TRPA
APC
PACKETS

APRIL
1985
TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on April 24, 25, 1985, commencing at 9:30 a.m. each day, the Governing Body of the Tahoe Regional Planning Agency will conduct its regular meeting at 2155 South Avenue, South Lake Tahoe, California. The agenda for said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, April 24, 1985, commencing at 8:30 a.m. in the same location, the Finance Committee will meet to discuss the following: 1) administration of mitigation fee and security bond funds; 2) acceptance of February and March, 1985 financial statements; 3) status of Nevada Legislative Auditor Report; 4) status of FY 1984-85 budget; 5) status of FY 1985-86 and 1986-87 budget requests; 6) FY 1985-86 Estimated Transportation Development Act Revenue for the Tahoe Basin; and 7) Caltrans FY 1984-85 overall work program amendment.

NOTICE IS FURTHER GIVEN that on Thursday, April 25, 1985, commencing at 8:30 a.m. in the same location, the Litigation Committee will meet to discuss additional legal support.

Date: April 12, 1985

By:  
William A. Morgan
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.
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V LITIGATION

A. Consideration of Litigation in Regard to the Regional Plan and Actions Filed by the State of California/League to Save Lake Tahoe v. TRPA

B. Closed Session to Confer on State of California/League to Save Lake Tahoe v. TRPA

VI PUBLIC HEARINGS

A. Consideration of Amendments to the Regional Plan

B. Consideration of Amendments to Ordinance 84-1

VII ORDINANCES

A. First Reading of Ordinance Amending the Regional Plan

B. First Reading of Ordinance Amending Ordinance 84-1 (Adopting and Implementing the Regional Plan)

VIII PROJECT REVIEW

Cove East Subdivision, Tentative Map for 26 Units, City of South Lake Tahoe (Pursuant to Settlement Agreement)

IX ENFORCEMENT

A. Show Cause Hearing, Manny Beals, Unauthorized Construction and Signs, Douglas County APN 03-141-01, 03-142-01 and 03-145-01, TRPA File #83320
B. Reports

X OTHER LITIGATION

A. Consideration of Litigation in the Following:

1. City of South Lake Tahoe v. TRPA, et al (Eastern District of California), Unauthorized Expansion of Service at South Tahoe Airport

2. Tahoe Sierra Preservation Council v. TRPA, et al (Eastern District of California and District of Nevada)

B. Closed Litigation Session to Confer on the Following:

1. City of South Lake Tahoe v. TRPA, et al (Eastern District of California), Unauthorized Expansion of Service at South Tahoe Airport

2. Tahoe Sierra Preservation Council v. TRPA, et al (Eastern District of California and District of Nevada)

XI APPEAL

A. Rocky Point, Appeal of Staff Finding of Incomplete Application, Washoe County, TRPA File #82202

B. Kenneth D. Caillat, Appeal of Staff Determination to Approve Bob Proctor Application for an Addition to and Remodel of an Existing Single Family Dwelling, 1066 Skyland Drive, Douglas County APN 05-021-19, TRPA File #84389

XII PLANNING MATTERS

A. Tahoe Basin Association of Governments, Report and Recommendations on the Urban Land Institute Study Findings

B. Report on Apparent Discrepancies in Water Quality Analyses

C. Report on Proposed 1985 California State Transportation Improvement Program (PSTIP)

D. Discussion of Individual Lot Evaluation System

XIII ADMINISTRATIVE MATTERS

Finance Committee Report and Recommendations

XIV REPORTS

A. Executive Director

B. Legal Counsel
C. Executive Session  
D. Governing Body Members  
E. Public Interest Comments  

XV  CORRESPONDENCE  

XVI  RESOLUTIONS  

XVII  PENDING MATTERS  

XVIII  ADJOURNMENT  

CONSENT CALENDAR  

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommended Action</th>
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<tr>
<td>North Tahoe Public Utility District</td>
<td>Approval With Findings and Conditions</td>
</tr>
<tr>
<td>Speckle Avenue Water Transmission</td>
<td></td>
</tr>
<tr>
<td>Main, Kings Beach, Placer County, TRPA File #85062</td>
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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 procedure 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
STAFF SUMMARY

North Tahoe Public Utility District
Speckled Avenue Water Transmission Main
Kings Beach, Placer County, TRPA File #85062

Application Type: Public Works

Applicant: North Tahoe Public Utility District (NTPUD)

Location: Speckled Avenue, Kings Beach

Review Per Section:

1. Subparagraph I(2) Preliminary Injunction Order (specific project exemption).
2. Section 3.00, Ordinance 84-1 (Article V(g) Findings).
3. Section 4.12(d), California Side Land Use Ordinance (Public Works Projects).
4. Section 4.30(2), Ordinance 84-1 (Review of Other Pending and New Projects).
5. Section 4.31(1) and (2), Ordinance 84.1 (Review Criteria).

Project Description: The applicant is seeking approval to install approximately 6,300 lineal feet of 10" water transmission main along Speckled Avenue in Kings Beach. The purpose of the project is to improve the presently inadequate transmission and distribution system in the upper portion of Kings Beach. The new transmission main will improve the pumping efficiency and allow full utilization of the existing 500,000 gallon storage tanks.

Environmental Documentation:

Lead Agency: North Tahoe Public Utility District
Document: Negative Declaration SCH#8404023 under the California Environmental Quality Act.

Impact Analysis and Mitigation Measures:

Land Coverage: No new land coverage is proposed as part of this project.

Water Quality: All proposed ground disturbance will be within the existing disturbed roadway of Speckled Avenue.
North Tahoe Public Utility District, Speckled Avenue Water Transmission Main, Kings Beach, Placer County, TRPA File #85062
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Article V(g) Findings (Section 3.00, Ordinance 84-1): The following is a list of the V(g) findings as set forth under Section 3.00 of Ordinance 84-1. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

1. The project is consistent and complies with the CTRPA and Agency ordinances, maps, rules, regulations and policies in effect on August 25, 1983 where said ordinances, maps, rules, regulations and policies are not inconsistent or in conflict with the amendments to the regional plan adopted by this ordinance. In the event said ordinances, maps, rules, regulations or policies are inconsistent or in conflict with said amendments to the regional plan, the Agency shall find that the project is consistent and complies with said amendments to the regional plan.

The project is being reviewed under Section 4.12 of the California Side Land Use Ordinance and is consistent and complies with the Amendments to the Regional Plan.

2. The project has been processed in accordance with the Agency’s Rules and Regulations of Practice and Procedure.

The project is properly before the Governing Board for consideration. Proper application forms and fees have been submitted.

3. With respect to projects for which an environmental impact statement has not been prepared, the project, including compliance with the conditions of approval, will not have an adverse significant, individual or cumulative impact on the environment.

An Agency environmental checklist has been completed for the project and said checklist concludes that the project will not have an adverse, significant or cumulative impact on the environment.

4. The establishment, maintenance and operation of the project will not be detrimental to the health, safety, peace, comfort or general welfare of the Lake Tahoe Region.

There is no evidence suggesting that the project will be detrimental to the health, safety, peace, comfort or general welfare of the Lake Tahoe Region.

5. The project is consistent with the goals and policies of the Water Quality, Transportation and Air Quality, Conservation, Recreation, Public Services and Facilities and Implementation Elements of the Regional Plan, as amended.
a. Water Quality - The project includes mitigation measures to ensure compliance with the TRPA 208 Water Quality Plan.

b. Transportation and Air Quality - The project does not propose any work which will significantly affect traffic and air quality of the region.

c. Conservation - The project does not propose any work which will be in conflict with the Conservation Element of the amended Regional Plan.

d. Public Services and Facilities - The project is consistent with the goals and policies of the Public Services and Facilities Element of the amended Regional Plan. The project involves the upgrading of existing service to support existing and new development consistent with the amended Regional Plan.

e. Implementation - The project is consistent with the development and implementation priorities set forth in the Implementation Element of the amended Regional Plan.

Required Actions and Findings: To approve the project, the Governing Board must take the following actions and make the following findings:

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 subject to the following findings and conditions:

A. Findings
   1. The V(g) findings listed on Attachment K.

B. Conditions
   1. There shall be no ground disturbance in regards to this project between October 15 and May 1.
   2. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

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

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

5. The TRPA permit and the final construction drawings bearing the TRPA stamp of approval shall be present on the construction site from the time construction commences through final TRPA site inspection. The permit and plans shall be available for inspection upon request by any TRPA employee. Failure to present the TRPA permit and approved plans may result in the issuance of a Stop Work Order by the TRPA.

6. The length of open trenches (excluding foundation) at the end of each working day shall not exceed 50 feet.

7. Prior to issuance of the TRPA permit for the subject construction, final plans reflecting compliance with all conditions shall be submitted to the TRPA for review and approval.
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV  89502
(775) 359-6980
Cove East Subdivision
Tentative Map for 26 Lots
City of South Lake Tahoe

Applicant: Dillingham Development Company

Applicant's Representative: Bernard E. Frizzie

Project Description: The Executive Summary from the Final EIS prepared for the project is attached to and made part of this summary. The Executive Summary contains descriptions of the project and of the alternatives to the project assessed in the EIS, an overview of the analyses and conclusions contained in the EIS, the special mitigation measures proposed by the applicant and the significant impacts that cannot be mitigated.

Revised Tentative Map: In response to the environmental impact analyses and conclusions contained in the Final EIS, which was certified by the TRPA Governing Board in February 1985, the applicant has submitted a revised tentative map (Attachment A). This revised map was designed to achieve two basic objectives. First, to reduce development in areas of the project site identified in the Final EIS as not being man-modified; and second, to maintain the economic viability of the project.

In recognition of the settlement agreements affecting the project site, Agency staff worked in conjunction with the applicant in an attempt to prepare a revised tentative map proposing no development in the areas of the site identified in the EIS as not man-modified lands. However, the applicant contends that Lots 1 thru 8 must be developed to make the project economically viable. Therefore, the revised tentative map proposed by the applicant includes these lots although Lots 1 thru 6 are located in an area (Area D) that the EIS concludes does not qualify for recognition as man-modified.

The revised tentative map is within the scope of the EIS since it proposes generally the same lot configuration as the modified site design alternative assessed in the EIS.

Man-Modified Areas: Most critical to the development is a determination of the areas of the project site that are man-modified in accordance with current TRPA criteria. The Final EIS contains a detailed analysis of the project site with respect to current TRPA criteria for man-modified lands. This section of the Final EIS is made part of this staff summary as Attachment B.

In summary, the Final EIS concludes that Area A on Figure 3 is natural, undisturbed stream environment zone which is subject to seasonal flooding. Area A is definitely not man-modified lands and should not be built upon.
Areas designated as Area B on Figure 3 are areas that have been substantially modified to the extent that they no longer have the characteristics of a stream environment zone. The Final EIS concludes that Area B meets TRPA's current criteria for recognition as man-modified lands if the Governing Board finds that restoration of these areas is infeasible.

The Final EIS concludes that Area C on Figure 3 "are natural areas on the islet that have riparian vegetation and have not been modified". Area D is defined in the Final EIS as "an area on the islet that has riparian vegetation on fill land". The EIS further states that "Area D on the islet does not meet the definition of man-modified from a vegetation standpoint; however, a soil boring in the area shows that as much as two feet of fill has been placed over the marsh". Areas C and D do not satisfy TRPA's current criteria for recognition as man-modified lands and are, therefore, capability 1b lands.

However, the EIS does conclude that Areas C and D are not subject to seasonal flooding and, therefore, "are not contributing to the trapping of sediments and are probably only to a very small degree participating in the denitrification process".

Restoration: Based on a report prepared by the applicant and submitted to the California Water Quality Control Board, Lahontan Region (Lahontan) approximately 3 to 4 feet of fill would have to be removed to allow the inland area to be periodically inundated. Removal of all fill material on the westerly portion of the islet would still not allow the land to be periodically inundated, but would permit it to be restored to its original condition as a stream environment zone. The cost of such a proposal, using costs given in the report, would be about $700,000. This cost does not include the cost of the land. Lahontan staff estimates that suitable site restoration could be accomplished for a minimum cost of approximately $240,000.

The Final EIS states that restoration of the original stream environment zone is technically possible, however, its feasibility depends upon active support and cooperation between Dillingham and various government agencies.

Land Coverage: The Settlement Agreement allows up to 463,000 sq. ft. of land coverage on the project site. The tentative map approved by the City of South Lake Tahoe proposes 424,000 sq. ft. of land coverage. The revised tentative map proposes 400,000 sq. ft. of land coverage. The land coverage proposed on the revised tentative map is as follows:

- Roads = 114,000 sq. ft.
- Recreation Facilities (including parking) = 12,200 sq. ft.
- 26 Lots @ 10,500 sq. ft. each = 273,000 sq. ft.
- Walks and Pathways = 800 sq. ft.

Total = 400,000 sq. ft.
The revised tentative map proposes the following amounts of land coverage in the areas shown on Figure 3 of the EIS:

<table>
<thead>
<tr>
<th>Area</th>
<th>Coverage</th>
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<tbody>
<tr>
<td>A</td>
<td>0</td>
</tr>
<tr>
<td>B</td>
<td>331,250 sq. ft.</td>
</tr>
<tr>
<td>C</td>
<td>11,000 sq. ft.</td>
</tr>
<tr>
<td>D</td>
<td>57,750 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>400,000 sq. ft.</td>
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Impact Analyses: The EIS concludes that the Cove East project will result in adverse impacts on water quality, wildlife and scenic resources that cannot be mitigated to a less than significant level.

**Water Quality Impacts** - The Final EIS concludes that any development on the site will result in significant water quality impacts since development of the site will assure that most of the existing fill will remain in the marsh indefinitely.

The revised tentative map results in additional significant impacts on water quality due primarily to the creation of land coverage in Areas C and D, which are capability 1b lands.

**Water Quality Mitigation** - Agency staff has compared the estimated costs of the proposed stream zone restoration project, which is $500,000, to the TRPA water quality mitigation fee that would otherwise be applicable. The mitigation fee for the land coverage proposed in Areas C and D, considering these areas as capability 1b lands, would be approximately $207,000. For the land coverage proposed on the remainder of the site the mitigation fee would be approximately $96,000, for a total mitigation fee of approximately $303,000.

Based on this evidence, it may be concluded that the proposed restoration of 7.5 acres of existing land fill in the project site to totally functioning stream environment zone is adequate mitigation to offset the water quality impacts resulting from the 400,000 sq. ft. of land coverage proposed by the project. The stream zone restoration may also be the basis to determine that the project generally complies with the TRPA policy that stream zone lands be restored in the amount of 1.5 times the area of stream zone lands disturbed or developed by a project. The stream zone land disturbed or developed would be Areas C and D.

The proposed TDR program may provide additional water quality mitigation if stream environment zone properties are purchased and restored.

Lahontan may require the applicant to mitigate the impacts resulting from the original fill being placed in the marsh through the payment of a mitigation fee and/or additional stream zone restoration. Under Lahontan regulations, the extent of mitigation must be equivalent to the loss in treatment capacity resulting from the modifications to the stream environment zone.

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Wildlife Impacts - The revised tentative map will have unavoidable impacts on wildlife since the Final EIS concludes that any development on the project site will increase encroachment on the important wildlife habitat of the Upper Truckee Marsh.

Wildlife Mitigation - Recommended condition #13 requires that a signing plan and all public access improvements be designed to discourage public access to the sensitive wildlife areas on, and adjacent to, the project site. This condition will help to reduce the adverse impacts on wildlife.

Scenic Resources Impacts - The EIS concludes that development along the shoreline will degrade the scenic quality of the shoreline unit.

Scenic Resources Mitigation - Recommended condition #10 requires that the native vegetation on the site be maintained and enhanced and that a vegetative screen be created between the building sites located along the shoreline and the beach. This condition will help to reduce the adverse impacts on scenic resources.

Other Agency Approvals:

City of South Lake Tahoe - The City Council certified the EIR for the project and approved a tentative map on January 8, 1984. The City approved the tentative map that was originally proposed by the applicant. This tentative map proposes 16 lots on the islet and a total of 26 lots. The revised tentative map being considered by the TRPA proposes 12 lots on the islet and a total of 26 lots.

Lahontan - On April 11, 1985 the Lahontan Regional Board made the following determinations with respect to the proposed subdivision:

1. That the proposed Cove East subdivision is not a new subdivision.

2. That the proposed Cove East subdivision is consistent with provisions of the Water Quality Plan for the Lake Tahoe Basin as amended in 1983.

3. That impervious surface coverage of the proposed subdivision not exceed the allowable coverage consistent with the land capability of the Cove East parcel, not to exceed the provisions of the Lake Tahoe Basin Water Quality Plan.

With respect to the man-modified issue, the Lahontan Regional Board made the following determinations on April 12, 1985:

1. That Dillingham Development Company shall submit to the Regional Board a completed report of waste discharge for the development of the Cove East parcel. The report of waste discharge shall address both development of the Cove East parcel and accompanying restoration and mitigation projects.
2. That all adverse effects of new construction occurring after the effective date of this Resolution within the Cove East parcel shall be fully mitigated.

3. That all adverse water quality effects created by the existence of the filled land which constitutes the Cove East parcel shall be fully mitigated so as not to create any adverse impacts upon the water quality of Lake Tahoe.

4. That a significant portion of the natural treatment capacity lost by conversion of the original Truckee marsh to the present Cove East parcel shall be restored or mitigated onsite or at another location within the Lake Tahoe Basin.

5. That development of the Cove East parcel be permitted by Regional Board adoption of appropriate waste discharge requirements if Resolutions 1 through 4 are fully complied with.

6. That the portions of the Cove East parcel as specified on Attachment "A" be designated man-modified stream environment zones and not be subject to stream environment zone waste discharge prohibitions listed within the Lake Tahoe Basin Water Quality Plan.

7. That the portions of the Cove East parcel as specified on Attachment "A" be designated man-modified land capability class 1b lands and not be subject to prohibitions and restrictions against discharges attributable to new development resulting in coverage in excess of that allowable for class 1b land.

8. Waste discharge requirements for any development of the Cove East parcel shall prohibit discharge of sediment and nutrients attributable to coverages in excess of 30% of the area designated as man-modified.

9. That mitigation enumerated in Resolutions 1 through 4 shall be completed prior to sale of any lots in the proposed development.

10. That subdivision of the Cove East parcel for sale to individuals shall be limited to those areas reclassified as man-modified stream environment zone as shown in Attachment "A".

* The area boundary lines shown on Lahontan's Attachment "A" are the same as those shown on Figure 3 in the EIS. With respect to the areas identified on Figure 3, this action by Lahontan recognizes Areas B and D as man-modified land and Areas A and C as stream environment zone land.

4/17/85

AGENDA ITEM VIII
Cove East Subdivision, Tentative Map for 26 Units
Page Six

Article V(g) Findings: Agency staff has reviewed the revised tentative map with respect to the Article V(g) findings set forth in Section 3.00 of TRPA Ordinance 84-1 and has made the following determinations relative to each applicable finding. This review is based on the language contained in the Settlement Agreement which establishes that the project is not a new subdivision.

** 1. The project is inconsistent with Section 3.00 of TRPA Ordinance 81-5 inasmuch as the project proposes approximately 68,750 sq. ft. of land coverage in areas of the project site identified in the Final EIS as not eligible for recognition as man-modified, and therefore capable 1b lands. The no project or cluster alternatives are consistent with TRPA Ordinance 81-5. The revised tentative map is also inconsistent with Section 5.23 of the Subdivision Ordinance, which requires that all grading, filling and excavating done in connection with any subdivision be in accordance with the TRPA Grading Ordinance. The Grading Ordinance prohibits development in stream environment zones where it cannot be demonstrated that such development will not have detrimental effects on water quality.

2. The project has been processed in accordance with the Agency's Rules and Regulations of Practice and Procedure.

3. The Governing Board could find, based on the provisions of the Settlement Agreement, that with respect to the impacts on water quality, wildlife and scenic resources, specific considerations make infeasible the mitigation measures or project alternatives discussed in the EIS for the project. As stated in the Compact, special considerations such as economic, social or technical may be considered.

4. Not applicable.

5. There is no evidence to indicate that the project will be detrimental to the health, safety, peace, comfort or general welfare of the Lake Tahoe Region.

** 6. Approval of a project that results in land coverage in the areas of the project site that are not recognized as man-modified will adversely affect implementation of the Regional Plan.

7. The revised tentative map is consistent with the Water Quality Element of the Regional Plan, provided approval of the project is subject to the conditions recommended by Agency staff, including the proposed stream zone restoration.

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AGENDA ITEM VIII
8. The revised tentative map is consistent with Transportation and Air Quality Elements of the Regional Plan, provided approval of the project is subject to the conditions recommended by Agency staff, including the proposed transfer of development rights program.

9. The revised tentative map is inconsistent with the goals and policies of the Conservation Element of the Regional Plan. The project is inconsistent with this element of the Regional Plan due primarily to its proximity to the significant wildlife habitat of the Upper Truckee Marsh and the shoreline, and the proposal to create land coverage in areas on the project site that are not man-modified.

10. The revised tentative map is consistent with the Recreation Element of the Regional Plan. Restrictions on public access to the beach on the project site are appropriate due to the sensitive nature of the beach and adjacent marsh areas.

