reason that the requested deadlines would provide a longer period of time in which to commence and complete construction than if the project were currently being considered for approval. To be consistent with the intent of the original conditions, the extension to commence construction should not be for more than an 18 month period commencing from the date of the regular August, 1979 Board meeting and the extension to complete construction for not more than a 24 month period.

Recommendation

Agency staff recommends that the Governing Board deny Mr. Michelsen's specific request to extend the deadline for commencement of construction to July, 1981 and the deadline for completion of construction to July, 1983 but approve extensions of shorter duration by modifying conditions 14 and 15 of the Agency's approval granted on August 23, 1978 to read as follows:

14. This approval expires on February 25, 1981 unless substantial work has commenced on the project.

15. Construction of all improvements shall be completed by August 26, 1981. If construction is not completed within said time, this approval shall expire and the applicant or his successor in interest shall immediately remove all partially completed work and return the site, as far as possible, to its original condition. If the applicant or his successor in interest fail to do so, the permit-issuing authority or the Agency may have the work performed at the applicant's or his successor's interest expense, costs to constitute a lien against all the real property which is the subject of this approval.

8/13/79
August 31, 1979

Mr. Mark L. Michelsen
P. O. Box 646
Zephyr Cove, NV 89448

Subject: Modification of Condition of Approval -
        Kingsbury Supermarket, Douglas County

Dear Mark:

On August 28, 1979, the TRPA Governing Body modified conditions 14 and
15 of the Agency's approval granted on August 23, 1978 for the Kingsbury
Supermarket to read as follows:

14. This approval expires on August 1, 1980 unless substantial work has
    commenced on the project.

15. Construction of all improvements shall be completed by August 1, 1982.
    If construction is not completed within said time, this approval shall
    expire and the applicant or his successor in interest shall immediately
    remove all partially completed work and return the site, as far as
    possible, to its original condition. If the applicant or his successor
    in interest fail to do so, the permit-issuing authority or the Agency
    may have the work performed at the applicant's or his successor's in
    interest expense, costs to constitute a lien against all the real property
    which is the subject of this approval.

Sincerely,

Greg George
Senior Planner

GG:jf

cc: Tahoe-Douglas Building Department
    Douglas County Planning Department
DATE: June 7, 1983

TO: TRPA Governing Body

FROM: Agency staff

SUBJECT: Edward Stearns/Bruce Outdoor Advertising, Off-Premise Sign Violation, El Dorado County APN 33-223-06

David Salzburg/Three M National Advertising, Off-Premise Sign Violation, El Dorado County APN 33-050-01

Lawrence Burke/Bruce Outdoor Advertising, Off-Premise Sign Violation, El Dorado County APN 33-160-14

(See attached photographs)

These items concern three off-premise billboards located along Highway 50 in El Dorado County between Meyers and the South Lake Tahoe airport. The matter was continued from the May 26, 1983 Governing Board meeting so that Agency legal counsel could address the question concerning constitutionality of the TRPA Sign Ordinance. A legal opinion on this matter will be presented at the June 23, 1983 Board meeting.

Attached please find the staff summary regarding these agenda items from the May, 1983 Board meeting.
MEMORANDUM

May 9, 1983

To: The TRPA Governing Board

From: The Staff

Subject: Off-Premise Sign Violations, El Dorado County -
Edward Stearns/Bruce Outdoor Advertising (APN 33-223-06)
David Salzberg/Three M. National Advertising (APN 33-050-01)
Lawrence Burke/Bruce Outdoor Advertising (APN 33-160-14)
(See Attached Photographs)

Background

The subject off-premise signs are located along Highway 50 in El Dorado County between Meyers and the South Lake Tahoe airport. They were constructed in 1961, 1964 and 1974 (as indicated in the attached pictures).

- September 1981 - Agency staff notified the parties involved to remove the off-premise signs.

- October 1981 - Staff notified the parties involved that TRPA would suspend enforcement of the off-premise Sign Ordinance until such time as Agency legal counsel could fully research and assess the Agency's position with respect to California and federal law.

Since that time, Agency legal counsel has researched case law in California and other states relative to the TRPA Sign Ordinance and chooses at this time to resume enforcement action on the subject nonconforming off-premise signs.

