TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on August 9, 1989, at the TRPA conference room, 195 U.S. Highway 50, Zephyr Cove, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

August 1, 1989

By:  

[Signature]
William A. Morgan  
Executive Director
AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  PUBLIC HEARING AND RECOMMENDATION

A. Amendment of the Historic Resources Overlay Map
   1. Tahoe Meadows, City of South Lake Tahoe
   2. The Matt Green Property, Placer County APN 94-171-06

B. Amendment of Chapter 20 (Land Coverage Standards) Regarding
   Application of Land Coverage Transfer Provisions to Residential
   Parcels Containing Portions Below High Water Lines or Portions
   Occupied by Easements for Linear Public Facilities, Streets, or
   Highways

C. Amendment of Chapter 4 (Project Review and Exempt Activities),
   Regarding the Lists of Exempt Activities and Qualified Exempt
   Activities and Appendix A, Projects and Matters to be Reviewed by
   Governing Board

V  PLANNING MATTERS

A. Recommendations on Memoranda of Understanding
   1. TRPA and Nevada State Parks
   2. TRPA and California State Parks
   3. TRPA and the U.S. Forest Service

B. Status Report on Elks Point Marina Master Plan, Douglas County

VI  REPORTS

A. Status Report on Scenic Resources Management Package

B. Executive Director

C. Legal Counsel
D. APC Members

E. Public Interest Comments

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

A. Assignment of Members to Recruitment Committees

X ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

July 12, 1989

REGULAR MEETING MINUTES

I  CALL TO ORDER AND DETERMINATION OF QUORUM

Former APC Chairman Alice Becker called the meeting of the Advisory Planning Commission (APC) to order at 9:40 a.m. and asked for a roll call.

Members Present:  Mr. Jepsen, Mr. Greenwood (for El Dorado County Planning), Ms. Jamin, Mr. DeMello, Mr. Hoefer, Ms. Becker, Ms. Unsicker Mr. McCurry, Mr. Pyle, Ms. Roberts, Mr. Hansen (present at 10:50 a.m.), Mr. Brooks (present at 9:45 a.m.), Mr. Popoff, Mr. Harper, Ms. Bedard, Mr. Combs

Members Absent:  Mr. Renz, Mr. Toll, Mr. Thrams

IV APPROVAL OF AGENDA

Agency Executive Director Bill Morgan advised that there were no changes to the agenda.

MOTION by Mr. Combs, with a second by Mr. Hoefer, to approve the agenda as presented.

III  APPROVAL OF MINUTES

Mr. Popoff asked that the third paragraph on page 6 of the June 14, 1989 minutes be amended to show that the concern with regard to boat lifts and graphics was one raised by him, not Mr. Pyle.

MOTION by Ms. Roberts, with a second by Ms. Jamin, to approve the June 14 minutes as amended. The motion carried with Mr. Combs and Ms. Bedard abstaining.

Mr. Morgan introduced new Nevada lay member Robert Jepsen appointed by the Governing Board. Mr. Jepsen lived in Carson City and had property in Glenbrook. He had retired recently from the Carson City school district.

Mr. Morgan introduced Ken Greenwood, representing El Dorado County on the APC. Mr. Greenwood had been with the County for a month and a half. He had worked previously for the Forest Service.
153 of the Design Review Guidelines was to be deleted, as suggested at an earlier meeting by Mr. Popoff. The sentence was inadvertently left in. (Delete: "Boats should not be stored out of the water on boatlifts.")

Mr. Harper suggested it would be helpful for applicants if an executive summary of the guidelines, including graphics, could be prepared.

Mr. Harper asked that there be clarification of what "it" referred to in the first sentence of the fifth paragraph on page 9 of the Scenic Quality Improvement Program. (Sentence reads, "Commercial areas should retain a small-scale, compact character that complements the existing environment and utilizes it to enhance the quality of the built environment.") Ms. Becker suggested that staff might wish to clarify this.

Mr. Hoefer suggested that the definition of "normal maintenance" be amended to delete the term "normal." The reference to "ordinary" was also confusing. Staff concurred with the deletion of "normal."

(Mr. Greenwood left the meeting at 10:50 a.m.)

After a brief recess, Mr. Strain presented the changes made to the sign ordinance (Chapter 26) and explained the results of a recent meeting with local planners and the Tahoe Sierra Preservation Council. The staff's proposal was to have the APC recommend adoption of the package but to hold the effective date of certain sections of Chapter 26 until January 1, 1990, to give local governments the opportunity to come forward with substitute standards.

Mr. Morgan explained that within a year or less there could be quite a mix of sign standards in effect around the Region, all of which would achieve the same result. These regulations would be different among the various jurisdictions and could be based on an ordinance developed by local governments and presented to TRPA for review and approval. These regulations could also be Chapter 26 as written and as adopted by local governments. A third possibility was Chapter 26 as written enforced within a particular jurisdiction by TRPA. The choice depended on local governments and how they wished to have a sign ordinance implemented. After meeting with local governments, it became clear that the Agency could not put into effect an amortization schedule or process for rectifying nonconforming signs today based on Chapter 26, because all the other standards were not yet in place. It was determined in the meeting with local governments that, though Chapter 26 would be take effect within 60 days of its adoption by the Board (scheduled for this month), most of the provisions with respect to nonconformity and correction of that problem would be deferred until April 1, 1990, expecting that by then local governments would have put together their own set of standards, with or without a nonconformity correction provision. Items (1), (3), (5), (6), and (6) in Section 26.12 (Existing Signs) were to be deferred were (1). Those items requiring sign owners to do something were to be deferred. Those items where the sign owner themselves intended to make a change could proceed upon the effective date of the ordinance. Both Placer County and Washoe County were in the process of developing replacement standards. Douglas County was busy with other things and was not anticipating work on replacement standards in the foreseeable future. El Dorado County wanted to do something but was not sure when it would be accomplished. The City was putting together some standards for the redevelopment area and would have standards for the balance of the City by the end of the year. Staff had
APC REGULAR MEETING MINUTES JULY 12, 1989

(Allocation of Development). This would be coming back to the APC in the future.

MOTION by Mr. Poppoff to find that the EIS for the scenic package was technically adequate and to recommend that the Board certify the EIS. Second by Ms. Becker. The motion carried unanimously.

Prior to action on Mr. McCurry's motion, Mr. Harper advised that Washoe County could in the future be asking for revisions to the maps. He had not had an opportunity to consult with Washoe County's representative on the Governing Board, and changes to the maps may be presented at the time the matter was taken up by the Governing board. He would let staff know as soon as he knew of any suggested revisions.

Mr. McCurry's motion carried on the following vote:

Ayes: Ms. Jamin, Mr. DeMello Mr. Hoefer, Mr. Jepsen, Ms. Unsicker, Mr. McCurry, Mr. Pyle, Ms. Roberts, Ms. Becker, Mr. Brooks, Mr. Poppoff, Mr. Harper, Mr. Combs, Mr. Hansen
Nays: Ms. Bedard
Abstain: None
Absent: Mr. Greenwood, Mr. Renz, Mr. Toll, Mr. Thrams

The meeting recessed for lunch from 12:00 to 1:20 p.m. (Members present after lunch: Jamin, DeMello, Hoefer, Jepsen, Unsicker, McCurry, Pyle, Roberts, Becker, Brooks, Poppoff, Harper, Combs, Hansen, Bedard)

B. Amendment of the Goals and Policies and Code to Modify Land Coverage Transfer Requirements Relative to Erosion Control and Other Environmentally Oriented Projects

Principal Planner Gordon Barrett presented the proposed amendments to the Code and to the Goals and Policies which would provide a definition of water quality control facilities and would permit restoration of disturbed lands at a ratio of 1-1/2 to 1 in lieu of a coverage transfer for environmentally oriented projects in all land capability districts. Mr. Barrett noted that new subparagraph 20.4.B(4)(c) should also be added into Section 28.3.B(4)(c).

Mr. Poppoff suggested that these environmentally oriented projects should be exempt from coverage transfers or restoration requirements. What was being asked was mitigation of a mitigation project. A further handicap was being put on these needed projects.

Mr. Barrett concurred that the coverage issue was a touchy one. Staff had determined to adhere to the concept that all project were subject to the Bailey restrictions.

While agreeing with Mr. Poppoff's logic, Mr. Morgan explained that staff had drafted the thresholds, Goals and Policies, the ordinances and 208 plan in such a way that the same regulations would apply to all projects where coverage was over Bailey. Virtually all water quality improvement projects included restoration of disturbed lands. To allow a credit for that restoration to be given, the Code was, in fact, doing away with the transfer requirement which now was on the books.
C. Amendment of Chapters 4 (Project Review and Exempt Activities) and Chapter 20 (Land Coverage Standards) to Provide for Alternative Methods of Field Verifications and Land Capability Challenges

Principal Planner Gordon Barrett presented staff's summary of the proposal to amend the Code to allow a designated land bank (the Tahoe Conservancy in California) to conduct field verifications using qualified, designated personnel. These reports would be used both by the land banks and by TRPA and would eliminate the duplication of work which was now occurring. This would apply only to lands owned by the land bank. In the case of a capability challenge, a team of experts would evaluate the site and submit a report for final action by the Executive Director. This would apply on a parcel-by-parcel basis, because an areawide change would require a Regional Plan amendment. A challenge currently was required to go to the Board for action. The amendment would exempt land bank challenges from Board action and would exempt them from notification of affected property owners because of the scientific nature of the determination. All of these land bank parcels were to be retired, regardless of capability.

Discussion followed on notice procedures. Agency legal counsel explained that no notice would be given only in the case of property which was already retired and committed to open space. There would be no impact on other properties. Notice would be given to affected property owners if there were any potential present or future for development, existing or otherwise, of the property.

Mr. Morgan asked that a change be made to item 6 in Chapter 4, Appendix A, as follows: "Land Capability challenges and man-modified challenges except those land capability challenges under 5 acres submitted under the special provisions for designated land banks." Change General #1, Exhibit A to the Rules of Procedure should also be changed to read, "Land Capability and Man-Modified Challenges, except for land capability challenges under 5 acres on parcels previously, permanently retired by a land bank."

Chairman Hansen opened the public hearing.

Mr. John Henderson suggested this amendment involved trust between TRPA and the Conservancy - at the technical and professional levels. There also had to be knowledge on the Agency's part that the Conservancy was buying land and retiring it. Should this be of concern; it should be addressed.

Since no one else wished to comment, the hearing was closed.

Ms. Jamin explained that the City had been notified by the Conservancy of land acquisitions which involved a combination of low and high capability lands. The high capability land was to be available for development in the future - perhaps through the community plan process. The challenge could further define how much was high and how much was low capability. There was a legitimate function that the Conservancy played with respect to Mr. Henderson's concern.

Mr. Ziegler, Chief of Long Range Planning, explained that the gist of the amendments was to reduce work load and to smooth out administrative procedures that now were overly complex and redundant.
MEMORANDUM

July 30, 1989

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Historic Resources Overlay Maps, Designating as Historic Resources the Matt Green Property, Placer County APN 94-171-06, and the Tahoe Meadows Subdivision, City of South Lake Tahoe

PROPOSED ACTIONS

The proposed action is to designate the subject sites as historic resources and to amend the Agency Historic Resources Map Overlays (Attachment A) to show them as historic sites, numbers 74 and 75 respectively.

The subject sites are proposed for designation by TRPA as historic sites pursuant to Section 29.3 of the Code of Ordinances which states:

Upon discovery of a site, object, district, structure or other resource, potentially meeting the criteria of Section 29.5, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO). If the resource is initially determined to be eligible for designation as a historic resource by the SHPO, TRPA shall consider designation pursuant to Sections 29.5 and 29.4.

ANALYSIS

The Matt Green Property

The Matt Green house was built in 1920. Matt Green, a well known contractor and designer who built a number of similar houses in the Tahoe City area around that time, built the house for his own use. It is a frame and rock bungalow of a distinctive style. Although it is badly in need of repair, the house retains its architectural integrity.

Upon receiving the historic resources inventory (Attachment B) documenting the significance of the building, staff sent a copy of the inventory to the California SHPO, whose staff confirmed the site's initial eligibility for designation under the provisions of Subsections 29.5.B and 29.5.C. Accordingly, TRPA nominated the house for designation as an historic site pursuant to Section 29.4.
Tahoe Meadows

Tahoe Meadows is an example of the earliest "planned unit developments." The site has privately platted lots surrounding two areas called the Meadow and the Desert set aside as open space or natural preserves. Over half of the structures there were constructed prior to 1939.

The buildings are scattered informally among the trees. Construction since the 1930s has generally been in harmony with the original buildings. Tahoe Meadows retains the character of the summer camp from the early decades of the 20th century.

The Tahoe Meadows Homeowners have had the district inventoried and have submitted the Registration Form (Attachment C) to nominate the area for the National Register as an historic district with the concurrence of the California SHPO and for designation by TRPA as an historic district for which it is eligible under the criteria Subsections 29.5.B and 29.5.C (Attachment D).

ENVIRONMENTAL DOCUMENTATION

Based on the Environmental Check Lists, the designation of the sites as historic resources will not have a significant effect on the environment.

