TRPA
GOVERNING BOARD
PACKETS

APRIL
2001
All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

AGENDA

I. PLEDGE OF ALLEGIANCE (5 minutes)

II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)

III. PUBLIC INTEREST COMMENTS - All comments are to be limited to no more than five minutes per person.

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 (5 minutes)

V. APPROVAL OF MINUTES (5 minutes)

VI. CONSENT CALENDAR (see agenda pg. 3 for specific items) (5 minutes)

(adjourn the TRPA, convene the TMPO)

VII. MEETING OF THE TAHOE METROPOLITAN PLANNING ORGANIZATION (TMPO)

A. Public Interest Comments – All comments are to be limited to no more than five minutes per person.

B. Amendment #1 of the 2000 Federal Transportation Plan – Regional Transportation Plan and Amendment #1 of the 2000 Federal Transportation Improvement Program (10 minutes)

(adjourn the TMPO, reconvene the TRPA)

VIII. PROJECT REVIEW

A. Sierra Nevada College, William W. Zink Library and Learning Resource Center, Special Use Determination, Washoe County, APN 127-040-09, TRPA File No. 210060 (60 minutes)
IX. PUBLIC HEARINGS

A. Amendment of Section 20.5 Excess Land Coverage and Related Code Amendments to Adjust and Clarify the Excess Coverage Fee Program (60 minutes)  

B. Amendment to Chapter 13, Plan Area Statements and Plan Area Maps, Relative to the Transit-Oriented Development Findings, Subsection 13.7.D (20 minutes)

C. EIP Update for Recommendation of Adoption (30 minutes)

X. PLANNING MATTERS

A. Workshop Regarding Late Seral/Old Growth Regulation (90 minutes)

B. BMP Retrofit Presentation (20 minutes)

XI. ADMINISTRATIVE MATTERS

A. Selection of a Service Provider and Administrator for TRPA's Retirement Program (10 minutes)

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee (5 minutes)

B. EIPIC (5 minutes)

C. Legal Committee (5 minutes)

D. Local Government Committee (5 minutes)

E. Retirement Committee

XIII. REPORTS

A. Executive Director Monthly Status Report (10 minutes)
   1. Status Report on Project Applications

B. Legal Division Monthly Status Report (5 minutes)

C. Governing Board Members (5 minutes)

XIV. ADJOURNMENT
CONSENT CALENDAR

1. Approval of Resolution Programming Federal Transit Administration Section 5311 Funds ($320,000) for the Purchase of Two (2), Thirty-Six (36) Passenger, Compressed Natural Gas (CNG) Fueled Transit Coaches For the South Tahoe Area Ground Express (STAGE)

2. Approval of Resolution Approving Staff Scoring, and Providing Support of the El Dorado County Area Agency on Aging's Federal Transit Administration Section 5310 Grant Application for the Purchase of Two (2), 4 Wheel Drive, Compressed Natural Gas (CNG) Fueled Vans for the South Shore "Transen" Program

3. Approval of Resolution Programming of Federal Transit Administration Section 5311 Funds ($120,000) For the Purchase of Two (2), 4 Wheel Drive, Fifteen (15) Passenger, Compressed Natural Gas (CNG) Fueled, Cutaway Replacement Vans for the South Tahoe Area Ground Express (STAGE)

4. Approval of the State of California Federal Transit Administration (FTA) 5311 Regional Program of Projects (POP) for Fiscal Year 2000-2001 – Grant Cycle 19; and Adoption of Supporting Resolution

5. Approval of $4,431.11 in Abandoned Cash Securities to a TRPA Education Outreach Account for School-Sponsored Projects

6. Release of $112,000 from the Bitterbrush Settlement for the Fairview Boulevard, Country Club Drive Water Quality Improvement Project

7. Silviera/Weinberg, Pier Addition and Shoreline Protective Structure and Recognition of a New Multiple-Use Pier, 2197 & 2200 Cascade Road, El Dorado County, APNs 18-191-14, 16, File No. 200862

8. Lake Tahoe Community College/U.S. Forest Service New Government Center Office Buildings, Al Tahoe Boulevard at College Drive, APN 25-041-10, TRPA File No. 210093

9. California Highway Patrol, Field Office Relocation, U.S. Highway 50 at Hopi Avenue, Meyers, El Dorado County, APN 034-040-03 and 34-300-08, TRPA File No. 200737
The 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 required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

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

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

Article III(g) Public Law 96-551

Tahoe Regional Planning Agency Governing Board Members:
Chairman Dean Heller, Nevada Secretary of State
Wayne Perock, Nev. Dept. of Conservation Appointee
Drake DeLany, Nevada Gov. Appointee
Jerry Waldie, Calif. Senate Rules Com. Appointee
Jon Plank, Carson City
Leslie Medina, Calif. Assembly Spkr. Appointee
Jim Galloway, Washoe County
Joanne Neft, Calif. Gov. Appointee
Hal Cole, South Lake Tahoe
Ronald Slaven, Calif. Gov. Appointee
Larry Sevison, Placer County
Peter Chase Neumann, Presidential Appointee
Brian Sandoval, Nevada At-Large Member

Don Miner, Douglas County
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

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

March 28, 2001

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Chairman Dean Heller called the March 28, 2001, Tahoe Regional Planning Agency (TRPA) Governing Board meeting to order at 9:45 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Dean Heller led the Board in the Pledge of Allegiance to the Flag.

Members Present: Mr. Waldie, Mr. DeLanoy, Mr. Solaro, Mr. Heller, Mr. Cole, Mr. Plank, Mr. Perock, Ms. Neft, Mr. Galloway, Ms. Medina, Mr. Sandoval, Mr. Kastan

Members Absent: Dr. Miner and Mr. Neumann, California Governor Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS - None

IV. APPROVAL OF AGENDA

Deputy Director Carl Hasty stated that Consent Calendar Item No. 11 is removed, and Consent Calendar Item No. 2 has been amended by the Legal Committee, and needs to be taken off the Consent Calendar.

MOTION by Mr. Solaro to approve the agenda as amended. The motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. Solar stated that on page 14, third paragraph from the bottom, the word "Business" should be "Conservancy".

MOTION by Ms Neft to approve the February 28, 2001, Governing Board minutes as corrected. The motion carried unanimously.

VI. CONSENT CALENDAR

Ms. Neft stated that the Finance Committee approved Consent Calendar Items Nos. 3, 4, 8, 9, and 10.
MOTION by Ms. Neft to approve the previously referenced Consent Calendar Items. The motion carried unanimously.

Mr. Walddie reported that the Legal Committee recommended approval of Consent Calendar Items 5 and 7, and requested that Consent Calendar Item 11 be taken up at the end of the day. In addition, on Consent Calendar Item No. 2 there was an amendment on Item No. 4 of the staff summary; third line, the words "from the Lake and that staff will work with the Marina to find an acceptable location for the removed docks" should be inserted after the word "removed". This is to clarify that the "removed" means actually from the Lake; not just from the attached docks. Agency Counsel John Marshall commented that a new Condition No. 7 was to be added stating "the Marina TKM agrees to pay all the revenue received from the Balloon Boat and Paradise Boat for dock space rental prior to the time of any approval of that portion of the dock by the Governing Board into TRPA's water quality mitigation fund".

MOTION by Mr. DeLaney to approve Consent Calendar Item 2, as amended, and Consent Calendar Items Nos. 5 and 7 as presented. The motion carried unanimously.

(The following are items approved on the consent calendar)

1. Tahoe Douglas Fire Protection District, Rebuild of Existing Fire Station, 702 Kingsbury Grade
2. Reallocations of $7,604.94 from Douglas County’s Unused Maria Bay Water Quality Mitigation Fund and Allocation $20,507.06 from the County’s Accrued Water Quality Mitigation Interest to the Kingsbury Village and Kingsbury Estate Projects (EIP No. 242)
3. Release $110,000 from Washoe County’s Water Quality Approval Mitigation Fund for Incline Village Commercial and Lower Wood Creek Water Quality Improvement and The Lakeshore Drive Rehabilitation/Mill Creek Water Quality Improvement
4. Schloz Resolution of Enforcement Action, El Dorado County, APN 22-421-71
5. Land Capability Challenge, Tyerman & Kelly, 571 Tyner Way, Washoe County, APN 125-491-08
6. Marcus Newsbury, Resolution of Enforcement Action, 577 Poco Court, Washoe County, APN 125-531-37
7. Resolution Amending the FY 2000-2001 Tahoe Basin Transportation Planning Overall Work Program (TMPO Resolution No. 2001-1)
8. Resolution Allocating FY 2000/2001 Local Transportation Funds ($535,952) to Placer County for TART Operations (RTPA Resolution No. 2001-2)
9. Resolution Allocating FY 2000/2001 State Transit Assistance Funds ($53,592) to Placer County for TART Operating Assistance (RTPA Resolution No. 2001-3)

(adjourn the TMPO, convene the TMPO)

VII. MEETING OF THE TAHOE METROPOLITAN PLANNING ORGANIZATION

A. Public Interest Comments – All comments are to be limited to no more than five minutes per person. - None

B. Consent Calendar – Authorization for Executive Director to Enter into Memorandum of Understanding with Carson City Regional Transportation Commission

Chief of Transportation Richard Wiggins stated that this was a Consent Calendar Item for a Memorandum Authorizing the Executive Director to enter into a Memorandum of Understanding with the Carson City Regional Transportation Commission.
TRPA REGULAR MEETING MINUTES MARCH 28, 2001

MOTION by Ms. Neft to approve the Consent Calendar Item for the Metropolitan Planning Organization authorizing the Executive Director to enter into a Memorandum of Understanding with the Carson City Regional Transportation Commission. The motion carried unanimously.

(adium the TMPO; reconvene the TRPA)

VIII. PUBLIC HEARINGS

A. Extension of Existing Old Growth Interim Ordinance Section 71.2 for 60 Days

Vegetation Program Manager Gerald Dion presented the staff summary, extending the Existing Old Growth Interim Ordinance Section 71.2.

Mr. Cole questioned if there had been any discussions on situations where an old growth tree is in the footprint where there is a driveway or someone has to meet parking standards, or if we want to retain old growth trees or relaxing other thresholds in order to do that. Mr. Dion replied that they had been discussed, and the main issue is that this Ordinance primarily applies to the conservation and recreation lands, so a lot of those issues are minimized because they are not in the urban areas where most of the parking lots or buildings are located. So Mr. Cole stated in the urban areas we would still have situations where old growth trees would be taken out in order to restrict compliance with our coverage, and Mr. Dion replied that was correct.

Mr. Galloway asked what it looked like we will do in the urban interface areas. Mr. Dion stated that the primary thing in the urban interface, in the fuel defensible profiles, there will not be a strict rule; however, what TRPA will be asking for is a fuel defensible space zone that favors the retention of large trees. The big, large trees are not the fire hazard within the defensible fuel profile zones; it is the smaller ones. If someone is going to come ask us to cut out a couple of really large trees for fuel defensible space, we are going to ask some pretty hard questions about why those trees and not the smaller trees.

Chairperson Heller asked Mr. Dion if he would be bringing this before the Governing Board in May, and Mr. Dion replied yes, both in May and in April. In April, it will be a planning matter so we can all discuss this. Mr. Dion said that more people from the Forest Health Consensus group would be here to speak on this item. For clarification, Chairperson Heller stated TRPA had an interim Ordinance in place now, and if we come back in May and the Board approves it, that would take 60 days for the new Ordinances to go into effect, and TRPA does not want to be without an Ordinance for 60 days, and Mr. Dion stated that was correct.

Chairperson Heller opened the meeting up for a public hearing.

Ms. Shirley Taylor, private landowner South of Meyers, has been a member of the Forest Health Consensus Group for the majority of the time this issue has been before them, going on three years. In the beginning, many of the people in the group felt that there was no scientific basis for the 30” dbh cutting restriction. So in the summer of 1999, the group put together a list of people that could address us and their opinions regarding this. Three of the people who came before the group were John Helms, Professor Emeritus, Forest Scientist, U.C. Berkeley; Robert Heel, Board of Forestry at the time, Forest Manager, Georgetown; and, Steve Cannon, RPF from Pine Growth. As these people presented their theories regarding this dbh cutting restriction, they stated that it was a poor way to manage any forest. But this fell on deaf ears for the most part in the Consensus Group. About a year ago, the Sierra Nevada Framework came
out in paperback, and this was taken as a basis of science for this Ordinance as it now stands. As a private forest landowner, I find it very difficult to accept the fact that she has to grow isog if she elected to manage her forest. There is not an option here. If she elects to leave it, that's fine, and she believed that this is more of the general Consensus of the way the group would like things run. Private landowners and forest landowners in the Basin are hardly a mark on the radar screen; 2% or less in the general forest. Some of the things still to be determined in the Consensus Group in the next couple of months is the Westside/Eastside. Westside is the 30” dbh cutting restriction; Eastside is 24” cutting restriction. In the framework, it basically advocates the Stateline and South Shore and the Brockway Summit at the North Shore. Some people in the Consensus Group advocate doing it on an acre-by-acre basis, and for her, acre-by-acre might be sagebrush for the East Side; white thorn for the West Side. She has these two items in a couple of areas on her property side-by-side. Therefore, she will be restricted even lower to 24” if she selects to cut a tree. Hazard trees, which is addressed in Section 71.2(a)(4); the words “humans”, “improvements”; “personal property”; “people” and “property”, have been lined out in regards to taking out a threatening or hazard tree. She was told that this would be put before the Legal Counsel of TRPA. She has been fighting to retain the word "improvement". If a hazard tree threatens a fence that she paid a lot of money for, she believes that she has the right to have that removed without question. When it comes to snags in Section 71.2(b)(1), this is yet to be determined that if an acre is not presently in the condition of this Ordinance, how is it to be obtained; whether we let the bugs take over and create the dead trees or whether we hurdle a tree to create a snag. Down and woody material: On the West Side forest, on an acre basis, we are looking for 10 to 20 tons per acre. At the last Consensus Group Meeting, Bob McDowell from the Forest Service gave us some hard figures for the first time. Ten tons equals 14 logs; 24” dbh and larger; 20 feet long; 20 tons equals 27 logs; 24” dbh and larger; 20 feet long. This could almost be compared to if the general public at the time of their death was allowed to remain as they fell, we would soon have a problem. In her experience, in the general forest in this Basin, we presently have a terrific fire hazard because of this; because of non-management for 50 years or more. After hearing these real estate figures regarding 10 to 20 tons, we have definitely decided that we need more input regarding this particular part of the Ordinance.

In terms of alternatives for the private landowners, we have struggled with this. It has come down to an NIHP; non-Industrial harvest plan; expensive; extensive and stays with the property for its life; a THP; done every 10 years. At this point in time, it is still very expensive, and you need a lot of timber to make it worthwhile to even go into this. Now we have established a master plan, which is in addition to this. For the cutting of firewood, in her particular situation, she does not believe this is clearly identified as of today.

In closing, she would like to state that she believed that we can all agree that we are presently in a two-year drought; the second year of a drought situation. If this continues, and we are handed the same thing as in the mid 1990's, Ms. Taylor believes that this Ordinance could create a lot of controversy regarding the management of how to correct the problem long after a firestorm has come and gone.

Mr. Galloway commented that it appeared that Ms. Taylor had some very well organized set of written notes that she was reading from, and this is a preview of the disagreements that we will be confronting when we are presented the updates to the Ordinance. Mr. Galloway requested an advance copy based on her notes if he could, and hoped that the other Board members would also want to see them. Ms. Taylor stated that she would get a copy of her notes to the Board members.
Ms. Neft questioned if there were going to be issues, would a 60-day extension be enough time to work them out. Mr. Dion believed that with all the agreement they have with the larger picture, and some of the details — we might not agree on all of the details — he is speaking on behalf of the Forest Health Consensus Group here -- the worst case scenario is we would come back in May with very clear issues, where one group might want a number to be X and another group would want it to be Y, and we would have a recommendation. He believed that staff would have something that could be debated, and continuing the process is probably not going to get us too much farther.

Mr. J. B. Lekumberry, private forest landowner in the Basin, thanked both Jerry and Shirley for the work that they do at the Forest Heath Consensus Group. He realized that they would have their chance in May go before the Board for questioning. As a private forest landowner, he does support the request of the Governing Board to extend the interim Ordinance for another 60 days, as a Forest Heath Consensus Group member. The private forest land that they are talking about in this Ordinance is less than 2%. The Urban Interface is going to be an excluded, different approach. We are talking about managing the forests in this Ordinance, and in this late Successional Old Growth Policies. The landowners that are affected are less than 2% of the land, and to him that is a very big point. Who should bear the burden of this policy if 98% of it is the public land? They have a different management strategy then we do. He made the recommendation that we get the additional 60 days, and look forward to being able to present some notes, as well, to the Board.

Mr. Waldie questioned if the participants of the Consensus Group and private owners, particularly, have generally been accommodated as this process has proceeded. Mr. Lekumberry responded that he has not felt that way. He felt that the interim Ordinance that was placed upon us was — everyone accepted it except those people who have to manage their forested lands. The private landowners have felt the burden of this Ordinance for the last three years. The Urban Interfaces; the ski resorts; the commercial areas; they have exceptions to this policy whereas we have none. We have been the only group excluded in the private sector. Mr. Waldie commented that as the Group prepares whatever submission they make to the Board, he hoped that they would describe this a little more clearly; their position. Mr. Lekumberry commented that even for public land, the 30", 24" rule is a bad management policy. The scientists that they have talked to and the people they have talked to have told them that this is not the approach they should be taking in managing forested lands. You need to have flexibility; you need to have room in there for growth. Mr. Lekumberry felt confident that the Forest Health Consensus Group could work towards Isog, and that the public lands could, as well, too. It would be a very restrictive policy for the private landowner; it is going to be an economic burden upon them, but he feels that with science and good management, they will be able to do that if they are going to be allowed the flexibility to do that. He is hopeful that the public land managers will have the same opportunity. He believed that the new Sierra Nevada Framework was taking a very simplistic approach by taking the 30", 24" rule, and he hoped that TRPA does not follow that. The Forest Service will have the opportunity to back out of their management policy if it is not working for them. He is hoping that the Board will try to adopt a sound policy now that is before us.

Mr. Perock asked if Mr. Lekumberry would be bringing some alternatives to what staff gives the Board so they have some options so they know what they are looking at. Mr. Lekumberry replied that what they are trying to do now in the Forest Health Consensus Group is to bring those alternatives together. We might not agree on all the details, but he would say that we are trying to implement everyone's input into this. They will try to bring forward what they feel is the best alternative.
Mr. Galloway commented that it would not do the Forest Health Consensus Group any good to just come up and say that scientists disagree with this; they will either have to have the scientists or have the documentation to prove it. He further stated if you are going to produce documentation generated by people who dispute this, he strongly urged Mr. Lekumberry to get it to the Board members as early as possible. It is just impossible to review this serious literature in the time between when we get the packet and when we have this meeting. Mr. Lekumberry stated that he does have literature and will try to get that to the Board members. Mr. Galloway stressed to Mr. Lekumberry to send the information to the Board members before they receive their packet. The Board members need the information sooner than that in order to have time to study the information.

Ms. Taylor commented that it was a year ago that she took 11 letters from private landowners, scientists, forest professionals, and faxed this set to each and every APC Board Member, and each Governing Board Member. She was ridiculed for that at the time, Ms. Taylor stated. She still has those letters, and she would be glad to get them to you. She didn't want to take the time to fax them again because her phone bill was pretty large. Mr. Galloway suggested that she give them to the Director, and he will forward all of the letters. Mr. DeLanoy commented that on one side we have the Forest Service, which is a very large bureaucracy, and we have problems because we try to deal on one level, and then there is another level. So, he urged Ms. Taylor to get the proof early. Mr. Lekumberry reiterated that he would get the information to the Board members. Mr. Hasty commented that he believed that was the purpose of the workshop next month, which is to frame the sets of issues so that the Board are well aware of them and will have the time to see and hear and be apprised of the evidence, and as it moves forward in May and the time comes to deliberate, the Board would have had the opportunity so it is not all at one time.

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

MOTION by Ms. Neft to recommend approval of Extension of the Existing Old Growth Interim Ordinance Section 71.2 for 60 days.

Chairperson Heller reopened the public hearing.

Mr. Dave Roberts, representing the League to Save Lake Tahoe, stated that he is here to speak in favor of the 60-day extension. He believed what the Board was getting a flavor of is the difficulty of Consensus process, and the difficulty in having a consented upon understanding of what our objectives and goals are. He believed that next month the rule that they come up with is indeed based upon the best available science that we have at this time for forest health management. It reflects recommendations that were provided the Sierra Nevada Ecosystem project; it reflects suggestions that are made in the Sierra Nevada Framework; these are two huge scientific documents compiled by notable, credible scientists for Congress. They are scientifically-based documents. We model most of our old growth ordinance after that document because it is the most concise and comprehensive analysis of old growth management and forest management for objective of forest health. That is our objective in the Tahoe Basin. He thinks that there is agreement with that with the private landowners, as well. There perhaps is disagreement as to how to achieve that goal, but he believed there is agreement on the threshold. He believed that the point that should be made is that the private landowner is not held strictly to a 30" or 24" rule under this new Ordinance. They can opt to work under those guidelines or they can go through a modified master planning process. And under that modified master planning process, they have many different alternatives, including the timber harvest plan which would have been required by California and Nevada state law; a
20% dead and dying exemption; a non-industrial timber harvest plan; they have a variety of options that they could exercise under that option. The purpose of the modified master planning process is to compile the people who will review this document; the timber harvest plan that would have been required regardless of whether we had a 30° tree rule or not. The objective of the master plan is to review the timber harvest plan or whatever option they chose to take in regards to threshold attainment. There are many different ways to achieve old growth forests. They have some ideas. We happen to disagree, as do numerous other scientists, the Forest Service, State Parks, and others, that the 30° tree rule is a reasonable approach at this point. In addition, there are 10 exemptions to this rule. Notably, hazard trees; excessive fuel loading; disease or infected trees. The downloading debris that Ms. Taylor brought up is in regards to wildlife habitat, and the 10 to 12 tons is not just large diameter trees. It is branches and sticks; a host of woody debris that you would find in a forest.

It should also be noted that in this process over the last year, we have set up subcommittees to deal with different alternatives, including a subcommittee for the private landowners to exercise their concerns and different alternatives to solve the problem. In fact, upwards of over 80% of their time over the last year has been specifically dealing with private property concerns, because there is such large consensus on the other issues. The objectives should be clear that it is forest health and old growth enhancement. We have a 5% old growth in the Tahoe Basin. As we are all very much aware, this forest has been heavily impacted by logging in the past, and a lot of the health problems that we are experiencing today are a direct result of mismanagement in the past. Mr. Roberts believed that we have provided a great deal of flexibility to the private landowners.

Chairperson Heller closed the public hearing.

**MOTION** by Ms. Neft to recommend approval of Extension of the Existing Old Growth Interim Ordinance Section 71.2 for 60 days.

Mr. Cole asked Mr. Marshall if he should excuse himself from voting because he is a private landowner owning some general forest property. Mr. Marshall didn't believe that was necessary.

**MOTION** by Ms. Neft to recommend approval of the findings. The motion carried unanimously.

**MOTION** by Ms. Neft to recommend approval of Extension of the Existing Old Growth Interim Ordinance Section 71.2 for 60 days. The motion carried unanimously.

**B. Amendment of Chapter 22, Height for Certain Public Recreation Facilities**

Associate Planner Peter Eichar of the Long Range Planning Division presented the staff summary amending Chapter 22, Height, of the TRPA Code of Ordinances to allow additional height up to a maximum of 42 feet for certain recreation buildings which are not visible from designated scenic highway corridors.

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

**MOTION** by Mr. Cole to recommend approval of the findings. He also added that this was primarily instigated by the City of South Lake Tahoe wanting to build an ice rink, and they were in the quandary, even though they are a public service entity, and this is primarily recreation; it
is a facility that can be used for public service as well, but they went to the TRPA staff and asked if they should be under Public Service or this, and they recommended that this would be the most cleanest way to do it. The Community College went under this exemption; and gymnasiums and other certain facilities that have a big clear area such as an ice rink; need to have these height requirements. As long as they are not in view corridors, Mr. Cole believed this is the only way to provide some kind of recreation entities in the Community. The motion carried unanimously.

MOTION by Mr. Cole to recommend adoption of the Ordinance amending Chapter 22, Height, for Certain Public Recreation Facilities. The motion carried unanimously.

C. Amendment of PAS 170, Tahoe Park/Pineland, to Create a Special Area Where “Schools-Kindergartens to Secondary” Would be a Special Use and Add Special Policy Language to Address the Above Use

Associate Planner Peter Eichar presented the staff summary amending PAS 170, Tahoe Park/Pineland, to Create a Special Area Where “Schools-Kindergartens to Secondary” Would be a Special Use and Add Special Policy Language to Address the Above Use.

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

MOTION by Ms. Neft to recommend approval of the findings. The motion carried unanimously.

MOTION by Ms. Neft to adopt the Ordinance amending PAS 170, Tahoe Park/Pineland, to Create a Special Area Where “Schools-Kindergartens to Secondary” Would be a Special Use and Add Special Policy Language to Address the Above Use. The motion carried unanimously.

D. Amendment to the Boundary Line for the Stateline/Ski Run Community Plan to Facilitate a Deed Restricted Affordable Housing Project

Senior Planner Coleen Shade presented the staff summary amending the Boundary Line for the Stateline/Ski Run Community Plan to Facilitate a Deed Restricted Affordable Housing Project.

Chairperson Heller opened the meeting up for a public hearing.

Ms. Lisa O’Daly, representing the City of South Lake Tahoe, stated that the City of South Lake Tahoe is concurrently processing a Plan Area Statement Amendment. They took it through their Planning Commission, and the City’s Planning Commission is recommending that the City Council approve the amendment. The City Council has this amendment on its agenda for next week.

Ms. Shade commented that TRPA did receive one opposition to the amendment, who was an adjoining property owner. They sent letters out to properties within 500 feet of the boundary line. They are against this amendment because it would be bringing in more affordable housing in this area, and the writer felt that there was already enough affordable housing in this area as it is today.

Since no one else wished to comment, Chairperson Heller closed the public hearing.
MOTION by Mr. Solaro to recommend approval of the findings. The motion carried unanimously.

MOTION by Mr. Solaro to recommend approval of the Ordinance amending the Boundary Line for the Stateline/Ski Run Community Plan to Facilitate a Deed Restricted Affordable Housing Project. The motion carried unanimously.

(Break taken at 10:50 a.m.)

(Reconvened at 11:00 a.m.)

IX. PLANNING MATTERS

A. Transit-Oriented Development Discussion

Associate Planner Peter Eichar presented the staff summary requesting the Governing Board to review and consider setting the potential amendment of Transit-Oriented Development (TOD) findings for Public Hearing.

Ms. Neft commented that she was pleased that we are starting to focus on pedestrian traffic and on public transportation because that is what's going to save the Lake; for people to walk or bike or be able to use public transportation.

Mr. Cole commented that he appreciated that we are starting to see in our ordinances and language the difference between deed restrictable affordable market rates as something that we are dealing with in our committee and hopefully will be brought back. He also believed it was important to see "market" rate in here, and the committee will deal with that as well. It is also important that we are differentiating between these deed restricted units and market rate because affordable housing units can be for disabled people, senior people, and the kind of transit that we will provide for them may be different for each one. So this gives us some latitude here to maybe allow a senior project or disable project to be in an area that may not be suitable for multi-family market rate where we need to provide a lot of transportation. This has given the local jurisdictions a good tool to come back with projects that may not be in the traditional multi-family unit, but are definitely affordable and definitely have a need.

Chairperson Heller opened the meeting up for a public hearing.

Mr. Lew Feldman, representing Falcon Capital, thanked Mr. Eichar for his hard work on this Ordinance, and he just wanted to emphasize that this Subsection 5 is intended to try and give the Board and staff more discretion in facilitating affordable housing projects, particularly, deed restricted affordable housing projects; the opportunities of which are very, very limited. He thinks that it is very important that we have this opportunity for both staff and the Board to look at these without blinders and look at the bigger picture. Mr. Feldman believed that we made great strides and are moving in the right direction, but hopefully the message is that we want to facilitate these kinds of projects, and we will deal with the language matter at the next go around.

Since no one else wished to comment, Chairperson Heller closed the public hearing.
TRPA REGULAR MEETING MINUTES MARCH 28, 2001

B. Discussion of EIP Update

Deputy Director Carl Hasty presented the discussion of the EIP update. TRPA is ready to move forward with three volumes of the EIP for approval from the Board, which will be presented at the April Governing Board meeting. Mr. Hasty complimented the TRPA staff and all of the agencies involved for all their hard work in putting these documents together.

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

X. ADMINISTRATIVE MATTERS

A. Appointment of Bi-State Lay Member to the Advisory Planning Commission
   (Jay Kehne’s Term Expires at the End of March)

Executive Director Juan Palma recommended reappointment of Mr. Jay Kehne’s term on the Advisory Planning Commission.

MOTION by Ms. Neft to recommend reappointment of Mr. Jay Kehne on the Advisory Planning Commission. The motion carried unanimously.

B. Appointment of Governing Board Committees & Assignments of Roles

Mr. Palma presented the proposed resolution that establishes Governing Board committee assignments and outlines committee tasks, along with a matrix of each committee. Mr. Palma created a balance between California and Nevada members on the various committees, and he moved some of the members to different committees. Mr. Cole asked if he could change from the Finance Committee that meets at 8:30 a.m. on the day of the Board meeting to the Rules Committee that meets during the lunch hour on the day of the Board meeting. Mr. Galloway stated that he would be willing to change. Mr. Cole also complimented Mr. Palma on his hard work for trying to accommodate everyone.

MOTION by Mr. Galloway to approve the appointment of Governing Board Committees & Assignments of Roles. The motion carried unanimously.

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

Ms. Neft reported that everything was approved on the Consent Calendar.

B. Legal Committee

Mr. Waldie stated that the Cave Rock Partners, LLC., Resolution of Enforcement, which was taken off the Consent Calendar, has now been resolved. Mr. Marshall stated that it is not fully resolved. The Board approved a $7500 resolution of enforcement in December for some grading violations, and the settlement was agreed to by the Cave Rock Limited Partnership, and included that they must pay by a month after the Board approval. Their payment was due in late January, and they did not pay. We sent them some letters asking for payment, and they still did not pay. The violator’s representative is here, Gary Midkiff. Staff suggested that they increase the penalty of $10,000, with an immediate escalation of $30,000 if they don’t pay by
the end of April. At the Committee meeting, Brian Judge had some suggestions that they agree to a professional judgment, so that this would automatically go to court and enforce the $30,000 debt and not have to prove that the violation took place. Mr. Midkiff was unable to communicate with his client, other than to agree to come up with the $10,000 increase that will be due on April 15. They were unwilling to agree to a confession of judgment or the escalation of up to $30,000, although Mr. Midkiff did indicate that they were willing to accept the $15,000 escalation if they don’t pay by April 15th. Mr. Marshall was hoping that they would have a commitment from them saying that they would pay the $7500 within a couple of days, and $2500 by the 15th, but Mr. Midkiff is unable to reach the principal. He suggested that the Board agree to accept a $10,000 payment due April 15th, and if payment is not made, we would come back to the Board next month with a couple of different options; either going directly to court or seeking some other arrangement. That was the best that we could do now, given the fact that Mr. Midkiff could not get a hold of his client. Mr. Waldie stated that there is an agreement of $10,000 by the 15th, and if not, it will escalate to the $15,000 liability. Mr. Gary Midkiff, speaking on behalf of Cave Rock Partners, responded to Mr. Waldie that his statement was correct. Mr. Waldie was satisfied with this decision.

Ms. Neft asked why wasn’t the $2500 paid, and Mr. Marshall replied because they were anticipating obtaining the property out of bankruptcy prior to their debt becoming due. The bankruptcy proceedings became more complicated then they anticipated, and they are now anticipating getting their financing together in time to make the April 15th payment. That is an explanation for why they have not paid; Mr. Marshall would not consider that a legitimate excuse for them not paying the debt that they agreed to pay to TRPA.

Ms. Neft questioned if they had any conversation with Mr. Marshall that they were not going to be able to pay the $7500, and Mr. Marshall responded not prior to the date they didn’t pay.

Ms. Neft asked if they called Mr. Marshall informing him that they were in trouble, and Mr. Marshall responded not unless they called the Compliance Division saying they were not going to pay, and he wasn’t aware of this. Mr. Midkiff commented that as the deadline became closer and things were becoming more complicated through the bankruptcy, he did communicate with staff several times over the issue of what was occurring and talked about the problem. But, unfortunately, Mr. Midkiff has not been able to come up with a satisfactory solution.

Mr. Marshall said that although this was taken off of the Consent Calendar, it still requires Board action to accept the proposal for a $10,000 penalty, due on April 15th, and if not paid, the amount would escalate to $15,000.

**MOTION** by Mr. Waldie to approve the above-referenced settlement. The motion carried unanimously.

C. Local Government Committee

Mr. Cole stated that the Local Government Committee meets the first Friday of every month, and will be meeting on Friday, April 6th at Our Lady at Tahoe Catholic Church across from the TRPA. The committee is taking their assignment of affordable housing very seriously. He believed that within the next few meetings, more amendments will be coming forward regarding employee housing, regarding some incentives to convert existing market rates to affordable, some definitions of what market rate and employee housing is, and he believed that they will be able to make some recommendations. They will also be taking up the local revenue portion of the EIP. The first meeting will be on Friday, April 6th, and hopefully TRPA will disseminate some information to take back to our Public Works Departments identifying the projects that the local
TRPA REGULAR MEETING MINUTES MARCH 28, 2001

governments will either have to build or maintain and put some costs on them, and decide what kind of revenue stream we need to do this, and hopefully come to an agreement. Mr. Cole stated that this is a big task, but we all realize that we had better do it at this level or it will be imposed upon us without any inputs. Mr. Waldie stated that the Local Government Committee has been a very healthy addition to our Board. He sees it through the EIP program, and Hal's participation.

XII. REPORTS

A. Executive Director Monthly Status Report

1. Project Status Report

Mr. Palma introduced Mr. Carl Hasty as the new Deputy Director for TRPA. He is pleased and excited about Carl joining our team. We have several items on our 120-day project list, and Mr. Palma is committed to taking a look to make sure that these projects don't go too far beyond the 120-day requirement. He is thinking of ways to improve that.

We have more applications this year in Tahoe than we had last year in terms of project proposals. We are beyond where we were at this time last year in terms of applications. The economy is not having an impact here in Lake Tahoe.

Mr. Palma commented that we have a vacancy on our TRPA Board from the California side. He called Terry Giles and he asked if he knew someone that he could recommend to the Board. He indicated that he was interested in coming back to the Board, except he has a commitment to Indonesia to revamp their legal system. As soon as he gets done with that, which would take about 8 months, he would like to come back. In the meantime, Mr. Giles suggested several names but nothing is definite at this time. If anyone on the Board knows someone who might be interested, Mr. Palma has the forms that need to be filled out and given to the Governor's office.

In addition, currently Peter Chase Neumann from Reno is filling in as the Presidential Appointee. We have an opportunity to fill that position as well.

We have a retreat that we are planning for some time in May or June with the Governing Board members and staff. He is bringing this up as early as possible so we can set aside a day that will work for us. The purpose of the retreat is to look at our program of work for the following year, and on the Nevada side, the Oversight Legislative Group has asked that we need to have some training amongst all of us. In addition, TRPA just had a NEPA/CEQA training, and he believed that it would be informative for the Board to see how those processes work.

With regards to Glenbrook, on the table right now is a Stipulation that articulates that the parties; The Glenbrook Preservation Association; the Glenbrook Homeowners' Association; and the Harvey Whittemore interests; and TRPA, would go through a mediated session in the near future. Once that stipulation is signed within the next five days, then we will select a mediator within 15 days and go through the mediation within 45 days. The purpose of the mediation is to take a look at how do we move forward; what are the projects. He has been very clear with the participants that if TRPA is at the table, we are simply now approving whatever is being discussed; we are simply agreeing that it is a conceptual direction. Whatever projects or documents come out, they still need to come before the Board for their approval at some future
date. The stipulation has not been signed yet, but it is in the process now. He suspected that
something would be coming before the Board in late Spring or early Summer.

Mr. Palma is looking very seriously at restructuring of the organization, roles, and a refocus of
the organization. The reason he is looking at this is we have an opportunity before us. We
have several vacancies within the organization. We have an opportunity to obtain the kinds of
skills we need to hire for TRPA. He is also looking at restructuring the Transportation Division
by clarifying the roles of TRPA. TRPA is taking a lead role in making the CTS happen because
it is a critical project for us in Lake Tahoe. We are also focusing more on facilitation with the
EIP Division.

B. Legal Division Monthly Status Report

Mr. John Marshall passed out a brief recently filed in the Supreme Court opposing the Request
for Certiorari filed by TSPC. We should know by the end of April if the Supreme Court decides
to take the case. He would be happy to give members of the Board a copy of that brief.

