

**TRPA
APC
PACKETS**

**OCTOBER
1980**

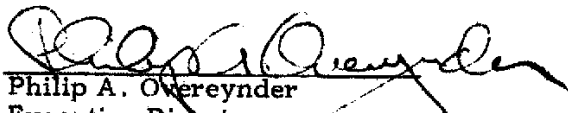
Phil

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

NOTICE IS HEREBY GIVEN that on October 8, 1980 at
10:00 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: October 1, 1980

By:


Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

October 8, 1980
10:00 a.m.

PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV PUBLIC HEARING
 - General Plan Amendment to Reclassify Parcels Abutting the North Side of Vista Avenue Between Coon Street and Chipmunk in Kings Beach, Placer County, California - from General Commercial to Tourist Commercial
- V PUBLIC WORKS
 - A. Douglas County Sewer Improvement District No. 1, Wastewater Treatment Facility Improvements
 - B. Nevada Division of State Parks, Spooner Lake Dam Reconstruction, Douglas County
- VI CLEARINGHOUSE
 - A. U.S. Environmental Protection Agency, Incline Village General Improvement District Wastewater Facility Grant Increase to Provide for Cumulative Impact Analysis of Disposal in the Carson Valley
 - B. U.S. Environmental Protection Agency, Notice of Proposed Rule Making on the Lake Tahoe Basin Nonattainment Air Quality Plan
- VII PLANNING MATTERS
 - A. Lead Agency Designation for the Nonattainment Air Quality Plan
 - B. Status of the Water Quality Management (208) Plan for the Tahoe Basin
 - C. ^{Def'n of and projects} Projects Exempt from Environmental Impact Report Requirements
- VIII REPORTS
 - A. Public Interest Comments
 - B. APC Members
- IX RESOLUTIONS
- X CORRESPONDENCE
- XI PENDING MATTERS
- XII ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

September 10, 1980
10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order at 10:20 a.m. by Chairman Phil Overeynder. It was noted that the meeting had been properly posted as required by Nevada and California laws.

APC Members Present: Mr. Combs, Mr. Burnham, Mr. Iturreria, Mr. Hoole, Mr. Sanford (for El Dorado County Health), Mr. Wright, Mr. Keith Maki, Mr. Antonucci, Mr. Hansen (present at 11:05 a.m. during discussion on agenda item V A.), Mr. Bidart, Ms. McMorris, Mr. Bailey, Mr. Renz (for Douglas County Health), Mr. Parson

APC Members Absent: Mr. Milam, Mr. Drawbaugh, Mr. Scribner, Mr. Hoefler

II APPROVAL OF AGENDA

MOTION by Mr. Burnham with a second by Mr. Bidart to approve the agenda as presented. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Bidart with a second by Mr. Combs to approve the August 13, 1980 APC regular meeting minutes as presented. The motion carried unanimously.

IV PUBLIC HEARING

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

Phil Overeynder, Executive Director, presented the staff summary and recommendation on the General Plan amendment for South Shore Marina. The applicant was requested by the staff to process the amendment in order to bring the existing marina into a conforming status. The current residential zoning prohibits any improvement to or modification of the existing commercial uses. Staff recommends approval of the use reclassification with 70% allowable coverage. This change would recognize existing uses (with the exception of the three apartment units) as conforming; any further expansion of the marina, however, would require conformance with the land coverage limitations. Coverage currently is 87.7%. Conformance could be achieved through a reduction in land coverage or by acquisition of additional lands, recognizing the coverage limitations associated with such property.

Mr. Dick Horton, the attorney for and partner in the marina, spoke on behalf of the marina and explained ongoing efforts to improve the appearance and usefulness of the marina

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by landscaping, painting, converting the docks from wood and plastic to concrete, and by improving the ramp. At the time the marina was purchased, it was not known that the use was nonconforming. With regard to the existing 87.7% coverage, the only way that the coverage can be cut down is to reduce the amount of parking; this, in turn, will reduce the usefulness of the marina to the public. The applicant would like to keep the land coverage as it is and would work with the staff to bring coverage into the allowable on any future expansion of the marina. Future dredging operations will likely be undertaken in conjunction with the homeowners association. Whether or not to dredge is determined by the Lake's level and the natural action of the waters in the channel. With regard to staff's concern that the three existing apartment units are not permitted in the General Commercial land use district, these will be used by marina employees who will be on the site at night for security purposes.

The marina would like to expand in the future, but this is up to Dillingham Development Company which owns the vacant land to the east and to the south. Some preliminary acquisition negotiations have taken place. Additional property would be used for more parking spaces and perhaps a restroom and launching ramp. If additional land can be acquired, the Agency's land coverage requirements can be met.