11. The revised tentative map is consistent with the Public Services and Facilities Element of the Regional Plan.

12. The revised tentative map will be inconsistent with the Implementation Element of the Regional Plan if the TDR program allows the transfer of development rights to lots located in areas of the project site that are not recognized as man-modified (Area D).

13. Provided the TDR program is implemented in compliance with recommended condition #16, it has been demonstrated that the suppliers of all utilities have the physical and legal capacity to supply the necessary services to the project.

14. Not applicable.

15. The Final EIS prepared for the project and this staff summary provide substantial evidence for the record supporting the foregoing findings.

** Indicates Article V(g) findings that cannot be made with respect to the proposed revised tentative map.

Project Alternatives: The EIS assesses the impacts of three (3) alternative projects and a no project alternative. A brief description of the alternatives is included in the Executive Summary. The impacts resulting from the three (3) project alternatives are generally the same on wildlife and scenic resources as those of the revised tentative map. This conclusion is based primarily on the finding in the EIS that any development on the property will adversely impact wildlife due to its proximity to the important wildlife habitat of the Upper Truckee Marsh and any development on the islet portion of the property will degrade the scenic quality of the shoreline unit.

4/17/85
However, the impacts on water quality resulting from the cluster alternative are substantially less than the two (2) other project alternatives and the revised tentative map. Whereas the other project alternatives and the revised tentative map propose land coverage in areas of the project site identified in the EIS as not man-modified stream environment lands, the cluster alternative proposes no land coverage in these areas. All the land coverage proposed under the cluster alternative is located in areas identified in the EIS as man-modified lands.

The EIS does not assess a project alternative with no development on the islet due to initial demonstrations by the applicant that such an alternative would not be economically feasible. Given this determination, and based on conclusions in the EIS that any development on the property will result in impacts on wildlife and water quality, the EIS does not assess a project alternative that will not have impacts on visual quality, wildlife and water quality.

The no project alternative assessed in the EIS is the only alternative that would not result in significant impacts on wildlife, scenic quality or water quality. A project with no development on the islet would not result in significant impacts on visual quality, but would still result in significant impacts on wildlife and water quality. Except for the no project alternative, a project with no development on the islet would result in the least amount of impact on wildlife and water quality, and would be most consistent with the amended Regional Plan and adopted environmental threshold carrying capacities. However, the economic feasibility of such a project is questionable.

An evaluation of the project alternatives with respect to consistency with the Article V(g) findings indicates that a project with no development on the islet would be most consistent, however, such a project would still be inconsistent with the Conservation Element due to impacts on wildlife and water quality. A project proposing no development in Areas C and D, such as the Cluster Alternative, would be the second most consistent but, in addition to impacts on wildlife and water quality, would result in impact on scenic quality. Any project proposing development in Areas C or D, including the revised tentative map proposed by the applicant, will result in additional, significant impacts on water quality and is inconsistent with TRPA ordinances prohibiting development in stream zones.

Alternative Actions: Based on evaluation of the project, the EIS prepared for the project and the litigation settlement in Dillingham vs TRPA, Agency staff has developed three (3) alternative actions for Governing Board consideration. Alternative II is consistent with the action taken by Lahontan with respect to recognition of man-modified areas and is an action the applicant has represented to Agency staff and the Lahontan Regional Board to be acceptable. However, on April 16, 1985 the applicant informed Agency staff that some minor encroachment into Area C would be necessary for road construction.
I. Require Proposed Tentative Map to be Revised to Eliminate Development in Areas C and D

A. A motion to find that;

1. The Dillingham Settlement Agreement requires the EIS to consider alternatives consistent with TRPA's plan and ordinances;

2. The Settlement requires TRPA to review the project pursuant to its subdivision map review procedures under the amended regional plan;

3. The TRPA amended regional Plan and ordinances prohibit grading and construction in SEZ's;

4. The project, as proposed, includes grading and construction in SEZ lands and is therefore inconsistent with TRPA's amended regional plan and ordinances;

5. The project as proposed would adversely affect the implementation of the amended plan and would cause the environmental threshold carrying capacities to be exceeded;

6. The findings required by Article V(g) cannot be made with respect to the project as proposed;

7. The Settlement agreement provides that the Governing Board may require modification;

8. The Settlement Agreement provides that the Governing Board may impose reasonable conditions and mitigation measures;

9. The modification required by the Governing Board does not propose any grading or construction in SEZ;

10. The project as modified is consistent with TRPA ordinances prohibiting development in stream environment zones and is most consistent with the amended Regional Plan, while allowing some development on the islet portion of the project site;

11. Each of the foregoing findings is supported by substantial evidence in the record.

B. A motion, based on the foregoing findings, to direct the applicant to revise the proposed tentative map to eliminate any land coverage or grading in Areas C and D as shown on Figure 3 of the EIS.
II Approval of Proposed Tentative Map, Revised to Eliminate Development in Area C

A. A motion to find that;

1. In recognition of the limitations upon the Governing Body's project review authority, which limitations are a direct result of the injunction in the litigation entitled CA/LTSLT v. TRPA, the tentative map shall not be considered finally approved until a specific exemption is obtained from the injunction or the injunction is dissolved; and

2. As to the significant impacts identified in the EIS: water quality, scenic resources and wildlife, the Governing Body makes the following separate written findings for each of said identified impacts:

a. Water Quality - Specific considerations relating to the litigation settlement in Dillingham v. TRPA and the potential for serious adverse impacts should the litigation proceed, which impacts include but are not limited to, construction of an 86 unit subdivision, other construction on Dillingham's property being found to be exempt from TRPA's plan and ordinances, invalidation of certain TRPA ordinances, invalidation of the prohibition against new subdivisions in the Compact, and money damages against the TRPA; and

   specific considerations relating to the general welfare of the inhabitants of the Tahoe Basin which include the benefit derived from the donation of Parcel 5 to a public agency, the option to buy Parcel 1 given to the City of South Lake Tahoe and to be used for the welfare of said City, and the avoidance of protracted and expensive litigation.

b. Scenic Resources - Specific considerations relating to the litigation settlement in Dillingham v. TRPA and the potential for serious adverse impacts should the litigation proceed, which impacts include but are not limited to, construction of an 86 unit subdivision, other construction on Dillingham's property being found to be exempt from TRPA's plan and ordinances, invalidation of certain TRPA ordinances, invalidation of the prohibition against new subdivisions in the Compact, and money damages against the TRPA; and
specific considerations relating to the general welfare of
the inhabitants of the Tahoe Basin which include the benefit
derived from the donation of Parcel 5 to a public agency,
the option to buy Parcel 1 given to the City of South Lake
Tahoe and to be used for the welfare of said City, and the
avoidance of protracted and expensive litigation.

c. Wildlife - Specific considerations relating to the litiga-
tion settlement in Dillingham v. TRPA and the potential for
serious adverse impacts should the litigation proceed, which
impacts include but are not limited to, construction of an
86 unit subdivision, other construction on Dillingham's
property being found to be exempt from TRPA's plan and
ordinances, invalidation of certain TRPA ordinances, in-
validation of the prohibition against new subdivisions in
the Compact, and money damages against the TRPA; and

specific considerations relating to the general welfare of
the inhabitants of the Tahoe Basin which include the benefit
derived from the donation of Parcel 5 to a public agency,
the option to buy Parcel 1 given to the City of South Lake
Tahoe and to be used for the welfare of said City, and the
avoidance of protracted and expensive litigation.

3. The subdivision application of Dillingham was duly submitted and
reviewed pursuant to the subdivision map review procedures
effective after the adoption of the amended regional plan pursu-
ant to TRPA Ordinance 84-1; and

4. The tentative map was the subject of an EIS prepared and certi-
fied in accord with, and pursuant to, TRPA's Rules and Regula-
tions and Article VII of the Compact; and

5. The tentative map is based upon the recognition of a 26 lot
subdivision in the TRPA's amended regional plan, from a stand-
point of planning and zoning, as a permitted use, and further,
the recognition of a reduction of Dillingham's previously ap-
proved and asserted vested right, is not a new subdivision and
therefore not subject to the prohibition against subdivisions in
the Compact; and

6. The tentative map is approved in recognition of, and in conjunc-
tion with, a litigation settlement of disputed claims, including
but not limited to an 86 unit subdivision and other development
inconsistent with TRPA's plan and ordinances; and
7. Notwithstanding the fact that the tentative map is inconsistent with TRPA's plan and ordinances in some limited and identified respects, for the reasons stated hereinabove and hereinafter, the establishment, maintenance, and operation of the proposed subdivision and associated uses, will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of the proposed subdivision, nor detrimental nor injurious to the property and improvements in the neighborhood thereof nor to the general welfare of the region; and

8. With respect to those portions of the project site identified as areas B and D on Figure 3 of the final EIS, the SEZ lands have been so substantially modified so as to alter the lands' capability, soil characteristics, hydrology and geomorphic characteristics; and

9. Area B has been so substantially modified so as to alter the vegetation; and

10. The above modifications occurred prior to February 10, 1972; and

11. Areas B and D no longer exhibit the characteristics of a stream environment zone; further development therein will not exacerbate the problems caused by development in SEZs; mitigation in the form of 7.5 acres of stream zone restoration is provided to at least partially offset the losses which were caused by modification of the stream environment zone; and

12. Restoration of areas B and D is infeasible for the following reasons:
   a. The Cost of removal of the fill is exorbitant;
   b. The obtainment of legal access to the property for removal of the fill may be impossible to accomplish; and
   c. A certain amount of fill must remain to provide a barrier and support for the lagoon adjoining the property.

13. The stream zone restoration that is to be completed as part of the project adequately mitigates the water quality impacts resulting from the land coverage created by the subdivision improvements, and that due to said restoration, the project
complies with the Agency policy that stream zone lands be restored in the amount of 1.5 times the area of stream zone lands disturbed or developed by the project; and

14. Notwithstanding that the tentative map is inconsistent with TRPA's plan and ordinances, in some limited and identified respects, the approval of said tentative map will not adversely affect the implementation of the amended regional plan and will not cause the environmental threshold carrying capacities to be exceeded in view of the potential for substantial adverse impacts which would affect all planning efforts in the Tahoe Basin, including prohibitions against new subdivisions and further and other development in the Tahoe Keys; and

15. Each of the foregoing findings is supported by substantial evidence in the record.

B. A motion to approve the proposed tentative map for Cove East based on the foregoing findings and subject to the conditions of approval listed on Attachment C of the staff summary, plus the condition that the proposed tentative map be revised to eliminate any land coverage or grading in Area C as shown on Figure 3 of the Final EIS.

III Approval of the Cluster Development Alternative Assessed in EIS

A. A motion to find that;

1. In recognition of the limitations upon the Governing Body's project review authority, which limitations are a direct result of the injunction in the litigation entitled CA/LTS/LT v. TRPA, the tentative map shall not be considered finally approved until a specific exemption is obtained from the injunction or the injunction is dissolved.

2. As to the significant impacts identified in the EIS: water quality, scenic resources and wildlife, the Governing Body makes the following separate written findings for each of said identified impacts:

   a. Water Quality - Specific considerations relating to the litigation settlement in Dillingham v. TRPA and the potential for serious, adverse impacts should the litigation proceed, which impacts include but are not limited to, construction of an 86 unit subdivision, other construction on Dillingham's property being found to be exempt from
TRPA's plan and ordinances, invalidation of certain TRPA ordinances, invalidation of the prohibition against new subdivisions in the Compact, and money damages against the TRPA; and

specific considerations relating to the general welfare of the inhabitants of the Tahoe Basin which include the benefit derived from the donation of Parcel 5 to a public agency, the option to buy Parcel 1 given to the City of South Lake Tahoe and to be used for the welfare of said City, and the avoidance of protracted and expensive litigation.

b. Scenic Resources - Specific considerations relating to the litigation settlement in Dillingham v. TRPA and the potential for serious, adverse impacts should the litigation proceed, which impacts include but are not limited to, construction of an 86 unit subdivision, other construction on Dillingham's property being found to be exempt from TRPA's plan and ordinances, invalidation of certain TRPA ordinances, invalidation of the prohibition against new subdivisions in the Compact, and money damages against the TRPA; and

specific considerations relating to the general welfare of the inhabitants of the Tahoe Basin which include the benefit derived from the donation of Parcel 5 to a public agency, the option to buy Parcel 1 given to the City of South Lake Tahoe and to be used for the welfare of said City, and the avoidance of protracted and expensive litigation.

c. Wildlife - Specific considerations relating to the litigation settlement in Dillingham v. TRPA and the potential for serious adverse impacts should the litigation proceed, which impacts include but are not limited to, construction of an 86 unit subdivision, other construction on Dillingham's property being found to be exempt from TRPA's plan and ordinances, invalidation of certain TRPA ordinances, invalidation of the prohibition against new subdivisions in the Compact, and money damages against the TRPA; and

specific considerations relating to the general welfare of the inhabitants of the Tahoe Basin which include the benefit derived from the donation of Parcel 5 to a public agency, the option to buy Parcel 1 given to the City of South Lake Tahoe and to be used for the welfare of said City, and the avoidance of protracted and expensive litigation.
3. The subdivision application of Dillingham was duly submitted and reviewed pursuant to the subdivision map review procedures effective after the adoption of the amended regional plan pursuant to TRPA Ordinance 84-1; and

4. The tentative map was the subject of an EIS prepared and certified in accord with, and pursuant to, TRPA's Rules and Regulations and Article VII of the Compact; and

5. The tentative map is based upon the recognition of a 26 lot subdivision in the TRPA's amended regional plan, from a standpoint of planning and zoning, as a permitted use, and further, the recognition of a reduction of Dillingham's previously approved and asserted vested right, is not a new subdivision and therefore not subject to the prohibition against subdivisions in the Compact; and

6. The tentative map is approved in recognition of, and in conjunction with, a litigation settlement of disputed claims, including but not limited to an 86 unit subdivision and other development inconsistent with TRPA's plan and ordinances; and

7. The establishment, maintenance, and operation of the proposed subdivision and associated uses, will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of the proposed subdivision, nor detrimental nor injurious to the property and improvements in the neighborhood thereof nor to the general welfare of the region; and

8. That with respect to those portions of the project site identified as Area B on Figure 3 of the final EIS, the SEZ lands have been so substantially modified so as to alter the lands' capability, soil characteristics, hydrology, vegetation and geomorphic characteristics; and

9. That the above modifications occurred prior to February 10, 1972; and

10. That Area B no longer exhibits the characteristics of a stream environment zone; further development therein will not exacerbate the problems caused by development in SEZs; mitigation in the form of 7.5 acres of stream zone restoration is provided to at least partially offset the losses which were cause by modification of the stream zone; and

4/17/85

AGENDA ITEM VIII
11. That restoration of Area B is infeasible for the following reasons:
   a. The cost of removal of the fill is exorbitant;
   b. The obtainment of legal access to the property for removal of the fill may be impossible to accomplish; and
   c. A certain amount of fill must remain to provide a barrier and support for the lagoon adjoining the property.

12. The stream zone restoration that is to be completed as part of the project adequately mitigates the water quality impacts resulting from the land coverage created by the subdivision improvements; and

13. The project as modified is consistent with TRPA ordinances prohibiting development in stream environment zones and is most consistent with the amended Regional Plan, while allowing some development on the islet portion of the project site.

14. Each of the findings is supported by substantial evidence in the record.

B. A motion to approve the Cluster Development Alternative based on the foregoing findings and subject to the conditions of approval listed on Attachment C of the staff summary, accept conditions 6, 7, 12 and 15 (f).
Response - Page III-2 of the BMP defines "Stream Environment Zone" as follows:

"That region: 1) which surrounds a stream, including major streams, minor streams and drainageways, which owes its biological and physical characteristics to the presence of water; 2) which may be inundated by a stream; or 3) in which actions of man or nature may directly or indirectly affect the stream. A stream includes small lakes, ponds, and marshy areas through which the stream flows."

A summary map shown as Figure 3 has been included herein and identifies five areas used as the basis for the alternatives in the Draft EIS which all restrict construction in areas not determined to be man-modified.

Applicable portions of Section 3.00 of the TRPA Ordinance 81-5 are repeated herein as follows:

"Section 3.00 Amendment Prohibiting Development In Stream Environment Zone.

Section 13.00 of Ordinance No. 79-10 of the Tahoe Regional Planning Agency is hereby amended to read as follows:

13.10 Prohibition.

Notwithstanding any other provision of this ordinance or of any other ordinance of the Agency, no person shall perform any grading, clearing, removal of vegetation, filling or creation of land coverage, within or upon a stream environment zone ("SEZ"), as described or depicted upon maps contained in the Plan.
POOR
QUALITY
ORIGINAL (S)
TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
DESCRIPTION OF AREAS

A. NATURAL AREAS AT RIVER’S MOUTH AND BEACH
B. MAN MODIFIED AREAS
C. NATURAL UNDISTURBED AREAS ON ISLET
D. ISLET AREA HAVING RIPARIAN VEGETATION ON FILLED LAND
E. SEASONALLY WET AREAS ON FILLED LAND
13.20 Development on Lots or Parcels Containing Stream Environment Zones.

Notwithstanding any other provision of the ordinance or of any other ordinance of the Agency, no person shall perform any construction, work, use or activity upon a lot or parcel containing an SEZ without first obtaining a permit from the Agency, the application for which permit should be reviewed and approved unless it is found by the Agency that it proposes no grading, clearing, removal of vegetation, filling or creation of land coverage within the SEZ, and that it is in accordance with the Handbook of Best Management Practices, the Plan and all other applicable plans, ordinances, rules, regulations and policies of the Agency."

And,

"13.32 Man-Modified Areas.

SEZ lands, which the Agency finds have been so substantially modified as to alter the land capability, soil characteristics, hydrology, geomorphic characteristics and vegetation prior to February 10, 1972, as determined pursuant to section 3.29 of the Land Use Ordinance."

In addition, the TRPA adopted Goals and Policies Plan provides:

"New development may be permitted in man-modified stream environment zones where: (1) the area no longer exhibits the characteristics of a stream environment zone; (2) further development will not exacerbate the problems caused by development in stream environment zones; (3) restoration is infeasible; and (4) mitigation is provided to at least partially offset the losses which were caused by modification of the stream environment zones."

The later adopted Goals and Policies adds the requirement contained in the California "Water Quality Plan" permitting a man-modified determination if "restoration is infeasible."
The restoration of the original SEZ is technically possible; however, its feasibility depends upon the active support and cooperation between Dillingham and the various interested Lake Tahoe Agencies.

Area "A" on Figure 3 identifies areas at the Upper Truckee River mouth and along the beach that are undisturbed lands subject to flooding that should not be built upon. Areas "B" are areas that have been substantially modified to the extent that they no longer have the characteristics of a SEZ. Areas "C" are natural areas on the islet that have riparian vegetation and have not been modified. Area "D" is an area on the islet that has riparian vegetation on filled land. Areas "E" are seasonally wet areas on filled land of the inland portion.

The Areas "E" on the inland portion of Cove East owe their vegetation to the seasonally wet characteristics of local depressions in the fill area and are within the area designated to be reverted to SEZ. Their only significance relates to the discussion of allowable land coverage in accordance with the TRPA adopted threshold. The land coverage for Cove East is set forth in the Settlement Agreement. Area "D" on the islet does not meet the definitions of man-modified from a vegetation standpoint; however, a soil boring in the area shows that as much as two feet of fill has been placed over the old marsh.
Other findings relating to the soils investigation were considered as follows:

1. Only in Area A on the lakefront beach and the River's mouth natural area were clean, well-sorted sands associated with water action found. At least on the surface of all but this area, the surficial soil was found to be sand in texture, badly sorted and clearly not water washed. Surface soil on all areas of Cove East other than Area A are much the same as anywhere else on the Tahoe Keys.

2. A well-defined top-soil was not found in any of the test pits. That is, there is an absence of a genetic profile, and in now-discarded terminology there is an absence of "true" soil on the property. The absence of a genetic profile at the rest of the Keys is why the property is shown on the soil maps simply as "Filled Land," there being no ability to classify the fill soil in any given Association, Series or Type.

3. Although there is vegetation classed as "Undisturbed Riparian," soil borings indicate a substantial fill has been applied over the original marsh on Area D. Area "D" does not exhibit the substantial growth characteristics of the adjacent marsh lands east of Cove East. It is sparse, and certainly not performing the function of the a marsh area, through and over which the spring melt passes, trapping sediments and nutrients in the process.
The earth impacts can be broadly classified into three subject areas: erosion, denitrification, and sediment trapping (which also involves trapping of certain nutrients). Since it is universally agreed that the erosion potential of the Keys land is very low, and it is evident that flood flows from higher lands do not pass over the Keys lands, then one may concentrate on the question of denitrification.

It is only the presence of an upper few inches of topsoil that permits the denitrification process to be effective. For example, Coats, Leonard and Goldman (1976) in "Nitrogen Uptake and Release in a Forested Watershed, Lake Tahoe Basin, California", state that "Where the nitrate-nitrogen is high in the A horizon (what we term "topsoil), it is likely to be high in the C horizon (the deeper weathered parent material). Where there is effective uptake of nitrate-nitrogen from snow-melt water, the top 5 cm of humus and soil accomplishes most of the uptake". It can be concluded that little uptake of nitrogen is accomplished by the present condition of the islet except for the river's mouth (Area A). Areas C and D on Cove East Islet are currently not contributing to the trapping of sediments and are probably only to a very small degree participating in the denitrification process. By comparison, the proposed reversion to SEZ of a major portion of the inland area will provide a much better mechanism for
nitrate removal.

