TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on March 10, 1999, at the Chateau, 955 Fairway Boulevard, Incline Village, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

March 1, 1999

[Signature]

Jerry Wells
Deputy Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Stateline and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GiD office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau
955 Fairway Boulevard
Incline Village, Nevada

March 10, 1999
9:30 a.m.

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

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

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

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Amendment of Tahoe Vista Community Plan Boundary Line Adjustment to Include the Tahoe Vista Marina Boat Launching Facility as a Special Use Into Shorezone Tolerance District #1 of Special Area #3  PAGE 1

B. Amendment of Chapter 4, Project Review and Exempt Activities, by Amending Existing Memoranda of Understanding With Sierra Pacific Power, Lahontan Regional Water Quality Control Board, and California Department of Parks and Recreation and by Adopting New Memoranda of Understanding With Tahoe Park Water Company and McKinney Water District  PAGE 11

VI. PLANNING MATTERS

A. Notice of Preparation, Environmental Impact Statement for Tahoe Keys Marina Master Plan, City of South Lake Tahoe, El Dorado County  PAGE 43

VII. RESOLUTIONS

A. For Former APC Member Candi Rohr  PAGE 49
VIII. REPORTS
   A. Executive Director
   B. Legal Counsel
   C. APC Members

IX. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

February 10, 1999

REGULAR MEETING MINUTES

Chairperson Robert Jepsen called the regular February 10, 1999, meeting of the Advisory Planning Commission ("APC") to order at 10:05 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Lohman, Mr. Barham (arrived at 11:40 a.m.), Mr. McDowell, Mr. McCurry, Mr. Morgan (arrived at 10:09 a.m.), Mr. Haert, Ms. Kvas, Mr. Combs (arrived at 10:08 a.m.), Mr. Marchio (arrived at 10:31 a.m.), Mr. Jepsen

Members Absent: Mr. Keene, Mr. Doughty, Mr. Cole, Ms. Baldrica, Ms. Kemper, Mr. Poppoff, Mr. Joiner, Mr. Lawrence

II. PUBLIC INTEREST COMMENTS - None

VI. PLANNING MATTERS

A. Report on the 1999 Action Plan for the Permit Integration Program

Chief of Project Review Rick Angelocci presented the report on the 1999 Action Plan for the Permit Integration Program.

Ms. Kvas commented that Washoe County is currently in the process of developing their budget for the next fiscal year, and when TRPA expands their MOU with Washoe County, the Building Department will have to spend more monies because there will be more review involved. TRPA needs to start talking with the Building Department now because that budget will be fully completed by April to go to the Board of County Commissioners for approval.

Mr. Angelocci thanked Ms. Kvas for her comments.

Mr. Lohman stated that he is concerned with Code compliance matters; not the inspections associated to a permit, but for violations of the Code not associated to a permit. He stated that at this time, there is no consideration for time and money spent on those kinds of things. We can double the permit fee, but if the permit fee is already too small, then that makes it twice as small.

Deputy Director Jerry Wells stated that when TRPA sets its fees, they try to do it on a cost-recovery basis for the permit itself which includes not only the review, but also the follow-up inspections. When we have a violation that is outside of the permit process, TRPA has to do that
out of its general fund and so that has been a problem with the counties with those types of violations. At this point, Mr. Wells stated that he was not sure what the answer is other than we are going to have to come up with some way of generating that fee.

Mr. Combs stated that Placer County has a fee structure on violations so that if someone from the staff has to go out and monitor a violation and bring it to trial, they keep tabs of their hourly time and the person not only gets a citation, they get a bill to pay for the cost of incurring the violation.

Agency Counsel John Marshall stated that the TRPA Compact does not allow for administrative citations in terms of any monetary penalty. All civil penalties have to be assessed by a court. So in order for TRPA to go after someone who has violated the Code and does not agree to a settlement, TRPA has to go most likely to either State or Federal Court and sue them and go through a trial in order to recover the fine. As part of that, TRPA may be able to get the fine as well as the costs incurred in bringing the case to trial. It is a cumbersome process.

Ms. Kvas stated that the Municipal Courts in Washoe County are hesitant to fine people enough to cover those expenses.

Mr. McDowell asked Mr. Angelocci to explain the developing of joint review agreements.

Mr. Angelocci replied that one of the things that the consultants discovered during their interview process and review of the existing system, was that in some jurisdictions, although not formalized, TRPA and the local staff have an excellent working relationship in terms of joint reviews. A good example of this is with the City of South Lake Tahoe and TRPA. The consultants are recommending that TRPA continue that procedure in expanding and developing it with all the jurisdictions.

Ms. Kvas stated that this was a great idea and was pleased to hear it.

Mr. Haen commented that the program should be cost efficient but also this is an opportunity to still simplify the permit processing at the Agency; for example, banking takes too long. Even if TRPA staff does the work or Douglas County does it, TRPA needs to simplify it before giving it to Douglas County. Outside of the permit processing, Mr. Haen was of the opinion that there are a lot of opportunities to streamline other divisions. He believed that there was a lot of minutia that the Agency does outside of permitting that could be improved.

Mr. Angelocci thanked and appreciated Mr. Haen's comments.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

B. Notice of Preparation and Scoping, Environmental Impact Study for Incline Village General Improvement District, Proposed Ice Rink, Parasol Foundation Building, Conference Facilities and Offices, and Other Projects the Property Identified as Washoe County APNs 127-040-07, 127-030-12, -15, and -16

Associate Planner Kathy Canfield presented the staff summary scoping of impacts for an Environmental Impact Statement (EIS) for proposed improvement to Incline Park.
Mr. Doug Doulittle, Director of Parks and Recreation for the Incline Village General Improvement District, thanked the APC for allowing him to come forward and discuss the proposed EIS. He explained the proposal in detail.

Mr. Dale Smith, with Smith Design Group in Incline Village, was here today representing the Parasol Foundation. He stated that the facility is approximately 38,000 square feet and the Foundation is also considering about 11,000 square feet of parking. A preliminary hydrology report was done about a year ago and there was no groundwater impacted at all. The facility would house 24 residents. The facility would have a kitchen as well for instructional use for some of the residents. There are a total of 85 non-residents, non-profits, in addition to the 24 residents that would also use the facility. Mr. Smith commented that Parasol's motivation for bringing this together to house all of these non-profits is such that instead of having to worry about paying the rent and replacing equipment, they want to be able to provide the basic services that these different non-profits need so that they can concentrate on doing what it is that they do to better the community.

Mr. Phil Gilanfarr, with Gilanfarr Architects representing The Incline Ice Foundation, stated that they were formulated over 4 years ago and they coordinated an effort in the community and realized that there was a need for an ice rink facility in the North Tahoe area. When it was formed, the Foundation began to move forward with looking at different opportunities to develop an ice rink. Mr. Gilanfarr gave an overview of the EIS process with the Ice Foundation over the last few years so that the APC would know the direction that they are coming into the EIS process with the Incline Village General Improvement District.

Ms. Kvas commented that the proponents of the project should check with Washoe County on permit requirements in terms of land use and any variances to the Washoe County Code should be done up front before the EIS is completed. Ms. Kvas further stated that Washoe County would be looking at reciprocal parking, for example.

Mr. Combs was also concerned about the number of items in the staff summary that were listed as data insufficient which lead him to conclude that the project has not been defined well enough to proceed and maybe it was too premature to start talking about scoping the EIS when the project is still taking shape. Ms. Canfield replied that part of the problem is that we have a couple of different entities and each of them would be submitting separate project applications, but would be tied off of this EIS.

Mr. Doulittle stated that Ice Foundation is scheduled to go this summer but funding is in jeopardy if we don't proceed fast enough. The Parasol Foundation hopes to start construction in the Spring of 2000. He stated that the Incline Village General Improvement District's Board would be meeting tonight and hoped to get approval from the Board to start proceeding with plans for construction.

Mr. McDowell believed it was too premature to be reviewing the EIS when there is no defined, proposed action. In addition, the proposed location for the new elementary school is on sensitive land purchased under Burton-Santini and it would be very difficult to develop that land.

McDowell questioned if there was a binding agreement between all the parties, and Mr. Doulittle replied yes.

Chairperson Jepsen opened the meeting up for a public hearing.
Mr. Brian Smith, representing The Point, stated that he had concerns over the proposed skateboard park being located next to the middle school on the corner of Highway 28 and Southwood. His concern is the traffic congestion and whether a new street light would be added for the safety of the children. In addition, he is concerned with the pounding and slamming of the skateboards which could affect the quiet, enjoyment of some of the owners since it is next to a residential and commercial development. Mr. Smith further inquired if there were any requirements for operating funds in the future, and if there would be security during the non-business hours. Lastly, Mr. Smith was concerned over who would be liable if someone hurts themselves during non-business hours when they do not sign a hold harmless agreement.

Mr. Marchio questioned if the skateboard park is part of this project. Ms. Canfield stated that it's within the project area. The Incline Village General Improvement District has submitted an application for the skateboard park separate from the EIS document. TRPA staff believed that the skateboard park could proceed alone without the EIS document.

