NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, June 10, 2009 and 9:00 a.m. on Thursday, June 11, 2009 at the TRPA Offices, located at 128 Market Street, Stateline, NV. The agenda for the meeting is attached hereto and made a part of this notice.

June 3, 2009

Joanne Marchetta
Executive Director
AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing items will be taken at the time those agenda items are heard.

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

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Recommendation for Certification of the Final EIS for the Sierra Colina Village Project (APN 1318-23-301-001, TRPA File Number 20060695STD)  Page 1

B. Amendment of Plan Area Statement 073- Lake Village to allow Special Area #1 to be Eligible for the Multi-Residential Incentive Program by Amending Special Policy 3, and Provide for Other Matters Properly Related Thereto  Page 15

C. Recommendation on Amendment of Code Section 54.5.B. (3) to Facilitate Streamlining of Buoy Permitting and Enforcement Process  Page 27

VI. PROJECT REVIEW

A. Finding of Consistency for the Sierra Colina Village Project and its Components (Assessor’s Parcel Numbers (APNs) 1318-23-301-001 and 560-201-00, TRPA File Numbers 20060598, 20060599, 20060681, and ERSP2008-1019) with the Environmental Impact Statement Recommended Mitigations  Page 37

VII. PLANNING MATTERS

A. Regional Plan Update EIS Alternatives Briefing
VIII. REPORTS

A. Executive Director

   1. Notice of Preparation (NOP) for an Environmental Impact Statement (EIS) for the Edgewood Hotel and Golf Course Realignment Project, TRPA File No. ENVP2008-0002, Douglas County, Nevada

B. Legal Counsel

C. APC Members

IX. ADJOURNMENT
I. CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting called to order at 9:10 a.m.

Members Present: Mr. Lawrence for Mr. Donohue, Mr. Greene, Ms. Jamin, Mr. Jepsen, Mr. Smith for Ms. Kemper, Ms. Krause, Mr. Lefevre, Mr. Maurer, Mr. McIntyre, Ms. McMahon, Ms. Merchant, Mr. Kuchnicki for Ms. Sertic, Mr. Riley, Mr. Tolhurst, Mr. Upton, Ms. Garcia for Mr. Walker

Members Absent: Mr. Goldberg, Mr. Plemel

Pending Governing Board approval, Paul Thompson sat in as a non-voting member representing Placer County and Woody Loftis sat in as a non-voting member representing the Natural Resources Conservation Service.

II. APPROVAL OF AGENDA

Ms. Krause moved approval.
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

No Public Comment

IV. DISPOSITION OF MINUTES

Mr. Lefevre moved approval with amendments.
Mr. Lawrence, Mr. Upton and Ms. Garcia abstained.

Motion carried.

V. PUBLIC HEARINGS

A. Recommendation on Adoption of Amendments to Permissible Use Matrix for the Stateline/Ski Run Community Plan Districts 1b & 2a

Staff member Brenda Hunt presented the proposed amendments to the Permissible Use Matrix for the Stateline/Ski Run community Plan Districts 1b & 2a.

Commission members Mr. Maurer, Mr. McIntyre and Mr. Tolhurst asked clarifying questions to make sure that the City of South Lake Tahoe was comfortable with this amendment. Ms. Jamin stated that the City would be recommending the same amendment to their Board.
Public Comment:

Michael Donahoe, Sierra Club, commented that we should not be bringing these kinds of plan amendments until after the adoption of the Regional Plan.

Lew Feldman, representing the applicant, commented on the merits of amending the plan that currently requires unnecessary fees, hearings and commitments of staff time.

Mr. Upton moved approval.

Motion carried unanimously.

B. Recommendation on Adoption of Clean Up Amendments for the Shorezone Program

Staff member Gabby Barrett presented the proposed clean up amendments for the Shorezone program.

Commission Questions and Clarification:

Mr. Lawrence commented on whether mitigation could be done outside the shorezone. Would we be able to get scenic mitigation upland?

Mr. Maurer stated that this additional mitigation would need further environmental review and discussion.

Mr. Smith commented that Lahontan provided comments and wanted to make sure some of their recommendations would be reflected in the next round of clean up amendments.

Public Comment:

Jan Brisco, Tahoe Lake Front Owners’ Association, commented that some of these applications have renewals or new leases, and what happens if you don’t have an actual lease that has been reissued after the October 22, 2008 deadline. Would those need to come in for additional requirements? She wanted to make sure that this is clear for staff. If there is a boat on a lift and it has 100 feet of impact, but your boat on the buoy has 50 feet of impact now, you shouldn’t need to mitigate the full 100 feet but get credit for whatever is being retired. The mitigation discussion should come back at a future clean up to insure they have flexibility to do mitigation in the upland, if necessary.

Michael Donahoe, Sierra Club, commented that these discussions are premature, as the lake waters belong to the public.

Gary Midkiff commented on the possibility of greater flexibility with future mitigation opportunities.

Commission Questions and Clarification:

Mr. McIntyre commented that it may be appropriate to have a mitigation bank where people can move ahead with their projects and have the mitigation done somewhere else.
Ms. Merchant commented that staff should consider for future cleanup the revised boat lift mitigation that Ms. Brisco suggested.

Mr. Upton moved approval with possible future mitigation flexibility.

Motion carried unanimously.

C. Recommendation on Approval of the Buoy Enforcement Program and Adoption of Related Code Amendments Regarding the Buoy Application Deadline and Other Necessary Amendments

Staff member Gabby Barrett and Nicole Rinke presented the proposed Buoy Enforcement Program.

Mr. Jepsen recused himself.

Commission Questions & Clarification:

Ms. Merchant commented that color copies are easier to read and would like them in their packets if possible. She asked for clarification on the $500 and $175 buoy fees. She also asked for clarification on why the public buoy field fees cost less than private. Under removal and enforcement procedures, if there is disagreement, it now states that this would go to the Governing Board. She suggested that Hearings Officer may be more appropriate. She also asked if the scenic mitigation goes toward the Shorezone or could there be other areas that this could be applied to.

Mr. Kuchnicki commented on the program start up costs.

Mr. Riley commented on the cost of the program manager and coordinator.

Mr. Upton commented on the letter send in November 2008 and that letter probably should have had the deadline communicated then. He was also concerned about the GPS requirement.

Mr. Thompson asked what types of addresses are being used to send out notifications.

Mr. Tolhurst commented that there may be confusion between the application and the registration fee and the deadlines for each.

Mr. Greene commented that the Blue Boating Program would be another opportunity to notify people of this deadline. He also commented on whether we had consulted with the States on their deadlines.

Mr. Lawrence commented that Nevada wasn’t required to deny permits while some other agency went through a lengthy process. They are supportive of an enforcement process, but what happens if an agreement can not be worked out? He is supportive of a streamline buoy process and would like to see a shared application that both State Lands and TRPA could use.

Mr. Smith asked for clarification on how the buoys are identified in the field. He suggested that we follow a similar process that is used by the California
Department of Motor Vehicles. The milestones that are listed and the October 15th is the application for this year, but he doesn't see a deadline for actually having permits. He asked if there was consideration of language in the Code regarding prohibiting the use of unregistered/unlicensed buoys after October 15th.

Mr. Riley asked if we are going to require proof of insurance.

Mr. Lefevre asked if we were going to require both a TRPA and a State Lands permit for each buoy or would this be one permit for all.

Ms. Jamin asked how the private mooring fee is applied.

Mr. Kuchnicki stated that we have been working on this for over 20 years and if people haven’t received the message, then they are out of touch. He is not sure what else that we could do to reach out to them. He is comfortable with the October 15th deadline. After that date would there be an additional late fee applied up to a final date of December 31, 2009.

Public Comment:

Jan Brisco, Tahoe Lake Front Owners’ Association, stated that most of the owners' want to do the right thing, but it needs to be simple and easy to do. They plan to have a workshop with TRPA staff to help with the process. She feels that the October 15th deadline is too ambitious, as there should be more outreach.

Flavia Sordelat, League to Save Lake Tahoe, stated that they support the removal of illegal buoys, but they want no other buoy permits processed until all of the illegal buoys have been successfully removed.

Gary Midkiff stated that he welcomes this simplified application process; however considerable owners' do not have the ability to do GPS which should be taken into consideration. He also suggested that we make sure the stickers actually stick to the buoys.

Michael Donahue, Sierra Club, stated that they would like this to move forward as quickly as possible. Removing illegal buoys is a good thing.

Mr. Tolhurst stated that staff will work with owners’ and not just yank their buoys if they haven’t met the October 15th deadline.

Mr. Upton moved to approve staff’s recommendation that the Governing Board make the required findings and a finding of no significant effect (Attachment A) with the October 15th deadline.

Motion carried unanimously.

Mr. Upton moved to recommend adoption of the attached Resolution (Attachment B) approving the Buoy Enforcement Program Implementation Plan.

Motion carried unanimously.
Mr. Upton moved to recommend adoption of the attached Code amendments with adjustments (Attachment C).

Motion carried unanimously.

D. Recommendation on Chapter 54, Shorezone Project Findings and Development Standards, to Extend Buoy Placement Beyond the 350’ Buoy Limitation

Staff member Gabby Barrett presented the proposed Buoy Limit line.

Commission Questions & Clarification:

Mr. McIntyre asked clarifying questions. He asked looking at the Tahoe City area, it appears that the buoy field at Tahoe Tavern is entirely outside of any of the proposed options, what do you do with them?

Mr. Barrett stated that this does not apply to buoy fields.

Mr. Greene asked clarifying questions.

Mr. Lawrence asked clarifying questions and supports the line, but wants to make sure it is in the right place. Different areas have different issues and he believes that this should be addressed at the same time we are adjusting the limit line.

Mr. Tolhurst asked how buoy owners will know where this line is located.

Mr. Kuchnicki stated that there are twice as fewer buoy relocations with this proposed alternative. In terms of the 85% rule, the environmental benefit and homeowner cost is a better option.

Mr. Smith asked if buoys that have unique circumstances, would also need to apply or are they handled separate? The shoreline is not protected by erosion in every case which means that shorelines change overtime so this buoy line from high water is not a static line. He would not like to hold the permitted buoy owner hostage for having that line fluctuate. There should be some language to accommodate this.

Ms. Merchant recommended that if we are going with this proposal, rather than do one at a time variance for each buoy, that it should be granted for a broader area at similar locations in the future.

Tom Packard, private independent consultant, stated that scenic resources and visual impacts are his specialty. The scenic issues related to buoys were associated with the visual presence or absence of buoys. The distance from shore has not been an issue that has been studied in the past. He presented to the Commission a study to show the difference in boats located between 350’ from shore versus 600’ from shore.

Public Comment:

Paul Dankowski, Nevada Department of Wildlife, stated that in regards to the 600’ zone, they would like to look at a way to address current Nevada law,
which requires individual single use buoys be lighted at night, between sunset and sunrise.

Gary Midkiff stated that the idea there are some special areas around the lake that create special issues should definitely be looked for exception to this proposal.

Jan Brisco, Tahoe Lake Front Owners’ Association, stated that we should be focusing on safe mooring.

Nicole Gergans, League to Save Lake Tahoe, stated that they oppose the buoy line extension and asked for a full environment assessment, because the impacts to thresholds may be substantial.

May Hays, California State Lands, stated they don’t feel that the analysis on this issue is sufficient and would request an EA or EIS be completed.

Mr. Maurer moved approval to make the Chapter 6 and Ordinance 87-8 findings (Attachment A) with a finding of no significant effect. He recommended that Ms. Merchant’s suggestion be reviewed and considered.

Motion carried unanimously.

Mr. Smith gave Staff direction to work with State Lands prior to bringing this to the Governing Board.

Mr. Maurer moved to adopt the attached ordinance (Attachment B) adopting the Code of Ordinance amendments in Exhibit 1.

Motion carried unanimously.

VI. PLANNING MATTERS

A. Regional Plan Update Briefing

This item was continued.

VII. REPORTS

A. Executive Director

Joanne Marchetta gave the Executive Director’s Report.

B. General Counsel

Nicole Rinke gave the General Counsel report.

C. APC Members

Ms. Jamin stated they will be presenting the City’s General Plan on May 21st at 6:00 p.m.

Mr. Smith stated that the Lake Tahoe TMDL is progressing and the five individual pier reviewers have been selected. They are working with TRPA
staff to determine how to include the TMDL into the Regional Plan. They will be holding a Board meeting tonight on Aquatic Invasive Species update, dealing with pesticide use.

VIII. ADJOURNMENT

Chair Tolhurst adjourned the meeting at 4:15 p.m.

Respectfully submitted,

[Signature]

Judy Nikkel
Clerk to the Commission

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 589-5243. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.
MEMORANDUM

Date:       June 3, 2009
To:         TRPA Advisory Planning Commission
From:       TRPA Staff
Subject:    Recommendation for Certification of the Final EIS for the Sierra Colina Village Project (APN 1318-23-301-001, TRPA File Number 20060695STD)

Requested Action: Staff requests that the Advisory Planning Commission (APC) make a determination of technical adequacy and a recommendation to the Governing Board for certification of the Final Environmental Impact Statement (EIS) for the Sierra Colina Village Project.

The Final EIS was mailed or delivered to the APC and Governing Board members the week of April 6, 2009.

Staff Recommendation: Staff recommends that the APC recommend to the Governing Board certification of the Final EIS.

Required Motions: Staff requests that the APC make the following motions based on the Final EIS, this staff memorandum, and the complete administrative record:

1) A motion to recommend the Governing Board make the Compact Article VII(d) findings for the Final EIS (see Attachment A for the findings).

2) A motion to recommend the Governing Board certify the Final Environmental Impact Statement for the Sierra Colina Village Project.

Background: In April of 2006, Sierra Colina, LLC submitted an initial application to TRPA for the development of a project area located adjacent to Lake Village Drive and Highway 50 in Douglas County, Nevada. Upon initial review of the Initial Environmental Checklist (IEC), TRPA determined that the IEC was inadequate to determine the impacts associated with redevelopment of the site, and required that a TRPA Environmental Impact Statement (EIS) be prepared.

This EIS has been prepared with an analysis of five separate alternatives, one of which is a no-project alternative. The consulting firm, EDAW, acted as the lead contractor for the environmental document, although subcontractors assisted in its preparation. The Draft EIS was issued in August 2008 for a 60-day circulation and public comment period. During the comment period, public hearings on the draft document were held before the TRPA APC and Governing Board.
Issues/Concerns: Thirty-one comment letters and e-mails were received by the TRPA on the Draft EIS during the public circulation period, and fourteen members of the public offered oral comment at the Governing Board meeting in August 2008, and at the Advisory Planning Commission meeting in September 2008. Several issues were raised by commenters. The range of comments is included within the individual comment letters and the Response to Comments portion of the Final EIS. Generally, the primary issues raised were the following:

A. Traffic impacts to ingress/egress and emergency services,
B. New development and subdivision on undeveloped land,
C. Need for a conservation alternative, and
D. Compliance with the Total Maximum Daily Load (TMDL) requirements.

Staff and the consultant team will be prepared to discuss these issues with the Advisory Planning Commission at the meeting.

A Final EIS, which responds to all written and oral comments received during the comment period, was prepared and then distributed to the public on April 8, 2009. The document has been made available on the TRPA website: www.trpa.org; at the TRPA office (128 Market St., Stateline, NV); Zephyr Cove Branch of the Douglas County Library (233 Warrior Way, Zephyr Cove, NV); and the City of South Lake Tahoe Branch of the El Dorado County Library (1000 Rufus Allen Blvd., City of South Lake Tahoe, CA).

Contacts: If you have any questions, please contact Theresa Avance, AICP, Senior Planner at tavance@trpa.org or 775-589-5224.

Attachments:
A. Required Findings/Rationale
B. Environmental Documentation
C. Exhibits
Required Findings/Rationale

Article VII(d) Findings for the EIS: These findings with respect to an Environmental Impact Statement must be made prior to the certification of the Beach Club on Lake Tahoe Final EIS. Specific mitigations proposed for each issue area are detailed in Table S-1 of the Draft EIS.

1. Finding: With respect to the significant and possibly significant effects on AIR QUALITY identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

   Rationale: The identified air quality impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.2). Compliance with the TRPA Regional Plan and Code requirements relating to air quality, including required dust control measures, will provide assurances that no adverse impacts will occur.

2. Finding: With respect to the significant and possibly significant effects on ARCHAEOLOGICAL AND HISTORICAL RESOURCES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

   Rationale: The identified archaeological and historical resource impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.3). No impacts to any known historical or cultural resources will be caused by any of the alternatives. The FEIS includes mitigation measures that will ensure detection and protection of any previously undiscovered cultural resources.

3. Finding: With respect to the significant and possibly significant effects on BIOLOGICAL RESOURCES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

   Rationale: The identified biological resource impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.4). Compliance with the TRPA Regional Plan and Code requirements relating to wildlife and vegetation will provide assurances that no adverse impacts will occur. The FEIS details comprehensive mitigation measures that include minimization of disturbance and avoidance of sensitive areas, and restoration requirements for riparian habitat.

4. Finding: With respect to the significant and possibly significant effects on GEOLOGY, SOILS, LAND CAPABILITY AND COVERAGE identified in the EIS, changes or alterations have been required in or incorporated into
the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified geology and soil impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.5). Compliance with the TRPA Regional Plan and Code requirements relating to land coverage and soils disturbance will provide assurances that no adverse impacts will occur. The primary mitigation measures identified in the Final EIS are preparation and implementation of a final geotechnical engineering report, and preparation and implementation of a complete and detailed BMP plan.

5. Finding: With respect to the significant and possibly significant effects on HUMAN HEALTH/RISK OF UPSET identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified human health and risk of upset impacts associated with the project are not significant as demonstrated in the Final EIS (see Chapter 4.6). Compliance with the TRPA Regional Plan and Code requirements relating to human health and risk of upset will provide assurances that no adverse impacts will occur.

6. Finding: With respect to the significant and possibly significant effects on HYDROLOGY AND WATER QUALITY identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified hydrology and water quality impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.7). All alternatives, except Alternative 5 (No Project), include improvements to capture, convey, and treat storm water. Compliance with the TRPA Regional Plan and Code requirements relating to water quality will provide mitigation for hydrology and water quality impacts. The primary mitigation measures identified in the Final EIS are preparation and implementation of a Storm Water Pollution Prevention Plan, and preparation and implementation of a complete and detailed BMP plan.

7. Finding: With respect to the significant and possibly significant effects on LAND USE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified land use impacts associated with the project are not significant as demonstrated in the Final EIS (see Chapter 4.8). Compliance with the TRPA Regional Plan and Code requirements
relating to land use will provide assurances that no adverse impacts will occur.

8. Finding: With respect to the significant and possibly significant effects on NOISE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified noise impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.9). Compliance with the TRPA Regional Plan and Code requirements relating to noise will provide assurances that no adverse impacts will occur. The FEIS includes mitigations that will ensure that the 50 dBA CNEL will not be exceeded.

9. Finding: With respect to the significant and possibly significant effects on POPULATION AND HOUSING identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified population and housing impacts associated with the project are not significant as demonstrated in the Final EIS (see Chapter 4.10). Compliance with the TRPA Regional Plan and Code requirements relating to population and housing will provide assurances that no adverse impacts will occur.

10. Finding: With respect to the significant and possibly significant effects on PUBLIC SERVICES AND UTILITIES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified impacts to public services and utilities associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.11). By implementing the mitigation measures outlined in the Final EIS, identified effects to public services and utilities will be mitigated to a less than significant level. Mitigation measures include preparation of an emergency access plan to be used during construction activities.

11. Finding: With respect to the significant and possibly significant effects on RECREATION identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified recreation impacts associated with the project are not significant as demonstrated in the Final EIS (see Chapter 4.12). Compliance with the TRPA Regional Plan and Code requirements relating to recreation will provide assurances that no adverse impacts will occur.
12. Finding: With respect to the significant and possibly significant effects on SCENIC RESOURCES identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified scenic resource impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.13). Compliance with the TRPA Regional Plan and Code requirements relating to scenic resources will provide assurances that no adverse impacts will occur.

13. Finding: With respect to the significant and possibly significant effects on TRANSPORTATION AND CIRCULATION identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified transportation and circulation impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 4.14). By implementing the mitigation measures outlined in the Final EIS, identified effects to transportation and circulation will be mitigated to a less than significant level. Mitigation measures include improvement to turning movement at the Lake Village Drive and Highway 50 intersection, ensuring safe access from the bike path labeled LPF4 to Highway 50, and restricting construction traffic during peak traffic hours.

14. Finding: With respect to the significant and possibly significant effects on CUMULATIVE IMPACTS identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified cumulative impacts associated with the project are not significant as demonstrated in the Final EIS (see Chapter 4.15).
Environmental Documentation

Environmental Analysis: The applicant has completed an Environmental Impact Statement for the proposed project. The Sierra Colina Village Project Final EIS is before the Advisory Planning Commission for a recommendation to the Governing Board on technical adequacy and certification. Certification is defined as a finding that the Final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code of Ordinances, and the Rules of Procedure.

1. Development of Alternatives: As stated in the EIS, the primary objective of the project is to create a single- and multi-family residential development. The EIS analyzes five separate project alternatives:

   • Alternative 1 (Proposed Alternative) - 41 market rate residential units, 9 moderate-income residential units, roadway improvements, four linear public facilities, and utility infrastructure improvements. The residential units would consist of single and duplex-style buildings, and would be subdivided into single family dwellings.

   • Alternative 2 (Grand Estate) - A single-family dwelling, with a guesthouse, various recreational buildings, sports courts, and caretaker home.

   • Alternative 3 (Reduced Density) - 37 market rate residential units, roadway improvements, four linear public facilities, and utility infrastructure improvements. The residential units would consist of single and duplex-style buildings, and would be subdivided into single family dwellings.

   • Alternative 4 (Increased Density) - 42 market rate residential units, 12 moderate-income residential units, roadway improvements, four linear public facilities, and utility infrastructure improvements. Most of the market rate residential units would consist of single and duplex-style buildings, the remaining market rate and moderate-income units would be within a single lodge-style building, and all residential units would be subdivided into single family dwellings.

   • Alternative 5 (No Project) - Parcel remains undeveloped in a near-natural state and inaccessible to the public.

2. Comparison of Impacts: Exhibit 1 of this staff report is a table from the FEIS that summarizes and compares the potential environmental effects of the alternatives (Table S-2). By including the required mitigation measures and design features into the Proposed Project and the Project Alternatives, the FEIS concludes that no significant effects would result from implementation of any of the alternatives.
### Table S-2
Summary Comparison of the Project Alternatives

<table>
<thead>
<tr>
<th>Impacts</th>
<th>Alternative 1 Proposed Project</th>
<th>Alternative 2 Grand Private Estate</th>
<th>Alternative 3 Reduced Density Alternative</th>
<th>Alternative 4 Increased Density Alternative</th>
<th>Alternative 5 No Project</th>
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</thead>
<tbody>
<tr>
<td>4.2 Air Quality</td>
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<tr>
<td>4.2-1: Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.2-2: Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.2-3: Generation of Long-Term Operation-Related Local Mobile-Source Emissions of Carbon Monoxide.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.2-4: Exposure of Sensitive Receptors to Odors.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.2-5: Exposure of Sensitive Receptors to Emissions of Hazardous Air Pollutants.</td>
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<td>LTS</td>
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<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.3 Archaeological and Historical Resources</td>
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<td>4.3-1: Effects on Known Significant Archaeological and Historical Resources.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.3-2: Effects on Previously Undiscovered Archaeological and Historical Resources and Human Remains.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.3-3: Effects on Paleontological Resources.</td>
<td>LTS</td>
<td>LTS</td>
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<td>LTS</td>
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<td>4.4 Biological Resources</td>
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<td>4.4-1: Removal of Riparian Vegetation, Potential Fill of Jurisdictional Waters of the United States.</td>
<td>LTS</td>
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</tbody>
</table>

Significance levels for Alternative A through D reflect the levels of significance after mitigation.

NI = No Impact  B = Beneficial  LTS = Less than Significant  S = Significant  PS = Potentially Significant  SU = Significant and Unavoidable
### Table S-2
Summary Comparison of the Project Alternatives

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>4.4-2: Potential Effects on Special-Status Animal Species</td>
<td>LTS</td>
<td>LTS</td>
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<td>(Mule Deer, Waterfowl).</td>
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<td>4.4-3: Potential Effects on Common Raptors.</td>
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<td>4.4-4: Removal of Common Migratory Bird Nests.</td>
<td>LTS</td>
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<tr>
<td>4.4-5A: Potential Degradation of Wildlife Habitats of Special</td>
<td>LTS</td>
<td>LTS</td>
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<td>Significance as a Result of Construction and Use of LPF 5.</td>
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<tr>
<td>4.4-5B: Potential Degradation of Wildlife Habitats of Special</td>
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<td>Significance as a Result of Residential Development.</td>
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<td>4.4-6A: Potential Degradation of Wildlife Movement Corridors as a</td>
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<td>Result of Construction and Use of LPF 5.</td>
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<td>4.4-6B: Potential Degradation of Wildlife Movement Corridors as a</td>
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<td>Result of Residential Development.</td>
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<td>4.4-7: Potential Degradation of Fish Habitat.</td>
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<td>4.4-8: Loss of Common Vegetation (other than deciduous riparian</td>
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<td>LTS</td>
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<tr>
<td>vegetation), Uncommon Vegetation, and Late Seral/Old Growth Ecosystems.</td>
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<td>4.4-9: Tree Removal.</td>
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<td>4.4-10: Introduction and Spread of Weeds.</td>
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<tr>
<td>4.5 Geology, Soils, Land Capability and Coverage</td>
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<tr>
<td>4.5-1: Land Coverage.</td>
<td>LTS</td>
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<tr>
<td>4.5-2: Site Topography, Grading, and Soil Erosion.</td>
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<td>4.5-3: Seismic Hazards.</td>
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<td>4.5-4: Geologic Hazards Related to Related to Landslides, Expansive Soils, and Corrosive Soils.</td>
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<tr>
<td>4.5-5: Geologic Hazards Related to Seasonal Subsurface Water Flows due to Surface Infiltration.</td>
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<td>4.5-6: Geologic Hazards Related to Construction in Bedrock and Rock Outcrops.</td>
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<td>4.6 Human Health/Risk of Upset</td>
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<td>4.6-1: Expose the Public or Environment to Hazardous Materials.</td>
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<td>4.6-2: Increased Risk of Health Hazards From Vector-borne Diseases.</td>
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<td>4.6-3: Increased Exposure to Wildland Fire Hazard.</td>
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<tr>
<td>4.7 Hydrology and Water Quality</td>
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<tr>
<td>4.7-1: Potential Short-Term Accelerated Soil Erosion and Sedimentation and/or Release of Pollutants to Nearby Water</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
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<td>Bodies During Construction.</td>
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<td>4.7-2: Impervious Surface Area and Runoff.</td>
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<td>4.7-3: Urban Contaminants in Surface Runoff.</td>
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<td>4.8 Land Use</td>
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<tr>
<td>4.8-1: Consistency with Regional Plan Land Use Goals and Policies.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.8-2: Potential for Division of an Existing Community (or Land Use Compatibility).</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
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<tr>
<td>4.9 Noise</td>
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<tr>
<td>4.9-1: Short-Term Project-Generated Construction Noise Levels.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
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<tr>
<td>4.9-2: Long-Term Project-Generated Stationary- and Area-Source Noise.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td>4.9-3: Long-term Project-Generated Off-Site Traffic Noise Levels.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
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<tr>
<td>4.9-4: Land Use Compatibility with Ambient Noise Levels.</td>
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<td>4.9-5: Vibration Levels.</td>
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<td>4.10 Population and Housing</td>
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<tr>
<td>4.10-1: Change in Availability of Moderate-Income Housing.</td>
<td>LTS</td>
<td>LTS</td>
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<tr>
<td>4.10-2: Alter the Location, Distribution, Density, or Growth Rate of the Human Population Planned for the Region.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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<tr>
<td><strong>4.11 Public Services and Utilities</strong></td>
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<tr>
<td>4.11-1: Increased Demand for Water Supply, Treatment, Distribution, and Storage.</td>
<td>LTS</td>
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<td>LTS</td>
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<td>4.11-2: Increased Demand for Wastewater Service.</td>
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<td>4.11-3: Increased Demand for Electrical Services.</td>
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<td>4.11-4: Increased Demand for Natural Gas Services.</td>
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<td>NI</td>
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<td>4.11-5: Increased Demand for Solid Waste Services.</td>
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<td>NI</td>
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<td>4.11-6: Increased Demand for Telecommunications Service.</td>
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<td>NI</td>
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<td>4.11-7: Increased Demand for Law Enforcement Services.</td>
<td>LTS</td>
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<td>LTS</td>
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<td>4.11-8: Emergency Access During Construction.</td>
<td>LTS</td>
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<td>NI</td>
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<td>4.11-9: Increased Demand for Fire Protection.</td>
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<td>4.11-10: Increased Demand for Emergency Medical Services.</td>
<td>LTS</td>
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<td>4.11-11: Increased Student Enrollment in Stateline Area Schools.</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
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<tr>
<td><strong>4.12 Recreation</strong></td>
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<tr>
<td>4.12-1: Increase in Use of Parks and Other Recreation</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>LTS</td>
<td>NI</td>
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**TA/rc**

*AGENDA ITEM V.A*
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<tr>
<td>Facilities.</td>
<td>LTS</td>
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<td>4.12-2: Increased Recreational Opportunities.</td>
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<td>4.12-3: Conflicts with Existing or Proposed Recreation Uses.</td>
<td>LTS</td>
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<td>NI</td>
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</table>

#### 4.13 Scenic Resources

| 4.13-1: Effects on SR-1, TRPA Travel Route Threshold Ratings.         | LTS                           | LTS                                 | LTS                                      | LTS                                         | NI                       |
| 4.13-2: Effects on SR-2, TRPA Scenic Quality Threshold Ratings.       | LTS                           | LTS                                 | LTS                                      | LTS                                         | NI                       |
| 4.13-3: Effects on SR-3, TRPA Recreation Areas and Bike Trails Threshold. | LTS                           | LTS                                 | LTS                                      | LTS                                         | NI                       |
| 4.13-4: Effects on SR-4, TRPA Community Design Threshold.             | LTS                           | LTS                                 | LTS                                      | LTS                                         | NI                       |

#### 4.14 Transportation and Circulation

| 4.14-1: Daily Vehicle Trip Generation.                                | LTS                           | LTS                                 | LTS                                      | LTS                                         | NI                       |
| 4.14-3: Vehicular Access and Circulation – Access from Existing Roadways. | LTS                           | LTS                                 | LTS                                      | LTS                                         | NI                       |

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<tr>
<td>4.14-5: Pedestrian and Bicycle Access and Circulation.</td>
<td>LTS</td>
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<td>4.14-6: Parking Supply.</td>
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<td>4.14-7: Construction Traffic.</td>
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MEMORANDUM

Date: June 3, 2009
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Amendment of Plan Area Statement 073, Lake Village, to allow Special Area #1 to be eligible for the Multi-Residential Incentive Program by amending Special Policy 3, and Providing for other Matters Properly Related Thereto

Requested Action: Advisory Planning Commission (APC) recommendation to the Governing Board on the attached ordinance (see Attachment B) amending Plan Area Statement 073, Lake Village.

