

TAHOE REGIONAL PLANNING AGENCY (TRPA)  
TAHOE METROPOLITAN PLANNING AGENCY (TMPO)  
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, November 14, 2012**, commencing at **8:30 a.m. at the Chateau, Incline Village, NV** and **Thursday, November 15, 2012** commencing at **9:30 a.m. at Harvey's Lake Tahoe, NV** a joint meeting between the Governing Board and Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on **Thursday, November 15, 2012**, commencing at **8:30 a.m., at Harvey's Lake Tahoe**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Resolution of Enforcement Action, HSBC Bank USA National Association c/o PNC Bank and Dennis Correa, Unauthorized Creation of Coverage, 3000 Polaris Rd., Tahoe City, CA, Assessor's Parcel Number 093-600-026; (Page 53) 3) Closed Session with Counsel to Discuss Existing and Potential Litigation; 4) Potential Direction Regarding Agenda Item No. 3; 5) Member Comments; Committee: Chair – Aldean, Vice Chair – Bresnick, McDerimid, Santiago, Miller, Sher**

NOTICE IS FURTHER GIVEN that on **Thursday, November 15, 2012**, commencing at **9:00 a.m., at Harvey's Lake Tahoe**, the **TRPA Operations Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Approval of the October Financial Statements; (Page 1) 3) Filing Fee Report; 4) Other Financial Items; 5) Member Comments; (Committee: Chair – Breternitz, Vice Chair – Cashman, Beyer, Reedy, Sevison, Carlson)**

NOTICE IS FURTHER GIVEN that on **Wednesday, November 14, 2012, The Regional Plan Update Committee will convene following the conclusion of the joint Governing Board and Advisory Planning Commission meeting at the Chateau**. The agenda will be as follows: **1) Public Interest Comments; 2) Discussion and Possible Direction to Staff on Recommendations and Proposals submitted by the Governing Board, Advisory Planning Commission, Public Agencies, Organizations and Individuals as Related to the Regional Plan and Related Documents; (Page 105) 3) Members Comments; (Committee: Chair – Shute, Vice Chair – Reedy, Aldean, Fortier, Robinson, Sevison)**

November 7, 2012



Joanne S. Marchetta, Executive Director

This agenda has been posted at the TRPA office and at the following locations: North Tahoe Event Center in Kings Beach, CA, IVGID Office, Incline Village, NV, North Tahoe Chamber of Commerce, Tahoe City, CA, and South Shore Chamber of Commerce, Stateline, NV.

<b>TAHOE REGIONAL PLANNING AGENCY</b>	
<b>GOVERNING BOARD &amp; ADVISORY PLANNING COMMISSION</b>	
The Chateau	November 14, 2012
Incline Village, NV	8:30 a.m.
Harvey's Lake Tahoe	November 15, 2012
Stateline, NV	9:30 a.m.
<b>REGIONAL PLAN UPDATE COMMITTEE</b>	
The Chateau	November 14, 2012
Incline Village, NV	Will be held at the conclusion of the Governing Board and APC Meeting

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and 5 minutes for group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 2 hours. In such an instance, names will be selected from the available sign-in sheet. Any individual or organization that is not selected or otherwise unable to present public comments during this period is encouraged to submit comments in writing to the Governing Board. All such comments will be included as part of the public record.

**“Teleconference locations for Board meetings are open to the public ONLY IF SPECIFICALLY MADE OPERATIONAL BEFORE THE MEETING by agenda notice and/or phone message referenced below.”**

In the event of hardship, TRPA Board members may participate in any meeting by teleconference. Teleconference means connected from a remote location by electronic means (audio or video). The public will be notified by telephone message at (775) 588-4547 no later than 6:30 a.m. PST on the day of the meeting if any member will be participating by teleconference and the location(s) of the member(s) participation. Unless otherwise noted, in

California, the location is 175 Fulweiler Avenue, Conference Room A, Auburn, CA; and in Nevada the location is 901 South Stewart Street, Second Floor, Tahoe Hearing Room, Carson City, NV. If a location is made operational for a meeting, members of the public may attend and provide public comment at the remote location.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to attend the meeting and are in need of assistance.

**GOVERNING BOARD & ADVISORY PLANNING COMMISSION AGENDA**

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC INTEREST COMMENTS – All comments may be limited by the Chair.

Any member of the public wishing to address the Governing Board and/or APC on any item listed or not listed on the agenda including items on the Consent Calendar may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both. The Governing Board and the APC are prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

- IV. APPROVAL OF AGENDA (Wednesday)
- V. APPROVAL OF PREVIOUS MONTH’S GOVERNING BOARD AND APC MINUTES (Wednesday)
- VI. TRPA CONSENT CALENDAR (Governing Board only, Thursday a.m.) [see Consent Calendar agenda below for specific items]

**Item**

**Action Requested**

VII. PLANNING MATTERS

A. Advisory Planning Commission Discussion and Possible Direction to Staff on the Technical Adequacy of the Regional Plan/Regional Transportation Plan Environmental Impact Statements

**Informational/  
Possible Direction  
to Staff**

**(Day certain Wednesday a.m.)**

VIII. PUBLIC HEARINGS

A. Threshold Evaluation/Regional Plan/  
Regional Transportation Plan

- 1) Discussion and Possible Direction to Staff on Proposals as Determined By The Regional Plan Update Committee

**Informational/  
Possible Direction  
to Staff**

**Page 61**

**(Day certain Thursday)**

- 2) Other Matters as Deemed Appropriate By the Board

**Informational/  
Possible Direction  
to Staff**

B. Public Comment on Threshold Evaluation/  
Regional Plan/Regional Transportation Plan

**Public Comment**

**Page 63**

**Public Comment on this item will be heard on  
Wednesday beginning at 10:30 a.m. and  
Thursday at 1:00 p.m.**

- Final 2011 Threshold Evaluation/  
Regional Plan Final Goals and Policies/  
Final Code of Ordinances
- Final Mobility 2035 Regional Transportation  
Plan/Sustainable Communities Strategy
- Regional Plan Final EIS
- Final Mobility 2035 Regional Transportation  
Final EIR/EIS

C. The 208 Water Quality Final Management  
Plan Update

**Informational/  
Possible Direction  
to Staff**

IX. REPORTS

A. Executive Director Status Report

**Informational Only**

B. General Counsel Status Report

**Informational Only**

C. Current Planning Project Application Performance Report **Informational Only** Page 103

X. GOVERNING BOARD and ADVISORY PLANNING COMMISSION MEMBER REPORTS

XI. COMMITTEE REPORTS

A. Legal Committee **Report**

B. Operations Committee **Report**

C. Public Outreach & Environmental Education Committee **Report**

D. Catastrophic Wildfire Committee **Report**

E. Local Government Committee **Report**

F. Regional Plan Update Committee **Report**

G. Board Governance Committee **Report**

XII. PUBLIC INTEREST COMMENTS

XIII. ADJOURNMENT

**TRPA CONSENT CALENDAR**  
(Governing Board only, Thursday a.m.)

<u>Item</u>	<u>Action Requested</u>	
1. Approval of October Financial Statements	<b>Approval</b>	<u>Page 1</u>
2. Incline Industrial Park (formerly Fred Carson Industrial Park), 1064 Tahoe Boulevard, Washoe County, Nevada, Assessor's Parcel Number 130-152-18 (previous APNs 130-152-04 and -05) TRPA File Number STD2002-0056	<b>Approval</b>	<u>Page 23</u>
3. Resolution of Enforcement Action, HSBC Bank USA National Association c/o PNC Bank and Dennis Correa, Unauthorized Creation of Coverage, 3000 Polaris Rd., Tahoe City, CA, Assessor's Parcel Number 093-600-026	<b>Approval</b>	<u>Page 53</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board without discussion. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

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

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Steve Robinson, Nevada Dept. of Conservation & Natural Resources Representative; Chair, Norma Santiago, El Dorado County Supervisor; Mara Bresnick, California Assembly Speaker's Appointee; Vice-Chair, Shelly Aldean, Carson City Supervisor; John Breternitz, Washoe County Commissioner; Larry Sevison, Placer County Supervisor Representative; Nancy McDermid, Douglas County Commissioner; E. Clement Shute, Jr., California Governor's Appointee; Casey Beyer, California Governor's Appointee; Ross Miller, Nevada Secretary of State; Robin Reedy, Nevada Governor's Appointee; Timothy Cashman, Nevada At-Large Member; Byron Sher, California Senate Rules Committee Appointee; Claire Fortier, City of South Lake Tahoe Council; Tim Carlson, Presidential Appointee.

**TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD & ADVISORY PLANNING COMMISSION**

North Tahoe Events Center  
Kings Beach, CA

October 24, 2012

Harvey's Lake Tahoe  
Lake Tahoe, NV

October 25, 2012

**Regular Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Santiago called the joint meeting to order on October 24 at 9:32 a.m.

Governing Board Members present: Ms. Aldean, Mr. Beyer, Ms. Bresnick, Mr. Carlson, Mr. Cashman, Ms. Fortier, Ms. McDermid, Mr. High, Ms. Reedy, Mr. Robinson, Ms. Santiago, Mr. Sevison, Mr. Shute, Ms. Krause (representing Mr. Breternitz)

Members absent: Mr. Breternitz, Mr. Sher

Advisory Planning Commission Members present: Mr. Buelna, Mr. Donohue, Ms. Garcia, Mr. Gaskin, Mr. Greene, Ms. Krause, Mr. Lefevre, Mr. Maurer, Ms. McMahon, Mr. Plemel, Ms. Merchant, Mr. Riley, Mr. Larsen, Mr. Teshara

Members absent: Ms. Huggins, Mr. Jepsen, Mr. Loftis, Ms. Roverud, Mr. Upton

Vice Chair Mr. Maurer called the Advisory Planning Commission meeting to order on October 25 at 8:36 a.m.

Members present: Mr. Buelna, Mr. Donohue, Ms. Garcia, Mr. Gaskin, Mr. Greene, Ms. Krause, Mr. Lefevre, Mr. Loftis, Mr. Maurer, Ms. McMahon, Mr. Plemel, Mr. Riley, Mr. Larsen, Mr. Teshara, Ms. Roverud

Members absent: Ms. Huggins, Mr. Jepsen, Mr. Upton, Ms. Merchant

Chair Ms. Santiago called the joint meeting to order on October 25 at 9:43 a.m.

Members present: Ms. Aldean, Mr. Beyer, Ms. Bresnick, Mr. Carlson, Mr. Cashman, Ms. Fortier, Ms. McDermid, Mr. High, Ms. Reedy, Ms. Santiago, Mr. Sevison, Mr. Sher, Mr. Shute, Ms. Krause (representing Mr. Breternitz), Mr. Gaskin (representing Mr. Robinson)

Members absent: Mr. Breternitz, Mr. Robinson

II. PLEDGE OF ALLEGIANCE

III. PUBLIC INTEREST COMMENTS

None

IV. APPROVAL OF AGENDA

Ms. Aldean moved approval.  
Motion carried unanimously.

V. APPROVAL OF MINUTES

Governing Board

Ms. Aldean moved approval.  
Mr. Sevison and Ms. Bresnick abstained.  
Motion carried.

Advisory Planning Commission

Mr. Greene moved approval.  
Motion carried unanimously.

VI. TRPA CONSENT CALENDAR

1. Approval of September Financial Statements
2. Revised FY 2013 Budget
3. Approval of Amendments to Plan Area Statement 100, Truckee Marsh, located at the Southern End of Winnemucca Avenue in El Dorado County (APN 031-020-23), to: (1) Add a Special Area #1 Allowing Single-Family Residential Use; (2) Add Special Policies Related to Public Access Across the Subject Property for a Pedestrian/Bicycle Trail; (3) Facilitate future Truckee River Restoration Efforts; and (4) Other Matters Properly Related thereto.
4. Release of \$300,000 in Water Quality Mitigation Funds to Placer County for the Tahoe City Residential Water Quality Improvement Project.
5. Resolution of Enforcement Action, Lou Sardella, Rick Wolden, and Greg Dean, Unauthorized Disposal of Soil and Failure to Install Temporary Erosion Control, 514 Gonowabie Road, Washoe County, NV, Assessor's Parcel Number 123-132-02
6. Request to Authorize Settlement Offer to Plaintiffs in the matter of *MV Transportation, Inc. vs. South Tahoe Area Transit Authority (STATA), et al.* [U.S. Bankruptcy Court – District of Nevada, Case No. BK-N-10-53666-GWZ]

Ms. Aldean said on Items 5 & 6 of the consent calendar there was a resolution of enforcement action which was unanimously approved by the Legal Committee and there was a request to authorize settlement of the settlement offer in the matter of MV



Transportation versus South Tahoe Transit Authority which was also unanimously approved. There was one abstention in connection with that item.

Mr. Cashman said the Operations Committee recommended approval of Items 1, 2, and 4 of the consent calendar.

Ms. Santiago requested a roll call vote on Item 3 of the consent calendar.

Ayes: Ms. Aldean, Mr. Beyer, Mr. Cashman, Ms. Fortier, Ms. McDermid, Ms. Santiago, Mr. High, Mr. Severson, Ms. Reedy, Mr. Sher, Mr. Shute

Nays: Ms. Bresnick

Abstain: Ms. Krause, Mr. Gaskin

Ms. Aldean moved approval on consent calendar.

Mr. High made a disclosure that his spouse had done some legal research on the MV STATA case.

Ms. Aldean said Mr. High was the one abstention of the Legal Committee.

Motion carried.

Ms. Santiago said she would like to commend staff who have dedicated countless hours to get these documents prepared in a timely manner. She expressed her appreciation for that effort and for staff willingness for always being there to answer questions of the public and to provide us something from which to work.

## VII. PLANNING MATTERS

### A. Threshold Evaluation/Regional Plan Update/Regional Transportation Plan

- Final 2011 Threshold Evaluation/ Regional Plan Update Final Goals and Policies/Final Code of Ordinances
- Final Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy
- The 208 Water Quality Final Management Plan Update
- Regional Plan Update Final EIS
- Final Mobility 2035 Regional Transportation Final EIR/EIS

Ms. Marchetta provided a presentation and overview of the Final 2011 Threshold Evaluation, Final Draft of the Regional Plan Update and Final Draft of the Regional Transportation Plan documents that have been released for public review on October 24, 2012.

The one document that is not included in today's documents is the 208 Plan Update. The Regional Plan Update cannot become effective until the 208 Plan is conformed to the amendments of the Regional Plan. We are expecting to produce that document next month; the two states needed some additional time and are currently working on some of the details needed to make those conforming amendments to the Regional Plan.

Mr. Stockham presented the details of the Regional Plan and Regional Transportation Plan.

Sydney Coatsworth, Ascent Environmental provided a summary of the changes to the Regional Plan and Regional Transportation Plan Environmental Impact Statements which include all of the comments and responses that were received from Agencies, organizations and public.

#### Board & Commission Clarifying Questions

Ms. Bresnick asked Sydney Coatsworth to review the examples that were on the slide that reference revisions to the plans narrowing the scope of originally proposed policies and including additional environmental protection features,

Sydney Coatsworth said one of the first ones would be the recreation issue where the applicability of that policy has narrowed considerably from the draft to the final plan.

Ms. Bresnick said if you have already gone through these in your presentation you do not need to repeat them, she thought the examples would be more detailed.

Mr. Cashman asked Sydney Coatsworth to provide more detail on the process that was used by staff and consultants in accounting for the numbers.

Sydney Coatsworth said the first thing that was realized was that the numbers were dynamic; projects that were being considered were no longer considered. BBLCC was one example where allocations were being held by jurisdictions or for certain projects. There was enough concern about the uncertainty that it was decided that it would be good to go back and get a handle on it. There were a lot of comments raised specifically about development rights that may be held by the land bank agencies that may not have been retired that were thought to be retired, and how much development potential it was, hundreds or thousands of development rights or was it a handful. Specifically for CTC there were different authorities for land acquisition and retirement, some of those acquisitions did in result in retirement by TRPA's definition and others are being held. She referred to staff member Mr. Lewandowski for the details of how those consultations occurred.

Mr. Lewandowski referred to master response 9 and said the process for reevaluating the accounting of units is fairly technical. It was a combination of the accounting of banked units; the commodities that have not been used or bank by public agencies, that was done by consulting with the major land banks, Forest Service and local jurisdictions to ensure we accounted for every unit that they had retired. The other part was looking at existing development, which we were fortunate to have LiDAR data that showed the exact square foot of each building in the Basin. We used LiDAR, zoning data and county assessor's parcel data along with our GIS data to look at a variety of factors and come up with the most accurate estimate of where each square foot of existing development is; whether that is tourist accommodation units, commercial floor area or residential units. The end result of reexamining all of these allocations whether they are existing or banked we were off by a tenth of one percent here or there, but in general we overestimated the total amount of development in the draft EIS.

Ms. Aldean asked if it was correct that the items contained on the to do list were being deferred and that there was not any environmental analysis done on those items because they were not considered by this Board or APC and there are no recommendations for incorporation of any changes into the Regional Plan based on that list.

Mr. Stockham said that is correct.

Ms. Fortier said there are several references to height in community character and asked if those recommendations are different than what the Bi State Consultation group recommended.

Mr. Stockham said it is the combination of the Bi State recommendations and the mitigation measures which had some findings related to height.

Ms. Merchant asked if master response 9 will include revised information about the commodities available by jurisdiction.

Sydney Coatsworth said the master response is a sum total of the commodities in the Basin and the refined accounting.

Mr. Stockham said the master response addresses more of the existing development whether it is existing on the ground, land bank or with a local government. The newly released commodities and the jurisdictional split for those are spelled out primarily in Chapter 50 of Code, and you can use Exhibit B of the staff report to find the specific code sections. It has the new commodity release levels; the 2,600 allocations, CFA, bonus units and then based on the Governing Board direction in August splitting them up using the current performance system for 2013.

Ms. Merchant said then we do not know commodities by jurisdiction, existing square footage of commercial floor area or tourist accommodation.

Mr. Stockham said that is reflected on the first three pages of Exhibit E in the staff summary and you will find the exhibits located on the flash drive. The first three pages are development statistics for commercial tourist and residential units with the total by region, broken down by jurisdiction, land capability development on sensitive land versus non-sensitive.

Ms. Merchant said under Topic #6, Transportation Policies it says criteria for LOS exceptions alternative transportation improvements and asked why these types of improvements would result in LOS exceptions.

Mr. Stockham said this is a provision that was copied verbatim out of the Bi State recommendation and it calls for a proportional contribution to sidewalks, trails, transit facilities if the levels of service exemptions are proposed to be utilized.

Ms. Santiago said on Topic #7 Water Quality, Mr. Stockham said the changes that were in the final draft increased environmental protections and additional TMDL coordination, Area Plan, and recertification. She asked staff to elaborate on what that meant.

Mr. Stockham said these were provisions in the Bi State recommendation related to TMDL. It involves area plans utilizing the load reduction plans from TMDL as they are developed when available and those will be considered in the recertification process. They are addressed in Chapter 13; there are perhaps some wordsmithing but no substantive changes from the Bi State recommendation.

Ms. Santiago said essentially what is being done is you are coordinating what the requirements are in terms of the crediting program and what is in the area plan.

Mr. Stockham said it is utilizing TMDL information especially the load reduction plans as they are developed, but does not have TRPA as an enforcer of the TMDL. They are integrated to use together but the enforcement and implementation remains with the States for TMDL and with TRPA for the Regional Plan.

Ms. Santiago said regarding resort recreational designation, she knows this is a 20 year document but every four years you are revising those and asked if there are going to be parameters for reconsideration of those areas or if there is something else going on in the Basin as we move forward in these recreational policies that we could identify future areas that might be considered recreational resort areas.

Mr. Stockham said yes the draft plan holistically calls for area plans to propose land use changes so those are developed at more of a community level with more detailed examination of the specific properties. An area plan could propose changes related to recreation or related to other land use changes, those would be evaluated through the area plan process and the environmental documents there and considered by the Board at a future date.

Ms. Santiago topic said there have been a lot of comments made about the Noise Threshold and she wants to be clear about how some of those concerns are being addressed in these documents. You are speaking about some very specific things as reducing roadway noise, but there was some consideration about how we measure those noise standards and asked if that is on the to do list.

Ms. Marchetta said it was mentioned earlier that noise is being handled in the Regional Plan the same way it is currently being done. Other than enhancing our strategies for making improvements in roadway noise, the Noise Threshold is being evaluated and analyzed the same way. In the Threshold Evaluation, particularly the peer review said that it may be worthwhile for TRPA to re look at how the system that has been created for noise factors and measurement. Because we evaluate so many parameters now and we apply a no exceedence standard to it that we have effectively designed a system that is difficult to meet. It may be worth looking at in the future but we have not done that here.

Ms. Santiago asked if this is something that we would look at in the beginning of next year to determine how we are going to prioritize that.

Ms. Marchetta said it is not on the to do list but what staff plans to do once we complete this process is to move into the next phase of our existence where we bring to the Board a to do list as well as any other priorities that the Board may be interested in and start to prioritize what comes next. That is the process of annual strategic planning with the Board to look at policy priorities, what the Board wants staff to review and how does that fit into our work program and budget prioritization.

Ms. Santiago said that it would not only be applied to noise but also to the nearshore issues. There is a lot of discussion going on and the devil in the details as we go into next year.

Ms. Marchetta said it is up to the Board to prioritize.

Ms. Aldean said wherever 12 months is specified is where in staff's opinion a priority project. The others have not been evaluated based on a specific timeline.

Ms. Marchetta said it is not a matter of opinion those are the Environmental Impact Statement mitigation that have been incorporated into the Regional Plan Update and need to be acted upon in order move those mitigations completion.

Ms. Aldean said she is trying to distinguish between the items that appear on the to do list which have an indefinite time table as opposed to these mitigations which are more time specific and time sensitive.

Ms. Marchetta said that is correct.

Ms. Fortier said staff has specified that this is going to be reviewed every four years, but it has also been indicated that within that four year period there would no major changes to the Regional Plan. She asked if we are finding that the Regional Plan particularly some of the transfers of coverage and commodities are not working, would that mean in four years this is not going to be addressed.

Mr. Stockham said there is nothing prohibiting this Board from making a regional plan amendment as needed at any time. The policy calls for a comprehensive look at the plan every four years, but it could be done at any time and the four year update could be as extensive as the Board finds necessary.

Mr. Cashman asked where the master responses are located on the flash drive.

Mr. Stockham said they are located in the Final Environmental Impact Statement. They are duplicated in the Regional Plan EIS and the Regional Transportation Plan EIR/EIS. You will find them in Volume 1, Chapter 3 of the Environmental Impact Statement.

Ms. Santiago said if you will find them in Volume 1, section 3.3.

Ms. Bresnick asked if the flash drive had a table of contents.

Mr. Stockham said the documents are organized into separate folders and each document has a table of contents.

Ms. Bresnick asked if the mitigations that had a 12 month window were identified in the EIS that they need to be place within 12 months.

Mr. Stockham said that is correct.

### Public Comment

Jennifer Quashnick, Tahoe Area Sierra Club said thank you for the presentations and the work that has been done. We will be reviewing the final documents stress the protection of the environmental thresholds. However, we are concerned that the Agency has shifting on focus of attaining threshold standards to more a focus on development. Also, TRPA is taking a regional approach yet an obvious regional wide issue is water quality and we are assigning a lot of responsibility to local governments and are concerned how it will affect the larger water quality issues. Deep lake clarity is the whole lake and has to cooperate on a regional basis to handle that. On the nearshore issue, they do not stay where they first enter the Lake and can look at this in a piece meal approach. As we documented in our comments for air quality, air pollution omitted in South Lake Tahoe may move to other parts of the Basin and have be measured in several studies that we submitted in our comments in June 2012. In conclusion, in a rush to provide for economic development it appears to the Sierra Club

that the former era of attaining scientifically based threshold standards has been tossed aside. We look forward to reviewing the final documents and working with staff.

Bob McKay, Incline Village resident, lakeshore property owner and business owner in South Lake Tahoe said he is speaking in favor of the Regional Plan Update and compliment the staff for their monumental job to bring this together in a short period of time and what is going to happen is that it will simplify and improve the process in Lake Tahoe going forward both environmentally and economically. The incentives for public private partnership are going to be extremely important and the Regional Plan does many things in that direction and it will encourage much needed investment and financing in the Region. In addition, he would like to thank the Governing Board and APC for all the time that they are putting in to get this to happen and encourage you to move this forward.

Laurel Ames, Tahoe Area Sierra Club said her concern is with protection of the scenic values and the loose language in the Regional Plan. She read the following from Dwight Steel who was formally General Counsel for the League to Save Lake Tahoe and a Governing Board member. "The basic reason for TRPA's existence is to preserve the unique natural resources, deep blue water, clear air, healthy forest and views of the Lake and to manage development and other activities so that future generations may enjoy and be inspired by views of those scenic resources." He also noted that when the threshold standard EIS was adopted there was general agreement on the entire Governing Board that the scenic resource was the most important resource in the Tahoe Basin.

In addition, pervious pavement is problematic, both the Seattle stormwater manual and the Maryland stormwater management has pages and pages of specifications of pervious pavement. For example they recommended that cement pervious pavement not be used for traffic. She said that soil is very important and was not sure why the rush to add coverage in the urban areas up to 70 percent. She said you were told that the urban areas are developed to 70 percent but if you review the map that was handed out on the casino core area, it is at 70 percent. If you go behind the urban areas where they are paved you will find that there is not pavement, but there will be with this plan.

Alexis Ollar, Mountain Area Preservation said they are concerned with the resort recreation designation and see that the draft now allows for two designations for resort recreation. We hope that this parameter will remain this way; we know that there may be area plans that come forward possibly requesting this type of designation but hope that the Governing Board understands that this could set a bad precedence for view shed developments in the Basin. We feel the negotiations that have come about in the plan for the two designations work and would like this parameter to remain the same.

Ellie Waller, Friends of Tahoe Vista said in community character please be cautious when approving what area plans are going to include. She hopes when reviewing the documents she has a better understanding of what a conformance review is.

An on the ground example of why she has concerns is that when she attended a North Tahoe Regional Advisory Council meeting to hear about the Domus project and was surprised at the Boards reaction and discussion. One member of the NTRAC said it was not the project he voted for and another said it was so poorly done it should be torn down. A Placer County representative stated the onsite stormwater detention facility was not large enough but some offsite mitigation would take of it and be required. The detention basin could not be built to adequate size do the building size and bulk, the landscape screening is also a debacle, the buildings bulk and set back does not allow for it to be screened adequately as described in the approved EIS. The design review committee was shown a simulation that was not representative of what is there today, they were misled. TRPA staff approved the landscape plan knowing to large screening trees had died during construction and are not being replaced. The setback versus the size of the structure was grossly miscalculated; offsite mitigation will not correct the onsite issues. The building is an eyesore and asked if this is the vision that TRPA and Placer County have for a gateway. You can only do it once and now we have an atrocious building and are not compatible with community character and must not be used as a comparison for future buildings as stated in code and policy language. Provisions must be included in the RPU to protect the community character, permit conditions must be added such as shadow analysis completed, story poles not balloons should be required during EIS approval for the public to have a better viewing of the potential project. This was a political rather than an environmental decision. Mitigation fees often do not remedy what they are supposed to be mitigating. Examples of VMT fees do not remove the cars from the roads and we may be exacerbating this with the LOS reductions and exceptions. Permit conditions must be included with time lines for completion and not just mitigation measures. Enforcement and monitoring must be mandatory and funding sources must be identified. She does not personally believe the conservation community was accurately or adequately represented at the Bi State consensus meetings.

John Falk, Legislative Advocate for the Tahoe Sierra Board of Realtors said in regard to the overarching process and documents just released that much of the regulatory framework that was put in place in the mid to late 1980's remains in place in the next plan. All be it, fine-tuned, some portions of it are stricken, other portions have been modified, incentives have been added, but at the core of the process, rather than a see change in the way that the Agency does its business in terms of how it looks at development and redevelopment, you have a fine tuning to more accurately reflect the state of affairs today, but not a wholesale revision that would more accurately represent conditions on the ground today and as were reflected in the 2011 Threshold five year update. Knowing that the documents make reference to the fact that money is tight and that the public private partnership will become increasingly dependent on the private part of that equation, it becomes more critical that the Goals & Policies, Code of Ordinances and the related documents are focused on the current state of affairs rather than carrying some of the baggage of the plan was triggered by the 1980 cry to stop this unregulated development that was doing damage to Lake Tahoe's environment. This has been an extraordinarily long process and said to be mindful of the fact that for the paper product to be functional on the ground it is going



require that see change that may or may not be fully reflected in the documents, but needs to be reflected in how the Agency and their partners do business.

Alex Leff, Conservation Director for Friends of the West Shore said he wanted to rebut the last speaker in that if the concept of area plans is not a see change, then he is not sure what is. He said if the preliminary priority projects go through on the to do list according to the Compact, Article 7, an environmental analysis would be completed per Mr. Stockham. He said Friends of the West Shore has identified a potentially burdensome result of the appeal process, it is a huge improvement over what was proposed in the draft plan. Historically, when a local government and TRPA would approve a California project, the approval would take place at similar periods of time, this allows a person who may challenge the approval or denial of the project to file a lawsuit to both raise the state law issues and TRPA issues in one suit. Because of the time it takes from the final decision is made by a local government and a final decision by TRPA when those issues may be appealed to TRPA is that it bifurcates the lawsuit. An appellant petitioner would have to file two separate suits in potentially two courts which make this an unduly burdensome process. He feels that the TRPA can amend the appeal process to make the final decision by TRPA and the local jurisdictions coincide so the appeal could take place in one court.

Ann Nichols said since replacement structures can go up to the new heights it needs to be clear that it includes new additions to the replacement structures. For example, if there is a lot of coverage at one of the casinos, that entire coverage could go up. Staff indicated that it is only the existing towers that can be that high, but if it also includes the coverage it will be a tremendous difference in massing. If new coverage can go up to these heights and TAUs can go from 300 square feet to 1,500 or 1,800 square feet there will be huge bulk changes. She asked how LiDAR can determine the amount of stories and CFA. She said they would also like to see the accounting of the potential coverage; the CTC has millions upon millions of square feet of potential coverage. Also, what are the number of visitors and second home owners? She thanked Ms. Santiago for asking the question about the opportunity to expand the use of resort recreation, which Mr. Stockham responded yes if area plans allow it and found in conformance. This is not a good precedent and is concerned that it has been represented that it only applies to the Edgewood Company and Vail properties.

Ms. Bresnick said she has some comments but would be happy to defer them until Thursday if that is the desire of everyone.

Ms. Fortier said she will also have comments but would like to review the list of documents first.

Recess October 24 at 11:45 a.m.

Convene Advisory Planning Commission October 25 at 8:36 a.m.

## XV. PUBLIC HEARING

- A. Recommendation of Amendments to Plan Area Statement 100, Truckee Marsh, located at the Southern End of Winnemucca Avenue in El Dorado County (APN 031-020-23), to: (1) Add a Special Area #1 Allowing Single-Family Residential Use; (2) Add Special Policies Related to Public Access Across the Subject Property for a Pedestrian/Bicycle Trail; (3) Facilitate future Truckee River Restoration Efforts; and (4) Other Matters Properly Related Thereto.

Staff member Mr. Landry provided the presentation for the Plan Area Amendment on the Mosher Barton site. He said there was an addendum on the project which was provided to the Board and Commission on Wednesday. After the staff summary was published, TRPA received public comments regarding the potential effect of the proposed Plan Area 100 Amendment. There was concern with some of the neighbors that any potential development of a single family residence would possibly block the viewsheds of their existing properties located on along Winnemucca Street. In response to the comments TRPA staff and the applicant revised the configuration of the Plan Area Statement and some of the language and Special Policies 17 so that there was a reduction in size of the Plan Area from 6.4 acres to 2.35 acres. This change would reduce any future potential impact and it would also allow the creation of a potential building site in this special area.

Lyn Barnett, Wells Barnett Associates presented the details of the proposed amendment to Plan Area 100 in South Lake Tahoe.

### Commission Member Comments & Questions

Ms. Roverud asked staff to provide details on how the proposal was reviewed in coordination with El Dorado County.

Lyn Barnett said they have been working with the County planners in Placerville with the Williamson Act and have described the Plan Area Statement to the County.

Ms. Roverud asked if it is going to their Board for approval.

Lyn Barnett said his understanding from the County is once TRPA approves the Plan Area Amendment that it is automatically in effect with the County.

Mr. Maurer said it does not require their Board approval.

### Public Comments

Patrick Wright, California Tahoe Conservancy said this is one of the highest priority acquisition projects for themselves, the Forest Service and the other resource management agencies in the Basin. It is a critical link in what is emerging as a large inter agency collaborative effort to restore the entire Upper Truckee River watershed from Meyers to

the Lake. In addition, from a restoration perspective a lot of the reaches are moving forward with environmental documents and when it comes to the next phase of restoration, it is the highest priority to restore because it contains a gully channel that is responsible for a lot of sediment loading to Lake Tahoe. Also, he said there is nothing out of the ordinary such as variances, exemptions, etc. What is being proposed is fully in conformance with TRPA regulations.

Kirk Ledbetter representing the Barton Meadow area said the Truckee River here has been modified during his lifetime along a few areas. He said the family has been in support of water quality improvements for over ten years and have not been able to find a way to do it because every time a private land owner tries to engage with public funds there are issues. Although private land owners would like to do these improvements, they are too expensive.

Mr. Maurer asked if Mr. Ledbetter and his family are in agreement with the reduction in the Special Area.

Kirk Ledbetter said he personally was not brought into review that. He said that he had the opportunity two times in his life to live on Winnemucca Street, and understands most of the houses are looking across the street to the meadow. There is a distance between their home sites which are built up slightly higher and the meadow view. He said their comments were appropriate and would have the same concern if he still owned a home on that street. It is difficult to see that reduced to 2.3 acres but feels it accomplishes two things; it still places the home site in a suitable position and it allows the neighbors to feel good about whatever happens in the future they are protected with the views, etc.

Bob Rodman, US Forest Service said he is here on the request of Nancy Gibson, Forest Supervisor who could not adjust her schedule to attend this meeting. The Forest Service has submitted a letter stating that they strongly support the acquisition and have the funding for the purchase. Before we can purchase, all the entitlements have to be in place or ready to be approved, this is an incredible opportunity for this purchase, it will protect public use of the property and allow the restoration and other work to proceed. We support this plan amendment even if we cannot consummate the purchase. This plan area statement offers the best opportunity to protect the recreational values, bike trail and ensure the restoration efforts can move forward.

#### Commission Member Comments & Questions

Mr. Teshara said if this moves forward based on the appraisal and willing sellers, who will be responsible for the BMP implementation and is there collaboration with the agencies to design those BMPs

Lyn Barnett said the property owner is responsible for the BMPs. He said the ranch is in outstanding condition. Through this process they have discovered some encroachments from some of the neighboring properties and do not have the ability to BMP those areas.

Mr. Teshara asked if they anticipated a lot of additional work being necessary to complete the BMP requirements.

Lyn Barnett said they do not; the outstanding BMP is the erosion channel.

Mr. Teshara asked if there is clarity amongst the parties including the agencies and the property owner on what the design of those BMPs would be.

Lyn Barnett said there has been ten years of discussions with the family, organizations and TRPA and believe that there are some good ideas on how to address that channel.

Mr. Teshara asked if the Conservancy and Forest Service are involved with that.

Lyn Barnett said yes and the Conservancy has state money that can be applied toward the restoration of the channel once the restoration easement is in place.

Mr. Teshara said as the Tahoe Transportation District representative he appreciates and supports the entire project, but in particular the bike trail connection with the Greenway.

Mr. Lefevre proposed the Advisory Planning Commission recommend to the Governing Board approval of the required findings in Attachment A including a Finding of No Significant affects.

Ayes: Mr. Buelna, Ms. Garcia, Mr. Gaskin, Mr. Greene, Ms. Krause, Mr. Lefevre, Mr. Loftis, Mr. Maurer, Ms. McMahon, Mr. Plemel, Mr. Riley, Mr. Larsen, Mr. Teshara, Ms. Roverud

Absent: Ms. Huggins, Mr. Jepsen, Ms. Merchant, Mr. Upton, Mr. Donohue

Mr. Landy said he wanted to ensure that the revision material was included in the motion as well.

Mr. Lefevre said he continue with a second motion to recommend to the Governing Board adoption of the attached Ordinance with the revisions that were presented to us today approving the proposed Plan Area Statement Amendments as shown in Appendix B with the Amendments.

Ayes: Mr. Buelna, Ms. Garcia, Mr. Gaskin, Mr. Greene, Ms. Krause, Mr. Lefevre, Mr. Loftis, Mr. Maurer, Ms. McMahon, Mr. Plemel, Mr. Riley, Mr. Larsen, Mr. Teshara, Ms. Roverud

Absent: Ms. Huggins, Mr. Jepsen, Ms. Merchant, Mr. Upton, Mr. Donohue

Motion carried unanimously.

Recess at 9:07 a.m.

Convene joint meeting on October 25 at 9:43 a.m.

Ms. Santiago said she would like to commend staff who have dedicated countless hours to get these documents prepared in a timely manner. She expressed her appreciation for that effort and for staff willingness for always being there to answer questions of the public and to provide us something from which to work.

Staff provided the same presentations on Agenda Item VII.A. that was given at the North Shore on October 24<sup>th</sup>.

#### Threshold Evaluation/Regional Plan Update/Regional Transportation Plan

- Final 2011 Threshold Evaluation/ Regional Plan Update Final Goals and Policies/Final Code of Ordinances
- Final Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy
- The 208 Water Quality Final Management Plan Update
- Regional Plan Update Final EIS
- Final Mobility 2035 Regional Transportation Final EIR/EIS

Ms. Marchetta provided a presentation and overview of the Final 2011 Threshold Evaluation, Final Draft of the Regional Plan Update and Final Draft of the Regional Transportation Plan documents that have been released for public review on October 24, 2012.

The one document that is not included in today's documents is the 208 Plan Update. The Regional Plan Update cannot become effective until the 208 Plan is conformed to the amendments of the Regional Plan. We are expecting to produce that document next month; the two states needed some additional time and are currently working on some of the details needed to make those conforming amendments to the Regional Plan.

Mr. Stockham presented the details of the Regional Plan and Regional Transportation Plan.

Sydney Coatsworth, Ascent Environmental provided a summary of the changes to the Regional Plan and Regional Transportation Plan Environmental Impact Statements which include all of the comments and responses that were received from Agencies, organizations and public.

Ms. Marchetta said we released a staff summary along with all of the materials yesterday; we will republish the staff summary in the November joint APC and Governing Board packet. Along with the documents that were made available today we are expecting to make available in November the Findings which we will be asking you to consider and approve in December which will give the Board and APC the opportunity to review and comment on those Findings before the December meeting. November will also be a joint APC Governing Board meeting with two days of public hearings on November 14<sup>th</sup> and 15<sup>th</sup>. This will be another opportunity to hear comments from the public and also to engage the APC on the adequacy of the Environmental Impact Statements and to consider any proposals for adjustments to the Plans or EISs. In December, APC will move to its decision on whether or not to certify those EISs and for the Board to have available all of the input and deliberation that will be needed to move to final consideration and decision on 12.12.12.

#### Board & Commission Clarifying Questions

Ms. Bresnick asked about the appeal delegation project review authority to local jurisdictions and how will that effect TRPA's permit revocation authority.

Mr. Marshall said the delegation does not affect TRPA's revocation or enforcement authorities. There may be within the MOU certain procedures that might want to be considered, but in the end the delegation would not impact any TRPA authority. He is not saying exactly in what context that would be but it would not change that authority to consider revocation as a remedy for a violation or in some other instance.

Mr. Lefevre said he has not been able to locate Attachment 4 and 5.

Mr. Stockham said everything is on the flash drive; we only printed the staff summary body.

Ms. Santiago said she was unable to locate Attachment 4 or 5 on the flash drive.

Mr. Stockham said it is in a separate attachment file in the Goals & Policies.

Ms. Roverud asked if it has been clarified under development allocations for the CFA that the condition that they are released after existing supplies are exhausted and is the supply for the entire Basin or for jurisdiction.

Mr. Stockham said it reads exactly like that until existing supplies are exhausted and the details of any variation to that would need to be discussed through the 2013 evaluation of the annual distribution of commodities. There is a significant supply of CFA that when we worked through the technical working group it was decided not to release new CFA in 2013 because there are significant unused supplies and to handle this through this working group for the annual distribution.

Ms. Aldean said before the 200,000 CFA reserve can be released the entire amount that exists would have to be utilized but the question was if one jurisdiction utilizes their existing allocations prior to the complete exhaustion of the existing supply is there a mechanism by which they could achieve access to a portion of the new CFA. She thought that was going to be discussed under the local government committee's purview.

Mr. Stockham said your understanding is correct. It is not established now, but there may be a mechanism where you could borrow against a different jurisdiction supply. It will be addressed through an action item next year.

Mr. Sher asked if Topic #3 Community Character where it refers to the height limit increase for the five replacement buildings only apply to the current footprint of the existing buildings and excludes any surrounding buildings and parking lots.

Mr. Stockham said there are several related provisions, there is nothing saying it is limited to the footprint, it is limited to replacement structures which is the wording on the Bi State recommendation. An additive requirement was the draft EIS mitigation that requires no increase in visual prominence of the replacement buildings. It would have to be a replacement building that does not increase visual prominence.

Mr. Sher said the replacement building does not have to be within the footprint of the existing building and could be in the surrounding areas subject to those other limitations.

Mr. Stockham said yes that is the understanding if they could show a reduction in visual prominence.

Mr. Sher asked if Topic #4, Recreation area are limited to the two parcels by name and there are not any possibility of the recreation area being anywhere else except on those two parcels.

Mr. Stockham said they are both mapped geographically and in the Goal & Policy Plan listed by name, however, there is no way to prohibit a future action by the Board to amend the plan. It would require an amendment to the map and policy language to have any additional resort recreation areas.

Mr. Sher said recreation areas described and its characteristics, but it would take an action of the Board to designate with a map any additional parcels to come within that.

Mr. Stockham said for example, to do a land use amendment to change residential to mixed use would be a map amendment. To an amendment involving resort recreation because of the way it is described in the Goal & Policy Plan it would require a map amendment from the Board and an amendment to the wording of the goals & policies that apply to those areas. There would be additional amendments to text required for resort recreation areas

that are not required for other districts; this was reviewed by the technical work group. A future Board could amend this Plan subject to environmental review and voting requirements that apply.

Mr. Marshall said the intent was to artfully remain silent as to future additions. The compromise was to draft language that neither prohibited nor encouraged additional lands being designated as resort recreation. Mr. Stockham is correct in that requires both a map change and a regional plan language change to accomplish that, but there is nothing in the Plan that prohibits that from happening.

Mr. Sher said there has been a lot of concern expressed about the new recreation area and asked what a Board member should do if we do not to be silent and make it explicit that it is restricted to those two designated areas.

Mr. Marshall said you have limited abilities to control the discretion of future Board's, you can include language that says these are the only two forever, but a future Board can amend that and add another parcel. There can be ways in which you can express the desire of the current Board on that topic, but it cannot bind the future Board to say if they can satisfy all the findings and environmental documentation requirements from adding to that resort designation that is done parcel by parcel.

Mr. Shute said this was one of the most difficult issues in the Bi State Consultation process and the agreement that was reached went as far as it could to limiting to those two parcels. You could say you are prohibiting any further resort recreation designations but then the next Board could amend it. At the Bi State consultation process it went from 37 potential sites down to only two sites. If TRPA were to start allowing recreations districts to be turned into resort destinations it would draw the attention of the two states.

Mr. Sher said in Topic #7 water quality and area wide BMPs being encouraged is an item that we included in our list that was submitted for further discussion. The area wide BMPs are encouraged but they are expensive and will take time to implement. He asked if it is clear in the Plan that until the area wide project that is proposed is put in place and operative that any development within that area would continue to come under a requirement of a parcel specific BMP.

Mr. Stockham said the current requirements are spelled out in Chapter 60 in the Code of Ordinances requiring BMP installation and can only be superseded subject to the new provisions in Chapter in 13, which requires Governing Board approval of a conforming area wide plan.

Ms. Bresnick said she wanted to follow up on the issue of the resort recreation in yesterday's meeting where Mr. Stockham said there could be additional resort recreation through the area plan process. She asked if that still applies to how Mr. Sher's question was answered today.



Mr. Stockham said he thought he was responding to a question about recreation areas not resort recreation.

Ms. Santiago said in reference to resort recreation, during public Ann Nichols said she was glad Ms. Santiago asked that question because it looks like there would be a process to convert other areas into recreation resorts. She thanked Ms. Bresnick for raising this; we need to ensure that it is very clear when we are talking about resort recreation designation.

Mr. Stockham apologized for the confusion and said the applicable language is in Goal & Policy, LU-4.1 that describes each land use designation. He said conservation and recreation generally includes these types of areas, in resort recreation it reads "resort recreation areas are the specific to Edgewood and Heavenly parcels depicted on Map 1 of the Regional Plan." Also, there is parallel language in the Code of Ordinances. The explanation we gave today that it would require more than a map amendment or an area plan to say we are calling this resort recreation in order to accomplish that. You would have to amend the applicable Goals & Policies of the Regional Plan.

Ms. Bresnick said thank you for that clarification.

Ms. Aldean said isn't the short answer that an area plan would be found not in compliance with the Regional Plan if they designated an area other than these two areas as resort recreation, you would make a finding non-conformance..

Mr. Marshall said that is correct, but the intent would be presuming that a local jurisdiction wanted to change the land use designation for a parcel from residential or commercial to resort recreation that would probably be included in their area plan plus it would have to go to the Board in addition as a Regional Goals & Policies Plan amendment and map change. It would be broader than just the area plan.

Ms. Aldean said it would be an independent action of this Board.

Mr. Marshall said that is correct.

Mr. Shute said from the Bi State agreement the reason there are no descriptors was that individuals did not want to invite amendments to add two additional districts. The fact that there are no descriptors is intended to be a limitation on adding further designations.

Ms. Bresnick said thank you she did understand that was the purpose of taking out any descriptors was to try and limit it to these two properties.

Mr. Greene asked if the undeveloped forest lands are included in the oversight of this Plan.

Mr. Stockham said the forest service lands are included in the Regional Plan and are generally designated conservation, wilderness or a lesser category and state parks consistent with the existing Regional Plan are designated recreation.

Mr. Greene said existing development on sensitive lands, stream environment zones, residential, tourist and commercial but there is not anything about those lands we just mentioned. He was working on a project this summer and discovered a lot trails that have been built in stream environment zones.

Mr. Stockham said the new LiDAR data is picking this up for the first time ever. There has never been a good quantification of soft coverage on public lands and mountainous regions surrounding Lake Tahoe and that is where this additional soft coverage is being picked up on LiDAR. A large chunk of the additional coverage that was found was soft coverage on public lands. Presumably the EIP and other environmental improvement efforts of the Agency and partners will be able to focus on some of the more impactful areas.

Mr. Greene said hopefully we will take that into account in the future.

Mr. Sevison asked if there were any other restrictions other than land coverage included within that parameter. For example, if Sunnyside needed to be rebuilt could it be rebuilt in kind or does it have to go back and conform to a new regulation.

Mr. Stockham said there are only two topics that the 300 foot applies to; it applies to total allowable coverage which is the maximum coverage you can establish. Anything that is existing and non-conforming is not affected by this change there are still the provisions to rebuild in calamity and provisions to rebuild something that exceeds maximum allowable coverage subject to the mitigation program. You cannot increase coverage above 50 percent above high capability. Also, the comprehensive coverage management plan that may be developed in the future could not increase coverage in that area.

Mr. Sevison said you could keep the existing coverage as part of a greater project that included both sides of the street.

Mr. Stockham said it does not take away anything that is currently allowable.

Ms. Santiago said in the EIS master response 5, concentrated development on water quality, second bullet specifies that the final draft plan limits maximum allowable coverage to areas 300 feet or more from high water mark or landward of State Route 28 in Tahoe City and Kings Beach. She asked for clarification on landward of State Route 28 in Tahoe City and Kings Beach, and if that recognizes the existing development that is there.

Sydney Coatsworth said yes it is and may look like a typo, but said the limitation is within 300 feet of the high water mark of Lake Tahoe or in these two specific areas are called out because of the proximity of the highway to the Lake. The restriction would apply between the Lake and the highway.

Ms. Santiago said this is like other areas if we go back to the resort recreation specific designation. This is recognizing existing development where an individual would not have to tear something down etc.

Mr. Stockham said this was part of the compromise that the Board embraced in August. Generally there was a 300 foot protection zone and through testimony and looking at maps it was shown that a portion of downtown Tahoe City and Kings Beach would be captured in the 300 foot area. The protection area ends at the highway in those two specific locations and it is a very minor adjustment, the area of significance is an area that does not drain into the Lake right around the outlet of Lake Tahoe. The 300 foot ring around the Lake with slight variations to end that buffer at the state highways in the Tahoe City and Kings Beach town centers.

Ms. Santiago said it is a way of recognizing existing conditions.

Mr. Stockham said fair enough.

Ms. Santiago said she had a follow up question to Mr. Sher's earlier question in terms of clarification. Is it correct that when Mr. Sher spoke about the foot print that he was speaking about the town center boundaries.

Mr. Sher asked if Ms. Santiago is referring to the height limit on the five buildings. He said it refers to the replacement of the existing five buildings. His question was whether the replacement could be outside of the foot print; by removing the building and rebuilding it in the parking lot and surrounding areas subject to other requirements in the scenic thresholds, etc. We need to be clear that the existing and adjacent buildings could spread out when they are replaced in terms of their foot print.

Ms. Santiago said she is speaking about the town center boundaries that the staff summary specifies town center boundaries generally being described in the existing community plans. She understands that there are certain uses that are allowed within the boundaries of the town center that relate to height and density. Also, if a particular jurisdiction wishes to change the boundaries of the town centers, there is a process that would need to be completed. She said if the town center identified in a community plan center allowed for these higher buildings, it seems that you cannot move out of the boundary of the town center. The definition of what can be done in terms of density and height is confined within a town center.

Mr. Stockham said Ms. Santiago understands this correctly but that Ms. Santiago and Mr. Sher are talking about two separate regulations. Mr. Sher was talking about the limitations specifically in the high density tourist district to do a redevelopment project. A separate issue is that any future proposal to expand the boundary of any center would have to be approved by the Board; part of what would have to be considered by the Board are the new

criteria of quantitative requirements that a proposal to expand a town center would need to comply with. Mr. Sher's comments had to do with redevelopment of buildings and Ms. Santiago's comments are about an area plan proposing to modify the boundaries of a center and there are a different set of regulations that apply to each of those topics.

Ms. Santiago said the question is that the difference is the designation of use because we are talking about high density tourist district versus a town center or an area plan. The one that we have identified in the high density tourist district has certain allowable uses and what Mr. Sher is talking about is moving the buildings around within the district boundaries which would have to comply with the height and density requirements. The same would apply to the town centers and would abide by a separate set of rules for height and density.

Mr. Sher said there was a lot of discussion during the meetings about community character in regards to transect zoning and town centers and was represented that after a proposal the local community would have an opportunity to modify or override it, but what if the local community did not like the proposal. It is unclear on how the local community could do it and if the process would be through the Board of Supervisors within the jurisdiction. He asked if that was clarified in the final draft plan.

Mr. Stockham said yes it is in great detail. He said no local jurisdiction has authority to modify what is limited in the Regional Plan, that authority rest with the TRPA Governing Board. Under this process the communities are involved in the development of area plans and Chapter 13 provides the detail to the plan development and approval process.

Mr. Sher asked how the local community would do that. If you had an area plan for Kings Beach, how would the individuals living in Kings Beach have effect on that plan?

Mr. Stockham said the community planning process develops a draft plan which TRPA would be involved in the planning process, but fundamentally it is a community driven planning process. The draft plan would then be presented to the local government elected officials for initial approval then it would go to TRPA for the approval of this Governing Board and would not be effective until approved by the Board and it becomes part of the Regional Plan.

Mr. Sher said if the residents of Kings Beach have specific ideas about what they would like in their community they would then have to present them to the Board of Supervisors of Placer County because they do not have any independent veto power over what is going to be done in their community.

Mr. Stockham said that is correct they would sell their proposal to the county commission and the TRPA Governing Board.