Mr. James Nakada, who used to be a Trustee of the Incline Village General Improvement District, stated that the skateboard park had been discussed several times and many of these issues have been resolved.

A discussion ensued.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Haen stated that he was concerned over how the traffic analysis for the ice rink compares to the cumulative traffic impacts for the conference center. Mr. Haen further stated that he was concerned over what the residential housing would be; who are the residents. In addition, he questioned if there were enough PAOTS. Ms. Canfield replied that this project did not require PAOTS.

A discussion ensued.

Ms. Canfield questioned whether the APC was of the opinion that the skateboard park should be included in the EIS document. Messrs. McCurry and McDowell replied that they both believed that it should stand alone.

Mr. Haen was of the opinion that the skateboard park should not stand alone because of the noise impacts and should be included in the EIS. Mr. Marchio agreed.

Ms. Kvas stated that Washoe County would not be looking at this project from a planning perspective because it is not in their Code to do so.

Mr. Combs stated that the skateboard park could stand alone, subject to its own project review and mitigation measures.

Chairperson Jepsen took a straw vote as to whether the skateboard park could stand alone. The straw vote carried on the following votes:

Ayes: Mr. Lohman, Mr. McDowell, Mr. McCurry, Mr. Morgan, Ms. Kvas, Mr. Combs,
Mr. Jepsen
Nays: Mr. Haen, Mr. Marchio
Abstain: None
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Absent: Mr. Kehne, Mr. Doughty, Mr. Cole, Ms. Baldrica, Mr. Barham, Ms. Kemper, Mr. Popoff, Mr. Joiner, Mr. Lawrence,

(Break taken at 11:37 a.m.)

(Reconvened at 11:42 a.m.)

(Mr. Barham arrived at 11:42 a.m.)

C. Notice of Preparation and Scoping, Environmental Impact Statement
   For Sierra Nevada College, Modified Development Plan, Sierra Nevada
   College Campus, Washoe County APNs 127-040-08, 129-280-20 and –21; 124-02-16; 017, and –18, and 124-083-26

Senior Planner Lyn Barnett presented the staff summary scoping the impacts for an Environmental Impact Statement (EIS) for proposed Sierra Nevada College in Incline Village, APN 127-040-08, 129-280-20 and –21; 124-02-16, 017, and -18, and 124-083-26.

Mr. Marchio asked if there were relocation laws in Nevada, and Mr. Barnett replied yes.

Mr. Combs questioned if the student housing were to be displaced with the loss of the mobile home park, if there is a proposal in effect for the alternative housing for students. Mr. Barnett stated that this issue would have to be discussed.

Ms. Kvas questioned how many full time and how many part-time students attended the college. Mr. Barnett replied that the college would be the best one to answer this question.

Mr. Morgan inquired as to where the 600 displaced students would be housed, and Mr. Barnett replied that most of those students were already here and are already absorbed into the rental market, or they were commuter students.

Dr. Vance Petterson, President of Sierra Nevada College, stated that the reason the college is able to close the trailer park, which is scheduled for September 2000, is that the college hopes to have the next residence hall built on the Lake Campus under the existing EIS and thus move all of those students and they can come down to the Lake Campus and move into the new residence hall. We envision the future of the college to be predominately located on the Lake Campus site. Mr. Petterson explained that Sierra Nevada College is the only 4-year private college in the State of Nevada. The college is in its thirtieth year and predominately undergraduate, although the college offers a fifth-year teacher education program, consisting of approximately 250 students in that program at any given time. They are all part-time students. The college has 600 students; 560 FTE, which means full-time equivalent. Mr. Petterson stated that the college hopes to become one of the finest four-year liberal arts colleges in the West. The student faculty ratio is about 12 to one, and we envision that not growing to much more than about 15 to 1 student-faculty ratio. We will continue to be a high touch college as long as we exist. It has been rewired for higher technological capability. Mr. Petterson further explained the new campus facility.

Mr. Russ Butler, principal with EDAW Consultants in Denver, Colorado, who are the architects, explained the architectural design of the new college facility.

A discussion ensued.
APC REGULAR MEETING MINUTES FEBRUARY 10, 1999

Mr. Morgan questioned if the college anticipated increasing the membership to the Recreation Center with the bridge that they are proposing to build.

Ms. Diane Severance, Capital Projects Consultant with Sierra Nevada College, stated that the college students use the Recreation Center now and they always have. Ms. Severance stated that the college anticipates students using the Recreation Center in the future, as well.

Mr. Morgan commented that it appeared that there are at least 600 full-time students that are not considered in the housing. Ms. Severance commented that at total build out of the Lake Campus, the college is assuming that they will provide on-site housing for about 40 – 50% of the student population. That is a little higher than one would find at most residential liberal arts colleges, but it is pretty standard that you would not try to accommodate 100% of what you believe the student population is going to be.

Mr. Morgan was of the opinion that Incline Village did not provide the kind of housing that one would normally find in the city where there would be an in-town campus; there just isn't that much available rental housing. Ms. Severance commented that some students do rent condominiums in Incline Village, and also some of the students have actually bought condominiums; some of them live in Kings Beach, South Lake Tahoe, Truckee and Tahoe City. She stated that the college will provide a table of where the students are currently living when they go through the EIS process.

Chairperson Jepsen opened the meeting up for a public hearing on the Lake Campus.

Mr. McGuire, a property owner at County Club Villas, directly across from the Sierra Nevada Lake Campus, and representing the Board of Directors of the Association, stated that he would like to be included as an interested party as opposed to an affected property owner. He thanked TRPA for sending out the January 22, 1999, notice because it caught them by surprise. Mr. McGuire stated that the Association supports the Lake Campus, but they are concerned with the dramatic changes that are in the new master plan as opposed to what the plan was before. He commented that the Association is opposed to the construction of the new residence hall on a piece-meal basis against an EIS that has not been done yet. He made the comment that a student-campus residence hall parking structure is a seven-day, 24-hour day parking structure; people come and go day and night. The plans now show that the parking structure would be a two-story, and perhaps three-story structure, based on where it is located on County Club Boulevard. He believed that those parking structures could not be visually mitigated in terms of lighting and also sound. Mr. McGuire believed that he and the Association have not had adequate time to respond to the new plan, and requested it be extended until May 1st. Again, Mr. McGuire reiterated, the Association does not support the revised plans.

Mr. Barnett stated that he appreciated Mr. McGuire’s comments.

Ms. Severance believed that the college has been trying to send notices to people who live in the Country Club Villas; the college sends newsletters and public notices. She suggested that she and Mr. McGuire get together after the meeting.

Mr. McGuire replied that some of the people who live in the Country Club Villas do not live there full time. He did not understanding why the college would go through with an EIS on a master plan that is predicated on some issues that at least 50 property owners don’t agree with. He just wanted this project to work for everyone, but in a manner that does not dramatically affect their property values and peace and quiet.
Ms. Kvas stated that if we approve this EIS, we are approving something that is in contradiction with the original master plan, and we do not have an EIS for the new one. We are committing to building a dorm where a parking structure was, and also committing to a parking lot that will be built concurrently with the structure in May. Ms. Kvas stated that there are some issues that needed to be looked into.

Mr. Barnett stated that if the APC would like the residence hall included in the EIS, which would require the college to hold off on construction and delay their schedules, TRPA will take that into consideration.

Dr. Petterson believed that the college was in compliance with the master plan. He stated that it was vital to construct this residence hall so that we can house our students and proceed in the direction that we need to move forward in terms of the residential program.

Mr. McGuire said that students come and go but the rest of us live here on and on, so he believes that the temporary delay in the residence hall, why it may set the college back, is warranted because the neighbors have not had time to review the document.

A discussion ensued.

(Break taken for lunch at 1:25 p.m.)

(Reconvened at 2:25 p.m.)

Mr. Wells stated that the order for the meeting this afternoon would be that Item 6.D. would be heard first, then Item 5.A. and then return to the Sierra Nevada College discussion.

**MOTION** by Mr. Haen, with a second by Mr. McCurry, to approve the agenda as presented. The motion carried unanimously.

**VI. PLANNING MATTER**

D. **Notice of Preparation and Scoping, State Route 28 Parking Environmental Assessment**

EIP Planner Larry Benoit presented the Notice of Preparation and Scoping, State Route 28 Parking Environmental Assessment staff summary.

Mr. Amir Soltani, representing the Nevada Department of Transportation, presented a slide show on the State Route 28 Parking Environmental Assessment.

A discussion ensued.

Mr. Paul Pettersen, with Harding Lawson & Associates, stated that as part of the master planning process, they will be doing some preliminary studies on nutrient loading and sedimentation analyses from the cut slopes.

A discussion ensued.

Mr. Wells introduced a letter written from a constituent into the record.
Mr. Haen complimented the Nevada Department of Transportation on their aggressive program.

V.A. PUBLIC HEARINGS

A. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvements in Vicinity of Parcels, El Dorado and Placer Counties

Associate Planner Tom Sinclair presented the staff summary amending the map showing the need for water quality improvements pursuant to requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvements in Vicinity of Parcels in El Dorado, Placer and Washoe Counties.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Haen, with a second by Mr. Marchio, to amend the map showing need for water quality improvements pursuant to requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., installation of water quality improvements in vicinity of parcels in El Dorado, Placer and Washoe Counties. The motion carried unanimously.

