TRPA
GOVERNING BOARD PACKETS

JANUARY
1997
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, January 22, 1997, 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 January 22, 1997, 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 December check register and financial statement; 3) release of $40,000 from the Shorezone Mitigation Fund for the special studies related to the shorezone EIS; 4) use of abandoned securities ($3,000); 5) amendment of filing fee schedule; 6) Legal Division financial report; and 7) member comments. (Committee: Neft, Heller, Hime, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on January 22, 1997, 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) Meadville appeal of IPBS score, Placer County APN 112-220-27; and 3) member comments. (Committee: Miner, Cronk, Sevison, Waldie, DeLancy)

NOTICE IS FURTHER GIVEN that on January 22, 1997, during the lunch recess at 12:00 noon, at Steamer’s Restaurant, 8290 North Lake Boulevard, Kings Beach, California, the Capital Financing Committee will meet. The agenda will be as follows: 1) public interest comments; 2) coordinated regional disaster recovery; and 3) 1997 legislative packet; and 3) member comments. (Committee: Westergard, Miner, Cronk, Waldie)

Date: January 13, 1997

By: [Signature]
James W. Baetge
Executive Director

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

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
All items on this agenda are action items unless otherwise noted.

AGENDA

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF QUORUM

III. PUBLIC INTEREST COMMENTS (No Action)

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

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

IV. APPROVAL OF MINUTES

V. APPROVAL OF AGENDA

VI. CONSENT CALENDAR (see page 3)

VII. PROJECT REVIEW

A. Round Hill Square, Commercial Modification, 199 Highway 50, Round Hill, Douglas County APNs 05-290-03, -06, and -12

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


1. Potential Water Quality, Air Quality, Vegetation, Noise, and Fisheries Threshold Amendments (A List)


3. Other Amendments, Programs, and Studies (B and C Lists)

B. Draft EIS for the Lake Tahoe Shoreszone Development Cumulative Impact Analysis
IX. APPEALS

A. Meadville, Appeal of Executive Director Decision Requiring IPES Score, Placer County APN 112-220-27

X. PLANNING MATTERS

A. Status Report on Area-wide Drainage Project for the Stateline Douglas County Community Plan

B. Coordinated Regional Disaster Recovery

XI. ADMINISTRATIVE MATTERS

A. Assignment of Board Members to Committees


C. Resolution Amending Filing Fee Schedule

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report
   1. Receipt of November and December Financial Statements and Check Registers
   2. Use of Abandoned Securities ($3,000)

B. Legal Committee Report

C. Capital Financing Committee Report

D. Rules Committee Report

E. Shorezone Policy Committee Report
   1. Personal Water Craft

F. Local Government Committee Report

G. Performance Audit Committee Report

XIII. REPORTS

A. Executive Director Monthly Status Report
   1. Status Report on Project Applications
   2. Other

B. Legal Division Monthly Status Report

C. Governing Board Members

XIV. ADJOURNMENT
CONSENT CALENDAR

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Release of $40,000 from the Shorezone Mitigation Fund for Special Studies Related to the Shorezone EIS</td>
<td>Approval</td>
</tr>
<tr>
<td>2. Wiley, Land Capability Challenge, Fairview and Mount Rose Highway, Washoe County APN 126-245-01</td>
<td>Approval</td>
</tr>
<tr>
<td>3. Smith, Pier Modification/Expansion, 1035 Lakeshore Boulevard, Incline Village, Washoe County APN 130-230-08</td>
<td>Approval With Findings And Conditions</td>
</tr>
</tbody>
</table>

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 required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

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

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

Article III (g) Public Law 96-551
January 10, 1997

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of $40,000 From The Shorezone Mitigation Fund For Special Studies Related To The Shorezone EIS

Requested Action: Staff requests the release of $40,000 from the Shorezone Mitigation fund for the purpose of reimbursing TRPA for additional studies conducted in order to update the Lake Tahoe Shorezone Development Cumulative Impact Analysis Draft Environmental Impact Statement. The additional studies that have been completed or nearly completed to date are the Be Soils Study, Scenic Mitigation Study, Fish Spawning Study, and Noise Impacts of Motorized Watercraft.

Background: At the Governing Board meeting of March 22, 1993, the process by which TRPA staff would draft the Shorezone EIS was presented, discussed, and accepted. This process included TRPA staff drafting the majority of the document with the technical advice of hired mentors (technical experts).

A staff proposal to fund the shoreline inventory, drafting of the environmental document, and printing costs partially with Shorezone Mitigation Fund monies was submitted to and approved by the Governing Board in May 1993. In accordance with Section 56.5 of the TRPA Code of Ordinances, "Mitigation fees collected pursuant to this chapter shall be used to fund studies assessing existing or potential impacts created by shorezone structures, or methods for achieving restoration within the shorezone, or to fund habitat restoration projects." A summary of those costs follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mentors</td>
<td>$70,000</td>
</tr>
<tr>
<td>Intern</td>
<td>$3,000</td>
</tr>
<tr>
<td>Printing Costs</td>
<td>$11,000</td>
</tr>
<tr>
<td>Boat Rental</td>
<td>$5,000</td>
</tr>
<tr>
<td>Misc.</td>
<td>$750</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$90,000</strong></td>
</tr>
</tbody>
</table>
In addition, another $3,000 was released from the Shorezone Mitigation Fund in 1995 and $5,000 was added as part of a legal settlement (Hawkins and Vennard). These additions brought the total Shorezone EIS account budget to $98,000.

Since the original budget was drafted for the Shorezone EIS, there have been many changes. Additional studies in the areas of fisheries, soils, scenic quality, and noise have been required, and it was necessary for TRPA to contract with the U.S. Forest Service for a facilitator of the consensus process. The cost of these additional studies and contracts exceed the $98,000 budget.

There is currently a commitment of $15,000 in private and public funds to pay for a portion of these costs, and TRPA has committed a portion of its operating budget. However, there is still a shortfall of approximately $40,000 at this time for which shorezone mitigation funds are being requested.

It should be noted, that depending on the discussions at the Governing Board meeting this month and the direction given to staff by the Board regarding the Shorezone EIS and the personal watercraft issue, staff may need to request the release of the additional shorezone mitigation funds (approximately another $40,000) to cover any additional associated costs.

If you have any questions or comments regarding this agenda item, please contact Coleen Shade at (702) 588-4547.
January 9, 1996

To: TRPA Governing Board
From: TRPA Staff
Subject: Land Capability Challenge; Thad Wiley: APN 126-245-01; Fairview Drive and Mount Rose Highway; Washoe County, Nevada

Staff Recommendation
Staff recommends that the Governing Board approve the land capability challenge changing the land capability class on a 10,680 square feet (sq. ft.) portion of this parcel from Class 3 to Class 4 (see Exhibit 1).

Background
The subject parcel is shown as Land Capability Class 1a on the TRPA Land Capability Overlay maps. The Soil Survey for the Lake Tahoe Basin Area places this parcel within the UmF (Umpa very stony sandy loam, 30 to 50 percent slopes) soil map unit.

The parcel is located in Unit 1 of the Chateau Acres Subdivision. No land capability verification was completed on this parcel, but the parcel was evaluated under the Individual Parcel Evaluation System (IPES). Based on an IPES determination of allowable base coverage, an area of 20,645 sq. ft. of the parcel was found to be similar and contiguous to the one-third acre evaluated under IPES and was assigned fifteen percent allowable coverage. Of the remainder of the parcel, 10,648 sq. ft. was found to be most similar to the UmE (Umpa very stony sandy loam, 15 to 30 percent slopes) map unit, and 8,775 sq. ft. was found to be in Stream Environment Zone (SEZ). The UmE map unit is in land capability class 3 and SEZ is in 1b. A land capability challenge was filed to confirm the land capability class for the portion of the parcel that was mapped as UmE and land capability class 3 based on the IPES determination of allowable coverage.

The parcel is an undeveloped residential parcel in Unit No. 1 of the Chateau Acres subdivision of Incline Village, Washoe County, Nevada. The parcel is approximately 40,100 square feet in size and has a natural slope of 18 to 21 percent.

Findings
This parcel is mapped within geomorphic unit D-2 (Headlands, moderate hazard lands) on the TRPA Bailey Geomorphic Analysis Map of the Lake Tahoe Basin.

1/9/96
CONSENT CALENDAR ITEM 2

Planning for the Protection of our Lake and Land
The soils investigation was completed by Joseph Pepi, Certified Professional Soil Scientist, and a report was prepared. Based on one soil pit, a representative soil profile was described (see attached Soils Investigation). The soils on the portion of the parcel determined to fit the Umr map unit under the IPES determination of allowable coverage were found to have physical characteristics most similar to the Jwe (Jorge-Tahoma very stony sandy loams, 30 to 50 percent) map unit. The Jwe map unit is in Land Capability Class 4.

If you have any questions on this agenda item, please contact Joe Pepi, at (702) 588-4547.
Land Capability Map for APN 126-245-01
January 9, 1996

SOIL INVESTIGATION
FOR
WASHOE COUNTY APN 126-245-01
FAIRVIEW & MOUNT ROSE HIGHWAY

INTRODUCTION

A soil investigation was conducted on APN 126-245-04, Washoe County, on December 4, 1996. This parcel is approximately 40,100 square feet in size and is located in Unit 1 of the Chateau Acres Subdivision. No land capability verification was completed on this parcel, but the parcel was evaluated under the Individual Parcel Evaluation System (IPES). Based on a determination of allowable base coverage, an area of 20,645 sq. ft. of the parcel was found to be similar and contiguous to the one-third acre evaluated under IPES and was assigned fifteen percent allowable coverage. Of the remainder of the parcel, 10,648 sq. ft. was found to be most similar to the UmE (Umpa very stony sandy loam, 15 to 30 percent slopes) map unit, and 8,775 sq. ft. was found to be in Stream Environment Zone (SEZ). The UmE map unit is in Land Capability Class 3 and SEZ is in 1b. A land capability challenge was filed to confirm the land capability class for the portion of the parcel that was mapped as UmE based on the IPES determination of allowable coverage.

ENVIRONMENTAL SETTING

This parcel is shown as Land Capability Class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmF (Umpa very stony sandy loam, 30 to 50 percent slopes) map unit. The parcel is mapped within geomorphic unit D-2 (Headlands, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The UmF soil map unit is consistent with this geomorphic unit classification. The Umpa soil formed in residuum derived from andesite bedrock and is on mountain sideslopes.

This parcel is on a southwest facing slope. The natural slope is 18 to 21 percent. The natural vegetation is Jeffrey pine, white fir, manzanita, squaw carpet, whitethorn and scattered willow.

PROCEDURES

One soil pit was dug on this parcel using hand tools. After examination of the pit, the soils were examined and described in detail. A copy of these descriptions are included in this report. Slopes were measured with a clinometer.
FINDINGS

One soil series and soil map unit was identified on the portion of the parcel determined to fit Ume (Umpa very stony sandy loam, 15 to 30 percent slopes) map unit under the determination of allowable coverage. The soil on this portion of the parcel is deep, well drained and is characterized as having a very dark grayish brown and dark yellowish brown sandy loam and gravelly loam surface layer over a dark yellowish brown gravelly loam or gravelly clay loam subsoil. This soils have a moderately low runoff potential and the surface soils have a moderate relative erosion hazard.

This soil is representative of the Jorge soil series. There is one soil map unit on this parcel, the JwE (Jorge-Tahoma very stony sandy loam, 15 to 30 percent slopes). The JwE map unit is identified in the Soil Survey for the Lake Tahoe Basin.

CONCLUSION

The soils on the portion of APN 126-245-01 determined to fit the Ume map unit and Land Capability Class 3 based on the IPES determination of allowable coverage were found to be consistent with Land Capability Class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974). These findings are based on the physical characteristics of the soil being most similar to the JwE (Jorge-Tahoma very stony sandy loam, 15 to 30 percent slopes) map unit.

The JwE map unit is within geomorphic unit D-2 (Headlands, moderate hazard lands). The JwE map unit is in Land Capability Class 4.

Joseph Pepi
Certified Professional Soil Scientist
ARCPACS NO. 2372

Enclosure
Representative Soil Profile:

Soil Classification: loamy-skeletal, mixed, frigid, Ultic Haploxeralf

Soil Series: Jorge

O1-- 1 to 0 inches; Jeffrey pine & white fir needles; abrupt smooth boundary.

A1-- 0 to 6 inches; very dark grayish brown (10YR 3/2) sandy loam, very dark brown (10YR 2/2) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; 20 percent gravel, and 5 percent cobble; medium acid; clear smooth boundary.

A2-- 6 to 13 inches; dark yellowish brown (10YR 3/4) gravelly loam, dark yellowish brown (10YR 4/4) moist; weak fine subangular blocky structure; soft, very friable, slightly sticky and slightly plastic; many very fine and fine roots; many very fine and fine interstitial pores; 20 percent gravel and 5 percent cobble; medium acid; clear wavy boundary.

Bt1-- 13 to 24 inches; dark yellowish brown (10YR 4/4) gravelly loam; dark yellowish brown (10YR 4/4) moist; few thin clay films on ped faces; moderate medium subangular blocky structure; soft, very friable, sticky and plastic; common very fine and fine roots; many very fine and fine interstitial pores; 25 percent gravel, and 5 percent cobble; medium acid; gradual clear wavy boundary.

Bt2-- 24 to 38 inches; dark yellowish brown (10YR 4/4) gravelly clay loam; dark yellowish brown (10YR 3/4) moist; common thin clay films on ped faces and pores; moderate medium coarse subangular blocky structure; soft, friable, sticky and plastic; common fine and medium and few coarse roots; many very fine and fine interstitial pores; 25 percent gravel, and 5 percent cobble; medium acid; gradual clear smooth boundary.

Bt2-- 38 to 47 inches; dark yellowish brown (10YR 4/4) gravelly clya loam; dark yellowish brown (10YR 3/4) moist; common medium prominent black (10YR 2/1) and olive brown (2.5Y 4/4) mottles; few thin clay films on ped faces and soil pores; moderate medium subangular blocky structure; soft, friable, sticky and plastic; few medium roots; many very fine and fine tubular pores; 25 percent gravel and 5 percent cobble; medium acid.

47 inches; stopped by gravels and cobbles.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Smith, Pier Modification/Expansion

Application Type: Shorezone

Applicant: Fred Smith

Applicant's Representative: Mike Dill, Aspen Environmental Services

Location: 1035 Lakeshore Blvd., Incline Village, Washoe County, NV.

Assessor's Parcel Number: 130-230-08

Agency Staff: Jim Lawrence, Associate Planner

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

Project Description: The applicant proposes a 10 foot pier extension to a legally existing pier which will extend the pier to the TRPA pierhead line (lake bottom elevation 6220.5', Lake Tahoe datum). The project also involves replacing the existing boathouse with an adjustable floating dock that will be attached to the pier deck. The footprint of the boathouse is approximately 25 feet in length by 17 feet in width; the proposed floating dock will be the same dimensions. There is an existing boatlift inside the boathouse that will be relocated to the end of the pier.

Site Description: The site is located along the eastern section of Lakeshore Boulevard and is in an area that is mapped and verified as marginal fish habitat, thus, fisheries is not an issue with this project. The project area consists of one parcel (APN 130-230-09) which is occupied by a single family dwelling. All adjacent uses are residential. The lake substrate in this area consists primarily of sand.

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

The proposed project is visible from Scenic Shoreline Travel Unit 23, Crystal Bay, which has a travel route rating of 8. The project involves removal of an existing boathouse and replacing the boathouse with an adjustable dock, and extending the pier ten feet to the TRPA pierhead line. Staff has reviewed the project and determined that the mass of the structure will be reduced and the project is consistent with TRPA scenic quality standards and guidelines.

/JL
01/06/97

CONSENT CALENDAR ITEM NO. 3
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 49, 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 listed as allowed accessory structures in the applicable Shorezone Tolerance District (Shorezone Tolerance District 7).

C. **Land Coverage:**

1. **Land Capability District:**

   The land capability districts of the project area are Class 1b (Backshore) and Class 6. The total project area is 192,862 square feet.

2. **Allowable Coverage:**

   Backshore  
   Class 6  
   Total  

   124 square feet  
   54,142 square feet  
   54,266 square feet

3. **Existing Coverage:**

   Backshore  
   Class 6  
   Total  

   230 square feet  
   33,839 square feet  
   34,069 square feet

4. **Proposed Coverage:**

   The applicant does not propose any new coverage.

5. **Excess Coverage:**

   Backshore  

   106 square feet

6. **Coverage Mitigation:**

   The applicant will be required to mitigate the 106 square feet of 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.

CONSENT CALENDAR ITEM NO. 3

JL
01/06/97

11
D. **Shorezone Tolerance District:** The subject parcel is located within Shorezone Tolerance District 7. The project, as conditioned, complies with the shorezone tolerance district standards.

E. **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 use (single family dwelling) of the subject parcel is an allowed use within the applicable plan area. The proposed project involves the expansion of an allowed accessory structure 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 the owners of the existing residence 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 applicant is proposing to remove an existing boathouse and replace the boathouse with an adjustable dock. TRPA staff has reviewed the proposed scenic mitigation measures and determined that they are adequate to mitigate the 10 foot pier extension. The project is consistent with the shorezone tolerance district. The project is not located in an area that is mapped or verified as prime fish habitat.

   (d) **Recreation:** The proposed pier extension will not be beyond the TRPA pierhead line. The Nevada Division of Wildlife has reviewed the proposed project and determined that there will be no impacts to topline trolling.

   (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 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.

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

The pier is located offshore of a 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.

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

The project is of similar length and is compatible with other accessory uses (piers) in the vicinity. The pier extension will not extend beyond lake bottom elevation 6219' or the TRPA pierhead line.

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 is 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). Hazardous materials will not be permitted to be stored on the pier.

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 done from the lake, by barge.

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 beyond the TRPA pierhead line or most existing piers in the vicinity. Impacts to navigation are not expected. The project also must be reviewed by the U.S. Army Corps of Engineers, who make their own public safety findings in addition to TRPA's.

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

This project must receive approval from the U.S. Army Corps of Engineers and the Nevada Division of State Lands. Comments from the above agencies, and the Nevada Division of Wildlife were solicited as part of the review of this project. All of these agencies indicated that they had no objections to the project.

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 project will not create a degradation of any of the environmental thresholds and may result in an improvement to scenic quality. The project will not result in an impact to fisheries because the proposed project is not located in an area that is identified as prime fish habitat. Impacts to recreation will not occur because the pier will not be extended into an area used by topline anglers. As conditioned, the project may result in an incremental improvement to scenic quality because the mass and bulk of the existing structure will be reduced due to the removal of the boathouse.

