August 2001
Governing Board Packet
TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, August 22, 2001, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the Tahoe Seasons Resort, Saddle Road at Keller, South Lake Tahoe, California. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN that on Wednesday, August 22, 2001, commencing at 8:30 a.m., at the same location, the TRPA Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) monthly statement; 3) quarterly investment report; 4) release of $100,000 from Washoe County’s Water Quality Mitigation Fund for the Fairview Boulevard/Country Club Drive Water Quality Improvement Project; 5) release of $22,000 from Douglas County’s Water Quality Mitigation Fund for Additional Work on the Skyland G.I.D. Erosion Control Project; and, 6) member comments. (Committee: Slaven, Heller, Galloway, Solaro, Plank)

NOTICE IS FURTHER GIVEN that on Wednesday, August 22, 2001, commencing at Noon, at the same location, the TRPA Rules Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) amendment of Personnel Policy No. 3.2 regarding Hiring Step Limitations; 3) update on the Personnel Policy Manual; and 4) member comments. (Committee: Sandoval, Cole, Derringer, Galloway, Slaven)

August 13, 2001

Juan Palma
Executive Director

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

Tahoe Seasons Resort
Saddle Road at Keller
South Lake Tahoe, California

August 22, 2001
9:30 a.m.

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. REPORTS

A. Executive Director Monthly Status Report (20 minutes)

1. 120-Day Project Status Report  Pg. 45

2. Lee Early Training Report

3. Tahoe Transportation District/Commission Agenda from August 10, 2001  Pg. 47

B. Legal Division Monthly Status Report (5 minutes)

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

VIII. PROJECT REVIEW

A. Miller New Single-Use Pier, 3356 Edgewater Drive, Placer County, Assessor's Parcel Number 93-083-41, File Number 200744 (60 minutes)  Pg. 53

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IX. PUBLIC HEARINGS

A. Amendment of Chapter 4, Appendix N to Expand the Memorandum Of Understanding (MOU) with Douglas County Exempting Certain Activities (5 minutes) Pg. 55

B. Amendment of PAS 055 East Shore to Add Cultural Facilities As a Special Use (20 minutes) Pg. 71

C. Amendment of PAS 939 Mt. Rose, and PAS 040, Incline Village #1, Boundary Line to incorporate Portions of Washoe County APN 125-211-01 into PAS 040 and Removal of Washoe County APN 125-211-02 from PAS 040 and Incorporated into PAS 030 (40 minutes) Pg. 83

X. PLANNING MATTERS

A. Workshop on Thresholds (1:30 p.m.) (120 minutes)
   1. Recreation Pg. 113
   2. Scenic Pg. 119
   3. Fisheries Pg. 127
   4. Vegetation Pg. 133

B. Office Relocation Discussion (30 minutes) Pg. 139

XI. ADMINISTRATIVE MATTERS

A. Appointment of Nevada Lay Member to the Advisory Planning Commission (Randy Lane's Two-year Term Expires the end of August 2001) (5 minutes) Pg. 141

B. Appointment of Bi-State Lay Member to the Advisory Planning Commission (the TTD Chairman's Two-year Term for Ron McIntyre Expired at the end of July 2001) (5 minutes) Pg. 143

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee (5 minutes)
   1. Monthly Statement Pg. 147
   2. Quarterly Investment Report

B. Rules Committee (5 minutes)
   1. Amendment of Personnel Policy No. 3.2 Regarding Hiring Step Limitations Pg. 151
   2. Update on Personnel Policy Manual
XIII. REPORTS

A. Governing Board Members (5 minutes)

XIV. ADJOURNMENT

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CONSENT CALENDAR

<table>
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<tr>
<th>Item</th>
<th>Recommendation</th>
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</thead>
<tbody>
<tr>
<td>1. Village Plaza, L.P., New Commercial Building, 899 State Highway 28, Incline Village, Nevada, APN 132-240-010, TRPA File Number 20010236</td>
<td>Approval of Findings and Conditions Pg. 1</td>
</tr>
<tr>
<td>2. Release of $100,000 from Washoe County's Water Quality Mitigation Fund for the Fairview Boulevard/Country Club Drive Water Quality Improvement Project</td>
<td>Approval Pg. 15</td>
</tr>
<tr>
<td>3. Release of $22,000 from Douglas County's Water Quality Mitigation Fund for Additional Work on the Skyland G.I.D. Erosion Control Project</td>
<td>Approval Pg. 21</td>
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</table>

Land Capability Challenges:

4. William & Valerie Davisson, 464 Eagle Drive, Incline Village, Nevada, Washoe County, Assessor's Parcel Number 131-223-01 | Approval Pg. 27 |
5. Donna Buchholz, 775 Fairview Boulevard, Incline Village, Nevada, Washoe County, Assessor's Parcel Number 126-273-04 | Approval Pg. 33 |
6. Donald & Lee Nelson, 6645 McKinney Creek Road, Homewood, California, Placer County, Assessor's Parcel Number 098-280-015 | Approval Pg. 39 |

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 Appointee
Wayne Perock, Nev. Dept. of Conservation Appointee
Vice-Chairman Dave Solaro, El Dorado County
Drake DeLanoy, Nevada Gov. Appointee
Jon Plank, Carson City
Jerry Waldie, Calif. Senate Rules Com. Appointee
Jim Galloway, Washoe County
Catherine J. Derringer, Calif. Assembly Spkr. Appointee
Hal Cole, South Lake Tahoe
Vacant, Calif. Gov. Appointee
Larry Sevison, Placer County
Ronald Slaven, Calif. Gov. Appointee
Brian Sandoval, Nevada At-Large Member
Peter Chase Neumann, Presidential Appointee
Don Miner, Douglas County
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Village Plaza

Application Type: New Commercial Building

Applicant: Village Plaza, L.P.

Applicant's Representatives: Daniel D. Carne, Architect and Vince Scott

Agency Planner: Julie Thompson, Assistant Planner

Location: 899 State Highway 28, Incline Village, Washoe County

Assessor's Parcel Number: APN 132-240-010 TRPA File Number 20010236

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

Project Description: The applicant is proposing to construct a new commercial building on a developed parcel located at 899 State Highway 28 within the Incline Village Commercial Community Plan Area. The proposed uses for the new building are professional offices and a restaurant (allowed uses in the community plan). The majority height of the proposed building is 30 feet 9 inches. A small portion of the proposed building is 38 feet. The proposed building and associated parking area will be 14,628 square feet of land coverage and 5,004 square feet of new commercial floor area. This project will include 32 new parking stalls including 7 underground parking stalls. Landscaping and community plan area improvements, such as sidewalks, street trees and pedestrian lights will be added to State Highway 28 and Village Boulevard street frontage. This project also includes the installation of new groundwater remediation systems. The project will be conditioned to provide evidence from the Nevada Department of Environmental Protection that the site is free of contaminated soils prior to TRPA pre-grade inspection.

Site Description: The developed 23,323 square foot parcel is located on State Highway 28 in Incline Village, Nevada. The proposed building will be replacing a gas station that currently operates as an Alpaca rug dealer. This parcel is located within the boundaries of the Incline Village Commercial Community Plan Area. The verified land capability districts are Class 5 and Class 4.

Issues: The proposed project involves the transfer of commercial floor area greater than 2,500 square feet which requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances.
Staff Analysis:

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts to 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. A soils/hydrologic report has been approved by the TRPA Groundwater Technical Advisory Committee (GWTAC) which permits an excavation greater than 5 feet to a depth not to exceed 14 feet.

B. **Community Plan:** The project is located within the Incline Village Commercial Community Plan. The Community Plan Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. The proposed project has a 10' minimum setback on State Highway 28 and a 16' minimum setback on Village Boulevard. The Signage, Parking, and Design Standards and Guidelines for Incline Village Community Plans require a 20' minimum setback. However, the standards and guidelines state that if the proposed building is closer than 20 feet along a scenic threshold roadway unit that is not in threshold attainment, the visual assessment and recommendations for the unit should be reviewed. If the TRPA’s Scenic Quality Improvement Program (SQUIP) does not identify setbacks as a specific problem then visual mitigation measures may be required to offset the visual impact. The TRPA’s SQUIP does not identify setbacks as a problem where the new commercial building is proposed. The proposed building is one story as viewed from the highway and landscaping is proposed as screening from State Highway 28 and Village Boulevard. Revised building materials have been required to reduce visual impacts. 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.

C. **Land Coverage:**

1. **Land Capability District:**

   The verified land capability districts for the project area are Class 6 and Class 4. The total area is 23,323.

2. **Existing Coverage:**

   Existing coverage is 15,057 square feet.

3. **Proposed Coverage:**

<table>
<thead>
<tr>
<th>Proposed Building Area</th>
<th>Parking/Driveway</th>
<th>Walks/Patio</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,400 square feet</td>
<td>7,152 square feet</td>
<td>1,076 square feet</td>
<td>14,628 square feet</td>
</tr>
</tbody>
</table>

   Banked Coverage 429 square feet
4. **Allowable Land Coverage:**

Base Allowable = 4,665 square feet (23,323 square feet x 20% Class 4) pursuant to the TRPA Code of Ordinances, Chapter 20 Subsection 3.D.2 (a) (iii) which allows the lowest land capability of the parcel to be applied to the entire parcel and land coverage can be placed on anywhere within land capability 4 through 7.

5. **Excess Land Coverage**

There are 10,392 square feet of excess land coverage on this parcel. The permittee shall mitigate a portion or all of the excess coverage on this property by removing coverage within Hydrologic Transfer Area 1 or by submitting an excess coverage mitigation fee.

D. **Building Height:** Based on an 8 percent cross slope retained across the building site, and 4:12 roof pitch, the maximum allowed height for the proposed building is 30 feet 9 inches. A portion of the proposed building has a 10:12 roof pitch. Based on an 8 percent cross slope and a 10:12 roof pitch the maximum allowed height for this portion is 38 feet. The proposed building has a maximum building height of 30 feet 9 inches and 38 feet 0 inches, which meet these requirements.

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

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

   (a) **Land Use:** The proposed land uses (professional offices and a restaurant) are identified as allowable uses within the community plan.

   (b) **Transportation:** Based on the proposed uses, it is estimated that the proposed project will generate 182 additional daily vehicle trip ends (dvte) which is defined as a minor increase by the TRPA Code of Ordinances. The applicant will be required to mitigate the new dvte by paying an air quality mitigation fee of $4,550 (182 dvte x $25 per dvte).

   (c) **Conservation:** As a condition of project approval, the applicant will be required to apply temporary and permanent Best Management Practices (BMP's) for the entire project area. This project is visible from a TRPA designated scenic corridor, State Highway 28. The proposed project includes landscaping and community plan improvements that will screen the proposed building and parking from State Highway 28 and Village Boulevard. There are no known special interest species, sensitive

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3 CONSENT CALENDAR ITEM NO. 1
or uncommon plants, or cultural or historical resources within the project area.

(d) **Recreation:** This project does not propose any new facilities, or changes to existing recreation facilities.

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

(f) **Implementation:** As a condition of approval the applicant shall transfer 5,004 square feet of commercial floor area to the parcel.

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

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

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

(Refer to paragraph 2, above)

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

The maximum proposed height of the building at a 10:12 roof pitch is 38 feet. Based on the review photographs and the maximum height proposed it has been determined that the proposed building will not extend above the forest canopy. There are no views of a ridgeline present.

5. **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 approved by the TRPA Groundwater Technical Advisory Committee (GWTAC) which permits an excavation greater than 5 feet to a depth not to exceed 14 feet.
6. 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.

The proposed excavation is not expected to interfere with mature tree root systems of the trees that are to remain on the subject property.

7. 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 excavated material not utilized within the land coverage footprint will be removed from the site to a location approved by TRPA.

8. 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 lowest natural ground elevation along an exterior wall of the building, and a 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.

The proposed building has a roof pitch of 4:12 and 10:12 roof pitch. The proposed maximum wall height at the majority roof pitch, 4:12, is 20 feet, which is not greater than 90 percent of the maximum building height.

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 contained in the attached draft permit.
Draft Permit

PROJECT DESCRIPTION  New Commercial Building  APN 132-240-010

PERMITTEE  Village Plaza, L.P.  FILE # 20010236

COUNTY/LOCATION  Washoe County/ 899 State Highway 28

Having made the findings required by Agency ordinances and rules, TRPA Governing Board approved the project on August 22, 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 August 22, 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 PREGRADING INSPECTION HAS BEEN CONDUCTED. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

TRPA Executive Director/Designee  Date

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

Signature of Permittee(s)  Date

PERMIT CONTINUED ON NEXT PAGE

CONSENT CALENDAR ITEM NO. 1
APN 132-240-010
FILE NO. 20010236

Offsite Coverage Mitigation Fee: Amount $ * Paid $ ________ Receipt # ________

Air Quality Mitigation Fee: Amount $ 4,550.00 Paid $ ________ Receipt# ________

Excess Coverage Mitigation Fee: Amount $ * Paid $ ________ Receipt # ________

Security Posted: Amount $ * Paid $ ________ Receipt # ________

Security Administration Fee: $ ** Paid $ ________ Receipt # ________

* To be determined.
**$135 if cash security posted, $75 if 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.

TRPA Executive Director/Designee __________________________ Date _____________

SPECIAL CONDITIONS

1. This permit is for the construction of a new commercial building located at 899 State Highway 28, Incline Village, APN 132-240-010, within the Incline Village Commercial Community Plan Area. The proposed uses for the new building are professional offices and a restaurant, allowed uses in the community plan. The proposed building and associated parking area will create 14,628 square feet of land coverage and 5,004 square feet of new commercial floor area. This project will include 32 new parking stalls including 7 underground parking stalls. Landscaping will be incorporated within the parking area to screen parking and the proposed building from State Highway 28 and Village Boulevard. Community Plan area improvements, such as sidewalks, street trees and street lights will be added to State Highway 28 and Village Boulevard street frontages. This project also includes the installation of new groundwater remediation systems.

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

A. The site plan shall be revised to include:

   (1) The A.C. Paving area located at the north-east area of the parcel shall be removed and restored.

CONSENT CALENDAR ITEM NO. 1
(2) Specific revegetation notes for the areas where coverage is to be removed.

(3) A construction materials and equipment staging area shall be identified on the site plan.

(4) Demonstrate all trash containers and mechanical equipment is screened.

(5) The allowed land coverage number shall be revised to indicate 4,665 square feet of allowable coverage pursuant to Subsection 20.3.D.2 (a) (iii) of the TRPA Code of Ordinances.

(6) The following community plan improvements on State Highway 28 and Village Boulevard shall be shown on the site plan:

A) Minimum five feet wide sidewalks.

B) A three foot minimum landscaped separation is required from the edge of State Route 28 pavement.

B) Six inch vertical concrete curbs or as specified by NDOT.

C) Street trees planted at minimum fifty feet on center.

D) Pedestrian lighting (maximum 12 feet high) as needed.

(7) A soil stockpile area shall be identified on the site plan.

B. The community plan improvements (i.e. sidewalk improvements) shall not interfere with the existing bike path on Village Boulevard. Landscaping and pedestrian lighting shall be incorporated on Village Boulevard street frontage where it is possible.

C. This parcel has 10,392 square feet of excess land coverage. The permittee shall mitigate a portion or all excess land coverage on this property by removing coverage within Hydrologic Transfer Area 1 or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed use the following formula:

(1) Estimated project construction cost multiplied by the fee percentage (.0225) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

/it

CONSENT CALENDAR ITEM NO. 1
(2) Coverage reduction square footage (as determined by formula (1) above) multiplied by the coverage mitigation cost fee ($12.00 per square foot in Nevada). Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than $200.00.

D. The permittee shall transfer 5,004 square feet of new commercial floor area to the APN 132-240-010. Separate TRPA review and approval is required.

E. Consistent with the document, Signage, Parking, & Design Standards & Guidelines for the Community Plans of Washoe County, the permittee is responsible for frontage improvements in the Incline Village Commercial Community Plan. Consistent with the information to meet this requirement, shown on the site plan submitted to TRPA, the permittee shall submit the following:

1. Signed authorization from the Nevada Division of Transportation (NDOT) and Washoe County for improvements in the right-of-way.

2. Revised existing and proposed off-site coverage calculations for the improvements in the right-of-way, including community plan improvements.

F. The permittee shall submit a $4,550 air quality mitigation fee. This fee is based on the generation of 182 new daily vehicle trip ends (dvte) assessed at $25 per dvte.

G. The permittee shall submit an offsite coverage mitigation fee of $12.00 per square foot of land coverage created in the right-of-way, including community plan improvements.

H. The security required under Standard Condition I.2 of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices Plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods to post a security and for calculations of the required Security Administration Fee.

I. The drainage calculations previously submitted to TRPA do not indicate the infiltration systems have been adequately designed to infiltrate a 20 year/1 hour storm event. Please submit revised infiltration systems and engineered drainage calculations.

J. The permittee shall revise the proposed landscape plan to include a minimum of ten 6'-8' tall Jeffery Pine trees located south of the proposed building.

K. The permittee shall revise the proposed landscape plan to include an irrigation system.

CONSENT CALENDAR ITEM NO. 1
M. The permittee shall submit an exterior lighting plan for TRPA review and approval. This plan shall show conformance with Section 30.8 of the TRPA Code and Chapter 6 of the document, Signage, Parking & Design, Standards & Guidelines for the Community Plans of Washoe County.

N. The permittee shall record a deed restriction documenting the use of the parking area. This area is not considered commercial floor area and shall not be utilized as such. A copy of the recorded deed shall be submitted to TRPA prior to acknowledgement.

O. The color of the stucco for the new building shall be one shade darker than proposed.

P. Please submit proposed material samples to TRPA for review and approval.

Q. Remove all references to signs on the site plan and elevation drawings.

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

3. The following measures shall be taken to protect the 28" and 24" pine trees located to the east of the proposed building:

A) Excavation of existing asphalt around the 28" and 24" pine trees shall be performed using the smallest equipment possible.

B) The excess fill soil already present around the pine trees should be dug out by hand until the roof flare is visible.

C) A Tree Protection Zone of fifteen feet out from the two trees, should be erected using Nylon, high visibility fencing supported by metal "T" posts. Fences should remain until all site work is finished. No materials, equipment, spoil, waste or washout water should be deposited, stored or parked within the fenced Tree Protection Zone.

