TRPA
APC
PACKETS

NOVEMBER
1982

Phil

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

NOTICE IS HEREBY GIVEN that on November 10, 1982 at 9:00 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: November 1, 1982

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
NOTE: Meeting Location May Be Subject to Change

November 10, 1982
9:00 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV APPEALS - Pursuant to Ordinance 81-5 Case-by-Case Review

A. Elegant/Buchbinder, Lot 17, Block H, Geraldine Drive, Incline Village Unit #1, Washoe County APN 125-232-16, TRPA File #81-1392

B. Lowry/Pillsbury, Logan Creek Estates Unit #2, Appeal of Subdivision Classification, Douglas County, TRPA File Numbers 82960-82998

C. Lifschutz, Appeal of Staff Decision to Approve Pier Repair, 740 W. Lake Boulevard, Placer County APN 94-200-17, TRPA File #82261

OFF RULES OF PRACTICE & PROCEDURE

V PLANNING MATTERS

A. Tahoe Station, Environmental Impact Statement - Determination of Technical Adequacy

B. Regional Plan Development

1. Summary of Public Participation Workshops/Meetings

2. Alternatives

VI REPORTS

A. Draft Staff Report - Case-by-Case Review ZJG

B. 208 Status Report - Quarterly Report - G.S.

C. Air Quality Plan Status Report - D.N

D. APC Members

E. Public Interest Comments

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

October 13, 1982
9:00 a.m.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chairman Stan Randolph called the meeting of the Advisory Planning Commission to order at 9:10 a.m.

APC Members Present: Mr. Hallam, Mr. Renz, Mr. Pyle (arrived at 9:15) Ms. Bogush, Mr. Sullivan, Mr. Sawyer, Mr. Rosse, Mr. Hansen, Mr. Bidart (arrived at 9:25) Ms. Shellhammer, Ms. Sparbel, Ms. Tryggvi, Mr. Randolph

APC Members Absent: Mr. Combs, Mr. Smith, Mr. Schlumpf, Ms. McMorris,

Mr. Randolph introduced Ms. Brita Tryggvi of the Regional Administrative Planning Agency Washoe County, representing Mike Harper in his absence, and welcomed Mr. Vern Rosse of the Nevada Department of Conservation and Natural Resources as Mr. Dodgion's alternate for the October meeting.

II. APPROVAL OF AGENDA

Phil Overeynder, Executive Director, stated that agenda Item IV A., Appeals, Buchbinder/Elegant, would be continued for thirty days and rescheduled for the November APC meeting, as requested by the applicant.

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

III. DISPOSITION OF MINUTES

Ms. Shellhammer requested that on page 5, paragraph 3 her questions be noted as follows: "What are the legal requirements in terms of setting up a general plan? Is a general plan for the Tahoe Basin which is mandated by the Compact, how are the legal requirements for this Basin for that plan similar to or different from what they do in Placer County or Douglas County or what other government agencies not just the cities, counties involved but the Forest Service, Soil Conservation Service and the various utility districts, how does this all mesh? Is there an overall legal requirement? Is it piecemeal?"

Mr. Sawyer, noted that on page 7, paragraph 6, last sentence, his statement "There is legal authority to apply the same controls to public agencies as to private parties and in some instances it is appropriate", that the minutes should reflect in the case of the federal government this is true for air and water quality, but not necessarily true for other control measures.

MOTION by Mr. Hansen, with a second by Ms. Shellhammer, to approve the minutes of September 8, 1982, as amended. The motion carried unanimously.

IV. APPEALS - Pursuant to Ordinance 81-5 Case by Case Review

A. Buchbinder/Elegant, Lot 17, Block H, Geraldine Drive, Incline Village Unit #1, TRPA File #81-1392

Continued to November 10, APC meeting.

V. PLANNING MATTERS

A. Regional Plan - Issues and Strategies

Mr. Sheffield stated that the tentative list of the Regional Plan issues and strategies included in the APC packet had been mailed to the Technical Resource Team members. Discussion of this agenda item followed later in the meeting.

VI. REPORTS

A. Public Participation Program for Regional Plan

Ms. Lasta Tomasevich, Public Participation Coordinator, reported that ten public workshops have been scheduled and will be conducted by the TRPA during the month of October. Seven meetings will be held within the Basin, and three meetings will be held outside of the Basin. Ms. Tomasevich noted that two of the ten meetings would be conducted at a joint meeting of the El Dorado County/South Lake Tahoe Planning Commissions on October 27, and the Placer County Planning Commission on October 28. Public announcements of the meeting schedule and locations were sent to the Nevada Gazette Journal, Nevada Appeal, Record Courier, Mountain Democrat, Sacramento Bee, and the Lake Tahoe News, in addition to contacting the radio stations. Two full page advertisements would be printed in the Tahoe Bonanza, Tahoe World, and the Tahoe Daily Tribune listing the issues and strategies to be discussed at the public participation meetings, along with a form that the public is urged to fill out and mail to the Agency with their response if they are unable to attend the workshop meetings. The public will also have the opportunity to request to be put on a mailing list for current updates of the development of the Regional Plan. In addition, Ms. Tomasevich outlined the agenda for the public participation workshops, explaining she will attend all of the workshops, along with two TRPA staff members, to present the background and process for development of the Tahoe Basin Regional Plan, identifying the issues involved in planning, and discuss possible strategies that respond to the issues for each of the elements.

Suggestions and recommendations from the APC members pertaining to the public participation meetings were noted as follows:

It would be more productive if air quality and transportation were placed together, at least for purposes of public discussion, as they could be dealt with better rather than split as the Compact states. Give the public the background of what the threshold requirements and the Compact requirements are for achieving state and federal standards in terms of the requirements of the transportation plan and the constraints involved. The outline to be presented to the public will include the Compact requirements, and why the Regional Plan is being prepared, the process of preparing the environmental thresholds, and what the legal requirements are. The emphasis of these meetings is to make sure

the public is informed, and to hear their ideas, concerns, and opinions. The mailing list form will be handed out at the beginning of each meeting, rather than wait until the end of the meeting to ask the public to fill it out. Use a form outlining the information that is requested of the public during the table discussions which the moderators could complete for the summary. A facilitator or TRPA staff member should be assigned to each table to lead the discussions. During the beginning of the introduction, point out to the public that some of the ideas/suggestions may contradict the Compact and might not be used if there is conflict.

Discussion followed pertaining to the difference between a facilitator and a leader, and Mr. Overeynder re-emphasized the purpose of the meetings was to inform the public. The facilitator should not become the leader of the group discussions, and the roles should be differentiated. A staff facilitator could be an option to consider, since the meetings would be flexible.

Ms. Tomasevich clarified for the APC members that the introductory material would include the schedule of all the meetings, dates, and locations, along with a list of the issues and strategies for each of the six elements. Ms. Shellhammer asked if this handout could include what the thresholds are as adopted in August by the TRPA Governing Board in non-scientific terms, pointing out a brief news article that was published on September 1, titled "Content of the Thresholds". Ms. Shellhammer suggested this could possibly be two type-written pages to be included in the material for public reference.

Mr. Hallam asked once the public participation meetings were completed, would there be a general public hearing to summarize all the strategies chosen. Mr. Sheffield stated that a summary would be presented to both the APC and the Governing Board during their respective November meetings. The November Governing Board meeting will not be a formal public hearing, but as all Board meetings are noticed and open to the public, time will be allowed for public input. The intent is to summarize what has been learned at these sessions beyond what has already been pulled together, what additional issues and strategies are that staff may have failed to include, and include the strategies that may surface during the public participation meetings. The Governing Board will be asked at the November meeting to verify the range of alternatives that have been developed. They will then become the basis for the alternatives in the Environmental Impact Statement, which will start another whole process of public involvement.

