TAHOE REGIONAL PLANNING AGENCY (TRPA)
GOVERNING BOARD

NOTICE IS HEREBY GIVEN that on Wednesday, November 17, 1999, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the North Tahoe Conference Center, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on Wednesday, November 17, 1999, commencing at 8:30 a.m., in the same location, the TRPA Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) October month-end trial balance; 3) monthly report on mitigation fees; 4) discussion on Agency purchasing and contracting procedures; and 5) member comments. (Committee: Nett, Heller, Galloway, Solaro, Bennett)

NOTICE IS FURTHER GIVEN that on Wednesday, November 17, 1999, at 8:30 a.m., the TRPA Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) discussion of IPES program; 3) discussion of Menasha offer of judgment; and 4) member comments. (Committee: Waldie, Sandoval, Miner, DeLanoy, Giles, Medina)

NOTICE IS FURTHER GIVEN that on Wednesday, November 17, 1999, during the noon lunch break, in the same location, the TRPA Environmental Improvement Program Implementation Committee (EIPIC) will meet. The agenda will be as follows: 1) public interest comments (no action); 2) discussion on Lake Tahoe Restoration Act, FY 2001 Legislative Packet, EIP Finance Plan, Regional Revenue Study, and EIP implementation and update schedule; and 3) member comments. (Committee: Waldie, Cole, Perock, Miner, Bennett, DeLanoy)

November 8, 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.
All items on this agenda are action items unless otherwise noted.

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

AGENDA

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF QUORUM

III. PUBLIC INTEREST COMMENTS

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

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

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES Page 1

VI. CONSENT CALENDAR (see agenda pages 2 and 3 for specific items)

VII. PUBLIC HEARINGS

A. Regional Transportation Planning Agency Hearing on Adoption of the 2000 Regional Transportation Improvement Plan Page 57

VIII. ADMINISTRATIVE MATTERS

A. Procedure for Filling Executive Director Position

B. Procedure for Streamlining Meeting Proceedings Page 63

IX. PLANNING MATTERS

A. Discussion and Recommendation on Preparation of Study on Shorezone Impacts Associated With Lake Tahoe’s Water Level – 11:00 a.m. Page 65

- 1 -
B. Discussion of Two-Step Subdivision Process  

C. Discussion of Environmental Review Standards  


E. Discussion on Work Plan for EIP Implementation and Update  

F. Presentation by Placer County Legacy on Open Space/Environmental Planning – 1:30 p.m.  

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION  

A. Finance Committee  

B. Legal Committee  

C. Environmental Improvement Program Implementation Committee  

XI. REPORTS  

A. Executive Director Monthly Status Report  

1. Status Report on Project Applications  

2. Report of the TTD November 12, 1999, Meeting  

B. Legal Division Monthly Status Report  

C. Governing Board Members  

XII. ADJOURNMENT  

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<td>2. Mullins, Pier Relocation and Expansion, 8405 Meeks Bay Avenue, El Dorado County APN 016-081-28 TRPA File #990064</td>
<td>Approval of Findings and Conditions</td>
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<tr>
<td>3. Vickers Management Group, Existing Pier Expansion, 540 Gonowabie Road, Washoe APN 123-101-04</td>
<td>Approval of Findings and Conditions</td>
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These consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

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

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

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

Article III(g) Public Law 96-551

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Tahoe Regional Planning Agency Governing Board Members:

Chairman Larry Sevison, Placer County
Vice Chairman Don Miner, Douglas County
Kay Bennett, Carson City
Jim Galloway, Washoe County
Hal Cole, South Lake Tahoe
Dave Soloro, El Dorado County
Brian Sandoval, Nevada At-Large Member
Dean Heller, Nevada Secretary of State

Wayne Parock, Nev. Dept. of Conservation Appointee
Drake DeLano, Nevada Gov. Appointee
Jerry Waldie, Calif. Senate Rules Com. Appointee
Leslie Medina, Calif. Assembly Spkr. Appointee
Joanne Neft, Calif. Gov. Appointee
Terry Giles, Calif. Gov. Appointee
Peter Chase Neumann, Presidential Appointee
MEMORANDUM

November 8, 1999

To: TRPA Governing Board
From: TRPA Staff
Subject: Minutes From the October Board Meeting

Because of the shortened time period between the October and November Board meetings, the minutes are not included in the November meeting packet. The October minutes will be mailed under separate cover for action at the December meeting.
MEMORANDUM

November 8, 1999

To: TRPA Governing Board
From: TRPA Staff
Subject: October Month-End Trial Balance

Requested Action: Staff will be discussing the October month-end trial balance with the Finance Committee prior to the full Board meeting on Wednesday, November 17, 1999. Requested action, should the Finance Committee concur, is receipt.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Mullins Pier Relocation and Expansion
Application Type: Shorezone / Existing Pier Expansion
Applicant: Brian T. Mullins
Agency Planner: Jon-Paul Harries, Associate Planner
Location: 8405 Meeks Bay Avenue, El Dorado County, CA
Assessor's Parcel Number / File Number: 016-081-28 / 990064

Staff Recommendation: Staff recommends approval of the proposed project based on this staff summary and evidence contained in the project record. The required actions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing to relocate and expand an existing pier. The existing pier extends approximately 12 feet lakeward of the high-water line and is approximately 10 feet wide (see copy of photograph attached as Exhibit "A"). The proposed pier will extend approximately 75 feet lakeward of the high-water line. The first thirty feet will be six feet wide and supported by single pilings. The most lakeward 45 feet will be 10 feet wide and supported by double pilings. A three foot wide by 45 foot long catwalk is also proposed for the most lakeward 45 feet of the pier. A low level boatlift is also proposed to be constructed at the end of the pier. No pilings or railings are proposed to extend above the pier deck.

Site Description: The upland project area is approximately 7,341 square feet in size and is developed with a single family residence. The parcel has an average slope of approximately 50%, and is composed of Land Capability District 1a. The parcel is situated in a residential neighborhood and is visible from Scenic Shoreline Unit #9 (Rubicon Bay). The project area is located in an area mapped and verified as prime fish habitat (feed and escape/cover).

Issues: This project involves the expansion of an existing nonconforming structure (based on fish habitat) and, therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary issues associated with this project are:

1. Scenic Quality: This proposed project is visible from Scenic Shoreline Unit number 9, Rubicon Bay. This scenic shoreline unit has a score of 6, which is not in attainment with TRPA scenic thresholds. Therefore, any proposed development must show an improvement in the scenic quality of the shoreline travel route. When viewed from Lake Tahoe the most detracting scenic elements visible on the subject parcel are the existing pier and terrace walls and pathway between the residence and the lake. The existing pier (elevation 6,234.8) is approximately six feet above the high-water level and creates a highly visible box-like structure on the shoreline. The residence is setback and screened with vegetation and does not create a significant adverse scenic impact. Mitigating elements that are included in the project are, (1) lowering the pier deck height to...
elevation 6,232, (2) relocating the pier which is currently attached large shoreline boulders, (3) designing the pier so no pilings or railings will extend above the level of the pier deck, and (4) a landscape plan that will include plantings designed to screen and soften the appearance of the terrace walls and pathway. TRPA staff have determined that these project elements will incrementally contribute to an increase in the scenic quality of the project area and are consistent with the recommendations for improving the scenic quality of this area identified in the Scenic Quality Improvement Program (SQIP).

2. **Fisheries:** This project is presently located in an area mapped and verified as prime fish habitat (feed and escape cover). TRPA staff have inspected the subject parcel and determined that the proposed project, as conditioned, will not adversely impact fisheries. The fish habitat impact determination (TRPA File No. 990065) identified a potentially significant adverse impact to fisheries if impacts to existing shoreline and foreshore boulders were not avoided. TRPA staff have worked with the applicant to place the proposed pier in a manner that minimizes the impacts to boulders identified as important to the prime fish habitat. Also, the proposed pier will be constructed of single pilings (thereby minimizing impacts) in the area most suitable for feed and escape, and double pilings in the marginal habitat areas (>25 feet lakeward of the high-water line).

**Staff Analysis:**

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

B. **Plan Area Statement:** The project is located within Plan Area Statement Number 149 (Rubicon). The land use classification is residential, and the management strategy is mitigation. The proposed use (piers) is an allowable accessory use in the Plan Area Statement. TRPA staff have reviewed the plan area statement and have determined that the project is consistent with the applicable planning statement, planning considerations and special policies.

C. **Land Coverage:**

1. **Land Capability District:** The land capability district of the project area is class 1a and 1b (backshore). The total project area is 7,341 square feet in size.

2. **Total Allowable Land Coverage:**

3. **Total Existing Land Coverage:**

4. **Proposed Land Coverage:**

5. **Excess Land Coverage:**

11/4/99
/JPH

CONSENT CALENDAR ITEM NO. 2
6. **Excess Land Coverage Mitigation:** Based on the above coverage figures, the project area contains approximately 3,244 feet of excess land coverage. The applicant will be required to mitigate the excess land coverage within the project area in accordance with Chapter 20 of the TRPA Code of Ordinances.

D. **Shorezone Tolerance District:** The subject parcel is located within Shorezone Tolerance District 2. The project, as conditioned, complies with the shorezone tolerance district standards.

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

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

   a) **Land Use:** The single family dwelling on the subject parcel is an allowed use within the applicable plan area statement. The proposed project involves the expansion of an allowed accessory structure (pier) and is consistent with the Land Use Element of the Regional Plan. Adjacent land uses consist of residential properties with accessory shorezone structures. The proposed project will not alter any land use patterns.

   b) **Transportation:** The existing pier serves the homeowners of the affected parcel and, as such, will not generate an increase in daily vehicle trips ends (DVTE) or vehicle miles traveled (VMT). There is no evidence that the proposed project will adversely affect implementation of the Transportation Element of the Regional Plan.

   c) **Conservation:** The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The project involves replacing an existing pier and is designed to minimize impacts to the fish habitat. The proposed colors and design are consistent with the TRPA Design Review Guidelines. This project will not result in the obstruction or degradation of any scenic vista or view open to the public. As part of the project the applicant will install the required Best Management Practices (BMPs) on the parcel, in accordance with Chapter 25 of the TRPA Code. There are no known special interest animal species, plant species, or cultural resources within the project area.

   d) **Recreation:** This project does not involve any recreation facilities or uses. The proposed pier will be similar in length to adjacent existing piers and will not extend beyond the TRPA pierhead line. By remaining consistent with existing development, the proposed pier will not adversely affect recreational boating or top-line angling.

   e) **Public Service Facilities:** This project does not require any additions to public services or facilities.
f) **Implementation:** The proposed project does not require any allocations of development.

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

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

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

(Refer to paragraph 2, above.)

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

The proposed project will not have an impact on littoral processes because the project does not involve a structure that is less than 90 percent open. The site has not been identified as spawning habitat, and the project, as conditioned, will minimize impact to the lakebed substrate. The proposed pier expansion will not alter the existing backshore, which is in a fairly stable condition, however, vegetation planting is proposed that will help to further stabilize the backshore slope. The proposed project is not located within an area that is mapped as on-shore wildlife habitat nor has the site been shown to be a waterfowl nesting area.

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

This project involves the relocation and expansion of an existing pier. The project is located in the shorezone of a property occupied by a single family residence. The pier will only be used by the owners of the property and their guests. There is sufficient parking and shorezone access to accommodate the project.

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

The project is compatible with existing shorezone accessory uses (piers & buoys) in the vicinity. The proposed pier will not extend beyond the TRPA pierhead line.
7. The use proposed in the foreshore or nearshore is water-dependent.

The pier is located in the foreshore of Lake Tahoe and, by its nature, is water dependent.

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

This approval prohibits the use of spray painting and the use of tributyltin (TBT). Also, conditions of approval prohibit the discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

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

The applicant shall not be permitted to store construction materials on the beach. Permanent disturbance to ground and vegetation is prohibited. The construction of the pier will be accomplished from the lake by barge.

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

The proposed pier will not extend beyond the TRPA pierhead line or other piers in the vicinity, and as such will not adversely impact navigation or create a threat to public safety. The project must also receive approval by the U.S. Army Corps of Engineers which typically makes its own public safety findings in addition to TRPA's. The U.S. Army Corps of Engineers have completed a preliminary review of the project and commented that no safety or navigation impacts have been identified.

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

This project must receive approval from the California Division of State Lands, and the U.S. Army Corps of Engineers. Comments from these agencies, as well as the California Department of Fish & Game, were solicited as part of the review of this project. None of the agencies indicated that they had concerns regarding the proposed project.

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

The proposed pier will be an open piling design and will meet all of TRPA's development standards except for location in feed and escape/cover habitat. TRPA staff has inspected the subject parcel and determined that the proposed
The project will not adversely impact fisheries due to the proposed pier design and construction methods. The project also will not create a degradation of any of the other environmental thresholds (Finding #2 above). The proposed project is located within Scenic Shoreline Unit 9 (Rubicon) which is not in attainment with TRPA scenic quality thresholds. The applicant is proposing scenic mitigation that includes landscaping, pier height reduction, and a minimal pier design. Staff has determined that this pier expansion is consistent with the scenic quality standards due to the proposed mitigation.

13. The project complies with the requirements to install Best Management Practices (BMPs) as set forth in Chapter 25.

All of the required BMPs have been previously installed or will be installed as a condition of approval.

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

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

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

The pier has been continually serviceable until this past winter (December 1998) when the property owner roped off the pier (preventing use) because of the pier's degraded condition and associated liability concerns.

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

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

II. A motion to approve the project based on this staff summary subject to the conditions contained in the attached draft permit.
DRAFT PERMIT

PROJECT DESCRIPTION: Pier Relocation and Expansion

PERMITTEE: Brian T. Mullins

COUNTY/LOCATION: 8405 Meeks Bay Avenue, El Dorado County, CA

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on November 17, 1999, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on November 17, 2002, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

TRPA Executive Director/Designee                              Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee                                      Date

PERMIT CONTINUED ON NEXT PAGE

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/JPH

CONSENT CALENDAR ITEM NO. 2

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Mullins – Shorezone / Pier Relocation and Expansion
Page 8

APN 016-081-28
FILE NO. 990064

Excess Coverage Mitigation Fee: Amount $____ *  Paid _______ Receipt No. __________
Shorezone Mitigation Fee: Amount $2,390.00  Paid _______ Receipt No. __________
Security Posted: Amount $____ *  Posted _______ Receipt No. _______ Type _______
Security Administrative Fee: Amount $____ **  Paid _______ Receipt No. __________

* To be determined.
** $130 for cash security; $65 for non-cash security.

Required plans determined to be in conformance with approval: Date: ________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

______________________________________________
TRPA Executive Director/Designee

______________________________________________
Date

SPECIAL CONDITIONS

1. This permit authorizes the replacement and relocation of an existing single-use pier. The approved pier shall not exceed a total of 75 feet in length or extend past lake bottom elevation 6,219. The pier shall be 6 feet wide until the pierhead, which shall be 10 feet wide and 45 feet long with a 3 foot wide catwalk. A single low-level boatlift is also authorized by this permit.