Staff Recommendation: Staff recommends that the APC recommend Governing Board approval of the required findings, the proposed Plan Area Statement (PAS) amendment, and a Finding of No Significant Effect (FONSE).

Required Motions: In order to recommend approval of the proposed PAS amendment, the APC must make the following motions, based on this staff summary and the evidence in the record:

1) A motion to recommend Governing Board approval of the required findings (see Attachment A), including a Finding of No Significant Effect; and 2) A motion to recommend Governing Board approval of the proposed amendment to the Plan Area Statement (see Attachment B).

In order for the motions to pass, a simple majority vote of the APC is required.

Project Description / Background: The applicants propose to amend Plan Area Statement (PAS) 073 – Lake Village to make Special Area #1 eligible for the Multi-Residential Incentive Program, which will allow them to obtain residential bonus units for use within the Special Area.

Special Area #1 within PAS 073-Lake Village is located in Douglas County off Highway 50 (Attachment C). The Special Area is made up of one vacant parcel of approximately 18 acres (APN: 1318-23-301-001). Special Area #1 is bounded by Highway 50 on the west, Lake Village Condominiums to the north, a complex of restaurants (previously Burger King and Water Wheel, now Tahoe Keys Restaurant and Thai Delight) and Kahle Park to the south, and public lands to the east. The area is within walking distance of Kahle Park and many community and commercial services at Stateline, NV. It is also adjacent to publicly owned lands that are available for public recreation, open space and natural resource protection and management purposes.
On October 16, 1992, The TRPA Governing Board approved a boundary line amendment to PAS 073-Lake Village that incorporated the subject parcel associated with Special Area #1 from PAS 060-Genoa Peaks to PAS 073-Lake Village. The Land Use Classification for PAS 060-Genoa Peaks is conservation and PAS 073-Lake Village is Residential. According to the 1992 staff summary, the boundary line adjustment was determined to be beneficial as the subject parcel contains high capability land and is located in an area with the potential for infill development. The parcel is situated between an existing commercial center and a developed residential area. The staff summary states that the parcel should be considered for residential housing (single family or multi-family housing) development and that there were initial recommendations made that this parcel should be transferred to the Kingsbury Community Plan area for multi-family housing.

Discussion: The reason for the requested amendment is to allow the applicants to gain approval for a multi-family housing project that includes market rate and moderate income housing, and a subsequent subdivision of these structures. The applicants propose to construct a total of 50 residential units within Special Area #1. Forty-one of the units would be market rate, and nine would be deed restricted moderate income units. As a part of the development proposal, the applicants wish to obtain bonus units for the moderate income residential units, which replace the requirement for each of these units to obtain a residential development right. Residential allocations would still be required, and may be obtained either from Douglas County or from the TRPA-maintained allocation pool for the Certified Local Government Moderate Income Housing Program.

The applicants requested that the PAS be amended to allow Special Area #1 to be eligible for the Multi-Residential Incentive Program (MRIP) by amending Special Policy 3. Specifically, Special Policy 3 would be revised to delete the statement: “Residential development in Special Area #1 shall not be eligible for the multi-residential incentive program.” Special Policy 3 was initially added to the PAS with the 1992 PAS amendment. Review of the staff summary and minutes from the 1992 Governing Board hearing for the PAS amendment do not clearly identify why this parcel was excluded from the MRIP; however, there is indication that the developer intended to transfer all necessary residential units from sensitive properties within Douglas County, and did not intend any of the units to be affordable housing and therefore would not need the MRIP. Staff believes that the inclusion of Special Policy 3 to make the Special Area ineligible for the MRIP was appropriate at the time due to lack of available public transportation and other community services for the site as required for affordable housing, and TRPA ordinances did not exist for moderate income housing. These issues no longer exist, and staff feels the site is now appropriate for eligibility for the MRIP.

The applicants initially requested that the PAS also be amended to allow transfer of existing development. During staff’s review, it was determined that adding Existing Development to the TDR Receiving Area Special Designation was unnecessary because the TRPA Code of Ordinances allows existing development to be transferred into this PAS for residential purposes as stated in TRPA Code Section 34.4.

Transfer Of Existing Development: Certain elements of existing development may be transferred from one parcel or project area to another, if the receiving parcel is in a plan area or adopted community plan area, designated as a receiving area for existing development. Existing residential development may be transferred to any plan area or adopted community plan where residential use is a permissible use. The
transfer of existing development shall not be considered additional development and is exempt from the applicable allocation system.

Therefore no PAS amendment is necessary on this issue. The applicants may transfer existing development for residential purposes to PAS 073 as long as the transfer is consistent with the proposed special policy amendments and the TRPA Regional Plan.

TRPA received a letter from Dan Holler, the Douglas County Manager, on May 23, 2006 expressing the County’s support of the plan area amendment application (Attachment D). The following quote from the letter specifically addresses Douglas County’s desire to obtain deed restricted affordable and moderate income housing.

“As you are aware, Douglas County has had limited success in developing deed restricted affordable and moderate income housing projects within the Tahoe Basin. This is due in part to the limited amount of development rights available to support these projects. Our hope is that with this plan area statement amendment, Douglas County can do its share of providing much needed housing for targeted residents within the Basin.”

The reasons for pursuing the amendments to PAS 073 Lake Village described above are based on the Plan Area Amendment application file information, discussions with the applicant and the TRPA Regional Plan. The proposed project, as conditioned and allowed by the amendment has the potential to benefit the environment by transferring in existing development from low land capability parcels and to assist TRPA in meeting the Transportation and Housing Element Goals in the Regional Plan.

Regional Plan Compliance: The proposed PAS amendment complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapter 6 and 13 (see Attachment A).

Contact Information: Please contact Theresa Avance, AICP at (775) 589-5224, or via email at tavance@trpa.org, if you have any questions regarding this agenda item.

Attachments:
A. Required Findings/Rationale
B. Adopting Ordinance / Exhibit 1 (Amendment to Plan Area Statement)
C. Plan Area Map
D. Letter from Douglas County
Required Findings/Rationale

The following is a list of the required findings as set forth in Chapters 6 and 13 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

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 implementation of bicycle and pedestrian paths identified within the Tahoe Region Bicycle and Pedestrian Master Plan, and the ability to obtain information and documentation regarding the feasibility of achieving moderate income housing for full-time residents and workers in the basin, are beneficial to the implementation of the Regional Plan.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.
   
   Rationale: The amendment to PAS 073 Lake Village does not create any impacts to environmental thresholds. Any project resulting from this amendment shall comply with the applicable provisions of the Regional Plan, this amended PAS, and the applicable thresholds.

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 project resulting from this amendment will 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 thresholds.

5. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.
   
   Rationale: See findings 1, 2, and 4 above.
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 Land Use Designation for this PAS is Residential and the Management Strategy is Development with Mitigation. The amendment is not proposing changes to the Land Use Designation or the Management Strategy and is therefore consistent with Subsection 13.5.B. The PAS is a TDR Receiving Area for Multi-Residential Units, and both multi-family and single-family residential uses are permissible in this PAS and Special Area. This amendment is consistent with both Subsection 13.5.C and Chapter 34 of the TRPA Code, which allows the transfer of existing development in any Plan Area where residential uses are permissible.

2. Finding: If the amendment is to add multiple-family dwellings as a permissible use to a plan area or for one or more parcels, and would result in deed restricted affordable housing units, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). TRPA shall find that the following factors are satisfied when determining TOD suitability: access to operational transit within a 10 minute walk, or a functional equivalent as provided for in 13.7.D.(4) of the TRPA Code; and neighborhood services or public facilities.

   The proposed PAS amendment does not propose to add multiple-family as a permissible use to a plan area as it is already a permissible use in PAS 073, Special Area #1. However, in October 1992, when the TRPA Governing Board relocated the project parcel from PAS 060 (Conservation) to PAS 073 (Lake Village) (Special Area #1), TRPA Code Section 13.7.D had not yet been enacted (it became effective on February 18, 1995). Therefore, the transit-oriented development findings set forth in Section 13.7.D.5) are necessary. The proposed PAS amendment would allow the parcel to provide moderate-income, deed-restricted housing units. The site is located within a 10 minute walk of the Stateline Transit Center located at Kahle Drive, and is also directly adjacent to or within a 10 minute walk to neighborhood services and public facilities such as Kahle Park and Community Center, Stateline Medical Center, and mini-marts, a bank, retail stores, restaurants and a U.S. Post Office on Kingsbury Grade. Based on the parcel’s location to neighborhood services and public facilities, the transit-oriented findings can be made.

   Environmental Documentation: Portions of this amendment have been reviewed in the Environmental Impact Statement prepared for the Sierra Colina Village Project, and staff has reviewed the other modifications in an Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the foregoing findings and the complete record of this matter.
**Adopting Ordinance**

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE 2009 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING PLAN AREA STATEMENT 073 LAKE VILLAGE BY AMENDING THE PLANNING CONSIDERATIONS AND SPECIAL POLICIES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

**Section 1.00 Findings**

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Plan Area Statement 073 Lake Village in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

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

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

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

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

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00 Amendment of the Plan Area Statement 073 Lake Village

Subsection 6.10, subparagraph (2) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, dated June 3, 2009, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The provisions of this ordinance amending the 073 Lake Village Plan Area Statement shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on June 24, 2009, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

______________________________
Allen Biaggi, Chair
Governing Board
Tahoe Regional Planning Agency
073
LAKE VILLAGE

PLAN DESIGNATION:

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>RESIDENTIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Strategy</td>
<td>MITIGATION</td>
</tr>
<tr>
<td>Special Designation</td>
<td>TDR RECEIVING AREA FOR:</td>
</tr>
<tr>
<td></td>
<td>1. Multi-Residential Units</td>
</tr>
</tbody>
</table>

MULTI-RESIDENTIAL INCENTIVE PROGRAM

DESCRIPTION:

Location: This area includes the Lake Village condominium development north of the Kingsbury Highway 50 intersection. The boundaries of this area are depicted on TRPA maps H-15 and H-16.

Existing Uses: This is a medium density planned unit residential development with an office complex.

Existing Environment: The area is 45 percent high hazard, 35 percent moderate hazard with the remainder SEZ or low hazard. The land coverage is 55 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: This area should continue to be a medium density residential area, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. Scenic Roadway Unit 31 is within this Plan Area.

2. The Lake Tahoe Regional Bicycle and Pedestrian Master Plan lists bicycle and pedestrian improvements for this area.

SPECIAL POLICIES:

1. The lots in Lake Village designated as eligible for multi-density under the approved subdivision map shall be eligible for such density with TDR.

2. New or additional commercial development shall be limited to parcels with commercial development on the effective date of this Plan.
3. Residential development in Special Area #1 shall not be eligible for the multi-residential incentive program. Access to Special Area #1 shall be from Lake Village Drive only. All buildings and parking areas shall be set back 200 feet from the U.S. Highway 50 right-of-way line.

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, except as noted for Special Area #1.

Residential
- Single family dwelling (A), and multiple family dwellings (A) only on lots designated as eligible for multi-density on the approved subdivision map.

Commercial
- Professional offices (A) and health care services (S).

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), and public utility centers (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).

Special Area #1: The following list of permissible uses is applicable throughout Special Area #1.

Residential Single
- Single family dwelling (A), and multiple family dwellings (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), and transportation routes (S).

Recreation
- Day use areas (A), and riding and hiking (A).
ATTACHMENT B

Amendment to Plan Area Statement

Exhibit 1

06/03/2009

New language is underlined in blue. Language to be deleted is struck thru in red.

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>
<tr>
<td>Multiple Family Dwelling</td>
<td>General Area - as per special Policy #1</td>
</tr>
<tr>
<td></td>
<td>Special Area #1 - 3 units per acre</td>
</tr>
</tbody>
</table>

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 50 corridor is 65 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 USES 0 PAOT  OVERNIGHT USES 0 PAOT

ENVIRONMENTAL IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented. §

§ Amended 5/22/02
Plan Area Map

ATTACHMENT C
06/03/2009

TA/rc

AGENDA ITEM V.B
April 18, 2006

Environmental Review Services
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89448

Re: Plan Area Statement 073-Lake Village (Special Area #1) Amendment Application by Sierra Colina, LLC (APN #1318-23-301-001)

Dear ERS staff:

This letter is sent in support of the plan area statement amendment application filed by Sierra Colina, LLC, the owner of the above 18-acre Stateline, NV parcel within Plan Area Statement (PAS) 073-Lake Village. The amendment proposes two amendments: a) to allow Special Area #1 (Sierra Colina parcel) of PAS 073 Special Designation as a TDR Receiving Area for existing development, and b) to allow Special Area #1 (Sierra Colina parcel) of PAS 073 to be eligible to receive Bonus Units. As stated in PAS 073, multiple family dwellings with a maximum of 3 units per acre are allowed.

As you are aware, Douglas County has had limited success in developing deed restricted affordable and moderate income housing projects within the Tahoe Basin. This is due in part to the limited amount of development rights available to support these projects. Our hope is that with this plan area statement amendment, Douglas County can do its share of providing much needed housing for targeted residents within the Basin.

Please feel free to contact me if you have any questions regarding this matter. I can be reached at (775) 782-9821.

Sincerely,

[Signature]

Dan C. Holler
County Manager

Cc: Board of County Commissioners
MEMORANDUM

Date: June 3, 2009

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Recommendation on Amendment of Code Section 54.5.B. (3) to Facilitate Streamlining of Buoy Permitting and Enforcement Process

Requested Action: Recommendation for Governing Board (GB) adoption of the attached Ordinance (Attachment B) amending Code Section 54.5.B. (3), Upland Best Management Practices, to modify the BMP Certificate of Completion requirement to facilitate streamlining of the buoy permitting and enforcement process.

Staff Recommendation: Staff recommends that the Advisory Planning Commission (APC) recommend GB adoption of the attached Ordinance (Attachment B) amending Code Section 54.5.B. (3) to facilitate streamlining of the buoy permitting and enforcement process.

Required Motion: To recommend GB adoption of the attached Ordinance (Attachment B) amending Code Section 54.5.B. (3), Upland Best Management Practices, modifying the BMP Certificate of Completion requirement, the APC must make the following motions, based on this staff summary and the complete administrative record:

1. A motion to recommend the GB make the required findings and a finding of no significant effect (Attachment A), and
2. A motion to recommend adoption of the attached ordinance (Attachment B, Exhibit 1).

Program Description/Background: At the October 22, 2008, GB meeting, the Board adopted Resolution 2008-30 directing staff to bring forward, “based on consultation with the relevant enforcement agencies of both California and Nevada, the proposed implementation details of a buoy enforcement program.” The Board also directed staff to bring forward a “buoy permitting procedure that gives priority to those Lake Tahoe littoral landowners who followed past permitting rules and waited before installing an unpermitted buoy.”

The Buoy Enforcement Program and buoy permitting procedures are closely related. The proposed streamlined permitting process is an important step to achieve full implementation of all shorezone programs by 2012. This is consistent with the other implementation programs and follows a phased implementation approach.
The proposed Code amendment is necessary to facilitate the proposed streamlined permitting and enforcement process. Section 54.5.B. (3) of the TRPA Code currently requires a buoy applicant to submit a BMP Certificate of Completion prior to TRPA issuing a permit for buoys. As many lakefront property owners do not currently have upland BMPs installed, this Code requirement is preventing many property owners from applying and receiving approval for buoy permits. As a result, TRPA’s identification and enforcement of illegal buoys would be delayed until such time that all existing buoy applications have need submitted and reviewed. The proposed Code amendment will require the submission of the BMP Certificate of Completion within one year of buoy permit approval, versus at the time of initial application. This will allow for a more timely assessment of the legal status of all existing buoys and accelerate the removal of all illegal buoys.

Figure 1 provides a summary of Phase I of buoy permitting and enforcement, and illustrates the target area for buoy streamlining.

As proposed, the streamlined permitting process will focus on the permitting of three or fewer buoys and registering eligible buoys in the summer of 2009. At this time, the applications are limited to certain existing buoys as defined by Subsection 52.4.E. of TRPA Code. Although buoy field applications will be accepted and processed during this same time period, the permitting requirements for a buoy field present different challenges that cannot be accommodated through the proposed streamlined permitting process. The process will be coordinated with the October 15, 2009, deadline for application submittals. Figure 2 charts the process and the text below describes the steps.
Streamlined Process Description

**Step 1. Application Submittal** - First, TRPA will offer pre-application assistance to help applicants fill out the application before submittal (a process in operation now).

Second, applicants will be required to submit a minimum amount of information in a basic application form by the October 15th application deadline. This includes:

1. Owner name and assessor’s parcel number;
2. The GPS coordinates of the buoys and the number of buoys being applied for;
3. Proof of eligibility for phase 1 permit consideration (state or federal permit, or pre-1972 information);
4. Buoy maintenance inspection form; and
5. Number of buoys.

At time of application submittal, staff will review the applications to determine eligibility for the over-the-counter process. Generally, applications with a valid state lands lease/permit and site plan, or a valid permit from the U.S. Army Corps of Engineers, or pre-1972 buoys with adequate documentation will be eligible for the over-the-counter process. For existing buoys, staff is estimating that this will substantially cover the majority of applications for three or fewer buoys.

Complex applications for buoy fields, pre-1972 buoys lacking documentation, and buoys in cove settings that require adjacent property owner coordination will be assigned to the normal permitting process, where necessary. Prior to the October 15, 2009, application deadline, fees at time of application submittal for complex applications would be subject
to payment of applicable filing fees ($500.00 per buoy) and the one-time fee of $500.00 for the second and all subsequent private buoys. The biennial double payment of $175.00 for each private mooring would be required at time of permit acknowledgement. After the October 15, 2009, application deadline, all fees will be required at time of application submittal (application filing fee of $500.00 per buoy, a biennial double payment of $175.00 for each private mooring, and a one-time $500.00 fee for the second and all subsequent private buoys).

Step 2 Over-the-Counter Approval Process – For complete applications eligible for the over-the-counter approval process, staff will approve a conditional permit that allows the applicant up to one year to comply with all special permit conditions. The permit approval will take place over-the-counter or within one day. The permit will include special conditions pertaining to compliance with certain Code requirements applicable to TRPA buoy permits. Permit approval will require payment of all required fees as identified below, and will include issuance of mooring registration tags.

Some of the key conditions include:
1. The applicant’s signed acceptance of all conditions;
2. The applicant must obtain and submit a BMP Certificate of Completion for the upland parcel within one year;
3. The applicant’s agreement to comply with TRPA design and location standards for buoys within one year,
4. The applicant’s agreement to tag the buoy(s);
5. The applicant’s agreement to allow removal of their buoy(s) in the event they fail to comply with all conditions of approval; and,
6. Payment of required fees (application filing fee of $500.00 per buoy, a biennial double payment of $175.00 for each private mooring, and a one-time $500.00 fee for the second and all subsequent private buoys).

Step 3 Final Inspection – TRPA watercraft enforcement staff will conduct a final inspection within one year from the date of buoy permit approval to confirm that conditions have been met. If all conditions have not been complied with at that time, the buoy(s) will be subject to removal.

The proposed Code amendment in Attachment B would allow TRPA to approve buoy permits through a more efficient and streamlined process, while still assuring compliance with the installation of upland water quality BMPs and buoy location standards. The proposed streamlining of buoy permitting will also promote more efficient implementation of the other shorezone implementation programs that are dependent upon buoy permitting to assist with overall implementation of the Regional Plan.

The proposed Code amendment is set forth in Attachment B. Required findings and rationale are addressed in Attachment A.

If you have any questions please contact Jason Ramos at (775) 589-5261 or via email at jramos@trpa.org.

Attachments:
  Required Findings and Rationale (Attachment A)
  Adopting Ordinance with Amendment Exhibit 1 (Attachment B)
Required Findings for the Ordinance Amendments

Code Amendment Findings

Required Findings: The following findings must be made in order to adopt the proposed Code of Ordinance Amendments:

Chapter 6 Findings: The following findings must be made prior to amending the Code of Ordinances which constitutes a Regional Plan Amendment.

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 purpose of the proposed Code amendment is to ensure that buoys in Lake Tahoe meet the rules set forth in the TRPA Code of Ordinances in a more timely manner. The proposed Code amendment will allow TRPA to expedite the identification, enforcement, and removal of illegal buoys in Lake Tahoe. Completion of upland water quality BMPs will be assured as a condition of buoy permit approvals, which will require removal of the buoys if the BMPs are not completed within one year of permit approval.

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

Rationale: The proposed amendment is to ensure that buoys in Lake Tahoe meet the rules set forth in the TRPA Code of Ordinances. The streamline permitting process is designed to aid in the protection of environmental thresholds by ensuring conformance with all environmental thresholds in a more timely manner.

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: The proposed amendment will ensure completion of upland water quality BMPs as a condition of buoy permit approvals, and is therefore intended to aid in the protection of air and water quality.
4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See Findings 1 and 2 above.

Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:

1. Finding: The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

Rationale: The Code amendment will ensure more timely compliance with environmental standards and assist in attainment of thresholds, by allowing TRPA to more quickly identify, enforce, and remove illegal buoys while achieving compliance with buoy location standards and BMP requirements for all legal buoys.

2. Finding: That the amendment provides for an equal or better means of attainment or maintenance of the thresholds.

Rationale: See 1 above.

3. One of the following findings:
   a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or
   b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or
   c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or
   d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or
   e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or
   f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

AGENDA ITEM V.C.
(1) The cost of implementation outweighs the environmental gain to be achieved;

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

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

Finding ‘b’ is the most applicable:

Rationale: See rationale for Finding 1 above.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2009 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE CODE OF ORDINANCES, SUBPARAGRAPH 54.5.B(3), UPLAND BEST MANAGEMENT PRACTICES TO MODIFY BMP CERTIFICATE OF COMPLETION REQUIREMENT TO FACILITATE THE STREAMLINING OF BUOY PERMITTING AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Subparagraph 54.5.B(3) of Code of Ordinances, Upland Best Management Practices to modify BMP Certificate of Completion requirement to facilitate streamlining of buoy permitting 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 The proposed permitting and fee deadline amendments are amendments to the Shorezone Program which was the subject of an Environmental Impact Statement (EIS), which was processed, reviewed and certified by TRPA in accordance with substantive and procedural provisions of Article VII of the Compact, Chapter 5 of the Code and Article VI of the Rules of Procedures.

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 and workshops, oral testimony and documentary evidence were received and considered.

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

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

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

AGENDA ITEM V.C.

jr
Section 2.00 Amendment of the Code of Ordinances, Subparagraph 54.5.B(3)

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated June 3, 2009, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The provisions of this ordinance amending the Code of Ordinances shall be effective immediately after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held June 24, 2009 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

______________________________
Allen Biaggi, Chairman

Tahoe Regional Planning Agency
Shorezone BMP Amendment

Amendments to extend the deadlines for submittal of BMP Certificates of Completion for buoy permits on certain existing buoys.

54.5.B Buoys

(3) **Upland Best Management Practices:** TRPA shall not issue a permit for a mooring buoy(s) unless the applicant has received a Certificate of Completion for water quality BMPs for the project area, except for certain authorized buoys under Subsection 52.4.E which shall require submittal of the Certificate within one year of the issuance of the permit.
Date: June 3, 2009

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Finding of Consistency for the Sierra Colina Village Project and its Components (Assessor’s Parcel Numbers (APNs) 1318-23-301-001 and 560-201-00, TRPA File Numbers 20060598, 20060599, 20060681, and ERSP2008-1019) with the Environmental Impact Statement Recommended Mitigations

Requested Action: Advisory Planning Commission (APC) recommendation to the Governing Board on the Sierra Colina Village Project and its Components as to their consistency with the Environmental Impact Statement (EIS) and the required TRPA Code of Ordinances Subsection 5.8.D findings (see Attachment A).

Staff Recommendation: Staff recommends that the APC recommend to the Governing Board that the proposed projects, as conditioned in the Draft Permits, and the associated findings are consistent with the EIS that was prepared for this project. The recommended conditions of approval are stated in the attached Draft Permits (Attachment B1, B2, B3, and B4).

Required Motion(s): To recommend to the Governing Board a finding that the proposed project components are consistent with the EIS, the APC should make the following motions, based on this staff summary and the evidence in the record:

I. Bicycle/Pedestrian Pathway Component (TRPA File 20060598)

A. A motion, based on this staff summary and the complete administrative record, recommending that the findings set forth in Attachment “A1” are consistent with the EIS.

B. A motion, based on this staff summary and the complete administrative record, recommending a finding that changes or alterations have been made that avoid or reduce the significant adverse environmental effects for all potential impacts to a less than significant level.

C. A motion, based on this staff summary and the complete administrative record, recommending that the project, subject to the attached Draft Permit, is consistent with the EIS.

II. Multiple Family Dwelling Component (TRPA File 20060599)

A. A motion, based on this staff summary and the complete administrative record, recommending that the findings set forth in
Attachment “A2” are consistent with the EIS.

B. A motion, based on this staff summary and the complete administrative record, recommending a finding that changes or alterations have been made that avoid or reduce the significant adverse environmental effects for all potential impacts to a less than significant level.

C. A motion, based on this staff summary and the complete administrative record, recommending that the project, subject to the attached Draft Permit, is consistent with the EIS.

III. Subdivision Component (TRPA File 20060681)

A. A motion, based on this staff summary and the complete administrative record, recommending that the findings set forth in Attachment “A3” are consistent with the EIS.

B. A motion, based on this staff summary and the complete administrative record, recommending a finding that changes or alterations have been made that avoid or reduce the significant adverse environmental effects for all potential impacts to a less than significant level.

C. A motion, based on this staff summary and the complete administrative record, recommending that the project, subject to the attached Draft Permit, is consistent with the EIS.

IV. Intersection Improvement Component (TRPA File ERSP2008-1019)

A. A motion, based on this staff summary and the complete administrative record, recommending that the findings set forth in Attachment “A4” are consistent with the EIS.

B. A motion, based on this staff summary and the complete administrative record, recommending a finding that changes or alterations have been made that avoid or reduce the significant adverse environmental effects for all potential impacts to a less than significant level.

C. A motion, based on this staff summary and the complete administrative record, recommending that the project, subject to the attached Draft Permit, is consistent with the EIS.

Site Description: The Sierra Colina Village project area is an undeveloped parcel located east of U.S. Highway 50 and south of Lake Village Drive on the south shore of Lake Tahoe in Douglas County, Nevada. The 16.87-acre site (APN 1318-23-301-001) includes a total of 6,100 square feet of existing land coverage, which consists of a dirt road for utility access. The parcel is bounded by U.S. 50 to the west; Lake Village Drive/Echo Drive to the north; a U.S. Forest Service (USFS) parcel to the east; and Kahle Park and Kahle Community Center, and a mixture of restaurant, office, commercial, retail, and
recreational uses to the south. Other surrounding land uses include: Rabe Meadow across U.S. 50 to the west, the Lake Village Professional Building and 325-home Lake Village condominium complex to the north, Kingsbury Middle School to the northeast, and the Shady Lane commercial industrial center contiguous to the southeast corner of the project site.

The project area is located within Plan Area Statement 073 – Lake Village, which has a Residential land use classification. The project area is visible from the Highway 50 Roadway Scenic Travel Unit 31, which is currently in attainment.

The topography of the site varies, with moderate north, south and west facing slopes with an approximately 100-foot increase in elevation from the west to the east end of the property. With respect to site drainage, 7.0 acres (41% of the total parcel) on the southeast portion of the site naturally drain toward Burke Creek on the property. The remaining 9.87 acres (59% of the total parcel) naturally drain toward Lake Village Drive or U.S. 50. Vegetation on the project site consists primarily of common Jeffrey pine forest on the 14.47 acres of the parcel outside the SEZ and montane riparian-aspen forest on the 2.4 acres of the SEZ on the parcel.

Burke Creek crosses the parcel in two locations (at the southeast corner and along a portion of the southern boundary line at the southwest corner of the property). Electrical utility lines transect the property in two different locations: a 120-kV line is located along the eastern border of the site, and a 14.4-kV line crosses the western portion of the site, traversing the property from U.S. 50 at the southwest corner to Lake Village Drive on the northeast corner of the property. An existing dirt road provides limited fire prevention access and servicing of electrical utility lines. The dirt road runs east-west across the entire property, including through the SEZ. Numerous user-created unauthorized and unmaintained foot trails traverse through the property in various locations, including within the Burke Creek SEZ. This private property is frequently used by members of the general public for walking, hiking, jogging, dog walking, mountain biking, and other activities.

Background: In 1972 the project area had a tourist/commercial designation. The property was later rezoned as part of a conservation Plan Area Statement based on the mapped low land capability of the parcel and partly as a result of “a need to reduce strip commercial development”. As part of PAS 060, Genoa Peak, the parcel was designated a “conservation” land use area, which included a permissible use of one single family dwelling and one secondary residence as a special use. However, this area remained zoned by Douglas County for general commercial and gaming commercial uses.

In 1992, a Plan Area Statement amendment was approved by the TRPA Governing Board that made this parcel Special Area #1 of PAS 073, Lake Village, a residential-designated plan area, and assigned a maximum density of 3 multi-family dwellings per acre. This PAS amendment included stipulations that access to the parcel could not be from U.S. Highway 50, that a 200 foot setback from U.S. 50 for scenic quality would apply, and that the subject parcel would not be eligible for the multi-residential incentive program (i.e. residential bonus units).

In 1993, TRPA approved the transfer of a residential development right to the parcel, for a total of two development rights, and in 1998, TRPA approved a Land Capability Challenge that recognized areas of the parcel as higher-capability areas.
Between 1997 and 2004, two separate project applicants attempted to obtain approval for a multi-family residential project of up to 44 units, but due to funding issues, they were unable to complete the environmental analysis required by TRPA.

In 2005, the USFS attempted to purchase the property for conservation purposes, but was unsuccessful and the property was instead obtained by the current applicants.

In 2006, the applicants obtained approval to remove trees on portions of the property outside the SEZ for fuels reduction and forest health restoration to reduce over-stocked, diseased and damaged trees. Additionally, in 2005, the applicants received approval to erect a fence around portions of the property to reduce environmental disturbance being created by people trespassing on the parcel.

Project Description: Consistent with Alternative 1 of the EIS for the Sierra Colina Village Project, the applicant is proposing to create four new pedestrian/bicycle pathways, construct a 50-unit multiple family dwelling project, subdivide the new units into single family dwellings and convey over 10 acres of the project area to Douglas County for open space purposes, and improve traffic level of service at the Highway 50/Lake Village Drive intersection. To obtain these approvals, the applicants have submitted separate applications for each of these four project components. In the interest of ease of review and analysis, staff have separately analyzed these components within this one staff summary.