Mr. Sher said that is somewhat contrary to the representations that were made when we were considering this earlier. He thought there would be a separate process where if people

wondered what the future of community plans were and the ability to have an effect of what their community was going to look like. Mr. Stockham has clarified that the process would be that the individuals would have to convince the Board of Supervisor's or TRPA.

Mr. Beyer said he would like to clarify what Mr. Sher is trying to bring to the fore front. Approximately one and one half to two years ago community plans were appropriate discussions of what the local community wanted. Clearly that community is driven by the authorities within the boundary to ensure that they are staying within the code qualifications that the county applies that meets our requirements. We are not doing anything new; we are following the same standard with different clarifications using the Regional Plan as the umbrella document that allows for community plans to move forward.

Mr. Stockham said that is correct and the initial visioning process and planning process is underway in several jurisdictions where there are community meetings on going to discuss what these plans should ultimately contain. Whatever is developed through that community based process will go to the county commission and then to TRPA.

Mr. Sevison said traditionally the Board of Supervisors has appointed local planning groups that meet to discuss the local issues and then the plans would go forward to the Planning Commission and the Board of Supervisors. There is at least a three to four step process that will take place before it comes full circle. Each community will have input on what their plan will include. For example in Kings Beach or Tahoe City may have more flexibility which would have one level of scrutiny and a smaller community such as Homewood or Sunnyside would have a different level of scrutiny . He feels it will work fine as it has worked well in the past.

Mr. Stockham said this is an important procedural item and would like to provide more explanation for area plans. They are all the community driven visioning and proposals and the counties and city each have their own approval requirements. For TRPA, the new Chapter 13 identifies a fairly extensive list of requirements that would need to be met in order to be found in conformance with the Regional Plan. There is a section on the content required for area plans in 13.6, this is the conformity review procedures and there are also procedures for the adoption of an MOU (implementing documents), a procedures to monitor, certify and enforce that the plan is being implemented in accordance with the Regional Plan. All the specific criteria in Chapter 13 fundamentally form the TRPA requirements for the area plans. They provide a range of options is outlined in Chapter 13 and then there will be variations within that allowable range that each area plan may do differently. The intent is to have the plans to be community driven but also to have regional framework that it needs to improve the environment and fit within the overall limits.

Ms. Santiago said during the presentation Mr. Stockham said how TRPA staff would be working in regards to the development of the area plans such as TMDL, water quality, etc. and that the guidelines can be found in Chapter 13 of the Code of Ordinances.

Mr. Stockham said that is correct, the guidelines are in Chapter 13 and the general threshold findings for any plan amendment also applies.

Ms. Santiago said if a jurisdiction has a proposal that requires additional environmental review, particularly on the California side with CEQA, the local jurisdictions would have to take on working in conjunction with TRPA for more specific environmental analysis.

Mr. Stockham said that is correct and the scope of that more specific environmental analysis will depend on the content of that area plan and what is proposed to change. Something that proposes a more sweeping modification of what is authorized would require more environmental review and something that repeats these guidelines and TRPA code in place would have a lesser environmental review. TRPA staff and Mr. Marshall have been working with the local government counsels and staff on this.

### Public Comment

Leo Schools, Stateline resident would like to thank TRPA for everything they have done in the past and is here today to speak about the water quality and scenic thresholds. He said the zebra mussel can destroy the Lake and we have to do everything humanly possible to stop it. An article in the Tahoe Tribune from the US Fish & Game that estimated the economic impact of one zebra mussel will be 22 million dollars and the eco system will be destroyed. Bio diversity will be cut in half, fishing will be about gone and boating will be useless. Visitors will not use the Lake if their hulls are going to be covered with zebra mussels. Lake Mead has one trillion zebra mussels, three trillion villagers. Beaches will be covered six inches deep with razor blades (shells) and Lake Tahoe will be a sess pool and all of this will flow into the Truckee River, etc. He has written two articles against boat inspections, TRPA means well but the program will not work. He said this Board needs to ask themselves if everything possible is being done to prevent the zebra mussel from getting into Lake Tahoe.

Ellie Waller, Friends of Tahoe Vista said the public was not provided an opportunity to comment on the last technical working group output and does not believe the nine issue sheets were properly vetted. There was confusion on what was Bi State recommendations versus staff recommendations and did not know if the comments she made on the nine issue sheets were incorporated into the FEIS. On several occasions the public voiced their concerns in writing and during public comment about the potential loop holes with the resort recreation designation. She said that the land use classification conservation is maximum regulation, recreation is not. This change does allow uses that do not exist today and will impact those baseline conditions, simply stating consistency with surrounding uses does not constitute environmental analysis. She asked what net environmental gain will be achieved with this change. Staff has stated that this is a regional focus and asked why we are singling out these properties to begin with. The map that shows these parcels in the October 24<sup>th</sup> packet is not the same map the RPU Committee reviewed. There is a simple solution, just remove the resort recreation and figure out something else. She asked Mr.

Stockham and Sydney Coatsworth if their presentations provided today are online and requested a copy of the independent economic analysis.

Garry Bowen, speaking as one of his “hats” of the American Institute of Architect Center for Communities by Design which he did approximately five years ago for the entire region said in the next two to three months he is going to introduce a global green building system here that fills in the gaps of the Regional Plan. This will allow a more cohesive and less fragmented directions to we all assure a high quality of life for all of the species including ourselves for all time.

Darcie Collins, The League to Save Lake Tahoe said as a participant in the Bi State working group and the other associated technical groups that her assumption as far as resort recreation designation was that the designation was limited to the two areas as identified. She said the intent of that designation wasn't to create or to make it easier for allowances on other areas throughout the Basin to sneak their way in following that designation. It is very clear to her that those identified areas on the map were limited to those two areas.

Pat Davison, Contractor's Association of Truckee Tahoe provided written comment to response to the suggestions provided by Senator Sher and Mara Bresnick. They are concerned with change number 2 that was proposed on prohibition on permitting new construction that will increase air pollution sources until the network monitoring is in place must be rejected. We oppose construction being singled out for a moratorium or prohibition when other activities such as wood burning, motorized travel also influence air quality. We do not see any emergency warranting such extreme action and this worst case scenario approach is not consistent with the tone and the approach of the final draft RPU. In addition, developing construction practices to improve air quality are at the fore front of mandatory mitigation measures in final draft RPU. We will be seeing a lot of you in the next 12 months as we work on those practices. Air quality gets a tremendous amount of attention and it is not ignored in the final draft RPU.

In change number 7 regarding reviewing and replacing certain words in the Goals & Policies; do not change the words as suggested, words mean something. If TRPA wants to change the way it interacts with the community it serves then that change should extend to the words that are used. The Goals & Policies have integrity or validity as written because the variety of implementing actions has teeth in them. Future monitoring will reveal if stricter actions are necessary. Keeping the Goals & Policies as it may seem trivial but to those of us who have been yearning for a more collaborative approach in the regulatory arena where common ground is identified and decisions and regulations are objective and based on science. The choices of words are important.

Honor the work that has been done, the compromises that have been forged and keep what you have. On behalf of the hundreds if not thousands of working construction families that will be effected by your decisions on the RPU, she respectfully request that you reject

the changes proposed in the October 18<sup>th</sup> letter and prepare for the November hearing and December adoption as scheduled.

Jennifer Quashnick, Tahoe Area Sierra Club said she would like to thank everyone for the enormous efforts that has gone into this process including the Bi State agreement. However, as noted in the letter that they submitted on October 23<sup>rd</sup>, the Tahoe Area Sierra Club objects to the Bi State agreement. It was negotiated behind doors and all but two organizations among the conservation community were not consulted, the agreements focuses on more development, more coverage, more burdensome regulations for the public to participate in project and plan approval processes rather than on threshold achievement and maintenance as the RPU should be focused on.

Second, she asked for confirmation from the TRPA staff regarding the due date of final comments; that written comments will be accepted on the Final EIS documents for the Regional Plan, Regional Transportation Plan, Code, Goals & Policies and the Final Threshold Evaluation Report until December 12<sup>th</sup>.

We again ask that you monitor the thresholds, a true monitoring network not just modeling and tracking. Reporting implementation of projects is not monitoring, modeling is not monitoring; therefore, if TRPA does believe the new plan will benefit the thresholds then we recommend you monitor and prove it.

Lew Feldman, Tahoe Prosperity Center said he wanted to echo Jennifer and others commendation to staff to keep this process moving. Over the past 25 years or so the battle ground has been development potential and hopes you would agree that it is the battle of the 20<sup>th</sup> century and the battle of the 21<sup>st</sup> century provides opportunities for collaboration and perhaps more progress. The Prosperity Center hosted an economic forum last Tuesday night along with the LTVA and Tahoe Chamber and the State of the South Shore Economy was the subject matter of that forum. There were some sobering statistics presented, at south shore there are approximately 14,000 visitor units including vacation rentals and other forms of tourist overnight stays. The destinations that we compete with have about 4,000 to 6,000 units. We struggle to achieve about a 30 percent annual occupancy and approximately a \$100 daily rate, the California statewide average is a 66 percent annual occupancy and a \$150 average daily rate and they do not have Lake Tahoe. Our visitor spending over the last ten years has increased just over one percent per year where as the California state average has increased over 3.5 percent per year. Taxable sales in our area have declined from 358 million to 291 million. Room nights rented on an annual basis have decreased by a half a million room nights per year. Gaming employment has decreased from 11,000 jobs to 3,400 jobs; there are now 70 Indian gaming casinos in the state of California, gaming revenue has decreased from 340 million dollars to 198 million dollars.

That market is not coming back which means that we have legacy development that we do not have a market to fulfill. We have 6,000 to 7,000 excess units of use at the south shore which is approximately 250 acres of development. In the 21<sup>st</sup> century, the business



community, conservation community need to come together along with leadership from local government, state and federal delegations to raise money to retire permanently coverage and units of use which will advance thresholds such as water, air quality, soils, vegetation and scenic. He is leading a collaborative effort to make some real change and progress and retire permanently what is degrading our Lake at an alarming rate.

Laurel Ames, Tahoe Area Sierra Club said she thanks Lew Feldman for raising these issues, but feels he has in mind a different future than this plan has. She said there is no projection for population in these documents. She understands this is difficult when you have a plan that is loose and unfocused as this one since there are no limits. She said a plan area statement amendment on the consent calendar is indicative of how little what we have written means and this plan has all many options for all kinds of things. There are always work a rounds and exceptions. She said height must be important because there is a laundry list of incentives for more height including an incentive to of saving 30 percent of the trees to get a height bonus.

She asked if there will be functional BMPs established as part of the construction project if there is not operational area wide treatment system; Mr. Stockham said we do not have to do the BMPs if there is an approved treatment system. There may be some confusion between temporary, permanent, onsite and offsite BMPs. An approved area plan treatment system is a long way off and many dollars from being functional.

#### Staff Responses/Commission & Board Comments:

Mr. Stockham said he was incorrectly quoted by Ms. Ames and said before an area wide BMP program is put in place and approved by this Board today's BMP regulations apply as articulated in Chapter 60 of Code. If and when an area wide system is approved, it has to meet the criteria in section 13.5.3 of Code and it has to address BMPs, equally or more effective than the parcel level system, it has to consider area wide and parcel level BMP requirements as an integrated system and it has to meet an extensive list of other approval criteria. He cannot imagine staff recommending approval of any area wide BMP system that did address onsite BMPs, the only way staff would recommend approval is if it was more effective at protecting water quality of the current system.

Ms. Marchetta said that any project that comes forward ahead of an area wide system approval has to put in place authorized BMPs. This has been the system and remains the system.

Mr. Sher said he feels the confusion is between approving an area wide plan and implementing the area wide plan. Although something may be approved it could be years before it is implemented, there will be large cost associated with it. The confusion is whether during that interim period that there is still construction happening, whether those new developments are exempt from having to do any BMPs on their own parcels.

Mr. Stockham said no that would not be acceptable, any area wide BMP plan that came in and allowed for that would not be supported or recommended for approval by staff. The details of how that is implemented will be addressed in each area wide BMP program. To meet these approval criteria that would not be allowed because it would not comply with the requirements.

Mr. Sher said for example in July 2014 and area wide plan is approved and there are no funds to put it in place and it will be five years before the filtration system is built and the following year there is a proposal for a project within that area; would it be required for the project developer to put in parcel specific BMPs in place. He said under the current proposal where individuals have put something in and at the time the area wide plan is going to be paid for they will receive credit. He assumes if you are going to require projects which are subsequent to the approval of the area wide plan but prior to the implementation of it, you require those developers to put in BMPs on their own parcel would also receive credit. He asked if they will be required on their own parcel to do BMPs pending the implementation of a previously approved area wide plan.

Mr. Stockham said yes they will.

Mr. Sher asked if that is in the current Code or Plan language and if not, will it be put in.

Mr. Stockham said as we understand the language it is required by the final draft plan.

Mr. Sher said it would be appropriate and would appreciate it if staff would provide himself, the public and Laurel Ames with the language.

Mr. Marshall said the language is in Chapter 13.5.3 of the Code, Area Wide Water Quality Treatments and Funding Mechanisms. Finding A is that the area wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency in achieving water quality benefits to site specifics. In order to make that finding there has to be consideration of the temporal problem that you are addressing.

Ms. Aldean said there has been testimony on concerns between modeling as opposed to monitoring. Her interpretation of the 13.5.3 provision is that the assumption is the only way to demonstrate that an area wide plan is more effective is by implementing it or by modeling it. A model is not an implementation of the system it is a theoretical construct. She believes what Mr. Sher is saying that the language needs to read that until an area wide plan is on the ground and operational that individual parcel BMPs will still be required.

Mr. Marshall said correct, but that specific is not in the current provision.

Ms. Aldean said she does not disagree that is should be, she feels that is the intent but to provide individuals with the assurance on that is how it will be implemented and enforced. She said this may warrant some additional language to clarify that.

Mr. Donohue said Ms. Aldean raised a good point, but as he understands it there is a standard for infiltration for residential properties, 20 year one hour storm. If you went to a regional stormwater treatment or associated with a local plant you would need to model and show that it is more efficient at a minimum to that standard and not sure then it would have to be monitored afterwards

Ms. Aldean said in order to avoid having to implement parcel by parcel BMPs you have to demonstrate that an area wide BMP system is going to be as effective or more effective. Unless the system has been installed the only way to do that is to model it, but in the meantime without the individual parcel BMPs you could have associated run off. To say that according to our modeling the area wide BMPs are going to be more efficient is germane in that it is an incentive for you to look at addressing BMPs on an area wide basis but it does not address the immediate need for protections on a parcel by parcel basis.

Mr. Hester said what is being asked for is what happens between the plan approval and the implementation. He said the plan would have to include what has to be done before the area wide facilities are in place and the only way you could make the finding that it is equal to or better is if you did that. One way is to have the developer put BMPs on each property before the area wide system is in place. Another common way with water, waste water and streets is they oversize and get paid back by the future developer. You cannot make the finding that it is equal to or greater unless you handled the temporal situation. He said maybe we should be more explicit.

Ms. Aldean said this should be more explicit because as Mr. Donohue indicated with current modeling techniques you could demonstrate without putting anything on the ground that an area wide system is more efficient. To address Mr. Sher's concern we could tweak the language to say until an area wide plan is implemented and functional, parcel by parcel BMPs will be required.

Mr. Stockham said the suggested change clarifies language and does not change how it would be implemented and may be a good clarification.

Ms. Bresnick said in terms of addressing the temporal situation whether we add language for parcel by parcel BMPs or that plus explicitly stating that an area wide plan must include measures for BMP compliance until the plan is implemented and operational. She asked if we need to have a straw vote of the Board to give direction to staff to add language.

Ms. Marchetta said this is already part of the comments and proposals that you have submitted as part of your request to be considered. Depending on how we take up those proposals this should be within that consideration.

Ms. Santiago said she suggested that all comments be heard first then we can come up with a strategy to best handle this.

Ms. Marchetta said the area wide versus parcel specific BMPs issue is on the list.

Ms. Bresnick said since there were other Board members who echoed receptiveness to that idea she wanted to clarify how this would be handled.

Mr. Sher said this has been a big challenge to consider and approve the documents that have been published at this meeting. He is concerned if we wait until the meeting at which we are going to approve these documents we would not have an opportunity to consider them. In the past when there were suggestions it was said that staff would review, but staff has said they do not have the authority to make any changes in the documents that we amended by straw votes at the August meeting. He and Ms. Bresnick agree that the October and November meetings are the time to discuss items of concern that have been expressed to them as Board members. After we read through these documents, we may possibly have more items for discussion at the November meeting.

During the last California budget session and the TRPA appropriation for the current fiscal year budget language was included to call for the establishment of a four year measurable bench marks of implementation and programmatic provisions and development of a comprehensive monitoring and evaluation of a reporting plan with other agencies. This is sensible to include these conditions of the appropriations under the California budget for TRPA to fold those into the Regional Plan Update. He is not proposing to draft the language here but should be done by the technical committee.

Item (1) is to include in the Goals & Policies or where appropriate the requirements under the budget appropriation language in the current California budget.

Item (2) is a response to the Sierra Club and others who have suggested that on the current air quality monitoring system is inadequate and does not list the pollutants to be monitored and the monitoring stations are isolated. The suggestion is to include a provision for the installation operation of a continuous properly operated air quality monitoring network and prohibiting new permitting that will increase air pollution. Anytime a permit from TRPA is required should not be granted for projects that would increase these pollutants until this monitoring system is in place.

Item (3) was discussed earlier and will not elaborate any further.

Item (4) is a concern that has been expressed with the increase of coverage now being allowed in most cases to 70 percent. It needs to be clear that the remaining 30 percent in that area must provide natural infiltration and that there should not be any coverage on the 30 percent that inhibits natural infiltration.

Item (5) has language throughout the Goals & Policies that utilize language out of the Compact but are inconsistent with it and needs to be edited or modified. That is an

invitation to uncertainty. One example is where the word “population” was dropped from the Compact phrase.

Ms. Bresnick said items (6) and (7) address comments she raised at the August meeting regarding the language on the appeal process. There were some changes made to the language but the language regarding frivolity of an appeal and the staff recommendation to the Board for the determination warrants further consideration. The frivolous nature of an appeal as it is currently drafted relates to three provisions.

One is standing to file an appeal, two is exhaustion of administrative remedies and three is the merits of the appeal if it is in conformance with the Regional Plan. Standing and exhaustion of remedies are prerequisites to filing an appeal. That may have been the intent through the Bi State Consultation Group that an appeal may be filed and may go forward without a determination of standing and exhaustion of remedies and then would go to the Board and items could be determined to be frivolous. Those are prerequisites that if do not have standing an exhaust the administrative remedies you would not be able to proceed to the Governing Board for determining an appeal. The section reads “TRPA staff shall make a recommendation to the Governing Board on the merits of the appeal including whether the appeal is frivolous as defined in subsections 13.9.2 through 13.9.4.” These sections do not define frivolity. The Board’s consideration of the staff recommendation specifically stated here should be deleted. She requested that the language be reconsidered, and asked what was the intent of having frivolous as part of it and what would constitute a frivolous appeal, she asked if staff should be making that determination. She asked if staff would review the point raised yesterday by Alex Leff in terms of whether there is an effect on the public in having to file two actions.

In terms of language throughout the Goals & Policies and the Code with the use of encouraging and promoting should be carefully reviewed and in some instances be replaced with more mandatory language. She supports some flexibility if this plan is going forward with area plans to be adopted and how the local jurisdictions are going to meet the requirements of the plan and achieving thresholds. The language that currently states “achieve” or “do not interfere with the achievement and maintenance of thresholds” needs to be reviewed and “should” and “shall” should also be considered.

Mr. Sher and she worked with the Sierra Club in terms of the language that is included on air quality. They may have not provided this exact language but their comments did go towards what is provided in our suggestions on Goals & Policies for air quality.

Mr. Teshara asked for clarification as to whether the groups Sierra Club and Tahoe Area Sierra Club are different entities.

Mr. Sher said it is the local chapter that Jennifer Quashnick represents.

Mr. Teshara asked if references today to the Sierra Club mean the Tahoe Area Sierra Club.

Ms. Bresnick said yes.

Mr. Beyer said thank you to Ms. Bresnick and Mr. Sher for their due diligence. A point of clarification on item (1) in consideration of the language that came out of the California Senate on budget appropriations for a monitoring program. He said the intent is there but the implementation of that idea without the revenue to follow it makes it complicated. It is difficult for this body to accept a mandate when there are no financial mechanisms to implement that mandate.

In reference to the words “shall” and “do” it can be mandated but if we do not have the implementation mechanisms to do this we lock ourselves into a binding contract for this Board and future Boards. The intent of the Regional Plan is to set up a boundary of opportunity for the future Board and the public so we have goals, emissions and standards that are achievable. The Compact was created 40 plus years ago as a guiding principal document and he has not seen any words in the document through the Regional Plan Update that are changing that particular conflict. If there is than we should review those words in terms of not identifying a document that would require Congress to change the words.

On the standards that we are requesting from this body to monitor air quality on any motorized vehicles or emission standards and make sure that we are reaching the standard qualifications of what those emissions are by their category. For example, an airplane flying over the Lake would be a vehicle putting emissions standards into the Lake, how would this Board monitor conditions set by the FAA. This is a grey line of implementation when we do not have the authority nor the mechanisms to meet those standards.

Mr. Sher said we report to monitor now and the suggestion has been that the monitoring system for the purposes of our air quality thresholds are inadequate. The suggestions we received from the Sierra Club representative is to do better. In a 20 year regional plan that should be reflected, they are inadequate locations for the monitoring and tracking. This is an effort to show that we are serious about air quality within the jurisdiction that we have. It can only relate to activities over which we have jurisdiction and control through the permitting process.

When the budget committees crafted the language and put it in as a condition of TRPA’s appropriation there was a statement of intent, there was some concern about how you would accomplish that with our resources. It calls for a plan and monitoring system to be put together so it should be reflected; we often put items in this 20 year plan that we do not achieve. We should show the serious of purpose and the intent to try and comply with these conditions if we want the State to continue to make the appropriations that are conditioned on these items being done.

Mr. Beyer said we have an organization that comes in and provides us with task of items for air quality, water quality, etc. and within that report they specified items and conditions that we should meet and those that cost money. They need to prioritize those cost based upon the revenues you have from other money from the State of California, Nevada and

federal money from SNPLMA that is being reduced. If that outside peer group provides their suggestions and then have us choose the priorities. The State of California is recommending through appropriation items of the requirements and want us to mandate these improvements, how would staff make recommendations back to this Board on what is achievable in terms of those conditions.

Ms. Marchetta said we will need to go into more detail on this but staff has already started to think about how to approach this. Mr. Sher is correct in that we are talking to the California Legislative staff and have been since early spring on how to reasonably implement this language. Currently we are working toward delivering a report that would look into the scope; schedule and budget for what it would take to accomplish the measures that are proposed in this budget language. We do not have the system developed yet but we are actively working with the Tahoe Science Consortium, this language commits the Consortium to deliver product that they do not have the adequate resources and funds to deliver what this language requires. The first step would be to submit the proposed scope, schedule and budget of what it would take to get to these items. We have a significant financial gap to implement the existing monitoring system. There is another requirement that specifies that the Consortium needs to make recommendations on all of the existing thresholds. Should we mandate today trying to implement the existing system before the Science Consortium does that required review. By definition that is an early allocation of our financial resources to a system that TSC may feel that some things that may be more important that give us better information about the ecological conditions in the Basin. She said should we monitor the most important threshold indicators well or should we monitor them all inadequately.

Ms. Aldean said as a representative of the State of Nevada she is unsure that Nevada necessarily wants to commit its resources in the same manner as the State of California. Nevada has not been specific about how the money grants this agency to be spent. Our assumption is that it is being spent to further our environmental objectives. She is concerned that we are incorporating into the Regional Plan provisions from California that relate to how they want their money spent but they would be binding on Nevada as well.

She does not believe that anyone on the Governing Board, APC or TRPA staff is averse to monitoring. We want to prove that the Regional Plan is going to accomplish the objectives that we want to accomplish. The best way to do that is to have a robust monitoring program. The question is how we commit limited resources in the most cost effective way possible; she suggested that we need to look at a more collaborative funding solution which would include money from the environmental committee. The League has already stepped up to the plate with respect to assisting us with aquatic invasive species issues. She said that if this is important to the Sierra Club that perhaps they can assist us in augmenting our budget and dedicating those funds to a more comprehensive monitoring program. This needs to be a collaborative effort. With respect to prohibiting new construction and how that language would be expanded to include other activities that might have a negative impact on air pollution; her concern is that the presumption is that when a project is

approved we are assuming that the impacts of that project can be mitigated. We have consciously steered away from implementing a moratorium, to her this is max of a defacto moratorium especially when we are doubting that we have the resources to increase our monitoring activities to the extent that is being requested here.

In item (4) where is specifies 70 percent coverage is allowed on a parcel and the remaining 30 percent of the parcel should be required to provide natural infiltration and asked if the balance of that percentage would be soft coverage.

Mr. Sher said he would defer to the experts on that but would assume that we would be increasing the coverage and what is not being covered should not be covered with soft or hard coverage.

Ms. Aldean said she appreciates Ms. Bresnick's recommendations with respect to the nuances of the terminology, but she is concerned when you go from "should" to "shall" and make something mandatory that you have to be prepared to spend the dollars necessary to implement that portion of the policy and if we do not have the money then we are setting ourselves up for failure. She asked Lew Feldman to come up and discuss some of the terminology such as frivolous appeal that is reflected in the final result of the Bi State Consultation meetings.

Lew Feldman said this was a highly contentious debated and imperfect compromise. There were members of the group that felt a filter should be imposed at the front end of the process that would have empowered staff at a staff level to determine whether or not an appeal was frivolous and not take up the time of the Governing Board at all. Others felt that there should not be any filter and the right of appeal should be unrestricted and unfiltered. The compromise solution is imperfect and there is an expectation now that staff will weigh in on the issue of the merits in terms of whether or not someone has "passed the smell test" in terms of do they have a legitimate issue to bring forward under the Compact and Regional Plan. This was the compromise of 12 people and there will be some discretion for staff to weigh in on whether they find the matter frivolous outside of the fact of standing and or exhausting, but the Governing Board will have the ultimate determination as to whether it has merit.

Ms. Bresnick asked Lew Feldman if it was the intent of the group that frivolity includes the issues of standing and exhaustion of remedies.

Lew Feldman said he cannot say that the intent of the group is something that he has the imprimatur to fairly deliver to you.

Ms. Bresnick said for example if an appellant comes in and they do not have standing and have not exhausted administrative remedies, will TRPA staff at an administrative level have the ability to not accept the appeal or they have to process the appeal and have the



determination be that the appeal is frivolous because they did not have standing or did not exhaust the administrative remedies.

Lew Feldman said staff may disagree with his analysis but he understands the process to be that staff would make the determination in fact that they did not have standing or did not exhaust their administrative remedies that the appeal was frivolous and would report that to the Governing Board and the Board could agree with staff or if the Board did not feel it was frivolous they could hear the appeal.

Ms. Aldean said some individuals may be offended by the use of frivolous and may feel that their case has merit. At one time the term “meritorious” was being proposed as a term and “frivolous” was substituted. She feels “meritorious” was a better selection of terminology because there are three items that will determine whether the case has merit. The use of frivolous or frivolity has a condescending inference.

Ms. Fortier said that she was part of the Bi State Consultation Group and the point was that they went through every word in the process and in that process there were cases that have had TRPA review that were considered by a number of local jurisdictions frivolous. They came up with that term for a good reason, if you start to wordsmith a process that was very difficult to achieve and was agreed to by both States we now have a problem where everything can be picked apart. To start wordsmithing what was 18 months’ worth of work and if it is a problem it should be brought back to the Regional Plan Committee.

Ms. Santiago said this is why she wanted everyone to make their comments first so she could then propose that as we go through this process to determine what is first and foremost in the minds of the Board members. We do not want to make hasty decisions so the idea is that we are engaging in what is a productive discussion so we can then take some of this back to the Regional Plan Update Committee for them to further vet these items in a public process.

Ms. McDermid said she concurs with Ms. Aldean, Ms. Fortier and Ms. Santiago in that many people put in a great deal of time and energy over several months to craft what could be the consensus of the RPU Committee and the Bi State Committee which Steve Mokrohisky was involved in. We went through a lot of this at the October meeting and she does not feel that this is the right time to change anything unless you take back to those individuals on those two committees who crafted it and get their opinion. She concurs that it is the appropriate place that the proposal from Ms. Bresnick and Mr. Sher have made go through the vetting process that everything else has gone through.

Mr. Sher said the Bi State Committee came up with recommendations and it was recognized that it had to be translated into Goals & Policies and Code language which was done by a technical committee. He agrees with commenter earlier that said words have a meaning, but they need to have a meaning that is defined and that is what the technical staff tried to do. The way the Bi State dealt with “frivolous” and turned it into language reads as follows.

“Within 60 days after receipt of an appeal, TRPA staff shall make a recommendation to the Governing Board on the merits of the appeal including whether the appeal is frivolous as defined in subsection 13.9.2 through 13.9.4 those are the three objective standards.” He said it is not a good idea to put terms like that into a document like this unless it has some definition, it says staff makes a recommendation about whether it is frivolous to the Board, but what is appropriate are those three objectives.

Ms. Fortier said she has been involved in almost every aspect of the whole process including the Bi State Consultation Group; she has an enormous amount personally vested in the successful outcome of the Regional Plan. As a representative of local government she would like to remind everyone that the intent of the Regional Plan as she understood it is that we were trying to ease our way through a necessary regulations to allow us to rebuild what was built 60 years ago long before the first Regional Plan was in place. One thing we have got away from in these conversations is there is an economic cost to what we are doing to our region. That economic cost has a direct correlation to environmental impact and the question becomes is are we measuring whether we have enough Yellow Cress and the Goss Hawk have enough room to fly. All of these things were carefully monitored and regulated but we have one endangered species that are being aced out in this process, they are the people who live in and need to be able to make a living in Tahoe. We are taking this conversation away from what is a significant economic downfall and much of that can be traced to our inability and incapacity to change what we already had.

The presentation made on the south shore economy and the economic impacts of the environmental stand still that we have created are startling. We do not have the capacity to economically sustain the ever shrinking population that lives here. We hear about the millions upon millions of acres that are soon to be developed but the reality is and we have learned through this Regional Plan is that number is shrinking significantly. The plan that we are putting forward shrinks additionally, even beyond what was proposed in the 1980's and yet we quibble about how to shrink it more. If we continue, we will not get the economic or environmental gain that this process was supposed to set forward. If the State of California would like to monitor everything that comes out of our decisions here then she suggested that the economy be a threshold because the economy is absolutely critical for what we are suggesting. We recently completed the Tahoe forum where both governors supported a public private partnership to increase the environmental gain as well as the economic sustainability of this community there is no measurement of that.

This plan is not set in stone for 20 or 30 years; we need to look at this plan in one year and four years and see if there is a correlation between the rebuild we are proposing and what was already there. In addition, there has been a lot mentioned about the legal ramifications of this plan. Yesterday we had a speaker from the Friends of the West Shore commenting on the new appeal process and how they could sue in two courts. Local jurisdictions are being asked to take on a phenomenal amount of financial and legal responsibility and we are being asked to do this with handcuffs. The local jurisdictions would like to have the capacity to determine within very stringent guidelines what their future is. If you look at

what has been done in the last ten years, three projects of great environmental significance have either been thwarted or sued, these were projects that everyone would agree would have significant environmental and economic improvement. We have 22 years of fighting a shorezone plan and if we as a community and as a region cannot figure this out it is ridiculous. As we are about to enter into a new RPU, we are debating the word frivolous. It is great what we are trying to do, these are small steps toward being able to rethink the Tahoe region on a much more regional level.

She asked that the State of California and Nevada stand up with the local jurisdiction on these legal issues. This is a Bi State Federal Compact and the legal ramifications of what is coming down can clearly be seen with the conversations over the past two days. Secretary Laird and Director Drozdoff said in their letter to this regional Board, “the States of California and Nevada take seriously our unique and shared roles at Lake Tahoe. Through our personal engagement we believe we have fostered a Bi State relationship that is healthier now than in recent memory and has engendered stronger trust among the stakeholders and represents a new start.” If this is about trust then the environmental community needs to trust local government and we need to have the States with us and that there is trust in what is being done going forward; it is not just for the environmental improvement but the community sustainability of this region. This needs to be focused on now instead of putting it on the back burner.

Ms. Reedy said what stood out to her the first time she read Compact was also part of what Ms. Fortier said about the Compact and the economy.

#### Article I, Findings and Declarations of Policy

(a) It is found and declared that:

- (1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.
- (2) The public and private interests and investments in the region are substantial.
- (3) The region exhibits unique environmental and ecological values which are irreplaceable.
- (4) By virtue of the special conditions and circumstances of the region’s natural ecology, developmental pattern, population distributions and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.
- (5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.
- (6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural public health values provided by the Lake Tahoe Basin.
- (7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.
- (8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multi-state and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the States in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure equilibrium between the region's natural endowment and its manmade environment.

She said the RPU lacks the balance on economics and one of the items that should have been brought forward and would be willing to entertain at the RPU Committee meeting is the inclusion of economic measurements. She would be interested in knowing if the Yellow Cress is putting individuals out of their homes, she supports the environment in many aspects of her personal life, but there is a cost benefit to all of this. She asked why are the private property rights ignored here and why we have unemployment and under employment of approximately 25 percent. It needs to be monitored and measured and those reports should go to the local governments, state governments and to federal government.

Mr. Sevison said prolonging this discussion here is probably not in the best interest of the Board and should go to the RPU Committee and vetted with that committee then brought back to the full Board if necessary.

Ms. Bresnick said she appreciates the different viewpoints of other Board members, she does not think that in any way it effects what are some of the real issues that have been presented by community members with respect to environmental standards and monitoring that any other Board member might be presenting. We have a concern for the community and economy but we also are concerned for how the Plan is implanted. The area plan process is not a process that she urged local communities on, she understood that was an outgrowth of local communities wanting to take back some of the control over the local decisions within the confines of regional planning effort. She said she has some extensive comments that are more detailed and since there will possibly be items going back to the RPU Committee and or the technical working group and am not sure if anything will go back to the Bi State group.

She has extensive comments regarding language and policies and implementation of the Bi State and the size of TAUs which were translated differently. As it does not appear to be the desire of the Board to hear her other comments she will make copies of her notes on the documents and will submit them to staff if there is going to be another process or at least be in the record. She reviewed some of her comments with Mr. Marshall on language that was before the nine issue areas came to final language through the technical working group, some or all that may have been considered by the technical working group. The technical working group may have decided that there was no reason to make any changes as some items were not incorporated. Some had to do with clarification and were not all on differing opinions on how items were going to be implemented.

She believes that every Board member wants to see the Basin succeed in terms of its environmental thresholds and the communities that surround the Lake; we have different ways of approaching it and we should respect each other's opinions. She would like to be able to express her views although they may be different from others. She said she cares about individuals being able to make a living and stay here, but in some instances the regulations need to have further performance standards and that everyone wants to prove that what we are doing is going to work. There needs to be significant work on the monitoring because that is the only way that it can be demonstrated that the leaps of faith we are making will improve the environment while allowing for reasonable growth within the carrying capacities of the region.

Mr. Beyer said this discussion is important in terms of next steps; there are issues that were brought forward in different dynamics over the past 18 months. Since the Chair of the RPU Committee is not present, what is the process if the proposal with the additional suggestions from our two colleagues of this Board wants to be taken up at the RPU Committee? He is concerned about timing, going back to the Summit of 2011 when we were asked by the Federal government and two governors to get a Regional Plan to the public by December 2012. We cannot lose sight of that and asked for clarification in terms of process.

Ms. Marchetta said when staff received additional proposals we started to think about the process of how we would take those up. We knew that we would discuss these today and have already discussed with Mr. Shute about the willingness to convene the Regional Plan Update Committee to take up these or perhaps other proposals. Mr. Shute agreed that these need to be considered and is willing to convene the RPU Committee for one or more meetings. She said Ms. Bresnick is a member of that committee and would hope that we have a full contingent. In addition, we take the California budget language very seriously and there is more discussion to be done in part of the members of the committee and the Board about what actions are already underway to address that language. We do have concerns about scope and budget and we can engage in a discussion that works out process to address those issues. Staff understands that one thing we will have to do in the future to bridge the gap of trust is to be able to make reports to the Board and the public about whether these regional plan update amendments are working. It is exceptionally important for us to know what to reflect in the final plan documents and EIS. She said if there are other proposals that staff needs to consider that there is every effort made to submit those before that committee meeting.

Ms. Santiago said since we knew that these were coming, she also spoke with Mr. Shute and asked him if he would be willing to take the lead with regards to the RPU Committee. She suggested that the RPU Committee to meet possibly at the end of the first day of the Governing Board meeting. She said the comments that are presented by this Board and members of the public are taken very seriously. In order for us to be effective in our responses it is important that we have those comments and recommendations in a timely manner to vet them properly. Please submit any proposals or comments to staff by November 7, 2012.

Ms. Bresnick said some of the reasons she and Mr. Sher waited to submit their proposal was to see how items were responded to in the final EIS. We were hesitant to submit items that possibly might have changes in the EIS or responses that addressed that concerns. She appreciates that there has been a lot of work done by staff, committee, Bi State, the public and the willingness to consider items further. She said she thought she had withdrawn from the RPU Committee, but she will do everything possible to be at that meeting and will get her comments in as soon as possible. Some of her comments are not significant changes in terms of substance they are more wording changes.

Mr. Donohue asked if the technical working groups would be reassembled. The technical working groups were on their way to having similar conversations that the Board has had here today and it was realized that our responsibilities were to help draft code in the spirit of the Bi State consultation process. He questioned the value of that group and suggested it could be done at the RPU subcommittee.

Ms. Marchetta said at present, the answer to that is not clear, but she anticipates that we would not reconvene the technical working group and is now in the hands of the Board. We may consult with individuals that engaged in setting the intent of these provisions.

Mr. Donohue asked if staff anticipates having to engage the Bi State Consultation group as part of this process.

Ms. Santiago said the Bi State group will not reconvene.

Ms. Reedy said as the Vice Chair of the RPU Committee she invites anyone wanting to attend the RPU Committee meeting as she values the technical experience and background of others.

Ms. Aldean said in the nine and one half years on this Board we have had a lot of robust discussions and each of us have different prospective. She said she did not feel that Ms. Fortier's comments were directed at Ms. Bresnick, but is a reflection of the frustration of local government representatives that have to balance their budgets. From a theoretical standpoint of taking on greater control is very appealing but if confronted with a prospect of being sued every time one makes a critical decision, it is not only frustrating but it is financially exhausting. At the end of the day with the incorporation of some or all of your recommended changes we will have a better document. With your input from input you have received from the environmental community that we can pass this document and there will not be a legal challenge. Any legal challenge will prolong the inevitable; we want to move forward in a cooperative and collaborative way. We need to get some of these projects on the ground to determine whether or not our new direction has merit

## VIII. REPORTS

### A. Executive Director Status Report

Ms. Marchetta said at a previous meeting staff was asked to provide a report on our Planning Department statistics which is included in your packet.

Ms. Aldean asked if staff could elaborate on the five percent of the applications that over 120 days.

Mr. Hester said today you received an updated report from the one that is in the packet. We are using these performance measures in real time and review this report weekly in our current planning meeting. Staff is working toward performance measures like these for every program, division and department in the Agency. Slightly less than 33 percent of the year we have 29.48 percent of the permits we thought we would. We have had 100 percent completion on the 30 day requirement for ruling whether an applications is complete. The next measure will be how quickly we get items to hearings officer. The next one would be the time frame in which we get a project to the Governing Board that does not have an environmental document. On the 120 day, there is one item outstanding due to it being out for public notice. In addition, we have a survey box at our front counter and 75 percent of them ranked us as good or excellent.

#### B. General Counsel Status Report

Mr. Marshall said we discussed the decision of the Sierra Colina case which all the Board members were provided a copy of.

### IX. GOVERNING BOARD & COMMISSION MEMBER REPORTS

Ms. Bresnick said she was the one who requested the roll call vote on the Plan Area Statement Amendment. She originally was going to pull it because of more procedural reasons; she had some substantive issues and discussed them with Lyn Barnett and Jerry Wells of WBA Planning as representatives of the property owners although, they do also work for TRPA on a subcontracting basis as well. She felt plan area statements generally have been a public hearing items and not on consent calendar and should not have been a consent calendar item, however, for various reasons she did not pull it to have is discussed. She is aware that it was discussed at the APC meeting, which unfortunately she was attending the Legal Committee during that time.

### X. COMMITTEE REPORTS

#### A. Legal Committee

None

#### B. Operations Committee

None

C. Public Outreach & Environmental Education Committee

None

D. Catastrophic Wildfire Committee

None

E. Local Government Committee

None

F. Regional Plan Update Committee

None

G. Board Governance Committee

None

XI. PUBLIC COMMENT

None

XII. ADJOURNMENT

Chair Norma Santiago adjourned the meeting on October 25 at 3:13 p.m.

Respectfully submitted,



Marja Ambler  
Clerk to the Board

*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) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.*





**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
Stateline, NV 89449

**Contact**

Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

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MEMORANDUM

Date: November 7, 2012  
To: TRPA Operations Committee  
From: TRPA Staff  
Subject: Fiscal Year 2013, October Financial Statements

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Requested Action: Governing Board Acceptance of the October Financial Statements for Fiscal Year 2013.

Staff Recommendation: Staff recommends Governing Board acceptance of the October financial statements for Fiscal Year 2013 as presented.

Required Motion: In order to accept the Financial Statements, the Governing Board must make the following motion:

- 1) A motion to accept the October 2012 Financial Statements

In order for the motions to pass, an affirmative vote of any eight Board members is required.

Summary:

As of October 2012, 33% of the fiscal year is complete. We have secured over 98% of the General Fund's Revenue (not counting Reimbursements and Settlements), 63% of Planning revenue, and 49% of all projected revenues for Fiscal Year 2013. Overall, the Agency has spent 30% of its total annual budget.

Discussion:

On the revenue side, we have received both the California and Nevada contributions and are in excellent shape. The Planning fund has received 63% of forecasted annual revenue, and is running well ahead of budget. AIS Watercraft Inspections fees are strong, at 70% of the annual budget. The July - September period is when most inspections occur. Special Funds revenue is understated because the first quarter invoices are just now being sent out. This just reflects the timing of billings. On a cash flow basis, the Agency is over \$5M positive YTD.

On the expense side, there are three categories of expenses where we have spent more than 40% of the annual budget. Details by category are:

- Supplies are at 48% of the year budget. This is largely due to the upcoming Emerald Bay Asian Clam treatments, covered by a grant.

- Equipment expenditures are at 55% of budget. This is due to two factors, the acquisition of new laptop computers to complete our mobile workforce initiative (GF) and expenses to rent electronic signs for the watercraft inspection program (AIS).
- Travel is at 62% of the year's budget. The primary driver was an unplanned trip to Syracuse, NY for Transportation. Grants covered the costs of this trip. Several members of the RPU and Current Planning teams also attended a planning conference in Las Vegas. Travel is an extremely small expense for the Agency, amounting to a little over 0.1% of the total budget, so individual trips can drive large percentage variances that are otherwise insignificant.

Expenses for two funds, Reimbursable and Transportation are over 40% of budget:

- Reimbursable revenue and expenses are well ahead of plan. Reimbursable consist of legal and planning costs recovered from Applicants. These used to be called "pass-through" since the Agency derives no benefit, and incurs no financial risks.
- Transportation is also high in contracts, largely due to preparation of the Regional Transportation Plan. Grants fully fund this activity.

The summary chart includes A&O allocations to the grants that have not been entered yet, but the summary shows the funds as they will appear when those entries are made.

When reading the detailed report, be aware that fund balances are reversed, a negative means revenues exceed expenses and a positive number would appear when expenses exceed revenue. This reflects the formatting in our accounting system.

If you have any questions, please contact Chris Keillor at (775) 589-5222 or [ckeillor@trpa.org](mailto:ckeillor@trpa.org).

Attachments:

- Enclosure I      October Financial Summary
- Enclosure II     October Financial Statements

**Tahoe Regional Planning Agency**  
Financial Summary, November 2012

	General Funds						Special Funds				Total	Budget (Year)	% of Budget
	GF	Planning	Shrzone	Reimb.	Settl.	Bldg	EIP	BMP	AIS	TMPO			
Page #													
<b>Revenue</b>													
State Revenue	5,300,401		124,000							17,380	5,441,781	5,437,303	100%
Grants	7,900						33,052	3,668	94,421	99,631	238,673	6,593,083	4%
Fees For Service		596,956		279,065	50,500				380,777		1,307,297	1,844,549	71%
Local Revenue	149,999										149,999	149,999	100%
Other Revenue	23,233			119,301							142,533	429,467	33%
Rent Revenue						308,466					308,466	945,715	33%
<b>Total Revenues</b>	<b>5,481,533</b>	<b>596,956</b>	<b>124,000</b>	<b>398,365</b>	<b>50,500</b>	<b>308,466</b>	<b>33,052</b>	<b>3,668</b>	<b>475,197</b>	<b>117,011</b>	<b>7,588,749</b>	<b>15,400,116</b>	<b>49%</b>
Budget	5,577,516	949,830	124,000	499,322	165,000	945,795	422,475	989,062	3,333,514	2,393,602	15,400,116		
<b>Expenses</b>													
Compensation	640,704	264,707	46,065	11,793			19,002	122,556	83,800	145,252	1,333,879	4,472,439	✓ 30%
Benefits	161,114	46,782	5,169	4,098			3,566	28,809	17,346	33,753	300,636	1,284,007	✓ 23%
Contracts	140,713	77,725	(6,041)	234,121	5,142		11,577	43,585	564,386	1,039,684	2,110,892	6,868,915	✓ 31%
Maint & Repairs	61,796		2,518			15,700			7,462		87,475	294,670	✓ 30%
Supplies	15,306		786					460	39,571		56,123	115,894	✗ 48%
Equipment	44,108								14,248		58,356	105,580	✗ 55%
Training	1,142			225							1,367	68,955	✓ 2%
Utilities	35					11,177			1,415		12,628	56,917	✓ 22%
Travel	5,707	1,267		108					525	5,444	13,050	21,185	✗ 62%
Misc Expense	74,144	654	7,367			12,340	1,230	100	12,099	9,728	117,661	406,406	✓ 29%
Rent	230,753								11,925		242,677	771,893	✓ 31%
Financing	2,230		21,219			323,942			10,450		357,841	919,640	! 39%
A&O Allocation	(236,124)						11,735	78,710	52,596	93,083	0	0	✓
Transfers	(438)								438		0	0	✓
<b>Total Expenses</b>	<b>1,141,190</b>	<b>391,134</b>	<b>77,082</b>	<b>250,345</b>	<b>5,142</b>	<b>363,158</b>	<b>47,110</b>	<b>274,220</b>	<b>816,259</b>	<b>1,326,944</b>	<b>4,692,585</b>	<b>15,386,500</b>	✓ 30%
Budget	5,375,429	1,080,637	202,150	499,322	114,000	1,017,074	422,475	989,062	3,292,749	2,393,602	15,386,500		
% of Ann Budg	✓ 21%	! 36%	! 38%	✗ 50%	✓ 5%	! 36%	✓ 11%	! 28%	✓ 25%	✗ 55%	! 30%		
<b>Net Fund Balance</b>	<b>4,340,343</b>	<b>205,822</b>	<b>46,918</b>	<b>148,020</b>	<b>45,358</b>	<b>(54,693)</b>	<b>(14,058)</b>	<b>(270,552)</b>	<b>(341,062)</b>	<b>(1,209,933)</b>	<b>2,896,164</b>	<b>13,615</b>	
Budgeted Net	202,087	(130,807)	(78,150)	0	51,000	(71,279)	0	0	40,765	(1)	13,615		

Key to symbols    ✓ ≤33%    ! 33 – 40%    ✗ Over 40%

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>General Fund</b>				
<b>GF Revenue</b>				
Revenue				
State Revenue	(5,029,359)	(5,029,999)	(640)	100%
Local Revenue	(149,999)	(149,999)		100%
Other Revenue	(22,293)	(114,214)	(91,921)	20%
Revenue Total	(5,201,651)	(5,294,212)	(92,561)	98%
<b>GF Revenue Total</b>	<b>(5,201,651)</b>	<b>(5,294,212)</b>	<b>(92,561)</b>	<b>98%</b>
<b>Gov Board</b>				
Expenses				
Compensation	1,096		(1,096)	
Benefits	141		(141)	
Contracts	400	3,060	2,660	13%
Maint & Repairs	74		(74)	
Misc Expense	1,336	9,780	8,444	14%
Rent	1,093	2,700	1,607	40%
Travel	2,743	6,900	4,157	40%
Expenses Total	6,883	22,440	15,557	31%
<b>Gov Board Total</b>	<b>6,883</b>	<b>22,440</b>	<b>15,557</b>	<b>31%</b>
<b>Executive</b>				
Expenses				
Compensation	59,071	260,866	201,795	23%
Benefits	11,666	51,467	39,800	23%
Contracts	5,670	18,072	12,402	31%
Maint & Repairs		22	22	
Misc Expense	1,074	6,526	5,452	16%
Rent		237	237	
Supplies		533	533	
Training		2,040	2,040	
Travel	20	5,358	5,338	0%
Expenses Total	77,502	345,119	267,617	22%
<b>Executive Total</b>	<b>77,502</b>	<b>345,119</b>	<b>267,617</b>	<b>22%</b>
<b>Communications</b>				
Revenue				
Grant	(7,900)		7,900	
Revenue Total	(7,900)		7,900	
Expenses				
Compensation	71,926	257,249	185,322	28%

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
Benefits	19,633	74,187	54,554	26%
Contracts	6,789	28,080	21,291	24%
Misc Expense	16,594	10,580	(6,014)	157%
Supplies		180	180	
Travel	521	2,400	1,879	22%
Expenses Total	115,463	372,676	257,212	31%
<b>Communications Total</b>	<b>107,563</b>	<b>372,676</b>	<b>265,112</b>	<b>29%</b>
<b>Legal</b>				
Expenses				
Compensation	29,096	137,599	108,502	21%
Benefits	5,963	34,172	28,209	17%
Contracts	77,347	256,600	179,253	30%
Misc Expense	860	7,200	6,340	12%
Supplies		120	120	
Training		2,040	2,040	
Travel	542	960	418	56%
Expenses Total	113,809	438,691	324,882	26%
<b>Legal Total</b>	<b>113,809</b>	<b>438,691</b>	<b>324,882</b>	<b>26%</b>
<b>Finance</b>				
Expenses				
Compensation	70,654	265,031	194,377	27%
Benefits	14,965	75,560	60,595	20%
Contracts	22,211	72,000	49,789	31%
Financing		4,000	4,000	
Misc Expense		910	910	
Supplies		600	600	
Expenses Total	107,831	418,101	310,270	26%
<b>Finance Total</b>	<b>107,831</b>	<b>418,101</b>	<b>310,270</b>	<b>26%</b>
<b>HR</b>				
Expenses				
Compensation	39,230	157,502	118,272	25%
Benefits	24,391	159,351	134,960	15%
Contracts	530	18,900	18,370	3%
Misc Expense	3,488	13,500	10,012	26%
Supplies	54		(54)	
Training	1,142	43,100	41,958	3%
Travel	305	60	(245)	508%
Expenses Total	69,140	392,414	323,274	18%
<b>HR Total</b>	<b>69,140</b>	<b>392,414</b>	<b>323,274</b>	<b>18%</b>

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>General Services</b>				
Expenses				
Compensation	13,300	42,774	29,474	31%
Benefits	4,538	17,698	13,160	26%
Contracts		1,800	1,800	
Equipment	7,916	41,700	33,784	19%
Financing	2,230	6,600	4,370	34%
Maint & Repairs	4,102	9,300	5,198	44%
Misc Expense	33,619	124,380	90,761	27%
Rent	229,660	688,980	459,320	33%
Supplies	14,283	43,800	29,517	33%
Expenses Total	309,648	977,031	667,383	32%
<b>General Services Total</b>	<b>309,648</b>	<b>977,031</b>	<b>667,383</b>	<b>32%</b>
<b>RPU</b>				
Expenses				
Compensation	113,207	401,777	288,570	28%
Benefits	24,145	99,048	74,903	24%
Contracts	62,571	392,120	329,549	16%
Misc Expense	1,147		(1,147)	
Supplies		240	240	
Travel	1,481		(1,481)	
Expenses Total	202,552	893,186	690,634	23%
<b>RPU Total</b>	<b>202,552</b>	<b>893,186</b>	<b>690,634</b>	<b>23%</b>
<b>Implementation</b>				
Revenue				
State Revenue	(14,402)	(27,304)	(12,902)	53%
Revenue Total	(14,402)	(27,304)	(12,902)	53%
Expenses				
A&O Allocation		8,597	8,597	
Compensation	130,594	478,953	348,359	27%
Benefits	30,228	130,207	99,979	23%
Contracts	5,928	20,000	14,072	30%
Misc Expense		5,000	5,000	
Supplies		500	500	
Expenses Total	166,750	643,257	476,507	26%
<b>Implementation Total</b>	<b>152,347</b>	<b>615,952</b>	<b>463,605</b>	<b>25%</b>
<b>Measurement &amp; Reporting</b>				
Expenses				