2. The Standard Conditions of Approval listed in Attachment S, where applicable.

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

A. Resolution of the 51 square feet of unauthorized land coverage identified in the site assessment completed by El Dorado County on January 29, 1999.

B. The landscape plan shall be revised to demonstrate revegetation and stabilization of barren areas between the residence and the lake. The landscape plan shall also include sufficient plantings of native shrubs to screen and soften the appearance of the terrace walls. The final landscape plan shall be reviewed and approved by TRPA prior to permit acknowledgement.

C. The site plan shall be revised to include:

(1)  Coverage calculations (and corresponding site plan delineations) consistent with the site assessment completed by El Dorado County on January 29, 1999.

PERMIT CONTINUED ON NEXT PAGE

11/4/99
/JPH

CONSENT CALENDAR ITEM NO. 2

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(2) Delineation of the TRPA verified backshore boundary.

(3) Installation of the required Best Management Practices (BMPs) identified in the site assessment completed by El Dorado County on January 29, 1999. The required BMPs include:

(a) Infiltration trenches below roof driplines.

(b) An infiltration trench or drywell at the driveway.

(c) Three inches of gravel beneath all decks.

(d) Revegetation of areas disturbed by parking off paved areas.

(e) Vehicle barriers to prevent parking off paved areas.

D. The permittee shall mitigate 3,244 square feet of excess land coverage on this property by submitting an, excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 6, Emerald Bay.

The excess coverage mitigation fee shall be calculated as follows:

(1) Estimated Project Construction Cost x 0.0125.

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

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

Excess coverage mitigation fee (per formula (1), above) divided by $5.00 per square foot. If you choose this option, please revise your final site plan and land coverage calculations to account for the coverage removal.

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

F. The applicant shall submit a shorezone mitigation fee of $2,390 for the construction of 63 lineal feet of new pier length (63 feet x $30/foot = $1,890) and one low-level boatlift ($500 per structure).

G. The permittee shall paint the pier pilings and boatlift flat black. For use on piers, TRPA staff has found this color to create the least visual impact.

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

PERMIT CONTINUED ON NEXT PAGE

11/4/99 JPH

CONSENT CALENDAR ITEM NO. 2
5. The trees on this parcel shall not be removed or trimmed without prior written approval from TRPA. Any such removal or trimming shall constitute a violation of project approval.

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

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

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

9. Prior to return of the posted security, the applicant shall submit post-construction photos demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel. TRPA staff shall evaluate the photographs to determine if the project is in compliance with the required conditions prior to returning the posted security.

10. No existing buoys are verified under this permit.

11. All construction staging shall take place from a barge (off-shore).
NOTE: BUOY OFFSETS CALCULATED FROM NORTH PROPERTY LINE AT APPROXIMATE HIGH WATER LINE.
Project Name: Vickers Pier Modification / Expansion

Application Type: Shorezone / Existing Pier Expansion

Applicant: Vickers Management Ltd.

Agency Planner: Charles Donaldson, Associate Planner

Location: 540 Gonowable Road, Washoe County, NV

Assessor's Parcel Number / File Number: 123-101-04 / 990168

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

Project Description: The applicant proposes to replace and expand an existing single-use pier. The existing pier extends 32 feet lakeward from the high water line and is approximately 7 feet wide. The proposed pier will be approximately 55 feet long and 10 feet wide. Also proposed as part of the project is a 30 foot long by 3 feet wide catwalk and low-level boatlift. The proposed project will bring the existing non-conforming structure towards conformance with the required TRPA Code sections. This project does not include any additions or modifications to the existing residence other than the installation of the required water quality improvements. The proposed project also includes additional landscaping.

Site Description: The project area contains one two-story single family dwelling and the property is approximately 26,267 square feet in size. The parcel is situated in a residential neighborhood which is visible from Scenic Shoreline Unit #23 (Crystal Bay). The parcel is located on the lower portion of Gonowable Road; parking and access are from Gonowable Road. The parcel has steep slopes and has a verified Land Capability of 1a. The existing shoreline has a Shorezone Tolerance District rating of 3. Shorezone Tolerance District 3 is characterized as an armored granite shorezone with slopes exceeding thirty percent. The shoreline has been mapped and verified as prime fish habitat (feed and escape cover).

Issues: This project involves the expansion of an existing nonconforming structure (based on fish habitat) and, therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary issues associated with this project are:

1. The proposed structure is not coming into complete conformance with agency design standards. Upon approval of this project, the proposed structure will not be in complete conformance with all agency design standards. Specifically, the proposed structure will still retain a non-conforming sundeck. Under existing ordinances the applicant may repair or replace legally existing structures. Removal of the proposed sundeck would be an environmental because there be a reduction of pier pilings the visual mass of the structure as viewed from Lake Tahoe will decrease.

11/4/99
/CD

CONSENT CALENDAR ITEM NO. 3
2. **Relocation of a Boulder in Lake Tahoe:** The initial project submittal included a proposal to relocate an existing boulder near the pierhead of the proposed pier. The fish habitat verification completed for the project identified that the boulder relocation could have an adverse effect on fish habitat. The fish habitat verification further stated the project should be revised to remove the boulder relocation. The top of the existing boulder is located approximately at elevation 6220, Lake Tahoe Datum. During medium lake levels (elev. 6225, Lake Tahoe Datum), boats will have five feet of draft to avoid the boulder. As a part of the project review comments were solicited from the US Army Corps of Engineers. The US Army Corps of Engineers stated that in the existing condition the boulder did not constitute a navigation hazard. In accordance with this determination, the applicant has revised the proposal so that no boulder relocation is required.

**Staff Analysis:**

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

B. **Plan Area Statement:** The project is located within Plan Area Statement Number 034 (Crystal Bay). The land use classification is residential, and the management strategy is mitigation. The proposed use (piers) is an allowable accessory use in the Plan Area Statement. TRPA staff has reviewed the plan area statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies.

C. **Land Coverage:**

1. **Land Capability District:** The land capability district of the project area is class 1a. The total project area is 26,267 square feet.

2. **Total Allowable Land Coverage:** 263 square feet

3. **Total Existing Land Coverage:** 4,136 square feet

4. **Proposed Land Coverage:** 4,136 square feet

5. **Excess Land Coverage:** 3,873 square feet

6. **Excess Land Coverage Mitigation:** The applicant will be required to mitigate the excess land coverage within the project area in accordance with Chapter 20 of the TRPA Code of Ordinances.

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

11/4/99

CONSENT CALENDAR ITEM NO. 3

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

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

   (a) **Land Use:** The single family dwelling on the subject parcel is a permissible use within the applicable plan area statement. The proposed project involves the expansion of an allowable accessory structure (pier). Surrounding land uses are also residential.

   (b) **Transportation:** The existing pier serves the homeowners of the affected parcel and, as such, will not result in an increase of daily vehicle trip ends (dvey) to the subject parcel. There is no evidence that the proposed project will adversely affect implementation of the Transportation Element of the Regional Plan.

   (c) **Conservation:** The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The project involves the expansion of an existing pier. The proposed colors and design are consistent with the TRPA Design Review Guidelines. This project will not result in the obstruction or degradation of any scenic vista or view open to the public. This proposed project is visible from Scenic Shoreline Unit number 23, (Crystal Bay). This scenic shoreline unit is not in attainment with TRPA scenic thresholds. This unit is not in attainment with a score of 8, because it has dropped from the 1982 score of 10. All proposed projects must provide an improvement to the scenic unit. The existing pier and sundeck structure are situated on the large boulders along the shoreline. The structure has substantial mass and bulk and extends along the shoreline. The proposed project will reduce the height and mass of the structure and reduce the amount of structure visible from the lake. As part of the project the applicant will provide additional landscaping to help screen barren areas visible from Lake Tahoe. The proposed project is consistent with the scenic quality standards and will not contribute to the decline of the scenic quality ratings. In addition, the proposed project will provide a small improvement to the scenic unit as a whole. As part of the project the applicant will install the required Best Management Practices (BMPs) on the parcel, in accordance with Chapter 25 of the TRPA Code. There are no known special interest species or cultural resources within the project area.

   (d) **Recreation:** This project does not involve any recreation facilities or uses. The proposed pier will be similar in length to adjacent existing piers and will not extend beyond the TRPA pierhead line. By remaining consistent with existing development, the proposed pier will not adversely affect recreational boating or top-line angling.
(e) **Public Service Facilities:** This project does not require any additions to public services or facilities.

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

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

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

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

(Refer to paragraph 2, above.)

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

The proposed project will not have an impact on littoral processes because the project does not involve a structure that is less than 90 percent open. The proposed project is located in an area mapped and verified as feed and escape cover habitat, not spawning habitat. The proposed pier will be placed in a location to minimize disturbance to the substrate, boulders, and existing vegetation. The proposed project is not located within an area that is mapped as on-shore wildlife habitat. The existing backshore is in stable condition and the proposed project will not alter the existing backshore.

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

This project involves the relocation and expansion of an existing pier. The project is located offshore of a property occupied by a single family residence. The pier will only be used by the owners of the property. There is sufficient parking and shorezone access to accommodate the project.

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

The project is compatible with existing shorezone accessory uses (piers) in the vicinity. The proposed pier will not extend beyond the TRPA pierhead line. The existing structure is being modified and brought towards conformance with TRPA.
development standards. The proposed structure will meet the setback and height standards for piers.

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

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

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

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

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

The applicant shall not be permitted to store construction materials on the beach. Permanent disturbance to ground and vegetation is prohibited. Due to amount of existing vegetation and large boulders in the vicinity, final placement of the pier will be determined at the pre-grade inspection. This determination shall be based on minimizing the impacts to the substrate, fisheries, and existing vegetation.

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

The proposed pier will not extend beyond the TRPA pierhead line. The U.S. Army Corps of Engineers must also review this project for navigational safety. The U.S. Army Corps of Engineers have completed a preliminary review of the project and commented that no safety or navigation impacts have been identified.

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

This project must receive approval from the Nevada Division of State Lands, and the U.S. Army Corps of Engineers. Comments from these agencies, as well as the Nevada Division of Wildlife, were solicited as part of the review of this project. The U.S. Army Corps of Engineers had concerns over the initial project that included the boulder relocation. The project has subsequently been revised. None of the agencies indicated that they had concerns regarding the proposed project.

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

This project will bring the existing structure towards, but not entirely, into conformance with the TRPA design standards for piers. The proposed structure will still retain the non-conforming sundeck. The existing structure does not meet the height, width, or scenic design standards. The project will not create a degradation of any of the environmental thresholds. The proposed project is
visible from Scenic Shoreline Unit number 23 (Crystal Bay) which has a score of 8. This unit is in not in attainment with TRPA scenic thresholds. Staff has determined that this pier expansion is consistent with the scenic quality standards due to the mitigation proposed. The proposed scenic mitigation includes bringing the structure further into conformance with the TRPA design standards. This project is presently located in an area mapped and verified as Feed and Escape Cover habitat. TRPA staff has inspected the subject parcel and determined that the proposed project will not adversely impact fisheries.

13. The project complies with the requirements to install Best Management Practices (BMPs) as set forth in Chapter 25.

All of the required BMPs have been previously installed or will be installed as a condition of approval.

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

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

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

The pier has been continually serviceable.

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

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

II. A motion to approve the project based on this staff summary subject to the conditions listed below:

(1) This permit authorizes the replacement and expansion of an existing single-use pier. The existing pier extends 32 feet lakeward from the high water line and is approximately 7 feet wide. The approved pier will be approximately 55 feet long and 10 feet wide. Also proposed as part of the project is a 30 foot long by 3 foot wide catwalk and low-level boatlift. The proposed project will bring the existing non-conforming structure towards conformance with the required TRPA Code sections. This project does not include any additions or modifications to the existing residence other than the installation of the required water quality improvements. This project also includes minor landscaping.

(2) The Standard Conditions of Approval listed in Attachment S where applicable.
Prior to permit acknowledgement the following special conditions of approval must be satisfied:

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

(i) The BMP’s shall be revised to include gravel under the existing house deck.

(ii) The applicant shall provide a copy of an easement for Gonowabie Road, in order for TRPA to determine if the roadway should be included in the project area calculations. If the road is to be included in the project area the coverage numbers shall be revised.

(iii) The TRPA has not verified all of the soft coverage as legally existing. Revise the site plan to reflect that the existing and proposed coverage numbers shall be reduced to 4,138.

(iv) The site plan shall be revised to show the location of any proposed fender pilings. The permittee shall also submit a color sample for any proposed fender pilings.

(b) The permittee shall mitigate 4,152 square feet of excess land coverage on this property by submitting an excess coverage mitigation fee or by removing coverage within Hydrologic Transfer Area Number 9, Agate Bay.

The excess coverage mitigation fee shall be calculated as follows:

(1) Estimated Project Structural Construction Cost x 0.0150.

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

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

(2) Excess coverage mitigation fee (per formula (1), above) divided by $5.00 per square foot. If you choose this option, please revise your final site plan and land coverage calculations to account for the coverage removal.

(c) The security required under Standard Condition A.3 of Attachment S shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. In no case shall the security be less than $3,500. Please see Attachment J, Security Procedures. The return of the submitted
security shall also be dependent on the required photos being submitted under Special Condition #9.

(d) The permittee shall submit an additional filing fee of $490, for Governing Board review.

(e) The permittee shall submit a shorezone mitigation fee of $1,190 for the creation of 23 feet of additional pier and a boatlift.

4. The permittee shall use the colors and materials reviewed and approved by the TRPA (see file for details). TRPA shall review and approve any changes to the proposed colors and/or materials. The colors and materials shall conform to the following design standards for piers:

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

6. All existing live trees more than six feet from the existing foundations shall be preserved, unless otherwise noted on plans. Removal of trees greater than 6 inches in diameter at breast height (dbh) required TRPA approval. These trees may not be removed or trimmed for the purposes of view enhancement. If any of these trees is removed for any reason, each removed tree shall be replaced with a minimum of three conifer trees at least 6 feet high or 1-1 ½ inches dbh.

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

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

9. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel. The Security required under Special Condition 3(c) shall not be released until this information has been received.

10. No existing buoys are verified under this permit.

11. No boulders disturbance or relocation is permitted under this permit.

12. This permit does not approve the placement of any fender pilings, unless expressly stated in the permit.
NOTE:
The project consists of bringing a non-conforming pier towards conformance with the current agency requirements.
VIEWING SOUTHWESTERLY AT EXISTING PIER, SUNDECK, AND PUMPHOUSE

VIEWING NORTHWESTERLY AT EXISTING PIER AND SUNDECK FROM EXISTING PIERHEAD

PIER MODIFICATION/BOATLIFT

VICKERS PROPERTY
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Heavenly’s “Discovery Gallery”

Application Type: Temporary Use

Applicant: Heavenly Valley, Limited Partnership

Applicant’s Representative: Andrew Strain, Heavenly

Agency Planner: Jeanne McNamara, Associate Planner

Location: 988 Stateline Avenue, South Lake Tahoe, California

Assessor’s Parcel Number/Project Number: APN 029-066-09 / 990572

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

Project Description: The applicant is proposing operate a professional office (the “Discovery Gallery” professional office) which will provide information about the City of South Lake Tahoe’s Park Avenue Redevelopment Project and Heavenly’s proposed Grand Summit Resort Hotel. The information center will operate on a six-month temporary use permit and may be eligible for one six-month extension.

