TRPA
GOVERNING BOARD PACKETS

SEPTEMBER
1996
TAHOR REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on September 25, 1996, commencing at 9:30 a.m., at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on September 25, 1996, 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 August check register and financial statement; 3) discussion of updated Fiscal Procedures Manual; 4) revisions to FY 1996-97 operating budget; and 5) member comments. (Committee: Neft, Cole, Heller, Hime, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on September 25, 1996, commencing at 8:30 a.m. at the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) James Blundell, resolution of enforcement, Placer County APN 083-460-24; 3) status of TSPC v. TRPA mediation; and 4) member comments. (Committee: Miner, Cronk, Severson, Waldie, Chairman DeLanoy)

NOTICE IS FURTHER GIVEN that on September 25, 1996, commencing at 12:00 noon, during the lunch recess at Steamer's Beachside Bar and Grill, 8290 North Lake Boulevard, Kings Beach, California, the Capital Financing Committee will meet. The agenda will be as follows: 1) public interest comments; 2) discussion on parking management fees and grant funding for update of financial feasibility study; 3) 1997 legislative packet; and 4) member comments. (Committee: Westergard, Miner, Cronk, Waldie, Wynn, Chairman Cole)

Date: September 16, 1996

By:

R. J. Nichole
Agency Counsel
TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD  

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

September 25, 1996  
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. PUBLIC HEARING (*items include action on the findings plus action on related ordinances, resolutions, environmental documents, and/or plans)  

A. Amendment of Goal #1, Housing Subelement of the Land Use Element of the Goals and Policies, and Chapter 2 of the Code of Ordinances Relative to Regional Median Income Levels and Definition of Affordable Housing*  

B. Amendment of Tahoe Vista Community Plan Boundary to Include Placer County APN 112-050-08*  

C. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis  

D. Amendment of Article V of the Rules of Procedure Pertaining to Application Review Procedures  

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VIII. PLANNING MATTERS

A. Continued Discussion on Basin Impact and Parking Fees

B. Discussion on Amendment of Regional Goals and Policies Plan, Transportation and Land Use Elements, Relative to Transportation and Air Quality Goals

C. 1996 Threshold Evaluation Report
   1. Fisheries
   2. Wildlife
   3. Vegetation
   4. Scenic Resources
   5. Recreation

IX. ADMINISTRATIVE MATTERS

A. Presentation of Plaque and Adoption of Resolution for Former Governing Board Member Jane Hagedorn

B. Discussion on Status of Tahoe Eastern Area Management Team (TEAM Tahoe)

C. Appointment of Lay Members to Advisory Planning Commission

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report
   1. Receipt of August Financial Statement and Check Register
   2. Revisions to FY 1996-97 Operating Budget

B. Legal Committee Report
   1. Status of TSPC v. TRPA Mediation

C. Capital Financing Committee Report

D. Rules Committee Report

E. Shorezone Policy Committee Report

F. Local Government Committee Report

G. Performance Audit Committee Report
   1. Acceptance/Rejection of Performance Audit Bids
2. Endorsement of Cooperative Agreement With California Bureau of State Audits

3. Interstate Cooperation

XI. REPORTS

A. Executive Director Monthly Status Report

B. Legal Division Monthly Status Report

C. Governing Board Members

XII. ADJOURNMENT

CONSENT CALENDAR

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<td>2. P and P Enterprises, New Single Family Dwelling, Special Use Determination, 687 Sutro Court, Washoe County APN 125-372-02</td>
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<td>3. Elks Point Country Club, Inc., Water Tank Replacement, Elks Avenue, Douglas County APN 05-242-61</td>
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These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.
Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

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

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

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

Article III (g) Public Law 96-551

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.

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

Description of the Violation

Violation Type: The new single family dwelling constructed at 1142 Clearview Court, Placer County, APN 83-460-24, is approximately 2.5 to 3 feet taller than the maximum allowed TRPA height. (Code Sections 22.3.)

Project Name: James Blundell New Single Family Dwelling

Property Owner: James Blundell

Location: 1142 Clearview Court, Placer County, APN 83-460-24

Agency Staff: Brian Judge, Associate Environmental Specialist

Staff Recommendation: Staff recommends that the violation be resolved by Governing Board approval of the proposed Settlement Agreement. The TRPA Governing Board Legal Committee reviews this agreement the morning of September 25, 1996.

The agreement requires James Blundell to remit a $10,000 payment to TRPA. James Blundell has also agreed to remit an additional $10,000 to Placer County through their height variance procedure. The total amount of $20,000 is based upon penalty precedent for a similar case approved by TRPA in 1992 of a $10,000 payment along with modification of the roof structure.

VIOLATION ISSUES

Violation Discovery:

Placer County Building Department approved the house under the Placer County, TRPA Memorandum of Understanding, which delegates some residential projects to the local jurisdiction. The maximum TRPA height allowed on this parcel with a greater than 24 percent cross slope, and an 8 and 12 roof pitch is 39 feet, 7 inches. The plans were approved at a height of 39 feet, 5 inches. The finished house approximately 42 feet, 7 inches in height. Placer County Building Department discovered the house was over height during the framing inspection.

Violation Resolution Issues:

The monetary penalty has been calculated based upon the following information: The house is located in Talmont Estates. It is approximately three fourths of a mile west of, and 600 feet higher in elevation than, the Sunnyside area on the west shore of Lake Tahoe. The house is on a heavily wooded, down-sloping lot on the east side of Clearview Court. It has a partial view of Lake Tahoe through the trees, with a clear view through one primary view corridor between the trees. The driveway drops from the street to the garage at a two percent
slope over a 24 foot length from the edge of pavement. The garage floor is at the same elevation as the top, second floor of the house. Therefore, the house in relation to the street appears no higher than a single story.

Opposition to the height of the building comes primarily from the owners of the two houses across the street to the west. They claim the house has blocked their view of Lake Tahoe, which it partially does, but the trees still extend well above the ridge of the house, and the 2.5 to 3 feet taller is not a significant amount.

The TRPA Code of Ordinances addresses preservation of public views from scenic corridors, not private views.

A previous violation of a similar nature reached settlement in 1992. In that case the house was 2 feet, 2 inches over the maximum allowable. The settlement in that case required modification of the roof, agreement of the neighbors, and a $10,000 payment. The Blundell case proposes a $20,000 total fine with no modification of the structure. Letters in the file from the truss company and the structural engineer document that modification of the structure was unreasonable in this case, due to the high cost of re-engineering, and rebuilding portions of the roof and associated support structures. The Blundell house has a view of Lake Tahoe, however the view was not significantly improved by the increased height. The house, as viewed from Lake Tahoe, does not degrade the view from the Lake. The house is barely visible from the Lake due to the dark green composition roof, the brown stain of the siding, and the wooded nature of the lot. The applicant was willing to negotiate and settle in a timely manner, and the overall quality of the project is high.

Required Actions: Agency staff recommends that the Governing Board resolve the alleged violation by making a motion based on this staff summary and the evidence contained in the record to ratify the proposed Settlement Agreement.
Project Name:  P and P Enterprises, New Single-Family Dwelling

Application Type:  Residential, New Single-Family Dwelling, Special Use Determination

Applicant:  P and P Enterprises

Applicant's Representative:  Rodney Payne

Agency Planner:  Vanessa Mongeon, Associate Planner

Location:  687 Sutro Court, Incline Village

Assessor's Parcel Number/Project Number:  125-372-02/960392

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

Project Description:  The applicant is proposing to construct a two-story, single-family dwelling with an attached three-car garage. The parcel is located in Plan Area Statement 42 (Incline Village #5) and the area is identified as a potential avalanche zone. The applicant has submitted a report to TRPA, prepared by a qualified avalanche specialist, Dick Penniman of Snowbridge Associates. In the letter dated September 6, 1996, Mr. Penniman concludes, "avalanches large enough to run into or beyond the study parcel are not reasonably foreseeable." The letter is attached as Exhibit A. As a condition of approval, TRPA is requiring that the applicant record a deed restriction holding TRPA harmless and indemnifying TRPA in the event of avalanche damage to the property.

Site Description:  The parcel is located on Sutro Court, has an average slope of 18 percent, is approximately 18,975 square feet in size, and is currently vacant. The existing surrounding neighborhood uses are single family dwellings.

Issues:  The proposed project involves a new single family dwelling in Plan Area Statement 42 (Incline Village #5). Plan Area Statement 42 identifies single-family dwellings as a special use. Therefore this project requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is:

Potential Avalanche Zone:  The project is located in an area identified as a potential avalanche zone. A report prepared by Dick Penniman, a qualified avalanche specialist, concludes that avalanches large enough to run into or beyond the study parcel are not reasonably foreseeable.
Staff Analysis:

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

B. **Plan Area Statement:** The project is located within Plan Area 42 (Incline Village #5). The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (single-family dwelling) is listed as a special use.

C. **Land Coverage:**

1. **Land Capability District:**

   The IPES score for the project area is 818 with 25 percent allowable coverage for the area not identified as SEZ. The area identified as SEZ has 1% allowable coverage. The total project area is 18,975 square feet, including 100 square feet of SEZ.

2. **Allowable Land Coverage:**

   - **IPES portion:** 4,719 square feet
   - **SEZ portion:** 1 square foot
   - **TOTAL:** 4,720 square feet

3. **Proposed Land Coverage:**

   - **Residence:** 2,332 square feet
   - **Garage:** 827 square feet
   - **Wood Decks:** 284 square feet
   - **AC Paving:** 1,005 square feet
   - **TOTAL ONSITE:** 4,448 square feet
   - **TOTAL OFFSITE:** 78 square feet

D. **Building Height:** Based on a 18 percent cross-slope retained across the building site, and a 5:12 roof pitch, the maximum allowed height for the proposed building is 34 feet 6 inches. The proposed building has a maximum building height of 34 feet 5 inches.
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 applicant will be required to apply temporary and permanent Best Management Practices (BMPs) to the entire project area. The proposed new single-family dwelling is a special use in the Plan Area Statement.

   (b) **Transportation:** No significant impacts to transportation have been identified. This project will result in 10 additional daily vehicle trip ends (dvte). The applicant will be required to submit a mitigation fee of $2,000. This fee is based on the creation of 10 additional dvte, which are mitigated at $200 per dvte.

   (c) **Conservation:** The project is not visible from a TRPA designated scenic corridor or the waters of Lake Tahoe. There are no known cultural resources, special interest species, or sensitive or uncommon plants within the project area.

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

   (e) **Public Service and Facilities:** The project does not require any additions to existing public services or facilities.

   (f) **Implementation:** One residential allocation was issued by Washoe County and was submitted with the application for this 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(a) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

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

The project is within the allowable density (one unit per parcel). The surrounding neighborhood uses consist of single-family dwellings which are similar in size to the proposed project.

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

The applicant will be required to apply temporary and permanent BMPs to the project area to protect the applicant’s property and the neighboring properties from soil erosion.

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

The project is a new single-family dwelling and the existing surrounding neighborhood uses are single-family dwellings. The project is not located within a community, specific, or master plan.

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

The project is not visible from a major arterial, scenic turnout, public recreation area or the waters of Lake Tahoe.

F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record:
I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

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

(1) The Standard Conditions of Approval listed in Attachment R.

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

(a) A water quality mitigation fee of $5,560 shall be paid to TRPA. This fee is based on the creation of 4,448 square feet of land coverage.

(b) The security required under Standard Condition A.3 of Attachment R shall be $2,500. Please see Attachment J, Security Procedures.

(c) The permittee shall submit an offsite coverage mitigation fee of $390 for the creation of 78 square feet of land coverage in the public right-of-way.

(d) The permittee shall submit an air quality fee of $2,000.

(e) The permittee shall indicate on floor plans the type of TRPA approved woodstove, fireplace insert, or zero clearance fireplace to be installed.

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

(g) The permittee shall record a TRPA approved deed restriction which holds TRPA harmless and indemnifies TRPA in the event of an avalanche destroying property on this parcel.

(3) Excavation equipment shall be limited to the foundation footprint to minimize site disturbance.

(4) The permittee shall not excavate to a depth greater than five feet below natural grade measured to the bottom of the footing or foundation. Any modification of this structure shall conform to TRPA’s height standards.

(5) By acceptance of this permit, the permittee acknowledges that the TRPA Code of Ordinances requires that this property, located within a Priority 1 watershed group, install and maintain all Best Management Practices immediately.
SNOWBRIDGE ASSOCIATES

Dick Penniman
Consultant
Educator

September 13, 1996

Mr. Rodney Payne
P & P Enterprises
PO. Box 8768
Incline Village, Nevada 89452

Dear Mr. Payne

After a thorough on-site inspection of the terrain and vegetation above APN 125-372-02 (697 Sutro Court, Incline Village, Nevada), and an examination of the U.S. Geological Survey topographic map for the area (Mt. Rose Quadrangle, 7.5 Minute Series, photorevised 1982), I have concluded that avalanches large enough to run into or beyond the study parcel are not reasonably foreseeable.

Gradients in two gullies above and northwest of the study parcel are active avalanche paths, but I could find no evidence from damage to vegetation or any historical evidence to suggest that avalanche debris from these gullies would have the potential to run into the study parcel. In any case, the configuration of the terrain strongly suggests that avalanches that might occur above the study parcel would run well to the north and/or stop well before reaching it.

My conclusions are based on estimates of reasonably foreseeable snow and weather conditions. Should cataclysmic or unprecedented snow and weather events occur, avalanches may affect the study parcel. Because of the inherent and unavoidable uncertainty in any study involving the potential forces of nature this report does not guarantee the safety of persons or property within or near the study parcel and/or Sutro Court, Incline Village, Nevada.

If you have any questions, please feel free to contact me.

Yours Truly,

Dick Penniman

Mountain Environments • Skiing Safety • Avalanche Mitigation

EXHIBIT "A"
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Elks Point Water Tank Replacement

Application Type: Public Service, Special Use Determination

Applicant: Elks Point Country Club, Inc.

Applicant's Representative: Gene E. Thorne, P.E.

Agency Planner: Paul Pettersen, Senior Planner

Location: Elks Avenue, Elks Point Subdivision, Douglas County

Assessor's Parcel Number - File Number: APN 05-242-61 - 960475

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

Project Description: The Elks Point Country Club proposes to construct a 124,440 gallon steel water storage tank together with associated site work, grading, landscaping, water quality improvements, and additional piping to connect the tank to the distribution system. The proposed tank will be constructed at the same location of the two existing water tanks utilizing the previously disturbed area to the maximum extent practical. Site options for the new water tank are limited by the requirement that the proposed tank elevation be the same as that of the existing water tank to allow for proper hydraulic distribution to the surrounding service area. Access to the proposed water tank will be from Elks Avenue. The proposed water tank will have a diameter of 29 feet, 8 inches and will have a maximum height of 24 feet.

This project does not result in an increase in system capacity and is being implemented to provide system-wide equalization and emergency fire flow storage in accordance with current County standards. In addition, the existing water tanks at the project site are in very poor condition and are in need of rehabilitation or replacement.

Site Description: The proposed project is located within the existing Elks Point Subdivision at the current site of the two existing deteriorating water tanks. The replacement water tank will be constructed within the same proximity and footprint of the two existing water tanks to minimize site disturbance. The proposed site currently has one existing wooden tank (14 foot diameter, and approximately 27 feet tall on stilts) and one existing steel tank (10 foot diameter, and approximately 25 feet tall). The proposed water tank will utilize the majority of the existing disturbed area. After completion of the new water storage tank, the existing storage tanks will be removed.
Issues: The proposed project involves a special use and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. The IEC concludes that the project will not result in 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 069 (Elk Point). 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 special policies. The proposed activity (local public health and safety facilities) is listed as a special use.

C. Land Coverage:

1. Land Capability Districts:

The verified land capability districts for the 11,428 square foot project area are classes 1a, 1c, 2 and 4. The parcel area is approximately 2.9 acres.

2. Allowable Land Coverage (project area):

Class 1a, 1c, and 2: 6,513 s.f. x 1% = 65 square feet
Class 4: 4,915 s.f. x 20% = 983 square feet
Total = 1,048 square feet

3. Existing Land Coverage (project area):

Class 1a, 1c, and 2: = 0 square feet
Class 4: Tanks/Pump = 252 square feet
Total = 252 square feet

4. Proposed Land Coverage (project area):

Class 1a, 1c, and 2: = 0 square feet
Class 4: Tank/Pump = 973 square feet
Total = 973 square feet
D. **Structure Height:** The proposed height of the water storage tank structure is 24 feet. Based on a 0 percent slope and 0 roof pitch, the maximum allowable height pursuant to Chapter 22 of the TRPA Code is 24 feet. The proposed structure is consistent with the TRPA height ordinance.

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

1. **The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.**
   
   a. **Land Use:** The applicant will be required to apply Best Management Practices (BMPs) to the entire project area and to mitigate all new land coverage in accordance with Chapter 20 of the TRPA Code of Ordinances. The proposed use (local public health and safety facilities) is a special use in the plan area.

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

   c. **Conservation:** The proposed project is not located within a Scenic Unit. There are no known special interest species, sensitive or uncommon plants, or historic or cultural resources within the project area.

   d. **Recreation:** The project does not involve any recreation facilities or uses.

   e. **Public Services and Facilities:** The proposed project is needed to comply with the County standards and to provide adequate fire flow storage requirements. No additions to other public services or facilities will be required.

   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.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 water tank and associated improvements will serve the surrounding neighborhood. The proposed project will be a replacement addition to the existing water system which provides water service to the surrounding area. The proposed water tank is located on the same parcel and project area as the two existing water tanks which provide water service to the surrounding area.

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

The proposed project will provide the necessary fire protection storage requirements for the service area which currently does not meet minimum equalization and emergency storage requirements in accordance with the County standards. The applicant will be required to provide temporary Best Management Practices (BMPs) during construction and permanent BMPs and landscaping are to be installed by completion of construction.

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 statement, community plan and specific or master plan, as the case may be.
The proposed project is consistent with the provisions of Plan Area Statement 069 (Elk Point). The proposed project will be an addition to an existing local public health and safety facility water zone. The proposed replacement water tank is located on the same parcel and project area as the two existing water tanks which will be removed. The proposed water tank is of similar size and scale of other water tanks servicing similar size neighborhoods in Douglas County. The proposed project is not within an approved community, specific, or master plan area.

F. **Required Actions:** Agency staff recommends that the Governing Board make the following motions based on this staff summary and the evidence contained in the record:

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

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

A. The Standard Conditions of Approval listed in Attachment Q, where applicable.

B. Prior to permit acknowledgement, the following special conditions of approval must be satisfied.

1. The site plan shall be revised to include:

   (a) Mechanical stabilization of the cut/fill slope in accordance with the TRPA Handbook of Best Management Practices (BMPs). Stable drainage conveyance structures to accommodate backwash and tank overflow.

   (b) Infiltration devices installed to accommodate the runoff generated for all impervious surfaces sized for the 20 year - 1 hour storm.

2. The security required under Standard Condition 2 of Attachment Q shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.
3. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs and fences:

(a) **Color:** The proposed water tank and pump building trim and roof structure shall be equivalent to Pantone color number 342U, Dark Green with matte finish.

(b) **Roofs:** Roofs shall be composed of nonglare earthen or woodtone materials that minimize reflectivity. Matte finish, Dark Green, to match tank.

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

4. A water quality mitigation fee shall be paid to TRPA at the rate of $1.25 per square foot for any additional land coverage being created as a result of the project.

5. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installations.

6. The permittee shall submit a staging plan for the proposed project. At a minimum, the staging plan shall include a site plan depicting the location of all equipment and soil storage, temporary BMPs, a restoration plan, and designated parking areas for workers. Excavated material not needed for backfill shall be removed immediately from the site to a location approved by TRPA. The discharge of petroleum products, construction waste and litter, 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.

7. Prior to permit acknowledgement, the permittee shall provide a landscape a 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. Said landscape plan shall be designed to screen the improvements when viewed from the surrounding adjacent property owners.
8. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance.

9. 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.

10. 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.

11. If evidence of historical or prehistorical resources are discovered during construction, work shall stop immediately and a resource protection plan in accordance with Chapter 29 of the TRPA Code of Ordinances shall be developed and implemented prior to any recommencement of work. The permittee shall submit a photo inventory and narrative discussion of the existing wood water tank. Said narrative shall include, at minimum; estimated year of construction, type of materials used, size, and any other pertinent information regarding the construction of the tank.

12. By acceptance of this permit, the permittee acknowledges that the TRPA Code of Ordinances requires this property, located within a Priority 3 watershed group, install and maintain all Best Management Practices prior to October 15, 1999.

13. The permittee agrees to indemnify, defend, and hold harmless, TRPA, its agents, and employees from and against any and all loss, damage, injury, liability, and claims thereof, for actions arising directly, or indirectly, from issuance or implementation, of this permit.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Shipman Residential Garage Addition

Application Type: Residential, Single Family-Dwelling Addition, Special Use Determination

Applicant: Kevin Shipman

Applicant's Representative: Philip Gilanfarr

Agency Planner: Betsy Wilson, Assistant Planner

Location: 422 Gonorabie Road, Crystal Bay, Washoe County, Nevada

Assessor's Parcel Number/Project Number: 123-145-13/960250

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

Project Description: The applicant proposes to construct an attached one-car garage which will provide one additional on-site parking space. Currently, there is a one-car garage and a portion of an on-site parking pad, insufficient to provide two on-site parking spaces. Land coverage created by the garage in Land Capability District 1a will be mitigated by restoration in Land Capability District 1a. The amount of restoration required will be 1.5 times the amount of new land coverage created by the project. The parcel is located in Plan Area 34 (Crystal Bay); the area is identified as a potential avalanche zone. The applicant has submitted a letter to TRPA, prepared by a qualified avalanche specialist, Dick Penniman, which concludes that, "avalanches large enough to run into or beyond the study parcel are not reasonably foreseeable." The letter is attached as Exhibit A. As a condition of approval, TRPA is requiring that the applicant record a deed restriction holding TRPA harmless and indemnifying TRPA in the event of avalanche damage to the property.