The Draft EIS recommends allowing the developer to construct on the Islet Area "D" based upon the recommended mitigation measures and the provision of the Settlement Agreement that allows the development with "reasonable" conditions.

Comment -

2. A possible mitigation measure that could be discussed in the document is the dechannelization of the Upper Truckee River channel that runs along the easterly boundary of the project site. It may be possible to accomplish this measure by removing portions of the existing fill on the west side of the levee down to the elevation of the marsh to the east. The levee could then be breached in certain points to allow flood waters to flow into the reclaimed area. Agency staff would like to have the feasibility and benefits of such a mitigation measure discussed in the subject document.

Response - The Draft EIS recommends a reversion to SEZ of 7.58 acres. That reversion anticipated the removal of fill material creating low areas on the property which will be at least seasonably wet and will promote plant growth. Implied but not specifically stated in the Draft EIS is that the land so treated will remain in private ownership and will not be allowed to be filled and constructed upon at a later date through the development of CC&Rs.

The reversion concept could be expanded by removing fill material to the original marsh land attempting to recreate the natural marsh area. Ponds and interconnecting channels could be constructed, the existing river levee could be
RECOMMENDED CONDITIONS OF APPROVAL
COVE EAST SUBDIVISION

1. For purposes of these conditions the applicant shall be the Dillingham Development Company or its successor.

2. The final subdivision map shall not be recorded until TRPA staff has found, and so indicated in writing, that said map substantially conforms to the Cove East Tentative Map approved by the TRPA. The final map shall contain a certificate for signature by the Chief of the Project Review Division, TRPA, that reads "This final subdivision map substantially conforms to the tentative map approved by the TRPA Governing Board on __________". (Date)

3. In accordance with Section 4.31 of the TRPA Subdivision Ordinance, this approval shall lapse unless a final subdivision map is recorded in accordance with all conditions of approval listed herein within eighteen (18) months from the date of Governing Board approval of the tentative subdivision map. In computing this eighteen (18) month period, any period of time shall not be counted during which the subdivision is the subject of legal action.

4. Approval by the TRPA of this tentative map shall expire three (3) years from the date of Governing Board approval of said tentative map in accordance with the provisions of Article VI(p) of the TRPA Compact.

5. A TRPA permit shall be obtained prior to the commencement of construction of the project. Prior to issuance of the TRPA permit the final construction drawings for all subdivision improvements shall be approved by Agency staff. The final construction drawings shall clearly depict:

   a) slope stabilization methods to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation;
   b) areas to be revegetated and/or landscaped, including complete specifications for same;
   c) fencing for vegetation protection;
   d) temporary and permanent erosion control devices;
   e) measures to be taken for dust control;
   f) all drainage facilities;
   g) the location of all utility trenches;
   h) all fences and barriers;
   i) all signs;
   j) all community piers, docks, boat ramps, tennis courts and other recreation facilities;
   k) complete plans for the stream zone restoration work required under condition #11;
   l) a final grading plan showing final contours at one (1) foot intervals; and
   m) other information determined by Agency staff to be necessary to assure compliance with Agency standards.

ATTACHMENT C
6. Each residence to be constructed within the subdivision shall be reviewed by the TRPA as a project, requiring issuance of a TRPA permit and compliance with all applicable TRPA ordinances, agreements and policies, including any special mitigation fees applicable to properties located in Tahoe Keys. A TRPA permit shall not be issued unless Agency staff finds that said project is in compliance with the transfer of development rights program, required under condition #16.

7. Total land coverage for the Cove East Subdivision, including land coverage allocated to the twenty-six (26) lots, shall not exceed 400,000 square feet. This condition is not intended to limit the land coverage otherwise allowed under the Dillingham vs. TRPA Settlement Agreement.

8. Calculations prepared by a qualified civil engineer, demonstrating that all drainage facilities are capable of retaining on site the storm water flows from a twenty (20) year, one (1) hour storm, shall be submitted to and approved by Agency staff.

9. All drainage facilities for roadways, parking lots and tennis courts shall include silt traps prior to infiltration. In addition, drainage facilities for all parking lots shall be designed to remove greases and oils prior to infiltration.

10. The applicant shall submit a revegetation and landscaping plan for review and approval by Agency staff. This plan shall provide for the maintenance and enhancement of the natural vegetation on the project site. This plan shall include landscaping to create a visual screen between the building sites located along the shoreline and the beach, and the enhancement of vegetation along the Upper Truckee River bank. This plan shall prohibit lawns within the area of the tentative map and shall establish a specific list of plant species to be used for landscaping and revegetation. This list of plant species shall include only species of native vegetation that do not require long term irrigation or use of fertilizer. This list shall be subject to review and approval by Agency staff. This plan shall be incorporated into the subdivision CC & R's.

11. The applicant shall submit a detailed plan providing for the restoration to a stream environment zone of approximately 7.5 acres of existing land fill within the project site. The acreage to be restored shall be generally in the location shown on the approved tentative map. Fill material shall be removed from the area to be restored down to an elevation necessary to allow the area to be inundated during periods of spring melt. This plan shall be subject to review and approval by Agency staff and shall be part of the final construction drawings for all site improvements. Prior to approval of this plan by Agency staff, the applicant shall obtain approval for the restoration work from the U.S. Army Corps of Engineers, if necessary.
12. A building envelope shall be established for each lot and shown on the final map. The building envelopes for Lots 1 through 8, as shown on the proposed tentative map, shall recognize a 50 foot minimum setback from the lakeward property line of each said lot. Except as may be approved by the Agency, any removal of vegetation, grading, filling or creation of land coverage shall be prohibited outside of the building envelopes. This restriction shall be included in the subdivision CC&R's. Building envelopes shall not be located in Areas "A" or "C" as designated on Figure 3 of the Final EIS. Revegetation in accordance with condition #10 may be permitted outside of the building envelopes.

13. Provide a specific signing plan, as part of the final construction drawings, including development signs, signing for wildlife and vegetation preservation and prohibiting campfires in natural areas. The signing plan and public access improvements shall be designed to discourage public access into Area "A", as designated on Figure 3 of the Final EIS, and into the adjoining marsh area of Parcel 5, as identified in the settlement agreements affecting land owned by the applicant.

14. Parcel 5, as identified in settlement agreements affecting land owned by the applicant, shall be deeded to the CTRPA, its successor, or its nominee in accordance with the Settlement Agreement between Dillingham Development Company and the TRPA.

15. Prior to recordation of the final subdivision map, covenants, conditions and restrictions (CC & R's) respecting all of the real property of the subdivision, shall be subject to Agency staff review and approval. Said document shall include:

   a) a prohibition of the use of chemicals for deicing in all vehicular areas;
   b) a prohibition of vehicles in all nonvehicular open spaces;
   c) the revegetation and landscaping plan required under condition #11, including the prohibition on lawns and list of plant species;
   d) provisions to insure the permanent maintenance of all open space and common areas;
   e) provisions to insure continued maintenance of all drainage and erosion control facilities, including the stream zone restoration area(s);
   f) a requirement that each residence shall be reviewed by the TRPA as a project, requiring issuance of a TRPA permit and compliance with all applicable TRPA ordinances;
   g) the restrictions set forth in conditions 10 and 12; and
   h) a provision making TRPA an express beneficiary of said document with the right to pursue such judicial remedies as it wishes arising out of or relating to such document.
16. The applicant shall submit a transfer of development rights program for review and approval by Agency staff. This program shall require the transfer of an equivalent member of existing sewer units for each residence in the Cove East project. Properties approved for transfer shall contain existing structures and shall be stream environment zone lands, unless otherwise approved by Agency staff. Prior to approval of the transfer of development rights program by Agency staff, the ability to transfer the required number of sewer units must be verified by the South Tahoe Public Utility District. This program shall also contain an evaluation of the effects of the transfer on land coverage, stream zone restoration, other high hazard restoration, water quality, and mitigation of vehicle trips and vehicle miles traveled. The program shall require that all structures be removed from sites from which development rights, including sewer units, are transferred and the sites be restored to their natural state, to the greatest extent feasible. The applicant shall accrue mitigation credits for site restoration and erosion control work completed on the sites from which development rights are transferred. Sites from which development rights are transferred must be deed restricted to permanent open space or their title transferred to an appropriate public entity for maintenance as permanent open space. The transfer of development rights program approved by Agency staff shall be implemented prior to recordation of the final subdivision map. For purposes of this condition, implementation shall require the applicant to have options on properties having the required number of sewer permits.

17. This project shall comply with all requirements and conditions of the permit-issuing authority. None of said requirements and conditions shall be waived or modified without the concurrence of TRPA.

18. The applicant shall not be required to comply with condition 16 if new sewer units can be obtained from the South Tahoe Public Utility District. In this instance, the applicant shall mitigate the impacts resulting from vehicle miles traveled and vehicle trips at the intersection of Tahoe Keys Blvd. and U. S. Highway 50, as identified in the EIS, through either the payment of a mitigation fee or construction of a traffic improvement project. The amount of mitigation shall be consistent with applicable TRPA ordinances or policies and, if a traffic improvement project is undertaken, the cost of such shall be equal to or greater than the otherwise applicable mitigation fee. If the applicant is not required to comply with condition 16, construction of each single family dwelling shall be subject to obtaining an allocation in accordance with the amended Regional Plan.

19. Prior to issuance of the TRPA permit, adequate security shall be posted with the TRPA, in accordance with the TRPA Security Procedures, to insure proper installation of all slope stabilization and drainage improvements, implementation of the revegetation and landscaping plan and completion of the stream zone restoration plan as shown on the final construction drawings approved by Agency staff. The amount of security shall be equal to 150% of the estimated costs of completing the work identified above.

- 4 -
20. Whenever possible, utilities shall occupy common trenches to minimize site disturbance.

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

22. There shall be no grading, filling, clearing of vegetation (which disturbs soil) or other disturbance of the soil during inclement weather and for the resulting period of time when the site is covered with snow or is in a saturated, muddy or unstable condition. This prohibition extends to snow removal on unpaved construction sites.

23. All material obtained from any excavation work that is not contained within foundations, retaining walls, or to be used on the project site as shown on the final construction drawings shall be removed from the project site and disposed of at a site approved by Agency staff.

24. Replanting of all exposed surfaces, as per the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance, unless the approved construction/inspection schedule established otherwise.

25. During construction of the subdivision improvements, all trees and natural vegetation to remain on the site shall be protected by the placement of a fence that physically separates the construction areas from the remainder of the project sites. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.

26. Soil and construction material shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of violating this condition exists. The site shall be cleaned up and road right-of-way swept clean when necessary.

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

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

29. All other permits regarding the development shall comply with these conditions.
30. This approval becomes invalid if a local government permit for this project expires or will-serve letters are cancelled.

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

32. Agency staff shall be notified at least 48 hours prior to the commencement of construction. This notification shall include:

   a) who will be doing the work;
   b) when the work will commence; and
   c) when the completion of work is expected.

33. All construction shall be accomplished in strict compliance with the final construction drawings approved by TRPA.

34. The TRPA permit and the final construction drawings bearing the TRPA stamp of approval shall be present on the construction site from the time construction commences to final TRPA site inspection. The permit and plans shall be available for inspection upon request by any TRPA employee. Failure to present the TRPA permit and approved plans may result in the issuance of a Stop Work Order by the TRPA.

35. Construction of all subdivision improvements, in accordance with the final construction drawings approved by the Agency, shall be completed within twenty-four (24) months from the date that construction commences on the site, unless an extension is granted by the Agency. If construction is not completed within said time or an extension is not granted by the Agency, the TRPA tentative map approval and permit are revoked and the applicant or his successor in interest shall immediately remove all partially completed work and return the site to a suitable condition as determined by Agency staff. If the applicant or his successor in interest fail to do so, the Agency may have the work performed at the applicant's or his successor in interest's expense, costs to constitute a lien against all the real property which is the subject of the approval. Notwithstanding the above, said tentative map approval or permit will not be revoked within the three (3) year period in which the TRPA approval is valid as set forth in condition #4. In computing this twenty-four (24) month period, any period of time shall not be counted during which the subdivision is the subject of a legal action.
36. This approval is conditioned upon the consent of the applicant, or his successor in interest, as indicated by his signature upon the permit issued pursuant to this approval, that the TRPA, though its duly authorized representatives or independent contractors, may enter upon the land of the applicant upon which the construction, use or activity authorized by such permit is to occur for the purposes of inspection, the construction or maintenance of those facilities necessary to comply with the TRPA 208 Plan, or as is required by these conditions of approval, and subsequent to such construction or maintenance shall be reimbursed by the applicant for the cost thereof.

37. A construction/inspection schedule shall be submitted to, and approved by, Agency staff prior to issuance of the TRPA permit. Noncompliance with the approved schedule may result in the issuance of a Stop Work Order by the TRPA. Agency staff may require that this schedule identify dates for the following:

a) when installation of a temporary erosion control, and vegetation protection and construction site boundary fencing will occur;
b) when construction will start;
c) when all disturbed areas will be stabilized;
d) when initial grading will be completed;
e) when all construction slash and debris will be removed;
f) when driveways, parking areas and other paved surfaces will be paved;
g) when installation of permanent mechanical erosion control devices will occur;
h) when installation of permanent drainage improvements will occur;
i) when revegetation will occur;
j) when construction will be completed;
k) when the site will be winterized, if appropriate; and
l) other information deemed necessary by Agency staff to assure compliance with the purpose of this Section as stated above.

38. The entire project site shall be winterized by October 15. Winterization shall include, but not be limited to:

a) installation of temporary erosion controls;
b) installation of temporary vegetation protection fencing;
c) stabilization of all disturbed areas;
d) clean-up and removal of all on-site construction slash and debris;
e) installation of mechanical stabilization and drainage improvements where feasible; and
f) removal of all spoil piles from the site.
39. Equipment access shall be prohibited on the project site after October 15.

40. All work must be performed in such a manner that the project can be winterized within twenty-four (24) hours.

41. The length of open trenches (excluding foundation) at the end of each working day shall not exceed fifty (50) feet.

42. No cleaning of equipment, including cement mixers, shall be permitted anywhere on the subject property unless authorized by Agency staff.

43. No vehicles or heavy equipment shall be allowed in any stream environment zone, or wet areas, except as specifically authorized by Agency staff.

44. All vehicles and heavy equipment operated on the subject property shall be confined to the area within the vegetative protection fencing as shown on the plans approved by Agency staff, unless specifically authorized by Agency staff.

45. Loose soil mounds or surfaces shall be protected from wind or water erosion by being appropriately covered when construction is not in active progress or when required by Agency staff.

46. All excavated material shall be stored in areas approved by Agency staff. No material shall be stored in any stream environment zone or wet areas.

47. Equipment of a size and type that, under prevailing site conditions, will do the least amount of damage to the environment shall be used.

48. The property owner, or his authorized representative, shall notify Agency staff and arrange to have the following inspections made:

   a) Prior to any grading activity commencing, a pregrading inspection by Agency staff shall be required at which time all temporary erosion control and vegetation protection and construction site boundary fencing shall be in place.

   b) An inspection by Agency staff shall be required to assure that installation of permanent mechanical erosion control devices, drainage improvements and revegetation be accomplished as soon as feasible after the start of construction.
c) Upon completion of all construction activities and prior to release of securities, a final site inspection by Agency staff shall be required at which time all improvements and revegetation shown on the final construction drawings approved by the Agency shall be properly installed and all conditions of approval satisfied. Failure to have any of these inspections performed may result in the issuance of a Stop Work Order by the TRPA.

49. All existing overhead power lines located within the project area shall be integrated into the development and placed underground.

50. All equipment used on the project site during construction of the project shall meet the State Standards for noise emission.

51. All structures shown on the Cove East project map contained in the EIS that encroach upon the waters of the Upper Truckee River shall be eliminated from the final construction drawings.

52. All road surfaces and first level finished floors of building structures shall be higher in elevation than the 100-year flood plan.

53. The final construction drawings shall identify adequate snow storage areas within the boundaries of the subdivision. Adequate drainage facilities shall be provided for these snow storage areas.

54. Prior to recordation of the final map or issuance of the TRPA permit the applicant shall submit to the Agency a copy of the final waste discharge requirements issued by the California Regional Water Quality Control Board, Lahontan Region.

55. The requirements contained in the CTRPA/Tahoe Keys Property Owner's Association 1982 Report shall apply to the lots contained in the subject subdivision so that the subject property will meet the same requirements as imposed on other Tahoe Keys properties. In the event Lahontan mitigation fees are assessed, the requirements contained in this CTRPA/Tahoe Keys Property Owner's Association Report shall not apply.
EXECUTIVE SUMMARY

COVE EAST

FINAL ENVIRONMENTAL IMPACT STATEMENT

Introduction to the Executive Summary

A Draft Environmental Impact Statement (EIS) has been prepared for the City of South Lake Tahoe and the TRPA concerning the application submitted by Dillingham Development Company for a proposed development known as Cove East, located at Tahoe Keys. This EIS conforms to the requirements of the California State Environmental Quality Act and the Tahoe Regional Planning Compact. The Final Environmental Impact Report (EIR), based upon this same draft document, was certified by the City of South Lake Tahoe on January 8, 1985.

The Draft EIS is intended to evaluate the significant environmental effects of the Project, to consider alternatives to the Project, and to identify possible methods to mitigate or avoid undesirable impacts. This EIS focuses attention on those primary impact categories defined by TRPA as requiring analysis. The impact categories addressed in the Draft EIS are as follows: Earth, Vegetation, Wildlife, Fisheries, Water Quality, Transportation/Circulation, Air Quality, Noise, Natural Hazards, Scenic Resources, Cultural Resources, Risk of Upset, Public Service and Utilities, Recreation, Population and Employment, and Economy. The Final EIS includes the Final City Environmental Impact Report, responses to comments made to the TRPA, responses to TRPA staff comments, and information on the economic viability of the project and its alternatives.

The purpose of this Executive Summary is to present a brief capsule summary of the following topics:

The principal facts relating to the proposed Project.

The character of the Alternatives selected for comparative evaluation.

A summary of the critical impacts of the Project/Alternatives, and proposed mitigation measures.

This Executive Summary is in no way a substitute for the Draft EIS text as a whole, but is intended to provide an overview of the analyses and conclusions it contains.
The Settlement Agreement

Although subdivisions of land are prohibited by both the State of California and the TRPA, the Cove East project results from a Settlement Agreement between Dillingham and the TRPA dated April 28, 1983, in which prior established rights for development are recognized by the TRPA. The Agreement involves the disposition of five parcels of Dillingham owned land, four of which are now undeveloped. This EIS relates only to the development allowed on Parcels 3 and 4 for which the specific pertinent agreement provision is as follows:

"Parcels 3 and 4 - These parcels may be developed with up to 26 lots for residential units with a total land coverage of 463,000 square feet. A portion may be sold to the marina; however, land coverage available to Dillingham shall be reduced by one unit for each 12,000 square feet of Marina coverage. Parcels 3 and 4 may be sold to the United States Forest Service or any agency which will keep the land in open space."

As proposed by Dillingham, all of the physical improvements comprising the Cove East project are to be located on Parcel 4.

Description of the Site and the Project

Cove East is located at the eastern edge of the Tahoe Keys area and is bordered by the Keys Sailing Lagoon and Marina on the west, a 50 foot wide beach owned by the Tahoe Keys Property Owner's Association on the north, and the Upper Truckee River and Truckee Marsh on the east. Access to Cove East is provided by Venice Drive which now terminates with a cul-de-sac at the southern entrance to the property (Figure 1). The property encompasses 45.6 acres of which approximately 33.0 acres are land, 6.6 acres are Sailing Lagoon waters, and 6.0 acres are the Upper Truckee River and its stream environment zone near the mouth of the river.

The property is shaped like a pipe wrench, the mouth of which is an extension of the Keys Sailing Lagoon. There are two distinct land forms; the islet fronting on Lake Tahoe, having approximately 16.3 acres of land; and the southern or inland portion, having approximately 22.7 acres of land. They are connected by a 100 foot wide landfill separating the dredged Sailing Lagoon from the Upper Truckee River. The Tahoe Keys
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
Property Owner's Association owns the beach frontage, a 50 foot wide strip of land from the Lake's high water line. They also have a 20 foot wide relocatable easement along the Sailing Lagoon entrance and exit channel and a 20 foot wide relocatable access easement from Venice Drive to the beach area.

There is an existing 30 foot wide levee along the Upper Truckee River from the end of Venice Drive to the islet. The top of the levee is an access road; however, a fence and gate at the entrance to the property restrict access to bicycles and walking traffic. There is a strip of willows between the levee and the river.

The natural area at the river's mouth is heavily vegetated with willows which encroach onto the higher ground of the islet. The islet is the only area of the property which has trees, a sparse stand of Lodgepole Pines, the largest of which are approximately 50 years old. On the islet next to the Sailing Lagoon extension there is a concrete foundation from a ranch building which was built in the mid-1950's and which area was later used as a construction staging area for the Keys. There is also the remnants of the asphalt paving in the vicinity of the foundation. The only present use of the Lagoon extension is for storage of barges and other heavy, water related equipment. There is an overhead power line which traverses the islet.