Don McDougal, owner of property located on the east channel out of the marina, advised that the additional boat traffic was causing problems with the channel retaining walls surrounding the entire area and creating problems with the homeowners' docks. The current request is not in keeping with the original concept of the Tahoe Keys marina where the maximum boat length was to be 25 feet and all slips were to be a maximum of 8 feet wide. These requirements do not agree with what is now being accommodated. The cost to the property owners to maintain the slips and channels, which are already in disarray from wave action, is high, and improvement is difficult because so many agencies must give approval. Additional commercial operations would also tax the Keys water supply. With increased commercial use of the marina, there will be an increase in pollutants to the lagoons from the roadways and dock and large boat spills. There are currently people living on boats tied up at the marina and their outflows from sinks, wash basins, and showers are going directly into the lagoons or the Lake. The additional noise and speed hazards are a nuisance and a danger, particularly in view of the fact that the subject area is in the middle of a bird sanctuary.

Staff explained that, under current zoning, the marina could continue as a nonconforming use but could not expand or improve the facilities. Any impacts resulting from proposed expansion should the amendment be approved would come under formal scrutiny.

William Patterson, consultant/manager of the Tahoe Keys Property Owners Association, explained that while the homeowners had no objection to the rezoning of the property in the marina they were concerned with the effect of expansion on the marina's water treatment facility which is tied into the residential treatment plant. The existing facilities and bulkheads may be taxed to their total capacity now without additional expansion and a larger commercial operation. It is requested that the concerns of the homeowners be taken into account should the marina come in for any expansion.

MOTION by Ms. McMorris with a second by Mr. Bidart to recommend approval of the General Plan amendment for the South Shore Marina from High Density Residential to General Commercial with land coverage to be limited to 70%. The motion carried on the following vote:

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Ayes: Mr. Combs, Mr. Burnham, Mr. Iturreria, Mr. Sanford,
Mr. Hoole, Mr. Wright, Mr. Maki, Mr. Antonucci, Mr. Bidart,
Ms. McMorris, Mr. Renz, Mr. Parson
Nays: None
Abstain: Mr. Bailey
Absent: Mr. Milam, Mr. Drawbaugh, Mr. Scribner, Mr. Hoefler,
Mr. Hansen

V PUBLIC WORKS

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

Planning Assistant Jim Dana presented the staff summary and recommendation and explained that the eight concerns enumerated in the August 5, 1980 staff summary had been adequately addressed by the applicant at the September 9, 1980 Development Review Committee meeting. The staff has proposed that the access road within the ski area not be improved. The applicant has indicated on the plans that drainage and erosion control devices will be installed and staff feels they are adequate for both the new and the existing tanks. The additional 250,000 gallon water storage and distribution tank is to augment the existing fire protection capacity in the area which, due to the construction of the Bitterbrush project, is inadequate. The new tank will be connected to the existing transmission main and will be interconnected to the existing tank so that water level in the two tanks will always be equal. As staff understands the situation, the total diversion of water from Incline Creek would not be changed. The maximum allowable diversion would be 1,440 acre feet per year; however, the calculated maximum diversion is not practically achievable due to seasonal alterations in the stream. Incline Village GID estimates that the practical maximum diversion is 1,000 acre feet annually.

The Nevada Department of Fish and Game has commented that some flows are critical in Incline Creek to maintain primary fish habitats but has advised that it has no control over water quality or fish habitats in a stream once a diversion permit has been issued by the Nevada Department of Water Resources. At this time, the District does not propose to change the diversion structure but will install a flume device and will also monitor diversion quantities at the diversion point. Based on yesterday's meeting, staff recommends a conditional approval. Aside from the standard conditions, staff recommends that the applicant institute a program for monitoring Incline Creek flows and the amount of water being diverted, with copies of the resultant report to be available to the staff. The District is to maintain minimum flows consistent with the physical capacity of the Incline Watershed, Incline Creek and existing fish habitats. Staff's aim is to protect, to the extent possible within the existing water law, the fish resource of the stream.

Dave Antonucci criticized the wording of the conditions as being too vague, stating they could be interpreted to mean that during low periods, the stream could be sucked dry on the basis that it is within the physical limitation of the watershed. For the condition to be meaningful, a minimum flow would have to be maintained downstream of the diversion. That can be easily determined by Fish and Game by studying the geometry of the slopes, etc. A study should be undertaken to determine the exact figure and the District should be required to adhere to that figure.

