TRPA
GOVERNING BOARD
PACKETS

OCTOBER
1988
TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on October 26, 27, 1988, commencing at 9:30 a.m. on the 26th and at 8:30 a.m. on the 27th, at the TRPA office, 195 U.S. Highway 50, Round Hill, Zephyr Cove, Nevada, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on October 26, 1988, at 8:30 a.m., in the same location, the Finance Committee of said agency will meet to discuss the following: 1) receipt of the September financial statement; and 2) release of air quality mitigation funds to the City of South Lake Tahoe for study of a coordinated shuttle service.

NOTICE IS FURTHER GIVEN that on October 26, 1988, during the lunch recess, the Rules Committee will meet to discuss the revision of the Agency's Rules of Procedure relating to environmental documentation.

Date: October 19, 1988

By: William A. Morgan
Executive Director

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

I PLEDGE OF ALLEGIANCE

II ROLL CALL AND DETERMINATION OF QUORUM

III APPROVAL OF MINUTES

IV APPROVAL OF AGENDA

V CONSENT CALENDAR (see second to last page)

VI PROJECT REVIEW

A. Holland/Mercurio, Low-Level Boat Lift Addition to an Existing Pier, 3915 Belleview Avenue, Tahoe Pines, APN 85-222-01, Placer County

VII PUBLIC HEARING, ADOPTION OF ORDINANCES/RESOLUTIONS, AND CERTIFICATION OF ENVIRONMENTAL IMPACT STATEMENTS

A. Certification of the EIS for Amendment of the Lake Tahoe Basin Water Quality Management Plan (208 Plan)

B. Amendment to the Lake Tahoe Basin Water Quality Management Plan Pursuant to Section 208 of the Federal Clean Water Act

C. Adoption of Threshold Indicators, Reasonable Progress Lines, and Related Items for Air Quality, Water Quality and Soil Conservation (Chapter 32 of the Code of Ordinances)

D. Amendment of Chapter 20 (Land Coverage Standards) Relating to Excess Coverage Mitigation Fees

E. Amendment of Chapter 33 (Allocation of Development) to Extend the December 31, 1988 Deadline for Filing of Complete Applications or Completing a Transfer for Projects in the Tahoe Keys on Parcels Less Than 6,000 Square Feet

F. Amendment of Chapter 2 (Definitions) to Define Contiguous, Noncontiguous and Adjacent Parcels

G. Amendment of Plan Area Statement 027 (Woodvista) to Add "Snowmobile Courses" as a Special Use

H. Amendment of Plan Area Statement 122 (Tahoe Paradise/Mandan) to Add "Snowmobile Courses" as a Special Use
I. Amendment of Chapter 37 (Individual Parcel Evaluation System) to Allow Alternative Methods to be Considered for Determining Central Tendency (Subsection 37.11.A) and to Change the Number of Points That Must Be Connected By the Coverage Curve (Subsection 37.11.A)

VIII PLANNING MATTERS

A. Report on Status of Airport Master Plan and Board Action on Setting Time Limits for Determining EIS Preferred Alternative

B. Status Report and Board Action If Necessary on Action by the California State Lands Commission on Pier Construction and Consideration of Code Interpretation 1988-4

C. Adoption of Resolution Approving Lake Tahoe Region Transportation Needs 1990-2000 (continued to November 30)

IX ADMINISTRATIVE MATTERS

A. Appointment of Nevada Lay Member to the APC

B. Assignment of Board Members to the Legal, Rules, Finance and Retirement Committees

X REPORTS

A. Finance Committee Report and Board Action on Recommendations
   1. Receipt of the September Financial Statement

B. Executive Director
   1. Status Report on Projects Reviewed at Staff Level and on Emergency Permits Issued by Executive Director
   2. Status Report on Code Interpretations Made by Executive Director
   3. Status Report on Study of Shoreszone Fish Habitat
   4. Other

C. Agency Counsel

D. Governing Board Members

XI PUBLIC INTEREST COMMENTS

XII ADJOURNMENT
## CONSENT CALENDAR

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommended Action</th>
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<tbody>
<tr>
<td>1. Laughlin, Shoreline Protective Structure, APN 122-181-62, Washoe County</td>
<td>(continue to the November 30 meeting)</td>
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<tr>
<td>2. Hancock, New Pier, APN 17-021-18, El Dorado County</td>
<td>Approval With Findings And Conditions</td>
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<tr>
<td>3. Release of Air Quality Mitigation Funds ($2,000) to the City of South Lake Tahoe for Study of Coordinated Shuttle Service</td>
<td>Approval</td>
</tr>
<tr>
<td>4. Lane, Resolution of Tree Cutting Violation, APN 85-343-04, Placer County</td>
<td>Approval</td>
</tr>
<tr>
<td>5. Jimsair Aviation, FBO/GA Terminal, Sole Source Determination on Consultant for EIS Preparation</td>
<td>Approval With Findings</td>
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**Successful Land Capability Challenges:**

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<th>Item</th>
<th>Recommended Action</th>
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<tr>
<td>6. Carrillo, APN 123-161-01, Crystal Bay, Washoe County</td>
<td>Approval With Findings</td>
</tr>
<tr>
<td>7. Perini, APN 001-222-02, Glenbrook Unit No. 3, Douglas County</td>
<td>Approval With Findings</td>
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These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Governing Board at one time without discussion. If any Governing Board member or noticed affected property owner requests that an item be removed from the consent calendar, it will be taken up separately under the appropriate agenda category.
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.

- Article III(g) Public Law 96-551
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

TRPA Office, 195 U.S. Highway 50
Zephyr Cove, Round Hill, Nevada

September 28, 1988

REGULAR MEETING MINUTES

I PLEDGE OF ALLEGIANCE

Chairman Chester Gibbs called the September 28 regular meeting of the Tahoe Regional Planning Agency Governing Board to order at 9:43 a.m. and asked Mr. Pruett to lead in the Pledge of Allegiance to the Flag.

II ROLL CALL AND DETERMINATION OF QUORUM

Mr. Gibbs announced that Mike Rody, Carson City Assistant Manager, was sitting in for Dr. Gene Scrivner; Neil Brooks was sitting in for Dianne Cornwall of Washoe County.

It was also announced that Ms. Connie Sparbel would not be able to sit on the TRPA Board as the Nevada at-large member because of a conflict of interest. Expanding on this, Mr. Pruett explained that Ms. Sparbel was under contract to the NTRPA as its Executive Director, and it was for this reason that the Nevada Attorney General had found she could not serve on the TRPA Board.

Members Present: Mr. Cefalu, Mr. Pruett, Ms Del Papa (present at 10:00 a.m.), Mr. Henrikson, Mr. Woods, Mr. Rody, Mr. Cronk, Mr. Westergard, Mr. Houghteling, Mr. Brooks, Mr. Deane, Mr. Gibbs

Members Absent: Mr. Henrikson, Mr. Reed, Mr. Hime

III APPROVAL OF MINUTES

MOTION by Mr. Houghteling to approve the July 27, 1988 regular meeting minutes. The motion carried unanimously.

With regard to the August 24, 25 minutes, Mr. Houghteling asked that the last sentence on page 15 be amended to read, "Because the EIS should address only what TRPA had in its Regional Plan, it was not justified in addressing the long term assumptions."

MOTION by Mr. Westergard to approve the August 24, 25 regular meeting minutes as corrected. The motion carried unanimously.

IV APPROVAL OF AGENDA

Agency Executive Director Bill Morgan announced that consent calendar item 12 (land capability challenge for Ross, APN 32-181-01) was to be continued to the November Board meeting. The Laughlin shoreline protective structure (consent calendar item 5) was to be continued to the October meeting. The order of the first two project review items was to be reversed and the Van Wagener/Marsh commercial foundation taken up prior to the Al Tahoe child care center
expansion. One of the child care proponents was driving up to Tahoe from Sacramento and could not be present until later in the morning.

V CONSENT CALENDAR

Chairman Gibbs asked if anyone in the audience was interested in any of the consent calendar items. There was no one.

MOTION by Mr. Cefalu to approve the consent calendar (with the exception of items 12 and 5). The motion carried unanimously.

(These items included the following: Snook Residential Pier and Boathouse Repair and Reconstruction, Placer County; Tahoe City Cemetery District, Cemetery Expansion, Placer County; Harry/Mashbir, New Residential Multiple-Use Pier, El Dorado County; Placer County, Release of Water Quality and Air Quality Mitigation Funds; Resolution Approving Inclusion of a Portion of Cold Creek Trail Into the Federal-Aid Urban System (approved through adoption of Resolution No. 89-21); and Successful Land Capability Challenges for the following:

Sharp, APN 05-220-02 and -03, Round Hill, Douglas County

Sederquist, APN 125-163-25, Incline Village, Washoe County

Benka, APN 125-162-14, Incline Village, Washoe County

Oman, APN 125-153-01, Incline Village, Washoe County

Ramsey, APN 125-421-02, Incline Village, Washoe County

Robbins, APN 32-291-28, El Dorado County

Craig, APN 14-324-04, Westlake Village, El Dorado County

Kaufman, APN 131-234-26, Incline Village, Washoe County

Mitchell, APN 005-341-14, Round Hill, Nevada

MOTION by Mr. Westergard to approve the agenda as modified. The motion carried unanimously.

VI PROJECT REVIEW

B. Van Wagenen/Marsh, Commercial Foundation, Determination of Eligibility and Plan Modifications, APN 117-150-34 and -35, Placer County

(Agency legal counsel Susan Scholley advised that Board members who were members of the California Automobile Association could act on the application; Triple A was to occupy the building proposed to be constructed on the subject parcels.)

Mr. Jerry Wells, Chief of Project Review, presented the staff's summary of the proposal to construct a 1-story, 3,312 square foot professional office building on a site which currently had an existing foundation. Although this foundation would be removed, the new foundation would be built in approximately the same location but with a different configuration. Mr. Wells presented additional information on the site, existing and proposed coverage and parking, the plan
area statement, coverage reductions, the history of the project, and the findings and conditions.

Mr. Westergard asked that, in addition to the findings outlined by staff, there be a specific finding that the project was compatible with Chapter 11 (Foundation Ordinance); he wanted to ensure that the findings to approve the proposed modifications to the original plans could be made.

Ms. Scholley responded that Section 11.11.C.2(c) of the ordinance provided that "modifications to original plans may be permitted... if the project, as modified, will not result in an increase in the amount of commercial floor area or number of residential units over the original project unless the appropriate allocation is obtained pursuant to Chapter 33 and further provided that: 1) TRPA makes the findings set forth in subparagraphs (3) through (10), inclusive, in Subsection 11.11.B and finds that the component of the project to be modified results in a net improvement in the environment with respect to that component; or (ii) except for the allocation requirements of Chapter 33, TRPA finds that the modified project complies with all provisions of the Regional Plan Package, including the Code." Ms. Scholley advised that if the project complied completely with the new Code, there was much wider latitude to redesign and modify it. If it had certain aspects which were not in compliance with the Code, then there needed to be an additional finding that the component being modified resulted in a net environmental benefit. In her mind, there was no doubt that the Board's action on Chapter 11 reflected the prerogative of changing the foundation, as proposed in this case. The square footage proposed by this project would not be charged against the 10-year commercial allocation outlined in the Regional Plan.

Mr. Houghteling questioned the reference in the staff's summary to the fact that there was nothing in the project file advising the permittee of the importance of due diligence in pursuit of project construction. Did due diligence come into the picture only if the staff sent a letter?

Ms. Scholley responded that the exemption in Chapter 11 did not apply to foundations whose owners were advised by TRPA prior to expiration of the permit that diligent pursuit required substantial construction each building season once construction had commenced. The statement was made in order to be clear on the record that this was not an excluded project. It applied only narrowly to this sort of project.

(Ms. Del Papa came into the meeting at 10:00 a.m. during the discussion.)

Mr. Houghteling questioned the effect of the staff summary and references to vested rights in a future court case should the Board not approve the project. The summary stated the permittee had shown that he had a reasonable possibility of prevailing on a vested rights claim.

Ms. Scholley responded that the finding that the permittee would have a chance of success in court was not something the court would hold against TRPA and did not show that the project, as a matter of law, did have a vested right. This was a disputed claim, and the language indicated there was a good faith dispute - not that the Board was finding there was a vested right.
Mr. Larry Hoffman, on behalf of the applicant, commented on the fact that five of the seven California members were present at the meeting. He wanted to ensure that all questions were answered because the project would need all five California votes to be approved. The Board could be assured that every finding had been carefully studied. The building was being reduced in height and set back further. Square footage was being reduced, and overall there was a net environmental improvement. There was testimony in the record with regard to due diligence.

No one else in the audience wished to comment on the project.

MOTION by Mr. Cefalu that, with regard to the Van Wagenen/Marsh application, the Board make a finding of no significant environmental effect and for the findings contained in Section F of the staff's summary. The Board also finds that the project is consistent with Chapter 11. The motion carried unanimously.

MOTION by Mr. Cefalu to approve the Van Wagenen/Marsh application with conditions as outlined in the staff's summary. The motion carried unanimously.

C. South Tahoe Public Utility District, Relocation of a Portion of Trout Creek, Erosion Control, APN 26-200-01, El Dorado County

Ms. Cindy Whitby, Assistant Planner, presented the staff's summary of the South Tahoe Public Utility District's (STPUD) proposal to relocate approximately 520 feet of Trout Creek to eliminate the scouring and undermining which had threatened to expose a sanitary sewer line and two manholes in the Truckee Marsh on the west side of the Al Tahoe Subdivision. Changes proposed to be made to the engineering report included: 1) revegetation, instead of riprapping, of the southwest bank of the channel (a handout was presented showing the modification); and 2) a proposal by STPUD to include surface checks along the backfilled section in lieu of providing rock checks through the channel section. Staff was recommending that STPUD construct the rock checks as proposed in the engineering report.

Additional information was presented on the plan area statement, the special use findings, and special conditions. Ms. Whitby asked that three additional conditions, not included in the staff report, be added to the staff's summary; these were: 8) The security required pursuant to standard condition 1.2 of Attachment Q shall be $10,000. 9) One year from the date of project completion, TRPA shall inspect the new channel and prior to release of the security confirm that the channel has been stabilized. In the event that the revegetation has not been adequately established, TRPA may require the applicant to mechanically stabilize the channel with rock riprap. 10) The applicant shall install the rock checks and surface checks as recommended in the engineering report for the Trout Creek erosion control project and the final plans shall reflect this construction.

Mr. Woods questioned the requirement for the $10,000 security to be paid by a public entity performing an erosion control project. This was a ludicrous amount. Mr. Morgan responded that the engineering report supplied by the applicant recommended full rock riprapping of the channel as being the most reliable method to get the job done. The project proponents felt, however, that to save money some of the rock riprapping requirement should be eliminated in favor of a different method. TRPA was agreeable to that but felt the different
method was more risky than the one set forth in the engineering report. To assure success, TRPA felt there needed to be a strong security established. In the past, TRPA had quite often not required securities of the City and Counties on erosion control projects. TRPA did require securities from virtually every other entity - quasi-public or otherwise.

Mr. Westergard questioned whether the Corps of Engineers had attempted to exert jurisdiction over the project. Mr. Gary Schnakenberg, representing STPUD, explained that the Corps had not looked at the project specifically. The District was doing a good deal of work with the Corps of Engineers in Alpine County and had had discussions on defining wetlands and the requirement for Corps jurisdiction. The Corps representative in Alpine County had indicated this project was not of concern to the Corps. He did not, however, have a letter to that effect. The District looked at this as an emergency project, and the Corps could be of the opinion that it would take too long to get an application through the review process. There was a fine line between what was and what was not a wetland. Both Lahontan and the California Department of Fish and Game had approved the project. While it did not bear on TRPA's action, Mr. Westergard asked Mr. Schnakenberg to advise him if there were any problems with the Corps and its jurisdiction.

Mr. Schnakenberg clarified that the project stream was not Trout Creek but rather a small tributary off of Trout Creek. The full flow of Trout Creek was not a part of the project.

Mr. Art Griffiths, an Al Tahoe resident whose home was within 400 feet of the affected stream, spoke in favor of the benefits of the erosion control features of the project.

MOTION by Mr. Woods, based on the staff summary of the STPUD erosion control project, to make a finding of no significant environmental effect with direction to staff to prepare the necessary certification documents to be included with the permit and for the findings contained in Section D of the staff summary. The motion carried unanimously.

MOTION by Mr. Woods to approve the STPUD erosion control project based on the staff summary and subject to the conditions in the staff summary plus the three additional conditions outlined by staff.

AMENDMENT proposed by Mr. Pruett to delete the new condition #8 (requiring the $10,000 security) and to renumber conditions #9 and #10.

Mr. Pruett explained that condition #9 requiring mechanical stabilization should revegetation not succeed provided adequate assurance of stabilization, particularly if there were to be periodic inspections of the project.

Mr. Woods agreed to accept the amendment into his motion.

Mr. Houghteling advised that he would not vote for the project without the $10,000 security.

Mr. Pruett withdrew the amendment.

The motion to approve the project with conditions as set forth in the staff summary and with the added three conditions carried unanimously.
TRPA REGULAR MEETING MINUTES SEPTEMBER 28, 1988

Mr. Woods expressed concern that the full California delegation was not present from California. Not having a full Board put applicants in a real bind.

A. Al Tahoe School-Age Child Care Center Expansion, Continuing Development Incorporated, APN 26-050-04, 02, El Dorado County

Assistant Planner Cindy Whitby presented the staff’s summary of the proposal to install a 960 square foot relocatable classroom, to construct walkways and fence, and to eliminate a mini-park. The number of children served would increase from 32 to 60 in grades K-12. Ms. Whitby provided information on the plan area, the proposed uses, the required findings, land coverage, height, parking, and project requirements resulting from the noise analysis (removal of a fenced play area and installation of landscaping). Staff recommended approval of findings and conditions. Condition 2c., requiring payment of a $575 water quality mitigation fee, was to be eliminated because the project was not creating new coverage.

Mr. Houghteling questioned the condition requiring the applicant to be responsible for Best Management Practices (BMPs) on the entire 55 acres when his project covered only a portion of that acreage. This appeared to be a large burden on the applicant. The City of South Lake Tahoe should be a joint applicant on this, or it should be clear what portion of the work was to be handled by the applicant. The applicant did not have control over the entire 55 acres. Ms. Whitby explained that the City proposed to be responsible for BMPs on the remaining 55 acres.

Ms. Mary Kay Henninger, Associate Planner with the City of South Lake Tahoe, explained the City would coordinate the project so that, in lieu of the applicant absorbing all the fees, Mr. Gottschalk, the City’s Community Development Director, would work with the applicant. The applicant would not be responsible for the entire 55 acres. Mr. Woods agreed that the intent was not to make the applicant responsible for the whole 55 acres.

Mr. Vernon Plaskett, for Continuing Development Incorporated, explained he could not pay the $4,000 security required in condition 2e.; he could not guarantee the City’s performance. He accepted all other conditions and the requirement that he complete the share of BMPs on his acreage.

Mr. Morgan explained the project area retrofitting requirement; in this case the whole project area (55 acres) had to be addressed by necessity in order to get the coverage needed for the project.

Ms. Henninger explained that, when the project was reviewed at the City, it was clear in the lease agreement that the applicant was to pay for the direct costs; the City was not to absorb costs related to the project. In the lease agreement, the applicant was to pay for those improvements related to the actual on-site improvements associated with the relocatable building. The City was not to absorb any security deposit costs.

Mr. Morgan suggested that condition 3. be modified to read, in part, "The applicant, in cooperation with the City, shall submit plans, schedules...fenceline and associated parking), shall be installed prior to project completion. The applicant shall provide evidence that the City, in cooperation with the applicant, shall install all required BMPs ..."
Ms. Whitby explained that the $4,125 security was based on all required BMPs, including those outside of the construction site boundary, up to a maximum 5% of the estimated construction cost of the project. Mr. Plaskett advised he would post the security for the improvements he would actually have to make.

Mr. Morgan suggested condition 2e. be reworded, "The security required under Standard Condition I.2. of Attachment Q shall be based on the estimate provided by the applicant for the BMPs required of the construction site. Please see Attachment J, Security Procedures." Mr. Plaskett agreed to accept the condition.

No one else in the audience wished to comment on the project.

MOTION by Mr. Deaner, based on the staff summary for the Al Tahoe School Age Child Care Center Expansion, to make a finding of no significant environmental effect with direction to staff to prepare the necessary certification documents to be included with the permit and for the findings contained in the staff summary. The motion carried unanimously.

MOTION by Mr. Deaner to approve the project based on the staff summary and subject to staff's conditions, as modified. (Delete condition 2c. and modify conditions 2e. and 3. The motion carried unanimously.

(At this point, the Board took a recess and had cake and coffee in honor of Norm Woods and his 10 years of service on the Board. This was Norm's last meeting.)

VII PUBLIC HEARING, ADOPTION OF ORDINANCES, AND CERTIFICATION OF ENVIRONMENTAL IMPACT STATEMENTS

A. Certification of the EIS for Chapter 15 (Redevelopment) - Public Hearing and Certification

B. Adoption of Chapter 15 (Redevelopment) - Public Hearing and Adoption

Associate Planner Andrew Strain presented an overview of the Chapter 15 EIS, concentrating his remarks on the content of the final EIS, the comments and responses, the tiering of environmental documents, mitigation measures incorporated into Chapter 15, differences between the draft and the final Chapter 15 EIS, and additional environmental documentation required for each project within redevelopment plans. The APC found that the Chapter 15 EIS was technically adequate and recommended Board certification.

Mr. Houghteling spoke in favor of the identification of the sections of previous EISs off of which the Chapter 15 EIS was tiering. He questioned the first sentence in the last paragraph on page II-7 that the recognition of the preferred alternative EIR/EIS for the City was not considered a significant action. Mr. Strain responded that the intent was for the plan to come out of the ordinance. It was no longer included as part of the ordinance.

Mr. Houghteling questioned whether adoption of Chapter 15 was contingent on approval of 208 Plan amendments. Ms. Scholley explained the redevelopment ordinance was not inconsistent with the 208 plan; the community plan rules, however, were. While the community plans had to wait for 208 amendments, the redevelopment ordinance, plans and projects could proceed without them.
Mr. Houghteling asked that staff reanalyze the proposed building heights at Ski Run in conjunction with the consultant's recent scenic report, which suggested that 75 feet was out of scale with surrounding development. Mr. Strain responded that resolution of this would be to make findings (Section 22.7) at the time the redevelopment project was before the Board. Mr. Houghteling commented that Section 22.7 was confusing in its application, and he would like attention given to this matter when the project came in for review. Mr. Morgan explained that specific mitigation measures were being proposed as part of the City's redevelopment project; and having been forewarned now that this might be an issue, it would be appropriate to look at this carefully to ensure all findings could be made.

Mr. Houghteling asked that the first sentence under item b. on page IV-21 be changed to refer to 4(a), not 3(a).

Ms. Scholly pointed out that a requirement had been added for final redevelopment plans (Section 15.10.D of the ordinance) to mitigate possible height impacts.

Chester Gibbs opened the public hearing. No one wished to comment.

Principal Planner Gordon Barrett presented staff's summary on Chapter 15 itself, focusing his remarks on requirements of redevelopment, on redevelopment agencies, coverage requirements, specific findings, density and coverage incentives and calculations, reductions required for coverage, BMP requirements, the City's specific redevelopment plan (special features, incentives, environmental requirements), and findings required to adopt the ordinance. The APC and staff recommended adoption of the ordinance (Appendix B in the EIS) with modifications outlined on page 187 of the packet. (These were explained.)

Mr. Barrett asked that an additional sentence be included in Section 15.11.F(3) to read, "If restoration of SEZ or creation of artificial wetlands is not feasible, other equivalent measures shall be required by TRPA." Section 15.11.G(d) on page 15-21 should refer to 70 (not 75) affordable housing units.

Mr. Barrett explained that adoption procedures would include certification of the final EIS, findings outlined on Attachment B in the packet, Chapter 6 findings and adoption of the ordinance (Attachment C).

Mr. Morgan presented a brief summary of the redevelopment process and how the ordinance had evolved to its current form.

Staff responded to Board member questions on the ordinance relative to coverage transfers within the redevelopment area and coverage reductions.

Chairman Gibbs opened the public hearing.

Mr. Stan Diekman, representing the nine homeowners of the Conklin-Fuller Tract on the south side of the Edgewood Golf Course near Stateline Avenue, expressed concern with the flooding that might result from the proposed four acres of wetlands being installed as a part of the City's redevelopment plan. The wetlands were several feet higher than the meadow lands on which the nine homes were built. There was also concern with pollution of well water.
Assistant Executive Director Gary Midkiff suggested the time to address these concerns was when the City's project was reviewed. Chapter 15 simply set up the framework against which subsequent projects would be reviewed; it did not include any authorization for projects to proceed.

Mr. Henry Glick, Mr. Diekmann's neighbor, asked what public notice would be given to nonresidents of upcoming projects. No individual notification had been received to date. Ms. Scholley suggested that interested public could, for a small fee, be placed on the Agency's agenda mailing list. As far as the larger question of notifying affected property owners on the redevelopment plan adoption, staff would review the rules and ensure that proper notice was given. She would not recommend setting forth sporadic notice to certain property owners. Notice should be consistent.

Mr. Houghteling asked that the August 16 letter from the California Attorney General in support of the redevelopment ordinance be included in the record.

Mr. Tom Martens, Executive Director with the League to Save Lake Tahoe, advised that the League was comfortable with what was being proposed; the ordinance was a very good one.

Since no one else wished to comment, Chairman Gibbs closed the public hearing.

MOTION by Mr. Woods to certify that the supplemental Chapter 15 EIS was adequate and complied with provisions of Article 7 of the Compact, the Code and the TRPA Rules of Procedure. The motion carried unanimously.

MOTION by Mr. Woods to make the findings required by Article 7 of the Compact prior to action on a project for which an EIS was prepared. These findings were outlined in staff's summary (pages 188 and 189). Included in the motion were findings required by Chapter 6 of the Code (pages 185 and 186 of the packet). The motion carried unanimously.

On behalf of the City, Mr. Woods thanked everyone involved in the redevelopment process. Redevelopment was the life blood of the City.

Ms. Scholley asked that certain modifications be made to the adopting ordinance:
1) Section 1.10 - "It is necessary and desirable to adopt amend-Ordinance-No-87-5-by-adopting Chapter 15..." 2) Section 1.40 to read, in part, "The provisions of these amendments of-the-chapters-of to the Code of Ordinances were... Chapter 5 of the Code and the TRPA Rules of Procedure. The EIS adequately addressed the chapters of the Code... and evaluation of the environmental impacts of said chapter and-commitments-of-said-Code adopted hereby...identified in said EIS as resulting from said-Code the chapter adopted hereby." 3) Section 2.00 to read, in part, "Hereby adopted is Chapter 15 as set forth in the draft dated September 2, 1988 Appendix-B-of-the-Final-Supplemental Environmental-Impact-Statement...dated-August-1988,... dated September 19, 1988, and-attached-hereby and as it may..." 4) Attachment A - the last modification to read, in part, "33 mooring slips and provisions for at least 17 additional... do not cause significant adverse environmental impacts."

MOTION by Mr. Woods to adopt Ordinance No. 88-11 as modified.
Ms. Scholley read the ordinance by title:

Ordinance No. 88-11
"An Ordinance Amending Ordinance No. 87-5, as Amended by Adopting
Chapter 15 of the Code of Ordinances Prescribing Standards for
Redevelopment Plans and Projects; and Other Matters Properly Related
Thereeto."

The motion carried unanimously.

VIII APPEALS

A. Vitto, Reconsideration of Appeal of Staff Denial of Single Family
Residential Foundation Exemption, APN 05-150-08, Douglas County

Senior Planner Paul Kaleta reminded the Board that this appeal had been
considered by the Board two months previously but had not received the required
five Nevada votes to grant the appeal. A motion to reconsider the appeal was
approved at that time, and the matter was again before the Board.

Mr. Kaleta presented the summary of the appeal explaining that, although Mr.
Vitto had installed his foundation in 1978, no significant construction activity
had occurred since that time. Mr. Vitto was eligible to reapply for a TRPA
permit under the foundation exemption program, which was to expire on February
29, 1988. Mr. Vitto made application on that day. TRPA processed the
application on June 4, 1988, and found it to be incomplete because the required
construction drawings were not included. The site was a capability class 1a
with a 45% slope. While sympathetic to the situation, staff was required to
deny the incomplete application and recommended no action by the Board (affirm
the staff denial of the foundation exemption).

Mr. Vitto explained there was a misunderstanding between TRPA staff and himself
on the requirement for plan submittal. He did not receive a foundation packet
and was not aware he was to come in to TRPA to get one. When he became aware of
the program, he applied but was told he needed an updated set of plans. He
asked for extra time and was told to try it. If he had turned in the old plans,
everything would have been satisfactory. His records of meetings with Building
and Safety (Douglas County) showed that he had diligently pursued completion of
construction. He felt that TRPA was partially to blame for the current
situation because he was not advised by letter that he was eligible for the
foundation exemption program.

Mr. Kaleta explained that staff had made an effort to contact all foundation
owners to advise them of the exemption program. Because Mr. Vitto's foundation
was on a downsloping lot, it was not visible to staff in its drive around the
Basin to locate all existing foundations. He therefore did not receive the
certified notice advising of the program. Notices regarding the program were,
however, published in Basin newspapers seven days a month for 12 months.

Mr. Houghteling asked that the findings outlined by Ms. Scholley for granting
the appeal as set forth on page 22 of the July 27, 1988 Board minutes be
included as part of the hearing. It was for those reasons that he would vote in
favor of granting the appeal. Ms. Scholley explained that although she had
presented the five findings she was still opposed to granting the appeal.
She had checked the remaining applications that had not yet been acted upon and had found that there could be as many as four that could pose this same question. She asked those Board members not present at the July meeting to state, for the record, that they had received a copy of the July 27 minutes of the Vitto matter and were qualified to vote on the matter. Much was discussed at that meeting that had not been addressed at this meeting.

(The findings, taken from the July 27 minutes, were as follows: 1) by way of mitigation, although not required by the ordinance, the applicant's foundation was not cited on the staff's survey and therefore Mr. Vitto did not receive personal notice; 2) Mr. Vitto is a single family residential owner and therefore not a sophisticated investor/developer and therefore that would be distinguished from the case of a multi-residential or commercial project where the applicants presumably are going to be held to a higher standard of compliance; 3) that Mr. Vitto made a good faith effort to apply as shown by submittal of the other three items and thus substantially complied, to the extent feasible, with the ordinance; 4) that the drawings were available and could have been submitted had the applicant been aware of the requirement; and 5) the allegations by the applicant that he received incomplete advice from the Agency and therefore that's why the drawings were not submitted.)

Mr. Vitto explained he intended to build the residence on the existing foundation.

