TRPA
GOVERNING BOARD
PACKETS

OCTOBER
1995
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on October 25 and 26, 1995, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The October 25 session will commence at 9:30 a.m. at the South Lake Tahoe City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The October 26 session will commence at 9:30 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 October 25, 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 September financial statement and check register; 3) policy for use of trolleys outside the Tahoe Basin; 4) report on security holdings; and 5) Washoe County request for air quality mitigation funds ($549,400) for mitigation projects. (Committee: Wynn, Neft, Cole, Heller, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on October 25, 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); and 2) post-bankruptcy amendment of Newton v. TRPA settlement. (Committee: Neumann, Miner, Cronk, Sevison, Waldie, Chairman DeLancy)

NOTICE IS FURTHER GIVEN that on October 25, 1995, during the noon lunch recess, at Passaretti's Restaurant, 1181 Highway 50, South Lake Tahoe, California, the Rules Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) amendment of Articles II and V of the Rules of Procedure regarding time limit on reapplication and motions for reconsideration; and 3) amendment of Article XI of the Rules of Procedure to clarify the appeal procedure. (Committee: DeLancy, Neft, Sevison, Hagedorn, Chairman Bradhurst)

NOTICE IS FURTHER GIVEN that on October 25, 1995, during the noon lunch recess, at the City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California, the Capital Financing Committee will meet. The meeting will be as follows: 1) public interest comments (no action); and 2) 1996 legislative and funding package. (Committee: Westergard, Miner, Cronk, Waldie, Chairman Cole)

Date: October 15, 1995

By: [Signature]
Executive Director

OVERFLOW PARKING FOR THOSE ATTENDING THE MEETING IS AVAILABLE ON TARA LANE ACROSS FROM K-MART NURSERY; PLEASE DO NOT DOUBLE PARK IN THE COUNCIL CHAMBER PARKING LOT OR OCCUPY THE 30-MINUTE PARKING SPACES.
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe City Council Chambers
1900 Lake Tahoe Boulevard
South Lake Tahoe, California

October 25, 1995
9:30 a.m.

TRPA Office, 308 Dorla Court
Zephyr Cove, Nevada

October 26, 1995
9:30 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. Carlton Caton Brooke, Subdivision of Existing Structures, El Dorado County APN 15-012-27

B. Von Oppenheim, New Mooring Buoys, Placer County APN 117-080-60

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

A. Amendment of Subsection 4.3.A of Chapter 4, Project Review and Exempt Activities, to Add Salvage Tree Removal on Project Areas of 20 Acres or Less

B. Amendment of Plan Area Statement 013, Watson Creek (Conservation) to Add Local Public Health and Safety Facilities as a Permissible Use
C. Amendment of Plan Area Statement 044, Fairway; Plan Area 045, Incline Village Commercial (Commercial/Public Service); and Plan Area 046, Incline Village Residential (Residential)

D. Update of the Trip Table as Required in Subsection 93.2.H of Chapter 93, Traffic and Air Quality Mitigation Program

E. Draft Supplement to the South Lake Tahoe Redevelopment Project No. 1 EIS/EIR (Embassy Vacation Resorts)

F. Lake Tahoe Shorezone Development Cumulative Impact Analysis, Draft EIS

G. Amendment of Subsection 78.3.A of Chapter 78, Wildlife Resources

H. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Residential Delegation MOU With Washoe County

I. Amendment of Articles II and V of the Rules of Procedure Regarding Time Limit on Reapplication and Motions for Reconsideration

J. Amendment of Article XI of the Rules of Procedure to Clarify Appeal Procedures

IX. PLANNING MATTERS

A. Building and Erosion Control Awards Presentation - 11:30 a.m., Wednesday, October 25

B. Status of the Areawide Drainage Project for the Stateline Douglas County Community Plan

C. Status Report on Forest Health Consensus Group Recommendations

X. ADMINISTRATIVE MATTERS

A. Performance Evaluation of Executive Director (including closed session without action)

B. Resolution Establishing the Core Statement of Policy Committee and Appointing the Membership

C. Quarterly Report on Annual Work Program

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee
   1. Report on Committee Meeting
   2. Receipt of September Financial Statement and Check Register
   3. Policy for Use of Trolleys Outside the Tahoe Basin
B. Legal Committee
   1. Report on Committee Meeting
   2. Post-Bankruptcy Amendment of Newton v. TRPA Settlement

C. Capital Financing Committee Report

D. Rules Committee
   1. Report on Committee Meeting
   2. Amendment of Articles II and V of the Rules of Procedure Regarding Time Limit on Reapplication and Motions for Reconsideration
   3. Amendment of Article XI of the Rules of Procedure to Clarify the Appeal Procedure

E. Shoreszone Policy Committee Report

XII. REPORTS

A. Executive Director
   1. Monthly Status Report
   2. Notice of Circulation, Bijou/Al Tahoe Community Plan EIR/EIS
   3. Status Report on Requested Amendments to Chapter 22

B. Agency Counsel
   1. Monthly Status Report

C. Governing Board Members

XIII. ADJOURNMENT

CONSENT CALENDAR

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Release of Air Quality Mitigation Funds ($549,400) to Washoe County for Four Mitigation Projects</td>
<td>Approval</td>
</tr>
<tr>
<td>2. Frederick Apcear, Appeal of IPES Score, Douglas County APN 03-121-13</td>
<td>Approval</td>
</tr>
<tr>
<td>3. Lake Tahoe Shoreszone Development Cumulative Impact Analysis, Draft EIS, 30-Day Extension of the Comment Period</td>
<td>Approval</td>
</tr>
</tbody>
</table>
Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

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

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

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

- Article III (g) Public Law 96-551

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

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.
MEMORANDUM

October 12, 1995

To: TRPA Governing Board
From: TRPA Staff
Subject: Release of Air Quality Mitigation Funds ($549,400) to Washoe County for Four Mitigation Projects

Proposed Action: To review Washoe County’s request for the release of Air Quality Mitigation Funds, and approve the release of $549,400 for those projects as outlined below.

Staff Recommendation: Staff recommends the release of Air Quality Mitigation funds in the amount of $549,400 to Washoe County for the four projects for which they have requested the funds. Each project is described below.

Discussion: Section 93.5 of the TRPA Code of Ordinances specifies the manner in which air quality mitigation funds are to be used and distributed. The mitigation fees collected by TRPA are held in a trust account for the jurisdictions within which projects are being completed. TRPA disburse these funds to the jurisdictions upon their request, provided TRPA finds that the proposed use of the mitigation funds is consistent with TRPA’s adopted Regional Transportation Plan - Air Quality Plan for the Lake Tahoe Region.

Washoe County submitted a request to TRPA for the release of Air Quality Mitigation funds for four projects, as described below.

1. ISTEA Enhancement Project - Local Match: $125,000
   An ISTEA enhancement project was approved for $500,000 that will include the construction of bicycle and pedestrian paths throughout Incline Village. The grant requires a 20% match on the total project cost, which in this case will be $125,000.

2. ISTEA Scenic Byway Project - Local Match: $60,000
   An ISTEA Scenic Byway Grant was approved for various improvements along State Route 28, and is part of a bigger project completed with NDOT. The total project includes landscaping, adding eight parking spaces and landscaping to the Visitor Center, paving two turnouts along SR 28, and adding bike lanes on both sides of SR 28 through Incline Village.
3. **New Pedestrian Path along State Route 28**: $244,400

This project entails the construction of a pedestrian path along the north side of State Route 28, from the western intersection of Northwood/Southwood, eastward to the eastern Northwood/Southwood intersection with State Route 28. The path would also include some amenities such as benches, signs and drinking fountains. This project will be done in conjunction with Project #1.

4. **Reconstruction of Existing Bicycle Paths**: $120,000

Certain bicycle paths that were built up to 15 years ago are in such disrepair that they are unusable. These funds will be used to reconstruct the paths where necessary, and bring them up to current standards. (An alternate funding source is being sought by County staff; if a source can be found, these requested funds will not be needed).

**Total Request for Air Quality Mitigation funds**: $549,400

Staff has reviewed Washoe County's request for the release of air quality mitigation funds held by TRPA. The recommendations for each project is identified below.

1. **Staff finds that this use is consistent with the Regional Transportation Plan - Air Quality Plan (RTP-AQP), and recommends approval of the release of Air Quality Mitigation funds in the amount of $125,000 to Washoe County.**

2. **Because this project includes the building of bicycle lanes, TRPA finds that it is consistent with the RTP-AQP and recommends approval of the release of Air Quality Mitigation Funds in the amount of $60,000 for its completion.**

3. **This project is proposed to be completed as part of a larger project that would include Projects #1 and #3 combined. TRPA staff finds that this project is consistent with TRPA's RTP-AQP, and recommends approval of the release of Air Quality Mitigation funds to Washoe County in the amount of $244,400.**

4. **Staff finds that this request is consistent with TRPA's RTP-AQP, and recommends the release of $120,000 in Air Quality Mitigation funds to Washoe County for use in reconstructing and bringing up to current standards existing bicycle trails.**

TRPA staff recommends the approval of the release of $549,400 in Air Quality Mitigation funds to Washoe County. These funds are to be used for the completion of projects #1, 2, 3, and 4 as described above.

If there are any questions or comments regarding this agenda item, please contact Bridget Mahern at (702) 588-4547.

/bkm
TAHOE REGIONAL PLANNING AGENCY
308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
(702) 588-4547
Fax (702) 588-4527

GOVERNING BOARD HEARING ON IPES SCORE

October 11, 1995

Staff Recommendation: Grant of Appeal

Owner's Name: Frederick Apcar
Mailing Address: P.O. Box 1499, Cayuga Parkway, Las Vegas, Nevada 89109
Parcel Location: Winding Way, Cave Rock Estates
Assessor's Parcel Number (APN): 003-121-13
County: Douglas
Authorized Agent: Paul Kaleta, Basin Strategies

Original IPES Score Appealed: 481

Final IPES Score Based on Appeal Evaluation: 472

IPES Score Recommended to Governing Board: 685

Disputed Scoring Elements: At the time the appeal was filed, the property owner contested all of the IPES scoring elements. In September 1994, technical data was submitted on the K factor portion of the Relative Erosion Hazard (REH) and the hydrologic group portion of the runoff potential scoring elements.

Results of Appeal Field Work: A second field team scored the parcel in September 1990 and found no major changes in the field data, except for the height of the fill slope required for access to the parcel. The original IPES team found a fill height of 12 feet, while the appeal team found a height of 16 feet. Based on the appeal information, the access score decreased by 9 points from 91 to 82, and the IPES score from 481 to 472. Both IPES teams determined that the soil on the parcel fit the CaE map unit of the Cagwin series, which is assigned a K factor of .20 and a C hydrologic group.

In September 1994, Paul Kaleta, agent for the property owner, submitted a cover letter and soils report from Mr. Sid Davis of Davis Earth Scientists (Exhibit 1). In this soils report (copy attached), Mr. Davis concluded that, based on the soil depth he found (greater than 40 inches), the soil did not fit any of the named soils in the Tahoe Basin Soil Survey and should be considered an "XXX" soil. This soil was sampled and determined to be loamy coarse sand with 21 percent rock fragments. Based on these soil properties, Mr. Davis determined the K factor to be .02, using the Erickson K Factor Nomograph contained in the IPES Procedures Manual.

At the request of Mr. Kaleta, TRPA staff agreed to meet on the parcel to examine the soils. During this visit, it was determined that soils on the upper half of the parcel were similar to those found by TRPA staff and that on the lower half were similar to the soil found by Mr. Davis and Mr. Rodgers.

/jp
10/13/95

CONSENT CALENDAR ITEM 2
Planning for the Protection of our Lake and Land
Parcel access score was also questioned by Mr. Kalena. Specifically, that the height of the fill required for access found by the appeal team (16 feet) was excessive.

After further discussion with Mr. Kaleta, staff agreed that if the building site was shifted to the lower half of the parcel where the soils were deeper, adjustments in the hydrologic group and K factor would be appropriate. As a result, staff agreed to a B hydrologic group and a K factor of .05. Staff also agreed to adjust the height of fill slope to 15 feet. Based on these determinations, staff assigns an IPES score of 685 and 19 percent allowable coverage to this parcel.
The TRPA Governing Board adopted the IPES score defining the top rank parcels, the allowable coverage formula and the ranking of parcels on December 21, 1988. The IPES score defining the top rank parcels is 725 for Placer and El Dorado County, 671 for Washoe County, and 694 for Douglas County. Any parcels with a higher respective score are eligible for a residential building permit, if the property owners obtain a residential allocation from the county or city government with jurisdiction over the parcel.

**IPES Appeal Score for parcel (APN) 003-121-13 = 685**

Original IPES score for parcel (APN) 003-121-13 = 481

**SCORES FOR EACH IPES SCORING ELEMENT**

Relative Erosion Hazard (max. 450 pts.) 321
Runoff Potential (max. 200 pts.) 81
Degree of Difficulty to Access Building Site (max. 170 pts.) 92
Disturbance in SEZ for Utility Connection (max. 110 pts.) 110
Condition of Watershed (max. 70 pts.) 26
Ability to Revegetate (max. 50 pts.) 17
Water Quality Improvements in the Vicinity of Parcel (max. 50 pts.) 28
Proximity to Lake (max. 50 pts.) 10

Raw IPES Appeal Score (max. 1150 pts.) 685

Size factor for parcels less than 5000 sq. ft. 1.00
Size factor for parcels less than 10000 sq. ft. outside SEZ 1.00

IPES Appeal score (max. 1150 points.)* 685

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

**PARCEL SIZE, STREAM ENVIRONMENT ZONE (SEZ) AREA AND COVERAGE COEFFICIENTS**

| Parcel size: | 20900 sq. ft. |
| SEZ area: | 0 sq. ft. |
| SEZ setback area: | 0 sq. ft. |
| Area of parcel outside of SEZ | 20900 sq. ft. |

IPES Coverage Score: 402 corresponds to 19% Allowable Base Land Coverage.
TAHOE REGIONAL PLANNING AGENCY
RESULTS OF IPES FIELD EVALUATIONS
APPEAL

Tahoe Regional Planning Agency

APN: 003-121-13
COUNTY: DG
IPES APPEAL SCORE: 685

RELATIVE EROSION HAZARD
Soil Erodibility Factor: \( k = 0.05 \)
Rainfall Factor: 35
45 ft. at 42%
25 ft. at 40%
50 ft. at 38%
0 ft. at 0%
0 ft. at 0%
0 ft. at 0%
LS = 9.17

RUNOFF POTENTIAL
Soil Hydrologic Group: \( b = \text{moderate} \) infiltration rate
Hydrologic condition: (Vegetative cover) = fair

ACCESS SCORE
Disturbance in SEZ for access: no disturbance
New Access—Through SEZ: no
Excavation difficulty: downsloping access with ft. cut or 15 ft. fill
Gradient beyond cut/fill slope: 46% = slope factor 0.60
OR
Existing 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
Cave Rock

ABILITY TO VEGETATE
Soil limitation on revegetation Group: \( b = \text{dryness} \)
Elevation < 7000 ft.
Slope > 30%
Aspect SW

NEED FOR WATER QUALITY IMPROVEMENTS IN VICINITY OF PARCEL

PROXIMITY TO LAKE

Parcel Size: 20900 sq.ft.
SEZ Area: 0 sq.ft. SEZ setback area 0 sq.ft.
Factor for parcels with < 5000 sq.ft. outside SEZ: 1.00
Factor for parcels < 10000 sq.ft. or with area outside SEZ < 10000 sq.ft.: 1.00

RAW IPES Score: 685
IPES APPEAL Score: 685
DAVIS
CONSULTING EARTH SCIENTISTS
P. O. Box 734 • Georgetown, California 95634 • (916) 333-1405; FAX (916) 333-1009

May 25, 1994

Soil Investigation
for
Apcar Property
Douglas County, Nevada
(A.F.N. 003-121-13)

Introduction:

A soil investigation was conducted on the Apcar property on November 17, 1993, an undeveloped parcel located on Winding Way, Cave Rock Estates, Douglas County, Nevada. This site is under appeal for IPES scoring.

Initial IPES work was conducted back in 1986 where findings of soils were different than what is shown on Tahoe Regional Planning Agency (TRPA) maps. DAVIS has been retained by Mr. Paul Kaleta of Basin Strategies to reevaluate this parcel.

Soil information contained in this report is for the strict utilization of IPES scoring. It should not be utilized for slope stability or building foundation design.

Environmental Setting:

The Apcar parcel is located on Lake Tahoe's east shore in the general vicinity of Cave Rock. The parcel spans a steep west-southwest facing area between a loop in Winding Way, midway between Gull Court and Pheasant Lane, and is approximately 0.48 acre in size. It is shown on TRPA map sheet H-13 as RfF (Rock outcrop - Toem, complex, 30 to 50 percent slopes). Geology is delineated as gr (Granitic intrusive rocks) on the Geology of the North Half of the Lake Tahoe Basin, California-Nevada (Mathews, 1968). The geomorphic unit is C, (Strongly dissected lands) as shown in the Land Capability Classification of the Lake Tahoe Basin, California-Nevada (Bailey, 1974).

Vegetation is patchy, (fair), with Jeffrey pine, manzanita, and bitter brush. Open areas have approximately 0.5 inch of organic thatch above the mineral surface. There are no stream environment zones influencing this parcel. Access can be gained from upper Winding Way, to facilitate a downsloping entrance.

Procedures:

The parcel was surveyed, as well as areas nearby. A site near the center of the parcel was hand excavated to a depth of 48 inches to expose the soil for evaluation of physical properties. The soil was described in detail by standard nomenclature and interpretations of the National Cooperative Soil Survey, and correlated with soils found in the Soil Survey of the Lake Tahoe Basin, California-Nevada (Rogers, 1974). Instructions found in the IPES Procedures Manual were followed to estimate K value and Soil Hydrologic Group. Sieve and hydrometer procedures were
utilized to accurately evaluate soil surface texture; organic matter content was estimated from published data from Lake Tahoe Basin soils (Report No. 24, U.S.D.A. Soil Conservation Service, 1973). This information is being provided to Basin Strategies for IFES computer scoring.

Findings:

Soils on the Apcar parcel were found to be deep and excessively drained, different than the Rock outcrop - Toem soils, as mapped. They can be characterized as having a brown to dark grayish brown gravelly loamy coarse sand topsoil over a light yellowish brown very gravelly loamy coarse sand subsoil, to a depth of 48 inches. These soils are members of Hydrologic Group B.

They differ from Toem soils, which are considered shallow (less than 20 inches), and they differ from Cagwin soils which are moderately deep (20 to 40 inches). These soils also have more coarse fragments in the subsoils. Since they do not fit a recognized soil series in the published report, they are considered "XXX" under IFES procedures, and are assigned a K value from Chart B-4 (Erickson).

Textural analysis from sieve and hydrometer procedures are as follows:

**Table 1 - Surface Texture Analysis**

<table>
<thead>
<tr>
<th>Description</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coarse Fragments (Wt.)</td>
<td>32</td>
</tr>
<tr>
<td>(Vol.)</td>
<td>21</td>
</tr>
<tr>
<td>Sand</td>
<td>82</td>
</tr>
<tr>
<td>Silt</td>
<td>14</td>
</tr>
<tr>
<td>Clay</td>
<td>04</td>
</tr>
</tbody>
</table>

Texture (USDA) Gravelly loamy coarse sand

Surface structure is very fine granular, organic matter is estimated at 0.04 percent and the coarse fragment multiplier is 0.59. The above combine to produce the following K value estimate from the Erickson Triangle:

**Table 2 - K value computation**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raw K</td>
<td>0.17</td>
</tr>
<tr>
<td>Corrections</td>
<td></td>
</tr>
<tr>
<td>Structure (vfr)</td>
<td>-0.09</td>
</tr>
<tr>
<td>Organic Matter (4%)</td>
<td>-0.06</td>
</tr>
<tr>
<td>Subtotal</td>
<td>0.02</td>
</tr>
<tr>
<td>K CF multiplier</td>
<td>0.59</td>
</tr>
</tbody>
</table>
Final K value 0.01

The closest acceptable value is K = 0.02.

Conclusions and Recommendations:

Soils on the parcel are found to be different than mapped and slightly different than the finding from the initial IPES teams. They are found be deep, members of Hydrologic Group B, with fair cover. Laboratory tests support a K value of 0.02 for the surface horizon. This parcel should be scored as an "XXX" soil, utilizing the above data.

Respectfully submitted,

[Signature]

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

0   1/2 to 0 inches, Conifer

A   0 to 12 inches, brown (10YR 5/3) gravelly loamy coarse sand, very dark grayish brown (10YR 3/2) when moist; moderate very fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; clear smooth boundary.

AC  12 to 17 inches, dark yellowish brown (10YR 4/4) when moist, gravelly loamy coarse sand; moderate fine granular structure; soft, loose, nonsticky and nonplastic; common very fine, fine, and medium with few coarse roots; many very fine and fine interstitial pores; gradual smooth boundary.

C1  17 to 25 inches, light olive brown (2.5Y 5/4) when moist, very gravelly loamy coarse sand; single grain; soft, loose, nonsticky and nonplastic; common very fine, fine and medium with few coarse roots; many very fine and fine interstitial pores; gradual smooth boundary.

C2  25 to 40 inches, light yellowish brown (10YR 6/4) when moist, very gravelly loamy coarse sand; single grain; soft, loose, nonsticky and nonplastic; many very fine and fine interstitial pores; gradual smooth boundary.

C3  40 to 48 inches, light olive brown (2.5Y 5/4) very gravelly loamy coarse sand; single grain; soft, loose, nonsticky and nonplastic; many very fine and fine interstitial pores; gradual smooth boundary.