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
Compensation	55,935	128,867	72,932	43%
Benefits	11,493	32,407	20,914	35%
Contracts	(58,683)	280,000	338,683	-21%
Equipment		3,000	3,000	
Misc Expense	107	11,550	11,443	1%
Supplies	220		(220)	
Travel		570	570	
<b>Expenses Total</b>	<b>9,073</b>	<b>456,394</b>	<b>447,321</b>	<b>2%</b>

<b>Measurement &amp; Reporting To</b>	<b>9,073</b>	<b>456,394</b>	<b>447,321</b>	<b>2%</b>
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### Threshold

#### Revenue

State Revenue	(256,640)	(256,000)	640	100%
<b>Revenue Total</b>	<b>(256,640)</b>	<b>(256,000)</b>	<b>640</b>	<b>100%</b>

#### Expenses

Compensation	517	35,176	34,659	1%
Benefits	587	10,074	9,487	6%
Contracts	16,681	180,000	163,319	9%
Misc Expense	486		(486)	
Utilities	35		(35)	
<b>Expenses Total</b>	<b>18,307</b>	<b>225,250</b>	<b>206,943</b>	<b>8%</b>

<b>Threshold Total</b>	<b>(238,333)</b>	<b>(30,750)</b>	<b>207,583</b>	<b>775%</b>
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### IT

#### Expenses

Compensation	53,778	165,786	112,008	32%
Benefits	12,780	49,570	36,791	26%
Contracts		15,000	15,000	
Equipment	36,192	9,480	(26,712)	382%
Maint & Repairs	57,620	197,060	139,440	29%
Misc Expense	12,983	40,000	27,017	32%
Supplies	749	1,020	271	73%
<b>Expenses Total</b>	<b>174,102</b>	<b>477,917</b>	<b>303,814</b>	<b>36%</b>

<b>IT Total</b>	<b>174,102</b>	<b>477,917</b>	<b>303,814</b>	<b>36%</b>
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### TMPO

#### Expenses

A&O Allocation		5,149	5,149	
Compensation	2,297	7,171	4,873	32%
Benefits	582	1,793	1,211	32%
Contracts	1,270	18,080	16,809	7%
Misc Expense	2,448	16,000	13,552	15%

**Tahoe Regional Planning Agency**

*Month to Date October 2012*

Row Labels	Actuals	Ann Budget	Remaining	%
Travel	95		(95)	
Expenses Total	6,692	48,192	41,499	14%
<b>TMPO Total</b>	<b>6,692</b>	<b>48,192</b>	<b>41,499</b>	<b>14%</b>
<b>Other</b>				
Revenue				
Other Revenue	(940)		940	
Revenue Total	(940)		940	
Expenses				
A&O Allocation		(854,597)	(854,597)	
Contracts		230,200	230,200	
Transfers	(438)	289,160	289,598	0%
Expenses Total	(438)	(335,237)	(334,799)	0%
<b>Other Total</b>	<b>(1,378)</b>	<b>(335,237)</b>	<b>(333,859)</b>	<b>0%</b>
<b>General Fund Total</b>	<b>(4,104,219)</b>	<b>(202,087)</b>	<b>3,902,133</b>	<b>2031%</b>



## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
Planning				
Planning				
Revenue				
Fees for Service	(596,956)	(883,979)	(287,023)	68%
Other Revenue		(65,851)	(65,851)	
Revenue Total	(596,956)	(949,830)	(352,874)	63%
Expenses				
Compensation	264,707	841,566	576,859	31%
Benefits	46,782	236,491	189,710	20%
Contracts	77,725	1,140	(76,585)	6818%
Misc Expense	654	780	126	84%
Supplies		300	300	
Travel	1,267	360	(907)	352%
Expenses Total	391,134	1,080,637	689,503	36%
<b>Planning Total</b>	<b>(205,822)</b>	<b>130,807</b>	<b>336,630</b>	<b>-157%</b>
<b>Planning Total</b>	<b>(205,822)</b>	<b>130,807</b>	<b>336,630</b>	<b>-157%</b>

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>Shorezone</b>				
<b>Enforcement</b>				
Revenue				
State Revenue	(124,000)	(124,000)		100%
<b>Revenue Total</b>	<b>(124,000)</b>	<b>(124,000)</b>		<b>100%</b>
Expenses				
Compensation	27,847	46,857	19,010	59%
Benefits	2,160	4,589	2,430	47%
Financing	21,219	21,700	481	98%
Maint & Repairs	2,518	3,400	882	74%
Misc Expense	7,367	32,000	24,633	23%
Rent		17,000	17,000	
Supplies	786		(786)	
<b>Expenses Total</b>	<b>61,896</b>	<b>125,546</b>	<b>63,650</b>	<b>49%</b>
<b>Enforcement Total</b>	<b>(62,104)</b>	<b>1,546</b>	<b>63,650</b>	<b>-4016%</b>
<b>Implementation</b>				
Expenses				
Compensation	8,651	41,883	33,232	21%
Benefits	1,771	10,694	8,923	17%
<b>Expenses Total</b>	<b>10,422</b>	<b>52,577</b>	<b>42,155</b>	<b>20%</b>
<b>Implementation Total</b>	<b>10,422</b>	<b>52,577</b>	<b>42,155</b>	<b>20%</b>
<b>Monitoring</b>				
Expenses				
Compensation	9,568	18,279	8,711	52%
Benefits	1,238	4,498	3,260	28%
Contracts	(6,041)		6,041	
Equipment		50	50	
Maint & Repairs		1,200	1,200	
<b>Expenses Total</b>	<b>4,765</b>	<b>24,026</b>	<b>19,262</b>	<b>20%</b>
<b>Monitoring Total</b>	<b>4,765</b>	<b>24,026</b>	<b>19,262</b>	<b>20%</b>
<b>Shorezone Total</b>	<b>(46,918)</b>	<b>78,150</b>	<b>125,067</b>	<b>-60%</b>

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>Reimbursables</b>				
<b>Legal</b>				
Revenue				
Other Revenue	(119,301)	(249,322)	(130,021)	48%
<b>Revenue Total</b>	<b>(119,301)</b>	<b>(249,322)</b>	<b>(130,021)</b>	<b>48%</b>
Expenses				
Compensation	10,594	264	(10,331)	4014%
Benefits	2,400	58	(2,342)	4135%
Contracts	116,313	249,000	132,687	47%
<b>Expenses Total</b>	<b>129,307</b>	<b>249,322</b>	<b>120,015</b>	<b>52%</b>
<b>Legal Total</b>	<b>10,006</b>	<b>(0)</b>	<b>(10,006)</b>	<b>-25016100%</b>
<b>Planning</b>				
Revenue				
Fees for Service	(279,065)	(250,000)	29,065	112%
<b>Revenue Total</b>	<b>(279,065)</b>	<b>(250,000)</b>	<b>29,065</b>	<b>112%</b>
Expenses				
Compensation	1,199		(1,199)	
Benefits	1,698		(1,698)	
Contracts	117,808	250,000	132,192	47%
Training	225		(225)	
Travel	108		(108)	
<b>Expenses Total</b>	<b>121,038</b>	<b>250,000</b>	<b>128,962</b>	<b>48%</b>
<b>Planning Total</b>	<b>(158,027)</b>		<b>158,027</b>	
<b>Reimbursables Total</b>	<b>(148,020)</b>	<b>(0)</b>	<b>148,020</b>	<b>370050400%</b>

**Tahoe Regional Planning Agency**

*Month to Date October 2012*

Row Labels	Actuals	Ann Budget	Remaining	%
Settlements				
Settlements				
Revenue				
Fees for Service	(50,500)	(165,000)	(114,500)	31%
Revenue Total	(50,500)	(165,000)	(114,500)	31%
Expenses				
Contracts	5,142	114,000	108,858	5%
Expenses Total	5,142	114,000	108,858	5%
<b>Settlements Total</b>	<b>(45,358)</b>	<b>(51,000)</b>	<b>(5,642)</b>	<b>89%</b>
<b>Settlements Total</b>	<b>(45,358)</b>	<b>(51,000)</b>	<b>(5,642)</b>	<b>89%</b>

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>Building</b>				
Building				
Revenue				
Other Revenue		(80)	(80)	
Rent Revenue	(307,646)	(940,865)	(633,219)	33%
Revenue Total	(307,646)	(940,945)	(633,299)	33%
Expenses				
Contracts		120	120	
Financing	323,942	880,154	556,212	37%
Maint & Repairs	15,700	31,800	16,100	49%
Utilities	7,419	36,000	28,581	21%
Expenses Total	347,061	948,074	601,013	37%
<b>Building Total</b>	<b>39,415</b>	<b>7,129</b>	<b>(32,286)</b>	<b>553%</b>
CAM				
Revenue				
Rent Revenue	(820)	(4,850)	(4,030)	17%
Revenue Total	(820)	(4,850)	(4,030)	17%
Expenses				
Maint & Repairs		30,000	30,000	
Misc Expense	12,340	24,000	11,660	51%
Utilities	3,758	15,000	11,242	25%
Expenses Total	16,098	69,000	52,902	23%
<b>CAM Total</b>	<b>15,278</b>	<b>64,150</b>	<b>48,872</b>	<b>24%</b>
<b>Building Total</b>	<b>54,693</b>	<b>71,279</b>	<b>16,586</b>	<b>77%</b>

**Tahoe Regional Planning Agency**

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>BMP</b>				
<b>319 (CA)</b>				
Revenue				
Grants		(350,853)	(350,853)	
Revenue Total		(350,853)	(350,853)	
Expenses				
A&O Allocation		78,693	78,693	
Compensation	1,416	107,000	105,584	1%
Benefits	346	30,000	29,654	1%
Contracts	32,180	175,000	142,820	18%
Transfers		(39,840)	(39,840)	
Expenses Total	33,942	350,853	316,911	10%
<b>319 (CA) Total</b>	<b>33,942</b>	<b>(0)</b>	<b>(33,942)</b>	<b>#####</b>
<b>319 (NV)</b>				
Revenue				
Grants	(3,668)	(100,442)	(96,774)	4%
Revenue Total	(3,668)	(100,442)	(96,774)	4%
Expenses				
A&O Allocation		12,694	12,694	
Compensation	2,863	17,700	14,837	16%
Benefits	765	4,400	3,635	17%
Contracts		66,000	66,000	
Misc Expense		122	122	
Supplies		500	500	
Training		1,775	1,775	
Transfers		(2,749)	(2,749)	
Expenses Total	3,629	100,442	96,813	4%
<b>319 (NV) Total</b>	<b>(40)</b>	<b>0</b>	<b>40</b>	<b>#####</b>
<b>BOR SNPLMA</b>				
Revenue				
Grants		(19,523)	(19,523)	
Revenue Total		(19,523)	(19,523)	
Expenses				
A&O Allocation		7,123	7,123	
Compensation	4,318	10,000	5,682	43%
Benefits	1,131	2,400	1,269	47%
Expenses Total	5,449	19,523	14,073	28%
<b>BOR SNPLMA Total</b>	<b>5,449</b>	<b>0</b>	<b>(5,449)</b>	<b>#####</b>

**Tahoe Regional Planning Agency**

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>Gen. Erosion Control</b>				
Revenue				
Grants		(73,244)	(73,244)	
Revenue Total		(73,244)	(73,244)	
Expenses				
A&O Allocation		19,891	19,891	
Compensation	193	27,500	27,307	1%
Benefits	35	7,129	7,094	0%
Contracts		35,000	35,000	
Transfers		(16,276)	(16,276)	
Expenses Total	227	73,244	73,017	0%
<b>Gen. Erosion Control Total</b>	<b>227</b>	<b>(0)</b>	<b>(227)</b>	<b>#####</b>
<b>Prop 50</b>				
Revenue				
Grants		(445,000)	(445,000)	
Revenue Total		(445,000)	(445,000)	
Expenses				
A&O Allocation		161,550	161,550	
Compensation	113,766	225,000	111,234	51%
Benefits	26,532	56,250	29,718	47%
Contracts	11,404	130,000	118,596	9%
Misc Expense	100		(100)	
Supplies	460		(460)	
Transfers		(127,800)	(127,800)	
Expenses Total	152,263	445,000	292,737	34%
<b>Prop 50 Total</b>	<b>152,263</b>	<b>(0)</b>	<b>(152,263)</b>	<b>-1522628601%</b>
<b>BMP Total</b>	<b>191,842</b>	<b>(0)</b>	<b>(191,842)</b>	<b>-1918416601%</b>

**Tahoe Regional Planning Agency**

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>EIP</b>				
<b>BOR Forest Fuels</b>				
Revenue				
Grants	(10,627)	(44,440)	(33,813)	24%
Revenue Total	(10,627)	(44,440)	(33,813)	24%
Expenses				
A&O Allocation		13,665	13,665	
Compensation	7,572	14,380	6,808	53%
Benefits	1,911	3,595	1,684	53%
Contracts		12,800	12,800	
Expenses Total	9,483	44,440	34,957	21%
<b>BOR Forest Fuels Total</b>	<b>(1,144)</b>	<b>(0)</b>	<b>1,144</b>	<b>11442000%</b>
<b>EPA - CRAM</b>				
Revenue				
Grants	(4,940)	(12,720)	(7,779)	39%
Revenue Total	(4,940)	(12,720)	(7,779)	39%
Expenses				
A&O Allocation		4,005	4,005	
Compensation	2,769	6,972	4,203	40%
Benefits	485	1,743	1,258	28%
Contracts	200		(200)	
Misc Expense	116		(116)	
Expenses Total	3,571	12,720	9,149	28%
<b>EPA - CRAM Total</b>	<b>(1,370)</b>		<b>1,370</b>	<b>#####</b>
<b>NDEP Bioassessment</b>				
Expenses				
Compensation	5,846		(5,846)	
Benefits	620		(620)	
Expenses Total	6,466		(6,466)	
<b>NDEP Bioassessment Total</b>	<b>6,466</b>		<b>(6,466)</b>	
<b>NDEP Env. Signs</b>				
Revenue				
Grants	(4,034)	(33,269)	(29,236)	12%
Revenue Total	(4,034)	(33,269)	(29,236)	12%
Expenses				
A&O Allocation		3,119	3,119	
Compensation		5,430	5,430	



**Tahoe Regional Planning Agency**

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
Benefits		1,357	1,357	
Contracts	3,179	23,363	20,185	14%
Misc Expense	1,114		(1,114)	
Expenses Total	4,292	33,269	28,977	13%
<b>NDEP Env. Signs Total</b>	<b>259</b>	<b>(0)</b>	<b>(259)</b>	<b>-2585000%</b>
<b>NDF Health Forest</b>				
Revenue				
Grants	(105)	(55,959)	(55,854)	0%
Revenue Total	(105)	(55,959)	(55,854)	0%
Expenses				
A&O Allocation		3,846	3,846	
Compensation	50	4,090	4,040	1%
Benefits	32	1,023	990	3%
Contracts		47,000	47,000	
Expenses Total	82	55,959	55,876	0%
<b>NDF Health Forest Total</b>	<b>(22)</b>		<b>22</b>	<b>#####</b>
<b>TIIMS SNPLMA R9 &amp; 10</b>				
Revenue				
Grants	(13,347)	(251,088)	(237,741)	5%
Revenue Total	(13,347)	(251,088)	(237,741)	5%
Expenses				
A&O Allocation		20,719	20,719	
Compensation	2,765	36,070	33,305	8%
Benefits	517	9,018	8,501	6%
Contracts	8,199	206,000	197,801	4%
Transfers		(20,719)	(20,719)	
Expenses Total	11,481	251,088	239,607	5%
<b>TIIMS SNPLMA R9 &amp; 10 Total</b>	<b>(1,866)</b>	<b>(0)</b>	<b>1,866</b>	<b>#####</b>
<b>NDSL Environmental Signs Grant</b>				
Revenue				
Grants		(25,000)	(25,000)	
Revenue Total		(25,000)	(25,000)	
Expenses				
Contracts		25,000	25,000	
Expenses Total		25,000	25,000	
<b>NDSL Environmental Signs Gra</b>				

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>EIP Total</b>	<b>2,323</b>	<b>(0)</b>	<b>(2,323)</b>	<b>-11612500%</b>
<b>AIS</b>				
<b>Admin &amp; Ops</b>				
Revenue				
Fees for Service	(380,777)	(545,570)	(164,793)	70%
Revenue Total	(380,777)	(545,570)	(164,793)	70%
Expenses				
A&O Allocation		76,033	76,033	
Compensation	30,650	108,519	77,869	28%
Benefits	7,180	23,850	16,670	30%
Contracts	24,032	357,609	333,577	7%
Equipment		130	130	
Financing	10,450	7,186	(3,264)	145%
Maint & Repairs	7,462	21,888	14,426	34%
Misc Expense	3,801	11,100	7,300	34%
Supplies	216	1,730	1,514	12%
Transfers	438	(76,033)	(76,470)	-1%
Travel	525	4,576	4,051	11%
Utilities	1,415	5,917	4,501	24%
Expenses Total	86,168	542,504	456,336	16%
<b>Admin &amp; Ops Total</b>	<b>(294,608)</b>	<b>(3,065)</b>	<b>291,543</b>	<b>9611%</b>
<b>Army COE - TRCD</b>				
Expenses				
Contracts	5,436		(5,436)	
Misc Expense	2,204		(2,204)	
Expenses Total	7,640		(7,640)	
<b>Army COE - TRCD Total</b>	<b>7,640</b>		<b>(7,640)</b>	
<b>BOR TRCD</b>				
Revenue				
Grants		(25,230)	(25,230)	
Revenue Total		(25,230)	(25,230)	
Expenses				
A&O Allocation		9,205	9,205	
Compensation	880	13,138	12,258	7%
Benefits	108	2,887	2,779	4%
Expenses Total	988	25,230	24,243	4%
<b>BOR TRCD Total</b>	<b>988</b>	<b>(0)</b>	<b>(988)</b>	<b>-9875700%</b>

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>Lahontan</b>				
Revenue				
Grants	(94,421)	(91,915)	2,506	103%
Revenue Total	(94,421)	(91,915)	2,506	103%
Expenses				
A&O Allocation		324	324	
Compensation	1,391	282	(1,109)	493%
Benefits	362	282	(81)	129%
Contracts	93,378	91,028	(2,350)	103%
Expenses Total	95,131	91,915	(3,216)	103%
<b>Lahontan Total</b>	<b>710</b>	<b>0</b>	<b>(710)</b>	<b>7105000%</b>
<b>SNPLMA Rnd 11</b>				
Revenue				
Grants		(1,557,862)	(1,557,862)	
Revenue Total		(1,557,862)	(1,557,862)	
Expenses				
A&O Allocation		60,975	60,975	
Compensation	37,719	87,027	49,308	43%
Benefits	6,833	19,127	12,294	36%
Contracts	441,540	1,239,082	797,542	36%
Equipment	14,248	13,110	(1,137)	109%
Misc Expense	6,095	48,168	42,073	13%
Rent	11,925	19,488	7,563	61%
Supplies	11,627	33,186	21,559	35%
Expenses Total	529,986	1,520,162	990,176	35%
<b>SNPLMA Rnd 11 Total</b>	<b>529,986</b>	<b>(37,700)</b>	<b>(567,686)</b>	<b>-1406%</b>
<b>SNPLMA Rnd 12</b>				
Revenue				
Grants		(322,033)	(322,033)	
Revenue Total		(322,033)	(322,033)	
Expenses				
A&O Allocation		18,394	18,394	
Compensation	10,281	26,252	15,971	39%
Benefits	2,057	5,770	3,713	36%
Contracts		166,023	166,023	
Equipment		13,110	13,110	
Misc Expense		39,810	39,810	
Rent		19,488	19,488	

## Tahoe Regional Planning Agency

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
Supplies		33,186	33,186	
Expenses Total	12,338	322,033	309,695	4%
<b>SNPLMA Rnd 12 Total</b>	<b>12,338</b>	<b>0</b>	<b>(12,338)</b>	<b>123382200%</b>
<b>Lahontan EB Asian Clam</b>				
Revenue				
Grants		(229,024)	(229,024)	
Revenue Total		(229,024)	(229,024)	
Expenses				
A&O Allocation		2,340	2,340	
Compensation	2,116	3,340	1,223	63%
Benefits	605	734	129	82%
Contracts		222,610	222,610	
Expenses Total	2,721	229,024	226,303	1%
<b>Lahontan EB Asian Clam Total</b>	<b>2,721</b>	<b>0</b>	<b>(2,721)</b>	<b>27208300%</b>
<b>USFWS ANS AIS Mgmt Plan</b>				
Revenue				
Grants		(25,410)	(25,410)	
Revenue Total		(25,410)	(25,410)	
Expenses				
A&O Allocation		1,210	1,210	
Compensation		8,601	8,601	
Benefits		1,890	1,890	
Contracts		13,709	13,709	
Expenses Total		25,410	25,410	
<b>USFWS ANS AIS Mgmt Plan To</b>			<b>(0)</b>	
<b>NDSL Finance Plan</b>				
Revenue				
Grants		(52,481)	(52,481)	
Revenue Total		(52,481)	(52,481)	
Expenses				
A&O Allocation		942	942	
Compensation	264	1,345	1,081	20%
Benefits	55	296	240	19%
Contracts		49,899	49,899	
Expenses Total	319	52,481	52,162	1%
<b>NDSL Finance Plan Total</b>	<b>319</b>	<b>0</b>	<b>(319)</b>	<b>3194100%</b>

**Tahoe Regional Planning Agency**

*Month to Date October 2012*

Row Labels	Actuals	Ann Budget	Remaining	%
<b>AIS Prop 50</b>				
Revenue				
Grants		(483,989)	(483,989)	
Revenue Total		(483,989)	(483,989)	
Expenses				
A&O Allocation		3,645	3,645	
Compensation	498	5,202	4,704	10%
Benefits	146	1,143	997	13%
Contracts		425,000	425,000	
Equipment		25,000	25,000	
Rent		24,000	24,000	
Supplies	27,728		(27,728)	
Expenses Total	28,372	483,989	455,617	6%
<b>AIS Prop 50 Total</b>	<b>28,372</b>	<b>0</b>	<b>(28,372)</b>	<b>283721003%</b>
<b>AIS Total</b>	<b>288,466</b>	<b>(40,765)</b>	<b>(329,231)</b>	<b>-708%</b>

**Tahoe Regional Planning Agency**

Month to Date October 2012

Row Labels	Actuals	Ann Budget	Remaining	%
<b>Transportation</b>				
<b>Transportation</b>				
<b>Revenue</b>				
Grants	(99,631)	(2,393,602)	(2,293,971)	4%
State Revenue	(17,380)		17,380	
<b>Revenue Total</b>	<b>(117,011)</b>	<b>(2,393,602)</b>	<b>(2,276,591)</b>	<b>5%</b>
<b>Expenses</b>				
A&O Allocation		342,482	342,482	
Compensation	145,252	476,994	331,742	30%
Benefits	33,753	119,249	85,495	28%
Contracts	1,039,684	1,435,621	395,938	72%
Misc Expense	9,728	5,000	(4,728)	195%
Training		20,000	20,000	
Transfers		(5,744)	(5,744)	
Travel	5,444		(5,444)	
<b>Expenses Total</b>	<b>1,233,861</b>	<b>2,393,602</b>	<b>1,159,741</b>	<b>52%</b>
<b>Transportation Total</b>	<b>1,116,850</b>	<b>1</b>	<b>(1,116,849)</b>	<b>161862345%</b>
<b>Transportation Total</b>	<b>1,116,850</b>	<b>1</b>	<b>(1,116,849)</b>	<b>161862345%</b>



**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
Stateline, NV 89449

**Contact**

Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

Date: November 7, 2012

To: TRPA Governing Board

From: TRPA Staff

Subject: Incline Industrial Park (formerly Fred Carson Industrial Park), 1064 Tahoe Boulevard, Washoe County, Nevada, Assessor’s Parcel Number 130-152-18 (previous APNs 130-152-04 and -05) TRPA File Number STD2002-0056

Requested Action: Governing Board approval of the proposed project and a finding of no significant effect.

Staff Recommendation: Staff recommends that the Governing Board make the required findings (Attachment A) and approve the proposed project.

Required Motions: To approve the proposed project, the Board must make the following motions, based on this staff summary and the evidence in the record:

- 1) A motion to approve the required findings (see Attachment A), including a finding of no significant effect; and
- 2) A motion to approve the proposed project subject to the conditions contained in the draft permit (see Attachment B).

For the motions to pass, an affirmative 5-9 (5 NV- 9 total) vote of the Board is required.

Background: The 3.0-acre project area is located on Highway 28 in Incline Village within the commercial area of the Ponderosa Ranch Community Plan. The site has been in use since the 1940s and was operated as a sand and gravel pit and a concrete and asphalt batch plant before the current mini-storage facility was developed. The proposed commercial project will result in redevelopment of the existing storage buildings and batch plant into seven new commercial services buildings and boat storage.

Washoe County has allocated up to 8,000 square feet of commercial floor area (CFA) for the project, which will be combined with existing on-site CFA. Governing Board approval is required for the allocation of 3,000 or more square feet of CFA. Incentives that allow the doubling of commercial floor area allocations will be utilized and are discussed in Attachment D, Regional Plan Compliance. The site is located on sensitive land, where commercial floor area allocations can only be permitted if an SEZ restoration project is completed. The SEZ restoration requirement was met in 2006 by the completion of the Mill Creek restoration project (TRPA File 20051594). Existing verified land coverage will be utilized, but overall, the total amount of coverage will be reduced and excess coverage mitigation fees will be required.

Project Description: All existing buildings on the site (two metal storage buildings, a shed, small block building, a trailer and two shipping boxes) will be removed and replaced with six 5,000 square foot buildings, and one 8,400 square foot building. The buildings will be designed for contract construction services. Seventy-eight outdoor boat storage spaces (three tiers of twenty-six spaces) are proposed, with 58 parking spaces provided to meet the Washoe County Design Standards and Guidelines parking requirements. The existing driveway from Highway 28 will be relocated to the center of the parcel, and the site will be improved with the installation of best management practices, re-vegetation, and slope stabilization.

The project area is bounded by light industrial uses to the north and south, Highway 28 to the west, and undeveloped land (owned by IVGID) to the east. Two parcels (APNs 130-152-04 and -05) were consolidated in 2003 to create the current project area parcel.

Issues/Concerns: The primary project related issues include:

- Land Coverage – reduction and relocation
- SEZ restoration for CFA allocation to sensitive land
- CFA allocated to a designated Preferred Industrial Area
- Scenic quality improvement
- Building height

See Attachment C for a detailed discussion of the project issues.

Regional Plan Compliance: The proposed project, as conditioned in the Draft Permit, complies with all requirements of the TRPA Goals and Policies, the Ponderosa Ranch Community Plan, the TRPA Scenic Quality Improvement Program, and the TRPA Code of Ordinances, including all required findings in Chapters 3, 4, 30 and 37 (see Attachment D for details).

Contact Information: For questions regarding this project, please contact Theresa Avance, AICP, Senior Planner, at (775) 589-5224 or [tavance@trpa.org](mailto:tavance@trpa.org).

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Issues/Concerns
- D. Regional Plan Compliance
- E. Vicinity Map and Project Plans



**Required Findings/Rationale**

The following is a list of the required findings as set forth in Chapters 3, 4, 30 and 37 of the TRPA Code of Ordinances. Following each finding, agency staff has summarized the evidence on which the finding can be made.

1. Chapter 3 Findings:

- (a) Based on the information submitted in the Initial Environmental Checklist (IEC), the project will not have a significant effect provided certain mitigation measures are incorporated into and made a part of the project.

The project has been determined not to have a significant effect on the environment with the mitigation measures that have been undertaken to approve the various components of the project. This project has contributed to a portion of the Mill Creek SEZ restoration project in response to mitigation measures required for the allocation of commercial floor area to sensitive lands. Additionally, excess land coverage mitigation will be required.

2. Chapter 4 Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plans and Maps, the Code of Ordinances and other TRPA plans and programs.

- (1) Land Use: The proposed project is consistent with the Commercial/Public Service land use classification and goals and policies of the Ponderosa Ranch Community Plan. Both contract construction services and vehicle storage are allowed uses. Consistency with land use ordinances is demonstrated by the project meeting Code of Ordinance incentive requirements that allow the doubling of commercial floor area allocations in preferred industrial areas where area wide storm-water improvements have been installed and/or committed to.
- (2) Transportation: The project is expected to reduce vehicle miles travelled by 83 daily vehicle trip ends. This decrease is consistent with the transportation goals and policies of the community plan.
- (3) Conservation: The project is consistent with the Conservation Element of the Ponderosa Ranch Community Plan through incorporation of landscape design elements to screen buildings and parking, contribution to the Mill Creek SEZ restoration project, installation of BMPs, improving the scenic quality of the travel route with landscaping and screening, and the undergrounding of on-site overhead utility lines.

- (4) Recreation: The proposed project will provide on-site outdoor amenities for employees, but no additional recreation amenities are required.
  - (5) Public Service Facilities: The proposed project does not require any additional public services or facilities.
  - (6) Implementation: The project is consistent with the implementation goals and policies of the Ponderosa Ranch Community Plan. Specifically, the project meets the requirement to reduce existing coverage by either five percent, or to not exceed 70 percent, whichever is less. The minimum reduction required for this project is 5,268 square feet (five percent). The proposed project will result in an overall coverage reduction of 9,634 square feet, resulting in total onsite land coverage of 95,725 square feet, equal to 73 percent of the project area.
- (b) The project will not cause the environmental 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 4, Subsection 4.4.1 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental carrying capacities. A copy of the completed checklist will be made available at the Governing Board meeting and at the TRPA offices.

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

Refer to paragraph 2(b), above.

3. Chapter 30 – 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 of 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 30.6.

The entire site has been disturbed due to excavation from the site for a sand and gravel pit and for batch plant operations since the 1940s. There is substantial

erosion from the excavated bank on the east end of the site. This project will stabilize the eroding bank, reduce land coverage, and will not relocate coverage from low land capability to higher land capability. The relocation of coverage is appropriate to the proposed use of the property. There is no stream environment zone on the project site. The excess land coverage will be mitigated.

- (b) The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

The project design and additional conditions in the draft permit will ensure that the areas from which land coverage will be removed will be revegetated to comply with the restoration requirements of the TRPA Code.

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

The entire site is comprised of land capability districts 1a, 1c and 2. Existing coverage verified in land capability district 1c will be relocated only onto previously disturbed areas in class 1a, 1c and 2.

4. Chapter 37 – 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.

One of the seven buildings, Building 1D, as proposed, is over 26 feet in height, which requires this finding. The building is six inches taller than the other six buildings on the project site, and will not impact views of the ridgeline or the forest canopy that rise upward behind the site and are visible from Highway 28.

**DRAFT PERMIT**

**PROJECT DESCRIPTION:** Commercial Change in Use/Expansion:  
Contract Construction Services/Vehicle Storage and Parking

**APN:** 130-152-18 (previously 130-152-04, -05)                      **TRPA FILE #:** STD20020056

**PERMITTEE(S):** Incline Industrial Park, LLC.

**COUNTY/LOCATION:** Washoe County /1064 Lake Tahoe Blvd., Incline Village, Nevada

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **November 14, 2012**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **November 14, 2015** 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 DEMOLITION, 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 PROJECT APPLICANT AND 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 130-152-18 (PREVIOUS APNs 130-152-04, -05)  
TRPA FILE NO. STD20020056**

Excess Coverage Mitigation Fee (1): Amount \$\_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Posted (2): Amount \$\_\_\_\_\_ Type \_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

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

Notes:

- (1) Amount to be determined. See Special Condition 3.L., below.
- (2) Amount to be determined. See Special Condition 3.M., below
- (3) \$152 if a cash security is posted or \$135 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:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

***SPECIAL CONDITIONS***

1. This permit authorizes the commercial change in use and expansion of the Incline Village Industrial Park, LLC, located at 1064 Tahoe Boulevard in Incline Village, Nevada, as shown on the plans submitted to TRPA on October 8, 2012. The project will remove the existing storage and accessory buildings and redevelop the site with seven new buildings (Contract Construction Services), boat storage racks for 78 boats (Vehicle Storage and Parking), and 58 paved parking spaces. Landscaping and best management practices will be constructed to complete the site improvements. All necessary land coverage will be relocated onsite. An allocation of 7,879 square feet of commercial floor area, as recommended by Washoe County, is approved with this permit. Based on the proposed project being located in a preferred industrial area containing area-wide best management practices, this CFA allocation is hereby doubled to 15,758 square feet. Total CFA for the project is recognized as:

	Verified Existing Commercial Floor Area	Washoe County CFA Allocation	Doubling incentive to Preferred Industrial Area	Proposed Commercial Floor Area
Total (APN 130-152-18)	22,642	7,879	15,758	38,400

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. Sheet C0.1 shall be revised to remove or modify as appropriate all construction notes that are not applicable and specific to this commercial project. The following additional notes shall be added:
    - (1) A note indicating: "All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."
    - (2) 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."
  - B. Sheets A1(Site Plan) shall be revised to include:
    - (1) Corrected existing contour lines, consistent with Sheet C2.1.
    - (2) Slope calculations across the building sites, consistent with Section 37.3.3 of the TRPA Code of Ordinances. Please ensure that the slope is calculated within each footprint perpendicular to the existing contours.
    - (3) Height calculations shall be removed from Sheet A1, and added to Sheet A6.
  - C. Sheet C2.1 (Site Plan/Grading Plan) shall be revised to include:
    - (1) The commercial floor area calculations outlined in Special Condition 1.
    - (2) Curbing or wheel stops in the parking areas.
    - (3) Location and screening for trash enclosures.
    - (4) Provide a low-level fence or other permanent parking barrier along the southern property line to prevent vehicle encroachment from the adjacent parcel. Details of the fence or barrier shall be included on Sheet 4.1.
    - (5) Identification of each of the proposed Best Management Practices, and reference to the appropriate detail specification on Sheet 4.1.
    - (6) The areas where coverage will be removed and revegetated will be identified on the site plan, and the landscape plan shall be coordinated with the site plan to demonstrate how revegetation will be established.
    - (7) The coverage calculations on Sheet C2.1 will be updated with the following total land coverage calculations:

Parcel Size	130,723
Allowable Coverage (1%)	1,307

Class 1a	Existing	Proposed
Buildings	0	288
A/C and Concrete	0	1,393
<b>Total</b>	<b>0</b>	<b>1681</b>

Class 1c	Existing	Proposed
Buildings	21,809	38,112
A/C and Concrete	69,319	50,163
Gravel	2,121	0
Compacted Dirt	12,110	0
<b>Total</b>	<b>105,359</b>	<b>88,275</b>

Class 2	Existing	Proposed
Buildings	0	0
A/C and Concrete	0	5,769
<b>Total</b>	<b>0</b>	<b>5769</b>

Total Onsite	Existing	Proposed
	105,359	95,725

Excess Coverage	104,052
Total Banked (1c)*	9,634

\*5,268 sq. ft. (5%) were required to be reduced onsite per Ponderosa Ranch CP requirements. This coverage is considered part of the total banked coverage, but may not be used onsite in the future, and is only available for transfer offsite.

- (8) All references to signs shall be removed; no signage is authorized with this permit. A separate sign application will be required for future signage.
- D. A separate grading plan shall be prepared that includes:
- (1) Delineation of current and proposed contour lines.
  - (2) The location, extent, and amount (cubic yards) of the proposed cut and fill.

- (3) For each building corner, identify:
    - (a) Elevation at existing grade.
    - (b) Elevation at finished grade.
  - (4) Slope stabilization details including details of the retaining walls and revegetation of adjacent banks. No work on adjacent parcels is authorized with this permit.
  - (5) Location of construction staging areas.
  - (6) Construction/vegetation protection fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, pavement, or area of approved disturbance. Construction vehicles are not authorized to encroach on adjacent parcels.
  - (7) Temporary erosion control structures located downslope of the proposed construction and staging areas. *Please Note: Straw bales are not 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.*
- E. Sheet 3.1 shall be revised to identify the location of the proposed electricity lines. They are not currently identified to be within the joint trench.
  - F. Sheet 4.1 shall be revised to include details of proposed temporary and permanent Best Management Practices that are consistent with Chapter 4 of the Final Draft BMP Handbook (located at [www.tahoebmp.org](http://www.tahoebmp.org)).
  - G. The landscape plan shall be revised as follows:
    - (1) Revise plans to revegetate and restore all areas of the site that are identified to be “landscaped” with drainrock that are not within five feet of a building or the boat storage area, and are not proposed as either a functioning BMP or as land coverage. Note that restoration shall result in the area functioning in a natural state, and shall include provisions for permanent protection from further disturbance (TRPA Code Section 30.5.3.B.). Drainrock shall not be used as a primary landscape material.
    - (2) Reconcile the landscape plan plant numbers to the symbols shown on the landscape plan.
    - (3) Detail the seed mixture for the areas to be treated for revegetation and match the areas to be revegetated to those on Sheets A1 and C2.1.
    - (4) Provide two additional aspen trees in front of Building 1E to provide additional screening of that building.



- (5) Provide a low-level fence or other permanent parking barrier along the southern property line to prevent vehicle encroachment from the adjacent parcel.

H. Sheets A5 and A6 (building elevations) shall be revised to include:

- (1) The height calculations for each of the proposed buildings as measured from the low point of each structure’s natural grade to the coping of the highest flat roof. The height calculations shall include the corrected and completed information in the following table. Cross slope percentages and allowed heights shall be corrected to be consistent with Special Condition 3.B.2. Please note that percentages of cross slope are rounded to the nearest even percentage. Proposed heights may not exceed allowed heights.

<b>Building Number</b>	<b>Cross Slope</b>	<b>Allowed Height (0:12 roof pitch)</b>	<b>Elevation Low Point at Natural Grade (e.g:6359.6)</b>	<b>Elevation Highest Roof Ridge (coping)</b>	<b>Proposed Height</b>
1A	0%	24’0”			
1B	2%	24’6”			
1C	8%	26’0”			
1D	10%	26’6”			
1E	2%	24’6”			
1F	2%	24’6”			
2A	6%	25’6”			

- (2) Building elevations shall be provided for each building and shall show:
  - (a) Low point of natural grade for structure relative to contour lines.
  - (b) Top of coping relative to contour lines
  - (c) Finished floor elevation.
  - (d) Location of screening for roof- mounted mechanical equipment.
- (3) Add to the exterior finish schedules on Sheets A5 and A6 the proposed “Bedford El Dorado Stone” to be used in place of the proposed grey split-faced cinder block or grey concrete block walls on the building elevations visible from Highway 28.
- (4) Indication that all mechanical equipment shall be screened from view of the Highway 28 Scenic Corridor. This equipment would include, but not be limited to, trash receptacles, satellite receiving dishes, communication equipment and utility hardware on the roof, building or the ground.

- (5) The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:
- (a) 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.
  - (b) Roofs: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.
  - (c) 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.
- I. Provide a lighting plan for the buildings consistent with page 4-7 of the Washoe County Design Standards and Guidelines.
- J. Provide written authorization from the Nevada DOT for the detention basin overflow drainage swale within Highway 28 right-of-way.
- K. The permittee shall record a TRPA approved deed restriction against APN 130-152-18, formerly APNs 130-152-04 and 130-152-05 that demonstrates that the parcels have been permanently merged. Evidence of document recording is required prior to final acknowledgement of the permit.
- L. The affected property has 104,051 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 1 or by submitting an excess coverage mitigation fee.

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

Estimated project construction cost multiplied by the fee percentage of 4% (as identified in Table A of Subsection 30.6.1.C.3), Chapter 30 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 \$20.00 for projects within Hydrologic Transfer Area 1, Incline. 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.

- M. The security required under Standard Condition I.B of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
  - 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, as well as BMP installation for the entire project area.
  5. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.
  6. Temporary and permanent BMPs may be field placed by the TRPA Environmental Compliance Inspector.
  7. Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading or excavation shall be permitted outside of the approved areas of disturbance.

8. 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.

END OF PERMIT

**Issues/Concerns**

Land Coverage: Currently, 81 percent of the project area contains existing verified land coverage (105,359 square feet), and as proposed, onsite coverage will be reduced to 73 percent, or 95,725 square feet. The coverage reduction meets the community plan requirement to reduce existing onsite coverage to 70 percent, or by five percent of the total, whichever is less. In this case, the coverage will be reduced by five percent (5,268 square feet) and that amount will be banked and available for transfer off-site. An additional 4,366 square feet of coverage will be banked for either transfer or use onsite. The total allowable coverage is 1,308 square feet and excess coverage mitigation will be required for the existing and banked coverage over that amount. Coverage relocation findings have been made for relocating coverage in low capability lands.

SEZ Restoration for CFA Allocation to Sensitive Land: The project area is all within sensitive land capability districts 1a, 1c and 2. In order to permit the allocation of additional floor area to sensitive land, TRPA Code Section 50.5.1.C requires either a transfer from other sensitive land or allocation to an area covered by an adopted community plan where one or more SEZ restoration projects have been completed. This project area is within an adopted community plan, Ponderosa Ranch, and the Mill Creek restoration project has been completed and determined to satisfy the SEZ restoration requirement.

CFA allocated to a designated Preferred Industrial Area. The TRPA Code allows the doubling of commercial floor area allocations to projects in a designated preferred industrial area if the area has implemented area-wide BMPs, or if the local government has committed to implementing area-wide BMPs. This project is in a preferred industrial area of the Ponderosa Ranch Community Plan, where the area-wide BMP requirements were satisfied by Washoe County's water quality improvements (sediment basins) on Sweetwater Road, and the Nevada Department of Transportation (NDOT) commitment to water quality BMPs along State Route 28. The CFA allocation from Washoe County will be doubled from 7,879 square feet to 15,758 square feet with project approval.

Scenic: The proposed project area is visible from Scenic Roadway Unit #22 (Crystal Bay), a non-attainment unit with a rating of 14. Scenic restoration of Highway 28 is a planning consideration in the community plan. A proposed mix of evergreen and deciduous trees with lower growing shrubs will screen the new buildings as viewed from Highway 28 to provide the year-round screening of parking, buildings, asphalt and open storage areas, as required by the community plan design standards. The five existing trees onsite, three of which are under 14 inches dbh, one 24 inch and one 15 inch, are all proposed to be removed as they are within five feet of the proposed new buildings. A minimum thirty-foot landscaped buffer between Highway 28 and the two building ends that will front the roadway will provide scenic mitigation, and the buildings have been designed to minimize the amount of façade visible from the street. On-site overhead utility lines will be placed underground.

### Regional Plan Compliance Analysis

- A. Environmental Documentation: TRPA staff has completed the Project Review Conformance Checklist and Article V (g) Findings and an Initial Environmental Checklist (IEC) in order to assess the potential impacts of the project. No significant impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed V (g) findings and IEC will be made available at the Governing Board hearing and at TRPA.
- B. Community Plan: The Ponderosa Ranch Community Plan is designed for light industrial uses, and is a scenic entry to Incline Village. The project area is located within the Warehouse/Storage Area of the Community Plan. Within this area, the Community Plan allows both vehicle storage and contract construction services. Planning considerations in the Community Plan identified the need for the following improvements: environmental restoration of Mill Creek; design and site improvements to improve scenic quality; improvement to the aesthetics of the warehouse area; extensive frontage landscaping; water quality BMPs; screening mechanical equipment from public view; removal of non-conforming signs; and undergrounding the on-site overhead utility lines. Once constructed, the project will contribute significantly to each of the identified planning considerations.
- C. Land Coverage: The three-acre project area, APN 130-152-18, is a result of the consolidation of APN's 130-152-04 and 130-152-05. All of the project area consists of low land capability, with the majority being in Class 1c, and lesser amounts in Class 1a and Class 2. On this site the total existing verified land coverage is 105,359 square feet, or 81 percent, which exceeds the one percent (1%) base allowable (1,308 square feet) coverage by 104,051 square feet. The permittee will be required to pay excess coverage mitigation fees for the excess coverage.

The Implementation chapter of the Ponderosa Ranch Community Plan requires that projects located in project areas that contain more than 70 percent land coverage reduce on-site coverage by a minimum of 5 percent or to 70 percent, whichever is less, as part of the project. In this case, the coverage will be reduced by five percent (5,268 square feet) and that amount will be banked and available for transfer off-site. An additional 4,366 square feet of coverage will be banked for either transfer or use onsite.

Note that the reduction requirement in the Ponderosa Ranch Community Plan is not a one-time requirement. Because the remaining onsite coverage is still greater than 70 percent, any future project onsite, including coverage relocation or reconstruction not otherwise exempt from mitigation requirements per TRPA Code Section 2.2.3.C will be required to again comply with this provision. For purposes of future calculation of onsite coverage, TRPA will include all existing coverage and any remaining banked coverage not previously required to be removed (i.e.  $95,725 + 4,366 = 100,091$  sq. ft.).

The proposed project, as conditioned, will comply with all Chapter 30 land coverage requirements of the TRPA Code of Ordinances and the Community Plan.

- D. Commercial Floor Area Allocation: The total on-site verified commercial floor area is 22,642 square feet. Washoe County has recommended the allocation of 8,000 square feet commercial floor area to this project; 7,879 square feet of that amount is the amount actually needed and will be allocated to this project. This allocation will be doubled to 15,758 square feet, for a total commercial floor area of 38,400 square feet.

TRPA Code Section 50.5.2 allows the doubling of CFA allocated to a preferred industrial area that contains area-wide best management practices. This Community Plan was designated a preferred industrial area in August 2002 under a community plan amendment. Based on the staff summary for that amendment, the area-wide BMP requirement has been satisfied by Washoe County's water quality improvements (sediment basins) on Sweetwater Road, and the Nevada Department of Transportation's (NDOTs) commitment to install water quality BMPs along State Route 28.

As noted, all of the project area is located on sensitive land. Allocations of commercial floor area for projects located on sensitive land is prohibited unless the allocation is matched by a transfer from an equal or more sensitive district at a ratio of 2:1, or if the parcel receiving the allocation is located in an adopted community plan where one or more SEZ restoration projects have been completed, and where the local jurisdiction has submitted an EIP project list (TRPA Code of Ordinances Section 50.5.1.C). TRPA staff has determined that the previous partial restoration of Mill Creek satisfies this requirement.







