TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on July 26 and 27, 1995, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The July 26 session will commence at 9:30 a.m. at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The July 27 session will commence at 9:00 a.m. at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada. The agenda is attached hereto and made a part of this notice.

All Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on July 26, 1995, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of the June financial statement and check register; 3) discussion on air quality monitoring contracts and funding. (Finance Committee: Wynn, Neft, Cole, Heller, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on July 26, 1995, commencing at 8:30 a.m. at the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) approval of Bitterbrush settlement fund expenditure for emergency access improvements; and 3) settlement of appeal of Executive Director determination regarding expiration of 1978 Tahoe Mariner expansion permit; and 4) determination of conflict of interest for APC members. (Legal Committee: Neumann, Miner, Cronk, Sevison, Waldie, Chairman DeLany)

NOTICE IS FURTHER GIVEN that on July 26, 1995, during the lunch recess at 12:00 noon at Jason’s Restaurant, 8338 North Lake Boulevard, Kings Beach, the Rules Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) amendment of Policy 2.6 (Vacation) of the Personnel Policy Manual. (Rules Committee: DeLany, Neft, Sevison, Hagedorn, Chairman Bradhurst)

NOTICE IS FURTHER GIVEN that on July 26, 1995, during the lunch recess at 12:00 noon at Steamer’s Restaurant, 8290 North Lake Boulevard, Kings Beach, the Capital Financing Committee will meet. The agenda will be as follows: 1) public interest comments (no action); and 2) discussion of the 1996 legislative and funding package. (Capital Financing Committee: Westergard, Miner, Cronk, Waldie, Chairman Cole)

Date: July 17, 1995

By: James W. Baetge
Executive Director

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. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

July 26, 1995
9:30 a.m.

TRPA Office, 308 Dorla Court
Zephyr Cove, Nevada

July 27, 1995
9:00 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF QUORUM

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, RTPA, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, RTPA, Appeal, and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE GOVERNING BOARD IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. APPROVAL OF MINUTES

V. APPROVAL OF AGENDA

VI. CONSENT CALENDAR (see page 3)

VII. PROJECT REVIEW

A. Echo Creek Ranch, Special Use Determination, New Group Recreation Facility Requiring Allocation of PAOTs (Persons At One Time), 2478 Meyers Road, El Dorado County APN 35-010-23

B. McDonnell, Special Use Determination, Pier Expansion, 853 Stateline Avenue, El Dorado County APN 29-010-02

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES, RESOLUTIONS, AND PLANS

A. Amendment of Chapter 95, Rental Car Mitigation Program, for Consumer Price Index (CPI) Adjustment

B. Certification of the Final EIR/EIS for the South Tahoe Public Utility District A-Line Relocation Project
IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. Public Hearing on Unmet Transit Needs, El Dorado County, Adoption of Resolution

B. Public Hearing on Unmet Transit Needs, Placer County, Adoption of Resolution

X. APPEAL

A. Carole Terry, Appeal of IPES Score, Douglas County APN 01-170-06

B. Stugen, Appeal of Executive Director Decision Regarding Minimum Setbacks Along Scenic Threshold Travel Routes (Chapter 30), Placer County APN 92-142-01

XI. ADMINISTRATIVE MATTERS

A. Three-Year Strategic Plan (July 1995-June 1998)

1. Core Statement of Policy

2. Program of Work for FY 95-96

B. Appointment of Bistate Lay Member to the Advisory Planning Commission

C. Public Hearing, Amendment of Policy 2.6 (Vacation) of the Personnel Procedures Manual, Adoption of Resolution

D. Status Report on IPES and Land Capability Verification

E. Quarterly Status Report on 1994-95 Work Program Priority Milestones

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Report on Committee Meeting

2. Receipt of June Financial Statement and Check Register

B. Legal Committee

1. Report on Committee Meeting

2. Bitterbrush Settlement Fund Expenditure for Emergency Access Improvements

C. Capital Financing Committee

1. Report on Committee Meeting

2. Discussion of 1996 Legislative and Funding Package

-2-
D. Rules Committee
   1. Report on Committee Meeting

E. Shorezone Policy Committee Report

XIII. REPORTS
   A. Executive Director
      1. Monthly Status Report
   B. Agency Counsel
      1. Monthly Status Report
   C. Governing Board Members (No Action)

XIV. ADJOURNMENT

CONSENT CALENDAR

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommendation</th>
<th>Time</th>
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<tbody>
<tr>
<td>1. Camp Galilee Rebuild and Additions, Douglas County APN 01-130-15</td>
<td>Approval With Findings And Conditions</td>
<td>1-20</td>
</tr>
<tr>
<td>2. Stuart Yount/Fortifiber Corporation, New Professional Office Building, 1001 Tahoe Boulevard, Washoe County APN 130-163-32</td>
<td>Approval With Findings And Conditions</td>
<td>21-34</td>
</tr>
<tr>
<td>3. Vogel Subdivision of Existing Structure, 214 Robin Drive, Washoe County APN 132-212-03</td>
<td>Approval With Findings And Conditions</td>
<td>35-40</td>
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These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in 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 require 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

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
STAFF SUMMARY

Project Name: Camp Galilee Reconstruction and Addition Project, Special Use Determination

Application Type: Recreation/Group Facilities

Applicant: Episcopal Diocese of Nevada, c/o Camp Galilee

Applicant’s Representative: Milton L. Sharp

Agency Planner: Jim Allison, Associate Planner

Location: U.S. Highway 50, across from the Glenbrook Post Office, Douglas County

Assessor’s Parcel Number/Project Number: 01-130-15/950159

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The proposed project includes various improvements to the facilities and structures associated with the group facility use at Camp Galilee. Included in the project is reconstruction of dormitory structures, remodeling of an existing shower building, expansion of the existing dining hall building, expansion and remodeling of the Bishop’s residence, the Whitaker House, utility retrofitting and BMP installation, and temporary dormitory facilities for use during the 1995 summer camp operations. No additional coverage is being proposed as a result of the project. To mitigate potential scenic impacts of the project as seen from the waters of Lake Tahoe and U.S. Highway 50, colors which blend into the background and vegetative screening will be used. TRPA staff have also reviewed a preliminary landscaping plan and samples of colors and materials which staff have determined will not result in a degradation of scenic quality.

Site Description: Camp Galilee is located on a parcel situated between U.S. Highway 50 and Lake Tahoe on the east shore of Lake Tahoe. The property is characterized by a relatively sparse, mature stand of conifers with younger secondary growth infill. The understory consists of mountain shrubs mixed with some sagebrush. Closer to existing structures, vegetation shows some disturbance. There are also areas where accelerated erosion is occurring due to poor drainage and altered drainage patterns. A winding roadway provides vehicle access to the various structures throughout the property. The parcel contains a variety of slopes with most of the development concentrated on the more gently sloping land. No permanent BMPs are installed at this time.

Issues: The proposed project involves a project requiring a special use determination and an addition greater than 1,000 square feet of floor area and

/JA
July 3, 1995

CONSENT CALENDAR ITEM NO. 1
therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. **Scenic Quality**: Camp Galilee falls within Scenic Shoreline Unit 26 which is currently in attainment of the scenic quality standard. As determined by TRPA staff, the project is not expected to result in a loss of scenic quality. The colors and materials proposed are dark and non-reflective and will blend into the forested background better than the existing structures. In addition, the applicant has provided a preliminary landscaping plan which will screen the proposed structures. As conditioned in this staff summary, a final landscaping plan must be provided which contains the planting and irrigation details. The final landscaping plan must be in substantial conformance with the preliminary landscaping plan.

2. **Intensification of Use**: No intensification of use is proposed with this project. The improvements to dormitory structures will not add additional capacity over the existing dormitory facilities. The dining hall size will increase to conform more to the occupancy capacity of the proposed camp so that dining in shifts can be eliminated or minimized. The existing and proposed overnight capacity of Camp Galilee is approximately 150 persons. The maximum number of people at Camp Galilee at one time, which may occur during special events, may slightly exceed 300 persons.

**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 61, Logan Creek. 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 districts of the project area are class 1a, 1b (SEZ), 2, and 4. The total project area is 379,570 square feet.

2. **Existing Coverage:**

   - Hard Coverage: 42,257 square feet
   - Soft Coverage: 28,081 square feet
   - Total: 70,338 square feet

3. **Proposed Coverage:**

   - Hard Coverage: 56,109 square feet
   - Soft Coverage: 11,825 square feet
   - Total: 67,934 square feet

4. **Allowed Coverage:**

   - Class 1a Area: 451 square feet
   - Class 1b Area: 70 square feet
   - Class 2 Area: 1,555 square feet
   - Class 4 Area: 34,408 square feet
   - Total: 36,484 square feet

5. **Coverage Mitigation:**

   Based on the above coverage figures, the existing project area contains approximately 33,954 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:** There are several buildings within the project area that are being modified. The allowable and proposed building heights for the buildings being modified are presented in Exhibit A.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 5, 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.

July 3, 1995
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: Group facilities are a permissible use in the Plan Area (Logan Creek) that the project is located within. The proposed project will not alter the existing land use at the site.

(b) Transportation: No additional trips are being generated as a result of the project. There is no evidence that the proposed project will adversely affect the implementation of the Transportation Element of the Regional Plan.

(c) Conservation: There are no known special interest species, sensitive or uncommon plants, or historic or cultural resources within the project area. The project is visible from Scenic Shoreline Unit 26, which is in attainment of the scenic quality threshold. The project as proposed and conditioned, is not expected to degrade scenic quality. Permanent BMPs are required as a condition of the permit.

(d) Recreation: This project involves making special use findings for a group facility which is a permissible use in the primary use category of recreation. The project does not involve increasing recreational use or capacity and does not require an allocation of PAOTs (Persons at One Time). This project is anticipated to have no effect on the Recreation Element of the Regional Plan.

(e) Public Service and Facilities: This project does not involve a public service facility. All utility connections to public service entities are existing.

(f) Implementation: This project does not require any additional development allocations of PAOT allocations. This project is not expected to have any adverse impacts on 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 use of the facility as a group facility will not change. The intensity of use at the facility will remain the same as in the pre-project condition. While no similar facilities surround Camp Galilee, TRPA staff are unaware of use conflicts related to the nature, scale, density, intensity and type of use between the existing camp operations and neighboring properties.

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 applicants will be required to install Best Management Practices (BMPs) in order to protect the project area and surrounding property owners from accelerated erosion and uncontrolled runoff. No adverse environmental impacts are anticipated as a result of this project.

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 existing use and activities performed at Camp Galilee will not be altered from that which exist today. Upgrading the facilities at Camp Galilee is not expected to change the character of the neighborhood. The project area is not located within a community, specific or master plan.

July 3, 1995

CONSENT CALENDAR ITEM NO. 1
F. **Required Actions:** Agency staff recommends that the Governing Board approve the project by making the following motions 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 construction the following special conditions of approval must be satisfied:
   
   a. The site plan shall be revised to include:
      
      i. A three inch layer of gravel (3/4" drainrock) beneath the raised deck at the Whitaker House.
      
      ii. Construction access roads and staging areas for vehicles and materials used during the construction process. All temporary access roads must be revegetated according to TRPA Best Management Practices standards upon project completion.
      
      iii. Mechanical stabilization of the driveway cut/fill slope in accordance with the TRPA Handbook of Best Management Practices (BMPs).
      
      iv. 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."
      
      v. Temporary erosion control structures located downslope of each proposed area where construction will take place.
      
      vi. Vegetation protective fencing around each area where construction will take place.
      
      vii. Parking barriers to restrict parking to approved parking surfaces only.

July 3, 1995
(b) The security required under Standard Condition 1.2 of Attachment Q shall be $23,000. This is based on the estimate provided by the applicant. Please see Attachment J, Security Procedures.

(c) The applicant shall either pay an excess coverage mitigation fee of $3,006 or reduce 601 square feet of existing land coverage within Hydrologic Transfer Area Number 3 (see attached map) based on a construction cost estimate of $92,500 and 33,954 square feet of excess coverage. Upon completion of final construction plans the applicant shall provide a final construction cost estimate, and if different from the above estimate, the required mitigation fee or coverage reduction shall be adjusted accordingly. In calculating the estimated construction cost of the project, the cost of improvements otherwise exempt from TRPA review and approval shall be subtracted from the total cost.

(d) The final construction drawings shall have notes indicating conformance to the colors and materials submitted to TRPA staff during the review process.

(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.

(f) The applicant shall provide a landscape plan which is in substantial conformance with the preliminary landscape plan reviewed by TRPA staff. The landscape plan shall include planting schedules and irrigation. Approval of the landscape plan is subject to TRPA staff review and comment.

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

(3) Excavation equipment shall be limited to the foundation footprint to minimize site disturbance.
ALLOWABLE AND PROPOSED BUILDING HEIGHTS

Allowable building heights are determined from Table A, Section 22 of the TRPA Code of Ordinances. Ground slopes and building heights are determined from topographic information contained in the preliminary plans.

WHITAKER HOUSE EXPANSION

ROOF PITCH: 12:12
BUILDING SITE SLOPE: 17%
MAXIMUM ALLOWABLE HEIGHT: 40' 3"
PROPOSED HEIGHT, BUILDING ADDITION: 29' 6"
RIDGELINE HEIGHT, EXISTING BUILDING: 31'
EXISTING CHIMNEY HEIGHT: 32'

SILL HOUSE

ROOF PITCH: 8:12
BUILDING SITE SLOPE: 4%
MAXIMUM ALLOWABLE HEIGHT: 35' 10"
PROPOSED RIDGELINE HEIGHT: 30' 6"

DINING HALL EXPANSION

ROOF PITCH: 6:12
BUILDING SITE SLOPE: 2%
MAXIMUM ALLOWABLE HEIGHT: 31' 8"
PROPOSED RIDGELINE HEIGHT: 18' 6"

DORMITIES

ROOF PITCH, ALL DORMITIES: 7:12

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<tr>
<th>GROUND SLOPE</th>
<th>ALLOW. HEIGHT</th>
<th>PROPOSED HEIGHT</th>
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<tr>
<td>D7</td>
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</table>
Project Name: Yount/Fortifiber Commercial Building

Application Type: New Commercial Building

Applicant: Stuart Yount

Applicant's Representative: Paul Kaleta/Basin Strategies

Agency Planner: Lyn Barnett, Senior Planner

Location: 1001 Lake Tahoe Boulevard, APN 130-163-32, Washoe County

Assessor's Parcel Number/Project Number: 130-163-32/950180

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant proposes to construct a new 7,094 square foot commercial office building in Incline Village. The proposed structure will be used as a professional office by Fortifiber Corporation. Parking for the proposed building will include 20 under-structure spaces and 8 surface spaces. 6,906 square feet of the building requires commercial floor area. The proposed 188 square foot stairwell and proposed underground parking garage do not require commercial floor area pursuant to Chapter 33 of the TRPA Code. All commercial floor area for the building will be transferred to the affected parcel from a separate parcel located in Incline Village. In order to provide under-structure parking, maximum excavation of approximately 12 feet is proposed.

Site Description: The vacant parcel is on the corner of State Highway 28 and Country Club Boulevard. The vegetation is characterized by numerous large pines and various native shrubs. The parcel has average slopes between 9 and 12 percent, and is downslope from Highway 28. New construction is currently occurring for other projects across the street to the west (Sierra Nevada College) and to the north (First Baptist Church of Incline Village). Existing development to the south is residential, and to the east is tourist accommodation (motel). Except for the removal of some dead or dying trees, all trees between the construction site and Highway 28 will be preserved.

Issues: The proposed project involves a 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:

/LB
July 13, 1995
1. **Scenic Quality**: The affected property is visible from Highway 28, a TRPA designated scenic roadway unit (Unit 22, Crystal Bay). Scenic Roadway Unit 22 is not in attainment with TRPA scenic quality standards. Staff has reviewed the proposed project and has determined that the building design and site design features are appropriate for the parcel. The following design features have been included in the project to improve scenic quality:

* The size of the outdoor parking area will be reduced due to the proposed under-structure parking area;

* The proposed project will help screen the adjacent existing development visible from the affected scenic roadway unit;

* The proposed structure will be constructed of materials and colors that blend, rather than contrast, with the surrounding neighborhood and other development within the affected scenic roadway unit; and

* The proposed development incorporates landscaping, building articulation features, lighting, signs, Best Management Practices (BMPs), and other TRPA required or recommended design features that de-emphasize urban development and have a positive effect on scenic quality.

2. **Traffic/Circulation**: The proposed project is expected to create 106 additional daily trip ends (dvte). This is defined as a minor increase pursuant to Chapter 93 of the TRPA Code. To mitigate the regional impact associated with this development, the permittee will be required to pay an air quality mitigation fee of $2,120.

The proposed two-way driveway conforms to TRPA driveway design standards for slope and width. As a condition of approval, the applicant shall construct a sidewalk from the new driveway to the traffic signal at the intersection of Country Club Boulevard and Highway 28. Pedestrian circulation systems for commercial projects are required pursuant to Subsection 30.5.B(2) of the TRPA Code.

3. **Excavation**: The proposed project involves excavation in excess of five feet of depth. Pursuant to TRPA requirements, the applicant prepared a groundwater analysis to investigate potential groundwater interception problems. The report concluded that the groundwater table is below the proposed excavation and that the project will not impact groundwater on the site.
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 048, Special Area 1, Incline Village Tourist. The Land Use Classification is Tourist 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 (professional offices) is listed as an allowed use. Plan Area 048 is a TDR (transfer of development rights) receiving area for existing development.

C. **Land Coverage:**

1. **Land Capability District:**

   The land capability districts of the project area are classes 4 and 6. The total project area is approximately 43,582 square feet (22 square feet less than one acre).

2. **Existing Coverage:** 0 square feet.

3. **Proposed Coverage (all hard):**

   - Land Capability District 4: 2,283 square feet
   - Land Capability District 6: 9,423 square feet
   - **Total:** 11,706 square feet

4. **Allowed Coverage:**

   - Class 4 Area: 2,285 square feet
   - Class 6 Area: 9,647 square feet
   - **Total:** 11,932 square feet

5. **Coverage Mitigation:**

   To mitigate new land coverage created on-site, the applicant shall be required to pay a water quality mitigation fee of $14,632 to TRPA pursuant to Subsection 82.3 of the TRPA Code.

July 13, 1995
D. **Building Height:** Based on a 12% cross-slope retained across the building site, and a 3.5:12 roof pitch, the maximum allowed height for the proposed building is 30 feet, 7 inches. The proposed building has a maximum building height of 30 feet, 4 inches.

**Required Findings:** The following is a list of the required findings as set forth in Chapters 6 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:** The proposed commercial building is an allowed use in the Plan Area in which it is located. There are other commercial buildings in the neighborhood in which the new building will be constructed.

   (b) **Transportation:** The proposed project will result in a minor increase in traffic. As a condition of approval, the permittee shall be required to pay an air quality mitigation fee to offset the potential traffic and air quality impacts of the project pursuant to Chapter 93 of the TRPA Code.

   (c) **Conservation:** The applicant shall be required to install all required TRPA BMPs. No special interest species are known to be within the project area. The project includes various scenic quality improvements.

   (d) **Recreation:** There are no aspects of this project which will affect recreation in the Region.

   (e) **Public Service and Facilities:** This site is served by water, sewer, electricity, and is on a paved road.

   (f) **Implementation:** The applicant proposes to transfer all commercial floor area to the affected parcel pursuant to Chapter 34 of the TRPA Code. This will be reviewed by TRPA under separate application.

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

The proposed project will be visible from Highway 28, but not from a scenic turnout, public recreation area or Lake Tahoe. The height of the proposed structure will not extend above the forest canopy or a ridgeline as viewed from Highway 28.

F. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions 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) This permit authorizes construction of a 7,094 square foot professional office building and accessory structures, including a below structure parking area and a small above ground parking area. 5,906 square feet of the building shall qualify as commercial floor area requiring transfer of commercial floor area. The 188 square foot stairwell and the parking areas do not require commercial floor area pursuant to
Chapter 33 of the TRPA Code, and shall not be converted to commercial floor area without TRPA review and approval. (3) Prior to commencement of construction the following special conditions of approval must be satisfied:

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

(i) A sidewalk from the new driveway to the traffic signal at the intersection of Country Club Boulevard and Highway 50.

(ii) A sand trap for the slotted drain in the driveway. All storm water runoff collected in this drain shall be pre-treated for sand removal prior to discharge into the proposed drywell. The slotted drain shall have a removable cover to allow for maintenance.

(iii) A rock-lined drainage swale to accept storm water runoff from Highway 28 where it enters the property on the north side of the lot.

(iv) 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."

(v) Vegetation protective fencing around the entire construction site, including all graded areas.

(b) A water quality mitigation fee of $14,632 shall be paid to TRPA. This fee is based on the creation of 11,706 square feet of land coverage.

(c) The permittee shall submit a $2,120 air quality mitigation fee to TRPA.

(d) The security required under Standard Condition 1.2 of Attachment Q shall be determined upon the applicant’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.

(e) The permittee shall either pay an offsite coverage mitigation fee assessed at $5 per square foot for the creation of any impervious coverage in the public right-of-way or reduce an equal amount of land coverage.
being created from any remaining allowable land coverage that may exist on the parcel.

(f) The permittee shall submit final color samples to TRPA for review and approval. The color of this structure 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. Roofs shall be composed of nonglare earthtone or woodtone materials that minimize reflectivity.

(g) The permittee 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 permittee shall provide a landscape plan and fertilizer management plan in accordance with the standards required in Sections 30.7 and 31.7 of the TRPA Code of Ordinances for TRPA review and approval. The landscape plan shall include vegetative screening between the proposed building and parking area and Highway 28. Some vegetation may be required in the Highway right-of-way to provide adequate screening, unless not approved by the Nevada Department of Transportation (NDOT). This vegetation shall provide maximum screening of the development. At least 50 percent of the vegetation shall be densely vegetated conifers (for example, Sierra Redwood, Incense Cedar, etc.) and shall be at least five feet tall at the time of planting. Soil mounding shall be added near the parking area to help screen development and provide height to new landscaping in that area.

(i) The permittee 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.
(j) The permittee shall transfer 6,906 square feet of commercial floor area to the affected property. All floor area transfers shall be pursuant to a separate application and shall be in accordance with Chapter 34, and other applicable chapters, of the TRPA Code.

(k) The height calculations shall be modified as follows:

<table>
<thead>
<tr>
<th>Building Site Cross Slope:</th>
<th>12 percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof Pitch:</td>
<td>3.5:12</td>
</tr>
<tr>
<td>Allowable Maximum Height:</td>
<td>30 feet, 7 inches</td>
</tr>
<tr>
<td>Proposed Maximum Height:</td>
<td>30 feet, 4 inches</td>
</tr>
<tr>
<td>Highest Ridge Elevation:</td>
<td>6386.29 feet</td>
</tr>
<tr>
<td>Lowest Natural Grade Elevation:</td>
<td>6356.00 feet</td>
</tr>
</tbody>
</table>

(l) The permittee shall submit 5 sets of final construction drawings and site plans to TRPA.

(4) 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.

(5) Excavation equipment shall be limited to the foundation footprint and to proposed parking areas to minimize site disturbance.

(6) All signs (free standing and building) located in the project area shall conform to TRPA sign regulations. The height of the proposed building sign shall be reduced to 15 feet above grade (measured at the sign location). All sign modifications shall be reviewed and approved by TRPA prior to installation.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: William and Marguerite Vogel Subdivision

Application Type: Subdivision of Existing Structure, Special Use Determination

Applicant: William and Marguerite Vogel

Agency Planner: Paul Nielsen, Associate Planner

Location: 214 Robin Drive, Washoe County, Nevada

Assessor's Parcel Number: 132-212-03

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section D of this staff summary.

Project Description: The applicant is proposing to subdivide a TRPA approved duplex into two condominium style (airspace ownership) single family dwellings. If subdivided, each residential unit will be available for separate ownership. No modifications are proposed to the structures which are under construction at this time.

Site Description: TRPA has approved a duplex on the property which currently is under construction. The development consists of one structure, approximately 1,900 square feet in size, and a driveway which provides paved access to the garages.

Issues: The proposed project involves a special use and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is the subdivision of existing structures. The applicant is proposing to subdivide the two residential units into a condominium subdivision with common area. The TRPA subdivision ordinance only allows approval of a subdivision in urban areas for existing or approved projects. Urban areas are defined in the TRPA Code of Ordinances as those areas designated as Residential, Tourist, or Commercial/Public Service by the Plan Area Statement. The land use classification for the applicable Plan Area Statement for this project is Residential. The Plan Area Statement identifies this area as a preferred affordable housing area. The TRPA Code of Ordinance amendments approved by the TRPA Governing Board on December 21, 1994, which limit the ability to subdivide in preferred affordable housing areas, do not go into effect until December 1995. Once subdivided, the residential units will be considered single family dwellings which are a special use in Plan Area Statement 046 (Incline Village Residential).

/PN
July 12, 1995

CONSENT CALENDAR ITEM NO. 3
Staff Analysis:

A. Environmental Documentation: TRPA staff have 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 46 (Incline Village Residential). 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 (single family dwelling) is listed as a special use.

C. 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.

   (a) Land Use: The applicant was required to apply Best Management Practices (BMPs) to the entire project area in connection with the TRPA approval of the multi-family dwellings. The multi-family dwellings previously approved are an allowable use; conversion of the dwellings to single family ownership through subdivision is a special use in Plan Area Statement 46 (Incline Village Residential).

   (b) Transportation: No increase in vehicle trips is expected as a result of this project.

   (c) Conservation: The TRPA permit for the approved multi-family dwelling included requirements for the project to be consistent with the Conservation Element of the TRPA Goals and Policies such as minimizing soil erosion by implementation of BMPs. The proposed subdivision is not expected to have any impacts or to be inconsistent with the Conservation Element of the TRPA Goals and Policies.

July 12, 1995
(d) **Recreation**: This project does not involve any recreation facilities or uses.

(e) **Public Service and Facilities**: This project does not require any additions to public service facilities.

(f) **Implementation**: This project does not require any allocations of development. The multi-family project required two residential allocations and one additional development right.

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 subdivision will not change the scale, density, or intensity of use for the project area. Other dwellings in the surrounding area are single family and multi-family.