D) The area within the Tree Protection Zone should be watered thoroughly to a depth of eighteen inches prior to construction and excavation. Deep watering within this area should continue once a month during the growing season for at least one year after construction is complete.

E) To minimize root injury from excavation, the foundation footing trench adjacent to the Tree Protection Zone should be hand dug. Any roots encountered should be cut cleanly using appropriate sterilized root pruning equipment. Cut roots should not be left exposed; they should be covered with soil as soon as possible.

4. Prior to the TRPA pre-grade inspection, the permittee shall submit evidence from NDEP to confirm the site is free from contaminated soil.
5. All utilities within the project area shall be placed underground.

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

7. The permittee shall not construct any finished floor which is 14 feet or more below natural grade measured at the location where the floor meets the foundation wall. Any modification of this structure shall conform to TRPA's height standards.

8. This permit has assigned 1,275 square feet of commercial floor area to a quality restaurant and 5,125 square feet of commercial floor area to single tenant office use. This allows 800 square feet for a restaurant and 4,650 square feet for single tenant office space. The commercial floor area for the hall has been equally divided between the two proposed uses. Any changes to the proposed uses will require separate written TRPA approval.

9. No signs were proposed or approved with this permit. A separate sign application shall be reviewed and approved by TRPA prior to any installation of signs within the project area.
MEMORANDUM

August 8, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of $100,000 from Washoe County’s Water Quality Mitigation Fund for the Fairview Blvd / Country Club Drive Water Quality Improvement Project.

Proposed Action: Approve the release of $100,000 from Washoe County Mitigation Fees for the Fairview Boulevard / 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 includes source control, revegetation, runoff control, and water quality treatment.

In March, the project cost was $1.95 million. However, since construction proceeded, several property owners have come forward to agree to grant easements for construction which allowed for more work to occur. In addition, several property owners demanded that boulders, rather than cement blocks be used on certain cut slopes to provide a rural, rather than an urban appearance for the project. Because of these changes, the project cost has escalated an additional $380,000. Hence, Washoe County is requesting an additional $100,000 in County Mitigation fees to match the approximately $280,000 from the Tahoe Bond Act funds which have been approved.

There are sufficient funds in Washoe County’s Water Quality Mitigation account to cover these requests. The June balance was $712,630.67. Further, the request meets the requirements of TRPA’s Code of Ordinances, Chapter 82 – Water Quality Mitigation. When the final distribution of Bitterbrush Settlement funds is worked out with the Bitterbrush developer and residents, the County intends to request reimbursement for a portion of the water quality funds from the remaining unallocated Bitterbrush Settlement funds.

Project History:

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.
August 2, 2001

Washoe County has been requested by property owners, adjacent property owners, NTCD board members, and the contractor to redesign and consider alternate forms of treatment for erosion control on the referenced project. The project changes have been approved by TRPA.

The County has received $574,000 from the Water Quality Mitigation funds (Bitterbrush Settlement). With the redesign and alternate treatments to the project, the County requests an additional $100,000 for the project from the Water Quality Mitigation Fund. When the final distribution of Bitterbrush Settlement funds is worked out with the Bitterbrush developer and residents, the County requests reimbursement for a portion of the water quality funds from the remaining unallocated Bitterbrush Settlement funds. The improvements, which meet the Bitterbrush Settlement requirements, are valued at over $675,000. The project changes have been approved by 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
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 a request to the TRPA Governing Board for an additional $112,000 to complete the project financing in anticipation of summer construction.

Summer 2001 – Work proceeds on the project and numerous property owners, despite the public notices and meetings provided for input prior to the construction, take note of the work. Some individuals have come forward to grant easements and in some cases demand project changes.

Staff Recommendation:

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 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.
MEMORANDUM

August 8, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of $22,000 from Douglas County's Water Quality Mitigation Fund for additional work on the Skyland G.I.D. Erosion Control Project.

Proposed Action: Approval of the release of $22,000 from Douglas County's Water Quality Mitigation Fund for additional work on the Skyland General Improvement District Erosion Control Project (EIP Project number 10055). These funds are necessary because it was determined that the original project did not adequately treat the water runoff prior to its entry into Lake Tahoe.

Summary: This project was identified in the Environmental Improvement Program. Construction proceeded this year with money from the Tahoe Bond Act and EPA 319 funds through the Nevada Division of Environmental Protection (NDEP). The original plan for the storm water treatment has been deemed unacceptable because only two sediment cans were to be installed. The current plan is to place 16 sediment cans at strategic locations. Nevada State Lands has agreed to pay for more than 75% of the additional redesigned construction costs of $114,725. At this time, the contractor, JWA, is redesigning the water treatment components of the project and will soon request the necessary TRPA permits.

There are sufficient funds in Douglas County's Water Quality Mitigation account to cover these requests. The June balance was $146,440.94. Further, the request meets the requirements of TRPA's Code of Ordinances, Chapter 82 – Water Quality Mitigation.

Staff Recommendation: Staff recommends approving the allocation of these funds subject to the conditions cited below:

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 during construction shall include all funding sources.

JVE/
July 31, 2001

John VanEtten
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove Nevada, 89448

RE: Allocation of Tahoe Regional Planning Agency Funds to Provide Matching Funds for Skyland GID Erosion Control Project TBA 99-005

Dear Mr. VanEtten:

Douglas County requests that the Tahoe Regional Planning Agency allocate the following matching funds for the Skyland GID Erosion Control Project contingent upon approval of the Tahoe Bond Act Funds by State Lands.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Original Project Funding Amount</th>
<th>Current Request</th>
<th>Total Estimated Project Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tahoe Bond Act State Funds</td>
<td>$268,602.00</td>
<td>$66,000.00</td>
<td>$334,602.00</td>
</tr>
<tr>
<td>75% of Project Costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Costs-3% of Project Cost</td>
<td>$13,384.00</td>
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<td>$13,384.00</td>
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<tr>
<td>Local Costs-25% of Project Cost*</td>
<td>$22,000.00</td>
<td></td>
<td>$124,875.00</td>
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<tr>
<td>Totals</td>
<td>$358,183.00</td>
<td>$114,725.00</td>
<td>$472,908.00</td>
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</tbody>
</table>

The local costs totaling $22,000.00 are proposed to be met using TRPA funds. The matching funds are proposed to come from the Water Quality Mitigation Fund. The current balance in the Water Quality Mitigation Fund is $103,495.11; therefore, there is adequate funding to meet the needs of Skyland GID.

Please let me know if you have any questions regarding this proposal. It is my understanding that this request will be heard at the next TRPA meeting. Provided that this is approved by the County Commissioners, it would be good to have an approval from TRPA as soon as possible.

Sincerely,

Cathe Pool, P.E.
Associate Engineer
enc: Water Quality Fund Accounting Sheet

c: Eric Teitelman, P.E., County Engineer/Engineering Manager
    Jan Rowan, Accounting
    Jenny Scanland, State Lands
SKYLAND ECP

Program: WATER QUALITY  Jurisdiction: USFS  Lead Agency: DOUGLAS
Start Date: Implement/Construction: 6/1/01  Monitoring:  EIP Project Code: 9140

Description:
Treatment of urban runoff from Hwy 50 and the Skyland subdivision, including drainage conveyance, curb/gutter, drop inlets etc.. Within the Skyland Subdivision (GID). This project would utilize a series of energy dissipating structure and treatment basins to remove nutrients and sediment. TBA99-005.

Project Cost Data

<table>
<thead>
<tr>
<th>Total Cost: $358,136.00</th>
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<tr>
<td>Funding Source:</td>
</tr>
<tr>
<td>N-LANDS $268,602.00</td>
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<tr>
<td>DOUGLAS $89,534.00</td>
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Threshold Data

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<tr>
<th>TH Index: WQ2-F</th>
<th>TH Indicator: Pelagic Lake Tahoe Winter Clarity (Runoff Treated)</th>
<th>TH Unit of Benefit: Miles conveyance treated</th>
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</thead>
<tbody>
<tr>
<td>WQ2-C</td>
<td>Pelagic Lake Tahoe Winter Clarity (Road BMPs)</td>
<td>Miles Improved</td>
</tr>
</tbody>
</table>

3/15/01
If you have any questions regarding this item please contact John Van Etten at (775) 588-4547 x 247.

Attachments:
A. Douglas County's request;
B. A project map; and,
C. The EIP description for the Skyland GID Erosion Control Project.
MEMORANDUM

August 14, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: William & Valerie Davisson, 464 Eagle Drive, Incline Village, Nevada, Washoe County, Assessor’s Parcel Number 131-223-01

Proposed Action: The applicants, William and Valerie Davisson, request that the Governing Board review the proposed Land Capability Challenge on a portion of the parcel and, if appropriate, approve it.

Staff Recommendation: The staff recommends that the Governing Board approve the land capability challenge for the parcel changing the land capability class from class 3 to class 4.

Background: The subject parcel is shown as land capability class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmF (Umpa, very stony loam, 30-50 percent slopes) soil map unit. The UmF soil map unit is consistent with the D-2 (Headlands, moderate hazard) geomorphic unit classification. The UmF soil formed in glacial deposits derived from volcanic sources (Andesite).

A land capability verification was completed on this parcel in October 13, 1992, and the parcel was verified as UmE (Umpa, very stony sandy loam, 15 to 30 percent) land capability class 3. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: This parcel is located at 464 Eagle Dr., Washoe County. The parcel is mapped within geomorphic unit D-2 (Headlands, moderate hazard) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. TRPA staff conducted a soils investigation and this report was prepared. Based on two soil pits, a representative soil profile was described (see Attachment A). After visits to the parcel on June 15, 2000 the soils on APN 131-223-01 were determined to be consistent with land capability class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775-588-4547 (ext. 275).

Attachments A. Soil Investigation
B. Location Map

TH/dmc 27 CONSENT CALENDAR ITEM 4
INTRODUCTION
A soil investigation was conducted on APN 131-223-01 in Washoe County, on June 15, 2000. This parcel is located on 464 Eagle Dr. in Washoe County. A land capability verification was conducted by TRPA staff on this particular parcel.

A land capability challenge was filed with TRPA on May 31, 2001 to determine the appropriate land capability class for this parcel based on a soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmF (Umpa, very stony loam, 30-50 percent slopes) soil map unit. The UmF soil map unit is consistent with the D-2 (Headlands, moderate hazard) geomorphic unit classification. The UmF (Umpa, very stony loam, 30-50 percent slopes) soil formed glacial deposits derived from extrusive igneous sources (andesite). This parcel is on a west-facing slope. The natural slope is 24 to 28 percent. The natural vegetation is comprised of an overstory of Jeffery pine and White fir with an understory of bitterbrush, greenleaf manzanita, mountain whitethorn, squaw carpet and huckleberry oak.

PROCEDURES
Two soil pits were dug on this parcel, using hand excavation. After examination of the pits, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One unknown soil series was identified on this parcel. The soils on this parcel are generally deep and well drained. The soil is characterized as having a thin (<1") surface mantle of organic matter over a dark brown gravelly loamy coarse sand surface layer. A yellow to grayish brown, stony sandy loam subsoil is present to a depth of greater than 55 inches. This soil is unknown to the map units listed in the Soil Survey for the Lake Tahoe Basin. Applying Table 4 of the Bailey Land Capability Classification system, the most appropriate Land Capability class would be 4, given the profile depth, hydrologic group and slope range.

CONCLUSION
Based on the results of the site visit, the soil on APN 131-223-01 was determined to be an unknown soil series. The soil on this parcel is appropriately assigned to land capability class 4, per reference Table 4 of the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974) and is therefore assigned 20% allowable coverage.

Tim Hagan, Soil Conservation / SEZ program manager
Representative Soil Profile 1:

Soil Classification (1998) Sandy mixed frigid Humic Dystroxerepts
Soil Series: Unknown
Hydrologic Group: B
Drainage: Well Drained

Oi 1 to 0 inches; Fir and Pine litter

A1 0 to 5 inches; brown (10YR 4/2) gravelly loamy coarse sand; dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 20 percent gravel; clear wavy boundary.

AB 5 to 20 inches; brown (10YR 5/3), ) gravelly loamy coarse sand; dark brown (10YR 4/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel, 10 percent cobblestone; clear wavy boundary.

Bw 20 to 32 inches; pinkish gray (7.5 YR 5/3) cobbly loamy coarse sand; dark yellowish brown (10YR 4/4) moist; moderate medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 10 percent gravel, 15 percent cobblestone; gradual wavy boundary.

C 32 to 45 inches; light brown (7.5 YR 6/4) cobbly loamy coarse sand; dark brown (7.5 YR 4/4) moist; moderate medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 10 percent gravel, 20 percent cobblestone; clear wavy boundary.

Representative Soil Profile 2:

Soil Classification (1998) Sandy mixed frigid Humic Dystroxerepts
Soil Series: Unknown
Hydrologic Group: B
Drainage: Well Drained

Oi 1 to 0 inches; Fir and Pine litter

A1 0 to 7 inches; brown (10YR 4/2) gravelly loamy coarse sand, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 15 percent gravel; clear wavy boundary.
AB  7 to 18 inches; brown (10YR 5/3), gravelly loamy coarse sand; dark brown (10YR 4/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 15 percent gravel, 10 percent cobblestone; clear wavy boundary.

Bw  18 to 30 inches; pinkish gray (7.5 YR 5/3) cobbly loamy coarse sand; dark yellowish brown (10YR 4/4) moist; moderate medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 10 percent gravel, 15 percent cobblestone; gradual wavy boundary.

C   30 to 55 inches; light brown (7.5 YR 6/4) cobbly loamy coarse sand; dark brown (7.5 YR 4/4) moist; moderate medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 15 percent gravel, 20 percent cobblestone; clear wavy boundary.
MEMORANDUM

August 14, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Buchholz Land Capability Challenge; 775 Fairview Rd., Incline Village, Washoe County APN 126-273-04

Proposed Action: The applicant, Donna Buchholz, requests that the Governing Board review the Land Capability Challenge on a portion of the parcel and, if appropriate, approve it.

Staff Recommendation: The staff recommends that the Governing Board approve the land capability challenge for the parcel changing the land capability class from 1a to 4.

Background: The subject parcel is shown as land capability class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the MsE (Meeks-very stony loamy coarse sand, 15-30 percent slopes) soil map unit. The MsE soil map unit is consistent with the D-2 (Headlands, moderate hazard) geomorphic unit classification. The MsE soil formed in deposits derived from glacially modified volcanic (andesite) sources.

A land capability verification, by means of an IPES evaluation, was completed on this parcel in June 1991; however, the portion of the parcel in question was never verified as land capability class 1a. A land capability challenge was filed to confirm the soil series and land capability for a portion of the property on the north part of the parcel on November 22, 2000.

Findings: The portion of the parcel in question is 70,750 square feet in size. The property is located at 775 Fairview Rd., Incline Village, Nevada. The parcel is mapped within geomorphic unit D-2 (Headlands, moderate hazard) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. TRPA staff conducted the soils investigation and this report was prepared. Based on two soil pits, a representative soil profile was described (see Attachment A). After visits to the parcel on July 16, 2001 the soils on APN 126-273-04 were determined to be consistent with land capability class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775-588-4547 (ext. 275).

Attachments: A. Soil Investigation
             B. Location Map

TH/dmc

CONSENT CALENDAR ITEM 5
SOIL INVESTIGATION FOR
WASHOE COUNTY APN 126-273-04, 775 Fairview Rd., Incline Village, Nevada

INTRODUCTION
A soil investigation was conducted on APN 126-273-04, Washoe County, on July 16, 2001. This portion of the parcel is approximately 70,750 square feet in size and is located on 775 Fairview Rd. in Incline Village, Nevada. A land capability verification was never conducted by TRPA staff on this particular parcel.

An appeal to the land capability challenge was filed with TRPA on November 22, 2000 to determine the appropriate land capability class for this parcel based on a soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the MsE (Meeks-very loamy coarse sand, 15-30 percent slopes) soil map unit. The MsE soil map unit is consistent with the D-2 (Headlands, moderate hazard) geomorphic unit classification. The Meeks soil formed in deposits derived from glacially modified volcanic (andesite) sources. This parcel is on a south-southwest-facing slope. The natural slope is 18 to 23 percent. The overstory vegetation is Jeffrey pine and White fir; with an understory of bitterbrush and manzanita.

PROCEDURES
Two soil pits were dug on this parcel, using hand excavation. After examination of the pits, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One known soil series was identified on this portion of the property. The soils on this parcel are deep and well drained. The soil is characterized as having a thin (<2") surface mantle of organic litter over a brown gravely coarse sandy loam surface layer. The subsoil is comprised of a brown gravely coarse sandy loam to a depth 55 inches. This soil is similar to the Inville series listed in the Soil Survey for the Lake Tahoe Basin. As a consequence, this soil is appropriately placed in Hydrologic Group B (moderately low runoff). Therefore, this soil is assigned land capability class 4, under the Bailey Land Capability Classification system.

CONCLUSION
Based on the results of the site visit, the soil on APN 126-273-04 was determined to be a member of the Inville soil series. Based on slope range and previously cited physical characteristics, this soil would be associated with land capability class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974) and therefore is assigned 20% allowable coverage.

Tim Hagan, Senior Planner/Soil Scientist
Representative Soil Profile: Pit 1

Soil Classification (1998) Fine-loamy, mixed, frigid Ultic Haploxeralf
Soil Series: Invilie
Drainage Class: Well Drained
Hydrologic Group: B

Oi 2 to 0 inches; conifer needles and duff

A1 0 to 4 inches; brown (10YR 4/3) gravelly coarse sandy loam, very dark brown (10YR 2/2) moist; weak fine granular structure; loose, friable, nonsticky and nonplastic; common very fine and fine roots; many very fine and fine interstitial pores; 15 percent gravel; clear smooth boundary.

A2 4 to 10 inches; brown (10YR 5/3), gravelly coarse sandy loam, dark brown (10YR 3/3) moist; weak fine and medium subangular structure; slightly hard, friable, slightly sticky and slightly plastic; few coarse roots; few medium and common very fine and fine roots, many very fine and fine interstitial pores; 15 percent gravel; clear smooth boundary.