VI. PLANNER MATTERS

B. Notice of Preparation and Scoping, Environmental Impact Statement for Sierra Nevada College, Modified Development Plan, Sierra Nevada College Campus, Washoe County. APNs 127-040-08; 129-280-20 and 21; 124-02-16, 017, and -18, and 124-083-26; TRPA Filed No. 990011 (Continued)

Mr. Phil Gilanfarr, with Gilanfarr Architects, explained and described the Mountain Campus.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Haen commented that on the Lake Campus, he believed that TRPA needed to analyze the pedestrian traffic into the stream zone, and any curriculum that would utilize the stream zone and look at those impacts.

A discussion ensued.

III. DISPOSITION OF MINUTES

MOTION by Mr. Marchio, with a second by Mr. Morgan, to approve the January 13, 1999, APC minutes as presented. The motion carried unanimously.
VII. REPORTS

A. Executive Director

Deputy Director Jerry Wells stated that Executive Director Jim Baetge is having surgery today in Sacramento and may be out for several weeks, depending upon the outcome of the surgery. In addition, Candi Rohr has resigned from the APC for medical reasons. We have notified Douglas County to see about sending us another person to replace her on the APC.

B. Legal Counsel

Agency Counsel John Marshall gave a brief summary of the recent decision in the TSPC v. TRPA case. TRPA has filed a motion to certify the court’s decision for appeal and will find out within a month or so if we will be appealing the court’s decision.

In the Sutlum case, Mr. Marshall stated that the judge denied our motion for summary judgment which said that there was value in Mrs. Sutlum’s lot because of TDR’s, giving the property value. The judge stated that when you look at economically viable use of the property, you don’t look at TDR’s because they are not physical manipulation or use of the actual land. TRPA believes that this is incorrect. We have a judge in California reviewing the Berbien case, and California has much better law in saying that TDR’s are part of your sticks in your bundle of rights; use of TDR’s is a use of property, and TRPA is hoping for a better outcome.

C. APC Members

Mr. McDowell stated that tonight from 7:00 – 10:00 p.m. and tomorrow, all day, starting at 8:30 a.m. at the Horizon on the South Shore, is a research symposium. This is the second in a continuing dialogue about research and research findings.

Mr. Morgan stated that at the last APC meeting, Ms. Kvas volunteered to put a committee together that would furnish the APC with a map and list of restaurants in Incline since the majority of the meetings are scheduled to be held in Incline. The Visitor Center has a brand new map that was recently issued showing this information.

Chairperson Jeppsen complimented Mr. Barham and Mr. Combs for their efforts in making the trip to the APC meeting.

IV. ADJOURNMENT – The meeting was adjourned at 4:06 p.m.

Respectfully submitted,

Sue Mikanovich
Clerk to the Commission
This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Doria Court, Zephyr Cove, Nevada.
MEMORANDUM

March 2, 1999

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Tahoe Vista Community Plan Boundary Line Adjustment to include the Tahoe Vista Marina Boat Launching Facility as a Special Use Into Shorezone Tolerance District #1 of Special Area #3

Proposed Action: This applicant-initiated amendment proposes to adjust the boundary line to include Tahoe Vista Marina Boat Launching Facility as a special use in the Tahoe Vista Community Plan in Tolerance District One (1) within Special Area #3 only.

Staff Recommendation: Staff recommends that the Advisory Planning Commission hold a public hearing and recommend to the TRPA Governing Board the adoption of an amendment that would identify existing boat launch facilities as a special use in Tolerance District One (1) of Special Area #3 in the Tahoe Vista Community Plan. In addition, staff recommends that a new Special Policy 11 be added to Chapter 2, Land Use Element, of the Tahoe Vista Community Plan. Special Policy 11 (Exhibit A) would limit lakebed disturbance to maintenance dredging in Tolerance District One (1). Though staff's recommended language is different, the needs of the applicant are still being fulfilled.

Background: The North Tahoe Public Utility District (NTPUD) is requesting this Community Plan amendment in order to modify their existing boat launch facility to meet California Boating and Waterways standards. When TRPA adopted the Community Plan for Tahoe Vista (April 1996) boat launching facilities were recognized as an allowable use in Special Area #3. However, Tolerance District One (1) does not list boat launch facilities as a permissible use because boat ramps generally are inconsistent with sandy shelf areas. Tolerance District One (1) extends in to Special Area #3 where the facility is located (see Exhibit B, Tahoe Vista Community Plan Map).

The criteria typically used by TRPA staff to judge whether an amendment to a plan area or community plan area is appropriate is whether the amendment falls into one or more of the following categories:

1. There was a mistake or an inconsistency made in the original plan area or community plan; or

CS/dmc

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2. Land use or information has changed that would justify the amendment; or

3. The proposed amendment provides an opportunity for environmental improvement that would not exist with the current language.

Staff has determined that the shoreline area identified as Tolerance District One (1) in Special Area #3 has been altered and is no longer consistent with Tolerance District One (1) criteria. Therefore, the prohibition in the Community Plan Area does not reflect current conditions along the shoreline within Special Area #3 and is inconsistent. In addition, the proposed amendment provides an opportunity to upgrade a facility that provides public recreational access to current California boating and Waterways' standards.

TRPA staff is also recommending Special Policy 11 be added to Chapter 2, Land Use Element, of the Tahoe Vista Community Plan. Special Policy 11 limits lakebed disturbance to maintenance dredging in Tolerance District One (1). New dredging (defined as dredging to depths previously not dredged before) is not environmentally preferred and provides for some unique problems within a shallow sandy shelf where littoral processes are very dynamic. The applicant understands "that in low lake level conditions there will be times when their facility is not useable" (Page 1 of NTPUD's application).

Required Findings: The following findings must be made prior to adopting the amendment to the Tahoe Vista Community Plan:

Chapter 6 Findings

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

   Rationale: The proposed Community Plan Area amendment is limited to boat launch facilities within Special Area #3 and, therefore has very limited application. It is further limited by the maintenance dredging limitation of Policy 11 which protects the Tolerance District One (1) area. All projects approved under this new language must meet all Regional Plan standards.

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

   Rationale: This amendment generally applies to the existing facility only and, therefore, has limited application. This amendment also adds Special Policy 11 to Chapter 11 (Land Use Element) which limits lakebed disturbance to maintenance dredging. All projects that are approved under this new amendment must also make the findings that no threshold will be exceeded.
3. Finding: 
Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: See findings 1 and 2 above.

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

Rationale: See Findings 1 and 2 above.

Ordinance 87-8 Findings

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

Rationale: The amendments proposed will allow for an application to be considered for modification of an existing use. The existing use provides the public with recreational access to Lake Tahoe, which is recognized as limited. Any project proposed as a consequence of this amendment will be required to meet or exceed Threshold standards.

2. Finding: One or more of the following.

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

b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

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

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

e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reasons:
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1) The cost of implementation outweighs the environmental gain to be achieved.

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

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

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

Rationale: Finding f) is the most appropriate. The proposed amendment is designed to correct a demonstrated lack of opportunities to accept and review applications in Special Area #3 in the Tahoe Vista Community Plan. The existing language does not allow modifications that will bring the current facility up to California Boating and Waterways standards.

Environmental Documentation:

An environmental checklist has been filled out for this amendment. All responses contained in said checklist indicate compliance with the Environmental Threshold Carrying Capacities. Based on this determination, a Finding of No Significant Effect (FONSE) can be made. A copy of the completed checklist is available at TRPA.

If you have any questions, please call Coleen Shade at 702-588-4547.
OBJECTIVES AND SPECIAL POLICIES:

Urban Design and Development:

1. The overall theme for the Tahoe Vista Community Plan is "Major Tourist Accommodation, Retail and Services/Industrial Storage and Services." The themes for the subareas of the Community Plan are implemented through the Special Areas. Commercial activities which cater primarily to tourist accommodation, retail, and services should be located in the S.R. 28 area of Tahoe Vista. Heavy commercial, industrial or public service facilities that are visually obtrusive uses should be encouraged to locate in the National Avenue area. Lake frontages should be reserved for a variety of uses that encourage the public to utilize these areas. This objective and the following policies shall be considered when making special use findings for appropriateness and Community Plan consistency.

   a. Policy: In Special Area 1 (Tourist Area), tourist oriented uses are encouraged by the permissible use list. Priority should be given to locating tourist accommodation uses and beach access in this area.

   b. Policy: In Special Area 2 (Commercial Core), a mixed use of tourist and residential serving commercial is encouraged by the permissible use list.

   c. Policy: In Special Area 3 (Marina Area), public outdoor recreation and tourist uses are encouraged by the permissible use list. This area is targeted for increased public access to Lake Tahoe.

   d. Policy: In Special Area 4 (Tourist/Residential Area), tourist and residential uses are encouraged by the permissible use list.

   e. Policy: In Special Area 5 (Public Service/Industrial Area), public services and industrial uses are encouraged by the permissible use list. Wholesale/storage, light industrial and other similar uses should be limited to the National Avenue area. Heavy equipment traffic should be mitigated as to be compatible with residential uses.

   f. Policy: In Special Area 6 (Residential Area), resident oriented commercial uses are encouraged by the permissible use list.