Discussion returned to the Regional Plan issues and strategies as Mr. Sheffield stated that the tentative list developed to date purposely provided blank spaces, as staff recognized additional issues and strategies might surface during the next few weeks. The second part of the document deals with the alternative strategies for responding to the issues/concerns that have emerged to this point. From the response of the public meetings, the advertisement in the newspapers, the public and private interest groups, and all governmental entities, the blanks on this list will be filled in during the next several weeks.

Mr. Sheffield pointed out that in all cases the strategies are not mutually exclusive. One strategy that is particularly favored could be applied to the South Shore, another strategy that may be somewhat different could be applied to an area of the North Shore. Simply selecting a strategy does not mean that it

has to be applied to every acre of land throughout the Basin, and it can be relatively specific in terms of its application. Response to the issues and strategies is requested by October 29, 1982, which would allow a period of time to assemble, summarize and get the whole process brought together before the Governing Board at the November meeting.

Ms. Sparbel was concerned with the "planners" language, which differs among planners, and felt that no one is going to understand what is meant, for example by "fair share housing" and "redevelop existing developed areas". Ms. Sparbel suggested that more "common/layman's" language be used if possible or to have moderators explain what is meant, as the word redevelopment sometimes has a bad connotation to the public. Ms. Bogush stated that in some of the issues the word redevelopment is used in a very broad sense and it is important not to get the redevelopment process under the California State Redevelopment law confused in the public's mind with what the Agency wants to be doing in terms of recycling development, as it could create a negative impression for the Agency when the word redevelopment is used. Ms. Bogush further stated it could also confuse the public in terms of the City's efforts to do redevelopment and maybe think the TRPA is doing it, when they actually are not. Ms. Bogush suggested the word "redevelopment" be used appropriately in order not to confuse the two concepts. Mr. Renz added that the staff attending the meetings would be able to explain what is meant by the planning language; the issues have been gone through numerous times trying to eliminate planning terminology and all of it cannot be eliminated. Mr. Pyle re-emphasized that is why he felt it is important to have a facilitator at each table.

Burton Brockett from Caltrans suggested that the problem of noise as it relates to airports be highlighted to help generate discussion in that area. Mr. Sheffield responded that one of the environmental thresholds adopted dealt with aircraft noise and the aspect of or strategy for achieving that noise level would be looked at in the Regional Plan. It needs to emerge as being an issue, especially one of the more prominent issues in terms of noise on the South Shore and what it does to neighborhood tranquility.

Pertaining to water quality, Mr. Sawyer stated the emphasis, with one exception, is on development related water quality controls and felt the other half or perhaps two thirds should be brought out. The other concerns are remedial erosion controls on commercial areas, onsite controls, fertilizer use, forest practices, ski areas, logging, etc., which all affect water quality and raised a great deal of public comment in the past. He added that the issues listed here just focus on development. Mr. Sawyer further stated it is important that the public know the background of the constraints of the Compact in meeting the thresholds and, as pointed out by Ms. Bogush, some of these are thresholds and are not choices. Mr. Sawyer expressed his concern that the people should also know that the thresholds, which are not printed, be aware that these are strategies and how they will be achieved together with the water quality. In addition, Mr. Sawyer stated that the newspaper publications should include what the constraints are so that the public will know what has to be met and what is being asked of them for their input to the Regional Plan.
Mr. Hansen suggested it is important to let the public comment upon what they perceive as problems rather than lead them into it. Mr. Sawyer disagreed, stating that the Governing Board adopted the thresholds and the question now is how to achieve them. Mr. Sawyer thought it would be misleading the public to

think that everything is wide open giving them a set of strategies and issues without making it clear that certain decisions have already been made either by the Compact or by the thresholds.

Mr. Sheffield stated that the APC members could comment individually or collectively today or next month by using the page out of the newspaper to respond, or to fill in the blanks which will help staff complete this list. The Agency is trying to insure at this point that the spectrum has been covered to date. Each one of the strategies will be tested against the adopted thresholds to see if attainment of the thresholds is possible. This is considered an integral part of the total process and probably one of the more complicated parts of the entire process.

Pertaining to the newspaper article titled "Content of the Thresholds", previously discussed, Mr. Hallam felt it was written in concise layman's language and agreed with Ms. Shellhammer's suggestion to reduce the article and attach it it as part of the material given to the public at the meetings.

Mr. Randolph stated that the air and water quality aspects relating to the transportation issues needed to be expanded. Mr. Sheffield responded that air and water quality is a component of the land use element, and there is definitely a close tie between both air and water quality and the transportation systems and that staff is attempting to bridge the gaps between them.

Dr. Judy Unsicker of the Lahontan Regional Water Quality Control Board commented that water quantity had not been mentioned among the issues and suggested it be mentioned in the introduction of public services.

Ms. Bogush suggested the socio-economic factors listed under implementation be separated, and social factors would be more appropriately placed under Public Services and Facilities. Public health and safety was changed to read "Provide necessary services - police, fire, garbage, education, and social services" so the social planning concept is under public services and facilities. It really doesn't make sense to have socio-economics under implementation. The economic factors definitely belong in implementation, but the social factors really belong under public services and facilities.

The APC members received a copy of the schedule of meeting dates for the public participation workshops (copy attached).

Mr. Hansen asked how interest in the meetings in San Francisco Bay area will be generated. Ms. Tomasevich replied primarily through the threshold mailing list and public information news broadcasts. Ms. Sparbel added that she had viewed it twice on both NBC and CBS TV in Reno. Mr. Sheffield expressed appreciation for the cooperation received from the local planning agencies in getting the information distributed.

Mr. Larry Hoffman, Tahoe Sierra Preservation Council, expressed concerns of whether there would be a representative turnout, noting that several years ago a full page news article put together for the 208 Water Quality Plan was in all the local newspapers. Mr. Hoffman commented that during the process of the Regional Plan, funds should be used in preparing a brochure in simple language and graphics to inform the thousands of people that will be affected during this process.

VI B. 208 Status Report - Highway 50 Erosion Control Program, Nevada

Mr. Sheffield reported that a condition of approval for the resurfacing of Highway 50 on the Nevada side of the Basin, Stateline to Spooner Summit was the development of an erosion control program, as stipulated by the TRPA Governing Board, to be submitted to the Agency by December 1, 1982. Staff has the preliminary program proposal and drawings for the erosion control on this stretch of highway. The estimated cost is approximately $8,000,000 according to the Nevada Department of Transportation. There is no funding committed to the plan at this time. Staff is convening a review committee to evaluate and provide comments to NDOT on the proposed project. The committee will be composed of Agency staff, Soil Conservation Service, U.S. Forest Service, Nevada State Environmental Protection Agency, and Douglas County. This meeting is scheduled for 9:30 a.m. on October 26, 1982. This technical review will help provide information to the Governing Board who will make the final recommendations in order that NDOT can finalize this proposal and submit it to the Agency by December 1. The APC members are invited to attend this technical review of both the plans and the program.

Mr. Overeynder briefly explained that staff reviewed the Highway 50 Stateline to Spooner overlay project and was concerned that the proposed project did not include erosion controls. The Governing Board felt that public entities should be treated much the same as private entities when there is substantial rehabilitation work taking place and there should be a commitment to take care of the existing erosion problems along the highway right-of-way. A delegation of four Governing Board members met with Governor List and the Highway Commission, State of Nevada. The Agency did receive a commitment from the State of Nevada to prepare this plan and place a high priority for funding. The plans will have to address how it will be funded and the schedule to place these improvements on the ground. Mr. Overeynder further stated the Agency has received a general commitment from the State of California to implement the water quality plan, but not as an attachment or a condition of approval of a specific project.

