

**TRPA  
GOVERNING BOARD  
PACKETS**

**OCTOBER  
1985**

**OCT 85 GB**  
**TAHOE REGIONAL PLANNING AGENCY**

*Wag*

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

NOTICE OF AMENDED AGENDA

NOTICE IS HEREBY GIVEN that the October 23 & 24, 1985 regular meeting agenda for the Governing Body of the Tahoe Regional Planning Agency is amended by adding the following:

Finance Committee - discussion and recommendation on change in administrative procedures relative to overtime, vacation time and leave without pay

XIII RESOLUTIONS

- E. Resolution Amending the Administrative and Fiscal Procedures Manual for Overtime, Vacation Time and Leave Without Pay

Date: October 16, 1985

By:

*W. A. Morgan*  
William A. Morgan  
Executive Director  
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

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NOTICE IS HEREBY GIVEN that on Tuesday evening, October 22, 1985, at Jesse Elisha's Restaurant, 1142 Ski Run Boulevard, South Lake Tahoe, California, from 6:30 to 8:30 p.m., there will be a get-together for the members of the Governing Body of the Tahoe Regional Planning Agency and the participants in the consensus-building process. (Additional information is attached hereto.)

NOTICE IS FURTHER GIVEN that at 8:30 a.m. on Wednesday, October 23, 1985, in the Emerald Bay Room 2 at Harvey's Resort Hotel, Stateline, Nevada, there will be an informal breakfast for the members of said Governing Body and the consensus-building participants.

NOTICE IS FURTHER GIVEN that on October 23 & 24, 1985, commencing at 9:30 a.m. each day, the Governing Body of the Tahoe Regional Planning Agency will conduct its regular meeting. The October 23 session will take place in the Emerald Bay Room 1 at Harvey's Resort Hotel, Stateline, Nevada. (There will be a luncheon for Governing Board members and consensus-building participants in the Emerald Bay Room 2 during the lunch recess.) The October 24 session of the regular Board meeting will take place at the new TRPA office, 195 U.S. Highway 50, Round Hill, Nevada. The agenda for the October 23 & 24, 1985 meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that at the conclusion of the regular TRPA session on Wednesday, October 23, 1985, the Rules and Regulations Committee will meet to discuss revision of the Agency's Rules and Regulations of Practice and Procedure and the Administrative and Fiscal Procedures Manual.

NOTICE IS FURTHER GIVEN that on Thursday, October 24, 1985, commencing at 8:30 a.m. in the TRPA office, 195 U.S. Highway 50, Round Hill, Nevada, the Finance Committee will meet to discuss the following: 1) receipt of the August and September financial statements; 2) change in administrative procedures on overtime; 3) allocation of contingency funds to consensus account; 4) approval of California State Water Resources Control Board contract for FY 1985-86; 5) the status of the TRPA retirement system; 6) amendment of Placer County Local Transportation Fund (LTF) claim; and 7) other.

NOTICE IS FURTHER GIVEN that on Thursday, October 24, 1985, commencing at 9:00 a.m. in the TRPA office, the Litigation Committee will meet in open session and in closed session to confer with counsel on the following: 1) Forrester et al v. TRPA, Tahoe Keys Convenience Center, Consideration of Settlement, City of South Lake Tahoe; 2) Glenridge v. TRPA; 3) Lakeview Development v. TRPA; 4) Ratification of Settlement in TRPA et al v. Tahoe Development Enterprises; 5) Spear et al v. TRPA et al; and 6) State of California/League to Save Lake Tahoe v. TRPA.

NOTICE IS FURTHER GIVEN that on Thursday, October 24, 1985, from 4:00 p.m. to 7:00 p.m., there will be an open house at the new TRPA office, 195 U.S. Highway 50, Round Hill, Nevada.