13. The project complies with the requirements to install BMPs as set forth in Chapter 25.
The owner has previously been issued a permit by TRPA for improvements to the upland residence. BMPs were required as part of that permit.

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

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

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

The pier has been continually serviceable.

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

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

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

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

B. This permit is for a 10 foot pier extension, the addition of an adjustable dock, and the relocation of an existing boatlift. The boathouse shall be removed and the permitted pier shall not extend beyond lake bottom elevation 6220.5'.

C. Prior to final permit acknowledgement the following special conditions of approval must be satisfied:

1. The security required shall be $2,000 to insure compliance with all conditions of approval. Please see Attachment J, Security Procedures.

2. The permittee shall mitigate excess land coverage within the project area by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 1.

The excess coverage mitigation fee shall be calculated as follows:

(1) Estimated Construction Cost x .0006

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:

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 permittee shall submit a pier mitigation fee of $300 for the construction of 10 feet of new pier.

4. The applicant shall submit, to be approved by TRPA, a detailed construction narrative for the pier extension/modification and removal of the boathouse.

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

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

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

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 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.

K. 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.

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

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

Aspen Environmental
Planning and Consulting Services
P.O. Box 624608 South Lake Tahoe, CA 96154
(916) 542-0454

Minor Pier Remodel for
Fred Smith
APN # 130-230-08 / 1035 Lakeshore Blvd.
Incline Village, Washoe County, Nevada
Prepared by: M. Dill
Date 12/10/96 Sheet 1 of 5
Aspen Environmental
Planning and Consulting Services
P.O. Box 624608, South Lake Tahoe, CA 96154
(916) 542-0454

Minor Pier Expansion for
Fred Smith
APN #130-230-08 / 1035 Lakeshore Blvd.
Incline Village, Washoe County, Nevada
Prepared by: M. Dill
Date 12/10/96 Sheet 2 of 5
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Round Hill Square

Application Type: Commercial, Modification

Applicant: Douglas Rastello/Roundhill Ventures, LLC

Applicant's Representative: Gary D. Midkiff/Midkiff and Associates

Agency Planner: Lyn Barnett, Senior Planner

Location: 199 Highway 50, Round Hill, Nevada. Located at the northeast corner of the intersection of Highway 50 and Elks Point Road.

Assessor's Parcel Numbers/Project Number: 05-290-03, 06, and 12, Douglas County/960482

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

Project Description: The applicant proposes to tear-down the existing Roundhill Mall and construct a completely new shopping center in its place. The new facility will be known as Round Hill Square. The development will contain retail businesses (including a food market), post office, fast food restaurant, personal services and professional offices. The project also includes new water quality improvements, a transit terminal and landscaping. The site will be extensively re-graded to reduce driveway and parking area slope. A total of five buildings are proposed with the project. The existing food market will be enlarged and relocated from the south to the north side of the property.

This project represents the largest commercial modification project proposed in the Douglas County portion of the Region since adoption of the Douglas County Community Plans. The new center is designed in conformance with all applicable Round Hill Community Plan standards. No increase in commercial floor area, by allocation or transfer, is being proposed as part of the project at this time (see Issue #1, below for discussion). Roughly half of the proposed commercial units have identified future tenants, the remaining units (including the fast food restaurant unit) have no identified tenants at this time. The applicant proposes to construct the project in three phases (over three years) to allow for temporary and permanent relocation of tenants.

Site Description: The project site contains an existing shopping center with 121,709 square feet of commercial floor area divided into four buildings. The largest of these buildings is an enclosed two-story mall with a central corridor. The second largest building is occupied by a market (Safeway). The
third building contains a small delicatessen, and the fourth houses the center’s maintenance shop (which is not to be modified as part of this application). The slope of the property varies from near-level to areas in excess of 30 percent. The site is sparsely vegetated. Only 108 trees are found on the property and are mostly found in small groves near Highway 50. Adjacent land uses are commercial (all sides), residential (east), and National Forest open space (north, south and west).

Background: Roundhill Mall was constructed in the early 1960’s and is in generally poor condition. There are few water quality improvements, landscaping is minimal, parking areas and driveways are poorly designed, access for disabled persons is poor, and signs do not conform to TRPA sign design standards. Occupancy rates have been low in recent years, in part due to the generally poor condition of the facility and antiquated design of the mall. The developer hopes to increase occupancy by redeveloping the site into a modern facility in conformance with TRPA and Douglas County standards.

Issues: The proposal involves a large scale project which will change the appearance of the neighborhood in which it is located. For this reason, the Executive Director has placed the project before the Governing Board for review in accordance with Subsection 4.7.C of the TRPA Code. The primary project related issues are:

1. **Commercial Floor Area/Modified Project Proposal:**

   On January 8, 1997, the applicant submitted revised plans that proposed a 3,054 square foot increase in commercial floor area (CFA) over the existing amount. This increase would require either an allocation of CFA (not currently available in the Community Plan) or a transfer from another parcel. Then, on January 9, 1997, the applicant modified their proposal (by letter) to reduce the size of the project to the existing CFA amount. No plans have been received, however, that illustrate this reduction. For this reason, the proposed permit requires that the CFA on the final plans be reduced in size by 3,054 square feet.

   When calculating proposed CFA, staff did not count decks that extend from second story office space. Similarly, stairwells and outdoor walkways did not require CFA, nor did the proposed transit area located in the main retail/office building. This transit area is within a combined stairwell-walkway corridor that is open to the outdoors on the east end. The applicant has agreed to install doors at the west end of the corridor to reduce the wind-tunnel effect for transit users.

2. **Traffic and Air Quality:** The applicant has prepared a traffic analysis for the proposed project that assumes no changes in commercial floor area for the site. This analysis concludes that no new daily vehicle trip ends (dvte) or increases in vehicle miles travelled (VMT) will occur as a
result of the project. While staff agrees with most of the methods and conclusions contained in the report, staff has asked the applicants to re-study impacts to dve because of the addition of the proposed fast food restaurant on the site. If this restaurant will increase traffic, then construction of a left-turn lane may be warranted on Elks Point Road. Addition of this turn lane is required in the Round Hill Community Plan when traffic warrants are met. Staff will give the Board an update on this issue at the Governing Board hearing.

The applicant has worked closely with staff to include many traffic and air quality improvements with this project. These improvements include:

* Construction of a new right-turn land from Highway 50 onto the main driveway entrance near the service station

* Construction of a driveway edge barrier near the service station to control traffic entering and exiting this property

* Participation in the South Shore Coordinated Transit System (CTS)

* Construction of two transit stops on the property, including one that is relatively protected from the elements and connected to CTS

* Construction of a central driveway that provides safe, relatively free traffic flow from the north side of the site to Elks Point Road (and the traffic light at Highway 50)

* Construction of a sidewalk along Elks Point Road, including new street lighting and furniture in this location

* Construction of bicycle racks, and construction of curb cuts on the Elks Point Road sidewalk for bicycle access to the Round Hill Bicycle Trail

* Inclusion of transportation systems management (TSM) strategies (such as employee ride sharing) pursuant to Transportation Objective and Policy Number 7, Transportation Element, Round Hill Community Plan

* Improved, safer, parking area and driveway design

3. **Parking:** The existing mall property contains off-site parking spaces for four adjacent commercial buildings. As a condition of approval, the applicant shall agree to allow TRPA to become a third party to all existing or proposed parking agreements affecting this property to ensure that adequate parking is provided for all users. On-site and off-site parking characteristics for this property are as follows:
4. **Scenic Quality:** A scenic quality analysis was prepared to evaluate potential scenic quality impacts associated with the project. This report concludes that the project will not result in any reductions in applicable scenic quality and travel route ratings for the Highway 50 scenic corridor, and may actually improve these ratings on an incremental level. The recommendations of the scenic quality analysis have been incorporated into the conditions of approval. In addition to these recommendations, staff have added conditions that address other scenic quality concerns. These conditions require a reduction in the size of the pedestrian alcove at the intersection of Highway 50 and Elks Point Road, approval of final color and materials for the proposed structures, and increased retention of existing native trees on the property (see next section).

5. **Tree Removal and Protection:** Only 108 mature conifers (about 9.5 trees per acre) exist in the project area, and most of these are found in small groves on the highway side of the property. These trees are important for scenic quality protection because they help screen the site from Highway 50. Staff worked closely with the applicant to redesign the initial proposal to save more trees and still satisfy the developer's parking design requirements. As a result, only 26 trees will be removed as compared to 51 trees in the original submittal. In addition, a permit condition requires the applicant to reduce the amount of grading and land coverage around each saved tree to prevent damage to tree root structures. Grading and the placement of land coverage should be avoided within a tree's drip line area to provide adequate root protection. In addition to these requirements, the applicant shall agree to plant three native conifers for each conifer removed, damaged or destroyed by the project.

6. **Post Office Relocation:** The Zephyr Cove Post Office is located within the existing mall and will be given space in the new facility. TRPA's policy has been to restrict post office expansions in the Region as a method to encourage home and alternative mail delivery (including cluster boxes, etc.). These alternate delivery systems result in reductions in

---

01/13/97

AGENDA ITEM NO. VII.A
vehicle trips and vehicle miles travelled in the Region. As a condition of approval, the permittee shall not allow an expansion in the number of mail boxes for the relocated post office. Expansions in post office floor area for administrative purposes (sorting, etc.) is permissible.

7. Grading: The proposed project involves extensive re-grading of the property to provide reduced slopes for parking and driveway areas. As a consequence, proposed buildings will also have lower finished floor elevations than existing buildings. The applicant has prepared a groundwater analysis and proposed cut-and-fill plan to study the effects of the proposed grading. No negative effects were identified in these studies.

8. Community Plan Required Increase in Landscaping: The Round Hill Community Plan requires an increase in landscaping within the project area equal to 5 percent of the project area. To meet this requirement, the applicant shall be required to reduce on-site land coverage by 24,969 square feet. The preliminary submittal for the project proposes a reduction of 21,092 square feet. As a condition of approval, the applicant shall be required to reduce land coverage on-site in an amount equal to the community plan requirement. This requirement, however, has been contested by the applicant. For a detailed discussion on this issue, please see Section C.4, below.

9. Building Setback: Chapter 20 of the Design Standards and Guidelines for Douglas County Community Plans establishes a 50 foot building set back limit from the center line of Elks Point Road. The supermarket on the property currently encroaches 15 feet into this area (equal to a 35 foot set back). The applicant has proposed that the new building in this area be moved approximately 10 feet away from the center line for a set-back of approximately 45 feet. Staff agrees that, while the standard calls for a 50 foot setback "where applicable", the proposed 45-foot setback is permissible for the following reasons:

1. The applicant would be under no obligation to increase building setbacks on the property if an application to reconstruct the shopping center was not proposed;

2. The proposed 10-foot increase in the building setback improves scenic quality of the site as viewed from Highway 50 pursuant to the visual analysis prepared for the project; and

3. The center line of Elks Point Road is not well defined due to slight variations in constructed road width and location.

4. Douglas County, which is also responsible for ensuring that this project conforms to Round Hill Community Plan standards, has issued a building setback variance that allows for a reduced setback.
Round Hill Square
Page 6

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC), traffic analysis, scenic analysis, grading plan, and a groundwater investigation 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 Special Area #1, Round Hill Community Plan. The Land Use Classification is Commercial/Public Service 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 known proposed uses (general merchandise; eating and drinking places; furniture, home furnishings and equipment; and local post office) are listed as allowed uses in the Community Plan. Future uses (those not identified in the current project proposal) shall be reviewed separately and are not included as part of this application.

C. Land Coverage:

1. Land Capability Districts:

The land capability districts of the project area are classes 1a, 1b (stream environment zone), 3 and 4. The total project area is approximately 499,389 square feet (11.46 acres).

2. Allowable/Existing/Excess Land Coverage (in square feet):

<table>
<thead>
<tr>
<th>Land Cap. District</th>
<th>Area</th>
<th>Allowable Coverage</th>
<th>Existing Coverage</th>
<th>Excess Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a (TrE)</td>
<td>8,560</td>
<td>86</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1b (SEZ)</td>
<td>810</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3 (JbD)</td>
<td>325,240</td>
<td>16,262</td>
<td>304,274*</td>
<td>288,012</td>
</tr>
<tr>
<td>4 (CaB)</td>
<td>164,779</td>
<td>32,956</td>
<td>114,666</td>
<td>81,710</td>
</tr>
</tbody>
</table>

Total: 499,389 49,312 418,940 369,722

* Note: Includes 60 square feet of soft coverage.
3. **Existing/Proposed/Change/Remaining Excess Coverage (square feet)**

<table>
<thead>
<tr>
<th>District</th>
<th>Existing Coverage</th>
<th>Proposed Coverage</th>
<th>Change in Coverage</th>
<th>Remaining Excess</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a (TrE)</td>
<td>0</td>
<td>0</td>
<td>None</td>
<td>N/A</td>
</tr>
<tr>
<td>1b (SEZ)</td>
<td>0</td>
<td>0</td>
<td>None</td>
<td>N/A</td>
</tr>
<tr>
<td>3 (JbD)</td>
<td>304,274</td>
<td>288,317</td>
<td>-15,957</td>
<td>272,055</td>
</tr>
<tr>
<td>4 (CaB)</td>
<td>114,666</td>
<td>109,531</td>
<td>-5,135</td>
<td>76,575</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>418,940</strong></td>
<td><strong>397,848</strong></td>
<td><strong>-21,092</strong></td>
<td><strong>348,630</strong></td>
</tr>
</tbody>
</table>

4. **Community Plan Required Additional Coverage Reduction:**

Pursuant to Objective and Special Policy Number 6, Chapter II, Round Hill Community Plan, projects with existing coverage in excess of 75% of their project area, shall be required to provide an increase in landscaping equal to 5% of the project area. The landscaping requirement shall be met within the project area or, if not feasible, off-site in a related area. TRPA may only waive this requirement if the project is within an assessment district which is providing the required increase in landscaping. This site currently has land coverage equal to approximately 84% of the project area.

This property is not within a landscape assessment district, and no proposal has been submitted to reduce land coverage off-site. To satisfy the community plan landscape requirement, the applicant shall be required to reduce land coverage on-site by 24,969 square feet. The preliminary plan proposes a reduction equal to only 21,092 square feet. Therefore, at least 3,877 square feet of additional land coverage shall be retired as a condition of project approval. This reduction may be available for transfer to other projects in accordance with Chapter 34 of the TRPA Code, or may be applied toward the excess coverage mitigation requirements of Chapter 20 of the TRPA Code (see Section C.5, below).

The applicant has noted that the condition to reduce land coverage on this site by 24,969 square feet will cause more land coverage to be reduced in the Round Hill Community Plan area than the target amount that the plan establishes (0.55 acres/23,958 square feet). For this reason, they feel that the required land coverage reduction should be limited to 23,958 square feet. Staff has reviewed the applicable community plan language (See Exhibit "A") and wishes to note that this element predicts a 0.6 acre (26,136 square feet) reduction of land coverage in the plan area through
implementation of the 5 percent rule - which is 2,178 square feet more than the target amount. Because this element predicts more coverage to be removed than the 0.55 acre target amount, staff feels that it is not the intention of the plan to limit land coverage reductions once the 0.55 target has been met. The applicant has requested that further discussion of this issue be made at the Governing Board hearing. For clarity, land coverage reductions are summarized below. All figures are in square feet.

<table>
<thead>
<tr>
<th>Project Area</th>
<th>5 Percent Required Reduction Amount</th>
<th>Prelim. Proposal Reduction</th>
<th>Additional Reduction Needed to Meet 5%</th>
<th>0.55 Acre Community Plan Target</th>
<th>Applicant Proposed Additional Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>499,389</td>
<td>24,969</td>
<td>21,092</td>
<td>3,877</td>
<td>23,958</td>
<td>2,866</td>
</tr>
</tbody>
</table>

Difference between TRPA interpretation and Applicant's = 1,011 SF

5. **Excess Land Coverage Mitigation:**

Based on the above coverage figures, the existing project area contains approximately 369,722 square feet of excess land coverage. To mitigate this existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances. Land coverage reduced in excess of the requirements of Subsection 20.5 (e.g., for community plan required increases in landscaping) may be banked in the project area for future transfer.

D. **Building Height:** Five buildings are proposed with this project. Portions of Buildings #2 and #5 exceed the height limits established in Chapter 22 of the TRPA Code and shall be redesigned as necessary to meet TRPA height limits. The preliminary building height calculations are as follows:

**Building #1 (Fast Food Restaurant):**

- **Building Site Cross-Slope:** 4%
- **Dominant Roof Pitch:** 4:12
  - Allowable Height: 29 feet, 9 inches
  - Proposed Height: 25 feet, 2 inches
- **Non-Dominant Roof Pitch:** 7:12
  - Allowable Height: 33 feet, 5 inches
  - Proposed Height: 18 feet, 6 inches

01/13/97

AGENDA ITEM NO. VII.A
Building #2 (Supermarket):

Building Site Cross-Slope: 2%
Dominant Roof Pitch: 0.5:12 (use 0:12)
Allowable Height: 24 feet, 6 inches
Proposed Height: 26 feet, 7 inches
* Amount Over-Height: 2 feet, 1 inch

Non-Dominant Roof Pitch: 3:12
Allowable Height: 28 feet, 1 inch
Proposed Height: 26 feet, 7 inches
Cupola: Appurtenance of 3:12 Roof
Allowable Ht. (110% of 3:12 Roof): 30 feet, 11 inches
Proposed Height: 31 feet, 1 inch
* Amount Over-Height: 2 inches

Building #3 (Shop "A"):

Building Site Cross-Slope: 8%
Dominant Roof Pitch: 0:12
Allowable Height: 26 feet, 0 inches
Proposed Height: 19 feet, 11 inches
Non-Dominant Roof Pitch (Tower): 8:12
Allowable Height: 35 feet, 7 inches
Proposed Height: 29 feet, 10 inches

Building #4 (Shop "B")

Building Site Cross-Slope: 8%
Dominant Roof Pitch: 0:12
Allowable Height: 26 feet, 0 inches
Proposed Height: 19 feet, 13 inches
Non-Dominant Roof Pitch (Tower): 8:12
Allowable Height: 35 feet, 7 inches
Proposed Height: 30 feet, 0 inches

Building #5 (Retail and Professional Units)

Building Site Cross-Slope: 8%
Dominant Roof Pitch: 4:12
Allowable Height: 30 feet, 9 inches
Proposed Height: 31 feet, 6 5/8 inches
* Amount Over-Height: 9 5/8 inches

Non-Dominant Roof Pitches: 0:12, 1:12, 2.5:12, 5:12 and 6:12
Allowable Height: 30 feet, 9 inches
Proposed Ht. Varies, Max. is: 31 feet, 6 5/8 inches
* Amount Over-Height: 9 5/8 inches
E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 20 and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

   (a) **Land Use:** The proposed mall will contain uses which are all permissible in the Round Hill Community Plan Area Statement. The applicant shall reduce land coverage in compliance with a special policy in the Land Use Chapter of the Community Plan.