Pertaining to the California side overlay projects commitment, Mr. Sawyer added that CTRPA and Lahontan chose to put conditions on Caltrans projects requiring remedial erosion control when upgrading has occurred, but the emphasis over the last couple of years is trying to get Caltrans to go beyond that and start correcting problems even though they do not have another project coming through. Caltrans' five year state transportation improvement program, which is budgeted funds, has over $2,000,000 of erosion control projects, which is a little short of what is needed to get the program going on north and south shore but has progressed from a couple of years ago. Mr. Overeynder further stated that California has not had any major projects such as the sixteen miles of roadway like the one on the Nevada side, but the project area has been identified for remedial erosion controls and those are generally incorporated as part of the plans for that area. In many cases with Caltrans and other public entities, there will be conditions imposed that will add those measures as part of the project.

VII RESOLUTION

A. Draft Resolution for Lynne Smith

On behalf of the Advisory Planning Commission, Mr. Randolph expressed appreciation for Ms. Smith's long years of service given during her tenure as a member of the Commission and recognized in Resolution 82-14.

MOTION by Mr. Hansen, with a second by Mr. Bidart and Mr. Pyle, to adopt Resolution 82-14 for her contributions to the APC and the Tahoe Basin. The motion carried unanimously.

VIII CORRESPONDENCE

Letters received from Mike Harper of the Regional Administrative Planning Agency Washoe County, introducing Ms. Brita Tryggvi serving as his representative in his absence, and Mr. Lew Dodgion of the Nevada Department of Conservation and Natural Resources designating Mr. Vern Rosse as his alternate for the October meeting.

APC Members and Public Interest Comments

Ms. Bogush reported on the Tahoe Basin Association of Governments (TBAG) meeting. The members appointed a planner's task force to advise the TBAG Board on the regional planning concepts, issues, their role and involvement in the Basin. The task force is composed of Steve Hallam, John Renz, Mike Harper, Walt Sullivan, Bill Combs and Ann Bogush. Mr. Renz added that the TBAG Board elected to have a TRPA planner on the task force. There is a Memorandum of Understanding concerning the commitment to the regional planning process and designation of the planners time as a definite high priority.

Ms. Shellhammer suggested that the TBAG Board members read the parts of the Compact which state that local plans can be stronger environmentally than the Bi-state plans and asked that they consider this aspect.

Mr. Randolph asked for information on the Tahoe Transportation District's (TTD) advertisement for an Executive Director and preliminary funding. Mr. Dennis Winslow, CTRPA Executive Director, explained that the TTD is looking to gear up and start moving in the direction of implementing the TRPA's Transportation Plan. The TTD requested State Transit Assistance (STA) funding in the amount of $16,000. The CTRPA Governing Board granted this request at their October meeting. In addition the TTD has an additional $15,000 that Caltrans passed through to them last year. The money will be used for seeking an UMTA Grant (Section 18) matching funds for operation. CTRPA has discussed with the City of South Lake Tahoe the possibility of providing some clerical assistance along with TRPA providing some legal assistance to the TTD. The TTD has met with El Dorado County concerning the possibility of assuming operation of the South Tahoe Airport. The schedule for hiring an Executive Director may be as early as the beginning of 1983.

Mr. Bidart commented that there is the possibility of getting an additional $50,000 RC&D funds for the work in the Marla Bay/Zephyr Heights area. There was an Area 3 meeting held in Auburn the week of October 4 and there is the possibility that CDF will have an extension person to help conduct forestry management seminars in the Basin. There is a full time CDF person in the Basin and there will be more activities in forestry management.

Pertaining to appeals that the APC members will be reviewing, Ms. Sparbel requested that staff include a small location map in the packets for the members who would like to visit the project site, but are not familiar with the location or the area.

Ms. Shellhammer commented that Proposition 4 on the November California election ballot, if it passes, would lessen the tension considerably in the Tahoe Basin. Ms. Shellhammer felt that there is no organized opposition, but stated that does not mean it will pass to provide monies to buy out sensitive lots on the California side of the Basin. Ms. Shellhammer recommended that telephone calls and post cards be sent to friends and relatives in the southern California area, particularly San Bernardino, Riverside and Orange Counties, urging them to vote for Proposition 4. Ms. Shellhammer pointed out that previously it was on the ballot as Proposition 1, which failed by 185,000 votes, but if it passes this time it might make a difference for all concerned.

Mr. Randolph thanked staff for including a copy of the Rules and Regulations of Practice and Procedure and suggested that the new Sections 5.20 and 7.10 be read which will help the APC members in their recommendations on appeals.

IX PENDING MATTERS

None

X ADJOURNMENT

The APC meeting adjourned at 10:40 a.m.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0249.

Respectfully submitted,

Mary Dailey

Mary Dailey
Secretary II

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8896
South Lake Tahoe, California 95731

2155 South Avenue (916) 541-0246

N O T I C E

The public is invited to bring ideas and suggestions to a series of public workshops to be conducted by the Tahoe Regional Planning Agency. The purpose of the workshops is to present the background and process for development of the Tahoe Basin Regional Plan, identify the issues involved in planning, and discuss possible strategies that respond to the issues. The date, time, and location for the upcoming meetings are as follows:

October 13	7:00 p.m.	The Chateau, Incline Village, Nevada
October 18	7:00 p.m.	Douglas County Library, Zephyr Cove, Nevada
October 19	8:00 p.m.	City Hall, Reno, Nevada
October 20	7:00 p.m.	Community Center, Sacramento, California
October 21	7:30 p.m.	State Office Building, Room 1194, 350 McAllister Street, San Francisco, California
October 25	7:00 p.m.	Heart Federal Savings and Loan, Tahoe City, California
October 26	1:30 p.m.	Art Building, 3062 Lake Tahoe Boulevard, South Lake Tahoe, California
October 26	7:30 p.m.	Timber Cove Lodge, Starboard Room, 3411 Lake Tahoe Boulevard, South Lake Tahoe, California

In addition to the above workshops, presentations open to the public will be conducted at the following planning commission meetings:

October 27	7:30 p.m.	Joint meeting of El Dorado County/South Lake Tahoe Planning Commission, South Tahoe Unified School District Office, 1021 Al Tahoe Boulevard, South Lake Tahoe, California
October 28	4:00 p.m.	Placer County Planning Commission at the Video Room, Squaw Valley

If you wish to know more about the Agency's long range planning effort, feel free to stop by or call at the above address and phone. A staff member will be happy to respond to your request for additional information.

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Buchbinder/Elegant, Appeal of Staff Decision Pursuant to Lot Review Criteria, Case-by-Case Review of Single Family Dwelling, Lot 17 Geraldine Drive, Level 1A, Washoe County, APN 125-232-06, TRPA File #81-1392

Applicant: Harris Buchbinder/Ira Elegant/Foster Engineering

Project Description: The applicant proposes to construct a 2-story single family dwelling with a 2 car garage. A driveway and garage is proposed to be cut in with retaining walls as stabilization. No substantial cut would be required for the balance of the structure.

Project Location: Lot 17, Geraldine Drive, Incline Village Unit #1

Site Description: The subject parcel is an uphill lot with a slope of approximately 10% across the building site. There is a large road cut which is in excess of 15 feet in height. The soil is very rocky in nature and the site is moderately well vegetated.

Land Use District: Low Density Residential (LDR)

Land Capability Classification: Level 1A, MsE and UmF soil types

Land Coverage:		
Total Lot Size	14,000 sq. ft.	
Allowable Coverage	2,800 sq. ft.	(20% of total lot size)
Proposed Coverage	2,784 sq. ft.	

Building Height: Proposed: 30ft. Permitted: 35 ft.

Project History: The application was received in November of 1981. The site was field checked in December, 1981. Based upon a preliminary staff review, the project was considered a high risk with regard to land stability. Concern was also raised regarding the runoff potential due to the rocky nature of the soil. This preliminary decision was appealed to Philip Overeynder, Executive Director. He concurred with the staff determination.

At the appeal hearing, the possibility of a zero setback parking pad was discussed. This concept would minimize the cut by eliminating the driveway. Foster Engineering determined that a minimum of a 15 foot cut would be required for this alternative. Staff contends that this amount of excavation is excessive and classifies the project as a high risk with regard to land stability.

