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 November 12, 2003, at the Tahoe Regional Planning Agency, 128 Market Street, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

November 3, 2003

Jerry Wells
Acting Executive Director

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

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

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

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

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Notice of Preparation and Scoping, Environmental Impact Statement/Environmental Impact Report (EIS/EIR), Cedar Grove Affordable Housing Project and Related Regional Plan Amendments

B. Amendment of Chapter 4, Appendix A of the Code of Ordinances to modify the list of projects to be heard by the Governing Board and Hearing Officer

C. Amendment of Chapter 4, Section 4.2.A(1) and 4.3.A(1) of the Code of Ordinances to increase the structural cost limitations for exempt and qualified exempt activities

VI. PLANNING MATTERS

A. Presentation by Lahontan Staff on TMDL (Total Maximum Daily Load) (1 hour)
VII. REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

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

Called to Order: 9:30 a.m.

Present: Chair Larry Lohman, Kevin Cole, Richard Harris, Lauri Kemper, Eva Krause, Gary Marchio, Ron McIntyre, Mimi Moss, Tom Porta, Mike Riley, Alan Tolhurst.

Absent: Alice Baldrica, Bill Combs, Robert Jepsen, Joe Oden, Lee Plemel, Leo Poppoff

II. APPROVAL OF AGENDA

The agenda was approved without changes.

III. PUBLIC INTEREST COMMENTS (No Action)

There were no public interest comments.

IV. DISPOSITION OF MINUTES

The minutes of the September 10, 2003 APC meeting were approved.

V. PUBLIC HEARINGS

A. Amendment to Chapter 22, Height Amendment, Tahoe Truckee Unified School District

John Hitchcock, Senior Planner with the Long Range Planning Division presented this staff summary. A Revised Height Ordinance Section 22.4.a(5)(b) was handed out. The change was requested to allow the high school/middle school to exceed previous height limitations up to 56 feet, provided the new structure incorporates certain community design features.

Issues discussed included the UBC definition of “story”; height limitation exceptions for public service buildings to accommodate large HVAC systems; and making the rules more general so that each individual project does not require a Code change.

Mr. Harris asked if a height limitation variance could be granted for this school. Mr. Kahn indicated that at present TRPA’s Regional Plan does not provide a tool to grant variances.
Public comments were given by Gary Midkiff representing the Tahoe Truckee Unified School District. The high school/middle school was determined by the state to be hazardous. Emergency funds were given to remodel. There is a need to build to 56 feet to bring the entire site into safety conformance. A partial pitched roof may be able to be incorporated, but a steeper pitched roof could cause sliding snow hazards.

Motion presented to approve staff recommendation with the exception that the recommendation refer to all public service buildings rather than just one specific school.

Further discussion resulted. APC members and staff expressed concern about opening up the height exception to all public service buildings. Staff felt further study was needed to determine the effects of this broad exception. Mr. Marchio suggested that 3 to 5 reasonable public service uses be listed.

Motion carried with reference to all public service buildings.

Opposed: Mr. Lohman and Mr. Porta.

B. Amendment to Code Chapter 91 and Related Chapters to Allow Consideration of Biofuel Facilities

Jerry Dion, Senior Planner with the EIP Division, presented this staff summary which included suggestions from its presentation at September’s APC meeting. TRPA should be able to consider stationary source biofuel facilities if the facilities use only fuel that would have been pile burned, fuel used does not exceed 19,000 tons and approval of any facility would require a public hearing by a hearings officer. A definition of a biofuel facility was added to distinguish it from wood heaters.

Issues discussed included biofuel facilities as accessory uses and the ability of local jurisdictions to have a say in the permitting of a new facility. Ms. Krause and Mr. Marchio were concerned that if the project went before a hearings officer, their particular counties would have no say under their MOU’s. Could a special use designation be applied? Jerry Wells, TRPA Acting Executive Director, responded that if the use was changed to special, then PAS’s may need to be revised. There could be an administrative solution in requiring joint jurisdiction hearings officers hearings.

Public comments were given by Gary Midkiff, as a representative of Zephyr Cove Homeowners Association. His concern was that if a biofuel facility did not require a special use determination, then local communities could be impacted without notice. The level of review must be sufficient.

Motion proposed by Ms. Kemper with caveat that TRPA staff will require local government review. A mechanism needs to be set up to let local jurisdictions participate or not, as they see fit. Ms. Kemper also requested some flexibility to amend the 19,000 ton number if studies show that there is a lot of fuel out there that would ordinarily be pile burned. Motion seconded by Ron McIntyre. Motion carried.
VI. PLANNING MATTERS

A. Bike Path

Alfred Knotts of TRPA’s Transportation Division stated that the Bicycle and Pedestrian Master Plan will be brought before the APC in the future. It is a federal document and must eventually be brought before the MPO, not the TRPA Governing Board.

Discussion included land coverage exemptions for private landowners; routes through SEZ’s having individual analysis; and overlapping regulations. Mr. Marchio requested a placeholder for these issues so they do not get off the radar screen prior to the 2007 Regional Plan update.

No public comments.

No action, discussion only item.

VII. REPORTS

A. Executive Director

APC member Alan Tolhurst was reappointed until 09/30/05 and APC member Bob Jepsen was reappointed until 06/30/05.

An invitation was extended to the public to observe TRPA Executive Director interviews and selection on October 21 and 22, 2003.

Efforts are in the works to resolve the vacation rental issue. The Regional Plan and the Compact require TRPA to be involved at some level. TRPA Deputy Director Carl Hasty and Governing Board member Hal Cole will lead a stakeholder process to come up with a long-term solution. The issue will be brought to the APC if Code amendments are deemed necessary.

B. Legal Counsel

Jordan Kahn, Assistant Agency Counsel, reported on the progress of the Glenbrook litigation. The Nevada U.S. District Court ruled that TRPA acted appropriately in issuing the permit with conditions that it did.

C. APC Members

APC member Tom Porta requested language in the next APC agenda which indicates that items may be taken out of order. This will be done.

VIII. ADJOURNMENT

Meeting adjourned, 11:50 a.m.
MEMORANDUM

October 27, 2003

To: TRPA Governing Board and Advisory Planning Commission

From: Kathy Canfield, Senior Planner Project Review Division

Subject: Notice of Preparation (NOP), Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for Cedar Grove Affordable Housing Apartment Project and Related Community Plan Amendment

Introduction:

TRPA and Placer County have initiated the environmental review process for preparation of an Environmental Impact Report/Environmental Impact Statement Report (EIR/EIS) for a proposed large-scale affordable housing project in Tahoe Vista. Placer County and TRPA will serve as joint lead agencies for the EIR/EIS; Placer County will be the lead agency for the EIR under the California Environmental Quality Act (CEQA) and TRPA will serve as the lead agency for the EIS under Chapter 5 of the TRPA Rules of Procedure. EDAW was selected by the agencies to prepare the EIR/EIS. This selection was made after review of proposals by several environmental firms in response to a Request for Proposal (RFP) circulated to potentially eligible consulting firms.