- **New Linear Public Facilities-Bicycle/Pedestrian Paths (Transportation Routes):** The applicants are proposing to establish four new linear public facilities (LPFs) consisting of three pedestrian/bike paths (LPFs 2, 4 and 5) and one shared access driveway (LPF 3) for the purpose of providing public access to and through the project site, as shown on the site plan submitted to TRPA on September 5, 2006. LPF 1 is identified as the existing Lake Village Drive, and is not modified by this proposal. LPFs 3, 4 and 5 would be constructed as a part of this proposal. LPF 2 would be designed and constructed at a later date by Douglas County. Numerous unauthorized trails have been established throughout the Sierra Colina project area by members of the general public, including across the Burke Creek SEZ. The proposed LPFs would protect the Burke Creek SEZ, enhance public safety, and provide recreation and transportation opportunities across the project area by creating a defined pedestrian thoroughfare from the Round Hill Bicycle Path (via Lake Village Drive) to Highway 50 and Kahle Park. Allowing developed public access through the applicant’s parcel via approved pathways would provide a safe means for pedestrians and bicyclists to travel, while also protecting the sensitive areas of Burke Creek by discouraging off-path travelers. To achieve access to and through open space and environmentally sensitive areas on the applicant’s parcel, creation of linear public facilities is needed.

  - **LPF 2 (Round Hill/Kahle Park Pedestrian and Bicycle Path):** This pedestrian/bike path easement would be 8-feet wide by approximately 137-feet long, and run through the southeast corner of the project site extending from Kahle Community Center to the existing Round Hill bike path. The easement would have an average grade of 4%, and would be located entirely on Class 4 (high capability) land. The easement would follow natural grade and therefore future development of the path would require minimal cut and fill. LPF 2 was originally proposed to be constructed as a part of this project, however, consistent with a development agreement.
between Sierra Colina, LLC and Douglas County, only the easement would
be created at this time.

The southeast boundary of the project site abuts the Kahle Park paved
path which connects to Kingsbury Grade and Kahle Drive (providing direct
access to Lake Tahoe by both road and by the public trail through Rabe
Meadow to the Lake). Future development of LPF 2 would provide a
connection between Kahle Community Center (and its network of trails to
Lake Tahoe) and the existing Round Hill bike path that connects Round Hill
to the Kingsbury Middle School site and to a Lower Kingsbury residential
subdivision via Pine Ridge Drive. The existing Round Hill/Kingsbury Grade
path currently comes within several hundred yards of the eastern boundary
of the project site on USFS property. LPF 2 would facilitate the connection
of Kahle Park and its network of trails to the existing Round Hill bike path,
via a new path through the USFS parcel. Douglas County has expressed
interest in being the lead agency to design, create and maintain a Class I
trail in this location that would provide for a future connection between the
existing trail on USFS property and Kahle Community Center. The
applicant has discussed with USFS and Douglas County a proposal that
the County assume sole responsibility for designing, constructing and
maintaining LPF 2, to which the County has expressed support and
agreement and has entered into a Development Agreement with the
applicant.

- LPF 3 (Sierra Colina Shared Access Driveway): LPF 3 is proposed as a
  shared driveway for access to the proposed Sierra Colina Village homes
  and for public bicycle and pedestrian access to the other proposed public
  pathways through the Sierra Colina project area. This shared driveway
  (LPF 3) would be a key route for pedestrian and bicycle access through the
  project site, to and from surrounding residential, commercial, and
  recreational land uses, providing connections with both the Sierra Colina
  Village-to-Highway 50 pedestrian/bike path (LPF 4) and the Sierra Colina
  to Kahle Park pedestrian path (LPF 5). LPF 3 would be a 22-foot wide by
  approximately 1,120-foot long shared driveway with an average grade of
  4%. Based on preliminary design, it is estimated that the net cut/fill
  requirement to construct this roadway would be approximately 740 cubic
  yards of fill.

- LPF 4 (Sierra Colina to Highway 50 Pedestrian and Bicycle Path): This
  facility would be an 8-foot wide, by approximately 532-foot long
  pedestrian/bike path of asphalt concrete with an average grade of 10%.
  The path would begin at the approximate southernmost point of LPF 3,
  extend in a southerly direction approximately 108 feet, then turn west
  following the path of an existing dirt road (unused portions of which would
  be restored and revegetated) through the property to the southwest corner
  and Highway 50. The path would be constructed entirely on Class 4 (high
  capability) land, would follow the existing grade, and require minimal cut
  and fill. As a condition of approval, the applicant would be required to
  obtain approval for and construct a paved connection between the terminus
  of LPF 4 at Highway 50, and the existing sidewalk along Highway 50 south
  of the project area. This path would provide a connection through the
project site between the proposed shared driveway (LPF 3) and Highway 50.

- LPF 5 (Sierra Colina/Kahle Park Pedestrian and Bicycle Path): This would be an 8-foot wide by approximately 423-foot long pedestrian/bike path consisting of asphalt concrete and an elevated walkway/bridge over Burke Creek, with an average grade of 4 percent, with some grades exceeding 15 percent near the Kahle Park property line. The path would provide a connection through the project site between the proposed shared driveway (LPF 3) to Kahle Park and Kahle Community Recreation Center. Pedestrians and bicycle riders are known to routinely cross through the SEZ and Burke Creek in multiple locations on the Sierra Colina site, disturbing the sensitive habitat and creating unauthorized user pathways. Proposed LPF #5 involves traversing the SEZ and spanning Burke Creek via an elevated walkway, providing easy access over Burke Creek and thereby discouraging unauthorized crossings and disturbance.

As proposed, this path would connect with LPF 4 approximately 108 feet south of LPF 3, extend east over Class 4 (high capability) land for 182 feet to the edge of the Burke Creek SEZ. At the point where LPF 5 intersects the Burke Creek SEZ, an approximately 133-foot long elevated walkway/bridge would span over Burke Creek, and over the SEZ, continue up a steep grade on high capability land (Class 4) for approximately 102 feet, and connect to the Kahle Community Park parcel. The approximately 133-foot long portion of LPF 5 would be elevated approximately four feet above Burke Creek and would not be touching the SEZ except where required for structural support piers. The only other land coverage created in the SEZ will be the result of the rain-shadow from the elevated bridge.

Based on preliminary design, construction of LPF 5 would result in the net fill of 52 cubic yards, all within high capability portions of the path, including in the SEZ setbacks on the north and south sides of the proposed elevated walkway. Excavation would not be necessary within the SEZ, except to excavate the footings for the bridge structural support posts. Primary support structures for the bridge would be located on Class 4 (high capability land) in the SEZ setbacks at the north and south ends, and additional structural support posts and foundations would be anchored in the ground, within the SEZ, on each side of the elevated walkway in several locations along its length. These structural supports would be located inside the SEZ, but outside the flow line of Burke Creek.

As a condition of approval, the applicant would be required to obtain approval for and construct a paved connection between the terminus of LPF 5 at the Sierra Colina/Kahle Park property line and the existing public pathways within Kahle Park. This path would provide a connection through the project site between the proposed shared driveway (LPF 3) and Kahle Park. Douglas County, as the owner of Kahle Park, has agreed to this connection in a Development Agreement with Sierra Colina, LLC.

Best Management Practices would be installed for LPFs 3, 4, and 5, consistent with the Storm Water Management Approach included in the Sierra Colina Village Project EIS. Upon approval, each of the easements for LPFs 2, 3, 4, and 5 would
be recorded with Douglas County. Consistent with Section 20.3.D.(1)(b) of the TRPA Code of Ordinances, the 31,657 square feet of land area included within the proposed easements will become a project area separate from the underlying 16.87-acre Sierra Colina parcel for the purpose of determining allowable and maximum land coverage. As a separate project area, and if specific findings are made, the proposed LPFs would be eligible to transfer additional land coverage into the LPF easements for the purpose of constructing transportation routes. The proposed easements will have a base allowable land coverage of 6,055 square feet. Construction of LPFs 3, 4, and 5 will require a total of 30,881 sq. ft. of land coverage; 2,930 square feet will be within low land capability areas, with approximately 1004 sq. ft. within the Burke Creek SEZ. All land coverage required for the pathways beyond the 6,055 sq. ft. of base allowable coverage within the easement areas shall be transferred to the easements. Under separate application, over 10 acres of the 16.87 acre Sierra Colina parcel will be conveyed to Douglas County for open space purposes. The easements for LPFs 2, 4, and 5 will be included in that conveyance. Per a recently approved Development Agreement between Sierra Colina, LLC and Douglas County, maintenance of LPFs 3, 4 and 5 will remain the responsibility of Sierra Colina, LLC or its successor.

- **Multi-Family Residential Project**: The applicant is proposing to construct a total of 50 new residential units within 29 two-story structures. Forty-two of the units will be located within duplex buildings, and eight of the units will be in single-unit buildings. Nine of the units will be deed restricted as moderate-income housing. The buildings will have steeply pitched roofs and cedar shingle and stone exteriors in an “Old Tahoe” style. The proposed units will range from two to four bedrooms, a laundry room, and a one or two car garage. Each unit would include a minimum of two parking spaces, with at least one parking space available in the driveway. The design also includes patios and decks for each unit, landscaping, and water quality improvements for the project area. Access to these new units will be from Lake Village Drive via the shared-access driveway identified as LPF 3 (included in the permit for the bicycle/pedestrian pathway component). All of the proposed residential units will be located outside of the 200-foot scenic setback from the Highway 50 right-of-way. The applicant intends to subdivide the 50 units under separate application: the nine moderate-income units will be sold to individuals who qualify for moderate income housing; the other 41 units will be offered for sale at market rate.

Moderate income housing is defined in Chapter 2 of the TRPA’s Code of Ordinances as:

> “Residential housing, deed restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective count’s median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county’s median income will be determined according to the income limits published annually by the Department of Housing and Urban Development.”

The residential units of use for the 50 proposed units will come from a variety of sources, as outlined below. A total of 13 residential allocations have been issued to this project area by Douglas County. Three of these allocations will be used for
this project. The remaining ten unused allocations will be returned to Douglas County or TRPA, as required by the TRPA Code of Ordinances.

- Units 1-3: The property currently has two residential development rights. One additional residential development right will be transferred to the parcel from a high-capability parcel. Three residential allocations obtained from Douglas County will be combined with the development rights.
- Unit 4: One banked residential unit of use will be transferred from a high-capability property within Douglas County.
- Units 5 – 41: Thirty-seven banked residential units of use will be transferred to the project area from a low capability (SEZ) parcel within Douglas County.
- Units 42 – 50: For the nine moderate income units, the applicant will acquire nine multi-residential bonus units and nine residential allocations from the TRPA Allocation Pool consistent with Subsection 33.2.A.(4)(b) and 35.2.E of the TRPA Code.

Consistent with Subsection 20.3.D.(2)(a)(iii) of the TRPA Code of Ordinances, land coverage for the high capability areas of the Sierra Colina Village project will be deed restricted to 20 percent base allowed land coverage. The lower capability portions of the project area will remain at their normal base allowable amounts. As a result of selecting this land coverage option, the total base allowed land coverage for the Sierra Colina Village project area (minus the recorded LPF easements) will be deed restricted at 86,724 square feet. The total proposed land coverage for this project area (minus the recorded LPF easements) is 85,256 square feet.

The proposed project (i.e., collectively, the multi-family dwelling project and the transportation route project) would result in the removal of an estimated 212 trees measuring ten inches diameter at breast height (dbh) or greater. Of these 212 trees, seven trees are greater than 24 inches dbh. Best Management Practices would be installed for the entire project area, consistent with the Storm Water Management Approach included in the Sierra Colina Village Project EIS, including installation and ongoing maintenance funding of a storm water retention basin that will be shared with Douglas County (part of EIP 679). The basin will receive storm water runoff from Lake Village/Echo Drive as well as the eastern portion of the Sierra Colina project area.

**Air Quality Mitigation**

The proposed project will create a total of 475 new daily vehicle trip ends within the Tahoe Basin. Pursuant to Subsection 93.3.C of the TRPA Code of Ordinances, the applicant is required to offset the potential traffic and air quality impacts associated with the increase in dvte by the proposed project by either paying a mitigation fee, or by providing mitigation measures equal to or exceeding the cost of the mitigation fee. Per Section 93.3.C(2) of the TRPA Code, the mitigation measures may include, but are not limited to:

- Transit facility construction;
- Transportation Systems Management measures, including but not limited to, bicycle facilities, pedestrian facilities, and use of alternative fuels in fleet vehicles; or
• Transfer and retirement of off-site development rights.

The required Air Quality mitigation fee for the creation of 475 dvte would equal $154,774. With the construction of the bicycle and pedestrian pathways (LPFs 4 and 5), which will cost the applicant $369,255 to construct (not including the cost to purchase land coverage for transfer), TRPA has determined that the applicant will have successfully met the requirement to offset the impacts associated with the additional vehicle trips.

Water Quality Mitigation

The combined proposed project (including LPFs 3, 4, and 5 and the multi-family improvements) will require a total of approximately 115,837 square feet of land coverage. Of that amount, approximately 86,787 square feet will be new land coverage created out of the base allowable land coverage on the two project areas (LPF 2, 3, 4, and 5 easement area and Sierra Colina multi-family dwelling project area). Pursuant to Section 82.2 of the TRPA Code of Ordinances, all projects and activities which result in the creation of additional impervious land coverage are required to completely offset the potential water quality impacts associated with the project by either paying a mitigation fee, or by providing an offsite water quality mitigation project that is found by TRPA to completely offset the expected impacts of the project. As a condition of project approval, a water quality mitigation fee shall be paid for the creation of additional land coverage at a rate of $1.86 per square foot. Based on the preliminary plans, the water quality mitigation fee will be approximately $161,000.

• Subdivision of Existing Structures/Conveyance to Public Entity. The applicant is proposing to subdivide the existing 16.86-acre parcel into 54 separate ownership units. Three of the newly created ownership units, totaling approximately 10.7 acres and identified as “Proposed Conservation Land” on the plans submitted to TRPA on September 5, 2006, will be conveyed to Douglas County, a public entity, in accordance with the requirements identified in Subsection 41.3.A of the TRPA Code of Ordinances. The conveyed areas will be owned by Douglas County and deed restricted to public service and/or open space.

The remaining 6.16-acre area, which contains the 50-unit Sierra Colina Village, all of LPF 3, and a portion of LPF 4, is proposed to be subdivided into 50 single family condominium units, and creates a common area of the rest of the area. These units and common area will remain in the ownership of Sierra Colina, LLC. Per Subsection 41.3.G of the TRPA Code, TRPA may approve the subdivision of multi-family structures into condominium units provided the development that is being subdivided is approved by TRPA prior to approval of the subdivision. As a condition of approval, the applicants would be required to acknowledge the Linear Public Facilities permit and the Multi-family Residential Project permit prior to acknowledgment of the Subdivision permit.

A project area deed restriction will be recorded against the resultant parcels for land coverage, development right, and density purposes. With the exception of the lands within the linear public facility easement areas, all existing and potential land coverage, all existing development rights, and all allowable density will remain with the lands held by Sierra Colina, LLC. No land coverage except that within the
easement areas is being conveyed to Douglas County. No additional development potential will be created as a result of this subdivision.

- **Linear Public Facility Expansion-Intersection Improvements:** The applicant is proposing to make improvements to the Lake Village Drive and Highway 50 intersection to decrease the delay for left-turns onto Highway 50. The improvements include restriping Lake Village Drive to provide separate left and right-turn lanes, and widening and restriping Highway 50 to add an acceleration lane for west-bound traffic. The proposed construction includes milling, resurfacing, and restriping Highway 50 near the intersection, restriping Lake Village Drive at the intersection, and grading and paving a 465 square foot area of soft coverage located in the eastern Highway 50 shoulder to accommodate the required width for the new west-bound acceleration lane. No additional land coverage is required as a part of this proposal.

This project is proposed to meet the required mitigation identified for Mitigation Measure 4.14.1-2 of the Sierra Colina Village EIS.

**Issues/Concerns:**

The proposed projects have had an EIS prepared to analyze the potential impacts associated with the projects, and require Governing Board review in accordance with Chapter 4, Appendix A of the TRPA Code.

At the end of the 60 day period for public comment of the Draft EIS in October 2008, TRPA received 31 comment letters, and heard oral comments at APC and Governing Board hearings from 15 members of the public. All these comments were evaluated and responded to in the Final EIS issued in April 2009. A number of the issues raised were similar in subject and were combined into six “Master Responses.” The six “Master Responses” are: traffic impacts to Lake Village Drive and its intersection of Highway 50; new development on currently undeveloped land; the two-step subdivision process and its applicability to the proposed project; interest in thoroughly understanding the planning history of the site; additional information about a conservation alternative for the site; and potential impacts on water quality and its compliance with Total Maximum Daily Load (TMDL) requirements.

These issues are discussed on pages 2-242 to 2-253 of the Sierra Colina Village Project FEIS.

**Regional Plan Compliance:** Each of the proposed project components comply with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings. Findings are made separately for each of the four project components (see Attachments A and C for details).

**Environmental Documentation:** An environmental impact statement (EIS) was prepared for the Sierra Colina Village Project. On April 7, 2009, the Final EIS was distributed to APC and Governing Board members, distributed to the Douglas County and El Dorado County libraries, and posted on the TRPA website for public viewing. The Draft EIS analyzed five project alternatives, including one no project alternative. The proposed project in the EIS is Alternative 1. No unmitigated significant environmental impacts were identified in any of the analyzed alternatives.
If you have any questions, please contact Theresa Avance, AICP, Senior Planner at tavance@trpa.org or 775-589-5224.

Attachments:

A. Required Findings/Rationale (Attachments A1, A2, A3, and A4)
B. Draft Permits (Attachments B1, B2, B3, and B4)
C. Regional Plan Compliance Analysis
D. Site Plan/Elevations
E. Comment Letters
Required Findings:
(Bicycle/Pedestrian Pathway Component (TRPA File 20060598))

The following is a list of the required findings as set forth in Chapters 5, 6, 18, 20, 33, 64 and 71 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 5 – Environmental Impact Statement

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

An EIS was prepared for the Sierra Colina Village Project, including the linear public facilities (LPFs) component. Table1-1 of the Draft EIS, with revisions as identified in Chapter 4 of the Final EIS, outlines all potentially significant project impacts, and the proposed mitigation measures that make those impacts less than significant.

2. Chapter 6 – Required Findings:

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

(1) Land Use: Transportation Routes (bicycle and pedestrian paths) are listed as a special use in Plan Area Statement 73. The proposed project is consistent with the Regional Plan and will not result in any adverse effects.

(2) Transportation: The EIS includes an analysis of traffic, parking, and circulation to assess potential impacts associated with the Sierra Colina Village project. This analysis concluded that the proposed residential development is estimated to generate 500 additional daily vehicle trip ends (dvte) which is defined by the TRPA as a significant increase. However, the addition of the four new bicycle/pedestrian pathways have been conservatively estimated to reduce the new dvte of the total project by 5 percent, or 25 trips, which will result in the creation of 475 dvte. Therefore, the creation of the bicycle/pedestrian pathways will result in an overall decrease in the vehicle trips created by the Sierra Colina Village project.

(3) Conservation: A portion of proposed LPF 4 will be visible from TRPA designated Scenic Roadway Unit 31, which is currently in attainment. The proposed project is consistent with the Regional Plan and will not result in any adverse effects.

(4) Recreation: The proposed linear public facilities would not have any adverse impacts on recreational facilities.
(5) **Public Service and Facilities:** The EIS did not identify any adverse impacts to public service and facilities associated with the linear public facilities development.

(6) **Implementation:** The total proposed land coverage within LPFs 3, 4, and 5 is 30,581 square feet. The proposed linear public facilities will use the 6,055 square feet of base allowable land coverage within the proposed easement areas, and will require an additional land coverage transfer of 25,991 square feet. Of that amount, 1,506 square feet (1004 x 1.5) must come from Class 1b lands, and 2,889 square feet (1,926 x 1.5) must come from Class 1, 2, or 3 lands.

(b) **The project will not cause the environmental threshold carrying capacities to be exceeded.**

The basis for this finding is provided on the checklist entitled Project Review Conformance Checklist and Article (V)g Findings in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses in the checklist indicate compliance with the environmental threshold carrying capacities. Also, an EIS has been prepared for the proposed project. There were no unmitigated significant impacts identified in the environmental document. A copy of the checklist and Final EIS have been made available to the APC and Governing Board members and at TRPA.

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

(Refer to paragraph 2(b), above.)

3. **Chapter 18 – Special Use Findings:**

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

The proposed shared driveway and bicycle/pedestrian pathways constitute “linear public facility -transportation routes”, defined in Chapter 18 of the TRPA Code as public rights-of-way which are improved to permit vehicular, pedestrian, and bicycle travel. Transportation routes are listed as a special use in PAS 73.

The three proposed LPFs are of such a nature, scale, density, intensity and type to be an appropriate use for the subject parcel and the surrounding areas. The LPFs would link the public trail and off road transportation system in the vicinity of the project area, which would provide transportation and recreation benefits and improved public safety for pedestrians and cyclists traveling between Round Hill and lower Stateline. The proposed LPFs are intended to reduce current impacts to the SEZ and the rest of the site caused by unauthorized pedestrian and bicycle
crossings. The creation of three new LPFs would support Douglas County’s Recreation Goals and Polices, TRPA’s Goals and Policies from the Recreation Element, and support attainment of TRPA’s Recreation Threshold.

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

LPFs 3, 4 and 5 improve upon existing bicyclist and pedestrian networks in the region. None of the proposed LPFs will be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood or the region. From a public safety perspective, a transit element sorely needed in the Round Hill/Stateline area is a manner to safely allow residents and visitors to travel directly between Round Hill and lower Stateline other than by motor vehicle. Proposed LPF 3, which includes a public access easement for pedestrians and bicyclists over a private driveway, will connect to LPFs 4 and 5, providing an off-highway connection between Round Hill and lower Stateline, and thereby improve public safety. The LPFs are expected to reduce vehicular traffic to/from the project site, and to/from neighboring communities and land uses by providing connectivity to existing and future and pedestrian/bicycle routes. The 20 foot drivable width of the private driveway (LPF 3) would meet the minimum shared driveway width required by TRPA and Douglas County. There is no evidence to suggest that narrower streets present a safety hazard. Speed limits applicable to the motor vehicles of homeowners and their guests would be appropriate for LPF 3.

The applicant will take reasonable steps to protect against damage to land and water resources of both the owner’s property and that of surrounding property owners from added coverage, including that of LPF 3, through the implementation of its Storm Water Management Approach (SWMA) (DEIS, Appendix F) that will result in a high level of water quality performance, incorporate storm water facilities as components of the site design, incorporate maintenance of these facilities, and a number of other mitigation measures that will result in a beneficial impact to the site and the surrounding area.

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

LPFs 3, 4 and 5 improve upon existing bicyclist and pedestrian networks in the region and are permissible Public Service uses under PAS 073. The addition of the LPFs will not alter or change the character of the neighborhood or motorized vehicle transportation patterns, but it will improve the bicycle and pedestrian transportation opportunities. The proposed LPFs will not alter the purpose of PAS 073.

(a) **Linear Public Facilities And Public Health and Safety Facilities:** The maximum land coverage (base coverage plus transferred coverage) for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose. Such transfer may be permitted, provided TRPA makes the following findings:

1. **The project is on the list of additional public service facilities, if required pursuant to Section 33.5.**

   TRPA no longer requires nor maintains a list of additional public service facilities.

2. **There is no feasible alternative that would reduce land coverage.**

   There are no alternatives to the proposed LPFs which would reduce land coverage and would provide an equal level of public and environmental benefit (e.g., creation of LPF 3 will provide a publicly accessible connection to LPF 4 and LPF 5 and thereby reduce the potential for disturbance to the SEZ from haphazard crossings). Creation of the LPFs is also needed to achieve access to and through open space and environmentally sensitive areas on the parcel. Any alternatives that would reduce land coverage would require additional land coverage to be created in Class 1b SEZ areas.

LPF3, which includes a private access driveway for the Sierra Colina project as well as a bicycle and pedestrian transportation route, is required in order to allow public access for pedestrians and bicyclists to LPFs 4 and 5 to Kahle Park, and to the other public/community services in the vicinity. A number of constraints dictated the layout and location of the private driveway, including (i) the location of and boundaries between high and low land capability areas on the site (DEIS, Exhibit 2-5); (ii) the topography of the parcel, and potential increased scope of excavation, cuts and fills on the site (DEIS, Exhibit 2-18); (iii) the existence of rock outcroppings and site features protected under Chapter 30 of the TRPA Code (DEIS, Appendix O); and (iv) the Storm Water Management Approach design (DEIS, Exhibits 2-21, 2-22 and 2-23; see also DEIS Appendix F). For the above reasons, it is not feasible to provide both a 20 foot wide private driveway for owner vehicles and their guests and a separate publicly accessible 8 foot wide adjacent LPF for pedestrians and bicyclists (see also DEIS Exhibit 4.12-2 at pg. 4.12-9). LPF 3 is the only viable connection to LPFs 4 and 5 as any other alternative connection would result in substantial disturbance through the SEZ between the flow line of Burke Creek and the location of the private driveway under LPF 3. By pedestrians and bicyclists sharing LPF 3 with private vehicles traveling to the homes, land coverage is reduced to the lowest feasible amount while achieving transportation and recreational benefits.

3. **The project, because of its unusual configuration or service requirement, requires special consideration.**

   The three proposed LPFs are intended to provide the following:
• Reduce VMTs by encouraging residents and visitors to use alternative forms of transportation;
• Improve pedestrian and bicycle travel safety between Stateline and Round Hill;
• Create pedestrian and bicycle access for residents, employees, and visitors from area neighborhoods, businesses, public services, and recreational facilities; and
• Reduce disturbance to the SEZ (LPF 5) (DEIS, pg. 4.12-12).

The LPFs will serve the public and the environment as their purpose is to redirect and limit existing disturbance to and encroachment into the undeveloped parcel, 2.4 acres of which is (SEZ). The driveway under LPF 3 provides the only possible connection to LPFs 4 and 5, which provide further connection to and from a greater network of local recreation, residential, public service, employment and commercial facilities. It is, therefore, anticipated that pedestrians and bicyclists would use LPF 3 to access this network of facilities made available by the existence of LPFs 4 and 5. The proposed LPFs allow a more direct connection for the convenience of the public and surrounding property owners to community services, transit and recreational opportunities. The LPFs would support the TRPA’s Goals and Policies (Recreation Element (Chapter 5)) and Douglas County Master Plan’s Goals and Policies for Parks and Recreation and Trails, providing a beneficial recreational impact (DEIS, pg. 4.12-12).

(4) The facility primarily serves the needs of persons other than those who are, or will be, residents of the lands in question, or the owners of the land in question.

Upon completion, the LPFs (pedestrian walkways and bicyclist paths) would serve 50 homeowners living on the project parcel, whose residents and guests will be limited in number, and would serve members of the public at large (DEIS, pg. 2-29). The proposed LPFs would function as the key component in the connectivity of the Round Hill commercial and intensely developed residential center one mile north of the property, as well as the adjacent 326-home Lake Village residential condominium subdivision, with the urban core of lower Stateline to the south, including the recreational, residential, commercial, governmental and other community resources south of the applicant’s parcel, and with Lake Tahoe to the west.

Due to Douglas County’s Class 1 existing pedestrian and bicyclist trail intersecting the Kingsbury Middle School location and connecting to both Round Hill and to Kingsbury Grade, potential users of the proposed LPFs include residents of adjacent communities staff of and visitors to the adjacent Lake Village Professional Building, users of the Kingsbury Middle School facility (although it is no longer utilized as a full time school, the gymnasium and other sports facilities are still in regular use), and others traveling between Nevada Beach and the
commercial/residential corridor. Therefore, the proposed LPFs will primarily serve the needs of the public.

(b) Highways, Streets and Roads: Transfer of land coverage for highways, streets and roads may be permitted, provided TRPA, in addition to the findings in 3.(a), above, makes the following findings:

(1) The highway, street, or road is required to provide access to property other than that owned by the applicant.

LPF 3 is publicly accessible to pedestrians and bicyclists, providing required connectivity to access both LPFs 4 and 5 and to access Lake Village Drive and Echo Drive, for residents, employees, students, recreational enthusiasts and seekers of public and private services to and from areas north and south of the project parcel. Construction of LPF 3 is required to create direct public access, via LPFs 4 and 5, to and from residential areas, public services and recreation facilities (Stateline Medical Clinic, Douglas County Administrative Center, Kahle Park and Community Recreation Center, the Stateline/Casino Area, South Lake Tahoe, Round Hill, Nevada Beach, Lake Village Professional Building, etc.) which are located on properties not owned by the applicant. From a public safety perspective, LPF 3 is required to provide a lacking transit element in the Round Hill/Stateline area in a manner to safely allow residents, visitors, and the general public to travel directly between Round Hill and lower Stateline other than by motor vehicle. Without LPF 3, the public would lack the required connectivity to LPFs 4 and 5, and, to achieve a direct transportation route, would be required to walk or ride a bicycle along Highway 50 in a very busy corridor along which there are no bicycle paths or sidewalks and where pedestrians have been killed before (see FEIS Response to Comment 7-11, pg. 2-98).

(2) The highway, street, or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective date of the Regional Plan.

The applicant shall be solely responsible for the construction and maintenance of LPF 3, which would be approved by TRPA in connection with approval of the linear public facility project after the effective date of the Regional Plan. The driveway will be subject to an overlay public access easement in favor of the public for pedestrian and bicycle use as the only access route from Lake Village Drive and Echo Drive to connect to LPFs 4 and 5. Without LPF 3 (which includes the entire 20’ width of the driveway as a public access easement for bicycles and pedestrians), there is no functionality for LPF 4 and 5, and none of the accompanying environmental, recreation and transportation/air quality benefits will be achieved.
5. **Chapter 20.4. – Additional Coverage in Low Land Capabilities.**

(a) **Exceptions for Land Capability Districts 1a, 1c, 2, and 3 – Public Service Facilities:** Land coverage and disturbance for public service facilities may be permitted in Land Capability Districts 1a, 1c, 2 and 3 if TRPA finds that:

1. **The project is necessary for public health, safety, or environmental protection.**

   Additional land coverage in land capability districts 1a and 2 is required to construct the proposed LPF 3. The purpose of the proposed LPFs is to serve the public and the environment by redirecting and limiting the existing disturbance to and encroachment into the open areas of the parcel and providing alternative transportation routes to public services including medical facilities. Construction of accessible pathways through the parcel will help to reduce existing disturbance from the unauthorized crossings which are now occurring, while at the same time facilitating public and recreational access through the applicant’s parcel. Transportation benefits include pedestrian and bicycle access for residents, employees and visitors from area neighborhoods, businesses, public services and recreational facilities and reduced daily vehicle trips by getting residents and visitors out of cars and onto maintained trails. The site plan represents compact development consistent with LEED certification with efficiently designed driveways to reduce impervious coverage while serving two distinct categories of users: residential homeowners and pedestrians/bicyclists. The LPFs are expected to reduce vehicular traffic to and from the project site, and to and from neighboring communities and land uses by providing connectivity to existing and future pedestrian/bicycle routes. From a public safety perspective, LPF 3 is required to provide a lacking transit element in the Round Hill/Stateline area in a manner to safely allow residents visitors, and the general public to travel directly between Round Hill and lower Stateline other than by motor vehicle. Without LPF 3, the public would lack the required connectivity to LPFs 4 and 5, and, to achieve a direct transportation route, would be required to walk or ride a bicycle along Highway 50 in a very busy corridor along which there are no bicycle paths or sidewalks and where pedestrians have been killed before (see FEIS Response to Comment 7-11, pg. 2-98).