In the Barbieri case, he believed that in April or May a settlement proposal will be brought to the
Board for approval. The CTC will buy a conservation easement, and the current landowner will
basically step out of the property, pay a fine to TRPA for the illegal improvements that they put
on the property, and each party will walk away accepting their own costs.

In Kearns, the case has been fully briefed before Judge Kariton in the Eastern District of
Sacramento, and we were prepared to go down to Sacramento for oral arguments, and the
judge continued that matter.

Mr. Waldie questioned what happened to Bitterbrush. Mr. Marshall stated that the issue is
whether or not an agreement that had been reached regarding bonus units had expired with
some terms that there was a continued obligation on TRPA recognizing certain bonus units for
subdivision purposes. The Legal Committee had some questions regarding what was
represented back in the 1990’s, and we have been negotiating with the attorney to try to find
some different way to skin that cat instead of having the Board decide up front whether or not
those bonus units are continuing. They have not been particularly productive, but we have a
meeting scheduled for next week to sit down and try to find another way. It may come back to
the Board in April for a decision on the bonus units. We are working on trying to find a way so
the Board doesn’t have to make that particular call; we are trying to work out some way to use
mitigation funds to help with that project and address some of the developer’s concerns.

Mr. Marshall stated that a number of Nevada State Representatives and Senators introduced
legislation in Nevada to amend the Open Meeting Law that would do a couple of things. The
Compact subjects this Board to a more restrictive open meeting law between California and
Nevada. Nevada is the more restrictive in this particular case. The proposed legislation would
preclude individual briefings of Board members if the purpose was to obey the open meeting
law by having; i.e., your legal counsel sitting down with groups of two or three and basically
briefing you on an issue that we couldn’t do in closed session because you can’t go into closed
session except for basically personnel matters in Nevada. There was also another provision
that would provide for a $5,000 penalty for any Board who violated the Open Meeting Law.
After we talked, we learned that the chance of success of those particular amendments are
fairly slim. If it makes it out of committee in the Assembly, it probably won’t pass Assembly and
the word is, it will probably not pass the Senate. We are keeping tabs on that. That has a direct
impact on TRPA because the Glenbrook litigation asserts that the Board violated the open
meeting law by trying to facilitate resolution of the dispute between the homeowners and Harvey Whittemore and Larry Ruvo. There are a lot of problems with the proposed amendment.

Mr. Waldie questioned how confidential memos fit in with that, and Mr. Marshall stated that the Nevada Supreme Court considered how attorneys can communicate with their public boards, and they basically recognized a couple of ways, and one was the confidential memorandum. That is not covered by the open meeting law. It doesn't have to be noticed or disclosed. The other way they recognize is to meet with less than a quorum of the Board in providing that information. The Legislation is trying to find ways that perhaps other bodies have been using to circumvent the intent of the Nevada Open Meeting Law. The Nevada Open Meeting Law does not preclude him from communicating with the Board through a confidential memorandum.

Mr. Waldie questioned if we are restricted to sending confidential memos only in those areas that are subject to closed meetings; i.e., personnel matters, or could Mr. Marshall send a confidential memo to each Board member on any subject on their agenda, and that need not be disclosed. Mr. Marshall replied yes, because the open meeting law is met to open up deliberative processes to the public; not necessarily the confidential information. There is also a tricky issue of when you receive confidential information; i.e., were Mr. Marshall to say "what are the weaknesses in a case and that we should settle", and he doesn't want to disclose those to the world because the proponent may hear what he considers the weakest points of the case. While that may be part of your consideration, it is not necessary to have a complete discussion, and his opinion can be communicated confidentially.

C. Governing Board Members

Mr. Cole stated that he will not be at the Governing Board meeting in April, and the packet and/or information pertaining to the meeting should be sent to Tom Davis at the City.

Chairperson Heller thanked Juan, John and Carl for working with him over the last couple of months and getting him oriented on this entire process and supporting him in what he is doing here.

XIII. ADJOURNMENT – The meeting adjourned at 12:00 p.m.

Respectfully submitted,

Sue Mikanovich
Clerk to the Board
This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (775) 588-4547. In addition, written materials submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.
MEMORANDUM

April 11, 2001

To: TRPA Governing Board, Sitting as the Regional Transportation Planning Agency

From: Transportation Staff

Subject: Approval of Resolution Programming Federal Transit Administration Section 5311 Funds ($320,000) for the Purchase of two (2), thirty-six (36) Passenger, Compressed Natural Gas (CNG) Fueled Transit Coaches for the South Tahoe Area Ground Express (STAGE)

Action Requested: Approval of Resolution programming Federal Transit Administration (FTA) Section 5311 Funds for the purchase of two (2), thirty-six (36) passenger, compressed natural gas (CNG) fueled transit coaches for the South Tahoe Area Ground Express (STAGE) transit system.

Staff Recommendation: Staff recommends the TRPA Governing Board approve the programming of Section 5311 funds, as the proposed funds and project are consistent with the TRPA Regional Transportation—Air Quality Plan for the Lake Tahoe Region.

This item was brought before the Board at the January 2001 meeting for the programming of $288,000 in FTA Section 5311 funds. Due to an increase in cost, staff is bringing this back to reflect the correct dollar amount of $320,000.

TTD/C Recommendation: The Tahoe Transportation Commission at their February 9, 2001 meeting voted unanimously to recommend the TRPA Governing Board approve the programming of these funds.

Discussion: The State of California has FTA Section 5311 funds available for transit assistance in non-urbanized areas for use to support transit services, these will be programmed by the City of South Lake Tahoe, to purchase two (2), thirty-six (36) passenger, CNG fueled transit coaches. These funds have been approved for allocation by the California Transportation Commission (CTC) and will be transferred from the State Transportation Improvement Program (STIP) to the FTA Section 5311 program.

As the Regional Transportation Planning Agency (RTPA) for the Tahoe Region, the TRPA authorizes the City of South Lake Tahoe to apply for FTA funds that will be programmed for use within the Tahoe Region. The City of South Lake Tahoe has prepared an application for FTA Section 5311 Funds. In order to complete the application, the designated Regional Transportation Planning Agency, with jurisdiction in the area where the funds are to be used, must by approve by resolution or minute order the programming of Section 5311 funding. In addition, because the proposed use of the
funds is for capital acquisition, there must also be an opportunity for public comment. This will be provided through the City of South Lake Tahoe at their May 15, 2001 City Council meeting.

If you have any questions or comments regarding this matter, please feel free to contact Alfred Knotts at 775-588-4547. Thank you.
TAHOE REGIONAL PLANNING AGENCY, SITTING AS THE REGIONAL TRANSPORTATION PLANNING AGENCY
TRPA RESOLUTION NO. 2001__

A-resolution Approving the Programming of Federal Transit Administration Section 5311 Funds ($320,000) for the Purchase of Two 36 Passenger, Compressed Natural Gas (CNG) Transit Coaches for the South Tahoe Area Ground Express (STAGE)

WHEREAS, the Tahoe Regional Planning Agency is designated by the State of California as the Regional Transportation Planning Agency for the Tahoe Region; and

WHEREAS, there are Federal Transit Administration (FTA) Section 5311 grant funds available for transit assistance for non-urbanized areas for use to support public transit services; and

WHEREAS, TRPA, as the RTPA, authorizes the City of South Lake Tahoe to apply for FTA funds that will be programmed in the Tahoe Region; and

WHEREAS, the City of South Lake Tahoe has submitted an application for FTA Section 5311 grant funds to purchase two (2) 36 passenger, CNG fueled transit coaches to be used as part of South Tahoe Area Ground Express (STAGE) transit system; and

WHEREAS, the proposed funds are consistent with the TRPA Regional Transportation Plan – Air Quality Plan for the Lake Tahoe Region.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency that FTA Section 5311 Grant Funds ($320,000), available to non-urbanized areas for use to support transit services, be programmed for use by the City of South Lake Tahoe, to purchase two (2) 36 passenger, CNG fueled transit coaches to be used as part of the South Tahoe Area Ground Express (STAGE) transit system.

PASSED AND ADOPTED this ___ day of April 2001, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

___________________________________________
Dean Heller, Chairman
Tahoe Regional Planning Agency
April 11, 2001

To: TRPA Governing Board, Sitting as the Regional Transportation Planning Agency

From: Transportation Staff

Subject: Approval of Resolution Approving Staff Scoring, and Providing Support of the El Dorado Area Agency on Aging’s Federal Transit Administration Section 5310 Grant Application for the Purchase of two (2), 4 Wheel Drive, Compressed Natural Gas (CNG) Fueled Vans for the South Shore "Transen" Program

**Action Requested:** Approval of the staff evaluation and resolution for support of El Dorado County Area Agency on Aging’s FTA 5310 grant application for the South Shore "Transen" Program.

**Staff Recommendation:** Staff recommend the Governing Board approve the resolution supporting the project and staff evaluation

**TTD/C Recommendation:** The Tahoe Transportation Commission at their April 13, 2001 meeting voted unanimously to recommend the TRPA Governing Board approve the resolution for this project.

**Background:** The "Transen" program is a program developed by Marvin Witzenhoffer and Billie Bridges to aid in the mobility of seniors and disabled on the South Shore of Lake Tahoe. Through this program seniors and disabled will be provided out of basin trips as well as local trips for medical appointments, shopping, and other needs. Out of basin trips are not provided by any of the Social Service transportation providers at this time.

This program was formed through a partnership between the South Lake Tahoe Senior Center, El Dorado County, and the City of South Lake Tahoe. The 5310 grant application is for the purchase of two (2), 4 wheel drive, CNG fueled vans. The total project cost for this program is $146,700, with 80% provide through the 5310 program.

This project is listed within the Federal Transportation Plan as project number 161 and in the Federal Transportation Improvement Program as project number TMC14.

**Discussion:** As the Regional Transportation Planning Agency for the Lake Tahoe Basin, it’s is staff’s responsibility to evaluate and score the grant application according to the "Quantitative Scoring Criteria and Project Rating From" provided by the Federal Transit Administration. Staff is seeking approval from the Tahoe Transportation District’s board so that this matter can move to the Tahoe Regional Planning Agency’s Governing Board for adoption by resolution. Staff scored this project at 85 points out of a possible 100
points. The 5310 program is a competitive grant process and with this score the success of the project looks favorable.

If you have any questions or comments regarding this matter, please feel free to contact Alfred Knotts at 775-588-4547. Thank you
TAHOE REGIONAL PLANNING AGENCY, SITTING AS THE REGIONAL TRANSPORTATION PLANNING AGENCY
TRPA RESOLUTION NO. 2001__

A RESOLUTION APPROVING THE RTPA's EVALUATION AND SUPPORT REGARDING THE EL DORADO COUNTY AREA AGENCY ON AGING FEDERAL TRANSIT ADMINISTRATION 5310 GRANT APPLICATION FOR THE PURCHASE OF TWO 4 WHEEL DRIVE, COMPRESSED NATURAL GAS FUELED VANS FOR THE "TRANSEN" PROGRAM

WHEREAS, the Tahoe Regional Planning Agency is designated by the State of California as the Regional Transportation Planning Agency for the Tahoe Region; and

WHEREAS, there are Federal Transit Administration (FTA) Section 5310 grant funds which are available to meet the special transportation needs of the elderly and persons with disabilities in all areas – urbanized, small urban, and rural; and

WHEREAS, the TRPA, as the RTPA, is required by California Department of Transportation (Caltrans) to evaluate the Federal Transit Administration Section 5310 application, and

WHEREAS, the TRPA as the RTPA has scored the application as an 86 out of a possible 100 points in accordance with the “Evaluation and Scoring Guidelines” set by Caltrans and does support the El Dorado County Area Agency on Aging “Transen” Program, and

WHEREAS, the proposed project is consistent with the Federal Transportation Plan and the Federal Transportation Improvement Plan for the Lake Tahoe Basin, and

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency approves the staff evaluation scoring and supports the El Dorado County Area Agency on Aging FTA Section 5310 Application Evaluation for Grand Funds.

PASSED AND ADOPTED this ___ day of April 2001, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:
Nays:
Abstain:
Absent:

[Signature]
Dean Heller, Chairman
Tahoe Regional Planning Agency

AK:jrwb

CONSENT CALENDAR ITEM #2
MEMORANDUM

April 11, 2001

To: TRPA Governing Board, sitting as the Regional Transportation Planning Agency

From: Transportation Staff

Subject: Approval of Resolution Programming of Federal Transit Administration Section 5311 Funds ($120,000) for the Purchase of two (2), 4 Wheel Drive, fifteen (15) Passenger, Compressed Natural Gas (CNG) Fueled, Cutaway Replacement Vans for the South Tahoe Area Ground Express (STAGE)

Action Requested: Approval of Resolution programming Federal Transit Administration (FTA) Section 5311 Funds for the Purchase of two (2), 4 wheel drive, fifteen (15) passenger, Compressed Natural Gas (CNG) Fueled, Cutaway replacement vans for the South Tahoe Area Ground Express (STAGE) transit system.

Staff Recommendation: Staff recommends the TRPA Governing Board approve the programming of Section 5311, as the proposed funds and project are consistent with the TRPA Regional Transportation—Air Quality Plan for the Lake Tahoe Region.

TTD/C Recommendation: The Tahoe Transportation Commission at their February 9, 2001 meeting voted unanimously to recommend the TRPA Governing Board approve the programming of these funds.

Discussion: The State of California has FTA Section 5311 funds available for transit assistance in non-urbanized areas for use to support transit services, these will be programmed by the City of South Lake Tahoe, for the Purchase of two (2), 4 wheel drive, fifteen (15) passenger, Compressed Natural Gas (CNG) Fueled, Cutaway replacement vans for the South Tahoe Area Ground Express (STAGE) transit system. These funds have been approved for allocation by the California Transportation Commission (CTC) and will be transferred from the State Transportation Improvement Program (STIP) to the FTA Section 5311 program.

As the Regional Transportation Planning Agency (RTPA) for the Tahoe Region, the TRPA authorizes the City of South Lake Tahoe to apply for FTA funds that will be programmed for use within the Tahoe Region. The City of South Lake Tahoe has prepared an application for FTA Section 5311 Funds. In order to complete the application, the designated Regional Transportation Planning Agency, with jurisdiction in the area where the funds are to be used, must by approve by resolution or minute order the programming of Section 5311 funding. In addition, because the proposed use of the...
funds is for capital acquisition, there must also be an opportunity for public comment. This will be provided through the City of South Lake Tahoe at their May 15, 2001 City Council meeting.

If you have any questions or comments regarding this matter, please feel free to contact Alfred Knotts at 775-588-4547. Thank you.
TAHOE REIGONAL PLANNING AGENCY, SITTING AS THE REGIONAL TRANSSPORTATION PLANNING AGENCY
TRPA RESOLUTION NO. 2001_

A RESOLUTION APPROVING THE PROGRAMMING OF FEDERAL TRANSIT ADMINISTRATION SECTION 5311 FUNDS ($120,000) FOR THE PURCHASE OF TWO (2), 4 WHEEL DRIVE, (15) FIFTEEN PASSENGER, COMPRESSED NATURAL GAS (CNG) CUTAWAY REPLACEMENT VANS FOR THE SOUTH TAHOE AREA GROUND EXPRESS (STAGE)

WHEREAS, the Tahoe Regional Planning Agency is designated by the State of California as the Regional Transportation Planning Agency for the Tahoe Region; and

WHEREAS, there are Federal Transit Administration (FTA) Section 5311 grant funds available for transit assistance for non-urbanized areas for use to support public transit services; and

WHEREAS, TRPA, as the RTPA, authorizes the City of South Lake Tahoe to apply for FTA funds that will be programmed in the Tahoe Region; and

WHEREAS, the City of South Lake Tahoe has submitted an application for FTA Section 5311 grant funds to purchase two (2), 4 wheel drive, (15) fifteen passenger, CNG fueled cutaway replacement vans to be used as part of South Tahoe Area Ground Express (STAGE) transit system; and

WHEREAS, the proposed funds are consistent with the TRPA Regional Transportation Plan – Air Quality Plan for the Lake Tahoe Region.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency that FTA Section 5311 Grant Funds ($120,000), available to non-urbanized areas for use to support transit services, be programmed for use by the City of South Lake Tahoe, to purchase two (2), 4 wheel drive, (15) fifteen passenger, CNG fueled cutaway replacement vans to be used as part of South Tahoe Area Ground Express (STAGE) transit system; and

PASSED AND ADOPTED this ___ day of April 2001, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Dean Heller, Chairman
Tahoe Regional Planning Agency

AK:jwrb
April 11, 2001

To: TRPA Governing Board, sitting as the Regional Transportation Planning Agency

From: Transportation Staff

Subject: Approval of the State of California Federal Transit Administration (FTA) 5311 Regional Program of Projects (POP) for Fiscal Year 2000-2001—Grant Cycle 19; and Adoption of Supporting Resolution

Action Requested: Approve the State of California Federal Transit Administration (FTA) 5311 Regional Program of Projects (POP) for Fiscal Year 2000-2001—Grant Cycle 19; and Adoption of Supporting Resolution

Staff Recommendation: Staff recommends that the TRPA Governing Board approve the State of California Federal Transit Administration (FTA) 5311 Regional Program of Projects (POP) for Fiscal Year 2000-2001—Grant Cycle 19; and Adoption of Supporting Resolution. The funds are for Fiscal Year 2000/2001 operating assistance for the North Shore’s Tahoe Area Regional Transit and the South Shore’s South Tahoe Area Ground Express. The amount requested within the POP is $54,482 for the South Tahoe Area Ground Express and $54,481 for the Tahoe Area Ground Express to assist in operation of the two transit systems.

TTD/C Recommendation: The Tahoe Transportation Commission at their November 17, 2000 meeting voted to recommend the TRPA Governing Board approve the 2000/2001 State of California Regional Program of Projects

Discussion: For Fiscal Year 99/00 there was a carryover balance of $52,657 from the State of California through the Federal Transit Administration (FTA) Section 5311 program. For Fiscal Year 00/01 the regional apportionment was $56,306 through the Federal Transit Administration (FTA) Section 5311 program. This brought the total amount available for programming to $108,963 for Fiscal Year 00/01. This matter was discussed at the November 2000 Tahoe Transportation District (TTD) meeting and an agreement was reached that these funds would be distributed at a 50/50 ratio with the City of South Lake Tahoe receiving $54,482 for operating assistance for the South Tahoe Area Ground Express and Placer County receiving $54,481 for operating assistance for the Tahoe Area Regional Transit.

If you have any questions or comments regarding this matter, please feel free to contact Alfred Knotts at 775-588-4547. Thank you
TAHOE REGIONAL PLANNING AGENCY, SITTING AS THE REGIONAL TRANSPORTATION PLANNING AGENCY
TRPA RESOLUTION NO. 2001__

A RESOLUTION APPROVING THE STATE OF CALIFORNIA FEDERAL TRANSIT ADMINISTRATION (FTA) 5311 REGIONAL PROGRAM OF PROJECTS (POP) FOR FISCAL YEAR 2000-2001 – GRANT CYCLE 19

WHEREAS, the Tahoe Regional Planning Agency is designated by the State of California as the Regional Transportation Planning Agency for the Tahoe Region; and

WHEREAS, there are Federal Transit Administration (FTA) Section 5311 Grant Funds available for transit assistance for non-urbanized areas for use to support public transit agencies; and

WHEREAS, the TRPA, as the RTPA has submitted a request for programming of transit operating assistance for Placer County and the city of South Lake Tahoe; and

WHEREAS, these funds are essential in providing dependable transit service on both the North and South Shores of Lake Tahoe; and

WHEREAS, these funds are consistent with the TRPA Regional Transportation Plan – Air Quality Plan for the Lake Tahoe Region, and

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency that the FTA Section 5311 Regional Program of Projects—Fiscal Year 2000/2001—Grant Cycle 19, available to non-urbanized areas for use to support transit services, be programmed for use by the City of South Lake Tahoe and Placer County to support the local public transit systems.

PASSED AND ADOPTED this ___ day of April, 2001, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:
Nays:
Abstain:
Absent:

Dean Heller, Chairman
Tahoe Regional Planning Agency
STATE OF CALIFORNIA FTA SECTION 5311
REGIONAL PROGRAM OF PROJECTS (POP) – FISCAL YEAR
2000/2001 – GRANT X019

COUNTY/ REGION: Tahoe Regional Planning Agency

CARRYOVER: $52,650
00/01 APPORTIONMENT: $56,304
TOTAL FUNDS AVAILABLE: $108,953

From 5311 County/Regional Apportionment

NOTE: Projects that have been programmed (listed in a grant and approved) should NOT be listed:

OPERATING ASSISTANCE PROJECTS

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<tr>
<th>NET RECIPIENT</th>
<th>TIME PERIOD</th>
<th>FEDERAL SHARE</th>
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<tr>
<td>FY</td>
<td>PROJECT COST</td>
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<tr>
<td>City of South Lake Tahoe</td>
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<td>Placer County</td>
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CAPITAL PROJECTS - for vehicle procurement show quantity, vehicle size, passenger capacity & fuel type. Also, note expansion or replacement.

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<th>NET PROJECT DESCRIPTION</th>
<th>RECIPIENT COMPLETION DATE</th>
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5311 County Regional/Apportionment - Subtotal

From OTHER Fund Types (i.e. State Discretionary Reserve, Intercity Bus Program, STP*, CMAQ*.
Federalized STIP*):

<table>
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<tr>
<th>RECIPIENT</th>
<th>PROJECT DESCRIPTION</th>
<th>FUND APPLICATION TYPE</th>
<th>NET ATTACHED</th>
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CONSENT CALENDAR ITEM #4
*ADDITIONAL INFORMATION FOR FEDERALIZED STIP PROJECTS MUST BE PROVIDED: 1) CTC ACTION TYPE AND 2) ESTIMATED CTC ACTION DATE

OTHER FUND TYPE - **Subtotal**

$ __________  $ __________

**TOTAL PROGRAMMED**

$ 1,603,621  $ 108,963
TIPS:

- All Regional Program of Projects (POP) will be reviewed for final approval by the Office of Federal Transit Assistance (OFTA). Each agency will be notified, through the District Transit Rep (DTR), if a project is approved for programming within this grant cycle.

- Flexible funded project applications must be submitted with the POP. For projects funded with Section 5311 apportioned funds, contact the DTR for Section 5311 application guidance. The latest version of the Section 5311 application is available on the OFTA homepage at: www.dot.ca.gov/hq/MassTrans/ofta.htm.

- The Uniform Transit Application does not meet the requirements of the Section 5311 program and will not be accepted.

- Any project that does not meet Federal Transit Administration’s (FTA) Timely Use of Funds policy cannot be considered within the Section 5311 program.

*FTA Timely Use of Funds Policy:*
Funds awarded in the Section 5311 program are available for a limited number of years. The year of apportionment is the year in which the funds were awarded. The year of apportionment will be the year in which funds are available to fund a project. The year of apportionment will also be the year in which the funds must be expended.

- All vehicles procured with the Section 5311 program funds must be ADA accessible regardless of service type (fixed route or demand-response service) and procurement type (Local or State).

- Applications for vehicle projects utilizing local procurement methods must include a complete bid package when submitted to the DTR for review. An agency must receive approval for and a fully executed contract from the OFTA before bids are submitted to prospective bidders.

- All capital project applications must contain a viable procurement schedule for vehicle/equipment procurement or milestones for construction projects.

- Applicable environmental documents must be submitted with the application for acquisition of right-of-way and/or capital (construction or improvements) projects. (Reference Caltrans Interim Handbook for FTA Section 5311 Applicants In Non-Urbanized Areas, dated October 1997 – Chapter 3, Part 3 Project Description and Chapter 9 Environmental Procedures).

- For all Federalized STIP projects the CTC ACTION TYPE AND CTC ACTION DATE must be provided at time of POP submittal.

- Fund transfers for FHWA flexible funded projects –
  
  **CMAQ or STP Projects**
  
  Agency must initiate the transfer of funds through the District Loc assistance from the DTR.

  **Federalized STIP Projects**
  
  An agency must initiate the transfer of funds through the DTR.

Please contact your DTR for additional guidance.
MEMORANDUM

April 10, 2001

To: TRPA Governing Board and Finance Committee

From: TRPA Staff

Subject: Direction on Use of Abandoned Cash Securities

Proposed Action: Staff proposes that the Governing Board place forfeited funds from recently abandoned cash securities into a TRPA education outreach account for local school sponsored programs dedicated to environmental restoration and/or education in the Lake Tahoe Region. On March 29, 2001, $4,431.11 in cash securities had met the findings required by TRPA Code section 8.8.D(2) and have been determined to be abandoned. The projects for which the securities were posted have been inspected and determined to be in conformance with their approval. The holders of the securities could not be located and the securities have not been claimed during the time period set forth in section 8.8.D(2). These funds are available and may be designated to a fund determined by the Governing Board. It is recommended that the Finance Committee forward the following proposal to the Governing Board as to the further use of these funds.

Staff Recommendation: Place the funds in a TRPA education outreach account for local school sponsored programs dedicated to environmental restoration and/or education projects within the Lake Tahoe region. The Executive Director shall be given authority to disperse the funds to such programs that exhibit sound restoration and/or education goals and monitoring.

Required Actions: Agency staff recommends that the Governing Board approve the above staff recommendation.


Subsection 8.8.D(2) reads...“prior to forfeiture of a cash security, TRPA shall publish a notice of forfeiture, which the notice shall name the person who posted the security. The notice shall be published one time in a newspaper of general circulation in the Tahoe Region. If the person who posted the cash security does not claim the security within one year after the publication of the notice, the cash security shall be deemed abandoned and forfeited to a fund designated by the Governing Board.”
After attempting to locate the owners of many securities and being successful in some cases, staff instituted the process for forfeiture. This section allows TRPA to forfeit project securities posted in cash when a project has been completed in accordance with its approval, and the owner of the security cannot be located. In most cases this is due to ownership changes or dissolution of a business entity.

Discussion: At the July 1998 Governing Board meeting, the Governing Board authorized the transfer of $5,783.08 in abandoned securities to the TRPA general fund. In the interim, only those securities before the Board today have met the requirements of Code section 8.8.D(2) for forfeiture. TRPA staff has utilized the direction in the code for locating owners of securities and have used other search options available through banks and the Internet to return cash securities to their owners. The vast majority of owners are located and their securities are returned. These cash securities represent three separate projects that have been completed in accordance with their approvals. The forfeiture process does not apply to non-cash (bonds, certificates of deposit and letters of credit) project securities.

TRPA staff is recommending at this time that the securities presently before the Governing Board be applied to local, school-sponsored environmental restoration and education projects.
MEMORANDUM

April 12, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Additional Release of $112,000 from the Bitterbrush Settlement for the Fairview Blvd. / Country Club Drive Water Quality Improvement Project.

Proposed Action: Approve release of $112,000 from the Bitterbrush Settlement for the Fairview Blvd. / Country Club Drive Water Quality Improvement Project.

Project Description: This project incorporates elements of two EIP projects (#230 Chateau / Country Club and a portion of #10068, Mill Creek Water Quality) and will include source control, revegetation, runoff control, and water quality treatment. The most recent total project cost estimate is $1.95 million. After this release, based on January's balance, $57,894.99 will remain in the Bitterbrush account. Attached for background information are:

A. Washoe County's request; and,
B. A project map.

Project History:

1982 – Bitterbrush Settlement provided funds for off-site improvements – specifically along Ski Way and Fairview Boulevard.

Spring 2000 – Washoe County contracted with Harding Lawson Associates to develop plans for the project.

March 2000 – Washoe County estimated at the time that the project would cost $1.3 million and requested, and the TRPA Governing Board approved, $325,000 from the Bitterbrush funds to match Nevada Bond funds for the remainder of the project.

Summer 2000 – The County modified the scope of work after a second field tour. The new project estimate was $1.85 million.

July 2000 – Washoe County requested, and the TRPA Governing Board approved, an additional $137,000 from the Bitterbrush funds for the project.

Winter 2000/01 – Washoe County evaluated project bids and selected a construction firm, unfortunately, the project bid was higher than the cost originally estimated.
April 2001 – Washoe County submitted this request to the TRPA Governing Board for an additional $112,000 to complete the project financing in anticipation of summer construction.

**Staff Recommendation:**

Because:

- The project will effectively inhibit erosion and treat runoff prior to its entry into Incline Creek;
- The County is addressing needs identified in the Environmental Improvement Program;
- Construction is anticipated to begin this summer and is contingent upon receiving this request; and,
- The funds are available and will be used in accordance with the Bitterbrush Settlement;

staff recommends approving the release of these funds subject to the conditions cited below.

**Staff recommends approval of this release subject to these standard conditions:**

1. The County shall only use the funds for the project cited above, and as approved by TRPA.
2. The County shall keep complete records of all funds expended on the project and how they were used. Such records shall be made available for review and audit by TRPA upon written request.
3. Any unused mitigation funds shall be returned to TRPA, or TRPA approval shall be acquired before their re-allocation to another project is made.
4. Signage used to identify the project(s) during construction shall include all funding sources.

If you have any questions regarding this item please contact John Van Etten at (775) 588-4547 x 247.

**Attachments:**

- Attachment A: Washoe County's request
- Attachment B: A project map.
April 9, 2001

Dear Mr. Van Etten:

Washoe County recently opened bids for the construction of the referenced erosion control project in Incline Village.

The project was enlarged to provide for the water quality treatment of the entire area between Fairview Boulevard and Country Club Drive. The County has received $462,000 from the Water Quality Mitigation funds (Bitterbrush Settlement).

With the increased project size and scope, the County hereby requests an additional $112,000 for a total of $574,000 from our Water Quality Mitigation fund (Bitterbrush Settlement) for the project. The improvements, which meet the Bitterbrush Settlement requirements, are valued at $644,500. The project is now under permit with TRPA.

Thank you for your support of the project. If you have any questions or need additional information please call me.

Very truly yours,

DAVID R. ROUNDTREE, P.E.
Public Works Director

KIMBLE O. CORBRIDGE, P.E.
Registered Engineer

Attachment A
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Weinberg/Silviera Multiple-use Pier and Shoreline Protective Structure

Application Type: Shorezone/Recognition of Multiple-Use Facility/Modification and Reconstruction of an Existing Pier/Shoreline Protective Structure

Applicants: J.W. & Barbara Silviera and Daniel & Gayle Weinberg

Agency Planner: Jon-Paul Harries, Associate Planner

Location: 2197 & 2200 Cascade Stables Road, El Dorado County, CA

Assessor's Parcel Numbers (APNs) / File Number: 18-191-14 & 18-191-16/200862

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

Project Description: The applicants are proposing to relocate, modify, and reconstruct an existing pier. The existing double-piling pier is currently located on APN 18-191-14 (Weinberg property) and is six feet wide and 135 feet in length as measured from the high-water line. The existing pier also contains a 15 foot by 30 foot boathouse with a boat hoist, which the applicants are proposing to remove. The pier and boathouse were damaged in January 1997 and the previous property owner obtained TRPA approval to repair the structure (TRPA File No. 980114). In July 1997, the previous owner also received a TRPA Determination of Emergency with respect to the eroding lake bluff thereby allowing the emergency placement of a shoreline protective structure. The pier repair and the installation of shoreline protective structure were not completed and the present owner now wishes to proceed with the slope protection project and join with the neighboring property in a modified multiple-use pier rather than repair the existing pier and boathouse.

The proposed pier will be an open piling design and located on the common property line dividing the two subject parcels. The new pier will utilize a single pile walkway design to the pierhead, where a tandem pile design is proposed. The pier is proposed to be 165 feet in length (to lake bottom elevation 6,219 feet) and six feet wide to the pierhead, which will be 13 feet wide. The pierhead is proposed to be 45 feet in length and contain two low-level electrical boat lifts and an inset lake access steel stairway. Boat lifts are typically designed with a weight capacity of either 6,000 pounds or 12,000 pounds. The applicants are proposing lifts with a weight capacity of 6,000 pounds each.

In conjunction with the proposed development, the applicants are requesting the Governing Board recognize the pier as a multiple-use facility and thus allow deviations from certain location and design standards. Specifically, the deviations include placing the pier outside of TRPA shorezone setback lines, the addition of a second boatlift, and 30 feet of additional pier length beyond the TRPA pierhead line. The recognition of the pier as a multiple-use facility and deviations from design standards is further discussed in the Issues section below.
Site Description: The project area contains two parcels. The Weinberg parcel (APN 16-191-14) is developed with a recently reconstructed single family dwelling and contains the existing single-use pier described above. The Silviera parcel (APN 16-191-15) is currently developed with a residence and has no existing shorezone development. Both parcels slope steeply towards the lake and are classified as low capability land. The project site is in an area mapped and verified as Prime Fish Habitat (Feed and Escape/Cover). Adjacent land uses include residential development with similar accessory shorezone structures (piers and buoys).

Issues: This project involves the relocation and expansion of an existing nonconforming pier and recognition of the pier as a multiple-use facility. Therefore, the project 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. **Recognition of the Pier as a Multiple-Use Facility & Deviation from Design Standards:**

   The applicants are proposing a pier that will be shared by two separate families. Given the number of families being served by the pier, staff has determined the pier can qualify as a multiple-use facility pursuant to the definition of a multiple-use facility set forth in Chapter 2 of the TRPA Code of Ordinances, as follows:

   "Multiple-Use Facility: A shorezone facility, usually but not always a pier, which is used by the public, homeowners association or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to Subsection 54.8.D."

   Typically, private property owners request the Governing Board recognize a shorezone facility as multiple-use to receive approval for a project that deviates from certain shorezone development standards. The Code allows deviations from certain location and design standards by reducing the standards to guidelines if the structure is recognized as multiple-use pursuant to Subsection 54.8.D of the Code. Subsection 54.8.D states,

   "Recognition Of Facilities As Multiple-Use: Facilities recognized by TRPA as multiple-use are subject to the following provisions:

   (1) **Deviation From Standards:** Deviation from those standards identified in Subsections 54.8.B and 54.8.C as guidelines for multiple-use facilities, shall be allowed only if TRPA recognizes such facilities as multiple-use. The extent of deviation from the standards shall be approved by TRPA and shall be dependent on:

   (a) The reduction in development potential of shorezone facilities associated with the application such that the facility will be shared by other littoral property owners; and

   (b) The number of people utilizing the facility or the extent to which the facility is available for general public use."
(2) Reductions In Development Potential: Reductions in development potential shall be established through the recordation by the owner of permanent deed restrictions or other covenants running with the land, reflecting use agreements and development limitations approved by TRPA on the affected properties."

The specific deviations from standards the applicants are requesting are placement of the reconstructed pier in Prime Fish Habitat, the placement of the pier outside of TRPA shorezone setback projection lines, 30 feet of additional pier length beyond the TRPA pierhead line, and the addition of a second low-level boatlift. Below is a staff discussion and recommendation for each standard the applicants are requesting a deviation.

A. Subsection 54.4.A(3), TRPA Code of Ordinances: 'The placement of piers shall be prohibited in areas identified as "Feeding And/Or Escape Cover Habitat," "Spawning Habitat" or "Areas Targeted For Habitat Restoration" on TRPA's Prime Fish Habitat map, adopted on April 26, 1984.'

Response: The proposed pier will be located in Prime Fish Habitat (Feed and Escape/Cover). Recognition of a structure as a multiple-use facility does not permit deviation from the prohibition of new piers in Prime Fish Habitat. However, a pier does exist on the Weinberg parcel that can be verified as legally existing pursuant to Subsection 52.1 of the Code. TRPA has typically allowed demolition, relocations, and expansions of piers in Prime Fish Habitat provided it would not have a significant adverse impact on the fish habitat. TRPA staff conducted a site visit to evaluate the impacts to the fish habitat and found the project and construction activity, as conditioned, would not adversely impact the fish habitat. Construction disturbance will be brief and limited, and additional habitat will be made available by the replacement of the double pilings with single pilings.

B. Subsection 54.4.A(5), TRPA Code of Ordinances: 'The setback for existing piers shall be five feet and for new piers it shall be 20 feet. Piers shall be placed within the setback lines established by TRPA. TRPA shall establish the setback lines by measuring the applicable distance inward from each property line along the high water line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline. TRPA may adjust angle of projection to compensate for unique circumstances such as a small cove.'

Response: The applicants are proposing to place the pier on the property line dividing the two subject parcels. TRPA staff recommends the setback standard be waived for this project. Staff recognizes that the pier will be shared by the two parcels affected by the deviation from the setback standard and also that the Weinberg family could proceed to repair the existing pier on their parcel. Staff have determined there would be no adverse impact resulting from the placement of the pier on the property line provided, pursuant to Subsection 54.8D(2) of the Code, the owners of both parcels record a TRPA approved-to-form deed restriction limiting the potential shorezone development. It should be known that under the current TRPA shorezone ordinances, new shorezone structures would be prohibited on both subject parcels because of the TRPA prohibition of new structures in Prime Fish Habitat. The Silviera family currently does not have the

4/11/01 JPH

CONSENT CALENDAR ITEM NO. 7

27
ability to construct a pier nor do they currently have a pier. Therefore, such a
deed restriction would not immediately result in a reduction of development
potential; it would only ensure a reduction in potential development if the current
ordinances were changed. To the extent that the pier would serve the two
parcels, and recognition of the fact that the exiting pier could be rebuilt and
potentially expanded, staff feels the deviation from the setback standard can be
justified in accordance with Subsection 54.8.D.