An off-premise sign as defined in the Sign Ordinance is "a sign advertising or otherwise relating to any business, product or activity not being conducted or produced on the lot or parcel on which the sign is located...".

Section 4.10 of the Sign Ordinance prohibits all off-premise signs within the Tahoe Basin. Section 5.10 further states that "signs which are nonconforming or which become nonconforming in the future shall be removed at such time as their original cost is fully amortized for tax purposes within five (5) years of the date this ordinance becomes effective...". Since the effective date of the TRPA Sign Ordinance was September 22, 1975, more than five years have elapsed with respect to the amortization period.

RP: jf
5/9/83

Agenda Item XIII A. 4-6
Recommended Action

Staff recommends that the Governing Board find that the existing billboards are in violation of Agency ordinances and direct the immediate removal of the subject off-premise signs and all supporting structures. If compliance is not obtained within 15 days, direct legal counsel to commence civil judicial proceedings to have the signs removed.
APN 33-050-01
Erected 1964
National Advertising
David Salzberg property

APN 33-160-14
Erected 1961
Bruce Outdoor Advertising
Lawrence Burke property

APN 33-223-06
Erected 1974
Bruce Outdoor Advertising
Edward Stearns property
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731
(916) 541-0246

MEMORANDUM

DATE: June 8, 1983

TO: TRPA Governing Body

FROM: Agency Staff

SUBJECT: Spitsen Lumber, Unauthorized Addition to Existing Structure, 1054 Tahoe Boulevard, Incline Village, Washoe County APN 126-050-12, TRPA File #82358

Background

April 26, 1982 - TRPA staff field review and determination that the proposed addition is a project requiring Agency review along with conformance to 208 Federal Water Quality Plan in terms of slope stabilization and drainage.

May 7, 1982 - Application filed by Spitsen Lumber for an addition to the existing structure.

May 24, 1982 - Spitsen Lumber notified in writing that application did not include the required slope stabilization and drainage improvements. Informed applicant that a phased plan would be acceptable covering site improvements to be completed by certain dates over a period of up to 2 years. Identification of priority projects and a time schedule for implementation was requested by staff.

July 14, 1982 - Letter from Spitsen stating they are acting on staff suggestions and are working with a civil engineer to develop a slope stabilization and drainage plan. (letter attached).

August, 1982 - Staff met with applicant on site. No proposals for site stabilization or drainage improvements had been submitted.

April, 1983 - Work completed on unauthorized building addition. No information had been provided by the applicant and therefore no TRPA permit had been issued. No site restoration work was performed.

Recommended Action

Recent communication with the applicant indicates a willingness on his part to work with staff concerning implementation of a slope stabilization and drainage plan on the project site. Staff recommends that the Governing Board direct Spitsen Lumber to:

6/8/83
AGENDA ITEM XII.A.6.
1. Submit to Agency staff within 60 days an engineered slope stabilization and drainage plan for the project site consistent with 208 standards.

2. This plan shall include a schedule of completion requiring completion of the plan within 2 years from this date.

3. Upon approval of the slope stabilization and drainage plan, staff will issue a permit for this project.

4. Within 90 days the applicant shall submit to the Agency security in an amount equal to 150% of the estimated costs of the improvements shown on the slope stabilization and drainage plan approved by Agency staff to assure implementation of that plan.

If a restoration plan has not been received by this Agency within 60 days, or the security received within 90 days, legal counsel shall be directed to commence civil judicial proceedings in this matter.
April 26, 1982

Spitsen Lumber Company
P. O. Box 4136
Incline Village, NV 89450

Dear Sirs:

Agency staff has conducted a field inspection of the subject parcel and has reviewed your proposal for an addition. According to TRPA Ordinance 81-1, the proposal is a "project" and therefore requires Agency review. Enclosed please find the necessary application form.

Since the proposal is a project, the site must be brought into conformance with the 208 Water Quality Plan. This requires that you submit a slope stabilization and drainage plan for the property as a part of the application. Once the Agency has received the application, with plans for the on-site improvements, staff will meet with you to discuss the proposal and the adequacy of the plans.

If you have any questions, please contact this office.