Site Description: The parcel is situated in a residential neighborhood which is visible from Scenic Shoreline Unit #23 (Crystal Bay). The parcel is located on the lower portion of Gonorabie Road; parking and access are from Gonorabie Road. Existing development consists of a two-story single-family dwelling, an attached one-car garage, and an existing parking area which is partially on site and partially in the right-of-way of Gonorabie Road. The property has an average slope of 28 percent and falls within Land Capability District 1a.
Issues: The proposed project involves an expansion of a single-family dwelling in Plan Area 34 (Crystal Bay). Plan Area 34 identifies single-family dwellings as a special use. Therefore, this project requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Potential Avalanche Zone: The project is located in an area identified as a potential avalanche zone. A report prepared by Dick Penniman, a qualified avalanche specialist, concludes that this property is not threatened by snow avalanches.

2. Scenic Impacts: The project is visible from Scenic Shoreline Unit #23 (Crystal Bay). This scenic travel unit is in attainment with TRPA scenic thresholds, however, ratings for the unit decreased when last reviewed in 1991. This project is not expected to contribute to a decline in scenic quality. The project, as conditioned, will include dark colors and materials which blend into the natural background. Additionally, all existing trees located west of the existing residence and the proposed garage addition shall be preserved to provide screening of the structures from the waters of Lake Tahoe.

3. Restoration of Land Coverage: The proposed project is in a low land capability district (Class 1a), and the existing site is non-conforming to TRPA land coverage standards. Chapter 20 of the TRPA Code of Ordinances allows for the creation of new coverage in Land Capability District 1a for the purposes of promoting public safety, provided the new coverage is offset by restoration of land in Land Capability District 1a at a ratio of 1.5 to 1. The existing parking provided for the single-family dwelling does not meet minimum TRPA parking standards (two on-site parking spaces). Local authorities have identified Gonnawabe Road as a high hazard for snow removal operations. Along these lines, Washoe County has issued a letter requesting a transfer of land coverage to this parcel under the Facilities for Public Safety and Access; the County is anxious to remove vehicles parking along the roadway to facilitate snow removal. The letter from Washoe County is attached as Exhibit B. The proposed project requires the restoration of 452 square feet (1.5 times the 301 square feet of land coverage created by the project) in Land Capability District 1a. The proposed creation of 301 square feet of coverage in Land Capability District 1a is the minimum necessary to provide access as required by local ordinances.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) and an avalanche report to assess the...
potential environmental impacts of the project. No significant
environmental impacts were identified, and staff have 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 34
(Crystal Bay). The Land Use Classification is Residential and the
Management Strategy is Mitigation. Agency staff have reviewed the
subject Plan Area and have determined that the project is consistent
with the applicable planning statement, planning considerations and
special policies. The proposed activity (single-family dwelling) is
listed as a special use.

C. Land Coverage:

1. Land Capability District:

   The land capability district of the project area is Class 1a. The
total project area is 8,800 square feet.

2. Existing Coverage:

   Total: 1,811 square feet

3. Proposed Coverage:

   Total: 2,112 square feet

4. Allowed Coverage:

   Class 1a: 88 square feet

5. Coverage Mitigation:

   Based on the above coverage figures, the existing project area
contains 1,723 square feet of excess land coverage. To mitigate
excess land coverage, the applicant shall be required to pay a
mitigation fee or reduce existing land coverage off-site. The 301
square feet of coverage being created by the garage addition will
be offset by the restoration of 452 square feet of land in Land
Capability District 1a and, therefore, is not subject to excess
coverage mitigation fee.

D. Building Height: Based on a 28 percent slope across the building site
and a 5:12 roof pitch, the maximum allowed height for the proposed
building is 37 feet 2 inches. The proposed building height is 32 feet
8 inches.
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 have 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 single-family addition is a special use in the Plan Area Statement. Surrounding properties are residential in nature.

   (b) **Transportation:** This project will generate no additional daily vehicle trip ends (dvte) and, thus, will have no impact on the Transportation Element of the Regional Plan.

   (c) **Conservation:** The project is visible from Scenic Shoreline Unit #23, which is in attainment with TRPA scenic thresholds. The proposed project, as conditioned, is not expected to have a negative impact on the visual rating of this scenic unit. There are no known cultural resources, special interest species, or sensitive or uncommon plants that would be affected within the project area. The project will require a restoration of 452 square feet in Land Capability District 1a to offset the 301 square feet of coverage created by the garage. The applicant will be required to apply temporary and permanent Best Management Practices (BMPs) to the entire 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 existing public services or 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.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 addition of a one-car garage to the property will not increase density and is not considered an intensification of use.

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

The applicant will be required to apply temporary and permanent water quality improvements to the entire project area. This project, by providing an additional on-site parking space, is expected to help reduce the identified hazards to Washoe County snow removal operations on Gonowabie Road.

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 garage will be an accessory use to the primary use of the single-family dwelling. Such an accessory use is consistent with the area and surrounding properties. The project is not located within a community, specific, or master plan.

7. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.
The proposed garage addition will not extend above the forest canopy or a ridgeline when viewed from the waters of Lake Tahoe or from State Highway 28.

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

The surrounding structures are similar in height to the proposed garage addition.

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 maximum height of the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof.

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

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

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

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

(1) The Standard Conditions of Approval listed in Attachment R.

(2) Prior to permit acknowledgement the following special conditions of approval must be satisfied:

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

(i) Revegetation of the area located east of the existing garage.

(ii) All trees greater than 6 inches in diameter at breast height (dbh).

(iii) A note stating: "The backshore boundary has not been delineated as a part of this project nor does this project involve any work in the backshore."
(b) The security required under Standard Condition A.3 of Attachment R shall be $1,500. Please see Attachment J, Security Procedures.

(c) The permittee shall submit an off-site coverage mitigation fee of $70 for the creation of 14 square feet of land coverage in the public right-of-way.

(d) The permittee shall mitigate 1,723 square feet of excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 9 (see attached map).

The excess coverage mitigation fee shall be calculated as follows:

(1) Estimated Project Construction Cost x 0.0075

Please provide a construction cost estimate by your contractor, architect or engineer. In no case shall the mitigation fee be less than $100.00.

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

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

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

(e) The permittee shall restore 452 square feet of land in Land Capability District 1a to offset the proposed 301 square feet of coverage to be created in Land Capability District 1a by the garage addition. (Note: All restoration must be in compliance with Subsections 20.4.A(e) and 20.4.C of the TRPA Code of Ordinances.) In addition, a restoration plan shall be submitted to TRPA for review and approval.

(f) The color and materials of the proposed addition shall match the color and materials of the existing residence.

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

09/11/96
(i) **Color:** The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthen tone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues.

(ii) **Roofs:** Roofs shall be composed of nonglare earthen tone or woodtone materials that minimize reflectivity.

(h) **All existing trees located west of the existing residence and the proposed addition shall preserved, regardless of dbh. These trees may not be removed or trimmed for the purposes of view enhancement. If any tree is removed for any reason, each removed tree shall be replaced with a minimum of three trees, at least 6 feet high and 1-1/2 inch dbh.**

(i) **The permittee shall record a TRPA-approved deed restriction which holds TRPA harmless and indemnifies TRPA in the event of an avalanche destroying property on this parcel.**

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

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

IV. The permittee shall not excavate to a depth greater than five feet below natural grade measured to the bottom of the footing or foundation. Any modification of this structure shall conform to TRPA's height standards.

V. By acceptance of this permit, the permittee acknowledges that the TRPA Code of Ordinances requires that this property, located within a Priority 1 watershed group, install and maintain all Best Management Practices immediately since installation was required by October 15, 1995 under the BMP Retrofit Program.
September 6, 1996

Mr. Kevin Shipman
Ski Lake Development
9534 Lakeshore Boulevard
Incline Village, Nevada 89451

Dear Mr. Shipman,

After a thorough on-site inspection of the terrain and vegetation above APN 123-145-13, and an examination of the U.S. Geological Survey topographic maps for the area (Kunge Beach Quadrangle, 7.5 Minute Series, photorevised 1969 and Marlette Lake Quadrangle, 7.5 Minute Series, photorevised 1982), I have concluded that this property is not threatened by snow avalanches. Gradients on some slopes west of the study parcel suggest the potential for avalanche activity, but I could find no evidence from damage to vegetation or any historical evidence to suggest that avalanches have, indeed, impacted the study parcel. The configuration of the terrain strongly suggests that avalanches that might occur above the study parcel would stop well before reaching it or run to the north of the parcel. Based on my observations, it is my conclusion that avalanches large enough to run into or beyond the study parcel are not reasonably foreseeable.

If you have any questions, please feel free to contact me.

Yours truly,

Dick Penniman

Mountain Environments • Skiiing Safety • Avalanche Mitigation
September 6, 1998

Rick Angelocci, Chief
Project Review Division
P. O. Box 1036
Zephyr Cove, NV 89448

RE: Washoe County Request
Transfer of Coverage for Public Safety
for APN 123-145-13

Dear Mr. Angelocci:

Washoe County requests a transfer of land coverage of 301 square feet under the Facilities for Public Safety and Access on behalf of Kevin Shipman.

The property is located at 422 Gonzowabie. Currently, a one car substandard garage and a slice of a onsite parking pad of ±60 square feet, insufficient to provide a second off-street parking space exists. Washoe County has approved a variance to reduce the required front yard setback to 0" to construct a second garage. As a result of this variance, 301 square feet of coverage are required to construct the additional garage and a short driveway.

The county is anxious to remove as many vehicles from parking along the roadway as possible to facilitate our snow removal program.

Thank you for considering this request. If you need any additional information, please contact me at 328-3802.

Sincerely,

Sharon Kvas, AICP
Planner

Attachment: Site Plan

sk(tahoe/coverage)

xc: Betsy Wilson, TRPA, FAX 588-4527, Philip Gilanfarr, AIA, P. O. Box 8827, Incline Village, NV 89450
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Martini/Horgan - Pier Expansion and Multiple-Use Determination

Application Type: Shorezone/Multiple-Use Determination

Applicants: Robert E. Martini and Edward J. Horgan

Applicant's Representative: Kevin M. Agan

Location: 1655 and 1665 Pine Cone Circle, Incline Village, Nevada

Assessor's Parcel Numbers: 130-241-39 and 40, Washoe County

Agency Staff: Lyn Barnett, Senior Planner

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: This project involves reconstruction and expansion of an existing 135 foot long pier. The project includes: raising the pier deck to elevation 6,223 feet; increasing pier width from 7 feet to 10 feet; construction of one new 45 foot long, 3 foot wide catwalk; and installation of two new boat lifts. The reconstructed pier will be the same length as the existing pier (both extend to the TRPA pier headline). The applicants propose to use double piling construction for the pier with fender piles for outside support of the catwalk. The project area consists of two adjacent littoral parcels. Both parcels are under different ownership and the project requires a multiple-use determination to allow for the second boat lift.

Site Description: The project area is located off Pine Cone Circle in Incline Village in a mapped fish Feeding and/or Escape Cover Habitat. The area is also targeted for fish habitat restoration. The area of foreshore and nearshore is primarily composed of a sandy substrate with medium to large boulders dispersed throughout the area. Staff has inspected the site and determined that the pier modification project will not degrade fish habitat.

Issues: The proposed project involves a multiple-use determination and the expansion of a non-conforming pier (based on fish habitat), and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

/LB
9/12/96
1. **Fish Habitat:**

The project is located within an area that is mapped as Feeding and/or Escape Cover Habitat. TRPA staff has inspected the site and determined that the pier modification project will not degrade fish habitat because activities associated with the pier degrade fish habitat because activities associated with the pier will not increase significantly.

2. **Scenic Quality:**

The proposed project is visible from Shoreline Unit 23 (Crystal Bay) which is not in attainment with TRPA scenic thresholds. Staff has determined that this pier expansion would only have a marginal impact on scenic quality if no scenic mitigation measures are incorporated into the project. To mitigate these impacts and improve scenic quality in the affected area, the applicant shall be required to perform the following scenic mitigation measures:

* Plant vegetation between the Horgan residence and Lake Tahoe to provide screening of this structure.

* Paint, or use dark colors for the pier and pier accessory structures (including all metal components).

* Plant vegetation between the Martini residence and Lake Tahoe, or darken the Martini residence roof.

3. **Multiple-Use Determination:** The proposed second boat lift may be approved only if the shoreside facility is recognized as a multiple-use facility. Only multiple-use facilities are allowed to deviate from the standard of one boat lift. Chapter 54 of the TRPA Code provides that the extent of deviation shall be dependant upon 1) reduction in development potential, and 2) the number of people utilizing the facility or the extent to which the facility is available for general public use.

The pier will not be open for public use, however, as a condition of approval, the affected properties will be deed restricted from having a second pier, thus requiring both properties to share the one pier. Staff has determined that the project, as conditioned, warrants the additional boat lift.
Staff Analysis:

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

B. **Plan Area Statement:** The project is located within Plan Area 049, Mill Creek. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. Piers are an allowed accessory use in the applicable Shorezone Tolerance District (Shorezone Tolerance District 3).

C. **Land Coverage (Combined Total for Both Affected Parcels):**

1. **Land Capability Districts:**

   The land capability districts for the project area are class 6, 4, 2, and 1b (backshore). The project area (combined parcels) is approximately 46,527 square feet above high water.

2. **Allowable Land Coverage:**

   - Class 2 and Backshore: 41 square feet
   - Class 4: 7,083 square feet
   - Class 6: 2,695 square feet
   - Total: 9,819 square feet

3. **Existing Land Coverage:**

   - Class 2 and Backshore: 782 square feet
   - Class 4: 13,717 square feet
   - Class 6: 668 square feet
   - Total: 15,167 square feet

4. **Excess Land Coverage:**

   - Class 2 and Backshore: 741 square feet
   - Class 4: 6,634 square feet
   - Class 6: 0 square feet
   - Total: 7,375 square feet
5. **Proposed Land Coverage:** 15,167 square feet (no changes proposed)

6. **Proposed Land Coverage Mitigation:**

The applicants shall be required to mitigate existing excess land coverage within the project area by either paying an excess coverage mitigation fee or reducing land coverage in accordance with Chapter 20 of the TRPA Code.

D. **Recognition of Multiple-Use Facilities:** By approving the project, the TRPA Governing Board shall be recognizing the pier as multiple-use. As a condition of approval, the affected properties will be deeded restricted from having a second pier.

E. **Shorezone Tolerance District:** The subject parcel is located within Shorezone Tolerance District 3. The project, as conditioned, complies with the shorezone tolerance district standards.

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

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

   (a) **Land Use:** The present uses of the subject parcels (single family dwellings) are allowed uses within the applicable plan area. The proposed project involves the expansion of an allowed accessory use and is consistent with the applicable Shorezone Tolerance District. The project is consistent with the Land Use Element of the Regional Plan.

   (b) **Transportation:** The pier will be used by two existing private residences, and as such, will not result in an increase in vehicle miles traveled (VMTs) or daily vehicle trip ends (DVTEs).

   (c) **Conservation:** The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The proposed project includes scenic quality improvements that are
consistent with TRPA design standards and guidelines. The project is consistent with the applicable shorezone tolerance district. Fisheries are discussed further in finding 4, below. The applicants shall be required to install water quality improvements on both affected properties.

(d) **Recreation:** The proposed pier extension will not extend past the TRPA pier headline and as such, will not significantly impact recreational access to Lake Tahoe.

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

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

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

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

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

(Refer to paragraph 2, above.)

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

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

The project involves modification of an existing pier, including construction of a new catwalk and boat lifts. The proposed pier will be used by two property owners only. The adjacent residences have sufficient parking and shorezone access to accommodate the project.

6. **The project is compatible with existing shorezone and lake zone 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. Also, the proposed pier will not extend past the TRPA pier headline or further lakeward than adjacent piers in the vicinity.

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

The pier is located in the foreshore and 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 spray painting and the use of tributyltin (TBT).

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. The construction of the pier will be via a barge or rubber tire vehicle. Permanent disturbance to ground and vegetation is prohibited.

10. **The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake’s navigable waters.**
The pier will not extend past the TRPA pier headline or further lakeward than other adjacent piers in the vicinity, and as such will not adversely impact navigation or create a threat to public safety. The project must also be reviewed by the U.S. Army Corps of Engineers which typically makes its own public safety findings in addition to TRPA's.

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

This project must receive approval from the Nevada Division of State Lands and the U.S. Army Corps of Engineers. Comments from these agencies, as well as the Nevada Division of Wildlife, were solicited as part of the review of this project. No adverse comments were received from any of the above agencies.

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

The proposed pier expansion will not result in a degradation of any of the environmental thresholds. The project includes scenic quality improvements that will improve scenic quality of the upland portion of the project area as viewed from Lake Tahoe.

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

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

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

Consistent with Code Section 53.10, the color of the new pier will be compatible with the surroundings. Conditions of approval will ensure that earthtone colors are used on the new pier and the specific colors must be reviewed and approved by TRPA prior to acknowledgment of the permit.

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

The pier has been continually serviceable.
16. **The additional height for the pier deck (to elevation 6,223 feet) is necessary for safety reasons or local wave characteristics that represent a real threat to the integrity of the structure.**

The applicant has submitted wave calculations that predict wave action that could damage a lower level pier deck.

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. This permit is for a pier expansion, including construction of a new catwalk, two boat lifts, and a new pier deck at elevation 6,223 feet. The length of the pier shall not extend beyond the TRPA pier head line. All pier components shall comply with the design requirements of Chapter 54, and other applicable chapters, of the TRPA Code.

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

1. The security required under Standard Condition A.3 of Attachment S shall be equal to 110 percent of the cost for all painting, landscaping to screen adjacent residences, and all required Best Management Practices (BMPs).

2. The permittees shall mitigate excess land coverage in the project area by submitting an excess land coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 1, Incline (see attached map).

**The excess coverage mitigation fee shall be calculated as follows:**
(1) Estimated Project Construction Cost (structural only) x 0.020

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

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

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

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

3. The permittees shall submit a shorezone mitigation fee of $500 for the construction of new boat lifts on the pier.

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

5. The permittee shall submit final designs for the proposed boat lifts for TRPA review and approval. These boat lifts shall not extend more than 4 feet above the pier deck.

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

7. The permittees shall record a deed restriction or other covenant running with the land permanently limiting pier development potential to one pier within the project area, and providing permanent access to the subject pier from APNs 130-241-39 and 130-241-40.
8. The final colors and materials used for construction of the pier, catwalks, and boat lifts shall be approved by TRPA prior to construction. Please submit color samples to TRPA for review and approval.

9. The permittee shall submit a final scenic mitigation plan to TRPA for review and approval. This plan shall incorporate additional vegetation screening of the Martini residence as viewed from Lake Tahoe, or darkening of the Martini residence roof.

10. The permittees shall submit a Best Management Practices (BMP) plan to TRPA for review and approval. This plan shall include: paving of all unpaved driveways, infiltration of all stormwater runoff in accordance with the requirements of Attachment S (including but not limited to construction of new infiltration trenches for the Horgan house), stabilization of the eroding area adjacent to the pier, and construction of vehicle barriers at the edge of the driveway on the east side of the Horgan house.

11. The permittees shall revise the site plan to eliminate the small section of driveway that passes through the center landscape area circle nearest to the Organs house. TRPA was unable to verify this area as having land coverage. Please adjust the land coverage calculation accordingly.

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

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

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

G. 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.
H. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to ensure that wood preservatives are not introduced into Lake Tahoe.

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

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

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

L. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of pier construction and from being transported to adjacent lake water. If determined by the TRPA Compliance Officer to be necessary, the applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.

M. No trees or other plants shall be removed to provide foot or vehicular access to the pier during or after the project construction.
NOTES

1) THE PROJECT INVOLVES THE MODIFICATION OF THE EXISTING MULTIPLE-USE PIERHEAD. THIS MODIFICATION INVOLVES RAISING THE PIER DECK, THE INSTALLATION OF A CATWALK, AND THE INSTALLATION OF TWO BOATLIFTS.
Memorandum

September 13, 1996

To: TRPA Governing Board
From: Agency Staff
Subject: Consent Calendar Item Number 6, Lakeview Office Center

The applicant is in the process of revising the project description and submitting plan revisions, therefore, Consent Calendar Item Number 6 (Lakeview Office Center) has been continued to a future date.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Verderame, Upper Truckee Campground

Application Type: Recreation, New Developed Campground

Applicant: Jack Verderame

Applicant's Representative: Paul Kaleta, Basin Strategies

Agency Planner: Jim Lawrence, Associate Planner

Location: 2101 U.S. Highway 50, El Dorado County

Assessor's Parcel Number: 33-110-03

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

Project Description: The applicant is proposing to construct a new developed campground consisting of 126 campsites. The campsites will be as follows: 33 spaces will be reserved for tent trailers and tents; 58 spaces will be reserved for recreational vehicles (RVs) and tents and will be provided with water, sewer and electrical hook-ups; and 35 spaces will used for "walk-in" tent space. In addition to the campsites, the proposed campground will consist of an entrance building with pool and spa, restrooms and dump station.