C. Subsection 54.4.A(4), TRPA Code of Ordinances: Piers shall not extend beyond
lake bottom elevation 6219.0 feet, Lake Tahoe Datum, or beyond the pierhead
line, whichever is more limiting. The pierhead line is established as depicted on
the TRPA Shorezone Tolerance/Pierhead Line Maps.

Response: The applicants are proposing to extend the pier 30 additional feet (to
lake bottom depth 6,219 feet). The existing pier is at the pierhead line, therefore,
the proposed pier would extend approximately 30 feet beyond the pierhead line.
This additional length is a modest amount that will result in a pier as long as
adjacent piers. Given the pier will not extend beyond lake bottom elevation
6,219', and will not extend beyond adjacent piers; staff has concluded that the
additional length would not cause adverse scenic or recreational impacts.

D. Subsection 54.4.A(4), TRPA Code of Ordinances: The width of piers shall be a
maximum of 10 feet, which shall include all appurtenant structures except for a
single low-level boat lift and a single catwalk. A catwalk below the level of the
main deck, and not exceeding three feet in width by 45 feet in length, may be
permitted. Additional width for a single catwalk may be permitted where TRPA
finds it is necessary to facilitate barrier free access but at no time shall the entire
width of the pier and catwalk exceed 13 feet. A low-level boatlift with forks not
exceeding 10 feet in width may be permitted.

Response: The applicants are requesting the Governing Board approve two low-
level boatlifts. The primary impact associated with approving a second boatlift is
the potential impact to scenic quality. The applicants have also prepared a visual
simulation for review. TRPA staff reviewed the simulation and determined that
the project, as conditioned, would not result in adverse scenic impacts. The
scenic shoreline travel route in this section of the lake is currently in attainment
with TRPA scenic thresholds. Mitigating project elements include removing the
existing boathouse, modifying the pier from a double piling pier to a
predominately single-piling pier, constructing the pier so that the pier pilings do
not extend above the pier deck as they currently do, removal of the lake bluff
stairway on the Silviera parcel, landscaping of the lake bluff, and tree plantings to
provide partial screening of the Silviera residence. Several of these project
elements directly mitigate the potential scenic impacts of the proposed pier by
reducing the amount of visible mass as seen from the lake. In addition, the
removal of the lake bluff stairway and the installation of landscaping will create a
more natural shoreline with a singular point of access and provide additional
screening of the residences.
2. **Potential Impacts to Tahoe Yellow Cress (TYC):** The project area has been found to provide good Tahoe Yellow Cress (*Rorippa subumbellata*) habitat, and is near other sites where TYC has been recorded. TYC is a State-listed threatened and endangered plant species and is considered a sensitive plant species by TRPA. Concern over impacting a possible TYC population was raised by California State Lands Commission and the California Department of Fish and Game. TRPA staff inspected the site and found the area to possess characteristics of good TYC habitat. TRPA staff was not, however, able to determine if TYC was present or would be adversely impacted because TYC is an herbaceous perennial plant and was not visibly present (showing above-ground stems, leaves, or flowers) during the January through April review period.

Because TYC has not been found on the site during past lake-wide surveys, staff is recommending approval of the project with two conditions of approval. The first is that permit acknowledgement and construction or demolition shall not commence until a qualified TRPA staff member or California State Lands Commission employee conducts a TYC inspection between June 1 and September 15 when TYC, if present, will be visible. Construction shall then commence within 60 days of the inspection date. This condition is consistent with the strong recommendations of members of the Shorezone Review Committee. The second condition is that if TYC is discovered, the applicants shall coordinate with TRPA staff to develop an on-site strategy to protect the plant. The strategy may include, among other elements, modification of the shoreline protective structure and pier placement, and the preparation and implementation of a management plan that includes short and long-term protection of the plant.

**Staff Analysis:**

A. **Environmental Documentation:** The applicants have completed an Initial Environmental Checklist (IEC) and a 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 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 175 (Cascade Properties). The Land Use Classification is Residential, and the Management Strategy is Mitigation. Piers are listed as allowable accessory structures and shoreline protective structures are listed as special use structures. Single family dwellings are an allowed use. TRPA staff has reviewed the plan area statement and has determined that the project, as conditioned, is consistent with the applicable planning statement, planning considerations and special policies.

C. **Land Coverage:**

*Weinberg Parcel (APN 18-191-14)*

1. **Land Capability District:** The parcel is comprised of land capability classes 3, 1a, and Backshore. The total project area is 12,996 square feet in size.

2. **Total Allowable Land Coverage:** 147 square feet
3. **Total Existing Land Coverage**: 4,431 square feet

4. **Proposed Land Coverage**: 4,431 square feet

5. **Excess Land Coverage**: 4,284 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. The applicant has mitigated 600 square feet in conjunction with a previous project, therefore, 3,684 square feet of excess land coverage remains to be mitigated.

**Silviera Parcel (APN 18-141-16)**

1. **Land Capability District**: The parcel is comprised of land capability classes 3, 1a and Backshore. The total project area is 12,725 square feet in size.

2. **Total Allowable Land Coverage**: 131 square feet

3. **Total Existing Land Coverage**: 2,800 square feet

4. **Proposed Land Coverage**: 2,800 square feet

5. **Excess Land Coverage**: 2,669 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 parcels are located within Shorezone Tolerance District 7. Projects within Shorezone Tolerance District 7 must ensure stabilization and the least environmental impact to the backshore. Vehicle access to the shoreline is not permitted and pedestrian access to the shoreline is limited to stabilized access ways. 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, 20, 50, 51, 52, and 54 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. **Chapter Six Findings**:

   a. **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.**

   (1) **Land Use**: The single family dwellings on the subject parcels are an allowed use within the applicable plan area statement. The proposed project involves the relocation and expansion of an

4/11/01
JPH

CONSENT CALENDAR ITEM NO. 7

30
allowed accessory structure (pier) and a permissible shoreline protective structure. Surrounding land uses are residential.

(2) Transportation: The existing pier serves the homeowners of the affected parcels and, as such, will not result in an increase of daily vehicle trip ends (dvte) to the subject parcel.

(3) Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. 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 provided the recommended mitigation measures are implemented. The applicants 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 or cultural resources within the project area. Conditions of approval discussed in the Issues section of this staff summary ensure Tahoe Yellow Cress will not be adversely impacted as a result of this project.

(4) Recreation: This project does not involve or impact any public recreation facilities or uses. The proposed pier will be similar in length to adjacent existing piers and will not adversely impact recreational boating or top-line angling.

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

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

b. 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.

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

(Refer to paragraph 1.b, above.)

CONSENT CALENDAR ITEM NO. 7

4/11/01
JPH
2. **Chapter 20 - Land Coverage Relocation Findings:**
   
a. **The relocation is to an equal or superior portion of the parcel or project area.**
   
   All relocated land coverage is either being relocated within Class 1a or within the backshore. There is no relocation of land coverage from a higher class to a lower class.

b. **The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.5.**

   The existing lake access stairway that is proposed to be removed will be restored in accordance with all TRPA restoration and landscape requirements.

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

   No land coverage is proposed to be relocated from a higher land classes to a lower class. All relocation will occur within existing land classes.

3. **Chapter 50 - Required Shorezone Findings:**
   
a. **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 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. There is an area of the backshore south of the existing pier experiencing a significant amount of erosion. Although shoreline erosion is a natural process, and is required for effective natural beach replenishment, the area south of the existing pier on this parcel is experiencing significantly more erosion than adjacent unprotected shoreline bluff areas. The shoreline protective structure proposed as a part of this project will stabilize the area. In addition, the installation of vegetation along the shoreline will result in increased backshore stability. 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.
b. 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 properties occupied by single family residences. The pier will only be used by the owners of the properties and their guests. There is sufficient parking and shorezone access to accommodate the project.

c. 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, as conditioned, is compatible with existing lake and shorezone uses and structures in the vicinity. The surrounding uses consist of piers, and buoys, and will not be adversely affected by this project.

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

The pier and shoreline protective structure are located in the shorezone of Lake Tahoe and are, by their nature, water-dependent.

e. 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.

f. 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. Access to the shoreline to construct the shoreline protective structure shall be from upland along the disturbed area between the residences minimizing potential impact to Tahoe Yellow Cress and its habitat below the bluff. Access and staging areas shall be revegetated upon project completion.
g. 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 adjacent piers. 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.

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

This project must receive approval from the California State Lands Commission 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. Both the California State Lands Commission and California Department of Fish & Game raised concern over the potential impacts to Tahoe Yellow Cress. The recommended conditions of approval discussed in the Issues section above are consistent with their recommendations and address their concerns.

4. Chapter 51 – Shoreline Protective Structure Special Use Findings:

a. 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 shoreline protective structure is designed to prevent continued erosion of a lakeshore bluff that received a TRPA Emergency Determination in 1997. The shoreline protective structure, as conditioned, is limited to the most affected area. The remaining bluff areas will be stabilized with vegetation.

b. 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 in the region.

The shoreline protective structure is needed to protect the health, safety, and enjoyment of property on APN 18-191-14. The nearest property to the south of the proposed shoreline protective structure has already installed a shoreline protective structure and will not be adversely impacted by this project.
c. The applicant has taken reasonable steps to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The shoreline protective structure seeks to prevent further erosion of the lake bluff. The nearest property to the proposed shoreline protective structure has already installed a shoreline protective structure and will not be adversely impacted by this project.

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

Neighboring properties have similar permissible structures and this project does not adversely affect or alter the purpose of the plan area statement.

5. Chapter 52 – Required Findings for Expansions of Non-Conforming Structures:

a. The structure is not an obstacle to navigation, is not causing significant shoreline erosion or interference with sediment transport, and is not contributing to noncompliance with a scenic threshold.

The proposed pier project did not receive any adverse comments from the Army Corps of Engineers or other agency with jurisdiction over navigable waterways, and the proposed length is similar in length to adjacent piers. The proposed project involves the construction of an open piling pier which will allow for unimpeded sediment transport. The project area is not located within a shoreline travel route that is out of attainment with TRPA scenic thresholds.

b. The structure has not been unserviceable for more than three years.

The existing pier and boathouse was damaged in January 1997. The applicants received TRPA approval to repair the pier and boathouse in July 1998. The repair permit is valid until July of this year. The applicants are seeking a new permit for a modified project.

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

The project, as conditioned, will not create a degradation of any of the environmental thresholds. The proposed project is visible from Scenic Shoreline Unit #5 (Ebright), which is in attainment with TRPA scenic thresholds. Staff has determined that this pier expansion, as conditioned, is consistent with the scenic quality standards. This project is presently located in an area mapped and verified as Prime Fish Habitat. TRPA staff has inspected the subject parcel and determined that the proposed
project will not adversely impact fisheries. The existing pier does not comply with several development standards, however, provided the pier is recognized as a multiple-use facility pursuant to Subsection 54.8.D of the Code, the proposed project would comply with all development standards except for its location in Prime Fish Habitat.

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

All of the required BMPs are being installed as a part of a previous project approval or will be installed as a condition of approval.

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

The proposed project complies with all design and color standards identified in 53.10 of the TRPA Code of Ordinances.

6. **Chapter 54 – Shoreline Protective Structure Findings:**

a. **Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures.**

A portion of the lake bluff is experiencing a significant amount of erosion which is causing excess sediment to enter to lake and threaten water clarity. Continued erosion will also threaten the lake access path and pier. The shoreline protective structure is designed to halt and prevent the continued sediment deposition and threat to private property.

b. **The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures.**

The project, as conditioned, minimizes the extent of the shoreline protective structure. The project, as conditioned, will utilize the hard structure only in the area of immediate need. Vegetation will be used to stabilize other portions of the bank.

c. **Each protective structure has been designed to be sloping and permeable; provided, however, that this finding is not necessary if TRPA concurrently makes the findings required under Subparagraph 54.13.B(1).**

As shown on the construction plans attached to the end of this staff summary, the shoreline protective structure is designed to be sloping and permeable.
d. Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.

The shoreline protective structure is designed to prevent continued erosion of a lakeshore bluff that received a TRPA Emergency Determination in 1997. The shoreline protective structure, as conditioned, is limited to the most affected area. The remaining bluff areas will stabilized with vegetation. The nearest property to the proposed shoreline protective structure has already installed a shoreline protective structure and will not be adversely impacted by this project.

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: Multiple-use Pier and Shoreline Protective Structure

PERMITTEES: J.W. & Barbara Silviera and Daniel & Gayle Weinberg

APNs: 18-191-14 & 18-191-16

COUNTY/LOCATION: 2197 & 2200 Cascade Road, El Dorado County, CA

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on April 25, 2001, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on April 25, 2004, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of driving the pier pilings 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 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 PERMITTEES HAVE ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE 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 Permittees:

_________________________
Date

_________________________
Date

_________________________
Date

_________________________
Date

_________________________
Date

PERMIT CONTINUED ON NEXT PAGE

4/11/01
/JPH

CONSENT CALENDAR ITEM NO. 7

38
D-R-A-F-T
APNs 18-191-14 & 18-191-16
FILE NO. 200862

Excess Coverage Mitigation Fee
APN 18-191-14(1):
Amount $_____ Paid _____ Receipt No. ________

Excess Coverage Mitigation Fee
APN 18-191-16(2):
Amount $_____ Paid _____ Receipt No. ________

Shorezone Mitigation Fee(3):
Amount $1,400 Paid _____ Receipt No. ________

Security Posted(4):
Amount $3,000 Posted_____ Receipt No. ________ Type ________

Security Administrative Fee(5):
Amount $_____ Paid _____ Receipt No. ________

Notes:
(1) Amount to be determined. See Special Condition 3.G, below.
(2) Amount to be determined. See Special Condition 3.H, below.
(3) See Special Condition 3.I, below.
(5) $130 if a cash security is posted, or $65 if a non-cash security posted.

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 allows the installation of a shoreline protective structure and the
development of a multiple-use pier located on the property line dividing APNs 18-191-14
and 18-191-16. The pier shall not exceed 165 feet in length (as measured from the high
water line). The pier shall be six feet wide to the pierhead, which shall be 13 feet wide
(total pierhead length = 45 feet). This permit also authorizes the construction of an inset
steel lake access stairway, and two low-level boatlifts (6,000 lbs. capacity each). No
railing, pilings, hoists, or other structures above the pier deck are authorized by this
permit. This permit does not verify or authorize the relocation and/or placement of any
buoys.

2. The Standard Conditions of approval in Attachment S.

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

A. An additional $525 application filing fee for Governing Board review shall be
submitted.

4/11/01
/JPH

CONSENT CALENDAR ITEM NO. 7

39
B. The site plan and/or construction plans shall be revised to include:

(1) The following revised land coverage calculations:

(a) The site plan shall be revised to show stabilized access to the pier from both properties. The proposed land coverage calculations shall also be revised to reflect any changes. If the applicants wish to combine the properties into a single project area for land coverage purposes, then a TRPA approved to form Project Area Deed Restriction shall be recorded.

(b) Clear delineation of all land coverage proposed to be removed, relocated, and revegetated.

(2) Removal of the lake access stairway on APN 18-191-16.

(3) A maximum pier width of 13 feet.

(4) The addition of four conifer or deciduous trees (minimum six feet tall) placed on top of the lake bluff in a manner that will provide screening of the residence on APN 18-191-16.

(5) The shoreline protective structure plans shall be modified to show the sloping rock revetment in the area south of the existing pier only. The remaining bluff areas shall be stabilized utilizing vegetation. The final slope protection plan shall be submitted to TRPA for review and approval prior to permit acknowledgment.

C. The permitees shall submit a Best Management Practices (BMP) plan for both properties, or evidence that a BMP plan is being implemented as part of a separate project.

D. Pursuant to Subsection 54.8.D(2) of the TRPA Code, the applicants shall record a TRPA approved-to-form deed restriction reflecting pier use agreements and shorezone development limitations on the affected properties. TRPA shall draft the deed restrictions. A copy will be provided to the applicant with the conditional permit.

E. Permit acknowledgement and construction or demolition shall not commence until a qualified TRPA staff member or California State Lands Commission employee conducts a TYC inspection between June 1 and September 15 when TYC, if present, will be visible. Construction shall then commence within 60 days of the inspection date.

F. If TYC is discovered during the above referenced inspection, the applicants shall coordinate with TRPA staff to develop an on-site strategy to protect the plant and agree to implement said strategy. The strategy may include, among other elements, modification of the shoreline protective structure and pier placement, and the preparation and implementation of a management plan that includes short and long-term protection of the plant.
G. The permittees shall mitigate 4,284 square feet of excess land coverage on APN 18-191-14 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 0.015.

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.

H. The permittee shall mitigate 2,669 square feet of excess land coverage on APN 18-191-16 by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 6, Emerald.

The excess coverage mitigation fee shall be calculated as follows:

(1) Estimated Project Construction Cost x 0.01.

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.

I. The permittees shall submit a shorezone mitigation fee of $1,400 for the construction of 30 feet of new pier (assessed at $30/foot) and two low-level boatlifts (assessed at $500/application). This mitigation fee may be adjusted dependant on the final project approved by the Governing Board.

J. The security required under Standard Condition A.3 of Attachment S shall be $3,000. Please see Attachment J, Security Procedures.

K. The permittee shall submit 3 sets of final construction drawings and site plans to TRPA.
4. 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. Spray painting and the use of tributyltin are prohibited.

5. Disturbance of the lakebed materials shall be kept to the minimum necessary for project construction.

6. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. Caissons shall be utilized if lake bottom sediment is resuspended during pile driving or at the TRPA compliance inspector’s discretion.

7. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

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

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

10. Prior to return of the posted security, the permittee 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.

11. The trees on these parcels shall be considered as scenic mitigation and shall not be removed or trimmed without prior written TRPA approval. Any such removal or trimming shall constitute a violation of project approval.

12. All pier construction staging shall take place from a barge (off-shore).

13. Surveys done in the area indicate habitat for Tahoe Yellow Cress (Rorippa subumbellata), a TRPA-designated sensitive plant species, exists in the backshore and foreshore of the subject parcels. Therefore, no storage of construction material and equipment or beach recreation equipment is permitted in the foreshore or backshore. Beach raking and other forms of beach grooming are strictly prohibited.
The project is proposing to bring a non-conforming multiple use pier towards conformance with current agency requirements.

**Vicinity Map**

Note:

SCALE: 1" = 60'

No Scale

Silviera/Weinberg Pier Modification/Boatlifts

2187/2201 Cascade Road, Cascade Area, California

El Dorado County Apn: 18-191-14, 16

This drawing is for permit exhibit purposes only

Agan Consulting Corporation

Land & Shorezone Consultants

Post Office Box 9160, Incline Village, Nevada 89452-9160

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November 2000

Sheet 1 of 4
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: New Government Center Office Complex

Application Type: Public Service

Applicant: Lake Tahoe Community College/U.S. Forest Service

Applicant's Representative: Joe Oden, USFS, Mark Hoefer, JWA Consulting Engineers

Agency Planner: Kathy Canfield, Project Review Division

Location: Al Tahoe Boulevard and College Drive, City of South Lake Tahoe

Assessor's Parcel Number/Project Number: 25-041-10 / 210093

Staff Recommendation: Staff recommends that the Governing Board approve the project. The recommended conditions of approval are listed in Section F of this staff summary.

Project Description: The applicant is proposing to construct a government office center on the Lake Tahoe Community College campus. The center includes two, two-story office buildings and associated parking and driveway areas. The site is located at the northeast corner of the college campus, adjacent to Al Tahoe Boulevard. Access to the government center will be from College Drive. The total office space is approximately 50,000 square feet. The project is proposed to be built in two phases. The first phase will be the construction of the north building which will house the U.S. Forest Service and associated parking areas and the second phase will be the east building and parking associated with that building. At this time it is anticipated that state and/or federal agencies may occupy the east building, however, no firm commitments of building occupation have been made.

Site Description: The project area includes the Lake Tahoe Community College campus, which consists of classroom and administrative buildings, a childcare center, a demonstration garden, and associated driveway, parking, and walkway areas. The site contains Class 1b, 4, and 7 land capability districts. No land coverage exists or is proposed in the Class 1b.

Issues: The proposed project involves the creation of over 2,000 square feet of floor area, and over 3,000 square feet of new land coverage and requires a traffic analysis, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Deed Restriction: The Lake Tahoe Community College (LTCC) campus has a deed restriction on the parcel which limits the use of the parcel to educational facilities only. This deed restriction was placed on the parcel in March of 1986.
during the TRPA Injunction time period. The recordation of the deed restriction, signed by TRPA, the State of California, the League to Save Lake Tahoe, the Tahoe-Truckee Sanitation Agency, Tahoe Shorezone Representation and the State of Nevada, allowed the construction of the college to occur during the Injunction. TRPA has been working with the College and the U.S. Forest Service to amend the deed restriction to allow public service and recreation uses as defined by Chapter 18 of the TRPA Code of Ordinances. The document which amends the original deed restriction has been drafted and the language in the draft document has been agreed to by all of the above parties. At this time the document is being circulated for signatures. Because the above parties have all accepted the language in the agreement, TRPA staff is agreeable to taking this project application forward, with the requirement that evidence of the document recordation be provided prior to final acknowledgement of the TRPA permit for the project application and the commencement of construction.

2. **Employee Trip Reduction Program**: As part of the agreement to amend the deed restriction, the parties agreed to implement the TRPA Employee Trip Reduction Program outlined in Chapter 97 of the TRPA Code of Ordinances. The agreement calls for the employers within the new office buildings to implement a more stringent level than that which would be required. In the case of the of the U.S. Forest Service, they are required to implement trip reduction measures for employers over 200 employees even though they estimate that only 115 employees will occupy the building. To meet their obligations and be consistent with Chapter 97, the U.S. Forest Service will provide 9 carpool spaces, continue to be a member of the TMA, provide transit subsidy passes (it is about a 5 minute walk to public transit), provide showers, allow for flexible work location and flexible work hours and provide monetary transit support (Trolley & Emerald Bay shuttle). These items are in addition to the standard requirements of Chapter 97. As the employers for the second phase are not yet known, many of these items can not yet be identified for phase two. The design of the parking lot includes 5 additional carpool parking spaces for phase two. Prior to commencement of construction for phase two, a detailed trip reduction program will be required to be submitted for TRPA review and approval.

3. **Parking**: The Bijou/Al Tahoe Community Plan identifies the applicable parking standards for the project. The parking requirements for the buildings are determined at a rate of 1 space per 250 square feet of gross floor area. The phase one building has a gross floor area of approximately 23,599 square feet which equates to 94 parking spaces. As a condition of project approval, the applicant will be required to demonstrate that the maximum number of parking spaces proposed is equal to 1 space per 250 square feet of gross floor area.

4. **Traffic**: The applicant has completed a traffic analysis for the project, analyzing both phases of development. The traffic analysis concludes that the phase 1 portion of the project is estimated to generate 689 additional daily vehicle trip ends (dvte) and phase 2 an additional 623 additional dvte. The report analyzed the potential impacts to nearby intersections including Al Tahoe Boulevard and Highway 50, Johnson Lane and Highway 50 and Al Tahoe Boulevard and Pioneer.
Trail. The conclusions of the analysis state that the Level of Service (LOS) at these intersections will be unchanged from their current level. The calculations contained in the traffic analysis are based on a “worst-case” scenario and it should be noted that the Employee Trip Reduction Program items were not utilized to reduce estimated traffic impacts. As a mitigation measure, the applicant will be constructing a portion of the Al Tahoe Boulevard bike path from College Drive to the property line with the U.S. Post Office.

Staff Analysis:

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC), a Forest Service Environmental Assessment which includes a traffic analysis, a parking analysis, a timber harvest plan and a soils/hydrologic report 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 above documents will be made available at the Governing Board hearing and at TRPA.

B. **Community Plan:** The project is located within Bijou/Al Tahoe Community Plan, District #4. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. Staff has reviewed the subject community plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (government office) is listed as an allowed use.

C. **Land Coverage:**

1. **Land Capability District:**

   The land capability districts of the project area are Classes 1b, 4, and 7. The total project area is approximately 164 acres.

2. **Allowed Coverage:**

   - Class 1b: 2,552,600 sq. ft. x 1% = 25,526 sq. ft.
   - Class 4: 1,102,100 sq. ft. x 20% = 220,420 sq. ft.
   - Class 7: 3,489,200 sq. ft. x 30% = 1,046,700 sq. ft.

3. **Existing Coverage:**

   - Class 1b: 0 sq. ft.
   - Class 4: 50,689 sq. ft.
   - Class 7: 532,639 sq. ft.
4. **Proposed Coverage:**

All proposed land coverage will be located within the Class 7 portion of the project area. It is estimated that the total proposed land coverage will be less than 200,000 square feet which is within the remaining allowable land coverage for the parcel.

5. **Coverage Mitigation:**

The applicant will be required to mitigate all additional land coverage created as a result of this project by paying a water quality mitigation fee of $1.34 per square foot of newly created land coverage.

D. **Building Height:** The proposed buildings have building cross slopes of 2% and proposed roof pitches of 5:12. Based on Table A in Chapter 22 of the TRPA Code of Ordinances, the base allowable height for both buildings is 30 feet, 6 inches. This project is eligible for additional height based on the public service use and the function on the building, subject to specific height findings being made by the Governing Board. These findings can be found in Section E of this staff summary. If the findings for the additional height are made, the proposed building heights of 37 feet, 1 inch and 39 feet, 7 inches, are consistent with the TRPA height requirements.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 22, 33 and 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 – Environmental Documentation:**

   (a) **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.**

      (1) **Land Use:** The proposed use (government office) is an allowed use in the Bijou/Al Tahoe Community Plan Area.

      (2) **Transportation:** The total estimated additional daily vehicle trip ends (dvte) for both phases of the project is 1,312 dvte. The traffic analysis submitted with the application analyzed the potential impacts on surrounding intersections and concluded that the Level of Service (LOS) would remain unchanged as a result of the project. The applicant will be required to mitigate all new dvte generated as a result of the project and install the mitigation measures outlined in the traffic analysis. In addition, the applicant will be
implementing Employee Trip Reduction items, outlined above.

3. **Conservation**: The applicant will be required to apply temporary and permanent Best Management Practice (BMPs) associated with the proposed project. The proposed project is visible from the Al Tahoe Boulevard bike path which is a designated TRPA scenic bike path. The applicant has proposed building colors and materials that blend, rather than contrast, with the natural surroundings, and has set the buildings back from the bike path more than 100 feet. There are no special interest species, sensitive or uncommon plants, or historic or cultural resources in the location of the proposed buildings.

4. **Recreation**: The project proposes to construct a bike path adjacent to the Al Tahoe Boulevard. No other impacts to recreation are expected.

5. **Public Service and Facilities**: The project is considered a public service use. Findings to support the additional public service use are outlined below. No other additions to public services or facilities are required to implement the project.

6. **Implementation**: This project does not require any allocations of development.

(b) 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.

(c) **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.)
2. Chapter 22 – Height:

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

   The proposed buildings have been sited to remove the least amount of trees. The buildings will be placed within a forested area with trees exceeding 40 feet in height. The proposed buildings will not extend above the forest canopy and ridgeline views are not apparent in this area.

   (b) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

   The buildings will be located within a forested area which does not provide views to distant features.

   (c) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

   The buildings are two-story structures. The floor to ceiling heights, space for mechanical runs, floor structure, roof structure and a roof pitch of 5:12 are all the minimum possible and/or allowed for a building of this type. To keep all functions within one building and to account for the large expanse of the building, the additional height is necessary for each of the buildings.

   (d) The additional height is the minimum necessary to feasible implement the project and there are no feasible alternatives requiring less additional height.

   The alternative of placing all of the needed functions of the building into a single story structure would create additional land coverage, require the removal of additional trees and would lose open space on the parcel. The floor to ceiling heights, space for mechanical runs, floor structure, roof structure and a roof pitch of 5:12 are all the minimum possible and/or allowed for a building of this type.

   (e) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner
of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

With a proposed roof pitch of 5:12, and building heights of 37 feet, 1 inch and 39 feet, 7 inches, the proposed buildings meet this requirement.

3. Chapter 33 – Allocation of Development:

(a) There is a need for the project.

The government center concept is to consolidate government office uses in one centrally-located location. It is anticipated that this will allow for greater communication and less duplication of facilities and services between the agencies. It is also anticipated that the government center will provide easier access to the agencies by the general public.

(b) The project complies with the Goals and Policies, applicable plan area statement and Code.

The Bijou/Al Tahoe Community Plan identifies this parcel to be a government center. The project, as conditioned in the draft permit, is consistent with the TRPA Goals and Policies and Code.

(c) The project is consistent with the TRPA Environmental Improvement Program.

Construction of the project will not impede implementation of the Environmental Improvement Program.

(d) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity.

The new government center complex is proposed to consolidate some existing public service uses within the Lake Tahoe Basin. See Section E.1, above.

(e) If the proposed project is to be located within the boundaries of the community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan.

This project is identified for the site in the Bijou/Al Tahoe Community Plan. The project, as conditioned in the attached draft permit, is consistent with the community plan.
4. Chapter 64 – Excavation:

a. A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

The applicant has submitted a soils/hydrologic report which has been reviewed and approved by TRPA. No interference with groundwater is expected.

b. The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems, and hydrologic conditions of the soil.

Removal of trees outside of the building footprint has been kept to the minimum necessary.

c. Excavated material is disposed of pursuant to Section 64.5 and the project area’s natural topography is maintained pursuant to Subparagraph 30.5.A(1).

All material not utilized in the land coverage footprints will be removed from the site to a location acceptable to TRPA.

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 following conditions found in the attached draft permit.
DRAFT PERMIT

PROJECT DESCRIPTION Government Office Complex APN 25-041-10

PERMITTEE(S): Lake Tahoe Community College/U.S. Forest Service (Phase 1)

COUNTY/LOCATION: El Dorado/Al Tahoe and College Drive (CSLT) FILE # 210093

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on April 25, 2001 subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on April 25, 2004 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 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 PREGRADE INSPECTION HAS BEEN CONDUCTED.

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 ___________________________

PERMIT CONTINUED ON NEXT PAGE

4/15/01 /kc

CONSENT CALENDAR ITEM NO. 8

57
New Government Center Office Complex
Page 10

DRAFT

APN 25-041-10
FILE NO. 210093

Water Quality Mitigation Fee (Phase 1): Amount $* Paid ______ Receipt No. __________
Water Quality Mitigation Fee (Phase 2): Amount $* Paid ______ Receipt No. __________
Air Quality Mitigation Fee (Phase 1): Amount $17,225 Paid ______ Receipt No. __________
Air Quality Mitigation Fee (Phase 2): Amount $15,575 Paid ______ Receipt No. __________
Security Posted: Amount $__* Posted ______ Receipt No. ______ Type _______
Security Administrative Fee: Amount $** Paid ______ Receipt No. __________

* To be determined.
** $135 if cash/check security posted.
$70 for any other security posted.

Required plans determined to be in conformance with approval (Phase 1): Date: __________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of
approval for Phase 1 as of this date:

TRPA Executive Director/Designee __________________________ Date __________

Required plans determined to be in conformance with approval (Phase 2): Date: __________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of
approval for Phase 2 as of this date:

TRPA Executive Director/Designee __________________________ Date __________

SPECIAL CONDITIONS

1. This permit is for the construction of two government office buildings located at the
north end of the Lake Tahoe Community College campus. The project will be
constructed in two phases, one phase for each building and the parking associated
with each building.

2. The Standard Conditions of Approval outlined in Attachment Q.

4/15/01
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CONSENT CALENDAR ITEM NO. 8

58
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

A. The site plan shall be revised to include:

   (1) A site plan and land coverage calculations for the entire project area (Lake Tahoe Community College campus).

   (2) Revised land coverage calculations for the buildings and the parking area to be consistent with the approved floor plans and the parking space ratio of 1 parking space per 250 square feet of gross floor area.

   (3) Identification of construction staging areas.

   (4) Details and locations of all exterior building and parking lot lighting. All lighting shall be consistent with the Bijou/Al Tahoe Community Plan and City Wide Design Manual.

   (5) Details and location of the proposed bike path along Al Tahoe Boulevard.

   (6) Location and details of all exterior mechanical equipment and trash facilities. All equipment and trash facilities shall be screened from public view with screening that is effective in both summer and winter month.

   (7) Location of snow storage areas.

   (8) Identification of the construction staging area.

   (9) Identification of proposed utility trenching to avoid impacts to existing trees and other mature vegetation.

B. A water quality mitigation fee shall be submitted to TRPA. The fee shall be calculated based on the new land coverage created as a result of the project multiplied by $1.34 per square foot of new land coverage.

C. An air quality mitigation fee shall be submitted to TRPA. This fee is based on the additional daily vehicle trip ends (dvte) associated with the project multiplied by $25 per dvte. The mitigation fees are calculated as follows:

   Phase 1: 689 dvte x $25 = $17,225
   Phase 2: 623 dvte x $25 = $15,575

D. The security required under Standard Condition 1.2 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 for appropriate methods to post a security and for calculation of the required Security Administrative Fee.

E. The permittee shall submit a detailed report demonstrating conformance with all Bijou/Al Tahoe Community Plan/City Wide Design Manual standards and guidelines for TRPA review and approval.

F. The permittee shall revise the parking calculations to demonstrate that the proposed onsite parking, excluding fleet vehicle storage areas, does not exceed the City standard of one parking space per 250 square feet of gross building floor area.

G. The permittee shall submit a revised Best Management Practices plan demonstrating the proposed treatment and infiltration of storm water runoff. Engineered calculations demonstrating that the parking lot and driveway runoff generated by a 20 year/1 hour storm event is treated and infiltrated onsite shall be submitted. Size calculations for drip line trenches shall also be submitted. Sand/grease/oil separation shall be included. Temporary erosion control devices and vegetation protection fencing shall be included in the plan.

H. The permittee shall submit a BMP maintenance plan for TRPA review and approval.

I. The permittee shall provide evidence that the document amending the 1986 deed restriction to allow for public service and recreation uses has been recorded.

J. The permittee shall submit a sign package for TRPA review and approval. All signs shall be consistent with the Bijou/Al Tahoe Community Plan and the City of South Lake Tahoe requirements.

K. The permittee shall submit a detailed Employee Trip Reduction Program for the east building, consistent with Chapter 97 of the TRPA Code of Ordinances and the amended deed restriction for the parcel, for TRPA review and approval. (This shall be submitted prior to acknowledgement of phase 2).

L. The applicant shall submit 3 sets of final construction drawings and site plan to TRPA.

4. By acceptance of this permit, the permittee acknowledges that all mitigation measures and design elements outlined in the submitted supplemental documents (including the traffic analysis, U.S. Forest Service Environmental Assessment, tree removal plan, soils/hydrologic report, parking analysis, and the amended deed restriction document) are considered conditions of approval and shall be implemented with the project.

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CONSENT CALENDAR ITEM NO. 8
5. Prior to the TRPA pre-grade inspection, the permittee shall submit a construction completion schedule to the TRPA Environmental Compliance Inspector. Included with the construction schedule shall be an anticipated phasing schedule.

6. By acceptance of this permit, the permittee agrees to actively participate in the Coordinated Transit System (CTS) by providing and operating a kiosk either from within one of the buildings or in a sheltered location outside of the building. Installation of the kiosk shall occur within one year from the date CTS becomes operational.

7. All excavated material not utilized within the land coverage footprints shall be removed to a site acceptable to TRPA.

8. All utilities within the project area shall be placed underground.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: California Highway Patrol, Field Office Relocation

Application Type: New Public Service Facility

Applicant: State of California, Department of General Services, Project Management Branch,
Acting as the agent for the California Highway Patrol

Applicant’s Representative: Jay Knipe and Kim Peters

Location: US Highway 50 at Hopi Ave, Meyers, El Dorado County

Assessor’s Parcel Numbers/File Number: APNs 034-040-03 and 34-300-08/ TRPA File #200737

Agency Staff: Mike Cavanaugh, Senior Planner, Project Review Division

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

Project Description: The applicant is proposing to construct an approximately 12,000 square foot Highway Patrol office building and an associated attached garage. The building will house offices, storage and other related facilities and will be occupied by 29 employees. Additional on-site facilities will include a detached 1,400 square foot utility building, a vehicle wash bay, fueling station with an above ground tank and service area. A 60-foot high communications antenna is also proposed for the site. Access to the site will be via a circular driveway off Hopi Avenue. Secure parking for 35 vehicles will be provided in a gated area in the rear of the building. Public parking for 12 vehicles (2 handicapped) will be provided adjacent to the circular driveway. The project application calls for the removal of approximately 122 trees of varying sizes, while 55 existing trees fronting the Highway 50 corridor will be retained on the site, 2 Western Junipers will be relocated on the site. The landscape plan indicates additional plantings.