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 proposed subdivision is not expected to affect the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region because there will be no visible changes in the structure as a result of the subdivision. As a requirement of the multi-family approval, the applicant is required to install BMPs.

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 project involves a change in the original TRPA approval of the two-unit multi-family dwelling project to subdivide the units into two condominium style single family dwellings. Single family dwellings are a special use within Plan Area Statement 46 (Incline Village Residential). Change in the type of ownership is not expected to alter the character of the neighborhood. The proposed subdivision is not located within a community, specific, or master plan.

D. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions 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 C 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 TRPA’s signature being placed on the jurat line of the final subdivision map, the following condition of approval must be satisfied:

(a) The applicant shall submit a minimum of 2 sets of blueprinted final subdivision maps to TRPA.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Echo Creek Ranch Group Facility

Application Type: Recreation

Applicant: Alex Graf/Paul Gardner

Applicant’s Representative: Paul Kaleta, Basin Strategies

Agency Planner: Jim Lawrence, Associate Planner

Location: 2478 Meyers Road, El Dorado County

Assessor’s Parcel Number: 35-010-23

Staff Recommendation: Staff recommends approval of the project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing to construct a recreational group facility that will accommodate up to 200 individuals. The facility will include: a main lodge with dining, recreation and meeting rooms, and an indoor pool; eight dormitory-style cabins with a maximum occupancy of 25 persons per building; a residential caretakers building (the residential unit presently exists within the project area); one administrative building; one maintenance building; parking for 35 guest vehicles and 6 buses; multi-purpose recreational courts (e.g. tennis, basketball, volleyball, etc.); and a picnic area with campfire ring.

The group facility will be open to use by groups from the general public, such as youth groups, sports camps, outdoor clubs, employee associations, senior organizations, government employee retreats, workshops, and seminars or conferences. Group facilities are listed as a recreational use in the TRPA Code of Ordinances and require the allocation of PACOTs (persons at one time). To facilitate the new facility, the applicant is requesting an allocation of 200 PACOTs from the pool of 1,000 which have been set aside pursuant to Chapter 33 of the Code of Ordinances.
Echo Creek Ranch, Group Facility
Page 2

Site Description: The proposed project is located in El Dorado County, at the base of Echo Summit approximately 1/2 mile west of the intersection of Highway 89 and Highway 50. The property is bounded to the north and west by Highway 50, however, there are also two developed campgrounds adjacent to the north. Adjacent properties to the east and south are primarily owned by the National Forest Service, except for a residential lot adjacent to the east. (Please see Exhibit A for a map of existing land uses in the vicinity of the project.)

The project area consists of 16.44 acres. Development will be restricted to an approximately 5 acre area on the east side of the property and the remaining portion will be left in open space. The project area is mostly forested and Echo Creek runs through the property. The site was originally mapped as Land Capability Classification (LCC) 3. On September 22, 1993, however, the TRPA Governing Board approved a change in the LCC to 5, 3, 1a and 1b. All of the proposed development will occur in the area classified as land capability 5 (please see land coverage section for a complete breakdown of allowed and proposed land coverage).

Issues: The proposed project involves the creation of over 3,000 square feet of land coverage for a recreation project and the allocation of 200 PROTs (persons at one time) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, or the TRPA Code. The primary project related issues are:

1. Traffic/Air Quality: The project site is located in a plan area that is presently in non-attainment with the Federal Clean Air Act for carbon monoxide. According to the traffic analysis submitted by the applicant, the proposed project could result in an increase of 238 Daily Vehicle Trip Ends (DVTEs) if no mitigation measures are included. The Code of Ordinances states that an increase over 200 DVTEs is considered a significant increase. In accordance with the traffic analysis, the applicant is proposing several mitigation measures that will reduce traffic impacts of the project from 238 DVTEs to 139 DVTEs, which is considered a minor increase. These mitigation measures include reducing parking spaces for employees to encourage carpools, having guests arrive via buses and shuttles and providing bus and shuttle services to recreational areas (e.g. ski areas and beaches). Staff has reviewed the traffic analysis and concluded that the mitigation measures will be adequate to reduce the traffic impacts of the project to 139 DVTEs. In addition, the applicant will be required to submit a $2,780 air quality mitigation fee to mitigate the increase of 139 DVTEs.

2. Land Use: The proposed project is located in Plan Area 136 (KOA/Rainbow). Group Facilities are listed as a permissible use (special use) in the applicable Plan Area Statement, however, Tourist Accommodation uses are not permitted.

JL
7/12/95

AGENDA ITEM VII.A.
Group Facilities are defined in the TRPA Code as follows: "Establishments which provide overnight accommodations and outdoor recreation to organized groups such as recreational camps, group or organized camps, religious camps."

Hotels, Motels and Other Transient Dwelling Units are defined as follows: "Commercial transient lodging establishments including hotels, motor-hotels, motels, tourist courts or cabins, primarily engaged in providing overnight lodging for the general public whose permanent residence is elsewhere." Staff has reviewed this issue and has concluded that Echo Creek Ranch more closely meets the definition of a Group Facility rather than Hotel, Motel and Other Transient Dwelling Units for the following reasons:

A. Echo Creek Ranch will have a maximum occupancy of 200 persons. The accommodations will consist of 8 dormitory style cabins with 25 persons being the occupancy for each cabin.

B. Users targeted for the facility are large groups. The applicant has solicited letters of interest from several organized groups (please see Exhibit C) including the Sierra Nevada Girl Scout Council, YMCA of the Sierra, Camp Young Judea, McGaw YMCA Camp Echo/The Outdoor Discovery Center, various community recreation departments, Boys and Girls Clubs, and religious groups camps.

C. Use of the facility shall be by reservation only, and will not be operated on a "drop-in" basis.

D. No on-site vacancy/no-vacancy signs will be posted.

E. A deed restriction will be recorded which documents the use classification of the project area as a recreation group facility and will prohibit use of the facility as a tourist accommodation facility and prohibit rental practices which would change the character of the use.

F. There will be various recreation activities offered on the site such as: hiking, fishing, volleyball, tennis, and basketball. The site is also in close proximity to other recreation areas such as: Echo Lakes, Upper Truckee River and ski areas.

2. PAOT Allocation: The applicant is requesting that 200 PAOTs be assigned by the Governing Board to accommodate the project. Chapter 33 of the Code sets aside a pool of 1,000 PAOTs for "overnight" uses which are on the 5-year additional recreation facilities list and for which there are no PAOTs assigned to the Plan Area, or the amounts assigned are inadequate for the project. Chapter 33 states:
Echo Creek Ranch, Group Facility

"To be eligible for overnight PAOT allocations from the pool, the project area must retain, or be restored to, a near natural state, include outdoor living amenities such as tables and fire pits, and offer access to outdoor recreational opportunities such as hiking trails, public beaches, and fishing."

Staff has determined that the Echo Creek Ranch project is consistent with Chapter 33 and is eligible to receive PAOTs from the "pool" based on the following considerations:

A. The site is located in Plan Area 136 (KOA/Rainbow). The land use classification is Recreation and Group Facilities are listed as a Special Use, however, there are no overnight PAOTs assigned to the plan area to accommodate the project.

B. The site will offer limited hiking, fishing and cross-country skiing opportunities, is mostly forested and includes a portion of Echo Creek. In addition, the applicant is proposing the following on-site recreational opportunities: bicycling, volleyball, wilderness/camping skills courses, swimming, tennis, and basketball. Also, the applicant is proposing to arrange for shuttles to nearby beaches, ski areas, golf courses and other recreational activities in the Tahoe Basin. (Please see Exhibit C for a list of proposed on-site and off-site recreational opportunities.)

C. The applicant is proposing to restore approximately 2,800 square feet of land coverage (dirt road) located in a low land capability district and place all development in an area classified as land capability district 5. In addition, approximately 11 acres of the 16.44 acre site will remain undeveloped.

The TRPA Code does not provide guidelines with respect to what constitutes "a near natural state." However, staff is of the opinion that the proposed project reasonably meets the requirements of retaining or restoring the site to a near natural state.

D. As conditioned, if a sale of the facility were to occur, the new owner would be required, by deed restriction, to continue operating the facility as a group facility rather than as a tourist accommodation facility. Such a deed restriction would limit the use to organized groups, prohibit vacancy signs, prohibit "drop-in" usage and require the new owners to maintain recreational amenities.
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 136, KCOA/Rainbow. The Land Use Classification is Recreation and the Management Strategy is Mitigation. The proposed project is consistent with the planning statement which states that "This area should continue to provide recreational services but those facilities in either high hazard or SEZs should be relocated to higher capability lands over the long term." The applicant is proposing to provide a recreational use (group facility), restore existing coverage presently located in high hazard and SEZ areas, and confine all coverage to high capability land. 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. Group Facilities are listed as a special use.

C. Land Coverage:

1. Land Capability Districts:

The site was originally mapped as land capability class 3. However, on September 22, 1993, the TRPA Governing Board approved a change in land capability to class 1a, 1b (seiz), 3 and 5. The total project area is approximately 16.44 acres (716,058) square feet.

2. Allowable Coverage:

Class 1a and 1b: 2,284 square feet
Class 3: 2,465 square feet
Class 5: 109,596 square feet
Total Allowed Coverage: 114,345 square feet

3. Existing Coverage:

Class 1a and 1b: 1,335 square feet
Class 3: 1,500 square feet
Class 5: 14,369 square feet
Total Existing Coverage: 17,204 square feet
4. **Proposed Coverage:**

Class 1a and Class 1b: 35 square feet  
Class 3: 0 square feet  
Class 5: 86,019 square feet  
Total Proposed Coverage: 86,054 square feet

5. **Coverage Mitigation:** Pursuant to Chapter 82 of the TRPA Code the applicant shall be assessed a water quality mitigation fee of $1.25 for each additional square foot of proposed land coverage.

D. **Building Height:** Based on a 10% cross-slope retained across the building site, and a 9:12 roof pitch, the maximum allowed height for the proposed lodge is 37 feet, 3 inches. The proposed height of the lodge is 37 feet. Based on slopes ranging from 7% to 13%, and a 7:12 roof pitch, the maximum allowed height for the 8 cabins range from 34 feet, 11 inches to 35 feet, 11 inches. None of the proposed cabins exceed 34 feet, 9 inches in height.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapter 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:** The proposed use, group facility, is listed as a permissible use in the applicable plan area statement. The project involves coverage removal in land capability districts 1a, 1b (SEZ) and 3. Group facilities are listed as a recreational use in the TRPA Code and the Land Use Classification of the applicable plan area is Recreation.

   (b) **Transportation:** According to the traffic analysis submitted by the applicant, the project, as conditioned, will result in a minor increase of 139 DVTEs. The analysis also concludes that the project will not impact levels of service. Mitigation includes measures to encourage employee carpools, bus services for arrival of guests and buses to shuttle guests to recreational areas.

   (c) **Conservation:** The site is not visible from a scenic roadway or shoreline unit, or a recreation area identified in the Lake Tahoe Scenic Resource Evaluation. There are no known special interest species in the project area. The project involves the restoration of land coverage in land capability districts 1a, 1b (SEZ) and 3. As conditioned, the project
will fully comply with all applicable Best Management Practices (BMPs) upon project completion.

(d) **Recreation**: The proposed project involves a recreational use with a maximum capacity of 200 persons, therefore, the allocation of 200 PAOTs is required for this project. The applicant is proposing a variety of on-site and off-site recreational opportunities and the allocation of PAOTs is consistent with Goal #1, Policy 3, of the Developed Recreation Subelement of Regional Plan.

(e) **Public Service and Facilities**: The proposed project does not require any additions to public services or facilities. As a condition of approval, the applicant will be required to provide evidence of adequate water supply, sewer capacity, and fire protection for the proposed project.

(f) **Implementation**: The project required the allocation of 200 PAOTs. The eligibility of the proposed project to obtain PAOTs is consistent with the TRPA Code of Ordinances.

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 6.3.8 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 use is defined as a recreational use in the TRPA Code and the Land Use Classification of the applicable plan area is Recreation. The proposed structures meet all TRPA site design and height standards. The proposed capacity of the facility (200 persons) is half the permissible density of 400 persons. There are two existing campgrounds located adjacent to the north of the project site. The remaining adjacent land consists primarily of
National Forest Service land and U.S. Highway 50, however, there is one residential lot adjacent to the east.

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 includes the installation of both temporary and permanent BMPs to protect water and air quality. Outdoor activities, including the use of the multi-purpose courts and the picnic area, will be prohibited between 10:00 p.m. and 7:00 a.m. Also, bus operation will be prohibited between 10:00 p.m. and 7:00 a.m. No outdoor lighting of the multi-purpose courts will be permitted and outdoor lighting of parking areas and common pedestrian pathways will be low level and the minimum necessary to insure safety.

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 recreational use (group facility) is a permissible use within the plan area and the Land Use Classification of the plan area is Recreation. There are two existing campgrounds located adjacent to the north of project site. The remaining adjacent land consists primarily of National Forest Service land and U.S. Highway 50, however, there is one residential lot adjacent to the east. The proposed project is not located in a community plan, or specific or master plan area.

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 ridgeline.

The proposed structures do not extend above the ridgeline or the forest canopy.

F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions 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.

JL
7/12/95
II. 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 Q.

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

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

(a) Infiltration from parking areas and driveways. All runoff from parking areas and driveways shall be infiltrated in a manner consistent with Chapter 25, including pre-treatment for sand and grease removal.

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

(b) Snow storage areas. All proposed snow storage shall be in accordance with El Dorado County standards.

(d) Location of parking for construction crew vehicles.

(2) The applicant shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area.

(3) The security required under Standard Condition 1.2 of Attachment Q shall be determined upon the applicant's submittal of required BMP plan and related cost estimate. Please see Attachment J, Security Procedures.

(4) A water quality mitigation fee of $86,062 shall be paid to TRPA. This fee is based on the creation of 68,850 square feet of new land coverage.

(5) The applicant shall submit a $2,780 air quality mitigation fee. This fee is based on the traffic analysis submitted by the applicant for this project.

(6) 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 installation for the project area.
(7) 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. The landscape plan shall be drawn showing all structures, and shall provide details regarding restoration and revegetation of the existing dirt road.

(8) The applicants shall provide a grading plan for TRPA review and approval. The grading plan shall show existing topographic contour lines at 2 foot intervals, proposed topographic contour lines at 2 foot intervals, disposal location for spoil materials and mechanical stabilization (where appropriate) of any cut/fill slopes.

(9) The applicant shall provide an exterior lighting plan. All lighting shall be in conformance with Chapter 30 of the TRPA Code and the TRPA Design Review Guidelines and shall be low level and low intensity. Lighting of the multiple-courts shall be prohibited.

(10) The applicant shall record a deed restriction, approved by TRPA prior to recordation, which documents the use classification of the project area as a group facility and which prohibits use of the facility as a tourist accommodation facility and rental practices which would change the character of the permitted use. Any modification of use will require TRPA approval and appropriate modification of the deed restriction.

(11) 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.

(12) The applicant shall provide will-serve letters from all affected utility service providers.

(13) The applicant shall provide evidence from El Dorado County which indicates the proposed parking meets County parking standards.

(14) The applicant shall submit 5 sets of final construction drawings and site plans to TRPA.

C. Use of the approved facilities shall be limited to providing overnight accommodation and outdoor recreation to organized groups such as recreational camps, group or organized camps, or religious camps. Any modification to this use shall require further TRPA review and approval.
D. There shall be no advertising or use of the facilities as tourist accommodations. Violation of this condition shall be grounds for permit revocation.

E. Use of the facility shall be by reservation only, and shall not be operated on a "drop-in" basis.

F. Vacancy/No Vacancy signs are prohibited.

G. All signs shall conform to the TRPA Design Review Guidelines and Chapter 26 of the TRPA Code of Ordinances. A separate application must be submitted for proposed signs.

H. Employee related parking shall be limited to 10 parking spaces and shall be clearly delineated on-site.

I. All guests shall arrive to Echo Creek Ranch via bus or shuttle service.

J. Echo Creek Ranch shall operate a transportation system with, at a minimum, a small shuttle van and a 25 passenger or larger shuttle bus. In addition, Echo Creek Ranch shall arrange for transportation of guests to, and from, recreation areas in the Lake Tahoe Basin via shuttle vans or buses.

K. The applicant shall not construct any finished floor which is five feet or more below natural grade measured at the location where the floor meets the foundation wall. Any excavation greater than 5 feet below natural grade shall require a groundwater investigation report and separate TRPA review.

L. The dining hall shall be accessory to the group recreation facility and shall not be advertised or used separate from the facility as a restaurant.

M. Outdoor activities, including the use of the multi-purpose courts and the picnic area, shall be prohibited between 10:00 p.m. and 7:00 a.m.

N. Bus operation shall be prohibited between 10:00 p.m. and 7:00 a.m.
Echo Creek Ranch
Recreation Group Facility

APN 35-010-23
2478 Meyers Road

APN 35-010-23
Lot Area 716,058 sq. ft.

Proposed Portion of Lot to be Improved
A - Main Lodge
Echo Creek Ranch
Recreation Group Facility

APN 35-010-23
2478 Meyers Road

WEST ELEVATION

EAST ELEVATION

A - Main Lodge
Echo Creek Ranch
Recreation Group Facility

APN 35-010-23
2478 Meyers Road

EAST SIDE

WEST SIDE

NORTH SIDE

SOUTH SIDE

C - Administration Building
Echo Creek Ranch
Recreation Group Facility

APN 35-010-23
2478 Meyers Road

SOUTH ELEVATION

NORTH ELEVATION

EAST ELEVATION

WEST ELEVATION

B - Sleeping Lodges
EXHIBIT B
POTENTIAL USER GROUPS
May 11, 1995

Alex Graf
P.O. Box 20088
South Lake Tahoe, CA 96151

Dear Alex:

After our telephone conversation and reading the material you provided, we are very excited about the possibility of the Echo Creek Ranch facility and a future relationship with your organization.

Sierra Nevada Girl Scout Council serves approximately 5,400 girls and over 1,500 adults in northern Nevada and northeastern California, with 50% of the membership residing in the Reno, Carson City and Lake Tahoe areas. Our council does own a resident camp facility near Graeagle, California, however, it is only accessible from June - October due to the heavy snowfall and limited road access. Therefore, for camping programs, which are a major portion of our program, Girl Scout troops and the council must use county and state parks for weekend programs. We also do use the Clear Creek Youth Center for some large group camping programs.

Over the years, we have tried to find other facilities, but have been somewhat unsuccessful because the current camps and conference centers in the area are being used to capacity and have waiting lists. We have also experienced some difficulty in finding facilities for our adult retreat weekends and are fast approaching capacity at our current facility at Feather River Conference Center in Blairsden, California.

Since we have some expertise in operating a camp facility and have a fairly large potential use of your proposed facility, we would very much like to pursue a relationship that would be beneficial to us both.

I look forward to working with you on this plan and will be in touch very soon.

Sincerely,

Vicki N. Wright
Executive Director
POTENTIAL GIRL SCOUT USE OF ECHO CREEK RANCH

Troop Camp Events - groups of 10-30 girls and adults on weekends, Sept. - May

Camporees - groups of 50 - 250 girls and adults primarily on weekends, Aug. - June

Girl Program Events - groups of 100 - 250 girls and adults, all year round

Resident Camp - 100 - 200 girls with adult staff, 1-3 weeks during June - August and possibly winter program

Adult Training/Retreats - groups of 15 - 200, 2-6 times per year
Size of group(s) you send to camp? 50-200

* How many days per year might you be interested in using Echo Creek Ranch? 30-100 days/year

Summer X Spring X
Winter X Fall X

possibly 1-3 weeks during summer

* Type of groups

Children X Adult X
Senior ___ Others ___
Handicapped ___

* Other groups you know of who may wish to use this camp?

__________________________

* In addition to onsite/offsite recreational activities, would you like to have camp programs such as:

Environmental Awareness X Indian History/Culture X

Problem Resolution ___ Others ___

Personal Challenges ___

* Would you be interested in operating a camp? X

Group Name: SIERRA NEVADA GIRL SCOUTS

Address: 605 WASHINGTON ST

RENO NV 89503

322-0642

Your Name: VICKI WEINERT, EXEC. DIR.

PLEASE COMPLETE AND FAX THIS FORM TO: (916) 544-2741

OR MAIL TO: ALEX GRAF

P.O. BOX 20088

SOUTH LAKE TAHOE, CA 96151

THANK YOU FOR YOUR ASSISTANCE
May 15, 1995

Dear Alex,

I wanted to express my interest in your new Echo Creek Ranch Group Facility. The Sparks Family YMCA is always looking for a new meeting/camping site. It sounds like the site is beautiful, and the location for us is ideal.

The Sparks Family YMCA has a few different functions throughout the year that we would be needing an off-site camp. During the summer, we have our Summer Camp Staff Training. This event is for both the Reno and Sparks YMCA summer staff. Typically there are about 100 adults. This is a weekend event, from Friday afternoon through Sunday afternoon. In the past, we have had to travel approximately three hours to get to a decent site.

We also hold a summer Residence Camp. We send about 100 youth and 15 staff for a week long camp. This camp is usually run the first week of August.

Every year, usually in the fall, we do a staff retreat. In our attempt to keep the cost down, we have done it at people's houses. We are now looking for somewhere that we do not have to concentrate on cooking, sleeping arrangements, activities, and we can concentrate on the reason we need a staff retreat.

We are also in the planning stages of hosting a Christian Leadership Conference. YMCA's from all California, Oregon, and Nevada attend. CLC's are usually run in the Spring or Fall. At these weekend conferences, we do a lot of team building, songs, games, etc.

I look forward to hearing more about your camp and opening dates. If you have any questions, please feel free to call me at 685-9622.

Sincerely,

Crissy Freeman

Crissy Freeman,
Program Supervisor
Mr. Alex Graf
Tahoe Keys Village
P.O. Box 20088
Stateline, Nevada, CA 96151

Dear Mr. Graf,

I would like to express my interest in your proposed site at Echo Creek Ranch. I am the camp director for Camp Young Judaea West. The past few years we have leased and rented various sites along the west coast. This year we are searching for a permanent site. In addition to our search, we have started a massive fundraising campaign to purchase a site.

Our camp is affiliated with Young Judaea, a national Jewish youth movement, which is sponsored by Hadassah. Hadassah is a national Jewish women's organization. Both of the organizations are non-profit. Young Judaea and Hadassah operate a total of six (6) regional camps in the United States.

I look forward to talking with you soon about your site at Echo Creek Ranch.

Sincerely,

David A. Beyer
Camp Director

Camp Young Judaea - West is the summer expression of HASHACHAR, sponsored by HADASSAH
November 30, 1994

Mr. Alexander Graf
Tahoe Keys Resort
590 Tahoe Keys Blvd.
S. Lake Tahoe, CA 96151

Dear Alex,

Please accept this letter as a formal indication of our interest in the Echo Creek Ranch project. As we have previously discussed, I have been involved in the development and implementation of outdoor and experiential curricula for the past six years. Over that period of time, a staff has been recruited which has brought comprehensive training and educational background as resources to our organizations. While a great deal of our previous success has been in the applications of Environmental Education to school group populations and Adventure-Based programming to youth, developments in areas of corporate training, adventure counseling and therapy, remote travel, conflict resolution management, and prejudice awareness have all been explored and proven as valuable tools as supplements to traditional learning models.

It has been our desire recently to begin focusing these efforts and programs under one auspice. While serving as Director of Camp Echo YMCA and The Outdoor Discovery Center has allowed for many such applications, our goal is to identify a site and location which allows for research through practical use in the area of experiential education. Echo Creek Ranch, with direct services to related counties of Lake Tahoe and Sacramento, appears an ideal match to this pursuit. Initial programming would focus on bringing a residential environmental education program to described school districts and will expand to bring a large variety of offerings in group-based outdoor education to varied populations.

We continue to feel excitement about this project. While we have our "hands full" with current projects, as Echo Creek Ranch prepares itself as an educational site, we will be allocating appropriate staff resources to fully examine the installation of our dream for your organizational benefit. Thanks again for keeping us informed on developments.

Sincerely,

Christopher D. Hart
Director, McGaw YMCA Camp Echo
Camp Echo & The Outdoor Discovery Center
January 22, 1994

Alexander N. Graf
599 Tahoe Keys Blvd.
Tahoe Keys Village
P.O. Box 20088
So. Lake Tahoe, CA 96151

Dear Alex,

I have enclosed various informational and program description packages for your reference. I trust these will provide initial insight into our work and efforts in the field of outdoor education. As with many such dealings, I feel it is important to have background knowledge prior to consideration into future endeavors. The following is a brief outline of professional work to current positions.

After the completion of Administrative duties for a Massachusetts based YMCA camp and outdoor center, I had the pleasure to initiate the development of a new company, Back Bay Jumpers, Inc., with four colleagues in the Fall of 1989. Rooted in a philosophy of "personal development education", the company began at the creation of a universal program offering entitled the Corporate-Group Development Program (program package included for your reference). A fundamentally simple structure which allowed working groups to choose a variety of activities, ropes course elements, and seminars which focused on the enhanced of dynamics skills including communication, cooperation, and team work. The staff drew from detailed training in the field of adventure-based counseling and explored its application to a variety of audiences. The program provided a base from which all our group work continues to be defined to this day.

As our need for revenue increased, the staff researched and expanded program opportunities. Work in Adventure Tripping and Outdoor Education Center Consultation (information included in Corporate Development Package) added to our "curriculum". During the subsequent year, we were joined by Mr. Sean Proa, then Director of Nature's Classroom based in Carrollton, Ohio (program flyer included for your reference). Nature's Classroom offered a comprehensive environmental education program to the school systems of Canton and Akron, Ohio. The two companies, Back Bay Jumpers, Inc. and Nature's Classroom, began work on the creation of a private foundation, Northeastern Conservation & Education Foundation (NCEF), for fundraising and scholarship purposes. Our staff efforts turned toward the facilitation of Nature's Classroom program while the development of this structure continued and grew. Throughout these efforts, we established a consortium of talented outdoor professionals dedicated to the promotion of personal development through natural resource techniques.