Date: October 8, 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

Emerald Bay Room, Harvey's Resort Hotel  
Stateline, Nevada

October 23, 1985 9:30 a.m.  
October 24, 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 CONSENSUS BUILDING - 9:30 a.m., Wednesday, October 23

Joint Workshop Between TRPA Governing Board Members  
and Participants in the Consensus-Building Process

V SPECIAL REPORT

Tahoe-Transportation District (TTD) Status Report

VI APPEAL

S & M Investment Co., Brian Stack, Appeal Requesting Extension of  
Project Approval, Tahoe Carriage, El Dorado County

VII ADMINISTRATIVE MATTERS

- A. Report on the Activities of the Legislative Commission Subcommittee  
Established by the Nevada Legislature to Review Activities of the TRPA
- B. Executive Session
- C. Finance Committee Report and Recommendations - Thursday, October 24
- D. Other

VIII REPORTS

- A. Executive Director
  - 1. Projects Approved at Staff Level
  - 2. Status Report on Exemption Requests in Regional Plan Suit
  - 3. Status Report on Nevada Department of Transportation Guardrail  
Along State Route 28
  - 4. Other
- B. Legal Counsel

C. Governing Body Members

D. Public Interest Comments

IX SPECIAL LITIGATION - Thursday, October 24, 9:30 a.m.

A. Closed Session to Consider the Status of TRPA Litigation

B. Consideration and Decision on the Status of TRPA Litigation

X PLANNING MATTERS - Thursday, October 24 10:30 a.m.

A. Reendorsement of Consensus Building Process

B. Other

XI LITIGATION - Thursday, October 24

A. Consideration of and Decision 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)
3. Forrester et al v. TRPA, Tahoe Keys Convenience Center, Consideration of and Decision on Settlement, City of South Lake Tahoe
4. Glenridge v. TRPA, Consideration of and Decision on Settlement, El Dorado County
5. Lakeview Development v. TRPA
6. Ratification of Settlement in TRPA et al v. Tahoe Development Enterprises, Washoe County
7. Spear et al v. TRPA

B. Closed 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)
3. Forrester et al v. TRPA, Tahoe Keys Convenience Center, Consideration of Settlement, City of South Lake Tahoe
4. Lakeview Development v. TRPA
5. TRPA et al v. Tahoe Development Enterprises, Washoe County
6. Spear et al v. TRPA

XII CORRESPONDENCE

XIII RESOLUTIONS

- A. Resolution Setting Forth TRPA/Nevada Division of Forestry Procedures for Issuance of Tree Removal Permits
- B. Resolution Amending Placer County Local Transportation Fund Claim
- C. Resolution Allocating Contingency Funds to Consensus Account
- D. Resolution Approving California State Water Resources Control Board Contract for Fiscal Year 1985-86

XIV PENDING MATTERS

XV ADJOURNMENT

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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.

Information on the Tuesday, October 22, 1985 get-together for the TRPA Governing Board members, participants in the consensus-building process, and spouses:

Location:       Jesse Elisha's Restaurant  
                  1142 Ski Run Boulevard  
                  South Lake Tahoe, California

Time:            6:30 p.m. to 8:30 p.m.

Hors d'oeuvres and no host bar

RSVP by Friday, October 18, 1985 by calling the TRPA office at (702) 588-4547.



# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

## MEMORANDUM

October 15, 1985

To: The TRPA Governing Board

From: Agency Legal Counsel

Subject: S & M Investment Company, Appeal Requesting  
Extension of Project Approval

This item has been continued to the next regular meeting at  
counsel's request, with the concurrence of Mr. Brian Stack.

SES:jf  
10/15/85

AGENDA ITEM VI

# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

## MEMORANDUM

October 10, 1985

To: The TRPA Governing Board  
From: The Staff  
Subject: Projects Approved at Staff Level

Because of the delay in hooking up the computer in the new TRPA office, a report on projects approved at staff level has not been included in the packet for this month. A three-month update will be presented to the Board in November.

jf  
10/10/85

AGENDA ITEM VIII A. 1.

# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

## MEMORANDUM

October 15, 1985

To: The TRPA Governing Board

From: Agency Legal Counsel

Subject: Status Report on Exemption  
Requests in Regional Plan Suit

Attached please find the two latest stipulations for exemption as agreed to by the parties.

SES:jf  
10/15/85

AGENDA ITEM VIII A. 2.