2. The urban design concept is to build on Tahoe Vista's resort area theme by providing recreational activity. Further, the unity and continuity of the resort area shall be provided through development on a human scale of uniform sidewalk improvements, signing, landscaping, and street lighting program.

   a. Policy: All projects, as a condition of approval, shall implement the frontage improvements noted in the North Tahoe Design Standards and Guidelines for Tahoe Vista.

3. Encourage rehabilitation by the remodeling, upgrading, and aesthetic improvement of buildings and structures in need of such improvements.
EXHIBIT A  
3/2/99  
Proposed Amendments to the Tahoe Vista Community Plan

a. Policy: All projects shall be subject to the Placer County Standards and Guidelines for Signage, Parking, and Design (Appendix D).

b. Policy: For the Placer County project review process for design review and signage, retain the existence and participation of the North Tahoe Design Review Committee. The TRPA should consider the recommendations of the Committee prior to taking action on any project subject to Committee review.

c. Policy: Projects which provide substantial rehabilitation by remodeling, upgrading, or other aesthetic improvements shall be eligible for the incentives listed in Incentive Subelement of the Implementation Element.

d. Policy: The focus of redevelopment should be on the beach area and the industrial area in need of upgrading.

e. Policy: TRPA and Placer County staff should provide quick and responsive project review through a coordinated review process.

4. Encourage the upgrading or replacement of commercial advertising signs that detract from the aesthetic appearance of the community.

a. Policy: Outdoor advertising shall be subject to the standards and guidelines established in the Placer County Standards and Guidelines for Signage, Parking, and Design (Appendix B).

b. Policy: Nonconforming signs shall be subject to an amortization plan and incentive program to provide for the eventual elimination or replacement of such signs.

5. Complete the undergrounding of overhead utilities for downtown Tahoe Vista.

a. Policy: Pursuant to the Chapter IV, all projects within the scenic corridor shall be responsible for removing, relocating, or screening overhead utilities as a conditional of project approval. TRPA may waive this requirement if the project is part of an undergrounding program or the undergrounding has been determined by TRPA not to be necessary to meet the scenic targets of this Plan.

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 requirements shall be met within the project area or, if not feasible, off-site in a related area. This condition may be waived by the Design Review Committee, 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, for improving overall scenic quality.

   a. Policy: The Design Review Committee shall consider the recommendations of the Scenic Target of Chapter IV when reviewing projects and where appropriate, incorporate conditions of approval to implement the recommendations.

8. Preserve and enhance scenic views to Lake Tahoe and to other prominent areas of special interest.

   a. Policy: Projects located between the designated scenic corridors and Lake Tahoe shall not cause a reduction of the views of Lake Tahoe from the corridors. TRPA may consider as an alternative, off-site improvements if it is determined there is a net increase in the lake views within the scenic unit.

9. Encourage development and/or activities that will enhance the "year round" economy, such as encouraging summer business to develop winter businesses.

10. 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, farmer's market, and other similar events shall be considered for North Tahoe PUD Regional Park. The design and regulation of the area by the NTPUD should allow such events to occur as activities not subject to TRPA review.

11. Encourage improved lake access with recreation trails and parking, increased beach access at Tahoe Vista Beaches, and increased boating access consistent with the environmental tolerances of the shorezone.

   a. Policy: Projects in Tolerance District One (1) shall not increase disturbance or exceed coverage and shall be limited to maintenance dredging.
Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same of adjoining littoral parcel.

Tolerance District 1:

Primary Uses

Water oriented outdoor recreation concessions (S), beach recreation (A), Boat Launching Facilities (S)(Special Area #3 only), and safety and navigation facilities (A).

Accessory Structures

Buoys (A), piers (S), fences (S), floating docks and platforms (A), water intake lines (A), boat ramps (S)(Special Area #3 only), and shoreline protective structures (S).
MEMORANDUM

March 1, 1999

To: TRPA Advisory Planning Commission

From: The Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding Between TRPA and the Tahoe Park Water Company and McKinney Water District; and to Amend Existing MOUs with the Lahontan Regional Water Quality Control Board, Sierra Pacific Power Company, and California Department Of Parks and Recreation

Proposed Action: As provided for in the Permit Integration Program Action Plan, TRPA staff is currently pursing both the development of new MOUs as well as amendment of existing MOUs to improve coordination between certain governmental agencies and to provide clarification and expansion of certain exempt and qualified exempt activities. The Advisory Planning Commission is requested to recommend approval of the two new MOUs and the proposed amendments to the three existing MOUs to the Governing Board.

Description and Discussion: Included in this staff summary are the following proposed Chapter 4 amendments:

- Adoption of a new exempt and qualified exempt MOU with the Tahoe Park Water Company
- Adoption of a new exempt and qualified exempt MOU with the McKinney Water District
- Amendment of an existing exempt and qualified exempt MOU with Sierra Pacific Power Company
- Amendment of an existing exempt and qualified exempt MOU with the California department of Parks and Recreation
- Amendment of an existing delegation MOU with the Lahontan Regional Water Quality Control Board

New Exempt and Qualified Exempt MOUs: Attachments A and B are new exempt and qualified exempt MOUs with the Tahoe Park Water Company and the McKinney Water District. The format of the proposed MOUs are similar to the existing exempt and qualified exempt MOUs found in Section 4.5 of the Code of Ordinances. Activities are separated into categories of exempt and qualified exempt as set forth in Attachments A and B.
Memo to the Advisory Planning Commission
March 1, 1999
Page 2

Amendments to Existing MOUs: Attachments C and D propose minor amendments to existing exempt and qualified exempt MOUs with Sierra Pacific Power Company and the California Department of Parks and Recreation. Attachment E amends the existing cooperative delegation MOU with the Lahontan Regional Water Quality Control Board.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for each of the proposed MOUs. Based on the checklist, staff recommends a finding of no significant effect on the environment for each of the proposed MOUs.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

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

Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOUs with the Tahoe Park Water Company, McKinney Water District, Sierra Pacific Power Company, and California Department of Parks and Recreation are minor in nature and are subject to all the provisions of the Regional Plan. The activities described in the proposed MOU with the Lahontan Regional Water Quality Control Board (LRWQCB) will be reviewed, approved and inspected by the LRWQCB consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of LWQCB and TRPA staff time as well as avoid the duplicative review process currently experienced by the LWQCB, TRPA and the public. The proposed MOUs are consistent with, and will not adversely affect implementation of the Regional Plan.

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

Activities undertaken pursuant to the proposed new and modified MOUs are subject to the provisions of the Regional Plan. The exempt and qualified exempt activities are minor in nature, are subject to restrictions, and are geared toward essential activities and maintenance of existing facilities. The activities reviewed by the LRWQCB will be in accordance with all applicable TRPA regulations. Therefore, the activities listed in the new and modified MOUs will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

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

RA:jm

AGENDA ITEM V.B.
Activities undertaken pursuant to these MOUs are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

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

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

Article VI(a) Findings

Article VI(a) states,

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

Section 4.8 of the Code allows for the implementation of MOUs with public entities to exempt activities from TRPA review. The proposed MOUs with the Tahoe Park Water Company and the McKinney Water District exempts minor activities undertaken by public utility districts charged with providing essential public services. Under the MOU, both entities will be able to more effectively and efficiently provide these services. The MOUs have no impact on the regulatory structure and does not result in an increase in development. The minor nature of the activities, coupled with limitations elsewhere in the Code, assures the MOUs will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed MOUs will implement Section 4.8 of the Code which allows amendments to exempt certain activities of public and quasi-public entities.

For amendments to existing MOUs, deleted language is strikethrough and new language is bold.
APPENDIX ___

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
TAHOE PARK WATER COMPANY

MARCH 1999

This Memorandum of Understanding is entered into this ___ day of _________, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the TAHOE PARK WATER COMPANY (TPWC), by and through its Board President.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. All activities undertaken by the TPWC pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities of TPWC, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA, provided any related excavation or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area, and the site is stabilized and revegetated within 72 hours to prevent erosion.

A. WATER SUPPLY ACTIVITIES

1. Repair and replacement of existing waterworks equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, fire hydrants, pipes, screens, wells, water meters, service connections, service boxes, water tanks, and treatment facilities provided there is no increase in size or capacity and the replacement facilities are similar in type and function.
2. Install new service connections for TRPA-approved projects, or for existing improved properties which have abandoned their existing well or that require fire protection service, provided there is no increase in development potential.

3. Prune vegetation around water facilities and within easement areas provided no vegetation is removed.

4. Install new valves, fire hydrants and sampling hydrants (for water quality testing) along existing water lines within existing roadways and easements provided there is no increase in capacity.

5. Locate existing underground lines and appurtenances.

6. Install observation wells for groundwater monitoring and soil investigation.

7. Repair emergency leaks at any time provided all repair work is conducted within land capability districts 4 through 7 and/or within an existing paved roadway or compacted road shoulder.

B. SIGNS

1. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

C. STRUCTURES

1. Demolition of structures provided the structure is not designated, or pending designation on the TRPA Historic Resource Map, as amended from time to time.