STAFF RECOMMENDATION

Staff recommends that the APC review the historic inventories, comment as appropriate, and, following the public hearing, make the following recommendations to the Governing Board:

1. That the Board make the findings for approval set forth in Chapter 6:

   A. The designations are 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 and the Code of Ordinances require the identification and preservation of eligible historic resources in the Basin.

   B. The designations will not cause the environmental threshold carrying capacities thresholds to be exceeded.

      Rationale: The designation and protection of historic resources will neither encourage nor prevent physical changes that would affect the attainment of thresholds.

   C. 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 Tahoe Regional Planning Compact, the project meets or exceeds such standards.

7/30/89
Rationales: The designation and protection of historic resources will not have any effect on air or water quality standards.

D. The Regional Plan amended as proposed will still achieve and maintain the thresholds.

Rationales: The designation and protection of historic resources will neither encourage nor prevent physical changes that would affect the attainment of thresholds.

2. That the Board determine that the Matt Green House and the Tahoe Meadows are sufficiently significant to be designated pursuant to Section 29.5 as historic resources.

3. That the Board make the finding of no significant effect on the environment and adopt an ordinance amending the Historic Resources overlays to add the subject sites.
LEGEND:

△ Indian Campsite

Fish Indian, Fishing Campsite

Washoe Indian Special Function

Historic Resource

Flume
HISTORIC RESOURCES INVENTORY

Identification
1. Common name: _________
2. Historic name: Matt Green House
3. Street or rural address: 60 Bristlecone Street
   City: Lake Forest Zip: _________ County: Placer
4. Parcel number: APN: 94-171-06
5. Present Owner: _________ Address: _________
   City: _________ Zip: _________ Ownership is: Public Private X
6. Present Use: uninhabited Original use: residence

Description
7a. Architectural style: Bungalow
7b. Briefly describe the present physical appearance of the site or structure and describe any major alterations from its original condition:

see attachment

8. Construction date:
   Estimated: Actual
9. Architect: Matt Green
10. Builder: Matt Green
11. Approx. property size (in feet)
    Frontage: 700' Depth: 200' or approx. acreage
12. Date(s) of enclosed photograph(s)
    March 15, 1989
13. Condition: Excellent ☒ Good ☐ Fair ☐ Deteriorated ☐ No longer in existence ☐

14. Alterations: see attachment

15. Surroundings: (Check more than one if necessary) Open land ☐ Scattered buildings ☐ Densely built-up ☐ Residential ☒ Industrial ☒ Commercial ☐ Other: Lake within approximately 500'

16. Threats to site: None known ☐ Private development ☐ Zoning ☐ Vandalism ☐ Public Works project ☐ Other: Encroachment from neighbors on west

17. Is the structure: On its original site? ☒ Moved? ☐ Unknown? ☐

18. Related features: Cobblestone fountain, cobblestone circle, stone entrance posts

SIGNIFICANCE
19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

see attached

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)

Architecture ☒ Arts & Leisure ☒
Economic/Industrial ☐ Exploration/Settlement ☐
Government ☒ Military ☐
Religion ☐ Social/Education ☐

21. Sources (List books, documents, surveys, personal interviews and their dates).

see attachment

22. Date form prepared March 20, 1980
By (name) Rebecca Sample Bernstein
Organization private consultant
Address 3230 Imperial Way #74
City Carson City, NV Zip 89706
Phone: (702) 883-1084
The Matt Green House is a circa 1930 white bungalow with two related outbuildings. The house is located on the west side of Bristlecone Street on a small hill. Stone posts mark the two entrances to the property: a driveway and a walk path. The house is oriented towards the east, with the ridge of its roof perpendicular to the street. A first floor bay window and a second floor dormer on the south elevation provide a view of Lake Tahoe. The house is located in a resort/residential neighborhood. The neighborhood is fairly densely developed but retains a rural flavor due to the thick forestation.

The frame house is clad in wood clapboard and wood shingles and rests on a cobblestone foundation. The gable roof is covered in wood shingles. Gable dormers project from the sides (south and north elevations). On the sides of the house exposed rafters extend beyond the eaves and are notched at the ends. At the ends of the house, large craftsman-style brackets visually support the overhanging eaves.

The irregular fenestration and door pattern includes many different sizes of windows and doors. The common factor between them is the exterior trim which consists of a substantial lintel and sill with battered vertical trim between. The frame has an "Egyptian" influence and is very typical of architectural design in the late 1910s and early 1920s. All of the windows are one-over-one double-hung wood frame. The doors vary depending on where they are located, the front doors being finer than the side and back doors.

The front porch is protected by a projecting gable-on-gable roof on the south side of the main elevation. The porch rests on a built-up cobble stone base. The porch is accessed by a handsome set of stairs also constructed of cobblestone. A latter addition of a wood skirted deck extends around the south elevation from the front porch.

The property includes a wood frame, gable roof tool shed to the southwest of the main house and a wood frame, gable roof garage/office to the northwest of the main house. The shed is in good condition and appears to have been altered very little. The garage/office is in fair condition and appears to have suffered extensive incompatible remodeling.

The site used to include a large boathouse, a cookhouse, a bunkhouse and a winehouse, all close to the lake. None of these remain. A set of tracks ran from the boathouse to the water for a boat to be launched from. The property also included an electric generator. This might have been located where there is a wood platform with a 'sandbox' in it at the back of the house. The removal or destruction date for these structures is not known.
11. Alterations to the site include the addition of the deck on the south elevation of the main house (unknown date), the remodeling of the garage/office into apartments (unknown date), and the removal/destruction of additional buildings (see Table closer to the water unknown date).

10. This house was built circa 1920 by Matt Green for his own use. Green first came to the Lake Tahoe area in 1901 as a carpenter on the new Tahoe Tavern construction project. Later he was involved in the construction of Vikingsholm and the Tahoe Vista Hotel. He built many private homes while summering in the Tahoe area. Green was living year-round in Sacramento by 1937, but still had investments around Lake Tahoe, among them the Tahoe Tavern and the Tahoe Merchantile in Tahoe City. Green also owned the Senator Hotel in Sacramento.

Between 1920 and 1937 Matt Green operated his construction contracting business from his home on Bristlecone Street. The garage was divided into three parts with Green's office on one side, and the ice-house on the other side of the garage.

Green took on local help in the summer time. Although Green was the head of his own company, it appears that he may have been financed by Lora Knight of Vikingsholm. Originally from upstate New York, Green was not an architect, and had not completed any schooling beyond the third grade. He probably designed smaller buildings like garages and perhaps some houses, but he worked with formal architects on large projects.

Green sold his house by 1937, and always said he sold it "Lock, stock and barrel". Subsequent owners included Mr. McLaren, a stockbroker from San Francisco, and Mr. Patterson. No one has ever lived in the house all year round.
Sources

Oliver Henrikson. Lake Forest, California. telephone conversation with author. March 19, 1989
Carol Van Bixen. Tahoe City, California. telephone conversation with author. March 19, 1989
United States Department of the Interior
National Park Service

National Register of Historic Places
Registration Form

This form is for use in nominating or requesting determinations of eligibility for individual properties or districts. See instructions in Guidelines for Completing National Register Forms (National Register Bulletin 15). Complete each item by marking "x" in the appropriate box or by entering the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, styles, materials, and areas of significance, enter only the categories and subcategories listed in the instructions. For additional space use continuation sheets (Form 10-900a). Type all entries.

1. Name of Property
   historic name Tahoe Meadows
   other names/site number

2. Location
   street & number Highway 50 between Ski Run Boulevard and Park Avenue
   city, town South Lake Tahoe
   state California code CA county El Dorado code 017 zip code 95729

3. Classification
   Ownership of Property
   □ public-local
   □ public-State
   □ public-Federal
   private
   Category of Property
   □ building(s)
   □ district
   □ site
   □ structure
   □ object
   Number of Resources within Property
   □ contributing
   □ noncontributing
   □ buildings
   □ sites
   □ structures
   □ objects
   □ total

   Name of related multiple property listing:
   Number of contributing resources previously listed in the National Register

4. State/Federal Agency Certification
   As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this □ nomination □ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property □ meets □ does not meet the National Register criteria. □ See continuation sheet.
   Signature of certifying official Date
   State or Federal agency and bureau

   In my opinion, the property □ meets □ does not meet the National Register criteria. □ See continuation sheet.
   Signature of commenting or other official Date
   State or Federal agency and bureau

5. National Park Service Certification
   I hereby certify that this property is:
   □ entered in the National Register.
   □ See continuation sheet.
   □ determined eligible for the National Register. □ See continuation sheet.
   □ determined not eligible for the National Register.
   □ removed from the National Register.
   □ other, (explain:)

   Signature of the Keeper Date of Action
6. Function or Use

Historic Functions (enter categories from instructions)
- Summer camp, seasonal residence
- Landscape - common and conservation

Current Functions (enter categories from instructions)
- Summer camp, seasonal residence

7. Description

Architectural Classification
(enter categories from instructions)
- Early 20th century rustic

Materials (enter categories from instructions)
- Foundation: rock and concrete
- Walls: wood - weatherboard, shingle, log
- Roof: wood shingle, metal, asphalt
- Other: stone chimneys

Describe present and historic physical appearance.

Tahoe Meadows is an irregularly shaped tract of land located on the south shore of Lake Tahoe between Ski Run Boulevard and Park Avenue in the City of South Lake Tahoe. Over half of its southern boundary runs along Highway 50. Incorporated as a non-profit association of property owners, its 100 acres comprise what today would be called a "planned unit development", in which privately owned lots were platted around two sections of land called the Meadow and the Desert, permanently dedicated in the Association covenant as open space, or natural preserves. Planned as a summer home community with a resident caretaker, most of the 134 lots were deeded before World War II. Forty-six structures, over half of those now built, are pre-1939. Seven roads: Forest, Lake, Azure, South, Meadow, Pine, and Beach are maintained by the Association. In addition to the two dedicated open spaces where pedestrian traffic is limited to three footpaths, the Association holds six other sites in common. These sites are: two community beach lots, two recreational sites—the ball field and the campfire site, and two lots for the caretaker and supervisor. The Association also owns 3,740 feet of beach frontage. The members' covenant also insures the non-commercial nature of development and regulates lot size, building types and appearance. Properties are generally not fenced; roads are not surfaced. Vehicular traffic is restricted to 10 miles per hour. Although interrupted by scattered cabins and dirt roads, Tahoe Meadows also supports a large, relatively contiguous, mixed conifer forest that provides a habitat for a variety of wildlife species. Rare species, such as bald eagles, have been sighted in the area. Although no excavations have been carried out, the use of the land by Washoe and other Indians long before and after the Association purchased it is well known. A pond in the eastern corner of the property is alleged to have been dug by the Indians for the purpose of storing fish until a load could be taken to sell in Carson City or Placerville.

Tahoe Meadows conveys a strong impression of a summer-home community or camp from the early decades of the 20th century. The early cabins were basic shelters, largely for sleeping (a row of outdoor latrines, now demolished, was built for community use). Later cabins incorporated kitchens, bathrooms, and more spacious living rooms. The buildings have a vernacular appearance although a few were designed by architects. Lumbermills in the area probably supplied owners with stock plans and materials as well as windows and doors. The common building materials were the ones used during this period for rustic cabins throughout the country for private and public use, as in National Park Service architecture. Wood was used for frames and siding of weatherboard, shingles, board-and-batten, and some horizontally laid half and whole logs. Roofing is both corrugated metal and wood or asbestos shingles. Foundations are of rock or concrete. Wood-framed doors and windows, usually with solid wood shutters, vary in their composition. Steep-tiled gable roofs are typical. In general, the cabins are one story or a story-and-half to accommodate loft or mezzanine bedrooms. Although sleeping quarters, living rooms and kitchens were sometimes built as separate structures forming compounds, cabins
also had these elements strung together in a rambling one-story plan. Support structures such as garages, wood sheds, and other storage vary in size but share the woody character of the houses. Building colors are wood tones or wood painted with forest green or other natural hues.

The building are sited informally, scattered among the trees, and often set well back from the roads. Parallel siting to the road is not common, and buildings on the same lot are often sited obliquely to each other. There is no standard or prescribed relationship between structures on the same lot or from lot to lot. Beachfront cottages tend to be sited parallel to the shoreline and uniformly set back. The general effect of the siting is picturesque; the marmade elements are in harmony with the setting.

The general integrity of Tahoe Meadows is high. Buildings have been modified—many modifications are historic—but the modifications have been in keeping with the rustic character of the original buildings. Design guidelines have insured that the new buildings or additions to old ones were harmonious. Over half of the structures are contributing, having been built over fifty years ago. Since the structures that are non-contributing because of age continue the use and architectural character of the older buildings, the continuity of the district is assured. A map showing the contributing properties keyed to owners' names is attached.

Tahoe Meadows is one of the last surviving vestiges of lakeshore forest and meadow land developed as a vacation home community. Outside its boundaries, commercial development of lodgings, shopping centers, and restaurants predominates. The stateline gambling casinos are nearby, and strong pressures for increasing the density of the commercial development and for building roadways to serve it exist. To enter Tahoe Meadows is to find an island in time.
8. Statement of Significance

Certifying official has considered the significance of this property in relation to other properties:

☐ nationally ☐ statewide ☒ locally

Applicable National Register Criteria ☒ A ☒ B ☒ C ☐ D

Criteria Considerations (Exceptions) ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G

Areas of Significance (enter categories from instructions)

Architecture, Community planning and development, Conservation, Ethnic heritage:
Native American

Significant Person
Multiple

Period of Significance
1924-1939

Significant Dates
1924-1939

Cultural Affiliation

Architect/Builder
Bernard Maybeck

Tahoe Meadows appears to be significant under Criteria A, B, and C. Under Criterion A there are three themes: 1. the impact of the automobile on culture; 2. the development of Lake Tahoe as a recreation center and family vacation area; 3. planned community developments and preserved open space. Under Criterion B, many members of the Tahoe Meadows Association have been important in our past. Under Criterion C, the buildings are representative examples of rustic vacation cottages in a forest setting.