Bt1 10 to 29 inches; brown (7.5 YR 5/4) gravelly coarse sandy loam, dark yellowish brown (7.5 YR 4/3) moist; moderate medium subangular structure; soft, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine interstitial and tubular pores; few thin clay skins on ped faces and pore linings; 15 percent gravel; clear wavy boundary.

Bt2 29 to 55 inches; brown (7.5 YR 4/4) gravelly coarse sandy loam, dark yellowish brown (7.5 YR 4/3) moist; moderate medium subangular structure; soft, friable, slightly sticky and slightly plastic; few very fine, fine and medium roots; many very fine and fine interstitial and tubular pores; common thin clay skins on ped faces and pore linings; 15 percent gravel and 10 percent cobble; clear wavy boundary.

C 55+ inches; pale brown (10 YR 6/3) gravelly loamy coarse sand, brown (10 YR 4/3) moist; massive; soft, friable, nonsticky and nonplastic; common interstitial pores; 15 percent gravel and 10 percent cobble.
Representative Soil Profile: Pit 2

Soil Classification (1998) Fine-loamy, mixed, frigid Ultic Haploxeralf
Soil Series: Inville
Drainage Class: Well Drained
Hydrologic Group: B

Oi  1 to 0 inches; conifer needles and duff

A1  0 to 6 inches; brown (10YR 4/3) gravelly coarse sandy loam, very dark brown (10YR 2/2) moist; weak fine granular structure; loose, friable, nonsticky and nonplastic; common very fine and fine roots; many very fine and fine interstitial pores; 15 percent gravel; clear smooth boundary.

A2  6 to 12 inches; brown (10YR 5/3), gravelly coarse sandy loam, dark brown (10YR 3/3) moist; weak fine and medium subangular structure; slightly hard, friable, slightly sticky and slightly plastic; few coarse roots; few medium and common very fine and fine roots, many very fine and fine interstitial pores; 15 percent gravel; clear smooth boundary.

Bt1 12 to 32 inches; brown (7.5 YR 5/4) gravelly coarse sandy loam, dark yellowish brown (7.5 YR 4/3) moist; moderate medium subangular structure; soft, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine interstitial and tubular pores; few thin clay skins on ped faces and pore linings; 15 percent gravel; clear wavy boundary.

Bt2 32 to 53 inches; brown (7.5 YR 4/4) gravelly coarse sandy loam, dark yellowish brown (7.5 YR 4/3) moist; moderate medium subangular structure; soft, friable, slightly sticky sticky and slightly plastic; few very fine, fine and medium roots; many very fine and fine interstitial and tubular pores; common thin clay skins on ped faces and pore linings; 15 percent gravel and 10 percent cobble; clear wavy boundary.

C  53+ inches; pale brown (10 YR 6/3) gravelly loamy coarse sand, brown (10 YR 4/3) moist; massive; soft, friable, nonsticky and nonplastic; common interstitial pores; 15 percent gravel and 10 percent cobble.
MEMORANDUM

August 14, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Donald & Lee Nelson, 6645 McKinney Creek Road, Homewood,
California, Placer County, Assessor’s Parcel Number 098-280-015

Proposed Action: The applicant, Donald and Lee Nelson, request that the Governing
Board review the proposed Land Capability Challenge and SEZ determination on their
parcel and approve it.

Staff Recommendation: Staff recommends that the Governing Board approve the land
capability challenge for the parcel changing the land capability class from (SEZ) 1b to 5.

Background: The subject parcel is shown as land capability 5 and 1b on the TRPA Land
Capability Overlay Maps. The Land Capability Verification assigned the parcel a 1b
(SEZ) capability district. The Soil Conservation Service Soil Survey for the Lake Tahoe
Basin places this parcel within the TcB (Tallac, gravelly coarse sandy loam, seeped, 0 to
5 percent slopes) soil map unit. The TcB soil map unit is consistent with the E-2
(Outwash, till and lake deposits, low hazard) geomorphic unit classification. The TcB soil
formed in glacial deposits derived from basic and metamorphic rock.

A Land Capability Verification (LCV) was completed on this parcel on August 17, 2000,
and the parcel was verified as SEZ (Stream Environment Zone) land capability class 1b.
A land capability challenge was filed to confirm the soils, SEZ status and land capability
for the parcel.

Findings: The parcel is located at 6665 McKinney Creek Road, Placer County. The
parcel is mapped within geomorphic unit E-2 (Outwash, Till and Lake Deposits, low
hazard) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. TRPA staff
conducted a soils investigation and this report was prepared. Based on two soil pits, a
representative soil profile was described (see Attachment A). After a visit to the parcel
on July 16, 2001 the soils on APN 125-131-11 were determined to be consistent with
land capability class 5 (TcB), in accordance with the Land Capability Classification of the
Lake Tahoe Basin (Bailey, 1974). The presence of SEZ was also determined to be
unsubstantiated when reviewed against the criteria of Chapter 37 of the TRPA Code of
Ordinances.

If you have questions on this agenda item, please contact Tim Hagan, at 775-588-4547
(ext. 275).

Attachments
A. Soil Investigation
B. Location Map

TH/dmc

TH/dmc 39 CONSENT CALENDAR ITEM 6
SOIL INVESTIGATION FOR
PLACER COUNTY APN 098-280-015, 6645 McKinney Creek Road

INTRODUCTION
A soil investigation was conducted on APN 098-280-015 in Placer County, on July 17, 2001. This parcel is located on 6665 McKinney Creek Rd. in Placer County. A Land Capability Verification was conducted by TRPA staff on this parcel.

A Land Capability Challenge was filed with TRPA on October 17, 2000 to determine the appropriate land capability class for this parcel based on a soil investigation. This challenge was also filed to determine the presence of SEZ as it relates to the criteria set forth in Chapter 37.3 of the TRPA Code of Ordinances.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class 5 and 1b on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the TcB (Tallac, gravelly coarse sandy loam, seeped, 0 to 5 percent slopes) soil map unit. The TcB soil map unit is consistent with the E-2 (Outwash, till and lake deposits, low hazard) geomorphic unit classification. The TcB soil formed in glacial deposits derived from basic and metamorphic rock. This parcel is on a North-facing slope. The natural slope is 2 to 4 percent. The natural vegetation is Type 19 (mesic Lodgepole) a secondary riparian / SEZ indicator. This community is comprised of Lodgepole pine and White fir with a diverse understory of Bracken Fern, Yarrow, Western Wildrye, Snowberry, Serviceberry and many other herbs and grasses.

PROCEDURES
Two soil pits were dug on this parcel, using hand excavation. After examination of the pits, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer. In addition, an evaluation of the vegetation as it pertains to primary and secondary SEZ indicators was also evaluated.

FINDINGS
One soil series was identified on this parcel. The soils on this parcel are generally deep and well drained. The soil is characterized as having a thin (<1") surface mantle of organic matter over a dark grayish brown very cobbly sandy loam surface layer. A dark yellowish brown, very cobbly sandy loam subsoil is present to a depth of greater than 60 inches. There were no redoximorphic features evident through the presence of low chroma concentrations at any depth in this profile. This soil is similar to the Tallac soil series as associated with the TcB (Tallac gravelly coarse sandy loam, seeped, 0 to 5 percent) map unit as listed in the Soil Survey for the Lake Tahoe Basin. Under the Bailey Land Capability Classification system the most appropriate Land Capability class would be 5, given the soils conformity to the central concepts of the Tallic soil series.

CONCLUSION
Based on the results of the site visit, the previously identified SEZ on APN 098-280-015 was determined not to be SEZ because of the lack of the necessary primary or secondary indicators. One secondary indicator was present on this parcel as exhibited by the presence of a mesic lodgepole pine community (Type 19) on the site. Three secondary indicators must be present to classify an area as SEZ under Chapter 37.3 of the TRPA Code of Ordinances, therefore, this parcel was deemed to have no SEZ (1b)
land present upon it. The soils are consistent with the central concepts of the Tallac soil series, TcB (Tallac gravelly coarse sandy loam, seeped, 0 to 5 percent) map unit. There was no physical evidence within the soil profile to indicate the presence of seasonal inundation. There were no redoximorphic indicators (low chroma concentrations) present within 40 inches of surface grade. Therefore, the soil on this parcel is associated with land capability class 5, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974) and therefore is assigned 25% allowable coverage.

Tim Hagan, Soil Conservation / SEZ program manager
Representative Soil Profile Description

Soil Series: Tallac
Soil Classification: Sandy-skeletal, mixed, frigid, Humic Dystroxepts
Soil Drainage Class: Well Drained
Soil Hydrologic Group: B

Oi 1 to 0 inches, conifer needles and duff

A1 0 to 6 inches, dark grayish brown (10YR 4/2) very cobbly sandy loam, very dark brown (10YR 2/2) moist; strong fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; clear smooth boundary.

A2 6 to 13 inches, brown (10YR 4/3) very cobbly sandy loam, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine medium coarse roots; many very fine and fine interstitial pores; gradual smooth boundary.

C1 13 to 30 inches, dark yellowish brown (10YR 4/4) very cobbly sandy loam, brown (10YR 4/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine interstitial pores; gradual smooth boundary.

C2 30 to 48 inches, yellowish brown (10YR 5/4) very cobbly sandy loam, dark yellowish brown (10YR 4/4) moist; massive; slightly hard, very friable, nonsticky and nonplastic; common fine tubular and interstitial pores.
Nelson Land Capability Challenge
APN 098-280-015

Donald and Lee Nelson
6645 Mckinney Creek Rd
Placer County
MEMORANDUM

August 8, 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:

<table>
<thead>
<tr>
<th>APN/County</th>
<th>Applicant</th>
<th>Application Type</th>
<th>Days Complete</th>
</tr>
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<tbody>
<tr>
<td>001-090-021</td>
<td>Rockwell</td>
<td>Admin. Determination</td>
<td>148</td>
</tr>
<tr>
<td>001-120-011</td>
<td>Reed</td>
<td>SFD</td>
<td>162</td>
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<tr>
<td>092-090-013</td>
<td>Kirkorian</td>
<td>Boundary Line Adj.</td>
<td>123</td>
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<tr>
<td>005-171-011</td>
<td>Lamberston</td>
<td>SFD</td>
<td>125</td>
</tr>
</tbody>
</table>

The Project Review Division anticipates action on all of the above projects prior to the August 22, 2001 Governing Board meeting.

**Land Capability and IPES Applications:**
LRPD made a deliberate decision to postpone field evaluations in order for staff to dedicate their time to other duties.

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:

<table>
<thead>
<tr>
<th>APN</th>
<th>Applicant</th>
<th>Application Type</th>
<th>Days Past 120</th>
</tr>
</thead>
<tbody>
<tr>
<td>033-132-03</td>
<td>Garcia</td>
<td>LCC</td>
<td>162</td>
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</table>

The Long Range Planning Division anticipates action on the Garcia Land Capability Challenge at the September Governing Board meeting.

**Compliance Division:**
There are no applications that will exceed a review time of 120 days.
August 11, 2001

TO: Tahoe Metropolitan Planning Organization
   Governing Board

FROM: TRPA Staff

SUBJECT: Executive Director Report on the Tahoe Transportation District/Tahoe
         Transportation Commission August 10, 2001 Meeting

Proposed Action: Review of the attached TTD/TTC Agenda and report for the
August 10, 2001 regular Meeting of the Board.

Staff Recommendation: Seek clarification as necessary.

If there are any questions regarding this agenda item, please contact Richard Wiggins at
(775) 588-4547, x 271.
TAHOE TRANSPORTATION DISTRICT
TAHOE TRANSPORTATION COMMISSION
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on Friday, August 10, 2001, commencing at 9:00 a.m., the TAHOE TRANSPORTATION DISTRICT (TTD) Board of Directors will conduct its regular Board meeting at the North Tahoe Conference Center, Kings Beach, CA. The TTD agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Friday, August 10, 2001, at the same location, concurrent with the Tahoe Transportation District (TTD), the Members of the TAHOE TRANSPORTATION COMMISSION (TTC) will meet. The TTC agenda is attached hereto and made a part of this notice.

July 23, 2001

Richard Wiggins
Transportation Division Chief

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

For those individuals with special needs who desire to attend this meeting, please contact Joy R. Wimer-Biller, at (775) 588-4547.

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Kingsbury/Stateline, Nevada and South Lake Tahoe, as well as the El Dorado County Library Building, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, CA, at the Incline Village GID office in Incline Village, NV, and at the North Lake Tahoe Chamber of Commerce in Tahoe City, CA.
I. TAHOE TRANSPORTATION DISTRICT AND TAHOE TRANSPORTATION COMMISSION CALL TO ORDER AND GENERAL MATTERS

A. Roll Call and Determination of Quorum
B. Approval of Agenda for August 10, 2001
C. Approval of Minutes from July 13, 2001

II. PUBLIC INTEREST COMMENTS (No Action)

III. CONSENT CALENDAR

IV. TAHOE TRANSPORTATION DISTRICT (TTD) MATTERS

A. Discussion and Possible Action Regarding APC Member Appointee

B. Discussion and Possible Action Regarding 64 Acre Transit Center and Report on Placer County Transportation Issues.

C. Discussion and Possible Action to Authorize Chair to Enter into a Construction Contract with Selected CNG Provider.

D. Discussion and Possible Action Regarding NV Roadmarker Program.

V. TAHOE TRANSPORTATION COMMISSION (TTC) MATTERS

A. Discussion and Possible Action Regarding the 2002 Regional Transportation Improvement Program – Revised Staff Proposal.

B. Discussion and Possible Action Regarding Participation in Waterborne Transit Issues.

VI. MATTERS OF MUTUAL CONCERN
VII. REPORTS AND INFORMATIONAL ITEMS
A. Transportation Technical Advisory Committee
B. Board and Commission Members
C. Tahoe Regional Planning Agency and Staff
   1. Staff Activity Report
   4. Review of Agenda items for September 14, 2001 Meeting of the TTD/C (To be held at the City of So. Lake Tahoe Council Chambers, SLT, CA)
<table>
<thead>
<tr>
<th>ITEM</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tahoe Transportation (TTD) Matters</strong></td>
<td></td>
</tr>
<tr>
<td>A. Discussion and Possible Action Regarding APC Member Appointee</td>
<td>Member Appointed</td>
</tr>
<tr>
<td>B. Discussion and Possible Action Regarding 64 Acre Transit Center and Report on Placer County Issues</td>
<td>Received w/recommendation</td>
</tr>
<tr>
<td>C. Discussion and Possible action to Authorize Chair to Enter Into a Construction Contract with Selected CNG Provider</td>
<td>Approved Pursuant to Sub-committee Recommendation</td>
</tr>
<tr>
<td>D. Discussion and Possible Action Regarding NV Roadmarker Program</td>
<td>Received</td>
</tr>
<tr>
<td><strong>Tahoe Transportation Commission (TTC) Matters</strong></td>
<td></td>
</tr>
<tr>
<td>A. Discussion and Possible Action Regarding 2002 RTIP Revised Staff Summary Proposal</td>
<td>Approved</td>
</tr>
<tr>
<td>B. Discussion and Possible Action Regarding Participation in Waterborne Transit Issues</td>
<td>Received w/continued Review</td>
</tr>
</tbody>
</table>

Jrwb

AGENDA ITEM VI.A.3.
MEMORANDUM

August 13, 2001

To: Governing Board Members
From: TRPA Staff
Subject: Miller New Single-Use Pier, 3356 Edgewater Drive, Placer County, Assessor’s Parcel Number 93-083-41, File Number 200744

At the applicant’s request, this Agenda item is being continued to a future Governing Board hearing.
MEMORANDUM

August 13, 2001

To: Governing Board Members

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Amend the existing Memorandum of Understanding Between TRPA and Douglas County

Proposed Action: The staff recommends the Governing Board approve an amended MOU with Douglas County (Attachment A).

Description and Discussion: As provided for in the Permit Integration Program Action Plan, TRPA staff is pursuing both the development of new MOUs as well as amendment of existing MOUs to improve coordination between certain governmental agencies and to provide clarification and expansion of certain exempt and qualified exempt activities and to increase delegation responsibilities where appropriate. Attachment A proposes minor amendments to the existing MOU between Douglas County and TRPA. The amendments to the 1991 MOU are intended to clarify certain provisions and to facilitate the repair and replacement of the County's water supply system. Chapter 4, Section 4.5.B, Appendix N of the Code would be replaced with the new Appendix N. The APC voted unanimously at their August 8, 2001 meeting to recommend approval of the amended MOU to the Governing Board.

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

Chapter 6 Findings

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

A. The project (ordinance) is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.
Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the present and proposed MOU with Douglas County are minor in nature and are subject to all the provisions of the Regional Plan. The MOU will allow for better utilization of Douglas County and TRPA staff time. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan. The MOU will have no impact on the regulatory structure and does not result in an increase in development. The minor nature of the activities, coupled with limitations elsewhere in the Code, assures the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

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

Activities undertaken pursuant to the proposed amended MOU are subject to the provisions of the Regional Plan. Therefore, the activities listed in the new MOU will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

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

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

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

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

Article VI(a) Findings – Article VI(a) states:

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

As discussed above, all activities undertaken pursuant to this MOU will be under the provisions of the Regional Plan package, including the TRPA Code, Plan Area Statements and applicable Community Plan. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, coupled with limitations elsewhere in the Code, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

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

For amendments to the existing MOU, deleted language is strikethrough and new language is bold.

If you have any questions regarding this staff summary, please contact Rick Angelocci at (775) 588-4547 ext. 222 or Rangelocci@trpa.org.
APPENDIX N

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
DOUGLAS COUNTY, NEVADA

This memorandum of Understanding is entered into this ___ day of _____, 1994
2001, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through
its Executive Director as authorized by the Governing Board, and DOUGLAS COUNTY,
a political subdivision of the State of Nevada (DOUGLAS COUNTY), by and through its
Chairman of the Board of Commissioners.

All activities described in the Memorandum of Understanding (MOU) are in accordance
with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as
amended from time to time. Activities exempt under this MOU shall not result in the
creation of additional land coverage, or an increase in vehicle trips in excess of that
otherwise exempt pursuant to Subsection 4.3 Chapter 4 of the TRPA Code. All
activities undertaken by DOUGLAS COUNTY pursuant to this MOU shall comply with
the applicable Best Management Practices (BMP's), and all provisions of the TRPA
Code of Ordinances (Code), as it may be amended from time to time, except for the
procedural provisions replaced by this MOU, and such guidelines as may be adopted by
TRPA.