The applicant now wishes to appeal this determination of high risk with regard to land stability.

Impact Analysis and Mitigation Measures: The Case-by-Case Lot Review Criteria have been applied to the subject parcel. Staff finds that the parcel is considered a high risk with regard to at least one of the four criteria.

Proximity to a Stream or Wetland: Low Risk. There is no stream environment zone on or adjacent to the subject parcel.

Runoff Potential: Moderate to High Risk. The soil is extremely rocky in nature. This is evident in the cut slope adjacent to Geraldine Drive. The cemented substratum, characteristic of the MsE soil type, appears to be very close to the surface. This could result in a lack of infiltration capacity. Additional information, such as percolation tests, would be required to accurately assess the infiltration capacity.

Land Stability: High Risk. The nature of the parcel is such that excavation for the required off street parking is excessive. A minimum of a 15 foot cut is required. According to the criteria this is considered access difficulties and is a high risk. Further, the rocky nature of the soil would create excavation difficulty.

Vegetation: Moderate Risk. The site is currently well vegetated. Because of the rocky nature of the soil, however, revegetation of disturbed areas may be difficult.

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:

Applicable Elements	Findings
Nevada Side Land Use Ordinance	Consistent
Nevada Side General Plan and Sub-Elements	Consistent
TRPA 208 Water Quality Plan	Inconsistent*
Nevada Division of Environmental Protection Air Quality Plan	Consistent
Federal Air Quality Standards	Consistent

*This project is inconsistent with the 208 Water Quality Plan since it is not within the parameters of the Lot Review Criteria.

Project Analysis and Issues for Discussion: Agency staff finds that the impacts resulting from the proposed project are excessive and cannot be minimized to an acceptable level. The project does not fit within the parameters of the Case-by-Case Lot Review Criteria.

Required Actions and Findings: If the Board wishes to approve the project, the following findings must be made:

A motion for approval of the project based on the following findings and foregoing conditions recommended by Agency staff:

I 1. Pursuant to Article III(g) of the Compact, the project complies with the Regional Plan, ordinances, rules and regulations of the Agency.

2. 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.

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

II 1. Findings pursuant to Section 12.10 of Ordinance 81-5 that the subdivision in which the subject parcel is located has been reviewed by the planning team and has been determined to be "Potentially Adequate". This determination therefore allows parcels in this subdivision to be eligible for case-by-case review.

2. Findings required by Section 12.22 of Ordinance 81-5:

A. That the subject parcel has been reviewed with respect to all potential effects upon water quality of the construction of a single family house. Such review includes the factors of vegetative cover, proximity of the project to a stream or wetland, runoff potential and land stability as set forth in the "1981 Case-by-Case Lot Review Criteria". Based upon this review, the lot has been determined to be "buildable" and therefore eligible for case-by-case review.

B. That the construction, work, use or activity proposed thereby will not adversely affect the quality of water within the region, and that it is in accordance with the Handbook of Best Management Practices, and the Plan and all other applicable plans, ordinances, rules, regulations and policies of the Agency.

C. That the project will mitigate, below levels of significance, the cumulative adverse effects upon water quality of development of land within land capability districts 1 through 3 for purposes of issuance of a permit under Section 12.00 and the making of a finding of no adverse effect on quality of water in the region under this subsection.

3. Findings required by Section 12.22(a) and (b) of Ordinance 81-5:

   A. The project may individually and cumulatively contribute to continued erosion and nutrient increases causing degradation of Lake Tahoe.

   B. Mitigation measures have been incorporated into the project, including application of construction or contribution toward construction of offsite remedial erosion control measures which will offset any anticipated adverse effects. These measures constitute changes or alterations required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less-than significant level pursuant to Article VII of the Compact.

III The standard conditions of approval (Attachment D).

IV. The following special conditions:

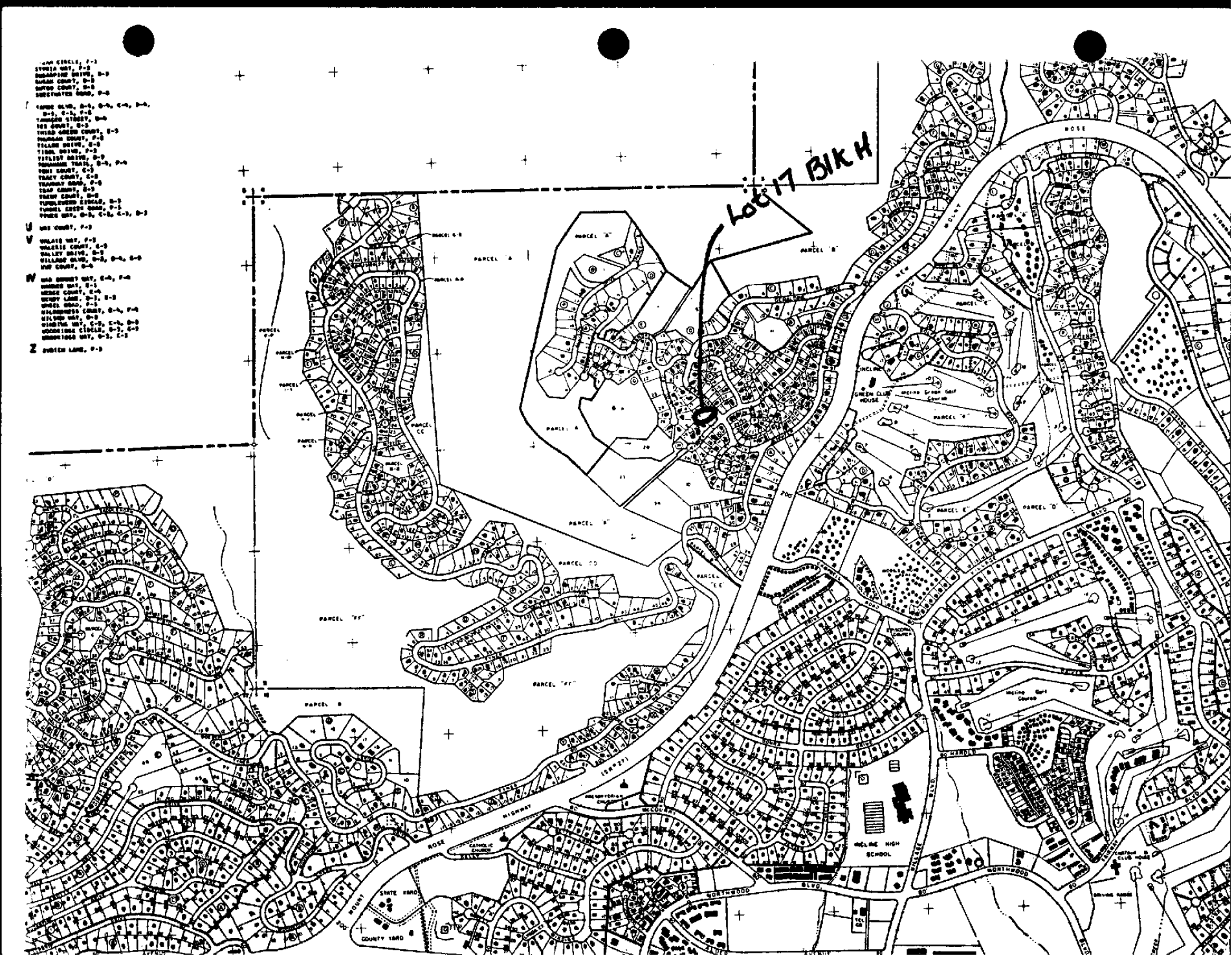
1. The applicant must contribute to an offsite mitigation fund. This fee is based on the proposed coverage in excess of that allowed by land capability and must be paid prior to the issuance of a TRPA permit. The mitigation fee is $7972, as calculated below:

Capability Level:	1A
Lot Size:	14,000 sq. ft.
Allowed Coverage by Land Capability:	140 sq. ft.
Proposed Coverage:	2,784 sq. ft.
Coverage in Excess of Land Capability:	2,608 sq. ft.
Mitigation Fee:	$7,972

2. The applicant shall redesign the project to include a zero setback parking pad with stairs leading to the main structure other than for the parking area.