Sincerely,

[Signature]

Nora L. Shepard
Planning Assistant

NLS;sf

Enclosure
May 24, 1982

Mr. Martin T. Spitsen
Spitsen Lumber
P. O. Box 4136
Incline Village, NV 89450

Dear Mr. Spitsen:

The Agency has received your application for an addition on your commercial property. When processing such an application, it is required that the site be brought into conformance with the current 208 Water Quality Standards. Based upon a site inspection, Agency staff has determined that a drainage and slope stabilization plan is required in order to achieve this standard. The application received does not include these plans. The staff is willing to accept a "phased" plan which would propose certain improvements to be accomplished by certain dates over a period of up to 2 years. If this alternative sounds more attractive to you, please contact this office. Agency staff would be glad to meet with you to discuss details of a drainage and slope stabilization plan, however, such plans must be submitted before we can continue to process the application.

If you have any questions, please feel free to contact this office.

Sincerely,

Nora L. Shepard
Assistant Planner
Mr. Nora Shepard
Tahoe Regional Planning Agency
Box 8896
South Lake Tahoe, Ca. 95731

Dear Ms. Shepard:

We are in the process of acting on the suggestions made by your staff during their visit of July 8, 1982. We have run into a few snags, such as the road easement property is State owned, instead of County, as we had thought. Permission to landscape the hill to the east of the paved area, must come from them. As yet, we have not been able to reach the proper person for such approval. After talking to several people, all who refer us yet to another party, we anticipate that this could be a lengthy process. Is it possible for us to make what improvements we can and still be allowed to begin construction on our office addition?

We have contacted, Mr. Dennis Correa, a civil engineer, for recommendations. We are now awaiting his proposals and suggestions.

Our concern is that our building season is short and these problems could take quite some time to resolve, which could possibly put us into the 1983 season. We are making efforts to comply with your proposals as best as we can and would appreciate your assessment of the possibilities for our construction to be made yet this year.

Thanking you for your assistance and cooperation,
I remain,

Respectfully yours,

SPITSEN LUMBER CO.

Martin T. Spitsen, Vice President

MTS

Property Owner: Mr. Elvis Sholer

Violation Description: In May of 1981 Mr. Sholer obtained an encroachment permit from the El Dorado County Public Works Department. The permit was for encroachment through the County right of way from Busch Way to Mr. Sholer's lot. Shortly after that date work on excavating a parking pad began by cutting into the slope using the cut material as fill on the low side. Approximately a 2,000 square foot level parking pad and a fifty foot wide driveway were graded. Several trees were damaged and buried as were numerous areas of brush by the activity. The parking pad serves a single family dwelling with adequate parking adjacent to the site. No authorized improvements exist on the subject site.

The CTRPA wrote a stop work order on the activity and the owner responded to their request for temporary erosion control by placing straw bales around the toe of the fill slope. No other activity, other than parking of vehicles, has occurred on the site.

TRPA contacted Mr. Sholer in February of 1983 and in an attempt to resolve the matter, requested that he file an application for the unauthorized work within thirty days. Phone conversations with Mr. Sholer explained the review procedure and an application was forwarded to him. Mr. Sholer requested and was granted a 15 day extension in order to obtain an accurate survey of his property. Staff has not received the application. Mr. Sholer was notified on May 4, 1983 that the matter would be scheduled for a show cause hearing before the TRPA Governing Board in June, 1983.

Project Location: Lot 29, Rollingwood Heights, Busch Way and Pioneer Trail, El Dorado County.

Site Description: Jeffrey pine and brush cover

Land Use District: Low Density Residential (LDR)

Land Capability Classification: 4, Elmira gravelly loamy coarse dand, 9 to 30% slopes.

Violation Analysis: The work as conducted displaced in excess of one hundred cubic yards of soil, created coverage in excess of two thousand square feet and removed and damaged significant amounts of vegetation. The cut banks remain unstabilized and there is serious erosion occurring on the site.
Elvis Sholer

Mr. Sholer has stated that he assumed that he had a permit for the driveway and parking area when he received the encroachment permit from El Dorado County. The County did not, however, issue a grading permit which is required for the activity.

