

**TRPA  
GOVERNING BOARD  
PACKETS**

**JUNE  
1983**

PR:1

**TAHOE REGIONAL PLANNING AGENCY**

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

July 20 9:00 A.M.  
(916) 541-0246  
→ mtg.

2155 South Avenue

June 1983

NOTICE OF MEETING

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

Date: June 10, 1983

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

\*Board members Jim Robertson  
Jim King  
Larry Sevison  
Tom Stewart, Committee Chairman

TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

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

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

Date: June 3, 1983

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

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

8:30 - W & M's

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

The Chateau, 995 Fairview  
Incline Village, Nevada

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

PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV CONSENT CALENDAR
- V SPECIAL REPORT (June 22 estimated time 9:45 a.m.)

- A. Federal Agency/TRPA Coordination Effort *- Bill Morgan ✓*
- B. Tahoe Transportation District - Status Report *- DeLance ✓*
- C. Ways and Means Committee Report and Selection of Financial Consultant *- ✓*

G.M.

- VI PLANNING MATTERS (June 22 est. time 11:00 a.m.)

Amendments to the Regional Plan *APC Coord. ✓*  
*Process Progress on specific items / Public Comments*

- VII PUBLIC HEARINGS (June 23 est. time 9:45 a.m.)

GAD

A. To Consider Adoption of an Ordinance Extending the Allocation System for Issuance of Residential and Commercial Building Permits as Set Forth in the Compact

PAO

B. To Consider Amendments to Ordinance 81-5 to Extend the Case-by-Case Review Procedure for Single Family Dwellings in Land Capability Districts 1A, 1C, 2 and 3

- VIII CERTIFICATION OF ENVIRONMENTAL IMPACT STATEMENTS (June 23 est. time 11:00 a.m.)

G.G.

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

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

JPD

G.S.

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

- IX AGENCY REVIEW (June 23 est. time 1:00 p.m.)

G.G.

A. Tahoe City Public Utility District, Pomin Park Boat Ramp Parking Lot, Placer County APN 94-140-14, TRPA File #821354

G.G.

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

- C. Stirn Pier Repair, Request for Reconsideration, Placer County APN 89-282-02, TRPA File #82223
- D. Convenience Market (7-11 Store), Change in Commercial Use, Kingsbury Square Shopping Center, Douglas County APN 07-170-08, TRPA File #83242
- E. Manny Beals, Variance to Allow Structural Modifications to a Nonconforming Use, Douglas County APN 03-140-01 and -08, TRPA File #83320
- F. Star Harbor, Modifications to Staff-Issued Emergency Permit for Shoreline Protective Structures, Starboard Drive, Placer County APN 94-340-35 and -37, TRPA File #82271
- G. U.S. Postal Service, Main Post Office, Al Tahoe Boulevard, Modification of Prior Approval, City of South Lake Tahoe, TRPA File #79236
- H. ~~Ben Zorn~~ I. ~~MARSALE~~ J. ALPINE MARINA ✓  
SPECIAL DETERMINATION (June 23 est. time 2: 30 p.m.)
- F. Hart, Dwelling in Area to be Redelineated as a Land Capability 2, 533 Dale Drive, Washoe County APN 122-132-11, TRPA File #83246

XI APPEALS

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

(cont'd)

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

A. Show Cause Hearings

- 1. Odenthal, Reconsideration of Requirement to Remove Jetty, Washoe County APN 122-181-45, TRPA File #81145
- 2. Mark Michelsen, Violation of Condition of Approval, Administrative Permit for Kingsbury Market Project, Douglas County APN 07-180-69, TRPA File #78226
- 3. Edward Stearns/Bruce Outdoor Advertising, Off-Premise Sign Violation, El Dorado County APN 33-223-06
- 4. David Salzburg/Three M National Advertising, Off-Premise Sign Violation, El Dorado County APN 33-050-01
- 5. Lawrence Burke/Bruce Outdoor Advertising, Off-Premise Sign Violation, El Dorado County APN 33-160-14
- 6. Spitsen Lumber, Unauthorized Addition to Existing Structure, 1054 Tahoe Boulevard, Incline Village, Washoe County APN 126-050-12, TRPA File #82358
- 7. Elvis Sholer, Excavation and Filling Without Authorization, Busch Way, El Dorado County APN 25-562-13
- 8. Svendsen, Unauthorized Pier Construction, El Dorado County APN 16-091-48, TRPA File #83155