Site Description: The proposed project is located adjacent and east of U.S. Highway 50. Adjacent land uses include: Lake Tahoe Airport to the east and north, Sunset Corrals to the south, and mixed light industrial uses across the highway to the west.

The subject parcel is relatively flat with a slight grade dropping below the highway. The size of the subject parcel is nearly 16 acres (695,600 square feet), with 454,813 square feet verified as land capability district 6 and 240,787 square feet verified as land capability district 1b-stream environment zone (sez). Vegetation on the parcel consists primarily of lodgepole pine, sagebrush, mountain alder and willow.

/JL
9/12/96

CONSENT CALENDAR ITEM NO. 7
Issues: The proposed project involves the creation of over 3,000 square feet of land coverage for a recreation project and the allocation PAOTs (people at one time) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, or the TRPA Code. The primary project related issues are:

1. Scenic Quality: The proposed project will be visible from Scenic Roadway Travel Unit 36, which has a travel route rating of 14 and is not in attainment with TRPA scenic thresholds. Reasons for the non-attainment rating include: views of storage yards and industrial equipment, large barren dirt areas in the right of way, and additions of outdoor storage display and signs that are poorly sited and appear cluttered. The proposed project is sited so that the nearest building is setback 135 feet from Highway 50 and the campsites are setback 190 to 250 feet from Highway 50. In addition, a landscaping plan is required to insure that the campground will be screened from the Highway. Also, all signs will require review by TRPA and a sign plan will be required to insure that signage is properly sited. The proposed project is consistent with the scenic recommendations outlined in TRPA's Scenic Quality Improvement Program (SQIP).

2. Traffic/Air Quality: The applicant has submitted a traffic analysis concluding that the proposed project could result in an increase of 667 daily vehicle trip ends and 1,734 vehicle miles traveled. The increase of 667 daily vehicle trip ends is considered a significant increase in the TRPA Code. To mitigate the additional vehicle trips, the applicant will assessed an air quality mitigation fee at the rate of $200 per vehicle trip. The project has also been reviewed by the California Department of Transportation. They have requested that a left turn lane be constructed to mitigate any local traffic impacts on the highway. Conditions of approval will insure that the left turn lane is constructed and that proper encroachment permits are obtained from the California Department of Transportation.

3. PAOT Allocation: The proposed project will require the allocation of 504 Overnight PAOTs (Persons At One Time). The project site is located within Plan Area 119 which is not allocated overnight PAOTs, therefore the PAOTs must come from the pool of 1,000 as specified in Subsection 33.6.B of the TRPA Code of Ordinances.

To be eligible for PAOTs from this pool the Code specifies that the project must: 1) retain, or be restored to, a near natural state; 2) include outdoor living amenities such as tables and fire pits; and 3) offer access to outdoor recreational opportunities such as hiking trails, public beaches, and fishing. The project does include outdoor living amenities at each campsite and the campground has been designed to preserve much of the existing vegetation and
minimize grading. One of the planning considerations in the plan area states that the area offers perhaps the best quality stream fishing in the entire basin, however, there is no direct access to the river due to the airport and adjacent development. Other outdoor recreational opportunities in the vicinity include horseback riding and the Lake Tahoe Golf Course.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC), Environmental Assessment (EA) and a traffic analysis 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 EA will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 119, Country Club Meadow. The Land Use Classification is Recreation and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed use (developed campgrounds) is listed as an allowed use.

C. Land Coverage:

1. Land Capability District:

The subject parcel consists of land capability districts class 1b (SEZ) and class 6. The total project area is approximately 18 acres (695,600 square feet).

2. Existing Coverage:

There is no existing coverage.

3. Proposed Coverage:

Land Capability Class 6: 119,544 square feet
Land Capability Class 1b: 2,408 square feet*

Total Proposed Coverage: 121,952 square feet

*New land coverage in the (SEZ) is proposed for access.
4. Allowable Coverage:

Land Capability Class 6: 136,443 square feet
Land Capability Class 1b: 2,408 square feet
Total Allowable Coverage: 138,851 square feet

5. Coverage Mitigation:

Pursuant to Chapter 82 of the TRPA Code of Ordinances, the applicant will be required to submit a water quality mitigation fee to mitigate land coverage created for the project. In addition, the applicant will be required to restore 3,612 square feet of disturbed SEZ to mitigate the creation of 2,408 square feet of land coverage in the SEZ. New land coverage in an SEZ may be permitted for public outdoor recreation projects pursuant to Chapter 20 of the TRPA Code of Ordinances.

D. Building Height: Based on a 2 percent cross-slope retained across the building site, and a 6:12 roof pitch, the maximum allowable height for any buildings is 31 feet, 8 inches. The proposed height of the entrance building 23 feet 6 inches. The proposed height for the restrooms is 16 feet 6 inches.

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

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

(a) Land Use: The proposed project will be adjacent to the Lake Tahoe Airport and Sunset Corrals (horseback riding), which will not be affected by the project. The proposed use (developed campgrounds) is listed as an allowed use in the plan area.

(b) Transportation: The proposed project will generate 667 daily vehicle trip ends which is identified as a significant impact. The applicant has submitted a traffic analysis which has been reviewed by TRPA and the California Department of Transportation. The applicant will be required to construct a left-hand turn lane on Highway 50 to mitigate any localized traffic impacts. In addition, the applicant will be required to submit an air quality mitigation fee to mitigate the additional daily vehicle trip ends.
(c) **Conservation:** The campground will be visible from Scenic Roadway Travel Unit 36. The campground has been designed so that the nearest building will be setback 135 from Highway 50 and that the campsites are approximately 200 feet from Highway 50. Landscaping will be installed to enhance screening of the campground when viewed from Highway 50. As part of the Environmental Assessment the project area was surveyed for special interest species, sensitive/uncommon plants and cultural resources. None were identified.

(d) **Recreation:** The Recreation Element of the Regional Plan states that new campgrounds should be sited in areas where the least environmental impact can be expected and where the necessary roads and services are easily accessible. Except for an access bridge located in an SEZ, the project has been designed so that the campground is situated entirely on high capability land. In addition, the campground is in close proximity to Highway 50 which provides access to services in Meyers and the City of South Lake Tahoe. Consistent with the Recreation Element, the project will require the allocation of 504 overnight PAOTs.

(e) **Public Service and Facilities:** Conditions of approval will insure that the project will have adequate sewer and water service.

(f) **Implementation:** The project will require the allocation of 504 overnight PAOTs. The project is included on the Five Year List of Additional Recreation Facilities.

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 is a necessary part of a public agency’s long range plans for public outdoor recreation.

The TRPA Goals and Policies states that "Surveys of areawide recreation demand and existing use demonstrate the need for more campgrounds, boat launching facilities and beach areas. Based on criteria of the California Department of State Parks and Recreation and Forest Service, the use of the existing facilities warrants expansion of facilities to prevent deterioration of the quality of experience and to prevent resource damage". This campground will help meet the demand of additional campground facilities.

5. The project is consistent with the Recreation Element of the Regional Plan.

(Refer to paragraph 4, above.)

6. The project by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities.

The project area consists of two land capability districts: land capability district 6 and land capability district 1b (seq). The land capability district 6 area is bisected by the seq. The purpose of the additional coverage is to construct a bridge connecting the two land capability district 6 areas.

7. There is no feasible alternative which would avoid or reduce the extent of encroachment in the stream environment zone.

The bridge has been sited to create the minimum amount of disturbance necessary for construction.

8. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

The project will result in 2,408 square feet of land coverage in a stream environment zone. Consistent with Subparagraph 20.4.A(2)(e) of the TRPA Code of Ordinances the applicant will be required to restore 3,612 square feet of disturbance in a stream environment zone off-site.

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:

/SL 62
9/12/96

CONSENT CALENDAR ITEM NO. 7
I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

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

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

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

1. The site plan shall be revised to delete footpaths in the stream environment zone and reduce the size of the bridge to create no more than 2,408 square feet of land coverage. All land coverage figures shall be revised accordingly.

2. The site plan shall be revised to include parking barriers to restrict parking to approved parking surfaces only. The two parking areas shall include sand separators as part of the BMP plan.

3. The permittee shall submit an exterior lighting plan. All lighting shall be in conformance with Chapter 30 of the TRPA Code of Ordinances and the TRPA Design Review Guidelines.

4. The permittee shall provide a landscape plan and fertilizer management plan in accordance with the standards required in Chapters 30 and 81 of the TRPA Code of Ordinances for review and approval.

5. The permittee shall submit a signage plan for the project area. All signs must conform to Chapter 26 of the TRPA Code of Ordinances. A separate application will be required if additional signs are requested other than those identified in the project description.

6. The permittee shall provide evidence that there is adequate water service and waste water treatment service to accommodate the project.

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

8. The permittee shall obtain from the California Department of Transportation a permit for construction of a left hand turn lane on Highway 50 and for any other work in the
right-of-way. The left hand turn lane must be constructed prior to commencement of operation. If the left turn lane creates additional land coverage in the right-of-way, the permittee shall either pay an offsite coverage mitigation fee assessed at $5.00 per square foot or reduce an equal amount of land coverage being created from any remaining allowable land coverage that may exist on the parcel.

(9) To mitigate the creation of 2,408 square feet of land coverage in a stream environment zone, the permittee shall submit a stream environment zone restoration plan for the restoration 3,612 square feet of disturbance in a stream environment zone. The restoration work must be completed prior to commencement of operation.

(10) The permittee shall submit color and material samples for all proposed buildings. The color and material samples must be approved by TRPA and be consistent with the standards and guidelines outlined in the TRPA Scenic Quality Improvement Program. The use of aluminum, steel, plastic and plywood siding is prohibited.

(11) The permittee shall submit plans, cost estimates and installation schedule for the installation of required water quality improvements (HMPs) for the entire project area, construction of the left turn lane, SEZ restoration, and installation of landscaping. The security required under Standard Condition I.2 of Attachment Q shall be equal to 110 percent of the costs, but shall not less than $15,000.

(12) A water quality mitigation fee of $35,862 shall be paid to TRPA.

(13) The permittee shall submit a $133,400 air quality mitigation fee to mitigate the increase of 667 daily vehicle trip ends.

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

C. The maximum length of stay for a campsite shall not exceed 14 consecutive days (except for manager’s unit).

D. The placement of a mobile home dwelling or other permanently installed trailer or recreational vehicle is prohibited.

E. Only campsites 1 through 58 as denoted on the site plan, shall be equipped with sewer and electrical hook-ups.
F. Satellite dish and antennae shall be sited so that they are not visible from Highway 50.

G. All utility lines shall be underground.

H. Excavation greater than 5 feet below natural grade is prohibited.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Church Pier

Application Type: Shorezone

Applicant: William Church

Applicant's Representative: Mike Dill/Aspen Environmental

Location: 843 Stateline Avenue, El Dorado County

Assessor's Parcel Number: 29-010-13

Agency Staff: Jim Lawrence, Associate Planner

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

Project Description: The applicant is proposing to construct a new 90 foot long by 6 foot wide pier. The proposed pier will have one low-level boat lift, and one adjustable catwalk that is 45 long by 3 feet wide. The proposed pier will be setback from the existing property line 20 feet and will extend to lake bottom elevation 6220'.

Site Description: The site is located in the Stateline area and is in an area that is mapped and verified as marginal fish habitat. The nearshore and foreshore consists primarily of a sandy substrate. The project area consists of one parcel (APN 29-010-13) which is occupied by one single family dwelling. Adjacent land uses are residential.

Issue: The proposed project involves the construction of a new pier and a special use determination, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
B. Plan Area Statement: The project is located within Plan Area 89, Lakeside Park. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the applicable plan area statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. Piers are listed as a special use in the applicable Shorezone Tolerance District (Shorezone Tolerance District 1).

C. Land Coverage:

1. Land Capability District:
   The land capability district of the project area is Class 1b. The total project area is 15,373 square feet.

2. Existing Coverage: 8,498 square feet
3. Proposed Coverage: 8,498 square feet
4. Allowed Coverage: 154 square feet
5. Excess Coverage: 8,344 square feet

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

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

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 50 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

   (a) Land Use: The present use (single family dwelling) of the subject parcel is an allowed use within the applicable plan area. Adjacent uses in the vicinity are residential, the majority of which have existing private piers. The proposed
pier will be a private pier used by the occupants of the residence. The project will not affect land uses in the vicinity of the project area and is consistent with the Land use Element of the Regional Plan.

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

(c) Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The project involves screening/modifications to the existing shoreline protective structure which will blend the structure more closely to adjacent shoreline conditions. The project is located in an area that is identified by the TRPA Shorezone Cumulative Impact Analysis (draft) as exceeding the critical density for piers. However, the Scenic Shoreline Unit (Shoreline Unit 31) is in attainment with TRPA scenic thresholds. TRPA staff has reviewed the proposed project and determined that the project, as conditioned, will not degrade the travel route rating for this unit and is consistent with existing TRPA scenic standards. The project is consistent with the shorezone tolerance district. Fisheries are discussed further in Finding 7, below.

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

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

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

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

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.
3. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

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

The project involves the construction of a new pier in a residential area in which the majority of properties have existing piers. The proposed pier will not extend beyond the TRPA pierhead line and is consistent with the size of other piers in the vicinity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSENT CALENDAR ITEM NO. 8

9/11/96
California Department of Fish and Game. Comments from the above agencies were solicited as part of the review of this project. No negative comments were received.

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

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

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

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

B. This permit is for the construction of a single-use pier (90 feet in length by 6 feet in width), one adjustable catwalk (45 feet long by 3 feet wide) and one low-level boatlift. The pier shall not extend beyond lake bottom elevation 6220', Lake Tahoe Datum. None of the pier pilings shall extend above the deck level.

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

1. The security required under Standard Condition A.3 of Attachment S shall be equal to 110 percent of the cost for installation of all scenic quality mitigation and required BMPs, but not less than $5,000. The permittee shall submit cost estimates for the scenic mitigation and BMPs. Please see Attachment J, Security Procedures.

2. The site plan shall be revised to include existing and proposed land coverage calculations for the project area. Proposed land coverage may not exceed existing land coverage.

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

The excess coverage mitigation fee shall be calculated as follows:

(1) Estimated Construction Cost x 0.0225

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

Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the

CONSENT CALENDAR ITEM NO. 8
amount of excess coverage to be removed use the following formula:

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

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

4. The permittee shall submit a shorezone mitigation fee of $3,200 for the construction of 90 feet of new pier and the installation of a new boatlift.

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

6. The permittee shall submit a landscaping/screening plan, prepared by a qualified Landscape Architect, for the screening of at least 80 percent of the existing shoreline protective structure (reduction in the height of the wall may be necessary). The landscaping plan must be approved by TRPA prior to acknowledgement of this permit.

7. The permittee shall submit a construction plan, narrative and methodology for the construction of the pier.

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

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

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

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

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

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

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

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

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

L. Casings shall be installed for the construction of the pier pilings.

M. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
September 13, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Goal #1, Housing Subelement of the Land Use Element of the Goals and Policies, and Chapter 2 of the Code of Ordinances relative to a "Regional median income" level

Proposed Action: To amend the Goals and Policies and the Code of Ordinances relative to a regional median income level. The amendments are summarized below and provided in detail in the adopting ordinance.

Staff Recommendation: Staff recommends that the Governing Board approve the proposed amendments. The Advisory Planning Commission voted 12 to 2 to recommend approval of these amendments to the Governing Board.

Background: In December 1995, TRPA hired a contract planner to produce an affordable housing needs assessment of the Tahoe Basin to be known as the "Fair Share" report. This report is to identify affordable housing needs and to attribute responsibility for those needs among the six jurisdictions based upon demographics and employment. In the process of producing this report, it became evident that the current definition of affordable housing, as it now stands in both the Code of Ordinances as well as the Goals and Policies, impedes the ability to conduct an objective assessment of affordable housing needs and relative "fair share." The Governing Board, at their August 28th meeting, continued this matter and requested further review by the Local Government Committee. Said Committee is scheduled to again consider this amendment on September 20, 1996, and staff will report on their action at the September Board meeting.

Discussion: The usage of the term, "... Region's median income" creates difficulty in producing a housing assessment that will be both accurate and objective due to the vast disparity between resident income levels and housing market prices within the Tahoe Basin. A "Regional median income" level would incorrectly identify more affordable housing needs than is actual or realistic. This is due to the high vacancy rates within the Basin that results in a "Regional median income" level being representative of only the lower end of the income distribution. Furthermore, the idea of a "Regional median income" is highly ambiguous in itself. Calculating this number requires detailed extrapolation of 1990 Census figures and remains debatable. The most convincing reason, however, for amending the median income requirements for affordable housing is that each jurisdiction, in order to receive funding for affordable housing projects must utilize their respective
Memorandum to Governing Board
Amendment of Goals and Policies and Code of Ordinances
Page 2

County's median income level in assessing their housing needs. This is the recognized figure by most agencies responsible for providing funds to affordable housing, not TRPA's "Regional median income." In recent years, with no published "Regional median income" available, affordable housing projects have utilized their county's median income. If a "Regional median income" were now implemented, it may render some of these past projects to no longer be considered "affordable housing" as the rents for these units may be too high given the lower figure of a "Regional median income" level. It is necessary that TRPA's requirements of the jurisdictions, relative to affordable housing remain consistent with those parameters already set forth by other State and Federal agencies. In this way, TRPA's efforts such as the "Fair Share" report will serve a more productive function in assisting the jurisdictions towards assessing their housing needs and it will facilitate the process of making affordable housing a reality in the Basin. Finding in favor of these proposed amendments will serve to remove a potential barrier to future affordable housing projects.

This proposal is based upon a recommendation from the Housing Advisory Group that is reporting to the Local Government Committee on issues relative to continued affordable housing efforts in the Basin.

It is then proposed that the wording in both the Goals and Policies and the Code of Ordinances be changed as follows:

The proposed action would affect the Goals and Policies such that Goal #1, Housing Subelement of the Land Use Element would change to:

"Special incentives, such as bonus development units will be given to promote affordable or government-assisted housing for lower income households (80 percent of Region's respective county's median income) and for very low income households (50 percent of the Region's respective county's median income)." Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development.

A result of amending Goal #1 is the need to also amend Chapter two of the Code of Ordinances. The Code of Ordinances (Chapter two) would be amended to read:

"Residential housing for lower-income households (income not in excess of 80 percent of the Region's respective county's median income) and for very low-income households (income not in excess of 50 percent of the Region's respective county's median income)..." Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development.

Required Findings: Prior to amending the Goals and Policies and the Code of Ordinances, TRPA must make certain findings. Following each finding below is a brief rationale for making the finding.
Memorandum to Governing Board
Amendment of Goals and Policies and Code of Ordinances
Page 3

Chapter 5 and 6 Findings:

1. **Finding:** The project will not have a significant effect on the
environment.

   **Rationale:** Staff has completed an Initial Environmental Checklist
on the proposed amendment to the TRPA Goals and
Policies and has determined that a finding of no
significant environmental effect is appropriate.

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

   **Rationale:** The amendment to the Goals and Policies will better
implement the overall scope of the Land Use element by
eliminating a potential barrier to the development of
affordable housing in the Basin. The amendment to the
Code of Ordinances will subsequently reflect the
standards set forth in the Goals and Policies.

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

   **Rationale:** The amendments are consistent with the Regional Plan and
will help attain the environmental thresholds. See
also Finding 1 above.

4. **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:** See Findings 2 and 3 above.

5. **Finding:** The Regional Plan and all of its elements, as
implemented through the Code, Rules and other TRPA plans
and programs, as amended, achieves and maintains the
thresholds.

   **Rationale:** For the reason set forth in Finding 2 above, this
amendment better implements the Regional Plan and will
assist in the achievement and maintenance of the
environmental thresholds.

Section 5.4 Finding

1. **Finding:** The Regional Plan, as amended, achieves and maintains
the thresholds.

   **Rationale:** See Findings 1 - 4 above.

/DA

AGENDA ITEM VII 8.7
Ordinance 87-8 Findings:

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

   Rationale: The Compact directs TRPA to adopt regional ordinances relating to the achievement and maintenance of thresholds and, for the reasons set forth above, the amendments will not significantly affect the thresholds.

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: Staff recommends Findings (c) and (f) because statistical analysis as well as past experience has demonstrated that the current parameters for affordable housing are inaccurate and act as an impediment to the implementation of the Regional Plan.
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Page 5

Environmental Documentation: In accordance with the findings made above, staff recommends a finding of no significant impact. See Chapter 5 and 6 Finding 1.

Required Action: To adopt the proposed amendments, the Governing Board must take the following actions:

1. Make a finding of No Significant Environmental Effect and the findings required by Ordinance 87-8 and Chapters 5 and 6; and

2. Adopt the attached ordinance.

If you have any questions or comments regarding this agenda item, please contact David Atkins at (702) 588-4547.