In December 1998, the applicant was granted a temporary use permit to operate the facility and was given a six-month extension to the original permit expiration date. This extension is due to expire on December 17, 1999.

Site Description: The 26,878 square foot parcel is located at 988 Stateline Avenue in the City of South Lake Tahoe, El Dorado County, California. The affected property contains a retail store, a motel, and parking areas. The land capability has been classified as Class 5. Surrounding land uses include motels to the north and east and casino hotels to the west and south.

Issues: The proposed project involves the operation of a professional office in a district of the City of South Lake Tahoe’s Stateline/Ski Run Community Plan which does not list professional offices as a permissible use. Chapter 7 of the TRPA Code permits the issuance of a temporary permit for uses not listed as permissible if the Special Use findings in Chapter 18 can be made.

Although this application could be acted on by the Hearings Officer, the project was scheduled for Governing Board consideration because this is the second temporary permit the applicant has applied for. The Code does not specifically state that temporary permits cannot be subsequently approved, however, the intent of this Code section was to allow for a six-month approval (and possibly a one-time six-month extension to the expiration date) to allow the applicant to operate while they pursue a permanent approval.

11/5/99
/JMC

CONSENT CALENDAR ITEM NO. 4
Another reason Governing Board action is requested involves the applicant’s request that the temporary permit be valid for three years from the approval date. There is no provision in the Code to allow a temporary approval longer than a year; and therefore, staff recommends that the approval be valid for six months for the following reasons:

1. Section 7.3 of the Code states “TRPA may approve a temporary use for a period not to exceed six months and may approve one six-month extension”. There are no exceptions to this provision in the Code.

2. Chapter Two of the Code defines a temporary use as “a primary use which does not exceed a period of twelve months”. The applicant is proposing to operate the use for a period of thirty-six months which does not meet the definition of a temporary use.

3. Temporary projects are exempt from water quality, excess coverage, and air quality mitigation fee requirements. The site is currently almost 100 percent covered and continuous temporary permits will not allow for the excess coverage to be mitigated.

4. As provided for in Code Section 7.3, “a use not listed in a plan area statement shall be reviewed as a special use in accordance with Subsection 18.1.B”. As discussed above and in Section B of this staff summary, this use is not listed as a permissible use in this portion of the Community Plan, therefore the special use findings have been made specifically because this is a temporary use. If the use were to be permanent, the Community Plan would need to be amended to allow for the use.

Staff Analysis:

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

B. Community Plan: The project is located within the Stateline/Ski Run Community Plan in Land Use District 2a, Stateline Pedestrian District. The Land Use Classification is Major Tourist Accommodation and Retail/Restaurant with Extensive Tourist Amenities. Agency Staff has reviewed the subject community plan and has determined that project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (professional offices) is not listed as a permissible use in this portion of the community plan. As provided for in Chapter 7 of the Code, a temporary permit may be issued if the special use findings in Chapter 18 of the Code are made.

C. Land Coverage: There is no change to the existing land coverage within the project area since the proposed temporary use will be placed in an existing commercial building.

D. Building Height: There will be no change to the height of the building as no construction activity is proposed by this approval.
E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6 and 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

   (a) **Land Use:** The proposed use (professional offices) is not a permissible use for this portion of the community plan. As provided for in Chapter 7 of the Code, a temporary permit may be issued if the special use findings in Chapter 18 are made (see (4), (5), and (6), below).

   (b) **Transportation:** No impacts on transportation are anticipated as a result of the project.

   (c) **Conservation:** Since no construction activity is permitted, and because this is a temporary approval, the applicant will not be required to apply Best Management Practices (BMPs) to the project area. There are no known special interest species, sensitive or uncommon plants, or cultural or historic resources within the project area. This project will be visible from Scenic Roadway Unit #32, Casino Area. However, the applicant is proposing no change to the exterior of the building, therefore, there will be no impact to the roadway unit.

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

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

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

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

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

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

(Refer to paragraph 2, above.)
Discovery Gallery Temporary Use

Page 4

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

The proposed use (professional office) is primarily intended to provide information and written and graphic displays related to the City of South Lake Tahoe Park Avenue Redevelopment Project. Specifically, the information provided will focus on the types and availability of the approved timeshare portion of the Park Avenue project. Heavenly Resort plays an integral role in this project as the approved Gondola will connect Heavenly Resort with Park Avenue. The proposed project will be located within an existing commercial building. Surrounding land uses include motels and casino hotels.

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

No construction activity is proposed by this approval. There is no evidence that the proposed project will be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the Region.

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

The proposed use (professional office) is not expected to alter the character of the neighborhood. The project is located within the Stateline/Ski Run Community Plan in Land Use District 2a, Stateline Pedestrian District. Agency Staff has reviewed the subject community plan and has determined that project is consistent with the applicable planning statement, planning considerations and special policies.

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

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

II. A motion to approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

11/5/99
/JMC

CONSENT CALENDAR ITEM NO.4
D-R-A-F-T

PERMIT

PROJECT DESCRIPTION: "Discovery Gallery" Temporary Use

APN: 029-066-09

PERMITTEE(S): Heavenly Valley, Limited Partnership

FILE #990572

COUNTY/LOCATION: El Dorado County / 988 Stateline Avenue

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on November 17, 1999, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on June 17, 2000 without further notice. The applicant may be eligible for one six-month extension if a request in writing is submitted prior to the expiration date.

NO USE SHALL COMMENCE UNTIL ALL CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO USE SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA INSPECTION HAS BEEN CONDUCTED. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A CITY BUILDING PERMIT.

_________________________________________ Date

TRPA Executive Director/Designee

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

_________________________________________ Date

Signature of Permitee(s)

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PERMIT CONTINUED ON NEXT PAGE

11/5/99

/JMC

CONSENT CALENDAR ITEM NO.4

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Discovery Gallery Temporary Use
Page 6

D-R-A-F-T
APN: 029-066-09
FILE NO. 990572

Security Posted: Amount $ 5,000 Posted 12/29/98 Receipt No. 20936 Type Check

Security Administrative Fee: Amount $ 125 Paid 12/29/98 Receipt No. 20936

Required plans determined to be in conformance with approval: Date: ________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

_____________________________ Date
TRPA Executive Director/Designee

-------------------------------------------------------------

SPECIAL CONDITIONS

1. This permit authorizes the operation of the Discovery Gallery to provide the public with information on the Park Avenue Redevelopment Project and Heavenly's Grand Summit Resort Hotel. The operation of the Discovery Gallery is valid for six (6) months however, TRPA may approve one, six month extension, if appropriate. Request for permit extensions shall be made in writing to TRPA prior to expiration of this permit. This permit shall be effective upon the expiration date of the previous approval (TRPA File #980846) which is due to expire December 17, 1999.

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

A. The security required under Standard Condition I.2 of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures. In no case shall the security be less than $5,000.

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

3. No construction activity is authorized by this permit. Any construction or grading requires separate application to TRPA.

4. By acceptance of this permit, the permittee acknowledges that the TRPA Code of Ordinances requires that this property, located within a Priority 2 watershed group, install and maintain all Best Management Practices prior to October 15, 2006.

11/5/99
/JMC

CONSENT CALENDAR ITEM NO. 4

36
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Heavenly's "Discovery Gallery"

Application Type: Temporary Use and Structure

Applicant: Heavenly Valley, Limited Partnership

Applicant's Representative: Andrew Strain, Heavenly

Agency Planner: Jeanne McNamara, Associate Planner

Location: 3860 Saddle Road (California Base Lodge Parking Lot), El Dorado County

Assessor's Parcel Number/Project Number: APN 030-370-04 / 990573

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

Project Description: The applicant is proposing to construct a temporary 28 foot by 64 foot two-story modular building in Heavenly Resort's California Base parking lot. The building will contain approximately 3,500 square feet of floor area and will be located adjacent to the existing main lodge building. The proposed building will be used to provide information and written and graphic displays related to the City of South Lake Tahoe's redevelopment projects. The structure and information center will operate on a six-month temporary use permit and may be eligible for one six-month extension. No grading or ground disturbance is proposed as a part of the project.

In December 1998, the applicant was granted a temporary use permit to operate and construct the facility and was given a six-month extension to the original permit expiration date. This extension is due to expire on December 17, 1999.

Site Description: The location of the proposed modular building is over existing asphalt pavement in Heavenly Resort's California Base parking lot. Surrounding land uses include a ski resort, hotels, and multi-family dwellings.

Issues: The proposed project involves the operation of a professional office in a Plan Area which does not list professional offices as a permissible use. Chapter 7 of the TRPA Code permits the issuance of a temporary permit for uses not listed as permissible if the Special Use findings in Chapter 18 can be made. The Heavenly Master Plan, which includes the California Base area, also does not include professional offices in this area.

Although this application could be acted on by the Hearings Officer, the project was scheduled for Governing Board consideration because this is the second temporary permit the applicant has applied for. The Code does not specifically state that temporary permits cannot be subsequently approved, however, the intent of this Code section was to allow for a six-month approval (and possibly a one-time six-month extension) to allow the applicant to operate while they pursue a permanent approval.
Another reason Governing Board action is requested involves the applicant's request that the temporary permit be valid for three years from the approval date. There is no provision in the Code to allow a temporary approval longer than a year, and therefore, staff recommends that the approval be valid for six months for the following reasons:

1. Section 7.3 of the Code states "TRPA may approve a temporary use for a period not to exceed six months and may approve one six-month extension." There are no exceptions to this provision in the Code.

2. Chapter Two of the Code defines a temporary use as "a primary use which does not exceed a period of twelve months." The applicant is proposing to operate the use for a period of thirty-six months which does not meet the definition of a temporary use.

3. The Heavenly Master Plan and the supporting Environmental Impact Report/Environmental Impact Statement (EIR/EIS) did not anticipate a professional office use at the California Base parking lot. In order to allow for this use on a permanent basis, the Master Plan and EIR/EIS would need to be amended.

4. As provided for in Code Section 7.3, "a use not listed in a plan area statement shall be reviewed as a special use in accordance with Subsection 18.1.5." As discussed above and in Section B of this staff summary, this use is not listed as a permissible use in the Plan Area; therefore, the special use findings have been made specifically because this is a temporary use. If the use were to be permanent, the Plan Area would need to be amended to allow for the use.

Staff Analysis:

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

B. **Plan Area Statement:** The project is located in Plan Area Statement 087, Heavenly Valley, California. The Land Use Classification is Recreation and the Management Strategy is Mitigation. Staff has reviewed the subject plan area and has determined that although the proposed temporary use is not consistent with the Plan Area Statement, because it is temporary use it will not alter the planning statement, planning considerations, and special policies. The proposed use (professional office) is not listed as a permissible use. As provided for in Chapter 7 of the Code, a temporary permit may be issued if the special use findings in Chapter 18 of the Code are made.

C. **Land Coverage:** There is no change to the existing land coverage within the project area since the proposed temporary structure will be placed on an existing paved surface and no grading is associated with this approval.

D. **Building Height:** Based on a 2 percent cross-slope retained across the building site, and a 1:12 pitch, the maximum allowed height for the proposed building is 25 feet, 8 inches. The proposed building has a maximum building height of 25 feet, 5 inches.
E. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

(a) Land Use: The proposed use (professional offices) is not a permissible use for this Plan Area. As provided for in Chapter 7 of the Code, a temporary permit may be issued if the special use findings in Chapter 18 are made (see finding (4), (5), and (6), below).

(b) Transportation: No impacts on transportation are anticipated as a result of the project.

(c) Conservation: Because this is a temporary project, the applicant is not required to apply Best Management Practices (BMPs) to the project area. The project is not located within a scenic shoreline unit or a scenic roadway unit. There are no known special interest species, sensitive or uncommon plants, or cultural or historic resources within the project area.

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

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

(f) Implementation: Because this is a temporary use, this project does not require an allocation of Commercial Floor Area.

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

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

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

(Refer to paragraph 2, above.)

4. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.
The proposed use (professional office) is primarily intended to provide information and written and graphic displays related to the City of South Lake Tahoe Park Avenue Redevelopment Project. Specifically, the information provided will focus on the types and availability of the approved timeshare portion of the Park Avenue project. Heavenly Resort plays an integral role in this project as the approved Gondola will connect Heavenly Resort with Park Avenue. The proposed project does not include any grading and will be located adjacent to the main lodge away from the adjoining properties.

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

The proposed project does not include any grading or ground disturbance. The Initial Environmental Checklist (IEC) did not identify any impacts to the land, water, and air resources of the subject property or that of surrounding properties.

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

The proposed use (professional office) is not expected to alter the character of the neighborhood. Staff has reviewed the subject plan area and has determined that although the proposed use is not consistent with the Plan Area Statement and Heavenly’s Master Plan, because it is a temporary use, it will not alter the planning statement, planning considerations, and special policies or the Master Plan.

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

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

II. A motion to approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.
D-R-A-F-T

PERMIT

PROJECT DESCRIPTION: "Discovery Gallery" Temporary Use & Structure  APN: 030-370-04

PERMITTEE(S): Heavenly Valley, Limited Partnership  FILE #990573

COUNTY/LOCATION: El Dorado County / 3860 Saddle Road, California Base Lodge Parking Lot

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on November 17, 1999, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on June 17, 2000 without further notice. The applicant may be eligible for one six-month extension if a request in writing is submitted prior to the expiration date.

NO CONSTRUCTION OR USE AUTHORIZED UNDER THIS PERMIT SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO CONSTRUCTION OR USE SHALL COMMENCE UNTIL ALL CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR USE SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA INSPECTION HAS BEEN CONDUCTED. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

_____________________________  ______________________
TRPA Executive Director/Designee  Date

PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

_____________________________  ______________________
Signature of Permittee(s)  Date

_____________________________  ______________________
/jmc  Date

PERMIT CONTINUED ON NEXT PAGE

11/5/99  CONSENT CALENDAR ITEM NO.5

/JMC

47
D-R-A-F-T

APN: 030-370-04
FILE NO. 990573

Security Posted: Amount $ 7,480   Posted 12/29/98   Receipt No. 20937   Type Check
Security Administrative Fee: Amount $ 125   Paid 12/29/98   Receipt No. 20937

Required plans determined to be in conformance with approval: Date: 

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee ___________________________ Date ________________

SPECIAL CONDITIONS

1. This permit authorizes the temporary placement of a 28 foot by 64 foot, two-story modular building adjacent to the main lodge a Heavenly Resort's California Base Lodge parking lot. This permit also authorizes the temporary operation of the Discovery Gallery to provide the public with information on the Park Avenue Redevelopment Project and Heavenly’s Grand Summit Resort Hotel. The temporary building and the operation of the Discovery Gallery is valid for six (6) months however, TRPA may approve one, six month extension, if appropriate. Request for permit extensions shall be made in writing to TRPA prior to expiration of this permit. The subject building must be removed no later than June 17, 2000, unless an extension is granted by TRPA. This permit shall be effective upon the expiration date of the previous approval (TRPA File #980891) which is due to expire December 17, 1999.