3. Other than for the parking area, foundations and utility trenches shall be hand dug.

4. Final details of the drainage plan shall be approved prior to TRPA permit issuance.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PARCEL EE
PARCEL FF
PARCEL GG

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8896
South Lake Tahoe, California 95731

2155 South Avenue (916) 541-0246

MEMORANDUM

November 1, 1982

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Tahoe Station, Environmental Impact Statement, Determination of Technical Adequacy, Agenda Item V, A.

Please find enclosed a copy of the Draft Environmental Impact Statement, dated July, 1982, and the Addendum: Comments and Responses, dated October, 1982, for the subject project. Please review these documents and be prepared to provide comments regarding their technical adequacy at the November APC meeting.

If you have any questions concerning these documents please contact either Agency staff or Michael Dyett of Blayney-Dyett, Telephone number (415) 421-7735.

GG:md

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Lowry/Pillsbury, Logan Creek Estates Unit #2, Appeal of Subdivision Classification, Douglas County, TRPA File Numbers 82960-82998

Applicant: William F. Pillsbury/Albert J. Lowry

Project History: The applicant has submitted 21 applications for case-by-case review in Logan Creek Estates Unit #2. This area was previously not rated due to the unimproved status of the subdivision. The roads are not paved, there are no drainage or slope stabilization improvements, and no utilities to the individual lots. As a result of the applications being submitted the subdivision has been rated as "in need of further evaluation". (See attachment A for subdivision evaluation.) The subject applications are therefore not eligible for review until: 1) drainage and erosion control improvements are made to the subdivision, as per plans approved by the Agency, and the subdivision is then reclassified as either "Adequate" or "Potentially Adequate"; or 2) adoption by the Agency of amendments to the Regional Plan pursuant to Article V(c) of the Compact.

Section 12.60 of Ordinance 81-5 prohibits any grading, clearing, removal of vegetation, filling or creation of land coverage in land capability districts 1a, 1c, 2 and 3. It is staff's opinion that construction of necessary subdivision improvements would fall under this section of the ordinance and would therefore be prohibited.

The applicant is now requesting an appeal of this subdivision rating which would provide the ability to process the applicants for 21 case-by-case single family dwellings.

Project Description: The area consists of steep slopes with rock outcrops. A small, dirt roadway traverses the slopes. Vegetation is being established on the roadway and on the cut and fill slopes. The soil type in the subdivision is primarily mapped as RtG (Rock outcrop - Toem Complex 50 to 70% slopes). Some CaF (Cagwin-Rock outcrop complex, 30 to 50% slopes) also exists in the area. The entire area is mapped as a C2, High Hazard Geomorphic Unit. According to the Bailey Report, 1974 "these lands are the primary source of potential erosion in the Basin. Soils are shallow and are under lain by almost impermeable bedrock. Water concentrated from impervious surfaces, such as paved roads, produces severe gully and channel erosion in loose decomposed granitic material".

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

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

11/2/82
NS/sf

APC AGENDA ITEM IV.B.

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

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

*2. The subdivision does qualify for one single family house per lot under Section 9.14 of the Agency's Land Use Ordinance; and

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

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

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

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

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

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

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

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

Staff Comment: Agency staff finds that the subdivision is clearly "in need of further evaluation." In order for the necessary improvements to be made to bring the subdivision up to a Potentially Adequate or Adequate status, a substantial amount of grading, and clearing of vegetation would be necessary. This is prohibited, however, according to Section 12.60 of the TRPA Ordinance 81-5. The unstable slopes associated with the dirt road have begun to vegetate and stabilize. Upgrading the subdivision could potentially result in 46 new single family dwellings. Applications have been filed for 21 of these lots.

Additionally, an application has bee filed with the Nevada State Engineers Office which requests a transfer of water rights from Logan Creek Estates to the Round Hill area. This application is in the process, but has not yet been approved. If this appeal is granted and projects approved in this area, a potential problem exists with ability to supply adequate water.

TAHOE REGIONAL PLANNING AGENCY

SUBDIVISION Logan Creek Subdivision

SUB-AREA Unit #2

DRAINAGE AREA Logan Creek

1. Road Placement

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

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

2. Drainage System

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

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

3. Maintenance

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

Remarks - Roadway not maintained. Natural vegetation being established.

4. Downstream Impacts

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

Remarks - _____

5. Stable Cuts and Fills

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

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

6. Stable Internal Drainage

No Internal Channel Instability/Cutting Deposition	
Some Internal Channel Instability/Cutting Deposition	
Internal Channel Instability	x

Remarks - _____

_____

7. Access Difficulties

Low Percentage of Lots with Severe Access	
Moderate Percentage of Lots with Severe Access	
High Percentage of Lots with Severe Access	x

Remarks - Extreme access to most lots in rock outcrop areas. Lots would not conform with 30% slope criteria.

8. Land Coverage

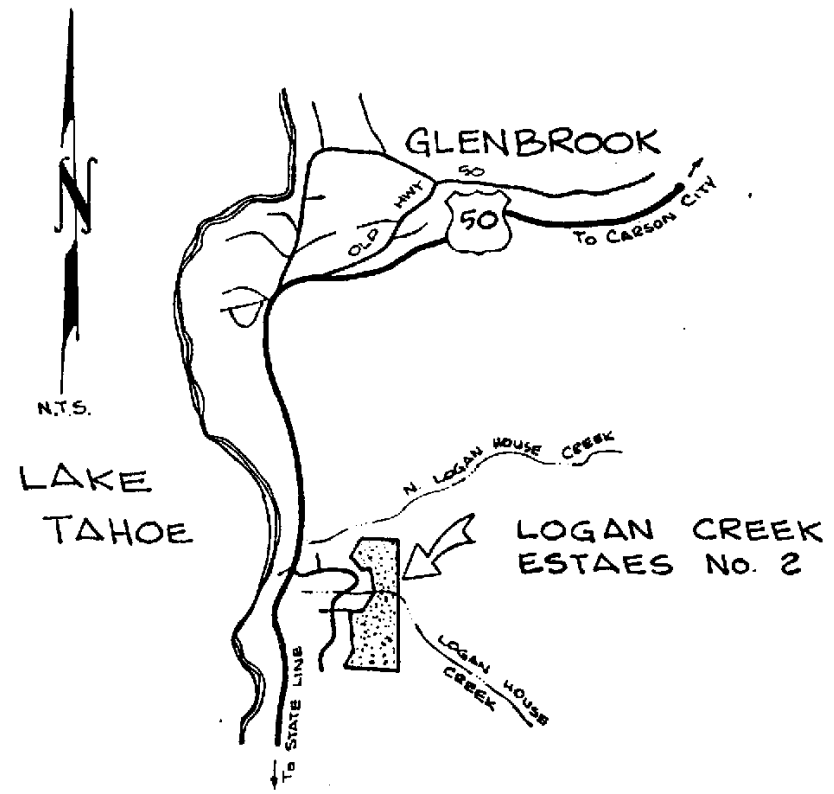
Land Coverage Generally in Conformance with Land Capability	
Land Coverage Generally Not in Conformance with TRPA Ords.	
Land Coverage in Excess of TRPA Ords.	

Remarks - Improvement of roadway to county standards would create new coverage in excess of land capability in high hazard area.