Cr  48 inches, Grus

Soil Series: Unknown (XXX)
Soil Classification: Sandy - skeletal, mixed, frigid, Entic Xerumbrept
Hydrologic Group: B
Plot Plan
(No Scale)

Winding Way

Slope = 0.36 ft

Soil Profile Description

0.48 Ac.

Winding Way
APN: 003-121-03

Soil Symbol: CaF (As found)

OVERRIDE Factor: 0.02
R Factor: 35
Slope: d (u,a,d)
L1: 23
L2: 32
L3: 65
L4: S1: 67
L5: S2: 45
L6: S3: 42

OVERRIDE REH: (Points) 362 (Points)

OVERRIDE Hyd. Grp: b (a,b,c,d)
Veg. Cover: f (p,f,g)
OVERRIDE Runoff Pot: (Points)
Runoff Potential: 81 (Points)

REH + Runoff Pot: 443
Coverage: #REF1

Access thru SEZ: [ ]
New Access: [ ]
OVERRIDE Exc. Diff: [ ]
Cut Height: [ ] (Feet)
20 ft. Access Slope: 46 (%) Fill height: 16 (Feet)
Parking in SEZ: [ ] (y,n)
Grading @ Street: [ ] (no,mi,ma)
Grading @ 20 ft: [ ] (Feet)
OVERRIDE Access: (Points) 80 (Points)
Access Difficulty: 110 (Points)

Util. thru SEZ: [ ] (no, p, s, ch)
OVERRIDE Utility: [ ] (Points)
Utility thru SEZ: 110 (Points)

Watershed Number: 32 Cave Rock
OVERRIDE Watershed: (Points)
Cond. of Watershed: 26 (Points)

OVERRIDE Veg. Group: (a,b,e,g)
Slope @ Bldg. Site: 45 (%) Aspect: 240 (Degrees)
Elevation: 6999 (Feet)
OVERRIDE Revegetate: (Points)
Ability to Reveg: 17 (Points)

Needed WQ CIP: 28 (Points)
Proximity to Water: 10 (Points)

Parcel Size: 20900 (Sq. Ft.)
SEZ Area: (Sq. Ft.)
SEZ Setback: (Sq. Ft.)

Raw IPES Score: 714
5,000 s.f. Factor: 1.00
10,000 s.f. Factor: 1.00
Final IPES Score: 714
MEMORANDUM

October 16, 1994

To: TRPA Governing Board

From: TRPA Staff

Subject: Lake Tahoe Shorezone Development Cumulative Impact Analysis, Draft EIS, 30-Day Extension of the Comment Period

Proposed Action: Extend the comment period for the Lake Tahoe Shorezone Development Cumulative Impact Analysis and Draft EIS (Shorezone DEIS) by 30-Days.

Recommendation: Staff and the Governing Board Shorezone Policy Committee recommend that the comment period for the Shorezone DEIS be extended from November 4, 1995 to December 4, 1995.

Background: TRPA is in receipt of a letter dated October 2, 1995 from the Tahoe Lakefront Owner’s Association (see attached). The letter requests a 30-day extension of the original 60-day comment period for the Shorezone DEIS.

This request was discussed at the Governing Board Shorezone Policy Committee meeting on October 4, 1995. The committee voted unanimously to recommend the 30-day extension of the Shorezone DEIS’s comment period.

Please contact Colleen Shade at (702) 588-4547 if you have any questions or comments regarding this matter.
October 2, 1995

Mr. James Baetge
Executive Director
Tahoe Regional Planning Agency
PO Box 1038
Zephyr Cove, Nevada 89448-1038

Re: Shorezone Cumulative Impact Analysis

Dear Mr. Baetge:

This letter is written to formally request an extension of time for the review of the draft Shorezone Cumulative Impact Analysis. Due to the complexity of the document and the issues involved we will need at least a thirty day extension for adequate review.

We understand the public study committee will be formed soon and we wish to express our desire to serve on that committee. Additionally, we wish to be copied on all correspondence, staff summaries, agendas and minutes relative to this issue. Please advise if there is a charge for this information.

Please let us know at your earliest convenience if you are able to grant our request for an extension to submit comments. Thank you for your consideration.

Sincerely,

TAHOE LAKEFRONT OWNERS' ASSOCIATION

[Signature]
President
Project Name: Tyrolla Forest Stewardship Project

Application Type: Resource Management

Applicant: T-7 Property Owners Association, Incorporated

Agency Planner: Paul Nielsen, Associate Planner

Location: Within the common area of the Tyrolian Village Unit #7 Subdivision, Incline Village, Nevada.

Assessor's Parcel Number/Project Number: 126-080-03, 126-081-04, 126-130-02/950482

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

Project Description: The object of the Tyrolla Forest Stewardship Project is to manage the forest to be more resistant to attacks of tree killing insects and more resistant to fire damage. The forest stand is located within the common area of the partially developed Tyrolian Village Unit #7 Subdivision. This "urban forest" requires more intensive management than typical forest land due to the close proximity of development and the need to create a "defensible space" for fire suppression efforts. To reduce the risk to life and property the proposed forest management activities will include:

1. Thinning of live trees to a density more desirable for an urban setting;
2. Pruning dead and green tree limbs to reduce the risk of a ground fire becoming a crown fire;
3. Thinning shrubbery to help slow the spread of a ground fire;
4. Removing all dead, dying and diseased trees;

No new roads, skid trails or landings will be constructed as a part of this project. Harvesting may occur during the winter (October 16 to April 30) or summer (May 1 to October 15) operating periods. Harvesting during the winter operating period would occur when snow depths are sufficient to prevent ground disturbance. Harvesting during the summer months will be conducted with ground based equipment utilizing existing roads. The proposed harvest methods and residual stocking levels are consistent with Chapter 71 of the TRPA Code of Ordinances and the proposed stewardship plan was prepared by a qualified professional.

/PN
10/11/95
Site Description: The 76.2 acre project area has primarily southwest aspects with slopes less than 30% in the proposed treatment area. The proposed treatment area is approximately 20 acres and includes all the residential development of Tyrolian Village Unit #7 Subdivision. The land capability is class 1a and 3 and elevations range between 6,500 feet to 7,400 feet. The overstory is dominated by Jeffrey and Ponderosa pine, followed by Incense Cedar and White Fir. Most trees are in the large pole and small timber size classes (<24" diameter at breast height). Eighty-two of the 169 residential building sites have been developed and are accessed by Lucerne Way and Aldorphp Terrace roads. Adjacent land uses consist of residential development to the north, west and south, with undeveloped forest land and the Diamond Peak Ski Resort to the east.

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

1. Water Quality:

Substantial tree removal by its nature usually involves ground disturbance. If harvesting is conducted over the snow then no ground disturbance will occur since harvesting can only occur when the depth of the snow is sufficient to prevent disturbance of the soil. During summer operations ground disturbance will be minimized since the ground based equipment will be utilizing existing roads. Whole tree endlining will be encouraged, where appropriate, to minimize ground disturbance. The project will be conditioned to include the implementation of temporary and permanent Best Management Practices (BMPs).

2. Noise:

The project is expected to have some temporary noise impacts on the residential development in the area from chain saws and logging truck traffic. Subsection 23.8 of the TRPA Code allows an exemption for TRPA-approved construction or maintenance activities from the TRPA Community Noise Equivalent Levels (CNEL) between the hours of 8:00 a.m. and 6:30 p.m.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) and a forest stewardship plan 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 and the forest stewardship plan will be made available at the Governing Board hearing and at TRPA.
B. Plan Area Statement: The project is located within Plan Area 050 - Mt. Shadows. 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, special policies and planning considerations. The proposed activity, thinning, is listed as an allowed use in the Plan Area.

C. Land Coverage: No additional land coverage will be created as a result of this project. The mapped land capability classifications of the project area are classes 1a and 3. Any areas disturbed by timber harvest activities shall be revegetated to a natural condition.

D. Required Findings: The following is a list of required findings as set forth in Chapters 6 and 71 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 activity is an allowed use in the Plan Area. Tree thinning is an appropriate use in the affected neighborhood because of the need to create "defensible spaces" in an urban forest setting.

   (b) Transportation: There will be a short term increase in vehicle traffic associated with the transportation of timber. Approximately 10 log truck loads will be removed from the treatment area. The logging trucks are required to meet the safety requirements of the local jurisdiction. The project does not include the construction of new roads.

   (c) Conservation: Slash disposal will comply with Chapter 71 of the TRPA Code of Ordinances. The timber removal method proposed is consistent with the land capability system. No cultural resources, sensitive plant species or special interest species were discovered during pre-harvest surveys. The applicant will apply temporary and permanent erosion control measures to the project area.

   (d) Recreation: Due to the steep slopes in the project area no recreational uses, other than dispersed hiking, occur within the project area. Therefore, it is not anticipated that this project will result in impacts to recreation.
(e) **Public Service and Facilities:** This project will not require any additions to be made to existing public service facilities.

(f) **Implementation:** This 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.E 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 or activity, based on a report by a qualified forester, is consistent with Chapter 71, Tree Removal, and the TRPA Code of Ordinances.**

An Initial Environmental Checklist and Timber Harvest Plan was submitted by the applicant. The proposed stewardship plan was prepared by a qualified forester and, as conditioned, is consistent with Chapter 71 of the TRPA Code of Ordinances.

E. **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 D above, and a finding of no significant environmental effect.

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

1. The Standard Conditions of Approval listed in Attachment T.
2. This permit is for the Tyrolia Forest Stewardship Project prepared for the Tyrolian Village Unit #7 common area, Washoe County APN 126-080-03, APN 126-081-04, 126-130-02, as described in the stewardship plan prepared by Jonathan Hoefer, Registered Professional Forester. Only treatment in "Area A" described in the stewardship is authorized by this permit.

3. Heavy equipment shall be limited to use on existing roads which consist of existing land coverage. Roads to be used in conjunction with the proposed project shall be identified and approved by TRPA Environmental Compliance staff at the time of the pre-harvest inspection.

4. This permit specifically prohibits the use of herbicides.
FOREST STEWARDSHIP PLAN

TYROLIA #7, INCLINE VILLAGE
Washoe County, Nevada
Sections 14 & 23, T16N, R18E, MDB&M

Scale: 1 inch = 300 feet

LEGEND
- Boundary of Property
- Boundary between Areas "A" and "B"
- Building Pads
- Community Streets and Parking
- Fire Access Road
Project Name: Sonoma Pines, Change in Operation, Condominium Subdivision, and Addition Project

Application Type: Residential, Change in Operation, Condominium Subdivision of Pre-1987 Structures, and Addition Project

Applicant: Carlton Brooke Caton

Applicant's Representative: Suzanne Larson, K.B. Foster Engineering

Agency Planner: Jim Allison, Associate Planner

Location: 7090 Emerald Bay Road (State Highway 89), Tahoma, El Dorado County

Assessor's Parcel Number/Project Number: 15-012-27/950277 and 940815

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: This project consists of three separate components. The first component involves the rebuild of one of the existing residential units. The second component involves a change in use from the existing major use category of commercial to the proposed major use category of residential. The third component involves condominium subdivision of existing residential units. While the first component (rebuild) would not normally require Governing Board review, it was included due to its association with the "redevelopment" of this property.

In 1986 the prior property owner received TRPA approval to operate the property as a business and vocational school (the primary commercial use) with associated multi-person dwellings (dormitory-style residential units accessory to the primary commercial use). The use commenced without final acknowledgement of the conditions of approval as required by TRPA and operations ceased by October 1991. In a February 4, 1994 letter to the current property owner, TRPA staff recognized the commercial use and the 23 accessory residential units, subject to the current owner, Carlton Brooke Caton, complying with the conditions imposed in 1986 but never completed (the conditions related to installing Best Management Practices for the entire site). Mr. Caton has now satisfied these conditions and TRPA recognizes the existing commercial use and 23 accessory residential units.

The applicant is proposing to subdivide 15 of the existing residential units and bank the eight remaining residential units. The banking of eight residential units will be the result of interior modifications which eliminate a wall, such as eliminating a wall in a duplex which creates one connected single family unit. Banking of commercial floor area is subject to TRPA verification and will require floor plans of the structures used during for
commercial operations. The applicant has not provided the floor plans as yet but application has been made to verify the commercial floor area.

Condominium subdivision will result in a major use category change from commercial (with the accessory residential units), to residential use – single family dwelling design.

According to Subsection 93.2.F of the TRPA Code of Ordinances, as a result of the discontinuance of the commercial operation in 1991, the applicant will not retain credit for daily vehicle trip ends (dvte) associated with the prior commercial use. An air quality mitigation fee for each residential unit will be required as a condition of approval (15 units X $2,000/per unit).

The project also includes conversion of the existing structures from multi-person dwelling structures (dormitory style) to detached structures with one residential unit per structure. This involves interior work only and is exempt from TRPA review. Upon conversion of the units, TRPA will recognize 8 banked existing units of use; however, the banked units will not have "banked" dvte associated with them.

**Site Description:** The project area of approximately 165,127 square feet is broken into two areas. The portion of the project area adjacent to Emerald Bay Road is heavily disturbed and is the area which contains the existing structures and compacted dirt pathways and roadways. The rear portion of the project area has very little disturbance and is a wet meadow area classified by TRPA as a stream environment zone. The slope across the project area never exceeds 9 percent. Where disturbance has not occurred, numerous pine and fir trees are interspersed throughout the property. The existing buildings are mostly dormitory-style dwellings, but the site also includes a cafeteria building, a swimming pool area, and other classroom/meeting room buildings. Vehicle access to the site is either from Emerald Bay Road, where there are two ingress/egress points, or from Wilson Avenue.

**Issues:** The proposed project involves approval of a condominium subdivision which has been determined by the TRPA Executive Director to warrant Governing Board review and action according to Chapter 4 of the TRPA Code of Ordinances. The primary project-related issues are:

1. **Condominium Subdivision:** The applicant is proposing to subdivide 15 of the 23 multi-person residential units into a condominium subdivision with common area. The remaining eight units will be banked on the parcel (and not subdivided). The structures were in existence on the date of adoption of the 1987 Regional Plan and therefore are deemed "pre-1987 structures" and subject to Section 43.2 of the Code. The proposed subdivision is in an existing urban area. The land use classification for the Plan Area Statement (PAS 154- Tahoma Residential) is Residential. The Plan Area Statement identifies this area as a preferred affordable housing area.

Subdivision of a pre-1987 structures is not subject to the impending restrictions on subdivisions set forth in Section 43.3 of the TRPA.
Code. As a matter of precaution, the applicant has obtained an El Dorado County Planning Department statement that "...this project will not interfere with any of El Dorado County's goals or plans with regard to low cost or affordable housing." Once subdivided, the residential units will be considered single family dwellings which are allowed uses in the Plan Area Statement.

2. **Transportation**: The project will result in a minor increase in daily vehicle trip ends (dvte) to the site (150 new dvte). All dvte previously associated with the boarding school, which ceased operations in October 1991, are not considered existing according to Subsection 93.2.F of the TRPA Code of Ordinances. The applicant will be required to pay an air quality mitigation fee for all new dvte for the 15 proposed single family dwellings.

3. **Low Cost Housing**: The applicant has stipulated that the multi-person dwellings, when they were used as dormitories, met the definition of low cost housing. Pursuant to Subsection 43.2.B of the TRPA Code, mitigation for subdivision of low cost housing units must be provided on a unit-for-unit basis. To comply with this requirement, the applicant will be required to record a deed restriction and CCRs for the subdivision, which limit the rental rates and/or sale prices affordable to persons earning no more than 120 percent of the applicable county median. The median income for a family of four in El Dorado County in 1991 was $47,650, so monthly rent or mortgage payments would be limited to no more than approximately $1000/month. This is based on the assumption that the units would be two-bedroom units.

Attached is a September 7, 1995 letter from Mr. Caton's attorney, Gregg Lien, setting forth his objections to the application of Subsection 43.2.B (low cost housing mitigation requirements) to this project. Subsection 43.2.B reads as follows:

43.2.B **Low Cost Housing**: Existing residential units which are low cost housing, as defined by 41.2.F, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of low cost housing. Mitigation shall be in the form of construction of an equal number of low cost units, conversion of other structures to low cost housing, restriction of subdivided units to low cost housing units, or a combination of the above.

(1) To determine whether a unit is low cost housing, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as low cost housing. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate to very low income households in making the determination.
If a rental/sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant.

(2) Restriction of subdivided units to low cost housing shall include recordation of deed restrictions or other covenants running with the land, limiting the rental rates and sale price to those which are affordable to households or tenants that earn not more than 120 percent of the applicable county median.

Mr. Lien makes essentially two arguments: 1) TRPA staff did not advise Mr. Caton or his representatives of the applicability of this section; and 2) that section was not intended to apply to projects such as this.

With respect to the first argument, TRPA staff disagrees that it misled the applicant or failed to advise him of this section. The applicant submitted the subdivision application in October 1994 but the application was not reviewed until the applicant resolved the issues surrounding the banking application which had been submitted in September 1992 and approved in February 1994. The meetings with the applicant’s representatives prior to the fall of 1995 related to the banking application and staff was under no duty to advise the applicant of issues which might arise under a contemplated subdivision application. Furthermore, the subsection in question is one of only 14 subsections sequentially listed in the section applicable to subdivisions of pre-1987 structures and is well-known to Mr. Lien (since he drafted a portion of it). When the banking issues were resolved by the completion of the BMP retrofit plan in July 1995, TRPA staff began review of the subdivision application and requested a rental history or appraisal of the units for the purposes of Subsection 43.2.B.

With respect to the second argument, TRPA staff has no basis to exempt the dormitory-style multi-person units from Subsection 43.2.B as suggested by Mr. Lien. The record on adoption of that portion of the Code does not contain any discussion demonstrating the Board’s intent to exempt certain types of residential units from compliance with Subsection 43.2.B. Further, dormitory units or employee housing are part of the low cost housing inventory in the Region. By way of illustration, the Sierra Nevada College dormitories under construction were exempted from the allocation system because they were classified “affordable housing.” Mr. Lien’s arguments that mitigation is unnecessary or unconstitutional are unsupported. In fact, the students and teachers connected to the now-defunct school, were needful of low cost housing and the units served such a purpose. The fact that there is not another school in the area does not affect the continued need for low cost housing in the Region. Finally, constitutionally-speaking, there is no right to conversion of the dormitory-style multi-person units into a condominium. Thus,
TRPA's requirement of reasonable mitigation, on a unit-for-unit basis, is constitutional and appropriate. Finally, deed restriction of the units to low-cost housing is not infeasible given the small size of most of the converted units (1600 - 1800 square feet floor area), and the range of rent/mortgage payments that is consistent with the definition of low cost housing.

Mr. Lien's letter implies that staff only decided to apply Subsection 43.2.B after the affordable housing issue became "charged." The affordable housing issues raised recently before the Board have been in the context of subdividing post-1987 projects. TRPA staff has consistently applied Subsection 43.2.B to pre-1987 projects, without regard to the controversy surrounding affordable housing.

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 recommends a finding of no 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 154, Tahoma 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 and planning considerations. The special policies for the Plan Area identify providing opportunities for development of a variety of housing for seniors with an emphasis on affordable housing and to provide opportunities for affordable housing, in general. TRPA staff have not received any inquiries into providing affordable housing within this area. Based on a survey of available parcels within the Plan Area, approval of this project does not preclude future opportunities for affordable housing. The proposed activity, once subdivided into single family dwellings, is listed as an allowed use. There are also no special requirements of pre-1987 subdivision projects with regards to affordable housing (only low cost housing as discussed above).

C. Land Coverage:

1. Land Capability District:

   The land capability districts of the project area are class 5 and 1b (stream environment zone). The total project area is approximately 165,127 square feet.

2. Allowed Coverage: 33,167 square feet
2. **Proposed Coverage:** 42,511 square feet

4. **Existing Coverage:** 49,429 square feet

D. **Building Height:** None of the structures, except for unit #6, are undergoing exterior modifications. The proposed height of unit #6 is 30 feet 8 inches. Based on a 2% cross slope through the building site and a 12:12 roof pitch, the maximum allowed height is 36 feet.

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

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.
   
   (a) **Land Use:** The proposed project is within an urban area. Single family dwellings are an allowed use for the Plan Area. Potential loss of low cost housing is offset by restriction of the units to low cost housing.
   
   (b) **Transportation:** The permittee will be required to mitigate the new regional detention created by the project.
   
   (c) **Conservation:** The applicant will be required to apply Best Management Practices (BMPs) to the project area. This project is located within a scenic roadway unit and will be required to provide a landscaping plan to partially screen the development. There are no known special interest species, sensitive or uncommon plants or cultural resources within the project area.
   
   (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 services or facilities.
   
   (f) **Implementation:** This project does not require any development rights or 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 proposed project is identified as an allowed use within the Plan
Area Statement (#154, Tahoma Residential). The proposed use will
replace the existing non-conforming commercial use of the parcel as
a boarding school. The developed parcels surrounding this parcel
are mostly single family dwellings to the west, and commercial uses
along State Highway 89 to the northeast (the commercial uses are in
another Plan Area Statement).

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.

There is no evidence that the proposed project will 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. The applicant has implemented Best
Management Practices to protect the land, water, and air resources
of the subject property and that of the surrounding property owners.

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 use will more closely fit the character of the
neighborhood as a residential area. The proposed project is
expected to compliment the existing character of the neighborhood.
The use proposed on the site is an allowed use within the Plan Area
Statement. The property is not within a community, specific, or
master plan.
7. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe form a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

Building #6, which is being expanded and modified, is not visible from major arterials, scenic turnouts, or public recreation areas or the waters of Lake Tahoe. The building does not expand above the forest canopy. No other structures are being modified which would be subject to TRPA review.

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

The uses surrounding the proposed development are similar in height with the proposed modification to unit #6. No other structures are being modified externally.

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

The proposed structure has a roof pitch which meets this requirement. The height of the proposed structures at any corner of two exterior walls is less than 90 percent of the maximum building height.

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 for the multi-person dwelling addition project, and a finding of no significant environmental effect.

II. A motion to approve the multi-person dwelling addition project, based on the staff summary, subject to the conditions listed below:

III. A motion based on this staff summary, for the findings contained in Section E above for the subdivision of the multi-person dwelling project, which includes a major use category change from commercial to residential, and a finding of no significant environmental effect.

IV. A motion to approve the subdivision of the multi-person dwelling project, which includes a major use category change from commercial to residential, based on the staff summary, subject to the conditions listed below:

(1) The Standard Conditions of Approval listed in Attachment R.
(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 note on the site plan which lists the requirements of the exterior lighting standards in subsection 30.8.A of the TRPA Code of Ordinances.