2. **There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3.**

   The private driveway under LPF 3 consists of a 23,012 square foot asphalt driveway, and would be constructed on approximately 15,473 square feet of Class 4 and 5,613 square feet of Class 5 (high capability) land, and on approximately 40 square feet of Class 1a and 1,886 square feet of Class 2 (low capability) land.
A number of constraints dictated the layout and location of LPF 3, including (i) the location of and boundaries between high and low land capability areas on the site (DEIS, Exhibit 2-5); (ii) the topography of the parcel, and potential increased scope of excavation, cuts and fills on the site (DEIS, Exhibit 2-18); (iii) the existence of rock outcroppings and site features protected under Chapter 30 of the TRPA Code (DEIS, Appendix O); and (iv) the Storm Water Management Approach design (DEIS, Exhibits 2-21, 2-22 and 2-23; see also DEIS Appendix F).

There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment of LPF 3 in Land Capability Districts 1a and 2.

(3) The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by Subparagraph 20.4.A(2)(e).

All additional land coverage required within land capability districts 1a and 2 for the construction of the LPFs will be fully mitigated through the purchase and transfer of Class 1, 2, or 3 land coverage at 1.5 times the amount required by the project, as prescribed by Subparagraph 20.4.A(2)(e) of the TRPA Code.

(b) Exceptions for Land Capability District 1b (Stream Environment Zone) – Public Service: Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that

(1) The project is necessary for public health, safety, or environmental protection.

Additional land coverage in land capability district 1b is required to construct the proposed LPF 5. Providing controlled public access via LPF 5 will (i) reduce disturbance in the SEZ; (ii) provide a safe means for pedestrians to travel; and (iii) protect the sensitive areas of Burke Creek from off-path pedestrians, who have been observed cutting through the Burke Creek SEZ in the approximate location where LPF 5 is proposed (DEIS, pgs. 2-27 and 4.12-11 - 4.12-12). Furthermore, the proposed LPFs will provide improved public safety for pedestrians and cyclists who seek a safer alternative to traveling within the Highway 50 corridor.

(2) There is no reasonable alternative, including a bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone.

Proposed LPF 5 involves traversing the SEZ and spanning Burke Creek via an elevated walkway of approximately 133 feet in length, separating activity from sensitive lands, while limiting walkway structural supports in the SEZ to the extent practicable. Primary support structures for the elevated walkway would be located on Class 4 (high
capability) land in the SEZ setbacks at the north and south ends of the walkway, and additional structural supports would be anchored in the ground on each side of the walkway in several locations inside the SEZ, but outside the Burke Creek flow line (DEIS, pgs. 2-27 – 2-28). The proposed design includes the minimum land coverage necessary to construct LPF5 through the SEZ, and there is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment of LPF 5 in the SEZ to an amount less than proposed.

(3) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

All additional land coverage required within land capability districts 1b SEZ for the construction of LPF 5 will be fully mitigated through the purchase and transfer of Class 1b land coverage at 1.5 times the amount required by the project, as prescribed by the TRPA Code.

6. Chapter 28- Floodplain Development Findings – Public Service Facilities:

(a) The project is necessary for public health, safety, or environmental protection.

Additional development, grading, and disturbance within the Burke Creek flood plain is required to construct the proposed LPF 5. Providing controlled public access via LPF 5 will (i) reduce disturbance in the SEZ; (ii) provide a safe means for pedestrians to travel; and (iii) protect the sensitive areas of Burke Creek from off-path pedestrians, who have been observed cutting through the Burke Creek SEZ in the approximate location where LPF 5 is proposed (DEIS, pgs. 2-27 and 4.12-11 - 4.12-12). Furthermore, the proposed LPFs will provide improved public safety for pedestrians and cyclists who seek a safer alternative to traveling within the Highway 50 corridor.

(b) There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in a flood plain.

Proposed LPF 5 involves traversing the Burke Creek flood plain and spanning Burke Creek via an elevated walkway of approximately 133 feet in length, separating activity from sensitive lands, while limiting walkway structural supports in the SEZ to the extent practicable. Primary support structures for the elevated walkway would be located on Class 4 (high capability) land in the SEZ setbacks at the north and south ends of the walkway, and additional structural supports would be anchored in the ground on each side of the walkway in several locations inside the SEZ, but outside the Burke Creek flow line (DEIS, pgs. 2-27 – 2-28). The proposed design includes the minimum development and disturbance necessary to construct LPF5 through the flood plain, and there is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment of LPF 5 in the flood plain to an amount less than proposed.
(c) The impacts on the flood plain are minimized.

The design of the bridge through the flood plain includes minimal support structures within the flow channel, and a minimum bridge height of four feet above the flow line, to reduce impediments to stream and flood water movement.

7. Chapter 33- Additional Public Service Facilities Findings:

(a) There is a need for the project.

The proposed LPFs on the subject parcel would create a means to provide a currently lacking public thoroughfare to connect the Round Hill commercial and intensely developed residential center one mile to the north of the property, Kingsbury Middle School (recreational facilities still in regular use by Middle School athletic programs) and the 326-unit Lake Village Condominium subdivision with the urban core of lower Stateline to the south and with Lake Tahoe to the west. The proposed LPFs would link the public trail and off road transportation system in the vicinity of the project area, which would provide transportation and recreation benefits and improved public safety for pedestrians and cyclists traveling between Round Hill and lower Stateline. The proposed LPFs are intended to reduce current impacts to the SEZ and the rest of the site caused by unauthorized pedestrian and bicycle crossings (DEIS at pgs. 2-25 through 2-30 and 4.8-8 through 4.8-12). The creation of the three new LPFs would support Douglas County’s Recreation Goals and Policies, TRPA’s Goals and Policies from the Recreation Element, and support attainment of TRPA’s Recreation Threshold Indicator R1 (DEIS at pg. 4.12-12).

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

(Refer to paragraph 2(a), above.)

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

The project is consistent with the TRPA Environmental Improvement Program (EIP) and will not affect any current or future EIP projects.

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

(Refer to paragraph 2(a)(5), above).

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

The project is not located within a community plan.

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

The project is not located within a community plan.
Required Findings:
(Multiple Family Dwelling Component (TRPA File 20060599))

The following is a list of the required findings as set forth in Chapters 5, 6, 20, 22, and 64. of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 5 – Environmental Impact Statement

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

   Table1-1 of the Draft EIS, with revisions as identified in Chapter 4 of the Final EIS, outlines all potentially significant project impacts, and the proposed mitigation measures that make those impacts less than significant.

2. Chapter 6 – Required Findings:

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

      (1) Land Use: Multiple-Family Dwellings and single family dwellings are allowed uses in Special Area #1 of Plan Area Statement 73. Pursuant to Chapter 18.1.A, the allowed uses of single-family and multi-family dwellings applicable to the project parcel in PAS 073 (Special Area #1) are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. The provision of single-family and multi-family dwellings on the project parcel is understood to be compatible with the direction of the Regional Plan and the surrounding uses (TRPA Code Section 18.1.A).

      For purposes of reviewing the environmental impacts of a proposed project, the TRPA Code, the Compact, and the General Plan do not distinguish between undeveloped, developed and redeveloped land. Undeveloped land is defined as a “vacant parcel” under both Chapter 2 and TRPA Code Section 18.1.A of the TRPA Code of Ordinances. As discussed above, the subject parcel is a "vacant parcel". There are many examples that can be cited to demonstrate TRPA's custom and practice to issue permits to develop a vacant parcel consistent with the provisions of Section 18.1 of the TRPA Code of Ordinances. A recent example is the May 16, 2008 TRPA Permit #STD20070221 for “Gondola Vista Estates, New Timeshare Resort” at 60 Lake Parkway, South Lake Tahoe, CA (APNs 29-441-15) and the companion January 7, 2008 TRPA permit #SBD2007-0380 for “Revised Subdivision, Conveyance to a Public Entity”, 20 Lake Parkway, South Lake Tahoe, CA (APN 029-441-11 (029-441-20 & 029-441-21)) (collectively, “Gondola Vista Estates”). This is a
mixed use tourist accommodation (20 timeshare units) and residential (4 deed restricted units) development project located on a 3.4 acre vacant, undeveloped parcel of land in the urban core which has not been previously developed. Gondola Vista Estates will have 7 units per acre density compared to 3 units per acre density for Sierra Colina. Base allowable coverage for Gondola Vista Estates is 36,625 square feet, and the permit provides that an additional 36,625 square feet of land coverage needed for the project will be transferred to it per TRPA Code. Total coverage will be 73,024 square feet, or 49.3% of the 3.4 acre parcel, compared with Sierra Colina’s 113,074 square feet of new coverage (consisting of 85,307 square feet of new coverage for the residential project and 31,657 square feet of new coverage for 4 new linear public facilities), or 14.4% of the 18.0 acre parcel.

PAS 073 provides that the maximum density for multiple family dwellings on the project site in Special Area #1 is three residential units per acre (or a maximum of 54 units on the 18 acre parcel), which is consistent with the proposed development, compared to the adjacent 326 unit Lake Village subdivision in PAS 073, which has a density of 6 homes per acre (DEIS, pgs. 2-5 and 4.8-3). PAS 073 (Special Area #1) is a receiving area for multi-residential units. Section 34.4 of the TRPA Code of Ordinances allows existing development to be transferred to PAS 073 (Special Area #1) for residential purposes. Residential uses (single family and multi-family dwellings) are Allowable uses on the project parcel (PAS 073 (Special Area #1). The project site is therefore a designated TDR Receiving Area for existing development (See also DEIS at pgs. 2-48 through 2-49).

PAS 073 calls for the entire plan area to continue to serve as a medium-density residential area and for new development to maintain the existing character of the neighborhood (DEIS, pg. 2-5). The proposed project is compatible with the neighborhood and the other residential properties which also are located in PAS 073 (DEIS, pg. 4.8-39). The parcel is surrounded by existing residential, commercial, recreational, industrial and governmental development and is an “urban area” as defined by the TRPA Code of Ordinances (TRPA 2004 [Chapter 2]) (DEIS, pg. 2-5). These proposed land uses and development density are consistent with:

- the provisions of Special Area #1 of PAS 073 making the PAS eligible for participation in TRPA’s multi-residential incentive unit program (DEIS Goals and Policies of the TRPA Regional Plan as shown in Table 4.8-2 (Land Use Consistency Table);
- the 208 Plan; and
- all other applicable regulations and land use policies, including those of the State of Nevada and Douglas County (DEIS at pg. 4.8-37).
Because the proposed project would be consistent with applicable land use plans and policies as well as the Goals and Policies of the Regional Plan, the proposed project would not contribute to any potential cumulative land use impacts (DEIS at pgs. 4.8-37 through 4.8-38). Further, the project complies with TRPA's requirements relating to height, land coverage, BMPs, transportation and air quality, noise and vegetation (see DEIS Table S-1 pt pgs. S-5 through S-103). Accordingly, the project is consistent with the Code of Ordinances and Goals and Policies and will not adversely affect implementation of the Regional Plan.

(2) Transportation: The EIS includes an analysis of traffic, parking, and circulation to assess potential impacts associated with the Sierra Colina Village project. This analysis concluded that the proposed residential development is estimated to generate 500 additional daily vehicle trip ends (dvte) which is defined by the TRPA as a significant increase. However, the addition of the four new bicycle/pedestrian pathways have been conservatively estimated to reduce the new dvte of the total project by 5 percent, or 25 trips, which will result in the creation of 475 dvte. Pursuant to Chapter 93.3.C of the TRPA Code of Ordinances, the applicant is required to offset the potential traffic and air quality impacts associated with the project by either paying a mitigation fee, or by providing mitigation measures equal to or exceeding the cost of the mitigation fee. Per Section 93.3.C(2) of the TRPA Code, the mitigation measures may include, but are not limited to:

- Transit facility construction;

- Transportation Systems Management measures, including but not limited to, bicycle facilities, pedestrian facilities, and use of alternative fuels in fleet vehicles; or

- Transfer and retirement of off-site development rights.

The required Air Quality mitigation fee for the creation of 475 dvte would equal $154,774. With the construction of the bicycle and pedestrian pathways (LPFs 3 and 4), which will cost the applicant $369,255 to construct (not including the cost to purchase land coverage for transfer), TRPA finds that the applicant will have successfully met the requirement to offset the impacts associated with the additional vehicle trips.

Based on the requirement of two parking spaces per residential unit, the proposed project would require a minimum of 100 parking spaces. The proposed project includes a total of 178 parking spaces for homeowners and their guests, 78 more spaces than required. All parking spaces are located within the proposed garages and individual private driveways only.
(3) **Conservation:** The project will be partially visible from TRPA designated Scenic Roadway Unit 31, which is currently in attainment. The proposed project will be set back a minimum of 200 feet from the edge of the Highway 50 right-of-way, approximately 30 vertical feet above the travel way, and will be substantially screened by existing mature pine and fir trees. Because of the screening by the trees, the distance that the buildings would be set back from the highway, the upsloping change in elevation, and the muted earth tone exterior colors proposed for the buildings, the proposed development would be only marginally visible and would appear subordinate to the natural character of the project setting when viewed from Highway 50.

The site was researched and field surveyed for the presence of historic or pre-historic resources, which identified and analyzed a total of five cultural resources: two boulder mortar cups, an apothecary bottle, a granitic pestle fragment, and a ditch segment. Based on reconnaissance archaeological surveys, subsurface testing, and archival research, none of the discovered cultural resources are considered significant per the TRPA Code of Ordinances or per the Nevada State Historic Preservation Office.

The project seeks to obtain both Leadership in Energy and Environmental Design (LEED) Certification and Energy Star certification for the proposed homes. The project proposes to convey over 10 acres of the 16.87-acre parcel to an appropriate public entity for permanent open space protection and conservation. Douglas County is the anticipated recipient of the land conveyance. The applicant is participating as a partner with Douglas County on regional water quality improvement efforts under EIP #679, Phase II (Lake Village).

(4) **Recreation:** Due to the proximity and availability of recreation facilities near the site (e.g. Kahle Park and Community Center; Nevada Beach), and the modest increase in population resulting from the project, the project would not have any direct impacts on existing recreational facilities.

(5) **Public Service and Facilities:** The EIS identified one potentially significant impact associated with emergency access during construction. The concern is that construction activities and related traffic could temporarily interfere with the ability of emergency services to access Lake Village Condominiums and other adjacent areas. As a condition of project approval to mitigate this potential impact, the applicant will prepare and submit an emergency access plan to TRPA, Douglas County, and the Fire District. The plan shall include detailed descriptions of how emergency access would be maintained throughout project construction.

(6) **Implementation:** For construction of the 41 proposed market rate residential units, the applicant has obtained and will transfer to the project area a total
of 38 residential units of use and one development right. These units and rights will combine with the two development rights already existing within the project area and three of the 13 residential allocations previously granted to the project by Douglas County. The remaining ten residential allocations will be returned to Douglas County or the TRPA, as required by the TRPA Code of Ordinances.

For construction of the nine proposed moderate income residential units, nine residential allocations will be obtained from the pool of allocations reserved for moderate income units, and nine residential bonus units will be allocated from the regional pool. There exists no legal requirement or TRPA required mitigation which requires deed-restricted housing to be included in any of the project alternatives, as (i) the project does not result in the demolition of any existing affordable housing stock; and (ii) is not located in a TRPA planning area which is a preferred affordable housing location (DEIS at pg. 4.8-21).

No other commodities or rights are required for implementation of the proposed project.

(b) The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled Project Review Conformance Checklist and Article (V)g Findings in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses in the checklist indicate compliance with the environmental threshold carrying capacities. Also, an EIS has been prepared for the proposed project. There were no unmitigated significant impacts identified in the environmental document. A copy of the checklist and Final EIS have been made available to the APC and Governing Board members and at TRPA. The project will not cause the threshold carrying capacities to be exceeded, but will achieve significant environmental benefits over the existing conditions on the site. With regard to the Threshold Evaluation, the 2006 Threshold Evaluation Report was adopted by the TRPA Governing Board in September 2007. As described in that report, two of the 36 threshold indicators, both in water quality (winter clarity and phytoplankton primary productivity) show negative trends. All other threshold indicators for the eight other thresholds either show no trend or a positive trend. Water quality, therefore, is the only threshold demonstrating negative trends based on the 2006 Threshold Evaluation. All thresholds and indicators that could be affected by the project are assessed in the DEIS. As shown throughout the DEIS as summarized in Table S-1, all significant impacts generated by the project require mitigation to avoid, minimize, or compensate for those potential impacts. No element of the project, after mitigation, would cause or contribute to non-attainment of any threshold indicator.

The Final EIS concludes that the proposed Project will reduce pollutant loads for fine sediment particles by 52%, for total suspended solids by 70% and for all other pollutants of concern to lake clarity (i.e. phosphorus and
nitrogen) by between 28% and 49% relative to the pre-project condition (See Master Response F at pages 2-249 through 2-253 of the FEIS; and see pages 11-13 and Table 4 of the nhc Supplemental Water Quality Analysis (FEIS (Appendix AA)). The post-Project condition achieves a lower pollutant load relative to the baseline condition because of (i) the high level of water quality mitigation associated with applicant’s TMDL Treatment Tier 2 Stormwater Management Plan, which minimizes the pollutant load increase attributed to the Project; and (ii) the load reduction achieved by treating on applicant’s Property public storm water generated offsite from approximately 0.6 acres of Echo Drive in Shared WQ facilities #3. The TMDL Treatment Tier 2 Stormwater Management Plan is an advanced storm water treatment system on the Property constructed and maintained at applicant’s expense under a development plan with Douglas County. The proposed Project will therefore contribute to achieving the water quality thresholds. Conclusions of the 2006 Threshold Evaluation Report do not change any of the conclusions of the DEIS (FEIS, Response to Comment 7-12 at pg. 2-99).

Table S-1 of the DEIS lists impacts and applicable mitigation measures for each of the nine TRPA thresholds. In addition, technical sections of the DEIS provide in depth discussions and analysis of each threshold component. It was found that with mitigation measures, air quality/transportation (Chapters 4.2 and 4.14), water quality (Chapter 4.7), soil conservation (Chapter 4.5), vegetation (Chapter 4.4), fisheries (Chapter 4.4), wildlife (Section 4.4), scenic resources and community design (Chapter 4.4), noise (Chapter 4.9), and recreation (Chapter 4.12) will have a less than significant impact on TRPA thresholds. With mitigation measures described in Table S-1 of the DEIS, and the discussions that follow in DEIS Chapter 4, FEIS Chapter 3, and FEIS Master Response F, there will be a less than significant impact; therefore, the project will not cause the environmental threshold carrying capacities thresholds to be exceeded.

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

(Refer to paragraph (b), above.)

3. Chapter 20- Coverage Relocation Findings

(a) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:

(1) Whether the area of relocation already has been disturbed.

(2) The slope and natural vegetation on the area of relocation.

(3) The fragility of the soil on the area of relocation.
(4) Whether the area of relocation appropriately fits the scheme of use of the property.

(5) The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore.

(6) The project otherwise complies with the land coverage mitigation program set forth in Section 20.5.

Existing land coverage on the site consists of: 1,900 sq. ft. Class 1b; 500 sq. ft. Class 2; 3,500 sq. ft. Class 4; and 200 sq. ft. Class 5. A total of 324 sq. ft. of existing Class 1b land coverage will be relocated to Class 1a and 2 lands, and 500 sq. ft. of Class 2 coverage will be relocated within Class 2 lands. All of the existing Class 4 and 5 land coverage will be relocated to areas of Class 4 and 5. All relocation of land coverage will be to an equal or superior portion of the project area as a result of moving it farther away from the stream zone to areas that drain away from the Burke Creek SEZ and/or to areas less likely to contribute to stormwater erosion. Existing excess coverage (Class 1b) will be mitigated in accordance with Section 20.5. of the TRPA Code of Ordinances.

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

The areas from which coverage will be removed will be fully restored to a natural condition in accordance with Section 20.4.C.

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

All land coverage proposed within Class 1a will be relocated from Class 1b (SEZ), and all land coverage proposed in Class 2 will come from Class 1b or Class 2. No high capability land coverage will be relocated to low land capability areas.

(d) If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone. For projects involving the relocation of more than 1000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats.

No land coverage is proposed to be relocated in Class 1b.

4. Chapter 22- Additional Height Findings:
(a) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The project involves the construction of 29 new two-story buildings: 21 duplex buildings, and 8 single-unit buildings. The proposed buildings will range in height from 25 feet to 36 feet in height with a roof pitch of 7:12. Slopes across the building sites range from 2% to 22%. Each of the proposed buildings is within the allowable height for its individual slope and roof pitch Per Table A in Chapter 22 of the Code (See Height Table in Attachment C).

The proposed project is visible from portions of Highway 50. The site and surrounding area are vegetated with existing Sierran mixed conifer, with a tree canopy of approximately 50 to 65 feet tall, and the building site slopes upward from Highway 50. The maximum height for any proposed structure is less than 36 feet above grade. Therefore, the additional height will not cause any building to extend above the forest canopy. Simulations prepared for the EIS (EIS Exhibits 4.13-4b and 4.13-5b) demonstrate that when viewed from Highway 50 the proposed project will not extend above the ridgeline.

(b) When outside a community plan, the additional height is consistent with the surrounding uses.

The surrounding uses consist of multi-story residential condominiums to the north, open space to the east, and multi-story commercial and public service uses to the south. The project is consistent in height with the residential condominium development located directly to the north of the proposed project. Additionally, the proposed development has been situated on the northern portion of the project area to allow for as much continuous open space as possible adjacent to the Burke Creek SEZ. The additional height is consistent with these surrounding uses.

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

The proposed buildings include architectural features that break up the majority of vertical exterior walls, and the maximum height at any corner of two exterior wall of the buildings does not exceed 80 percent of the total height of the structures. Therefore, the maximum height at any corner of two exterior walls of the buildings will not exceed 90 percent of the maximum building height.

5. Chapter 64 – Excavation Findings:
(a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

In 2006, the site was tested via 33 test pits to a depth of twelve feet below natural grade by a qualified professional, and no groundwater was encountered (DEIS, Appendix O). The applicant received a Soils/Hydrologic approval in December 2006 that approved a maximum excavation depth of ten feet below natural grade (bng). Excavation depth below natural grade for 16 of the 29 proposed buildings would be zero feet. Nine buildings would require excavation depths in excess of five feet; none of the excavation depths will exceed 10 feet bng. No excavations are planned in or near Burke Creek as part of the Multi-Family Dwelling Project.

In order to minimize the cuts and disturbance of the overall project, it was necessary to locate the access driveway LPF 3 in a way that requires the sewer line to be located at a depth of 15 feet bng. Based on the data cited above, proposed construction excavation up to 15 feet below natural grade would not encounter groundwater. However, as a condition of approval, the applicant shall obtain a revised Soils/Hydrologic approval from TRPA for the revised excavation depth, or revise the proposed excavation depth so as not to exceed 10 feet bng. In the event that groundwater is intercepted, the project applicant shall immediately notify the TRPA, and the excavation shall be immediately revised to comply with TRPA Code of Ordinances Chapter 64.7.A.

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

The temporary BMPs and vegetation protection measures will ensure that no damage occurs to trees except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems, and hydrologic conditions of the soil. Temporary BMPs, as approved by TRPA, will be installed and maintained throughout the term of the project.

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

Excavated material will be disposed of pursuant to Section 64.5 and the project area’s natural topography will be maintained pursuant to Subparagraph 30.5.A(a), except to the extent shown on the TRPA approved project plans and except as required for the necessary retaining walls at the rear of Buildings 1, 2, 8, 9, 10, 20 and 21 for the public health and safety reasons. The project site is undulating and generally slopes downward approximately 100 vertical ft. from east to west. As a result, approximately one-third of the buildings would be upslope of the access driveway and “cut” into the hill, and approximately two-thirds of the buildings would be down slope of the roadway with the rear of the home “suspended” over the down-sloping surface. Proposed retaining walls are up to 17 feet from the rear
vertical walls of seven of the twenty-nine Project buildings cut into the up slope (buildings 1, 2, 8, 9, 10, 20 and 21) and are necessary as a result of the topography of the property to divert seasonal runoff away from the buildings and to provide emergency egress.
Required Findings:
(Subdivision Component (TRPA File 20060681))

The following is a list of the required findings as set forth in Chapters 5 and 6 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 5 – Environmental Impact Statement
   
   (a) Changes or alterations have been required in or incorporated into the project which avoid or reduce the significant adverse environmental effects to a less than significant level.

   Table S-1 of the Draft EIS, with revisions as identified in Chapter 4 of the Final EIS, outlines all potentially significant project impacts, and the proposed mitigation measures that make those impacts less than significant.

2. Chapter 6 – Required Findings:
   
   (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

   Chapter 2 of the TRPA Code of Ordinances includes in the definition of subdivision the act or product of dividing improved or unimproved real property for the purpose of sale into two or more condominiums, community apartments, stock cooperatives, lots or parcels. Thus, the TRPA Code of Ordinances contemplates the subdivision of a vacant parcel into condominiums as proposed by the applicant. The TRPA Code of Ordinances permits the subdivision of the subject parcel into condominiums via the two-step subdivision process pursuant to Chapters 41 and 43 of the TRPA Code of Ordinances (DEIS Sections 3.2 and 4.8, and FEIS Master Response B and Master Response C). The TRPA Code of Ordinances also permits the 10+ acre open space conveyance to a public entity pursuant to Chapter 41 of the TRPA Code of Ordinances (DEIS Section 4.8).

   The proposed project would be consistent with Goals and Policies of the TRPA Regional Plan as shown in Table 4.8-2 (Land Use Consistency Table), with the 208 Plan and with all other applicable regulations and land use policies, including those of the State of Nevada and Douglas County with respect to the proposed two-step subdivision of the parcel into single family residences and the subsequent subdivision of the parcel by conveyance of approximately 10+ acres of the parcel to a public entity (Douglas County) for open space, recreation and protection of the SEZ. Because the proposed project would be consistent with applicable land use plans and policies as well as the Goals and Policies of the Regional Plan, the proposed project would not contribute to any potential cumulative land use impacts.
The proposed subdivision of the project site into single-family dwellings and common area would divide each residence into an individual parcel for private ownership following the multi-family approval and construction of the project and the LPFs. Individual parcels would include the footprint of the unit. Driveways would remain part of the common area. The CC&Rs of the HOA would provide that unit owners (i) will each have an easement over their driveway and walkway for their exclusive use and enjoyment; (ii) will each have an easement over a small area adjacent to and behind each residence for each owner’s exclusive use and enjoyment, including the right to fence such area; and (iii) are prohibited from constructing any coverage in such adjacent areas or elsewhere in the common areas. The CC&Rs will address other similar homeowner-related matters consistent with the conditions of the TRPA project permit and of all applicable Douglas County and State of Nevada permits and approvals (DEIS at pg. 2-50).

TRPA Code of Ordinances and policies that relate to development and subdivision of undeveloped land do not preclude the proposed development of the Sierra Colina property on the basis of two-step subdivisions or land capability requirements (FEIS Response to Comment 4-6 at pg. 2-22).

The Water Quality Management Plan for the Lake Tahoe Basin (208 Plan) and TRPA Goals and Policies, Chapter 2, Land Use contain substantially identical provisions to TRPA Code Section 41.3.G permitting new divisions of land in the Lake Tahoe Basin which comply with the listed criteria, provided that the new subdivisions do not create new development potential. The proposed project is consistent with and satisfies each of the criteria of TRPA Code Section 41.3.G, the 208 Plan and TRPA Goals and Policies, Chapter 2, Land Use with respect to the subdivision of post-1987 projects (See FEIS, Master Response B at pgs. 2-243 through 2-245 and Master Response C at pgs. 2-245 through 2-247).

The Project is not the type of development intended to be restricted by the 208 plan. The project location is within the urban core for the Stateline area with commercial and residential development bordering the property on two sides. The project site is in close proximity to transit facilities, commercial, recreation, and public service facilities and, therefore, is consistent with the 208 Plan goals for new development to be concentrated within existing urban areas (FEIS Response to Comment 7-89 at pg. 2-126). See also DEIS at pages 2-9 through 2-10. The parcel is an “urban area” as defined by the TRPA Code of Ordinances (TRPA 2004 [Chapter 2]) (DEIS, pg. 2-5); see also FEIS, Master Response B at pgs. 2-243 through 2-245.

The TRPA Code of Ordinances requires that the project transfer 39 existing development rights and/or ERUS to the project site for the proposed 41 market units (one existing development right is already resident on the parcel based on the 1987 TRPA Regional Plan and one development right was transferred to the parcel in 1993). The applicant proposes to transfer 37 ERUs from sensitive land, and one ERU and one development right from high capability land for use on high capability land on the project site.
The requirements for transfer of existing development to a new multi-family project under the 208 Plan are identical to the provisions of Chapter 34 of the TRPA Code of Ordinances regarding transfer of development. The 208 Plan does not require that existing development rights or existing units of use to be transferred originate on “sensitive” land (See FEIS, Master Response B at pgs. 2-243 through 2-245).

With regard to “approved transfer of development”, both the 208 Plan and the TRPA Code of Ordinances (Chapter 34) prescribe the circumstances under which such a transfer may occur. The applicant’s proposed transfer of existing development to the parcel is in compliance with both the 208 Plan and Chapter 34 of the TRPA Code of Ordinances (DEIS at pages 2-9 through 2-10 and pages 2-48 through 2-50; see also Chapter 4.8, Land Use) (See also, FEIS, Master Response B at pgs. 2-243 through 2-245).

The 208 Plan and the TRPA Code of Ordinances also limit approved subdivisions to those which do not create “new development potential”. The 208 Plan does not consider the enumerated “divisions of land to be inconsistent when the result does not increase the development potential permitted by TRPA’s Regional Plan,” (208 Plan at page 5.8-5). TRPA Code section 41.2 defines “new development potential” as the regional potential for additional residential and related growth (See FEIS, Master Response B at pgs. 2-243 through 2-245). The existing development proposed by the applicant to be transferred to the parcel does not create “new development potential” in the Tahoe Basin (FEIS Response to Comment 7-89 at pg. 2-126). (see also DEIS at pages 2-9 through 2-10). Section 34.4 of the TRPA Code of Ordinances allows existing development to be transferred to PAS 073 (Special Area #1) for residential purposes (“The transfer of existing development shall not be considered additional development and is exempt from the applicable allocation system”).

Accordingly, the approval of this project would not create “new development potential”, (satisfying TRPA Code section 41.2); would be approved in conjunction with an approved transfer of development (satisfying TRPA Code Section 41.3.G); would be a new development (satisfying TRPA Code Section 41.3.G); and would not result in a greater amount of development than permitted in the Regional Plan (satisfying TRPA Code Section 41.3.G). The remaining criteria for two-step subdivisions in the TRPA Code of Ordinances is consistency with Chapter 43 of the Code, which is discussed in FEIS Master Response C (See FEIS, Master Response B at pgs. 2-243 through 2-245).

Neither the TRPA Code of Ordinances nor the 208 Plan defines a “lot and block subdivision.” The proposed subdivision of the project will not result, in substance or in appearance, in a “lot and block subdivision,” for a number of reasons, including those articulated in connection with the discussion in the DEIS of the TRPA Legal Division’s 1995 memorandum on two-step subdivisions to the TRPA Governing Board (TRPA 1995 [DEIS Appendix I]) (DEIS at pgs. 4.8-16-17).
(b) The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled Project Review Conformance Checklist and Article (V)g Findings in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses in the checklist indicate compliance with the environmental threshold carrying capacities. Also, an EIS has been prepared for the proposed project. There were no unmitigated significant impacts identified in the environmental document. A copy of the checklist and Final EIS have been made available to the APC and Governing Board members and at TRPA.