Planning Team Classification

Adequate	
Potentially Adequate	
Needs Further Evaluation	x

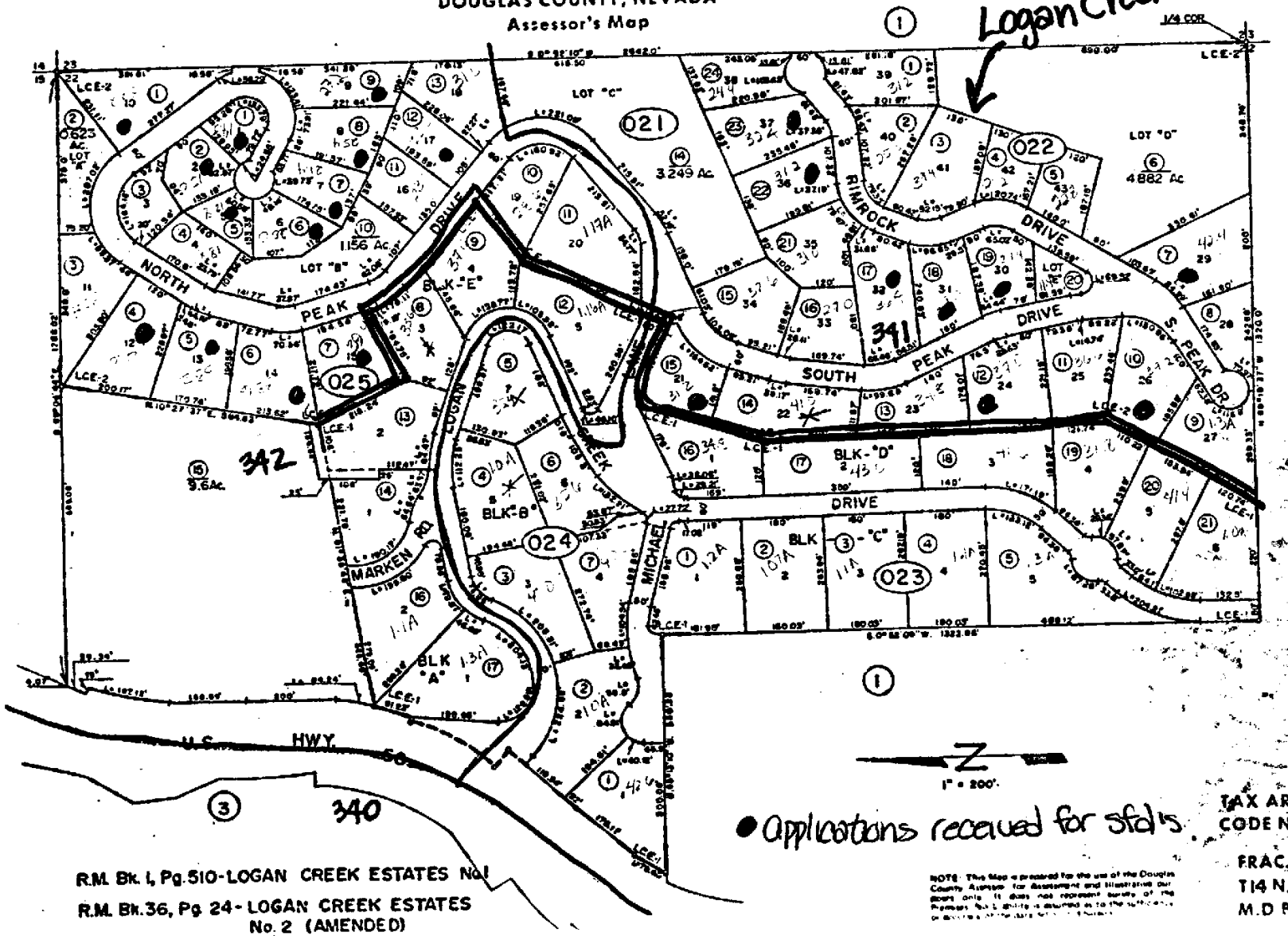
Remarks - Application would create new coverage in excess of capability in high hazard area in order to make necessary improvements. Existing vegetation and drainage could be managed to better assist in water quality control without roadway/subdivision improvements.



VICINITY MAP

DOUGLAS COUNTY, NEVADA
Assessor's Map

Logan Creek Unit #2
03-02



BK.1 Pg 13

12-30-76
2-4-78

● applications received for 5 lots.

TAX AREA CODE NO. 120

FRAC. SEC. 2
T14 N., R18 E
M.D.B.&M.

R.M. Bk. 1, Pg. 510 - LOGAN CREEK ESTATES No. 1

R.M. Bk. 36, Pg. 24 - LOGAN CREEK ESTATES No. 2 (AMENDED)

NOTE: This Map is prepared for the use of the Douglas County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises and no liability is assumed as to the accuracy of the data shown hereon.

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Lifschutz, Appeal of Staff Decision to Approve Pier Repair, 740 W. Lake Blvd., Placer County APN 94-200-17, TRPA File #82261

Appellant: Robert Cook

Project Description: The applicant is proposing to repair an existing damaged nonconforming pier. Currently, the pier is nonconforming in that it contains a sundeck which exceeds the height and width standards for individual use piers. In addition, the pier does not conform to the required property line setback of 5 feet. The pier repair application proposes to reconstruct the pier and bring it into conformance with the standards set forth in the Shorezone Ordinance by eliminating the sundeck and increasing the property line setback to 5 feet.

Project History: The subject application was received September 8, 1982. On September 22, 1982 staff sent out the Notice of Intent to Approve to the adjoining property owners. The project was being reviewed under Section 17.40 of the Shorezone Ordinance which states as follows:

> 17.40 Conformity
>
> Within the time specified by this ordinance, a nonconforming structure shall either be repaired to conform with the provisions of this ordinance or removed by the owner at his expense; provided, however, that when a structure cannot be repaired to conform with the provisions of this ordinance and its removal would cause more environmental harm than its continuance or expose additional boating hazards, the structure need not be removed, but such alterations as are necessary to minimize the nonconformity shall be required.

Staff determined that the application, as submitted, could bring the existing nonconforming pier within the limits of the shorezone ordinance but received an objection from the adjoining neighbor, Mr. Cook, on September 27, 1982.

Appeal: The appellant's objection to the staff approval is with regard to the setback to the property line and that the pier was being reconstructed constituting a new pier which, he contends, would be prohibited as a result of the Governing Board's interim policy on construction of new piers.

KHB

ROBERT C. COOK
ATTORNEY AT LAW
918 - 2ND STREET
SACRAMENTO, CALIFORNIA 95814

TELEPHONE
444-8200

September 29, 1982

RECEIVED
BY
OCT 1 - 1982
TAHOE REGIONAL
PLANNING AGENCY

Tahoe Regional Planning Agency
Post Office Box 8896
South Lake Tahoe, California 95731

ATTENTION: Greg George
Chief Project Review & Enforcement Division

Re: Lifschutz, Pier Repair, 740 Westlake Boulevard, Placer County, APN 94-200-17, TRPA File #82261

Dear Mr. George:

In the notice which I received on or about September 27, 1982, I was notified under item no. 1 of the above-referred to Pier Repair at 740 Westlake Boulevard.

Today, in two telephone conversations with Kris Elfing of your office and Walter Auerbach of the Raymond Vail office, agents representing Mrs. Lifschutz, I find that the proposal before TRPA is for the construction of an entirely new pier and not for a Pier Repair as set forth in the notice.

As you will note from the letter which I wrote you on September 27, 1982 I advised TRPA that the Lifschutz property, which is APN 94-200-17 encroaches upon my property which is Parcel APN 83-172-01 Parcel B. I was advised by a copy of a letter to Robert Schultz, P. O. Box 218, who was then representing the Lifschutz' that all pier reconstructions are regulated by CTRPA/TRPA Shore Zone Ordinance. I was advised further that "the ordinance provides that piers which currently conform to the ordinance development standards may be repaired or replaced in total. However, if the pier is damaged beyond 50% of its replacement cost, and the pier does not conform to the ordinance development standards, the pier MAY NOT be repaired or replaced." If the non-conforming pier is not damaged beyond 50%, then repairs can be made, provided they are performed in substantial compliance with the provisions of the ordinance.