(ii) Parking barriers to restrict parking to approved parking surfaces only. A detail of the standard parking barrier(s) proposed shall be included on the site plan. The types of parking barriers used and the effectiveness of the parking barriers as constructed shall be subject to TRPA review and approval.

(b) If the TRPA Governing Board approves the subdivision, the applicant shall provide TRPA with a final map, or a similar document, for an approved subdivision which contains a signature block for TRPA to document regional approval.

(c) The security required under Standard Condition A.3 of Attachment R is $500. For information regarding posting a security, please see Attachment J, Security Procedures.

(d) The applicant shall provide and implement 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 provide for partial screening and view enhancement as seen from State Highway 89.

(e) 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.

(f) If the subdivision of the project is approved, the applicant shall submit covenants, conditions, and restrictions (CC&Rs) pursuant to Subsection 43.4.M of the TRPA Code of Ordinances for review and approval, which shall include at the minimum the following:

(i) A requirement that all resident vehicle parking must be in the assigned parking areas for each unit.

(ii) A requirement that all permanent storage of trash receptacles be placed within the approved locations.
(iii) A requirement that the sale price and/or rental rate for the units be limited to those which are affordable to households or tenants that earn not more than 120 percent of the El Dorado County median income.

(g) The permittee shall record a TRPA-approved deed restriction which restricts the sale price and/or rental rate for the units as set forth above in (iii).

(h) The applicant shall submit 3 sets of final construction drawings and site plans to TRPA. The final construction drawings shall also include the landscaping plan, in addition to the floor plans and elevations for Unit #6.

(3) For this approval, all onsite parking is limited to the parking areas established for each unit, as well as guest parking areas. In addition to this requirement in the permit, if the subdivision project is approved, the covenants, conditions, and restrictions (CC&Rs) shall restrict parking solely to the established parking areas for each unit.
September 7, 1995

VIA FAX #702-588-4527
AND FIRST CLASS MAIL

Susan E. Scholley, Esq.
Special Projects Attorney
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, NV 89448-1038

Re: Mr. Brooke Caton, Subdivision of Existing Structures,
El Dorado County APNs 15-012-251 and 15-236-081

Dear Susan:

The purpose of this letter is to follow up on our telephone conversation yesterday regarding the above-described matter. I had an opportunity to discuss this with my client after our conversation, and he is in agreement that it would be a waste of our resources to proceed with appraisal as your staff had requested. As I explained to you, I don't think we would seriously debate whether or not dormitory housing is less expensive than most conventional housing. Such housing has always been on the low end of the spectrum, and we would stipulate to that fact.

Our disagreement is far more fundamental. The units in question are not now and have never been available to the general public as residential units for rent. In fact, the majority of the units were small sleeping rooms designed for two or more bunk beds, and lacked cooking facilities. Unlike units in the vicinity of Sierra Nevada College, these units are miles away from any institution that would create a continued demand for such housing. In short, they never contributed to El Dorado County's inventory of low cost or affordable housing. There is nothing to "mitigate." To require such mitigation amounts to attempting to penalize my client for converting the units into something that would actually contribute to the inventory of available housing. "Mitigation" under these circumstances is probably both unwise from a policy point of view and quite likely unconstitutional. We cannot in good conscience agree to what you are requesting.
Another aggravating point here is the fact that this issue was only raised for the first time a couple of months ago by your staff, after this project had been in process for in excess of two years. I am fully aware that the so-called "affordable housing" issue has become highly charged of late. This project, however, is located in El Dorado County. All of the California side jurisdictions have done a good job in addressing the issue and are, in fact, mandated by State law to do so. Absolutely no reason exists for TRPA to insert itself into this situation, when our clients sole crime appears to be having found an economically viable way to upgrade the units. The dormitory-style units are not going to be demolished and replaced with high priced housing, instead they are going to be remodeled so that each unit has a kitchen, and for the first time the units will become capable of supporting full time tenants.

I personally assisted Mr. Caton in reviewing all of the applicable rules before he even purchased the property. As you pointed out to me, I took part in the process of drafting the subdivision rules along with you, and the rules have not changed since they were adopted. I did not believe at that time that the issue applied, and I did not even raise the issue with my client, nor did your staff raise the issue during the several meetings that we had prior to purchase, nor was the issue raised in the innumerable meetings since that time up through and including just a few months ago when the issue was raised for the first time. There is a good reason that the issue did not rear its head until now – it simply does not apply!

Since you and staff have chosen to remain steadfast in your position, however, we are left to look for a way to attempt to resolve our respective differences. I suggested that we take this matter before your Governing Board with a recommendation for approval, but noting to the Governing Board in the staff report that the applicants strongly object to your requirement that the units be forever deed restricted as low cost housing. The Governing Board could then approve the project with or without that condition of approval. By way of clarification, if the Governing Board agrees with our analysis, then the current structures do not constitute low cost housing as defined in the Code, and the relevant requirements for low cost housing would not apply. If, however, the Governing Board agrees with your position, then we would agree that the dormitory style units are low cost housing, but reserve the right to provide credible evidence from an appraiser that the former employee-housing units do not constitute low cost housing.
I hope that the above approach will be of mutual benefit in focusing the issues for the Governing Board at the upcoming hearing. If this matter is to be heard in September, I would ask that this letter be included in their packet for review along with your staff report.

Very truly yours,

Gregg R. Lien

GRL:jr

cc: Mr. Brooke Caton
Mr. Ken Foster
Mr. Jim Allison
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV  89502
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Von Oppenheim New Mooring Buoys

Application Type: Shoreszone

Applicant: Tex and Nann Von Oppenheim

Applicant's Representative: Kevin M. Agan

Agency Planner: Jim Allison, Associate Planner

Location: 6920 North Lake Tahoe Boulevard, Placer County

Assessor's Parcel Numbers: 117-080-66

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

Project Description: The proposed project involves the placement of two new mooring buoys lakeward of parcel 117-080-66. The buoys will be placed 75 feet apart from each other and will be within 350 feet from lake bottom elevation 6229'. The applicant has indicated that two buoys have been in place for over 25 years on the subject parcel. The earliest documentation for the existence of these buoys is shown on 1975 aerial photographs, however, this is not considered adequate evidence to consider the buoys legally existing. Placer County identified the buoys as illegal and required that all applicable permits, including the TRPA authorization, be obtained to demonstrate compliance. For the above reasons, TRPA must consider this an application for two new buoys, which will replace the two illegal buoys.

Site Description: The area of foreshore is comprised primarily of sand, with some patches of cobbles which are considered marginal fish habitat. The project area consists of one parcel. The upland portion of the property is gently sloping toward Lake Tahoe. There are numerous trees which provide partial screening of the upland structure as seen from Lake Tahoe.

Issue: The proposed project involves the placement of new mooring buoys 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 Scenic Shoreline Unit (Agate Bay, 21) has a travel route rating of 8, which is in attainment of TRPA scenic quality thresholds. Staff has determined that the proposed project will not result in a decrease in the scenic quality rating. The applicant will be required to provide vegetative screening of the upland structures and other scenic treatments which mitigate

JA
4/6/93
the scenic impact of the buoys. The buoys will also be required to be seasonal. The project is not located in an area identified by the draft Shorezone Cumulative Impact Study EIS as a critical area for scenic quality.

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 22, Tahoe Vista Commercial. The Land Use Classification is Tourist and the Management Strategy is Redirection. TRPA 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 (buoys) is listed as an allowed use.

C. **Land Coverage:**

1. **Land Capability District:**
   
   The land capability districts of the project area are class 5 and backshore. The total project area is approximately 34,404 square feet.

2. **Existing Coverage:**

   Backshore: 140 square feet  
   Class 5: 4,575 square feet  
   Total: 4,745 square feet

3. **Proposed Coverage:**

   The applicants do not propose any new coverage.

4. **Allowed Coverage:**

   Backshore: 46 square feet  
   Class 5: 7,460 square feet  
   Total: 7,506 square feet

D. **Location Standards for Buoy Fields:** The buoys will be placed in a 75 ft. apart in accordance with the U.S. Army Corps of Engineers.
guidelines. The buoys will be placed within 350 feet from lake bottom elevation 6229’.

E. **Shorezone Tolerance District:** The subject parcel is located within Shorezone Tolerance District 1. The project, as conditioned, complies with the shorezone tolerance district standards.

F. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6 and 50 of the TRPA Code of Ordinances. Following each finding, TRPA 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 of the subject parcel is an allowed use within the applicable Plan Area. The proposed project involves the placement of 2 new mooring buoys, which is an allowed accessory use to the primary residential use and is consistent with the applicable Shorezone Tolerance District.

   (b) **Transportation:** The buoys will be used only by the owner of the subject parcel, and therefore will not result in an increase in vehicle miles traveled (VMTs). There is no evidence that the proposed project will adversely affect implementation of the Transportation Element of the Regional Plan.

   (c) **Conservation:** The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The project is located within Scenic Shoreline Unit 21 which is in attainment of the scenic quality threshold. Staff has determined that the project, as conditioned, will not degrade scenic resources. The project area is not located in an area that is mapped as prime fish habitat, and as such, will not have an impact on fisheries.

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

   (e) **Public Service and Facilities:** The project does not require additional public services or facilities. There is no
evidence that the project will adversely affect implementation of the Public Services and Facilities Element of the Regional Plan.

(f) Implementation: No allocation of development is required for the project.

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 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 proposed buoy anchors are not significant to affect littoral processes. The project is not located within an area that is mapped as fish spawning habitat or on-shore wildlife habitat. Conditions of approval will ensure that, as needed, the backshore will be stabilized. Based on the IEC, staff has determined that the project, as conditioned, will not impact fish habitat, littoral processes, backshore stability, or any on-shore wildlife habitat.

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

The primary use facilities contain adequate parking to support the proposed buoys.
6. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that 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.

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

The buoys will be located in the nearshore of Lake Tahoe and are water-dependent.

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

This approval prohibits the use of tributyltin (TBT) and the use of spray painting.

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

The applicant shall not be permitted to store construction materials on the beach. Construction will be performed by barge with hoist. After placement of the buoys, no construction activity will occur with the exception of removing the buoys after the boating season and re-installing the buoys prior to the boating season.

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

The proposed buoys are within TRPA's pierhead line and will not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by California State Lands Commission and the U.S. Army Corps of Engineers. These agencies make their own public safety findings.

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

This project must receive approval from the California State Lands Commission, the U.S. Army Corps of Engineers, and California Department of Fish and Game. Comments from the above agencies were solicited as part of the review of this project. No adverse comments were received from any of the above agencies.
G. **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 F 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. Prior to commencement of construction the following special conditions of approval must be satisfied:

1. The applicant shall submit a construction schedule prior to commencement of construction.

2. The final construction drawings shall have a note which says "Any lake bottom disturbance shall be corrected using handrolers to reconsolidate any disturbed shoresone sediments."

3. The permittee shall provide a scenic mitigation plan which includes a landscaping plan which provides screening of the upland development and which includes a plan which provides for removal of the retaining wall along the beach front, or screening and/or blending of the retaining wall as seen from Lake Tahoe. The mitigation plan shall be subject to TRPA review and approval prior to final TRPA acknowledgement of the project.

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

5. The permittee shall submit a Best Management Practices (BMP) plan for the entire project area. The BMP plan shall include infiltration trenches beneath all roof driplines, method for infiltrating driveway runoff, and a slope stabilization plan. The BMP plan shall be submitted and approved by TRPA prior to acknowledgement of this permit.

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

C. Spray painting and the use of tributyltin (TBT) are prohibited.

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

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

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

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

H. 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.

I. If the project involves any lake bottom disturbance, the disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.

J. 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.

K. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.
L. All buoys shall be removed at the end of each boating season and not re-installed until the following boating season. The boating season shall be defined as the dates between May 1 and October 15.
NORTH LAKE BLVD.
STATE HIGHWAY 28

SCALE 1" = 150'

THE FRANCISCAN
OWNERS ASSOCIATION
APN: 117-080-61

THE FRANCISCAN
OWNERS ASSOCIATION
APN: 117-080-65

MLW EL. 6223.0

MHW EL. 6229.1

RELOCATE MOORING
BUOY (TYP.)

EXISTING MOORING
BUOYS PER 1975
AERIAL PHOTOGRAPHS
(TYP.)

TRPA / U.S. ARMY CORPS
PROJECTION LINE (TYP.)

LAKE TAHOE

VON OPPEMHEIM PROPERTY
6920 NORTH LAKE BLVD., TAHOE VISTA, CALIFORNIA
PLACER COUNTY APN: 117-080-66

KEVIN M. AGAN
Land & Shorezone Consultant
Post Office Box 171
Tahoe City, California 96145
916.581.1640 Fax 916.581.1641

SEPTEMBER 1995

THIS DRAWING IS FOR PERMIT PURPOSES ONLY

BUOY DETAIL
NO SCALE

BUOY AND CHAIN PER U.S. COAST GUARD
REQUIREMENTS

BUOY ANCHOR (8 CF MIN.)

BOTTOM

NOTES:

1. A PLOT PLAN WAS PROVIDED BY
THE OWNER. THE EXISTING AND
PROPOSED BUOY LOCATIONS
ARE APPROXIMATE.

2. THE EXISTING BUOYS ARE TO BE
RELOCATED IN CONFORMANCE WITH
AGENCY STANDARDS AND BECOME
SEASONAL.
October 12, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Chapter 4, Qualified Exempt Activities, to Add Salvage Tree Removal on Project Areas of 20 Acres or Less

PROPOSED ACTION: Approval of the proposed amendment of Chapter 4, Qualified Exempt Activities, to add salvage tree removal on project areas of 20 acres or less provided that certain conditions are complied with.

STAFF RECOMMENDATION: Staff recommends that the Governing Board approve the proposed Chapter 4 amendment by adopting the attached amending ordinance.

ADVISORY PLANNING COMMISSION RECOMMENDATION: At the October 11, 1995 Advisory Planning Commission (APC) meeting, the APC unanimously recommended approval of the proposed amendment to Chapter 4.

BACKGROUND: The Lake Tahoe Basin forest ecosystem has experienced many problems which continue to plague our forests today. Much of Lake Tahoe’s forests of mature Sugar, Jeffrey, and Ponderosa Pine were removed for Comstock Lode mining and replaced by even aged stands of Pine and White Fir. In addition, fire exclusion, lack of selective thinning, and above average rainfall, averaged over the past 100 years, produced a forest with a dominance of fir over pine in some areas, and an increased density of trees. This unhealthy combination of circumstances set the stage for our present situation, accentuated by our prolonged drought. Currently, trees in the Lake Tahoe Basin are dying at an alarming rate, primarily from insect attack. Similar to a forest ecosystem, the insects do not respect property lines and have created large areas of tree mortality on public, as well as, private lands.

Recently a group representing state and federal forestry agencies, environmental groups, local fire districts, legislators, regulatory agencies and TRPA met to help facilitate the ongoing efforts to enhance fire hazard reduction and forest health issues in the Lake Tahoe Basin. An initial agreement of the partnership was that all actions taken would be consistent with the overall environmental protection that exists for Lake Tahoe.

AGENDA ITEM VIII A.

Planning for the Protection of our Lake and Land
Early in its discussions, the group, now called the TAHOE RE-GREEN PROJECT, identified a need to facilitate the removal of dead, dying and diseased trees on small parcels of 20 acres or less to lessen the fuel load to reduce the risk of catastrophic wildfire. A large wildfire could have serious adverse impacts on most environmental thresholds, the most prominent being impacts upon the water quality of Lake Tahoe and its tributaries. The proposed addition of timber harvesting on project areas of 20 acres or less for salvage cuts would facilitate the removal of dead, dying, and diseased trees and promote forest health.

**DISCUSSION:** Presently, within the existing language for qualified exempt activities, a property owner may receive a permit from the California Department of Forestry or the Nevada Division of Forestry, through a memorandum of understanding with TRPA, for the cutting of up to 100 live trees on a project area of 20 acres or less. Dead trees do not require a permit for removal. Under the proposed amendment, this language would remain because it provides a workable exemption for small properties of less than two to five acres. The problem arises when the definition of a dead tree is applied. A dead tree is defined as a tree totally lacking green needles throughout the crown. Dying trees do not fit this definition and are therefore counted against the 100 tree limitation. On a ten acre parcel, with an average insect attack outbreak, the number of dying trees can easily exceed the 100 tree limitation, triggering the requirement of a TRPA permit. This requirement serves as a disincentive to obtaining complete and proper forest health on these affected properties. Present practice is to remove 100 dying trees under the existing exemption, and leave the remaining dying trees standing across the property. This practice leaves large broods of insects in the remaining dying trees and disease pathogens in the diseased trees and does not address the forest health problem. The proposed Code amendment would provide for proper forest health work within the confines of strict compliance with environmental protections.

A revision to the definition of a dead tree was explored as an alternative to the proposed Code amendment but is not being recommended. The present definition provides a clear and defendable characterization of a dead tree and has not been an obstacle to routine tree removal permitting on single family dwelling parcels.

The proposed Code amendment language (Exhibit A) provides substantial environmental protections and the proposed Tahoe Basin Tree Removal Permit for salvage on 20 acres or less (Exhibit B) provides additional protection. A pre-operations field inspection must be completed by TRPA to insure that operations will proceed in accordance with all applicable provisions of the Code of Ordinances. The operation would still be bound by those Ordinance provisions. The proposed permit would also require substantial improvements in the treatment of slash created by the operation. The Forest Health Consensus Group has reviewed the proposed language.
FINDINGS: The required findings and brief rationales for making each finding are set forth below:

Chapter 6 Findings:

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 proposed Code amendment exempts the activities from TRPA review and approval. Exemption of those activities does not exempt them from applicable provisions of the Code. The proposed language provides for substantial monitoring of the activities by TRPA staff to insure conformance with those applicable provisions of the Code.

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

Rationale: The activities utilizing the proposed exemption are required to be in conformance with the Code and will be monitored by TRPA staff.

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 Rationales 1 and 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 Rationales 1, 2, and 3, above.

Ordinance 87-8 Findings:

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

Rationale: The amendment will provide for more complete forest health management on small project areas, consistent with attainment of the Vegetation Threshold. The activities utilizing the qualified exemption will be in compliance with the Code of Ordinances.

2. One or more of the following:

a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;
b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

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

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

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

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

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

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

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

Rationale: Finding (f) is the most appropriate in that the amendment will provide for more complete forest health management on the affected project areas, thereby correcting the counter productive aspects of the present situation.

ENVIRONMENTAL DOCUMENTATION: Based on completion of an Initial Environmental Checklist and the procedural nature of the proposed amendment, staff recommends a finding of no significant environmental effect.
4.3.A Qualified Exempt Activities

(10) Timber harvesting for the removal of dead, dying, and diseased trees (salvage cuts) on parcels of 20 acres or less in size, that are not part of a larger parcel of land in the same ownership provided that:

(a) A Tahoe Basin Tree Removal Permit, that expires twelve months after issuance, has been issued for trees marked pursuant to the memorandum of understanding between the appropriate state forestry agency and TRPA;

(b) Dying trees are defined as those determined to be dead within one year by a qualified forester authorized to issue a Tahoe Basin Tree Removal Permit by the Memoranda of Understanding between TRPA and the Nevada Division of Forestry and the California Department of Forestry and Fire Protection.

(c) A pre-operations field inspection is completed by TRPA which is attended by a representative from the appropriate state forestry agency, property owner or authorized representative, and the licensed timber operator;

(d) Grading is not in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, 7;

(e) All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting and any burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year;

(f) Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting; and

(g) There are no watercourse or stream environment zone crossings except for existing bridges and culverts.
ATTACHMENT B

TAHOE BASIN TREE REMOVAL PERMIT
FOR SALVAGE ON 20 ACRES OR LESS
Nevada Division of Forestry
California Department of Forestry

PROPERTY OWNER(S) OF RECORD:

Name(s) ___________________________________________ Phone: ________________________

Mailing Address: _________________________________________________________________

Location of Property: _____________________________________________________________

Type of logging operation: _______________________________________________________

Only trees marked in paint and approved by a CDF or NDF forester may be cut, and the following STANDARD CONDITIONS shall be met during tree removal operations:

1) A pre-operations field inspection must be completed by TRPA which is attended by a representative from CDF or NDF, the property owner or authorized representative, and the licensed timber operator. The appropriate state water quality agency shall be invited to attend these inspections.

2) Grading is not in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, and/or 7.

3) All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting. Burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year.

4) Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of skidding.

5) There are no watercourse or stream environment zone (SEZ) crossings except for existing bridges or culverts.

6) This Tahoe Basin Tree Removal Permit expires 12 months after issuance.

7) Stump height shall be 6" or less.

8) Tops of live stumps shall be covered with borax immediately after felling to retard the spread of root disease.

9) Vehicles will not be permitted to operate when soil moisture conditions are conducive to unacceptable soil compaction or rutting.

PERMIT CONTINUED ON NEXT PAGE
10) A map shall be attached to this form, showing the location of the operation and all surface waters, streams environment zones and floodplains. Existing TRPA SEZ maps shall be utilized in this determination.

11) The operation covered by this permit shall be bound by all applicable provisions of the TRPA Code of Ordinances.

12) This form must be provided to TRPA at least five days prior to a scheduled pre-operations meeting.

SPECIAL CONDITIONS

The Permittee, its contractors, and employees, agrees to save, indemnify, and hold harmless the authorizing entity or its representative from all liabilities and claims for damages by reason of injury or death to any person or persons, or damage to property from any cause whatsoever while in, upon, or in any way connected with the work covered by this tree cutting permit, and does further agree to defend the entity in any claim arising out of or as a result of the work done under this permit.

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all ordinances and state laws, the TRPA Code of Ordinances and the regulations of the Department of Industrial Relations and Industrial Accident Commission, relating to the character of work, equipment, and labor personnel involved in the project. I also certify that trees being removed are on the property as described above.