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Staff advised that the neighboring Bitterbrush Subdivision was included by the District in the calculations for projected water needs. The Bitterbrush Subdivision is being required, however, to provide increased fire protection in the area. With regard to increasing potential population, the constraining factor is water rights which limit the amount of development to be serviced in the service area. Incline Village GID will be doing the work associated with installing the new tank, but Bitterbrush will be paying for the tank and improvements. Bitterbrush has insured that it will provide any necessary funding to meet adequate domestic and fire flow needs in the area. During low flows at Incline Creek, diversion is not undertaken because of turbidity. The District is responsible for maintaining safe water standards and to date has had no problems.

Milton Sharp, on behalf of the application, explained that the sole purpose of the new tank is to augment fire protection reserves and has nothing to do directly with being able to supply domestic water to Bitterbrush or Tyrolian Village. The impetus for the construction of the tank has been generated by the current construction of Bitterbrush, but the tank is needed as critically if the subdivision were not constructed. The 250,000 gallon tank now provides fire reserve for Ski Incline as well as Tyrolian Village. When the Ski Incline snowmaking operation is in process, a lot of water is used and can draw the level of water in the tank down, decreasing fire protection reserves. A number of situations such as 100% occupancy of Tyrolian Village or the snowmaking operation at Ski Incline would be sufficient to deplete the reserve in the existing tank. Discussion followed on whether or not the new tank would allow additional development in the area not now possible. Mr. Sharp advised that the neighboring subdivisions have recorded final maps and are in the process of building out. If the tank is not approved, additional fire reserve will have to be obtained elsewhere; the alternatives are not viable, however.

Jack Shefchik, District Engineer, answered questions about the mechanics of the diversion. When asked if the District would be willing to conduct a one year study to measure flows of Incline Creek and to work with the Nevada Fish and Game Department to determine what the appropriate minimum flows should be, Mr. Shefchik agreed. It is not anticipated that complete diversion of the stream will be undertaken due to the hardship imposed on the pipelines. The low level on the existing tank is 10 feet of water; when the water reaches this level, the pump comes on. Ski Incline has in the past voluntarily shut down its snowmaking operation if the water storage reserve has gotten that low.

MOTION by Ms. McMorris to approve the Incline Village GID request for a new 250,000 gallon water tank with the conditions recommended by the staff. Second by Mr. Burnham.

Mr. Antonucci asked that staff's first condition be amended to state that Incline Village GID, in conjunction with the Nevada Department of Fish and Game, shall conduct a study of minimum flow rates necessary in Incline Creek for maintenance of fishery and wildlife habitats and the resulting recommended minimum flows shall be met by the District at all times in the future. The study shall be completed and submitted to TRPA by October 1, 1981.

Mr. Shefchik stated he had no problem with that condition.

Ms. McMorris and Mr. Burnham agreed to incorporate this amendment into the motion.

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Mr. Antonucci proposed that the second special staff condition be reworded to state that Incline Village GID shall, through ordinance or other means, require that Ski Incline not be allowed to encroach into fire flows for the purposes of snowmaking.

Mr. Shefchik advised that he could not agree to this condition since it was a question really of District policy.

Ms. McMorris asked that this amendment not be incorporated into the motion.

The vote on Mr. Antonucci's amendment that Ski Incline not be allowed to encroach into the fire flows for the purpose of snowmaking carried on the following vote:

Ayes: Mr. Combs, Mr. Iturreria, Mr. Sanford, Mr. Hoole,
Mr. Wright, Mr. Antonucci, Mr. Bidart, Mr. Bailey,
Mr. Parson
Nays: Mr. Burnham, Mr. Maki, Mr. Hansen, Ms. McMorris,
Mr. Renz
Abstain: None
Absent: Mr. Milam, Mr. Drawbaugh, Mr. Scribner, Mr. Hoefler

The motion by Ms. McMorris to approve the project (to include the two amended conditions along with the standard conditions) carried unanimously.

B. Douglas County Sewer Improvement District,
Wastewater Treatment Plant Improvements

Phil Overeynder brought the APC up to date on the project which was originally heard by the APC in April of this year. The proposal is to expand the facility to 3.75 million gallons per day (MGD). Current capacity is 2.5 to 2.6 MGD. Previous APC and staff concerns related to financing; the Nevada Division of Environmental Protection (NDEP) review and issuance of a waste discharge permit; and federal funding and regulation.