A Notice of Preparation (NOP) for the EIR/EIS was sent to interested parties and adjacent property owners on October 28, 2003 (Exhibit C). The public comment period for scoping of the document began October 28, 2003, and ends November 28, 2003. The purpose of the NOP is to gather input from both public and private entities regarding issues and concerns that should be addressed in the environmental document.

Background:

The Governing Board originally scoped this project at the March 2003 meeting and the Advisory Planning Commission (APC) scoped the project at their May 2003 meeting. Since that time, changes to the proposed project area and the density of the site have been made by the proponent. These changes have the ability to be substantial in nature and may cause different comments than those originally provided during the first scoping period. The TRPA public hearing minutes related to the first scoping period have been included as an attachment to this document (Exhibits A & B).

Project Description:

The project area, located north of State Route 28 and west of National Avenue, consists of a 12.5 acre of undeveloped parcel (Assessor’s Parcel Number 112-050-01). The parcel is forested with areas of shrubby vegetation. The land capability for the parcel has been verified as Class 4 and Class 6 (high capability).
The project proponent is the Affordable Housing Development Corporation (AHDC). AHDC was selected by the Placer County Redevelopment Agency through an RFP to develop affordable housing within the Tahoe Basin.

The proposed project is to develop the vacant parcel as affordable rental housing consistent with the TRPA affordable housing definition. The vacant parcel currently lies outside the Tahoe Vista Community Plan. The project proponents are requesting the Community Plan boundary be amended to include this parcel within Special Area Number 6 of the Tahoe Vista Community Plan. Multi-family housing is an allowed use in Special Area Number 6.

The current proposal includes the development of 152 rental housing units. Potential points of access to the site include Grey Lane and Toyon Road, both connecting to National Avenue and then to Highway 28. Wildwood Road via Estates Drive is being considered as an alternative or emergency access road.

This project proposal differs from the original in density and project area. The original proposal included a 6.2 acre parcel which is currently developed as a tourist accommodation resort (owned by the Mourelatos family). This parcel extended from the 12.5 acre site south to Highway 28. Since the original scoping, the Mourelatos family has decided not to participate in the proposed development and this parcel is now excluded from the project area. In addition, the project proponent has increased the number of proposed affordable housing units from 110 to 152. Both of these changes have the potential to significantly change the scope of the environmental document, therefore, a new scoping process is required.

Development of Alternatives:

Once the initial scoping process is completed, alternative concepts will be developed by EDAW in consultation with TRPA staff, Placer County staff and the project proponent. Anticipated alternatives include other locations, combinations of densities of clustered homes, single family homes and multi-family homes such as apartments, duplexes and fourplexes, reduced density and various circulation systems.

Request:

Staff requests that the APC and Governing Board assist in scoping the environmental document and solicit public comments at the public hearing meetings. No other action is required at this time.

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

Kathy Canfield, Senior Planner  or  kcanfield@trpa.org
Project Review Division
Tahoe Regional Planning Agency
P.O. 5310
Stateline, NV  89449

(775) 588-4527  FAX

/kc
10/27/03
Attachments:

Vicinity Map
Exhibit A – March 2003 Governing Board minutes
Exhibit B – May 2003 Advisory Planning Commission (APC) Minutes
Exhibit C – Notice of Preparation
Exhibit D – Initial Environmental Checklist
E. Notice of Preparation, Environmental Impact Statement/Environmental Impact Report (EIS/EIR), Mourelatos Family Partnership and Affordable Housing Development Corporation (AHDC), Scoping for Mourelatos/Cedar Grove Affordable Housing Project and Related Regional Plan Amendments.

Associate Planner Melissa Joyce presented the Notice of Preparation, Environmental Impact Statement/Environmental Impact Report (EIS/EIR), Mourelatos Family Partnership and Affordable Housing Development Corporation (AHDC), Scoping for Mourelatos/Cedar Grove Affordable Housing Project and Related Regional Plan Amendments.

Chair Solaro opened the meeting up for a public hearing.

Mr. Cecil Home, who lives in Tahoe Vista Estates, next to the proposed project, represents a group of people opposed to this project, because of the high density of the project. There is plenty of property in the Kings Beach and Tahoe Vista area that is already zoned for affordable housing. The property should be developed into something that is consistent with the neighborhood that is there. In addition, the Estates Road cannot handle any more traffic.

Mr. Jon Paul Harries, with the League to Save Lake Tahoe, commented that the League would like to see some alternatives to the density; they are concerned about the number of trees that are proposed to be cut down; and, traffic alternatives and alternatives for egress and ingress into the property. He is also concerned about the amount of grading proposed on the property. Mr. Harries would also like to see the development rights that are transferred onto the land to come from sensitive lots. Finally, the League would like to see the mixing of market rate with the affordable housing as opposed to creating two completely separate projects.

Since no one else wished to comment, Chair Solaro closed the public hearing.
Melissa Joyce, Project Review, presented this staff summary

Discussion ensured amongst APC regarding:

- Phasing the project would not cause the depletion of the allocations for the entire county. The phasing will be done by using the affordable housing and the bonus unit plan. There will also be opportunity for multi-family housing units. There would need to be a realistic phasing plan give the number of allocations available.

- Ms. Krause asked for a location map in the future.

Public Comment

James Donahue, resident, stated this is the first he has heard of this. He received 50 pages this morning and he agrees that a map needs to be given of where the streets are so it is not so confusing. Some of the numbers and math that are associated with this do not add up. He would like to have some kind of an understanding of just where everything is and what the numbers associated with the plan are.

Ms. Baldrica asked that staff rectify this matter down the road or even today with a better map from the file.

Scott Gobel from EDAW, project manager for this document, stated that this is the initial stage of this project. They are asking for initial comments at the moment. A site plan had been developed but the applicant has asked that the public drive the project. The next scoping meeting will be a neighborhood open house meeting and a map will be available there.

Ms Baldrica asked for an explanation of the maps provided. Melissa Joyce stated that on page 25, that map is a copy of the Assessors Parcel map and indicates the vacant parcel. Page 26 shows the resort property, the vacant property is adjacent to the North. She will provide a location map in the future.

Mimi Moss stated that the surrounding uses should be shown in the future.

George Drews, property owner, stated he is concerned that the whole Tahoe basin is a resort area. This proposal is right in the middle of prime area. There is so much dilapidated area near by that may be better locations for this. This would require tearing down forest and that would not be good.

Discussion ensued amongst APC regarding:

- The map should show access to this property.
• Mike Wells from Placer County who will be working on this project was introduced

• This item essentially is being brought as the very beginning of many public comments. There is an unprecedented amount of activity in Placer and in Tahoe Vista in particular. Tahoe Vista seems to be transforming and there will be a meeting tonight at the Advisory Council dealing with these changes.

• How this matches the regional fare share report of 1997 should be shown in future reports on this item.

• The majority of units being available to the lowest income bracket of people is impressive as is the diversity being offered in this type of housing.

• There is a desire to see TOD characteristics that could be applied to the project presented.