Applicant's signature: ___________________________ Date: ________________

Mailing Address: ________________________________ Phone: ________________

Forester's Authorization: _________________________

SC: jsd

Agenda Item VIII.A
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 95--

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, OF THE
TAHOE REGIONAL PLANNING AGENCY; AMENDING CHAPTER 4 OF THE
CODE OF ORDINANCES RELATING TO EXEMPT ACTIVITIES; 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 4 of the Code of Ordinances
relating to exempt activities 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") has conducted a public
hearing on the amendments to be adopted by this ordinance and the
APC recommended adoption. The Governing Board has also conducted
a noticed public hearing on the amendment. At those hearings,
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 thus 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 Articles V(g) and VI(a) of the Compact. The
Governing Board further finds that such findings are supported by
substantial evidence in the record. Further, the Board made the
findings required by Section 2.40 of Ordinance 87-8, which
findings were supported by a preponderance of evidence in the
record.

1.50  The amendments to the Code adopted by this ordinance continue to
implement the Regional Plan, as amended, in a manner that 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 4 of the Code

Chapter 4 is hereby amended by adding a new subsection (10) to subsection 4.3.A, as follows:

**Added** (10) Timber harvesting for the removal of dead, dying, and diseased trees (salvage cuts) on parcels of 20 acres or less in size, that are not part of a larger parcel of land in the same ownership provided that:

(a) A Tahoe Basin Tree Removal Permit, that expires twelve months after issuance, has been issued for trees marked pursuant to the memorandum of understanding between the appropriate state forestry agency and TRPA;

(b) Dying trees are defined as those determined to be dead within one year by a qualified forester authorized to issue a Tahoe Basin Tree Removal Permit by the Memoranda of Understanding between TRPA and the Nevada Division of Forestry and the California Department of Forestry and Fire Protection;

(c) A pre-operations field inspection is completed by TRPA, which is attended by a representative from the appropriate state forestry agency, property owner or authorized representative, and the licensed timber operator;

(d) Grading is not in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1; and is limited to land capability districts 3, 4, 5, 6, 7;

(e) All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting and any burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year;

(f) Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting; and

(g) There are no watercourse or stream environment zone crossings except for existing bridges and culverts.
Section 3.00  Interpretation and Severability

The provisions of this ordinance and the amendments to the Code adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or the amendments adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance or the amendments shall not be affected. For this purpose, the provisions of this ordinance and the amendments 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 ________________, 1995, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 12, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Plan Area Statement 013, Watson Creek (Conservation) To Add Local Public Health and Safety Facilities As a Permissible Use

Proposed Action: To amend Plan Area Statement (PAS) 013, Watson Creek by adding Local Public Health and Safety Facilities to the list of Permissible Uses as a Special Use. (See Exhibits A and B).

Staff and APC Recommendation: Staff recommends that the Governing Board approve the proposed plan area amendment by adopting the attached amending ordinance. The APC voted unanimously to recommend approval of the proposed amendment at its October 11, 1995 hearing.

Background: The applicant proposes to amend PAS 013, Watson Creek, by adding Local Public Health and Safety Facilities as a permissible use. In September 1993 TRPA issued a temporary permit to construct a pump house, required in order to upgrade the existing water system, on Placer County APN 116-040-01. Water tanks, pumps, wells, and related facilities are considered Local Public Health and Safety Facilities as defined in chapter 18 of the TRPA Code of Ordinances.

As a condition of the temporary permit, the permittee was required to obtain a permanent approval for the pump house, which included obtaining a Plan Area Statement amendment.

The land use classification for Plan Area Statement 013 is Conservation and the management strategy is Mitigation. The existing uses on the parcels adjoining APN 116-040-01 are forest conservation to the south, west, and north, with residential uses to the east. Currently the Agate Bay Homeowner’s Association maintains tennis courts for its members on the subject parcel.
Discussion: In evaluating proposed plan area amendments, staff uses a
three-step procedure. The first step is to determine whether a mistake was
made in mapping the original plan area boundaries and assigning permissible
uses to the area. The second step is to determine whether something has
changed in terms of character at this location or pattern of land use to
warrant amending the list of permissible uses. The third step is to determine
whether the amendment to the plan area would change land use patterns such
that attainment and maintenance of environmental thresholds is improved or
enhanced.

Of the 15 plan areas whose land use classification is Conservation, only 6
(including Watson Creek) do not allow Local Public Health and Safety
Facilities as a Permissible Use. Staff has concluded that within this
particular plan area, not including Local Public Health and Safety Facilities
as a Special Use was an oversight. Currently the only local public health
and safety facilities permissible in the plan area are transmission receiving
facilities and pipelines, and power transmission, both of which are Special
Uses.

Chapter 18 of the TRPA Code of Ordinances defines Local Public Health and
Safety Facilities as follows: "Facilities operated by public or quasi-public
entities for the local protection of the public, such as fire stations and
other fire prevention facilities; police and sheriff substations; satellite
highway maintenance and snow removal facilities; water tanks, pumps, wells and
related facilities; monitoring facilities; sewage pumps and related
facilities; and emergency services."

TRPA staff is recommending that Local Public Health and Safety Facilities be
added to the list of Permissible Uses in PAS 013 as a Special Use rather than
an Allowed Use. This way the required special use findings will assure that
no project is approved that is not compatible with the surrounding uses and
character of the neighborhood.

Findings: Prior to amending the Plan Area Statement, TRPA must make certain
findings.

Chapter 6 Findings

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

   Rationale: The proposed addition of local public health and safety
   facilities to the list of permissible uses will not cause the Environmental Threshold Carrying Capacities to be
   exceeded because at the time of any project submittal, the applicant will have to provide supporting evidence
   that all environmental thresholds will be attained and maintained.
2. Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

   Rationale: The proposed amendment will have no negative effects on air or water quality. Any project that is proposed as a consequence of this plan area amendment will be required to analyze traffic and trip increases based on the type and extent of project. Any project proposed based on this amendment would also be required to comply with all Code standards as they pertain to water quality, including impact mitigation. Therefore, amending Plan Area Statement 013 will have no negative impact on federal, state, and local air or water quality standards.

3. That the Regional Plan, as amended, achieves and maintains the thresholds.

   Rationale: See Findings 1 and 2 above.

Environmental Documentation: Based on the above analysis and the completion of the initial environmental checklist (IEC), staff proposes a finding of no significant effect.

Staff will begin this item with a brief presentation. If you have any questions or comments regarding this agenda item, please contact Coleen Shade at (702) 588-4547.
013 -- WATSON CREEK

PLAN DESIGNATION:

Land Use Classification
CONSERVATION

Management Strategy
MITIGATION

Special Designation
NONE

DESCRIPTION:

Location: This is a large Plan Area that covers the backdrop country between Dollar Point and Flick Point and is located on Agency maps D-4, D-5, D-6, E-3, E-4 and the Martis Peak Quadrangle.

Existing Uses: The Plan Area is mostly undeveloped and in public ownership. Existing uses are mostly limited to dispersed-types of recreation and to timber management.

Existing Environment: This area has a good mixture and distribution of plant communities, but mature fir trees still dominate the overall plant composition. Much of the area has good land capability.

PLANNING STATEMENT: This planning area should be managed with an emphasis on providing improved opportunities for dispersed recreation and timber harvest.

PLANNING CONSIDERATIONS:

1. There is an over abundance of unimproved roads.

2. There is good capability land for long range relocation of recreational development. However, the potential for developed recreational sites is constrained due to lack of the necessary infrastructure such as sewer, water, and improved roads.

3. The lack of significant natural features such as large streams or lakes limit the attractiveness of the area for campsite development.

4. The legal status of the North Rim Subdivision is uncertain.

SPECIAL POLICIES:

1. The development or relocation of recreational facilities should be limited to good capability lands within close proximity to urban services.

2. Some bank stabilization and fish passage barrier removal work should be performed on Watson Creek.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

EXHIBIT A 61
**General List:** The following list of permissible uses is applicable throughout the Plan Area.

- **Residential:** Summer homes (S).
- **Public Service:** Transmission and receiving facilities (S) and pipelines and power transmission (S), and public health and safety facilities (S).
- **Recreation:** Day use areas (S), developed campgrounds (S), off-road vehicle courses (S), outdoor recreation concessions (S), riding and hiking trails (A), rural sports (S), group facilities (S), undeveloped campgrounds (S), and snowmobile courses (S).
- **Resource Management:** Reforestation (A), regeneration harvest (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (A), tree farms (S), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), farm/ranch accessory structures (S), grazing (S), range pasture management (A), range improvement (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), prescribed fire management (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Summer Homes</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
</tr>
<tr>
<td>Developed Campgrounds</td>
<td>8 sites per acre</td>
</tr>
<tr>
<td>Group Facilities</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 50 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

- **SUMMER DAY USES 0 PAOT**
- **WINTER DAY USE 0 PAOT**
- **OVERNIGHT USES 400 PAOT**

PAS 013 -- WATSON CREEK
Page 2
OTHER: Seven miles of trail.

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING PLAN AREA STATEMENT 013, WATSON CREEK, TO AMEND THE LIST OF PERMISSIBLE USES BY ADDING LOCAL PUBLIC HEALTH AND SAFETY FACILITIES AS A SPECIAL USE; AND PROVIDING FOR OTHER MATTERS PROPERLY 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, relating to the Regional Plan of TRPA, by amending Plan Area Statement 013, Watson Creek, to amend permissible uses, in order to further implement the Regional Plan pursuant to Article VI(a) and of the applicable provisions of the Tahoe Regional Planning Compact.

1.20 This amendment has been determined not to have a significant effect on the environment, and is therefore exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Governing Board, prior to adoption of this ordinance, conducted a noticed public hearing, at which hearing oral testimony and documentary evidence were received and considered by the Board. The Advisory Planning Commission (APC) also conducted a noticed public hearing at which oral testimony and documentary evidence were received. The APC has recommended adoption of the amendments to Plan Area Statement 013, Watson Creek.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.4 of the Code of Ordinances and Article V(g) of the Compact.

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

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

Section 2.00 Amendment to Plan Area Statement 013 (Watson Creek)

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

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


Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

Pursuant to Subsection 13.7.B, 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 October __, 1995 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 17, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Plan Area Statement 044, Fairway; Plan Area 045, Incline Village Commercial (Commercial/Public Service) and Plan Area 046, Incline Village Residential

Proposed Action: In order to construct a mixed use condominium/commercial project, the applicant proposes an amendment which modifies the boundary line between PAS 045 Incline Village Commercial (designated as a preliminary community plan area), and PAS 046 Incline Village Residential by moving a portion of APN 124-041-87 from PAS 045 to PAS 046. (See Exhibit B for applicant’s map of the proposed boundary line adjustment.) The applicant is requesting the plan area amendment because single family dwellings are currently not a permissible use on the subject parcel.

Staff And APC Recommendation: Staff is not in support of the applicant’s proposed amendment to move a portion of APN 124-041-87 from a commercial plan area to a residential plan area because: 1) the parcel would be split by a plan area boundary, 2) the access and orientation of the parcel is in a commercial plan area, and 3) the proposed mixed use more appropriately fits the commercial plan area because it is consistent with the surrounding uses. (See Exhibit A for current and staff proposed language for PAS 045).

Staff’s recommendation is different than the applicant’s proposal, but would accomplish the same end. Staff agrees with the applicant that mixed use, commercial/residential, is an appropriate land use objective for this area and is consistent with the surrounding land uses. In addition, PAS 045 is within a preliminary community plan area where Transit Oriented Design standards (TOD) are preferred as a key strategy to reduce vehicle miles traveled (VMT). Mixed use developments are considered to be TOD.

TRPA staff along with the Advisory Planning Commission recommend that the Governing Board amend PAS 045 by adding single family dwellings (SFD) to the list of permissible uses as a special use. Staff also proposes to amend PAS 044, Fairway, by reducing the number of residential bonus units from 90 to 80.
and transferring the 10 bonus units to PAS 045. In addition, two special policies are proposed to be added to PAS 045. The first special policy would require SFDs to be part of a mixed use development and the SFDs must be attached, sharing common walls. The second special policy to be added would add an incentive to build vertically oriented mixed use buildings as opposed to horizontally oriented mixed-use buildings. Vertical mixed use refers to a building type that provides two or more uses, such as ground floor commercial with residential above. Bonus units could only be applied to those projects with vertical mixed uses. Plan Area 045 would also be amended to include the multi-residential incentive program.

The Advisory Planning Commission (APC) held a public hearing on this item. The vote taken at the conclusion of the public hearing resulted in 15 in favor of staff's recommendation and one against. The applicant is comfortable with staff's recommendation except for being tied to the requirement of the mixed use.

**Background:** The applicant proposes to amend the boundary line between PAS 045, Incline Village Commercial, and PAS 046, Incline Village Residential to move APN 124-041-87 from its present plan area 045 to 046. The purpose for this amendment is to allow the applicant to build a four unit condominium complex in conjunction with a commercial building. Currently condominiums are not a permissible use. Condominiums are considered attached single family dwellings.

Currently PAS 045 allows the following residential uses: employee housing, multiple family dwelling, multi-person dwelling, nursing and personal care, and residential care. Single family dwellings are not a permissible use in PAS 045. Permissible residential uses in PAS 046 include all of the above and single family dwellings. See Exhibit A and D.

The applicant’s parcel, which is approximately 0.53 acres, is vacant. The parcel is mapped Land Capability Class 6, subject to verification. To the north of this parcel the existing uses include one mixed use (commercial/residential) parcel, one public service and the remaining are residential. To the east, there is a commercial use, a public service use and the remaining are residential (condominiums). On the south side is public service (Incline Village Elementary School) and the remainder are commercial or residential. On the adjacent parcel to the west is a commercial office building with the remaining parcels on the west side containing single family dwellings. (See Exhibit C for map of surrounding land uses.)

Current local zoning on the subject parcel is changing from R3 (high density residential) to a "special Planning Area" designation, which means that permissible uses will be consistent with the Community Plan.

/cs
10/17/95

AGENDA ITEM NO. VIII.C.
Amendment of Plan Area 045,
Incline Village Commercial (Commercial/Public Service);
and Plan Area 046, Incline Village Residential
Page 3

Discussion: In evaluating proposed plan area amendments, staff uses a three-step procedure. The first step is to determine whether a mistake was made in mapping the original plan area boundaries and assigning permissible uses to the area. The second step is to determine whether something has changed in terms of character at this location or pattern of land use to warrant amending the list of permissible uses. The third step is to determine whether the amendment to the Plan Area would change land use patterns such that attainment and maintenance of environmental thresholds is improved or enhanced.

Staff recommends, based on the above three-step procedure, to leave the boundaries the way they are. No mistake was made in drawing the PAS boundary line and the current list of permissible uses. However, in reviewing the submitted information and conducting a site visit, the adjoining uses would warrant looking at the existing character of PAS 045. In addition, 045 is a community plan area. The purpose for establishing community plan areas is to concentrate commercial uses in a core area thus reducing Vehicle Miles Traveled (VMT). Staff's recommendation to allow single family dwellings as a mixed use with commercial uses in Plan Area 045 is a way to further this goal by allowing another residential use, though limited, into this area which has the potential to further reduce VMT through Transit Oriented Designs. By locating trip origination uses close to trip attractions, VMTs will be reduced.

For example, multiple-family dwellings are currently a permissible use in PAS 045. Based on TRPA's trip table, apartments generate 6.47 trips per dwelling unit compared to 5.86 trips per occupied dwelling unit for condominiums. Detached single family dwellings generate 9.55 trips per unit. By adding attached single family dwellings as a permissible use in this Plan Area it will generate less trips than the existing permissible residential uses.

TRPA staff also recommends that 10 bonus units be transferred from PAS 044, Fairway. Although PAS 046 is a community plan area in which commercial development is to be focused, allowing for limited mixed (commercial/residential) uses will incrementally contribute to attaining and maintaining environmental thresholds at this particular site, and in fact, has the potential to decrease trips and reduce VMTs.

The following is a list of findings that must be made for all plan area amendments. In addition, there are findings that must be made when a plan area eligible for community plan area designation is affected.

Findings: Prior to amending the plan area statement, TRPA must make the following findings.
Chapter 6 Findings

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

Rationale: Staff's proposed PAS amendment will not cause the environmental thresholds to be exceeded. Any project that is proposed as a result of this amendment will be required to meet land coverage requirements, scenic quality standards, and water quality standards. In addition, the staff recommended PAS amendments have the potential to provide the opportunity to decrease vehicle trips and vehicle miles traveled by providing new residential uses closer to commercial uses, decreasing the need for longer vehicle trips, and providing the opportunity for non-vehicular trips.

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

Rationale: The proposed amendment itself will have no negative effects on air or water quality. Any project that is proposed as a consequence of this plan area amendment will be required to analyze traffic and trip increases based on the type and extent of project. Any project proposed based on this amendment would also be required to comply with all Code standards as they pertain to water quality, including impact mitigation. Therefore, amending Plan Area Statement 045 by adding the new special use and reducing the PAS 044 bonus units by ten will have no negative impact on federal, state, and local air or water quality standards. Potentially, the ability to attain and maintain air quality standards will be enhanced by using the mixed use concept and bringing trip origination uses closer to trip generating uses.

3. Finding: That the Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: See Findings 1 and 2 above.

Chapter 13 Findings

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B (Land Use) and 13.5.C (special designations).
Rationale: The land use designation for PAS 045 is Commercial/Public Service. Adding attached single family dwellings as a permissible use when in conjunction with a mixed use project is consistent with the Plan Area and current surrounding mixed uses. PAS 045 is a community plan area. The proposed amendment is a form of Transit Oriented Design standard, which the draft community plan advocates. PAS 045 would also be designated as a Transfer Development Right receiving area for multi-residential units. This is consistent with Transit Oriented Design standards.

Environmental Documentation: Based on the above analysis and the completion of an initial environmental checklist (IEC), staff proposes a finding of no significant effect (FONSE). This type of mixed use, attached single family dwellings/commercial, is consistent with the existing surrounding uses. Potentially VMT will be reduced by requiring single family dwellings to be attached and part of a mixed-use.

Staff will begin this item with a brief presentation. If you have any questions or comments regarding this agenda item, please contact Coleen Shade at (702) 588-4547.

/cs
10/17/95
045 -- INCLINE VILLAGE COMMERCIAL

PLAN DESIGNATION:

Land Use Classification: COMMERCIAL/PUBLIC SERVICE
Management Strategy: MITIGATION
Special Designation: PRELIMINARY COMMUNITY PLAN AREA
TDR RECEIVING AREA FOR:

1. Multi-Residential Units
2. Existing Development

SCENIC RESTORATION AREA

MULTI-RESIDENTIAL INCENTIVE PROGRAM

DESCRIPTION:

Location: This is a split planning area encompassing the commercial areas in the center of Incline. The Village Center Area is on the west side; the Village/Highway 28 area is on the east. This area is located on the TRPA maps G-3 and H-3.

Existing Uses: The west area has a small shopping center, an elementary school and miscellaneous commercial uses. The east area includes the high school, the intermediate school, several small shopping centers, offices and service industry uses. The area is 75 percent built out.

Existing Environment: The lands are 20 percent SEZ and the rest are classified low hazard. The land coverage is 50 percent plus an additional 15 percent disturbed.

PLANNING STATEMENT: These two areas should continue to serve the commercial and other service needs of the Incline area.

PLANNING CONSIDERATIONS:

1. This area is identified as a scenic problem area.
2. Public input has indicated a possible need for some mini-parks in the central Incline area.
3. This would be a suitable location for a major transit facility.
4. Scenic Roadway Unit 22 is within this Plan Area and is targeted for scenic restoration as required by the scenic threshold.
5. State Route 28 within this Plan Area is proposed to be expanded to four lanes as part of the second phase set forth under Goal #1, Policy #1 of the Regional Highway System Subelement of the Goals and Policies Plan.
SPECIAL POLICIES:

1. Plan Areas 045, 046, 048, and portions of 044 shall be considered as part of the core area for the Incline Village Community Plan.

2. Passive recreational uses (parks) should be considered in the Community Plan for this area.

3. Assess the possibility of locating a major transit facility in this area.

4. Special siting considerations and use limitations shall apply along Highway 28 (Special Area #1). Industrial uses, wholesale/storage uses and similar uses should be located outside this area.

5. Single-family dwellings shall only be allowed in the plan area when they are part of a mixed use development and when they consist of attached units which share common walls.

6. Residential bonus units may only be used for the construction of residential units when they are part of a vertically-oriented mixed use. Vertically-oriented mixed use refers to a building type that provides two or more of the major land use classifications listed in the Regional Plan, one of which must be a residential use, such as ground floor retail, with residential above.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area.

Residential
- Single-family dwellings (S), employee housing (A), multiple family dwelling (S), multi-person dwelling (S), nursing and personal care (S), and residential care (S).

Tourist Accommodation
- Bed and breakfast facilities (A), hotel, motels, and other transient dwelling units (A), timeshare (hotel/motel design) (A), and timeshare (residential design) (S).

Commercial
- Auto, mobile home and vehicle dealers (A), building materials and hardware (A), eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (A), general merchandise stores (A), mail order and vending (A), nursery (A), outdoor retail sales (S), service stations (A), amusements and recreation services (S), privately owned assembly and entertainment (S), outdoor amusements (S), animal husbandry services (A), auto repair and service (S), broadcasting studios (A), business support services (A), contract construction services (A), financial services (A), laundries and dry cleaning plant (A), personal services (A), professional offices (A), repair services (A), sales lots (S), schools - business and vocational (A), secondary storage (S), food and kindred products (S), fuel and ice dealers (S), industrial services (S), printing and publishing (A), small scale manufacturing (S), storage yards (S), vehicle and freight terminals (S), vehicle storage and parking (S), warehousing (S), and wholesale and distribution (S).

PAS 045 -- INLCINE VILLAGE COMMERCIAL
Page 2
Public Service

Churches (A), collection stations (S), regional public health and safety facilities (S), health care services (S), cultural facilities (A), day care centers/pre-schools (S), government offices (A), hospitals (A), local assembly and entertainment (A), local post office (A), local public health and safety facilities (A), membership organizations (A), publicly owned assembly and entertainment (S), pipelines and power transmission (S), schools - kindergarten through secondary (A), and social service organizations (A), transit stations and terminals (S), transportation routes (S), and transmission and receiving facilities (S).

Recreation

Day use areas (A), participant sports facilities (A), outdoor recreation concessions (S), riding and hiking trails (S), and visitor information center (S).