I. EXEMPT ACTIVITIES

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

A. Streets, Roads and Highways Parking Areas, Trails, Bridges, and
Traveled Ways

1. Pavement striping and marking, slick pavement correction, and paved
shoulder grooving.

2. Repair and replacement of existing safety or protective devices,
including fencing, guardrails, barriers, energy attenuators, guide
posts, markers, safety cables, ladders, light standards, hoists, traffic
signals and controllers.

3. Asphalt concrete blankets overlays, crack seals, chip seals, fog
seals and patches on existing paved surfaces.

4. Repainting of bridges and other highway appurtenances.

5. Removal of hazards within highway or roadway right-of-way.

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AGENDA ITEM IX.A

7. Reconstruction, resurfacing or overlaying of existing pavement, including repair of pavement substructure.

8. Repair and replacement of existing curbs and gutters.

B. Erosion Control and Restoration Activities

1. Culvert cleaning utilizing a hydro-jet vacuum system, provided there is no direct discharge of materials to the atmosphere, and spoils are removed to a TRPA-approved disposal site.

2. Cleaning and repairing of drainage facilities provided the toe of adjacent slopes or cut banks is not disturbed.

3. Repair and maintenance of existing asphalt/concrete roadside gutters or drainage facilities.

4. Earthslide, avalanche debris, or embankment slipout removal and stabilization, provided the amount of excavation and/or spoil material removed is the minimum necessary and the spoil material is removed to a TRPA-approved disposal site.

5. Installation of erosion control devices such as:
   a. Sediment basins not exceeding 150 square feet in size;
   b. Swales;
   c. Rock slope protection provided it is not visible from any TRPA-designated scenic roadway or shoreline unit, class I bike paths, or recreation area;
   d. Rock-lined ditches; and
   e. Willow wattling.

6. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards.

B. Water Quality

1. Dry Wells – the excavation of up to 30 cubic yards of material directly into trucks and replacing with drain rock allowing water to infiltrate, provided the work occurs in Land Capability Districts 4-7.

2. Shoulder work – placement of shoulder material next to the edge of pavement. The material used shall meet all applicable TRPA
standards and shall not be used as a basis for expansion of paved roadway.

3. Restoration of rock rip-rap drainage ditches including removal of sediment.

4. Repair and maintenance of existing drainage facilities.

5. Cleaning of drainage systems including pre-treatment vaults, inlets, manholes, pipes and outfall structures, provided the vegetation is not the requirement of a permit.

6. Removal of sediment and overgrowth in drainage basins, drainage ways and inlets to establish original flow patterns.

7. Sweeping to remove sand, dirt, pine needles, etc., from road surfaces, curbs and gutters. Collected material shall be transported to a TRPA approved site.

8. Watering to establish revegetation.

C. Snow Removal Activities

1. Snow removal from paved roadway or highway surfaces either by use of a rotary plow, plowing snow to the edge of the paved surface, or plowing to the center of the roadway for removal to TRPA—approved disposal sites.

2. Application of sand, cinders, and de-icers onto streets, provided the source meets TRPA standards.

D. Sidewalks, Pedestrian Facilities and Bicycle Trails

1. Maintenance and repair of existing sidewalks, pedestrian facilities, and bike trails, including striping and marking.

2. Handicapped accessibility improvement projects, including curb cuts and wheelchair ramps.

E. Signs

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

2. Repair/replacement of existing street signs and other regulatory or directional signs provided the area and height of the replacement sign does not exceed that of the existing sign, and/or the sign conforms to

1. The installation and maintenance of guide, regulatory, construction, and warning signs in compliance with all applicable sign standards.

2. Installation and repair of roadside markers including snow poles, and other regulatory or directional signs (Speed Limit, No Parking, etc.), culvert markers, snow poles, etc.

F. Publicly Owned or Maintained Structures

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

2. Structural repair or remodeling less than $5,000 to $50,000 per structure per year that does not result in excavation or backfilling in excess of that described in TRPA Code, Chapter 4, an increase in the dimensions of a structure (including height), a change in use, an increase in commercial floor area, or an increase in density.

G. Miscellaneous Activities

1. Use of portable instruments for the monitoring of highway or roadway traffic.

2. Placement of traffic detection devices in the pavement of a highway or roadway for the operation of traffic control signals or the monitoring of traffic.

G. Recreation Activities

1. Operation and maintenance of recreation sites and facilities under the control of Douglas County. Maintenance can include but is not limited to the repair, replacement and/or cleaning of accessory structures associated with public recreation facilities such as picnic tables, barbecues, ballwashers, tee signs, playgrounds and playground equipment, bike trail vehicle barriers, fences, retaining walls, restrooms, grounds and parking facilities.

2. Landscaping and re-vegetation with TRPA-approved species, including installation, repair and replacement of irrigation systems. Renovation of turf areas and other landscape areas of one acre or less, provided such areas are located within Land Capability Districts 4-7.
H. **Fish and Wildlife**

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

I. **Fire Protection**

Vegetation and dead tree removal for fire prevention purposes in accordance with Chapter 72 of the Code.

J. **Scientific Research and Monitoring**

1. Installation of instruments for scientific research and monitoring.

2. Installation of monitoring wells for ground water monitoring.

3. Excavation of soil samples, provided such excavation is within the limits in Chapter 4 of the TRPA Code.

K. **Erosion Control**

1. Maintenance of retaining walls, sediment basins, swales, rock slope protection, rock-lined ditches, fences, willow wattling, and barriers, subject to grading limits and scenic guidelines.

2. Earthslide, avalanche debris, or embankment slipout removal and stabilization, provided the amount of excavation and/or spoil material removed is the minimum necessary and the spoil material is removed to a TRPA-approved disposal site.

3. Installation of erosion control devices such as:
   a. Sediment basins not exceeding 150 square feet in size;
   b. Swales;
   c. Rock slope protection provided it is not visible from any TRPA-designated scenic roadway or shoreline unit, class I bike paths, or recreation area;
   d. Rock-lined ditches; and
   e. Willow wattling

L. **Water Supply Activities**

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

3. Prune vegetation around water facilities and within easement areas provided no material damage to the vegetation occurs.

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

5. Locate existing underground lines and appurtenances.

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

7. Repair emergency leaks at any time during the year provided all repair work is conducted within Land Capability Districts 4-7 and/or within an existing paved roadway or compacted road shoulder.

8. Flush wells and main lines to improve or maintain water quality conformance, provided all discharge is piped directly to the existing sanitary sewer system.

M. Water Pump Stations and Other Douglas County Facility Sites

1. Maintain existing roads, trails and related drainage facilities, including patching, sealing, overlaying of existing paved areas, and striping.

2. Landscape and revegetate with TRPA-approved species, including installation, repair and replacement of irrigation systems.

3. Prune vegetation to maintain adequate site distance and removal of hazardous limbs on roads and trails.

N. Miscellaneous Activities

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

2. Nuisance Abatements to remove trash, garbage, abandoned cars, lumber, mattresses, refrigerators, stoves, etc., provided all removed material goes to an approved disposal site.
3. Tree removal when trees present a hazard to the public, provided approval of the Nevada Division of Forestry is obtained.

4. Monitoring of roadway traffic, including the placement of portable traffic counting equipment.

5. Placement of traffic detection devices for the operation of traffic control signals or for traffic monitoring provided the devices are painted a color approved by TRPA.

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

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of DOUGLAS COUNTY are not subject to review and approval by TRPA, provided DOUGLAS COUNTY certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation and backfilling does not exceed 25 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 – 7 and/or within an existing paved area, the site is stabilized and/or revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least 5 working days before the activity commences, or in the event of an emergency, within 3 business days after the date of the emergency.

The following activities are in addition to those activities deemed qualified exempt pursuant to Section 4.3 Chapter 4 of the TRPA Code:

A. Streets, Roads and Highways, Parking Areas, Trails, Bridges, and Traveled Ways

1. Chip seal of existing pavement provided that proper BMPs are in place, dust control measures are used to effectively reduce the amount of entrained dust to insignificant levels, and all residual material (sand) is removed within 72 hours.

2. Removal of hazards within highway or roadway right-of-way.

3. Embankment repair, provided the amount of excavation is the minimum amount necessary and any spoil material is removed to a TRPA- approved disposal site.

4. Reconstruction, resurfacing or overlaying of existing pavement, including repair of pavement substructure.

5. Maintenance or repair of existing bridge structures provided there is no change in width or length of the existing bridge.
B. **Water Quality**

Embarkment repair provided the activity occurs during the grading season (May 1 to October 15) and the repaired site is stabilized either during the repair activity or within 72 hours of the repair to prevent further erosion.

C. **Erosion Control and Restoration Activities**

1. Installation of retaining walls not exceeding 200 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines.

2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6” in depth.

D. **Recreation Activities**

1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the TRPA Code, all utilities will be located underground, the fence is not located within a TRPA-designated scenic roadway or shoreline unit and the replacement does not result in an expansion under the TRPA Code.

2. Tree removal for public health and safety pursuant to Chapter 71 of the TRPA Code.

3. Repair and/or replace irrigation system equipment such as pumps, valves, motors, controllers, pipes, connections, meters, and sprinkler heads.

E. **Fish and Wildlife**

Fish and wildlife habitat enhancement activities provided they do not result in modification of a stream or lake. Modifications shall include any alteration of a stream or lake profile that requires the use of motorized equipment or the placement of any structure within an active stream channel.

F. **Fire Protection**

Prescribed burning.

G. **Vegetation Management**

The following activities are qualified exempt provided they are performed under the supervision of a registered professional forester, do not exceed 20 acres, and meet the standards and practices of Chapter 71 of the TRPA Code.

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

2. Protection and enhancement of wildlife habitat.

H. Water Supply Activities

1. Replacement of existing water lines and service connections for a distance of not more than 2,000 lineal feet, provided all excavation is within an existing road right-of-way, there is no increase in capacity (except when required to meet minimum fire safety standards and documentation from the applicable fire district is provided), relocation of main lines is within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMP’s.

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

3. Installation of new water lines and service connections for a distance of not more than 750 lineal feet to connect existing facilities or extend service to TRPA-approved projects, provided all excavation is within an existing road right-of-way, there is no increase in capacity (except when required to meet minimum fire safety standards and documentation from the applicable fire district is provided), the main line is within an existing paved area or compacted road shoulder, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMP’s.

I. Water Pump Stations and Other Douglas County Facility Sites

1. Replacement of existing fences, provided there is no increase in height, and the fence is consistent with the TRPA Design Review Guidelines.

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

3. Installation of directional and informational signs, provided the signs are consistent with Chapter 26 of the TRPA Code, and an inventory of existing signage for each individual site where additional signage is proposed is completed prior to the installation of any new signs.

4. Regrading and graveling of existing roads and parking lots, provided that BMP’s are in place, including dust control measures.

AGENDA ITEM IX.A
J. Miscellaneous

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

2. Installation of underground utilities for a distance of not more than 1,000 lineal feet.

3. Installation of irrigation lines for a distance of not more than 1,000 lineal feet.

III. Lane Closures

Lane closures for exempt or qualified exempt activities shall be limited to the minimum amount of time needed to complete the activity and, with the exception of emergencies, shall not occur during holidays or holiday weekends.

IV. Treatment and Accounting of Coverage

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

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

V. Loss of Exemption

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

VI. Amendment

This Memorandum of Understanding may be amended by written agreement of both parties.

VII. Termination

This Memorandum of Understanding may be terminated by either party upon sixty (60) days notice in writing.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 01-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY RELATING TO THE EXEMPT ACTIVITIES; PROVIDING FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE TAHOE REGIONAL PLANNING AGENCY AND DOUGLAS COUNTY TO EXEMPT CERTAIN ACTIVITIES FROM TRPA REVIEW; AND OTHER MATTERS PROPERLY RELATED THERETO.

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

Section 1.00 Findings

It is necessary and desirable to amend Ordinance No. 87-9 by amending Chapter 4 in accordance with Section 4.8 in order to implement the Regional Plan of the Agency, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended ("Compact").

1.20 The Advisory Planning Commission ("APC") has conducted a public hearing on the amendments to be adopted by this ordinance. The APC recommended adoption of the amendments. The Governing Board has also conducted a noticed public hearing on these amendments to the Code. At said hearings, oral testimony and documentary evidence were received and considered.

1.30 The provisions of this ordinance are intended to further implement Chapter 4 of the Code, and not substantially affect the regulatory provisions of the Code and have been determined not to have a significant effect on the environment, and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and Articles V(g) and VI(a) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

1.50 The amendments to the Code adopted by this ordinance 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.

AGENDA ITEM IX.A
Section 2.00 Amendment of Chapter 4 of the Code of Ordinances

Chapter 4, Section 4.5.B, Appendix N of the Code would be replaced with a new Appendix N, dated August, 2001.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

This ordinance shall become effective 60 days after the date of its adoption or the execution of the MOU by Douglas County, whichever is later.

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

Ayes:

Nays:

Abstain:

Absent:

David Solano, Vice-Chairman
Tahoe Regional Planning Agency
MEMORANDUM

August 14, 2001

To:    Governing Board

From:  TRPA Staff

Subject: Amendment of PAS 055, East Shore, to Add Cultural Facilities as a Special Use

Proposed Action: The applicant, the Thunderbird Lodge Preservation Society (TLPS), proposes to amend the Permissible Use List of Plan Area Statement (PAS) 055-East Shore to add Cultural Facilities as a Special Use. Please refer to Exhibit 1 for proposed language changes to the PAS.

Staff Recommendation: Staff recommends that the Governing Board conduct the public hearing and adopt the amendment to the TRPA Governing Board. Additionally, staff is proposing additional special policy language in the PAS limiting the daily capacity of the proposed activities at the Thunderbird Lodge.

APC Recommendation: The Advisory Planning Commission conducted a public hearing on this matter and recommended a minor modification to Special Policy #9 of PAS 055 relating to carrying capacity and voted unanimously to recommend approval of the amendment to the Governing Board.

Discussion: The Thunderbird Lodge is within Plan Area 055, East Shore, in Washoe County along the shoreline in the SW1/4 Section of Section 11, Township 15N, Range 18E. The boundary of the plan area is situated on the lakeward side of a line 300 feet east of State Route 28 and extends from Rock Point south of Incline Village to south of Skunk Harbor (see Attachment B, Location Map).

Lake Tahoe forms the western boundary of this Plan Area and, for this reason, the area is popular for scenic driving, fishing, sunbathing, boating, and swimming. The United States Forest Service (USFS) and Nevada State Parks manage the largest portion of the area for recreation use. Sand Harbor is a developed recreational site that provides day-use facilities for beach and boat users and is located just north of Thunderbird Lodge. Much of the remaining shoreline is used less intensively by swimmers and sunbathers. TRPA land use classification for the plan area is recreation with mitigation management strategy. The PAS further states that developed recreation should be limited to existing sites, with the remainder of the area managed for dispersed recreation, consistent with the tolerance capabilities of the shorezone.

Plan areas classified for recreation are those non-urban areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands designated as such are generally areas of (1) existing private and public recreation, (2) designated local, state or federal recreation areas, (3) areas without overriding environmental constraints on resource management or recreational purposes, and (4) areas with...
unique recreational resources which may service public needs, such as beaches and ski areas. These descriptions, with the exception of (3), generally fit PAS 055. The mitigation management strategy for the plan area allows for the accommodation of additional development if the impacts are fully mitigated and the land is capable of withstanding the use.

Thunderbird Lodge was originally built by George Whittell and subsequently purchased by Jack Dreyfus. Through a land swap between the USFS, the BLM, and the Del Webb Corporation, the estate was handed over to the non-profit "Thunderbird Lodge Preservation Society" to manage for the purpose of preserving this historic site and to open the estate to the public. The Lodge is listed on the National Register of Historical Places. Currently, under TRPA regulations, Thunderbird Lodge is classified as a residential use and the proposed application to allow public access and conduct tours are inconsistent with the designation. Therefore, the applicant, Thunderbird Lodge Preservation Society, is proposing to amend the Permissible Use List to add Cultural Facilities as a Special Use in the Plan Area. The principal aim of the amendment is to allow for public outreach and tours. Cultural Facilities are defined in Chapter 18 of the TRPA Code as permanent public or quasi-public facilities generally of a noncommercial nature such as art exhibitions, planetariums, botanical gardens, libraries, museums, archives, and arboreta. The designation will permit the Society to submit a change in use application to allow docent-led tours for recreational and educational purposes at this historic and cultural significant site in the Tahoe Basin.

Staff is supportive of the proposed amendment and change in use as they are consistent with the overall theme of the plan area of recreation and public access. However, the mitigation strategy for the plan area requires the proposed activities to be consistent with the environmental constraints of the area. The lodge is located within an area that is classified as high hazard lands, the lodge sewer system is on a holding tank, and the site has limited parking. Due to these constraints, staff recommended that the applicant prepare a capacity analysis for the site in order to determine an appropriate level of use for the proposed activities that would meet the environmental constraints.

JWA Consulting Engineers prepared the capacity analysis. Based on the existing sewer holding capacity of 12,000 gallons it is estimated that the site could potentially host approximately 415 persons. However, the site does not have the parking capacity. Based on these findings, staffing and logistics constraints, the holding capacity of the site is 100 persons per event. Parking onsite will be limited to staff members, researchers, and catering vehicles for special events. Public parking is prohibited and access to the site will be provided via shuttle buses from designated lots and via waterborne transit.

Since Thunderbird provides easy access to the lake, a secondary goal of the site is to provide access to researchers to set up remote sensing devices. The site provides a practical remote data acquisition base for easy access to remote sensing devices. Currently both TRPA and University of Nevada, Reno operate existing data collection devices at the site. This activity is generally covered under local public health and safety facilities, which is permissible in the plan area; therefore, an amendment is not required to the use list. This type of use is consistent with the plan area and is a secondary activity to the primary purpose of providing public access to the Thunderbird Lodge.
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.

   Rationale: The proposed amendments to the PAS will not adversely affect implementation of the Regional Plan because Cultural Facilities designation will allow for public access to a recreation plan area consistent with the overall recreation/public access theme of the plan area.