MOTION by Mr. Westergard, based on Mr. Vitto's statement that the residence would be built on the existing foundation, the July 27 record, and further discussion from today's meeting, to grant the appeal subject to the previously stated findings.

Mr. Deaner asked if Mr. Vitto intended to occupy the residence or to sell it. Mr. Vitto explained that his current residence in South Lake Tahoe was an interim house until the new house was built. He intended to live in the new house. Mr. Deaner asked if he would accept a restriction that he would not resell the house for three or five years after the approval. Mr. Vitto responded he would accept the restriction for three years, not five years. Mr. Deaner explained that, in his opinion, there should not be a house built on the site, and he felt that staff had relayed the proper information to Mr. Vitto. While he did not feel Mr. Vitto was diligent in proceeding on the application, there were some equities involved. If he felt that Mr. Vitto intended to speculate on the property, he would vote against the appeal. If he knew Mr. Vitto intended to live in the house, he could vote to grant the appeal. He felt that such a restriction legally could be placed on the Board's action.

Ms. Del Papa explained she had read the July Board minutes on this matter and found it difficult to vote in favor of the appeal based on counsel's earlier discussion in favor of taking no action.

Mr. Cefalu suggested that because TRPA had not notified Mr. Vitto by certified mail he had a valid complaint. Even though there were advertisements in the paper, the fact this person had not received the letter outlining the rights for his foundation gave him a legal claim. He did not favor the restriction requiring Mr. Vitto not to sell the property for a period of time; this went
against the grain of what he considered to be a person's property rights. Whether or not the property was sold did not alter the fact that building would be occurring on a class 1A lot. Removing the foundation would be more detrimental to the environment than constructing the house.

Mr. Westergard added to his motion that, with the concurrence of Mr. Vitto, the property not be sold for three years.

Ms. Scholley explained that Mr. Vitto had two years to complete the project once approved. It would perhaps solve the enforceability concern if, rather than making this a condition of the approval, the findings indicate that Mr. Vitto represented the home was for his personal use and would not be sold within the next three years.

Mr. Woods suggested that the real issue was whether Mr. Vitto came in within the time allotted to make application. In his opinion, Mr. Vitto had applied within the time limits.

Mr. Brooks commented he felt uncomfortable trying to predict future events through placement of the residency condition. Something could happen to Mr. Vitto, and the condition would still be in effect. Ms. Scholley responded that it would be a difficult condition to enforce, particularly if there were subsequent circumstances substantially different from those before the Board today.

Mr. Deaner agreed that he would accept Mr. Vitto's statement and have the residency issue be a finding rather than a condition. He would not insist it be a condition for his vote to grant the appeal.

Mr. Westergard clarified that the Board's action in granting the appeal would only allow the application to be accepted by staff for review. The application would still be reviewed by staff and conditions placed.

Mr. Kaleta explained staff's position that no plans were submitted with the application in February.

Chairman Gibbs clarified that the condition requiring Mr. Vitto to keep the house for three years had been withdrawn from the motion.

The motion carried on the following vote:

Ayes: Mr. Pruett, Mr. Woods, Mr. Brooks, Mr. Cronk, Mr. Westergard, Mr. Houghteling, Mr. Deaner, Mr. Rody, Mr. Cefalu, Mr. Gibbs
Nays: Ms. Del Papa
Abstain: None
Absent: Mr. Reed, Mr. Henrikson

The meeting recessed from 12:45 to 2:05 for a lunch break.

(Mr. Pruett was absent from the afternoon session. Members present: Woods, Del Papa, Brooks, Cronk, Westergard, Houghteling, Deaner, Rody, Cefalu, Gibbs)
Mr. Morgan explained that the Retirement Committee would be meeting later in the afternoon upon Mr. Pruett's return. Mr. Pruett had to leave the meeting to attend a funeral.

IX  PLANNING MATTERS

A. Amendment of MOU Between TRPA and California Department of Forestry Pursuant to Subparagraph 4.3.A(7) of the Code

B. Amendment of MOU Between TRPA and Nevada Division of Forestry Pursuant to Subparagraph 4.3.A(7) of the Code

MOTION by Mr. Houghteling to approve both the California and the Nevada MOUs.

Ms. Scholley asked that the title of the California MOU be corrected to read, in part, "Issuance of Tree Removal Permits." The last sentence in both MOUs should be amended to read, "This MOU shall be effective when signed by both of the parties and the MOU may be terminated at any time by either party giving 30 days' notice in writing to the other."

Mr. Houghteling asked that the amendments be included in the approval.

Mr. Steve Harcourt, with the California Department of Forestry, thanked the Board for entering into the MOU. On behalf of the public, it was very appreciated.

The motion carried unanimously.

C. Report on Status of Airport Master Plan and Board Direction for Resolution of Remaining Issues

Mr. Morgan explained that at the last meeting there was a discussion of continuing delays in the airport master planning process. One delay was caused as the result of a request from the California Attorney General's (AG) office and the League to Save Lake Tahoe that the noise issue be resolved prior to proceeding with the analysis of Scenarios and Assumptions. It was staff's belief that, by insisting that the noise issue be resolved prior to work on the Scenarios and Assumptions, there was a violation of the work program, that itself pointed out the noise issues could be resolved at a later time. On September 21, it was learned that neither party would insist on the noise issue being resolved. It was felt after the September 21 meeting of the four work program participants that all issues had been resolved and that it would only be necessary prior to signature to reflect the last series of agreements in the Scenarios and Assumptions document. The City redrafted the document and sent it out for review. There now seemed to be some question about the urgency in signing off on the document, and a meeting initiated by the City had been scheduled for October 3 to ensure signing of the document. The meeting was to involve people higher up the line than those involved to date. TRPA would be represented.

Mr. Morgan explained that the latest misunderstanding with the AG related to the fact that the AG did not understand there was to be a meeting or any expectation that a decision be made by the 3rd of October. The latest development to date was that the Attorney General was awaiting one more letter from TRPA in response
to approximately 12 issues raised and discussed at the September 21 meeting. One of the two remaining issues related to whether or not the TRPA Board itself should ratify the approval of the Scenarios and Assumptions. To save time, the staff had recommended and the Board had previously approved, authorizing the chairman to sign the document. Mr. Ken Williams, of the AG's office, was still of the opinion that full Board approval should be given. Staff looked back through the record and believed that, because the work program itself was never reviewed and approved by the Board, there was no particular need for the Board to review and approve actions or steps that were taken pursuant to that work program. Such action was appropriately delegated to the Executive Director. It was inconsistent to have the Board take up each of the 20 steps taken during the course of the work program. Staff would be sending a letter to Mr. Williams advising that the Agency had taken note of his request.

Mr. Cefalu questioned Mr. Williams' thinking on having Board authorization. All it accomplished was further delay. Mr. Morgan explained that Mr. Williams felt that if a process or the final product down the line were attacked there should be no question about the authorities under which the Agency Executive Director was acting during the development of the plan. By having Board action, there could be no question. Board action at this point might facilitate getting the AG's signature on the Scenarios and Assumptions but, if this were a procedure to be followed from here on, it would not facilitate completion of the plan.

Mr. Woods spoke against further delays and explained the seriousness of the airport situation from the City's standpoint. On the master plan alone, the costs involved had reached over $500,000. If everything went smoothly to the end of the process, another $250,000 would likely be spent. There needed to be a conclusion on this. The October 3 meeting would proceed and it was hoped that in the meantime the Scenarios and Assumptions would be signed.

Mr. Morgan explained that Mr. Williams had thought the October 3 meeting was cancelled. There was some talk on September 21 that the meeting would perhaps not be needed. It was always his impression that unless notified otherwise the meeting would proceed. Mr. Woods explained that the City Council directed the meeting to be held if the Scenarios and Assumptions document was not signed off prior to October 3.

Mr. Morgan asked if the Board wished to respond to Mr. Williams' request that the full Board review and approve the Scenarios and Assumptions. While Mr. Williams would presumably not make that a condition of his signature, Mr. Williams did want Board ratification after the fact if Chester Gibbs signed the document. Did the Board wish to engage in that ratification process?

Using a flip chart for display purposes, Mr. Morgan presented a brief history and summary of airport issues, the significance of the Scenarios and Assumptions, and of the various steps needed to get to the airport master plan goal. In view of the number of steps involved, Mr. Cefalu questioned getting resolution on issues along the way. Mr. Morgan concurred that he was no longer optimistic, but he was committed to try. Mr. Westergard suggested that the Board not get involved in the Scenarios and Assumptions. TRPA should advise those involved to come up with a recommended preferred alternative for submittal to the Board. The Board could get involved at that time.
Mr. Morgan explained that the advantage in giving authority to the Executive Director or Chairman was that action could be taken rapidly and without delay. The disadvantage was that the Board could disagree later on with what the Executive Director or Chairman had done. Mr. Cronk asked if it would be satisfactory to have the Board ratify what had already been agreed to. Mr. Morgan suggested it would likely resolve the immediate problem without suggesting it would be the means by which the Board would work out future agreements. Mr. Cronk suggested this might be a good compromise and would not establish a precedent.

With respect to Board ratification, Mr. Morgan explained that the City Council had scheduled ratification on October 4. If the City was agreeable to it, there was no particular harm in the Board agreeing to do the same, provided it was not precedent setting. On the subject of the October 3 meeting to discuss process, he felt the meeting was important to have whether the document was signed or not.

Mr. Morgan explained that one option for dealing with any future obstacles was to keep working up the line until a level of authority was found in the various organizations where discussions could continue effectively. Should that not work, legal remedies would have to be explored. Ms. Scholley explained that, in the stipulation for entry of judgment of the preliminary injunction (Regional Plan case), when the parties felt they were heading for a violation or a threatened violation, a provision required parties to call a formal meet and confer session. This was a formal notice that the parties were heading for a show down. At that point, all parties would have to try one last time to work out their differences. Perhaps in the context of that litigation, this matter, if necessary, could be addressed. There were agreements relative to the airport master plan embodied in the stipulation for entry of judgment in the Regional Plan case.

Mr. Morgan suggested that if the Board were willing he would tell Mr. Williams that the package would be presented to the full Board at a subsequent meeting for ratification. Chairman Gibbs would, under the authority granted last month, sign it.

Mr. Woods suggested that one of the biggest mistakes was not setting time limits for achieving goals. These delays could not continue to go on year after year. The Board should make some determinations and set some time frames.

Mr. Houghteling suggested that, because Attorney General John Van De Kamp had delegated signature authority to Ken Williams, he should have no problem with the TRPA Board doing the same for its Chairman. He agreed the airport problems had been going on for too long.

Mr. Westergard suggested a time limit should be set for submission to the TRPA Board of a preferred alternative to be developed through the consensus process. There should be a firm edict that if that time was not met TRPA would take one of the options outlined by staff.

MOTION by Mr. Westergard to reaffirm the previous action to delegate authority to the chairman and that the Board establish a date specific for submission of a preferred alternative. In the absence of meeting that time frame, the Board would consider the other legal avenues to be pursued.
Mr. Morgan explained that the date for the preferred alternative was really in the hands of the consultant. He did not know if any of the four parties could assure the performance of the consultant in making this determination. This would have to be discussed with the consultant after several weeks of analysis and consultation with the airport consensus group. He would like to come back to the Board with a reasonable estimate of how long it would take to get to that next step. Mr. Cefalu asked if it was reasonable to come back in October to give the calendar of dates. Mr. Morgan concurred.

The motion carried unanimously.

Mr. Morgan advised he would send a letter to Mr. Williams on the Board's views of ratification. The revised Scenarios and Assumptions would be given to Mr. Gibbs for signature. Chairman Gibbs advised he would attend the October 3 meeting; staff was to let him know the time and location.

Mr. Woods thanked Board members and staff for their work on resolving airport issues.

D. Status Report on Completion of Final 208 Plan Amendments and Final EIS

Referencing the September 19 packet memo, Mr. Dave Ziegler, Chief of Long Range Planning, explained that staff had hoped to have the 208 Plan before the Board for action at this meeting. It was decided, however, to continue the matter to the October meeting to give more time to respond to comments received and to work with and respond to extensive comments submitted by the California State Water Resources Control Board. The State Board had wanted to resolve its concerns prior to TRPA Board action. At the August meeting, the staff had worked at some length with the Board on the ten different issues that had been raised on the amendments. Since that time, there had been meetings with the AG, the League, the Preservation Council and others to work on remaining issues. On September 6, there was a meeting in Sacramento with the Director of the State Water Resources Board, the Executive Officer of the Lahontan Board, and staff members. Additional staff analysis was to be conducted as a result of that meeting. On September 23 and 27, there was again a meeting of the consensus group (AG, the League, the Preservation Council and others), and the entire list of issues was discussed. So far as staff knew, there were no remaining issues from that group on the 208 Plan. Staff was busy drafting final clarifications and further agreements, with the intent of distributing final documents on October 12, the date of the Advisory Planning Commission (APC) meeting. The APC had scheduled a special meeting on October 19, if necessary, to act on the 208 Plan. Board action to certify the EIS and adopt the 208 Plan amendments had been scheduled for the regular October meeting.

Mr. Houghteling asked again about the reference in the EIS to a 20-year assumption and the buildout of 6,000 homes. He was still having difficulty with these assumptions and where they came from. Because the Board had agreed on 2,000 homes by the end of 1991, he did not feel the EIS was correct with the 6,000 assumption. Mr. Ziegler explained this was addressed in the responsiveness summary, and there had been subsequent discussions of this with the consensus group. The group's understanding would be laid out in the next draft of the responsiveness summary. The 6,000 assumption went back to late 1986 and early 1987 in the Plan Area Statement/Code of Ordinances EIS. It was a joint decision of the staff and was particularly important in transportation
and air quality modeling. The Board did certify the EIS that contained those assumptions. Mr. Houghteling responded that these figures were not specifically pointed out.

Mr. Morgan explained that the staff had previously made a presentation on achievement of thresholds and had explained there was a number of factors not being regulated. Staff developed the idea of "head space," and there was information presented at that time through bar charts with regard to assumptions on recreation, commercial and residential development. It was found that there was a certain amount of space left which was identified as head space. This was what was relied on for the factors that were not being regulated. The assumptions relied on to develop the bar charts used the 6,000 figure. Mr. Houghteling asked for the previous meeting dates so he could review the minutes.

Mr. Dan Siegel, representing the California Attorney General's office, explained he pretty much concurred with what staff had presented. A lot of hard work had been done on 208, and agreement by all consensus parties had been reached on the difficult areas - in concept. What remained to be done was the specifics as to how the concepts would be worked out. He felt there was agreement on the 6,000 single family homes issue. He understood the group felt that this would be dealt with through an explicit statement that the 6,000 home figure was a maximum figure and that, in fact, all that had been approved by the Board was a 2,000 figure through 1991. Any additional increases would require that water quality and other standards be on track; interim targets were to be met. If not on track, the 6,000 assumption went out the window. Should all targets be met and things be going better than anticipated, the number could also go the other way. He did not, however, believe that the plan conceived of that as a possibility. But if it went that way, that would certainly be appropriate. The 2,000 figure was not being negotiated. There was no attempt by his office to in any way modify previous agreements.

Mr. Morgan explained that the Agency had decided to tackle the issue of single family dwellings in five-year increments. No commitments were given beyond that short-term commitment made at the initial stage of the Regional Plan. At the next checkpoint, 1991, the Board would decide what to do for the next five years. Those decisions were reserved to be made by the Board. The 6,000 figure used in the Regional Plan EIS and the 208 Plan EIS did not suggest the Board had changed its mind. It merely described a situation for which the Agency had analyzed possible impacts. This meant at five-year intervals the Board checked to see where everything stood. If everything was on schedule, at least there was some assurance that the Agency was not going out into unanalyzed territory. There was some idea of what the future looked like. All evaluations had to be updated every five years. To decide now what would be done at those five-year intervals was premature.

(Ms. Del Papa left the meeting at 3:20 p.m. during staff's summary on the following item. Members present: Rody, Westergard, Deaner, Cefalu, Gibbs, Woods, Cronk, Brooks, Houghteling)

E. Adoption of Resolution Regarding Unmet Transit Needs in El Dorado County

Mr. Leif Anderson, TRPA Transportation Planner, explained the steps that needed to be taken prior to the spending of Transportation Development Act funds on
projects other than public transportation services, and presented the Board with copies of the minutes from the September 7 unmet needs hearing. The hearing panel recommended to the TRPA Board that a finding be made that there were unmet transit needs that were reasonable to meet. The panel made recommendations on purchase of two new wheelchair lift-equipped vans, on subsidizing expansion of the City's beach bus service to connect with Placer County's TART service at Meeks Bay, and on providing transit service to the Meyers and Pioneer Trail areas as set forth in the Regional Transportation Plan. Mr. Anderson described and explained the status of each of the unmet needs as outlined in the Regional Transportation Plan. The Board had to find that either there were no unmet transit needs, that there were no unmet transit needs reasonable to meet, or that there were unmet needs that were reasonable to meet.

Mr. Cefalu suggested that, because there was to be another unmet needs hearing in November, the matter be continued until that time. Past experience and figures showed that there had not been acceptance of the City's transit systems in place. He also questioned whether the recommended North-South link was reasonable and whether the recommended additional vans would be used.

Mr. Houghteling suggested that because the testimony showed there clearly were unmet needs the Board could act today. Mr. Cefalu responded that it had not been shown that those needs were reasonable to meet. The list of unmet transit needs changed; it was a moving target. He questioned how conclusions were drawn without substantiating evidence that the needs were reasonable to meet.

Mr. Woods, a member of the hearing panel, urged that the November hearing be held because of some still unresolved issues regarding the County's position. The additional two months would also provide information on whether the wheelchair lift-equipped van recently provided by the County in response to an earlier identified need was being used.

MOTION by Mr. Houghteling to adopt the resolution finding that there were unmet transit needs reasonable to meet and that a report be made to the Board in December.

Mr. Anderson explained that there were no requests on file from the County for unmet transit needs funds. Mr. Morgan explained no funding decisions had to be made between now and December; the unmet needs decision had to be made before the Agency could disburse funds — whether to unmet transit needs or for streets and roads. If there were no unmet needs, the County was free to request the money for streets and roads. No requests were before the Agency at this time, so the decision did not have to be made now.

Mr. Houghteling modified his motion to continue the unmet transit needs hearing item to no later than the December Board meeting. The motion carried unanimously.

Mr. Morgan explained that this matter would have to be resolved before the Agency could approve any requests for use of the funds.

X ADMINISTRATIVE MATTERS

A. Appointment of Nevada Lay Member to the APC - continued
B. Adoption of Resolution Waiving Filing Fees for Public Utility District and Special Improvement District Water Quality Improvement Projects

Mr. Morgan explained this resolution would extend the waiver of filing fees for water quality improvement projects to utility districts and special improvement districts. There were a number of these projects coming on line, especially in Nevada; and the Nevada people and the Soil Conservation Service had requested there be relief from payment of fees. This would not affect the Agency's budget.

MOTION by Mr. Westergard to approve Resolution No. 88-22 waiving filing fees as outlined. The motion carried unanimously.

C. Approval of Governing Board Meeting Dates for November and December

Mr. Morgan asked that the Board change the November meeting date from the 16th to the 30th to give enough time to prepare for and to present the City's redevelopment plan. If not deferred until the 30th, the plan could not be taken up until December. Sixty days were needed after adoption of Chapter 15 (Redevelopment) for it to become effective; the ordinance had to be in effect before the City could present its plan to the Board for action.

MOTION by Mr. Deaner to change the November meeting date from the 16th to the 30th. The motion carried unanimously.

Discussion followed on the December meeting date. It currently was scheduled for the 21st. The Board could change its meeting date one time a year and that had already been done. If the Board wished to change its December date, it could do so by calling a special meeting. The APC was scheduled to meet on the 14th.

Chairman Gibbs directed that a letter be sent to Board members polling them on the December meeting date.

XI REPORTS

A. Finance Committee Report and Board Action on Recommendations

2. Adoption of Resolution Approving Amendment of FY 1988-89 Caltrans/TRPA Overall Work Program

As outlined in the packet material, Mr. Anderson presented a summary of the proposed amendments to the overall work program. Page 230 of the packet material was to be amended to show November 1988 instead of October as the date for completion of the study and TRPA recommendation for disposition of the Route 50 right-of-way.

Mr. Woods objected to the wording of the "four-lane freeway from Meyers to Stateline" study alternative. This always prompted headlines. A four-lane freeway had not been discussed for the last 15 years in the South Shore area; it was an "expressway." This wording gave the wrong impression. Mr. Morgan explained that the right-of-way was purchased for a freeway, and TRPA had to refer to it that way in any decisions that resulted in its abandonment. Mr. Morgan pointed out that the amendments had been discussed and recommended for approval by the Finance Committee.
MOTION by Mr. Cefalu to adopt Resolution No. 88-23 amending the TRPA/Caltrans overall work program as outlined. The motion carried unanimously.

1. Receipt of the August Financial Statement

Mr. Morgan explained that the Finance Committee had reviewed the statement and had asked for corrections to be made in some of the totals prior to Board action. (An amended statement was distributed to Board members.)

MOTION by Mr. Houghteling to accept the corrected statement. The motion carried unanimously.

(Mr. Brooks left the meeting at 3:55 p.m. Members present: Cronk, Westergard, Houghteling, Deaner, Rody, Cefalu, Woods, Gibbs)

B. Retirement Committee Report and Board Action on Recommendations

Mr. Morgan advised that Board approval was not needed on the actions to be taken by the Retirement Committee. The Committee would meet briefly at the conclusion of the Board meeting.

C. Executive Director

1. Status Report on Projects Reviewed at Staff Level and on Emergency Permits Issued by Executive Director

Mr. Morgan explained that since preparation of the packet memo one emergency permit had been issued for the Sierra Boat Company to repair a failing bulkhead in its marina. The required followup application had been received.

Mr. Deaner complimented Bill Morgan and his staff for cutting the backlog of pending project applications down from the figure of 329 in April of 1988 to 75. He was to be congratulated.

Mr. Westergard asked that the staff provide the Board with a report on the number of applications processed and pursued under the single family foundation ordinance. Mr. Morgan agreed to provide this information.

2. Status Report on Code Interpretations Made by Executive Director (no Code interpretations were made within last 30 days)

3. Status Report on Tahoe Keys Transfer of Coverage Program

Mr. Morgan explained that, should an extension be granted to certain lots in the Tahoe Keys area for submittal of applications past the December 31, 1988 deadline, Board action was needed in October. December 31, 1988 was the deadline by which people holding 1988 allocations were required to submit applications to build new single family dwellings or to propose transfers.

Discussion followed on coverage problems in the Keys area and on the problems facing the 20 lot or allocation owners who would be affected by the amendments. Further discussion of the filing deadline for projects was also required.

The meeting adjourned at 4:34 p.m. 

Subcommittee on Ordinance Amendments

(Mr. Morgan presented a proposed Ordinance Amendment to the Board and the Subcommittee.)

Mr. Morgan presented a proposed Ordinance Amendment to the Board and to the Subcommittee.

The meeting adjourned at 4:34 p.m.
Ms. Liz Siebert, a Tahoe Keys lot owner with a permit transferred to her lot, explained she was in need of the additional coverage. She had worked with the previous coverage transfer program in the Keys. The 30% limitation had never been exceeded and she favored staff's recommendation.


Mr. Morgan explained that, after the Board's action last month not to approve the rotenone project, California Fish and Game and the Forest Service decided to proceed with the portion of the project outside of TRPA's jurisdiction in Alpine County. Monitoring showed no rotenone ending up outside the project area in TRPA's jurisdiction. Although the Forest Service had asked the Board to reconsider, he was not sure at this point what the intention was. It was anticipated that the Forest Service might wish to continue next year to carry out the project. It was not known whether they would wish to expand the project into the Basin.

Mr. John Hoefer, with the U.S. Forest Service, explained that the treated area was adequate to do the job that was intended at this time. The Forest Service had requested reconsideration so that the original area could be incorporated should it be determined necessary. So far those involved had not indicated this would be necessary.

Ms. Mary Lou Mosbacher, a Christmas Valley resident, explained that Lahontan had originally recommended denial of the project. At a later meeting, Lahontan gave permission for the project to proceed, so long as waste discharge requirements were approved and followed. Fish and Game did not wait for the setting of discharge requirements. At its September 8 meeting, Lahontan decided to adopt waste discharge requirements through 1988, instead of the 1990 date requested by Fish and Game. Lahontan was very concerned that the project proceeded before waste discharge requirements were set. An appeal was now going to the California State Water Resources Board on the recommendation by Lahontan that Fish and Game be cited.

5. Status Report on Action by the California State Lands Commission on Pier Construction

Mr. Morgan presented an update of the California State Lands Commission decision to retain its moratorium, in spite of TRPA's request to change its policies on new pier construction to be consistent with TRPA's. Although TRPA staff did attend the Commission meeting, it was not clear how long the moratorium would last and how complete the moratorium was. It could be construed to apply to all piers in the California portion of Lake Tahoe or it could apply only to piers and extensions in prime fish habitats. One of the reasons the moratorium was not lifted was because the Commission was persuaded that TRPA may have gone too far in interpreting its own ordinances and approving projects. This came from a disagreement that Mr. Rick Skinner, from the California AG's office, had with staff. Mr. Skinner had asked to address the Board on this at a later time and had written a letter to staff for consideration at the October meeting. At the October meeting the Board would have that letter plus staff's further response. In the meantime, staff would continue to follow the interpretation issued last March and would seek to get clarification of the action by State Lands.
Mr. Cefalu suggested it was a sign of bad faith for the California Attorney General to go behind the scenes without consulting TRPA staff to impose his opinion on the moratorium on the State Lands Commission.

Mr. Houghteling questioned whether the moratorium was legal action extending the life of a permit. Ms. Scholley responded that the fact property owners could not get another required permit would not stay the TRPA permit. Legal action as used in the Compact was an adversary judicial proceeding, not another agency's refusal or inability to issue another necessary permit.

Mr. Morgan explained the matter would be before the Board in October.

Mr. Houghteling asked if Mr. Skinner's letter could be sent prior to mailing of the packet. Mr. Morgan explained he wanted his response to accompany it. His letter would be sent as soon as he put together a response.

D.  Agency Counsel

Ms. Scholley announced that her secretary Margie McCauley would be leaving the Agency and moving back to the San Francisco Bay Area. She thanked Margie for all her help over the past three years.

Ms. Scholley advised that in the Lakeview v. TRPA case, which alleged a vested right to complete 28 townhouses on a parcel next to the Tahoe Seasons Resort, TRPA and the State of California filed motions for summary judgment. Oral argument was held on September 26, and Judge Ramirez ruling from the bench granted the State of California's and TRPA's motion for summary judgment and held that a building permit was still the California requirement for a vested right for completion of a structure. Since there were no building permits issued for the 28 townhouses, there were no vested rights to construct the buildings. A written decision was not yet available.

Mr. Cefalu questioned the basis for the suit filed by the Attorney General on the Placer County community center. Ms. Scholley explained there were eight claims for relief; the case stated essentially that the EIS was inadequate and that the project violated the thresholds and was improperly approved. The complaint had recently been served on Placer County and TRPA. She understood that Placer County and the AG's office had been discussing possible settlement.

E.  Governing Board Members

Mr. Cefalu questioned the recent determination by the Tahoe Conservancy to base its lot acquisitions on the Individual Parcel Evaluation System (IPES) lot ratings. Without amendment of the 208 Plan and the setting of the IPES line, he questioned the basis for the decision. Mr. Morgan responded that staff gave the Conservancy all the scores that were mailed out to property owners. The Conservancy made its own independent evaluation of the properties, and he was not certain on what basis the Conservancy determined which ones were likely candidates for acquisition. He assumed they were capturing the low end of the inventory. He did not know if the Conservancy would acquire properties that would be eligible to build.

Ms. Scholley explained that the Conservancy's enabling legislation was stated in broad terms and was aimed towards improving the environment through acquiring
environmentally sensitive lots. It was up to the Conservancy to determine the criteria for which lots were appropriate to acquire and what was environmentally sensitive. There were broad parameters for Conservancy action. It was a willing seller operation; those people who were selling had their IPES scores and knew that IPES had yet to be implemented.

Mr. Woods again expressed appreciation to the Board and staff members for the courtesies extended over the past 10 years. Mr. Gibbs thanked Norm for his involvement and participation over the years.

XII PUBLIC INTEREST

Ms. Mary Lou Mosbacher, on behalf of the residents who were concerned about the rotenone project, thanked the Board for its action last month not to approve the project.

XIII ADJOURNMENT - The meeting adjourned at 4:55 p.m.

Respectfully submitted,

Julie D. Frame
Administrative Assistant

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547.
Project Name: Burton W. Hancock, New Single Use Residential Pier

Application Type: Shorezone - New Pier

Applicant: Burton W. Hancock

Applicant Representative: Gregg L. Lien

Location: Paradise Flat Lane, Paradise Flat, El Dorado County

Assessor Parcel Number/Project Number: 17-021-18

Project Description: The applicant is proposing to construct a new single use residential pier with a low level boat lift. The subject parcel is located in the Paradise Flat area of El Dorado County, just south of Rubicon Point. The new pier is proposed at 150 feet in length (to the TRPA pierhead line), ten feet wide with a three foot by 45 foot catwalk. The deck elevation is proposed at 6,232 Lake Tahoe Datum.

Site Description: This section of the foreshore has a sandy lake bottom with widely scattered boulders and is relatively shallow to the TRPA pierhead line. One residence has previously been approved on the property including access to the beach. An existing nine foot high bluff above the beach presents a moderate erosion problem.

Code Review:

Chapter 4 - Project Review
Chapter 5 - Environmental Documentation
Chapter 6 - Findings
Chapter 13 - Plan Area Statements
Chapter 18 - Permissible Uses
Chapter 20 - Land Coverage
Chapter 25 - Best Management Practices
Chapter 38 - Tracking/Banking
Chapter 50 - Shorezone/Lakezone Review
Chapter 51 - Permissible Uses in the Shorezone and Lakezone Districts
Chapter 54 - Development Standards - Nearshore/Foreshore
Chapter 55 - Development Standards - Backshore
Chapter 56 - Mitigation Fees
Chapter 62 - Grading/Construction Schedules
Chapter 64 - Grading Standards
Chapter 65 - Vegetation Protection
Chapter 79 - Fish Resources
Chapter 81 - Water Quality Control
Chapter 82 - Water Quality Mitigation

CONSENT CALENDAR ITEM 2.
Burton W. Hancock, New Single Use Residential Pier
Page Two

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA. A sample IEC is attached to each Governing Board packet for reference.

B. Plan Area Statement: The project is located within Plan Area Statement 147, Paradise Flat. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area Statement and has identified the following items (underlined) as being applicable to the project. Following each item is a brief statement addressing consistency.

1. Planning Statement:

The area should remain residential, maintaining the existing character of the neighborhood.

This proposal does not change the residential character of the neighborhood.