/DA

AGENDA ITEM VII A. 89
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 96-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING THE HOUSING SUBELEMENT, LAND USE ELEMENT OF THE GOALS AND POLICIES PLAN; AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES RELATING TO AFFORDABLE HOUSING; 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 the Housing Subelement, Land Use Element, of the Regional Plan Goals and Policies, and amending Chapter 2 of the Code of Ordinances, relating to "Regional median income" as part of the definition of "Affordable Housing," 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 approval 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 the Land Use Element of the Goals and Policies

2.10 Subparagraph (1) of Section 6.10 of Ordinance 87-9, as amended, is hereby amended by amending Policy 1, Goal #1 of the Housing Subelement of the Land Use Element as follows, with added language underlined and deleted language stricken:
Policies

1. SPECIAL INCENTIVES, SUCH AS BONUS DEVELOPMENT UNITS, WILL BE GIVEN TO PROMOTE AFFORDABLE OR GOVERNMENT-ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS (80 PERCENT OF \textit{Region}/\textit{County}'S RESPECTIVE COUNTY'S MEDIAN INCOME) AND FOR VERY LOW INCOME HOUSEHOLDS (50 PERCENT OF \textit{Region}/\textit{County}'S RESPECTIVE COUNTY'S MEDIAN INCOME). EACH COUNTY'S MEDIAN INCOME WILL BE DETERMINED ACCORDING TO THE INCOME LIMITS PUBLISHED ANNUALLY BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Section 3.00 Amendment of Chapter 2 of the Code

3.10 The definition of "affordable housing" in Subsection 2.2 is hereby amended as follows with added language underlined and deleted language stricken:

\textbf{Affordable Housing:} Residential Housing for lower-income households (income not in excess of 80 percent of the \textit{Region}/\textit{County}'s respective county's median income) and for very low-income households (income not in excess of 50 percent of the \textit{Region}/\textit{County}'s respective county's median income), which are designed and occupied in accordance with local, regional, state and federal standards for the assistance of households with such incomes. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development.

Section 4.00 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 5.00 Effective Date

Section 2.00 of this ordinance shall be effective immediately upon adoption. Section 3.00 of 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 September 25, 1996, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency
September 12, 1996

To: Governing Board

From: TRPA Staff

Subject: Amendment of Tahoe Vista Community Plan Boundary and PAS 024A, North Tahoe Recreation Area, to incorporate Placer County APN 112-050-08 into the Tahoe Vista Community Plan.

Proposed Action: To amend the boundary line between Plan Area Statement (PAS) 022, Tahoe Vista Community Plan Area, and PAS 024A, North Tahoe Recreation Area, to incorporate Placer County parcel (APN 112-050-08) which currently is in PAS 024A into PAS 022.

Staff Recommendation: Staff recommends the APC make a recommendation to the Governing Board to adopt the proposed amendment. This is a staff initiated plan area amendment on Placer County’s behalf.

Advisory Planning Commission Discussion: At the public hearing there was no substantive discussion on this matter by the Advisory Planning Commission (APC). APC voted unanimously to recommend approval of the amendment.

Background: As stated above this plan area amendment is staff initiated to amend the boundary line between PAS 022 and PAS 024A to add APN 112-050-08 into the Tahoe Vista Community Plan. See Attachment A for the existing conditions and Attachment B for the proposed boundary line amendment.

Currently this parcel is an existing commercial use, AmeriGas Propane. Current County zoning is C-4 (commercial). The parcel is a nonconforming use in PAS 024A. PAS 024A has a recreation land use classification, and commercial uses are not permissible.

During the planning process of the Draft Tahoe Vista Community Plan, this parcel was included in the community plan boundary, and was inadvertently removed during the preparation of the Final Tahoe Vista Community Plan. The parcel was mistaken as a North Tahoe Public Utility District (NTPUD) parcel and removed from the community plan.

Discussion: In evaluating the proposed plan area amendment, staff uses a three-step approach. 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 the character at the location or pattern of land use to warrant amending the boundaries. 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.

AGENDA ITEM VII B

Planning for the Protection of our Lake and Land
Memo to the GB
Amendment of PAS 022/024A
September 12, 1996
Page 2

Staff has determined that a mistake was made in the preparation of the Final Tahoe Vista Community Plan. The parcel has been an existing commercial use at the time of the plan preparation and was and should be part of the Community Plan. The parcel is currently a nonconforming use and is inconsistent with the policies of PAS 024A. Amendment of the Plan Area will bring the parcel into conformity and consistent with the policies of the Tahoe Vista Community Plan.

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

A. Chapter 6 Findings:

1. Findings: 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 Plan area statement amendments will bring a non-conforming uses into a plan area that brings it into conformance. The parcel is currently a commercial use in a recreation plan area that does not allow commercial uses. The amendment is consistent with the policies of the Tahoe Vista Community Plan and will enhance the implementation of the Regional Plan by concentrating commercial development in a appropriate location.

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

Rationale: The subject parcel is an existing commercial use with a history of being used for commercial purposes. No additional development in excess of that established by the Tahoe Vista Community Plan and the Regional Plan is permitted by the amendment.

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: Any new or expansion of existing development will continue to be subject to the Regional Plan Package, the Tahoe Vista Community Plan, including maintenance of applicable air and water quality standards.
4. **Finding:** The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

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

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

**Rationale:** For the reasons stated in Findings 1 and 2 above, the Regional Plan, as amended, achieves and maintains the thresholds.

Environmental Documentation: Based on the above analysis and completion of an Initial Environmental Checklist (IEC), staff recommends a Finding of No Significance Effect (FONSE). As discussed above, the amendment will bring a nonconforming use into conformance with its surrounding land uses and help in concentrating commercial development within a Community Plan Area, a goal and policy of the Regional Plan.

**Requested Action:** TRPA staff recommends the Governing Board take the following action:

1. Make a finding of No Significant Effect (FONSE) based on the information in the staff summary.

2. Make the Chapter 6 Findings based on the rationale listed above.

3. Adopt the attached implementing ordinance adopting the proposed amendment.

Staff will begin this item with a brief presentation. If you have any questions or comments regarding this agenda item, please contact John Hitchcock at (702) 588-4547.
8/28/96
Attachment A
Existing PAS Boundary

SUBJECT PARCEL
APN 112-050-08

PAS 022

PAS 024A

PAS 024B

Donner Road

Wildwood Drive

PAS 021

Gun Club Road

National Avenue

Grey Lane

Tahoe Vista Community Plan Area

Terryon Road
AN ORDINANCE AMENDING ORDINANCE No. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING THE BOUNDARY BETWEEN THE TAHOE VISTA COMMUNITY PLAN AND PLAN AREA STATEMENT 024A, NORTH TAHOE RECREATION AREA, TO INCORPORATE PLACER COUNTY APN 112-050-08 INTO THE TAHOE VISTA COMMUNITY PLAN AREA, 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 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the boundary between Plan Area Statement 024A and the Tahoe Vista Community Plan boundary to add Placer County APN 112-050-08 from PAS 024A into the Tahoe Vista Community Plan area 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 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission ("APC") has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 The Governing Board finds that the amendments adopted here will 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.

1.50 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 & 14 of the Code and Article V(g) of the Compact.

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

Section 2.00 Amendment of Plan Area Overlay Maps

Subsection 6.10(1) of Ordinance No. 87-9, as amended, is hereby further amended to add subparagraph (gg) as follows:

98
Plan Overlay Maps

(a) Plan Area Overlays at scales of 1"=400' and 1"=2000'
(January 1987), including the amendments to the Plan Area
Overlays as set forth in "Exhibit A" entitled Plan Area
Statement Amendments, 2/25/87, which amendments shall be
reflected in the Plan Area Overlays, dated January 1987, and
the following amendments:

Added

(gg) Relocate the boundary between Plan Area Statement 024A,
North Tahoe Recreation, and the Tahoe Vista Community Plan
Area, to include Placer County APN 127-023-05 into the Tahoe
Vista Community Plan Area, as shown in Attachment B, dated
September 8, 1996, which amendment shall be incorporated into
the Plan Area Overlays, dated January 1987.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The provisions of this ordinance amending Special Policies, Special
Designations, Boundaries, and Improvement Programs shall be effective
immediately pursuant to subsections 13.7.A and 13.7.C. The remaining
provisions relating to amendment of Permissible Uses for this area, shall be
effective 60 days after adoption of this ordinance pursuant to subsection
13.7.B.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning
Agency at a regular meeting held __________________, 1996, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

John Upton, Chairman
Tahoe Regional Planning Agency
September 12, 1996

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

This item is an ongoing issue that is placed on the Governing Board agenda each month throughout the comment period which will end October 25, 1996.

For the last five months TRPA staff along with 24 other representatives of public and private interests have been working in a partnership to gain consensus on the difficult issues highlighted in the Shorezone DEIS. The Shorezone Partnership Committee meets twice a month for all day facilitated sessions. These meetings are scheduled to continue through October 1996 (see attached schedule).

Please contact Coleen Shade at (702) 588-4547 if you have any questions or comments regarding this matter.
September 13, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution to Amend Article V of the Rules of Procedure Pertaining to Application Review Procedure

Proposed Action: Adoption of a resolution which amends the Rules of Procedure by: 1) establishing a time limit for TRPA to notify an applicant whether the submitted application is complete; 2) providing clarification with regards to the tracking of time in processing the application; and 3) establishing a reporting procedure to the Governing Board for applications pending for more than 120 days.

Staff Recommendation: Staff recommends that the Governing Board approve the amendments in Exhibit "A" by adoption of the attached resolution.

Rules Committee Recommendation: At the August 28, 1996 Rules Committee meeting, the Rules Committee unanimously recommended approval of the proposed amendments.

Discussion: The proposed amendments would provide the following:

1. Time Limit for Determination of Complete Application: The proposed amendment would establish a 30-day time limit for TRPA to advise the applicant, in writing, of any additional information required prior to TRPA determining the application is complete. If no additional information is required, the applicant would be notified that the application is deemed complete and review of the application has commenced.

2. Clarification of Tracking Processing Time: The proposed amendment would clarify that the time used by the applicant in preparing and submitting any required reports, studies or additional information would not be counted as part of the TRPA processing time.

3. Reporting Procedure: The proposed amendment would provide for a monthly report to the Governing Board on any application pending for more than 120 days from the date the application is deemed complete. The report would include: 1) a description of the application; 2) the reasons for delay of action; and 3) the Executive Director's recommendations regarding further processing of the application.
Findings: Chapter 6 of the Code of Ordinances requires the following findings:

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

Rationale: The amendments are purely procedural and will not affect implementation of the Regional Plan.

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

Rationale: The amendments are purely procedural and will not affect thresholds.

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

Rationale: See Finding 2, above.

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

Rationale: See Findings 1 and 2, above.

Environmental Documentation:

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

Requested Action:

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

1. Hold a public hearing.

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

3. Adopt the attached resolution.
TAHOE REGIONAL PLANNING AGENCY

AMENDING ARTICLE V OF THE RULES OF PROCEDURE RELATING TO PROCESSING OF APPLICATIONS

RESOLUTION NO. 96-

WHEREAS, the proposed amendments to Article V of the Rules of Procedure of the Tahoe Regional Planning Agency (TRPA) are necessary and desirable to promote, and is 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 Article V of the Rules of Procedure as set forth in Exhibit A, attached hereto and incorporated by reference, with added language underlined and deleted language stricken.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on September 25, 1996, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

John E. Upton, Chairman
Tahoe Regional Planning Agency
ARTICLE V - PROJECT REVIEW

5.1 Purpose and Scope: This article sets forth the procedures for applications and permits. The purpose and scope of review for proposed projects shall be to determine compliance with applicable provisions of the Compact, Goals and Policies, Code, other TRPA plans, maps and programs, and Rules. For the purposes of these Rules, the Goals and Policies, Code, other TRPA plans, maps and programs, and Rules shall be referred to collectively as the "Regional Plan Package." The scope of review shall be that deemed necessary by TRPA for accurate determination of compliance.

5.2 Complete Application: An application shall be on a TRPA form prescribed by the Executive Director and shall be executed by a person having sufficient legal interest to make application. The application form shall include express notice to the applicant that failure to provide complete and truthful information may result in delay in processing the application, denial of the application, or revocation of an approval or other action taken upon the application. A complete application consists of the following:

(a) An application fee as required by the fee schedule.

(b) A completed TRPA application form.

(c) A description and verification of the applicant's legal interest, and any legal interests held by others, in the real property upon which the project is proposed to be constructed or conducted. Such legal interests include, but are not limited to, fee, leasehold, options, or authority to acquire the property by eminent domain.

(d) A dated original signature, by or on behalf of the applicant, attesting under penalty of perjury to the truth, completeness, and accuracy of the contents of the application. If the application is to be signed by a representative of the applicant, the applicant shall either complete and sign the portion of the application form relating to authorization or the application shall be accompanied by a power of attorney as evidence of the representative's authority to act on behalf of, and bind, the applicant in all matters concerning the application.

(e) The assessor's parcel number(s) of the parcel(s) constituting the project area.

(f) Appropriate environmental documentation, in accordance with Article VI of these Rules.

(g) If applicable, the information specified by a packet, approved by the Executive Director, for a complete application for the particular class of project into which the application falls.

(h) All reports or studies necessary to show compliance with applicable provisions of the Compact, Regional Plan, Code, other TRPA plans, maps, programs, and rules.
5.3 Determination of Complete Application: Upon receipt of an application, the application shall be stamped "Received - TRPA," dated, and signed by the TRPA employee authorized to receive it. If the application has not been acted upon within thirty (30) calendar days of the "Received - TRPA" date, then TRPA shall notify the applicant, in writing, of the information required prior to a TRPA determination that the application is "complete" for purposes of commencing review of the application. The notice shall comply with the requirements of Section 5.7. Upon receipt of the requested information, TRPA shall deem the application complete and shall notify the applicant of such.

5.4 Additional Information: TRPA shall request the applicant to provide additional information as required. If an unforeseen need for additional information arises as the application proceeds through review, TRPA shall request additional information in writing, from the applicant. The request shall state that review cannot continue until this information has been submitted. TRPA shall maintain a record of the date of the request and the date the information was provided or action on the application was taken. Time used by the applicant to provide additional information shall not be counted as part of the processing time described in Section 5.5.

5.5 Processing of Applications: TRPA shall process applications expeditiously and take final action within the 180-day period prescribed by Article III(g) of the Compact. The 180-day period shall commence on the date the application is deemed complete, less any time excepted by Section 5.4. The applicant may waive the 180-day requirement by making a statement on the record at an APC or Board meeting, or in writing to the Executive Director. To assure timely responses on applications, TRPA shall strive for the shortest processing time consistent with available resources, information and seasonal weather constraints. Consistent with this objective, the Executive Director shall include, on each Governing Board agenda, the following information for any application pending for more than 120 days from the date the application is deemed complete: 1) a description of the application; 2) the reasons for delay of action; and the Executive Director's recommendations regarding further processing.

5.6 Fee Schedule: TRPA may fix and collect reasonable fees for project review services. The Board shall adopt, by resolution, an application fee schedule. Fees shall not be charged for inquiries and requests preceding the filing of an application, except as otherwise required by the fee schedule.

5.7 Incomplete Applications: A notice of incomplete application may be given to the applicant. The notice shall state what items are required to complete the application, including environmental documentation, and may state a deadline for completion of the application. Applications not completed by the deadline shall be considered withdrawn on the deadline date, unless the applicant shows good cause for extension.
5.8 Substantial Modification: If an applicant submits a substantial modification to a pending application the date of application receipt shall be the date of receipt of the substantial modification for determining the processing time described in Sections 5.3 and 5.5.

5.9 Withdrawn Applications: Applicants may withdraw an application at any time prior to final action on the application by delivering a written statement of withdrawal to the Executive Director or making a statement on the record at an APC or Board meeting.

5.10 Application Refund: If an application is withdrawn by written request within one year of the date it is stamped “Received - TRPA,” and before the application is deemed complete, the Executive Director shall refund 90 percent of the application fee. An application fee shall be forfeited if a refund is not requested in writing by the applicant within one year from the date the application is stamped “Received - TRPA”. No refunds shall be given after an application is deemed complete.

5.11 Staff Summary for Board Project Review: Prior to a Governing Board hearing on a project application, the Executive Director shall prepare a staff summary of the project.

(a) Mailing of Staff Summary: A copy of the staff summary shall be mailed to the applicant and included in the Board packet at least seven calendar days before the Board meeting at which the application is scheduled to be considered. For good cause, the Executive Director and the applicant may waive the seven-day requirement.

(b) Contents of Staff Summary: The staff summary shall include:

(1) The name of the applicant and the location and nature of the proposed project.

(2) A description of the proposed project, including the relevant facts about the project.

(3) Any maps, drawings or other exhibits necessary to describe the project.

(4) References to the applicable sections of the Compact, Regional Plan Package and other applicable documents.

(5) A summary of the environmental documentation prepared for the project.

(6) A statement of the issues considered relevant for discussion, if any.
(c) **Recommendation for Action**: A staff summary shall contain one of the following tentative recommendations:

1. Approval with proposed findings and conditions;
2. Rejection with proposed findings; or
3. No recommendation until after the hearing on the application.

5.12 **Hearing Date**: For projects to be reviewed by the Governing Board, TRPA shall, in consultation with the applicant, and after the application is complete, establish a tentative processing schedule, including a date for Board consideration and, if applicable, a date for submittal of the list of affected property owners. Scheduling of applications for Governing Board hearings shall occur as part of the agenda preparation process.

5.13 **Hearing on Application**: The hearing on a project application shall proceed as follows, unless the Board takes action, by a routine business vote, to reorder the presentation:

(a) **Order of Hearing**:

1. TRPA staff presentation.
2. Applicant presentation and comment on the staff summary, which may include testimony by witnesses and documentary evidence.
3. Speakers in support of the application.
4. Speakers in opposition to the application.
5. Rebuttal by applicant.
6. Final staff recommendation.
7. Additional comments as permitted by the Chairman.
8. Motion to close public testimony.
9. Board deliberations and action.

(b) **Content of Presentations**: Staff and applicant presentations shall be brief and to the point. Remarks by others also should be brief and not duplicate those of previous speakers. The Chairman may limit the time for presentations and remarks. Questions by the Board are proper at any time.

5.14 **Final Action on Applications**: An action by the Board or the Executive Director to approve or reject an application shall be final action by TRPA. Finality of Board action is subject to Section 2.7(c) of these Rules. Any action shall be in writing or stated in the record, and approvals shall be based upon findings as required by the Compact and the Code.

5.15 **Modification of Approval**: Proposed modifications to a
TRPA-approved project shall be reviewed and approved as required by the Code, including Chapter 4.

5.16 Report of Executive Director Approvals: Projects, including modifications thereof, acted upon by the Executive Director shall be reported to the Board on an annual basis. Project approvals shall be posted at the TRPA office within one working day of approval. The posting shall state the assessor's parcel number(s), county, and the type of environmental document and project.

5.17 Issuance of Permits: Projects approved by the Governing Board or Executive Director shall be issued a permit on a form prescribed and signed by the Executive Director. Notice shall be given to a project applicant if the application is rejected by the Executive Director. Permits shall be mailed or delivered to the permittee no later than the fifth working day following approval. A copy of the permit shall be sent to all persons listed as owners on the application and directly to the permittee if the original permit is sent to a representative.

5.18 Permit: The permit shall state:

(a) Description of the approved project.

(b) Standard conditions of approval, if any, which may be included by reference.

(c) Special conditions of approval.

(d) The date of project approval.

(e) The expiration date of the approval.

(f) That the permittee is responsible for all permit conditions.

(g) The conditions that must be satisfied and acknowledged by TRPA prior to commencement of grading or other activity.

(h) That the permittee shall sign the permit and send a copy of the signed permit to TRPA to evidence receipt and acceptance of the permit.

5.19 Transfer of Permit: In the event the project or underlying real property is transferred, the transfer of the permit shall not be effective until the new permittee or owner advises the Executive Director of the transfer and acknowledges, in writing, receipt of the permit and acceptance of its contents. Until the new permittee or owner acknowledges receipt and acceptance of the permit, the current permittee or owner shall be responsible for compliance with the permit.

5.20 Issuance of Emergency Permits by Executive Director: Emergency permits may be issued by the Executive Director as follows:

(a) Determination of Emergency: An applicant for a project, which requires immediate approval due to the existence of an emergency, may request an emergency permit from TRPA. Upon notification to the Executive Director, by letter if time allows, and by telephone or in
person if time does not so allow, an applicant for an emergency permit shall provide the following information:

(1) The nature of the emergency;

(2) The location of the emergency; and

(3) The work proposed to be performed.

(b) Determination of Emergency: Based upon the above information, the Executive Director shall determine whether, in fact, an emergency exists.

(c) Procedure for Emergency Permits: Upon the determination and an emergency does exist, the Executive Director may issue an emergency permit. Notification of the permit may be given orally. The emergency permit shall be consistent with the Compact, and Regional Plan Package insofar as is practicable. Within ten working days after issuance of the emergency permit, the applicant shall file a complete application, including the required application fee. The Executive Director shall review the application and determine what conditions, if any, are necessary to effect compliance with the Compact, and Regional Plan.

(d) Report to Governing Board: At each regular monthly meeting of the Board, the Executive Director shall report each emergency permit granted during the period immediately preceding the meeting.

(e) Waiver of Prior Approval: In the event an emergency exists and TRPA offices are closed, or a means of communication is not readily available, the applicant may proceed to take necessary action while continuing, in a diligent manner, to contact the Executive Director. After being so notified, the Executive Director shall follow the procedures of (b), (c), and (d) above.

5.21 Administrative Record: TRPA shall maintain an adequate record of the project hearing, which shall include but not be limited to, the project file, and, in the case of projects reviewed by the Board, the official tape recordings and certified transcripts of the recordings of the Board meetings. The project file shall include, but not be limited to, the following:

(a) Complete application form.

(b) Environmental documentation.

(c) Public notice information, if any.

(d) Data base information required by Chapter 38, if any.

(e) Project plans and specifications.

(f) Project reports and supporting data, if any.

(g) Permit and conditions of approval, if any.

(h) Written findings.

