TRPA
GOVERNING BOARD
PACKETS

FEBRUARY
1990
TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on February 28 and March 1, 1990, commencing at
9:30 a.m. on the 28th and at 8:30 a.m. on the 1st, at the TRPA office, 195 U.S.
Highway 50, Round Hill, Zephyr Cove, Nevada, the Governing Board of the Tahoe
Regional Planning Agency will conduct its regular meeting. The official agenda
is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on February 28, 1990, at 8:30 a.m. at the same
location, the Legal Committee will meet to discuss the definition of legal
action as used in the Compact, Article VI(p) and settlement of the notice of
violation, Fleur du Lac.

NOTICE IS FURTHER GIVEN that on February 28, 1990, at 9:30 a.m. in the same
location, the TRPA Finance Committee will meet to discuss receipt of the
January financial statement, El Dorado County's request for release of air
quality mitigation funds to install traffic signals at intersection of Pioneer
Trail and Cold Creek Trail, and review of errors and omissions insurance policy
and cost.

NOTICE IS FURTHER GIVEN that on February 28, 1990, during the lunch recess,
in the same location, the Rules Committee will meet to discuss amendment of
Article VII, Advisory Planning Commission.

Date: February 21, 1990

David S. Ziegler
Executive Director

By: Gary D. Midkiff
Assistant Executive Director

NOTE: Items on the agenda without a time designation may not necessarily
be considered in the order in which they appear on the agenda.
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

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

February 28, 1990  9:30 a.m.
March 1, 1990  8:30 a.m.

All items are action items unless otherwise noted.

OFFICIAL AGENDA

I  PLEDGE OF ALLEGIANCE

II  ROLL CALL AND DETERMINATION OF QUORUM

III  APPROVAL OF MINUTES

IV  APPROVAL OF AGENDA

V  CONSENT CALENDAR  (see page 3)  P. 1

VI  PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS, EIS CERTIFICATION

A. Amendment of Chapter 4, Appendix A, Projects Requiring Governing Board Review  P. 104

B. Authorization for the Executive Director to Enter Into An MOU With the City of South Lake Tahoe to Exempt Sign Activities From TRPA Review  P. 12

C. Plan Area Statement Amendments Relative to Recreation Uses and Resource Management Uses to Change Special Uses to Allowed Uses in Plan Area Statements Containing Forest Service Lands  P. 115

D. Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings Is Calculated  P. 127

E. Amendment of Chapter 18 (Permissible Uses) Regarding Regional Public Health and Safety Facilities  P. 136

VII  COMPLIANCE MATTER

A. Security Forfeiture, Davis, 1707 Lakeshore Drive (Highway 28), Washoe County APN 130-331-04 (continue to the March meeting)

VIII  PLANNING MATTERS

A. Support of California Legislation Authorizing Transfer of Caltrans Freeway Right-of-Way to the City of South Lake Tahoe and Other Entities  P. 141
IX ADMINISTRATIVE MATTERS

A. Work Program and Costs for TRPA Environmental/Public Education Program

B. Phase II Scope of Work for Study of Littoral Structures and Their Effects on the Fish Community

X COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Receipt of the January Financial Statement

2. Errors and Omissions Insurance Policy

3. El Dorado County Request for Release of Air Quality Mitigation Funds to Install Traffic Signals at Intersection of Pioneer Trail and Cold Creek Trail

B. Legal Committee

1. Resolution Defining Procedure for Dealing With Questions of Legal Action

2. Settlement of Notice of Violation, Fleur du Lac

XI REPORTS (no action)

A. Executive Director

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

2. Movement of the IPES Line

3. Other

B. Agency Counsel

C. Governing Board Members

XII PUBLIC INTEREST COMMENTS (no action)

XIII ADJOURNMENT
CONSENT CALENDAR

Items
1. Anders/Haden, Transfer of Commercial Floor Area, New Commercial Building, El Dorado County APN 23-241-04
   Recommendation: Approval With Findings And Conditions

2. California Tahoe Conservancy/Tahoe Tallac Association, Heavenly Valley Conference/Recreation Facility, Temporary Use Determination for a Local Assembly and Entertainment Facility, 1340 Glenwood Way, City of South Lake Tahoe, El Dorado County APNs 30-421-01 and 250360-18
   Recommendation: Approval With Findings And Conditions

3. City of South Lake Tahoe, Special Use Determination, Bike Trail, El Dorado Beach/Lakeview Avenue, El Dorado County APNs 27-010-14, -15, and -17, 26-050-02 and -04
   Recommendation: Approval With Findings And Conditions

   Recommendation: Approval With Findings And Conditions

5. Angell, New Boatlift, Placer County APN 83-202-05
   Recommendation: Approval With Findings And Conditions

6. Homewood High and Dry Marina, Resolution of Enforcement Action, Placer County APN 97-130-18
   Recommendation: Approval

7. Tahoe City Public Utility District, Resolution of Enforcement Action, Placer County APN 83-420-27
   Recommendation: Approval

8. Tahoe Park Water Company, New Vehicle and Equipment Storage Building, Special Use Determination, Placer County APN 83-071-32
   Recommendation: Approval With Findings And Conditions

9. Allocation of State Transit Assistance Funds to Placer County
   Recommendation: Adoption of Resolution

10. Allocation of State Transit Assistance Funds to the City of South Lake Tahoe
    Recommendation: Adoption of Resolution

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Governing Board at one time without discussion. The special use determinations will be removed from the consent calendar at the request of any member of the public and taken up separately. If any Governing Board member or noticed affected property owner requests that any item be removed from the consent calendar, it will be taken up separately under the appropriate agenda category.
Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

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

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

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

- Article III(g) Public Law 96-551

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California.
NOTICE OF ADDITION TO AGENDA

NOTICE IS HEREBY GIVEN that the Tahoe Regional Planning Agency
Governing Board agenda for the February 28 and March 1, 1990 meeting is to
include the following items:

1. The Legal Committee, which will meet at 8:30 a.m. on February 28,
   1990, will consider and make a recommendation on an appeal in Leroy
   Land v. TRPA, U.S. District Court, District of Nevada; and

2. The Governing Board will consider the recommendation of the Legal
   Committee (item X B.) and make a decision on filing an appeal in Leroy
   Land v. TRPA, U.S. District Court, District of Nevada.

Date: February 21, 1990

David S. Ziegler
Executive Director

By:
Gary D. Midkiff
Assistant Executive Director
Project Name: Coldwell Banker New Commercial Building

Application Type: New Commercial / Transfer of Commercial Floor Area

Applicant: Barbara Anders/McKinney and Associates

Applicant's Representative: Peggy Haden

Location: 2210 Barton Ave., City of South Lake Tahoe

Assessor's Parcel Number/ Project Number: 23-241-04

Project Description: This application involves the construction of a 6,639 square foot office complex which will house the Coldwell Banker / McKinney Associates real estate office (4,339 square feet) and the Placer Title Company (2,300 square feet). The site is approximately one acre in size and is situated between Second and Third Streets, fronting Lake Tahoe Boulevard (Highway 50) and backing to Barton Avenue. Ingress/egress to the site will be from both Lake Tahoe Boulevard and Barton Avenue. A deceleration/bus lane is proposed along Highway 50. A total of 33 onsite parking spaces are also proposed.

The 6,639 square feet of commercial floor area is to be provided through transfer of existing "banked" commercial floor area.

Site Description: The project site is approximately one acre in size (43,681 square feet) and is located within land capability district 7 lands. Approximately 26,346 square feet (53.4%) of the site has been verified as existing (compacted) soft coverage.

Issues: The proposed project involves the transfer of commercial floor area and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. **Commercial Floor Area:**

   The project involves the transfer of "banked" commercial floor area from the following land bank accounts/parcels.

   - APN 31-030-02: 4,211 square feet - commercial floor area
   - APN 23-171-13: 2,116 square feet - commercial floor area

   Total: 6,327 square feet - commercial floor area
In addition, the applicant is proposing to utilize the provisions of Subsection 33.3.A.(2)(b)(ii) of the Code for an additional 312 square feet of commercial floor area not requiring an allocation. With the additional 312 square feet of floor area, the total commercial floor area of the project is 6,639 square feet.

2. Traffic Analysis:

Pursuant to Subsection 93.3.B of the Code, the applicant has had a traffic analysis prepared to evaluate the impacts of the project with respect to traffic and air quality (see Attachment A). The analysis reaches the following conclusions:

- The proposed project will result in a minor increase in vehicle trips (193 DVTE).
- Adequate access and egress is provided in the project design.
- Project generated turning movements and volumes will not adversely impact existing levels of service at affected intersections.
- Based upon the proposed uses, the project will result in a minor decrease in vehicle miles travelled (VMT).
- Adequate onsite parking will be provided (33 spaces).
- An Air Quality mitigation fee of $3,319.50 shall be required to offset regional and cumulative impacts of the project.

TRPA staff has reviewed the subject traffic analysis and agrees with the conclusions of the report.

Staff Analysis:

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

B. Plan Area Statement: The project is located within Plan Area 110, South "Y". The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed uses are listed as allowed uses in this Plan Area.
C. Land Coverage:

1. Land Capability District:

The land capability district of the project area is class 7. The total project area is approximately 43,681 square feet.

2. Existing Coverage:

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3. Proposed Coverage:

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<tr>
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</tr>
</tbody>
</table>

4. Allowed Coverage:

Base allowable land coverage at 30% is 13,104 square feet, however, TRPA staff has inspected the subject site and verified 26,346 square feet of legally existing (compacted) soft coverage.

5. Coverage Mitigation:

Based on the above coverage figures, the existing project area contains approximately 13,242 square feet of excess land coverage. In order to mitigate the existing excess coverage, the applicant shall be required to pay a mitigation fee of $7,665 in addition to the proposed reduction of 467 square feet of existing onsite coverage.

D. Building Height: Based on a 1% cross-slope retained across the building site, and a 6:12 roof pitch, the maximum allowed height for the proposed building is 31 feet, 2 inches. The proposed building has a maximum building height of 26 feet.

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

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

2/28/90

CONSENT CALENDAR ITEM 1
a. **Land Use:** The proposed use of the site is consistent with the Plan Area Statement in which the project is located.

b. **Transportation:** Pursuant to Chapter 93 of the Code, a traffic and air quality analysis has been prepared to evaluate the impacts of the proposed project. As stated previously in this staff summary, the analysis concludes that the project will not result in any significant impacts on traffic or air quality. In addition, the applicant shall be required to pay an Air Quality mitigation fee of $3,319.50 to the TRPA.

c. **Conservation:** The project includes provisions for installation of best management practices to control runoff from the project site. In addition, the project will result in a 467 square foot reduction of existing compacted coverage on the site and the payment of a $7,665 excess coverage mitigation fee.

d. **Recreation:** There is no aspect of the proposed project which will adversely affect implementation of the Recreation Element of the Regional Plan.

e. **Public Service and Facilities:** The project does not require additional public services or facilities to be constructed and as such will not adversely affect implementation of the Public Services and Facilities Element of the Regional Plan.

f. **Implementation:** The project involves the transfer of existing "banked" commercial floor area and does not require any additional development allocations. There is no aspect of the project which will adversely affect implementation of the Implementation Element of the Regional Plan.

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

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

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(g) of the TRPA Compact, the project meets or exceeds such standards.**

(Refer to paragraph 2, above.)
4. **The relocation of coverage is to an equal or superior portion of the parcel or project area.**

The proposed relocation of coverage is located totally within land capability district 7 land and as such, the water quality impacts of the relocated coverage will be at least equal to the present location of the coverage. Although only 53.4% of the site has been recognized as legally existing land coverage, a much larger portion of the site has been disturbed. The proposed project will result in a reduction of 467 square feet over that recognized as existing compacted coverage and will also result in a restoration of the existing disturbed areas. In addition, the relocation of coverage will allow for a substantial setback of the buildings from Highway 50 and provide for an opportunity to effectively screen the project along the highway corridor. As stated previously, the project also complies with the excess coverage mitigation program as set forth in Chapter 26 of the Code.

5. **The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C of the Code.**

The project has been conditioned such that all landscaping and revegetation shall comply with the Code of Ordinances and the Handbook of Best Management Practices.

6. **The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3 from any higher numbered land capability district.**

As stated previously, all proposed coverage relocation is within land capability district 7 lands.

**F. Required Actions and Findings:** Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

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

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

2. The final site plan shall be revised to include the following:

   (a) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."
(b) Temporary erosion control structures located downslope of the proposed construction area.

(c) Vegetation protective fencing around the entire construction site.

(d) Location of all recorded easements.

(e) Parking barriers to restrict parking to approved parking surfaces only.

(f) Details and locations of all lighting fixtures for the parking lot.

(g) A final signage plan in conformance with Chapter 26 of the Code of Ordinances. The sign plan shall include details of signage prohibiting left turns onto Highway 50.

3. The applicant shall indicate finished floor elevations on the final construction drawings relative to the contours shown on the site plan.

4. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

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

   2. **Roofs:** Roofs shall be composed of nonglare earhtone or woodtone materials that minimize reflectivity.

   3. **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

5. The applicant shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installations for the entire project area.
6. The applicant shall provide a landscape plan and fertilizer management plan in accordance with the standards required in Sections 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA review and approval.

7. Prior to commencement of construction, the applicant shall pay an air quality mitigation fee of $3,319.50 to offset the regional and cumulative air quality impacts of the project based on $.50 per square foot of additional commercial floor area.

8. The applicant shall provide evidence that all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 27.3.B, Table 27-1 of the TRPA Code.

9. The applicant shall indicate on floor plans the type of TRPA approved woodstove, fireplace insert, or zero clearance fireplace to be installed.

10. The applicant shall submit four sets of final construction drawings and site plans to TRPA.

11. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.

12. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of nonglare finishes that minimize reflectivity.

13. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance.

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

15. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
16. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work in conducted between the hours of 8:00 A.M. and 6:30 P.M.

17. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

18. The project is approved based upon the transfer of 6,327 square feet of commercial floor area and the additional commercial floor area provided under Subsection 33.3.A.(2)(b)(ii) of the TRPA Code for a total of 6,639 square feet of commercial floor area.

19. Prior to commencement of construction, the applicant shall obtain all necessary permits and approvals including, but not limited to, Lahontan Regional Control Board Report of Waste Discharge and Caltrans encroachment permit.

20. Prior to commencement of construction, APN 31-030-02 and APN 23-171-13 shall be restricted by deed restriction or other covenant running with the land limiting the units of use of the parcels until or unless a transfer back to the parcel is approved by the TRPA. The deed restriction or covenant running with the land shall be written to apply to commercial floor only.

21. Prior to commencement of construction, the applicant shall submit an excess coverage mitigation fee in the amount of $7,665 to the TRPA.

22. Prior to commencement of construction, the applicant shall submit a cost estimate for all water quality improvements and BMPs to be installed on the site. A security in the amount of 110% of this estimate shall be deposited with the TRPA to insure the construction of said improvements.
POOR
QUALITY
ORIGINAL (S)
TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
REPORT TO:  Tahoe Regional Planning Agency  
ATTN:  R. Angelucci  
P.O. Box 1038  
Zephyr Cove, Nevada 89448

FROM:  John E. Glab, Ph.D., Registered Traffic Engineering 
Nevada-Keystone Engineering  
P.O. Box 425  
Zephyr Cove, Nevada 89448  
Phone: (702) 749-53765

SUBJECT:  Application for Commercial Construction Permit  
Proposed Office Building at 2210 Barton Avenue, South Lake Tahoe, CA (El Dorado County A.P.N. 23-241-04)  
TRAFFIC, PARKING AND AIR QUALITY ANALYSIS

DATE:  9 August 1989 - Revised February 1990

PURPOSE OF REPORT:

This analysis is submitted in compliance with requirements set forth in the Regional Plan for the Lake Tahoe Basin - Code of Ordinances, Chapter 93, "Traffic and Air Quality Mitigation Program", and in accordance with parking standards established by the City of South Lake Tahoe.

NATURE AND SETTING OF PROPOSED PROJECT:

Coldwell Banker Mc Kinney & Associates, Inc., a real estate firm presently doing business from two offices in South Lake Tahoe, proposes to construct a new 6,639 square foot office building at the one acre (43,681 sq ft) site stated above. The location and vicinity maps for the project are attached as Exhibits A and B.

The applicant plans to combine the personnel and operations of their present real estate offices in the Tahoe Keys Commercial Center (800 sq ft) and in the Tahoe Valley Pharmacy Center (1,400 sq ft) into a single office of 4,339 gross sq ft within the proposed new building. The remaining 2,300 gross sq ft (GSP) in the building will house the office of Placer Title Company, which is now located in a 1,500 sq ft office at the Swiss Chalet Village, at the corner of Hwy 50 and Sierra Blvd.

As a result, approximately 65.4% of the space will be used by Coldwell Banker McKinney & Associates, and about 34.6% will be occupied by the title company.

As indicated on the vicinity map, the property has 209 foot frontages on U.S. Highway 50 and on Barton Ave. The site is on the south side of Hwy 50, about 230 feet east of the signalized intersection of Hwy 50 and 3rd Street, and about 530 feet west of the intersection of the U.S. highway and 2nd Street.
Hwy 50 within the segment fronting the property is a five lane road (middle lane is a left turn lane), with marked bicycle lanes along both the north and south sides of the highway. The 3d St. intersection west of the site is signalized, with left turn cycles from Hwy 50 to north and southbound 3d Street. Third Street, south of Hwy 50 has sufficient width to provide two northbound lanes, thereby permitting cars turning right onto Hwy 50 from the south to enter the highway without being hindered by cars turning left or proceeding north on 3d Street.

Barton Ave, which runs along the south side of the property, is a two lane secondary street, 24' wide. Traffic along Barton Ave is controlled by stop signs at 2d and 3d Streets.

The project site is level, with the surveyed property lines falling about 20' south of the edge of Hwy 50 pavement, and about 6' north of the existing pavement along Barton Avenue. There is an existing 24' wide curb cut along Hwy 50, about 50' west of the east property line. Cars can now get onto the site from the businesses to the east of the site. Access to and from Barton Ave is available by use of a well-worn dirt driveway, about 32' east of the west property line. Although the site is officially vacant, a number of vehicles use the area for parking, as evidenced by the presence of from 4 to 7 vehicles which were observed during business hours and during two weekends in July 1989.

Eastbound and westbound STAGE buses stop at designated locations along Hwy 50 within easy walking distance of the project site.

TRIP GENERATION:

Previous Use:

Although the site is presently a vacant lot, observation has shown that at least 5 vehicles use the site for parking each working day.

It may, therefore, be considered that 10 trips per day are generated by the site at the present time.

PROPOSED USE:

TRPA trip generation factors have been published as required by Chapter 93 of the Ordinances. As a means of verifying the relevance of these data, comparison can be made to observations made and recorded over a number of years by the two businesses which will occupy the proposed development.

Real Estate Office - TRPA guidelines indicate that 35 trips will be generated for each 1,000 gross square feet of floor space in the area occupied. For the 4,339 sq ft in the office, this would indicate that 152 EDT would be generated by this facility.
Interviews with the managers of the real estate company and review of business records show that, on a peak day, there are 7 office employees in the 2 facilities now in use, and that up to 10 sales persons use the office. The office personnel (clerks, record keepers, rental agents, researchers, etc.) average 3 trips per day in up to 7 vehicles (many walk to lunch or pool for occasional trips outside the office during the day). Although many sales people work from their homes, using phone contacts or going directly from their homes to meet clients, it has been shown that an average of 5 trips per day at the office base would be a generous factor.

On the basis of experience, therefore, 71 EDT (7 office employees x 3 trips/day + 10 sales persons x 5 trips/day) would be generated by the firm's employees, plus 20 trips for a maximum of 10 visitors (or couples) per day at two trips per group. This would give a total of 91 EDT for the real estate office. However, it must be recognized that the the applicant expects to improve business as a result of the relocation and the added space and the easy accessibility of the new site should increase the level of activity for the real estate firm.

However, even a significant improvement in business for the firm could not be expected to result in an increase of more than 40% in the current level of trip generation, and it seems logical, therefore, to conclude that total potential trip generation calculated on the basis of the published TRPA guidelines would provide an adequate basis to project the potential traffic generation of the real estate office.

Therefore, the potential traffic impacts of the real estate office portion of this proposed project will be based on the TRPA guideline factors, with a total generation of 35 x 4,343/1,000 or 152 trips per day.

Title Company Office - Within TRPA guidelines, this would be a "general commercial office, under 100,000 GSF of floor space", with a traffic generating potential of 17.7 EDT/1,000 sq ft, or 3.7 trips/employee per day. Use of these factors would give 41 EDT (17.7 x 2.3) on the basis of floor space, or 3.7 x 7 employees = 26 EDT for the company's 7 employees.

The manager of the title company's office definitely states that the move to a larger office is required to permit better accomplishment of the existing work load, and that plans for the long-range future would not call for an increase of more than 2 additional employees.
Therefore, since 9 employees x 3.7 trips per day would equal only 33.3, the TRPA-based total of 41 trips per day for the title company portion of the project appears appropriate as a basis for this analysis.