2. Planning Considerations:

The roads in this area are unpaved and contribute to localized erosion problems.

The dirt access road will be gravelled, and the driveway on this property will be paved and proper drainage facilities installed as part of the March 29, 1986 approval for the construction of a single family residence on the property.

C. Land Coverage:

1. Land Capability Districts: The land capability of the project area is class 6 and backshore (LB). The total project area above high water is approximately 75,965 square feet in size.

2. Existing Coverage: (Approved but not constructed.)

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>3,961</td>
</tr>
<tr>
<td>Paving</td>
<td>3,191</td>
</tr>
<tr>
<td>Decks and Paths</td>
<td>2,125</td>
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<tr>
<td>Parking</td>
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<tr>
<td>Other</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11,774</strong></td>
</tr>
</tbody>
</table>

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CONSENT CALENDAR ITEM 2.
3. Proposed Coverage:

Ramp (to pier) 80 square feet

Total 11,854 square feet

4. Allowed Coverage: Estimated allowable coverage on the parcel is 22,118 square feet. Exact allowable coverage shall be determined upon submittal of the final site plan delineating the boundary of the backshore area.

The backshore on this property extends one and a half times the height of the bluff back from high water for a distance of 23 feet. Section 55.3 only allows a base land coverage of one percent within this backshore area. However, additional coverage may be allowed in this area for access to the pier provided the following standards are implemented (pursuant to Section 55.4.A):

(1) Application of BMPs.

(2) Restoration in accordance with Subsection 20.4.C of land in the backshore in the amount of 1.5 times the area of land in the backshore covered or disturbed for the project beyond that required in Section 55.3.

Stabilization of the bluff area (special condition number 2.i), and coverage restoration (special condition number 2.1) will satisfy these findings.

The applicant shall submit for review and approval a site plan with accurate land coverage calculations. This site plan shall address the land coverage allowed in the backshore area as well as the class 6 portion of the lot. Excess land coverage, if any, shall be mitigated pursuant to Section 20.5.A(3) of the TRPA Code (see special condition number 2.d).

D. Structure Height: Deck: 6,232 Lake Tahoe Datum, or 2.9 feet above high-water. This height is consistent with Section 54.4.B(2) of the TRPA Code.

E. Other Relevant Issues:

1. Fish Habitat: This property is located near the boundary of a "spawning habitat" area on TRPA's adopted Fish Habitat Map. However, TRPA's staff biologist has verified that this section of shorezone is not a prime fish habitat area (pursuant to Section 79.2 of the TRPA Code).
2. **Erosion Control/Slope Stabilization**: An existing nine foot high bluff behind the beach area on the property presents a moderate erosion hazard to Lake Tahoe. The applicant shall mechanically stabilize this slope as a condition of approval (see special condition 2.a(5)). Other standard infiltration facilities are required as necessary in the conditions of approval.

3. **Shorezone Tolerance District**: This property is located within Shorezone Tolerance District 7. The project, as conditioned complies with the Shorezone Tolerance District standards.

4. **Scenic**: The site is located within Scenic Shoreline Unit 8. This Scenic Shoreline Unit is rated 12, an attainment area. Staff has determined that the proposed pier, constructed with wood tone materials and designed to meet TRPA standards, will not decrease the overall rating of the scenic unit. The proposed structure has been designed to blend with existing manmade structures, i.e., piers and residences, within the viewshed.

**F. Required Findings**: The following is a list of the required findings as set forth in Chapters 6, 50, and 55 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs.
   a. **Land Use**: This project will not affect allowed land use on this site. Single use residential piers are allowed accessory structures in the Plan Area for this property.
   b. **Transportation**: This new pier will not adversely impact transportation in the Lake Tahoe Basin. Piers constructed within the limits of the TRPA approved pierhead line have been determined not to pose a threat to lake navigation.
   c. **Conservation**: Correction of the erosion problem associated with the bluff on the site is consistent with the Conservation Element of the Goals and Policies and with Chapter 25 (Best Management Practices) of the Code of Ordinances. The pier location, color and design will not degrade the shoreline scenic threshold.
d. **Recreation:** This project will not adversely impact public recreation on Lake Tahoe.

e. **Public Services and Facilities:** This project does not affect public services or facilities in the Lake Tahoe Basin.

f. **Implementation:** This project does not affect the Implementation Element of the Goals and Policies.

2. **The project will not cause the environmental threshold carrying capacities to be exceeded.**

The basis for which this finding can be made is provided on the checklist entitled "Checklist: Article V(g) Findings" in accordance with Chapter 6. Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA. A sample checklist is attached to each Governing Board packet for reference.

3. **Wherever Federal, State, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the TRPA Compact, the project meets or exceeds such standards.**

The basis for which this finding can be made is provided on the checklist entitled "Checklist: Article V(g) Findings" in accordance with Chapter 6. Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA. A sample checklist is attached to each Governing Board packet for reference.

4. **This project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.**

This pier will be more than 90 percent open to the water and will not impact littoral processes. This section of shoreline has not been identified as fish spawning or on-shore wildlife habitat as per the TRPA Fish Habitat Map and Special Species Map. Backshore stability will improve with the installation of the required BMPs.

5. **There are sufficient accessory facilities to accommodate the project.**

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The project is an accessory structure to an allowed use and the primary use facilities are capable of accommodating the use from the project.

6. The project is compatible with existing shorezone and lakezone uses or structure on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

This project is a compatible accessory use to an allowed use and is compatible with other accessory uses (piers) in the vicinity.

7. The use proposed in the foreshore or nearshore is water-dependent.

This pier is located in the foreshore of Lake Tahoe and is water-dependent.

8. Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of wood preservatives on wood in contact with the water. Storage of hazardous materials will not be allowed on the pier. Spray painting and the use of tributyltin (TBT) will be prohibited.

9. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall not be permitted to store construction materials on the beach. Construction access will be by barge from Lake Tahoe. No disturbance to ground or vegetation will be necessary.

10. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake’s navigable waters.

The pier will not extend beyond TRPA's pierhead line and will not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by El Dorado County, the California State Lands Commission, the Lahontan Regional Water Quality Control Board, and the U.S. Army Corps of Engineers. These agencies typically make their own public safety findings in addition to TRPA's.

11. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.
Staff has incorporated several water quality conditions recommended by the Lahontan Regional Water Quality Control Board into the TRPA permit. This project must receive approval from the California State Lands Commission, and the U.S. Army Corps of Engineers, prior to TRPA acknowledgement of the permit. Comments from the above agencies were solicited as part of the review of this project.

12. The amount of land coverage proposed in the backshore is the minimum necessary to provide access to the pier.

The project as designed proposes the minimum amount of coverage necessary to provide access to the pier. The coverage created will be mitigated in accordance with Subsections 55.4.A(5) and 55.4.D of the Code.

Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings:

I. A motion, based upon the staff summary, for a finding of no significant environmental effect with direction to staff to prepare the necessary certification documents to be included with the permit and for the findings contained in Section F, above, of this staff summary.

II. A motion to approve the project, based upon the staff summary, subject to the following conditions:

1. The Standard Conditions of Approval listed in Attachment S.

2. Prior to commencement of construction the following special conditions of approval must be satisfied.

   a. A site plan shall be provided which includes:

      (1) The following land coverage calculations:

         (i) Lot area above highwater line.

         (ii) Allowable land coverage for each land capability district including backshore area.

         (iii) Existing land coverage for each land capability district including backshore area.

         (iv) Previously mitigated land coverage for each land capability district including backshore area.

         (v) Proposed land coverage for each land capability district including backshore area.
Burton W. Hancock, New Single Use Residential Pier
Page Eight

(2) All property lines.

(3) Site plan scale and north arrow.

(4) Land capability district and backshore boundaries.

(5) Mechanical stabilization of the backshore bluff area in accordance with the TRPA Handbook of Best Management Practices (BMPs).

(6) A note indicating that all existing disturbed areas and areas disturbed by construction activity, shall be revegetated with vegetation species in accordance with Standard Condition A.1.b of Attachment S.

(7) Temporary erosion control structures located downslope of the proposed construction area (backshore area).

(8) Vegetation protective fencing around the entire construction site (backshore area).

b. A water quality mitigation fee of $23 shall be paid to TRPA. This fee is based on the creation of 80 square feet of land coverage.

c. The security required under Standard Condition A.3 of Attachment S shall be determined upon the applicant's submittal of the required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.

d. The applicant shall mitigate excess land coverage, if any, on this property in a manner consistent with Chapter 20 of the TRPA Code. This condition may be satisfied by the submittal of an excess coverage mitigation fee calculated in the following manner:

(1) Determine the percentage of total lot area in each land capability district;

(2) For each land capability district determine an excess coverage mitigation fee in the following manner:

Cost of project * 0.05 (TRPA Reduction Factor) * Excess Coverage Percentage.

The excess coverage percentage equals the existing land coverage percentage (_______%) minus the allowable coverage percentage (_______%). The project cost estimate shall be the same for each land capability district; and

CONSENT CALENDAR ITEM 2.

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(3) Multiply the area percentages in 1. above by the corresponding excess coverage mitigation fees determined in 2. and add the results to determine the total excess coverage mitigation fee.

Please provide a written cost estimate by your contractor, architect or engineer. In no case shall the mitigation fee be less than $100. Also, if you choose, existing land coverage may be removed in lieu of payment of an excess land coverage mitigation fee. To calculate this land coverage reduction amount, divide the amount of the mitigation fee by $5 per square foot. If you choose this option it will be necessary for you to revise your site plan and land coverage calculations to account for the coverage removal.

e. The final construction drawings shall have notes indicating conformance to the following design standards for color:

(1) **Color:** The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.

f. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B. TRPA Code of Ordinances, and all other applicable TRPA design standards.

g. The applicant shall submit a pier mitigation fee of $5,000 for the construction of 150 feet of new pier, and a low level boat lift.

h. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and, when construction will be completed. Construction shall be completed within two years from commencement of construction.
i. The applicant shall obtain all required approvals from the U. S. Army Corps of Engineers, Lahontan Regional Water Quality Review Board, California Department of Fish and Game, and the California State Lands Commission for this project.

j. The applicant shall submit three sets of final construction drawings and site plans to TRPA.

k. The applicant shall either restore or make arrangements to restore land in the backshore in the amount of 1.5 times the area of land in the backshore covered or disturbed for the project beyond that required in Section 55.3. The method of restoration shall be in accordance with Subsection 20.4.C of the TRPA Code of Ordinances.

3. Fertilizer use on this property shall be consistent with the recommendations of the TRPA fertilizer use handbook. The use of fast release fertilizers and ammonium nitrate is prohibited.

4. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.

5. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

6. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.

7. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.

8. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.
9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project site and deposited only at approved points of disposal.

10. This structure shall not extend beyond the pierhead line as indicated on official TRPA maps (150 feet lakeward of the highwater line for this property), or beyond lake bottom elevation 6219.0 feet, Lake Tahoe Datum, whichever is more limiting.

11. The width of the pier shall not be greater than ten feet, except that portion of the pier with a catwalk. The catwalk shall not exceed three feet in width. The pier shall be placed only within an area that is enclosed by lines that are parallel to and a minimum of 20 feet inward of parcel lines when intended lakeward at right angles from the highwater line.

12. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

13. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the new pier.
SECTION NTS

10 7/8" STEEL PILING
4x6 FENDER
PILES @ 7.5"
O.C. ON CATWALK

2x8 CEDAR DECKING

4x10 STRINGERS @ 24" O.C.

6" N BEAM (CAP)

EXISTING CRUD, CONTOUR

PROFILE
HORIZ. & VERT
SCALE: 1" = 20'

PLAN
SCALE: 1" = 20'

ADJOINING PROPERTIES:
NORTH: 017-021-16
SOUTH: 017-021-19

SHOREZONE TOLERANCE DISTRICT: 7
T.R.P.A. LAND CAPABILITY DISTRICT: G

PIER EL. 6232'
CATWALK EL. 6224'

LOW-LEVEL BOAT LIFT

PROPOSED NEW PIER
PROPOSE: PRIVATE RECREATIONAL USE

OWNER: BURTON HANCOCK
1799 HAMILTON AVENUE
SAN JOSE, CA 95125

APN: 017-021-18
EL DORADO COUNTY

JOB NO. 82513
AUGUST, 1988
SHEET 1 OF 1

KBROSTER
ENGINEERING INC.
CHECKLIST:  
ARTICLE V(g) FINDINGS

Project Name: Hancock  
Project Type: New Pier  
APN: 17-024-1P

If the answer to question b. on any of the following questions is "no," explain on a separate sheet the justification for making the finding required in subsections 6.3.A.(2) and (3) of the Code. If the answer to question b. on any of the following questions is "yes," or if no answer is required, this checklist shall serve as the justification for making the findings required in subsections 6.3.A.(2) and (3) of the Code. Also, in the space below each category, note any positive impacts of the project on this threshold that haven't been accounted for in the questions.

Category: AIR QUALITY

Threshold: Carbon Monoxide (CO)  
Indicator: [CO], 8-hr avg., Stateline, CA station

1. a. Does the project generate new vehicle trips in the CO non-attainment area?  
   Y N  
b. If yes, is air quality mitigation included in accordance with Chapter 93?  
   Y N

2. a. Does the project create new points of vehicular ingress/egress on US 50 in the CO non-attainment area?  
   Y N  
b. If yes, does the project comply with the driveway provisions of Chapter 24?  
   Y N

3. a. Does the project include new combustion heaters in plan areas 070A, 080, 089A, 089B, 090, 091, or 092?  
   Y N  
b. If yes, does the project comply with the combustion heater provisions of Chapter 91?  
   Y N

4. a. Does the project involve a new stationary source of carbon monoxide?  
   Y N  
b. If yes, does the project comply with the stationary source provisions of Chapter 91?  
   Y N

Threshold: Ozone (O₃)  
Indicator: [O₃], 1-hr avg., Lk. Tahoe Blvd. Station

1. a. Does the project, without mitigation, increase regional VMT?  
   Y S  
b. If yes, is air quality mitigation included in accordance with the provisions of Chapter 93?  
   Y N

SUMRY: checklist  
3/24/88  

14
Threshold: VMT

1. a. Does the project generate new vehicle trips? Y N
   b. If yes, is air quality mitigation included in accordance with Chapter 93? Y N

2. a. Does the project increase the average trip length in the Tahoe Region? Y N
   b. If yes, is air quality mitigation included in accordance with Chapter 93? Y N

Category: WATER QUALITY

Threshold: turbidity (shallow areas of Lake Tahoe)

Indicator: turbidity measured at indicator stations

1. [Refer to question 1, ozone, above. In addition, answer the following questions.]

2. a. Does the project increase impervious coverage in the Tahoe Region? Y N
   b. If yes, is water quality mitigation included in accordance with Chapter 82? Y N

3. a. Does the project increase soil disturbance (other than temporary) in the Tahoe Region? Y N
   b. If yes, is water quality mitigation included in accordance with Chapter 82? Y N

4. a. Does the project include temporary soil or vegetation disturbance during construction? Y N
   b. If yes, are BMPs required in accordance with Chapter 25 and the BMP Handbook? Y N

5. a. Does the project include landscaping which may require the use of fertilizer for establishment or maintenance? Y N
   b. If yes, is a fertilizer management program included in accordance with Chapter 81? Y N

6. a. Does the project include a discharge of domestic wastewater to the surface or groundwaters of the Tahoe Region? Y N
   b. If yes, does the project comply with the prohibitions on discharge set forth in Chapter 81? Y N
2. a. Does the project include large areas of impervious coverage (e.g., parking lots) which may serve as a source of airborne pollutants, grease, or oil? Y N

b. If yes, does the project include housekeeping practices applicable to those areas of impervious coverage consistent with the Handbook of Best Management Practices? Y N

Threshold: total N, total P, total Fe, turbidity, grease/oil discharged to groundwater from runoff

[Refer to questions 1. 2, 3, 4 and 5, turbidity, and to question 2, DIN, above. In addition, answer the following questions.]

1. a. Does the project include devices which infiltrate runoff from impervious surfaces directly underground, by means of an infiltration trench, dry well, pond, or similar device? Y N

b. If yes, is the design of the infiltration structure consistent with the Handbook of Best Management Practices? Y N

Category: SOIL CONSERVATION

Threshold: Impervious Coverage

Indicator: area of impervious coverage

1. a. Does the project include new or relocated impervious coverage? Y N

b. If yes, does the impervious coverage comply with all relevant provisions of Chapter 20 of the Code? Y N

Threshold: Naturally-functioning SEZ

Indicator: area of naturally-functioning SEZ

1. a. Does the project include any disturbance of, or encroachment on, a naturally-functioning SEZ? Y N

b. If yes, does the project include offsets, and otherwise comply with the provisions of Chapter 20? Y N
Threshold: red fir assn.,
not mature

1. a. Does the project include vegetation management or harvesting practices that could lead to a change in the areal extent of the immature red fir association? Y N

b. If yes, has the additional area of that association that will be generated been calculated, and a determination made that the total area of that association in the Region is between 15 and 25%? Y N

Threshold: forest openings

1. a. Does the project include vegetation management or harvesting practices that will create new forest openings? Y N

b. If yes, is the new opening less than 8 acres? Y N

2. a. Does the project include vegetation management or harvesting practices that will create new forest openings adjacent to other openings? Y N

b. If yes, are the resultant adjacent openings not of the same relative age class or successional stage? Y N

Threshold: uncommon plant communities

1. a. Will the project impact, directly or indirectly, the habitats of the deepwater plants of Lake Tahoe, the Grass Lake sphagnum bog, Osgood Swamp, or the Freeland Peak Cushing Plant community? Y N

b. If yes, have modifications been included in the project to protect these uncommon plant communities? Y N

Threshold: sensitive vegetation

1. a. Will the project impact, directly or indirectly, the habitats of the Carex paucifluctus, the Lewisia pygmaea longipes, the Draba asterophora v. macrocarpa, the Draba asterophora v. asterophora, or the Rorippa subumbellata? Y N

b. If yes, have modifications been included in the project to protect the habitat sites of these sensitive plants? Y N
Threshold: marginal stream habitat  
Indicator: miles of marginal stream habitat

[Refer to questions 1 and 2, above.]

Threshold: instream flows  
Indicator: instream flows

1. a. Does the project include new water diversions for domestic use, irrigation, snow making, or any other purpose? Y N
   b. If yes, is there evidence on the record to indicate that flows will remain within adopted TRPA standards or, in the absence of adopted standards, that flows will not be diminished? Y N

2. a. Does the project include new coverage or disturbance that could contribute to uncontrolled runoff reaching a stream designated as fish habitat on TRPA maps? Y N
   b. If yes, does the project include BMPs to control the runoff in accordance with Chapter 25 and the Handbook of Best Management Practices? Y N

3. a. Does the project include disturbance of riparian vegetation or displacement of vegetation which would affect a stream designated as fish habitat on TRPA maps? Y N
   b. If yes, does the project comply with the provisions of Chapter 20 regarding disturbance in SEZs? Y N

Threshold: lake habitat  
Indicator: area of excellent habitat

1. a. Does the project include development in the shorezone, dredging in the lake, removal of rock or gravel from the lake, or removal of vegetation in the shorezone? Y N
   b. If yes, does the project comply with all relevant provisions of Chapters 50-55 of the Code? Y N

2. a. Does the project increase the potential for siltation, runoff, or erosion entering the lake? Y N
   b. If yes, does the project include BMPs consistent with Chapter 25 and the Handbook of Best Management Practices? Y N

Category: NOISE

Threshold: single event, aircraft, daytime  
Indicator: dBA, LMAX, TRPA ref. points, 8 am - 8 pm, single reading

1. a. Does the project involve the commercial or private operation of aircraft in the Tahoe Region during daytime hours? Y N
1. a. Does the project involve the offering of motorcycles for lease or rent in the Tahoe Region? Y N
   b. If yes, is there evidence in the record to indicate that the motorcycles offered for rent meet the single-event threshold? Y N

2. a. Does the project involve the operation of a motorcycle course in the Tahoe Region? Y N
   b. If yes, do conditions of approval require the operator of the motorcycle course to post the motorcycle noise standards and otherwise comply with the provisions of Chapter 23? Y N

Threshold: single-event, ORVs

1. a. Does the project involve the offering of ORVs for lease or rent in the Tahoe Region? Y N
   b. If yes, is there evidence in the record to indicate that the ORVs offered for rent meet the single-event threshold? Y N

2. a. Does the project involve the operation of a ORV course in the Tahoe Region? Y N
   b. If yes, do conditions of approval require the operator of the ORV course to post the ORV noise standards and otherwise comply with the provisions of Chapter 23? Y N

Threshold: single-event, snowmobiles

1. a. Does the project involve the offering of snowmobiles for lease or rent in the Tahoe Region? Y N
   b. If yes, is there evidence in the record to indicate that the snowmobiles offered for rent meet the single-event threshold? Y N

2. a. Does the project involve the operation of a snowmobile course or commercial snowmobile operation in the Tahoe Region? Y N
   b. If yes, do conditions of approval require the operator to post the snowmobile noise standards and otherwise comply with the provisions of Chapter 23? Y N

Threshold: community noise equivalent level (CNEL)

1. a. Does the project involve the creation of a new or relocated land use in the Tahoe Region? Y N
Category: RECREATION

Threshold: preserve and enhance the high quality recreation experience

Indicator: capacity for dispersed recreation

1. a. Is the project located in a plan area designated as a recreation or conservation area? ☐ Y ☐ N
   b. If yes, is the project consistent with the table of permissible uses (including necessary special use findings) for the applicable plan area? ☐ Y ☐ N

Threshold: establish a fair share of capacity for outdoor recreation available to the general public

Indicator: PAOTs

1. a. Does the project require an allocation of PAOTs pursuant to Chapters 13 and 33? ☐ Y ☐ N
   b. If yes, is the recreational opportunity involved available to the general public? ☐ Y ☐ N
MEMORANDUM

October 17, 1988

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of Air Quality Mitigation Funds ($2,000) to the City of South Lake Tahoe for Study of Coordinated Shuttle Service

The City of South Lake Tahoe has requested that Air Quality Mitigation Funds in the amount of $2,000 be released to them to be used to fund a portion of the South Shore Coordinated Shuttle Service Study. The cost of the preparation of this study is estimated at $11,715. The balance of the funding for this project will be from private interests represented by the South Tahoe Gaming Alliance.

Section 93.5 of the TRPA Code of Ordinances specifies the manner in which air quality mitigation funds are to be used and distributed. The mitigation account is held in trust by TRPA for disbursement to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin. Distribution of these funds to the local jurisdiction is made, provided that TRPA finds that the expenditure of these funds is consistent with TRPA’s Regional Transportation Plan or the 1982 Air Quality Plan.

Staff Recommendation

Staff has reviewed the request for disbursement of Air Quality Mitigation funds ($2,000) to the City of South Lake Tahoe and finds that the proposed use for these funds is consistent with TRPA’s Regional Transportation Plan and the 1982 Air Quality Plan.

In accordance with the provisions of Chapter 93, Section 93.5 of the TRPA Code of Ordinances, staff recommends approval of the disbursement of Air Quality Mitigation funds in the amount of $2,000 to the City of South Lake Tahoe to fund a portion of the South Shore Coordinated Shuttle Service Study.

If you have questions or comments concerning this agenda item, please contact Leif Anderson at (702) 588-4547.

1a
10/17/88

Consent Calendar Item 3.
MEMORANDUM

October 13, 1988

To: TRPA Governing Board

From: Environmental Compliance Division

Subject: Settlement of Enforcement Action,
Ken Lane, APN 85-343-04, Placer County

Based upon the following summary and attached report, staff recommends that the Governing Board accept a negotiated settlement between Ken Lane and TRPA.

The violation consists of the cutting of five trees greater than six inches diameter breast height (dbh) without a TRPA or California Department of Forestry (CDF) permit. The violation took place at 4515 Lucerne Road, Placer County, California (APN 95-343-04). The TRPA Code of Ordinances, Subsections 4.10, 4.3.A.7, and 71.2 were violated by this activity.

Diameter at stump for all five trees greater than 6" dbh, ranged from 9" to 19.5." The size of the trees and the TRPA "Guide for Fines" was taken into consideration when determining total fine amount. Since CDF could have issued a permit for one of the five trees, the penalty was assessed at $250 per tree, times four trees, equaling a total penalty of $1,000.

Ken Lane has agreed to and paid the $1,000 penalty.

By approving the settlement agreement, the Governing Board will also be cancelling the tentatively scheduled Show Cause Hearing.
September 14, 1988

Ken Lane
P. O. Box 136
Homewood, CA 95718

Subject: Notice of Violation and Violation Report, APN 85-343-04
Placer County

Dear Mr. Lane:

As we discussed over the telephone in early July 1988, Chapter IX of the Tahoe Regional Planning Agency (TRPA) Rules of Procedure outlines a procedure for resolving violations of the Tahoe Regional Planning Compact, Regional Plan Package, or TRPA permits. This involves notices of violation and violation reports. The content of these items is specified in the Rules and is explained below for your reference.

Section 9.6 Notice of Violation

Nature of Violation:

Cutting of trees greater than six inches diameter breast height (dbh) without a TRPA or California Department of Forestry (CDF) permit. The TRPA Code of Ordinances, Subsections 4.10, 4.3.4.A.7, and 71.2 were violated by this activity.

Correction of Violation:

Discussions between you and TRPA staff have centered around resolving this matter through a settlement negotiated between the parties. The intent of the Rules of Procedure, Article IX, is to promote resolution of violations at the administrative level. In keeping with that intent, the resolution section of this letter spells out a proposed settlement.

CEASE AND DESIST ORDER:

A CEASE AND DESIST ORDER was verbally delivered on June 23, 1988.

Show Cause Hearing:

A Show Cause Hearing before the TRPA Governing Board has been tentatively scheduled for the October Governing Board meeting.

CONSENT CALENDAR ITEM 4.
Violation Report:

(a) Noticed Parties:

Ken Lane  
P. O. Box 136  
Homewood, CA 95718

(b) Provisions of the Tahoe Regional Planning Compact and the Regional Plan Package violated:

Code of Ordinances Subsection 4.10, 4.2.A.7, and 71.2 (copy enclosed).

(c) Statement of Facts:

Five trees over six inches dbh were cut on APN 85-343-04. Permits were not obtained from CDF or TRPA.

This property consists of several large old growth cedars approaching 200 feet in height. There were approximately 21 trees that were cut (Jeffrey Pine and White Fir) ranging to 65 feet in height, five of which were greater than six inches dbh. Upon inspection of the site, after the cutting incident, a certified professional forester from the CDF stated that he could have only issued a permit for one of the five trees over six inches dbh. This one tree was situated in close proximity and under the canopy of a large cedar and cutting this tree could have been justified as thinning practice.

Remaining on the site are the large cedars and numerous small cedars, pines, and firs, all less than five feet in height. Replanting smaller trees, in this case, would not justify thinning all of the intermediate height trees.

(d) Documentary Evidence:

Documentary evidence (photographs) are retained by TRPA.

(e) Proposed Resolution of the enforcement action:

The property owner shall:

1. Remit to TRPA a sum of $1,000 as a penalty in lieu of civil litigation.

Acceptance by the property owner of this resolution signified by the owner's signature on a settlement document, shall cause the enforcement action to be stayed, pending completion of the above items.
(f) Governing Board Show Cause Hearing:

A Show Cause Hearing before the TRPA Governing Board is tentatively scheduled for October 26 and 27, 1988. The meeting commences at 9:30 and your hearing is not time-certain. A resolution to this matter prior to that date or a waiver as outlined below will be cause to continue or stay the hearing.

(g) Response date:

A response to this notice must reach this office by October 5, 1988.

Section 9.10

ELECTION TO PURSUE SETTLEMENT: If the responding party wishes to pursue settlement of the enforcement action, the response to the notice of violation shall contain an express waiver of the statute of limitations in Article VI(j) (4) of the Compact, an acknowledgement that the Show Cause Hearing procedure will be stayed pending the outcome of settlement efforts, and an agreement to comply with the terms of any pending CEASE AND DESIST ORDER. Waiver of the statute of limitations shall be for a definite period of time, but not less than an additional sixty (60) calendar days. An election to pursue settlement shall not relieve the responding party of the requirement to comply with Subsection 9.9 of these Rules in the event settlement is discontinued.

Because at this time both parties are pursuing a settlement of this matter, I trust that the above information has not confused the situation. Pursuant to the newly adopted Rules of Procedure, Article IX, Subsection 9.10, a waiver of the 65 day statute of limitations in Article VI(j) (4) of the Tahoe Regional Planning Compact is required.

Please contact me if you have any questions on this matter.

Sincerely,

[Signature]

Rick Miller
Environmental Specialist II

RM:sd

Enclosure

cc: Lahontan Regional Water Quality Control Board
This agreement is made by and between Ken Lane (hereinafter Lane), as the owner of APN 85-343-04, Placer County, California, and the Tahoe Regional Planning Agency (hereinafter TRPA). This agreement represents a negotiated resolution to the violation of cutting trees greater than six inches diameter breast height (dbh) without a TRPA or California Department of Forestry (CDF) Permit.

Diameter at stump for all five trees greater than 6" dbh, ranges from 9" to 19.5". The size of these trees was taken into consideration when determining total fine amount. Since CDF could have issued a permit for one of the five trees, the fine was assessed at $250 per tree, times four trees, equaling a total fine of $1,000.

Lane shall pay a penalty of one thousand dollars ($1,000) to the TRPA no later than October 5, 1988.

As the owner of APN 85-343-04, Ken Lane acknowledges that he has read and understands this agreement.

Ken Lane

[Signature]

William A. Morgan
Executive Director
Tahoe Regional Planning Agency

SUBSCRIBED and SWORN to before me, a Notary Public in and for said County and State this 19th day of September, 1988.

Notary Public
THERESA A. BEEHAN

SUBSCRIBED and SWORN to before me, a Notary Public in and for said County and State this 27th day of Sept., 1988.

Notary Public
THERESA A. BEEHAN

RM: sd
9-14-88
MEMORANDUM

October 18, 1988

To: The TRPA Governing Board

From: The Staff

Subject: Sole Source Determination for Lake Tahoe Airport,
Jimsair General Aviation Terminal EIS Preparation

As previously reported, we have agreed to the preparation of an EIS with the City of South Lake Tahoe on the new General Aviation Terminal for the South Lake Tahoe Airport. The applicant as a result of the previous work done by Quad Consultants has requested that Quad be selected as the consultant for the project. Agency staff concurs with that request and recommends that the Governing Board make a determination that Quad Consultants, Inc., having prepared the previous draft of the South Lake Tahoe Airport Master Plan and environmental impact documentation, is the most qualified to prepare the above-described studies.

