

**TRPA  
GOVERNING BOARD  
PACKETS**

**JANUARY  
1985**

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TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

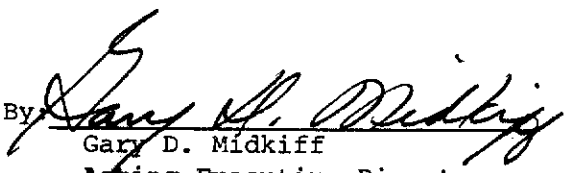
NOTICE IS HEREBY GIVEN that on January 23 and 24, 1985, commencing at 9:30 a.m. and 1:30 p.m.\*, respectively, the Governing Body of the Tahoe Regional Planning Agency will conduct its regular meeting at the Chateau, 955 Fairway Boulevard, Incline Village, Nevada. The agenda for said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, January 23, 1985, commencing at 8:30 a.m. in the same location, the Litigation Committee will meet to discuss settlement of prospective litigation involving the Larry Russell unauthorized pier repair and settlement of Barsotti v. TRPA (unauthorized deck).

NOTICE IS FURTHER GIVEN that on Wednesday, January 23, 1985, commencing at 8:30 a.m. in the same location, the Finance Committee will meet to discuss the following: 1) status of deficiency and budget requests; 2) ISR Fund disbursement requests; 3) Agency costs for mitigation and security funds administration; 4) Placer County LTF claim adjustment; 5) approval of financial statement; and 6) reports.

NOTICE IS FURTHER GIVEN that at the conclusion of the Wednesday, January 23, 1985 session in the same location, the Executive Director Committee will meet to discuss the Executive Director recruitment process. (Committee Members: Stan Hansen, Norm Woods, Roland Westergard, Jim Reed, Teri Jamin, and Sam McMullen)

Date: January 10, 1985

By   
Gary D. Midkiff  
Acting 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.

\* The Thursday, January 24 session of the meeting will not start until 1:30 p.m. in order that Governing Body members have an opportunity to attend the Urban Land Institute presentation scheduled for 8:30 a.m. at the Hyatt Hotel in Incline Village.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

The Chateau, 955 Fairway Boulevard  
Incline Village, Nevada

January 23, 1985 9:30 a.m.  
January 24, 1985 1:30 p.m.

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NOTE: 1) There will be a meeting of the Litigation Committee on Wednesday, January 23, 1985, at 8:30 a.m. at the Chateau. 2) There will be a meeting of the Finance Committee on Wednesday, January 23, 1985, at 8:30 a.m. at the Chateau. 3) There will be a meeting of the Executive Director Committee at the close of the Wednesday, January 23, 1985 session in the same location.

PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV CONSENT CALENDAR
- V SPECIAL LITIGATION
  - A. Consideration of Litigation in Regard to the Regional Plan and Actions Filed by the California Attorney General/League to Save Lake Tahoe v. TRPA
  - B. Closed Session to Confer on the Following:
    - 1. California Attorney General/League to Save Lake Tahoe v. TRPA
    - 2. Tahoe Sierra Preservation Council v. TRPA, et al (Eastern District of California and District of Nevada)
- VI PROJECT REVIEW
  - A. Fallen Leaf Lodge Rehabilitation Project, El Dorado County APN 21-410-11, TRPA File #79156
  - B. Tahoe City Public Utility District, Truckee River Water Line, Placer County APN 95-110-10, TRPA File #84586
  - C. Nevada Department of Transportation, Highway 28 Overlay Project, Spooner Summit to 4.9 Miles North of Carson City County Line, Washoe County, TRPA File #84555
  - D. Nevada Department of Transportation, Village Boulevard and Highway 28 Intersection Improvements, Incline Village, Washoe County, TRPA File #84556

VII OTHER LITIGATION

- A. Consideration of Proposed Settlement in the Matter of the Larry Russell Unauthorized Pier Repair
- B. Consideration of Proposed Settlement, Barsotti v. TRPA (Unauthorized Deck Construction)

VIII PUBLIC HEARING AND ORDINANCE FIRST READING

Amendment of Section 2.12 of Ordinance 84-1 to Extend the Effective Date of Plan Area Statements as Interim Policy Guidelines

IX PLANNING MATTERS

- A. Report on APC Action on Criteria for Designation of Historical Properties and Structures
- B. Resolution Adopting Interim Policy Guidelines for Review of Projects Affecting Historic Sites

X ENFORCEMENT

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

XI ADMINISTRATIVE MATTERS

- A. Appointment of Lay Member to the Advisory Planning Commission for Expiring Term and Discussion Regarding Lay Member Alternates
- B. Alternatives for Providing Public Involvement and Coordination Services for the Agency
- C. Placer County, Local Transportation Fund (LTF) Claim
- D. Legal Support Committee Report and Recommendations
- E. Executive Director Committee Report and Recommendations
- F. Finance Committee Report and Recommendations

XII REPORTS

- A. Acting Executive Director
  - 1. Report on TRPA Costs Incurred in Administration of Mitigation Funds and Securities
  - 2. Other

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

XIII CORRESPONDENCE

XIV RESOLUTIONS

- A. See Item IX B. Above
- B. Other

XV PENDING MATTERS

XVI ADJOURNMENT

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CONSENT CALENDAR

Clearinghouse Review - Staff recommends that letters be sent to the U.S. Forest Service indicating that no conflicts are foreseen between the donations of the following environmentally sensitive properties and the Agency's plans and rules and regulations as currently drafted.

<u>Owner</u>	<u>Parcel No.</u>
Charles E. Hoffman	Placer County 83-400-03
William J. Harrington	Washoe County 125-251-09
William Morris	Washoe County 130-211-35

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

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

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

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

# TAHOE REGIONAL PLANNING AGENCY

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

2155 South Avenue

(916) 541-0246

## MEMORANDUM

January 14, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Clearinghouse Review of Private Donations to the Forest Service

As the areawide clearinghouse for the Tahoe Basin, TRPA has been asked by the U.S. Forest Service to comment on the compatibility of the following property donations with the Regional Plan and other applicable Agency documents. Staff recommends that a letter be forwarded to the Forest Service indicating that no conflicts are foreseen between these proposed donations and the Regional Plan documents drafted to date:

Mr. Charles E. Hoffman owns Placer County APN 83-400-03, which is within a stream environment zone.

Mr. William J. Harrington owns Washoe County APN 125-251-09, which is within a stream environment zone.

Mr. William Morris owns Washoe County APN 130-211-35, which is within a stream environment zone.

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CONSENT CALENDAR

# TAHOE REGIONAL PLANNING AGENCY

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South Lake Tahoe, California 95731

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(916) 541-0246

## MEMORANDUM

January 14, 1985

To: The TRPA Governing Board

From: Agency Staff

Subject: Fallen Leaf Rehabilitation Project, El Dorado County  
APN 21-410-11, TRPA File #79156

When the subject project was considered at the regular November Governing Board meeting, two issues surfaced that appeared to require additional information; one regarding public access to the beach area, the other regarding the necessity for a commercial allocation. Also, since the November meeting, some questions have been raised with respect to the project site being designated as a historical site on the TRPA Historical Sites Map.

I Public Access: It appeared that three general positions were presented; (A) place no legally binding requirements on the applicant to assure continued public access; (B) modify the condition recommended by Agency staff to require the offer of dedication to be perpetual; and (C) place the condition on the project recommended by Agency staff and agreed on by the applicant, requiring the offer of dedication to be irrevocable for a period of ten years. The following information is provided with respect to each position.

A. No Requirement:

1. The beach area and boat launching facilities have been available for use by the general public for many years. Although the beach property is in private ownership, public access has not been restricted in the past.

2. A CTRPA condition of approval reads:

"The offer of dedication shall be recorded and until and unless such offer is accepted, Fallen Leaf Lake Association shall be responsible to assure that public access is maintained for the area generally identified as plat of public access area. (Exhibit A). Reasonable fees may be charged for the use of the public access area not to exceed charges for similar services levied by public and private operators in the Lake Tahoe Basin. This list of charges shall be approved by the staff of CTRPA or the staff of TRPA after CTRPA is deactivated, before becoming effective. The offer of dedication shall be irrevocable for a period of ten years".

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AGENDA ITEM VI A.



3. The TRPA may approve the Fallen Leaf Lodge Rehabilitation Project under the Preliminary Injunction issued by Federal Judge Edward Garcia only if the approval is consistent with the certified EIR on the project and, as a condition of approval, the TRPA requires increased public access to Fallen Leaf Lake's beach area. The EIS identifies the loss of direct vehicular public access to lakeshore as an impact resulting from the proposed project. The mitigation measures recommended in the EIS for this impact are to maintain a pedestrian public access to the beach and/or consider the possibility of having a public agency (e.g., STPUD) assume responsibility for access maintenance.
4. The Policy Statement contained in the Recreation Element of the Regional Plan for the Lake Tahoe Basin, Part 1: Goals and Policies reads as follows:

"It shall be the policy of the TRPA Governing Body in development of the Regional Plan to preserve and enhance the high quality recreational experience, including preservation of high quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses.

It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and insure a fair share of the total Basin capacity for outdoor recreation is available to the general public".

B. Perpetual Dedication:

1. The applicant has agreed to offer the beach area and boat launching facilities for dedication to a public agency for a period of ten years. The applicant's position with respect to a perpetual dedication was unknown on the date this memorandum was prepared.
2. A condition requiring a perpetual dedication would appear to be consistent with the CTRPA condition of approval, the Policy Statement in the Recreation Element and the requirements set forth in the Preliminary Injunction.

C. Condition Recommended By Agency Staff:

1. The condition recommended by Agency staff reads as follows:

"The offer of dedication for public access, as set forth in the April 25, 1983 letter signed by E. Clement Shute, Jr. and addressed to Ms. Laura Hoover and James P. Dana, shall be recorded prior to issuance of the TRPA permit. Until and unless such offer is accepted, Fallen Leaf Lake Association shall be responsible to assure that free public access is maintained for the area generally identified as the public access area being approximately from the western edge of the public parking area to the eastern property line".

2. This condition would also appear to be consistent with the CTRPA condition of approval, the Policy Statement in the Recreation Element and the requirements set forth in the Preliminary Injunction, provided the offer of dedication is exercised within the ten year period.
3. This condition has been agreed to by the applicant.

II Commercial Allocation: The question was raised why the project did not require a commercial allocation, especially in light of the fact that the CTRPA approval was for a smaller project than that proposed by the applicant and now before the TRPA due to limitations on new commercial square footage.

Although TRPA Ordinance 81-8 had expired on May 1, 1983, the CTRPA staff relied on the definitions contained therein to determine in June, 1983 that the subject project was proposing modifications to and expansions of "commercial building" square footage. Ordinance 81-8 had defined "commercial building," for purposes of implementing Article VI(C)(4) of the Compact, as including tourist residential facilities. Therefore the CTRPA determined that a commercial allocation would have to be obtained by the applicant for any increase in building square footage.

The applicant's project was not on the City of South Lake Tahoe's allocation list for new commercial square footage and CTRPA Resolution 82-20 prohibited the CTRPA from processing applications not on that list. Therefore the CTRPA approval was limited to 39,189 square feet, which was determined to be the amount of existing building square footage. The proposed increase in building square footage of 18,000 square feet was not approved by the CTRPA.

Memo to the TRPA Governing Board  
Fallen Leaf Lake Rehabilitation Project  
January 14, 1985  
Page Four

However, with passage of the ordinance adopting the amendments to the Regional Plan, TRPA Ordinance 84-1, a new category was created that distinguished tourist residential units from both commercial and residential uses. The table of permitted land uses, contained in the Regional Plan For The Lake Tahoe Basin, Part 1: Goals and Policies, includes a use category entitled Tourist Accommodation. This use category includes hotel, motel and other transient dwelling units. The latest draft of the Land Use Ordinance contains a table of permitted land uses that has been expanded to include a use referred to as Resort, under Tourist Accommodation.

The term Resort is defined in Chapter 1 of the draft Code of Ordinance as "a single development providing recreational facilities and concessions, transient lodging, camping and other such facilities for vacationers". The above cited provisions of the adopted plan amendments and draft ordinances were the basis for Agency staff's determining that the subject project could be processed under the use category of Tourist Accommodation, and therefore, not require a commercial allocation under the provisions of the amended Regional Plan.

Under an agreement between the TRPA and the California Resources Agency, the TRPA is responsible for enforcement of CTRPA conditions of approval, unless the Resources Agency agrees to modify such conditions.

If the Governing Body chooses to approve the project as proposed, the staff will contact the California Resources Agency to determine whether it is willing to modify CTRPA conditions of approval to make them consistent with this Agency approval. If substantial problems arise, staff will bring any remaining unresolved problems back before the Board.

III Historical Site: The Historical Sites Map adopted by the Agency on April 26, 1984 as part of the amendments to the Regional Plan identifies Fallen Leaf Lodge as historical site #12. The site includes two structures, the Lodge building which contains four motel units, and a smaller structure building currently occupied by a store. The Lodge is to be rejuvenated as part of the project and the store building is to be removed.

The Draft EIS prepared for the project recommended that a report be prepared on the historic significance of the resort structures on the project site. This report was prepared, but the Applicant has not provided a copy to staff prior to mailing of the Governing Board packet. The report will be reviewed prior to the Governing Board meeting, and additional information will be provided with respect to this matter at the meeting.

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Fallen Leaf Lodge Rehabilitation Project, El Dorado County APN 21-410-11, TRPA File #79156

Project Name: Fallen Leaf Lodge Rehabilitation Project

Application Type: Tourist Accommodation Redevelopment

Applicant: Bill Craven, Fallen Leaf Lodge Associates

Applicant's Representative: Ernie Jones

Location: Along the southerly shore of Fallen Leaf Lake, approximately 5 miles southwest of the City of South Lake Tahoe (see Figure 1).