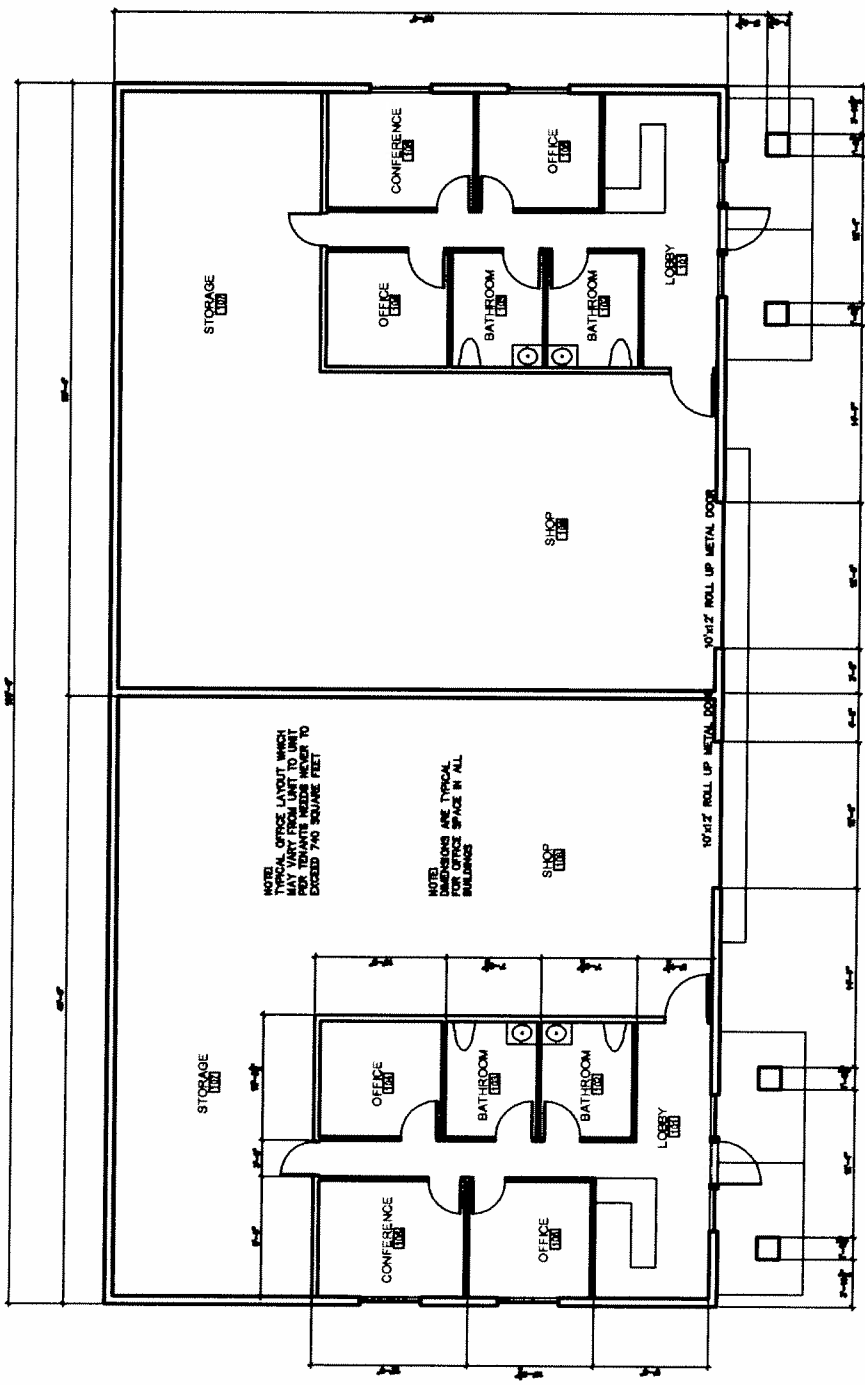
**INCLINE INDUSTRIAL PARK**  
 INCLINE INDUSTRIAL PARK, LLC  
 1000 TOWN CENTER BLVD.  
 WARRAND COUNTY  
 INDEPENDENCE, MISSOURI 64612

DRAWING TITLE:  
**FLOOR PLAN**


REVISIONS	

DATE	DESCRIPTION	BY

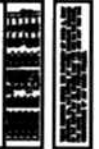
Sheet: **A2**



FLOOR PLAN TYPICAL TWO UNIT BUILDINGS



**DOUG & FOX**  
ARCHITECTS, P.A.  
1000 W. WASHINGTON STREET, SUITE 200  
MILWAUKEE, WISCONSIN 53233  
TEL: 414.224.1100 FAX: 414.224.1101



**INCLINE INDUSTRIAL PARK**  
INCLINE INDUSTRIAL PARK, LLC  
1000 W. WASHINGTON STREET, SUITE 200  
MILWAUKEE, WISCONSIN 53233  
TEL: 414.224.1100 FAX: 414.224.1101

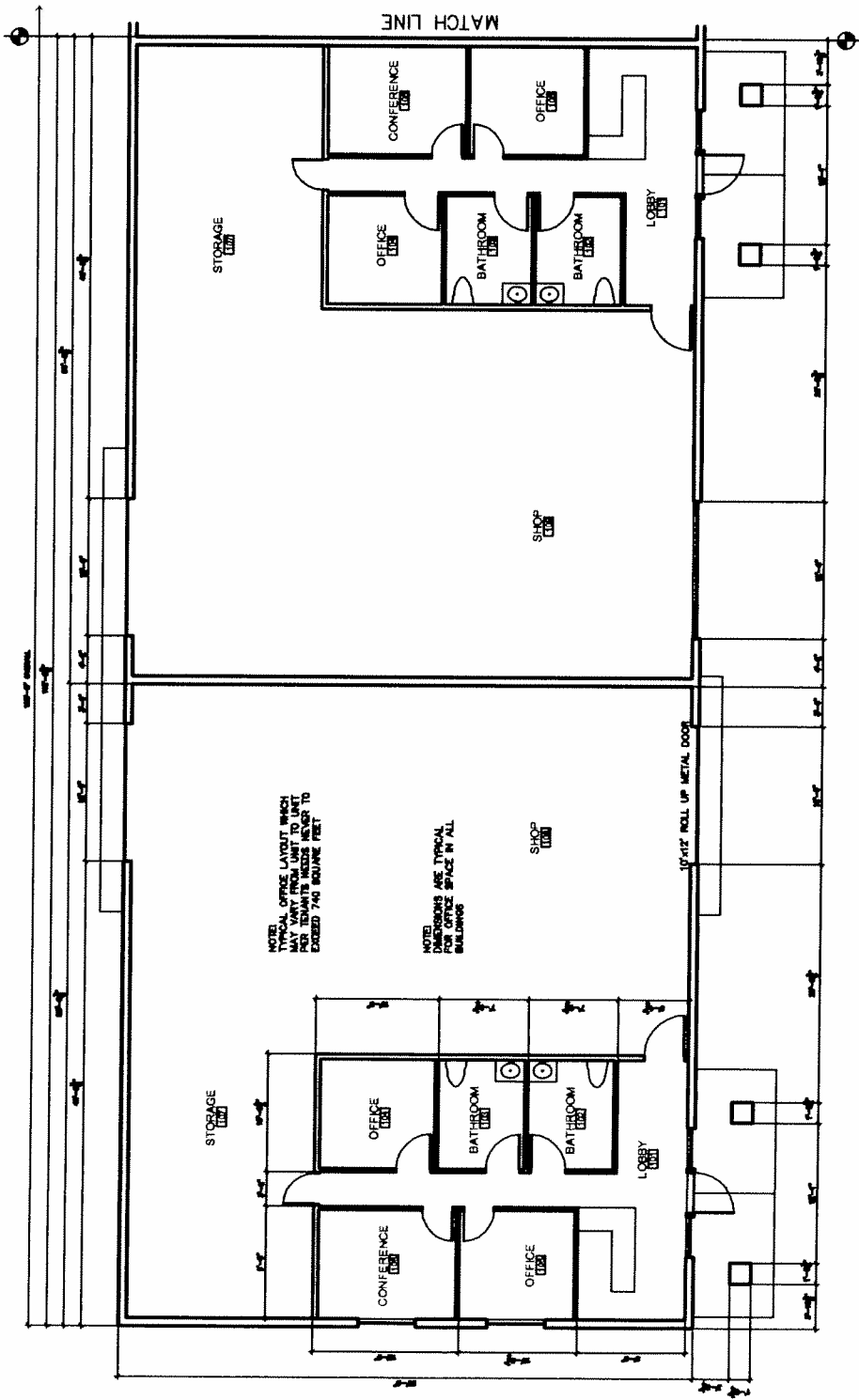
DRAWING TITLE:  
FLOOR PLAN

REVISIONS	

NO.	DATE	BY	CHKD.	DATE

SCALE: 1/4" = 1'-0"

**A3**



PARTIAL FLOOR PLAN THREE UNIT BUILDING **3A**





**INCLINE INDUSTRIAL PARK**  
 1000 W. 10TH AVENUE, SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.1111  
 WWW.DFAARCHITECT.COM

**DRAWING TITLE:**  
 EXTERIOR ELEVATIONS

NO.	DATE	BY	CHKD.	DATE

**REVISIONS**

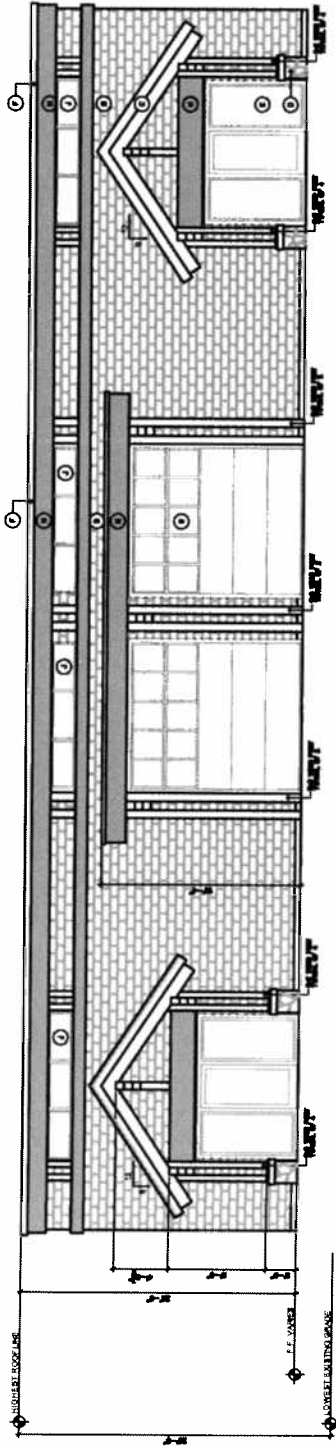
NO.	DATE	BY	CHKD.	DATE

DATE: 03/20/20  
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 SHEET: 2A OF 2A

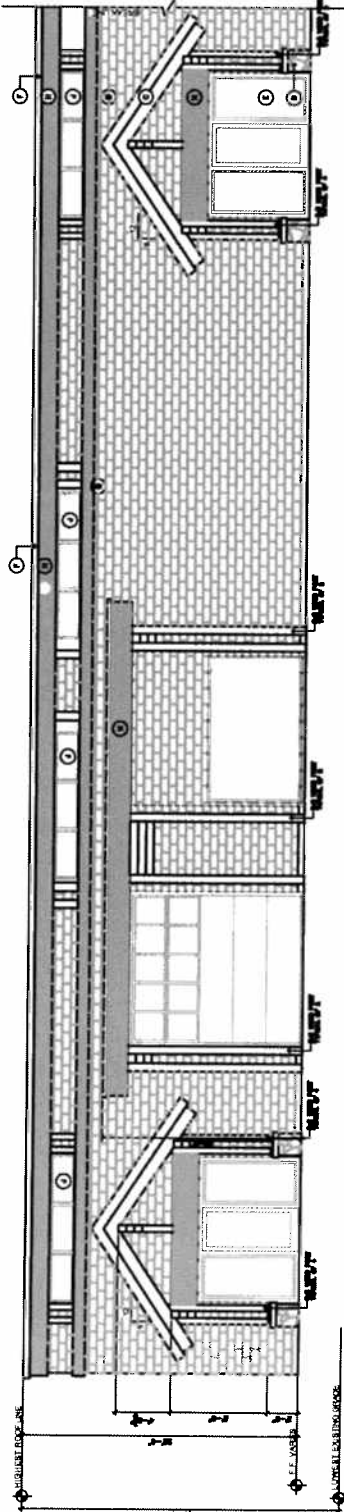
**A5**

**EXTERIOR FINISH SCHEDULE**

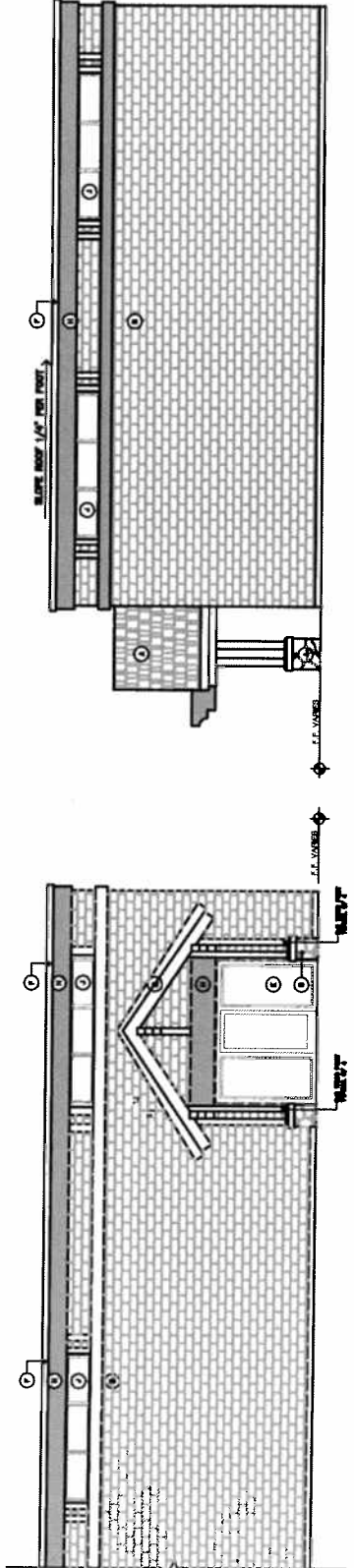
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2	FLOOR	CONCRETE
3	ROOF	ASPH/FLT
4	CEILING	CONCRETE
5	DOOR	WOOD
6	WINDOW	WOOD
7	TRIM	WOOD
8	ROOF	ASPH/FLT
9	CEILING	CONCRETE
10	FLOOR	CONCRETE
11	WALL	BRICK
12	FLOOR	CONCRETE
13	ROOF	ASPH/FLT
14	CEILING	CONCRETE
15	DOOR	WOOD
16	WINDOW	WOOD
17	TRIM	WOOD



FRONT EXTERIOR ELEVATION (TWO UNIT PLAN) "1A, 1B, 1C, 1D, 1E AND 1F"



PARTIAL FRONT EXTERIOR ELEVATION (THREE UNIT PLAN) CONT. "2A"



TYPICAL SIDE EXTERIOR ELEVATION (TWO AND THREE UNIT PLANS)









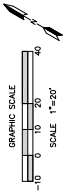
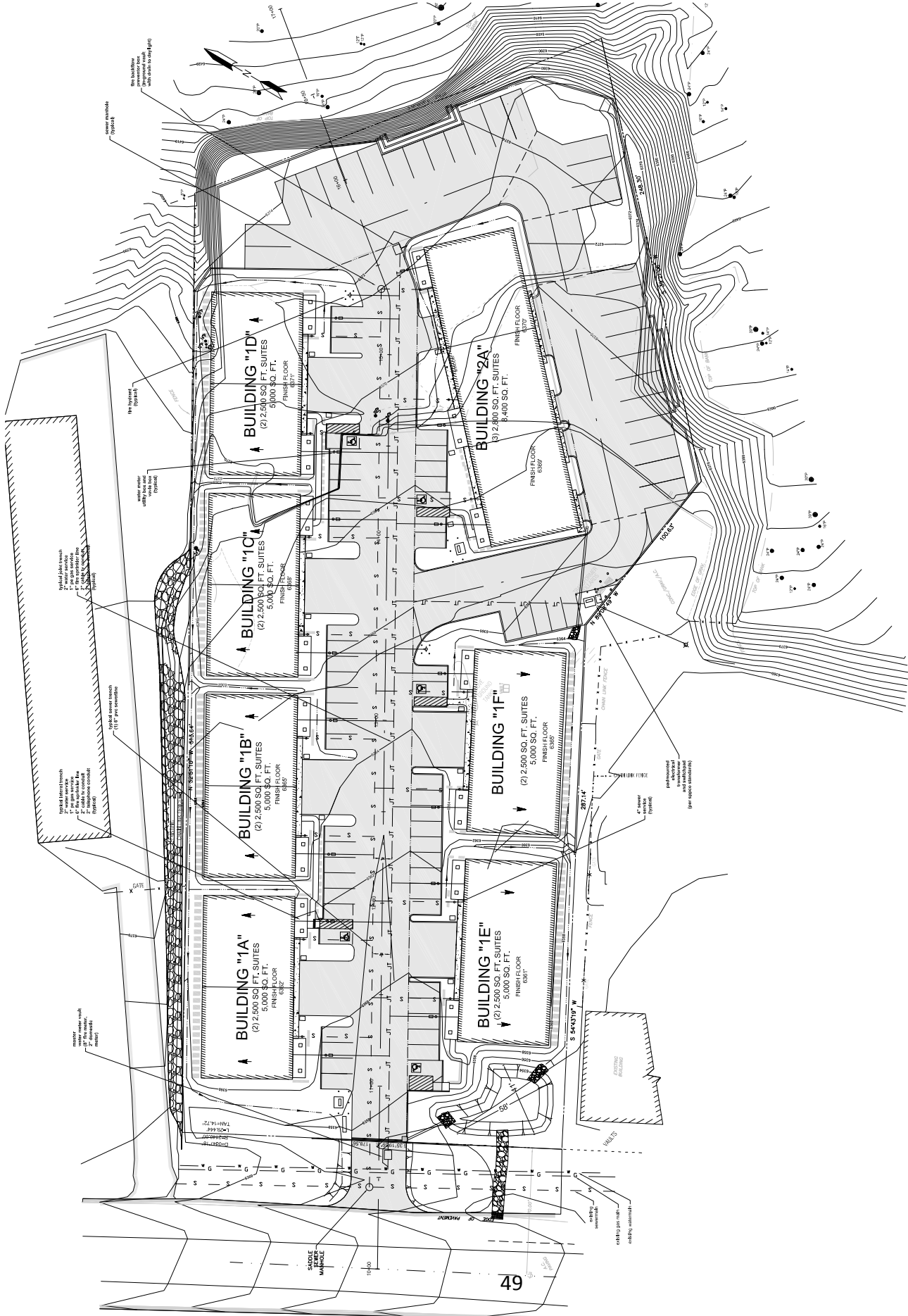




REVISIONS



**C3.1**

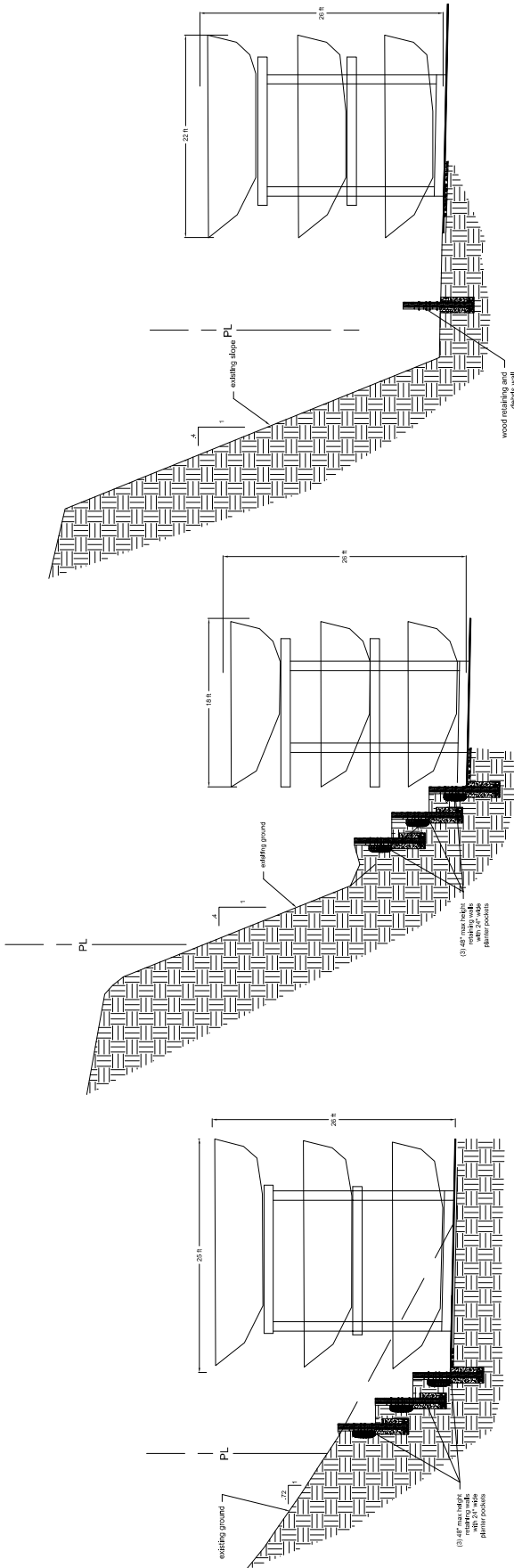






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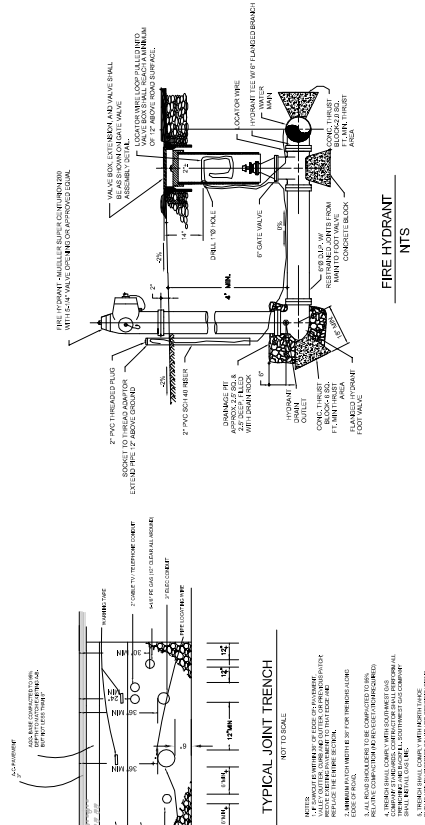
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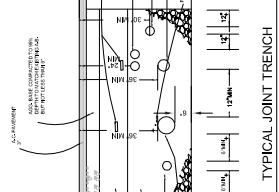
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N.T.S.

**NORTH SLOPE - SECTION B-B**  
N.T.S.

**NORTHEAST SLOPE - SECTION A-A**  
N.T.S.

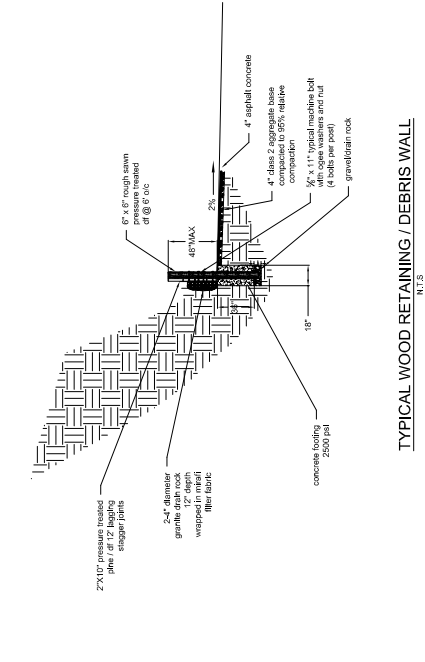


**FIRE HYDRANT**  
N.T.S.



**TYPICAL JOINT TRENCH**  
NOT TO SCALE

- NOTES:
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
  2. ALL MATERIALS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
  3. ALL MATERIALS SHALL BE COMPACTED TO 95% RELATIVE COMPACTION UNLESS OTHERWISE NOTED.
  4. ALL MATERIALS SHALL BE COMPACTED TO 95% RELATIVE COMPACTION UNLESS OTHERWISE NOTED.
  5. ALL MATERIALS SHALL BE COMPACTED TO 95% RELATIVE COMPACTION UNLESS OTHERWISE NOTED.



**TYPICAL WOOD RETAINING / DEBRIS WALL**  
N.T.S.



DRAG & EPOY ARCHITECT, AIA  
 1000 WEST WASHINGTON AVENUE  
 SUITE 100  
 DENVER, COLORADO 80202  
 PHONE: 303.733.1100  
 FAX: 303.733.1101  
 WWW.DRAGANDEPOY.COM



**INCLINE INDUSTRIAL PARK**  
 INCLINE INDUSTRIAL PARK, LLC  
 1000 WEST WASHINGTON AVENUE  
 SUITE 100  
 DENVER, COLORADO 80202  
 PHONE: 303.733.1100  
 FAX: 303.733.1101  
 WWW.DRAGANDEPOY.COM

DRAWING TITLE  
 LANDSCAPE PLAN

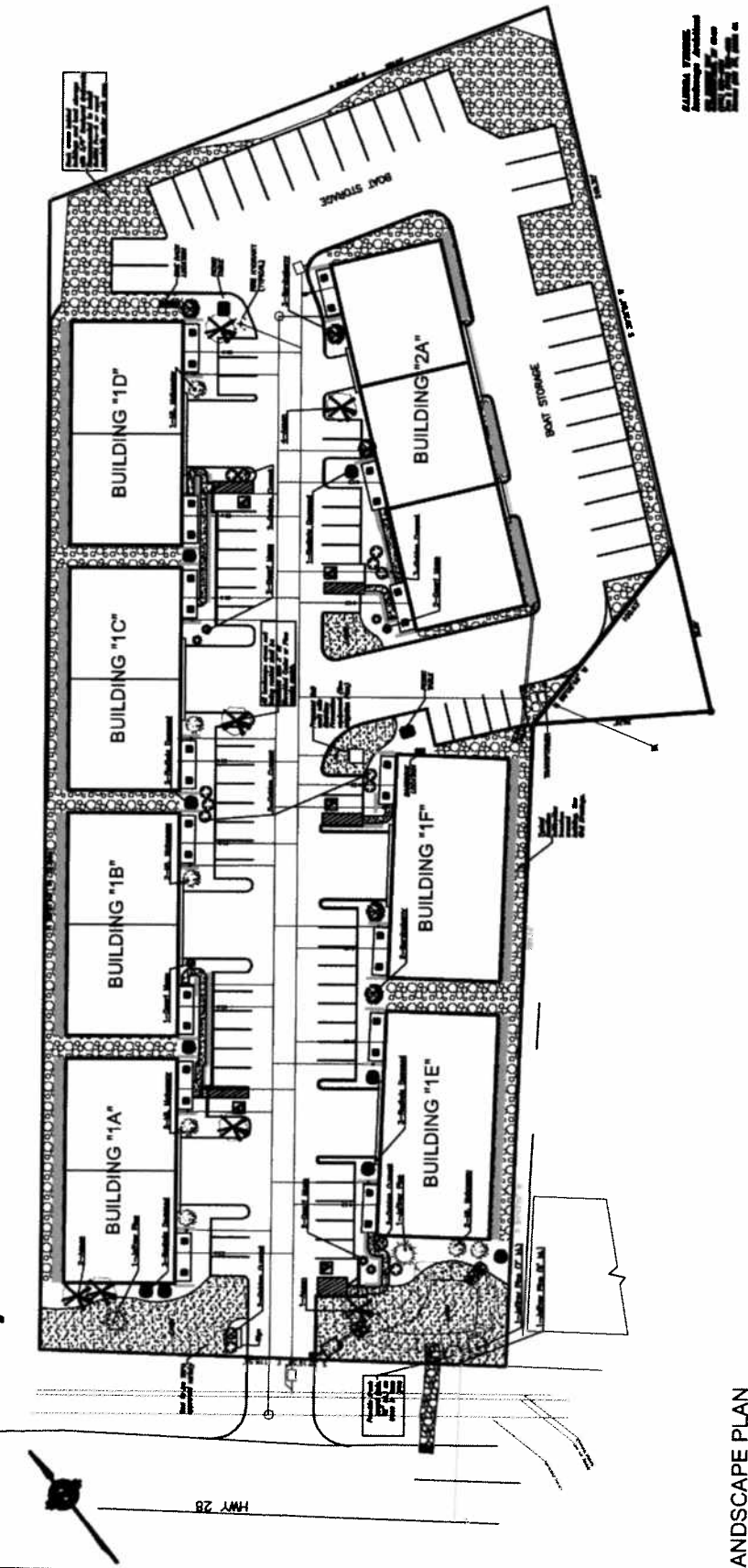
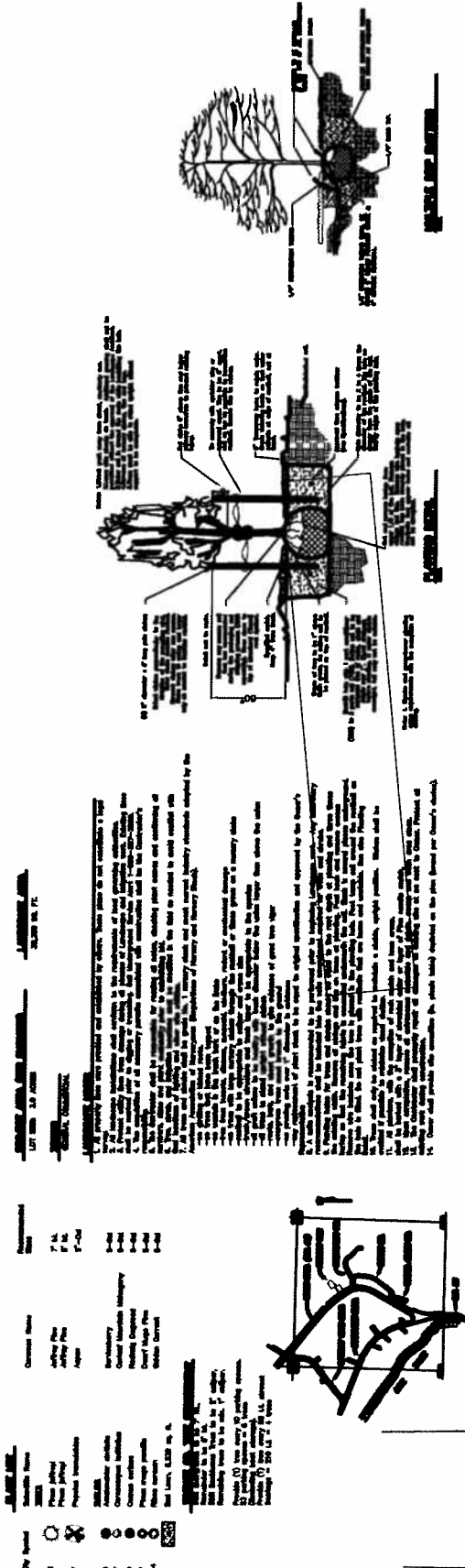
NO.	DATE	BY	CHKD	APP'D

REVISIONS

NO.	DATE	BY	CHKD	APP'D

OWNER: DRAG & EPOY ARCHITECT, AIA  
 DATE: 08/11/10  
 DRAWN: DRAG & EPOY ARCHITECT, AIA  
 CHECKED: DRAG & EPOY ARCHITECT, AIA  
 APP'D: DRAG & EPOY ARCHITECT, AIA

PROJECT  
 L1



LANDSCAPE PLAN

SCALE: 1" = 20'

MEMORANDUM

Date: November 7, 2012

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action, HSBC Bank USA National Association c/o PNC Bank and Dennis Correa, Unauthorized Creation of Coverage, 3000 Polaris Rd., Tahoe City, CA, Assessor's Parcel Number 093-600-026.

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Requested Action: Governing Board action on the proposed Settlement Agreement.

Staff Recommendation: Staff recommends that the Governing Board accept the proposed Settlement Agreements (Attachment A and Attachment B) between the Tahoe Regional Planning Agency (TRPA) and HSBC Bank USA National Association c/o PNC Bank ("HSBC") and Dennis Correa .

Required Motion: In order to approve the proposed violation resolution, the Board must make the following motion, based on this staff summary and the evidence in the record:

A motion to approve the Settlement Agreements as set forth in Attachment A and Attachment B.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Violation Description/Background: This violation involves unauthorized creation of coverage above the established limitations at 3000 Polaris Rd., Tahoe City, CA, Assessor's Parcel Number 093-600-026 ("HSBC Property"). HSBC currently owns the Property, and Correa is the previous owner of the parcel.

In 1991 Correa obtained TRPA Permit #19910128 for a single family dwelling on the HSBC Property. The residence was constructed, and Correa was given a certificate of occupancy from Placer County. Correa never requested a final inspection from TRPA. In

February 2011, HSBC foreclosed on the Property, and title transferred from Correa to HSBC.

In October 2011, a potential purchaser contacted TRPA to inquire if there were any outstanding issues related to the HSBC Property. TRPA staff conducted an inspection of the HSBC Property and found that the single family dwelling had not been built to the approved plans and the property was over-covered by approximately 1418 square feet.<sup>1</sup> TRPA staff notified HSBC of the existing violations on-site, including violations of TRPA Code Section 2.3.1 (activities that create coverage require a TRPA permit) and Code Section 30.4 (the creation of coverage in excess of established limitations is prohibited).

In November 2011, TRPA staff began working with Kate Wilkins, a local realtor representing HSBC, to investigate potential ways to bring the HSBC property into compliance with the TRPA Permit and Code of Ordinances. Due to the size of the residence's as-built footprint, Staff realized that the only way to reduce the existing on-site coverage by 1418 square feet was to remove portions of the residential structure itself. Because such a removal might threaten the integrity of the existing building and would be exceedingly costly, TRPA and HSBC began discussing alternative solutions for a resolution to the violation.

In October 2012, TRPA, HSBC, and Correa came to an agreement on a resolution for the unauthorized construction on then HSBC Property. TRPA staff recommends that the Governing Board accept two separate settlement agreements with Correa and HSBC, respectively, that require the following: (1) HSBC will submit a restoration plan that eliminates a minimum of 816 square feet of coverage from the HSBC Property; (2) For the unauthorized coverage that will not be removed, HSBC will purchase "SEZ Restoration Credit (Bailey 1b)" for transfer and retirement totaling two times the amount of unauthorized coverage remaining onsite at the HSBC Property<sup>2</sup>; (3) HSBC will complete all permanent Best Management Practices (BMPs) on the HSBC Property; and (4) Correa will forfeit to TRPA his \$2500 security for Permit #19910128 as a penalty for the previous unauthorized creation of coverage on the HSBC Property.

Regional Plan Compliance: The Tahoe Regional Planning Compact Article VI(k), Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations. The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

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<sup>1</sup> The total amount of authorized coverage on the HSBC Property coverage is 2155 square feet, yet the total coverage on the Property is currently 3573, or 1418 square feet above the permissible amount.

<sup>2</sup> A maximum of 602 square feet of the total 1418 square feet of existing unauthorized coverage may remain on-site pursuant to the restoration plan.

HSBC  
3 of 8

Supporting evidence for making the determination of a violation includes the violation file and photographs of the site. These documents are in TRPA's possession and may be reviewed at the TRPA Offices.

If you have any questions, please contact Steve Sweet, Senior Environmental Specialist at [ssweet@trpa.org](mailto:ssweet@trpa.org) or 775-589-5250.

Attachments:

Settlement Agreement (Attachment A)  
Settlement Agreement (Attachment B)

**ATTACHMENT A**  
**PROPOSED SETTLEMENT AGREEMENT**

This Settlement Agreement pertains to the property located at 3000 Polaris Rd., Tahoe City, CA, Assessor's Parcel Number 093-600-026 ("HSBC Property") and is made by and between Dennis Correa ("Correa"), and the Tahoe Regional Planning Agency ("TRPA"). HSBC Bank USA National Association c/o PNC Bank ("HSBC") is the current owner of the HSBC Property, and Correa is the previous owner of the parcel. This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

In January 2012, The Tahoe Regional Planning Agency (TRPA) inspected the HSBC Property and found that the following violations of the TRPA Code of Ordinances had occurred:

- Unauthorized creation of coverage in violation of Code Section 2.3.1 (activities are only exempt from TRPA review if they do not create or relocate coverage); and
- Unauthorized creation of coverage in excess of established limitations in violation of Code Section 30.4 (prohibiting the creation of coverage in excess of established limitations). The total amount of authorized coverage on the HSBC Property coverage is 2155, yet the total coverage on the Property is currently 3573, or 1418 square feet above the permissible amount.

This Settlement Agreement is conditioned upon approval by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. Correa waives all rights to and shall forfeit to TRPA any security deposit still in existence for TRPA Permit #19910128, issued on April 30, 1991.
2. Once Correa has fully complied with all of the terms herein, TRPA shall release Correa of all claims arising out of his failure to follow TRPA procedures during the activities described in this Settlement Agreement.



Correa has read this Settlement Agreement and understands all of its terms. Correa has executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledge that the above-described activities constitute a violation of TRPA regulations. Correa agrees to comply with all applicable TRPA requirements in the future.

Signed:

\_\_\_\_\_  
Dennis Correa

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joanne S Marchetta, Executive Director  
Tahoe Regional Planning Agency

\_\_\_\_\_  
Date

**ATTACHMENT B**  
**PROPOSED SETTLEMENT AGREEMENT**

This Settlement Agreement pertains to the property located at 3000 Polaris Rd., Tahoe City, CA, Assessor's Parcel Number 093-600-026 ("HSBC Property") and is made by and between HSBC Bank USA National Association c/o PNC Bank ("HSBC") and the Tahoe Regional Planning Agency ("TRPA"). HSBC is the current owner of the HSBC Property. This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

In January 2012, The Tahoe Regional Planning Agency (TRPA) inspected the HSBC Property and found that the following violations of the TRPA Code of Ordinances had occurred:

- Unauthorized creation of coverage in violation of Code Section 2.3.1 (activities are only exempt from TRPA review if they do not create or relocate coverage); and
- Unauthorized creation of coverage in excess of established limitations in violation of Code Section 30.4 (prohibiting the creation of coverage in excess of established limitations). The total amount of authorized coverage on the HSBC Property coverage is 2155, yet the total coverage on the Property is currently 3573, or 1418 square feet above the permissible amount.

This Settlement Agreement is conditioned upon approval by the TRPA Governing Board at the next Board meeting scheduled for November 14-15, 2012. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. HSBC shall submit to TRPA for approval a coverage removal plan that shows the removal of a minimum of 816 square feet of coverage from the HSBC Property. The Plan shall be submitted to TRPA within 30 days of Governing Board approval of this Settlement Agreement. The plan shall be implemented by August 1, 2013 or within 90 days of TRPA approval of the restoration plan, whichever is later.
2. For the unauthorized coverage that will not be removed, HSBC shall purchase "SEZ Restoration Credit (Bailey 1b)" for transfer and retirement totaling two (2)

times the amount of unauthorized coverage remaining onsite at the HSBC Property.<sup>3</sup> SEZ Restoration Credits are sold by the California Tahoe Conservancy (CTC) Land Bank and other private entities at fair market value. As of October 5, 2012, the price at the CTC Land Bank for SEZ Restoration Credits (Bailey 1b) was \$20 per square foot. Because these credits are priced on an open market based on demand and availability, the total amount paid by HSBC will be determined by the cost of an SEZ Restoration Credit at the time of purchase. The SEZ coverage must be purchased and transferred within 90 days of Governing Board approval.

3. HSBC shall complete all permanent Best Management Practices (BMPs) on the HSBC Property no later than October 1, 2013.
4. If HSBC fails to comply with any of the actions required by this Settlement Agreement, HSBC confesses to judgment against them and in favor of TRPA in the amount of \$50,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. HSBC also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$50,000. Notwithstanding the foregoing, the confession of judgment shall not be filed unless TRPA has provided HSBC with written notice of default and notice to cure such default within ten days of the date of written notice. If the default has not been cured by that time, TRPA may file the confession of judgment.
5. Once HSBC has fully complied with all of the terms herein, TRPA shall release HSBC of all claims arising out of its failure to follow TRPA procedures during the activities described in this Settlement Agreement.

HSBC has read this Settlement Agreement and understands all of its terms. HSBC has executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledges that the above-described activities constitutes a violation of TRPA regulations. HSBC agrees to comply with all applicable TRPA requirements in the future.

Signed:

\_\_\_\_\_  
HSBC Bank USA National Association  
c/o PNC Bank

\_\_\_\_\_  
Date

<sup>3</sup> A maximum of 602 square feet of the total 1418 square feet of existing unauthorized coverage may remain on-site pursuant to the restoration plan.

---

Joanne S Marchetta, Executive Director  
Tahoe Regional Planning Agency

---

Date



**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

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MEMORANDUM

Date: November 7, 2012

To: TRPA Advisory Planning Commission & Governing Board

From: TRPA Staff

Subject: Discussion and Possible Direction to Staff on Proposals as Determined by the Regional Plan Update Committee

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**Requested Action:** This is an informational item for discussion and possible direction to staff.

**Summary:** After the November 14, 2012 Governing Board meeting, the Regional Plan Update Committee is scheduled to consider various changes to the Final Draft Regional Plan and Code that have been suggested by Governing Board and Advisory Planning Commission members, public agencies, organizations and individuals.

Recommendations from the Regional Plan Update Committee will be reported to the Governing Board at the beginning of the November 15 Board meeting.

For further background on this item please reference Regional Plan Update Committee; Comments on Final Draft Regional Plan and Code on page 105.



## MEMORANDUM

Date: October 24, 2012 (Redistribution on November 7, 2012)  
To: TRPA/TMPO Governing Board & Advisory Planning Commission  
From: TRPA Staff  
Subject: Final Draft Regional Plan Documents

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**Requested Action:** Review the enclosed “Regional Plan Update” documents for discussion and possible direction this month and in November; and for final action in December. Updated documents include:

1. Threshold Evaluation;
2. Regional Plan and Final Environmental Impact Statement;
3. Regional Transportation Plan and Final Environmental Impact Report; and
4. Code of Ordinances;

**Summary:** The 2012 Regional Plan Update is a strategic modernization of TRPA’s planning and regulatory documents. In combination, the Policies, Ordinances and Implementation Measures will achieve and maintain TRPA’s adopted Environmental Threshold Standards, while providing opportunities for orderly development consistent with the adopted Threshold Standards.

The 2012 Regional Plan retains the regulatory framework from the existing 1987 Regional Plan, while making targeted amendments to accelerate threshold attainment and respond to current conditions. The proposed policy changes are supported by extensive information and study - and respond to a diverse range of public input. The documents have been vetted through an exhaustive public outreach process and have undergone detailed environmental analyses. Consideration has been given to the findings and recommendations of the 2011 Threshold Evaluation. Policy direction has been provided by the Governing Board and the Regional Plan Update Committee at various points in the planning process.

The Regional Plan Documents have been modified to reflect Governing Board endorsements on August 22, 2012, including the Bi-State Recommendation for unresolved issues and applicable mitigation measures from the Draft EIS. The “Technical Working Group” reviewed and endorsed Plan and Code language as being consistent with the Governing Board direction.

This Memorandum summarizes the 2012 Regional Plan Update, including current conditions, progress towards threshold attainment, amendment strategies, and resolution of disputed issues. Exhibits include a summary of the planning process (Exhibit A), a table of modifications in the Final Draft Plan and Code (Exhibit B), responses to comments on the Threshold Evaluation (Exhibit C), and responses to summarized comments on planning and policy proposals (Exhibit D). Detailed responses to comments related to the environmental documents are provided within the respective EIS/EIR.

**The Planning Process:** This 2012 Regional Plan Update has been informed by a comprehensive public outreach process, extensive technical studies, detailed scientific research, and a high level dispute-resolution process. The nine-year process has involved hundreds of public meetings, input from thousands of groups and individuals, and millions of dollars of scientific research.

Between 2004 and 2010, an extensive public outreach process was conducted to review the latest Threshold Evaluations and identify the Region’s “Vision” for the Regional Plan Update. Priority amendment topics were identified by the Board at the conclusion of the initial process.

In 2011 and early 2012, the Regional Plan Update Committee of the Governing Board prepared the April 25, 2012 Draft Regional Plan (“April Draft Plan”). Provisions in the April Draft Plan were developed through an exhaustive public review of existing Policies and proposed amendments. Every word of the Regional Plan was reviewed, debated by participants, and ultimately voted upon by the Regional Plan Update Committee at a series of 15 full-day public meetings. Wherever possible, compromise language was developed to resolve concerns that emerged at Committee meetings. Approximately 89 percent of the actions were unanimous. Non-unanimous topics were the focus of later discussions and compromises.

Following release of the April Draft Plan, public comments were received and “Bi-State Consultations” were sponsored by the States of California and Nevada to develop compromise recommendations for non-unanimous topics in the April Draft Plan. The “Final Draft Plan” reflects “Bi-State Recommendations” and other changes that respond to public comments. Exhibit A provides additional details regarding the Planning Process.

**Changes in Final Draft Regional Plan:** On August 22, 2012, the Governing Board endorsed modifications to the April Draft Plan and Code, upholding the August 15 recommendation of the Regional Plan Update Committee. Amendments included the Bi-State Recommendations for non-unanimous issues, applicable mitigation measures from the Draft EIS, and other modifications responding to public comment. The Governing Board appointed a Technical Working Group (including state, agency, and public representatives) to review the necessary Plan and Code edits. The Technical Working Group has reviewed and endorsed Plan and Code language as being consistent with the Governing Board action. Specific Plan and Code modifications are detailed in Exhibit B.

To facilitate public review, the Final Draft Regional Plan and Final Draft Code of Ordinances are available in “clean” versions as well as “track change” versions. The track change versions can be used to identify changes from the existing Regional Plan and Code (shown in ~~strikethrough~~/underline format) and changes from the April Draft Plan and Code (identified with **yellow highlighting** for substantive changes and in **grey highlighting** for grammatical improvements and technical corrections). Changes made to the Threshold Evaluation and the Regional Transportation Plan since the April Drafts are identified in “compare version” copies of those documents.



**Context for the Regional Plan Update:** Conditions in the Lake Tahoe Region are very different today than they were in the 1980's when the existing Regional Plan was developed.

By the 1980's, the Region had experienced decades of rapid development. The economy was thriving, but the environment was suffering. More than half of the Region's marshes and wetlands had been developed and plans were in place for additional development that could have increased the Region's population to 750,000 people (more than ten times the current population). Lake Tahoe's water clarity was declining by about one foot per year. The 1980 TRPA Compact was adopted in response to the looming environmental threats, requiring that development be managed in accordance with environmental carrying capacities. A top priority for the initial Regional Plan in the 1980's was minimizing new development that would be allowed at Lake Tahoe. In response, strict growth control limits and environmental regulatory constraints were adopted and implemented.

In 2012, the Region faces different challenges. TRPA's strict growth control system has been in place for 25 years and over \$1 Billion has been invested in environmental restoration projects. Overall, these efforts appear to be working. Unconstrained growth is no longer a threat, Lake Tahoe's water clarity has stabilized and many environmental indicators are showing improvement. The responsible programs and regulatory constraints are maintained in this Regional Plan Update.

While environmental conditions have stabilized, socioeconomic conditions have deteriorated. Troubling socio-economic trends include well above-average unemployment rates, unaffordable housing, high poverty levels, reduced housing occupancy, population and workforce declines and public school closings. These trends are also impacting the environment – largely by making the system unsustainable for people to live, work and enjoy recreation and tourism in the Tahoe Region. Many people drive considerable distances between their homes, work and recreation sites, creating a significant environmental impact.

The focus of this Regional Plan Update is to achieve TRPA's Environmental Threshold Standards by reducing existing sources of pollution – and to do so in a way that supports a healthy economy and social fabric. Adding to the challenge, public agencies at all levels are facing budget shortfalls and public funding for environmental restoration is declining. The Draft Regional Plan includes a variety of public and private strategies to improve environmental conditions with an increased emphasis on privately funded efforts and public-private partnerships.

**2011 Threshold Evaluation:** In April 2012, TRPA completed and publically presented a Draft 2011 Threshold Evaluation outlining environmental conditions and trends.

Like prior evaluations, the 2011 Threshold Evaluation was developed in accordance with the Regional Plan directives and through a science-based process that involved the compilation and analysis of Basin-specific monitoring data regarding environmental conditions and the status of Threshold attainment. Additionally, to provide the strongest possible foundation for 2012

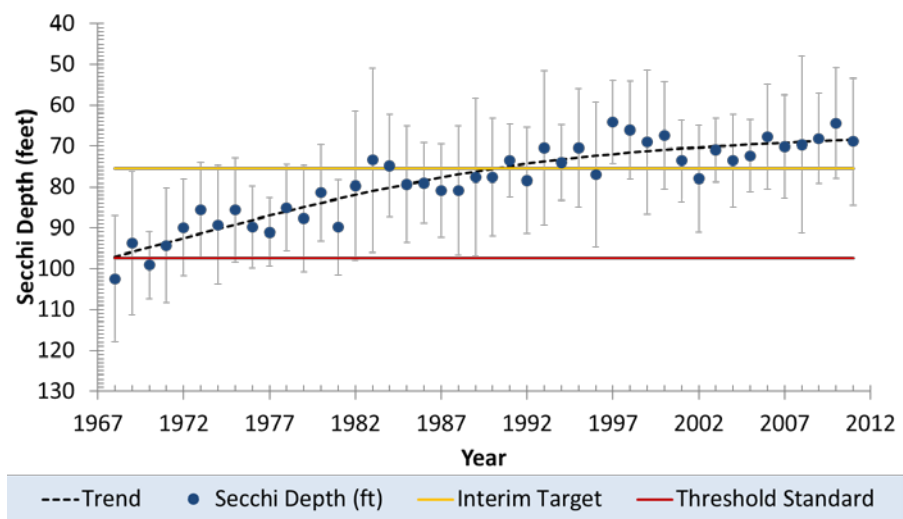
Regional Plan Update, 2011 Threshold Evaluation underwent an independent peer review by a diverse panel of environmental scientist not affiliated with the Lake Tahoe Region. The comprehensive nature of the 2011 Threshold Evaluation and recommendations from peer reviewers have helped clarify current status and trends in environmental conditions and potential factors that may contribute to conditions and trends. Information and findings from the 2011 Threshold Evaluation were publically reported to the Regional Plan Update Committee throughout the plan drafting process. Responses to public comments regarding the April Draft Threshold Evaluation are provided in Exhibit C. Modifications made in response to public comments are identified in the “compare version” copy of the Final Draft 2011 Threshold Evaluation. Changes include a number of clarifications, but do not reflect the restructuring of the document that was recommended by some commenters.

The Compact requires that the Regional Plan achieve and maintain adopted Threshold Standards. As a result, addressing the most challenging threshold categories is a top priority for the Regional Plan Update.

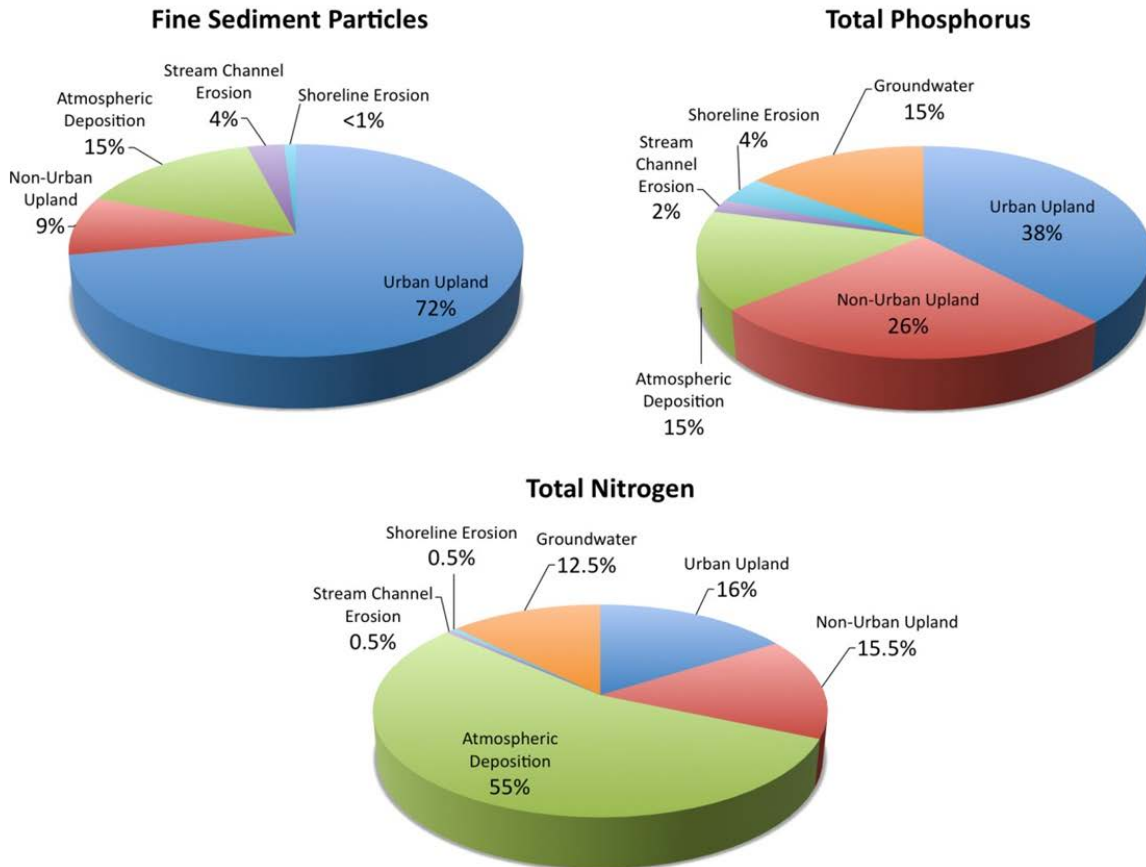
The Threshold Evaluation indicates that significant progress has been made towards many environmental goals and that trends are increasingly positive. Programs that protect undeveloped land, restore natural systems, and retrofit the built environment have benefitted Lake Tahoe’s environment.

The Evaluation also indicates that significant restoration challenges remain. Topics of primary concern include Water Quality, Stream Environment Zone (SEZ) Restoration, Transportation (Air Quality and Noise) and Scenic Quality in developed areas. Challenges in these categories involve addressing the continuing impact of pre-TRPA development activities to accelerate environmental progress.

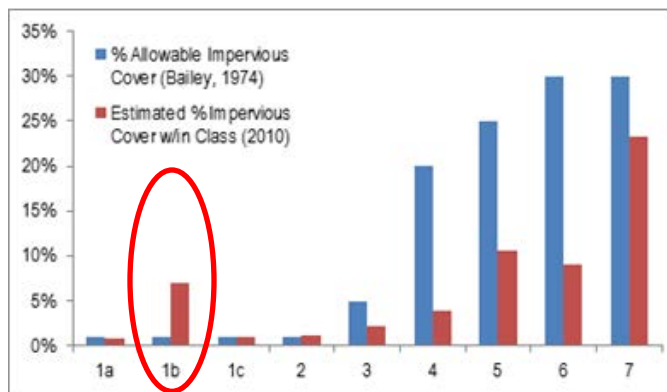
Water Quality: Restoring Lake Tahoe’s exceptional water quality has always been a top priority for TRPA. Data indicates that after years of steady decline, Lake Tahoe’s average annual clarity has largely stabilized, albeit at levels about 28.5 feet below the threshold standard of 97.4 feet (1967-71 levels). Nearshore water quality is also a significant concern and a topic of active study.



Science associated with the Lake Tahoe TMDL identifies the pollutants that are primarily responsible for water quality losses - fine sediment particles, nitrogen and phosphorus - as well as the major sources of those pollutants. The largest source categories are the urban uplands (developed areas and roads) and atmospheric deposition. Plan amendments focus on accelerating water quality improvement by incentivizing restoration and redevelopment activities, and by reducing air pollution.

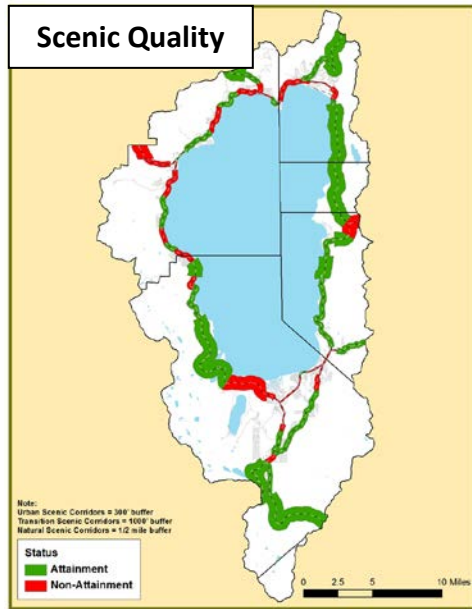


**Sensitive Land Restoration:** In conjunction with the broader goal of improved water quality, TRPA maintains strict Threshold Standards for land coverage, especially on sensitive lands. Data indicates that existing coverage on Class 1b Lands (primarily SEZs) is well in excess of the adopted Threshold Standard and coverage on other sensitive lands is near Threshold Standards. Development is generally prohibited in SEZs, but existing SEZ development includes 8,823 residential units, 3,210 tourist units and 1.8 million square feet of commercial space. An additional 9,584 residential and tourist units are located on other sensitive lands. Plan amendments focus on relocating more of this impactful development and restoring the natural function of SEZs and other sensitive lands.