If you have any questions regarding Quad's qualifications or the proposed process, please contact Gary Midkiff or Leif Anderson.
MEMORANDUM

Date: October 17, 1988

To: TRPA Governing Board

From: Agency Staff

Subject: Consent Calendar, Approval of Land Capability Challenges

Chapter 20, Section 20.2.D of the TRPA Code of Ordinances sets forth policies for processing land capability challenges. At this time, the staff recommends Board approval of the following land capability challenges:

Carrillo, APN 123-161-01, Crystal Bay, Washoe County

Perini, APN 001-222-02, Glenbrook Unit No. 3, Douglas County

The staff summaries and soil reports for the above challenges are attached.

If you have any questions or comments on this agenda item, please contact Jerry Budy at (702) 588-4547.

JB:rdh

CONSENT CALENDAR ITEMS 6 & 7
Land Capability Challenge
APN 123-161-01
Owner: Mr. and Mrs. Carrillo
Agent: Same
Lot 8, North Lake Subdivision, Crystal Bay,
Washoe County

Soils

The soil unit mapped for this parcel by the Tahoe Area Soil Survey (Rogers, 1974) is the Rock outcrop-Toem complex, found on 30 to 50 percent slopes (map symbol RtF). The RtF soil unit is assigned to land capability class 1A, allowing one percent coverage. A land capability challenge was initiated by the owner in order to clarify the capability for a case-by-case approval.

The soils on this parcel were inspected by Sid Davis, Certified Professional Soil Scientist No. 1031. He found the soils to be different than presently mapped. He concluded that the soils belong in the Jabu soil series, in the JaD soil unit (Jabu coarse sandy loam), land capability class 3, allowing 5 percent coverage.

Staff Recommendation

The TRPA staff has inspected this parcel and found it to be consistent with the above findings. The staff recommends approval of the land capability challenge.
Soil Investigation for
Lot 8 - North Lake Subdivision
Crystal Bay, Nevada
Washoe County, Nevada
A.P.N. 123-161-01

Introduction:

A soil investigation was made on Lot 8 North Lake Subdivision, Crystal Bay, Nevada. This lot is located adjacent to Highway 28 just east of the State Line. It is at the intersection of Highway 28 and Northlake Drive. This work was done at the request of the Tahoe Regional Planning Agency. The objective of this study was to examine the soils and other features of this lot and relate them to Land Capability and allowable land coverage as utilized in the Lake Tahoe Basin.

Environmental Setting:

Lot 8 is shown on TRPA soil map F-4 (Brockway) as being within a delineation of Rtf (Rock outcrop-Toem complex, 30 to 50 percent slopes). The geologic map for the north half of the Tahoe Basin (Mathews, 1968) shows this property to be in a delineation of Qlo (Older Lake Beds). The geomorphic analysis of the Lake Tahoe Basin by Bailey places this lot in the geomorphic unit C2 (Stream cut granitic mountain slopes - steep strongly dissected lands).

This lot occupies a 25 percent east facing slope. The vegetation consists of fir, Jeffrey pine, bitterbrush, manzanita and huckleberry oak. The soils have formed in deep deposits consisting of andesitic materials.
thinly deposited over lacustrine sediments. There are no stream environment zones associated with this parcel.

Procedures:

The soils were examined along adjacent road cuts and on the lot. The soil profile exposed by the road cut on North Lake Drive along the east property boundary is representative of the soils. A detailed description was taken of the soil at a point along this roadcut. A copy of this description is attached for reference.

The slope was measured with a hand level.

Findings:

The soils on Lot 8 can be characterized as having a brown to pale brown slightly acid gravelly sandy loam topsoil with a light gray, mottled, strongly acid gravelly clay loam subsoil abruptly overlying medium acid mottled lacustrine sediments of sandy clay loam texture at about a 3 foot depth. Coarse fragments of gravels and cobblestones occupy 25 to 35 percent of the soil volume in this upper 3 feet of the soil profile. Soil mottling below 25 inches is indicative of periods of seasonal saturation.

This soil would have a moderate relative erosion potential and a moderately high runoff potential.

Soils like those on Lot 8 have not been previously define in the Lake Tahoe Basin. They have hydrologic characteristics of some of the Jabu soil series as described in the Tahoe Basin and would be considered as being a variant of this soil series.

For purposes of Land Capability Classification the soils on Lot 8 could be considered as being within the soil unit JaD (Jabu coarse sandy loam, 9 to 20 percent slopes). It is recognized that the slopes on this lot slightly

BEUS Consulting Earth Scientists P.O. Box 724 Georgetown, CA 95634 (916) 333-1405
exceed the 20 percent limits of the JaD unit.

Conclusions:

The soils on Lot 8 North Lake Subdivision, Crystal Bay, Nevada are unlike the presently defined RtF soil unit. They are different than any soils presently defined in the Tahoe Basin but best fit the JaD soil unit for purposes of Capability classification.

The JaD soil unit has been assigned to Land Capability Class 3 and given an allowable 5 percent land coverage.

Respectfully Submitted

[Signature]

Sidney Davis
Certified Professional
Soil Scientist No. 1031
Representative Soil Profile:

**Soil Classification:** Fine-loamy, mixed frigid, Ultic Haploxeralf

**Soil series:** Jabu variant

0 2 to 0 inches, conifer needles and duff.

A1 0 to 7 inches, brown (10YR 5/3) gravelly sandy loam, very dark grayish brown (10YR 3/2) moist, moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine to medium roots; many very fine and fine interstitial pores; slightly acid; 15 percent gravels, 10 percent cobblestones; clear smooth boundary.

A12 7 to 13 inches, pale brown (10YR 6/3) gravelly sandy loam, dark brown (10YR 3/3) moist; weak fine granular structure; slightly hard, very friable, nonsticky and nonplastic; many very fine and fine, common medium and coarse roots; pores reaction and coarse fragments as above; clear smooth boundary.

B1 13 to 25 inches, very pale brown 10YR 7/3) cobbly sandy loam brown (10YR 4/3) moist; moderate medium subangular blocky structure; hard, friable, nonsticky and nonplastic; common very fine to coarse roots; common very fine and fine, few medium tubular pores; few thin clay film on ped faces and lining pores; medium acid; 15 percent gravels, 20 percent cobblestones; gradual wavy boundary.

B2t 25 to 37 inches, light gray (10YR 7/3) gravelly clay loam (near loam) with common medium prominent dark yellowish brown mottles, yellowish brown (10YR 5/4) with common medium prominent strong brown (7.5YR 4/6) mottles moist; moderate medium angular blocky structure; hard, firm, slightly sticky and plastic; common very fine and fine, few medium roots; common very fine and fine, few medium tubular pores; common moderately thick clay films on ped faces and lining pores; medium acid; 15 percent gravels, 20 percent cobblestones abrupt smooth boundary.

IIC 37 to 60 inches, pinkish gray (7.5YR 7/2) sandy clay loam with...
common medium prominent yellowish brown (10YR 5/6) mottles, strong brown (7.5YR 5/6) with common medium prominent brown (10YR 4/3) mottles moist; massive; hard, firm, slightly sticky and slightly plastic; few very fine tubular pores; many moderately thick clay films bridging sand grains; medium acid; 5 percent cobblestones
Land Capability Challenge  
APN 001-222-02  
Owner: Albert Perini  
Agent: Same  
Lot 71, Glenbrook Unit No 3B, Douglas County

Soils

The soil unit mapped for this parcel is the Cagwin-Rock outcrop complex found on 5 to 15 percent slopes and on 30 to 50 percent slopes (map symbols CaD and CaF). The CaD soil unit is assigned to land capability class 4, allowing 20 percent coverage, and the CaF soil unit is assigned to class 1A, allowing 1 percent coverage. The building envelope for this parcel is shown as entirely within the CaF soil unit. A land capability challenge was initiated by the owner to clarify the capability for the building envelope on this parcel.

The soils on this parcel were inspected by Sid Davis, Certified Professional Soil Scientist No. 1031. He found the soils to be different than presently mapped. He concluded that the soils would be considered as a variant of the Gefo soil series. The soils found on the building envelope are placed in the GeD soil unit (Gefo gravelly loamy coarse sand), land capability class 4, allowing 20 percent coverage.

Staff Recommendation

The TRPA staff has inspected this parcel and found it to be consistent with the above findings. The staff recommends approval of the land capability challenge.

JBr:rdh  
10/17/88
March 19, 1988

Soil Investigation
for
Lot No. 71
Glenbrook Unit No. 3 B
Douglas County, Nevada
(A.P.N. 001-222-02)

Introduction:

A soil investigation was made of Lot 71 Glenbrook Unit 3 B on March 3, 1988. This lot is on Slaughterhouse Creek Road near the intersection with Pray Meadow Road. This study was conducted on the front portion of the lot which is shown on the plat map as the "buildable" area within the dashed line boundary. The work was done for the Tahoe Regional Planning Agency upon the request of Mr. Albert Perini. The purpose of this study was to examine the soils and other features of this lot and relate them to Land Capability and allowable land coverage as utilized in the Lake Tahoe Basin.

Environmental Setting:

Lot 71 is shown on TRPA soil map sheet H10 as being in a delineation of GeC (Gefo loamy coarse sand 2 to 9 percent slopes). The geologic map for the north half of the Lake Tahoe Basin (Mathews) shows this lot as being in an area of granitic intrusive rock adjacent to a delineation of recent lake beds. The geomorphic analysis of the Lake Tahoe Basin by Bailey shows this property to be in a delineation of E-1 (Moraine land undifferentiated).
Lot 71 is situated as a 17 percent west facing slope of an alluvial fan. The vegetation consists of fir, Jeffrey pine, bitterbrush, manzanita, rabbitbrush, some cheat grass and perennial grasses.

The soils are dry and well drained and there are no stream environment zones influencing this lot. There has been some excavating on the parcel for a building foundation.

Procedures:

The soils were examined along the frontage road and within the front half of the lot. A representative site was selected adjacent to the foundation excavation and the soil profile was examined using a soil auger. This soil profile was described in some detail and a copy of this description is attached for reference.

The slope was measured with a hand level.

Findings:

The soils in the area of concern on Lot 71 are over 60 inches in depth. They have a dark grayish brown, slightly acid sandy loam (near loamy sand) topsoil over a friable light yellowish brown subsoil of similar texture and reaction as above.

These soils would have a low runoff potential and a moderate relative erosion hazard.

These soils are similar to the Gefo soils as described in the Tahoe Basin. They differ by being slightly finer in texture and would be considered as a variant of the Gefo soil series. For purposes of Land Capability designation they would be classified the same as the Gefo soils.
Conclusions:

The soils on the front half of Lot 71 Glenbrook Unit 3B should be classified as being within a delineation of the soil unit GeD (Gefo gravelly loamy coarse sand, 9 to 20 percent slopes).

This soil unit has been assigned Capability Class 4 and has a allowable 20 percent of impervious coverage.

Respectfully Submitted,

Sidney Davis

CPSS# 1031
Representative Soil Profile:

Soil Classification: Coarse loamy, mixed, frigid, Entic Xerumbrept
Soil Series: Gefe variant

A11 0 to 8 inches, dark grayish brown (10YR 4/2) sandy loam (near loamy sand, very dark grayish brown (10YR 3/2) moist; moderate medium granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; slightly acid; clear smooth boundary.

A12 8 to 18 inches, grayish brown (10YR 5/2) sandy loam (near loamy sand), dark brown (10YR 3/3) moist; weak fine granular structure; slightly hard, friable, nonsticky and nonplastic; common very fine and fine roots; pores and reaction as above; gradual smooth boundary.

C1 18 to 36 inches, brown (10YR 5/3) sandy loam (near loamy sand), dark yellowish brown (10YR 3/4) moist; massive; slightly hard, friable, nonsticky and nonplastic; few very fine roots; common very fine and fine interstitial pores; slightly acid; clear smooth boundary.

C2 36 to 60 inches, light yellowish brown (2.5Y 6/4) sandy loam (near loamy sand), dark yellowish brown (2.5Y 4/4) moist; massive, slightly hard, friable, nonsticky and nonplastic; few fine interstitial pores; slightly acid.
Project Name: Holland and Mercurio, Plan Revision for Low-Level Boat Lift

Applicant Type: Shorezone - Boat Lift

Applicant: Holland and Mercurio

Applicant Representative: Raymond Vail and Associates

Location: 3915 Bellview Avenue, Tahoe Pines, Placer County

Assessor's Parcel Number/Project Number: 85-222-01

Project Description:

An application is on file and a double filing fee has been collected for a plan revision to a previously approved pier repair. The plan revision consists of a low-level boat lift which has been installed. Normally a boat lift addition to an existing pier is a staff level approval. Due to unusual circumstances (overheight, installation of boat hoist without approval, and substantial interest shown by property owners in the area) staff feels that Subparagraph 4.10 C of the TRPA Code is appropriate in this instance. Subparagraph 4.10.C states:

Unusual Circumstances: The Executive Director may determine that a project or matter not listed on appendix A, because of unusual circumstances, warrants Governing Board review and action and may schedule the project for Governing Board consideration.

The subject boat lift is two inches overheight. A measurement taken from the pier deck to the top of the stationary lift housing (this is the standard measurement criteria used by staff for boat lifts) indicated a height of fifty inches. Code Subsection 54.4.B(2) states "Boat lifts, pilings, and hand rails, and other similar safety devices shall not extend more than four feet above the pier deck." The written specifications for the boat lift (exhibit A) which is a Williamson Engineering design and installation, indicated a height for the lift of four feet.

Discussion of Issues:

Area neighbors contend that the lift with a boat on it obstructs their view of Lake Tahoe. Subsection 54.4.B(2) regulates boat lifts. No mention is made of the size of boats placed on the lift. It would be difficult, if not impossible, to regulate the size of a boat owned or utilized by a permittee.
Staff has researched means of re-addressing the issues in this matter. The boat lift housing could be lowered two inches by removing the lift and substantially modifying the mechanics and the housing. It is questionable whether a two-inch reduction would be a noticeable improvement viewed from the Lake or the shoreline. The travel of the fork could be limited using permanent stops on the travel beam. This would limit the height a boat could be raised. The lift is limited at this time by design to a maximum fork height of the pier deck. Lowering the maximum height of the fork to below the pier deck may achieve some scenic benefit although the amount is constrained by the high water level of the Lake. The pier deck elevation is 6231 feet above sea level. The mean high water elevation is 6229, allowing only a small degree of lowering, taking into account wave action at high water levels.

The boat lift could be moved from the north side to the south side of the pier. This would merely shift the location of the lift ten feet, not appreciably changing the perception from properties to the north or south of the pier. Two mooring pilings (designed to anchor a boat between the pier and the pilings) were removed from the north side of the pier when the pier was replaced and the lift was installed (see Exhibits E & F). It is staff's opinion that none of these would alter the visual perception of the boat lift (with or without a boat attached) from the lake or from properties on the shoreline.

The boat lift is technically in violation of TRPA Code Subsection 54.4.B(2); height restriction (described earlier) in the amount of two inches. It is staff's position that this issue of substantial conformance should be decided by the Board.

Project History:

On July 26, 1985, TRPA approved a pier repair application which included the removal of two mooring pilings. Shortly thereafter, the TRPA was notified that a boat hoist had been constructed on the subject pier. The boat hoist was not approved as part of the pier repair approval, so the applicant was directed on October 25, 1985 to submit a plan revision application to this office. On November 6, 1985, the TRPA received a letter from George Montgomery (owns property approximately fifty feet to the north) objecting to the installation of the boat hoist and stating that he, another property owner, James Balsdon, and the applicant jointly owned the subject pier. An Easement Deed was provided as evidence. TRPA notified the applicant and Mr. Montgomery that the plan revision would not be reviewed further until the ownership issue was settled. An application for the boat lift was received on June 19, 1986.

A compliant for quiet title and declaratory relief was filed on August 1, 1986 in behalf of Mr. Montgomery with the Placer County Superior Court. On August 15, 1986. TRPA notified the applicant that the application could not be approved until and unless sole ownership by the applicant was determined by the Placer
County Superior Court. Shortly thereafter, the height of the boat lift was noted to be 50 inches above the pier deck, which at the time, placed the structure 14 inches higher than that which may have been approved (1976 TRPA Shorezone Ordinance, Section 7.31(2)(b)). The applicant was directed to shorten the height of the boat lift to the permissible height of 36 inches.

On October 24, 1986, TRPA legal counsel, the Chief of Compliance and the Chief of Project Review decided to take no action on the overheight issue until the new Shorezone Ordinance was developed and until the ownership controversy was resolved.

On June 22, 1987, TRPA received a copy of the Placer County Superior Court decision to dismiss Mr. Montgomery's ownership complaint. Mr. Montgomery subsequently filed an appeal of the court action which remains on record with the court. TRPA staff approved the Plan Revision for the boat hoist on December 2, 1987. Since the ownership issue had been answered by the court in the applicant's favor and since the height allowed by Section 54.4 B(2), 1987 TRPA Code of Ordinances was 48 inches above the pier deck, staff felt the constraints to approving the project had been removed. The need to notice was discussed, but since the pier repair permit had already been issued, staff determined that this modification was a minor plan revision not requiring notice to adjacent property owners.

An application to appeal the TRPA approval was received by TRPA on December 7, 1987. Shortly thereafter TRPA staff was notified by TRPA legal counsel that noticing requirements set forth in Article VII, Rules and Procedures (adopted by Resolution at the October, 1987 Governing Board meeting) must be followed. Exhibit A of Article XII lists expansion of structures in the Shorezone (a low level boat lift is considered a pier expansion) to be a matter requiring notice to affected property owners.

The applicant was notified on February 17, 1988 that the plan revision was nullified due to TRPA staff error. Mr. Montgomery's Appeal Application fee was refunded and he was instructed that TRPA would notice affected adjacent property owners as outlined in the current Rules and Procedures.

A Notice of Application was sent to adjacent property owners in July, 1988. The comment period ended August 3, 1988. Of the twenty noticed, five commented unfavorably, mainly with regard to scenic impacts. Fifteen did not comment.

TRPA staff determined that the unusual circumstances surrounding the project were sufficient to warrant Governing Board review.

Site Description:

The shorezone in the area has a mixed sandy to cobble covered bottom. A single family dwelling is located on the parcel. Approximately five other piers are located within 800 feet on either side of the applicant's pier. Blackwood Creek enters Lake Tahoe approximately 900 feet to the northwest.
Review Per Code:

Chapter 4 - Project Review and Exempt Activities
Chapter 5 - Environmental Documentation
Chapter 6 - Findings Required
Chapter 13 - Plan Area Statements
Chapter 18 - Permissible Uses
Chapter 50 - Projects in the Shorezone and Lakezone
Chapter 51 - Permissible Uses in Shorezone
Chapter 53 - Shorezone Tolerance Districts and Development Standards
Chapter 54 - Development Standards Lakeward of High Water
Chapter 55 - Development Standards in the Backshore
Chapter 56 - Mitigation Fee Requirements
Chapter 62 - Grading and Construction standards
Chapter 64 - Grading Standards
Chapter 79 - Fish Resources
Chapter 81 - Water Quality Control
Chapter 82 - Water Quality Mitigation

Staff Analysis:

A. Environmental Documentation: A Statement of No Significant Effect, in accordance with Article VI of the Tahoe Regional Planning Compact was written based on TRPA staff review of information submitted with the application for pier repair. The Article V(g) Finding Checklist was completed by TRPA staff in order to assess the potential environmental impacts of the boat lift project. No significant environmental impacts were identified. Staff has concluded that the project will not have a significant effect on the environment.

B. Plan Area Statement: The project is located within Plan Area Statement 161, Tahoe Pines. The Land Use Classification is Residential and the Management Strategy is Mitigation. Piers are considered an allowed accessory use in this plan area. Agency staff has reviewed the subject Plan Area Statement and has identified the following items (underlined) as being applicable to the project. Following each item is a brief statement addressing consistency.

1. Planning Statement:

The area should remain residential, maintaining the existing character of the neighborhood.

This proposal does not change the residential character of the neighborhood.
2. Planning Considerations:

The prime fish habitat in Lake Tahoe is tentatively identified for habitat restoration.

The property is located within the boundaries of a "spawning habitat" area on TRPA's adopted fish habitat map. The boat lift is mounted on a single piling which should not significantly affect the spawning habitat.

C. Shorezone Tolerance District: This property is located within shorezone Tolerance District 6. The project, as conditioned complies with the shorezone tolerance district standards.

D. Scenic: The site is located within Scenic Shoreline Unit 13. This scenic shoreline unit is rated 11, which is within the threshold standard. This boat hoist will not decrease the scenic quality rating. The proposed structure has been designed to blend with existing manmade structures, i.e., piers, residences, and with the viewshed.

E. Required Findings:

The following is a list of the required findings as set forth in Chapter(s) 6 and 50 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs.

   a. Land Use: This project will not affect allowed land use on this site. The boat lift replaces mooring pilings.

   b. Transportation: This new boat lift will not adversely impact transportation in the Lake Tahoe Basin. The boat lift is side mounted and does not extend beyond the TRPA-approved pier headline and so does not pose a threat to Lake navigation.

   c. Conservation: The boat lift location, color, and design will not degrade the shoreline scenic threshold.

   d. Recreation: This project will not adversely impact public recreation on Lake Tahoe.
e. Public Services and Facilities: This project does not affect public services or facilities in the Lake Tahoe Basin.

f. Implementation: This project does not affect the Implementation Element of the Goals and Policies.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for which this finding can be made is provided on the checklist entitled "Checklist: Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA. A sample checklist is attached to each Governing Board hearing packet for reference.

3. Wherever Federal, State, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the TRPA Compact, the project meets or exceeds such standards.

The basis for which this finding can be made is provided in the checklist entitled "Checklist: Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA. A sample checklist is attached to each Governing Board hearing packet for reference.

4. This project will not adversely impact: (1) littoral processes, (2) fish spawning, (3) backshore stability, and (4) on-shore wildlife habitat, including wildfowl nesting areas.

The boat lift is mounted on one piling immediately adjacent to the pier. The additional piling should not impact fish spawning or littoral processes nor alter the pier so that it is less than 90% open to the water. Code Interpretation number 1988-6 (Exhibit B), Shorezone Mitigation Fees for Expansions, states "the mitigation fees established under Chapter 56 for "other additions" to piers and marinas shall apply to all expansions of existing piers and marinas as defined in Section 52.2.A of the Code." The fee established under Chapter 56 is $500 per application and will be a condition of approval.
5. There are sufficient accessory facilities to accommodate the project:
   
The project is expansion of an accessory structure to an allowed use and the primary use facilities are capable of accommodating the use from the project.

6. The project is compatible with existing shorezone and lakezone uses or structure on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility:
   
   This project is an expansion of a compatible accessory use to an allowed use and is compatible with other accessory uses in the vicinity. The previous method for temporary boat storage was attachment to mooring pilings. Numerous buoys are found in the vicinity.

7. The use proposed in the foreshore or nearshore of Lake Tahoe is water-dependent.

The boat lift is located in the foreshore of Lake Tahoe and is water-dependent.

8. Measures will be taken to prevent spills or discharges of hazardous materials.

There are no mechanical parts requiring lubrication nor wood requiring treatment with a preservative in contact with the water.

9. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The construction and access is lakeward of the backshore and does not require vehicular access into the backshore.

10. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

   The boat lift will not extend beyond TRPA's pierhead line and will not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by the California State Lands Commission and the U.S. Army Corps of Engineers. These agencies typically make their own public safety findings in addition to TRPA's. Placer County was notified as an adjacent property owner. No comments were received.
11. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project has received approval from the California State Lands Commission. The U.S. Army Corps of Engineers is awaiting TRPA approval of the plan revisions prior to their approval.

Required Actions and Findings: Agency staff recommends that, the Governing Board approve the project by making the following motions and findings:

I. A motion, based upon the staff summary, for a finding of no significant environmental effect with direction to staff to prepare the necessary certification documents to be included with the plan revision and for the findings contained in Section I, of this staff summary.

II. A motion to approve the project, based upon the staff summary, subject to the following condition:

1. Payment of a $500 shorezone mitigation fee.
BOAT LIFT

A SAFE, SIMPLE WAY TO STORE YOUR BOAT WITHOUT FEAR OF SINKING, THRASHING OR THEFT

BUILDER OF BOAT LIFTS FOR OVER 30 YEARS

Exhibit A
MODEL 6 BOAT LIFT

FEATURES

- Patented, interlocking stainless steel roller system is the key to success.

- Single, self-supporting 10" H-Beam driven into the bottom makes the lift independent of the pier.

- Adjustable 6" thick live rubber pads protect and conform to any hull.

- Two plastic covered fenders makes boat positioning easy.

- One-man operation.

- Lifting speed of 5.5 feet per minute provides quick removal from rough water.

- Power provided by the reliable three-ton CM Hoist.

- Automatic upper and lower limit switches.

- Semi-annual minimum maintenance.

SPECIFICATIONS

- 20 foot lift travel

- Shipping weight 1,626 lbs. (plus H-Beam)

- Model 627 CM Hoist
  Lifting Capacity - 6,000 lbs. (3 ton)
  (6 ton lifts also available)

- Lifting Speed - 5.5 fpm
  Power - Single Phase 230V
  60 cycle, 1 hp - 7.15 amps
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
(702) 586-4547

CODE INTERPRETATION

<table>
<thead>
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<th>Number.</th>
<th>Effective Date</th>
<th>Page</th>
</tr>
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<tbody>
<tr>
<td>Shorezone Mitigation Fees for Expansions</td>
<td>1988 - 6</td>
<td>3-15-88</td>
<td>1 of 1</td>
</tr>
</tbody>
</table>

Purpose: To clarify the mitigation fee schedule as it pertains to additions to existing piers, boat ramps and marinas.

Background: Section 56.1 of the Code requires the collection of mitigation fees for expansions to piers, boat ramps and marinas. Expansions are defined in Section 52.2.A of the Code. The mitigation fees set out under Sections 56.2 and 56.4, however, use the term "other additions" rather than "expansion." Are additions to be treated the same as expansions for purposes of calculating mitigation fees?

Interpretation: The mitigation fees established under Chapter 56 for "other additions" to piers and marinas shall apply to all expansions of existing piers and marinas as defined in Section 52.2.A of the Code.

W.A. Morgan
William A. Morgan
Executive Director

Author: Jerry Wells

JW:cs

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Exhibit B
HOLLAND & MERCURIO PIER REPAIR

PROJECT

HELD TO CLEAR PHOTOGRAPH

SUBJECT

SITE PLAN

MADE BY  DATE  CHECKED BY  APPROVED BY

WDB  6/85

EXIST. CONC. HEADWALL

PIER 200'

PIER 100'

180'

PLAN

1" : 40'

DECK EL - 31.5'

CATWALK EL - 29.5'

MHW

MLW

COBBLE BOTTOM

PROFILE

H: 1" : 40'; V: 1" : 20'

LOW-LEVEL BOAT LIFT

10'

6'

3'

EL - 31.5'

2" B. CEDAR DECK

4 x 10 JOISTS @ 24" O.C.

6" H-BM

10 3/4" Ø STEEL PILES @ 15' O.C.

PIPE FENDER PILES ON CATWALK @ 7.5' O.C.

SECTION

53

REVISED: 7/85 WDB

11/85 WDB AS-BUILT PIERHEAD

Exhibit E
MOORING PILE

MOORING PILE

CATWALKS

DECK

AREA:

PIER: 1230 SQ.FT.

BOAT MOORING: 600 SQ.FT.

TOTAL: 1830 SQ.FT.

Exhibit F
MEMORANDUM

October 18, 1988

To:        TRPA Governing Board

From:     Agency Staff

Subject: Certification of the EIS for Amendment of the Lake Tahoe Basin Water Quality Management Plan (208 Plan) and Amendment to the Lake Tahoe Basin Water Quality Management Plan Pursuant to Section 208 of the Federal Clean Water Act

Under separate cover, you will receive the individual volumes of the final draft of the amended water quality management (208) plan for your adoption by ordinance at the October meeting. The adopting ordinance is attached to this memorandum.

The adoption of this water quality management plan is the culmination of a lengthy process of reviewing and revising TRPA's water quality policies since the amendments to the Tahoe Regional Planning Compact in 1980.

On May 28, 1981 TRPA adopted its first 208 plan with the statement that it would "be in effect only until the adoption by TRPA of a new Regional Plan, based on environmental threshold carrying capacities." Over six years later, after the settlement of Regional Plan-related litigation, TRPA initiated the process of amending the 1981 208 plan to make it consistent with the new Regional Plan package.

TRPA, the Lahontan Regional Water Quality Control Board, the California State Water Resources Control Board, the Nevada Division of Environmental Protection, and the U.S. Environmental Protection Agency, Region IX, convened a working group to identify and discuss 208-related issues and to recommend acceptable strategies and approaches to those issues. The working group met 11 times from August 1987 to August 1988; all meetings were noticed and open to the public, and public comment was invited.

On June 10, 1988, TRPA initiated circulation of a draft water quality management plan. Pursuant to Article VII of the Tahoe Regional Planning Compact, TRPA accepted comments for 60 days on the draft plan, which constitutes an environmental impact statement under the Compact. After the end of the 60-day comment period, staff prepared a detailed response to the comments received, and prepared the final draft plan documents for adoption.

DZ:mmi
10-18-88

AGENDA ITEMS VII.A and B

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A joint workshop of the APC and the Lahontan Board subcommittee on the 208 amendments, noticed and open to the public, took place on August 3 to review and discuss the draft amendments. TRPA scheduled and held public hearings on the draft amendments, as follows:

<table>
<thead>
<tr>
<th>Advisory Planning Commission</th>
<th>TRPA Governing Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 10, 1988</td>
<td>August 24, 1988</td>
</tr>
<tr>
<td>September 14, 1988</td>
<td>October 26, 1988</td>
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</table>

The Advisory Planning Commission met in special session on October 19 to make recommendations to the Governing Board on certification of the EIS and adoption of the amendments to the 208 plan. The staff will inform the Board of the APC recommendations on October 26.

At this time, the staff recommends that the Governing Board certify the EIS on the proposed 208 plan amendments and adopt the amendments to the 208 plan.

If you have any comments or questions on these agenda items, please contact Susan Scholley, Bill Morgan, or Dave Ziegler at (702) 588-4547.
CHAPTER 6 FINDINGS FOR ADOPTION OF
208 PLAN AND REGIONAL PLAN AMENDMENTS

The findings below are required pursuant to Article V(g) of the Compact as implemented by Chapter 6 of the TRPA Code. The findings are based upon the October 1988 Water Quality Management Plan for the Lake Tahoe Region, including without limitation, the environmental impact statement (EIS) contained therein in Volume I, Section II and Volume VII. The findings are further based upon the staff summary and presentation made to the Board. Following each proposed finding is a brief rationale which summarizes the evidence upon which the finding is based.