(i) Other governmental approvals, if any.
Refunds of Mitigation Fees: Mitigation fees may be refunded as provided by the applicable Code provision and subject to the following limitations:

(a) Mitigation fees paid on or before July 1, 1987 shall not be refundable. A written request for a refund must be received by TRPA no later than two years from the date the mitigation fee was paid, or four years from the date of project approval, whichever is earlier. In accordance with Article VI(p) of the Compact, in computing the above periods, any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of the project shall not be counted. If the request for refund is made by a person other than the owner of the parcel, the request must include authorization from the owner to refund the fee.

(b) TRPA verifies that no site disturbance or construction has occurred, or that no use has commenced, as applicable, under the subject permit. Site disturbance includes, but is not limited to, tree cutting, vegetation removal, grading or excavation. Partial refunds shall not be permitted.

(c) The permittee consents, in writing, to the cancellation of the subject permit and to all rights thereunder and returns the approved final plans. Notice of cancellation of a permit shall be given to the affected jurisdiction. Cancelled permits shall not be renewable.

(d) Refunds shall be made only to the extent funds are available in the applicable city or county mitigation fund. In the event there are insufficient funds in a particular account, TRPA shall pay the balance of the refund as funds become available in that account. Priority for refunds shall be determined based on the date the refund request was received. Refund of the mitigation fee shall not include any interest earned on the fee.

(e) The Executive Director shall maintain the necessary accounts and fund balances to implement the above policies.

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.
September 16, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Continued Discussion of Basin Impact Fee

Proposed Action: This item was placed on the agenda for discussion purposes only.

Discussion: A discussion of the Basin Impact Fee was placed on the July 1996 Governing Board agenda. This discussion raised a number of questions that are answered below. In the July presentation, TRPA staff explained that the Agency was seeking funding to update the 1974 Tahoe Regional Plan Implementation: Financial Feasibility study (hereinafter "1974 Feasibility Study"). TRPA’s Executive Director is currently organizing volunteers to write grants that seek the funds necessary to update the 1974 Feasibility Study.

The Governing Board at the July 1996 Governing Board meeting requested research on the following questions:

1) Where does the Compact give TRPA authority to require parking fees?

Answer: TRPA is granted the authority to adopt a Regional Plan and to issue permits in Articles V and VI of the Compact. Pursuant to this authority, TRPA has conditioned permits for the M.S. Dixie and the Airport on the imposition of parking fees. This was done to mitigate the impacts of the projects, and to ensure that the projects were consistent with TRPA’s Regional Plan. These parking fees do not single out visitors entering or leaving the region, but are applied uniformly to all who park in the facilities.

2) Where does the Compact prohibit the TRPA Board from imposing a Basin Impact fee?

Answer: This is a complex question. The Compact does not clearly state whether or not TRPA has the power to implement a basin impact fee. Article V of the Compact
does give TRPA the power to adopt a Regional Plan which contains "implementation provisions", ... and "ordinances, rules and regulations." Article VI authorizes the governing body to "adopt all necessary ordinances, rules and regulations to effectuate the adopted Regional Plan." It can be argued that this broad grant of power, means that TRPA has the power to implement the fees necessary to effectuate the Regional Plan. Utilizing this power, TRPA has adopted air quality/transportation fees, water quality fees, rental car mitigation fees and shorezone structure fees. In addition, TRPA has utilized its permit power to require the permit holder to impose parking fees as discussed above.

Those who would oppose a basin impact fee, would argue that Article IX of the Compact specifically prohibits the Tahoe Transportation District ("TTD") from "imposing ... a tax or charge that is assessed against people or vehicles as they enter or leave the region..." They would argue that Congress also intended to limit TRPA from imposing such charges, because the power to do so was not explicitly granted in the Compact. Such opponents would further argue that TRPA's power to implement a basin impact fee is limited by Article X of the Compact, which states "Any additional powers conferred on ...[TRPA] by [the states] ... shall not be exercised unless consented to by the Congress."

Since the legal issue are somewhat unclear, the safest legal course, prior to implementing any basin impact fee on persons or vehicles entering or leaving the Region, would be to amend Article IX of the Compact. Such an amendment would allow the TTD to implement a basin impact fee on persons or vehicles as they enter or leave the region. Article IX of the Compact can be amended by California and Nevada, without Congressional ratification. Such a course of action is in accordance with the legal advice of Rick S. Combs, Nevada Deputy Legislative Counsel - copy attached. Absent such an amendment, TRPA may be vulnerable to legal challenge with an uncertain outcome if it were to impose a Basin Impact Fee.
3) Does TRPA have any taxing power granted in the Compact?

Answer: No. TRPA's powers are enumerated in the Compact. Since the Compact does not grant TRPA taxing power, the omission deprives TRPA of the power to tax. The Compact does give the TTD power to adopt taxes for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the Region. The Compact prohibits the TTD from imposing an "ad valorem tax, a tax measured by gross or net receipts on business, or a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices."

4) Is it possible for local governments to use their impact fees to fund the update of the 1974 Feasibility Study?

Answer: No, except that it may be possible to use the interest on the water quality mitigation fees. TRPA collects air quality/transportation impact fees, water quality impact fees, rental car mitigation fees and shorezone project mitigation fees. Generally, fees are collected and used for physical "projects" that will improve the environment at Lake Tahoe. There has been a great deal of litigation in California, wherein governmental entities were challenged on their ability to demonstrate their plans to build physical improvements with the fees collected. To date, TRPA has never had any litigation challenging the expenditure or validity of its fees. Each of TRPA's fees has specific expenditure rules as follows:

a) Water Quality Mitigation Fees: These fees can only be used for physical "projects" that provide water quality improvements; however the interest on these fees can be used for "water quality planning in the Region" (see TRPA Code Section 82.5). The fees and the interest are credited for use in the County or City in which the fee was generated. If the Governing Board determined that the update of the 1974 Feasibility Study falls under the definition of "water quality planning," it would be feasible, with County or City consent, to utilize the interest on these fees to update of the 1974 Feasibility Study.

b) Air Quality/Transportation Mitigation Fees: These fees can only be used for physical "projects" that prove air quality improvements, and cannot be used for studies (See TRPA Code Section 93.5). The fees and the interest are
credited for use on projects in the County or City in which the fee was generated.

C) Rental Car Mitigation Fees: These fees are turned over to the Tahoe Transportation District, who must spend them in a way that is consistent with TRPA's Regional Transportation Plan (see TRPA Code Section 95.6). The Regional Transportation Plan contains a list of physical improvements and transportation improvement projects that are to be funded by these fees. The Regional Transportation Plan does not contain any authorization for studies. Therefore, it is not feasible, to use these fees for an update of the 1974 Feasibility Study.

C) Shorezone Project Mitigation Fees: These fees are collected to "fund studies assessing existing or potential impacts created by shorezone structures, or methods for achieving restoration within the shorezone, or to fund fish habitat restoration projects" (TRPA Code Section 56.5). These fees would not be suitable for use in updating the 1974 Feasibility Study.

If you have any questions concerning this agenda item, please contact R. J. Nicolle, Agency Counsel at (702) 588-4547.

Attachment
At the last meeting of this committee, I was asked to review Don Kornreich's proposal for imposition of an impact fee in the Tahoe Basin and provide a summary of the legal issues to be addressed if the proposal was implemented in the Basin. I have prepared a summary of Mr. Kornreich's proposal and provided a copy to each member of the committee.

If Mr. Kornreich's proposal were adopted, ticket dispensers would be placed along the roads entering the Lake Tahoe Basin and at various locations within it. If people driving vehicles into the Lake Tahoe Basin wished to park while visiting, they would be required to purchase a parking sticker from one of the ticket dispensers. A person would be prohibited from parking anywhere in the Lake Tahoe Basin unless a parking sticker was displayed in the front windshield of the vehicle.

Certain individuals would not be required to pay for a parking sticker: persons operating vehicles owned by the Federal, state or local government while in performance of their official duties; and persons spending the night at a casino or other place of lodging, unless they parked their vehicles at a place other than their place of lodging at any time while they were visiting the Lake Tahoe Basin. Mr. Kornreich believes such an exemption would encourage visitors to use public transportation systems. Also, people not spending the night in the Lake Tahoe Basin who parked their vehicles in designated spaces and used a public transportation system to travel in the Basin would not be required to pay for a parking sticker.

Certain people would not be required to obtain a parking sticker: those who drive through the Lake Tahoe Basin without parking their vehicles, and people refueling their vehicles. Residents and people employed in the Lake Tahoe Basin would be required to obtain a parking sticker authorization, however, those individuals could obtain an annual parking sticker for a nominal price. If Mr. Kornreich's proposal were implemented, people would not be required to obtain parking stickers during the "shoulder seasons."

Under Mr. Kornreich's proposal, sheriffs of the counties comprising the Lake Tahoe Basin would be responsible for enforcing the requirement to display a parking sticker. They would also be responsible for collecting the money from the ticket dispensers at regular intervals. The sheriffs would be authorized to place a boot on any vehicle on which a parking sticker was not displayed. The boot would not be removed until a penalty for not obtaining a parking sticker was paid.

The money raised from the sale of parking stickers, and the fees imposed for failure to obtain one, would be used for various projects within the Lake Tahoe Basin. However, the money collected, in addition to the money required to reimburse the counties for the costs of administering the proposal, would be used primarily to provide public transportation in the Lake Tahoe Basin.
I will briefly note some of the legal issues concerning implementation of Mr. Kornreich's proposal. The most important legal issue to be addressed is whether it would be constitutional to prohibit the owners of property in the Lake Tahoe Basin from using their property to provide free parking to the public. If the proposal is implemented, customers of businesses, such as McDonald's and Scolari's, would be required to buy a parking sticker to park in the parking lots of those businesses. Under the proposal, an owner's interest in his property would be taken by the agency responsible for implementing the proposal. A state may regulate the manner in which a person may use his property under the police power of the state. However, a regulation adopted under the police power must be reasonably necessary to preserve public health, protect the public morals or provide for public safety. Although a person could argue that, under Mr. Kornreich's proposal, the money raised from the sale of the parking stickers would be used to preserve the public health and provide for public safety in the Basin, a person could also argue that the primary purpose of the proposal is to raise money. The parking fee proposed by Mr. Kornreich may be subject to judicial challenge because a court may conclude that the primary purpose of the fee is to raise money and that the fee is not reasonably necessary and appropriate to preserving public health or providing for public safety.

The Commerce Clause of the United States Constitution prohibits states from impeding the free flow of commerce from state-to-state or imposing taxes that are unduly burdensome on commerce. If a person engaged in interstate commerce is required to obtain a parking sticker to park while loading or unloading his vehicle, a court may hold that the parking fee proposed by Mr. Kornreich violates the commerce clause. However, if commercial vehicles are exempted from paying the parking fee, a court would probably determine that the parking fee is not a violation of the Commerce Clause.

The 14th Amendment prohibits a state from denying any person equal protection of the laws. Under Mr. Kornreich's proposal, people who work or reside in the Basin would pay a lesser parking fee than those who do not work or reside in the Lake Tahoe Basin. Also, people who drive vehicles into the Lake Tahoe Basin, but use public transit while there, would not be required to pay the parking fee. Because these aspects of Mr. Kornreich's proposal would require groups of people to be treated differently, a court may conclude that the equal protection of the laws are not being afforded to the individuals who would be required to pay the full parking fee. To pass constitutional muster, there would have to be a valid governmental purpose for exempting some people who park in the Lake Tahoe Basin from being required to buy a parking sticker. Under Mr. Kornreich's proposal, the reason for exempting certain persons from paying the parking fee would be to encourage people to use the transit systems in the Lake Tahoe Basin rather than their automobiles. A court may conclude that this is a valid governmental purpose for exempting certain persons who, upon arriving in the Lake Tahoe Basin, use public transportation systems to travel within the Basin. However, a court may conclude that there is no valid governmental purpose in authorizing residents of the Basin to pay a lesser parking fee than the fee paid by visitors to the Basin.

Section 5 of Article 9 of the Nevada Constitution requires that proceeds from the imposition of a charge on the operation of a motor vehicle in Nevada must be used for the construction, maintenance and repair of the highways in Nevada. Because the parking fee proposed by Mr. Kornreich is a fee for parking a vehicle, rather than operating a vehicle, a court would probably conclude that the fee
does not violate Section 5 of Article 9. The fact that the parking fee proposed by Mr. Kornreich would not be charged to a person who drove through the Lake Tahoe Basin without parking his vehicle indicates that the parking fee is not a charge on the operation of a motor vehicle.

Section 20 of Article 4 of the Nevada Constitution prohibits the Legislature from enacting special or local laws for the assessment and collection of taxes for state, county and township purposes. The Supreme Court of Nevada has held that this provision was intended to prohibit local or special laws regulating the manner or mode of assessing and collecting taxes, and that the provision does not prohibit the enactment of a law authorizing or directing the levy of a special or local tax. A court would probably conclude that the imposition of a parking fee in the Basin does not regulate the manner or mode of assessing and collecting taxes and therefore does not violate Section 20 of Article 4 of the Nevada Constitution.

Section 1 of Article 10 of the Nevada Constitution requires the Legislature to provide by law for a uniform and equal rate of assessment and taxation and to prescribe the regulations necessary to ensure a just valuation for taxation of all property, except mines and mining claims. Although Mr. Kornreich’s proposal would appear to violate this provision because certain persons would be exempt from paying the parking fee, the Supreme Court of Nevada has held that Section 1 of Article 10 of the Nevada Constitution applies only to taxes which are based on the value of the property which is being taxed. Because the parking fee proposed by Mr. Kornreich is not based on the value of the parking space or the value of the vehicle which is parked, a court would probably conclude that the parking fee does not violate Section 1 of Article 10 of the Nevada Constitution.

If the committee wishes to require the Tahoe Regional Planning Agency (TRPA) to impose an impact fee similar to the fee described in Mr. Kornreich’s proposal, the Tahoe Regional Planning Compact (the Compact) would need to be amended to set forth that requirement. Without an amendment to the Compact it is unclear whether the TRPA has the authority to impose such a fee. Article VI of the Compact sets forth the powers of the TRPA but does not mention the power to impose an impact fee. However, a person may argue that, because the fee is necessary to carry out the regional plan adopted by the TRPA, the TRPA may adopt a regulation imposing the fee pursuant to the powers granted to the TRPA in Article VI of the Compact. To ensure that the TRPA’s power to impose an impact fee under the Compact is not subject to challenge, the committee may wish to propose an amendment to the Compact to set forth this power specifically.

If the committee wishes to authorize the Tahoe Transportation District (TTD) created pursuant to Article IX of the Compact to impose the impact fee, Article IX of the Compact would need to be amended to give the TTD such authority. Article IX of the Compact contains a provision which states that the legislatures of California and Nevada may, by substantively identical amendments, amend the Article. Therefore, it appears that an amendment to Article IX of the Compact would not need to be ratified by Congress.

If the committee wishes to request a bill draft to implement Mr. Kornreich’s proposal, the provisions of NRS concerning the duties of law enforcement officers would need to be amended to authorize the sheriffs of the counties which comprise the Basin to administer the proposal in the manner prescribed by the Legislature.
In conclusion, if the committee wishes to request a bill draft to implement Mr. Kornreich’s proposal, there are a number of legal issues which we would need to look into in more depth to determine whether the proposal may be overturned on legal grounds. Because a proposal identical to Mr. Kornreich’s has never been challenged on legal grounds, it is impossible to state with certainty whether the proposal would survive a legal challenge. I would be happy to answer any questions the committee may have. Thank you.
MEMORANDUM

September 12, 1996

To: TRPA Governing Board
From: TRPA Staff
Subject: Proposed Revisions to the Regional Goals and Policies Plan: Transportation Element and Land Use Element, Air Quality Sub-Element

Proposed Action: No action is being requested at this time, other than to seek input on the Regional Goals and Policy Plan, Transportation and Land Use Elements, relative to proposed transportation and air quality goals.

Staff and APC Recommendation: Staff recommends the Governing Board consider the proposed revisions and provide comments to the TRPA staff. The APC held a public hearing on this issue on September 11, 1996. The APC’s comments and suggestions appear within the following discussion.

Background: The existing transportation and air quality goals were adopted in the Regional Goals and Policies Plan and the 1992 Regional Transportation Plan - Air Quality Plan (RTP-AQP) by the TRPA Governing Board under Ordinance No. 92-12 in April 1992. No changes or amendments have been made since that time.

Staff are currently preparing the 1996 RTP-AQP. In order to ensure that the RTP-AQP reflects the direction and intent of the APC and Governing Board, staff is seeking input to the goals for the 1996 RTP-AQP process.

Discussion: The Regional Plan for the Lake Tahoe Basin consists of several documents. One of these is the Regional Goals and Policy Plan, a document that sets the basic direction of the Regional Plan. The Regional Goals and Policy Plan integrates the requirements of the Compact, the thresholds, other plans and legal requirements, and the public’s input. Other documents of the Regional Plan, including the Regional Transportation Plan - Air Quality Plan (RTP-AQP), must relate back to the Regional Goals and Policy Plan. The Regional Goals and Policy Plan identifies goals that depict the desired ends or values to be achieved. It also specifies policies that establish the strategies necessary to achieve the goals. Over time, as progress is made on implementation of the Regional Plan, changes to the goals and policies are appropriate. As part of the development of the 1996 RTP-AQP, it is appropriate to update the transportation and air quality goals and policies. This will be a two step process.

RW:jf

AGENDA ITEM VIII B.121

Planning for the Protection of our Lake and Land
Memo to the TRPA Governing Board
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The first step is to consider revisions to the goals only. The transportation and air quality goals that are part of the Regional Goals and Policy Plan will set the direction for and be incorporated into the 1996 RTP-AQP. After the goals have been revised, programs and projects necessary to achieve the goals will be evaluated and recommended within the 1996 RTP-AQP. The second step of the Regional Goals and Policies Plan update will be to revise policies which guide the implementation of the 1996 RTP-AQP programs and projects. These policies will also be incorporated into the 1996 RTP/AQP.

The Tahoe Regional Planning Compact (Compact) includes several requirements related to transportation and air quality. Article V of the Compact directs that the Regional Plan include a Transportation Element that integrates development of a regional transportation system. The Compact states:

"The goal of transportation planning shall be:
(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and
(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:
(A) Completion of the Loop Road in the States of NV and CA;
(B) Utilization of a light rail mass transit system in the South Shore area; and
(C) Utilization of a transit center in the Kingsbury Grade area."

Development of the 1996 RTP-AQP, with the associated amendments to the Regional Goals and Policy Plan, must be accomplished with these parameters from the Compact in mind.

In addition to the above goals, Article I(b) of the Compact establishes the agency’s power to establish environmental threshold carrying capacities. These are defined as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." Air quality is one of TRPA's environmental threshold categories, and as such includes both air quality and transportation standards.

The air quality threshold standards differ from goals in one important way. As stated above, goals are an end to be achieved, a target to shoot for but not necessarily to hit. Environmental thresholds standards, on the other hand,
are specific transportation and air quality targets that must be achieved. In order for any project in the Region to be approved, the Agency must find that the project will not adversely affect implementation of the Regional Plan and will not cause the thresholds to be exceeded.

In addition to the regional standards established by the thresholds, California, Nevada and the federal government have other air quality and transportation standards that must be attained.

The current Regional Goals and Policy Plan and 1992 RTP-AQP identify five regional transportation goals, summarized below.

Goal #1 is to fulfill the requirements of the Compact.

Goal #2 is to attain and maintain the environmental thresholds and standards.

Goal #3 describes achieving a safe and efficient multi-modal transportation system that supports the regional economy and minimizes adverse impacts on the environment.

Goal #4 is to provide for the reactivation of the Tahoe Transportation District.

Goal #5 is to research potential sources of funding.

There are no distinct air quality goals identified in either the Goals and Policy Plan or the 1992 RTP-AQP other than environmental standards.

Staff has sought input on revisions to the goals from a 1996 RTP-AQP Advisory Committee. The Advisory Committee includes twenty-four public sector representatives, and eighteen private sector representatives. Individual committee members had the opportunity to provide, from their perspective, what they considered to be the five most important transportation and air quality goals for the 1996 RTP-AQP. Written responses were received from eleven committee members. With these suggestions, and keeping the existing goals in mind, staff prepared new transportation and air goals. The revised goals were distributed to the Advisory Committee for additional comment. Only one member suggested changes to the proposed goal changes.

On September 11th staff presented the proposed goals and 1996 RTP-AQP development process to the APC. The following highlights the comments and suggestions made by the APC members:

Ensure the US Forest Service has the opportunity to participate in the RTP-AQP due to air quality concerns caused by the significant amount of prescribed burns that are going to occur in the Region over the next several years. Staff indicated that the USFS is on the RTP-AQP Advisory Committee, but that if others should be included, they are welcome.

RW: jf
Memo to the TRPA Governing Board
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Page Four

Ensure that the RTP-AQP is developed in an open-forum, so that the general public or governmental agencies are not caught off guard by TRPA proposals. Staff agreed that this was necessary.

Reword the proposed Goal #7 to reflect all basin-users, not just visitors. Staff agreed and this goal has been changed accordingly.

Develop a goal to reflect the significant impact of automobile travel from outside of the basin, through the entry corridors. Staff agreed, and a proposed Goal #10 has been prepared as a result.

APC questioned whether proposed Goal #3, in reference to alternative modes of transportation, included aviation and waterborne services. Staff indicated it did, and that the Transportation Element will include Aviation and Waterborne Sub-Elements.

The following are the proposed replacement goals for the 1996 RTP-AQP and the Regional Goals and Policies Plan.