I had the opportunity to fulfill a personal goal as I agreed to re-build a previously closed camping facility in 1991. While the companies continued to offer valuable programs, I found my efforts concentrated in duties as Director for the Middlesex County 4-H Camp. The success of this turn-around reinforced my interest in professional camping as I accepted my current position with the McGaw YMCA as the Director of Camp Echo and The Outdoor Discovery Center.

YMCA CAMP ECHO
Residential Summer Camp
Adventure Tripping
Leadership-In-Training

THE OUTDOOR DISCOVERY CENTER
Outdoor & Environmental Education
Adventure Tripping
Adventure-Based Counseling (Ropes Courses)
Women's Wellness Camps
Family Camping
I have included a variety of informational packages concerning Camp Echo. We have spent a great deal of time in the expansion of programs in both areas of camping and outdoor education. Operating with a yearly budget of $750,000, Camp Echo serves over 1000 summer campers and 2500 school students during operating months of April through September. Introduction of adventure-based group work focused on teenage leadership, at-risk youth and specialized populations while the Adventure Tripping Department has expanded offerings throughout the country and added local excursions for families and adults. The 460 acre facility has seen numerous capital projects funded through sustaining efforts of successful campaigns and grant opportunities. Both the Camping Brochure and Ecological Education Program packages provide insight into operations, philosophy, and skills.

The important issue is an understanding of who we are and what we can offer to your and Echo Creek. Throughout the past five years, I have been privileged to work with a variety of outdoor professionals and funders. Whether through seasonal employment or contractual services, they represent the best in this field and are eager to explore an opportunity which will allow for their growth. It is for this reason that we are interested in the Echo Creek Ranch project. My goal is to pull together professionals in Environmental Education, Adventure-Based Counseling and Group Work to an area which can sustain research and facilitation through healthy program revenue. Our efforts are focused in two areas: the purchase or leasing of Echo Creek Ranch for this project or the consideration of your organization in allowing us to build a revenue base for Echo Creek Ranch through sound program services. Both concepts are currently under consideration and we look forward to presenting some ideas to you shortly.

I hope this has provided some insight into myself, colleagues, and general interest in the Echo Creek Ranch property. I am eager to review any and all materials concerning your revised development plan. Included are also various articles in regard to our work as well as professional references in applicable work areas. A copy of my personal resume is enclosed for your benefit. I look forward to receiving your next correspondence. If possible, please include any suggestions which may guide our planning process.

Sincerely,

Christopher D. Hart
Director, McGaw YMCA Camp Echo
Camp Echo & The Outdoor Discovery Center
ECOLOGICAL EDUCATION

for School Groups

The Outdoor Discovery Center
at McGaw YMCA Camp Echo
2000 West 32nd Street
Fremont, Michigan
49412
(616) 924-0829
Welcome to

The Outdoor Discovery Center
at McGaw YMCA Camp Echo

The McGaw YMCA's Camp Echo is a residential camping facility featuring traditional summer programs, teen wilderness and leadership experiences, adventure tripping, and outdoor educational classes and courses through The Outdoor Discovery Center. Established in 1899, Camp Echo's commitment to strengthening the "body, mind, and spirit" (personal development) of all participants remains a vital component in all its offerings.

Situated on 460 acres along the shores of Long Lake in Fremont, Michigan, McGaw YMCA Camp Echo coordinates most programs from its Main Camp area consisting of 16 Cabins, each with a fireplace and screened-porch overlooking the lake, Dining Hall, Social Lodge, Health Center, four centralized Bathhouses, Arts & Crafts Center, outdoor Chapel, and Administrative Offices. The Village area provides program support with additional housing units and the Jay Johnston Tripping Center for small group meeting and dining purposes. Nestled within the Manistee National Forest, the wooded peninsula is surrounded by several miles of Nature and Horse Trails as well as wilderness sites for overnight camping experiences.

Activity areas are found throughout the Camp and include; Waterfront facilities for Swimming, Canoeing, Fishing, Sailing, Kayaking, and Water-skiing; Archery; Tennis, Basketball, and Volleyball Courts; Baseball Diamond and Field; and Horseback Riding Stables.

Specific programs are designated to benefit from the unique rewards of the Ropes Course Facility featuring Low Initiative Elements for group dynamics building and the self-belay High Element Course for related personal development work. The Kristen Kent Memorial Nature Trail allows participants the "environmental" opportunity to explore diverse natural habitats and local flora and fauna.

The Outdoor Discovery Center, entering its 16th season, was created to illustrate the direct application of out-of-doors experiences to the individual through educational methods. Featuring program offerings in Adventure-Based Counseling (Ropes Courses), Ecological Education for School Groups, Family Camping experiences, Women's Wellness Camps, and other specialized classes and courses, The Outdoor Discovery Center utilizes a diverse teaching staff to explore the true potential within all participants. Classes offer a "hands-on" approach to learning and challenges create a new way of viewing life.

We are pleased you have taken this opportunity to learn more about The Outdoor Discovery Center at McGaw YMCA Camp Echo. This package details the Ecological Education Program for school groups. If you are interested in other offerings, either at the Discovery Center or Camp Echo, please feel free to call our staff at the numbers listed below. In most cases, if you wish to find an "outdoor" program for group or personal development, our staff will work to design such an offering or point you in the right direction.

Camp Echo & The Outdoor Discovery Center
(708) 475-7400 (Winter) / (616) 924-0829 (Seasonal)
Camp Echo and The Outdoor Discovery Center are committed to the establishment of innovative outdoor educational and recreational camping programs which develop, in all persons, a healthy sense of self-worth, an understanding of human equality through cooperative interaction, and an appreciation for the natural world and environment.

The Outdoor Discovery Center features programs designed and coordinated by a professional teaching staff. Developed to serve as supplements to traditional learning models, all programs incorporate four principal goals; (1) to increase knowledge of the environment through an involvement in experiential-based, hands-on classes; (2) to provide an opportunity for group interaction and understanding through separation from a normal setting; (3) to instill an interest in learning and the out-of-doors; and (4) to provide an environment in which adults and children can work, grow, and learn together.

Ecological Education

We have chosen the term "Ecological Education" for our school group program because we feel it best defines its purpose and outcome. A discipline within the field of Outdoor Education, Ecological Education draws reference to the understanding of relations—both to one's personal and natural environment.

Outdoor Education is a subject description equivalent to that of Science, History, or Math. Whereas Science includes the disciplines of Biology, Chemistry, Physics, etc.; Outdoor Education includes "studies and experiences" in Camping, Ecological Education, Adventure Counseling, etc. Outdoor education can be defined as the use of natural resources and settings as supplements to traditional educational models. In the classroom, we use texts and exercises to provide the tools necessary for individuals to create ideas and concepts. In the out-of-doors, we use people and natural resources to teach how to directly apply these ideas and concepts. The application of thought becomes the premise behind all pursuits in Outdoor Education causing most activities to be experiential (hands-on) in nature. It is a unique learning experience involving the use of decision-making, comparing, conceptualizing and classification. Learning becomes fun, more immediate, and more stimulating leading to a carry-over into one's daily life.

The Ecological Education program uses three "activity" methods to reach the goal of "relations understanding". The "Cabin Group" experience (affective curricula) is designed to teach group dynamics and the importance of maintaining positive relationships with others in order to reach personal goals. "Discovery Center Classrooms" (cognitive curricula) offer hands-on learning opportunities where success is immediate and directly related to the generated feeling of group support. Situated in the out-of-doors, these Classrooms further instill a new understanding to the relationship between the natural environment and the individual. Finally, the "Evening Programs", and other large group activities, bring together the entire community to share in the joy of learning and gain a different perspective of teachers and peers. Summarized in the "Outdoor Educational Teaching Model" below, the entire experience leads students to an excitement about learning, growing, and life!
"Perhaps most important, we each need to assess our own relationship to the natural world and renew, at the deepest level of personal integrity, a connection to it."
Vice President Al Gore from Earth In the Balance: Ecology and the Human Spirit

Our Teaching Staff

We have come to view our teaching staff as the foundation of all Discovery Center programs. They are the energy which guides all participants and provide the inspiration essential for learning. Dedicated to work with all ages in the out-of-doors, staff are carefully chosen for maturity, caring, and the ability to provide positive leadership in a safe environment. Above all, we ask staff to simply incorporate their unique personalities into our demand for a professional teaching style.

Our staff ranges in age from 18 to 45 possessing college degrees in education or human services. International staff commonly join the Discovery Center to bring cultural diversity to the program. Required to partake in detailed training prior to each season, the Discovery Center has become a popular means by which to develop teaching techniques for future professional applications. All staff are certified in CPR and Standard First Aid and most hold current Lifeguard and other advanced certifications. The program averages a 1:10 staff/participant ratio for on-site offerings.

The staff within the Ecological Education program uses the Outdoor Educational Teaching Model to guide participants. Extensive time is taken in the development of detailed lesson plans for each classroom. Illustrated to the right, these lessons help guide the staff toward positive instruction and reinforce the "key points" to be passed on to students. Drawing from such national curriculums as Project WILD!, Project Learning Tree, and Nature Quest, staff generate lessons for approximately 25 classes seasonally covering subject materials including the arts, social sciences, mathematics, natural studies, and history.

Safety & Land Use

Safety is the essential component of all our programs. Our staff analyzes all parts of the program to ensure a rewarding experience which never compromises a students' or teachers' welfare. Gerber Memorial Hospital is located 10 minutes from Camp Echo and the White Cloud Medical Clinic is available for needed visits. Camp Echo maintains a fully equipped Health Center with visiting groups to the Discovery Center providing their own medical personnel.

Throughout all our programs, emphasis is placed upon recognition of our natural world. The fragile and pristine environment demands our care and constant attention. Low-impact camping and living techniques are taught throughout our programs and incorporate philosophies of preservation. We ask all who participate to respect this ideal.
School groups wishing to participate in the Ecological Education program typically follow this procedure:

1. Call Camp Echo to assess available dates for program.
2. Receive a Group Agreement describing dates & student/teacher numbers.
3. Plan "fund-raiser" to help defer costs of program.
4. Are visited by staff for orientation and Program Design.
5. Arrange for any additional teacher or parent meetings.
6. Receive detailed Program Schedule with Classes and adjust accordingly.

It is suggested that schools choose a 3 or 4-Day program in order to gain the most from this experience. The Program Design meeting, between our staff and your teachers, works off of a 3 or 4-Day schedule as classes, activities, and exercises are chosen according to established program goals. Our emphasis is in designing a customized program which matches current curriculum offerings and aides in building group harmony. Listed below is a typical schedule with Cabin Group, Discovery Center, and Evening Program descriptions following:

<table>
<thead>
<tr>
<th>Day 1</th>
<th>Day 2</th>
<th>Day 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30 AM</td>
<td>Wake up</td>
<td>Wake up</td>
</tr>
<tr>
<td>7:45</td>
<td>Waiters/Flag Raising</td>
<td>Waiters/Flag Raising</td>
</tr>
<tr>
<td>8:00</td>
<td>Breakfast</td>
<td>Breakfast</td>
</tr>
<tr>
<td>9:00</td>
<td>Clean up</td>
<td>Clean up</td>
</tr>
<tr>
<td>9:30</td>
<td>Cabin Groups</td>
<td>Cabin Groups</td>
</tr>
<tr>
<td>10:00</td>
<td>Arrival</td>
<td></td>
</tr>
<tr>
<td>10:30</td>
<td>Orientation</td>
<td></td>
</tr>
<tr>
<td>10:45</td>
<td>Discovery Center</td>
<td>Discovery Center</td>
</tr>
<tr>
<td></td>
<td>Classroom 1</td>
<td>Classroom 4</td>
</tr>
<tr>
<td>12:00 PM</td>
<td>Waiters</td>
<td>Waiters</td>
</tr>
<tr>
<td>12:15</td>
<td>Lunch</td>
<td>Lunch</td>
</tr>
<tr>
<td>1:00</td>
<td>Group Activity</td>
<td>Group Activity</td>
</tr>
<tr>
<td>2:00</td>
<td>Discovery Center</td>
<td>Discovery Center</td>
</tr>
<tr>
<td></td>
<td>Classroom 2</td>
<td>Classroom 5 *</td>
</tr>
<tr>
<td>3:15</td>
<td>Discovery Center</td>
<td>Discovery Center</td>
</tr>
<tr>
<td></td>
<td>Classroom 3</td>
<td>Classroom 6 *</td>
</tr>
<tr>
<td>4:30</td>
<td>Cabin Groups</td>
<td>Discovery Center</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Classroom 7 *</td>
</tr>
<tr>
<td>5:45</td>
<td>Waiters</td>
<td>Waiters</td>
</tr>
<tr>
<td>6:00</td>
<td>Dinner</td>
<td>Dinner</td>
</tr>
<tr>
<td>7:00</td>
<td>Group Activity</td>
<td>Group Activity</td>
</tr>
<tr>
<td>7:45</td>
<td>Campfire &amp; Night Hikes</td>
<td>Evening Program &amp; Campfire</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9:30</td>
<td>Snacks</td>
<td>Snacks</td>
</tr>
<tr>
<td>10:00</td>
<td>Bedtime</td>
<td>Bedtime</td>
</tr>
</tbody>
</table>

Scheduled items represented in BOLD are to chosen by schools and conducted by Discovery Center staff. * This period may be substituted with the Living History program.

"The Outdoor Discovery Center staff was superb - energetic, enthusiastic, knowledgeable, and prepared!"
Jeff Peterson, NBC Middle School Teacher
CABIN GROUP ACTIVITIES

The Cabin Group experience is a fundamental component to the Ecological Education program. Each student is placed within a "cabin group" (typically defined as where they are living) by the visiting school prior to arrival. These groups, comprised of 8-12 students, are each assigned to one member of the Discovery Center staff (to a maximum of 16) who guides both students and teacher/adult chaperones through the activities. Each Cabin Group period works to build the structure of the group as students and teachers work on the fundamental skills of teamwork, communication, trust, and problem-solving. The Nature Trail group activity interprets social skills to the natural environment and the cooperative living atmosphere is constantly reinforced to strengthen this understanding. The goal is to generate a smaller support group of peers and adults who become directly linked to the successes each student finds in all activities and classes.

New Games
Low Ropes Course
Krisien Kent Memorial Nature Trail
High Ropes Initiative Course
Recreational Games

DISCOVERY CENTER CLASSROOMS

All classes at The Outdoor Discovery Center are experiential in nature and represent a variety of academic disciplines. Uniquely tailored by the talents of the staff, classrooms are out-of-doors learning experiences which involve the "ecological" concepts of understanding a person's relationship to both natural and man-made surroundings (i.e. home, school, work). Some classes are recreational in nature allowing for a novel challenge and the immediate rewards of accomplishment. Offerings change seasonally and schools are encouraged to provide insight into their curriculums in order that Discovery Center classes might build upon that work. This use of these practical experiments and exercises shows students that curiosity is the quest for knowledge and participation leads to its acquisition. In essence, ecological education creates a reverence for both the full educational process and for life.

Boating & Canoeing
Natural Arts & Crafts
Pond Study
Forestry Management
Botany
Birds & Habitats
Animal Tracks
Orienteering
Outdoor Living Skills
Poetry
Basket & Candle Making
Mathematics
Ecosystems

Prairie Wildlife
Evolution in the Rain Forest
Decomposition
Gardens & Farming
Human Impact Studies
Water Quality Studies
Michigan History
Nature Music
Beginner Archeology
Creative Writing
Fields & Wildflowers
Archery

Schools may wish to request a detailed listing of Classrooms and Cabin Group Activities content in order to accurately assess needs for their students. Statistical information in regard to student performance following an "outdoor education experience" is also available.
PROGRAM AREAS for GROUP ACTIVITIES

A school's Program Schedule will include "Group Activity" periods at least once a day. These are periods which we ask school teachers and adult chaperones to coordinate in order to allow Discovery Center staff time to prepare for upcoming classes. Program Areas are available for your use throughout the facility and equipment is supplied where needed. Restrictions due apply in terms of Waterfront areas, however, arrangements can be made for appropriate coverage by staff lifeguards.

Basketball
Tennis
Baseball/Softball
Volleyball
Soccer
Swimming
Sailing
Archery
Riflery
Arts & Crafts
Canoeing & Boating

EVENING & SPECIAL PROGRAMS

The availability of designed Evening Programs compliments the program and serves to bring each day to an appropriate close. Designed to bring the entire community together in a spirit of fun and interaction, this time period allows for students to see teachers outside of the traditional school setting (and vice versa). The Living History, an afternoon spent in actual re-creation of a significant historical event, is an example of Special program which can add to an already rewarding experience. Both offerings allow for previous individual accomplishments to be translated to the entire group leaving each student with the sense that there are people in this world who truly care about them and want them to succeed.

Campfire & Night Hike
Discovery Mixer
Skit & Talent Show
Alpha Beta
Environmental Hearings
Living History

"To peer into the eye's of a child in wonderment of Nature ... There is nothing I as a teacher can do to match that lesson."

- Outdoor Discovery Center Staff
School groups should clearly understand the policies and guidelines which will apply to their stay at The Outdoor Discovery Center of McGaw YMCA Camp Echo:

* Adequate cabin chaperones for youth, plus specified program leadership in Group Activities, are the sponsoring group's responsibility. Discovery Center staff is considered "off-duty" upon completion of the evening "Snack" period. Chaperones may be teachers, adult parents, or high school students chosen for leadership abilities.
* Camp Echo does not carry health or accident insurance for participants. An UNSTAFFED Health Center is available on the property and more serious problems can be attended to at Gerber Memorial Hospital. The charges for services at these facilities are the responsibility of the participant or the sponsoring group. It is required that groups bring their own qualified medical personnel.
* Consumption of alcoholic beverages or drugs while at Camp Echo is prohibited.
* All cars must be kept in the designated parking area and traffic in and out of the facility should be kept to a minimum. Buses and/or vans carrying students will be directed by staff to appropriate locations for drop-off or pick-up.
* Smoking is prohibited on the general grounds and adults will be instructed to designated areas on property.
* All persons in boats are required to wear a PFD (lifejacket).
* All Waterfront activities must be supervised by a designated YMCA aquatic supervisor.
* Camp Echo & The Outdoor Discovery Center reserve the right to use the site and facilities for more than one group at a time. Camp Echo further reserves the right to conduct facility expansion, renovation, or construction during a group's stay. We will endeavor to make everyone's stay comfortable during such periods.

The following policies apply to program fee payment and billing:

* All groups will be charged at least the minimum number of students indicated on the Group Agreement.
* Groups are responsible for damages to the property and facilities and the cost of repairs will be billed to the group.
* We ask that everyone strive to leave the facility as found.
* A $100.00 non-refundable deposit is required to reserve your program date(s).
* Groups will be billed for half the balance to be paid by February 1.
* Groups will be billed for remaining balance immediately following their experience.

Further restrictions, policies, and guidelines may apply. Please read over the Group Agreement carefully before signing and feel free to call with any questions.
Onsite Activities

Arts & Crafts
Depending on the desires of the group, local instructors in various arts and crafts will be engaged to provide instruction in weaving, pottery, etc.

Computer Learning
A small computer learning center will be available for persons onsite who may wish to use a computer. Although probably not frequent, there may occasionally be a class given in some aspect of computers.

Tahoe History/Lectures/National History & Geology
The Lake Tahoe Historical Society and various knowledgeable members of the community may be invited to present a history perspective on Lake Tahoe, early history, including Washoe Indians, explorers, early settlers and the Comstock.

Bicycling
Groups of up to 15 people can easily bicycle on the gated-off portion of Meyers Grade or bike from the site to established bicycle trails such as the Meyers bicycle trail which can take them in the city of South Lake Tahoe. If they wish to do mountain biking there are established mountain bike trails accessible within several miles of the site including Mr. Toad’s Wild Ride, the Saxon Creek Trail and the Powerline Ride.

Environmental Awareness Lectures
From time to time, local environmental educators from the U.S. Forestry Service, Community College, TRPA, etc. will be invited to share their knowledge of Lake Tahoe’s environment, past, present and future.

Archery
A temporary archery range can be provided with equipment and instruction on an as needed basis. A multi-purpose court area will be the probable site location for this activity.

Roller Blading (skating)
Can utilize the circular roadway area on site, as well as utilizing the gated portion of Meyers Road adjacent to the site.

Music
For evening activities such as sing-alongs, camp members or local guest musicians may be invited to lead campfire or indoor musical activities. A Karioki machine may also be provided to inspire camp sing-alongs.
Tetherball & Volleyball
These activities are provided for on the designated volleyball court and multi-purpose court areas.

Camp Skills
Since a good deal of the operating days of the camp will likely be used by Youth Groups such as the Girl Scouts, Boys & Girls Clubs, etc., camp skills will be taught in a designated area by group instructors.

Cross Country Skiing
Some limited onsite cross-country skiing for initial instructional purpose can be done onsite. However, near site designated cross-country and snow play areas will be more appropriate and challenging for extended day use. Shuttle service is available to groomed cross country ski areas at Richardson's Beach and Kirkwood Ski area.

Camp Socials/Square Dancing/Fellowship Activities/Talent Shows/Special Events/Movies/Theme Nights/Entertainment/Ranch Style Barbecues
All of these activities will be planned according to the needs of the various groups and be held in the main lodge or main lodge rear deck.

Swimming/Water Polo/Aquathermics/Scuba Diving Classes/Red Cross Certification
These are all activities which will initially be focused at the onsite swimming pool, and perhaps later applied at offsite recreation areas, eg. swimming, scuba diving in Lake Tahoe. Depending on the needs of the groups, various instructors or coaches can be provided.

Exercise Classes
If desired by the group, indoor and outdoor exercise and fitness classes can be offered. The main lodge provides for a fitness center which includes fitness machines, free weights, and sauna/steam rooms.

Fishing
Fishing activities may be conducted onsite in Echo Creek, or by hiking or shuttle to several other near site lake and stream locations.

Horseshoes/Tennis/Basketball
These activities and related equipment are provided for on or adjacent to designated multipurpose courts.
Orienteering/Mountaineering/Hiking/Backpacking
Instruction and short courses in the listed activities can be provided on site. Hiking and backpacking expeditions can originate from the site since it is located within a 2 mile hike of the Pacific Rim Trail accessing a wide variety of other trails, lakes and outdoor experiences. After initial onsite instruction by Able Mountaineering, campers may be shuttled offsite to Lover's Leap for further mountaineering practice, or to prepared challenging day long orienteering courses.

Ping-Pong/Billiards/Other Indoor Recreation
During the evening or in the event of bad weather, equipment for indoor activities will be provided in the main lodge. The above is a short list of some of the indoor recreation possibilities.
Offsite Activities

Sportfishing/Lake Tahoe Water Tours/Jet Skiing/Para-Sailing/Wind Surfing/Sailing/Rowing/Canoeing/Kayaking/Water Skiing
These activities are available at a number of locations, some provide shuttle service such as Camp Richardson, Ski Run Marina and Zephyr Cove Marina, others such as Lower Echo Lake and Fallon Leaf Lake may be accessed by hiking, biking or camp shuttle.

Bowling
Evening bowling activities can be provided at Tahoe Bowl. Campers will be transported by camp shuttle buses.

Rafting
Rafting activities can be accommodated on the Truckee River at the north end of Lake Tahoe. This might be combined with a shuttle drive around Lake Tahoe, or perhaps a water shuttle across Lake Tahoe.

Horseback Riding/Hayrides
Stables providing the above activities are as close as 2 miles from the site, with several others in the general vicinity, including Camp Richardson which provides its own shuttle.

Winter Alpine Skiing
The site is centrally located to 3 ski resorts (Heavenly, Kirkwood and Sierra-At-Tahoe) all of which provide shuttle service and special group rates, lessons, etc. Also Squaw Valley has agreed to provide shuttle service.

Snowmobiling
There are organized snowmobile courses located as close as 1 mile from the site. Lake Tahoe Winter Sport and Zephyr Cove Snowmobiling can provide shuttle service to their various locations.

Cross-Country Skiing/Snow Play Areas
Shuttle service for groups is available to several areas including Camp Richardson and Kirkwood.

Golfing
Lake Valley Golf Course and the Meyer’s Golf Course are located within 1 1/2 miles of the site. Camp shuttles will be used to transport campers to the golf areas.

Historical/Nature Tours
A variety of historical and nature tours are available through the U.S. Forestry Service such as Valhalla, stream profile chamber, etc in the Camp Richardson area. Can be accessed by Camp Richardson shuttle, beach bus or camp shuttle. Other points of interest may be reached by camp shuttle or special arrangement with Lake Tahoe Tour Company. Lake Tahoe Tour Company does special tours to
Virginia city, the Ponderosa Ranch and elsewhere.

Technical Climbing
Able Mountaineering can provide instructions, climbing experience and shuttle to climbing sites for small groups.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: McDonnell Pier Extension

Application Type: Shorezone

Applicant: Dennis McDonnell

Applicant's Representative: Paul Kaleta/Basin Strategies

Location: 853 Stateline Avenue, El Dorado County

Assessor’s Parcel Number: 29-010-02

Agency Staff: Jim Lawrence, Associate Planner

Staff Recommendation: Staff recommends approval of the project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant proposes to add a 45 foot pier extension to a legally existing 89 foot long pier. The proposed project will extend the pier to lake bottom elevation 6220', which is the TRPA pierhead line for this area. The pier extension will also include a boatlift and a 3 foot by 45 foot catwalk. The design of the pier will be such that the height of the deck can be adjusted to just above lake level. The project also involves scenic quality mitigation which includes modifications to the existing retaining wall to reflect a natural slope and landscaping to screen the residence and retaining wall.

Site Description: The site is located in the stateline area and is in an area that is mapped and verified as marginal fish habitat. The nearshore and foreshore consists primarily of a sandy substrate. The project area consists of one parcel (APN 29-010-02) which is occupied by one single family dwelling and one guesthouse. Adjacent uses to the south and east are residential and Edgewood Golf Course is adjacent to the north.

Issue: The proposed project involves the expansion of a non-conforming pier (based on TRPA setback requirements) and a special use determination, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is scenic quality.

The proposed project is visible from Scenic Shoreline Unit 31, Bijou, which is in attainment with the TRPA scenic thresholds. To mitigate the proposed 45 foot pier extension, the applicant is proposing modifications to the existing retaining wall which will more closely match adjacent shoreline conditions. In addition, the applicant is also proposing landscaping to help screen the wall and the residence. Staff has reviewed the proposed mitigation measures and determined that they are adequate to mitigate the scenic impacts of the proposed pier extension and boatlift.