The proposed project is shown on Figure 2 and anticipates the creation of a total of 26 large estate type lots, 16 of which are located on the islet and 10 of which are located on the inland fill area. The islet lots average approximately 25,000 square feet in area with the lots fronting on the beach having an average width of 85 feet. The inland lots vary in size from 0.8 to 4.0 acres.

All of the property is envisioned to be individually owned except:

1. A recreation parcel containing four tennis courts and eight parking places.
2. The main road which is an extension of Venice Drive.
3. An auxiliary road serving lots 17 and 18.
4. A commonly owned docking and boat launching facility with four parking places at the islet throat.
5. A commonly owned docking facility in the Lagoon extension, a 30 foot wide easement from that facility, several parking places, and a turn-around area on the islet at the end of the main road extension.

6. A sewage pump station.

Public access to the natural area at the Upper Truckee River mouth and to the beach will be along the existing levee to the islet throat, and thence along public easements. With the exception of easements for walking traffic, there is to be no public access to the Cove East development.

The entrance is to be fenced with a homeowner's security gate. There is to be a landscaped berm separating the levee and open area, and the residences on lots 25 and 26. A new 3 foot high slump stone block wall or landscaped berm is to be constructed by the marina to eliminate access to the property from the marina area.

The main access drive from the end of Venice Drive to the throat is designed similar to Tahoe Keys Boulevard within the Keys area. It is to have concrete curb and gutters, a 14 foot wide landscaped median and a 20 foot wide paved section in each direction. The extension of the main drive onto the islet and the driveway serving lots 17 and 18 is to be 24 feet wide with curb and gutter on each side.

The proposed project land coverage totals 424,000 square feet which is comprised of roads and parking totalling 97,000 square feet, recreation areas totalling 15,000 square feet, and 26 lots allowing an average of 12,000 square feet each.

Description of the Alternatives to the Project

As a part of this EIS, four alternatives to the project were defined and analyzed in order to compare their effects to those of the project. These alternatives are intended to serve as examples of the range of development options for the Project site.

The No Project Alternative assumes that no development of the site will occur and that it will remain essentially as it exists today or that a governmental
agency will acquire it and accomplish a major stream zone restoration project.

The Reduction in Size of Project Alternative provides for a total of 22 large lots, eliminating four lots on the islet which encroach on natural areas. The 22 lots are in the same configuration and location as the proposed lots.

The Modification of Site Design Alternative eliminates encroachment on the natural areas of the islet as above, but changes the lot layout to accommodate the 26 lots allowed in the Settlement Agreement.

The Cluster Development Alternative, although still allowing 26 units, changes the basic concept of the project to a condominium or townhouse type development rather than the large estate type lot development proposed.

**Man-Modified Areas**

Most critical to the development and the alternatives is a determination of the limit of areas of the property that can be built upon. From a development standpoint the islet's location fronting on the Lake, presents the most desirable building sites that command the greatest economic return. However, from an environmental standpoint, much of the islet contains low capability lands which should remain intact.

For the Draft EIS discussion of alternates to the proposed project, assumptions were made for which areas could be found to be man-modified stream environment zones, thereby supporting development and allowing a land coverage of 30 percent. One critical 2.1 acre area on the islet was considered to be man-modified because soil borings indicate two feet of fill having been placed over the original marsh. This same area, however, does contain riparian vegetation, a condition which prohibits a man-modified determination under the strict application of current TRPA ordinances governing such a finding. In addition, in accordance with the TRPA adopted Goals and Policies Plan, a finding must be made that it is infeasible to restore the filled areas to their original condition.

Also, all man-modified areas on the islet are not important if another finding in conflict with the ordinances cannot be made, concerning a buffer zone for the Upper Truckee River.
The Best Management and Practices Manual (and Ordinance 81-5) provides that a third order or greater stream, such as the Upper Truckee River, have a 100' buffer strip from the edge of the stream channel which cannot be built within. This requirement may eliminate access to the islet over the existing levee road which is immediately adjacent to the Upper Truckee River.

**Project Mitigation**

Project mitigation is outlined in the Final EIS; however, the final mitigation package to be submitted by Dillingham includes a Transfer of Sewer Units program similar to the TRPA's Transfer of Development Rights requirements. Once the Transfer program is specified, the mitigation resulting from the transfer program can be quantified and the developer can be credited as appropriate. The mitigation package outlines minimum mitigation requirements only. The conditions of approval are to be developed by the TRPA staff and submitted to the Governing Board at the time of project consideration.

There are three impacts which, in most probability, cannot be mitigated to a less than significant level. In spite of onsite reversion of existing filled land to stream environment zones, any development on the site will further insure that most of the existing fill will remain in place. Any development of the Cove East property will cause an additional encroachment into the important wildlife habitat of the Truckee Marsh. And any development allowed along the shoreline of the islet will degrade the scenic quality of the shoreline unit.
TAHOE REGIONAL PLANNING AGENCY
PREFERRED MITIGATION SUMMARY

COVE EAST

1. Revise the subdivision layout so that no construction or filling of land will occur on areas not designated as man-modified.

2. Provide a landscaping and architectural plan providing for the maintenance and enhancement of natural vegetation on site. This plan shall be incorporated in the development CC&R's. The plan shall include the enhancement of vegetation along the Upper Truckee River bank, shall limit landscaping, and provide for selected species of native vegetation that are low water usage plants.

3. Provide CC&R's requiring each residence to be considered a project for TRPA review.

4. Provide a sewer unit transfer program which may be phased over a period of time. Mitigation credits for site restoration and erosion control shall accrue to the developer.

The transfer of sewer units program shall be based upon the retirement of existing sewer units to provide for the Cove East development and shall contain an evaluation of the program's effect on the following:

1. Land coverage.
2. Stream Environment Zone restoration.
3. Other high hazard area restoration.
4. Other vegetation restoration.
5. Wildlife.
7. Vehicle miles travelled.
8. Other air quality impacts.
9. Scenic Resources.

5. Transfer the Dillingham owned property comprised of the Upper Truckee Marsh and the natural area of the Cove East site at the Upper Truckee River to the U. S. Forest Service or other appropriate entity as determined by the TRPA.
6. Provide a plan and cost estimates for the reversion of 7.58 acres of existing land filled area to a SEZ with restoration credited to Dillingham.

7. Provide building envelopes for residences restricting all fill, buildings, driveways, patios, sidewalks and other land coverage or disturbance.

8. Provide development improvement plans that will provide additional information for review. The revised maps shall include utility locations, street lighting, sewage pump station locations and details, and snow storage areas.

9. Provide appropriate evidence from all affected utilities, including the South Tahoe Public Utility District, that service will be provided.

10. Provide appropriate evidence from the Tahoe Keys Property Owner's Association showing membership or other appropriate arrangement for participation in matters of mutual interest.

11. Provide a specific signing plan, including development signs, signing for wildlife and vegetation preservation, and prohibiting campfires in natural areas.

12. Satisfy the TRPA 81-5 fee for requirements for land coverage.


14. Only energy efficient certified woodstoves or fireplace inserts with spark arrestors may be used in the development.

15. All surface runoff shall be confined on-site and all construction shall be in conformance with the provisions of the TRPA's "Manual of Best Management Practices."

16. All road surfaces and mail level finished floors of building structures shall be higher in elevation than the 100-year flood plain.

17. The development shall incorporate water conservation devices.

18. Make appropriate contact with the U. S. Corps of Engineers and obtain necessary approvals.
19. Eliminate all structures from the Cove East project encroaching upon the waters of the Upper Truckee River.

20. Adopt the Lahontan Board’s requirements, as contained in the CTRPA/TKPOA 1982 Report, for the Tahoe Keys area so that the subject property will meet the same requirements as imposed on other Tahoe Keys properties.

21. Use only equipment meeting the State Standards for noise emissions during the construction period.

22. Provide CC&Rs establishing an Architectural Review Committee and the rules under which the committee must operate.

23. Provide a plan for protecting cultural artifacts if discovered during construction.

24. Provide appropriate arrangements with the South Tahoe Refuse Company for access and disposal.

25. Integrate the existing overhead power line located on the islet, into the development and provide for undergrounding.

26. Make appropriate arrangements for access of emergency vehicles.

27. Provide details of all commonly owned facilities.

28. Water and space heaters shall have low nitrogen oxide emissions.
FINDINGS OF SIGNIFICANT IMPACT THAT CANNOT BE MITIGATED BY THE COVE EAST PROJECT

Although the transfer of sewer units program and mitigation measures to be applied to the project may incorporate remedies offsetting some of the following impacts, it is anticipated that total mitigation cannot be accomplished.

Water Quality
Although onsite and offsite mitigation is designed to offset the impacts new development and the original fill placed on the marsh, any development on the site will further insure that most of the existing fill will remain in place.

Wildlife
The development will increase the encroachment on the important wildlife habitat of the Truckee Marsh.

Scenic Resources
The development will degrade the scenic quality of the shoreline unit.
Introduction

The Draft Environmental Impact Statement for the Cove East Project was published in September, 1984. The City of South Lake Tahoe required that the document meet the standards of the California Environmental Quality Act (CEQA) and the Tahoe Regional Planning Agency required that the document meet the standards of their own adopted rules and regulations. City/CEQA documents are known as Environmental Impact Reports and TRPA documents are known as Environmental Impact Statements. The draft document is intended to meet both of the above requirements for environmental documentation.

The City/CEQA Draft EIR review period was established by the California State Office of Planning and Research, and began on October 4, and ended on November 19. The Tahoe Regional Planning Agency Draft EIS review period was established by that agency and began on October 24, and ended on December 22, 1984. A separate Final EIR was prepared for the City and was certified by the City Council on January 8, 1984. The City’s Final EIR included comments received by the City
during their review period, and the responses to those comments. The Final EIR is a part of this document.

Written comments were received by TRPA during their review period, and the responses are included; however, the major emphasis of this document is the written comments by the agency staff to which responses are made as though the TRPA was a commenting agency rather than the sponsoring agency.

For the comments and responses section of this Final EIS, some editorial liberties may have been taken; however, the entire written statement received from commentators has been included.

A section discussing the Project Economic Feasibility has been included in this Final EIS.

The responsible agency official for this Environmental Impact Statement is:

Greg George  
Chief, Project Review  
Tahoe Regional Planning Agency  
Post Office Box 8896  
South Lake Tahoe, CA 95731  
Telephone: (916) 541-0246
Show Cause Hearing: Manny Beals, Unauthorized Construction and Signs, Douglas County, APN 03-141-01, 03-142-01 and 03-145-01, TRPA File #83320
Continued from March 1985 Governing Board Meeting

Property Owner: Manny Beals

Violation Description:

1. Unauthorized construction of two (2) wood frame storage sheds on APN 03-141-01 (gas station).
2. Expansion of deck, roof and commercial floor space on APN 03-145-01.
3. Direct discharge of waste water and materials from APN 03-142-01 (Manny's Burgers) to Lincoln Creek.
4. Placement of new, unauthorized signs on the parcels.

Violation Location: Cave Rock, Douglas County, APN's 03-141-01, 03-142-01 and 03-145-01.

Site Description: The three (3) parcels have existing commercial uses. They are each owned by Mr. Beals and include a gas station, a restaurant and a tavern. The parcels are each nonconforming as to use and coverage.

Land Use District: Low Density Residential

Land Capability Classification:

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Violation Analysis: Activities on these properties have come up before Douglas County, the Nevada State Health Division, the Nevada Department of Transportation, Nevada Gaming Commission and this Agency on previous occasions. Little change to the better is evident to date.

The two (2) storage sheds were constructed in 1982. Subsequently a show cause hearing was held on March 24, 1983 at which time the Governing Board directed Mr. Beals to submit an application within 60 days for either:

1. a general plan amendment to reclassify the property so the structures and signs are conforming, or

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4/16/85
2. a finding that the structures and signs are similar and appropriate use to those permitted in an LDR.

An application was submitted on May 12, 1983 for bathroom facilities. Neither the general plan amendment nor the finding of similar and appropriate use were mentioned in that application.

The storage sheds are new commercial structures, which due to the nonconforming nature of the present use, cannot be authorized under Section 9.11 of the Nevada Side Land Use Ordinance. The gas station parcel is also overcovered (approximately 100%). The preliminary injunction does not allow the Agency the flexibility to review new commercial structures. Therefore, Mr. Beals has no alternative but to remove the structures.

The deck, roof and commercial floor space expansion on APN 03-145-01 (formerly the Cave Inn) occurred during June of 1984. The deck was expanded beyond its original dimensions, clearly evidenced by the previous rock-cobble foundation under the deck. The Agency, while attempting with Douglas County to bring the structure into accordance with local building codes, exempted specific work on the structure under the ordinary maintenance and repair section of Ordinance 81-1. The exemption was dated April 16, 1984. The deck was to be only repaired to its existing dimensions at the time. No enlargement or structural alterations were allowed.

The new roof over the deck, and the deck addition itself are structural modifications to the building and due to its nonconforming nature, this is prohibited under the existing ordinances. Mr. Beals asserts that the roof existed prior to its replacement in June, but staff has been able to secure photos taken May 24, 1982 which do not show a roof at that time. The deck is being used as commercial floor space due to the addition of tables and chairs for outside service. Staff has again requested information from Mr. Beals to prove that the deck area was previously used as commercial floor space and to date have not received any. Until the Regional Plan lawsuit is settled and a commercial floor space allocation system is on line, no new commercial floor space is allowed in the Lake Tahoe Basin. The only alternatives available in this situation are restoration of the deck structure to its dimensions prior to the unauthorized work taking place and removal of any outside facilities capable of serving patrons, or providing proof to the Agency that the roof, deck and its use have not changed.

On March 14, 1985, Mr. Beals brought to the Agency structural plans for the roof which he wanted signed off immediately. Staff explained the above reasons why his plans could not be signed off (see attached letter dated April 3, 1985).
The Agency has received numerous reports of employees of the restaurant on assessor's parcel number 03-142-01 cleaning restaurant equipment in the area between it and assessor's parcel number 03-145-01. The reports represent that the material cleaned from equipment is flushed to Highway 50 where it enters a shallow roadside swale and then flows into a drop inlet and across the highway. The waste water and material then enters Lincoln Creek and one hundred and fifty (150) feet later, Lake Tahoe. The mouth of Lincoln Creek is approximately 100 yards from the water intake pipe of the Cave Rock Water Company. Such a direct discharge of waste materials is prohibited by Section 7.31 of the Agency Grading Ordinance. Agency staff members have not witnessed said discharge, but the photos mentioned earlier show evidence of such a discharge.

During a meeting with Mr. Beals on March 1, 1985, he denied cleaning restaurant grills and the like in that area and said that his employees did clean the kitchen floor mats outside the kitchen. Staff feels there is sufficient evidence from witnesses, photos, and Mr. Beals own admission to find that such a discharge has occurred on many occasions. Lincoln Creek is discolored due to heavy growth of an orange algae.

The Douglas County Community Development Department has been working on the signage problem on the property. They have done sign inventories and given Mr. Beals a deadline to comply with the Douglas County sign regulations (the Douglas County sign regulations are stricter than the Agency's). The County is continuing to pursue the signage issue.

As a means of resolving these violations, the Agency sent Mr. Beals a certified letter on February 13, 1985 outlining the violations and the steps needed to clear them. The letter is an addendum to this summary. Mr. Beals did not pick up the certified letter and at the request of the Governing Board, staff hand delivered the letter on March 1, 1985. The letter allowed Mr. Beals thirty (30) days to respond and reach a resolution. The means of resolution is clear, as stated previously, and due to the preliminary injunction, not much flexibility is available.

Staff Recommendation:

1. The Governing Board find that violations of Agency Ordinances exist.

2. The Governing Board direct Mr. Beals to:
   a) Remove the unauthorized storage sheds.
   b) Restore the deck structure to its dimensions prior to the unauthorized work taking place and remove all outside facilities capable of serving patrons.

4/16/85
c) Direct Mr. Beals to cease discharging any waste water and materials from his property (other than via the local sewage system) and require that he provide the Agency with a report detailing his equipment cleaning procedures.

d) Direct Mr. Beals to comply with Douglas County's order to conform to its sign ordinance and provide Douglas County with any assistance required to reach said conformance.

3. The Governing Board require a security in the amount of $5000 within thirty (30) days to insure that the above occurs.

4. The Governing Board direct Mr. Beals to pay a penalty in the amount of $10,000 to the TRPA in lieu of civil litigation.

5. That the Governing Board authorize Agency legal counsel to pursue civil litigation and seek the maximum allowable penalty under Article VI(1) of the Compact for willful violations of Agency Ordinances if the above are not complied with during the time specified or by May 1, 1985.
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731
(916) 541-0246

2155 South Avenue
April 3, 1985

Manford Beals
Cave Rock
Glenbrook, NV 89413

Subject: TRPA Ordinance Violations

Dear Manny:

I want to take this opportunity to clarify the reason the Agency could not accept the plans you brought into our office on March 14, 1985. The plans were for the roof over the front deck of the Gorilla Cabaret (formerly the Cave Inn at APN 03-145-01). The building is nonconforming as to use (it is a commercial building in a Low Density Residential Land Use District) and any structural modifications to it are not allowed under the existing ordinances. Aerial photos taken in 1982 show the Cave Inn without a roof over the deck and clearly show the dimensions of the deck to be to the cobbled foundation and not beyond.

The work which occurred there during the summer of 1984 was unauthorized and under Agency ordinances could not have been approved. My recommendation to the TRPA Governing Board, as stated in the staff summary, will be that you restore the deck structure to its dimensions prior to the unauthorized work taking place and remove all outside facilities capable of serving patrons.

The show cause hearing which was continued from March 27, 1985 will take place on April 25, 1985. The meeting will begin at 9:30 a.m. The agenda is not time certain and therefore I can only guess as to when the matter will come up. At the meeting you will be given an opportunity to show cause why you should not be held in violation of TRPA ordinances. The staff summary will be sent out to you on April 17, 1985. Because we have had substantial difficulty in delivering mail to you, I would suggest that your attorney contact us with his address.

Please contact me if you have any further comments on this matter.

Sincerely,

Steve Chilton
Chief, Enforcement Division

cc: Bob Pruett, Douglas County Commissioner
    Bob Oswald, Douglas County Commissioner
    Richard Skinner, Deputy Attorney General
    Robert Loveberg, Douglas County Planning Dept.
    Jerry Schwartz, Douglas County Building Dept.
    Brent L. Nebe, Nevada State Health Division
    William C. Schneider, Nevada, Bureau of Regulatory Health Service
    John Shorter, State of Nevada Department of Transportation
February 13, 1985

Manford Beals
General Delivery
Glenbrook, NV 89413

Subject: TRPA Ordinance Violations

Dear Mr. Beals:

The Tahoe Regional Planning Agency is currently investigating a number of violations of Agency ordinances occurring on your properties at Cave Rock, Nevada. The Governing Board of the Agency has shown a sincere interest in resolving this matter and Agency staff will make every effort to assist you in clearing up these violations.

Following is a list of violations the Agency is aware of to date:

1. Construction of two wood frame storage sheds on assessor’s parcel number 03-141-01.

2. Expansion of deck, roof and commercial floor space on assessor’s parcel number 03-145-01.

3. Direct discharge of waste water and materials from assessor’s parcel number 03-142-01 during restaurant cleanup operations.

4. Placement of new, unauthorized signs on the parcels.

Resolution of these matters must follow existing Agency ordinances, including the Goals and Policies of the Regional Plan for the Lake Tahoe Basin.

The Preliminary Injunction ordered by the United States District Court for the Eastern District of California and the nature of the violations dictates that creative solutions be found. I have attempted to summarize the situation and the means of resolution as I see them.
The two unauthorized wood frame storage buildings on assessor's parcel number 03-141-01 were built over existing coverage. The argument that they are portable merely allows them to be removed in a more efficient fashion. Application for a permit or removal are the alternatives available in this instance. The incomplete application we have on file refers only to the proposed restrooms. An approval of the two structures is subject to the Agency regulations for nonconforming structures and uses. Specifically, a reduction of nonconforming land coverage on one for one basis, plus a ten percent reduction of the remaining nonconforming land coverage, and installation of Section 208, Federal Water Pollution Control Act improvements.

The deck, roof and commercial floor space expansion on assessor's parcel number 03-145-01 is a more complicated situation. The deck was expanded beyond its original dimensions, clearly evidenced by the previous rock-cobble foundation under the deck. The new roof over the deck, and the deck itself are structural modifications to the building and due to its nonconforming nature, this is prohibited under the existing ordinances. The deck is being used as new commercial floor space due to the addition of tables and chairs for outside service. Until the Regional Plan lawsuit is settled and a commercial floor space allocation system is on line, no new commercial floor space is allowed in the Lake Tahoe Basin. The only alternative available in this situation is restoration of the deck structure to its dimensions prior to the unauthorized work taking place and removal of any outside facilities capable of serving patrons.

The Agency has received numerous reports of employees of the restaurant on assessor's parcel number 03-142-01 cleaning restaurant equipment in the area between it and assessor's parcel number 03-145-01. The reports represent that the material cleaned from grills and other equipment is flushed to Highway 50 where it enters a shallow roadside swale and then flows into a drop inlet and across the highway. The waste water and material then enters a channel and one hundred and fifty feet later, Lake Tahoe. Such a direct discharge of waste materials is prohibited by Section 7.31 of the Agency Grading Ordinance. Agency staff members have not witnessed said discharge and are at this time making you aware that our investigation is continuing into this matter.