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

A. The security required under Standard Condition 1.2 of Attachment Q shall be $7,480. Please see Attachment J, Security Procedures.

B. No signs are authorized as a part of this permit. Any reference to signage on the elevation drawings shall be removed or labeled as "not a part".

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

3. No grading or ground disturbance is authorized by this permit. Any grading or ground disturbance requires separate application to TRPA.

11/5/99 /JMC

CONSENT CALENDAR ITEM NO.5
November 8, 1999

To: Tahoe Regional Planning Agency, Sitting as the Regional Transportation Planning Agency

From: Transportation Staff

Subject: Regional Transportation Planning Agency Hearing on Adoption of the 2000 Regional Transportation Improvement Plan

Action Requested: Staff request that the Commission review the proposed 2000 Regional Transportation Improvement Program (RTIP) for California County Shares and make a recommendation for adoption by the Tahoe Regional Planning Agency, acting as the Regional Transportation Planning Agency. In addition, a reprogramming of funds for the amended 1998 RTIP is also being requested.

Definitions:
1. Transportation Improvement Program (TIP): A generic name for a program of projects.
2. Regional Transportation Improvement Program (RTIP): California only. A program of projects funded from the California County Share program developed by SB 45. The only projects listed in RTIP are those to be programmed in the California STIP. The TRPA, acting as a California Regional Transportation Planning Agency, adopts the RTIP.
3. Interregional Transportation Improvement Program (ITIP): Those projects programmed for funding by Caltrans using statewide discretionary funds and adopted into the STIP.
4. State Transportation Improvement Program (STIP): Both California and Nevada adopt a statewide version of a TIP.
5. Federal Transportation Improvement Program (FTIP). This is also known as the Metropolitan Transportation Improvement Program (MTIP), or could be called the Tahoe Transportation Improvement Program (TTIP). It is the federally required TIP for a metropolitan planning organization. Therefore, the Tahoe MPO must adopt an FTIP. The Tahoe FTIP will have California and Nevada sub-elements.
6. Federal State Transportation Improvement Program (FSTIP): In California, the FSTIP consists of the STIP and FTIPs from each of the MPO in the state. In Nevada, the FSTIP is the same document as their STIP. The FSTIPs must be approved by the Federal Highway Administration and the Federal Transit Administration.

Background: California Regional Transportation Planning Agencies, of which TRPA is one, must, by December 15 of each odd-numbered year, adopt a Regional Transportation Improvement Program (RTIP). The RTIP is a program of projects funded from County Share apportionments. The RTIP does not include any other funding sources, so projects funded from
Hearing on the Adoption of 2000 RTIP

Page 2

the State Highway Operations and Protection Program (SHOPP), Enhancement Program (TEA), Congestion Mitigation and Air Quality Program (CMAQ), federal transit earmarks, Public Lands Highway Program or any other direct federal source are not included in the RTIP. Projects funded from these sources will be programmed into the region's FTIP to be adopted at a later date.

TRPA has adopted two RTIPs under the revised programming process initiated by the passage of SB 45 in 1997. The 1998 Tahoe RTIP was adopted in February 1998, and had two minor amendments to it in June 1998 and September 1998. Subsequent to those actions, the California Transportation Commission (CTC) allocated additional funds, and the 1998 RTIP Augmentation was adopted in January 1999. Exhibit 1 is a summary of the Tahoe County Share as of August 1999, showing both the Programmed and Unprogrammed balances.

The CTC has determined that there are insufficient funds to allocate to the Regions for additional programming in the 2000 STIP. In other words, the Tahoe RTIP will not have any new County Shares accruing to it for the 2000 RTIP. Given no new County Shares, staff identified three scenarios for development of the 2000 RTIP:

• Do Nothing;
• Program all of a portion of the Unprogrammed Balance;
• Program the Unprogrammed Balance and Request an Advance on Future County Shares.

Any projects selected in the RTIP must, at a minimum: 1) need to be consistent with the 1992 Regional Transportation Plan, and 2) need to have approved Project Study Report (PSR) or PSR Equivalent.

At the October 8, 1999 Board meeting of the TTD and the TTC, the Board members concurred with staff recommendations regarding the direction of the proposed program, including the programming of funds for construction of Phase I of US 50 project in the City of South Lake Tahoe, program project development components of Phase II of the US 50 project, and to program all components of the Fanny Bridge project in Tahoe City. The Board asked staff to take back to the Technical Advisory Committee (TAC) a discussion regarding additional transit vehicle and facility needs, CMAQ match reserves, and programming issues related to local streets and roads rehabilitation.

Discussion: Subsequent to the October 8 TTD and TTC Board meeting, staff met with members of the TAC. At that meeting, staff presented a list of proposed 2000 RTIP projects. During this discussion, three key projects issues were addressed, summarized as follows:

1. The assumption was made, based on the recently enacted AB 1012 legislation regarding project delivery, that project delivery components could be funded without having a completed PSR. The TAC recommended that RTIP funds be used to program project development costs for the US 50 Phase II project, the Kings Beach Highway Improvement project, and the Fanny Bridge project.

2. The TAC concurred that replacement transit vehicle needs are currently accounted for with existing committed fund sources from the 1998 RTIP. No other transit projects were proposed.

3. Local streets and road rehabilitation projects were proposed for both El Dorado County and the City of South Lake Tahoe. Funding for the El Dorado County projects were contingent upon the availability of local match, although the TAC was unsure whether local match was required.

RW/jrwb

AGENDA ITEM VII.A

58
Subsequent to the TAC meeting, staff have received additional information and project requests that have, in many respects, altered the consensus of the TAC. Staff believe that significant adjustments based on these changes and requests would be a major departure from what the TAC discussed. In particular:

- AB 1012 does not allow for the programming of project development cost without a PSR. This affects the TAC input on the US 50 project in the CSLT, the Kings Beach Highway Improvement project, and funding for Fanny Bridge;
- Placer County has requested, in lieu of programming for Kings Beach, $1 million in funds for local streets and road rehabilitation;
- El Dorado County has indicated to staff that state funds will be committed as match for their local streets and roads rehabilitation projects. These state funds are in fact RTIP funds;
- Caltrans has revised their schedule and project support costs for Phase I of the US 50 project.
- A new transit project proposal has been presented by the South Shore TMA.

The RTIP development process is being compromised by changes to the project list subsequent to policy and technical review. The 2000 RTIP being proposed for adoption has significant changes from what was discussed at the October TAC and Board meetings. Staff are uncomfortable with the many last minute changes being made and asking for board recommendations for major programming decisions without the benefit of discussions.

In addition, staff initially indicated that they would be willing to accept PSR equivalents for road rehabilitation projects after the RTIP is adopted, but before the STIP is approved. This is a very risky approach, and one that should be avoided. The intent was to provide project sponsors with as much opportunity to program a project, but a more appropriate policy may be to amend the RTIP after the PSR process is complete. Staff should not be accepting projects for programming without the benefit of a full review of the project proposal, regardless of the timing for RTIP programming.

These, among others, are the primary reasons that staff are proposing the following process for the 2000 RTIP for programming of funds in the 2000 STIP and for amending the Amended 1998 RTIP. The process consists of four parts, as shown below:

1. Amend the 1998 RTIP to provide for reprogramming of the transit vehicles originally programmed, but for which funds were not allocated, and to revise the project support costs for Phase I of the US 50 project.

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSLT</td>
<td>2-40' Diesel Buses @ $180 per ($72 loc)</td>
<td>$288</td>
</tr>
<tr>
<td>CSLT</td>
<td>4-15 Pass 4WD Van (1 w/ramp) ($33 loc)</td>
<td>$132</td>
</tr>
<tr>
<td>Placer</td>
<td>3-40' Diesel Buses @ 225 per (135 loc)</td>
<td>$540</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$960</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Project</th>
<th>Previous</th>
<th>Revised</th>
<th>Additional</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSLT</td>
<td>US 50 PA&amp;ED</td>
<td>$215</td>
<td>$438</td>
<td>$223</td>
</tr>
<tr>
<td>CLST</td>
<td>US 50 PS&amp;E</td>
<td>$917</td>
<td>$798</td>
<td>-$119</td>
</tr>
<tr>
<td>CSLT</td>
<td>US 50 ROW Support</td>
<td>$500</td>
<td>$1,113</td>
<td>$613</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,632</td>
<td>$2,349</td>
<td>$717</td>
</tr>
</tbody>
</table>
2. Adopt the following projects for the 2000 RTIP.

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Project</th>
<th>Cost</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSLT</td>
<td>US 50 Ph. II PA&amp;ED</td>
<td>$ 297</td>
<td>00/01</td>
</tr>
<tr>
<td>Placer</td>
<td>Fanny Bridge PA&amp;ED</td>
<td>$ 300</td>
<td>00/01</td>
</tr>
<tr>
<td>TMPO</td>
<td>CMAQ Match Reserve (3 of 6 allocation years)</td>
<td>$ 135</td>
<td>00/01</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 732</td>
<td></td>
</tr>
</tbody>
</table>

The following is a summary of the balance of Lake Tahoe County Share funds under the above scenario:

1998 Amended RTIP Unprogrammed Balance $4,528
Less 1998 Reprogram and Amendment - $1,677
Balance Available for 2000 STIP Period Programming $2,851
Less 2000 RTIP Projects Programmed - $ 732
2000 RTIP Unprogrammed $2,119

3. Complete PSR and PSR Equivalents and initiate technical and policy review for the potential inclusion of projects for amendment into the 2000 RTIP within the next 3 – 6 months, such as the projects listed below.

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado</td>
<td>Local Streets and Road Rehabilitation</td>
<td>$up to 5.7 mil</td>
</tr>
<tr>
<td>CSLT</td>
<td>Local Streets and Road Rehabilitation</td>
<td>$ 550</td>
</tr>
<tr>
<td>Placer</td>
<td>Local Streets and Road Rehabilitation</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

4. Monitor and evaluate project needs over the next two years and amend RTIP/STIP as appropriate or program project components in subsequent RTIP cycles. The following are potential projects that will be seeking funds.

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSLT</td>
<td>US 50 Ph. I Construction Support and Capital</td>
</tr>
<tr>
<td>CSLT</td>
<td>US 50 Ph. II Project Development (except PA&amp;ED)</td>
</tr>
<tr>
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<td>Fanny Bridge Project Development (except PA&amp;ED)</td>
</tr>
<tr>
<td>Placer</td>
<td>Fanny Bridge Construction Support and Capital</td>
</tr>
<tr>
<td>Placer</td>
<td>Kings Beach Highway Project Development</td>
</tr>
<tr>
<td>Placer</td>
<td>Kings Beach Highway Construction Support and Capital</td>
</tr>
<tr>
<td>RTPA</td>
<td>Echo Summit Project Development</td>
</tr>
<tr>
<td>RTPA</td>
<td>Echo Summit Construction Support and Capital</td>
</tr>
<tr>
<td>SS/TMA</td>
<td>Camp Richardson Transit Circulatory System</td>
</tr>
</tbody>
</table>

Other projects may also be identified or proposed.

If there are any questions on this agenda item, please contact Richard Wiggins at (775) 588-4547.
Tahoe Regional Planning Agency,
Sitling as the Regional Transportation Planning Agency
TRPA Resolution No. 99-

Adoption of the 2000 Regional Transportation Improvement Program

WHEREAS the Tahoe Regional Planning Agency (TRPA) has been designated a Regional Transportation Planning Agency for the California portion of the Tahoe Region; and

WHEREAS the California Transportation Commission has adopted guidelines that require each RTPA to adopt a Regional Transportation Improvement Program (RTIP) by December 15 of each odd-numbered year; and

WHEREAS the Tahoe Transportation District, the Tahoe Transportation Commission and the Transportation Technical Advisory Committee have participated in the development of the 2000 RTIP; and

WHEREAS the additions and project cost increases necessitate that the Amended 1998 RTIP be amended to reflect the following projects:

<table>
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<tr>
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<th>Revised</th>
<th>Additional</th>
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<td>$500</td>
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<td>$613</td>
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<tr>
<td></td>
<td>Subtotal</td>
<td>$1,632</td>
<td>$2,349</td>
<td>$717</td>
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WHEREAS the projects adopted into the 2000 RTIP include:

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WHEREAS the CTC has adopted guidelines that provide for the amendment of the RTIP and the Statewide Transportation Improvement Program (STIP) should additional projects be proposed prior to the next RTIP adoption in 2001.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, adopts the above referenced projects into the 2000 RTIP for inclusion into the 2000 California STIP, and amends the above referenced projects into the Amended 1998 RTIP for amendment into the 1998 California STIP.
Hearing on the Adoption of 2000 RTIP
Page 6

PASSED AND ADOPTED this _______ day of November 1999 by the Governing Board of the Tahoe Regional Planning Agency, sitting as the Regional Transportation Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

______________________________
Larry Sevison, Chairman
Tahoe Regional Planning Agency
Sitting concurrently as the Regional Transportation Planning Agency
MEMORANDUM

November 8, 1999

To: TRPA Governing Board

From: TRPA Staff

Subject: Governing Board Meeting Management

Background: Due to the sometimes complex and controversial nature of certain issues placed on the Governing Board agenda, a significant portion of the Board's monthly agenda is often consumed by these types of items. At the October Governing Board meeting, the Board directed staff to look into various meeting management techniques that could be used to improve the efficiency of its meetings.

Staff Recommendation: First, staff recommends that each agenda include a notice that all comments made under the "Public Interest Comments" item be limited to no more than five minutes per person. Second, staff recommends that each agenda include a notice that all public comments should be as brief and concise as possible so that all who wish to speak may do so, and to not repeat testimony that has already been heard. Third, that staff will work with the Board Chairman to allocate specific blocks of time to each Board agenda item (to serve as guidelines) based on staff’s knowledge of the complexity of the issues and the amount of public comment anticipated. The "Approval of Agenda" item would allow the Board to briefly discuss the proposed time schedule and to decide how they wish to handle agenda items relative to each other within the amount of time available (9:30 a.m. until 5:00 p.m.). Fourth, staff recommends working directly with the Board Chairman to develop a list of meeting management techniques, i.e., setting specific time limits for staff, project proponent and public testimony portions of certain hearing items, using speaker sign-up cards, etc., that the Chairman may elect to use depending upon the situation at hand.