Lake Tahoe is one of California's and the nation's most historic and important recreation areas. Although both the California and the Nevada sides of the lake were developed for recreational use during the 19th century, the various areas around the lake grew in response to particular circumstances. South lake Tahoe was strongly affected by the evolution and impact of automobile transportation. The 19th century Pioneer Trail evolved from a principal route for immigrants into California and for parties of miners going to the Comstock Lode or the Washoe Diggings to become California's first state highway in 1896. The increasing popularity of the automobile and other gasoline-powered vehicles is reflected in the on-going improvements of U.S. 50, as this highway is now called. This route forms a major boundary of Tahoe Meadows.

Recreational use of the south shore grew space with more diversified traffic across the Tahoe Basin after the turn of the 20th century. At first only a few hotels catered to the travellers on the pioneer trail. The Tahoe Meadows property was originally part of a patent granted to William W. Lapham by the U.S. Government in 1867. Lapham ran a commercial fishing business at Lapham's Fish Market and Landing. About 1870, he also built a hotel and enlarged it the next year, changing the name to Lapham's Hotel and Landing. Lapham's property was acquired by Mrs. Marion Hill, who subsequently divided it with her brother, Elisha E. Smith. Smith built up the community of Lakeside Park which acquired a post office in 1901 and, by 1915, had over 2,000 acres; it was a popular summer residence area. Smith's widow married Arthur M. Hill, and, as Catherine Smith Hill deeded the property, encumbered with debts to the Oakland Title Insurance and Guarantee Company, which transferred the land in a series of deeds to their agent, John H. Kimball. Kimball sold the property to many of those who became members of the Tahoe Meadows Association when it was incorporated in 1925.

The post-World War I years saw an increase in traffic during the summers to Lake Tahoe. The subdivision plan for Tahoe Meadows was conceived by Louis Bartlett, an expert in
real estate law; the protective covenant, which placed restrictions on the use of the land, was drawn up by William Gorrill, a pioneer in environmental law. A later covenant controlling membership, lot size, and setting restriction on buildings was adopted in 1937. The number of members fluctuates, but at present stands at about 95.

Today, Tahoe Meadows would be called a "planned unit development", the term coined in the 1960s to describe a community organization established by a developer in a recorded covenant and usually including common open space and facilities. P.U.D.s were preceded by Home Owners Associations, which have a long history in this country. The earliest examples, Louisburg Square in Boston, 1826, and New York City's Gramercy Square, 1831, are urban, but the earliest western example is St. Francis Wood, 1912, in San Francisco, the rural-suburban part of the city at that time. St. Francis Wood had design guidelines for buildings and landscape. After a diligent search of California archives (see list in section 9), the researchers have concluded that Tahoe Meadows is the earliest example in the Lake Tahoe region of a planned subdivision with a property owners' association and a protective covenant that addresses the conservation of the environment. Although, in today's urbanized environment it is not uncommon to cluster dwelling units to create open space for common use and enjoyment, it was an unusual concept for the sparsely populated, remote area that South Lake Tahoe was in the 1920s. Thus Tahoe Meadows is a landmark of visionary planning for ecologically sensitive areas.

Many prominent people in public affairs, the professions, and the arts as well as the academic communities of the University of California and San Francisco State University were among the early members of the Tahoe Meadows Association. The lawyer Louis Bartlett, mentioned above, was also a Mayor of Berkeley. The Bartletts and other families from Berkeley, the Nachtriebs, the Hals, and the Moodys, camped on the land beginning in the summer of 1919. The first sales of land were made in 1922 to Mr. and Mrs. Walter S. Morley, Phillip and Loretta Spencer, Warner and Jessie Brown, and Louis and Marion Bartlett. Between 1925, the first year of incorporation, and 1927, ten or so more lots were sold to families that formed the core of the Tahoe Meadows ownership. Signers of the covenant drawn up by lawyer William H. Gorrill were: Louis Bartlett, Beverly Hodghead, Guy S. Mulberry, Beulah C. Lupp, Nora T. Bray, Walter S. Morley, and Warner Brown. The last four named were on the faculty of the University of California in Berkeley. Other early association members who were on the faculties of U.C. Berkeley and S.F. State University were Stephen Pepper, Stuart Daggett, Samuel B. Holmes, and Edwin Mauk. One of California's famous photographers, Cedric Wright, was a frequent visitor. Other distinguished guests were Nobel Prize winners Dr. Wendell Stanley, Dr. Glenn Seaborg, and Dr. Melvin Calvin. (A list of distinguished founders and members is attached.)

In respect to architectural significance (Criterion C), the Tahoe Meadows buildings are representative of rustic vacation cottages in a forest setting. Approximately two thirds of the structures are more than fifty years old. About half of these historic structures were built in the 1920s around the time of the establishment of the Association. Their architectural styles encompass the range of those that were popular for vacation home use from log cabins to shingled cottages in a variety of forms from simple to sophisticated. Since most of the buildings were constructed by local carpenters and contractors according to owner preference, the houses provide a record of
vernacular building design, methods of construction, and materials from the 1920s to the present.

Some of the early structures are rudimentary and were built mainly as shelter from bad weather. Good examples of this type are the Symmes cabins (A 2, 3 & 18) and the tent cabins and cottages on the Schmidt and de Vries properties (A 9, 10, 11, 12). The log cabin built in 1927 for Professor Stuart Daggett (H1, 2, 3, 4) is a fine example of a style used expressively to recapture the spirit of pioneering days. Several of the anonymous cabins are outstanding for their distinctive plans and use of materials. Examples are the houses on the Brown (F 3), Mel (P 10), Gorrill (P 12), and Dimwiddie (F 15 and 16) properties.

Two of the cottages are attributed to one of California's most famous architects, Bernard Maybeck. In 1921, Maybeck was working on the resort buildings for Glen Alpine Springs near Fallen Leaf Lake. That same year he also designed a house in Berkeley for the photographer, Cedric Wright, who often stayed at Tahoe Meadows in Cecilia and Janet Graham's cabin (F 18). The Grahams were also from Berkeley; Cedilia was a sculptor and Janet a concert pianist. The cabin, now owned by the Mannings, was built in 1925, probably from drawings made by Maybeck on an informal basis for the Grahams.

Although the structure is a simple wooden box, various details such as the curved roof brackets are characteristic of Maybeck's design. The Anderson cottage (F 7 & 8) is also attributed to Maybeck and was built in 1934. This shingled, rectangular box with a high-peaked gable roof and tall narrow windows recalls cottages designed by Maybeck in Berkeley.

In summary, the Tahoe Meadows buildings not only exhibit the characteristics of a building type, the rustic vacation cabin, but also include examples of buildings designed by a noted California architect.

Tahoe Meadows also has ethno-historical significance. The Washoe and other Indian's use of the meadows for annual celebrations has been noted in several accounts, among them the popular book, The Saga of Lake Tahoe, by Edward B. Scott (1957). Oral history from Tahoe Meadows residents confirms that the Indians continued to frequent the property long after the Association acquired it to gather willow shoots for making baskets and to fish. The pond noted on page 1 of Section 7, Description, adjacent to lot (F 13) was allegedly made by the Indians for the purpose of storing fish. Residents also recalled that the Indians helped construct the stone chimneys that are a feature of several of the cabins.
SIGNIFICANT PERSONS

References

1. TRPA Chapter 29, Paragraph 29.3.B "Resources Associated With Significant Persons."


DISCUSSION

The following properties are associated with the lives of persons significant in our past. However, before such listing and as a generality reflecting upon Tahoe Meadows as an entity as it was originally constituted (and as it has retained its character as a proposed historic district) important avocations of its pioneers should be noted. Most of the founders and early members (in the 1920's) were Berkeley residents. About 30 homes were built and occupied in that period and many of these were built by members of the faculty of the University of California as noted below.

<table>
<thead>
<tr>
<th>T.M. FOUNDERS AND EARLY MEMBERS</th>
<th>AVOCATION</th>
<th>CURRENT OWNERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. U.C. Berkeley Professors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barbara Nachtrieb Armstrong</td>
<td>law</td>
<td>Pat Armstrong Symmes</td>
</tr>
<tr>
<td>Warner Brown</td>
<td>psychology</td>
<td>Dr. Ellen Brown</td>
</tr>
<tr>
<td>Stuart Daggett</td>
<td>transportation</td>
<td>Marlon &amp; Maureen Daggett</td>
</tr>
<tr>
<td>Samuel J. Holmes</td>
<td>Chairman zoology</td>
<td>Dunnivent &amp; Symmes</td>
</tr>
<tr>
<td>Stephen C. Pepper</td>
<td>Philosophy</td>
<td>Smith, Tarson, Blakewell and Miller</td>
</tr>
<tr>
<td>Carl L. A. Schmidt</td>
<td>Chairman Biochemistry Dept.</td>
<td>Alfred C. Schmidt</td>
</tr>
<tr>
<td></td>
<td>Dean Pharmacy</td>
<td>Esther Schmidt de Vries</td>
</tr>
<tr>
<td>Robert F. Heizer</td>
<td>Anthropology</td>
<td>Gullickson, Sturges &amp; Huston</td>
</tr>
<tr>
<td>William C. Bray</td>
<td>Chemistry</td>
<td>Hearn &amp; Thomas</td>
</tr>
<tr>
<td>Harold L. Leupp</td>
<td>Library Science</td>
<td>Sue Johnson Willey</td>
</tr>
<tr>
<td>Walter S. Morley</td>
<td>Geology, mining</td>
<td>Esther W. Janney</td>
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<tr>
<td>Robert O. Moody</td>
<td>Medicine</td>
<td>Telfer, Weider, Martell and Greenberg</td>
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<tr>
<td>George P. Adams</td>
<td>Provost U.C. Philosophy</td>
<td>Patterson Trust</td>
</tr>
<tr>
<td>Marjorie Petray</td>
<td>Music</td>
<td>Martin &amp; Mortimer</td>
</tr>
<tr>
<td><strong>T.M. FOUNDERS &amp; EARLY MEMBERS</strong></td>
<td><strong>AVOCATION</strong></td>
<td><strong>CURRENT OWNERS</strong></td>
</tr>
<tr>
<td>---------------------------------</td>
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</tr>
<tr>
<td><strong>2. U.C. San Francisco Professors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dr. Guy S. Millberry</td>
<td>dentistry</td>
<td>Tahoe Meadows</td>
</tr>
<tr>
<td>Dr. Edwin H. Mauk</td>
<td>dentistry</td>
<td>Robert McClurg</td>
</tr>
<tr>
<td>Dr. Louis A. Strait</td>
<td>pharmacy</td>
<td>Elsa Strait</td>
</tr>
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<td>Dr. Ellen Brown</td>
<td>Medical school</td>
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<td>Dr. John E. Adams</td>
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<td>Patterson Trust</td>
</tr>
<tr>
<td></td>
<td>Medical school</td>
<td></td>
</tr>
<tr>
<td><strong>3. Berkeley Mayors</strong></td>
<td>lawyer</td>
<td></td>
</tr>
<tr>
<td>Louis Bartlett</td>
<td></td>
<td>Bartlett Family Trust</td>
</tr>
<tr>
<td>Beverly L. Hodghead</td>
<td></td>
<td>Mel, Torrance, Rauzy</td>
</tr>
<tr>
<td><strong>4. Berkeley Attorneys</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>William H. Corrill</td>
<td></td>
<td>Marion Corrill</td>
</tr>
<tr>
<td>Cora B. Harding</td>
<td>also real estate</td>
<td>Fingado</td>
</tr>
<tr>
<td>Gordon Johnson</td>
<td></td>
<td>Sue Johnson Willey</td>
</tr>
<tr>
<td>Frank Lawrence</td>
<td></td>
<td>Charles F. Lawrence owns a lot</td>
</tr>
<tr>
<td><strong>5. Artists and Musicians</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cedric Wright</td>
<td>Photographer</td>
<td>F. Dimwiddie</td>
</tr>
<tr>
<td>Cecilia B. Graham</td>
<td>sculptrist</td>
<td>Brunn &amp; J. Manning</td>
</tr>
<tr>
<td>Janet Graham</td>
<td>concert pianist</td>
<td>Brunn &amp; J. Manning</td>
</tr>
<tr>
<td>Sergei Mihailoff</td>
<td>composer &amp; teacher</td>
<td>Dmitri Mihailoff</td>
</tr>
<tr>
<td><strong>6. Ministers</strong></td>
<td></td>
<td></td>
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<tr>
<td>Rev. Wilfred Hodgkin</td>
<td>Episcopalian</td>
<td>same as above</td>
</tr>
<tr>
<td>Rev. Earl M. Wilbur</td>
<td>Unitarian</td>
<td>Newell Nelson</td>
</tr>
<tr>
<td>Deaconess Anita Hodgkin</td>
<td>Episcopalian</td>
<td>Stevens</td>
</tr>
</tbody>
</table>
T. M. FOUNDERS & EARLY MEMBERS