AGENDA ITEM VII.B

JL
7/12/95
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 89, Lakeside Park. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the applicable plan area statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. Piers are listed as a special use in the applicable Shorezone Tolerance District (Shorezone Tolerance District 1).

C. **Land Coverage:**

1. **Land Capability District:**
   
   The land capability district of the project area is Class 1b. The total project area is 97,609 square feet.

2. **Existing Coverage:** 14,574 square feet

3. **Proposed Coverage:** 14,754 square feet

4. **Allowed Coverage:** 976 square feet

5. **Excess Coverage:** 13,598 square feet

6. **Coverage Mitigation:** The applicant will be required to mitigate any existing excess coverage by paying an excess coverage mitigation fee or by reducing existing coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances.

D. **Shorezone Tolerance District:** The subject parcel is located within Shorezone Tolerance District 1. The project, as conditioned, complies with the shorezone tolerance district standards. The standards for this shorezone tolerance district requires that vegetation shall not be manipulated or disturbed and that access shall be restricted to planned footpaths. There exists one footpath to the shoreline that will remain unchanged. There will not be any disturbance of existing vegetation and additional vegetation will be planted.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, 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 present use (single family dwelling) of the subject parcel is an allowed use within the applicable plan area. The proposed project involves the expansion and modification of existing accessory structures (pier and shoreline protective structure) that are listed as a special use. The expansion/modifications will bring the structures into conformance with TRPA development standards. The project is consistent with the Land Use Element of the Regional Plan.

   (b) Transportation: The pier will be used by the owners of the existing residence and, as such, will not result in an increase in vehicle miles traveled (VMTs) and daily vehicle trip ends (DVTEs).

   (c) Conservation: The project, as conditioned, is consistent with the fisheries,shore zone, and scenic subelements of the Conservation Element of the Regional Plan. The applicant is proposing modification to the shoreline protective structure which will blend the structure more closely to adjacent shoreline conditions. In addition, the applicant is proposing landscaping to screen the protective structure and the residence. TRPA staff has reviewed the proposed scenic mitigation measures and determined that they are adequate to mitigate the 45 foot pier extension and boatlift. The project is consistent with the shorezone tolerance district. Fisheries are discussed further in Finding 7, below.

   (d) Recreation: The proposed pier extension will not extend beyond the TRPA pierhead line and is consistent with other piers in the vicinity. Thus, the extension will not interfere with recreational access.

   (e) Public Service and Facilities: The project does not require additional public services or facilities.

   (f) Implementation: The proposed project does not require any allocations of development.

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 involves a 45 foot extension to an existing pier. The proposed length of the pier is consistent with other piers in the vicinity.

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 includes the installation of both temporary and permanent BMPs to protect water and air quality. The pier will not extend beyond the TRPA pierhead line and is consistent with other piers in the vicinity. Thus, the extension should not create a hazard to navigation or recreation.

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 pier expansion is consistent with the length of other piers in the vicinity and will not extend beyond the TRPA pierhead line. The project is not located within a community plan, or specific or master plan area.

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

The proposed project will not have an impact on littoral processes because the project does not involve a structure that is less than 90 percent open. The proposed project is not located within an area that is mapped as on-shore wildlife habitat or fish spawning habitat. Based on the IEC that was submitted, staff has determined that the project will not impact fish habitat, littoral processes, backshore stability, or on-shore wildlife habitat.
8. **There are sufficient accessory facilities to accommodate the project.**

The pier is located offshore of property occupied by a single family residence. The pier will only be used by the owners of this property, and the property has adequate parking and access to accommodate the pier.

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

The project is compatible with other accessory uses (piers and buoys) in the vicinity. The pier extension will not extend beyond the TRPA pierhead line.

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

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

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

This approval prohibits the use of spray painting and the use of tributyltin (TBT). Hazardous materials will not be permitted to be stored on the pier.

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

The applicant shall not be permitted to store construction materials on the beach. The construction of the pier will be done from the lake, by barge.

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

The pier will not extend beyond the TRPA pierhead line and the proposed length is consistent with the length of other piers in the vicinity and, as such, impacts to navigation are not expected. The project also must be reviewed by the U.S. Army Corps of Engineers and the California State Lands Commission, who make their own public safety findings in addition to TRPA's.

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

This project must receive approval from the U.S. Army Corps of Engineers, the California State Lands Commission and the AGENDA ITEM VII.B

7/12/95
California Department of Fish and Game. Comments from the above agencies were solicited as part of the review of this project. No negative comments were received.

15. **The expansion decreases the extent to which the structure does not comply with the development standards and/or improves the ability to attain or maintain the environmental thresholds.**

As existing, the only development standard that the pier does not comply with is the TRPA 5 foot side setback standard for existing piers. The project involves relocating the pier to conform to this standard. After project completion, the pier will conform to all development standards for piers.

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

The conditions of approval insure that all BMPs requiring upgrades or installation will take place.

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

Conditions of approval will ensure that the color of the pier will be earthtone and will blend with the surroundings.

18. **The structure has not been unserviceable for more than five years.**

The pier has been continually serviceable.

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**F. Required Actions:** Agency staff recommends that the Governing Board approve the project by making the following motions 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:

A. **The Standard Conditions of Approval listed in Attachment S.**

B. **This permit is for a 45 foot pier extension, 3 foot by 45 foot catwalk and one single boatlift.** The permitted pier shall not extend beyond the TRPA pierhead line (lake bottom elevation 6220’). The deck of the pier shall be adjustable with lake level. The permittee shall ensure that the pier deck does not extend greater than 3 feet above the lake level and at no time shall the pier be lowered below lake levels.

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

1. The security required under Standard Condition A.3 of
Attachment S shall be equal to 110 percent of the cost for installation of all scenic quality mitigation and required BMPs. The permittee shall submit cost estimates for the scenic mitigation and BMPs. Please see Attachment J, Security Procedures.

2. The permittee shall mitigate excess land coverage within the project area by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 4.

The excess coverage mitigation fee shall be calculated as follows:

Estimated Construction Cost x .025

Please provide a construction cost estimate by your contractor, architect or engineer.

3. The permittee shall submit a pier mitigation fee of $1,850 for the construction of 45 feet of new pier and the installation of a new boatlift.

4. The applicant shall submit a construction schedule prior to commencement of construction. The schedule will identify dates for the following: when installation of temporary erosion control structures 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.

5. The permittee shall submit a landscaping/screening plan, to be approved by TRPA, for the screening of the shoreline protective structure and residence.

6. The permittee shall submit a construction plan, narrative and methodology for the improvements to the shoreline protective structure and pier. The construction plan, narrative and methodology shall be approved by TRPA prior to acknowledgment of this permit.

7. The permittee shall submit to TRPA color and material samples for the pier and boatlift. All colors and materials for the pier shall be approved by TRPA prior to acknowledgment of this permit.

8. The applicant shall submit a maintenance agreement to TRPA for the landscaping improvements. The maintenance agreement shall include language to ensure establishment and survival of all landscaping used for mitigation for the pier extension.
9. The applicant shall submit 3 sets of final construction drawings and upland site plans to TRPA.

D. None of the pilings shall extend beyond the height of the pier deck.

E. Spray painting and the use of tributyltin (TBT) is prohibited.

F. Storage of construction materials shall be prohibited on the beach or within 50 feet of the beach bluff.

G. 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.

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

I. 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 and deposited only at approved points of disposal.

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

K. The applicant shall arrange for a post-construction meeting within 30 days of the project completion date. The purpose of the meeting will be to review any impacts to scenic quality as a result of the adjustable pier and proposed modifications to the shoreline protective structure. Permit condition "B" may be modified by TRPA depending upon the scenic impacts of the adjustable pier.

L. 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.

M. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters.

N. Cassions shall be installed for the construction of the pier pilings.
O. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
July 12, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Chapter 95, Rental Car Mitigation Program, for CPI Adjustment

PROPOSED ACTION: The proposed action is to adjust the rental car mitigation fee to account for inflation.

STAFF RECOMMENDATION: TRPA staff recommends that the Governing Board adopt the proposed Code amendment.

APC RECOMMENDATION: The APC conducted a public hearing and voted unanimously (14 members present) to recommend adoption of the amendment. The Douglas County representative abstained from voting.

PROPOSED AMENDMENTS: The proposed amendment is:

95.3 Mitigation Fee: Beginning December 1, 1993, each rental transaction in which the rental car is rented by, or delivered to, a person in the Tahoe Region, shall be assessed a mitigation fee in the amount of $4 for each day of the rental transaction. Beginning December 1, 1995, the foregoing mitigation fee shall be increased by twenty-five cents to $4.25 for each day of the rental transaction. The mitigation fee shall be separately stated in the rental agreement covering the transaction. Drop-off of the rental car outside the Tahoe Region shall not be cause for exemption from payment of the fee. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco Region, rounded to the nearest quarter-dollar.

DISCUSSION: The rental car mitigation fee was not adjusted in 1994 because the CPI did not result in a large enough increase to round off the fee to $4.25. After two years, it is now appropriate to increase the fee by $.25 (twenty-five cents) based on .02% inflation for April 1993 to April 1994 and 2.36% inflation from April 1994 to April 1995. These inflation factors equate to a 3 cent increase for 93-94 and a 10 cent increase for 94-95. Pursuant to the Code, these two increases are then rounded off to the nearest quarter-dollar.

Attached is a letter from the attorneys for the Car and Truck Renting and Leasing Association of California (CATRALA) commenting on the methodology for future CPI increases.

AGENDA ITEM NO. VIII.A.

Planning for the Protection of our Lake and Land
ENIRONMENTAL DOCUMENTATION: Because of the nature of the amendment, staff recommends a finding of no significant effect.

FINDINGS: The required Chapter 6 findings and rationales are as follows:

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 CPI increase is mandated by the Code and the amendment is required to maintain the effectiveness of the rental car mitigation fee.

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

Rationale: The CPI adjustment to the rental car mitigation fee, by its nature, will not cause the thresholds to be exceeded.

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

Rationale: See Finding 2, above.

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 CPI adjustment will maintain the effectiveness of the rental car mitigation fee and therefore will assist in the achievement and maintenance of the thresholds.

ACTION REQUESTED: To adopt the proposed amendment the Governing Board must take the following actions:

1. A motion for a finding of no significant environmental effect and the Chapter 6 findings set forth above; and

2. A motion to adopt the attached ordinance.
July 11, 1995

VIA FACSIMILE

Members of Advisory Planning Commission
Tahoe Regional Planning Agency

Re: Amendment of Chapter 95, Rental Car Mitigation Program, For Consumer Price Index Adjustment

Dear Commission Members:

On behalf of our client, the Car and Truck Renting and Leasing Association of California (CATRALA) which represents the car rental companies operating in the Tahoe Basin, we submit these comments on the proposed amendment of Chapter 95, Rental Car Mitigation Program, scheduled for public hearing before the Commission on July 12, 1995. The proposed amendment of Chapter 95 increases the mitigation fee based on the annual change in the Consumer Price Index for the San Francisco region (CPI), rounded to the nearest quarter-dollar.

Our concerns center on the method to be used for calculating the mitigation fee for subsequent years. In order to keep the adjusted mitigation fee in line with the CPI over time and to avoid inequitable results, the increase in the mitigation fee must always be calculated with reference to the CPI of April of the base year, 1993.

The need for this method of calculation can best be demonstrated by way of calculation of the mitigation fee under various scenarios. We begin with the calculation of the mitigation fee increase currently under consideration, covering the period April 1993 to April 1995. (Note that this two-year period, 1993-95, was used by TRPA staff because the change in CPI was not sufficient in either year alone to trigger a 25 cent increase.) From April 1993 to April 1995, the CPI for San Francisco region has increased from 146.8 to 151.5, a change of 3.2%. Multiplying the $4.00 mitigation fee by 3.2% results in an increase of 12.8 cents. Rounding 12.8 cents to the nearest quarter-dollar results in an increase in the mitigation fee of $.25, to $4.25.
Next we look at the effect of each of two possible methods of calculating the mitigation fee increases in subsequent years. The first method uses the then-current mitigation fee as the base for adjustment, and looks only to the incremental change occurring in the CPI for the past year. The second method uses the 1993 CPI as the point of reference, and adjusts the mitigation fee from the $4.00 base year level.

For the first method, assume that from April 1995 to April 1996 the inflation rate is 3.2% (i.e., the CPI for the San Francisco region increases from 151.5 to 156.3). Multiplying the then-current mitigation fee of $4.25 by 3.2% translates to an actual increase of 13.6 cents. Rounding to the nearest quarter-dollar would again increase the mitigation fee by $0.25 to $4.50. This would result in a 50 cent increase in the mitigation fee, while the actual, unrounded increase is only 26.4 cents (12.8 plus 13.6) for that same time period. If this same rate of inflation occurred for several years, the mitigation fee would be grossly out of line with the actual increase in CPI for that time period, a most inequitable result for the affected car rental customers. Indeed, the result is particularly unfair in light of TRPA's decision to calculate the mitigation fee adjustment on the basis of the cumulative rather than annual change to the benchmark CPI.

On the other hand, it would be fair for all concerned if the CPI for April of the 1993 base year were consistently used as the point of reference for each calculation, the second method noted above. Assume the same rate of inflation, 3.2%, for April 1995 to April 1996, and the corresponding CPI of 156.3 for April 1996. The inflation rate is then calculated as a percentage change in the CPI from 1993, or 6.5%. Multiplying the base year mitigation fee of $4.00 by 6.5% results in a cumulative total increase of 26 cents. The mitigation fee would again be rounded to the nearest quarter-dollar, or $4.25. In a subsequent year, when the cumulative total CPI increase measured from 1993 reaches 37.5 cents, the mitigation fee would be rounded up to $4.50. Using this method, the rounded mitigation fee is always within 12.5 cents of the actual increase.
CATRALA therefore respectfully requests the Commission adopt the method of calculating mitigation fee increases that uses the April 1993 CPI as the point of reference and adjusts from the $4.00 base year level, the second method noted above.

CATRALA also wishes to underscore its support of the requirement in the Rental Car Mitigation Program that the mitigation fee be rounded to the nearest quarter-dollar, for ease of administration. The solution is not to delete the rounding requirement, but to calculate the mitigation fee increases in an equitable manner.

We thank you for your consideration of our comments.

Very truly yours,

[Signature]

BARRBARA L. BERG

cc: Susan Scholley, TRPA
    Cindy Nettle, CATRALA
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 95-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, OF THE
TAHOE REGIONAL PLANNING AGENCY; AMENDING CHAPTER 95 OF THE
CODE OF ORDINANCES RELATING TO ADJUSTMENT OF THE RENTAL CAR
MITIGATION FEE; AND PROVIDING FOR OTHER MATTERS PROPERLY
RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as
amended, by amending Chapter 95 of the Code of Ordinances to increase
the rental car mitigation fee due to inflation, in order to further
implement the Regional Plan pursuant to Article VI(a) and other
applicable provisions of the Tahoe Regional Planning Compact.

1.20 The Advisory Planning Commission ("APC") conducted a hearing and
recommended adoption of the amendment. The Governing Board has also
conducted a noticed public hearing on the amendment. Oral testimony
and documentary evidence were received and considered.

1.30 The proposed amendment has been determined not to have a significant
effect on the environment and is 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.

1.50 The amendments adopted by this ordinance continue to implement the
Regional Plan, as amended, in a manner that attains and maintains the
environmental thresholds 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 95 of the Code

Section 95.3 is hereby amended by the addition of the underlined
language as follows:

95.3 Mitigation Fee: Beginning December 1, 1993, each rental transaction
in which the rental car is rented by, or delivered to, a person in
the Tahoe Region, shall be assessed a mitigation fee in the amount
of $4 for each day of the rental transaction. Beginning December 1,
1995, the foregoing mitigation fee shall be increased by twenty-five
cents to $4.25 for each day of the rental transaction. The
mitigation fee shall be separately stated in the rental agreement
covering the transaction. Drop-off of the rental car outside the
Tahoe Region shall not be cause for exemption from payment of the fee. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco Region, rounded to the nearest quarter-dollar.

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 the amendment adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance or the amendment shall not be effected. For this purpose, the provisions of this ordinance and the amendment are hereby declared severable.

Section 4.00 Effective Date

This ordinance shall become effective 60 days after its adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 26, 1995, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John C. Upton, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

July 12, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Final EIR/EIS for the South Tahoe Public Utility District (STPUD) A-Line Pipeline Relocation Project

On July 3, 1995, a copy of the Final EIR/EIS for the South Tahoe Public Utility District (STPUD) A-Line Pipeline Relocation Project was mailed to you. The 60-day public comment period began on April 7, 1995 and concluded on June 7, 1995.

The Final EIR/EIS contains comments received during the public comment review period and written responses to those comments. On July 12, the Advisory Planning Commission held a public hearing regarding the technical adequacy of the Final EIR/EIS. The APC voted unanimously to recommend to the Governing Board that the Final EIR/EIS be certified. TRPA and STPUD staff will present the Final EIS at the July 26, 1995 Governing Board meeting for certification.

TRPA staff has tentatively scheduled the project (Alternative IV) for Governing Board approval (consent calendar) for the August Governing Board meeting. If you have any questions or comments regarding this matter please contact Rick Angelosci of the TRPA staff at (702) 588-4547.
MEMORANDUM

July 13, 1995

To: TRPA Governing Board Sitting as the Regional Transportation Planning Agency

From: TRPA Staff

Subject: Public Hearing on Unmet Transit Needs for Placer County and El Dorado County

Proposed Action: To review those unmet transit needs attached hereto and presented at the Governing Board meeting, hold a public hearing to gather public input, and make a finding that there are unmet transit needs that are reasonable to meet in both El Dorado County and Placer County.

Staff Recommendation: Based on the transportation needs identified in the Regional Transportation Plan - Air Quality Plan and considering all available information, including that presented at previous unmet transit needs workshops and public hearings held in El Dorado and Placer Counties, staff recommends, pending closure of the unmet transit needs hearing, the Governing Board adopt the attached resolutions, finding that there are unmet transit needs that are reasonable to meet in El Dorado and Placer County.

Discussion: TRPA, acting as the designated Regional Transportation Planning Agency for the California portion of the Tahoe Region, is responsible for administering the Transportation Development Act (TDA) for the Region. These responsibilities include annually determining whether there are unmet transit needs within the jurisdiction of the counties within the California portion of the Region, and to determine whether those needs are reasonable to meet.

The Transportation Development Act requires the Regional Transportation Planning Agency to establish a citizen participation process appropriate for each region. This process shall include provisions for at least one public hearing. This hearing was noticed in advance through publication in a newspaper of general circulation and serves as the primary vehicle for the citizen participation process.

The TDA also requires that prior to making any allocation not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles, the transportation planning agency shall do all of the following:

1. Consult with the social services transportation advisory council.

/bkm

AGENDA ITEMS IX.A & IX.B

Planning for the Protection of our Lake and Land
2. Identify the transit needs of the jurisdiction which have been considered as part of the transportation planning process.

3. Identify the unmet transit needs of the jurisdiction and those needs that are reasonable to meet. The transportation planning agency shall hold at least one public hearing for the purpose of soliciting comments on the unmet needs that may exist within the jurisdiction and that might be reasonable to meet. The transportation planning agency shall adopt definitions for the terms "unmet transit needs" and "reasonable to meet."

4. Adopt by resolution for the jurisdiction, after consideration of all available information, a finding of either:

   A. There are no unmet transit needs; or

   B. There are no unmet transit needs that are reasonable to meet; or

   C. There are unmet transit needs, including needs that are reasonable to meet.

Section 99401.5(c) of the TDA states that when making the finding of whether there are unmet transit needs and whether those needs are reasonable to meet, the fact that an identified transit need cannot be fully met based on available resources shall not be the sole reason for finding that a transit need is not reasonable to meet. The determination of needs that are reasonable to meet shall not be made by comparing unmet transit needs with the need for streets and roads.

Section 99401.5(e) of the TDA states that if the transportation planning agency adopts a finding that there are unmet transit needs, including needs that are reasonable to meet, then the unmet transit needs shall be funded before any allocation is made for streets and roads within the jurisdiction. If the finding is inconsistent with the regional transportation plan, then the transportation planning agency shall resolve the inconsistency by timely amendment to the plan.

TRPA approved its definitions of "unmet transit needs" and "reasonable to meet" by adoption of Resolution 86-4. These definitions are as follows:

**Unmet Transit Needs:** Those public transportation improvements identified for implementation in the claimant's jurisdiction during the first five-year phase of the Transportation Element of the Regional Plan.

**Reasonable to Meet:** New, expanded or revised transportation service to the public that offers equitable access, can be implemented within the first five-year phase of the Transportation Element of the Regional Plan, and is technically feasible, would be accepted by the community, can be funded within the five-year time period and is cost-effective.
Consistent with the TRPA's adopted definition of unmet transit needs, staff previously identified the following public transportation projects and programs in the RTP-AQP which are programmed for implementation by either El Dorado or Placer County, the City of South Lake Tahoe, or the TTD during the next five years:

1. Transit service to residential neighborhoods which currently are not served by public transit with either fixed route, feeder, demand-responsive services, or a combination of such services (El Dorado, Placer, CSLT).

2. Development of a multi-modal transportation center in the South Stateline area and transportation centers at Tahoe City, Kings Beach and the North Stateline area (Placer, CSLT).

3. Transit service to be offered 24 hours per day in the South Shore and 18 hours per day on the North Shore (EL Dorado, Placer, CSLT).

4. Visitor shuttle services in the South Shore visitor core area and in the North Shore commercial areas (Placer, CSLT).

5. Demand-responsive, or similar public transportation services, which will provide a basic level of service to lower density residential areas (El Dorado, Placer, CSLT).

6. Transit services to the Lake Tahoe Airport (CSLT).

7. Public transportation services to beaches, campgrounds, scenic areas and trail heads during the summer season between Memorial Day and Labor Day (El Dorado, Placer, CSLT).

8. Transit passenger shelters at beaches and major transit stops (El Dorado, Placer, CSLT).

9. A maintenance facility for the TART system (Placer).

10. Transit service connecting the North and South Shore areas of the Region along both east and west shores during the summer months between Memorial day and Labor Day (El Dorado, Placer).

11. Summer excursion bus service for around the Lake travel on hourly headways (TTD).

12. Connecting transportation services between the Tahoe Region to transportation facilities in Truckee and Reno (TTD, Placer).

13. Public transportation services between the Tahoe Region and surrounding residential areas adjacent to the Region (TTD, Placer).

14. Free-fare transit for transit services within the Region on peak season weekends and holidays (El Dorado, Placer, CSLT).

16. Specialized transportation services to the elderly and handicapped transit dependent residents of the Region (El Dorado, Placer, CSLT).

17. Full accessibility of all public transportation facilities to the handicapped (El Dorado, Placer, CSLT).

At the unmet transit needs hearings conducted by the RTPA in June 1992, several additional transit issues were identified. These are summarized as follows:

1. Year-round bus service in the Kings Beach, Tahoe City and Truckee triangle should be provided.

2. More frequent bus service in the early morning and late evening in Incline Village.

3. Bus service along California S.R. 267 is needed between Kings Beach and Truckee to Northstar.

4. Satellite parking to allow skiers to use buses.

5. A dedicated bus lane along California S.R. 89 between Tahoe City and Truckee.

6. Better access from the Region to air transportation in Reno.

7. Improved rail service between San Francisco and Reno with a transit connection to Tahoe.

8. A ferry or water transit system between the north and south shores of Lake Tahoe.

9. Early morning shuttle service between the Tahoe City and Kings Beach areas to Squaw Valley and other ski resorts.

10. Longer service hours, increased range, and shorter headways on TART.

11. Not enough buses are available in El Dorado County to pick up passengers when they need to be picked up.

12. Multiple pick-ups often create a ride on the bus system which is too lengthy in time.

13. Hours of operation of the El Dorado County's bus system limits opportunities for employment and other needs of the handicapped.

14. Fare increases places a burden on those of limited means who were previously using subsidized taxi system.
15. **Bus stops need to be accessible with shelter from weather and be equipped with benches.**

16. **Special Service Van for handicapped is not available for use for all handicapped persons. Need to provide transportation services for those who cannot sit in wheelchair.**

17. **Handi-Van use by able-bodied passengers limits availability for use by the handicapped.**

18. **Sidewalks with curbs need to be in place if transit is to be accessible.**

19. **Scheduled arrival times of van is frequently changed without informing passengers of changes.**

20. **Elderly and handicapped often require driver assistance, but assistance is not always offered or available.**

21. **No seat belts which are needed by some handicapped riders are available on larger transit vehicles.**

22. **Bicycle paths should be considered as the number one unmet transportation need in South Lake Tahoe and funding should be made available for bicycle facilities.**

23. **Funding for water taxis should be made available.**

24. **Caltrans right-of-way from Meyers to Stateline should be used for bike trail.**

25. **Elderly and handicapped passengers need more flexibility in time to access waiting van (passengers are required to board van within two minutes of arrival time).**

The Placer County Transportation Commission (PCTC) and El Dorado County Transportation Commission previously conducted unmet transit needs workshops and/or public hearings. The following transit issues were identified by those present at the Placer County workshops and public hearings:

1. **There are unmet needs for employee transportation along California S.R. 89.**

2. **There aren’t enough scheduled buses.**

3. **More bench space is needed at the bus stops.**

4. **A reversible bus lane along California S.R. 89 or expansion of the existing facility is needed.**

5. **More emphasis should be placed on bus scheduling.**
6. **Bus service needs** to be expanded from Tahoe City to Kings Beach and along California S.R. 267.

7. A comfortable bus terminal with restrooms and heaters are needed.

8. Bus fares should be reduced for families travelling together.

9. There is a need for bus routes where low income employees are located.

10. Bus headways need to be increased to every half hour.

11. Notification of bus delays and cancellations due to bad weather need to be improved.

12. More bus shelters are needed, regular snow removal at bus stops.

The following issues related to transit needs were identified at previous El Dorado County workshops and public hearings.

1. The 24 hour advance notice on the Bus Plus system needs to expanded to accommodate the needs of more people.

2. There needs to be a transit system that connects the North Shore and the South Shore.

3. The Bus Plus drivers need to assist the elderly and handicapped onto the bus.

4. The eligibility requirements for riding the Bus Plus system needs to be expanded to include people who can pay to ride the system.