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

   Rationale: The amendment has been conditioned by requiring the applicant to limit the capacity of the site based on the capacity analysis prepared by JWA Consulting Engineers to protect environmental resources. Additionally, any projects that are proposed due to this amendment will be required to comply with all aspects of the Regional Plan package, including applicable thresholds including special policies of the PAS.

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

   Rationale: Any new or expansion of development due to this amendment will continue to be subject to federal, state, and local air and water quality standards.

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

   Rationale: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold. It will not utilize any resources, nor have any "project-type" impacts discussed in Section 6.3.B of the TRPA Code.

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

   Rationale: See findings 1 and 2 above
Memorandum to the TRPA Governing Board  
Amendment of Plan Area Statement 055, East Shore  
Page 4

B. Chapter 13 Findings:

1. **Finding:** Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

**Rationale:** Although the planning statements and special policies of PAS 055, East Shore did not anticipate the conversion of the Thunderbird Lodge from a residential use to a public access site, the conversion is consistent with the overriding recreation theme and public access policies for the plan area. The amendment is consistent with the policy that limits development or expansion of recreation uses to existing sites. Additionally, the amendment requires that access to the site is limited to a capacity that will not impact existing resources which is consistent with the mitigation management strategy of the plan area that requires all impacts to be mitigated.

**Environmental Documentation:** The applicant has completed and staff has reviewed the Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the following:

1. The amendment will have limited applicability. The applicant has supplied information suggesting that the proposed amendment is consistent with the land use and management strategy for the plan area.

2. The applicant has completed a capacity analysis for the site and has determined an appropriate capacity and level of use consistent with the environmental resources and threshold standards.

3. The amendment would not allow development greater than contemplated by the Regional Plan. Adding Cultural Facilities to the Permissible Use List is consistent with the recreation and public access theme of the plan area.

4. Additional vehicle trips and associated vehicles miles of travel (VMT) which may be created by allowing public access to the site is offset by mitigation measures that will implement a shuttle system to the site via land and water.

**Requested Action:** Staff request the Governing Board conduct a public hearing on this matter and adopt the implementing ordinance amending the permissible use list of Plan Area Statement 055 to add Cultural Facilities as a permissible use.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at (702) 586-4547, or via email at jhitchcock@trpa.org, if you have any questions regarding this matter.

**Attachments**

A. Adopting Ordinance with Exhibit 1, Proposed language amendments to PAS 055, East Shore  
B. Location Map

JH/dmc

AGENDA ITEM IX.B
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2001 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING PLAN AREA STATEMENT 055, EAST SHORE, TO ADD CULTURAL FACILITIES AS A SPECIAL USE TO THE PERMISSIBLE USE LIST, AND PROVIDING FOR OTHER MATTERS PROPERLY REALATING 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 Plan Area Statement 055, East Shore, by amending the Permissible Use List to add Cultural Facilities as a Special Use and adding Special Policy #9 to the Plan Area Statement, 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 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code, and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

1.50 The Governing Board finds that the amendments adopted hereby 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 Plan Area Statement 055, East Shore

2.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph ( ) as follow:
6.10 Plan Document

(2) Plan Area Statement for Plan Area 111, Tahoe Island, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added ( ) for PAS 055, Exhibit 1, dated August 8, 2001, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

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 Plan Area Statement 055, East Shore, of the TRPA 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 August 22, 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Vice-Chairman
Tahoe Regional Planning Agency

76
New language is underlined; language to be deleted is struck through.

055
EAST SHORE

PLAN DESIGNATION:

Land Use Classification: RECREATION
Management Strategy: MITIGATION
Special Designation: TDR RECEIVING AREA FOR:

1. Multi-Residential Units (Limited to Employee Housing)

DESCRIPTION:

Location: This area is situated on the lakeward side of a line 300 feet east of Highway 28 and extends from Rock Point to Skunk Harbor. The mapped boundaries of this area are depicted on TRPA map H-4 and the Marlette Lake Quadrangle.

Existing Uses: Lake Tahoe forms the western boundary of this Plan Area, and for this reason, the area is popular for scenic driving, fishing, sunbathing, boating, and swimming. The largest portion of the planning area is managed for recreational use by the USFS and Nevada State Parks. Sand Harbor is a developed recreational site that provides day-use facilities for beach and boat users. Much of the remaining shoreline is used less intensively by swimmers and sunbathers. Private areas include the Rocky Point Subdivision, Whittell's Thunderbird Lodge, and a small parcel with two cabins in the vicinity of Secret Harbor. In addition, State Park employee residences are within this Plan Area.

Existing Environment: The shoreline is rocky, often steep in places, and is classified as moderate to high hazard, tolerance districts 1, 3 and 5. The backshore is covered by large pine and fir trees with a moderate to dense understory of shrub vegetation. One of only two known active osprey nest sites in Nevada is located in this Plan Area.

PLANNING STATEMENT: Developed recreation facilities should be limited to existing sites, and the remainder of the area should be managed for dispersed recreation consistent with the tolerance capabilities of the shorezone. Existing residential uses should be allowed to remain.

PLANNING CONSIDERATIONS:

1. Trails to the shoreline are creating erosion problems.
2. Parking for access to the shorezone is primarily on the highway shoulder and contributes to water quality problems and detracts from the scenic drive.
3. Undeveloped parcels of Rocky Point are located on high hazard lands, with some lacking adequate improvements.
4. There is a barrier to fish migration where Tunnel Creek passes under Highway 28.
5. There are two water filings on Marlette Creek that could cause problems with late summer flows.
6. The slopes extending up from Highway 28 are highly visible from paths leading down to Hidden Beach and other areas along the lake.

7. There are localized sanitary problems along the shorezone due to the popularity of the area and lack of toilet facilities.

8. Scenic Roadway Units 26 and 27 and Scenic Shoreline Units 24 and 25 are within this Plan Area and are in attainment.


SPECIAL POLICIES:

1. Access to the undeveloped portions of the shorezone should be restricted to a developed system of trails.

2. Disturbing activities should be minimized in the vicinity of the osprey nest sites.

3. Roadside parking should be replaced by offsite parking in association with transit service, and ecologically designed trails to the shorezone should be provided to improve shorezone access. Roadway parking controls should be used to eliminate parking problems.

4. The placement of a vault toilet that can be serviced via a maintenance road/trail should be considered for Hidden Beach. Such roads and facilities should be set back from the edge of the bluff.

5. Highway 28 should be managed as a scenic corridor with special emphasis placed on stabilization and revegetation of road cuts. Attractive wooded barricades should be placed along the roadway where parking is contributing to erosion or vegetation damage. Paved pullouts should be established for short-term parking where deemed appropriate by personnel of the USFS or State Parks.

6. Pullout facilities along Highway 28 should provide opportunities for scenic viewing and picture taking and should be designed to blend in with the natural features of the area.

7. Road cuts along Highway 28 should be stabilized and revegetated to enhance the scenic quality of views from the roadway, lake, and trails.

8. Development should be permitted only in the area where tree cover is sufficient to visually absorb new structures, road cuts, and other attendant improvements.

9. The maximum carrying capacity for activities at Thunderbird Lodge shall be consistent with the Project Description and Capacity Analysis, dated 5/17/01, and submitted to TRPA.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area.

Residential Employee housing (S), single family dwelling (S), and summer homes (S).
Public Service
- Pipelines and power transmission (S), local public safety facilities (S), publicly owned assembly and entertainment (S), cultural facilities (S), transportation routes (S), government offices (S), and transit stations and terminals (S).

Recreation
- Marinas (S), day use areas (A), riding and hiking trails (A), undeveloped campgrounds (A), participant sports (S), developed campgrounds (A), outdoor recreation concessions (A), rural sports (S), group facilities (S), beach recreation (A), and boat launching facilities (S).

Resource Management
- Reforestation (A), sanitation salvage cut (A), special cut (S), selection cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

Tolerance District 1, 3 and 5
Primary Uses
- Water oriented outdoor recreation concessions (A), beach recreation (A), tour boat operations (S), safety and navigational devices (A), marinas (S), waterborne transit (S), and boat launching facilities (S).

Accessory Structures
- Buoys (A), piers (A), fences (S), boat ramps (A), breakwaters or jetties (S), floating docks and platforms, shoreline protective structures (S), and water intake lines (A).

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Employee Housing</td>
<td>5 units on State Parks Lands</td>
</tr>
<tr>
<td>Summer Home</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
</tr>
<tr>
<td>Developed Campgrounds</td>
<td>8 sites per acre</td>
</tr>
<tr>
<td>Group Facilities</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>
RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 28 corridor is 55 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 0 PAOT

Other: Improve or replace existing unimproved pullout parking facilities servicing existing recreational uses. Eight miles of trail.

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan-Environmental Improvement Program (EIP) for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Surface Water Management Plan as shown on Figure VIII-1 through 13 of Volume I of the 208 Water Quality Plan:

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

August 14, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of PAS 030, Mt. Rose, and PAS 040, Incline Village #1, Boundary Line to Incorporate Portions of Washoe County APN 125-211-01 into PAS 040 and Removal of Washoe County APN 125-211-02 from PAS 040 and Incorporated into PAS 030

Proposed Action: The owners of Washoe County parcels 125-211-02 and 125-211-01, in Incline Village, propose to amend the Plan Area Statement (PAS) boundary between PAS 030, Mt. Rose (Conservation), and PAS 040, Incline Village #1 (Residential). The proposed amendment would add a portion of the parcel currently in PAS 040 (125-211-02) to PAS 030 and add a portion of the parcel currently in PAS 030 (125-211-01) to PAS 040. Refer to Attachment D, Existing Plan Area Boundaries and Exhibit 2 to Attachment A, Proposed Plan Area Boundary Amendment.

Staff Recommendation: Staff recommends that the Governing Board conduct the public hearing as noticed and adopt the ordinance amending the boundary line between PAS 030 and PAS 040 and adopting a special policy (see Attachment A, Exhibit 1, for the amended Special Policy language).

APC Recommendation: The Advisory Planning Commission conducted a public hearing on this item at their regular meeting on July 11, 2001. Discussion ensued and Eva Krause, the Washoe County representative on the commission, expressed concerns with the relocation of the building envelope and the single access driveway. Ms. Krause stated that a variance is required and the proposed relocation would need to meet Washoe County’s Development Code standards. Mr. Paul Kaleta, the property owner’s representative, stated that he was aware of the requirements and is currently in the process of submitting an application to the County requesting the variance. The commissioners took additional comments regarding the relocation and voted unanimously to recommend approval of the proposed amendment to the Governing Board.

Previous Approvals: In April 1997, the Governing Board approved a similar plan area amendment on APN 125-211-01 for the same applicant. In that amendment, a limited portion of the parcel was moved from Plan Area 030 to Plan Area 040 for the future development of a single-family residence. This amendment originally proposed to move all of parcels 125-211-01 and -02 into PAS 040, but was revised to include only a portion of APN 125-211-01. Staff recommended to the APC that a 1.42-acre portion of APN 125-211-01 be moved into PAS 030, but recommended no adjustment for APN 125-211-02 because a portion of the parcel, containing an eligible IPES building site, was, in fact, already within PAS 040. (Refer to Attachment C, 1997 Adopted Boundary Line Amendment.) The APC voted 11-2 (with one abstention) to recommend approval of the

JH/dmc

AGENDA ITEM IX.C
staff's recommendation to the Governing Board. Following the APC hearing, and prior to Governing Board action, the applicant amended the application to limit the boundary amendment to the 1.42-acre portion of APN 125-211-01. That amendment rendered the application consistent with the APC recommendation to the Governing Board. The Governing Board approved the revised application. The Board instructed the applicant to solve the existing runoff problem involving the parcel as part of future project development. The applicant agreed to this condition and it was added to the record.

In March 1998, the applicant submitted another similar plan area amendment for APN 124-211-02. In that amendment, the applicant proposed moving a 1.52-acre portion of the parcel from PAS 030 to PAS 040. That portion of the parcel to be moved generally encompassed a designated building site as part of the Incline Village Subdivision. In this unit of Incline Village, subdivision covenants require homes to be sited within the designated building site. After the April 1997 amendment discussed above, the applicant attempted to amend the subdivision map to move the building site to the area already located in PAS 040 at the end of the Jeffrey Court cul-de-sac, consistent with the original APC discussion. In November 1997, the Washoe County Board of Adjustment denied the request. The denial was based on the following:

1. That the building envelope for the lot was recorded on the final subdivision map of Incline Village Unit No. 1 on September 9, 1968;
2. That the building envelope was established to provide a viewsesh for the properties on Ida Court;
3. That moving the building pad will affect the lake views of the adjacent properties.

The County Board of Adjustment felt that the PAS boundary line was drawn in error and supported the applicant’s amendment of the TRPA urban boundary line.

During the 1997 and the 1998 hearings, staff and APC members were concerned that the designated building site for APN 125-211-02 was located too far away from the rest of the subdivision, requiring an access road which would have potentially significant water quality impacts; and that it was in an area that was visually very exposed when viewed from TRPA designated scenic threshold areas. The long access was part of the reason for the low IPES score on the parcel. To mitigate the impacts, staff and the applicant agreed to limit the amount of visible building mass and perimeter, reduce the development’s apparent visual magnitude by minimizing grading cuts and fills, use earthtone colors with heavy textures, and to reduce the amount of smooth-textured reflective surfaces visible from Lake Tahoe. This condition was inserted as a Special Policy into PAS 040. Additionally, the Governing Board added Section 1.70 of Ordinance 98-12 that stated that no development of a single family dwelling on parcel 124-211-02 could occur until the owner recorded a deed restriction that does the following: 1) recognizes that Ordinance 98-12 corrects any alleged error that occurred when TRPA established the urban boundary; 2) recognizes that Ordinance 98-12 is a compromise of disputed allegations; and 3) waives any and all rights, on behalf of Declarant and Declarant's assigns, to request any additional adjustment to the urban boundary that would include a greater proportion of Declarant's parcel than was approved in this Ordinance. The Governing Board took action on the proposal and voted unanimously to adopt the proposed amendment. See Attachment D, 1998 Adopted Boundary Line Amendment and Exhibit 1, Plan Area Statement 040, Incline Village #1 and Attachment E, Ordinance 98-12.
Discussion: Since the time of the Plan Area Amendments, the property owners have fine-tuned their plans for developing the two properties and have again submitted a proposal to TRPA for another boundary line amendment that they feel is superior to the existing conditions and would help make further progress towards threshold attainment in the Basin. The applicant proposes to remove the portion of APN 125-211-02 that currently resides in PAS 040 and add it to PAS 030; and add portions of APN 125-211-01 that currently reside in PAS 030 to PAS 040. Refer to Exhibit 2 for proposed boundary line amendment. This would result in the relocation of 1.88 acres to the conservation plan area and 1.88 acres to the residential plan areas that do not violate the provisions of Section 1.07 of Ordinance 98-12, which restricts any increase in acreage in the residential plan area.

Due to significant past concerns regarding scenic and water quality impacts, staff met with the applicant on site to discuss the amendment and required findings to approve the amendment. The subject parcels APNs 125-211-01 and -02 are currently vacant and both have designated building sites recorded in the Incline Village Unit No. 1 subdivision map. Both parcels are very large in size, as compared to the balance of the subdivision and consist of steep sloping lands and rock outcrops. However, parcel -01 is generally less steep than parcel -02 and is moderately covered with existing vegetation and mature trees. Parcel -02, located south of -01, is on a very steep down slope and is highly exposed to views from Lake Tahoe. The designated building site is located approximately 500 feet from Jeffrey Court and would necessitate a long road cut on a steep slope and the development of a substantial retaining wall. It is highly likely that a house on the existing designated building site and the driveway will cause significant impacts to scenic quality due to the exposed site and the potential retaining wall that would be required to build the driveway. With regard to water quality, the avoidance of the long driveway from Jeffrey Court would avoid soil disturbance on a very steep slope. Additionally, the access point at Jeffery Court consists of a road cut that is approximately six to twelve feet high and has been stabilized with a keystone retaining wall. Access at this point would require the removal of the retaining wall and large amounts of soil.

The proposed amendment would allow the applicant to submit a boundary line adjustment to relocate the designated building envelope from its current location to an area that is better screened from the lake by existing mature conifers and shrub vegetation. The new site would be located on the acre that is currently part of parcel -01 but in the conservation plan area. The area, as mentioned, has a mix of mature conifers and shrubs that would be used as screening and the site is generally less steep than parcel -02 and has a 612 IPES score, considerably higher than the 488 at the existing building envelope. Additionally, the new location is located within a saddle to eliminate view blockage to existing homes in the area.

The applicant, in conjunction with the property owner of APN 125-231-01, has received a permit for a boundary line adjustment that creates a new access point to parcel -01. The existing access point at the end of Ida Court has been abandoned and is now part of parcel 125-231-01. Due to the existing runoff problems at this location the applicant has proposed, consistent with Governing Board direction, to implement water quality improvements. These improvements would include an energy dissipator, a sand separator, and an infiltration pit. The new access point is located just north of the existing house on APN 125-231-01, is moderately sloped, and would not require the extensive
grading and filling that would be required at the end of Ida Court and Jeffrey Court. The
applicant is proposing to access both building sites from the new access point.

View Impacts to Neighboring Parcels: TRPA was approached by a representative of APN
125-231-16 regarding potential view impacts to her client’s property from the proposed
amendment. The parcel is located north of the subject parcels and has an existing
residential structure with views of the forested landscape and Lake Tahoe (See
Attachment F). The proposed amendment would result in a potential residential structure
visible from the existing residence. The representative was concerned that staff did not
analyze the potential view impacts to her client’s property and requested that staff prepare
such an analysis.

Staff informed the representative that the Scenic Thresholds does not provide provisions
for protection of existing viewsheds from private property. The threshold was originally
developed to protect scenic resources as seen from the State’s highways, Pioneer Trail,
the shoreline, and designated recreation areas and bike trails. The intent of the system
was to protect the scenic resources of the Tahoe Basin that would be seen by the majority of
the general public as they recreat ed and traveled around the Lake along the highways
and the shoreline. However, the Goals and Policies does have an adopted community
design threshold policy statement that requires site design to retain existing natural
features and incorporate them into the design, building placement, design, and scale of
the structure to be compatible with surrounding structures. These policies are in place to
ensure that the built environment is compatible with the dominant natural landscape in the
basin and to ensure that the scenic resources of the basin are not impacted. The policies
and the design standards in the Code are applied during project review to ensure that the
scenic resources of the Tahoe basin are not impacted and to ensure that development is
compatible with its surroundings.