With regard to funding, the voters in the Douglas County Sewer Improvement District service area recently approved a \$6 million bond issue; the bonds are currently being sold at that full amount. The District anticipates it can construct the improvements within the \$6 million budget. On NDEP review, the APC had earlier commented it was inappropriate for TRPA to take action on the application prior to receiving comments and action from NDEP on a waste discharge permit under a National Pollution Discharge Elimination System (NPDES). Staff recently received a copy of the draft waste discharge permit. When the land application system is fully operational, the discharge to the Carson River would terminate and there would be no requirements under federal law for a waste discharge permit; however, in Nevada, there are continuing requirements for land application. That is the point in time when the 3.75 MGD effluent limitation will be in effect. The public comment period is currently open on the NDEP permit and the APC comments are requested.

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The third area of concern is federal funding and regulation. When the project was first presented in April, a federal funding decision could not be made until the finalization of the draft EIS for the South Tahoe PUD and DCSID facilities. That draft was reviewed in detail by the Agency. The EIS states that EPA wanted substantial mitigation measures in terms of air quality, traffic, noise, etc. prior to finalizing the EIS. Subsequent to that, however, EPA has taken a position that, until the 208 situation is resolved and there is a certified plan for the Basin, it will not final the EIS. The situation with regard to finalizing the EIS and having an EPA statement on federal funding for the project is the same now as it was in April. To complicate matters further, there is a draft Executive Order which would limit federal activities in the Basin prior to establishment of environmental threshold limitations. Federal funding and permitting activities are to be consistent with these threshold limits. Although the Order has not yet been issued, it may have an effect on EPA's position since EPA has to sign off on the waste discharge permit in the event the project is approved by TRPA and NDEP.

Although staff has answers regarding the financing program, it is still studying whether to recommend plant expansion to 3.75 or limit flows to something less, consistent with the pending bistate compact which proposes a flow limitation of 3.0 MGD. Staff recommends continuing the item for 30 days to give EPA an opportunity to review the proposed permit, at which time it is hoped the bistate compact will have been acted on in Nevada.

Jere Williams, on behalf of the District, asked that the project be approved because of various landmark dates under the permit by which certain requirements are to be met, the next being in October, 1980. The not-yet-approved permit requires that a progress report be submitted by October 1, 1980, and the District is trying to comply with these deadlines. As an additional note, the actual flow in the peak month in 1980 was 2.328 MGD, not the anticipated 2.5 MGD.

Marvin Tebeau, NDEP Permits Officer, explained that the draft permit was prepared to comply with the proposed bistate compact amendments. The draft would limit the increase in effluent discharge rates to 2.5 MGD (30 day average) until 60 days of compliance with existing standards is attained, to 3.0 MGD (30 day average) until the pressure filter system is fully operational, and to 3.32 MGD until the land application system is fully operational. The compliance schedule calls for the land application system to be fully operational by July, 1983. Verbal agreement on the permit has been received from EPA by phone with some minor changes; nothing has been received in writing. Although DCSID would like TRPA's approval in order that its commitments and deadlines can be met under the new permit, the permit has been drafted so that there is some leeway.

Staff reiterated its recommendation that the matter be continued 30 days so that final comments can be received from EPA and it will be known what effect the compact would have on the proposal. It appears the compact would not prohibit further expansion beyond the 3.0 MGD but would require additional information to be generated should it go over 3.0. Staff does not yet know what review criteria will be required.

Janet Rosati, representing EPA, advised that a memorandum of understanding signed by DCSID and the EPA division director did not specifically say that the District would remain in the process through the final EIS report, but it does say that Douglas County SID will report to EPA which mitigation measures it will implement and on what schedule. It is implied that DCSID will go further than the draft process but it does not say the District will stay in the process.

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MOTION by Mr. Antonucci to adopt the staff recommendation to continue the matter to the next meeting pending resolution of the various factors and issues which have been identified in the discussion. Second by Mr. Combs. The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Burnham, Mr. Iturreria, Mr. Sanford,
Mr. Hoole, Mr. Wright, Mr. Maki, Mr. Antonucci,
Mr. Bidart, Ms. McMorris, Mr. Bailey, Mr. Renz
Nays: Mr. Hansen
Abstain: None
Absent: Mr. Milam, Mr. Drawbaugh, Mr. Scribner, Mr. Hoefer,
Mr. Parson

VI REPORTS

- A. Public Interest Comments - none
- B. APC Members

Dave Antonucci informed the APC that Lahontan has issued a letter of warning to the utility districts on the North Shore that they are out of sewage capacity and that no additional new construction is to be approved for three years at least. The districts are committed over 3.0 MGD and their flow limitation is 2.94 MGD. All existing, valid building permits will be honored, but no new permits will be issued until completion of the new treatment plant expansion.

Bill Combs announced the birth of his son David William on August 26.