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

(Refer to paragraph (b), above.)

3. Chapter 41-Limitations on New Subdivisions:

(a) Subdivisions of land for the purpose of conveying the newly created parcel to a government agency or public entity, provided the subdivision is in compliance with Subsection 41.3.A(1) or 41.3.A.(2), and they do not increase new development potential.

The proposed subdivision for conveyance to a public is in compliance with Subsection 41.3.A.(2) (General Conveyances). The subdivision will result in approximately 10.7 acres of the 16.86-acre parcel being conveyed to Douglas County as conservation lands, including the easement areas of three bicycle/pedestrian paths. The two development rights associated with the original parcel, as well as all rights to land coverage and density, will be deed restricted to remain with the approximately 6.2 acres of land to be retained by Sierra Colina, LLC. Additionally, the acreage conveyed to Douglas County will be permanently deed restricted to either open space, public service, public recreation, or public resource management use. There will be no increase in development potential will as a result of this subdivision.

(b) Subdivisions through condominiums, community apartments, or stock cooperatives, within an existing urban area, in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of the Regional Plan and Code may be approved provided they do not increase new development potential. The subdivision shall not result in a greater amount, a different location, or a greater rate of development than otherwise permitted by the Regional Plan and Code.

The proposed subdivision of the approved 50-unit Sierra Colina Village multi-family residential development will result in each of the 50 units being contained in a separate legal lot of record with the boundary line described by the footprint of the individual unit.
One extra legal lot of record will be created as a common area for all remaining areas within the approximately 6.2-acre Sierra Colina Village project area outside of the residential unit footprints. Development within the common area will include all driveways, decks and patios, LPF 3, and a portion of LPF 4. As a result of the subdivision for conveyance to a public entity described above (paragraph 3.(a)), all land coverage, development rights, and density that was permissible under the original 18-acre parcel shall remain with the Sierra Colina Village development and common area. No additional land coverage, development rights or permissible density will be created as a result of this subdivision of existing structures.
Required Findings:
(Intersection Improvement Component (TRPA File ERSP2008-1019))

The following is a list of the required findings as set forth in Chapters 5, 6, 18, and 33 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 5 – Environmental Impact Statement

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

   Table S-1 of the Draft EIS, with revisions as identified in Chapter 4 of the Final EIS, outlines all potentially significant project impacts, and the proposed mitigation measures that make those impacts less than significant.

2. Chapter 6 – Required Findings:

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

      (1) Land Use: Transportation Routes are a special use in Plan Area Statement 73. The proposed project is consistent with the Regional Plan and will not result in any adverse effects.

      (2) Transportation: The Sierra Colina Village EIS includes an analysis of traffic, parking, and circulation to assess potential impacts associated with the project. This analysis concluded that the proposed residential project would potentially increase delays in the left-turn movement from Lake Village Drive onto Highway 50, which currently operates at Level of Service (LOS) F. To reduce the impacts associated with the residential development, Mitigation Measure 4.14.1-2 recommended that the Lake Village/Highway 50 intersection be restriped to separate the left and right-turn lanes, and provide a west-bound acceleration lane on Highway 50. These changes would result in an increase to LOS D, which is an improvement over existing conditions. The proposed restriping will not affect implementation of the Regional Plan.

      (3) Conservation: The project is visible from TRPA designated Scenic Roadway Unit 31, which is currently in attainment. This project will not affect the score of the roadway unit. The proposed project is consistent with the Regional Plan and will not result in any adverse effects.

      (4) Recreation: Recreation uses or opportunities will not be affected by implementation of this mitigation measure. The proposed project is
consistent with the Regional Plan and will not result in any adverse effects.

(5) Public Service and Facilities: Public services and facilities will not be affected by implementation of this mitigation measure. The proposed project is consistent with the Regional Plan and will not result in any adverse effects.

(6) Implementation: The proposed restriping will not create any additional land coverage. The proposed project is consistent with the Regional Plan and will not result in any adverse effects.

(b) The project will not cause the environmental threshold carrying capacities to be exceeded.

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

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

(Refer to paragraph (b), above.)

3. Chapter 18 – Special Use Findings:

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

The proposed intersection restriping will alleviate existing traffic problems by creating a safe means by which to enter and exit Lake Village Drive at Highway 50. This improvement will not alter the nature, scale, density, intensity, or type of activities found on the site or surrounding areas, and will not create an inappropriate use for the surrounding area in which it will be located.

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

The proposed intersection restriping is intended to improve existing transportation infrastructure by clearly delineating turn lanes that inter and exit Lake Village Drive. Improvements also call for a slight expansion of the existing transportation
route in the road shoulder on the east side of Highway 50 (south of Lake Village Drive) to allow for safe and clearly marked acceleration and deceleration lanes. These improvements will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of the region. The applicant has taken reasonable steps to protect against damage to land and water resources of both the highway right-of-way and surrounding properties by including temporary BMPs to decrease the likelihood of stormwater runoff and contamination, including protection of existing drop inlets, ditches, and other pertinent stormwater facilities during construction.

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

The proposed project improves upon existing transportation infrastructure, which is a permissible public service use in Plan Area Statement 73. The addition of a clearly marked acceleration lane will not alter or change the character of the neighborhood or transportation patterns, but will make the left-turn onto Highway 50 safer and more convenient by reducing potential turning conflicts.

4. Chapter 33.5- Additional Public Service Facilities Findings

(a) There is a need for the project.

The proposed restriping project is being proposed to meet the requirements of a mitigation measure proposed as part of the Sierra Colina Village EIS. As with any project EIS, this document identifies all of the potential environmental impacts the proposed project may have and presents required mitigation measures to minimize any potentially significant impacts. One of the proposed traffic mitigation measures requires enhancements to the existing striping at the intersection of Lake Village Drive and Highway 50 (Mitigation Measure 4.1.1-2). The proposed restriping project will result in an increase of the existing level of service of the left-turn movement onto Highway 50 from LOS F to LOS D.

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

The TRPA Goals and Policies Regional Transportation Policies and Objectives item 6c states: “Intersection improvements required to upgrade existing levels of service including lane restriping, turn lanes, channelization and traffic signals should be implemented when warranted.” The TRPA Goals and Policies Regional Transportation Policies and Objectives item 6g also states: “Left-turn lanes and right-turn lanes shall be provided to reduce turning conflicts along major travel routes.” The proposed project will improve public safety at the intersection through upgrading intersection turn lanes, providing acceleration and deceleration lanes, and reducing turning conflicts along a major travel route.
(c) The project is consistent with the TRPA Environmental Improvement Program.

The proposed project will alleviate existing traffic problems by creating a safe means to enter and exit Lake Village Drive. The project will not increase traffic volume or vehicle miles traveled or otherwise compromise Air Quality/Transportation Thresholds, but will increase public safety. The project is consistent with the TRPA Environmental Improvement Program (EIP) and will not affect any current or future EIP projects.

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

(Refer to paragraph 2.(A)(5), above).

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

The project is not located within a community plan.

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

The project is not located within a community plan.
Draft Permit  
(Bicycle/Pedestrian Pathway Component (TRPA File 20060598))

PERMIT

PROJECT DESCRIPTION: Linear Public Facilities- Bicycle/Pedestrian Paths  
APN 1318-23-301-001

PERMITTEE(S): Sierra Colina, LLC  
FILE # 20060598

COUNTY/LOCATION: Douglas/ Near Hwy 50 and Lake Village Drive

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on June 24, 2009, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on June 24, 2012 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 TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:
(1) 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;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN 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; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee ___________________________ Date

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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
APN 1318-23-301-001
FILE NO. 20060598

Offsite Coverage Mitigation Fee (1): Amount $________ Paid _____ Receipt No.______

Water Quality Mitigation Fee (2): Amount $________ Paid _____ Receipt No.______

Security Posted (3): Amount $5,000 Type ___ Paid _____ Receipt No.______

Security Administrative Fee (4): Amount $______ Paid _____ Receipt No.______

Notes:
(1) Amount to be determined. See Special Condition 3.J., below.
(2) See Special Condition 3.K., below.
(3) See Special Condition 3.L., below.
(4) $148 if a cash security is posted, or $76 if a non-cash security is 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 specifically authorizes the creation of four new easements for the establishment of bicycle and pedestrian trails (Transportation Routes), and the construction of three new bicycle and pedestrian trails (LPFs 3, 4, and 5), including the construction of a bridge over Burke Creek, as shown on the site plan submitted to TRPA on September 5, 2006. The paths will require a total of approximately 30,581 sq. ft. of land coverage. Approximately 2,930 square feet will be within low land capability areas, with approximately 1004 sq. ft. within the Burke Creek SEZ. All land coverage required for the pathways beyond the 6,055 sq. ft. of base allowable coverage within the easement areas shall be transferred to the parcel for the easements. The project area associated with these pathways shall equal the areas contained by the proposed transportation route easements. Final land coverage amounts will be determined based on the final design and location of LPFs 3, 4, and 5 and the Burke Creek Bridge. Development of the bicycle/pedestrian path associated with LPF 2 is not included as a part of this approval.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
A. The site plan shall be revised to include:

1. Location of all recorded easements inherent to the property or resulting from this project.

2. Only proposed development and improvements associated with the bicycle/pedestrian pathways (LPFs 3, 4, and 5). All other proposed development shall be removed from this site plan.

3. Extension of the sidewalk from the commercial center south of Burke Creek along Highway 50 to connect to LPF 4 (See Special Condition 3.D., below).

4. Land capability district boundaries.

5. Locations and face copy of public directional signage for the bicycle/pedestrian routes.

6. The following revised land coverage calculations:
   a. Project area associated with the transportation route easements.
   b. Allowable land coverage for each land capability district within the transportation route project area.
   c. Proposed land coverage for each land capability district within the transportation route project area, including a 3:1 height reduction for the area under the proposed bridge.
   d. New off-site land coverage being created in the public right-of-way.
   e. Remove all land coverage calculations not associated with this transportation path proposal.

7. Location of construction staging areas for the transportation pathways.

8. Appropriately designed and located permanent BMPs for LPFs 3, 4, and 5. These BMPs shall be specifically designed to prevent sediment transport off-site or into the Burke Creek SEZ.

9. The permittee shall submit calculations demonstrating that the proposed infiltration facilities are sized accordingly for the slope and soil type of the property, consistent with the infiltration mitigation requirements outlined in the 2009 Sierra Colina EIS.

10. A note indicating: “All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best

(11) A note indicating: “Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within 35 feet of structures.”

(12) Temporary erosion control structures located downslope of the proposed construction areas. The construction area within the Burke Creek SEZ shall have extra erosion control protection. Adequacy of the response to this requirement shall be determined by the TRPA staff at the time of the pre-grade inspection. Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.

(13) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.

(14) Location of trees 14-inches or greater in diameter at breast height, with identification of all trees to be removed as a part of this project.

B. The proposed bridge over Burke Creek associated with LPF 5 shall be redesigned to minimize removal of riparian vegetation. Modifications may include reducing the bridge width to the minimum necessary, locate the proposed bridge to minimize or avoid the removal of riparian shrubs and trees, and cross at a relatively narrow segment of the SEZ.

C. The permittee shall provide a detail sheet for the proposed bridge over Burke Creek for LPF 5. Details shall include:

(a) A plan view with a minimum scale of ¼” = 1’, with proposed temporary and permanent Best Management Practices, land capability district lines, proposed land coverage, and existing and proposed contour lines.

(b) Elevations in relation to the natural ground contours and land capability district boundaries, with finished grade, location of bridge supports, and depth of excavation for supports.

(c) Identification of proposed colors and materials for the bridge.

D. Under separate application, the permittee shall obtain approval to extend the sidewalk along Highway 50 from the commercial center south of Burke Creek to connect to LPF 4.
E. Under separate application, the permittee shall obtain approval for a bicycle/pedestrian path connection for LPF 5 on the Douglas County Kahle Park project area.

F. The permittee shall provide evidence that the appropriate bicycle/pedestrian access easements for LPFs 2, 3, 4, and 5 have been properly recorded with Douglas County.

G. The permittee shall provide a copy of a US Army Corp of Engineers (USACE) Section 404 permit that authorizes any proposed fill within the waters of Burke Creek, or a waiver of the requirement for such permit from the USACE. Any required mitigations associated with that permit are hereby included as conditions of this approval (Sierra Colina Village Project EIS Mitigation Measure 4.4.1-1).

H. The permittee shall provide evidence, in the form of a recorded deed restriction or other legally binding agreement, that LPFs 3, 4, and 5 will be maintained in perpetuity, and by what entity.

I. The permittee shall provide a detailed construction methodology for the proposed construction within the SEZ. The methodology shall detail how construction will be completed and methods used to limit disturbance to the SEZ.

J. The permittee shall submit an offsite coverage mitigation fee for the creation of new land coverage proposed in the Lake Village Drive right-of-way. The fee shall be calculated at a rate of $15.00 per square foot of new land coverage (Hydrologic Area 4 – South Stateline).

K. A water quality mitigation fee of $11,262.30 shall be paid to TRPA. This fee is based on the creation of 6,055 square feet of land coverage at a rate of $1.86/sq. ft.

L. The security required under Standard Condition 1.B. of Attachment Q shall be $5000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

M. Under separate application, the permittee shall transfer a total of 25,991 square feet of coverage to these facilities from within Hydrologic Area 4 – South Stateline, with the following requirements:

1) 1,506 square feet shall be transferred from land capability class 1b (SEZ).

2) 2,889 square feet shall be transferred from land capability class 1, 2, or 3, or any IPES parcel with a score of 725 or less.

3) 21,596 square feet shall be transferred to these facilities and may be from any land capability class or IPES parcel.
(Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure. Land coverage amounts indicated here are estimates. Actual coverage numbers may vary based on final layout designs for LPFs 3, 4, and 5.)

N. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, including BMP installation.

5. Washoe tribal members shall be notified at least 2 weeks in advance of ground-disturbing activities and invited to conduct archaeological monitoring during such activities. In the event that previously unknown archaeological or historical resources are discovered during any ground-disturbing activities, construction shall immediately cease ground-disturbing activities in the vicinity of the resource. A qualified archaeologist approved by TRPA shall be consulted to evaluate the resource in accordance with TRPA guidelines. If the discovered resource is determined to be significant, a mitigation plan consistent with the TRPA Code of Ordinances shall be drafted and submitted for approval by TRPA and the Nevada State Historic Preservation Office (SHPO). Such a plan may include recovery and recordation of the resource, additional monitoring, or other activities required by TRPA and the Nevada SHPO. Any necessary archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards and, shall be implemented before recommencement of construction in the area of the resource.

6. In the event that human remains are discovered, the Douglas County Coroner shall be contacted and, if the remains are determined to be Native American, also the Nevada Office of Historic Preservation in accordance with Section 383.170 of the Nevada State Revised Statutes. Section 383.170 directs the SHPO to consult immediately with the Nevada Indian Commission and notify the appropriate Indian tribe. This section also authorizes the Indian tribe, with the permission of the landowner, to inspect the site and recommend an appropriate means for the treatment and disposition of the site and all associated artifacts and human remains.

7. Land coverage transferred to this project area for the purpose of the proposed bicycle/pedestrian pathways may not be used for any other purpose without written approval from TRPA.

8. Excavation equipment shall be limited to within 12 feet of any area of proposed construction or grading to minimize site disturbance.

9. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
10. By acceptance of this permit, the permittee agrees that all mitigation measures outlined in the Sierra Colina Village Project EIS for the proposed project are hereby included as conditions of project approval and will be implemented as such.

END OF PERMIT
Draft Permit
(Multiple Family Dwelling Component (TRPA File 20060599))

PERMIT

PROJECT DESCRIPTION: New Multiple Family Dwelling Project
APN 1318-23-301-001

PERMITTEE(S): Sierra Colina, LLC
FILE # 20060599

COUNTY/LOCATION: Douglas/ Near Hwy 50 and Lake Village Drive

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on June 24, 2009, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on June 24, 2012 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 TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

1. 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;
2. ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
3. THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN 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; AND
4. A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

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
Excess Coverage Mitigation Fee (1): Amount $_______ Paid _____ Receipt No.______
Monitoring Cost Deposit (2): Amount $2000.00 Paid _____ Receipt No.______
Water Quality Mitigation Fee (3): Amount $_______ Paid _____ Receipt No.______
Security Posted (4): Amount $_______ Type ___ Paid _____ Receipt No.______
Security Administrative Fee (5): Amount $_______ Paid _____ Receipt No.______

Notes:
(1) Amount to be determined. See Special Condition 3.R., below.
(2) See Special Condition 3.Q., below.
(3) See Special Condition 3.S., below.
(4) Amount to be determined. See Special Condition 3.T., below.
(5) $148 if a cash security is posted, or $76 if a non-cash security is 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 specifically authorizes the construction of 50 new residential units
within 29 two-story structures. Forty-two of the units will be located within
duplex buildings, and eight of the units will be in single-unit buildings. Nine of
the units will be deed restricted as moderate-income housing. The buildings
will have steeply pitched roofs and cedar shingle and stone exteriors in an
“Old Tahoe” style. The proposed units will range from two to four bedrooms,
and contain a laundry room, and a one or two car garage. Each unit would
include a minimum of two parking spaces, with at least one parking space
available in the driveway. The design also includes patios and decks for each
unit, landscaping, and water quality improvements for the project area.
Access to these new units will be from Lake Village Drive via the shared-
access driveway identified as LPF 3 (TRPA File Number 20060598). All of the
proposed residential units will be located outside of the 200-foot scenic
setback from the Highway 50 right-of-way. A portion of the on-site runoff
generated by the approved development will be treated in a shared on-site
water quality facility, which will be constructed by Douglas County as a part of
implementation of EIP #679. Mitigation required to offset air quality and water
quality impacts associated with the new development is being accomplished
through mitigation projects (construction of bicycle and pedestrian trails, and
construction of Shared Water Quality Facility #3 (EIP #679) that will
accommodate storm water runoff from Echo Drive) that have been approved by TRPA as sufficient.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.

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

   A. The site plan shall be revised to include:

      (1) Location of all recorded easements inherent to the property or resulting from this project.

      (2) Existing land coverage proposed to be removed.

      (3) Detailed land coverage calculations broken down by type of development and land capability. Remove land coverage calculations associated with project components that have not been approved (e.g., monument sign, gateway, etc.).

      (4) Depiction of patios and stoops for all ground-level doors. Land coverage calculations shall be revised, if necessary.

      (5) Relocation of buildings to avoid conflicts with bedrock outcrops, as outlined in the Kleinfelder Site Investigation completed November 14, 2006 (see Sierra Colina Village Project EIS, Appendix O, pages 210-214).

      (6) Identification of where the existing perimeter fence will remain for resource protection. All other portions of the fence will be indicated to be removed.

      (7) One of the following modifications required to reduce the exposure of residents of Building 14 to on-site noise levels in excess of applicable standards (Sierra Colina Village Project EIS Mitigation Measure 4.9.1-4):

         (a) Redesign Building 14 such that the primary outdoor activity areas of the two homes contained in Building 14 are relocated to the front of the home (the east side of the structure, opposite from U.S. 50) rather than at the back (west side) of the home, so that the structure itself provides shielding adequate to reduce the CNEL at that location to a maximum of 50 dBA; or,

         (b) Screen the rear yard space for each of the two homes in Building 14. A fence/barrier tall enough to intercept line of sight between the outdoor space and U.S. 50 would yield a 5 dBA traffic noise reduction, thereby resulting in compliance with the 50 CNEL dBA standard. This fence/barrier would be designed and constructed to conform to the overall
architectural design of the proposed project and other applicable regulatory standards; or,

(c) Relocate Building 14 farther east (i.e., farther away from U.S. 50) where additional natural and human-made shielding and sound level reduction as the structure moves away from the noise generated by U.S. 50 would achieve compliance with the 50 CNEL dBA standard.

B. The Grading Plan shall be revised to include:

(1) Existing and proposed topographic contour lines, clearly identified, at two (2) foot intervals, and all areas of cut and fill.

(2) Identification of existing and finished grade elevation at each building corner.

(3) Location of all trees 14-inches diameter or greater, with identification of all trees to be removed as a part of this project.

(4) Location of the proposed construction staging areas. All staging shall be located outside of tree driplines, and within areas of existing or approved disturbance.

(5) All temporary BMPs, including:

(a) Temporary erosion control structures located downslope of the proposed construction areas. Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.

(b) Sturdy high-visibility protective fencing shall be installed at the limits of construction (including all grading, underground utilities, staging, storage, parking, or other development activity), and outside of the critical root zone of all trees to be preserved that have critical root zones in the limits of construction, and that are 14 inches dbh or greater. The critical root zone is defined here as the area within 10 feet of a tree’s drip line. This fencing shall be included on all site plans (e.g., Staging, Grading, Drainage, and Utility plans). No equipment, personnel or disturbance is allowed beyond the vegetation protection fencing.

(c) Temporary slope stabilization on all slopes subject to erosion;
(d) Loose piles of soil, silt, clay, sand, debris, or other earthen material shall be covered to prevent the discharge of these materials.

C. A BMP Plan shall be prepared that is consistent with the Storm Water Management Approach analyzed in the Sierra Colina Village Project EIS, and shall include:

1. Infiltration galleries and/or detention basins to ensure onsite infiltration of storm water runoff.

2. Proposed locations of the required snow storage for the project area.

3. Proposed BMPs for the shared access driveway and all bicycle/pedestrian paths.

4. Specific BMPs to prevent sediment transport off-site or into Burke Creek and the associated Sierra Colina SEZ.

5. Any other Best Management Practices identified in the Storm Water Pollution Prevention Plan (SWPPP), as required in Special Condition 3.K. of this permit. The permittee shall provide a list of these additional BMPs, with specific reference to the SWPPP.

6. The permittee shall submit calculations demonstrating that the proposed infiltration facilities are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.


8. A note indicating: “All areas disturbed by construction shall be treated with an appropriate dust control measure. This treatment shall be continued or maintained from completion of the initial grading through completion of the project. Broadcast mulch shall not be permitted as a dust control measure within in 35 feet of structures.”

9. A BMP maintenance plan for the subject property. The plan shall be adhered to for the life of the property to ensure that BMPs continue to function properly. Failed or damaged BMP improvements shall be corrected in a timely fashion.

D. The Landscape Plan shall include:

1. The location of proposed erosion control facilities as identified in Special Condition 3.C. of this permit, including snow storage areas,
drywells, infiltration facilities, and storm water basins. Appropriate landscaping (species and irrigation) shall be proposed in and around these areas/facilities.

(2) A plant list, a planting plan, planting and maintenance techniques, and measures to control the introduction or spread of invasive plants. All landscaping shall consist of native plant species from the TRPA-approved plant list, except for accent plants which can be adapted plants.

(3) A fertilizer management plan in accordance with the standards required in Section 81.7 of the TRPA Code of Ordinances for TRPA review and approval.

(4) Proposed restoration for areas where land coverage will be removed.

E. The Elevations shall be revised to include:

(1) Separate elevations for each proposed structure that includes:

(a) Outline of existing and proposed grade for each view aspect.

(b) Elevation of the lowest point of the foundation wall at existing grade.

(c) Elevation of the highest roof ridge.

(d) Roof pitch of each roof plane.

(e) Allowable and proposed height calculations.

(f) Outline of the proposed excavation depth, to scale in relation to existing grade.

F. The Floor Plans shall be revised to include the location and type/model of proposed woodstoves, fireplaces, gas heaters, etc.

G. The permittee shall provide a final copy of the approved Development Agreement between Sierra Colina, LLC and Douglas County.

H. The permittee shall provide evidence that EIP #679 has been approved, and that it includes Shared Water Quality Facilities #3 on the Sierra Colina Village project area.

I. The permittee shall prepare for TRPA approval and signature a deed restriction permanently assuring that the 9 residential units identified for the moderate income housing are available to moderate income households (income not to exceed 120 percent of the median income for Douglas County). All housing units shall be used exclusively as a residential dwelling by permanent residents, and shall be occupied in accordance with
local, regional, state and federal standards for the assistance of households 
with moderate income occupants. Such housing units shall be made 
available for rental or sale at a cost that does not exceed the recommended 
state and federal standards. The permittee shall record the deed restriction 
with the Douglas County Recorder’s Office and provide a conformed copy 
of the recorded deed restriction, or the original recorded deed restriction to 
the TRPA.

J. The permittee shall submit an EIS mitigation measure compliance plan 
to TRPA for review and approval for all mitigation measures identified for the 
proposed project in the EIS. All mitigation measures contained in the Sierra 
Colina Village EIS are hereby incorporated by reference as conditions of 
project approval.

K. The permittee shall prepare a Storm Water Pollution Prevention Plan 
(SWPPP) that describes the site; erosion and sediment controls; means of 
waste disposal; implementation of approved local plans; control of post-
construction sediment and erosion control measures and maintenance 
responsibilities; and non-storm water management controls. This SWPPP 
shall include measures such as additional temporary BMPs, and early 
installation of permanent BMPs and storm water treatment facilities, prior to 
adding coverage for building construction in order to reduce the possibility 
of impacts noted above. The SWPPP shall be submitted to TRPA for 
review. BMPs identified in the SWPPP shall be consistent with the Storm 
Water Management Approach analyzed in the Sierra Colina Village Project 
EIS (Appendix F), and shall be implemented in all subsequent site 
development activities. Water quality controls shall be consistent with TRPA 
and NDEP requirements, and shall ensure that runoff quality meets TRPA 
water quality requirements under the TRPA Code of Ordinances, and 
maintains beneficial uses of Lake Tahoe, as defined by the Nevada 
Administrative Code NAC 445A.191. Storm water quality sampling and 
reporting requirements contained in the TRPA Code of Ordinances shall be 
included in the temporary BMP plan, and any associated with the SWPPP 
shall be the responsibility of the project applicant.

Implementation of temporary construction BMPs may be required at various 
times throughout the overall development of the plan (see Sierra Colina 
Village Project EIS, Mitigation Measure 4.7.1-1). At the discretion of TRPA, 
these measures may be modified, refined, or replaced with equally effective 
measures that achieve the required performance standards.

L. The permittee shall prepare and submit a riparian habitat enhancement 
plan to TRPA for review and approval (Sierra Colina Village Project EIS 
Mitigation Measure 4.4.1-5B). The riparian habitat enhancement plan is 
required to mitigate for the 0.38 acres of disturbance that encroaches within 
100 feet of the Burke Creek Riparian Zone as a result of the residential 
development. The total square footage of development that encroaches 
within 100 feet of the riparian zone (approximately 16,430 square feet) shall 
be mitigated at a 3:1 ratio (i.e., approximately 49,290 square feet, or 1.13 
acres, of SEZ area must be enhanced). All required riparian enhancement 
shall be implemented on the project site, and shall be consistent with
Appendix X of the Sierra Colina Village Project EIS. As a part of the plan, the permittee shall develop and install signage that discourages and minimizes effects of residential uses on the Burke Creek riparian zone. Signs shall inform residents: that the riparian zone is a sensitive wildlife habitat; to avoid disturbing the riparian vegetation and wildlife; and to keep pets outside the riparian zone (e.g., on leash).

M. The permittee shall prepare for TRPA review and approval a weed management practices plan for use during project construction. The plan shall be consistent with Sierra Colina Village Project EIS Mitigation Measure 4.4.1-10.

N. The permittee shall prepare for TRPA review and approval a final geotechnical engineering report produced by a Registered Civil Engineer or Geotechnical Engineer. The report shall address and make final recommendations on the following:

(1) Road, pavement and parking area design.

(2) Structural foundations, including retaining wall design, if applicable.

(3) Grading practices.

(4) Erosion/winterization.

(5) Special problems discovered on-site (e.g., groundwater, expansive/unstable soils).

(6) Slope stability.

It will be the responsibility of the permittee to obtain engineering inspections and certify that the earthwork has been performed in conformity with the recommendations contained in the report.

O. The permittee shall prepare and submit an emergency access plan for Lake Village Drive to TRPA, Douglas County, and the Tahoe Douglas Fire Protection District for review and approval. The plan shall include detailed descriptions of how emergency access would be maintained throughout project construction.

P. The permittee shall transfer one residential development right and 38 existing residential units of use to the project area, as outlined in the Sierra Colina Village Project Final EIS. Please note that all transfers must be in compliance with the TRPA Code of Ordinances and the TRPA Rules of Procedure, and require separate application to TRPA.

Q. The permittee shall submit a $2,000.00 deposit for monitoring costs. Field inspections and administrative costs related to monitoring will be charged against this deposit. This deposit is based on review of one monitoring plan per year, for a minimum of 5 years. Fees charged against this deposit will be based on a reasonable hourly rate, $75 per hour at the time of
permit issuance. Rates are subject to change for inflation. If necessary, TRPA will send an invoice for an additional deposit to cover monitoring costs. Any such invoice shall be paid within 30 days. Upon successful completion of the monitoring period, any funds remaining in the deposit shall be refunded to the permittee.

R. The affected property has 523 square feet of excess land coverage in Class 1b (SEZ). The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 4 – South Stateline (Nevada side), or by submitting an excess coverage mitigation fee.

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

Estimated project construction cost multiplied by the fee percentage of 0.12% (as identified in Table A of Subsection 20.5.A.(3), Chapter 20 of the TRPA Code of Ordinances) 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:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of $15.00 for projects within Hydrologic Transfer Area 4 – South Stateline (Nevada side). 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.

S. A water quality mitigation fee of $150,161.52 shall be paid to TRPA. This fee is based on the creation of 80,732 square feet of land coverage at a rate of $1.86/sq. ft.

T. The permittee shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. The security required under Standard Condition A.1(3) of Attachment R shall be equal to 110 percent of the estimated BMP costs. All required BMPs shall be installed prior to project completion.

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

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

(2) **Roofs:** Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.

(3) **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

V. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.

5. If grading or trenching is necessary within the root zone of trees greater than 14-inches dbh that are to be retained, the work will be supervised by a certified arborist, an RPF, or other qualified biologist, and the following measures shall be implemented:

   A. Soil shall be removed in lines radial to, rather than tangential to the tree to avoid excessive ripping and shattering of roots;

   B. If root cutting cannot be avoided, roots shall be cut cleanly at a 90-degree angle;

   C. A minimum of 6 inches of soil or sand shall be placed over exposed cuts and roots to reduce soil desiccation until the area is back-filled;

   D. Native soil shall be used to back-fill all cuts.

6. It is the permittee’s responsibility to obtain any required permits from other local or state agencies or entities for any and all aspects of this proposed project.

7. The following monitoring reports will be required:

   A. After construction, the permittee shall submit an annual monitoring report on the success of the storm water basins, infiltration trenches, swales and/or drywells. These facilities shall be inspected yearly to ensure they are functioning properly to remove storm water contaminants and to ensure debris is removed from the flow path. This report shall be due on **July 1** of each year. If the monitoring report reveals that contaminants are not being properly contained by the storm water filter system and/or other facilities as designed, the permittee shall work with TRPA to retrofit the system to adequately treat the storm water runoff.
8. Construction contractors shall retain a copy of the approved SWPPP on the construction site.