2. Structural repair or remodeling less than $5,000 per year which does not result in an increase in the dimensions of a structure (including height), a change of use, an increase of commercial floor area, or an increase in density.

D. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices such as:
   a. Sediment basins not exceeding 150 square feet in size.
   b. Swales.
   c. Rock slope protection not visible from TRPA-designated scenic roadway or shorezone unit, Class I bike paths, or recreation area.
d. Rock-lined ditches.

e. Willow wattling.

f. Access barriers, i.e. bollards and split-rail fencing.

g. Installation of temporary erosion control devices.

2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 14 days prior to the commencement of restoration.

E. MISCELLANEOUS ACTIVITIES

1. Land surveys, corner recovery, re-monumentation and land-line posting.

2. Use of portable instruments for research and monitoring of water systems.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of TPWC are not subject to review and approval by TRPA, provided TPWC certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation and backfilling does not exceed 25 cubic yards (unless modified below), occurs during the grading season (May 1 through October 15) in land capability districts 4 through 7 and/or within an existing paved area, and the site is stabilized and revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least five working days before the activity commences. For those activities involving in excess of 25 cubic yards of excavation (as provided below), TPWC shall submit the statement to TRPA at least 30 days before the activity commences. The following activities are in addition to those activities deemed “Qualified Exempt” pursuant to Section 4.3 of the TRPA Code.

A. WATER SUPPLY ACTIVITIES

1. Replace existing water lines and service connections for a distance of not more than 2,500 lineal feet, provided all excavation is within an existing road right-of-way, there is no increase in capacity, relocation of main lines is within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMP’s.
2. Repair or replace existing water intake lines (provided no disturbance occurs in the shorezone or land capability districts 1, 2, or 3), vertical wells, horizontal wells, and infiltration galleries with facilities of similar type and function, and no increase in size or capacity.

3. Install new water lines and service connections for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects or to existing improved properties which have abandoned their existing well or that need fire protection service, provided all excavation is within an existing road right-of-way, there is no increase in capacity or development potential, the main line is within an existing paved area or compacted road shoulder, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMP’s.

B. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of retaining walls not exceeding 200 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code, and an inventory of existing retaining walls is completed prior to the installation of any new walls.

2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6” in depth, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 30 days prior to the commencement of restoration.

III. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by the TPWC and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 30. The TPWC shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.

IV. LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual
circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resources in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

TAHOE PARK WATER COMPANY

DATED: ________________

Richard M. Dewante, President

TAHOE REGIONAL PLANNING AGENCY

DATED: ________________

Executive Director
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
MCKINNEY WATER DISTRICT

This Memorandum of Understanding is entered into this _____ day of ______________, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY ("TRPA"), through its Executive Director as authorized by the Governing Board, and the MCKINNEY WATER DISTRICT, by and through its Board of Directors.

All activities described in this Memorandum of Understanding ("MOU") shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. All activities undertaken by the MCKINNEY WATER DISTRICT pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

1. **EXEMPT ACTIVITIES**

The following activities of MCKINNEY WATER DISTRICT, in addition to those exempt pursuant to Section 4.2 of the TRPA Code, are not subject to review and approval by TRPA provided any related excavation or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area, and the site is stabilized and revegetated within 72 hours to prevent erosion.

A. **WATER SUPPLY ACTIVITIES**

1. Repair and replacement of existing waterworks equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, fire hydrants, pipes, screens, wells, water meters, service connections, service boxes, water tanks, and treatment facilities provided there is no increase in size or capacity and the replacement facilities are similar in type and function.

2. Install new service connections for TRPA-approved projects, and for existing improved properties which have abandoned their existing well provided there is no increase in development potential.

3. Prune vegetation around water facilities and within easement areas provided no vegetation is removed.
4. Install new valves, fire hydrants and sampling hydrants (for water quality testing) along existing water lines within existing roadways and easements provided there is no increase in capacity.

5. Locate existing underground lines and appurtenances.

6. Install observation wells for groundwater monitoring, soil investigation, or pilot hole investigation.

7. Repair emergency leaks at any time provided all repair work is conducted within land capability districts 4 through 7 and/or within an existing paved roadway or compacted road shoulder.

8. Flushing of wells and main lines to improve or maintain water quality conformance, provided all discharge is piped directly to the existing sanitary sewer system and all required temporary BMPs are in place.

B. SIGNS

1. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days for the removal of the safety hazard.

C. STRUCTURES

1. Demolition of structures provided the structure is not designated, or pending designation on the TRPA Historic Resource Map, as amended from time to time.

2. Structural repair or remodeling less than $5,000 per year which does not result in an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density.

D. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devises such as:
   a. Sediment basins not exceeding 150 square feet in size.
   b. Swales
   c. Rock slope protection not visible from any TRPA-designated scenic roadway or shorezone unit, class 1 bike paths, or recreation area.
   d. Rock-lined ditches.
   e. Willow wattling.
f. Access barriers; i.e., bollards and split-rail fencing.

2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 14 days prior to the commencement of restoration.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of MCKINNEY WATER DISTRICT are not subject to review and approval by TRPA, provided MCKINNEY WATER DISTRICT certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation and backfilling does not exceed 25 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area, and the site is stabilized and revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least five working days before the activity commences. For those activities involving in excess of 25 cubic yards of excavation (as provided below), MCKINNEY WATER DISTRICT shall submit the statement to TRPA at least 30 days before the activity commences. The following activities are in addition to those activities deemed “Qualified Exempt” pursuant to Section 4.3 of the TRPA Code.

A. WATER SUPPLY ACTIVITIES

1. Replace existing water lines and services connections for a distance of not more than 2,000 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, relocation of main lines within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

2. Repair or replace existing water intake lines, vertical wells, horizontal wells, and infiltration galleries with facilities of similar type and function, and no increase in size or capacity.

3. Install new water lines and service connections for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects or to existing improved properties which have abandoned their existing well, provided all excavation is within an existing road right-of-way, there is no increase in capacity or development potential, the main line is within an existing paved area or compacted road shoulder, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.
B. ROADS, DRIVEWAYS AND PARKING AREAS

1. Reconstruction, resurfacing or overlaying existing pavement provided that BMPs are in place, including dust control measures.

C. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of retaining walls not exceeding 200 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code, and an inventory of existing retaining walls is completed prior to the installation of any new walls.

2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6" in depth, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 30 days prior to the commencement of restoration.

III. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by the MCKINNEY WATER DISTRICT and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The MCKINNEY WATER DISTRICT shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.

IV. LOSS OF EXEMPTION

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

V. TERMINATION

THIS MOU may be terminated by either party upon sixty (60) days notice in writing.

MCKINNEY WATER DISTRICT
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
SIERRA PACIFIC POWER COMPANY

MARCH 1999

This Memorandum of Understanding is entered into this ___ day of ______________, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and Sierra Pacific Power Company (SPPCo), by and through its Vice President, Customer Service Division.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. All activities undertaken by the SPPCo pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities of SPPCo, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA provided any related excavation or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area or compacted road shoulder, and the site is stabilized and/or revegetated with 72 hours following project completion to prevent erosion.

A. UNDERGROUND ACTIVITIES

1. Repair and replacement of existing underground facilities including vaults, boxes and risers, pad-mounted switches and transformers provided there is no increase in size or capacity and the replacement facilities are similar in type and function.

2. Install new service connections for TRPA-approved projects and for existing improved properties.

3. Locate existing underground facilities.

4. Convert from overhead to underground.

B. OVERHEAD POWERLINE ACTIVITIES

1. Repair and replace existing overhead facilities including poles, anchors, pad-mounted equipment, ground rods and risers provided there is no increase in size or capacity and replacement facilities are similar in type and function.
C. SUBSTATIONS

1. The repair, modification, or installation of control building foundations, equipment slabs, footings, poles, grounding, conduit, vaults, fencing, and oil containment facilities at electrical substation sites within the confines of the existing land coverage areas (gravel areas within the fenced perimeter and access roads). Work completed under this exemption shall not result in the creation of additional land coverage and does not include site grading modifications over 20 cubic yards. The amount of excavation shall be the minimum necessary, and all stockpiling of spoil material shall be accomplished in accordance with TRPA BMPs.

2. Install new service connections for TRPA-approved projects and existing improved properties provided the service connection is not located within a scenic highway corridor.

GD. OPERATION CENTERS, (SUBSTATIONS), OTHER FACILITIES, AND MISCELLANEOUS ACTIVITIES

1. Gravel existing roadways provided that BMPs are in place, including dust control measures.

2. Traffic control and lane closures for installation and maintenance activities provided any lane closures are limited to the minimum amount of time needed to complete the activity and, with the exception of emergencies, do not occur during holidays or weekends.

3. Operation of portable generators, pumps and air compressors.

4. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

5. Demolition of structures provided the structure is not designated, or pending designation on the TRPA Historic Resource Map, as amended from time to time.

6. Structural repair or remodeling less than $5,000 $225,000 per year which does not result in an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor, or an increase in density.