7. Educators

Wellyn B. Clark
Dr. Virgil E. Dickson
Prof. John Dinwiddie
Dr. Leonard Ascher

AVOCATION
Prin. Berkeley High
Superintendent Berkeley Schools
Architecture Tulane
Prof. of Economics San Francisco State

CURRENT OWNERS
Esther Lusk
Marylyn Dickson
Morrison & McClelland
Ascher Trust

8. Other People

Harvey West, Sr.
Judge G. W. Bedeau
Col. William C. Braly
Dr. Dwight Wilson
Charles Mel
John H. Kimball

Lumber and philanthropy
Sacramento
At Bataan Prisoner of Japanese WW II
Health Officer of Richmond, Calif.
Founder Calo Dog Food & Philanthroper
Accountant and title agent

Robert West and Harvey West, Jr.
Kathryn Bedeau
James & Carol Westcott
William W. Wilson
Howard Mel
numerous

9. Distinguished Guests

Walter Arthur Gordon
Dr. Wendell Stanley
Dr. Ernest Page
Dr. Glenn Seaborg
Dr. Melvin Calvin

Gov. Virgin Islands
Nobel Prize Winner
Professor U.C. Med. Obstetrics
Nobel Prize Winner Chemistry 1951
Nobel Prize Winner Chemistry 1956

Guests of Peppers
Helped construct Schmidt garage - name inscribed in floor
Rented numerous houses
Guest of Gorrills
Guest of Gorrills
29.5.A Resources Associated With Historically Significant Events And Sites: Resources shall exemplify the broad cultural, political, economic, social, civic, or military history of the Region, the states, or the nation, or be associated with events that have made a significant contribution to the broad patterns of history, including regional history. Such resources shall meet one or more of the following criteria:

1. Association with an important community function in the past;
2. Association with a memorable happening in the past; or
3. Contain outstanding qualities reminiscent of an early stage of development in the Region.

29.5.B Resources Associated With Significant Persons: Resources that are associated with the lives of persons significant in history, including regional history, such as:

1. Buildings or structures associated with a locally, regionally, or nationally known person;
2. Notable examples, or best surviving works, of a pioneer architect, designer or master builder; or
3. Structures associated with the life or work of significant persons.

29.5.C Resources Embodying Distinctive Characteristics: Resources that embody the distinctive characteristics of a type, period, or method of construction, that possess high artistic values, or that represent a significant and distinguishable entity but whose components may lack individual distinction, are eligible. Works of a master builder, designer or architect also are eligible. Resources may be classified as significant if they are a prototype of, or a representative example of, a period style, architectural movement, or method of construction unique in the Region, the states, or the nation.

29.5.D State And Federal Guidelines: Archeological or paleontological resources protected, or eligible for protection, under state or federal guidelines, are eligible.

29.5.E Prehistoric Sites: Sites where prehistoric archaeological or paleontological resources, which may contribute to the basic understanding of early cultural or biological development in the Region are eligible.
MEMORANDUM

July 27, 1989

To: Advisory Planning Commission

From: TRPA Staff

Subject: Public Hearing and Recommendation - Proposed Amendment of Chapter 20 (Land Coverage Standards) Regarding Application of Land Coverage Transfer Provisions to Residential Parcels Containing Portions Below High Water Lines or Portions Occupied by Easements for Linear Public Facilities, Streets or Highways

Proposed Action: TRPA staff is proposing to amend the land coverage transfer table in Subparagraph 20.3.B(1)(a) of the Code of Ordinances to clarify that the project area and not the parcel area is to be used when establishing maximum coverage from land coverage transfers for residential uses of one to four units. The proposed amendment language is shown in Attachment A.

Background: Presently, the land coverage transfer table establishes maximum land coverage (base coverage plus transferred coverage) for residential uses of one to four units based on the parcel area. Subsection 20.3.D of the Code sets forth procedures for calculating allowable land coverages which includes determination of the project area. Base land coverage for new houses on undeveloped parcels is calculated based on the project area.

Subparagraph 20.3.D(1)(a) defines a project area for a project on a single parcel as the area of the parcel. Subparagraph 20.3.D(1)(b) however, states that the project area "shall not include lands lakeward of the high-water lines of bodies of water, such as lakes and ponds, lands underlying covered surfaces associated with existing linear public facilities, highways, streets, and roads, referred to in Subsection 20.3.B, and easements or rights-of-way allowing potential land coverage for linear public facilities, highways, streets, and roads."

There are a number of parcels in the Tahoe Keys and elsewhere which have a large portion of the parcel underwater (lagoons or lakes). If the term "parcel size," as used in the coverage transfer table (§20.3.B(1)(a)) excludes areas underwater, then some parcels will not be eligible for as much coverage under the
Proposed Amendment of Chapter 20 (Land Coverage Standards)
Regarding Application of Land Coverage Transfer Provisions to
Residential Parcels Containing Portions Below High Water Lines
or Portions Occupied by Easements for Linear Public Facilities,
Streets or Highways -- Page 2

Table as there would be if the underwater areas were counted. Some may not be
eligible at all. For example, a 5,000 sq. ft. parcel with 3,000 sq. ft. under-
water is eligible for 1,800 sq. ft. of coverage if the underwater portion is
counted toward parcel size, but would be restricted to base land coverage if the
underwater portion is excluded. Another example is that a 12,000 sq. ft. parcel
with 4,000 sq. ft. underwater would be eligible for 2,400 sq. ft. if the under-
water portion is counted, but would be restricted to 1,800 sq. ft. if the
underwater portion is excluded from parcel size.

The issue has arisen as to whether portions of parcels underwater, and thus not
part of the project area as defined in §20.3.D(1)(b), are to be considered in
calculating the parcel size for purposes of using the coverage transfer table.
The above examples illustrate the difference this distinction can make.

Section 20.3.D(2)(b) of the Code states that "in the event additional coverage
is permitted by transfer... the amount of total coverage shall be calculated
by applying the percentage coverage figures... to the project area."

Moreover, the terms "parcel" and "project area" are used interchangeably
throughout most of the Code. For example, accessory uses are limited to the
same parcel as the primary use, yet in Subparagraph 20.3.D(1)(a)(iii), accessory
uses are recognized as being permissible within a "project area." Thus, there
is ample evidence that parcel is synonymous with project area. Still, there is
an argument to be made that "parcel size" should be interpreted in a strict
literal sense.

The proposed amendment will not prevent coverage transfers from occurring
throughout the Region, but it will prohibit transfers of coverage to lots in the
Tahoe Keys, and other similar lots, which do not have at least 4,000 sq. ft. of
land area and will also affect, in some situations, the amount of coverage that
can be transferred to lots with area underwater.

Interim Code Interpretation: At the June 28, 1989, Governing Board meeting, the
Board approved the following interim Code interpretation which equates parcel
size as used in subparagraph 20.3.B(1)(a) with project area, as defined in
subparagraph 20.3.D(1):

"Parcel Size (Sq. Ft.)," as used in subparagraph 20.3.B(1)(a), shall be con-
strued to be the project area, as defined by subparagraph 20.3.D(1), so as to
exclude, among other things, portions of a parcel covered with water. This
interpretation shall be an interim statement pending action by the Board to
amend Chapter 20 to clarify the table.

Adoption of this proposed amendment would replace the interim interpretation.
Consistency With Regional Plan Documents: The amendment would make consistent the methods by which base land coverage (using the project area) and the maximum land coverage are calculated. This would allow an existing house to be eligible to receive the same amount of maximum land coverage as a new house on parcels of equal size and capability.

Environmental Impact Analysis: Staff is proposing a finding of no significant effect for the proposed amendments because the use of the more restrictive project area will prevent coverage from being overloaded onto parcels too small to adequately mitigate the associated impacts, including the ability to install BMPs and infiltrate onsite runoff. The proposed amendment would make the coverage transfer table consistent with the method used to calculate coverage transfers associated with the method used on all other major categories of use.

This item is scheduled for a public hearing and APC recommendation to the Governing Board. Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments.
20.3.B Transferred Land Coverage Requirements: In addition to the base coverage prescribed by Subsection 20.3.A, land coverage may be transferred to a parcel pursuant to Subsection 20.3.C. Parcels and uses eligible for transfer of land coverage are set forth in this Subsection. The aggregate of base coverage and coverage transferred shall not exceed the limitations set forth below:

(1) Residential Facilities (1 to 4 Units): The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for residential facilities of four units or less is the coverage allowed pursuant to the coefficients in Subsection 20.3.A, or as follows, whichever is greater:

(a) Maximum Parcel Coverages:

<table>
<thead>
<tr>
<th>Parcel Project Area Size (Sq. Ft.)</th>
<th>Maximum Land Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only 0 - 4,000 Base Land Coverage</td>
<td></td>
</tr>
<tr>
<td>4,001 - 9,000 1,800 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>9,001 - 14,000 20% of Parcel Project Area 2,900 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>14,001 - 16,000 3,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>16,001 - 20,000 3,100 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>20,001 - 25,000 3,200 sq. ft.</td>
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<tr>
<td>25,001 - 30,000 3,300 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>30,001 - 40,000 3,400 sq. ft.</td>
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<tr>
<td>40,001 - 50,000 3,500 sq. ft.</td>
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</tr>
<tr>
<td>50,001 - 70,000 3,600 sq. ft.</td>
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<tr>
<td>70,001 - 90,000 3,700 sq. ft.</td>
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<tr>
<td>90,001 - 120,000 3,800 sq. ft.</td>
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<tr>
<td>120,001 - 150,000 3,900 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>150,001 - 200,000 4,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>200,001 - 400,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) Planned Unit Developments: For parcels in planned unit developments, the maximum coverage allowed shall be 100 percent of the proposed building envelope or 2,500 square feet, whichever is less. Parcels in PUDs with five or more units per parcel are considered multi-residential and regulated pursuant to Subparagraph 20.3.B(3).

(c) Special Transfer Programs: Parcels in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval. The only subdivision with such a program, as of the effective date of the Regional Plan, is Cave Rock Estates, Unit No. 3. The Cave Rock Estates, Unit No. 3 transfer program is set forth in the TRPA March 23, 1978 approval of that subdivision.
(d) Driveways: The maximum limits in Subparagraph 20.3.B(1)(a) may be increased by a transfer of land coverage for a driveway built in accordance with the standards in Chapter 27, which is to be created in connection with the construction of a single family house on an existing parcel, provided TRPA finds that:

(i) The construction will not result in a residential structure with land coverage greater than that permitted in Subparagraph 20.3.B(1) minus 400 square feet; and

(ii) The single family house, as a direct result of the increased land coverage, will be located on the parcel at the site found by TRPA to cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation and preservation of trees and other flora.
MEMORANDUM

July 31, 1989

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Appendix A of Chapter 4 (Project Review and Exempt Activities), Regarding the Lists of Exempt Activities and Qualified Exempt Activities and Appendix A, Projects and Matters to be Reviewed by Governing Board

Amendment Description: TRPA staff is proposing to amend Appendix A of Chapter 4 of the Code of Ordinances to reduce the number of projects which require TRPA Governing Board Review. The proposed amendments are set forth in Attachment A.

Background: It is widely known that the average processing time for projects at TRPA is too long. TRPA staff is working on the problem. The first attempt to reduce the backlog, in 1988, was to hire seasonal workers, which helped but did not provide a permanent solution. This year, four additional full time planners were added to the project review staff. As the table shows, there has been a significant increase in production. However, in June there was still a 170 project backlog, which represents a two-month wait. Due to a significant amount of overtime worked in June and July, processing time has now been reduced to four to five weeks.

Projects Processed by TRPA Since January, 1989

<table>
<thead>
<tr>
<th>Processed Projects</th>
<th>Governing Board</th>
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</thead>
<tbody>
<tr>
<td>January</td>
<td>72</td>
</tr>
<tr>
<td>February</td>
<td>61</td>
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<tr>
<td>March</td>
<td>112</td>
</tr>
<tr>
<td>April</td>
<td>90</td>
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<tr>
<td>May</td>
<td>155</td>
</tr>
<tr>
<td>June</td>
<td>225</td>
</tr>
<tr>
<td>July</td>
<td>200 (est.)</td>
</tr>
<tr>
<td>Total</td>
<td>915</td>
</tr>
</tbody>
</table>

The staff is now considering other ways to reduce the work load. Some of the ideas are:
Memorandum to Advisory Planning Commission
Amendment of Chapter 4 (Project Review and Exempt Activities) -- Page 2

-- Reducing the number of projects that are reviewed by the Governing Board,
-- Reducing the number of projects reviewed by TRPA by amending the exemption list,
-- Streamlining the project review process by cutting down on the paperwork, and
-- Obtaining assistance from other sources through MOUs.

Discussion: The first and easiest change is to amend Appendix A in Chapter 4, which is the list of what projects the Governing Board reviews. In drafting the proposed ordinance language, the staff considered the following items:

- The size and scale of the project,
- The required project findings,
- The amount of controversy usually related to the type of project,
- The staff review requirements for such projects, and
- The past two years of experience processing such projects.