Phil asked if the APC would consider a resolution commending Verne Rosse for his many years on the APC. The APC directed staff to prepare such a resolution.

Phil introduced Chris Elfving and Vicki Belquist who are working with the Agency as interns.

VII RESOLUTIONS - none

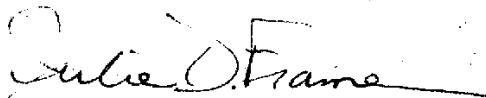
VIII CORRESPONDENCE - none

IX PENDING MATTERS - none

X ADJOURNMENT - The meeting adjourned at 12:55 p.m.

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

Respectfully submitted,



Julie D. Frame
Administrative Assistant

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Joyce Grunauer
General Plan Amendment
Placer County

Amendment Request

The applicant is requesting an amendment to the TRPA land use district maps to reclassify her property from General Commercial to Tourist Commercial. This application is being processed in order that the applicant may construct a single family dwelling and utilize a sewer permit she recently received.

In order to prevent a case of spot zoning and to obtain TRPA staff support, the applicant has included adjacent properties not owned by her in the request. All affected property owners have been sent written notice of the public hearing.

Property Location and Description

The properties under consideration are located on the north side of Brockway Vista Avenue between Coon Street and Chipmunk Street in Kings Beach, as shown on the attached map. The applicant's property is located approximately in the middle of the block.

Land Use

The area under consideration for reclassification is part of Brockway Vista Subdivision which is an older subdivision which was subdivided into narrow lots 25 feet wide. Although each lot could be a legitimate building site under any non-commercial land use district, the trend has been to aggregate these narrow lots into more suitable building sites. The 6.2 acre area to be considered has approximately 73 lots which are aggregated into approximately 26 parcels of contiguous ownership. There are 16 single family dwellings on 32 lots, 3 motels on 11 lots, one state park parking lot on 4 lots, and 10 undeveloped parcels consisting of 26 lots.

The existing land use pattern is primarily residential and tourist residential on Brockway Vista Avenue. The properties to the north which abut Highway 28 are commercial; the properties to the east are residential; and the state beach is to the west.

Land Capability

The TRPA land capability maps indicate the entire area is classified as capability 5, or low hazard lands, which permit 25% land coverage. There are no stream environment zones in the area. The TRPA Land Use Ordinance permits coverage overrides up to 70% land coverage because the properties in question are classified as General Commercial.

Local Zoning

Placer County has the entire area zoned commercial but has recently processed a variance and a rezoning to residential to permit the construction of a single family dwelling on the applicant's 50 x 150 property. The CTRPA is considering a reclassification on the subject lot to permit the construction of the subject single family dwelling.

Analysis

Land Use Impacts - The proposed zoning will permit the construction of residential units up to 15 units per acre which was not permitted under the General Commercial land use district. All uses now existing would be conforming under the proposed change. There should be no significant loss in commercially zoned lands since Tourist Commercial permits limited commercial uses.

Environmental Impacts - The permitted land coverage will be reduced from 70% permitted under General Commercial to 50% for commercial or 35% for residential under Tourist Commercial. The development of 35% of the remaining area could occur with either land use classification. A survey of the area would indicate a need for some site improvements, i.e. repairs, drainage, etc.

Public Service Impacts - The development potential in regards to public service demand may be increased since residential uses will now be permitted. It is difficult to assess the difference in potential impacts since both General Commercial and Tourist Commercial permit a broad range of development; however, there are some serious problems related to water and sewer no matter what the development for this area.

By letter dated September 5, 1980, the Lahontan Regional Water Quality Control Board has indicated that there is no excess sewage treatment capacity available to the North Tahoe Public Utility District (NTPUD) which services the area. Also, the NTPUD has indicated that their existing annual water rights are 2,230 acre feet which is far short of the estimated 3,719 to 6,476 acre feet needed for build-out under the TRPA General Plan.

Alternatives

Retain the General Commercial Land Use Designation - This alternative would provide the maximum permitted land coverage (70%) and require the eventual phaseout of residential uses. The TRPA Dornbusch Study did indicate there would be a shortage of commercial floor area at buildout under the current TRPA General Plan.

Reclassify to High Density Residential - This alternative would provide 50% land coverage and residential uses at 15 units per acre. It would not permit any commercial or tourist residential uses. This would be compatible with the existing lot density (11 lots per acre) and the land use district on the south side of Brockway Vista.

Recommendation

The Agency staff recommends the request for reclassification to Tourist Commercial be approved and the land coverage limitations be established at 35% for residential uses and 50% for commercial uses.