FILED

OCT 10 12:00 PM '85

CLERK OF DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
AT SACRAMENTO  
BY *[Signature]*

1 GARY A. OWEN  
2 SUSAN E. SCHOLLEY  
3 HEATON, DOESCHER & OWEN, LTD.  
4 304 South Minnesota Street  
5 Post Office Box 605  
6 Carson City, Nevada 89702  
7 (702) 882-2164  
8  
9 Attorneys for Defendant,  
10 Tahoe Regional Planning Agency

LODGED

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

SEP 30 1985

U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

10 BY THE PEOPLE OF THE STATE OF ) No. CIVS-84-0561 EJG  
11 CALIFORNIA EX REL. JOHN K. )  
12 VAN DE KAMP, ATTORNEY GENERAL )  
13 OF THE STATE OF CALIFORNIA )

Plaintiffs,

v.

14 THE TAHOE REGIONAL PLANNING )  
15 AGENCY, A Separate Legal Entity )  
16 Created by Bi-State Compact, )

Defendant.

18 LEAGUE TO SAVE LAKE TAHOE, a )  
19 Non-Profit California )  
20 Corporation, )

Plaintiff,

v.

22 TAHOE REGIONAL PLANNING AGENCY, )  
23 a Separate Legal Entity, and )  
24 DOES 1 through 100, )

Defendants.

25 TAHOE-TRUCKEE SANITATION AGENCY, )  
26 a public agency, TAHOE SHCREZONE )  
27 REPRESENTATION, a Nevada )  
28 corporation, STATE OF NEVADA, )

Intervenors.

No. CIVS-84-0565 EJG  
SIXTH STIPULATION  
AMENDING ORDER  
GRANTING PRELIMINARY  
INJUNCTION AND ORDER  
THEREON

LAW OFFICES  
HEATON, DOESCHER & OWEN, LTD.  
P O BOX 605  
CARSON CITY, NEVADA 89702

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COME NOW, the parties hereto, by and through their counsel of record, and stipulate that the following project may be exempted from the August 9, 1984 Order Granting Preliminary Injunction and may make application to TRPA, and, if appropriate, be approved:

Expansion of the Tahoe North Latter Day Saints Church, Kings Beach, California, so long as coverage is in conformance with the Bailey Land Classification System.

DATED: Sept. 19, 1985. HEATON, DOESCHER & OWEN, LTD.

By Susan E. Scholley  
Susan E. Scholley, Attorneys for  
Defendant, Tahoe Regional Planning  
Agency

DATED: 25 Sept., 1985. JOHN K. VAN DE KAMP, ATTORNEY  
GENERAL OF THE STATE OF CALIFORNIA

By Richard M. Skinner  
Richard M. Skinner, Attorneys for  
Plaintiff, People of the State of  
California Ex Rel. John Van De  
Kamp, Attorney General of the State  
of California

DATED: Sept 26, 1985. SHUTE, MIHALY & WEINBERGER

By E. Clement Shute  
E. Clement Shute, Attorneys for  
Plaintiff, League to Save Lake  
Tahoe

DATED: Sept 1, 1985.  
John C. Weidman, Attorney for  
Intervenor, Tahoe-Truckee Sanitation  
Agency

DATED: Sept. 15, 1985.  
William T. Chidlaw  
William T. Chidlaw, Attorney for  
Intervenor, Tahoe Shorezone  
Representation

HEATON, DOESCHER & OWEN, LTD.

P O BOX 605  
CARSON CITY, NEVADA 89702

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DATED: Sept 17, 1985. BRIAN MCKAY, ATTORNEY GENERAL  
OF THE STATE OF NEVADA

By Marta Adams  
Marta Adams, Attorneys for  
Intervenor, State of Nevada

IT IS SO ORDERED.

DATED: Oct 7, 1985.