Staff Recommendation:

Agency staff recommends that the Governing Board find that a violation exists and direct Mr. Sholer to restore the site including recontouring and revegetation within six months. To insure that restoration takes place, Agency staff recommends that Mr. Sholer be directed to submit a restoration plan, including recontouring the site back to its original grades and revegetation, within 30 days. The plan should be subject to review and approval by Agency staff. Mr. Sholer should also be directed to submit security within 30 days in an amount equal to 150% of the estimated costs to implement the restoration plan. If any of the above stated deadlines are not met, Agency legal counsel should be directed to pursue civil litigation in the matter.

If steps have not been taken within thirty days to restore the site, Agency legal counsel shall be authorized to pursue civil litigation in the matter.
May 4, 1983

Mr. Elvis Sholer  
3321 Plymouth Avenue  
Modesto, CA 95350

Re: Excavation on Lot 29 Rollingwood Heights, APN 25-562-13

Dear Mr. Sholer:

The violations of Agency ordinances on assessor’s parcel number 25-562-13 have not been remedied. In our last letter to you, we required a complete application within 30 days. A 15 day extension was granted to that time period. That extended deadline has since passed. The TRPA will be scheduling this matter for a show cause hearing before the TRPA Governing Board in June 1983 unless we have received a complete application by that time.

Please contact me if you have any questions on this matter.

Sincerely,

Steve Chilton  
Environmental Investigator

SC; sf

cc: Lahontan  
CTPA  
El Dorado County Planning  
El Dorado County Public Works
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731
(916) 541-0246

Certified Mail

February 4, 1983

Mr. Elvis Sholer
3321 Plymouth Ave.
Modesto, CA 95350

Subject: Excavation on Lot 29 Rollingwood Heights,
APN 25-562-13

Dear Mr. Sholer:

The violations of Agency Ordinances on assessor's parcel number 25-562-13 have been referred to me for resolution. There appears to be numerous violations on the site including excavation, creation of land coverage, vegetation removal and direct discharge of earthen materials without Agency authorization. All of these actions require Agency review and approval.

I have enclosed an Agency application form and the necessary information needed to complete the form. We must receive the application within 30 days of your receipt of this letter or we will refer the matter to our Governing Board for a show cause hearing. The Board may then direct us to seek remedies through civil litigation.

Please contact me if you have any questions on this matter.

Sincerely,

[Signature]
Steve Chilton
Environmental Investigator

SC: 61

Enclosure

cc: CTRPA
Lahontan
El Dorado County Planning Dept.
El Dorado County Public Works
Svendsen, Unauthorized Pier Construction, El Dorado County, APN 16-091-48, TRPA File #83155

Project History: In 1962, the applicant constructed a 36 foot long pier. The most landward 25 feet of the pier is 6 feet wide, and the most lakeward 11 feet is 10 feet wide. At the time of construction, a U.S. Army Corps of Engineers permit was required. No permits were obtained by Mr. Svendsen at the time of construction.

Applicable Shorezone Ordinance Provisions: The Shorezone Ordinance defines existing structures or alterations as follows:

Structures or alterations which have been constructed before the effective date of this ordinance or for which a permit has been issued pursuant to this ordinance. They are authorized existing structures or alterations if all permits required under existing law at the time of their construction were obtained and they were constructed in conformity with such permits; they are unauthorized if constructed without a required permit or not in conformity with existing law at the time of their construction.

Therefore, the subject pier is considered to be an existing unauthorized structure, and Mr. Svendsen must obtain an administrative permit to continue the use of the structure. Permits must be granted or denied according to the provisions of the Shorezone Ordinance in the same manner as for proposed structures.

Conformance With Applicable Shorezone Ordinance Standards: The pier does not conform to the standards for individual use piers. The pier is 8 inches from the extended southern property line and the minimum side setback is 5 feet (Sec. 7.26). The existing pier also violates the Army Corps of Engineers standard setback requirement of 20 feet. The applicant has submitted a letter from Mr. Solari, the adjoining property owner to the south, stating that he has no objection to the pier being so close to his property line.

Recommended Action: Agency staff recommends that the Governing Board direct the applicant to modify the subject pier so that it is in conformance with the standards for individual use piers as outlined in Section 7.00 of the TRPA Shorezone Ordinance. The required modifications should be done by September 30, 1983, and adequate security should be posted by July 15, 1983 to insure compliance.