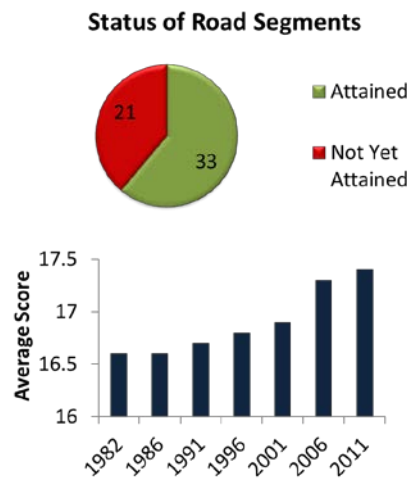


**AGENDA ITEM NO. VIII.B.**

Transportation: Automobile use strongly influences Threshold Standards in the Air Quality and Noise categories. Currently, both residents and visitors rely heavily on automobiles and light trucks for transportation. In much of the Region, transit service is infrequent and the fragmented bicycle and pedestrian network lacks continuity. Vehicular exhaust and noise have exceeded some Threshold Standards and negatively impacted other Standards. Plan amendments focus on improving air quality and reducing noise by transitioning to a more walkable development pattern and improving pedestrian, bicycle and transit facilities. Targeted amendments to air quality regulations are also made.



Scenic Quality: Scenic Threshold Standards are improving, but are not in attainment in many developed areas – primarily areas where development remains largely unchanged from the pre-1980 Regional Plan era. Plan amendments that focus on increasing the rate of redevelopment are expected to enhance scenic quality and improve scenic threshold attainment, along with other environmental qualities.



**Plan Amendment Strategies:**

Central strategies for the 2012 Regional Plan Update include:

- Maintain effective programs that have protected Lake Tahoe’s environment, including the regional growth control system, strict environmental standards and inter-agency implementation and scientific study partnerships like the EIP.
- Accelerate Threshold gain with targeted amendments to promote sensitive land restoration, support environmental redevelopment, and increase the availability of multi-modal transportation facilities.
- Improve the planning and permitting process to support increased private investment in needed environmental improvements and increase TRPA’s focus on regional priorities.

Pages 7 through 37 of this Staff Summary outline the proposed changes to the Goals and Policies and Code of Ordinances that implement the plan amendment strategies, organized in nine topic areas. Each topic discussion includes an overview of specific amendment strategies, a summary of public input, and an explanation of changes that were made in response to public input. A more detailed summary of public comments in each topic area and a response to those comments is provided in Exhibit D.

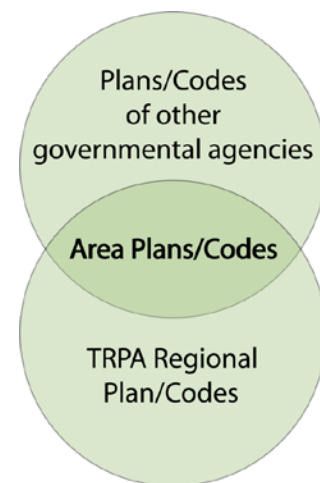
Topic areas include:

1. Planning and Permitting using Area Plans
2. Development Allocations and Transfers
3. Community Character
4. Recreation Areas and Uses
5. Land Coverage
6. Transportation
7. Water Quality
8. Air Quality
9. Noise Control

***Topic #1 – Planning and Permitting using Area Plans:*** Throughout the plan update process, a regular theme of public comments involved concerns about TRPA’s planning and permitting system. Because necessary environmental gains are delivered through project implementation, commenters raised concerns about impediments to project processing and approvals, including the high cost of permitting, the lack of predictable timelines, the complexity of regulations, inconsistencies between regional and local requirements, and uncertain outcomes for development proposals.

The Final Draft Plan responds to these concerns by establishing a streamlined Area Planning system for communities and land management agencies in the Lake Tahoe Region. Area Plans would serve as a single land use plan for specific geographic areas and would be a component of both the Regional Plan and the Plans for other Agencies. The Area Planning process is intended to provide the following benefits:

- Focus TRPA on regional priorities more than parcel-level permitting activities;
- Establish a more responsive and flexible regional framework for community planning in the Tahoe Region;
- Eliminate inconsistencies between the Regional Plan and the plans of other Agencies; and
- Reduce duplicative permitting requirements.



Area Plans would outline land use allowances and development standards. Area Plans may also establish protective standards that replace region-wide standards, including tailored area-wide coverage and Best Management Practices (“BMP”) programs for water quality. Local, State and Federal Agencies are authorized to be “Lead Agencies” guiding the development of Area Plans.

All Area Plan provisions are required to conform to the Regional Goal and Policy Plan, Thresholds and the Compact. Once Area Plans are adopted and become part of the Regional Plan, approval of additional development activities could be delegated to other governments, with appeal provisions to TRPA for contested projects.

To ensure that Area Plans and any development authorized by Area Plans are consistent with the Regional Plan, approval and oversight procedures are established for Area Plans. Key procedures include:

1. Plan Initiation: The Area Planning system is voluntary – Local, State and Federal Agencies would provide statements of intent to develop Area Plan(s) by December 31, 2013. The TRPA Governing Board may initiate Area Plans starting in 2014 for areas that are not covered by a Local, State or Federal Area Plan (See Policy LU-4.5; Code Section 13.4).
2. Plan Development and Approval Procedures: Compared with the existing system for Community Plans, Area Plans are subject to more flexible procedural requirements and more specific approval criteria. Procedurally, the Final Draft Plan requires that “At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.” The Plan also requires a sequential plan review and approval process that includes:
  - Applicable Local/State/Federal Government approval;
  - Advisory Planning Commission recommendation; then
  - Final approval of the TRPA Governing Board. (See Policy LU-4.7; Code Section 13.6).

Approval requirements for Area Plans include the standard Chapter 4 “Threshold Findings” for all Regional Plan and Code amendments plus a list of additional review standards that must be met (See Policy LU-4.8 through LU-4.10 and Code Section 13.6.5).

3. Procedures to Address Regional Plan Amendments: If TRPA is considering a plan or code amendment that would affect Area Plans, the following is required (Code Section 13.6.7):
  - TRPA provides lead agencies with reasonable notice of pending amendments and Area plan topics that may require amendment to maintain conformance.
  - After approval of a plan or code amendment, Area Plans must be updated within one year to reflect the regional plan/code amendment. The scope of this review is limited to conformity of the amended provisions to the updated Regional Plan.
4. Projects Requiring TRPA Approval: Following approval of Area Plans, review of many development activities could be delegated to Lead Agencies through Memoranda of Understanding (MOU). Projects that are not eligible to be delegated are outlined in Code Section 13.7.3 and include:
  - Projects in the High Density Tourist Districts, Resort Recreation District, Conservation District or Shorezone that are not already exempted from review by the Governing Board or Hearings Officer under Code Section 2.2.2; and
  - Projects that exceed the building floor area increases that are specified in the following table:

	<b>Regional Center</b>	<b>Town Center</b>	<b>Not in Center</b>
<b>Residential</b>	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.	≥ 25,000 sq. ft.
<b>Non-residential</b>	≥ 80,000 sq. ft.	≥ 40,000 sq. ft.	≥ 12,500 sq. ft.

5. Project Appeals: When project review authority is delegated to Lead Agencies, all project approvals would be subject to appeal to the TRPA Governing Board (Code Section 13.9). The appeal process includes the following key provisions:
  - Basis for Appeal: Appeals are limited to disputes over conformance with the Regional Plan, including the applicable Area Plan, applicable code provisions and the Compact;
  - Exhaustion: Appellants must exhaust administrative remedies with the Lead Agency before filing an appeal to TRPA;
  - Timelines: The total appeal process would last approximately 120 days, including 15 days for appellants to file, 60 days for a staff recommendation and approximately 45 days for up to two Governing Board hearings; and
  - Fee limitations: The total appeal fee may not exceed \$2,000 (\$1,000 to TRPA and \$1,000 to the Lead Agency).
  
6. Procedures to Verify Ongoing Conformance with the Regional Plan: The Draft Regional Plan establishes a detailed monitoring, review and certification process for Area Plans (Code Section 13.8) with the following key provisions:
  - Notification: Lead Agencies include TRPA in all public notifications of public hearings for development within an Area Plan when public hearings are required;
  - Monitoring: On a quarterly basis, Lead Agencies send TRPA information from building permits that were issued, including coverage, residential units, commercial floor area, and tourist accommodation units.
  - Annual Review: On an annual basis, TRPA reviews a sample of permits that were issued under each Area Plan to independently verify compliance with the Area Plan.
  - Four-Year Review: Every four years, area plans would be reviewed for conformance with Load Reduction Plans that are required under the Lake Tahoe TMDL.
  - Certification: Based on the review of permits, TRPA annually certifies that permits are being issued in accordance with the Area Plan; and every four years, TRPA certifies that Area Plans conform to applicable TMDL Load Reduction Plans. If discrepancies are found, a process of consultation with the lead agency, conditional certification and revocation of permitting authority is outlined.

### Regional Plan Maintenance:

Many stakeholders have raised concerns that the existing Regional Planning system is excessively cumbersome and unresponsive to changing conditions. Amendments that could have modernized and improved the Regional Plan have been deferred, sometimes indefinitely, because of procedural complexities and more focused attention on particular projects. Many dated components of the 1987 Regional Plan remain in effect today - more than 25 years after its initial adoption.



### The Regional Plan Update

improves the long term planning process by establishing a regular 4-year plan evaluation and update cycle. The new “adaptive management” process would allow TRPA to more effectively evaluate and respond to changing conditions and new scientific research.

### Public Input, Environmental Analysis, and Changes in the Final Draft:

Most Agency and public comments related to the Planning Process and Area Plans involved the TRPA oversight system for Area Plans and delegated permitting.

The April Draft Plan included provisions that would have *exempted* additional activities from TRPA review - without appeal processes - if Area Plans included provisions to ensure that development activities would not have a substantial impact on resources in the Region. Importantly, the Final Draft Plan includes modifications endorsed by the Board since the April Draft Plan providing for *delegated* project review, with appeal provisions.

Detailed comments on the April Draft Plan focused on having more TRPA oversight of project permitting as a safeguard, the extent that permitting activities could be properly exempted from TRPA review and on opportunities to appeal local government decisions to TRPA. Many stakeholders supported more prescriptive procedural guidelines with increased TRPA



involvement and oversight, while other stakeholders supported TRPA taking on a more regional role with increased entrustment of site-specific permitting decisions to other public agencies.

Generally, business interests, local governments, and state and federal land management agencies supported entrusting more permitting authority to other public agencies, citing improved processes, socioeconomic benefits, and protections integrated into the Area Plan process. In contrast, environmental interests and state/federal environmental agencies generally opposed increased permitting exemptions, citing a need for TRPA to be the arbitrator on decisions that could impact the environment, along with language in the Compact calling for TRPA review of all activities that “may substantially affect the land, water, air, space or any other natural resources of the region.”

The EIS did not identify any potentially significant impacts related to Area Plans. Mitigation is not required.

The Final Draft Plan includes a robust but predictable project appeal process to address public concerns, along with a reduction in the size of projects that would be eligible for delegated permitting.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

***Topic #2 - Development Allocations and Transfers:*** Both the April Draft Plan and Final Draft Plan maintain the fundamental growth controls of the 1987 Regional Plan and make refinements to accelerate threshold attainment. Sensitive land restoration and environmental redevelopment are important land use strategies to achieve Threshold Standards that are out of attainment, including water quality thresholds. The proposed amendments in the Final Draft Plan would reload certain commodities, establish restrictions for future releases of each commodity type, expand the transfer program to provide a more meaningful incentive for environmentally beneficial development transfers, provide on-site land use conversion opportunities, and limit the size of transferred tourist units.

Exhibit E includes maps and statistics that show the amount and location of existing development in the Region, along with unused development allocations that are currently available within each jurisdiction. The extent of existing development in the Region’s sensitive lands is summarized in the table below (See Exhibit E for more detailed information).

<b>EXISTING DEVELOPMENT ON SENSITIVE LANDS</b>			
	Stream Environment Zone (District 1b)	Other Sensitive Lands (Districts 1a, 1c, 2 & 3)	Total Development on Sensitive Land
Residential (ERU)	<b>8,823 units</b>	8,577 units	17,400 units
Tourist (TAU)	<b>3,210 units</b>	1,007 units	4,217 units
Commercial (CFA)	<b>1,817,861 sf</b>	804,782 sf	2,622,643 sf

Since its inception, the Regional Plan has included measures to prevent development in Stream Environment Zones (SEZs) and to relocate existing SEZ development. Progress has been slower than desired and only a small percentage of existing SEZ development has been relocated. To accelerate restoration, the Draft Plan expands programs for the restoration of SEZs and other sensitive lands.

Growth Management Framework: Important components of the existing (and continuing) TRPA growth control system are outlined in Code Chapters 39 through 53 and are summarized below:

- Subdivisions that would create new development potential are prohibited.
- Parcels that legally existed prior to July 1, 1987 were either assigned one residential development right (which may or may not be constructed on site) or were authorized for non-residential development.
- In order to construct a residential unit, tourist unit or commercial space, development allocations must be obtained. Allocations are released slowly through a complicated system that requires various forms of environmental improvement in exchange for development allocations. Maximum build out of the Region is established with caps for all land use commodities (i.e., residential units (residential development rights and allocations), commercial floor area (CFA), and tourist accommodation units (TAUs)).
- TRPA permits the phased construction of development over many years by slowly releasing non-residential and residential development allocations.
- The Individual Parcel Evaluation System (IPES) is used to determine development suitability on single family parcels. Many vacant parcels with development rights were initially unbuildable under IPES. As environmental improvements are implemented, the “IPES line” for each jurisdiction drops and more sensitive parcels become buildable. In all jurisdictions except Placer County, the IPES line has dropped to a point of allowing development on all single family lots with a development right except in Stream Environment Zones.
- A development transfer program encourages the relocation of existing development and development rights from sensitive areas to properties that are more suitable for development. Development rights on the most sensitive properties may only be used if transferred to more suitable sites.
- Multi-Residential and Tourist Accommodation Bonus Units are awarded to projects as an incentive to achieve certain desired policy results (e.g., affordable housing or environmental improvements).
- Recreational capacity is limited by the “Persons At One Time (PAOT)” system.

Additionally, strict environmental standards are in place for all development activities (Code Chapters 60-68). Environmental standards protect water quality, vegetation, wildlife, fish, air quality, scenic quality and historic resources, as well as restricting noise levels.

Overall, the growth control system limits the Region’s capacity for development and the environmental standards require that direct and indirect impacts from the limited development that is allowed be avoided or mitigated. Amendments in the Final Draft Plan are targeted to

specific issues and do not alter the comprehensive foundations of the growth management framework.

Development Allocation Limits and Release Systems (Code Chapters 50, 52 and 53): The Final Draft Plan does not increase the total number of residential development rights that are available in the Region. As a result, single family “buildout” continues to be defined by the number of existing residences plus remaining development rights. Development rights associated with unbuildable lots can only be used if transferred to another parcel and will likely be built as multi-family units. Currently, single family development is over 90% built-out with approximately 47,392 existing residential units and approximately 4,243 unused residential development rights. Since 1987, public acquisitions of privately owned parcels have reduced buildout potential by approximately 8,360 units.

Similarly, the Final Draft Plan does not modify the IPES program or create additional PAOTs. Amendments to environmental standards are limited to targeted refinements and are addressed below for each topic.

Residential allocations are used as the phasing mechanism for the realization of unused residential development rights. To maintain compliance with legal rulings, allocations should be distributed for the approximately 4,243 remaining development rights at some time unless those rights are purchased and retired. Phasing could extend for decades.

CFA is also restricted and may only be utilized in certain areas. Currently, CFA is distributed to local governments (for certain plan areas) and projects based on need and environmental improvements.

TAUs are limited to existing tourist units. New tourist units can only be created by redeveloping/relocating existing units or by making environmental improvements that are necessary in order to receive Tourist Bonus Units.

Multi-Residential Bonus Units are currently awarded to qualifying affordable housing projects and other projects that make specified environmental improvements.

Residential and non-residential development allocations have not been “reloaded” since 1987. The following table shows the disposition of the allocations that were authorized in 1987 and new allocations to be authorized in the Draft Plan.

<b>TABLE 50.4.1-1: ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING</b>			
<b>ALLOCATIONS/ DEVELOPMENT RIGHTS</b>	<b>USED 1987-2012</b>	<b>REMAINING FROM 1987 PLAN<sup>1</sup></b>	<b>2013 ADDITIONS</b>
<b>Residential Allocations</b>	<b>5,973</b>	<b>114</b>	<b>2600</b>
<b>Residential Bonus Units</b>	<b>526</b>	<b>874</b>	<b>600<sup>2</sup></b>
<b>Tourist Bonus Units</b>	<b>58</b>	<b>342</b>	<b>0</b>

<b>Commercial Floor Area (Total) (square feet)</b>	<b>416,421</b>	<b>383,579</b>	<b>200,000<sup>3</sup></b>
<i>Placer County</i>	<i>128,623</i>	<i>72,609</i>	
<i>Washoe County</i>	<i>87,906</i>	<i>2,000</i>	
<i>Douglas County</i>	<i>45,300</i>	<i>36,250</i>	
<i>El Dorado County</i>	<i>15,250</i>	<i>36,150</i>	
<i>City of South Lake Tahoe</i>	<i>77,042</i>	<i>52,986</i>	
<i>TRPA Special Project and CEP Pool</i>	<i>62,300</i>	<i>183,584</i>	

Note 1: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but not built are accounted for in the “Remaining from 1987 Plan” column. The 114 remaining residential allocations were distributed to local governments in 2011 and 2012, but have not been built.

Note 2: 600 Residential Bonus Units shall be used only in Centers.

Note 3: 200,000 sf of CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.

The Final Draft Regional Plan also outlines provisions for the phased release and distribution of allocations:

- The 600 new Residential Bonus Units shall be used only in Centers.
- The 200,000 sf of new CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.
- All allocations shall be released in increments every four years, not to exceed 20% of the “2013 Additions”, and only in compliance with adopted standards for roadway Levels of Service and Vehicle Miles Travelled.
- In 2013, no new CFA and up to 130 residential allocations may be released in accordance with the existing performance system.
- Prior to 2014, the performance system for release of allocations shall be reviewed and updated.

Development Transfer Program (Code Chapter 51): TRPA’s development transfer program complements the Region’s strict growth controls by encouraging the relocation of existing development and development rights from sensitive areas to properties that are more suitable for development.

Development transfers under the current Regional Plan generally occur at a 1:1 ratio (meaning one unit may be constructed for every unit that is removed). In some circumstances, which generally relate to sensitive land restoration, bonus units are awarded resulting in a transfer ratio greater than 1:1. There is a complex scoring system to determine an award of bonus units for a qualifying project. Additionally, there are numerous sending and receiving area restrictions for transfers. There is no opportunity for CFA to be transferred from sensitive lands at a rate that exceeds 1:1, except for limited transfers into “preferred industrial areas.” Transfer ratios for preferred industrial areas do not vary based on sensitivity of the sending parcel.

The existing Regional Plan also has provisions for conversions of use (Code Sec 50.10). Under this program, existing residential and tourist units can be converted to residential, tourist or commercial uses when certain criteria are met. Requirements to convert uses include restoration of a sensitive sending parcel, removal of a non-conforming use, implementation of an Environmental Improvement Project, or provision of deed restricted affordable housing.

Development transfers and conversions under the existing Plan are infrequently utilized. Public input and research indicates that the slow utilization rate is likely due to the limited incentives, strict requirements and the complexity of existing transfer provisions. Overall, the transfer program has not been financially feasible for many property owners. The slow transfer utilization rate has contributed to TRPA's restoration targets for Stream Environment Zones not being met.

The April Draft Plan established and the Final Draft Plan retains a new opportunity for development transfers to designated Centers - Town Centers, Regional Center and the High Density Tourist District (Code Sections 51.3 and 51.5). The program authorizes transfer ratios that vary based on the sensitivity and location of the sending parcel. The provisions provide incentives to restore sensitive lands and to relocate development from auto-dependent outlying areas to walkable Town Centers that can readily be serviced by transit. Significant differences between the current and new transfer programs include:

- The new program applies only to transfers into defined Centers with the goals of reducing automobile dependency, promoting environmental redevelopment and encouraging restoration of sensitive lands. Existing transfer provisions would continue to be available for transfers outside defined Centers.
- Environmentally beneficial transfers are eligible for transfer ratios that exceed 1:1 to incentivize restoration and better reflect the environmental benefits of each transfer.
- The new program applies to all use types to incentivize the restoration of sensitive lands that are not eligible for incentives in the current program, such as existing commercial businesses in Stream Environment Zones.
- Through the Area Planning process, alternative transfer ratios can be established to more aggressively incentivize transfers of development from two designated "Stream Restoration Plan Areas" as long as the alternative ratios are shown to be environmentally beneficial.
- The program is much less complex and has fewer restrictions to encourage its utilization and accelerate threshold attainment.

The Final Draft Regional Plan also modifies conversion of use provisions (Code Section 50.10) to provide a pilot program for on-site conversions existing tourist units to multi-family units not exceeding 1,250 square feet in size. No more than 200 units may be converted under the pilot program. The amendment would provide an additional incentive for redevelopment projects needed to revitalize dated development with up to date environmental improvements.

Size Limits for Transferred Tourist Accommodation Units (TAUs): The existing Plan does not directly restrict the size of expanded or transferred Residential or Tourist Units. Instead, expansions are limited by development regulations such as height and coverage. In contrast,

CFA is regulated by floor area. Tourist unit sizes have increased significantly for most of the projects that have utilized transfer provisions. Some residents have raised concerns that the larger tourist units negatively impact community character.

The Final Draft Regional Plan establishes maximum size limits for transferred TAUs. Units transferred to projects with specified guest amenities are limited to 1,200 square feet for 80% of transferred units and 1,800 square feet for no more than 20% of units. Units transferred to projects without guest amenities are limited to 850 square feet. The amendment is intended to place an outer limit on the expansion of TAUs, while maintaining a financial incentive for property owners to redevelop or relocate tourist accommodations. Larger sizes for transferred TAUs would require more than one sending unit, which would discourage the conversion of existing TAUs into larger residential style tourist units through the transfer program. Most of the Region's existing tourist units do not comply with modern environmental standards and many (over 3,000 units) are located in Stream Environment Zones.

#### Public Input, Environmental Analysis, and Changes in the Final Draft:

This issue category was addressed in many comment letters. Agency and public comments focused on the appropriate amount of new development, details of the allocation release system, whether the modified transfer ratios would meaningfully incentivize restoration and redevelopment, and appropriate size limits for transferred TAUs.

Comments from environmental interests focused on limiting the number of new commodities as an important element of continued growth and development constraints. Comments from business interests and some local governments expressed a desire for additional commodities, citing the dated and deteriorating condition of existing development, and the need for increased economic activity, redevelopment incentives and jobs.

Additionally, for all allocation release levels that were evaluated, the EIS identified potentially significant impacts to vehicle miles travelled (VMT) and roadway levels of service (LOS). Mitigation measures would release allocations in four-year increments while implementing alternative transportation programs; and provide for allocation reductions and/or roadway improvements as necessary to maintain compliance with adopted standards. No other potentially significant impacts were identified.

The Final Draft Plan includes development allocation and transfer provisions from the Draft Plan (Alternative 3), with additional limitations. Overall, amendments authorize a reduced rate of development compared with the 1987 Plan, along with strong incentives for redevelopment. Important provisions include:

- Authorize 2,600 new residential allocations, 600 new residential bonus units (for use only in Centers), 200,000 sf of new CFA (released only after existing supplies are used) and no new TAUs;
- Maintain the development transfer ratios in the Draft Plan, limit opportunities for alternative ratios, and review the efficacy of the ratios following plan adoption;
- Further limit the size of transferred TAUs and add other provisions; and

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- Establish a pilot program for on-site conversion of TAUs to Residential Units.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

**Topic #3 – Community Character:** As part of the larger strategy to promote revitalization and redevelopment of the Region’s built environment and to reduce automobile reliance, the Final Draft Regional Plan increases allowable development concentration in designated Centers. The targeted increases would provide capacity for development transfers from outlying and sensitive property and would incentivize redevelopment at a scale that is compatible with existing development patterns and community character. More concentrated development is only permitted within Centers that are identified in a Conforming Area Plan that promotes threshold attainment and addresses other requirements. To leverage available public funding, the Final Draft Plan also provides additional policy support for development right and sensitive land acquisition programs.

Environmental redevelopment, reduced automobile travel, and additional development transfers are all intended to accelerate threshold attainment, especially in Water Quality, Air Quality, Scenic Quality and Soils/SEZ categories.

Under the existing Plan, development intensity is limited primarily by height restrictions, coverage requirements, density limits and on-site parking standards. In combination, existing requirements often require that property owners reduce existing development on a site in order to gain approval for a redevelopment project, even if the project would generate environmental improvement compared to existing conditions. Additionally, redevelopment is required to “mitigate” excess coverage only when redevelopments or other improvements are proposed. As a result, many property owners report that redevelopment is not financially feasible under the existing Regional Plan and have decided to leave existing (non-conforming and environmentally impactful) development in place.

TMDL studies have shown that the existing developed area (urban upland) contributes 72% of the fine sediment particles that are impairing Lake Tahoe’s water quality. The urban upland area is also responsible for other major pollution types, including 38% of phosphorus and 16% of nitrogen. The roadway component of the urban upland is currently being retrofitted for water quality treatment, primarily with public funding, through the Environmental Improvement Program. In contrast, redevelopment of private lands (especially non-residential property in Centers) and associated environmental improvements are occurring very slowly, in part because of the existing regulatory barriers. The Final Draft Plan seeks to address barriers to redevelopment, while maintaining an appropriate scale and character of development in the Region’s communities.

Modifying standards for concentrated development in Centers also supports a more effective development transfer program. Without capacity increases in Centers or elsewhere, it will be difficult to accelerate transfers of development off of sensitive parcels because eligible receiving sites do not have adequate capacity to accommodate much of the development that

is currently located on sensitive lands. The lack of receiving areas with capacity for relocated development has been cited by many property owners as a major impediment to environmentally beneficial development transfers.

As noted on page 11 above, existing development on sensitive lands includes over 17,000 residential units, over 4,000 tourist units and over 2.6 million square feet of commercial space (See Exhibit E for more detailed information). Stream Environment Zones and other sensitive areas were already developed prior to adoption of the 1987 Plan and most of that development remains in place. Some sensitive land development can be acquired with public financing, but funding levels are declining and new sources are needed in order to meet the Region's restoration targets. Relocation of impactful private development would restore sensitive lands without public funding, but receiving areas with unused capacity for development transfers will be needed. The Final Draft Plan identifies the Region's developed Centers as the most appropriate receiving area for relocated development.

#### Location of Centers:

The Final Draft Plan establishes three levels of Centers with development standards that generally reflect the intensity of existing and recently approved development in each area.

The High Density Tourist District (HDTD) is the highest intensity land use district. The HDTD includes and is limited to the four high-rise hotel casino properties at South Stateline, NV.

The Regional Center is the next level of Center. The Regional Center includes the six-story projects that have recently been built in South Stateline, CA, along with adjoining property that was heavily developed prior to the 1987 Plan. The Regional Center extends from the Nevada State line to Ski Run Blvd. in California. The Regional Center includes and supersedes the South Lake Tahoe Redevelopment District and existing special height districts.

Town Centers are designated in the commercial core of communities around the Region: Kings Beach, Tahoe City, Incline Village, North Stateline, Lower Kingsbury, Meyers, the South Lake Tahoe "Y", the Bijou / Al Tahoe area, and in transitional areas adjoining the Regional Center.

Initial boundaries for the Town Centers generally reflect the boundaries of the existing Community Plans for each area. Existing land use designations within the Centers are "Tourist", which the Draft Plan does not modify, and/or "Commercial", which the Draft Plan changes to "Mixed Use" to promote pedestrian and transit oriented development. Boundary modifications for Centers and land use modifications within Centers may be proposed in the applicable Area Plans, in accordance with the standards and limitations in the Regional Plan and Code.

In total, designated Centers include approximately 4.4% of the Region's private land. Private lands are approximately 10% of the total land area of the Tahoe Region. Center locations and initial boundaries are shown on Exhibit E.



Because designated Centers are afforded a variety of redevelopment incentives that are not available in other portions of the Region, the Final Draft Plan establishes criteria to be applied in the event of future proposals for expansion of Centers. Any proposed addition to a designated Center must be less than ¼ mile from existing Commercial or Public Service uses, must encourage and facilitate the use of transit systems and must either be developed or be surrounded on at least three sides with developed parcels (Code Section 13.5.3.E).

Building Height and Density Standards:

TRPA currently has region-wide building height standards that apply to all land use districts, along with numerous opportunities for “Additional Building Height” for specified land uses and/or in specified locations.

Region-wide height standards are specified in Code Section 37.4.1 (Maximum Height for Buildings). This section generally limits buildings to two (above-grade) stories based on a table with maximum heights between 24 and 42 feet from the lowest point to the highest point, depending on the roof pitch and ground slope.

Additional Height allowances (Code Section 37.5) are currently available for certain land uses and situations, including:

- Additional Height for Certain Public Service Buildings;
- Additional Height for Certain Tourist Accommodations;
- Additional Height for Certain Recreation Buildings;
- Additional Height in the South Lake Tahoe Redevelopment District;
- Additional Height for Reduced Land Coverage;
- Additional Height for View Enhancement;
- Additional Height for Increased Setbacks;
- Additional Height for Landscaped Public Pedestrian Area in certain special height districts;
- Additional Height for Public Access to Lake Tahoe;
- Additional Height for Tree Preservation;
- Additional Height for Affordable Housing; and
- Additional Height in specified locations in the North Stateline Community Plan.

Section 31.3.2 outlines maximum density standards for different use types. Generally, maximum density is 15 units per acre for multi-family dwellings and tourist units with kitchens, 25 units per acre for residential care facilities and 40 units per acre for tourist units. Densities may be increased for affordable housing projects and development in special height districts.

The Final Draft Plan modifies building height and density standards in designated Centers to provide a more uniform framework that supports development transfers and environmental redevelopment at a scale and character that is compatible with each area. Increases in building height and density standards can only occur through Conforming Area Plans that address threshold findings and other approval standards.

Maximum building heights in Centers would be:

- 197 feet in the High Density Tourist District, which reflects the existing height of two hotel casino towers in the district. Height increases are limited to the replacement of existing buildings at least 8 stories or 85 feet in height, subject to scenic quality threshold findings, including that proposed buildings do not increase the visual prominence of buildings over current conditions.
- 6 stories (95 feet) in the Regional Center, which matches existing special height districts in portions of the Center. Height increases are subject to a series of findings related to viewshed protection and screening.
- 4 stories (56 feet) in Town Centers, which reflects existing height districts and community enhancement projects within several Town Centers. Height increases are subject to a series of findings related to viewshed protection and screening.

Many of the Region’s existing taller buildings would continue to exceed maximum height standards and would continue to be treated as existing non-conforming development.

The Final Draft Plan modifies maximum density standards in Centers to be:

- 25 units per acre for residential (increased from 15 units/acre for multi-residential and unchanged for residential care)
- 40 units per acre for tourist (increased from 15 units/acre for units with kitchens and unchanged for standard units)

Community Design and Roadway Level of Service Standards:

The Final Draft Plan modifies community design and roadway level of service standards to support the policy focus on concentrating development in walkable community centers.

In order for an Area Plan to be approved, a list of community design standards must be adhered to (Code Section 13.5.3.D). Standards address community and site design, building height, building design, landscaping, lighting and signing. In Centers, the standards require pedestrian oriented plans with capacity for more concentrated development in core areas, lower intensity transition areas and strong attention to building design and community aesthetics. Outside Centers, existing design standards generally prevail.

The Final Draft Plan also provides an exception to roadway level of service standards when multi-modal facilities and services are provided (Policy T-10.7). This provision allows developments to utilize and proportionally fund sidewalks, trails and transit service as alternatives to roadway expansion. In practice, recent projects have received exceptions to level of service standards through an “overriding consideration” finding. The modified plan provisions are intended to make this opportunity more predictable and consistent.

Public Input, Environmental Analysis, and Changes in the Final Draft:

This issue category was addressed in many comment letters. The majority of agency and public comments focused on the intensity of development within Town Centers, the Regional Center and the High Density Tourist District; and on the localities designated as Centers. Some reviewers supported increasing land use intensities in Centers, primarily to make

redevelopment more financially feasible. Others opposed increasing land use intensities due to concerns about scenic impacts, traffic and/or community character.

The EIS identified beneficial land use and scenic impacts related to revitalized Centers and more compact development patterns. The EIS also identified potentially significant scenic impacts related to increasing building heights in Centers. Scenic mitigation measures would require no net increase in visual prominence for projects in the High Density Tourist District and additional height findings for projects in Regional and Town Centers.

The Final Draft Plan includes modifications that:

- Codify proposed EIS mitigations;
- Limit opportunities for increased building height in the High Density Tourist District (supplementing the mitigation measures);
- Establish additional requirements for the location of Centers and development in Centers;
- Outline additional requirements for Level of Service exceptions; and
- Provide additional policy support for sensitive land and development right acquisition programs.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

***Topic #4 – Recreation Areas and Uses:***

The Final Draft Regional Plan retains most recreation policies and programs from the 1987 Plan, while making targeted amendments to support the Region’s transition from a gaming-based economy to a recreation-based economy, to reduce travel distances between recreation destinations and lodging/housing areas, and to improve recreational amenities near major tourist destinations.

The Final Draft Plan creates a new “Resort Recreation” designation for 250 acres of land adjacent to the High Density Tourist District and 57 acres of land at the base of Heavenly Mountain Resort on Ski Run Blvd. In the Resort Recreation district, limited allowances for tourist, commercial and residential uses are provided in conjunction with recreation uses. Any development is required to be identified in a Conforming Area Plan and only be the result of development transfers that result in the retirement of existing development. Subdivisions are limited to air space condominiums (Code Section 13.5.3.C.3).

The Final Draft Regional Plan also expands the Recreation District to include the 479 acre Van Sickle State Park. 45,208 acres of property (22.4% of the Region) are currently designated Recreation.

The new Recreation and Resort Recreation areas are depicted on Exhibit F.

**Public Input and Changes in the Final Draft:**

The Bi-State Recommendation proposed the Resort Recreation district as a tool to substantially reduce new development allowances for the Recreation District that were included in the April Draft Plan. The earlier proposal was the subject of extensive public concern and a Draft EIS finding of a potentially-significant impact.

In the April Draft, tourist, commercial and residential uses would have been allowed in any Recreation area. Approvals would have been required to meet threshold findings and general approval requirements for Area Plans or Master Plans, but would not have been subject to additional restrictions or approval requirements.

The majority of agency and public comments focused on concerns about potentially-widespread development and harmful environmental effects in Recreation Areas. Some comments supported the amendment, noting that environmental improvement would be required and the Region's ski areas would benefit from locating on-slope lodging and housing close to recreation sites.

The EIS identified potentially significant impacts related to the possibility for development in many areas that are not currently planned for development. Mitigation measures would have required that new development in the Recreation District be compatible with Recreation District uses, not induce substantial growth (either directly or indirectly), and not conflict with any environmental policy or regulation. Mitigation specific to each plan would have been required.

Most comments that were received on Recreation areas and uses are directly addressed with changes in the Final Draft, including:

- Eliminating the new land use allowances in the Recreation District;
- Creating a new "Resort Recreation" designation with limited allowances for Tourist, Commercial and Residential uses and additional development restrictions;
- Designating the Heavenly Cal-Base and the Edgewood Mountain Property "Resort Recreation"; and
- Requiring that any development in the Resort Recreation District be identified in a Conforming Area Plan and only be the result of development transfers that result in the retirement of existing development.

The Draft mitigation measure that had been proposed is also addressed by the new requirements and is no longer necessary.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

***Topic #5 – Land Coverage:***

Land coverage regulations are a critical component of TRPA's growth control system. Under the "Bailey" Land Capability System, properties are granted allowances for between 1% and 30% land coverage, depending on the land's environmental sensitivity. The amount of coverage allowed in the Region is capped by these "base allowable land coverage" limits.

Coverage has been estimated regionally on a number of occasions using best available information at the time. Existing coverage on individual parcels has been determined through field verifications. To improve the Region's understanding of existing conditions at the regional scale, TRPA commissioned a LiDAR remote sensing project to more accurately estimate total existing coverage. Results of the most recent LiDAR analysis indicate that existing coverage exceeds "Bailey" limits in Class 1b, and may also exceed limits in Class 2 (by an estimated 43 acres). The potential margin of uncertainty for the Class 2 estimate makes the attainment status uncertain, but it has been conservatively reported as "non-attainment" in the 2011 Threshold Evaluation based on the most recent LiDAR analysis. This information reinforces the need to accelerate the removal of coverage from all sensitive lands. The LiDAR analysis is explained in greater detail in the Final Draft Threshold Evaluation and the FEIS.

The Final Draft Plan retains the established land capability system with several targeted amendments. The amendments are intended to accelerate attainment of the soils, water quality and other thresholds by encouraging the use of less impactful types of coverage, incentivizing the installation of water quality BMPs, promoting coverage reductions and relocation of coverage to less sensitive lands, and facilitating environmentally beneficial redevelopment. The proposed coverage amendments can be grouped into the following topics, each of which is discussed in more detail below: 1) maximum allowable coverage in community centers, 2) transfers of coverage, 3) excess coverage mitigation, 4) coverage exemptions, 5) and area-wide coverage management.

Maximum allowable coverage in community centers: The existing plan and code allow parcels within Community Plan Areas to transfer in coverage above the parcel's base allowable coverage. The transferred coverage must be removed from other parcels and be placed on high capability lands on the receiving parcel.

The existing provisions limit maximum allowable coverage to 70 percent of the high capability land within a parcel for new commercial development, and 50 percent of the high capability land for redevelopment projects and new tourist or multi-family development. These limitations provide an incentive to develop undisturbed sites rather than redevelop already disturbed sites, along with an added disincentive for redevelopment because many developed sites already contain more than the allowed 50 percent coverage.

In designated Centers, the Final Draft Plan modifies the maximum allowable coverage to be the same for developed and undeveloped sites. Within 300 feet of Lake Tahoe (exempting two small areas), maximum allowed coverage would be 50% of high capability land. Further than 300 feet from Lake Tahoe, maximum allowed coverage would be 70% of high capability land. The changes remove the disincentive for redevelopment while reducing coverage near Lake Tahoe's shoreline. Community Plan areas outside of Centers retain existing maximum coverage provisions.

All transferred coverage will continue to require water quality BMPs, and specific provisions will still apply to transfers for commercial and mixed-use projects, which require net coverage

reduction at increasing rates for coverage over 50%, or that the transferred coverage be moved from sensitive lands.

Transfers of coverage: The existing code allows coverage to be transferred between parcels in a limited number of situations including: to achieve the maximum allowable coverage within Community Plan Areas, to facilitate public service projects, and to facilitate residential development on some parcels under the IPES system. The existing code divides the Region into nine Hydrologically Related Areas (HRAs), and requires that the sending and receiving sites for all coverage transfers be within the same HRA.

The existing provision that limits transfers to within an HRA was eliminated in the April Draft Plan to accelerate coverage transfers. In response to public comments and the Bi-State Recommendation, the proposed changes were reversed and the topic was identified for later study. The Final Draft Plan, therefore, retains the current requirement that all coverage transfers be from within the same HRA.

Also under the existing code, coverage transfers for commercial or tourist accommodation uses must be from existing hard coverage. Transfers for other uses can also include soft coverage or potential (i.e. base allowable) coverage. The Draft Plan would also allow soft coverage to be transferred from Stream Environment Zones (SEZs) for use in any project within Centers, which would provide a greater incentive to remove soft coverage from the most sensitive lands.

Excess coverage mitigation: The existing code requires that projects on parcels with existing coverage in excess of the parcel's allowable coverage mitigate a portion of the excess coverage. The excess coverage can be mitigated through direct on-site removal of coverage, through direct removal of coverage on a different parcel within the same HRA, or through the payment of an excess coverage mitigation fee. The mitigation fees are provided to the designated land banks, which use the fees to remove or retire coverage within the same HRA where the fee was collected. Excess coverage mitigation is only required when projects are built.

In some HRAs, there is a very limited supply of coverage available from willing sellers. As a result, few projects perform direct off-site coverage removal. The limited supply of coverage also constrains the land banks use of the mitigation fees. Several HRAs have a backlog of unexpended mitigation fees because the land banks are unable to locate coverage for removal in those HRAs. The land banks are also not able to pool mitigation fees from multiple areas to target the highest priority coverage removal projects in the Region.

The Final Draft Plan would allow direct coverage removal by a project applicant and expenditure of excess coverage mitigation fees to occur anywhere in the Region. This change is expected to increase the number of projects that opt to perform direct coverage removal, and improve the efficiency and effectiveness of the land bank coverage removal programs.

The Final Draft Plan would also allow excess coverage to be removed in exchange for additional units of use, but only after excess coverage is mitigated (see Draft Code section 30.6.3). This

incentive would promote coverage removal in addition to that required under the excess coverage mitigation provisions.

Finally, the Final Draft Plan calls for a more comprehensive review of the Excess Coverage Mitigation Fee Program following adoption of the Regional Plan.

Coverage exemptions: The existing code applies coverage limitations equally to all types of coverage, regardless of the relative environmental impact or potential benefit of specific types of coverage. As a result, threshold-attainment projects, such as bike trails, are subject to the same coverage regulations as non-threshold-related uses of coverage, such as parking lots. Other types of coverage such as pervious surfaces that allow water to infiltrate and small areas of isolated temporary coverage on high capability lands have limited environmental impacts, but are subject to the same limitations as more impactful types of coverage.

As a result of the current coverage limitations, the implementation of public non-motorized trails that are intended as measures to attain and maintain thresholds is limited by the capacity to purchase a sufficient amount of coverage. Coverage acquisitions have added over \$500,000 per mile to the cost of some bike and pedestrian trail projects. In addition, property owners have no incentive to install less impactful types of coverage, because all types are treated the same as more impactful coverage.

The Final Draft Plan proposes several coverage exemptions or partial credits for properties that have a current BMP certificate. Changes would facilitate environmentally beneficial projects, encourage the use of less impactful types of coverage, and incentivize BMP installation. These exemptions include siting, size, and design restrictions to minimize any environmental impact from the exempted coverage and are described in Draft Code Section 30.4.6. The exemptions include:

- 100% exemption for non-motorized public trails identified in the Regional Bicycle and Pedestrian Plan, and associated trail connections;
- 25% credit for certain types of pervious pavement on high capability land;
- A “sliding scale” credit for pervious decks on high capability lands, up to a total exemption of 5% of a parcel or 750 square feet, whichever is less;
- 100% credit for small (< 120 sq. ft.) areas of temporary coverage on high capability lands.
- 100% credit for certain facilities required by the Americans with Disabilities Act on high capability lands.

Coverage exemption and credits require that the involved property have an active BMP Certificate and the total amount of exempted coverage for decks, temporary coverage and pervious pavement may not exceed 10% of any parcel.

Area-wide coverage management: The existing code applies coverage limitations to each individual parcel, except in limited cases where parcels can be combined for purposes of coverage calculations (see Code section 30.4.1.C.2.a). Applying coverage limitations at the parcel scale limits the design flexibility for redevelopment projects and provides no incentive to reduce coverage below the maximum amount allowable. Proposals for larger redevelopment

projects or multiple projects within a geographic area often seek to concentrate coverage within a particular area and preserve larger areas of open space. This concentration of coverage can help to facilitate multi-parcel stormwater management systems that can include more advanced treatment options and easier, less costly maintenance.

To incentivize coverage reductions and promote greater project design flexibility, the Final Draft Plan would allow Area Plans to delineate specific geographic areas where coverage would be managed comprehensively rather than at the parcel scale. In order to qualify for area-wide coverage management, the Area Plan would have to demonstrate that compared to parcel-by-parcel coverage management, the area-wide coverage management system would not increase coverage overall, in the most sensitive lands (districts 1 and 2), or within 300 feet of Lake Tahoe (Code Section 13.5.3.B.1).

#### Public Input, Environmental Analysis, and Changes in the Final Draft:

Many agency and public comments supported proposed coverage amendments in the April Draft Plan because they promoted coverage reductions and less impactful forms of coverage, and increased financial feasibility of bike trails. Other comments raised concerns that the amendments would increase total coverage and allow coverage to be concentrated in more impactful areas.

The EIS identified beneficial impacts related to accelerated coverage transfers, sensitive land restoration and alternative transportation, along with potentially significant water quality impacts related to the coverage exemptions and credits. Mitigation measures would establish additional design requirements and size limits for coverage exemptions and credits.

The Final Draft Plan includes modifications that:

- Codify proposed EIS mitigations;
- Continue to restrict coverage transfers to within an HRA, while allowing mitigation of excess coverage across HRA boundaries and initiating a detailed review of coverage transfers across HRAs;
- Create additional restrictions for coverage within 300 feet of Lake Tahoe; and
- Incorporate the Alternative 4 coverage exemption for retrofits necessary to comply with ADA requirements.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

**Topic #6 – Transportation:** Throughout the planning process, stakeholders have raised concerns that the existing Regional Plan prioritized the free flow of automobiles ahead of vehicle trip reduction, multimodal access, and associated environmental and air quality benefits. Stakeholders identified specific Code provisions that create significant obstacles to the construction of connected bicycle and pedestrian travel ways. The Final Draft Plan includes amendments to encourage bicycling, walking, and transit use, and to allow the transportation system to evolve in a way that supports compact redevelopment and reduces reliance on the



private automobile. The Final Draft Plan is further supported by transportation initiatives and projects identified in the Final Draft Regional Transportation Plan. Key policy and Code changes include:

1. Land Use Policies: Many land use amendments in the Final Draft Plan focus on reducing automobile dependency and promote walking, biking and transit use. Important transportation-related policy modifications include provisions to accelerate development transfers, provisions to increase allowable intensity in community centers and provisions requiring transit and pedestrian oriented designs for development projects. These items are addressed in Topics #2 through #5 above.
2. Bicycle Path Coverage Exemption: Under the Final Draft Plan, non-motorized public trails would be exempt from the calculation of land coverage, subject to certain siting and design requirements that minimize disturbance of sensitive lands and vegetation. This provision is addressed under Topic #5 (Land Coverage).
3. Accommodation of Bicycle and Pedestrian Facilities in Projects: All applicants for commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including the construction, alteration, or improvement of roadways, on lands designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan would be required to grant an easement for the bicycle and pedestrian facilities in accordance with criteria that take into consideration the size and cost of the project (Code Section 65.3).

Additional provisions in this Code section minimize the impact to private property owners by stipulating that:

- TRPA, in reviewing project applications, shall have the discretion to adjust or waive site development standards (Chapters 30-39) to the minimum extent necessary to facilitate the efficient connection of new trails to existing and planned trail networks;
  - Neither the land coverage nor the site area required for the bicycle or pedestrian improvement shall reduce the total land coverage or development potential otherwise allowed for the project area;
  - All easement dedications imposed on approved applications shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this section. Any condition imposed shall be roughly proportional to the anticipated impacts of the proposed development; and
  - Any dedication may qualify toward required offsets of the air quality mitigation program.
4. Bicycle and Pedestrian Facility Maintenance Plan: Entities responsible for the construction and maintenance of bicycle and pedestrian facilities proposed as part of a project would be required to provide a maintenance plan, including a funding strategy for the life of the bike and pedestrian facility.
  5. Vehicle Level of Service (LOS): Existing vehicle LOS requirements for new projects could be exceeded when provisions for multi-modal amenities and/or services (such as transit,

bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways. The draft plan also calls for a more comprehensive assessment of LOS standards as a post-update work program. This topic is addressed under Topic #3 (Community Character).

6. Transportation Projects: The Draft Regional Transportation Plan prioritizes funding for pedestrian, bicycle and transit improvements over projects that focus on expanded roadway capacity. Transportation project funding is intended to complement land use policies and regulations that promote pedestrian, bicycle and transit use. Specific Transportation Projects are identified in the Regional Transportation Plan.

#### Public Input, Environmental Analysis, and Changes in the Final Draft:

Agency and public comments were generally supportive of policies that promote multi-modal forms of transportation. Some stakeholders raised concerns related to LOS standards and tying the release of allocations to LOS standards. Another concern stated that requiring easements for bicycle and pedestrian facilities could increase costs and delay construction. Some commenters supported individual projects, such as waterborne transit or bike trails, while others opposed them, primarily due to potential environmental impacts and costs.

The EIS did not identify any potentially significant impacts (other than those addressed above under *Development Allocations and Transfers*). Mitigation is not required.

Transportation-related policy modifications include changes that are summarized above under the *Development Allocations and Transfers* and *Community Character* topic areas. Additional modifications include:

- Modify Transportation Policies (T-1.5, T-13.1 and T-13.2) to help fund environmentally-beneficial transportation programs; and
- Modify the Pedestrian and Bicycle facility map to improve trail connectivity and better reflect topographic constraints.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

**Topic #7 – Water Quality**: Since TRPA was created, restoring Lake Tahoe’s exceptional water quality has been a primary focus for the Agency. Lake Tahoe’s average deep water clarity has declined from approximately 97.4 feet in 1967 to approximately 68.9 feet today. However, after decades of decline, loss of deep water clarity has slowed and clarity has remained relatively stable since the mid-1990’s, albeit at a level that is about 28.5 feet below the Threshold Standard.

Additionally, nearshore water quality has become a topic of growing concern. Aquatic invasive species have become established in some areas and increasing levels of attached algae have been observed in shallow waters.

Lake Tahoe is designated as an “Outstanding National Resource Water” by the State of California and the U.S. Environmental Protection Agency (EPA), a designation reserved for exceptional waters with unique ecological or social significance. Nevada has designated Lake Tahoe as a “Water of Extraordinary Ecological or Aesthetic Value.”

Lake Tahoe is also designated as an “Impaired Water Body.” Section 303(d) of the Clean Water Act requires States to compile a list of impaired water bodies that do not meet water quality standards and to establish total maximum daily loads (TMDLs) for such waters. After ten years and millions of dollars of study, the Lake Tahoe TMDL was approved by California, Nevada and the EPA in 2011. The TMDL identifies major pollution sources – for Lake Tahoe: fine sediment, phosphorus and nitrogen -- and establishes a 65-year plan to attain the adopted Threshold Standard. The TMDL summarizes Lake Tahoe’s major pollution sources in the following excerpt:

*The ongoing decline in Lake Tahoe’s deep water transparency and clarity is a result of light scatter from fine sediment particles (primarily particles less than 16 micrometers in diameter) and light absorption by phytoplankton. The addition of nitrogen and phosphorus to Lake Tahoe contributes to phytoplankton growth. Fine sediment particles are the most dominant pollutant contributing to the impairment of the lake’s deep water transparency and clarity, accounting for roughly two thirds of the lake’s impairment.*

*A pollutant source analysis conducted by the California State Water Resources Control Board and Nevada Division of Environmental Protection identified urban uplands runoff, atmospheric deposition, forested upland runoff, and stream channel erosion as the primary sources of fine sediment particle, nitrogen, and phosphorus loads discharging to Lake Tahoe. The largest source of fine sediment particles to Lake Tahoe is urban stormwater runoff, comprising 72 percent of the total fine sediment particle load. The urban uplands also provide the largest opportunity to reduce fine sediment particle and phosphorus contributions to the lake.*

Based on the pollution source analysis, the TMDL outlines a strategy to restore water quality in a cost effective manner. Generally, the TMDL strategy focuses on comprehensive catchment-based (i.e., sub-watershed) load reduction plans that address fine sediments, phosphorus and nitrogen. The States prioritized load reduction plans for urban upland areas because urban stormwater runoff is the largest source of pollution and urban uplands (pre-existing development and roads) provide the largest opportunity for improvement. Stormwater improvements along State Highways have been installed in many locations and are scheduled to be completed in the Region by 2015. Upgrading existing development on private property with water quality Best Management Practices (BMPs) has progressed more slowly.

Much of the existing development in the urban upland was built before TRPA or the 1987 Regional Plan was established and is not designed with modern stormwater treatment facilities. TRPA currently addresses existing development through the BMP retrofit program, which requires stormwater treatment on all parcels in the Region. Installing BMP retrofits are a significant expense for property owners, and overseeing implementation of the existing program is a significant expense for TRPA and other public agencies. Exhibit G depicts the

AGENDA ITEM NO. VIII.B.

current status of BMP retrofit installation throughout the Region. Overall, approximately 34% of the Region’s parcels have received a “BMP Certificate”, with lower installation rates on non-residential parcels and in designated Centers. Centers have the highest amounts of existing land coverage and many centers have direct hydrologic connectivity to Lake Tahoe. As such, implementing more effective water quality strategies for already developed Centers is a Regional Plan Update priority.