Douglas County is continuing to review the signs on your parcels and their conformance with the County sign ordinance. New signs, not replacements of existing signs, have been placed on the property without Agency authorization. All new signs require permits from this Agency. The Federal Court injunction at this time prohibits the Agency from issuing such permits. We will continue to work with Douglas County on resolving the sign issue and will support them in any formal actions they take regarding the signs on your properties.

This letter will serve as thirty days notice that unless a resolution of these matters is reached during that time, that a show cause hearing will be scheduled for the March 1985 TRPA Governing Board meeting. At that time you will be given the opportunity to show cause why you should not be held liable for these violations under the provisions of Article VI, Section I of the Tahoe Regional Planning Compact (PL 96-551, December 19, 1980) which states:
Penalties. (1) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

Contact this office if you require further information on this matter.

Sincerely,

[Signature]

Steve Chilton
Chief, Enforcement Division

cc: Robert Loveberg, Douglas County Planning Dept.
    Jerry Schwartz, Douglas County Building Dept.
    Brent Kolvet, Douglas County District Attorney
    Joseph L. Nebe, Nevada State Health Division
    William C. Schneider, State of Nevada Bureau of Regulatory Health Service
    John A. Shorter Jr., State of Nevada Department of Transportation
    Bob Oswald, Douglas County Commissioner
    Bob Pruett, Douglas County Commissioner
    Richard Skinner, Deputy Attorney General
MEMORANDUM

Date: April 17, 1985

To: TRPA Governing Board

From: Agency Staff

Subject: Rocky Point, Appeal of Staff Finding of Incomplete Application, Washoe County, TRPA File #82202

Applicant: Paul Ferrari

Applicant's Request: On November 8, 1984, Tahoe Regional Planning Agency staff received a letter from the applicant's attorney, Stephen C. Mollath, requesting a determination by the Governing Board as to whether or not the subject application is complete. The letter states that the request was being made in order for the applicant to exhaust his administrative remedies in this matter.

Chronology of Events:

October 27, 1982 Governing Board rejected application to make subdivision improvements to Tunnel Creek Road by failing to find that road bed qualified for recognition as "man-modified." Left in effect prohibitions on grading, removing vegetation, clearing, and the creation of land coverage in high hazard lands. The staff summary and recommendation that was presented at the October, 1982 Governing Board meeting is attached to this memo. Governing Board waived filing fee if applicant decided to submit a modified application.

November 5, 1982 Meeting with Phil Overeynder, Paul Ferrari, and Steve Mollath. Agreed to prepare focused EIS in accordance with Rules and Regulations for modified plan. Discussed possibility of John Munn and Dr. Skau preparing EIS as independent third party consultants.

November 18, 1982 Greg George contacted John Munn. Mr. Munn indicated he would not participate in preparation of EIS, possible conflict.
January 10, 1983 Letter from Stephen Mollath indicating that modified plans and land coverage figures were enclosed, but neither actually were enclosed. Amended single family application reducing the number of units from 7 to 4. Modified application was submitted under Section 9.21 Land Use Ordinance. Proposed road width reduced to 16' and 12'.

February 8, 1983 Letter from Phil Overeynder, stating need for Administrative Permit from Washoe County approving reduced road widths and approval from Fire District. Restates agreement to prepare EIS. Not complete without Administrative Permit from Washoe County. EIS must be prepared in accordance with Rules and Regulations. Minimum of three consultants must receive "Scope of Work." Asked for authorization to prepare "Scope of Work."

February 24, 1983 Letter from Phil Overeynder (copy enclosed) restating agreement to have EIS prepared as outlined in February 8, 1983 letter. Enclosed copy of Rules and Regulations. Agrees to have Dr. Skau and John Munn prepare draft "Scope of Work." Restates requirement for Administrative Permit from Washoe County and lack of new land coverage figures. Land coverage figures necessary to verify compliance with Section 9.21(3).

March 16, 1983 Letter from Stephen Mollath (copy enclosed) stating that Paul Ferrari agrees that EIS will be prepared in accordance with Phil Overeynder's February 24, 1983 letter and he has authorized Skau and Munn to prepare draft "Scope of Work." Request project be on May Governing Board agenda along with EIS prepared by Skau and Munn. Coverage figures to be in EIS and will have Administrative Permit issued by Washoe County.

March 22, 1983 Letter from Greg George restating that once "Scope of Work" is established, must be sent to at least 3 consultants for proposals. Establishes preliminary schedule indicating that due to time necessary to prepare and circulate EIS, project not able to go to Governing Board until September, 1983. Stresses importance of receiving land coverage figures and Administrative Permit.

May 3, 1983 Letter from Stephen Mollath confirming fact that Skau and Munn will prepare both "Scope of Work" and draft EIS.

May 9, 1983 Letter from Stephen Mollath outlining his understanding that both "Scope of Work" and focused EIS will be prepared by Skau and Munn. Administrative Permit not yet obtained but will be. Land coverage figures will be included in EIS. No necessity to have APC review EIS. Application awaits only completion of EIS. Will submit draft EIS before July 1, 1983, request to be on September Governing Board agenda.

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May 10, 1983 Letter from Greg George again restating that Skau and Munn can prepare only the draft "Scope of Work", not draft EIS. TRPA Rules and Regulations require that "Scope of Work", be sent to at least three qualified consultants. That Agency staff will not agree to have Dr. Skau prepare EIS due to past involvement with project. Draft "Scope of Work" not yet received so preliminary schedule must be extended by one month. "Scope of Work" will not be sent out for bids until coverage figures and Administrative Permit are received.

May 17, 1983 In telephone conversation, John Munn indicated to Greg George that he would not have time to participate in preparation of EIS and that he thought it may be in conflict with his other responsibilities to the Agency.

July 12, 1983 Received "Draft Scope of Work" prepared by Skau and Munn.

August 18, 1983 Letter from Greg George stating that with underlined changes, "Draft Scope of Work" is accepted. Provided list of qualified consultants and asked Mr. Mollath to choose those he wanted to receive "Draft Scope of Work." Identifies problem that all case-by-case applications must be processed by November 18, 1983 and based on preliminary schedule, project can not go before Governing Board until December 28, 1983.

March 2, 1984 Letter from Stephen Mollath to Gary Owen, transmitting two copies of "Focused EIS" prepared by Dr. Skau only. Request to be on Governing Board agenda.

March 13, 1984 Letter from Gary Middick rejecting and returning EIS documents because not prepared in accordance with TRPA Rules and Regulations. Reiterating numerous letters establishing process and procedure that must be followed in preparing an EIS. Again indicated that application could not be deemed complete until land coverage figures and improvement plans are received showing 65' diameter turnaround as required by Fire District.

March 19, 1984 Letter from Stephen Mollath to Gary Owen contending that Phil Overeynder agreed that "since an EIS was not required under TRPA regulations for the Ferrari application that Dr. Skau could prepare the EIS." Setting forth arguments why project is exempt from requirement for preparation of EIS. Contends application is complete and request scheduling before Governing Board.

March 23, 1984 Letters from Gary Owen to Phil Overeynder and John Munn asking for their understanding of circumstances and verbal agreements.

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March 24, 1984 Letter from John Munn stating that it was his understanding at all times that his participation was to be limited to preparation of the "Scope of Work." Restates his concerns that his participation in preparation of an EIS may have been in conflict with his other responsibility to the Agency in 1983-84.

June 18, 1984 Letter from Phil Overeynder stating that he initially did discuss with Stephen Mollath the possibility of having Dr. Skau and John Munn prepare EIS but never authorized them to prepare document because it would be contrary to Rules & Regulations. If Dr. Skau and John Munn had been determined to be most qualified after a minimum of three consultants submitted proposals they could have prepared document under contract with Agency.

October 29, 1984 Letter from Stephen Mollath requesting hearing before Governing Board to determine if application is complete.

Staff Recommendation: This matter was heard by the Advisory Planning Commission on April 10, 1985 at which time staff recommended that the APC find that the subject application, proposing to make subdivision improvements to Tunnel Creek Road, is incomplete for the following reasons:

1. The Executive Director, as provided for under Section 6.3 of the TRPA Rules and Regulations, determined that an EIS was required for the project. An EIS was not prepared for the project in accordance with TRPA Rules and Regulations. Where a determination has been made that an EIS is required for a project, Section 5.2 of the TRPA Rules and Regulations requires submittal of either the draft or final EIS to make the application complete.

2. The following information was not received by the Agency, although Agency staff notified the applicant in writing that said information was required to make the application complete in accordance with Section 5.2 of the TRPA Rules and Regulations:
   a. Administrative Permit from Washoe County approving the reduced road widths;
   b. Land coverage figures identifying proposed land coverages;
   c. Information from the Fire District indicating their acceptance of the reduced road widths and cul-du-sac design; and
   d. Improvement drawings showing the revised road alignment and cul-du-sac.
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Applicant's Response to Staff Recommendation:

In response to the staff recommendation to APC, the applicant submitted the following information at the APC meeting with respect to each item listed in the staff recommendation. Following each item is the staff's comment.

Applicant:

1. A copy of a letter (copy enclosed) from Paul A. Ferrari to John Munn indicating payment of $653.00 to John Munn for his services with respect to preparation of the focused EIS. Based on this information, the applicant contended that John Munn did assist Dr. Skau in preparing the EIS which was submitted to the Agency on March 2, 1984.

Staff Comment:

1. The Agency received a letter dated March 24, 1984 from John Munn (copy enclosed) in which he establishes, specifically in the second to last paragraph, his lack of any involvement in preparation of the EIS submitted by the applicant. The applicant's payment of $653.00 was for John Munn's services in preparation of the draft scope-of-work.

Applicant:

2a. A copy of a letter (copy enclosed) from Washoe County, dated September 27, 1984, granting a 1 year extension to terminate 1 year from the date of final adoption of the TRPA general plan and amending ordinances, of Variance Case No. V8-65-83. As stated in this letter, the variance reduced the required front yard setbacks from 30 feet to 15 feet in the construction of 4 single family residences, and waived the road width for Tunnel Creek Road from 20 feet to 16½ feet in a First Estates (Z-1) zone on Lots 2 through 8, Block D of the Rocky Point Subdivision. Based on this information, the applicant contended that the necessary administrative permit had been issued by Washoe County.

Staff Comment:

2a. The letter from Washoe County indicates that the variance extended in 1984 further waived the road width for Tunnel Creek Road from 20 feet, which was granted in December, 1981, to 16½ feet in the upper section or along that area fronting Lots 2 through 8, Block D of the Rocky Point Subdivision. The Agency has not received information verifying Washoe County's approval of the reduced road widths proposed in the

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January 10, 1983 letter from Stephen Mollath (copy enclosed). In this letter, Mr. Mollath indicates that the revised application proposes a 16 foot wide roadway in the lower section of Tunnel Creek Road and a 12 foot wide or variable roadway in the upper section. The modified plans submitted at the April, 1985 APC meeting actually propose a 14 foot wide section of roadway in the lower section. It would appear that the latest variance granted by Washoe County still requires a 20 foot wide roadway in the lower section and a 16 foot wide roadway in the upper section of Tunnel Creek Road.

Applicant:

2b. A reduced copy of construction drawings for the proposed improvements to Tunnel Creek Road containing land coverage figures and showing proposed road widths varying from 16 feet to 12 feet. The applicant contended that these plans had been submitted to the Agency and provided the land coverage figures necessary to determine compliance with Section 9.21 of the Land Use Ordinance.

Staff Comment:

2b. There is no indication that the Agency ever received the construction drawings submitted at the April, 1985 APC meeting. In fact, neither the modified plans or land coverage figures were submitted with Mr. Mollath's letter dated January 10, 1983, although the letter states that both were enclosed. The fact that modified plans or land coverage figures were not received is substantiated by Philip Overeynder's letter to Mr. Mollath, dated February 8, 1983 (copy enclosed). The fact that the land coverage figures were not submitted is further substantiated by Mr. Mollath's March 16, 1983 letter to Philip Overeynder in which he states that "the land coverage figures will be forwarded to you by Dr. Skau and most probably will be included in the EIS report."

Applicant:

2c. A copy of a letter (copy enclosed) to Paul Ferrari dated April 25, 1983 from Loren Enstad, Fire Chief, North Lake Tahoe Fire Protection District, indicating that reduced road width to 16½ feet may be approved in lieu of 9 fire protection systems set forth in the letter. Based on this information, the applicant contended that approval of the reduced road widths had been obtained from the Fire District.

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Staff Comment:

2c. Agency staff did receive a copy of the letter from Loren Enstad, Fire Chief, North Lake Tahoe Fire Protection District but determined it was inconsistent with the modified plans. In his letter, Mr. Enstad indicated that reduced road width to 16' feet may be approved, whereas the modified plans proposed reducing road widths in some area to 12 feet. The Agency never received an indication that the proposed 12 foot road widths could be approved by Washoe County or the Fire District.

Applicant:

2d. The applicant contended that the Agency had received the plans referred to in 2b., and that these plans adequately depicted the revised road alignment and cul-du-sac.

Staff Comment:

2d. The Agency did not receive the modified plans for the proposed subdivision improvements to Tunnel Creek Road until the April, 1984 APC meeting.

APC Action: The Advisory Planning Commission heard this appeal on April 10, 1985, at which time the following action was taken:

MOTION by Ms. Temple to find that the application is not complete with, perhaps, a provision and recommendation from staff on procedurally how the applicant can either have his EIS certified, that the consultant that prepared the document prepared it so it was nonbiased and the Agency can proceed to review it at a different stage on its own merits. The APC today has to find that it is not complete because of the way the EIS was prepared. Second by Ms. McMorris. The motion carried on the following vote:

Ayes: Ms. Temple, Mr. Loveberg, Ms. Jamin, Mr. Ryerson, Mr. Hoefer, Ms. Becker, Mr. James, Mr. Rosse, Mr. Pyle, Ms. McMorris, Mr. Popoff, Mr. Harper, Mr. Combs

Nays: Mr. Hansen

Abstain: Mr. Curtis

Absent: Mr. Hoole, Ms. Adams, Mr. Murphy, Mr. McMullen

Staff Recommendation: Based on the information contained in this memorandum, Agency staff recommends that the Governing Board find that the subject application, proposing to make subdivision improvements to Tunnel Creek Road, is incomplete for the following reasons:

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1. The Executive Director, as provided for under Section 6.3 of the TRPA Rules and Regulations, determined that an EIS was required for the project. An EIS was not prepared for the project in accordance with TRPA Rules and Regulations. Where a determination has been made that an EIS is required for a project, Section 5.2 of the TRPA Rules and Regulations requires submittal of either the draft or final EIS to make the application complete. It is important to note that the Draft EIS prepared by Dr. Skau was submitted on March 2, 1984, approximately 4 months after the deadline for processing case-by-case applications.

2. The following information was not received by the Agency, although Agency staff notified the applicant in writing that said information was required to make the application complete in accordance with Section 5.2 of the TRPA Rules and Regulations:
   a. An Administrative Permit issued by Washoe County approving reduced road widths to 12 feet in the upper section and 14 feet in the lower section of Tunnel Creek Road.
   b. Land coverage figures identifying proposed land coverage in compliance with Section 9.21 of the Land Use Ordinance.
   c. Information from the Fire District indicating their approval of the reduced road widths to 12 feet in the upper section and 14 feet in the lower section of Tunnel Creek Road.
   d. Improvement drawings showing the proposed road alignment and road widths.

Staff Comment:

If the subject application proposing subdivision improvements in Tunnel Creek Road is determined to be complete, it could be the basis to argue that the case-by-case application to construct 4 new single family dwellings on lots located adjacent to Tunnel Creek Road is one of the pending case-by-case applications given special consideration in the proposed settlement framework developed for the California Attorney General and League to Save Lake Tahoe vs. TRPA lawsuit. The proposed improvements to Tunnel Creek Road were necessary to qualify the 4 residential lots for case-by-case review.
February 24, 1983

Mr. Stephen C. Mollath
Security Bank of Nevada Building
One East Liberty Street, Suite 412
Reno, Nevada 89501

Subject: Environmental Impact Statement (EIS), Rocky Point Subdivision,
Tunnel Creek Road Improvements, Replacement of Non-conforming
Land Coverage, 4 Single Family Dwellings, TRPA File #82202

Dear Steve:

This letter is in response to our most recent conversations regarding the
subject project, and as a means to clarify previous discussions regarding the
development of an EIS. It is my understanding that you will agree to have a
focused EIS prepared for the project as outlined in my February 8, 1983 letter
to you, provided Agency staff agrees to support the conclusions reached in the
document. Provided the EIS is prepared in accord with the TRPA Rules and
Regulations, this stipulation is acceptable to me.

Enclosed for your review are copies of those sections of the TRPA Rules and
Regulations that set forth the procedure for preparation of an EIS. It appears
that the next step is to determine the "scope of work for the EIS. I suggest
that we engage the services of Dr. Clarence Skau and John Munn to prepare a
draft "scope of work". Once the draft "scope of work" is prepared it will be
reviewed by my staff and the applicant's representations for purposes of
finalizing a "scope of work" that is agreeable to both parties. From this
point, preparation of the EIS will follow the steps set forth in the TRPA Rules
and Regulations.

The fees charged by Dr. Skau and John Munn to prepare the "scope of work" will
have to be paid by the applicant.

Please indicate if this procedure is an acceptable way to proceed and so
indicate if there are any additions necessary to clarify our understanding.
Mr. Stephen C. Mollath  
RE: Environmental Impact Statement (EIS)  
February 24, 1983  
Page 2

I would also suggest that before we get too far into the preparation of the EIS that the administrative permit I discussed in my February 8th letter be obtained from Washoe County so we are certain the document is being prepared for a project that meets local regulations. We are lacking the land coverage figures that were not included with your January 10, 1983 letter, in order to verify compliance with Section 9.21(3) of the Nevada Side Land Use Ordinance.

If you have any questions please feel free to contact me.

Sincerely,

[Signature]

Philip A. Overeynder

PAO:md

Enclosure

cc: John Munn  
Brent Carithers, Washoe County Building Department, Reno  
Gary A. Owen, TRPA Legal Counsel
March 16, 1983

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

RE: Environmental Impact Statement (EIS), Rocky Point Subdivision, Tunnel Creek Road Improvements, Replacement of Non-conforming Land Coverage, 4 Single Family Dwellings, TRPA File #82202

Dear Phil:

I am in receipt of your letter of February 24, 1983. Paul Ferrari is in agreement with the terms as set forth in that letter and we have directed Dr. Clarence Skau in conjunction with John Munn to prepare a draft "scope of work" for your staff's review.

It is our understanding that the project as a whole will be on the agenda in May before the governing board basically as purposed in my January 10, 1983 submission to you along with the limited scope EIS prepared by Dr. 's Skau and Munn.

The land coverage figures will be forwarded to you by Dr. Skau and most probably will be included in the EIS report. In regard to the Administrative Permit referred to by Washoe County, we are presently in contact with the North Lake Tahoe Fire Protection District and will obtain the necessary documents that pertain to our project and have the Administrative Permit issued in that regard.

If you have any further questions concerning this matter, please feel free to contact me.

Sincerely yours,

STEPHEN C. MOLLATH, P.C.

By Stephen C. Mollath

RECEIVED
BY
MAR 17 1983

TAHOE REGIONAL PLANNING AGENCY
November 23, 1983

John R. Munn, Jr.
Soil Scientist
2811 Almeria Street
Davis, Ca. 95616

Subject: Rocky Point focused E.I.S. scope of work.

Dear John,

I received your letter of November 13, 1983. This was the first time I have seen your August 31, 1983 invoice for $653.00. I am sorry for the delay in payment, but I had not received your invoice prior to November 13.

I appreciate the work you did on the Rocky Point focused E.I.S. Dr. Skau is finishing the text of the document. I believe that the character of our lots, plus the enviromental safeguards intigated into their proposed development, combined with the positive aspects of our erosion control work on the existing problem areas of Tunnel Creek Road will provide a benign, if not positive result for Lake Tahoe.

Enclosed with this letter is a check for your entire services, $653.00, along with my thanks. If you need to contact me for any reason, either write, or call collect.

Sincerely,

Paul A. Ferrari, P.E.

cc: C.M. Skau, PhD.
September 27, 1984

Mr. Paul Ferrari
1255 Manor Drive
Reno, NV  89509

Dear Mr. Ferrari:

I, Judi Bailey, County Clerk and Clerk of the Board of County Commissioners, Washoe County, Nevada, do hereby certify that at a regular meeting of the Board held on September 25, 1984, Chairman Williams issued the following order:

84-1138  VARIANCE CASE NO. V8-65-83 - PAUL FERRARI - EXTENSION

Upon recommendation of the Board of Adjustment, on motion by Commissioner McDowell, seconded by Commissioner King, which motion duly carried, it was ordered that a one-year extension, to terminate one year from the date of final adoption of the TRPA general plan and amending ordinances, of Variance Case No. V8-65-83 be granted to Paul Ferrari to reduce the required front-yard setbacks from 30' to 15' in the construction of four single family residences, and to waive the road width (Tunnel Creek Road) from 20' to +16' in an E-1 (First Estates) zone on Lots 2 through 8, Block D, Rocky Point Subdivision amended, being Tunnel Creek Road (5th Street), Lake Tahoe, Washoe County, Nevada, subject to the original conditions.