   (b) **Transportation:** The project will include transit facilities in accordance with Community Plan requirements. In addition, the applicant has agreed to participate in the South Shore Coordinated Transit System (CTS) and shall develop a transportation systems management strategy (TSM) in accordance with Community Plan requirements. A preliminary traffic analysis was prepared for this project and the project incorporates many traffic, pedestrian circulation, and parking design improvements. A final traffic analysis shall be available for Governing Board review at the Governing Board hearing.

   (c) **Conservation:** No historic resources or special interest species will be affected by this project. The project includes water quality and scenic quality improvements in accordance with Community Plan and TRPA Code requirements.

   (d) **Recreation:** This commercial project will have no impacts on recreation resources in the Region. However, the project is located at the north end of the Round Hill Bicycle Trail, and includes curb cuts on Elks Point Road to facilitate bicycle travel to and from the site.

   (e) **Public Service and Facilities:** This project has adequate water, sewer and electrical service to facilitate the proposed project. The site also has access to paved roads.

   (f) **Implementation:** No allocations of use (including commercial floor area) are proposed with this project. This project is consistent with applicable elements of the Implementation Element, Chapter VII, Capital Improvements Program of the Round Hill Community Plan specifically relating to traffic/air quality (including transit systems and sidewalks), scenic improvements, and land coverage reductions.
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 5.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

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

Refer to paragraph 2, above.

4. The relocation of land coverage is to an equal or superior portion of the project area, as determined by reference to the factors in Subsection 20.5.C(1) of the TRPA Code.

Land coverage will be reduced in all land capability districts with excess land coverage. Most of the relocation areas have been disturbed by past activities on the site and are not in good condition. Relocated land coverage will be placed in areas with similar slope, vegetation and soil characteristics. The proposed land coverage relocations appropriately fit the scheme of the property and are needed to facilitate improved parking and traffic patterns.

5. The area from which the land coverage was removed for relocation will be restored in accordance with Subsection 20.4.C.

All restored areas will be landscaped in accordance with TRPA requirements, and will have vehicle barriers installed for protection where necessary.

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

No increase in land coverage is proposed on low capability land. Overall, the project will result in a decrease in the amount of land coverage on-site.
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 ridge line.

This project is visible from Highway 50, which has been identified as a scenic roadway. The project is not visible from a scenic turnout, public recreation area, or from Lake Tahoe. A scenic quality analysis was prepared for the project which demonstrates that the proposed buildings will not extend above any ridge lines as viewed from Highway 50.

8. With respect to those portions of the buildings which are permitted additional height, the buildings have been designed to minimize interference with existing views within the area to the extent practical.

The proposed buildings will be set back farther from Highway 50 than the existing buildings. No negative impacts to existing views were identified in the scenic analysis prepared for the project.

9. The maximum height at any corner of two exterior walls of the proposed buildings will not be greater than 90 percent of the maximum building height as defined in Subsection 22.7(8) of the TRPA Code.

Permit conditions have been added to the project that require compliance with this finding.

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) This permit authorizes demolition and reconstruction of Roundhill Mall (to be known as Round Hill Square) in accordance with the project plans submitted on January 8, 1997, as modified in the conditions of approval below. No increase in commercial floor area is authorized.
(2) The Standard Conditions of Approval listed in Attachment Q.

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

(a) The final plans shall be revised to indicate no increase in commercial floor area above the amount verified for Roundhill Mall. The covered loading dock for the market shall qualify as commercial floor area. Second floor decks and the transit area in the main building do not qualify as commercial floor area provided they not be enclosed through future modification, and are not used for commercial activities such as sales area or storage.

(b) The permittee shall submit a completed item-by-item conformance checklist for all applicable standards in the Round Hill Community Plan (RHCP), and the Design Standards and Guidelines for Douglas County Community Plans. Please see Appendix A, Douglas County Community Plan Applicable Standards Checklist for reference.

(c) The permittee shall submit a long-term Best Management Practices (BMP) maintenance and monitoring plan for the property to TRPA for review and approval. This plan shall provide for annual monitoring, reporting, and corrective actions necessary to ensure the effectiveness of on-site BMP improvements as they relate to adopted TRPA water quality discharge standards. This plan is due December 31 of each year. As an alternative to this requirement, the permittee may obtain a Nevada Department of Environmental Protection (NDEP) permit that accomplishes the same requirements as the TRPA long-term BMP maintenance and monitoring plan. Final approval of a plan shall be at the discretion of the Executive Director.

(d) The permittee shall mitigate excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 3 (Cave Rock) (see attached map).

The excess coverage mitigation fee shall be calculated as follows:
(1) Estimated Project Construction Cost x 0.05

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.

(e) The permittee shall consolidate the lots of record comprising Douglas County Assessor’s Parcel Numbers 05-290-03, 06 and 12 into one legal lot of record pursuant to applicable county subdivision ordinances and state subdivision laws, or the applicant shall record a deed restriction acceptable to TRPA permanently consolidating the affected parcels as if the lots had been legally merged.

(f) The security required under Standard Condition I.2 of Attachment Q shall be determined upon the applicant’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures. In no case shall the security be less than $25,000.

(g) The permittee shall either pay an off-site coverage mitigation fee assessed at $5 per square foot for the creation of new impervious coverage in the public right-of-way (if any) or reduce an equal amount of land coverage on-site.

(h) The permittee shall submit a projected construction completion schedule to TRPA for review and approval. This schedule shall include completion dates for each item of construction (including phasing), as well as BMP installations for the entire project area.

(i) The permittee shall provide 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.
(j) The final landscape plan shall incorporate all recommendations included in the scenic analysis prepared for the project, and shall include:

(i) Increased landscape screening along the top of the slopes adjacent to Highway 50. A mix of shrub and tree species of various sizes consistent with the requirements of Chapter 30 is acceptable and should be installed so as not to be damaged by snow removal and storage activities.

(ii) Reduction in the size and scale of the pedestrian plaza at the intersection of Highway 50 and Elks Point Road.

(iii) The planting of three native conifers for each native conifer removed or damaged due to construction. Tree sizes should be consistent with the minimum size limits established in Chapter 30 of the TRPA Code.

(iv) Non-native tree plantings should be limited to accent vegetation or where necessary to provide adequate visual screening of the project in accordance with the scenic quality analysis prepared for the project.

(k) The permittee shall revise the grading plan and the cut-and-fill plan to eliminate, or significantly reduce, the amount of cut and fill around the existing trees on the site that are not approved for removal. Please submit tree well or tree island design details for TRPA review and approval. Tree wells and islands should be designed to be large enough to contain the area within a tree dripline where ever feasible.

(l) The permittee shall submit a plan to TRPA for review and approval that includes an acceptable level of participation with the South Shore Coordinated Transit System (CTS). This plan shall include any structures necessary to enclose computer hardware, equipment, etc.

(m) The permittee shall submit final plans for the two approved transit stops. These transit stops shall include, at minimum, public telephones, CTS telephone(s) (when available), benches, bicycle parking/racks, lighting, and a transit schedule poster/information area.
(n) The permittee shall submit new off-site parking agreements with off-site parking holders that includes TRPA as third party to each agreement. These agreements shall be acceptable to TRPA prior to their recording with Douglas County.

(o) The site plan shall be revised as follows:

(i) A curb cut shall be placed in the sidewalk on Elks Point Road in a location that aligns with the end of the Round Hill Bicycle Trail.

(ii) Stabilization of new cut and fill slopes in accordance with the TRPA Handbook of Best Management Practices (BMPs).

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

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

(v) Vegetation protective fencing around each tree not proposed for removal, and around other vegetation proposed to be retained on the site.

(vi) Location of all recorded easements.

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

(viii) Details of the proposed driveway barrier adjacent to the service station.

(ix) At minimum, 24,969 square feet of land coverage shall be removed on-site (5 percent of the project area) in accordance with applicable community plan requirements.

(p) The permittee shall submit final BMP plans and infiltration calculations for TRPA review and approval. Storm water that is to be conveyed across the property from McPual Way shall be pre-treated for sand and grease removal prior to discharge off-site.
(q) The applicant shall submit three sets of final construction drawings, site plans, and other applicable construction details to TRPA.

(r) The permittee shall record a deed restriction against the project area (acceptable to TRPA) that clearly identifies those areas that qualify and do not qualify as commercial floor area.

(s) The permittee shall submit a final post office floor and loading dock plan for TRPA review and approval. By acceptance of this permit, the permittee agrees to limit the number of post office boxes constructed in the relocated post office to the number of boxes existing on January 1, 1997.

(t) The permittee shall submit revised building elevations for TRPA review and approval that conform to TRPA height limits (including the design limits of Subsection 22.7(8) of the TRPA Code, where applicable). The final building elevations shall clearly denote all applicable proposed and allowable building height calculations.

(u) The permittee shall submit final sidewalk design plans for the Elks Point Road sidewalk (including required lighting and other applicable pedestrian features required in the Round Hill Community Plan). Release from this requirement may only occur at the discretion of the Executive Director, and only if it can be demonstrated that the required improvements cannot be approved by local governments having jurisdiction in the matter.

(v) The permittee shall submit final building color and materials samples for TRPA review and approval.

(4) The applicant shall not excavate any location within the project area that exceeds the grade depths approved in the TRPA Groundwater Technical Advisory Committee (GWTAC), or indicated on the final grading plan for the project.

(5) The permittee shall submit post-construction photos within 30 days of the project completion date (and prior to release of the security), demonstrating resultant impacts to scenic quality as viewed from the locations used in the scenic
quality analysis for the project. If necessary to achieve the scenic quality ratings predicted for the project in the scenic quality analysis, the permittee shall be required to improve vegetation on the site and/or modify building colors and materials.

(6) No new or modified signs are approved as a part of this permit. All new signs and sign modifications shall be reviewed through a separate TRPA application. This condition does not relieve the permittee from any requirements to bring existing non-conforming signs into compliance with TRPA sign standards pursuant to applicable sign amortization regulations.

(7) No wood burning devices are authorized by this permit.

(8) No lot line adjustments are authorized by this permit. Lot line adjustments shall be reviewed under separate application to TRPA.

(9) Flag poles on buildings shall be constructed of dark colors, shall not have shiny reflective surfaces, and shall only be used for non-commercial displays in accordance with Subsection 22.3 of the TRPA Code.

(10) Within one year of occupancy of the first new unit, and prior to release of the security, the permittee shall submit a Transportation Systems Management (TSM) Strategy plan to TRPA for review and approval. This plan shall comply with the requirements of the Transportation Objective and Policy Number 7, Transportation Element, Round Hill Community Plan, and other applicable provisions of the Community Plan and TRPA Code.
6. Integrate more landscaping into both private development and public projects.
   A. Policy: Projects with existing coverage in excess of 75% of their project area, shall be required to provide an increase in landscaping equal to 5% of the project area. The landscaping requirement shall be met within the project area or, if not feasible, off site in a related area. This condition may be waived by Douglas County and TRPA, if the project is part of an assessment district which is providing the required increase in landscaping or the landscaping requirement has been met by a previous approval.

7. Implement the recommendations described in the Conservation Element, Scenic Improvements Subelement, for improving overall scenic quality.
   A. Policy: The TRPA and Douglas County shall consider the recommendations of scenic targets of Chapter IV when reviewing projects and where appropriate incorporate conditions of approval to implement the recommendations.

8. The Plan should provide a gateway entrance to Lake Tahoe by providing visitor information services, implementing scenic improvements, and providing intermodal transportation facilities near the U.S. Highway 50/Elks Point Road intersection.

Commercial Development:

1. Encourage development and/or activities that will enhance the "year round" economy.

2. Special event area for arts and crafts shows, seasonal sales, and other similar events shall be established.
   A. Policy: Special event area for arts and crafts shows, seasonal sales, and other similar events should be established as part of the upgrade of Round Hill Mall. The design and regulation of the special event area should allow such events to occur as activities not subject to TRPA review.

Traffic Circulation and Parking: (See Chapter III Transportation Element for transportation related objectives and policies)

Recreation: (See Chapter V Recreation Element for recreation related objectives and policies)

Public Service Facilities: (See Chapter VI Public Service Element for other public service related objectives and policies)
4. **Land Coverage Reductions**

**Purpose:** The purpose of this program is to reduce existing land coverage by .55 acres in or near the Round Hill Community Plan. This is the Community Plan target and the estimate of how much land coverage will be needed for the substitute land coverage mitigating fee program.

**Description of Program:** To achieve the Round Hill Community Plan land coverage reduction target of .55 acres of restoration, the following projects in and near the Round Hill CP are to be implemented.

<table>
<thead>
<tr>
<th>Improvement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Private 5% Rule</strong></td>
<td>The application of the 5% on site coverage reduction policy should provide a net coverage reduction of 0.6 acre.</td>
</tr>
</tbody>
</table>

**Schedule:** The following schedule is subject to change (based on changes in funding, project limitations, construction schedules, and redesign) and may be revised yearly by TRPA resolution.
integrate the developed areas with their forest surroundings. The landscaping should maintain necessary roadside visibility while creating a visual buffer that mitigates the scale of the structures, softens building contours, and screens views of unsightly or non-essential elements. See the Design Standards and Guidelines for possible solutions.

i. **Signs.** Signs should be brought into compliance with the Sign Ordinance, Appendix B. The goal should be to provide a coordinated system of signs that clearly identifies individual enterprises yet minimizes the competition between signs and their contrast with the natural environment.

j. **Utility Lines.** Overhead utility lines should be placed underground whenever possible. Any utility lines which must be maintained above ground should be located away from the main corridor or screened so as not to detract from views or the overall visual quality of the area. See Urban Design Policy in Chapter II and CIP in Chapter VII.

4. **LAND COVERAGE** - Numerous opportunities to mitigate excess land coverage exist throughout Round Hill.

**Base Line:** Based on the updated Land Capability Map (Figure 5), the allowable land coverage is estimated to be 9.4 acres; the disturbed and soft coverage areas are estimated to be 2.8 acres; and the hard coverage is estimated to be 23.3 acres. The estimated land coverage in the area is 37.8 percent.

**TRPA Threshold:** TRPA Thresholds limit new land coverage to the Bailey coefficients (1% TO 30%).

**Regional Plan Requirement:** For the next 20 years, the Regional Plan requires the implementation of an excess coverage mitigation program.

**Round Hill Target:** The twenty year CP target is 1.1 acres. The ten year target is one half of the 20 year target. The ten year target for the excess coverage is 0.55 acre of hard coverage.

**Key Implementation Strategies:** The following site is listed as a possible area for restoration and landscaping (Figure 6). Restoration may occur in conjunction with implementation of the CIP and other proposed projects. This list may be updated as new information becomes available.

<table>
<thead>
<tr>
<th>Site</th>
<th>Hard Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Private</td>
<td>0.5 acre</td>
</tr>
</tbody>
</table>

**EXHIBIT A (page 3)**

Round Hill Square
January 8, 1997

Mr. Steve Tesbara
Lake Tahoe Gaming Alliance
P.O. Box 6749
Stateline, NV 89449

Subject: Roundhill Shopping Center - TMA and CTS

Dear Steve:

I am writing to confirm the interest of Roundhill Ventures, LLC, new owners of the Roundhill Center, in participating in the TMA, and to the extent practicable, the CTS for South Tahoe.

The owners are very committed to being long term members of the community, and would like to discuss the appropriate level of participation in the TMA, and possibly CTS. To that end, I want to confirm our meeting set for 10:00 a.m. on January 13, 1997, in my office.

Please invite Dick Powers if you feel that to be appropriate. We look forward to discussing the issues with you and developing a strategy for involvement in this matter.

Sincerely,

Gary P. Midkiff

GDM:jrw
cc: Doug Rastello
    Jim Eastge
January 9, 1997

Lyn Barnett
Project Review
TRPA
P.O. Box 1038
Zephyr Cove, NV 89448

Subject: Roundhill Project Issues

From our discussion yesterday, I need to inform you regarding the issues of project area, open space requirement, and commercial floor area transfer.

The project area will be kept the same, and will not include the office building on highway 50.

Commercial floor area will be adjusted to avoid a transfer from the office building. The reduction will be from office space proposed on the second floor of the rear building.

The RCP can be read to require either a 5% increase in open space, or a 5% reduction of coverage, depending on which section of the plan you refer to. However, the special policies section of the RCP plan area statement, policy #6, provides:

"...shall be required to provide an increase in landscaping equal to 5% of the project area. ....this condition may be waived by Douglas County and TRPA, if the project is part of an assessment district which is providing the required increase in landscaping of the landscaping requirement has been met by a previous approval."

Several points to consider:

The project, with a proposed reduction of coverage of 5% can be argued to meet the requirement based on the language on page VII - 7, #4 Land Coverage, which states, "the application of the 5% on site coverage reduction policy should provide a net coverage reduction of 0.6 acre."

The project, by reducing coverage 5% from the existing amount, more than meets the total CP requirement, and appears to meet the land coverage requirement of the CP.
Given this information, we again request that the project not be required to wait for a January 29 Governing Board action. We feel that the project meets all applicable requirements and can be approved at the staff level.

Thank you for your consideration of this further information. If you have further questions, please call me immediately.

Sincerely,

[Signature]

Gary D. Midkiff

cc: Doug Rastello
    Brian Shinault
January 9, 1997

To: TRPA Governing Board

From: TRPA Staff


Proposed Action: At this time, staff is not requesting any action from the Governing Board. This is a status report only. Advisory Planning Commission and Governing Board consideration and a recommendation for action on the complete Threshold Evaluation package is scheduled for March 1997.

Discussion: The following elements constitute the completion of the Threshold Evaluation package.

1. Recommended Water Quality, Air Quality, Vegetation, Noise, and Fisheries Threshold Amendments.

   These recommendations are referred to in Appendix B of the Threshold Evaluation Report as "A" List items because they are the highest priority for implementation. They will be presented to the Advisory Planning Commission (APC) and Governing Board in February 1997 for a public hearing and discussion with no action. Adoption of the recommendations will be sought in March 1997 as part of issuing the Final Threshold Evaluation Report.


   These recommendations are also considered to be "A" List items for immediate implementation. These included amendments to Chapter 33, Allocation of Development, which address future residential, commercial and tourist accommodation unit allocations. They will be presented to the Advisory Planning Commission (APC) and Governing Board in February 1997 for a public hearing and discussion with no action. Adoption of the recommendations will be sought in March 1997 as part of issuing the Final Threshold Evaluation Report.