Since this pier is a non-conforming pier in that its configuration consisting of a boat hoist area and a sundeck which is approximately 15 feet off of the high water mark, it does not conform to the ordinance development

standards. Furthermore, since this pier encroaches upon my property, it does not conform to the ordinance or to development standards.

Since this is a non-conforming pier, if it is not damaged beyond 50% it can then be repaired in accordance with the ordinance provided they are performed in substantial compliance with the provisions of the ordinance. This means that in order to comply with the provisions of the ordinance the pier has been damaged to 100% of its replacement cost in that the pier cannot be reconstructed by repair because of the above-referred to non-conforming nature of the pier.

I therefore strenuously object to an approval of a so-called "Pier Repair" at the above location as referred to in the application, since this construction is not a repair of a pier but the construction of an entirely new pier at a different location, the pier cannot be so reconstructed. Quoting from language of the letter from CTPRA on July 1, 1982 it states:

> "However, if the pier is damaged beyond 50% of its replacement cost, and the pier does not conform to the ordinance development standards, THE PIER MAY NOT BE REPAIRED OR REPLACED."

It is therefore respectfully requested that the application for the Lifschutz Pier Repair be denied for the above stated reasons.

Sincerely,

Robert C. Cook

ROBERT C. COOK

RCC/scc

cc: Placer County Public Works - Attn Gene Topper
Calif. Regional Planning Agency
Calif. State Lands Commission - Attn Rosemary
- Attn Randy Moory
Calif. Tahoe Regional Planning Agency
Kris Elfing

RAYMOND VAIL AND ASSOCIATES

ENGINEERS - PLANNERS - SURVEYORS

1410 ETHAN WAY, SACRAMENTO, CA. 95825

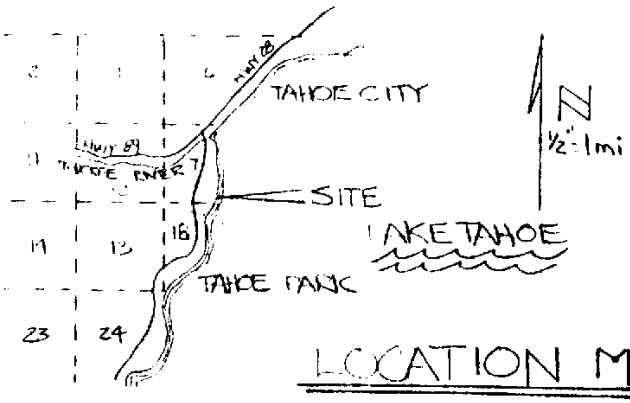
SHEET NO. 1 OF 3 SHEETS

JOB NO. 7125.22

PROJECT NAME LIFSCHUTZ PIER REPAIR

SUBJECT SITE PLANS

MADE BY WRA DATE 8/82 CHECKED BY _____ APPROVED BY _____

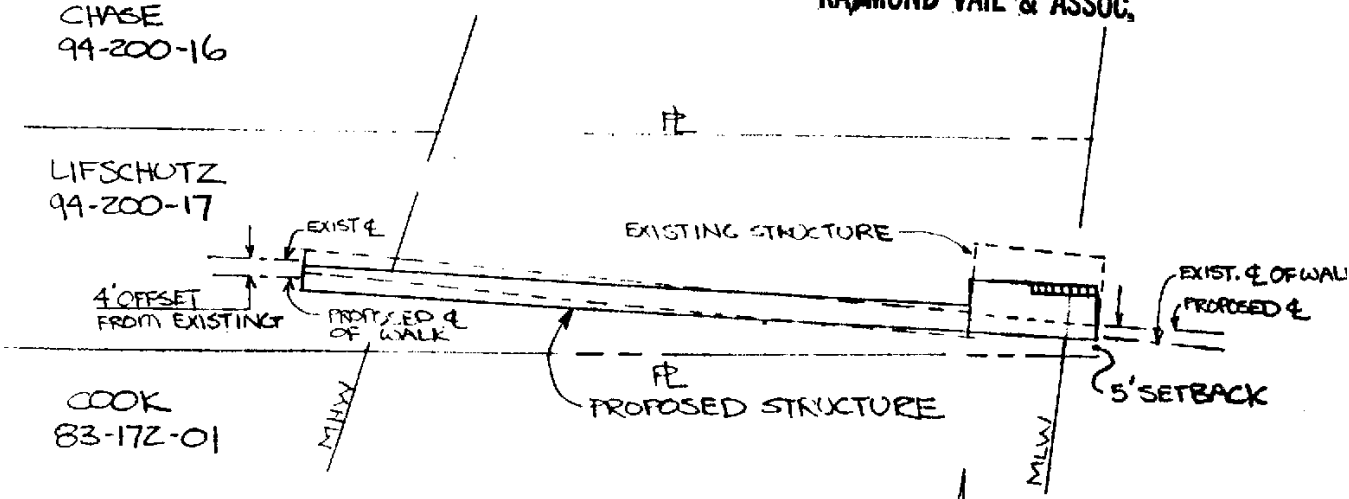


LOCATION MAP

PRINTED

OCT 8 1982

RAYMOND VAIL & ASSOC.