Staff believes that this approach will achieve the desired result of completing the Board's business in an effective and efficient manner, while providing adequate time to discuss important policy issues. While this approach will require the Chairman to play more of a "timekeeper" role than in the past, staff believes it is preferred over placing more strict requirements on those members of the public who participate in the public meeting and public hearing process.

If you have questions or comments on this item, please call Jerry Wells at (775) 588-4547.
MEMORANDUM

November 8, 1999

To: TRPA Governing Board
From: TRPA Staff
Subject: Discussion and Recommendation on Preparation of Study on Shorezone Impacts Associated With Lake Tahoe’s Water Level

Staff will be making a presentation on this agenda item at the November meeting.
MEMORANDUM

November 8, 1999

To: Governing Board
From: TRPA Staff
Subject: Discussion of Two-Step Subdivision Process

As a result of a recent subdivision application, the Governing Board requested that this item be put on the Agenda to discuss the TRPA process of approving subdivisions. It is staff's understanding that the Board desired an explanation of the TRPA "two step" process of approving a subdivision that was developed as part of the 1987 consensus agreements for the adoption of the Regional Plan. After the staff presentation, the Board will discuss the process and determine if any further action is necessary.

Staff will make a presentation at the meeting; however, we have attached a past memo prepared by Susan Scholley for background (see Attachment A). In addition, excerpts of the minutes from the September 1999 Governing Board meeting relating to this subject are attached (Attachment B).

If you have any questions or would like clarification of a specific issue relating to the subdivision approval process, please contact Gabby Barrett at 775-588-4547 ext. 219.

Attachments
August 22, 1995

To: TRPA Governing Board

From: TRPA Legal Division

Subject: TRPA’s Two-Step Subdivision Process for Post-1987 Residential Projects

The Governing Board has requested a written analysis and explanation of TRPA’s two-step subdivision process for post-1987 residential projects. TRPA’s two-step subdivision process was one of the 1986 amendments to the Goals and Policies Plan, adopted as part of the consensus building workshops and the settlement of litigation with California and the League to Save Lake Tahoe. The implementing ordinances (Chapters 41 and 43) were adopted in 1990, with further amendments in 1991, 1993 and 1994.

The Land Use Subelement, Goal #2, Policy 7, of the 1986 Goals and Policies Plan reads: "No new divisions of land shall be permitted within the Region which would create new development potential inconsistent with the goals and policies of this Plan." A list of seven exceptions follow this prohibition. The so-called "two-step" subdivision process is the last exception listed and exempts the following category of projects from the general prohibition:

"[d]ivisions of land through condominiums, community apartments or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of this Plan. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this Plan."

PURPOSE: One of the tenets of the 1987 Regional Plan was that development potential (e.g., residential development rights or allowable land coverage) would be limited to what existed in 1987. The Regional Plan permits the relocation or transfer of development potential but does not permit projects that would create new development potential. Subdivisions, which have the potential to create new vacant parcels and to increase the number of residential development rights, were prohibited, with some exceptions.

The two-step subdivision process was designed to be consistent with the policy of no new development potential while it served several goals of the Regional Plan. Those regional plan goals are: promoting the infill of development on high capability (non-sensitive) lands; redirecting development to more suitable areas; being consistent with the Bailey coverage coefficients; limiting IPES to single-family development; retiring sensitive parcels through development transfers; and avoiding the creation of new street networks.
Memorandum to Governing Body
August 22, 1995
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One of the management strategies for the 1987 Regional Plan is “redirection of development,” which is designed to improve environmental quality through rehabilitation, redevelopment, and relocation of development. The 208 Plan, adopted by TRPA in 1988, stated that TRPA’s subdivision policies will “maintain the existing boundaries of the urban areas within the Region, and will generally result in the infill of property within land capability districts 4 - 7 with urban land uses, consistent with TRPA’s plan area statements.” The 208 Plan went on to point out that the subdivision policies do not allow new subdivisions in undeveloped areas and that no new street networks would be established.

The two-step subdivision process achieves these goals by:

1) Insuring that post-1987 subdivisions do not create the potential for more coverage than that permitted by the Bailey coverage coefficients;

2) Limiting post-1987 subdivisions to high capability lands (land capability districts 4 - 7);

3) Prohibiting subdivisions of land in non-urban areas;

4) Limiting subdivisions of post-1987 projects to PASs which permit multi-residential and single-family uses;

5) Creating receiving projects for transfers of development; and

6) Limiting development potential, as measured in residential development rights, to that existing in July 1987;

WHAT IS THE TWO-STEP SUBDIVISION PROCESS?: The two-step subdivision process requires a project to first be approved as a multi-residential project. A multi-residential project, in TRPA’s Code, is any residential project with more than one residential unit per parcel. Multi-residential projects can be attached or free-standing units. Given the coverage limitations, it is assumed that there is no environmental difference between detached and attached units. Examples of multi-residential projects are duplexes, triplexes, apartments, and dormitories.

After receiving approval for a multi-residential project, the project can be transformed into a subdivision (either condominiums, community apartments, or stock cooperatives), in a subsequent project action.

There are several reasons behind this two-step process. The first is that a multi-residential project can only be approved in plan area statements that permit multi-residential uses. This requirement limits new subdivisions to the more densely urbanized areas in the Basin. Further, since a subdivided project is classified by TRPA as a single-family use, the plan area statement must be one which also permits single-family uses. There are approximately 45 PASs that permit both multi-residential and single-family uses and are thus eligible for subdivisions of post-1987 residential projects. Of these 45 PASs, multi-residential uses are limited to special areas in 23 of them.

Second, the requirement that a subdivision be approved first as a multi-residential project insures that subdivisions of post-1987 projects are in conformance with the Bailey coverage coefficients and are limited to high
capability lands (capability districts 4 - 7). This is a crucial point. If
the Code were to allow the subdivision of land, prior to multi-residential
project approval, then the resultant parcels could be permitted coverage
beyond the Bailey coverage coefficients using IPES or other transfer
provisions. Further, the two-step process insures that subdivisions will be
limited to high capability lands and will not be permitted on sensitive lands
using IPES.

Third, by limiting coverage under the Bailey coefficients and reviewing the
project as a multi-residential use, the developer of a subdivision for a
post-1987 project must utilize shared driveways and parking areas, consider
cluster-style development, engineer integrated BMPs and include an overall
landscaping plan. This type of integrated development and design achieves
community design goals, as well as environmental goals.

Fourth, by requiring a multi-residential project to go first, TRPA insures
that the developer already has allocations for the units and will be required
to transfer development rights before construction begins. This avoids the
creation of vacant parcels without allocations, which might create demand for
allocations beyond those permitted by Chapter 33.

Fifth, by limiting the available subdivision forms, the multi-residential
projects and the resultant subdivisions, include common area with common
facilities. Common area shared by several condominium owners is less likely
to be illegally covered or otherwise encroached upon. Further, the
condominium association provides a mechanism for joint maintenance of common
facilities, including BMPs.

Sixth, by having private access to the multi-residential projects, there is
less pressure to build new streets and roads to the "paper" subdivisions
discussed below.

THE TWO-STEP SUBDIVISION PROCESS ASSISTS IN THE RETIREMENT OF SENSITIVE LOTS
AND THE REDIRECTION OF DEVELOPMENT: The 1987 Regional Plan recognized that
many inappropriate and poorly planned subdivisions were created in the
non-urban areas and on sensitive lands (steep or SEZ areas) in the Tahoe
Basin. Many of these subdivisions are so-called "paper" subdivisions that
were created prior to the 1969 Compact or TRPA's 1972 Land Use Ordinance. A
"paper" subdivision is a subdivision for which a map was recorded but roads,
utilities or other infrastructure were not constructed. Many paper
subdivisions are in sensitive areas and the parcels have low IPES scores.
Building access roads may be infeasible due to current coverage limitations,
restrictions on disturbance of sensitive lands or the local jurisdiction's
reluctance to build new public roads.

While the prior regional plan permitted multiple densities, the 1987 Regional
Plan limited density to one residential unit per parcel and required the
transfer of development rights for all multi-residential projects. Thus, the
1987 Regional Plan created a regulatory program to encourage individuals to
permanently retire sensitive lots or paper subdivision lots by selling and
transferring the development rights from those parcels to parcels which are
permitted multiple densities.
In other words, to build a four-plex (four residential units) requires four allocations and four development rights. Since a parcel only has one development right, the developer of a four-plex must transfer three development rights from vacant parcels in the Region. Thus, although there are then four units on one parcel, three parcels elsewhere in the Region are permanently retired from development. There is an alternative way to create a four-plex, which is transferring existing residential units by tearing down and relocating the units. In this way, parcels which are sensitive, or are otherwise inappropriate for construction, are retired from development and the densities are moved to existing urban areas.

The annual distribution of 30 allocations to parcels with scores below the IPES line and the provisions for coverage transfers, were also designed to encourage transfers from, and retirement of, sensitive parcels. Retirement of parcels below the IPES line is an important aspect of lowering the IPES line.

In order for the incentives in the Regional Plan to work, it is important that there be a market for the transfer of development rights, allocations, existing units, and the related assignment of multi-residential bonus units from Chapter 35. In investigating the market for such transfers, TRPA has learned that one of the markets for transferred development rights and allocations, and the related bonus units, is developers purchasing these commodities for use in subdivisions of post-1987 projects in urban areas.

The Governing Board should keep the two-step subdivision process in mind when it is asked to amend the urban boundaries or to add multi-residential or single-family uses to plan areas. In order to maintain the limitations on subdivisions of post-1987 projects, plan area statement amendments should be carefully scrutinized.

SUBDIVISION OF PRE-1987 AND AFFORDABLE HOUSING STRUCTURES DISTINGUISHED:
TRPA’s subdivision policies treat the subdivision of pre-1987 (existing) structures and affordable housing projects differently from the subdivision of post-1987 projects. This distinction is based on the policies in the Land Use Subelement of the 1986 Goals and Policies Plan. This memorandum does not discuss these aspects of the Regional Plan or Code.

If there are any questions concerning this memorandum, please contact Susan Scholley or R.J. Nicolle at (702) 538-4547.
I. PROJECT REVIEW

A. Welze/South Shore Estates, 26-Unit Multi-Family Subdivision, Douglas County
   APN 007-050-05, File Nos. 970883 and 980089  (continued)

In response to an issue raised during the morning’s discussion, Dr. Miner asked that the staff
address the difference between the lot and block subdivision and the two-step subdivision
process and the Board’s adoption of provisions several years ago to eliminate the lot and block
subdivision process.

Deputy Executive Director Jerry Wells referred the Board members to the supplemental staff
packet provided Board members on the Welze project and the August 1995 memo from former
Agency Counsel Susan Scholley on the two-step subdivision process. The six goals of the two-
step subdivision process as addressed in the memo related to the following: 1) insuring the
post-1987 subdivisions would not create potential for more coverage than permitted by the
Bailey coefficients; previously with lot and block subdivisions coverage overrides beyond Bailey
were permitted for streets, over what was permitted for individual parcels; this was important in
addressing water quality impacts; 2) limiting the post-1987 subdivisions to high capability lands
(levels 4-7); 3) prohibiting subdivisions of land in non-urban lands; 4) limiting subdivisions of
post 1987 projects to Plan Area Statements (PASs) which permitted multi-residential and single-
family uses; these could be attached or detached units, since the multi-family definition did not
limit the units to attached structures; 5) creating receiving projects for transfer of development;
in the case of the 26 proposed units, there currently were one or two development rights on the
property; the applicant would have to obtain allocations from the local jurisdiction as well as
transfer in and retire development rights from other existing parcels; 6) limiting development
potential as measured in residential development rights to that existing in July 1987. The 1987
consensus group in designing this program was looking at achieving all these goals. This
process was geared to accomplish them — by providing incentives for transfers of development,
limiting coverage, and providing development only in urban areas. Mr. Wells explained that the
staff continued to support its recommendation...

...Mr. Larry Hoffman, attorney for the applicant, introduced the applicant, Jim Borelli, and
distributed a handout to the Board members. He summarized the topics being covered in his
presentation and explained he had been involved with the previous subdivision discussions and
the system was created for a purpose; it was implemented and did achieve its purpose. It was
doing good things and was nothing to shy away from. It did everything everyone agreed to
when it was put in the Goals and Policies and in the ordinances. Eighteen to 20 projects had
been approved under the process. This was a very good project. Mr. Hoffman explained that
his remarks would address that process, reliance on the Agency’s rules and fairness, issues
relating to the Washoe Tribe, and the indemnity agreement. He asked to reserve time upon
hearing all the testimony to comment later.

At this point in the meeting, Mr. Hoffman walked the Board members through his 75-page
tabbed handout, noting that in the late 1980s consensus discussions occurred in an effort to
come up with Agency regulations on numerous topics, including subdivision provisions. He
participated as a representative of the property owner community. Other participants included
Rick Skinner (now Thallhammer) for the California Attorney General; the League to Save Lake
Tahoe, TRPA, and others. The end result was development of a compromise set of rules to
achieve many goals and constraints. A key portion of this was the Land Use Element of the
Goals and Policies, basically the general plan of the Agency. Over a period of two to three
years, every word on this was hammered out. There was no mistake about intent or understandings. The goal was, in part, to direct the amount and location of new land uses in conformance with threshold carrying capacities. One of the policies to accomplish this goal provided that there would be no new divisions of land permitted which would create new development potential inconsistent with the Goals and Policies. The policy listed divisions of land that were considered not to be inconsistent with the policy when the results did not increase the development potential permitted by the plan. One of these included "division of land through condominiums, community apartments or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development.... in order to subdivide under this provision, a project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this plan." That policy was what was intended with this kind of a project. This was a tool the Agency wanted because it would relocate additional housing development into good land capability areas within the urban boundaries of the Basin, areas that could be serviced with roads and sewers and result in relocating development out of the higher up and more fragile lands. A person wishing to develop a project had to go up into the hillsides and acquire the development rights in order to relocate density. Twenty-five more development rights had to be acquired for this project. There also was the concept of having to get allocations, since only so many were allowed each year. This was a purposeful tool that was signed off by the California Attorney General, the League, by his group the Preservation Council, and unanimously approved by TRPA.

In November 1990 a mini-consensus group, including the League, the California AG, the Preservation Council, and others, battled out the details of the subdivision requirements based on the goals and the policies. Ms. Scholley's memo of November 15, 1990 (in his packet) to the Board brought the ordinance to the Board for adoption and included an October 23, 1990, letter from Mr. Skinner containing changes he wished to see in the subdivision ordinance. The Board minutes at the time of the adoption indicated that Mr. Skinner felt his concerns were addressed in the ordinance presented to the Board. The ordinance adopted unanimously by the Board on November 28, 1990, contained definitions of condominium development, new development potential, and a subdivision, and set forth limitations on new subdivisions. Section 41.3.G (Subdivision of New Projects) listed types of subdivisions that were deemed not to be banned by TRPA. Subdivisions through condominiums within existing urban areas in conjunction with approval of a project associated with an approved transfer of development were not banned. To divide a project, the project should not result in a greater amount, at a different location or a greater rate of development than permitted by the Regional Plan and Code. Chapter 43, adopted at the same meeting, set forth density, coverage, parking, BMP, service, and other restrictions.