Assessor's Parcel Number: 21-410-11, El Dorado County

Review Per Section:

- (1) Subparagraph A-17, Preliminary Injunction, (specific project exemption).
- (2) Section 4.30(2), Ordinance 84-1, (review of other pending projects).
- (3) Section 3.10, Ordinance 84-1, (Article V(g) findings).
- (4) Section 4.31(1) and (2), Ordinance 84-1, (review criteria).
- (5) Section 4.12(f)(7), California Side Land Use Ordinance, (construction in stream channel).
- (6) Section 3.00, Ordinance 81-5, (prohibition of development in stream zones).
- (7) Section 4.12(f)(25), California Side Land Use Ordinance, (construction of roads).
- (8) Section 9.16, California Side Land Use Ordinance, (modifications to nonconforming land coverage).

Site Description: The project site is 76.87 acres in size and contains approximately 1,030 feet of shoreline along Fallen Leaf Lake (see Figure 2). The existing Fallen Leaf Lake Lodge facilities consists of numerous structures, including a motel containing 6 units, a lodge containing 4 motel units, a laundry, a recreational hall, 30 cabins, 9 tent platforms, 5 cook shacks, storage buildings, restrooms and a boat dock (see Figure 3). The site also contains 32 dirt camp sites, 50 to 60 dirt parking spaces, and approximately 1,800 linear feet of paved county road, 925 linear feet of paved private road and 6,000 linear feet (1.3 miles) of unpaved private road. The site is highly disturbed and most of the structures are generally in a state of disrepair.

Project Description: The applicant's proposal to rehabilitate the project site includes removing 23 of the 30 cabins, the 6 unit motel, the 9 tent platforms, the restrooms, cook shacks, laundry and storage buildings and the 32 campsites. The Lodge containing four units, the recreation hall and seven cabins will be retained and rejuvenated. Thirty new cabins will be constructed on the sites

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AGENDA ITEM VI A.

indicated on the project plan (see Figure 4). The project will result in a reduction in the total number of campsites and cabins from 82 to 37 cabins and the 4 units in the Lodge.

Approximately 1,200 linear feet of the existing paved county road will be relocated away from the shoreline and the existing dirt roads and parking areas will be removed and revegetated. A new county road will follow an alignment well back from the shoreline and paved parking areas will be provided for the public boat ramp facility and in close proximity to the proposed cabins.

Construction of the project is proposed to be phased over a total of 7 years with the first phase including construction of the new county road, removal of the deteriorating structures and old county road, installation of new water and sewer systems, revegetation of the disturbed areas and rehabilitation of the shoreline. The cabins will be constructed as the second phase. The estimated cost of the project is \$1.5 million.

Environmental Document:

Lead Agency - CTRPA/TRPA  
Document - Environmental Impact Statement/Environmental Impact Report (EIS/EIR)  
Certification - CTRPA on July 9, 1982  
TRPA on September 22, 1982

When the TRPA certified the EIS on September 22, 1982, the Governing Board found that the following mitigation measures set forth in the EIS must be incorporated into the project:

1. The final project alternative shall comply with all Agency regulations, and the land capability system requirements.
2. All improvements shall be proposed and constructed in accordance with the Agency Handbook of Best Management Practices.
3. All disturbed areas currently contributing to erosion and sediment releases shall be restabilized and revegetated.
4. Provision shall be made for a store and post office on site for use by the general public.
5. Provision shall be made for retention of the marina, boat ramp, and a portion of the beach for public access and use. Restroom facilities shall be provided for these facilities. These facilities may be operated by a public agency.
6. All construction of private improvements shall be located to avoid encroachment into land capability districts 1-3 and stream environment zones.

7. All new units shall not exceed 1,000 square feet each in land coverage to be consistent with the assumptions under which the EIS was developed.

Agency Approvals:

- El Dorado County - Special Use Permit authorizing rezoning from Agriculture, Commercial and Single Family Residential to Recreational Facility - February 8, 1982.
- Design waiver regarding the width and grades of the new county road - April 8, 1983.
- Lahontan - Waste Discharge Requirements, Board Order 6-23-41 issued April 10, 1983.
- CTRPA - General Plan Amendment, from 10 acres Low Density Residential and 66 acres General Forest to 18 acres Medium Tourist Residential, 57 acres General Forest and 1 acre Recreation. Approved June 24, 1983.
- Rehabilitation Project approved June 24, 1983.
- TRPA - Considered same General Plan Amendment as CTRPA. First reading of ordinance on August 26, 1983. Due to adoption of TRPA Ordinance 83-21 on August 26, 1983 and subsequent adoption of the amendments to the Regional Plan on April 26, 1984, the TRPA has not given the effectuating ordinance second reading.

Staff Analysis:

- A. Consistency With Phase I Priorities, Goals and Policies Plan - The Phase I Priorities include redevelopment of existing tourist accommodations.
- B. Consistency With Plan Area Statement - The project is located in Plan Area Statement #145, South Fallen Leaf Lake. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the latest draft of this Plan Area (October 1984) and has identified the following items (underlined) as being applicable to this project. Following each item is a brief statement relative to consistency.
1. Planning Considerations

- a. There is a general lack of adequate drainage devices on improved properties. As part of the project, the entire site will be brought into compliance with the TRPA 208 Water Quality Management Plan.
- b. Recreational demand in the area is creating access and parking problems. As part of the project, a paved parking lot will be provided for public use of the existing boat launching facilities and beach.
- c. Access to Fallen Leaf Lake for recreational use is severely restricted. The existing boat launching facilities are being maintained and the beach enhanced as part of the project. Public access to these facilities will be ensured as part of Agency approval.
- d. Recreation facilities on private property, including over-night recreational vehicle and camping facilities, are being eliminated. The project will eliminate 32 campsites. These campsites are being eliminated due to a limited number of sewer units being allocated to the property. The site has been allocated 114 sewer units. At 3 sewer units per cabin, the 37 cabins will require 111 sewer units. The remaining 3 units are necessary for the lodge.

2. Special Policies

- a. This end of the lake should continue to provide public access to the lake. Public boat launching facilities should be of a small scale to avoid the need for fueling facilities, dredging, artificial harbors and extensive backshore facilities. Although the applicant prefers to operate the public access area themselves or under franchise, they are willing to make an irrevocable offer of dedication of a public access easement generally including the boat launching facilities and beach area. The offer of dedication would be made to the "people of California", which is intended to allow any appropriately authorized public agency to accept the dedication. The offer of dedication would be irrevocable for a period of ten years.
- b. Winter access requiring plowing of roads is prohibited. Except for the county road, the roads on the project site will not be plowed in the winter.

3. Special Regulations

- a. Tourist - All uses are prohibited except resorts, which may be permitted as special uses. The project is a Resort as defined in the latest draft ordinances.

C. Land Coverage -

1. Land Capability: Class 1a  
Parcel Area in Class 1a: 54.9 acres

Percentage of total Parcel Area: 72%

Existing:

Paving:	6,100 sq. ft.
Compacted:	6,000 sq. ft.
Buildings:	<u>4,164 sq. ft.</u>
TOTAL:	16,264 sq. ft. (.68%)

Proposed:

Paving:	8,400 sq. ft.
Compacted:	-0- sq. ft.
Buildings:	<u>1,970 sq. ft.</u>
TOTAL	10,370 sq. ft. (.43%)

(Net Reduction: 5,894 sq. ft.)

2. Land Capability: Class 1b (SEZ)  
Parcel Area in Class 1b: 6 acres  
Percentage of total Parcel area: 8%

Existing:

Paving:	4,200 sq. ft.
Compacted:	11,800 sq. ft.
Buildings:	<u>522 sq. ft.</u>
TOTAL:	16,522 sq. ft. (6.3%)

Proposed:

Paving:	6,000 sq. ft.
Compacted:	-0- sq. ft.
Buildings:	<u>522 sq. ft.</u>
TOTAL:	6,450 sq. ft. (2.5%)

(Net Reduction: 10,072 sq. ft.)



3. Land Capability: Class 5  
Parcel Area in Class 5: 15 acres  
Percentage of total Parcel Area: 20%  
Existing:  
Paving: 21,800 sq. ft.  
Compacted: 307,400 sq. ft.  
Buildings: 27,567 sq. ft.  
TOTAL: 356,767 sq. ft. (51.2%)

Proposed:  
Paving: 63,522 sq. ft.  
Compacted: -0- sq. ft.  
Buildings: 36,962 sq. ft.  
TOTAL: 100,484 sq. ft. (14.6%)

(Net Reduction: 256,192 sq. ft.)

4. Overall Coverage:  
Existing: 11.7%  
Proposed: 3.5%

D. Consistency With Ordinances - Relocation of the existing county road will result in construction within the three minor stream environment zones (SEZ's) that traverse the project site and within a land capability level 1a area. Sections 12.60 and 3.00 of TRPA Ordinance 81-5 prohibit construction in SEZ's and land capability classes 1, 2 and 3 unless such construction is for a public work by a public entity and the Governing Board finds that such work is necessary for implementation of the Nonattainment Air Quality Plan or the Transportation Element of the Regional Plan, or is necessary for public recreation or the protection of the public health, safety or general welfare, and all other feasible alternatives not involving construction within these areas have been exhausted. The following factors are pertinent to the above required findings:

1. The project will result in a net reduction in land coverage of 5,894 sq. ft. in the land capability 1a area.
2. The project will result in a net reduction in land coverage of 10,072 sq. ft. in the SEZ's that traverse the project site.
3. The primary purpose for relocating the existing county road is to pull it back away from the shoreline of Fallen Leaf Lake. This realignment will allow the beach to be rehabilitated, which is to be done as part of the project. This rehabilitation will improve the public's recreation opportunities at Fallen Leaf Lake.

4. Once the new road is constructed, the existing county road will be abandoned by the county. The applicant will remove the old county road as part of the beach rehabilitation project and the County will accept the new road for dedication.
  5. Staff members from Lahontan, El Dorado County, CTRPA and TRPA have reviewed several alternative alignments in the field and generally agree that the proposed alignment will result in the least amount of construction in the SEZ's and in the land capability level 1a area.
- E. Impact Identification - The EIR/EIS prepared for the project and certified by the CTRPA and TRPA concludes that the proposed project represents an overall net reduction in adverse environmental impacts in comparison to the existing development around Fallen Leaf Lake. The report concludes that the project would generally contribute to improving the water, air and visual quality of the Fallen Leaf Lake area. The report predicts that soil stability will be enhanced through an extensive revegetation program, and traffic generated to the site will be lessened by a reduction in units on the property.

Despite the above cited benefits, the EIR/EIS does identify four significant adverse environmental impacts that can not be avoided if the project is implemented. These impacts are described in the EIR/EIS as follows:

1. Road relocation will significantly modify the topography above the south portion of the site, and cut slopes will be required at both ends of the new road. New roadway crossings would encroach in stream environment zones associated with three minor drainages on the site.
  2. The project would remove the resort from semi-public use to primarily private use. The total number of available campsites in the Tahoe Basin and especially in the Fallen Leaf Lake area would decrease.
  3. Project construction would increase short-term erosion/sedimentation potential, noise levels, concentrations of dust and particulates, and traffic congestion in the local area. Some large trees would be removed from the site.
  4. The project would require the consumption of non-renewable energy and natural resources during construction.
- F. Mitigation Measures - The following paragraphs identify the mitigation measures and other considerations with respect to each of the four impacts identifies as unavoidable in the EIR/EIS.

1. Road Relocation

- a. Cut Slopes - Staff members from Lahontan, El Dorado County, CTRPA and TRPA have reviewed several alternative road alignments in the field and generally agree that the proposed alignment will result in the least amount of excavation and site disturbance. Except for short segments at both ends, the new road will be constructed at grade on slopes less than 15%. The cut slope at the easterly end of the road will be approximately 100 feet in length, with a maximum height of 3 feet. This cut will be made through an existing, unstable cut slope located adjacent to the existing road and will be stabilized with a vertical retaining wall. The cut slope at the westerly end of the road will be less than 100 feet in length, with a maximum height of 4.5 feet. This cut slope will also be stabilized with a vertical retaining wall.
- b. Construction in Stream Environment Zone - The new county road will cross three first order drainageways that traverse the project site. These drainageways currently contain several corrugated pipes at existing dirt road crossings and in several locations the adjacent banks are unstable and eroding. With relocation of the existing county road, three existing crossings will be removed and one of the new crossings will correspond to an existing dirt road crossing. As part of the project, the unstable bank adjacent to the drainageways will be stabilized and sediment retention basins will be installed to remove sediment prior to discharge into Fallen Leaf Lake. With removal of the existing county road and installation of the water quality improvement measures proposed as part of the project, there will be a net reduction in impacts within the SEZ's traversing the project site.

The total stream zone restoration program, which includes a reduction of 10,072 sq. ft. of land coverage in the SEZ's, has been found by Lahontan and Agency staff to be equivalent to the 1:1.5 restoration ratio contained in the Goals and Policies Plan, Part 1.

2. Changes to Current Use

- a. From Semi-Public Use to Primary Private Use - The applicant has agreed to a condition of approval (#2) which will assure continued public access and use of the beach and boat launching facilities at the southerly end of Fallen Leaf Lake. In addition, the cabins will be available for rent to the general public when not rented by a member of Fallen Leaf Lake Associates.

- b. Reduction in Campsites - The 32 campsites are being eliminated due to a limited number of sewer units available to the property. One hundred and eleven of the 114 sewer units allocated to the site are being used for the 37 cabins and the remaining 3 units are required for the lodge. The applicant contends that the financial feasibility of the project depends on the rental income of the 27 cabins, and that the rental income from campsites is not nearly enough to make the project financially feasible.