Very truly yours,

JUDI BAILEY, County Clerk
and Clerk of the Board of County Commissioners, Washoe County, Nevada

fp
cc:  Engineer; Planning; Public Works; Building; Health;
     Incline Village/Crystal Bay Advisory Board, P.O. Box 7896,
     Incline Village, Nevada  89450;
     Tahoe Regional Planning Agency, P.O. Box 8896, South Lake
     Tahoe, California  95731
     Incline Village General Improvement District, P.O. Drawer P,
     Incline Village, Nevada  89450
     North Lake Tahoe Fire Protection District, P.O. Box 385,
     Crystal Bay, Nevada  89402
April 25, 1983

Paul Ferrari  
Ferrari and Howard  
1000 Bible Way #77  
Reno, Nevada 89502

Re: Rocky Point

Dear Mr. Ferrari,

Per reviewing your plans for the above referenced project, I have the following comments.

Reduce width to 16'4" as per UFC 13.208 (d). It may be approved in lieu of the following fire protection systems:

a. Establish a better water supply than is anticipated from the existing 6" main minimum of 1000 GPM.

b. Fire sprinkler system-manual and automatic-with flow monitoring.

c. One hour construction through out.

d. Standpipe system.

e. Sprinkler system beneath the lowest story of the structure to water vegetation and provide fire suppression.

f. Full 65' paved turn-around.

g. Location of standpipe and sprinkler connections per Fire Dept. approval.

h. Roadway to be designated as "Fire Lane-No Parking" responsibility of enforcement to be that of the homeowner association.

i. Complex to be monitored by remote receiving station (24 hrs)

Thank you for your attention to this matter.

Very truly yours,

Loren E. Enstad  
Fire Chief
March 24, 1984

Shaw, Heaton, Doescher & Owen
Attn: Gary Owen
P.O. Box 605
Carson City, Nevada  89702

Subject: Rocky Point Scope of Work and EIS

Dear Gary:

I became involved in the preparation of the Rocky Point environmental impact statement (EIS) scope-of-work at the request of the TRPA staff. It was my initial understanding that the applicant wanted to proceed with the EIS, but the TRPA did not have adequate staff time to prepare a scope-of-work. As a compromise, I was asked to be the Agency's representative in the preparation of the scope-of-work. It was my understanding at all times that my participation was to be limited to preparation of the scope-of-work.

I recognized the potential conflict between my participation in the scope-of-work preparation and the likelihood that the agency would request that I review the final EIS in their behalf. I verbally expressed these reservations to Greg George and he responded that my participation in the scope-of-work was a necessary part of the Agency's agreement with the applicant and that the Agency would take my concerns into account when requesting reviews of the EIS. Unfortunately, I can't recall the exact date of this conversation, and it is not specifically noted in my work log. The most likely dates would be February 23, 1983, while I was in South Lake Tahoe to attend the TRPA Governing Board meeting; or March 21, 1983, during a phone conversation with Greg after returning a call from the applicant's consultant, Dr. Clarance Skau.

On Tuesday, April 26, 1983, I went to the TRPA offices in South Lake Tahoe for a meeting with Dr. Skau to begin drafting the Scope-of-work. I met with Greg George from about 10:30 to 11:00 AM to discuss the requirements of the scope-of-work and how it tied into preparation of the EIS. Greg stated very clearly at this time that the EIS was to be prepared by an independent contractor and that my involvement was limited to the scope-of-work. I subsequently discussed these issues with Dr. Skau during our meeting that afternoon.

After receiving a copy of Stephen Mollath's letter dated May 9, 1983, which stated that I was to help prepare both the scope-of-work and the EIS, I called Greg George to let him know that I had never consented to work on the EIS and that, even if the agency wanted me to help with the EIS, my schedule wouldn't allow it. I don't charge the TRPA for the time involved in brief phone calls. So, once again, this conversation isn't specifically listed in my work log. The most likely date is May 16, 1984, at which time my phone records show a call to the TRPA offices.
I have not checked every word in the scope-of-work included in the EIS submitted by the applicant, but it appears to be an exact copy of the second draft that I prepared and sent to both the Agency and Dr. Skau on July 11, 1983. The second draft scope-of-work was my final input to the Rocky Point project. Copies of this document and the cover memos that I sent with it are enclosed.

The scope-of-work section is my only contribution to the preparation of the EIS that you sent me, unless you count sections that are reproduced from previous Land Capability Review Team reports about the Rocky Point project area. My only contact with Dr. Skau since I sent him the second draft scope-of-work was to ask him for an address, and I had not seen the EIS document before I took it out of your envelope.

I hope this answers your questions about the extent of my involvement in preparation of the Rocky Point scope-of-work and EIS.

Yours truly,

[Signature]

John R. Munn, Jr.
Soil Scientist
January 10, 1983

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

RE: ROCKY POINT SUBDIVISION/FERRARI

Dear Phil:

Pursuant to our meeting of Friday, November 5, 1982 and the TRPA Board Hearing of October 27, 1982, the following is my understanding of how we are going to process the Ferrari application for the Tunnel Creek Road improvements and the case by case review application.

1. Enclosed herewith you will find the modified plans for the improvement of Tunnel Creek Road. These modified plans will be considered the new application as referred to in Greg George's November 1, 1982 letter and incorporates all the information forwarded to you in our previous application #82202. The modified plans describe a 16' roadway in the lower section of Tunnel Creek Road and a 12' or variable roadway for the upper section of Tunnel Creek Road, together with necessary fire, utility and erosion control improvements described by Dr. Skau.

2. The modified application will be processed by your agency under Section 9.21 which allows replacement of existing impervious surface of a 16' roadway on the lower section of Tunnel Creek Road and a 12' or variable roadway on the upper section of Tunnel Creek Road.

3. The case by case review application of Ferrari will be amended to request four sites rather than seven calling for two homes in the south portion of Block D and two homes in the North portion of Block D. The lots Ferrari owns in Block E will be dedicated to open space. Ferrari is desirous of having the four applications for case by case ready for submittal to the Governing Board at or before the May, 1983 agenda.
4. We would further request that the modified permit application on the Tunnel Creek Road improvements be submitted to the Board at their February meeting. This would be solely a Section 9.21 application for a 16' roadway in the lower section of Tunnel Creek Road and a 12' or variable roadway on the upper section of Tunnel Creek Road. Section 12.63 or 8.25 determinations will not be presented since this modified application deals only with Section 9.21. The figures of land coverage are as follows:

5. Once the Board approves the modified permit application for the Tunnel Creek Road improvements under Section 9.21 we will then proceed with a case by case environmental report and the design of Tunnel Creek Road under the Section 9.21 permit.

If you have any further questions concerning the above matter, please do not hesitate to contact me.

Sincerely yours,

STEPHEN C. MOLLATH, P.C.

By
Stephen Q. Mollath

SCM:mj
Enclosure
February 8, 1983

Stephen C. Mollath
Security Bank of Nevada Building
One East Liberty Street, Suite 412
Reno, Nevada 89501

Subject: Rocky Point Subdivision, Tunnel Creek Road Improvements, Replacement of Nonconforming Land Coverage Section 9.21, Nevada Side Land Use Ordinance, TRPA File #82202

Dear Steve:

This letter is in response to your letter dated January 10, 1983 in which you set forth our understanding on processing an application for improvements to Tunnel Creek Road. I would offer the following additions which more fully reflect our discussions.

In subparagraph #1 you refer to a set of modified plans depicting a 16' wide roadway in the lower portion of Tunnel Creek Road and a 12' wide or variable roadway for the upper portion. In the past, since the requirements of the fire district have been of critical concern, their approval of these revised plans should be obtained early on. Approval by the fire district can be obtained through the process of Washoe County issuing an administrative permit as required under Section 7.12(21) and (23) of the Nevada Side Land Use Ordinance for the revised road construction and underground utilities. The administrative permit must be received before the application can be deemed complete.

In subparagraph #2 you state that Section 9.21 allows replacement of existing impervious surface to the widths necessary to construct the proposed road improvements. As part of the normal review process Agency staff will need the opportunity to verify that all road construction is to take place on surfaces that can be recognized as existing impervious surface.

As agreed at our November 5, 1982 meeting, in order to adequately assess the impacts of the proposed road construction and associated single family dwellings, a focused EIS will need to be prepared for the project. The primary purpose of the EIS will be to determine if the project will result in any significant adverse impacts that cannot be mitigated and, secondly, to determine if the project, as a whole, will have a net benefit on the environment. The EIS
Stephen C. Mollath  
RE: Rocky Point Subdivision, Tunnel Creek Road Improvements  
February 8, 1983  
Page 2  

will be prepared in accordance with the TRPA Rules and Regulations, which require as the next step the preparation of a "scope of work." Once we have agreed on a "scope of work" it will be sent to a minimum of three consultants that have been determined to have the expertise necessary to prepare the EIS. As you probably remember, our efforts to have John Munn and Dr. Skau prepare the EIS jointly were not successful. The application cannot be deemed complete until the draft EIS has been prepared.

Since the land coverage figures for the modified proposal were not included in your letter, as indicated in subparagraph #4, Agency staff cannot verify compliance with finding #2 under Section 9.21(3)(c). Please provide these figures as soon as possible.

Please submit to Agency staff the information requested above (not including the draft EIS) and written authorization for staff to develop a "scope of work" for preparation of a focused EIS. We will develop a "scope of work" after you have agreed to have a focused EIS prepared. Once the required information is submitted, including authorization to prepare a "scope of work" and staff has determined that the application is complete, a more detailed review of the project, including field review, will be performed. Completion of this detailed review may result in the identification of other issues or the need for additional information.

Considering the procedure as outlined in this letter for processing the subject application, it is not possible to schedule the project for Governing Board consideration in February as you requested.

If you have any questions, please contact Greg George, Chief of Project Review.

Sincerely,

Philip A. Overeynder  
Executive Director

PAO:md

cc: Gary A. Owen, TRPA Legal Counsel  
    Brent Carithers, Washoe County Building Department, Reno, Nevada
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Rocky Point Subdivision/Ferrari, Man-Modified Area,
Tunnel Creek Road Improvements, Washoe County,
TRPA File #82202

Applicant: Paul Ferrari

Project Description: The applicant is requesting a permit to construct a
20-foot wide, paved roadway surface along the existing bench area of Tunnel
Creek Road. The applicant is also proposing to construct drainage and erosion
control improvements in order to have that portion of the Rocky Point Subdivision
consisting of the lots located below and adjacent to the road classified as
"adequate" under Section 12.00 of Ordinance 81-5. Such a classification would
allow the Agency to process 7 pending applications for single family dwellings
on these lots under the case-by-case review procedures.

Since the subject property is classified as high hazard land capability, level
1a, the proposed road improvements cannot be approved by the Agency unless the
application for such improvements falls under one of the exceptions to the
prohibitions set forth under Section 12.60 of TRPA Ordinance 81-5. This section
prohibits any grading, clearing, removal of vegetation, filling or creation of
land coverage upon land within land capability districts 1a, 1c, 2 and 3.

The applicant is requesting classification of the bench area of Tunnel Creek
Road (92,300 sq. ft.) as man-modified, land capability class 5, in order to fall
under the exception to the above-stated prohibitions set forth for man-modified
areas under Section 12.63 of Ordinance 81-5. Then, because the proposed road
requires 46,400 sq. ft. of land coverage and the permitted coverage in the area
proposed to be recognized as man-modified is only 23,075 sq. ft., the applicant
is requesting that the compacted main traveled way (37,387 sq. ft.) and the
compacted appurtenant traveled way (18,260 sq. ft.) be recognized as existing
land coverage. The applicant then proposes to replace this existing land
coverage under the provisions of Section 9.21(3) of the Nevada Side Land Use
Ordinance.

As an alternative, if the areas proposed by the applicant are not recognized as
existing land coverage or do not meet the requirements for replacement, the
applicant requests that the additional land coverage be authorized based on a
finding that Tunnel Creek is a "local road" under Section 8.25(4) of the Nevada
Side Land Use Ordinance.

Road Improvements - To provide adequate vehicular access and utility
services to the lower lots along Tunnel Creek Road, the applicant proposes
to construct a 20-foot wide paved road and to install a 6-inch diameter
domestic water main and 6-inch diameter sewer line along the present
alignment of Tunnel Creek Road (see typical section). These improvements
will extend from the point where Tunnel Creek Road intersects Farrin Road to
the southerly boundary of the subdivision, a total distance of 2,255 feet.
Including the proposed drainage and slope stabilization structures, the
total width of the area disturbed during construction will be in excess of

GG:jf
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30 feet. To provide an adequate turn-around area, a 65-foot diameter cul de sac is to be constructed 220 feet from the southerly end of the proposed road improvements. The improvement plans indicate that a 2- to 3-foot high "crib wall" will be constructed as needed to support the turn-around. The present width of the bench at this location is approximately 45 feet.

The Washoe County Commissioners granted a variance to the applicant on December 22, 1981 allowing Tunnel Creek Road to serve as access to the lot in the Rocky Point Subdivision, provided the road is improved to a minimum width of 20 feet.

Man-Modified - Based on an analysis of the land capability characteristics of the bench area in a March 3, 1982 report prepared for the applicant by Dr. Clarence M. Skau and Dr. Elwood Miller, Dr. Skau recommends that the existing bench area of Tunnel Creek Road be classified as man-modified and recognized as a land capability class 5, permitting 25% land coverage. The specific area that Dr. Skau recommends be classified as man-modified is the area between the toe of the existing cut slope and the top of the existing fill slope. This area is 2,255 feet in length and is a total of 92,300 square feet in area.

Existing Land Coverage - Based on a report prepared by Pezonella Associates, Inc., which identifies areas of Tunnel Creek Road where the relative soil compaction is 85 to 95%, the applicant is requesting that generally the center portion of the bench area (the main traveled way) be recognized as existing land coverage. The applicant's consultant, Dr. Skau, has delineated the area that in his opinion is existing land coverage. This delineation is based on Dr. Skau's determination that the "area closely conforms to areas with wheel tracks, lack of vegetation, highly compacted soil, etc." The area delineated by Dr. Skau extends from the southerly boundary of the Rocky Point Subdivision to a point adjacent to the Ponderosa Ranch where the existing paved portion of Tunnel Creek Road terminates. Dr. Skau estimates that, excluding some areas between the wheel tracks that contain vegetation, there is 37,387 square feet of existing land coverage on the bench area of Tunnel Creek Road.

In addition, the applicant has identified areas adjacent to the main traveled way that, again based on relative compaction, in his opinion are existing land coverage. These areas are north of the subdivision boundary and are a combined area of 18,260 sq. ft.

Local Road - If Tunnel Creek Road is classified as a "local road" under Section 8.25(4), the total amount of land coverage proposed (46,400 sq. ft.) could be excluded from the land coverage calculations because, as required under Section 8.25(4), the road will not exceed 20 feet in width and the property is classified General Forest.

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Project Location: The Rocky Point Subdivision is located adjacent to State Highway 28, approximately 1/2 mile south of the Ponderosa Ranch (see Attachment A). The subdivision is located on a west-facing slope of the Carson Range and is within 500 feet of Lake Tahoe. Tunnel Creek Road begins just north of the intersection of State Highway 28 and Lakeshore Boulevard and corresponds to Fifth Street in the subdivision (see Attachment B).

Site Description: A report prepared by the TRPA Land Capability Review Team (copy attached) contains detached descriptions of geomorphology, soils, hydrology, vegetation and existing road conditions on pages 1-9. The following is a summary of the team’s findings:

Geomorphology - The Rocky Point area is composed of massive granitic rock that is overlain by a mantle of grus. The area consists of steep to extremely steep mountain side slopes that have been carved by stream erosion into an intricate pattern of V-shaped canyons and intermittent drainage channels. The slopes in the subdivision area are moderately steep (20-40%) at the proposed construction sites and steeper both above Tunnel Creek Road and adjacent to Highway 28. There is an area less than 3 acres in size within and contiguous to the subdivision where slopes are 20 to 30%.

Soils - Soils typical of the Cagwin series and associated deeper soil cover most of the Rocky Point Subdivision below Tunnel Creek Road and extend north and south beyond the subdivision boundaries.

Hydrology - Within the vicinity of the subdivision, the topography presently lacks well defined surface drainage channels. The coarse textured soils which cover the site probably produce little surface runoff due to their high permeability and substantial depth. Other factors influencing this low runoff characteristic are the uniformly thick shrub cover and the absence of significantly disturbed areas within the site boundaries.

Currently, only a small percentage of the area is man-modified. A portion of the segment of Tunnel Creek Road which traverses the site at its upper boundary has undergone significant compaction due to intermittent vehicular traffic. However, the portion of roadway that is significantly compacted is limited to a fairly well defined set of tire tracks. The road’s undulating surface, as well as the presence of roadside vegetation, reduces the potential for generation of concentrated surface runoff downslope or off-site.

Vegetation - The dominant vegetation in the Rocky Point area is a dense cover of brush and a second growth stand of Jeffrey pine with a few large, older Jeffrey pines present. The unforested and partially forested portions of the parcel are covered by a nearly continuous stand of brush that is dominated by greenleaf manzanita. Along Tunnel Creek Road, the brush has invaded the base of the cut bank, the roadbed at the margin of the fill, the lower half of fill slope and, to a lesser degree, the road surface between the tire tracks.

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Existing Road Conditions - Four randomly selected road width transects were measured on the Rocky Point Subdivision site by Review Team members during the field inspection of June 22, 1982. These measurements provide the following average road width dimensions:

<table>
<thead>
<tr>
<th></th>
<th>Width (ft)</th>
<th>Slope (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cut slope surface</td>
<td>14.5</td>
<td>74</td>
</tr>
<tr>
<td>Road surface</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) vegetated cut slope margin</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>b) vegetated fill slope margin</td>
<td>15</td>
<td>-</td>
</tr>
<tr>
<td>c) wheel traffic lanes</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>d) vegetated zone between wheel lanes</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Fill slope surface</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) generally unvegetated upper portion</td>
<td>10</td>
<td>58</td>
</tr>
<tr>
<td>b) generally vegetated lower portion</td>
<td>10</td>
<td>58</td>
</tr>
</tbody>
</table>

A typical section depicting the average road width dimensions is shown on Attachment C and a photograph of the road is Attachment D. The 12 foot dimension on the photo shows the average width of the wheel tracks and the 30 foot dimension shows the area that must be disturbed to construct the proposed road improvements.

Review Per Section: Article VI(b) TRPA Compact
Sections 8.24 & 8.29 Nevada Side Land Use Ordinance
Sections 12.60 & 14.00 TRPA Ordinance 81-5

Land Use District: The Rocky Point Subdivision is classified General Forest by the TRPA. In April, 1981, the TRPA Governing Board made the findings required under Section 9.13 of the Nevada Side Land Use Ordinance to recognize one single family dwelling as a permitted use on the 32 lots in Blocks D, E, F and G. The 7 lots below and adjacent to Tunnel Creek Road are in Block D.

Land Capability Classification: The report prepared by the Land Capability Review Team contains a detailed analysis of land capability on pages 9-11. The following is a summary of the Review Team's findings:

Geomorphic Unit - The Rocky Point Subdivision is presently mapped as geomorphic unit C3 (steep, strongly dissected lands) which is a member of the high hazard geomorphic Group I lands (Baily, 1974). The C3 unit is located on stream cut granitic mountain slopes. It is characterized by dominance of the shallow Toem soils and abundant rock outcrop on slopes greater than 30 percent, but does include smaller areas of the deeper Cagwin soils and areas of slopes less than 30 percent (Bailey, 1971).

The soils observed on the Rocky Point Subdivision are typical of the deeper components of the Cagwin soil map unit. However, when these soils are combined with the surrounding terrain to obtain the required geomorphic unit delineation area of 1 square mile, aerial photo interpretation indicates that the dominant soil components are the shallow Toem soil and granitic
rock outcrops on slopes greater than 30 percent. The Cagwin soils and slopes less than 30 percent are a minor part of this overall landscape. Therefore, the correct geomorphic map unit for the Rocky Point area is C3 (as presently mapped) which is a member of the Group I high hazard lands.

Soil Unit - The soil unit mapped in the vicinity of the Rocky Point Subdivision by the Tahoe Basin Area Soil Survey is a Rock out-crop, Toem complex, 30 to 50% slopes (map symbol Rtf). The soils typical of the Cagwin series and associated deeper soils that were found in the vicinity of the Rocky Point Subdivision cover an area more than sufficient in size to provide the 5 acre minimum required by the TRPA to establish a new map unit.

Therefore the correct soil map unit in the area of the Rocky Point Subdivision is a Cagwin-rock outcrop complex, 30 to 50 percent slopes (map symbol CaF). The CaF soil unit is assigned to land capability class 1a, which allows 1 percent impervious surface coverage.

Man-Modified Area - Based on consideration of slope, erosion and runoff potential the TRPA Land Capability Review Team generally agrees with Dr. Skau's opinion that the existing bench area of Tunnel Creek Road exhibits characteristics closest to soil units found in land capability class 5. However, if the total man-modified area is considered, including the adjacent cut and fill slopes, the slope, erosion and runoff potential of these adjacent areas have become more critical than was the case prior to the modification.