Mr. Hoffman continued with his comments on his handout and the tabbed section relating to Board action on the 17-acre parcel and amendment of Plan Area Statement 073 to transfer the 16.68 acre parcel from a conservation reserve Plan Area to one which allowed multi-family and single family residential uses. The findings made in the granting of the amendment noted that it would have no impact on water or air quality. Resulting projects, however, were required to meet all the requirements of the Code. At the same time this amendment was being processed, the community plan for the Kingsbury area was in process, and the drafters of that plan felt that the property could be included in that commercial plan. Because community plans were reserved for commercial uses, it was felt the better use of this property was for infill residential uses to help meet the needs of the community plan. This new multi-residential special area was not eligible for the multi-residential incentive program but was required to purchase development rights and allocations. Single family and multi-family dwellings were permitted.
Mr. Hoffman referred next to an August 22, 1995, memo (in his handout) from Ms. Scholley which again addressed the two-step subdivision process for post-1987 residential projects. This came about as a result of former Board member Roland Westergard’s request for the whole Board to revisit the issue of the two-step process. The Board did discuss the process and the minutes were in his packet. The Board was not scheduled for action on this discussion item but did, following the discussion, approve a post 1987 subdivision. The 208 plan, adopted in 1988/89, contained a policy stating that no new subdivisions of land would be permitted which would create new development potential inconsistent with the Goals and Policies. The 208 plan contained a provision for “division of land through condominiums... within an existing urban area in conjunction with a project involving transfer of development rights... TRPA’s intent is to avoid the impacts of new lot and block subdivisions while using mechanisms such as resubdivision to lessen the impacts of existing approved but unbuilt subdivision.”

At this point, Mr. Hoffman referred the Board to his list of the 20 projects approved by TRPA under the two-step provisions of the rules. He distributed photographs of the completed projects, noting that one of them had been processed by Mr. Borelli and was almost a replica of the one before the Board. These were very desirable projects. Mr. Borelli’s project was processed in reliance on the same ordinance provisions. Nothing was different in this case. Mr. Hoffman presented more information on the Incline project; the neighbors’ concerns; changes to the project through the process; endorsements; League comments of support for aspects of the project relating to plan area and neighborhood consistency and infill. Although the California Attorney General may not have liked the Incline project, his office had signed off on the procedures. The applicant was not manipulating the process but was following a procedure created by TRPA in a consensus process to achieve some good results. Approximately 250 units had been pulled out of the mountains and put into these kinds of projects. They were good projects. It was unfair now to say that this project could not proceed. If there was a concern with the rules and they needed to be adjusted, there was a proper way to accomplish that...

...On the first point, Mr. Hoffman stated that the California AG and others bought off on the notion that this kind of project would be okay. Not so. Mr. Hoffman said that Mr. Skinner (Thallhammer) was present when the subdivision ordinance was adopted in 1990, and since he did not object that this kind of project was okay with the AG’s office. Section 43.4 on page 50 of Mr. Hoffman’s handout (the ordinance Mr. Hoffman said showed that the AG agreed to this kind of project), stated that that section of the ordinance to address subdivision of new projects was reserved. There was no provision regarding new projects when Mr. Skinner was present during the subdivision ordinance process. There was no agreement. The “reserved” provision was filled in in December 1994, and it prohibited new lot and block subdivisions or similar divisions of land. Secondly, Mr. Hoffman suggested that the California AG stood by while a number of other projects were approved by the Board. Again, not so. A number of letters were distributed to the Board from the California AG’s office, one from 1994 and another from 1996 in which there were objections to this kind of project because it was inconsistent with the mandates of the 208 plan and there was no discretion, other than by amending the 208 plan, to approve this kind of project. The distributed March 1996 Board meeting minutes, a meeting at which Mr. Borelli was proposing a similar project, showed that he had raised the AG’s objections to the project and to the inconsistency between this type of project and the 208 plan. Ms. Nason, from the League, was there as well and spoke on the controversial nature of the subdivision ordinance and the two-step process. She called for Code improvements. The notion that everyone bought into the process was simply not true. The notion that it was because of a new administration that the AG was objecting was equally false. Page 13 of the May 1996 Board minutes noted concerns

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expressed by the APC that this process was an end-run to the plan's prohibition on subdivisions. He, too, believed this was an end-run to the plan's prohibition of subdivision.

Mr. Siegel commented on Mr. Hoffman's allegation that these subdivisions pulled development from up on the mountains. There was no requirement that these development rights be pulled from any particular place. They could come from next door, from highly urbanized areas, from up the mountain. Approximately ten of the rights for this project he understood actually came from South Lake Tahoe, California. They were coming from wherever they could be found, from low capability land, from high capability land. The notion that this was redeveloping development from high up the mountain was simply not true. There was an implication that once these development rights were transferred off a parcel coverage was permanently retired from the parcel. Again, the coverage was not retired. Only the development right was transferred. The coverage could be used again in one of many ways. The owner of the original parcel could later again buy development rights and build on that property using the coverage or the owner could sell the coverage for use elsewhere. There was not double retirement of coverage as implied.

Mr. Siegel commented on the 208 plan and his previous correspondence to the Agency. Page 90 of the 208 plan stated construction of new road networks should be avoided, such as would be necessary to serve new subdivisions. The 208 plan pointed out that in large subdivisions sediment loads increased ten times or more. The map for the project showed that almost half of this project was roadway. It may be designated a driveway rather than a county road, but from the water's point of view, it was the same thing and would have the same water quality impacts. This was a new road network and should be avoided. Page 93 of the 208 plan said creation of new subdivisions on raw land should be avoided. This project was on raw undeveloped land. The plan report failed to address how this division of land could be approved consistent with the 208 plan. It was not. Only very limited subdivisions were to be allowed under the 208 plan. Mr. Hoffman had referenced 20 of these, some admittedly small and some not so small. TRPA's intent was to avoid the impacts of new lot and block subdivisions while using mechanisms such as resubdivision to lessen the potential impacts of existing, approved but unbuilt subdivisions. The first major project of this type to come to the Board was one owned by Mr. Yeoh in Incline Village. The proposal was to pull the development off of the approved and vested Bitterbrush project located on high hazard land. The property owner pulled the development off the project, and that was consistent with the plan, although it was not entirely consistent. The AG objected, but the Board approved it. With the current proposal, there was not even the camouflage of pulling development off a paper subdivision on high hazard land and putting it on high capability land. The intent of this condominium process was to take an existing approved subdivision, such as Bitterbrush, that had not been built and to mitigate the problem by creating and relocating the subdivision from low to high capability land. That was how this section of the ordinance was sold. That also was stated in the 208 plan. Mr. Siegel concluded that each of these points showed an inconsistency between the 208 plan and this project. The Board could not make the Chapter 6 findings of consistency with the 208 plan.

Mr. Marshall questioned Mr. Siegel on the general subdivision standards regarding subdivision of existing structures and the wording of the ordinance regarding planned unit developments and lot and block subdivisions.

Chairman Sevison suggested a lot of testimony was being focused on whether this was a PUD (Planned Unit Development) or a lot and block subdivision. Today, he would at least like to get through step one of this issue. He asked if it made sense to direct the conversation to basically
a free-standing apartment project. If that were approved to return and consider all the other arguments as to whether subdivisions were permitted or not.

Mr. Marshall suggested that Mr. Siegel appeared to be finished with the subdivision issue and was going to move on to the EIS issues, which would be available for the Board to consider in the first-step decision on the multi-family question.

Mr. Siegel explained the 208 plan prohibited this kind of development because of water quality impacts. If the Board was permitting the identical disturbance of land, then it arguably was still acting inconsistently with the 208 plan. The Board also had the over-arching problem of meeting thresholds. The different technical form of ownership would create the same impact to Lake Tahoe. With many of these projects, they were being driven by the fact they would be subdivided. The Board would not see an apartment complex that looked like this. The only reason for this configuration was that these would be sold as luxury single family homes. As to the EIS concerns, if there was a fair argument that there may be a significant impact, an EIS was required. In this case the AG believed an EIS was required not only to analyze the impacts of this particular project but, more important, to analyze the impacts of continuing to allow this type of development in the future. This type of practice had never been analyzed. The 208 plan EIS did not analyze this type of development. In fact, the 208 plan assumed this type of development would never occur. An environmental analysis was never done to address how many of these types of projects might occur and what their effect would be on Lake Tahoe’s water quality. It did find that they increased sediment loads by approximately 10 times or more, and it also indicated that the effectiveness of BMPs incorporated into this and other projects at Lake Tahoe were unknown. By continuing this type of practice, the Board was continuing without having an EIS to be a guide on whether there was continued harm to Lake Tahoe. As to this project, a fair argument could and did exist that it may harm Tahoe’s water quality because of its road network, the cuts for the buildings and resulting steeper slopes, and its reliance on BMPs. The 208 plan suggested that the effectiveness of BMPs was unknown. The draft Forest Service watershed assessment likewise indicated that the reliance on BMPs must be questioned and found, as had Dr. Goldman, that fine sediments were particularly disruptive for Lake Tahoe, both in terms of nutrients (phosphorous) brought to the Lake and turbidity caused by soils. The assessment found that the effectiveness of BMPs on those fine sediments was unknown. There was serious question about the effectiveness of the mitigation project. Part of the driving force behind support of the project was the mitigation. It was important to understand about that mitigation. It was his understanding it would have little effect on water quality, because for a restoration project to be effective there needed to be a gradual slope and a meandering stream. For reasons due to ownership of adjacent parcels, that apparently was not possible with this restoration project. In summary, Mr. Siegel urged the Board to pause before approving any more of these subdivisions, because they were inconsistent with the 208 plan prohibiting subdivision of raw land and creation of new road networks. The project failed to direct development from a bad, approved but unbuilt subdivision to a good one. At a time when $900 million was being asked of California, Nevada and the Federal Government and others to spend on saving Lake Tahoe, it made no sense to approve projects which were prohibited by TRPA’s water quality plan. He had several experts to speak following his comments: Dr. Charles Goldman, the director of the Tahoe Research Group, had been studying Lake Tahoe’s water since 1958; Dr. Robert Twiss, a Berkley Environmental Planning professor and past chair of the CTRPA, had helped to develop the Bailey land capability system and worked on the regional plan and the 208 plan; and Dr. Scott Stein, a geomorphology expert ...

...Ms. Bennett asked what environmental documentation was done for the similar types of subdivisions approved in Incline.
Mr. Siegel responded that of these subdivisions there were two or three which were of significant size. The AG opposed those subdivisions, believing they were inconsistent with the 208 plan. His letters reflected that. The first one was the Cy Yehros subdivision in Incline which his office opposed. The developer had a persuasive argument that it was maybe not a perfect fit with the 208 plan but since it was redirecting development from Bitterbrush to high capability land it was within the spirit of the 208 plan. The AG did not agree, but the Board felt that was sufficient justification to approve the project. This project did not have that cloak.

Ms. Bennett asked Mr. Siegel whether even if a full-blown EIS were done the AG would still object to a subdivision on the site.

Mr. Siegel agreed he would. Even if the project went ahead, even if it were consistent with the 208 plan, an EIS would be required. He did not see it as being consistent with the 208 plan. It was prohibited by the 208 plan and there was no need for the developer to engage in the expense of doing an EIS, because the project should not be approved after an EIS was completed.

Mr. Marshall explained that Mr. Siegel may have misunderstood the question. He did not think the Attorney General was saying that after an EIS was done, part of which was to consider alternatives, if there was an alternative that involved a subdivision that did not have water quality impacts or something like that, that such a subdivision would not be approvable under the two-step process. It was just that the AG found this configuration to be a lot and block-like subdivision that was inconsistent with the 208 plan.
MEMORANDUM

November 9, 1999

To: Governing Board Members
From: TRPA Staff
Subject: Discussion of Environmental Review Standard

At the November 17, 1999, meeting, staff will present a discussion of TRPA's environmental review standards. Attached to this memorandum are four documents pertinent to this discussion item: (1) Article VII (Environmental Impact Statements) of the 1980 Compact; (2) Chapter 5 (Environmental Documentation) of TRPA's Code of Ordinances; (3) Article VI (Environmental Impact Statements) of TRPA's Rules of Procedures; and, (4) TRPA's Initial Environmental Checklist.

As will be noted in the discussion, these provisions were modeled after similar requirements under the federal National Environmental Policy Act and the California Environmental Quality Act.

Attachment

JLM/
11/9/99

AGENDA ITEM NO. IX.C.
or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

**ARTICLE VII.—ENVIRONMENTAL IMPACT STATEMENTS**

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

1. Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

2. Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

   (A) The significant environmental impacts of the proposed project;

   (B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

   (C) Alternatives to the proposed project;

   (D) Mitigation measures which must be implemented to assure meeting standards of the region;

   (E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

   (F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

   (G) The growth-inducing impact of the proposed project;

3. Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

4. Make available to States, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

5. Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any Federal, State or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a Federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in

Public comments.

Information, repetition.

42 USC 4321

note.
the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

1. Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

2. Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII.—FINANCES

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the States of California and Nevada. Requests for State funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the States for review with any request for State funds, shall be strictly accountable to any county in the region and the States for all funds paid by them.
Chapter 5
ENVIRONMENTAL DOCUMENTATION

Chapter Contents

5.0 Purpose
5.1 Applicability
5.2 Determination Of Need To Prepare EIS
5.3 Environmental Assessments
5.4 Availability Of Environmental Assessments
5.5 Activities And Projects Exempt From Preparation Of Environmental Impact Statement
5.6 Finding Of No Significant Effect
5.7 Mitigated Finding Of No Significant Effect
5.8 Environmental Impact Statement

5.0 Purpose: This chapter sets forth the provisions regarding environmental documentation.

5.1 Applicability: Article VII(a)(2) of the Compact requires TRPA, when acting upon matters that may have a significant effect on the environment, to prepare and consider a detailed environmental impact statement (EIS) before deciding to approve or carry out any project.

5.2 Determination Of Need To Prepare EIS: Except for planning matters, ordinary administrative and operational functions of TRPA, or exempt classes of projects, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter.

5.2.A Initial Environmental Checklist: Applicants for projects, shall complete a TRPA initial environmental checklist (IEC), and shall submit the checklist as part of the project application.

(1) The applicant shall describe and evaluate the significance of all impacts receiving "yes" answers.

(2) The applicant shall describe and evaluate the significance of all impacts receiving "no with mitigation" answers and shall describe, in detail, the mitigation measures proposed to mitigate these impacts to a less than significant level.

5.2.B Findings: Based on the information submitted in the IEC, and other information known to TRPA, TRPA shall make one of the following findings and take the identified action:

(1) The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.
(2) The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

(3) The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this Chapter and TRPA's Rules of Procedure.