3. Other Regional Plan Amendments, Programs and Studies.

   These are "B" and "C" List items (i.e., 2nd and 3rd priorities). They have varying dates of implementation with "B" List items generally being proposed during 1997 and 1998. "C" List items would generally follow after 1998. Refer to Appendix B for more detail.

The Final Evaluation Report will be presented at the March APC and Governing Board meetings. It will not change substantially from the Draft Report which was issued in December 1996.

5. Environmental Assessment (EA).

The EA for the Threshold Evaluation Report is being prepared by TRPA staff. It is scheduled to be completed in mid-February 1997. Based on Chapter 5 of the Code and the Rules of Procedure, TRPA must make the EA available for public review at least 5 working days prior to taking action. It is to be available in time to be presented and considered at the March APC meeting.

6. Draft Environmental Improvement Program (EIP).

The Draft EIP is being finalized. It will be distributed to the Governing Board prior to the January meeting. It will be transmitted to the implementation partners and to the public at approximately the same time.

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

January 14, 1997

To: TRPA Governing Board

From: TRPA Staff

Subject: Draft EIS For The Lake Tahoe Shorezone Development Cumulative Impact Analysis

This item has been an ongoing issue placed on the Governing Board agenda each month throughout the comment period which is scheduled to end January 31, 1997.

For the last 12 months, TRPA staff along with 24 representatives from public and private interests have been working in a partnership approach to gain consensus on the difficult issues highlighted in the Shorezone DEIS. During this time period, the Shorezone Policy Committee, a subcommittee of the Governing Board, has met to review the consensus items.

In light of the recent recommendation that will be presented to the Governing Board by the Shorezone Policy Committee with respect to a ban on personal watercraft, the Governing Board will need to give staff direction on the appropriate approach to take with the Shorezone EIS. Listed below are some direction options for Governing Board consideration.

Options:

A. Maintain the January 31, 1997 Draft EIS comment period deadline. Redraft the Shorezone EIS incorporating all new and updated information and issues which include consideration of a ban on personal watercraft. Recirculate the Shorezone EIS.

   -- January 31, 1997, deadline for public comments
   -- February to June 1997, redraft and print Shorezone DEIS
   -- July and August 1997, 60-day circulation for public comments on DEIS
   -- September and October 1997, respond to comments and print Final EIS
   -- November 1997, hold public hearings, certify Final EIS, and adopt new ordinances
   -- January 1998, ordinances go into effect

/CS

AGENDA ITEM VIII.B
Planning for the Protection of our Lake and Land
B. Maintain the January 31, 1997 Draft EIS comment period deadline. Separate out the personal watercraft issues from the original Shorezone EIS. Contract with a private consultant to prepare a separate EIS that considers a ban on personal watercraft. Concurrently, TRPA would update the original Shorezone EIS related to all other shorezone issues and recirculate it.

-- January 31, 1997, deadline for public comments on the existing DEIS
-- February to April 1997, update and reprint the existing Shorezone DEIS with draft ordinances
-- February to April 1997, consultant to prepare draft EIS related to the existing personal watercraft
-- May and June 1997, both updated Shorezone DEIS and Personal Watercraft DEIS are circulated 60 days for public comment
-- June and August 1997, respond to comments and print Final Shorezone EIS and Final Personal Watercraft EIS
-- September 1997, hold public hearings, certify both FEIS’s, and adopt ordinances
-- November 27, 1997, ordinances go into effect

C. Hire a consultant to prepare the appropriate environmental document (environmental assessment/FONSI) to support a temporary ban on personal watercraft effective 97 boating season.

-- February 1997, advertise for and hire a consultant to prepare environmental document
-- March and April 1997, consultant drafts document
-- May 1997, hold public hearings on the environmental document and the ordinance establishing a temporary ban on personal watercraft
-- July 27. 1997, ordinance goes into effect

The balance of the Shorezone EIS would follow option A under this scenario.

Please contact Coleen Shade at (702) 588-4547 if you have any questions or comments regarding this agenda item.
January 14, 1997

To: TRPA Governing Board

From: TRPA Staff

Subject: Meadville, APN 112-220-27, Appeal of Executive Director Determination Regarding Need for IPES Score

---

PROPOSED ACTION: The proposed action is to consider an appeal filed by a property owner who contends that he does not need an IPES score to build a new single family residence because he has a building foundation. A copy of the appeal statement is attached as Exhibit A.

STAFF RECOMMENDATION: The staff recommends that the appeal be denied.

LEGAL COMMITTEE RECOMMENDATION: The recommendation of the Legal Committee will be reported orally.

BACKGROUND: The chronology of events relevant to the Meadville appeal is as follows:

1978 - Foundation built under 1978 CTRPA permit.

1988 - TRPA permit issued under Chapter 11, Foundations, with 1990 expiration date.

1990 - Foundation permit expired; IPES score of 678 issued in November 1990, included notice of 180-day appeal period.

12/17/90 - Meadville letter inquiring about IPES score.

1/22/91 - TRPA responds and reminds Meadville of appeal option.

4/91 - IPES appeal period ends; no appeal filed.

5/91 - Meadville letter requesting information.

1992-1995 - Correspondence between TRPA and Meadville responding to questions about IPES & Bailey.

AGENDA ITEM IX.A

5/96 - Executive Director determination that IPES applies to Meadville parcel.

DISCUSSION: At issue is whether the Meadville parcel requires an IPES score or is somehow exempt from IPES.

Section 37.1 states that: "Commencing on January 1, 1989, review and approval by TRPA of the construction of single family dwellings shall be in accordance with IPES...."

Subsection 37.6.B states: "Parcels that are not vacant and do not contain a single family dwelling shall be eligible as though they are vacant upon receipt by TRPA of a written request by the parcel owner that the parcel be evaluated and provided that the parcel is otherwise eligible under Subsection 37.6.C."

In 1986, TRPA anticipated situations such as Meadville's and enacted Chapter 11 which provided a window of time for completion of foundations under earlier expired CTRPA/TRPA permits and rules. Mr. Meadville obtained such a permit but failed to recommence construction within the two-year period provided. All that was required to complete the single family residence under Chapter 11 was construction of an enclosed shell.

In 1988, in order to deal with unscored parcels with abandoned structures or existing coverage, TRPA added Subsection 37.6.B. The subsection clarified that TRPA could, and would, score parcels which were not "vacant" as if they were vacant, so that parcels such as Meadville's could receive necessary IPES scores.

In 1990, upon the expiration of a Chapter 11 foundation permit, the only option under the Code for a property owner desiring to apply for a single family residential permit was to request an IPES score, which Mr. Meadville did. With the expiration of the deadlines in Chapter 11, there is no Code provision for reviewing a new single family application on a parcel with foundation under the Bailey system. Since the implementation of IPES, parcels with existing coverage, but no existing use, have been reviewed under IPES.
Although Mr. Meadville was given notice of his option to appeal the IPES score (once in the notice of score and again in Shellhorn's January 1991 letter, attached to appeal statement), he chose not to file an appeal within the deadline. There is no pending IPES appeal for this parcel, as intimated by Mr. Hoffman's July 17, 1996 letter.

The reasons given for failure to build the house during the first two windows of opportunity are financial ones. The reason given for failing to file an IPES appeal is also a lack of funds. Lack of financial resources is not a reason for exempting Mr. Meadville from the unambiguous provisions of the Code.

Mr. Meadville can increase his score to 726 (a buildable score) by purchasing points, or implementing a water quality improvement project, in accordance with Chapter 37. Alternatively, Mr. Meadville has the option of waiting for the IPES line to be lowered in Placer County. There is no provision in the Code for reopening the appeal period for Mr. Meadville, or for the thousands of other property owners who did not appeal their scores within the appeal period.

Although Larry Hoffman, attorney for Mr. Meadville, has submitted a copy of a technical report prepared by consultants hired in 1994, that report is not relevant to the determination of whether an IPES score is required. Furthermore, there has not been a land capability verification done on the parcel but, again, the land capability of the parcel is not relevant.

Mr. Hoffman's July 17, 1996 appeal statement provides no support for his view that the Board can decide to use Bailey for review of single family dwellings and provides no support for his view that IPES applies only to 'truly vacant' parcels. In fact, the provisions of Chapter 37 directly contradict both views.

**ACTION REQUESTED:** To deny the appeal, as recommended by staff, the Rules of Procedure require a motion to grant the appeal, which motion should fail. The vote required to grant the appeal is an extraordinary vote, with at least five votes in California, and nine votes total.

If there are any questions regarding this matter, please contact Susan Scholley, Special Projects Attorney.

/ses
1/13/97

AGENDA ITEM IX.A
July 17, 1996

The Governing Board
Tahoe Regional Planning Agency
Post Office Box 1038
Zephyr Cove, NV 89448-0113

Re: Appeal of Staff Determination – Mr. Gary Meadville
Placer County APN 112-240-27 – Additional Statement of Appeal

Dear Members of the Board:

This additional Statement of Appeal and attached documents are being submitted in support of the appeal of our client, Mr. Gary Meadville, as further set forth in this Statement and attached documents.

By way of brief background, in the late 1970s our client obtained all necessary approvals from the California Tahoe Regional Planning Agency (CTRPA) and from Placer County, and then undertook site clearance and the construction of the foundation and associated improvements for his single-family residence on his Kingswood lot in Placer County. Unfortunately, due to unforeseen family circumstances, our client did not have the financial capability to proceed with the completion of the construction, and that foundation and related improvements have remained dormant since that time. However, in the last few years, our client has determined that he and his wife are capable of proceeding with the home, and they now desire to complete the home for their own personal use. The home will be constructed on the existing foundation, with a ramp constructed from the road to a second-story garage, rather than cutting in a driveway as shown on the original plans. The existing foundation, which is totally completed and structurally sound, does not need to be altered. All tree clearing and grading work has been undertaken. The underground utilities have been installed. No further earth excavation is required except limited clean-up, nor any further tree removal. In brief, our client is fully prepared to proceed at this time with the construction of the home.

The issue that has arisen is that your staff has interpreted the current Code to require that our client’s property first be evaluated using IPES. The IPES score that has been assigned to the property is a score of 678, which is below the passing line. While it is “technically” possible for our client to purchase the points to obtain a passing score, he simply cannot afford the price which is in excess of $32,000 for those points, nor do we believe it appropriate under the circumstances or legally justified that he do so.
In terms of our Appeal, it is our understanding and belief, notwithstanding the advice your counsel to the contrary, that the IPES system was always intended to apply only to truly vacant parcels, and has no real applicability to a property that has already been fully graded, all trees removed from the building site, and a foundation placed upon it. Further, we believe the Board has the discretion to make the determination that the IPES system should not be applied to such an improved lot, but rather the Bailey Land Capability System is the appropriate standard to be used under the circumstances — particularly where the lot has been so substantially altered by the construction of a foundation, etc. Further, if the Board were to determine that the IPES system should be used, then our client has had a long-standing appeal pending as to his IPES score, supported by technical experts, although he has been advised that it is now too late to even appeal his IPES score.

One way or the other, it appears to us that relief by your Board is appropriate. It simply makes no sense to make a determination that the IPES systems should now be applied, and that the only way that our client can possibly make use of his property is to pay an exorbitant fee to "buy his way" over the passing line — a payment that we do not believe can pass legal muster, nor should it be imposed under the circumstances.

From our standpoint, the appropriate way to resolve this matter is to simply make a determination that the Bailey Land Capability System should be used in making the final evaluation of this property, rather than IPES. Certainly the intent of your Board from the outset was that IPES only be applied to truly vacant, undeveloped parcels, so that there was a level plain field in evaluating all of those vacant lots, in contrast to lots that had already had constructed foundations, major clearance and grading such as the Meadville property.

Finally, for the Board's review and information, we have appended to this Statement a number of relevant documents that further explain the background of this matter. We remain ready to work with your staff in anticipation of the Board hearing to try to find a workable way to resolve our client's situation. Absent that resolution, however, we would ask that this matter be heard and considered by the Board, and we will of course be present at that time to assist the Board in reaching what we hope will be a fair and workable resolution of this matter taking into account all the circumstances involved.

Sincerely,

[Signature]

Lawrence L. Hoffman

LLH:aap
Enclosures

cc: Client
June 18, 1996

By FAX & Priority Mail  
(702-588-4527)

Ms. Susan E. Scholley  
Special Projects Attorney  
Tahoe Regional Planning Agency  
Post Office Box 1038  
Zephyr Cove, Nevada  89448-1038

RE: MEADVILLE PROPERTY -- A.P.N. 112-200-27

Dear Susan:

By your letter dated May 29, 1996 (received on May 30th), you advised that the staff had asked you to review our correspondence and Application dated March 13, 1996, filed on behalf of our client, Mr. Gary Meadville. In that Application and cover letter addressed to Rick Angelocci, we asked that the Agency process Mr. Meadville's Application to build on his Lot #100, Kingswood West, taking into account that there was already an approved foundation constructed on the lot and, therefore, utilizing the Bailey Land Capability System to evaluate the Application. However, by your May 29th letter, you returned our client's Application Fee, and indicated that you had advised the staff that they could not process the Application pursuant to the Bailey System. You also indicated that your letter constituted the final determination of the Executive Director and may be appealed to the Governing Board.

The purpose of this letter is to advise that we are hereby appealing your determination to the Governing Board. If there is a fee or application document necessary to consummate the appeal, please promptly advise. In any event, please deem this letter to be our Appeal in this matter. Within the next two weeks, we will prepare a more definitive "Statement of Appeal", and provide it to you for submission to the Governing Board.
Ms. Susan E. Scholley  
June 18, 1996  
Page -2-

I look forward to hearing from you promptly if there is anything more we need to do to consummate this Appeal. Otherwise, you will be receiving our more detailed "Statement of Appeal" in the very near future.

Sincerely,

[Signature]

Lawrence L. Hoffman

LLH:11h  
Copy to: Mr. Gary Meadville
May 29, 1996

Mr. Larry Hoffman
Law Offices
P.O. Box 7740
Tahoe City, California 96145-7740

Dear Larry:

SUBJECT: APN 112-220-27

TRPA staff forwarded your March 13, 1996 letter regarding the above-referenced parcel to the Legal Division for response.

You have suggested that the parcel be reviewed under the Bailey system due to the existence of a foundation which was constructed prior to the 1987 Regional Plan. It is unfortunate that the property owner did not apply for an exemption under Chapter 11 since that remedy was specifically designed to deal with the situation at issue.

Your letter states an assumption that IPES only applies to undisputed parcels or "truly vacant" parcels as you call them. However, that is incorrect. IPES, by the terms of Chapter 37 (Section 37.1), applies to all new single family dwellings. Since the parcel does not have an existing single family dwelling, an IPES score is required to determine the eligibility of the parcel for construction. The provisions of Chapter 36 for reviewing new single family dwellings under Bailey have long since expired.

Although not relevant to the eligibility of the parcel for development, the extent of disturbance is relevant to the coverage issue. Land coverage for a single family dwelling can be determined using the percentage assignment under IPES and the transfer table in Chapter 20 or, alternatively, for a parcel with existing coverage but without an existing use, the existing coverage may be used in lieu of the IPES coverage assignment and transfer provisions.

TRPA staff can verify the amount of existing coverage so that your client can make an informed decision as to whether it will be better to use the IPES coverage assignment and transfer provisions or to rely on the existing coverage. In any event, an IPES score is needed to determine eligibility for construction.
Mr. Larry Hoffman  
May 29, 1996  
Page 2

Your client is not the first person to present this issue and TRPA has consistently applied Chapter 37 to "vacant" parcels. "Vacant" is defined in Chapter 2 as "undeveloped and unimproved and has no existing use." Chapter 37 allows a "non-vacant" parcel to receive an IPES score upon request (Subsection 37.6.B). This subsection was added to clarify that parcels with some form of improvements (e.g., pavement, foundations) but without a single family dwelling may be scored under IPES.

Enclosed is an uncashed check in the amount of $375.00 since your application for a single family residence is being rejected. In order to submit an application, your client would need to purchase additional points to increase the parcel's IPES score to 726.

This letter constitutes a final determination of the Executive Director and may be appealed pursuant to Article XI of the Rules of Procedure (copy enclosed).

Please contact me if you have questions.

Sincerely,

Susan E. Scholley  
Special Projects Attorney

SES/Enclosures

c: Rick Angelocci  
   R.J. Nicolle
March 13, 1996

Mr. Rick Angeloacci  
Chief, Project Review  
Tahoe Regional Planning Agency  
Post Office 1038  
Zephyr Cove, NV 89448

Re: Meadville Application -- Lot 100, Kingswood West, Placer County APN 112-220-27

Dear Rick:

This office represents Mr. and Mrs. Gary Meadville. On their behalf, I am forwarding the enclosed application to be filed directly with the Agency (not at Placer County under the MOU). The Application seeks approval to complete the construction of a single-family residence on a fully-completed foundation located on Lot 100 in the Kingswood West subdivision in Placer County.

The home will be constructed on the existing foundation, with a ramp constructed from the road to a second-story garage, rather than cutting in a driveway as shown on the original plans. The existing foundation which is totally completed, as well as the assigned coverages, construction plans, etc., were previously processed and approved by the regional agencies and Placer County. No further earth excavation is required except limited clean-up, nor any further tree removal. All underground utilities have also been installed. It is also anticipated that our client will apply for and obtain a new allocation directly from Placer County, and is not seeking to exercise any "grandfather rights" to obtain such an allocation pursuant to the former "Foundation Ordinance".

While we understand that an IPES score was previously assigned to this lot by the Agency -- we believe in 1990 -- and then subsequently challenged on its merits, we believe that is irrelevant. As we read and understand the Code and Regional Plan, we believe this project should be evaluated based on the Bailey System given the extensive amount of existing disturbance development on the site (the extensive foundation), and the fact that the IPES system is only intended to apply to truly "vacant lots" that had not been previously altered or disturbed by the construction of foundations.
and other structures. So that you will appreciate the extent of the alterations to the lot, I have also enclosed a few of the pictures we took last fall which clearly show the extensive foundation and related work that has already been undertaken. In brief, in our judgment, the lot meets the criteria for use of the Bailey System, rather than the IPES system, and we believe should be so processed.

After you have had an opportunity to review this matter, I would appreciate it if you, or a member of your staff, would contact me directly with your thoughts on the matter. If you believe you are constrained from processing this application pursuant to the Bailey System, and are persuaded that it can only be processed under the IPES system, or for some other reason you find that you are not in a position to process this application, then we intend promptly to pursue an appeal of any such staff determination to the Governing Board, and would request your assistance in expediting such an appeal if that becomes necessary. Hopefully, however, after you have had an opportunity to review this, you will concur with our thoughts on the matter and will be in a position to allow the processing of the final permit to complete the construction of this home as we have requested.