5. Bus shelters at major transit stops need to be implemented.

TRPA staff will be conducting local workshops to solicit further input regarding unmet transit needs prior to the Governing Board meeting. These findings will be presented to the Governing Board and included in the list of unmet transit needs for approval.

**Conclusion:** Based on the criteria set forth by the TDA Guidelines, the Regional Transportation Plan - Air Quality Plan and recently completed Short Range Transit Program, and taking into consideration testimony provided at this public hearing, staff recommends that the above unmet transit needs are reasonable to meet.

If you have any questions regarding this agenda item, please feel free to contact Bridget Mahern at (702) 588-4547.
A RESOLUTION REGARDING UNMET TRANSIT NEEDS IN PLACER COUNTY

WHEREAS, the Tahoe Regional Planning Agency (TRPA) was designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the California portion of the Tahoe Region; and

WHEREAS, TRPA acting as the RTPA has the responsibility of administering the programs contained in the Transportation Development Act (TDA) in the California portion of the Tahoe Region; and

WHEREAS, TRPA acting as the RTPA has the responsibility of determining if there are unmet transit needs within the California portion of the Tahoe Region; and

WHEREAS, the RTPA has considered in the Regional Transportation Plan - Air Quality Plan the needs of transit dependent groups and the adequacy of existing public transportation services and alternative public transportation services; and

WHEREAS, the RTPA has conducted a public hearing to solicit comments on the unmet transit needs that may exist within the jurisdiction of Placer County; and

WHEREAS, the TRPA Governing Board acting as the RTPA has determined its definitions of the terms "unmet transit needs" and "reasonable to meet" for the purpose of allocating TDA funds.

NOW, THEREFORE, BE IT RESOLVED, that the TRPA Governing Board acting as the RTPA has determined that there are unmet transit needs within the jurisdiction of Placer County in the Tahoe Region, including needs that are reasonable to meet.

PASSED AND ADOPTED this _______ day of July, 1995, by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency,
Sitting as the Regional Transportation Planning Agency
WHEREAS, the Tahoe Regional Planning Agency (TRPA) was designated by the State of California as the Regional Transportation Planning Agency (RTPA) for the California portion of the Tahoe Region; and

WHEREAS, TRPA acting as the RTPA has the responsibility of administering the programs contained in the Transportation Development Act (TDA) in the California portion of the Tahoe Region; and

WHEREAS, TRPA acting as the RTPA has the responsibility of determining if there are unmet transit needs within the California portion of the Tahoe Region; and

WHEREAS, the RTPA has considered in the Regional Transportation Plan - Air Quality Plan the needs of transit dependent groups and the adequacy of existing public transportation services and alternative public transportation services; and

WHEREAS, the RTPA has conducted a public hearing to solicit comments on the unmet transit needs that may exist within the jurisdiction of El Dorado County; and

WHEREAS, the TRPA Governing Board acting as the RTPA has determined its definitions of the terms "unmet transit needs" and "reasonable to meet" for the purpose of allocating TDA funds.

NOW, THEREFORE, BE IT RESOLVED, that the TRPA Governing Board acting as the RTPA has determined that there are unmet transit needs within the jurisdiction of El Dorado County in the Tahoe Region, including needs that are reasonable to meet.

PASSED AND ADOPTED this __________ day of July, 1995, by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency,
sitting as the Regional Transportation Planning Agency
GOVERNING BOARD HEARING ON IPES SCORE

July 13, 1995

Staff Recommendation: Grant of Appeal

Owner's Name: Carole Terry
Mailing Address: P.O. Box 300, Glenbrook, Nevada 89413
Parcel Location: Glenbrook House Road, Glenbrook
Assessor's Parcel Number (APN): 001-170-06 County: Douglas
Authorized Agent: Paul Kaleta

Original IPES Score Appealed: 590
Final IPES Score Based on 2nd Evaluation: 601
IPES Score Recommended to Governing Board: 714

Disputed Scoring Elements: Location of Relative Erosion Hazard (REH), K factor, length-slope measurements, Runoff Potential score including the soil hydrologic Group and vegetative cover, Difficulty to access building site, including access cut height, slope gradient above cut, and excavation difficulty, Ability to revegetate site, soil vegetation group and parcel gradient.

Results of Appeal Field Work: Appeal work was completed by the second field team which found results slightly different than the original IPES evaluation team. The appeal evaluation team found the access cut to be 7 feet instead of the 9 feet listed by the original IPES team. Both teams found the gradient above the access cut to be 13 percent. As a result of the change in the cut height during the appeal field work, the score for the access scoring element increased from 54 to 72 points.

The appeal team found a steeper slope measurement segment than was identified by the original field team. The K factor and the vegetative cover found by both of the field teams was the same. This resulted in a reduction in the relative erosion hazard (REH) score from 270 to 263. The appeal team soil scientist did not change the hydrologic group, vegetative group, or the degree of excavation difficulty. After completion of the appeal field work the IPES score on this parcel increased from 590 to 601.

A technical report was submitted on behalf of the landowner in support of this appeal. This report was completed by consultant engineering Ken Foster and Harry Summerfield, a soil science consultant. This report contained information on a number of scoring elements that were different than that
found by both of the IPES teams. This report had a K factor of .24, instead of the .20 found by the TRPA field team, a B instead of a C hydrologic group, an A instead of a B vegetative group, a fair instead of a poor vegetative cover, a cut height of 6 versus 7 feet, and a slope gradient above the access cut of 8 instead of the 13 percent found by the IPES teams. This report projected the IPES score for this parcel at 703 based on the data included in the report. The appeal field team considered the information in this report at the time their field work was conducted, but did not agree with the report’s findings.

An additional soils report was submitted in July 1993 on behalf of the property owner by Sid Davis of Davis² Consulting Earth Scientists (copy attached). In this report Mr. Davis concluded that the soils on this parcel should be assigned a K factor of .05 and a B hydrologic group.

A joint site visit to the parcel was conducted, which included TRPA staff, Paul Kaleta, agent for the property owner and Sid Davis and John Rodgers, soils consultants. Soils were examined during this meeting and it was determined that a soil similar to the Tahoma series of the JwE (Jorge-Tahoma very stony sandy loams, 15 to 30 percent slopes) map unit was representative of those found on the parcel. This series has a B hydrologic group and a .10 K factor. During this visit it was also determined that the vegetative cover should change from poor to fair.

Based on these conclusions, the IPES score was increased from 601 to 714.
APPEAL RESULTS
TAHOE REGIONAL PLANNING AGENCY (702) 687-4547
INDIVIDUAL PARCEL EVALUATION SYSTEM
FINAL APPEAL RESULTS: COVERAGE CALCULATIONS AND SIMULATIONS

TERRY CAROLE
P O BOX 300
GLENBROOK NV 89413

06/26/95

The TRPA Governing Board adopted the IPES score defining the top rank parcels, the allowable coverage formula and the ranking of parcels in December 21, 1988. The IPES score defining the top rank parcels is 726 for Placer and El Dorado County, 617 for Napa County, and 574 for Douglas County. Any parcels with a higher respective score are eligible for a residential building permit. The property owners obtain a residential allocation from the county or city government with jurisdiction over the parcel.

IPES Appeal Score for parcel MAP: 001-170-06 = 714
Original IPES score for parcel (MAP): 001-170-06 = 590

SCORES FOR EACH IPES SCORING ELEMENT

Relative Erosion Hazard (max. 450 pts.) = 317
Rural Potential (max. 300 pts.) = 81
Degree of Difficulty to Access Building Site (max. 170 pts.) = 72
Disturbance in BSL for Utility Connection (max. 110 pts.) = 110
Condition of watershed (max. 70 pts.) = 53
Ability to Revegetate (max. 50 pts.) = 21
Water Quality Improvements in the Vicinity of Parcel (max. 50 pts.) = 50
Proximity to Lake (max. 50 pts.) = 10

Raw IPES Appeal Score (max. 1120 pts.) = 714
Size Factor for parcels less than 5000 sq. ft. = 1.00
Size Factor for parcels less than 10000 sq. ft., outside BSL = 1.00

IPES Appeal Score (max. 1150 points) = 714

The IPES score is calculated by multiplying the raw IPES score by both size factors.

PARCEL UTILIZED STREAM ENVIRONMENT SCORE (BSL AREA AND COVERAGE OVERLAP)

<table>
<thead>
<tr>
<th>Parcel size</th>
<th>BSL area</th>
<th>BSL overlap area</th>
<th>Area of parcel outside of BSL</th>
</tr>
</thead>
<tbody>
<tr>
<td>39600 sq. ft.</td>
<td>0 sq. ft.</td>
<td>0 sq. ft.</td>
<td>39600 sq. ft.</td>
</tr>
</tbody>
</table>

IPES coverage Score: 396 corresponds to 18% Allowable Base Land Use.
RELATIVE EROSION HAZARD

Soil Erodibility Factor: \( k = 0.10 \)
Rainfall Factor: \( 35 \)

| 0 ft. at 0% | 12 ft. of slope elements measured through the most likely building site are used to calculate the Length-Slope (LS) Factor.
| 0 ft. at 0% |
| 106 ft. at 17% |
| 14 ft. at 56% |
| LS = 4.86 |

RUNOFF POTENTIAL

Soil Hydrologic Group: \( b \) = moderate infiltration rate
Hydrologic condition: Vegetative cover = fair

ACCESS SCORE

Disturbance in SEZ for access: no disturbance

Net Access:----Through SEZ: no excavation difficulty: moderate
uphill on access with 7 ft. cut or 7 ft. fill
Gradient beyond hill-slope: 15% = slope factor 0.70

Evaluating Access---Parking or access through SEZ:
Extent of additional grading required at street:
Additional excavation required for parking or garage: ft.

STREAM ENVIRONMENT ZONE

Utility connection through SEZ: no disturbance

CONDITION OF WATERSHED: Glenbrook Creek

ABILITY TO REVEGETATE

Soil limitation or re-vegetation group \( b \) = dryness
Elevation < 7000 ft. Slope 15-30% Aspect SW

NEED FOR WATER QUALITY IMPROVEMENTS IN VICINITY OF PARCEL

SPEC TREATY TO LIKE

Raw IPES Score: 714

| Parcel Size | 39600 sq.ft. |
| SEZ Area | 0 sq.ft. |
| Factor for parcels < 5000 sq.ft. outside SEZ | 1.00 |
| Factor for parcels > 5000 sq.ft. or with area outside SEZ < 10000 sq.ft. | 1.00 |
| IPES APPEAL SCORE | 714 |
July 19, 1993

Soil Investigation for
Terry Property
Douglas County, Nevada
(A.P.N. 001-170-06)

Introduction:

A soil investigation was conducted on the Terry property, located in the Glenbrook area, at Lake Tahoe’s east shore. The objective of this study was to evaluate soils and other features on the lot and relate them to the Individual Parcel Evaluation System (IPES) as utilized by the Tahoe Regional Planning Agency (TRPA) for land use regulatory purposes in the Lake Tahoe Basin.

TRPA IPES teams previously visited this site and each found the soil to be different ("XXX") than what was mapped in the published Soil Survey of the Lake Tahoe Basin (Rogers, et. al., 1974). We agree with this finding, that soils are different, but that overall soil depth and surface texture differ from earlier work. This report will outline in some detail our findings, and relate them to IPES Procedures Manual directives for proper scoring of this parcel.

This work was done at the request of Mr. Paul Kaleta, Basin Strategies, Zephyr Cove, Nevada, agents for the owner, Ms. Carole Terry.

Soil information contained in this report is for the strict use of land capability determination, and should not be utilized for building foundation design or slope stability considerations.

Environmental Setting:

The Terry parcel is located on Frey Meadow Road, in the Glenbrook subdivision. This is a southwest facing lot, sloping at about 17 percent gradient. Vegetative cover is good, consisting of Jeffrey pine, manzanita and bitterbrush. There is a continuous layer of conifer needles and duff covering the mineral soil surface approximately two inches thick.

Soils are deep developed and well drained on volcanic colluvium which has sloughed over old lake deposits. Soils are shown on TRPA map sheet H-10 as UmE (Umpa very stony sandy loam, 15 to 30 percent slope). This area is shown on the Geology of the North Half of Lake Tahoe Basin (Mathews, 1968) as Qvb (Basalt) and near Ql (Lake deposits).

Procedures:

A soil auger was utilized to excavate and expose the soil to approximately 60 inches depth in the proposed building site. A detailed soil profile description was produced utilizing standard
nomenclature of the National Cooperative Soil Survey (NCSS). Interpretations based upon overall soil depth texture and color were also derived from NCSS standards. K value was determined utilizing directions found in the TRPA IPES Procedures Manual. Organic matter content was estimated from Report No. 24 (Soil Conservation Service, 1973).

Findings:

Soils found on the Terry parcel within the proposed building site are deep and well drained. They can be characterized as having a dark brown gravelly coarse sandy loam topsoil, underlain by a dark yellowish brown sandy clay loam subsoil.

Coarse fragments on the surface are dominantly of angular volcanic composition, estimated at about 20 percent, by volume. Gravel in the subsoil is dominantly volcanic, but water rounded from alluvial deposition.

There is no evidence of subsurface restrictive layering or seasonal water table within the upper 1.5 meters of the surface. These soils are members of Hydrologic Group B.

K value for the surface mineral soil is estimated to be 0.05 from Chart B-4 in the IPES procedures manual. This is based upon an unadjusted K of 0.20 with deductions for fine granular structure (-0.05); 4 percent organic matter content (-0.05); and a coarse fragment multiplier (0.50).

Conclusions and Recommendations:

Our findings differ from the TRPA IPES staff work. We encountered no parent materials, or restrictive layering in the subsoils in the upper 1.5 meters of the soil pedon. This places the soil in Hydrologic Group B (rather than C). K value assignment for this site appears to have been estimated from similar soils by IPES staff, rather than utilization of the procedures manual charts.

It is our recommendation that the Terry parcel be scored with Hydrologic Group B; and K value of 0.05.

Basin Strategies will provide the slope and access assessments for this parcel, and the IPES scoring, utilizing the above information.

Respectfully submitted,

Sidney Davis,
Certified Professional Soil Scientist No. 1031
Representative Soil Profile Description

0    2 to 0 inches

A11  0 to 4 inches, dark grayish brown (10YR 4/2) gravelly coarse sandy loam, very dark grayish brown (10YR 3/2) when moist; massive very fine, fine and granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial and tubular pores; neutral; 20 percent gravel; clear smooth boundary.

A12  4 to 10 inches, brown (10YR 5/3) gravelly coarse sandy loam, dark brown (10YR 3/3) when moist; massive very fine, fine and granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial and tubular pores; slightly acid; 20 percent gravel; gradual smooth boundary.

B1   10 to 19 inches, brown (10YR 5/3) coarse sandy loam, dark brown (10YR 3/3) when moist; weak fine subangular blocky structure; soft, very friable; slightly sticky and nonplastic; common fine and coarse roots; common very fine and fine with few medium tubular pores; medium acid; 10 percent gravel; gradual smooth boundary.

B21t  19 to 30 inches, pale brown (10YR 6/3) sandy clay loam, dark yellowish brown (10YR 4/4) when moist; weak medium subangular blocky structure; slightly hard, very friable; slightly sticky and slightly plastic; common fine and medium roots; common very fine and fine with few medium tubular pores; slightly acid; 10 percent gravel; gradual smooth boundary.

B22t  30 to 48 inches, pale brown (10YR 6/3) sandy clay loam, dark yellowish brown (10YR 4/4) when moist; moderate medium subangular blocky structure; hard, friable, slightly sticky and slightly plastic; common fine and medium roots; common very fine and fine with few medium tubular pores; common thin clay films on ped faces and line pores; medium acid; 70 percent gravel; gradual smooth boundary.

B23t  48 to 60 inches, light yellowish brown (10YR 6/4) sandy clay loam, yellowish brown (10YR 5/6) when moist; moderate medium subangular blocky structure; hard friable, slightly sticky and slightly plastic; common fine roots; common very fine and fine with few medium tubular pores; common thin clay films on ped faces and line pores;
medium acid; 70 percent gravel.

Notes: 120' @ 17 percent slope. Alfisol on old terrace. No fragic materials. No parent materials encountered W/ in 60 inches. Unknown Series ("XXX").
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Jerome and Sharon Stugen; residential addition application; appeal of an Executive Director decision to deny construction of a new garage and workshop within the minimum twenty foot setback established for parcels abutting roadways rated in TRPA's Scenic Resources Inventory

Application Type: Residential

Appellant: Jerome and Sharon Stugen

Appellant's Representative: Gregg R. Lien

Location: 3920 North Lake Boulevard, Placer County, California.

Assessor's Parcel Number/Project Number: 92-142-01/940005

Project Description: The project is an application to construct an approximately 500 square foot garage and workshop located thirteen feet into the required twenty foot minimum building setback for parcels abutting roadways rated in TRPA's Scenic Resources Inventory. The minimum setback standard is set forth in Subsection 30.5.D (Design Standards) of the TRPA Code of Ordinances. The garage is proposed to be a two-story structure with a workshop located below the grade of the parking deck and a fourteen foot tall garage located above that. The two-story structure would replace an existing parking deck. It would be attached to the existing residence which is located downslope from the proposed addition. As proposed, the garage addition will project above and be taller than the ridgeline of the existing house.

Site Description: The parcel is located in the area of Carnelian Bay. The project site is a residential parcel that is situated between and adjacent to North Lake Boulevard (California 28) and Lake Tahoe. California 28 is a scenic threshold travel route which is rated in TRPA's Scenic Resources Inventory. It is also a TRPA-designated regional scenic highway corridor. Refer to the Vicinity Map shown in Attachment A.

The parcel is approximately 7,992 square feet in size and slopes at approximately 23 percent from North Lake Boulevard to Lake Tahoe. It is located in land capability districts 2 and 4. Existing improvements on the parcel include a single family residence, two decks, pier and boathouse, pump house, exterior stairway, exterior trash enclosure, and a parking deck with a stairway leading from the parking deck to the residence. None of the existing improvements with the exception of the trash enclosure, a portion of the parking deck and top of the stairway are located within the minimum setback.

Summary of Appeal: The appellant is appealing an Executive Director decision to deny a proposed garage addition within the twenty foot minimum setback established for parcels abutting roadways rated in the TRPA's Scenic Resource Inventory. The proposed garage addition is being denied on the basis that the addition will result in the incremental loss of the view of a mapped scenic resource and will cause a decrease in the numerical threshold rating assigned to the affected scenic resource.
**Appellant’s Position**: The appellant’s position is that the staff misreads the Code of Ordinances. Staff and the appellants disagree as to the meaning of the Code standard which requires minimum setbacks along scenic threshold roadways. The appellants contend that the staff’s application of the setback standard with respect to protection of existing views of scenic resources is counterproductive, is inconsistent with other accepted approaches to maintaining and improving the thresholds, is inconsistent with prior practices followed since the adoption of the Regional Plan, and violates the appellant’s constitutional and civil rights. Refer to the appellant’s Statement of Appeal (Attachment B).

**Staff Position**: Following careful review of the site, the proposed site plan, the appellant’s statement of appeal, and the affected threshold roadway unit and specific resource in question, staff recommends that the Governing Board support the staff decision to deny the project as proposed, based on the following reasons:

1. The project, as proposed, is inconsistent with the adopted scenic resource threshold because it will cause the loss of an existing view of an identified scenic resource thereby incrementally decreasing its numerical scenic quality threshold rating.

2. Granting the appeal could establish a localized precedent within the affected scenic quality resource which may have significant adverse cumulative impacts on the affected resource and

3. Allowing the proposed project to be constructed within the adopted scenic highway corridor minimum setback could establish a region-wide precedent which may have significant adverse cumulative impacts.

**Discussion**:

1. The project, as proposed, is inconsistent with the adopted scenic resource threshold because it will cause the loss of an existing view of an identified scenic resource thereby incrementally decreasing its numerical scenic quality threshold rating. Subsection 30.5.D of TRPA’s Code of Ordinances establishes a minimum twenty foot setback standard for certain structures along roadways rated as part of TRPA’s scenic resources thresholds. It states the following:

"30.5.D **Setback Standards**: The setback standards are:

(1) For parcels abutting roadways rated in the TRPA’s Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet. Decks (except decks for off-street parking), stairs, canopies, building, or roof overhangs shall not intrude into the 20 foot setback established in this subparagraph. TRPA may approve building setbacks less than 20 feet if the reduced
setback is approved by the appropriate local jurisdiction and TRPA finds that the project will not cause a decrease in the numerical ratings assigned to the roadway unit, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3 and 13-8 of the Study Report for the Establishment of Environmental Threshold Carrying Capacities, October 1982. The criteria for rating scenic quality as identified in the study report cited herein shall be used to determine if a project will cause a decrease in the numerical rating.

(2) Buildings, other structures and land coverage shall be setback from SEZs in accordance with Chapter 37.

(3) Other setbacks are set forth in Chapter 64."

The project is located adjacent to California 28, which is rated as part of TRPA's scenic resources thresholds. The segment of roadway in question is identified as Roadway Unit #17, Cedar Flat. Refer to Attachment A.

Roadway Unit #17 has two separate adopted thresholds: scenic quality ratings for specific, mapped scenic resources, and a travel route rating for the entire length of the roadway and its viewshed. Additionally, the roadway segment and its viewshed are a TRPA-designated Regional Scenic Highway Corridor pursuant to Section 30.13 of the Code. It is a Transition Corridor defined by the Code as "...areas of transition between urban and natural areas where the built environment is not the dominant visual feature, rather it appears well integrated into and in balance with the natural elements of the landscape." The corridor includes the roadway, its right-of-way and all areas within 1,000 feet of either side of the right-of-way which are visible from the road.

Setbacks greater than twenty feet are encouraged by TRPA's Scenic Resource Management Program and have been shown to have positive and beneficial effects on the affected scenic resources. TRPA's adopted Design Review Guidelines (1989) recommend the use of larger setbacks in transition visual environments than in urban visual environments. The proposed project is located in a transition visual environment. Deeper setbacks are encouraged as the primary method to preserve existing views to scenic resources. See the attached excerpt from the Design Review Guidelines shown in Attachment C.

Scenic Quality Rating Threshold: The first scenic resource threshold in effect is known as the scenic quality rating. The purpose of the scenic quality ratings is to inventory and identify the natural scenic resources in the Region. The ratings apply specifically to individual resources which were determined to be of sufficient value to maintain in their existing state. Scenic quality ratings are not intended to address the built environment, but rather the natural elements of the landscape.
The purpose of the scenic quality thresholds is to maintain or improve views of existing scenic resources. The scenic quality threshold is a non-degradation threshold which means that no project or activity may cause a drop in the numerical ratings assigned to the scenic resource and adopted by the Governing Board in 1982. The scenic resources in the Region, which include views of the natural landscape and distinctive natural features, were identified, mapped, described and evaluated during the 1982 inventory. Adopted scenic quality thresholds are based on this evaluation and represent a baseline of existing scenic resources. Therefore, any removal, blockage, or reduction in view of these scenic resources constitutes a significant impact.

Scenic quality ratings do not provide a means of evaluating urban or recreational development, but are used to ensure that development does not remove, block, or modify, the individual scenic resources or views thereof. The ratings are used to evaluate development only insofar as development affects natural features. Scenic resources include:

1. foreground, middleground, and background views of the natural landscape;
2. views to Lake Tahoe from roadways;
3. views of Lake Tahoe and natural landscape from roadway entry points into the Region; and
4. unique landscape features such as streams, beaches, and rock formations that add interest and variety.

Scenic quality ratings are a unitless composite index of relative scenic quality of specific natural features. The relative quality of each resource is rated using the following indicators: unity, vividness, variety, and intactness. The indicators are widely documented in academic and professional literature as useful measures of relative scenic value.

Each indicator is rated using an index from 0 (absent) to 3 (very high). Ratings for all four indicators are combined into a total threshold rating which can range from 0 to 12.

The threshold standard is as follows:

**NUMERICAL STANDARD**
Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8, and 13-9 of the Draft Study Report.

TRPA's adopted set of mapped scenic resources consist of two different types of resources. The first type consists of location-specific views of certain natural landscape features, including views of Lake Tahoe. An example of this type of resource is a view of Spooner Lake at the top of Spooner Summit near the U.S. 50/Nevada 28 intersection. Location-specific views...
generally involve seeing a particular feature from a particular point along the road or shoreline. The second type of mapped scenic resource is a continuous, linear view of the resource which extends along a certain segment of road or shoreline. An example of this type of resource is the forest seen along the east shore viewed when traveling along Nevada 28. The very fact that it is a linear resource provides important opportunities for motorists, cyclists, and pedestrians traveling the roadway to view the resource over a period of time, giving them a more complete image of what the resource actually looks like.

Within Roadway Unit #17 there are only three mapped scenic resources. Compared to other roadway travel units, this is a very limited number of resources. Most units contain at least five or more mapped resources. Two of the three mapped resources in the unit are location-specific views of Lake Tahoe. One is located at the west end of the unit just down from Dollar Hill (Resource 17.6) while the second occurs near the east end of the unit near Carnelian Bay (Resource 17.4). The third resource, identified as Resource 17.5, is a linear view of the forest and lake views which is seen while traveling along the highway and includes the appellant's property. Refer to Attachment D, which illustrates the affected resource. Its adopted scenic quality rating is shown below:

**EXISTING SCENIC QUALITY THRESHOLD RATING FOR SCENIC RESOURCE 17.5**

<table>
<thead>
<tr>
<th>Unity</th>
<th>Vividness</th>
<th>Variety</th>
<th>Intactness</th>
<th>Threshold Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>8</td>
</tr>
</tbody>
</table>

Project Impacts: Based on a careful review of information submitted and an on-site investigation, staff concludes that the project, as proposed within the established setback, would result in an incremental blockage and resulting loss of the view of an existing scenic resource. Refer to the Expected Scenic Quality Threshold Rating With Project For Scenic Resource 17.5 table shown below. Each view which characterizes the resource is an integral part of the resource and its rating. As described above, when one or more of the resource's individual components is blocked, reduced, or removed, there is a significant impact to the resource and a corresponding incremental decline in its threshold rating.