In the past seven months less than 5% of projects went to the Governing Board. Under this proposal, 13 of the 43 projects reviewed by the Board would no longer be required to be reviewed by the Governing Board. A reduction to 3% would have saved approximately 130 hours over the seven month period, or an average of 19 hours a month. In addition to the time savings, projects requiring priority processing could be processed in a more timely and efficient manner at staff level without waiting 30 to 45 days for the next board meeting.

CONSISTENCY WITH REGIONAL PLAN DOCUMENTS: The proposed action is consistent with the Compact and the Goals and Policies since they are silent as to who at TRPA must review what projects. For the same reason the action is generally consistent with the Code of Ordinances and Rules of Procedure.

ENVIRONMENTAL IMPACT ANALYSIS: Based on the completion of an Initial Environmental Checklist, the proposed action should have no environmental effect because it in no way changes the applicable standards that apply to projects.

Required Findings: Prior to adopting the subject amendments, the Governing Board must make the following findings.

A. Chapter 6 Findings: Chapter 6 of the Code requires the following findings to be made. Brief rationales are included for each finding.
Memorandum to Advisory Planning Commission
Amendment of Chapter 4 (Project Review and Exempt Activities) -- Page 3

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 amendment is being proposed to facilitate implementation of the Regional Plan. As discussed above, it is consistent with the Regional Plan package.

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

Rationale: Based on the IEC, there should be no significant adverse environmental impact. This matter is merely an administrative procedure.

3. 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: The purpose of the amendments is to simplify the procedures for processing projects and does not affect the requirement to meet the standards.

4. The Regional Plan and all its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See rationales for 1, 2 and 3 above.

B. Findings Required by Section 2.40 of Ordinance 87-8:

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

Rationale: The purpose of the amendments is to facilitate the project review operations of TRPA.

Recommendation: Staff recommends the APC recommend that the Governing Board make the required findings and adopt the proposed amendments.

7/31/89
CHAPTER 4
APPENDIX A

PROJECTS AND MATTERS TO BE REVIEWED BY GOVERNING BOARD

I. GENERAL

1. Project for which an EIS was prepared and EIS certification (Chapter 5)
2. Plan amendments, ordinances and resolutions
3. Special uses, including changes, expansions or intensifications of existing uses (Chapter 18)
4. Community, including preliminary plan or work program, redevelopment, master or special plan
5. Problem assessments and remedial action plans (Chapter 9)
6. Land capability or man-modified challenge (Chapters 20 and 53)
7. Additional coverage-in-excess-of-100-square-feet-in-land-capability districts 1-3, except for relocation of less than 500 square-feet of excess land coverage in accordance with Subsection 20.5.C.6 and the creation of less than 500-square-feet of additional land coverage pursuant to Subsection 20.4.A.4(4) Additional land coverage in excess of 100 sq. ft. in land capability districts 1A, 1B (SEZ), 1C, 2, 3, or floodplains, except for additional land coverage permissible under Subparagraphs 20.4.A.4(4), 20.4.B.4(4) and 28.3.B.4(4).
8. Increase in supply of land coverage (Chapter 20)
9. Memoranda of understanding
10. New logging roads, except for temporary skid trails (71.3.B)
11. Substantial harvest or tree removal plans (71.2.B.3 and 71.3.I)
12. Tree removal for scenic views (71.4.I)
13. New or expanded livestock grazing (Chapter 73)
14. Modifications to SEZs, excluding except for modifications resulting in less than 500 square feet of additional land coverage in an SEZ for stream crossings for residential projects in accordance with Subsection 20.4.B.4(1) and erosion control and other environmentally oriented projects and facilities in accordance with Subsection 20.4.B.4(4)
15. Stream diversions
16. Holding tanks and other no-discharge sewage systems (except temporary) (Chapter 81)
17. Spill contingency plans (Chapter 81)
18. Pesticide, salts and abrasives, and long-term fertilizer use (Chapter 81)
19. Offsite-W2 and Ag mitigation-in-lieu-of-mitigation-fees—(Chapters 82 & 93)
17. Mitigation fund expenditures and projects (Chapters 82 and 93)
18. Permit revocation (Chapter 8)
19. Security forfeitures (Chapter 8)
20. Designated historic resource determinations (Chapter 29)
21. Additions, repairs, maintenance, reconstruction, or demolition of historic resources (Chapter 29)
22. List of approved multi-use commercial centers (Chapter 93)
23. Additional height for structures (except for single-family homes, cross-slope, and pitch) (Chapter 29)
   Additional height pursuant to Section 22.4 and additional height greater than 42 feet pursuant to Section 22.6.
24. Projects with multi-residential bonus units (Chapter 35)
25. Projects requiring traffic analyses (Chapter 93)
26. Allocation systems (Chapter 33)
27. Recreation and Public Service 5-Year Lists (Chapter 33)
28. New or modified stationary sources (Chapter 91)
29. Establishing the level defining the top ranked parcels pursuant to Subsection 37.8.B, lowering the line defining the top ranked parcels pursuant to Subsection 37.8.C and determining allowable base land coverage pursuant to Subsection 37.11.A

II. RESIDENTIAL PROJECTS (new, expansion or transfer) INVOLVING:

1. Affordable or employee housing
2. Mobile home developments
3. Multi-residential except for secondary residences

III. TOURIST ACCOMMODATION PROJECTS (new or transfer) INVOLVING:

1. Allocation of units
2. Bed and breakfast
3. Transfer of units

IV. COMMERCIAL PROJECTS (new or transfer) INVOLVING:

1. Allocations of gross floor area
2. Transfer of floor area

V. PUBLIC SERVICE PROJECTS (new or transfer) INVOLVING:

1. New-facilities-(1,000-ft2-floor-area-or-land-coverage) Public service projects adding more than 5,000 sq. ft. of floor area or 10,000 sq. ft. of land coverage.
2. Transfers-of-coverage-(over-1,000-sq-ft)-for-linear-public facilities-and-highways-streets-and-roads
3. Airport expansion
VI. RECREATION PROJECT (new or transfer) INVOLVING:

1. **New-facilities-(1,700-sq.-ft.-floor-area-or-land-coverage)** Recreation projects adding more than 5,000 sq. ft. of floor area or 10,000 sq. ft. of land coverage.

2. **PAOTs allocation**

VII. RESOURCE MANAGEMENT PROJECTS INVOLVING

1. **Substantial-tree-removal** New logging roads, except for temporary skid trails (71.3.D).

VIII. SHOREZONE PROJECTS INVOLVING

1. **Expansion-of-existing-structures-except-conforming-structures (Chapter-52)** Expansions of existing nonconforming structures, except for boat lifts, expansions involving no increase in total surface area, and structures determined nonconforming based only on location in fish habitat area.

2. New structures, including mooring buoy fields, boat ramps, breakwaters and jetties, fences below highwater, floating docks and platforms, piers, shoreline protective structures, and water intake lines

3. Tour boat operations (new or expansion)

4. Salvage operations (new or expansion)

5. Waterborne transit (new or expansion)

6. Seaplane operation (new or expansion)

7. Marinas (new or expansion)

8. Changes in use except allowed uses

9. **Recognition-of-multiple-use-facilities (Chapter-54)**
MEMORANDUM

To: Advisory Planning Commission
From: Agency Staff
Subject: Amendment to Chapter 4, Memorandum of Understanding

The following amendment to Chapter 4 is being proposed to exempt certain activities of the Nevada Division of State Parks (NDSP) from TRPA review.

**Ordinance Description:** Subparagraph 4.8 states "This chapter may be amended to exempt those activities of public and quasi-public entities set forth in memoranda of understanding (MOUs) between TRPA and such entities." The format of the MOU is similar to that found in Subparagraphs 4.2 and 4.3. Activities are broken into categories of exempt and qualified exempt. Those activities are described in the MOU.

Exempt activities may be undertaken without contacting the TRPA. Those activities classified as qualified exempt require written notice one working day prior to the activity commencing. In all cases, the activities must comply with the TRPA Regional Plan, TRPA Code of Ordinances, and Best Management Practices.

As a land management agency, the NDSP is involved with routine activities requiring TRPA review and approval. The MOU will allow the NDSP to more effectively provide for needed restoration and maintenance work on public lands and will facilitate attainment of their goals. Agency staff has been working with the NDSP to develop a Memorandum of Understanding (MOU) which is effective and sound in practice.

**Environmental Documentation:**

An Environmental Checklist for the initial determination of environmental impact has been completed. On the basis of the checklist, staff recommends a finding of no significant effect on the environment. The following four findings are required by Section 6.5 of the Code prior to Code amendments.

8-1-89
SC:sd

AGENDA ITEM V.A.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:

Subparagraph 4.8 of the Code allows for the implementation of MOUs. The MOU is structured to exempt certain activities currently considered qualified exempt under subparagraph 4.3. Other specific activities are considered qualified exempt under the MOU. These activities are minor in nature and are subject to provisions of the Regional Plan, including BMP retrofit and excess coverage mitigation requirements. The MOU is consistent with and will not adversely affect implementation of the Regional Plan.

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

Activities undertaken pursuant to the MOU are subject to the provisions of the Regional Plan. The activities are minor in nature are subject to restrictions and are geared towards environmentally beneficial programs and replacement of facilities. Therefore activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) Checklist completed for these amendments.

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:

Activities to be undertaken pursuant to the MOU are subject to the standards of the Regional Plan and the Code. The NDSP is an agency of the state of Nevada and is also subject to the standards set forth in State statutes. Therefore the stricter standard must be met. This finding is also based on the Article V(g) Checklist completed for these amendments.

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.

As explained under findings A, B, and C, above, the Regional Plan will continue to achieve and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states:

The Agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.
Subparagraph 4.8 of the TRPA Code, allows for the implementation of MOU's with public agencies to exempt activities from TRPA review. The NDSP MOU concerns minor activities undertaken by a State agency charged with implementing environmentally beneficial programs. The NDSP will be able to more efficiently carry out these goals utilizing the MOU. The MOU has no impact upon the regulatory structure and does not result in an increase in development. The NDSP has trained personnel within its agency and others available with the State of Nevada to effectively work within the MOU. The minor nature of the activities, coupled with the limitations elsewhere in the Code, assure that the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the region.

Ordinance 87-2, Section 2.50

2.50 Additional Policies or Ordinances

The provisions of Subsection 2.40 are not intended to limit TRPA's authority to add policies or ordinances to make existing policies and ordinances more effective.

The MOU will provide for the implementation of Subparagraph 4.8 of the Code which allows for amendments to Chapter 4 to exempt those activities of public entities. The MOU concerns minor activities undertaken by the NDSP to effect their mandate of implementing environmentally beneficial programs. The NDSP will more efficiently and effectively carry out this mandate utilizing the MOU. This MOU will relieve TRPA staff from the workload associated with review of the activities which are exempt under this MOU, some of which have been reviewed by staff in the past. The MOU does not affect the Regional Plan's consistency with the Compact or attainment or maintenance of the thresholds.

Staff Recommendation: Staff recommends that the Advisory Planning Commission following action:

1. Recommend approval and adoption to the TRPA Governing Board.
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
NEVADA DIVISION OF STATE PARKS

AUGUST 1989

This Memorandum of Understanding is entered into this ___ day of ____, 1989, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and NEVADA DIVISION OF STATE PARKS (NDSP).

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. It is understood that activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing land coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.3 of the TRPA Code. It is also understood that all activities undertaken by the Nevada Division of State Parks (NDSP) pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities on NDSP land, in addition to those exempt pursuant to Section 4.2 of the TRPA Code, are not subject to review and approval by TRPA.

A. RECREATION ACTIVITIES

1. Operation of recreation sites and facilities.
2. Operation of visitor information and interpretive services.
3. Landscaping and revegetation.

B. SIGNING


C. HISTORIC RESOURCES

1. Inventory, protection, maintenance, and disposition of historic resources.

D. ROADS AND TRAILS

1. Maintenance of existing roads, trails, bridges, and related structures provided the activity does not occur in the shorezone.

AGENDA ITEM V.A.1.

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E. STRUCTURES

1. Demolition of structures, improvements or facilities, provided the structure, improvement, or facility is not designated, or pending for designation, on the TRPA Historic Resource Map, as amended from time to time.

2. Structural repair or remodeling less than $5,000 per year which does not result in excavation or backfilling in excess of that described in TRPA Code, Subparagraphs 4.2.A(6) and 4.3.A(6), additional land coverage, an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density.

F. FISH AND WILDLIFE

1. Protection of wildlife habitat and fisheries, provided there is no modification of streams. Stream modification shall include any alteration of a stream profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.

2. Establishment of wildlife viewing stations.

G. FIRE PROTECTION

1. Vegetation management for fire prevention purposes.

H. SCIENTIFIC RESEARCH AND MONITORING

1. Installation of instruments for scientific research and monitoring.

I. Erosion Control and Restoration Activities

1. Installation of erosion control measures such as:
   a. Retaining walls not exceeding 60 feet in length
   b. Sediment basins not exceeding 150 square feet in size
   c. Swales
   d. Rock slope protection
   e. Rock-lined ditches
   f. Fences
   g. Willow wattling

2. Restoration of disturbed areas of one acre or less.
K. MISCELLANEOUS ACTIVITIES

1. Temporary activities, in accordance with Sections 7.5 and 7.6 of the Code, provided that the temporary activity shall not create noise in excess of the noise limitations of Chapter 23 of the Code.