3. Short-Term Construction Impacts

- a. Erosion/Sedimentation Potential - Temporary erosion control measures, consisting of filter fabric fence and straw bales will be installed and maintained along the down hill sides of all areas disturbed during construction of the project. Filter barriers of fabric fence will be installed across the drainageways down stream from all construction activities. Construction along the beachfront will consist mainly of removal of existing rock rip-rap, existing asphalt paving and existing fill material. Temporary erosion control will depend upon the actual lake level at the time of construction. If the lake is at a low level, thereby providing horizontal distance between the road being removed and the waters edge, a filter fence will be constructed between the construction activity and the water's edge. If, however, the water level is such that horizontal separation is not feasible, an impervious membrane will be installed in the water. While no removal of material or construction below the water line will take place, the use of the membrane will prevent any material dislodged by storm or wave action from being washed into the waters of the lake.
- b. Noise Levels - All construction equipment will be equipped with appropriate mufflers and the hours of construction will be limited to 7 a.m. to 7 p.m. (condition of approval #50).
- c. Concentration of Dust and Particulates - Prior to issuance of the TRPA permit, the applicant will be required to submit a plan for dust control. This plan will include provisions for covering spoil piles and keeping exposed soils moist.
- d. Traffic Congestion - Although the EIS concludes that after project implementation, traffic on Fallen Leaf Road will be less than that currently existing, the EIS recommends that warning signs be installed along the road realignment where curves or grades interrupt lines of site and obscure views of vehicles pulling out of the private parking areas. As a condition of approval, the applicant will be required to

install such safety signs in consultation with El Dorado County.

4. Consumption of Non-Renewable Energy and Natural Resources During Construction

Although there will be the consumption of fuels by construction equipment working on the project, the rate of consumption and amounts of fuels consumed is not expected to be abnormally high. Consumption of these resources may be warranted when considering the benefits resulting from implementation of the project, such as improved alignment of the county road, rehabilitation of the beach area and reduced traffic congestion. In the long term, the fuels saved by reducing traffic congestion may off set the fuels consumed during construction of the project.

G. Article V(g) Findings (Section 3.00, Ordinance 84-1) - The following is a list of the V(g) findings as set forth under Section 3.00 of Ordinance 84-1. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

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

The project was approved by the CTRPA in June, 1983, at which time the CTRPA Governing Board found that the project was consistent with the CTRPA Regional Plan and ordinances. The project is also consistent with the applicable Plan Area Statement (See paragraphs A & B of Staff Analysis commencing on page 3).

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

An Environmental Impact Statement (EIS) has been prepared for the project and the final EIS has been certified by the Governing Board. The project is properly before the Governing Board for consideration.

3. With respect to projects for which an environmental impact statement has been prepared, changes or alterations have been required in or incorporated into the project which avoid or reduce the significant adverse environmental effects to a less than significant level; or specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project; and that a separate written finding has been made for each significant effect identified in the environmental impact statement on the project, which said findings are supported by substantial evidence in the record.

The project EIS identifies the significant adverse impacts resulting from the project and concludes that with the proposed mitigation measures, these impacts can be reduced to a less than significant level. Therefore, the EIS and this staff summary provide substantial evidence on which to base the finding that changes or alterations have been required in or incorporated into the project which avoid or reduce the significant adverse environmental effects to a less than significant level.

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

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

5. The project is consistent with the goals and policies of the Water Quality, Transportation and Air Quality, Conservation, Recreation, Public Services and Facilities and Implementation Elements of the Regional Plan, as amended.

- a. Water Quality - The EIS concludes that implementation of the project will result in a beneficial impact on water quality.
- b. Transportation and Air Quality - The EIS concludes that implementation of the project will reduce traffic congestion in the area and reduce emission concentrations due to reduced traffic generation.
- c. Conservation - The EIS concludes that the project will have beneficial impacts on vegetation, wildlife, fisheries, soils, the shorezone of Fallen Leaf Lake, scenic quality, open space and the stream environment zones on the project site. The EIS indicates that no archaeological or historic sites were found on the project site. Conditions of approval require compliance with Agency standards with respect to energy conservation.

- d. Public Services and Facilities - The project proposes a net reduction in person accommodations and will result in the structures on the project site being connected to the South Tahoe Public Utility District sewer treatment plant. As part of the project, the existing domestic and fire protection water systems will be upgraded to meet El Dorado County standards. The fire protection system will include fire hydrants throughout the project site. The applicant currently has riparian water rights to withdraw water from Glen Alpine Creek and Fallen Leaf Lake (License #2028, Permit #10180). These water rights are sufficient to supply the project with adequate domestic water and fire protection.
  - e. Implementation - The project is consistent with the development and implementation priorities set forth in the Implementation Element in as much as the project proposes the redevelopment of existing tourist accommodations.
- H. Preliminary Injunction Findings: The Preliminary Injunction allows the TRPA to approve the subject project so long as TRPA requires, as conditions of approval:
- 1. significant reductions in impervious coverage;
  - 2. conversion of existing septic tanks to sewage treatment systems;
  - 3. increased public access to Fallen Leaf Lake's beach area; and
  - 4. upgrading of water quality treatment facilities to current standards of the Lake Tahoe Basin Water Quality Plan.

In response to item #1, the project will result in a net reduction in land coverage from 11.7% to 3.5% of the project site. The requirements set forth in items 2, 3 and 4 are all either part of the project before the Agency or are required under specific conditions recommended by Agency staff.

Required Actions and Findings: To approve the subject project, the Governing Board must make the findings listed below. Agency staff is of the opinion that each finding listed below can be made based on substantial evidence contained in the EIS prepared for the project and in this staff summary.

Agency staff recommends approval of the subject project based on the following findings and subject to the following conditions of approval:

Findings:

- A. The findings required under Article V(g) of the Tahoe Regional Planning Compact, as set forth in Section 3.00 of TRPA Ordinance 84-1.
- B. Changes or alterations have been required in or incorporated into the subject project which avoid or reduce the significant adverse environmental effects to a less than significant level.
- C. The construction activity proposed in the stream environment zones and in the land capability 1a area is exempt from the prohibition on such activities under Section 12.62 and 13.31 of TRPA Ordinance 81-5. This finding is based on the determination that said construction activity is the minimum necessary to relocate an existing county road; all other feasible alternatives not involving construction within an SEZ have been exhausted, the construction is necessary to improve public recreation opportunities and the EIS prepared for the project concludes that implementation of the project will have a beneficial impact on water quality.
- D. The findings required under the Preliminary Injunction, which are that the project will result in:
  1. significant reductions in impervious coverage;
  2. conversion of existing septic tanks to sewage treatment systems;
  3. increased public access to Fallen Leaf Lake's beach area; and
  4. upgrading of water quality treatment facilities to current standards of the Lake Tahoe Basin Water Quality Plan.
- E. The stream zone restoration program that is part of this project is equivalent to the 1:1.5 restoration ratio set forth in the Goals and Policies Plan, Part 1.

Recommended Conditions of Approval:

- A. Standard conditions listed on Attachment D, except #19, plus the following special conditions:
  1. The security required under standard condition 1b. shall be in an amount equal to 150% of the estimated costs to properly install all drainage and slope stabilization improvements and revegetate and restore the project site in accordance with the final construction drawing approved by Agency staff.



2. The offer of dedication for public access, as set forth in the April 25, 1983 letter signed by E. Clement Shute, Jr. and addressed to Ms. Laura Hoover and James P. Dana, shall be recorded prior to issuance of the TRPA permit. Until and unless such offer is accepted, Fallen Leaf Lake Association shall be responsible to assure that free public access is maintained for the area generally identified as the public access area being approximately from the western edge of the public parking area to the eastern property line.
3. Public restroom facilities and trash dispensers shall be provided and maintained in the public access area.
4. The public parking area shall be available for public parking only and shall not be operated as an overflow area for cabin users. As such, no overnight parking shall be allowed.
5. Water conservation devices shall be used on all fixtures.
6. Water heaters shall not emit nitrogen oxides greater than 40 nanograms of nitrogen oxide (as NO<sub>2</sub>) per joule of heat output at sea level.
7. Space heaters shall not emit greater than 40 nanograms of nitrogen oxides (as NO<sub>2</sub>) per joule of useful heat delivered to the heated space at sea level.
8. Any stoves or fireplace inserts installed shall emit 15 grams or less of smoke per hour for non-catalytic wood heaters and 6 grams or less per for catalytic equipped heaters. As an alternative, stoves or inserts may be installed that meet the emission standards set by the State of Oregon. Such stoves or fireplace inserts shall be operated at all times in the mode for which emissions were certified.
9. All new utilities shall be underground and located with appropriate public utility easements.
10. Maintain a 100-foot non-building setback from Alpine Creek.
11. A phasing plan, identifying the construction phases of the proposed construction/rehabilitation, shall be submitted for approval by Agency staff prior to issuance of the TRPA permit. This phasing plan shall include a construction/inspection schedule including the following items:

- a. When installation of temporary erosion control, and vegetation protection and construction site boundary fencing will occur;
  - b. When construction will start;
  - c. When all disturbed areas will be stabilized;
  - d. When initial grading will be completed;
  - e. When all construction slash and debris will be removed;
  - f. When driveways, parking areas and other paved surfaces will be paved;
  - g. When installation of permanent mechanical erosion control devices will occur;
  - h. When installation of permanent drainage improvements will occur;
  - i. When revegetation will occur;
  - j. When construction will be completed;
  - k. When the site will be winterized, if appropriate; and
  - l. Other information deemed necessary by Agency staff to assure compliance with the purpose of this Section as stated above.
12. The final construction drawings for each of the new cabins and other structures shall be subject to review and approval by Agency staff. Individual securities may be required for, and specific conditions of approval may be placed on each such approval. Such approvals by Agency staff shall not constitute a new project.
  13. Construction materials and exterior colors of the proposed cabins and other structures shall be subject to final review and approval by Agency staff.
  14. Locations and details of all trash enclosures shall be subject to review and approval by Agency staff. Trash containers shall be properly screened from public view at all times.
  15. All mitigation measures, as identified in the Final EIR/EIS, shall be implemented, as well as the following mitigation measures:
    - a. The final project alternative shall comply with all Agency regulations and the land capability system requirements.
    - b. All improvements shall be proposed and constructed in accordance with the Agency Handbook of Best Management Practices.
    - c. All disturbed areas currently contributing to erosion and sediment releases shall be restabilized and revegetated.

- d. Provisions shall be made for a store and post office for use by the general public.
  - e. Provisions shall be made for retention of the marina, boat ramp, and a portion of the beach for public access and use. Restroom facilities shall be provided for these facilities. These facilities may be operated by a public agency.
  - f. All construction of private improvements shall be located to avoid encroachment into land capabilities districts 1 through 3 and stream environment zones.
  - g. All new units shall not exceed 1,000 square feet each of land coverage to be consistent with the assumptions under which the EIS was developed.
16. Approval by the Agency of this project shall expire 3 years after the date of Governing Board final action, unless construction is begun within that time and diligently pursued in accordance with the approved phasing plan and construction/inspection schedule, as may be modified by Agency staff. Construction of all civil, offsite improvements shall be completed within 24 months from the date that construction of the project commences, and all other improvements shall be completed within 60 months from the date that the civil, offsite improvements are completed. If construction is not completed within said time periods, this approval shall expire and the applicant or his successor in interest shall immediately remove all partially completed work and return the site, as far as possible, to its original condition. If the applicant or his successor in interest fails to do so, the Agency may have the work performed at the applicant's or his successor's in interest expense costs to constitute a lien against all the real property which is the subject of this approval. The security required under standard condition 1b. may be used by the Agency to have any of the work performed that may be required under this condition performed.
17. The final alignment of the new county road shall be subject to review and approval by Agency staff. The final alignment shall be designed to avoid the removal of large trees and to minimize excavation.
18. The final location of each building site shall be subject to review and approval by Agency staff. The final location of each building site shall avoid the removal of large trees, where feasible.
19. Except for the county road, the paved surfaces within the project site shall not be cleared of snow during the months of November through May.

20. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other approved methods shall be removed from the subject parcel and disposed of at a TRPA approved location.
21. The applicant shall be fully responsible for any damage caused to trees or other vegetation. This responsibility shall be carried to all employees and subcontractors.
22. All work must be performed in such a manner that the project can be winterized within 24 hours.
23. During construction, environmental protection devices such as adequate erosion control devices, dust control and vegetation protection barriers shall be maintained at all times.
24. Excess debris and waste construction material shall be placed in a centralized area free from flooding or washout and shall be removed from the site as soon as possible.
25. Loose soil mounds or surfaces shall be protected from wind or water erosion by being appropriately covered when construction is not in active progress or in anticipation of a storm.
26. There shall be no grading or land disturbance to existing drainage areas other than as designated on the final construction drawings approved by Agency staff.
27. All excavated material shall be stored up grade from the excavated areas. No material shall be stored in any stream environment zone.
28. No vehicles or heavy equipment shall be allowed in any stream environment zone, except as specifically authorized by Agency staff.
29. No cleaning of equipment, including cement mixers, shall be permitted where the waste material can enter any stream environment zone or Lake Tahoe.
30. No filling or grading shall be permitted in any wet lands, stream environment zone or flood plain, other than as designated on the final construction drawings approved by Agency staff.
31. The length of open trenches (excluding foundation) at the end of each working day shall not exceed 50 feet.