9. Washoe tribal members shall be notified at least 2 weeks in advance of ground-disturbing activities and invited to conduct archaeological monitoring during such activities. In the event that previously unknown archaeological or historical resources are discovered during any ground-disturbing activities, construction shall immediately cease ground-disturbing activities in the vicinity of the resource. A qualified archaeologist approved by TRPA shall be consulted to evaluate the resource in accordance with TRPA guidelines. If the discovered resource is determined to be significant, a mitigation plan consistent with the TRPA Code of Ordinances shall be drafted and submitted for approval by TRPA and the Nevada State Historic Preservation Office (SHPO). Such a plan may include recovery and recordation of the resource, additional monitoring, or other activities required by TRPA and the Nevada SHPO. Any necessary archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards and, shall be implemented before recommencement of construction in the area of the resource.

10. In the event that human remains are discovered, the Douglas County Coroner shall be contacted and, if the remains are determined to be Native American, also the Nevada Office of Historic Preservation in accordance with Section 383.170 of the Nevada State Revised Statutes. Section 383.170 directs the SHPO to consult immediately with the Nevada Indian Commission and notify the appropriate Indian tribe. This section also authorizes the Indian tribe, with the permission of the landowner, to inspect the site and recommend an appropriate means for the treatment and disposition of the site and all associated artifacts and human remains.

11. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.

12. As a result of the approval of this project, TRPA hereby allocates nine multiple-family bonus units and nine moderate income residential allocations to the properties deed restricted pursuant to Special Condition 3.I. of this permit.

END OF PERMIT
Draft Permit (Subdivision Component (TRPA File 20060681))

SUBDIVISION PERMIT

PROJECT DESCRIPTION: Subdivision of Units and Conveyance to a Public Entity

APN 1318-23-301-001 FILE # 20060681

PERMITTEE(S): Sierra Colina, LLC

COUNTY/LOCATION: Douglas/ Near Hwy 50 and Lake Village Drive

Having made the findings required by Agency ordinances and rules, TRPA approved the project on June 24, 2009, subject to the special conditions found in this permit.

This permit shall expire on June 24, 2012 without further notice. 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.

RECORDATION OF THE SUBDIVISION MAP SHALL NOT OCCUR UNTIL ALL PRE-RECORDATION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO RECORDATION OF THE SUBDIVISION MAP SHALL OCCUR 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.

________________________________________________________________________
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 understand that it is my sold responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee ___________________________ Date ________________
(Sierra Colina, LLC)

________________________________________________________________________
PERMIT CONTINUED ON NEXT PAGE
Security Posted (1): Amount $5,000 Type _____ Paid _____ Receipt No.______

Security Administrative Fee (2): Amount $________ Paid _____ Receipt No.______

Notes:
(1) See Special Condition 2.D., below.
(2) $148 if a cash security is posted, or $76 if a non-cash security is posted.

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-recordation conditions of approval as of this date:

TRPA Executive Director/Designee ______________________________ Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the subdivision of a 16.86-acre parcel containing 50 existing residential units into 54 separate ownership units. Three of the newly created ownership units, totaling approximately 10.7 acres and identified as “Proposed Conservation Land” on the plans submitted to TRPA on September 5, 2006, will be conveyed to Douglas County, a public entity, in accordance with the requirements identified in Subsection 41.3.A of the TRPA Code of Ordinances. The conveyed parcel will be owned by Douglas County and deed restricted to public service and/or open space.

The remaining approximately 6.2-acre area, which contains the approved 50-unit Sierra Colina Village, LPF 3, and a portion of LPF 4, will be subdivided into 50 single family condominium units, with a common area parcel containing the rest of the area (including LPF 3). At the time of the subdivision, these units and common area will remain in the ownership of Sierra Colina, LLC.

A project area deed restriction will be recorded against the resultant parcels for land coverage, development right, and density purposes. With the exception of the lands within the linear public facility easement areas, all existing and potential land coverage, all existing development rights, and all allowable density will remain with the lands held by Sierra Colina, LLC. No land coverage except that within the easement areas is being conveyed to Douglas County. No additional development potential will be created as a result of this subdivision.

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

   A. A final subdivision map shall be prepared that clearly identifies:
(1) The approximately 10.7 acre area to be conveyed to Douglas County.

(2) Identification of the Common Area for Sierra Colina Village.

(3) Configuration of the 50 individual subdivided residential units. Each subdivided unit will include the area for the footprint of the structure only. All walkways and driveways shall be included in the common area for the project area.

B. The permittee shall provide evidence that the 50-unit residential project for Sierra Colina (TRPA File Number 20060599) has been acknowledged with TRPA.

C. The permittee shall submit covenants, conditions, and restrictions (CC&Rs) pursuant to Subsection 43.4.M of the TRPA Code of Ordinances for review and approval. The CC&Rs shall include provisions addressing TRPA requirements for the common area including landscaping, snow removal, lighting, underground utilities, parking and maintenance of water quality improvements (including culverts) and BMPs in accordance with the required BMP plan associated with TRPA File Number 20060599 for the Sierra Colina Village project on APN 1318-23-301-001. The CC&Rs shall also include maintenance in perpetuity for the shared driveway and the bicycle/pedestrian pathways identified as LPFs 3, 4, and 5.

D. The permittee shall post a $5,000 security with TRPA to ensure recordation of the required deed restrictions. Please see Attachment J, Security Procedures, for appropriate methods to post a security and for calculation of the required Security Administrative Fee.

E. The permittee shall submit three copies of the final subdivision map to TRPA.

3. If the approval for the construction of the 50 residential units expires (TRPA File Number 20060599), in whole or in part, then the subdivision map approval is void as to the subdivision of incomplete or unbuilt units. The final subdivision map, if recorded prior to completion of all units, shall include, on its face, this condition. The incomplete or unbuilt units shall revert to common area. In no event shall this approval operate to create a subdivision of land unassociated with a complete residential unit.

4. Within 90 days from the date of the final acknowledgement of this permit, the permittee shall submit copies of recorded grant deeds for each of the new common area and conservation area parcels. TRPA shall prepare a project area deed restriction for land coverage, development right, and density purposes to be recorded against both of the newly created parcels. In addition, a second deed restriction shall be recorded against the "Proposed Conservation Land" (Douglas County parcel) restricting the new parcel to a public service land use in accordance with Subsection 41.3.A(2)(b).
5. Within 30 days of receipt of the deed restrictions identified in Special Condition 3, the permittees shall provide to TRPA a copy of the recorded deed restriction or the original recorded deed restriction. By acceptance of this permit, the permittees acknowledge that any future projects within the project areas associated with this approval will not be processed until evidence of deed restriction recordation has been provided to TRPA.

6. The permittee shall provide TRPA with the Assessor's Parcel Numbers for the newly created parcels once assigned.

   END OF PERMIT
Draft Permit
(Intersection Improvement Component (TRPA File ERSP2008-1019))

PERMIT

PROJECT DESCRIPTION: Grading/Highway Restriping  APN 560-201-00

PERMITTEE(S): Sierra Colina, LLC/NDOT/Douglas County  FILE # ERSP2008-1019

COUNTY/LOCATION: Douglas/Highway 50 and Lake Village Drive

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on June 24, 2009, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on June 24, 2012, 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:

(1) 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;

(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;

(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN 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; AND

(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

____________________________________     ______________________________
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
APN 560-201-00
FILE NO. ERSP2008-1019

Security Posted (1): Amount $500.00 Type ___ Paid _____ Receipt No._______

Security Administrative Fee (2): Amount $_______ Paid _____ Receipt No._______

Notes:
(1) See Special Condition 3.B., below.
(2) $148 if a cash security is posted, or $76 if a non-cash security is 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 specifically authorizes the restriping of Lake Village Drive to provide separate left and right-turn lanes, and widening and restriping Highway 50 to add an acceleration lane for west-bound traffic. The proposed construction includes milling, resurfacing, and restriping Highway 50 near the intersection, restriping Lake Village Drive at the intersection, and grading and paving a 465 square foot area of soft coverage located in the eastern Highway 50 shoulder to accommodate the required width for the new west-bound acceleration lane. No additional land coverage is required as a part of this proposal.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

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

   A. The site plan shall be revised to include:

      (1) Temporary erosion control structures located downslope of the proposed construction areas. Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.

      (2) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.
B. The security required under Standard Condition 1.2 of Attachment Q shall be $500.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

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

4. Tree roots four inches in diameter and larger of trees that are to be maintained that are encountered during excavation of utility trenches or the structure foundation should not be severed, if avoidable. All tree roots four inches in diameter or larger severed during excavation shall be cut flush with the surface of the excavation.

END OF PERMIT
Regional Plan Compliance Analysis:

A. Environmental Documentation: An Environmental Impact Statement (EIS) was prepared for the Sierra Colina Village project, and Vg findings have been completed in order to assess the potential impacts of the project. Additionally, a soil/hydrologic analysis for excavation depth approval was provided. There were no unmitigated significant impacts identified in the environmental document, and staff has concluded that the project will not have a significant effect on the environment. Copies of the EIS, Vg findings, and soils/hydrologic analysis will be made available at the APC and Governing Board hearings and at TRPA.

B. Plan Area Statement/Community Plan: The project is located within Special Area #1 of Plan Area Statement (PAS) 073 (Lake Village). The Land Use Classification is Residential, with a Management Strategy of Mitigation. Multiple-family and Single Family Dwellings are allowed uses within this PAS. Transportation routes are special uses in this PAS. Agency staff has reviewed the subject Plan Area Statement and has determined that the projects, as conditioned in the attached permits, are consistent with the applicable planning statement (as amended June 25, 2009), planning considerations, and special policies.

C. Land Coverage:

1. Project Areas:

   Entire Parcel = 16.87 acres (18 acres - 1.14 acres Lake Village Drive ROW)
   Linear Public Facilities (LPF) = .73 acres
   Sierra Colina Project Area = 16.13 acres

2. LPF Allowable/Proposed Coverage*:

<table>
<thead>
<tr>
<th>Land Capability</th>
<th>Percent</th>
<th>Allowable Area (SF)</th>
<th>Base Allowable (SF)</th>
<th>Proposed Coverage (SF)</th>
<th>Transfer Needed (SF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1a</td>
<td>1%</td>
<td>40</td>
<td>0</td>
<td>40</td>
<td>60**</td>
</tr>
<tr>
<td>Class 1b</td>
<td>1%</td>
<td>1,004</td>
<td>10</td>
<td>1,004</td>
<td>1,506**</td>
</tr>
<tr>
<td>Class 2</td>
<td>1%</td>
<td>1,886</td>
<td>19</td>
<td>1,886</td>
<td>2,829**</td>
</tr>
<tr>
<td>Class 4</td>
<td>20%</td>
<td>23,114</td>
<td>4,623</td>
<td>22,038</td>
<td>17,386</td>
</tr>
<tr>
<td>Class 5</td>
<td>25%</td>
<td>5,613</td>
<td>1,403</td>
<td>5,613</td>
<td>4,210</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>31,657</td>
<td>6,055</td>
<td>30,581</td>
<td>25,991</td>
</tr>
</tbody>
</table>

   *Final proposed land coverage amounts may be modified at the time of permit acknowledgement based on any changes required as a part of permit approval.
   ** Additional land coverage in low capability must be transferred at a rate of 1.5 times the required amount.
3. **Sierra Colina Village Allowable Coverage (SF)***:

<table>
<thead>
<tr>
<th>Land Class</th>
<th>Percent Allowable</th>
<th>Total Allowable Area</th>
<th>Existing Coverage</th>
<th>Proposed Coverage</th>
<th>Banked Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1a</td>
<td>1%</td>
<td>80,336</td>
<td>803</td>
<td>0</td>
<td>159**</td>
</tr>
<tr>
<td>Class 1b</td>
<td>1%</td>
<td>105,256</td>
<td>1,053</td>
<td>1,900</td>
<td>0</td>
</tr>
<tr>
<td>Class 1c</td>
<td>1%</td>
<td>10,283</td>
<td>103</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Class 2</td>
<td>1%</td>
<td>87,478</td>
<td>875</td>
<td>500</td>
<td>665**</td>
</tr>
<tr>
<td>Class 4/5/6</td>
<td>20%*</td>
<td>419,453</td>
<td>83,890</td>
<td>3,700</td>
<td>84,432</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td>702,806</td>
<td>86,724</td>
<td>6,100</td>
<td>85,256</td>
</tr>
</tbody>
</table>


**Additional in Class 1a and 2 relocated from existing Class 1b coverage.

*** Final proposed land coverage amounts may be modified at the time of permit acknowledgement based on any changes required as a part of permit approval.

4. **Excess Land Coverage Mitigation**: The project area has 523 square feet of excess Class 1b land coverage to be mitigated. Excess coverage will be mitigated in accordance with Chapter 20 of the TRPA Code of Ordinances.

D. **Building Height**: 29 new individual buildings are proposed for the project, including 21 duplex buildings and 8 single-unit buildings. All of the proposed building propose a single roof pitch of 7:12. See Attachment A2 of this report for the required height findings. Allowable and proposed building heights are summarized in the table below:

<table>
<thead>
<tr>
<th>Residential Building #</th>
<th>Proposed Roof Height (feet)</th>
<th>Slope Retained Across Individual Building Site (%)</th>
<th>Roof Pitch (rise:run)</th>
<th>Maximum Building Height Allowed (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>27'-0 1/2&quot;</td>
<td>8</td>
<td>7:12</td>
<td>34'-5&quot;</td>
</tr>
<tr>
<td>2</td>
<td>27'-10 7/8&quot;</td>
<td>8</td>
<td>7:12</td>
<td>34'-5&quot;</td>
</tr>
<tr>
<td>3</td>
<td>32'-9&quot;</td>
<td>10</td>
<td>7:12</td>
<td>34'-11&quot;</td>
</tr>
<tr>
<td>4</td>
<td>34'-9 1/4&quot;</td>
<td>10</td>
<td>7:12</td>
<td>34'-11&quot;</td>
</tr>
<tr>
<td>5</td>
<td>34'-5 7/8&quot;</td>
<td>10</td>
<td>7:12</td>
<td>34'-11&quot;</td>
</tr>
<tr>
<td>6</td>
<td>34'-3 1/2&quot;</td>
<td>16</td>
<td>7:12</td>
<td>36'-5&quot;</td>
</tr>
<tr>
<td>7</td>
<td>26 1 1/2&quot;</td>
<td>22</td>
<td>7:12</td>
<td>37'-11&quot;</td>
</tr>
<tr>
<td>8</td>
<td>25'-2 1/8&quot;</td>
<td>6</td>
<td>7:12</td>
<td>33'-11&quot;</td>
</tr>
<tr>
<td>9</td>
<td>27'-1 3/8&quot;</td>
<td>10</td>
<td>7:12</td>
<td>34'-11&quot;</td>
</tr>
<tr>
<td>10</td>
<td>26'-11 ¾&quot;</td>
<td>12</td>
<td>7:12</td>
<td>35'-5&quot;</td>
</tr>
<tr>
<td>11</td>
<td>35'-3 ¾&quot;</td>
<td>12</td>
<td>7:12</td>
<td>35'-5&quot;</td>
</tr>
<tr>
<td>12</td>
<td>34'-10 1/8&quot;</td>
<td>10</td>
<td>7:12</td>
<td>34'-11&quot;</td>
</tr>
<tr>
<td>13</td>
<td>34'-2 7/8&quot;</td>
<td>8</td>
<td>7:12</td>
<td>34'-5&quot;</td>
</tr>
<tr>
<td>14</td>
<td>34'-10 ¼&quot;</td>
<td>14</td>
<td>7:12</td>
<td>35'-11&quot;</td>
</tr>
<tr>
<td>15</td>
<td>33'-11 3/8&quot;</td>
<td>14</td>
<td>7:12</td>
<td>35'-11&quot;</td>
</tr>
<tr>
<td>16</td>
<td>30'-9 3/8&quot;</td>
<td>14</td>
<td>7:12</td>
<td>35'-11&quot;</td>
</tr>
<tr>
<td>17</td>
<td>35'-9 5/8&quot;</td>
<td>14</td>
<td>7:12</td>
<td>35'-11&quot;</td>
</tr>
<tr>
<td>18</td>
<td>35'-1 ¾&quot;</td>
<td>12</td>
<td>7:12</td>
<td>35'-5&quot;</td>
</tr>
<tr>
<td>19</td>
<td>32'-7 9/16&quot;</td>
<td>14</td>
<td>7:12</td>
<td>35'-11&quot;</td>
</tr>
</tbody>
</table>
Residential Building # | Proposed Roof Height (feet) | Slope Retained Across Individual Building Site (%) | Roof Pitch (rise:run) | Maximum Building Height Allowed (feet)
---|---|---|---|---
20 | 29'-11 5/16" | 14 | 7:12 | 35'-11"
21 | 29'-7 ¾" | 14 | 7:12 | 35'-11"
22 | 33'-8 5/16" | 10 | 7:12 | 34'-11"
23 | 34'-10 ¾" | 10 | 7:12 | 34'-11"
24 | 32'-1 ¾" | 14 | 7:12 | 35'-11"
25 | 35'-7 7/8" | 14 | 7:12 | 35'-11"
26 | 33'-8 3/8" | 8 | 7:12 | 34'-5"
27 | 32'-8 7/16" | 2 | 7:12 | 32'-11"
28 | 31'-9 9/16" | 10 | 7:12 | 34'-11"
29 | 34'-4 7/8" | 8 | 7:12 | 34'-5"


E. Density: Permissible density for multi-family dwellings within Special Area #1 of PAS 073 is 3 units per acre. Based on a total project area of 18 acres for density purposes, a maximum of 54 residential units may be permitted.
May 12, 2009

Ms. Theresa Avance, AICP Senior Planner
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Dear Ms. Avance:

SIERRA COLINA VILLAGE EIS CERTIFICATION & PROJECT APPROVAL HEARING

I am writing in support of the Sierra Colina Project that is before the TRPA Governing Board. The project will offer moderate work force housing which is badly needed in our community. The project’s environmental improvements, including conservation of sensitive lands and the treatment of historical runoff and drainage issues make this the type of urban infill project sought by the TRPA Regional Plan.

As proposed, Sierra Colina embodies the planning principles and design and construction practices that are at the core of the proposed new Regional Plan.

Thank you for the opportunity to participate in the planning process.

Sincerely,

Blaise Carrig
Co-President, Vail Resorts Mountain Division
Chief Operating Officer, Heavenly Mountain Resort
Ms. Theresa Avance  
T.R.P.A.  
P.O.Box 5310  
Stateline, NV 89448

Dear Ms. Avance:

I am writing this letter to support the proposed Sierra Colina Village project. This enterprise will provide 41 market-rate homes together with 9 moderate-income and deed-restricted homes for service-oriented workers. Because moderate-income homes sell at below-market prices they will enable individuals to live closer to their place of employment.

In addition, I support this project because it is green and energy friendly. Indeed, it will make possible a bridge to the public trail and off-road transportation system in the area while restricting water run-off of pollutants, which is of concern to Lake Tahoe.

If approved by T.R.P.A, Sierra Colina plans to convey 10.7 acres of their property to a public entity for permanent open space protection and conservation. At the same time it will assist in the restoration of that section of Burke Greek that is located on the Sierra Colina parcel.

With all best wishes.

Sincerely yours,

(Rev.) Richard L. De Molen, Ph.D.
May 18, 2009

Ms. Theresa Avance
TRPA
P.O. Box 5310
Stateline, NV 89449

RE: Sierra Colina Village

Sear Ms. Avance,

Approximately two weeks ago, I had the pleasure of discussing the Sierra Colina Village Project with Ms. Elaine Casteleyn of Exclusively Lake Tahoe. Elaine explained the project and stated that there would be many environmental improvements if your agency would approve their proposal.

I have “no objections” to this project; I am, however, not endorsing nor supporting the project.

If you have any questions or concerns, please contact me at 775-782-9903.

Respectfully,

Ronald P. Pierini, Sheriff
May 18, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

RE: Sierra Colina Village EIS Certification and Project Approval

Dear Ms. Avance:

I am the owner of Sunbasin Landscape & Nursery and live fulltime in the Basin. I remain current in the implementation and administration of TRPA Code specified BMPs for my business, and personally consider myself to be environmentally concerned.

The Sierra Colina Village project will bring water quality improvements to the parcel. Sierra Colina Village is proposing to: 1) decommission haphazard trails through the SEZ inside the parcel; 2) conduct much needed fuels reduction inside the SEZ; 3) implement SEZ enhancement; and 4) restore the existing compacted dirt utility road inside the SEZ to reduce erosion and storm-water runoff. All of these efforts that will derive from the Sierra Colina Village Project will improve the SEZ inside Sierra Colina over its existing condition today.

In my opinion, the TRPA Governing Board should certify the Sierra Colina Village EIS and approve the project to improve water quality on the parcel.

Sincerely,

Tom Bork

Phone (775) 588-8326 • Fax (775) 588-6888 • E-mail: sunbasin@verizon.net
www.sunbasinlandscape.com
Theresa Avance

From: JOHN E RUTKAUSKAS [johnrutka@sbcglobal.net]
Sent: Wednesday, May 27, 2009 12:03 PM
To: Theresa Avance
Subject: Sierra Colina Village project

Dear Theresa, I've owned a condo in Lake Village for 20 years. Worked hard to buy this property. I am really, really concerned about the traffic that the SCV project will create for egress and ingress to Lake Village Drive. I think that this extra traffic is potentially dangerous to all of us. Respectfully, johnrutkauskas/ 88B Rubicon Circle North, Lake Village.
Hi Theresa and Art. As a home owner in the Lake Village Development I'd like to stress the point that in our families opinion the Sierra Colina development is a big mistake. Besides the obvious point of dilluting the market it will also further degrade the Basin's environment. More traffic, ... I can't see a good reason (other than for the developers) for this project. I vote for Alternative 5... leave the space as is.

Thanks
Mike Rinaldi
Theresa Avance

From: Jeff Cowen
Sent: Thursday, May 28, 2009 10:27 AM
To: Theresa Avance
Subject: FW: Sierra Colina project

For your file.

Jeff Cowen
Community Liaison
(775) 589-5278

-----Original Message-----
From: Paul Stevenson [mailto:redryder39@yahoo.com]
Sent: Thursday, May 28, 2009 9:20 AM
To: Jeff Cowen
Subject: Sierra Colina project

I'm writing this in response to an email received from a member of our homeowners association: LVHOA. I'm sure you'll receive several. - In short, my wife and I have been here 12 years, as full time residents. Every time we have to leave Lake Village and turn left on highway 50, we take our lives in our hands. Three deaths to qualify for a stop light is stupid. Adding more traffic to the mix is also stupid. Developing an area at this point in time next to Burke Creek is not bright, either. California has a huge hole in the ground in "downtown" SLT to illustrate current building/selling/tourist conditions. I strongly suggest there be no additional tearing up of our landscape until the new President has fully turned the economy around. - In the meantime, let's think our actions through to their logical conclusions. More holes in the ground? More construction traffic? Who is going to be making money off this project that is not needed or wanted?
That's my opinion.
Paul Stevenson
181 Clubhouse Circle
Lake Village
586-8602
Kerry Hawk
Blue Sky Events
P.O. Box 5237, Lake Tahoe, NV 89449

May 28, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: Support for Sierra Colina Project

Dear Ms. Avance:

I am the founder and owner of Blue Sky Events in the Lake Tahoe Basin. We are a full-service wedding, event, and travel specialist company that helps people plan their events in the Lake Tahoe area. I graduated from the 2003 Leadership Lake Tahoe program and am active in my community. I am writing to support the Sierra Colina project.

Before 2004, my husband and I owned a home in South Lake Tahoe. It had been built in the 1950’s, was the subject of several additions by prior owners, and was in significant need of being properly renovated. We concluded that the permit and Code related costs to upgrade our home to a reasonable level of quality were cost prohibitive, and the other options available to us in South Lake Tahoe were no more appealing. In 2004, we moved to Minden where we purchased an affordable and more modern home.

We respect the environment, and we favor giving people an opportunity to enjoy Tahoe to the fullest. To do that, however, a vibrant community is critical. That is not possible without quality, affordable housing which young families can purchase when they are starting out. We are very supportive of Sierra Colina’s environmentally responsible LEED green homes, including 9 moderate-income, deed-restricted homes. We wish we had the opportunity to live in a place like Sierra Colina when we were starting out.

We also appreciate the 4 linear public access paths through the parcel. I understand that the SEZ on the site is very disturbed, primarily from human activity. This causes a lot of erosion, which finds its way to the Lake. We enjoy hiking and biking, and it is refreshing that the public will be served by these access opportunities, while the environment will be improved through a reduction of human disturbance to the SEZ.

Please certify the EIS and approve the project as proposed by Sierra Colina. Thank you for your consideration.

Very truly yours,

Kerry Hawk
May 26, 2009

Ms. Theresa Avance  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, Nevada 89449

Re: Support for Sierra Colina Village Project Approval

Dear Theresa:

I am the CEO of Lakeside Inn & Casino, located a short walk from the proposed Sierra Colina Village site. I am quite familiar with the elements of Sierra Colina Village and am well versed in the process its owners have experienced during the past three years, culminating in publication of the Final EIS. My perspective on Sierra Colina is also impacted by having participated as a Forum Member in Pathway 2007, serving on the Board of the Chamber of Commerce for many years, being engaged in the lower Kingsbury improvement plan, and currently contributing to the Chamber’s regional plan initiative.

I’ve seen many projects proposed in the Basin over the last 20 years. No single project has included so many innovative components, which in the aggregate, achieve both the goals expressed in Pathway 2007 and those being contemplated for the new regional plan. Sierra Colina Village will be a game-changing project, in the sense that is sets forth to accomplish now what has been discussed for many years as the future way to proceed with responsible development. For example, Sierra Colina Village is proposing:

- Net water quality improvements over existing conditions
- Cumulative benefits to the same watershed in which other recently approved projects are located
- Resolution of an existing regional County storm-water runoff problem
- Implementing a TMDL Tier 2 (highest level) advanced water quality treatment system
- Fostering a public-private venture treating public storm-water runoff on private land, at Sierra Colina expense;
- Quality, community homes on a parcel surrounded by mixed land uses
- Locating residences on an urban infill parcel, next to where people already live
- Creating the first all LEED certified (“green”) residential neighborhood in the Basin
- First residential neighborhood in the Basin to have fire sprinklers in all its homes (exceeding Code)
- Voluntary creation of moderate-income workforce homes without government subsidy
- 4 new public accessible recreation trails with connectivity to existing County trails
- TOD – Transit Oriented Development – walking distance to public services
- SEZ restoration & enhancement; and participation in the future Burke Creek EIP #161
- 2/3 of this private parcel being donated for conservation land for public enjoyment
- Fuels reduction & forest health restoration
- Transit improvements at the intersection of U.S. Highway 50 & Lake Village Dr.

There is simply not enough public funding available to accomplish the TRPA’s environmental goals. Continuing progress will require a robust local economy and attracting private equity investment capital. Sierra Colina is a model project for demonstrating this can be brought to fruition in Tahoe. I urge the TRPA Governing Board to certify the Sierra Colina Village EIS and to approve this project.

Yours truly,

Mike Bradford  
C. E. O.

PO Box 5640, Lake Tahoe, NV 89449  
Highway 50 at Kingsbury Grade • South Shore, Lake Tahoe  
Reservations 800-624-7980 • Main 775-588-7777 • Fax 775-588-4092  
www.lakesideinn.com • e-mail: mail@lakesideinn.com

126
I am still against this development for numerous reasons. We need to preserve wilderness spaces especially the ones with beautiful streams running through them. I have a house in Lake Village and trying to turn left off of Lake Village Drive is extremely dangerous is a traffic light going to be installed? In addition with the ruff economic times we are in is there some way money can be put into an escrow account to protect the construction. I see several housing sites that they have started building and them just walked away.
Theresa Avance

From: Theresa Avance
Sent: Monday, June 01, 2009 10:28 AM
To: Theresa Avance
Subject: FW: Sierra Colina project

From: Adrine Kassouni [mailto:addiek@frontiernet.net]
Sent: Monday, June 01, 2009 8:48 AM
To: Joanne Marchetta
Subject: Sierra Colina project

I want to express my concerns over the anticipated Sierra Colina Project adjacent to Lake Village.

1. Access (both entrance and exit) is ONLY one for hundreds of cars and construction vehicles. God forbid, if there is a fire and evacuation is needed for the present complex. This would be heavily compounded by the addition of the new development and the additional 50 units with 2+ parking spaces for each. No doubt, TRPA would be liable for neglecting this huge problem.

2. New development will remove this scenic area with its creeks and paths, and add to the infilling of vacant lots around the lake.

3. The run-off of even more properties will add to the problem of lake clarity.

4. The county has not guaranteed their responsibility in maintaining Lake Village Drive, which may be heavily damaged by construction vehicles.

5. The noise will remove the quiet and peace of the area for possibly years to come.

I beseech you to disallow this construction for the above reasons and others I have not mentioned.

Please share this with the other members of the governing body.

Thank you.

Addie Kassouni
114 C Angora Ct.

e-mail addiek@frontiernet.net.
June 1, 2009

Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89448

Re: Plan Area Statement 073 - Lake Village (Special Area #1) Amendment Application by Sierra Colina, LLC (APN #1318-23-301-001)

Dear Ms. Avance:

This letter is sent in support of the Plan Area Statement Amendment Application filed by Sierra Colina, LLC, the owner of the above 18-acres Stateline, NV parcel within Plan Area Statement 073 - Lake Village. The Amendment proposes to allow Special Area #1 (Sierra Colina parcel) of PAS 073 to be eligible to receive Bonus Units. As stated in PAS 073, multiple family dwellings with a maximum of 3 units per acre are allowed.

Unfortunately, Douglas County has had limited success in developing deed restricted affordable and moderate income housing projects within the Tahoe Basin. This is due in part to the limited amount of development rights available to support these projects. Our hope is that with this Plan Area Statement Amendment, Douglas County can help contribute to providing much needed housing for targeted residents within the Tahoe Basin.

Please contact me at (775) 782-9821 if you have any questions. Have a great day.

Sincerely,

T. Michael Brown
Douglas County Manager

Cc: Board of County Commissioners

Mailing Address: P.O. Box 218, Minden, NV 89423
June 1, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: Sierra Colina EIS Certification and Project Approval

Dear Theresa:

I am the owner of a business condominium at the Lake Village Professional Building, which is adjacent to the Sierra Colina parcel's north property line. I have lived in the Lake Tahoe Basin for over 25 years. Until 1990, I had worked at the TRPA for seven years, where I was Acting Executive Director during portions of my employment. Although I am a professional consultant for the Sierra Colina project, I am writing this letter in my capacity as the owner of a neighboring property. I am very supportive of the Sierra Colina project for a number of reasons.

First, it was through Sierra Colina's initial efforts that Douglas County's EIP #679 Phase II eventually obtained funding and is now scheduled for construction in 2010. As the owner of the property at the bottom of Lake Village Drive, I receive all the runoff from the Kingsbury Middle School and from Echo Drive and Lake Village Drive. This drainage catchment is the most significant regional water quality problem I am aware of in the Burke Creek watershed. Storm water transports a massive amount of sediment-laden runoff from Lake Village Drive onto our property and on to Rabe Meadow, before flowing to Burke Creek. The County's EIP funding application states that the EIP project will, upon completion, reduce sediment loads by over 70 tons per year. We are proud to be a part of it.