VICINITY MAP

RECEIVED

BY _____

OCT - 8 1982

TAHOE REGIONAL PLANNING AGENCY

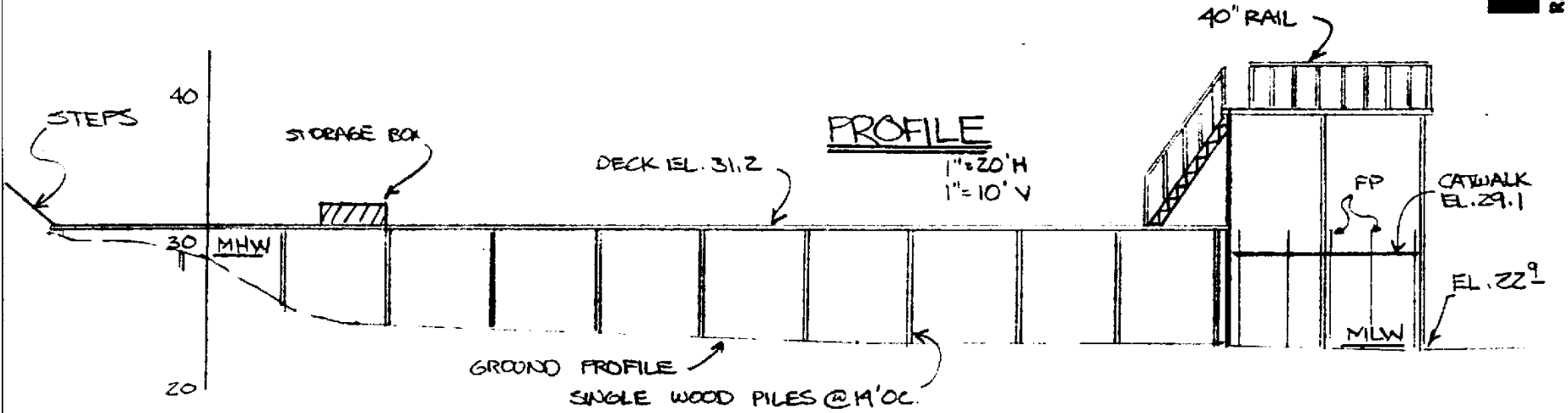
REV. 10/6/82

LIFSCHUTZ PIER REPAIR
740 WESTLAKE BLVD, TAHOE CITY.
7125.22 7/82 SHT 2 OF 3

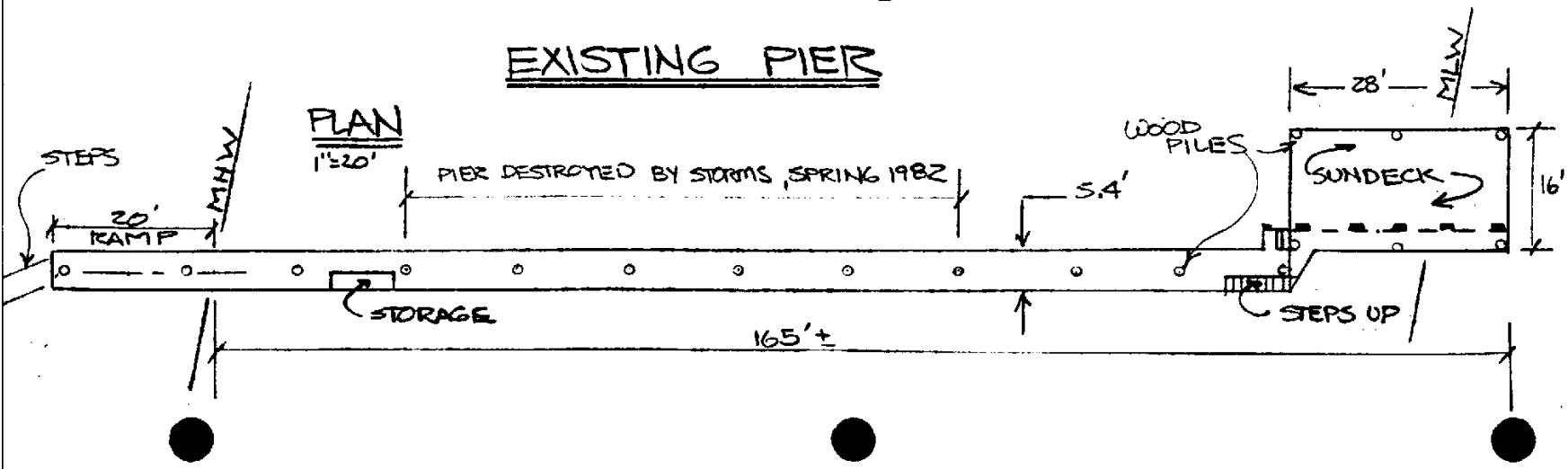
RECEIVED
BY
OCT - 6 1982
TAHOE REGIONAL
PLANNING AGENCY

REV. 10/6/82

RVA
ENGINEERING · ARCHITECTURE
PLANNING · SURVEYING
RAYMOND VAIL AND ASSOCIATES



EXISTING PIER



LIFSCHUTZ PIER REPAIR
740 WESTLAKE BLVD, TAHOE CITY
7125.22 7/82 SHT 3 OF 3

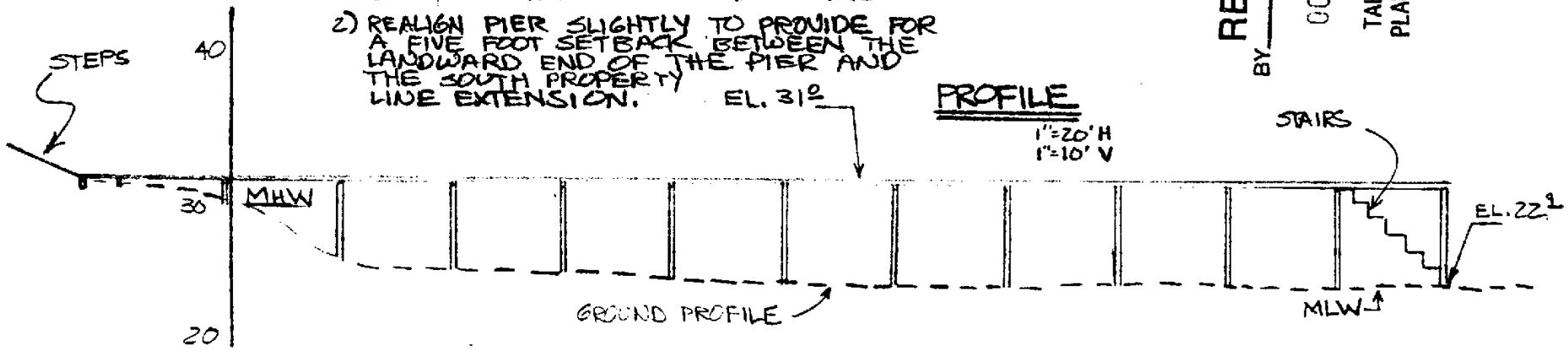
REPAIR PROGRAM

1) RECONSTRUCT ENTIRE PIER AS SHOWN TO MAKE PIERHEAD CONFORMING

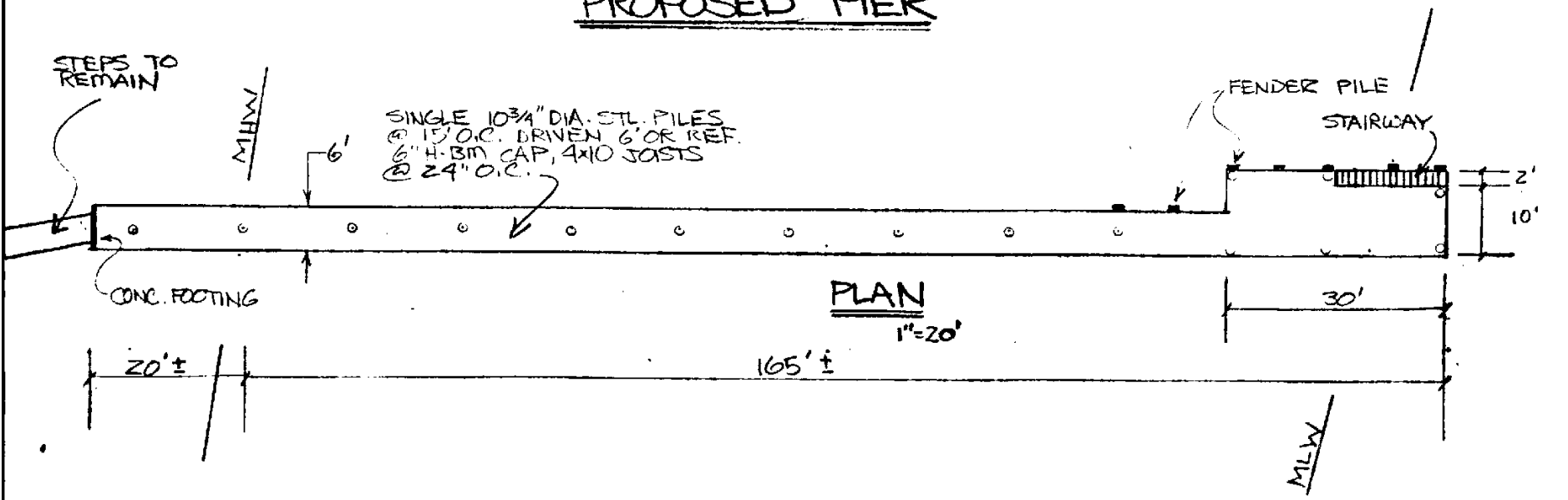
2) REALIGN PIER SLIGHTLY TO PROVIDE FOR A FIVE FOOT SETBACK BETWEEN THE LANDWARD END OF THE PIER AND THE SOUTH PROPERTY LINE EXTENSION.

RECEIVED
BY
OCT - 8 1982
TAHOE REGIONAL
PLANNING AGENCY

REV. 10/6/82



PROPOSED PIER



Draft
Environmental Impact Report/Statement

Tahoe Commercial Station

CTRPA Project No. 80-11-2
TRPA Project No. 82220

July 1982

Prepared for the California Tahoe Regional Planning Agency
and the Tahoe Regional Planning Agency by
Blayney-Dyett, Urban and Regional Planners
Robert W. Hubenette & Associates, Transportation Planners