B. Report

AG

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

XIII REPORTS

A. Executive Session

B. Finance Committee Report

C. Executive Director Report

1. List of Projects Approved at Staff Level

2. Other - LETTER FROM GOV. BRYAN PLEDGING ASSISTANCE TO LOCATE FUNDING FOR HWY. 50 EROSION CONTROL

D. Legal Counsel Report

E. Governing Body Members

F. Public Interest Comments

- PREPARATION OF GRANT APPLICATION - UMTA (COOPERATING W/ TTD) FOR DEMONSTRATION PROGRAM FOR TRANSIT - S. SHORE  
- LEGAL COUNSEL - REQUEST

XIV RESOLUTIONS X

XV ORDINANCES

XVI PENDING MATTERS

XVII ADJOURNMENT

- LOCATION FOR AUGUST HEARING  
- GOVT ADJOURNMENT OF W&M'S TO WED. 1:00 P.M.

DO NOT EXCEED TOTAL BUDGET UNDER LIGHT

CONSENT CALENDAR

Approval of the following projects requires specific findings and conditions:

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

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

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

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

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

6. Alpine Marina, General Improvement Plan, Placer County APN 89-143-20, 89-163-13, 89-161-05, 89-161-06, 89-161-10, TRPA File #83011

7. Bruzzone, Administrative Permit for Additional Land Coverage, Backshore Dwelling, 829 Lakeshore Boulevard, Washoe County APN 122-181-56, TRPA File #83125
8. Kirst, Replacement of Nonconforming Land Coverage, Backshore Dwelling, 462 Lakeview Avenue, Douglas County APN 05-241-08, TRPA File #83133
9. Olinger/Jones, 1980 Status Single Family Dwelling, Lark Circle, Cave Rock Estates #2, Douglas County APN 03-112-07, TRPA File #83144

MOVE TO  
REG. AGENDA

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

- (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.
- (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.
- (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

TAHOE REGIONAL PLANNING AGENCY  
STATEMENT OF ASSETS AND LIABILITIES  
(As of May 31, 1983)

ASSETS

GENERAL FUND

Petty Cash	\$ 120.00	
Operating Cash	10,071.62	
Savings Account	17,798.77	
Security Bonds Account	139,391.31	
Mitigation Fees Account	152,735.15	
Dean Witter Account	250,663.01	
Dean Witter Mitigation Account	511,936.68	
Workman's Comp Deposit	<u>1,175.00</u>	\$1,083,891.54
Accounts Receivable	\$ -0-	
C.T.R.P.A. Receivable	3,510.53	
E.P.A. Grant Receivable	15,810.00	
State of Nev. Grant 106 Receiv.	-0-	
State Water Res. Ctrl. Bd. Receiv.	<u>36,515.72</u>	\$ 55,836.25
Agency Automobiles	\$ 15,396.78	
Office Furniture & Equipment	<u>96,454.67</u>	\$ 111,851.45
AMOUNT TO BE PROVIDED		<u>\$ 43,372.04</u>
		<u>\$1,294,951.28</u>

LIABILITIES

Accounts Payable	\$ 29,243.78	
State Withholding Tax Payable	1,785.52	
Security Deposits Held	139,391.31	
Mitigation Fees Held	664,671.83	
Contract Payable - IBM (W.P.)	22,442.01	
Contract Payable - Savin 800	7,946.08	
Contract Payable - Savin 790	5,007.76	
Contract Payable - Mercury (W)	3,890.26	
Contract Payable - Mercury (R)	<u>4,085.93</u>	\$ 878,464.48