Resource Management

Reforestation (A), sanitation salvage cut (A), thinning (A), tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

Special Area #1: The following list of permissible uses is applicable in Special Area #1.

Residential

Multiple family dwelling (A), nursing and personal care (A), employee housing (A), and residential care (A).

Tourist Accommodation

Same as General List.

Commercial

Auto, mobile home and vehicle dealers (S), building materials and hardware (S), eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (A), general merchandise stores (A), mail order and vending (A), nursery (A), outdoor retail sales (S), service stations (A), amusements and recreation services (S), privately owned assembly and entertainment (S), animal husbandry services (S), broadcasting studios (A), financial services (A), health care services (A), personal services (A), professional offices (A), repair services (S), schools - business and vocational (A), secondary storage (S), printing and publishing (S), small scale manufacturing (S), and vehicle storage and parking (S).

Public Service

Churches (A), cultural facilities (A), day care centers/pre-schools (S), government offices (A), hospitals (S), local assembly and entertainment (A), local post office (A), local public health and safety facilities (A), membership organizations (A), publicly owned assembly and entertainment (S), regional public health and safety facilities (S), social service organizations (A), pipelines and power transmission (S), transit stations and terminals (S), transportation routes (S), and transmission and receiving facilities (S).
MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

USE

Residential
Multiple Family Dwelling 15 units per acre
Multi-person Dwelling 25 people per acre
Nursing and Personal Care 25 people per acre
Residential Care 25 people per acre
Employee Housing As per limitations above

Tourist Accommodation
Bed and Breakfast 5 units per site
Hotel, Motel and other Transient Units
- with less than 10% of units with kitchens 40 units per acre
- with 10% or more units with kitchens 15 units per acre
Timeshare As per the limitations set forth in this table

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 10 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 60 CNEL. The maximum community noise equivalent level for the Highway 28 corridor is 60 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
3. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)

4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 28 corridor. (To be completed.)
PROPOSED PLAN AREA
BOUNDARY ADJUSTMENT
APN 124-041-87 (.53 ACRES)
046 -- INCLINE VILLAGE RESIDENTIAL

PLAN DESIGNATION:

Land Use Classification  RESIDENTIAL
Management Strategy    MITIGATION
Special Designation     TDR RECEIVING AREA FOR:

1. Existing Development
2. Multi-Residential Units

PREFERRED AFFORDABLE HOUSING LOCATION
SCENIC RESTORATION AREA
MULTI-RESIDENTIAL INCENTIVE PROGRAM

DESCRIPTION:

Location: This is the high density residential area surrounding the commercial core in Incline Village and is located on TRPA maps G-3 and H-3.

Existing Uses: This area is a mixture of newer condominiums, apartments, timeshare and miscellaneous commercial uses. The area is 80 percent built out.

Existing Environment: The lands are classified 90 percent low hazard with ten percent SEZ. The land coverage is 40 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: This area should continue to be multi-residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. The few remaining undeveloped sites are surrounded by multiple density residential development.
2. Backyard dams and road culverts create partial barriers to fish migration on Wood Creek.
3. Scenic Roadway Unit 22 is within this Plan Area and is targeted for scenic restoration as required by the scenic threshold.
4. State Route 28 within this Plan Area is proposed to be expanded to four lanes as part of the second phase set forth under Goal #1, Policy #1 of the Regional Highway System Subelement of the Goals and Policies Plan.

SPECIAL POLICIES:

1. This area is a preferred site for affordable housing.

EXHIBIT D
2. Encourage accessory recreation uses for residents of this area.

3. This area should be considered in the Community Plan for PAS 045.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area:

Residential
- Single family dwelling (S), multiple family dwellings (A), multi-person dwellings (S), employee housing (S), nursing and personal care (S), and residential care (S).

Tourist Accommodation
- Timeshare (residential design) (S).

Public Service
- Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), churches (S), local post offices (S), schools - pre-schools (A), cultural facilities (S), publicly owned assembly and entertainment (S), schools - kindergarten through secondary (S), and day care centers/pre-schools (S).

Recreation
- Participant sports facilities (S), day use areas (A), sports assembly (S), rural sports (S), and outdoor recreation concessions (S).

Resource Management
- Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwelling</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Multi-person Dwellings</td>
<td>20 persons per acre</td>
</tr>
<tr>
<td>Nursing and Personal Care</td>
<td>20 persons per acre</td>
</tr>
</tbody>
</table>
Residential Care  20 persons per acre
Tourist Accommodation
Timeshare  (residential design)  15 units per acre

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 50 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area, including the Highway 28 corridor is 55 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

- **SUMMER DAY USES 9 PAOT**
- **WINTER DAY USE 9 PAOT**
- **OVERNIGHT USES 0 PAOT**

**IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
3. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)
4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway corridor. (To be completed.)
PLAN DESIGNATION:

Land Use Classification
RESIDENTIAL

Management Strategy
MITIGATION

Special Designation
TDR RECEIVING AREA FOR:

1. Multi-Residential Units (SA #1 only)
2. Existing development

MULTI-RESIDENTIAL INCENTIVE PROGRAM
(SA #1 only)

DESCRIPTION:

Location: This area is the golf course area located between Highway 28, Village Boulevard and Country Club Drive. It is located on TRPA maps H-2 and H-3.

Existing Uses: The primary use is mixed residential including a large golf course. This area is 70 percent built out.

Existing Environment: The land capability in this area is 70 percent low hazard with 30 percent SEZ. The land coverage is 15 percent plus an additional 15 percent disturbed.

PLANNING STATEMENT: This area should continue as residential, with secondary uses being recreation and tourist.

PLANNING CONSIDERATIONS:

1. The stream environment zone (Third Creek) has been substantially altered by road placement, single family unit development, and golf course construction.

2. Over use of fertilizer on the golf course is of concern.

3. The road crossing at Tahoe Boulevard poses a partial barrier to fish migration on the northwest tributary of Third Creek.

4. There are diversions on Incline Creek and on the northwest tributary for golf course ponds.

5. The crossing at Village Boulevard and the northwest tributary of Incline Creek is a barrier to upstream migration of fish.

6. Scenic Roadway Unit 22 borders this Plan Area.

7. State Route 28 within this Plan Area is proposed to be expanded to four lanes as part of the second phase set forth under Goal #1, Policy #1 of the Regional Highway System Subelement of the Goals and Policies Plan.
SPECIAL POLICIES:

1. Stream zone and fishery restoration should be encouraged.

2. Special Area #1 along Northwood and the golf course should be considered for inclusion in a Community Plan for Incline.

3. Multi-residential units permitted in Special Area #1 may be converted to residential timeshare uses. The conversion of such units shall not be counted under the tourist accommodation allocation limitations if they were originally counted under the residential allocation limitations.

4. The development of commercial facilities on vacant parcels in Special Area #1 shall be limited to the parcels abutting Northwood.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area (except as noted for special area #1).

Residential
- Single family dwelling (A).

Public Service
- Churches (S), cultural facilities (S), local public health and safety facilities (S), public utility centers (S), pipelines and power transmission (S), transit stations and terminals (S), transmission and receiving facilities (S), transportation routes (S), publicly owned assembly and entertainment (S), and day care centers/pre-schools (S).

Recreation
- Cross country skiing courses (A), day use areas (S), and golf courses (A).

Resource Management
- Reforestation (A), sanitation salvage cut (A), thinning (A), and tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), and structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), and SEZ restoration (A), run-off control (A), and SEZ restoration (A).

Special Area #1: The following list of permissible uses is applicable in Special Area #1.

All the uses listed on the General List plus the following additions:

Residential
- Employee housing (A), multiple family dwellings (A), nursing and personal care (A), and residential care (A).

Tourist Accommodation
- Hotel, motels, and other transient dwelling units (S), timesharing (hotel/motel design) (S), and timesharing (residential design) (S).
Commercial
Eating and drinking places (S), food and beverage retail sales (S), general merchandise stores (S), nursery (S), amusement and recreation services (S), financial services (S), health care services (S), personal services (S), and professional offices (S).

Public Service
Government offices (S), membership organizations (S), public assembly and entertainment facilities (S), schools - kindergarten through secondary (S), and social service organizations (S).

Recreation
Participant sports facilities (S) and sport assembly (S).

Resource Management
Same as General List.

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
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<tr>
<td>Residential Care</td>
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<tr>
<td>Nursing and Personal Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel and Other Transient Units</td>
<td></td>
</tr>
<tr>
<td>- with less than 10% of units with kitchens</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>- with 10% or more units with kitchens</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Timeshare</td>
<td>As per the limitations set forth in this table</td>
</tr>
</tbody>
</table>

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 80 00 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area, including the Highway 28 corridor, is 55 CNEQ.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

- **SUMMER DAY USES 0 PAOT**
- **WINTER DAY USE 0 PAOT**
- **OVERNIGHT USES 0 PAOT**
**IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

3. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)
An ordinance amending Ordinance No. 87-9, as amended, by amending the regional plan of the Tahoe Regional Planning Agency, as amended; by amending Plan Area Statement 045, Incline Village Commercial, to add a permissible use, special policies, residential bonus units and a special designation: multi-residential incentive program; and by amending Plan Area 044, Fairway, to remove residential bonus units; and providing for other matters properly 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, relating to the Regional Plan of TRPA, by amending Plan Area Statement 045, Incline Village Commercial, to amend permissible uses, add residential bonus units, add special policies and add multi-residential incentive program, and to amend Plan Area Statement 044, Fairway, to remove residential bonus units, in order to further implement the Regional Plan pursuant to Article VI(a) and of the applicable provisions of the Tahoe Regional Planning Compact.

1.20 This amendment has been determined not to have a significant effect on the environment, and is therefore exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

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

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.4 of the Code of Ordinances and Article V(g) of the Compact.

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

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00 Amendment to Plan Area Statements 044 and 045

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

6.10 Plan Documents

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


Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

Pursuant to Subsection 13.7.B, 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 October __, 1995 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John R. Upton, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 12, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Update of the TRPA Trip Table, as Required in Subsection 93.2.H of Chapter 93, Traffic and Air Quality Mitigation Program

Proposed Action: To approve an update of the Trip Table pursuant to Subsection 93.2.H of Chapter 93, Traffic and Air Quality Mitigation Program

Staff and APC Recommendation: Staff recommends that the attached Trip Table be approved. The Advisory Planning Commission recommended approval (on a 14 to 2 vote) of the proposed Table with modifications to several specific uses.

Discussion: Subsection 93.2.H states, "TRPA shall adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation. TRPA shall generate and update the data in the Trip Table by referring to recent publications on traffic and trip generating..."

Trip rates are intended as a tool for estimating the number of vehicle trips likely to be generated by a particular land use. Because trip generation characteristics for a land use may vary, extreme care must be taken in the use of the data. Trip rates may need to be modified or adjusted to reflect a site's location, public transportation services, proximity to other developments that may reduce trips through walking or combining trips, and special characteristics of the site or surrounding area. Local data provided by a project applicant can be used in lieu of the Trip Table Rate.

The current Trip Table was adopted by the TRPA Governing Board on July 23, 1987. Trip rates used at that time were gathered from three separate sources: Caltrans, the Third Edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual (1983), and a 1983 publication from the San Diego Association of Governments.

AGENDA ITEM VIII.D.

Planning for the Protection of our Lake and Land
Memo to the TRPA Governing Board
Update of the Trip Table
Page Two

Most of the rates within the proposed Trip Table are obtained from the Fifth Edition of the ITE Trip Generation Manual published in 1991. It is based on more than 3,000 trip generation studies, generally using automatic counters. Three methodologies are provided in the manual to assist in determining the average number of trips generated by a given land use. The TRPA Trip Table utilizes a weighted average trip generation rate or the number of weighted trip ends per unit of an independent variable (for example, per employee). In addition, the Trip Table includes locally developed rates used in previous project applications.

The TRPA Trip Table has not been updated since it was adopted in 1987. Staff proposes to update the Table using the most up-to-date and technically adequate information available. In addition, the Table has been edited to be consistent with the land uses allowed under Chapter 18, Permissible Land Uses.

If there are any questions or comments regarding this agenda item, please contact Richard Wiggins at (702) 588-4547.

RW:jf

AGENDA ITEM VIII.D.
TRIP TABLE


Asterisks are shown (***) if technically competent information must be provided to determine the number of vehicle trips of a given project.

If more than one rate is listed, the rate that results in the highest number of trips shall be used.

Definitions

1. Trip: A single or one-direction vehicle movement with either the origin or the destination inside a project area.

2. Trip Ends: One trip end is equal to one trip. Total trip ends are the total of all trips entering plus all trips exiting a project area during a given period of time.

3. Gross Floor Area: The sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, restrooms, lobbies, stores and offices, that are included within the principal outside faces of exterior walls.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>PROPOSED RATE</th>
<th>EXISTING RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>TERMINALS</td>
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<tr>
<td>Commercial Airport</td>
<td>13.4/employee</td>
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<tr>
<td>General Aviation Airport</td>
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<td>Truck Terminal</td>
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<td>Bus Park-N-Ride</td>
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<td>INDUSTRIAL</td>
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<td>Batch Plants</td>
<td>2.09/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>3.85/1000sf gfa</td>
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</tr>
<tr>
<td>Food and Kindred Products</td>
<td>2.09/employee</td>
<td>5.43/1000sf gfa</td>
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<td></td>
<td>3.85/1000sf gfa</td>
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<tr>
<td>Fuel and Ice Dealers</td>
<td>3.02/employee</td>
<td>47.74/1000sf gfa</td>
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<td>6.97/1000sf gfa</td>
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<tr>
<td>Industrial Services</td>
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Planning for the Protection of our Lake and Land
<table>
<thead>
<tr>
<th>Activity</th>
<th>Footprint/Unit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing and Publishing</td>
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<td>5.43/1000sf gfa</td>
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<tr>
<td>Recycling and Scrap</td>
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</tr>
<tr>
<td>Storage Yards</td>
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<td></td>
<td>6.97/1000sf gfa</td>
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</tr>
<tr>
<td>Power Generating Facilities</td>
<td>3.02/employee</td>
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<tr>
<td></td>
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<tr>
<td>General Light Industrial</td>
<td>3.02/employee</td>
<td>5.43/1000sf gfa</td>
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<td></td>
<td>6.97/1000sf gfa</td>
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<tr>
<td>General Heavy Industrial</td>
<td>0.82/employee</td>
<td>None</td>
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<tr>
<td></td>
<td>1.50/1000sf gfa</td>
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<tr>
<td>Industrial Park</td>
<td>3.34/employee</td>
<td>7.0/1000sf gfa</td>
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<td></td>
<td>6.97/1000sf gfa</td>
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<tr>
<td>Manufacturing</td>
<td>2.09/employee</td>
<td>3.86/1000sf gfa</td>
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<tr>
<td></td>
<td>3.85/1000sf gfa</td>
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<tr>
<td>Warehousing</td>
<td>3.89/employee</td>
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<tr>
<td>Mini-Warehouse (Storage Units)</td>
<td>56.28/employee</td>
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<td></td>
<td>2.61/1000sf gfa</td>
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<td>0.28/storage unit</td>
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**RESIDENTIAL**

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<th>Activity</th>
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<td>Domestic Animal Raising</td>
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<tr>
<td>Timeshare (Residential Design)</td>
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<tr>
<td>Single-Family Detached</td>
<td>10.0/unit</td>
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<tr>
<td>Apartment</td>
<td>6.47/unit</td>
<td>6.1/unit</td>
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<tr>
<td>Residential Condominium</td>
<td>5.86/unit</td>
<td>5.14/unit</td>
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<tr>
<td>Mobile Home</td>
<td>4.81/unit</td>
<td>4.8/unit</td>
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<tr>
<td>Congregate Care Facility (Residential Care)</td>
<td>2.15/unit</td>
<td>3.3/unit</td>
</tr>
<tr>
<td>Recreational Homes</td>
<td>10.0/unit</td>
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</table>

**LODGING**

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<thead>
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<tbody>
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<td>Bed and Breakfast</td>
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</tr>
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<td></td>
<td>12.81/employee</td>
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<tr>
<td>Timeshare (Hotel/Motel Design)</td>
<td>10.10/unit</td>
<td>10.1/unit</td>
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<td>12.81/employee</td>
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<tr>
<td>Hotel</td>
<td>8.7/unit</td>
<td>10.1/unit</td>
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<td>14.34/employee</td>
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<tr>
<td>Business Hotel</td>
<td>7.27/unit 72.67/employee</td>
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<td>Motel</td>
<td>10.19/unit 12.81/employee</td>
<td>10.1/unit</td>
</tr>
<tr>
<td>Resort Hotel</td>
<td>10.16/unit 10.27/employee</td>
<td>None</td>
</tr>
<tr>
<td>** RECREATION **</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gaming (Non-Restricted)</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Cross Country Ski Course</td>
<td>0.50/acre</td>
<td>None</td>
</tr>
<tr>
<td>Group Facilities</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Off Road Vehicle Course</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Riding and Hiking Facilities</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Snow Machine Facilities</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Undeveloped Campgrounds</td>
<td>** 7.1/campsite</td>
<td></td>
</tr>
<tr>
<td>Visitor Information Centers</td>
<td>45.5/1000sf gfa 49.5/employee</td>
<td>None</td>
</tr>
<tr>
<td>City Park</td>
<td>2.23/acre 7.47/picnic site</td>
<td>5.7/parking sp.</td>
</tr>
<tr>
<td>County Park</td>
<td>2.99/acre 5.23/picnic site</td>
<td>26.6/employee</td>
</tr>
<tr>
<td>State Park</td>
<td>0.50/acre 6.62/picnic site</td>
<td>29.9/employee</td>
</tr>
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<td>Beach Park</td>
<td>15.77/acre</td>
<td>None</td>
</tr>
<tr>
<td>Developed Campground/RV Park</td>
<td>74.38/acre 7.1/campsite</td>
<td></td>
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<tr>
<td>Regional Park</td>
<td>19.15/acre</td>
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</tr>
<tr>
<td>National Monument</td>
<td>5.37/acre 31.05/employee</td>
<td>None</td>
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<tr>
<td>Marina</td>
<td>2.96/berth 20.93/acre</td>
<td>None</td>
</tr>
<tr>
<td>Golf Course</td>
<td>8.33/acre 20.63/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>37.59/hole</td>
<td></td>
</tr>
<tr>
<td>Movie Theater W/O Matinee</td>
<td>53.12/employee 1.76/seat</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>220/screen</td>
<td></td>
</tr>
<tr>
<td>Movie Theater With Matinee</td>
<td>153.33/screen</td>
<td>None</td>
</tr>
<tr>
<td>Facility</td>
<td>Use</td>
<td>Cost</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Arena</td>
<td>33.33/acre</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>10.00/employee</td>
<td></td>
</tr>
<tr>
<td>Amusement Park</td>
<td>8.33/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>75.76/acre</td>
<td></td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>33.33/court</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>16.26/acre</td>
<td></td>
</tr>
<tr>
<td>Racquet Club</td>
<td>47.02/employee</td>
<td>11.7/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>0.40/member</td>
<td></td>
</tr>
<tr>
<td></td>
<td>42.90/court</td>
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</tr>
<tr>
<td>Bowling Alley</td>
<td>33.33/lane</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>33.33/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Recreational Community Center</td>
<td>14.55/1000sf gfa</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>0.15/member</td>
<td></td>
</tr>
</tbody>
</table>

**INSTITUTIONAL**

<table>
<thead>
<tr>
<th>Facility</th>
<th>Use</th>
<th>Cost</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firestations/Public Safety Bldgs</td>
<td>**</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Cultural Facilities</td>
<td>45.5/1000sf gfa</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td></td>
<td>49.5/employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>12.0/employee</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td></td>
<td>68.93/1000sf gfa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary School</td>
<td>1.09/student</td>
<td>1.02/student</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13.39/employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School</td>
<td>1.38/student</td>
<td>1.3/student</td>
<td></td>
</tr>
<tr>
<td></td>
<td>16.79/employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10.90/1000sf gfa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Junior/Community College</td>
<td>1.33/student</td>
<td>1.55/student</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.02/student</td>
<td></td>
<td></td>
</tr>
<tr>
<td>University</td>
<td>2.37/student</td>
<td>2.2/student</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9.13/employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Church/Synagogue</td>
<td>10.0/1000sf gfa</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Daycare</td>
<td>4.65/student</td>
<td>3.0/student</td>
<td></td>
</tr>
<tr>
<td></td>
<td>33.20/employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>79.26/1000sf gfa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>4.16/acre</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>45.5/1000sf gfa</td>
<td>45.5/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td></td>
<td>49.50/employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lodge/Fraternal Organization</td>
<td>46.9/employee</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.29/member</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### MEDICAL

<table>
<thead>
<tr>
<th>Facility</th>
<th>Cost per Bed or Employee</th>
<th>Cost per 1000sf GFA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital</td>
<td>11.77/bed</td>
<td>14.4/bed</td>
</tr>
<tr>
<td></td>
<td>5.17/employee</td>
<td></td>
</tr>
<tr>
<td></td>
<td>16.78/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>2.6/bed</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>4.03/employee</td>
<td></td>
</tr>
<tr>
<td>Clinic</td>
<td>5.89/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>23.79/1000sf gfa</td>
<td></td>
</tr>
</tbody>
</table>

### OFFICE

<table>
<thead>
<tr>
<th>Facility</th>
<th>Cost per Employee</th>
<th>Cost per 1000sf GFA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadcasting Studios</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Veterinary Office</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>General Office Building</td>
<td>6.0/25 employees</td>
<td>14.9/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>5.32/26-50 employees</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.74/51-100 employees</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.22/101-200 employees</td>
<td></td>
</tr>
<tr>
<td>Single Tenant Office Building</td>
<td>3.55/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>11.50/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Medical Office Building</td>
<td>8.84/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>34.17/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Government Office Building</td>
<td>12.0/employee</td>
<td>84.67/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>68.93/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>State Motor Vehicle Dept.</td>
<td>44.54/employee</td>
<td>166.1/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>166.00/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>U.S. Post Office</td>
<td>87.12/1000sf gfa</td>
<td>None</td>
</tr>
<tr>
<td>Government Office Center</td>
<td>6.09/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>25.00/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Office Park</td>
<td>3.5/employee</td>
<td>20.65/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>11.42/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Research Center</td>
<td>2.67/employee</td>
<td>5.3/1000sf gfa</td>
</tr>
<tr>
<td>Business Park</td>
<td>4.58/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>14.37/1000sf gfa</td>
<td></td>
</tr>
</tbody>
</table>