TMDL studies suggest that TRPA’s current practice of requiring water quality improvements at the parcel-level could be refined to prioritize BMP Implementation in areas that achieve the greatest load reduction, thereby restoring Lake Tahoe’s water quality more rapidly and in a more cost effective manner. The TMDL requires Load Reduction Plans that identify catchments (aka sub-watersheds) and their respective pollutant loading to Lake Tahoe. Overall, the TMDL focuses on the quality of stormwater entering Lake Tahoe over the quality of stormwater leaving each parcel. The TMDL also utilizes a load based standard applied at the catchment level, which can be monitored and measured effectively.

The States of California and Nevada are designated authorities for administering the TMDL. They collaboratively developed the Lake Tahoe TMDL and are working closely with public agencies and other stakeholders to reduce the amount of fine sediment and nutrients entering the Lake. The Lahontan Regional Water Quality Control Board issued National Pollutant Discharge Elimination System (NPDES) permits to each California jurisdiction. The Nevada Division of Environmental Protection is implementing the TMDL through Memoranda of Agreement (MOA) with agencies in Nevada. Specific TMDL Load Reduction Plans are currently being prepared as required by each implementing jurisdiction.

A high-level comparison of TRPA’s current water quality practices and proposed future practices with full implementation of the TMDL is outlined in a table below. Full implementation is expected to occur in a series of steps, one of which is this Regional Plan Update. TMDL implementation measures that are included in the Final Draft Plan, and suggestions for additional measures, are summarized later in this topic discussion.

<b>CONCEPTUAL SUMMARY OF LONG-TERM TMDL IMPLEMENTATION STRATEGIES</b>	
<b>Stormwater Management</b>	
<p><u>Existing</u></p> <ul style="list-style-type: none"> <li>• Implementation focus is every tax assessor parcel in region</li> <li>• Infiltration standard</li> <li>• Parcel-specific conditional compliance; area-wide pilots underway for constrained properties unable to infiltrate</li> <li>• TRPA minimum site-specific design standard with concentration-based discharge standard</li> </ul>	<p><u>Proposed</u></p> <ul style="list-style-type: none"> <li>• Implementation adds focus to select sub-watershed (“catchment”)</li> <li>• Alternative load reduction standard</li> <li>• Area-wide, parcel, and/or hybrid flexibility</li> <li>• New Lake Clarity Crediting Program to measure and report load reduction by catchment</li> </ul>

<b>Private Property BMP Enforcement</b>	
<u>Existing</u> <ul style="list-style-type: none"> <li>• TRPA is primary BMP enforcement agency</li> <li>• TRPA BMP enforcement is prioritized based on proximity to public water quality improvement project or SEZ, or in response to complaints or non-response to BMP compliance notice</li> </ul>	<u>Proposed</u> <ul style="list-style-type: none"> <li>• Shared state, local and TRPA responsibility for BMP enforcement</li> <li>• TRPA targeted enforcement coordinated to support local government priorities in areas that achieve the greatest load reduction</li> <li>• States will enforce TMDL compliance</li> </ul>
<b>Private Property BMP Operations and Maintenance</b>	
<u>Existing</u> <ul style="list-style-type: none"> <li>• The responsibility for the operations and maintenance of water quality projects rests with the party that installed the project</li> <li>• Approximately 43,000 separate O &amp; M systems to monitor and maintain</li> </ul>	<u>Proposed</u> <ul style="list-style-type: none"> <li>• Create more efficient and cost effective system at area-wide level</li> <li>• Options include: <ul style="list-style-type: none"> <li>· Public entity (e.g., GID, City, County)</li> <li>· Group of property owners (e.g., HOA)</li> <li>· Private property owner</li> </ul> </li> <li>• Mitigation funding for O&amp;M capital</li> </ul>
<b>Monitoring</b>	
<u>Existing</u> <ul style="list-style-type: none"> <li>• Require project-level monitoring</li> <li>• No scientific nexus to WQ standards</li> <li>• High cost</li> <li>• No long-term, ongoing funding source</li> </ul>	<u>Proposed</u> <ul style="list-style-type: none"> <li>• TMDL science connects load reduction by catchment to achievement of WQ standards</li> <li>• Local governments report load reductions through Lake Clarity Crediting Programs as required part of NPDES Permit or MOA</li> <li>• Regional monitoring calibrates and validates load estimation tools</li> <li>• Monitoring and reporting has direct nexus to regional water quality standards</li> </ul>

The Final Draft Plan includes targeted amendments that support the findings and water quality improvement strategies of the TMDL. Amendments would expand the current focus on parcel-level regulations to reflect the TMDL strategy of comprehensive catchment-based load reduction plans for fine sediments, phosphorus and nitrogen. Parcel owners must still contribute to BMP solutions but the prescription may differ under more flexible area wide solutions that could be developed to achieve TMDL load reductions for each catchment. Local jurisdictions would have flexibility in designing the system that applies to each sub-watershed. Significant amendments include:

- Modifying Land Use and Transportation Policies to encourage environmental redevelopment, accelerate the restoration of Stream Environment Zones, and reduce automobile dependency;
- Updating language throughout the Regional Plan to support the TMDL, require ongoing coordination between TRPA and TMDL programs, and align older TRPA reporting requirements with newer TMDL reporting requirements;
- Authorizing the development of Area-Wide Best Management Practice (BMP) treatments to which individual parcel owners would contribute in different ways;
- Initiating programs to phase-out the use of chemical fertilizers that contain phosphorus; and
- Establishing new Threshold Management Standards for attached algae (a nearshore water quality indicator) and aquatic invasive species.

Land Use and Transportation Policies are discussed in detail in topic areas #2 through #6. Reduced nitrogen loading from vehicle exhaust and reduced loading from stormwater runoff in community centers are expected to result from Land Use and Transportation Policy amendments.

Final Draft Plan Water Quality amendments are summarized below.

TMDL Coordination Text:

As noted above, full integration of the TMDL with TRPA programs is expected to occur in a series of steps as detailed Load Reduction Plans are prepared and implemented. The Final Draft Plan provides a framework for ongoing TMDL/TRPA coordination with new language in the Plan Introduction, the Water Quality Introduction, Water Quality Goals and Policies and Implementation Goals and Policies. Regulatory amendments in the Final Draft Plan are summarized below. Additional future efforts to support the TMDL, including an assessment of BMP Compliance programs and stormwater discharge standards, are outlined in Attachment 5 to the Regional Plan (Preliminary List of Priority Projects).

Area-Wide BMP Treatments:

Currently, TRPA requires all properties in the Region to implement and maintain Best Management Practices to control sediment and infiltrate 20 year/1 hour storms on-site. Site-constrained properties that are unable to infiltrate stormwater may treat and release stormwater to meet adopted discharge standards (for commercial and large multi-family residential parcels), or control sediment and receive a Source Control Certificate (for small multi-family and single-family residential properties). Source Control Certificates require future participation in an area-wide project to infiltrate stormwater.

Several pilot area-wide treatment projects are currently in progress for areas that cannot meet TRPA's infiltration requirements due to site-constraints such as high ground water, bedrock, or limited property boundaries. Projects include, but are not limited to, the Bijou and Harrison Avenue Water Quality Project in the City of South Lake Tahoe, the Tahoe City Wetlands and

Lake Forest Water Treatment Project in Placer County, and the Cave Rock Water Treatment Project in Douglas County. These area-wide treatment projects may be included as strategies in the TMDL Load Reduction Plans currently being prepared by Local Governments.

The Final Draft Plan would authorize more effective load reduction strategies by permitting area-wide BMP treatments and funding mechanisms for any area, as long as they achieve equal or greater water quality benefits compared to parcel-specific BMP requirements. Area-wide BMP treatments would need to be developed and approved in accordance with provisions for Area Plans (See Topic #1). Over time, this Policy change would allow Local Governments to develop integrated Load Reduction Plans that comply with both TMDL and TRPA requirements. Where Local Jurisdictions do not gain approval of area-wide treatment programs, TRPA's site specific requirements would remain.

Phase-out Phosphorus Fertilizer:

Phosphorus is a significant pollutant of concern identified by the Lake Tahoe TMDL, with fertilizer application being a significant source. The Draft Regional Plan proposes new policy language (WQ-3.9) to phase-out the use of chemical fertilizer containing phosphorus for lawns by 2017 through education and outreach. The phase-out provision complements but does not replace existing restrictions on the use of fertilizer in Stream Environment Zones and Shorezone Areas.

New Threshold Standards for Nearshore Attached Algae and Aquatic Invasive Species:

Currently, TRPA does not have Threshold Standards for nearshore water quality or aquatic invasive species. As noted above, both topics are increasingly concerning. Aquatic invasive species have become established in some areas and increasing levels of attached algae have been reported in shallow waters. The Final Draft Plan would establish new Management Standards for Aquatic Invasive Species and Attached Algae, as follows:

*Aquatic Invasive Species*

*MANAGEMENT STANDARD*

*Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.*

*Attached Algae*

*MANAGEMENT STANDARD*

*Implement policy and management actions to reduce the areal extent and density of periphyton (attached) algae from Lake Tahoe's nearshore.*

TRPA's Aquatic Invasive Species boat inspection program, added as a requirement to TRPA's Code in 2008, is now well established and would not be modified by the Final Draft Plan. Boat inspections will continue to be required at Lake Tahoe.

Scientific study is ongoing to better understand the causes of nearshore water quality challenges (including attached algae) and the most effective strategies to improve nearshore water quality. When studies are complete, the new Threshold Standards may be proposed for refinement. Available information indicates that the pollution sources affecting deep water transparency, especially phosphorus and nitrogen, are also responsible for attached algae in the nearshore. TMDL Load Reduction Plans are expected to benefit nearshore water quality.

#### Public Input, Environmental Analysis, and Changes in the Final Draft:

Many agency and public comments focused on area-wide BMP provisions, BMP enforcement programs, and TMDL coordination between the States and TRPA. Comments were also received on fertilizer provisions and the Section 208 Water Quality Management Plan. Many comments supported area-wide BMP treatments and increased State-TRPA coordination with the TMDL. Other comments raised concerns about the potential for duplicative and inconsistent requirements, about the effectiveness and impact of BMP enforcement programs and about the appropriateness and adequacy of various water quality requirements.

The Draft EIS did not identify any potentially-significant impacts related to water quality policy amendments. Water quality impacts related to other policies (e.g. coverage) are summarized under other topic areas.

The Final Draft Plan includes modifications that:

- Require additional coordination between TRPA and the TMDL regulatory agencies, including new provisions for Area Plan recertification every four years;
- Clarify and modify water quality policy language, water quality reporting requirements and criteria for BMPs on constrained sites to improve consistency with the TMDL; and
- Initiate a Governing Board-stakeholder workgroup to review BMP compliance options.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

**Topic #8 – Air Quality:** The Final Draft Plan includes targeted amendments to minimize air pollution, accelerate attainment of air quality thresholds, comply with applicable air quality laws and respond to current conditions in the Region. Improved air quality also benefits Lake Tahoe’s water quality by reducing atmospheric deposition of pollutants. Major air quality amendments focus on reducing automobile reliance; prioritizing pedestrian, bicycle and transit improvements; expanding the use of air quality mitigation fees; suspending consideration of in-Region biomass facilities and increasing the time that businesses may be closed before having to pay new air quality mitigation fees. A pilot project for drive-up pharmacy windows is also proposed.

Land Use and Transportation strategies to reduce automobile reliance and expand alternative transportation infrastructure are important air quality improvement initiatives and are addressed under topic areas #2 through #6 above. The Land Use / Transportation strategy (aka “Sustainable Communities Strategy”) complies with California Senate Bills 375 and 575, which



require a 5% net reduction in per-capita Greenhouse Gas emissions from automobiles and light trucks in the California portion of the Region by 2035.

The disbursement of air quality mitigation fees, the prohibition of biomass facilities, the extension of the allowed business closure period and the drive-up pharmacy pilot program are addressed in more detail below.

Disbursement of Air Quality Mitigation Fees: Under the existing Regional Plan, new or transferred development or changes in operation that result in increased vehicle trips must mitigate the regional and cumulative impacts of those increased trips. With limited exceptions, increased vehicle trips must be mitigated through the payment of an air quality mitigation fee or through direct implementation of air quality improvement measures (Draft Code Sec 65.2.4 & 65.2.5).

The air quality mitigation fees are disbursed for air quality improvement projects, such as transit services or bicycle facilities, within the jurisdiction where they were collected to mitigate localized impacts. However, restricting the use of mitigation fees to the jurisdiction where they were collected does not allow fees to be pooled and directed towards the highest priority and most cost-effective projects in the Region.

The Final Draft Plan allows a portion of the Air Quality mitigation fees to be used anywhere in the Region, regardless of where the fee was collected (Draft Code Sec 65.2.6). This change would allow a portion of the fees to be directed towards the highest priority or most cost-effective projects to benefit air quality within the Region. The Final Draft Plan requires that air quality mitigation projects be developed in cooperation with Local Governments, but does not specify what portion of collected fees should be used outside the jurisdiction where the fees were generated.

Suspension of Biomass Facilities Projects: The existing Regional Plan provides exemptions from air pollution emission limits for biomass facilities that demonstrate a significant net reduction in emissions from pile burning of excess forest fuels (Code Sec 65.1.6.E.3). While this provision can result in a net decrease in emissions, it can also result in concentrating emissions that would otherwise be dispersed and relocating emission sources from less populated to more populated areas.

The Final Draft Plan removes the exemption from air pollution emission limits and suspends the acceptance of applications for biofuel facilities unless further research demonstrates the safety and environmental compatibility of such facilities within the Tahoe Region (Draft Code Sec 65.1.6.F).

Extension of Business Closure Period: A proposal in Alternative 4 of the Draft EIS to allow businesses to be closed for more time before having to pay new air quality mitigation fees (Code Sec 65.2.3.F) was endorsed for inclusion in the Final Draft Plan. This topic was the subject of significant public comment in support of the change. Currently, air quality mitigation fees are required with new or expanded development, when the use of existing development generates

more than 100 additional vehicle trips, or when businesses seek to reopen after not being in operation for at least 90 consecutive days in the prior 24 months. Significant public input has suggested that having to pay major new air quality mitigation fees is an impediment to the re-establishment of viable businesses in the Region's vacant commercial spaces.

The Final Draft Plan extends the time that businesses may be closed from "90 consecutive days in the prior 24 months" to "90 consecutive days in prior 60 months". The minor loss in air quality mitigation fee revenue is projected to be more than offset by plan amendments that increase the amount of air quality improvement that can be achieved with available fees, including not requiring that coverage be purchased for bicycle and pedestrian trails and allowing mitigation fees to be spent on regional priorities. Further, the more comprehensive reforms to reduce air pollution that are described in this Staff Summary far outweigh any air quality impact from the possible minor reduction in mitigation fee revenue.

Drive-Up Pharmacy Pilot Program: Currently, new drive-up windows are strictly prohibited in the region. This prohibition was instituted for the protection of air quality in the 1980's. Many people have raised concerns with this blanket prohibition throughout the planning process. The primary concern is that the drive-up window prohibition for pharmacies creates a significant health and safety risk for the Region's elderly and disabled. In winter months, parking lots are often icy and snow covered. The current prohibition prevents elderly and disabled people from picking-up prescriptions without having to walk through parking lots in potentially dangerous conditions. Other commenters pointed out that emission standards for passenger vehicles are much stricter today than they were in the 1980's, therefore, the limited amount of idling time at drive up windows no longer creates a significant air quality impact.

The Final Draft Plan includes a pilot program for drive-up pharmacy windows. The program is limited to two businesses, which are required to be monitored for air quality impacts. The prohibition on all other forms of drive up windows remains in place.

Public Input, Environmental Analysis, and Changes in the Final Draft:

Some stakeholders expressed concern over the feasibility of mitigation measures proposed in the Draft EIS. Environmental interests supported more specific mitigation measures, while others questioned the need for the proposed mitigations. Local governments and business interests expressed support for the provision (then in Alternative 4) to extend the time that businesses may be closed before having to pay new air quality mitigation fees. Comments addressing the biomass facility project suspension and mitigation fee changes were generally split.

The EIS did not identify any significant impacts from the proposed air quality amendments, but did identify potentially significant air quality impacts related to construction practices and building/facility operations. Mitigation measures would require Region-wide policies for construction emissions and for the design and operation of buildings and other facilities.

The Final Draft Plan includes modifications that:

- Require new programs addressing EIS mitigations be developed and implemented in 2013;
- Include the Alternative 4 changes related to the disbursement of air quality mitigation fees in the Draft Plan; and
- Establish a pilot program for drive-up pharmacy windows in the City of South Lake Tahoe.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

**Topic #9 – Noise:** The Draft Regional Plan addresses noise control with targeted amendments to reduce automobile reliance and promote alternative forms of transportation. Roadways are a significant source of noise pollution in the Region. Land Use and Transportation strategies to reduce automobile reliance and expand alternative transportation infrastructure are summarized in topic areas #2 through #6 above.

The Final Draft Plan retains other existing provisions related to noise, with language clarifications, and calls for an ongoing analysis of airport noise and an update to the 1986 Airport Master Plan.

The revised policy language clarifies that TRPA and the City of South Lake Tahoe will continue to work towards attainment of the applicable aircraft Threshold Standards and that an update to the 1986 Airport Master Plan would serve as the mechanism to attain and maintain applicable single event Noise Threshold Standards.

**Public Input, Environmental Analysis, and Changes in the Final Draft:**

During preparation and peer review of the 2011 Threshold Evaluation, the feasibility and array of existing Noise Threshold Standards were called into question. The evaluation indicated that existing Threshold Standards for noise may be overly complex and unachievable if based on a zero tolerance policy. Concerns focused on single event noise standards and exterior noise standards in developed areas. An evaluation and update to the existing Threshold Standards for noise was recommended.

Few comments were received on noise policies or mitigation measures during the EIS comment period. Comments that were received focused on the feasibility and potential negative effects of proposed mitigation measures; or expressed concern over Policy language related to airport noise and suggested that the Plan should include more stringent regulations on airport uses.

The EIS did not identify any significant environmental impacts from the proposed noise policy revisions, but did identify potentially significant impacts based on existing Threshold Standards. Potentially significant impacts resulted from cumulative traffic noises, construction related noise and ground vibration, and redevelopment in areas where existing noise levels exceed Threshold Standards. Mitigation measures would require the development and implementation of a Region-wide traffic noise reduction program, a Region-wide policy on construction noise, and exterior noise standards.

The Final Draft Plan includes modifications that require new programs addressing EIS mitigations be developed and implemented in 2013.

Specific comments on this topic are summarized in Exhibit D, along with responses to those comments.

### **Implementing Documents:**

2012 regional planning documents being presented for final consideration, and acceptance or approval include the following:

1. 2011 Threshold Evaluation: The Threshold Evaluation outlines the Region's progress in achieving and maintaining the Region's adopted Threshold Standards. The independently peer-reviewed Threshold Evaluation considered current science and analyzed Basin-specific detailed monitoring data regarding environmental conditions and the status of Threshold attainment.
2. Threshold Amendments: A suite of six Threshold Standard amendments are presented in Attachment A of the Final Draft Regional Plan (as changes to Exhibit A of Governing Board Resolution 82-11). Threshold amendments include:
  - An amended Water Quality Standard for Deep Water Transparency (to align with State Standards);
  - A new Water Quality Standard for Nearshore Attached Algae;
  - A new Water Quality Standard for Aquatic Invasive Species;
  - An amended Air Quality Standard for Carbon Monoxide (to align with State Standards);
  - An amended Air Quality Standard for Respirable and Fine Particulate Matter (to align with State Standards); and
  - An amended Wildlife Standard for Goshawk Disturbance Zones (to better protect the best available habitat surrounding known nest sites).

The threshold amendments were developed in consideration of the findings and recommendations in Threshold Evaluations and through the public planning process described in Exhibit A. Environmental analysis of the proposed threshold amendments is presented in the Regional Plan Environmental Impact Statement.

3. Regional Goal and Policy Plan ("Regional Plan"): The Regional Plan includes goals and policies that, along with implementing ordinances and programs, will achieve and maintain the Region's Environmental Thresholds. The Regional Plan was developed in consideration of findings and recommendations in the 2011 and earlier Threshold Evaluations and through the public planning process described in Exhibit A.
4. Code of Ordinances: The Code of Ordinances includes regulations that implement the Regional Plan and will achieve and maintain the Region's Environmental Thresholds. The

Code of Ordinances was developed through the public planning process in coordination with the Regional Plan.

5. Regional Plan Environmental Impact Statement (Regional Plan EIS): The Regional Plan EIS evaluated potential environmental impacts of the proposed threshold amendments and the amendments to the Regional Plan and Code of Ordinances. The EIS identifies mitigation measures to ensure that potentially-significant impacts would be mitigated to a level of insignificance.
6. Regional Transportation Plan (RTP): The Regional Transportation Plan repeats transportation goals and policies from the Regional Plan and establishes implementing transportation programs and projects. The RTP meets Compact and Federal transportation planning requirements, and also serves as the Region’s “Sustainable Communities Strategy”, as required by California law.
7. Regional Transportation Plan Joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS): The Regional Transportation Plan EIR/EIS evaluated potential environmental impacts of the Regional Transportation Plan, including transportation programs and projects. The EIR/EIS identifies mitigation measures to ensure that potentially-significant impacts would be mitigated to a level of insignificance.
8. Section 208 Water Quality Management Plan: The Section 208 Water Quality Management Plan (“208 Plan”) is administered by TRPA under authority delegated by the states of Nevada and California, with approval of the EPA. The 208 Plan outlines the water quality management system in the Lake Tahoe Region, including provisions in the Regional Plan and BMP Manual. The existing Plan is being updated - in coordination with California, Nevada and the EPA - to reflect the updated Regional Plan, BMP Manual and TMDL. In order for the Regional Plan Update to become fully effective, the 208 Plan, as amended, must be approved by the TRPA Governing Board, both States and the EPA.

Additional information about the process that was used to develop each document is provided in Exhibit A.

**Contact Information:**

For general questions, please contact Joanne Marchetta, Executive Director at [jmarchetta@trpa.org](mailto:jmarchetta@trpa.org) or (775) 589-5226 or John Marshall, General Counsel at [jmarshall@trpa.org](mailto:jmarshall@trpa.org) or (775) 589-5286.

For questions on the Draft Regional Plan, Code of Ordinances or EIS, please contact Arlo Stockham, Regional Planning Manager at [astockham@trpa.org](mailto:astockham@trpa.org) or (775) 589-5236.

For questions on the Draft Threshold Evaluation, please contact Shane Romsos, Acting Measurement Manager at [sromsos@trpa.org](mailto:sromsos@trpa.org) or (775) 589-5201.

For questions on the Draft Regional Transportation Plan or EIR/EIS, please contact Nick Haven, Transportation Planning Manager at [nhaven@trpa.org](mailto:nhaven@trpa.org) or (775) 589-5256.

For questions on the Draft Section 208 Water Quality Management Plan, please contact John Hester, Planning Director at [jhester@trpa.org](mailto:jhester@trpa.org) or (775) 589-5219.

Exhibits:

- A. Summary of the Planning Process
- B. Modifications to the April Draft Regional Plan and Code
- C. Comments on the April Draft Threshold Evaluation and Responses.
- D. Comments on the April Draft Regional Plan and Responses
- E. Existing Development Map and Data Packet
- F. Recreation Reclassification Map
- G. Water Quality Map Packet

Enclosures:

- A. Final Draft Threshold Evaluation;
- B. Final Draft Regional Plan;
- C. Final Draft Code of Ordinances;
- D. Final Regional Plan Update Environmental Impact Statement (EIS);
- E. Final Draft Regional Transportation Plan;
- F. Final Regional Transportation Plan Environmental Impact Report (EIR/EIS); and
- G. Final Draft Section 208 Water Quality Management Plan (to be provided).

MEMORANDUM

Date: November 7, 2012  
 To: TRPA Governing Board  
 From: TRPA Staff  
 Subject: Current Planning Division November Year-to-Date Performance Report

Requested Action: This item is for informational purposes only and no action is required.

Description: The following information represents a status report on the Current Planning Division application processing times. It is formatted to match the performance measures that will be presented to the Governing Board in early 2013.

Measure	2011/2012 Actual	2012/2013 Target	YTD
Number of applications	Not available	1,000	319
Percent of applications deemed complete/not complete within 30 days	Not available	100%	100%
Number (percent) of applications requiring Hearing Officer review completed within 45 days of application being deemed complete)	Not available	85 (90%)	10 (60%)
Number (percent) of applications requiring Governing Board review (excluding those requiring an environmental impact statement) completed within 60 days of application being deemed complete.	Not available	45 (90%)	1(0%)
Number (percent) of applications requiring Governing Board review with an environmental impact statement completed within 120 days of application being deemed complete.	Not available	2 (100%)	1 (100%)
Percent of all applications reviewed within 120 days of application being deemed complete	Not available	(100%)	99%
Percent of customers rating their satisfaction with the Customer Service Counter as "good" or "excellent" (i.e., 3 or 4 on survey)	Not available	75%	80%

Contact Information: If you have any questions, please contact Paul Nielsen, Current Planning Manager, at 775.589.5249, or John Hester, Planning Director, at 775.589.5219.





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**MEMORANDUM**

Date: November 7, 2012  
To: Regional Plan Update Committee  
From: TRPA Staff  
Subject: Comments on Final Draft Regional Plan and Code

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**Introduction:**

On October 24, 2012, TRPA published the Final Draft Regional Plan, Final Draft Code of Ordinances, Final Draft Regional Transportation Plan/Sustainable Communities Strategy and the associated Final Environmental Impact Statements/Report. The final draft documents reflect changes that were endorsed by the Governing Board following the public comment period.

Prior to and following document publication, TRPA received written comments with suggested changes to the Final Draft Plan and Code from Governing Board members, Advisory Planning Commission members, public agencies, advocacy groups and members of the public. The letters that were received (as of 5pm on November 6, 2012) and the involved topics are listed below. Any additional recommendations that staff receives prior to the November 14 Committee meeting will be distributed in a Staff Summary addendum.

Recommendations from Governing Board and Advisory Planning Commission members are summarized in more detail later in this document, along with initial points of consideration for each recommendation.

Comment letters from Governing Board and Advisory Planning Commission members are provided in Exhibit A with each separate comment bracketed and labeled. Additional comment letters from agencies, organizations and individuals are provided in Exhibit B. E-mailed questions are provided in Exhibit C along with staff responses.

## Recommendations from Governing Board and Advisory Planning Commission Members

1. October 22 E-mail from Byron Sher and Mara Bresnick (BSMB)
  - Incorporate the requirement of the 2012-13 California budget (BSMB1).
  - Include a provision for installation and operation of a continuous, properly operated air quality monitoring network, with prohibition of permitting new construction that will increase air pollution sources until the monitoring network is in place (BSMB2).
  - Where an area-wide BMP project is proposed, parcel-level BMPs will be required for any redevelopment or new construction until the area-wide BMP project is constructed (with appropriate credit given that property when area-wide project is completed and operational) (BSMB3).
  - Where 70% coverage is allowed on a parcel, the remaining 30% of the parcel should be required to provide natural infiltration (BSMB4).
  - Where Compact language is included in the Goals & Policies, it should not be edited or modified. (BSMB5).
  - Revisit language regarding appeal process. (BSMB6).
  - Wording such as “encourage” and “promote” need to be carefully reviewed and replaced with more mandatory language as appropriate (BSMB7).
2. October 31 E-mail from Robert Larsen, Lahontan Water Board, APC Member
  - Suggests modified requirements for Area-Wide BMP Programs to replace the TRPA 20-year/1-hour storm requirement with “applicable TMDL requirements” [RL1]

## Recommendations from Agencies, Organizations and Individuals

3. November 5 Letter from Douglas County
  - Supports adoption of Final Draft Documents and consideration of new recommendations following plan adoption.
4. October 23 Letter from Tahoe Area Sierra Club
  - Comment objects to threshold attainment strategies and suggests that the 2011 Threshold evaluation should have been completed prior to the plan update process.
  - Summarizes TASC history of involvement and submits a table detailing previously submitted comments.
  - Modifications to programs on Attachment 5 could affect the entire Regional Plan, and violates NEPA and CEQA because EIS does not evaluate all “foreseeable” actions.
  - Objects to delegating more permitting authority to local governments.
  - Objects to 2011 Threshold Evaluation Report.
  - Recommends increased Threshold Monitoring and development regulation.
  - Objects to update process for the 208 Water Quality Management Plan.
5. October 24 Letter from Friends of the West Shore
  - Items on Regional Plan Attachment 5 require environmental review and plan adoption needs to be delayed.
  - The appeal process places an additional burden on the public to file separate lawsuits for CEQA and TRPA in order to overturn an approved project and the TRPA appeal decision timeline exceeds 30-day CEQA statute of limitations.
  - Concerns were raised about the “potentially illegal delegation of permitting authority” and increased specificity is requested for determining Area Plan Finding of Conformance.
6. October 26 E-mail from Ellie Waller
  - Suggests modified Compact language references in the Regional Plan.
7. November 6 E-mail from Doug Graham
  - Suggests clarified text for calculation of Building Height.
  - Suggests expanded coverage exemptions for decks.
  - Suggests expanded allowances for live in caregiver units on single family lots.

Question Topics (various questioners)

1. Area Plan conformance review procedures
2. Project appeal provisions
3. Bi-State Recommendations
4. Process to implement mitigation measures (Policy ME-5 and Attachment 4)
5. Process to consider future priority projects (Policy ME-6 and Attachment 5)
6. Process to develop Final EIS process – response to comments
7. Development density outside centers
8. Recreation designation for Van Sickle State Park
9. Required and permissible content of Area Plans
10. Environmental review of Area Plans
11. Coverage transfers across Hydrologic Resource Area boundaries
12. Coverage removal by public agencies
13. Transfer of banked commodities
14. Future development of parcels that were acquired by public agencies

**Section 1: Comments from Governing Board and Advisory Planning Commission Members:**

**1. Comments submitted by Byron Sher and Mara Bresnick on October 22, 2012 (BSMB)**

**Summary of Comment BSMB1:** Include a provision incorporating the requirements of the budget item for TRPA in the 2012-13 California budget (establish 4 year measurable benchmarks of implementation and programmatic provisions; develop comprehensive monitoring, evaluation and reporting plan).

Considerations and Questions:

- New Issue – not discussed by RPU Committee.
- Proposed amendment should not require additional environmental review.
- Proposed amendment could require budget augmentation or redirection.
- Other Considerations:
  - The California Budget Language requires submittal of a scope, schedule and budget. It is unclear whether this proposal asks the GB to adopt benchmarks and commit to fully implement the submitted Plan regardless of the scope, schedule and budget.
  - Information is available from staff upon request on the scope and cost of existing and projected monitoring and reporting under the RPU.
  - This is a request from California and has not been endorsed by Nevada or other stakeholders.
  - TRPA, agency partners, and the Tahoe Science Consortium have begun work to address the supplemental California Budget language, including a scope, schedule and budget to implement the request.
  - This proposal could require that the TRPA general fund be used to fund another organization - the Tahoe Science Consortium.

**Summary of Comment BSMB2:** Include a provision for installation and operation of a continuous, properly operated air quality monitoring network, with prohibition of permitting new construction that will increase air pollution sources until the monitoring network is in place.

Considerations and Questions:

- New Issue.
- Proposed amendment may require additional environmental review.

- Other Considerations:
  - As drafted, the provision appears to prohibit all construction that would result in air pollution emissions with no exceptions. Without clarification and more detailed applicability provisions, the proposal appears to stop most or all permitting and may result in environmental and economic impacts.
  - TRPA would need to clearly specify the types of new construction activities that would trigger an “increase [in] air pollution sources.” Air quality mitigation is currently required in accordance with section 65.2.
  - TRPA would need to determine if less significant permits, such as construction of single family homes on IPES lots, would be prohibited. Similar decisions would need to be made for expansions/remodels, new appliances, wood heaters, water quality improvement projects and forest management activities that include pile burning? Code section 65.1 currently addresses many of these activities. “Construction” is broadly defined in section 90.2 and includes any modification to a building road, trail, or earthwork.
  - Criteria would need to be developed to legally implement a “prohibition of permitting new construction that will increase air pollution sources until the monitoring network is in place”.
  - TRPA would need to determine the duration of the permitting prohibition and what new programs would need to be developed during the moratorium. Depending on the implementation details, a broad prohibition on permitting could result in legal challenges.
  - TRPA would need to define to what extent the current air quality monitoring network is not “continuous and properly operated”. A recent DRI Report makes recommendations on the configuration of the air quality monitoring system for the Tahoe Region. Information about the costs to upgrade and reconfigure the system is available for presentation by staff to the Committee upon request. The network today includes six monitoring stations in the basin (about 1 station per 9,300 people). For comparison, Washoe County has 7 stations, including one in-basin (about 1 station per 60,000 people) and Sacramento has 11 stations (about 1 station per 65,000 people).
  - Detailed information on air quality research already completed and research that is underway can be made available through staff presentation at the Committee meeting.

**Summary of Comment BSMB3:** Where an area-wide BMP project is proposed, parcel-level BMPs will be required for any redevelopment or new construction until the area-wide BMP project is constructed (with appropriate credit given that property when area-wide project is completed and operational).

Considerations and Questions:

- Not a new issue – The RPU Committee endorsed Section 13.5.3.B.3 to address this issue.
- Proposed amendment should not require environmental review.
- Other Considerations:
  - Clarifying language could be added to the code to more directly address BMP requirements after plan approval but prior to operation of an area-wide BMP project. No inconsistent or negative implications are apparent with addition of this provision.

**Summary of Comment BSMB4:** Where 70% coverage is allowed on a parcel, the remaining 30% of the parcel should be required to provide natural infiltration.

Considerations and Questions:

- Not a new issue – chapters 30 and 60, as amended, address the topic.
- The proposed amendment could conflict with Bi-State Recommendations for coverage mitigation and coverage exemptions.
- Some components of the proposed amendment could require environmental review.
- Other Considerations:
  - Except for specified facilities, this is already required through the definition of coverage and maximum coverage allowances.
  - Longstanding code provisions allow certain facilities to exceed 70% site coverage if they comply with other requirements. It is not clear if the amendment is intended to eliminate existing allowances and requirements for certain facilities. If so, it could prohibit some EIP projects. Specified facilities are identified in Code Section 30.4.2.A and include:
    - Certain approved planned unit developments and special transfer programs (Sec 30.4.2.A.1);
    - Linear Public Facilities and Public Health and Safety Facilities (Sec 30.4.2.A.2);
    - Highways, Streets and Roads (Sec 30.4.2.A.3);
    - Facilities for Public Safety and Access of the Disabled (Sec 30.4.2.A.3); and

- Water Quality Control Facilities (Sec 30.4.2.A.5).
- Some of the existing and proposed coverage exemptions and credits, including roof overhangs, ADA facilities and bike trails (Sec. 30.4.6) appear to be superseded by the proposed amendment. This appears inconsistent with the Bi-State Recommendation in support of certain coverage credits and exemptions.
- Under existing rules, existing coverage in excess of 70% would require mitigation, which may occur on site or off-site (Sec. 30.6). It is not clear if the amendment is intended to eliminate or modify the existing coverage mitigation program? If so, it would conflict with the Bi-State recommendation for coverage mitigation and could create an impediment to redevelopment on overcovered sites.
- Applicability should be clarified for sites where on-site infiltration is not feasible or desired due to high ground water, unusual concentrations of pollutants, or other special circumstances. It is unclear if the amendment is intended to supersede existing provisions for special circumstances as outlined in Section 60.4.8. If so, it may not be possible to comply in some areas and could create significant environmental impacts in other areas by requiring that stormwater be infiltrated through polluted soils.

**Summary of Comment BSMB5:** Where Compact language is included in the Goals and Policies, it should not be edited or modified.

Considerations and Questions:

- Not a new issue – The RPU Committee drafted all plan amendments to accurately represent the TRPA Compact.
- Additional correspondence indicates the concern relates to three introductory sections that were left unchanged from the 1987 Plan. The first proposed change involves a missing word in a quote; the second and third changes request that certain language that summarizes Compact provisions be re-worded. Proposed changes include:
  1. Chapter II: Land Use Element Introduction (Page II-1)
 

*Article V(c)(1) of the Tahoe Regional Planning Agency Bi-State Compact calls for a “land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to indication or allocation of maximum population densities and permitted uses.”....*



2. Preface – Statement of Principles #3b (Page V-2)

- b. *Adopt and enforce a Regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities; and*

3. Chapter I: Regional Plan Introduction (Page I-1)

*The Regional Plan describes the needs and goals of the Region and provides statements of policy to guide decision making as it affects the Region's resources and remaining capacities. The plan with all of its elements, as implemented through Agency ordinances and rules and regulations, will achieve and maintain ~~provides for the achievement and maintenance of~~ the adopted environmental threshold carrying capacities (thresholds) while providing opportunities for orderly growth and development.*

**Summary of Comment BSMB6:** Revisit language regarding appeal process, remove description of appeals process goals from Policy LU-4.12.4, and clarify staff role in determining if an appeal is frivolous or meritorious in code Section 13.9.

Considerations and Questions:

- Not a new issue – the Bi-State Recommendation specified appeal provisions.
- Proposed amendment should not require environmental review.
- Proposed amendment appears inconsistent with the Bi-State Recommendation.
- Other Considerations:
  - Regarding Policy LU-4.12:
    - Eliminating the intent language from the Goal and Policy Plan would result in some components of the Bi-State Recommendation not being incorporated into the Regional plan or Code.
    - Including a description of the intent of Goals and Policies is consistent with the approach used in many existing and proposed goals and policies (see representative examples in red text below).

**GOAL LU-1**

***RESTORE, MAINTAIN, AND IMPROVE THE QUALITY OF THE LAKE TAHOE REGION FOR THE VISITORS AND RESIDENTS OF THE REGION.***

*Lake Tahoe is a unique natural resource in a spectacular natural setting. It is truly one of the natural treasures of the United States. The long-term economic and natural*

health of the Region depends on the maintenance of this unusual quality. *While previous land use planning efforts have concentrated on regulating the quantity of permitted development, this plan emphasizes an improvement in the quality of development in the Region and in the quality of the natural environment.*

**LU-1.1. THE PRIMARY FUNCTION OF THE REGION SHALL BE AS A MOUNTAIN RECREATION AREA WITH OUTSTANDING SCENIC AND NATURAL VALUES.**

*The economic health of the Region depends on a viable tourist and recreation-oriented environment. It is the intent of this Regional Plan, among other things, to encourage development that enhances these values.*

**LU-2.6. USES OF THE BODIES OF WATER WITHIN THE REGION SHALL BE LIMITED TO OUTDOOR WATER-DEPENDENT USES REQUIRED TO SATISFY THE GOALS AND POLICIES OF THIS PLAN.**

*This policy is intended to promote the use of waters of the Region for water-dependent outdoor recreation and to protect the scenic and natural qualities of such waters. Plan Area Statements or conforming Area Plans shall detail the specific policies.*

**LU-2.11 THE ALLOWED COVERAGE IN POLICY LU-2.10 MAY BE INCREASED BY TRANSFER OF LAND COVERAGE WITHIN HYDROLOGICALLY RELATED AREAS UP TO THE LIMITS AS SET FORTH IN THIS POLICY:**

**SPECIAL PROVISIONS FOR ADDITIONAL COVERAGE, SUCH AS EXCEPTIONALLY LONG DRIVEWAYS, PVIOUS COVERAGE, PUBLIC TRAILS AND ACCESS FOR THE DISABLED, MAY ALSO BE ALLOWED. ORDINANCES SHALL SPECIFICALLY LIMIT AND DEFINE THESE PROGRAMS.**

**LAND COVERAGE MAY BE TRANSFERRED THROUGH PROGRAMS THAT ARE FURTHER DESCRIBED IN THE IMPLEMENTATION ELEMENT.**

*The intent of the land coverage transfer programs is to allow greater flexibility in the placement of land coverage. Such programs include the use of land banks, lot consolidation, land coverage restoration programs, and transfer programs based on the calculation of land coverage on non-contiguous parcels. The coverage transfer programs allow for coverage over base coverage to be permitted and still be consistent with the soils threshold and Goal LU-2 of this Subelement.*

**GOAL CD-2**

**REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS,**

**MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW.**

*The intent of the criteria is that they be regional in nature yet specific enough to ensure that the Agency meets the mandate of specific thresholds and other policy requirements of this plan as they relate to site planning. The concept is that a design review document is the focal point for implementing many other plan policies relating to transportation, noise, water quality, air quality, scenic and aesthetic considerations, etc.*

- Regarding Code Section 13.9:
  - Code section 13.9.9.A reads:

“Within 60 days after receipt of an appeal, TRPA staff shall make a recommendation to the Governing Board on the merits of the appeal, including whether the appeal is frivolous as defined in subsections 13.9.2 through 13.9.4. The Governing Board shall consider the recommendation concerning whether the appeal is frivolous in determining whether to proceed to consider the merits of an appeal and if it hears the merits it shall consider the recommendation concerning the merits. A hearing on the appeal shall be scheduled for the first Governing Board meeting after issuance of the staff recommendation.”
  - This code section directly responds to *“Level of Delegation and Appeal Process: Paragraph II”* in the Bi-State Recommendation.

**Summary of Comment BSMB7:** Wording such as “encourage” and “promote” need to be carefully reviewed and replaced with more mandatory language as appropriate. TRPA should be requiring achievement and maintenance of thresholds, not allowing policies that merely “do not interfere with” the achievement and maintenance of thresholds. (The same is true for use of “should” and “shall”.) For example, following is a draft of a proposed revision for Goals & Policies relating to air quality....

**Considerations and Questions:**

- Not a new issue – the RPU Committee discussed specific goal and policy language in detail throughout the planning process.
- The regulatory implications of this recommendation are not clear. Environmental analysis may or may not be required depending on the scope of changes.
- Other Considerations:
  - The proposed changes would substantially revise the structure of the Regional Plan and Code. In general, statements of goals and objectives are worded with

policy language indicating the general outcome or emphasis sought rather than mandatory regulatory language, which is reserved for the Code. Terms such as “encourage” and “promote” are commonly used throughout the Plan (goals and Policies) for topics where a general outcome is desired but where there may be exceptions. The Code of Ordinances outlines the specific requirements in mandatory language and specifies exceptions. For topics where there are no exceptions in code, “shall” is often used in Regional Plan Goals and Policies.

- The implications of summarily changing all policy language that includes “promote”, “encourage” or “should” would require changing the existing overall structure, internal consistency, and established protocols among the Goals, Policies and implementing Code. The proposed change would create potential ambiguities, uncertainties, and inconsistencies between many longstanding code sections and the Goal and Policy Plan and would likely require the elimination of many detailed provisions throughout the code of ordinances.
- The examples of modified policy language provided in the comment letter are provided below in track change format compared to the Final Draft Plan, followed by considerations about the implications of the change:

GOAL AQ-1: ATTAIN AND MAINTAIN AIR QUALITY IN THE REGION AT LEVELS THAT ARE HEALTHY FOR HUMANS AND THE ECOSYSTEM, ACHIEVE AND MAINTAIN ENVIRONMENTAL THRESHOLDS AND ~~INTERFERE WITH~~ PROTECT RESIDENTS’ AND VISITORS’ VISUAL EXPERIENCE.

- No apparent regulatory implications.

AQ-1.1 COORDINATE WITH OTHER AGENCIES AND JURISDICTIONS TO REDUCE EMISSIONS, EXPOSURES, AND HEALTH AND ENVIRONMENTAL RISKS WHEN DEVELOPING AND IMPLEMENTING PROGRAMS, PLANS, AND PROJECTS.

The Regional Plan will facilitate cooperative efforts that efficiently attain and maintain air quality threshold standards, and federal and state air quality standards, ~~while at the same time achieving other threshold standards.~~

- No apparent regulatory implications.

AQ-1.2 REDUCE ~~OR LIMIT~~ SOURCES OF POLLUTANTS THAT DEGRADE VISIBILITY.

Some air pollutants, such as fugitive dust and wood smoke, degrade

visibility as well as harm human or ecosystem health. The Regional Plan will control those pollutants to minimize their impact on visibility, as well as their impact on human or ecosystem health.

- Unclear regulatory implications. Would this be interpreted on a regional, area, or project-specific scale? Would every project in every instance be required to reduce sources of pollutants that degrade visibility? If interpreted to apply to individual activities would it preclude pile burning in EIP projects, or new Regional Plan compliant wood stoves? Is regulation of vehicle trips proposed? What is the baseline from which this would be measured?

AQ-1.43A ~~ENCOURAGE THE REDUCTION OF~~ REDUCE EMISSIONS FROM MOTOR VEHICLES AND OTHER MOTORIZED MACHINERY IN THE REGION

Significant emissions of air pollutants including greenhouse gases (GHGs) ~~and entrained dust~~ are produced by automobiles, motor vehicles and other gas powered machinery in the Region. The Land Use Subelement and the Transportation Element contain Goals and Policies to reduce the amount of air pollution generated from motor vehicles in the Region. Additionally, TRPA shall pursue other feasible and cost effective opportunities to reduce emissions from motor vehicles and other gas powered machinery in the Region.

- Unclear regulatory and legal implications. Would new motor vehicle regulations be required? Are Air Quality/Transportation regulations (Chapter 65) proposed to be amended? What is the baseline against which emissions reduction would be measured? Would this apply to prohibit development that increases vehicle trips by any amount?
- Deletion of entrained dust, given its implications to lake clarity, may require additional environmental analysis.
- Also conflicts with joint California/Nevada recommendation for TMDL coordination (entrained dust).

AQ-1.53B ~~ENCOURAGE THE REDUCTION OF~~ REDUCE EMISSIONS FROM GAS APPLIANCES.

Additional emissions of air pollutants are produced by building appliances. TRPA shall seek feasible and cost effective opportunities to reduce emissions from gas appliances in the Region.

- Unclear regulatory and legal implications. Since all gas appliances have emissions, a strict application of this change would likely prohibit new appliances and Code section 65.1.4 would need to be amended accordingly.

AQ-1.53C ~~ENCOURAGE THE REDUCTION OF~~ REDUCE EMISSIONS THROUGH BUILDING EFFICIENCY.

Construction of energy efficient buildings, replacement of energy inefficient buildings, and improvements to the efficiency of existing buildings can significantly reduce air pollutant emissions in the Region. TRPA shall seek feasible opportunities to promote energy efficient buildings in the Region.

- Unclear implications. What is the baseline? Would this be applied on a per-unit basis or would a net reduction of total emissions be required? Would TRPA be required to measure and monitor the requirement? How does this new requirement relate to and integrate with overlapping local or state jurisdiction requirements?

AQ-1.64 REDUCE EMISSIONS FROM WOOD BURNING STOVES IN THE REGION, AND REQUIRE WOOD STOVES TO COMPLY WITH CURRENT EPA EMISSIONS STANDARDS ~~WITH A TARGET COMPLIANCE DATE OF~~ BY 2020

Older, less efficient wood burning appliances emit more air pollutants than newer, more efficient appliances. A faster rate of replacement of old inefficient wood burning appliances with newer cleaner burning technology will benefit attainment of the air quality threshold standards.

- The proposed amendment would make wood stove replacement mandatory and would require a significant change to the wood heater retrofit program (Code Section 65.1.4.B.3). Compliant wood stoves are currently required for new construction and replacement of older wood stoves is required at the point of sale. Implementing this change would require a new enforcement program to inspect existing homes and establish enforcement mechanisms to require the replacement of non-conforming stoves. Budget augmentations or redirection of the existing TRPA budget would be required. Additional expenditures by property owners in the Tahoe Basin would also be required.

AQ-1.75 ~~PROMOTE THE REDUCTION OF~~ REDUCE AIR QUALITY IMPACTS FROM CONSTRUCTION AND PROPERTY MAINTENANCE ACTIVITIES IN THE

REGION.

- Unclear implications. What is the baseline? Would the required reduction be applied on a per-unit basis or would a net reduction of total emissions be required? How would TRPA measure and monitor the requirement?

AQ-1.86 ~~PROMOTE TECHNOLOGIES THAT REDUCE~~ THE AIR QUALITY IMPACTS OF PRESCRIBED BURNING, OR NON-BURNING METHODS OF REDUCING HAZARDOUS FOREST FUELS, WHERE PRACTICAL.

- Unclear implications. What is the baseline? Would TRPA be required to measure and monitor the requirement? This could require that existing requirements for Open Burning (Section 65.1.5) be replaced with more strict regulations. The change could affect ongoing fuels management by prohibiting ongoing forest fuels reduction management activities. Many EIP projects could be prohibited.

AQ-2.1 IN ADDITION TO OTHER POLICIES AND REGULATIONS INTENDED TO MINIMIZE AIR QUALITY IMPACTS OF DEVELOPMENT, COLLECT AND EXPEND AIR QUALITY MITIGATION FEES TO OFFSET LOCAL AND REGIONAL AIR POLLUTION, BASED ON THE POLLUTANT TYPE AND IMPACT ~~IN COORDINATION WITH THE ENVIRONMENTAL IMPROVEMENT PROGRAM (EIP). A PORTION OF MITIGATION FUNDS SHALL BE EXPENDED IN THE LOCAL JURISDICTION WHERE THE FUNDS ARE GENERATED AND A PORTION OF THE FUNDS MAY BE USED ON THE MOST COST EFFECTIVE AND ENVIRONMENTALLY BENEFICIAL PROJECTS IN THE REGION.~~

- The proposed change would delete the new allowance to use a portion of air quality mitigation fees for the highest priority regional air quality projects regardless of the local jurisdiction within the region where the fees were generated. This proposed change was extensively debated previously at the RPU Committee and conflicts with the Bi-State Recommendation. The change would require deleting the proposed amendment to Code Section 65.2.6.B.
- Adding “based on the pollutant type and impact” may require that the existing Air Quality Mitigation Fee program (Section 65.2) be amended to place additional limitations on the use of funds.

**GOAL AQ-3 IMPLEMENT AND CONTINUOUSLY OPERATE A ROBUST AIR QUALITY MONITORING NETWORK.**

TRPA will monitor air quality and visibility and, based on the monitoring data, will propose amendments to the Regional Plan to assure compliance with the TRPA threshold standards and federal, state, and local standards for air quality, water quality, and visibility.

- Unclear implications. The intent of this policy appears to already be required by the Compact, existing Policies, and Threshold Standards. The meaning of “Robust Air Quality Monitoring Network” is unclear, but could be informed by a recent DRI study evaluating and proposing a comprehensive air quality monitoring plan for the Tahoe Region. There are cost and budget implications to implementing the DRI monitoring proposal.
- Monitoring and Evaluation is currently addressed in the Monitoring and Evaluation Subelement of the Implementation Element. Provisions of the Monitoring and Evaluation Subelement address monitoring procedures and the response to non-attainment differently than the proposed policy. Differences should be reconciled to assure consistency between Regional Plan policies.

## **2. Comments submitted by Robert Larsen, Lahontan Water Board on October 31st**

**Comment RL1:** The comment suggests modified requirements for Area-Wide BMP Programs to replace the TRPA 20-year/1-hour storm requirement with applicable TMDL requirements – specifically that code section 13.5.3.B.3.a be modified as follows:

- a. Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs ~~and must infiltrate the 20-year, one-hour storm;~~ The water quality benefits of area-wide BMPs shall be evaluated in the context of local government Load Reduction Plans and compliance with applicable TMDL requirements.

### Considerations and Questions:

- The comment identified a potential inconsistency with Section 13.6.5B, which was included in the Bi-State Recommendation and reads:

#### TRPA Utilization of Load Reduction Plans

*TRPA shall utilize the load reduction plans for all registered catchments or TRPA default standards when there are no registered catchments, in the conformance review of Area Plans.*



- The recommended language could also be inconsistent with the Bi-State Recommendation because it would remove a TRPA requirement (20-year/1-hour infiltration standard) prior to catchment registration.
- The following language was developed in consultation with the commenter and other stakeholders (including the Nevada Department of Environmental Protection) and appears to be fully consistent with the Bi-State Recommendation:
  - a. *Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits than ~~to~~ certain site-specific BMPs and must infiltrate the 20-year, one-hour storm; For registered catchments, the water quality benefits of area-wide BMPs shall comply with applicable TMDL requirements. BMPs for un-registered catchments shall be shown to infiltrate the 20 year one hour storm (or address requirements in Code Section 60.4.8 (Special Circumstances)*

Contact Information: If you have any questions, please contact Joanne Marchetta, Executive Director at [jmarchetta@trpa.org](mailto:jmarchetta@trpa.org) or (775) 589-5226 or Arlo Stockham, Regional Planning Manager at [astockham@trpa.org](mailto:astockham@trpa.org) or (775) 589-5236.