FUND BALANCES

Inventory Fixed Assets Gen. Fund	\$ 108,298.61	
Inventory Fixed Assets Contributions	2,517.76	
Inventory Fixed Assets Dept. of Agric.	<u>1,035.08</u>	\$ 111,851.45
FUND BALANCE		<u>\$ 304,635.35</u>
		<u>\$1,294,951.28</u>



TAHOE REGIONAL PLANNING AGENCY  
STATEMENT OF REVENUES & EXPENDITURES  
(As of May 31, 1983)

<u>REVENUES</u>	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>REVISED BUDGET F.Y. 1982-1983</u>
State of California		\$ 300,000.00	\$ 300,000.00
State of Nevada		150,000.00	150,000.00
El Dorado County		48,637.50	48,637.50
Placer County		39,495.00	39,495.00
Washoe County		28,745.00	28,745.00
Douglas County		20,622.52	20,622.50
Carson City		12,500.00	12,500.00
Dept. of Agric. Threshold Grant		146,034.04	146,034.00
Calif. Water Res. Cont. Bd.	10,888.72	85,876.42	113,900.00
EPA Grant (P009361010)		32,421.00	50,000.00
Air Resources Board 105 Grant		15,116.39	15,117.00
Air Resources Board A2-131-76 Grant		-0-	119,000.00
State of Nevada 106 Grant		11,816.01	41,095.00
UMTA Section 8 Grant		10,514.57	10,515.00
CTRPA Reimbursement	3,330.59	42,982.42	48,000.00
Filing Fees	25,930.00	136,608.47	136,336.00
Printed Matter Taxable	99.00	2,037.87	1,865.00
Printed Matter Nontaxable	405.30	2,921.03	2,185.00
Investment Income		34,861.03	45,000.00
Other Income		2,000.00	
	<u>\$ 40,653.61</u>	<u>\$ 1,123,189.27</u>	<u>\$ 1,329,047.00</u>

<u>EXPENDITURES</u>			
Staff Salaries & Wages	\$ 50,941.96	\$ 509,302.60	\$ 559,720.00
Employee Benefits	5,889.06	59,695.95	67,166.00
Building Expense	4,261.16	44,578.73	49,826.00
Office Equipment Rent	40.00	643.55	750.00
Reproduction & Printing	6,452.43	17,523.26	11,500.00
Film & Camera Expense	7.64	623.71	1,100.00
Subscriptions & Publications	11.30	211.07	350.00
Communication Expense	1,979.59	24,117.54	28,264.00
Postage Expense	586.12	6,853.55	7,000.00
Insurance Expense	( 682.86)	3,645.90	4,500.00
Office Expense	890.61	10,552.66	12,000.00
Other Supplies	33.02	483.06	500.00
Parcel Data Base System Supplies	55.16	1,252.78	1,650.00
Repairs & Maintenance	4.70	5,541.80	6,500.00
Equipment Purchases		1,172.00	500.00
Equipment Leased	1,045.78	14,873.70	25,893.00
Travel Expense-Staff	811.37	11,296.54	12,500.00
Travel Expense-Gv.Bd.	148.10	10,242.59	11,000.00
Auto Expense	447.04	3,000.91	4,000.00
Legal Notices		886.58	2,075.00
Accounting Services		5,100.00	5,200.00
Legal Service	14,223.75	128,441.19	180,000.00
Consulting Service		129,180.86	158,616.00
Contract Labor	36,000.00	201,956.53	348,230.00
Miscellaneous Expense	.25	1,611.18	1,650.00
Interest Expense	385.36	4,749.88	5,357.00
Contingencies			20,568.00
	<u>\$ 123,531.54</u>	<u>\$ 1,197,538.12</u>	<u>\$ 1,526,415.00</u>
EXCESS OF REVENUES OVER EXPENDITURES	(\$ 82,877.93)	(\$ 74,348.85)	(\$ 197,368.00)
FUND BALANCE BEGINNING		\$ 378,984.20	\$ 378,984.20
FUND BALANCE		<u>\$ 304,635.35</u>	<u>\$ 181,616.20</u>