I look forward to hearing from you, or one of your staff, at your earliest opportunity. Ms. Sandy Fetterolf of our staff is also fully conversant with this matter, and in my absence may also be contacted.

As usual, many thanks in advance for the prompt attention I am sure you will give this matter.

Sincerely,

[Signature]

Lawrence L. Hoffman

[Name]

[cc: Mr. & Mrs. Gary Meadville]
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
(702) 588-4547
Fax (702) 588-4527

NEW RESIDENTIAL APPLICATION FORM
(Individual Parcel Evaluation System)

NAME OF PROJECT: MEADVILLE - NEW SINGLE FAMILY RESIDENCE

OWNER(S) OF RECORD:
Name(s): Gary Meadville Phone: (510) 356-5677
c/o Clydine Berger
Mailing Address: 913 Hastings Dr. City: Concord State: CA zip: 94518

PERSON AUTHORIZED TO REPRESENT THE PROJECT AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:
Name: Lawrence L. Hoffman, Attorney at Law Phone: (916) 583-8542
Mailing Address: P.O. Box 7740 City: Tahoe City State: CA zip: 96145

LOCATION OF PROJECT:
County: Placer Assessor's Parcel #: 112-220-27
Street Address: 1418 Cheshire Ct. Subdivision: Kingswood
Allocation (attach original):
County/City: Placer Allocation #: 

DETAILED PROJECT DESCRIPTION (attach additional sheets, as required):
Construct new single family residence (existing foundation)

PROPERTY RESTRICTIONS (List any deed restrictions, easements or other restrictions on property):
None known

FRAPP: TACB NEFD APP
2/1/92
PRIOR APPROVALS (List any prior local or CTRPA/TRPA approvals/permits received for the subject property):

Agency: CTRPA Permit Type: Reg. Date: 8-8-78 Permit #: 20859
8-8-78 24362
Agency: Placer Permit Type: Reg. Date: 8-9-79 Permit #: 20859
9-11-79 24362

I hereby declare under penalty of perjury that this application and all information submitted as part of this application, are true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that TRPA may rescind any approval, or take other appropriate action.

signed
(Owner(s) name(s)) Gary M. Meadville (County) Dated 3-12-96

AUTHORIZATION FOR REPRESENTATION:

The following person(s) is/are owner(s) of the subject property (APN 112-220-27) or of a sufficient interest therein to make application:

(Print Owner(s) name(s)) Gary M. Meadville

If the applicant is not the sole owner of the property, list the names and addresses of the owners and the legal relationship of the applicant to the owner(s) that entitles the applicant to make this application.

As such he/she/they authorize Lawrence L. Hoffman, Attorney at Law to act as his/her/their representative in connection with this application for the subject property and agree to be bound by said representative. Any cancellation of this authorization shall not be effective until receipt of written notification of same by the TRPA. I understand that if this project is approved that I, as the permittee, will be held responsible for any and all permit conditions.

Owner(s) Signature(s):

Date: 3-12-96

Page 2 of 4

68
WARNING: NO APPLICATIONS SHALL BE ACCEPTED AFTER 5:00 P.M. OF THE LAST WORK DAY OF THE YEAR IN WHICH THE ALLOCATION IS RECEIVED, UNLESS AN ALLOCATION TRANSFER HAS BEEN COMPLETED. ALL OTHER APPLICATIONS MUST BE COMPLETE BY THIS DATE.

REQUIREMENTS FOR COMPLETE APPLICATION:

X 1. Completed Application Form.

2. Receipt of Allocation (attach original).

X 3. Application fee.

X 4. Site Plan: Minimum size 18" x 24" on blackline or blueline print paper showing all existing and proposed improvements and:

X a. All property line and recorded easements.

X b. Map scale and north arrow.

X c. Assessor's Parcel Number (APN), property owner, property address.

X d. Topographic contour lines at 2 foot intervals.

N/A e. Location of stream environment zone(s), stream environment zone setbacks, and high and low water lines of all water bodies, if applicable.

X f. Allowed land coverage calculations including transferred coverage, if applicable.

X g. Proposed coverage calculations (with breakdown for type of coverage, i.e., buildings, paving, decks, walks, other).

X h. Offsite coverage calculations.

X i. Finish contour lines.

X j. Slope of driveway (percent slope).


X 5. Building Elevations:

X a. Each side of proposed structure.

X b. Finish floor elevations with respect to contour elevations.

X c. Elevation of highest ridge with respect to contour elevations.

X d. Allowed and proposed height calculations.

X e. Roof pitch of each roof plane (i.e., 4:12, 8:12, etc.)
6. Floor Plans(s)

7. Grading Plan (proposed cut and fill), if applicable

8. For projects requiring Governing Board review the following additional information is required:
   A. List of names, addresses, and assessor's parcel numbers of property owners within 300 feet of project area (typically project boundary), addressed envelopes of same (no return addresses), and postage.
   B. 8½" x 11" reductions of site plan and building elevations.

FOR OFFICE USE ONLY

Date Received: ___________________________  By: ___________________________
Complete Application: _______________________  By: ___________________________
Filing Fee: ___________________________  Receipt #: ___________________________
Three hundred seventy-five and 0/100

1$375.00

DATE 3-13-96

PAY TO THE ORDER OF

TRPA

LAWRENCE L. HOFFMAN

2055
CALIFORNIA TAHOE REGIONAL PLANNING AGENCY

BUILDING PERMIT CONFORMANCE FORM

Date Received by CTRPA 7/19/78

Plan Check Number 20857

Applicant MEADOW

Lot Number 100 Block Number Subdivision KINGSWOOD WEST

Local Jurisdiction: City of South Lake Tahoe

El Dorado County

Placer County

Description of Project REVISION

Standards:

Land Use Classification LPR Authorized Height

Land Capability Classification 481 Authorized Coverage 4700

Authorized Density 1SFD

Project: Density 1SFD Height 3500

This project has been reviewed by the CTRPA as required by Section 4.14 of the CTRPA Land Use Ordinance and is found to be in conformance with the CTRPA Regional Plan and Land Use Ordinance, provided that the attached conditions are complied with.

These findings are based upon the documents submitted to the CTRPA by the City of South Lake Tahoe for El Dorado County Placer County

dated 7/18/78. Prior to any change to the project, as approved, you must submit any such change to the CTRPA for approval.

Date: 8/8/78 Approved By: H. AV

Filing Fee ($25.00) Receipt Number NONE

Date Building Permit Issued Permit No.
CALIFORNIA TAHOE REGIONAL PLANNING AGENCY

REPORT ON PERMIT APPLICATION

LOCAL GOVERNMENT: Placer County

NATURE OF PROJECT: (check one or more as applicable)

___ Building permit for ________________________________

___ Grading permit for ________________________________

___ Other ________________________________

___ NAME OF OWNER: _______ Lock W. Indigenous ________ 046-4260

___ ADDRESS OF OWNER: ________________________________

Kings Beach, CA 95719

___ LOCATION OF PROJECT: Street Address 1418 Chesapeake Ct.

___ Nearest Cross Street Kings Vista Court

___ Lot No. 100 Unit No. 2 Subdivision Kingswood

___ Parcel No. 11-226-27 Exist. on 2-10-72? (yes/no) YES

CTRPA REGIONAL PLAN DESIGNATION (LDR, MGR, HDR, etc.): LDR

LAND CAPABILITY CLASSIFICATION: 41 41

___ PARCEL AREA: 27,500 sq ft X IMPERVIOUS SURFACE EXISTING: NO

IMPERVIOUS SURFACE ALLOWED: 4700 X IMPERVIOUS SURFACE PROPOSED: 3500

___ PROPOSED BUILDING HEIGHT: 25' max

I hereby certify that under the penalty of perjury, the above information is accurate and true to the best of my belief.

7/18

Applicant Signature

Reviewed by Placer County:

Date
TRPA PERMIT DATA FORM

Date: 9/18/84

By: MSG

1. Parcel Number: 112-220-27
2. County Code: PL
3. TRPA File Number: 3
4. Project Type Code: B2
5. Project Name: Meadville
6. Applicant's Name: Same
7. Staff Assigned: H6
8. Date Received: 6/18/78
9. Notice Date: AP
10. Action Date: 6/19/78
11. Date Approval Expires: 12/17/83
12. Total Land Coverage Authorized (sq ft): 2560
13. Land Coverage Pct: 
14. Allow Land Cover (sq ft): 3200

Violations:
Revoke
Remarks:

76
<table>
<thead>
<tr>
<th>Column</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>7/13/84</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>112-220-2.7 Pl. 3</td>
</tr>
<tr>
<td>Project Name</td>
<td>Meadville</td>
</tr>
<tr>
<td>Applicant's Name</td>
<td>Same</td>
</tr>
<tr>
<td>Action Code</td>
<td>AP</td>
</tr>
<tr>
<td>Action Date</td>
<td>6/19/78</td>
</tr>
<tr>
<td>Date Approval Expires</td>
<td>12/19/83</td>
</tr>
<tr>
<td>Project Units</td>
<td>2</td>
</tr>
<tr>
<td>Total Land Coverage Authorized (sq ft)</td>
<td>2500</td>
</tr>
<tr>
<td>Allow Land Cover (sq ft)</td>
<td>3000</td>
</tr>
</tbody>
</table>
May 11, 1995

Mr. Gary Headville
913 Hastings Drive
Concord, California 94510

Mr. Headville:

SUBJECT: IDEC EVALUATION ON APN 112-220-27

Larry Jessee asked me to review, and respond to, the material that you sent him concerning the Individual Parcel Evaluation System (IPES) evaluation on your parcel.

We sympathize with you concerning the financial downturns that caused you to forgo building under the original permit or under the Tahoe Regional Planning Agency's (TRPA's) foundation ordinance (Chapter 11). Since you were not able to build under your original building permit, or under the special 1987 TRPA Chapter 11 permit, you are now required to seek a new permit under TRPA's IPES System.

Unfortunately, TRPA's Ordinances do not allow TRPA's staff to reopen an IPES evaluation once the deadline to file an appeal has expired. Therefore, TRPA staff has no legal ability to reevaluate your IPES score.

However, as Jim Baetge pointed out to you in his July 5, 1994, letter, the IPES score on your property may be increased by up to 30 points with the completion of erosion control or water quality improvement(s) in the vicinity of the parcel.

In addition, as Jim Baetge pointed out, you also have the option of increasing your IPES score by purchasing points ($672 each) through the Limited Incentive Program (LIP). These point fees are used for erosion control and water quality improvement projects in the Tahoe Basin.

If you want further information about erosion control projects in the vicinity of your property, or about the purchase of IPES points, you can contact Carl Hasty or Joe Pepi of the TRPA staff.

TRPA staff is also prohibited by TRPA's ordinances from allowing your home to be completed under Chapter 11. Chapter 11 deals with foundations and it allowed you the opportunity in 1987 to revive your building permit. One of your letters acknowledged that you applied and received a permit under Chapter 11.

Planning for the Protection of our Lake and Land
Mr. Meadville  
May 11, 1995  
Page Two

The permit you received under Chapter 11 was valid for a maximum of three (3) years before it expired. Once your window of opportunity under Chapter 11 expired, TRPA's Code requires you to requalify to build under the IPES system. TRPA's staff does not have the authority to extend the time limits of Chapter 11 for you, or to extend any expired Chapter 11 permit.

We are sympathetic of your circumstances, but are prohibited by TRPA's ordinances from making any exceptions to the above-described rules.

Very truly yours,

[Signature]

R. J. Nicolle  
Agency Counsel

RJN/sm  
c: Jim Bastgo  
   Carl Hasty  
   Joe Pepi  
   Larry Savian
October 4, 1994

To Whom It May Concern:

I own an improved lot in the Tahoe basin - sewer, water, power and a fully permitted foundation in place since 1979 -- that the Tahoe Regional Planning Agency will not allow me to build on.

The building moratorium imposed in 1983 by the TRPA necessitated that I leave Tahoe and leave my project unfinished as the economy there made it impossible to support my family.

TRPA gave me their arbitrary window to build in 1988-90, without any consideration given to my living situation or financial status at that time. Having been told by Placer County that I would need TRPA approval to continue in the future -- when finances permitted -- I requested the only avenue of approval I had been informed of -- an IPES score. I felt this was a mere formality with the knowledge that 95% of all earth work had already been done as reflected by my existing Placer County permits. I was aware that the adjacent lot had received a passing IPES score and was a totally unimproved lot. I was confident that with my improvements, that I would receive far above passing score.

The letters that I have included in this packet show my confusion and dismay with their findings AND my ongoing communication with the TRPA. In the past 1 1/2 years, I have gone to the extent of hiring a local attorney, Greg Lien, and , Dr. Clarence Skau, a forester and hydrologist, who was on the committee that originally designed the IPES system.

Mr. Skau and Mr. Bruce Kenny (a soils scientist) have shown that Mr. Shellhorn and Mr. Pepi evaluated my lot incorrectly at every level, exclusive of the fact that 90% of all soil erosion occurred 15 years ago.

It appears that because I was unable to afford the appeal process in 1990 and only recently understood what factors needed to be appealed, that I have lost the opportunity to build because of legal technicality.

When comparing the IPES score done by Joe Pepi and Gary Shellhorn to the one done by Dr. Clarence Skau and Bruce Kenny, one must come to the conclusion that something other than true evaluation of the property was being considered. In order to build, based on the TRPA IPES evaluation, it would cost a minimum of $32,000.00 to buy enough points. Under the real score of 796 there would have been no cost and 118 points to spare.

I am writing because I am sure I am not the only person so negatively affected by the blatantly incorrect decisions made by the TRPA.

I ask that you review the attached documents to understand in detail the entire situation.

Sincerely,

Gary M Meadville
July 5, 1994

Mr. Gary M. Meadeville
613 Hastings Drive
Concord, CA 94518

Subject: IPES Score on APN 112-220-27

Dear Mr. Meadeville:

This letter is a follow-up to our phone conversation of June 30, 1994. As I stated, there is no opportunity at this time to appeal the IPES score on this parcel. You were given notice, with the original IPES score printout mailed in November 1990, of your right to appeal and of the six month deadline for filing an appeal. Based on your letter to TRPA dated December 17, 1990, you decided not to appeal the score. In a letter sent to you by TRPA staff in January 1991, you were again informed of your right to file an appeal. Since you chose not to file an appeal within the deadline, TRPA cannot review any technical data.

The IPES score on this parcel may be increased however, with the completion of needed water quality improvement projects in the vicinity of the parcel. Presently, this parcel has a score of 12 out of a possible 50 points for this scoring element. Once the required water quality projects are completed, your IPES score could be increased by 38 additional points, resulting in an IPES score of 716.

In addition, you have the option of increasing your IPES score by purchasing points ($572 each) through the Limited Incentive Program (LIP). Fees collected through this program are placed in the Water Quality Mitigation Fund.

Should you have any additional questions on this matter, please contact Carl Hasty or Joe Pepi of my staff.

Sincerely,

[Signature]
Jim Baetge
Executive Director

JB/JP
June 13, 1994

Mr. Jim Baetge
Executive Director
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, Nevada 89448

Dear Mr. Baetge:

At the request of my client, Mr. Gary Meadville, I am sending you reports by Mr. Bruce Kenny, soil scientist, and myself concerning Mr. Meadville’s IPES score for parcel APN 112-220-27 Placer County, CA. Additionally, I am enclosing copies of the IPES Field Evaluation Form and Final Results Form for Mr. Meadville’s parcel and that of the adjoining parcel, APN 112-220-28. Finally, there are copies, chronologically arranged, of Mr. Meadville’s building permit and correspondence between Mr. Meadville, Mr. Gary Shellhorn, and Mr. Joe Pepi.

There are four reasons why I’m sending these documents to you:

1. To demonstrate that the IPES score should have been higher, putting Mr. Meadville’s parcel into the buildable category. We suggest a score of 796 as opposed to the present 678. The difference is largely related to soil properties.

2. To eliminate, at client request, any suggestion regarding authenticity of our reports.

3. To step outside the loop of IPES staff, who both did the field work and make recommendations concerning that work to either you or the Governing Board.

4. To suggest that, had the IPES field work been done correctly the first time, and had the results been provided in a timely fashion, Mr. Meadville would not be caught in the procedural and financial problems he now faces.

It is my understanding that Mr. Meadville will contact you in the near future to solicit your comments.

Very respectfully,

C.M. Skau

cc: Gary Meadville
    Bruce Kenny
June 3, 1994

Mr. Gary Meadville
913 Hastings Drive
Concord, CA 94518

Dear Mr. Meadville:

The purpose of this letter is to advise you of our soils and hydrologic findings for your parcel, APN 112-220-27, in Placer County, California. Specifically, it addresses the IPES evaluation conducted August 31, 1990 by TRPA (See attached copy of IPES Field Evaluation and Final Results). The soils investigation was carried out by Mr. Bruce Kenny of Soil Resource Investigations and a copy of his report is enclosed. Briefly, he finds that a raw IPES score of 796 is appropriate for your lot, and that the adjustment is largely related to the k factor (0.10 instead of 0.28) and the hydrologic group (B instead of C).

My evaluation centers on the hydrology of your lot. Based on my field examination, I would make the following points:

1. The geomorphic setting and geology are directly similar to adjoining and nearby parcels. These parcels are considered "buildable" by TRPA; for example, parcel APN 112-220-28 was scored 733 with a B Soil Hydrologic Group and a k factor of 0.15. This would tend to confirm the findings of Mr. Kenny, which are based on actual laboratory results from field samples.

2. There are scattered areas laid bare by construction of the home foundation and by excavation for utilities (The "fair" Hydrologic condition score reflects this.). This work was completed over 10 years ago and, if the k factor was 0.28 and the Hydrologic Soil Group was C, there would ordinarily be signs of surface erosion such as rilling, accumulation of finer soil fractions in local depressions, and parallel orientation of leaf litter. These signs are absent, even on slopes exceeding 30%.
Mr. Shellhorn's comment (Jan. 22, 1991) that "This scoring element (referring to runoff potential) is not based on the presence or evidence of rill or gully erosion, but on the potential for possible occurrence of such impacts." is misleading. The "potential" is based on the assumption of bare soil being present. The same is true for the Relative Erosion Hazard Rating, which is a derivative of the universal Soil Loss Equation formula. The presence of bare soil areas showing few if any signs of erosion is in fact pertinent evidence.