32. Soil disturbed during the course of any construction shall be removed or protected from erosion onto adjacent lands.
33. Construction equipment shall be limited to the general area of building footprints, access ways, and utility lines within the area of actual construction. No vehicles shall pass over areas designated on plans submitted by the permittee to remain in a natural state.
34. Equipment of a size and type that, under prevailing site conditions, will do the least amount of damage to the environment shall be used.
35. Motor vehicles shall not be operated in wet lands, stream environment zones, or other fragile lands off designated highways, streets, trails, or other thoroughfares, or driveways in a manner that is damaging to the natural environment unless such operation is expressly authorized by Agency staff.
36. Construction equipment shall be limited to the actual area of construction according to approved plans and shall not be operated outside the designated area.
37. The TRPA staff shall be notified in writing at least one day before any work is started on any stream crossing.
38. No excavation or backfill will be permitted when snow is present or ground is frozen unless written permission is obtained from the TRPA.
39. All manholes in the area of auto or bicycle traffic shall be maintained within 1/2" of the finished pavement.
40. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris and restoration of topography other than building footprint and driveway.
41. Mud shall not be tracked off the construction site or improved roads. Grading operations shall cease in the event that a danger of tracking mud offsite exists. The site shall be cleaned up and road right-of-way swept clean when necessary.
42. The TRPA shall be provided written notification when the work on the project is complete.

43. No work activity shall be allowed during any holiday which would adversely affect traffic on the adjacent roads.
44. At least one (1) parking space 12' wide shall be appropriately located and signed for the use of vehicles with handicapped persons. The location of said space shall be approved by the TRPA prior to the start of construction. The two required signs shall conform with the Caltrans standard sign specification G-81.
45. Facilities shall be provided for bicycles adequate to secure at least ten (10) full-size bicycles. The bicycle facility shall be secured to the ground or building to provide adequate security. The location and type of storage facility shall be submitted to the TRPA for review and approval prior to the start of construction.
46. Physical barriers shall be provided to confine vehicles to their designated parking areas and driveways. The type and location of these barriers shall be submitted to the TRPA for review and approval prior to the start of construction.
47. This approval does not include approval of any private signs other than those shown on the final construction drawings approved by Agency staff.
48. This approval does not include approval for any outdoor lighting, except as may be shown on the final construction drawings approved by Agency staff.
49. All construction equipment shall be equipped with appropriate mufflers and all construction activities shall occur only between 7 a.m. and 7 p.m.
50. As part of the final construction drawings, the applicants shall submit to Agency staff a forest management program. This program shall be subject to review and approval by Agency staff.
51. At the time when the foundation inspection is requested of the local building department, the Agency must be notified and requested to inspect the site. At the time of this inspection, all drainage and slope stabilization improvements shown on the construction drawings bearing the TRPA stamp of approval shall have been properly installed in accord with the TRPA 208 Water Quality Plan and Handbook of Best Management Practices. At the time of this inspection, the driveway shall have been paved.

52. This approval is conditioned upon the consent of the applicant, as indicated by his signature upon the permit issued pursuant to this approval, that the TRPA, through its duly authorized representatives or independent contractors, may enter upon the land of the applicant upon which the construction, use or activity authorized by such permit is to occur for the purposes of inspection, the construction or maintenance of those facilities necessary to comply with the TRPA 208 Plan, or as is required by these conditions of approval, and subsequent to such construction or maintenance shall be reimbursed by the applicant for the cost thereof.

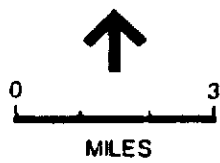
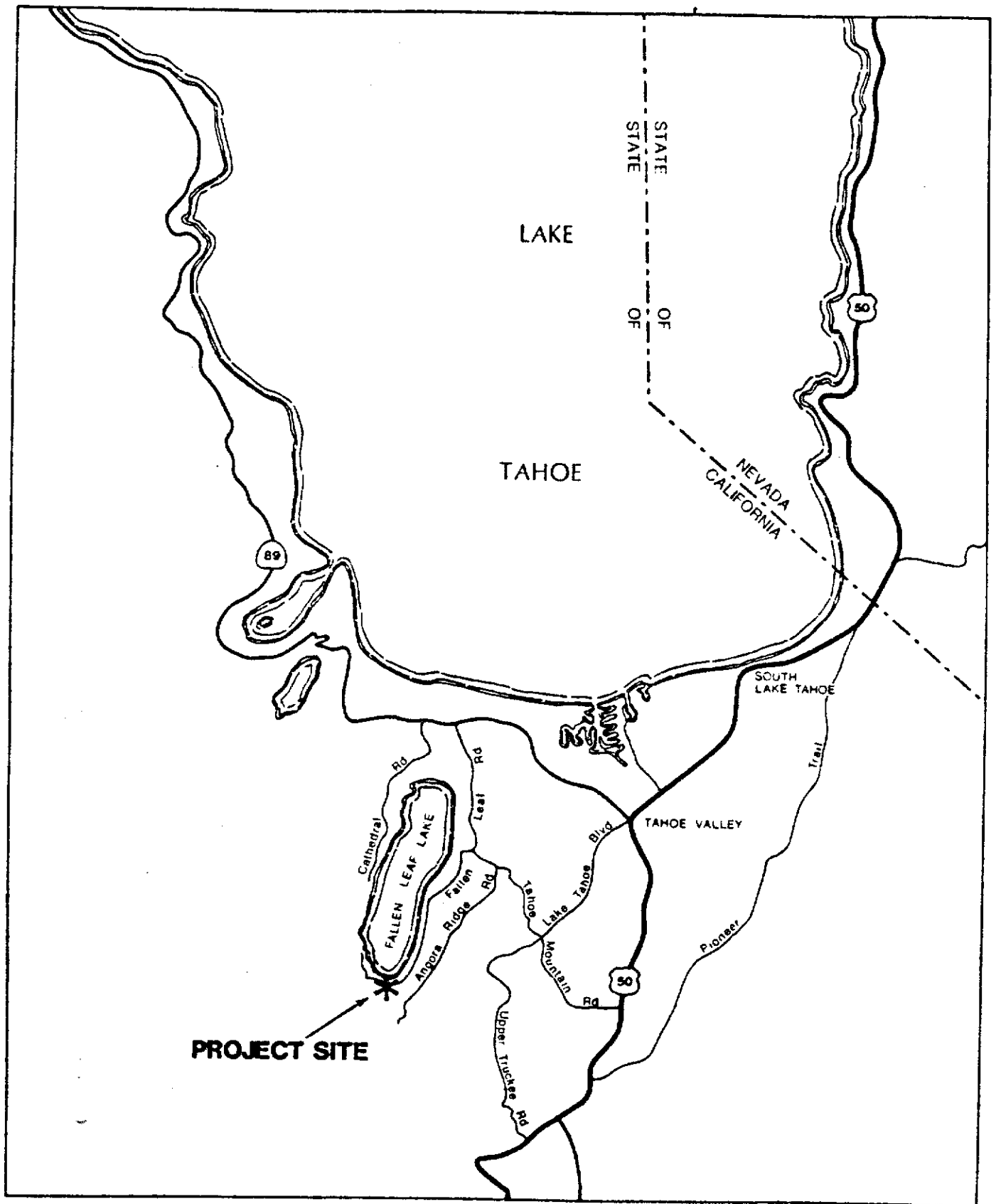