1. The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.

Rationale: The Goals and Policies recognize that the 208 Plan must be consistent with the Regional Plan Package. Absent such consistency, the Regional Plan Package cannot be implemented as a whole. Further, the Goals and Policies require certain amendments to the 208 Plan, which amendments are also regional plan programs required to fully implement the Regional Plan Package. Specifically, the Goals and Policies Plan calls for revision of the BMP Handbook and the Water Quality Capital Improvement Program (CIP), and adoption of an SEZ restoration program. Thus, the amendments to the 208 Plan, which include the required revised and new programs, are not only consistent with the Regional Plan, they are a necessary and integral part of the Regional Plan Package. In fact, adoption of the 208 Plan will have a beneficial effect on implementation of the Regional Plan by fulfilling the needs stated in the Goals and Policies. Any additional policies incorporated into the 208 Plan that are not now in the Regional Plan Package serve to further interpret the Goals and Policies or provide additional guidance for future interpretations.

Like the Goals and Policies, the TRPA Code contemplates 208 amendments and is designed to provide certain interim review systems pending amendment of the 208 Plan. TPES, the new definition of a stream environment zone and certain coverage transfer provisions in Chapter 20 cannot be implemented until the 208 Plan is amended and approved by the states and EPA. The 208 Plan amendments will enable these key provisions of the Code to be implemented.

The revisions to the BMP Handbook and Water Quality CIP will be beneficial in that the amended programs are more up-to-date and reflect improvements over the past eight years in technology and scientific data. A system for setting priorities has been developed and is designed to focus funding and construction efforts.
The 208 amendments are coordinated with the Regional Transportation and Air Quality Plans and provide additional authority for implementation of those plans. The 208 amendments do not have direct amendatory or regulatory effect on the plan area statements or maps but, to the extent the proposed 208 amendments further implement the Regional Plan, especially the coverage transfer provisions for community plan areas and IPES, the 208 amendments are consistent with, and have a beneficial effect on, the plan area statements and maps.

Finally, making the TRPA Regional Plan and 208 Plan consistent will give TRPA the benefit of the federal authority of the Clean Water Act in implementing and enforcing the water quality provisions of its Regional Plan. In short, the 208 amendments are necessary to make the Regional Plan Package function as an integrated whole and to achieve and maintain the thresholds.

2. The project will not cause the environmental thresholds to be exceeded.

Rationale: TRPA has completed the Article V(g) Checklist which is incorporated herein by reference. The checklist indicates that the 208 amendments are consistent in all respects with the Regional Plan and attainment and maintenance of the thresholds. In fact, to the extent the 208 amendments contain regulatory provisions and supplemental programs not currently included in the Regional Plan Package, the 208 amendments will act to enhance the attainment and maintenance of the thresholds. The 208 amendments also promote TRPA's efforts to achieve and maintain the thresholds by lending the authority of the federal Clean Water Act to implementation of the Regional Plan Package's water quality and related air quality provisions.

3. Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: As noted above, TRPA has completed the Article V(g) Checklist. The checklist indicates that the 208 amendments meet or exceed the applicable air and water quality standards. The 208 amendments are only designed to meet the air quality standards which have an effect on water quality (e.g. NOx emissions). Other air quality standards are not applicable but the EIS concludes that the 208 amendments will not cause exceedance of any air quality standard. In fact, to the extent the 208 amendments contain regulatory provisions and supplemental programs not currently included in the Regional Plan Package, the 208 amendments will act to enhance the attainment and maintenance of the air and water quality thresholds. The 208 amendments also promote TRPA's efforts to achieve and maintain the thresholds by lending the authority of the federal Clean Water Act to implementation of the Regional Plan Package's water quality and related air quality provisions.
4. The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: For the reasons stated in support of Findings 1, 2 and 3 above, the 208 amendments will result in the Regional Plan Package continuing to achieve and maintain the thresholds.

5. The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: For the reasons stated in support of Findings 1, 2 and 3 above, the 208 amendments will achieve and maintain the thresholds.
The following findings are made pursuant to Article VII(d) of the Compact. Each significant effect identified in the environmental impact statement prepared for adoption of the 208 Plan has been listed as a separate written finding as required by Article VII(d). The bases for the findings are set forth in the environmental impact statement (EIS) contained in Volume I, Section II, and the Response to Comments and Responsiveness Summary contained in Volume VI, of the October 1988 Water Quality Management Plan for the Lake Tahoe Region. Each significant effect set forth below is discussed separately in the EIS.

1. With respect to the significant effect upon the environment relating to LAND USE identified in the EIS prepared on amendments to the Lake Tahoe Basin Water Quality Management Plan (hereafter "208 amendments"), the 208 amendments incorporate policies and provisions which avoid any potential significant adverse effects. Further, the 208 amendments, if implemented, will have a beneficial effect on the environment of the Tahoe Region.

2. With respect to the significant effect upon the environment relating to SOILS identified in the EIS prepared on amendments to the Lake Tahoe Basin Water Quality Management Plan, the 208 amendments incorporate policies and provisions which avoid or reduce to a less than significant level any potential significant adverse effects. Further, the 208 amendments, if implemented, will have a beneficial effect on the environment of the Tahoe Region.

3. With respect to the significant effect upon the environment relating to STREAM ENVIRONMENT ZONES identified in the EIS prepared on amendments to the Lake Tahoe Basin Water Quality Management Plan, the 208 amendments incorporate policies and provisions which avoid or reduce to a less than significant level any potential significant adverse effects. Further, the 208 amendments, if implemented, will have a beneficial effect on the environment of the Tahoe Region.

4. With respect to the significant effect upon the environment relating to TRANSPORTATION identified in the EIS prepared on amendments to the Lake Tahoe Basin Water Quality Management Plan, the 208 amendments incorporate policies and provisions which avoid or reduce to a less than significant level any potential significant adverse effects. Further, the 208 amendments, if implemented, will have a beneficial effect on the environment of the Tahoe Region.

5. With respect to the significant effect upon the environment relating to AIR QUALITY identified in the EIS prepared on amendments to the Lake Tahoe Basin Water Quality Management Plan, the 208 amendments incorporate policies and provisions which avoid or reduce to a less than significant level any potential significant adverse effects. Further, the 208 amendments, if implemented, may have a beneficial effect on the environment of the Tahoe Region.
6. With respect to the significant effect upon the environment relating to 
WATER QUALITY identified in the EIS prepared on amendments to the Lake Tahoe 
Basin Water Quality Management Plan, the 208 amendments incorporate policies and 
provisions which avoid or reduce to a less than significant level any potential 
significant adverse effects. Further, the 208 amendments, if implemented, will 
have a beneficial effect on the environment of the Tahoe Region.

7. With respect to the significant effect upon the environment relating to 
SEWAGE COLLECTION AND TREATMENT identified in the EIS prepared on amendments to 
the Lake Tahoe Basin Water Quality Management Plan, the 208 amendments 
incorporate policies and provisions which avoid any potential significant 
adverse effects. Further, the 208 amendments, if implemented, will have a 
beneficial effect on the environment of the Tahoe Region.

8. With respect to the significant effect upon the environment relating to 
WATER SUPPLY identified in the EIS prepared on amendments to the Lake Tahoe 
Basin Water Quality Management Plan, the 208 amendments incorporate policies and 
provisions which avoid any potential significant adverse effects.

9. With respect to the significant effect upon the environment relating to 
COMMUNITY DESIGN identified in the EIS prepared on amendments to the Lake Tahoe 
Basin Water Quality Management Plan, the 208 amendments incorporate policies and 
provisions which avoid any potential significant adverse effects.

10. With respect to the significant effect upon the environment relating to 
CULTURAL, HISTORICAL AND ARCHITECTURAL RESOURCES identified in the EIS prepared 
on amendments to the Lake Tahoe Basin Water Quality Management Plan, the 208 
amendments incorporate policies and provisions which avoid or reduce to a less 
than significant level any potential significant adverse effects.

11. With respect to the significant effect upon the environment relating to 
ENERGY identified in the EIS prepared on amendments to the Lake Tahoe Basin 
Water Quality Management Plan, the 208 amendments incorporate policies and 
provisions which avoid any potential significant adverse effects.

12. With respect to the significant effect upon the environment relating to 
FISH identified in the EIS prepared on amendments to the Lake Tahoe Basin Water 
Quality Management Plan, the 208 amendments incorporate policies and provisions 
which avoid or reduce to a less than significant level any potential significant 
adverse effects. Further, the 208 amendments, if implemented, will have a 
beneficial effect on the environment of the Tahoe Region.

13. With respect to the significant effect upon the environment relating to 
HOUSING identified in the EIS prepared on amendments to the Lake Tahoe Basin 
Water Quality Management Plan, the 208 amendments incorporate policies and 
provisions which avoid or reduce to a less than significant level any potential 
significant adverse effects. Further, the 208 amendments, if implemented, will 
have a beneficial effect on the environment of the Tahoe Region.

14. With respect to the significant effect upon the environment relating to 
NATURAL HAZARDS identified in the EIS prepared on amendments to the Lake Tahoe 
Basin Water Quality Management Plan, the 208 amendments incorporate policies and 
provisions which avoid or reduce to a less than significant level any potential 
significant adverse effects. Further, the 208 amendments, if implemented, will 
have a beneficial effect on the environment of the Tahoe Region.
15. With respect to the significant effect upon the environment relating to
NOISE identified in the EIS prepared on amendments to the Lake Tahoe Basin Water
Quality Management Plan, the 208 amendments incorporate policies and provisions
which avoid any potential significant adverse effects.

16. With respect to the significant effect upon the environment relating to
PUBLIC HEALTH, SAFETY AND GENERAL WELFARE identified in the EIS prepared on
amendments to the Lake Tahoe Basin Water Quality Management Plan, the 208
amendments incorporate policies and provisions which avoid or reduce to a less
than significant level any potential significant adverse effects. Further, the
208 amendments, if implemented, will have a beneficial effect on the environment
of the Tahoe Region.

17. With respect to the significant effect upon the environment relating to
RECREATION identified in the EIS prepared on amendments to the Lake Tahoe Basin
Water Quality Management Plan, the 208 amendments incorporate policies and
provisions which avoid or reduce to a less than significant level any potential
significant adverse effects. Further, the 208 amendments, if implemented, will
have a beneficial effect on the environment of the Tahoe Region.

18. With respect to the significant effect upon the environment relating to
SCENIC RESOURCES identified in the EIS prepared on amendments to the Lake Tahoe
Basin Water Quality Management Plan, the 208 amendments incorporate policies and
provisions which avoid any potential significant adverse effects.

19. With respect to the significant effect upon the environment relating to
SHORELINE identified in the EIS prepared on amendments to the Lake Tahoe Basin
Water Quality Management Plan, the 208 amendments incorporate policies and
provisions which avoid or reduce to a less than significant level any potential
significant adverse effects. Further, the 208 amendments, if implemented, will
have a beneficial effect on the environment of the Tahoe Region.

20. With respect to the significant effect upon the environment relating to
VEGETATION identified in the EIS prepared on amendments to the Lake Tahoe Basin
Water Quality Management Plan, the 208 amendments incorporate policies and
provisions which avoid or reduce to a less than significant level any potential
significant adverse effects. Further, the 208 amendments, if implemented, will
have a beneficial effect on the environment of the Tahoe Region.

21. With respect to the significant effect upon the environment relating to
WILDLIFE identified in the EIS prepared on amendments to the Lake Tahoe Basin
Water Quality Management Plan, the 208 amendments incorporate policies and
provisions which avoid or reduce to a less than significant level any potential
significant adverse effects. Further, the 208 amendments, if implemented, will
have a beneficial effect on the environment of the Tahoe Region.
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING
THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED,
ADOPTING AMENDMENTS TO THE LAKE TAHOE BASIN WATER QUALITY MANAGEMENT
PLAN AS ADOPTED BY ORDNANCE 81-4, AS AMENDED; ADOPTING REVISIONS TO
THE HANDBOOK OF BEST MANAGEMENT PRACTICES; ADOPTING REVISIONS TO
THE CAPITAL IMPROVEMENTS PROGRAM FOR EROSION AND RUN-OFF CONTROL; ADOPTING
THE STREAM ENVIRONMENT ZONE PROTECTION AND RESTORATION PROGRAM;
ADOPTING A WATER QUALITY MANAGEMENT PLAN PURSUANT TO SECTION 208 OF
THE FEDERAL CLEAN WATER ACT FOR THE TAHOE REGION; PROVIDING FOR
IMPLEMENTATION OF SAID WATER QUALITY MANAGEMENT PLAN; AND PROVIDING FOR
OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 Section 208 of the Federal Clean Water Act requires the
preparation of water quality management plans ("208 plans"). TRPA
is the designated area-wide agency which is responsible for
preparation of a water quality management plan pursuant to
Section 208 of the Clean Water Act. On June 25, 1981, the
Governing Board adopted Ordinance 81-4 which amended
the 208 Plan previously in effect and set forth the Lake Tahoe
Basin Water Quality Management Plan for the California and Nevada
portions of the Tahoe region ("1981 208 Plan"). On July 17,
1981, the State of Nevada conditionally certified the TRPA 208
Plan. On June 18, 1981, pursuant to Resolution No. 81-64, the
State Water Resources Control Board of the State of California
conditionally certified a portion of the TRPA 208 Plan. On
September 4, the Environmental Protection Agency of the United
States approved the 1981 TRPA 208 Plan subject to certain
conditions.

1.20 On December 19, 1980, the Tahoe Regional Planning Compact (P.L.
96-551, 94 Stat. 3233, 1980) ("Compact") was amended and
required, among other things, that TRPA adopt environmental
threshold carrying capacities and, based on those thresholds,
revise the regional plan so that, at a minimum, the plan and all
of its elements achieves and maintains the adopted environmental
thresholds in accordance with Article V(c) of the Compact.
Amendments to the Regional Plan were adopted initially on April
26, 1984. Due to lawsuits filed by the State of California and
the League to Save Lake Tahoe, the April 1984 Regional Plan was,
in large part, enjoined from implementation by federal court
order.

1.30 On June 25, 1987, TRPA adopted Ordinance 87-9 which established
the effective date for the subsequent amendments to the 1984
Regional Plan. The effective date of the amended Regional Plan
was declared to be July 1, 1987. On June 25, 1987 TRPA approved settlement of the litigation which had resulted in a federal court injunction and, pursuant to that settlement agreement, the federal court injunction was dissolved and the litigation dismissed on July 15, 1987.

1.40 Subsequent to the adoption of the 1987 Regional Plan Package, TRPA began the process of amending the 1981 208 Plan so that the water quality management plan pursuant to Section 208 of the Clean Water Act would be consistent with, and allow for the full implementation of, the 1987 Regional Plan Package. During the 208 amendment process, TRPA has implemented its Regional Plan Package insofar as it is not inconsistent with the 1981 208 Plan. However, that situation was intended to be for a limited period of time and it is imperative that the 1987 Regional Plan Package be implemented in its entirety as a comprehensive and integrated regional plan. Therefore, it is necessary and desirable for the Governing Board to amend the 1981 208 Plan and, in so doing, also amend certain portions of its Regional Plan to both further implement the Regional Plan and to make the two planning processes consistent.

1.50 This ordinance is necessary and desirable to promote, and is reasonably related to, the public health, safety and general welfare of the Tahoe Region. Further, this ordinance complies in all respects, procedural and substantive, with the Tahoe Regional Planning Compact, and TRPA's Rules of Procedure. Further, this ordinance is necessary to effectuate and implement said Compact and the 1987 Regional Plan Package. This ordinance and the amendments to TRPA's 208 Plan are in furtherance of a bi-state approach to Section 208 planning in the Tahoe Region, as contemplated by Ordinance No. 81-4, and achieve a unified regulatory program throughout the Tahoe Region in compliance with the federal Clean Water Act.

1.60 The 208 Plan amendments and the regional plan amendments adopted hereby were the subject of an environmental impact statement, prepared, circulated and certified in accordance with the substantive and procedural provisions of Article VII of the Compact, Chapter 5 of the TRPA Code and TRPA's Rules and Procedure. The amendments to the 1981 Lake Tahoe Basin Water Quality Management Plan adopted hereby were prepared, circulated and processed in accordance with the substantive and procedural provisions of the Clean Water Act and the applicable federal regulations.

1.70 As required by law, the Governing Board, prior to adoption of this ordinance amending the 208 Plan and the Regional Plan Package, conducted duly noticed public hearings, at which hearings considerable oral testimony and documentary evidence were received and considered by the Governing Board. The Governing Board finds that there is substantial evidence in the record to show that serious degradation of water quality in the
Tahoe Region is occurring, which degradation, absent at least the controls set forth in the amendments adopted hereby, may irreversibly damage Lake Tahoe and the Tahoe Region. The Advisory Planning Commission (APC) also conducted duly noticed public hearings at which oral testimony and documentary evidence were received. The APC has (fill in APC action after its meeting of October 19).

1.80

The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.4 and 6.5 of the TRPA Code of Ordinances and Article V(g) of the Compact. The Board further finds that such findings are supported by substantial evidence in the record. The Board further finds that the amendments adopted hereby continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact. The Governing Board further finds that the amendments adopted hereby fulfill the requirements of the federal Clean Water Act and implement the federal policy of anti-degradation.

1.90

Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Adoption of the Water Quality Management Plan for the Lake Tahoe Region

There is hereby adopted the Water Quality Management Plan for the Lake Tahoe Region, dated October 1988, which water quality management plan is adopted pursuant to, and in accordance with, Section 208 of the federal Clean Water Act and TRPA's designation by the States of California and Nevada as the area-wide agency for the Tahoe Region.

Section 3.00 Amendment of Regional Plan Package

Subsection 6.10, subparagraph (17) of TRPA Ordinance No. 87-9, as amended, is hereby amended to read as follows:


Section 4.00 Effectiveness of the October 1988 Water Quality Management Plan

Section 5.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the 208 Plan and Regional Plan package adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, the 208 Plan and the Regional Plan Package, as the case may be, shall not be effected thereby. For this purpose, the provisions of this ordinance, the Regional Plan Package and the 208 Plan are hereby declared respectively severable.

Section 6.00 Effective Date of this Ordinance

This ordinance shall be effective immediately upon its adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ____________, by the following vote:

Ayes:

Nayes:

Abstentions:

Absent:

Chester A. Gibbs, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 18, 1988

To: TRPA Governing Board

From: Agency Staff

Subject: Public Hearing -- Adoption of Threshold Indicators, Reasonable Progress Lines, and Related Items for Air Quality, Water Quality, and Soil Conservation (Chapter 32 of the Code of Ordinances)

As we have discussed at previous meetings, most recently in August, Chapter 32 of the Code of Ordinances establishes a process to identify the means and time schedules for attaining and maintaining the TRPA thresholds and other applicable local, state, and federal standards. Under separate cover, the staff has included documents prepared pursuant to Chapter 32 for your adoption by resolution, a draft of which is also attached.

The Advisory Planning Commission will review these materials on October 19, 1988 and make a recommendation to the Governing Board at that time.

For each threshold (or applicable local, state, and federal standard) TRPA must identify a corresponding indicator, target attainment dates, interim targets, evaluation intervals, and applicable compliance measures and document the effectiveness and adequacy of the compliance measures. The introduction to the Chapter 32 materials contains a brief summary of the provisions of the chapter.

To implement the provisions of Chapter 32, the staff has prepared an index of affected thresholds and standards, lists of compliance measures (in-place and supplemental, with and without descriptions), and Compliance Forms which display the information required.

Attached are final draft documents covering air quality, water quality, and soil conservation for your adoption. The staff has focused on these three areas because the Chapter 32 requirements in these areas are closely related to the process of amending the 208 plan. Action on the remaining thresholds (e.g., noise, vegetation, wildlife) will take place later in the fall.

If you have any questions or comments on this agenda item, please contact Dave Ziegler at (702) 588-4547.
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION ADOPTING TARGETS, INDICATORS, FACTORS, COMPLIANCE MEASURES, ATTAINMENT SCHEDULES AND RELATED ITEMS PURSUANT TO CHAPTER 32 OF THE TRPA CODE

WHEREAS, Chapter 32 of the TRPA Code sets forth the methods by which the means and time schedules for implementation of the thresholds and federal, state and local air and water quality standards will be identified; and

WHEREAS, Chapter 32 was enacted in conjunction with Chapter 6 of the TRPA Code in order to codify and implement the findings required by Article V(g) of the Tahoe Regional Planning Compact (Compact); and

WHEREAS, Chapter 32 is designed to implement and coordinate the monitoring provisions of the Regional Plan Package and provide guidance to the Governing Board during the ongoing planning process; and

WHEREAS, Chapter 32 called for completion and action on indicators, targets, factors, compliance measures, attainment schedules and related items (hereafter "threshold attainment program") within 120 days of the effective date of the Regional Plan; and

WHEREAS, development of the threshold attainment program has proven to be more difficult and time-consuming than originally anticipated; and

WHEREAS, TRPA has utilized a checklist in lieu of the final threshold attainment program in the interim to assist in making the required Chapter 6 findings for projects and other matters; and

WHEREAS, in conjunction with the development of the Water Quality Management Plan for the Lake Tahoe Region, TRPA has completed its work on the portion of the threshold attainment program related to water quality thresholds and standards and desires to adopt the completed portion of the program; and

WHEREAS, TRPA shall continue to refine the remainder of the threshold attainment program and shall submit it for Board action at the earliest feasible date; and

WHEREAS, the threshold attainment program has been the subject of several duly-noticed public hearings before the Advisory Planning Commission (APC) and the Governing Board and has been modified and improved as a result of said hearings.

SES:jm
10/17/88

AGENDA ITEM VII C.
NOW, THEREFORE, BE IT RESOLVED THAT the Governing Board of the Tahoe Regional Planning Agency hereby adopts Title and Date of Document, attached hereto and incorporated herein by reference, in partial satisfaction of, and pursuant to, Chapter 32 of the TRPA Code.

BE IT FURTHER RESOLVED THAT the Governing Board shall adopt the remainder of the threshold attainment program as soon as feasible in order to fully implement Chapter 32.

BE IT FURTHER RESOLVED THAT the Governing Board shall maintain and update the threshold attainment program as necessary and appropriate and shall utilize the information generated by the program to prepare the periodic reports required by Section 32.8 of the TRPA Code.

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at its regular meeting held on _____________, 1988, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Chester A. Gibbs, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 13, 1988

To: TRPA Governing Board

From: Staff

Subject: Amendment To Chapter 20 (Land Coverage Standards)

History And Summary Of Alternatives

As provided for in Goal #3 of the Land Use Subelement of the Goals and Policies, a special task force was assembled by the Governing Board to make a recommendation on a permanent excess coverage mitigation fee schedule. The recommendations of the task force and public comments were considered by the Governing Board at their October, 1987 board meeting. Based on the recommendations of the task force, public comments, and direction from the Governing Board, staff prepared a supplemental report which was presented to the Advisory Planning Commission (APC) and Governing Board in December, 1987. The report evaluated five alternative fee schedules, including the current interim schedule and the schedule recommended by the task force. Each alternative was evaluated with respect to the following criteria:

1. Will the fee schedule provide a reasonable level of funding to carry out an effective land coverage reduction program?
2. Will the fee schedule not unduly deter property owners from undertaking rehabilitation projects on sites containing excess coverage?
3. To what extent does the fee schedule increase total project fees when considering BMP requirements and other mitigation fees?
4. Is the fee schedule equitable?
5. Is the fee schedule simple to administer?

In December, 1987, staff recommended an alternative, identified as Alternative E, which established a fee percentage from a table depending on the amount of excess coverage in square feet and the cost of the project. Activities exempt from TRPA review and approval would not be subject to the fee. The fee for projects would be determined by applying the fee percentage obtained from the table to the total cost of the project. Total cost would include costs associated with activities, such as ordinary maintenance and repair and structural repair less than $5,000, that if proposed by themselves would not be a project and would, therefore, be exempt from the fee. The fee percentages ranged from 1.0% to 4.0%. To create an incentive for projects being pursued

99
10/13/88

AGENDA ITEM VII D.
early in the program, the total cost of the project was to be reduced by $15,000 during the first year, by $10,000 during the second year, and by $5,000 during the third year.

In response to the input received at the December, 1987 APC and Governing Board meetings, staff developed and assessed two additional alternatives; a modified version of Alternative E, referred to as Modified Alternative E, and a new alternative, Alternative G. These additional alternatives were presented to the APC and Governing Board in April of 1988.

Modified Alternative E generally reduced the fee percentages for projects having relatively small amounts of excess coverage by reducing the minimum fee from 1.0% to 0.6%. The incentive to encourage rehabilitation projects early in the program was changed to a percentage reduction of the total project costs during the first three years of the program; 50% during the first year, 40% during the second year, and 30% during the third year.

The significant change with Alternative G was that the costs of improvements that by themselves would not be a project, ordinary maintenance and repair and structural repair and remodeling less than $5,000, could be subtracted from the total project cost prior to calculating the mitigation fee. To compensate for the resulting loss in revenue, the maximum fee was to be increased to from 4% to 5.0% (see Table A on Attachment D). Both of these modifications included in Alternative G are currently elements of the interim fee schedule. The percentage reductions in project cost during the first three years were also reduced to compensate for the resulting loss in revenue. During the first year the reduction was reduced to 30%, during the second year to 20%, and during the third year to 10%.

A comparison by general project type of the potential fees generated under the alternatives assessed is shown in Table A on Attachment A.

Table B, below, shows estimates of annual fees that could be generated, after the third year, under the four alternatives.

### TABLE B

<table>
<thead>
<tr>
<th>ESTIMATED ANNUAL FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim System</td>
</tr>
<tr>
<td>Alternative E</td>
</tr>
<tr>
<td>Modified Alternative E</td>
</tr>
<tr>
<td>Alternative G</td>
</tr>
</tbody>
</table>

10/13/88
Action At April Governing Board Meeting

At the April Governing Board meeting there was general agreement that Alternative G was a step in the right direction, but it was suggested that consideration be given to creating areas within Community Plans that would be exempt from the fee on a short term basis. It was felt that this option would encourage rehabilitation where it is needed most and would be justified as long as the Community Plan included programs to mitigate excess land coverage within the Community Plan as a whole.

Staff recommended that the Interim System be continued for six months to give staff time to pursue Mr. Hoffman's idea for possible inclusion into Alternative G. The Governing Board approved amendments to Chapter 20 to extend the Interim System until January 1, 1989.

Impact Analysis

The alternative mitigation fee schedules developed and assessed by staff in this report do not represent a significant departure from the interim fee schedule. In fact, of all the alternatives, Alternative G is most similar to the interim schedule for the following reasons; (1) the projected total fee amounts on an annual bases are relatively equal; (2) the maximum fee percentage are 5%; (3) the fee is required for the same type of activity, all projects approved by TRPA that are on parcels containing excess land coverage; and, (4) the fee percentages are applied to the same category of project costs. Staff believes that all the alternatives, but especially Alternative G, are well within the description of the proposed action as set forth in the EIS for the Plan Area Statements and Implementing Ordinances and, therefore, are within the scope of the impact analysis contained in that EIS. This EIS generally concluded that any program resulting in the mitigation of excess land coverage, either directly or indirectly as through the payment of a fee, would have a beneficial impact on the environment.

Chapter 6 Findings

Staff believes that the findings required in Chapter 6 for amendments to the Code can be made based on the rationale and evidence set forth for each finding on Attachment B.

Findings Required By Ordinance 87-8

Staff believes that findings 2, and 3(c) on Attachment C can be made based on the information and impact analysis contained in this memorandum. Finding 1 is not required since attainment of the environmental thresholds is not dependent on existing excess land coverage being mitigated.
Memo to the Governing Board
Amendment of Chapter 20
October 13, 1988
Page Four

Advisory Planning Commission (APC) Recommendation

These amendments were considered by the APC on October 12, 1988 at which time a motion was passed recommending that the Governing Board approve Alternative G as the permanent excess coverage mitigation fee schedule including an additional mitigation option, subject to required findings, for projects located within adopted community plans. The APC recommends the specific language as set forth in the proposed ordinance (Attachment D). Some members indicated they could not support the amendment without a clearer understanding of the economic impacts on the local community.

Other Public Comments

The Tahoe Sierra Preservation Council asked that the matter be continued so that they could meet with staff to better understand the proposal with respect to the alternative for projects within adopted community plans. Since a continuance would result in there being no system in effect after December 31, 1988, staff preferred to proceed with the amendment. Staff will arrange to meet with the Preservation Council representatives and will provide a oral report on the outcome at the October board meeting.

Staff Recommendation

Staff recommends that Chapter 20 be amended to implement Alternative G as the permanent excess coverage mitigation fee schedule and to include an additional mitigation option, subject to required findings, for projects located within adopted community plans. To implement the staff recommendation the following actions need to be taken by the Governing Board:

1. Based on the information and impact analysis contained in this memorandum, find that the proposed amendments will not have a significant effect on the environment; make the findings required in Chapter 6 (Attachment B); and make findings 2 and 3(c) as set forth in Ordinance 87-8 (Attachment C);

2. Adopt the ordinance implementing the proposed amendments as set forth on Attachment D.

10/13/88

AGENDA ITEM VII D.
### TABLE A

**ALTERNATIVE EXCESS COVERAGE MITIGATION FEE COMPARISON**

<table>
<thead>
<tr>
<th>Typical Project Type (Land Capability)</th>
<th>Average Excess Coverage</th>
<th>Fee Percentages</th>
<th>Project Costs</th>
<th>Fee Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sq. Ft.</td>
<td>(%)</td>
<td>Alt. E (%)</td>
<td>Interim System (%)</td>
</tr>
<tr>
<td><strong>Typical SFDO</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Addition (1-3)</td>
<td>2,080</td>
<td>24</td>
<td>1.5</td>
<td>1.2</td>
</tr>
<tr>
<td>Addition (4-7)</td>
<td>500</td>
<td>5</td>
<td>1.25</td>
<td>1.25</td>
</tr>
<tr>
<td>Rehab. (1-3)</td>
<td>2,080</td>
<td>24</td>
<td>1.5</td>
<td>1.2</td>
</tr>
<tr>
<td>Rehab. (4-7)</td>
<td>500</td>
<td>5</td>
<td>1.25</td>
<td>1.25</td>
</tr>
<tr>
<td>Rebuild (1-3)</td>
<td>4,120</td>
<td>24</td>
<td>1.75</td>
<td>1.2</td>
</tr>
<tr>
<td>SFO Rebuild (4-7)</td>
<td>600</td>
<td>5</td>
<td>1.25</td>
<td>1.25</td>
</tr>
<tr>
<td><strong>Typical Multi-Res./Comm./Tour. Accom.</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Small Projects</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Add. (1-3)</td>
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<td>59</td>
<td>2.5</td>
<td>2.25</td>
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<tr>
<td>Add. (4-7)</td>
<td>8,000</td>
<td>55</td>
<td>2.25</td>
<td>2.75</td>
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<tr>
<td>Rehab. (1-3)</td>
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<td>59</td>
<td>2.5</td>
<td>2.95</td>
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<tr>
<td>Rehab. (4-7)</td>
<td>8,000</td>
<td>55</td>
<td>2.25</td>
<td>2.75</td>
</tr>
<tr>
<td>Medium Projects</td>
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<td></td>
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<tr>
<td>Add. (1-3)</td>
<td>29,500</td>
<td>59</td>
<td>3.0</td>
<td>2.95</td>
</tr>
<tr>
<td>Add. (4-7)</td>
<td>27,500</td>
<td>55</td>
<td>3.0</td>
<td>2.75</td>
</tr>
<tr>
<td>Rehab. (1-3)</td>
<td>29,500</td>
<td>59</td>
<td>3.0</td>
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<tr>
<td>Rehab. (4-7)</td>
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<td>2.75</td>
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<tr>
<td>Large Projects</td>
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<tr>
<td>Add. (1-3)</td>
<td>59,000</td>
<td>59</td>
<td>3.25</td>
<td>2.95</td>
</tr>
<tr>
<td>Add. (4-7)</td>
<td>55,000</td>
<td>55</td>
<td>3.25</td>
<td>2.75</td>
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<tr>
<td>Rehab. (1-3)</td>
<td>59,000</td>
<td>59</td>
<td>3.25</td>
<td>2.95</td>
</tr>
<tr>
<td>Rehab. (4-7)</td>
<td>55,000</td>
<td>55</td>
<td>3.25</td>
<td>2.75</td>
</tr>
</tbody>
</table>
CHAPTER 6 FINDINGS

A. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs. Rational and Evidence: Alternative G is similar to the interim system to the extent that the resulting excess coverage mitigation fee schedule is well within the description of the proposed action as set forth in the EIS for the Plan Area Statements and Implementing Ordinances and, therefore, is within the scope of the impact analysis contained in that EIS. The evidence in support of this determination is set forth as items (1) through (4) in the Impact Analysis section of the staff memorandum proposing these amendments dated October 13, 1988.