However, if the Board does not approve the Sierra Colina project, the County's EIP project cannot go forward as designed because the Sierra Colina parcel is the only location for the shared EIP water quality facility #3 that will treat and detain public runoff, and it would be necessary for the County to redesign and possibly delay the 2010 EIP construction schedule. Due to other constraints involving NDOT, the EIP project might not be able to proceed at all. In either event, my property and the Lake will be adversely affected by an incomplete or delayed Lake Village EIP project.

Second, for three years Sierra Colina has done an excellent job with forest health and fuel's reduction on the parcel, which previously was significantly overgrown and a catastrophic fire danger to surrounding Lake Village properties. Although that risk has been abated, it still exists in their SEZ, which is full of downed trees and ready fuel to support a wildfire. The Sierra Colina project will clean up the fuels in 2.4 acres of SEZ and will restore over 1 acre of SEZ by removing encroaching conifers and decommissioning numerous volunteer trials through the SEZ.

Third, the EIS says that the left-hand turning movement at the Lake Village Drive approach to Highway 50, as is, operates at "LOS F" on peak summer afternoons. I agree that it is a problem today. The Sierra Colina project will add an average of one peak hour car turning left every five minutes, per the EIS. As a result, the EIS requires several components of intersection improvements estimated to cost in excess of $100,000, which the EIS estimates will improve the intersection level of service by two levels to "LOS D," which meets TRPA's requirements for signalized intersections. The EIS also concludes this intersection LOS improvement will occur with the future addition of anticipated Sierra Colina new daily vehicle trip ends. This will be a significant improvement to this intersection's operation. Without the project, the intersection improvements will not occur.

Finally, the linear facilities through the parcel will make it much easier for the owners, tenants and employees working at our office building to access lower Stateline either on foot or bicycle. Currently, there is no safe and convenient way to get from our office to lower Stateline without getting in a motor vehicle. Sierra Colina's 4 linear public facilities will solve that problem. Thank you for your consideration.

Sincerely,

Gary Midkiff

Post Office Box 12427 • Zephyr Cove, Nevada 89449 • Office (775) 588-1090 • Fax (775) 588-1091
295 Highway 50 • Lake Village Professional Building, Suite 8 • Lake Tahoe, Nevada 89449

RECEIVED

JUN 01 2009
TAHOE REGIONAL PLANNING AGENCY
May 8, 2009

Ms. Theresa Avance
TRPA
PO Box 5310
Stateline, NV 89449

Dear Ms. Avance:

Re: Sierra Colina Village EIS Certification and Project Approval

My family and I have been full time residents in Zephyr Cove for 38 years. Up until January of this year I served on the Board of Trustees for the KGID for 20 years, served on the Board of Trustees for the Tahoe Douglas Fire Protection District for 16 years and have served my community in various capacities during this entire time.

I wish to express my support for Sierra Colina Village for many reasons:

- Sierra Colina plans to underground the 14.4 kV overhead electric line reducing the fire hazard which overhead high voltage lines create
- It will be the first neighborhood in the Lake Tahoe basin to have fire sprinklers in all of the homes which is beyond the requirements of the Douglas County Building Code
- The Sierra Colina site plan and access road complies with all emergency ingress and egress standards and requirements of the Tahoe Douglas Fire Protection District and of Douglas County
- Decommissioning of unauthorized trails through Burke Creek
- Implementation of the TMDL treatment Tier 2 storm water management plan, exceeding TRPA Code requirements with multiple stages of treatment of fine sediments
- 10 acres (more than half of the 18 acre parcel) will be preserved as open space through a conservation easement to Douglas County including the entire stream environment zone associated with Burke Creek
- The project will include four new public shared access recreation trails and pathways through the parcel
- Increased tax base which will be beneficial for KGID, Fire Department and Douglas County as a whole
- This project will increase the assessed valuation of the Tahoe Township

I support the project as a concerned citizen of the Tahoe Township and an active member of Douglas County. I urge the TRPA Governing Board to certify the Sierra Colina Village EIS and approve the Sierra Colina Village project as proposed.

Sincerely,

Bob Cook

RECEIVED

JUN 02 2009
TAHOE REGIONAL PLANNING AGENCY
Stacy Dingman  
P.O. Box 4923  
Stateline, Nevada 89449

May 22, 2009

Ms. Theresa Avance  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449

Re: Sierra Colina Village EIS Certification & Project Approval

Dear Ms. Avance:

My familiarity with the Sierra Colina Village project derives from living and working in the vicinity of it. I am employed as the Quality Assurance and Inn Manager at Lakeside Inn & Casino, and am involved with numerous community service organizations in both California and Nevada. I am the former Chairman of the Board of the Barton Hospital Foundation and currently serve on the Board of Directors of the South Tahoe Area Transit Authority.

I am supportive of Sierra Colina Village for several reasons. As a Board Member of the South Tahoe Area Transit Authority, I am enthusiastic about residents in our community using BlueGo for their transit around the South Shore. Sierra Colina Village, by virtue of its location within the urban core of Stateline, is Transit Oriented Development under the TRPA Code. The owners of Sierra Colina have already approached BlueGo about the possibility of having a future BlueGo stop close to the proposed Sierra Colina Village to accommodate its future residents, as well as the 325 homes in the Lake Village subdivision adjacent to Sierra Colina. This is an environmental benefit of the Sierra Colina Project.

As a mother with young children, I appreciate the family oriented concept of the proposed Sierra Colina Village. Its inclusion of bicycle and pedestrian trails leading to the Kahle Community Recreation Center helps promotes a healthy lifestyle for families with children.

Through my volunteer service in the community, I see the many hardships that our citizens face, in particular during the current recession. Sierra Colina is proposing moderate-income homes in an effort to create home ownership opportunities for individuals who might otherwise need to move out of the community.

Hopefully, the TRPA Governing Board will certify the Sierra Colina Village EIS and certify this project for the many positive contributions it will make to our community.

With sincere thanks for your consideration,

\[Signature\]

Stacy Dingman

RECEIVED  
JUN 02 2009

TahoE Regional Planning Agency
May 24, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, Nevada 89449

Re: Sierra Colina Village EIS Certification and Project Approval

Dear Ms. Avance,

I have lived in Angora Highlands for 28 years and have been a teacher at Tahoe Valley School in Meyers for 15 years.

I wish to express my support for the Sierra Colina Village project for its efforts to bring quality housing so that emergency personnel can support the needs of our community.

I urge the TRPA Governing Board to certify the Sierra Colina Village EIS and to approve the project, as the homes it proposes to build seem to be well suited for emergency services personnel and management.

Sincerely,

Gail Forstedt

Gail Forstedt

RECEIVED
JUN 02 2009
TAHOE REGIONAL PLANNING AGENCY
May 14, 2009

Tahoe Regional Planning Agency
Attention: Theresa Avance
P.O. Box 5310
Stateline, NV 89449

Re: Sierra Colina Village EIS Certification and Project Approval

Dear Theresa:

I'm writing to demonstrate my support of the proposed Sierra Colina Project. Steve and Gail Kenninger have met and worked hard with the local community and Agencies to design a well balanced project. The proposed project meets the requirements of the local Agencies, provides public access, restores a portion of Burke Creek, provides affordable housing, includes a donation of open space land to Douglas County, and proposes the first Tahoe Basin LEED certified housing development project.

"I believe that the TRPA Governing Board should certify the Sierra Colina Village EIS and approve the Sierra Colina Village project".

Sincerely,

[Signature]

Sloan M. Gordon
Ecologist
May 12, 2009

Ms. Theresa Avance  
TRPA  
P.O. Box 5310  
Stateline, NV 89449

Re: Sierra Colina Village EIS Certification & Project Approval

Dear Ms. Avance:

I work as an educational, public safety and law enforcement officer on South Lake Tahoe Police Department’s boat, Marine 1. I am retired from the South Lake Tahoe Police Department. I see a lot of things on the Lake in my job, but one thing that is consistent is people’s love of Lake Tahoe. All of the members of the public whom I encounter respect and appreciate the Lake and want to see it protected.

At the same time, this is a community which must live in harmony with the Lake because Tahoe is not a national park. Even though over 85% of the Basin is owned by the public, people live here, too, and private parties own the balance of the land. With ownership comes responsibility, and I believe that the Sierra Colina project is demonstrating both respect for the Lake and important support for our community.

From their sophisticated storm water management system, to the all LEED green homes, to their charitable donation of more than 10 acres to Douglas County as conservation land, to undergrounding power lines to reduce fire risk, the Sierra Colina folks have done more than their fair share.

On top of this, their project meets all the TRPA requirements. I think their EIS should be certified and the project approved. Thank you.

Sincerely,

Dave Gottlieb

RECEIVED  
JUN 02 2009  
TAHOE REGIONAL PLANNING AGENCY
May 20, 2009

Ms. Theresa Avance  
TRPA  
PO Box 5310  
Stateline, NV 89449

Re: Sierra Colina Village EIS Certification and Project Approval  

Dear Ms. Avance:

I have lived in Meyers, South Lake Tahoe for 6 years. For most of this time I have been in construction and overseeing BMP installations for residents. Last year up until the Angora fires I was directed to install wood chips around homes as coverage for erosion control. I am now part of the OC36 (on call) crew in Meyers as a FT2 firefighter line cutter.

Sierra Colina plans to underground the 14.4 kV overhead electric line reducing the fire hazard which overhead high voltage lines create. It will be the first neighborhood in the Lake Tahoe basin to have fire sprinklers in all of their residences. The Sierra Colina site plan and access road complies with all emergency ingress and egress standards and requirements of the Tahoe Douglas Fire Protection District and of Douglas County.

The TRPA should encourage improved fire safety measures and fire prevention in the Tahoe Basin.

The TRPA Governing Board should certify the Sierra Colina Village EIS and approve the Sierra Colina Village project.

Sincerely,

Brian Henry  
Meyers, South Lake Tahoe

RECEIVED  
JUN 02 2009  
TAHOE REGIONAL PLANNING AGENCY
May 19, 2009

Ms. Theresa Avance
TRPA
PO Box 5310
Stateline, NV 89449

Re: Sierra Colina Village EIS Certification and Project Approval

Dear Ms. Avance:

My family and I moved to Lake Tahoe from Nashville, TN last November when I was offered a job as Surgical Technologist for Lake Tahoe Surgical Center and Carson Douglas Surgery Center. We are currently renting a home in Zephyr Cove.

My oldest child loves Zephyr Cove Elementary School and my wife and I hope that we are able to see both our kids through the Douglas County School system. Already we have seen that Tahoe is a closely knit community. We are prepared to work hard to be able to stay here.

I have heard about Sierra Colina’s proposal to include deed-restricted moderate-income priced homes, which might allow people like me in the local work force to afford to live near where we work.

Sierra Colina will be the first neighborhood in the Lake Tahoe basin to have fire sprinklers in all of the homes which is important for public health and safety.

My family and I have only just arrived but we would love to part of this community for a very long time. I hope that the TRPA Governing Board will approve the Sierra Colina Village project.

Sincerely,

[Signature]

Justin Humlick
Zephyr Cove, NV
May 27, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89448

Dear Ms. Avance:

Please accept this letter as my formal support of the approval of the Sierra Colina Village project. I have lived and worked in Lake Tahoe since 1990, and have been very active in our community. I am a past president of the former Tahoe Douglas Chamber of Commerce, and served on that board for over 14 years. During my presidency, our chamber began the first year of Leadership Lake Tahoe, a community program that educates our residents on issues and challenges facing our community. I also served as Co-Chairperson of Douglas County Project Impact, which was a FEMA initiative during the Clinton administration, to help communities mitigate against disaster. Douglas County received $300,000 from FEMA to fund various projects. I am also a member of local non-profit organizations such as Tahoe Douglas Rotary and Soroptimist International Sierra Tahoe.

My husband, Joseph, has lived in South Lake Tahoe his entire life, and has been a member of the local Carpenters Union for over 25 years. It is important to me that we not only provide for moderate income homes for our residents, but that the developer of this project’s intent is to use local labor during construction. In my career in banking and mortgage, I have helped so many friends who were forced to buy their homes off the hill and commute from the valley to work. Not to mention the number of students our community has lost because there is a lack of moderate income housing at Lake Tahoe.

The benefits of Sierra Colina Village are numerous, and will only improve our community.

- A total of 50 LEED green certified homes.
- Includes 9 moderate income homes.
- Donation of 2/3 of parcel for conservation and public recreation purposes.
- All LEED Green Certified and Energy Star rated homes.
- Four shared bicyclist/pedestrian trails.
- Advanced storm water treatment system.
- Enhance and restore the Stream Environment Zone.

The arguments given by the opponents of this project seem petty in relation to the benefits this project will provide. I urge the TRPA Governing Board to certify the Sierra Colina Village EIS and approve the Sierra Colina Village project as proposed.

Sincerely,

Diane Imbach

RECEIVED
JUN 02 2009
TA/RC
AGENDA ITEM VI.A
May 25, 2009

Ms. Theresa Avance
TRPA
PO Box 5310
Stateline, NV 89449

Dear Ms. Avance:

Re: Proposed Sierra Colina Village EIS Certification and Project Approval

I work as an Environmental Services Specialist at Barton and currently rent a home in South Lake Tahoe. I would like to comment on the proposed Sierra Colina project.

Their proposals will result in a net benefit to water quality in the Lake Tahoe Basin by reducing fine sediment loading to the lake compared with current conditions through the planned water detention basin that will be built. It also includes restoration of Burke Creek. This effort will not only improve the overall health of Burke Creek, but will also reduce the risk of wildfire created by conifer encroachment into the riparian area. Their fire prevention measures should be commended.

Public health and safety are very important community issues and because of the high cost of homes inside the Basin emergency first responders have to commute into Lake Tahoe. I appreciate the many community benefits that a project like Sierra Colina will provide.

I urge the TRPA Governing Board to certify the Sierra Colina Village EIS and approve the Sierra Colina Village project as proposed.

Sincerely,

Krystal Knapp
Environmental Services Specialist

RECEIVED
JUN 02 2009
TAHOE REGIONAL PLANNING AGENCY
Guy F. Lease, Ed.D.
Educational Consultant
P.O. Box 17457
South Lake Tahoe, CA 96151

May 18, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: Sierra Colina Village EIS Certification and Project Approval

Dear Ms. Avance:

As a 27 year resident of South Lake Tahoe and a retired President of Lake Tahoe Community College I am very familiar with the problems the high cost of housing on the south shore of Lake Tahoe creates for prospective and existing faculty and staff of the college. In addition, through a multitude of discussions with other public agency officials in this community and as a board member of the Barton Health System I am very aware that these same problems exist for K-12 teachers, nurses, firemen, police officers and so many others in the middle class of our community. I am pleased to see the proposal for the Sierra Colina Village includes Moderate-Income Deed-Restricted housing that would assist these current and prospective employees in obtaining affordable housing so that they can live in the community they serve. It is vitally important that our teachers, nurses and public safety officers live in this area so that they are available to respond to the needs of this community in a timely fashion. I believe the TRPA should take a lead role in encouraging the creation of moderate income homes in the basin and certainly support an effort such as this from the private sector.

I share your concern with our beautiful environment and believe projects such as this have the capacity to help us further protect our environment rather than allowing other factors to continue to contribute to the degradation of our air and water quality. This project includes state-of-the-art water retention systems that will improve the lakes’ water clarity. It also allows our employees to live within the community and reduces the need for them to drive long distances to get to and from their places of employment.

I urge the TRPA Governing Board to certify the Sierra Colina Village EIS and approve the Sierra Colina Village project.

Sincerely,

Guy F. Lease, Ed.D.

RECEIVED
JUN 02 2009
Tahoe Regional Planning Agency
May 9, 2009

Ms. Theresa Avance
TRPA
P.O. Box 5310
Stateline, NV 89449

Re: Sierra Colina Village EIS Certification & Project Approval

Dear Ms. Avance:

I am a 35 year U.S. Postal Inspector. I have owned our property on Freel Peak in South Lake Tahoe since 1990. I believe public safety is the key to any community’s well being.

Sierra Colina Village will mitigate sustainable environmental damage that currently exists, it will lower the risk of elevated crime associated with illegal trespass, and Sierra Colina Village will ultimately provide additional revenues to the county at a time when our local economy needs it most.

The TRPA should encourage improved public-safety development, new tax revenue basis for sustainable mitigation, and water quality improvement. Sierra Colina Village offers all of this and more.

I urge the TRPA to certify the Sierra Colina Village EIS and approve the Sierra Colina Village project.

Sincerely,

Russell Lee
2971 Freel Peak
South Lake Tahoe, CA
June 1, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, Nevada 89449

Re: APN 1318-23-301-001: 18 acre parcel Sierra Colina Property (the “Property”)

Dear Ms. Avance:

Regarding the Sierra Colina EIS and Fire Safety in the Tahoe Basin, and in Stateline, NV in particular, we would like to confirm 5 areas of comment analyzed in the EIS:

1. **Fuels Reduction:** Sierra Colina has been conducting fuels reduction for the last 3 years (well before the Angora Fire). This work allowed our crew to respond rapidly to a fire on the Sierra Colina parcel in the summer of 2006. There is additional enhancement and fuel’s reduction work to do in the Sierra Colina SEZ, which the EIS requires and the District supports.

2. **Fire Sprinklers:** In May 2008 Douglas County amended its building code for new homes regarding fire sprinklers. The Sierra Colina project intends to exceed the new code, by installing sprinklers in all of its homes, which due to the small size of some of these homes is not required.

3. **Under-Grounding Electrical Lines near the Scenic Corridor:** Sierra Colina proposes to underground the electrical lines on its property that are located near the Hwy 50 scenic corridor. This is not required by TRPA. The District supports this undergrounding to promote fire safety.

4. **Emergency Access to the Sierra Colina project upon completion:** We have examined and approved the conceptual site plan of the Sierra Colina project as complying with all emergency ingress and egress requirements of the District.

5. **Moderately priced homes that Sierra Colina will provide in the Stateline urban core near Fire Stations:** Many fire district employees live far away from the fire stations due to the price of homes in the Basin. The creation of moderately priced homes by Sierra Colina will provide potential affordable housing stock for fire district employees.

Should you have any questions regarding this issue, please feel free to contact me.

Respectfully,

Guy LeFever
Fire Chief
(775)742-3705

P.O. Box 919 - 193 Elks Point Road - Zephyr Cove, Nevada 89448

Phone (775) 588-3591 142 dx (775) 588-3046
May 29, 2009

TRPA  
C/O Ms. Theresa Avance  
P.O. Box 5310  
Stateline, NV  89449

Dear Ms. Avance:

Re: Sierra Colina Village EIS Certification & Project Approval

As a long-time member of the South Lake Tahoe community, I am writing to demonstrate my support of the proposed Sierra Colina Village project.

The owners have worked hard to meet all of the requirements of the appropriate agencies to design a well-balanced project. Proposals to restore a portion of Burke Creek, provide moderate-income, deed-restricted housing, include the donation of open space to Douglas County and to create four new Linear Public Facilities should be encouraged.

Sierra Colina would be the first Tahoe Basin LEED certified and energy-star-rated residential project. Combined with their proposed fire prevention measures, Sierra Colina Village adds up to be the kind of sustainable mitigation project that Lake Tahoe needs.

I believe that the TRPA Governing Board should certify the Sierra Colina Village EIS and approve the Sierra Colina Village project.

Sincerely,

John D. Marchini
May 20, 2009

Ms. Theresa Avance
TRPA
PO Box 5310
Stateline, NV 89449

Dear Ms. Avance:

Re: Proposed Sierra Colina Village EIS Certification and Project Approval

As General Manager of the KGID and a concerned citizen and long-standing member of the Zephyr Cove community, I would like to comment on the proposed Sierra Colina Village Project.

The biggest causes of the decline of Lake Tahoe's clarity are sediment and nutrient inputs caused by runoff from streams, roads, and developed properties.

The Sierra Colina Village project will result in a net benefit to water quality in the Lake Tahoe Basin by reducing fine sediment loading to the lake compared with current conditions. The project includes Tier Two treatment level on newly developed areas, which will reduce sediment loading from the project to less than 10 percent above background conditions. Other treatment and restoration components of the project will more than compensate for this additional loading by providing storm water treatment for otherwise untreated runoff from Echo Drive, decommissioning a dirt utility road in the SEZ, eliminating unauthorized trails in the SEZ, restoring natural habitat in the SEZ, and stabilizing currently eroding areas. Overall, it is estimated that loading of fine sediment to Lake Tahoe will be reduced between 30 and 70 percent compared with current conditions. This will assist Douglas County in meeting load reduction requirements anticipated as part of implementing the Lake Tahoe TMDL.

The proposed project also includes riparian enhancement within Burke Creek. These efforts will not only re-establish native riparian species to improve the overall health of Burke Creek, but it will also reduce the risk of wildfire created by conifer encroachment into the riparian area.

I urge the TRPA Governing Board to certify the Sierra Colina Village EIS and approve the Sierra Colina Village project.

Sincerely,

Cameron McKay
Robert I. McMurry  
2980 Tall Pine  
Santa Ynez, CA 93460

May 29, 2009

Ms. Theresa Avance  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449

Re: Applicant, Sierra Colina, LLC  
TRPA File No. 2006-0599

Dear Ms. Avance:

This letter comments on the proposed Sierra Colina project currently before the Agency.

I have been a California Environmental Quality Act ("CEQA") attorney for over 25 years. My experience includes being involved in over 50 cases, successfully litigating CEQA cases at trial and appellate levels, and teaching CEQA at a law school and several dozen seminars. My current or recent cases collectively concerned CEQA approval of over 60,000 residences and 25 million square feet of commercial industrial development, including the largest single project in California. I have been employed by both developer and environmental state agencies such as the Santa Monica Mountains Conservancy.

I do not represent any of the parties involved in the Sierra Colina project nor have I any expectation of doing so. However part of my professional duties involve routinely reviewing proposed project, CEQA issues and trial court litigations which have not yet been reported in legal journals, to anticipate trends and questions which may arise in the future. I have done so for the Sierra Colina project.

My opinion of the Sierra Colina project is that it goes well beyond the typical residential development in terms of environmental sensitivity. The open space dedications, voluntary commitment to LEEDS certification and substantial provision for affordable housing will contribute to a sustainable community that is in keeping with current statutory and public goals. The environmental review shows a professional approach to identifying and mitigating environmental impacts.

The Sierra Colina project is an example of a well-planned community balancing the need for growth with the special environmental concerns of the Tahoe area. It should be approved in recognition of the special (and expensive) effort this developer has made to achieve such environmental sensitivity.

Sincerely,

Robert I. McMurry

[Signature]

RECEIVED

JUN 02 2009

Tahoe Regional Planning Agency
Ms. Theresa Avance, 

TRPA Senior Planner

PO Box 5310

Stateline, NV 89449

May 27, 2009

Re: Sierra Collina Village Certification and Project Approval

Dear Ms. Avance:

It is my pleasure to be writing this letter in support of the Sierra Colina Village. Too many times developers want endorsements of their project when they display a lack of vision and integrity. That is why it is so refreshing to endorse a company that far exceeding the threshold for design and planning. Sadly, there will always be groups that want to block development even when the project is as well designed and thought out as this one.

Lake Tahoe needs to attract jobs, improve its tax base and provide homes for its firemen, teachers and nurses. This project does all of that and more, yet narrow-minded, single-purpose groups which operate with outside financial resources use their money to try to influence the decision making process of the TRPA to block this project.

I am one of TRPA’s biggest fans. As the founder of the Glenbrook Project which was the first citizens group in the State of Nevada to receive Federal dollars for defensible space on private land in the community of Glenbrook. It was Juan Palma, Director of the TRPA at the time, who had the vision to work with the Glenbrook Project so that we could not be sued by the Sierra Club and the League to Save Lake Tahoe. Notably, the Sierra Club would not have been able to stand up later and praise the Glenbrook Project, as they did, if their initial short term vision would have won out.

Once again, TRPA should stand tall and support the Sierra Colina Village project for its vision and commitment to excellence. The League and the Sierra Club do outstanding work to protect the clarity of Lake Tahoe. What sometimes gets lost is that the greatest threat to the lake is fire. All the billions of dollars spent thus far to protect the lake would have been wasted if there is a catastrophic fire in the Basin. Juan Palma understood that fact and acted accordingly. He instinctively knew that the key was to keep adding pieces to the puzzle that link the herculean efforts of the US Forest Service, Nevada Division of Forestry, the Nevada Fire Safe Council and the Tahoe Douglas Fire District to protect life, property and the clarity of the lake. The Sierra Colina Village project took into account that same vision and it deserves your support.

With warmest regards,

Charlene Meenan, Glenbrook Project Founder

146

TA/rc

AGENDA ITEM VI.A
Brian Shinault, Architect  
1724 Mohican Drive  
South Lake Tahoe CA 96150

May 28, 2009

Ms. Theresa Avance  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449  

RE: Sierra Colina EIS Certification and Project Approval

Dear Ms. Avance:

I am the architect for the Sierra Colina project with strong views to share with the Board. I have been a licensed architect for 26 years in California. My family and I have lived in the Tahoe Basin for 33 years. I have worked on over 400 projects in the Basin with TRPA. Most of these projects have been residential, including multifamily, hotels and time share projects. All projects have positive merits, but the Sierra Colina project stands out for its voluntarily proposed elements which are environmental benefits and community enhancements.

I believe that the proposed TMDL Tier 2 storm water management plan will be a cutting edge model for future multi-family and commercial BMP systems. The shared water quality treatment facilities to treat public runoff from Echo Drive is a component of Douglas County’s EIP #679 project on Lake Village Drive. It is illustrative of the type of public/private partnership which will be necessary in the future to achieve significant environmental improvements in the Basin using the capital of the private sector.

The proposed 9 moderate homes will be useful to me to help attract and retain young professionals who cannot now afford to live in the Basin. Plus, I like the potential for teachers, nurses, firefighters, police officers and other key members of our community to live where they work to enrich our community. It is not lost on me the significant cost to Sierra Colina to subsidize these moderate homes, especially when the TRPA Code allows the project to be built with all market units, and no deed restricted units.

I also applaud the public access to the parcel created in partnership with Douglas County via the 4 public access easements for pedestrians and bicyclists and the 10+ acre land donation to Douglas County for permanent open space and recreation. Being adjacent to Kahle Park will help integrate this land into the County’s public recreational activities. In short, I am a whole-hearted supporter of the project, and hope the Governing Board agrees. Please certify the EIS and approve the project. Thank you.

Sincerely,

Brian Shinault

RECEIVED  
JUN 02 2009  
TAHOE REGIONAL PLANNING AGENCY
May 28, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: Letter in Support of Project - Sierra Colina

Dear Ms. Avance:

I am a licensed attorney and real estate broker with offices in Los Angeles, California. An important area of focus for me is LEED Certified commercial and residential properties. I believe that "green building" makes not only environmental sense, it makes financial sense. Whenever possible, I try to support responsible, environmentally friendly projects.

I frequently travel to Lake Tahoe to ski and vacation, and I learned about the Sierra Colina development from a friend of mine who knows of my interest in environmentally-friendly projects. I have seen the project documents for Sierra Colina (including the CEQA-related documents), and I want to express my appreciation for the thoughtful design and commitment to the environment reflected in the documentation. I have prepared this letter without any motivation other than to support what appears to be a good and responsible project. I have no financial interest in the project whatsoever.

As presented, Sierra Colina is a desirable, thoughtful and attractive project, and it would be a tremendous asset to the area and community (including the employees, who desperately need local housing).

I urge the Board to approve the Sierra Colina EIS and the project overall in the form presented.

Sincerely,

David A. Sudeck

RECEIVED
JUN 02 2009
Deb Howard & Company
3599 Lake Tahoe Blvd., Suite A
South Lake Tahoe, CA 96150

May 27, 2009

Ms. Theresa Avance
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: Sierra Colina Village EIS Certification & Project Approval

Dear Ms. Avance:

In 2005, I met the owners of the Sierra Colina parcel, Steve Kenninger & Gail Jaquish, in connection with their participation in the Lake Tahoe Housing Coalition. The Lake Tahoe Housing Coalition is a diverse group of local citizens who share the goal of promoting more affordable housing opportunities in the Basin.

From the beginning, Steve and Gail were interested in the distinctions between the implementation of "affordable" housing and "moderate-income" housing in Tahoe. Now, four years later, I am delighted to see Steve & Gail's proposal to create the first for-sale moderate-income deed-restricted homes in the Tahoe Township of Douglas County complete a thorough EIS and come before the TRPA Governing Board for EIS certification and project approval.

The proposed Sierra Colina Village is a creative effort to provide moderate-income homes without government subsidy. This is an economically challenging and noteworthy undertaking. For those of us who believe in the importance of our community having a spectrum of quality housing in a wide price range available for sale to our residents, the Sierra Colina Village project will demonstrate that the private sector can contribute to achieving this goal. Hopefully, the TRPA Governing Board will recognize the many public benefits of the proposed Sierra Colina Village EIS and approve this project.

Thank you for your consideration.

Sincerely,

[Signature]

Deb Howard
May 27, 2009

Ms. Theresa Avance  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449  

Re: Sierra Colina Village EIS Certification and Project Approval  

Dear Ms. Avance,  

I have been a full time resident of the Tahoe Basin for 28 years. During that time I have had the pleasure to serve the Tahoe Community as a Volunteer Fire Fighter for 25 years, a Director of the Historic Preservation of Glen Alpine Springs, Inc., a 501c3., a member of the St. Joseph’s Community Land Trust, and a Member of the Lake Tahoe Historic Society. I currently serve as a director of the Fallen Leaf Lake Community Services District.  

In the mid 1980’s I served on the Subdivision Committee at TRPA, which was charged with drafting the current chapter in the ordinance.  

Sierra Colina Village is exactly the type of well thought out and environmentally sensitive subdivision development that the Subdivision Committee wanted to encourage and allow. I applaud the developer’s efforts to unilaterally give in order to create an attractive, functional, socially responsible, and environmentally sensitive project.  

I support the project and urge the TRPA Governing Board to certify the Sierra Colina Village EIS and approve this outstanding project as proposed.  

Sincerely,  

Eric Thaden  

RECEIVED  
JUN 02 2009  
TAHOE REGIONAL PLANNING AGENCY  

150
Ms. Theresa Avance  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV  89449

COMMENTS IN SUPPORT OF THE PROPOSED SIERRA COLINA VILLAGE EIS CERTIFICATION AND PROJECT APPROVAL

Dear Ms. Avance,

I have been a full time resident in Lake Tahoe for 22 years. My career has been directly involved with environmental regulatory work. I was an environmental engineer for eight years with the Nevada Division of Environmental Protection. I am currently a Water Resource Control Engineer with the California Regional Water Quality Control Board, Lahontan Region, and I have worked for this agency almost 14 years. A great volume of my regulatory experience is with assessing construction impacts on local surface waters, identifying required measures to mitigate those impacts, and enforcing implementation of those measures.