FIGURE 1



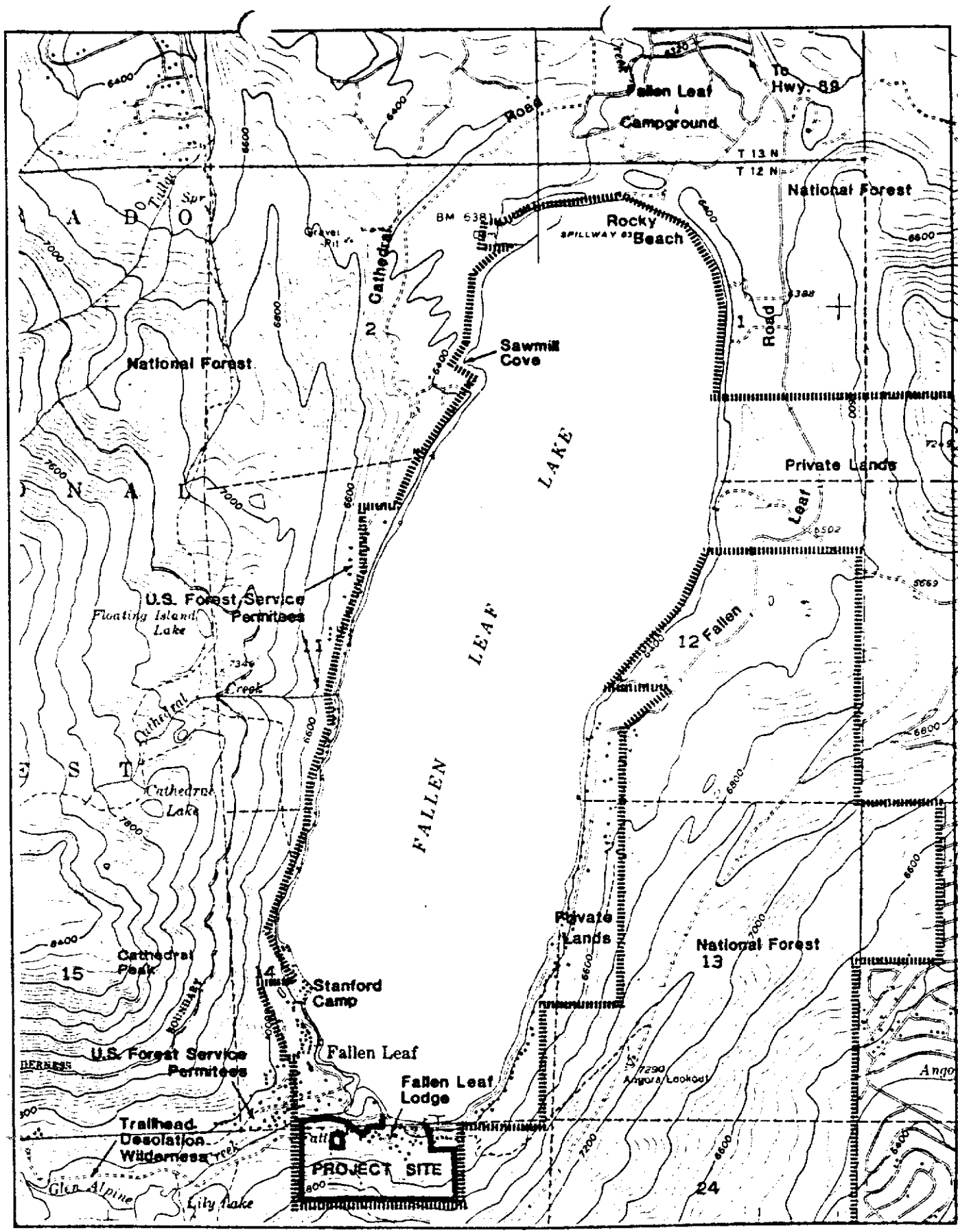


FIGURE 2

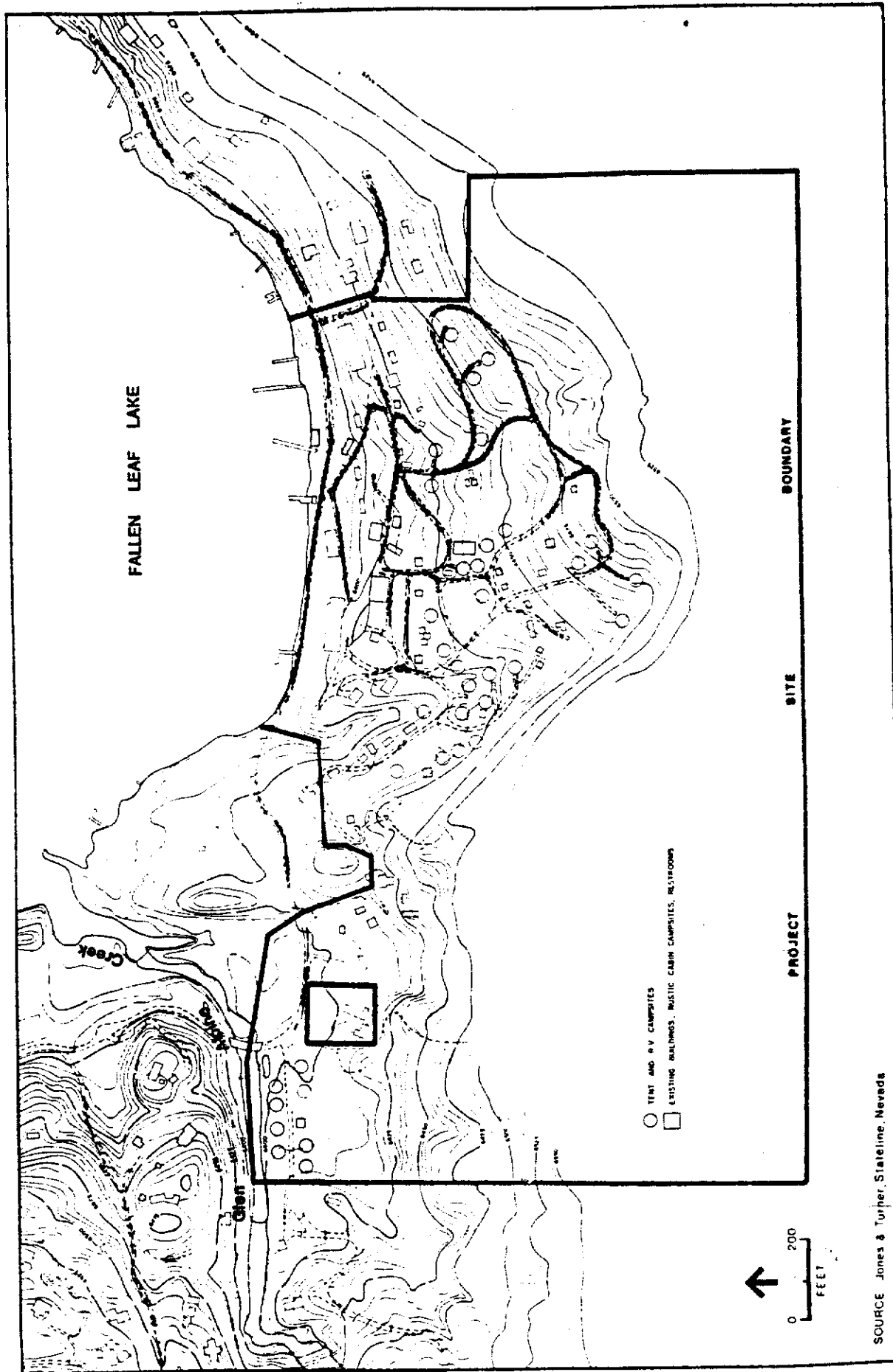


FIGURE 3  
EXISTING FACILITIES

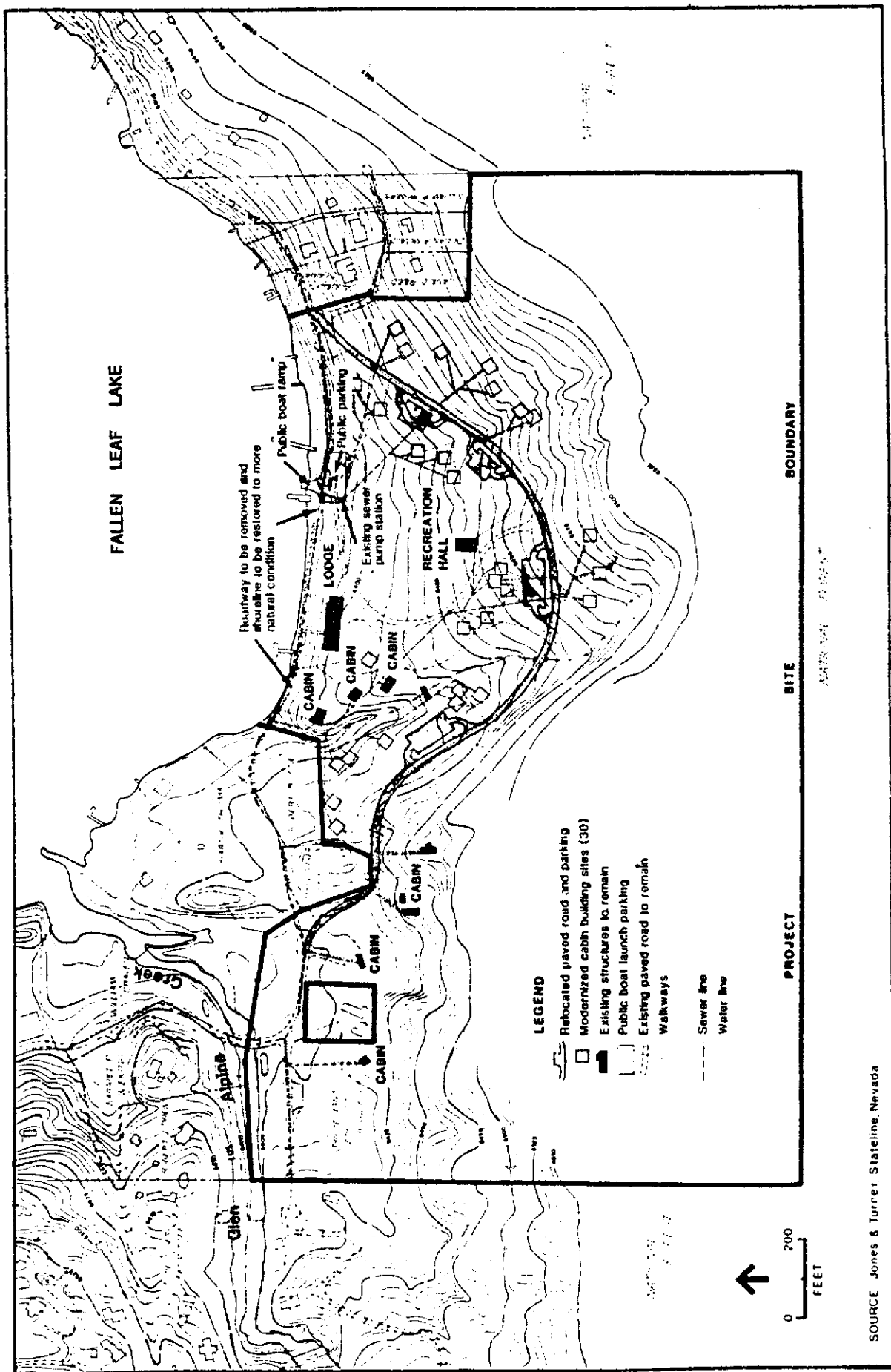


FIGURE 4

PROPOSED FACILITIES

TAHOE REGIONAL PLANNING AGENCY  
STANDARD CONDITIONS OF APPROVAL

ATTACHMENT D

1. Each of the following conditions shall be completely performed prior to the issuance of the TRPA permit:
  - a. The final revegetation, slope stabilization, and drainage plans shall be submitted to and approved by the Agency staff. These plans shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage facilities.
  - b. Adequate security shall be posted with the permit-issuing authority or the Agency to insure proper installation of the slope stabilization and drainage improvements and revegetation shown on the plans approved under condition 1a. (For details on security procedures, please refer to Attachment J.)
  - c. Calculations prepared by a qualified civil engineer demonstrating that the drainage improvements are capable of infiltrating on site the storm water flows from a 2-year, 6-hour storm shall be submitted to and approved by Agency staff.
  - d. All authorizations (except building and grading permits) from appropriate public authority applicable to the proposed development shall be obtained, i.e., state highway encroachment permits, state waste discharge permits.
  - e. The final construction drawings for all site improvements shall be found by Agency staff to be in substantial conformance with the plans and information submitted as part of this application and this finding so indicated in writing to the permit-issuing authority.
2. Upon the issuance of building and grading permits, construction shall proceed in the following sequence:
  - a. The initial phase of the vegetation preservation and protection plan shall be completed.
  - b. Installation of temporary erosion protection devices.
  - c. Completion of rough grading including installation of mechanical stabilization devices.

Standard Conditions of Approval  
Attachment D - page two

- d. Completion of structure foundations.
  - e. Final grading and installation of base for paved areas.
  - f. Completion of structures.
  - g. Paving.
  - h. Landscaping and revegetation.
3. Compliance with all requirements and conditions of the permit-issuing authority. None of said requirements and conditions shall be waived or modified without the concurrence of TRPA.
  4. Whenever possible, all utilities shall occupy common trenches and shall be installed at one time. Trench spoil shall be stored within the foundation.
  5. There shall be no grading or land disturbance performed with respect to the project between October 15 and May 1, unless proper approvals are obtained.
  6. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other approved methods shall be removed from the subject parcel and disposed of at an approved location.
  7. Replanting of all exposed surfaces, as per the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance. Planting shall be accomplished prior to the October 15 grading and land disturbance deadline.
  8. All trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.
  9. All areas to be paved shall be paved prior to October 15.
  10. Mud shall not be tracked off the construction site or improved roads. Grading operations shall cease in the event that a danger of tracking mud offsite exists. The site shall be cleaned up and road right-of-way swept clean when necessary.
  11. During construction, environmental protection devices such as adequate erosion control devices, dust control and vegetation protection barriers shall be maintained.
  12. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.

Standard Conditions of Approval  
Attachment D - page three

13. All other permits regarding the development shall comply with these conditions.
14. This approval becomes invalid if a local government permit for this project expires or will-serve letters are cancelled.
15. All erosion control, drainage improvements, revegetation and temporary erosion control shall be in compliance with the guidelines set forth in the TRPA 208 Handbook of Best Management Practices.
16. Agency staff shall be notified at least 48 hours prior to the commencement of construction. This notification shall include: a) who will be doing the work; b) when the work will commence; and c) when the completion of work is expected.
17. All construction shall be accomplished in strict compliance with the plan approved by TRPA.
18. The TRPA permit and the final construction drawings bearing the TRPA stamp of approval shall be present on the construction site from the time construction commences to final TRPA site inspection. The permit and plans shall be available for inspection upon request by any TRPA employee. Failure to present the TRPA permit and approved plans may result in construction on the site being stopped.
19. Construction of the project in accord with the plans approved by the Agency shall be completed with twenty-four (24) months from the date that construction commences on the site, unless an extension is granted by the Agency. If construction is not completed within said time or an extension granted by the Agency, the TRPA permit is revoked and the applicant or his successor in interest shall immediately remove all partially completed work and return the site, as far as possible, to its original condition. If the applicant or his successor in interest fail to do so, the Agency may have the work performed at the applicant's or his successor in interest's expense, costs to constitute a lien against all the real property which is the subject of the approval. Said permit will not be revoked under the provisions of this condition within the three (3) year period in which the TRPA approval is valid as set forth under Article VI(p) of the TRPA compact.
20. This approval is conditioned upon the consent of the applicant, as indicated by his signature upon the permit issued pursuant to this approval, that the TRPA, through its duly authorized representatives or independent contractors, may enter upon the land of the applicant upon which the construction, use or activity authorized by such permit is to occur for the purposes of inspection, the construction or maintenance of those facilities necessary to comply with the TRPA 208 Plan, or as is required by these conditions of approval, and subsequent to such construction or maintenance shall be reimbursed by the applicant for the cost thereof.

10/4/84

FORMS1: Attachment D

Page 3 of 3

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Tahoe City Public Utility District - Truckee River Waterline,  
Placer County APN 95-110-10, TRPA File #84586

Application Type: Public Works

Applicant: Tahoe City Public Utility District (TCPUD)

Applicant's Representative: Jerry Tippin

Location: Phase I: Between California State Highway 89 and the Truckee River  
southwesterly of the intersection of California State  
Highway 28, Tahoe City

Phase II: Under the Truckee River and along Tonopah Drive, Tahoe City

Assessor's Parcel Number: 95-110-10

Review Per Section:

- (1) Subparagraph J-4, Preliminary Injunction (specific project exemption)
- (2) Section 3.00, Ordinance 84-1 (Article V(g) findings)
- (3) Section 4.30(2), Ordinance 84-1 (Review of Other Pending and New Projects)
- (4) Section 4.12(d) California Side Land Use Ordinance (Public Works Projects)
- (5) Section 4.31(1) and (2), Ordinance 84-1 (Review Criteria)
- (6) Section 13.31, Ordinance 81-5 (Prohibition of Development in Stream Environment Zones)

Project Description: The two phase project consists of installation of approximately 3,600 lineal feet of 10" waterline from the existing 8" waterline located across from the TCPUD maintenance yard to connect with existing 10" waterline in Tonopah Drive. Phase I of the project consists of installation of approximately 1,600 lineal feet of 10" waterline along the right-of-way of Highway 89 and crossing the Tahoe City Lumber Company to the edge of the Truckee River. Phase II of the project consists of installation of approximately 2,000 lineal feet of 10" waterline across the Truckee River and connection of the new waterline to the existing 8" waterline in Tonopah Drive. Phase II of the project is planned for the future with no specific project date determined yet. As the specific plans for Phase II of the Project have not yet been developed, the applicant is currently seeking approval for Phase I of the project only.

Environmental Document:

Lead Agency	-	TCPUD
Document	-	Negative Declaration (SCH#89082702)
Certification	-	TCPUD on October 18, 1984

RA:bl  
1/14/85

AGENDA ITEM VI B.

Agency Approvals:

Lahontan: Waived waste discharge requirements.

Staff Analysis:

Reason for Project: This project will provide for the much needed fire support services for both sides of the Truckee River in Tahoe City. In particular, fire support services will be provided in the area of the Caltrans maintenance yard and the Tahoe City Lumber Company, where highly flammable materials are stored. In addition, completion of Phase II of the project will improve the ability of TCPUD to better manage the Tahoe City Water System water supply, particularly during drought years. Currently there is only one 6" waterline intertie crossing the Truckee River.

Land Capability: The project site is located in land capability classification Gr - 1b, stream environment zone (SEZ). However, the entire area of the proposed construction is within areas that have been previously disturbed (pavement, road shoulders and parking areas). Although the grading proposed is within previously disturbed areas, an exemption to the prohibition to disturbance in an SEZ must be granted by the Governing Board pursuant to Section 13.31 of Ordinance 81-5. Section 13.31 of Ordinance 81-5 provides that the Governing Body may permit certain public works projects to be constructed in SEZ's if the Agency finds that the work is necessary for the protection of the public health, safety or general welfare. As the project will provide for much needed fire support services in the area, staff believes the required findings of Section 13.31 can be made by the Governing Board.

Mitigation Measures: The applicant has proposed to utilize erosion control devices during construction of the project in compliance with the Handbook of Best Management Practices. Further, the applicant is proposing to revegetate all areas disturbed as a result of the project.

Article V(g) Findings (Section 3.00, Ordinance 84-1): The following is a list of the V(g) findings as set forth under Section 3.00 of Ordinance 84-1. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

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



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

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

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

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

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

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

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

5. The project is consistent with the goals and policies of the Water Quality, Transportation and Air Quality, Conservation, Recreation, Public Services and Facilities and Implementation Elements of the Regional Plan, as amended.