6/7/83
KB;sf

AGENDA ITEM XII.A.8.
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731

MEMORANDUM

DATE: June 7, 1983

TO: TRPA Governing Body
FROM: Agency staff

SUBJECT: Douglas Rumberger, Proposal by Applicant to Bring Coverage Within the Allowable, 936 Third Green, Washoe County APN 124-121-19, TRPA File #80192

At the April 28, 1983 meeting of the TRPA Governing Board, Douglas Rumberger was given 60 days to file a project application with this Agency for the unauthorized construction of a garage addition. To date, no application has been received.

At Legal Counsel's request, Mr. Rumberger was notified in writing on June 2, 1983, that if an application was not received within 10 days (June 13th), the Agency legal counsel would be forced to act under Article VI(j)(4) of the TRPA Compact which requires the Agency to commence legal action arising out of violations of any ordinance or regulation within 60 days.

With respect to the previous owners, Mr. Kia and Mr. Pardoost, along with the contractor, Tahoe Development, Agency legal counsel is in the process of filing a suit against all involved parties relating to the construction and representation of this unauthorized project. In addition, legal counsel will file suit against the current owner, Mr. Rumberger, prior to the expiration of the 60 day filing period if no application has been received.

6/7/83
RP:sf

AGENDA ITEM XII.B.
June 13, 1983

To: TRPA Governing Body Members from California

From: Gary Midkiff, Assistant to the Executive Director

Subject: Agency Budget Status in California Legislature

On Thursday, June 9, the California Legislative Budget Conference Committee recommended adoption of the Senate version of the TRPA budget which would provide the Agency $300,000 for its baseline budget. In addition, the Conference Committee recommended funding to the California Resources Agency for $149,000 to support a contract with TRPA for deactivation of CTRPA upon adoption of our Regional Plan.

The remaining hurdles in California before our budget is finally secure will be adoption of the Conference Committee Report by both houses and, finally, signature by the Governor. We feel that the Legislature will likely approve the Conference Report. However, as you are probably aware, the Governor and Legislature are approximately $1.3 billion apart as to the appropriate amount for the budget, and the Governor has threatened to blue-pencil or use selective executive veto authority to reduce the budget to a level acceptable to him. It is the possibility of the Governor using extensive vetoes that we are concerned about. We therefore suggest that you write or call the Governor's Office regarding the importance of our budget and urging the Governor to support full funding of our budget as recommended by the Conference Committee.

For your information and use as you feel appropriate, I am enclosing a copy of the Chairman's letter which went to key legislators prior to action by the Conference Committee. If you require additional information, please call me at (916) 541-0246.

Enclosure

GM:jf
June 9, 1983

Mr. David Roberti  
President Pro-Tempore, California Senate  
State Capitol  
Sacramento, California  95814

Dear Dave:

On May 18, 1983, the Assembly Ways and Means Subcommittee #3, Resources and Transportation, acted to zero the Tahoe Regional Planning Agency's (TRPA) Budget baseline amount from the requested $300,000 for fiscal year 1983-84. This action, being different from the Senate Finance Subcommittee's action to fund the TRPA at $300,00 as requested (and as recommended by Legislative Analyst, the Department of Finance, and the Resources Agency), will require the Agency's budget to go before Conference Committee.

As Chairman of the TRPA Governing Body, I am writing to express my concern regarding the TRPA budget. You may recall that the Amended Bi-state Compact, adopted by the California and Nevada legislatures in 1980, and ratified by Congress, established a funding formula whereby "requests for State funds must be apportioned two-thirds from California and one-third from Nevada" (PL. 96-551 Article VII(a) 94 Stat. 3250). Nevada has already appropriated its agreed funding share. At this critical point in time, when the TRPA is attempting to complete its regional plan as required under the amended Compact, a loss or reduction in funding could prevent us from fulfilling that responsibility.