### RETAIL

<table>
<thead>
<tr>
<th>Facility</th>
<th>Cost per Employee</th>
<th>Cost per 1000sf GFA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Home Sales</td>
<td>**</td>
<td>48.1/1000sf gfa</td>
</tr>
<tr>
<td>Mail Order and Vending</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Outdoor Retail Sales</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Drinking Places</td>
<td>205.36/1000sf gfa</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>6.57/seat</td>
<td></td>
</tr>
<tr>
<td>Service Station and Repair</td>
<td>**</td>
<td>748/station</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----</td>
<td>------------</td>
</tr>
<tr>
<td>Laundry and Dry Cleaning</td>
<td>**</td>
<td>None</td>
</tr>
<tr>
<td>Video Tape Rental/Sales</td>
<td>204.0/1000sf gfa</td>
<td>322.6/1000sf gfa</td>
</tr>
<tr>
<td>Building Materials/Lumber</td>
<td>24.69/employee</td>
<td>36.01/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>30.56/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Specialty Retail Center</td>
<td>22.36/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>40.67/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Discount Stores</td>
<td>32.53/employee</td>
<td>70.1/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>70.13/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Hardware/Paint Store</td>
<td>53.21/employee</td>
<td>53.8/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>51.29/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Nursery (Garden Center)</td>
<td>22.13/employee</td>
<td>26.2/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>36.08/1000sf gfa</td>
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</tr>
<tr>
<td>Shopping Center</td>
<td>167.59/&lt;10,000sf gfa</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>91.65/10,001-50,000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Quality Restaurant (&gt;1 hr. turnover)</td>
<td>96.51/1000sf gfa</td>
<td>85.1/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>2.86/seat</td>
<td></td>
</tr>
<tr>
<td>High Turnover Sit-Down Rest. (&lt;1 hr. turnover)</td>
<td>205.36/1000sf gfa</td>
<td>164.4/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>6.57/seat</td>
<td></td>
</tr>
<tr>
<td>Fast Food Restaurant</td>
<td>786.22/1000sf gfa</td>
<td>553.0/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>22.30/seat</td>
<td></td>
</tr>
<tr>
<td>New Car Sales</td>
<td>24.04/employee</td>
<td>48.1/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>47.91/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Self Serve Car Wash</td>
<td>108.0/stall</td>
<td>None</td>
</tr>
<tr>
<td>Supermarket</td>
<td>87.82/employee</td>
<td>125.5/1000sf gfa</td>
</tr>
<tr>
<td>Convenience Market</td>
<td>737.99/1000sf gfa</td>
<td>625.2/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>322.6/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Wholesale Market</td>
<td>8.21/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>6.73/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Discount Club</td>
<td>32.33/employee</td>
<td>70.1/1000sf gfa</td>
</tr>
<tr>
<td>Furniture Store</td>
<td>12.19/employee</td>
<td>6.28/1000sf gfa</td>
</tr>
<tr>
<td></td>
<td>4.34/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td>67.39/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>140.61/1000sf gfa</td>
<td></td>
</tr>
<tr>
<td>Savings and Loan</td>
<td>30.5/employee</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>61.0/1000sf gfa</td>
<td></td>
</tr>
</tbody>
</table>

** - Technical Analysis Required
WHEREAS the TRPA adopted Chapter 93 of the Code of Ordinances to implement TRPA's 1982 Air Quality Plan and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies with respect to the establishment of fees and other procedures to offset impacts from indirect sources of air pollution; and

WHEREAS Chapter 93 requires TRPA to adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation; and

WHEREAS TRPA has researched available data sources and has compiled a trip table pursuant to the requirements of Chapter 93 and said trip table was adopted on July 23, 1987; and

WHEREAS Subsection 93.2.H of Chapter 93, Traffic and Air Quality Mitigation Program, requires that TRPA shall generate and update the data in the Trip Table by referring to recent publications on traffic and trip generation and field surveys conducted in the Tahoe Region by TRPA or other competent technical experts; and

WHEREAS TRPA has researched available data sources and has compiled an updated trip table pursuant to the requirements of Chapter 93;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board hereby adopts the Trip Table, dated October 17, 1995, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on the __________ day of October, 1995, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

John E. Upton, Chairman
Governing Board
October 16, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Draft Supplement to the South Lake Tahoe Redevelopment Project No. 1 EIR/EIS (Embassy Vacation Resorts)

Copies of the above-referenced document were previously mailed to you under separate cover. The 60-day public comment period began on September 6, 1995 and concludes on November 4, 1995. This item has been placed on the agenda to solicit public and Governing Board member comments during the circulation period. No action is requested at this time.

This document was prepared to supplement a previous Environmental Impact Report/Environmental Impact Statement (EIR/EIS) prepared for the originally approved, and partially completed, South Lake Tahoe Demonstration Redevelopment Plan (1989 approved project).

TRPA staff, the consultant and the applicant will be making a presentation regarding the current Draft Supplement EIR/EIS at the October 25, 1995 Governing Board meeting. If you have any questions or comments regarding this matter please contact Rick Angelocci of the TRPA staff at (702) 588-4547.

October 16, 1995

AGENDA ITEM VIII. E

Planning for the Protection of our Lake and Land
MEMORANDUM

October 16, 1995

To: TRPA Governing Board
From: TRPA Staff
Subject: Lake Tahoe Shorezone Development Cumulative Impact Analysis and Draft Environmental Impact Statement (DEIS)

Proposed Action: The Governing Board shall conduct a public hearing for the purpose of taking comment from the public and Board Members on the DEIS. No further action is required at this time. This matter was considered by the APC at their meeting of October 11, 1995.

Background: In September 1995 copies of the Lake Tahoe Shorezone Development Cumulative Impact Analysis and DEIS were sent to the members of the Board. This document has been prepared in accordance with TRPA's environmental document requirements as stated in Article VII of the bi-state Compact, Article VI of TRPA's Rules and Procedures, and Chapter 5 of TRPA's Code of Ordinances. The Lake Tahoe Shorezone Development Cumulative Impact Analysis and DEIS is presently being circulated for public comment. The 60-day public comment period began September 5, 1995 and was originally scheduled to close on November 4, 1995. There has since been a request to extend the comment period by 30-days. This would bring the close of the comment period to December 4, 1995. Following the close of the comment period, a Final EIS will be prepared.

The purpose of this document is to analyze the existing situation in the shorezone of Lake Tahoe and provide an analysis of the proposed action (the reconsideration of the fish habitat and spawning stream location standards, as they pertain to new and existing piers, mooring buoys, boat ramps, floating docks or platforms, and other related shorezone structures) by looking at four different build-out alternatives. The scope of this document is limited to the shorezone area around Lake Tahoe. The analysis of potential impacts of the various alternatives focuses on the nine threshold categories (water quality, air quality/transportation, noise, soil conservation-littoral processes, vegetation preservation, wildlife, fisheries, scenic quality, and recreation/public access). In addition, historical and cultural considerations, public health and safety, land use, and economics were also analyzed.

This item will begin with a short presentation of the EIS. Please contact Colleen Shade at (702) 588-4547 if you have any questions or comments regarding this matter.

CS/rd
10/16/95

Planning for the Protection of our Lake and Land
October 16, 1995

To: Governing Board

From: TRPA Staff

Subject: Amendment of Subsection 78.3.A of Chapter 78, Wildlife Resources.

Proposed Action: The proposed action is a staff-initiated clean-up amendment of Chapter 78, subsection 78.3.A, as it pertains to disturbance zones for special interest species. Staff proposes to replace the word "diameter" with the word "radius" when determining the disturbance zone area and adding golden eagle and nesting bald eagles which were left out of the Code language. The proposed language is shown in Exhibit A.

Staff and APC Recommendation: Staff recommends that the Governing Board approve the proposed Code amendment by adopting the attached amending ordinance. The APC voted unanimously to recommend approval of the proposed amendment at its hearing on October 11, 1995.

Discussion: The existing Code language in subsection 78.3.A refers to disturbance zones being measured in terms of miles in diameter for the goshawk, osprey, and peregrines. Disturbance zone is defined in Chapter 2 of the TRPA Code of Ordinances as "The zone around a nest site or animal use area for animals which are highly vulnerable to disturbance." It is more specifically defined as a scientifically based estimate on how close certain forms of disturbance can encroach upon population sites without causing harm to the species. The adopted thresholds under the wildlife category include the following special interest species that are protected by disturbance zones: northern goshawk, osprey, bald eagle (nesting and wintering), golden eagle, peregrine falcon, waterfowl, and deer. Of these wildlife species northern goshawk, osprey, bald eagle nesting sites, golden eagle, and peregrine falcon disturbance zones are determined by measuring a certain distance around the nest tree. The disturbance zones for the other special interest species are determined by the adopted mapped areas.

In the Environmental Impact Statement (EIS) for the establishment of Environmental Threshold Carrying Capacities, the disturbance zone is measured in terms of miles in radius from the nest tree. For osprey and peregrine
falcon "1/4 mile radius" is the specific wording for determining the size of the disturbance area around the nest. For northern goshawks and nesting bald eagles (not to be confused with wintering bald eagles), the EIS states that a 1/2 mile around each nest site shall be the disturbance zone. An 1/4 mile buffer around golden eagle nest sites should be established as a disturbance zone.

In the Conservation Element, Wildlife Subelement of the Regional Plan subelement, special interest species and their numerical standards are listed, however, the radius is left out which determines size of the disturbance zone. By the time this information was transferred to the Code the term radius was replaced with diameter. This essentially reduced the area to be protected around nest sites by half.

TRPA staff recognized this error during the 1991 Threshold Evaluation and stated such in the Evaluation Report. Though staff has been using radius rather than diameter when evaluating and conditioning projects to be in compliance with the thresholds adopted, the language in the Code creates confusion for the applicant. Applicants rely on the TRPA Code to be accurate when preparing project submittals.

Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

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

   Rationale: This amendment to the TRPA Code Of Ordinance is a correction and is consistent with the conclusions of the Threshold Study (1982) and the adopted thresholds and numerical standards.

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

   Rationale: The proposed amendment corrects an inconsistency between the TRPA Code of Ordinance and the adopted threshold standards. The proposed amendment is necessary in order for the Code to be consistent with the adopted disturbance zone areas established in the EIS for the Establishment of Environmental Threshold Carrying Capacities.
3. **Finding:** Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

**Rationale:** Refer to #2 above.

**Environmental Documentation:** Based on the above analysis and the completion of the Initial Environmental Checklist, staff finds the amendment, as proposed by staff, will not have a significant environmental effect because the proposed amendment amends the Code to make it consistent with the adopted threshold language.

If you have any questions or comments regarding this agenda item, please contact Coleen Shade at (702) 588-4547.
78.3.A Disturbance Zones: Perching sites and nesting trees of goshawks, peregrines, eagles, and osprey as shown on the TRPA Regional Plan Overlay Maps shall not be physically disturbed in any manner nor shall the habitat in the disturbance zone be manipulated in any manner unless such manipulation is necessary to enhance the quality of the habitat. The threshold applies not only to the number of known population sites, but will also apply to the disturbance and influence zone buffers to sites found in the future.

(1) The disturbance zones for goshawks are 0.5 miles radius around each nest site.
(2) The disturbance zones for osprey and peregrines are 0.25 miles radius around each nest site.
(3) The disturbance zones for wintering bald eagles are as shown on the TRPA maps.
(4) The disturbance zones for nesting bald eagles are 0.5 mile radius around each nest.
(5) The disturbance zones for golden eagles are 0.25 mile radius around each nest site.

78.3.B Adverse Impacts: Uses, projects or activities, outside existing urban areas and within the disturbance zone of special interest, threatened, endangered or rare species, shall not, directly or indirectly, significantly adversely affect the habitat or cause the displacement or extirpation of the population.

78.3.C Environmental Documents: Applicants for projects within disturbance zones shall submit, with their applications, appropriate environmental documentation prepared by a biologist, which includes specific recommendations for avoiding significant adverse impacts to the special interest, threatened, endangered or rare species.

78.3.D Special Conditions: Special conditions of project approval may be required to mitigate or avoid significant adverse impacts to special interest species listed by TRPA or the U.S. Forest Service for the Lake Tahoe Basin, or for threatened, endangered and rare species.

78.3.E Developed Parcels: Subsections 78.3.A through 78.3.C, inclusive, shall not apply to situations where special interest, threatened, endangered or rare species choose to live in close proximity to existing developed parcels.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 95-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, OF THE
TAHOE REGIONAL PLANNING AGENCY; AMENDING CHAPTER 78 OF THE
CODE OF ORDINANCES RELATING TO WILDLIFE DISTURBANCE ZONES;
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 78 of the Code of Ordinances relating to
wildlife disturbance zones, in order to further implement the Regional
Plan and Article VI(a) and other applicable provisions of the Tahoe
Regional Planning Compact.

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

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

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

1.50 The Board further finds that the amendments adopted hereby continue to
implement the Regional Plan, as amended, in a manner that achieves and
maintains the adopted environmental 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 78 of the Code

Subsection 78.3.A is hereby amended with deleted language stricken and
added language underlined as follows:

78.3.A Disturbance Zones: Perching sites and nesting trees
of goshawks, peregrines, eagles, and osprey as shown
on the TRPA Regional Plan Overlay Maps shall not be
physically disturbed in any manner nor shall the
habitat in the disturbance zone be manipulated in any
manner unless such manipulation is necessary to enhance the quality of the habitat. The threshold applies not only to the number of known population sites, but will also apply to the disturbance and influence zone buffers to sites found in the future.

1. The disturbance zones for goshawks are 0.5 mile radii around each nest site.
2. The disturbance zones for osprey and peregrines are 0.25 mile radii around each nest site.
3. The disturbance zones for wintering bald eagles are as shown on the TRPA maps.
4. The disturbance zones for nesting bald eagles are 0.5 mile radii around each nest.
5. The disturbance zones for golden eagles are 0.25 mile radii around each nest site.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

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

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

Ayes:

Nays:

Abstentions:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 12, 1995

To: TRPA Governing Board
From: TRPA Staff

Subject: Proposed Amendment to Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding Between TRPA and Washoe County

Proposed Action: Amend Chapter 4 of the Code of Ordinances to exempt certain residential construction activities reviewed by Washoe County from TRPA review.

Staff and Advisory Planning Commission Recommendation: TRPA staff recommends that the Governing Board approve the proposed Code amendment by adopting the attached memorandum of understanding and ordinance. The APC voted unanimously at their September 13, 1995 meeting to recommend adoption of the proposed Code amendment.

Description and Discussion

TRPA is required by the Tahoe Regional Planning Compact to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The Compact, Article VI(a) allows TRPA to define what activities are exempt from TRPA review. This proposed amendment to Chapter 4 will provide for the review and approval of new single and multiple-family residential structures (4 units or less), and additions/modifications of existing residential structures within the limits of Washoe County to be conducted by Washoe County. As stated in the attached MOU, the County will be required to review these residential activities pursuant to all applicable TRPA Code requirements. With the understanding that all applicable TRPA regulations will be complied with and enforced by the County, the construction of new single and multiple-family structures (4 units or less), and additions/modifications of existing residential structures within the County shall be considered qualified exempt activities pursuant to Chapter 4 of the TRPA Code.

The Washoe County Board of Supervisors will hold a public hearing in October to consider this MOU. The Washoe County staff are recommending approval of the proposed MOU.
Proposed Ordinance Amendment

Staff proposes to amend Chapter 4, Section 4.4 of the Code by adding the following section:

4.4.G Residential Activities Within Washoe County: As set forth in Appendix 85, dated October 1995, to this Chapter.

Environmental Documentation

The proposed amendment provides for the review and approval by the County of certain residential activities pursuant to the terms of the MOU. In order to be considered qualified exempt under Chapter 4 of the TRPA Code all such activities conducted under the MOU must be consistent with the TRPA Regional Plan and Code of Ordinances. Staff has completed an Initial Environmental Checklist (IEC), and based on the checklist recommends a finding of no significant environmental effect.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires TRPA to make four findings to amend the Code of Ordinances. These findings, and brief statements of fact and rationale upon which the findings are based, are set forth below.

A. The project (ordinance) 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;

The activities described in the proposed MOU will be reviewed, approved and inspected by the County consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of County and TRPA staff time as well as avoid the duplicative review process currently experienced by the County, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project (ordinance) will not cause environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU will still be consistent with the provisions of the Regional Plan and Code. The activities will be reviewed by the County in accordance with all applicable TRPA regulations and are limited to only new single and multiple-family structures (4 units or less), and additions/modifications of existing residential structures.
All land capability and existing coverage verifications, BMP requirement determinations, and a review of previous TRPA actions affecting the subject application will be conducted by TRPA staff. Residential activities which currently require Governing Board review, a scenic analysis, or which involve unusual circumstances, as determined by TRPA, shall be reviewed by TRPA and are not exempt under the MOU. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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

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

Article VI(a) Findings

Article VI(a) states,

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

As discussed above, all activities undertaken pursuant to this MOU will be reviewed and inspected consistent with the Regional Plan package, including the TRPA Code and Plan Area Statements. The proposed MOU will not result in an increase in development since all activities will be subject to the residential allocation system. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the region.
Ordinance 87-8 Findings

Subsection 2.40 of Ordinance 87-8 requires TRPA to make one of several findings in order to amend the Code of Ordinances. The applicable required finding, and brief statement of fact and rationale upon which the finding can be made, is set forth below.

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

The review and inspection of single and multiple-family residential activities is currently conducted by both the County and TRPA pursuant to each of their respective regulations. Consequently each Agency reviews the same set of construction plans and performs numerous site inspections for the same project. This duplicative process not only consumes a considerable amount of time for both agencies, but also requires substantial coordination in terms of permit conditions and the review and inspection process in general. It is the desire of both agencies to provide a regulatory structure which is consistent and makes the most efficient use of public resources. As stated above, all activities undertaken pursuant to this MOU will be reviewed and inspected in accordance with both County and TRPA regulations. In addition, Subsection 2.50 of Ordinance 87-8 provides that the finding(s) required by Subsection 2.40 are not intended to limit TRPA's authority to add policies or ordinances to make existing policies and ordinances more effective. The proposed ordinance amendment and MOU provides for an equal or better, as well as a more effective means of implementing the Regional Plan Package and complying with the Compact.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any comments or questions on this agenda item.
MEMORANDUM OF UNDERSTANDING
BETWEEN TAHOE REGIONAL PLANNING AGENCY AND
WASHOE COUNTY

October 1995

This Memorandum of Understanding is entered into this _______ day of
October 1995, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA),
through its Executive Director as authorized by the Governing Board, and
WASHOE COUNTY (COUNTY), by and through its Chairman of the Board of
Supervisors, as authorized by the Board of Supervisors.

All activities described in this Memorandum of Understanding (MOU) shall be in
accordance with the Regional Plan package of TRPA as adopted by Ordinance No.
87-9, as amended from time to time. All activities undertaken by COUNTY
pursuant to the MOU shall comply with applicable Best Management Practices
(BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be
amended from time to time, except for the procedural provisions replaced by
this MOU, and such guidelines as may be adopted by TRPA.

This MOU sets forth the responsibilities of the parties with regard to the
processing of permits for new construction of single or multiple-family
residential structures (four units or less), additions/modifications of
existing residential structures, and residential Qualified Exempt activities,
in accordance with the desire of the parties to provide a regulatory structure
which is consistent with the most efficient possible use of public resources.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94
Stat. 3233, Cal. Govt. Code 65801; NRS 277.200) to regulate activities
within the Tahoe Basin which may have a substantial effect on the natural
resources of the Basin. The bistate Compact, Article VI(a) requires TRPA to
define which activities are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of COUNTY as it
pertains to construction of residential structures within the County of
Washoe, and consistent with the mandate of the Compact to defer land use
regulation to local government wherever feasible, COUNTY and TRPA agree that
COUNTY shall review construction of new single and multiple-family structures
(four units or less), and additions/modifications to existing single and
multiple-family structures to be constructed within the COUNTY limits of
Washoe County. Such review by COUNTY shall include application of all
applicable TRPA regulations to residential construction projects otherwise
subject to TRPA review. As long as the applicable TRPA regulations are being
complied with and enforced, such activities shall be deemed a qualified exempt
activity under TRPA regulations.
IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. With the exception of those applications requiring TRPA Governing Board approval (Chapter 4, Appendix A) or a scenic analysis, all applications for residential additions/modifications and new construction of single and multiple-family residential structures (four units or less), including Qualified Exempt residential activities, located within the County limits are hereby exempt under Chapter 4 of the TRPA Code and shall be reviewed by COUNTY.

2. COUNTY shall administer, in accordance with the provisions of this agreement, all standards of the TRPA Code as applicable to construction of residential projects, as authorized by this MOU. COUNTY shall utilize the TRPA Project Review Conformance Checklist and Procedural Guidelines in its review of projects, as authorized by this MOU. All applications for coverage and/or development right transfers/banking and subdivisions, including lot line adjustments, shall continue to be reviewed and approved by TRPA.

3. COUNTY shall be authorized to collect application and mitigation fees, security deposits, and other designated fees on behalf of TRPA in accordance with fee schedules to be provided to COUNTY by TRPA. Such fee schedules shall be sufficient in detail to provide specific information concerning fee calculation to assist COUNTY in performing fee collection activities. Furthermore, COUNTY shall be authorized to retain a percentage of all application fees collected to offset COUNTY's costs of administering the provisions of this MOU. Such percentage shall be mutually agreed upon in writing by TRPA and COUNTY, and may be amended from time to time by mutual agreement of the TRPA Executive Director and the Chairman of the Board of Supervisors. All mitigation fees collected by COUNTY on behalf of TRPA pursuant to this MOU shall be paid to TRPA on a monthly basis under procedures mutually agreed upon by the finance officers of the parties hereto.