2. Land surveys, corner recovery, reestablishment and land-line posting.

3. Maintenance of existing dams provided there is no change in holding capacity.

4. Excavation and backfilling for an area not in excess of seven cubic yards, provided the activity occurs during the grading season (May 1, to October 15) in Land Capability Districts 4, 5, 6, and 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities on NDSP land are not subject to review and approval by TRPA, provided NDSP certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least one working day before the activity commences. The following activities are subject to the BMP retrofit requirements of Chapter 25 and are subject to the land coverage mitigation program in Section 20.5 of the Code. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. RECREATION ACTIVITIES

1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the Code, and the replacement does not result in an expansion under the Code.

B. ROADS AND TRAILS

1. Reconstruction of roads, parking lots, trails, and bridges, as necessary to protect the environment or eliminate a safety hazard.
C. **FISH AND WILDLIFE**

1. Fish and wildlife habitat enhancement activities provided they do not result in modification of a stream or lake. Modifications shall include any alteration of a stream or lake profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.

D. **FIRE PROTECTION**

1. Prescribed burning.

E. **EROSION CONTROL AND RESTORATION ACTIVITIES**

1. Installation of erosion control measures such as: retaining walls exceeding 60 feet in length, or sediment basins exceeding 150 square feet, provided the erosion control measure is not visible from the shore of any lake, from any roadway for which a scenic threshold rating has been established, from class 1 bikepaths, or from a developed recreation site.

2. Restoration of stream environment zones (SEZ).

3. Restoration of disturbed areas exceeding one acre in size.

F. **VEGETATION MANAGEMENT**

1. The following activities are qualified exempt provided they are performed under the supervision of a forester, do not exceed 30 acres, and meet the standards and practices of Chapter 71:

   a. Timber stand improvement projects, pruning, thinning, removal of hazardous, dead, dying, or diseased trees, and disposal of wastes through the issuance of wood permits, chipping, slash burning, and scattering.

   b. Protection and enhancement of rare, endangered, threatened, sensitive, and special interest plant associations.

   c. Protection and enhancement of wildlife habitat.

   d. Fuelwood sales and wood permits.

   e. Commercial timber sales.

AGENDA ITEM V.A.1.
G. MISCELLANEOUS

1. Excavation and backfilling for an area not in excess of 50 cubic yards provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.

2. Installation of undergrounding of utilities for a distance of not more than 500 lineal feet provided the undergrounding does not occur in a SEZ.

3. Installation of overhead telephone lines, power lines under 10 kv, and service connections under one mile in length, if the service connection is located entirely on NDSP land and is at least 100 feet from privately owned land.

4. Installation of water lines for a distance of not more than 500 lineal feet, provided the water line is not located in a SEZ.

III. TREATMENT AND ACCOUNTING OF COVERAGE FOR ACTIVITIES COVERED BY THIS MOU

It is understood by the NDSP and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The NDSP shall report on the status of coverage or disturbed land which has been restored or retired to the Executive Director of TRPA annually.

IV. LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.
Nevada Division of State Parks Ordinance Amendment
Page Nine

State of Nevada
Department of Conservation
and Natural Resources

APPROVED STATE OF NEVADA:

Roland Westergard, Director
Department of Conservation
and Natural Resources

Date

APPROVED AS TO FORM:

Brian McKay
Attorney General

Date

By:
A. Scott Bodeau
Deputy Attorney General

Tahoe Regional Planning Agency

William A. Morgan, Executive Director
Tahoe Regional Planning Agency

Date

AGENDA ITEM V.A.1.
MEMORANDUM

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment to Chapter 4, Memorandum of Understanding

The following amendment to Chapter 4 is being proposed to exempt certain activities of the California Department of Parks and Recreation (DPR) from TRPA review.

Ordinance Description: Subparagraph 4.8 states "This chapter may be amended to exempt those activities of public and quasi-public entities set forth in memoranda of understanding (MOUs) between TRPA and such entities." The format of the MOU is similar to that found in Subparagraphs 4.2 and 4.3. Activities are broken into categories of exempt and qualified exempt. Those activities are described in the MOU.

Exempt activities may be undertaken without contacting the TRPA. Those activities classified as qualified exempt require written notice one working day prior to the activity commencing. In all cases the activities must comply with the TRPA Regional Plan, TRPA Code of Ordinances, and Best Management Practices.

As a land management agency, the DPR is involved with routine activities requiring TRPA review and approval. The MOU will allow the DPR to more effectively provide for needed restoration and maintenance work on public lands and will facilitate attainment of their goals. Agency staff has been working with the DPR to develop a Memorandum of Understanding (MOU) which is effective and sound in practice.

Environmental Documentation:

An Environmental Checklist for the initial determination of environmental impact has been completed. On the basis of the checklist, staff recommends a finding of no significant effect on the environment. The following four findings are required by Section 6.5 of the Code prior to Code amendments.

8-1-89
SC:sd

AGENDA ITEM V.A.2.
A. 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;

Subparagraph 4.8 of the Code allows for the implementation of MOUs. The MOU is structured to exempt certain activities currently considered qualified exempt under subparagraph 4.3. Other specific activities are considered qualified exempt under the MOU. These activities are minor in nature and are subject to provisions of the Regional Plan, including BMP retrofit and excess coverage mitigation requirements. The MOU is consistent with, and will not adversely affect, implementation of the Regional Plan.

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

Activities undertaken pursuant to the MOU are subject to the provisions of the Regional Plan. The activities are minor in nature, are subject to restrictions, and are geared towards environmentally beneficial programs and replacement of facilities. Therefore activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) Checklist completed for these amendments.

C. 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;

Activities to be undertaken pursuant to the MOU are subject to the standards of the Regional Plan and Code. The DPR is an agency of the State of California and is also subject to the standards set forth in state statutes. Therefore the stricter standard must be met. This finding is also based on the Article V(g) Checklist completed for these amendments.

D. 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.

As explained under findings A, B, and C, above, the Regional Plan will continue to achieve and maintain the thresholds.
Article VI(a) Findings

Article VI(a) states:

The Agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

Subparagraph 4.8 of the TRPA Code, allows for the implementation of MOU's with public agencies to exempt activities from TRPA review. The DPR MOU concerns minor activities undertaken by a State agency charged with implementing environmentally beneficial programs. The DPR will be able to more efficiently carry out these goals utilizing the MOU. The MOU has no impact upon the regulatory structure and does not result in an increase in development. The DPR has trained personnel within its agency and others available with the State of Nevada to effectively work within the MOU. The minor nature of the activities, coupled with the limitations elsewhere in the Code, assure that the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the region.

Ordinance 87-8, Section 2.50

2.50 Additional Policies or Ordinances

The provisions of Subsection 2.40 are not intended to limit TRPA's authority to add policies or ordinances to make existing policies and ordinances more effective.

The MOU will provide for the implementation of Subparagraph 4.8 of the Code which allows for amendments to Chapter 4 to exempt those activities of public entities. The MOU concerns minor activities undertaken by the DPR to effect their mandate of implementing environmentally beneficial programs. The DPR will more efficiently and effectively carry out this mandate utilizing the MOU. This MOU will relieve the TRPA staff from the workload associated with review of the activities which are exempt under this MOU, some of which have been reviewed by staff in the past. The MOU does not affect the Regional Plan's consistency with the Compact or attainment or maintenance of the thresholds.

Staff Recommendation: Staff recommends that the Advisory Planning Commission take the following action:

1. Recommend approval and adoption to the TRPA Governing Board.

AGENDA ITEM V.A.2.
APPENDIX D

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

This Memorandum of Understanding is entered into this ____ day of ____,
1989, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its
Executive Director as authorized by the Governing Board, and CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION (DPR).

All activities described in this Memorandum of Understanding (MOU) shall be in
accordance with the Regional Plan package of TRPA as adopted by Ordinance No.
87-9, as amended from time to time. It is understood that activities exempt
under this MOU shall not result in the creation of additional land coverage,
relocation of existing land coverage, or an increase in vehicle trips in excess
of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. It is
also understood that all activities undertaken by the California Department of
Parks and Recreation (DPR) pursuant to this MOU shall comply with applicable
Best Management Practices (BMPs), and all provisions of the TRPA Code of
Ordinances (Code), as it may be amended from time to time, except for the
procedural provisions replaced by this MOU, and such guidelines as may be
adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities on DPR land, in addition to those exempt pursuant
to Section 4.2 of the TRPA Code, are not subject to review and approval by
TRPA.

A. RECREATION ACTIVITIES

1. Operation of recreation sites and facilities.
2. Operation of visitor information and interpretive services.
3. Landscaping and revegetation.

B. SIGNING

1. Installation of signs not in compliance with the California Parks

C. HISTORIC RESOURCES

1. Inventory, protection, maintenance, and disposition of historic
   resources.

AGENDA ITEM V.A.2. 45
D. ROADS AND TRAILS

1. Maintenance of existing roads, trails, bridges, and related structures provided the activity does not occur in the shorezone.

E. STRUCTURES

1. Demolition of structures, improvements or facilities, provided the structure, improvement, or facility is not designated, or pending for designation, on the TRPA Historic Resource Map, as amended from time to time.

2. Structural repair or remodeling less than $5,000 per year which does not result in excavation or backfilling in excess of that described in TRPA Code, Subparagraphs 4.2.A(6) and 4.3.A(6), additional land coverage, an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density.

F. FISH AND WILDLIFE

1. Protection of wildlife habitat and fisheries, provided there is no modification of streams. Stream modification shall include any alteration of a stream profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.

2. Establishment of wildlife viewing stations.

G. FIRE PROTECTION

1. Vegetation management for fire prevention purposes.

H. SCIENTIFIC RESEARCH AND MONITORING

1. Installation of instruments for scientific research and monitoring.

I. Erosion Control and Restoration Activities

1. Installation of erosion control measures such as:
   a. Retaining walls not exceeding 60 feet in length
   b. Sediment basins not exceeding 150 square feet in size
   c. Swales
   d. Rock slope protection
   e. Rock-lined ditches
   f. Fences
   g. Willow wattling

2. Restoration of disturbed areas of one acre or less.

AGENDA ITEM V.A.2.
K. MISCELLANEOUS ACTIVITIES

1. Temporary activities, in accordance with Sections 7.5 and 7.6. of the Code, provided that the temporary activity shall not create noise in excess of the noise limitations of Chapter 23 of the Code.

2. Land surveys, corner recovery, remonumentation and land-line posting.

3. Maintenance of existing dams provided there is no change in holding capacity.

4. Excavation and backfilling for an area not in excess of seven cubic yards, provided the activity occurs during the grading season (May 1, to October 15) in Land Capability Districts 4, 5, 6, and 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities on DPR land are not subject to review and approval by TRPA, provided DPR certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least one working day before the activity commences. The following activities are subject to the BMP retrofit requirements of Chapter 25 and are subject to the land coverage mitigation program in Section 20.5 of the Code. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. RECREATION ACTIVITIES

1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the Code, and the replacement does not result in an expansion under the Code.

B. ROADS AND TRAILS

1. Reconstruction of roads, parking lots, trails, and bridges, as necessary to protect the environment or eliminate a safety hazard.

AGENDA ITEM V.A.2.
C. FISH AND WILDLIFE

1. Fish and wildlife habitat enhancement activities, provided they do not result in modification of a stream or lake. Modifications shall include any alteration of a stream or lake profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.

D. FIRE PROTECTION

1. Prescribed burning.

E. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control measures such as: retaining walls exceeding 60 feet in length, or sediment basins exceeding 150 square feet, provided the erosion control measure is not visible from the shore of any lake, from any roadway for which a scenic threshold rating has been established, from class I bikepaths, or from a developed recreation site.

2. Restoration of stream environment zones (SEZ).

3. Restoration of disturbed areas exceeding one acre in size.

F. VEGETATION MANAGEMENT

1. The following activities are qualified exempt provided they are performed under the supervision of a registered professional forester, do not exceed 30 acres, and meet the standards and practices of Chapter 71:

   a. Timber stand improvement projects, thinning, pruning, removal of hazardous, dead, dying, or diseased trees, and disposal of wastes through the issuance of wood permits, chipping, slash burning, and scattering.

   b. Protection and enhancement of rare, endangered, threatened, sensitive, and special interest plant associations.

   c. Protection and enhancement of wildlife habitat.

   d. Fuelwood sales and wood permits.

   e. Commercial timber sales consistent.
G. MISCELLANEOUS

1. Excavation and backfilling for an area not in excess of 50 cubic yards provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.

2. Installation of undergrounding of utilities for a distance of not more than 500 lineal feet provided the undergrounding does not occur in a SEZ.

3. Installation of overhead telephone lines, power lines under 10 kv, and service connections under one mile in length, if the service connection is located entirely on DPR land and is at least 100 feet from privately owned land.

4. Installation of water lines for a distance of not more than 500 lineal feet, provided the water line is not located in a SEZ.

III. TREATMENT AND ACCOUNTING OF COVERAGE FOR ACTIVITIES COVERED BY THIS MOU

It is understood by the DPR and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The DPR shall report on the status of coverage or disturbed land which has been restored or retired to the Executive Director of TRPA annually.