3. Mr. Pepi's memo of Jan. 6, 1992 details the procedures for Relative Erosion Hazard Rating and Runoff potential. He then goes to the field findings, where he compares soil textures, organic matter content, and soil depth for parcels APN 112-220-27 and APN 112-220-27. It is important to recognize that the soils determinations by IPES crews were based on a single sample taken with a bucket anger and that textures were estimated by hand feeling the soil. Bucket angers are easily stopped by rocks, hence actual soil depth is underestimated. This could easily happen on your parcel where there was a substantial fraction of cobbles and rock as shown by Kenny's report which is based on hand dug soil pits. These pits showed plant roots to depths considerably in excess of the 26 inches soil depth alluded to by Shellhorn and Pepi and, to quote from Soil Genesis and Classification, Second Edition. 1980. S.W. Buol, F.D. Hole and R.J. McCracken. Iowa State University Press, Ames, p. 15, "The primary difference between soil and geologic material is the presence in the soil of living plant roots and deposits of organic and mineral materials originating in the rooting zone." Clearly, the soil on your parcel is deeper than the 26 inches indicated by Shellhorn and Pepi.

Note also that Kenny's textural analyses are based on laboratory tests of field samples, and that laboratory tests are regarded as the more reliable procedure for textural analyses.

4. There is a fairly strong positive correlation between soil depth and the density of trees for any given timber type. The undisturbed areas near or adjacent to your parcel contain dense stands of predominantly white fir (Abies concolor). In my experience in the Tahoe Basin and the Sierra Nevada it is highly unlikely that such a dense forest could be supported by soil only 26-28 inches deep.

5. The IPES Field Evaluation Form of 8/31/90 contains the initials JP and GS, ostensibly Joe Pepi and Gary Shellhorn. That they also serve an administrative function in TRPA as full time employees who make recommendations up the chain of commands would imply that they act as both judge and jury; i.e., they had a vested interest defending their work. The typical IPES crew was composed of three temporary employees with no axe to grind.
6. As a matter of common sense, whatever damage to the parcel from building might be anticipated, it has largely already occurred. It seems pointless to consider the parcel unbuildable, let alone a priority for acquisition by the Conservancy.

In summary Mr. Kenny and myself are firmly convinced that the August 31, 1990 IPES evaluation of your property is seriously flawed with respect to the Relative Erosion Hazard Rating and Runoff Potential elements, specifically the "k" factor, the soil depth and the Hydrologic Group. Our investigations suggest an IPES score of 796 is more appropriate than the 678 indicated.

Sincerely,

[Signature]

C.M. Skau, Ph.D.

Original reports went to Jim Bastge, Executive Director, TRPA
cc: Bruce Kenny
     Gary Meadville
March 15, 1993

Mr. Carl Hasty
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, NV 89448-1038

Re: Lot 100, Kingswood West, APN 112-220-27

Dear Mr. Hasty:

This office represents Mr. Gary Meadville, the owner of the above-referenced property. As you may know, Mr. Meadville has expended considerable effort to obtain the opportunity to complete construction of a residence on his property, so far to no avail. I have had an opportunity to review the information concerning this property and believe that the circumstances of this case are sufficiently unique as to justify another determination by TRPA staff as to the property's eligibility to receive a building allocation. By copy of this letter to Jeff Blanck, we are requesting such a determination.

Mr. Meadville's lot was one of many "pipeline" projects at the time of the imposition of the moratorium of 1983. Prior to the moratorium, and pursuant to the required approvals, Mr. Meadville constructed a foundation for a single-family residence, installed a driveway and extended all utilities to the building site. Mr. Meadville then applied for and received a permit to complete the residence under the 1988 TRPA foundation exemption, however a lack of funds precluded him from completing the project. In 1990, when he was subsequently financially able to complete the residence, Mr. Meadville requested and ultimately received an IPES score of 678. Although it is technically possible for him to purchase points and obtain a permit from TRPA, he simply cannot afford the $32,256 price tag. More importantly, as suggested in his May 20, 1991 letter to Gary Shellhorn, since 99% of the earthwork is already completed, there would appear to be a very tenuous nexus between the purposes underlying the exaction of the water quality mitigation fee and the perceived impacts associated with the completion of his residence. Rather than to appeal his IPES score, however, Mr. Meadville continued to request information from TRPA.
concerning the determination of his IPES score, which culminated in Mr. Joe Pepi's letter of January 6, 1992, in which Mr. Meadville was advised that the time to appeal his IPES score had lapsed.

I think that a review of the correspondence between Mr. Meadville and TRPA will help you to understand his frustration with the IPES system as applied to his lot. A complete record of such correspondence is attached for your reference. It is our position that IPES simply has no relevancy as applied to such a highly improved, man-modified parcel as Mr. Meadville's. The purpose of the IPES system was to prevent lots which were environmentally sensitive from suffering the perceived ravages of ground disturbance. In this case, however, all ground disturbance required for the construction of the residence has long since been completed. Ironically, the IPES system is now preventing the property from being stabilized by preventing the completion of construction.

We believe that, instead of applying the IPES criteria, the property should be reviewed as an improved parcel under the Bailey system. Chapter 37, by its terms, applies only to "vacant residential parcels." A "vacant parcel" is defined in Chapter 2 as "a parcel which is undeveloped or unimproved and has no established use." Mr. Meadville's parcel, substantially improved and man-modified as it is, with a driveway, parking pad, utilities, and a completed building foundation, simply cannot be considered "vacant" within the generally accepted meaning of the term. The property has previously been determined to consist primarily of Class 4 soils, for which construction of a single family dwelling is permitted under the Bailey system. We believe that, under the unique circumstances of this case, the application of the Bailey criteria should prevail over the application of IPES.

We are not dealing in the abstract with considerations of the relative ease of access to the building site, or the erodibility of soil particles, but rather damage to the ground has already been done. What remains to be done is to complete the residence and to permanently stabilize the site. Surely that is the preferred alternative to leaving the site in its existing condition. We hope that TRPA will take another look at this unique situation and will admit that the purposes of the IPES system are being frustrated by its application to this parcel. We then ask that TRPA determine that it is more appropriate to apply the Bailey criteria to this lot, which will allow Mr. Meadville to finally complete construction of his home at Lake Tahoe. As set forth above, we are
Mr. Carl Hasty  
TAHOE REGIONAL PLANNING AGENCY  
March 15, 1993  
Page 3

requesting a final determination of the eligibility of this parcel for evaluation under the Bailey system.

If you need additional information in order to make a determination, please do not hesitate to contact me. I look forward to your response.

Very truly yours,

[Signature]

Gregg R. Lien

GRL/jkb:jr

Enclosures

cc:  Mr. Gary Meadvile  
Ms. Clydine Berger  
Mr. Jeff Blanck
December 2, 1992

Dear T.R.P.A. Board Members:

On September 22 of this year, I sent to your office a plea for a review of my lot in North Lake Tahoe.

Lot 100
Kingswood West
A.P.N. 112-220-27

As of this date, I have yet to hear from any of the members of the T.R.P.A. board, my local government representatives or the Governor. I understand that this matter is of no great importance to you and will not effect your lives, but it certainly has affected mine and continues to do so. The mere fact that it has been nine (9) weeks since I sent my request for your review only goes to reiterate the reason that it has taken so long to resolve this situation and to get real answers to real questions.

I again request that you review my case and at least send me some kind of response.

THANK YOU,

Gary M. Meadville
September 22, 1992

Dear [Sent a copy to each TRPA Board member]

My name is Gary Meadville, and I send you this plea in an attempt to encourage you to review my case and to reconsider the feasibility of my being able to build my home in Tahoe.

I moved to the North Shore of Lake Tahoe from Los Angeles in October of 1977. I was looking for a career change and a better place to raise my two sons (I am a single parent). I built my first home in Kingswood West in 1978 (finaled in February 1979). My goal was to build my family home on Lot 100, the lot in question.

We all know what the economy of Lake Tahoe has been since 1980. I so desperately wanted to be in Tahoe that I, as a builder, did everything I could to stay. I was finally forced to seek employment in 1984 in Danville (the Bay Area), so I could continue to make my house payment. By mid-1985, it became apparent I would have to move -- and not just commute weekly -- in order for my 13 and 17 year old sons to see me more than just weekends.

The moratorium of 1983 made it difficult for those of us in construction to stay. Also, things in the basin have changed a great deal over the short period of time I've been involved with it. In 1978, Lot 100 was rated "4" with a small section "1." The TRPA gave me a coverage of 4700 square feet (I only used 3500) on my 28,000 square foot lot. I put in the foundation one year, the sewer and utilities the second year, and the subfloor the third. By the time I got to this stage, the recession was in full swing in Tahoe, making it impossible for me to continue. I did, however, continue to pay the sewer, power and water bills, and the tax assessment as an improved lot. I also maintained the building permit by securing every extension available.

Late in 1987, and again in 1988, I was informed I had a "one-time-only" opportunity to build my home. I was told that I must build between 7/88 and 7/90. Being an optimist, I submitted all the necessary fees and paperwork to keep the process alive. I had, however, expended all my savings in order to survive in Tahoe until 1985, and by early 1990, it
was obvious to me I wouldn't be in a financial position to build by the deadline.

At that point, I requested an IPES score, which I have since learned was instituted to evaluate unimproved property. As per the county assessment, my lot is an improved lot. My request for an IPES score seems to have been a fatal mistake, as I have now been prevented from building on my lot. I did not correctly understand the process for challenging the IPES score. Instead of just filing an appeal right away, I attempted to correspond with the TRPA to first understand what, specifically, it was that I was challenging. By the time several letters had been exchanged, the period for filing had expired. I realize that ignorance is not an excuse, but I was naive enough to believe I was following a logical course of action.

As you can see from all the enclosed correspondance, I am very serious about my desire to build my home. I have attempted to follow all the normal channels to re-establish my permit -- all without success.

I am sending each board member a copy of this letter in an attempt to find an open ear. I realize this is not a normal procedure, but my situation is not the norm either. I feel it is unique and needs some special consideration in view of the fact that I can't acquire a building permit without your approval. It once was buildable, has a foundation, and all the soil disturbance has already occurred. There seems to be no provision for taking this set of circumstances into account. My lot has been treated as an unimproved lot on every count except the property taxes. I appeal to your sense of fairness in evaluating my problem.

I request that you review the history and events described in my enclosed letters and allow me to finish construction on my home. As stated above, all major soil disturbance was done many years ago, and the surrounding land on my lot has returned to its natural state.

Sincerely,

Gary M. Meadville

cc: Governor Pete Wilson
January 6, 1992

Mr. Gary M. Meadville
913 Hastings Drive
Concord, CA 94518

Re: IPES Evaluation; APN 112-220-27

Dear Mr. Meadville:

I am responding in written form to the questions that you posed in our phone conversation of December 23, 1991 and in your letter dated November 12, 1991. I reviewed all of the correspondence in the file that were written both by TRPA staff and yourself over the past year, which related to this parcel. Several of the questions you had during our phone conversation had already been answered by Gary Shellhorn. I am including copies of these letters with the appropriate sentences highlighted for you to review.

As far as your question about why your lot was not evaluated at Agency expense when the rest of the lots in the neighborhood were done, this was answered in a letter from Gary Shellhorn dated July 31, 1991. Paragraph three of this letter covers this question in detail. Because you had a foundation, you were eligible for and received a permit to build in 1988 under a foundation exemption. Because you had an active permit, you were not subject to being evaluated under the IPES system. When you allowed this permit to lapse without constructing a dwelling or alternatively selling the parcel with a permit to a party who was able to build, this parcel became subject to IPES under the newly adopted 1988 TRPA Water Quality Management Plan. Since the money provided to TRPA by the states for doing the IPES evaluations had run out in 1989, any persons requiring IPES evaluations were required to pay the $115.00 filing fee.

In a letter dated January 22, 1991, Gary Shellhorn responded to questions in a letter you wrote on December 17, 1990. Your assertions that the evaluation done under IPES "does not reflect the true nature of the situation", was answered by Mr. Shellhorn in paragraph three of his letter. Your assertion in your conversation with me on December 23, 1991 that having a foundation penalized you by lowering your score is not correct. No special treatment is given to parcels with foundations under the IPES system either in a positive or negative way. This was stated by Mr. Shellhorn in paragraph four of his letter of January 22, 1991. You were also given full credit for utility connections as was stated in paragraph two of Mr Shellhorn's letter.

Your other questions both in our conversation of December 17, 1990 and in your letter of November 12, 1991 relating to the relative erosion, runoff potential and ability to revegetate are technical in nature and were best dealt with by filing an appeal so that a second (different) team of technical experts would conduct an evaluation of your parcel. In the last paragraph of your letter of
December 17, 1990, you requested that Mr. Shellhorn "please advise me as to the best way to proceed and whom to contact in order to have these problems reviewed." He advised you in paragraph five of his January 22, 1991 letter that, "If you feel the evaluation was improperly done or that the IPES criteria were incorrectly applied, you may wish to file an appeal." This was the proper and the only way that these technical questions can be answered. You were given 180 days from the time you received your score to file an appeal and request that a second evaluation be done. However, you chose not to file an appeal and so lost the administrative option that you had for review of the original field work. If you had filed an appeal and after the completion of the second field evaluation, you also had the option of appealing that result to a TRPA IPES Appeal Review Panel, and ultimately to the TRPA Governing Board. By not filing an appeal you lost all of your opportunities to have the original scoring on your parcel reviewed.

Through this series of letters and phone conversations over the last year, all of your questions have been answered at least once and sometimes more. Several of your questions are very technical in nature, and I would not expect you to be able to understand them because they are based on expertise developed over a number of years of academic training and several decades of practical field experience. The principles that are being applied which determine such things as relative erosion hazard and runoff potential are based on research conducted by the United States Department of Agriculture and major universities around the country, dating back to the 1930’s. The Universal Soil Loss Equation and the Soil Hydrologic Group systems have been applied and updated extensively in the decades since they were first developed. The determination of the technical correctness of the determinations of relative erosion hazard and runoff potential on your parcel is no place for the "untrained eye".

In your letter of November 12, 1991, you listed four areas in which you had questions about how the score for that element was derived. I will explain in detail the field information and the scientific formulas and interpretation methods used by the IPES system to determine the score on this parcel. I want to remind you that the score for this parcel is based on the soil, slope, vegetative cover and other information we find on your parcel, regardless of what is found on parcels adjacent to or in the vicinity of it.

There is inherent variability in the spatial distribution of soils and their characteristics which is hard to predict. Soils with highly contrasting properties can occur in close proximity to each other based on differences in soil parent material, landscape position, geomorphic processes and aspect. Volcanically derived soils, that are common in the area of your parcel can be quite variable because of the occurrence of isolated igneous intrusions, volcanic flows and landslides caused by eruptions on wet or snow covered soil. This can account for the wide difference in scores for soil related elements for adjacent or nearby parcels.
First: Relative Erosion Hazard

The Relative Erosion Hazard formula used in the IPES system is derived from the Universal Soil Loss Equation (USLE) developed by the U.S. Department of Agriculture. A complete description of this equation is covered in the publication, "Predicting Rainfall Erosion Losses, A Guide to Conservation Planning", Agricultural Handbook Number 537, prepared by the Science and Education Administration, (December, 1978). The USLE is an erosion model designed to compute long-time average soil losses from sheet and rill erosion under specified conditions. A photo copy of this document is included for your review.

The Relative Erosion Hazard (REH) Formula used in the IPES system is based on only part of the USLE formula. This is explained in the Technical Appendices of Chapter 37 of the TRPA Code of Ordinances of which I have included a photo copy. The Soil Erodibility Factor (K) is determined from the characteristics of the surface soil horizon on the most likely building site of the parcel being evaluated. On APN 112-220-27, the surface soil that was found was a cobbly clay loam which was low in organic matter. Based on this soil texture and organic matter content, the K factor value from the "Nomograph for Soil Erodibility" (a photo copy is provided) a base or raw K factor value of .32 is assigned. This K value was then reduced by .04 to .28 based on a rock fragment content of 20 percent.

On parcel 112-220-28, the soil scientist found a gravelly sandy loam surface horizon with a moderate amount (3%) of organic matter. The raw K factor for the sandy loam texture is .24. The K value was then reduced by .03 for the moderate level (3%) of organic matter and .06 for the 35 to 65 percent volume of rock fragments in the surface horizon. The total reduction was .09 giving a final K factor of .15.

The K factor on your parcel is .28 compared to .15 on APN 112-220-28, almost double, based on the significantly different characteristics of the surface soil on each of these parcels. The rainfall factor (R) of the REH formula is 50 for both parcels. So we recognize that the rainfall is the same. Since the slopes are pretty much the same on both parcels, the difference in K factor (.28 vs. .15) based on the different soils found on the two lots, accounts for the 35 point difference in the relative erosion hazard score.

Second: Runoff Potential

The runoff potential score on your parcel (lot 100) was based on the soil profile findings of a 26 inch deep soil over weathered volcanic bedrock. This soil had a horizon with a silty clay loam texture, above the weathered bedrock. Based on the depth to weathered bedrock and the moderately fine silty clay loam texture, this soil belongs in the C hydrologic group. A photo copy of the Soil Hydrologic Group Guidesheet is included. In combination with a fair hydrologic.
condition designation given by the IPES planner, the runoff potential score was 34. A copy of this scoring matrix from the Chapter 37 Appendices is included. Again, this value is based on the soils and other data found on your parcel. On lot 99, the soil scientist dug to a depth of 28 inches (two inches greater than on lot 100) and called the soil as being greater than 40 inches in depth. Because the textures he found in that profile were loam, the soil was given a hydrologic group B. In combination with the fair hydrologic condition given, this parcel received a score of 81 for runoff potential.

Third: Ability to Revegetate

The Ability to Revegetate score is based on the vegetative group for your soil, the compass direction and slope of your parcel and the elevation. For lot 100, the vegetative group was G, based on a depth of 26 inches to bedrock (copy of guidesheets provided), receiving a vegetative score of 5. Based on the aspect and slope it received 8 points and with an elevation of less than 7000 feet, 7 additional points, for a total of 20.

Lot 99 was assigned a B vegetative group based on the deep, loam textured soils found on the parcel, giving a score of 10 for the vegetative group. Since its aspect and slope were similar to lot 100 it also received 8 points, and 7 points for elevation below 7000 feet, for a total score of 25. The difference in scores is based on the soil depth and texture differences found on the two parcels.

Fourth: Existing Foundation

This question was answered in paragraph four of the January 22, 1991 letter from Gary Shellhorn.

This should give you a complete description of the field data and the technical and scientific methods used to interpret that data, for the assignment of points for the IPES elements in question. The basic reason for differences in the scores of lot 100 and 99 were significant differences in soils found on the two parcels. If you had filed an appeal of the original score, a second soil scientist would have reviewed the field work done on the first evaluation. At this time no appeal or second review is possible.

If you have any further questions, feel free to contact me by mail or telephone.

Sincerely,

Joseph Pepi
IPES/Land Capability Unit

JP
Enclosures
MEMORANDUM

January 14, 1997

To: TRPA Governing Board

From: TRPA Staff

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

A progress report on this item will be presented at the Board meeting.