Goal #1: It is a goal of the RTP-AQP to improve air and water quality and reduce traffic congestion by implementation and evaluation of transportation programs and projects, consistent with the requirements of the Tahoe Regional Planning Compact and the environmental threshold carrying capacities.

Goal #2: It is a goal of the RTP-AQP to improve air and water quality by implementation and evaluation of air quality programs and projects that will reduce total emissions in the Region, consistent with the requirements of the Tahoe Regional Planning Compact and the environmental threshold carrying capacities.

Goal #3: It is a goal of the RTP-AQP to establish a safe, efficient, and intermodal transportation system that reduces reliance on the automobile, increases reliance on mass transit services, and provides for pedestrian, bicycle and alternative modes of transportation for both residents and visitors alike.

Goal #4: It is a goal of the RTP-AQP to effect institutional changes to the administrative structure of mass transit services in the Region. Changes are needed in order to more efficiently and effectively expand, coordinate or consolidate mass transit services.

Goal #5: It is a goal of the RTP-AQP to prioritize transportation and air quality programs and projects based on financial and technological feasibility and overall environmental impact, and to obtain additional local, state, federal and private sources of capital and operating funds.
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Goal #6: It is a goal of the RTP-AQP to support public-private partnerships for planning, financing and implementation of transportation and air quality programs and projects.

Goal #7: It is a goal of the RTP-AQP to have basin users pay a fair share of their impacts on transportation and air quality in the Tahoe Region.

Goal #8: It is a goal of the RTP-AQP to include the region's transportation facilities and services as an integral component of the economy and to develop and market them as visitor attractions.

Goal #9: It is a goal of the RTP-AQP to implement a parking management program.

Goal #10: It is a goal of the RTP-AQP to implement, within each of the highway corridors accessing the Region; traffic management, transit, parking, bicycle and pedestrian programs and projects.

The 1996 Regional Transportation Plan - Air Quality Plan will be an integrated document, as it was in 1992. For this reason, staff are proposing to move the Air Quality Sub-Element in the Land Use Element as a Sub-Element in the Transportation Element in the Regional Goals and Policies Plan. The Transportation Element, Air Quality Sub-Element will include both transportation and non-transportation related air quality programs and projects.

If you have any questions or comments regarding this agenda item, please contact Richard Wiggins at (702) 588-4547, extension 242. Thank you for your consideration of this request.
September 13, 1996

To: TRPA Governing Board
From: TRPA Staff

Proposed Action: No action is requested at this time; however, Governing Board comments would be appreciated since a final report and amendments will be prepared in November for Governing Board action. This is a continuation of a series of presentations to inform the Governing Board about the 1996 Evaluation Report.

Presentation: The presentations are based on the enclosed draft Executive Summary. It provides an overview of the status of threshold attainment and the responding staff recommendations. If you desire a full draft report (two inches thick), please contact Roxanne Duer at (702) 588-4547, ext. 234 to obtain a copy.

At this meeting, the program managers will present the findings and recommendations for:

1. Air Quality - Bridget Cornell
2. Fisheries and Wildlife - Coleen Shade
3. Vegetation - Steve Chilton
4. Scenic Resources - Sheila Brady, Brady & Associates

If you have any questions, contact the program manager or John Hoole at (702) 588-4547.

AGENDA ITEM VIII C.

GWB/rd

Planning for the Protection of our Lake and Land
WHEREAS, in March 1993, Jane D. Hagedorn was appointed by California Speaker of the Assembly Willie L. Brown, Jr., to serve as a "public member" on the Governing Board of the Tahoe Regional Planning Agency; and

WHEREAS Jane served with distinction in that capacity through December 1995, earning the respect and friendship of both the members of the Board and the staff; and

WHEREAS Jane was always candid, courageous, and fiercely independent; she faithfully and consistently devoted her efforts to preserving and protecting the environment of Lake Tahoe; and

WHEREAS Jane was never shy about her opinions and articulated with intensity and enthusiasm her feelings about the many issues and decisions facing the Agency; and

WHEREAS Jane will be remembered for her down-to-earth and forthright approach to setting realistic goals for the Agency; for her conscious and considerate concern for staff resources; and for her leading role in the drafting of the Agency's first mission statement in December 1993; and

WHEREAS, because of her extensive background in and understanding of transportation and air quality issues, Jane always encouraged TRPA to be innovative and creative in its search for solutions; and

WHEREAS Jane was a consensus builder who helped forge mutual respect and understanding between Governing Board members and helped ensure that all issues were dealt with thoroughly and thoughtfully;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency recognizes Jane for her participation in the "cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region"; and wishes her success in her ongoing public service.

PASSED and ADOPTED this twenty-fifth day of September, 1996, by the Governing Board of the Tahoe Regional Planning Agency.

John E. Upton, Chairman
Tahoe Regional Planning Agency

AGENDA ITEM IX.A.
September 3, 1996

To: TRPA Governing Board
From: TRPA Staff

Subject: Discussion relative to status of Tahoe Eastern Area Management Team (TEAM Tahoe)

Proposed Action: Review current informal status of TEAM Tahoe and determine if this group should, or should not, be established as an official Governing Board committee.

Background: TEAM Tahoe is a group of persons from private and governmental interests that have a stake in the area along Highway 28 between Incline Village and Highway 50. The membership includes representatives from the U.S. Forest Service, NDOT, National Resource Conservation Service, Federal Highway Administration, Nevada State Parks, City of Carson City, TRPA and several private special interest groups. This partnership was formed approximately five years ago by Carson City Supervisor and TRPA Board member Ray Bennett. The purpose of the group is to address issues along the Highway 28 corridor including, but not limited to, parking, bike and pedestrian access, erosion control, recreational demand, and beach access.

This group has served as a forum for issues within the most natural and pristine shore area of Lake Tahoe. In addition to volunteer clean up days and on-going efforts to consolidate various master plans within the region, TEAM Tahoe worked on a State Scenic Byway designation that was approved in 1994, had direct partnership involvement with the Highway 28 Traffic Management Study, and is currently providing assistance with the preparation of a Corridor Management Plan. This Plan, now being completed by a consultant through grant funding, will provide a future opportunity to seek a National Scenic Byway designation for Highway 28.

If there are any questions or comments regarding this agenda item, please contact Kay Bennett at (702) 887-2100 or John Hoole at (702) 588-4547.

NOTE: See the attached copy of a recent Meeting Notice for a list of individuals and agencies that make up the Tahoe Eastern Area Management Team.

JH/jh
MEETING NOTICE
-----------------
T.E.A.M. Tahoe

The next meeting of TEAM Tahoe is scheduled for September 18, 1996
at 1:30 p.m. in the TRPA Governing Board Room.

AGENDA
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1. Welcome and Introductions

2. Presentation on Corridor Management Plan
   (Tom Parckard of EDAW)

3. Report on Carson City's intended use of Burton-Santini
   funds for trails and erosion control (Kay Bennett)

4. Update of summer activities on Highway 28 Improvement
   Project (NDOT)

5. Report on status of redesigned Memorial Park Overlook
   (State Parks)

6. Consider implementation issues associated with the
   parking plan (Wiggins)

If you have questions, feel free to contact Kay Bennett (887-2100) or
John Hoole (588-4547).

Agenda circulation list:
-----------------------
Kay Bennett, TEAM Chairperson
Rich Harvey, NV Div. of Forestry
Rod Mier, Resource Cons. Dist.
Don Lane, USFS
Chris Knopp, USFS
Colin West, USFS
Romany Woodbeck, Washoe Co.
Linda Eissmann, NV State Parks
Brad Kosch, NV State Parks
Larry Friedman, NV Comm. on Tourism
Tom Pronapfel, NDOT
Leif Anderson, NDOT
Sarah, NDOT
Carol Hester, TMA
Jay Aldean/Rob Joiner, Carson City
Don Kornreich, Incline Village
Lisa Kirk, Reno Gazette-Journal
Kristina Hill, Kaufman Planning
Jeff Foltz, Douglas Co. DPW
Jeff Acerman, Nevada Appeal
North Swanson, Zephyr Cove
David Jickling, Washoe RTC
Rochelle Nason, League to Save LT
Various TRPA Staff

Planning for the Protection of our Lake and Land
MEMORANDUM

September 16, 1996

To: The TRPA Governing Board

From: TRPA Staff

Subject: Status of Advisory Planning Commission (APC) Lay Member Appointments

Bistate Compact Article III(h) provides, in part, that on the APC there shall be "at least four lay members with an equal number from each State, at least half of whom shall be residents of the region." Since the early 1980s, there have been three lay member appointments from each state.

California lay member Stan Hansen, representing El Dorado County and South Lake Tahoe, resigned his term in March 1996, in order to avoid any potential for conflict of interest at the time the Heavenly master plan and RIS were being processed through TRPA. Nevada lay member Dick Mudgett’s term expired the end of May 1996; he was appointed originally at the recommendation of Washoe County. These two events balanced the lay member appointments on the APC, as follows:

**California**
- Jim Haen
- Leo Popoff

**Term Expires**
- August 1997
- February 1997

**Nevada**
- Bob Jepsen
- Phil Caterino

**Term Expires**
- June 1997
- November 1996

Stan Hansen has expressed an interest in being reappointed to the APC. His reappointment to the APC would create a vacant Nevada lay member position.
DRAFT
1996 EVALUATION REPORT - EXECUTIVE SUMMARY

ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES AND THE REGIONAL PLAN PACKAGE FOR THE LAKE TAHOE REGION

September, 1996

Laurie —
please file this with packets

TAHOE REGIONAL PLANNING AGENCY
...and at last the lake burst upon us—a noble sheet of blue water lifted six thousand three hundred feet above the level of the sea, and walled in by a rim of snow-clad mountain peaks that towered aloft full three thousand feet higher still! It was a vast oval, and one would have to use up eighty or a hundred good miles in traveling around it. As it lay there with the shadows of the mountains brilliantly photographed upon its still surface I thought it must surely be the fairest picture the whole earth affords.

The forest about us was dense and cool, the sky above us was cloudless and brilliant with sunshine, the broad lake before us was glassy and clear, or rippled and breezy, or black and storm-tossed, according to Nature's mood; and its circling border of mountain domes, clothed with forests, scarred with landslides, cloven by canyons and valleys, and helmeted with glittering snow, fitly framed and finished the noble picture. The view was always fascinating, bewitching, entrancing. The eye was never tired of gazing, night or day, in calm or storm, it suffered but one grief, and that was that it could not look always, but must close sometimes in sleep.

So singularly clear was the water, that where it was only twenty or thirty feet deep the bottom was so perfectly distinct that the boat seeming floating in the air! Yes, where it was even eighty feet deep. Every little pebble was distinct, every speckled trout, every hand's-breadth of sand. The water was not merely transparent, but dazzlingly, brilliantly so.”

--excerpts from
Roughing It, by
Mark Twain (1871)
EXECUTIVE SUMMARY

The purpose of this report is to present the results of the Tahoe Regional Planning Agency's second comprehensive evaluation of environmental threshold carrying capacities, adopted in 1982, and the subsequent Regional Plan package, adopted in various parts from 1984 to the present.

The 1996 Evaluation Report is intended to provide information and recommendations to the TRPA Governing Board to assist in making necessary adjustments to the environmental threshold carrying capacities and the Regional Plan package, in compliance with the provisions of the Tahoe Regional Planning Compact.

The Tahoe Regional Planning Compact, along with other state and federal environmental legislation, establishes TRPA's mission. TRPA's Mission and Statement of Principles is set forth in Figure 1. In addition to its mission under the Compact, TRPA is also responsible for certain planning activities under the Federal Clean Air Act, the Federal Clean Water Act, the California Transportation Development Act, and the California Clean Air Act.

In August 1982, TRPA adopted Resolution No. 82-11, adopting environmental threshold carrying capacities for the Lake Tahoe Region. The Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region."

Throughout the Regional Plan package and this report, TRPA commonly refers to "environmental threshold carrying capacities," "threshold standards," or simply "thresholds." These terms are interchangeable.

Prior to adopting Resolution 82-11, TRPA considered lengthy public testimony, an Environmental Impact Statement, and a study report on the establishment of the threshold standards. The thresholds set forth in Exhibit A of Resolution 82-11 address the following nine components of the environment of the Tahoe Region: water quality, soil conservation, air quality, vegetation preservation, wildlife, fisheries, noise, recreation, and scenic resources.

The threshold standards guide virtually all aspects of TRPA's planning and operating functions. Article V(c) of the Compact requires TRPA to amend the Regional Plan so that, "at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance."

Article V(d) of the Compact also requires the Regional Plan to "provide for attaining and maintaining Federal, State, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable." Each element of the plan, where applicable, must identify the means and time schedule by which air and water quality standards will be attained.
Figure 1

Statement of Mission

THE TAHOE REGIONAL PLANNING AGENCY LEADS THE COOPERATIVE EFFORT TO PRESERVE, RESTORE, AND ENHANCE THE UNIQUE NATURAL HUMAN ENVIRONMENT OF THE LAKE TAHOE REGION

Statement of Principles

Preamble

TRPA shall interpret and administer its plans, ordinances, rules, and regulations in accordance with the provisions of the Compact. This statement of principles is intended to confirm the policies set forth in the Tahoe Regional Planning Compact (P.L. 96-551, December 19, 1980), in its specific provisions and as a whole, so as to guide the Agency in resolving conflicts, in charting the future direction, and in enhancing public understandability. The following statement of general policy provides TRPA with direction and consistency for enactment and implementation of the Regional Plan and increases TRPA and public understanding of the TRPA Goals and Policies.

Principles.

1. The Tahoe Region exhibits unique and irreplaceable environmental and ecological values of national significance which are threatened with deterioration or degeneration.

2. The purpose of TRPA is to:
   a. Maintain the significant scenic, recreational, educational, scientific, natural, and public health values provided by the Region; and
   b. Insure an equilibrium between the Region’s natural endowment and its manmade environment.

Together these will encourage the wise use of the waters of Lake Tahoe and the resources of the area, preserve public and private investments in the Region, and preserve the social and economic health of the Region.

3. In accomplishing its purpose, TRPA is to:
   a. Establish environmental threshold carrying capacities, defined as environmental standards necessary to maintain significant scenic, recreational, educational, scientific, or natural values of the Region or to maintain public health and safety within the Region, including but not limited to standards for air quality, water quality, soil conservation, vegetation preservation, and noise;
   b. Adopt and enforce a Regional Plan and implementing ordinances which achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities; and
   c. Pursue such activities and projects consistent with the Agency’s purposes.

Source: TRPA Goals and Policies, 1996
Finally, Article V(g) of the Compact requires TRPA to make specific written findings prior to approving any project in the Region. These findings must "insure that the project under review will not adversely affect implementation of the Regional Plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded."

Although the thresholds do not address the economy of the Tahoe Region, TRPA recognizes the interdependence of environmental quality, economic health, and social well-being in the Tahoe Region. The Regional Plan Goals and Policies (1986) provide that TRPA will monitor economic conditions, report on the state of the Region's economy, consider the impacts of the Regional Plan on the Region's economy, and consider adjustments to the Regional Plan consistent with the attainment of the threshold standards.

Resolution 82-11 states that the threshold standards shall be reviewed at the time of adoption of the Regional Plan to ensure that the plan and the thresholds are consistent, and at least every five years thereafter. The thresholds shall be amended where scientific evidence and technical information indicate: (a) two or more thresholds are mutually exclusive, or (b) substantial evidence to provide a basis for a threshold does not exist, or (c) a threshold cannot be achieved, or (d) a threshold is not sufficient to maintain a significant value of the Region or additional thresholds are required to maintain a significant value.

The Regional Plan Goals and Policies (Monitoring and Evaluation Subelement) and the Code of Ordinances, in Chapter 32, also require TRPA to evaluate the thresholds and the Regional Plan package at least every five years. Although Regional Plan litigation in the mid-1980s created uncertainty as to the date of the first five-year review, the Water Quality Management Plan for the Lake Tahoe Region (TRPA, 1988) established the date for the first evaluation as September, 1991.

The 1996 Evaluation Report consists of an Executive Summary with findings and conclusions and nine chapters, which include the evaluation results for the various categories of threshold standards and the economy of the Region.

There are three appendices. Appendix A contains the list of control measures and related information prepared pursuant to Chapter 32 of the TRPA Code of Ordinances. Appendix B contains a schedule of implementation for the many recommendations of the 1996 Evaluation Report. Appendix C is the Technical Appendices.

TRPA would like to express its gratitude to the numerous individuals who assisted with this evaluation through participation, formally and informally, as technical advisors, commenters, and reviewers. Their names are listed in the acknowledgments. Without their assistance, preparation of this report would not have been possible.
THE LAKE TAHOE REGION

The Tahoe Region is a special place. To those who have visited Lake Tahoe and its surroundings, from earliest pre-history to the present, the Region is an exceptional, inspiring place of spiritual proportion.

The Tahoe Region was once a place of inestimable beauty. The American author Samuel Clemens ("Mark Twain") wrote of its beauty over a century ago. Photographer Ansel Adams captured it in his photographs.

Yet, like other natural places in California and the Great Basin, its beauty has been severely compromised. As at Yosemite, Pyramid Lake, the lakes and marshes of the Pacific flyway, San Francisco Bay and the California Delta, the progress of modern life has diminished the unique values that make the Tahoe Region so extraordinary.

With ever-increasing pressure upon the Region as a recreational resource and an urban center, preservation of the values of the Tahoe Region is vitally important and--at the same time--immensely difficult. The Region acts as a haven from the urbanized and urbanizing areas surrounding it, and for others who travel from afar to appreciate it. Ironically, the millions who enjoy the area simultaneously endanger it with their very presence.

About the Tahoe Region

Located between the Carson Range on the east and the Sierra Nevada on the west, the Tahoe Region is divided by the California-Nevada state line. Approximately one-third of the Region is in Nevada, and two-thirds in California. The total land area of the Region is over 207,000 acres, with about 75 percent in public ownership.

Lake Tahoe is the dominant feature of the Region and is world renowned for its crystal clear water and beautiful setting. Lake Tahoe is approximately 12 miles wide and 22 miles long, with a surface area of 192 square miles and 75 miles of shoreline. With a maximum depth of 1,645 feet, Lake Tahoe is the tenth deepest lake in the world. Maximum elevation of the Lake's surface is 6,229 feet above sea level.

The topography of the Region consists chiefly of steeply sloping mountains with a few flat or moderately sloping areas where most development has occurred. Elevations of the peaks surrounding Lake Tahoe range from about 8,000 feet to almost 11,000 feet above sea level.
Long, relatively mild winters and short, dry summers characterize the climate of the Region. Precipitation normally falls as snow during the winter months. During the summer, there are infrequent thunderstorms. The western side of the Region receives about twice the precipitation as the eastern side.

Most development and urbanization of the Tahoe Region occurred during and following the Squaw Valley winter Olympics in 1960. Since that time, the population of the Region has increased over five times, with about 80 percent of the population residing in California. The summer population in 1995 is estimated at 102,000.

There are about 20 developed towns and communities; however, the City of South Lake Tahoe is the only incorporated city. The Region is home to about 42,800 residences, 9,600 vacation homes, 11,500 tourist accommodation units, and 2,500 campground units. Figure 2 is the TRPA Regional Plan map which generally matches the land use pattern of the Region.

Casino gaming areas are located at the north and south stateline areas, and in Incline Village. These areas provide tourist, commercial, and indoor entertainment facilities.

The undeveloped areas of the Region are predominantly publicly owned. Public ownership is increasing, largely through the efforts of federal and state land acquisition programs. Outdoor recreation use of the Region is extensive.

The dominant transportation system in the Region is the highway system. There are seven highways that allow access to the Region, four in California and three in Nevada. The dominant form of transportation is the private automobile, but buses, taxis, and other modes accommodate some trips. The South Tahoe Airport, located in the City of South Lake Tahoe, serves the Region.

**Effects of Human Activity**

There is extensive evidence of the adverse impacts of human activity in the Tahoe Region. Lake Tahoe itself suffers from cultural eutrophication, an increase in algal productivity that will continue until the Lake's nutrient budget is balanced. Even with aggressive management, Lake Tahoe's water quality trends will change slowly, due to the Lake's long residence time, approximately 700 years. Runoff from the watershed carries nutrients to Lake Tahoe; other nutrients come from the air.

Violations of water quality standards and guidelines for tributary streams and urban runoff are common. Water quality is best in watersheds draining relatively undeveloped areas. Accidental discharges from sewage collection and treatment systems and discharges of toxic and hazardous substances during transport or storage have occurred and endanger water quality and public health and safety.
The Region has many examples of soil conservation problems: erosion and runoff associated with urbanization; unstable cut and fill slopes, particularly associated with roads, denuded and compacted areas; stream channelization, and damage from outdoor recreation, off-road vehicles, and grazing.

Although a portion of the Region in California did not attain the federal, state, and TRPA air quality standards for carbon monoxide, due to the presence of a "hot spot" near the south Stateline-California monitoring station, recent monitoring indicates the entire Region is now in attainment. TRPA ozone standards continue to be exceeded in recent years. Based on data from more sophisticated monitors, the Region appears to be in non-attainment for some standards for visual range. The Region still does not meet one of the California inhalable particulate standards, a health-related standard. Other fine particles found in the air include high proportions of wood smoke for which TRPA has not met its threshold target to reduce emissions by 15 percent.