Site Description: The total project area is approximately 264,900 square feet (6.08 acres) and is located on a TRPA designated scenic roadway corridor (US Highway 50) that is not currently in attainment with the TRPA Scenic Threshold. The Meyers Community Plan specially designates this area as needing scenic restoration and improvement. The State of California Agricultural Station is located to the south of the property. Commercial uses are adjacent to the property to the west and residential land uses to the east and north. The Pat Lowe Memorial Bike Trail fronts the property along Highway 50. The site is vacant of structures and is moderately to heavily vegetated with Jeffery and Lodge Pole pine of varying sizes. There are also several western junipers of substantial size that are located on the property. The land capability of the site has been verified by TRPA as Class 5. There are no wetlands or stream environment zones located on or adjacent to the subject property.

/MC
/4/11/01

CONSENT CALENDAR ITEM NO. 9
Issues: The proposed project involves a new public service building with over 12,000 square feet of floor area and is a special use for the Meyers Community Plan which, therefore, requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project issues are as follows:

1. Scenic: The 6.08 acre project site is currently vacant of structures and moderately to heavily vegetated with a conifer/fir mix and a substantial number of Western Junipers. The subject property is located in Roadway Unit #36 which is currently a non-attainment area. Based on the unit's non-attainment status it is necessary for any proposed project to show a scenic improvement. There are a number of problems identified along the Highway 50 corridor that contribute to the non-attainment status. These problems would include, but not be limited to, a lack of distinctive and historical architectural design, lack of landscaping, a proliferation of signs, the visibility of commercial parking areas and the abundance of driveways accessing Highway 50. Additional scenic mitigation measures are contained in Section F of this document.

2. Traffic: The proposed project will generate 184 daily vehicle trip ends (dvte) which are defined in TRPA Code of Ordinances as a minor increase. TRPA Air Quality Threshold Evaluation data indicates that traffic volumes at this location on Highway 50 have experienced a 7.8 percent reduction in the period from 1981 to 1996. The intersection of Hopi Ave/Highway 50 currently operates at Level of Service (LOS) "E" and "F" for peak season/peak hour. Based on the traffic analysis prepared for this project, this use is not expected to alter the current LOS. The addition of a turn lane on Hopi Avenue to avoid stacking of right and left turning vehicles at the intersection would improve the LOS to "C". The addition of the daily vehicle trips ends from this project will not further reduce the LOS.

Staff Analysis:

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

B. Community Plan: The project is located within the Meyers Community Plan. The Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. Agency staff has reviewed the subject community plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed use (regional public health and safety facility) is a special use in the community plan area.

C. Land Coverage:

1. Land Capability District:

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/4/18/01

72  CONSENT CALENDAR ITEM NO.9
The verified land capability district is Class 5 which permits 25% allowable coverage.

2. **Base Allowable Land Coverage:**

264,900 square feet x 25% = 66,225 square feet

3. **Existing Land Coverage:**

None

4. **Proposed Land Coverage:**

   Building: 12,226 square feet  
   Paving: 40,853 square feet  
   Concrete: 5,239 square feet

   Total On-site: 58,318 square feet  
   Total Off-site: TBD

5. **Land Coverage Mitigation:**

The applicant will be required to mitigate the additional land coverage created onsite. A water quality mitigation fee of $78,146 shall be paid to mitigate the new land coverage. This fee is based on the creation of 58,318 square feet of new on-site land coverage assessed at $1.34 per square foot.

D. **Building Height:** The building site has a cross slope of approximately 1% and a roof pitch of 4:12. The maximum height permitted by Chapter 22, Table A of the TRPA Code of Ordinances is 29 feet, 3 inches. The applicant has proposed a building height of 26 feet, 0 inches, which is consistent with TRPA Code Requirements. The specific findings can be found in Section E of this staff summary.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, 22 and 33 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

**Chapter 6, Environmental Document**

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

   a. **Land Use:** The proposed public service use is a special use for the Meyers Community Plan. Surrounding land uses include the State of California Agricultural Inspection Station, residential and commercial
uses. The applicant will be required to install and maintain temporary and permanent BMP's on the project area.

b. **Transportation:** The proposed project is estimated to generate 184 additional daily vehicle trip ends (dvte) which is defined by the TRPA Code of Ordinances, Chapter 93.2 E as a minor increase. Policies in the Meyers Community Plan, Chapter 6, Public Service Element, specifically encourage the California Highway Patrol to remain within the plan area and supports the expansion or relocation of the existing facility within the Community Plan area. The applicant will be required to pay an air quality mitigation fee of $4,600 to mitigate the additional dvte generated as a result of this project. The intersection of Highway 50 and Hopi Ave currently operates of Level of Service “E” according to the applicant’s traffic analysis.

c. **Conservation:** The project is visible from a TRPA designated scenic roadway unit that is not currently in attainment with TRPA Scenic Thresholds. The applicant has submitted photographs and visual simulations demonstrating the anticipated view from Highway 50. With selected building colors and materials that blend with the forest background, the proposed building will not significantly affect the scenic quality of the roadway corridor. There are no species of special interest, sensitive or uncommon plants. Additional landscaping and screening will be required to further minimize the scenic impacts. Scenic mitigation measures, as required in the draft permit, will be required to show an overall improvement within the scenic unit. No known historical or cultural resources are located within the project area according to the Cultural Resources Evaluation. The Meyers Community Plan, Environmental Conservation Element, contains Objectives and Policies that specifically state that all non-diseased Western Junipers shall be retained. The application indicates that all Western Junipers on the site will retained and two will be relocated within the site. Both temporary and permanent Best Management Practices (BMP’s) will be installed.

d. **Recreation:** The Pat Lowe Memorial Bike Trail fronts the property along the Highway 50 corridor. This project does not involve any modification or alteration of the existing bike trail. No additional recreational uses or facilities will result from this project.

e. **Public Service and Facilities:** The South Lake Tahoe Area Office serves the eastern portion of El Dorado and Alpine Counties to their borders with the State of Nevada. The project is intended to replace the existing California Highway Patrol Office that currently provides law enforcement services to the area. No additions to public services or facilities are required to construct this project.

/4/18/01
f. **Implementation**: This public service 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, Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances and the special conditions contained in Section F of the Staff Summary. 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.)

**Chapter 18, Special Use**

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

   The proposed project is defined as a public service use and will be located within the Meyers Community Plan which is designated for Commercial and Public Service uses. The subject parcel is currently vacant with a variety of vegetation including Jeffrey and Lodge Pole Pine and Western Juniper. Surrounding land uses are described elsewhere in this document.

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

   The project will provide law enforcement and public services to the eastern portions of El Dorado and Alpine Counties to the Nevada border. The applicant will be required to install and maintain temporary and permanent BMP's as a result of this action.

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 neighborhood has been designated for commercial/public service land uses by the Meyers Community Plan. Staff has reviewed the Community Plan and finds that the proposed project, with the conditions contained in Section F, will be consistent with the requirements of the community plan.

Chapter 22, Height

7. The function of the structure requires a greater maximum height than otherwise provided for in Chapter 22.

Given the topography of the Lake Tahoe Basin the additional height is required to provide communication capability with the Highway Patrol Service area.

8. The project complies with the Goals and Policies, applicable plan area statements and the Code.

Staff has reviewed the project against the requirements of the Goals and Policies of the Regional Plan, the Meyers Community Plan and the TRPA Code of Ordinances and, with the special conditions of approval outlined in Section F of this staff summary, the project is consistent with these requirements.

Chapter 33, Public Service

9. There is a need for the project

The proposed project involves the relocating of the existing California Highway Patrol Station in Meyers.

10. The project complies with the Goals and Policies, applicable plan area statement and Code.

Staff has reviewed the project against the requirements of the Goals and Policies, the Meyers Community Plan and the TRPA Code of Ordinances and, with the conditions contained in the draft permit, the project is consistent with these requirements.

11. The project is consistent with the TRPA Environmental Improvement Program. There are no Environmental Improvement Program (EIP) projects associated with this project. This project will not compromise the goals or objectives of the EIP.

12. The project meets the findings adopted pursuant to Article V (g) of the Compact as set forth in Chapter 6 as they are applicable to the projects service capacity.

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 carrying capacities. A copy of the checklist will be made available at the Governing Board meeting and at TRPA.

13. **If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan.**

The applicant has included some of the design standards contained within the Meyers Community Plan. The proposed project, as conditioned in the draft permit, is consistent with policies and planning considerations of the Meyers Community Plan.

14. **Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a project outweighs the need for the prior completion of the community plan process.**

The proposed project is located in Meyers which has a TRPA adopted Community 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:

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

2. A motion to approve the project, based on the staff summary, subject to the following conditions found in the attached draft permit.
DRAFT PERMIT

PROJECT DESCRIPTION California Highway Patrol APN 34-040-03/34-300-08

PERMITTEE(S) State of California, Department of General Services FILE #200737

COUNTY/LOCATION US Highway 50 at Hopi Ave, Meyers, El Dorado County

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on April 25, 2001, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on April 25, 2004 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 PRE-GRADING 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

PERMIT CONTINUED ON NEXT PAGE
California Highway Patrol - Relocation Project
Page 9

DRAFT
APN 34-040-03/34-300-08
FILE NO. 200737

Water Quality Mitigation Fee: Amount $___* Paid ___________ Receipt No. ___________

Air Quality Mitigation Fee: Amount ___* Paid ___________ Receipt No. ___________

Security Posted: Amount $_________ Waived- State of California ___________ Posted ___________ Receipt No. ___________

Security Administrative Fee: Amount $______* Paid ___________ Receipt No. ___________

* To be determined.
** $135 if cash/check security posted.
$70 for any other security posted.

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:

TRPA Executive Director/DESIGNEE Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the relocation and construction of an approximately 12,000 square foot Highway Patrol office building and an associated attached garage. Additional on-site facilities authorized by this action include a 60' high communications antenna, a detached 1,400 square foot utility building, parking spaces, landscaping, a vehicle wash bay, fueling station with an above ground tank and service area is also proposed for the site.

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

A. The site plan shall be revised to include:

(1) Off-site land coverage calculations:

(2) Location of the construction staging area.

(3) Landscape screening of the parking area and additional screening fronting on Highway 50 and Hopi Avenue.

(4) A notation that all utilities will be placed underground

/MC
4/18/01

CONSENT CALENDAR ITEM NO. 9

79
(5) Location and details of all exterior building and parking lot lighting. All lighting shall conform to the Design Standards contained in the Meyers Community Plan and shall not adversely impact adjoining properties or roadways.

B. Color and material samples for the proposed building for TRPA review and approval. All colors and materials shall be selected to blend, rather than contrast, with the natural surroundings. All materials shall be non-reflective. The approved colors and material shall be noted on the elevation drawings. All building colors and material shall be consistent with the Design Standards contained in the Meyers Community Plan.

C. A revised landscape plan, prepared by a licensed Landscape Architect, Urban Forester or Arborist, shall be submitted for TRPA review and approval that includes the required landscaping improvements (Highway 50 and Hopi Ave), provisions for successful relocation of the 2 Western Junipers, a fertilizer management plan and a temporary and permanent irrigation plan. The Landscape Plan shall be consistent with the special development policies and standards contained in the Meyers Community Plan and include additional plantings of Western Junipers throughout the project area.

D. A water quality mitigation fee shall be paid to TRPA at the rate of $1.34 per square foot for any additional land coverage being created as a result of the project.

C. An Air Quality Mitigation fee of $4600 shall be paid to mitigate the impacts created from the additional 184 trip ends.

F. The permittee shall either pay an offsite coverage mitigation fee assessed at $5 per square foot for the creation of any impervious coverage in the public right-of-way or reduce an equal amount of land coverage being created from any remaining allowable land coverage that may exist on the parcel.

G. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

1. Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.

2. Roofs: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.
(3) **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

H. The permittee shall consolidate APN's 34-040-03 and 34-300-08 into one legal lot of record pursuant to applicable El Dorado County ordinances and state subdivision laws, and the permittee shall record a deed restriction (subject to TRPA approval) permanently consolidating the affected parcels.

I. The architectural design of the project shall include elements that reinforce the design goals of the Meyers Community Plan with regard to establishing the "historic Meyers" design, screen from public view all external mechanical equipment, including refuse enclosures, electrical transformer pads and vaults, satellite receiving dishes, communication equipment, above ground fuel storage tanks, propane tanks and utility hardware on roofs, buildings or the ground.

3. This permit does not approve any signs within the project area. A separate sign application shall be submitted for TRPA review and approval.

4. All utilities within the project area shall be placed underground.

5. Snow storage areas shall be in conformance with the requirements of the TRPA Code of Ordinances.

6. If an on-site vehicle washing/cleaning facility will be provided on-site all water shall be discharged into the wastewater treatment facility (sewer system).

7. The project is located in a Roadway Unit that is not in attainment with the TRPA scenic threshold. To mitigate the scenic impacts the State of California shall submit a signage plan to TRPA for review and approval to reduce and consolidate highway directional signage along the U.S. Highway 50 adopted Meyers Community Plan Area. Said signage consolidation plan shall be consistent with the applicable policies outlined in the Meyers Community Plan. In the event that the participating agencies are unable to agree on a scope of work and timeframe, a functionally equivalent program or plan may be substituted with the mutual agreement of the agencies. This condition must be successfully completed within the life of this permit to show that the level of off-site mitigation shall be adequate to show that this project plus the mitigation will result in a net improvement to scenic quality.

8. This permit is subject to all the terms and conditions contained in Attachment Q.
1. The 60' communications tower proposed for this site would ensure the same area of coverage currently provided by the 60' tower on the existing CHP site located in Meyers.

2. This is a conceptual visualization of what the tower would look like. Actual open-lattice design will be dependent upon manufacturer's design.

3. The tower will have the trees on the site as a backdrop.
April 13, 2001

To: Tahoe Metropolitan Planning Organization Governing Board

From: Transportation Staff

Subject: Amendment #1 of the 2000 Federal Transportation Plan – Regional Transportation Plan and Amendment #1 of the 2000 Federal Transportation Improvement Program

Action Requested: Approve resolution amending the 2000 Federal Transportation Plan – Regional Transportation Plan (FTP) to incorporate a revised air quality conformity analysis section, and amending the 2000 Federal Transportation Improvement Program (FTIP) to incorporate the same revised air quality conformity analysis section as well as several project changes listed in the Sub-elements section.

Staff Recommendation: Staff recommend the Governing approve the resolution amending the 2000 FTP and the 2000 FTIP.

TTD/C Recommendation: The Tahoe Transportation Commission at their April 13, 2001 meeting voted unanimously to recommend the TMPO Board enthusiastically approve the amendments to the FTP and FTIP.

Discussion: The TMPO Governing Board adopted the 2000 FTP/RTP in July 2000. Following this adoption, staff submitted the FTP and the Federal Transportation Improvement Program (FTIP) to the Federal Highway Administration (FHWA) for approval of the FTIP. FHWA responded that the air quality conformity analysis prepared by staff was insufficient for FHWA to make a determination that the projects proposed in the FTP were in conformity with the California and Nevada State Implementation Plans for air quality. FHWA denied approval of the FTP, and without this approval, could not issue an approval for the FTIP.

As of April 5, 2001, a revised version of the TMPO air quality conformity determination has been submitted to and reviewed by FHWA, and they have indicated that this analysis appears adequate. FHWA, the Federal Transit Administration, the U.S. Environmental
Protection Agency, Caltrans and NDOT are now acting on an April 5, 2001 request by the TMPO to reconsider the air quality conformity determination. The EPA has 30 days for this review.

Attached you will find the proposed amended version of the 2000 FTIP. The amendments involve incorporating the revised air quality conformity section, as well as the following substantive changes to the California and Nevada sub-elements (substantive changes involve addition or deletion of projects, or major scope or cost changes):

- TMC05: Total cost has been changed from $764,238 to $2,283,976 to reflect total federal earmarks received for CNG vehicles, as well as increased match requirements.
- TMC06: Number of vehicles has been reduced from 4 to 2, and total funding has been reduced from $165,000 to $150,000.
- TMC12: FTA 5311 funds have been programmed for three years, not just one.
- TMC13: New project identified for construction of CNG fueling station.
- TMC14: New project identified for acquisition of vans under the FTA 5310 program.
- NV02: $440,000 in PLH funds added to project.
- NV09, NV10 and NV11: Deleted as these projects are for FY 2004 or beyond.

To reflect these sub-element changes, the table on page 5 was adjusted to reflect new project costs and fund sources.

The Federal Transportation Plan/Regional Transportation Plan adopted in August 2000 is proposed to be amended by including the revised air quality conformity analysis as Appendix F. No other changes to the plan are proposed at this time.

If you have any questions or need additional information, please contact Richard Wiggins at (775) 588-4547.
Tahoe Metropolitan Planning Organization
TMPO Resolution No. 2001-___

Adoption of Amendment #1 of the
2000 Federal Transportation Plan – Regional Transportation Plan and Amendment #1 of the 2000
Federal Transportation Improvement Program

WHEREAS the Tahoe Metropolitan Planning Organization (TMPO) has been
designated by the Governors of California and Nevada for the preparation of transportation
plans and programs under Title 23, CFR 450; and

WHEREAS the TMPO adopted the 2000 Federal Transportation Plan – Regional
Transportation Plan and the Federal Transportation Improvement Program in July 2000; and

WHEREAS the Federal Highway Administration (FHWA) requested that the TMPO
revise the air quality conformity section in order for FHWA to determine the FTP was in
conformity with the California and Nevada State Implementation Plans; and

WHEREAS the TMPO has submitted a revised version of the air quality conformity to
the FHWA and indications are that the revision is sufficient to make a finding of conformity to
the two State Implementation Plans; and

WHEREAS staff are requesting that the TMPO amend both the 2000 FTP and the 2000
FTIP in order to incorporate the revised air quality conformity sections; and

WHEREAS staff has revised the Sub-element section of the 2000 FTIP to reflect
current project information and would like these revisions amended into the 2000 FTIP; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe
Metropolitan Planning Organization amends the 2000 FTP by incorporating the revised air
quality conformity section as Appendix F, and

BE IT FURTHER RESOLVED that the 2000 FTIP is also amended by incorporating the
revised air quality conformity section, and by incorporating changes to projects TMC05,
TMC06, TMC12, TMC13, TMC14, NV02 and NV09.

PASSED AND ADOPTED this ______ day of April 2001 by the Governing Board
of the Tahoe Metropolitan Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

___________________________________________
Dean Heller, Chairman
Tahoe Metropolitan Planning Organization

RW:jnwb 89  
AGENDA ITEM VII.B.
Project Name: William W. Zink Library and Learning Resource Center

Application Type: Public Service Expansion, Special Use Determination

Applicant: Sierra Nevada College (SNC)

Applicant's Representatives: Kristina Hill and Dianne Severance

Agency Planner: Lyn Barnett, Project Review Division

Location: 291 Country Club Drive, Incline Village, Nevada

Washoe Co. Assessor's Parcel Numbers (APNs)/TRPA File No: 127-040-08 and 04/210060

Staff Recommendation: Staff recommends that the Governing Board approve the project. The recommended conditions of approval are listed in Section F of this staff summary.

Project Description: The applicant is proposing to construct a new 32,807 square foot Library/Learning Resource Center on the affected property to replace a 2,270 square foot library located on Village Drive in Incline Village. The proposed building includes library space, classrooms, meeting rooms, study rooms, an art gallery, faculty offices, an office for the College's Entrepreneurship Center, and other accessory space. Please see Exhibit "A" for proposed space allocation in the proposed building by use. The project also includes a new twenty-foot wide service access road off Country Club Drive, new walkways, utilities, signs, lighting, landscaping, water quality control devises, and other accessory structures. The project relies on existing campus parking areas and no new parking is proposed. The proposed building includes three floors and a basement. The exterior surface will be wood, board-formed concrete and copper siding, and copper and composition roofing. A vicinity map, site plan, and floor plans/building elevations are attached as Exhibits "B", "C", and "D", respectively. A complete list of exhibits follows this report.

The proposed building will allow the college to expand its existing book collection from about 25,000 volumes to 100,000 volumes and will allow for relocation of overcrowded and inefficient offices and classrooms. Construction of a larger library was a central recommendation of the Northwest Association of Schools and Colleges (NASC) after an accreditation visit to the college in 1992. The college is concerned that it might lose its accreditation with NASC if a new library facility is not constructed.

Site Description: The building site has a four percent slope to the southwest. The building site is located approximately one-half mile from Lake Tahoe and is well vegetated primarily with ponderosa pine, native shrubs and other vegetation. The project area includes a college administrative building and two resident halls. One of the resident halls includes a dining area, classrooms, and administrative space. There are approximately 165 parking spaces in four parking areas located on the north side of the property. The project area is bounded by Tahoe Boulevard (State Route 28) on the north, Country Club Drive on the east, Incline Way to the south, and private and community property to the west.

LB/
Neighborhood land uses are:

North: Recreation
East: Commercial and Residential
South: Tourist and Residential Timeshares
West: Recreation, Residential, and Commercial

Issues: The proposed project requires Governing Board review in accordance with Chapter 4, Appendix "A" of the TRPA Code because it involves construction of a new public service facility involving more than 2,000 square feet of floor area and more than 3,000 square feet of new land coverage, and because the project is a special use. The primary project related issues are:

1. Environmental Documentation: In 1994, the Governing Board certified an environmental impact statement (EIS) for the development of a "Lake Campus" for SNC on the affected property. The EIS anticipated a five-year build-out of a college campus which has not occurred for a number of reasons unrelated to TRPA. Currently, the college and TRPA are working on a new EIS for build-out of the college based on a revised master plan concept and a desire on the part of the college to increase maximum student enrollment above the limit studied in 1994. The new EIS will focus on the impacts of the major policy decisions associated with SNC's new development plans (e.g. maximum student enrollment, parking, affordable housing). This document will also includes changes to the College's "Mountain" campus (located about a mile and a half from the project site) which were not anticipated in 1994. The new EIS is currently under preparation and may be ready for circulation before the end of this year.

The Zink Library project may proceed prior to the adoption of the new EIS because construction of this facility will not constrict the Governing Boards's discretion on the main policy issues addressed in the new EIS. While the proposed library may someday serve a larger campus community it is not dependant on the expansion of the college and its proposed size will satisfy the requirements of the NASC for the current student body. In addition, the new building and its location on the campus does not set a land use pattern that incompatible with the range of design alternatives to be studied in the new EIS.

2. Scenic Quality and Community Design: The applicant has demonstrated though the use of story poles that the proposed building will not be visible from State Route 28 or other TRPA designates scenic corridors or resources. The proposed building design includes materials and colors which blend rather than contrast with the surrounding neighborhood. This project conforms to community design special policies in the Incline Tourist Community Plan, which seek to maintain "...the essential elements of the forested setting [of the community] through site design and building design." These elements include:

- Building design oriented to the pedestrian/bicycle path network,
- Construction of on-site pedestrian paths and bicycle paths,
- Complete screening of all ground and roof-mounted mechanical communications equipment, and
- Placement of all new utility lines underground.
3. **Parking and Traffic:** A vehicle trip analysis prepared by LSC Transportation Consultants, Inc., estimates that the new library will generate 32 new daily vehicle trip ends (DVTE). This trip change is defined as an "insignificant increase" in Chapter 93 of the TRPA Code, and as such, no traffic analysis is required. A copy of the LSC analysis is enclosed as Exhibit "E."

The *Signage, Parking, and Design Standards and Guidelines* for Washoe County Community Plans does not contain a parking space standard for colleges and final parking space requirements are deferred to Washoe County. The applicant has indicated the existing number of spaces should be adequate to accommodate the proposed facility based on projected use and experience and therefore no new parking is proposed. There are currently 165 existing parking spaces on the SNC Lake Campus including handicap and non-handicap parking stalls.

This proposal is consistent with Incline Tourist Community Plan Policy 6.1 which limits expansion of parking facilities within the community plan area. In addition, a special policy contained in the "parking facilities" section of the community plan area statement repeats this parking limitation and states, "The number of parking spaces required by the Washoe County Development Code should be the maximum number of parking spaces permitted." A final analysis by Washoe County on the adequacy of the college's parking proposal is pending and will not be completed until after the building is in operation and actual usage can be monitored. A preliminary determination by the County, however, indicates that the number of existing parking spaces on the property should be adequate for this project. The draft TRPA permit requires any parking increase required by Washoe County to be reviewed by the TRPA Hearings Officer as a special use (under separate permit) provided the increase is limited to surface parking resulting in the creation of less than 3,000 square feet of new land coverage. New parking exceeding these limitations would be brought to the Governing Board for review pursuant to Chapter 4, Appendix "A" of the TRPA Code.

4. **Excavations:** The proposed building includes a basement level which will exceed five feet in depth. The TRPA Groundwater Technical Advisory Committee has approved excavations on this site to a depth of sixteen feet below ground surface, below the maximum excavation depth proposed by the applicant. Other excavations include utility trenches and storm water infiltration structures. All excavated materials shall be removed offsite to a location approved by TRPA.

5. **Tree Removal:** Construction of the new building, walkways, etc., will result in the removal of about 48 live trees with diameters greater than 10-inches diameter at breast height (dbh). While this number of trees is not significant considering the overall size of the college property, staff requested the tree harvest plan due to potential site damage caused by tree removal activities, including construction of temporary log landings and skid trails. The 1994 SNC EIS also required the preparation of a timber harvest plan once a 100-tree removal threshold is reached during college construction. After tree removal for this project, residual tree stock on the property will be approximately 55 trees per acre with average diameters of 18-inches dbh. For reference, the Nevada Revised
Statues defines "adequately stocked" forests as 40 trees per acre, 12-inches diameter or greater. The timber harvest plan is on-file with TRPA and is available on request. All mitigation measures and recommended timber harvest practices contained in the plan are incorporated into the draft TRPA permit by reference.

6. **Disposal of the MacLean Library Building**: The existing college library book collection is currently housed in the MacLean Library on Village Drive in Incline Village. The college’s long range proposal to convert this facility to a residential use will require separate TRPA review and approval. Conversion to a residential use (employee housing, for example) will require a TRPA residential allocation and development right, or transfer of existing development. The draft permit requires that the MacLean Library building be physically removed if approval is not secured from TRPA for a new use within one year after the new library passes a TRPA final inspection.

**Staff Analysis:**

A. **Environmental Documentation**: In addition to the information contained in the 1994 EIS the applicant has completed an Initial Environmental Checklist (IEC), ground water study, timber harvest plan and traffic generation analysis to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. **Plan Area Statement**: The project is located within the Incline Tourist Community Plan. The Land Use Classification is Tourist and the Management Strategy is Mitigation. Staff has reviewed the subject plan area and has determined that project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (schools - colleges) is listed as a special use.

C. **Land Coverage**:

1. **Land Capability Districts**: The land capability districts of the project area are Classes 4 and 6. The total project area is approximately 855,082 square feet (about 19.62 acres). The project area includes all of APNs 12-040-04 and 08.

2. **Total Base Allowable Land Coverage**:

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</table>

3. **Total Existing Land Coverage (all hard)**:

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<td>127,678</td>
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<tr>
<td><strong>Total</strong></td>
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</tr>
</tbody>
</table>
4. **Total Proposed Land Coverage (all hard):**

   Class 4: 10,208 square feet
   Class 6: 157,426 square feet (includes 69,748 SF new)
   Total: 207,634 square feet

5. **Land Coverage Mitigation:**

   Based on the above coverage figures, the applicant shall pay a water quality mitigation fee equal to $93,462 for the creation of new land coverage. No land coverage transfers are required for this project and there will be no excess land coverage on this property after project construction. This project does not rely on additional land coverage allowances provided in Chapter 20 of the TRPA Code for projects in adopted community plan areas.

D. **Building Height:** Based on a four percent cross-slope retained across the building site, and a 3:12 roof pitch, the maximum allowable height for the proposed building is 38 feet, 7 inches. Maximum allowable height was calculated pursuant to Subsection 22.4.A(3) of the TRPA Code which allows additional height for public service buildings which are not visible from Lake Tahoe and are not located in or visible from a TRPA designated Scenic Highway Corridor. The proposed building has a maximum building height of 38 feet, 4 inches. Additional height findings required in Chapter 22 of the Code are found in Section E of this staff summary.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, 22, 33, and 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

   **Chapter 6 Findings:**

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

   (a) **Land Use:** The proposed library/learning resource center is a permissible special use in the Incline Tourist Community Plan. The community plan anticipates construction of a new college campus. The new library facility use will be harmonious with the surrounding mixed use neighborhood.

   (b) **Transportation:** The proposed project will create an insignificant increase in vehicle trips as defined in Chapter 93 of the TRPA Code of Ordinances based on a trip analysis prepared for the project. No new parking is proposed and the project shall meet Washoe County parking requirements.

   (c) **Conservation:** The proposed project will include various water quality improvements including erosion control and infiltration structures and re-vegetation. There are no known special interest species or historic or
prehistoric resources in the project area. The proposed building will not be visible from a TRPA designated scenic resource. The applicant has prepared a timber harvest plan for the project to minimize potential site damage caused by tree removal activities.

(d) **Recreation:** The proposed public service building will not impact recreation opportunities in the affected neighborhood.

(e) **Public Service and Facilities:** The proposed project is a public service facility. The affected property has adequate water and sewer service and is served by a paved road.

(f) **Implementation:** No allocations of use are required for the proposed public service facility.

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.)

Chapter 18 – Special Use Findings:

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

The proposed use is appropriately sized for Sierra Nevada College. The size of the facility will adequately serve the existing student population and will satisfy library book storage and space requirements of the NASC. The affected property contains existing college facilities and fits well into the mixed-use landscape of the surrounding neighborhood.

5. **The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.**
The proposed project will be sited well away from surrounding uses. The applicant is required to install water quality improvements for the new development and the project will result in an insignificant increase in vehicle traffic to the site. Lighting and other improvements are designed in accordance to TRPA design standards and guidelines.

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 facility is an addition to an existing college use. It will be located in the Incline Tourist Community Plan which anticipates the development of a college campus on the affected property.

Chapter 22 – Height Findings:

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

The proposed building will not be visible State Route 28 (a TRPA designated scenic highway). The building will also not be visible from the Mount Rose Highway, Lake Tahoe, and other TRPA designated scenic resources.

8. With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

There are no existing views of the proposed building site from a TRPA designated scenic resource with the exception of the Mount Rose Highway. Due to height and density of the surrounding forest canopy, this building will not be visible from this scenic corridor.

9. The function of the structure requires a greater maximum height than otherwise provided for in Chapter 22 of the TRPA Code.

The proposed building design provides for efficient and economical use of the proposed building space. Large public buildings, such as libraries, are typically designed with high ceiling clearances for good lighting and to avoid claustrophobic space. The proposed building uses a split-level design and includes a basement area to maximize utilization of interior space without requiring unnecessary overall building height. A less tall building would also create unnecessary land disturbance to provide the same floor area as the proposed building creates.
10. The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

The proposed building design is very efficient and reasonable for the reasons contained in the response to Finding 9, above. A reduced building height for a building with the same floor area would create unnecessary land coverage, site disturbance, tree and vegetation removal, and excessive excavations, with no benefit to the environment.

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

The proposed building (including roofs and walls) is designed in conformance with the design standard found in Subsection 22.7(8) of the TRPA Code of Ordinances.

Chapter 33 – Allocation of Development Findings

12. There is a need for the project.

The proposed building has been designed to meet existing needs of the college, and will satisfy the accreditation requirements of the NASC as documented in a report issued by NASC in 1992.

13. The project complies with the Goals and Policies, applicable plan area statements, and Code.

This project is designed in conformance with all applicable goals and policies contained in the Goals and Policies Plan and conforms to all requirements of the TRPA Code of Ordinances. The proposed project is located within an adopted community plan area which replaced a former plan area statement. The project is consistent with all design, use and other the elements of the community plan.

14. The project is consistent with the TRPA Environmental Improvement Program (EIP).

The proposed public service building is not listed in the EIP, but has been designed to minimize impacts to the environment.

15. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity.

Please refer to Findings 1, 2 and 3, above, for TRPA Code Chapter 6 finding responses.
16. If the project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan.

The proposed project will be located in the Incline Tourist Community Plan. There will be no known negative impacts to public health and safety relating to this project and the project has been designed to incorporate all TRPA required water quality improvements including re-vegetation of areas disturbed by construction activities. The proposed library and learning resource center is a permissible use in the affected plan area.

17. Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior adoption of the community plan process.

Although this finding is required in the TRPA Code, it is not applicable to this project because the affected property is located within an approved community plan area.

Chapter 64 – Grading Standards Findings:

18. A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

A soils hydrologic report has been reviewed and approved by TRPA which demonstrates that proposed building excavations will not interfere with groundwater at the affected site.

19. The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E [of the TRPA Code], including root systems, and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation.

The proposed building grading has been designed to minimize damage to trees and only those trees allowed for removal pursuant to Subsection 65.2.E of the Code are to be removed. The applicant has prepared a timber harvest plan and a landscaping plan to protect against site damage caused by tree removal, and to restore areas disturbed by normal construction activities.

20. Excavated material is disposed of pursuant to Section 64.5 [of the TRPA Code] and the project area’s natural topography is maintained pursuant to Subparagraph 30.5.A(1).
All excavated material will be used for backfilling or will be removed to a site outside the Lake Tahoe Basin as required in Section 84.5 of the TRPA Code. The proposed building, walkways, etc., will not result in a change to the area's natural topography as required in Chapter 30 of the TRPA Code.

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:

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

2. A motion to approve the project, based on the staff summary, subject to the conditions of approval contained in the attached draft TRPA permit.
PROJECT DESCRIPTION: New Library & Learning Resource Center  APNs 127-040-08 & 04
PERMITTEE: Sierra Nevada College  FILE #210060
COUNTY/LOCATION: Washoe County/291 Country Club Drive, Incline Village, Nevada

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on April 25, 2001, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on April 25, 2004, 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 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 PREGRADED 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________________________

PERMIT CONTINUED ON NEXT PAGE
TRPA Governing Board  
William W. Zink Library and Learning Resource Center  
Page 12 of 15

APNs 127-040-08 and 04  
FILE NO. 210060

Air Quality Mitigation Fee: Amount $800  
Paid __________  Receipt No. __________

Water Quality Mitigation Fee: Amount $93,462  
Paid __________  Receipt No. __________

Offsite Coverage Mitigation Fee: Amount $1 (1)  
Paid __________  Receipt No. __________

Security Posted: Amount $2 (2)  
Posted __________  Receipt No. _______ Type _______

Security Administrative Fee: Amount $3 (3)  
Paid __________  Receipt No. __________

Notes:

(1) To be determined. See Special Condition 2.E, below.
(2) To be determined. $10,000 minimum. See Special Condition 2.D, below.
(3) See Attachment "J", Security Procedures.

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 construction of a new library and learning resource center,  
walkways, driveway, landscaping, water quality improvements, and other accessory  
facilities as described in TRPA File No 210060. No new parking is authorized with this  
permit.

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

A. The site plan shall be revised to include:

   (1) Combined land coverage calculations for Assessor's Parcel Numbers 127-  
       040-08 and 04 (comprising of the approved project area).

   (2) New off-site land coverage being created in the public right-of-way.

LB/  

AGENDA ITEM VIII.A

102
(3) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."

(4) Drip line infiltration trenches, constructed beneath all roof driplines with appropriately sized drywells located at the lowest elevation of the trench. Infiltration trenches shall have check dams located in four-foot intervals where the slope of the ground surface exceeds two percent along the fall of the drip line. The trenches shall be sized according to the amount of roof runoff and the soil type and the calculations submitted for TRPA review.

(5) Temporary erosion control structures located downslope of the proposed construction areas.

(6) Vegetation protective fencing around the entire construction site to protect trees and other vegetation.

B. A water quality mitigation fee of $93,462 shall be paid to TRPA. This fee is based on the creation of 69,748 square feet of new land coverage assessed at $1.34 per square foot.

C. The permittee shall submit an $800 air quality mitigation fee. This fee is based on the estimated generation of 32 additional daily vehicle trip ends (dvte) assessed at $25 per dvte.

D. The security required under Standard Condition 1.2 of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. In no case shall this security be less than $10,000. Please see Attachment J, Security Procedures for appropriated methods to post a security and for calculation of the required Security Administrative Fee.

E. The permittee shall either pay an offsite coverage mitigation fee assessed at $5 per square foot for the creation of any impervious coverage in the public right-of-way or reduce an equal amount of land coverage being created from any remaining allowable land coverage that may exist on the parcel.

F. The final construction drawings shall have notes indicating conformance to the following design standards for color and roofs. No permanent fences are approved under this permit.

(1) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthen tone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues.
Earhtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.

(2) **Roofs**: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity. Copper roofing shall be aged and treated to reduce reflectivity prior to installation. Please submit a final material sample with your final plans.

G. The permittee shall consolidate Assessor’s Parcels 127-040-04 and 08 into one legal lot of record pursuant to applicable county subdivision ordinances and state subdivision laws, or the permittee shall record a deed restriction (acceptable to TRPA) permanently consolidating the affected parcels.

H. The permittee shall provide a final landscape plan and fertilizer management plans in accordance with the standards required in the Incline Tourist Community Plan and in Sections 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA review and approval.

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

J. The permittee shall submit 3 sets of final construction drawings and site plans to TRPA.

K. The permit shall submit final sign plans to TRPA for review and approval.

L. The permittee shall submit a community plan design compliance report for TRPA review and approval which identifies each building and site design standard and guideline and measures to ensure compliance project compliance with these standards and guidelines.