The existing view from APN 125-231-16 is one of a moderately dense forested landscape
in the foreground view with dense vegetation pattern at the ground level. The middle
ground view consists of a highly dense forested landscape with a prominent ridgeline
running from west to east. Development is visible on the ridgeline but very well screened
and a road cut is visible in the center of the viewshed. The background view is a highly
dense forested landscape that is relatively flat with Lake Tahoe forming a prominent edge
against the green backdrop (See Attachment G). The potential new residential structure
would be located approximately 550 feet down slope and to east of the existing residential
structure. The new residential structure is located in a saddle area that is generally clear
of trees and would be screened by existing trees on the up slope side between it and the
existing residential structure. Through use of sensitive site design, the existing trees on
the up slope could be retained to screen the overall mass of the proposed structure. The
proposed structure would likely be visible through the existing trees but the majority of the
building mass would be screened and only create a small distraction in the foreground
view. Due to height limitations and the requirement for the structure not to extend beyond
the tree canopy the proposed structure would not create any view blockage to the lake,
which is located in the middleground to foreground views.

Base on this analysis, staff is proposing that no significant view blockage is anticipated to
the existing residential structure located on APN 125-361-16.

JH/dmc

AGENDA ITEM IX.C.
Memorandum to TRPA Governing Board
Amendment to PAS 040
Page 5

TRPA Urban Boundary: In 1986, as part of the Regional Plan Package, TRPA established an Urban Boundary. By definition, the Urban Boundary includes all residential, commercial/public service, and tourist accommodation plans areas. Recreation and Conservation plan areas are not included within any portion of the Urban Boundary. The only manner in which the Urban Boundary may be expanded is by adding lands from existing Recreation and Conservation Plan Areas. Although the proposed amendment would trade an equal amount between a Conservation Plan Area and a Residential Plan area, and would not result in a net loss of land in the Conservation Plan Area, staff strongly feels that this is still considered an urban boundary line amendment and certain findings must be made. To amend an urban boundary line the amendment must satisfy one or more of the following criteria:

1) The amendment is to correct a mapping error; or

2) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds; or

3) The amendment is needed to protect public health and safety and there is no reasonable alternative.

In the previous two plan amendments the applicant used the mapping error argument, which was discussed in detail at the APC and Governing Board hearings. Subsequently, the amendments were adopted with attached conditions to protect potential scenic and water quality impacts. For this proposed amendment, the applicant is proposing and staff concurs with criteria #2.

Staff is concerned with the existing conditions regarding the open, exposed nature of the designated building site on parcel -02. Scenic resource thresholds that include this landform in Incline Village have been degraded (i.e., fallen into non-attainment) in recent years because of the cumulative visual impact of developing structures out into natural areas. The lack of tree cover combined with steep slopes makes screening extremely difficult at the designated building envelope. The amendment will facilitate the relocation of the building envelope out of the steeply sloped, exposed site to an area that is moderately sloped and has existing mature conifers to screen the proposed structure from lake views and will not require a long driveway cut with a retaining wall. Staff feels the proposed amendment is an improvement over the existing conditions and will help in progress towards scenic threshold attainment in the scenic unit. Furthermore, the relocation will not require a highly visible driveway that would have potential significant impact to water quality due to the large amount of grading and filling required.

Based on the rationale listed above and the required findings listed below, staff is recommending approval of the proposed amendment to the APC and Governing Board. Additionally, staff recommends that all previous conditions adopted by the Governing Board apply to this amendment.

Findings: Prior to amending PAS 030 and 040, TRPA must make the following findings.

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.

JH/dmc

AGENDA ITEM IX.C

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Memorandum to TRPA Governing Board
Amendment to PAS 040
Page 6

Rationale: Based on the no net increase in lands to Plan 040 and the fact that no additional development potential is approved as a result of the amendment, the project is not expected to adversely affect implementation of the Regional Plan.

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

Rationale: The amendment is consistent with the conditions established in Ordinance 82-12 which restricts the amount of lands to a no net loss and the fact that the proposed amendment would mitigate adverse scenic and water quality impacts, the project is not expected to cause the environmental thresholds to be exceeded.

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

Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above. Furthermore, all projects that may occur because of this amendment will still be subject to the Code, Goals and Policies, the Visual Magnitude System and the Design Review Guidelines for achieving and maintaining environmental thresholds.

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: The proposed amendment is substantially consistent with the plan area designation criteria for Residential and Conservation Uses. The amendment does not increase the development potential beyond the existing conditions but would allow the relocation of a building envelope to a more appropriate location where the natural features of the hillside are protected and used to screen any structure that is built in this location.
2. Finding: If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodations, 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 towards 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.

Rationale: The amendment, as recommended by staff with the condition that the applicant record a deed restriction pursuant to Section 1.07 of Ordinance 98-12, applies the Visual Magnitude System to limit the amount of visible building mass, minimize cut and fill, minimize tree cutting and vegetation removal, use earthtone colors with heavy textures, and reduce the amount of smooth-textured reflective surfaces visible from Lake Tahoe (Shown as Special Policy in Plan Area Statement 040). This will make Plan Area 040 consistent with the Community Design Subelement Policy that ensures that the built environment is compatible with the natural, scenic and recreational values of the Region and consistent with Goal #1 to insure preservation and enhancement of the natural features and qualities of the Region.

The applicant proposes, and staff concurs, that finding (b) is applicable. Finding (b) requires TRPA to make a progress towards one or more environmental thresholds as measured by the Chapter 32 indicators. TRPA proposes that threshold progress can be made for SR-1 and SR-2 scenic threshold indicators.

SR-1 threshold indicator is the roadway and shoreline travel route rating. Travel route rating is measured by a composite index of relative scenic quality for all viewsheds seen from the roadway and the shoreline. This proposed amendment would benefit the background view and the variety of scenery subcomponents of the shoreline unit. The proposed amendment would benefit Shoreline Unit #23, Crystal Bay. This unit is currently in non-attainment. In the 2001 Threshold Evaluation the background views subcomponent was reduced by one full point due to the increased visibility of residences in the forested...
backdrop. Increased visibility of homes in the backdrop includes both new homes and existing homes that are poorly screened.

The relocation of the building envelope from its current location on an open, steeply, exposed slope would remove a structure that would be highly visible from Shoreline Unit # 23. The proposed amendment would allow the relocation of the building envelope from an exposed site to a one that is moderately sloped and has existing mature conifers and vegetation that would screen the overall bulk of the structure and reduce the continued degradation to the background view subcomponent of this travel route unit. Although one project would not likely create a full one point increase it does provide an incremental improvement in the scenic travel route threshold as seen from the lake.

SR-2 threshold indicator is the roadway and shoreline resources scenic quality. Scenic quality rating is measured by a total composite score of relative scenic quality and are measured on the following criteria: 1) Unity, 2) Vividness, 3) Variety, and 4) Intactness. The proposed amendment affects two parcels that are located in the Incline Village backdrop and within the viewseshd of scenic resource #23.6. Resource 23.6 is the backdrop view of Incline Village as seen from the shoreline. This resource is not in attainment due to decrease ratings in 1991 and subsequently in the 2001 Threshold Evaluation. This is due mainly to the increased visibility of structures in the forest backdrop. The increased visibility of structure is impacting the subcomponent ratings for Unity and Intactness. Unity is the degree to which the visual resources of the scene join together in a coherent unit. Unity is often impacted by the cumulative effect of highly contrasting poorly screened development. Intactness describes the degree to which the landscape retains its natural conditions. These two subcomponents continue to be impacted by poorly screened development in the backdrop of Incline Village. The proposed amendment would relocate the building envelope to an area that is substantially screened and reduce the potential impacts to the resource 23.6 and discontinue the current trend of poorly screened structures in the backdrop. It is unlikely that the score would be increased two points to reach threshold attainment but would sufficient to show an incremental increase towards threshold attainment for this resource 23.6.

Additionally an improvement to WQ-2-B threshold indicator is being proposed as part of this project. WQ-2-B threshold indicator is the water clarity of Lake Tahoe and its relationship with the implementation of Best Management Practices on residential, commercial, public service, and recreation properties. Currently an existing draining problem exists at the end of Ida Court on an adjacent property due to steep slopes
and the lack of vegetation. The existing erosion problem has a
direct impact to the clarity of Lake Tahoe if not treated. The
applicant proposes to fund and implement Best Management
Practices (BMPs) on the adjacent parcel to reduce erosion
runoff. Implementation of this compliance measure is consistent
with the WQ-2-B threshold indicator and would have a direct
benefit to the clarity of Lake Tahoe.

Environmental Documentation: The applicant has prepared an Initial Environmental
Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant
Effect (FONSE) based on the Chapter 6 and Chapter 13 findings shown above.

Recommended Actions: Staff recommends that the Governing Board take the following
actions:

1. Conduct the noticed public hearing.

2. Make the following findings:
   a. A Finding of No Significant Effect based on the information contained in
      the staff report; and
   b. The findings required by Chapters 6 and 13 of the Code of Ordinances
      based on the rationales set forth in the staff report.

3. Adopt the Ordinance implementing the amendment.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at
775-588-4547, or via email at jhitchcock@trpa.org, if you have any comments regarding
this item.

Attachments
A. Adopting Ordinance, with Exhibit 1, Plan Area Statement 040, Incline
   Village #1 and Exhibit 2, Proposed Plan Area Boundary Amendment
B. 1987 Regional Plan Area Boundaries
C. 1997 Adopted Boundary Amendment
D. 1998 Adopted Boundary Line Amendment
E. Ordinance 98-12
F. Photographs
G. Photographs
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED; AMENDING PLAN AREA STATEMENT 040 INCLINE VILLAGE #1; AMENDING THE PLAN AREA BOUNDARY BETWEEN PLAN AREA 030 MOUNT ROSE AND PLAN AREA 040 INCLINE VILLAGE #1, AND PROVIDING FOR OTHER MATTERS PROPERLY REALATING THERETO.

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

Section 1.10  Findings

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 plan area boundary line between Plan Area 030 and Plan Area 040 to include all of APN 125-211-01 in Plan Area 040 (an urban area) and to include all of APN 125-211-02 in Plan Area 030 (a conservation area) and to amend Plan Area Statement 040 to add Special Policy #2 and amend Special Policy #1, to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

Section 1.20  The provisions of this ordinance are hereby determined not to have a significant effect on the environment, and thus are exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

Section 1.30  The Governing Board conducted a noticed public hearing. Notice to affected property owners was given in accordance with TRPA's Rule of Procedure. The Advisory Planning Commission (APC) also conducted a noticed public hearing and recommended adoption of the amendments. Oral testimony and documentary evidence were received and considered at the hearings.

Section 1.40  The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code, and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

Section 1.50  The Governing Board finds that the amendments adopted hereby 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.

Section 1.60  Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00 Amendment of Plan Area Statement 040, Incline Village #1

Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph (1) as follow:

6.10 Plan Document

(2) Plan Area Statement for Plan Area 040, Incline Village #1, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in Exhibit A entitled Plan Area Statement Amendments, 2/25/87, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this subsection.

Added (1) Amendment of Plan Area Statement 040, to add Special policy #2 and amend Special Policy #1 set forth in Exhibit E, dated 06/28/01, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 3.00 Amendment of Plan Overlays

Subsection 6.20, subparagraph (1) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph (1) as follow:

6.20 Plan Overlays

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

Added (1) Relocate the boundary between Plan Areas 030 and 040 on Overlay Map G-2 to include all portions of APN 125-211-01 in Plan Area 040, and to include all portions of APN 125-211-02 in Plan Area 030, as shown in Exhibit D, dated 07/12/01, which amendments shall be incorporated into the Plan Area Overlays dated January 1987.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Plan Area Statements and maps 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 Plan Area Statement 040, Incline Village #1, of the TRPA Plan Area Statements shall be effective 60 days after its adoption. The provisions of this ordinance amending the boundary line between Plan Area 030 and Plan 040 shall be effective upon the following actions by Washoe County: (1) approval of the lot line adjustment between Plan Area 030 and Plan 040; and (2) the granting of a variance for the recorded building envelope of Incline Village Subdivision Unit #1.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held August 22, 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Vice-Chairman
Tahoe Regional Planning Agency
PLAN DESIGNATION:

- Land Use Classification: RESIDENTIAL
- Management Strategy: MITIGATION
- Special Designation: NONE

DESCRIPTION:

- **Location:** This area is located east of the Mt. Rose Highway above Wood Creek and is located on TRPA maps G-2 and G-3.
- **Existing Uses:** The area is low density residential and is 45 percent built out.
- **Existing Environment:** The area is primarily moderate hazard (40 percent) and high hazard (40 percent) with 20 percent SEZ. The land coverage is 20 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: This area should continue to serve as residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. Parts of the extensive slope stabilization work constructed along the Mt. Rose Highway are failing and have caused stabilization problems.

2. This area includes a stream environment zone which as been extensively altered by construction of roadways and single family dwellings.

3. Scenic Roadway Unit 23 is within this Plan Area.

SPECIAL POLICIES: 1

1. Projects which may be developed on Assessor's Parcel Numbers 125-211-01 and 125-211-02 shall utilize TRPA's Visual Magnitude/Contrast Rating system to minimize impact to scenic resources thresholds visible from Lake Tahoe.

2. Pursuant to Ordinance 97-7, adopted April 23, 1997, projects which may be developed on Assessor's Parcel Numbers 125-211-01 and 125-211-02 shall correct the drainage problems on Ida Court by implementing Best Management Practices to the satisfaction of TRPA staff.

5 Amended 03/25/98, Special Policy #1.
PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area:

- **Residential**
  - Single family dwelling (A).

- **Public Service**
  - Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), and local post offices (S).

- **Recreation**
  - Participant sports facilities (S), day use areas (A), and riding and hiking trails (A).

- **Resource Management**
  - Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
</tbody>
</table>

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 431 corridor is 55 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

- **SUMMER DAY USES 0 PAOT**
- **WINTER DAY USE 0 PAOT**
- **OVERNIGHT USES 0 PAOT**
IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan Environmental Improvement Program (EIP) for this area shall be implemented. The improvements include, but are not limited to, the following: 5

1. Improvements required by Volume IV of the Water Quality Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.


5 Amended 03/25/98, Improvement Programs #1 and 2.
1998 Adopted Boundary Line Amendment

PAS 030
Mount Rose Conservation

PAS 040
Incline Village #1
Residential

PAS 041
Incline Village #3
Residential

Building Envelopes

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TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 98-12

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY
AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING
AGENCY, AS AMENDED; AMENDING PLAN AREA STATEMENT 040 INCLINE
VILLAGE #1; AMENDING THE PLAN AREA BOUNDARY BETWEEN PLAN
AREA 030 MOUNT ROSE AND PLAN AREA 040 INCLINE VILLAGE #1; AND
PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, by
amending the boundary between Plan Area 030 and 040 to include portions of APN
125-211-01 in Plan Area 040 (an urban area) and to amend Plan Area 040 to add a
special policy, to further implement the Regional Plan pursuant to the Article VI(a)
and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 The provisions of this ordinance are hereby determined not to have a significant
effect on the environment, and thus are exempt from the requirement of an
environmental impact statement pursuant to Article VII of the Compact.

1.30 The Governing Board conducted a noticed public hearing. Notice to affected
property owners was given in accordance with TRPA's Rules of Procedure. The
Advisory Planning Commission (APC) also conducted a noticed public hearing and
recommended adoption of the amendments. Oral testimony and documentary
evidence were received and considered at the hearings.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board
made the findings required by Section 6.4 of the TRPA Code of Ordinances and
Article V (g) of the Compact and the findings required by Chapter 13 of the Code.

1.50 The amendments adopted by this ordinance 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.

1.70 No development of a single family dwelling on parcel 125-211-02 shall occur
until the owner has recorded a deed restriction (which TRPA has approved as to
form), that does the following: a) recognizes that this Ordinance corrects any
alleged error that occurred when TRPA established the urban boundary; 2)
recognizes that this Ordinance is a compromise of disputed allegations; and 3)
waives any and all rights, on behalf of Declarant and Declarant's assigns, to
request any additional adjustment to the urban boundary that would include a
greater proportion of Declarant's parcel than was approved in this Ordinance.

Section 2.00 Amendment to Plan Area Overlays

Subsection 6.20 (1) of TRPA Ordinance No. 87-9, as amended, is hereby further amended
to add a new subparagraph (mm) as follows:

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

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Added (mm) Relocate the boundary between Plan Areas 030 and 040 on Overlay Map G-2 to include portions of APN 125-211-02 in Plan Area 040, as shown on Exhibit C, dated March 17, 1998, which amendments shall be incorporated into the Plan Area Overlays dated January 1987.

Section 3.00 Amendment of Plan Area Statement 040

Subsection 6.10 (2) of Ordinance 87-9, as amended, is hereby further amended as follows:

(2) Plan Area Statements for Plan Areas 010A through 175, inclusive, which statements are set forth in the document entitled, Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, El Dorado County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments as set forth in Exhibit A entitled Plan Area Statement Amendments, 2/25/87, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this subsection.

Added (ccc) Amendment of Plan Area Statement 040 to add a special policy for APN 125-211-02 as set forth in Exhibit E, dated March 17, 1998, which amendments shall be incorporated into the Plan Area Overlays dated January 1987.

Section 4.00 Interpretation and Severability

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

Section 5.00 Effective Date

This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held March 25, 1998 by the following vote:

Ayes: Kastan, Galloway, Naft, Bennett, Walde, Heller, Miner, Bresnick, Montgomery, Perock, Cole, Wynn, DeLany

Nays: None

Abstentions: None

Absent: Cronk

Drake S. DeLany, Chairman
Tahoe Regional Planning Agency

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Site Visit Photographs

Cul-de-Sac at the end of Jeffrey Court - View into Parcel 125-211-02

Parcel 125-211-02 - Potential Driveway Location
Attachment F - 07/12/01
Site Visit Photographs

Parcel 125-211-02 - View East Towards Jeffrey Court

Parcel 125-211-01 - View 7 Slope to Parcel 125-211-01
Attachment F - 07/12/01
Site Visit Photographs

Parcel 125-211-01 Existing Building Site

Parcel 125-211-01 Existing Building Site
Maximum Height of Proposed Structure

08/08/2001
Viewshed Analysis
TAHOE REGIONAL PLANNING AGENCY

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Elko, Nevada
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MEMORANDUM

August 14, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop on Thresholds – Recreation

Proposed Action: There is no action requested for this agenda item.