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

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

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

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

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

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

Members Absent: None

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

II APPROVAL OF AGENDA

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

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

III DISPOSITION OF MINUTES

MOTION by Mr. Robertson to approve the minutes of the regular April 27, 28, 1983 meeting as submitted. The motion carried on the following vote:

TRPA REGULAR MEETING MINUTES MAY 25, 1983

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

IV CONSENT CALENDAR

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

V SPECIAL REPORT - Federal Agency/TRPA Coordination Effort

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

VI ENVIRONMENTAL IMPACT STATEMENT SUPPLEMENT AND AGENCY REVIEW

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

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

The supplemental information report ("Water Supply, Consumption & Rights - Round Hill Village, Douglas County, Nevada", May 20, 1983) reaches six conclusions, one of which finds that the amount of water allocated to the Nevada side of the Tahoe Basin is inadequate to allow buildout of existing urban areas, let alone new subdivisions. Approval of a new subdivision will increase the number of existing lots which, in the future, will not have water available for building. No mitigation for this impact has been identified. The TRPA Subdivision Ordinance states that no tentative map shall be approved unless the water supplier has necessary water to serve the subdivision, has made a commitment to supply water, and such service is consistent with existing and future demands on the water supplier. The six conclusions contained in the supplemental report were presented to the Board.

TRPA REGULAR MEETING MINUTES MAY 25, 1983

Discussion followed on whether the project was properly before the Board due to the inability of the applicant to show there existed adequate water for the project. Mr. Pruett suggested that figures in the report on the certificated water rights held by the Forest Service in Nevada were inaccurate, and there were errors in the sewage export and infiltration figures. Additionally the tentative map can be approved if the water supplier can show he will in the future have the physical capacity to supply necessary water. Traffic and air quality concerns are new issues raised by staff, and the project should be heard by the Board. Agency legal counsel Gary Owen advised the Board that the applicant did wish to respond to staff's concern that, as set forth in Section 7.1 of the Subdivision Ordinance, the applicant must demonstrate that the water supplier has the physical and legal capacity to supply water to the subdivision. Mr. Owen submitted a May 23, 1983 letter from Gary Bostwick of the law firm of Barash & Hill, attorneys for the Round Hill GID bondholders, setting forth concern that the matter had been continuing for so long and advising that the bondholders would pursue their suit if some compromise development was not approved.

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

Mr. Milton Sharp, from Sharp, Krater & Associates, Inc., indicated that a February, 1981 will-serve letter from Round Hill GID was sent to the Douglas County Planning Department, and a Douglas County condition of approval (March, 1981) included the requirement to obtain the Nevada State Engineer's approval of the water. A 1979 TRPA approval on the same properties stated that the approval becomes invalid if the Nevada State Engineer fails to approve the map; at that time the Agency felt such a conditional approval was acceptable in making findings necessary under Section 7.1 of the Subdivision Ordinance, and that ordinance has not changed since 1979. Application has been made to the Nevada State Engineer to transfer water rights to the District. Some of the rights are under option and not owned by the District. An action by the State Engineer will take a number of months. The subdivision map cannot be recorded until the State Engineer certifies adequate water rights are available.

Mr. Jim Bruner, representing the League to Save Lake Tahoe, advised the Board of a May 10 letter stating the League's concerns and questioned the procedural aspects of the discussion, suggesting that the Agency was not following its own rules in hearing a project for which there was not proof of adequate water rights. The District has rights to 146 acre feet of water per year but is providing 215 acre feet per year to existing development, thereby creating a substantial overdraft now. The project application is not complete and will not be until Section 7.1 of the ordinance can be satisfied.

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

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

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

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

TRPA REGULAR MEETING MINUTES MAY 25, 1983

Mr. Alling explained that the applicant was willing to consider a reduction in the number of proposed units. The Board should know that applications have been before the Nevada State Engineer for additional water rights to make up the deficit since 1975. The Nevada Tax Commission is requiring that all capital improvement funds be used to pay off bonded indebtedness, not to acquire other water rights.

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

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

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

The motion failed on the following vote:

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

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