B. Finding: The project will not cause the environmental thresholds to be exceeded. Rational and Evidence: Same as for finding A, above.

C. Finding: Wherever federal, state and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards. Rational and Evidence: Same as for finding A, above.

D. Finding: The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds. Rational and Evidence: Same as for finding A, above.
ORDINANCE 87-8 FINDINGS

1. For provisions upon which attainment or maintenance of the thresholds is dependent, the amendment provides for an equal or better means of attainment or maintenance of the thresholds.

2. The amendment is consistent with the Compact and the attainment or maintenance of the thresholds.

3. At least one of the following findings must be made with respect to the amendment:

   (a) There is a demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

   (b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   (c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

   (d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

   (e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

      (1) The cost of implementation outweighs the environmental gain to be achieved;

      (2) Implementation will result in unacceptable impacts on public health and safety; or

      (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

   (f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 88 -

AN ORDINANCE AMENDING ORDINANCE NO. 87-3, AS AMENDED, BY AMENDING
CHAPTER 20 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING
AGENCY RELATING TO LAND COVERAGE; ADOPTING A PERMANENT EXCESS
LAND COVERAGE MITIGATION FEE; AND OTHER MATTERS PROPERLY RELATED
THERETO.

The Governing Board 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. 87-3
by amending Chapter 20 in order to adopt a permanent excess land
coverage mitigation fee and to better implement the Regional Plan
of the Agency, as amended, pursuant to Article VI(a) and other
applicable provisions of the Tahoe Regional Planning Compact, as
amended ("Compact"). Goal #3, Policies 3.B and 3.D of the Land
Use Subelement, Land Use Element of the Goals and Policies set
forth the need for a fee schedule and consideration by a special
task force of the permanent fee schedule. Subsection 20.5.A of
the Code currently implements an interim fee which expires on
January 1, 1989.

1.20 The Advisory Planning Commission ("APC") has reviewed the
amendments to be adopted by this ordinance and held a duly
noticed public hearing thereon. The APC recommended adoption of
the amendments. The Governing Board has also conducted a duly
noticed public hearing on these amendments to the Code. At said
hearings, oral testimony and documentary evidence were received
and considered.

1.30 The provisions of this ordinance, themselves, were also the
subject of a duly noticed public hearing before the Governing
Board, at which hearing all persons desiring to present oral
testimony or documentary evidence were permitted to do so.

1.40 The provisions of this ordinance have been found not to have a
significant effect on the environment and thus are exempt from
the requirement of an environmental impact statement pursuant to
Article VII of the Compact.

1.50 The Governing Board finds that, prior to the adoption of this
ordinance, the Board made the findings required by Section 6.5 of
the Code and Article V(g) of the Compact. The Governing Board
further finds that such findings are supported by substantial
evidence in the record. The Governing Board further finds that,
prior to adoption of this ordinance, the Board made the findings
required by Section 2.40 of Ordinance 87-8 and that such findings
are supported by a preponderance of evidence in the record.
1.60 The amendments to the Code adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.70 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of Chapter 20 of the Code of Ordinances

There is hereby adopted amendments to Chapter 20 as set forth below and as they may be amended in the record of the Governing Board meeting of October 26 and 27, 1988. Language to be added is underlined and language to be repealed is stricken.

2.10 Amend Subparagraph 20.5.A(1) as follows:

(1) Excess Coverage Calculations: Excess land coverage equals the existing percentage amount of land coverage, less the total of the following: the maximum allowable percentage amount of base coverage; the percentage amount of coverage approved by transfer; and the percentage amount of coverage previously mitigated under this Section.

Excess coverage (% sq. ft.) = Existing Coverage (% sq. ft.) - (Maximum coverage (% sq. ft.) + Transferred Coverage (% sq. ft.) + Previously Mitigated Coverage (% sq. ft.)

2.20 Amend Subparagraph 20.5.A(3) as follows:

(3) Determination of Excess Coverage Mitigation Fee:
{Interim-program-effective-for-a-limited-time-as-noted,-or-until-permanent-program-is-adopted,-whichever-comes-first,-Permanent-program-shall-be-pursuant-to-Goals-and-Policies-of-the-Regional-Plan,-as-adopted;-a-permanent-program-is-being-developed-in-accordance-with-Goals-and-Policies.-This-interim-program-expires-one-year-after-the-effective-date-of-the-Regional-Plan.} The required excess land coverage reduction mitigation fee shall be calculated as follows:

(a) Coverage Mitigation Fee: The excess coverage mitigation fee shall be calculated by multiplying determining the percentage amount of excess coverage by the TRPA-reduction-factor-(<=50%)-which-is (sq. ft.) in accordance with subparagraph (1), above. The appropriate fee percentage is then determined from Table A, below, based on the amount of excess land coverage. The fee percentage is then multiplied by the estimated construction cost of the project. As determined by application of In calculating the estimated construction cost of the project, the cost of improvements that would otherwise be exempt from TRPA
review and approval if proposed separately shall be subtracted from the estimated construction cost of the project. TRPA shall use the Marshall Swift Construction Cost Guide or its equivalent to determine the estimated construction cost. In no case shall the fee be less than $100.

Mitigation Fee Percentage (%) x TRPA Reduction Factor x Coverage

Mitigation Fee ($) = Mitigation Fee Percentage (%) x Estimated Construction Cost of Project ($).

**TABLE A**

<table>
<thead>
<tr>
<th>Square Feet of Excess Coverage</th>
<th>Percent</th>
<th>Square Fee of Excess Coverage</th>
<th>Percent</th>
</tr>
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<tbody>
<tr>
<td>400 or less</td>
<td>.06</td>
<td>11,000- 15,000</td>
<td>2.50</td>
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<td>400- 600</td>
<td>.12</td>
<td>15,000- 18,000</td>
<td>2.75</td>
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<tr>
<td>600- 1,000</td>
<td>.25</td>
<td>18,000- 21,780</td>
<td>3.00</td>
</tr>
<tr>
<td>1,000- 1,500</td>
<td>.50</td>
<td>21,780- 43,560</td>
<td>3.25</td>
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<tr>
<td>1,500- 2,000</td>
<td>.75</td>
<td>43,560- 65,340</td>
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<td>2,000- 2,800</td>
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<td>65,340- 87,120</td>
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<td>130,680-152,460</td>
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<tr>
<td>6,400- 8,000</td>
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<td>152,460-174,240</td>
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<tr>
<td>8,000-11,000</td>
<td>2.25</td>
<td>174,240 or greater</td>
<td>5.00</td>
</tr>
</tbody>
</table>

(b) Coverage Reduction: For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 38, the land coverage reduction is calculated by dividing the mitigation fee ($) by the standard TRPA coverage cost. The standard cost shall be based on actual land bank coverage cost, to be determined by TRPA in consultation with the land banks and updated annually. Until a permanent program is adopted, the standard cost shall be $5.00 per square foot.

Coverage Reduction (Sq. Ft.) = Mitigation fee ($) / TRPA Coverage Cost ($/sq. ft.).

(c) Fee Reductions During First Three Years of Program:
For a period of one year from the effective date of this amendment, until January 1, 1990, the project cost, as calculated in accordance with subparagraph (a) above, shall be reduced by 30 percent prior to calculating the excess coverage mitigation fee. From January 1, 1990 to January 1, 1991, project cost shall be reduced by 20 percent and from January 1, 1991 to
January 1, 1992, project cost shall be reduced by ten percent. Project cost shall not be reduced after January 1, 1992.

2.30 Amend Subsection 20.5.A by adding subparagraph 2(e) as follows:

(e) Projects Within Community Plans: Projects which are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes the following findings:

(i) The adopted community plan identifies the project site for rehabilitation and includes a program that will result in the excess land coverage associated with the project being mitigated in accordance with Section 20.5 of the Code; and

(ii) There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, irrevocable commitment shall mean the following:

(A) The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;

(B) The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;

(C) Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;

(D) The public entity funding the program has received a funded commitment from another public entity as described in (i) or (iii) above; or
Section 3.00  Interpretation and Severability

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

Section 4.00  Effective Date

This ordinance shall become effective on January 1, 1989.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ______________, 1988, by the following vote:

Ayes:

Nays:

Abstain:

Absent

Chester A. Gibbs, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 13, 1988

To: Governing Board

From: Staff

Subject: Amendment of Chapter 33 (Allocation of Development)

Purpose

Chapter 20 contains language in Subsection 20.3.B(1)(c) that allows TRPA to approve special land coverage transfer programs for parcels in subdivisions. TRPA has been requested to develop such a program for lots in the Tahoe Keys Subdivision that are less than 6,000 square feet.

History

On August 11, TRPA staff conducted a scoping session on the subject of a special land coverage transfer program for the Tahoe Keys area. The meeting was attended by representatives of the Tahoe Keys Property Owners Association, the State of California, and members of the public.

A land coverage transfer program was in effect for the Tahoe Keys Subdivision from 1982 to May, 1984 and from May, 1986 to July, 1987. Individuals from the Keys believe that lots need at least 1,800 square feet of allowable coverage to be properly developed. Since allowed coverage in the Keys is generally 30% of the land area, lots under 6,000 square feet are allowed less than 1,800 square feet of coverage. The program previously in effect in the Keys allowed 1,800 square feet for lots of 0-6,000 square feet and 1,900 square feet for lots up to 6,333 square feet. There are over 200 vacant lots in the Keys that are 6,000 square feet or smaller, about 40 of which are 4,000 square feet or smaller.

At the Tahoe Keys scoping session, there were estimated to be approximately 20 people with 1988 allocations involved with lots under 6,000 square feet, including those who do not actually own a lot in the Keys but have purchased an unbuildable lot elsewhere with the intent to transfer the allocation to the Keys. Extending the deadline with respect to the 1988 allocations is preferred by individuals from the Keys over allowing the allocation to revert back to the
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City and having the City reissue the allocation to the previous holder, because the reissued allocation would be a 1989 allocation and may be subject to IPES. Size adjustment factors are applied to small lots under IPES, which factors reduce the total IPES score.

After consideration of the information and issues identified at the session, it appeared unlikely that an ordinance would be in effect by December 31, 1988, which is the deadline by which people holding 1988 allocations are required to submit applications to build new single family dwellings or to complete a transfer. Consequently, some in the group recommended taking action to extend the deadline to allow time to develop the ordinance.

This matter was discussed at the Governing Board meeting of September 28, though no action was taken.

Existing Code Provisions

The Code establishes a general transfer program available anywhere in the Region which would allow any eligible lot between 4,000 and 9,000 square to transfer coverage up to a minimum of 1,800 square feet. Under this general transfer program, coverage could be transferred into the Keys from outside. Although this general transfer program cannot be implemented until the 208 plan is amended, it is assumed that a special transfer program for the Keys could be implemented as soon as adopted by TRPA and effective, provided the program is substantially the same as the programs previously in effect. This assumption is based on the understanding that the previous coverage transfer programs in the Keys had to have been determined to be consistent with the 1981 208 plan in order to have been implemented.

Options for Extending Deadlines

The following discussion presents and evaluates options for extending the December 31, 1988 deadline for filing a complete application for people owning a lot in the Tahoe Keys with a 1988 residential allocation and for completing a transfer for people who have purchased an unbuildable parcel elsewhere with the intention of transferring the allocation to a lot in the Keys. Extending the deadline is being considered to provide people wishing to utilize a 1988 allocation to construct a new single family dwelling in the Keys additional time so they may have an opportunity to take advantage of a possible program for transferring land coverage resulting in coverage in excess of 30% on small parcels in the Keys.

1. **Extend the deadline for filing a complete application for people owning a lot in the Keys of 6,000 square feet or less.** This option would provide people who actually own a small lot in the Keys an opportunity to take advantage of the 1988 allocation to construct a new single family dwelling in the Keys additional time so they may have an opportunity to take advantage of a possible program for transferring land coverage resulting in coverage in excess of 30% on small parcels in the Keys.
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advantage of a coverage transfer program, but would not provide the same opportunity to people who had not completed an allocation transfer into the Keys by December 31, 1988, or to people outside the Keys who may own small lots and wish to take advantage of the transfer program currently set forth in the Code, but not available until after the 208 Plan is amended.

Disadvantages:

(a) Provides treatment for Keys lot owners not available elsewhere in Basin.

(b) Will allow more small lots to be built on sooner, even though under IPES they would have lower ratings than larger parcels with similar physical characteristics.

(c) Minor increase in peaking of applications at end of 1989. May not solve the problems of all who delay a decision.

Advantages:

(a) Limits the increased opportunity for building upon small lots (less than 6,000 square feet) to only those in the Keys.

(b) Provides some additional time for lot owners who, until July 1987, had the ability to gain approval for additional coverage for lots under 6,333 square feet.

(c) Would provide additional time to design a coverage transfer program for the Keys area which could keep total coverage in the Keys area to a maximum of 30%.

2. In conjunction with 1, above, extend the deadline for completing a transfer to a lot in the Keys of 6,000 square feet or less. This option would provide the opportunity of transferring coverage for people wishing to transfer an allocation to small lots in the Keys. It would not provide the same opportunity to people wishing to transfer coverage to a lot outside the Keys.

Disadvantages and Advantages same as Option 1, except that some who don't yet own Keys lots would have an opportunity not available elsewhere in the Region.
3. Extend the deadline for filing a complete application and for completing an allocation transfer to all 1988 allocations. This option would provide an opportunity for all people in the Region holding a 1988 residential allocation to take advantage of coverage transfer programs if the 208 amendments are certified prior to the date to which the deadline is extended.

**Disadvantages:**
(a) Extends the period of time in which a dual system applies.

(b) People whose plans are uncertain will have longer to tie up allocations.

(c) May not solve all the problems of those who delay.

(d) Because IPES is considered a better way of determining suitability for development, it postpones full application of a better system. Small lots (less than 6,000 square feet) that have been restricted to a maximum of 30% land coverage since 1980 would become eligible.

(e) Many more applications would be filed and would have to be processed at the end of 1989.

**Advantage:** Everyone is treated the same.

4. Provide no extension. Owners of allocations in the Keys, or people hoping to transfer an allocation to the Keys, would have to act by December 31, 1988.

**Disadvantages:**
(a) Persons with allocations for small lots in Keys would have to give up the allocations or build at maximum coverage of 30%.

(b) Persons planning to buy allocations from low capability lots would have to give up allocations or transfer to larger high capability lots in Keys or elsewhere.

**Advantages:**
(a) IPES, when it is in effect, commences to apply as it was intended.

(b) People with 1988 allocations now in Keys would still be processed under ’88 rules. If a coverage transfer program takes effect, they could modify their plans later.
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(c) Reduces possibility of total coverage in Keys continuing to increase over 30%.

Impact Analysis

Postponing the December, 1988 deadline may create an opportunity after January 1, 1989 to transfer coverage to and build upon lots under 6,000 square feet that otherwise may not qualify for development in 1989 under IPES due to the application of adjustment factors to scores for small parcels. Because IPES doesn’t apply to 1988 allocations, these lots could get increased coverage and be considered eligible for construction under the interim system. However, if the general transfer program currently set forth in the Code is used to transfer coverage to small lots in the Keys after the necessary amendments to the 208 plan are effective, the total coverage in the Keys could be increased. In developing a special transfer program for the Keys, there is an opportunity to design a system that not only avoids any increase in the total land coverage currently in the Keys but actually reduces coverage or mitigates some or all of the current excess coverage in the Keys.

Staff believes that extending the deadlines as set forth in Alternative 2, above, (and as specifically set forth in the proposed ordinance amendments in Attachment C) will have no significant effect on the environment due to the following factors:

1. The creation of a special transfer program, as provided for in Chapter 20, for the Keys provides an opportunity to implement a transfer system that could result in an actual reduction in the total coverage or mitigation of all or some of the land coverage in the Keys.

2. The amendments would affect a limited and definite number of parcels, only approximately 20 parcels in the Tahoe Keys Subdivision.

3. Any special transfer program for the Keys would be appropriately designed to be at least as beneficial to the environment as the existing programs.

4. Environmental documentation on the impacts of transfer programs will be prepared in conjunction with the development of any special transfer programs.

5. The EIS for the Plan Area Statements and Implementing Ordinances establishes that no significant environmental impacts will result from allowing construction of additional single family dwellings in accordance with the interim system set forth in Chapter 36.

10/13/88
Chapter 6 Findings

Staff believes that the findings required in Chapter 6 for amendments to the Code can be made based on the rationale and evidence set forth for each finding on Attachment A.

Findings Required by Ordinance No. 87-8

Staff believes that findings 2 and 3(f) on Attachment B can be made based on the information and impact analysis contained in this memorandum. Finding 1 is not required since the environmental thresholds are not dependent on the procedural provisions proposed to be amended.

This amendment was considered by the APC at its meeting of October 12. The APC recommends its adoption.

Staff Recommendation

Staff recommends that the following actions be taken by the Governing Board:

1. Based on the information and impact analysis contained in this memorandum, find that the proposed amendments will not have a significant effect on the environment; make findings 2 and 3(f) from Ordinance 87-8 (Attachment B); and make the findings required in Chapter 6 (Attachment A).

2. Adopt the ordinance implementing the proposed amendments as set forth on Attachment C.
CHAPTER 6 FINDINGS

A. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs.

Rational and Evidence:

1. The proposed amendment modifies only a procedural element of the Code.

2. Any special transfer program for the Keys would be designed to be at least as beneficial to the environment as the general transfer program that may be applied to the Keys once the 208 Plan is amended.

3. The proposed amendments would effect a limited and definite number of parcels, and that number, being only 20, is insignificant in comparison to the total number of parcels eligible for residential development under the Regional Plan.

4. Environmental documentation on the impacts of any special transfer program will be prepared in accordance with TRPA requirements.

5. Development on the parcels affected by the proposed amendment will be subject to the interim single family system, which was included in the description of the proposed action for the EIS for the Plan Area Statements and Implementing Ordinances and, therefore, is within the impact analysis contained in that EIS.

B. Finding: The project will not cause the environmental thresholds to be exceeded. Rational and Evidence: Same as for finding A, above.

C. Finding: Wherever federal, state and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards. Rational and Evidence: Same as for finding A, above.

D. Finding: The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds. Rational and Evidence: Same as for finding A, above.
ORDINANCE 87-8 FINDINGS

1. For provisions upon which attainment or maintenance of the thresholds is dependent, the amendment provides for an equal or better means of attainment or maintenance of the thresholds.

2. The amendment is consistent with the Compact and the attainment or maintenance of the thresholds.

3. At least one of the following findings must be made with respect to the amendment:

(a) There is a demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

(b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

(c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

(d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

(e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

(1) The cost of implementation outweighs the environmental gain to be achieved;

(2) Implementation will result in unacceptable impacts on public health and safety; or

(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

(f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 88 -

AN ORDINANCE AMENDING ORDINANCE NO. 87-5, AS AMENDED, BY AMENDING
CHAPTER 33 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING
AGENCY RELATING TO GROWTH MANAGEMENT; AMENDING THE DEADLINES FOR
SUBMITTING APPLICATIONS FOR SINGLE FAMILY RESIDENCES AND COMPLETING
ALLOCATION TRANSFERS; AND OTHER MATTERS PROPERLY RELATED THERETO.

The Governing Board 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. 87-5
by amending Chapter 33 in order to further implement the Regional
Plan of the Agency, as amended, pursuant to Article VI(a) and
other applicable provisions of the Tahoe Regional Planning
Compact, as amended ("Compact").

1.20  The Advisory Planning Commission ("APC") has reviewed the
amendments to be adopted by this ordinance and held a duly
noticed public hearing thereon. The APC recommended adoption of
the amendments. The Governing Board has also conducted a duly
noticed public hearing on these amendments to the Code. At said
hearings, oral testimony and documentary evidence were received
and considered.

1.30  The provisions of this ordinance, themselves, were also the
subject of a duly noticed public hearing before the Governing
Board, at which hearing all persons desiring to present oral
testimony or documentary evidence were permitted to do so.

1.40  The provisions of this ordinance have been found not to have a
significant effect on the environment and thus are exempt from
the requirement of an environmental impact statement pursuant to
Article VII of the Compact. The Governing Board finds that,
prior to the adoption of this ordinance, the Board made the
findings required by Section 6.5 of the Code and Article V(g) of
the Compact. The Governing Board further finds that such
findings are supported by substantial evidence in the record.
The Governing Board further finds that, prior to adoption of this
ordinance, the Board made the findings required by Section 2.40
of Ordinance 87-8 and that such findings are supported by a
preponderance of evidence in the record.

ATTACHMENT C
1.50 The amendments to the Code adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of Chapter 33 of the Code of Ordinances

There is hereby adopted amendments to Chapter 33 as set forth below and as they may be amended in the record of the Governing Board meeting of October 26 and 27, 1988. Language to be added is underlined and language to be repealed is stricken.

Amend Subsection 33.2.B (page 33-6)

(2) **Administration:** An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 34. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for and otherwise treated in accordance with Chapter 38.

(a) Upon receipt of the allocation form from the county or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Failure to either file a complete application or complete a transfer by the deadlines set in Subsections subparagraphs (b), (c), (e), and (f), below, shall result in the forfeiture of the allocation to the county or city of origin.

(b) Except as set forth in Section 33.12.C, Multi-Residential Allocations, and subparagraph (e), below, complete applications for construction of additional residential units shall be filed with TRPA no later than December 31 of the year in which the allocation was distributed.

(c) Except as set forth in subparagraph (f), below, transfer of allocations shall be complete no later than December 31, of the year in which the allocation was distributed. Transfers of allocations shall be deemed complete when the applicant has received a TRPA notice of eligibility for the transfer and the original allocation form has been signed by the owners of the transferor and transferee parcels, the county or city which issued the allocation, and TRPA. The signatures of the receiving and sending county or city shall be required for intercounty transfers.
(d) Except as set forth in subparagraph (f), below, upon transfer of an allocation, a complete application for an additional residential unit shall be filed no later than June 1 of the year after the issuance of the allocation. Failure to file a complete application by June 1 shall result in the forfeiture of the allocation to the city or county of origin.

(e) For parcels in the Tahoe Keys Subdivision that have a 1988 allocation as of December 31, 1988 and that are 6,000 square feet or less in size, complete applications for construction of additional residential units shall be filed with TRPA no later than July 1, 1989. Residential units processed under this subparagraph shall be recognized as 1988 allocations.

(f) The deadline set forth in subparagraph (c), above, for transferring allocations may, prior to the December 31, 1988 deadline, be extended to July 1, 1989 by approval of such extension by the City of South Lake Tahoe and TRPA, provided the person holding the allocation owns by December 31, 1988, or executes by December 31, 1988 a legally binding option to purchase, a parcel of 6,000 square feet or less in size in the Tahoe Keys Subdivision. Transfers of allocations shall be deemed complete in accordance with subparagraph 33.2.B(2)(c). Upon transfer of an allocation under this subparagraph, a complete application for an additional residential unit shall be filed no later than December 31, 1989. Failure to file a complete application by December 31, 1989 shall result in the forfeiture of the allocation to the city or county of origin. Residential units processed under this subparagraph shall be recognized as 1988 allocations.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Code adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or amendments is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, or the amendments to the Code, shall not be affected. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.
Section 4.00  Effective Date

This ordinance shall become effective 60 days after the date of its adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ________________, 1988, by the following vote:

Ayes:

Nays:

Abstain:

Absent

Chester A. Gibbs, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 17, 1988

To: The TRPA Governing Board

From: The Staff

Subject: Proposed Cleanup Amendments to Plan Area Statements 027 and 122 and Chapter 2

Proposed Amendments: Add "snowmobile courses" as a special use in Plan Areas 027 and 122 and add the following definitions to Chapter 2:

Adjacent Parcels: Parcels near or close to each other but separated by a right-of-way.

Contiguous parcels: Parcels whose boundaries touch along one or more sides.

Noncontiguous Parcels: Parcels that are not adjacent parcels and whose boundaries do not touch.

Reasons:

Addition of "snowmobile courses": In past winters TRPA has authorized the operation of snowmobiles at several golf courses in the Region, including the Woodvista Golf Course in Tahoe Vista and the Tahoe Paradise Golf Course in Tahoe Paradise. However, TRPA could only give such authorization on a temporary basis, requiring a new permit to be issued each year, because portions of each of the two golf courses are located in plan areas where snowmobile courses are not a permitted use: Woodvista in PA 027 and Tahoe Paradise in PA 122. The base facilities for both snowmobile operations are located in PASs where snowmobile courses are a special use: Woodvista in PA 029 (Kings Beach Commercial) and Tahoe Paradise in PA 125 (Meyers Commercial).

Additional Definitions: These terms are used to define "project area" in Subsection 20.3.D and in Chapter 15.
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Amendment of PASs 027 and 122 and
Chapter 2
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Impact Identification and Analysis:

**Addition of "snowmobile courses":** These amendments will not have a significant effect on the environment due to the following factors.

1. It is appropriate to list "snowmobile courses" as a "special use" in these two plan areas primarily due to the presence in both plan areas of existing golf courses and the associated recreational open spaces.

2. The golf courses have been used for winter recreational uses in the past, such as snowmobiles and cross country skiing. The winter recreational uses are consistent with the summer use and serve a recreational need.

3. In addition, the uses are proposed as special uses so that site-specific impacts and compatibility can be addressed at the project review stage.

**Additional Definitions:** The proposed definitions will clarify existing provisions and reduce the degree to which these provisions are subject to interpretation.

Chapter 6 Findings: Staff believes that the findings required in Chapter 6 for amendments to the Code and Plan Area Statements can be made based on the rationale and evidence identified for each finding on Attachment A.

**Advisory Planning Commission (APC) Recommendation:** The APC considered these amendments on October 12, 1988, and is recommending that they be approved by the Governing Board as set forth in this memorandum.

**Findings Required by Ordinance 87-8:** Ordinance 87-8 does not set forth required findings for Plan Area Statement amendments. Ordinance 87-8 does not require special findings for additional policies or Code provisions adopted pursuant to Section 2.5 of Ordinance 87-8.

**Staff Recommendation:** Staff recommends that the following actions be taken by the Governing Board:

1. Based on the information and impact analysis contained in this memorandum, find that the proposed Plan Area Statement amendments will not have a significant effect on the environment and make the findings required in Chapter 6 (Attachment A).
2. Adopt the ordinance implementing the proposed amendments to Plan Areas 027 and 122 (Attachment B).

3. Based on the information and impact analysis contained in this memorandum, find that the proposed amendments to Chapter 2 will not have a significant effect on the environment; and make the findings required in Chapter 6 (Attachment A).

2. Adopt the ordinance implementing the proposed amendments to Chapter 2 (Attachment C).
CHAPTER 6 FINDINGS

A. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA Plans and Programs.

Rationale and Evidence:

For Plan Area Statement Amendments - The addition of "snowmobile courses" as a special use to PASs 027 and 122 is consistent with the Recreation Element direction to promote outdoor recreation and to promote alternative uses in off-seasons - in this case golf in the summer and snowmobiles in the winter.

PASs 027 and 122 are residential plan areas which call for maintaining the existing character of the neighborhood while noting the possible conflicts with snowmobile rentals. Based on recent public hearings in which all adjoining property owners were noticed, it appears this conflict does not exist, and therefore snowmobiles would be an appropriate use for the PASs. Recent temporary use approvals for the snowmobile operations indicate conformance with the Code and other TRPA plans and programs.

For Chapter 2 Amendments - These proposed amendments will only clarify existing provisions of the Code.

B. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale and Evidence: Same as for finding A, above.

C. Finding: Wherever federal, state and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale and Evidence: Same as for finding A, above.

D. Finding for Chapter 2 Amendments Only: The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieve and maintain the thresholds.

Rationale and Evidence: Same as for finding A.
E. Finding for Plan Area Amendments Only: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale and Evidence: Same as for finding A above.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 88 -

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, OF THE TAHOE REGIONAL PLANNING AGENCY RELATING TO THE REGIONAL PLAN OF THE AGENCY; AMENDING PLAN AREA STATEMENTS 027 and 122 BY ADDING "SNOWMOBILE COURSES" AS A SPECIAL USE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

The Governing Board 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. 87-9, as amended, relating to the Regional Plan of the Agency, by amending, as a portion of the Agency's Regional Plan, Plan Area Statements 027 and 122, which Plan Area Statements are set forth in the document entitled, Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, El Dorado County, Placer County, Washoe County, Tahoe Regional Planning Agency.

1.20 Pursuant to Article V(a) of the Tahoe Regional Planning Compact, the Advisory Planning Commission ("APC") held a duly noticed public hearing on the amendments to the Plan Area Statements adopted by this ordinance. The APC recommended adoption of such amendments. The Governing Board has also conducted a duly noticed public hearing. At said hearings, oral testimony and documentary evidence were received and considered.

1.30 The provisions of this ordinance, themselves, were also the subject of a duly noticed public hearing before the Governing Board as required by TRPA Rules of Procedure, at which hearing all persons desiring to present oral testimony or documentary evidence were permitted to do so.