M. The permittee shall submit final engineered calculations for proposed water quality treatment facilities demonstrating compliance with TRPA requirements, including all subterranean infiltration structures.

3. Excavation equipment shall be limited to the foundation footprint and other construction areas to minimize site disturbance.

4. Only the boulders designated on the site plan to be moved shall be moved. Boulders shall be moved to an approved location.

5. All mitigation measures (including limits on tree removal) contained in the Timber Harvest Plan prepared for this project are incorporated as conditions of approval to this permit.

6. Changes to parking areas, if any, shall be reviewed under separate application to TRPA and may require Governing Board or TRPA Hearings Officer approval.
7. No excavations shall occur in excess of 16 feet in depth (lbs) unless approved in writing by TRPA. All excess excavated soil shall be moved to a location outside of the Lake Tahoe Basin or to a location approved by TRPA.

8. Prior to the pre-grade inspection, the permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.
INDEX TO EXHIBITS

SIERRA NEVADA COLLEGE
William W. Zink Library and Learning Resource Center

Exhibit
A  Building Space Allocation
B  Vicinity Map
C  Site Plan
D  Floor Plans and Building Elevations
E  LSC Transportation Consultants, Inc. – Traffic Generation Analysis
## EXHIBIT A
William W. Zink Library & Learning Resource Center
Building Space Allocation

<table>
<thead>
<tr>
<th>FUNCTION</th>
<th>Net Square Feet</th>
<th>Gross Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library Functions (Includes Tech Support)</td>
<td>14,805</td>
<td>18,506</td>
</tr>
<tr>
<td>Information Tech. Dept.</td>
<td>1,150</td>
<td>1,438</td>
</tr>
<tr>
<td>Facilities Requirements</td>
<td>800</td>
<td>1,000</td>
</tr>
<tr>
<td>Art Gallery</td>
<td>1,800</td>
<td>2,250</td>
</tr>
<tr>
<td>Instructional Support (Includes 3 classrooms, language lab, etc.)</td>
<td>5,340</td>
<td>6,675</td>
</tr>
<tr>
<td>Faculty Office Space</td>
<td>1,350</td>
<td>1,688</td>
</tr>
<tr>
<td>Center for Entrepreneurship</td>
<td>1,000</td>
<td>1,250</td>
</tr>
<tr>
<td>TOTAL BUILDING</td>
<td>26,245</td>
<td>32,807</td>
</tr>
</tbody>
</table>
February 5, 2001

Ms. Dianne Severance, Capital Projects Manager
Sierra Nevada College
PO Box 4269
Incline Village, NV 89450

RE: Traffic Generation Analysis for Proposed
Zink Library Project

Dear Ms. Severance:

LSC Transportation Consultants, Inc. is pleased to present our analysis of potential trip
generation impacts associated with the construction of the planned Zink Library at the Sierra
Nevada College’s Lake Campus, and the relocation of library functions from the existing
Mountain Campus library. The new Library building will encompass the following:

☐ Construction of a new library that will allow the College to substantially expand the number
of volumes in circulation, encompassing 18,506 Gross Square Feet (GSF) of floor area.

☐ Provision of 1,688 GSF of floor area for additional office space, to provide improved offices
for existing faculty members.

☐ Provision of 1,250 GSF for a “Center for Entrepreneurship.”

☐ Instructional support space (including three classrooms and a language lab) encompassing
1,438 GSF.

☐ An Art Gallery encompassing 2,250 GSF

☐ Space for the Information Technology Department, totaling 1,438 GSF

☐ Stairwells, hallways, and functional space, totaling 1,438 GSF.
In total, the new Library will provide 32,807 GSF. The existing library building on the Mountain Campus will be limited to uses wholly internal to Sierra Nevada College operations.

Analysis of Trip Generation

The TRPA measures trip generation in units of “Daily Vehicle Trip-Ends” (DVTE). Under this unit of measurement, a single vehicle arriving and departing from the new Library would generate 2 DVTE.

The traffic generation associated with any college facility is largely a function of the number of students attending the institution. As the proposed library would not change the number of students attending Sierra Nevada College, trip generation associated with the library would be limited. The following potential trip generation elements warrant consideration:

- SNC Faculty Office Space – While the initial plans call for the office space in the new Library building to be used by existing faculty that are currently in overcrowded facilities, the additional faculty office space could potentially accommodate future growth in faculty (with associated increase in vehicle-trips). As the TRPA has regulatory control over building floor area but no regulatory control over the number of employees (absent some form of legally-binding agreement limiting employees), it is prudent to account at this time for any potential future trip generation associated with this space.

However, the trip generation associated with this space is relatively limited. The most applicable land use category in the TRPA Trip Table would be “single tenant office building,” which identifies a rate of 3.55 DVTE per employee. This rate, however, includes trips generated by office customers that are visiting the employees. In the case of the new Library, “customers” visiting the staff can be assumed to consist of students that would already be on-campus and would therefore not generate additional vehicle-trips. Assuming that all staff-members drive to work and that half leave campus for a meal, each staff-member would generate 3.0 DVTE. The TRPA Trip Table was used to develop an estimate of the number of employees that should be assumed for this new space. Specifically, the trip rate provided in the Trip Table of 11.50 DVTE per 1,000 square feet identified for a “single tenant office building” was divided by the trip rate also provided in the Trip Table of 3.55 DVTE per employee, to identify an average number of employees per 1,000 square feet of 3.24. Multiplying this figure by the planned 1,688 square feet of new office space indicates that space for five additional employees would be provided. Multiplying this figure by the 3.0 DVTE rate (and assuming that all employees are on-site on a peak day), the new office space would generate 15 DVTE.

- Public Library Patrons – At present, approximately 94 members of the public visit the existing MacLean Library per month (largely to access their email account). SNC expects that the higher visibility of the new Library will increase this figure by approximately 80 visitors per
Ms. Dianne Severance,
Sierra Nevada College

month. Assuming the library is open for 22 weekdays per month, this is equivalent to 4 additional public visitors per day. Assuming that 90 percent of these visitors arrive via car, with an auto occupancy of 1.0, increased public library use will generate 7 DVTE.

- Center for Entrepreneurship – This space is planned to largely be used to house learning resources to support the existing business curriculum and for infrequent student seminars. The Center does not expand current curriculum offerings. While a full-time employee is not expected to be assigned to the Center, maximum usage would result in an additional employee or visiting speaker traveling to the Campus. Assuming one visit by both an employee and by a visiting speaker on a peak day, total DVTE generated by this use will not exceed 4.

- Service Trips – Some additional vehicle-trips will be generated by building maintenance functions for the new Library, and for trash hauling. A reasonable estimate is that up to three such vehicle visits would occur per day, generating 6 DVTE.

- Classroom, Language Lab, and Information Technology Department space – Any new employees associated with this space can assume to be included in the employees identified above in the section discussing office space. As no change in students is expected, this space will not change DVTE.

- Art Gallery – As this space is expected to be visited largely, if not wholly, by SNC staff and students, no change in DVTE will be generated.

- Use of the Existing MacLean Library – In order to avoid the possibility of replacement uses in the existing library building generating trips, use would need to be limited to internal SNC functions that do not add additional faculty, staff, student, or visitor trips to or from the campus. For purposes of this analysis, it is assumed that such as restriction is in place, and no additional DVTE are generated. It should also be noted that this would eliminate any existing DVTE associated with current use of this building. As a result, if the College decides to sell or transfer this building to another use in the future, all trips associated with the new use would need to be considered as “new trips,” with associated Air Quality Mitigation fees.

In total, trip generation associated with the proposed Library can be summarized as follows:

<table>
<thead>
<tr>
<th>Facility</th>
<th>DVTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SNC Faculty Office Space</td>
<td>15</td>
</tr>
<tr>
<td>Public Library Patrons</td>
<td>7</td>
</tr>
<tr>
<td>Center for Entrepreneurship</td>
<td>4</td>
</tr>
<tr>
<td>Service Trips</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>32</td>
</tr>
</tbody>
</table>

As shown, total change in DVTE is forecast to equal 32, substantially less than the 200 threshold triggering the need for a full Traffic/Air Quality Analysis. A full analysis is therefore not
Ms. Dianne Severance,
Sierra Nevada College

required under the TRPA Code of Ordinance. The project applicant, however, is required to pay an Air Quality Mitigation Fee equal to $25 per DVTE, or a total of $800.

Thank you for the opportunity to assist the College in this matter. Please call with any questions or comments.

Respectfully Submitted,

LSC TRANSPORTATION CONSULTANTS, INC.

by

Gordon R. Shaw, PE, AICP, Vice-President
Project Name: Barton Memorial Hospital Helipad Relocation

Application Type: Public Service Addition, Special Use Determination

Applicant: Barton Memorial Hospital

Applicant's Representative: Jay Knipe, Land Planning

Agency Planner: Elizabeth Harrison, Associate Planner, Project Review Division

Location: 2170 South Street, City of South Lake Tahoe, El Dorado County

Assessor's Parcel Number/Project Number: 23-081-03, 09/210081

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

Project Description: The applicant is proposing to relocate an existing hospital helipad onto a modified ambulance canopy. The relocation includes the construction of a ramp from the helipad to the second story of the building, a second story building entrance and safety structures and lighting for the helipad. This proposal is unusual in that 56 trees are expected to be removed, 31 trees will be topped and 19 additional trees may be topped or removed. The applicant has also proposed to install six red obstruction lights which are 120 feet in height which are used as navigational devices. The obstruction lights will allow the applicant to preserve several larger trees located within the transitional aircraft flight surface (directly adjacent to the approach surface) that would normally be required to be removed. The proposed heliport is to replace an existing heliport that is not in conformance with CalTrans minimum design standards for heliports including clearance requirements for the final approach and takeoff area (FATO), approach surfaces and transitional surfaces. The heliport is for use by Barton Memorial Hospital for emergency air ambulance use.

Site Description: The project area includes the Barton Memorial Hospital, associated outbuildings, a helipad, and parking areas. The site contains Class 1b, 4, 6, and 7 land capability districts. No land coverage exists or is proposed within the Class 1b land.

Issues: The proposed project is considered an unusual circumstance that warrants Governing Board review pursuant to Subsection 4.7.C of the TRPA Code of Ordinances. This proposal potentially controversial because 56 trees are expected to be removed, 31 trees will be topped and 19 additional trees may be topped or removed creating a large open area in an otherwise forested setting. The tree removal is considered necessary for public health and safety reasons.
The project includes the removal of 56 trees and the removal or topping of an additional 31 to 50 trees. Six project alternatives were proposed and they were evaluated based on four criteria: (1) the ability to quickly move the patient from the helicopter to the hospital, (2) the structural capacity of any existing structure to support the heliport, (3) project cost and (4) number of trees removed. The applicant felt that the proposed alternative most closely met the objectives for the project outlined above.

As a condition of approval, the TRPA Forester will review all trees to be removed on a tree-by-tree basis to determine the appropriate topping or removal prescription. In addition, the TRPA Forester has recommended many special conditions of approval to eliminate disturbance to the forested area to the greatest extent feasible.

In July of 2000, a parking lot expansion was approved for Barton Memorial Hospital. The parking lot and the landscape islands were designed in a manner to maintain most of the trees in the new parking lot. The current project proposes to remove most of the trees that the parking lot expansion project was designed to save. Staff therefore recommends as a condition of approval, the applicant plant three trees in the parking lot landscape area for every one tree removed within the parking lot area.

Staff Analysis:

A. Environmental Documentation: Staff has completed an Initial Environmental Checklist (IEC), a tree harvest plan, a groundwater study and a noise analysis to assess the potential impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area Statement 110, South Y. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. Agency staff has reviewed the subject plan area statement and has determined that the project is consistent with applicable planning considerations and special policies. The proposed project (heliport) is a special use in the plan area.

C. Land Coverage:

1. Land Capability Districts: The verified land capability districts for the project area are Classes 1b, 4, 6, and 7. The total project area is 547,242 square feet.
2. **Allowable Land Coverage:**

   Class 1b: 215 s.f. x 1% = 2 s.f.
   Class 4: 28,940 s.f. x 20% = 5,788 s.f.
   Class 6: 16,670 s.f. x 30% = 5,001 s.f.
   Class 7: 501,417 s.f. x 30% = 150,425 s.f.
   Total: 161,216 s.f.

3. **Existing Land Coverage:**

   Class 1b: 0 s.f.
   Class 4: 0 s.f.
   Class 6: 0 s.f.
   Class 7: 264,288 s.f.
   Total: 264,288 s.f.

4. **Proposed Land Coverage:**

   Class 1b: 0 s.f.
   Class 4: 0 s.f.
   Class 6: 0 s.f.
   Class 7: 264,288 s.f.
   Total: 264,288 s.f.

The applicant shall demonstrate that the proposed land coverage amount does not exceed the existing land coverage.

5. **Coverage Mitigation:** As a condition of project approval, the applicant will be required to mitigate the excess land coverage based upon the difference between the existing land coverage and the allowable land coverage in the project area in accordance with Subsection 20.5 of the TRPA Code of Ordinances. All land coverage previously transferred to the project site is not subject to excess land coverage mitigation fees. The applicant has mitigated 145 square feet in conjunction with a previous project.

D. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, 20, 22 and 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 - Required Findings:**

   (a) The project is consistent with and will not adversely affect the implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.
(i) **Land Use:** The proposed project involves the replacement of an existing helipad to meet California Department of Transportation (CalTrans) minimum design standards for heliports including clearance requirements for the final approach and takeoff area (FATO), approach surfaces and transitional surfaces. The proposed use (heliport) is a special use within the subject Plan Area Statement.

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

(iii) **Conservation:** The applicant will be required to apply temporary and permanent water quality improvements associated with the proposed project. Existing development in this project area has been retrofitted with water quality improvements through previous TRPA approvals. The proposed project is not visible from a designated TRPA scenic corridor or recreation area. There are no special interest species, sensitive or uncommon plants or historic or cultural resources in the location of the proposed project.

To comply with the clearance requirements for FATO designated by CalTrans, approximately 56 trees are expected to be removed, 31 trees to be topped and an additional 19 trees may need to be topped or removed. The project includes the removal of 56 trees and the removal or topping of an additional 31 to 50 trees. Six project alternatives were proposed and they were evaluated based on four criteria: (1) the ability to quickly move the patient from the helicopter to the hospital, (2) the structural capacity of any existing structure to support the heliport, (3) project cost and (4) number of trees removed. The applicant felt that the proposed alternative most closely met the objectives for the project outlined above. As a condition of approval, the TRPA Forester will review all trees to be removed on a tree-by-tree basis to determine the appropriate topping or removal prescription.

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

(v) **Public Service and Facilities:** This public service project will improve public safety. This project is not an additional public service facility pursuant to Subsection 33.5.B of the TRPA Code of Ordinances.

(vi) **Implementation:** This project does not require any allocation of development.
(b) 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.

(c) 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 (b), above)

2. Chapter 18 Findings - Special Use

(a) 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 heliport is to replace an existing heliport that is not in conformance with CalTrans minimum design standards for heliports. The heliport is for use by Barton Memorial Hospital for emergency air ambulance use.

(b) 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.

An Environmental Noise Analysis by Bolland & Brennan, Inc. was prepared to evaluate the Cumulative Noise Equivalent Levels (CNEL) associated with the proposed project for the subject plan area and the surrounding plan areas. The results of their study indicated that the CNEL associated with this project falls between 43.8 and 61.4 for the subject plan area and the surrounding plan areas which exceeds the Maximum CNELs outlined. The analysis shows that in many cases the CNEL is lower for the proposed project than for the existing helipad location and flight path.
TRPA recognizes that the use of helicopter service will be minimal because of the high operation costs. Chapter 23 of the TRPA Code of Ordinances does not have maximum allowable noise levels (dBA) for helipads or helicopters, however, exemptions to noise standards are given for such activities as emergency work. While the proposed project is not considered emergency work, this project is similar in nature and therefore is exempt from the noise standards found in the subject plan area statement.

(c) 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 heliport is to replace an existing heliport that is not in conformance with CalTrans minimum design standards for heliports. The heliport is for use by Barton Memorial Hospital for emergency air ambulance use and is not expected to change the character of the neighborhood or detrimentally affect or alter the purpose of the applicable planning area statement.

3. Chapter 20 Findings - Land Coverage

(a) The relocation of land coverage is to an equal or superior portion of the parcel or project area.

All land coverage will be relocated from Class 7 to Class 7 land capability.

(b) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.

The applicant will be required as a condition of approval to landscape all areas where land coverage has been removed.

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

All land coverage will be relocated from Class 7 to Class 7 land capability.

4. Chapter 22 Findings - Height

(a) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

The proposed obstruction lights are 120 feet in height. The applicant has proposed to preserve several of the larger trees.
located within the transition surface (the area located directly outside the approach surface). To receive a variance from the CalTrans Aeronautics Program to keep these trees, obstruction lights must be constructed that are taller than the objects they mark. The lights are red and will be placed on top of the poles, however they will only be turned on when they are needed for an incoming flight.

(b) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

To preserve the trees in the transition surface as proposed, the light poles need be 120 feet in height as the CalTrans Aeronautics Program requires that the light poles be taller than the objects they mark.

5. Chapter 64: Excavation Limitations:

(a) TRPA may approve exceptions to the prohibition of ground water interception or interference if TRPA find that it is necessary for public safety and health.

The submitted information indicated that the proposed concrete footings that support the obstruction lights will likely be within the upper limit of seasonal groundwater. The obstruction lights are navigational safety devices and therefore an interception of groundwater may be permitted.

E. 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 this staff summary, 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.
PROJECT DESCRIPTION: Barton Memorial Hospital Helipad Relocation  APN: 023-081-03, 09

PERMITTEE(S): Barton Memorial Hospital  FILE #210081

COUNTY/LOCATION: City of South Lake Tahoe/El Dorado County/2170 South Street

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on April 25, 2001 subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on April 25, 2004 without further. 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 GRADING SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS A CITY BUILDING PERMIT. THE CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO 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 CITY 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 ____________________

PERMIT CONTINUED ON NEXT PAGE

/EH
04/17/00

AGENDA ITEM NO VIII.B.

128
Security Posted: Amount $10,000 Posted _________ Receipt No. _________ Type _________

Security Administrative Fee: Amount $ _________** Paid _________ Receipt No. _________

**$135 if cash security posted.
$70 if non-cash security posted, see Attachment J.

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 relocation of the existing helipad over the emergency entrance canopy. This permit also includes a ramp from the helipad, a new second story building entrance, lighting for the helipad and six obstruction lights that shall not exceed 120 feet in height.

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

A. The site plan shall be revised to include:

   (1) Proposed land coverage calculations not to exceed the existing land coverage amount. Please account for any banked land coverage as a result of the removal of the existing helipad.

   (2) Identification of construction staging areas.

   (3) Removal of the notes pertaining to a mechanical building addition.

   (4) Delineation of the area where land coverage is to be removed.

   (5) A landscape plan for all areas where land coverage is to be removed.

/ EH
04/17/00

AGENDA ITEM NO VIII.B.
B. A dewatering plan to mitigate construction related impacts to groundwater shall be submitted to the TRPA Erosion Control Team for review and approval. The dewatering plan shall include details of where the pumped groundwater will be discharged and appropriate temporary best management practices to be installed. If the pumped groundwater is discharged to surface water, staff recommends the use of "dirt bags" for filtering.

C. The permittee shall provide a clean-out maintenance schedule for the fuel-water separator for TRPA review and approval.

D. The security required under Standard Condition 1.2 of Attachment Q shall be $10,000. Please see Attachment J, Security Procedures for appropriate ways to post a security and for calculation of the required Security Administrative Fee.

E. The permittee shall submit a revised landscape plan for the expanded parking area approved in July 26, 2000 (File No. 200309). The applicant shall plant three coniferous trees that are a minimum 6 feet in height in the existing landscape islands for every one tree removed in the existing landscape islands.

F. The permittee shall submit three (3) sets of final construction drawings and site plans that include lighting specifications and revegetation plans to TRPA.

3. No signs are authorized pursuant to this permit. New signs shall be reviewed under separate application to CSLT.

4. TRPA shall review all trees proposed for topping/removal, on a tree-by-tree basis, to determine the appropriate topping or removal prescription. The permittee shall accurately mark the trees at the height of flight path penetration. A sample mark may be used if sufficient for accurate determination.

5. Topped trees shall be cut at a moderate angle to shed water. Boiled linseed oil shall be liberally applied to the cut surface of each topped tree. Spikes shall not be used to climb trees to be retained.

6. Tree removal shall comply with Chapter 71 of the Code of Ordinances, and the Conditions of the TRPA Tree Removal Permit form.

7. Unnecessary damage to forest understory vegetation, including smaller trees, shall be avoided during tree-related operations. Heavy equipment shall not be operated in the forest on damp soils.

8. Felled trees may be left on site for wildlife habitat, provided they are treated to eliminate fire and insect hazards. Slash shall be treated or removed.

9. The forest areas impacted by this project shall be treated for forest health enhancement, to mitigate for damage caused by topping. Dead, dying, diseased,
defective and suppressed trees, and excessive stocking, shall be marked by TRPA, or its designee, and removed by the permittee, in accordance with all state and local regulations.

10. Following the above treatments to the forest areas impacted by this project, sufficiency of tree stocking shall be evaluated by TRPA. If understocked areas exist, the forest shall be planted with seedlings from an appropriate local seed source (NDF/CDF/USFS). Young trees (both natural and planted) shall be protected from damage to enable them to reach maturity.

11. Where trees are removed from the landscaped grounds, this removal shall be mitigated by replacing trees at a 3:1 ratio. Replacement trees shall be conifers at least 6 feet tall and 1 1/2 inches dbh.

12. The permittee shall submit a tree monitoring plan which requires that annual reports be submitted to TRPA by September 1 of each year until TRPA determines that the planted trees have been established according to the approved plans. Any plantings that fail shall be re-planted as directed by TRPA until planting succeeds. The tree monitoring plan shall also contain measures for the identification and treatment of insect problems in the topped trees.

13. Future tree removals and toppings to maintain the unobstructed flight path shall not be performed without TRPA approval, and shall be accompanied by such forest health enhancements/mitigations as are needed to maintain an attractive, healthy forest.

14. Dead trees (snags) greater than 6 inches d.b.h. shall be topped and not removed as snags provide an essential component of the surrounding wildlife habitat.
TAHOE REGIONAL PLANNING AGENCY
308 Dorla Court
Elks Point, Nevada
www.trpa.org

P.O.B. 1038
Zephyr Cove, Nevada 89448-1038
(775) 588-4547
Fax (775) 588-4527
Email trpa@trpa.org

MEMORANDUM

April 17, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment to Chapter 20.5 Regarding Excess Coverage Mitigation Fees

Proposed Action: The purpose of the amendment is to adjust the excess coverage fees for specific hydrologic zones in California and Nevada so that they reflect current market values while still meeting the Soil Threshold excess coverage reduction targets. This item was reviewed by the Governing Board in January and referred back to the APC to consider alternative strategies.

Staff Recommendation: Staff supports the APC recommendation and adds additional recommendations 2 and 3 below:

1. The adoption of an ordinance that requires excess land coverage be retired on a one to one basis at market rates (see Attachment A.)
2. Governing Board direction to pursue a comprehensive program for excess coverage reduction as part of the 2001 Threshold Evaluation.
3. Place a January 1, 2002 mandatory review provision on the proposed ordinance to promote completion of the comprehensive program.

APC Recommendation: At the Governing Board’s request, APC considered alternative strategies that would reduce the economic impacts on projects. The APC held two meetings and spent over six hours discussing the issues. After reviewing a proposal in April that would be interim and utilize a phase-in increased cost, the APC recommended (9 ayes, one no, and one abstention) to stand by their original January recommendation. This included using market rate dollar amounts by hydrologic zones, making the ordinance easier to understand, and having an annual review.

The APC unanimously recommended adoption of the market rate fee adjustments during the January APC meeting. However, four recommendations were identified during that time: 1) Delete the dated code language contained in 20.5.A, Subparagraph (c); 2) Clarify the hydrologic zone titles; 3) Affirm code language regarding the required annual fee review; and 4) Include the direction to add the services of certified real estate appraisers in the Excess Coverage Mitigation Fee evaluation in the code language. These changes have been inserted into this version of the staff summary.

Background: The “Excess Land Coverage Mitigation Program,” that is described in Section 20.5 of the TRPA Code of Ordinances, is one of many programs TRPA relies on to achieve the Soil Threshold. In 1991 and 1996 TRPA was not in attainment of SC-1 Threshold (see Attachment B). Because of unforeseen increases in land coverage costs in Nevada, it is projected this threshold will be further out of attainment. Non-attainment with a negative trend is a very serious problem under the TRPA Compact.

GWB/dmc

137

AGENDA ITEM IX.A.
Memorandum to TRPA Governing Board
Excess Coverage Mitigation Fee Amendment
Page 2

TRPA is required by the Compact to adopt Environmental Threshold Carrying Capacities (Art. V(c)), adopt plans and ordinances that attain and maintain them (Art. V (g)), and not to approve any project without making written findings documenting the attainment (Art. VI (b)). This land coverage problem is part of TRPA's challenge to meet the Compact goal to "...adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities." (Art. l (b)).

The Section 20.5 "excess coverage" program applies on a project-by-project basis where the amount of land coverage for the project area exceeds the base (or Bailey Threshold) land coverage for that area. Excess land coverage is defined as existing coverage beyond the total of the maximum allowable base coverage, the transferred coverage, and the coverage previously mitigated under this program. In the event that the land coverage reduction is required for approval of a project, there are a number of options or combination of options that an applicant may use to comply with the land coverage requirements. These options include:

1. Reduction of coverage onsite;
2. Reduction of coverage offsite in the hydrologic area;
3. Payment of a land coverage mitigation fee to be forwarded to a land bank to retire land coverage in the hydrologic area; or
4. Consolidation of parcels or adjustment of parcel boundary lines.

The ordinance assumes that only partial conformity will be achieved on each project. There is a formula that considers project cost and the extent of nonconformity to determine a fee amount. To determine actual coverage reduction requirements for a project, the ordinance requires this amount be divided by coverage cost. See Attachment C for examples.

Land Bank Option Fee Background: In the land bank fee option, monies generated from this fee are placed in a land bank fund to be used for land coverage reduction within Hydrologic Transfer Areas where the projects are located (See Attachment D). The problem before us is that the fee is not based on the current market conditions, i.e., it assumes the 1987 $5 a square foot cost when, in some areas today, the cost exceeds $21 a square foot. Because of this, most projects choose this option because it is the most economical. The result is that the TRPA settles for much less coverage reduction in certain Nevada hydrologic areas.

From the beginning of this program TRPA has assessed a single fee ($5) that has been in place basin-wide. In the State of California, the California Tahoe Conservancy (CTC) established a land bank, which has been in place since 1990, and has been conducting a land coverage reduction program utilizing the excess coverage mitigation fees. Based on their experience over this time, the CTC has indicated that the Per Square Foot cost for coverage has increased to $6.50 on the California side of the basin.

In the State of Nevada, a Memorandum of Understanding (MOU) has been in place between TRPA and Nevada Division of State Lands to serve this activity since 1996. A new MOU that formally recognizes and approves the Nevada Land Bank to receive the mitigation fees and conduct a program of coverage reduction was negotiated and approved by TRPA and Nevada Division of State Lands, effective July 10, 2000. A large balance of excess coverage mitigation fees has accumulated from projects approved since the adoption of the 1987 Regional Plan. However, at this time a large area of coverage

GWB/dmc

AGENDA ITEM IX.A.
retirement obligation has accumulated in Nevada (up to 450,000 square feet.) The amount of funds in the excess coverage mitigation account for Nevada is approximately $2.5 million. This amount of coverage could be retired with the available funds, if the acquisition cost was equal to $5.00 per square foot and coverage was available for retirement. Since the program was initiated, the cost of coverage in Nevada has escalated substantially to the $17 to $21 per square foot range. Assuming the coverage is available, at this price it would require $6.5 to $9 million to retire this coverage obligation, which is $4.3 to $7 million more than is currently available in the fund.

Options: Several possible options that could address the land retirement obligation on the Nevada side of the Basin were discussed at the June 2000, January, March, and April 2001 APC meetings.

The first option being recommended here is to raise the excess coverage mitigation fee (by hydrologic zone) to the range of current market costs. This achieves the threshold targets but requires significant increases in project costs. TRPA staff has reduced the cost factor by considering inflation factors. See Attachment C.

The second option is to phase in raising the excess coverage mitigation fee (for hydrologic zones with the most expensive coverage costs) to the range of current market rates. This mitigates economic impacts but requires subsidies or reduced coverage retirement.

The third option is to completely review the land coverage threshold, transfer programs, hydrologic areas, alternative strategies, etc. While this is preferred, it will require more time and information before a proposal can be developed and would require the fee program to be put on hold.

Other Issues: At the hearings the issues of what kind of coverage applies and what construction costs are counted to determine the excess coverage fee were discussed.

TRPA confirms the interpretation; pursuant to Chapters 20 and 38 that hard, soft and potential coverage can be used to mitigate excess coverage for residential, public service and recreational projects. However, only hard coverage can be used to mitigate excess coverage when applied to commercial and tourist related projects.

The project costs associated with this program are generally considered structural and associated with expansions of existing projects or major rebuilds. The attached ordinance clarifies that ordinary maintenance and upgrades are not subject to the program.

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

A. Chapter 6 Findings:

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.
Memorandum to TRPA Governing Board
Excess Coverage Mitigation Fee Amendment
Page 4

Rationale: Adoption of this new language will assist TRPA in implementing the Regional Plan, inclusive of all elements, specifically elements relating to meeting threshold objectives regarding the reduction of impervious coverage. The Code amendment is needed to ensure project approvals are consistent with attainment of the Soils Threshold.

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

Rationale: The amendment is proposed so that the evidence supports the soils threshold findings for all project participants that engage in this program. This amendment will put the excess coverage reduction program back on track.

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

Rationale: See Findings 1 and 2 above.

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

Rationale: See Findings 1 and 2 above.

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

Requested Action: Staff requests the Governing Board take the following actions:

1. Motion to make the required findings:
   a) Make the Chapter 6 findings; and
   b) Make a Finding of No Significant Effect (FONSE).

2. Motion to approve the amendment to the Code of Ordinances.

If you have any questions on this agenda item, please contact Gordon Barrett, at (775) 588-4547, ext. 219.

Attachments: A. Proposed Adopting Ordinance with Exhibit 1, Code Section 20.5, Excess Land Coverage Mitigation Program
B. Environmental Threshold Compliance Indicator Status and Trends
C. Excess Land Coverage Calculations and Graphical Example
D. Map of Hydrologic Transfer Areas

GWB/dmc

AGENDA ITEM IX.A.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 20.5

AN ORDINANCE AMENDING ORDINANCE NO. 87.9 AS AMENDED, BY AMENDING THE
REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING
CHAPTER 20 OF THE CODE OF ORDINANCES TO AMEND SUBSECTION 20.5.A, THE
EXCESS COVERAGE MITIGATION PROGRAM, AND PROVIDING FOR OTHER
MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as
follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87.9, as amended,
which ordinance relates to the Regional Plan of the Tahoe Regional Planning
Agency (TRPA), amending the Excess Coverage Mitigation Program by
amending Chapter 20 of the Code of Ordinances, in order to further
implement the Regional Plan pursuant to Article VI(a) and other applicable
provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on
the environment, and are therefore exempt from the requirements of an
environmental impact statement pursuant to Article VII of the Compact.

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

1.40 Prior to the adoption of this ordinance, the Governing Board made the
findings required by Chapter 6 of the Code and Article V(g) of the Compact,

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

1.60 Each of the foregoing findings is supported by substantial evidence in the
record.
Section 2.00 Amendment of the Excess Coverage Mitigation Program

Subsection 6.10 subparagraph (28) of ordinance No. 87-9 as amended is hereby further amended as set forth on Exhibit 1, dated April 17, 2001, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The provisions of this ordinance adopting the Excess Coverage Mitigation Program and amending the Code of Ordinances shall be effective 60 days after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 25, 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency

142
New language is underlined in blue; language to be deleted is struck out in red.

Chapter 20
LAND COVERAGE STANDARDS

20.5 Excess Land Coverage Mitigation Program: This Section applies to projects where the amount of land coverage existing prior to the project in the project area exceeds the base land coverage for the project area prescribed by Subsection 20.3.A. Land coverage in excess of the base land coverage shall be mitigated by the transfer of land coverage pursuant to Subsection 20.3.C or the land coverage mitigation program set forth in this Section.

20.5.A Implementation Of Program: Except as otherwise provided by Subsection 20.5.B, all projects on parcels, or other applicable project areas, with unmitigated excess land coverage, shall be subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in Subparagraph 20.5.A(1) and (2).

(1) Excess Coverage Calculation: Excess land coverage equals the existing amount of land coverage, less the total of the following: the maximum allowable amount of base coverage; the amount of coverage approved by transfer; and the amount of coverage previously mitigated under this Section.

Excess Coverage (% sq. ft.) = Existing Coverage (% sq. ft.) - (Maximum coverage (% sq. ft.) + Transferred Coverage (% sq. ft.) + Previously Mitigated Coverage (% sq. ft.))

(2) Excess Land Coverage Mitigation Program Options: In the event land coverage reduction is required, the applicant may choose any of the following options, or combinations thereof, to comply with the requirements of this Section:

(a) Reduce Coverage Onsite: Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(b) Reduce Coverage Offsite: Coverage may be reduced offsite as part of the project approval. The land upon which the coverage is reduced shall be in the same hydrologically related area as the project. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(c) Coverage Mitigation Fee: A land coverage mitigation fee may be paid to TRPA in lieu of reduction of land coverage pursuant to Subparagraphs 20.5.A(2)(a) or (b). The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The fee shall be calculated pursuant to Subparagraph 20.5.A(3) and shall be non-refundable once paid.
(d) **Parcel Consolidation Or Parcel Line Adjustment:** The percentage of excess coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.

(e) **Projects Within Community Plans:** Projects which are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings (i) and (ii), below. In lieu of findings (i) and (ii) being made, the TRPA may determine that a project complies with the requirements of this subparagraph by making finding (iii), below.

(i) The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in Section 20.5 (A) (1), (2), and (3). The options available for mitigating excess land coverage under any such program shall be any combination of those options set forth in subparagraphs (a), (b), (c) and (d) of this subsection.

(ii) There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, irrevocable commitment shall mean the following:

(A) The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds there from remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;

(B) The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;

(C) Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;
(D) The public entity funding the program has received a funded commitment from another public entity as described in (i) or (iii) above; or

(E) Any combination of (i) through (iv) above.

(iii) As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 8.8, in an amount equal to the excess coverage mitigation fee otherwise required under Section 20.5. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or 3 years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.

(3) Determination of Excess Coverage Mitigation Fee: The required excess land coverage reduction mitigation fee shall be calculated as follows:

(a) Coverage Mitigation Fee: The excess coverage mitigation fee shall be calculated by determining the amount of excess coverage (sq. ft.), in accordance with subparagraph (1) above. The appropriate fee percentage is then determined from Table A, below, based on the amount of excess land coverage. The fee percentage is then multiplied by the estimated construction cost of the project. In calculating the estimated construction cost of the project, the cost of improvements that would otherwise be exempt from TRPA review and approval if proposed separately shall be subtracted from the estimated construction cost of the project. TRPA shall use the Marshall Swift Construction Cost Guide or its equivalent to determine the estimated construction cost. In no case shall the fee be less than $100.

Mitigation Fee ($) = Fee Percentage (%) x Estimated Construction Cost of Project ($)

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TRPA Code of Ordinances
CHAPTER 20 - LAND COVERAGE STANDARDS
145
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(b) **Coverage Reduction:** For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 38, the land coverage reduction is calculated by dividing the mitigation fee ($/ft²) by the standard TRPA coverage cost. The standard cost shall be based on actual land bank coverage cost, to be determined by TRPA in consultation with the land banks and updated annually. Until a permanent program is adopted, the standard cost shall be $5.00 per square foot.

Coverage Reduction (Ft²) = Mitigation Fee ($/Ft²) / TRPA Coverage Cost ($/Ft²).

(e) **Fee Reductions During First Three Years of Program:** For a period of one year from the effective date of this amendment, until January 1, 1990, the project cost, as calculated in accordance with subparagraph (a) above, shall be reduced by 30 percent prior to calculating the excess coverage mitigation fee. From January 1, 1990 to January 1, 1991, project cost shall be reduced by 20 percent and from January 1, 1991 to January 1, 1992, project cost shall be reduced by ten percent. Project cost shall not be reduced after January 1, 1992.

(3) **Determination of Excess Coverage Mitigation:** The required excess land coverage reduction mitigation shall be calculated as follows:

(a) **Coverage Reduction Mitigation:** For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 38, the land coverage reduction is calculated by determining the reduction percentage from Table A above based on the amount of excess land coverage. The reduction percentage is then multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight (8).
Coverage Reduction (Sq. Ft.) = Fee Percentage x CM Construction Cost ($) / Mitigation Factor of 8.