IV. LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

AGENDA ITEM V.A.2.
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

DATED: _____________________________

William Monaghan
Regional Director, Inland Region

TAHOE REGIONAL PLANNING AGENCY

DATED: _____________________________

William A. Morgan
Executive Director

AGENDA ITEM V.A.2.
MEMORANDUM

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment to Chapter 4, Memorandum of Understanding

The following amendment to Chapter 4 is being proposed to exempt certain activities of the United States Forest Service (USFS) from TRPA review.

Ordinance Description: Subparagraph 4.9 states "This chapter may be amended to exempt those activities of public and quasi-public entities set forth in memoranda of understanding (MOUs) between TRPA and such entities." The format of the MOU is similar to that found in Subparagraph 4.2, Exempt Activities.

Exempt activities may be undertaken without contacting the TRPA. In all cases the activities must comply with the TRPA Regional Plan, TRPA Code of Ordinances, and Best Management Practices.

As a land management agency, the USFS is involved with routine activities requiring TRPA review and approval. The MOU will allow the USFS to more effectively provide for needed restoration and maintenance work on public lands and will facilitate attainment of their goals. Agency staff has been working with the USFS to develop a Memorandum of Understanding (MOU) which is effective and sound in practice.

Environmental Documentation:

An Environmental Checklist for the initial determination of environmental impact has been completed. On the basis of the checklist, staff recommends a finding of no significant effect on the environment. The following four findings are required by Section 6.5 of the Code prior to Code amendments.
A. 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;

Subparagraph 4.8 of the Code allows for the implementation of MOUs. The MOU is structured to exempt certain activities currently considered qualified exempt under Subparagraph 4.3 and other projects under Subparagraph 4.10. These activities are minor in nature and are subject to provisions of the Regional Plan, including BMP retrofit and excess coverage mitigation requirements. The MOU is consistent with and will not adversely affect implementation of the Regional Plan.

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

Activities undertaken pursuant to the MOU are subject to the provisions of the Regional Plan. The activities are minor in nature are subject to restrictions and are geared towards environmentally beneficial programs and replacement of facilities. Therefore activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) Checklist completed for these amendments.

C. 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;

Activities to be undertaken pursuant to the MOU are subject to the standards of the Regional Plan and the Code. The USFS is an agency of the Federal Government and is also subject to the standards set forth in Federal statutes, including the Land and Resource Management Plan for the Lake Tahoe Basin Management Unit. Therefore the stricter standard must be met. This finding is also based on the Article V(g) Checklist completed for these amendments.

D. 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.

As explained under findings A, B, and C, above, the Regional Plan will continue to achieve and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states:

The Agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.
Subparagraph 4.8 of the TRPA Code, allows for the implementation of MOU's with public agencies to exempt activities from TRPA review. The USFS MOU concerns minor activities undertaken by a federal agency charged with implementing environmentally beneficial programs. The USFS will be able to more efficiently carry out these goals utilizing the MOU. The MOU has no impact upon the regulatory structure and does not result in an increase in development. The USFS has trained personnel within its agency and others available with the U.S. Forest Service to effectively work within the MOU. The minor nature of the activities, coupled with the limitations elsewhere in the Code, assure that the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the region.

Ordinance 87-8, Section 2.50

2.50 Additional Policies or Ordinances

The provisions of Subsection 2.40 are not intended to limit TRPA's authority to add policies or ordinances to make existing policies and ordinances more effective.

The MOU will provide for the implementation of Subparagraph 4.8 of the Code which allows for amendments to Chapter 4 to exempt those activities of public entities. The MOU concerns minor activities undertaken by the USFS to effect their mandate of implementing environmentally beneficial programs. The USFS will more efficiently and effectively carry out this mandate utilizing the MOU. This MOU will relieve TRPA staff from the workload associated with review of the activities which are exempt under this MOU, some of which have been reviewed by staff in the past. The MOU does not affect the Regional Plan's consistency with the Compact or attainment or maintenance of the thresholds.

Staff Recommendation: Staff recommends that the Advisory Planning Commission take the following action:

1. Recommend approval and adoption to the TRPA Governing Board.
MEMORANDUM OF UNDERSTANDING
TAHOE REGIONAL PLANNING AGENCY
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

I. PURPOSE OF THE MEMORANDUM OF UNDERSTANDING

The following will direct the USDA Forest Service (FS) and the Tahoe Regional Planning Agency (TRPA) in the review of FS activities. FS activities that are exempt from TRPA review are listed. Activities not exempt are considered projects and are reviewed by the TRPA. Certain of these projects, as listed herein, are required to be reviewed by the TRPA Governing Board.

This MOU is executed pursuant to the TRPA Code of Ordinances (hereinafter referred to as Code). Upon execution, the MOU will become a part of Code Section 4.8.

II. GENERAL PROCEDURES

A. The FS agrees to:

1. Inform the TRPA of activities being considered for implementation on national forest land in the Lake Tahoe Basin. The LTBMU "PROJECT PLANNING REPORT", which is published and distributed quarterly, will be the principle means of information about activities being analyzed.

2. Conduct all exempt activities in accord with federal laws and regulations, the applicable provisions of the FS manuals and handbooks, and the management direction of the LTBMU Land and Resource Management Plan when those directions are consistent with the TRPA Regional Plan and Code.

3. Conduct those exempt activities for which there is no applicable direction in the LTBMU Land and Resource Management Plan, in accord with the TRPA Regional Plan and Code.

4. Provide TRPA with complete applications for review of those activities that are not exempt from review by this MOU. Accompanying the application will be environmental documents, maps, drawings, and other information requested by TRPA.

5. Require that applicants seeking a permit to use or occupy the national forest, for an activity not otherwise exempt from TRPA review, to also make application to the TRPA.

AGENDA ITEM V.A.3.
USFS
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TRPA AGREES TO:

1. Review projects for conformance with the Regional Plan Package.

2. Affirm that water quality, air quality, and noise management proposals for the area are appropriate.

3. Advise where other goals for the Lake Tahoe Basin can be furthered in the area where appropriate.

4. Make the following findings, if appropriate per Section 6.3 of the Code.

6.3 Threshold-related Findings: The following specific findings shall be made, pursuant to Articles V(c), V(g), and VI(b) of the Tahoe Regional Planning Compact in addition to any other findings required by law.

6.3.A Findings Necessary to Approve Any Project: To approve any project, TRPA must find, in accordance with Code Sections 6.1 and 6.2, that:

(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.

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

(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 Tahoe Regional Planning Compact, the project meets or exceeds such standards.

5. Provide timely review of project applications and advise the FS if the review will exceed twenty (20) working days.

AGENDA ITEM V.A.3.
III. EXEMPT ACTIVITIES

The following activities on national forest land, in addition to those exempted by Section 4.2 of the Code, are exempt from review by TRPA.

A. RECREATION (including privately operated public recreation sites and concessions).

The following recreation activities are exempt, provided that there is no increase in vehicle trips in excess of 100 additional trips per day; the use remains recreation (Code Section 18.3); there is no increase in capacity as measured in persons at one time (PAOT) for those categories of use for which PAOT are allocated; and there is no additional land coverage or other permanent disturbance in Land Capability Districts 1, 2, or 3, Stream Environment Zone (other than crossing of streams with a lineal type of improvement), or the 100 year flood plain, or the backshore of the shorezone:

1. Operation of public sites and facilities that support developed or dispersed recreation. Maintenance of improvements associated with these recreation sites, including, but not limited to, buildings, roads, utilities, fencing, signs, parking, and walkways.

2. Replacement of recreation improvements that have been damaged or destroyed by fire or other calamity, provided that the replacement is in substantial conformance with the original structure in the floor area, height, and land coverage and the improvement is retrofitted with BMPs.

3. Reconstruction of recreation improvements provided they remain in substantial conformance with the original structure(s) in the floor area, height, volume, and land coverage, and provided they are retrofitted with Best Management Practices. Relocation of improvements are included in the exemption where the relocation is necessary for health and safety or to avoid SEZ or other environmentally sensitive situations, provided that relocated land coverage does not exceed 2,000 square feet in land capability districts 1, 2, and 3, and SEZ, nor exceeds a total of 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equal or more environmentally sensitive and in the same hydrologically related area.

4. Activities, such as the installation of signs, displays, and bulletin boards, and the conducting of tours, lectures, and movies, that inform visitors or interpret nature, resources, or management actions. Usually these services are within existing recreation, administrative, community, or commercial facilities, or along roads and trails.
B. CULTURAL RESOURCES

Inventories, protection, maintenance, restoration, interpretation, and disposition of cultural resources in accordance with applicable State and Federal laws and procedures. The foregoing exemption applies whether or not there is temporary disturbance in land capability districts 1, 2, 3, Stream Environment Zones (SEZ), or 100 year flood plain.

C. SIGNING

Informational (but not advertising) and/or regulatory sign installation, forest entry signs, and recreation site identity signs designed and installed in conformance with the Forest Service Catalog of Posters and Signs.

D. ROADS AND TRAILS

1. Maintenance of roads, trails, bridges, parking facilities, signs, and other related improvements.

2. Reconstruction, in the same location, of roads, trails, bridges, and parking facilities, provided that the design of the facility is not changed to enlarge its capacity and provided that the facility is retrofitted with Best Management Practices. Relocation is also exempt where the relocation is necessary to improve alignment for safe travel, or to avoid SEZ or other environmentally sensitive situations provided that new land coverage does not exceed 2,000 square feet in land capability districts 1, 2, 3, SEZ, or 100 year flood plain, nor exceed a total of 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equal or more environmentally sensitive and in the same hydrologically related area.

3. Construction of new non-motorized trails, provided that construction in land capability districts 1, 2, 3, SEZ or 100 year flood plain, does not exceed 1,000 feet in length and provided that construction in SEZ or 100 year flood plain is only for the purpose of crossing a stream.

E. FOREST SERVICE ADMINISTRATIVE FACILITIES

The following activities associated with FS administrative facilities are exempt, provided there is no increase in vehicle trips in excess of 100 additional trips per day, provided the use remains administrative, and provided that there is no increase in land coverage or other permanent disturbance.

AGENDA ITEM V.A.3.
1. Replacement or removal of administrative facilities damaged or
destroyed by fire or other calamity, provided that the
replacement is in substantial conformance with the original
facility in the floor area, height, or land coverage.

2. Reconstruction, in the same location, of existing facilities
provided that they remain in substantial conformance with the
original structure(s) in the floor area, height, volume, and land
coverage, and provided they are retrofitted with Best Management
Practices. Relocation is also exempt where the relocation is
necessary for health and safety or to avoid SEZ or other
environmentally sensitive situations, provided that relocated
land coverage does not exceed 2,000 square feet in land
capability districts 1, 2, 3, SEZ, or 100 year flood plain, nor
exceeds a total of 10,000 square feet in all land capability
districts and is offset by removing and restoring an equal amount
of land coverage from an area equal of more environmentally
sensitive and in the same hydrologically related area.

3. Construction of new facilities on Land Capability Districts 4, 5,
6, and 7, provided excavation or backfilling is not in excess of
200 cubic yards and Best Management Practices are installed.

4. Operation and maintenance of existing dams or other water
diversion structures with no change in holding capacity.

5. Installation, operation, and maintenance of research and
monitoring instruments and/or stations.

F. **VEGETATION MANAGEMENT**

The following exemptions apply whether or not there is disturbance in
Land Capability Districts 1, 2, 3, SEZ, or 100 year flood plain:

1. All tree removal activities; including substantial tree removal
involving the use of heavy equipment to harvest the trees, up to
100 acres for each project not involving the construction of
permanent roads.

2. All tree removal activities, including substantial tree removal,
on any amount of acreage, which results in a residual stocking of
trees that meets the minimum stocking standards described in TRPA
Code Subsection 71.3.B and does not involve the use of heavy
equipment to harvest the trees or logs or the construction of
permanent roads.

3. Reforestation or revegetation of land.

4. Protection, maintenance, or reestablishment of sensitive plans
and uncommon plant communities.

5. Creation, maintenance, or replacement of landscaping.
USFS
Page Ten

G. FOREST PROTECTION

The following exemptions apply whether or not there is land coverage or disturbance in Land Capability Districts 1, 2, 3, SEZ, or 100 year flood plain:

1. Activities necessary to suppress fires. (This does not include buildings and other improvements to house personnel, equipment and supplies, access roads, and trails, etc.)

2. Fire prevention activities, including vegetation manipulation around structures, to prevent the spread of wildfire.

3. Fuel management through prescribed burning, chipping, lop and scatter, and other techniques.

H. EROSION CONTROL AND WATERSHED RESTORATION

The following exemptions apply whether or not there is land coverage or disturbance in Land Capability Districts 1, 2, 3, SEZ, or 100 year flood plain:

1. Installation and maintenance of soil erosion control and surface water runoff control measures on fifty acres or less.

2. Restoration of disturbed areas of fifty acres or less, including the maintenance of revegetation until established.

I. FISH AND WILDLIFE HABITAT MANAGEMENT

The following exemptions apply provided that land coverage or permanent disturbance does not exceed 10,000 square feet in total or 2,000 square feet in Land Capability Districts 1, 2, 3, SEZ, or 100 year flood plain:

1. All wildlife and fish protection activities.

2. Creation of snags and down wood where necessary to maintain habitat for dependent wildlife.

3. Installation of stream habitat improvement measures such as boulders, stumps, plantings, and bank stabilizing structures.