Carl J. [Signature]  
United States District Judge

LA OFFICES  
HEATON, DOESCHER & OWEN, LTD.  
P O BOX 805  
CARSON CITY, NEVADA 89702

ORIGINAL

FILED

OCT 10 12 30 PM '85

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIF.  
AT SACRAMENTO

BY \_\_\_\_\_  
DEPUTY

LOGGED

OCT 08 1985

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
DEPUTY CLERK

ESG

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 PEOPLE OF THE STATE OF CALIFORNIA, ) No. CIV.S-84-0561 EJG  
12 EX REL. JOHN K. VAN DE KAMP, ATTORNEY )  
13 GENERAL OF THE STATE OF CALIFORNIA, )  
14 Plaintiffs, )

14 v. )

15 TAHOE REGIONAL PLANNING AGENCY, A )  
16 Separate Legal Entity Created by )  
17 Bi-State Compact, )  
18 Defendants. )

18 LEAGUE TO SAVE LAKE TAHOE, ) No. CIV.S-84-0565 EJG  
19 A Nonprofit California Corporation, )  
20 Plaintiff, )

21 v. )

22 TAHOE REGIONAL PLANNING AGENCY, )  
23 A Separate Legal Entity, and DOES 1 )  
24 through 100, )  
25 Defendants. )

25 TAHOE-TRUCKEE SANITATION AGENCY, )  
26 A Public Agency; TAHOE SHOREZONE )  
27 REPRESENTATION, A Nevada )  
Intervenors. )

SEVENTH STIPULATION  
AMENDING ORDER GRANTING  
PRELIMINARY INJUNCTION  
AND ORDER THEREON

1 COME NOW, the parties hereto, by and through their  
2 counsel of record, and stipulate that the following projects  
3 may be exempted from the August 9, 1984 Order Granting  
4 Preliminary Injunction and may make application to TRPA, and,  
5 if appropriate, be approved:

6 1. Placement of a trailer at the South Lake Tahoe  
7 Airport as a temporary facility to house Jimsair, Inc., and  
8 construction of a snow shed over said trailer.

9 2. Enlargement of school entrance and turnaround at  
10 Incline Elementary School provided that the project is in  
11 accordance with Section 9.16 of the CTRPA Land Use Ordinance  
12 (Washoe County School District).

LAW OFFICES  
HEATON, DOESCHER & OWEN, LTD.  
P O BOX 603  
CARSON CITY, NEVADA 89702

13 DATED: Oct 3, 1985. HEATON, DOESCHER & OWEN, LTD.  
14 By Susan E. Scholley  
15 Susan E. Scholley, Attorneys for  
16 Defendant, Tahoe Regional Planning  
17 Agency

18 DATED: 7 Oct., 1985. JOHN K. VAN DE KAMP, ATTORNEY  
19 GENERAL OF THE STATE OF CALIFORNIA  
20 By Richard M. Skinner  
21 Richard M. Skinner, Attorneys for  
22 Plaintiff, People of the State of  
23 California Ex Rel. John Van De  
24 Kamp, Attorney General of the State  
25 of California

26 DATED: 7 Oct., 1985. SHUTE, MIHALY & WEINBERGER  
27 By E. Clement Shute by Richard M. Skinner  
28 E. Clement Shute, Attorneys for  
Plaintiff, League to Save Lake  
Tahoe

DATED: 873, 1985. John C. Weidman  
John C. Weidman, Attorney for  
Intervenor, Tahoe-Truckee Sanitation  
Agency



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DATED: Oct 7, 1985.

William T. Chidlaw  
William T. Chidlaw, Attorney for  
Intervenor, Tahoe Shorezone  
Representation

DATED: Oct 3, 1985.

BRIAN MCKAY, ATTORNEY GENERAL  
OF THE STATE OF NEVADA  
By Marta Adams  
Marta Adams, Attorneys for  
Intervenor, State of Nevada

IT IS SO ORDERED.

DATED: Oct 9, 1985.

Clayton  
United States District Judge

LAW OFFICES  
HEATON, DOESCHER & OWEN, LTD.  
P O BOX 605  
CARSON CITY, NEVADA 89702

# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

## MEMORANDUM

October 15, 1985

To: TRPA Governing Board  
From: Agency Staff  
Subject: NDOT Highway 28 Overlay Project, Washoe County, TRPA #84555

At its September meeting the Governing Board expressed concern over the justification and visual impact of the galvanized guardrail recently installed in conjunction with the NDOT Highway 28 Overlay Project. The Governing Board directed staff to investigate this issue further and prepare a report of its findings. The following is a summary of said findings:

### Project History

The subject project received a specific exemption from the Preliminary Injunction Order on August 9, 1984.