7. Excavate and remove contaminated soil or other material resulting from petroleum product or chemical spills.

8. Install observation wells and soil borings for groundwater monitoring and soil investigations.
DE. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices such as:
   a. Sediment basins not exceeding 4500 square feet in size.
   b. Swales.
   c. Rock slope protection not visible from any TRPA-designated scenic roadway or shorezone unit, class I bike paths, or recreation area.
   d. Rock-lined ditches.
   e. Willow wetting.
   f. Access barriers, i.e., bollards and split-rail fencing.
   g. Installation of temporary erosion control devices.

2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 14 days prior to the commencement of restoration.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of SPPCo are not subject to review and approval by TRPA, provided SPPCo certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation and backfilling does not exceed 2635 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4-7 and/or within an existing paved area or compacted road shoulder, and the site is stabilized and revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The form shall be filed with TRPA at least five 30 working days before the activity commences. For those activities involving in excess of 2635 cubic yards of excavation (as provided below), SPPCo shall submit the form to TRPA at least 30 days before the activity commences. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. MISCELLANEOUS ACTIVITIES

1. Convert from overhead to underground or replace and/or repair existing underground facilities including pipelines, conduit and conductor for a distance of not more than 2600 5,280 lineal feet, provided all excavation is within an existing road right-of-way, there is no increase in capacity, relocations or conversions of facilities to underground are within existing paved areas or
compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

2. Installation of snow barrier walls to protect pad-mounted equipment, provided walls do not exceed 5 feet in height and 25 feet in length, are not visible from any TRPA-designated scenic roadway or shoreline unit, and are consistent with the TRPA Design Review Guidelines (Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code.

3. Tree removal for public health and safety pursuant to Section 71.4.E(2) of the TRPA Code.

B. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of retaining walls not exceeding 25 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines (Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code.

2. Restoration of disturbed areas of two acres or less provided scarification does not exceed 6" in depth and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 30 days prior to the commencement of restoration.

III. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by SPPCo and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. SPPCo shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.

IV. LOSS OF EXEMPTION

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

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.
SIERRA PACIFIC POWER COMPANY

DATED: ______________________

__________________________________
Vice President, Customer Service Division

TAHOE REGIONAL PLANNING AGENCY

DATED: ______________________

__________________________________
James Baetge, Executive Director
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

MARCH 1999

This Memorandum of Understanding is entered into this _____ day of __________, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (DPR).

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. It is understood that activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing land coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. It is also understood that all activities undertaken by the California Department of Parks and Recreation (DPR) pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities on DPR land, in addition to those exempt pursuant to Section 4.2 of the TRPA Code, are not subject to review and approval by TRPA.

A. RECREATION ACTIVITIES

1. Operation of recreation sites and facilities
2. Operation of visitor information and interpretive services.
3. Landscaping and revegetation.

B. SIGNING


C. HISTORIC RESOURCES

1. Inventory, protection, maintenance, and disposition of historic resources.

D. ROADS AND TRAILS

1. Maintenance of existing roads, parking areas, trails, bridges, and related structures provided the activity does not occur in the shorezone.
E. STRUCTURES

1. Demolition of structures, improvements or facilities, provided the structure, improvement, or facility is not designated, or pending for designation, on the TRPA Historic Resource Map, as amended from time to time.

2. Structural repair or remodeling less than $5,000 per structure per year which does not result in excavation or backfilling in excess of that described in the TRPA Code, Subparagraphs 4.2.A(6) and 4.3A(6), additional land coverage, an increase in the dimensions of a structure (including height), a change in use, an increase in commercial floor area, or an increase in density.

F. FISH AND WILDLIFE

1. Protection of wildlife habitat and fisheries provided there is no modification of streams. Stream modification shall include any alteration of a stream profile, which requires the use of motorized equipment or the placement of any structure within an active stream channel.

2. Establishment of wildlife viewing stations.

G. FIRE PROTECTION

1. Vegetation management for fire prevention purposes.

H. SCIENTIFIC RESEARCH AND MONITORING

1. Installation of instruments for scientific research and monitoring.

I. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control measures such as:
   a. Retaining walls not exceeding 60 feet in length
   b. Sediment basins not exceeding 150 square feet in size
   c. Swales
   d. Rock slope protection
   e. Rock-lined ditches
   f. Fences
   g. Willow wattling
   h. Barriers
2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6” in depth and excavation and filling does not exceed 20 cubic yards, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 14 days prior to the commencement of restoration.

J. MISCELLANEOUS ACTIVITIES

1. Temporary activities, in accordance with Sections 7.5 and 7.6 of the Code, provided that the temporary activity shall not create noise in excess of the noise limitations of Chapter 23 of the Code.

2. Land surveys, corner recovery, remonumentation and land-line capacity.

3. Maintenance of existing dams provided there is no change in holding capacity.

4. Excavation and backfilling for an area not in excess of seven 10 cubic yards, provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6 & 7 and the excavation site is stabilized and revegetated with 72 hours to prevent erosion.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities on DPR land are not subject to review and approval by TRPA, provided DPR certifies on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least one 30 working days before the activity commences. The following activities are subject to the BMP retrofit requirements of Chapter 25 and are subject to the land coverage mitigation program in Section 20.5 of the Code. The following activities are in addition to those activities deemed “Qualified Exempt” pursuant to Section 4.31 of the TRPA Code.

A. RECREATION ACTIVITIES

1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the Code, and the replacement does not result in an expansion under the Code.

B. ROADS AND TRAILS

1. Reconstruction of roads, parking lots, trails, and bridges, as necessary to protect the environment or eliminate a safety hazard.

C. FISH AND WILDLIFE
1. Fish and wildlife habitat enhancement activities provided they are approved by the California Department of Fish and Game, and are included in the Environmental Improvement Program, do not result in modification of a stream or lake. Modifications shall include any alteration of a stream or lake profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.

D. FIRE PROTECTION

1. Prescribed burning.

E. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control measures such as: retaining walls exceeding 60 feet in length, or sediment basins exceeding 150 square feet, provided the erosion control measures is not visible from the shore of any lake, from any roadway for which a scenic threshold rating has been established, from class I bike paths, or from a developed recreation site.

2. Restoration of stream environment zones (SEZ).

3. Restoration of disturbed areas exceeding one acre in size of two acres or less provided scarification does not exceed 6" in depth and excavation and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 30 days prior to the commencement of restoration.

F. VEGETATION MANAGEMENT

1. The following activities are qualified exempt provided they are performed under the supervision of a registered professional forester, do not exceed 30 100 acres, and meet the standards and practices of Chapter 71:

   a. Timber stand improvement projects, thinning, pruning, removal of hazardous, dying, or diseased trees, and disposal of slash burning, through the issuance of wood permits, chipping, slash burning, and scattering.

   b. Protection and enhancement of rare, endangered, threatened, sensitive and special interest plant associations.

   c. Protection and enhancement of wildlife habitat.

   d. Fuel wood sales and wood permits.

   e. Commercial timber sales.

F. MISCELLANEOUS ACTIVITIES
1. Excavation and backfilling for an area not in excess of 50 cubic yards provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.

2. Installation of undergrounding of utilities for a distance of not more than 500 lineal feet provided the undergrounding does not occur in a SEZ.

3. Installation of overhead telephone lines, power lines under 10 kv, and service connections under one mile in length, if the service connection is located entirely on DPR land and is at least 100 feet from privately owned land and is not visible from a TRPA designated Scenic Shoreline or Roadway Travel Route or a recreation area identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, as amended.

4. Installation of water lines for a distance of not more than 500 lineal feet, provided the water line is not located in a SEZ.

H. STRUCTURES

1. Structural repair or remodeling less than $6,000 per structure per year less than $50,000 per structure per year which does not result in excavation or backfilling in excess of that described in TRPA Code, Subparagraphs 4.2.A(6) and 4.3.A(6), additional land coverage, an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density.

2. Structural improvements to facilities/grounds to bring the facility in compliance with Best Management Practices requirements. DPR shall report annually to the TRPA on all BMP activities. Said reports shall include at a minimum the following information:
   - BMP cost by type
   - Watershed Identification
   - Schedule of completion
   - Operation and Maintenance Plans

III. TREATMENT AND ACCOUNTING OF COVERAGE FOR ACTIVITIES COVERED BY THIS MOU

It is understood by the DPR and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The DPR shall report to the Executive
Director of TRPA annually on the status of coverage or disturbed land which has been restored or retired.