1.40 The provisions of this ordinance are hereby determined not to have a significant effect on the environment, and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.50 The Governing Board finds that, prior to the adoption of this ordinance the Board made the findings required by Section 6.4 of the Code and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

1.60 The amendments to the Code adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

ATTACHMENT B
Section 2.00 Amendment to Subsection 6.10 Concerning Plan Documents

Subsection 6.10(2) is hereby amended to add subparagraph (d) as follows:

6.10 Plan Documents

(2) Plan Area Statements for Plan Areas 001A through 175, inclusive, which statements are set forth in the document entitled, Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, El Dorado County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statements as set forth in:

(a) "EXHIBIT A" entitled Plan Area Statement Amendments, February 25, 1987, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this subsection; and

(b) "EXHIBIT B" entitled Plan Area Statement Amendments, May 27, 1987, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this subsection; and

(c) "EXHIBIT C" entitled Plan Area Statement Amendments, March 14, 1988, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this subsection; and

(d) "EXHIBIT D" entitled Plan Area Statement Amendments, October 13, 1988, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this subsection.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Regional Plan adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or the amendments is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, or the amendments to the Regional Plan, shall not be affected. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.
Section 4.00  Effective Date

Pursuant to Chapter 13, Subsection 13.7.B, the provisions of this ordinance shall be effective 60 days after adoption of this ordinance.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ____________, 1988, by the following vote:

Ayes: 

Nays: 

Abstain: 

Absent

__________________________
Chester A. Gibbs, Chairman
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 88 -

AN ORDINANCE AMENDING ORDINANCE NO. 87-5, AS AMENDED, BY AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY RELATING TO DEFINITIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

The Governing Board 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. 87-5 by amending Chapter 2 in order to further implement the Regional Plan of the Agency, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended ("Compact").

1.20 The Advisory Planning Commission ("APC") has reviewed the amendments to be adopted by this ordinance and held a duly noticed public hearing thereon. The APC recommended adoption of the amendments. The Governing Board has also conducted a duly noticed public hearing on these amendments to the Code. At said hearings, oral testimony and documentary evidence were received and considered.

1.30 The provisions of this ordinance, themselves, were also the subject of a duly noticed public hearing before the Governing Board as required by TRPA Rules of Procedure, at which hearing all persons desiring to present oral testimony or documentary evidence were permitted to do so.

1.40 The provisions of this ordinance are hereby determined not to have a significant effect on the environment, and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact. This determination is based on the fact that the provisions of this ordinance serve only to clarify existing interpretations of certain terms.

1.50 The Governing Board finds that, prior to the adoption of this ordinance the Board made the findings required by Section 6.4 of the Code and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record. The Governing Board finds that the addition of certain terms to Chapter 2 does not constitute an amendment of the Code subject to Section 2.40 of Ordinance 87-8, but rather is pursuant to Section 2.50 of Ordinance 87-8.

1.60 The amendments adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
1.70 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment to Chapter 2

There is hereby adopted amendments to Chapter 2 as set forth below and as they may be amended in the record of the Governing Board meeting of October 26 and 27, 1988.

Add the following definitions to Chapter 2 in alphabetical order:

Adjacent Parcels: Parcels near or close to each other but separated by a right-of-way.

Contiguous Parcels: Parcels whose boundaries touch along one or more sides.

Noncontiguous Parcels: Parcels that are not adjacent parcels and whose boundaries do not touch.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

This ordinance shall become effective 60 days after the date of its adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ____________, 1988, by the following vote:

Ayes:

Nays:

Abstain:

Absent

Chester A. Gibbs, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 7, 1988

To: TRPA Governing Board

From: Staff

Subject: Proposed Amendments To Chapter 37 (Individual Parcel Evaluation System)

Proposed Amendments: The following amendments are being proposed to Subsection 37.11.A:

1. Amend Subsection 37.11.A(b) to allow consideration of statistical methods other than using mode values to represent the central tendency scores for the various land capability categories when developing the allowable land coverage curve.

2. Amend Subsection 37.11.A(c) to allow different methods to be considered for establishing the points through which the land coverage curve must be drawn.

Reasons: The following reasons are given for each of the proposed amendments:

1. Subsection 37.11.A(b) requires that the central tendency scores for the capability categories set forth in Subsection 37.11.A(c) be the mode value. Since the mode value is the most often occurring score within any particular category, it represents the central tendency only when the distribution of scores is normal. This language was originally recommended for inclusion in this subsection because it was assumed that the distributions of scores within each capability class would be somewhat normal.

Now that most of the parcels have received an IPES score and the Relative Erosion Hazard plus Runoff Potential scores within the capability categories have been plotted on a graph, it is clear that in some cases the distribution of scores is multi-modal or skewed to the extent the mode values can not be used to represent the central tendency score. Staff met with two statisticians from UNR to identify and discuss other statistical methods for determining central tendency scores when distributions are multi-modal or skewed. Based on the varied nature of these distributions, they recommended that the mean, median and mode values be calculated and plotted for each capability class.
category. Then confidence intervals should be calculated and plotted for each value. A point is then selected within the confidence intervals that is the best measure of central tendency for that particular capability category.

This amendment is proposed by staff and the IPES Technical Committee to allow the use of proper statistical methods in establishing scores that best represent the central tendency score within each capability category.

2. Subsection 37.11.A(c) requires that a separate point be plotted on the graph for the central tendency score for each of the following categories:

a. Land Capability Districts 1a, 1c, 1b, 2, and SEZs.
b. Land Capability District 3.
c. Land Capability District 4.
d. Land Capability District 5.
e. Land Capability Districts 6 and 7.

Based on extensive review of the distributions of scores within these categories and consistent with recommendations from the statisticians, staff and the technical committee propose that districts 1b and SEZ be eliminated from the first category and districts 4 and 5 be combined. The central tendency score for districts 4 and 5 combined would then be plotted at 22.5% allowable coverage.

It is recommended that the 1b and SEZ districts be removed from the first category because statistically these capability districts represent a completely different population than the other capability districts within the category. Class 1b and SEZ parcels are different because their IPES score is not based on relative erosion hazard and runoff potential, as it is for all other parcels. Parcels determined to be entirely Class 1b and SEZ receive a total IPES score of zero based on the extremely sensitive nature of these areas and their importance in protecting water quality. In addition, the statisticians recommended that these two districts be eliminated from the first category because they are so different that, if included, it would be statistically impossible to establish a score that represents the central tendency.
Memo to the Governing Board

Amendment of Chapter 37

October 7, 1988

Page Three

Staff is recommending that districts 4 and 5 be combined because the central tendency scores for these districts are statistically indistinguishable.

Impact Analysis And Chapter 6 Findings: Staff believes that the findings required in Chapter 6 for amendments to the Code can be made based on the rationale and evidence set forth for each finding on Attachment A.

Findings Required By Ordinance 87-8: Staff believes that findings 1, 2, and 3(c) in Ordinance 87-8 (Attachment B) can be made based on the information and impact analysis contained in this memorandum.

Staff Recommendation: Staff recommends that the following actions be taken by the Governing Board:

1. Based on the information and impact analysis contained in this memorandum, find that the proposed amendments will not have a significant effect on the environment; make findings 1, 2, and 3(c) in Ordinance 87-8 (Attachment B); and make findings required in Chapter 6 (Attachment A); and

2. Adopt the ordinance implementing the proposed amendments as set forth on Attachment C.
CHAPTER 6 FINDINGS

A. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs.

Rationale and Evidence: The proposed amendments to Chapter 37 will not modify the method for establishing allowable base land coverage to the extent that substantial differences in allowable land coverage will result either on an individual parcel or cumulative bases. In addition, providing the flexibility to utilize the most valid statistical methods for developing the land coverage formula will result in a higher level of correlation between IPES and the Bailey System. Based on the above rationale, staff believes that the proposed amendments are well within the description of the proposed action as set forth in the EIS for the Plan Area Statements and Implementing Ordinances and, therefore, are within the scope of the impact analysis contained in that EIS.

B. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale and Evidence: Same as for finding A, above.

C. Finding: Wherever federal state and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale and Evidence: Same as for finding A, above.

D. Finding: The Regional Plan and all of its elements as implemented through the Code, rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale and Evidence: Same as for finding A, above.
ORDINANCE 87-8 FINDINGS

1. For provisions upon which attainment or maintenance of the thresholds is dependent, the amendment provides for an equal or better means of attainment or maintenance of the thresholds.

2. The amendment is consistent with the Compact and the attainment or maintenance of the thresholds.

3. At least one of the following findings must be made with respect to the amendment:

   (a) There is a demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

   (b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   (c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

   (d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

   (e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

       (1) The cost of implementation outweighs the environmental gain to be achieved;

       (2) Implementation will result in unacceptable impacts on public health and safety; or

       (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

   (f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 88 -

AN ORDINANCE AMENDING ORDINANCE NO. 87-5, AS AMENDED, BY AMENDING
CHAPTER 37 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING
AGENCY RELATING TO THE INDIVIDUAL PARCEL EVALUATION SYSTEM; AND OTHER
MATTERS PROPERLY RELATED THERETO.

The Governing Board 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. 87-5
by amending Chapter 37 of the Code of Ordinances in order to
better implement the Regional Plan of the Agency, as amended,
pursuant to Article VI(a) and other applicable provisions of the
Tahoe Regional Planning Compact, as amended ("Compact").

1.20 The Advisory Planning Commission ("APC") did not review the
amendments to be adopted by this ordinance. APC involvement in
the development and amendment of Chapter 37 has been minimal from
the onset due to the creation, in accordance with Governing Board
direction, of an alternative procedure and IPES technical
Committee. Therefore, in accordance with its Rules of Procedure,
the Governing Board has determined that adoption of these
amendments of the Code may proceed without APC review. The
Governing Board has conducted a duly noticed public hearing on
these amendments to the Code, at which hearing oral testimony and
documentary evidence were received and considered.

1.30 The provisions of this ordinance, themselves, were also the
subject of a duly noticed public hearing before the Governing
Board, at which hearing all persons desiring to present oral
testimony or documentary evidence were permitted to do so.

1.40 The original substantive provisions of the chapters of the Code
of Ordinances amended by this ordinance were the subject of an
environmental impact statement ("EIS"), which was processed,
reviewed and approved by TRPA in accordance with the substantive
and procedural provisions of Article VII of the Compact and the
applicable provisions of TRPA's Rules of Procedure. The
amendments adopted hereby are within the scope of the EIS and
have no significant environmental impact because they further
refine existing provisions. As to such amendments, therefore,
the Governing Board hereby determines that the amendments have no
significant environmental effect and thus are exempt from the
requirement of an environmental impact statement pursuant to
Article VII of the Compact.

ATTACHMENT C

- 1 -
The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and Article V(g) of the Compact. The EIS further finds that such findings are supported by substantial evidence in the record. The Governing Board further finds that, prior to adoption of this ordinance, the Board made the findings required by Section 2.40 of Ordinance 87-8. The Board finds that such findings are supported by a preponderance of evidence in the record.

The amendments to the Code adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of Chapter 37 of the Code of Ordinances

There is hereby adopted amendments to Chapter 37 as set forth below and as they may be amended in the record of the Governing Board meeting of October 26 and 27, 1988. Language to be added is underlined and language to be deleted is struck over.

Amend Subsection 37.11.A (page 37-25)

37.11.A Procedure For Establishing Allowable Base Land Coverage:

Once eligible parcels have received a score under IPES, and TRPA has taken action on requests for reevaluation pursuant to Subsection 37.10.C, the percentage of allowable base land coverage shall be established by TRPA in accordance with the following procedures:

(a) Based on the soil series and average slope determined by the IPES evaluation teams, all parcels receiving a score under IPES shall be identified as to which of the seven capability classes established in the Bailey Report each parcel would have been classified. Parcels determined by the IPES evaluation teams to be located in a soil series not identified in the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada", prepared by the Soil Conservation Service and Forest Service and dated March 1974, shall be excluded from this procedure.
(b) The combined scores for Relative Erosion Hazard and Runoff Potential representing the central tendency within each capability class shall be determined. The central tendency shall be described by the mode value, or by alternative statistical methods, including mean or median values, whichever is appropriate.

(c) The central tendency scores established in (b), above, shall be plotted, in graph form, against percentages of allowable base land coverage ranging from one percent to thirty percent. The central tendency score for Land Capability Districts 1a, 1c, 1d, and 2, shall be plotted at one percent; for Land Capability District 3 at five percent; for Land Capability District 4 at 20 percent; for Land Capability District 5 at 25 percent; and for Land Capability Districts 6 and 7 at 30 percent. If the central tendency scores of any of the capability classes set forth in (c), above, are determined to be statistically indistinguishable, such classes shall be combined for purposes of establishing a central tendency score. If capability classes are combined, the central tendency score shall be plotted at the percentage that is the average of the percentages established for those classes in Subsection 20.3.A of the TRPA Code.

(d) TRPA shall develop a formula for a line passing through the points of central tendency plotted in accordance with (c), above. No parcel shall be allowed more than 30 percent, or less than one percent base land coverage.

(e) Allowable base land coverage for parcels receiving a score under IPES shall be established in accordance with the formula developed in (d), above.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Code adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or amendments is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, or the amendments to the Code, shall not be affected. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.
Section 4.00 Effective Date

This ordinance shall become effective 60 days after the date of its adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ______________, 1988, by the following vote:

Ayes:

Nays:

Abstain:

Absent

Chester A. Gibbs, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 18, 1988

To: TRPA Governing Board

From: William A. Morgan

Subject: Status Report on Airport Master Plan and Board Action on Setting Time Limits for Determining EIS Preferred Alternative

As of October 7, all parties required to approve the Assumptions for the 1987 Scenario Analysis had signed off on the document. The consultant is regrouping and will commence work as soon as possible.

According to the work program, the working paper to be used as a basis for selecting a preferred alternative should be done 11 weeks after instructions to proceed have been given. Following the completion of the working paper, the airport consensus group will be convened to advise on the selection. At this time we have no target date by which time the advice of the consensus groups will be considered and a preferred alternative selected; however, we are attempting to get the "Steering Committee" to assist in setting such a date.

No action by the Governing Board seems necessary at this time, but next month we should have a target date for your consideration.
MEMORANDUM

October 18, 1988

To: The TRPA Governing Board

From: William A. Morgan, Executive Director

Subject: Status Report on California State Lands Commission Action on Pier Construction and Consideration of Code Interpretations

We have reviewed a portion of the minutes from the most recent State Lands Commission meeting during which the subject of pier construction at Lake Tahoe was discussed. It appears that a moratorium on new piers and extensions of existing piers is still in effect in California, with some exceptions having been considered on a case-by-case basis, if the projects are not in fish habitat areas. Presumably, the issue will be considered again at a subsequent meeting. No action by TRPA seems indicated at this time.

Attached is material on the related matter regarding the TRPA's interpretation (1988-4) of Sections 52.3.G(1),(2), and (3) of the Code and a letter from Rick Skinner of the California Attorney General's office addressing the subject. From the staff summary, you can see that I recommend the Board reaffirm Interpretation 88-4.
MEMORANDUM

October 11, 1988

To: TRPA Governing Board

From: William A. Morgan, Executive Director


On March 15, 1988 the TRPA Executive Director placed into effect the above-referenced Code Interpretation dealing with the standards which are to be applied to projects involving the expansion of existing shorezone structures (see attached). This interpretation was included in the April Governing Board packet and was distributed to all Governing Board members as well as various interest groups, including the California Attorney General's Office. On August 19 and September 21, 1988 we received letters from Mr. Richard Skinner, California Attorney General's office, expressing concern over the Code Interpretation (see attached). This was the first that TRPA staff knew of any objections to the interpretation. At the request of Mr. Skinner, staff has placed this matter on the Governing Board agenda for discussion.

Applicable Code Sections

Chapter 52 of the Code defines expansion as "An increase in size or extent, including an increase in the dimensions of a structure, change in configuration of a structure, and the addition of any structure or edifice to an existing structure."

Section 52.3.G(1), (2) and (3) of the Code states that any expansion of existing shorezone structures must comply with all applicable standards. The standards for shorezone structures are set out in Chapter 54 of the Code. Specifically, the standards relating to piers are contained in Section 54.4 (see attached).

Section 52.3.G of the Code provides for the expansion of shorezone structures provided certain findings can be made. For existing piers that comply with the length, setback and 90 percent open standards, an expansion may be approved if the following findings are made:

a. The expansion does not increase the extent to which the structure does not comply with the development standards;
b. The expansion complies with all applicable standards;

c. The project complies with all BMP requirements;

d. The project complies with the design standards; and

e. The structure has not been unserviceable for more than five years.

For existing piers that do not comply with the length, setback and 90 percent open standards an expansion may be approved if, based on information contained in the Initial Environmental Checklist (IEC), the following findings are made:

a. The structure is not an obstacle to navigation;

b. The structure is not causing significant shoreline erosion or interference with sediment transport;

c. The structure is not contributing to noncompliance with a scenic threshold;

d. The structure has not been unserviceable for more than three years; and

e. Findings a., b., c., and d. listed in the paragraph above.

If TRPA determines that findings a. through e., above, cannot be made based on the IEC, an Environmental Assessment (EA) must be required. If an EA is required the expansion cannot be approved unless the existing structure is modified to reduce the impacts identified in the EA to a less than significant level and the expansion complies with all applicable development standards (Section 52.3.G (D)).

Code Interpretation

A Code interpretation was determined necessary to clarify which development standards specified in Section 52.3.G of the Code are applicable to expansions of existing shorezone structures.

My interpretation of the Code is that the standards relating to the placement of piers, specifically the prohibition standards relative to fish habitat areas and stream inlets, are not necessarily applicable to all pier expansions. As stated above, only those standards which are applicable must be applied to pier expansion projects. My interpretation is based on the premise that not all expansions, as defined in the Code, will have a significant environmental impact on fish habitat. For example, a project involving a reconfiguration of an existing...
which actually reduces the overall size of the pier and brings the structure more in conformance with the design standards of the Code would technically be considered an expansion. Another example of an expansion would be a project proposing the addition of a low level boat lift, catwalk or safety rail. To take the position that no expansions can be approved in fish habitat areas would preclude these types of projects from being considered, and in the case of the first example a potential environmental benefit could be lost. It is interesting to note that over 80 percent of the Lake Tahoe shoreline (approximately 58 miles) is currently mapped as fish habitat. To prohibit all pier expansions in these areas would virtually preclude a majority of all piers from being modified or reconfigured, even when the existing structure is being brought into conformance with the design standards, i.e., changing an "L" or "T" shaped pier to straight or reducing the size of a boathouse.

Other rationale considered in making this Code Interpretation include: (1) once a pier is in place it is not likely that all expansions will have a significant effect on fish habitat; (2) the level of human activity related to existing piers is not usually increased by an expansion; and (3) expansions involving pier extensions often result in existing boating activities, i.e., propwash, etc., being relocated to deeper water which tends to reduce turbidity and impacts to lake bottom conditions.

It should be noted that Code Interpretation 1988-4 does not provide a blanket exception to the placement standards for all expansion projects, but only where it has been determined that said standards are not applicable. An example of this could be an extension of an existing pier located in the center of a mapped fish habitat area which has been field verified as having a sandy lake bottom and no evidence of actual fish habitat. Under current rules TRPA would not be able to modify the mapped fish habitat classification unless the area was located near a borderline between fish habitat and non-fish habitat. In this particular situation an extension of the existing pier would not have any significant impact on actual fish habitat. Therefore, the placement standards would not be applicable.

It is also important to note that the V(g) findings and the findings required in Chapter 50 of the Code pertaining to fish spawning areas and shorezone conditions must be made in order to approve any shorezone project. As added assurance that the required findings can be made TRPA staff typically places conditions on the permit relative to the timing of construction activities and the protection of lake bottom conditions to avoid any potential impacts to fish spawning and fish habitat. In addition, the Code requires TRPA to solicit comments from all affected agencies, including the California Department of Fish and Game, prior to approving any shorezone project. As of this date no negative comments pertaining to proposed expansion projects in fish habitat areas have been received.
Staff Recommendation

Based on the above discussion and the provisions of the Code, Agency staff recommends that the Governing Board reaffirm the Executive Director's decision to implement Code Interpretation 1988-4, as written.
### CODE INTERPRETATION

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**Purpose:** To clarify which development standards specified in Section 52.3.G of the Code are applicable to expansions of existing shorezone structures located lakeward of high water.

**Background:** Section 52.3.G(1), (2) and (3) states that any expansion of existing shorezone structures must comply with all applicable standards. Chapter 54 sets out development standards for all projects located in the nearshore, foreshore or lagoon areas. Which development standards are considered applicable to expansions of existing structures?

**Interpretation:** Expansions of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. If the existing structure does not comply with these two placement standards the expansion is not required to comply. However, if the existing structure complies with the placement standards the expansion must also comply.

---

**William A. Morgan**
Executive Director

**Author:** Jerry Wells

**JW:cs**
August 19, 1988

William A. Morgan
Executive Director
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

Re: Pier Expansions

Dear Bill:

Recently, in our role as counsel to the California State Lands Commission (SLC) we've had occasion to work with them as they updated their programs for licensing and permitting activities which take place on state-owned land and public trust land, lakeward of the high water mark at Lake Tahoe.

Naturally, the Commission, in carrying out its special responsibilities, would like to coordinate as closely as possible with TRPA, so the two agencies' respective programs operate as effectively as possible.

In this connection, I received a telephone call on August 19, 1988 from Greg Lien, attorney for the Tahoe-Sierra Preservation Council. He advised me that TRPA was (and had been for some time) granting project approvals for pier extensions into areas identified as "Feeding and/or Escape Cover Habitat," "Spawning Habitat," and "Areas Targeted for Habitat Restoration" on TRPA's April 26, 1984 Prime Fish Habitat Map. Mr. Lien wanted to know if the SLC was going to amend its policies to allow the same practices.

In responding to him, I indicated that it was not my understanding that TRPA's Shorezzone Ordinance permitted such practices, and that I was surprised to hear that TRPA would be undertaking such activities contrary to its adopted code. I said I would check accuracy of his claim with TRPA before responding to him, and that is the purpose of this letter.

Before writing you, I did go back and check the Shorezone Ordinance to see if my understanding was correct, and I was assured by the terms of the ordinance that it was.

As you know, Section 5.4.4(A)(3) prohibits the placement of pier in the areas identified as fish habitat or for restoration on TRPA's Prime Fish Habitat Map. Section 52.3.G(1)(a) dealing with expansion of piers where the existing structure currently comp
with existing standards, expressly requires that any such expansion "remains in compliance with applicable development standards. . . ."

Where the existing structure complies only with certain specified standards, Section 52.3.G(2)(b) also requires that the expansion comply with all applicable standards. Finally, where the existing structure is not in compliance with development standards, but an expansion nevertheless is allowed, Section 52.3.G(3)(d) similarly mandates any such expansion to comply "with all applicable development standards."

Given the clarity of the foregoing provisions, I hope you can confirm to me that TRPA has not permitted, nor will it permit, pier expansions to take place in the forbidden areas shown on the Prime Fish Habitat Map.

We look forward to your response with great interest.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

RICHARD M. SKINNER
Deputy Attorney General

RMS/kvc

cc: Jack Rump
     Jan Stevens
     N. Gregory Taylor
     E. Clement Shute, Jr.
August 19, 1988

William A. Morgan
Executive Director
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

Re: Pier Expansions

Dear Bill:

Recently, in our role as counsel to the California State Lands Commission (SLC) we’ve had occasion to work with them as they updated their programs for licensing and permitting activities which take place on state-owned land and public trust land, lakeward of the high water mark at Lake Tahoe.

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In responding to him, I indicated that it was not my understanding that TRPA’s Shorezone Ordinance permitted such practices, and I was surprised to hear that TRPA would be undertaking such activities contrary to its adopted code. I said I would check the accuracy of his claim with TRPA before responding to him, and that is the purpose of this letter.

Before writing you, I did go back and check the Shorezone Ordinance to see if my understanding was correct, and I was assured by the terms of the ordinance that it was.

As you know, Section 54.4(A)(3) prohibits the placement of pier in the areas identified as fish habitat or for restoration on TRPA’s Prime Fish Habitat Map. Section 52.3.G(1)(a) dealing with expansion of piers where the existing structure currently compl
August 30, 1988

Mr. Richard M. Skinner
California Attorney General's Office
P. O. Box 944255
Sacramento, CA 94244

Dear Rick:

Thanks for checking with us on the matter of pier extensions, which are considered forms of expansions under the definition in the TRPA Code.

Since March 15, 1988, we have indeed approved projects which involve expansions of existing shorezone structures in the area lakeward of high water on Lake Tahoe. You may have overlooked a Code interpretation we issued in March which covers that subject. The interpretation was given to our Governing Board and to others, including your office, without objection. I've attached another copy for your review. The keys to this interpretation are the word "applicable" and the conclusion that two particular placement standards are not "applicable" in all cases. The reasoning is that once a pier is in place in prime fish habitat, an expansion is not likely to have a significant effect on that habitat. Of course any project is still subject to the 5g findings, which may contradict that reasoning in individual cases. In those cases, we wouldn't be able to approve the project.

If you want to discuss this matter further, let me know.

Sincerely,

William A. Morgan
Executive Director

Attachment (copy of Interpretation 88-4)

cc: Greg Taylor
    Jan Stevens
    E. Clement Shute
    Gregg Lien
    Jerry Wells
    Susan Scholley
    Members of TRPA Governing Board
September 21, 1988

William A. Morgan
Executive Director
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

Re: Your Interpretation No. 1988-4 of the Shorezone Ordinance,
Affecting Pier Expansions

Dear Bill:

First, thank you for your August 30, 1988 letter and the follow-up
conference we had September 16, 1988 regarding Interpretation
No. 1988-4.

Because we've been unable, to date, to resolve our differences
over this subject, we agreed I could have some time on the
October, 1988 TRPA Governing Board agenda to address you and the
Board on the topic. This letter is to set forth our views in
summary fashion, with the expectation that it and any response you
may have will be provided to the Board as part of the packet for
the October meeting.

BACKGROUND

During the numerous discussions regarding the drafting of the
shorezone ordinance in 1986-1987, there was quite a debate over
what was to be TRPA's policy in Lake Tahoe. While all ultimately
agreed that there was a dearth of knowledge about the effects of
piers near stream inlets, or in fish habitat and spawning grounds,
one school of thought believed that piers thus should be allowed
in these sensitive areas until someone proved that piers caused
harm. Our view was that the sensitive areas were part of the
public's resources, and therefore, no piers should be built in
them until it was proven that such construction caused no harm.

Our view prevailed. Section 54.4.A(2) prohibits the placement of
piers within 200 feet of the stream inlets of 24 named creeks and
rivers which flow into Tahoe. Section 54.4.A(3), also dealing
with pier location standards, provides:

"The placement of piers shall be prohibited in
areas identified as 'Feeding and/or Escape Cover
Habitat,' 'Spawning Habitat,' or 'Areas Targeted
for Habitat Restoration' on TRPA's Prime Fish
Habitat map, adopted on April 26, 1984."

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Consistent with the foregoing, the same prohibitions attached to any expansion of an existing structure in Section 53.3.G. That section set up standards for the major structural repair or expansion of piers, and is divided into three categories of structures: those that comply with all development standards (Section 52.3.G(1)); those that comply with certain development standards (Section 52.3.G(2)); and those that do not comply with certain development standards. (Section 52.3.G(2)).

Major structural repair or expansion is allowed for structures that comply with all development standards provided TRPA finds, among other things, that "the structure, including any expansion, remains in compliance with applicable development standards." Section 52.3.G(1)(a). We understand that requirement to mean that any pier expansion would not be permitted if it occurred in one of the areas specified in Section 54.4.A(2) or (3), above.

Where a structure complies with certain development standards, major repair or expansion would be permitted so long as TRPA could find, in pertinent part, that "the repair or expansion does not increase the extent to which the structure does not comply with the development standards; [and] the expansion complies with all applicable standards." Section 52.3.G(2)(a) and (b).

Again, since the prohibitions on locating a pier near certain stream outlets or in a sensitive fish habitat, spawning or restoration area are development standards, we believe the above ordinance prohibits expansion of these types of piers if the expansion would occur in the sensitive areas.

Finally, in the case of structures which do not comply with certain development standards, Section 52.3.G(3)(d) provides: "Expansions shall not be approved unless TRPA requires the existing structure to be modified . . . , and the expansion complies with all applicable development standards." Once again, we read this ordinance to preclude expansions near specified stream outlets or in sensitive fish habitat, spawning or restoration areas.

As part of the compromise which gave rise to the prohibitions above discussed, TRPA was to conduct, and is now conducting a fish habitat and spawning study "assessing the impacts resulting from the construction and use of structure, including mooring buoys, on fish habitat and spawning areas in Lake Tahoe and the mouths of its tributaries." Section 54.3. It is hoped that the fish study may provide appropriate evidence to support a permanent policy in this area, which may include modification of the prohibition in Sections 54.4.A(2) and (3).
INTERPRETATION 1988-4

Apparently responding to shorezone development interests, TRPA's Executive Director approved an "interpretation" of Sections 52.3.G(1), (2) and (3) effective March 15, 1988. This interpretation, concerning expansion of structures, states:

"Expansions of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. If the existing structure does not comply with these two placement standards the expansion is not required to comply. However, if the existing structure complies with the placement standards the expansion must also comply." (Our emphasis.)

In our view, the interpretation simply discards the plain language in Sections 52.3.G(1), (2) and (3) requiring compliance with the prohibition against locating expansions of piers near specified stream inlets or sensitive fish habitat, spawning or restoration areas. Nothing in the ordinances permits the Executive Director to ignore a portion of an express term thereof, yet that is precisely what Interpretation 1988-4 purports to do.

Moreover, by allowing what had been prohibited pursuant to the extensive consensus workshops on this subject, the interpretation re-opens a difficult compromise and proposes a course of action unquestionably in conflict with the already agreed-upon solution.

On one hand, we have a great deal of respect for TRPA's Executive Director's authority to provide clarification of true gaps or interstices in TRPA's Code. Such is a time-honored administrative practice, and we are quite prepared to defer to that legitimate discretion properly exercised.

However, when an "interpretation" goes so plainly contrary to the express terms of an ordinance, the proper process for attaining that result is the forthright amendment of the ordinance. Such would be subject, of course, to notice, environmental documentation, public hearing and the voting safeguards specified in the Tahoe Regional Planning Compact.

Moreover, in the absence of compelling reasons, we believe it is extremely counterproductive to propose, as Interpretation 1988-4 does, the destruction of one of the important consensus compromises which led to the adoption of the 1987 Regional Plan. Much good faith and a great deal of give and take from all sides
went into the key agreements which led to that Plan, not to mention the countless hours of effort to draft the package. We are most disturbed that one of these important compromises is now jeopardized by Interpretation 1988-4, and it makes us quite concerned that other elements of consensus could be in similar unilateral jeopardy.