Staff Recommendation: Staff recommends that the Governing Board contemplate all the attributes that contribute to a high-quality recreation experience in anticipation of reviewing the 2001 Environmental Threshold report.

Discussion: The following bulleted items overview the status of the Recreation thresholds. While not all of the points made in this report are necessarily summarized here, certainly the main points of interest are represented. This list is intended to give the reader a quick reference to the issues facing recreation in Tahoe today.

- Expectations of visitors and residents are generally being met.
- Many public agencies have successful land acquisition programs.
- Few project requiring PAOT allocations are being constructed; however, many projects that do not require PAOT allocations are being constructed.
- The demographic mix of visitors to the Tahoe Region may change in the future, reflecting the shifts seen in California, Tahoe's main visitor market.
- Lack of operation and maintenance funds is precluding capital investments.
- TRPA's role in the recreation community is undefined and limited resources have prevented the agency from assuming a leadership role.
- The health of the local economy is inextricably tied to the success of recreation providers.
- It is anticipated that the EIP will spur recreation facility development and rehabilitation.
- Facility maintenance has continued to be an issue affecting the quality of the recreation experience.
- Habitat restoration goals continue to conflict with recreation access.
- Recreation advocacy groups continue to be formed.
- The desired future condition of recreation at Tahoe needs to be defined.
- The quality of recreational experiences is wholly subjective and is influenced by a variety of factors.

Staff will make a brief presentation on the status of the Recreation Thresholds in Tahoe. If you have further questions regarding this agenda item, contact Peter Eichar at (775) 588 – 4547 or, recreation@trpa.org.

Attachment: Slide Presentation Handout

PE/dmc

AGENDA ITEM X.A.1
Recruitment Policy Standards

Recruitment Threshold III
It shall be the policy of the TRPA Governing Body to develop a park system that is comprised of parks and preserves that are specifically established to provide recreational opportunities for the public, including preservation of high-quality undeveloped resources and other natural areas. In formulating the Regional Plan, the staff and Governing Body shall consider possible recreational activities, their impact, and feasibility, in the management and development plans for the park system.

Recruitment Threshold II
It shall be the policy of the TRPA Governing Body to develop a park system that is comprised of parks and preserves that are specifically established to provide recreational opportunities for the public, including preservation of high-quality undeveloped resources and other natural areas. In formulating the Regional Plan, the staff and Governing Body shall consider possible recreational activities, their impact, and feasibility, in the management and development plans for the park system.

TAHOE REGIONAL PLANNING COMPACT

In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to ensure an equilibrium between the region's natural environment and man-made environment.

What Is Recreation?

- Recreation Experience: The psychological and physiological response from participating in a particular recreation activity in a specific setting.
- Recreation Opportunity: The possibility afforded by managers for the visitor to have a particular kind of recreation experience.

What Is Recreation?

- Recreation Setting: The combination of all the real and perceived qualities that comprise a “park” including its physical resources features, social attributes, and the management approach.
  - Resource attributes: water, views, weather, wildlife, geology, historic structures.
  - Social attributes: Recreationists, values, peers, visitor expectations, family, human scale, behavioral.
  - Management attributes: rules, regulations, interpretive programs, services, signage.

TRPA Defined Recreation Types

- Developed Recreation
  - land under private ownership which is managed for the use of specific facilities, activities, but not limited to nature, sports, mental, and outdoor.

- Urban Recreation
  - structures, streets, and parks within urban areas primarily designed not for the protection of the region, but also designed to enhance the quality of life and neighborhood areas.

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Recreation Threshold Evaluation

- Recreation Advisory Group
- Public/ Tribal Providers and Industry Roundtable
- 1999 and 2000 Summer Recreation Preference Surveys
- 2000 Focus Group Research
- 2001 Recreation Facility Inventory Assessment
  - Updated 1996 ICORP Inventory
- Staff Research and Analysis
- Environmental Improvement Program
- Completed and In Progress

High-quality Recreation Experience

- Condition of Facilities Meet/Exceed Expectations
- Facility Amenities Meet/Exceed Expectations
- Good Climate (rainy season days, sunny, white nights)
- Tolerable Traffic (rally-dependent upon visitor origins)
- Easy Site Accessibility and Comfort Signage
- Value (case for equipment maintenance/parking/transportation)
- Variety of Opportunities Available (passive not active)

Experiences Are Unique for Everyone

Some Prefer On-Crossed Rates

Provisions for Additional Access

- 1995 = $3.5 miles of Lake Shoreline Facility Constructed
- 2001 = $3.5 miles of Lake Shoreline Facility Constructed
- 2003 = 12.5 miles Paved Bike Trails
- 2003 = $2.5 million Complete Access Program
- Recreation Facility Improvements

R1 Threshold Status

Quality & Access

- Membrane Are Usually Stale Water
- Facility Improvements Are Addressing Accessibility, Maintenance and Cost
- Some Nevada Climate is Favorable
- Good Variety of Passive and Active Activities
- Traffic Congestion Causes a Decreased Experience
- 2/3 of 1999 Survey Of The Area Mean
- Regional Recreation Plan, State Survey Independent
- Regional Plan Assessment for Public Access: Not Completed
Capacity for Outdoor Recreation

- Human Resources
  - Program Services
  - Contractual
- Equipment/Infrastructure
  - Snow, Water, YMI
- "Available" Land
- Travel Routes/Access:
  - Transit
  - Operations and Maintenance
- PAOT: Allocation

PAOTs—People At One Time

- Works well
  - Adds in design of facility
    - To ensure adequate
    - Supporting amenities
  - Includes detailed layout of use
  - Free allocation
  - Works well for
    - "Closed System" over
    - Ski/Booster
    - Developed Campground
  - Indirect Limitations
    - Snapshot picture of
      - Facility use
    - Does not measure total
      - Utilization in site
    - Limited information
      - Capacity limits of non-
        - USDA Forest Parks Projects
    - PAOT Allocation Targets
      - Not being realized

R2 Threshold Status

- Capacity:
  - Available sewer and water capacities have not
    - Hampered facility development
  - Numerous non-PAOT allocations required
    - Projects are being/have been developed
  - Land acquisition programs have proven
    - Successful
  - T & E species pose greatest challenge to
    - Facility development and program expansion

Recreation Trends

- Demographic shifts of the
  - Western US are seen in the market of recreation
    - Participation
  - Busy Boomers seeking
    - Passive activities
  - Cultural Tourism
  - Technology and
    - Equipment advancements
    - Changing participant
    - Behavior and use patterns

Recreation 'Lifestyle' Marketed to Sell Products

Beyond Personal Enjoyment, Recreation at Tahoe

- Means:
  - Jobs and Money

Employment and Earnings Generated by
Lake Tahoe Region Travel Expenditures, 2000

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### Future of Recreation Thresholds

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### RECREATION

**Protection Threshold 1**
- Need for Specific Policies that will ensure the maintenance of high-quality recreation areas in the region.
- Policies that will ensure the maintenance of high-quality recreation areas in the region.

**Protection Threshold 2**
- Need for Specific Policies that will ensure the maintenance of high-quality recreation areas in the region.
- Policies that will ensure the maintenance of high-quality recreation areas in the region.
TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

August 14, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop on Thresholds – Scenic

Proposed Action: No action is requested

Staff Recommendation: Staff recommends that the Governing Board view the presentation on the Scenic thresholds as background to a full review of the upcoming 2001 Environmental Threshold Report.

Discussion: The following bulleted items are an overview of the status of the Scenic thresholds. This is intended to provide a quick overview of the relevant findings in the Scenic Resources chapter. Additional information will be included in the full threshold report.

- There are four threshold standards for the Scenic Threshold: 1) SR1 - Travel Route Ratings, 2) SR2 - Scenic Quality Ratings, 3) SR3 - Public Recreation and bike Trails, and 4) SR 4 - Community Design.

- According to the scenic resource mentors, significant change has occurred to scenic resources of the Region since 1996. TRPA is in non-attainment with the threshold standard identified for shoreline travel units, roadway travel units, scenic quality and community design. However, substantial improvements and progress has been made in the roadway travel units and the community design threshold within the developed areas.

- Constructions of public/private partnership projects identified in the EIP have greatly benefited the scenic threshold within the developed areas. This cannot be said for the shorezone, where scenic problems in these areas do not lend themselves to single public works or redevelopment projects that can be targeted, pursued, and then implemented,

- Dramatic increase in size and mass of residential structures that are hard to mitigate are causing scenic degradation.

- Increase visual clutter due to shorezone structures such as piers and boatlifts are causing scenic degradation.

Staff will make a brief presentation on the status of the Scenic Thresholds at the August GB meeting. If you have further questions please contact John Hitchcock at (775) 588-4547 or via email at jhitchcock@trpa.org.

Attachment: Slide Presentation Handout

JH/dmc

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AGENDA ITEM X.A.2.
TRPA Scenic Resource Threshold Program

- Threshold Travel Routes (SR-1)
  - Scenic Quality Improvement Program
  - 45 Roadway Units/33 Shoreline Units
- Scenic Quality Rating Threshold (SR-2)
  - Roadway Resources/Shoreline Resource
- Recreation & Bicycle Trails (SR-3)
  - Scenic Resource Inventory
- Community Design (SR-4)
  - Design Review Guidelines, Chapter 30: Design Standards

Adopted Value Statements: Threshold Study Report

- The natural landscape of the Tahoe Basin, with mountain peaks, granite rock formations, forested slopes, and clear lake waters, provides a rare visual resource. Value statements developed for scenic resources include the following:
  - Maintain and enhance the dominant natural-appearing landscape from the vast majority of views and lands in the Basin.
  - Maintain and/or improve the aesthetic characteristics of the man-made environment to be compatible with the natural environment.
  - Restore, whenever possible, damaged natural landscapes.

Adopted Threshold Standards

- Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory.
- Maintain the 1982 ratings for all roadway and shoreline units as shown.
- Restore scenic quality in roadway units rated 15 or below and shoreline units rated 7 or below.
- Ensure that the built environment is compatible with the natural, scenic, and recreational values of the Region.

The Thresholds Protect Viewsheds Seen from:

- State and Federal Highways and Pioneer Trail
- The Lake, near the shoreline, looking toward land
- Public Recreation Areas
  - Beaches
  - Ski Areas
  - Campgrounds
  - Day Use Areas

Roadway Travel Route Rating Indicators

"The View from the Road"

- Man-made features along roadway and shoreline
- Physical distractions to driving along roadways
- Roadway characteristics
- Views of the Lake from roadways
- General landscape views from roadways
- Variety of scenery from roadways

Roadway Travel Route Evaluation Findings

- Original 45 units has increased to 53 units
- 2001 conditions includes 27 units in attainment and 25 units out of attainment
  - 4 units improved scores sufficiently to bring them into attainment
  - 4 units dropped into non-attainment
- 27 non-attainment units
  - 9 non-attainment units realized a rating increase (+11.5)
  - 2 non-attainment units realized a rating decrease (-1.8)
Trends in the Roadway

- Improvements in the Commercial Districts
  - Substantial public and private investment in the community plan areas of the Region has contributed to improvement in the quality of the built environment (EIP Projects)
  - South Lake Tahoe Redevelopment
  - US 50 (Kehoe Park, Tahoe City, and Carnelian Bay have resulted in bringing 3 roadway units into attainment

- Confirms a fundamental principle of community redevelopment and provides encouragement for continued public-private leadership in planning and funding improvement projects

Trends in the Roadway

- Increase in visibility of residential structures along the roadway corridors are having an impact on scenic quality

- Incremental loss of lake views due to residential rebuilds that increase in size and construction of garages along the roadway corridor

- Transportation related impacts
  - Impacts associated with installation of appurtenances in natural roadway corridors
  - Increased traffic congestion and parking in resort areas
Shoreline Travel Route Rating Indicators
“The View from the Lake”
- Man-made features along shoreline
- General landscape views from shoreline
- Variety of scenery from shoreline

Shoreline Travel Route Evaluation Findings
- 33 shoreline units
- 2001 conditions include 19 units in attainment and 14 units out of attainment
  - 4 additional units dropped into non-attainment and none were raised into attainment
- 14 non-attainment units
  - 1 non-attainment unit realized a rating increase (+1.5)
  - 7 units experienced no change
  - 2 non-attainment units realized a rating decrease (-1.5)
  - 4 units dropped into non-attainment

Trends in the Shoreline
- Increased Visibility of Residential Structures
  - Dramatic increase in scale and mass of residential structures/visual dominance in the shoreline
  - Reduced setbacks can limit the area used for effective landscape screening and sometimes require the removal of important shoreline vegetation
  - Increased use of glass, reflective roof materials, use of light exterior materials creating a contrast and a reduction in the natural landscape views (pine and redwoods creates strong contrast against dark green background)

Trends in the Shoreline
- Nearly every shoreline unit with residential development is out of threshold attainment
- Residential structures in the upland and forested backdrop areas are also increasingly visible. Increased visibility reduces the continuity of the natural forest landscape and is visible from great distances. Affects both shoreline and roadway units.
- Increasing visual impact of shoreline structures.
Scenic Quality Ratings

- Purpose of scenic quality threshold is to maintain or enhance existing scenic resources. The scenic resources in the Region include views of the natural landscape and distinctive natural features identified, mapped, and evaluated in the 1982 Scenic Resource Inventory.

Scenic Quality Ratings Evaluation Findings

- 205 scenic resources visible from the roadway
- 185 scenic resources visible from the shoreline
- 2001 conditions
  - 11 roadway and 8 shoreline scenic resources realized a rating increase
  - 4 roadway and 8 shoreline scenic resources realized a rating decrease (non-attainment)
- 1 new shoreline and 3 new roadway resources added to the scenic resources inventory
Public Recreation and Bike Trails

- Maintain or improve the numerical rating assigned to each identified resource
- This threshold applies to 37 public recreation areas including beaches, campgrounds, and ski areas. It also applies to 11 segments of Class I and Class II bike trails. Views and scenic resources visible from these areas were considered of value because they are major public gathering places.

Public Recreation/Bike Trails Evaluation Findings

- 2001 conditions
  - 21 resources realized a rating increase
  - 7 resources realized a rating decrease
  - 4 new resources added to the public recreation areas/bike trails inventory

Public Recreation Areas/Bike Trails Trends

- Public investment in maintenance and upgrades has produced widespread improvements.
- Impacts to public recreation areas and bike trails are occurring from offsite conditions. Changes in Tahoe's shoreline and forested backdrop is creating scenic degradation of views from recreation areas.
- Public recreation areas and new bike trails have not been inventoried and are not protected.

Community Design Threshold

- The community design threshold is a policy statement that applies to the built environment to ensure that development is compatible with the natural, scenic and recreational values of the Region
  - GQIP
  - Design Review Guidelines
  - Code Chapters 22, 26, and 33 which pertain to signs, height, and site design.

Community Design Trends

- New landscaping and successful erosion control revegetation are making widespread improvements in the developed areas. However, loss of native vegetation and inadequate screening of new and existing structures are contributing to degradation, particularly in the shoreline.
- Commercial areas of the Region are making the most improvements.
- Use of appropriate architectural elements and design are producing improvements within the built environment. However, increased size, massing, and reduced setbacks are degrading the scenic quality in the shoreline.
Community Design Trends

- Loss of historical resources and historical development patterns (i.e., Tahoe Vista)
- Lack of sign compliance. Although improvements have been realized, signs continue to contribute to visual clutter throughout the Region

Threshold Attainment Status

- Threshold Travel Routes (SR-1)
  - Roadway Units - Non Attainment
  - Shoreline Units - Non Attainment
- Scenic Quality Rating Threshold (SR-2) - Non Attainment
- Recreation & Bicycle Trails (SR-3) - Attainment
- Community Design (SR-4)
  - Shoreline - Non Attainment
  - Commercial Areas - Attainment

Where To Go?

- Adopt new scenic point system for the shorezone
- Amend design standards for appropriate colors and materials
- Look at floor area ratio (FAR) standards
- Establish setback standards in the shorezone
- Amend travel route threshold (SR1) to account for units without views to the lake
MEMORANDUM

August 14, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop on Thresholds – Fisheries

Proposed Action: No action is requested

Staff Recommendation: Staff recommends that the TRPA Governing Board view the presentation on the Fisheries thresholds as background to a full review of the upcoming 2001 Environmental Threshold Report.

Discussion: The following bulleted items are an overview of the status of the Fisheries thresholds. This is intended to provide a quick overview of the relevant findings in the Fisheries chapter. Additional information will be included in the full threshold report.

- There are four threshold standards for the Fisheries Threshold: 1) Lake Habitat, 2) Stream Habitat, 3) Stream Flow, and 4) Reintroduction of Lahontan cutthroat trout.

- According to fisheries professionals in the region, no significant change has occurred to Lake Habitat (in Lake Tahoe) since 1996. Therefore, TRPA is in non-attainment with the threshold standard identified for lake habitat due to manipulation of rocky substrate by property owners/managers. According to angler’s catch data, there is no evidence of a declining fishing experience in Lake Tahoe.

- Introduced non-native fish and aquatic vegetation may threaten localized native fish populations and degrade habitat conditions for native fish.

- Although some progress towards stream restoration has occurred, no significant change has occurred to stream habitat since 1996 according to regional fisheries professionals. Therefore, TRPA is in non-attainment with stream habitat threshold standard.

- Constructions of restoration projects identified in the EIP are anticipated to greatly benefit stream fish habitat.

- According to TRPA permit tracking records, no projects or activities have been approved that would unnaturally diminish stream flows in the region. The threshold standard for stream flow is being achieved.

- A population of Lahontan cutthroat trout has been established in the region. The threshold standard is being achieved.

Staff will make a brief presentation on the status of Fisheries Thresholds at the August GB meeting. If you have further questions please contact Shane Romansos at (775) 588-4547 of sromsos@trpa.org.