5.3 Environmental Assessments: If TRPA determines the IEC will not provide sufficient information to make the findings in Subsection 5.2.B, TRPA shall require the preparation of an environmental assessment in lieu of an initial environmental checklist.

5.3.A Environmental Assessments: Environmental assessments shall contain the following elements:

(1) A brief discussion of the need for the project; (2) Alternatives to the proposed project;

(3) A discussion of the environmental impacts of proposed project and the alternatives; and

(4) A list of agencies and persons consulted.

5.3.B Findings: Based on the information contained in the environmental assessment, and other information known to TRPA, TRPA shall make one of the findings listed under Subsection 5.2.B and take the action prescribed in the applicable finding.

5.4 Availability Of Environmental Assessments: TRPA shall make environmental assessments available for public review not less than five working days before TRPA intends to take action on the project.

5.5 Activities And Projects Exempt From Preparation Of Environmental Impact Statement: Article VIII(f) of the Compact, requires TRPA to adopt by ordinance a list of classes of projects which TRPA has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement.

5.5.A Projects Exempt From Preparation Of Environmental Impact Statement: The following projects are exempt from preparation of an EIS and other environmental documents:

(1) Construction of single family houses and additions and accessory structures thereto, in compliance with the provisions of the Code.

(2) Changes in use consisting of minor increases in vehicle trips (See Chapter 93).

(3) Transfers of development rights and residential allocations (does not include construction of new units).
5.5.B Significant Effect: The above categorical exemptions shall not be used for a project where there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.

5.6 Finding Of No Significant Effect: If TRPA finds that a project or matter will not have a significant effect, no further environmental documentation shall be required.

5.7 Mitigated Finding Of No Significant Effect: If TRPA finds a project or matter will not have a significant effect if certain mitigation measures are incorporated into and made a part of the project, the project description shall be correspondingly modified and no further environmental documentation shall be required.

5.8 Environmental Impact Statement: If TRPA finds a project or matter may have a significant effect on the environment, TRPA shall cause to be prepared an EIS in accordance with its Rules of Procedure, this Chapter and the Compact.

5.8.A Preparation Of EIS: When preparing an EIS, TRPA shall:

(1) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.

(2) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.

(3) Consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.

(4) Consult the public during the environmental impact statement process and solicit views during a public comment period not be less than 60 days.

5.8.B Contents Of EIS: An EIS shall include, at a minimum, the following:

(1) Description of project.

(2) The significant environmental impacts of the proposed project.

(3) Any significant adverse environmental effects which cannot be avoided should the project be implemented.

(4) Alternatives to the proposed project.
(5) Mitigation measures which must be implemented to assure meeting standards of the region.

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(7) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented.

(8) The growth-inducing impact of the proposed project.

5.8.C Inclusion Of Other Data And Information: An environmental impact statement need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

5.8.D Required Findings: Prior to approving a project for which an EIS was prepared, TRPA shall make either of the following findings for each significant adverse effect identified in the EIS:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.
Article VI
ENVIRONMENTAL IMPACT STATEMENTS

6.1 Purpose: These rules govern the preparation and processing of environmental documents pursuant to Article VII of the Compact and Chapter 5 of the Code. These rules must be read and applied in conjunction with Article VII of the Compact and Chapter 5 of the Code.

6.2 Joint Environmental Documents: For projects subject to the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) or other state or local environmental review, TRPA shall, whenever feasible, coordinate its environmental review process with the local, state or federal process. Coordination would include joint activities such as scoping, selection of consultants, notice and concurrent comment periods.

6.3 Projects Exempt from Environmental Documentation: Pursuant to Article VII(f) of the Compact, the Board may determine, by ordinance, that certain classes of projects will not have a significant effect on the environment and therefore will be exempt from preparation of environmental documentation.

(a) Such exempt projects are set forth in Section 5.5 of the Code.

(b) TRPA need not prepare environmental documentation on a TRPA decision to reject or disapprove a project or matter.

6.4 Initial Environmental Checklist (IEC): The Executive Director shall devise and maintain an initial environmental checklist (IEC) which shall be used, in conjunction with other available information, to determine whether an environmental impact statement (EIS) shall be prepared for a project or other matter. Based on the IEC, and other information known to TRPA, TRPA shall make one of the findings, as appropriate, set forth in Subsection 5.2.B of the Code.

(a) The IEC shall, when completed, provide information identifying the environmental effects of the proposed project or matter. The IEC shall include, at a minimum, the following:

(1) An identification of the environmental effects by use of a checklist, matrix or other method;

(2) A discussion of proposed mitigation for significant adverse effects, if any;

(3) The name of the person who prepared the responses; and

(4) If applicable, supporting data or evidence to support the responses.
(b) IECs shall be completed for projects and matters in accordance with Subsection 5.2.A of the Code.

(c) When completed, the IEC shall be reviewed by TRPA to determine the adequacy and objectivity of the responses. When appropriate, TRPA shall consult informally with federal, state, or local agencies with jurisdiction over the project or with special expertise on applicable environmental impacts.

6.5 Environmental Assessment (EA): The Executive Director may determine that the IEC will not provide sufficient information to determine whether a project or matter will have a significant effect and shall then require preparation of an environmental assessment (EA) or an EIS. The Executive Director also may require an EA in accordance with specific provisions of the Code. See Section 5.3 of the Code.

(a) EAs shall be prepared and processed in accordance with Sections 5.3 and 5.4 of the Code and as set forth in these Rules.

(b) The Executive Director shall determine the scope of EAs, in conjunction with Subsection 5.3.A of the Code and, when appropriate, in consultation with federal, state, or local agencies with jurisdiction or special expertise with respect to the project or matter under consideration. The scope of an EA shall include, but not be limited to:

(1) Range of alternatives to be considered;
(2) Effects to be analyzed;
(3) Agencies and persons to be consulted; and
(4) Mitigation measures to be considered.

(c) Adequacy of an EA shall be determined based on the following factors:

(1) Compliance with Chapter 5 of the Code;
(2) Sufficiency of analysis; and
(3) Reasonableness of evaluation.

(d) The Executive Director may determine, based on the scope or complexity of the EA, that it is appropriate to present the EA to the APC and request a recommendation from APC as to the adequacy of the EA.

(e) Based on the EA, and other information known to TRPA, TRPA shall make one of the findings, as appropriate, set forth in Subsection 5.2.B of the Code.
6.6 Finding of No Significant Effect (FONSE): If, based on the IEC or EA, and other available information, TRPA finds that a project or matter will not have a significant effect on the environment, a statement of such finding shall be placed in the project file maintained by TRPA and no further environmental documentation shall be required. See Section 5.6 of the Code.

6.7 Mitigated Finding of No Significant Effect: If, based on the IEC or EA, and other available information, TRPA determines that significant adverse effects can be mitigated by revisions to, or conditions on the project or matter, and the applicant agrees, in writing or on the record, to such revisions or conditions, then TRPA may find that the project or matter will not have a significant effect on the environment. A statement of such finding shall be placed in the project file maintained by TRPA and no further environmental documentation shall be required. See Section 5.7 of the Code.

6.8 Concurrent Review of Projects: For projects or matters reviewed by the Board, FONSEs or mitigated FONSEs may be made concurrently with the disposition of the project or matter. For projects or matters reviewed by the Executive Director, determination with respect to FONSEs, mitigated FONSEs and the adequacy of EAs shall be made concurrently with the disposition of the project or matter. In accordance with Section 5.16 of these Rules, project approvals by the Executive Director shall be posted at TRPA offices within one working day of approval.

Chapter 4, Appendix A, of the TRPA Code sets forth those projects and matters which are to be reviewed by the Board. Subsections 4.7.B and 4.7.C of the Code provide that the Executive Director may review certain other projects and matters.

6.9 Notice of Preparation of Environmental Documentation: Upon a determination that a project or matter may have a significant effect on the environment, an EIS shall be prepared and circulated. Notice of preparation shall be mailed to the Nevada and California state clearinghouses and appropriate local and federal agencies. Notice of preparation also shall be placed on subsequent APC and Board agendas, provided there is an intervening agenda between the decision to prepare an EIS and notice of the draft EIS. (See Section 6.13 of these Rules for notice of draft EISs). Notice of FONSEs, Mitigated FONSEs or EAs shall be given as follows:

(a) If the project or matter requires notice to affected property owners pursuant to Article XII of these Rules, then TRPA shall include in such notice the type of environmental document being proposed for the project or matter.

(b) If an EA is being prepared, the EA shall be available for public review no later than five working days before TRPA takes action on the project or matter. See Section 5.4 of the Code.

(c) The Board agenda shall indicate the type of environmental documentation proposed in connection with a project or matter set for action.
6.10 Preparation of EAs and EISs: EAs and EISs shall be prepared using one of the following methods, or a combination thereof, as agreed upon by the Executive Director and the applicant. See also Section 5.8 of the Code.

(a) Preparation of an environmental document by TRPA staff or an independent consultant retained by TRPA.

(b) Acceptance of an environmental document submitted by the applicant.

(c) Execution of a contract or memorandum of understanding (MOU) with the applicant and an independent consultant for the preparation of an environmental document by such independent consultant.

Before using an environmental document prepared by another person, TRPA shall subject the draft to TRPA's own review and analysis and may require additions or modifications to the document. The document must reflect the independent judgement of TRPA. TRPA is responsible for the scope, adequacy and objectivity of the environmental document.

6.11 Determination of Scope of EIS: After receipt of an application, the Executive Director shall determine the scope of EISs to be prepared by TRPA or its consultants. In determining the scope of an EIS, the Executive Director may consult with other agencies with jurisdiction over the matter, the APC and other interested parties with expertise in such matters. The Executive Director shall give consideration to focusing and tiering in determining the scope of the document. Scoping may be accomplished prior to or after agreement with the applicant on a method of EIS preparation.

(a) Focused EISs: TRPA may focus an EIS on only those effects which are determined to be significant. TRPA shall identify which effects are determined not to be significant and the bases for such determination. These determinations shall be included in the EIS.

6.12 Tiering: Tiering refers to the coverage of general matters in broader EISs and subsequent narrower statements incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Therefore, when an EIS has been certified for a project or matter, the TRPA should limit the EIS on a later related or consistent project or matter, to effects which were not examined as significant effects in the prior EIS or which are susceptible to substantial reduction or avoidance by revisions in the project or matter through conditions of approval or mitigation.

(a) Tiering is limited to situations where a later project or matter is consistent with a program, plan, policy or ordinance for which an EIS was prepared, is consistent with applicable TRPA plans, and a supplemental EIS is not required.

(b) When an EIS is tiered from a prior EIS, the EIS shall incorporate the prior EIS by reference and shall include a summary of the prior EIS. A copy of the prior EIS shall be available for public inspection at TRPA.
6.13 **Draft EIS:** Upon a determination of the scope of the EIS, a draft environmental impact statement shall be prepared. The draft EIS shall include, at a minimum, the elements listed in Subsection 5.8.B of the Code and a list of all federal, state and local agencies or other organizations and individuals consulted in preparing the draft.

(a) **Summary:** A draft EIS in excess of 30 pages shall include a summary, preferably less than 10 pages in length, which identifies at a minimum:

(1) A brief project description;

(2) Each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect; and

(3) Areas of controversy known to TRPA.

(b) **Comment Period:** The draft EIS shall be circulated for public comment for a period not less than 60 days. TRPA may hold a public hearing on a draft EIS.

(c) **Notice of Comment Period:** The comment period shall not commence before the date of publication of a notice in a newspaper whose circulation is general through the region. The notice shall include a brief description of the project or matter under consideration, the date the comment period commences, the date by which comments must be received, and that copies of the draft EIS may be obtained by contacting TRPA and are available for public review at TRPA's offices. Copies of the draft EIS shall be mailed to California and Nevada state clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Notice of the comment period shall be given to affected property owners pursuant to Article XII of these Rules.

(d) **Request for Comments:** TRPA shall request comments on draft EISs from any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Notice of a request for comments shall be given by deposit of the request, in the U.S. Mail, first class mail, postage prepaid. Notice shall be given no later than the date the comment period commences. Separate notice under this section is not necessary if notice of the draft EIS has been given to the agency pursuant to subparagraph (c) above.

(e) **Extension of Comment Period:** TRPA may extend the comment period for good cause. Notice of extension shall be posted at TRPA offices. TRPA is not required to respond to late comments but may elect to do so.

6.14 **Final EIS:** At the conclusion of the comment period, TRPA shall prepare written responses to all written comments received during the comment period, and may respond to oral or late comments. The response to comments may be in the form of a revision to the draft EIS, or may be a separate section in the final EIS that shall note revisions to the draft EIS, if any. The final EIS shall include, at a minimum:
(a) The draft EIS, or a revision;
(b) Comments received on draft, either verbatim or in summary;
(c) The responses to comments; and
(d) A list of persons, organizations and agencies commenting in writing on the draft EIS.

The final EIS may incorporate by reference computer data recorded on disk, videotape, slides, models and similar items provided summaries of such items are included in the final EIS. The final EIS may also include oral testimony given at APC or Board hearings.

6.15 Supplemental EISs and Addenda to EISs:

(a) Supplemental EISs: A supplemental EIS shall be prepared, circulated and certified in accordance with these Rules in the same manner as a draft EIS. TRPA shall require preparation, circulation and certification of a supplemental EIS if:

1. Subsequent changes are proposed in the project which involve new significant adverse effects not considered in the prior EIS; or

2. Substantial changes occur with respect to circumstances under which the project is undertaken, which involve new significant adverse effects not considered in the prior EIS; or

3. New information of substantial importance becomes available that shows any of the following:

   i. The project may have a significant adverse effect not considered in the prior EIS;

   ii. Significant adverse effects would be substantially more severe than previously discussed in the prior EIS; or

   iii. Mitigation measures or alternatives, previously not found to be feasible or not previously discussed, would substantially reduce a significant adverse effect of the project or matter which has not already been reduced to a less than significant level.

(b) Addenda: An addendum need not be circulated for public comment but shall be included in, or attached to, the proposed final EIS. TRPA shall prepare an addendum to an EIS if:

1. Minor changes or additions are necessary to make the prior EIS adequate; and

2. The addendum does not raise important new issues about significant adverse effects.
6.16 Certification of EIS: Certification is defined as a finding that the final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code, and these Rules of Procedure.

(a) APC Review: Prior to consideration of the proposed final EIS by the Board the APC shall review the proposed final EIS and make a recommendation to the Board on certification of the proposed final EIS.

(b) Board Hearing: The Board shall provide an opportunity for comment on the proposed final EIS. The Board may limit such comment to the responses to comments or other new information in the proposed final EIS.

(c) Board Action: Prior to action by the Board on a project or matter for which an EIS was prepared, the Board shall certify a final EIS. The Board shall not approve such a project or matter for which an EIS was prepared prior to certification of a final EIS. See also Subsection 5.8.D of the Code.