1/14/97
MEMORANDUM

January 13, 1997

To: TRPA Governing Board
From: TRPA Staff
Subject: Coordinated Regional Disaster Recovery

On January 6, 1997 a Tahoe Basin group was formed to facilitate emergency response to immediate flood damage needs and to coordinate a basin-wide response to the long-term recovery efforts. The group is comprised of local, state and federal entities and has had direct involvement with the Federal Emergency Management Agency in Nevada.

Staff will present a status report on recovery efforts at the Governing Board meeting.
MEMORANDUM

January 13, 1997

To: TRPA Governing Board
From: TRPA Staff
Subject: Appointment of Board Members to Committees

Requested Action: To fill vacancies on TRPA committees:

Summary: Following is a listing of the Governing Board Committees and current memberships:

Finance - Neft, Heller, Hime, ______, Bennett (chair)

Legal - Miner, Cronk, Sevison, Waldie, ______

Rules - DeLanyo, Neft, Sevison, Hime, ______

Capital Financing - Westergard, Miner, Cronk, Waldie, Wynn, ______

Retirement - Miner, Sevison, Solt, Baetge, Neft (chair)

Shorezone Policy - Waldie, Wynn, Sevison, ______, ______, Westergard (chair)

Local Government - Cole, Sevison, Galloway, Bennett, Upton

The attached Resolution No. 91-11 establishes the Retirement, Finance, Legal, Rules, and Capital Financing Committees and their responsibilities. Each committee shall consist of at least five Board members with membership to be determined by the Chairman and subject to approval by the Governing Board. Members of the Governing Board from each state shall serve on each of the committees, and the Board chairman shall serve as an ex officio member of all the committees. In the event a majority of the members of a committee is not present to constitute a quorum at a meeting, the member or members then present may appoint another member of the Board present to temporarily serve on the committee in order that a quorum might be present and the committee conduct its business. Such temporary appointment shall expire at the conclusion of the meeting for which the appointment was made.

A completed membership roster will be presented at the January meeting for endorsement by the Board.

1/13/97
jf

AGENDA ITEM XI.A.

Planning for the Protection of our Lake and Land
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 91-11

RESOLUTION OF THE GOVERNING BOARD OF THE
TAHOE REGIONAL PLANNING AGENCY
ESTABLISHING COMMITTEES OF THE GOVERNING BOARD
AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, the Governing Board of the Tahoe Regional Planning Agency ("Agency") finds:

1. Section 2.8 of the Rules of Procedure of the Agency authorizes the Governing Board, by resolution, to create committees of the Board, describing the committees' responsibilities, how their members are to be chosen and setting forth other matters the Board deems pertinent.

2. The Governing Board of the Agency finds it necessary and desirable to adopt this resolution establishing committees of the Board relating to finance, legal matters, rules, and capital financing, describing the committees' responsibilities, prescribing how their members are to be chosen and setting forth other matters pertinent thereto.

3. On January 29, 1987, the Governing Board of the Agency adopted Resolution No. 87-2, establishing committees of the Governing Board and Providing Other Matters Properly Relating Thereto, which resolution no longer accurately describes the committees of the Governing Board.

4. On June 26, 1986, the Governing Board of the Agency adopted Resolution No. 86-13, authorizing the withdrawal of TRPA from Nevada PERS and the creation of the TRPA Employee Retirement Plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Agency, by virtue of the authority conferred by the Tahoe Regional Planning Compact, as amended, and the Rules of Procedure of the Agency, as follows:

1. Resolution No. 87-2 is hereby rescinded and replaced by this resolution.

2. The Finance Committee, Legal Committee, Rules Committee, and Capital Financing Committee of the Agency Governing Board are hereby created. The responsibilities of each committee are hereinafter set forth.

3. The Administrative Committee for the TRPA Employee Retirement Plan was created by Resolution No. 86-13. The membership and responsibilities of that committee are set forth therein.
4. The responsibilities of the Finance Committee include: (a) making recommendations to the Governing Board regarding Agency budgetary matters such as expenditures, receipts and financial planning; (b) reviewing periodic audits, financial statements and other similar reports and reporting periodically to the Governing Board regarding the Agency's financial condition; (c) reviewing requests for use of funds received from various state and federal entities and funds collected by the Agency and making recommendations for the disbursement thereof; and (d) other responsibilities assigned it by the Governing Board.

5. The responsibilities of the Legal Committee include: (a) consulting with the Agency's legal counsel with respect to the status of litigation involving the Agency and making recommendations to the Governing Board concerning prosecution, defense, and settlement thereof; (b) making recommendations to the Governing Board regarding pursuit of legal action for enforcement of the Tahoe Regional Planning Compact and the Regional Plan and ordinances of the Agency; (c) reviewing and making recommendations to the Governing Board concerning requests for determinations of vested rights; (d) conferring with the Finance Committee and making recommendations to the Governing Board concerning budgetary matters involving legal counsel for the Agency; (e) recommendations on the hiring, retaining and evaluating performance of legal counsel for the Agency, and (f) other responsibilities assigned it by the Governing Board.

6. The responsibilities of the Rules Committee include: (a) periodically reviewing and making recommendations to the Governing Board regarding proposed amendments to the Agency's Rules of Procedure to coordinate with amendments to the Tahoe Regional Planning Compact, the Agency's Regional Plan and ordinances and otherwise for the proper administration thereof; (b) making recommendations to the Governing Board regarding other necessary and desirable amendments to the Rules of Procedure and the Fiscal and Administrative Procedures Manual for the proper conduct of the Agency's business; and (c) other responsibilities assigned it by the Governing Board.

7. The responsibilities of the Capital Financing Committee include: (a) making recommendations to the Governing Board regarding the Agency's efforts to seek outside funding sources to accompany local funding of a fair share of the Capital Improvements Program for erosion and runoff control, the Stream Environment Zone Restoration Program, and the Action Element of the Regional Transportation Plan, (b) making recommendations to the Governing Board regarding the adoption of financial programs and plans to implement the Capital Improvements Program for erosion and runoff control, the Stream Environment Zone Restoration Program, and the Action Element of the Regional Transportation Plan, (c) monitoring, reviewing, and proposing legislation affecting the financing of the Capital Improvements Program, Stream Environment Zone Restoration Program, and Regional Transportation Plan, (d) assisting in presentation of the Agency's position with respect to such legislation, whether to individual legislators, a legislative committee, or otherwise, and (e) other responsibilities assigned it by the Governing Board.
8. The foregoing committees shall consist of at least five Governing Board members. The identity of members and chairmen of the committees of the Governing Board shall be determined by the Chairman, subject to approval by the Governing Board. Members of the Governing Board from each state shall serve on each of the foregoing committees. The Chairman shall serve as an ex officio member of all the foregoing committees of the Governing Board. The Chairman may name members of the general public to sit on the Capital Financing Committee. In the event a majority of the members of a committee is not present to constitute a quorum at a committee meeting, the member or members then present may appoint another member of members of the Governing Board present to temporarily serve on the committee in order that a quorum might be present and the committee conduct its business. Such temporary appointment shall expire at the conclusion of the meeting for which the appointment was made. Committees of the Governing Board shall act in coordination with the Agency's Executive Director or other Agency staff designated by the Executive Director. The chairman of each committee may request nonmembers of the Governing Board to join in the committee's deliberations in a nonvoting capacity.

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency this 27th day of February, 1991, by the following vote:

Ayes: Mr. Houghteling, Mr. Klein, Mr. Kanoff, Ms. Lau, Mr. Imsdahl, Mr. Chimarusti, Ms. Bennett, Mr. Westergard, Mr. Upton, Ms. Cornwall, Mr. Bradford, Mr. DeLanoy, Mr. Gibbs, Mr. Cronk

Nays: None

Abstentions: None

Absent: None

W. P. CRONK, Chairman of the Governing Board of the Tahoe Regional Planning Agency
January 10, 1997

To: TRPA Governing Board

From: TRPA Staff

Subject: Progress Report on Priority Milestones Contained in the Strategic Plan and FY 96-97 Program of Work (July 1 - December 31)

The Strategic Plan and Program of Work for FY 96-97 were presented to the Governing Board in June 1996. The Strategic Plan identified approximately 37 of the milestones contained in the Program of Work as the highest priorities.

The Program of Work is reviewed by staff on an ongoing basis throughout the fiscal year to monitor work progress in accordance with the assigned completion schedules (milestones) and to make any necessary adjustments. This progress report focuses on only those priority milestones identified in the Strategic Plan for completion in the first and second quarters of FY 96-97.

In the first and second quarters there were 18 priority milestones identified for completion. Following is the current status of these milestones:

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

First and Second Quarter Objectives (FY 96-97):

1. Develop legislative and funding packet for the 1997 legislative/funding cycle

   The first draft was completed in October 1996. The Capital Finance Committee directed a redraft. The final packet is scheduled to be presented to the Governing Board in January and published in early February.

2. Submit proposal to EPA for "Real Time" threshold monitoring program funding

   A meeting with EPA was held in January 1996 to discuss funding of the "Real Time" monitoring program. Contact people were established within EPA and a funding proposal will be submitted by the end of January 1997.
B. Three-Year Goal: Implement the Regional Plan and carry out all other Agency responsibilities as required by the Tahoe Regional Planning Compact.

First and Second Quarter Objectives (FY 96-97):

1. Present revised 208 Plan (SEZ restoration/CIP update) to the Governing Board for adoption

   This update has been delayed due to the preparation of the '96 Evaluation Report and other priorities. The update is in progress, but the final draft will most likely be deferred until December 1997.

2. Complete IPES line movement analysis

   The IPES line analysis was completed and the line was moved in Douglas and Washoe counties in December 1996.

3. Complete 1996 RTP/AQP and present final plan to Governing Board for adoption

   This objective has been deferred until July 1997. A working draft is in progress which takes into account comments received from the Transportation/Air Quality Technical Advisory Committee. Throughout the coming months, staff will continue to work closely with the TAC as the environmental analysis section of the document is developed.

4. Complete '96 Evaluation and EA and present to Governing Board

   The Draft 1996 Evaluation has been released. The findings were presented to the APC and Governing Board. The Environmental Assessment (EA) and the Final 1996 Evaluation Report will be presented to the APC and Governing Board in March 1997. The original schedule was delayed due to the need to spend more staff time developing the EIP and the future allocation schedule for residential and commercial development.

5. Present '96 Evaluation-related Regional Plan amendments to Governing Board for adoption

   The 1996 Evaluation-related amendments will be presented to the APC and Governing Board in two stages. The "A" List of amendments (first priority) will be presented for discussion in February 1997 with Governing Board action in March 1997 in conjunction the Final 1996 Evaluation. The "B" List amendments (second priority) are scheduled for presentation to the APC and Governing Board at different times throughout 1997 and 1998 based on dates contained in the Evaluation's Schedule of Implementation.
C. Three-Year Goal: Streamline the Regional Plan and Agency operations in an effort to improve efficiency and effectiveness.

First and Second Quarter Objectives (FY 96-97):

1. Develop priority list with completion dates for Regional Plan amendments and other streamlining measures identified by the internal/external Streamlining Committee

This objective has not been completed due to delays in scheduling a meeting of the external streamlining committee. The external committee is scheduled to meet in January 1997. The internal committee meets on a regular basis and streamlining measures are being implemented on an ongoing basis.

2. Expand over-the-counter permit process

This process is ongoing. It is anticipated that the recent performance audit will recommend that certain additional projects be considered for over-the-counter processing. Staff will await completion of the final audit recommendations (February 1997) before implementing any expansion of the current over-the-counter permits in order to avoid being inconsistent with the audit recommendations.

3. Complete permit automation process

The permit automation process is in progress and is currently scheduled to be completed by June 1997.

D. Three-Year Goal: Build public understanding and support for the TRPA mission.

Third and Fourth Quarter Objectives (FY 96-97):

1. Complete annual Building/Erosion Control Awards Program

The annual awards were presented to the Governing Board in October 1996.

2. Develop public information center at front counter

The public information center has been partially completed as a part of developing a front counter self-help center. The completion of the self-help center has been delayed pending funding for an additional computer station.
3. Conduct 3-4 neighborhood meetings in BMP retrofit priority 1 and 2 areas

Meetings for the priority 1 areas have been completed. Meetings for the priority 2 areas have been deferred until the summer of 1997 consistent with the requirements of the 319 grant for this program.

E. Three-Year Goal: Achieve additional physical improvements in the built and natural environments through restoration, rehabilitation and redevelopment, in an effort to attain and maintain the environmental thresholds.

First and Second Quarter Objectives (96-97):

1. Complete the Coordinated Transit System (CTS) business plan

The CTS business plan is expected to be completed by the end of January 1997. Two drafts have been prepared and are being developed into a final draft. Development of this innovative new technology application has required more research and coordination than anticipated and has resulted in some delays.

2. Adopt an MOU with Nevada State Lands regarding SRZ banking and restoration

A draft MOU has been prepared and has been submitted to Nevada State Lands for review. Based on discussions with the Director of Nevada State Lands, it is anticipated that the MOU will not be considered for adoption until April 1997.

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

January 10, 1997

To: TRPA Governing Board

From: TRPA Staff

Subject: Proposed Revisions to Filing Fee Schedule

Proposed Action: Amend the current filing fee schedule to include the proposed inflationary increase (see attached), to add fees for certain categories, and to adjust fees to be in accordance with actual staff processing time. Proposed fee amendments shall become effective February 15, 1997.

Staff Recommendation: Staff recommends that the Governing Board approve the proposed amendments to the filing fee schedule (Exhibit A) by adopting the attached resolution.

Discussion: The current filing fee schedule was last amended in January 1996. At that time, the filing fee schedule was adjusted by 2.1 percent to account for inflation. Although the filing fees are increased annually for inflation, TRPA continues to contribute approximately 50 percent of the actual cost to provide these services.

In order to keep pace with inflation, staff is proposing to increase the current filing fees by 3.0 percent (rounded up to the nearest $5) based on the 1996 Consumer Price Index (CPI) for San Francisco. Also, staff is proposing to add fee categories and adjust fee amounts relating to New Commercial Facilities (Staff review), Existing Use/Structure Verification, Coverage Transfer, Unit of Use Transfer, Allocation Transfer, Development Right Transfer, Existing Development Transfer, Bonus Unit Allocation Transfer, Banking, Temporary Use/Structure (Staff review), Sign Revisions, Lot Line Adjustment, Grading (Minor), Complete Site Assessment (1 Ac.-), Partial Site Assessment (1 Ac.-), and Legal Opinions/Administrative Determinations. These categories are either currently not specifically listed on the fee schedule or are in need of fee adjustment based on cost to provide the services (see underlined text, Exhibit A).

If you have any questions or comments on this agenda item, please contact Paul Pettersen, Senior Planner, at (702) 588-4547.

PP: jm
1/10/97

AGENDA ITEM XI.C.

Planning for the Protection of our Lake and Land
EXHIBIT A

TAHOE REGIONAL PLANNING AGENCY
FILING FEE SCHEDULE

Filing fees shall be in accordance with the adopted schedule unless, in the
discretion of the Executive Director, the actual cost can be reasonably and
accurately calculated and is significantly less than the fee schedule in which
case the actual cost shall be used.

A. RESIDENTIAL:

<table>
<thead>
<tr>
<th>Description</th>
<th>Current Fee</th>
<th>Proposed Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. New Employee Housing (GB review)</td>
<td>$ 680</td>
<td>$ 700</td>
</tr>
<tr>
<td>2. New Mobile Home Dwellings (GB review)</td>
<td>$ 680</td>
<td>$ 700</td>
</tr>
<tr>
<td>3. New Multiple Family Dwellings (GB review)</td>
<td>$ 885</td>
<td>$ 910</td>
</tr>
<tr>
<td>4. New Multiple Family Dwellings (Staff review)</td>
<td>$ 530</td>
<td>$ 545</td>
</tr>
<tr>
<td>5. New Multi-person Dwellings (Staff review)</td>
<td>$ 530</td>
<td>$ 545</td>
</tr>
<tr>
<td>6. New Nursing and Personal Care (Staff review)</td>
<td>$ 530</td>
<td>$ 545</td>
</tr>
<tr>
<td>7. New Residential Care (Staff review)</td>
<td>$ 530</td>
<td>$ 545</td>
</tr>
<tr>
<td>8. New Single Family Dwellings (Staff review)</td>
<td>$ 375</td>
<td>$ 385</td>
</tr>
<tr>
<td>9. New Single Family Dwellings (GB review)</td>
<td>$ 685</td>
<td>$ 705</td>
</tr>
<tr>
<td>10. New Summer Homes (Staff review)</td>
<td>$ 530</td>
<td>$ 545</td>
</tr>
<tr>
<td>11. Major Additions/Modifications (Staff review)</td>
<td>$ 440</td>
<td>$ 455</td>
</tr>
<tr>
<td>12. Major Additions/Modifications (GB review)</td>
<td>$ 695</td>
<td>$ 715</td>
</tr>
<tr>
<td>13. Plan Revisions (Minor)</td>
<td>$ 120</td>
<td>$ 125</td>
</tr>
<tr>
<td>14. Plan Revisions (Major)</td>
<td>$ 390</td>
<td>$ 400</td>
</tr>
<tr>
<td>15. Minor Additions/Modifications (Staff review)</td>
<td>$ 120</td>
<td>$ 125</td>
</tr>
<tr>
<td>16. Minor Additions/Modifications (GB review)</td>
<td>$ 285</td>
<td>$ 295</td>
</tr>
<tr>
<td>17. Driveway Paving (Staff review)</td>
<td>$ 55</td>
<td>$ 55</td>
</tr>
<tr>
<td>18. Other (Staff review)</td>
<td>$ 120</td>
<td>$ 125</td>
</tr>
<tr>
<td>19. Other (GB review)</td>
<td>$ 285</td>
<td>$ 295</td>
</tr>
</tbody>
</table>