- a. Water Quality - The project includes mitigation measures to ensure compliance with the TRPA 208 Water Quality Plan.
- b. Transportation and Air Quality - The project does not propose any work which will significantly affect traffic and air quality of the region.
- c. Conservation - The project does not propose any work which will be in conflict with the Conservation Element of the amended Regional Plan.
- d. Public Services and Facilities - The project is consistent with the goals and policies of the Public Services and Facilities Element of the amended Regional Plan. The project involves the upgrading of existing service to support existing development consistent with the amended Regional Plan.

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

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

- I A motion for a finding of no significant effect with direction to staff to prepare the necessary certification document to be included with the permit.
  
- II A motion to approve the project subject to the following findings and conditions:
  - A. Findings
    - 1. The V(g) findings listed on Attachment K.
  
  - B. Conditions
    - 1. The standard conditions listed on Attachment I with the following modifications:
      - Delete - 1 (f & g) CTRPA required securities
      - 9 CTRPA acceptance of conditions
      - 11 Nonconforming land coverage
      - 12 Consolidation of lots
      - 17 Provisions for handicapped
      - 18 Provisions for bicycles
      - 19 Provisions for parking barriers
      - 20 Outdoor sign provisions
      - 21 Outdoor lighting
      - 22 Notation on parcel map
      - 23 Mail box facilities
  
      - Add - 24 The security referred to in Condition 1(e) shall be \$2,000.
  
      - 25 This approval is for Phase I only and does not commit the Agency in any manner concerning review and approval of Phase II. Phase II of the project shall require separate review and approval of the Agency.

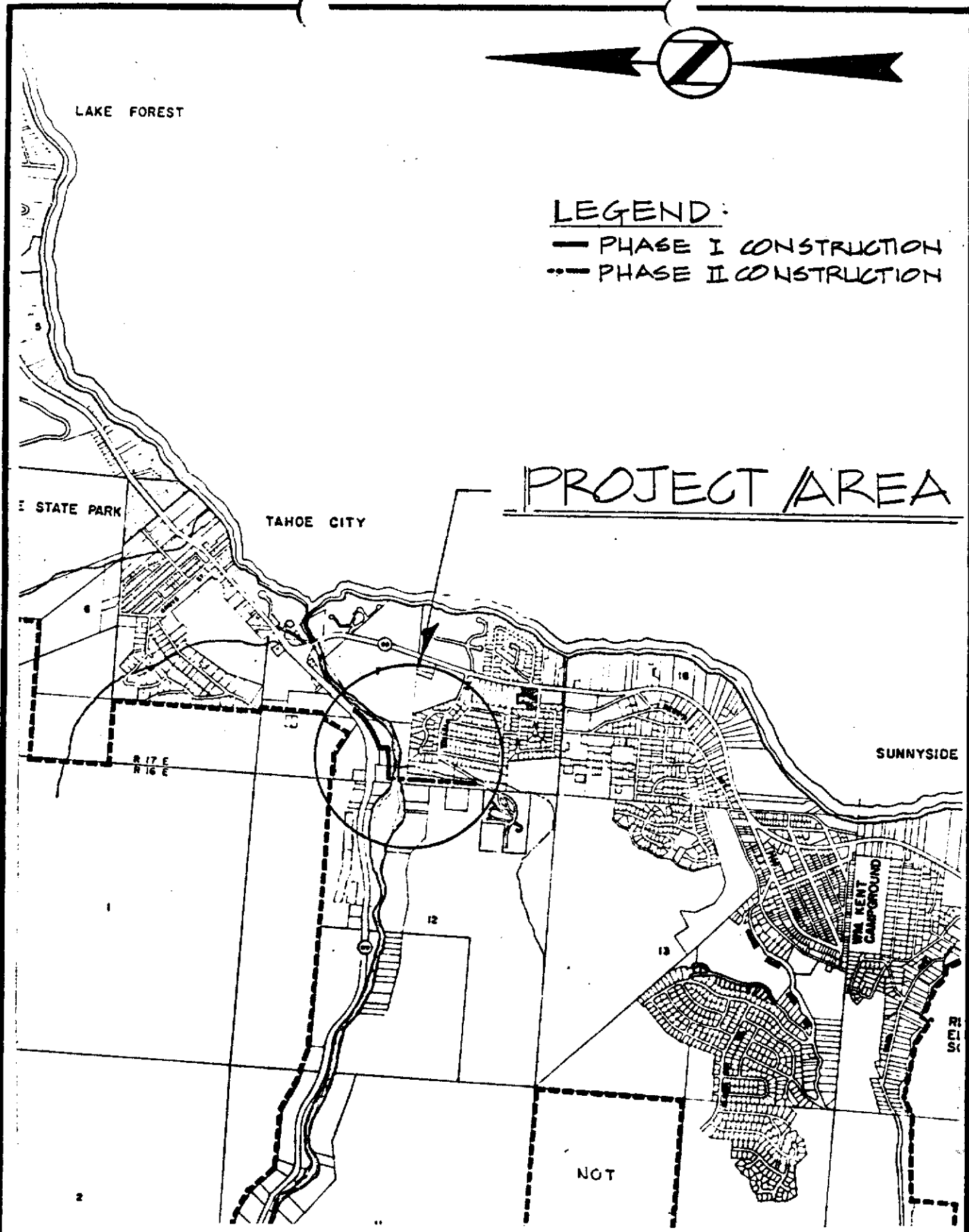



LAKE FOREST

**LEGEND:**

- PHASE I CONSTRUCTION
- - - PHASE II CONSTRUCTION

**PROJECT AREA**



<b>Tahoe City Public Utility District</b>	SCALE: 1" = 2400'	DRAWN BY: J.B.	<b>APPROVED</b>  CHIEF ENGINEER R.E. 34923
	DATE: AUG. 84	CHECKED BY: K.K.	

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Nevada Department of Transportation, Highway 28 Overlay Project, Spooner Summit to 4.9 Miles North of Carson City County Line, Washoe County, TRPA File #84555

Application Type: Public Works

Applicant: Nevada Department of Transportation (NDOT)

Location: Nevada State Highway 28, Spooner Summit to 4.9 miles north of Carson City - Washoe County Line, Washoe County

Review Per Section:

- (1) Subparagraph C-1 of the Preliminary Injunction (specific project exemption)
- (2) Section 3.00, Ordinance 84-1 (Article V(g) Findings)
- (3) Section 4.30(2), Ordinance 84-1 (Review of Other Pending and New Projects)
- (4) Section 4.31(1) and (2), Ordinance 84-1 (Review Criteria)
- (5) Section 4.10(1) and 7.12(22 & 23) Nevada Side Land Use Ordinance
- (6) Section 13.31, Ordinance 81-5 (Disturbance in a Stream Environment Zone)

Project Description: The scope of work for the proposed project is as follows:

- (1) Provide a 5 1/4 inch overlay on the existing roadway, existing paved approaches and four existing paved parking areas. In addition, construct seven (7) new paved ditches totalling 63,738 square feet in land coverage from Sand Harbor State Park north along Highway 28.
- (2) Construction of 17,668 lineal feet of new galvanized guard rail (triple corrugations) with a modified post length and special plate.
- (3) Removal of 17,814 lineal feet of existing guard rail.
- (4) Remove and reset 13,304 lineal feet of existing guard rail.
- (5) Installation of 51 new drop inlets with sediment traps to replace the existing drop inlets along the project site.
- (6) Enclosing a 100 foot section of North Canyon Creek with a 58 inch by 36 inch by 100 foot corrugated metal arch pipe (CMAP).
- (7) Extension of the coping and wingwalls on five (5) existing reinforced concrete box (RCB) culverts.
- (8) Construction of a 6 foot high chain link security fence along the perimeter of Sand Harbor State Park and Hidden Beach; and a 4 foot high chain link fence at Memorial Point Scenic Overlook to control pedestrian movement.

RA:bl  
1/14/85

AGENDA ITEM VI C.

Staff Analysis:

Land Capability District/Land Coverage: The applicant is proposing to install approximately 4,609 lineal feet of paved "V" ditch in the vicinity of the Sand Harbor State Park totaling 63,738 square feet of new land coverage. The paved "V" ditch is to be constructed along the existing disturbed road shoulders. The applicant has stated that the paved "V" ditch is necessary to control runoff and eliminate the annual maintenance operation of removing sediment which has accumulated at the toe of the existing cut slopes. In four locations, the installation of the paved "V" ditch will require placement of fill material to achieve the angle of repose desired. The applicant has submitted calculations concerning existing and proposed land coverage within NDOT right-of-way for the project site. The calculations submitted are as follows:

- o Total Land Area (includes right-of-way): 5,305,872 sq. ft.
  - o Existing Paved Areas: 1,518,210 sq. ft. (28.6%)
  - o Proposed Additional Paving: 63,738 sq. ft. (1.2%)
- Proposed total land coverage: 1,581,948 sq. ft. (29.8%)

Upon completion of the project, total land coverage proposed will equal 29.8% of the area owned and/or controlled by NDOT within the project area. The existing Highway 28 crosses a minimum of 10 different land capability districts, ranging from class 1a to 6. Due to the size and complexity of determining the allowable land coverage per land capability district, the applicant has only submitted overall coverage calculations.

Relationship to Amended Regional Plan: Goal 4, Policy F & G of the Land Use Element of the Amended Regional Plan provides, in part, that existing land coverage for regional public facilities shall be considered conforming land coverage. Further, Policy F of Goal 4 provides that public service projects may be permitted land coverage up to 50% of the parcel area. As total coverage proposed totals 29.8%, the project complies with the provisions set forth in the Amended Regional Plan.

Under the provisions of the existing Agency ordinances, an administrative permit for land coverage in excess of the land capability system would be required pursuant to Ordinance 81-5. Ordinance 81-5 provides that the Governing Body may permit land coverage in excess of the land capability system upon making the following findings:

1. The work is necessary for implementation of the Nonattainment Air Quality Plan or the Transportation Element of the Regional Plan, or is necessary for public recreation or the protection of the public health, safety or general welfare.

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

Staff has reviewed the proposed additional land coverage in regard to the above findings and believes that there has not been substantial evidence submitted which would support the required findings. Further, Agency staff has had recent discussions concerning the proposed land coverage with the plaintiffs involved in the current litigation against the Agency. It is their position that the proposed additional land coverage is not within the intent and scope of the constraints of the Preliminary Injunction. In addition, no information was provided when an exemption was requested for this project which indicated that additional land coverage was proposed as part of the project.

In light of the above, staff recommends that the proposed additional paving not be considered as part of the project at this time.

Signage: The applicant is proposing to remove and replace virtually all of the existing roadway signs within the project area. Further, the applicant has proposed to provide additional "no parking" signs in the vicinity of Sand Harbor State Park. The addition of "no parking" signs in the vicinity of Sand Harbor State Park is consistent with the Amended Regional Plan policy to reduce existing off street parking.

Mitigation Measures: The project proposes an extensive amount of erosion and drainage control work in conjunction with the overlay work. Erosion and drainage control work proposed includes the following:

1. Construction of rock aprons at the outlets and inlets of all drainage structures within the project area.
2. Replacement of 51 drop inlets providing clean out ability to facilitate maintenance.
3. Installation of numerous check dams along the outfall channels of the proposed and existing drainage facilities.

All erosion control measures proposed are in compliance with the Handbook of Best Management Practices.

Stream Channel Work: The project proposes work to be performed in the vicinity of five existing streams along Highway 28. The most significant of the work proposed is for North Canyon Creek. The applicant has proposed channeling approximately 100 feet of North Canyon Creek through a 58" x 36" corrugated metal arch pipe. The applicant has indicated that the work is necessary due to the severe safety hazard and liability to NDOT. The majority of work proposed,

which will effect the remaining streams, involves the installation of inlet and outlet structures (primarily rock aprons) at points where the streams are currently channeled under the highway. The Nevada State Department of Wildlife has issued a Special Permit - Modification of Wildlife Habitat for the proposed work. Staff has included the conditions imposed by the Department of Wildlife as recommended conditions of approval for this project.

Traffic Impacts: Construction of the project is scheduled to commence on or around May 1, 1985. As such, the project may result in significant impacts on traffic circulation during the summer tourist season. As of the date of this report, a traffic control plan has not yet been completed by the applicant. It is anticipated that information relative to the traffic control plan will be submitted to the Agency prior to the date of the Governing Board meeting.

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

- I A motion for a finding of no significant effect with direction to staff to prepare the necessary certification document to be included with the permit.
  
- II A motion to approve the project subject to the following findings and conditions:
  - A. Findings
    - 1. The V(g) findings listed on Attachment K.
    - 2. The work within identified stream environment zones is the minimum necessary to carry out the project. Further, the work proposed constitutes erosion control work to improve the existing drainage facilities.
  
  - B. Conditions
    - 1. The standard conditions listed on Attachment I with the following modifications:
      - Delete - 1 (e, f & g) TRPA and CTRPA required securities
      - 9 CTRPA acceptance of conditions
      - 11 Nonconforming land coverage
      - 12 Consolidation of lots
      - 17 Provisions for handicapped
      - 18 Provisions for bicycles
      - 19 Provisions for parking barriers
      - 20 Outdoor sign provisions

- 21 Outdoor lighting
- 22 Notation on parcel map
- 23 Mail box facilities

Add - 24. The applicant shall submit final design plans for the proposed fences to the TRPA for review and approval prior to commencement of that portion of the project. Final plans shall include the color and texture of the materials to be used for construction of the subject fences.

- 25. The following conditions are regarding the proposed stream work:

North Canyon Creek

- 1. Provide staging ponds for fish migration.
- 2. Maintain siltation downstream to a bare minimum.
- 3. Construction shall commence after June 15, 1985.

Secret Creek

- 1. Provide visqueen liners to prevent erosion during construction.

Marlette Creek

- 1. Provide check dams and riprap to deter siltation and control stream velocity on the project's outlet.