Traffic congestion is common in certain parts of the Region in both summer and winter. TRPA estimates that 1.73 million vehicle miles were traveled (VMT) in the Region on an average peak summer day in 1995. Although VMT projections have improved and improvements have occurred, the land use pattern still suffers from strip development; loss of view corridors; inefficiency in the distribution of uses; and automobile dependency. As indicated in the Summary Table, TRPA still does not meet its threshold targets for vehicle mile reductions.

Vegetation in the Region suffers from poor diversity, a result of the even-aged timber stand left by logging in the late 1800s and current fire suppression practices. Insects have attacked the forest, already weakened by stress, and have killed hundreds of millions of board feet of trees. Recent data still indicates that common vegetation does not meet the threshold, and there is a need to upgrade the thresholds for such things as old growth timber. As to fish and wildlife habitat, progress is being made toward attainment of thresholds which call for restoration of previous human disturbance that decreased the value of fish habitat and wildlife habitat.

Both single-event and cumulative noise affect the tranquility of the Tahoe Region. Although most communities meet noise criteria, some suffer from elevated noise levels from traffic, the dominant noise source in the area. With the adoption of the South Tahoe Airport Master Plan, many of the issues of airport-related noise have been addressed.

Roads, buildings, signs, powerlines, and fences reduce the outstanding scenic attributes of the Region. The Regional Plan designates about 50 areas for scenic restoration. 1996 surveys indicate the Region has improved in the urban areas and has fallen behind in some rural and shorezone areas.

Although outdoor recreation facilities are heavily used during peak winter and summer periods, TRPA is behind in meeting its targets for outdoor recreation. During peak summer periods, there is a shortage of developed campsites, day use facilities, and trails. During peak winter days, capacity limits at developed ski areas and on the highway system are sometimes exceeded.
Concern, Preservation, and Remediation

Tahoe has a long history of concern for environmental quality, preservation of its unique values, and remediation of its most serious problems. The individuals involved in this over the years are too numerous to list. TRPA, the California Tahoe Regional Planning Agency (CTRPA), and their forerunners in the 1960s have prepared a series of comprehensive plans for the Region. The U.S. Forest Service and state parks departments have planned for, preserved, and managed large tracts of land.

The Forest Service, through the Burton-Santini program, the California Tahoe Conservancy, and the Nevada Division of State Lands have purchased thousands of environmentally sensitive parcels to place them under the protection of public ownership. These same agencies have contributed mightily to the ongoing program of erosion and runoff control in the watershed and have led the way with pilot projects to restore stream environment zones. Units of local government generally construct and maintain these remedial projects.

From a very small program in the early 1960s, interagency monitoring efforts have grown to include almost 30 permanent water quality monitoring sites and five air quality monitoring sites, using the most up-to-date equipment and analysis, with a cost of about $1 million annually. These monitoring programs provide information to direct and evaluate the control measures of the Regional Plan.

The City of South Lake Tahoe has been a leader in redevelopment of sub-standard urban areas, and redevelopment programs in North Lake Tahoe are now in progress.

These are just a few examples of the long history of concern for environmental quality and action in the Tahoe Region.

Institutional Arrangements

Numerous public agencies govern the Tahoe Region, and other agencies assist with the provision of public services. The Water Quality Management Plan for the Region identifies 24 agencies with responsibilities in water quality alone. A partial list of the cooperating agencies follows:

Federal Agencies: Environmental Protection Agency, Forest Service, National Resource Conservation Service, Army Corps of Engineers

State Agencies: CALTRANS, California Air Resources Board, California Department of Forestry, California Department of State Parks, California Regional Water Quality Control Board—Lahontan Region, California State Lands Commission, California State Water Resources Control Board, California Tahoe Conservancy, Nevada Department of Transportation, Nevada Division of State Parks and Recreation, Nevada Division of Environmental Protection, Nevada Division of Forestry, Nevada Division of State Lands
Local Government: City of South Lake Tahoe, Carson City, Douglas County, El Dorado County, Placer County, Washoe County

Other Local Agencies: Douglas County Sewer Improvement District, El Dorado County Air Pollution Control District, Incline Village General Improvement District, Nevada Tahoe Conservation District, North Tahoe Public Utility District, Placer County Air Pollution Control District, South Tahoe Public Utility District, Tahoe City Public Utility District, Tahoe Resource Conservation District

Regional Agencies: Tahoe Regional Planning Agency, Tahoe Transportation District

SUMMARY OF THE 1996 EVALUATION

This is a brief summary of the 1996 Evaluation, Environmental Threshold Carrying Capacities and the Regional Plan Package. It gives the reader an overview of the full Report. This summary contains:

Basic Assumptions and Recommendations
Summary of Trends, Status, and Recommendations for Individual Thresholds

Basic Assumptions and Recommendations: The 1996 Evaluation Report was prepared with some basic assumptions of policy and direction. The assumptions and the findings of the Report set the groundwork for the recommendations that follow.

Assumption #1. There are no major changes to the environmental thresholds proposed with this Evaluation. TRPA recognizes that many of the major studies needed to evaluate threshold amendments were not completed as proposed in the 1991 Evaluation. This Evaluation recommends a stronger effort be made to complete these studies, especially the water quality modeling studies. Where data does exist to support changes, this study does make appropriate recommendations.

Assumption #2. The focus of the TRPA for the next five years will be on implementing environmental improvements. The 1991 Evaluation recommended developing an integrated environmental improvement program to coordinate and assure implementation of all the projects, programs and studies needed to achieve and maintain environmental thresholds. Following on this recommendation, the 1996 Evaluation recommends focusing efforts of all entities in the Region upon implementing the Environmental Improvement Program with an emphasis on a ‘Top Priority List’ of projects for the next five years. Included with this recommendation is a refocusing of TRPA staff efforts on implementation that will be made possible through streamlining, delegation, and partnership efforts.
Assumption #3. The allocations of development for the next ten years will be within that projected by previous plans and EISs. It is the recommendation of this Evaluation that any major changes in growth limits would be premature based upon current progress on threshold attainment.

Summary of Trends, Status, and Recommendations for Individual Thresholds: For a brief summary of the individual thresholds, see Table 1 that follows. The table displays, for each threshold category, the trend toward attainment, the status of the threshold, and the report's recommendations. The table also provides recommendations for the Region's economy.

The recommendations are classified as “A List,” which means the recommendations will be completed by TRPA as part of the 1996 Evaluation. Those recommendations classified “B List” will be completed by TRPA before the 2001 Evaluation. Those recommendations classified as “C List” will be completed; but, many of these recommendations will require additional funding, staffing, or cooperation from other agencies.
# TABLE 1
## SUMMARY OF THE 1996 EVALUATION

### ENVIRONMENTAL THRESHOLD COMPLIANCE INDICATOR STATUS AND TRENDS

<table>
<thead>
<tr>
<th>Threshold</th>
<th>1991</th>
<th>1996</th>
<th>Trend</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQ-1 CO</td>
<td>Non-attainment</td>
<td>Attainment</td>
<td>↑</td>
</tr>
<tr>
<td>AQ-2 O&lt;sub&gt;3&lt;/sub&gt;</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>AQ-3 Particulate</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>AQ-4 Visibility</td>
<td>Attainment</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>AQ-5 U.S. 50 Traffic Volume</td>
<td>Non-attainment</td>
<td>Attainment</td>
<td>↑</td>
</tr>
<tr>
<td>AQ-6 Wood Smoke</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>AQ-7 VMT</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>AQ-8 Atmospheric Nutrient Loading</td>
<td>Attainment</td>
<td>Attainment</td>
<td>↑</td>
</tr>
<tr>
<td>WQ-1 Turbidity (Shallow)</td>
<td>Attainment</td>
<td>Attainment</td>
<td>=</td>
</tr>
<tr>
<td>WQ-2 Clarity, Winter</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↓</td>
</tr>
<tr>
<td>WQ-3 Phytoplankton PPr</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↓</td>
</tr>
<tr>
<td>WQ-4 Tributary Water Quality</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>WQ-5 Runoff Water Quality</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>WQ-6 Groundwater</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>WQ-7 Other Lakes</td>
<td>Unknown</td>
<td>Attainment</td>
<td>=</td>
</tr>
<tr>
<td>SC-1 Impervious Coverage</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>SC-2 Naturally-Functioning SEZ</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>V-1 Relative Abundance and Pattern</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>V-2 Uncommon Plant Communities</td>
<td>Attainment</td>
<td>Attainment</td>
<td>↑</td>
</tr>
<tr>
<td>V-3 Sensitive Vegetation</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>F-1 Lake Habitat</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>F-2 Stream Habitat</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>F-3 In-Stream Flows</td>
<td>Attainment</td>
<td>Attainment</td>
<td>=</td>
</tr>
<tr>
<td>W-1 Special Interest Species</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>W-2 Habitats of Special Significance</td>
<td>Attainment</td>
<td>Non-attainment</td>
<td>↓</td>
</tr>
<tr>
<td>SR-1 Travel Route Ratings</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>SR-2 Scenic Quality Ratings</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>↓</td>
</tr>
<tr>
<td>SR-3 Public Recreation Area Scenic Quality Ratings</td>
<td>Not in Effect</td>
<td>Attainment</td>
<td>=</td>
</tr>
<tr>
<td>SR-4 Community Design</td>
<td>Unknown</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>N-1 Single Event (Aircraft)</td>
<td>Unknown</td>
<td>Non-attainment</td>
<td>↑</td>
</tr>
<tr>
<td>N-2 Single Event (Other)</td>
<td>Attainment</td>
<td>Attainment</td>
<td>=</td>
</tr>
<tr>
<td>N-3 Community Noise</td>
<td>Non-attainment</td>
<td>Non-attainment</td>
<td>=</td>
</tr>
<tr>
<td>R-1 High Quality Recreational Experience</td>
<td>Unknown</td>
<td>Unknown</td>
<td>=</td>
</tr>
<tr>
<td>R-2 Capacity Available to the General Public</td>
<td>Attainment</td>
<td>Attainment</td>
<td>↓</td>
</tr>
</tbody>
</table>

Positive Trend ↑  Negative Trend ↓  No Trend =
### Table 1
**Summary of 1996 Evaluation**

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
</table>
Attainment: For interim. |

**Recommendations**

1. Continue to implement Regional Transportation Plan - Air Quality Plan, including the plan to complete the Loop Road System. (On-going)

### Table 2

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
</table>
| AQ-2      | Ozone | 1-Hour Average | TRPA=0.08 ppm, California - 0.09 ppm, Nevada = 0.10 ppm, Federal = 0.12 ppm | By September 1996, TRPA should prepare a report on ozone sources, controls and impacts. | Attainment: For Federal, Nevada and California Standards.  
Non-attainment: For TRPA standards.  
Non-attainment: For Interim, but attainment for Interim anticipated in 1997. |

**Recommendations**

1. TRPA should continue to implement the control measures of the RTP-AQP, while also recognizing that there are strong indications that transport from upwind areas may be a significant contributor of ozone concentrations in the Region. (On-going)

2. TRPA should conduct a study to determine what role transport plays in the ozone concentration levels within the Tahoe Basin, and how the local NOx and Hydrocarbon levels compare with ozone concentrations. (C List)

### Table 3

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
</table>
| AQ-3      | Particulate Matter (PM$_{10}$) | 24-Hour Average | California: 50 ug/m$^3$, Federal: 150 ug/m$^3$, Annual Average California: 30 ug/m$^3$, Federal: 50 ug/m$^3$ | For calendar year 1995, 24-hour concentration (1st high) not to exceed 60 ug/m$^3$ | Attainment for Federal 24 Hour Standard  
Non-attainment: California 24 Hour Standard  
Attainment for Annual Standards  
Non-attainment: Interim Target |

**Recommendations**

1. Revise Wood Heater Retrofit Program to give it more enforcement power and provide options to delegate to local government. (B List)

2. Develop and implement the high priority EIP projects to reduce the amount of exposed soil and reduce the vehicle miles of travel (VMT). (A List)

3. TRPA should add a new element to its particulate sampling to determine what levels of sand and salt, attributable to local road maintenance, exist in local particulate samples. (B List)

### Table 4

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
</table>
| AQ-4      | Visibility | Regional | 171 km, 50% of year, 97 km, 90% of year | N/A | Non-attainment: 50% range: regional and sub-regional.  
Attainment: 90% range: regional and sub-regional. |

**Recommendations**

1. Revise visibility threshold standards so that the numerical standard better corresponds with current monitoring methods. (Current standard was developed using contrast measurements from photometric data, but current monitoring consists of optical measurements and particulate data.) (A List)

2. Evaluate possibility of having seasonal visibility thresholds. (C List)

3. Establish monitoring procedures for prescribed burns and wildfires so that TRPA has some means of evaluating individual events and whether thresholds can be met and maintained based on impacts from events. (B List)
### TABLE 1
SUMMARY OF THE 1996 EVALUATION

**AIR QUALITY THRESHOLDS**

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQ-5</td>
<td>U.S. 50 Traffic Volume</td>
<td>Average</td>
<td>7% reduction traffic volume on U.S. 50 corridor from 1981 values.</td>
<td>None</td>
<td>Attainment: The 1995 volumes show a 7.8% reduction.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>volume, 4 pm to 12 am, November through February</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendations**

1. Upon better evaluation of carbon monoxide data, determine whether or not this standard should be revised or eliminated. This management standard was developed as a means of meeting the CO threshold, and currently the CO threshold is being met. (C List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
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<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQ-6</td>
<td>Wood Smoke</td>
<td>Wood smoke concentrations</td>
<td>Reduce annual emissions 15% from 1981 values.</td>
<td>By September 1996. TRPA shall prepare a report on historic vs. present wood smoke comparisons.</td>
<td>Non-attainment: Preliminary data shows an increase in wood smoke. Non-attainment: For interim; However, it will be completed April 1997.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Revise Wood Heater Retrofit Program to allow for better enforcement of regulations and provide options to delegate to local governments. (B List)

2. Evaluate the possibility of having a wood smoke standard that would allow for wood smoke levels attributable to wild fires or prescribed burns. (C List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQ-7</td>
<td>Vehicle Miles</td>
<td>VMT based on TRANPLAN transportation model</td>
<td>Reduce VMT 10% from 1981 values.</td>
<td>To not exceed RFP line identified as forecast in 1991 Evaluation.</td>
<td>Non-attainment: 1.735 million VMT exceeds 1981 levels. Attachment of interim target - More accurate land use data indicate VMT is less than previously modeled.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Evaluate VMT and its effectiveness as a threshold standard for air quality. Determine whether another indicator would allow for better evaluation of air quality impacts (i.e., transit performance standards, LOS). Determine level of significance VMT plays in visibility impacts and increased NOx concentrations. (C List)

2. Develop and implement high priority air quality EIP projects. (A List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQ-8</td>
<td>Atmospheric Nutrient Loading</td>
<td>Particulate concentrations of NOx; gaseous concentrations of NOx</td>
<td>Reduce DIN load on Lake Tahoe from atmospheric sources by approximately 20% of the 1973-1981 annual average.</td>
<td>Indicator shall not exceed forecast lines identified in 1991 Evaluation.</td>
<td>Attachment: Based on sample monitoring. However, TRPA has not established 1973-1981 annual average.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Conduct study to establish 1973-1981 annual averages of NOx and NO3 concentrations, so that current levels can be directly compared with the average to determine compliance with the threshold. (C List)
<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WQ-1</td>
<td>Shallow waters of Lake Tahoe</td>
<td>Turbidity, shallow waters of Lake Tahoe</td>
<td>Decreases sediment load as required to attain turbidity values not to exceed 3 NTU in littoral Lake Tahoe. In addition, turbidity shall not exceed 1 NTU in shallow waters of Lake Tahoe not directly influenced by stream discharges.</td>
<td></td>
<td>Attainment. Turbidity in the littoral zone of Lake Tahoe currently attains the standard for areas influenced by stream discharge and areas not influenced by stream discharge.</td>
</tr>
</tbody>
</table>

**Recommendations:** Amend the monitoring requirements for the indicator units to reflect monitoring needs closer to the shoreline. (A List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WQ-2</td>
<td>Deep waters of Lake Tahoe</td>
<td>Clarity, winter, pelagic Lake Tahoe</td>
<td>Average secchi depth, December-March, shall not be less than 33.4 meters.</td>
<td></td>
<td>Annual average secchi depth shall not be less than 20.7 meters in water year 1995</td>
</tr>
</tbody>
</table>

**Recommendations:**
1. Develop clarity model to predict the total amount of nutrient loading per year that is allowed to achieve clarity standard. (C List)
2. Develop a BMP Maintenance Program and funding options for large project as part of the Water Quality Capital Improvement Program. (B List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WQ-2-A</td>
<td>Deep waters of Lake Tahoe</td>
<td>Clarity, winter, pelagic Lake Tahoe</td>
<td>Clarity, winter, pelagic Lake Tahoe. As a related factor to the deep water clarity of Lake Tahoe, progress by public agencies to construct erosion control projects is tracked.</td>
<td>From January 1, 1992, to December, 1996, total expenditures on capital improvement projects for 8 jurisdictions.</td>
<td>Non-attainment: Tentatively 6 out of 8 will attain interim target.</td>
</tr>
</tbody>
</table>

**Recommendations:**
1. Adopt a performance-based Water Quality CIP Program interim target where progress in implementing projects is directly tied to the allocation process. Also require a maintenance component within the five-year list and allocation process. (A List)
2. Develop High Priority Project list in the Environmental Improvement Program. (A List)
3. Amend the indicator units to reflect projects that will be completed by each jurisdiction and not base progress solely on dollar amounts, but on a water quality benefit basis. (B List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WQ-2-B</td>
<td>Deep waters of Lake Tahoe</td>
<td>Clarity, winter, pelagic Lake Tahoe</td>
<td>Clarity, winter, pelagic Lake Tahoe. As a related factor to installation and maintenance of BMPs is tracked.</td>
<td>By December 30, 1996, 35 percent of the properties shall have BMPs in place, and 30 percent have revegetation of disturbed areas.</td>
<td>Attainment. For interim, results from four previous surveys of 525 parcels, show that installation and maintenance of BMPs generally increased since 1993.</td>
</tr>
</tbody>
</table>

**Recommendations:**
1. Restructure current format of evaluating each parcel. More specificity is needed, particularly in how effective the parcel is in treating runoff. Re-randomize parcel count for each survey, or drop 100 percent scores on parcels, and randomly add new parcels to the survey. (B List)
## TABLE 1
SUMMARY OF 1996 EVALUATION

<table>
<thead>
<tr>
<th>WATER QUALITY THRESHOLDS</th>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WQ-3</td>
<td>Deep waters of Lake Tahoe</td>
<td>Phytoplankton Primary Productivity</td>
<td>Annual mean phytoplankton primary productivity shall not exceed 52gC/m(^3)/yr. California: algal productivity shall not be increased beyond levels recorded in 1967-1971, based on a statistical comparison of seasonal and annual mean values.</td>
<td>Annual mean phytoplankton shall not exceed 145 gC/m(^3)/yr, for WY 1995.</td>
<td>Non-attainment for interim target of 145gC/m(^3)/yr, and for long-term standard of 52gC/m(^3)/yr.</td>
</tr>
</tbody>
</table>

**Recommendations:**
1. Develop water clarity model which mathematically links nutrient loading, algal growth rate and changes in water clarity, and will serve as a predictive tool on how much loading can be allowed to occur to achieve the primary productivity standard. (C List)
2. Complete urban runoff model to evaluate the impacts of urban runoff and link it to the clarity model on a watershed basis. (B List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WQ-4</td>
<td>Tributaries</td>
<td>Tributary water quality</td>
<td>California: total nitrogen, total phosphorus and total iron (annual average). Nevada: soluble phosphorus not to exceed 0.007mg/l annual average, soluble inorganic nitrogen not to exceed 0.025mg/l annual average. TRPA: attain a 90th percentile value for suspended sediment of 60mg/l.</td>
<td>Total Phosphorus concentrations shall not exceed established forecast lines.</td>
<td>Non-attainment, depending on the water year, however, some tributaries are in attainment for total nitrogen and total phosphorous.</td>
</tr>
</tbody>
</table>

**Recommendations:**
1. Refine existing tributary monitoring program to include short-term indicators for tributaries to evaluate relative “health” of a watershed. Indicators of health include Rapid Bioassessment Protocol and Total Daily Maximum Loads (TMDLs). (B List)
2. Complete and implement urban runoff model to address impacts of urban runoff. (B List)
3. Commit resources to the Upper Truckee River Focused Watershed effort, and work towards consolidation of monitoring efforts. (C List)
4. Develop models describing the hydrologic and nutrient cycling processes in the Upper Truckee River watershed.
5. Amend 90th percentile total suspended sediment standard for tributaries to annual average. (A List)
6. Commit resources to “real-time” interpretation of existing water quality data. (C List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>WQ-5</td>
<td>Stormwater runoff quality</td>
<td>Surface discharge to surface water</td>
<td>TRPA threshold-dissolved inorganic nitrogen, 0.5mg/l; dissolved phosphorus, 0.1mg/l; dissolved iron, 0.5mg/l; suspended sediment, 250mg/l.</td>
<td>TRPA shall prepare a mitigation plan of urban runoff at the point of discharge.</td>
<td>Non-attainment for interim and long term. Typically, stormwater runoff does not meet state standards for total nitrogen, total iron.</td>
</tr>
</tbody>
</table>

**Recommendations:**
1. Complete the interim target to prepare a mitigation plan of urban runoff at the point of discharge. (B List)
### TABLE 1
SUMMARY OF 1996 EVALUATION