B. TOURIST ACCOMMODATION:

<table>
<thead>
<tr>
<th>Description</th>
<th>Current Fee</th>
<th>Proposed Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. New Bed and Breakfast (Staff review)</td>
<td>$ 635</td>
<td>$ 655</td>
</tr>
<tr>
<td>2. New Hotel, Motel/Other Transient (GB review)</td>
<td>$1280</td>
<td>$1320</td>
</tr>
<tr>
<td>3. New Time Sharing (Staff review)</td>
<td>$ 635</td>
<td>$ 655</td>
</tr>
<tr>
<td>4. Major Additions/Modifications (Staff review)</td>
<td>$ 540</td>
<td>$ 555</td>
</tr>
<tr>
<td>5. Major Additions/Modifications (GB review)</td>
<td>$ 855</td>
<td>$ 880</td>
</tr>
<tr>
<td>6. Plan Revisions (Minor)</td>
<td>$ 185</td>
<td>$ 190</td>
</tr>
<tr>
<td>7. Plan Revisions (Major)</td>
<td>$ 390</td>
<td>$ 400</td>
</tr>
<tr>
<td>8. Minor Additions/Modifications (Staff review)</td>
<td>$ 185</td>
<td>$ 190</td>
</tr>
<tr>
<td>9. Minor Additions/Modifications (GB review)</td>
<td>$ 540</td>
<td>$ 555</td>
</tr>
<tr>
<td>10. Other (Staff review)</td>
<td>$ 540</td>
<td>$ 555</td>
</tr>
<tr>
<td>11. Other (GB review)</td>
<td>$ 855</td>
<td>$ 880</td>
</tr>
</tbody>
</table>
**C. COMMERCIAL:**

| 1. New Facilities (Staff review) | $1385 | $655 |
| 2. New Facilities (GB review)    | $1425 |
| 3. Redevelopment (GB review)     | *     |
| 4. Major Additions/Modifications (Staff review) | $635 | $655 |
| 5. Major Additions/Modifications (GB review) | $960 | $990 |
| 6. Plan Revisions (Minor)        | $185  | $190 |
| 7. Plan Revisions (Major)        | $390  | $400 |
| 8. Minor Additions/Modifications (Staff review) | $185 | $190 |
| 9. Minor Additions/Modifications (GB review) | $635 | $655 |
| 10. Other (Staff review)         | $635  | $655 |
| 11. Other (GB review)            | $960  | $990 |

**D. PUBLIC SERVICE:**

| 1. General - New Facilities (Staff review) | $790  | $815 |
| 2. General - New Facilities (GB review)   | $1490 | $1535 |
| 3. New Linear Public Facilities (Staff review) | $790 | $815 |
| 4. New Linear Public Facilities (GB review) | $1490 | $1535 |
| 5. Major Additions/Modifications (Staff review) | $790 | $815 |
| 6. Major Additions/Modifications (GB review) | $1155 | $1190 |
| 7. Plan Revisions (Minor)                 | $185  | $190 |
| 8. Plan Revisions (Major)                 | $390  | $400 |
| 9. Minor Additions/Modifications (Staff review) | $210 | $215 |
| 10. Minor Additions/Modifications (GB review) | $790 | $815 |
| 11. Other (Staff review)                  | $790  | $815 |
| 12. Other (GB review)                     | $1155 | $1190 |

**E. RECREATION:**

| 1. New Facilities (Staff review) | $790  | $815 |
| 2. New Facilities (GB review)    | $1460 | $1535 |
| 3. Major Additions/Modifications (Staff review) | $790 | $815 |
| 4. Major Additions/Modifications (GB review) | $1155 | $1190 |
| 5. Plan Revisions (Minor)        | $185  | $190 |
| 6. Plan Revisions (Major)        | $390  | $400 |
| 7. Minor Additions/Modifications (Staff review) | $210 | $215 |
| 8. Minor Additions/Modifications (GB review) | $790 | $815 |
| 9. Other (Staff review)          | $790  | $815 |
| 10. Other (GB review)            | $1155 | $1190 |

**F. RESOURCE MANAGEMENT:**

| 1. Timber Management (Staff review) | $0   | $0   |
| 2. Timber Management (GB review)   | $0   | $0   |
| 3. Wildlife/Fishes (Staff review)  | $0   | $0   |
| 4. Wildlife/Fishes (GB review)     | $0   | $0   |
| 5. Range (Staff review)            | $0   | $0   |
| 6. Range (GB review)               | $0   | $0   |

* Each project component will be assessed a filing fee based on the adopted filing fee schedule and combined to determine the total fee. Projects reviewed under Section 15.9 of the TRPA Code shall be assessed a minimum fee of $2,760 in any event.
7. Vegetation Protection (Staff review) $0 $0
8. Vegetation Protection (GB review) $0 $0
9. Watershed Improvements (Staff review) $0 $0
10. Watershed Improvements (GB review) $0 $0
11. Additions/Modifications (Staff review) $0 $0
12. Additions/Modifications (GB review) $0 $0
13. Plan Revisions (Minor) $0 $0
14. Plan Revisions (Major) $0 $0
15. Other (Staff review) $0 $0
16. Other (GB review) $0 $0

G. SHOREZONE:

1. New Piers, Jetties, Breakwaters (GB review) $1195 $1230
2. New Buoys (Staff review) $720 $740
3. New Buoys (GB review) $1200 $1235
4. New Shoreline Prot. Structures (GB review) $1200 $1235
5. New Marinas (GB review) * *
6. New Boat Ramps/Floating Docks (GB review) $1200 $1235
7. Filling/Dredging (Staff review) $1900 $1955
8. Marina Modifications (Staff review) $720 $740
9. Marina Modifications (GB review) $1195 $1230
10. New Tour Boat Operations (GB review) $1195 $1230
11. New Waterborne Transit (GB review) $1195 $1230
12. New Seaplane Operations (GB review) $1195 $1230
13. New Salvage Operations (Staff review) $720 $740
14. New Water Intake Lines (Staff review) $720 $740
15. New Safety/Navig. Facilities (Staff review) $720 $740
16. New Fences Below Highwater (GB review) $1160 $1195
17. New Const. Equipment Storage (Staff review) $720 $740
18. Additions/Modifications (Staff review) $720 $740
19. Additions/Modifications (GB review) $1160 $1195
20. Plan Revisions (minor) $185 $190
21. Plan Revisions (major) $390 $400
22. Other (Staff review) $720 $740
23. Other (GB review) $1160 $1195

H. GENERAL:

1. Land Capability Challenge (1 Ac.-) $460 $475
2. Land Capability Challenge (1 Ac.+)
   Actual Cost $125 $130
3. Land Capability Verification (1 Ac.-)
   Actual Cost $125 $130
4. Land Capability Verification (1 Ac.+)
   Actual Cost $125 $130
5. Potential Coverage Verification (1 Ac.-)
   Actual Cost $125 $130
6. Potential Coverage Verification (1 Ac.+)
   Actual Cost $125 $130
7. Existing Coverage Verification (1 Ac.-)
   Actual Cost $155 $160
8. Existing Coverage Verification (1 Ac.+)
   Actual Cost $155 $160
9. Existing Use/Structure Verification $135 $160
10. Shorezone Tolerance District Verification $125 $130
11. Fish Habitat Verification $125 $130

* Each project component will be assessed a filing fee based on the adopted filing fee schedule and combined to determine the total fee.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Fee 1</th>
<th>Fee 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td>Coverage Transfer</td>
<td>$260</td>
<td>$350</td>
</tr>
<tr>
<td>13.</td>
<td>Unit of Use Transfer</td>
<td>$260</td>
<td>$350</td>
</tr>
<tr>
<td>15.</td>
<td>Development Right Transfer</td>
<td>$260</td>
<td>$350</td>
</tr>
<tr>
<td>16.</td>
<td>Existing Development Transfer</td>
<td>$260</td>
<td>$350</td>
</tr>
<tr>
<td>17.</td>
<td>Bonus Unit Allocation/Transfer</td>
<td>$260</td>
<td>$350</td>
</tr>
<tr>
<td>18.</td>
<td>Banking (Coverage, units, dev. rights)</td>
<td>$340</td>
<td>$270</td>
</tr>
<tr>
<td>19.</td>
<td>Change in Use or Operation (Staff review)</td>
<td>$420</td>
<td>$435</td>
</tr>
<tr>
<td>20.</td>
<td>Change in Use or Operation (GB review)</td>
<td>$570</td>
<td>$590</td>
</tr>
<tr>
<td>21.</td>
<td>Temporary Event/Activity (minor)</td>
<td>$315</td>
<td>$325</td>
</tr>
<tr>
<td>22.</td>
<td>Temporary Event/Activity (major)</td>
<td>$495</td>
<td>$510</td>
</tr>
<tr>
<td>23.</td>
<td><strong>Temporary Use/Structure (Staff review)</strong></td>
<td></td>
<td>$325</td>
</tr>
<tr>
<td>24.</td>
<td>Temporary Use/Structure (GB review)</td>
<td>$540</td>
<td>$555</td>
</tr>
<tr>
<td>25.</td>
<td>New Signs/Sign Modifications</td>
<td>$320</td>
<td>$330</td>
</tr>
<tr>
<td>26.</td>
<td><strong>Sign Plan Revisions</strong></td>
<td></td>
<td>$160</td>
</tr>
<tr>
<td>27.</td>
<td>Resubdivision/Subdivision Modifications</td>
<td>$560</td>
<td>$575</td>
</tr>
<tr>
<td>28.</td>
<td>New Subdivision/Existing Structure Conversion</td>
<td>$575</td>
<td>$590</td>
</tr>
<tr>
<td>29.</td>
<td>Subdivision for Govt. Conveyance/Court Order</td>
<td>$145</td>
<td>$150</td>
</tr>
<tr>
<td>30.</td>
<td>Subdivision for Cemetery Plots</td>
<td>$260</td>
<td>$270</td>
</tr>
<tr>
<td>31.</td>
<td>Lot Line Adjustment</td>
<td>$145</td>
<td>$250</td>
</tr>
<tr>
<td>32.</td>
<td>Underground Storage Tank (minor)</td>
<td>$125</td>
<td>$130</td>
</tr>
<tr>
<td>33.</td>
<td>Underground Storage Tank (major)</td>
<td>$250</td>
<td>$260</td>
</tr>
<tr>
<td>34.</td>
<td><strong>Grading (minor)</strong></td>
<td></td>
<td>$130</td>
</tr>
<tr>
<td>35.</td>
<td>Grading (major)</td>
<td>$280</td>
<td>$290</td>
</tr>
<tr>
<td>36.</td>
<td>Goals and Policies Amendment</td>
<td>$890</td>
<td>$915</td>
</tr>
<tr>
<td>37.</td>
<td>Plan Area Statement Amendment</td>
<td>$890</td>
<td>$915</td>
</tr>
<tr>
<td>38.</td>
<td>Code Amendment</td>
<td>$890</td>
<td>$915</td>
</tr>
<tr>
<td>39.</td>
<td>Other Regional Plan Amendment</td>
<td>$890</td>
<td>$915</td>
</tr>
<tr>
<td>40.</td>
<td>Rules of Procedure Amendment</td>
<td>$675</td>
<td>$695</td>
</tr>
<tr>
<td>41.</td>
<td>Master Plan</td>
<td>8% of</td>
<td>8% of</td>
</tr>
<tr>
<td>42.</td>
<td>Environmental Assessment</td>
<td>Doc.fee</td>
<td>Doc.fee</td>
</tr>
<tr>
<td>43.</td>
<td>Environmental Impact Statement</td>
<td>10%($50000)+</td>
<td>10%($50000)+</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5%($50000+)</td>
<td>5%($50000+)</td>
</tr>
<tr>
<td>44.</td>
<td><strong>Individual Parcel Evaluation System (IPES):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44.a</td>
<td>Appeal of Score</td>
<td>$270</td>
<td>$280</td>
</tr>
<tr>
<td>44.b</td>
<td>Reevaluation of Score</td>
<td>$75</td>
<td>$75</td>
</tr>
<tr>
<td>44.c</td>
<td>Reevaluation - Change of Building Site</td>
<td>$175</td>
<td>$180</td>
</tr>
<tr>
<td>44.d</td>
<td>Evaluation - New/Previously Ineligible</td>
<td>$175</td>
<td>$180</td>
</tr>
<tr>
<td>44.e</td>
<td>Evaluation - Additional Area for Allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44.e.1</td>
<td>Coverage (1 Ac.-)</td>
<td>$75</td>
<td>$75</td>
</tr>
<tr>
<td>44.e.2</td>
<td>Coverage (1 Ac.+/5 Ac.-)</td>
<td>$175</td>
<td>$180</td>
</tr>
<tr>
<td>44.f</td>
<td>Evaluation - Additional Area for Allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44.f.1</td>
<td>Coverage (5 Ac.+).</td>
<td>Actual Cost</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>44.g</td>
<td>Expedited Appeals</td>
<td>Actual Cost</td>
<td>Actual Cost</td>
</tr>
<tr>
<td>44.i</td>
<td>Limited Incentive Program</td>
<td>$75</td>
<td>$75</td>
</tr>
<tr>
<td>Service Description</td>
<td>Cost 1</td>
<td>Cost 2</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>--------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>Appeal of Executive Director Decision</td>
<td>$ 345</td>
<td>$ 355</td>
<td></td>
</tr>
<tr>
<td>Violation</td>
<td>2 X app. fee</td>
<td>2 X app. fee</td>
<td></td>
</tr>
<tr>
<td>All Other Projects/Matters (Staff review)</td>
<td>$ 540</td>
<td>$ 555</td>
<td></td>
</tr>
<tr>
<td>All Other Projects/Matters (GB review)</td>
<td>$ 855</td>
<td>$ 880</td>
<td></td>
</tr>
<tr>
<td>Security Administration (Cash security)</td>
<td>$ 115</td>
<td>$ 120</td>
<td></td>
</tr>
<tr>
<td>Additional Plan Review/Stamping</td>
<td>$ 1/sheet</td>
<td>$ 1/sheet</td>
<td></td>
</tr>
<tr>
<td>Construction Schedule Extension (residential)</td>
<td>$ 60</td>
<td>$ 60</td>
<td></td>
</tr>
<tr>
<td>Construction Schedule Extension (other)</td>
<td>$ 185</td>
<td>$ 190</td>
<td></td>
</tr>
<tr>
<td>Soils/Hydro Investigation Rpt. (residential)</td>
<td>$ 185</td>
<td>$ 190</td>
<td></td>
</tr>
<tr>
<td>Soils/Hydro Investigation Rpt. (other)</td>
<td>$ Actual</td>
<td>$ Actual</td>
<td></td>
</tr>
<tr>
<td>Complete Site Assessment (1 Ac.-)</td>
<td>$ 125</td>
<td>$ 250</td>
<td></td>
</tr>
<tr>
<td>Complete Site Assessment (1 Ac.+), Cost</td>
<td>$Actual</td>
<td>Actual</td>
<td></td>
</tr>
<tr>
<td>Partial Site Assessment (1 Ac.-), Cost</td>
<td>$ 75</td>
<td>$ 125</td>
<td></td>
</tr>
<tr>
<td>Partial Site Assessment (1 Ac.+), Cost</td>
<td>$Actual</td>
<td>Actual</td>
<td></td>
</tr>
<tr>
<td>Legal Opinions/Administrative Determinations</td>
<td>$ 100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expedited Legal Opinions/ Administrative Determinations</td>
<td>$ Actual</td>
<td>Cost</td>
<td></td>
</tr>
</tbody>
</table>

Revised 1/1/97

117
November 1966
(1962-84=100 unless otherwise noted)

ALL ITEMS INDEXES

PACIFIC CITIES AND U. S. CITY AVERAGE

CONSUMER PRICE INDEXES

******************************************************

If you no longer need this mailing, cross out your mailing address, write return to sender on front.

HELP CUT THE FEDERAL DEFICIT:

118
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 97-

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY
AMENDING SCHEDULE FOR FILING FEES

WHEREAS, the Tahoe Regional Planning Agency is required under the Compact and the Regional Plan and Code of Ordinances to review projects and reasonable fees must be charged to reimburse the Agency for such review costs; and

WHEREAS, the current filing fee schedule has not been adjusted for inflation since January 1996; and

WHEREAS, it is necessary to add certain review fee categories which are not contained on the current filing fee schedule; and

WHEREAS, the filing fees established pursuant to this resolution are but compensatory, cover the actual cost of providing services in reviewing and processing project applications, bear a direct relationship to the cost of administering the Agency’s ordinances and do not raise revenue in excess of the cost of such services; and

WHEREAS, the filing fees established pursuant to this resolution are reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency, pursuant to the authority contained in Article VII(e) of the Tahoe Regional Planning Compact and Section 10.7 of the Rules and Regulations of Practice and Procedure of said Agency, that the fees to be charged and collected for the filing of applications for all projects, activities and environmental documents to be reviewed or approved, or both, by the Agency shall be in accordance with the schedule thereof set forth upon Exhibit "A" attached hereto and incorporated herein by this reference; and shall become effective February 15, 1997; and

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency this _____ day of January 1997, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Drake DeLaney, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

January 7, 1997

To: TRPA Governing Board Finance Committee

From: TRPA Staff

Subject: Recommendation for Use of Abandoned Securities

On July 27, 1994 the Governing Board amended the Code of Ordinances, adding Subsection 8.8.D(2). This subsection provided a process for determining abandonment of cash project securities. After attempting to locate the owners of many securities and being successful in some cases, staff instituted the process for forfeiture of securities in accordance with TRPA Subsection 8.8.D(2). This section allows TRPA to collect project securities when a project has been completed in accordance with its approval, and the owner of the security cannot be located. On December 31, 1996, $3,000.00 of cash securities will be deemed abandoned and forfeited to a fund designated by the Governing Board. Staff recommends to the Finance Committee the following use of this disbursement:

Staff proposes that this disbursement of abandoned securities be utilized to purchase a computer capable of running software for monitoring, modelling and developing enhancement programs for forest vegetation in the Lake Tahoe Region. Our recent research shows that we can locate a unit with sufficient speed and memory that will meet our needs for $3,000.

The proposal for the use of the abandoned securities cuts across a number of priority programs. The Forest Health Consensus Group recently produced late-successional/old growth forest threshold language and an updated "B" and "C" list of priority items stemming from the 1996 Threshold Evaluation. The List contains many projects that must be addressed for TRPA to accurately address the Vegetation Thresholds, make factual presentations regarding the Legislative Agenda and facilitate the implementation of identified EIP projects.

Jo Ann Fites, with the Sierra-Nevada Ecosystem Project (SNRP) Team responsible for developing old growth policy in California, recently told the Consensus Group that it is far ahead of other groups tackling these issues at the regional level. She is impressed with the work the group has done and is willing to provide TRPA with the software she and others have developed for monitoring, modelling and developing enhancement programs for old growth forests.
Without this unit, TRPA would be unable to utilize these state of the art programs and continue our leadership in the area of forest health. Although TRPA and contributed/volunteered staff have produced significant works in this controversial area, there have been no capital expenditures or consultant fees for forest health or the vegetation thresholds. Staff recognizes that the Agency has begun a new phase of providing direction for implementation, including EIP and request that this fund be utilized for this purpose.
MEMORANDUM

January 14, 1997

To: TRPA Governing Board
From: TRPA Staff
Subject: Shorezone Policy Committee Report - Personal Water Craft

Enclosed under separate cover are the January 9 Governing Board Policy Committee minutes and other pertinent information.

jf
1/14/97

AGENDA ITEM XII.E.1.

Planning for the Protection of our Lake and Land

122