The drop in the intactness rating is directly caused by removal of an existing view by the new structure. The view, while short in duration seen from a traveling vehicle, provides travelers with an integral element of lake views seen within the resource. Intactness is defined in TRPA's 1982 Threshold Study Report as "...the degree to which a landscape retains its natural condition, or the degree to which modifications emphasize or enhance the natural condition of the landscape." Resources which rate high in intactness include landscapes which are predominantly natural in appearance. Lowered ratings in intactness result when man-made features are prominent and demand greater or equal attention than the natural features.
Placing a new structure within seven feet of the property line directly adjacent to the roadway will make the man-made features considerable more prominent than they presently are in this portion of the resource. The proposed garage clearly degrades the natural condition of the resource rather than emphasizing or enhancing it by blocking the view of the natural feature (i.e., the lake and background ridgeline). Refer to Attachment E which illustrates the effects of the proposed project on the viewing opportunities.

EXPECTED SCENIC QUALITY THRESHOLD RATING WITH PROJECT FOR SCENIC RESOURCE 17.5

<table>
<thead>
<tr>
<th>Unity</th>
<th>Vividness</th>
<th>Variety</th>
<th>Intactness</th>
<th>Composite Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2</td>
<td>2</td>
<td>1.9*</td>
<td>7.9*</td>
</tr>
</tbody>
</table>

*indicates change in rating

Discussion: As a non-degradation threshold, TRPA is unable to approve any project which causes a decline in the numerical threshold rating assigned to a specific resource. Similarly, threshold section 30.12 of the Code requires all projects to maintain or improve the ratings assigned to individual scenic resources which may be affected by the project. An incremental reduction in the numerical threshold rating assigned to the affected scenic resource is expected.

Drafters of the original threshold correctly concluded that the majority of views within this resource would be toward the lake and even neglected to establish a mapped resource of a nearby stream canyon which was located on the uphill side of the highway. Such features are often identified as scenic resources in other travel units.

As a developed area located in a transition visual environment, it is especially critical to maintain existing viewing opportunities to the lake and other natural features which are not overly abundant to begin with and, secondly, will incrementally disappear over time if not carefully monitored. This is consistent with, and directly implements, Goal #2 of the Scenic Subelement, Conservation Element of the Regional Plan Goals and Policies which directs TRPA to maintain and improve the accessibility of Lake Tahoe itself for public viewing.

Travel Route Rating Threshold: The travel route rating threshold is used to analyze and evaluate the complete perceptual experience of travelling the Region's state and federal highways, Pioneer Trail, and Lake Tahoe itself from a short distance offshore, looking back at the land. Roadways have been divided into 45 separate travel segments (called "travel units") each representing a continuous two-directional viewshed of similar visual character. Lake Tahoe's shoreline is divided into 33 separate travel units.
Travel route ratings are measured by a unitless composite index of relative scenic quality for all viewsheds seen from the travel routes, using the following threshold indicators.

1. Man-made features along roadway and shoreline
2. Physical distractions to driving along roadways
3. Roadway characteristics
4. Views of the Lake from roadways
5. General landscape views from roadways and shoreline
6. Variety of scenery from roadways and shoreline

Roadway threshold ratings use all six indicators. Shoreline threshold ratings use criteria 1, 5, and 6. Each indicator is rated from one (low or absent) to five (high or significant feature present). A composite rating for individual roadway travel units can range from 6 to 30. Shoreline travel ratings can range from 3 to 15.

The threshold standard is as follows:

Maintain the 1982 ratings for all roadway and shoreline units as shown in Tables 13-6 and 13-7 of the Draft Study Report.

Restore scenic quality in roadway units rated 15 or below and shoreline units rated 7 or below.

In 1989 and 1990, TRPA adopted documentation pursuant to Chapter 32 of the Code of Ordinances for the travel route ratings threshold.

Roadway Unit #17 is presently in attainment with the threshold standard with a travel route rating of 17. This is the same rating which was assigned to the unit in 1982. The adopted threshold travel route rating is shown below:

**EXISTING TRAVEL ROUTE RATING THRESHOLD FOR ROADWAY UNIT 17**

<table>
<thead>
<tr>
<th>Man-Made Features</th>
<th>Roadway Distractions</th>
<th>Roadway Characteristics</th>
<th>Lake Views</th>
<th>Landscape Views</th>
<th>Variety</th>
<th>Threshold Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>17</td>
</tr>
</tbody>
</table>

**Project Impacts:** The proposed project is not expected to cause a decrease in the numerical travel route rating threshold assigned to Unit #17 due to its relatively small contribution to the overall length and viewshed of the travel unit. The expected ratings with project are shown below.

**EXPECTED TRAVEL ROUTE RATING THRESHOLD WITH PROJECT FOR ROADWAY UNIT 17**

<table>
<thead>
<tr>
<th>Man-Made Features</th>
<th>Roadway Distractions</th>
<th>Roadway Characteristics</th>
<th>Lake Views</th>
<th>Landscape Views</th>
<th>Variety</th>
<th>Threshold Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>17</td>
</tr>
</tbody>
</table>

AS:rd

AGENDA ITEM X.B.
Discussion: The 1991 Regional Plan and Threshold Evaluation found that travel route ratings generally tended to improve in urban roadway travel units, while decreasing in transitional roadway and shoreline travel units. The man-made features criterion showed increases in three of the seven units which improved, due to improved quality of architecture and site planning. Application of design and site planning principles advocated in TRPA's Design Review Guidelines has incrementally improved the quality of the built environment.

The 1991 Evaluation further found that low density, sprawling and in-filling with new residential development including additions such as the proposed project, combined with remodeled, larger-volume structures, has adversely impacted the pre-existing natural character of the landscape in a cumulative manner. This problem primarily affects areas of residential development visible from the shoreline and along transition scenic highway corridors such as Unit 17 which have added additional development in the past five years.

2. Granting the appeal could establish a localized precedent within the affected scenic quality resource which may have significant adverse cumulative impacts on the affected resources.

Along the segment of roadway located within Resource 17.5 are approximately thirteen parking pads without garages located at street level which provide a view to the lake. This includes the property in question. Cumulatively, they comprise the majority of the mapped resource which provides the lake view component. Each pad is located within the twenty foot setback from the edge of the right-of-way. Based on a precedential action by TRPA to permit the proposed garage to encroach into the minimum setback, the owners of each of the remaining parking pads could apply to build a garage using the same analogy as this appeal that "they are not the straw which breaks the camel's back."

Permitting the remaining parking pads to be converted to garages similar in location and design of the applicant's proposed garage would cumulatively lower the scenic quality rating and place it in threshold nonattainment status. The same scenario of converting existing parking decks to garages may also result in a cumulative impact to and associated degradation of the Lake Views component of the travel route rating threshold for Roadway Unit 17. This could place Unit 17 in nonattainment with the travel route rating threshold for the same reasons described for the scenic quality rating threshold.

3. Allowing the proposed project to be constructed within the adopted scenic highway corridor setback could establish a region-wide precedent which will have significant adverse cumulative impacts.

The existing TRPA Code contains a series of safeguards to protect identified scenic resources. Maintaining a minimum setback along scenic highway corridors has consistently been used by TRPA when potential adverse impacts to identified scenic resources are identified. Since 1988, when the setback
provision was adopted very few residential projects have been permitted to encroach into the minimum setback. TRPA staff has tried to consistently apply the standard to maintain the public's visual access, particularly to Lake Tahoe itself, which would otherwise be degraded by encroachment into the setback.

The view in question of the lake and ridgeline would be adversely affected by allowing the proposed project to be built. The region-wide cumulative effects of allowing development in the foreground which is not of particular high design quality that blocks or degrades important views would be substantial. It would have negative impacts to present and future threshold attainment and maintenance efforts. This is true of both the travel route rating threshold as well as individual mapped scenic resources. There are an estimated 21 mapped scenic resources which are linear views of the Lake from the roadway containing residential development along the scenic threshold routes, similar to the resource affected by this project. Build-out of additional foreground structures between the roadway and the lake in the 21 mapped resources will create a continuous wall of development which will remove existing views. TRPA staff conducted a windshield survey of potential buildout of existing parking decks located between the roadway and the Lake along threshold travel routes. The survey estimated that over 100 such decks could be converted to garages. This would represent a cumulative adverse impact to scenic resource thresholds.

TRPA's 1991 Regional Plan and Threshold Evaluation identified cumulative threshold degradation to several transition environments similar to the one where the subject project is proposed. Most of the Region's urban commercial areas generally improved their threshold ratings due to implementation of design standards and guidelines similar to the standard being appealed. The transition areas which are generally residential, however, showed consistent cumulative threshold degradation which the evaluation team attributed to not fully implementing the existing Regional Plan design package and to build out of the Regional Plan.

In its 1992 report titled "Report of the Nevada Legislative Committee To Investigate the Functioning of the Tahoe Regional Planning Compact," the Nevada Legislative Oversight Committee recommends that TRPA "...incorporate stronger scenic protection measures in the Agency's planning and regulatory activities." (Nevada Legislative Counsel Bureau Bulletin 93-11, p.vi, pp. 17-18, September, 1992). Refer to Attachment F. The Governing Board has the tools in hand at this time to protect identified views. Action by the Governing Board to uphold the staff position does not require TRPA to create new rules or policies, rather the Board is able to implement an existing provision of the Regional Plan.

Summary: The appellant has not provided substantive evidence to support a finding that an incremental decrease in the affected scenic quality rating will not occur with placement of the garage within the minimum twenty foot setback as required by Section 30.5.D of the Code of Ordinances. Rather, TRPA has substantially demonstrated that adverse impacts to the adopted scenic resource can be expected by permitting the structure to be located within the setback.
As an area dependent upon tourism, the appearance of the Region’s communities takes on an economic importance. The ability to maintain existing scenic views from designated scenic corridors will have positive economic benefits to the Region. It is well established that both residents and visitors drive around the Lake for its unique and outstanding views. Views to the Lake and background ridgelines are a vital element of the visual experience. A precedent which permits development which blocks identified views of scenic resources to encroach into the minimum required setback will gradually remove the public’s visual access to the Lake, thereby reducing the Region’s outstanding scenic resources.

The recently issued North Lake Tahoe Tourism Development Master Plan found that the image of the built environment of North Lake Tahoe does not attract new investment nor destination tourism. It recommends improvements for the built environment, through use of a community design program similar in nature and content to TRPA’s existing design package. Garage structures along the foreground of the scenic corridors do not present a particularly attractive scene and would move away from, rather than toward, the design goal of the Master Plan.

At this time, staff is working directly with the applicant’s representatives to develop a revised project. The revised project may either avoid impacting the identified view by relocating the garage on the site or propose a nearby offset by removing an existing structure presently blocking a view of the same scenic resource. Staff will update the Governing Board concerning progress on these options at the meeting.

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

JEROME AND SHARON STUGEN

PLACER COUNTY APN 92-142-01

This Statement of Appeal is provided on behalf of Jerome and Sharon Stugen. The thresholds provide that the numerical scenic quality rating of individual identified resources within each unit must be maintained. Section 30.12.A of the Code of Ordinances provides that projects may not cause a decrease in the numerical ratings of individual resources within each unit as shown in the resources inventory. The identified resource in this particular case is, "Residential development in thick forest, with occasional minor glimpses of the Lake through the trees."

The Stugens propose to build a garage over the existing parking pad adjacent to their home. Staff contends that the Stugens proposed garage will degrade an identified resource by slightly blocking a minor glimpse of the Lake. On that basis, staff contends that the project cannot be approved.

Appellants contend that the staff's position is erroneous. The bases of this appeal, in general, are that the staff misreads the Code of Ordinances. Because no similar matter has yet come to the Board's attention, the Governing Board has yet to have the opportunity to instruct the staff as to the policy to be followed, and without guidance from the Governing Board, both the appellant and staff have no direct guidance other than the words contained in the thresholds and the Code of Ordinances. Staff and appellants disagree as to the meaning of the words. Staff interprets the ordinance in a "zero tolerance" manner, with even a few square feet of view blockage rendering a project unapprovable. Appellants contend that the staff's "zero tolerance" policy is counterproductive, is inconsistent with other accepted approaches to maintaining and improving the thresholds, is inconsistent with prior practices followed since the adoption of the Regional Plan, violates the appellants Constitutional and Civil Rights. Taken to its logical conclusion, the staff's interpretation will impede the implementation of the Regional Plan, and is inconsistent with generally accepted planning theory. The staff and the appellants will be coordinating prior to the Governing Board hearing to further narrow the issues to be presented.

GRL: jr
June 15, 1995
B. RESIDENTIAL SETBACKS

(1) **Residential Setbacks.** In non-commercial areas, the purpose of building setbacks should be to minimize the visibility of development from adjoining travel corridors. The setback may permit a densely planted buffer of native vegetation to be maintained along the roadway. Such a buffer should respect and attempt to maintain significant views of natural features or other scenic elements.

Residential units that take direct access off major travel routes should be set back as far as possible. Deeper setbacks along major travel routes will also permit the preservation of views from the roadway. In many cases this guideline conflicts with minimum coverage regulations because longer driveways to serve the residences take up additional coverage. Since no coverage overrides for deeper setbacks are provided, this conflict must be resolved on an individual basis.

Front yard setbacks for residential development along threshold routes must meet the minimum twenty (20) feet setback from the road right-of-way. Garages, decks, and stairs should not intrude into the front yard setback.

As much as possible, existing mature, natural vegetation (especially tree cover) located in the front setback should be preserved. To insure effective screening, additional native trees (species should be selected from TRPA's Recommended Native and Adapted Plant List and should be compatible with existing native species in surrounding area) should be introduced so that trees are spaced at an average of 20 feet on-center minimum and at least two rows deep.

(2) **Subdivision Frontages.** Residential subdivision frontages along major travel corridors should use a combination of existing vegetation, setbacks of structures, and landscape screening so that they are not readily visible from major travel corridors (i.e. average setback of 200-250 feet from roadway).

Subdivision entrances should be designed to provide safe, efficient, easy-to-identify access points, while also creating a positive first impression that is compatible with the surrounding natural vegetation. The location of existing vegetation and geological features should help determine the appropriate entry setting.

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*Encourage Deeper Setbacks To Preserve Views*
Scenic Resource 17.5
Linear View of Lake from Roadway

Lake Tahoe

Existing Conditions
See Details

Residential Development
The views from the roadway are essentially for some distance, it includes the lake and the mountains. The views of the lake and the mountains are discontinuous and are often blocked by development.

ATTACHMENT D
JULY 11 1995

130
B. SPECIFIC RECOMMENDATION RELATED TO TRPA PLANNING AND REGULATION

The committee also responded to concerns relative to several specific types of issues associated with planning and regulation.

Protection of scenic values in the Basin has been a concern for many years. A "Scenic Management Study" has been compiled to provide objective criteria for use in evaluating proposed projects relative to their impacts on scenic thresholds established for the Basin. Testimony indicated that, based on these criteria, stronger scenic protection should be incorporated in the Agency's planning and regulatory activities.

Similarly, the need to project the future demand for outdoor recreational opportunities in the Basin has been discussed for some time. The future work plan for the TRPA calls for the Agency to conduct such a survey, and participation in the Tahoe Coalition of Recreation Providers furnishes a mechanism for coordination of recreation planning. Testimony supported placing an emphasis on analyzing the recreational demand and incorporating the results in the Regional Plan as soon as possible.

The functioning of the Individual Parcel Evaluation System (IPES) has also become a controversial issue. The system furnishes a quantitative mechanism for evaluating a parcel's sensitivity to development, and it is used by TRPA to establish priorities for allowing construction of new single-family dwellings. The Agency's planning activities anticipate that the IPES "line," which identifies vacant residential parcels currently eligible for development, will "move" in a manner which allows construction on more sensitive parcels as time progresses. Several factors, however, have limited the Agency's capability to move the line, and testimony emphasized the importance of eliminating the hindrances and ensuring that the line is moved as originally contemplated.

As a fourth specific concern, the economy in the Basin has suffered in recent years. Although the Tahoe Regional Planning Compact does not require the TRPA to establish economic performance standards for the Basin, the Agency
has concluded that the Region lacks a coordinated program for collection and assessment of economic data. The Lake Tahoe Economic Roundtable, in which the TRPA participates, is designed to assist in this type of effort, and it has been successful in initiating positive activities such as sponsorship of a regional conference to analyze the economic competitive of the businesses in the Basin. Testimony highlighted the need to continue these efforts and to expand the goals to include identification of impacts that TRPA plans and regulations have on the Region’s economic and social well-being.

Based on this testimony and background information, the committee approved the following recommendation:

- Request, by resolution, that the TRPA:
  
  a. Incorporate stronger scenic protection measures in the Agency’s planning and regulatory activities;
  
  b. Analyze the future demand for outdoor recreational opportunities in the Lake Tahoe Basin and report to the 1995 Session of the Legislature the results of the analysis and the manner in which the Agency intends to incorporate this information in the Regional Plan;
  
  c. Continue to move the Individual Parcel Evaluation System (IPES) line that identifies residential property which may be developed in the Basin; and
  
  d. Continue its involvement in the Lake Tahoe Economic Roundtable, and take appropriate steps to respond to identified impacts that the Agency’s programs and regulations have on the Region’s economic and social well-being. (BDR R-301)

C. TRANSPORTATION-RELATED RECOMMENDATIONS

The street and highway network represents 40 percent of the land coverage in the Basin, and runoff from streets and highways is a major factor in water
MEMORANDUM

July 12, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Three-Year Strategic Plan (July 1995-June 1998)

Please bring the Three-Year Strategic Plan mailed to you in June to the July Board meeting. If you wish an additional copy, please advise Roxie Duer (702-568-4547) prior to the meeting, so we can have extra copies available for the discussion.

7/12/95

AGENDA ITEM XI. A.

Planning for the Protection of our Lake and Land
MEMORANDUM

July 12, 1995

To: TRPA Staff

From: TRPA Governing Board

Subject: Core Statement of Policy

The attached document, which was distributed to Board members at the June Board meeting by Mr. Wynn, will be a part of the discussion on the Three-Year Strategic Plan.

jf
7/12/95

AGENDA ITEM XI. A.1.
Planning for the Protection of our Lake and Land
THE NEED FOR A CORE STATEMENT OF POLICY BY TRPA

by Steve Wynn
and Monique Laxalt Urza

June 1995
THE NEED FOR A CORE STATEMENT OF POLICY BY TRPA
by Steve Wynn
and Monique Laxalt Urza
June 1995

A. Introduction

In a fundamental sense The Tahoe Regional Planning Agency--the TRPA--is a model of democracy. It is a governing body founded on the recognition of the many and sometimes diverse interests in a region recognized as a national treasure. The interest of the United States in preserving that treasure, the interests of the two states (California and Nevada) whose common border transects the Tahoe Basin, the local interests of the counties of each state which extend into the Basin: all are given representation on the governing board.

At the same time, however, TRPA was created as a non-elected administrative body vested with broad authority in the areas of policy-making, rule-making and case adjudication. Further, TRPA has at times found itself to be the subject of complaints which largely typify today's dissatisfaction with administrative agencies in general: complaints of overregulation, of bureaucratic "red-tape", of inconsistency in rule-making and case adjudication, and of over-exercise of discretion. These complaints point to a perceived loss of democratic principles at the administrative level.

The situation is compounded by the fact that, under TRPA’s existing rules and regulations (enacted in 1987), the object of the agency’s oversight, the Lake Tahoe Basin, has declined in several of the recognized areas of quality and purity. This circumstance renders TRPA vulnerable to what is probably the foremost public complaint against the administrative system: inefficiency in fulfilling its purpose.

The purpose of this paper is to propose Board action which could go far in resolving concerns as to both the democratic nature and the productivity of TRPA: the formulation of a "Core Statement of TRPA Policy". Such a statement is not only mandated by the Federal TRPA Compact, but is important to any system of regulation that provides for consistency, public accessibility, and administrative direction.
B. The Absence of an Existing Succinct Policy Statement By TRPA

TRPA's existing statement of "Goals and Policies" and "Code of Ordinances" emerged out of a three-year "consensus process", under the compulsion of a legal action brought to ensure compliance with the heightened standards of environmental protection imposed by the 1980 amended federal TRPA Compact. The consensus process, which spanned 1984 to 1987, was long and arduous, by its very premise required to accommodate and/or resolve the often divergent interests of a plethora of participating interested parties. That a consensus was in fact reached, and a final set of regulations produced, is to the immense credit of those involved.

The drawback to the three-year consensus process, however, was that in order to accommodate a multitude of interests it produced what may fairly be called a mass of regulation without defining central guidelines. Most importantly, commanded by the 1980 amended Federal Compact to enact a "description of the needs and goals of the region" and a "statement of the policies", TRPA, in 1986, approved a "Goals and Policies" statement 152 pages in length, defining so many "goals" and so many "policies" that it provides no central, ascertainable set of goals, policies or guiding principles.

A prime example of the circumstance created by the absence of a statement of controlling principles is TRPA's recent consideration of an application to retain buoys in an area designated as "fish habitat". In considering the application, the TRPA Board was required to grapple with the conflicting circumstances (1) that TRPA regulation forbids placement of buoys in any area designated as "fish habitat", and (2) that another TRPA regulation mandates that a 1991 study commissioned by TRPA, which found that piers and buoys do not impact negatively on fish habitat, be implemented into TRPA "fish habitat" regulation. The Board's discussion was marked by an inability to point to any controlling policies that might resolve the dilemma; notably, the "Fisheries" chapter of the TRPA "Goals and Policies", which contains a multitude of provisions, was not so much as mentioned as a possible source of resolution. The solution reached by the Board was to grant temporary approval of the buoy field.

By contrast, were TRPA to have a true statement of general policy which contained the simple provisions (1) that TRPA is to protect against degradation of fish habitat and (2) that TRPA is to promote recreation which does not negatively impact on the environmental quality of the Lake or Basin, it could legitimately have resolved the conflict in regulations. Importantly, the appearance of discretionary case-by-case treatment would be eliminated; and all applicants similarly situated would be aware of the standards to govern disposition of their application.
It has been suggested that the Federal Compact itself contains the statement of general policies to be followed by TRPA. While Article I of the Compact does define the broad contours of Congressional policy to govern TRPA, Article V specifically commands TRPA, which has the subject-matter expertise that neither the state legislatures nor the U.S. Congress have, to enact its own statement of policies (within the contours of the overriding objectives listed in Article I).

Further, the reality is that the existing TRPA "Goals and Policies" statement, not the language of Article I of the Federal Compact, is regarded in practice as the "Bible" or "constitution" of TRPA. The incongruity is that, despite being accorded the supremacy and immutability of a guiding document, the existing TRPA "Goals and Policies" bears none of the characteristics—succinctness, clarity or breadth of application—that typify a true guiding document.

C. The Role of Guiding Principles in the American System of Government

The concept of the succinct statement of policy is probably the most central distinction between the United States system of government and those of most other countries. Under the U.S. system, all law and all governmental action is ultimately guided by a succinct statement of guiding principles known as the U.S. Constitution. The U.S. Constitution's characteristics of brevity, succinctness, and generality of application are often viewed as both the genius of the American system of government and the reason for its survival. It is through these essential qualities that the Constitution—the American "policy statement"—has remained accessible to the public, understandable by the public, constant in its stated principles while allowing for flexibility in application according to the realities of the era or a specific case.

Throughout the extensive network of law that has developed in the United States, there has been an enduring recognition of the distinction between guiding policy and the laws, rules and regulations that flow therefrom. The attributes of brevity, succinctness, and generality of application characterize the notion of "policy" at all levels of government.
D. Policy-Making At the Administrative Level

In the context of the American administrative system, the administrative statement of policy--of general principles--is distinguished from agency rules and regulations. While the administrative policy statement does not have the rigid binding effect of rules or regulations, it is recognized as an "authoritative guide" to the interpretation of regulations, to which the courts will accord substantial deference. Most importantly, the statement of policy is recognized as a primary means by which an agency can provide for public accessibility, agency direction and administrative consistency. The following passage from an often cited 1974 decision of the Federal Court of Appeals for the District of Columbia Circuit is illustrative of the recognized importance of the administrative policy statement:

"As an informal device, the general statement of policy serves several beneficial functions. By providing a formal method by which an agency can express its views, the general statement of policy encourages public dissemination of the agency's policies prior to their actual application in particular situations. Thus the agency's initial views do not remain secret but are disclosed well in advance of their actual application. Additionally, the publication of a general statement of policy facilitates long range planning within the regulated industry and promotes uniformity in areas of national concern."

The importance of the administrative policy statement is made especially clear in light of the historical evolution of the U.S. administrative system. That history is one of increasing delegation to administrative agencies, with the ultimate delegation being of authority to define policy, within legislatively-prescribed contours.

The significance of that delegation can only be appreciated in light of a tension deeply rooted in Anglo-American law, between the importance of the rule of law and the importance of discretion and flexibility in the application of the law. That tension is most acute in the context of the administrative system, where discretionary authority is placed in the hands of unelected officials. The viability of the administrative system has been described as dependent upon the establishment of proper contours within which administrative discretion is exercised; without such circumscription, the administrative exercise of discretion stands to subject the regulated public to unrestrained authoritarianism and to governance without notice of expected standards of conduct.

The history of the administrative system can in this sense be characterized as one of increasing delegation of authority and responsibility to the agency to define the contours of its own exercise of discretion. The ultimate delegation of policy making
authority shifts to the agency the responsibility of defining central principles to govern the exercise of discretion.

Under the broadly-empowered administrative system that has characterized the last 20 years, administrative agencies have been repeatedly challenged for not complying with their obligation to so define the limits of their own authority. The most recurring challenge has been to agencies which have failed to enact any standards, whether in the form of policy statement or regulations. Not only the failure to enact standards, however, but the over-enactment of administrative standards, has come to be viewed as undermining the democratic underpinnings, as well as the functional ability, of the administrative agency. The regulatory mess is a modern phenomenon which, like the absence of regulation, renders administrative standards unknowable by the public, insulating the administrative agency from public accountability or even judicial scrutiny.

The most fundamental distinction between a "regulatory mess" and fair, workable set of administrative regulations lies in the question of whether an agency's rules and regulations are guided, both in their enactment and in their application, by discernable general principles. As expressed by the Federal Court of Appeals in the passage set forth above, the statement of general policy lends unity, understandability, consistency and direction to administrative regulation. It is thus fundamental an agency's compliance with its delegated responsibility to "define the contours of its own discretion."