Practical Considerations and Summary - The great majority of title and escrow work involving Coldwell McKinney sales is accomplished with Placer Title Company. Although much of this work can be accomplished on the phone, having the title company in the same building as the real estate firm will reduce the number of trips now being made between the two companies. In addition, consolidation of the two present real estate offices in a single building will reduce the number of trips being made between the offices. Therefore, experience factors determined under existing conditions and adjusted to reflect proposed improvements should represent conservative projections of daily trips which will occur when the proposed project is in full operation.

On these bases, therefore, it may be concluded that total daily traffic generation for the proposed project would be 152 for the real estate office plus 41 for the title company, or 193 trips per day, a "minor increase" in trips.

TRAFFIC IMPACTS:

Section 93.3.B of the TRPA Ordinances requires that "For additional or transferred development which would result in a minor increase in daily vehicle trips at the project area and the subject parcel is located within 300 feet of the center of the U.S. Highway 50 right-of-way, in a non-attainment area, the applicant shall prepare and submit to TRPA, as part of the project application... an analysis of the impacts of the proposed project on the level of service (LOS) at any impacted intersections." Because the project is located on Hwy 50 in an area designated as "non-compliance", this and other requirements stated in Section 93.3.B must be met.

To determine project impacts on critical intersections, it is necessary to determine the number and nature of peak hour project movements and to add these movements to existing traffic at the intersections which could be affected by the project. Managers of the real estate and title company operations agree that the peak hour for project-generated movements will be from noon to 1:00 p.m. on a week day, when as many as 16% of the daily total trips, or 31 trips, could occur. The origins and destinations of these trips were determined through discussions with principals of the companies concerned, and the number and directions so determined are shown on Exhibit C. The exhibit is based on the
premise that one access point will be constructed on Hwy 50, where no left turns for vehicles leaving the project will be permitted, and that a second access point will be located on Barton Ave to permit departing westbound vehicles to utilize the signalized intersection at 3d Street to make left turns onto Hwy 50.

Traffic at the 3d St/Hwy 50 intersection during the critical hour at the project has been projected through use of TRPA counts made in 1988 and 1989, increased to recognize Caltrans peak hour data. These data are presented on Exhibit C. Project-generated trips at this intersection are shown in parentheses as part of the total number of movements at each point. It may be noted from these data that the project will generate 4 left turns from Hwy 50 to the site at a point about 250' east of the intersection. Since the holding lane on Hwy 50 is continuous through this segment, these few movements could not be considered as constituting a significant impact on the intersection.

It is estimated that a total of 12 project-generated movements will utilize the 3d St intersection during the peak hour (3 left turns from 3d St to westbound Hwy 50, 2 through movements on 3d Street, 1 right turn from Hwy 50 to southbound 3d St, and 6 eastbound through movements on Hwy 50).

An analysis of traffic at the intersection for the hour at which a peak number of project movements will occur indicates that 842 critical movements will occur without the project (600 westbound on Hwy 50, 32 northbound on 3d St, 90 left turns from eastbound Hwy 50 to northbound 3d St, and 120 left turns from southbound 3d St to eastbound Hwy 50).

Only 5 project-generated movements will add to the movements which are considered critical - 1 on northbound 3d St and 4 on eastbound Hwy 50. (Critical movements are circled on Exhibit C.) An increase in critical movements from 842 to 847 will have no effect on the LOS rating of the intersection, since any sum of critical movements between 826 and 965 places the intersection at LOS "B" as defined for planning purposes in Transportation Research Circular 212 (Interim Materials on Highway Capacity) published by the Transportation Research Board.

It is concluded, therefore, that the project will have no impact on the level of service at the intersection of Hwy 50 and 3d St.

Although the 3d St/Hwy 50 intersection will be most directly impacted by project-generated traffic, it is also necessary to examine potential impacts on other intersections along Hwy 50 which could be affected by addition of trips from the project. The nearest such intersections are the ones at Keys Blvd, about 950 feet to the east and at the South Tahoe "Y", about 2,000 feet to the west.
**Project Site**

APN 23:241:04

**Hill Center**

**LEGEND:**

Traffic generated from site shown in parentheses.

Critical moves are circled.

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**PROPOSED COMMERCIAL COMPLEX, SOUTH LAKE TAHOE, CA - COLDWELL MCKINNEY & ASSOCS**

FEBRUARY 1990 - Nevada-Keystone Engineering, Zephyr Cove, NV

Projected Traffic Movements at Full Operation
On the basis of information presented in Exhibit C, it may be seen that a noon hour volume of no more than 9 vehicles will use the Keys intersection. Of these, only the 5 eastbound vehicles could possibly make critical left turns to Keys Blvd, and it is highly unlikely than more than 2 of these would actually make left turns since it would be more practical to use 3d St to gain access to the areas served by Keys Blvd, thereby avoiding heavier traffic on Hwy 50. TRPA counts during the noon hour on a summer Friday (a time heavily impacted by tourist traffic) show a total of 3,800 vehicles passing through the signalized intersection which provides a restricted left turn cycle. Of these movements, 148 are left turns from Hwy 50 to Keys Blvd.

The 9 project-generated trip addition to this existing volume at a period of heavy use represents an increase of about 2/10 of one percent in total movements, and the 2 possible left turns would increase these movements by 1.35% under a highly unlikely "worst case" scenario.

In view of these minimal potential impacts, it is not considered that the project would adversely affect LOS at the Keys Blvd/Hwy 50 intersection.

Traffic congestion at the South Tahoe "Y", especially on summer and holiday weekends, represents a sometimes serious situation. Examination of Exhibit C shows that it would be possible for as many as 10 project-generated trips to pass through this intersection during a noon hour period in summer. However, since many of the persons patronizing the offices proposed will be local residents, familiar with traffic conditions, it is highly likely that many of these motorists would avoid the "Y" during heavy traffic periods by use of a number of by-pass routings to the north or south of Hwy 50. To recognize the "worst case" possibility, however, the evaluation will consider that all project trips will use the South Tahoe "Y".

From an analysis of probable origins and destinations of the 10 project trips involved, it is concluded that, among the 7 eastbound trips, 4 will make right turns from Hwy 50/89 onto Hwy 50, that two will come straight through the intersection from Lake Tahoe Blvd west of the "Y", and that one will make a left turn onto Hwy 50 from Hwy 89 (Emerald Bay Rd) to the north of the "Y". Of the 3 westbound trips, one will proceed directly through the intersection to Lake Tahoe Blvd, one will turn right to Hwy 89, and one will turn left to continue on Hwy 50 in the direction of Sacramento.

TRPA counts at the "Y" during a noon hour on a summer weekday (Friday, in this instance, when tourist traffic contributes most heavily) indicate that up to 3,928 movements enter the intersection. This volume is somewhat higher than the peak hour count determined by the 1987 Caltrans count of 3,500 at this point.
This critical intersection contains an adequate number of lanes, plus reserved right turn lanes and and signalized left turning lanes on each approach. It is, therefore, well designed to maximize effective passage of heavy traffic. Critical movements at this point total 918 (318 left from westbound Hwy 50 + 212 thru eastbound to Hwy 50 + 236 left from westbound 89 to Hwy 50 + 152 thru northbound on S.R. 89) before addition of project trips. A total of 3 project trips would add to critical movements (2 thru eastbound on Lake Tahoe Blvd + 1 left turn from westbound Hwy 89 to eastbound Hwy 50). Since the addition of 3 critical movements will not affect the LOS rating at the South Tahoe "Y", it is concluded that the project will have no adverse impact on this intersection.

Because project-generated movements will decrease due to turns to destinations as distance from the project increases, it is concluded that the project will have no significant impacts on the levels of service at any intersections in the Tahoe Basin.

IMPACTS ON REGIONAL VEHICLE MILES TRAVELED (VMT):

The site of the proposed project is about two-tenths of a mile east of the present main office of the Coldwell Banker Real Estate firm (which is also on Hwy 50), about 1.25 miles south of the Tahoe Keys branch office of the firm, and just less than one mile west of the present Hwy 50 location of Placer Title Co.

It has been indicated that consolidation of three offices, which are now separated and between which frequent contacts are required, will result in trip savings. This same fact will result in a meaningful reduction of miles traveled for employees of the companies, plus a less significant reduction in client mileage since they will be able to accomplish dealings with the real estate company and the title company at the same site.

It is not possible to accurately quantify VMT savings because clients and properties handled by the firms are widely scattered and the locations vary considerably, depending upon the numbers and types of listings and joint sales on which work is being performed at any one time, but the more centralized location of the new site for operations could, almost certainly, not be considered to add VMT since the nature of operations to be performed will remain the same.

It is concluded, therefore, that the proposed project will result in a moderate, but unquantified, reduction in regional VMT.

IMPACTS ON REGIONAL AND SUBREGIONAL AIR QUALITY:

The proposed site is located directly adjacent to Hwy 50, and in a designated non-attainment area with regard to CO. As a result,
the potential impacts of the project on regional and subregional air quality are important factors with regard to its compliance with standards which must be met prior to TRPA approval. In the consideration of the location of the proposed project, it should be considered also that two of the three sites which will be consolidated in the new building (the main real estate office and the title company office) fall into the same category as the new site.

Design of the building will include heating and ventilating systems which meet established standards to assure air quality. Therefore, the potential emissions which could bear upon its compliance with air quality standards relate to non-point sources or vehicular traffic.

In addition to VMT, stop-and-go driving adds to the CO emissions produced by the vehicle trips originating or terminating at the site.

Data presented in the preceding section appear to indicate that VMT generated by the project should not present a significant problem. Because the new site will provide access and egress on both Hwy 50 and on Barton Avenue, with turning movements at a signalized intersection, it may be concluded that traffic flows will be more orderly, and that stop-and-go traffic in the area of the project will be less onerous than at the present sites, where vehicles have the potential to cause more interruptions of through traffic.

As a result, it is concluded that mitigation measures specified in the TRPA Code will adequately offset regional and sub-regional air quality impacts.

INGRESS AND EGRESS CHARACTERISTICS:

As previously stated, and as indicated on Exhibit C, it may be noted that the minor increase in motor vehicle trips projected for this project will not adversely impact the LOS for traffic at the site. However, the preliminary architectural plan for the project (Exhibit D) calls for a 50' long deceleration lane to facilitate movement of vehicles turning right into the project from Hwy 50. No left turns from the project to Hwy 50 will be permitted. A prominent sign to this effect will be posted.

Provision of a deceleration lane, combined with the availability of an ingress/egress driveway on Barton Ave, indicate a very favorable set of conditions with regard to this project. As a result, the ingress/egress characteristics of the project may be considered to be very good.
MITIGATION MEASURES:

Chapter 93 of the Code specifies a formula for calculation of a regional and cumulative impact fee to offset the added vehicle trips generated by the project. This non-refundable air quality mitigation fee has been established as $0.50/ sq ft of commercial floor area, or $10/daily vehicle trip, whichever is greater.

For this building, the fee would be $0.50 \times 6,639 = 3,319.50 since this amount is greater than the $1,930 calculated on the basis of $10 for each of the 193 daily vehicle trips generated.

Section 93.3.C (2) of the Code notes a number of regional and cumulative mitigation measures which "may include, but are not limited to" the measures indicated below:

(a) Transit facility construction;

(b) Transportation Systems Management Measures, including, but not limited to, bicycle facilities, pedestrian facilities, and use of alternative fuels...

(c) Transfer and retirement of offsite development rights.

The feasibility of including these measures in final plans and in actual construction of the project, and of considering the cost of specific improvements meeting City and TRPA criteria within items (a) and (b), above, as a measure for defraying part of the cannot be determined until plans are complete and the matter has been discussed with representatives of the agencies concerned. At such time, it could be determined what specific facilities may be suitable for inclusion in the project and what appropriate dollar amount could be be credited to the mitigation fee for facilities of proven benefit the public. The developer is willing to cooperate with the City and the TRPA with regard to improvements.

Section 93.3.C (3) lists a number of "Localized Mitigation Measures" which are required as a condition of project approval for all additional development. These include, in addition to the regional and cumulative measures: acceleration/deceleration lanes, left turn lanes, stop or yield controls, access management, transportation systems management measures, and contribution to the Air Quality Mitigation Fund (in the amount calculated above).

Project plans call for a deceleration lane immediately to the west of the project, but TRPA has stated that, because this work will be for the benefit of the specific project, the cost cannot be recognized as an offset to the mitigation fee.
Left turn lanes already exist along the Hwy 50 frontage of the project, and the sparse traffic on Barton Ave does not indicate a need for a left turn lane on that street. Therefore, it is not feasible to include this measure as part of the project.

Stop controls will be posted at both project exits.

Access management measures will include a sign prohibiting left turns onto Hwy 50 from the project; provision of a 25' traffic lane and pedestrian walks within the project; bike racks; and, a pedestrian walk along Hwy 50 in front of the project, if desired by the City. These measures will also meet some of the requirements defined as "transportation systems management measures within sub-paragraph 93.3.C (3) (e).

A mitigation fee in the amount of $3,319.50 will be paid by the applicant as required by item (f) of 93.3.C (3), and quantified in subsection 93.3.D (4) of the Code of Ordinances.

Although, as previously mentioned, there may be some improvements at or adjacent to the site which would be desired by the city or the agency, it appears more practical for the applicant to pay the entire mitigation fee at such time as the project may be approved, rather than to defer payment pending a decision as to the nature of possible improvement projects related to the site.

PARKING:

The requirement for off-street parking has been established by the City of South Lake Tahoe. For this type of project, one space for each 400 sq ft of gross floor space will be required. For the 6,643 sq ft building, 17 parking spaces are required.

Since the architect's plan provides for 22 spaces, including provision for handicapped parking, all parking requirements will be met.

SUMMARY, CONCLUSIONS AND RECOMMENDATION:

Examination and evaluation of the proposed project with regard to traffic, air quality and parking considerations indicate that the project will constitute a minor increase in daily vehicle trips (193); that adequate project access and egress will be provided; that impacts from project-generated turning movements and volumes will not adversely impact existing levels of service; that the project will provide a moderate decrease in VMT; that adequate on-site parking will be provided; and, that a mitigation fee of $3,321.50 will meet TRPA's requirement for offset of potential project impacts.
It is, therefore, concluded that the project, when constructed and operated as stated, should be an asset to the community.

It is recommended that the project be approved, subject to payment of a non-refundable mitigation fee of 3,319.50 and to such conditions of approval as may be normal for additional or transferred development projects.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Heavenly Valley Conference and Reception Facility (Powderhorn Property).

Application Type: Public Service, Temporary Use.

Applicant: Tallac Association (a non-profit organization), and the California Tahoe Conservancy.

Applicant’s Representative: Carol Spain (Tallac Association), and Ryan Davis (California Tahoe Conservancy).

Location: 1775 Sherman Way and 1340 Glenwood Way, City of South Lake Tahoe (see attached vicinity map).

Assessor’s Parcel Number/Project Number: APN 30-421-01 and 25-360-18, El Dorado County.

Project Description: The applicants have requested a temporary use permit to convert an existing 3,199 square foot single family residence into a conference and reception facility (local assembly and entertainment) at 1775 Sherman Way, City of South Lake Tahoe. This facility will accommodate private events, retreats, meetings, community gatherings, classes and seminars. Maximum occupancy for the building shall be limited to 75 persons pursuant to local fire department regulations. Local assembly and entertainment facilities are a special use in the applicable plan area statement. This facility will be operated in the summer months only.

Due to on-site parking constraints, patrons of the facility will be shuttled to the property from an off-site parking area located at the former South Lake Tahoe drive-in theater at 1340 Glenwood Way. Although vehicle storage and parking is not an allowed use in this plan area statement, temporary use of the site may be approved if the special use findings found in Subsection 18.1.B of the TRPA Code are made (Section 7.3, TRPA Code).

For more information on this project, please refer to the enclosed memorandum to the South Lake Tahoe Planning Department from Janet McDougall (Research Analyst for the City) dated October 13, 1989.

Site Descriptions:

1. Conference and Reception Facility: The proposed conference facility will be located within a 151 lot subdivision (Heavenly Valley Village Condominiums) that was purchased by the California Tahoe Conservancy. This facility will be within an existing two-story single family
dwelling on lot 151. This single family dwelling is the only structure within the subdivision. Access to the building is off a 700 foot long, 16 foot wide private driveway. This property does not currently conform to TRPA water quality standards, and the applicant shall be required to submit and implement a water quality plan to TRPA for review and approval in accordance with Chapter 81 of the TRPA Code. No external modifications to the building are proposed, however, a new detached outside staircase will be constructed and some interior changes to the building are proposed. Due to steep grades and the narrow driveway, on-site parking cannot be provided for patrons of the facility.

2. **Parking Area**: The proposed parking area is located at the abandoned drive-in theater in the City of South Lake Tahoe. This paved parking area can easily accommodate the anticipated parking demand for the temporary use (75 vehicles). Access to the parking area will be through a residential neighborhood on Glenwood Way. Prior to commencement of the proposed use, the applicant shall submit a detailed parking plan to TRPA that identifies access to the site, designated parking stalls and directional signage.

**Issues**: The proposed project involves a special use determinations for the conference site and the parking site pursuant to the applicable plan area statements and Chapter 7 of the TRPA Code, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. **Temporary Use/Special Use Determination**:

   This project is being reviewed as a temporary use under the provisions of Chapter 7 of the TRPA Code. Temporary uses may be approved pursuant to Chapter 7 of the TRPA Code, provided the special use findings in Chapter 18 are made. These findings can be found in Section E, below.

2. **Traffic and Parking**:

   Staff has determined that the proposed temporary off-site parking area is adequate for the project for one season. The applicants have indicated that they are looking for a permanent parking site to replace this parking area at the end of the one year period.

**Staff Analysis**:

A. **Environmental Documentation**: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
B. Plan Area Statements: The conference facility is located within Plan Area 085, Lakeview Heights. The Land Use Classification is Residential and the Management Strategy is Mitigation. The proposed activity is listed as a special use.

The parking area is located within Plan Area 101, Bijou Meadow. The Land Use Classification is Recreation and the Management Strategy is Mitigation. The proposed use is not listed in this plan area area statement.

C. Land Coverage:

1. Land Capability District:

The land capability district of the project area (conference facility, APN 03-421-01) is class la. The total project area is approximately 668,851 square feet (15.35 acres).

2. Existing Coverage:

<table>
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<tr>
<td>Soft Coverage</td>
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<td><strong>31,567</strong></td>
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</table>

3. Proposed Coverage: No increase proposed. This project involves relocation of existing coverage.


5. Coverage Mitigation:

Based on the above coverage figures, the existing project area contains approximately 24,879 square feet of excess land coverage. In order to mitigate the existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances.

D. Building Height: No changes are proposed to this two story structure.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

2/28/90

CONSENT CALENDAR ITEM 2
a. Land Use: This conference facility is a permissible use in the applicable TRPA plan area statement and is consistent with the land use policies contained in the Land Use Element of the Regional Plan Goals and Policies. The applicants shall be required to install BMPs at the conference facility consistent with Policy 2, Goal #1 of the Water Quality Subelement of the Goals and Policies which states: "...public agencies which manage public lands in the Lake Tahoe Basin shall put Best Management Practices (BMPs) in place; maintain their BMPs; protect vegetation on their land from unnecessary damage; and restore the disturbed soils on their land."

b. Transportation: This project will not adversely impact the Transportation Element of the Regional Plan, and will result in a minor increase in traffic in the Region.

c. Conservation: This project will not affect implementation of the Conservation Element of the Regional Plan Goals and Policies. No known adverse impacts on vegetation, wildlife, fisheries, soils, shorezone, open space, stream environment zones, or cultural resources will occur because of the project.

d. Recreation: This is not a recreation project. This project will not affect implementation of the Recreation Element of the Regional Plan Goals and Policies.

e. Public Service and Facilities: This is a new, temporary public service facility. Temporary, publicly owned government meeting, convention and assembly facilities, are not required to be on the TRPA List of Additional Public Service Facilities. This project must be added to the Public Service list if application is made in the future to make this a permanent facility pursuant to Policy 1, Goal #5 of the Public Service Element of the Regional Plan Goals and Policies.

f. Implementation: There are no allocations of use required for the proposed use, and the project will not affect the Implementation Element of the Regional Plan Goals and Policies.

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

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.
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(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed uses are appropriate for the parcels on which they are to be located. The existing building is located more than 500 feet from the nearest residential building, and is relatively isolated from adjacent residential development. National Forest Lands border this property to the east and south.

The proposed temporary off-site parking area is paved and large enough to accommodate maximum anticipated parking demand.

5. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

The applicant has proposed several conditions to negate impacts to the neighborhoods in which the project is to be located (please see attached memorandum to the City of South Lake Tahoe Planning Department from Janet McDougall, Research Analyst).

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

This temporary use will not change the long term character of the neighborhoods in which it is to be located, or alter the purpose of the applicable planning area statements. Neither the conference site nor the parking site are within an adopted community plan or master plan area.

7. The relocation of land coverage for the new detached outside stairwell is to an equal or superior portion of the project area.