<table>
<thead>
<tr>
<th>Threshold</th>
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</tr>
</thead>
<tbody>
<tr>
<td>WQ-6</td>
<td>Stormwater runoff quality</td>
<td>Surface discharge to groundwater</td>
<td>Surface water infiltration into the groundwater shall comply with the Uniform Regional Runoff Guidelines. For total nitrogen, 5 mg/l; total phosphorus, 1 mg/l; total iron, 4 mg/l; turbidity, 200 NTU; grease and oil, 40 mg/l.</td>
<td>TRPA shall prepare a mitigation plan of urban runoff at the point of discharge.</td>
<td>Non-attainment for interim and long term. Typically, surface discharge to groundwater does not meet state standards.</td>
</tr>
</tbody>
</table>

**Recommendations:**

1. Complete urban runoff model to evaluate impacts of urban runoff and to help prioritize future water quality projects. (B List)
2. Develop and implement a BMP Maintenance Program for large projects and continue to implement the BMP Retrofit Program. (B List)
3. Refine current monitoring program to collect urban runoff on a flow-weighted basis in the Upper Truckee River and Third Creek watershed, rather than focus on grab samples throughout the Basin. (B List)
4. Develop a performance-based CIP list coordinated with the Environmental Improvement Program for each jurisdiction. (A List)

<table>
<thead>
<tr>
<th>Threshold</th>
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</tr>
</thead>
<tbody>
<tr>
<td>WQ-7</td>
<td>Other Lakes</td>
<td>California-Nevada Other Lakes</td>
<td>For other lakes in Nevada and California, the standards are the same as the tributary standards.</td>
<td>TRPA shall determine the status of developing standards by September, 1996.</td>
<td>Attainment: Under current State standards, the lakes are typically within the Standards. Attainment for interim: Nevada is currently revising its tributary standards. TRG is currently preparing a report on California Other Lake Standards.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Complete feasibility assessment of the need for establishment of water quality standards for California Other Lakes. (C List)

16
<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>SC-1</td>
<td>Impervious Land</td>
<td>Additional</td>
<td>Impervious coverage shall comply with the land capability classification of the Lake Tahoe Basin.</td>
<td>Spend 80% of excess coverage mitigation fee funds.</td>
<td>Non-attainment for coverage reductions Non-attainment for interim. Nevada has not purchased land coverage with the fees. California is in attainment.</td>
</tr>
<tr>
<td></td>
<td>Coverage</td>
<td>Coverage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>by project (sq.ft.)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendations**

1. Evaluate the effectiveness of land coverage limitations related to water quality improvement by developing a water clarity model. Recommendations regarding changes to the land coverage program should be a goal of the model. (C List)

2. A full inventory and model of coverage within the Basin should be made by land capability type. (C List)

3. Work with the Forest Service and State Parks to target up to 80% of coverage removed from the obliteration of unpaved roads be permanently retired. (C List)

4. Amend excess coverage mitigation fee calculations to ensure the ability to retire the targeted coverage amount. (A List)

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>SC-2</td>
<td>SEZ Restoration</td>
<td>Acres Restored</td>
<td>Restore 25% of the SEZ in developed, disturbed, and subdivided areas, restore 100% in outlying areas for 5% overall increase.</td>
<td>By December 31, 1992, TRPA shall adopt interim targets.</td>
<td>Non-attainment. Only a quarter of the 1100 acres of SEZ have been restored. Non-attainment for interim. TRPA has not adopted interim targets.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Amend the Code of Ordinances to provide language that clearly protects SEZs from disturbance and vegetation removal or conversion except under approved management plans. (A List)

2. All SEZ lands within the subdivided, developed, or disturbed parts of the Region acquired by the Forest Service, California Tahoe Conservancy, or Nevada State Lands should be evaluated by qualified personnel for their restoration potential. (C List)

3. Local governments should help fund the evaluation of publicly acquired SEZ lands for their restoration potential and inclusion in the EIP. (C List)

4. Four hundred acres of SEZ should be included in the EIP as a priority for restoration over the next five years. (A List)

5. A classification system of SEZ type by function both in terms of wildlife, fisheries, and hydrology should be created. (B List)

6. An assessment and determination of the value of man-made SEZ should be made for purposes of both water quality and/or wildlife habitat improvements. (C List)
## TABLE 1
### SUMMARY OF THE 1996 EVALUATION

<table>
<thead>
<tr>
<th>VEGETATION THRESHOLDS</th>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>V-1</td>
<td>Vegetation Protection</td>
<td>Common Vegetation</td>
<td>Increase plant and structural diversity of forest communities as measured by species richness, relative abundance and pattern.</td>
<td>To be determined pending completion of next U.S. Forest Service vegetation inventory.</td>
<td>Attainment for species richness and pattern. Non-attainment for relative abundance of deciduous riparian (low acreage), yellow pine forest (high acreage) and red fir forest (high acreage).</td>
<td></td>
</tr>
</tbody>
</table>

**Recommendations**

1. Adopt Vegetation Goals and Policies to reflect ecosystem/forest health approach to resource management. (B List)
2. Adopt Old Growth/Late Successional Stage Threshold to protect and perpetuate old growth stands in the urban and non-urban areas and single trees of significance in the urban areas. (A List)
3. Amend Chapter 74 of the Code of Ordinances to provide additional protections to stream environment zone vegetation. (A List)
4. Amend Chapter 71 of the Code of Ordinances to reflect ecosystem/forest health approach to resource management. (B List)
5. Develop and implement high priority vegetation EIP projects. (B List)

<table>
<thead>
<tr>
<th>Threshold</th>
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</tr>
</thead>
</table>

**Recommendations**

1. Complete an underwater survey of Lake Tahoe deep water plant communities by remote operated vehicle. (C List)
2. Provide for annual protection measures for Freel Peak Community. (C List)

<table>
<thead>
<tr>
<th>Threshold</th>
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</tr>
</thead>
<tbody>
<tr>
<td>V-3</td>
<td>Vegetation Protection</td>
<td>Sensitive Plants</td>
<td>Maintain a minimum number of population sites for each species.</td>
<td>By September 1996, TRPA should prepare a study and recommendation regarding possible listing of Arabis vagilliflora, demotis and Silene invisa.</td>
<td>Non-attainment of Rorippa. High water has reduced sites to less than 10. Attainment of Lewisia, and both Draba species as of 1993. Attainment with respect to the interim target.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. For Rorippa, develop and implement California State lands Commission's Stewardship Program. Continue population inventory surveys. Conduct biological study of Rorippa's genetic makeup, the effects of inundation, reproductive biology, population viability, root morphology, and habitat. (C List)

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### TABLE 1
SUMMARY OF THE 1996 EVALUATION

<table>
<thead>
<tr>
<th>FISHERIES THRESHOLDS</th>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-1</td>
<td>Fisheries Habitat Protection</td>
<td>Lake Habitat</td>
<td>A non-degradation standard shall apply to fish habitat in Lake Tahoe. Achieve the equivalent of 5,948 total acres of excellent habitat.</td>
<td>Develop a restoration program for Lake fisheries by September 1997.</td>
<td>Non-attainment - However the fish study and mapping indicate a reduced number of acres in need of restoration.</td>
<td>Non-attainment for interim</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Revise the location standards relative to fish habitat for shorezone structures, enhance controls in the Code, and fund enforcement of lake bed manipulation based upon the Shorezone Final EIS. (B List)

2. Amend in-Lake fish habitat map to more accurately reflect habitat conditions. (A List)

3. Conduct an in-Lake fish habitat restoration study in order to provide scientifically accurate recommendations for restoration projects in the shorezone. (B List)

4. Develop a Fish Habitat Improvement Program in the EIP incorporating recommendations from restoration study. (B List)

5. Conduct a mountain whitefish survey to analyze its population status. (C List)

<table>
<thead>
<tr>
<th>FISHERIES THRESHOLDS</th>
<th>Threshold</th>
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</tr>
</thead>
<tbody>
<tr>
<td>F-2</td>
<td>Fisheries Habitat Protection</td>
<td>Stream Habitat</td>
<td>Maintain the 75 miles of excellent, 105 miles of good, and 38 miles of marginal stream habitats as indicated by the map on page 76 of the EIS for the establishment of the environmental thresholds.</td>
<td>25 stream habitat miles from good to excellent, and 45 miles from marginal to good, provided that if TRPA adopts a new rating system, substitute targets will be adopted simultaneously.</td>
<td>Non-attainment for long-term standards.</td>
<td></td>
</tr>
</tbody>
</table>

**Recommendations**

1. Amend Stream Habitat maps to reflect the changes that have occurred as a consequence of re-rating. (A List)

2. Adopt Appendix C-1 of the 96 Evaluation with the amended stream ratings and potential ratings for each stream. (A List)

3. Once the Riparian Assessment project is complete, incorporate the biological information into a revised rating system. (B List)

4. Improve the fish habitat improvement program for the Region’s streams based on the potential a stream has in becoming good or excellent fish habitat. This should become part of the EIP. (B List)

5. Amend the Code of Ordinances to protect the SEZs consistent with non-degradation standards found in both the fisheries and wildlife thresholds. (A List)

6. Conduct feasibility study for the reintroduction of amphibians within the drainages that are rated marginal fisheries habitat and whose potential to provide fish habitat is marginal. (C List)

7. Facilitate the development of a beaver management program in coordination with the resource management agencies of the Region. (On-going)

8. Conduct a mountain whitefish survey to analyze its population status. (C List)
<table>
<thead>
<tr>
<th>Threshold</th>
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</tr>
</thead>
<tbody>
<tr>
<td>F-3</td>
<td>Instream Flows</td>
<td></td>
<td>A non-degradation standard shall apply to instream flows until instream flow standards are established in the Regional Plan to protect fishery values.</td>
<td>Adopt numerical instream flow standards for studied streams by June 1997.</td>
<td>Unknown for long term because of lack of monitoring data. Non-attainment for interim but will be adopted with this report.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Adopt the instream flow requirements recommended in the 1987 report. (A List)
2. Develop monitoring protocol to evaluate current and long-range compliance with the adopted instream flow numerical standards. (B List)
3. Facilitate the exchange of water from stream diversions to lake uptake. (On-going)
### TABLE 1
SUMMARY OF 1996 EVALUATION

<table>
<thead>
<tr>
<th>WILDLIFE THRESHOLDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Threshold</strong></td>
</tr>
<tr>
<td>W-1</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Conduct golden eagle survey and study. (B List)
2. Conduct annual waterfowl survey. (On-going)
3. Conduct a study that evaluates the overall population dynamics and habitat utilization of wildlife species in the Region. (B List)
4. Evaluate the current controls on OHVs (to include snowmobiles and jet skis); included in this study should be an analysis of the adequacy of the noise standards on wildlife. (C List)
5. Study human impacts in the South and East Shores of Lake Tahoe on wintering bald eagles. (C List)
6. Amend the Code of Ordinances to protect SEZs consistent with the non-degradation standards found in both the wildlife and fisheries thresholds. (A List)
7. Update maps and data base for special interest species. (B List)

<table>
<thead>
<tr>
<th><strong>Threshold</strong></th>
<th><strong>Description</strong></th>
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<th><strong>Attainment Status</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2</td>
<td>Wildlife Habitat Protection</td>
<td>Habitat of Special Significance</td>
<td>A non-degradation standard shall apply to significant wildlife habitat consisting of deciduous trees, wetlands, and meadows while providing for opportunities to increase the acreage of such riparian associations.</td>
<td>See SC-2</td>
<td>Non-attainment - See SC-2</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Amend the Code of Ordinances to protect the SEZs consistent with the non-degradation standards found in both the wildlife and fisheries thresholds. (A List)
2. Revise Code of Ordinances to make land coverage mitigation requirements consistent between SEZ and backshore. (B List)
# TABLE 1
## SUMMARY OF 1996 EVALUATION

<table>
<thead>
<tr>
<th>SCENIC THRESHOLDS</th>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR-1</td>
<td>Travel Route</td>
<td>Roadway and Shoreline</td>
<td>1992 Threshold Rating Values for Roadway and Shoreline Travel Route Units shall be maintained or improved. Restore scenic quality in Roadway Units rated 15 or below and in Shoreline Units rated 7 or below.</td>
<td>Targets on Table SR-1.</td>
<td>Non-attainment for long term. Although the same 23 roadway units are still non-attainment, 9 showed improvement, 9 non-attainment shoreline units, and 0 showed improvement.</td>
<td>Non-attainment for interim targets.</td>
</tr>
<tr>
<td>SR-2</td>
<td>Mapped Scenic</td>
<td>Roadway and Shoreline</td>
<td>1992 Threshold Rating Values for individual resources shall be maintained or improved.</td>
<td>Targets on Table SR-2</td>
<td>Non-attainment: Five of 202 roadway ratings and 184 shoreline ratings had reductions in score.</td>
<td>Non-attainment: For interim targets.</td>
</tr>
<tr>
<td>SR-3</td>
<td>Recreation Area</td>
<td>Bikepath and Public</td>
<td>1993 Threshold rating values for individual resources shall be maintained or improved.</td>
<td>N/A</td>
<td>Unknown. Just recently adopted.</td>
<td></td>
</tr>
</tbody>
</table>

### Recommendations
1. Integrate the Scenic Quality Improvements into the EIP. Seek dedicated funding for the needed threshold improvements. (A List)
2. TRPA should develop standards for upland of the shorezone for setbacks for bulk and mass, height, lot size, maximum glass area standards, and account for visual absorption capability. (B List)
3. Implement mitigation measures for shorezone structures based upon the final shorezone EIS. (B List)
4. Request the State of California to keep Rule 20/32 Program for undergrounding utilities, and work with Nevada to develop such a program. (B List)
5. Amend Code Chapter 26, Signs (and substitute ordinances) to trigger amortization/conformance with any permit action (A List). Fund a sign enforcement coordinator. (C List)
6. Develop an off-site mitigation program for scenic mitigation. (B List)
7. Develop a scenic mitigation credit system for projects. (B List)
8. Amend Guidelines and Code to include specific color requirements for visually sensitive areas and to allow longer driveways for scenic setbacks. (B List)
9. Work with the State of Nevada and utility providers to develop utility undergrounding program. (C List).

<table>
<thead>
<tr>
<th>Threshold</th>
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</tr>
</thead>
<tbody>
<tr>
<td>SR-2</td>
<td>Mapped Scenic Resources</td>
<td>Roadway and Shoreline</td>
<td>1992 Threshold Rating Values for individual resources shall be maintained or improved.</td>
<td>Targets on Table SR-2</td>
<td>Non-attainment: Five of 202 roadway ratings and 184 shoreline ratings had reductions in score.</td>
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<td>SR-3</td>
<td>Recreation Area</td>
<td>Bikepath and Public</td>
<td>1993 Threshold rating values for individual resources shall be maintained or improved.</td>
<td>N/A</td>
<td>Unknown. Just recently adopted.</td>
</tr>
</tbody>
</table>

### Recommendations
1. Update the SQIP to identify degraded resources and list program mitigation needs to be included in the EIP. (A List)
2. Conduct the post construction review for Caltrans viaduct project in the Emerald Bay. (B List)
3. Integrate the threshold into the Real-Time Monitoring Program. (B List)

### Recommendations
1. Integrate the threshold into the Real-Time Monitoring Program. (B List)
2. Add Spooner Lake State Park and Tahoe Valley State Recreation Area/Washoe Meadows State Park to the facilities covered by the threshold. (B List)
3. Work with recreation area managers to enhance threshold attainment and maintenance. (B List)
### TABLE 1
SUMMARY OF 1996 EVALUATION

#### SCENIC THRESHOLDS

<table>
<thead>
<tr>
<th>Threshold</th>
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</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Community Design</td>
<td>Design of Built Environment</td>
<td>The Built Environment Shall be Compatible With the Natural Environment.</td>
<td>Implement Sign Amortization</td>
<td>Non-attainment</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Amend Chapter 30 to revise standards for exterior lighting of recreation areas and for building and landscape lighting, and develop standards for transportation corridor design. (B List)

2. Amend Chapter 26. Signs, and substitute sign ordinances to require more stringent requirements for conformance, to coordinate amortization, limit sign heights on buildings, to revise color and illumination standards, and to limit exemption policies. (A List)

3. Hold a design workshop to consider implementation of the scenic improvements and the delay of the Loop Road improvements for the South Baseline area. (B List)

4. Amend Chapter 22 to clarify and revise definitions, clarify and revise additional height provisions, and revise findings for additional height. (B List)
## TABLE 1
SUMMARY OF THE 1996 EVALUATION

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<th>Threshold</th>
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</tr>
</thead>
<tbody>
<tr>
<td>N-1</td>
<td>Aircraft Noise</td>
<td>Single-event (aircraft)</td>
<td>80dBA at 6,500 meters from start of takeoff roll; 84dBA for general aviation and commuter, and 86dBA for transport aircraft at 2,000 meters from the runway threshold approach; 77.1 dBA between the hours of 8:00 pm and 8:00 am.</td>
<td>Sec. 2.2 Noise Mitigation of the Airport Settlement Agreement</td>
<td>Attainment: Transport and commuter aircraft. Non-attainment: One instance of violation for 19,000 plus GAO operations.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Implement the noise mitigation measures listed in the South Tahoe Airport Master Plan. (B List)

<table>
<thead>
<tr>
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</tr>
</thead>
</table>

**Recommendations**

1. TRPA should undertake a long-term single-event noise monitoring program for the major noise generators, such as personal water craft and those listed in the threshold. (B List)

2. Establish a noise enforcement MOU with local state and federal agencies. Additional single event standards in effect in the Meyers Community Plan and the Washoe and Placer County Community Plans should be considered for the Region. (C List)

| N-3 | Community Noise Levels | Community Noise Equivalent Levels (CNEL) | High Density Residential Areas: 55dBA; Low Density Residential Areas: 50dBA; Hotel/Motel Facilities: 55dBA; Commercial Areas: 65dBA; Urban Outdoor Recreation Areas: 55dBA; Rural Outdoor Recreation Areas: 50dBA; Wilderness and Roadless Areas: 25dBA; Critical Wildlife Habitat | TRPA should prepare a report on possible CNEL changes. | Non-attainment: Monitoring performed May 6-20, 1996, indicates 33 out of 40 sample sites in attainment. Attainment: On interim, TRPA recommends changes in wilderness and commercial CNELs. |
TABLE 1
SUMMARY OF 1996 EVALUATION

<table>
<thead>
<tr>
<th>NOISE THRESHOLDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway 50: 65dBA</td>
</tr>
<tr>
<td>Highways 89, 107, 28, 267, and 431: 55dBA</td>
</tr>
<tr>
<td>South Lake Tahoe Airport: 60dBA</td>
</tr>
</tbody>
</table>

Recommendations

1. Commercial/public service plan areas, which are predominantly tourist or retail in use, should be lowered to 60 CNEL (A List)
2. Wilderness and roadless areas and critical wildlife habitat areas should be amended to account for evening and night time CNEL penalties (A List)
3. The threshold rule "background noise levels shall not exceed existing levels, or the following levels, whichever is less" should be reevaluated (C List)
## TABLE 1
### SUMMARY OF 1996 EVALUATION

<table>
<thead>
<tr>
<th>RECREATION THRESHOLDS</th>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
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</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>Quality of Recreation Experience</td>
<td>High Quality Recreational Experience</td>
<td>Preserve and enhance the high quality recreational experience including undeveloped shorezone</td>
<td>Survey of public opinion on recreation.</td>
<td>Unknown on long term</td>
<td>Attainment on interim target.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. User satisfaction surveys should occur on a regular (preferably annual) basis. (On-going)

2. Continue support and participation in TCORP. (On-going)

3. Implement the projects listed in the EIP for recreation. (On-going)

4. TRPA shall develop a more detailed regional recreation plan including measurable performance targets and a priority acquisition list of high quality lands suitable for low density recreation by the general public. (B List)

5. Recreation providers need to allocate adequate resources to the upkeep and repair of existing recreation facilities. A comprehensive and systematic program of maintenance and repair should be provided by each recreation entity. (On-going)

6. TRPA should adopt a policy statement which encourages local governments to retain public rights-of-way or easements which provide or can provide public access to the Lake. (A List)

<table>
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<tr>
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<tbody>
<tr>
<td>R-2</td>
<td>Public recreation opportunities.</td>
<td>Outdoor recreation capacity available to the general public</td>
<td>PAOTs to public outdoor recreation projects. Establish and ensure a fair share of the total Basin capacity for outdoor recreation available to the general public.</td>
<td>Estimate recreation resource capacity needs.</td>
<td>Unknown on long term.</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Recreation projects which implement the threshold should be integrated into TRPA's Environmental Improvement Program (A List).

2. As part of the recreation plan update, provide criteria for a more clear understanding of how to measure the threshold. Add additional uses which implement the additional developed outdoor recreation targets (B List).

3. TRPA should improve its tracking and information gathering systems in regards to recreation. (B List) TRPA should become an information clearing house and provider of recreation data (C List).

4. TRPA must revise its project review procedures to require findings that sufficient resource capacity remains to achieve the Regional Plan's recreation goals (C List).
# TABLE 1
## SUMMARY OF 1996 EVALUATION

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<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Recommendations**

1. Continue participation in TTREC. (On-going)
2. Gather economic data for key economic indicators. (C List)
3. Initiate a study of the local economy to determine key business relationships and impacts of development guidelines including mitigation programs. (C List)
4. Initiate a study of commercial needs for the Basin based on its tourist/service nature. (C List)
5. Study the rate of absorption of available commercial allocations by business type and location. (C List)
6. Develop a model of the local economy to determine significant contributors to local economic growth. (C List)
7. Study the recreational nature of the local economy to determine how this relates to the commercial needs of the Region. (C List)