Attachment: Slide Presentation Handout

SR/dmc

AGENDA ITEM X.A.3.
2001 Threshold Evaluation

Presentation Overview
- Introduction to Fisheries Threshold Standards and Indicators.
- Summary of Evaluation Results and Trends.
- Next Steps
- Questions

Fisheries Threshold Standards
- Lake Habitat – F1
- Stream Habitat – F2
- In-stream Flow – F3
- Lahontan Cutthroat Trout – F4

Fisheries Threshold Standards and Indicators, Lake Habitat (F-1)
- TRPA (1996) "A non-degradation standard shall apply to fish habitat in Lake Tahoe. Achieve the equivalent of 5,948 total acres of excellent habitat."
- TRPA (1996), Physical disturbance of rocky substrate (acres).

Lake Habitat Status
- No all-inclusive survey of physical habitat has occurred since 1988 (Byron et al. 1988).
- Subsequent surveys (1993/94/97) identified locations where substrate was manipulated (C. Shade).
- TRPA (1996) estimated 3,495 acres of 'excellent' habitat...3,440 was manipulated.
- FTAG (2001), physical habitat conditions are essentially unchanged since 1996; Non-attainment.
Lake Tahoe Habitat, Trends

- Still providing excellent fishing experience.
- USFS (2000), documented a substantial shift in the organization of Lake Tahoe's aquatic community.
- Non-native species, like largemouth bass, likely have reduced localized populations of native fish.
- Aquatic weeds have likely impacted localized lake habitats important for nursery fish.
- Effects of PAH on aquatic spp. are a concern.

Fisheries Threshold Standards and Indicators, Stream Habitat (F-2)

- TRPA (1996) "Maintain 75 miles of excellent, 105 mile of good, and 38 miles of marginal stream habitat as indicated by the map on page 76 of the EIS for the Establishment of Environmental Thresholds (TRPA 1982)"
- TRPA (1996) "Miles of stream habitat in the various categories based on field inspections of habitat."

Stream Habitat Status

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Stream Habitat, Status

- Limited monitoring of stream habitat condition since 1996.
- FTAG (2001) professional opinion that no substantial changes have occurred to regional streams since 1996.
- Status is similar to that reported in TRPA (1996) (FTAG 2001), Non-attainment.

Stream Habitat, Trends

- Making progress on stream habitat restoration (e.g., Trout Creek).
- Need to accept that streams change over time, naturally (process interrupted by man).
- Stream-habitat restoration is likely to be the single most important contribution to improving conditions for stream-associated fish (e.g., remove movement barriers).
Fisheries Threshold Standards and Indicators, Stream Flow (F-3)

- TRPA (1996) "Until instream flow standards are established in the Regional Plan to protect fishery values, a non-degradation standard shall apply to instream flows."
- TRPA (1996) "Instream flows evaluated by use of an instream beneficial use assessment, such as the type established by Title 23, Section 670.6 of the California Administrative Code."

Stream Flow Status

- TRPA has not adopted in-stream flow standards since the adoption of the Regional Plan.
- Since 1996, TRPA has not approved any projects that would diminish stream flows.
- Is in attainment with standard as articulated in TRPA (1982).
- Status unknown if indicators identified in TRPA (1996) are used.

In-stream Flow Trends

- On-going research to identify in-stream flow characteristic of basin streams and their relative suitability for salmon species.
- Many EIP projects aimed at reclaiming flow to streams with diversions.

Fisheries Threshold Standards and Indicators, Lahontan Cutthroat Trout (F-4)

- TRPA (1991), "It shall be the policy of the TRPA Governing Board to support, in response to justifiable evidence, state and federal efforts to reintroduce Lahontan cutthroat trout."
- TRPA (1996), "...has not adopted documentation pursuant to Chapter 32 (Code)..." (i.e., indicators).
- TRPA (1982), "...threshold would be achieved with the successful establishment of a Lahontan cutthroat trout population."

Lahontan Cutthroat Trout, Status

- A population of Lahontan cutthroat trout has been established in the region
- Standard for LCT is in attainment with standard as identified in TRPA (1982).

Lahontan Cutthroat Trout, Trends

- Preliminary evidence that previously unknown population of LCT occurs in the basin.
- 1995 USFWS Recovery Plan is being revised.
**Next Steps**
- Implement EIP fish projects
- Need to identify desired future condition of aquatic community to direct management
- Update existing threshold standards and indicators (consistent with DFC)
- Potentially expand threshold language to include sensitive amphibians

**2001 Status Summary**

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**Thank You**
- Stafford Lehr, CDFG
- Jeff Reiner, USFS
- Brant Allen, TRG
- Matt Kiese, Fisheries Biologist
- Shawn Espinosa, NDOTW
- Ken Anderson, Cal. State Parks
- Craig Oehri, USFS
- Josh Murphy, CTC
MEMORANDUM

August 14, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop on Thresholds – Vegetation

Proposed Action: No action is requested

Staff Recommendation: Staff recommends that the Governing Board view the presentation on the Vegetation thresholds as background to a full review of the upcoming 2001 Environmental Threshold Report.

Discussion: The following bulleted items are an overview of the status of the Vegetation thresholds. This is intended to provide a quick overview of the relevant findings in the Vegetation chapter. Additional information will be included in the full threshold report.

- There are four threshold standards for the Vegetation Threshold: 1) Common Vegetation, 2) Uncommon Plant Communities, 3) Sensitive Plants, and 4) Late Seral/Old Growth.
- According to US Forest Service data, the forests of Tahoe are not diverse enough in age structure to attain the first threshold.
- There is not sufficient information to assess the deep water plant community of Lake Tahoe. Grass Lake and Osgood Swamp are in attainment. A final study of Freel Peak as not been completed.
- Three of the four sensitive plant species are in attainment, with Tahoe yellow cress not in attainment. There are only 14 population sites of Tahoe yellow cress, however the threshold is 26 sites.
- The threshold value for Late Seral/Old Growth forests is 55% of the forest. The US Forest Service estimates that 5% of the forest is in Late Seral/Old Growth condition.

Staff will make a brief presentation on the status of Vegetation Thresholds at the August Governing Board meeting. If you have further questions please contact Gerald Dion at (775) 588-4547 or idion@trpa.org.

Attachment: Slide Presentation Handout
Vegetation Threshold Evaluation

Gerald Dion
Vegetation Program Manager

Vegetation Thresholds

- V-1 Common Vegetation
- V-2 Uncommon Plant Communities
- V-3 Sensitive Plants
- V-4 Late Seral/Old Growth

V-1 Common Vegetation

- Focuses on the most dominant landscape features: Forest, Meadows, Shrub, SEZ
- Three Indices:
  - Species Richness
  - Relative Abundance
  - Pattern
- Non-degradation of deciduous trees, meadow, wetlands

V-1 Summary

- Species Richness: There has been no wholesale loss of plant communities
- Relative Abundance: There is not enough diversity of age classes within Tahoe's forests
- Pattern: There are few newly created openings
- Non-degradation: There are impacts

V-2 Uncommon Plant Communities

- Non-degradation of any plant community with exceptional scientific, ecological, or scenic value:
  - the deep-water plants of Lake Tahoe,
  - Grass Lake (sphagnum bog),
  - Osgood Swamp,
  - Freel Peak Cushion Plant Community.
V-2 Summary

- Deep-water plants of Lake Tahoe, *Unknown*
- Grass Lake (sphagnum bog), *Attainment*
- Osgood Swamp, *Attainment*
- Freet Peak Cushion Plant Community *Unknown*

V-2 Additional Communities

Additional Communities Recommended:
- Hell Hole
- Upper Truckee Marsh
- Aspen Stands
- Taylor Creek Marsh
- Pope Marsh
- Meeks Meadow and Page Meadows
- Slaughterhouse Canyon

V-3 Sensitive Plants

Maintain a minimum number of population sites for each of five sensitive plant species:

<table>
<thead>
<tr>
<th>Species</th>
<th>Req. Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carex paucifluctus</td>
<td>1</td>
</tr>
<tr>
<td>Long-petaled Lewisia</td>
<td>2</td>
</tr>
<tr>
<td>Cup Lake Draba</td>
<td>2</td>
</tr>
<tr>
<td>Tahoe Draba</td>
<td>5</td>
</tr>
<tr>
<td>Tahoe Yellow Cress</td>
<td>26</td>
</tr>
</tbody>
</table>

V-3 Summary

<table>
<thead>
<tr>
<th>Species</th>
<th>Req, Sites</th>
<th>Current Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carex paucifluctus</td>
<td>1</td>
<td>Removed</td>
</tr>
<tr>
<td>Long-petaled Lewisia</td>
<td>2</td>
<td>4*</td>
</tr>
<tr>
<td>Cup Lake Draba</td>
<td>2</td>
<td>2*</td>
</tr>
<tr>
<td>Tahoe Draba</td>
<td>5</td>
<td>8*</td>
</tr>
<tr>
<td>Tahoe Yellow Cress</td>
<td>26</td>
<td>14</td>
</tr>
</tbody>
</table>

*Attainment
V-3 Additional Species

Additional Species Recommended:
- Galena Creek rockcress
- Subalpine fireweed
- Short-petaled campion

V-4 Late Seral/Old Growth

- Adopted in May 2001
- 55% of the forest
- Currently at 5%

Threshold Attainment Targets

<table>
<thead>
<tr>
<th>Category</th>
<th>Target Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Vegetation</td>
<td>2020</td>
</tr>
<tr>
<td>Uncommon Plant Communities</td>
<td>2005</td>
</tr>
<tr>
<td>Sensitive Plants</td>
<td>2006</td>
</tr>
<tr>
<td>Late Seral/Old Growth</td>
<td>2060</td>
</tr>
</tbody>
</table>

Vegetation Thresholds

- V-1 Common Vegetation
  Non-Attainment
- V-2 Uncommon Plant Communities
  Non-Attainment/Unknown
- V-3 Sensitive Plants
- V-4 Late Seral/Old Growth

Vegetation Thresholds

- V-1 Common Vegetation
  Non-Attainment
- V-2 Uncommon Plant Communities
  Non-Attainment/Unknown
- V-3 Sensitive Plants
  Non-Attainment
- V-4 Late Seral/Old Growth
Vegetation Thresholds

- V-1 Common Vegetation
  Non-Attainment
- V-2 Uncommon Plant Communities
  Non-Attainment/Unknown
- V-3 Sensitive Plants
  Non-Attainment
- V-4 Late Seral/Old Growth
  Non-Attainment

Next Steps

- Focus on new Thresholds.
- Focus on adding new projects to the EIP list to achieve the Vegetation Thresholds
MEMORANDUM

August 14, 2001

To: Governing Board Members

From: TRPA Staff

Subject: Office Relocation Discussion

An oral presentation will be made at the Governing Board meeting regarding the Office Relocation Discussion.
MEMORANDUM

August 13, 2001

To: Governing Board Members

From: TRPA Staff

Subject: Appointment of Nevada Lay Member to the Advisory Planning Commission

Randy Lane’s two-year term as a Nevada lay member expires at the end of August 2001. Mr. Lane has served on the APC since March 1999 at the recommendation of Douglas County, and has expressed an interest in staying on the APC for another term. If reappointed by the Board, his new term will expire at the end of August 2003. Dr. Don Minner has recommended Mr. Lane’s reappointment.

APC lay members terms are two years, and lay members may be reappointed.
MEMORANDUM

August 13, 2001

To: Governing Board Members

From: TRPA Staff

Subject: Appointment of Bi-State Lay Member to the Advisory Planning Commission

Ron McIntyre’s two-year term as a Bi-State lay member expired at the end of July 2001. Mr. McIntyre has served on the APC since July 1999 at the recommendation of the Tahoe Transportation District, and has expressed an interest in staying on the APC for another term. If reappointed by the Board, his new term will expire at the end of July 2003. Mr. Mike Harper has recommended Mr. McIntyre’s reappointment.

APC lay members terms are two years, and lay members may be reappointed.
August 7, 2001

Mr. Juan Palma, Executive Director  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448

Dear Mr. Palma:

On August 10, 2001, at the regular monthly meeting of the Board of Directors of the Tahoe Transportation District (TTD), the board voted to retain Mr. Ron McIntyre as TTD's representative on the Tahoe Regional Planning Agency's (TRPA) Advisory Planning Commission (APC) until July, 2003. Mr. McIntyre represents the Truckee-North Tahoe Transportation Management Association on the TTD Board.

Please feel free to contact me at (775) 328-3604, if you have any questions concerning this appointment.

Respectfully,

[Signature]

Mike Harper, AICP  
TTD Chairman

MH:jnwb  
RAW
TAHOE REGIONAL PLANNING AGENCY
308 Doria Court
Elks Point, Nevada
www.trpa.org

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

Memorandum

July 31, 2001

To: TRPA Governing Board

From: Bruce Adams, Budget Director

Subject: TRPA Quarterly Investment Report

Proposed Action: This is an information only report. No action from the Governing Board is requested.

Background: TRPA has contracted with Wells Capital Management to do its investment program for the past 18 months. Wells Capital Management (WCM) follows the agency’s conservative investment policy to perform this service. The reporting of investment status is one part of the Governing Board’s fiduciary responsibility of overseeing the agency’s fiscal status.

The following table shows that the agency has over $15 million invested in the 5 funds managed by Wells Capital Management. It also shows that were the agency to liquidate these at current market prices, it would gain over $125,000. However, the agency’s strategy is one of passive management – purchasing investment instruments and holding these to maturity. If and when the market becomes more robust, investments purchased in today’s low yield market will be less attractive in the market. Active trading of these could result in a loss of principal.

<table>
<thead>
<tr>
<th>Portfolio</th>
<th>$ Invested</th>
<th>Market Value</th>
<th>Average Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$1,400,356</td>
<td>$1,411,510</td>
<td>5.29%</td>
</tr>
<tr>
<td>CTS Trust</td>
<td>$1,060,927</td>
<td>$1,073,927</td>
<td>5.16%</td>
</tr>
<tr>
<td>CTRPA Trust</td>
<td>$1,909,654</td>
<td>$1,923,285</td>
<td>4.71%</td>
</tr>
<tr>
<td>Mitigation Trust</td>
<td>$7,927,583</td>
<td>$7,986,024</td>
<td>4.73%</td>
</tr>
<tr>
<td>Security Deposit</td>
<td>$3,072,358</td>
<td>$3,101,859</td>
<td>4.63%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,370,878</strong></td>
<td><strong>$15,496,605</strong></td>
<td></td>
</tr>
</tbody>
</table>

Discussion: The report is comprised of 7 sections. The first section discusses the various fiscal indicators affecting investment strategies. As discussed and portrayed in the tables, these indicate that we are facing continued financial uncertainty – most indicators show contraction without the threat of inflation. It is expected that the Fed will

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1 The agency also has a retirement trust fund of approximately $5.0 million, which is will be managed by Prudential Securities as the new retirement system is transitioned.

BA/ 7/31/01

AGENDA ITEM NO. XII.A.2.
continue its strategy of rate reduction to the range of 0.25% to 0.75% in the next couple of quarters. Accordingly, the investment strategy for the next quarter will be to acquire the best yielding, highest quality instruments consistent with the agency's investment policy.

Section 2 portrays the status of the agency's "General" funds. As noted, the agency has $1.4 million invested in this category. As shown in the "Cumulative Performance" table, this is a fairly volatile fund ranging from $1.2 million to $4.1 million in the 6 quarters managed by WMC. This is the fund that underwrites general agency operations, and it is replenished annually with the Nevada, California, and respective county contributions. Five investments are indicated ranging from cash/money market, government agency bonds to private agency bonds. The average yield for the period is 5.29%.

Section 3 portrays the CTS Trust status. This fund has built up from $550,000 in January 2000 to nearly $1.1 million today. Four investments are noted including a money market fund and 3 government agency bonds. The average yield is 5.16%.

Section 4 portrays the status of the CTRPA trust fund. This fund has been fairly stable in the 2.4 million range across the investment period. It is invested in a money market fund, one private sector bond, and 4 government agency bonds. The average yield is 4.71%.

Section 5 portrays the Mitigation Trust fund, and is the largest of the agency's portfolios. This has been relatively stable ranging in the $7.2 to $8.7 million range during the past 18 months. 14 investment instruments are listed here including 3 private sector bonds, 10 government agency bonds and notes, and a money market account. Rather than laddering the investments on a level basis, the instruments tend to be bulked up - especially for July 2001 where 4 of the 14 instruments came due. This may be okay based on the recent cash outflow, but if the agency were to accelerate its use of this trust fund, it would be hampered by the maturity dates of some of the investments. The average yield was 4.73%.

Section 6 completes the status reports on the investments. This accounts for the invested security deposits. This fund has oscillated in the $2.6 to $3.1 million range. These are invested in 8 instruments ranging from government bonds and notes, money market funds, and one private sector bond. The average yield was 4.63% for the accounting period.

Section 7 completes the work started in section 1. It provides a narrative summary for the investment outlook for the 3rd quarter. It also summarizes the investment strategy they will use for the upcoming quarter. This will take advantage of the return to a "normal" investment curve - where short duration investments receive less interest return than longer duration investments. The curve is anticipated to steepen over the quarter. Bullet yield investments will continue (one call date as opposed to variable call dates). In this strategy, once an instrument is purchased, both the interest to be earned and the date of maturity are absolutely known.

Investment Policy: The investment policy is enclosed for your review and information. As presented, it is fairly conservative limiting investments to a 2-year maturity and overall average maturity to 1 year. Such conservatism has standing from the perspective of gaining experience with the volatility of the agency's cashflow needs.
policy should be reviewed from these perspectives and from the perspective of the credit
criteria included which might be considered a little too liberal allowing investments down
to a Moody’s single A rating (or equivalent). This will be a task for Agency staff during
the ensuing months.

Conclusions: The contract with WMC has been satisfactory to date. The agency has
benefitted with substantial earnings from its idle cash. Of interest is the fact that the
agency has no investment in US Treasury instruments. In part this can be attributed to
the low interest rates assigned to this sector.
Memorandum

August 13, 2001

To:          Governing Board Members

From:        TRPA Staff

Subject:     Amendment of Personnel Policy No. 3.2 Regarding Hiring Step Limitations

The staff summary for this item will be mailed under separate cover. If you have any questions, please contact Michele Chouinard at (775) 588-4547, Extension 276.