Relocated land coverage for the proposed stairwell will come from existing paved driveway areas. The stairwell will be located within an existing disturbed fill slope for the upper driveway. The paved driveway and the fill slope area are equally disturbed.
8. The area from which the land coverage will be removed will be restored in accordance with Subsection 20.4.C of the TRPA Code.

The applicants shall restore the area from which the land coverage is to be removed in accordance with Section 20.4.C of the Code per standard conditions in the permit.

9. The relocated land coverage is not to land capability districts la, lb, lc, 2 or 3, from any higher numbered land capability district.

All land coverage relocations shall be from land capability district la only.

F. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

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

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

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

   a. The site plan for the conference facility shall be revised to include:

      (1) A three inch layer of gravel (3/4" drainrock) beneath all raised decks.

      (2) Appropriate infiltration facilities to infiltrate driveway runoff (consistent with Standard Condition I.1.G of Attachment Q).

      (3) Mechanical stabilization of the driveway cut/fill slope in accordance with the TRPA Handbook of Best Management Practices (BMPs), and repair of all failing retaining walls on the property.

      (4) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."

2/28/90

CONSENT CALENDAR ITEM 2
(5) Drip line infiltration trenches, sized 18" wide by 8" deep, constructed beneath all roof driplines.

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

(7) Vegetation protective fencing around the entire construction site.

(8) Location of all property lines.

(9) Relocation of land coverage for the new outside staircase. This permit does not authorize any increase in land coverage on this site.

b. The permittee shall submit revised a parking plan to TRPA for review and approval that identifies:

(1) Limits of existing pavement (all parking shall be on existing pavement only);

(2) All property lines;

(3) All proposed directional signage.

c. The security required under Standard Condition I.2 of Attachment Q shall be equal to 110 percent of the estimated BMP costs on Assessor's Parcel Number 30-421-01. Please see Attachment J, Security Procedures.

d. The applicant shall mitigate excess land coverage on APN 30-421-01 by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 4 (see attached map).

The excess coverage mitigation fee shall be calculated as follows:

(1) Estimated Project Construction Cost x 0.80 (1990 Fee Reduction) x Percent Fee.

Please provide a construction cost estimate by your contractor, architect or engineer. Use Table A, below, to calculate the percent fee. (Note: The percent fee should be converted to decimal form when performing calculations. For example: A percent fee of 0.06% should be represented in decimal form as 0.0006.) In no case shall the mitigation fee be less than $100.00.
Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed use the following formula:

(2) Excess coverage mitigation fee (per formula (1), above) divided by $5.00 per square foot.

If you choose this option, please revise your final site plan and land coverage calculations to account for the coverage removal.

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<thead>
<tr>
<th>Square Feet of Excess Coverage</th>
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e. The applicant shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installations for the entire project area.

2. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.

3. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.

4. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
5. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

6. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work in conducted between the hours of 8:00 A.M. and 6:30 P.M.

7. The permittee shall obtain all other required federal, state and local permits for the approved use.

8. Mitigation measures 1 through 9, on pages 3 and 4, of the Memorandum dated October 13, 1989, to the South Lake Tahoe Planning Department, from Janet McDougall, are hereby incorporated into this permit.

9. The applicant shall submit 4 sets of final plans to TRPA for review and approval.
MEMORANDUM

TO: Planning Department Staff
FROM: Janet McDougall, Research Analyst
DATE: October 13, 1989
SUBJECT: Special Use Permit Application - Heavenly Valley Conference Facility (Powderhorn)

This memorandum accompanies an application for a Special Use Permit submitted by the Tallac Association for the Powderhorn facility, also referred to as the Heavenly Valley Conference Center. It is intended to provide background concerning the history of the facility, as well as information as to how the facility will be operated to minimize any potential impacts on the surrounding neighborhood.

As background, a 150-unit condominium project with a club house and other amenities were to be constructed on this 15-acre site, which is located in a Tourist Commercial zone. While the club house was under construction, the owner experienced difficulties in obtaining permits and was ultimately denied permits to build the condominium units. Prior to completion of the club house, the character of the structure was changed to that of a single-family dwelling.

Over a period of time the property eventually became part of a bankrupt estate. The California Tahoe Conservancy and the City of South Lake Tahoe saw great potential in utilizing the facility as a public meeting facility, since the building and grounds lend themselves well to a retreat or special event center. The structure, which is approximately 3,369 square feet in size, features a breathtaking view of the lake and mountains, and is very secluded—located at the end of a private roadway just off Sherman Way near Heavenly Valley Ski Resort.

Both the City and the Conservancy recognized the extreme need for meeting facilities in the community, therefore, the Conservancy purchased the property and entered into an agreement with the City for management of the facility. The City, in turn, entered into an agreement with the Tallac Association to operate
the facility. This Tallac/City agreement provides that any excess proceeds derived from operation of the facility which are not needed for ongoing maintenance and operation of the Powderhorn facility will be utilized for much needed restoration of the historic Tallac Site.

Because the structure is in need of some repair, the Conservancy has provided a funding commitment of $80,000 to complete repairs and remodeling of the facility. In addition, the bankrupt estate has agreed to provide $50,000 for operating costs and purchase of equipment needed to open the facility, such as chairs, tables, and so forth.

Since the structure had originally been intended for use by the public, many aspects of the construction, such as the foundation and existence of one-hour fire walls, meet current codes for public use.

The project itself involves the removal of some interior walls, repair to the roof, construction of ramps and specially equipped restrooms for the handicapped, etc. Both the State Fire Marshall and the State Architect’s Office have reviewed and approved preliminary remodel plans for the project, and the City Building Official and Fire Marshall have provided input throughout the remodel planning process.

If successful in obtaining TRPA approvals and a City Special Use Permit, the Tallac Association intends to commence construction immediately and anticipates the facility would be open for use during the 1990 summer season. At this time there are no plans to utilize the facility for public use during the winter months, primarily due to access difficulties during heavy snow periods.

The proposed operations plan for the facility calls for rental of the site as a meeting place for local groups and organizations, a retreat location which can be marketed in conjunction with lodging facilities in the area to potentially attract small governmental and corporate gatherings, and for wedding receptions and other similar functions.

What initially appeared to pose the most significant potential adverse impact on the neighborhood, a possible increase in VMT through an adjacent LDR zone, has been successfully mitigated by the proposed use of shuttle buses to transport users of the facility. It is estimated that for each function held at the site, vehicle mile trips will number approximately eighteen to twenty, which is slightly more than those that might be generated by a large, single-family residence.

This VMT number was calculated based on the maximum occupant load of 75, by estimating that a shuttle carrying nine to ten passengers would make eight trips to the facility, and eight trips back, with one employee and one caterer also contributing a total of four trips. Obviously, on occasions when smaller groups are utilizing the facility, the VMT generation would be minimized.
Fortunately, the site is large with the building centrally located on the parcel, and surrounded on all sides with natural forested area. This provides an effective noise buffer, as well as an effective natural means for visual screening of the property. Notwithstanding the isolation the site is afforded, the Tallac Association intends to impose numerous requirements to minimize or eliminate any potential negative impacts on the neighborhood:

1. **No user parking will be permitted on the site.** Users of the facility will be shuttled from their motel or from a designated parking lot. Only employees and/or caterer parking will be permitted on the site. This will substantially reduce the number of vehicle trips through the surrounding area.

2. **Hours of operation of the site will be strictly limited to 8:00 a.m. to 11:00 p.m.** All functions will be scheduled to conclude no later than 11:00 p.m.

3. **No music or speakers will be permitted outside the building.** Additionally, amplified music inside the building will be controlled to maintain acceptable levels.

4. **Attendance will not exceed 75 persons.** The Building and Fire Departments have determined that the occupant load for the building should be maintained at 75 persons, and at no time will attendance exceed that limit.

5. **Applications for use will be screened.** The Tallac Association strongly recognizes the need to control the use so as not to create unpleasant impacts on the surrounding neighborhood, therefore, each application will be screened carefully to ensure abuses will not occur. In addition, the City, by virtue of its agreement with Tallac, has the ability to oversee operation of the facility, and can ultimately terminate the agreement if repeated abuses occur.

6. **Supervision will be provided during all events.** An employee of Tallac Association will be on hand during all scheduled events to ensure that noise levels are kept minimal and that other abuses do not occur.

7. **Exterior lighting will be placed so as not to be obtrusive or visible to property owners on Sherman Way.**

8. **Trash dumpsters will be screened.** Dumpsters will be placed on the cul-de-sac of the private road for easy access by the refuse company, and will be screened with stump logs and/or siding to match the building facade. Dumpsters placed in this location will not be visible to any surrounding property owners.
9. Only native vegetation will be utilized on the site. Because the site is located in the midst of a thick forested area, Tallac intends to preserve the native vegetation currently on the site. Creative rockwork may be used to enhance and protect native vegetation. No trees or other significant vegetation will be lost due as a result of this project.

The Tahoe Conservancy, City and the Tallac Association are enthusiastic over the potential benefits this project can bring to the community, if approvals are granted. Not only will the community have a much needed facility for public gatherings, but the proceeds from use of the facility will go directly toward the preservation of an important part of Tahoe's history—the Tallac Site.

The City is confident that the Tahoe Tallac Association is a responsible organization which will exercise sound judgement and care in operation of the facility to ensure its proper use, and further, that they fully understand they have a responsibility to the entire community to manage the facility appropriately.
POOR
QUALITY
ORIGINAL (S)
TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Bike Trail-El Dorado Beach/Lakeview Avenue.

Application Type: Public Service/Recreation.

Applicant: City Of South Lake Tahoe.

Applicant's Representative: Brad Vidro and Tim Oliver.

Location: Highway 50 - El Dorado Beach /Lakeview Avenue.

Assessor's Parcel Number/ Project Number: 27-010-14,-15, and -17, 26-050-05 and -06.

Project Description: The proposed project consists of 1775 linear feet of new bicycle trail (eight feet wide) along Highway 50 at El Dorado Beach. The new section of bicycle trail begins at Fremont Avenue and continues west down the north side of Highway 50 to Lakeview Avenue. The bicycle trail then turns down Lakeview Avenue to the north-west for approximately 2837 lineal feet and ending at Berkeley Avenue. The entire project will be located within El Dorado County property or State Highway and County right-of-way.

The bicycle trail along Highway 50 is a Class 1 type trail, which will begin approximately 50 feet east of Fremont Avenue and end at the El Dorado beach boat ramp bridge at Lakeview Avenue. This bikeway is a completely separate right-of-way from the road right-of-way and is designated for the exclusive use of bicycles. The bicycle trail along Lakeview Avenue then changes to a Class 3 type trail. This bikeway has a shared right-of-way designation with moving traffic and pedestrians. Signing will be provided to alert motorists to watch for bicyclists and help guide cyclists in unfamiliar areas. The proposed Class 3 trail for Lakeview Avenue will tie into an existing Class 3 trail on Berkeley Avenue.

The proposed project will also include a pedestrian walkway paralleling the bike trail. The walkway will range from 10 to 35 feet wide, include a 42" handrail, have 2 or 3 picnic tables, bike storage facilities, and include a ramp for handicapped access.

A complete revegetation/landscape plan is also included in the project. The landscaping will include 3 natural terraces of grass to create small amphitheaters to overlook the lake, with grass and native vegetation along both sides of the two trails.

2/28/90
MD/smc

CONSENT CALENDAR ITEM 3
Site Description: The project site consists of 1775 lineal feet of public road right-of-way and county property which ranges from 65 to 185 feet wide along Highway 50. This area is predominately decomposed granite with minimal ground cover, and contains between 80 and 100 pine trees. This area along the highway has a slope between 2 and 4 percent. The project then continues down Lakeview Avenue and runs approximately 2,837 lineal feet, ending at Berkeley Avenue. Lakeview Avenue is located in a residential neighborhood which is 95 to 100 percent built out. The slopes along Lakeview range from 2 to 4 percent.

Issues: The proposed project involves a new transportation route (bike path) which is considered a special use in the subject plan areas and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

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

B. Plan Area Statement: The project is located within Plan Areas 098, Bijou/Al Tahoe including Special Area #1, and 099, Al Tahoe (Special Area #1). The Land Use Classification for Plan Area 098 is Commercial/Public Service and the Management Strategy is Redirection. The Land Use Classification for Plan Area 099 is Residential and the Management Strategy is Redirection. Agency staff has reviewed the subject plan areas and has determined that the project is consistent with the applicable planning statements, planning considerations and special policies. The proposed bicycle trail is considered a transportation route under Chapter 19 of the Code. Transportation routes are listed as Special Uses in the subject plan areas and as such, findings 7, 8 and 9 under section D below must be made to approve the project.

C. Land Coverage:

1. Land Capability District:

   The land capability district of the project area is class 7
   The total project area is approximately 2,661,480 square feet.

2. Existing Coverage:

   | Hard Coverage | 876,143 | square feet |
   | Soft Coverage | 55,176  | square feet |
   | Total         | 931,319 | square feet |

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CONSENT CALENDAR ITEM 3
3. **Proposed Coverage:**

   Hard Coverage: 895,946 square feet  
   Soft Coverage: 21,845 square feet

   **Total:** 917,792 square feet

4. **Allowed Coverage:**

   Class 7 Area: 798,444 square feet

   **Total:** 798,444 square feet

5. **Coverage Mitigation:**

   Based on the above coverage figures, the existing project area contains approximately 132,875 square feet of excess land coverage. In order to mitigate the existing excess coverage, the applicant will be removing approximately 13,527 square feet of existing land coverage (onsite) pursuant to Section 20.5 of the TRPA Code of Ordinances.

D. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18 and 20 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

   a. **Land Use:** The proposed project is considered a special use in the plan area in which the project is located. In order for a special use to be permitted, findings 7, 8 and 9 of this section must be made.

   b. **Transportation:** The proposed bicycle trail is consistent with the Agency Regional Transportation Plan adopted April 26, 1998. As such, the project will not adversely affect implementation of the Transportation Element of the Regional Plan.

   c. **Conservation:** There is no aspect of the project which would adversely affect implementation of the Conservation Element of the Regional Plan.

   d. **Recreation:** The project will improve recreational bicycling opportunities by providing a safe, designated trail for users of El Dorado Beach and the Al Tahoe residential area. As such, the project is consistent with the Recreation Element of the Regional Plan.
e. Public Service and Facilities: The project is included on the Agency's Public Service Facilities List, and is consistent with the Public Service and Facilities Element of the Regional Plan.

f. Implementation: The project does not require any new development allocations. As such, the project is consistent with the Implementation Element of the Regional Plan.

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

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

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(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The project is located adjacent to an existing transportation route (Highway 50). As such, the bicycle trail is consistent with the surrounding uses.

5. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

The project is designed to provide a safer access by bicycle to existing recreational uses in the area as well as access to the local neighborhood. As such, the proposed trail will provide the public with a greater access and enjoyment of the recreational opportunities in the area.
6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

As stated previously, the project will provide a safer access to the existing residential and recreational uses in the area. As such, the project is consistent with the existing character of the area.

7. There is a need for the project.

The project is part of a long term goal to provide alternative means of transportation and access around Lake Tahoe, including providing greater recreational opportunities.

E. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. A motion based on this staff summary, for the findings contained in Section D above, and a finding of no significant environmental effect.

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

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

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

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

   B. The applicant shall mitigate excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologistic Transfer Area Number 5 (see attached map).

   The excess coverage mitigation fee shall be calculated as follows:

   (1) Estimated Project Construction Cost x 0.80 (1990 Fee Reduction) x Percent Fee.

   Please provide a construction cost estimate by your contractor, architect or engineer. Use Table A, below, to calculate the percent fee. (Note: The percent fee should
be converted to decimal form when performing calculations. For example: A percent fee of 0.06% should be represented in decimal form as 0.0006.) In no case shall the mitigation fee be less than $100.00.

Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed, use the following formula:

(2) Excess coverage mitigation fee (per formula (1), above) divided by $5.00 per square foot.

If you choose this option, please revise your final site plan and land coverage calculations to account for the coverage removal.

**TABLE A**

<table>
<thead>
<tr>
<th>Square Feet of Excess Coverage</th>
<th>Percent Fee</th>
<th>Square Feet of Excess Coverage</th>
<th>Percent Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 or less</td>
<td>.06%</td>
<td>11,000 - 15,000</td>
<td>2.50%</td>
</tr>
<tr>
<td>400 - 600</td>
<td>.12%</td>
<td>15,000 - 18,000</td>
<td>2.75</td>
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<tr>
<td>600 - 1,000</td>
<td>.25%</td>
<td>18,000 - 21,780</td>
<td>3.00</td>
</tr>
<tr>
<td>1,000 - 1,500</td>
<td>.50%</td>
<td>21,780 - 43,560</td>
<td>3.25</td>
</tr>
<tr>
<td>1,500 - 2,000</td>
<td>.75%</td>
<td>43,560 - 65,340</td>
<td>3.50</td>
</tr>
<tr>
<td>2,000 - 2,800</td>
<td>1.00%</td>
<td>65,340 - 87,120</td>
<td>3.75</td>
</tr>
<tr>
<td>2,800 - 3,800</td>
<td>1.25%</td>
<td>87,120 - 108,900</td>
<td>4.00</td>
</tr>
<tr>
<td>3,800 - 5,000</td>
<td>1.50%</td>
<td>108,900 - 130,680</td>
<td>4.25</td>
</tr>
<tr>
<td>5,000 - 6,400</td>
<td>1.75%</td>
<td>130,680 - 152,460</td>
<td>4.50</td>
</tr>
<tr>
<td>6,400 - 8,000</td>
<td>2.00%</td>
<td>152,460 - 174,240</td>
<td>4.75</td>
</tr>
<tr>
<td>8,000 - 11,000</td>
<td>2.25%</td>
<td>174,240 or greater</td>
<td>5.00</td>
</tr>
</tbody>
</table>

c. The applicant shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installations for the entire project area.

d. The applicant shall submit 4 sets of final construction drawings and site plans to TRPA.

3. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
4. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.

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

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

7. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Tamarack Mutual Water Company; sanitation salvage timber harvest plan.

Application Type: Resource Management, substantial tree removal.

Applicant: Tamarack Mutual Water Company, Mr. N.B. Livermore.

Applicant’s Representative: Harvey Striplin, Professional Forester.

Location: Paradise Flat, Township 13 North, Range 17 East, portions of Sections 4 and 5.

Assessor’s Parcel Number/ Project Number: 520-101-90.

Project Description: The applicant proposes to harvest dead, dying and diseased trees. The trees to be salvaged are located on lands owned by the Tamarack Mutual Water Company, et al. Timber harvest operations will only occur over the snow. The main skid trails and access roads proposed for use remain from historic logging operations.

Site Description: The project area is approximately 350 acres in size and is divided by Hwy. 89, and includes five timber harvest units. Two units are located below the highway consisting of predominantly gentle to flat well-vegetated slopes with wet meadow throughout. Rubicon, Dairy and Never Never Creeks traverse these units.

The three units above Hwy. 89 lie on flat to steep slopes and are covered predominantly with wet meadow and riparian zones. Moderate and steep slopes consist of moraines and granite uplands. These units are divided by Never Never Creek, a southern tributary to Never Never Creek, and an unnamed intermittent drainage.

The wet meadow areas, where forested, are dominated by lodgepole pine. A dense mixed conifer stand of white fir, Jeffrey pine, incense cedar and lodgepole pine exist on gentle to steep slopes. Occasional dense patches of chaparral are interspersed. The applicants’ professional forester reports that the cutting units are currently overstocked.

Issues: The proposed project involves substantial tree removal and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is:

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CONSENT CALENDAR ITEM 4
1. Rubicon Creek crosses the southeast corner of the project area, and has been identified in Appendix D of the Study Report for the Establishment of Environmental Threshold Carrying Capacities (TRPA, 1982) as a migratory fish stretch needing remedial work. Remedial work would consist of eliminating a diversion for the use of the Rubicon Meadows Water Co., removing a barrier dam near the stream outlet, and stabilizing the eroding channel embankments. The barrier dam is located outside the project area. The recommended conditions of approval require the applicant to submit and implement a fish habitat restoration plan to remedy the current situation.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. The project could have significant environmental impacts, but due to the mitigation measures which have been added to the project, staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Areas 146 and 148. The Land Use Classification is Recreation and Conservation, respectively, and the Management Strategy is mitigation. Agency staff has reviewed the subject plan areas and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as an allowed use.

C. Land Coverage: No additional land coverage will be created as a result of this project. The project does not involve any construction cost and therefore is not subject to excess coverage mitigation. The land capability districts of the project area are 1a, 1b, 2, 4 and 5.

D. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 72 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

   a. Land Use: The applicant shall be required to apply Best Management Practices. The operation of heavy equipment will be prohibited within SEZ buffers and on slopes steeper than 30%. Timber harvest operations will be limited to periods when sufficient snow depth exists. The project will not have an adverse effect on the Land Use Element of the Regional Plan. To avoid modifying the natural appearance of the roadside area, within 200 feet on both sides of Highway 89, only dead or hazard trees will be removed.
b. Transportation: A significant amount of additional daily vehicle trips will not be generated. The applicant will be required to implement CALTRANS requirements for signage and other appropriate safety measures involving logging truck ingress and egress from Highway 89. The project is consistent with the Transportation Element of the Regional Plan.

c. Conservation: The removal of dead, dying and diseased trees will promote plant community diversity and forest health. SEZs will be protected. The applicant shall be required to submit and implement a fish habitat restoration plan for the lower stretch of Rubicon Creek where obstacles to fish migration and eroding channel embankments have been identified. Snags shall be protected in accordance with Subsection 78.2.D. Harvest activities will not result in disturbed soils. The project as conditioned is consistent with the fisheries, wildlife, vegetation, cultural and soils subelements of the Conservation Element of the Regional Plan.

d. Recreation: The project activities will occur on private property. Dispersed outdoor recreation activity levels are very low during the winter since the property owners do not occupy nearby dwellings during the winter. The project will not have an adverse impact on public recreation and the project is consistent with the Recreation Element of the Regional Plan.

e. Public Service and Facilities: This project does not affect public services or facilities within the Tahoe Region.

f. Implementation: This project does not affect the Implementation Element of the Regional Plan.

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

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

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(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)
4. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The presence of existing skid trails indicates that timber has been harvested from this area in the past. Except for a caretaker's dwelling, the project area is undeveloped. The applicants' representative reports that the project area is used by the property owners for dispersed recreation activities. The sanitation salvage cut is an appropriate use for the parcel and the surrounding area.

5. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

Project activities, as represented by the timber harvest plan, and as conditioned, will not be injurious or disturbing to the health, safety, enjoyment of property, or the general welfare of persons or property in the neighborhood or region. Forest fuels accumulation will be reduced and potentially hazardous trees will be removed.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The timber harvest activities will have no effect on the character of the neighborhood. Project work will occur while the adjacent residences are unoccupied. Sanitation salvage cut is an allowed, permissible use in the Plan Areas and conforms with the purpose of the Plan Area Statements.

7. The project or activity, based on a report from a qualified forester, is consistent with Chapter 71, Tree Removal, and the TRPA Code.

The applicant has submitted a timber harvest plan prepared by a registered professional forester. Where the timber harvest plan does not comply with Chapter 71 or other applicable Code chapters, the timber harvest plan has been amended by conditions of approval. The proposed project activities, as represented in the timber harvest plan, and as conditioned, will be consistent with Chapter 71 and the TRPA Code.

E. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

2/28/90

CONSENT CALENDAR ITEM 4
I. A motion based on this staff summary, for the findings contained in Section D above, and a finding of no significant environmental effect.

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

1. Prior to commencement of timber harvest operations, the following special conditions of approval must be satisfied:

   (a) The site plan shall be revised to include:

      (1) Delineation of SEZ buffer zones.

     (2) A note indicating that heavy equipment will not enter within any SEZ or SEZ buffer, or on any slope steeper than 30%. The method of skidding in these areas shall be by end lining.

     (3) A note indicating that existing disturbed areas and areas disturbed by harvesting activity shall be revegetated and/or mulched in accordance with the TRPA Handbook of Best Management Practices.  

     (4) A note indicating that only dead or hazard trees shall be removed within 200 feet of California State Highway 89.

   (b) A security in the amount of $10,000 shall be posted to ensure compliance with Special Conditions 4, 5, 6, 7 and 8, below.

   (c) The applicant shall submit a projected timber harvest schedule. The schedule shall indicate that tree removal and slash disposal will be completed within a cutting unit prior to moving on to the next cutting unit.

   (d) The applicant shall obtain approval from all concerned state and local agencies prior to commencement of timber harvest operations.

   (e) The applicant shall submit a report which provides the number of trees to be removed, by species, within each cutting unit.

   (f) The applicant shall schedule a pre-harvest inspection with the TRPA staff prior to commencement of timber harvest operations. Main skid trails, landing areas, cutting unit boundaries, and SEZ buffers shall be flagged and all trees to be removed and snags to be protected shall be marked (bole and stump) in advance of this inspection.
2. Any normal project activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards, provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

3. Ground skidding shall be limited to the project area outside of SEZ buffers and on slopes with a gradient of less than 30%. End lining is permitted within SEZ buffers and on slopes steeper than 30%, provided sufficient snow depth exists to prevent soil disturbance.

4. Skidding over snow shall be limited to locations where there is at least 12 inches of hard packed snow and when conditions, equipment and procedures are such that soil beneath the snow will not be disturbed. All trees shall be limbed on three sides and topped prior to skidding. Trees shall be felled in line with the skidding direction wherever feasible. Trees near the property boundaries shall be felled into the cutting unit only.

5. Upon completion of operations in each cutting unit, waterbars, constructed as described in Addendum A of the timber harvest plan, and fine slash (1/4 to 2 inches in diameter and at least 2 inches deep) shall be placed on all existing roads and skid trails where erosion is evident.

6. Snags shall be protected and preserved in accordance with Subsection 78.2.D. Standing dead trees with diameters eleven inches (d.b.h.) or greater, and more than 20 feet tall shall not be removed except when densities of snags in the immediate area exceed two per acre. Snags which have signs of raptor nesting or cavity nesting wildlife shall not be removed.

7. Slash disposal methods shall be accomplished as outlined by the California Division of Forestry. Slash piles shall be located outside of SEZ buffers. Burning of slash piles shall occur only on days approved by the El Dorado County Air Pollution Control District. Slash and fallen trees shall be kept out of all perennial and intermittent stream channels and, if deposited, shall be removed immediately.

8. Channel crossings shall be limited to those indicated on the TRPA approved site plan, and limited to those times when sufficient snow depth precludes disturbance of the underlying soil. The placing of rock and earthen material in the stream channel to improve a crossing is prohibited. To ensure sufficient snow depth, additional snow shall be packed down at the crossings.

9. The applicant shall submit and implement a streambed restoration plan, prepared by a professional hydrologist or fisheries biologist, for the stretch of Rubicon Creek from the stream

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CONSENT CALENDAR ITEM 4
outlet to the southern property boundary (approximately 0.4 miles). The restoration plan shall be prepared in accordance with Subsection 79.2.8(5) through (9), and as outlined in Appendix D of the Study Report for the Establishment of Environmental Threshold Carrying Capacities (TRPA, 1982). The streambed restoration plan shall be submitted to TRPA for review and approval within one year of the date of this approval and shall include an implementation schedule.

10. As a precautionary measure, materials for the construction of temporary erosion control structures shall be stored on site. A minimum of 200 feet of silt fence and appurtenant construction materials shall be kept on hand and installed as necessary to prevent the discharge of earthen materials from the project site.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Angell, New Boatlift

Application Type: Shorezone

Applicant: Robert Angell

Applicant's Representative: Vail Engineering

Location: 1260 Crest Lake Blvd., Placer County

Assessor's Parcel Number/Project Number: 83-202-05

Project Description: The applicant proposes to install one low level boatlift on the south side of an existing residential pier, and remove one existing boat hoist located within an existing boathouse. No repair of the pier is proposed.

Site Description: This area of foreshore contains sand and scattered small cobbles. One single family dwelling is located on the littoral parcel.

Issues: The proposed project involves the expansion of a nonconforming pier (based on fish habitat) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

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

B. Plan Area Statement: The project is located within Plan Area 171, Tavern Heights. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies.

C. Land Coverage:

1. Land Capability District:

   The land capability districts of the project area are class 5 and backshore. The total project area is approximately 51,875 square feet.
2. **Existing Coverage:**

   Hard Coverage: 13,750 square feet

   Total: 13,750 square feet

3. **Allowed Coverage:**

   Backshore Area: 44 square feet
   Class 5 Area: 11,875 square feet

   Total: 11,919 square feet

4. **Proposed Coverage:**

   Hard Coverage: 13,750 square feet

5. **Coverage Mitigation:**

   Based on the above coverage figures, the existing project area contains approximately 1,831 square feet of excess land coverage. In order to mitigate the existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances. No increase in land coverage will occur as a result of the proposed project.

D. **Pier Height:** The existing pier deck elevation is 6,230 feet, Lake Tahoe Datum. The low-level boatlift will extend four feet above the pier deck elevation. This is consistent with Subsection 54.4.B(2) of the TRPA Code.

E. **Shorezone Tolerance District:** The subject parcel is located within Shorezone Tolerance District 7. The project, as conditioned, complies with the shorezone tolerance district standards.

F. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 50 and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

      (a) **Land Use:** The applicant will be required to mitigate any existing excess land coverage and to apply BMPs to the project area. This project will not affect the allowed land use on this site. Residential piers are allowed accessory structures in the Plan Area for this property.
(b) **Transportation**: This pier does not adversely impact transportation in the Lake Tahoe Basin. Piers located within the limits of the TRPA-approved pierhead line have been determined not to pose a threat to navigation.

(c) **Conservation**: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The project is located in Scenic Shoreline Unit 14, which has an acceptable scenic threshold rating. The existing pier location, color, and design do not degrade the shoreline scenic threshold rating. Fisheries are discussed further in paragraph 4, below.

(d) **Recreation**: This project will not adversely impact public recreation on Lake Tahoe. In addition, the project would not interfere with public access along the shoreline and is consistent with the Recreation Element of the Regional Plan.

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

(f) **Implementation**: This project does not affect the Implementation Element of the Regional Plan.

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

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

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(g) of the TRPA Compact, the project meets or exceeds such standards.**

(Refer to paragraph 2, above).

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

The existing pier is more than 90 percent open to the water and does not impact littoral processes. TRPA's staff biologist has determined that the project, as conditioned, will not impact fish habitat. No on-shore wildlife habitat is identified for this area on TRPA's adopted Special Interest Species Maps.

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

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

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

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

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

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

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

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

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

The applicant shall not be allowed to store construction materials on the beach. Installation of the low-level boatlift will be via barge from Lake Tahoe. Disturbance to ground or vegetation shall be prohibited.

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

The existing pier does not extend beyond TRPA's pierhead line and does not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by the California Division of State Lands, California Dept. of Fish and Game, and the U.S. Army Corps of Engineers. These agencies typically make their own public safety findings in addition to TRPA’s.

11. **TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.**

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This project must receive approval from the U.S. Army Corps of Engineers, California Department of Fish and Game, and the California Division of State Lands prior to TRPA acknowledgment of the permit. Comments from the above agencies were solicited as part of the review of this project. No adverse comments were received from any of the above agencies.

12. **The repair or expansion does not increase the extent to which the structure does not comply with the development standards.**

The project involves the installation of a new boatlift on an existing nonconforming pier (based on fish habitat) and does not increase the extent to which the structure does not comply with the development standards. The applicant will be required as a condition of approval to remove the existing unusable boathoist located within the boathouse.

13. **The expansion complies with all applicable standards.**

The boatlift installation complies with all applicable standards. These standards include the length standard for piers (54.4.A(4)), the setback standard for piers (54.4.A(5)), and the 90 percent open foundation standard for piers (54.4.B(3)). Code Interpretation 1988-4 clarifies Section 52.3.G(1), (2), and (3) to state that expansions of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. The project is located in fish spawning habitat, but staff has determined that the placement standard for fish habitat areas is not applicable for this project.

14. **The project complies with the requirements to install BMPs as set forth in Chapter 25.**

Conditions of approval insure that all BMPs will be installed.

15. **The project complies with the design standards in Section 53.10.**

The proposed boatlift shall be composed of non-glare materials to minimize reflectivity.

16. **The structures has not been unserviceable for more than five years.**

The structure has been continually serviceable.

G. **Required Actions and Findings:** Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

1. A motion based on this staff summary, for the findings contained in Section F above, and a finding of no significant environmental effect.

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**CONSENT CALENDAR ITEM 5**
2. A motion to approve the project, based on the staff summary, subject to the following conditions:

(a) The Standard Conditions of Approval listed in Attachment S.

(b) Prior to commencement of construction the following special conditions of approval must be satisfied:

(i) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."

(ii) Temporary erosion control structures located downslope of the proposed construction area during permanent BMP installation.

(iii) Vegetation protective fencing around areas where permanent BMP installation will occur.

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

(d) The applicant shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) outside of the construction site boundary up to a minimum of five percent of the estimated construction cost of the project. All required BMPs inside the construction boundary shall be installed prior to project completion. The balance of the required BMPs shall be installed as follows: At least 50 percent of the BMPs shall be installed within five years and 100 percent within ten years, as determined by an estimate of the cost of the BMPs.

(e) The applicant shall mitigate excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 1 (see attached map).

The excess coverage mitigation fee shall be calculated as follows:

(1) Estimated Project Construction Cost x 0.80 (1990 Fee Reduction) x Percent Fee.
Please provide a construction cost estimate by your contractor, architect or engineer. Use Table A, below, to calculate the percent fee. (Note: The percent fee should be converted to decimal form when performing calculations. For example: A percent fee of 0.06% should be represented in decimal form as 0.0006.) In no case shall the mitigation fee be less than $100.00.

Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed use the following formula:

(2) Excess coverage mitigation fee (per formula (1), above) divided by $5.00 per square foot.

If you choose this option, please revise your final site plan and land coverage calculations to account for the coverage removal.

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(f) The final construction drawings shall have notes indicating conformance to the following design standards for color:

(1) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.
(g) Final construction drawings shall conform to all the applicable design standards of Section 54.4.B TRPA Code of Ordinances, and all other applicable TRPA design standards.

(h) The applicant shall submit a pier mitigation fee of $500 for the addition of the new low level boatlift.

(i) The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.

(j) The applicant shall obtain all required approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, and the California Division of State Lands for this project.

(k) A note indicating the existing unusable boathoist shall be removed prior to installation of the new boatlift.

(l) The applicant shall submit three sets of final boatlift/pier site plans and upland property BMP plans.

3. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.

4. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.

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

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

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

8. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project site and deposited only at approved points of disposal.

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

11. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.

12. Only the boulders designated on the site plan to be moved shall be moved. Boulders shall be moved to an appropriate location.

13. All construction activity shall take place during the non-spawning season, between July 1 and October 1.

14. The existing unusable boathoist located within the existing boathouse shall be removed prior to installation of the new low level boatlift.

15. The applicant shall submit post-construction photos within thirty (30) days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.
MEMORANDUM

February 7, 1990

To: Governing Board

From: TRPA Staff

Subject: Homewood High and Dry Marina, Resolution of Enforcement Action, Placer County, APN 97-130-18

Based upon this staff summary, TRPA staff recommends that the Governing Board accept a negotiated settlement between Homewood High and Dry Marina and the Tahoe Regional Planning Agency.

The proposed settlement represents full and complete settlement of the violation alleged by TRPA as described below:

On May 18, 1988, a TRPA permit for maintenance dredging at the Homewood High and Dry Marina, APN 97-130-18 was issued with conditions. On May 19, 1988, the permit was acknowledged by TRPA. On June 6, 1988, the dredging commenced and continued until June 13, 1988. The approved plans state "limit of proposed dredging 6219.00". Post dredging elevations in the western one-third of the marina range from 4.4 to 0.8 feet below the approved depth, constituting a violation of the permit conditions.

During settlement negotiations, Homewood High and Dry Marina agreed to pay to TRPA a penalty of $750.

Homewood High and Dry Marina is a small marina, enclosed with a sheet pile wall. Because the permit was for maintenance dredging the marina was not legally able to dredge below 6219 elevation. The excessive dredging occurred in the landward one-third of the marina. The staff investigation did not determine that the marina gained from the excessive dredging and that the violation may have occurred due to operator inexperience or inattention.

Staff believes that the proposed settlement of a $750 penalty is appropriate to the violation and consistent with past settlements. In accordance with the Guide for Fines (Exhibit A), the degree of violation is a mid-level, prohibited activity and the nature of the violation is inadvertent.

SC:sd
2-7-90

CONSENT CALENDAR ITEM 6.
## Guide for Fines

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**Exhibit A**
February 6, 1990

To: Governing Board

From: TRPA Staff

Subject: Tahoe City Public Utility District, Resolution of Enforcement Action, Placer County, APN 83-420-27

MEMORANDUM

Based upon this summary and the attached Notice of Violation and Violation Report (Exhibit A), staff recommends that the Governing Board accept a negotiated settlement between the Tahoe City Public Utility District (TCPUD) and the Tahoe Regional Planning Agency (TRPA).

The Notice of Violation and Violation Report references grading which occurred on the subject parcel after the 1990 grading deadline (October 15, 1990). During settlement negotiations the TCPUD proposed to:

1. Submit an application to TRPA by June 1, 1990 to construct a water quality improvement project in the Lake Tahoe Region, valued at $1,000 or more and complete said project by October 15, 1990;

   OR,

   TCPUD shall pay to TRPA a lump sum of $1,000 on or before June 1, 1990, and

2. Implement by October 15, 1990, a program to educate its employees regarding TRPA ordinances.

TRPA staff proposes to expeditiously review the Memorandum of Understanding between TCPUD and TRPA and, upon agreement of both parties, submit it to the Governing Board for approval.

Staff believes that the above-proposed settlement is appropriate to the violation and consistent with past settlements. In accordance with the Guide for Fines (Exhibit B), the degree of violation is an upper level, prohibited activity and the nature of the violation is simple negligence.
November 27, 1989

David Antonucci
General Manager/Chief Engineer
Tahoe City Public Utility District
P. O. Box 33
Tahoe City, CA 95730

Doug Sherman
P. O. Box 5168
Tahoe City, CA 95730

Subject: Notice of Violation and Violation Report, Grading after October 15, 1989 Deadline, APN 83-420-27, Courcheval Road, Placer County

Dear Mr. Antonucci and Mr. Sherman:

This Notice of Violation and Violation Report is being issued because grading activities conducted by you and/or your contractor were performed after the October 15, 1989 grading deadline and were performed without a grading exception from TRPA. Grading after October 15, without a grading exception, is not permitted by the TRPA Code of Ordinances (Code), Section 64.2.A. Grading, as defined by Code (Subsection 2.2) is "cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building, or other structure. Also included are filling, excavation, and clearing. The findings necessary for a grading exception cannot be made in this case. In order to make the findings to grant an exception, the Code specifies that it must be found "that an emergency exists and the grading is necessary for the protection of public health or safety, or that the grading is for erosion control purposes or protection of water quality".

Chapter IX of the TRPA Rules of Procedure (enclosed) outlines a procedure for resolving violations of the TRPA Compact, Regional Plan, or TRPA permits. This involves notices of violation and violation reports. The content of these items is specified in the Rules and is explained below for your reference:
Section 9.6 NOTICE OF VIOLATION

Nature of Violation

On or about November 8, 1989, at Assessor's Parcel Number (APN) 83-420-27 in Placer County, unpermitted grading activities occurred. One sewer line utility trench was excavated from the foundation of a single family residential construction site into the road right-of-way. The trench was approximately 45 feet in length and resulted in approximately 91 cubic yards of excavation. No temporary erosion control or vegetative protective fencing was in place. TRPA Code of Ordinances, Subsections 25.2.A, 64.2.A, and 65.2.A were violated (copies enclosed).

Correction of the Violation

The intent of the Rules of Procedure, Article IX, is to promote resolution of violations at the administrative level. In keeping with that intent, the resolution section of this letter includes a proposed settlement.

Cease and Desist Order

A CEASE AND DESIST ORDER was posted on November 9, 1989 at the subject parcel. The CEASE AND DESIST ORDER was lifted on November 21, 1989 (see enclosed letter to Doug Sherman dated November 22, 1989).

Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board has been scheduled for the January 24, 25, 1990 Governing Board meeting. The Show Cause Hearing will be cancelled if none of the noticed parties respond or if a settlement is reached.

Section 9.6 VIOLATION REPORT

(a) Noticed Parties:

David Antonucci, General Manager/Chief Engineer
Tahoe City Public Utility District
P. O. Box 33
Tahoe City, CA 95730

Doug Sherman, Permittee
P. O. Box 5158
Tahoe City, CA 95730

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

Article VI(b), Tahoe Regional Planning Compact, P.L. 96-551, 94 Stat. 2322 (1980) (copy enclosed)


(c) Statement of Facts

While performing final project inspections on November 9, 1989 in the Alpine Peaks Area subdivision, Rick Miller and Don Sargent, Associate Environment Specialists, TRPA Environmental Compliance Division, found that the subject parcel and the county right-of-way had recently been excavated to accommodate a sewer line connection. One trench approximately 45 feet in length and resulting in approximately 91 cubic yards of material had been excavated.

A permit had been issued for the new single family dwelling and a pre-grading inspection had been conducted between Rick Miller and John Tangney, agent for Doug Sherman, on September 25, 1989. During this meeting, temporary erosion control devices were discussed and were in place per the approved plans. Vegetative protective fencing was also in place. The Standard Conditions of Approval were discussed, including winterization requirements and the upcoming grading deadline.

Upon inspecting the subject parcel on November 9, 1989, in addition to the grading it was observed that no additional temporary erosion control fencing or vegetative protective fencing was in place to contain the sewer line connection excavation.

On November 14, 1989 TRPA received a letter from David Antonucci, Tahoe City Public Utility District, outlining their involvement in the incident (copy enclosed).