Another matter of critical importance was brought to the attention of the legislative committees. Under provisions of California State law, the California Tahoe Regional Planning Agency (CTRPA) is scheduled for deactivation upon TRPA's adoption of a new Regional Plan under the amended Compact. CTRPA's functions include:

- Administration of outstanding permits;
- Enforcement of permit conditions; and
- Administration of securities held pending fulfillment of permit conditions.
Upon CTRPA deactivation, the above listed functions will become the responsibility of the California Resources Agency. The TRPA, which employs staff with necessary expertise and/or has the ability to hire CTRPA staff, has been approached by CTRPA and the California Resources Agency regarding an assumption of all or a portion of the above listed responsibilities. Based on the Resources Agency's request, TRPA has expressed willingness to enter into a contract for $149,000 to assist them with CTRPA deactivation. The Resources Agency therefore requested that a line item in that amount be budgeted by the Legislature for such a purpose. While the Senate Finance Subcommittee has approved the requested amount, the Assembly Ways and Means Subcommittee approved only ($122,000), thus requiring this item to be resolved in Conference Committee.

TRPA is of the opinion that we can through a contract with the Resource Agency provide for orderly and economical transition of functions from CTRPA to TRPA. However, we cannot undertake these specified functions without the additional funds requested.

Thank you for your consideration of these items. I can provide further information or appear at any meeting you call.

Sincerely,

James S. Reed
Chairman

Original letters to
Willie Brown, Assembly Speaker
John Vasconcellos, Ways & Means Chairman (Assembly)
Alfred Alquist, Senate Finance Committee Chairman
Senator John Garamendi
Assemblyman Norm Waters
MEMORANDUM

June 7, 1983

To: The TRPA Governing Board

From: The Staff

Subject: List of Projects Approved at Staff Level

Attached is a list of projects approved at staff level from May 9, 1983 (date of previous memo listing staff approvals) to the present. The notice of intent to approve these projects, including instructions for the appeal procedure, were provided to all affected property owners. Upon approval of the projects, posting procedures were followed in all cases. All approvals were granted with necessary findings and conditions.

Attachment

jf
6/7/83

Agenda Item XIII C. 1.
List of TRPA Staff Approvals
5/9/83 - 6/7/83  page one

Administrative Permits for Additional Land Coverage:

1. Gardner/Ocheltree, 574 Tyner, Washoe County APN 125-492-24, TRPA File #83204
2. Ocheltree, 617 Tumbleweed, Washoe County APN 125-521-06, TRPA File #83234
3. Sawyer, 573 Poco Court, Washoe County APN 125-531-35, TRPA File #83238
4. Heiman/Kaufman, 760 Judith Court, Washoe County APN 125-231-13, TRPA File #83240
5. Heiman/ Kaufman, 682 Tumbleweed, Washoe County APN 125-501-01, TRPA File #83240
6. Heiman/Kaufman, 660 Saddlehorn, Washoe County APN 125-564-16, TRPA File #83240

Single Family Dwellings Reviewed Pursuant to Case-by-Case Lot Review Criteria:

7. Jorge Guzman, Lot 105, Tyrolian Village #7, Washoe County APN 126-08-23, TRPA File #82532
8. Cuthbert, Capability Level 2, 609 Doeskin Court, Washoe County APN 125-481-07, TRPA File #83216
9. Adele Joseph, Capability Level 1A, Lot 7, Block A, Incline Village #5, Washoe County APN 125-421-07, TRPA File #821022
10. Brad Bruce, Capability Level 1A, 781 Geraldine Drive, Washoe County APN 125-251-01, TRPA File #81186
11. Hilovsky/Ford, 783 Ida Court, Washoe County APN 125-231-04, TRPA File #82828

Other:

13. Albo/Wilson, Reconstruction of Backshore Dwelling, 2010 West Lake Boulevard, Sunnyside Tract, Lot 12, Placer County APN 84-154-02, TRPA File #83147
14. Richard Boitini, Pyramid Peak Ski Rental Sign, 3729 Highway 50, El Dorado County APN 27-064-17, TRPA File #83266
15. Incline Beach Association, Pier Repair, Pine Cone Circle, Washoe County APN 122-331-35, TRPA File #83119
16. Russell Baumgardner, Single Family Dwelling On a Lot Containing a Stream Environment Zone, Land Capability Levels 6 and 1B, Lots 81 and 80, Fairway Estates #1, Washoe County APN 124-121-12 and -13, TRPA File #82146