(b) Coverage Mitigation Fee: The excess coverage mitigation fee shall be calculated by determining the amount of excess coverage (sq. ft.), in accordance with subparagraph (a), above. The coverage reduction square footage is then multiplied by the appropriate Table B Mitigation Fee Coverage Cost Factor to determine the Coverage Mitigation Fee. The Table B Mitigation Fee Coverage Cost Factor shall be based on actual land bank coverage cost, to be determined by TRPA in consultation with the land banks, certified real estate appraisers and updated annually. In no case shall the fee be less than $200.

Mitigation Fee ($) = Coverage Reduction Sq. Ft. x Table B Mitigation Fee Sq. Ft. Coverage Cost Factor.

(c) Coverage Mitigation Construction Cost: Coverage Mitigation Construction Cost is defined as a cost estimate prepared by a registered engineer, licensed architect (or other qualified professional acceptable to TRPA) of the cost to construct the bearing elements of a structure. This includes without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations and base materials under asphalt or concrete. Structural cost does not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture and similar decorations and fixtures.

(d) Mandatory Review: TRPA shall reconsider the provisions of subparagraph (3) prior to January 1, 2002.

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<td>.0075</td>
</tr>
<tr>
<td>&gt;2,000 - 2,800</td>
<td>1.0000</td>
</tr>
<tr>
<td>&gt;2,800 - 3,800</td>
<td>1.2500</td>
</tr>
<tr>
<td>&gt;3,800 - 5,000</td>
<td>1.5000</td>
</tr>
<tr>
<td>&gt;5,000 - 6,400</td>
<td>1.7500</td>
</tr>
<tr>
<td>&gt;6,400 - 8,000</td>
<td>2.0000</td>
</tr>
<tr>
<td>&gt;8,000 - 11,000</td>
<td>2.2500</td>
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<tr>
<td>&gt;11,000 - 15,000</td>
<td>2.5000</td>
</tr>
<tr>
<td>TABLE A (continued)</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td></td>
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<tr>
<td>EXCESS COVERAGE REDUCTION SQ. FT. FACTOR</td>
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</tr>
<tr>
<td>Square Feet of Excess Coverage</td>
<td>Reduction % Factor</td>
</tr>
<tr>
<td>&gt;15,000 - 18,000</td>
<td>2.7500</td>
</tr>
<tr>
<td>&gt;18,000 - 21,780</td>
<td>3.0000</td>
</tr>
<tr>
<td>&gt;21,780 - 43,560</td>
<td>3.2500</td>
</tr>
<tr>
<td>&gt;43,560 - 65,340</td>
<td>3.5000</td>
</tr>
<tr>
<td>&gt;65,340 - 87,120</td>
<td>3.7500</td>
</tr>
<tr>
<td>&gt;87,120 - 108,900</td>
<td>4.0000</td>
</tr>
<tr>
<td>&gt;108,900 - 130,680</td>
<td>4.2500</td>
</tr>
<tr>
<td>&gt;130,680 - 152,460</td>
<td>4.5000</td>
</tr>
<tr>
<td>&gt;152,460 - 174,240</td>
<td>4.7500</td>
</tr>
<tr>
<td>&gt;174,240</td>
<td>5.0000</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>TABLE B</th>
</tr>
</thead>
<tbody>
<tr>
<td>MITIGATION FEE COVERAGE COST PER SQ. FT. FACTOR</td>
</tr>
<tr>
<td>Hydrologic Zone ($)</td>
</tr>
<tr>
<td>Incline</td>
</tr>
<tr>
<td>Marlette</td>
</tr>
<tr>
<td>Cave Rock</td>
</tr>
<tr>
<td>South Stateline: California</td>
</tr>
<tr>
<td>South Stateline: Nevada</td>
</tr>
<tr>
<td>Upper Truckee</td>
</tr>
<tr>
<td>Emerald Bay</td>
</tr>
<tr>
<td>McKinney Bay</td>
</tr>
<tr>
<td>Tahoe City</td>
</tr>
<tr>
<td>Agate Bay: California</td>
</tr>
<tr>
<td>Agate Bay: Crystal Bay</td>
</tr>
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</table>
# TABLE I
## SUMMARY OF 1996 EVALUATION

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Evaluations</th>
<th>1991</th>
<th>1996</th>
<th>Trend</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. AIR QUALITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ-1 CO</td>
<td></td>
<td>Nonattainment</td>
<td>Attainment</td>
<td>↑</td>
</tr>
<tr>
<td>AQ-2 O₃</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↑</td>
</tr>
<tr>
<td>AQ-3 Particulate</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↑</td>
</tr>
<tr>
<td>AQ-4 Visibility</td>
<td></td>
<td>Attainment</td>
<td>Nonattainment</td>
<td>=</td>
</tr>
<tr>
<td>AQ-5 U.S. 50 Traffic Volume</td>
<td></td>
<td>Nonattainment</td>
<td>Attainment</td>
<td>↑</td>
</tr>
<tr>
<td>AQ-6 Wood Smoke</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>=</td>
</tr>
<tr>
<td>AQ-7 VMT</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↓</td>
</tr>
<tr>
<td>AQ-8 Atmospheric Nutrient Loading</td>
<td></td>
<td>Attainment</td>
<td>Attainment</td>
<td>↑</td>
</tr>
<tr>
<td>II. WATER QUALITY/SOIL CONSERVATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WQ-1 Turbidity (Shallow)</td>
<td></td>
<td>Attainment</td>
<td>Attainment</td>
<td>=</td>
</tr>
<tr>
<td>WQ-2 Clarity, Winter</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↓</td>
</tr>
<tr>
<td>WQ-3 Phytoplankton PP</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↓</td>
</tr>
<tr>
<td>WQ-4 Tributary Water Quality</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>=</td>
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<tr>
<td>WQ-5 Runoff Water Quality</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>=</td>
</tr>
<tr>
<td>WQ-6 Groundwater</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↑</td>
</tr>
<tr>
<td>WQ-7 Other Lakes</td>
<td></td>
<td>Unknown</td>
<td>Unknown</td>
<td>=</td>
</tr>
<tr>
<td>III. VEGETATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>V-1 Relative Abundance and Pattern</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↑</td>
</tr>
<tr>
<td>V-2 Uncommon Plant Communities</td>
<td></td>
<td>Attainment</td>
<td>Attainment</td>
<td>↑</td>
</tr>
<tr>
<td>V-3 Sensitive Vegetation</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>=</td>
</tr>
<tr>
<td>IV. FISHERIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-1 Lake Habitat</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>=</td>
</tr>
<tr>
<td>F-2 Stream Habitat</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↑</td>
</tr>
<tr>
<td>F-3 In-Stream Flows</td>
<td></td>
<td>Unknown</td>
<td>Unknown</td>
<td>=</td>
</tr>
<tr>
<td>V. WILDLIFE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W-1 Special Interest Species</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↑</td>
</tr>
<tr>
<td>W-2 Habitats of Special Significance</td>
<td></td>
<td>Attainment</td>
<td>Nonattainment</td>
<td>↓</td>
</tr>
<tr>
<td>VI. SCENIC RESOURCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR-1 Travel Route Ratings</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↑</td>
</tr>
<tr>
<td>SR-2 Scenic Quality Ratings</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>↓</td>
</tr>
<tr>
<td>SR-3 Public Recreation Area Scenic Quality Ratings</td>
<td></td>
<td>Unknown</td>
<td>Unknown</td>
<td>=</td>
</tr>
<tr>
<td>SR-4 Community Design</td>
<td></td>
<td>Unknown</td>
<td>Unknown</td>
<td>=</td>
</tr>
<tr>
<td>VII. NOISE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N-1 Single Event (Aircraft)</td>
<td></td>
<td>Unknown</td>
<td>Nonattainment</td>
<td>↑</td>
</tr>
<tr>
<td>N-2 Single Event (Other)</td>
<td></td>
<td>Attainment</td>
<td>Attainment</td>
<td>=</td>
</tr>
<tr>
<td>N-3 Community Noise</td>
<td></td>
<td>Nonattainment</td>
<td>Nonattainment</td>
<td>=</td>
</tr>
<tr>
<td>VIII. RECREATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1 High Quality Recreational Experience</td>
<td></td>
<td>Unknown</td>
<td>Unknown</td>
<td>↑</td>
</tr>
<tr>
<td>R-2 Capacity Available to the General Public</td>
<td></td>
<td>Attainment</td>
<td>Attainment</td>
<td>↓</td>
</tr>
</tbody>
</table>

---

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

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

## Recommendations
1. Evaluate the effectiveness of land coverage limitations related to water quality improvement by developing a water clarity model. Recommendations regarding changes to the land coverage program should be a goal of the model. (C List)
2. A full inventory and model of coverage within the Basin should be made by land capability type. (C List)
3. Work with the Forest Service and State Parks to target up to 80% of coverage removed from the obliteration of unpaved roads be permanently retired. (C List)
4. Amend excess coverage mitigation fee calculations to ensure the ability to retire the targeted coverage amount. (A List)

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<th>Parameter</th>
<th>Standard</th>
<th>Interim Target</th>
<th>Attainment Status</th>
</tr>
</thead>
</table>
| SC-2      | SEZ Restoration | Acres Restored | Restore 25% of the SEZ in developed, disturbed, and subdivided areas, restore 100% in outlying areas for 9% overall increase. | By December 31, 1992, TRPA shall adopt interim targets. | Non-attainment. Only a quarter of the 1100 acres of SEZ have been restored.  
Non-attainment for interim. TRPA has not adopted interim targets. |

## Recommendations
1. Amend the Code of Ordinances to provide language that clearly protects SEZs from disturbance and vegetation removal or conversion except under approved management plans. (A List)
2. All SEZ lands within the subdivided, developed, or disturbed parts of the Region acquired by the Forest Service, California Tahoe Conservancy, or Nevada State Lands should be evaluated by qualified personnel for their restoration potential. (C List)
3. Local governments should help fund the evaluation of publicly acquired SEZ lands for their restoration potential and inclusion in the EIP. (C List)
4. Four hundred acres of SEZ should be included in the EIP as a priority for restoration over the next five years. (A List)
5. A classification system of SEZ type by function in terms of wildlife, fisheries, and hydrology should be created. (B List)
6. An assessment and determination of the value of man-made SEZ should be made for purposes of both water quality and/or wildlife habitat improvements. (C List)
Mitigation of Excess Land Coverage
Pursuant to Existing and Proposed Chapter 20 Ordinance Language:
A Calculation Example

**ASSUMPTION: Sample Project, 1000 Sq.Ft. Building Addition**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel A Size</td>
<td>100,000 Sq.Ft.</td>
</tr>
<tr>
<td>Permissible Coverage</td>
<td>30,000 Sq.Ft.</td>
</tr>
<tr>
<td>Existing Coverage</td>
<td>50,000 Sq.Ft.</td>
</tr>
<tr>
<td>Excess Coverage</td>
<td>20,000 Sq.Ft.</td>
</tr>
<tr>
<td>Project Construction Cost (1987)</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

**COMPARISON: Sample Projects, 1000 Sq.Ft. Building Addition**

<table>
<thead>
<tr>
<th>Year</th>
<th>Calculation</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>$100,000 * .03 = $3,000/$5.00 = 600 Sq.Ft.</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>$167,000 * .03 = $5,010/$5.00 = 1000 Sq.Ft.</td>
<td></td>
</tr>
</tbody>
</table>

**2001 Revised Land Coverage Cost**

<table>
<thead>
<tr>
<th>Type</th>
<th>Calculation</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Truckee</td>
<td>$167,000 * .03 = $5,010/$6.50 = 770 Sq.Ft.</td>
<td></td>
</tr>
<tr>
<td>Incline</td>
<td>$167,000 * .03 = $5,010/$21.00 = 240 Sq.Ft.</td>
<td></td>
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</tbody>
</table>

**2001 Proposed (January 2001)**

<table>
<thead>
<tr>
<th>Type</th>
<th>Calculation</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Truckee</td>
<td>($167,000 * .03)/5 = 1,000 Sq.Ft. * $6.50 = $6,500</td>
<td></td>
</tr>
<tr>
<td>Incline</td>
<td>($167,000 * .03)/5 = 1,000 Sq.Ft. * $21.00 = $21,000</td>
<td></td>
</tr>
</tbody>
</table>

**2001 Proposed (April 2001)**

<table>
<thead>
<tr>
<th>Type</th>
<th>Calculation</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Truckee</td>
<td>($167,000 * .03)/8 = 630 Sq.Ft. * $6.50 = $4,090</td>
<td></td>
</tr>
<tr>
<td>Incline</td>
<td>($167,000 * .03)/8 = 630 Sq.Ft. * $21.00 = $13,230</td>
<td></td>
</tr>
</tbody>
</table>
2001 Est. Land Coverage Cost (per sq. ft.) by TRPA Hydrologic Transfer Areas

- Agate Bay (9) - ($6.50 CA) ($21.00 NV)
- Incline (1) - ($21.00)
  - Marlette (2) - ($6.50)
  - Cave Rock (3) - ($21.00)
- South Stateline (4) - ($6.50 CA) ($18.00 NV)
- Emerald Bay (6) - ($6.50)
- Tahoe City (8)
- McKinney Bay (7)
- Upper Truckee (5) - ($6.50)
MEMORANDUM

April 17, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Chapter 13, Plan Area Statements and Plan Area Maps, Relative to the Transit-Oriented Development Findings, Subsection 13.7.D

Proposed Action: TRPA staff proposes that the Governing Board approve the attached amendment to subparagraph 13.7.D of the TRPA Code of Ordinances, relative to the Transit-oriented Development Findings (see Attachment A, Exhibit 1.)

Staff Recommendation: Staff recommends that the Governing Board approve the attached amendment to the TRPA Code of Ordinances, Chapter 13, Plan Area Statements and Plan Area Maps, subparagraph 13.7.D.

APC Recommendation: Of APC’s nineteen members, 12 were present and voted unanimously to approve the proposed amendment with the following modifications to staff’s proposal (please refer to Exhibit 1):

1. In (3)(a), add language that the operational transit is to be within a 10 minute walk;
2. In (4), present a list of examples for functional equivalency, including will-serve letter for operational transit;
3. In (5)(a), add language that the operational transit is to be within a 10-minute walk, and the provision for functional equivalency apply to (5)(a), as it did not apply under Staff’s original proposal.

Staff concurs with the first and third modifications, and the attached amendment reflects these changes. However, staff has reservations concerning the second recommended modification concerning functional equivalency. While staff would like to be able to offer up examples for a functional equivalency, we are apprehensive of the message that would be sent to applicants by listing such features, such as a will-serve letter from a transit operator. The functional equivalency provision was intended to provide flexibility on a case-by-case basis, and will-serve letters may not always be viewed as equivalent to operational transit, depending upon a particular site’s attributes and the surrounding neighborhood. By listing will-serve letters as a functional equivalency, TRPA’s ability to review an application objectively will be compromised, and it would give the applicant the false expectation that the will-serve letter is unquestionably equivalent to operational transit which, again, may or may not be the case depending upon the circumstances of the application.

Background: In October 1999, the TRPA Governing Board directed staff to establish a group of stakeholders to look at the transit-oriented development criteria, two-step subdivision criteria and urban boundary amendment criteria, and bring back recommendations whether to leave the Code as it is currently written or suggest
amendments to the existing Code language. Staff followed the Board’s direction and has worked to complete the task with the Board. TRPA has two long-time pending applications requesting the amendment of separate Plan Area Statements to allow for multi-family development. Staff has worked diligently over the past year to review, critique and craft Code language that clearly states the conditions under which a plan area can be amended, in this case, to allow for multi-family development where it is currently not permissible. The proposed language presented in Exhibit 1 reflects the outcome of numerous stakeholder meetings, additional staff research and input from APC meetings.

**Transit-oriented Development Philosophy:** The goal of transit-oriented development can be thought of as a marriage of land use planning and transportation design. Simply said, for transit to work it needs to have high-density residential development (8 units/acre) with complimentary surrounding land uses in addition to complimentary physical improvements. Complimentary land uses would include commercial and public services, while complimentary physical improvements would include bike/pedestrian pathways, bus stops and shelters.

**Discussion:** Under the current TRPA Code of Ordinances, subparagraph 13.7.D (3), transit-oriented development findings must be made when a Plan Area Statement (PAS) is being amended to add multi-family dwellings (MFD) as a permissible use. TOD findings are required only when a PAS is being amended to add the use. When TRPA created the Regional Plan, numerous plan areas were designated for multi-family development, using similar criteria as is being employed with the TOD Code provisions. See Attachment B for a map depicting Plan Areas wherein multi-family development is currently permissible (TOD findings do not apply). Refer to Attachments C and D for lists of those Plan Areas where TOD findings do not and do apply, respectively.

There has been a fair amount of debate concerning the issue of whether operational transit should be in-place when the application to change the zoning designation is made, or take a leap of faith that the transit will come if the project is built. This situation is analogous to the ‘field of dreams’ approach: if you build it, they will come. Staff does not believe that this is a prudent approach to analyzing the suitability of a site for Transit-oriented Development. After all, an existing transit route that could serve a particular site is a good indication that the area is already TOD suitable. If a transit operator has the intention to eventually serve a particular neighborhood, as demonstrated in its CIP program, and a proposed project would give the transit operation the density of housing units required to make the new transit route viable in perpetuity, then a fair argument that a will-serve letter is the functional equivalent to operational transit may be made.

Rather than focus on the one issue of operational transit, staff reviews the application in light of each required element of suitability for TOD, including but not limited to transit. The point is, a will-serve letter, or operational transit alone does not constitute a transit-oriented development.

One must keep in mind the land use philosophy of TRPA, and the various programs and Code provisions, such as the transfer of development rights program, concentrated commercial activity in community plans, urban boundaries, and transit-oriented development findings for plan area amendments. For instance, achieving TOD will assist in the attainment and maintenance of the AQ-7 Threshold, ten percent VMT (vehicle miles of travel) reduction. VMT is a computed value that correlates to the extent
of an area’s reliance on the private automobile. These, and other Code and Goal and Policies found within the Regional Plan, are intended to concentrate development on high capability lands in appropriate areas, avoid residential sprawl and reduce VMT.

Staff Proposal: The proposed Code language revision creates two sets of standards to be met when amending the permissible zoning of a Plan Area dependent upon whether or not the dwelling units subsequently developed are for market-rate or deed restricted affordable housing. The criteria for market rate housing is virtually the same as the existing Code language, with the exception that public and neighborhood services are defined via examples and the requirement for access to transit be operational at the time of the amendment. The opportunity for an applicant to argue that a feature not listed in the Code section is a functional equivalent to those features is new to this Code section. The ability to argue for a functional equivalency is available for ‘market rate’ housing projects; that is, a functional equivalency can be argued for an amendment approved under the findings listed in (3) and in (5)(a) only. This is an important distinction to make, and should be considered when reviewing the proposed code language.

The criteria proposed to make the TOD findings for deed restricted affordable housing units are far more liberal than the above-mentioned criteria. While the features required to make the TOD findings are less cumbersome for affordable housing projects, there is also far more discretion given to staff and the Governing Board in making these findings. Note that only two features are required for the TOD findings to be made for affordable housing projects, which are to be within close proximity to the project site. It would be up to staff to recommend approval or denial of an application based upon staff’s professional judgment and interpretation of close proximity. Moreover, the Governing Board will also be given this discretion to concur or disagree with staff’s recommendation on a particular application.

Staff has considered the creation of two sets of criteria and firmly believes that to truly achieve transit-oriented development, which is needed to achieve thresholds, only one standard should apply. However, the desperate lack of affordable housing units has compelled staff to consider, and now recommend approval of, the proposed two-tiered set of standards for amending plan areas to facilitate the development of high-density residential development.

Findings:

Chapter 6 Findings

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

Rationale: The amendment to Chapter 13, Plan Area Statements and Plan Area Maps is consistent with the Regional Plan. The bulk of the amendment is adding clarity to the existing Code language. The standards employed for Affordable Housing TOD findings are explicitly consistent with the Goals and Policies.
2. **Finding:** The project will not cause the environmental thresholds to be exceeded.

**Rationale:** The amendment will not cause the environmental thresholds to be exceeded. Any subsequent project arising from this code provision (once amended) will have to adhere to any and all TRPA rules and regulations that have been established to ensure attainment of the Thresholds. Achieving truly TOD developments will assist in the AQ-7 Threshold, 10% VMT reduction.

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

**Rationale:** Any proposal that may come forth due to this provision will be required to meet air and water quality standards as set forth in the TRPA Compact.

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

**Rationale:** See findings 1 and 2 above.

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

**Rationale:** See findings 1 and 2 above.

**Ordinance 87-8 Findings**

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

**Rationale:** See Chapter 6 Findings. The amendment is consistent with the Compact and with attainment or maintenance of the thresholds. Although the amendment may provide additional areas for residential development, the amendment is written in such a way as to maintain the environmental thresholds. Moreover, there can be no increase in overall residential development capacity of the Region.

2. **Finding:** One or more of the following.

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

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

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

e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:
   1) The cost of implementation outweighs the environmental gain to be achieved.
   2) Implementation will result in unacceptable impacts on public health and safety; or
   3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

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

Rationale: Finding d) is the most appropriate. Past actions taken on the current Code provision have been ineffective in attaining Thresholds, due mostly to confusion regarding the meaning, philosophy and intent of the TOD findings. The proposed amendments are intended to clarify the Code sections, thereby increasing the effectiveness of the provision for amending the permissible uses in a plan area.

Environmental Documentation: An Initial Environmental Checklist (IEC) has been completed and Staff proposes a Finding of No Significant Effect (FONSE) based on the IEC, Chapter 6 and Ordinance 87-8 findings shown above.

Requested Action: Staff requests the Governing Board take the following actions:

1. Move to make a Finding Of No Significant Effect;
Memorandum to TRPA Governing Board  
Amendment of Chapter 13, Plan Area Statements and Plan Area Maps  
Page 6

If you have questions regarding this agenda item, please contact Peter Eichar at (775) 588-4547 or, recreation@trpa.org.

Attachments:  
A  Ordinance 2001-__, with Exhibit 1, Proposed Amended Code Language  
B  Multi-family Development Map  
C  List of Plan Areas Where TOD Findings Do Not Apply  
D  List of Plan Areas Where TOD Findings Do Apply
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2001 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING, THE CODE OF ORDINANCES, CHAPTER 13, PLAN AREAS AND PLAN AREA STATEMENTS, SUBPARAGRAPH 13.7.D, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00  Findings

1.10  It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Code of Ordinances, Chapter 13, plan Areas and Plan Area Maps, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20  These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

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

1.40  Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact.

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

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

Section 2.00  Amendment of Chapter 13 of the Code of Ordinances

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, dated April 3, 2001, which attachment is appended hereto and incorporated herein.
Section 3.00  Interpretation and Severability

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

Section 4.00  Effective Date

The provisions of this ordinance amending the Code of Ordinances, Chapter 13, Plan Areas and Plan Area Statements, shall be effective 60 days after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 25, 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency
Chapter 13

PLAN AREA STATEMENTS AND PLAN AREA MAPS

13.7 Plan Area Statement And Plan Area Map Amendment: The amendment of a plan area statement or plan area map shall be in accordance with the following procedures:


13.7.B Amendment By Ordinance: Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.

13.7.C Amendment By Resolution: Modification of Description, Planning Considerations, and Improvement Programs shall be by resolution.

13.7.D Findings For Plan Area Amendments: Prior to adopting any plan area amendment, TRPA must find:

(1) The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C; and

(2) If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

(a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or

(b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or

(c) The amendment is needed to protect public health and safety and there is no reasonable alternative.
(3) If the amendment is to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in (5) below, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). Factors in determining suitability for TOD may include but are not limited to TRPA shall find that the following factors, or a functional equivalent as provided for in (4) below, are satisfied when determining TOD suitability:

(a) The areas that must have access to operational transit within a 10 minute walk; and

(b) Neighborhood services within a 10 minute walks, (e.g., grocery/drug stores, medical services, retail stores, and laundry facilities); and

(c) Good pedestrian and bike connections; and

(d) Opportunities for residential infill (at densities greater than 8 units per acre) or infill with mixed uses; and

(e) Adequate public facilities, (e.g., public schools, urban or developed recreation sites, government services, and post offices).

(4) In order for TRPA to find a proposal is the functional equivalent of one of the factors listed in 13.7.D (3), or 13.7.D (5) (a), the proposal must be found to facilitate TOD in a manner that is equal or superior to that feature.

(5) If the amendment is to add multiple-family dwellings as a permissible use to a plan area or for one or more parcels, and would result in deed restricted affordable housing units, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). TRPA shall find that the following factors are satisfied when determining TOD suitability:

(a) Access to operational transit within a 10 minute walk, or a functional equivalent as provided for in (4) above; and

(b) Neighborhood services; or

(c) Public facilities.
Plan Areas With MFD Zoning - TOD Findings Do Not Apply

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MEMORANDUM

April 15, 2001

To: Tahoe Regional Planning Agency (TRPA) Governing Board

From: TRPA Staff

Subject: Recommendation on Adoption of the Update of the Environmental Improvement Program (EIP)

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Proposed Action: The TRPA Governing Board adopt the final draft of the EIP update, Volumes 1, 2, and 3 dated March 2001.

Staff Recommendation: Staff recommends the Governing Board review Volumes 1, 2, and 3 conduct a public hearing on them and approve the proposed action.

APC and EIP Implementation Committee Recommendation: The Board's EIP Implementation Committee recommended staff take the EIP update to the full Board for adoption at its March meeting. In April, after reviewing the documents and conducting two hearings on the matter in January and April, the Advisory Planning Commission recommended that the Board adopt the EIP update.

Discussion: The EIP was adopted in March of 1998. The 2001 update constitutes four volumes, three of which are submitted for adoption (Vols. 1-3). The 2001 update carries forward the key elements of the original EIP but also is different in some fundamental ways. Volume 1 consists of the program overview. It contains policy recommendations to more efficiently and effectively implement the EIP. Volume 2 represents the individual project, science, and program needs. For each listed need, Volume 2 also apportions funding sources (a task not undertaken in the original EIP list). The Volume 2 project descriptions articulate the benefit to thresholds of each proposal and the evaluation criteria for each program is cited in the appendices. Volume 3 of the update consists of the EIP finance plan, as called for in Chapter 31 of the Code of Ordinances. Through the proposed action, staff recommends adoptions of Volumes 1 through 3. An additional volume, Volume 4, does not require adoption. It is simply a report on the progress made to date and it will be submitted to the Governing Board at the hearing. As a set, the update contains four volumes, the first three of which are submitted for adoption.
Recommendation of Adoption of the EIP
Page 2

Findings:

Pursuant to Chapter 31 of the TRPA Code of Ordinances, section 31.3 and 31.3A (1) pertaining to eligibility for inclusion on the EIP list the following findings are made:

(a) The project, program, or study is needed for the attainment or maintenance of environmental thresholds;

The list cited in the update of March 2001 have been extensively reviewed by TRPA Threshold Program Managers under a developed set of inclusion criteria contained in the appendices of Volume 2. Consultation with various stakeholders and resource managers have occurred and units of benefit have been described for the listings identifying the potential benefit of each activity and/or project to threshold attainment.

(b) The project, program, or study complies with the Goals and Policies, the applicable plan area statement, and the Code;

Air Quality/Transportation listings are consistent with the Regional Transportation Plan/Air Quality Plan for the region as defined in the Goals and Policies. The Water Quality and Soil Conservation listings are consistent with the Water Quality Management Plan and are consistent with relative goal policies of the Goals and Policies (G&P): Goals 1 and 2 of the Water Quality Element and Goal 1 for Soils in the Conservation Element. Scenic listings are consistent with the policies pertaining to Goal 1 of the Community Design sub-element, Goal 1 of for Shorezone in the Conservation Element, and Goals 1 and 2 for Scenic Quality in the Conservation sub-element. Vegetation listings are consistent with Goals 1, 2, and 3 of the Conservation Element. Wildlife is consistent with Goals 1 and 2 of the Conservation Element. Fisheries listings is consistent with Goal 1 of the Conservation Element. And Noise listings are consistent with Goals 1 and 2 of the Noise sub-element of the Land Use Element.

All listings are considered applicable to pertinent Plan Area Statements (PAS). All projects will need to be reviewed for permit approval and inclusion in the EIP list does not constitute approval. The permit review will also assure consistency with the approved uses in each pertinent PAS.

(c) The project, program, or study is consistent with the priorities and schedule of the EIP;

This is an update of the entire list and therefore establishing a revised projection.

(d) The project, program, or study meets the findings adopted pursuant to Article V (g) of the Compact set forth in Chapter 6 in regard to consistency with threshold attainment.

For the reasons cited above and the Chapter 6 finding responses cited below the new listings are consistent with the Regional Plan, will not cause environmental carrying capacities to be exceeded, and the execution of each is required to comply with all applicable federal, state, and local standards. Where applicable pursuant to the Code of Ordinances individual projects and actions will be reviewed and permitted for threshold protection and compliance measures and are subject to the findings in section 6.3.A and 6.3.B of the Code.

Findings pursuant to Chapter 6 of the Code of Ordinances, section 6.3.A and 6.5 are made;
6.3.A (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.

See findings 31.A (1) (b) above. In addition the EIP update is consistent with Goals 1 and 2 of the Institutional sub-element, Goal 4 of the Development and Implementation Priorities sub-element, Goals 1, 2, 3, and 4 of the Financing sub-element, and Goals 2 and 3 of the Monitoring and Evaluation sub-element found in the Implementation Element of the Regional Plan.

6.3.A (2) The project will not cause the environmental threshold carrying capacities thresholds to be exceeded;

As described in section 31.2 of the Code the EIP purpose is to foster threshold attainment. See also the findings described in section 31.3.A (1) (a) and (b) above.

6.3.A (3) Wherever federal, state or local air and water quality standards applicable for the region, whichever is strictest, must be attained and maintained pursuant to Article V (d) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.

Inclusion in the EIP does not constitute approval of any project or activity. Each activity or project is subject to review and permitting by all applicable local, state, and federal authorities including TRPA and the Code of Ordinances and Regional Plan standards, goals, and policies. The applicable standards at the time of review of permitting will apply.

6.5 Findings Necessary To Amend Or Adopt TRPA Ordinances, Rules Or Other TRPA Plans and Programs: To approve any amendment or adoption of the Code, Rules or other TRPA plans and programs which implement the Regional Plan, TRPA must find, in addition to the findings required pursuant to Section 6.3, and in accordance with Sections 6.1 and 6.2, that the Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

As described in section 31.2 of the Code the EIP purpose is to foster threshold attainment. See also the findings described in section 31.3.A (1) (a) and (b) above. Also see 6.3.A (1).

Finally, based on the findings above and the Initial Environmental Checklist cited in Section 5.2 staff finds that:

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 not significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

The proposed mitigation includes the mitigation any single project or action will require as determined through the permit review process to which each project is subject. In addition, as a result of the adoption of this program TRPA proposes that by May 15, 2002 TRPA and implementing stakeholders complete a plan to address the cumulative logistical and coordination issues associated with EIP implementation.
Recommendation of Adoption of the EIP
Page 4

Proposed Action: The Governing Board approve the findings, including mitigation, and, via the attached resolution, adopt the final draft of the EIP as defined in Volumes 1, 2, and 3 and dated March 2001 with any minor edits for clarification and readability to be concluded prior to publication and circulation.

If you have any questions, please contact Carl Hasty at (775) 588-4547, Extension 236.
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 2001-

RESOLUTION ADOPTING THE UPDATE OF THE
ENVIRONMENTAL IMPROVEMENT PROGRAM (EIP)

WHEREAS, the Environmental Improvement Program (EIP) is a companion strategy to the Tahoe Regional Planning Agency’s (TRPA) regulatory program for the attainment of environmental threshold carrying capacities (Thresholds) and is to assist the communities of Lake Tahoe, local, state, and federal governments in said attainment; and

WHEREAS, the EIP identifies physical threshold improvement needs, threshold science needs, and threshold program needs, spending allocations, and priorities; and

WHEREAS, like a traditional capital improvement program, listed information, priorities, schedules, participants, and funding are dynamic and can change from what is currently cited in the EIP based on such circumstances as feasibility, authority, or knowledge; and

WHEREAS, TRPA will continue to work with stakeholders to update the EIP and assist in the prioritization of needs, funding, and implementation of science and physical projects; and

WHEREAS, the Governing Board of TRPA first adopted the EIP list in 1998; and

WHEREAS, pursuant to Chapter 31 of TRPA’s Code of Ordinances once adopted the Executive Director has the authority and direction to amend the EIP list pursuant to findings; and

WHEREAS, the Executive Director of TRPA determined in the year 2000 that substantial changes to documentation of the EIP, including a finance plan and more detailed program direction, warranted review and approval by the Governing Board; and

WHEREAS, the update represented in Volumes 1, 2, and 3 of the EIP have been a year in the making and represent thousands of hours of staff time involving multiple staff members from multiple agencies and organizations.

NOW, THEREFORE, BE IT RESOLVED that Volumes 1, 2, and 3 of the EIP (March 2001) are hereby adopted this 25th day of April, 2001 by the Governing Board of the Tahoe Regional Planning Agency by the following votes:

Ayes:

Nays:

175
Abstain:

Absent:

Dean Heller, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

April 17, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop Regarding Late Seral/Old Growth Regulation

Proposed Action: Staff proposes to hold a workshop on the proposed regulation and provide recommendations.

Staff Recommendation: Staff recommends the Governing Board participate in the workshop on this item and recommend the staff return in May with a final ordinance.

APC Recommendation: The Advisory Planning Commission recommended that staff bring a version of the regulation that includes a private land planning process to the Governing Board. APC also supported that further work towards consensus by the Forest Health Consensus Group be continued at their meeting on April 17, 2001.

Background: At the April 2000 meeting, the Governing Board extended the interim old growth regulation on the condition that staff returns in May 2001 with changes that provide flexibility for private landowners. The Forest Health Consensus Group has been working to develop the final regulation, and will be prepared to bring a final package in May.

Discussion: This workshop, focused on the late seral/old growth regulation, is an important step in the consensus process. The new regulation package will be a completed version by the staff for discussion. This version builds on the latest work of the Forest Health Consensus Group, and has been through five full drafts and many small changes. However, staff has taken the additional step of finalizing the enclosed version to reflect internal review. Staff felt it was important to present a complete version to the Governing Board as the basis of the discussion. This workshop will introduce the general approach by the Forest Health Consensus Group, and the discussion and debate at the Governing Board will provide staff direction on the final package for adoption in May. The Forest Health Consensus Group will meet on April 17 to further discuss issues within the package. Any agreement or change will be presented at the Governing Board meeting.

The proposed workshop agenda is: 1) overview of history and framework for new regulation; 2) presentation of the new threshold, goals and policies, and discussion of the new threshold, goals and policies; 3) overview of elements of code and different viewpoints; 4) significant code details and discussion; and 5) Governing Board recommendations.

If you have any questions regarding this agenda item, please contact Gerald Dion at (775) 588-4547 or, jdion@trpa.org.

Attachments: Draft package of the proposed late seral/old growth language.
Language to be deleted is struck through in red; new language is in blue.

EXHIBIT A
TO RESOLUTION NO. 82-11

RESOLUTION OF THE GOVERNING BODY OF THE TAHOE REGIONAL PLANNING AGENCY ADOPTING ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES FOR THE LAKE TAHOE REGION

VEGETATION PRESERVATION

Common Vegetation

MANAGEMENT STANDARD
Increase plant and structural diversity of forest communities through appropriate management practices as measured by diversity indices of species richness, relative abundance, and pattern.

Provide for promotion and perpetuation of late successional/old growth forests. The goal is to increase late successional/old growth conditions across elevational ranges of the Lake Tahoe Basin forest cover types.

Individual trees greater than 30" dbh shall also be favored for retention because of their late seral attributes.

Late Seral and Old Growth Forest Ecosystems

NUMERICAL STANDARD
Attain and maintain a minimum percentage of 55% by area of forested lands within the Tahoe Region in a late seral or old growth condition, and distributed across elevation zones. To achieve the 55%, the elevation zones shall contribute as follows:

- The Subalpine zone (greater than 8,500 feet elevation) will contribute 5% (7,600 acres) of the forested lands;
- The Upper Montane zone (between 7,000 and 8,500 feet elevation) will contribute 30% (45,900 acres) of forested lands;
- The Montane zone (lower than 7,000 feet elevation) will contribute 20% (30,600 acres) of forested lands.

Forested lands within TRPA designated urban areas are excluded in the calculation for threshold attainment. Areas of the montane zone within 1,250 feet of urban areas may be included in the calculation for threshold attainment if the area is actively being managed for late seral and old growth conditions and has been mapped by TRPA. A maximum value of 40% of the lands within 1,250 feet of urban areas may be included in the calculation.

Because of these restrictions the following percentage of each elevation zone must be attained to achieve this threshold:

- 61% of the Subalpine zone must be in a late seral and old growth condition;
- 60% of the Upper Montane zone must be in a late seral and old growth condition;
- 48% of the Montane zone must be in a late seral and old growth condition;
Goals and Policies Additions
New language is in blue.