(d) Documentary evidence:

Documentary evidence (photographs) are in TRPA's possession and copies will be provided upon request or may be reviewed at the TRPA office.
Proposed Resolution of Enforcement Action

1. Remittance to TRPA the sum of $5,000 as a penalty in lieu of civil litigation. This figure is calculated from the enclosed "Guide for Fines", based upon a finding that the activity is a prohibited activity of mid-level nature, conducted willfully, and with gross negligence.

Governing Board Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board is scheduled for the January 24, 25, 1990 meeting. The meeting commences at 9:30 a.m. and the hearing is not set for a certain time. A resolution of the violation prior to that date or a failure by noticed parties to respond to this notice will cause the Show Cause Hearing to be cancelled. Board action (as a consent calendar item) may be necessary to ratify a settlement of the violation. If you decide to pursue a settlement of the violation and a waiver of the statute of limitations, as outlined under Election to Pursue Settlement, is received by TRPA, the Show Cause Hearing will be stayed pending the outcome of the settlement efforts. Settlement of this matter, by acceptance of the above-proposed resolution or an alternative proposal agreed upon by the parties, is the preferred option.

Response date

A response to this notice must be received by TRPA no later than 5:00 p.m., December 31, 1989 (See Section 9.8 of the Rules of Procedure for the contents of a response - copy enclosed).

ELECTION TO PURSUE SETTLEMENT

If the responding party wishes to pursue settlement of the enforcement action, the response to the notice of violation shall contain an express waiver of the statute of limitations in Article VI(1) (4) of the Compact, an acknowledgement that the Show Cause Hearing procedure will be stayed pending the outcome of settlement efforts, and an agreement to comply with the terms of any pending CEASE AND DESIST ORDER. Waiver of the statute of limitations shall be for a definite period of time, but not less than an additional sixty (60) calendar days. An election to pursue settlement shall not relieve the responding party of the requirement to comply with Section 9.9 of these Rules in the event settlement is discontinued.
For your convenience, a waiver form is enclosed. The waiver must not be for less than an additional sixty calendar days. The statute of limitations in Article VI (j) (4) of the Compact is sixty-five days, therefore the waiver must be effective, at a minimum, up to and including April 1, 1990 (a period of one hundred and twenty-five days from the date of service of this notice).

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

Sincerely,

Rick Miller
Associate Environmental Specialist

RM:sd

Enclosures: Waiver of Statute of Limitations
Public Law 96-551, Tahoe Regional Planning Compact
Article IX - Compliance Procedures, Rules of Procedure
Guide for Fines
Letter from David Antonucci dated November 14, 1989
Letter to Doug Sherman dated November 22, 1989

cc: Lahontan Regional Water Quality Control Board
Joe Suter, Suter Construction Company, Inc.
David Ziegler, TRPA
Susan Scholley, TRPA
November 22, 1989

Doug Sherman
P. O. Box 5158
Tahoe City, CA 95730

Subject: CEASE AND DESIST ORDER, Posted November 9, 1989,
APN 83-420-27, 4033 Courcheval Road, Placer County

Dear Mr. Sherman:

This letter shall serve as formal notice that on November 21, 1989 Tahoe Regional Planning Agency (TRPA) staff rescinded the CEASE AND DESIST ORDER which was posted at the above-referenced location. As you should be aware, a Notice of Violation and Violation Report is being prepared and will be sent to you shortly.

If for any reason the parties involved cannot agree upon a settlement resolution in a reasonable time, as set forth in the Notice of Violation and Violation Report, the CEASE AND DESIST ORDER may be reinstated without prior notice.

Should you have further questions regarding this matter feel free to give me a call.

Sincerely,

Rick Miller
Associate Environmental Specialist

cc: David Antonucci, Tahoe City Public Utility District
    Steve Chilton, TRPA
    Don Sargent, TRPA
## Guide for Fines

<table>
<thead>
<tr>
<th>Degree of Violation</th>
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TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Tahoe Park Water Company, Vehicle and Equipment Storage Building, Special Use Determination

Application Type: Public Service Addition

Applicant: Tahoe Park Water Company

Applicant's Representative: Mr. Gary Davis and Mr. David Robertson

Location: Washoe Way, Tahoe Park

Assessor's Parcel Number/Project Number: 83-071-32

Project Description: The project involves the construction of a two-story woodframe building to be used for vehicle and equipment storage by the Tahoe Park Water Company. The proposed structure will be approximately 26 feet by 26 feet square, and 33 feet 6 inches in height, and will be constructed primarily over an existing 546 square foot asphalt parking area. The project will result in an additional 293 square feet of land coverage, and includes the installation of BMPs.

Site Description: The project site is located on Washoe Way, approximately .25 miles north of the intersection of Fountain Avenue and Washoe Way. The site is well vegetated and slopes approximately 10% towards the rear of the project area. The project area includes land capability districts 5 and 1b (SEZ), and total existing coverage on the site is 1,516 square feet. Existing development within the project area includes 2 water tanks, a pump house, and a paved equipment storage area.

Issues: The project involves the expansion of a special use and additional building height, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Special Uses (expansion of existing use):

   The project involves the construction of a new vehicle and equipment storage building for use by the Tahoe Park Water Company. Public Utility Centers are identified as a Special Use in Plan Area 170, Tahoe Park/Pineland. To approve the project the Governing Board must make findings 4, 5, and 6 of Section D, below.

JH/smc
2/28/90

CONSENT CALENDAR ITEM 8
2. **Additional Height:**

The project as presently designed, proposes a maximum height of 33 feet 6 inches. Based on a 10% cross-slope retained across the building site, and a 7:12 roof pitch, the maximum allowed height for the proposed building is 34 feet, 11 inches. To allow heights greater than 26 feet for public service buildings, the Governing Board must make findings 7 thru 10 in Section D.

**Staff Analysis:**

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

B. **Plan Area Statement:** The project is located within Plan Area 170, Tahoe Park/Pineland. The Land Use Classification is Residential, and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as a Special use.

C. **Land Coverage:**

1. **Land Capability District:**

The land capability district(s) of the project area are class 5, and 1b (SEZ). The total project area is approximately 20,390 square feet.

2. **Existing Coverage:**

| Class 5: | 1480 | square feet |
| Class 1b: | 36 | square feet |
| **Total Hard Coverage:** | 1516 | square feet |

3. **Proposed Coverage:**

| Class 5: | 1772 | square feet |
| Class 1b: | 36 | square feet |
| **Total Hard Coverage:** | 1808 | square feet |

4. **Allowed Coverage:**

| Class 1b Area: | 137 | square feet |
| Class 5 Area: | 1672 | square feet |
| **Total Coverage:** | 1809 | square feet |

2/28/90

**CONSENT CALENDAR ITEM 8**
5. **Coverage Mitigation**:

Based on the above coverage figures, the project will result in the creation of 292 square feet of additional coverage. The applicant will be required to pay a water quality mitigation fee of $85.00, pursuant to Chapter 82 of the TRPA Code of Ordinances.

D. **Required Findings**: The following is a list of the required findings as set forth in Chapters 6, 18, and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. **The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.**
   a. **Land Use**: As indicated in the plan area statement, the proposed project is a special use. Provided that the Governing Board makes findings 4, 5, and 6 of this Section, the project is consistent with the Land Use Element of the Regional Plan.
   b. **Transportation**: There is no aspect of the project which would adversely affect implementation of the Transportation Element of the Regional Plan.
   c. **Conservation**: The project complies with all land capability and coverage mitigation requirements, includes provisions for the protection of existing vegetation, and complies with all applicable standards pertaining to BMPs, and the protection of scenic quality. The project is therefore consistent with the Conservation Element of the Regional Plan.
   d. **Recreation**: There is no aspect of the project which would adversely affect implementation of the Recreation Element of the Regional Plan.
   e. **Public Service and Facilities**: The project is an accessory use to a legally existing public service use, and will not create additional public service capacity. Therefore, the project will not adversely affect the implementation of the Public Services and Facilities Element of the Regional Plan.
   f. **Implementation**: The project does not require any development allocations or inclusion on the public services list, and there is no aspect of the project which would adversely affect the Implementation Element of the Regional Plan.

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

2/28/90

CONSENT CALENDAR ITEM 8
The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

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(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. The project to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and the surrounding area in which, it will be located.

The proposed use is the same as the existing use on the parcel. The project involves the construction of an accessory structure designed to protect vehicles and equipment from the weather. The project will not alter, or intensify, the existing use on the property.

5. The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or the general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

There is no evidence that the proposed use will be injurious or disturbing to the health, safety, enjoyment of property, or the general welfare of persons or property in the neighborhood or region.

6. The project to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed vehicle storage building will occupy the same site as the existing vehicle storage pad. Public utility centers are listed as a special use in the subject plan area statement. The project will not alter the purpose of the applicable plan area statement, or change the character of the neighborhood.

7. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, but not from a distance of less than 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridge line.
Site review of the project area by staff indicates that the project, as proposed, will be well below the existing forest canopy.

8. With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent possible.

The project as presently designed will not interfere with existing views in the area. There is no existing development in the area, whose viewshed encompasses the project area, or whose view would be adversely affected by the proposed structure.

9. When outside a community plan, the additional height is consistent with surrounding uses.

The proposed two-story structure is consistent with the height of other two-story buildings in the immediate area.

10. The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.

The maximum height at the corner of the exterior walls of the vehicle storage building is 45 percent of the proposed maximum building height.

E. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. A motion based on this staff summary, for the findings contained in Section D above, and a finding of no significant environmental effect.

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

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

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

   a. The site plan shall be revised to include:

      (i) The following revised land coverage calculations:

         (ii) Project area: 20,390 square feet

         (iii) Allowable land coverage for each land capability district.

         (iii) Existing land coverage for each land capability district.
(iv) Proposed land coverage for each land capability district: Total 1808 (including 6 sq.ft. for a landing below the north side exit of the proposed structure).

(2) Topographic contour lines at two (2) foot intervals.

(3) Land capability district boundaries.

(4) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."

(5) Dripline infiltration trenches, sized 18" wide x 8" deep, constructed beneath all roof driplines.

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

(7) Vegetation protective fencing around the entire construction site.

a. A water quality mitigation fee of $ 85.00 shall be paid to TRPA. This fee is based on the creation of 292 square feet of land coverage.

b. The security required under Standard Condition 2 of Attachment Q shall be determined upon the applicant's submittal of required Best Management Practices plan for the entire project area and related cost estimate. Please see Attachment J, Security Procedures.

c. The applicant shall indicate finished floor elevations on the final construction drawings relative to the contours shown on the site plan.

d. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

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

(3) **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

e. The applicant shall record a deed restriction against Assessor's Parcels 83-071-32,33, and 34 permanently consolidating the affected parcels for purposes of land coverage calculations.

f. The applicant shall submit an additional $150.00 application fee.

g. The applicant shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installations for the entire project area.

h. The applicant shall submit 3 sets of final construction drawings and site plans to TRPA.

2. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.

3. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.

4. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving dishes, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of nonglare finishes that minimize reflectivity.

5. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. All construction work shall occur outside of the SEZ, and no construction materials shall be stored inside of the SEZ area.

6. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
7. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

8. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

9. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

10. The building elevations and floor plans for the final construction drawings shall be revised to remove all reference to a residential unit. This shall include restrooms, cooking facilities, wood stoves, and room designations. This approval is for a vehicle and equipment storage building, without a residence.

11. The building elevations shall be revised to include proposed (33 feet 6 inches), and allowed height calculations (34 feet 11 inches).
Mr. Jim Hamilton  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, Nevada 89448  

Regarding: APN(s) 83-071-32,33,34 Washoe Way, Tahoe Park, Ca.  
Tahoe Park Water Company—David Robertson  

Dear Mr. Hamilton,  

I request that the Governing Board take the above item off of the consent calendar and act on the matter separately. The Tahoe Park Water Company has its headquarters in a residential area. It is in my belief that the use of the property for industrial purposes is illegal. Furthermore, heavy equipment should not be stored in or out of a storage building in a residential area such as this. The storage building that he wants to build will not be set back from the road at all, and will be a tremendous eyesore. Mr. Robertson should be banned from keeping his equipment on Washoe Way at all. He should be required to keep it in a designated industrial or business area. Thank you very much.  

Sincerely,  

Rick Karp
MEMORANDUM

February 20, 1990

To: TRPA Governing Board

From: Agency Staff

Subject: Allocation of State Transit Assistance Funds to Placer County

TRPA has been designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the California portion of the Lake Tahoe Region. Under this designation, TRPA is responsible for the administration of Transportation Development Act (TDA) funds which are made available to support public transportation services. There are two sources of funds provided by the TDA; the county Local Transportation Fund (LTF), and the regional State Transportation Assistance Fund (STA).

The STA fund program was created under Chapter 161 of the Statutes of 1979 (SB 620). The program provides a second source of TDA funding for transit, streets and roads. Funds for the program are derived from the statewide sales tax program. The money is appropriated to the Secretary of the Business, Transportation and Housing Agency for allocation by formula to each RTPA. The allocations are deposited in each RTPA's STA Fund account. The STA fund is not apportioned by the RTPA on the basis of population. The RTPA may approve the use of all remaining STA funds by one claimant. RTPA staff recommendations for the allocation of STA funds are based on the TDA Rules and Regulations and the objectives of the Regional Transportation Plan (RTP) Goals and Policies.

The amount of STA funds available for allocation to eligible claimants in the Lake Tahoe Region is $8,933. Of this amount, $6,281 are from the 1989-90 fiscal year. The balance, $2,652 is from the previous fiscal year (FY 1988-89) and accrued interest in the STA Fund account.

Eligible claimants were notified of the availability of the STA funds. Two claims were received by TRPA for the use of STA funds. Placer County submitted a claim for $4,200 to provide operational assistance to the Volunteer Center of Placer County for transportation services to the elderly and handicapped in the North Lake Tahoe area of Placer County. The City of South Lake Tahoe submitted a claim for $4,733 to purchase computer equipment for use by the City's STAGE bus system.

/la
2/20/90

CONSENT CALENDAR ITEM 9.
Staff Recommendation

Staff has reviewed the claim submitted by Placer County and finds that the proposed use for the STA funds is consistent with the Transportation Development Act Rules and Regulations, and is also consistent with the TRPA Regional Transportation Plan. Staff recommends adoption of the attached resolution approving the allocation of $4,200 to Placer County for the support of elderly and handicapped transportation services to be provided by the Volunteer Center of Placer County in the North Tahoe area of Placer County.
WHEREAS, the Tahoe Regional Planning Agency (TRPA) is designated by the State of California as the Regional Transportation Planning Agency for the California portion of the Lake Tahoe Region, and is responsible for allocating State Transit Assistance (STA) funds for the Tahoe Region; and

WHEREAS, the STA fund is a discretionary fund and may be allocated at the discretion of the Regional Transportation Planning Agency for public transportation purposes; and

WHEREAS, there are STA funds in the amount of $6,281 for FY 1989-90 and $2,652 available from FY 1988-89 and from unallocated interest which has accrued to the STA fund account available for allocation; and

WHEREAS, TRPA has received an application for STA funds in the amount of $4,200 from Placer County to provide operational assistance for transportation services to be provided by the Volunteer Center of Placer County for the elderly and handicapped in the North Lake Tahoe area of Placer County; and

WHEREAS, the activities to be undertaken using these STA funds are consistent with the TRPA Regional Transportation Plan; and

WHEREAS, the required findings contained in Article 5, Section 6754 of the Transportation Development Act, Rules and Regulations have been made.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency that FY 1989-90 and FY 1988-89 STA funds in the amount of $4,200 be released in one payment to Placer County for operational support of transportation services to be provided by the Volunteer Center of Placer County for transportation services for the elderly and handicapped.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency on the ____________ day of ____________, 1990, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

February 20, 1990

To: TRPA Governing Board

From: Agency Staff

Subject: Allocation of State Transit Assistance Funds to City of South Lake Tahoe

TRPA has been designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the California portion of the Lake Tahoe Region. Under this designation, TRPA is responsible for the administration of Transportation Development Act (TDA) funds which are made available to support public transportation services. There are two sources of funds provided by the TDA; the county Local Transportation Fund (LTF), and the regional State Transportation Assistance Fund (STA).

The STA fund program was created under Chapter 161 of the Statutes of 1979 (SB 620). The program provides a second source of TDA funding for transit, streets and roads. Funds for the program are derived from the statewide sales tax program. The money is appropriated to the Secretary of the Business, Transportation and Housing Agency for allocation by formula to each RTPA. The allocations are deposited in each RTPA's STA Fund account. The STA fund is not apportioned by the RTPA on the basis of population. The RTPA may approve the use of all remaining STA funds by one claimant. RTPA staff recommendations for the allocation of STA funds are based on the TDA Rules and Regulations and the objectives of the Regional Transportation Plan (RTP) Goals and Policies.

The amount of STA funds available for allocation to eligible claimants in the Lake Tahoe Region is $8,933. Of this amount, $6,281 are from the 1989-90 fiscal year. The balance, $2,652 is from the previous fiscal year (FY 1988-89) and accrued interest in the STA Fund account.

Eligible claimants were notified of the availability of the STA funds. Two claims were received by TRPA for the use of STA funds. The City of South Lake Tahoe submitted a claim for $4,733 to purchase computer equipment for use by the City's STAGE bus system. Placer County submitted a claim for $4,200 to provide operational assistance to the Volunteer Center of Placer County for transportation services to the elderly and handicapped in the North Lake Tahoe area of Placer County.

/la
2/20/90

CONSENT CALENDAR ITEM 10.
Memorandum to Governing Board
Allocation of STA Funds to
City of South Lake Tahoe
Page 2

Staff Recommendation

Staff has reviewed the claim submitted by the City of South Lake Tahoe and finds that the proposed use for the STA funds is consistent with the Transportation Development Act Rules and Regulations, and is also consistent with the TRPA Regional Transportation Plan. The past two performance audits completed for STAGE identified the need to computerize some of the management functions of STAGE.

Staff recommends adoption of the attached resolution approving the allocation of $4,733 to the City of South Lake Tahoe for the purchase of computer equipment to be used in support of the STAGE transit program.
WHEREAS, the Tahoe Regional Planning Agency (TRPA) is designated by the State of California as the Regional Transportation Planning Agency for the California portion of the Lake Tahoe Region, and is responsible for allocating State Transit Assistance (STA) funds for the Tahoe Region; and

WHEREAS, the STA fund is a discretionary fund and may be allocated at the discretion of the Regional Transportation Planning Agency for public transportation purposes; and

WHEREAS, there are STA funds in the amount of $6,281 for FY 1989-90 and $2,652 available from FY 1988-89 and from unallocated interest which has accrued to the STA fund account available for allocation; and

WHEREAS, TRPA has received an application for STA funds from the City of South Lake Tahoe in the amount of $4,733 to be allocated to the City of South Lake Tahoe for the purchase of computer equipment to be used in support of the STAGE transit program; and

WHEREAS, the activities to be undertaken using these STA funds are consistent with the TRPA Regional Transportation Plan; and

WHEREAS, the required findings contained in Article 5, Section 6754 of the Transportation Development Act, Rules and Regulations have been made.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency that FY 1989-90 STA funds in the amount of $4,733 be released in one payment to the City of South Lake Tahoe for the purchase of computer equipment to be used in support of the STAGE transit program.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency on the __________ day of __________, 1990, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency

103
MEMORANDUM

February 28, 1990

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Appendix A and Subsection 4.10.B of Chapter 4 (Project Review and Exempt Activities) of the TRPA Code

BACKGROUND: At the request of the Governing Board TRPA staff has been working to find ways to reduce the processing time for projects. The first attempt to reduce the project backlog, in 1988, was to hire seasonal workers, which helped but did not provide a permanent solution. In 1989 four additional full-time planners were added to the project review staff. With the additional planners and a considerable amount of overtime worked there has been a significant increase in production and the backlog has been reduced. However, due to a continued large number of project applications received during the winter months, there is still a backlog problem. Therefore, staff is now considering other ways to solve the backlog problem. Some of the ideas are:

-- Reduce the number of projects that are reviewed by the Governing Board,
-- Reassess the type of activities reviewed by TRPA,
-- Streamline the project review process,
-- Obtain assistance from other sources.

The ordinance amendment that is currently being proposed is directed primarily at reducing the number of projects that are reviewed by the Governing Board. In drafting the proposed ordinance amendment, the staff considered the following items:

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

JW/smce

2/28/90
Memorandum to Advisory Planning Commission
Amendment of Chapter 4, Appendix A, Projects
Requiring Governing Board Review -- Page 2

PROPOSED ACTION: TRPA staff is proposing to amend Appendix A and Subsection 4.10.B of Chapter 4 of the Code to reduce the number of projects which require TRPA Governing Board Review. The proposed amendments and rationales are set forth in Exhibit A.

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 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 since there are no changes in 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 of the Code requires the following findings to be made. Brief rationales are included for each finding.

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 administrative and is being proposed to help facilitate the implementation of one of the features 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 to process projects. No changes in the required standards that apply to projects are being proposed.
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 rationale for 1, 2 and 3 above.

B. Ordinance 87-8 requires that the following findings from Section 2.40 of
Ordinance 87-8 be made. Brief rationales are included.