4. Installation and maintenance of wildlife habitat improvement structures such as nesting or perch platforms and duck boxes.

AGENDA ITEM V.A.3.
J. MISCELLANEOUS

1. Activities (including construction of temporary structural improvements), such as outfitter guide services, production of movie or television programs, sporting events, club or group activities, or weddings, when they are temporary and of a short duration (not in excess of one year), provided:
   a. The use is allowed by TRPA plan area statements and the requirements of Chapter 7 of the Code.
   b. The activity is entirely upon national forest land, or is upon a combination of national forest land and other land within the jurisdiction of an agency or local government having authority (through an agreement with the TRPA) to approve temporary activities.
   c. It is determined that there will be no significant impact to the land and water resources;

2. Use or maintenance of range improvements and livestock confinement facilities (subject to subsection 73.3). Construction of fences and other range improvements provided that land coverage or permanent disturbance does not exceed 2,000 square feet in land capability districts 1, 2, 3, SEZ, or 100 year flood plain, nor exceed 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equal or more environmentally sensitive and in the same hydrologically related area.

3. Excavation and backfilling of a volume not in excess of 20 cubic yards, unless exempted otherwise in this agreement, provided Best Management Practices are installed.

IV. PROJECTS TO BE REVIEWED BY THE GOVERNING BOARD

All those listed in TRPA Code Chapter 4, Appendix A, except those listed below which will be reviewed by TRPA staff.

1. New temporary logging roads when part of a substantial timber removal plan.

2. Substantial timber removal plans on less than 500 acres of land not involving the construction of permanent logging roads.

3. Tree removal on national forest land for scenic views from established vista points along state highways and local roads.

4. New or expanded livestock grazing pursuant to section 73.1 of the TRPA Code.

AGENDA ITEM V.A.3.
5. Off site water quality mitigation in lieu of mitigation fees.

6. Paved road waivers.

7. Additional height for ski lift towers and communication towers or antennas.

8. New public service buildings of less than 3,000 square feet or linear utilities under one mile in length.

9. Transfer of commercial floor area within an existing resort permit site.

10. New facilities within an existing recreation site.

11. Creation of land coverage in backshore.

12. Structures to protect shoreline vegetation.

13. Additional land coverage or permanent disturbance in land capability districts 1, 2, 3, SEZ, or 100 year flood plain, for public service or outdoor recreation facilities.

V. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood, pursuant to the Lake Tahoe Basin Management Unit (LTBMU) Land and Resource Plan, that land coverage will not exceed the allowances of the Bailey Land Capability System for Lake Tahoe (Bailey), for the Region as a whole, for any activities including those that are exempt. In incidences where land coverage, either existing or proposed, may result in exceeding Bailey on an individual project area, the FS will follow the provisions in Chapter 20 of the Code. Relocation of existing land coverage shall be in conformance with Section 20.5. C of the Code.

Before land coverage or permanent land disturbance is added to 100 year flood plains, SEZ or to Land Capability Districts 1, 2, or 3, as exempted in Section III B, G, H, I, and J, of this MOU, the FS will make the following findings:

1. The project, program, or facility is necessary for environmental protection; and

2. There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1, 2, 3, SEZ, or 100 year flood plain.

AGENDA ITEM V.A.3.
3. The impacts of the coverage and disturbance in land capability districts 1, 2, 3, SEZ, or 100 year flood plain, are fully mitigated in the manner described in subsection 20.4. (A) (2) (e) of the Code.

It is recognized by the FS and TRPA that aforementioned exempt activities may result in the use of land coverage. Also that activities may result in removal of land coverage and restoration of disturbance. As a result there is need to account for the coverage or restored disturbed land. Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20 of the Code. The FS will report to the Executive Director of TRPA annually at the end of each calendar year on all activities resulting in a change in coverage or land coverage transactions consistent with the guidelines and requirements of Chapters 20 and 38 of the Code. TRPA and the FS shall develop the specific worksheet(s) and procedures for accounting for coverage and restoration. In no event shall there be a coverage deficit.

Coverage or restored land credits which are "banked" shall be available for use by the FS consistent with all applicable provisions of the TRPA Code.

VI. WATER QUALITY MITIGATION

Where mitigation is required on a project because of additional land coverage, that mitigation will be accomplished through the FS watershed restoration program rather than through payment of mitigation fees. The FS will indicate in the project application when a deviation from this policy is appropriate, such as for private improvements planned on national forest land by permit. Off site restoration work as described in Code Section 82.2.A, will be equal to 150% of expected project impacts. Preferably, mitigation work will be within the same watershed or hydrologic unit as the project requiring the mitigation. The FS will report annually to the TRPA the expenditures and descriptions of projects completed, in a manner similar to Section V.

VII. TERMINATION OF AGREEMENT

This MOU becomes effective 60 days after adoption by the TRPA Governing Board and may be terminated by either party by giving sixty (60) days notice in writing to the other.

Chairman, Roland D. Westergard
Tahoe Regional Planning Agency

Forest Supervisor, Robert Harris
USDA, Forest Service

Date

AGENDA ITEM V.A.3.
MEMORANDUM

July 31, 1989

To: The Advisory Planning Commission

From: Agency Staff

Subject: Status of the Elks Point Harbor Master Plan

The Elks Point Homeowners submitted draft copies of the proposed Elks Point Master Plan and Environmental Assessment to TRPA. Attachment A is summary of the proposed plan derived from the Environmental Assessment describing the plan and the issues which attend it.

The staff in consultation with the project planners determined that, although the plan and the environmental documentation are nearly complete, the package is not ready for review by the APC. Therefore the project has been continued until September.
Attachment A.

ELKS POINT HARBOR MASTER PLAN
Environmental Assessment
\* July 1989

Summary
2.0 DESCRIPTION OF PROPOSED PLAN ALTERNATIVE

2.1 Purpose

The purpose of the Elks Point Harbor Master Plan is to study the issue of harbor expansion and to propose a plan that meets client needs without adverse environmental impacts. The resulting plan proposes a series of actions that implement several basic goals. These goals are:

1. Develop a plan and mitigation package that can accommodate harbor expansion without environmental degradation;
2. Develop a plan and mitigation package that addresses: littoral processes including beach erosion, sensitive plant habitat protection, scenic resources protection, and water quality protection including site stability/erosion hazards, and quality of harbor excavation and dredge material; and
3. Reallocation of coverage to provide the most recreational benefit for the largest number of users.

2.2 Affected Environment

The study area includes the 11.1 acre Elks Point Country Club Community Beach. This beach, located on the southeast shore of Lake Tahoe, is a large, flat, partially forested area surrounded on the north and east by steep bluffs, and by a developed beach area to the south and Lake Tahoe to the west. Intensive study focused on the site itself with few off-site impacts identified. Several characteristics of this area make this reasonable. First of all, the beach and harbor are private, serving only residents and guests of Elks Point. These users access the area primarily on foot, primarily during June, July and August. Secondly, the characteristics of this area include: the surrounding bluffs, and Elk Point tend to isolate the area from nuisance-related problems such as noise, lighting, etc. Scenic impacts from the lake were the primary off-site impacts noted.

Within the study area, several environmental factors were studied to determine plan impacts. These are discussed at length in this document, however the following list summarizes the major questions studied:

1. Land Use questions include proposed uses and densities, management strategies for scenic improvement, littoral drift, coverage, and sensitive lands.
2. Soils questions pertain primarily to the stability of soils on site.
3. Shorezone questions pertain to littoral drift and beach erosion.
4. Water Quality issues primarily involve existing quality, construction techniques during harbor expansion, and limited spill cleanup.
5. Scenic Resource questions look at the impacts of proposed site development on the existing condition.
6. Cultural Resource questions address the existence of pre-historic or historic remains on site.
7. Natural Hazards on site primarily concern slope stability, and limited earthquake potential.
8. Recreation questions concern the existing resources and future needs.
9. Vegetation questions to be answered center on the endangered plant species, *Rorippa subumbellata*. Other questions include revegetation of disturbed areas.

2.3 Background of Alternative

This masterplan originated with a group of Elks Point homeowners who wanted direct boat access to Lake Tahoe. Of the 88 residences in the subdivision, the existing harbor provides boat access to 40. This plan would provide a boat slip for each property owner. In addition to this use, other residents expressed interest in recreation facilities not currently available in the subdivision. However, during the planning process, no consensus developed on these uses and they were excluded from further discussion at this time.

After plan initiation, several other issues were identified as important to address. These are summarized above and discussed in detail in this document. Study of these issues produced plan proposals related to endangered species protection, beach erosion, erosion control, revegetation, and coverage banking.

2.4 Description of Alternative

This plan proposes harbor expansion, relocating the boat storage facility, coverage restoration, erosion control measures, and further action relating to access questions. A summary of each of these is provided below.

1. Beach: This plan proposes spreading the clean sand excavated for harbor expansion along the beach front to slow backshore erosion. This is not a permanent solution and will have to be repeated periodically to produce a beach situation similar to that found prior to harbor development.

Also, the endangered plant species *Rorippa subumbellata* exists in the rocks on the northern side of the beach. This plan recommends an educational campaign aimed at the homeowners and caretaker to encourage plant protection. Beach restoration efforts should not encroach in this needed, addition plants could be established elsewhere or another site.

A permanent restroom will be centrally located to serve the seasonal portable toilet.
6. Cultural Resource questions address the existence of pre-historic or historic remains on site.
7. Natural Hazards on site primarily concern slope stability, and limited earthquake potential.
8. Recreation questions concern the existing resources and future needs.
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Also, the endangered plant species *Rorippa subumbellata* exists in the rocks on the northern side of the beach. This plan recommends an educational campaign aimed at the homeowners and caretaker to encourage plant protection. Beach restoration efforts should not encroach in this area. If needed, addition plants could be established elsewhere on this site or on another site.

A permanent restroom will be centrally located to serve beach users, replacing the seasonal portable toilet.
2. Deck: No facility changes are proposed for this area. Continued vehicle access for maintenance and supplies drop-off will be maintained.

3. Road system: This plan leaves unresolved several access questions. Elks Point property completely surrounds two other private parcels. After consideration, members of the planning team realized that the owners of these parcels must be involved in any discussion concerning Bitler Road or the beach access road. Thus, this plan urges the USFS to pursue a special use permit for Bitler Road with Elks Point Country Club, Inc. and Bitler and Rastelli. In the context of that process, legal and environmental issues surrounding the road could be addressed and a financing scheme for erosion control developed. Also addressed could be general access related issues such as appropriate signing.

In addition, Elks Point should pursue access questions surrounding the beach access road with the adjoining property owners. Legal status should be determined as well as responsibility for erosion control.

The plan proposes a different internal site access system than currently exists. The only vehicle entrance would be moved to the east near the toe of the slope. A narrow paved road would connect a new boat trailer storage building, the well pump, new restroom and a loop allowing boat launch. A paved or gravel lane would continue to extend to the end of the deck walkway with a small turn-around at its terminus. All other road beds would be revegetated and stabilized.

4. Harbor: The new harbor expansion would accommodate a total of 38 boats, one for each property in the subdivision as well as 240 linear feet for tie-up. Approximately 8,355 cu yd of excavation would be required to allow the new sheet metal alignment. Harbor expansion to this size will require moving the existing boat storage structure.

The expansion will require extension of the existing rock groin to the east to protect the new sheet metal alignment; no change will be necessary to the breakwater to the north.

5. Boat Storage: This master plan proposes building a new boat storage structure; a long-one story structure built partially into the toe of the slope, along the entrance road. This alignment allows the building to help stabilize the steep slope while providing an uninterrupted view over the roof from the homes on the bluff. Removing the existing structure also helps to reduce visual clutter of the beach as seen from the lake.

In addition, since access to this facility is needed only very occasionally, the required 30' maneuvering space in front of each unit can also serve several other purposes including: the entrance road itself, beach and picnic parking, and hard surface ball games such as half-court basketball. This multi-use approach reduces the amount of coverage needed for current plans and allows greater flexibility for future recreational facilities.
6. Miscellaneous: This plan proposes stabilizing all situations of unstable soil. All roads will be paved or gravelled, and all disturbed sites will be revegetated. The drainage pipe bringing subdivision runoff down the northern slope will be repaired and left above ground with rock outlet protection at the outfall. If necessary, a drywell built below the pipe outfall will receive storm flow.

Coverage for future recreational facilities will be banked as a result of this plan. Due to the current lack of consensus concerning appropriate facilities, this plan does not limit future consideration of any recreational uses. However, a master plan revision will be necessary to develop facilities not described in this plan.
MEMORANDUM

August 1, 1989

To: Advisory Planning Commission

From: Agency Staff

Subject: Status Report on Scenic Resources Management Package

At the July, 1989 Governing Board meeting the Board certified the Scenic Package EIS and continued action on the remainder of the package. Members of the Board felt that certain provisions of the proposed sign ordinance (Chapter 26), needed refining, including further definition of equal or superior terms used for substitute standards, amortization provisions, and the ability to provide certain exceptions to the standards for existing signs (similar to variance provisions). Staff will prepare the amendments and in August, seek adoption of the remainder of the package.

Please contact Andrew Strain at (702) 588-4547 if you have questions or comments regarding this item.

AS:rdh
8/1/89

AGENDA ITEM VI.A