CHAPTER IV
CONSERVATION ELEMENT

The purpose of this Element is to plan for the preservation, development, utilization, and management of the scenic and other natural resources within the Basin. To achieve this end and to minimize the threat that increasing urbanization has on the ecological values of the Region and the public opportunities for use of public lands, ten Subelements were selected to cover the full range of Lake Tahoe’s natural and historical resources. For each Subelement, specific policies are outlined to help guide decision-making as it affects that particular resource.

VEGETATION
Vegetation is integral to the many scenic, wildlife, and recreational amenities in the Lake Tahoe Basin. Vegetation also fulfills many functional roles related to water cleansing, soil stabilization, nutrient catchment and release, air purification, and noise control. The focus of vegetation preservation in the Basin is to protect and maintain these and other attributes...

GOAL #4
PROVIDE FOR AND INCREASE THE AMOUNT OF LATE SERAL/OLD GROWTH STANDS WITHIN THE LAKE TAHOE BASIN.

Late seral/old growth forest stands are rare in the basin, but provide high quality habitat for many wildlife and plant species. In the year 2000, it was estimated that less than 5% of the forest stands could be conservatively classified as late seral/old growth. The desired future condition for forested lands within the basin is that the forests should reflect the pre-settlement conditions to the degree possible. The best available estimate of the amount of late seral/old growth in pre-settlement times is 55%. With the existing state of the basin’s forested dominated by mature, even aged stands, active management is necessary to increase the amount of late seral/old growth.

POLICIES

1. STANDS EXHIBITING LATE SERAL/OLD GROWTH CHARACTERISTICS SHALL BE MANAGED TO ALLOW THESE STANDS TO SUSTAIN THESE CONDITIONS.

The existing forest stands that exhibit late seral/old growth characteristics are rare in the basin and should be protected. These stands act as a refuge for late seral/old growth species and will be critical for future restoration of additional late seral/old growth stands.

2. STANDS NOT EXHIBITING LATE SERAL/OLD GROWTH CHARACTERISTICS SHALL BE MANAGED TO PROGRESS TOWARDS LATE SUCCESSIONAL/OLD GROWTH.

Forest stands that do not currently exhibit late seral/old growth characteristics, and that can reasonably be expected to produce late seral/old growth characteristics, should be managed to move the stand towards late seral/old growth. Active management is the primary vehicle for producing the desired future conditions. Management may entail thinning of smaller trees, manipulation of the species composition, and other ecosystem manipulations.
3. PRESCRIPTIONS FOR TREATING THESE STANDS WILL BE PREPARED ON A STAND-BY-STAND BASIS. EACH PRESCRIPTION WILL DEMONSTRATE/EXPLAIN HOW IT WILL PROMOTE LATE SERAL OR OLD GROWTH CHARACTERISTICS PRIOR TO APPLYING ANY MECHANICAL TREATMENT OR PRESCRIBED FIRE. STAND-SPECIFIC PRESCRIPTIONS WILL BE DEVELOPED USING THE BEST AVAILABLE FOREST AND ECOSYSTEM MANAGEMENT SCIENCE, STRATEGIES, STANDARDS AND GUIDELINES.

Late seral/old growth forest management applies best available scientific information to identify valued characteristics of late seral/old growth forests, and to manage for these characteristics. Site capabilities, habitat requirements of old growth-associated wildlife species, forest science including silviculture, and available information on general and site-specific pre-settlement forest structures and patterns provide guidance to site-specific management. The Sierra Nevada Ecosystem Project Report (2000), the Lake Tahoe Watershed Assessment (December 2000), and the Sierra Nevada Forest Plan Amendment (January 2001), apply scientific and forest management literature identifying important late seral/old growth forest characteristics as well as management strategies, standards and guidelines for promoting these characteristics.

4. RETAIN LARGE TREES AS A PRINCIPAL COMPONENT OF LATE SERAL/OLD GROWTH ECOSYSTEMS.

Large trees are one of the defining components of late seral/old growth ecosystems. Without large trees present a forest stand cannot be classified as late seral/old growth. Many of the other components of late seral/old growth ecosystems are derived from large trees, including snags, down woody material, and soil conditions. The retention of large trees is a critical management strategy to achieve the late seral/old growth threshold.

5. RETAIN TREES OF MEDIUM AND SMALL SIZE SUFFICIENT TO PROVIDE FOR LARGE TREE RECRUITMENT OVER TIME, AND TO PROVIDE STRUCTURAL DIVERSITY. PREFERABLY, THESE TREES WILL BE THE MOST VIGOROUS IN THE STAND USING ONE OF THE STANDARD TREE CLASSIFICATIONS. IN ADDITION, SPECIES COMPOSITION SHOULD BE KEY CONSIDERATION IN TREE RETENTION.

The forests of the Lake Tahoe Basin are largely even-aged as a result of forest regeneration after a wave of logging followed discovery of the Comstock Lode. The large trees of today have finite life spans, and must eventually be replaced. Additionally, appropriate diversity of small, medium and large trees provides vertical structural diversity for wildlife.

Tree species composition is an important characteristic of forests, affecting wildlife uses and forest health. Promoting and perpetuating Late Seral/Old Growth forest conditions includes provision for desired species composition, now and the future. Prior to settlement, natural events provided a well-adapted species mix. Today, planning is needed because humans have changed the balance of forces operating in the forest.

6. USE OF PRESCRIBED FIRE IS PREFERRED TO REDUCE FIRE HAZARD AND PERPETUATE DESIRED NATURAL ECOCLOGICAL PROCESSES. MANUAL AND MECHANICAL TREATMENT MAY BE USED TO REDUCE FOREST FUEL LEVELS AND TO IMPROVE LATE SUCCESSIONAL FOREST CONDITIONS IN ADDITION TO, OR IN LIEU OF, PRESCRIBED FIRE.
Fire is an effective and efficient tool to reduce forest fuels and thus fire risk. Additionally, fire is a natural ecological process that historically shaped the distribution and structure of vegetation and wildlife communities in the Sierra Nevada and Lake Tahoe basin. Use of prescribed fire or mechanical treatment to control and reduce forest fuel buildup will benefit forested communities by reducing the potential for catastrophic stand replacing fire events.

GOAL #5

THE APPROPRIATE STOCKING LEVEL AND DISTRIBUTION OF SNAGS AND COARSE WOODY DEBRIS SHALL BE RETAINED IN THE REGIONS FORESTS TO PROVIDE HABITAT FOR ORGANISMS THAT DEPEND ON SUCH FEATURES AND TO PERPETUATE NATURAL ECOLOGICAL PROCESSES.

Relatively large snags (standing dead trees) and large downed woody debris (decaying logs on the forest floor) provide essential habitat features for a wide diversity of forest dwelling organisms. Decaying snags and course woody debris provide soil amendments and recycle nutrients necessary to perpetuate improved forest health. Upland sources of dead wood contribute to slope stability and soil surface stability, which prevent soil erosion and controls storm surface runoff. In stream environment zones, dead wood plays a major role in the development of streambed morphology and thus the creation and maintenance of required aquatic and riparian habitat.

POLICIES

1. ALLOW FOR A SUFFICIENT NUMBER AND AN APPROPRIATE DISTRIBUTION OF SNAGS THROUGHOUT THE REGION’S FORESTS TO PROVIDE AND MAINTAIN HABITAT FOR SPECIES DEPENDENT ON SUCH FEATURES.

Tree mortality is a natural process in properly functioning forest ecosystems. This process is stochastic, can take several decades to occur in nature, and is not easily mimicked by humans. Retaining necessary habitat features that benefit a wide diversity of species is economically appropriate because it will circumvent the need for costly and intrusive habitat management programs, and will aid in achieving wildlife threshold goals.

2. ALLOW FOR AN APPROPRIATE AMOUNT, LEVEL AND DISTRIBUTION OF COARSE WOODY DEBRIS (DOWNED WOODY MATERIAL) THROUGHOUT THE REGION’S FORESTS TO MAINTAIN BIOLOGICAL INTEGRITY, TO STABILIZE SOIL, AND TO AFFORD A REASONABLE LEVEL OF FIRE SAFETY.

Large downed woody debris (fallen logs) in various stages of decay contribute to structural diversity of forest ecosystems, which is required by a wide variety of terrestrial, semi-terrestrial and aquatic species. Additionally, as logs decompose, organic matter is slowly incorporated into the soil, which replenishes the productive capability of the soil and perpetuates a functioning forest ecosystem.
Chapter 71
TREE REMOVAL

71.2 Interim Ordinance for the Protection of Late Successional/Old Growth (LSOG) Trees: In order to begin implementation of TRPA's LSGP threshold, the following interim regulation will govern forest management activities and projects. The threshold requires that planning and implementation activities promote and perpetuate LSOG forests. Where Section 71.2 conflicts with other Code provisions this interim ordinance supersedes those provisions. This interim ordinance expires on May 31, 2001.5 Late Seral/Old Growth Enhancement and Protection: In addition to other code sections the following standards will govern forest management activities and projects. The threshold language along with the goals and policies provide direction in implementation of forest management activities and projects.

71.2.A Standards for Conservation and Recreation Lands: Within lands classified by TRPA as conservation and or recreation land use and riparian-areas or Stream Environment Zones, any live, dead or dying tree greater than or equal to 30" (inches) diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree greater than or equal to 24 inches diameter at breast height in eastside forest types shall not be cut. Except as follows:

1. This provision does not apply to TRPA designated residential, commercial and public service, resort accommodation areas, lands, recreation and residence tracts, developed recreation facilities, including ski areas, campgrounds, and urban interface areas. Trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut in urban interface areas if TRPA determines that they would contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees 30 inches at dbh in the westside forest types and 24 inches dbh in eastside forest types shall be fully considered. Urban interface areas are defined as: all undeveloped lands within a 1,250 foot 0.5-km zone immediately adjacent to residential, commercial, public service, tourism accommodation lands, and recreation residence tracts.

2. Where 71.2.A provision does apply, hazard trees greater than or equal to 30 inches dbh in westside forest types and 24 inches dbh in eastside forest types may be felled, treated or removed if TRPA and land manager determines they pose an unacceptable risk to humans, improvements or personal property occupied or substantial structures or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. Where a land manager determines that a hazard tree constitutes a physical emergency (e.g. imminent

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5Amended 5/27/98 and 4/26/00
threat of falling on people or property occupied or substantial structures, or people, he may document that condition with photography and remove the hazard tree immediately. Documentation shall be submitted to TRPA; the land manager may remove the tree but must provide photographic documentation to TRPA within two working days.

(3) Where immediate treatment and removal is warranted to stop an outbreak, severely insect-infested or diseased trees may be removed. Trees to be felled, treated or removed require TRPA review on a tree by tree basis, within 30 working days of written notification by the land manager.

(4) Trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types that are likely to cause significant adverse impacts to a stream or river may be felled, treated or removed. This determination must be made by an interdisciplinary team (including a hydrologist, wildlife biologist, fisheries biologist, and stream geomorphologist) and approved by TRPA. The marking of these trees shall be done by TRPA.

(5) In limited cases, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut if a management prescription clearly demonstrates, that the identified trees need to be cut for ecosystem management goals, such as aspen stand regeneration or achieving desired species composition. The project and prescription must be developed and reviewed by an interdisciplinary team, be part of a public review process, and cut only the large trees necessary to achieve ecosystem objectives at a specific site. Each tree greater than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types must be approved by TRPA. The marking of these trees shall be done by TRPA.

(6) In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA approved master plan, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

(7) In case of extreme fuel loading some dead trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut. At a minimum, retain 4 of the largest hard snags per acre in westside forest types, 6 of the largest hard snags per acre in subalpine forest types, and 3 of the largest hard snags per acre in eastside forest types that are 15 inches dbh and greater, in decay class 2 through 5, averaged over a 10 acre area. Retain all soft snags in decay class 6 through 9 that are 24 inches dbh and greater in all forest types. Snags shall be retained randomly across the landscape such that a naturally occurring distribution is mimicked, after treatment.
Exceptions to retention standards may be approved by TRPA, as long as an evidentiary rationale for the exception is provided, to 1) reduce fire risk, 2) to accomplish wildlife and fisheries habitat conservation objectives, or 3) to mimic forest ecosystem function.

(8) Large trees may be removed for large public utilities projects, if TRPA finds there is no other reasonable alternative.

(9) Tree Removal During Emergency Fire Suppression Activities: Trees may be removed when an emergency fire suppression need exists as determined by the local, state or federal fire suppression agency involved in a fire suppression activity.

(10) Private landowners may cut trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types provided the landowner follows one of the processes articulated in 71.2.C.

71.2.B Standards for Non-SEZ Urban Lands: Within non-SEZ undeveloped urban areas:

(1) Forested land larger than 5 acres should be considered and planned for late seral or old growth characteristics provided this management does not present an unacceptable fire threat.

(2) Individual trees larger than 40 inches dbh that are living and sound shall be retained as desirable specimen trees having aesthetic and wildlife value. Unless 1) all reasonable alternatives are not feasible to retain the tree, including reduction of parking areas or modification of the original design, or 2) paragraphs 71.2.A (1), 71.2.A (3), 71.2.A (4), 71.2.A (8), or 71.2.A (9) can be applied.

71.2.C Snags and Down Woody Material: Snags and down woody material are addressed in section 78.2.D.

71.2.C Alternative Private Landowner Process: A private landowner may follow the regulations within Subsections 71.2.A or a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and polices.

(1) A forest master plan shall follow the planning process described in Chapter 16 of TRPA Code of Ordinances except as follows:

a. In relation to Subsection 16.7.A.(1) only, the private landowner may initiate the forest master planning process.

b. In relation to Subsection 16.7.A.(2) the steering committee shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and US Forest Service if the private land is adjacent to US Forest Service land.
c. In relation to Section 16.8, the content of a forest master plan is described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Subsection 16.9, shall provide guidelines for salvage harvest, insect control and fire salvage. The document shall be organized by described and mapped planning units. A non-industrial timber management plan that contains enough information to make the required findings of Subsection 16.9 can be submitted provided it is developed with approval of the steering committee.

d. The harvest practices shall comply with local and state regulations.

e. A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.

f. Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.

(2) Private landowners may prepare a restricted forest plan when the total volume of harvested trees over 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types is less than 10% of the volume of trees over 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types over a ten-year period. Individual trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types must be approved on a tree-by-tree basis consistent with the forest plan. The following must be included in a forest plan:

a. Description of harvest activities;

b. Description of management activities;

c. Expatriation of how thresholds, goals and policies will be attained under the forest plan;

d. The expiration date of the plan. A minimum lifespan of 10 years and a maximum lifespan of 50 years will be accepted.

71.4. A (11) The promotion of late seral or old growth characteristics.

71.5 Reasons For Tree Removal: Except for trees identified for retention section 71.2, trees may be removed for the following reasons:
78.2.D Snags: Snags (defined in Chapter 2) and Coarse Woody Debris (defined in Chapter 2) shall be protected and preserved as follows: (Snag and Coarse Woody Debris decay classes referred to in Section 78.2.D are based on: Maser, C. and J. M. Trappe, 1984. The seen and unseen world of the fallen tree. USDA, Forest Service, Gen. Tech. Rep. PNW-164).

(1) Standing dead trees with diameters eleven inches (d.b.h.) or greater, and more than 20 feet tall, shall not be removed except as provided in section 71.4 or when densities of snags in the immediate area exceed two per acre. At a minimum, retain 4 of the largest hard snags per acre in westside forest types, 6 of the largest hard snags per acre in subalpine forest types, and 3 of the largest hard snags per acre in eastside forest types that are 15 inches dbh and greater, in decay class 2 through 5, averaged over a 10 acre area. Retain all soft snags in decay class 6 through 9 that are 24 inches dbh and greater in all forest types. Snags shall be retained randomly across the landscape to mimic a naturally occurring distribution, after treatment. Exceptions to retention standards may be approved by TRPA, as long as an evidentiary rationale for the exception is provided, to 1) reduce fire risk, 2) accomplish wildlife and fisheries habitat conservation objectives, or 3) mimic forest ecosystem function, such as prescribed burning.

(2) Provision for the protection of snags suitable for wildlife habitat shall be incorporated into all tree harvest plans and projects as conditions of approval.

(3) Where appropriate, full logs may be left for wildlife. Within westside and subalpine forest types, beginning with the largest downed logs identified within the range of suitable retention size classes in Table 78.2.D(3)-1, sequentially retain pieces of coarse woody debris in decay class 1 through 3, until an average of 15 ± 5 tons (approximately 5 – 10 logs) are retained over a treatment area. Within eastside forest types, retain at least 3 of the largest downed logs per acre within the treatment area. Exceptions to retention standards may be approved, as long as an evidentiary rationale for the exception is provided to TRPA, 1) to reduce fire risk, 2) to accomplish wildlife and fisheries habitat conservation objectives, 3) to mimic forest ecosystem function, such as prescribed burning.
### Table 78.2 D(3)-1

**Length of Log (feet)**

| Diameter of Log (inches) | 8  | 10  | 12  | 14  | 16  | 18  | 20  | 22  | 24  | 26  | 28  | 30  | 32  | 34  | 36  | 38  | 40  | Retention Suitability |
|--------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------------|
| 4                        | 0.01 | 0.01 | 0.01 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.04 | 0.04 | LOW                 |
| 6                        | 0.02 | 0.02 | 0.02 | 0.03 | 0.04 | 0.04 | 0.04 | 0.04 | 0.05 | 0.05 | 0.05 | 0.05 | 0.05 | 0.05 | 0.05 | 0.06 | 0.06 | LOW                 |
| 8                        | 0.04 | 0.04 | 0.04 | 0.05 | 0.06 | 0.06 | 0.06 | 0.06 | 0.06 | 0.07 | 0.07 | 0.07 | 0.07 | 0.07 | 0.07 | 0.08 | 0.08 | LOW                 |
| 10                       | 0.06 | 0.06 | 0.06 | 0.07 | 0.08 | 0.09 | 0.09 | 0.09 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | LOW                 |
| 12                       | 0.08 | 0.08 | 0.08 | 0.09 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | LOW                 |
| 14                       | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | 0.10 | LOW                 |
| 16                       | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | LOW                 |
| 18                       | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | 0.14 | LOW                 |
| 20                       | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | 0.16 | LOW                 |
| 22                       | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | LOW                 |
| 24                       | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | 0.20 | LOW                 |
| 26                       | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | 0.22 | LOW                 |
| 28                       | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 | LOW                 |
| 30                       | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 | LOW                 |
| 32                       | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | LOW                 |
| 34                       | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | 0.30 | LOW                 |
| 36                       | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | 0.32 | LOW                 |
| 38                       | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | 0.34 | LOW                 |
| 40                       | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | 0.36 | LOW                 |

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Chapter 2
DEFINITIONS

Snag — a standing dead tree or partially dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. Hard snags are essentially composed of sound wood, especially on the outside and occur in decay classes 2 through 5. Soft snags are in advanced decay and occur in decay classes 1 through 3.

Coarse Woody Debris — sound and rotting logs that provide habitat for plants, animals and insects and a source of organic nutrients for soil development. This material is generally greater than 10 centimeters (4 inches) in diameter.

Eastside Forest Type — Eastside forest type are those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada. The Eastside/Westside Forest Type Map (12.2.C (6)) delineates the boundary of the eastside forest type.

Westside Forest Type — Westside forest type are those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada. The Eastside/Westside Forest Type Map (12.2 C (6)) delineates the boundary of the westside forest type.

Late Seral Forest — to come

Old Growth Forest — to come

12.2.C (6) Eastside/Westside Forest Type Map: The eastside/westside forest type map delineates the boundary between eastside forest types and westside forest types in the Tahoe Region.

4.3.A (6) Cutting, moving, removing, killing or materially damaging up to 100 live trees six inches d.b.h. or larger, per year within a project area provided all live trees to be removed are marked and a tree removal permit is issued pursuant to a memorandum of understanding between the appropriate forestry agency and TRPA, and the tree removal does not constitute substantial tree removal as defined in Subsection 71.34.I. The memorandum of understanding shall be consistent with the standards in Chapter 71. Trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types must be approved on a tree-by-tree basis.

4.3.A (10) (g) Trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may not be cut on public land under this exemption. On private land trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut pursuant to 71.2.C.
Draft map of the Eastside/Westside Boundary

- Eastside/Westside Boundary
- Water
- Non-Urban
- Urban
Ownership

- Lake
- Private (4%)
- Private_DFPZ (4%)
- Public (70%)
- Public_DFPZ (10%)
- Urban (12%)
Ownership of Basin Lands and Forested Lands

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*Lakes are not included in any calculation

Source: USFS Vegetation and Administration GIS Layers
Estimated Error: ± 0.2%
MEMORANDUM

April 17, 2001

To: TRPA Governing Board

From: Matt Graham, Senior Environmental Specialist, Erosion Control Team Leader

Subject: BMP Retrofit Presentation

The attached document is being presented by Mr. Jay Kehne, representing the Natural Resources Conservation Service (NRCS). A multi-agency task force regularly meets to discuss and review technological innovations pertaining to the treatment of stormwater runoff from existing residential development.

Towards this end, several soil scientists at NRCS have developed new methodologies for the treatment of residential runoff. These new stormwater treatment practices have been peer reviewed by TRPA’s Erosion Control Team.

The attached documents and discussion are being presented for information purposes only.

Attachment
RESIDENTIAL BEST MANAGEMENT PRACTICE UPDATE
GRAVEL FILLED INFILTRATION TRENCHES & DRYWELLS

BACKGROUND INFORMATION

The TRPA Water Quality Management Plan Best Management Practice (BMP) Handbook states that infiltration trenches must have a storage capacity of 0.75 to 1.00 inch of precipitation per hour depending on location. The Lahontan Region Water Quality Control Board requires that infiltration trenches be designed to have a 95% reliability with a probability of overtopping the trench not greater than 5%. The EMP Handbook also states that infiltration trenches are ineffective on slopes steeper than 15%, where slopes slant toward foundations, or in areas with high groundwater. An alternative practice identified in the BMP Handbook is to use a drain to collect and convey runoff to a drywell or contour infiltration trench.

RECOMMENDATIONS

In conjunction with the TRPA Handbook, and using the original hydrologic calculation equation for determining infiltration trench design, the Natural Resources Conservation Service at Lake Tahoe makes the following recommendations on gravel filled dripline infiltration trenches as a means to control runoff from impervious residential surfaces in the Tahoe Basin.

For residential sized roofs, GRAVEL FILLED DRIPLINE INFILTRATION TRENCHES ARE NOT RECOMMENDED AS A BEST MANAGEMENT PRACTICE. Gravel filled drywells should only be used where the capacity of the drywell with gravel meets the TRPA BMP Handbook criteria for storage and infiltration.

Gravel filled infiltration trenches are designed to work on flat slopes. As slope increases the capacity and function of an infiltration trench quickly diminishes and will not meet TRPA, Lahontan, or NRCS criteria even on very gradual slopes. This is especially true on soils with slow or moderate permeability. Trenches are designed to function by increasing surface area to infiltrate runoff and to store runoff water until it can be infiltrated. Gravel as a fill material in trenches only leaves 30% void space available for storage. From a storage standpoint, gravel filled infiltration trenches are dug only to be 2/3 filled up again.

The hydrologic calculation equation for determining trench design also clearly shows that gravel filled dripline infiltration trenches are not necessary on rapid or very rapid permeability soils. Soils in the Tahoe Basin with rapid or very rapid permeability already have the capacity to infiltrate a one-inch in one-hour storm event. To remove these soils and replace them with material such as gravel that contains only 30% void space serves little purpose. A gravel surface mulch under the dripline is sufficient to protect the soils from erosion, while allowing the existing rapid permeable soils to infiltrate runoff water.

ALTERNATIVES

Technology exists today that allows for a variety of alternatives to gravel infiltration trenches for capturing, storing and infiltrating dripline runoff water.

Alternatives to dripline infiltration trenches include but are not limited to:

- Subsurface or surface drain to a gravel free contour infiltration trench.
- Subsurface runoff collection system to a gravel free drywell.
- Rain gutter system to a gravel free drywell.
- Subsurface or surface drain to an open chamber type drywell system.
- Subsurface or surface drain to a basin or berm/swale.
- Other engineered runoff capture, storage and infiltration system.
- Gravel mulches on soils with rapid or very rapid permeability.

Many sites may require a combination of BMP's to meet the TRPA ordinance for erosion and runoff control.

CONCLUSION

Gravel filled infiltration trenches have been an accepted best management practice at Lake Tahoe for many years. They have been considered a cost effective, easy to install, and simple way for homeowners to control runoff from roofs, driveways and other impervious surface areas. Despite this reputation, application of this type of infiltration system is not occurring at a rapid rate on residences needing retrofit BMP's. NRCS, the Tahoe Conservation District (TRCD), the Nevada Tahoe Conservation District (NTCD), TRPA, and Nevada Cooperative Extension have led efforts to assist homeowners to install BMPs around the lake for the last two summers. The most limiting factor involved with installing gravel filled BMPs is the very intensive labor involved with moving gravel to trenches using hand equipment suited to steep, urbanized lots. In essence, material costs may be low for gravel filled infiltration trenches but labor costs are so high they discourage homeowners from completing these practices.

A detailed analysis of the effectiveness and need for gravel filled infiltration trenches using the original basic equation that they were designed from has shown they have extremely limited application in the Tahoe Basin.

Many cost effective, maintenance free, longer lasting and better functioning alternatives exist to gravel filled infiltration trenches.

Considering labor costs to install, effectiveness, and availability of alternatives, it is the position of NRCS at Lake Tahoe that gravel filled infiltration trenches are not an acceptable best management practice alternative on residential properties.
TRENCH DESIGN EQUATIONS

VOLUME OF RUNOFF FROM IMPERVIOUS SURFACE

ABSORPTION OF WATER FROM THE TRENCH INTO THE SOIL VERTICALLY

ABSORPTION OF WATER FROM THE TRENCH INTO THE SOIL LATERALLY

(a) volume of runoff from impervious service - (b) absorption vertically + (c) absorption laterally = (d) storage required

WHERE:
(a) volume of runoff from impervious service = surface width x surface length x rainfall amount (1 inch / one hour *20 year event*)

(b) absorption vertically = trench width x trench length x soil permeability

(c) absorption laterally = 2/3 x trench depth x trench length x soil permeability

(d) storage available = 1/3 x trench width x trench length x trench depth
EXAMPLE OF A TRENCH ON A SLOPE

\[ c = \text{volume of roof runoff} - \text{absorption into the soil and is the amount we need accommodate with storage capacity} \]

(b) absorption vertically = trench width \times \text{trench length} \times \text{soil permeability}
## Slowly Permeable Soils

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<th>Storage Deficit (c.f.)</th>
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<td>25%</td>
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</tbody>
</table>

**Trench**
- Width: 18 in.
- Depth: 8 in.
- Length: 40 ft.
- Roof: 12 ft. x 40 ft.
- Soil: 1 in/hr.
- Storm: 1.00 (inches)
| slope  | 0%  | 1%  | 2%  | 3%  | 4%  | 5%  | 6%  | 7%  | 8%  | 9%  | 10% | 11% | 12% | 13% | 14% | 15% | 16% | 17% | 18% | 19% | 20% | 21% | 22% | 23% | 24% | 25% |
|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| storage capacity c.f. | 13.3 | 9.3 | 5.6 | 3.7 | 2.8 | 2.2 | 1.9 | 1.6 | 1.4 | 1.2 | 1.1 | 1.0 | 0.9 | 0.9 | 0.8 | 0.7 | 0.7 | 0.7 | 0.6 | 0.6 | 0.5 | 0.5 | 0.5 | 0.5 | 0.4 |
| storage deficit c.f.  | 0.7  | 4.7 | 8.5 | 10.4| 11.3| 11.9| 12.2| 12.5| 12.7| 12.8| 13.0| 13.1| 13.1| 13.2| 13.3| 13.4| 13.5| 13.5| 13.5| 13.5| 13.5| 13.6| 13.6| 13.6| 13.6|
| % failure by total volume | 2%  | 12% | 21% | 26% | 28% | 30% | 31% | 31% | 32% | 32% | 33% | 33% | 33% | 33% | 33% | 33% | 33% | 33% | 34% | 34% | 34% | 34% | 34% | 34% | 34% | 34% |
SOIL ALONE *

WIDTH 18 in.
DEPTH 0 in.
LENGTH 40 ft.
ROOF 12 ft. X 40 ft.
SOIL 13 in/hr.
STORM 1.00 (inches)

* The amount of water an area of soil with the above dimensions could permeate. Depth of 0 inches because there is no trench.

RAPIDLY PERMEABLE SOILS

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<td>% failure by total volume</td>
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</table>

c.f. = cubic feet

total volume = 40.0 c.f.
soil alone = 65.0 c.f.
storage required = 0.0 c.f.
TRENCH VERSUS DRYWELL

18" X 8" X 27'

VOLUME = 27 cu.ft.
SURFACE AREA = 56 sq.ft.
ABSORPTION = 43.8 cu.ft./hour

assuming a rapid soil permeability (10 inches per hour)

3' X 3' X 3'

VOLUME = 27 cu.ft.
SURFACE AREA = 46 sq.ft.
ABSORPTION = 12.6 cu.ft./hour
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VOLUME OF RUNOFF IN CUBIC FEET FOR A ONE INCH IN ONE HOUR STORM EVENT ON AN IMPERVIOUS SURFACE

IMPERVIOUS SURFACE WIDTH IN FEET
**CUBIC FEET OF WATER HANDLING CAPABILITIES FOR A 40" X 40" DRYWELL WITH 94% VOID SPACE AND THE FOLLOWING DEPTHS IN INCHES**

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**WIDTH OF ROOF IN FEET A 40" X 40" DRYWELL WITH 94% VOID SPACE AND THE FOLLOWING DEPTHS IN INCHES CAN ACCOMMODATE**

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### RAPID (soils with a permeability of 13 inches / hour)

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<td>10&quot; gravel-less pipe</td>
<td>12&quot; x 10&quot; x 12&quot;</td>
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<td>2.5</td>
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<tr>
<td>Gravel drywell</td>
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<td>2.4</td>
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<tr>
<td>Prefab drywell</td>
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* the volume that the culvert takes up is unknown and the culvert was given 100% credit for storage.
** ability is storage + infiltration

### MODERATE (soils with a permeability of 4 inches / hour)

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** ability is storage + infiltration

### SLOW (soils with a permeability of 1 inch / hour)

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** ability is storage + infiltration
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**VEGETATE OR MULCH ALL BARE SOIL AREAS**

**SITE PLAN** Please include slope percent and direction.

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Homeowners are responsible for meeting all codes, ordinances and permits, and for maintenance of practices. For more information contact the Tahoe Resource Conservation District and the Nevada Tahoe Conservation District at (530) 573-2210 or TRPA at (775) 588-4547 Ext. 217.

☐ ENGINEERING ASSISTANCE REQUESTED: DRAINAGE  SLOPE STABILIZATION  OTHER

☐ GRAVEL ASSISTANCE REQUESTED

REVISED: 2/21/2001 by NRCS Tahoe Basin Field Office
BMP RETROFIT PROGRAM - SITE EVALUATION FORM

Assessor's Parcel Number: ___________________ County: ________________ Priority Watershed: 1 | 2 | 3

Property Owner: ___________________________ Home Phone: ______________ Work Phone: ______________

Property Address: ___________________________ Target Completion Date: _______________ Init: ______________ Agency: ______________

Mailing Address: ___________________________ East-shore ______________ West-shore ______________

Today's Date: _______________ Soil Permeability: SLOW | MODERATE | RAPID

PAVING NEEDS: (CIRCLE ALL THAT APPLY)

DRIVEWAY | PARKING AREA | WALKWAY | SWALE / BERM

RUNOFF TREATMENTS:

INfiltration Trench | Vegetated Drip Line | Shallow Sub-Surface Drain

Gravel Mulch | Rain Gutters With Downspouts | Grass Buffer | Drywell

SLOPE STABILIZATION:

Retaining Wall | Terraces | Rip Rap | Drainage | Vegetative Methods

**VEGETATE OR MULCH ALL BARE SOIL AREAS**

SITE PLAN Please include slope percent and direction.

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□ ENGINEERING ASSISTANCE REQUESTED: □ DRAINAGE □ SLOPE STABILIZATION □ OTHER

REVISED: 2/21/2001 by NRCS Tahoe Basin Field Office
MEMORANDUM

April 25, 2001

To: TRPA Governing Board
From: TRPA Staff
Subject: Recommendation to change TRPA Money Purchase Plan Employee Retirement Plan Provider

Proposed Action: At the direction of the Governing Board Retirement Committee, staff was directed to investigate alternatives to the current Money Purchase Plan pooled account to streamline accounting and distribution of funds.

Staff Recommendation: Staff recommends that the full Governing Board, following a recommendation by the Governing Board Committee, approve selection of a new plan provider.

Retirement Committee Recommendation: The Governing Board Retirement Committee will report on their recommendation at the time this agenda item is heard by the full Board.

Background: The Retirement Committee has expressed a desire to investigate alternatives to the current TRPA Money Purchase Plan to alleviate the problems with the Plan as it is now in order to:

1. Maximize the financial benefit to employees
2. Expedite the Distribution Process

The current TRPA Money Purchase Pension Plan is administered by Associated Pension Consultants, (APC). The investments are managed by the Wells Fargo Institutional Trust. The plan year is from July 1 through June 30. The TRPA Money Purchase Plan is currently reconciled once a year and participants have to wait until the reconciliation is complete before they receive an annual statement of their fund account or before they receive a distribution after they have terminated. The majority of the calculations and record keeping are done manually which is labor intensive and time consuming and can take 90 to 120 days to complete. The approximate annual cost for administration of the Plan is $21,000.
In order to research the alternatives Staff developed a list of issues (See Attachment A) to discuss and invited various Pension Plan Providers to present possible solutions. Those providers included:

- Associated Pension Consultants and Wells Fargo Institutional Trust
- Roger Tabor, Senior Vice President, - Investments, Prudential Securities and Franklin Templeton; Federated Investors; and ING, Aetna Financial Services
- Darci Casey, Managing Shareholder, Kafoury Armstrong Financial Services LLC and Oppenheimer Funds
- Joe Ciaramitaro, First Vice President – Investments, Prudential Securities in partnership with Daily Access.Com and Aim Family of Funds
- Public Employees Retirement System of Nevada

The Employee Benefits Committee was presented with numerous options that provide more customer-oriented service, excellent fund choices, daily valuations, quarterly statements, and reduced administrative costs. In addition, all employees could have the opportunity to direct their own accounts giving them more influence over their own portfolio and reducing the Agency’s fiduciary liability. New technology can provide faster, more efficient record keeping and administration and provide reduced costs to the Agency.

Based on the responses to the questions, The Employee Benefits Committee recommended three potential options to be reviewed by the Governing Board Retirement Committee for consideration.

- Joe Ciaramitaro, Customer Service Provider, with Daily Access.Com and Aim Family of Funds
- Roger Tabor, Customer Service Provider, and Franklin Templeton Funds
- Roger Tabor, Customer Service Provider, and ING, Aetna Financial Services

It is anticipated that the Governing Board Retirement Committee and the Employee Benefits Committee will make a final recommendation to the full Governing Board following the noon presentations at the April 25, 2001, Governing Board meeting.

If you have any questions, please contact Michele Chouinard at (775) 588-4547, Extension 276.
TRPA Money Purchase Retirement Plan

Issues of Concerns for Consideration by Employee Benefits Committee

1. CONCERNS EXPRESSED BY STAFF AND GOVERNING BOARD RETIREMENT COMMITTEE TO ASK PROVIDERS:

- Do you offer individual accounts for all employees?
- Do you offer daily tracking of account balances?
- How long do you generally allow for distribution of funds?
- Do your plans allow employees to direct their own funds?
- Would the employer's contribution be directed by the employee also?
- How do you handle non-vested portions of contributions?
- Can non-vested portions that are not distributed be used to reduce future contributions?
- What are your costs to administer a plan, transition a plan and maintain updates?
- Do you use a Third Party Administrator (TPA)?
- What do you see as the advantages or disadvantages of a TPA?
- What is your recommendation regarding TPA's?
- What types of eligibility period do you recommend?
- How would you change an eligibility period? What types of problems are involved and how do you counteract them?
- Do your plans allow roll over investments from like-plans?
- Do you offer the ability to borrow against the plan by employees? What are the benefits? What are the disadvantages?
- Do you offer a variety of funds?
- What types of funds do you offer?
- Explain your fund choices and their performance. What is your recommended number of fund selections?
- What kind of education do you offer employees? How often are you available for consultation, presentations?
- Tell us the type of enrollment assistance you provide.
- Explain your enrollment process and how often you recommend doing enrollments?
- How do you handle changes to participants fund choices? How often are they allowed? Is there any restriction to the changes? Is there any cost to the changes?
- How are the changes confirmed, how long does it take to actually make the changes to the Fund selections?
- How do you handle actual calculations for contributions, reconciliation's and distributions? What types of technology do you use?
- What is the time frame, and cost for quarterly or even monthly statements?
- Do you provide on-line access? Daily valuation? Change to fund choices by participant?