Preliminary plans were submitted to TRPA staff in November 1984. The review process including meetings with NDOT and TRPA staff continued through December 1984.

On January 1, 1985 NDOT submitted their final plans and application. The Governing Board reviewed and approved the subject project at its January 24, 1985 meeting subject to those findings and conditions stated in the original letter of approval (attached).

Project construction commenced on or about May 1, 1985 with the project being substantially completed by September 25, 1985. All remaining construction is scheduled for completion on or before October 15, 1985.

### Project Review

During the initial review process TRPA staff expressed concerns to NDOT relating to the visual impact of the proposed guardrail in terms of location, size, height and the material type. Complete justification for the guardrail design was requested from NDOT. The following summary comprises NDOT's justification:

JW:mlm  
10/15/85

AGENDA ITEM VIII A. 3.

1. Location - New guardrail was installed to meet current design standards and to replace any of the existing guardrail which was unsafe or ineffective. New guardrail was installed only at locations of high run-off-the-road accident history or where a high potential for such accidents existed. Infact, approximately 9,000 lineal feet of existing guardrail was removed and not replaced. This occurred in areas where the guardrail could not be justified due to current design criteria.
2. Size & Height - The proposed guardrail design was based on impact conditions of a vehicle traveling at 45 MPH. This design speed established the required post length and burial depth. Due to an existing Incline Improvement District sewer line which was located approximately 3 feet below grade and directly beneath the proposed guardrail alignment the thrie-beam rather than the W-beam design was proposed (detail attached). The thrie-beam design standards allow for a modified post buriel depth of approximately 3 feet while the W-beam requires a deeper footing than the sewer line will allow. In order to have utilized the W-beam design which would have resulted in less galvanized surface area (14" vs 20") and possibly less visual impact either the highway or existing sewer line would have to have been realigned to allow for the required post depth. According to NDOT, this could not be accomplished in either a timely or cost effective manner.
3. Material - The galvanized material was proposed as an alternative to a lesser expensive concrete barrier. The open guardrail has the ability to create a shadow effect which tends to break up the solid appearance of other types of barriers such as concrete. The once used "core-ten" guardrail material which produces a rust-brown appearance has been discontinued due to maintenance and liability problems. Painting of the galvanized material would result in high maintenance as well as a potential safety hazard during the required repainting process due to the narrowness and curviness of the highway. While the untreated galvanized material has a shiny appearance upon initial installation it has been evident throughout the basin that this is substantially reduced to a "matte grey" appearance within the first year due to the natural weathering process.
4. Parking - In order to meet the required safety design standards and to reduce the potential of future vehicular accidents it was necessary to install the new guardrail along some sections of highway that were previously used for beach access parking. This was only done, however, in those areas which had high accident records or the potential for such accidents existed. NDOT was responsible for resurfacing and expanding several existing parking areas as well as maintaining several of the existing shoulder parking areas at beach access points as a part of this project.

Staff Summary

Based on staff review and the justification information provided by NDOT, staff finds that the new guardrail was designed and installed to meet an eminent threat to public safety, health and welfare. In addition, given the conflict with the existing sewer line and the guardrail design standards that NDOT is required to follow the galvanized thrie-beam structure appears to be the most acceptable in terms of visual impact.

Although the guardrail structure itself is far from being considered an aesthetically pleasing element in any landscape the safety needs of the public should be considered of higher priority. In this particular case NDOT has attempted to provide for public safety as well as making an effort to minimize the visual impacts of the required safety structures.

Staff has attached the following supporting documents which served as a basis for its findings:

1. NDOT's Proposed Scope of Work, dated 11-1-84
2. Nevada Division of State Parks letter re: Parking Issue, dated 11-8-84
3. NDOT's documents re: Ungalvanized and "Core-Ten" Guardrail, dated 12-28-84
4. TRPA Staff Summary, dated 1-14-85
5. TRPA Conditional Letter of Approval, dated 1-30-85
6. NDOT Thrie-beam Guardrail Detail with Existing Sewer Line
7. CALTRANS Thrie-beam Guardrail Detail
8. NDOT's documents re: Traffic Accident Data & Diagrams for Subject Highway Section
9. NDOT's letter re: Governing Board Concerns, dated 10-11-85