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

Rationale: The purpose of the amendment is to facilitate the project
review operations of TRPA. No changes in the standards affecting
attainment or maintenance of the thresholds are proposed.

2. The provision to be amended has been shown through experience to be
counter-productive or ineffective and the amendment is designed to
correct the demonstrated problem and is an equal or better means of
implementing the Regional Plan Package and complying with the Compact.

Rationale: The proposed amendments are administrative in nature and
will help facilitate project review procedures both for TRPA and the
general public. Given the size and scale of the projects, the
required project findings, the amount of potential controversy related
to the projects, and the staff review requirements contained in the
Code of Ordinances and Rules of Procedure, the proposed amendment will
provide an equal or better means of implementing the Regional Plan
Package and complying with the Compact.

RECOMMENDATION: Staff recommends that the Governing Board approve the proposed
Code amendments and take the following actions:

1. Make a finding of no significant environmental effect and the Chapter
6 and Ordinance 87-8 findings set forth above.

2. Adopt the ordinance (Exhibit B) amending Chapter 4.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 90-__

AN ORDINANCE AMENDING ORDINANCE NO. 87-5, AS AMENDED, BY AMENDING CHAPTER 4, APPENDIX A AND SUBSECTION 4.10.B, OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY RELATING TO PROJECT REVIEW BY THE GOVERNING BOARD; AND OTHER MATTERS PROPERLY RELATED THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend Section 6.60 of Ordinance No. 87-9 by amending Appendix A and Subsection 4.10.B of Chapter 4 in order to more efficiently implement the Regional Plan, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended ("Compact").

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

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

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record. The Governing Board further finds that, prior to adoption of this ordinance, the Board made the findings required by Section 2.40 of Ordinance 87-8 and that such findings are supported by a preponderance of evidence in the record.

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

Section 2.00 Amendment of Appendix A and Subsection 4.10.B of Chapter 4 of the Code of Ordinances, Including the Repeal of Certain Provisions

Appendix A and Subsection 4.10.B of Chapter 4 are hereby amended in accordance with Exhibit A attached hereto and incorporated herein by reference.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

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

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ____________, 1990 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency
CHAPTER 4 - APPENDIX A
REVISIONS

PROJECTS AND MATTERS TO BE REVIEWED BY GOVERNING BOARD

Change title to:

PROJECTS AND MATTERS TO BE APPROVED BY GOVERNING BOARD

Rationale:

Currently all projects listed in Appendix A are required to be reviewed by the Governing Board whether approveable under the Code or not. Some examples would be projects proposing to create uses which are prohibited in the subject plan area statements, e.g., a commercial use in a residential plan area, or projects proposing more land coverage that can be approved under the Code. Projects which are clearly unapprovable under the Code should be denied at the staff level and not require Governing Board action. The applicant always has the ability to appeal staff's denial to the Governing Board.

I. GENERAL

26. Additional height for structures (except for single family home: cross-slope and pitch) (Chapter 22)

Change to:

Additional height for structures, except for single family homes: cross-slope and pitch, and modifications to any existing roof structures consistent with Table A (Chapter 22)

Rationale:

Additional height, as defined in Chapter 20, is any building height in excess of 26 feet. The current language excepts single family homes, but does not except any other categories of buildings that have been designed to comply with Table A, but are over 26 feet in height, e.g., roof modifications on existing commercial or public service buildings to comply with building code requirements, etc. The required findings for buildings other than single family dwellings are essentially the same as for single family dwellings.

II.


Change to:

Multi-residential greater than four units.

Rationale:
Several jurisdictions are emphasizing multi-residential housing with their allotment of 1990 allocations. The subject plan area statements establish whether or not multi-residential housing is an allowed, special or prohibited use as well as the maximum allowable density. In addition, the TRPA Code establishes set requirements for coverage, height, parking, air and water quality mitigation and BMPs that each project must comply with. Staff level processing would greatly expedite the review process to allow initiation of construction during the 1990 building season. Housing advocates have requested TRPA to facilitate the construction of multi-residential projects in the basin. Projects listed as a special use will continue to be reviewed by the Governing Board.

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

1. New facilities (1,000 sq. ft. floor area or land coverage)

   Change to:

   New facilities (over 1,000 sq. ft. of floor area or 3,000 sq. ft. of land coverage), except linear public facilities, driveways and parking facilities, involving over 1,000 sq. ft. of additional land coverage

   Rationale:

   The current language requires all public service projects proposing in excess of 1,000 square feet of additional land coverage to be reviewed by the Board. An example would be a project involving an additional deck or patio and related walkways for an existing public service facility proposing over 1,000 square feet of coverage on high capability land and within allowable coverage. The 1,000 square foot threshold for coverage should be changed to a minimum of 3,000 square feet to allow staff to review these less significant projects.

VI. RECREATION PROJECTS (new or transfer) INVOLVING:

1. New facilities (1,000 sq. ft. floor area or land coverage)

   Change to:

   New facilities (over 1,000 sq. ft. of floor area or 3,000 sq. ft. of land coverage), except streets, driveways and parking facilities, involving over 1,000 sq. ft. of additional land coverage

   Rationale:

   Same as for Public Service projects, above.

   Subsection 4.10.B Amendment:

   Governing Board Action: The Governing Board shall review and take final action on the categories of projects and matters listed in Appendix A or as otherwise required by law. The Governing Board
hereby delegates to the Executive Director review and final action on the projects and matters not listed in Appendix A.

Change to:

**Governing Board Actions:** Categories of projects and matters listed in Appendix A or as otherwise required by law shall require Governing Board approval. The Governing Board hereby delegates to the Executive Director review and final action on the projects and matters not listed in Appendix A requiring Governing Board approval.

**Rationale:**

This language requires modification to maintain consistency with the proposed Appendix A title change discussed above.
MEMORANDUM

February 15, 1990

To: Governing Board

From: TRPA Staff

Subject: Authorization to Sign MOU with the City of South Lake Tahoe to Exempt Sign Activities From TRPA Review

Proposed Action: The City of South Lake Tahoe (City) has requested to enter into a Memorandum Of Understanding (MOU) with TRPA in order to exempt sign activities from TRPA review and take over responsibility for administering Chapter 26. The draft MOU is attached as Attachment A.

Background: TRPA's Scenic Resources Management Plan which was adopted in September, 1989, gave local governments the ability to implement Chapter 26, Signs, pursuant to an MOU with TRPA. This is provided for in Subparagraph 4.2.D(14) of the Code which allows exemption of sign activities from TRPA review. The City is the first local government to propose an MOU to exempt sign activities.

Discussion: Currently sign applications in the City are subject to review by both City and TRPA staffs. The ability for local governments to implement Chapter 26 and issue sign permits without TRPA review and approval was an important component of the scenic plan and will streamline the review process and return sign review to local government. TRPA and the City would conduct joint review of exception requests for existing signs as provided in Subparagraph 26.12.C(10) of the TRPA Code. Quarterly reports would be provided to the Governing Board regarding implementation of the MOU.

APC Recommendation: At the regular February meeting, the Advisory Planning Commission recommended that the Governing Board authorize the Executive Director to enter into the MOU with the City.

Recommendation: Staff recommends that the Governing Board authorize the Executive Director to enter into an MOU with the City of South Lake Tahoe to exempt sign activities within the City from TRPA review.

Please contact Andrew Strain if you have any questions or comments.

AS:rdh 2/15/90

AGENDA ITEM VI B
MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF SOUTH LAKE TAHOE AND THE
TAHOE REGIONAL PLANNING AGENCY REGARDING EXEMPTION
OF SIGN ACTIVITIES FROM TRPA REVIEW

This memorandum of understanding is entered into this ___ day of
____________________, 1990 by and between the Tahoe Regional Planning Agency
(TRPA), as authorized by its Governing Board, and the City of South Lake Tahoe
(City), as authorized by its City Council. Signature shall be by the City
Manager and Executive Director of those two agencies, respectively.

This memorandum of understanding sets forth the responsibilities of the parties
with regard to the regulation of signage and related activities, in accordance
with the desire of the parties to provide a regulatory structure which is
consistent with the most efficient possible use of public resources.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94
   Stat. 3233, Cal Govt Code 66801; NRS 277.200) to regulate activities within
   the Tahoe Basin which may have a substantial effect on the natural re-
   sources of the Basin. The bistate Compact specifically requires TRPA to
   regulate signage, but further provides that TRPA shall engage in joint
   regulatory activities with local government wherever feasible.

B. Given the existing comprehensive regulatory structure of signage and
   related activities maintained by City, and consistent with the mandate of
   the Compact to defer land use regulation to local government wherever
   feasible, City and TRPA agree that City shall review signage and related
   activities within the City in accordance with Subparagraph 4.2.D(14) of the
   TRPA Code. A copy of the applicable TRPA ordinances is attached hereto and
   incorporated by reference herein.

IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES THAT:

1. Signage reviewed and approved by City, consistent with Chapter 26 and
   the related ordinances, shall be exempt from TRPA review except as set
   forth in paragraph 2 below. All applications for signage and related
   activities will be reviewed by City through its normal and customary
   review process. In the event City is not able to determine whether or
   not the application complies with the applicable ordinances, the City
   shall consult TRPA consistent with provisions established for that
   purpose by the City Manager or his designee and the Executive Director
   or his designee.
2. The City and TRPA shall jointly review all requests for exemption or exception from any provision of Chapter 26 under the procedures established for joint review of such applications by the City Manager or his designee and the Executive Director or his designee.

3. Nothing in this MOU shall be construed to limit the authority of City to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the police and enforcement powers of either City or TRPA.

4. The City and TRPA staff shall review quarterly the implementation of this MOU and shall report to their respective governing boards as appropriate following such reviews.

5. This MOU shall continue until either (a) a local sign ordinance is adopted by TRPA pursuant to Chapter 26, or (b) 60 days written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to adopt a local City sign ordinance at the earliest practicable date so this agreement may be terminated.

CITY OF SOUTH LAKE TAHOE

Kerry Miller, City Manager
City of South Lake Tahoe

Dated: ______________________

TAHOE REGIONAL PLANNING AGENCY

David S. Ziegler, Executive Director
Tahoe Regional Planning Agency

Dated: ______________________
MEMORANDUM

February 15, 1990

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment Relative to Recreation Uses and Resource Management
Uses to Change Special Uses to Allowed Uses in Plan Area
Statements Containing Forest Service Lands

Proposed Action: The U.S. Forest Service has requested that TRPA amend its Plan
Area Statements which contain lands managed by the Forest Service. The amend-
ments would change certain recreation and resource management uses from special
uses to allowed uses, and would add certain resource management activities as
allowed uses to specific plan areas. The proposed amendments are contained in
Exhibit N, attached to the adopting ordinance.

The amendments would provide greater internal consistency between the U.S.
Forest Service Land Management Plan and TRPA's Regional Plan Package. They
would also compliment the recently adopted memorandum of understanding (MOU)
between TRPA and the Forest Service. Without the proposed amendments, many
Forest Service resource management activities would require TRPA Governing Board
review and approval due to the special use designation. All uses contemplated
by the amendments would be required to meet applicable TRPA Code of Ordinance
standards.

Environmental Documentation: Staff has completed an Initial Environmental
Checklist for this project, and proposes a Finding of No Significant Effect
(FONSE), based on the following:

The proposed amendments will, in most cases, simply remove the requirement for
special use findings and Governing Board approval for projects proposed in the
identified plan areas. The recreation use amendments apply to recreation plan
areas or to conservation plan areas which are generally used for low intensity,
dispersed recreation. Riding and hiking trails are, in most cases, considered
to be the least-impacting of recreation uses.

AS:rdh
2/15/90

AGENDA ITEM VI C

115
Amendment Relative to Recreation Uses and Resource Management Uses to Change Special Uses to Allowed Uses in Plan Area Statements Containing Forest Service Lands Page 2

The resource management uses are generally intended to benefit and provide environmental improvements. Several of the resource management uses will actually serve as preventative treatments to protect environmental quality.

Consistency with TRPA Regional Plan Documents: The proposed amendments are generally consistent with the Regional Plan documents. The recreation use amendments will facilitate the future development and use of outdoor recreation activities. This is a stated goal of both agencies.

The resource management amendments will ensure consistency between the Plan Area Statements and the recently adopted TRPA-USFS MOU. The MOU provides the Forest Service the opportunity to conduct vegetation management, forest protection, erosion control, watershed restoration, and fish and wildlife habitat management activities on national forest lands without individual project approval from TRPA. The amendments will facilitate previously exempted activities through the MOU by removing the special use requirement.

APC Recommendation: At the regular February meeting, the APC recommended that the Governing Board adopt the proposed amendments.

Required Findings: Prior to amending the Regional Plan, the Governing Board must make the following findings pursuant to Chapter 6. Brief rationales on which the findings may be based are included.

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

Rationale:

A. Recreation Uses

With respect to recreation uses on national forest land, the amendments will help implement the following recreational goals of the Regional Plan:

DISPERSED RECREATION GOAL #1. ENCOURAGE OPPORTUNITIES FOR DISPERSED RECREATION WHEN CONSISTENT WITH ENVIRONMENTAL VALUES AND PROTECTION OF THE NATURAL RESOURCES.

2/15/90

AGENDA ITEM VI C.
Policy 3. Trail systems for hiking and horseback riding shall be expanded to accommodate projected demands and provide a link with major regional or interstate trails.

GOAL #2. PROVIDE HIGH-QUALITY RECREATIONAL OPPORTUNITIES

Policy 1. Wilderness and other undeveloped and unroded areas shall be managed for low density use.

The recreation uses being amended are currently permitted as either allowed or special uses in plan areas containing national forest land without a clear reason for the difference. The amendments would implement the intent of the Goals and Policies within the appropriate plan area statements.

B. Resource Management Uses

The amendments will improve implementation of the Regional Plan by making the appropriate plan area statements consistent with the intent of the TRPA-USFS MCU regarding exemption of resource management activities.

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

Rationale: Based on the completion of the Article V(g) checklist, the amendments will not cause applicable environmental thresholds to be exceeded. The resource management amendments are expected to assist in the attainment and maintenance of several environmental thresholds, including uncommon plant communities, sensitive plants, wildlife special interest species, fisheries, and vegetation presentation.

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

Rationale: For the reasons stated in Finding 2 above, the amendment will not cause the air or water quality standards to be exceeded.

4. Finding: The Regional Plan, as amended, achieves and maintains the Thresholds.

Rationale: For the reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the thresholds.

2/15/90  

AGENDA ITEM VI C.
Recommended Action: Staff recommends that the Governing Board take the following actions:

1. Make the required Chapter 6 Findings as proposed in the staff report.
2. Adopt the attached ordinance implementing the proposed amendment.

Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this item.

2/15/90
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 89--

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING
THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED;
AMENDING THOSE PLAN AREA STATEMENTS WHICH INCLUDE FOREST SERVICE
LANDS TO PERMIT RECREATION AND RESOURCE MANAGEMENT USES AS ALLOWED
USES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

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

Section 1.00  Findings

1.10  It is necessary and desirable to amend Ordinance No. 87-9, as
amended, relating to the Regional Plan of TRPA, by amending those
plan area statements which include Forest Service lands to permit
recreation and resource management uses as allowed rather than
special uses, in order to implement the Regional Plan pursuant to
Article VI(a) and other applicable provisions of the Tahoe
Regional Planning Compact.

1.20  These amendments of the plan area statements have been found not
to have a significant effect on the environment, and thus are
exempt from the requirement of an environmental impact statement
pursuant to Article VII of the Compact.

1.30  The Governing Board, prior to adoption of these amendments,
conducted a noticed public hearing, at which hearing oral
testimony and documentary evidence were received and considered
by the Board. The Advisory Planning Commission (APC) also
conducted a noticed public hearing and has recommended adoption
of the amendments.

1.40  The Governing Board, prior to the adoption of this ordinance,
made the findings required by Section 6.4 of the TRPA Code of
Ordinances and Article V(g) of the Compact. The Board finds that
such findings are supported by substantial evidence in the
record. The Board further finds that the amendments adopted
hereby continue to implement the Regional Plan, as amended, in a
manner that achieves and maintains the adopted environmental
threshold carrying capacities as required by Article V(c) of the
Compact.
Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of Plan Area Statements Which Include Forest Service Lands

Subsection 6.10(2) of TRPA Ordinance No. 87-9, as amended, is hereby amended to add subparagraph (n) as follows:

"6.10 Plan Documents

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

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

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

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

(d) "EXHIBIT D", entitled Plan Area Statement Amendments, August 3, 1988, which amendments shall be incorporated into the Plan Area Document, dated January 7, 1987 referred to in this subsection; and

(e) "EXHIBIT D" entitled Plan Area Statement Amendments, October 27, 1988, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this subsection; and
(f) "EXHIBIT E" entitled Plan Area Statement Amendments, November 30, 1986, which amendments shall be incorporated in the Plan Area Document dated January 7, 1987, referred to in this subsection; and

(g) "EXHIBIT F" entitled Plan Area Statements and Maps Amendments, November 15, 1988, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this ordinance; and


(k) "EXHIBIT K", entitled Bijou Park Plan Area Statement Amendments, June 20, 1989, which amendments shall be incorporated into the Plan Area document dated January 7, 1987, referred to in this ordinance.


(m) "EXHIBIT M", entitled PAS 170, General List Amendments, November 15, 1989, which amendments shall be incorporated into the Plan Area document dated January 7, 1987, referred to in this ordinance.

Section 3.00  Interpretation and Severability

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

Section 4.00  Effective Date

Pursuant to Subsection 13.7.B of the Code, this ordinance shall be effective 60 days after its adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held _____________, 1990, by the following vote:

Ayes:

Nayes:

Abstentions:

Absent:

Roland Westergard, Chairman
Tahoe Regional Planning Agency
February 15, 1990

U.S. FOREST SERVICE PLAN AREA STATEMENT AMENDMENTS

Recreation Uses

1. Change riding and hiking trails from Special to Allowed use

Affected Plan Area Statements: 068, 070B, 118, 121, 144A, 144B, 146, and 150

Rationale: Trails are a permissible use on all plan areas. Since trails are a common means of providing access to national forest land and recreation on the land, they should be shown as allowed. Currently there is a mixture of allowed and special use without any clear reason for the difference.

Resource Management Uses

1. Change Erosion Control from Special to Allowed use

Affected Plan Area Statements: 143

Rationale: This is an allowed use in all plan areas except the one listed.

2. Change Insect and Disease Suppression from Special to Allowed use

Affected Plan Area Statements: 121, 139, and 150

Rationale: Activities necessary to suppress insect and disease should be handled consistently throughout the Basin.

3. Change fire detection and suppression from Special to Allowed use

Affected Plan Area Statements: 150

Rationale: This must, by its nature and need for timely action, be an allowed use.

4. Change non-structural fish management from Special to Allowed use

Affected Plan Area Statements: 121, 139, 140, 142, and 143

Rationale: These management activities should be allowed wherever there is habitat to be managed, which is on all national forest land.
Resource Management

5. Change non-structural wildlife management from Special to Allowed use

Rationale: Same as for #4 above.

6. Change structural fish management from Special to Allowed use

Rationale: Every plan area shows the use as special. For national forest land, the activity should be an allowed use. Most of the structures will have insignificant environmental impacts, but create substantial habitat enhancements. If the structure is substantial in size or impact, environmental factors, such as land coverage or permanent soil disturbance, would cause the activity to receive Governing Board review.

7. Change structural wildlife management from Special to Allowed use

Rationale: Same as for #6 above.

8. Change fuels treatment from Special to Allowed use

Rationale: This is a routine activity associated with disposal of slash typically produced from forest management. It should be an allowed use in all plan areas and not just some.

Affected Plan Area Statements

121, 139, 140, 142, and 143
9. Add fuels treatments as an
   Allowed use

   Rationale: Same as for #8 above.

10. Change range improvements from
    Special to Allowed use

   Rationale: The plan areas listed are those in which grazing is permitted
   on national forest land. Wherever grazing is permitted, improvements may
   also be necessary to confine or direct the movement of livestock or provide
   support to the operations.

11. Change regeneration harvest from
    Special to Allowed use

   Rationale: Proposed amendment uses listed in items #11 through #19 are all
   timber management activities that the Forest Service utilizes in the
   management of the forest. The Forest Plan provides for the use of the
   practices in the plan areas listed. As an allowed use, the Forest Service
   could best select which specific practice or practices are appropriate,
   without requiring Governing Board approval.

12. Add regeneration harvest as Allowed
    use

   Rationale: Same as for #11 above.

13. Change sanitation salvage from
    Special to Allowed use

   Rationale: Same as for #11 above.

14. Change selection cut from Special
    to Allowed use

   Rationale: Same as for #11 above.
15. Add selection cut as an Allowed use

Rationale: Same as for #11 above.

16. Change special cut from Special to Allowed use

Rationale: Same as for #11 above.

17. Add special cut as an Allowed use

Rationale: Same as for #11 above.

18. Change thinning from Special to Allowed use

Rationale: Same as for #11 above.

19. Change timber stand improvement from Special to Allowed use

Rationale: Same as for #11 above.