Although the team recognizes that the bench area of Tunnel Creek Road exhibits soil type characteristics closest to soil units found in land capability class 5, the team has also concluded that the Rocky Point Subdivision is within a high hazard geomorphic unit. Section 8.29 of the Nevada Side Land Use Ordinance states that an administrative permit may be issued to classify an area as man-modified only if the applicant shows and it is expressly found that:

(a) The land was modified prior to February 10, 1972, by man's placement of fill, dredging or grading in a fashion substantially altering the land's soil or geomorphic characteristics;

(b) The modification was so substantial that the land generally exhibits the characteristics of land in another land capability district, which district shall be expressly identified, rendering the limitations of such other district properly applicable to the land; and

(c) The land coverage authorized by the permit will not cause substantial harmful environmental consequences on the land of the applicant or on other lands or waters or in the region, generally.

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The TRPA Land Capability Review Team and Agency staff can not find that the grading of Tunnel Creek Road prior to February 10, 1972 altered the land's geomorphic characteristics so substantially that the land generally exhibits characteristics of land in a low or moderate geomorphic unit.

The bench area of Tunnel Creek Road is a small, linear intrusion (91,587 square feet, 2.1 acres) of a soil unit with characteristics similar to a land capability class 5, within a much larger landscape properly classified as high hazard geomorphic Group I lands. Consideration of such a linear feature as a separate geomorphic unit is substantially inconsistent with the geomorphic hazard rating system.

Agency staff believes the record is clear in terms of the Governing Board's intent in establishing the criteria for recognition of man-modified areas, and that the geomorphic classification criteria were specifically included to prevent existing roads in the Tahoe Basin from being recognized as man-modified areas. Dr. Skau representing the applicant at the September, 1982 Governing meeting, however, testified that in his opinion the geomorphic characteristics of the property were an inappropriate criteria for determination of the status under the ordinance providing for recognition of man-modified areas. He also stated that, in his opinion, it is not possible to change the geomorphic unit by creation of the road.

**Existing Land Coverage:** The Agency staff and the Land Capability Review Team cannot verify that there is a total of 55,647 sq. ft. of existing land coverage on the bench area of Tunnel Creek Road. Only the fairly well-defined set of tire tracks on the bench area are compacted to the extent necessary to be recognized as land coverage. Based on the measurements taken by the Review Team, the total area of the tire tracks is approximately 27,060 square feet (2 tire tracks at 6' widths x total length of 2,255').

The definition of land coverage in the Nevada Side Land Use ordinance does not refer to 75% relative soil compaction as a test to verify land coverage. The definition does state that "a structure, improvement or covering shall not be considered as land coverage if it permits at least seventy-five (75) percent of normal precipitation directly to reach the surface of the land underlying it". The test set forth in the definition for land coverage other than a structure, improvement or covering is "that the soil will be compacted so as to prevent substantial infiltration, such as parking of cars and heavy and repeated pedestrian traffic". It is the opinion of Agency staff and the Review Team that only the area of the well-defined set of tire tracks is so compacted as to prevent substantial infiltration.

The following information on relative compaction is taken from the Review Team's report: "Percent compaction is simply the ratio between soil density in the field and the maximum soil density obtained by a standard packing procedure. Even natural soils can have a fairly high value of "percent compaction". Based on natural soil densities published in the Tahoe Basin Soil Survey (Rogers, et al., 1974) and maximum densities listed by Pezonella Associates, the percent compaction for undisturbed Cagwin soils ranges from 64 to 74 percent. A better assessment of compaction's effect on plant growth and infiltration is obtained
by comparing changes in soil porosity (volume of pores divided by total soil volume):

<table>
<thead>
<tr>
<th>Condition</th>
<th>Dry Density (pcf)</th>
<th>Relative Compaction (%)</th>
<th>Porosity (% soil pore space)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum compaction</td>
<td>118 to 125</td>
<td>100</td>
<td>24</td>
</tr>
<tr>
<td>Traffic zone</td>
<td>106 to 119</td>
<td>85 to 95</td>
<td>36 to 28</td>
</tr>
<tr>
<td>Road surface margins</td>
<td>87 to 102</td>
<td>74 to 82</td>
<td>47 to 30</td>
</tr>
<tr>
<td>Cagwin soil</td>
<td>80 to 87</td>
<td>64 to 74</td>
<td>52 to 47</td>
</tr>
</tbody>
</table>

1) data from report by Pezonella Associates, April 21, 1982.

"From the above table, it is clear that discussion of infiltration and plant growth restrictions on Tunnel Creek Road must be qualified by the evident spatial variability in compaction. Only the portion of the road surface that carries the majority of vehicular traffic has been severely compacted. The remaining portion of the road surface and the entire fill slope maintain an ability to infiltrate water and support protective vegetation, as demonstrated by the growth of brush in these areas."

**Existing Land Coverage Replacement:**

Section 9.21(3) states that:

"Ordinarily, permitted replacements of nonconforming land coverage must be installed at the same location on the parcel where the nonconforming land coverage existed. Where the following is found, however, an applicant may be permitted to locate such replacement on an alternative site on the same parcel:

1. The applicant demonstrates beyond any reasonable doubt that the relocation to the alternative site will protect and enhance the natural environment of the parcel and surrounding lands to a substantially better extent than replacement on the original site.

2. The total nonconforming land coverage that exists on the parcel before the replacement will be reduced in amount by at least ten (10) percent, provided, however, that in the case of a replacement to which the provisions of subsection (b)(i) or (b)(ii) apply the reduction must be to ten (10) percent less than would otherwise be required."

For a distance of approximately 490 feet, construction of the 20 foot wide road section and drainage and erosion control structures requires new cuts into the existing cut slopes along Tunnel Creek Road. Since most of the lower portions

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of the existing cut slope are stabilized with mature manzanita, this relocation of land coverage will not protect and enhance the natural environment to a substantially better extent than replacement on the original sites. The original sites do not contain vegetation.

If the areas the applicant has identified as existing land coverage are recognized as such, the project conforms to the requirements of #2 above.

Local Road: The applicant also contends that the findings can be made under Section 8.25(4) of the Nevada Side Land Use Ordinance to authorize the additional land coverage required within the man-modified class 5 area under a designation of Tunnel Creek Road as a "local road". The required findings under Section 8.25(4) are that the improvements to the road: a) are required to provide access to property other than that owned by the applicant; b) will be constructed or maintained by a public agency or are required to be improved by the terms of a lawfully created easement recorded prior to February 10, 1972; c) the road is designed to minimize land alteration and prevent erosion; and d) the road as so constructed or improved will be sited in such a manner as to minimize the additional coverage.

The applicant contends that Tunnel Creek Road is necessary without the Ferrari 7 lot development since it serves the U.S. Forest Service, the fire department, Southwest Gas, the Anderson and Richards property and other single family homes in the area as well as the public as a whole. It is Agency staff's position that Tunnel Creek Road, in its present condition, has provided the services cited by the applicant for a great number of years. The proposed road improvements are required at this time only to satisfy Washoe County requirements for access to the Ferrari 7 lot development. Therefore, Agency staff cannot make required findings a) and b) under Section 8.25(4) relative to the proposed road improvements. Agency staff can, however, make findings c) and d).

Additional land coverage for "local roads" can only be granted in land capability levels 4-7. Therefore, the applicant's request for additional land coverage (local road) can be granted only if the bench area of Tunnel Creek Road is found to be man-modified (level 5).

Impact Analysis and Mitigation Measures:

Land and Water - The applicant generally contends that construction of the proposed road improvements to Tunnel Creek Road will result in a net benefit to the environment. The improvement plans show 3 to 4 foot high gabion retaining walls to stabilize new cut slopes created in areas where the existing bench is less than 20 feet wide. The slopes behind these new retaining walls are to be backfilled to a 2:1 slope and revegetated with

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jute matting and hydro-seeding. A drainage system consisting of
infiltration trenches, cross culverts and drywells is to be constructed as
part of the road improvements to provide on-site retention of stormwater
runoff emanating from the new asphalt surface. The applicant has estimated,
based on Universal Soil Loss Equation parameters, that soil erosion from
Tunnel Creek Road will be reduced by 90% after construction of the proposed
road improvements.

The TRPA Land Capability Review Team and Agency staff agree that rehabilitation
of Tunnel Creek Road through the Ponderosa Ranch segment as described in the
report prepared by Dr. Skau and Dr. Miller (March 3, 1982) is unquestionably
desirable for water quality improvement and soil erosion control purposes.
However, both the Review Team and the report by Dr. Skau and Dr. Miller
recognize that the present vegetative cover on the Rocky Point Subdivision
parcel prevents off-site transport of road related sediment from the subdivi-
sion area. The road grade near the north end of the parcel is about 3
percent toward the south. Therefore, road runoff originating on the
subdivision parcel does not travel off the site toward Ponderosa Ranch,
where severe road erosion is evident.

The present road drainage system on the subdivision parcel is an outsloped
surface with occasional cross drains. The performance of this system has
been sufficient to prevent large erosion events on the road. Very few rills
and no gullies were observed within the parcel. There is evidence of
surface erosion that originates primarily on the cut slope and is
transported along the wheel lanes to the cross drains, where it is
discharged onto the fill slope. This sediment is deposited in the brush
fields adjacent to the roadway and does not appear to leave the parcel.

Paving the road surface would eliminate the existing infiltration capacity
of this area and remove much of the roadway vegetation that presently helps
to retard the flow of water from the road. Paving the road as proposed
would both increase the volume of water flowing from the road and decrease
the concentration time for these flows.

Plant Life - Construction of the proposed road improvements, including
drainage and slope stabilization structures will require the removal of in
excess of 30,000 square feet of native vegetation on high hazard lands. The
applicant has not identified a mitigation measure to replace the associated
loss of the nutrient stripping capacity of the soil-vegetation system. Work
of the Tahoe Research Group (Coats, 1975; Leonard, et al., 1979) indicates
that removal of vegetation and physical disturbance both accelerates release
of nitrogen from soil and litter and decreases the nutrient stripping capacity
of the soil-vegetation system. The nutrient stripping ability of the coarse-
textured Cagwin soil is concentrated in the undisturbed litter and the
surface soil horizons. The use of trenches to transfer road runoff directly
to the subsoil will bypass infiltration through the soil surface and, there-
fore, reduce the removal of dissolved nutrients from the runoff."
The potential success of vegetative stabilization as proposed for slopes less than 2:1 is questionable. The problems inherent with such revegetation efforts on this site are detailed in the section on vegetation, pages 7-8, in the report prepared by the Review Team.

Sewage Treatment – Sewage treatment for the single family dwellings proposed along Tunnel Creek Road will require the Incline Village General Improvement District (IVGID) to expand its service area to include these lots.

Water – The applicant proposes to obtain domestic water for the proposed single family dwellings by installing individual wells on each lot. This proposal will further deplete the water supply in the Tahoe Basin at a time when IVGID does not have adequate water rights to serve the areas in Incline Village that are already committed to development.

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>Inconsistent*</td>
</tr>
<tr>
<td>Nevada Side General Plan and Sub-Elements</td>
<td>Inconsistent*</td>
</tr>
<tr>
<td>TRPA 208 Water Quality Plan</td>
<td>Inconsistent*</td>
</tr>
<tr>
<td>Federal/State Air Quality Standards</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

*Agency staff has found the subject project to be inconsistent with these applicable element for the following reasons:

1. Agency staff and the Land Capability Review Team do not concur that the existing bench area of Tunnel Creek Road is man-modified as set forth under Section 8.29 of the Nevada Side Land Use Ordinance.

2. Agency staff and the Land Capability Review Team do not concur that there is 55,647 sq. ft. of existing land coverage on the bench area of Tunnel Creek Road.

3. Agency staff cannot find, as required under Section 9.21(3), that beyond any reasonable doubt the relocation of existing nonconforming land coverage will protect and enhance the natural environment of the parcel and surrounding lands to a substantially better extent than replacement on the original site.

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4. Agency staff cannot find that the proposed road improvements are necessary to provide access to property other than that owned by the applicant and, therefore, cannot find that said improvements qualify for recognition as a "local road" under Section 8.25(4) of the Nevada Side Land Use Ordinance.

Based on these four determinations by Agency staff the subject project is not exempt from the prohibitions on grading, clearing, removal of vegetation, filling or creation of land coverage upon land within land capability districts 1a, 1c, 2 and 3.

Project Analysis and Issues for Discussion:

1. Does the existing bench area of Tunnel Creek Road satisfy the criteria established under Section 8.29 of the Nevada Side Land Use Ordinance to be classified as man-modified, land capability class 5 (see section entitled Land Capability Classification, Man-Modified Area, page 5)?

2. Does the 55,647 sq. ft. area identified by the applicant meet the requirements to be recognized as existing land coverage (see section entitled Existing Land Coverage, page 6)?

3. Will relocating the existing nonconforming land coverage to other areas protect and enhance the natural environment to a substantially better extent than replacement on the original site (see section entitled Existing Land Coverage Replacement, page 7)?

4. Can the findings required under Section 8.25(4) of the Nevada Side Land Use Ordinance be made to grant additional land coverage based on recognition of the proposed improvements to Tunnel Creek Road as a "local road" (see section entitled Land Coverage, Local Road, page 8)?

5. Will the project result in significant adverse impacts on the environment (see section entitled Impact Analysis and Mitigation Measures, page 8) and should an EIS be prepared on the project? This includes questions regarding the cumulative impacts of construction of the seven single family dwellings which would be facilitated by reclassification of the Rocky Point Subdivision as Potentially Adequate.

If the finding cannot be made to classify the bench area of Tunnel Creek Road as man-modified under Section 12.63 of Ordinance 81-5, the applicant is prohibited from performing any grading, clearing of vegetation, filling or creation of land coverage on the bench area of Tunnel Creek Road.

Required Actions and Findings: To approve the subject project the Governing Board must take the following actions:

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. Either the findings listed as Set A or as Set B must be made to approve the project:

10/15/82
Set A

1. The existing bench area of Tunnel Creek Road, as identified by the applicant, is man-modified, land capability class 5, as set forth under Section 8.29 of the Nevada Side Land Use Ordinance.

2. There is 55,647 sq. ft. of existing land coverage on the bench area of Tunnel Creek Road.

3. The relocation of exiting nonconforming land coverage as proposed by the applicant will, beyond any reasonable doubt, protect and enhance the natural environment of the parcel and surrounding land to a substantially better extent than replacement on the original site.

4. Pursuant to Article III(g)(2) of the Compact, the project complies with the regional plan, ordinances, rules and regulations of the Agency.

5. Pursuant to Article VI(b) of the Compact, the project is consistent with the applicable plans, ordinances, regulations and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the Region.

6. There is substantial evidence in the record supporting the foregoing findings.

Set B

1. The existing bench area of Tunnel Creek Road, as identified by the applicant, is man-modified, land capability class 5, as set forth under Section 8.29 of the Nevada Side Land Use Ordinance.

2. The proposed improvements to Tunnel Creek Road are required to provide access to property other than that owned by the applicant.

3. The proposed improvements to Tunnel Creek Road will be constructed or maintained by a public agency or are required to be improved by the terms of a lawfully created easement recorded prior to February 10, 1972.

4. The proposed improvements to Tunnel Creek Road are designed to minimize land alteration and prevent erosion.

5. The proposed improvements to Tunnel Creek Road are to be sited in such a manner as to minimize the additional land coverage.

6. Pursuant to Article III(g)(2) of the Compact, the project complies with the regional plan, ordinances, rules and regulations of the Agency.

10/15/82

Agenda Item VI A. 2.
7. Pursuant to Article VI(b) of the Compact, the project is consistent with the applicable plans, ordinances, regulations and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the Region.

8. There is substantial evidence in the record supporting the foregoing findings.

III. Agency staff recommends that to mitigate the impacts to the greatest extent possible the standard conditions listed on standard Attachment D be applied to the project.
TUNNEL CREEK ROAD
TYPICAL SECTION

SCALE: 1/8 = 1'-0"

ATTACHMENT C.
NOTE B:
THE PORTION OF TUNNEL CREEK NOT PAVED (SHOULDER) WILL BE STABILIZED WITH HYDROSEEDING.

TYPICAL TUNNEL CREEK ROADWAY SECTION

SCALE: 1" = 5'

ATTACHMENT E
The appellant, who lives across the street from the applicant, is appealing a determination by Agency staff that Phase Two of the subject project complies with Agency ordinances. Specifically, the appellant believes that the proposed construction will significantly reduce the view from his property of Lake Tahoe and the surrounding mountains.

Property Location: 1065 Skyland Drive, Douglas County, Nevada, APN 05-021-19.

Project Description: On August 14, 1983 the applicant submitted an application proposing to replace and relocate nonconforming land coverage in order to remodel and enlarge his existing residence and replace his existing detached carport with a new garage/shop building (see attached site plan). The project was divided into two (2) phases so that permit processing could be completed and construction could commence on the new garage/shop building (Phase One) prior to the October 15, 1984 grading deadline. A TRPA permit was issued in September, 1984 for Phase One and construction of this phase was completed in December, 1984. In issuing the permit for Phase One, the required notice to adjacent property owners was waived based on the fact that a properly noticed public hearing was held by Douglas County in September, 1984 to consider a setback variance for the proposed garage/shop building. Phase Two of the project was not the subject of this public hearing so the class of affected property owners were notified by Agency staff with respect to this later phase on March 1, 1985.

Phase Two - The total footprint of the existing single family dwelling is approximately 1,228 square feet in size, with approximately 1,040 square feet being an existing two story structure. The ceilings in some areas of the two story portion of the existing structure are only 7'-4" high. In summary, the following additions are proposed as Phase Two. Please refer to the attached building elevations for location of the areas identified below.

1. A 48 square foot first floor addition (Area A).
2. A 458 square foot second story addition (Area B).
3. A new front porch and bay window addition. Total new land coverage is 37 square feet (Area C).
4. A 218 square foot single story addition over an existing deck (Area D).

The applicant also proposes to reconstruct the two story portion of the existing structure to increase ceiling height to 8'-0" and roof pitch to 6:12. The resulting increase in building height of 5 feet is depicted on the attached building cross-section and elevations.

Land Coverage: The Preliminary Injunction requires compliance with Section 9.16 of the California Side Land Use Ordinance for all projects in the basin proposing to modify or relocate nonconforming land coverage. With respect to the subject project, Section 9.16 requires the existing coverage to be reduced in an amount equal to 10% of the existing nonconforming land coverage, plus the greater of the new floor or land coverage area. The subject project conforms to this requirement based on the following calculations:

10% Nonconforming

<table>
<thead>
<tr>
<th>Parcel Area</th>
<th>13,288 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Coverage</td>
<td>2,658 square feet</td>
</tr>
<tr>
<td>Existing Coverage</td>
<td>4,949 square feet</td>
</tr>
<tr>
<td>10% nonconforming</td>
<td>229 square feet</td>
</tr>
</tbody>
</table>

New Land Coverage

<table>
<thead>
<tr>
<th>Garage</th>
<th>260 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor Addition</td>
<td>48 square feet</td>
</tr>
<tr>
<td>Front Porch &amp; Bay Window</td>
<td>37 square feet</td>
</tr>
<tr>
<td></td>
<td>345 square feet</td>
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</tbody>
</table>

New Floor Area

<table>
<thead>
<tr>
<th>Garage</th>
<th>260 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor Addition</td>
<td>303 square feet</td>
</tr>
<tr>
<td>2nd Floor Addition</td>
<td>458 square feet</td>
</tr>
<tr>
<td></td>
<td>1,021 square feet</td>
</tr>
</tbody>
</table>

Since the new floor area is greater that the new land coverage the total required reduction in existing land coverage is 229 square feet (10% of nonconforming) plus 1,021 square feet, or 1,250 square feet. The existing land coverage is 4,949 square feet and the proposed is 3,660 square feet, therefore the total proposed reduction is 1,289 square feet, which conforms.
Building Height: The average maximum height permitted under Section 7.13 of the Nevada Side Land Use Ordinance is 35 feet. The average maximum height of the proposed structure is 26'-7".

Article V(g) Findings: In determining that the subject project could be approved, Agency staff was required to establish that the Article V(g) findings could be made with respect to the project. Finding #9 relates to the visual impacts of the project by requiring that the project be consistent with the goals and policies of the Conservation Element of the Regional Plan, as amended.

Agency staff assessed the proposed building additions with respect to the applicable goals and policies and generally determined that the proposed additions would not change the existing visual character of the shoreline to any appreciable degree as viewed from Lake Tahoe or points beyond. Agency staff also determined that the proposed additions would not change the numerical rating assigned to the affected shoreline visual unit. The above determinations were based primarily on the fact that the visual character of this section of shoreline is currently dominated by a large number of single family dwellings located along the shoreline.

Basis For Appeal: Sections 15:30 and 15:40 of the TRPA Shorezone Ordinance establish the scope of and criteria for review of projects within the backshore. These sections read as follows:

15.30 Scope of Review of Proposed Uses

Unless the use or construction proposed violates other applicable laws or is required to be reviewed by ordinance provisions other than Section 15.00 and Section 4.11(9) hereof, no proposed backshore use or construction may be denied; provided, however, that reasonable conditions of development may be imposed with respect to:

(1) The shape of the proposed structures;

(2) The exterior appearance of the proposed structures, including without limitation the colors and materials utilized in construction;

(3) The siting of the proposed structures; and

(4) The size of the proposed structures; provided, however, that in imposing conditions respecting size, the reviewing authority shall be guided by an appraisal of the purposes and objectives of both the Land Use Ordinance and the Shorezone Ordinance.
15.40 Criteria for Review

In imposing conditions of development pursuant to the provisions of 15.30, the reviewing authority shall be guided by an appraisal of this ordinance in relation to the unique characteristics of the site and shall further attempt to meet the following objectives to the maximum extent feasible:

(1) The protection of significant vistas;

(2) Minimizing the visual impact of the proposed construction or use on the shorezone and area surrounding the site; and

(3) The preservation of the site and shorezone from environmental harm both during and after construction.