6.17 Incorporation by Reference: All or part of other documents, including prior EISs, may be incorporated by reference in environmental documents. Documents incorporated by reference and their relationship to the environmental document shall be identified and the documents shall be available for public inspection at TRPA. Documents incorporated by reference shall be briefly summarized, if possible, or briefly described if they cannot be summarized. See also Subsection 5.8.C of the Code.

6.18 Standard of Review: Determinations made pursuant to this Article shall be based on substantial evidence in accordance with Article VI(1)(5) of the Compact.

6.19 Cost of Preparing Environmental Documents: In addition to the application fee for the project and the environmental document review fee, as set by resolution of the Board, the Executive Director shall determine the estimated cost of preparation of the environmental documentation in the event the environmental document is to be prepared by TRPA or its consultant. The applicant shall be solely responsible for the cost of preparation. Prior to preparation of the environmental documentation, the applicant shall deposit funds with TRPA in the amount of the estimated cost of preparation. The applicant shall agree, in writing, to reimburse TRPA for any costs in excess of the estimate.

(a) Refund of Environmental Document Review Fee: If an application is withdrawn by written request prior to notice of circulation of the draft EIA, the Executive Director shall refund 50 percent of the environmental document review fee. The environmental document review fee shall be forfeited if a refund is not requested in writing by the applicant within one year from the date the application is stamped "Received – TRPA." The Executive Director may waive the one-year deadline provided the applicant shows good cause for the late request. No refund shall be given after the notice of circulation.

(b) Refund of Preparation Costs: If an application is withdrawn by written request prior to final action by TRPA, the uncommitted portion, if any, of the funds deposited for estimated preparation costs shall be refunded.
6.20 Use of Consultant Assistance in Preparing Environmental Documents: In the event TRPA and the applicant agree to use an independent consultant to prepare an environmental document, selection and management of the consultant shall be as follows:

(a) Establishment of Consultant List: The Executive Director shall establish and maintain a list of consultants that are available to assist in the preparation of environmental documents for classes of projects or matters. In establishing such a list, the Executive Director shall:

(1) Solicit from consultants and other appropriate sources, information on the availability of consultants and their qualifications.

(2) Advise consultants on the list that inclusion thereon does not mean they will be selected to prepare environmental documents, but that they may be eligible for selection.

(3) Maintain and update the list from time to time.

(b) Selection of Consultant: In order to select a consultant to prepare an environmental document, the Executive Director shall:

(1) Evaluate the consultants on the basis of the information received, determine which may be qualified to assist in the preparation of an environmental document on a certain project or matter.

(2) Solicit from at least two (2) consultants an estimate of the maximum preparation costs that would be charged for the preparation of the environmental document for the project or matter.

(3) After consultation with the applicant, and on the basis of the estimates and the qualifications of the consultants, choose a consultant and determine the preparation cost to be charged by the consultant for the environmental document.

(c) Management of Consultant: After selection of a consultant, the Executive Director shall:

(1) Enter into a contract or MOU with the applicant and consultant regarding preparation of the environmental document. The agreement shall include the provision that the applicant is responsible for all preparation costs and that all studies, data, reports and other material prepared for the environmental document shall become the property of TRPA upon final payment. In the event that TRPA determines that the environmental document, although properly prepared in accordance with the contract, is not adequate or certifiable, the applicant also shall be responsible for any costs in excess of the estimated preparation costs.
(2) Deposit the preparation cost, or the agreed-upon installment portion, submitted by the applicant into an account maintained for such purposes by TRPA.

(3) Pay the consultant according to the mutually-agreed-upon schedule of payments.

(d) Selection of Consultant by Another Public or Quasi-Public Entity: In the event a public or quasi-public-entity has selected an independent consultant to prepare an environmental document, either on its behalf or for its review, the Executive Director may elect to waive the selection process set forth in paragraph (B) above and enter into a contract with such entity and the selected consultant to prepare an environmental document for TRPA.

6.21 Appeals of Executive Director Determinations: Determinations by the Executive Director pursuant to this article may be appealed to the Board in accordance with Article XI of these Rules.
TRPA INITIAL ENVIRONMENTAL CHECK LIST

for

The Initial Determination Of Environmental Impact

Assessor Parcel Number(s)

I PROJECT NAME AND DESCRIPTION: (use additional sheets, if necessary)

II ENVIRONMENTAL IMPACTS:

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "yes" and "no, with mitigation" answers will require further written comments.

1 Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

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b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

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JANUARY 14, 1999  97
c. Unstable soil conditions during or after completion of the proposal?

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d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

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e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

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f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

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g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

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2 Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

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b. Deterioration of ambient (existing) air quality?

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<th>Yes</th>
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c. The creation of objectionable odors?

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d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

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<th>Yes</th>
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e. Increased use of diesel fuel?

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3 Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

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<th>Yes</th>
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</table>

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

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<th>Yes</th>
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<th>No, with Mitigation</th>
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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</table>
c. Alterations to the course or flow of 100-year flood waters?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</table>

d. Change in the amount of surface water in any water body?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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</table>

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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</table>

f. Alteration of the direction or rate of flow of groundwater?

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<th>Yes</th>
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<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</table>

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

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<th>Yes</th>
<th>No</th>
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h. Substantial reduction in the amount of water otherwise available for public water supplies?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</thead>
</table>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

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<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</table>

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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4 Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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</table>

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

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<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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</table>

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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</table>
d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants?)

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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e. Reduction of the numbers of any unique, rare or endangered species of plants?

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f. Removal of streambank and/or backshore vegetation, including woody vegetation such as willows?

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g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA’s Conservation or Recreation land use classifications?

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<th>Yes</th>
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h. A change in the natural functioning of an old growth ecosystem?

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</table>
5  Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

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b. Reduction of the number of any unique, rare or endangered species of animals?

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c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

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d. Deterioration of existing fish or wildlife habitat quantity or quality?

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6  Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

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<th>Yes</th>
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b. Exposure of people to severe noise levels?

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 c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

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7 Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

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b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

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c. Cause light from exterior sources to be cast off-site or onto public lands?

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d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

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<th>Yes</th>
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8 Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

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<tr>
<th>Yes</th>
<th>No</th>
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b. Expand or intensify an existing non-conforming use?

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<th>Yes</th>
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9 Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

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<th>Yes</th>
<th>No</th>
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b. Substantial depletion of any non-renewable natural resource?

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<th>Yes</th>
<th>No</th>
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10 Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

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b. Involve possible interference with an emergency evacuation plan?

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11 Population

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

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b. Include or result in the temporary or permanent displacement of residents?

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12 Housing

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

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b. Result in the loss of affordable housing?

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13 Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new daily vehicle trip ends (DVTE)?

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b. Changes to existing parking facilities, or demand for new parking?

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c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

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d. Alterations to present patterns of circulation or movement of people and/or goods?

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e. Alterations to waterborne, rail or air traffic?

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f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

Yes | No | No, with Mitigation | Data Insufficient
---|---|---|---

14 Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

Yes | No | No, with Mitigation | Data Insufficient
---|---|---|---

b. Police protection?

Yes | No | No, with Mitigation | Data Insufficient
---|---|---|---

c. Schools?

Yes | No | No, with Mitigation | Data Insufficient
---|---|---|---

d. Parks or other recreational facilities?

Yes | No | No, with Mitigation | Data Insufficient
---|---|---|---

e. Maintenance of public facilities, including roads?

Yes | No | No, with Mitigation | Data Insufficient
---|---|---|---

f. Other governmental services?

Yes | No | No, with Mitigation | Data Insufficient
---|---|---|---
15 **Energy**

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

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b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

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16 **Utilities**

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

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b. Communication systems?

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c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

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d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

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c. Storm water drainage?

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f. Solid waste and disposal?

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17 Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

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<th>Yes</th>
<th>No</th>
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b. Exposure of people to potential health hazards?

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Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

b. Be visible from any public recreation area or TRPA designated bicycle trail?

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?
19 Recreation:

Does the proposal:

a. Create additional demand for recreation facilities?

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b. Create additional recreation capacity?

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c. Have the potential to create conflicts between recreation uses, either existing or proposed?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

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<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</table>

20 Archaeological/Historical

a. Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?

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<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</table>
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</table>


c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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d. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
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</table>


21 Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

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<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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</table>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

<table>
<thead>
<tr>
<th>Yes</th>
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d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

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<tr>
<th>Yes</th>
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III CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature of Person Completing this Form

Date

WRITTEN COMMENTS: (use additional sheets as necessary)
IV Determination (To Be Completed By TRPA)

On the basis of this evaluation:

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

<table>
<thead>
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<th>Yes</th>
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c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure.

<table>
<thead>
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<th>Yes</th>
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Signature of Evaluator

Date

Title of Evaluator
ADDENDA

FOR

TRANSFERS/CONVERSIONS OF USE

The following is to be used as a supplemental checklist for the Tahoe Regional Planning Agency Initial Environmental Checklist (IEC). It is to be used when reviewing any transfer pursuant to Chapter 34 of the Code or conversion of use pursuant to Chapter 33 of the Code. Any question answered in the affirmative will require written documentation that the impacts are mitigated to a less than significant level or additional environmental documentation such as an environmental assessment or an environmental impact statement will be required. The asterisk (*) notes threshold subjects.

a) Land*
   Does the proposal result in any additional land coverage?

<table>
<thead>
<tr>
<th>Yes</th>
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b) Air Quality*
   Does the proposal result in any additional emission?

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c) Water*
   Does the proposal result in any additional discharge that is in violation of TRPA discharge standards?

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<tr>
<th>Yes</th>
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d) Does the proposal result in an increase in the volume of discharge?

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<th>Yes</th>
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</table>
e) **Noise***
   Does the proposal result in an increase in Community Noise Equivalency Level (CNEL)?

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<tr>
<th>Yes</th>
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f) **Aesthetics***
   Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?

<table>
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<tr>
<th>Yes</th>
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g) **Recreation***
   Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?

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<tr>
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h) **Land Use***
   Is the use converted or transferred result in a use that is not consistent with the goals and policies of the Community Plan or Plan Area Statement?

<table>
<thead>
<tr>
<th>Yes</th>
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i) **Population***
   Does the proposal result in an increase in the existing or planned population of the Region?

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<tr>
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</table>
j) **Housing**
Does the proposal result in the loss of affordable housing?

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<th>Yes</th>
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k) **Transportation**
Does the proposal result in the increase of 100 daily vehicle trip ends (DVTE)?

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l) Does the proposal result in a project that does not meet the parking standards?

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m) **Utilities**
Does the proposal result in additional water use?

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n) Does the proposal result in the need for additional sewer treatment?

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</table>

o) **Historical**
Does the proposal result in the modification or elimination of a historic structure or site?

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__________________________  ____________________________
Signature of Person Completing this Form  Date

WRITTEN COMMENTS: (use additional sheets as necessary)

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MEMORANDUM

November 8, 1999

To: TRPA Governing Board

From: TRPA Staff


Proposed Action: Staff requests that the Governing Board review the recommendations of the CIFMG and give direction to staff as appropriate.

Recommendation: Due to scheduling problems, the first meeting of CIFMG is set for Tuesday November 16, 1999. Staff will report the recommendations of the CIFMG from that meeting at the November Governing Board meeting.

Background: Based on a resolution passed by the TRPA Governing Board in September 1999, staff was directed to invite representatives from various local, state and federal agencies to participate in a Coordinated Interagency Floodplain Management Group (CIFMG). The following agencies were contacted and invited to participate as members of the CIFMG:

- Washoe County Public Works Department
- City of South Lake Tahoe Public Works Department
- Placer County Public Works Department
- Douglas County Community Development Department
- El Dorado County Department of Transportation
- Nevada Division of Water Planning
- California Department of Water Resources
- Lahontan Regional Water Quality Control Board
- U.S. Army Corps of Engineers
- U.S. Federal Emergency Management Agency
- U.S. Geological Survey
- U.S. Forest Service

If you have any questions, please contact Joe Pepi, at (775) 588-4547.
MEMORANDUM

November 9, 1999

To: TRPA Governing Board

From: TRPA Staff

Subject: Status Report on Project Applications

Project Review Applications: The following application is currently under review by the Project Review Division and has been complete for more than 120 days:

<table>
<thead>
<tr>
<th>APN</th>
<th>Applicant</th>
<th>Application Type</th>
<th>Date Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>03-080-27</td>
<td>Chase</td>
<td>SFD Rebuild</td>
<td>05-24-99</td>
</tr>
</tbody>
</table>

This application proposes a structure which has been determined to exceed the allowable height provisions. Staff is currently working to resolve this issue with the applicant.

Land Capability and IPES Applications: There are no land capability or IPES applications that will exceed a review time of 120 days.

Compliance Division: There are no applications that will exceed a review time of 120 days.
MEMORANDUM

November 8, 1999

TO: Tahoe Metropolitan Planning Organization
    Tahoe Regional Planning Agency

FROM: Richard Wiggins, Transportation Programs Manager

SUBJECT: Report of the Tahoe Transportation District/Tahoe Transportation Commission Planning Workshop, November 12, 1999 Meeting

Proposed Action: Review of the attached TTD/TTC Planning Workshop Agenda from the November 12, 1999, meeting and review of items presented.

Staff Recommendation: Seek clarification as necessary.

If there are any questions regarding this agenda item, please contact Richard Wiggins at (775) 588-4547.

RW:jnwb
TAHOE TRANSPORTATION DISTRICT (TTD)
TAHOE TRANSPORTATION COMMISSION (TTC)
AND NOVEMBER PLANNING WORKSHOP

AGENDA

Resort at Squaw Creek
Squaw Valley USA
400 Squaw Creek Road
Olympic Valley, CA 96156
(530) 583-6300

9:00 a.m. November 12, 1999

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

I. TAHOE TRANSPORTATION DISTRICT AND TAHOE TRANSPORTATION COMMISSION CALL TO ORDER AND GENERAL MATTERS
   A. Roll Call and Determination of Quorum
   B. Approval of Agenda
   C. Approval of Minutes of October 8, 1999 (TTD/TTC Meeting)

II. PUBLIC INTEREST COMMENTS (No Action)

III. PLANNING MATTERS
   A. Recommendation to TRPA, as RTPA, of 2000 Regional Transportation Improvement Program for the Programming of California County Share Funds

IV. PLANNING WORKSHOP
   A. Briefing by Service Providers on Present Programs, Future Issues, and Potential TTD Relationships
   B. Presentation Regarding the Roles of the TRPA, TTD and TMPO, and TTC.

      Break for Lunch and Informal Discussion (12:00 to 1:00pm)

   C. Discussion of and Closure on 2000 Implementation Program
   D. Discussion of and Closure on 2000-2005 Vision and Strategic Plan for TTD
   E. Discussion on the Goals and Expectations of the TTC
   F. Discussion of the FY 2000 Overall Work Program (OWP)
   G. Wrap-Up and Evaluation of Workshop Product

V. ADJOURNMENT
   Discussion of Upcoming TTD/TTC Meeting Dates and Location

RW:jrwb

AGENDA ITEM XI.A.2.