Attachments:

- A. Bracketed Comment letters from Governing Board and Advisory Planning Commission members.
- B. Comment letters from Agencies, Organizations and Individuals
- C. E-mailed Questions and Responses

**Attachment A**

**Bracketed Comment Letters from Governing Board and Advisory Planning Commission  
Members**

**From:** Mara Bresnick [<mailto:mara.j@att.net>]  
**Sent:** Friday, October 19, 2012 6:35 PM  
**To:** Norma Santiago; Shelly Aldean  
**Cc:** Byron Sher  
**Subject:** Proposed RPU Discussion Items for October Meeting

Dear Norma and Shelly,

Per your request, attached is a sampling of items Byron and I are proposing for discussion at the October Board meeting in relation to the RPU. Please note that one or both of us may have additional comments and/or proposed changes at both the October and November meetings. I am still reviewing the updated and new goals and policies and code sections generated by the technical working group to incorporate the bi-state recommendations as well as other recommendations from the RPU Committee that were advanced by straw vote at the August meeting. Additionally, we have not yet seen the responses to comments in the RPU FEIS, which I understand will be released next Wed., and those responses may inform further comments and/or proposed changes.

If you elect to distribute the attached memo to the full Board (and APC members), you may want to consider asking John Marshall for an admonition to include regarding any discussion or deliberation via email that could run afoul of the open meeting law requirements under which the TRPA Board operates.

Thank you both.

Enjoy the week and see you next week.

Best,

Mara

October 18, 2012

Submitted by Byron Sher and Mara Bresnick

**Suggested Changes in RPU Goals & Policies and/or Code  
(for discussion at October Governing Board meeting)<sup>1</sup>**

- (1) Include a provision incorporating the requirements of the budgeted item for TRPA in the 2012-13 California budget (establish 4 year measurable benchmarks of implementation and programmatic provisions; develop comprehensive monitoring, evaluation and reporting plan).<sup>2</sup>

<sup>1</sup> This list is not intended to be comprehensive, nor does it limit additional comments and/or proposed amendments by either of the submitting Board members. Some or all of these issues have been raised in comment letters submitted by individuals and/or community and conservation groups, otherwise included in public comment throughout the RPU process, or suggested to one or both of the submitting Board members.

<sup>2</sup> Budget requirements read as follows:

“Provisions:

1. To ensure state funds appropriated in this item are used properly, the Tahoe Regional Planning Agency shall, by January 1, 2013, do all of the following:
  - (a) In coordination with the Natural Resources Agency and the Nevada Department of Conservation and Natural Resources, establish four-year measurable performance benchmarks for all of the implementation measures and programmatic provisions included in the Tahoe Regional Planning Agency 2012 regional plan update.
  - (b) In coordination with the Tahoe Science Consortium, State Air Resources Board, State Water Resources Control Board, Department of Transportation, Department of Fish and Game, California Tahoe Conservancy, Department of Forestry and Fire Protection, and other state and federal agencies, develop a comprehensive monitoring, evaluation, and reporting plan, including a scope, schedule, and budget for all of the following:
    - (1) Monitoring all environmental threshold standards.
    - (2) Tahoe Science Consortium review of the scientific basis of the threshold standards and indicators.
    - (3) Tahoe Science Consortium development of independent annual reports on the regional plan performance benchmarks and an independent peer-reviewed four-year report on the status of the threshold standards.

BSMB

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(2) To protect public health and ensure environmental thresholds are achieved and maintained with respect to the long-term impact of emissions of CO, ROG and NOx (ozone precursors), PM10, and PM2.5, include a provision for installation and operation of a continuous, properly operated air quality monitoring network, with prohibition of permitting new construction that will increase air pollution sources until the monitoring network is in place. TRPA would coordinate with air quality researchers and other agencies to study the sources of air pollution in the Basin, using on-the-ground monitoring in concert with adequate collection of emissions inventory data. Based on the findings of this data, and ongoing monitoring as appropriate throughout the Basin, TRPA would work with researchers to assess the emission reductions needed to achieve and maintain air quality standards and to continue monitoring to ensure standards are met. (See also (7) below.)

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(3) Where an area-wide BMP project is proposed, parcel-level BMPs will be required for any redevelopment or new construction until the area-wide BMP project is constructed (with appropriate credit given that property when area-wide project is completed and operational).

BSMB  
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(4) Where 70% coverage is allowed on a parcel, the remaining 30% of the parcel should be required to provide natural infiltration.

BSMB  
4

(5) Where Compact language is included in the Goals & Policies, it should not be edited or modified.

BSMB  
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(6) Revisit language regarding appeal process. Comments submitted at August Board meeting still apply to revised language. The goals of the appeal process enunciated in updated policy LU4.12 do not belong in the RPU document. With respect to section 13.9, 13.9.2 and 13.9.4 are

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(c) Ensure that the Tahoe Science Consortium performs the activities described in subdivision (b) with the concurrence of the Tahoe Environmental Research Center (TERC) at the University of California, Davis, for all reports relating to Lake Tahoe water clarity, limnology, watershed processes, terrestrial ecology, numerical water quality monitoring, and any other areas for which TERC is conducting research in the Lake Tahoe Basin."

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(CONT)

merely procedural prerequisites for filing an appeal and do not speak to frivolity. 13.9.3 is the determination to be made by the Board in its decision to approve or deny an appeal. The way this section currently is written, a determination of “frivolous” is equivalent to a determination that the appeal is not meritorious. But the section reads “TRPA staff shall make a recommendation to the Governing Board on the merits of the appeal, including whether the appeal is frivolous as defined in subsections 13.9.2 through 13.9.4.” The quoted language implies that in addition to making a recommendation on the merits, the staff will further make a recommendation regarding frivolity. What is the purpose of determining an appeal is frivolous? As stated above, the two procedural prerequisites, 13.9.2 and 13.9.4 are either met or not for purposes of filing an appeal in the first place. Section 13.9.3 is defines the scope of the appeal for purposes of the Board determination. Further, the language regarding the Board’s consideration of the staff recommendation should be deleted. The Board always considers staff recommendations; there is no reason to seemingly add greater weight to a staff recommendation for appeals.

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(cont)

(7) Wording such as “encourage” and “promote” need to be carefully reviewed and replaced with more mandatory language as appropriate. TRPA should be requiring achievement and maintenance of thresholds, not allowing policies that merely “do not interfere with” the achievement and maintenance of thresholds. (The same is true for use of “should” and “shall”.) For example, following is a draft of a proposed revision for Goals & Policies relating to air quality.

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#### **AIR QUALITY**

Poor air quality poses a risk to human health and reduces the public’s enjoyment of the natural environment. Air pollution also degrades ecosystem integrity and impairs water quality. Maintaining and improving air quality will protect the quality of life for residents and visitors, maintain the Region’s tourism economy, and attain multiple thresholds.

The TRPA Bi-State Compact recognizes air as a natural resource and requires that TRPA establish environmental threshold carrying capacity standards for air quality. The Bi-State Compact directs TRPA to develop a land use plan that considers air resources, as well as a transportation plan that reduces air pollution from motor vehicles. TRPA is also required to attain federal, state, and local air quality standards for the portions of the Region in which they apply. The Air Quality Subelement, along with the Transportation Element, establishes Goals and Policies to achieve and maintain TRPA’s air quality threshold and all applicable federal, state, and local standards for air quality.

## **GOAL AQ-1**

**□ ATTAIN AND MAINTAIN AIR QUALITY IN THE REGION AT LEVELS THAT ARE HEALTHY FOR HUMANS AND THE ECOSYSTEM, ACHIEVE AND MAINTAIN ENVIRONMENTAL THRESHOLDS AND PROTECT RESIDENTS' AND VISITORS' VISUAL EXPERIENCE.**

□ It is intended that implementation of the control measures contained in the Air Quality Subelement and other TRPA programs will lead to attainment of the TRPA threshold standards and will also lead to attainment and maintenance of federal and state air quality standards.

### **POLICIES**

**□ AQ-1.1 COORDINATE WITH OTHER AGENCIES AND JURISDICTIONS TO REDUCE EMISSIONS, EXPOSURES, AND HEALTH AND ENVIRONMENTAL RISKS WHEN DEVELOPING AND IMPLEMENTING PROGRAMS, PLANS, AND PROJECTS.**

The Regional Plan will facilitate cooperative efforts that efficiently attain and maintain air quality threshold standards, and federal and state air quality standards.

### **AQ-1.2 REDUCE SOURCES OF POLLUTANTS THAT DEGRADE VISIBILITY. □**

Some air pollutants, such as fugitive dust and wood smoke, degrade visibility as well as harm human or ecosystem health. The Regional Plan will control those pollutants to minimize their impact on visibility, as well as their impact on human or ecosystem health.

### **AQ-1.3A REDUCE EMISSIONS FROM MOTOR VEHICLES AND OTHER MOTORIZED MACHINERY IN THE REGION.**

Significant emissions of air pollutants including green house gases (GHG)s are produced by automobiles, motor vehicles and other gas powered machinery in the Region. The Land Use Subelement and the Transportation Element contain Goals and Policies to reduce the amount of air pollution generated from motor vehicles in the Region.

Additionally, TRPA shall pursue other feasible and cost effective opportunities to reduce emissions from motor vehicles and other gas powered machinery in the Region.

### **AQ-1.3B REDUCE EMISSIONS FROM GAS APPLIANCES.**

Additional emissions of air pollutants are produced by building appliances. TRPA shall seek feasible and cost effective opportunities to reduce emissions from gas appliances in the Region.

### **AQ-1.3C REDUCE EMISSIONS THROUGH BUILDING EFFICIENCY.**

Construction of energy efficient buildings, replacement of energy inefficient buildings, and improvements to the efficiency of existing buildings can significantly reduce air pollutant emissions in the Region. TRPA shall seek feasible opportunities to promote energy efficient buildings in the Region.

**AQ-1.4 REDUCE EMISSIONS FROM WOOD BURNING STOVES IN THE REGION, AND REQUIRE WOOD STOVES TO COMPLY WITH CURRENT EPA EMISSIONS STANDARDS BY 2020.**

□ Older, less efficient wood burning appliances emit more air pollutants than newer, more efficient appliances. A faster rate of replacement of old inefficient wood burning appliances with newer cleaner burning technology will benefit attainment of the air quality threshold standards.

**AQ-1.5 REDUCE AIR QUALITY IMPACTS FROM CONSTRUCTION AND PROPERTY MAINTENANCE ACTIVITIES IN THE REGION.**

**AQ-1.6 REDUCE THE AIR QUALITY IMPACTS OF PRESCRIBED BURNING, OR NON-BURNING METHODS OF REDUCING HAZARDOUS FOREST FUELS, WHERE PRACTICAL.**

**GOAL AQ-2 □**

**MAINTAIN AN EFFECTIVE AIR QUALITY MITIGATION PROGRAM FOR THE REGION.**

Administer a program that effectively mitigates significant air quality impacts resulting from new projects or changes in use. Under the mitigation program, impact fees and mitigation measures are among the strategies to address significant impacts.

**POLICIES**

**AQ-2.1**

**IN ADDITION TO OTHER POLICIES AND REGULATIONS INTENDED TO MINIMIZE AIR QUALITY IMPACTS OF DEVELOPMENT, COLLECT AND EXPEND AIR QUALITY MITIGATION FEES TO OFFSET LOCAL AND REGIONAL AIR POLLUTION, BASED ON THE POLLUTANT TYPE AND IMPACT**

**GOAL AQ-3**

**IMPLEMENT AND CONTINUOUSLY OPERATE A ROBUST AIR QUALITY MONITORING NETWORK**

TRPA will monitor air quality and visibility and, based on the monitoring data, will propose amendments to the Regional Plan to assure compliance with TRPA threshold standards and federal, state, and local standards for air quality, water quality, and visibility.



**From:** Larsen, Robert@Waterboards [<mailto:Robert.Larsen@waterboards.ca.gov>]  
**Sent:** Wednesday, October 31, 2012 12:14 PM  
**To:** Shay Navarro  
**Cc:** Smith, Doug@Waterboards  
**Subject:** Area Plan issue

Shay – do you have time this afternoon to discuss the area-wide treatment requirements? We remain concerned about this section:

- a. Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs and must infiltrate the 20-year, one-hour storm;

This does not give local government the needed flexibility to develop area-wide systems to maximize pollutant load reduction. We suggest redrafting to read:

- a. Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs. The water quality benefits of area-wide BMPs shall be evaluated in the context of local government Load Reduction Plans and compliance with applicable TMDL requirements.

Something like this would allow local government to design facilities that might not infiltrate the 20-year, 1-hour but will reduce overall pollutant loading in a manner consistent with their PLRPs and SLRPs.

Robert Larsen  
Staff Environmental Scientist  
530-542-5439

Lahontan Water Board  
2501 Lake Tahoe Blvd  
South Lake Tahoe, CA 96150

RL  
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**Attachment B**

**Comment letters from Agencies, Organizations and Individuals**



## BOARD OF COMMISSIONERS

1594 Esmeralda Avenue, Minden, Nevada 89423

Steve Mokrohisky  
COUNTY MANAGER  
775-782-9821

**COMMISSIONERS:**  
Lee Bonner, CHAIRMAN  
Nancy McDermid, VICE-CHAIR  
Michael A. Olson  
Doug Johnson  
Greg Lynn

November 6, 2012

Norma Santiago, Chair  
Governing Board  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449

**RE: Douglas County Letter of Support for Final Draft TRPA Regional Plan Documents**

Dear Madame Chair:

On behalf of Douglas County, I am writing this letter to encourage the Tahoe Regional Planning Agency (TRPA) Governing Board to take the following action on December 12, 2012:

- Adopt the 2011 Threshold Evaluation Report
- Certify the Regional Plan Update Final Environmental Impact Statement (EIS)
- Adopt the 2012 Lake Tahoe Regional Plan
- Adopt the 2012 TRPA Code of Ordinances
- Certify the Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy Final Environmental Impact Report (EIR)/EIS
- Adopt Mobility 2035: Regional Transportation Plan

The final draft documents released on October 24, 2012, represent the important work that was done and the consensus that was reached through the Regional Plan Update Committee and Bi-State Working Group.

In order to ensure that there are no delays in moving forward, I would recommend that any new issues that are raised be placed on Attachment 5, *Preliminary List of Priority Projects*, of the Lake Tahoe Regional Plan and addressed at a later date. The Preliminary List of Priority Projects was developed to acknowledge issues that need to be addressed following the adoption of the Regional Plan.

With that being said, I would like to thank the TRPA and Tahoe Transportation District staff for the tremendous work and effort that has been put forth to finalize all of the documents. It was a truly monumental effort that should be applauded and will ultimately help to ensure a more prosperous future for the Lake Tahoe Region.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Mokrohisky". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Mokrohisky".

Steve Mokrohisky  
County Manager

cc: Nancy McDermid, Vice-Chair, Board of Commissioners  
Joanne Marchetta, Executive Director, TRPA  
John Hester, Planning Manager, TRPA  
Arlo Stockham, Regional Plan Update Coordinator, TRPA  
Carl Hasty, District Manager, Tahoe Transportation District  
Mimi Moss, Community Development Director



Tahoe Regional Planning Agency  
128 Market St.  
Stateline, NV 89949

October 23, 2012

**Subject: Concerns Regarding Regional Plan Update Process, Bi-State Agreement, and Threshold Evaluation Report**

Dear Members of the TRPA Governing Board and Staff,

TASC would like to thank TRPA Board members and staff for the opportunity to provide further comments on the Regional Plan Update (RPU) process. We look forward to reviewing the Final documents that will be made available on October 24<sup>th</sup>. However, at this time, we would like to provide additional comments regarding the RPU process and environmental thresholds. We also herein incorporate comments submitted by the Friends of the West Shore (FOWS) and Ellie Waller.

Additionally, TASC objects to the Bi-State Agreement. It was negotiated behind closed doors, and all but two organizations among the conservation community were not consulted. The Bi-State Agreement's focus is on more development, more coverage, and more burdensome requirements for the public to participate in project and plan approval processes, rather than on threshold achievement and maintenance, as the RPU should be focused on. The Agreement also essentially approves the wholly inadequate RPU environmental impact analysis and the statistical abuse used in the draft 2011 TER to support desired RP updates. TASC does not support allowing such an insufficient, carefully manipulated and technically lacking environmental review to be relied upon for the approval of the new Regional Plan.

The following letter addresses these concerns:

- I. Environmental Thresholds and the TRPA Compact**
- II. History of TASC involvement**
- III. Post RPU Adoption "To Do List" - Cumulative Impacts**
- IV. TASC Objects to the Delegation & Appeals Process**
- V. 2011 Threshold Evaluation Report**
- VI. Lack of Threshold Monitoring**
- VII. Final 208 Water Quality Plan**

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurel Ames".

Laurel Ames,  
Tahoe Area Sierra Club

## I. Environmental Thresholds and the TRPA Compact

As our collection of comments related to TRPA's thresholds, Regional Plan Update, proposed RP amendments, etc., show, for the last ten years, TASC has consistently raised the same point: the basis for everything we do in the Basin should be achievement and maintenance of the environmental thresholds. The Compact required the thresholds be achieved and maintained. The Compact also required TRPA adopt and implement a Regional Plan that would achieve and maintain the thresholds while allowing for orderly growth and development (Article I(b)).

Unfortunately, TRPA's actions have consistently gone against the original intent of the Compact. Rather than putting the environment first, TRPA has often take actions *as if* the Compact required TRPA to approve growth first, then simply document whether it affected the thresholds in some way.<sup>1</sup> Alternatively, TRPA has often claimed findings have been met that a project or plan will achieve and maintain the thresholds based upon faulty environmental review or careful misinterpretation of information (see all documents related to the Shorezone EIS and subsequent lawsuit, the Homewood Master Plan EIS and subsequent lawsuit, etc.).

Worse yet, the Regional Plan Update process, which was supposed to first update the thresholds to reflect current scientific understanding and conditions *before* considering a new Plan, has not only combined these two actions together<sup>2</sup>, but in essence, has placed the Plan's update before the threshold evaluation and update. This backwards approach is not only reflected in the carefully written draft 2011 Threshold Evaluation Report (TER), which clearly sets the stage for the desired Plan changes,<sup>3</sup> rather than providing an objective, scientific evaluation of the environmental thresholds, but also by the 'due dates' for public comment. TRPA required comments on the draft EIS/R documents to be submitted by 6/28/2012, while providing another month to submit comments on the draft 2011 TER (due 7/25/2012). Thus, the public was forced to either bypass the draft TER altogether and focus on the Regional Plan –missing what should be the entire basis for TRPA's Regional Plan – or, to scramble and attempt to review all documents together, which collectively exceeded over 5,000 pages, in just 60 days.

Additionally, subsequent Board meetings, including RPU Committee meetings, have primarily focused on Plan amendments and issues. Little, if any, discussion has occurred regarding the status of the thresholds, or the impact the proposed Plan amendments would have on the thresholds. Further, absent from any documents or discussions are any attempts to determine *how* thresholds will be achieved and maintained. Rather, as noted in our June, July, and August 2012 comments to the TRPA, the TER relies on

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<sup>1</sup> In fact, some of the proposals in the new RPU are indicative of this view. For example, TRPA has in some cases stated a project or Plan amendment must "not interfere with" threshold achievement and maintenance. However, the Compact clearly required the Plan, as amended, must help achieve and maintain thresholds. Judge Carlton agreed in his final opinion on the Shorezone lawsuit.

<sup>2</sup> In April 2012, TRPA released the draft 2011 Threshold Evaluation Report, draft RPU EIS, and draft RTP EIS/R documents at the same time.

<sup>3</sup> This is carefully documented in our comments submitted on June 28, 2012, with Friends of the West Shore and the League to Save Lake Tahoe.

manipulated statistics and inappropriate ‘trends’ to provide favorable threshold conclusions, thus suggesting we really don’t need to do anything as the standards are fine and will magically remain so. In other cases, TRPA relies on ‘assumptions’ that because one source of pollution is expected to improve due to advanced technology and regulations (e.g. tailpipe emissions), everything will somehow continue to improve, and we will all be breathing healthy air by 2035, so TRPA needs not do anything. This ignores the fact that our pollution levels have not simply followed auto emissions, that there has not been adequate, and in some cases *any*, actual monitoring in the Basin for years. This also ignores the need for healthy air prior to 2035.

The air quality thresholds are just one example of where TRPA has failed to determine how it will achieve and maintain thresholds. As noted in our multiple comment letters, TRPA fails to determine how it will address other thresholds as well. Instead, negotiations and most public hearings are focused on the proposed regulations, rather than the purpose of them and what they are supposed to be achieving.

In conclusion, the RPU process has utterly failed to follow the intent of the Compact and put the thresholds first.

### **History of TASC involvement**

TASC would also like to remind TRPA Board members and staff that we have spent countless hours and over ten years working with TRPA to try to support achievement and maintenance of the thresholds. There has been a misperception by some that we have not participated adequately, or not raised our concerns until late in the process. However, this is simply not true. TASC volunteers, members, and consultants, have participated in TRPA’s processes related to thresholds and the Regional Plan Update, for over ten years.<sup>4,5</sup> TASC has frequently met with TRPA staff, addressed the TRPA Governing Board, submitted extensive comments, and coordinated with other conservation and community groups repeatedly to provide an alternative Plan for inclusion in the RPU EIS. The attached list of comments reflects our extensive involvement in the process. Of note is that a review of TASC comments, written and verbal, illustrates the consistency of our position: thresholds first. TRPA needs to perform a comprehensive, objective, scientific review of the thresholds. We have asked for this for over a decade. Other groups that were formed before TASC (e.g. the League to Save Lake Tahoe) have asked for this even before 2002. TRPA’s own threshold report recommendations have consistently stated the need to scientifically assess certain thresholds, to implement certain control measures, to identify problems and sources and develop new measures to address them, to amend the RP as needed to help achieve and maintain the thresholds based on new scientific information, and so on (examples and more detailed discussion were provided in the

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<sup>4</sup> We included extensive copies of written documents in our attachments to the 6/28/2012 comment letter. Attachments are posted on TRPA’s own website at:

[http://www.trpa.org/RPUEISComments/5\\_Comment%20References/LTSLT\\_FOWS\\_TASC\\_references/](http://www.trpa.org/RPUEISComments/5_Comment%20References/LTSLT_FOWS_TASC_references/)

<sup>5</sup> The League to Save Lake Tahoe has also been participating for over ten years, and the Friends of the West Shore began participating in 2009 when it was formed, although current FOWS board members participated before 2009.

6/28/2012 comments submitted by TASC, FOWS, and the LTSLT). Yet most of these tasks were delayed until the RPU...which then delays them even further. Instead, a new Plan is proposed that perpetuates the use of incorrect and outdated scientific information, inadequate technical understanding of sources, inappropriate or simply undeveloped control measures, and extensive development that will only further harm thresholds. Thus, we again ask, when will TRPA perform an adequate scientific review of the threshold standards?

Examples of TASC's lengthy, long-term participation in the RPU process include, but are not limited to:

- **2011/2012 - RPU Committee Meetings:** As illustrated in the attached copies of verbal comments made by TASC at the RPUC meetings, TASC volunteers attended most of the RPUC meetings and provided extensive comments and feedback, raised questions, and provided suggestions for consideration by the Committee.
- **October 2010:** One of the most comprehensive submissions of our input to TRPA includes the set of RP matrices we submitted on October 13, 2010, representing a proposed Conservation Alternative to be included in the RPU EIS. This alternative was provided using the same format TRPA was using to represent RPU alternatives at the time, and included carefully-worded policy language, etc., so that our ideas and proposals would be very clear and easily transferrable for TRPA staff to include in the RPU alternatives. Prior to this large submission, TASC met with TRPA staff numerous times in 2010 alone to discuss specific RPU issues, proposed policy language, etc., providing both verbal and written feedback, discussion, and proposed approaches to TRPA. Unfortunately, our alternative was not included in the RPU EIS.
- **May 2007:** TASC presented another large submission included our comments on the draft 2006 Threshold Evaluation Report (TER) and EA (May 18, 2007). TASC worked with Sierra Forest Legacy and the League to Save Lake Tahoe to provide a careful, detailed review and set of comments on the 2006 TER and EA documents at that time. Rather than address our comments, TRPA instead decided to abandon the EA associated with the report and simply 'adopt' the 2006 report.<sup>6</sup> In exchange, TRPA promised to analyze the thresholds more objectively and thoroughly in an EIS associated with the Regional Plan update. We were not pleased with this arrangement, but shifted our efforts to continued participation in the RPU process, working with TRPA staff and representatives to help prepare for the threshold updates and eventually, new Regional Plan that would achieve and maintain them.

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<sup>6</sup> See document on TRPA's website at link below. Letter was originally submitted with our 6/28/2012 comments.

[http://www.trpa.org/RPUEISComments/5\\_Comment%20References/LTSLT\\_FOWS\\_TASC\\_references/Ltr\\_USACE\\_re\\_Modified\\_TH\\_Approval\\_Process\\_13Jun07\\_FINAL\\_2\\_.pdf](http://www.trpa.org/RPUEISComments/5_Comment%20References/LTSLT_FOWS_TASC_references/Ltr_USACE_re_Modified_TH_Approval_Process_13Jun07_FINAL_2_.pdf)



- **Pre-2007 TRPA Pathway 2007 Technical Working Groups (TWGs):** Soon after adoption of the 2001 Threshold Evaluation Report in 2002, TRPA began a process to update the Regional Plan in 2007. This process was eventually termed “Pathway 2007” or “P7”. Initial stages of this process included the development of numerous resource area TWGs where experts were invited<sup>7</sup> to participate in science-based discussions regarding threshold standards. TASC requested membership, on a volunteer basis, on each TWG and assigned knowledgeable representatives to a majority of the TWGs (see attached list).

Attachments include:

- List of comments made by TASC representatives to TRPA Governing Board since 2002 on thresholds, Regional Plan amendments, and the Regional Plan Update.
- List of written comments and other documents submitted by TASC and FOWS to TRPA regarding the thresholds, Regional Plan amendments and the RPU.
- List of TASC member participation in TRPA processes related to the RPU

### **Post RPU Adoption “To Do List” - Cumulative Impacts**

As part of the RPUC meeting outcomes, GB discussions, and Bi-State Agreement follow-up, the TRPA has developed a “To Do List” which contains a list of actions recommended for action after adoption of the new RP, which is scheduled for hearing on 12/12/2012.

The most recent list available is dated 8/31/2012, and includes 28 items. The items vary from relatively minor recommendations, e.g. developing an urban bear strategy, to major changes that could easily impact the basis for the Regional Plan – the threshold standards. Examples of recommendations that could affect the entire Regional Plan, upon scientific evaluation, include, but are not limited to, recommendations to evaluate and presumably change development transfer ratios, the coverage management system, and floodplain identification. Each of these issues currently stand in the way of even more future development, and have been discussed in great detail in the recent months.

First, given one of TRPA’s claims regarding the increased development allowed by the proposed RPU Alternative is that the extra commodities created for development purposes and available for developers are intended to ‘incentivize’ the transfer of coverage from more sensitive lands. Such a program relies on transfer ratios. Thus, TRPA has proposed in the To-Do list an amendment based on transfer ratios that it will not evaluate until after adoption of the new Plan. Critical questions are obvious and include, but are not limited to:

- What are the environmental impacts of the proposed transfers?

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<sup>7</sup> Some were paid via contract, others volunteered.

- How many “inadequate” transfers might be made before a correct analysis of transfer ratios is completed?
- What are the environmental impacts of allowing the proposed transfers until that date?
- What percentage of the transfers permitted will be “paper” coverage (created when the amount of coverage that would be permitted, but does not exist, is transferred without requiring restoration)?

Second, in violation of both NEPA and CEQA<sup>8</sup>, both of which require all “foreseeable” actions to be included in the EIS/R, important threshold values that should be identified and protected are left to another day.

Sensitive soils, from which transfers are “incentivized”, will clearly benefit, if protected and managed for their function in water quality, scenic, vegetation protection, and flood attenuation. Functional soils improve water quality, forest health, and provide a myriad of other benefits. Paved over soils do not, and in fact, result in additional polluted stormwater runoff to the tributaries and the lake. When soils are covered, they are not functioning naturally. “Incentives” for removal of coverage should clearly define that the coverage to be removed actually exists.

It remains a concern that the “incentives” program may not produce a meaningful increase in acres of functioning sensitive lands, including SEZs. The TRPA tracking system must include tracking of incentivized transfers in terms of actual coverage removed and restored, and specific notation of the land capability of the land to which it is transferred.

The To-do list also recommends an evaluation of the coverage management program proposed in the RPU. Presumably this is because the DEIS and now the to-be released FEIS will not have adequately assessed and reported, through factual on-site monitoring, the impacts of current transfers. As we have pointed out for the past ten years, information has been available for over 30 years regarding the extent to which the Basin’s soils can be covered before too much damage is done (Bailey 1974). The threshold standard for soils required a reduction in coverage and restoration of soils. As TRPA’s TERs note, we still have not met these requirements. Yet instead of developing a plan for doing so, TRPA instead skews the situation, uses the draft 2011 TER to report under a completely new methodology that would allow significant *increases* in coverage (see our official comments submitted in June and July, 2012, on this topic). However, this post-RPU adoption “To Do” list includes a recommendation to review how coverage is managed. Again, what are the impacts of the proposed Regional Plan on the soil threshold? The RPU DEIS did not evaluate this. Further, what impacts will result between the time the new RPU is adopted and extensive increases in coverage are permitted and the time TRPA will perform a study of and recommendation for a change in coverage management?

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<sup>8</sup> NEPA: 40 C.F.R. § 1508.25(c)(3), 40 C.F.R. § 1508.7, 40 C.F.R. §§ 1508.8, 1508.9, 1508.27. CEQA: PRC §15065(c).

The third example relates to flood plains, which TRPA has suggested could be further developed. Clearly, further incursions into mapped or unmapped floodplains will have adverse impacts. TASC has submitted extensive comments related to flood plains, and the lack of adequate consideration provided by TRPA regulations and proposals. TASC has also submitted questions regarding the impacts of climate change, which scientists forecast will result in more extreme weather events, including flooding. Assuming the TRPA is not a climate-denial agency, the dangers both to people and to the fragile SEZ lands and their buffers must be protected. These are foreseeable future actions that would impact soils, SEZ, scenic, vegetation protection, and public property, even potentially, lives. What has not been revealed in the DEIS and presumably the FEIS, includes:

- What are the impacts of not protecting our historic floodplains?
- What are the impacts of further developing historic floodplains?
- What level of flooding must be accommodated in the future due to climate change, and how will this be done?

TRPA has not analyzed the above. In summary, the concept of a post-adoption “To Do” list raises extensive questions regarding the adequacy of TRPA’s EIS review, the RPU process, public opportunities to participate in RP amendments, and the ability to properly evaluate all cumulative impacts of the proposed Plan.

The post-RPU approval To Do list; which looks like a parking lot of issues that were unable to be resolved by the Bi-State process in order to be considered for the Regional Plan Update, is unacceptable.

The TASC urges the TRPA to assure legitimacy of its EIS by including what are clearly Basin-wide policies that could adversely impact the environment and the threshold standards. To put these foreseeable impacts and not include them at this time may be interpreted by the agency to permit a new baseline for determining the significance of the impact.

### **TASC Objects to Delegation and Appeals Process**

It is important to note that the 1980 Bi-State Compact was revised from the 1969 Compact due to the utter failure of the local governments, which dominated the TRPA, to take any actions to protect the Tahoe ecosystem. Thus, TASC believes that reversing that Congressional intent, and delegating permitting and planning authority back to the local governments, with no evidence to support some wise record of stewardship on their part for delegation, is fraught with threats to the Tahoe basin environment, and to the Compact.

Associated with Alternative 3 and the Bi-State Agreement is the development of this new delegation and appeal process between TRPA and local governments. There has been extensive discussion among Board members, TRPA staff, and members of the public regarding these changes, and what they truly mean. TASC objects to the concept of delegating more authority to local governments and questions whether such delegation is

a valid exercise of TRPA's project-approval duties. It appears to TASC that the proposed appeals process is badly flawed and appears to unreasonably restrict the public's right to appeal. TASC has the following questions and concerns regarding the process, as outlined in the Bi-State Agreement.

#### Delegation and Permitting:

- According to the Bi-State Agreement, a local government will develop an Area Plan, and take the Area Plan to TRPA for GB approval. The Area Plan will have to meet TRPA's Regional Plan requirements and require TRPA's findings be made by the local government. Upon approval, the Area Plan will become 'part' of TRPA's Regional Plan. Is this correct?
- Given the previous question, how many permits would be issued for a Project by the local government? One? Or two – one for the local entity, and one for TRPA?
- The TASC interests in the projects are regarding the environmental impacts. Since Nevada has no state requirements to analyze environmental impacts, it's not at all clear how the appeal process at the local level in Nevada is to proceed.
- How will TRPA determine which permits to "sample" annually, as stated in the Bi-State Agreement, what number constitutes a sample, what are the criteria for conformance, and what are the criteria for a review as stated in 1.a):  
*"The TRPA Governing Board shall annually review a sample of permits issued within each Area Plan, and shall certify that the Area Plans are being implemented in Conformance with the Regional Plan."*

#### Appeals

- It appears that members of the public concerned with a project approved by a local jurisdiction would, under the proposal, need to exhaust remedies under the local approval process, going first to the planning commission or analogous planning agency and then appealing to the next level of the local jurisdiction, e.g., the board of supervisors, commissioners, or city council. Thus, the proposed delegation process requires concerned citizens to go through 2 levels of local government before it can even contemplate getting the project before TRPA, where it belongs under the Compact. This would create a significant additional burden on public involvement in development proposals in the Basin.
- TASC objects to the proposed \$1,000 fee to file an appeal to the agency that, under the Compact, has a legal duty to review, approve, and make findings about all projects other than those involving gaming structures. TRPA's delegation of authority to local governments should not result in exorbitantly increased costs and burdens on members of the public.
  - What specifically will be considered adequate 'exhaustion' of local appeal remedies?
  - Will appellants have to identify every single issue of concern at this stage? In other words, even before the project is presented to the TRPA, will a citizen be expected to cover all of the issues she/he might want to raise at the TRPA level, forcing a very early examination of any and all issues that

might pertain to the project at a stage when it is before a local government entity that may not have the resources or expertise available to evaluate regional impacts outside of the entity's legal jurisdiction, or TRPA-specific threshold standards that are different than local regulations?

- The Bi-State Agreement states (II) *“F. Within 60 days after receipt of an appeal, TRPA staff will make a recommendation on whether the appeal is frivolous as defined in II A, B, and C. This recommendation will serve as the basis for the TRPA Governing Board in its decision to proceed with an appeal hearing. The voting structure for appeal decisions will be the same as project votes before the Governing Board as defined in the Compact.”*
  - The “frivolity finding” requires the appeal to be dismissed as frivolous unless it “objectively complies with II A, B, and C in the Bi-state agreement.” How does this new process compare to the requirements in the Compact?
  - We are also concerned that the agency that the public is appealing to can dismiss said appeal under the claim it is ‘frivolous.’ This negates any objective determination of whether an appeal is frivolous.
- The Bi-State Agreement states:
  - i. A clearly written statement explaining the grounds for appeal.*
  - ii. A \$1,000 TRPA appeal fee (with the local government appeal fee not to exceed the TRPA fee for appeals.)*
  - iii. Appellants are required to provide documentation to support their claims, and the applicant or lead agency may also augment the record.*
- What must a “clearly written statement explaining the grounds for appeal” include?
- What type(s) of documentation are required by appellants to “support their claims”?
- Will appellants be required to identify every issue that they may want to raise at this early stage in the process? If so, how can appellants possibly identify every issue that may be raised at the TRPA level when a project has only gone to the local entity for approval? This appears to ask members of the public to guess the future.
- If a local government approves a project under an approved Area Plan, what are the appeal options?
  - It appears the public would first have to exhaust all local appeal processes. Is this correct?
  - This appeal would have to focus on whether the project meets the Area Plan. Is this correct?

- If a project is appealed at the local government and all remedies are exhausted, then the public must appeal to TRPA; however, this appeal can only examine whether the project meets the Area Plan, and not the environmental impacts that may arise in different situations. Is this correct?
- What are the public's options for appealing a project that it does not meet TRPA Compact requirements? What are the options when the public does not agree that evidence and/or environmental review has been adequate and thus findings can not be made?

### Level of Environmental Review

- Which entity will decide the level of environmental review required for a Project? Who will determine the level required to meet CEQA and NEPA, as applicable, and TRPA's Compact requirements?
- At what point, and through what process, can the public object to a decision related to the level of environmental review? If the intent of the process is to "encourage early and consistent engagement," does this mean the local government will inform the public of the intended level of environmental review in advance, and engage the public in a robust discussion of the issues the public could raise?
- How will this affect appeals? Will the public have to appeal both a CEQA-related decision to the local government AND appeal TRPA Compact-related decisions to TRPA? Won't this double the workload and the cost for the appellants? How will this affect timelines (another stated goal in the Bi-State Agreement)? In other words, what are the timelines associated with appealing a project under CEQA versus under the TRPA Compact? Also, NEPA, where applicable? Will they stumble all over each other?

### ***III. Appeal Process Goals***

- A. *Eliminate frivolous appeals and appellants "laying in wait" by encouraging early and consistent engagement.*
- B. *Increase procedural certainty and timeliness (irrespective of outcomes).*
- C. *Establish that project-by-project negotiation should not be the Governing Board's default position.*

### **2011 Threshold Evaluation Report**

TASC reiterates concerns regarding the 2011 Threshold Evaluation Report. It is at this time unclear if or how TRPA will respond to comments on the 2011 TER. Comments on the draft were included in our 6/28/2012 comments and expanded on in our 7/25/2012 comments. However, there has been little to no Board discussion of the threshold report. Instead, it appears that TRPA staff have assumed the Board finds the report acceptable,

and has simply moved on to policy questions of concern. Yet the Compact mandates the thresholds be the first consideration.

### **Lack of Threshold Monitoring**

As noted in our comments on the RPU documents and the draft 2011 TER, TRPA has failed to adequately monitor thresholds. First and foremost, how can we know the status of the environmental thresholds if we are not monitoring them? E.g. What are ozone levels in South Lake Tahoe like? What are the current CNEL levels in Kings Beach? What are the chemical constituents in streams above and below the more urban areas of the Basin? What pollutant loading is entering Lake Tahoe as a result of pipe outfalls? How will proposed increases in development affect the threshold standards? Are they already being exceeded? If so, how will the new RP help achieve and maintain them? Further, without a regional analysis, if decisions are left to the local jurisdictions as proposed in Alt. 3 and the Bi-State Agreement, how will one local jurisdiction adequately analyze the environmental impacts on thresholds if there are no local monitors?

Unfortunately, it appears TRPA has taken three approaches to threshold monitoring:

1. Don't monitor.
  - a. If we don't measure a violation, then it doesn't exist.<sup>9</sup>
2. Monitor just a little.
  - a. Enough to say thresholds are being monitored but not enough to really tell us what's going on and what needs to be done.<sup>10</sup>
3. Use models and make assumptions.
  - a. There has been a great shift away from actual on-the-ground monitoring, to instead relying on computer models and forecasts.<sup>11</sup> But without monitoring data to confirm the models' predictions, they are almost useless. Further, models are intended to be a tool to help plan for the future, but are not meant to replace measurements of what is going on in the present. Consider the weather forecasts – models predict what the weather will do, and are often wrong; regardless, we still have many meteorological stations measuring actual weather conditions. Thus, modeling what air quality or water quality is expected to be like 'next month or year' without actually measuring air or water quality parameters would be like relying on the weather forecast from last month to assess what's happening today. This may sound ridiculous – but it's the same concept.

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<sup>9</sup> E.g. ozone. See our comments on the 2011 Threshold Evaluation Report and RPU/RTP draft documents.

<sup>10</sup> E.g. carbon monoxide. Another example includes stream monitoring in LTIMP, where significant cuts have been made in the last two years.

<sup>11</sup> For example, the DEIS relies on California EMFAC models for vehicle emissions, on the TMDL models for water quality conditions, traffic noise models for roadway noise, etc.

We have reiterated this time and time again for many years. Often, TRPA has said funding is one of the limitations. However, the RPU alternatives fail to analyze any alternative means to raise money to support threshold monitoring. Perhaps more important, the RPU alternatives do not include requirements which tie development approvals to *monitored* threshold conditions, or require that monitoring be adequate in order to be able to analyze the impacts of more development. Yet approvals have not been tied directly to measurements. For example, residential development has generally been approved based on IPES scores, which are based on modeling, the implementation of EIP projects, BMP compliance, etc., rather than measurements of conditions in the area that will be affected by the new homes. Projects that will increase VMT or other sources of air pollution are not tied to measured air quality conditions in the area. Projects that will increase noise sources are not tied to measured noise in the affected area.

Although over the years, there have been attempts to improve monitoring, these are often later tossed aside by attempts to rely on other agencies' monitoring (which is not necessarily geared towards TRPA's threshold standards, or is temporary, etc.), or monitors are removed and not replaced. This is then simply ignored, or carefully avoided (for example, see our comments on the draft 2011 TER and RPU EIS regarding failure to mention current conditions). When this happens, TRPA and others attempt to refer back to old data even years after the fact (as noted in our comments on the 2011 TER and RPU documents). Either way, since 2006, a great deal of the monitoring that was being performed has been consistently reduced or eliminated, and more value has been given to *modeling* than measuring. Rather than address what should be a primary requirement to move forward, TRPA proposes to instead perpetuate this problem by allowing even more development without any requirements for adequate monitoring.

Further, there are two types of monitoring – current conditions (e.g. ozone levels) and research-related monitoring (e.g. what are sources of chemicals that form ozone). First, as noted above, TRPA has failed to adequately perform continuous monitoring of current conditions that pose an immediate impact, like air quality. However, although suggested by the public and other researchers for years if not decades, TRPA has also failed to focus on research-related monitoring, which is necessary to determine the sources of pollution, how pollution moves and changes throughout the Basin, and thus, what must be done to reduce pollution in order to attain threshold standards. Instead, the documents often assume a source is responsible for the pollution, and focus efforts on those sources. This unfortunately neglects other sources and causes, and may lead to placing all available resources in the wrong place. This lack of research is further discussed in our June and July comments on the draft TER and RPU/RTP documents.

In summary, the RPU proposes to add significant development, increase the residential population of the Basin by thousands, increase the visitor population to a great extent, without apparent limitation, increase VMT, human disturbance, etc., all without monitoring current conditions, let alone requiring future conditions be monitored before more people and buildings are added.



### **208 Water Quality Plan**

Strangely, TRPA is releasing the “Final 208 Water Quality Plan” on 10/24/2012, yet a *draft* 208 Water Quality Plan was never provided for public review. This clearly violates TRPA’s Compact requirements for EIS documents, as well as NEPA and CEQA.

*Attachments are provided in individual, electronic files submitted with the electronic copy of this letter; a list of files is included beginning on the next page.*

10/23/2012 7/25/2012		TASC-FOWS written.verbal comments on RP Final Bi-State Agreement
04/02/2010 01:13 PM	37,834	4.2.10 TASC comments from AQ RPU meeting.pdf
10/20/2012 10:08 PM	332,721	4.23.12 FOWS RPU Comments.pdf
05/24/2010 10:29 AM	53,939	05.21.2010 Conservation Community RPU Land Use letter.pdf
05/24/2010 11:39 AM	111,583	5.24.2010 TASC & LTSLT Comments on RPU Land Use documents.pdf
10/16/2012 04:08 PM	83,968	9-20-07 to TRPA resubmitting Thr and EA cmmts.doc
11/06/2009 10:43 AM	207,220	2009.11.03 Public Records Act Request Regional Plan documents.pdf
11/06/2009 10:43 AM	202,493	2009.11.03 Regional Plan Public Process.pdf
04/29/2010 04:10 PM	394,196	2010.04.29 LTLST TASC Transportation Stakeholder Comments.pdf
05/31/2010 01:29 PM	204,492	2010.05.19 Conservation RPU LTSLT & TASC Comments.pdf
05/26/2010 07:32 AM	222,787	2010.05.25 LTLST TASC AQ FactSheet comments.pdf
05/12/2010 03:05 PM	17,091	Attchmt A for TASC & LTSLT comments on Noise RPU docs 5.12.2010.pdf
12/30/2010 09:40 AM	44,657	Conservation Alternatives Table 2010.08.16.pdf
12/30/2010 09:39 AM	30,568	Conservation_Alternative_8_16_2010.pdf
07/27/2010 07:11 PM	153,164	LTSLT & TASC ConservationSubelementFactsheetComments-7.23.2010.pdf
09/28/2009 10:57 AM	299,382	LTSLT TASC Comments & Questions on the Regional Plan Update.pdf
01/02/2008 03:20 PM	35,008	P-7 LETTER 12-4-07 JB, MD, RN.pdf
06/12/2007 02:31 PM	34,304	ROCHELLE_LETTER from TRPA 6.11.2007.doc
10/21/2012 06:10 PM	92,499	RP_Attachment 5_Preliminary List of Priority Projects_2012-08-31.pdf
10/22/2012 09:26 AM	55,808	RTP-NOP comments 9-2011.doc
05/12/2010 03:04 PM	79,715	TASC & LTSLT comments on Noise RPU docs 5.12.2010.pdf
04/15/2008 01:36 PM	606,208	TASC comments on RP_4-3-08_Version.doc
10/23/2012 11:52 AM	1,800,463	TASC GB comments April 2012, June 2012.pdf
12/30/2010 09:47 AM	1,279,095	Threshold Evaluation & Update.CC comments.May 2007.pdf
10/16/2012 04:25 PM	1,279,095	Threshold_Evaluation___Update.pdf
06/13/2007 11:10 AM	33,792	ThresholdTableOnly- attachment to 6.11.2007 letter to RN.doc
12/05/2007 09:20 AM	92,510	The Environmentally Preferred Alternative for the Regional Plan Update Dec 2007.pdf
<b>10/23/2012 02:53 PM</b>	<b>&lt;DIR&gt;</b>	<b>Conservation Alt 2010</b>
10/15/2012 06:53 PM	143,404	2010.10.12 General Recreation.pdf
10/15/2012 06:54 PM	262,863	2010.10.13 Air Quality.pdf
10/15/2012 06:55 PM	351,277	2010.10.13 Community Design.pdf
10/15/2012 06:39 PM	295,261	2010.10.13 Conservation Community RPU cover letter.pdf
10/15/2012 06:57 PM	118,649	2010.10.13 Cultural Resources.pdf
10/15/2012 06:53 PM	148,432	2010.10.13 Developed Recreation.pdf
10/15/2012 06:53 PM	137,967	2010.10.13 Dispersed Recreation.pdf
10/15/2012 06:57 PM	124,762	2010.10.13 Education Outreach.pdf
10/15/2012 06:56 PM	108,898	2010.10.13 Energy Climate Change.pdf
10/15/2012 06:57 PM	163,487	2010.10.13 Environmental Improvement.pdf
10/15/2012 06:39 PM	210,808	2010.10.13 Executive Summary Conservation Alternative Letter.pdf
10/15/2012 06:54 PM	126,685	2010.10.13 Housing.pdf
10/15/2012 06:57 PM	62,623	2010.10.13 Institutional Partnerships.pdf
10/15/2012 06:55 PM	558,223	2010.10.13 Land Use.pdf
10/15/2012 06:57 PM	180,685	2010.10.13 Monitoring Evaluation.pdf

10/15/2012 06:54 PM	75,431	2010.10.13 Natural Hazards.pdf
10/15/2012 06:54 PM	210,130	2010.10.13 Noise.pdf
10/15/2012 06:56 PM	116,316	2010.10.13 Open Space.pdf
10/15/2012 06:39 PM	432,989	2010.10.13 Ordinance Examples.pdf
10/15/2012 06:58 PM	224,787	2010.10.13 Performance Review.pdf
10/15/2012 06:57 PM	157,185	2010.10.13 Public Services and Facilities.pdf
10/15/2012 06:53 PM	105,828	2010.10.13 Recreation Education.pdf
10/15/2012 06:56 PM	153,662	2010.10.13 Scenic.pdf
10/15/2012 06:58 PM	163,155	2010.10.13 SEZ.pdf
10/15/2012 06:58 PM	256,874	2010.10.13 Soils.pdf
10/15/2012 06:57 PM	367,473	2010.10.13 Transportation.pdf
10/15/2012 06:53 PM	119,528	2010.10.13 Urban Recreation.pdf
10/15/2012 06:56 PM	235,334	2010.10.13 Vegetation.pdf
10/15/2012 06:54 PM	238,736	2010.10.13 Water Quality.pdf
10/15/2012 06:56 PM	249,629	2010.10.13 Wildlife and fisheries.pdf
<b>10/23/2012 02:53 PM</b>	<b>&lt;DIR&gt;</b>	<b>Pathway website downloads</b>
10/17/2012 09:15 AM	294,229	NOISE+Pathway+Technical+Supplement+5-07-2007.pdf
10/17/2012 09:27 AM	15,979	Pathway+2007+%c2%a0TWG+Members.pdf
10/17/2012 09:26 AM	51,348	Pathway+2007+Draft+%c2%a0Meeting+Summary+1-14-2005.pdf
10/17/2012 09:17 AM	1,368,738	Pathway+2007+Evaluation+Report+Technical++Recreation+10%2f2005.pdf
10/17/2012 09:16 AM	229,113	Pathway+2007+Evaluation+Report+Technical++SCENIC+10%2f2005.pdf
10/17/2012 09:15 AM	924,064	Pathway+2007+Evaluation+Technical+Report++Transportation+10%2f2005.pdf
10/17/2012 09:16 AM	898,587	Pathway+2007+Evaluation+Technical+Report++Vegetation+10%2f2005.pdf
10/17/2012 09:14 AM	654,126	Pathway+2007+Evaluation+Technical+Report++Water+Quality+11%2f2005.pdf
10/17/2012 09:26 AM	21,852	Pathway+2007+Forum+Agenda+1%2f14%2f2005.pdf
10/17/2012 09:26 AM	116,299	Pathway+2007+Forum+Charter+Committee+1%2f14%2f2005.pdf
10/17/2012 09:15 AM	2,632,873	Pathway+2007+Forum+Meeting+-+Wildlife+%26+Fish+12%2f2005.pdf
10/17/2012 09:24 AM	282,625	Pathway+2007+Forum+Overview+of+Technical+Working+Groups.pdf
10/17/2012 09:26 AM	22,551	Pathway+2007+Ground+Rules.pdf
10/17/2012 09:25 AM	134,001	Pathway+2007+Interest+Based+Negotiations.pdf
10/17/2012 09:17 AM	336,194	Pathway+2007+Report++Socio-economics+Resource+11%2f2005.pdf
10/17/2012 09:25 AM	18,590	Pathway+2007+Review+of+Issues+1-14-2005.pdf
10/17/2012 09:25 AM	28,482	Pathway+2007+Vision+Statement+Exercise+1-14-2005.pdf
10/17/2012 09:25 AM	17,310	Pathway+2007+Workbook+Cover+1-14-2005.pdf
10/17/2012 09:15 AM	456,579	Pathway+Evaluation+Report+Ch+10+%c2%a0Vegetation+4-05-2007.pdf
10/17/2012 09:16 AM	82,374	Pathway+Evaluation+Report+Ch+11+%c2%a0Scenic+4-05-2007.pdf
10/17/2012 09:16 AM	92,300	Pathway+Evaluation+Report+Ch+12+Recreation+3-30-2007.pdf
10/17/2012 09:17 AM	83,206	Pathway+Evaluation+Report+Ch+13+%c2%a0Socio-Economics+4-05-2007.pdf
10/17/2012 09:17 AM	38,560	Pathway+Evaluation+Report+Ch+14+%c2%a0Glossary+4-05-2007.pdf
10/17/2012 09:17 AM	21,610	Pathway+Evaluation+Report+Ch+15+%c2%a0Acknowledgements+4-05-2007.pdf