Appellant's Position: According to the appellant, the lots along Skyland Drive were intentionally staggered so that those lots on the east side of the street would have some view of Lake Tahoe and the surrounding mountains through the open areas resulting from required side yard set backs between the residences on the west side of the street. The appellant contends that the proposed second story addition on the north side of the subject structure (Area B on the attached building elevations) and the overall increase in building height of 5 feet will significantly reduce the existing view from his residence and, therefore, reduce his property values.

Staff's Position: The proposed residential structure is well within the Agency's height standard, the permitted height being 35 feet and the proposed being 26'-7". The site plan also conforms to the side yard set back established by Douglas County, which is 10% of the lot frontage or a minimum of 10 feet. Since the lot frontage is 79.54 feet, the minimum side yard set back is 10 feet. The proposed side yard set back on the north side is 12 feet and on the south side it is 11 feet.

APC Action: The Advisory Planning Commission heard this appeal on April 10, 1985 and recommends that the Governing Board deny the appeal. The draft of this recommended action would be to allow the modifications to the applicant's residence as proposed.
RECEIVED
BY
FEB 15 1995
TAHOE REGIONAL PLANNING AGENCY

RIGHT-SIDE ELEVATION

JENSEN KLEIN ARCHITECTS
PO BOX 1475 SO. LAKE TAHOE, CA 95705

PROCTOR RESIDENCE
1060 SKYLAND DRIVE DOUGLAS COUNTY, NEVADA
MEMORANDUM

April 17, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Report on Apparent Discrepancies in Water Quality Analyses

Introduction

At the February Governing Board meeting, Mr. Haagen asked the staff to analyze apparent discrepancies between two water quality reports. One report, the Lake Tahoe Basin Water Quality Plan (California SWRCB, 1980), indicates there are 142 tonnes* of dissolved nitrogen per year entering the Lake from tributary streams. Another report, the Study Report for the Establishment of Environmental Threshold Carrying Capacities (TRPA, 1982), indicates there are only 10 tonnes per year entering the Lake through this route.

In addition, the draft Study Report (May, 1982) discusses the discrepancy between the 10 and 142 tonne/year estimates, but the final Study Report (October, 1982) drops this discussion and represents the SWRCB's estimate as 19 tonnes/year.

Specifically, Mr. Haagen asked the staff to determine whether TRPA's thresholds are based on incorrect information from the SWRCB's Basin Plan.

Response

The confusion over these various estimates stems from differing definitions of the term "dissolved nitrogen". There are two forms of dissolved nitrogen entering Lake Tahoe from its tributaries, dissolved inorganic nitrogen ("DIN") and dissolved organic nitrogen ("DON"). The inorganic forms come from precipitation, soil disturbance, fertilizers, and sewage. The organic forms come primarily from the breakdown of organic matter in the watershed.

* metric tons (1,000 kg or 2,200 lbs.)

DZ:jf
4/17/85

AGENDA ITEM XII B.
Although DON is a large component of the Lake's annual nutrient load, monitoring of DON is technically difficult, data on DON are spotty, and the role of DON in algal production is not well understood. DIN is easier to measure, and most water quality data from Lake Tahoe and its tributaries represent DIN. Also, algae are known to utilize DIN readily. It is important to note that the nitrogen budget in the Threshold Study Report is based on DIN only. On page 4-20 of the Study Report, the authors discuss the "largely unknown" importance of DON to Lake Tahoe's water quality and explain their reasoning for not including this type of dissolved nitrogen in their conceptual model.

At the time of preparation of the draft Threshold Study Report, the authors assumed that the 142 tonne/year estimate in the SWRCB's Basin Plan included only DIN, since the Basin Plan was not clear. The draft Study Report (May 1982), therefore, dismissed the 142 tonne/year estimate as an erroneous result from a modeling process. Subsequent to the publication of the draft Study Report, however, the SWRCB informed the TRPA staff and consultants that the 142 tonne/year estimate included DIN and DON and that the annual DIN load was approximately 19 tonnes/year. The Study Report authors revised their final report to reflect this information.

The final Study Report also discusses the difference between its estimate of 10 tonnes/year and the previous TRPA and SWRCB estimates of 19 tonnes/year. Briefly, the 10 tonnes/year estimate is based on an extrapolation of actual tributary data on flows and concentrations, and is considered superior to the other estimates which were based on theoretical models.

Although the ambiguity in the SWRCB's Basin Plan created some temporary confusion for the authors of the Study Report, the issue was resolved in the final Study Report to the satisfaction of the staff and the Agency's consultant. In the staff's opinion, the existence of ambiguity in the SWRCB's Basin Plan does not mean that the TRPA's water quality thresholds were based on incorrect data, nor that the SWRCB's Basin Plan was based on incorrect data.

At the April Governing Board meeting, the staff will give a brief report on this issue and answer questions from the Board. Please contact Dave Ziegler at (916) 541-0249 if you have any questions or comments on this memorandum.
LOADING RATES OF NITROGEN TO LAKE TAHOE
### Table 4-4. DIN Budget for Lake Tahoe

<table>
<thead>
<tr>
<th>Water Year</th>
<th>Precipitation and dry deposition</th>
<th>Surface runoff</th>
<th>Groundwater</th>
<th>Sedimentation</th>
<th>Truckee River outflow</th>
<th>Net input, tonnes/year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>40-66</td>
<td>14.3</td>
<td>14.3</td>
<td>20-50</td>
<td>2.2</td>
<td>16-72</td>
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<tr>
<td>1974</td>
<td>40-66</td>
<td>14.8</td>
<td>14.8</td>
<td>20-50</td>
<td>4.6</td>
<td>15-71</td>
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<td>1975</td>
<td>40-66</td>
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<td>1977</td>
<td>40-66</td>
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<td>1979</td>
<td>40-66</td>
<td>10.2</td>
<td>10.2</td>
<td>20-50</td>
<td>1.7</td>
<td>7-63</td>
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<td>1980</td>
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<td>1.8</td>
<td>(-2)-54</td>
</tr>
</tbody>
</table>

As discussed previously, the actual amount of precipitation, and the resultant DIN load, falling on Lake Tahoe has not been measured. The DIN load from precipitation was estimated to be 60 to 100 percent of the DIN load measured at the TRG's Ward Valley bench station. This results in a DIN load of 40 to 66 tonnes/year, which is a large range relative to the other sources of DIN to the lake.

The load from surface runoff in the tributaries was estimated to range from 2 to 17 tonnes/year, with an average of 10 tonnes/year. This estimate was based on DIN load data collected by the TRG on the Upper Truckee River, Trout Creek, Blackwood Creek, and Ward Valley. Since 44 percent of the total runoff to the lake comes from these four tributaries, the estimate is likely to be close to actual conditions. It is not possible to calculate an accurate basinwide load without intensive flow and DIN concentration sampling on each stream in the Basin. The TRPA (1977) estimate of the nitrate load from tributaries was 19 tonnes/year. Since ammonia concentrations in the tributaries are below the analytical detection limit, the nitrate load of 19 tonnes/year represents the DIN load. The TRPA estimate is about twice as much as the current estimate of 10 tonnes/year. The TRPA estimate is likely to be high since it was based on the nitrate concentration in runoff. The DIN load estimate of 10 tonnes/year is comparable to the California State Water Resources Control Board's (SWRCB) estimate of 19 tonnes/year (SWRCB, 1980). The SWRCB's estimate was based on a model relating land use and land capability to sediment load. The nitrate load was calculated by multiplying the sediment load by the ratio of nitrate to suspended sediment in surface runoff.
The groundwater DIN load is based solely on the TRG data collected in Ward Valley, which is the only data available on DIN loads in groundwater. The estimate of 2 to 17 tonnes/year is probably reasonable but much more work needs to be done before an accurate estimate of the groundwater load can be made.

The loss of 20 to 50 tonnes of DIN per year to sedimentation is based on preliminary data collected by the TRG. They estimated that 200 to 500 tonnes/year of total N is lost to sedimentation. This estimate is based upon an analysis of the rate of sedimentation shown in core sampling of the lake bottom and an analysis of the nitrogen content of bottom sediments. Since the DIN concentration in the lake is approximately 10 percent of the total N concentration, they estimated the DIN loss to sedimentation was 10 percent of the total N loss. The DIN loss to sedimentation is actually a loss of organic N that would have been converted to DIN if sedimentation had not occurred. A DIN loss of 20 to 50 tonnes/year to sedimentation represents a small loss from the 2,000 tonnes nitrate pool in the lake; however, the range from 20 to 50 tonnes/year is quite large in comparison to the other sources and losses in the nitrate budget.

The Truckee River outflow loss of 1 to 5 tonnes/year was based on measured flows in the Truckee River and estimated concentrations in lake water. The concentrations ranged from 13 ug/l in 1973 to 14.6 ug/l in 1981. These are the average concentrations in Lake Tahoe in these two years. These estimates of the outflow loss of DIN are probably high since the average DIN concentration in the surface waters of the lake is lower than the average concentration throughout the water column of the lake. The DIN lost in the outflow of the Truckee River is small in comparison to the loss due to sedimentation.

The load of DIN to Lake Tahoe from all sources ranges from 44 to 100 tonnes/year. The loss to sedimentation and the Truckee River outflow ranges from 21 to 55 tonnes/year. In any one year, there can be a net loss of DIN from Lake Tahoe as shown by the drought year of 1977; however, on the average more DIN goes into the lake than is lost from the lake. This results in an accumulation of DIN in Lake Tahoe. In 1973, the average DIN concentration in the lake was estimated to be 13.0 ug/l (Paerl et al., 1975). In 1981, the average DIN concentration was estimated to be 14.6 ug/l (Goldman et al., 1982). This increase in the DIN concentration represents an increase in the accumulated DIN load from 2,015 to 2,260 tonnes. This load of DIN is mixed into the euphotic zone when the lake mixes during the spring. The DIN and other nutrients that are mixed into the surface waters stimulate primary productivity. As the accumulated load increases, more DIN is introduced into the euphotic zone when the lake mixes.
nitrates and losses that were discussed in the previous section. Table 4-4 presents the estimated nitrates loads from precipitation, surface runoff, and groundwater and the amounts of nitrates lost due to sedimentation and outflow in the Truckee River from 1973 to 1981.

Table 4-4. Nitrates Budget for Lake Tahoe

<table>
<thead>
<tr>
<th>Water Year</th>
<th>Precipitation and dry deposition</th>
<th>Surface runoff</th>
<th>Groundwater</th>
<th>Sedimentation</th>
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</tbody>
</table>

As discussed previously, the actual amount of precipitation, and the resultant nitrates load, falling on Lake Tahoe has not been measured. The nitrates load from precipitation was estimated to be 60 to 100 percent of the nitrates load measured at the TRG's Ward Valley Bench Station. This results in a nitrates load of 40 to 66 tonnes/year, which is a large range relative to the other sources of nitrates to the lake.

The load from surface runoff in the tributaries was estimated to range from 2 to 17 tonnes/year, with an average of 10 tonnes/year. This estimate was based on nitrates data collected by the TRG on the Upper Truckee River, Trout Creek, Blackwood Creek, and Ward Valley. Since 44 percent of the total runoff to the lake comes from these four tributaries, the estimate is likely to be close to actual conditions. It is not possible to calculate an accurate basinwide load without intensive flow and nitrates concentration sampling on each stream in the basin. The TRPA (1977) estimate of the nitrates load from tributaries was 19 tonnes/year. This is about twice as much as the current estimate of 10 tonnes/year. The TRPA estimate is likely to be high since it was based on the nitrates concentration in runoff. The nitrates load estimate of 10 tonnes/year differs greatly from the California State Water
Resources Control Board's estimate of 142 tonnes/year (CSWRCB, 1980). The State Board's estimate was based on a model relating land use and land capability to sediment load. The nitrate load was calculated by multiplying the sediment load by the ratio of nitrate to suspended sediment in surface runoff. The State Board's estimate of the dissolved N load appears to be quite high. If the nitrate load to Lake Tahoe was 142 tonnes/year, the average nitrate concentration in the tributaries would have to be 381 ug/l. As discussed in the section on tributaries, the mean nitrate concentration in streams draining developed areas is 24 ug/l and the mean concentration in streams draining undeveloped areas is 6 ug/l. The mean nitrate concentration in urban runoff is 126 ug/l, as discussed in the section on surface runoff. The actual tributary nitrate load to Lake Tahoe is likely to be much closer to 10 tonnes/year than to 142 tonnes/year.

The groundwater nitrate load is based solely on the TRG data collected in Ward Valley, which is the only data available on nitrate loads in groundwater. The estimate of 2 to 17 tonnes/year is probably reasonable but much more work needs to be done before an accurate estimate of the groundwater load can be made.

The loss of 20 to 50 tonnes of nitrate per year to sedimentation is based on preliminary data collected by the TRG. They estimated that 200 to 500 tonnes/year of total N is lost to sedimentation. This estimate is based upon an analysis of the rate of sedimentation shown in core sampling of the lake bottom, and an analysis of the nitrogen content of bottom sediments. Since the nitrate concentration in the lake is approximately 10 percent of the total N concentration, they estimated the nitrate loss to sedimentation was 10 percent of the total N loss. A nitrate loss of 20 to 50 tonnes/year to sedimentation represents a small loss from the 2,000 tonne nitrate pool in the lake; however, the range from 20 to 50 tonnes/year is quite large in comparison to the other sources and losses in the nitrate budget.

The Truckee River outflow loss of 1 to 5 tonnes/year was based on measured flows in the Truckee River and estimated concentrations in lake water. The concentrations ranged from 13 ug/l in 1973 to 14.6 ug/l in 1981. These are the average concentrations in Lake Tahoe in these two years. These estimates of the outflow loss of nitrate are probably high since the average nitrate concentration in the surface waters of the lake is lower than the average concentration throughout the water column of the lake. The nitrate lost in the outflow of the Truckee River is small in comparison to the loss due to sedimentation.
MEMORANDUM

Date: April 17, 1985

To: TRPA Governing Board

From: Agency Staff

Subject: Report on Proposed 1985 California State Transportation Improvement Program (PSTIP)

Enclosed in your packet is a copy of the letter transmitted from the TRPA staff to the Chairman of the California Transportation Commission. The letter contains comments from the staff regarding projects that Caltrans has proposed for the next 5 years in the Tahoe Basin. Also enclosed is a list of all of those projects scheduled along with a brief description of each project, project start date, and the estimated cost.

The letter also addresses projects which TRPA would like to have programmed in future State Transportation Improvement programs. Staff would like to receive comments from the Governing Board regarding those projects which have been programmed and any projects which should be included in the future.

JB:bl 4/17/85
March 26, 1985

Bruce Nestande, Chairman
California Transportation Commission
1120 N. Street
Sacramento, CA 95814

Dear Mr. Nestande:

The Tahoe Regional Planning Agency (TRPA) would like to take this opportunity to comment on the 1985 proposed State Transportation Improvement Program (PSTIP). In previous years, the California Tahoe Regional Planning Agency (CTRPA) was responsible for providing comments to the California Transportation Commission (CTC) on the PSTIP. Upon deactivation of the CTRPA, our Agency has been designated the Regional Transportation Planning Agency (RTPA). The enclosed staff comments are based on conversations with local governments and the Lahontan Regional Water Quality Control Board (LRWQCB). Staff will review these comments with the TRPA Governing Board at the April 24, 1985 meeting, and any further direction from the Board will be provided at that time.

Projects in the Tahoe Basin

The following is a list of projects in the 1985 PSTIP within the Lake Tahoe Basin. Presently, no projects are scheduled under discretionary interstate funds or aeronautics.

<table>
<thead>
<tr>
<th>Route</th>
<th>Project Description</th>
<th>Project Date</th>
<th>Est. Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hwy 50</td>
<td>From Pioneer Trail at Meyers to Junction Rte. 50/89 N Erosion Control</td>
<td>1985-86</td>
<td>578</td>
</tr>
<tr>
<td>Hwy 50</td>
<td>Rte. 89 N to Tulare Ave. Class I and III Bikeway</td>
<td>1985</td>
<td>524</td>
</tr>
<tr>
<td>Hwy 50</td>
<td>In So. Lake Tahoe From Pioneer Trail to Park Ave. Modify Signals &amp; Improve Intersection</td>
<td>1986-87</td>
<td>190</td>
</tr>
</tbody>
</table>
Route | Project Description | Project Date | Est. Cost |
---|---|---|---|
El Dorado County (cont.)
Hwy 89 | Rte. 50 to 0.3 mi. N of West Way Structural Section Repair | 1985-86 | 731 |
Hwy 89 | At Emerald Bay Vista Point and picnic area Channelization, paving, signing | 1987-88 | 263 |
Hwy 89 | Bliss State Park to 1.5 mi. Rubicon Bay Drainage & Slope Stabl. Erosion Control | 1985-86 | 674 |
Hwy 89 | From Rubicon Park Estates to Silver Tip Drive Erosion Control | 1987-88 | 549 |
Hwy 50 | East of Echo Summit Curve Correction | 1987-88 | 631 |
Hwy 89 | 0.8 mi. N of Eagle Creek Stabilize Slope | 1989-90 | 1,609 |
Placer County
Hwy 89 | Near Homewood Vicinity of Elizabeth Drive Curve Impr. & Retaining Wall | 1986-87 | 586 |
Hwy 89 | From 0.5 mi. S of Alpine Meadows Road to Squaw Valley Road Replace Bridge #19-32 & Curve Improvement | 1986-87 | 140 |

Comments on the 1985 PSTIP

The TRPA staff and the various agencies with jurisdiction in the Tahoe Region are pleased with the commitments California has made in the PSTIP. The projects involving improved traffic flow, safety, erosion control, and the promotion of alternative forms of transportation are consistent with TRPA's priorities.
Based upon Goal #4 of the transportation-related section of the Transportation Element, which states "Highway construction and maintenance projects should not disrupt traffic flows during periods of peak traffic volume", the TRPA would like to work with the State of California in the scheduling of highway construction and maintenance projects.

The following comments are specific to the projects listed in the PSTIP:

- The TRPA and LRWQCB consider all erosion control and slope stabilization projects a high priority. The projects in the PSTIP are consistent with the 208 Water Quality Plan for the Tahoe Basin.

- The class I and III bikeways from Highway 89 N to Tulare Avenue are consistent with the Transportation Element of the Regional Plan for the Lake Tahoe Basin.

- The modification to the traffic signals and improvement to the intersection from Pioneer Trail to Park Avenue is identified as a priority in the first 5-year phase of the Transportation Element. This will improve traffic flow in and around the Stateline area.

- The structural section repair on Route 89 from Highway 50 to 0.3 miles north of West Way is badly needed.

- The channelization, paving, and signing at the Emerald Bay Vista Point was not identified in the Transportation Element of the Regional Plan. However, this project presents many benefits consistent with the Goals and Policies of the Regional Plan. The paving of the Vista Point parking lot will be a benefit to water quality. The channelization and signing of the area will improve traffic flow and reduce potential pedestrian and traffic conflicts in the area.

- The curve improvement and retaining wall near Homewood will have safety, air quality, and water quality benefits.

- The bridge replacement and curve improvement from Alpine Meadows Road to Squaw Valley Road impact the Tahoe Basin only slightly. However, the curve improvement does appear to have air quality and safety benefits.

**Future Regional Transportation Improvements**

The TRPA would like California to consider the following projects to be included in development of future state transportation improvement programs:

**Regional Highways**

- Expansion of State Route 28 to 4 lanes between Kings Beach and the north stateline area. Goal #1 of the regional highway system section of the Transportation Element calls for this improvement.
Construction of a 2-lane bypass at Tahoe City (State Route 28) to include a pedestrian mall concept. The realignment should be in conformance with the concept of the Tahoe City Urban Design Study (copy enclosed), submitted by Placer County. The TRPA and Placer County are cooperatively pursuing this project. It is the intention of the TRPA and Placer County to have the planning, environmental documentation, and design plans completed by 1988.

Aeronautics

Enclosed is a copy of an application to the Division of Aeronautics for the reconstruction of the general aviation ramp at the City of South Lake Tahoe Airport. The estimated cost in 1985 dollars is $1,650,000. The California Aid to Airports Program (CAAP) contribution is $1,500,000 and the local match is $150,000. This project is consistent with the aviation section of the Transportation Element.

Thank you for the opportunity to comment on the 1985 PSTIP. If you have any questions regarding this matter, please contact Jim Brennan at our office (916) 541-0249.

Yours truly,

David S. Ziegler
Chief
Long Range Planning Division

DSZ:bl

cc: Lahontan Regional Water Quality Control Board
    City of South Lake Tahoe
    Roger Imsdahl, Placer County
    Jody Lonergan, Caltrans District 3
    Joan Borucki, Caltrans
    Caltrans Division of Aeronautics
Memorandum

April 17, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Discussion of Individual Lot Evaluation System

The basic framework for an individual lot evaluation system is being prepared by staff for review by the Special Litigation Committee on April 18. This framework will be made available to the Board members on the 24th.

jf
4/17/85

Agenda Item XII D.