No action was necessary.
TAHOE REGIONAL PLANNING AGENCY

NOTICE OF PREPARATION

FOR THE

CEDAR GROVE APARTMENTS AFFORDABLE HOUSING PROJECT
ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (EIS/EIR)

PROJECT NAME AND DESCRIPTION

The Affordable Housing Development Corporation, Inc. (AHDC), proposes to develop approximately 12.5 acres in Tahoe Vista for an affordable housing complex. The project site is located on the Kings Beach 7.5-minute U.S.G.S topographic quadrangle map, north of State Route 28 and west of National Avenue in Tahoe Vista, California. The site is currently undeveloped, forested land with dense stands of pine, fir, and cedar. Adjacent properties to the east and west have been developed for residential housing. The North Tahoe Regional Park is directly north of the project site, and the Mourelatos resort is to the south.

The project would require an amendment to the Tahoe Vista Community Plan for the annexation of the land to the Tahoe Vista Community and a TRPA Plan Area Statement (PAS) amendment for the Tahoe Estates PAS 021 Special Area 6.

The proposed development would consist of approximately 152 rental housing units. All of the units would be affordable to families with incomes at or below 80% of the median income. An internal looped roadway system with separate points for both entry and exit is proposed as part of the project. The main access from State Route 28 would be provided by National Avenue. Points of access to the complex from National Avenue that are being considered include: Grey Lane and Toyon Road, with Wildwood Road via Estates Drive being an alternative or emergency access road. A Class 1 bike trail and onsite parking that would comply with Placer County parking standards, are also proposed for the site.

ALTERNATIVES

Alternatives to be considered would involve several combinations and densities of clustered homes, single-family homes, and multiple-family homes such as apartments, duplexes, and fourplexes. Structures would likely be one or two stories high and consist of two-, three- or four-bedroom units. Alternatives will also consider various circulation systems with different options for entrance and exit to the site as well as internal circulation and bike trail routes. The EIR/EIS will also consider alternative locations for the project.

PROBABLE ENVIRONMENTAL EFFECTS

The following subject areas will be analyzed in the EIR/EIS:
**Water Quality.** The proposed project would involve development and introduction of urban surfaces (e.g., streets, roofs, driveways) on a natural site, resulting in soil erosion, urban pollutants such as grease, solvents and oil, and other potential water quality impacts. Best Management Practices (BMPs) and mitigation measures will be developed to address impacts to water quality that are identified in the EIR/EIS.

**Soils and Geology.** The proposed project would involve the clearing and grading of an undeveloped forested site. The EIR/EIS will describe potential environmental effects related to land capability and coverage, soils and geology, topographic alteration, slope stability, and erosion potential.

**Air Quality.** The proposed project would involve construction emissions and generation of fugitive dust, as well as generate more traffic in the area, contributing pollutants to the air basin. The EIR/EIS will include an assessment of short-term (i.e., construction) air quality impacts and long-term (i.e., operational) regional air pollutant emissions, including mobile, stationary, and area source emissions.

**Noise.** The EIR/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 and 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.

**Transportation.** The proposed project would generate more use on existing roads and intersections as well as develop new private roads for the housing complex. The transportation analysis will evaluate traffic impacts at local intersections and roadway segments in terms of anticipated a.m. and p.m. traffic generation, and roadway and intersection capacity. New road circulation, pedestrian circulation, bicycle access and regional transportation impacts will also be assessed.

**Vegetation.** The proposed project would remove approximately 50% of the existing forest habitat on the site. Impacts to the forested habitat and native vegetation (including tree removal) will be analyzed further in the EIR/EIS.

**Wildlife.** Removal of site vegetation has the potential to affect wildlife habitat. The wildlife assessment will include the potential project impacts on existing habitat, special-status wildlife species, and sensitive biological communities.

**Scenic Resources.** The proposed project would remove several acres of trees and replace an undeveloped forested area with a 152-unit housing complex. Visibility from State Route 28, a scenic highway corridor, will be determined. Potential impacts from construction and operation of the proposed project 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 project, alteration of the visual setting, and sensitivity of viewpoints.

**Cultural and Historic Resources.** The proposed project is located on an undeveloped site in the north Tahoe region, a region known to contain prehistoric and historic cultural resources. The EIR/EIS will analyze the potential for cultural resources to be located on or near the site. The analysis will focus on the areas of the site to be altered by structures and surface disturbance.

**Land Use.** The proposed project would involve an amendment to the Tahoe Vista Community Plan and TRPA Plan Area Statement 021. Land use impacts to be addressed in the EIR/EIS include changes to onsite uses, land use compatibility, and community character. Community character will be addressed in terms of the nature and type of proposed uses and integration of proposed uses with existing and planned surrounding lands.
**Growth-Inducement.** The proposed project would provide approximately 152 additional affordable housing units in the Tahoe Vista area. The project could induce or result in the growth of population in the region, thereby causing an increased demand for employment opportunities and other public needs such as recreation in the region. The impacts related to growth inducement will be analyzed further in the EIR/EIS.

**Public Services and Utilities.** The public services and utilities section of the EIR/EIS will evaluate the need for expanded infrastructure, including wastewater collection, solid waste collection and disposal, police services, fire protection services, schools and daycare. The demand will be analyzed in terms of current and post-project service levels, adequacy of infrastructure, and plans for future expansion and/or improvements.

**LEAD AGENCIES**

Tahoe Regional Planning Agency (TRPA) will serve as the lead agency for the EIS, and the County of Placer will serve as lead agency for the EIR.

**YOUR VIEWS ARE REQUESTED**

TRPA and Placer County need to know the views of public agencies and general public as to the scope and content of the environmental information that should be addressed in the EIR/EIS in connection with the proposed project. If you are an agency with jurisdiction by law over natural or other public resources affected by the project, TRPA and Placer County need to know what environmental information germane to your statutory responsibilities should be included in the EIR/EIS.
Public scoping meetings have been scheduled for the following dates:

- November 12, 2003, at the TRPA Advisory Planning Commission (APC) meeting at 9:30 a.m. in the TRPA Governing Board Room, 128 Market Street, Stateline, Nevada.

- November 13, 2003, at the North Tahoe Regional Advisory Council (NTRAC) meeting at 6:00 pm at the North Tahoe Conference Center at 8318 North Lake Boulevard (U.S. Highway 28) Kings Beach, California.

- November 19, 2003, at the TRPA Governing Board meeting at 9:30 a.m. at the North Tahoe Conference Center at 8318 North Lake Boulevard (U.S. Highway 28) Kings Beach, California.

- A public open house will be scheduled at a later date to provide a forum for additional input regarding the scope and content of the environmental document. A public notice will be circulated to announce the open house meeting.

**REVIEW PERIOD**

Due to the time limits mandated by law, your response is requested at the earliest possible date, but no later than November 28, 2003. Please send your written response to:

Kathy Canfield  
Senior Planner  
Tahoe Regional Planning Agency  
P.O. Box 5310, Stateline, NV 89449-5310  
Telephone: (775) 588-4547  
Fax: (775) 588-4527  
E-mail: kcanfield@trpa.org

**FOR FURTHER INFORMATION**

If you have further questions or require additional information regarding this matter, please contact Kathy Canfield using the contact information provided above. This Notice of Preparation was circulated beginning: October 28, 2003.
EXHIBIT D

TRPA INITIAL ENVIRONMENTAL CHECKLIST AND EXPLANATIONS

TRPA INITIAL ENVIRONMENTAL CHECKLIST

for

The Initial Determination of Environmental Impact

Assessor Parcel Numbers/Property Owners:

Project Site: 112-050-001 Mourelatos Family Limited Partnership
Idlewood Road, Tahoe Vista, CA

I Project Name and Description:

Cedar Grove Apartments Affordable Housing Project: The Affordable Housing Development Corporation, Inc. (AHDC), proposes to develop approximately 12.5 acres in Tahoe Vista for an affordable housing complex. The project site is located on the Kings Beach 7.5-minute U.S.G.S topographic quadrangle map, north of State Route 28 and west of National Avenue in Tahoe Vista, California. The site is currently undeveloped land with dense stands of pine, fir, and cedar. The area is generally level with approximately 5% slope. Adjacent properties to the east and west have been developed for residential housing. The North Tahoe Regional Park is directly north of the project site, and the Mourelatos resort is to the south.

The project would require an amendment to the Tahoe Vista Community Plan for the annexation of the land to the Tahoe Vista Community Plan and a TRPA Plan Area Statement (PAS) amendment for annexation to the Tahoe Estates PAS 021 Special Area 6.

The proposed development would consist of 152 rental housing units. All of the units would be affordable to families with incomes at or below 80% of median income.

An internal looped roadway system with separate points for both entry and exit is proposed as part of the project. National Avenue would provide the main access from State Route 28. Points of access to the complex from National Avenue that are being considered include: Grey Lane and Toyon Road, with Wildwood Road via Estates Drive being an alternative or emergency access road. A Class 1 bike trail and onsite parking that would comply with Placer County parking standards are also proposed for the site.

II Environmental Impacts:

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

Will the proposal result in:

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

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The proposed project will involve ground and soil disturbance for grading and site preparation. Project compliance with land capability standards will be assessed in the EIS/EIR.

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

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The proposed project is surrounded by resort uses to the south, residential development on the east and west, and open space to the north. Project construction would involve grading and site preparation. TRPA standards require site disturbance be limited to building footprints and paved areas and that temporarily disturbed areas be revegetated after construction. Grading and site disturbance will be analyzed further in the EIS/EIR.

c. **Unstable soil conditions during or after completion of the proposal?**

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Grading and site preparation result in some degree of soil instability in that disturbed soils are susceptible to wind and water erosion. However, the project would be required to implement temporary and permanent best management practices to avoid unstable soil conditions during and after completion. Impacts to soil stability will be analyzed further in the EIS/EIR.

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

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The proposed project would involve changes in undisturbed soil and excavation that could exceed a depth of 5 feet for site grading and installation of foundations for project features, roads, and utilities. Impacts to soil and geology will be analyzed further in the EIS/EIR.

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

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Ground clearing during construction would increase the likelihood of wind or water erosion of onsite soils. Wind and water erosion impacts will be assessed in the EIS/EIR.

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

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The proposed project is located more than a ¼ mile north of Lake Tahoe and no rivers, creeks, or streams traverse the site. Therefore, the project would not result in modifications to surface waters.

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

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The project site is not located in an area prone to avalanches or mudslides, and the project would not affect the backshore. The proposed project could potentially expose people or property to geologic hazards such as earthquakes, landslides or ground failure. Geologic hazard impacts will be assessed in the EIS/EIR.

2 **Air Quality**

Will the proposal result in:

a. **Substantial air pollutant emissions?**

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The proposed project would involve construction emissions and generation of fugitive dust, and would generate more traffic in the area, contributing pollutants to the air basin. The EIS/EIR will include an assessment of short-term (i.e., construction) air quality impacts and long-term (i.e., operational) regional air pollutant emissions, including mobile, stationary, and area source emissions.

b. Deterioration of ambient (existing) air quality?

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See discussion provided for a. above.

c. The creation of objectionable odors?

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The proposed project would involve the use of diesel equipment for construction and could have other components that may create objectionable odors. The EIS/EIR will assess objectionable odor impacts.

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

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The proposed project would not involve construction of any structures or features that would substantially alter air movements and no element of the proposed project would affect air moisture or temperature, or result in a change in climate.

e. Increased use of diesel fuel?

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The proposed project would result in increased use of diesel fuel for construction equipment and possibly for back-up generators on site. Impacts related to increased use of diesel fuel will be analyzed further in the EIS/EIR.
3 **Water Quality**

Will the proposal result in:

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

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The proposed project site is not located near any watercourses such as lakes, rivers, streams, or drainages. Therefore, the project would not result in any changes to currents or courses of water movements.

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

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Excavation and grading would occur as part of site preparation for the proposed project, which could result in changes to drainage patterns or surface water runoff. The project would also increase the amount of impermeable surfaces, increasing the rate and amount of surface runoff. The project would be required to include permanent best management practices to capture runoff up to a 20-year, 1-hour storm event. Impacts related to drainage patterns and surface water runoff will be analyzed further in the EIS/EIR.

c. *Alterations to the course or flow of 100-year flood waters?*

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The project would not directly affect any streams and is not expected to alter the course or flow of 100-year flood waters. The EIS/EIR will verify that the proposed project lies outside the 100-year flood plain mapped by FEMA or the U.S. Army Corps of Engineers.

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

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The closest water body, Lake Tahoe, is located more than ¼ mile from the project site. The proposed project would not change the amount of surface water in Lake Tahoe.

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

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No creeks, streams, or other surface waters traverse the site. However, the project could generate runoff from construction activities and from changes in land use or sheetflow that could ultimately reach surface waters. The EIS/EIR will analyze impacts to surface water quality.

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

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The depth to groundwater is not known. TRPA ordinances require a soils/hydrologic investigation for proposed excavation greater than 5 feet below ground surface. The project may include excavation greater than 5 feet in depth; excavations are not expected to exceed 10 feet in depth. These relatively shallow excavations would not be expected to alter the rate or direction of flow of groundwater. However, the EIS/EIR will analyze and investigate potential impacts to groundwater.

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

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See response to Item f, above.

h. Substantial reduction in the amount of water otherwise available for public water supplies?

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The addition of 152 housing units would require public water service. Although the volume of water is not expected to be substantial, impacts to public water supplies will be analyzed in the EIS/EIR.

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

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The project site is not close enough to Lake Tahoe or other water bodies to expose residents to seiches. See Item c above for discussion of 100-year flood plain.

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

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The proposed project activities would involve onsite earthwork that may result in temporary changes in groundwater quality at the site or the accidental release of contaminants to groundwater exposed during excavation. Urban runoff from the proposed housing project could also potentially discharge contaminants to the groundwater. Impacts to groundwater quality will be analyzed further in the EIS/EIR.

4 Vegetation

Will the proposal result in:

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

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The proposed project will result in the removal of vegetation for site preparation and construction. Project compliance with land capability and IPES standards will be assessed in the EIS/EIR.

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?
Removal of vegetation has the potential to affect wildlife habitat. The EIS/EIR will include an assessment of the potential project impacts on biological resources, including wildlife habitat.

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

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Landscaping may be proposed as part of the project, which would likely require fertilizer and irrigation. Impacts related to fertilizer use and irrigation and impacts to existing native plant species will be analyzed further in the EIS/EIR.

d. **Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?**

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Removal of forested habitat on the project site would change the diversity and distribution of native plant species. Impacts to plant diversity and distribution will be analyzed further in the EIS/EIR.

e. **Reduction of the numbers of any unique, rare or endangered species of plants?**

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A biological assessment was conducted for the project site in November of 2002. Several special-status plants were identified as having the potential to occur on the site. Impacts to special-status plants will be analyzed further in the EIS/EIR.

f. **Removal of streambank and/or backshore vegetation, including woody vegetation such as willows?**
Upland forest vegetation would be removed for site preparation, however no riparian, streambank or backshore vegetation occupies the site. Therefore, no impacts to streambank or backshore vegetation would result from the proposed project.

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

The project site is located in TRPA Plan Area Statement 021 Tahoe Estates, which is classified as a residential land use. An amendment to the Tahoe Vista Community Plan is proposed to include the project site within the community plan boundaries. Therefore, the project would not affect a Conservation or Recreation land use classification.

h. A change in the natural functioning of an old growth ecosystem?

A biological resources assessment for the project site was conducted in November 2002. The assessment indicated the existing forest habitat does not display characteristics of an old-growth eco-system.

5 Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?
Removal of site vegetation and other proposed changes in land use have the potential to affect wildlife diversity and distribution. The EIS/EIR will analyze the potential project impacts on the diversity and distribution of animal species on the site.

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

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A biological resource inventory indicated that habitat for sensitive wildlife species may be present at the site and could be affected by the removal of site vegetation. The EIS/EIR will include the potential project impacts on the reduction of rare or endangered species.

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

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Construction of homes in an existing forested habitat that is adjacent to the North Tahoe Regional Park could impede animal migration or movement. New forest openings could promote the introduction or expansion of undesirable species that affect native species, such as the brown-headed cowbird. The EIS/EIR will further analyze this issue.

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

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The proposed project would remove existing forest habitat on the site, which could result in the deterioration of wildlife habitat quantity and quality. Impacts to wildlife habitat will be analyzed further in the EIS/EIR.

6 **Noise**

Will the proposal result in:

a. *Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?*
The proposed project would result in intermittent short-term noise effects primarily associated with the operation of onsite construction equipment and offsite construction vehicles. The noise produced during construction would vary daily depending on the type of construction activity. Increased human activity and vehicular traffic generated by the project would also increase ambient noise levels. Noise impacts will be analyzed further in the EIS/EIR.

b. Exposure of people to severe noise levels?

Please see discussion a. above.

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

Please see discussion a. above.

7 Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

Exterior lighting is proposed for the housing complex, which could result in impacts to surrounding land uses. Impacts to surrounding land uses from lighting will be analyzed in the EIS/EIR.

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?
Implementation of the proposed project would involve the installation of various sources of light, including street lights. Project lighting could create illumination greater than the existing surrounding area. Impacts to surrounding land uses related to proposed lighting will be analyzed in the EIS/EIR.

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

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The North Tahoe Regional Park is located north of the project site. Proposed project lighting could cast light onto park lands. The EIS/EIR will analyze the proposed project’s light impacts to offsite lands.

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

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Proposed project components could create new sources of glare through siting or use of materials. Impacts related to the creation of glare to surrounding land uses will be assessed in the EIS/EIR.

8  **Land Use**

Will the proposal:

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

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The project site is not currently designated for multi-family residential development at the proposed density. In addition, the proposed project would require an amendment to the Tahoe Vista Community Plan and TRPA Plan Area Statement 021 Tahoe Estates. The EIS/EIR will analyze the project’s consistency with permissible land uses in the area.
b. Expand or intensify an existing non-conforming use?

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The project site is currently undeveloped. There are no existing non-conforming uses on the site and therefore would not be intensified by the proposed project.

9 Natural Resources

Will the proposal result in:

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

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The construction and operation of a housing complex could result in the increase in rate of use of natural resources (e.g., land, soil, water). Energy in the form of diesel fuel, gasoline, oil, electricity, and natural gas would be consumed during proposed project construction to operate heavy equipment and machinery and by residents after project completion. Impacts to natural resources will be assessed in the EIS/EIR.

b. Substantial depletion of any non-renewable natural resource?

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The proposed project would not involve the use of non-renewable natural resources, with the exception of fuel and building materials for construction. It would not be considered a substantial depletion of non-renewable resources to construct a 152-unit complex. Therefore, this topic will not be analyzed further in the EIS/EIR.

10 Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?
The proposed project site is undisturbed with no known historic uses involving hazardous materials (e.g., underground storage tanks, pump stations, railroad tracks). No evidence exists of hazardous materials on the site that could be accidentally released or exposed during project activities. In addition, the project would not involve any routine transport, use, or disposal of hazardous materials. Although hazardous materials such as fuel and other materials would be present on the site during construction, this would be temporary and all materials would be used in accordance with applicable federal, state, and local laws including Cal-OSHA requirements and manufacturer’s instructions. Therefore, the project does not pose a risk of accident or upset conditions involving the release of hazardous materials.

b. Involve possible interference with an emergency evacuation plan?

Construction activities within roadways could temporarily obstruct or slow vehicles attempting to evacuate or access the project area in the event of an emergency. Construction would occur in phases so that a limited area of roadway would be disturbed at any one time. In addition, the developer would notify all emergency service providers prior to the start of construction activities, to advise them of roadway construction activities. This issue will be evaluated further in the EIS/EIR.

11 Population

Will the proposal:

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

The population of Tahoe Vista would likely increase as a result of the 152-unit affordable housing complex. The EIS/EIR will analyze the project’s impacts to population distribution and the rate of growth planned for the region.

b. Include or result in the temporary or permanent displacement of residents?
Construction and implementation of the proposed project on the undeveloped site would not result in the temporary or permanent displacement of residents in the project area. The purpose of the project is to provide additional housing in Tahoe Vista. Displacement of residents will not be analyzed further in the EIS/EIR.

**12 Housing**

Will the proposal:

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

   The purpose of the proposed project is to supply additional housing in Tahoe Vista. No houses exist at the project site, so none would be removed by the project. The project is not expected to increase demand for housing.

b. **Result in the loss of affordable housing?**

   The project would supply additional affordable housing units in Tahoe Vista. Therefore, the proposed project would not result in the loss of affordable housing in the area.

**13 Transportation/Circulation**

Will the proposal result in:

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

   A new housing complex of 152 units would generate an increase in daily vehicle trips by more than 100. A preliminary traffic study, conducted in November 2002 using a proposed complex of 110 units, estimated 690 additional vehicle trips would be generated by the project. This report, along with any needed additional studies, will be used to address impacts related to increased traffic generation in the EIS/EIR.
b. Changes to existing parking facilities, or demand for new parking?

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The proposed project includes 278 parking spaces. This is calculated by using a factor of 0.67 parking spaces per bedroom (400 bedrooms are proposed), plus an additional 10 parking spaces (i.e., 0.67 spaces/bedroom x 400 bedrooms + 10 spaces = 278 spaces). A parking study was performed in November 2002 using a proposed complex of 110 units to analyze the parking supply and demand for the proposed project. This report and additional studies will be used in the EIS/EIR to analyze impacts to parking generated by the project.

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

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The increase in housing and population generated by the proposed project could have impacts to the transportation systems in the Tahoe Vista and north Tahoe region. Impacts to transportation, bicycle and pedestrian systems will be analyzed further in the EIS/EIR.

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

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Proposed access from State Route 28 at National Avenue and the addition of new private roads could alter the existing patterns of circulation in Tahoe Vista. Impacts to traffic and pedestrian circulation will be analyzed further in the EIS/EIR.

e. Alterations to waterborne, rail or air traffic?

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The proposed project does not involve waterborne, rail, or air transportation. Therefore, no impacts or alterations would occur related to waterborne, rail, or air transportation as a result of the project.

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?
The additional trip generation and installation of new roads proposed as part of the project could result in increased traffic hazards to motor vehicles, bicyclists and pedestrians. This topic will be analyzed further in the EIS/EIR.

14 Public Services

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

a. Fire protection?

The expansion of housing and public utility infrastructure in Tahoe Vista may result in the need for additional or altered fire protection services. Existing services provided by the North Tahoe Fire Protection District and the potential need for additional fire protection services will be addressed in the EIS/EIR.

b. Police protection?

Police protection for the Tahoe Vista area may be affected by the project due to the expansion of available housing and increase in population. The EIS/EIR will address the existing police protection services and the potential need for additional services as a result of the project.

c. Schools?

The proposed project would increase the population of Tahoe Vista, and therefore could put additional demands on existing schools and day care centers, or require new schools or daycare centers. The effects of the proposed project on schools and day care in the Tahoe Vista area will be analyzed further in the EIS/EIR.

d. Parks or other recreational facilities?
The proposed project site currently provides access via an informal trail to the North Tahoe Regional Park. Impacts to the trail, park and other recreation facilities in the project vicinity as well as the potential need for additional parks will be analyzed in the EIS/EIR.

e. Maintenance of public facilities, including roads?

The proposed project would result in an increased use of existing roads, public facilities, and government services. The EIS/EIR will analyze project impacts related to existing and proposed public facilities and government services.

f. Other governmental services?

See discussion e. above.

15 Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

The long-term operation of a housing complex could use substantial amounts of fuel or energy or result in an increase in demand upon existing energy sources. Energy in the form of diesel fuel, gasoline, oil, electricity, and natural gas would be consumed during proposed project construction to operate heavy equipment and machinery. The relationship between short-term uses and long-term productivity and any significant irreversible and irretrievable commitment of resources related to use of fuel or energy will be identified and documented in the EIS/EIR.

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

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See discussion a. above.

16 Utilities

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

a. Power or natural gas?

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The proposed 152-unit housing complex located on an existing undeveloped site would result in the need for expanded utilities including electricity, natural gas, communication systems, water, sewage, water drainage, and solid waste disposal. The EIS/EIR will address impacts related to demand and installation of utility systems for the proposed project.

b. Communication systems?

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See discussion a. above.

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

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See discussion a. above.

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

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See discussion a. above.

e. *Storm water drainage?*

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f. *Solid waste and disposal?*

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See discussion a. above.

### 17 Human Health

Will the proposal result in:

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

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The proposed project site is undisturbed with no known historic uses involving hazardous materials (e.g. underground storage tanks, pump stations, train tracks). No evidence exists of hazardous materials on the site. In addition, the proposed housing project would not involve any routine transport, use or disposal of hazardous materials. Although hazardous materials such as fuel and other materials would be present on the site during construction, this would be temporary and all materials would be used in accordance with applicable federal, state, and local laws including Cal-OSHA requirements and manufacturer’s instructions. The project does not pose a risk of accident or upset conditions or create any potential health hazards.

b. *Exposure of people to potential health hazards?*

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See discussion a. above.
18 Scenic Resources/Community Design

Will the proposal:

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

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The proposed project would replace a forested area with a 152-unit housing complex. Visibility from State Route 28, a scenic roadway travel unit, and Lake Tahoe will be determined. Potential scenic impacts from construction and operation of the proposed project will be evaluated in the EIS/EIR.

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

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The North Tahoe Regional Park is located directly north of the project site, and a bike trail currently runs through the forested site. The EIS/EIR will analyze the project impacts to views from public recreation areas and bike trail facilities.

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

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See discussion b. above.

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

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The proposed housing complex height and design features will be analyzed in the EIS/EIR for consistency with the Placer County and TRPA standards.

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

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The proposed project components will be analyzed in the EIS/EIR for consistency with the Scenic Quality Improvement Program and Design Review Guidelines.

19 **Recreation**

Will the proposal:

a. *Create additional demand for recreation facilities?*

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The project would provide housing for new residents in Tahoe Vista. Impacts to recreation facilities in the project vicinity as well as the potential need for additional parks will be analyzed in the EIS/EIR.

b. *Create additional recreation capacity?*

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The proposed project is expected to include onsite recreation facilities for residents but does not include additional recreation opportunities for the public.

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

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The project is not expected to create conflicts between recreation uses but this issue will be examined in the EIS/EIR as it relates to increased demand discussed in a. above.

d. *Result in a decrease or loss of public access to any lake, waterway, or public lands?*

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A new public bike trail would be constructed through the site for access to the North Tahoe Regional Park. The site does not currently provide any formal, dedicated public access to the
The site does not provide public access to the lake or any waterway. The project will not result in a decrease or loss of public access.

20 **Archaeological/Historical**

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

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A heritage resource inventory was conducted for the project site in December 2002. No archaeological or historic sites were determined to be significant resources under CEQA or the TRPA Code. The project is not anticipated to have impacts to cultural resources. However, there is the potential for unknown resources to be discovered during construction. Impacts to cultural resources will be analyzed in the EIS/EIR.

*b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?*

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Please see discussion a. above.

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

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Please see discussion a. above.

*d. Will the proposal restrict historic or prehistoric religious or sacred uses within the potential impact area?*

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Please see discussion a. above.
21 Findings of Significance

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

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Removal of site vegetation and site development has the potential to degrade water quality and air quality; and affect plant and wildlife diversity and distribution, sensitive plant wildlife species, wildlife habitat and plant communities on the site, and cultural resources. The EIS/EIR will include an assessment of the potential project impacts on these issues.

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

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Short-term use is characterized by the development of a residential community and other facilities as proposed. Long-term productivity involves sustaining relationships of the natural resource base in a condition sufficient to support social and economic health (TRPA 1999). The proposed project would remove existing vegetation to build an affordable housing complex. This proposed use could result in a short-term use of the site to the disadvantage of long-term goals. The EIS/EIR will assess the proposed project’s potential to achieve short-term goals to the disadvantage of long-term, environmental goals.
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant).

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The proposed project may have impacts to numerous resources that could be significant when considered on a cumulative basis. The EIS/EIR will address cumulative impacts resulting from the proposed project.

d. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

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The project could adversely affect human beings through increased noise, air emissions, and traffic. The EIS/EIR will address these issues.

### III Certification

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

_________________________________________  Date

Written Comments: (use additional sheets as necessary)

### IV Determination (To Be Completed By TRPA)

On the basis of this evaluation:

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

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b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA’s Rules and Procedures.

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c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA’s Rules of Procedure.

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______________________________  ______________________________
Signature of Evaluator                  Date

______________________________
Title of Evaluator
October 22, 2003

To: Advisory Planning Commission Members

From: The Staff

Subject: Amendment of Chapter 4, Appendix A, to modify the list of projects to be heard by the by Governing Board or Hearings Officer

Proposed Action: In an effort to streamline the project review process, staff is proposing to amend Appendix A of Chapter 4, which sets forth what level of review certain project categories must receive. Specifically, staff is proposing amendments to Chapter 4, Appendix A to increase the type of projects which can be heard by the Hearings Officer and at the staff level and thus reduce the types of projects requiring Governing Board review.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend that the Governing Board adopt the proposed amendments to Appendix A of the Code.

Discussion: Appendix A of Chapter 4 sets forth the categories of projects or matters that require Governing Board, Hearing Officer or staff review. Those projects or matters requiring Governing Board review are generally the most complex and controversial. Those projects or matters requiring Hearing Officer review are generally less complex and controversial, however, still require that a public hearing be held. Those projects or matters processed at the staff level are generally the least complex or controversial and do not require a public hearing.

In the past, the Governing Board has expressed an interest to spend time on Regional Plan and policy issues, and not on issues that could more effectively be processed at a different level. To this end, staff is proposing that the following modifications to Appendix A be made (see Attachment A).

- Governing Board level items to be moved to Hearings Officer review:
  - Land capability challenges and man-modified challenges, except land capability challenges pursuant to Subsection 20.2.D submitted under the special provisions for designated land banks (Chapter 20 and 53)
  - Modification to SEZs, excluding modifications for residential projects in accordance with Subsection 20.4.B (1) and involving erosion control and other environmentally oriented projects and facilities in accordance with Subsection 20.4.B (4)
  - Additional coverage in excess of 1,000 square feet in land capability districts 1-3
In addition, the level for review of buoys is not specified in Appendix A. Traditionally, all shorezone structures were taken to the Governing Board for review. Staff is recommending that buoys be reviewed at the staff level except when determined by the Executive Director that the project is controversial. As is currently the case, any project or matter reviewed either at the staff level or Hearings Officer level may be appealed to the Governing Board. It should be noted that since the inception of the Hearing Officer process (1997), no Hearings Officer decision has been appealed.

The proposed amendments are consistent with the TRPA Goals and Policies. The amendments will not effect the requirement that all matters or projects must comply with current TRPA regulations.

Findings: Prior to amending Chapter 4, Appendix A, TRPA must make the following Findings.

**Chapter 6 Findings**

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

   **Rationale:** The amendment to Chapter 4, Appendix A, will not adversely affect implementation of the Regional Plan. Staff’s proposed amendments are consistent with the Regional Plan and TRPA plans and programs. The amendment will foster more efficient and streamlined review of certain projects and matters.

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

   **Rationale:** The amendments will not cause the environmental thresholds to be exceeded. All regulations and ordinances currently in effect will remain in effect.

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

   **Rationale:** Any project or matter that may come forth due to this provision will be required to meet air and water quality standards as set forth in the TRPA Compact.

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

   **Rationale:** See findings 1 and 2 above.
5. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See findings 1 and 2 above.

Ordinance 87-8 Findings

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

Rationale: See Chapter 6 Findings. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

2. Finding: One or more of the following.
   a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;
   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
   d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;
   e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:
      1) The cost of implementation outweighs the environmental gain to be achieved.
      2) Implementation will result in unacceptable impacts on public health and safety; or
      3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
   f) That the provision to be amended has shown through experience to be counter-productive or ineffective and the
amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding f) is the most appropriate. By modifying Appendix A to allow certain projects and matters to be reviewed at the Hearings Officer or staff level, the project review process will be streamlined and the Governing Board may be able to devote more time to resolution of regional issues.

Environmental Documentation: TRPA staff has completed an Initial Environmental Checklist (IEC) and proposes a Finding of No Significant Effect (FONSE).

Requested Action: Staff requests that the APC forward a recommendation to the Governing Board to approve the proposed amendments to Chapter 4, Appendix A.

If you have any questions regarding this item, please contact Rick Angelocci@ (775) 588-4547 ext. 222 or Rangelocci@trpa.org.
I. GENERAL

Governing Board Review

1. Project for which an EIS was prepared and EIS certification (Chapter 5)
2. Plan amendments, ordinances and resolutions
3. Community Plans, including preliminary plan or work program, redevelopment, master or special plans
4. Problem assessments and remedial action plans, excluding voluntary problem assessments and remedial action plans (Chapter 9)
5. Land capability challenges and man-modified challenges, except land capability challenges pursuant to Subsection 20.2.D submitted under the special provisions for designated land banks (Chapter 20 and 53)
6. Additional coverage in excess of 1,000 square feet in land capability districts 1-3
7. Increase in supply of land coverage (Chapter 20)
8. Memorandum of Understanding
9. Substantial harvest or tree removal plans (71.2.B and 71.3.I)
10. Modification to SEZs, excluding modifications for residential projects in accordance with Subsection 20.4.B(1) and involving erosion control and other environmentally oriented projects and facilities in accordance with Subsection 20.4.B(4)
11. Spill contingency plans (Chapter 81)
12. Mitigation fund expenditures and projects (Chapter 82 and 93)
13. Permit revocation (Chapter 8)
14. Designated historic resource determinations (Chapter 29)
15. Projects resulting in significant increase in traffic (Chapter 93)
16. Allocation systems (Chapter 33)
17. Establishing the level defining the top ranked parcels pursuant to Subsection 37.8.B, lowering the line defining the top ranked parcels pursuant to Subsection 37.8.C and determining allowable base land coverage pursuant to Subsection 37.11.A.
18. Finding of the demonstration of commitment for affordable housing pursuant to Subsection 43.4.F.
Hearings officer

1. Special uses, including changes, expansions or intensifications of existing uses (Chapter 18)
2. Additional height for structures, in excess of that provided for in Table A (Chapter 22)
3. Additions, reconstruction, or demolition of historic resources (Chapter 29)
4. Modification to SEZs, excluding modifications for residential projects in accordance with Subsection 20.4.B(1) and involving erosion control and other environmentally oriented projects and facilities in accordance with Subsection 20.4.B(4)
5. Land capability challenges and man-modified challenges, except land capability challenges pursuant to Subsection 20.2.D submitted under the special provisions for designated land banks (Chapter 20 and 53)
6. Additional coverage in excess of 1,000 square feet in land capability districts 1-3

II. RESIDENTIAL PROJECTS INVOLVING

Governing Board Review

1. Affordable or employee housing greater than four units
2. Mobile home developments

Hearings Officer

1. Multi-residential greater than four units
2. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses

III. TOURIST ACCOMMODATION PROJECTS INVOLVING

Governing Board

1. Projects generating more than 200 daily vehicle trips
2. Special use projects generating more than 100 daily vehicle trips
3. Special project allocations

Hearings Officer

1. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses

IV. COMMERCIAL PROJECTS INVOLVING

Governing Board

1. Allocations or transfer of floor area greater than 2,500 square feet
2. Projects generating more than 200 daily vehicle trips
3. Special use projects generating more than 100 daily vehicle trips
4. Special projects allocations

Hearings Officer
1. Allocations or transfer of floor area less than 2,500 square feet
2. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses

V. PUBLIC SERVE PROJECTS INVOLVING

Governing Board
1. New facilities or additions involving over 2,000 square feet of floor area or 3,000 square feet of new land coverage
2. Airport Expansion

Hearings Officer
1. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses

VI. RECREATION PROJECTS INVOLVING:

Governing Board
1. New facilities or additions involving over 2,000 square feet of floor area or 3,000 square feet of new land coverage
2. Projects requiring an allocation of PAOTs from the overnight pool of 1,000 PAOTs

Hearings Officer
1. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses

VII. SHOREZONE PROJECTS INVOLVING

Governing Board
1. Tour boat operations (new or expansion)
2. Waterborne transit (new or expansion)
3. Seaplane operation (new or expansion)
4. Marinas (new or expansion)
5. Boat launching facilities (new or expansion)
6. Recognition of multiple-use facilities (Chapter 54)
7. Expansion requiring a deviation of development standards, except low level boatlift additions and reconfigurations of existing structures to increase...
conformance

Hearings Officer

1. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses
2. New structures (except those identified for Governing Board review)
MEMORANDUM

October 22, 2003

To: Advisory Planning Commission Members

From: The Staff

Subject: Amendment of Chapter 4, Sections 4.2.A(1) and 4.3.A(1) of the Code of Ordinances to increase the structural cost limitations for exempt and qualified exempt activities

Proposed Action: Staff is proposing to amend Chapter 4, Sections 4.2.A(1) and 4.3.A(1) of the Code of Ordinances to increase the structural cost limitations for exempt and qualified exempt activities. Specifically, staff is proposing to increase the exempt interior structural remodeling limitation from $20,000 to $40,000; and to increase the qualified exempt structural repair limitation from $10,000 to $20,000.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend that the Governing Board adopt the proposed amendments to Chapter 4, section 4.2.A(1) and 4.3.A(1) of the Code of Ordinances (see Attachment A, relevant sections).

Discussion: Chapter 4 of the Code of Ordinances sets forth certain activities which are not subject to TRPA review and approval. These activities are defined in two categories; exempt and qualified exempt. Exempt activities, provided they comply with the standards of Chapter 4 and all other applicable provisions of the Code, may be done without any notification to TRPA. Qualified Exempt activities are not subject to TRPA review and approval provided the applicant certifies on a TRPA qualified exempt form that the activity meets the qualified exempt criteria. The current monetary limitations were adopted over 10 years ago, and due to inflation, are out of date.

The proposed amendments are consistent with the TRPA Goals and Policies. The amendments will not effect the requirement that all matters or projects must comply with current TRPA regulations.

Findings: Prior to amending Chapter 4, Sections 4.2.A(1) and 4.3.A(1), TRPA must make the following Findings.

Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.
**Rationale:** The amendments to Chapter 4, Sections 4.2.A(1) and 4.3.A(1) will not adversely affect implementation of the Regional Plan. Staff’s proposed amendments are consistent with the Regional Plan and TRPA plans and programs. The amendment will foster more efficient and streamlined review of certain projects and matters.

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

**Rationale:** The amendments will not cause the environmental thresholds to be exceeded. All other regulations and ordinances currently in effect will remain in effect.

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

**Rationale:** See findings 1 and 2 above.

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

**Rationale:** See findings 1 and 2 above.

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

**Rationale:** See findings 1 and 2 above.

**Ordinance 87-8 Findings**

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

**Rationale:** See Chapter 6 Findings. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

2. **Finding:** One or more of the following.

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

   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

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

e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:

1) The cost of implementation outweighs the environmental gain to be achieved.

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

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

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

Rationale: Finding f) is the most appropriate. By modifying Chapter 4, Sections 4.2.A(1) and 4.3.A(1), the monetary limitations will keep pace with inflation, thus accomplishing their original purpose.

Environmental Documentation: TRPA staff has completed an Initial Environmental Checklist (IEC) and proposes a Finding of No Significant Effect (FONSE).

Requested Action: Staff requests that the APC forward a recommendation to the Governing Board to approve the proposed amendments to Chapter 4, Sections 4.2.A(1) and 4.3.A(1).

If you have any questions regarding this item, please contact Rick Angelocci@ (775) 588-4547 ext. 222 or Rangelocci@trpa.org.
4.2 **List Of Exempt Activities:** The following activities are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or relocation of land coverage, comply with Sections 30.6, 30.9 and 30.10 and meet all restrictions set forth below.\(^\S\)

4.2.A **General Activities:** The following general activities are exempt:

1. Interior remodeling provided there is no change or intensification of use and no increase in density; and for commercial or tourist accommodation structures no structural remodeling in excess of $20,000 $40,000.

4.3 **List of Qualified Exempt Activities:** The following activities are not subject to review and approval by TRPA provided the applicant certifies on a TRPA qualified exempt form that the activity fits within one or more of the following categories and the activity does not result in the creation of additional land coverage or relocation of existing land coverage and complies with all restrictions set forth below. The statement shall be filed with TRPA at least three working days before the activity commences, except as required for demolition activities in Subparagraph 4.3.A(7) below, and shall be made under penalty of perjury.\(^\S\)

4.3.A **General Activities:** The following activities are qualified exempt:

1. Structural repair of existing structures, less than $10,000 $20,000 per year provided there is no excavation, filling or backfilling in excess of that exempted by paragraph (5) below, no increase in the dimensions of a structure, no intensification or change in use, no increase in commercial floor area, and no increase in density.

\(^\S\) Amended 11/20/02
\(^\S\) Amended 11/20/02
MEMORANDUM

November 4, 2003

To: Advisory Planning Commission

From: TRPA Staff

Subject: Presentation by Lahontan Staff on TMDL (Total Maximum Daily Load)

Lahontan Regional Water Quality Board staff will report on the status of the cooperative research and monitoring effort involved in the development of the Total Maximum Daily Load (TMDL) for Lake Tahoe. The TMDL will establish loading reductions needed for fine sediment, nitrogen and phosphorus to reach the clarity goals for Lake Tahoe. The TMDL represents a concentrated research effort leading to the update of TRPA’s threshold for water quality as part of Pathway 2007. This is an informational item only, meant for education and discussion.

Contact Larry Benoit at 775-588-4547, ext. 227, or via email at lbenoit@trpa.org, if you have any questions regarding this item.