As we said before, there may well be room for proper interpretation of those ordinances. If, for example, an expansion could include simply the placement of a handrail on an existing pier, we would support the Executive Director's interpretation of Sections 52.3.G(1), (2) and (3) to allow such handrail construction even though the pier was located in one of the sensitive areas. Our concern is limited to those situations where the expansion itself involves an intrusion into a prohibited area; as we agreed in the consensus process, we think the ordinance's prohibitions on such activity must remain until and unless an appropriate study proves the activity is harmless.

Accordingly, we urge the Governing Board to revisit this issue and modify Interpretation 1988-4 to correctly reflect the express terms of the applicable Shorezone Ordinance.

Thank you for your consideration.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

RICHARD M. SKINNER
Deputy Attorney General

RMS/kvc

1. Section 52.2.A defines "Expansion" as, "An increase in size or extent, including an increase in the dimensions of a structure, change in configuration of a structure, and the addition of any structure or edifice to an existing structure." (Emphasis added.) Thus, not all expansions so defined would necessarily involve placement of materials beneath the waterline.
CHAPTER 54
DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER

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54.0 Purpose
54.1 Applicability
54.2 Review Of Support Facilities
54.3 Fish Habitat And Spawning Study
54.4 Piers
54.5 Boat Ramps
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54.8 Multiple-Use Facilities
54.9 Safety And Navigational Devices
54.10 Structures And Uses In Lagoons And Lakes Other Than Lake Tahoe
54.11 Jetties And Breakwaters
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54.13 Shoreline Protective Structures
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54.15 Man-Made Lagoons And Artificial Islands

54.0 Purpose: The Shorezone Subelement, Conservation Element of the Goals and Policies requires TRPA to regulate the placement of new piers, buoys and other structures in the nearshore and foreshore to avoid degradation of fish habitats, creation of navigation hazards, interference with littoral drift, interference with the attainment of scenic thresholds and other relevant concerns. The Goals and Policies also requires TRPA to conduct studies, as necessary, to determine potential impacts to fish habitats and apply the results of such studies and previous studies on shoreline erosion and shorezone scenic quality in determining the number of, location of, and standards of construction for facilities in the nearshore and foreshore. The Shorezone Subelement indicates that provisions should be made to allow multiple-use piers when such uses are intended to reduce the number of single-use piers on adjoining properties. This chapter sets forths standards and provisions in accordance with these policies.

54.2 Applicability: All projects and activities in the nearshore or foreshore of any lake or in lagoons in the Region shall comply with the standards and provisions set forth in this chapter.

54.2 Review Of Support Facilities: Whenever review of a structure, use or activity is required pursuant to the terms of this chapter, review shall encompass the structures, uses and activities in the backshore, nearshore, foreshore and on the adjacent littoral parcel to ensure adequacy of all facilities related to the new or expanded structure, use or activity.

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54.3 Fish Habitat And Spawning Study: TRPA shall prepare a study assessing the impacts resulting from the construction and use of structures, including mooring buoys, on fish habitat and spawning areas in Lake Tahoe and the mouths of its tributaries. The study shall also evaluate and recommend methods for restoring fish habitat.

54.3.A Schedule For Completion Of Study: The study required pursuant to this section shall be completed in accordance with the following schedule:

(1) Funding shall be secured by December 31, 1987.
(2) The final report shall be completed by October 31, 1989.

54.3.B Reconsideration Of Location Standards: Within 90 days of a determination by TRPA that funding will not be secured by December 31, 1987 or the report completed by October 31, 1989, but not later than January 24, 1990, TRPA shall reconsider the standards set forth in Subsection 54.3.A(2) and (3) for piers, in Subparagraph 54.5.A(2) for boat ramps, in Subparagraph 54.6.A(2) for mooring buoys, and in subparagraph 54.7.A(2) for floating docks and platforms.

54.4 Piers: Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of piers shall conform to the following standards:

54.4.A Location Standards: Location standards are:

(1) A maximum of one pier may be permitted per existing littoral parcel.
(2) The placement of piers shall be prohibited within 200 feet of the stream inlets of the following creeks and rivers:

(a) Third Creek;
(b) Incline Creek;
(c) Wood Creek;
(d) Slaughterhouse Creek;
(e) Upper Truckee River;
(f) Taylor Creek;
(g) Tassac Creek;
(h) Cascade Creek;
(i) Eagle Creek;
(j) Lake Tahoe Tributary at Mouth of Paradise Flat;
(k) Lonely Gulch Creek;
(1) Meeks Creek;
(m) General Creek;
(n) McKinney Creek;
(o) Quail Creek;
(p) Madden Creek;
(q) Blackwood Creek;
(r) Ward Creek;
(s) Truckee River;
(t) Dollar Creek;
(u) Watson Creek;
(v) Griff Creek;
(w) Baldy Creek; and
(x) Snow Creek.

(3) The placement of piers shall be prohibited in areas identified as "Feeding And/Or Escape Cover Habitat," "Spawning Habitat" or "Areas Targeted For Habitat Restoration" on TRPA's Prime Fish Habitat map, adopted on April 26, 1984.

(4) Piers shall not extend beyond lake bottom elevation 6219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting. The pierhead line is established as depicted on the TRPA Shorezone Tolerance/Pierhead Line Maps.

(5) Piers shall be placed only within an area that is enclosed by lines that are parallel to and a minimum of 20 feet inward of parcel lines when extended lakeward at right angles from the high water line. The setback for existing piers shall be five feet.

(6) The standards set forth in Subparagraphs (1), (4) and (5), above, may be waived for piers recognized by TRPA as multiple-use pursuant to Section 54.8.

54.4.B Design And Construction Standards: Design and construction standards are:

(1) The width of piers shall be a maximum of ten feet, which shall include all appurtenant structures except for a single low-level boat lift and a single catwalk. A catwalk below the level of the main deck, and not exceeding three feet in width by 45 feet in length, may be permitted. A low-level boat lift with forks not exceeding ten feet in width may be permitted.

(2) Pier decks shall not extend above elevation 6232.0 feet, Lake Tahoe Datum. Boat lifts, pilings, and handrails and other similar safety devices, shall not extend more than four feet above the pier deck. Pier decks may extend up to elevation 6234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons or that local wave characteristics represent a real threat to the integrity of the structure.
(3) To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open.

(4) Superstructures shall not be permitted.

(5) Fueling facilities shall not be permitted on piers located adjacent to littoral parcels on which the primary use is residential.

(6) The standards set forth in Subparagraph (1), above, may be waived for piers recognized by TRPA as multiple-use pursuant to Section 54.8.

54.5 **Boat Ramps:** When otherwise allowed pursuant to Chapters 51 and 52, the placement and design of boat ramps shall conform to the following standards:

54.5.A **Location Standards:** Location standards are:

(1) A maximum of one boat ramp may be permitted per littoral parcel.

(2) The placement of boat ramps shall be subject to the prohibitions set forth in Subparagraphs 54.4.A(2) and (3).

(3) Boat ramps shall be placed only within the area prescribed in Subparagraph 54.4.A(5).

(4) Boat ramps shall not extend lakeward beyond an elevation of 6219.0 feet, Lake Tahoe Datum, but not to exceed 75 feet in length except for marine railways, which may be permitted additional length.

(5) The standards set forth in Subparagraphs (1) and (3), above, may be waived for boat ramps recognized by TRPA as multiple-use pursuant to Section 54.8.

54.5.B **Design And Construction Standards:** Design and construction standards are:

(1) Boat ramps shall not exceed ten feet in width.

(2) Boat ramps shall be constructed from prefabricated materials. Metal grates or rails are the preferred construction material. Pre-cast concrete shall be permitted only when metal grates are infeasible.

(3) The standard set forth in Subparagraph (1), above, may be waived for boat ramps recognized by TRPA as multiple-use pursuant to Section 54.8.

54.6 **Mooring Buoys:** Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of buoys shall conform to the following standards:
MEMORANDUM

October 17, 1988

To: The TRPA Governing Board

From: The Staff

Subject: Nevada Lay Member Vacancy on the Advisory Planning Commission

Because of the recent resignation by Mike Van Wagenen from the Advisory Planning Commission, there is a Nevada lay member vacancy which the Board is requested to fill.

Attached for your information is a list of APC members. The Compact provides that there shall be at least four lay members with an equal number from each state, at least half of whom shall be residents of the region.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

DECKER, Alice - APC Chairman - Nevada Division of Historic Preservation, 201 So. Fall St., Room 106, Carson City, NV 89710 (702) 885-5138 (Alternate for Director of Nevada Department of Conservation and Natural Resources)

COMBS, Bill - Chief Planning Officer, Placer County
1141 B Avenue, Dewitt Center, Auburn, CA 95603 (916) 823-4721 (916) 581-6200 (Tahoe number)

HARPER, Michael - Chief Planning Officer, Washoe County
P. O. Box 11320, Reno, NV 89520 (702) 785-4043

JAMIN, Teri - Chief Planning Officer, City of South Lake Tahoe, P. O. Box 1210, So. Lake Tahoe, CA 95705 (916) 573-2048 (Alternate: Gary Marchio)

KUBER, Ginger - Chief Planning Officer, El Dorado County, P.O. Box 1456, So. Lake Tahoe, CA 95702 (916) 573-3145

RENZ, John - Chief Planning Officer, Douglas County
P. O. Box 218, Minden, NV 89423 (702) 762-9000

SULLIVAN, Walt - Chief Planning Officer, Carson City, 2621 Northgate Lane Suite 54, Carson City, NV 89701 (702) 887-2180 (Alternate: Eric Toll)

BUTTERFIELD, Ossian R. - Executive Officer Lahontan Reg’l. Water Quality Control, P. O. Box 9428, So. Lake Tahoe, CA 95731-2428 (916) 544-1481 (Alternate: Judith Unsicker)

BOYD, James - Executive Officer California Air Resources Board P. O. Box 2815, Sacramento, CA 95812

DOOGION, Lewis H. - Administrator Nevada Division of Environmental Protection, Capitol Complex, Carson City, NV 89710 (702) 885-4670

HARRIS, Robert - Forest Supv. Lake Tahoe Basin Mgmt. Unit U.S. Forest Service, P.O. Box 731002 So. Lake Tahoe, CA 95731 (916) 573-2600

Lay Members

PYLE, Richard C. - Soil Conservation Service P. O. Box 10529, So. Lake Tahoe, CA 95731 (916) 541-1496

BEDARD, Beverly - Tahoe Transportation District P. O. Box 864, Tahoe City, CA 95730 (916) 583-2371

Nevada

ROBERTS, Vivian - P.O. Box 6749 Stateline, NV 89449 (702) 588-2486

Position Vacant

BROOKS, Neil - P. O. Box 3239, Incline Village, NV 89450 (702) 832-3210

California

ROBERTS, Vivian - P. O. Box 6749 Stateline, NV 89449 (702) 588-2486

Position Vacant

BROOKS, Neil - P. O. Box 3239, Incline Village, NV 89450 (702) 832-3210

MORGAN, William A. - TRPA Executive Director P. O. Box 1038, Zephyr Cove, NV 89448-1038 (702) 588-4547

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MEMORANDUM

October 17, 1988

To: The TRPA Governing Board

From: The Staff

Subject: Assignment of a Board Member to the Finance, Rules, Retirement, and Legal Committees in Compliance With Rules of Procedure

Following is a list of current Governing Board committees and memberships. The Chairman is an ex officio member of each of these committees.

Finance Committee
John Cefalu
Joe Houghteling
Gene Scrivner
Rick Cronk

Rules Committee
Joe Houghteling, Chairman
Jim Reed
Erik Henrikson
Dianne Cornwall

Retirement Committee
Bob Pruett
Erik Henrikson
Mike Solt (staff)
Bill Morgan (secretary)

Legal Committee
Jim Reed, Chairman
Roland Westergard
Bob Pruett
Charles Deane

Legislation Committee
Rex Hime, Chairman
Bob Pruett
Joe Houghteling
Frankie Sue Del Papa
Jim Reed

The attached resolution sets forth the duties and responsibilities of four of the five committees and provides that there shall be five members on each committee. The Retirement Committee, which is not addressed in the resolution, is responsible for administering and making decisions on the Agency's retirement plan. The identity of members and chairmen of committees are to be determined by the Chairman, subject to approval by the full Board.

There currently are vacancies on the Finance, Rules, Legal and Retirement Committees.

jf
10/17/88

AGENDA ITEM IX B.
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 87-2

RESOLUTION OF THE GOVERNING BOARD OF THE
TAHOE REGIONAL PLANNING AGENCY
ESTABLISHING COMMITTEES OF THE GOVERNING BOARD
AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Governing Board of the Tahoe Regional Planning Agency ("Agency") finds:

1. Section 2.8 of the Rules of Procedure of the Agency authorizes the Governing Board, by resolution, to create committees of the Board, describing the committees' responsibilities, how their members are to be chosen and setting forth other matters the Board deems pertinent.

2. The Governing Board of the Agency finds it necessary and desirable to adopt this resolution establishing committees of the Board relating to finance, legislation, legal matters and rules, describing the committees' responsibilities, prescribing how their members are to be chosen and setting forth other matters pertinent thereto.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Agency, by virtue of authority conferred by the Tahoe Regional Planning Compact, as amended, and the Rules of Procedure of the Agency, as follows:

1. The Finance Committee, Legislation Committee, Legal Committee, and Rules Committee of the Agency Governing Board are hereby created. The responsibilities of each committee are hereinafter set forth.

2. The responsibilities of the Finance Committee include:
   (a) making recommendations to the Governing Board regarding Agency budgetary matters such as expenditures, receipts and financial planning; (b) reviewing periodic audits, financial statements and other similar reports and reporting periodically to the Governing Board regarding the Agency's financial condition; (c) reviewing requests for use of funds received from various state and federal entities and funds collected by the Agency and making recommendations for the disbursement thereof; and (d) other responsibilities assigned it by the Governing Board.

3. The responsibilities of the Legislation Committee include:
   (a) making recommendations to the Governing Board regarding amendments to the Tahoe Regional Planning Compact the committee deems necessary or desirable; (b) monitoring, reviewing and proposing legislation affecting the Agency and making recommendations to the Governing Board regarding the Agency's position with respect to such legislation; (c) assisting in presentation of the Agency's position with respect to legislation affecting it, whether to individual legislators, a legislative committee or otherwise; and (d) other responsibilities assigned it by the Governing Board.

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4. The responsibilities of the Legal Committee include: (a) consulting with the Agency's legal counsel with respect to the status of litigation involving the Agency and making recommendations to the Governing Board concerning prosecution, defense and settlement thereof; (b) making recommendations to the Governing Board regarding pursuit of legal action for enforcement of the Tahoe Regional Planning Compact and the Regional Plan and ordinances of the Agency; (c) reviewing and making recommendations to the Governing Board concerning requests for determinations of vested rights; (d) conferring with the Finance Committee and making recommendations to the Governing Board concerning budgetary matters involving legal counsel for the Agency; (e) hiring, retaining and evaluating performance of legal counsel for the Agency; and (f) other responsibilities assigned it by the Governing Board.

5. The responsibilities of the Rules Committee include: (a) periodically reviewing and making recommendations to the Governing Board regarding proposed amendments to the Agency's Rules of Procedure to coordinate with amendments to the Tahoe Regional Planning Compact, the Agency's Regional Plan and ordinances and otherwise for the proper administration thereof; (b) making recommendations to the Governing Board regarding other necessary and desirable amendments to the Rules of Procedure and the Fiscal and Administrative Procedures Manual for the proper conduct of the Agency's business; and (c) other responsibilities assigned it by the Governing Board.

6. The foregoing committees shall consist of at least five Governing Board members. The identity of members and chairmen of committees of the Governing Board shall be determined by the Chairman, subject to approval by the Governing Board. Members of the Governing Board from each state shall serve on each of the foregoing committees. The Chairman shall serve as an ex officio member of all the foregoing committees of the Governing Board. In the event a majority of the members of a committee is not present to constitute a quorum at a committee meeting, the member or members then present may appoint another member or members of the Governing Board present to temporarily serve on the committee in order that a quorum might be present and the committee conduct its business. Such temporary appointment shall expire at the conclusion of the meeting for which the appointment was made. Committees of the Governing Board shall act in coordination with the Agency's Executive Director or other Agency staff designated by the Executive Director. The chairman of each committee may request nonmembers of the Governing Board to join in the committee's deliberations in a nonvoting capacity.

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency this 29th day of January, 1987 by the following vote:

Ayes: Reed, Kinc, Hansen, Cefalu, Pruett, Henrikson, Miller, Houghteling, Sharp, Gibbs
Nays: None
Abstentions: None
Absent: Westergard, Hibdon, Haagen, Woods

CHESTER GIBBS, Chairman of the
Governing Board of the Tahoe Regional Planning Agency
MEMORANDUM

To: Governing Board
From: Agency Staff
Subject: Projects Processed at Staff and Governing Board Level for the Period September 20 through October 17, 1988

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</tbody>
</table>

**AGENDA ITEM X.B.1.**
Projects Processed at Staff and Governing Board Level
Page Two

Operating Backlog:  
29 (this month) 
75 (last month) 
90 (two months past) 
105 (three months past) 
219 (four months past) 
251 (five months past) 
285 (six months past) 
329 (seven months past)

Incomplete/Pending Information:  170 applications.

Compliance Cases Pending:  103 applications.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

SFD Foundation Applications Made By February 29, 1988:  207 applications.
SFD Foundation Applications Approved/Denied:  200 applications.
SFD Foundation Applications Pending:  7 applications.

10/17/88  AGENDA ITEM X.B.1
MEMORANDUM

September 30, 1988

To: The Governing Board

From: TRPA Staff

Subject: Status Report on Study of Shorezone Fish Habitat

The steering committee for the study, "Littoral Structure and its Effect on the Fish Community in Lake Tahoe", received the first quarterly progress report on September 8, 1988. A copy of the report with tabular summaries of the first season's data is attached.

The study is being conducted by a research team from the University of California at Davis and Utah State University at Logan, Utah. The steering committee for the study is composed of James Curran and Ted Frantz (Nevada Department of Wildlife), Russ Wickwire and Almo Cordone (California Department of Fish and Game, Gene Helfman (University of Georgia), Leo Poppoff (an APC member and the lay-person recommended by the Governing Board), and Jean Shaffer (TRPA principal planner and the contract manager).

Study Progress

The task of physically observing and characterizing the substrate of the littoral zone around the entire perimeter of the Lake has been completed. The number and location of artificial structures in the shorezone were recorded. The data collected will be analyzed in the coming months to create detailed maps of the littoral zone.

Eight major types of substrate were catalogued in the littoral zone. SCUBA divers have begun swimming multiple transects over each type of substrate at several levels of shorezone development to conduct a census of the number and species of fishes utilizing the habitat represented by each transect. These habitat censuses will be repeated to document any seasonal changes in use.

Fixed aspect hydroacoustic surveys to record fish activity electronically without human interference and to study

10/17/88

js

AGENDA ITEM X.B.3.
seasonal and diel (day/night) patterns of activity have been initiated.

Preliminary Results

The results tabulated in the attached report are interesting, but because they represent only one season's work, they are highly tentative. No spawning activities are represented in the data as yet. Observations indicate that, at least during the summer season, fish were more numerous in habitat with large boulders as compared to smaller substrate particle size. Steeply sloping habitat was preferred over flat habitat, and isolated (undisturbed) habitats were preferred over disturbed habitats. Rock crib piers were more attractive to fish than piling piers and nearby non-pier areas. Researchers noted that fish along the west shore seemed more sensitive to human activity than fish on the east shore.

The low water condition this summer did not interfere with the habitat mapping. Exposed habitat up to the high water line was mapped. However, most of the important areas of gravel and small cobble were high and dry, making it impossible for the divers to assess the numbers and species of fish which would have used that habitat had it been accessible. If low water occurs again next year, there will be a significant data gap which will need to be closed, perhaps by extending the term of the study.

Funding

Discussions by TRPA staff with state fisheries biologists and prospective researchers lead to the conclusion that the $60,000 received from Nevada and California for the study would be insufficient to finance a study of the scope necessary to provide adequate information on fish usage of habitat in the shorezone. Biologists from both states encouraged TRPA staff to request federal funds via the states from the Dingell/Johnson Sport Fish Restoration Program.

Thanks to the excellent study proposal and vigorous support by the regional and environmental services biologists, the requests for funds were approved. The California share of the Dingell/Johnson funds for FY 1988/89 has been received, and the funds to be transmitted by Nevada are expected soon.

10/17/88
LITTORAL STRUCTURE AND ITS EFFECT
ON THE FISH COMMUNITY
IN LAKE TAHOE

First quarter report to the
Tahoe Regional Planning Agency

By
Wayne Wurtsbaugh and Mark Vinson
Department of Fisheries and Wildlife/Ecology Center
Utah State University
Logan, Utah 84322-5210

and
Earl Byron and Jeff Janik
Division of Environmental Studies
University of California
Davis, California 95616

7 September 1988
Introduction

We have been extremely busy during this first quarter of the project in order to make use of the summer period for diving and fish observation. The major emphasis of our data collection has been to map the entire Tahoe littoral region, set out permanent shallow water transects, and to observe and count fish in transect and other areas with an emphasis on the comparison between disturbed and undisturbed sites. We are just now beginning the shallow water fixed-aspect hydroacoustic work and plan to conduct extensive deep water hydroacoustic surveys of lake trout populations next spring.

Our data collected to date is summarized in the attached tables and figures with the exception of the mapping which will require several more months for complete computer characterization and analysis of the data.

Littoral zone mapping

Littoral zone substrate mapping of Lake Tahoe was done from the University of California-Davis research vessel, the R/V John Le Conte. While cruising slowly, parallel to the shore, substrate composition was characterized at two minute intervals at three lake zones; the exposed shoreline, the nearshore, and the offshore area. Substrate composition was visually classified by particle size into six size categories based on sediment terminology of the American Geophysical Union (Table 1). The percent cover of sand, gravel, cobble, small and large boulder, and bedrock was recorded. Bedrock was separated into either volcanic or "other", which consisted of either glaciated granite or metamorphic rock.

The nearshore and the offshore areas were delineated by a change in substrate composition. This was typically a change from a heterogeneous boulder substrate to a homogeneous sand substrate. The distance of the break
from the shore/water interface was estimated and the water depth at the break
and slope of the shoreline were calculated from a National Oceanographic and
Atmospheric Administration bathymetric map. Artificial littoral zone
structures (i.e. docks, piers, rock cribs, and buoys) were counted during the
same two minute intervals.

Littoral zone fish surveys

Our littoral zone mapping identified 8 major substrate types; 100% sand,
100% gravel, mixed cobble, heterogeneous boulder mix, mixed small boulder and
sand, mixed large boulder and sand, 100% large boulder, and lava flow areas.
The low lake water level made it impossible to sample all habitat types
and survey fish at all preplanned depths and to test for the effect of
disturbance and slope within all habitat types. For example, we have been
unable to find gravel substrate at depths greater than 2 m.

In most areas slope dictates substrate composition. Steep slopes are
typically dominated by large boulders or a large boulder sand mix while
moderate slopes are covered by a mixed cobble/boulder substrate and sand is
most prevalent on shallow slopes. Similar problems exist in differentiating
disturbed and undisturbed sites. The majority of disturbed sites are located
within mixed cobble and heterogeneous boulder substrate on moderate slopes.
We identified 5 disturbance levels based on the relative amount of shoreline
development or boat traffic.

Underwater SCUBA surveys of fish abundance were done throughout July and
August. Thirty-one sites were located around the lake. Initial fish surveys
were swum parallel to shore for 100 m each at 1, 3, 10, and 20 m deep at about
0.5 m above the bottom. Later, the 20 m deep surveys were discontinued for
all sites and the 10 m deep transects were discontinued at sites where the
shoreline slope was less than about 15%. Very few fish were seen below the thermocline (approximately 8 m) or at depths less than 5 m when the shoreline slope was shallow. In sand areas all pieces of woody debris and small rocks were lifted and the adjacent area searched for fish. In cobble areas only the substrate within a one meter area at 10 m intervals was disturbed.

A total of 85 SCUBA transects for fish assessment have been completed. These were distributed among the dominant substrate, slope, and disturbance types (Table 1). Seventy-one transects were swum during the daylight hours. Fourteen transects were swum at night. Preliminary analysis suggests that substrate and shoreline slope have a major influence on total fish distributions (Figures 1 and 2) and species specific preferences (Table 2). Additional work is needed at night to assess possible diel habitat shifts. The effect of large scale disturbance is not clear at this time (Figure 3). The close relationship between substrate type and shoreline slope has made interpretation of large scale disturbance effects difficult.

Effects of shorezone structures and disturbance

To avoid the complications of changing substrate types and shoreline slope between developed and undeveloped areas we recently began to look at disturbance over a smaller scale. Paired comparisons between developed and undeveloped areas have been completed for twenty-three sites. A pair of divers started 10 m offshore from a pier and swam towards shore. One diver swam adjacent to or beneath a pier or rock crib, while the other diver swam 10-30 m away from the structure in an undeveloped area.

Preliminary results are suggestive of effects caused by structures (Figure 4). At this time, however, we are still not able to separate density effects caused by fish attraction from possible increases in fish production.

In future work we plan to expand our small scale disturbance study, to
quantify fish reaction distances to various disturbances, and to identify the philopatry of fishes for particular habitats.

Littoral and pelagic zone linkages

The link between the littoral zone and the pelagic zone is being investigated using a multidisciplinary approach. Some of this work is completed (e.g. fish life history summaries), while other studies are ongoing (e.g. fish biomass in the littoral zone, lake trout stomach collections), and others will be completed in spring 1989 (e.g. fish biomass in the pelagic zone).
Table 1. The number of littoral zone SCUBA transects completed by substrate type and shoreline slope and relative disturbance. Substrate and slope information is based on 71 daytime transects. Disturbance data is based on 31 sites.

<table>
<thead>
<tr>
<th>SUBSTRATE TYPE</th>
<th>TRANSECT DEPTH (m)</th>
<th></th>
<th></th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>3</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>sand</td>
<td>3</td>
<td>5</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>gravel</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>cobble</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>boulder mix</td>
<td>12</td>
<td>8</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>small boulder/sand</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>large boulder/sand</td>
<td>8</td>
<td>4</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>large boulder</td>
<td>4</td>
<td>7</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>lava flow</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

SLOPE

<table>
<thead>
<tr>
<th>SLOPE</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>shallow (0-5%)</td>
<td>24</td>
<td>20</td>
<td>6</td>
<td>50</td>
</tr>
<tr>
<td>moderate (6-10%)</td>
<td>4</td>
<td>7</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>steep (11-20%)</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>very steep (&gt;20%)</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>

DISTURBANCE SITES (1 is least disturbance, 5 is greatest disturbance)

<table>
<thead>
<tr>
<th>DISTURBANCE</th>
<th>SITES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>
Table 2. The percentage of time a particular species was seen during a SCUBA transect for a given substrate type. Sample size is 18 for sand, 1 for gravel, 3 for cobble, 20 for boulder mix, 5 for small boulder and sand mix, 14 for large boulder and sand mix, 12 for large boulders and 1 for lava.

<table>
<thead>
<tr>
<th>Species</th>
<th>Sand</th>
<th>Gravel</th>
<th>Cobble</th>
<th>Boulder mix</th>
<th>Small bldr/ sand mix</th>
<th>Large bldr/ sand mix</th>
<th>Large boulder</th>
<th>Lava</th>
</tr>
</thead>
<tbody>
<tr>
<td>no fish seen</td>
<td>38.9</td>
<td></td>
<td>66.7</td>
<td>15.0</td>
<td>20.0</td>
<td></td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Lahontan redside adult</td>
<td>11.1</td>
<td></td>
<td></td>
<td>15.0</td>
<td>60.0</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Lahontan redside larvae</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>lake trout adult</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mountain whitefish adult</td>
<td></td>
<td>100.0</td>
<td></td>
<td>5.0</td>
<td>20.0</td>
<td>7.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Piute sculpin adult</td>
<td>16.7</td>
<td></td>
<td>33.3</td>
<td>20.0</td>
<td>40.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Piute sculpin larvae</td>
<td>5.6</td>
<td></td>
<td></td>
<td>3.0</td>
<td>40.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>rainbow trout adult</td>
<td>5.6</td>
<td></td>
<td></td>
<td>15.0</td>
<td>40.0</td>
<td>35.7</td>
<td>66.7</td>
<td></td>
</tr>
<tr>
<td>speckled dace adult</td>
<td>5.6</td>
<td></td>
<td></td>
<td>45.0</td>
<td>40.0</td>
<td>21.4</td>
<td>16.7</td>
<td></td>
</tr>
<tr>
<td>speckled dace larvae</td>
<td></td>
<td></td>
<td></td>
<td>5.0</td>
<td></td>
<td>7.1</td>
<td>8.3</td>
<td></td>
</tr>
<tr>
<td>Tahoe sucker adult</td>
<td>16.7</td>
<td></td>
<td></td>
<td>15.0</td>
<td></td>
<td>14.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tui chub adult</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>21.4</td>
<td>16.7</td>
<td></td>
</tr>
<tr>
<td>Unidentified larvae</td>
<td>11.1</td>
<td></td>
<td>33.3</td>
<td>40.0</td>
<td>40.0</td>
<td>14.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SUBSTRATE SIZE INCREASING ———>
TOTAL FISH / TRANSECT

SHALLOW MODERATE STEEP VERY STEEP

SHORELINE SLOPE INCREASING -->
INCREASING DISTURBANCE -->

TOTAL FISH / TRANSECT

ISOLATED  PIERs  BOUY FIELD  MARINA
MEMORANDUM

October 14, 1988

To: TRPA Governing Board

From: Susan E. Scholley, Agency Counsel

Re: October Legal Report

1. Lakeview v. TRPA, U.S. District Court, Eastern District of California

(Plaintiff alleges vested right to construct 28 townhouses in South Lake Tahoe.)

Judge Ramirez granted defendants' (TRPA and State of California) motions for summary judgment. The Court reaffirmed that, in California, a building permit is still generally required for a vested right.

2. Rabe v. TRPA, U.S. District Court, District of Nevada

( Plaintiff alleges inverse condemnation of property in Douglas County.)

Judge Reed granted TRPA's motion to discuss. The Court found that the 1987 Regional Plan was not inadequate on its face and that plaintiff had failed to exhaust its administrative remedies.

3. Smith v. TRPA, Superior Court, Placer County (2 cases)

(Plaintiff alleged inverse condemnation of property based on 1972 Regional Plan.)

The cases were dismissed for lack of prosecution.

4. TRPA v. Steinmeyer, Second Judicial District, Washoe County

(Enforcement action regarding illegal construction of swimming pool.)

The defendant complied with the TRPA Governing Board's remedial directive and TRPA dismissed the complaint without prejudice.

SES: jm
10/14/88

AGENDA ITEM X C.
153

(Plaintiffs allege inverse condemnation of property with claimed damages in excess of 26 million dollars.)

Plaintiffs' appeal to the Ninth Circuit has been argued and briefed since January 10, 1988. The parties are still awaiting a decision.