2. CURRENT PLAN DESIGN:

- Would it require any changes due to new ERISA laws?
- Would provider be able to make them?
- What plan design changes does the provider recommend?
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 2001-

AUTHORIZING THE APPROVAL OF A NEW PLAN PROVIDER FOR THE TRPA MONEY PURCHASE PLAN EMPLOYEE RETIREMENT PLAN

WHEREAS, the TRPA Governing Board Retirement Committee has recommended that the staff investigate alternatives to the current Money Purchase Plan pooled account;

WHEREAS, the TRPA Employee Benefits Committee investigated various options and recommended three candidates for final review by the Governing Board Retirement Committee;

NOW, THEREFORE, BE IT RESOLVED that the Executive Director be, and hereby is, authorized to enter into the necessary contracts and agreements with the Pension Plan Provider selected by the Governing Board Retirement Committee to administer the TRPA Money Purchase Plan Employee Retirement Plan as of July 1, 2001;

BE IT FURTHER RESOLVED that the Executive Director be, and hereby is, authorized to notify Associated Pension Consultants and Wells Fargo Institutional Trust that the Plan will be administered by the new Pension Plan Provider.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency on this 25th day of April, 2001 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Dean Heller, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

April 16, 2001

To: TRPA Legal Committee members
    Interested parties

From: TRPA Staff

Subject: Violation Resolution Workshop

During the April Legal Committee meeting, the TRPA Legal and Compliance Divisions will be conducting a workshop concerning the resolution of violations of the Tahoe Regional Planning Compact and TRPA Code of Ordinances, and the assessment of penalties there under. For each heading listed below, a TRPA staff member will make a brief presentation before the Committee. These items are intended to facilitate discussion amongst TRPA staff, Legal Committee members, and interested parties.

The intent of the workshop is two-fold. First, TRPA staff will inform the Legal Committee as to how violations in the Tahoe Region are currently identified and resolved. Second, TRPA staff will receive guidance from the Legal Committee members regarding the penalty assessment process.

DISCUSSION POINTS

I. Legal Framework
II. TRPA Organizational Framework
III. Life-Cycle of a Violation in the Tahoe Region
    (a) Investigation
    (b) Negotiation
    (c) Resolution
        1. Remedial
        2. Penalty
    (d) Show Cause Hearing
    (e) Litigation
IV. Direction to Staff

If there are any questions about this matter, contact Jordan Kahn or Steve Chilton at (775) 588-4547.

JK/

AGENDA ITEM XII.C.
MEMORANDUM

April 11, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Status Report on Project Applications

Project Review Applications: The following applications are currently under review by the Project Review Division and have been complete for more than 120 days:

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</tr>
</tbody>
</table>

The applicant is working with the Legal Division to provide clarification on a matter critical to the administrative determination. A decision is expected to be rendered by the Legal Division prior to the Governing Board meeting.

The Legal Division, at the request of the applicant, is holding the administrative determination in abeyance.

The applicant has requested that review of this application be continued to allow them to provide additional information for staff consideration. Staff anticipates scheduling this application for the May Governing Board.

The review and recommendation of this application is contingent on the review and approval of TRPA File #200576 (new single-family dwelling). Staff anticipates action on both applications by April 15, 2001.

Staff is preparing the necessary deed restrictions while the public notice requirements are being met.

The following projects are in the Project Review Division and require site visits prior to review. At this time site visits cannot be scheduled due to current snow conditions. Letters have been sent to all of the applicants informing them of the situation.

<table>
<thead>
<tr>
<th>APN/County</th>
<th>Applicant</th>
<th>Type</th>
<th>Date Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>001-221-20</td>
<td>Singleton Family Trust</td>
<td>Single-Family</td>
<td>11/01/00</td>
</tr>
<tr>
<td>01-040-09</td>
<td>Moore/King</td>
<td>Single-Family</td>
<td>11/01/00</td>
</tr>
</tbody>
</table>

/mjc 4/11/2001

AGENDA ITEM XIII.A.1.
Status Report on Project Applications
Page 2

011-123-01  Webb  Land Coverage  11/06/00
094-263-02  Dill  Land Coverage  11/6/00

03-127-02  Goodwin  Land Coverage  11/8/00
005-350-06  Bitler Family Trust  Land Coverage  11/13/00
011-162-04  Strong  Single-Family  10/23/00
123-250-03  Denio  Land Coverage  11/2/00
001-020-01  Land's End Assoc.  Land Coverage  10/19/00
033-100-22  State of CA/Parks  Land Coverage  12/06/00

Land Capability and IPES Applications:
Land Capability and IPES Applications: The following applications are currently under review by the Long Range Planning Division and have been complete for more than 120 days. Other than as noted the reason for the applications going beyond 120 days is snow conditions.

<table>
<thead>
<tr>
<th>APN</th>
<th>Applicant</th>
<th>Application Type</th>
<th>Date Complete</th>
<th>Days Past 120</th>
</tr>
</thead>
<tbody>
<tr>
<td>090-030-32</td>
<td>Chilcote</td>
<td>IPES</td>
<td>09/22/00</td>
<td>26</td>
</tr>
<tr>
<td>098-174-13</td>
<td>Rogers</td>
<td>IPES</td>
<td>09/22/00</td>
<td>26</td>
</tr>
<tr>
<td>085-213-18</td>
<td>Traback</td>
<td>LCC</td>
<td>10/04/00</td>
<td>14</td>
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<tr>
<td>126-530-19</td>
<td>Lk Co. Dev.</td>
<td>IPES</td>
<td>10/05/00</td>
<td>13</td>
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<tr>
<td>094-200-02</td>
<td>George</td>
<td>IPES</td>
<td>10/10/00</td>
<td>8</td>
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<tr>
<td>036-401-17</td>
<td>Parks</td>
<td>IPES</td>
<td>10/11/00</td>
<td>7</td>
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<tr>
<td>098-280-15</td>
<td>Nelson</td>
<td>LCC</td>
<td>10/30/00</td>
<td>15</td>
</tr>
<tr>
<td>117-071-14</td>
<td>Kramer</td>
<td>LCC</td>
<td>10/30/00</td>
<td>15</td>
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<tr>
<td>125-131-11</td>
<td>Laurie</td>
<td>LCC</td>
<td>10/30/00</td>
<td>15</td>
</tr>
<tr>
<td>033-132-03</td>
<td>Garcia</td>
<td>LCC</td>
<td>10/31/00</td>
<td>14</td>
</tr>
<tr>
<td>125-511-26</td>
<td>Palmer</td>
<td>IPES</td>
<td>12/07/00</td>
<td>3</td>
</tr>
<tr>
<td>126-273-04</td>
<td>Buchholz</td>
<td>LCC</td>
<td>11/15/00</td>
<td>12</td>
</tr>
<tr>
<td>017-021-09</td>
<td>Tamarack</td>
<td>IPES</td>
<td>11/15/00</td>
<td>25</td>
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Compliance Division

036-370-26/EL Ferguson  Single-Family  10/5/00  39

The Compliance Division is unable to conduct the required site visit due to weather conditions.

/mjc  215 AGENDA ITEM NO. XIII.A.1.
Dean Heller  
Chairman, Tahoe Regional Planning Agency  
PO Box 1038  
Zephyr Cove, NV 89448  

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We are aware that the APC asked staff to further evaluate the impact of proposed fee increases and consider alternative approaches to avoid creating disincentives to further redevelopment and rehabilitation projects, and related environmental improvements. Hopefully, the TRPA staff and APC will recognize the need to balance any fee increases with the importance of project related environmental benefits, and develop a phased, gradual fee increase rather than the dramatic increase previously proposed. Although an improvement, the proposal before the APC on April 11 is still too abrupt for Douglas and Washoe Counties.

Thank you for your careful consideration of this very important issue. Homeowners, small commercial owners, public service entities, and the environment will feel the results of your action for years to come.

Respectfully,

Greta Hambach, President  
South Lake Tahoe Chamber of Commerce
Refer: Proposed Modification to Excess Coverage Mitigation

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[Signature]

Greta Hambisch, President
South Lake Tahoe Chamber of Commerce
Dean Heller  
Chairman, Tahoe Regional Planning Agency  
PO Box 1038  
Zephyr Cove, NV 89448

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Greta Hambusch, President  
South Lake Tahoe Chamber of Commerce
Memorandum

To: Governing Board Members
From: Jerry Dion, Vegetation Program Manager
Date: April, 2001
Subject: Shirley Taylor’s Letters

During the March Governing Board meeting, the staff was asked to distribute Shirley Taylor’s previous letters. Mrs. Taylor provided the letters and we have forward them to the Governing Board. Mrs. Taylor has indicated that she will participate at both meetings.

Please let me know if you have any concern or questions.
775-588-4547 x229 or jdion@trpa.org
March 28, 2001

Jerry Dion

The attached letters were requested by the Governing Board this date, for distribution to the members.

Copies of the letters were faxed to the TRPA Governing Board Members last April 14, 2000. (the same were sent to the APC in early April 2000)

Also, the notes from the presentation given by Shirley Taylor.

Thank you, Shirley
March 28, 2001

Notes for presentation to the TRPA Board on the 30" DBH cutting restriction, from Shirley Taylor

In the beginning many members of the FHCG felt there was no scientific basis for the 30" DBH cutting restriction.

In the summer of 1999, the Consensus Group agreed upon several individuals to address the group but were only able to obtain a few from the list.

John Helms, Prof. Emeritus, Forestry Science, UC Berkeley
Robert Heald, was a member of the Calif. Board of Forestry and is the Blodgett Forest Manager in Georgetown
Steve Cannon, RPF, Pine Grove

(any of these speakers would have provided continued supporting information if the Consensus Group had asked.) General opinion from the speakers was that the 30 DBH restriction--"Was Not" good forest management. It fell on deaf ears in the Consensus Group.

The basis of science chosen by the FHCG was that of the Sierra Nevada Framework, out in print June 2000. This science is based on the environmental movement to "stop all logging" on public lands. (This attitude is shared by at least 80% of the FHCG.)

I have a difficult time accepting the fact that, as a private forest landowners I am required to grow LSOG, if I continue to manage my forest lands. There is no choice and that is not right. Private held forest land in the basin is 2% or less.

Still to be determined.
(but not everything)

Westside forest type 30 dbh, Eastside forest type 24 dbh, division line.
The Framework indicates the State line at south shore and Brockway summit at north shore. Many consensus group members want land condition to determined, such as sagebrush present for eastside and white thorn brush present for westside. (I have a case of both in a very close proximity, lowering my cutting limit even more.)

Page 1 of 2
71.2 A 4 Regarding Hazard trees greater than 30" and 24" the words "humans, improvements or personal property", and "people or property" have been lined out. TRPA Legal Dept to evaluate---I say these circumstances should stay.

71.2 B 1 Snags -- has not been determined how this is to be achieved if this standard is not presently in place, in any given forest, in the basin. (Let mother nature create the snag or forced by human intervention.)

2 Down Woody material -- the westside forest refers to "tons" per acre (not treatment unit), Eastside refers to 3 of the largest per acre.

Last meeting, FHCG 3-20-01, was the first time a description had been provided to the group which gave us something to relate too.

10 ton, == 14 logs, 24" dbh or larger, 20' long.
20 ton, == 27 logs, 24" dbh or larger, 20' long.
The Group agreed---Additional information certainly needed.

71.2.C Alternatives private landowner process.

Nonindustrial Timber Management Plans and Timber Harvest Plans, plus the Master plan process. Cutting trees for the mill.

Cutting trees for firewood has not been clearly defined. Work need to be done on this subject.

In closing, I believe we are in the second year of a drought cycle. If this continues and again, we have many dying and dead trees as a result, (such as the mid 1990’s). I predict this ordinance will create a fire storm of controversy as to how the forest should now be managed and will last long after the "wild land fires" has come and gone.
March 17, 2094

To: T.R.P.A. Advisory Planning Commission Members

Re: Item 71.2, Interim Ordinance on 30-inch Diameter Tree Removal

I request that the Tahoe Regional Planning Agency revise the Chapter 71.2 Interim Ordinance that prohibits the cutting of any tree greater than or equal to 30 inches in diameter at breast height.

Enhancing the proportion of large trees in the forests surrounding Lake Tahoe is certainly a desirable goal. However, the current Ordinance prohibiting the cutting of all trees greater than 30 inches in diameter creates two important problems:

1. It ignores the ecological fact that large trees often become unhealthy due to overcrowding which leads to declining vigor, increased risk to attacks by insects and disease, and premature death. This situation, which has been particularly obvious in the Tahoe area in drought years, leads to increased risk of wildfires.

2. It encourages private landowners to consider harvesting trees before they reach 30 inches in diameter.

Both of these problems work against attaining the desired goal of enhancing the proportion of large trees in Tahoe’s public and private forests.

I recommend, therefore, that consideration be given to developing an ordinance, or alternatively providing incentives, that encourages retention of large trees while permitting some thinning of dense stands. This could be done through an approved management plan or certification designed to ensure that a proportion of large trees maintain their vigor and health through providing adequate growing space.

Sincerely,

John A. Helms
Professor Emeritus, Forest Science
TRPA Board Members:

Subject: Chapter 71 Tree Removal, Sections 71.1 and 71.2.A. Interim Ordinance for the Protection of Late Successional/Old Growth (LSOG) Trees.

In my review of the peer reviewed and published research I have not found any scientific data that show any particular tree diameter that is any more or less significant within the forest ecosystems. (Ecosystem—All the physical, chemical and biological actions and interactions in any given area). A review of the literature on the Sierra Nevada Ecosystems on the so-called LSOG stages can be found in Vol II of Status of the Sierra Nevada—Assessments and Scientific Basis for Management Options. I also recommend: Forest Ecosystems by D. A. Perry, 1995 which covers species interactions, bio-geochemical cycling, productivity, roles of disturbance influencing structural variability as well as many other aspects, i.e. biodiversity etc. Two other general references that TRPA forest managers should be familiar with is: Ecosystem Management for Parks and Wilderness by Agee and Johnson and North American Terrestrial Vegetation by Barbour and Billings. . .

There has been very little research on the forest ecosystems in the Tahoe basin. I do recall studies on past fires as related to the present forests by Bill Russell, a graduate student at San Jose State University and past fire regimes at Sand Harbor by Carol Rice and Dr Bob Martin of the University of California, Berkeley. Both were on west shore mixed conifer forests. Both of these studies have been published.

Studies at the University of California Field Station at Sagehen Creek following the 1960 Donner fire provided data showing how disturbance factors (in this case a stand replacing wildfire) provided the environmental conditions (removal of litter and duff layers) for the establishment of Jeffrey and Ponderosa pines and the elimination of White Fir. On the unburned plots with litter and duff layers intact there was no significant pine reproduction. This forest is very similar in species composition and diversity as the Mixed Conifer Forest in the Tahoe basin. The present requirement by TRPA to maintain the litter and duff layers of the forest floor is suppressing young pine seedling establishment. This is most evident in LSOG forests where there are few if any young pines to replace the old trees whose life span may be only a few hundred years away. Ages and size varies significantly over environmental gradients. A 30 in. Dbh tree on the west shore could very likely be younger that a 25 in. Dbh tree on the east shore. Living systems depend on reproduction and establishment of the component species to replace the old and dying ones. This is how nature "preserves" living systems. TRPA needs to take a long look at this regulation and how it is effecting the ecosystem. Prescribed fire needs to be hot enough to oxidize the organic
matter and provide a mineral soil seed bed to insure the establishment of young Jeffrey and Ponderosa Pines in the understory of the LSOG forests in the basin.

In my opinion TRPA should be actively promoting the establishment of research facilities for Universities who have the physiost, chemists and biologist (and graduate students) to carry out basic and applied research here at Lake Tahoe.

For TRPA to impose a size restriction on the cutting of any 30 in diam tree on private forest lands seems to open it to more legal challenges to the taking of private property and the loss of taxpayers money on court actions. It also seems to contradict the section in the June 1998 minutes of the Forest Health Consensus Group, which if I read it correctly, says in relation to forest health strategies for management zones which states:

"Each property owner will choose the vegetation conditions to be achieved and maintained."

The management of private forest lands is the right and responsibility of the owner. If TRPA wishes to manage these lands they should buy them and place them under the management of The Nature Conservancy or other qualified entities.

Since there is no scientific basis for restricting the cutting of 30 in. Dbh trees in forest management practices, whether it be for timber production(tree farming) or the management of forest ecosystems. The proposal to make .71:2A standards permanent is ill advised and should be denied.

James H. Sweeney, Ph.D.
Emeritus Professor Ecology and Systematic Biology SFUSD
Specialist: Fire Ecology
P.O. Box 8449
Incline Village Nv. 89452
Foothill Resource Management, Inc.
P.O. Box 818  Pine Grove, CA 95665
(209) 296-1569  (209)266-7557

Tahoe Regional Planning Agency Board Members
P.O. Box 1038
Zephyr Cove, Nevada  89448

Dear Board Members,

The purpose of this letter is to recommend that your board eliminate item 71.2 from Chapter 71 of the TRPA Code of Ordinances. This item is commonly referred to as the "30 inch DBH Maximum Harvest Rule". I have attached a copy of the presentation that I made to the Forest Health Consensus Group in December of 1999 regarding this topic, but I would like to make some further comments to you after having heard the presentations of Dr. John Helms, Mr. Robert Heald and Mr. Craig Thomas to the FHCG. I have also attached a copy of a letter that I wrote to the FHCG members in response to Mr. Steve Chilton's letter to the FHCG regarding his view of the propriety of commercial timber harvest in the Tahoe Basin.

The basis of the perceived need for this ordinance is that the forests of the Tahoe Basin should be returned to a "Pre-settlement Condition" and that many large trees per acre over an open subcanopy characterized this condition. The references that I have heard from FHCG members that subscribe to this mentality imply that the "Pre-settlement Condition" is preferable based upon its biological richness. There is also an implied desirability of the visual nature of the "Pre-settlement Condition".

Some facts about the forest and the history of the forest surrounding Lake Tahoe must be presented:

1. The alleged studies of Ms Joanne Fites of the USFS are in dispute as to the condition of the "Pre-settlement Conditions" of the forests on the east side of the Sierra Nevada. Since Ms Fites's studies are not being made available by the Forest Service (four different requests made by me), I can only comment on the references made by members of the League to Save Lake Tahoe and the Sierra Club. These assertions that the forests were composed of vast stands of large old growth trees do not completely agree with the scientific data revealed in a study conducted by Dr. Alan H. Taylor of the Pennsylvania State University.

2. The amount of private land that is subject to the 30 inch maximum diameter harvest ordinance is very minor in comparison to the acreage in public ownership (less than 3%). Since the United States Forest Service is the largest single land manager and the USFS has voluntarily adopted the 30 inch maximum harvest restriction, the vast majority of forest land within the basin will be managed for this objective anyway. The removal of this restriction on private forest lands will not represent a significant reduction in the amount of 30 inch DBH and greater trees within the basin. One option that I proposed to the FHCG for recommendation to the TRPA Board of Governors was to extend the moratorium on cutting 30 inch DBH and greater trees on public land (the agencies concerned are not likely to object to this ordinance) and let the ordinance expire on private lands with one condition placed on the private land owners — that any proposed timber harvest include a plan for increasing the number of old trees. This is called growth and yield modeling in the science of forest management. It requires the expert work of a professional forester and makes projections of growth over the long term. Unfortunately, while the private land owners associated with the FHCG are willing to compromise and commit to this kind of restriction on the management of their lands, others on the FHCG are unwilling to compromise at all.
3. This ordinance is loaded with anthropomorphic value judgments that have no place in the scientific management of our forests. Of course, we all place our personal values on the way we manage our lives – the clothes we wear, the style of our hair, the color of the walls in our house. But to suggest that the "Pre-settlement Condition" (and an incorrectly defined condition at that!) is preferable to the current condition is ludicrous. Why isn't a "Pre-Cambrian Condition" or a "Pleistocene Condition" desirable? And more importantly, with no scientific data to support the need to place this restriction on the small number of private landowners with commercial forest land, how can the TRPA justify the imposition of its value judgments on those private landowners?

4. There have been implications made that this ordinance will eventually lead to the desired biological richness that is deemed as desirable. One of the proponents of the restriction attempted to get Mr. Robert Heald to agree with her suggestion of the biological poverty of Blodgett Experimental Forest, which Mr. Heald manages. Her loaded question attempted to imply that since there were no pine martens or fishers on Blodgett Forest, that the sustained yield management scheme practiced there must be undesirable. His response was that the number of species noted on the forest was just as high under sustained yield management as one would find under a similar area of "wilderness" and that the reason for the lack of fishers and pine martens was not for lack of habitat – the fact is that those two species were trapped out of the lower slopes of the Sierra Nevada in the 19th century. I have personally found pine marten in forest stands on the west side of the Sierra Nevada that do not even closely approximate the supposed "Pre-settlement Condition".

5. The Sierra Club-sponsored speaker (Mr. Craig Thomas) to the FHCG stated in the March meeting that he was very familiar with the manner in which the Blodgett Experimental Forest was being managed and that while commercial logging was being done, it was an excellent example of a well managed forest. This shows that when biases against commercial timber harvest are put aside, even a preservationist can see the possibility of achieving forest management goals using logging as a tool. The unfair and illogical bias of Mr. Steve Chilton and others against commercial timber harvest in the Tahoe Basin hinders the progress of forest management.

6. As I stated in the attached presentation to the FHCG, this ordinance gives no incentive to the private forest landowners to manage their forests for long-term sustained yield and the eventual transition to a forest condition with more large diameter trees. I accept the concept of encouraging this objective, even if it is based solely upon current human value judgments. But to accomplish the objective using a heavy-handed and fascist governmental approach is to invite failure. You will note in my presentation to the FHCG that I have seen in my international work that passive resistance will overcome any regulation, which is viewed as unfair. A better approach would be to allow harvest of 30 inch DBH and greater trees on private lands governed by a management plan that would create a balanced distribution of trees in all diameter classes over a 50-100 year time frame. Inherent in this type of compromise is the ability to understand that timber stands develop over time and that a desired condition is not reasonably accomplished instantaneously. A landowner that is attempting to create a forest with more healthy large diameter trees must have the flexibility to conduct forest management activities to accomplish that objective. The harvest of trees on slopes greater than 20% is restricted. The harvest of trees within the streamside protection zones is restricted to a greater extent than in the rest of the state of California. These are areas where timber stands are going to develop into the "Desired Condition" at a much slower rate than they would if reasonable management activities were allowed. The "Desired Condition" may not actually ever be reached in these areas. Outside of those areas, non-professional forestry workers employed by TRPA prevent forest landowners from reasonably managing their land without special dispensations on a case by case basis.
7. The “Law of Unintended Consequences” will undoubtedly take effect if this type of ordinance is perpetuated. A landowner that is unable to reasonably manage their land for timber production will eventually get to the point where the hassles outweigh the benefits. Then TRPA and the others who support this kind of governmental control on private lands will have to accept that the landowner’s decision to sell their forest land to developers will result in undesirable pressures being brought to bear on TRPA.

Please consider my points and give serious consideration to a 180-degree shift to your agency’s approach to regulating land management on private forest lands. Adopting a cooperative approach instead of a heavy-handed regulatory mentality will yield long term benefits from landowners that will want to work with your agency instead of finding ways of getting around your regulations.

Sincerely,

Steve Q. Cannon
Registered Professional Forester #2316
March 29, 2000

Governing Board Members
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448

Re: Interim Ordinance for the Protection of
Late Successional/Old Growth (LSOG) Trees

Dear Board Members:

I am a member of the Forest Health Consensus Group, and have been since the first meeting in October of 1992. I have been working with forest resources at Lake Tahoe since 1991. I have been employed as a forester with Nevada Division of Forestry since 1995, and as natural resource specialist with the University of Nevada for five years prior to that. I am a degreed forester with a B.S. and M.S. in forestry and watershed management from the University of Arizona. I am writing this letter on my behalf only, and not as a representative of any organization or agency.

I am writing to express my disagreement with the above referenced ordinance as it is written for the following reasons.

1. The ordinance has no basis in science. Setting a diameter limit of 30 inches is arbitrary and does not account for an individual site's productivity. There are some sites which will never grow a 30 inch diameter tree, yet the trees on it may be quite old. Conversely, there are other sites that produce large trees in a relatively short period of time. These are not "old growth" nor late seral trees. Other than big trees, such a stand will likely have no other late seral attributes.

2. The ordinance does not account for stand and site conditions which need to be considered in any silvicultural prescription for an area. Tree diameter is but one of many criteria which should be considered. A restriction on tree removal based solely on its diameter is not sound management.

3. The ordinance may very well encourage landowners to harvest their 29 inch diameter trees, in order to capture their economic value. Not only would this eliminate recruitment of trees into the desired size range, it would encourage wasting of important renewable natural resources. This is unsound forestry.

4. The accumulation of heavy fuels in forest as these large trees die will pose a significant fire danger within the Basin. When large fuels ignite they are difficult to extinguish. They burn long and hot, causing significant negative site impacts.
5. Finally, I am opposed to placing the burden of growing “old growth” trees on private property owners. Some owners may have been counting on the income from harvest of their large trees. To remove this income source without compensation is unfair.

In closing, let me state that I am not opposed to encouraging late seral conditions within the forests at Tahoe. I recognize their ecological value and support the Forest Health Consensus Group’s goal of recreating to degree possible, pre-Euroamerican settlement conditions. However, achievement of this goal through the use of the “LSOG ordinance” as written is bad policy, and as stated above, may in fact have the opposite affect. I would like to see the ordinance removed or substantially revised.

Sincerely,

John Christopherson
April 17, 2000

TO ALL MEMBERS OF THE T.R.P.A. Governing Board:

The attached letters have been sent to you in an attempt to voice their opinion regarding Chapter 71 and the Interim Ordinance 71.2. The unscientific basis of the content and the "Taking of Private Lands", are the main objections.

When this issue was before the Forest Health Consensus Group in late 1997 and early 1998, the voice of the private forest land owner was not represented. The Agencies involved with the group had a perfect opportunity to include all lands, in this very restrictive ordinance, without any opposition.

The private lands in the basin are like lands in a fish bowl, to be governed by unknown people, who have no knowledge of what it takes to "properly" manage their lands. Adjacent to the rim trail, public roads, and persistent trespassing by the public, any attempt to log and manage their property, creates objecting voices of a few, who push the buttons of the agencies.

One important fact. The cutting restriction of 30" DBH and larger trees has been accepted by the U. S. Forest Service on the west slope, mid Calif. to the Oregon boarder, with ALL PRIVATE FOREST LAND EXEMPT.

The U. S. Forest Service has also accepted the same policy in the Tahoe Basin, so in looking at the percentage of Public (97%) via Private lands (3%), it is very unfortunate that those of us in the basin cannot realize the same opportunity.

The removal of this restriction on private forest lands would not represent a significant reduction in the amount of 30" DBH and greater trees within the basin. The management of private forest land is a right and responsibility of the owner.

I urge the Board to EXEMPT all "private forest lands" from Item 71.2 in the one year extension recommended by the A.P.C. at the April 12, 2000 meeting.

Sincerely,

[Signature]

Shirley Taylor
2820 So. Upper Truckee Road
So. Lake Tahoe, Ca. 96150
Summary:

1) Three of the last four guest speakers at the Forest Health Consensus Group stated that a 30" D.B.H. regulation was not a good "Best Management Practice" tool. The fourth stated it was good only as a short gap measure.

2) Things are stalled in the Basin. We should create incentive and a sense of fluidity to bolster L.S.C.G. in the Basin. It is our responsibility to work toward a positive outcome. We need to concentrate and work in areas where we can be effective.

3) The 30" rule on private property would only be settled in the courts. With the total acres of private land in General Forestry only being 3%, they must be exempted at the least.

Thank You,

J.B. Lekumberry
(Husband & Son-in-Law)
March 11, 2000

Knox Johnson
498 Mottville Lane
Gardnerville, Nevada 89410

Tahoe Regional Planning Agency Board Members,

Ladies and Gentlemen:

We are writing in regard to Chapter 71, Tree Removal Code of Ordinance 71.2. We are requesting that this be removed, not renewed.

As owners of substantial forest lands in the Tahoe basin, some being adjacent to Forest Service land, 71.2 is an infringement on our forest management. Our management has been coordinated by the U. S. Forest Service and the California Division of Forestry as to scenic and sustainable tree-growing asset.

Thank you for your consideration of our request for removal of 71.2 and 71.2A.

Sincerely,

Knox and Elizabeth Johnson
3/17/00

Tahoe Regional Planning Agency
Agency Board Members
P.O. Box 1038
Zephyr Cove, NV 89448

Dear Agency Board Members:

I was an active member of the Forest Health Consensus group which developed the Interim Ordinance for the Protection of Late Successional/Old Growth (ISOG) Trees. As a spokesperson for local property owners and business interests, I voted in favor of this "INTERIM" ordinance because it specifically stated it "EXPIRES TWO YEARS AFTER ADOPTION, at which time it MAY be reviewed and renewed."

Therefore, this May of 2000 this ordinance expires, and Section 71.2 must be deleted from Chapter 71. Consensus concerning review or renewal must be obtained before any new action can take place.

As spokesperson for local property owners and business interests, this ordinance should not be renewed as written. Extensive review of scientific facts, federal law which is currently pending, and the important issue of "taking" of private lands must first be addressed.

I am trusting that the Board of the Tahoe Regional Planning Agency will protect and represent all interests of all people which live, play, and work in the Tahoe Basin. In addition, the Board will direct and instruct the Forest Health Consensus Group to insure their work represents all peoples to insure their health, safety, and welfare will be preserved while managing forest health.

Sincerely,

Susan Abrams
P.O. Box 8169
South Lake Tahoe, CA 96158
(530) 544-7723
POOR QUALITY ORIGINAL (S) TO FOLLOW
March 31, 2000

Tahoe Regional Planning Agency
P.O. Box 1988
Zephyr Cove, NV 89448

Dear Board Members:

The interim ordinance for the protection of late successional/old growth trees expires in May 2000. The ordinance should not be renewed in its current form. The administration of the ordinance has not been supported by the TRPA with adequate staffing to administer the regulation. There is not a developed implementation plan for the ordinance nor staffing time to support the ordinance.

Reviewing the TRPA Legal Committee minutes for the North Tahoe Public Utility District harvest plan, it is apparent that the TRPA has not prepared the necessary public notification of the new ordinance or administration procedures to implement the ordinance on the ground. On the NTPUD harvest plan the trees were marked for removal months before the project was reviewed by the TRPA staff. The TRPA staff did not attend the preharvest inspection held by the California Department of Forestry. There were no on site inspections by the TRPA staff during the entire 4 weeks of operation on NTPUD land. The TRPA forester assigned to administer the harvest plan testified that her large work load prevented her from visiting the harvest during operation. The independent harvest inspection held by the TRPA staff with the management company forester did not have a written inspection form or written information about the new regulation in the Tahoe Basin. The TRPA forester testified that she told the company forester, "Big trees are a big deal in the Basin." Had the TRPA provided written regulations for inspection and a written description of the procedure required by the TRPA to obtain tree by tree approval for removal of trees over 80 inches, the current lawsuit would not be pending. The TRPA standard for giving approval differs from the industry standard accepted throughout California and as such should have been clearly delineated by the agency to anyone applying for a permit.

The larger issue raised by the lack of proper administration for the 80 inch tree ordinance and the resulting lawsuit, is the lack of contractors willing to work in the Tahoe Basin. Few, if any, Registered Professional Foresters and Licensed Timber Operators will be willing to work under the current ordinance as administered by the TRPA. The current fire danger from dead and dying trees in our area demands that public safety be considered when discussions of tree removal cessation are held. Chapter 71, as it is currently administered by the TRPA, will greatly hinder any attempt not be renewed at this time.

Sincerely,

[Signature]

Trudy M. Craven
2077 West Way
St. Lake Tahoe, CA 96150
WILLIAM P. CRAVEN  
P.O. BOX 9389  
SOUTH LAKE TAHOE, CA. 96158  
MARCH 24, 2000

Tahoe Regional Planning Agency  
Board Members  
T.R.P.A.  
P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

REFERENCE: T.R.P.A. Code of Ordinances, Chapter 71, tree removal,  
item 71.2 (and 71.2A 1, 2, 3)

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

I am writing to request that you remove, not renew, 71.2 (30"DBH), Chapter 71.  
I am a long term resident of the Fallen Leaf Lake area and have been involved with forest  
management and timber harvests in this area. I am a registered Geologist and Mineral  
Extraction Engineer.

For its first four years, I attended almost every meeting of the T.R.P.A. Forest Health  
Consensus Group.

It is my position that item 71.2 is not contributing to improved forest health for the  
following reasons:

I. Item 71.2 renders forest management by thinning less economically feasible and  
in some cases impossible. Larger diameter tree harvesting can subsidize the  
thinning or treatment of excessive density stands of smaller trees, which  
contribute to poor forest health and poor fire safety.  
In some cases timber harvests on private lands, which would have resulted in  
improved forest health, are impossible because access roads cannot be constructed  
through 30" DBH trees.

II. Item 71.2 fails to recognize the difference in the old age characteristics of various  
species. For example: almost any white fir that reaches 30" DBH is a hazard tree  
by its very nature; unstable and very prone to insect infestations. Saving this  
species by mandate does not improve forest health.  
Much of the forest health problem in the southwestern corner of the Tahoe Basin  
is related to too many white firs of all sizes.

III. Item 71.2 fails to recognize that diversity of sizes is a requirement for a healthy
forest. For example: saving pine trees over 30" DBH by mandate in a forest already having such a heavy canopy that pine seedlings cannot grow does not provide for replacement. There are a number of areas in the Tahoe Basin where the pine forests are obviously devoid of young pine replacements. As these 30" DBH trees saved by mandate get older, become susceptible to disease and die, the need for size diversity will become very apparent.

IV. Item 71.2 was introduced in an effort to start returning the forests of the Tahoe Basin to pre-settlement conditions where old growth stands of timber were more prevalent than at the present. This may be a good long range objective, but it cannot be reached in many areas of the Basin without a drastic reduction in the existing forest density. In some places in the South West corner of the Basin, there are presently three or four times as many trees in an area as depicted in 1850-60 pre-settlement photographs.

How is this reduction or thinning to be achieved? Controlled burns may work in a few areas, but can the smoke and possible runaway fire aspects be satisfactorily handled? It now appears that thinning will be required in large areas as "Timber Stand Improvement". This thinning will be costly, requiring such a subsidy commitment from the federal government that it is questionable whether the subsidy can be sustained for the length of time required to complete the objective.

Forest managers should be free to use the resources in trees over 30" DBH to help reduce the costs of this massive thinning effort. Item 71.2 is the cart before the horse in this equation.

I thank you for this opportunity to comment.

Sincerely,

William P. Craven
TRPA Advisory Governing Board Members:

I am writing this letter to oppose item 71.2 from chapter 71 of the TRPA Code of Ordinances. I ask that it be removed from the Code of Ordinances.

My husband and I are in our last stages of our own timber harvest on the West Shore of Lake Tahoe. We own 8.5 acres just up hill of Hurricane Bay. We purchased this property in May of ’97. It had been neglected for over 20 years. Dead trees were piled 6’ high in places.

You could not walk from end to end of the property. The fire hazard was extreme. The first estimates to remove all the debris were $20,000. My husband and I attacked the problem and with a lot of sweat equity we were able to clear a good portion. But the over growth of white fir and the general health of our little forest was not good. We were advised that a timber harvest would be our best chance. We found Greg P. Kostic for our RPF. We applied for our timber harvest with the State of California and was approved March 29, 1999. We applied to the TRPA April 1st, 1999. Our approval came Sept. 24 1999.

I was appalled at the delay. At one point we were told by Kim Johnson that she did not have enough time to deal with our permit. All our papers were in order. We did everything that was asked for. Even getting an avalanche report from a geologist to remove 17 trees in a 60’ wide band of Section 1 A. The growth above our home was unhealthy and a threat to our home. We ended up doing the timber harvest over the snow in mid-winter. Thus costing us precious rehabilitation funds.

The Guidelines laid out by the California Dept. of Forestry are more than sufficient. Dan Scatena has been overseeing our project. His knowledge and professionalism has helped us to understand what needs to be done and what needs to be left alone. We had 2 30” plus diameter trees on the project. Each tree was discussed on what timber value it held, was there danger to property or persons, what benefits to wildlife and forest structure would leaving the trees hold. We chose to leave the trees and searched for 20 29” trees that would be future good Old Growth Stands to leave also. Overall the health of the forest both now and future were the main concerns.

This cannot be achieved under item 71.2. It is just a rule and leaves 20 29” trees at stake to make up for what one 30” in the right circumstances could take care of. It is best to leave Forestry to the experts. Our dealings with the TRPA on this project were not pleasant. We were delayed well beyond normal limits. Whether or not they were licensed to practice Forestry at the time is an issue. I don’t feel the TRPA should be making decisions affecting Forestry.

Again the Guidelines laid out by the California Dept. of Forestry are more that sufficient. When you start adding rules that are in no way complete you leave it open to pay catch up. We did not make money on our harvest. What little cash income that was made will go to pay back all of the constant up keep our land demands. Any more restrictions will make it impossible to manage and care for our home.

Sincerely

Trina L. D. Gold