E. Conclusion

The proposal advanced by this paper--the enactment of a "Core Statement of TRPA Policy" --is important to the future productivity of TRPA. It would provide to both TRPA and the public a guiding document for use in both the enactment of regulation and case adjudication. As a result, it would go far in providing future direction to TRPA, and accessibility and consistency of treatment to the regulated public. The enactment of a core statement of policy would, furthermore, represent TRPA's fuller compliance with the agency's Congressionally mandated duty to enact "policy" in its true sense.

Finally, it has specifically not been the purpose of this paper to suggest what a "Core Statement of TRPA Policy" would or should contain as a matter of substance. It is recommended only that it conform to the recognized concept of the general policy statement: that within the parameters defined by Congress under Article I of the Compact, it set forth general principles succinctly stated, sufficient to guide the agency in resolving conflicts in regulations and in charting the future direction.
Notes

1. A review of the 1980 amended Federal Compact suggests that the existing "Goals and Policies" statement is the subject of misnomer. Under Article V, subsection (c) of the Compact, TRPA is directed to enact a "regional plan" to consist of:
   - a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan
   - a description of the needs and goals of the region and
   - a statement of the policies, standards and elements of the regional plan.

Under Article VI, subsection (a) of the Compact, the agency's "ordinances, rules and regulations" are to be enacted "to effectuate the adopted regional plan", i.e., as enactments distinct from the "regional plan" itself.

The 1986 document entitled "Goals and Policies" is by its contents the document that appears to be contemplated by the Compact as the "regional plan". As earlier outlined, the Compact specifically requires that the "regional plan" include that which meets the definition of a true "statement of policies".

2. A recent demonstration of the continuing force of the Constitution's succinctly stated principles is found in the U.S. Supreme Court decision in United States v. Lopez, 115 S.Ct. 1624 (Apr. 26, 1995), in which the Court held that Federal regulation of possession of guns in the vicinity of public schools was outside of the power of Congress under the Commerce Clause. As brief and simple a statement as that Congress shall have the power to regulate commerce "between the several states", more than two hundred years after its enactment, remains the foundational principle for measuring the scope of valid exercise of Congressional power.


Prior to 1936, the powers of the administrative agency were narrowly restricted by the legal principle known as the "delegation doctrine," invoked regularly to invalidate legislation which was viewed as unconstitutionally delegating law-making authority to non-elected administrative bodies. See, eg., U.S. v. Shreveport Grain & Elevator Co., 287 U.S. 77 (1932). Under the presidency of Franklin Roosevelt, the role of the administrative agency was drastically enhanced. The restrictive "delegation doctrine" was largely abandoned in favor of an emerging doctrine which upheld legislative delegation of law-making authority to administrative agencies so long as that authority was circumscribed by defined legislative policy. See U.S. v. Curtiss-Wright Export Co., 299 U.S. 304 (1936).

Under the new concept of the administrative system, an American bureaucracy grew exponentially in both size and recognized authority, in stages that reflected the changing concerns of the country. Through the industrial regulation of the 1930's and 1940's, and the socio-economic legislation of the 1960's, the U.S. Congress and state legislatures broadened the role of the administrative agency, but within the contours of defined policies set forth in the enabling legislation. Commencing in the early 1970's, as the national focus began to shift from social issues to environmental issues, the U.S. Congress and the state legislatures found themselves ill-equipped to define with specificity the policies that should guide the administrative agency. The solution reached was the legislative creation of administrative agencies under generalized statements of legislative policy, delegating to agencies with subject-matter expertise the authority to set specific goals and policies as well as the rules and regulations that proceeded from them. See, eg., Chevron, USA, Inc. v. Natural Resources Defense Council, 104 S. Ct. 2778 (1984). The TRPA Compact, both as originally enacted in 1970 and as amended in 1980, falls clearly within this category of enabling legislation.


See generally, Kenneth Davis, Discretionary Justice (Louisiana State Univ. Press; Baton Rouge: 1969).

Ibid, at p.55.

See, eg., White v. Roughton, 530 F.2d 750 (7th Cir. 1976).
MEMORANDUM

July 17, 1995

To: TRPA Governing Board
From: TRPA Staff
Subject: Program of Work for FY 95-96

Please bring the Program of Work for FY 95-96 mailed to you in June to the July Board meeting. If you wish an additional copy, please advise Roxie Duer (702-588-4547) prior to the meeting so we can have extra copies available for the discussion.
MEMORANDUM

July 14, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Appointment of Bistate Lay Member to the Advisory Planning Commission

The two-year term of the bistate lay member appointed at the recommendation of the Tahoe Transportation District (TTD) expired the end of March 1995. The TTD took up the matter at its July 14 meeting and recommended Governing Board approval of the reappointment of Merle Lawrence to serve on the APC for another two-year term. Mr. Lawrence has expressed an interest in remaining on the APC. If approved, Mr. Lawrence's term would run through July 1997.
July 12, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution to Amend Policy 2.6 of the TRPA Personnel Policy Manual Pertaining to Vacation

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Proposed Action: Adoption of a resolution which amends Policy 2.6 of the TRPA Personnel Policy Manual by allowing individuals who are rehired by TRPA to be given credit for time served in their former TRPA position when calculating vacation accruals. This amendment also contains some technical clarifications for vacation accruals for part-time employees and for payouts upon leaving employment with TRPA.

Staff Recommendation: Staff recommends that the Governing Board review the amendments in Exhibit "A" to the resolution, and if they are deemed desirable, adopt the attached resolution.

Rules Committee Recommendation: The Rules Committee will report on their recommendations at the time of this agenda item since they will be meeting on the same date.

Discussion:

1) Policy No. 2.6 - Vacation

An amendment to Policy No. 2.6 is being proposed to allow former TRPA employees who are rehired by the Agency to be given credit for the years in their former TRPA position when calculating vacation accruals. Another amendment to Rule 2.6 codifies the current policy of reducing part-time employees' annual paid vacation leave in accordance with the percentage of a full-time week that they generally work.

In addition, language changes were included in Rule 2.6 to eliminate the under-inclusive heading and text of "terminations" and to substitute the phrase of "leaving employment with TRPA." This phrase includes resignations, terminations and retirements. The term "date" was relocated in Rule 2.6 to eliminate confusion whether the referenced date is the date of promotion to the employee’s current position or the date of hire.

Findings: Chapter 6 requires the following findings:

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

Rationale: The amendment is purely procedural, and is consistent with both state open meeting laws.

2. The Project will not cause the environmental threshold to be exceeded.

Rationale: The amendment is purely procedural and will not affect thresholds.

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

Rationale: See Finding 2, above.

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: See Findings 1 and 2, above.

Environmental Documentation:

Due to the procedural nature of the amendment, staff recommends a finding of no significant effect.

Requested Action:

To adopt the proposed amendment, the Governing Board must take the following actions:

1. Hold a public hearing.

2. Make the Chapter 6 findings and a finding of no significant environmental effect; and

3. Adopt the attached resolution.

If there are any questions regarding this agenda item, please contact R. J. Nicolle, TRPA Agency Counsel, at (702) 588-4547.
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 95-

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY AMENDING POLICY 2.6
OF THE TAHOE REGIONAL PLANNING AGENCY PERSONNEL POLICY MANUAL

WHEREAS, the proposed amendment to Policy 2.6 of the Tahoe Regional Planning Agency Personnel Policy Manual is necessary and desirable to promote, and is reasonably related to the public health, safety and general welfare of the Tahoe Region; and

WHEREAS, the proposed amendment complies in all respects, procedural and substantive, with the Tahoe Regional Planning Compact, the Regional Plan, ordinances and rules of TRPA, and is necessary to effectuate and implement same; and

WHEREAS, the proposed amendment is procedural in nature and will not have a significant effect upon the environment and therefore does not require the preparation of an environmental impact statement; and

WHEREAS, prior to adoption of this amendment, the Governing Board made the findings required by Chapter 6 of the Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency, that the Tahoe Regional Planning Agency Personnel Policy Manual, Policy 2.6 be amended as per Exhibit "A" attached hereto and incorporated hereby by reference.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency on this 26th day of July 1995, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John Upton, Chairman
Tahoe Regional Planning Agency
POLICY NO. 2.6 -- VACATION

The vacation year is based upon the employee's date of hire. The Agency believes that adequate time must be provided to employees annually for rest and relaxation. However, vacation hours may be accumulated up to and including 240 hours on the anniversary date of hire. Any accumulation over 240 hours must be approved by the Executive Director. There shall be no forfeiture of vacation even if accrued in excess of 240 hours.

Additional vacation time is not granted if the employee is sick during the vacation period. All requests for advance vacation pay must be submitted to the Finance Division five working days prior to the pay day when the employee will be away.

1. ALLOWANCE

During employment with the Agency, vacation allowance will be based upon a pro rata schedule accrued monthly. The following schedule applies to all permanent full-time/continuous employees:

<table>
<thead>
<tr>
<th>Continuous Length of Service</th>
<th>Days of Vacation Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>First year through Second Year</td>
<td>10 Days</td>
</tr>
<tr>
<td>Third through Fifth Years</td>
<td>15 Days</td>
</tr>
<tr>
<td>Sixth Year</td>
<td>16 Days</td>
</tr>
<tr>
<td>Seventh Year</td>
<td>17 Days</td>
</tr>
<tr>
<td>Eighth Year</td>
<td>18 Days</td>
</tr>
<tr>
<td>Ninth Year</td>
<td>19 Days</td>
</tr>
<tr>
<td>Tenth Year +</td>
<td>20 Days</td>
</tr>
</tbody>
</table>

At the conclusion of the sixth year and each year thereafter, the additional day of vacation shall be credited on the anniversary date of the employee's date of hire in accordance with the above schedule. Part-time employees shall accrue vacation in accordance with the above schedule on a pro rata basis.

2. TERMINATION LEAVING EMPLOYMENT WITH TRPA

All full-time permanent employees who resign/retire/terminate leave employment with TRPA will receive payment for any earned unused vacation allowance. Employees who leave employment with the Agency and are rehired at a later date shall be given credit for their previous length of service for purposes of determining the amount of vacation allowance to be accrued per year beginning on their new date of hire.

3. PROCEDURE

In December of each year, supervisors/managers will be apprised of the vacation allowance of the employees under their supervision and given the worksheet for planning vacations within their department.

All requests for advance vacation pay must be submitted to the Finance Department five days prior to the pay day that the employee will be away.
July 1, 1995

To: TRPA Governing Board
From: TRPA Staff
Subject: IPES/Land Capability Status Report

The status of IPES/Land Capability determinations for the period of January 1, 1995, through June 30, 1995 is as follows:

<table>
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<tr>
<th>CSLT/</th>
<th>Douglas</th>
<th>El Dorado</th>
<th>Placer</th>
<th>Washoe</th>
<th>Total</th>
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<td>Applications received</td>
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<td>53</td>
<td>61</td>
<td>46</td>
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<td>59</td>
<td>65</td>
<td>51</td>
<td>179</td>
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<td>22</td>
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<td>71</td>
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<td>Land Capability Challenges</td>
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<tr>
<td>Applications received</td>
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<td>2</td>
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<td>Challenges completed</td>
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<td>1</td>
<td>8</td>
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<td>IPES Determinations of Allowable Coverage</td>
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<td>Applications received</td>
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<td>1</td>
<td>3</td>
<td>7</td>
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<td>5</td>
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<td>3</td>
<td>1</td>
<td>4</td>
<td>9</td>
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<td>IPES Reevaluations</td>
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<tr>
<td>Applications received</td>
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<td>2</td>
<td>0</td>
<td>4</td>
</tr>
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<td>Reevaluations completed</td>
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<td>0</td>
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<td>Initial IPES Evaluations</td>
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<td>Applications received</td>
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<td>2</td>
<td>4</td>
<td>3</td>
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<td>1</td>
<td>0</td>
<td>3</td>
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<td>Governing Board Hearing Requests</td>
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<tr>
<td>GB hearing requests processed</td>
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<tr>
<td>Requests pending (7/1/95)</td>
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<td>8</td>
<td>10</td>
<td>1</td>
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/tas
7/1/95

AGENDA ITEM XI.D

Planning for the Protection of our Lake and Land 156
MEMORANDUM

July 7, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Progress Report on Priority Milestones Contained in the Strategic Plan and FY 94-95 Program of Work (April 1 - June 30)

The Strategic Plan and Program of Work for FY 94-95 were presented to the Governing Board in June 1994. The Strategic Plan identified approximately 37 of the milestones contained in the Program of Work as the highest priorities.

The Program of Work is reviewed by staff on an ongoing basis throughout the fiscal year to monitor work progress in accordance with the assigned completion schedules (milestones) and to make any necessary adjustments. This progress report focuses on only those priority milestones identified in the Strategic Plan for completion in the fourth quarter of FY 94-95.

In the fourth quarter there were 6 priority milestones identified for completion. Five milestones were completed and one has been deferred to a later date. Following is the current status of these fourth quarter milestones:

A. Three-year Goal: Build public understanding and support for the TRPA mission.

Fourth Quarter Objectives (FY 94-95):

1. Complete brochure on thresholds and 1996 Evaluation process

   This objective was accomplished through the publication of articles on the environmental thresholds and the 1996 Threshold Evaluation process in the Agency’s Spring, 1995 newsletter.

B. Three-Year Goal: Accelerate implementation of BMP Retrofit Program

Fourth Quarter Objectives (FY 94-95):

1. Conduct 4-6 neighborhood workshops in Priority 6-95 1 watershed areas

Planning for the Protection of our Lake and Land
Project Review staff conducted five workshops since February 1995 in the following Priority 1 watershed areas: City of South Lake Tahoe, Placer County, Douglas County, Washoe County and El Dorado County. These workshops were attended by realtors, business owners, and residential property owners.

C. Three-Year Goal: Achieve additional physical improvements in the built and natural environments

Fourth Quarter Objectives (FY 94-95):

1. Develop list of priority SEZ restoration projects for implementation by June 2000

The priority list consisting of Third Creek, Edgewood Creek, Trout Creek, Upper Truckee River, Snow Creek, and Angora Creek has been completed.

D. Three-Year Goal: Facilitate identification of remaining water and sewer capacity in Basin

Third Quarter Objectives (FY 94-95):

1. Meet with water and sewer providers and affected agencies to identify remaining capacity issues and develop action plan

TRPA staff has met with the water and sewer providers and a report was presented to the Governing Board in March 1995. Additional meetings will be held in the coming months and an action plan will be developed by December 1995.

E. Three-Year Goal: Facilitate completion of rehabilitation program in North and South Shore

Fourth Quarter Objectives (FY 94-95):

1. Complete redevelopment action plan and incorporate into 3-Year Strategic Plan and Work Program

Although no specific action plan has been developed, TRPA staff has been working with the City of South Lake Tahoe Redevelopment Agency to promote their redevelopment projects. Currently, staff is working on the Ski Run and Park Avenue redevelopment projects, as well as the redevelopment related Heavenly Ski Area Master Plan project, which are on track for Governing Board consideration this summer and fall. TRPA staff has also been working with the Placer County Redevelopment Agency in the development of their redevelopment plan on the North Shore. Facilitation of these redevelopment projects is in the current Strategic Plan and annual Work Program.
G. **Three-Year Goal:** Establish and implement a coordinated program with state, local, and federal agencies to prioritize and secure funding requests.

**Fourth Quarter Objectives (FY 94-95):**

1. Make a minimum of three grant requests for SRZ restoration program implementation

   Grant requests for the restoration of Snow Creek (Placer County), Angora Creek (El Dorado County), and Third Creek (Washoe County) have been completed.

If you should have any questions or comments regarding this agenda item, please contact Jerry Wells, Deputy Director, at (702) 588-4547.
July 17, 1995

To: TRPA Governing Board

From: Susan E. Scholley, Special Projects Attorney

Re: Bitterbrush Settlement Fund Expenditure for Emergency Access Improvements

PROPOSED ACTION: The proposed action is to authorize an expenditure/credit from the Bitterbrush litigation settlement fund for the construction of improved emergency access for Bitterbrush through Tyrolian Village.

STAFF RECOMMENDATION: The staff recommends the proposed action and further recommends that, upon completion of the emergency access improvements, $50,000 be reimbursed from the Bitterbrush litigation settlement fund and a credit be given for the remaining amount (but not more than $50,000) for use in releasing future units from the $750,000 deed of trust.

BACKGROUND: Although the Bitterbrush litigation settlement has many components, the proposed action is focused on the secondary access issue and so the background discussion is similarly focused.

Leroy Land Development Corporation (Leroy) was the developer of the Bitterbrush condominiums in Incline Village, Nevada. Unit #1 (26 units) was constructed in 1971 and TRPA approved the final map for Unit #2 (224 units) in 1972. The first phase of Unit #2 (21 units) was completed in 1980 and is now a timeshare resort called Tahoe Chaparral.

When the Tahoe Regional Planning Compact was amended in 1980, TRPA determined that the remaining units were not exempt from TRPA review under the new ordinances. Leroy Land filed suit against TRPA seeking a vested right to construct the remainder of Unit #2 (203 units) without TRPA review. In 1982 federal court decision, Judge Reed declared that the project was subject to the new ordinances and was not vested. Prior to a hearing on Leroy's appeal to the Ninth Circuit Court of Appeals, TRPA and Leroy entered into a settlement agreement which permitted the build-out of the subdivision.

The settlement agreement includes a reduction in units from 203 to 185. The agreement also provides for a $750,000 offsite mitigation package to be implemented in phases as the units are built. The offsite mitigation menu consists of: 1) offsite energy dissipaters; 2) cut slope stabilization along Fairview and Ski Way; 3) secondary access across Bitterbrush common area or through Tyrolian Village; and 4) the acquisition of other land so as to reduce
the total coverage percentage to 20 percent. If there is money left over, then any additional mitigation proposed by the EIS can be implemented.

The settlement agreement provides for a complex system of securities. A deed of trust was recorded against all 185 units as security for completion of the mitigation work. Individual units are released from the deed of trust as they are sold. Prior to release of an individual unit, Leroy is required to post a security in the amount of $4054.05 per unit. These individual securities are to be returned to the developer as the mitigation projects are completed. The settlement agreement is structured so that the required offsite mitigation will be implemented in phases according to the schedule in the agreement.

**CURRENT STATUS:** To date, approximately 55 units have been completed (or are under construction) and released from the deed of trust. Approximately 60 units have been transferred off-site. TRPA holds approximately $316,000, as security for the released units. In addition, $45,000 has been released from the security fund for EIS and mitigation work completed by the developer. There are gaps in the securities (approx. $48,464.65) due to expired letters of credit and a letter of credit which was returned prior to the Ninth Circuit decision upholding the 1982 Settlement Agreement. TRPA still intends to pursue the reposting of the released letters of credit.

**STATUS OF SECONDARY ACCESS:** In 1986, the TRPA Governing Board allocated $262,460 for the construction of a new secondary access road across the Bitterbrush common area to Ski Way. In its 1984 action the Board set a cap on the secondary access cost and directed that if the cost was later estimated to exceed the $262,460 cap, the matter was to be brought back to the Board. The revised cost for construction of the secondary access through the Bitterbrush common area is currently estimated to be $454,410 to $600,000.

The neighboring subdivisions (Bitterbrush Unit #1 and Tahoe-Chaparral) are very concerned about the secondary access issue. These adjoining subdivisions want an alternative access for the Bitterbrush subdivisions since otherwise all the units (about 174 residences) share one access road. There are also concerns about emergency access in the case of fire or other catastrophe. Currently, there is a chain link gate across the east end of Bitterbrush Unit #2 into Tyrolian Village (Styria Way) which the fire department can use in an emergency. Since Tyrolian Village streets are privately owned they have refused access for Bitterbrush, other than for emergencies.

The Board had a lengthy hearing in May 1993 about the fire department's and neighbors' concerns and desire for secondary access. At the end of the hearing, the Board asked that staff work with Washoe County and attempt to resolve the issue. Steve Bradhurst held several meetings with the Bitterbrush representatives, County staff and TRPA, but there was no easy solution.

Finally, in March 1995, the Governing Board voted to delete the 1984 funding for construction of a new secondary access road based on a finding that construction of such a road was too expensive, difficult and otherwise infeasible. Because of the continuing concerns regarding secondary access, and based on the 1982 Settlement Agreement's commitment to provide at least
$100,000 for some type of secondary access, the Governing Board set aside a minimum of $100,000 out of the fund which would be made available to the developer, Washoe County, the North Tahoe Fire Protection District, Tyrolian Village Homeowner's Association, or any other appropriate entity, for provision of secondary access.

In addition, the Governing Board reserved an additional amount, up to $150,000, from the litigation settlement fund for possible use in the provision of secondary access. The additional monies are reserved for at least two years. The use of the additional monies would be based upon the proposed solution to the secondary access issue and the appropriateness of an additional contribution by TRPA. Relevant factors would be: the nature of the solution (use of existing roads vs. new construction); the extent of cost-sharing by affected parties, and the extent of competing demands for other off-site mitigation measures. As with the $100,000, the additional monies could be awarded to the developer, Washoe County, the North Tahoe Fire Protection District, Tyrolian Village Homeowner's Association, or any other appropriate entity, for provision of secondary access.

ISSUE PRESENTED: The issue presented to the Governing Board is whether to authorize a reimbursement/credit from the litigation settlement fund for the construction of emergency access improvements as described in the attached letter from Tom Hall, attorney for Bitterbrush.

Staff believes that construction of a new secondary access road is unlikely to occur and therefore the primary focus should be on the provision of secondary access using the existing roads through Tyrolian Village. The proposed improvements are consistent with this approach and will provide a significant benefit to the Bitterbrush subdivisions by upgrading the emergency access gate. Further, staff hopes that these emergency access improvements will form the basis of further discussions and agreements between Tyrolian Village and Bitterbrush. Although the emergency access improvements are not traditional environmental mitigation measures, the 1982 Settlement Agreement clearly contemplated and included access improvements within the scope of the $750,000 litigation settlement fund. In fact, the provision of secondary access was a major issue in the settlement negotiations.

The Governing Board should also note that the Fire District has approved these emergency access improvements and has lifted its order withholding approval of future Bitterbrush units.

VOTE REQUIRED: A motion to authorize the reimbursement/credit after construction of the proposed emergency access improvements from the Bitterbrush litigation settlement fund would require an extraordinary vote of 5/9 (with at least 5 from Nevada).
June 16, 1995

Hand Delivered

R. J. Nicolle, Agency Counsel
TAHOE REGIONAL PLANNING AGENCY
Post Office Box 1038
Zephyr Cove, Nevada 89448-1038

Re: Approval of Bitterbrush Settlement Funds
Expenditure for Emergency Access Improvements

Dear Ms. Nicolle:

You may recall that the topic of reallocation of 1982 Bitterbrush Settlement mitigation funds was brought forward at the March 22, 1995 meeting of the TRPA Governing Board. After full debate and discussion, it was resolved and approved to set aside $100,000 of the funds for emergency access improvements and to reserve an additional $150,000 for at least two (2) years pending specific proposals for secondary access solutions.

Following the action taken on March 22, 1995, extensive discussions were had with the North Lake Tahoe Fire Protection District concerning emergency access and improvements which would allow for the completion of the Bitterbrush Project with the least hazard to life or property and in compliance with all applicable fire codes and ordinances.

To that end, an Agreement was prepared and executed June 13, 1995, a copy of which is enclosed for your ready reference. You will note that paragraphs 2 through 6 require certain additional improvements as specified by the Fire District. A preliminary Cost Estimate and budget for these improvements has been prepared by Bitterbrush Project Engineer Milton L. Sharp, P.E., and is also enclosed for your ready reference. The current total estimated cost of these required improvements is the sum of $105,600. We will soon prepare improvement drawings and specifications and thereafter submit same to the TRPA and the Fire District for final review and approval. We will then obtain construction bids for these works of improvement and supply those bids to the TRPA as well.

165
Once the improvements are constructed and approved by the Fire District and the TRPA, we will request reimbursement by the TRPA from the mitigation funds currently on deposit.

We are requesting that this matter be placed on the June 28, 1995 Agenda for Legal Committee discussion and thereafter Board approval.

Your early attention to this matter would be greatly appreciated.

Sincerely,

THOMAS J. HALL, ESQ.

TJH:sas
Enclosures

cc: Cy Yehros, Owner
Greg Melcher, Vice President
Tom Smith, NLTFPD
Geno Menchetti, Esq.
MILTON L. SHARP, P.E.
Consulting Engineer, Inc.
1005 TERMINAL WAY, #257, RENO, NEVADA, 89502 * 702-323-7006

BITTERBRUSH UNIT NO. 2
CONSTRUCTION OF EMERGENCY ACCESS
AND FIRE CONTROL FEATURES
COST ESTIMATE

JUNE 1995

1. Improvements to emergency access
driveway connection, Bitterbrush
Unit 2 to Styrinia Way
1.1 Clean up and grading $850
1.2 Base and pavement,
500 SF @ $2.00/SF $1,000
$1,850

2. Gate installation at emergency
access driveway
2.1 Safetran Systems, Model S-20
railroad highway crossing
gate including mounting mast
and pedestal, operating mechanism
and switch, gate arm and flashing
light; delivered to site $6,000
2.2 Steel pipe barriers
located each side of gate
opening, set in concrete
footing, 6 @ $250 $1,500
2.3 Installation of gate,
including electrical
service $5,000
2.4 Switching equipment, key
operated or fire alarm system
activated, including weather
proof enclosure $2,500
$15,000
$15,000

3. Construction of turning circle and
emergency exit sign.
3.1 Additional grading necessary
to accommodate widened
pavement $500
3.2 Additional pavement,
250 SF @ $2.00/SF $500
3.3 Sign with reflective
background and lighting $2,250
3.4 Switch, manually operated
or fire alarm system
activated

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<th>Cost</th>
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<tbody>
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<td>$3,930</td>
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4. Construction of fire alarm activation
for access gate and emergency exit sign

4.1 Trench and conduit for
upper road fire alarm,
including patching of pavement
520 LF @ $6.50

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4.2 Trench and conduit for
lower road, 2,350 LF @ $6.00

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4.3 Pull Boxes,
8 @ $350

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<td>$2,800</td>
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4.4 Installation of electric
cable in conduit

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4.5 Activator switches at
locations of alarm controls

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<td>$28,980</td>
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5. Fire lane marking and emergency exit signs

5.1 Fire line striping
5,100 LF @ $1.90

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5.2 No parking, fire lane signs,
69 @ $180

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6. Off-street parking

6.1 Earthwork,

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<td>$700</td>
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6.2 Slope protection

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<td>$1,500</td>
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6.3 Pavement, 1,300 SF @ $2.00

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<td>$4,800</td>
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Subtotal $72,590

7. Contingency, 15%

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Total construction Cost $83,480

8. Engineering, surveying, construction
inspection

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Subtotal $91,830

9. Administrative cost, 15%

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Total $105,600
AGREEMENT

THIS AGREEMENT dated June 13, 1995, is entered into by and between BITTERBRUSH LIMITED PARTNERSHIP, a Nevada Limited Partnership (hereinafter "BITTERBRUSH LIMITED"), and the NORTH LAKE TAHOE FIRE PROTECTION DISTRICT, a public agency created pursuant to NRS 474.005, et seq., to manage and conduct its business and affairs (hereinafter "DISTRICT").