IV. LOSS OF EXEMPTION

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

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

Dated: ________________________

Robert G. Macomber
District Superintendent

TAHOE REGIONAL PLANNING AGENCY

Dated: ________________________

James W. Baetge
Executive Director
APPENDIX BB

MEMORANDUM OF UNDERSTANDING BETWEEN THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
LAHONTAN REGION, AND THE TAHOE REGIONAL PLANNING AGENCY

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Lahontan RWQCB), through direction to the RWQCB’s Executive Officer, and the Tahoe Regional Planning Agency (TRPA) Governing Body, through direction to TRPA’s Executive Director, have agreed to enter into this Memorandum of Understanding (MOU), and

WHEREAS, Lake Tahoe is a designated Outstanding National Resource Water whose quality and beneficial uses are threatened by sediment and nutrient loading from a variety of sources. Control of these sources is of major interest to the States of California and Nevada and the federal government, and

WHEREAS, the Lahontan RWQCB is an agency of the State of California, empowered by the federal Clean Water Act, the Porter-Cologne Water Quality Act, and other federal and state laws to set water quality standards and to regulate activities in the California portion of the Lake Tahoe Basin which may have an adverse effect on water quality, and

WHEREAS, California’s Water Quality Control Plan for the Lake Tahoe Basin provides that State Water Quality regulatory programs

“may be carried out in the absence of, or in addition to, regulation by local and regional agencies. Where review of individual projects is required, and adequate programs are adopted by local or regional agencies, review by water quality agencies can be waived to prevent duplication. State water quality programs setting general standards will be used in combination with programs by local and regional government, to provide backup enforcement.”

The Lahontan RWQCB has recognized TRPA’s authority and regulatory program as adequate to meet the criteria above for several types of projects and activities, and

WHEREAS, TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Lake Tahoe Basin, including water quality. The Compact also directs TRPA to ensure attainment of state and federal environmental standards, and to define which activities are exempt from TRPA review and approval. TRPA defines exempt activities in Chapter 4 of its Code of Ordinances, and

WHEREAS, all activities described in this MOU shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by the Lahontan RWQCB pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances, as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA, and...
Memo to the Advisory Planning Commission  
March 1, 1999  
Page 8

WHEREAS, the Lahontan RWQCB and TRPA are both responsible for implementing the bi-state Water Quality Management Plan for the Lake Tahoe Region ("208 Plan") and TRPA is recognized as one of the implementing agencies for certain California water quality control plan provisions applicable to the Lake Tahoe Basin. These plans require compliance with water quality standards and the installation of Best Management Practices (BMPs) for the control of erosion and stormwater on all improved properties in the California portion of the Lake Tahoe Basin, and prohibit disturbance of Stream Environment Zones, with limited exceptions, and

WHEREAS, the Lahontan RWQCB and TRPA are interested in developing a cooperative approach toward implementation of water quality plan provisions related to prevention of water pollution, control of erosion, sediment, and wastewater, and cleanup activities for leaking underground tanks, and

WHEREAS, the Lahontan RWQCB and TRPA recognize that areas of overlapping authority and regulatory effort exist in the operations of the two agencies, and that it will be mutually beneficial to the RWQCB, TRPA, and the regulated community to avoid unnecessary duplicative regulation.

NOW THEREFORE, the Lahontan RWQCB and TRPA agree as follows:

I. Specific Provisions

1. Each agency will assume either primary or secondary responsibility for the types of projects listed in Paragraphs 2 and 3 below. The agency with primary responsibility will review project proposals, issue permits, conduct inspections, and take enforcement action as necessary to ensure compliance with permits. The other agency will not normally issue a permit, but may consult with staff of the primary agency as provided in Paragraph 10 below, and may also use its full regulatory authority when necessary as described in Paragraph 9 below.

2. The Lahontan RWQCB will have primary responsibility for the following types of projects or activities in the California portion of the Lake Tahoe Basin:

a. Review, permitting, and enforcement to ensure retrofit of BMPs on properties which:

(1) have existing commercial and tourist accommodation improvements, and

(2) do not involve any expansion or remodeling of the facilities, and the owner(s) of the property are voluntarily proposing to install the BMPs required by Section 25.3, Chapter 25 of TRPA's Code of Ordinances and have applied to the Regional Board for waste discharge requirements to regulate the installation.

(RWQCB staff will coordinate with TRPA to determine the significance of any previous TRPA actions affecting the subject parcels in relation to pending applications for BMP retrofit).

Note: Upon the implementation of the Fiscal Year 1999/00 Section 319(h) Grant of the Clean Water Act (July 1, 1999), the activities listed above will become the primary responsibility of the TRPA.
Those activities listed under 2.a.(3) above shall have the option of receiving a permit from either the TRPA or Lahontan.

b. Site assessment, investigation and enforcement related to sewage spills from sewage collection, treatment, and export facilities.

c. Specification of BMPs and ground water cleanup levels to be used at leaking underground storage tank sites (in cooperation with the appropriate County, which will specify soil cleanup levels). This includes the review, permitting and enforcement related to groundwater and soil remediation activities.

d. Review, permitting and enforcement for maintenance dredging projects, provided that the subject project has been presented to the Shorezone Review Committee.

e. Review, permitting and enforcement for turf area fertilizer management plans.

f. Review, permitting and enforcement for all marina - related fueling and sewage disposal systems.

g. Review, permitting and enforcement for Industrial Activities/Facilities as covered by the Clean Water Act, NPDES Regulations.

3. The Lahontan RWQCB will assist and support TRPA in implementing and securing funding sources for the BMP retrofit, erosion control, and Stream Environment Zone Restoration programs.

4. The Lahontan RWQCB will assist and support TRPA in securing funding sources for the enforcement of the 2 – cycle restrictions within the Lake Tahoe Region.

5. TRPA will have primary responsibility for the following types of projects or activities in the California portion of the Lake Tahoe Basin:

a. Review, and permitting, and enforcement of projects related to residential development, including new projects, expansion or remodeling of existing residential development, and residential BMP retrofit projects.

b. Review, and permitting, and enforcement of new commercial and tourist accommodation projects, remodeling and expansion of existing commercial and tourist accommodation facilities, and BMP retrofit in connection with such expansion or remodeling.

c. Review, and permitting, and enforcement projects which are constructed for the primary purpose of erosion control or stormwater treatment, and which do not involve more than two (2) acres of soil disturbance projects regulated by NPDES Construction Activity Regulations and does not involve a streambed alteration agreement or permit from the US Army Corp of Engineers. At LRWQCB’s request, prior to final approval of such projects, TRPA shall provide the opportunity to Lahontan RWQCB staff to for review and comment.
d. Review, permitting, and enforcement to ensure retrofit of BMPs on properties with existing commercial and tourist accommodation improvements subject to requirements in Chapter 25 of the TRPA Code of Ordinances and not regulated by the Lahontan RWQCB pursuant to Paragraph No. 2 above.

e. Review, permitting and enforcement for all grazing projects with the exception of the Meiss Allotment, Baldwin (Tallac Creek) Allotment and other grazing areas as mutually agreed by both agencies.

f. Review, permitting and enforcement for all timber harvest projects.

(TRPA staff will coordinate with RWQCB staff to determine the extent of RWQCB involvement in the permitting and/or enforcement aspects of the timber harvest projects.)

II. General Provisions:

1. Both agencies will annually coordinate and prioritize appropriate permit and enforcement activities for all properties in the Tahoe Basin that are subject to the BMP retrofit deadlines specified in Section 25.3 of Chapter 25 of TRPA’s Code of Ordinances. Each year the staff of both agencies will jointly prepare a work plan that will list and prioritize specific properties in each of the three Priority Group Watersheds. The work plan will also identify which agency will be responsible for ensuring that BMPs are installed at each specific property.

2. Both agencies will continue to review and consider permits for community stormwater treatment systems (e.g. areawide systems proposed by a local government in a Community Plan), and Capital Environmental Improvement Projects identified in the Water Quality Management Plan Environmental Improvement Program for the Lake Tahoe Region.

3. Both agencies will review any project involving more than 2 acres of soil disturbance.

4. Only the agency issuing a permit will be responsible for approval of exemptions to prohibitions related to Stream Environment Zone disturbance. Any exemptions shall be in accordance with the TRPA Code.

5. Projects and activities not specified in Paragraphs 2 through 6 Sections I. 1 through 5 and II. 1 and 2 above will continue to be reviewed and permitted by either or both agencies as was the case before approval of this MOU.

6. This MOU does not affect projects or activities within the mutual jurisdiction of the Lahontan RWQCB and TRPA in the Truckee River watershed downstream of Lake Tahoe.

7. Nothing in this MOU shall be construed to limit the authority of either the Lahontan RWQCB or TRPA to administer its own regulations or to impose reasonable conditions of approval on any application, or to take enforcement action as necessary to ensure compliance with its environmental standards and regulations. Any activity listed in Paragraphs 2–5 Sections I. 2 through 5 and
II. 1 above may be considered a project requiring review by either party to this MOU, if that agency determines that the other agency has failed to comply with this MOU, or that the activity may have a substantial effect on the natural resources within its statutory responsibility.

8. Staff of the Lahontan RWQCB and TRPA shall cooperatively provide training, technical review and comments to each other, upon request, for any applications reviewed under this MOU.

9. A staff person from each agency shall be designated as a liaison and responsible person for the implementation of this MOU.

10. Staff of the Lahontan RWQCB and TRPA shall review the implementation of this MOU and shall report to the agencies’ respective governing boards following such reviews on an annual basis.

11. For all projects and activities listed above for which the Lahontan RWQCB has primary responsibility, RWQCB staff shall maintain “accounting and tracking” records for impervious surface coverage and other parameters as required by Chapter 38 of TRPA’s Code of Ordinances. Chapter 38 requirements shall be recorded by RWQCB staff on forms provided by TRPA, and shall be transmitted on a quarterly basis to TRPA for inclusion in its permanent accounting and tracking records.