20. Change early successional stage management from Special to Allowed use

Rationale: This is a wildlife enhancement practice that should be available for use on national forest land without the need for Governing Board approval.
MEMORANDUM

February 20, 1990

To: Governing Board
From: TRPA Staff
Subject: Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings is Calculated

Proposed Action: TRPA staff is proposing to amend subparagraph 22.4.A(2) of the Code of Ordinances in order to modify the method by which additional height for certain public service and tourist accommodation buildings is calculated. Proposed language is in Section 2.00 of the attached adopting ordinance (Attachment A).

Background: Presently, Subsection 22.4.A(2) provides for the maximum heights specified in Table A to be increased up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, with a corresponding reduction in allowable land coverage. Given these limitations, the maximum heights may be increased by one foot for each reduction in land coverage equal to five percent of the project area provided TRPA makes findings (1), (2), (3) and (5) as set forth in Section 22.7 (findings listed in Attachment B).

The subparagraph 22.4.A(2) provision, if applied literally, results in severe coverage reductions. An example is provided below.

Example #1: Project Area = 100,000 sq. ft. Land Capability = Class 6
Allowed Coverage = 30,000 sq. ft. Additional Height = 4 ft.

Required Coverage Reduction: (4 ft. x 5% = 20% of project area)

30,000 sq. ft. allowable coverage
-20,000 sq. ft. reduction (100,000 sq. ft. x 20%)

10,000 sq. ft. remaining allowable coverage
Discussion: The provision was intended to provide the additional height in exchange for a reduction in the allowable coverage on a site thereby establishing relationship between building height and building footprint (area).

As adopted, however, the provision required coverage reductions to be based upon the size of the project area and not the allowable coverage. This was not the intent of the original tradeoff concept, and its application would result in coverage reductions so large as to make the provision virtually useless. It is possible to apply the formula and end up with no allowable coverage. See example #2.

Example #2: Project Area = 50,000 sq. ft.  Land Capability = Class 4 @ 75%
Class 1b @ 25%
Allowed Coverage = 7,625 sq. ft.  Additional Height = 4 ft.

Required Coverage Reduction: (4 ft. x 5% = 20% of project area)

7,625 sq. ft. allowable coverage
- 10,000 sq. ft. reduction (50,000 sq. ft. x 20%)
  - 2,375 sq. ft. remaining allowable coverage

Under the proposed amendment, the allowable coverage and not the project area would be used to calculate the required coverage reduction of 5% for each additional foot of height up to a maximum of four additional feet. The coverage would be required to be reduced onsite. The additional height findings in Section 22.7 would be required. By retiring the coverage onsite, the relationship between building height and footprint would be preserved at a rate that would produce environmental improvements as projects are developed. See example #3.

Example #3: Project Area = 100,000 sq. ft.  Land Capability = Class 6
Allowed Coverage = 30,000 sq. ft.  Additional Height = 4 ft.

Required Coverage Reduction: (4 ft. x 5% = 20% of allowable coverage)

30,000 sq. ft. allowable coverage
- 6,000 sq. ft. reduction (30,000 sq. ft. x 20%)
  24,000 sq. ft. remaining allowable coverage

Example #4 shows the amendments as they would be applied to the situation described in example #2.
Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings is Calculated

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Example #4:  

Project Area = 50,000 sq. ft.  
Land Capability = Class 4 @ 75%  
Class 1b @ 25%

Allowed Coverage = 7,625 sq. ft.  
Additional Height = 4 ft.

Required Coverage Reduction: (4 ft. x 5% = 20% of allowable coverage)

7,625 sq. ft. allowable coverage
- 1,525 sq. ft. reduction (7,625 sq. ft. x 20%)

6,100 sq. ft. remaining allowable coverage

Environmental Documentation: Staff has completed an Initial Environmental Checklist for this project, and proposes a Finding of No Significant Effect (FONSE), based on the following:

1. The proposed amendment is expected to continue to produce beneficial impacts with respect to soil conservation and applicable water quality thresholds by reducing maximum allowable land coverage. The amendment is not, however, expected to reduce otherwise allowable coverages at the same rate as the existing provision. Based on the small number of applications which may be expected to take advantage of this provision the effect of the amendments on regional soil conservation threshold attainment should be insignificant.

2. The proposed amendments will not alter the additional height findings otherwise required in Chapter 22 nor the scenic threshold maintenance requirements of Section 30.12. In this way, potential adverse impacts to scenic resources will be avoided or otherwise mitigated.

APC Recommendation: At the regular February meeting, the APC recommended that the Governing Board adopt the proposed amendments.

Findings: Ordinance amendments require certain findings as follows:

A. Chapter 6 Findings:

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

Rationale: The amendments would remain consistent with Goal #2, Policy 1B of the Land Use Element, Community Design Subelement of the Regional Plan (provided below) by providing limited opportunities for additional height. Further, the amendments would assist in Regional Plan implementation by providing site development incentives as a threshold attainment method.

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AGENDA ITEM VI.D

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Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings is Calculated

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BUILDING HEIGHT, BULK AND SCALE: STANDARDS SHALL BE ADOPTED TO ENSURE ATTRACTIVE AND COMPATIBLE DEVELOPMENT. THE FOLLOWING SHALL BE CONSIDERED:

1) BUILDING HEIGHT SHALL BE LIMITED TO TWO STORIES EXCEPT THAT PROVISIONS FOR ADDITIONAL HEIGHT REQUIREMENTS SHALL BE PROVIDED FOR UNIQUE SITUATIONS SUCH AS LIGHTING TOWERS, SKI TOWERS, STEEP SITES, REDEVELOPMENT PROJECTS AND TOURIST ACCOMMODATION FACILITIES.

2) BUILDING HEIGHT LIMITS SHALL BE ESTABLISHED TO ENSURE THAT BUILDINGS DO NOT PROJECT ABOVE THE FOREST CANOPY, RIDGE LINES, OR OTHERWISE DETRACT FROM THE VIEWSHED.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: Based on the completion of an Article V(g) checklist, the amendments will not cause the environmental thresholds to be exceeded.

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

Rationale: For the reasons stated in Finding 2 above, the amendment will not cause the air or water quality standards to be exceeded.

4. Finding: The Regional Plan, as amended, achieves and maintains the Thresholds.

Rationale: For the reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.

B. Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:

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Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings is Calculated

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1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds. For the reasons stated in Findings 1-4 above, the proposed amendment is consistent with attainment or maintenance of the thresholds.

2. One of the following findings:

a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or

b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or

d. Technical or scientific information demonstrates the need for modification or a provision of the Goals and Policies or Code; or

e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or

f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

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

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

(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings is Calculated

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Staff recommends Finding b for the following reasons:

In order to utilize the existing Code provision, the retirement is restrictive to the point of being unrealistic and unusable. Project applicants, therefore, are not able to use the provision and the opportunity for coverage and water quality benefits is lost. This results in a counter-productive ordinance provision. The amendments are designed to correct the identified problem and better implement the Regional Plan by providing a more feasible opportunity to gain additional building height in exchange for onsite reductions in allowable coverage.

Recommended Action: Staff recommends that the Governing Board take the following actions:

1. Make the required Chapter 6 and Ordinance 87-8 Findings as proposed in the staff report.

2. Adopt the attached ordinance implementing the proposed amendment.

Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this item.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 90--

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING
CHAPTER 22 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL
PLANNING AGENCY RELATING TO HEIGHT; AND OTHER MATTERS PROPERLY RELATED
THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend Section 6.60 of Ordinance
No. 87-9, as amended, by amending Chapter 22 of the Code of
Ordinances in order to further implement the Regional Plan, as
amended, pursuant to Article VI(a) and other applicable
provisions of the Tahoe Regional Planning Compact, as amended
("Compact").

1.20 The Advisory Planning Commission (APC) conducted a noticed public
hearing on the amendments and has recommended adoption. The
Governing Board also has conducted a noticed public hearing on
these amendments to the Code, at which hearing oral testimony and
documentary evidence were received and considered.

1.30 The amendments have been determined to have no significant
environmental effect and thus are exempt from the requirement of
an environmental impact statement pursuant to Article VII of the
Compact.

1.40 The Governing Board finds that, prior to the adoption of this
ordinance, the Board made the findings required by Section 6.5 of
the Code and Article V(g) of the Compact and that such findings
are supported by substantial evidence in the record. The Board
further finds that, prior to the adoption of these amendments,
the Board made the findings required by Section 2.40 of TRPA
Ordinance 87-8 and that such findings are supported by a
preponderance of the evidence.

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

1.60 Each of the foregoing findings is supported by substantial
evidence in the record.
Section 2.00 Amendment of Chapter 22 of the Code of Ordinances

Chapter 22 is hereby amended as follows, with deleted language shown as stricken and language to be added underlined:

(2) Additional Height For Reduced Land Coverage: The maximum heights specified in Table A may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 20. The maximum heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the project area base allowable coverage, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings (1), (2), (3) and (5) as set forth in Section 22.7.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

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

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ______________, 1990, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency
22.7 List Of Findings: The findings required in this chapter are as follows:

(1) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, but not from a distance of less than 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

(2) When outside a community plan, the additional height is consistent with the surrounding uses.

(3) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

(4) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

(5) That portion of the building which is permitted the additional height, is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

(a) The horizontal distance from which the building is viewed;
(b) The extent of screening; and
(c) Proposed exterior colors and building materials.

(6) The building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed.

(7) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

(8) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

ATTACHMENT B
MEMORANDUM

February 15, 1990

To: Tahoe Regional Planning Agency Governing Board

From: Jeffrey S. Blanck, Agency Counsel

Re: Amendment of Chapter 18 (Permissible Uses) Regarding Regional Public Health and Safety Facilities

PROPOSED ORDINANCE AMENDMENTS: The proposed ordinance language is set forth in the adopting ordinance attached hereto as Exhibit A. This amendment allows for secondary county short-term incarceration facilities. Secondary county incarceration facility means a county jail, not state or federal prison facilities, that is not the primary jail for the county and which houses inmates that are sentenced for no longer than 90 days.

BACKGROUND: This definition was originally developed based upon the use that existed at the time of adoption. All existing jail facilities were for interim use pending trial and all facilities house less than 100 inmates at one time. Unfortunately, with an increase in population there is an increase in crime resulting in more arrests and an increase in need for incarceration facilities. Because TRPA does not want to impede effective law enforcement, this amendment is proposed to allow for expansion of some incarceration facilities.

DISCUSSION: The actual size of an incarceration facility should be determined by the needs of the government agency. These jail facilities shall be for short-term sentences or holding prisoners pending final disposition of their cases. It is not the main jail for the county. These facilities are for local needs and not state or regional facilities designed to serve areas outside the Tahoe Basin. The construction of any facility will be a project subject to TRPA review. There is also a potential in reduction for VMTs by having these facilities in the Basin and not requiring the transport back and forth of prisoners out of the Lake Tahoe Basin. This amendment better defines the scope of incarceration facilities.
FINDINGS: Chapter 6 and Ordinance 87-8 requires certain findings to be made prior to amending the Code.

Chapter 6: Section 6.5 requires four findings to be made. The findings and the rationales are as follows:

1. The amendment 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 of this Code section will not adversely affect the implementation of the Regional Plan because it only better defines terminology.

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

Rationale: This amendment will not adversely affect environmental thresholds by its implementation because all projects will be reviewed pursuant to the Code and required to meet all thresholds and mitigate any impacts.

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

Rationale: This ordinance amendment will not affect the air or water quality standards. It is not within the realm of Article V(d) of the Compact. The discussion section herein indicates a possible improvement in air quality due to a reduction in VMTs.

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

Rationale: The implementation of this amendment will not have an impact on the environmental thresholds. Individual projects will be reviewed to achieve attainment.

Ordinance 87-8: Section 2.40 requires certain findings to be made when TRPA is adding or amending ordinances. The findings are as follows:

1. The amendment provides for an equal or better means of attainment or maintenance of the thresholds.
Rationale: This amendment provides at a minimum equal attainment or maintenance of the thresholds because it is only a definitional change that better interprets and meets the needs of the region.

2. That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and an equal or better means of implementing the Regional Plan package and complying with the Compact.

Rationale: The proposed amendment better clarifies the intent of what incarceration facilities are needed. State and federal facilities are excluded, as well as not allowing the jail to be the primary county jail facility. In addition, sentences will be limited to less than 90 days. All of the above will correct the demonstrated problem based on the needs of the surrounding counties.

ENVIRONMENTAL DOCUMENTATION: Based on the initial environmental checklist there is no significant environmental effect of this ordinance amendment.

RECOMMENDATION: Agency Counsel and the Executive Director recommend that the Governing Board adopt the ordinance as presented herein. In order to implement the proposed amendments the Governing Board must take the following actions:

1. Make a finding of no significant effect and the Chapter 6 Findings as set forth in the staff summary.

2. Adopt the attached ordinance amendment.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 90-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING
CHAPTER 18 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING
AGENCY RELATING TO THE DEFINITION OF REGIONAL PUBLIC HEALTH AND
SAFETY FACILITIES, SPECIFICALLY REGARDING INCARCERATION FACILITIES.

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

Section 1.00  Findings

1.10  It is necessary and desirable to amend Ordinance No. 87-9, as
amended, by amending Chapter 18 of the Code of Ordinances in
order to further implement the Regional Plan, as amended,
pursuant to Article VI(a) and other applicable provisions of the
Tahoe Regional Planning Compact, as amended ("Compact").

1.20  The Advisory Planning Commission has conducted a noticed public
hearing and recommended adoption of the amendments. The
Governing Board also has conducted a noticed public hearing of
these amendments to the Code, at which hearing oral testimony and
documentary evidence were received and considered.

1.30  The amendments have been determined to have no significant
environmental effect and thus are exempt from the requirement of
an environmental impact statement pursuant to Article VII of the
Compact.

1.40  The Governing Board finds that, prior to the adoption of this
ordinance, the Board made the findings required by Section 6.5 of
the Code and Article V(g) of the Compact and that such findings
are supported by substantial evidence in the record. The Board
further finds that, prior to the adoption of these amendments,
the Board made the findings required by Section 2.40 of TRPA
Ordinance 87-8 and that such findings are supported by a
preponderance of the evidence.

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

1.60  These findings are supported by substantial evidence in the
record.
Section 2.00 Amendment of Chapter 18 of the Code of Ordinances

Chapter 18 is hereby amended as set forth below with language to be deleted shown as stricken and language to be added underlined:

Regional Public Health and Safety Facilities: Regional facilities operated by public or quasi-public entities for protection of the public, such as fire stations and other fire prevention facilities, water and sewage facilities, transportation maintenance/storage facilities, police and sheriff substations and headquarters, including interim incarceration facilities able to accommodate a maximum of 100 prisoners at one time, and emergency facilities, including secondary county short-term incarceration facilities. Secondary county short-term incarceration facility means a county jail, not a state or federal prison facility, that is not the primary jail for the county and which houses inmates prior to disposition of their case or that are sentenced for no longer than 90 days.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

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

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held ____________, 1990, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency

2/1/90

AGENDA ITEM VI E. 140
February 20, 1990

To: TRPA Governing Board
From: Agency Staff
Subject: Support of California Legislation Authorizing Transfer of Caltrans Freeway Right-of-Way to the City of South Lake Tahoe and Other Entities.

BACKGROUND:

Pursuant to the Highway 50 Route Rescission Study and TRPA Resolution 89-28 (attached), the South Tahoe Transportation Study Group has recommended, and the City staff has drafted, a bill to be introduced in the California Legislature. The general purpose of the proposed bill is to provide for the disposition of the land currently held by Caltrans for purposes of constructing a freeway from Meyers to Stateline, and other related matters.

The specific provisions of the bill include:

1. Conveyance to the City of South Lake Tahoe (CSLT) of the portion of the right-of-way (hereafter ROW), and any coverage currently existing thereon, necessary for construction of the Montreal Extension from the Loop Road to Pioneer Trail near Ski Run Boulevard.

2. Conveyance to the City of the portion of the ROW necessary for future construction of the Montreal Extension from Pioneer Trail to Al Tahoe Boulevard.

3. Disposal of the developed properties currently existing within the ROW and transfer of the existing development to developable properties outside the ROW and conveyance of the vacant land resulting from the transfer of existing development to the City for purposes of road construction.

4. Disposal of remaining portions of the ROW within the City and granting the funds from sale of such properties to the City for use in construction of road and transportation improvements as required by the TRPA RTP and TRPA Resolution 89-28.
5. Disposal of portions of the ROW in El Dorado County and use of the funds derived therefrom by El Dorado County and Caltrans to construct improvements to Highway 50 and Pioneer Trail as envisioned in TRPA RTP and TRPA Resolution 89-28.

6. Transfer to the Tahoe Conservancy the remaining unimproved ROW properties for uses consistent with the TRPA Regional Transportation Plan and Resolution 89-28.

7. Grant to the City from SCA 1 (Transportation Bond Referendum measure on California ballot in June, 1990), if it is approved by the voters June 5, 1990, funds necessary to construct the Montreal Extension.

8. Grant to the City necessary funds to provide 90% of the cost of acquiring and constructing a transit terminal in the City.

Discussion:

This proposed bill is the result of extensive discussions among the various players in the course of the Route Rescission Study and the efforts of the South Tahoe Transportation Study Group. While the specific language of the bill may be adjusted, TRPA staff feels that the general purpose of the bill and the draft we have reviewed, are consistent with the direction of the TRPA Governing Board in its discussion and adoption of Resolution 89-28.

Caltrans has indicated that they cannot support the proposed bill until the TRPA takes appropriate action to amend the Regional Transportation Plan with regard to disposition of the ROW and other related matters related. Caltrans is aware of the action taken by the Governing Board to date and has indicated that a formal amendment of the RTP is necessary. Because Caltrans' opposition to the bill may prevent its passage, and bill's failure would make it very difficult for the City to construct the Montreal Extension, Caltrans' support is desired.

Although staff has begun work on the RTP amendments, problems with the new transportation model have put the RTP update behind schedule. In order to amend the RTP in time to get Caltrans' support for the bill this year, it would be necessary to proceed with an amendment of the RTP on this narrow subject, and process further amendments at a later time. While staff would prefer to undertake only one amendment to the RTP, it may be advisable to take the ROW disposition separately and proceed with the balance of the RTP update later.

Recommendation:

Staff recommends that the Governing Board authorize the Executive Director to direct letters supporting the concept of this bill to the appropriate members of the California Legislature.
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 89-28

A RESOLUTION AMENDING RESOLUTION 89-17,
WHICH RECOMMENDED RESCISSION OF THE FREEWAY DESIGNATION OF THE UNCONSTRUCTED ROUTE 50 FREEWAY RIGHT-OF-WAY

WHEREAS, the Tahoe Regional Planning Agency (TRPA) has been designated the Regional Transportation Planning Agency for the California portion of the Lake Tahoe Region; and

WHEREAS, TRPA adopted a Regional Transportation Plan (RTP) for the Lake Tahoe Region; and

WHEREAS, Caltrans is conducting an analysis of the unconstructed freeway route in South Lake Tahoe between Meyers and Stateline (FAP El Dorado 50) for the purpose of determining if the route adoption should be recommended by Caltrans for rescission by the California Transportation Commission (CTC); and

WHEREAS, the RTP calls for the completion of studies evaluating alternative highway routes between Meyers and the South Stateline area; and

WHEREAS, TRPA approved the FY 1988-89 Overall Work Program containing Work Element 204, Highway 50 Study; and

WHEREAS, TRPA staff has completed the Highway 50 Corridor Study and Route Rescission Analysis; and

WHEREAS, the Highway 50 Corridor Study and Route Rescission Analysis contains specific conclusions, findings and recommendations concerning the Highway 50 corridor and the unconstructed Route 50 freeway right-of-way;

WHEREAS, the State of California, through Caltrans, may propose to dispose of the right-of-way of the entire route; and

WHEREAS, an action to dispose of the right-of-way would affect future options for meeting transportation needs beyond the foreseeable future; and

WHEREAS, by disposal of the right-of-way and abandonment of plans to build a highway in that location, the State avoids the expense of building such highway and therefore causes the burden of road improvement to accommodate anticipated increases in traffic to fall more heavily on El Dorado County and the City of South Lake Tahoe; and
WHEREAS, some of the land in the right-of-way owned by the State is considered sensitive land; and

WHEREAS, to mitigate the effects of abandoning plans to build a State highway in that location, to provide for a segment of road proposed to meet current needs, and to protect the sensitive lands from development, there should be some conditions applied to the action to dispose of the land in the right-of-way;

NOW, THEREFORE, BE IT RESOLVED that the TRPA Governing Board unconditionally recommends to the California Transportation Commission the rescission of the freeway designation of the unconstructed Route 50 right-of-way (FAP El Dorado 50) from Meyers to Stateline; and

BE IT FURTHER RESOLVED that the TRPA recommends to the State of California that it transfer the portion between Needle Peak Road and the Stateline, within which the Montreal Extension may be built, to the City of South Lake Tahoe; and

BE IT FURTHER RESOLVED that TRPA recommends that the portion of right-of-way from Al Tahoe Boulevard to Meyers be retained for mass transit facilities, pedestrian and bicycle trails and other public conveyances not involving the use of private automobiles, the portion between Needle Peak and Al Tahoe be retained for future use as a transportation corridor; however, in the event the State chooses to dispose of the right-of-way, TRPA recommends the environmentally sensitive lands be transferred to another public agency to be managed for open space or recreation uses; and

BE IT FINALLY RESOLVED that TRPA also recommends that the State mitigate the effects of abandoning the previously planned roadway by assisting El Dorado County and the City of South Lake Tahoe to make needed improvements to Highway 50 and Pioneer Trail as described in TRPA Highway 50 Corridor Study and Route Recession Analysis; and

PASSED AND ADOPTED this twenty-sixth day of July, 1989 by the following vote:

Mr. Cefalu, Mr. Kanoff, Mr. Fluty, Mr. Chimarusti, Mr. Klein,
Ms. Bennett, Mr. Houghteling, Mr. Harper, Mr. DeLany, Mr. Gibbs,
Mr. Westergard

Ayes: None

Nays: None

Abstain: None

Absent: Mr. Cronk, Mr. Reed, Ms. Del Papa

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency

-2-
MEMORANDUM

February 20, 1990

To: Governing Board

From: Agency Staff

Subject: Work Program and Costs for TRPA Environmental/Public Education Program

As previously discussed, the Environmental/Public Education Program is being designed to meet the following objectives:

Educate the public regarding the TRPA mission and its validity.