4. Prior to COUNTY reviewing any applications for new single-family residential projects as authorized by this MOU, COUNTY shall secure from TRPA an IPES score and allowable coverage verification. Said verification shall be obtained in written form from TRPA. Prior to COUNTY reviewing any applications for projects involving additions or modifications to existing single-family or multiple-family residential structures, or new multiple-family residential structures (four units or less), TRPA will conduct a site assessment of the subject site to verify the Bailey land capability classification, existing coverage, prior TRPA actions affecting the subject parcel, and/or BMP and scenic review requirements.

5. Nothing in this MOU shall be construed to limit the authority of COUNTY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the land use regulatory powers of either COUNTY or TRPA.

6. The COUNTY staff and TRPA staff shall review quarterly the implementation of this MOU and shall report to their respective governing boards on the results of such review.
7. In carrying out the intent of this MOU, COUNTY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage, allocations, and any other applicable procedures. All project accounting and tracking shall be completed by COUNTY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, COUNTY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. COUNTY shall submit completed tracking forms to TRPA on a monthly basis.

8. COUNTY shall perform compliance inspections to ensure that the residential projects and Qualified Exempt activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved.

COUNTY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the TRPA Code as authorized by this MOU, including the processing of Code violations involving unpermitted residential activities. Upon discovery of a TRPA Code violation, COUNTY shall immediately notify the TRPA Environmental Compliance Division in writing to coordinate compliance procedures. Settlements of TRPA Code violations involving civil penalties must be approved by TRPA. If a TRPA Code violation cannot be resolved at the County Building Department staff level, COUNTY shall contact TRPA to institute TRPA’s formal notice of violation procedure.

Upon final inspection, if the project has been constructed in accordance with the permit, COUNTY shall be authorized to release the security deposit to the project applicant.

In the event an applicant desires to appeal any administrative action or decision on the part of COUNTY dealing with TRPA regulations, such appeal shall be to TRPA.

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

10. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

11. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by COUNTY without the prior written approval of TRPA.

WASHOE COUNTY

Dated: _______________ 

Chairman
Washoe County Board of Supervisors

TAHOE REGIONAL PLANNING AGENCY

Dated: _______________

James W. Baetge
Executive Director
AN ORDINANCE AMENDING ORDINANCE NO. 87-9 AS AMENDED, BY AMENDING CHAPTER 4 OF THE TAHOE REGIONAL PLANNING AGENCY CODE OF ORDINANCE RELATING TO EXEMPT ACTIVITIES; ADOPTING A MEMORANDUM OF UNDERSTANDING WITH WASHOE COUNTY TO EXEMPT CERTAIN RESIDENTIAL ACTIVITIES FROM TRPA REVIEW; AND PROVIDING FOR OTHER MATTERS PROPERTY 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 4 of the Code of Ordinances to adopt a memorandum of understanding with Washoe County regarding exemption of certain residential activities pursuant to Section 4.4 of Chapter 4 of the Code, in order to further implement the Regional Plan and Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

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

1.30 The proposed amendments have been determined not to have a significant effect on the environment and are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code of Ordinances and Articles V(g) and VI(a) 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 4 of the Code

The following subsection is hereby added to Section 4.4 of the Code as follows:

"4.4.G Residential Activities Within Washoe County: As set forth in Appendix EE, dated October 1995, of this chapter."
Section 3.00  Interpretation and Severability

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

Section 4.00  Effective Date

This ordinance shall become effective 60 days after the date of its adoption or the execution of the MOU by Washoe County, whichever is later.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held October 25, 1995, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 13, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Status of Areawide Drainage Project for the Stateline Douglas County Community Plan

At the Board meeting, a brief presentation on the status of this drainage project will be made by staff and others associated with the project. If you have any questions, please contact Carl Hasty at (702) 588-4547.
MEMORANDUM

October 13, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Status Report on Forest Health Consensus Group Recommendations

As the umbrella government organization with the responsibility for review of all projects that may have an environmental impact upon the Region, the Tahoe Regional Planning Agency was the logical sponsor in the formation of a partnership between the private and public groups concerned with the health of the Region’s forests. The partnership became known as the Forest Health Consensus Group.

When the Forest Health Consensus Group was formed at Lake Tahoe, in October of 1992, it wasn’t difficult to see that many of the trees in our forests were in bad shape. For three or four years, trees of all sizes had been dying all over the Tahoe Region. This widespread tree die-off led to the recognition by interested citizens and government personnel, including the Tahoe Regional Planning Agency, that Tahoe’s forest health was declining. In an effort to begin restoration of the forest, the TRPA adopted a number of amendments to its Code of Ordinances which facilitated forest management projects. From discussions surrounding changes to the “Code” came a realization that the direction of forest management in the Lake Tahoe Region needed to be evaluated.

Interested citizens and natural resource specialists have met formally as the Forest Health Consensus Group in an effort to discuss and resolve the many problems plaguing our forests at Lake Tahoe. Much of Lake Tahoe’s forests of mature Sugar, Jeffrey, and Ponderosa Pine were removed for Comstock Lode mining and replaced by even aged stands of Pine and White Fir. In addition, fire exclusion, lack of selective thinning, and above average rainfall produced a forest with a dominance of fir over pine and an increased density of trees.

The Forest Health Consensus Group has been recognized internationally at the Fifth Bi-annual US-Mexico Symposium on “Partnerships For Sustainable Forest Ecosystem Management” held in Guadalajara in 1994, by a Joint Resolution passed by the Nevada Legislature in 1995 (Exhibit A) and has greatly influenced forest resource management in the Lake Tahoe Region. The continuing East Shore Project, a long list of forest health projects on public and private lands, and the North Shore Ecosystem Management Project, which is in the planning stages, are some of these management activities. A four part newspaper series (Exhibit B), authored by members of the Consensus Group was recently published in the local newspapers.

SC: jsd

Agenda Item IX.C

Planning for the Protection of our Lake and Land
Recently the Consensus Group reviewed and forwarded comments on a proposal by the California Board of Forestry to amend the California Forest Practice Rules and has been involved in drafting the language in the TRPA Code of Ordinances, Chapter 4 amendments before the Governing Board today. The Group has done extensive review of Code Chapter 71 which pertains to forest management and will have recommendations on possible changes in the coming months. Drastic changes to the Code are not envisioned at this time.

The Group has utilized expert speakers in the fields of entomology, old growth forests, fire behavior, pre-european settlement conditions and fire history; field trips to significant forest stands in the Region and areas recently burned by catastrophic fire; and the combined knowledge and experience of a diverse membership to expand its knowledge and reach consensus on many issues. Many members of the group are actively involved in the Tahoe Regreen Project and the Group will be discussing the how and why of utilizing unmerchantable wood as biomass in the near future.

The Forest Health Consensus Group constitutes a wide spectrum of people interested in the extremely complex subject of the health of our forests in the Lake Tahoe Region. Composed of loggers, federal, state, and local agencies, environmental groups, the Regional Fire Chiefs Association, college professors, forest products industry representatives and citizens, the group shows a great depth of understanding and education on the subject.

Our meetings have been well attended, averaging 20 people, and we have been fortunate in securing the services of professional facilitators from the University of Nevada Cooperative Extension.

The Forest Health Consensus Group has recognized that an accelerated and safe transition from today’s unhealthy forest to a healthy forest is complex, requiring vision and commitment from all those concerned.

The mission of the group was one of the first items of business the group tackled. The mission is to recommend to the TRPA Governing Board changes to the TRPA Regional Plan regarding the forest ecosystem. An important element of that is education of ourselves, decision making bodies, and the general public on the Tahoe Region Forest Ecosystem. The Forest Health Consensus Group sees the condition, prior to the arrival of European American settlers in the mid 1800’s, as the target for restoration. After that time, many impacts associated with the uncontrolled clear-cutting that occurred in connection with Comstock mining, including tree disease, beetle infestation, fire hazards, and fire exclusion have created the massive forest problems we see today. We have defined Desired Future Conditions of the Lake Tahoe Basin Forest Ecosystem and call the product "the Green Sheet". (Exhibit C)
The "green sheet" includes seven forest vegetation types. It may take many years of careful management of the forest ecosystem to attain these forest conditions. The Desired Future Conditions serve as general targets for land managers in their efforts to re-establish forest health and represent a mosaic of states that encompass a range of characteristics that occur through the variation of time and landscapes. Our goals include a gradual return to proportions of age classes, including old growth stands that approximate pre-Comstock logging levels. This goal includes recognition of the need to retain and foster stands which exhibit, or which may easily attain old growth characteristics such as large, heavy limbed, broad crowned, or very tall trees.

Our mission was to guide restoration of the forests to the condition found in the early 1800's. But, how do we know what these conditions were? There is no one here to provide a live accounting of those conditions. We have worked for over a year to research this ancient forest through pioneers' historic accounts and descriptions of other early settlers, such as Muir and Brewer, who saw the forest before it was logged. An early written account by John Muir in 1894 described unlogged areas around Lake Tahoe as open and park-like where a man could easily ride a horse through groves of enormous pines. We have also studied the current forest for its species types and composition. In some instances, 100 year old tree stumps from the Comstock mining days have been discovered and studied by specialists in tree growth rings. Evidence indicates that in many parts of the Tahoe Region, large mature trees were widely spaced, and intermixed with individual younger trees, of various ages.

The forest floor, too, was more open, with less brush and fewer downed trees to impede walking. In many cases, the forest floor was opened up by the relatively frequent, about every eight to ten years, low intensity, understory fires that didn't destroy the forest itself.

We have often asked ourselves, "If our forests are continually changing, then how can a particular desired forest type be perpetuated?" Setting it aside to preserve it "as is" will not work, given the other activities such as fire suppression. One way to maintain a particular type of forest would be to have it exist at different locations scattered across the landscape. Given the natural evolution of plant communities and disturbances such as fires, diseases, windstorms, avalanches and floods, the desired forest type will appear and disappear as time passes. However the desired forest type would always exist somewhere in the landscape, although never in one spot permanently. What would exist would be a shifting mosaic of forest types or other plant communities across the landscape.

How do we create a mosaic of forest types?

A mosaic of different plant communities currently exists in the Lake Tahoe Region. However, some types are under represented and some are over represented.

SC:jsd

Agenda Item IX.C
There are not many old growth stands, yet there is an abundance of mature pine and fir. If the desired condition is to have more old growth pine and less mature pine and fir, one way is to wait and hope this will come about without human guidance. Another approach would be to manipulate the forest in order to accelerate and guide the change towards the desired condition. Neither approach guarantees the desired conditions will be achieved. However, by thoughtfully and deliberately working towards a defined goal or state, success should be more likely, using a variety of strategies, some which will involve active management and some which will no doubt include leaving it alone.

The restoration of forest health may include wildlife habitat improvement, the reintroduction of fire as a management tool, a reduction of the impacts of undesired fires, and fire hazard reduction in the urban area, wildland interface, and in backdrop areas of the Region. But the Consensus Group is not a single interest group such as fire hazard reduction.

Fire hazard reduction occurs as a consequence of the overall strategy of managing for forest health. Individual citizen groups throughout the Region are focusing on defensible space and other fire hazard reduction techniques and many of those people are also partners in the Consensus Group.

Reaching consensus on forest health is a continuing voyage, not a single event to be completed or a destination to be achieved. It is an evolving process that must have rules to assist in channeling the vast amount of energy people bring to it.
Assembly Joint Resolution No. 7—Committee on Government Affairs

ASSEMBLY JOINT RESOLUTION—Expressing the support of the Nevada Legislature for the mission of the Tahoe Basin Forest Health Consensus Group and urging Congress and certain federal and state agencies to provide financial and other emergency assistance in the accomplishment of that mission.

WHEREAS, The drought which has occurred in the last 8 years in the Lake Tahoe Basin has created conditions in the forests of the basin wherein there is widespread infestation of beetles and other diseases causing an estimated 25 to 80 percent rate of mortality for trees and creating an extremely dangerous and imminent catastrophic fire hazard, which represents a severe threat to life and personal property; and

WHEREAS, There are limited routes of ingress and egress in the Lake Tahoe Basin which make any evacuations extremely hazardous; and

WHEREAS, There were 110 recorded fire starts throughout the Lake Tahoe Basin during 1994; and

WHEREAS, The threat of fire and the drastic decline in the health of the forests in the Lake Tahoe Basin presents a serious threat to the natural and human environment in the Lake Tahoe Basin; and

WHEREAS, The Tahoe Basin Forest Health Consensus Group, formed in October 1992, is a voluntary organization consisting of interested residents of the basin and specialists in the management of natural resources; and

WHEREAS, The stated mission of the Tahoe Basin Forest Health Consensus Group is to recommend to the Tahoe Regional Planning Agency certain changes to the regional plan which would assist in restoring the health of the ecosystem of the forests in the Lake Tahoe Basin; and

WHEREAS, To accomplish its mission, the Tahoe Basin Forest Health Consensus Group has stated that it will, by examining the ecosystem of the Lake Tahoe Basin in its entirety, identify and define objectives and strategies intended to educate and assist the public and the various local, state, regional and federal agencies in the Lake Tahoe Basin on the current and long-term dynamics of the ecosystem of the forests; and

WHEREAS, Approximately 75 percent of the lands of the Lake Tahoe Basin lie within the lands belonging to the national forest; and

WHEREAS, The United States Forest Service has indicated that, when adequately funded, it could satisfactorily remove the dead and-dying trees in the basin; and

WHEREAS, An effective and safe transition from the current unhealthy condition of the forests to a healthy and manageable condition requires vision and commitment from all those concerned; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada expresses its support for the mission of the Tahoe Basin Forest Health Consensus Group in recommending to the Tahoe Regional Planning Agency those changes to the regional plan which would assist in restoring the health of the ecosystem of the forests in the Lake Tahoe Basin and the reduction of the threat of catastrophic fires; and be it further
POOR QUALITY ORIGINAL (S) TO FOLLOW
Group looks to save Tahoe’s forests

Consensus Group
Forest Health

First of Four Parts
fires were a natural occurrence
Strategies to Improve Forest Health

Consensus Group:

Forest Health

Lines

Third of Four Parts

Power

(W)
Consensus Group

Forest Health

Last of Four Parts

Power Lines

123

History of Jahoze's Forest Health
DESIRED FUTURE CONDITIONS
OF THE LAKE TAHOE BASIN FOREST ECOSYSTEM

The Lake Tahoe Forest currently has a number of problems – tree disease, beetle infestation, dead trees, fire hazard, etc. – which have developed since the forest was clear-cut in the late 1800's.

The Forest Health Consensus Group wishes to restore the forest to its condition prior to the arrival of European-American settlers in the mid-1800's. These 'Pre-European Settlement Conditions' are defined in terms of the broad forest vegetation types which predominated in different locations. The characteristics of each forest type, recreated from historical evidence, are listed below.

These descriptions serve as general targets for land managers in their effort to re-establish forest health in the Lake Tahoe Basin and represent a mosaic of states that encompass a range of characteristics that occur through the variation of time and landscapes. Our goals will include a gradual return to proportions of age classes, including late successional (old growth) stands that approximate pre-Comstock logging levels. This goal includes recognition of the need to retain and foster stands which exhibit, or which may easily attain, late successional characteristics (large, heavy limbed, broad crowned or very tall trees).

MID-MONTANE - LOWER ELEVATION

Eastside Pine: Jeffrey pine, Ponderosa pine, Sugar pine, White fir (Typical of Eastside Basin)

- Slopes typical of south and west aspects (drier sites)
- Widely spaced, large trees
- Pine dominated
- Herbaceous understory: shrub and grass covered openings
- Fire frequency of 5-10 years of low to moderate intensity and a potential for extensive fires

White fir, Jeffrey pine (Transition Between Lower Elevation & Upper Elevation)

- All slope gradients
- Moist sites typical of north and east aspects
- Moderate to dense stocking with gaps or openings less than one acre
- Mosaic of mostly fir with scattered pines
- Open, patchy understory
- Fire frequency of 8-16 years of low intensity and a potential for extensive fires

White fir, Mixed Conifer: Ponderosa pine, Jeffrey pine, White fir, Sugar pine (Typical of Westside Basin)

- Lower slopes, more often on moister sites in ravines or lakeside
- Pines are often dominant but a mixture of species occur
- Well developed understory of herbs and shrubs
- Frequent low intensity fires

UPPER-MONTANE - UPPER ELEVATION

Red fir, Jeffrey pine

- All slope gradients
- Moderate stocking with gaps and openness between individual trees and groups of trees
- Mostly fir with scattered pines
- Open, patchy understory
- Fire frequency of 40-100 years of low to medium intensity
Red fir, Mountain hemlock, Western white pine, Lodgepole pine

- Clumpy distribution with moderate to dense stocking within clumps
- Infrequent, small or localized fires of low to medium intensity
- Many natural fire barriers

MIXED SUBALPINE - HIGH ELEVATION

Western white pine, Lodgepole pine, Mountain hemlock, Whitebark pine

- Small groups of individual trees and widely scattered
- Small, very infrequent fires

RIPARIAN VEGETATION COMMUNITIES - ALL ELEVATIONS

Lodgepole pine, Aspen, Cottonwood, Alder, Willow

- All slope gradients and all aspects
- Moderate to dense stocking
- Stream Environment Zones (SEZ's) which include meadows, streams, stream banks, seeps, and springs
- Fire frequency with intensity varying with surrounding forest types

FOREST VEGETATION TYPES IN THE LAKE TAHOE BASIN

There are four general forest vegetation types within the Lake Tahoe Basin: Mid-montane and Upper-montane, Mixed subalpine, and Riparian which can occur within any of the previous three. Several recognizable vegetation communities exist within each of the forest vegetation types. For example, a vegetation community characterized by red fir, mountain hemlock, and western white pine is recognizable within the Upper-montane vegetation type.

When describing or mapping vegetation, it is tempting and convenient to describe discrete vegetation communities separated by solid lines. On the ground, it is rarely so neat and simple.

The change from one vegetation community to a neighboring one is characterized more by a gradient than a clean boundary. Adjoining communities phase into one another, and the overlap area, frequently called an "ecotone," has some vegetation attributes of both communities. The width of this overlap area may vary from one to many yards. But the important point is that there is generally a gradation between communities which causes neat, precise mapping to misrepresent reality to a degree, and which can certainly confound overly-simplistic land management direction-setting.

There is also variation within vegetation communities. Subtle changes in such environmental factors as: slope, soils, aspect, moisture regimes, biological influences, past and present land use practices, or fire frequency and intensity create a range of conditions within even a single vegetation community. Variations in the above environmental factors create complexity in what might otherwise be simple vegetation descriptions. Also, interaction among these and other factors further complicate community descriptions. Examples of such variations and interactions among the above environmental factors are described below:

SLOPE: Changes in slope steepness can affect drainage (and therefore available moisture) and fire intensity. See the discussion of moisture regimes, and fire frequency and intensity for the effects on species mix within forest communities. Steeper slopes have a greater potential for erosion.
SOILS: Soils in the Lake Tahoe Basin are of either volcanic or granitic origin. Granitic soils tend to be more well-drained and drier than volcanic soils. These differences can lead to a change in vegetation. Drier sites tend to support more Jeffrey pine and moister sites tend to support a higher percentage of fir. Other soil factors also influence vegetation. These include physical, biological, and chemical make-up of soils. Differences in soils can occur gradually and can result in subtle variations in vegetation, although on occasion, an abrupt change may occur.

ASPECT: North and east-facing aspects are noticeably cooler and more moist than south aspects. Typically, then, one might find purer stands of Jeffrey pine on south and west-facing slopes, and purer stands of fir on north-facing slopes, all other factors being equal.

MOISTURE REGIMES: Close proximity to bodies of surface water, a shallow local water table, and basins formed by changes in slope can create a more moist micro-site and produce a subtle change to a wetter site species. Consequently, we may find lodgepole pine and/or aspen growing within communities typified by Jeffrey pine or fir. The eastside of the Basin is generally drier than the westside. Land use can also affect moisture regimes.

BIOLOGICAL INFLUENCES: Plants, animals, insects, and microorganisms, etc., influence each other within the forest ecosystem. The associations which occur between the many biological organisms of the forest in turn affect the distributions and densities of communities within the ecosystem. Parasitism, predation, allelopathy, seed distribution, fungal and bacterial associations are examples of biological processes which have influenced vegetation patterns within the Lake Tahoe Basin ecosystem.

PAST AND PRESENT LAND USE PRACTICES: Human activities such as logging, road construction, urbanization, fire suppression and others have affected the composition of vegetation communities. For instance, where selective logging of certain species (e.g. Jeffrey pine) has occurred, the residual species (e.g. white fir) may come to dominate the site. Also, exclusion of fire will lead to changes in arrangement, composition, and age of vegetation. The combination of these and other human activities has resulted in the conversion of open pine stands to ones containing a higher proportion of fir trees growing more closely together. In addition, human activities have altered the proportion of the forest in each age class. For example, much of the Basin was clear-cut in the late 1800's. The forest ecosystem is therefore predominantly second growth and has more uniformity in age and maturity than the pre-European settlement forest.

FIRE FREQUENCY AND INTENSITY: In pre-settlement times, fires exerted a profound influence in the development and maintenance of the forests in the Lake Tahoe Basin. Fire frequency is the measure of how often a specific piece of ground experiences a fire. Fire intensity is the measure of how much heat is released by a fire. Together, for a specific geographic area, they constitute the primary elements of what is called a "fire regime." For example, the pre-settlement fire regime of the mixed conifer forests of the Basin could be described as frequent, mostly isolated low intensity fires. Infrequent stand replacement fires also helped shape the forest.

Pre-settlement fire regimes with frequent lightning and Native American ignitions, resulted in forests with a different species composition and stand characteristics than today. For example, in Midmontane forests of the Basin, fire suppression has radically reduced the frequency of fire. Lack of fire has favored the increased dominance of white fir over Jeffrey pine and suppressed reproduction of shrub and herb species. Also, tree densities and fuel accumulation has increased without frequent fire. High intensity wildfires are more likely with current fuel conditions.

Fire is key in the maintenance of biological diversity. Many plants have adaptations which ensure survival in fire regimes. Improved wildlife habitat often result from the effects of fire. Under pre-settlement conditions, the pattern of stands across the landscape were probably more diverse, which in turn may have limited the spread of both fires and insect epidemics.