12. Staff of each agency shall report to the other meet and review on the implementation of the MOU as follows:

a. For BMP retrofit, annually, with reports to be given by February 1 of each year, covering activities through the previous December 31.

b. For exemptions to SEZ prohibitions, annually, with reports to be given by February 1 of each year, covering activities through the previous December 31. (Reports Review shall include the exemption findings made and a description of required mitigation measures.)

c. Status of underground storage tank BMP (installation and remediation/cleanup progress), annually, with reports to be given by February 1 of each year, covering activities through the previous December 31.

d. Status of enforcement actions for sewage spills, as they occur.

e. For turf area fertilizer management plans, annually, covering activities through the previous December 31.

f. For maintenance dredging projects, annually, covering activities through the previous December 31.

g. For marina-related fueling facilities and sewage disposal system projects, annually, covering activities through the previous December 31.
h. For Industrial Activities/Facilities as covered by the Clean Water Act, NPDES Regulations, annually, covering activities through the previous December 31.

13. Staff of the Lahontan RWQCB and TRPA will continue discussions to identify additional areas of duplication or effort and will consider expanding the scope of this MOU accordingly.

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

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION

Dated: ___________________________  

Harold Singer  
Executive Officer

TAHOE REGIONAL PLANNING AGENCY

Dated: ___________________________  

James W. Baetge  
Executive Director
MEMORANDUM

March 1, 1999

To: Advisory Planning Commission

From: TRPA Staff

Subject: Notice of Preparation (NOP), Tahoe Keys Marina-Marina Master Plan Environmental Impact Statement (EIS)

Proposed Action: No formal action is proposed for this item at this time. Staff is requesting comments on the scope and content of the environmental document for the Tahoe Keys Marina – Marina Master Plan.

Staff Recommendation: Staff recommends that a public hearing be held to gather public input and comments on the scope and alternatives to be analyzed in the EIS.

Background: Marinas provide a major means of public access to Lake Tahoe. Seeing the Tahoe Basin from the Lake gives the viewer a very different and revealing perspective and appreciation of the area than from any viewpoint on land. A marina that is poorly designed, operated or maintained can detract from the community and be a source of environmental impacts not to mention a safety hazard.

The goal of all parties concerned with marina planning and operation is that marinas make a positive contribution to the Lake Tahoe environment and community. The environmental threshold for recreation is defined in the Recreation Element of the Goals and Policies which states that “it shall be the policy of the TRPA Governing Body in the development of the Regional Plan to preserve and enhance the high quality recreational experience... In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses.” In addition, the threshold also states that the “TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public”.

Marinas can make an important contribution toward meeting the recreation threshold in ensuring that high quality recreational opportunities are available to the general public.

Section 54.12 of the TRPA Code of Ordinances outlines the development standards for Marinas in the Tahoe Region. Subsection 54.12.A states that applications for new marinas and major expansions of existing marinas shall include an EIS pursuant to Chapter 5 and a master plan pursuant to Chapter 16. At a minimum, the EIS shall assess potential impacts on beach erosion, prime fish habitat, water quality and clarity, and determine the public need for the project.
In 1990 TRPA adopted Marina Master Plan Guidelines. These guidelines state that any marina expansion of more than 10 slips or 10 buoys requires a TRPA approved master plan. Chapter 16 identifies a master plan as a project oriented plan. Adoption of a master plan is an amendment to the Regional Plan which has some very specific procedural requirements. The master plan, once adopted, becomes a supplement to the applicable plan area statement (PAS) or community plan (CP).

Proposed Master Plan and Environmental Process
The Tahoe Keys Marina contracted with Parsons-HBA to develop and draft the Master Plan. Listed as Master Plan Improvements in the document are:

- 150 additional boat slips
- 120 additional parking spaces
- 2800 square feet of additional commercial floor area
- 3000 square feet of additional indoor boat storage space
- boat racks to accommodate 130 additional boats

The environmental document in which these improvement will be analyzed will be an Environmental Impact Statement (EIS)/Environmental Impact Report (EIR). TRPA will be the lead agency for the EIS and the City of South Lake Tahoe will be the lead agency for the EIR under CEQA.

A three-party contract has been signed between TRPA, the Tahoe Keys Marina and the selected consultant Brady LSA to facilitate the environmental process and draft the EIS/EIR. On January 21, 1999 a public scoping meeting was held to gather public input and comments on the scope of issues that should be analyzed in the environmental document (see exhibit A for a summary of the public comments). As part of the environmental documentation process this Notice of Preparation (NOP) will begin on February 17, 1999 and close on March 17, 1999. The purpose of an NOP is to gather input from both public and private entities regarding issues and concerns that should be addressed in the environmental document.

If you have any questions or comments regarding this agenda item please call Coleen Shade at (775) 588-4547. If you wish to comment in writing, please send all comments to:

Coleen Shade
Long Range Planning Division
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448
EXHIBIT "A"
TAHOE KEYS MARINA EIR/EIS
SUMMARY OF SCOPING MEETING COMMENTS

January 21, 1999
Tahoe Keys Marina Conference Room

- - -

☐ Realignment of Venice Drive = concern.

☐ Boat repair facility near water should not occur.

☐ What issues under water quality will be looked at?

☐ Improvements such as parking should be looked at.

☐ Boat traffic = major concern for marina.

☐ Need traffic control in marina.

☐ Boats speed and retaining walls deteriorating.

☐ Is parking to be near new boat slips?

☐ Size of boats getting larger and larger.

☐ Congestion and bulkhead deterioration = concern.

☐ Expansion of adjoining beach and harbor club ships = concern

☐ Boat congestion = problem.

☐ Boats speed; third bulkhead is deteriorating now due to wakes.

☐ Star clusters of docks shown on map are near lagoon and would make travel of boats difficult (nearest lake).

☐ Congestion = main issue.
SUMMARY OF SCOPING MEETING COMMENTS
January 21, 1999

- Safety and noise are another concern.
- Boat accidents = issue.
- Wants diesel addressed in terms of air and water quality.
- Adequacy of boat launch facilities and parking, including trailer parking.
- Construction timing? Length? Number of seasons? Same time as Cove East?
- Installation of bulkheads can be noisy.
- Some people live on boats.
- Access to marina limited during drought; channel gets too narrow.
- Methodology for parking analysis needs explaining.
- Current enforcement issues.
- Are we to assume project going through?
- At what point can marina expand its facilities?
- What about construction that's been ongoing for last three years?
- How are land surveys to be handled? No agreement re: land swap to date.
- Size/density = issue. Will EIR address fewer than 150 slips?
- Analysis of non-MBTE chemicals (toluene, benzene, PAH, etc.).
- Additives from gasoline = issue.
- Harbor is "disgraceful" and HOA wants to stop this. Visual impacts = concern.
- What's procedure to stop the project?
- Overcrowding = concern.
- Master Plan = misleading and does not account for navigation.
- Map doesn't show true size of boats.
SUMMARY OF SCOPING MEETING COMMENTS
January 21, 1999

☐ Does Coast Guard say anything?

☐ Slip layout = generalized.

☐ Scenic resources/aesthetic impacts (before and after project) are of concern.

☐ Sailing lagoon in East Channel may be impacted and this is waterfowl habitat site.

☐ Conservancy has received calls re: visual impacts of large barges and boats blocking condo owner views.

☐ Obstruction to views from boat sheds.

☐ Would project affect existing TKPOA wastewater treatment plant?

☐ Visual pollution of marina and storage areas.

☐ Heavy industrial activity though zoned for residential.

☐ Storage areas have a lot of "junk".

☐ Is there a vote by Tahoe Key POA?

☐ Is Operation Plan to be subject of EIR/S?

☐ Space for more vessels and new parking.

☐ Maintenance of facilities as related to water quality and storm water runoff.

☐ How do you determine how much pollution added by 150 boats?

☐ Additional buoys in lake need explaining.

☐ More mitigation possible such as helping with Cove East project or beefing up wastewater plant.

☐ Milfoil may be present at site.
WHEREAS, Candi Rohr was first appointed as a Nevada lay member to the Advisory Planning Commission (APC) on August 27, 1997, and served in that capacity until her resignation on February 1, 1999; and

WHEREAS, Candi served on the APC with distinction and professionalism; she will be remembered for her attention to details; her promptness and attendance at the APC meetings; her pleasantness; her willingness to look at all points of view; and treat all those who appeared before the Commission with fairness and respect; and

WHEREAS, Candi brought with her to the APC a wide range of expertise in multiple areas related to water districts; and

WHEREAS, Candi was always courteous, sympathetic to those appearing before the Commission, a consensus builder, and a diplomat;

NOW, THEREFORE, BE IT RESOLVED, that the Advisory Planning Commission hereby expresses its wholehearted appreciation to Candi for her dedication, support, partnership, and her knowledge of the protection and enhancement of Tahoe's natural resources;

PASSED and ADOPTED this tenth day of March, 1999, by the Advisory Planning Commission of the Tahoe Regional Planning Agency.

Robert Jepsen, Chairman
Advisory Planning Commission