Tunnel Creek

- 1. Provide visqueen protection to construction site and cofferdams to prevent siltation to the stream.

- 26. This approval does not permit the addition of any new land coverage as originally proposed as part of the project.





TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Nevada Department of Transportation, Village Boulevard and Highway 28 Intersection Improvements, Incline Village, Washoe County, TRPA File #84556

Application Type: Public Works

Applicant: Nevada Department of Transportation

Location: Intersection of Village Boulevard and Highway 28, Incline Village, Nevada

Review Per Section:

- (1) Subparagraph C-3 of the Preliminary Injunction (specific project exemption)
- (2) Section 3.00, Ordinance 84-1 (Article V(g) Findings)
- (3) Section 4.30(2), Ordinance 84-1 (Review of Other Pending and New Projects)
- (4) Section 4.31(1) and (2), Ordinance 84-1 (Review Criteria)
- (5) Section 4.10(1) and 7.12(22 & 23) Nevada Side Land Use Ordinance
- (6) Section 14.24, Ordinance 81-5 (Exemption to Land Capability Standards)

Project Description: The project consists of the following work:

- (1) Widen Village Boulevard north and south of the intersection with State Highway 28 to provide for new left turn storage lanes on Village Boulevard.
- (2) Modify (widen) the existing turning radius of the four corners of the intersection to provide for better turning movements by large vehicles.
- (3) Remove the existing 18-inch storm drain on the north side of Village Blvd. and the 24-inch storm drain on the south side of Village Boulevard. Construct a new 30-inch storm drain on Village north and south with 18-inch laterals and deep dish drop inlets with sediment traps to intercept sheet flow off of Village Blvd. Construct new valley gutters to concentrate flows into drop inlets and reduce the erosion potential on the shoulders of the roadway.

RA:bl  
1/15/85

AGENDA ITEM VI D.

Staff Analysis:

Land Capability District/Land Coverage: The project site is located in a land capability level 6 with 30% allowed land coverage. The project site (as defined by the limits of proposed work) has existing land coverage totaling 57,008 square feet (37.38%). The applicant is proposing an additional 10,676 square feet of land coverage as a result of the project. Proposed land coverage will total approximately 44.4%.

Relationship to Amended Plan: Goal 4, Policy F & G of the Land Use Element of the Amended Regional Plan provides, in part, that existing land coverage for regional public facilities shall be considered conforming land coverage. Further, Policy F of Goal 4 provides that public service projects may be permitted land coverage up to 50% of the parcel area. As total coverage proposed totals 44.4%, the project complies with the provisions set forth in the Amended Regional Plan.

Under the provisions of the existing Agency ordinances, an administrative permit for land coverage in excess of the land capability system would be required pursuant to Ordinance 81-5. Ordinance 81-5 provides that the Governing Body may permit land coverage in excess of the land capability system upon making the following findings:

1. The work is necessary for implementation of the Nonattainment Air Quality Plan or the Transportation Element of the Regional Plan, or is necessary for public recreation or the protection of the public health, safety or general welfare.
2. All other feasible alternatives not involving creation of land coverage in excess of that permitted by the pertinent land capability districts have been exhausted.

The applicant has stated that there exists a public health and safety hazard due to the constraints of the existing limited turning radius of the intersection and the lack of storage and turning lane facilities on Village Boulevard. Currently, turning movements and traffic circulation through the intersection are sometimes hampered, increasing the potential for traffic accidents. Based upon such representations, staff believes that the findings required under 81-5 may be made by the Governing Board.

Traffic Control Plan/Traffic Circulation: The applicant has submitted a traffic control plan to be implemented during construction of the project. The plan provides for the detour of east and west bound traffic along Highway 28 one block north of the subject intersection along Northwood Boulevard. At the time of this writing, the applicant is still meeting with representatives of Washoe County to resolve any potential traffic conflicts during construction of the project.

Prior to commencement of the proposed project, several utilities located within the project area must be relocated. Governing Board member Jim King has expressed to staff a desire to allow the utility companies to begin relocation of the utilities prior to May 1, 1985. This would allow for the project to be started and completed sooner reducing the potential traffic circulation problems associated with highway work during the summer months. Staff will be prepared to discuss in further detail the traffic control plan at the Governing Board meeting, including the scope of work involved for utility relocation and the ability of the Agency to allow for land disturbance prior to May 1, 1985.

Article V(g) Findings (Section 3.00, Ordinance 84-1): The following is a list of the V(g) findings as set forth under Section 3.00 of Ordinance 84-1. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

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

The project is being reviewed under Section 4.10 of the Nevada Side Land Use Ordinance and is consistent and complies with the amendments to the Regional Plan.

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

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

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

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

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

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

5. The project is consistent with the goals and policies of the Water Quality, Transportation and Air Quality, Conservation, Recreation, Public Services and Facilities and Implementation Elements of the Regional Plan, as amended.
- a. Water Quality - The project includes mitigation measures to ensure compliance with the TRPA 208 Water Quality Plan.
  - b. Transportation and Air Quality - The project proposes work which will improve traffic circulation and air quality of the region.
  - c. Conservation - The project does not propose any work which will be in conflict with the Conservation Element of the amended Regional Plan.
  - d. Public Services and Facilities - The project is consistent with the goals and policies of the Public Services and Facilities Element of the amended Regional Plan. The project involves the upgrading of an existing intersection and is consistent with the amended Regional Plan.
  - e. Implementation - The project is consistent with the development and implementation priorities set forth in the Implementation Element of the amended Regional Plan.

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

- I A motion for a finding of no significant effect with direction to staff to prepare the necessary certification document to be included with the permit.
- II A motion to approve the project subject to the following findings and conditions:
  - A. Findings

1. The V(g) findings listed on Attachment K.
2. The project is necessary for the protection of the public health, safety and general welfare and is consistent with the transportation element of the amended Regional Plan.
3. All other feasible alternatives, not involving creation of land coverage in excess of that permitted by the pertinent land capability district, have been exhausted.

B. Conditions

1. The standard conditions listed on Attachment I with the following modifications:

Delete - 1 (e, f & g) TRPA and CTRPA required securities  
9 CTRPA acceptance of conditions  
11 Nonconforming land coverage  
12 Consolidation of lots  
17 Provisions for handicapped  
18 Provisions for bicycles  
19 Provisions for parking barriers  
20 Outdoor sign provisions  
21 Outdoor lighting  
22 Notation on parcel map  
23 Mail box facilities

Add - 24 The applicant shall submit final drainage plans which shall include, at a minimum, a comprehensive review of alternatives to the proposed design which will provide for infiltration of all or part of the associated runoff. Final plans shall be subject to review and approval by the TRPA Executive Officer.



# TAHOE REGIONAL PLANNING AGENCY

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

2155 South Avenue

(916) 541-0246

## MEMORANDUM

January 15, 1985

To: The TRPA Governing Board and Litigation Committee

From: The Staff

Subject: Proposed Settlement in the Matter of the Larry Russell  
Pier Repair

The Governing Board, at its December 19, 1984 meeting, continued this matter until the January meeting.

The Litigation Committee, meeting on Wednesday, November 21, discussed the matter of the unauthorized pier repair on a nonconforming pier. The Committee discussed the previous direction from the Governing Board to pursue reducing the pier length to something more closely conforming to the pierhead line and to examine the possibility of Mr. Russell and a neighbor entering into an agreement with the Agency for multiple use of the pier.

Mr. Gregg Lien, representing Mr. Larry Russell, indicated that due to the shallow shelf offshore of Mr. Russell's property, if the pier were shortened to the pierhead line, it would be high and dry and therefore unuseable during periods of low water. The Committee and Mr. Lien then discussed another alternative for settlement which Mr. Lien agreed to discuss with his client. This alternative is shown below:

Pay \$10,000 fine, submit application with double the filing fee, and agree to deed restriction or other legal mechanism to ensure implementation of the following:

- Retain pier at present 800 foot length for now but agree to remove 400 feet and the boathouse by December 31, 1999, as required by the Shorezone Ordinance; or,
- Seek multiple use status by getting agreement with the Agency, Russell and adjoining landowner to use Russell pier and remove one other existing pier.

Staff is continuing discussions with Mr. Lien toward a possible settlement and will report on the status at the Board meeting, along with any modification to the above recommendation.

SC:mlm  
1/15/85

AGENDA ITEM VII A.



TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Litigation Report: Mario Barsotti, Unauthorized Deck Addition

Owner: Mario Barsotti

Property Location: Elk Point Subdivision, Douglas County, APN 05-242-32

Violation Description: Owner constructed a 150 square foot deck after final sign-off of his TRPA approved, case-by-case single family dwelling.

Owner Proposal: In order to resolve the existing violation and retain the unauthorized deck, the owner proposes to remove existing land coverage on his adjoining property, in the form of a 3 to 1 reduction of a wood deck (450 square foot reduction).

Staff Recommendation: Agency staff recommends the following settlement proposal.

Mr. Barsotti shall be allowed to retain the unauthorized deck on his new house, contingent upon the following conditions:

1. That the attached wood deck on his adjoining parcel be reduced by 450 sq. ft. and the area is to be revegetated.
2. That the circular driveway be reduced to two vehicle parking spaces (not to exceed 20' x 18' total).
3. That the area of driveway removal be revegetated with trees (2 fir, 2 pine) and native vegetation. Parking barriers shall border this restored area.
4. Both parcels be brought up to 208 Standards (Handbook of Best Management Practices, including dripline infiltration trenches to be installed under all roof eaves, maintenance of existing infiltration trenches and placement of gravel under all decks.
5. That a payment of \$500.00 penalty fee be made to the TRPA.

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE NO. 85 -

AN ORDINANCE AMENDING ORDINANCE NO. 84-1 OF THE TAHOE REGIONAL PLANNING AGENCY AMENDING THE REGIONAL PLAN; EXTENDING THE EFFECTIVE PERIOD OF THE PLAN AREA STATEMENTS AS INTERIM POLICY GUIDELINES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Body of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

- 1.10 It is necessary and desirable to amend Ordinance No. 84-1 of the Tahoe Regional Planning Agency, amending the Regional Plan, to extend the effective period of the Plan Area Statements as interim policy guidelines until September 1, 1985.
- 1.20 As required by law, the Governing Body of the Tahoe Regional Planning Agency, prior to the adoption of this ordinance, conducted a duly noticed public hearing, at which hearing all persons desiring to present oral testimony or documentary evidence were permitted to do so.
- 1.30 This ordinance is necessary and desirable to promote, and is reasonably related to, the public health, safety and general welfare of the Lake Tahoe Region, complies in all respects, procedural and substantive, with the Tahoe Regional Planning Compact and the regional plan, as amended, ordinances, rules, regulations and policies of the Tahoe Regional Planning Agency, and is necessary to effectuate and implement the same.
- 1.40 The extension of the effective period of the Plan Area Statements as interim policy guidelines is necessary to allow for the complete evaluation of the Plan Area Statements, both individually and cumulatively. Numerous public hearings have been held and will continue to be held within the individual Plan Areas so that all interested persons and entities may testify and participate in the adoption of the Plan Area Statements as final land use regulations. Due to great public interest, said public hearings have taken more time and will continue to take more time than foreseen at the time of the adoption of Ordinance No. 84-1.
- 1.50 By virtue of the nature and purpose of the provisions of this ordinance, this ordinance will not have a significant effect on the environment of the Tahoe Region and is thus exempt from the requirement of preparation of an environmental impact statement pursuant to Article VII of the Tahoe Regional Planning Compact, as amended.

Section 2.00 Amendment Extending Effective Period of Plan Area Statements

Subsection 2.12 of Ordinance No. 84-1 of the Tahoe Regional Planning Agency is hereby amended to read as follows:

2.12 Plan Area Statements

The document entitled Draft, Regional Plan for the Lake Tahoe Basin, Part I: Plan Area Statements, Tahoe Regional Planning Agency, is adopted as an interim policy guideline, effective until September 1, 1985, unless otherwise provided by amendment to this ordinance. The Governing Body shall amend said document and the Plan Area Overlay Maps referred to in subsection 2.13(1), pursuant to at least one duly-noticed public hearing, the subject of which hearing shall be the adoption of said document and said maps, as they may be amended, as final land use regulations.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the regional plan adopted by this ordinance shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or said amendments is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance or said amendments, as the case may be, shall not be affected thereby. For this purpose, the provisions of this ordinance and said amendments are hereby declared respectively severable.

Section 4.00 Effective Date

This ordinance shall be effective immediately upon second reading.

FIRST READING:

SECOND READING:

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held \_\_\_\_\_, 1985, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

---

Chairman Stanley G. Hansen  
Tahoe Regional Planning Agency

# TAHOE REGIONAL PLANNING AGENCY

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

2155 South Avenue

(916) 541-0246

## MEMORANDUM

January 15, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Report on APC Action on Criteria for Designation  
of Historical Properties and Structures

### Governing Board Request

As a result of controversy derived from the appeal of the Whittell Thunderbird Lodge application to construct an addition to a designated historical structure, the TRPA Governing Board requested that the APC reexamine the TRPA Cultural Subelement, focusing on the criteria by which historical sites are so designated. The Governing Board requested an APC recommendation on the adequacy of the criteria and their application to historical sites.

### Background

Article V(C) (3) of the Bistate Compact requires TRPA to plan for historical facilities as part of the Conservation Plan. The TRPA Regional Plan for the Lake Tahoe Basin, Part I: Goals and Policies contains a Cultural Subelement in response to this directive (see Attachment A). As required by Policy #1 of this subelement, TRPA has established a list of historical sites in the form of a map, which was adopted as part of Ordinance 84-1, the ordinance adopting the Regional Plan.

It should be noted that the TRPA code of ordinances and the TRPA Design Review Guidelines, which will contain the specific review standards, are not yet completed and are currently under consideration by the Agency. Recognizing that the Agency does not yet have a complete set of regulations to adequately deal with such projects as the one proposed for the Whittell property, the criteria set forth in the addendum to the adopting Ordinance 84-1 required a moratorium until such time as review criteria are established.

Subsequent to the Governing Board's direction that the criteria be reevaluated, Agency staff forwarded a copy of the map and criteria to the Offices of Historic Preservation in California and Nevada and to the U.S. Forest Service for review and comment. Staff also met with Kate Kuranda of the Nevada Office and requested she attend the APC meeting in January. At the January meeting, Ms. Kuranda supported the criteria as written. The actual eight foot high historical map will be on display at the Governing Board meeting.

GWB:jf  
1/15/85

AGENDA ITEM IX A.

Memo to the Governing Board  
January 15, 1985  
Page Two

At the request of the Governing Board, staff also notified all owners of designated sites that the APC would be discussing this subject in January. Approximately 30 people, most from the historical districts, attended the meeting. A major concern expressed by these people was whether or not application of the criteria to properties required approval of the property owner.

#### Basis for Historical Designation

The foundation for the TRPA Cultural Subelement is the TRPA Planning Guide Cultural and Historical Significance of the Lake Tahoe Region (1971). This document (Attachment B) has been included with this summary since it provides a brief overview of prehistoric and historic times of the Lake Tahoe Region. Based on this document, review of existing literature, consultation with experts and some field review, Agency staff completed an inventory map in 1977. This was the original map that was displayed in the 1984 public hearings on the Regional Plan.

The criteria that were used to update this inventory map included a TRPA version of the national and state standards modified to reflect local conditions. The historical criteria now proposed for the TRPA code of ordinances (Attachment C) reflect the latest version of that criteria. Historical sites are generally classified in one of the following four categories:

1. Sites associated with important events;
2. Sites associated with important people;
3. Sites having important architectural character;
4. Sites that yield important historic or prehistoric information.

The TRPA Historical Sites Map places the sites into two major categories: Prehistoric (Indian) and Historic ("white man"). The first category is based on the criteria and mapping set forth in the Planning Guide. The updates of these Indian sites were based on the U.S. Forest Service atlas of Indian sites.

The more controversial historic sites are those which are listed on Attachment D. This list is an expansion of the list in the Planning Guide. It is staff's opinion that these sites meet the TRPA criteria.

1/15/85

AGENDA ITEM IX A.

Memo to the Governing Board  
January 15, 1985  
Page Three

APC Recommendation

The APC recommended that the Governing Board find that the criteria on Attachment C is adequate. The APC further recommended that the APC and the Governing Board review all requests for reconsideration by affected property owners. The APC did request that the Governing Board provide direction on the issue of "voluntary" vs "mandatory" application of the criteria and designation of historical significance.

Staff Recommendation

Staff supports the APC recommendation. In regard to the voluntary vs mandatory issue, staff recommends that the criteria and designation of historical significance be based on the conclusions of the Agency in the application of the criteria to a site with consideration given to input from the property owner. This recommendation is based on discussion with legal counsel on the interpretation of Article V(c) (3) of the Compact, which states:

The Regional Plan shall be a simple enforceable plan and includes all of the following correlated elements: ...

(3) A conservation plan for the preservation, development, utilization and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces recreational and historical facilities.

The language in the adopted plan (Attachment A) also requires identification and protection of such sites.

Attachments:   A.   Cultural Subelement  
                  B.   Planning Guide  
                  C.   Historical Criteria  
                  D.   List of Historical Sites

10. DEVELOPMENT SHALL BE SET BACK FROM THE EDGE OF RIPARIAN

A buffer strip outside of riparian vegetation will help protect the vegetation from disturbance. The edge between riparian zones and adjacent plant communities also is critical to the needs of many wildlife species. The TRPA shall establish standards providing for a significant buffer around riparian vegetation contiguous to streams or other water bodies and providing for a smaller buffer or preservation policy for non-contiguous riparian vegetation.

11. THE PROCEDURES FOR STREAM ENVIRONMENT ZONE IDENTIFICATION SHALL BE UPDATED.

The Handbook of Best Management Practices establishes a procedure for delineating stream environment and related hydrologic zones. This procedure shall be reviewed and, if appropriate, revised. This review and update of the Handbook of Best Management Practices shall include consideration of the procedures to be followed for artificial drainageways and man-modified stream environment zones.

## CULTURAL



The Tahoe Basin has a rich historical background that began prior to the arrival of white settlers. Remnants of Tahoe's past exist in the form of Indian camps, trails, way stations, mansions, and resorts. These and other historical resources often come in conflict with competing interests that threaten their preservation. Tahoe's landmarks are valuable examples of its past and should be appropriately preserved.

GOAL #1

IDENTIFY AND PRESERVE SITES OF HISTORICAL, CULTURAL AND ARCHITECTURAL SIGNIFICANCE WITHIN THE REGION.

The Tahoe Region has a heritage that should be recognized and appropriately protected. Due to the harsh weather conditions, changing development standards, and changing uses of the Region, many structures that had significant historical or architectural value have been destroyed or lost.

POLICIES

1. HISTORICAL OR CULTURALLY SIGNIFICANT LANDMARKS IN THE BASIN SHALL BE IDENTIFIED AND PROTECTED FROM INDISCRIMINATE DAMAGE OR ALTERATION.

The Agency will establish a list of significant historical, architectural, and/or archaeological sites within the Region. Special review criteria will be established to protect such designated sites in cooperation with local governments.

2. SITES AND STRUCTURES DESIGNATED AS HISTORICALLY, CULTURALLY, OR ARCHAEOLOGICALLY SIGNIFICANT SHALL BE GIVEN SPECIAL INCENTIVES AND EXEMPTIONS TO PROMOTE THE PRESERVATION AND RESTORATION OF SUCH STRUCTURES AND SITES.

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ATTACHMENT B

CULTURAL AND HISTORICAL SIGNIFICANCE  
OF THE LAKE TAHOE REGION

A Guide for Planning

Prepared for  
Tahoe Regional Planning Agency  
and  
Forest Service, U. S. Department of Agriculture

South Lake Tahoe, California

September 1971

## ACKNOWLEDGEMENTS

Establishment of the Tahoe Regional Planning Agency was consented to by Congress through enactment of Public Law 91-148. On March 19, 1970, the Governors of Nevada and California signed the proclamation that proclaimed creation of the Tahoe Regional Planning Agency. Since the authorized staff of the Agency was small, it enlisted from several committees composed of technical specialists and other citizens concerned with resource conservation and orderly development of the Tahoe environmental resources.

The planning effort has been aided greatly by generous cooperation from numerous Federal, State, county, and municipal agencies and from several colleges and interested private individuals. Cooperating agencies included:

### **Federal:**

Department of Agriculture: Forest Service; Soil Conservation Service

Department of Commerce: Environmental Science Services Administration

Department of Defense: Army Corps of Engineers

Department of the Interior: The Bureaus of Mines, Outdoor Recreation, Reclamation, Sport Fisheries and Wildlife; Federal Water Quality Administration, and the Geological Survey

Department of Transportation: Coast Guard; Federal Highway Administration; Federal Aviation Administration

### **State:**

California: The Resources Agency of California

Nevada: The Nevada Department of Conservation and Natural Resources

### **County and Municipal:**

Carson City, Douglas, and Washoe Counties, Nevada; El Dorado and Placer Counties and City of South Lake Tahoe, California

### **Schools:**

Foresta Institute; Sacramento State College; Tahoe College; University of California at Berkeley and Davis; University of Nevada; Desert Research Institute

Any publication that compiles and presents information from so large and disparate a group of contributors as this one does is susceptible to error, inconsistency, and omission. Sustained effort has been made to avoid these flaws; if it has failed occasionally, the reader's forbearance is humbly solicited.

# CONTENTS

Acknowledgements .....	ii
Historical and Cultural Committee .....	v
Introduction .....	1
Historic Land and Resource Use Patterns .....	4
Discovery and Exploration .....	4
The Roadbuilding Era .....	5
Major Toll and Wagon Roads .....	5
The Bonanza Road—The Placerville Toll Road and Its Components .....	5
The Johnson Cutoff, 1848-1858 .....	6
First Route of the Placerville Road .....	6
Hawley Grade (Hawley Hill Trail), 1858-1860 .....	6
The Kingsbury and McDonald and the Osgood Toll Roads, 1860 - 1863 .....	7
Final Links in the Bonanza Road System, 1863- 1868 .....	7
Placer County Emigrant Road, .....	8
Scott's Route, 1849 - 1852 .....	8
Placer County Emigrant Road, 1852 - 1868.....	8
Georgetown-Rubicon Springs-McKinney Creek Road, 1860 - 1900 .....	10
Truckee-Tahoe City Stage Road, 1860 .....	11
Truckee-Brockway Road (Brockway Cutoff) .....	12
Settlement and the Beginnings of Agriculture .....	12
Lumbering in the Comstock Era (1861-1898) .....	13
Post-Comstock Era — The Saratoga of the Pacific (1890-Mid-1950's) .....	15
Casino Era (Mid-1950's to the Present) .....	16
Anthropological Perspective of the Prehistoric and Historic Washo .....	19
Prehistory .....	19
Archaeological Research .....	20
Washo and Anglo-American Culture Contact and Change .....	20
Ethnographic Sites in the Lake Tahoe Region .....	21
Suggestions .....	25
Discussion .....	25
References .....	27
<b>Maps</b>	
Historical Sites	
Logged Areas	
Archaeological and Ethnographic Sites	

The Historical and Cultural Committee, appointed jointly by the Tahoe Regional Planning Agency and the Forest Service's Lake Tahoe Basin Planning Team, made the study of historic patterns of land and resource use reported here. Victor Goodwin, Chairman of the committee, wrote the report. Material originally prepared by Paul Mackey for the Lake Tahoe Area Council was the basis for portions of the text, although considerably enlarged upon and expanded for use here. Membership of the committee was:

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# INTRODUCTION

## General Features of the Lake Tahoe Planning Area

Lake Tahoe and the mountainous timber-covered basin immediately surrounding it provide one of the most beautiful environments in the Sierra Nevada and in the nation. The Lake itself, an irregular oval about 22 miles long by 12 miles wide, covers 191 square miles; it occupies a deep depression between crests of the Sierra Nevada and Carson ranges. Since its surface is 6,225 feet above mean sea level, Lake Tahoe is one of the largest high-altitude lakes in the world. The clarity and purity of its water are outstanding. In fact, protection of quality of the water in Lake Tahoe is a primary objective for effective control of the region's environment.

The spectacular scenery of the Lake Tahoe Region results from unique geological conditions that prevailed when the lake was formed. The basement rock is predominantly granite related to the rocks found throughout the Sierra Nevada. On the other hand, the geologic structure — the faulting that produced the lake basin itself — is related to the Basin Ranges that extend eastward from the Sierra to the Wasatch Range in Utah. The lake was formed by a natural dam — a great pile of andesitic mudflow breccia — across the north outlet.

Lake Tahoe is on the eastern boundary of that part of the Sierra Nevada that was extensively glaciated during the Pleistocene epoch. Huge valley glaciers moved down canyons along the western side of the lake, scouring away loose rock and building up great piles of morainal debris. Along the eastern side, glaciers developed only on the shaded side of the highest peaks; so most of this area was not glaciated. This accounts for the subdued rolling topography typical of the Carson Range, as contrasted to the rugged Sierran crest on the west side of the basin.

Climate of the region is strongly influenced by topography. Marine air from the Pacific Ocean, 150 miles to the west, drops its moisture (mostly as snow) as it rises over the crest of the Sierra. Average annual precipitation ranges from more than 50 inches on the western side of the region to about 25 inches along much of the eastern shoreline. The Weather Bureau at Tahoe City, on the west side, reports long-term average snowfall of 213 inches. The fairly long summers are comparatively cool; mean maximum temperature at Tahoe City in July over a 50-year period was 78°F. Winters are cold but seldom severe; mean daily minimum temperature for January over the same period was 17°F. The high elevation and cool temperatures result in a short growing season — an average of only 70 to 120 frost-free days per year at various points near the Lake.

Vegetation includes desert, montane, and alpine species typical of the eastern slopes of the Sierra. Pine and fir forests were heavily logged between 1870 and 1900 when demand for lumber and props for the Nevada silver mines was high. Even so, today the region has good stands of conifers between the Lake level and 9,000 feet, plus considerable areas covered by chaparral and other brush. On fairly level open areas that have a few inches of soil, grasses and other herbage flourished during the short growing season.

Numerous species of wildlife inhabit the Lake Tahoe Region. Deer, bear, mountain lion, coyote, rabbit, raccoon, and several rodents are common. Land birds and waterfowl are present in small numbers, consistent with available habitat. Heavy commercial fishing in the Lake around 1900 depleted native populations of cutthroat trout and whitefish, but kokanee salmon and several species of fish stocked from State hatcheries provide good recreation fishing today. Numerous tributary streams also provide sport fishing.

Soils are generally shallow and highly erodible — easily disturbed and slow to stabilize — but the soil is fairly deep in some bottom lands and glacial debris areas. The varied climate and highly erodible soils combine to make the Lake Tahoe Region a fragile environment; hence, the ecological balance is easily upset. Whenever vegetation is removed, it is not soon replaced. Erosion by wind and water is a constant hazard; it damages pristine features of the Lake, including the spawning areas of native fish.

## Changing Environment

Before the white man invaded this area about the middle of the 1800's, the somewhat nomadic Washoe Indian tribe inhabited it. Their name for the lake, "Tahoe," has been variously translated as