RECITALS

A. BITTERBRUSH LIMITED, without limitation, is the owner in fee simple of fifty-two (52) condominium lots with vested rights in the Ski Lane-Bitterbrush Subdivision Unit No. 2, Phase II, Incline Village, Nevada, as shown on the final plat thereof filed for record in the Office of the Washoe County Recorder on January 19, 1972, under filing No. 232188, and appurtenant facilities hereinafter referred to as the "Bitterbrush Project." See Exhibits A and D attached.

B. Tahoe Regional Planning Agency is a land use planning agency created by the Tahoe Regional Planning Compact (hereinafter "TRPA").

C. On and before March 16, 1995, BITTERBRUSH LIMITED, as successor in interest to LEROY, held valid Washoe County building permits for completion of fifty-two (52) units within the Bitterbrush Project.

D. On March 16, 1995, at the DISTRICT's regularly scheduled Board meeting, the Bitterbrush Project was discussed as an agenda item. After discussion and consideration by the DISTRICT's Board of Directors, the DISTRICT's Fire Marshal was directed to "not approve any more plans for construction on the Bitterbrush Project, until the secondary access road is constructed and in place."

E. The DISTRICT has become concerned with the maintenance and possible obstruction of emergency access between Tyrolian Village and the Bitterbrush Project.

F. The parties to this Agreement desire to allow for the completion of the Bitterbrush Project with the least hazard to life or property, and in compliance with all applicable codes and ordinances.

NOW, THEREFORE, in pursuit of this Agreement, it is mutually, covenanted, stipulated and agreed by and between the parties as follows:

1. Non-Obstruction by BITTERBRUSH LIMITED. BITTERBRUSH LIMITED covenants, on behalf of itself, its officers, agents, servants, employees and all persons in active concert with it or any of them, that it will not undertake any action to obstruct the emergency access through Tyrolian Village.
2. **Improvement of Emergency Access.** BITTERBRUSH LIMITED shall bring the emergency access between Tyrolian Village and the Bitterbrush Project into substantial compliance with the applicable provisions of the 1991 Uniform Fire Code Sections 10.203 and 10.204, and the local amendments attached as Exhibit B.

3. **Erection of Barrier or Gate.** BITTERBRUSH LIMITED shall erect an appropriate all-weather gate or semaphore on the property boundary between Ski Lane-Bitterbrush Unit No. 2 and Tyrolian Village Unit No. 5. The gate or semaphore shall be similar to the design of a railroad crossing and shall be erected according to a design approved by the DISTRICT. The gate shall be controlled automatically upon activation of the sprinkler system, fire alarm system, and manually through the use of a Knox key.

Any electrically controlled device, or any other type of gate that would impede immediate access in an emergency situation, shall be provided with an approved lock set as required by the District. Any control device shall be capable of being manually opened, or shall be provided with alternate methods that meet the intent of immediate access. If battery backup is selected as an option, in the event of an emergency, fire alarm or power failure, the device must operate to the open position, until the emergency has been met or power restored. The controlled access systems shall be tested periodically along with the fire alarm systems existing within the Bitterbrush Homeowners Associations and maintained operational at all times. Repairs shall be in accordance with the original specifications.

4. **Construction of a Turning Circle.** BITTERBRUSH LIMITED shall construct a turning circle with a radius of 22.5 feet in substantial compliance with the applicable provisions of the 1991 Uniform Fire Code Sections 10.203 and 10.204, and the local amendments attached as Exhibit B, at the west entrance to the Loop road on leaving Tahoe Chaparral within Bitterbrush Unit No. 2, Phase Two. A schematic drawing of the turning circle is attached as Exhibit C. During an emergency, one way traffic shall be established diverting all traffic through the emergency access to Tyrolian Village. A sign with a directional arrow shall be erected stating:

"**USE EMERGENCY EXIT WHEN FLASHING**

All signage shall be as approved by the DISTRICT but shall at least be a minimum of four inch (4") high letters on a reflective contrasting background. A lamp shall be activated during an emergency, controlled automatically by the sprinkler system, fire alarm system, or manually. BITTERBRUSH LIMITED shall be responsible for educating the Bitterbrush Homeowners Associations about the emergency access fire protection facilities.

5. **Striping and Signage.** BITTERBRUSH LIMITED shall install striping in red or other color acceptable to the DISTRICT at the
edges of Ski Lane delineating the required 20 foot wide fire lane. Parking shall be permitted only when vehicles are completely clear of the 20 foot fire lane. All roads shall be marked at 100 foot intervals, "NO PARKING—FIRE LANE TOW AWAY."

6. **Parking.** BITTERBRUSH LIMITED shall design and construct six (6) additional parking spaces within the Bitterbrush Project.

7. **Completion of Lower Roadway:** The lower roadway from the access gate at Tyrolian Village to the turning circle at Tahoe Chaparral shall be installed in substantial compliance with the applicable provisions of the 1991 Uniform Fire Code Sections 10.203 and 10.204, and the local amendments attached as Exhibit B, by October 15, 1995, unless otherwise extended by the DISTRICT.

If the lower roadway is not completely installed to the satisfaction of the DISTRICT by October 15, 1995, and if there is construction activity in the adjacent units, BITTERBRUSH LIMITED shall provide a temporary hammerhead turnaround within the confines of the existing retaining wall structures for fire equipment and apparatus at Unit 192. The temporary turnaround shall be on a base soil compacted to 95% compaction and shall provide for year round use by DISTRICT personnel and equipment.

8. **Maintenance and Testing.** Maintenance and testing shall be in accordance with the common facilities maintenance provisions of the Covenants, Conditions and Restrictions for the Bitterbrush Project, as amended. Specifically, the safety improvements referred to in Paragraphs 2 through 7 above shall be considered common facilities to be maintained by the Bitterbrush II Association under the Covenants, Conditions, Restrictions, Easements, Liens and Charges contained in a Declaration recorded May 2, 1985 in Book 2144, Page 771, as Document No. 985717, Official Records of Washoe County, Nevada, re-recorded May 20, 1985 in Book 2164, Page 158, as Document No. 994592, Official Records of Washoe County, Nevada; including, without limitation, the following provisions:

**COMMON FACILITIES:**
All facilities placed or erected on, or which are a part of, the common area, including drives, walks, parking areas, television and telephone services and fixtures, storage and equipment areas or enclosures, parks, open spaces, planted and landscaped areas, sprinkling systems and recreation areas as may be built.

**ASSOCIATION MAINTENANCE:**
The Association shall maintain the common area, common facilities, the landscape setbacks, the exteriors (including roofs), and the foundations of the buildings in which the units are situate, and shall engage and pay for all
labor and materials as may be reasonably necessary for such maintenance.

The Association and such persons as may be employed by the Association for maintenance purposes, shall have the right to enter upon the exterior of any unit for the performance of maintenance but they shall not have the right to enter a residence unit without permission of the owner of such residence unit.

BITTERBRUSH LIMITED shall seek an amendment to the above provisions of the Covenants, Conditions and Restrictions providing that the definition of common facilities includes the emergency fire protection facilities set forth in Paragraphs 2 through 7 above.

9. Action by DISTRICT.

(a) DISTRICT shall and hereby does rescind and vacate the action taken by its Board of Directors on March 16, 1995 as set forth in Recital D above.

(b) DISTRICT shall expeditiously review, plan check and process all applications submitted to it by BITTERBRUSH LIMITED, now and in the future, for all fifty-two (52) units set forth on Exhibit D attached.

(c) DISTRICT shall review, approve and consent to that certain plat entitled and submitted herewith, to wit:

AMENDED PLAT
of
Ski Lane-Bitterbrush Unit No. 2
a Condominium

A portion of Section 14, T.16N., R.18E. M.D.M.

Incline Village, Washoe County, Nevada
(Reference: Washoe County Tract Map. No. 1277)

(d) DISTRICT shall support BITTERBRUSH LIMITED efforts to obtain approval of said Amended Plat before all appropriate agencies and boards.

(e) DISTRICT shall be entitled to withhold further inspections and signoffs of any Certificates of Occupancy on any buildings or units set forth on Exhibit D in the event BITTERBRUSH LIMITED does not complete the work and improvements set forth in Paragraphs 2 through 7 above.

10. Application for Funding. BITTERBRUSH LIMITED shall make application to the TRPA for funding of the work and improvements set forth in Paragraphs 2 through 6 above by funds derived from a
1982 Settlement Agreement by and between LEROY and TRPA. DISTRICT shall actively support, within the scope of DISTRICT's authority, any such application made by BITTERBRUSH LIMITED, including presenting oral testimony at any hearing thereon. It is the intent of the parties that the work and improvements set forth in Paragraphs 2 through 6 above shall be funded entirely through this source, but in accordance with the timing set forth in Paragraph 12 below.

11. Cost of Maintaining Lower Roadway. The maintenance and snow plowing responsibility for the lower roadway shall be with the Bitterbrush II Homeowners Association. Should Bitterbrush II Homeowners Association fail or refuse to maintain and plow snow from the lower roadway, then upon reasonable notice given by the DISTRICT to BITTERBRUSH LIMITED, BITTERBRUSH LIMITED shall maintain, or cause to be maintained, and snow plow the lower roadway free from snow and other obstructions for a period of two (2) years ending May 31, 1997.

12. Timing. BITTERBRUSH LIMITED shall substantially complete the improvements set forth in Paragraphs 2 through 7 above, to the DISTRICT's satisfaction, prior to October 15, 1995. Time is expressly declared to be of the essence of this Agreement.

13. Force Majeure. If by reason of acts of God, floods, storms, explosion, fires, labor troubles, strikes, insurrection, riots, acts of the public enemy, or federal, state or local action, law, order, rule or regulation, either party is prevented from complying with any condition of this Agreement, or from complying with any express or implied covenant in the Agreement, then while so prevented the condition shall be suspended and the party shall be relieved of the obligation of complying with such covenant and shall not be liable for damages or penalties for failure to comply with it. Any obligation of either party shall be extended for as long as it is so prevented from complying with any condition or covenant in the Agreement.

14. Non-Waiver. No delay or failure by either party to exercise any right under this Agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein. The terms and conditions of this Agreement shall be in addition to all presently existing requirements of the DISTRICT for the Bitterbrush Project.

15. Interpretation and Enforcement. In the event of any controversy, claim or dispute relating to this Agreement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs. This Agreement shall be governed and controlled by the laws of the State of Nevada and venue shall be in the courts of Washoe County, State of Nevada. This Agreement shall be amended only by a written document signed by the parties.
16. **Entire Agreement.** This Agreement contains the entire understanding and agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this Agreement shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be changed.

17. **Binding Effect.** This Agreement shall be binding on and shall inure to the benefit of the successors and assigns of BITTERBRUSH LIMITED and DISTRICT.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

BITTERBRUSH LIMITED PARTNERSHIP,
a Nevada Limited Partnership

By [Signature]
Cy Yehros, General Partner

LAKE TAHOE FIRE PROTECTION DISTRICT

By [Signature]
Michael C. Sommers, President
Division II
FIRE APPARATUS ACCESS ROADS

General

Sec. 10.201. Fire apparatus access roads shall be provided and maintained in accordance with this division.

Plans

Sec. 10.202. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

Required Access

Sec. 10.203. Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified by the chief.

2. When access roads cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief is authorized to require additional fire protection as specified in Section 10.501 (b).

3. When there are not more than two Group R, Division 3, or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, firefighting or rescue operations would not be impaired.

More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 81.109 (a).
For open yard storage, see Section 30.102.
For hazardous materials, see Article 80.
For fire safety during construction, alteration or demolition of a building, see Section 87.103 (b).

Specifications

Sec. 10.204. (a) Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

EXCEPTION: Upon approval by the chief, vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.
Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

(b) Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(c) Turning Radius. The turning radius of a fire apparatus access road shall be as approved by the chief.

(d) Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

(e) Bridges. When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and shall use designed live loading sufficient to carry the imposed loads of fire apparatus.

(f) Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.

Division II
FIRE APPARATUS ACCESS ROADS

Delete Exception 3 from Required Access - Section 10.203.

Amend Section 10.204. (c) and (d) to read as follows:

Specifications

Sec. 10.204. (c) Turning Radius. the turning radius of a fire apparatus access road shall be a minimum of forty-five (45) feet as measured by center line. The inside radius at the entrance or turn shall not be less than a twenty-eight (28) foot radius.

Add new Subsection (g) to Section 10.204:

(g) Controlled Access. Approval shall be required to install any device which would limit access. Fire apparatus access roads which are secured by such devices shall comply with the requirements and specifications of the fire department. Any electrically controlled device(s), or any other type of gate that would impede immediate access in an emergency situation, shall be provided with an approved lock set(s) as required by this code. Control devices shall be capable of being manually opened, or shall be provided with alternate methods that meet the intent of immediate access. When battery backup is selected as an option, in the event of a power failure, the device must operate to the open position, until the power has been restored.

Controlled access systems shall be maintained operational at all times. Repairs shall be in accordance with the original specifications.
**LEGAL DESCRIPTION OF THE PARCELS**

Fifty-two (52) units of Ski Lane-Bitterbrush Unit No. 2, a condominium according to the map thereof filed in the office of the County Recorder of Washoe County, State of Nevada, on January 19, 1972, as Tract Map No. 1277, more particularly described as:

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**Exhibit D**

173
MEMORANDUM

July 14, 1995

To: TRPA Governing Board and Capital Financing Committee

From: Jim Baetge, Executive Director

Subject: 1996 Legislative Program

This memo is the initiation of necessary changes to our 1995 legislative program. Development of last year’s program took several weeks of active negotiation between the various Basin interests. It is anticipated that the 1996 program will build on and expand the points of agreement we reached last year. At the Capital Financing Committee meeting at noon on July 26, we would like to get a buy-off on anticipated changes. The next step would be developing the actual language prior to the August TRPA Board meeting and then approval at the September meeting.

Attached to this memo are the following items that will help with the discussions on July 26:


Attach. B A proposal expanding the role of the Corps of Engineers in restoring Basin watersheds.

Attach. C A proposal to include the funding of a Basin revenue generation package.

Attach. D A proposal to include an element providing authority and funds to participate in the Basin transportation programs.

Attach. E A proposal increasing federal funding to the Highway 28 project between Incline Village and Spooner Summit.

Attach. F A proposal to increase the package to include state legislative issues addressing:
- buoy regulation in California
- sand/salt application and retrieval on California State highways in the Basin.

cc: Steve Teshara
    Bob Harris
    Rochelle Nason
    Stan Hansen
    Dick Powers
    Carol Hester
    Mary Gulanfarr
    Dennis Crabb
    Rod Mier
    Harold Singer

AGENDA ITEM NO. XII.C.2.
The components can be summarized as follows:

**Water Quality**
- Designation of Lake Tahoe as a direct recipient of federal funds under Section 314 (Clean Lakes) and 319 (Non-point Source) of the Clean Water Act
- 50/50 matching grant funding of the Upper Truckee (California) and Spooner Summit (Nevada) stream zone restoration and erosion control projects

**Transportation/Air Quality**
- Designation of the Tahoe Regional Planning Agency as a metropolitan Planning Organization under ISTEA (endorsed by the California and Nevada Senatorial Delegations)
- Legislative direction to the Postal Service to implement mandatory home mail delivery at Lake Tahoe
- Public-private partnership to provide transit alternatives for visitors to federal lands

**Federal Land Management and Acquisition Activities**
- Amend the Santini-Burton Act (PL 96-586) to enhance land acquisition of environmentally sensitive lands, ensure continuation of Erosion Control Grant Program to local governments, and adequately fund management and protection of Federally acquired lands.
- Emphasis for funding a timely forest health initiative which would recognize the urgent need to restore the forest ecosystem to protect water clarity, scenic quality, and high valued development.
- Designation of the Basin as “Lake Tahoe National Alpine Lakes Area”.

All project components will result in the stimulation of significant economic activity within the Tahoe Basin including job creation. All have either no cost to the United States or significant state/local matching funds. All programs are to be accomplished through the use of public-private partnerships and not by government acting alone. All place the environment and the economy on an equal plane to the benefit of both. All are supported by the broadest possible coalition of Basin interests and can be accomplished on a bipartisan basis.

Your past leadership on Tahoe issues is deeply appreciated. We look forward to discussing these proposals further with you when we meet in Washington. We would be pleased to answer questions or provide additional background information prior to or during our meeting.
Background:

As a result of the 1995 legislative packet, we developed an opportunity for the Corps of Engineers to assist in many of our watershed improvement projects. To make this happen, authorizing language must be moved through Congress allowing the Corps to perform work in the Tahoe Basin.

The League has been working with TRPA on describing the proposed project and the language revisions necessary to accomplish this very positive improvement proposal. We are identifying high priority watersheds where there already existed a strong local contribution of dollars.

The Project:

We are currently describing a proposal that would include the Upper Truckee watershed. (Lahontan has provided a first draft of the writeup.) The Edgewood watershed and a combined watershed of Third and Incline Creeks.

By the 26th, we hope to have this better defined. It will be presented at the noon Capital Financing Committee meeting.
Proposed 1996 Legislative Packet
Attachment C

Background:

The 1995 legislative packet included language within the Transportation/Air Quality Element requesting added funds to "study implementation of a measure to create additional locally generated matching funds." This was not given as much emphasis as necessary during the 1995 session.

Related to this item is the understanding that we are proceeding with parking management/parking fee studies as an element of the South Shore Coordinated Transportation System (CTS) proposal.

The Proposal:

Any widespread revenue generation proposal in the Tahoe Basin is going to require an updated financial feasibility study that would describe the alternatives, the revenue potential, and the measures necessary to accomplish any particular program. The best background report on this subject that I'm aware of is the "Implementation: Financial Feasibility" study completed by McDonald & Smart, Inc. for the TRPA in July of 1994.

It is suggested that the 1996 Legislative Program place major emphasis on this update and implementation. The best "vehicle" for getting this in motion is not evident. The best approach may to be "shotgun" the language into the Clean Water Act, Corps of Engineers language, and others. We need to discuss at the Committee level.
Background:

A public/private partnership has formed on the South Shore to implement a Coordinated Transportation System (CTS). This system could be expanded to provide better service into the Fallen Leaf Lake area and into the recreational areas around Camp Richardson. We believe opportunities exist for increased private contributions, particularly in Fallen Leaf, if there were like contributions by the Federal Government.

A similar situation exists in the Tahoe City area where the USFS is considering a visitor center that could be coordinated with a parking study and a proposed transportation terminal at the Tahoe City Wye.

A third opportunity for USFS assistance is in development of a loop bikeway around Lake Tahoe. At various points around the Lake, the USFS can assist with elements of the path or in provision of support facilities such as vistas and rest areas, where they coincide with USFS ownership.

Proposal:

Develop added language providing USFS authority and funding to participate as an equal partner in implementation of the above-described projects.
Background:

The Nevada Department of Transportation (NDOT) is currently rebuilding Highway 28 through Incline Village including widened shoulders and control of roadway runoff. The Department is also designing similar types of improvements for the remaining section of Route 28 from Incline to Spooner Summit. The problem is NDOT’s indication that it will be unable to do the project to meet our thresholds requirements because of inadequate funding for this project.

Construction of the project will provide an opportunity to get the necessary shoulder widening for bicycle facilities along with water quality protection and control of sand/salt operations through better recovery. There is a willingness of NDOT - but shortage of funds.

Proposal:

Develop proposed language for incorporation in yet-to-be-identified legislation making the Federal Government a major player in assuring appropriate threshold achievement measures are included in the project. Also, provide authority to expend funds to build parallel bicycle facilities when roadway width construction is not feasible.
ATTACHMENT F

STATE LEGISLATION

-- BUOYS
-- SAND/SALT
PROPOSED BUOY LEGISLATION

Current Situation:

Currently, there are approximately 3,500 buoys on Lake Tahoe (approximately 2,900 in California and approximately 600 in Nevada). These buoys are regulated by at least five different agencies under often complex and inconsistent regulations, requiring the buoy owner to deal with multiple jurisdictions and permitting agencies. Many of the buoys are allowed through permits from some agencies but not allowed by others, making a situation at Tahoe where property owners and marina operators are often confused and sometimes forced into operating illegal facilities. To compound the problem, there is no easy method of identifying which buoys are permitted, and no ability in California for having the buoy owner pay for the oversight and permitting process. Accordingly, the public must indirectly pay for facilities that increase property values to individual lakefront facilities while offering no public recreational benefit.

Problems:

Property owners do not have clear understanding of regulatory process.

Multi-agency permit process is very costly and time-consuming for the property owners (no one-stop permitting).

Many structures in the Lake enhance the value of property but do not provide any significant recreational value.

Substantial visual and safety impacts of floating structures.

Possible negative effect on fish habitat and water quality.

Owners of legal buoys upset because of known "illegal buoys" (estimate 50 percent of all buoys are illegal).

Varying regulations of winter removal of structures.

No standards for type of structure, particularly the anchor.

Regulatory process costs not fully reimbursed by buoy owners.

Ability to place public-use buoys hampered by the many private facilities in the Lake.

Proposal:

Draft legislation for the '96 legislative packet for the Region to accomplish the following:

One stop permitting (TRPA), except lease agreements (State Lands).

Buoy identification system.
Fee structure to recover permitting and enforcement costs

Set criteria for placement consistent with environmental thresholds

Accomplish buoy anchor research that could lead to development of an anchor that could contain the chain in the winter and provide a positive habitat (escape) environment for spawning

Section 52.3.J of the Code has a requirement that all unpermitted buoys must be removed or relocated (to comply) within two years of TRPA's noticing the owner of the violation. Establish a date for removal of all buoys not meeting the placement criteria for buoys established in legislation and provide enforcement capability

Provide a mechanism for reimbursing other regulatory agencies for their input to one-stop permitting

Develop a new definition (or design standard) of a buoy for Lake Tahoe (Chapter 2 has a definition but not a good one)
MEMORANDUM

July 17, 1995

To: Jim Haetge, Executive Director
From: Mike Solt, Senior Environmental Specialist

Subject: Draft Salt and Abrasives Legislation Proposals

PROPOSED SALT AND ABRASIVES LEGISLATION

Current Situation

Approximately 530 lane miles of state maintained highways lie within the Lake Tahoe Basin and are treated with de-icing and abrasive materials during the period of November to May. Snow removal and ice control are necessary to provide as safe a travel way as possible while balancing traffic demands, travel delay, and environmental consequences. The use of salt and sand mixtures is a fundamental tool for maintaining the high level of service required on Lake Tahoe area highways. Salt retards the formation of ice and snowpack on the road surface, and abrasives such as sand provide for better traction on slippery roads. The salt and sand usage reporting required by the Tahoe Regional Planning Agency indicates that an average of 4,000 tons of salt, and 30,000 tons of sand are spread on the Basin highways annually.

Inadequate control over the fate of these significant volumes of salt and sand has and will continue to degrade air quality, water quality, vegetation, and aesthetic values adjacent to and downstream from major travel routes. Most of the salt dissolves and ends up in runoff to road side areas and drainages. High salt concentrations are deleterious to water quality and can weaken or kill vegetation. Following storm events and snow melt, a portion of the sand remains on the road surfaces until it can be removed by sweepers. While in the traffic way, it is pulverized into dust impacting air quality. The remainder of sand which is not contained to road surface areas initially accumulates on the shoulders, in drainage channels, or is discharged to surface waters as suspended solids. Best available practical technologies must be used to minimize salt use. Road improvements and equipment which will increase the containment, collection, and reclamation of sand should be provided for.
Problems

The level of service demanded on Lake Tahoe Basin highways requires extensive snow removal and de-icing efforts currently utilizing significant amounts of salts and abrasives.

Adverse impacts to air, water, soil, vegetation, and infrastructure from salt and sand accumulations will continue to impede progress towards Regional Plan threshold attainment.

Alternative deicing chemicals which have been tested prove difficult to use and could increase costs by a factor of sixty (60).

Best available technologies are not being funded for implementation throughout the Basin to reduce the volume of salt and abrasives necessary.

Reclamation of sand is currently only 25%, but could be improved to 80% with curbs, drainage conveyances, sand traps, and road shoulder improvements.

The fleet of equipment used for sweeping, vacuuming, and disposal of sands is not large or modern enough to respond to demands.

Sand used by Caltrans contains a high percent of fine particles, nutrients, and breaks down faster than sand that would cost an added $100,000 per year.

Proposal

Draft legislation for the '96 legislative packet for the Region to accomplish the following:

Reduce the use of sodium chloride salt by mandating implementation of state of the art technology such as road weather information system, computerized sander controls, intelligent and localized weather prediction, and thermal mapping.

Programmatic testing of new or improved forms of non-chloride de-icing chemicals and brine applications.

Establish specifications for abrasives addressing content of fine particles, nutrient content, and hardness, and fund for strict adherence.

Set a standard for reclamation of 80% of the tonnage of sand used annually to be met by the year 2000.

Increase the percent of state routes with curb or dike in the Tahoe Basin by 10% annually.

Provide highway maintenance department with a modern fleet of equipment to expedite sweeping, waste unloading, and sediment trap maintenance for sand reclamation.

MS: jsd