The Sierra Colina Village project will result in a net benefit to water quality in the Lake Tahoe Basin by reducing fine sediment loading to the lake compared with current conditions. The project includes Tier Two treatment level on newly developed areas, which is expected to reduce sediment loading from the project to less than 10 percent above background conditions. Other treatment and restoration components of the project will more than compensate for this additional loading by providing storm water treatment for otherwise untreated runoff from Echo Drive, decommissioning a dirt utility road in the stream environment zone (SEZ), eliminating unauthorized trails in the SEZ, restoring natural habitat in the SEZ, and stabilizing currently eroding areas. Overall, it is estimated that loading of fine sediment to Lake Tahoe will be reduced between 30 and 70 percent compared with current conditions. This will assist Douglas County in meeting load reduction requirements anticipated as part of implementing the Lake Tahoe TMDL.

As a member of the Round Hill chapter of the Nevada Fire Safe Council, I appreciate the fact that the proposed Sierra Colina Village project will be the first neighborhood in the Lake Tahoe basin to have fire sprinklers in all homes. The proposed project also addresses the overstocked and decadent riparian corridor created from conifer encroachment, thereby enhancing riparian habitat values.
within Burke Creek. This effort will not only re-establish native riparian species to improve the overall health of Burke Creek, but it will also reduce the potential for catastrophic wildfire and associated erosion that typically results from the major loss of vegetation and soil cover due to wildfire.

In addition to the direct water quality and fire safety benefits noted above, I support the proposed Sierra Colina Village project because:

- Burke Creek will be restored as a project element.
- The project will be constructed to qualify for LEED certification as well as Energy Star rated homes – something that should be a requirement for all new construction to promote healthier living choices and energy conservation.
- Over 10 acres (more than half of the 18-acre parcel) will be preserved as open space through a conservation easement to Douglas County, including the entire stream environment zone associated with Burke Creek.
- The project will include four new public shared access recreation trails and pathways through the parcel.
- Almost 20 percent of the homes will be deed-restricted moderate-priced homes, which is critical to maintaining affordable housing within the basin.
- The proposed project includes a perpetual funding mechanism from the Homeowners Association for long-term maintenance of storm water controls. (I encourage the TRPA to implement Low Impact Development principles, which can be found at http://www.lid-stormwater.net and at www.lowimpactdevelopment.org, for this and all other projects to implement cost-effective storm water controls.)

My support of the Sierra Colina Village project does not, in any way, reflect the views of the California Regional Water Quality Control Board, Lahontan Region, or the State of California. I support the project solely as an active member of our community and as a concerned citizen within the Douglas County portion of Lake Tahoe.

I urge the TRPA Governing Board to certify the Sierra Colina Village EIS and to approve the Sierra Colina Village project as proposed.

Sincerely,

Eric J. Taxer
MEMORANDUM

Date:       June 3, 2009
To:         TRPA Advisory Planning Commission (APC)
From:       TRPA Staff
Subject:    Notice of Preparation (NOP) for an Environmental Impact Statement (EIS) for the
            Edgewood Hotel and Golf Course Realignment Project, TRPA File No. ENVP-2008-0002,
            Douglas County, Nevada, Assessor's Parcel Numbers 1318-27-001-001, etc.

Requested Action: No action is being requested from the APC for this item.

Staff Recommendation: Staff requests that APC members review the attached NOP and
forward any comments to:

     A. Lyn Barnett, AICP
     Chief - Environmental Review Services Branch
     Tahoe Regional Planning Agency
     P.O. Box 5310
     Stateline, Nevada  89449

The last day for submittal of comments is July 6, 2009.

Required Motions: No motions are required for this item.

Project Description / Background: Please see the attached Notice of Preparation and Project
Description (Attachment A).

Discussion: The NOP scoping period commences June 3, 2009 and concludes on July 6, 2009.
This NOP has been placed on the APC agenda for informational purposes only. This item will
be placed on the June 24 and 25, 2009, Governing Board agenda for discussion and “scoping.”
EDAW has been contracted to prepare the Environmental Impact Statement (EIS) for this
proposal.

Regional Plan Compliance: This NOP is being circulated for public comment in accordance with
Chapter 5 of the TRPA Code, Article VI of the TRPA Rules of Procedure, and Article VII of the
TRPA Compact, and other applicable provisions of the TRPA Regional Plan and Compact.

Contact Information: Please contact Lyn Barnett, AICP, at (775) 589-5239, or via email at
lbarnett@trpa.org, if you have any questions regarding this agenda item.

Attachment:
     A. Notice of Preparation and Project Description
NOTICE OF PREPARATION

To: Nevada State Clearinghouse
    California State Clearinghouse
    Interested Public Agencies
    Interested Parties and Organizations
    Affected Property Owners (within 300 feet of the Edgewood property)

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Statement (EIS)
          for the Edgewood Hotel and Golf Course Realignment Project
          (Stateline, Douglas County, Nevada)

Lead Agency: Tahoe Regional Planning Agency
              P.O. Box 5310
              128 Market Street
              Stateline, NV 89449
              Contact: A. Lyn Barnett, AICP, Branch Chief, Environmental Review Services
                      Phone: (775) 589-5239
                      Fax: (775) 588-4527
                      Email: lbarnett@trpa.org

Project Title: Edgewood Hotel and Golf Course Realignment Project

Project Applicant: Edgewood Companies (formerly Park Cattle Company)

Project Location: Edgewood Golf Course, 180 Lake Parkway, Stateline, Douglas County, Nevada 89449
                 Assessor’s Parcel Numbers: 1318-27-001-001, -002, -003 and -004

Project Description: The proposed project includes construction of a new approximately 230-unit full service hotel complex and accessory uses, such as a spa and wellness center, a restaurant and bar, and banquet and meeting space, on high capability lands previously improved for golf play (Fairway No. 9) on the Edgewood Golf Course property. The proposed hotel complex would be concentrated on approximately 10 acres of land within Special Area #1 of the Edgewood Plan Area Statement (PAS) 070A. The project also includes golf course fairway relocation and other course modifications. The project would involve transfers of development rights from offsite properties; new covered parking and changes to existing surface parking, onsite roads and pathways; improvements to the Stateline Stormwater Treatment System; restoration of wetlands and stream environment zones; LEED® certification; scenic improvements including the removal of two lakefront single family residences and lakefront surface parking; lot line adjustments; tree removal and changes to landscaping, irrigation and lighting; new public beach access; and, in one alternative, buildings that require additional height beyond the base allowable.
The Tahoe Regional Planning Agency (TRPA) is initiating preparation of an environmental impact statement (EIS) in accordance with the Tahoe Regional Planning Compact and its Regional Plan for the Edgewood Hotel and Golf Course Realignment Project, located in Stateline, Douglas County, Nevada. We need to know your views as to the scope and content of the environmental information which is germane to your interests or statutory responsibilities in connection with the proposed project. If you represent an agency, your agency will be able to use the EIS prepared by TRPA when considering your permit or other approvals for the project.

A brief project description, location map, vicinity map, project site plan, a brief description of the alternatives likely to be evaluated in the EIS, and a summary of the probable environmental effects of the proposed project are contained in the attached materials and/or are available for review on TRPA’s website under the major projects link at: www.trpa.org. A copy of TRPA’s Initial Environmental Checklist (IEC) is also available for review at TRPA’s offices located at 128 Market Street, Stateline, Nevada 89449.

Consistent with the TRPA Compact and Chapter 5 of the Code of Ordinances, this NOP is being circulated for a period of 30 days. Therefore, your response is requested at the earliest possible date, but no later than July 6, 2009. Please send your comments to A. Lyn Barnett, TRPA Environmental Review Services Branch Chief, by mail, fax, or email to the address shown above under “Lead Agency.” We also request the name of a contact person for your agency.

TRPA will hold a public scoping meeting in connection with the proposed project. The scoping meeting will be held to receive comments from the public and other interested parties and agencies regarding the issues that should be addressed in the EIS. The scoping meeting will be held as follows:

Wednesday, June 24, 2009
Tahoe Regional Planning Agency – Governing Board Room
128 Market Street
Stateline, NV 89449

This TRPA Governing Board meeting will begin at 9:30 a.m.; however, no specific agenda time has been set for the Edgewood Hotel and Golf Course Realignment Project EIS scoping at this time. Please refer to the agenda posted at www.trpa.org one week prior to the meeting for updated information.

If you have further questions or require additional information, please contact Lyn Barnett at TRPA by mail, fax, or email at the address shown above under “Lead Agency.”

This Notice of Preparation was circulated beginning: June 3, 2009.

Date: June 3, 2009
Signature: Lyn Barnett
Title: Branch Chief, Environmental Review Services
        Tahoe Regional Planning Agency
EDGEWOOD HOTEL AND GOLF COURSE REALIGNMENT PROJECT EIS
(STATELINE, DOUGLAS COUNTY, NEVADA)

PROJECT LOCATION

Edgewood Companies (formerly Park Cattle Company) proposes the construction of a new hotel and spa at the existing Edgewood Golf Course, located at 180 Lake Parkway, Stateline, Douglas County, Nevada 89449 (Exhibits 1 and 2). The Edgewood Golf Course is comprised of four contiguous parcels located adjacent to Lake Tahoe and owned by Edgewood Companies (Assessor’s Parcel Numbers [APN] 1318-27-001-001, -002, -003 and -004). The entire golf course encompasses approximately 237 acres of land within the Edgewood Plan Area Statement (PAS) 070A, which is adjacent to and within the influence of the Stateline Community Plan. The Edgewood Golf Course is located in California and Nevada; however, the proposed project would affect only the portion of the Edgewood Golf Course within Douglas County, Nevada, which accounts for approximately 227 acres. Furthermore, the new hotel and spa facilities would be concentrated on approximately 10 acres of land located entirely within the PAS 070A Special Area #1.

ENVIRONMENTAL SETTING AND PROJECT DESCRIPTION

EXISTING AND SURROUNDING LAND USES

The approximately 227-acre project site is occupied by the existing Edgewood Golf Course, which includes the Edgewood Tahoe Restaurant and clubhouse (with bar and banquet room), golf course support facilities (e.g., maintenance and utility facilities, pathways, pump houses, a gate house, and restrooms), and two single-family lakefront residences. The site has been verified as having the following land capability districts (LCD): LCD 1b (stream environment zone [SEZ]), LCD 3, LCD 4, LCD 5, LCD 6, and LCD 7. The base allowable coverage for the project site is 1,666,528 square feet (35 acres). Access to the project site is provided by Lake Parkway from U.S. 50.

The project site is surrounded by Lake Tahoe to the west; the University of Nevada 4-H Camp, single- and multi-family residences, the Oliver Park General Improvement District (GID), Lakeside Inn and Casino, Dart Liquor and other commercial businesses to the north; and U.S. 50, a residential estate and open space owned by Edgewood Companies, State Route (SR) 207, Lake Parkway, commercial and casino properties (i.e., Wells Fargo, the Horizon Casino, and Harvey’s Tahoe), and a mix of residential and smaller hotel uses to the east and south.

PROJECT OBJECTIVES

The objectives of the Edgewood Hotel and Golf Course Realignment Project, as stated by the project applicant, are to:

► Implement a high-quality four-season lakefront tourist accommodation project complementing the existing Edgewood Golf Course located within PAS 070A (Edgewood), embodying the requirements set forth in PAS 070A Special Area #1, including creating public access to Lake Tahoe through private lands;

► As the largest property owner in the casino core, it is the applicant’s intention to initiate a transition from the existing tourist product to a product offering broader recreational and entertainment amenities to encourage destination visitation and increasing length of stay;

► Construct the Edgewood Resort Hotel as a full-service destination resort, incorporating sustainable and energy efficient design that achieves a LEED® Silver Rating;

► Construct all onsite water quality improvements to retain and treat the depth of precipitation associated with the 10-year 24-hour storm event, with a focus on reducing the load of fine sediment (<20 microns);
► Enhance and enlarge constructed wetlands, located within the project site, to increase the capacity and improve the efficiency of the Stateline Stormwater Association treatment system;

► Stabilize tributary channels to Edgewood Creek, enhance riparian vegetation and improve wildlife habitat on land east of U.S. 50. Emphasis will be placed on interception and treatment of urban core runoff from the Kingsbury Grade Commercial Area as suggested in the Edgewood Creek Watershed Assessment;

► Construct a landscaped berm along the cart path, golf hole No. 18, to provide for additional Edgewood Creek flood flow attenuation and sediment capture for events exceeding the standard design storm, and improve fish passage;

► Remove approximately 2 acres of asphalt parking constructed on Class 1b soils located within the near shore and two single-family residences constructed on Class 1b soils within 60 feet of Lake Tahoe; relocate the two residential lots to a new location within the golf course property on high capability lands set back approximately 600 feet from high water;

► Reduce managed turf within the SEZ and introduce native riparian vegetation within the golf course setting; and,

► Increase green golf course management practices to further minimize the use of fertilizers and irrigation.

PROPOSED PROJECT (ALTERNATIVE A)

Alternative A, the proposed Edgewood Hotel and Golf Course Realignment Project, would construct a new hotel complex with a full-service spa and wellness center, restaurant and bar, and banquet and meeting space as well as accessory uses on undeveloped higher capability lands at the Edgewood Golf Course. The hotel, spa, restaurant and meeting space would all be located within Special Area #1 of PAS 070A, which is composed entirely of high capability lands (Classes 5 and 7) previously improved for golf play. Hotel, motel, and other transient dwellings are allowed uses in Special Area #1 and timeshares (residential and hotel/motel design) are special uses. The proposed approximately 230 tourist accommodation units (TAUs) are within the permissible density established for Special Area #1 of 250 TAUs and would include both allowed (hotel) and special (timeshare) uses. TAUs and recreation uses are encouraged within Special Area #1. Consistent with Special Policy #7 of PAS 070A, the development of a hotel/conference center within Special Area #1 is conditioned on an irrevocable commitment to improve access, capacity and/or the range and quality of lakefront experiences available to the public with a focus on access for Stateline overnight visitors. Therefore, the project includes a public access beach just south of the existing clubhouse, accessible via a pedestrian path and a shuttle system to take visitors to points of interest. A private beach is also proposed south of the public beach area. Exhibit 3 illustrates the proposed project site plan. As shown in Table 1, the proposed project would increase overall site coverage by approximately 198,705 square feet (4.56 acres), while reducing Class 1b (SEZ) coverage by approximately 45,379 square feet (1.04 acres).

In addition to the detail presented on Exhibit 3, the project applicant is considering the feasibility of providing an easement to accommodate a portion of the future Nevada Stateline-to-Stateline Bikeway Project (Bikeway), a joint proposal of local, state, and federal agencies with responsibilities on the Nevada side of the Lake Tahoe Basin. The Bikeway vision includes the development of a premier shared-use bike path on the east side of Lake Tahoe between the Nevada state line in Crystal Bay and the casino core in Stateline, Nevada. The portion of the Bikeway that could cross the Edgewood Golf Course property is part of a near-term 3-mile segment referred to as the South Demonstration Project, which would provide bicycle and pedestrian access from the casino core to existing commercial and recreation areas such as the Douglas County Transit Center, Kahle Community Center and Park, and Nevada Beach and Round Hill Pines Beach. The South Demonstration Project is subject to its own project-specific design, environmental review, and permitting separate from the proposed Edgewood Hotel and Realignment Project. The easement would likely run parallel and close to U.S. 50 and would require relocation of the existing property line fence and a new bridge structure across Edgewood Creek. Such a private/public
Regional Location

Exhibit 1

Source: EDAW 2009
Project Location and Surrounding Land Uses

Source: EDAW 2009

Exhibit 2
Alternative A, Proposed Project, Conceptual Site Plan

Exhibit 3

### Table 1
Existing and Proposed Project Land Coverage Calculations

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<td>8.15</td>
<td>16.644</td>
<td>0.98</td>
<td>0.18</td>
<td>3.23</td>
<td>4.03</td>
<td>20.47</td>
<td>35.14</td>
<td>1.54</td>
</tr>
</tbody>
</table>

Source: Design Workshop, May 20, 2009

The proposed project would also include improvements to the Stateline Stormwater Treatment System Project (which accepts treated stormwater from the adjacent casino/hotel district for final treatment and disposal on the golf course) and new permanent stormwater treatment best management practices (BMPs). The proposed multi-stage stormwater treatment system would be designed to handle stormwater from storms with a greater intensity than the 20-year 1-hour design storm and would include a variety of features including but not limited to high-efficiency treatment vaults, underground infiltration areas, and high-flow bypass to land treatment. The project would include water quality monitoring at key locations to analyze runoff for nutrients, fine sediment, and total suspended solids. It is anticipated that, due to the effectiveness of high-efficiency, multi-stage treatment, the project would result in a reduction of total pollutant load in stormwater runoff, which would be consistent with the goals of the future Lake Tahoe Total Maximum Daily Load (TMDL) to achieve water quality goals and restore Lake Tahoe’s clarity.
The proposed project would also include golf course fairway relocation and other course modifications, lot line adjustments, tree removal, new lighting sources, buildings with additional height beyond the base allowable (in one alternative), changes to existing surface parking, and new covered parking. The project also incorporates components that are expected to result in environmental improvements including: relocation and restoration of Class 1b (SEZ) areas; refinement of the golf course’s fertilizer management plan and irrigation practices; a shuttle system to take site visitors to local points of interest; LEED® certification and use of other green technologies; and scenic improvements that include landscape screening for the existing clubhouse building, removal of the two lakefront single family residences, removal of the existing lakefront surface parking lot, and remodeling/screening of the onsite pumphouse.

**ALTERNATIVES**

The EIS will likely consider three alternatives to the proposed project, including a reduced footprint alternative, a maximum buildout alternative, and a no project alternative. The reduced footprint alternative would involve consolidation of a portion of the hotel complex (the proposed casitas units) to reduce the project footprint and minimize potential effects on sensitive onsite resources while likely maintaining the proposed number of hotel and interval ownership units. A maximum buildout alternative would be based on the maximum number of TAU units allowed by Special Area #1 in PAS 070A, which is 250 units. This alternative would result in a site plan and footprint similar in scale with the proposed project by decreasing the size in square feet of the units and/or accessory features to allow for an increase in the total number of units. Under the No Project Alternative, no hotel development or golf course fairway relocation would occur; the lakefront residential estates and surface parking lot would not be removed; no improvements to the Stateline Stormwater system or other water quality improvements would occur; and the project site would retain existing conditions with ongoing operations and maintenance of the existing Edgewood Golf Course, restaurant, and clubhouse. These project alternatives will be evaluated in the EIS at an equal level of detail as Alternative A, the proposed project.

**RELEVANT PLANNING INFORMATION**

TRPA will use the EIS to consider the environmental effects, mitigation measures, and alternatives, when reviewing the proposed action for approval. The EIS will serve as TRPA’s compliance document with respect to the Tahoe Regional Planning Compact and Chapter 5 of the TRPA Code of Ordinances. TRPA maintains discretionary authority over the primary project approvals listed below:

- TRPA Code and Community Design Standards
- Landscaping Plan Approval
- Tree Removal Permit
- Parcel Boundary Line Adjustment
- Transfer of Development Rights from Offsite Properties

Other potential permits and/or approvals that may be required for development of the project include, but are not limited to, the following:

- Site Improvement Permit – Douglas County
- Building Permit – Douglas County
- Parcel Boundary Line Adjustment – Douglas County
- Sewer Permit – Douglas County Sewer Improvement District
- Water Connections – Edgewood Water Company
- Stormwater Pollution Prevention Plan – Nevada Division of Environmental Protection
- Stream Environment Zone Restoration/Regional Permit 16 – U.S. Army Corps of Engineers

While the issuance of these permits is not contingent upon EIS certification, the applicable permitting agencies may review information contained in the EIS as part of the permit approval process.
PROBABLE ENVIRONMENTAL EFFECTS

This section provides a short discussion of the probable environmental effects associated with the project. For further information on probable environmental effects, copies of TRPA’s Initial Environmental Checklist (IEC) are available for review during normal business hours at the TRPA office:

Tahoe Regional Planning Agency
128 Market Street, Stateline, Nevada 89449
Contact: A. Lyn Barnett, AICP, Branch Chief, Environmental Review Services
Phone: (775) 589-5239

The following subject areas will be analyzed in the EIS:

LAND USE

Land use impacts to be addressed in the EIS include changes to onsite uses, land use compatibility and community character. The EIS will address consistency with PAS 070A, especially Special Area #1, as well as with the Stateline Community Plan. The project requires the transfer of development rights, including TAUs, from offsite properties in Douglas County and across the state line from the City of South Lake Tahoe. “Sending” properties include: active TAUs from the Horizon Hotel casino, banked TAUs from Tahoe Beach and Ski Club, and banked TAUs from the Chateau at Heavenly Village site. The transfer of TAUs from the Horizon Hotel casino would require retirement of TAUs from the property, and either partial demolition or interior modification to make the units larger. TAU transfers have been the subject of much controversy and recent legal challenge. At issue is the size of the TAU prior to transfer to the size of the TAU following transfer. Comparison of the source TAU unit sizes to those proposed will be analyzed in the context of any court decisions or policy direction provided by TRPA during preparation of the EIS. The regional context of these offsite TAUs (e.g., from a traffic, air quality, and noise perspective) will be considered in the context of project-specific and cumulative impacts.

SCENIC RESOURCES

The project site is adjacent to Lake Tahoe and within TRPA Shoreline Travel Unit No. 30, “Edgewood”, and borders U.S. 50 within Roadway Travel Unit No. 32, “Casino Area.” Both travel units are currently in non-attainment of minimum scenic quality thresholds. Views toward the project site from the lake, U.S. 50, Lake Parkway, other public roads and public recreation areas (including bicycle paths) will be analyzed as will potential visual exposure of the proposed new hotel, related facilities and two relocated private residential lots. Visual prominence of proposed structures and the removal of trees could negatively affect scenic threshold ratings. Potential impacts will be evaluated through the use of ground-level site photographs from sensitive viewpoints on or near the project site. Scenic effects will be evaluated in terms of visibility of the proposed structures, alteration of the visual setting, sensitivity of viewpoints, new sources of light and glare and potential effects on TRPA scenic thresholds. Mitigation measures will be included as necessary to address significant impacts to scenic resources.

GEOLOGY, SOILS, AND LAND CAPABILITY AND COVERAGE

The project would involve clearing and grading for construction of new buildings, roads, utilities and other project-related infrastructure. Relocation of building footprints would change the amount of coverage in land capability districts. The EIS will describe the potential adverse environmental effects related to coverage, land capability, soils, and geology. Existing site conditions will be described based on available topographic and geologic maps, soils data, land capability and coverage information, and other available geologic and soils information. The potential for geologic hazards on the site including distance from faults and hazards associated with earthquakes such as liquefaction, landslides, loose/weak soils, shallow groundwater, compaction, ground shaking and seiche will be described. Mitigation measures for significant impacts will be included as necessary.
HYDROLOGY AND WATER QUALITY

Construction of the project would create a risk that short-term increases in sediment load could occur. Both pre- and post-construction impacts will be identified and analyzed in the EIS. This will include non-point pollution sources from the project, potential contaminants, proposed source control methods, SEZ restoration, improvements to the Stateline Stormwater Treatment System, and proposed BMPs to address potential impacts to water quality. The EIS will also address hazardous materials issues related to the use of fertilizers and pesticides in addition to focusing on potential short- and long-term changes in sediment fate and transport as it relates to project actions. Mitigation measures (temporary and permanent) will be provided for significant impacts if necessary.

The Lake Tahoe Water Quality Management Plan (208 Plan) will provide the primary standards for measuring significance of water quality impacts through the TRPA water quality thresholds. The EIS will discuss what is known about the expected effectiveness of the proposed practices for protecting or improving water quality. Although the project may not be specifically regulated under the future Lake Tahoe TMDL, which identifies pollutant load reductions in fine sediment particles (< 20 microns) as a key strategy to achieving water quality thresholds for lake clarity, consistency with available TMDL implementation information will be discussed.

BIOLOGICAL RESOURCES (VEGETATION, WILDLIFE, AND FISHERIES)

Although the project site is occupied by the Edgewood Golf Course, sensitive terrestrial and aquatic biological resources with potential to occur on the project site will require evaluation in the EIS. Sensitive resources that will be addressed include TRPA special interest and other special-status species (Tahoe yellow cress, waterfowl) and sensitive habitats (e.g., riparian and SEZ areas). The potential presence of sensitive resources will be evaluated based on existing information, consultation with agencies and data collected during field surveys. In addition, potential adverse impacts to wetlands or SEZ areas, as well as tree removal related to development of the hotel complex and impacts to fisheries related to proposed Stateline Stormwater Treatment System improvements, will be discussed. Potential direct, indirect and cumulative impacts of the project will be described and the relationship of the TRPA vegetation and wildlife threshold carrying capacities will be discussed. Mitigation measures will be recommended for significant impacts, if necessary.

TRANSPORTATION, CIRCULATION, AND PARKING

Several key traffic issues that will be evaluated in the EIS are increased traffic volumes, level of service at area intersections, changes to vehicle miles traveled (VMT), effects on bicycle and pedestrian travel, public transit and shuttle access, and the adequacy of proposed parking. Both short-term construction-related traffic and long-term traffic generated by the project will be analyzed. Transportation improvements are being planned by the Tahoe Transportation District that will affect Lake Parkway and U.S. 50, including the possibility of converting U.S. 50 to a one-way highway through the casino core and constructing a two-lane roundabout at the U.S. 50/Lake Parkway intersection. The U.S. 50 improvements will reduce congestion through the casino core and will provide additional bicycle and pedestrian facilities through the casino core area. The analysis of cumulative traffic conditions will include the proposed U.S. 50 corridor transportation improvements. Mitigation measures (temporary and permanent) will be recommended for significant impacts, if necessary.

AIR QUALITY AND CLIMATE CHANGE

Air quality is a significant resource issue in the Lake Tahoe Basin and is related to multiple factors, including transportation and circulation. Currently, the air quality threshold indicators for the Lake Tahoe Air Basin for carbon monoxide, ozone, particulate matter, and VMT are in non-attainment. The EIS will address short-term construction emissions, long-term operational emissions, and cumulative air quality changes resulting from the project. The EIS will identify sensitive receptors within 0.5 mile of the project site, discuss potential emissions of odors and/or hazardous air pollutants generated by stationary and area sources, and determine the significance of
air quality impacts in comparison with applicable local, state, and federal standards and significance thresholds. Mitigation measures (temporary and permanent) will be recommended for significant impacts, if necessary.

The EIS will include an analysis of potential project impacts on global climate change. This analysis will include a quantitative estimate of operational carbon dioxide emissions from both stationary and mobile sources. Carbon dioxide will be used as a proxy for all greenhouse gases potentially emitted during operation of the project. Construction emissions from the project and climate change impacts on the project will also be discussed qualitatively in this analysis.

**NOISE**

The EIS will describe the existing noise environment near the project site, based on existing noise documentation and noise measurements. The EIS will assess potential short-term (i.e., construction) noise impacts relative to sensitive receptors and their potential exposure. Noise levels of specific construction equipment will be determined based on published resources and a list of construction equipment likely to be used during project construction. The resultant noise levels at nearby receptors (at given distances from the source) will be calculated. Long-term (i.e., operational) noise impacts, including increased noise from mobile, stationary, and area sources, will be assessed based on applicable state and local noise standards. Mitigation measures (temporary and permanent) will be recommended for significant impacts, if necessary.

**RECREATION AND PUBLIC ACCESS**

The project could increase demand for and use of existing recreation facilities in the project area. Existing recreation resources and opportunities at the project site and in the surrounding community will be described and mapped. The relationship of the project to TRPA recreation threshold carrying capacities will be discussed. Onsite recreation opportunities proposed as part of the project will be described. Changes in public access and recreational opportunities will be described and mitigation measures will be recommended for significant impacts, if necessary.

**PUBLIC SERVICES AND UTILITIES**

The EIS will discuss any increased demand for public services or utilities that would result from the project and whether the affected public service and utility providers can adequately serve the proposed development. Utilities that will be discussed include power and natural gas; water treatment, supply, and distribution; wastewater treatment and disposal; and solid waste collection and disposal. Public services to be addressed include police and fire protection services, schools, and other government services. The effect of development on current services and additional resources required to maintain or meet the demand of the project will be identified. Mitigation measures will be developed in consultation with the service providers, if needed.

**CULTURAL RESOURCES**

Archaeological remains such as prehistoric camps and resource-processing sites, ethnographic villages, and historic ranching and recreational facilities have been documented in the project area. In addition, locations and landforms of special cultural significance to the Washoe Tribe can be found in the region and are afforded protection from adverse development-related impacts by TRPA legislation. The EIS will provide an overview of the project area prehistory, ethnography and history, study methodology and a discussion of documented cultural resources. The potential for the project to impact these and unrecorded sites, features or objects will be evaluated and suitable measures designed to mitigate project-related impacts will be provided as necessary.
HUMAN HEALTH AND RISK OF UPSET

The presence of hazardous materials on the project site is expected to be limited to chemicals used on golf course turf and landscaped areas, for water treatment, and hydrocarbons from vehicles. The extent of known contamination on adjacent casino core properties will be documented based on available information. This section will include a discussion of hazards and hazardous materials issues related to the project and adjoining properties and any potential effects these conditions may have on the project. The EIS will summarize the results of hazardous materials assessments and will evaluate the operational characteristics of the project to determine potential impacts related to the storage, transport and/or use of hazardous materials and emergency response plans.

POPULATION, EMPLOYMENT AND HOUSING

This section will discuss the effects on population, employment, and housing resulting from the project. The project would result in the removal of two existing single family residences and relocation of the two residential lots within the golf course property. The proposed project could increase employment levels and the corresponding demand for affordable/employee housing in the project area. Existing population and housing conditions will be described based on available information. The impact analysis will address any effects on regional and affordable housing, and whether the project would alter the location, distribution, density, or growth rate of population planned for the Tahoe region. Mitigation measures based on TRPA and Douglas County planning documents will be recommended, as necessary, to reduce any significant impacts.

CUMULATIVE IMPACTS AND INDIRECT EFFECTS

In consideration of the development and redevelopment that has occurred or is planned in the Stateline area (including portions of Douglas County and the City of South Lake Tahoe), the EIS will identify recently approved and reasonably anticipated projects likely to occur in the project vicinity, as well as growth contemplated in the Stateline Community Plan that may result in cumulative impacts when combined with the project.

PUBLIC SCOPING

TRPA will hold a public scoping meeting in connection with the proposed project to receive comments from the public and other interested parties and agencies regarding the issues that should be addressed in the EIS. The scoping meeting will be held on Wednesday, June 24, 2009 at the TRPA Board Room, located at 128 Market Street, Stateline, NV 89449. This TRPA Governing Board meeting will begin at 9:30 a.m.; however, no specific agenda time has been set for the Edgewood Hotel and Golf Course Realignment Project EIS scoping at this time. Please refer to the agenda posted at www.trpa.org one week prior to the meeting for updated information.

Written comments are due no later than July 6, 2009 by 5:00 p.m. Please send your written comments to:

Tahoe Regional Planning Agency
A. Lyn Barnett, AICP
Environmental Review Services, Branch Chief
P.O. Box 5310, Stateline, NV 89449

Telephone: (775) 589-5239
Fax: (775) 588-4527
Email: lbarnett@trpa.org

A. Lyn Barnett, AICP
Tahoe Regional Planning Agency
Branch Chief, Environmental Review Services

Date: June 3, 2009