In summary, forest type classifications are helpful in describing pre-European settlement conditions. These classifications describe the forest as if it was made up of pure stands. In fact, variations in one or more of the above environmental factors will produce stands which exhibit complex mixtures of these characteristics.

(FINAL 1/12/94 - cjf)
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 95-——

RESOLUTION SETTING FORTH MEMBERSHIP AND
RESPONSIBILITY OF CORE POLICY STATEMENT COMMITTEE

WHEREAS the Governing Board has asked for the establishment of a
committee to draft a core policy statement for consideration by the full
Governing Board of the Tahoe Regional Planning Agency; and

WHEREAS Article II of the Rules of Procedure permits the Governing Board
to create committees by resolution and provides that the resolution must
describe the committee’s responsibilities, how its members shall be chosen,
and other matters the Board deems pertinent;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board appoints members
Miner, Wynn, DeLancy, Upton, Cole, and Waldie to serve on the Core Policy
Statement Committee; and

BE IT FURTHER RESOLVED that the specific duty of the Committee is to
draft a TRPA core policy statement for consideration by the full Board;

PASSED and ADOPTED this __________ day of October, nineteen-hundred
and ninety-five by the following vote:

Ayes:

Nays:

Abstain:

Absent:

John E. Upton
Chairman of the Governing Board

10/13/95
jf

AGENDA ITEM X.B.

127
MEMORANDUM

October 12, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Progress Report on Priority Milestones Contained in the Strategic Plan and FY 95-96 Program of Work (July 1 - September 30)

The Strategic Plan and Program of Work for FY 95-96 were presented to the Governing Board in June 1995. 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 first quarter of FY 95-96.

In the first quarter there were four priority milestones identified for completion. Following is the current status of these first quarter milestones:

A. **Three-year Goal:** Establish and implement a coordinated program through public and private partnerships to prioritize and secure funding requests for capital improvements and agency operations.

**First Quarter Objectives (FY 95-96):**

1. Capital Financing Committee to meet with affected agencies to maintain an updated priority project short list for the Region (W.E. 11)

TRPA staff has discussed with the local jurisdictions each jurisdictions project lists for the upcoming year. The only jurisdiction to complete a five-year list has been El Dorado County. Additional work will be needed to complete lists for the remaining jurisdictions.

JW/mni
10/12/95

**AGENDA ITEM X. C.**

Planning for the Protection of our Lake and Land
2. Develop legislative and funding packet for the 1996 legislative/funding cycle (W.E. 11) 9-95

A draft of the 1996 legislative/funding packet has been completed. Final edits are underway and printing is planned to be completed by the end of October.

B. Three-Year Goal: Implement the Regional Plan and carry out all other Agency responsibilities as required by the Tahoe Regional Planning Compact.

First Year Objectives (FY 95-96):

1. Complete the Shorezone Draft EIS and circulate for public comment (W.E. 20) 7-95

Due to competing demands on staff resources and the overall complexity of the document, the Draft EIS was not circulated for public comment until September 6, 1995. It is anticipated, based on a recent request to extend the comment period, that the public comment period will conclude on December 4, 1995, at which time staff will commence preparation of the Final EIS.

C. Three-Year Goal: Streamline the Regional Plan and Agency operations in an effort to improve efficiency and effectiveness.

First Year Objectives (FY 95-96):

1. Adopt residential review delegation agreements with Washoe and Douglas counties (W.E. 13) 8-95

Adoption of the Washoe County delegation agreement has been deferred due to Washoe County's request for the County Board of Commissioners to act on the agreement first. This agreement is currently scheduled for Washoe County and TRPA Governing Board adoption in October. The proposed delegation agreement with Douglas County was originally scheduled for Governing Board adoption in September, but the Douglas County Board of Commissioners elected to not enter into the delegation agreement and requested that the matter be withdrawn from the Governing Board agenda.

If you should have any questions or comments regarding this agenda item, please contact Jerry Wells, Deputy Director, at (702) 588-4547.
October 16, 1995

To: TRPA Governing Board

From: Legal Division

Subject: Post-Bankruptcy Amendment of Newton v. TRPA Settlement

Proposed Action: The proposed action is to amend the 1991 settlement agreement in Newton v. TRPA by updating the deadlines with the new owner of the property.

Staff Recommendation: Staff recommends amendment of the settlement agreement.

Background: In 1987, Wayne Newton filed suit against TRPA alleging inverse condemnation of his two parcels in Roundhill, Nevada. A settlement was reached based on a land capability challenge for the property. A copy of the 1991 Settlement Agreement is attached. The settlement permitted construction of two residences, and accessory uses, on high capability sites within the 240+ acres. Based on the amount of existing land coverage and Bailey coverage permitted, the settlement agreement required retirement of 100,000+ square feet of land coverage and limited land coverage to 231,110 square feet.

The settlement agreement also required BMP retrofit of the parcel within two years, posting of a security, and submittal of residential allocations and applications. The security was posted, a BMP retrofit plan submitted for TRPA review, and the residential applications were filed. However, shortly after, Mr. Newton filed for bankruptcy.

During the course of the bankruptcy, TRPA took no action to enforce compliance with the deadlines in the settlement and advised the bankruptcy attorneys TRPA would not contest the automatic stay in bankruptcy. The security has remained posted and expires in December 1995. The bankruptcy matter has been concluded and the property is now being sold by the trustee of the liquidating trust.

Discussion: Victor Merrill is the successful bidder for the property and has an option to purchase the property. As the

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10/16/95

AGENDA ITEM NO. XI.B.2

Planning for the Protection of our Lake and Land
prospective owner, he wishes to update the settlement and substitute in as the successor-in-interest to Newton. Consistent with the original intent, the amendment would require completion of the BMP retrofit plan by October 15, 1997 (two seasons). Also consistent with the original intent, the amendment would set a time limit on construction of the residences.

Since Mr. Merrill is considering other uses for the parcels, TRPA does not want to force review and approval of residences and accessory structures which are not actually wanted. So, to maintain consistency with the original settlement which had a time limit on construction, the amendment would put a four-year limit on commencing construction. The difference is that revised plans are not required for up to three years. In this way the owner can avoid submittal of false plans and, at the same time, TRPA has an outside limit on the process. The four-year timeframe is consistent with the original timeframe in that review of the applications would have taken up to a year and Newton would then have had three years to commence construction.

Action Required: To approve the amendment of the 1991 settlement agreement, the Board must pass a motion which authorizes legal counsel to prepare the necessary documents for Mr. Merrill’s, legal counsel’s and the Executive Director’s signatures. Because Mr. Merrill only has an option at this time, the amended stipulation would not be signed by TRPA until Mr. Merrill becomes the owner of the property.

The required vote is the extraordinary project vote (5/9 with five from Nevada).

If there are any questions regarding this matter, please call Susan Scholley, Special Projects Attorney, at (702) 588-4547.

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10/16/95

AGENDA ITEM NO. XI.B.2

131
CASE NO. 18435
DEPT. NO. 1

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

CARSON W. NEWTON,

Plaintiff,

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

STIPULATION FOR ENTRY OF
JUDGMENT AND JUDGMENT FOR
DISMISSAL WITH PREJUDICE

Plaintiff Carson W. Newton ("Newton") and defendant Tahoe Regional
Planning Agency ("TRPA") stipulate as follows:

FACTS

1. That TRPA adopted an amended regional plan, effective July 1,
1987, pursuant to Article VI(a) of the Tahoe Regional Planning Compact (P.L.

2. That Newton filed suit against TRPA on August 28, 1987,
alleging, among other things, that the 1987 Regional Plan resulted in the
inverse condemnation of Newton's property in Roundhill, Douglas County,
Nevada, APNs 05-220-02 and 05-220-03, as more particularly described in
Exhibit A, attached hereto and incorporated herein by reference.

3. That TRPA disputed the complaint and filed a motion to
dismiss.

4. That TRPA and Newton have conducted lengthy and complex
settlement negotiations in order to avoid costly and time-consuming
litigation.

5. That on November 15, 1989 and on December 19, 1990, the TRPA
Governing Board and Newton agreed to stipulate to dismissal of the suit on
the terms and conditions set forth below.

AGREEMENT

6. TRPA and Newton agree that Newton has filed applications for
the permitted density of one single family dwelling and an accessory
secondary residence per parcel, for a total of four residences, two per
parcel. The applications were filed no later than December 31, 1989 and
included four 1989 residential allocations issued by Douglas County on or
before July 1, 1989. The applications included a boundary line adjustment,
which did not increase the number of existing parcels, and the resultant
parcels are no less than one acre in size.

7. Newton shall submit floor plans and elevations for the four
residences, no later than July 1, 1991.

8. TRPA shall review the applications in accordance with its
regional plan, ordinances and rules of procedure, and, if appropriate,
approve the applications, with or without conditions.

9. Newton and TRPA agree that the four residences, and any and
all accessory structures, shall be constructed within land capability
districts 4, 5, 6 or 7 as depicted on the map attached hereto as Exhibit B
and incorporated herein by reference. Newton and TRPA further agree that
the attached map accurately and finally delineates the land capability
districts of the parcels.

10. Newton and TRPA agree that there are two alternative building
sites: Bourne Lake site and Paiute Drive site, as depicted on Attachment B,
attached hereto and incorporated herein by reference. The residential
applications shall be consistent with one of these alternatives and the permitted density.

11. Newton and TRPA agree that access to the proposed building sites at Bourne Lake shall generally follow the existing unimproved road shown on the map (Attachment B) and that any additional coverage needed for the improvement of the access shall be provided by replacement of existing coverage in accordance with Chapter 20 of the TRPA Code.

12. Newton and TRPA agree that the allowed base coverage for the parcels, pursuant to subparagraph 20.3.D(2)(a)(iii) of the TRPA Code, is 332,187 square feet. Newton and TRPA further agree that, as a condition of settlement, Newton shall permanently retire 101,077 square feet of land coverage and that the maximum amount of land coverage permitted on the two parcels shall not exceed 231,110 square feet. The retirement of land coverage shall be evidenced by deed restrictions recorded against both parcels, which restrictions shall also assure that, for purposes of future land coverage calculations, the two parcels shall be treated as if merged.

13. Newton and TRPA agree that, if the primary residences are constructed pursuant to this settlement agreement and the 1989 residential allocations, then Newton may be permitted to construct residential accessory uses, in accordance with the ordinances in effect at the time any such permit is issued, subject to the land coverage limitations set forth above, as follows:

one secondary residence,
garage for primary residence,
garage for secondary residence,
workshop/maintenance building,
garage for snow removal and other maintenance equipment,
personal property storage building,
boat storage building,
horse stable and corral,
dog run and dog shelter structure,
outdoor patio with cooking facilities and partial or complete overhead cover,
swimming pool with locker room facilities,
food service facilities and maintenance and operations structure, gazebo, observation deck or patio, tennis court with locker room and food service facilities and maintenance and storage structure.

14. In the event Newton fails to construct the secondary residences pursuant to the 1989 allocations, any future permits for such accessory residences shall be subject to the ordinances in effect at the time permits are issued for the secondary residences.

15. Newton agrees to submit a proposed plan no later than March 1, 1991 for the installation of Best Management Practices (BMPs) on the parcels. Newton agrees to post a $150,000 security, by January 18, 1991, to insure implementation of the BMP plan. Newton and TRPA further agree that, within 30 days after approval of the BMP retrofit plan, the required security shall be adjusted to an amount equal to 110 percent of the estimated cost of the approved BMP plan, and either additional security posted or a refund paid, as the case may be. The entire security shall be refunded upon complete implementation of the approved BMP plan. To offset the absence of BMP retrofit work in the 1990 building season, Newton agrees to contribute, 60 days after dismissal of this action, $15,000 to the TRPA water quality mitigation fund for Douglas County. The proposed BMP plan shall be reviewed by TRPA and approved, with or without modifications. The BMP plan shall include a two-year schedule for implementation such that, with the exception of the residential improvements, the BMP plan shall be completely implemented no later than October 15, 1992. The access to the Bourne Lake site shall not be required to be retrofitted with BMPs until construction commences on the residence or residences at said site.

16. With the exception of the high capability areas to be developed for residential purposes, the parcels shall be maintained in a natural state, subject to Best Management Practices for forest health and
management and permitting requirements. The remaining portions may be
landscaped in accordance with the TRPA Code of Ordinances.

17. Nothing in this agreement shall be construed to exempt Newton
from normal and customary review procedures of TRPA and the TRPA regional
plan and ordinances.

18. This settlement may be amended, in writing, by agreement of
Newton and TRPA.

19. Newton and TRPA agree that they shall each pay their own
attorney's fees and costs in connection with this litigation and agree to
waive any appeal from the stipulated judgment.

20. Newton and TRPA agree to act in good faith with respect to
the implementation of this settlement and future requests, if any, for
amendment. This settlement agreement shall be recorded against both parcels
to give subsequent purchasers notice of the matters contained therein.

21. Newton hereby waives any and all constitutional claims he may
have regarding the enforceability of the Stipulation for Entry of Judgment
and acknowledges that he was represented by counsel and said waiver is a
knowing and intentional one.
22. This agreement shall not be severable and should any provision be declared unconstitutional or unenforceable for any reason, the entire agreement shall be null and void.

Dated this 15th day of January, 1991.

TAHOE REGIONAL PLANNING AGENCY

Susan E. Scholley, Attorney for Defendant

Dated this 16th day of January, 1991.

CARSON W. NEWTON

Casey Vlautin, Attorney for Plaintiff

JUDGMENT

This action is hereby dismissed with prejudice according to the terms of the Stipulation for Entry of Judgment.

IT IS SO ORDERED.

/s/ Peter I. Breen
DISTRICT JUDGE
Memorandum

October 16, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Articles II and V of the Rules of Procedure Regarding Time Limit on Reapplications and Motions for Reconsideration

PROPOSED ACTION: The proposed action is to amend Articles II and V of the Rules of Procedure to set a time limit on submitting reapplications for a project or matter which has been denied by TRPA and to provide additional time for motions for reconsideration.

STAFF RECOMMENDATION: TRPA staff recommends that the Governing Board adopt the proposed rules amendments.

RULES COMMITTEE RECOMMENDATION: The Rules Committee will meet at lunch during the Wednesday Board meeting and its recommendation will be reported orally. At last month’s meeting, the Rules Committee questioned whether a limit on reapplications was needed given the limited number of times the problem arises.

PROPOSED AMENDMENTS: The proposed amendments are:

2.5(b) A motion to reconsider requires the same vote as the motion to which it relates. A motion to reconsider may be made by any Board member but may only be made on/may/day/at/that/not/not/a/not/reconsidered/on/on/day/on/that/next/to/reconsidered/after/reconsidered/project/matter/to/to/on/not/Board/meeting/meeting/the/the/proposed/adopted

(i) For a project or matter to be reconsidered, a Governing Board member shall request that reconsideration be placed on the next regular Governing Board agenda at least 10 days prior to that meeting.

(ii) If a motion to reconsider a project or matter is passed, then the project or matter may be acted upon at the same meeting, provided that the project or matter was included on the agenda and was re-noticed, if notice had been given of the original action on such project or matter.

AGENDA ITEM NO. XI.D.2.
Planning for the Protection of our Lake and Land
5.23 Reapplication: After final action to deny an application, TRPA shall not accept a reapplication for the same, or substantially the same, project or matter during the 12 months following the final action unless:

1. The reapplication includes a modification to the denied project or matter, which modification relates to the reason for denial; or

2. There has been an intervening change in the plans or ordinances affecting the project or matter, which change relates to the reason for denial.

DISCUSSION: As illustrated by the denial of the Vogel subdivision application and the subsequent action to accept the reapplication, there is a need to formalize a time limit on reapplication. In the past, TRPA has relied on the general law and discouraged reapplications. Since finality is important to both the applicant and TRPA, it is inappropriate to accept a reapplication for a project which was recently denied unless there has been some change in circumstances which justifies a re-review of the project.

Although the Board waived the filing fee for the Vogels, a waiver of filing fees is not a component of the proposed amendment. The new rule would prohibit reapplication for a year unless the applicable ordinances or the project/matter had been amended. A new filing fee would be required. Since staff would have to re-review the project due to either the passage of time or a change in ordinances or the project/matter, a new filing fee would be appropriate.

At the suggestion of the Rules Committee, a change to the restriction on motions for reconsideration is proposed as a companion amendment. By permitting a Board member to request reconsideration at the next meeting, a safety valve is created which will provide an opportunity to reconsider a matter after time for reflection and, at the same time, provide an outside limit on such motions so that finality is achieved. Such requests must be made in sufficient time to permit agendizing the reconsideration. The project or matter can be acted upon at the same meeting only if the reconsideration request is made sufficiently early to re-notice the reconsideration item (if notice had been given for the item the first time it had been agendized).

ENVIRONMENTAL DOCUMENTATION: Because of the procedural nature of the amendments, 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 amendments are procedural and do not affect any planning
Amendment of Articles II and V of the Rules of Procedure
October 16, 1995
Page 3

policies or standards. To the extent the rules avoid duplication of effort or ineffectiveness use of staff and Board time, the amendments will make TRPA more efficient.

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

Rationale: The amendments are procedural and 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: See Finding 1, above.

REQUIRED ACTION: To adopt the proposed amendments, 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 resolution.
TAHOE REGIONAL PLANNING AGENCY

AMENDING SECTION 2.5 OF THE RULES OF PROCEDURE PERMITTING ADDITIONAL TIME FOR RECONSIDERATION AND ADOPTING A NEW SECTION 5.23 OF THE RULES OF PROCEDURE SETTING A TIME LIMIT ON REAPPLICATION

RESOLUTION NO. 95-

WHEREAS, the proposed amendments to Articles II and V of the Rules of Procedure of the Tahoe Regional Planning Agency (TRPA) are necessary and desirable to promote, and are reasonably related to, the implementation of the regional plan and ordinances; and

WHEREAS, the proposed amendments comply in all respects, procedural and substantive, with the Tahoe Regional Planning Compact, and the Regional Plan, ordinances and rules of procedure of TRPA, and are necessary to implementation of the foregoing; and

WHEREAS, the TRPA Governing Board has made the findings required by Section 6.5 of Chapter 6 of the Code; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Governing Board of the Tahoe Regional Planning Agency hereby amends Articles II and V of the Rules of Procedure by amending paragraph (b) of Section 2.5, with deleted language stricken and added language underlined, and by adopting a new Section 5.23, as follows:

2.5(b) A motion to reconsider requires the same vote as the motion to which it relates. A motion to reconsider may be made by any Board member but may only be made on the day of the reconsideration motion. A motion to reconsider shall not later than the next regular Governing Board meeting after the project or matter to be reconsidered was acted upon.

(i) For a project or matter to be reconsidered, a Governing Board member shall request that reconsideration be placed on the next regular Governing Board agenda at least 10 days prior to that meeting.

(ii) If a motion to reconsider a project or matter is passed, then the project or matter may be acted upon at the same meeting provided that the project or matter was included on the agenda and was re-noticed if notice had been given of the original action on such project or matter.

5.23 Reapplication: After final action to deny an application, TRPA shall not accept a reapplication for the same, or substantially the same, project or matter during the 12 months following the final action unless:

1. The reapplication includes a modification of the denied project or matter, which modification relates to the reason for denial; or
2. There has been an intervening change in the plans or ordinances affecting the project or matter, which change relates to the reason for denial.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on October 25, 1995, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

_____________________________
John E. Upton, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

October 16, 1995

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Article XI of the Rules of Procedure to Clarify the Appeal Procedure

Proposed Action: The proposed action is to formally adopt the current version of the appeal procedures which has been in effect for several years.

Staff Recommendation: The staff recommends adoption of the attached version of Article XI.

Background: Article XI has been amended several times since its initial adoption in 1987. The record on the May 1991 amendments (Resolution 91-18) relating to the deadlines for filing appeals is unclear due to oral amendments being made at the Board meeting. These oral amendments were not included in the attachment to the adopting resolution.

Discussion: In order to clear up the record and avoid any future challenges to the appeal provisions, staff is proposing a re-adoption of the version of Article XI which has been used and relied upon for the past several years and is consistent with what the Board intended to adopt in 1991.

Findings: The required Chapter 6 findings and the 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 re-adoption is procedural and does not affect any planning policies or standards. To the extent the re-adoption avoids future challenges, it will make the appeal process simpler.

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

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AGENDA ITEM NO. XI.D.3.

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Rationale: The amendments are procedural and 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: See Finding 1, above.

Environmental Documentation: Due the strictly procedural and legal nature of the re-adoption, a finding of no significant effect is recommended.

Requested Action: To re-adopt the current version of the appeal procedures in Article XI, the Governing Board must:

1. Make the findings required by Chapter 6 and a finding of no significant effect; and

2. Adopt the attached resolution.
RESOLUTION

RE-ADOPTION OF ARTICLE XI TO CLARIFY RECORD
RESOLUTION NO. 95-

WHEREAS, the re-adoption of Article XI of the Rules of Procedure of the Tahoe Regional Planning Agency (TRPA) is necessary and desirable to promote, and is reasonably related to, the implementation of the regional plan and ordinances; and

WHEREAS, although the record supports the attached version of Article XI as the appropriate language and the attached version has been in consistent use since May 1991, the record is inconsistent as to the minutes of the Governing Board and the attachment to the adopting resolution (Resolution 91-18); and

WHEREAS, the re-adoption of Article XI complies in all respects, procedural and substantive, with the Tahoe Regional Planning Compact, and the Regional Plan, ordinances and rules of procedure of TRPA; and

WHEREAS, the TRPA Governing Board has made the findings required by Section 6.5 of Chapter 6 of the Code; and

WHEREAS, the proposed re-adoption is procedural in nature and will not have a significant effect upon the environment and is therefore exempt from the requirement to prepare an environmental impact statement;

NOW, THEREFORE, BE IT RESOLVED THAT the Governing Board of the Tahoe Regional Planning Agency hereby re-adopts Article XI of the Rules of Procedure as set forth in Exhibit A, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on October 25, 1995, by the following vote:

Ayes:
Nays:
Abstain
Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency