

**TRPA  
GOVERNING BOARD  
PACKETS**

**JUNE  
1985**

June 1985

Governing Board

TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on June 26 and 27, 1985, commencing at 9:30 a.m. each day, the Governing Body of the Tahoe Regional Planning Agency will conduct its regular meeting at 2155 South Avenue, South Lake Tahoe, California. The agenda for said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, June 26, 1985, commencing at 8:30 a.m., in the same location, the Finance Committee will meet to discuss the following: 1) status of Nevada Legislative Auditor Report; 2) status of FY 1984-85 budget; 3) status of FY 1985-86 and 1986-87 budget requests; 4) approval of TRPA/Caltrans Overall Work Program FY 1985-86; 5) approval of local jurisdiction claims for TDA funds; and 6) receipt of May financial statement.

NOTICE IS FURTHER GIVEN that at the conclusion of the Wednesday, June 26, 1985 session, in the same location, the Litigation Committee will meet to discuss additional legal support.

Date: June 13, 1985

By: W.A. Morgan  
William A. Morgan  
Executive Director  
Tahoe Regional Planning Agency

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

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

TRPA Office, 2155 South Avenue  
South Lake Tahoe, California

June 26, 1985 9:30 a.m.  
June 27, 1985 9:30 a.m.

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PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV CONSENT CALENDAR
- V SPECIAL REPORT
  - A. Legal Counsel Representation of the Agency
  - B. Tahoe-Transportation District (TTD) Status Report
- VI PLANNING MATTERS
  - A. Report on Apparent Discrepancies in Water Quality Analyses
  - B. Regional Plan Work Program
- VII ENFORCEMENT
  - A. Don Steinmeyer/Lakeside Tennis Club, Show Cause Hearing, Unauthorized Construction of a Swimming Pool and Deck, 955 Tahoe Boulevard, Incline Village, Washoe County
  - B. Reports
    - 1. Tom Montesano, Status of Compliance With Board Direction, 534 Cole Circle, Incline Village, Washoe County APN 122-135-15
    - 2. Manny Beals, Status of Compliance With Board Direction, Douglas County APN 03-141-01, 03-142-01 and 03-145-01
    - 3. Other
- VIII LITIGATION
  - A. Consideration of Litigation in the Following:
    - 1. State of California/League to Save Lake Tahoe v. TRPA
    - 2. Tahoe Sierra Preservation Council v. TRPA, et al (Eastern District of California and District of Nevada)

B. Closed Litigation Session to Confer on the Following:

1. State of California/League to Save Lake Tahoe v. TRPA
2. Tahoe Sierra Preservation Council v. TRPA, et al (Eastern District of California and District of Nevada)

IX ADMINISTRATIVE MATTERS

- A. Finance Committee Report and Recommendations
- B. Selection of New Location for TRPA Office
- C. Litigation Committee Report and Recommendations
- D. Other

X REPORTS

- A. Executive Director
  1. Projects Approved at Staff Level
  2. Other
- B. Legal Counsel
- C. Executive Session
- D. Governing Body Members
- E. Public Interest Comments

XI CORRESPONDENCE

XII RESOLUTIONS

XIII PENDING MATTERS

XIV ADJOURNMENT

CONSENT CALENDAR

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

- Galena Resort Company, 872± Acres, Washoe County
- Clyde Gail and Donna Andress, 40.75± Acres, Washoe County

<u>Item</u>	<u>Recommended Action</u>
Freitas, Request for Finding of Vested Right, Single Family Dwelling, El Dorado County APN 29-371-18, TRPA File #84263	Approval with findings

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

2155 South Avenue

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

(916) 541-0246

## MEMORANDUM

June 14, 1985

To: TRPA Governing Board

From: Agency Staff

Subject: U.S. Forest Service/Galena Resort Company, Clearinghouse Review,  
Acquisition of 872+ Acres, Washoe County

As the area wide clearinghouse for the Tahoe Basin, TRPA has been asked by the U.S. Forest Service to comment on the compatibility of a property acquisition with the Regional Plan and other applicable Agency documents.

The U.S. Forest Service intends to acquire 872+ acres of sensitive land from the Galena Resort Company. The land is within the Lake Tahoe Basin, and is described as sensitive in the Environmental Impact Statement completed for the Burton-Santini Act (PL 96-586). The statement, while describing the land as sensitive, concluded that it should be classified as low risk for immediate development. As such, it is not available for purchase using Burton-Santini land acquisition funds. The funds to be used are other non Burton-Santini Land and Water Conservation Funds.

The property is within the northern-most portion of the Lake Tahoe Basin, north and at the upper elevations from the Incline Village residential area. Purchase will preclude possible future development, and allow erosion control work on roadways and other sensitive areas to proceed. The long term benefits are difficult to quantify, but would appear to be significant.

Staff recommends that a letter be forwarded to the U.S. Forest Service indicating that no conflicts are foreseen between the proposed acquisition and the Regional Plan, and other applicable Agency documents to date.

SC:mlm  
6/14/85

CONSENT CALENDAR

# TAHOE REGIONAL PLANNING AGENCY

2155 South Avenue

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

(916) 541-0246

## MEMORANDUM

June 14, 1985

To: TRPA Governing Board

From: Agency Staff

Subject: U.S. Forest Service/Clyde Gail and Donna Andress,  
Clearinghouse Review, Purchase of 40.75 + Acres

As the area wide clearinghouse for the Tahoe Basin, TRPA has been asked by the U.S. Forest Service to comment on the compatibility of a property acquisition with the Regional Plan and other applicable Agency documents.

The U.S. Forest Service intends to acquire 40.75+ acres of sensitive land from Mr. Clyde and Mrs. Clyde G. Andress near the Tunnel Creek Station. The land is within the Lake Tahoe Basin, and is described as sensitive in the Environmental Impact Statement completed for the Burton-Santini Act (PL 96-586). The statement, while describing the land as sensitive, concluded that it should be classified as low risk for immediate development. As such, it is not available for purchase using Burton-Santini land acquisition funds. The funds to be used are other non Burton-Santini Land and Water Conservation Funds.

The parcel is located approximately two miles from the eastern edge of the Incline Village residential area. Acquisition will preclude future development and allow erosion control work on roadways and other sensitive areas to proceed.

Staff recommends that a letter be forwarded to the U.S. Forest Service indicating that no conflicts are foreseen between the proposed acquisition and the Regional Plan, and other applicable Agency documents to date.

SC:mlm  
6/14/85

CONSENT CALENDAR

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Freitas, Request for Finding of Vested Right,  
Single Family Dwelling, El Dorado County  
APN 29-371-18, TRPA File #84263

Applicant: Rose Freitas

Land Use District: High Density Residential (HDR)

Land Capability Classification: Level 7, Efb Soil Type

Project Location: 3679 Primrose, El Dorado County

Project History: On October 24, 1980, a CTRPA permit was issued for construction of a single family residence on the subject property. On December 19, 1980, the City of South Lake Tahoe Building Department issued a permit for construction of the subject dwelling. The proposed residence conformed to land capability coverage and height limitations, as well as all other criteria set forth by the City of South Lake Tahoe, CTRPA and TRPA.

Construction of the foundation for the subject dwelling was begun in July, 1981 and was completed and inspected by the City of South Lake Tahoe Building Department on August 14, 1981. To date, no additional work has been performed on the subject site. The original City of South Lake Tahoe building permit expired June 27, 1982. One year later, on June 27, 1983, the permit was reinstated for an additional 120 days until May 10, 1984. As no additional site work or Building Department inspections occurred between June 27, 1983 and May 10, 1984, the local building permit again expired.

On February 7, 1985, the City of South Lake Tahoe notified the applicant of the permit expiration and requested written approval from the TRPA prior to reissuing a building permit for construction of the dwelling (see attached Exhibit A).

Vested Rights Findings: In support of his request, the applicant has submitted information relative to costs incurred in pursuit of completion of the project (see attached Exhibit B). Pertinent factors that should be considered in review of the claim for a finding of vested right include the following:

1. The original building permit obtained by the applicant was valid and did not require review or approval by TRPA.
2. The construction which has taken place on site was performed in compliance with a valid permit issued prior to December 19, 1980.
3. Construction which has taken place on site includes:
  - a. Excavation and grading for foundation.

RA:jf  
6/3/85

CONSENT CALENDAR



b. Construction of the foundation.

4. The expenditures and work performed can be used only for a single family dwelling which is the use for which the vested right is being claimed.
5. All necessary governmental approvals and permits for construction have been obtained by the applicant prior to August 27, 1983.
6. Substantial expenditures for actual construction subsequent to and in good faith reliance on said valid governmental approvals and permits have occurred.

Staff Findings: Based upon the substantial evidence submitted in support of this request, staff recommends that a finding of vested rights for construction of a single family dwelling be granted to the applicant.



CITY OF  
**SOUTH LAKE TAHOE**  
CALIFORNIA

P.O. BOX 1210 — SOUTH LAKE TAHOE, CALIFORNIA 95705 — PHONE (916) 573-2010

MUNICIPAL ENGINEERING DEPARTMENT  
BUILDING AND SAFETY DIVISION

WILLIAM E. NILES  
BUILDING OFFICIAL

RECEIVED

February 7, 1985

BY

FEB 12 1985

TAHOE REGIONAL  
PLANNING AGENCY

Mr. and Mrs. Ralph Freitas  
17000 Roberto St.  
Castro Valley, CA 94546

RE: 3679 Primrose, Permit #17553

A recent inspection of your property has indicated to our department that no work has been done on your permit since August 14, 1981. Our records show that the permit was issued on October 24, 1980 for the construction of a new single family dwelling and garage. Since the date of issuance we have on record only four inspections, the last being on August 14, 1981 for the foundation blocks.

Under the Uniform Building Code of 1976, which was in effect at the time your permit was issued, one hundred and twenty days were allowed between inspections. Upon expiration of a permit a period of one year is allowed in which to reinstate it. The one-time-only extension of the permit carries it another 120 days. In your case, the permit first expired June 27, 1982. One year later on June 27, 1983 your permit was reinstated for another 120 days. Since then no inspections have followed and your permit subsequently expired again on May 10, 1984. On May 24, 1984 our office was notified by the Tahoe Regional Planning Agency (T.R.P.A.) that your permit had expired. We have now found it necessary to clarify the proceedings on your property. Therefore, we are requesting of you to either relinquish your permit and sewer allocations with our office, T.R.P.A., and the sewer district (S.T.P.U.D.), whereby you would then be required to remove the foundation and return the lot to its original state, or if you still desire to build the house you must obtain written approval from T.R.P.A. before proceeding with any work. Whichever option you choose, we ask you to please respond within fourteen days of receipt of this letter. If you fail to communicate with our office within the specified time we will have no alternative but to relinquish your permits.

Thank you in advance for a timely and prompt response to this letter. Feel free to contact our office at the above number if you have further questions.

Sincerely,

William E. Niles  
Building Official, City of South Lake Tahoe

WEN:mb

EXHIBIT A

cc: Dennis Crabb, City Attorney  
T.R.P.A.

1981

EXPENSES LOT #11 BLOCK 1 PINWOOD TERRACE  
3679 PRIMROSE SO, LAKE TAHOE, CALIFORNIA

*Materials*

So. Lake Tahoe Public Ut.	8-17-81	\$	
Water Connection Fee		400.00	
Water for Year		<u>69.50</u>	\$469.50
Jones and Turner	7-21-81		
Survey			200.00
North Tahoe Const.	7-21-81 (stumps)	50.00	
Dig. Foundation & 3 Trees		<u>140.00</u>	190.00
O.R. Coleman	7-25-81		
Remove remaining stumps			350.00
So. Tahoe Block Co.			
From 8-3-81 thru 8-15-81			1236.29
Western Concrete	8-11-81		573.99
Carson Tahoe Rents	8-15-81 thru 8-18-81		
Gas Mixer			96.80
Clear Lot and Slash			
Week of 7-18-81			227.21
Misc. items			24.90
Burt Parsons (help w/foundation)			
Rent Allowance		40.00	
		<u>3408.69</u>	

Ralph Freitas 1/2 of above	1704.00	
Labor chg Darrel Beal	<u>1000.00</u>	\$2704.00 <i>a</i>
Rose Cook Freitas 1/2 above	1704.00	
Labor chg. Darrel Beal	<u>1000.00</u>	\$2704.00 <i>ea</i>

~~Ralph Freitas paid 350.00~~

*Survey 200.00*

# TAHOE REGIONAL PLANNING AGENCY

2155 South Avenue

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

(916) 541-0246

## MEMORANDUM

June 19, 1985

To: The TRPA Governing Board  
From: The Staff  
Subject: Legal Counsel Representation of the Agency

This item has been withdrawn from the agenda.

jf  
6/19/85

AGENDA ITEM V

# TAHOE REGIONAL PLANNING AGENCY

2155 South Avenue

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

(916) 541-0246

## MEMORANDUM

June 17, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Report on Apparent Discrepancies  
in Water Quality Analyses

### Introduction

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

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

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

### Response

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

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

DZ:jf  
6/17/85

AGENDA ITEM VI A.

Memo to the TRPA Board  
Water Quality Analyses  
June 17, 1985 page two

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

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

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

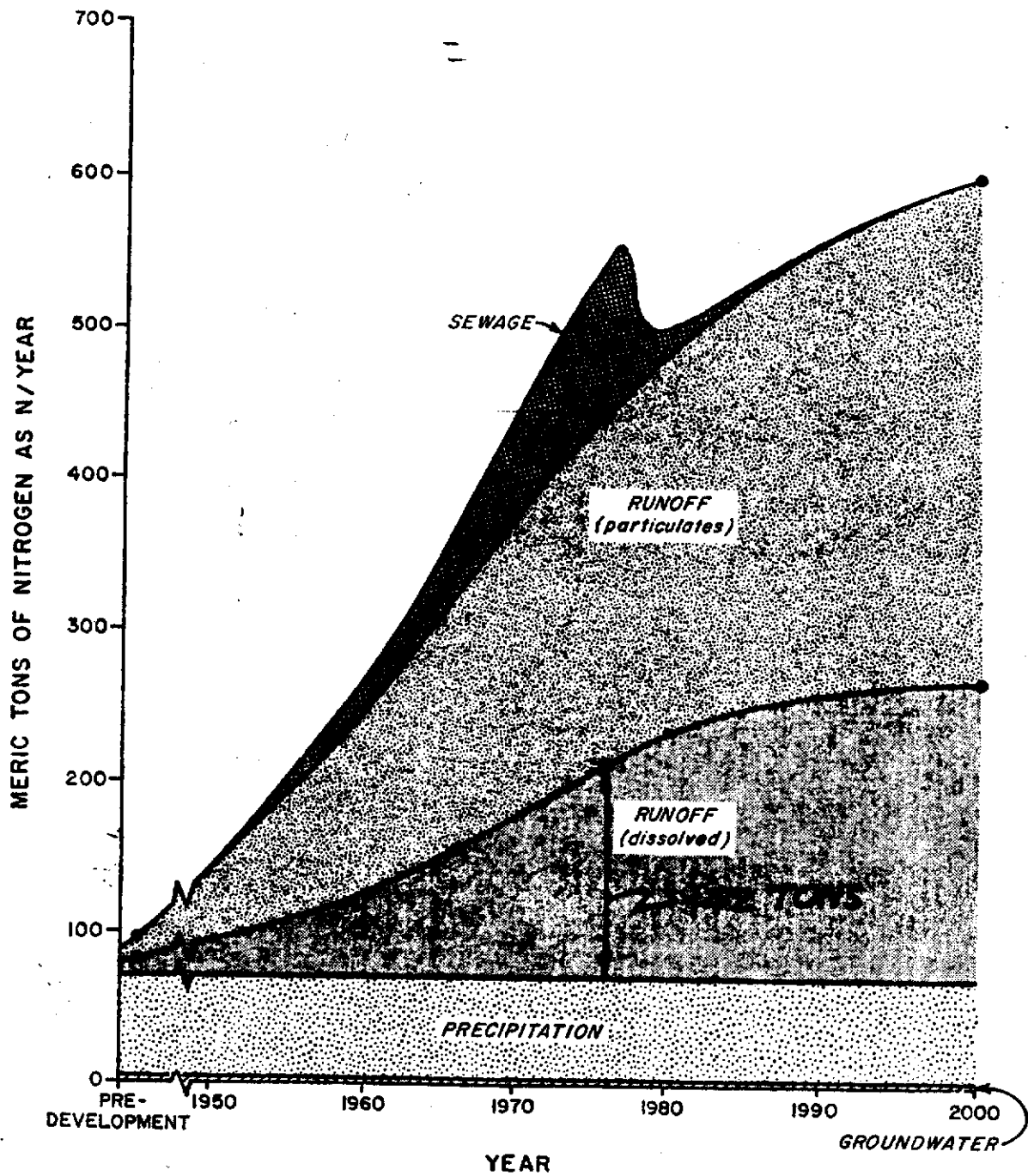
Although the ambiguity in the SWRCB's Basin Plan created some temporary confusion for the authors of the Study Report, the issue was resolved in the final Study Report to the satisfaction of the staff and the Agency's consultant. In the staff's opinion, the existence of ambiguity in the SWRCB's Basin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

At the June Governing Board meeting, the staff will give a brief report on this issue and answer questions from the Board. Please contact Dave Ziegler at (916) 541-0249 if you have any questions or comments on this memorandum.

6/17/85

AGENDA ITEM VI A.

FROM APPROVED 209 PLAN



LOADING RATES OF NITROGEN TO LAKE TAHOE

Table 4-4. DIN Budget for Lake Tahoe

Water Year	Inputs, tonnes/year			Outputs, tonnes/year		Net input, tonnes/year
	Precipitation and dry deposition	Surface runoff	Groundwater	Sedimentation	Truckee River outflow	
1973	40-66	14.3	14.3	20-50	2.2	16-72
1974	40-66	14.8	14.8	20-50	4.6	15-71
1975	40-66	17.0	17.0	20-50	3.9	20-76
1976	40-66	5.7	5.7	20-50	3.6	(-2)-54
1977	40-66	2.4	2.4	20-50	2.2	(-7)-49
1978	40-66	10.2	10.2	20-50	1.0	9-67
1979	40-66	9.3	9.3	20-50	1.7	7-63
1980	40-66	9.3	9.3	20-50	1.1	7-63
1981	40-66	4.8	4.8	20-50	1.8	(-2)-54

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

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