Educate the public as to how the TRPA mission can be fulfilled and what they as individuals can do to ensure success.

Demonstrate through its actions that the TRPA Board and staff can, and do, act and perform in a reasonable, rational, and responsible manner as they implement their mission.

Familiarize the public with TRPA's planning and decision making process and how they can participate in and affect the outcome of the process.

Key elements of the TRPA strategy to achieve the above listed objectives are:

Continue cooperative efforts with the UNR Cooperative Extension Service, U.S. Soil Conservation Service, and Resource Conservation Districts to provide direct mail information to the public on topics of concern to the participating agencies (Tahoe Landscape).

Hold workshops throughout the Region to provide hands-on exposure to interested individuals on a broad variety of topics.

Provide information through the news media as appropriate.

Encourage staff and the general public to make suggestions for the improvement of the TRPA effectiveness and public image as a whole.
Work Program and Costs for TRPA
Environmental/Public Education Program
Page Two

The Environmental/Public Information Program work program will contain five elements:

1. a. Staff Ombudsman/Environmental Education Program Position will be filled approximately April 1, 1990. As described previously, this position will be ¼ time in the Environmental/Public Education area and ¾ time in the Ombudsman area and will be responsible for implementation of the above described program, answering questions regarding the TRPA and its programs and activities, and providing information to the public and property owners regarding the TRPA Code.

b. The budget of the TRPA in the current year for this portion of the program is $9,800.

2. a. Continuation of the Tahoe Landscape in cooperation with the UNR Cooperative Extension Service, U.S. Soil Conservation Service, and Resource Conservation District will provide for six issues of the Tahoe Landscape running from May through October, 1990. Staff is currently meeting regularly with the other cooperating agencies to identify the monthly themes and articles to be published this year. As soon as the overall schedule of articles and authors is worked out it will be provided to the Board.

b. Actual cost to the TRPA for the Tahoe Landscape will be $5,000 which is currently budgeted for this fiscal year. In addition, a portion of the costs of the above staff position will be used toward the required match for an EPA grant which will cover the majority of the cost of the Tahoe Landscape. The overall cost of this portion of the program is estimated to be $65,204 in the calendar year. The total funding for this program element will be as follows:

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Although final approval of the EPA grant request has not been received, this item was designated as first priority by the NV application for funds available to the State.

An additional piece of this element, a year end evaluation of the effectiveness of the Tahoe Landscape in achieving desired results is being funded by a National Cooperative Extension Grant in the amount of $4,000.
3. a. **Media.** Publication of articles in the various newspapers and other media in the Basin. Staff will work closely with the various print and other media to ensure that information of importance to the TRPA and the public is provided regularly in a form which is easily readable and informative to the general public.

b. This portion of the work program will be the responsibility of the Environmental/Public Education position and will be undertaken at no additional cost to the Agency beyond the normal salary and overhead costs.

4. a. **Workshops.** Workshops will be scheduled around the Basin on topics of general interest. These workshops will be hosted by the staff and will incorporate many of the topics which will be generally included in the other elements of the program. Workshops will be designed to give participants a hands-on exposure to items which are important to them in their daily activities.

b. Cost of the workshops will be minimal but may include room rental where other participating agencies or other parties are unable or unwilling to provide space free of charge. Additional costs will include advertising and handout materials provided to the participants.

5. a. **Brochures and Pamphlets.** In preparation for publication of the various elements of the program, staff intends to adapt the material for use in brochures and pamphlets to be made available at workshops and across the counter at the TRPA offices and through other participating agencies, local building departments, and local libraries.

b. The cost of this element of the program is not considered to be great and is expected to be absorbed within the existing budget category for printing and publications.
AGENDA ITEM IX.A.

Work Program and Costs for TRPA
Environmental/Public Education Program
Page Four

Program Content: Some of the topics to be covered during the course of the program are listed below:

- How to prepare and submit an application to the TRPA
- What activities require a permit from the TRPA
- Where to go for assistance from the TRPA
- Important TRPA dates to be aware of (and what it means to miss them)
- Coverage transfers who/what/when/where/how?
- Shorezone activities dos and don'ts
- BMP retrofit/design for new projects
- Private forest management
- Development transfers
- transportation/air quality
- water quality
- scenic quality
- community plans/redevelopment plans

Staff welcomes additional ideas for topics to be covered in the various elements of this new program. Anyone having questions or suggestions regarding this program please contact Gary D. Midkiff.
MEMORANDUM

February 21, 1990

To: Tahoe Regional Planning Agency Governing Board

From: Agency Staff

Re: Phase II Scope of Work for Study of Littoral Structures and Their Effects on the Fish Community

Last fall, the Governing Board asked TRPA staff to report when the funding had been secured for the next phase of the subject study and on a proposed amended scope of work as necessitated by the low water level in Lake Tahoe. TRPA received confirmation of funding for Phase II of the study, to be completed by June 30, 1990, from the Nevada Department of Wildlife (NDOW) at the end of December.

Staff conferred with the NDOW Chief of Fisheries and the funding coordinator received approval to amend the interagency agreement by amending the scope of work to provide tasks that can be accomplished regardless of the lake level. Staff then met with the steering committee, representatives of NDOW, and the California Department of Fish and Game (CDF&G) to recommend appropriate amendments.

A Grant proposal for joint funding by CDF&G and NDOW for Phase III of the study, to extend from July 1, 1990 through June 30, 1991, has been submitted, with unofficial approval by NDOW, but no confirmation will be made until the governor of California approves the state budget. An amended scope of work for Phase III is also included in the attachment.

If you have any questions concerning this matter, please call Jean Shaffer at (702) 588-4547.

JS: jm 2/21/90

AGENDA ITEM IX B.
LITTORAL STRUCTURE AND ITS EFFECT
ON THE FISH COMMUNITY IN LAKE TAHOE

JOB OUTLINE

PHASE II

JOB 1. Winter habitat of littoral zone fishes.

JOB 2. Abundance of juvenile and adult fishes in the shallow near-shore zone.


JOB 5. Impacts of overhead cover (i.e., piers) on juvenile littoral zone fishes.


PHASE III

JOB 1. Effects of overhead cover (i.e., piers) on juvenile littoral zone fishes.

JOB 2. Summer habitat of littoral zone fishes.

JOB 3. Abundance of juvenile and adult fishes in the shallow near-shore zone.

JOB 4. Spawning habitats of littoral zone fishes.

JOB 5. Population dynamics of lake trout.


JOB 7. Diets of surface-dwelling sport fishes.

JOB 8. Assessment of pelagic and profundal fish populations.

JOB 9. Diel changes in habitat use.

JOB 10. Survey of disturbed habitat.
LITTORAL STRUCTURE AND ITS EFFECT ON THE FISH COMMUNITY IN LAKE TAHOE

PHASE II

JOB 1. Winter habitat of littoral zone fishes.

Job objective: To determine depth distribution of fishes during the winter. Our previous work found the most abundant minnows disappear from the shallow littoral zone in winter and we want to determine where they moved to.

Procedures: This objective will be accomplished by SCUBA surveys during the winter months. We will swim 100 m transects at depths of 3, 10, and 20 m and fifty meter long transects at a depth of 30 m. These will be done both during the day and at night. This will be done three times at each of two sites in order to analyze within and between site variability. On the transects we will record the numbers, sizes and behavior of each fish species observed.

JOB 2. Abundance of juvenile and adult fishes in the shallow near-shore zone.

Job objective: To determine the abundance, and species composition of fishes in littoral zone water less than 50 cm deep. We are most interested in determining if this habitat is used extensively by larval and juvenile fish.

Procedures: We will establish seine sites at 10 locations around the lake. These will be selected based on earlier observations of fish abundance in an area and on reports from the literature. One site will be fished at weekly intervals throughout the study period to determine short-term temporal changes in fish abundance. The other sites will be fished at 2-4 week intervals to determine the spatial variance in the abundance of fishes. Fish will be collected, identified, and measured. Habitat variables of temperature, substrate, depth and slope will be recorded.


Job objective: To determine the spawning habitat of Lahontan redsides, mountain whitefish, speckled dace, Tahoe suckers, and tui chub.

Procedures: We will swim SCUBA surveys in different habitats during reported spawning periods of these fishes. Determining the spawning period of Lahontan redsides will be a priority, since these fish are the numerical dominants in the littoral zone. Surveys will be done during the night and day.

Job objective: To initiate studies on the age, growth and population sizes of lake trout in Lake Tahoe. This information is critical for the state agencies to properly manage the resource.

Procedures. We will utilize information from the ongoing tagging study that is being conducted by the state agencies and the fishing guides on the lake. We will enter the existing data into a computer database. These data will be analyzed for the return rate of tags, movements of tagged fish, the size composition of the catch, and the growth rates of fish between tagging and recapture.

We will also initiate a study on age determination using bony structures in the fish. Lake trout are difficult to age, because they are long lived and it is difficult to determine if marks on bony structures are true annuli. The standard procedure for identifying annuli requires marking the bony structures by injecting the fish with the fluorescent dye tetracycline. When recaptured several months to years later, the portion of the otolith (or other hard part) that was formed when the tetracycline was injected will show a distinct mark. The number of annuli formed subsequent to marking can then be recognized and counted.

In order to mark the otoliths we will provide syringes and the tetracycline antibiotic to the fishing guides. The guides will inject fish with the tetracycline, mark them as usual with Fly tags, and return them to the lake. When recaptured the otoliths or other bony part can be removed and inspected under a microscope with ultraviolet lights. Once annuli are identified, we will be able to determine the total number formed during the life of the fish. We realize to be successful, several years must elapse between marking and recapture of fish. Nonetheless, we would like to initiate the study this year so tetracycline marked fish are introduced into the population. Otherwise it will be extremely difficult to proceed with age and growth studies on lake trout.

JOB 5. Impacts of overhead cover (i.e., piers) on juvenile littoral zone fishes.

Job objective: To determine if overhead cover (i.e., piers) cause changes in the abundance of larval and juvenile fishes in Lake Tahoe.

Procedures. Our earlier study did not find any effect of pile piers on the abundance of littoral zone fishes. Because of the limitations of SCUBA survey techniques, we did not survey water less than 50 cm deep in our previous work. The previous study was also compromised because the decks of piers were several feet above the water surface.

In order to overcome these difficulties we will attempt an experimental approach to determine if the overhead cover provided by docks has any influence on fish abundance. We will construct an artificial "pier" composed of PVC pipes set in concrete with a removable "deck" of canvas. A drop-net will be mounted on the pipes. The apparatus will be placed in shallow littoral areas where we know
there are fish (from Job 2). The numbers and types of fish utilizing
the area within the pipes will be measured with and without the "deck"
in place. This will allow us to determine the effect of this overhead
cover on fish abundance.

We will construct the apparatus during Phase II of the project
and perhaps conduct limited testing. Juvenile fish that utilize
shallow littoral areas are not, however, expected to be abundant until
the summer when Phase III funding begins. We emphasize this is a new
experimental approach and we cannot guarantee success. However this
appears to be the only effective means of addressing the question of
impact of piers on juvenile fish abundance during a low-water year.

**Job 6. Diets of surface-dwelling sport fishes.**

**Job objective.** To determine the diets of rainbow, brown and lake
tROUT occuring the surface and/or littoral zone of the lake.

**Procedures:** During our past work we collected considerable
information on the diets of fish caught at depths of 40-80 m. The
littoral zone fishes we studied, however, were seldom eaten by these
deep-dwelling fish. Since we have observed lake trout feeding on fish
in the shallows, we would like to assess the diets of fish caught in
this zone.

Guts from lake, rainbow and brown trout caught by "top-lining"
anglers will be collected by personnel Dept. of Fish and Game and the
Nevada Dept. of Wildlife. We will identify and weigh the different
food items in these guts. Size-related and seasonal shifts in the
diets of these fish will be analyzed.
PHASE III

JOB 1. Effects of overhead cover (i.e. piers) on juvenile littoral zone fishes.

Job objective: To determine if overhead cover (i.e. pile piers) affect the abundance of juvenile fishes.

Procedures: If preliminary testing proves successful, we will use the artificial "pier" described in Phase II to test whether fish avoid or are attracted to areas with overhead cover. The apparatus will be placed in shallow littoral areas where seining has established there are fish. The numbers and types of fish utilizing the area within the pipes will be measured with and without the removable canvas "deck" in place. This will allow us to determine the influence of overhead cover on fish.

JOB 2. Summer habitat of littoral zone fishes.

Job objective: To determine depth distribution of fishes in Lake Tahoe during the summer. Our previous summer work has provided considerable information, but we did not look at night and day distribution patterns nor sample depths greater than 20 m.

Procedures: This objective will be accomplished with SCUBA surveys. We will swim 100 m transects at depths of 1, 3, 10, and 20 m, and fifty meter transects at a depth of 30 m. Surveys will be done at night and day. This will be done three times at each of two sites in order to analyze within and between site variability. On the transects we will record the numbers, sizes and behavior of each fish species observed.

JOB 3. Abundance of juvenile and adult fishes in the shallow near-shore zone.

Job objective: To determine the abundance, and species composition of fishes in littoral zone water less than 50 cm deep. Specifically, we are most interested in determining if this habitat is used extensively by larval and juvenile fish.

Procedures: The 10 seine sites established in Phase II will be sampled at 1-4 week intervals during the summer of 1990. One of the sites will be seined at weekly intervals throughout the study period to determine short-term temporal changes in fish abundance. The other sites will be seined at 2-4 week intervals to determine the spatial variance in the abundance of fishes.

Fish will be collected, identified, measured and their gonads inspected to determine spawning condition. Habitat variables of temperature, substrate, depth and slope will be recorded.
JOB 4. Spawning habitat of littoral zone fishes.

Job objective: To determine the spawning habitat of Lahontan redsides, mountain whitefish and tui chub.

Procedures: Work on this that was done in Phases I and II will be continued into summer period. We will swim SCUBA surveys in different habitats during reported spawning periods of these fishes. We will emphasize the spawning periods of Lahontan redsides, since these fish are the numerical dominants in the littoral zone. Surveys will be done during the night and day.

JOB 5. Population dynamics of lake trout.

Job objective: To initiate studies on the age, growth and population sizes of lake trout in Lake Tahoe. This information is critical for the state agencies to properly manage the resource.

Procedures: We will continue to supervise the tetracycline marking program initiated in Phase II. Lake trout are difficult to age, because they are long lived and it is difficult to determine if marks on bony structures are true annuli. The standard procedure for identifying annuli requires marking the bony structures by injecting the fish with the fluorescent dye tetracycline. When recaptured several months to years latter, the portion of the otolith (or other hard part) that was formed when the tetracycline was injected will show a distinct mark. The number of annuli formed subsequent to marking can then recognized and counted.

In order to mark the otoliths we will provide syringes and the tetracycline antibiotic to the fishing guides. The guides will inject fish with the tetracycline, mark them as usual with Flay tags, and return them to the lake. When recaptured the otoliths or other bony parts can be removed and inspected under a microscope with ultraviolet lights. Once annuli are identified, we will be able to determine the total number formed during the life of the fish. We realize to be successful, several years must elapse between marking and recapture of fish. Nonetheless, we would like to initiate this study this year so tetracycline marked fish are introduced into the population. Otherwise it will be extremely difficult to proceed with age and growth studies on lake trout.


Job Objective: To determine the timing and location of lake trout spawning.

Procedures: We will interview fishermen that are jig fishing for lake trout, and inspect their fish for gonadal maturity and for the presence of trout eggs in their stomachs. This will allow us to locate the general areas where fish are spawning.

We will then experiment with the use of plastic egg traps that have been developed in the Great Lakes region for determining the
spawning areas of fish. Ten to 20 traps will be laid along a depth gradient in the region where fish are thought to be spawning. If successful, the traps will allow us to precisely locate areas of spawning activity. Then we can inspect these areas with the remotely operated vehicle. The excellent video record in the clear Tahoe waters may give us the ability to observe lake trout spawning. Additional trapping may be conducted in future years to determine the extent of spawning habitat.

**JOB 7. Diets of surface-dwelling sport fishes.**

**Job objective.** To determine the diets of rainbow, brown and lake trout living near the surface and/or littoral zone of the lake.

**Procedures:** Diet studies of trout done in Phase I and Phase II will be continued. Guts from lake, rainbow and brown trout caught by "top-lining" anglers will be collected by personnel Dept. of Fish and Game and the Nevada Dept. of Wildlife. We will identify and weigh the different food items in these guts. Size-related and seasonal shifts in the diets of these fish will be analyzed.

**JOB 8. Assessment of pelagic and profundal fish populations.**

**Job objective.** To measure the abundance and movement patterns of fishes in the pelagic zone of Lake Tahoe.

**Procedures:** We will use a BioSonics dual-beam hydroacoustic system to measure abundance of fish in the pelagic zone. Initially we will access the diel changes in the distribution of fish in order to determine the most appropriate time(s) to measure abundances of different size classes of fish. Subsequently we will do surveys of fish abundance in different sections of the lake. We will also take advantage of the new technology afforded by the recent acquisition of a Remotely Operated Vehicle (ROV). This remotely operated camera will allow us to observe fish in their natural habitat (similar to our shallow water SCUBA work) and to supplement the hydroacoustic survey with visual verification of the species and size of the fish responsible for sonar signals.

**JOB 9. Diel changes in habitat use.**

**Job objective.** To changes in habitat use of fish in Lake Tahoe over 24 hour periods.

**Procedures.** Preliminary work in 1989 demonstrated habitat use of some littoral zone fishes changes from night to day. In the summer of 1990 we will conduct additional diel (24 hour) studies on the movements of fish between different types of habitat. In order to determine fish movements, we will swim transects to determine the time and distance that fish move at night.
JOB 10: Disturbed habitat survey.

Job objective: To survey nearshore lake waters determining which areas have been disturbed by the actions of people.

Procedures: We will survey the lake shore from boat noting areas on a lake map showing signs of disturbance and describing the types of disturbances observed.
MEMORANDUM

February 21, 1990

To: TRPA Governing Board
From: Staff

Subject: El Dorado County Request for Release of Air Quality Mitigation Funds to Install Traffic Signals at the Intersection of Pioneer Trail and Cold Creek Trail

This item is being continued to the March agenda.
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 90-

RESOLUTION DEFINING THE PROCEDURE FOR DEALING
WITH QUESTIONS OF WHAT CONSTITUTES LEGAL ACTION

WHEREAS, the Tahoe Regional Planning Compact, Article VI(p) provides that
the time period a project is subject to legal action which delays or renders
impossible the diligent pursuit of a project shall not be counted in computing
the three-year time period; and

WHEREAS, determination needs to be made as to what constitutes such "legal
action".

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe
Regional Planning Agency authorizes the Executive Director to review and make
determinations that a project is the subject of legal action which delayed or
rendered impossible its diligent pursuit as a result of the filing of a court
action for quiet title, breach of purchase and sale agreement, eminent domain
proceeding, and any court order affecting the project. Any other application
for extension pursuant to Article VI(p) of the Compact where the definition of
legal action is at issue shall be submitted to the Legal Committee for
recommendation and then to the Governing Board for final determination. In
making this determination the Governing Board shall consider the cause of the
legal action and the degree of control over the legal action by the permittee.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning
Agency at its regular meeting held on _____________, 1990 by the following
vote:

Ayes:

Nays:

Abstain:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency

JSB:jm
2/7/90

AGENDA ITEM X B. 1.
Date: February 28, 1990

To: Governing Board

From: Agency Staff

Subject: Projects Reviewed at Staff Level and Emergency Permits Issued by Executive Director, January 12, 1989 through February 15, 1990.

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**TOTAL PROJECTS PROCESSED:**

39 21 44 11 115

Applications Received:

33 57 12 13 115

Operating Backlog: 214

Incomplete/Pending Information: 266

Compliance Cases Pending: 70

AGENDA ITEM XI.A.1.