10/17/2012 09:13 AM	360,404	Pathway+Evaluation+Report+Ch+2+Background+4-05-2007.pdf
10/17/2012 09:13 AM	46,597	Pathway+Evaluation+Report+Ch+3+%c2%a0Management+Systems+4-05-2007.pdf
10/17/2012 09:13 AM	238,800	Pathway+Evaluation+Report+Ch+4+Water+Quality+4-05-2007.pdf
10/17/2012 09:14 AM	298,989	Pathway+Evaluation+Report+Ch+6+%c2%a0Air+Quality+4-05-2007.pdf
10/17/2012 09:14 AM	85,905	Pathway+Evaluation+Report+Ch+7+%c2%a0Noise+4-05-2007.pdf
10/17/2012 09:15 AM	121,201	Pathway+Evaluation+Report+Ch+8+%c2%a0Transportation+4-05-2007.pdf
10/17/2012 09:15 AM	136,662	Pathway+Evaluation+Report+Ch+9+%c2%a0Wildlife+Fisheries+4-05-2007.pdf
10/17/2012 09:13 AM	43,358	Pathway+Evaluation+Report+Ch1+Introduction+4-05-2007.pdf
10/17/2012 09:14 AM	18,854,947	Tahoe+Management+System+-+Full+Report.pdf

**10/23/2012 02:53 PM <DIR>****Scoping Comments on RPU 10-5-07**

10/16/2012 04:25 PM	77,824	Cover for 8-29 to TRPA.doc
10/16/2012 04:25 PM	88,064	Proposed AQ Aug07 8-29 CC Edits.doc
10/16/2012 04:25 PM	74,752	Proposed N Aug07 8-29 CC Edits.doc
10/16/2012 04:25 PM	60,416	Proposed REC Aug07 8-29 CC Edits.doc
10/16/2012 04:25 PM	54,784	Proposed SCENIC Aug07 8-29 CC Edits.doc
10/16/2012 04:25 PM	75,264	Proposed VEG Aug07 8-29 CC Edits.doc
10/16/2012 04:25 PM	107,008	Proposed WF Aug07 8-29 CC Edits.doc
10/16/2012 04:25 PM	142,848	Proposed WQ Aug07 8-29 CC Edits.doc
10/16/2012 04:25 PM	62,464	ProposedSOILS_Aug 07 8-29 CC Edits.doc
10/16/2012 04:25 PM	195,584	TASC & SFL Comments on EIS Scoping 10-5-07.doc

**TASC and FOWS verbal comments to TRPA Board/RPUC (as found in minutes)  
2002 - Aug. 2012**

	Date:	Person*	Comment topic/minutes (excludes comments on non-threshold items and projects objected to elsewhere e.g. Homewood)	Searchable/ Not Searchable
<b>2002</b>				
January				ns
February	2/27/2002	MD	re: 2001 Threshold Evaluation Report, disconnect between project approval and threshold attainment.	ns
March	3/27/2002	Jerry Yeazell		ns
April	3/27/2002	Michael Burgwin	re: 2001 Threshold Evaluation Report, soils disturbance	ns
May	4/24/2002	Michael Burgwin	re: 2001 TER...notes re: mitigation	ns
June	5/22/2002	Michael Burgwin	re: Compact, Environment first, not "balance"	ns
July			*** NOT AVAILABLE ONLINE *** (says minutes provided under separate cover)	ns
August	7/24/2002	MD	re: Adoption of 2001 TER	s
Sept.	7/24/2002	Michael Burgwin	re: Amendments re: BMP disclosure requirements	s
October		0		ns
Nov.	9/25/2002		2001 TER Adoption !!!	ns
December			*** NOT AVAILABLE ONLINE *** (says minutes provided under separate cover)	ns
January	10/23/2002	MD	re: scenic amendments	s
February	11/22/2002	Terry Davis	re: scenic amendments	s
March	12/18/2002	MD	re: fertilizer mgmt and scenic amendments	s
<b>2003</b>				
January	1/22/2003	Jerry Y. for MD	re: scenic amendments	s
February	2/26/2003	MD	re: lowering of IPES score when thresholds not be achieved	s
March	3/26/2003	0		s
April	4/23/2003	0		s
May	5/28/2003	MD	re: transit linkage amendments and fertilizer program (minutes in July 03 packet)	s
June	6/25/2003	0		s
July	7/23/2003	0	tree removal in urban interface	s
August	8/27/2003	0	tree removal in urban interface	s
Sept.	9/24/2003	0	tree removal in urban interface	s
October	10/22/2003	0	new ED...	s
Nov.	11/19/2003	0		s
December	12/17/2003	MD	re: Vacation Rental Ordinance/Resolution by Locals	s
<b>2004</b>				
January	1/28/2004	0		s
February	2/25/2004	0		s
March	3/24/2004	0		s
April	4/28/2004	0		s
May	5/26/2004	0		s
June	6/23/2004	0		s
July	7/28/2004	0		s
August	8/25/2004	0		s

Sept.	9/22/2004	0		S
October	10/27/2004	0		S
Nov.	11/17/2004	0		S
December	12/15/2004	0		S
<b>2005</b>				
January	1/27/2005	0		S
February	2/23/2005	0		S
March	3/23/2005	MD	re: P7 as collaborate RPU process	S
April	4/27/2005	0		S
May	5/25/2005	0		S
June	6/22/2005	0		S
July	7/27/2005	0		S
August	8/24/2005	0		S
Sept.	9/28/2005	0		S
October	cancelled			
Nov.	11/16/2005	0		S
December	12/21/2005	0		S
<b>2006</b>				
January	1/25/2006	0		S
February	2/22/2006	0		S
March	3/22/2006	0		S
April	4/26/2006	0		S
May	5/24/2006	0		S
June	6/28/2006	0		S
July	7/26/2006	0		S
August	8/23/2006	0		S
Sept.	9/26/2006	0		S
October	10/25/2006	0		S
Nov.	11/16/2006	0		S
December	12/20/2006	Marsha Burch	re: allocations and P7	S
<b>2007</b>				
January	1/4/2007	0		
February	2/28/2007	0		
March	3/28/2007	JQ, MD, SG	re: Villas (noted that the minutes lack detail here)	S
April	4/25/2007	0		S
May	5/23/2007	0		S
June	cancelled			
July	7/25/2007	0		S
August	8/22/2007	0		S
	9/27/2006	MD	re: Notice of Preparation and Scoping Hearing for the Environmental Impact Statement for the Proposed Update of TRPA's Environmental Thresholds and Regional Plan	S
Sept.				
October	10/24/2007	JQ, SG	re: CEP and amendments to Ch 33	S
Nov.	11/28/2007	SG, JG	re: CEP and Homewood	S
December	12/19/2007	0		S

2008				
January	1/23/2008	0		S
February	2/27/2008	JQ, MD, SG, JG	re: CEP program, size	S
March	3/26/2007	MD	re: Shorezone Ordinances	S
April	4/23/2008	0		
May	5/28/2008	JQ	re: transect zoning, asked for definitions of urban core/area	S
June	6/25/2008	JQ	re: Shorezone Ordinances	S
July	7/23/2008	MD	re: Code amendments re MFH and affordable housing	S
August	8/27/2008	0		S
Sept.	9/24/2008	0		S
October	10/22/2008	0		S
Nov.	11/19/2008	0		S
December	12/17/2008	0		S
2009				
January	1/28/2009	0		S
February	2/25/2009	0		S
March	3/25/2009	0		S
April	4/22/2009	MD	re: RPU workshop, wants to see alternatives before EIS	S
May	5/27/2009	MD	re: general public interest comments re: TMDL, nearshore algae	S
June	6/24/2009	0		S
July	7/22/2009	note	Packet notes TRPA meeting with Conservation Community re: RPU update	S
August	8/26/2009	0		S
Sept.	9/23/2009	0		S
October	10/28/2009	note; RG, MD, SG	HZ notes meeting with Consv. Comm. on 10/7, 10/21, and 10/26; RG and MD commented on EIS alternatives	S
Nov.	11/18/2009	0		S
December	12/16/2009	0		S
2010				
January	1/27/2010	JQ	re: SEZ Milestone for RPU	S
February	2/24/2010	JQ	re: Recreation for RPU	S
March	3/24/2010	JQ	re: presentation for RPU re: geotourism/economy	S
April	4/28/2010	0		S
May	5/26/2010	LA, JQ, SG	re: RPU issues	S
June	6/23/2010	JQ, SG	re: RPU Issues	S
July	7/28/2010	JQ, SG	re: RPU Issues	S
August	8/25/2010	JQ, LA	(note: this is the month they discussed CC comparison to Alt. 4 and whether to consider additional alternative); re: RPU Issues	S
Sept.	9/22/2010	EW, SG	EW represented all, inc. TASC; re: RPU Issues	S
October	10/27/2010		note re: 10/6 call to JQ for TASC re: RPU; JQ said they'd be submitting comments with League	S
Nov.	11/17/2010	cancelled		
December	12/15/2010	LA	re: RPU TAU	S

<b>2011</b>				
January	1/26/2011	RG, MO		S
February	2/23/2011		discussion by TRPA re: Conservation Alternative	S
March	3/23/2011	cancelled		
April	4/27/2011	0		S
May	5/25/2011	0		S
June	6/22/2011	0		S
July	7/27/2011	SG, JS	Jean Stoess for SC; RPU issues	S
August	8/24/2011	LA		S
	8/24/2011	LA	RPUC:	S
Sept.	9/28/2011	0		S
	9/28/2011	SG	RPUC:	S
October	10/26/2011	0		S
Nov.	11/16/2011	0		S
	11/2/2011	LA	RPUC:	S
December	12/14/2011	0		S
	several	RPUC:	December 6, 13, 15,	S
<b>2012</b>				
January	1/24/2012	0		S
	several	RPUC: LA, MO	January 10, 24, 26, 31, and Feb. 1	S
February	2/21/2012	0		S
	2/21/2012	RPUC: LA, MO		S
March	3/28/2012	cancelled		S
April	4/25/2012			S
May	5/23/2012	LA, MO	re: coverage and rpu comment period	S
June	6/27/2012	SG, AL	re: RPU	S
July	7/25/2012	JQ, BA	re: RPU	S
August	8/22/2012	JQ, SG	re: RPU, Bi-State, Issue Sheets	S
	8/14/2012	RPUC: JQ		S
	8/2&8/3/2012	RPUC: LA, JQ, SG, AL		S

<b>* Initials:</b>	Org.	Name
MD:	TASC	Michael Donahoe
LA:	TASC	Laurel Ames
JQ:	TASC (& FOWS)	Jennifer Quashnick
BA:	TASC	Bob Anderson
JY:	TASC	Jerry Yeazell
MB:	TASC	Michael Burgwin
RG:	TASC	Ron Grassi
JS:	TASC	Jean Stoess
	TASC	Terry Davis
	TASC	Marsha Burch
SG:	FOWS	Susan Gearhart
JG:	FOWS	James Gearhart
MO:	FOWS	Mason Overstreet
AL:	FOWS	Alex Leff
EW:	-	Ellie Waller



**TASC and FOWS written comments to TRPA Board/RPUC (as found in minutes)  
2002 - Aug. 2012**

<b>2012</b>	8/23/2012	TASC comments to TRPA GB re: RPU, Process, Issue Sheets, Bi-State Agreement	TASC	
	7/25/2012	TASC comments on draft 2011 Threshold Evaluation Report	TASC	
	6/28/2012	FOWS, TASC, & LTSLT comments on draft RPU	TASC	FOWS
	4/24/2012	TASC comments to TRPA GB	TASC	
	4/23/2012	FOWS comments to TRPA GB		FOWS
<b>2011</b>	9/23/2011	TASC comments on TRPA/TMPO RTP/SCS scoping	TASC	
<b>2010</b>	10/13/2010	Conservation Community Alternative for RPU Conservation Community Cover Letter and Table re: comparison of Alt. 4 to Conservation Community Alternative	TASC	FOWS
	8/16/2010	Re: Regional Plan Update, Conservation Subelement: Soils, Vegetation, Fisheries and Wildlife and Monitoring and Evaluation	TASC	FOWS
	7/23/2010	TASC & League comments on AQ Fact Sheets	TASC	
	5/25/2010	TASC & League comments on Land Use section in RPU	TASC	
	5/24/2010	Conservation Community comments on Land Use section in RPU	TASC	FOWS
	5/21/2010	TASC & League comments on Regional Plan Update, Conservation Subelement: Soils, Vegetation, Fisheries and Wildlife and Monitoring and Evaluation	TASC	
	5/19/2010	TASC & League comments on Noise section in RPU	TASC	
	5/12/2010	TASC & League comments on Transportation section in RPU	TASC	
	4/29/2010	TASC comments from AQ RPU meeting with TRPA staff	TASC	
	4/2/2010			
<b>2009</b>	11/3/2009	Conservation Community Letter to TRPA re: concerns re: RPU process	TASC	FOWS
	11/3/2009	CC PRA request for RPU documents	TASC	FOWS
	8/5/2009	TASC & League Comments Regarding RP Alternatives Summary Report	TASC	

**2008**

5/21/2008 Email to Mara/TRPA re: concerns  
4/15/2008 TASC comments on RP\_4-3-08\_Version  
NUMEROUS meetings with Jim Baetge re: RPU  
Alternatives; Jim's role to coordinate with TRPA and  
others.

**2007**

12/4/2007	Significant Concerns with Regional Planning Process and a Way Forward - TASC, League, J.Baetge	TASC
10/5/2007	TASC & SFL comments on RPU Scoping	TASC
9/20/2007	Letter resubmitting previous EA comments	TASC
8/29/2007	Comments on "Phase I" approach	TASC
6/11/2007	Letter from TRPA responding to a meeting with Laurel and Jennifer; inc. threshold table.	TASC
5/18/2007	Conservation Community Comments on Draft 2006 Threshold Evaluation Report and EA	TASC

Other participation:

**LTFAC**

Michael Donahoe  
Bob Anderson

**Other P7 TASC  
Representation:**

Laurel Ames	Forum
Michael Donahoe	Forum

**TASC representatives  
on each TWG**

AQ - Phil Altick  
Noise - Laurel Ames  
Veg - Jon Hoefer  
W & F - Kathy  
Campion and Nathan  
Soils/SEZ - Laurel  
Ames, Michael Hogan  
Scenic - John Fellows,  
Paul Guttman, M.D.  
Recreation - Laurel



October 24, 2012

Norma Santiago, Chair  
Joanne Marchetta, Executive Director  
Tahoe Regional Planning Agency  
128 Market Street  
P.O. Box 5310  
Stateline, NV 89449  
norma.santiago@edcgov.us  
jmarchetta@trpa.org

Alexander Leff, Conservation Director  
Friends of the West Shore  
PO Box 552  
Homewood, CA 96141  
[alex@friendswestshore.org](mailto:alex@friendswestshore.org)

Re: Comments to the Release of the Tahoe Regional Planning Agency's Regional Plan Update Final Environmental Impact Statement

Dear Chairperson Santiago and Ms. Marchetta:

Friends of the West Shore (hereinafter "FOWS") greatly appreciates the opportunity to provide the Tahoe Regional Planning Agency (hereinafter "TRPA") and its Governing Board with comments regarding the proposed Regional Plan Update's Goals and Policies, Code of Ordinances, and Final Environmental Impact Statement. FOWS incorporates separate comments submitted by the Tahoe Area Sierra Club.

The following comment addresses three issues of concern: 1) the potential environmental impacts of the proposed amendments to the Goals and Policies and Code of Ordinances delineated in the "To Do" List must be adequately analyzed; 2) the appeal process for projects approved pursuant to an Area Plan must be amended to ensure the appeal of decisions perfected on state law and federal law grounds (TRPA Compact, Goals and Policies, Code of Ordinances, etc...) are not bifurcated; and 3) TRPA must disseminate for public comment comprehensive land-use policy and science-based parameters to enable stakeholders and local jurisdictions

PO Box 552, Homewood, CA 96141 ■ 530.412.8009 ■ [www.FriendsWestShore.org](http://www.FriendsWestShore.org)

determine whether an Area Plan conforms to the Regional Plan and furthers the environmental threshold carrying capacities as required by Chapter 13 of the proposed Code of Ordinances.

### **1. Environmental Impacts of the “To Do” List Amendments Must Be Analyzed**

On August 31, 2012, TRPA published a Preliminary List of Priority Projects colloquially known as the “To Do” List. The projects on this list are scheduled to be implemented or enacted through amendments to the Goals and Policies and/or Code of Ordinances *after* the proposed Regional Plan is presumptively approved. Many of these projects may result in potentially significant environmental impacts. These projects, and their projected attendant environmental impacts must be analyzed in a requisite environmental document as required by TRPA Compact (hereinafter “Compact”) Art. VII.

TRPA’s fundamental mandate under the Compact is to “achieve and maintain” environmental threshold carrying capacities and to implement a Regional Plan that achieves and maintains those environmental threshold standards. Compact Art. VII’s requirements theoretically provide TRPA’s Governing Board with the required information to determine whether a specific project will further the achievement and maintenance of the environmental thresholds as intended by the proposed Regional Plan. However, if a project’s environmental impacts are not adequately analyzed, there is simply no way for TRPA to determine whether that specific project itself furthers the achievement and maintenance of the environmental thresholds nor whether the project bolsters the Regional Plan’s goal of achieving and maintaining the thresholds.

#### **Questions:**

- Will all of the “To Do” List projects be analyzed as required by Compact Art. VII? If no, which projects will not be analyzed?
- Are any of the “To Do” List projects analyzed in the Regional Plan Update’s Environmental Impact Statement? If so, will this analysis provide the basis for the Governing Board’s decision to amend the Goals and Policies and/or Code of Ordinances?
- If the “To Do” List projects will be analyzed in a requisite environmental document, has TRPA determined a schedule for the release of that document(s)?

### **2. The Consequences of the Appeal Process’ Bifurcation of State Law and TRPA Regulatory Claims**

The proposed process to appeal project decisions made by local jurisdictions pursuant to an approved Area Plan results in an unintended consequence that unduly burdens both project appellants and local jurisdiction’s counsel.

Under the 1987 Regional Plan, local jurisdictions and TRPA would make project decisions pursuant to state and federal (TRPA Compact and attendant regulations) law respectively. As such, local jurisdictions would approve or deny projects based upon California law (Nevada currently does not have the equivalent of the California Environmental Quality Act (hereinafter “CEQA”) statute or the National Environmental Policy Act statute) and TRPA

would approve or deny projects based upon TRPA regulations. Although initially separate, approval or denial of projects based upon state law and TRPA regulations historically were decided at very similar periods of time to conform with the public comment periods of the required Environmental Impact Statement / Report. This effectively allowed the state law and TRPA regulatory claims to be joined in one legal complaint, thus leveraging the economies of scale of pursuing two lawsuits in one court.

However, the proposed appeal process for project decisions made by local jurisdictions pursuant to an approved Area Plan ensures that state law and TRPA regulatory claims will be handled separately in two distinct lawsuits, should an appellant choose to file claims on both state law and TRPA regulatory grounds. Where a final project decision by a local jurisdiction is made on state law and TRPA regulations, the appellant may then appeal only the TRPA related claims to TRPA. At this point the state law and TRPA regulatory claims chronologically bifurcate.

According to the appeal process as outlined in the Bi-State Agreement, an appellant has 15 calendar days from the date of the local jurisdiction's final decision to file an appeal application to TRPA. Once an appeal application is received, TRPA staff have 60-days to make a recommendation to the Governing Board on whether the appeal is frivolous. The TRPA Governing Board may subsequently take action the first time the appeal can be reasonably presented to the Board or, after hearing the appeal, defer action to the next Governing Board meeting, assuming that the TRPA Governing Board meets once a month. This could result in an additional 60+ days totaling a maximum of 135+ day between the date a local jurisdiction makes a final decision regarding a proposed project and when TRPA's Governing Board renders a final decision regarding whether to approve or deny the project if found to comply with the TRPA Compact and regulations.

Contrast the length of time it may take TRPA to make a final determination pursuant to the aforementioned appeal process with the relatively short 30-day statute of limitations CEQA permits for challenging a lead agency's Notice of Determination. *See* CA Pub. Res. Code § 21167(b), (c), and (e). Thus, due to CEQA's short statute of limitations, a CEQA claim will undoubtedly be filed in a California State Court before TRPA's Governing Board renders a decision on the TRPA regulatory claims. If the TRPA Governing Board renders the same decision as the local jurisdiction, the appellant may then file a separate and distinct complaint in either federal or state court, depending on the laws governing subject matter jurisdiction. The appeal process therefore results in two separate and distinct lawsuits.

Having to litigate two presumably similar claims in two separate courts not only unduly burdens the project appellant (which may include an individual or group, or a project developer if their project is denied), but may also unduly burden the local jurisdiction's counsel who may now have to defend two lawsuits in two separate courts.

The simplest solution to this problem is for TRPA to amend the appeal process and work with the local jurisdictions to ensure that for the purposes of triggering CEQA's statute of limitations, the local jurisdiction's final project decision coincides with TRPA's final project decision. FOWS respectfully requests TRPA take this solution under consideration.

### 3. Parameters to Determine Whether an Area Plan Conforms to the Regional Plan and Furthers the Environmental Threshold Carrying Capacities

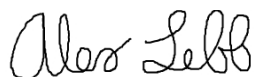
Chapter 13 of the proposed Code of Ordinances delineates TRPA's potentially illegal delegation of permitting authority to local jurisdictions and generally outlines what local jurisdictions must show for TRPA to approve its Area Plan (assuming such delegation is legal). Chapter 13.6. However, these overly vague standards lack the definitiveness local jurisdictions and community stakeholders require to adequately determine whether an Area Plan in actuality conforms to the Regional Plan, complies with the Compact, and furthers the environmental threshold carrying capacities. More guidance is needed.

#### Questions:

- Does TRPA intend to disseminate additional guiding principles, which will address specific Regional Plan code and policy requirements to better determine whether an Area Plan conforms with the Regional Plan? If yes, will TRPA hold public comment on this document / white paper?
- How will TRPA determine whether an Area Plan furthers the environmental threshold carrying capacities? Will TRPA simply rely upon an Environmental Impact Statement? How does TRPA plan to associate identified environmental impacts with a determination of whether the Area Plan furthers the achievement and maintenance of the environmental threshold carrying capacities?
- How will TRPA determine whether to rescind its delegation of authority to local jurisdictions? Will TRPA rely solely upon its annual review or its audit of issued permits? If a local jurisdiction approves a project that objectively violates the approved Area Plan, Regional Plan, and/or Compact, will TRPA have the authority to unilaterally rescind issued permits?

Thank you again for the opportunity to comment and for your consideration. FOWS looks forward to reviewing the final Goals and Policies, Code of Ordinances, and Final Environmental Impact Statement.

Sincerely,



Alexander Leff, Esq.  
Conservation Director  
Friends of the West Shore

## Arlo Stockham

---

**From:** Ellie <tahoellie@yahoo.com>  
**Sent:** Friday, October 26, 2012 11:36 PM  
**To:** Adam Lewandowski; Arlo Stockham; Arlo Stockham; Adam Lewandowski  
**Cc:** Byron Sher; Mara Bresnick  
**Subject:** Compact Language referenced at GB meeting

Hello Arlo and Adam,  
This is the language Byron referenced at the GB meeting ~Ellie

### 1) CHAPTER II LAND USE ELEMENT *LAND USE ELEMENT II Public Review Draft Revised 04/25/2012*

Article V(c)(1) of the Tahoe Regional Planning Agency Bi-State Compact calls for a "land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to indication or allocation of **maximum densities** and permitted uses"

#### Compact language

The word population was removed from the quote. The Compact MUST quoted as stated.

- (1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of **maximum population densities** and permitted uses.  
Compact 79-139 O -81 (402) page 8

This was not quoted but why remove the word "will" after the word which?

#### Principles

*TRPA – Goals and Policies Statement of Mission/Principles Page v-2 Public Review Draft Revised 04/25/2012*

**adopt and enforce a Regional plan and implementing ordinances which achieve and maintain such capacities** while providing opportunities for orderly growth and development consistent with such capacities; and

#### Compact language

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to **adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities** while providing opportunities for orderly growth and development consistent with such capacities.

Compact 79-139 O -81 (402) Page 2

Goals and Policies Chapter I Introduction: The Regional Plan describes the needs and goals of the Region and provides statements of policy to guide decision making as it affects the Region's resources and remaining capacities. The plan with all of its elements, as implemented through Agency ordinances and rules and regulations, **provides for the achievement** and maintenance of the adopted environmental threshold carrying capacities (thresholds) while providing opportunities for orderly growth and development.

*TRPA – Goals and Policies CHAPTER I – INTRODUCTION Page I-1 Public Review Draft Revised 04/25/2012*

Here, the author has changed the intent by using the words “provides for the achievement” rather than “will achieve” found in the Compact. Compact Art. I (b). It is clear that the use of the words “provides for” instead of “will” diminishes the intent of the Compact to achieve and maintain the environmental thresholds.  
Compact 79-139 O -81 (402) Page 2



## Arlo Stockham

---

**From:** Shay Navarro  
**Sent:** Tuesday, November 06, 2012 9:00 PM  
**To:** Arlo Stockham  
**Subject:** Fwd: Suggested Edits to RPU  
**Attachments:** TRPA RPU Edit Suggestions\_DGraham\_6Nov12.docx; ATT00001.htm

FYI I just received these suggestions on the plan for pervious decks and height.

Begin forwarded message:

**From:** Doug Graham <[grahamdj58@gmail.com](mailto:grahamdj58@gmail.com)>  
**Date:** November 6, 2012, 7:25:29 PM PST  
**To:** <[snavarro@trpa.org](mailto:snavarro@trpa.org)>  
**Cc:** <[gweigel@trpa.org](mailto:gweigel@trpa.org)>  
**Subject:** Suggested Edits to RPU

Ms Navarro ---

I had contacted Gary Weigel re submitting some RPU comments and he indicated you were the central point of contact.

My few suggestions are attached .... feel free to call or email to discuss.

Will look forward to the open discussion on 14 Nov at the Chateau in Incline Village

Sincerely,  
Doug Graham  
Incline Village  
650-704-7037

Suggested changes in **red**. Feel free to email or call for discussion if desired.

### **Chapter 37.3.3 Percent Cross Slope Retained Across Building Site**

Page 37-2: Figure 37.3.3-A: Measurement of **Height Cross Slope for Maximum Height Allowance**

Page 37-3:

Example: Calculation of Height from Table 37.4.1-1

A house with:

Percent slope retained across building site (**calculated per** subsection 37.3.3) = 16%,  
and

Proposed roof pitch = 10:12,

Can have a maximum height = 40'

### **Chapter 30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage**

Page 30-25:

#### **2. Pervious Decks**

a. Partial exemption from the calculation of land coverage is available for **new** residential pervious decks on high capability lands provided the decks meet all applicable requirements of this Code, including installation of BMPs.

c. Existing **decks deck areas greater than 500 sq ft** that were legally established as of January 1, 2013, count as coverage and shall not qualify for this partial exemption. **Existing deck areas equal to or less than 500 sq ft shall qualify for this partial exemption.**

## **Chapter 21.4: List of Primary Uses**

Page 21-7

### **Table 21.4-A: List of Primary Uses and Use Definitions**

#### **RESIDENTIAL – Single-family dwelling**

##### **DEFINITION:**

One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see —Secondary Residence, **per (reference)**). **A detached single-family house with living area of at least 2,500 sq ft may contain a separate bedroom, bath and kitchen area for a live-in caregiver.**

**Note:** This suggested DEFINITION addition would give seniors an “aging in place” option that has been documented to be more affordable and enable a better quality of life than institutional assisted living centers. Not sure where else in the RPU this detached single-family dwelling use should be described.

**Attachment C**

**E-mailed Questions and Responses**

## John Hitchcock

---

**To:** Arlo Stockham  
**Subject:** RE: Alt 3 inclusions-

**From:** Laurel Ames [<mailto:laurel@watershednetwork.org>]

**Sent:** Monday, October 29, 2012 6:56 PM

**To:** Ann Nichols NTPAC

**Cc:** Adam Lewandowski; Arlo Stockham; Clem Shute; [darcie@keptahoeblue.org](mailto:darcie@keptahoeblue.org); [shannon@keptahoeblue.org](mailto:shannon@keptahoeblue.org)

**Subject:** Re: Alt 3 inclusions-

The answer to the last question is yes. We would then scream bloody murder and they would say smugly - you weren't paying attention, it was there all the time, and whatever we said since didn't matter, dummy.

On 10/29/2012 4:18 PM, Ann Nichols NTPAC wrote:

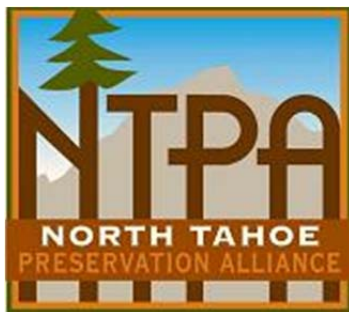
It appears Alt #3 still includes VanSickel as Recreation and/or Resort Recreation. (Master Response 10)  
Is that true-which is it?

It appears Alt#3 still includes CVR transfers across hydrologic areas. (Appendix H) Is that true?

So if Governing Board votes on Alt #3 will those two items automatically go through?

Thanks,

Ann



**North Tahoe Preservation Alliance**

P.O. Box 5

Crystal Bay, Nv. 89402

[Preserve@NTPAC.com](mailto:Preserve@NTPAC.com) 775-831-0625

[www.ntpac.com](http://www.ntpac.com)

"Helping preserve the natural beauty and rural character of North Lake Tahoe"

## John Hitchcock

---

**To:** Adam Lewandowski  
**Subject:** RE: Alt 3 inclusions-

**From:** Adam Lewandowski  
**Sent:** Tuesday, October 30, 2012 9:08 AM  
**To:** 'Ann Nichols NTPAC'  
**Cc:** Arlo Stockham; Clem Shute; [darcie@keptahoebblue.org](mailto:darcie@keptahoebblue.org); [shannon@keptahoebblue.org](mailto:shannon@keptahoebblue.org); 'Laurel Ames'  
**Subject:** RE: Alt 3 inclusions-

Good morning Ann,

The Final Draft Plan represents Alternative 3, as described in the Draft EIS, with important revisions made by the RPU committee and Governing Board. Please see Chapter 2 of Volume 1 of the Final EIS, which describes the differences between Alternative 3 and the Final Draft Plan. Where no change is described in Chapter 2, the Final Draft Plan is the same as Alternative 3 as described in the Draft EIS.

Under the Final Draft Plan, the Van Sickle State Park would be re-designated as Recreation (NOT Resort Recreation), consistent with other State Parks in the Region. Please see Master Response 10, and Section 2.2.3 of the Final EIS for more information on Resort Recreation.

Under the Final Draft Plan, coverage transfers would not be allowed across HRA boundaries. This change from Alternative 3 is described in more detail in section 2.2.10 of the Final EIS.

Please let me know if I can answer any other questions.

Thanks,

**Adam Lewandowski**  
**Senior Planner**  
**Resource Integration Specialist**  
**775-589-5233**



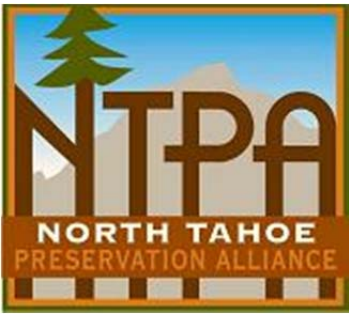
---

**From:** Ann Nichols NTPAC [<mailto:preserve@ntpac.com>]  
**Sent:** Monday, October 29, 2012 4:19 PM  
**To:** Adam Lewandowski  
**Cc:** Arlo Stockham; Clem Shute; [darcie@keptahoebblue.org](mailto:darcie@keptahoebblue.org); [shannon@keptahoebblue.org](mailto:shannon@keptahoebblue.org)  
**Subject:** Alt 3 inclusions-

It appears Alt #3 still includes VanSickel as Recreation and/or Resort Recreation. (Master Response 10) Is that true- which is it?

It appears Alt#3 still includes CVR transfers across hydrologic areas. (Appendix H) Is that true?  
So if Governing Board votes on Alt #3 will those two items automatically go through?

Thanks,  
Ann



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[Preserve@NTPAC.com](mailto:Preserve@NTPAC.com) 775-831-0625

[www.ntpac.com](http://www.ntpac.com)

"Helping preserve the natural beauty and rural character of North Lake Tahoe"

## Arlo Stockham

---

**From:** John Hitchcock  
**Sent:** Wednesday, November 07, 2012 11:05 AM  
**To:** Arlo Stockham  
**Subject:** FW: Plan Area Statement detailed descriptions

---

**From:** John Hitchcock  
**Sent:** Wednesday, October 31, 2012 4:34 PM  
**To:** 'Ellie'  
**Subject:** RE: Plan Area Statement detailed descriptions

Ellie,

You'll find our responses bulleted and indented below each question.

**I do have additional questions related to Area Plan conformance and the existing Plan Area Statements.**

**How will the current detailed information in Plan Area Statements be translated into Area Plan language?**

**What language is required to be part of an Area Plan? Are the different categories defined?**

**What sequence will the following information be listed? or any other category currently existing in a PAS?**

**Land Use Classification**

**Management Strategy**

**Special Designation**

**Description**

**Existing Uses**

**Existing Environment**

**Planning Statement**

**Planning Considerations**

**Special Policies**

**Permissible Uses ( General List of applicable uses)**

**Maximum Densities**

**Maximum Community Noise Equivalent Level**

**Additional Developed Outdoor Recreation**

**Tolerance District**

**Environmental Improvement Programs**

- The requirements of an Area Plan can be found in the Final Draft Code, Chapter 13, Area Plans. TRPA will collaborate with the local governments to determine which pertinent information from the PASs will be carried over into the Area Plans. How this information will be presented in the Area Plan has yet to be determined.



**How does the new mixed use classification account for the different classifications lumped together when they used to have specific unique classification descriptions?**

- The intent of the lands use classification to identify groupings of generalized land uses. The mixed-used classification does not lump the different classification together. The designation merely indicates areas that have historically provided a mix of uses or are areas that are appropriate to provide a mix of commercial, public service, light industrial, office, and residential uses.

**7. Mixed-Use (Formerly Commercial and Public Service Areas)** Mixed-use areas are urban areas that have been designated to provide a mix of commercial, public services, light industrial, office, and residential uses to the region or have the potential to provide future commercial, public services, light industrial, office, and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience and enhanced sustainability.

Any amendment to a plan area statement that is adopted after the adoption of this Code may retain the name of the

Commercial and Public Services Area land use classification, however, area plans shall utilize the Mixed-use classification.

**11.6 Content of Plan Area Statements 11.6.2 Plan Area Designation**

**Regional Plan Update Committee Final Draft – October 24, 2012 | Page 11-3**

The only reference to mixed use in Area Plans is Table 13.5.3-1 Minimum Development Standards for Area Plans

Where do I find Maximum densities for mixed use for an Area Plan?

- You'll find the density standards in Chapter 31, Density. Section 31.5 directly speaks to density for mixed uses.

### **Code 31.5.2. Mixed Uses**

For two or more uses, the maximum densities shall be established through the following process:

(1) determine the category or categories of mixed use on the parcel or project area, pursuant to subsection A below;

and (2) determine the rules applicable to that category of mixed use pursuant to subsection B below.

#### **A. Categories of Mixed Use**

The category of the mixed use shall be determined from the following table.

Select the first proposed use from the left-hand column and the second proposed use from the top-level row.

Any other combination of uses not shown in the table, including three or more uses in any project area, is assigned to Category F.

#### **Table 31.5.2-1 Categories of Mixed Use (Max Densities)**

**NOT easily converted to the new mixed use category in Area Plans as described above.**

**7. Category G** In Category G, mixed uses shall be permitted if they otherwise conform to this Code and applicable plan area statement or community plan.

**There is no reference to Area Plans**

- There is no reference to Area Plans in Chapter 31; however, Chapter 13, Area Plans, Table 13.5.3-1 specifically cites Chapter 31 as the applicable [density] standards for Area Plans for all land use districts except for town centers, the regional center and the high density tourist district which is governed by Table 13.5.3-1.

**Urban Areas** Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.

**The mixed use designation being used in the Placer County community plan time process is confusing as related and interpreted in the code.**

**When will the APC/Governing Board, local jurisdictions and public receive information on how to determine what is required in and Area Plan to become a Conforming Area Plan?**

- The information is available now for public review. The requirements of an Area Plan can be found in Chapter 13, Area Plans, Section 13.5, Contents of an Area Plan. Procedures for conformity review can be found in Section 13.6 and procedures for adopting a Memorandum of Understanding to delegate permitting authority to the local governments is found in Section 13.7.

Please do not hesitate to call or email me if you have additional questions.

Regards,

John Hitchcock

## Arlo Stockham

---

**From:** Ellie <tahoellie@yahoo.com>  
**Sent:** Monday, October 29, 2012 3:54 PM  
**To:** John Hitchcock; Arlo Stockham; John Hester; Crystal Jacobsen  
**Cc:** Clem Shute; Ann Nichols Tahoe Community  
**Subject:** Plan Area Statement detailed descriptions

Hi John and staff,

I do have additional questions related to Area Plan conformance and the existing Plan Area Statements.

How will the current detailed information in Plan Area Statements be translated into Area Plan language?

What language is required to be part of an Area Plan? Are the different categories defined?

What sequence will the following information be listed? or any other category currently existing in a PAS?

Land Use Classification

Management Strategy

Special Designation

Description

Existing Uses

Existing Environment

Planning Statement

Planning Considerations

Special Policies

Permissible Uses ( General List of applicable uses)

Maximum Densities

Maximum Community Noise Equivalent Level

Additional Developed Outdoor Recreation

Tolerance District

Environmental Improvement Programs

How does the new mixed use classification account for the different classifications lumped together

when they used to have specific unique classification descriptions?

**7. Mixed-Use (Formerly Commercial and Public Service Areas)** Mixed-use areas are urban areas that have been designated to provide a mix of commercial, public services, light industrial, office, and residential uses to the region or have the potential to provide future commercial, public services, light industrial, office, and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience and enhanced sustainability.

Any amendment to a plan area statement that is adopted after the adoption of this Code may retain the name of the

Commercial and Public Services Area land use classification, however, area plans shall utilize the Mixed-use classification.

**11.6 Content of Plan Area Statements 11.6.2 Plan Area Designation**

The only reference to mixed use in Area Plans is Table 13.5.3-1 Minimum Development Standards for Area Plans

Where do I find Maximum densities for mixed use for an Area Plan?

### Code 31.5.2. Mixed Uses

For two or more uses, the maximum densities shall be established through the following process:

(1) determine the category or categories of mixed use on the parcel or project area, pursuant to subsection A below;

and (2) determine the rules applicable to that category of mixed use pursuant to subsection B below.

#### A. Categories of Mixed Use

The category of the mixed use shall be determined from the following table.

Select the first proposed use from the left-hand column and the second proposed use from the top-level row.

Any other combination of uses not shown in the table, including three or more uses in any project area, is assigned to Category F.

#### Table 31.5.2-1 Categories of Mixed Use (Max Densities)

**NOT easily converted to the new mixed use category in Area Plans as described above.**

**7. Category G** In Category G, mixed uses shall be permitted if they otherwise conform to this Code and applicable plan area statement or community plan.

There is no reference to Area Plans

Urban Areas Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.

The mixed use designation being used in the Placer County community plan time process is confusing as related and interpreted in the code.

When will the APC/Governing Board, local jurisdictions and public receive information on how to determine what is required in and Area Plan to become a Conforming Area Plan?

Regards, Ellie

**From:** John Hitchcock <jhitchcock@trpa.org>

**To:** Ellie <tahoellie@yahoo.com>; Arlo Stockham <astockham@trpa.org>; John Hester <jhester@trpa.org>; Crystal Jacobsen <CJacobse@placer.ca.gov>

**Cc:** Ann Nichols Tahoe Community <ann@annnichols.com>

**Sent:** Monday, October 29, 2012 11:32 AM

**Subject:** RE: Tahoe Basin Community Plan Update - November Community Workshop

Ellie,

Conformance review can be done separately for each “Area Plan” or all four can all be reviewed at one time. This is a decision that the County will make in collaboration with TRPA.

TRPA staff is part of the review process and we will be collaborating with the County on review of the Draft District Standards submitted by D&B.

Please do not hesitate to call or email me if you have further questions on this matter.

Sincerely,

John Hitchcock

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**From:** Ellie [mailto:tahoellie@yahoo.com]  
**Sent:** Monday, October 29, 2012 11:09 AM  
**To:** John Hitchcock; Arlo Stockham; John Hester  
**Cc:** Ann Nichols Tahoe Community  
**Subject:** Fw: Tahoe Basin Community Plan Update - November Community Workshop

Hi TRPA staff,

So this means each Area Plan design standard concept will analyzed individually versus a single Placer County design standard criteria and each Area Plan has a separate conformance review.

Is TRPA part of the the Placer County review process with consultants of their Draft District Review standards to ensure the standards are within the RPU established guidelines?

~Ellie

----- Forwarded Message -----

**From:** Crystal Jacobsen <CJacobse@placer.ca.gov>  
**To:** 'Ellie' <tahoellie@yahoo.com>; Nicole Hagmaier <NHagmaie@placer.ca.gov>  
**Sent:** Monday, October 29, 2012 10:53 AM  
**Subject:** RE: Tahoe Basin Community Plan Update - November Community Workshop

Hi Ellie,

Yes – the idea is that each “Plan Area” develop standards that are reflective of their own unique communities.

Crystal

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**From:** Ellie [mailto:tahoellie@yahoo.com]  
**Sent:** Saturday, October 27, 2012 8:54 AM  
**To:** Nicole Hagmaier; Crystal Jacobsen  
**Subject:** Re: Tahoe Basin Community Plan Update - November Community Workshop

Crystal,

Does this mean each team will have diferent standards? Thanks, Ellie

"Our community design consultants, D&B will be in attendance at this next workshop and will be there to spend focused time with each group to review the work that you have done to date and to review/discuss the Draft District Standards that they have prepared for each team. They will be there to talk through the design concepts

and standards that they have drafted for each team and will also be looking for feedback from your teams on the standards.

**From:** Nicole Hagmaier <[NHagmaie@placer.ca.gov](mailto:NHagmaie@placer.ca.gov)>

**To:**

**Sent:** Friday, October 26, 2012 11:35 AM

**Subject:** Tahoe Basin Community Plan Update - November Community Workshop

Hi all –

This email is to remind you of the Community Workshop that is scheduled for:

- **Wednesday, November 28, 2012 from 4:00PM-8:00PM at the Granlibakken Conference Center in Tahoe City. Please note the starting time of 4pm rather than our typical starting time of 6PM and that we will be staggering each group's working session:**

- o **4:00-5:00PM – West Shore Team working session**
- o **5:00-6:00PM – North Tahoe West Working Session**
- o **6:00-7:00PM – North Tahoe East Working Session**
- o **7:00-8:00PM – Greater Tahoe City Working Session**

The format for this workshop will be different than the workshop we have had in the past. Our community design consultants, D&B will be in attendance at this next workshop and will be there to spend focused time with each group to review the work that you have done to date and to review/discuss the Draft District Standards that they have prepared for each team. They will be there to talk through the design concepts and standards that they have drafted for each team and will also be looking for feedback from your teams on the standards.

Staff is currently doing an internal review of the Draft District Standards, providing our comments to D&B, and then they will be sending the standards back to staff in mid-November. That said, we anticipate having the Draft District Standards out to your teams for your review prior to our November 28<sup>th</sup> workshop, and will send them out via email as soon as they are ready.

Because we are staggering the team's meeting times we assume that everyone should have an opportunity to eat either before or after their meeting time, and so we will not be providing a meal. However, as always, we will have drinks and cookies available. ☺

Finally, we would like to note that everyone is welcome to come and stay for the entire meeting if you would like to do so, or you can come just for your team's meeting time. **Please email Nicole Hagmaier to confirm your attendance, or that you will be having someone attend in your place.**

We look forward to hearing from you and look forward to seeing you on November 28th.

Thanks,

Tahoe Basin CP Update Planning Team

*Thank you,  
Nicole Hagmaier*

*Placer County Planning Services Division  
3091 County Center Drive, Suite 140  
Auburn, CA 95603  
530-745-3117  
[nhagmaie@placer.ca.gov](mailto:nhagmaie@placer.ca.gov)*

## John Hitchcock

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**From:** John Hitchcock  
**Sent:** Monday, October 29, 2012 8:14 PM  
**To:** Ellie; Arlo Stockham  
**Subject:** RE: What Plan Area Statement addresses Van Sickle today?

Ellie,

PAS 080, Kingsbury Drainage. Here is a link to download the plan area statement.

<http://www.trpa.org/documents/docdownlds/PAS/080.pdf>

Regards,

John

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**From:** Ellie [tahoellie@yahoo.com]  
**Sent:** Monday, October 29, 2012 4:42 PM  
**To:** John Hitchcock; Arlo Stockham  
**Subject:** What Plan Area Statement addresses Van Sickle today?

Hi John,  
Which Plan Area Statement addresses Van Sickle ?  
Thx ~Ellie



## John Hitchcock

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**From:** John Hitchcock  
**Sent:** Tuesday, October 30, 2012 11:03 AM  
**To:** 'Ellie'  
**Subject:** RE: Transect zoning

Ellie,

Transect zoning is described and analyzed in Alt. 4 in the following sections of the EIS:

Section 2.6.4 (page 2.47)

Section 3.2, Land Use, Impact 3.2-1 (page 3.2-11)

Section 3.2, Land Use (pages 3.2-58 – 3.2-65)

Your general interpretation is correct. Transect zoning is not proposed in the Final Draft Plan; however, Placer County may chose it as a zoning tool for implementing the Area Plans. Placer County will be required to prepare an environmental analysis under CEQA for adoption of the Area Plans and can incorporate by reference the RPU EIS analysis. The type and level of environmental analysis or a decision to produce a “tiered” environmental analysis would be subject to CEQA guidelines.

Regards,

John

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**From:** Ellie [<mailto:tahoellie@yahoo.com>]  
**Sent:** Tuesday, October 30, 2012 8:18 AM  
**To:** John Hitchcock; Arlo Stockham  
**Cc:** Ann Nichols Tahoe Community; Laurel Ames; Jennifer Quashnick Tahoe Community; Alex Leff Tahoe Community FOWS  
**Subject:** Transect zoning

I am still reviewing the final RPU documentation and have yet to find reference to transect zoning except in Vol 1 response to comments. Is staff requesting transect from Alt 4 be included in the EIS and if not, does my interpretation below make sense?

With respect to the County using transect zoning "if approved in the RPU", I want clarification on what I believe to be the situation. Transect zoning has been studied in the RPU EIS as part of Alt 4. Once the EIS is certified, any analysis contained in the EIS can be used in further planning efforts by the local jurisdictions by "tiering off" of the EIS. Unless specifically adopted by the GB as part of the actual Regional Plan transect zoning will not be in the RPU, but that doesn't mean a local jurisdiction couldn't adopt transects for an area plan and/or under local zoning ordinances. This could be done as "substitute" provisions that presumably "promote threshold attainment". So, in assessing impacts of transect zoning, a local jurisdiction can tier off of the RPU EIS. I am asking for further clarification and

examples of what this means in practice. Nuances abound in the documents which certainly makes it much more difficult to get a clear understanding of what's proposed and how it will be implemented and interpreted.

## John Hitchcock

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**From:** John Hitchcock  
**Sent:** Wednesday, October 31, 2012 1:59 PM  
**To:** 'Ellie'; Arlo Stockham  
**Cc:** Leah Kaufman Tahoe Community; Ann Nichols Tahoe Community; McClure Tahoe Community; Jennifer Quashnick Tahoe Community; Laurel Ames; Alex Leff Tahoe Community FOWS  
**Subject:** RE:  
**Attachments:** Pages from TRPA Code RPU Committee Public Review Draft April 16 2012 TRACKED.pdf; Pages from 2\_Code\_of\_Ordinances\_Final\_Draft\_2012-10-24\_TRACKED.pdf

Ellie,

Good afternoon. Here is the information you requested.

The provision that allowed higher density adjacent to designated centers is found in footnote [2] in Table 13.5.3-1, Minimum Development Standards for Area Plans, of the Draft Code released to the public on April 16, 2012 [see pages 13-3 and 13-4] .

The footnote stated the following, "Except Area Plans may identify higher-density areas adjacent to town centers, regional centers, and the High Density Tourist District and in other areas permitted by the Regional Plan." Footnote [2] was modified in the October 24, 2012 Final Draft Plan to delete the original language and replaced with language regulating height in the High Density Tourist District.

Attached, please find PDF files of Table 13.5.3-1 from both the April Draft and the October Final Draft that illustrates the modification to footnote [2].

Please call or email if you have other question regarding this matter.

Sincerely,

John Hitchcock

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**From:** Ellie [<mailto:tahoellie@yahoo.com>]  
**Sent:** Wednesday, October 31, 2012 8:11 AM  
**To:** John Hitchcock; Arlo Stockham  
**Cc:** Leah Kaufman Tahoe Community; Ann Nichols Tahoe Community; McClure Tahoe Community; Jennifer Quashnick Tahoe Community; Laurel Ames; Alex Leff Tahoe Community FOWS  
**Subject:**

John,

Where in the final plan can I find the language that REMOVES the provision for higher residential density adjacent to designated centers as stated in FEIS section 2 ?

### 2.2.9 INCREASED HEIGHT AND DENSITY PROHIBITION

The Draft Plan would permit an Area Plan to propose locations for higher residential density adjacent to designated centers. **The Final Draft Plan removes this provision**

## John Hitchcock

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**From:** John Hitchcock  
**Sent:** Wednesday, October 31, 2012 3:48 PM  
**To:** 'Ellie'  
**Subject:** RE: New TAU conversion pilot program 2.2.20 in FEIS

Ellie,

Please refer to TRPA Issue Sheet #2 – Development Allocations and Transfers dated July 27, 2012 which was presented to the RPU Committee on August 2 and 3, 2012. Issue Sheet #2 includes a recommendation from staff to the RPU Committee to review and endorse the Bi-State recommendations (Exhibit B) which included support for a pilot program for on-site conversion of TAUs to residential units (see item 1 under Summary of Recommendations on page 1). Furthermore the pilot program is included the Bi-State Working Group Regional Plan Update Recommendations dated July 25, 2012. The Working Group supported the creation of a pilot program for TAU conversion. Item “e” under the TAU Transfer Policy on page 4 state that, “The group supports the creation of a pilot program allowing the conversion of a limited number of TAUs to ERUs for multi-unit projects. Each TAU can be used for a maximum of 1,250 sq. ft. of residential floor area on the same parcel.”

The RPU Committee took action on the Bi-State Working Group Recommendations on August 3, 2012 and voted unanimously 6-0 to accept the recommendations. Staff presented the Bi-State recommendations to the full Governing Board at their August 24, 2012 meeting.

Because the Board has voted to include the Bi-State Recommendation in Alternative 3, staff preceded to development draft language to be included in the Final Draft Code that was released on October 24, 2012.

The proposed Draft Code limits conversions under this program to a maximum of 200 units in this Plan. This is different from the existing conversion programs which allows up to 200 units to be converted in a calendar year without any lifetime maximum.

Below you’ll find pertinent links to the various documents that I have cited above.

Issue Sheet #2

[http://www.trpa.org/documents/rp\\_update/Committee/August\\_2012/Allocations/2\\_Development\\_Allocations\\_Transfers\\_2012-07-27\\_final.pdf](http://www.trpa.org/documents/rp_update/Committee/August_2012/Allocations/2_Development_Allocations_Transfers_2012-07-27_final.pdf)

Exhibit B

[http://www.trpa.org/documents/rp\\_update/Committee/August\\_2012/Allocations/2\\_Development\\_Allocations\\_ExhibitsB-E.pdf](http://www.trpa.org/documents/rp_update/Committee/August_2012/Allocations/2_Development_Allocations_ExhibitsB-E.pdf)

California-Nevada Consultation, Regional Plan Update Recommendations, July 25, 2012  
[http://www.trpa.org/documents/rp\\_update/Bi-State\\_Consult/Final%20Consultation%20Document.pdf](http://www.trpa.org/documents/rp_update/Bi-State_Consult/Final%20Consultation%20Document.pdf)

Please call or email me if you have any other questions regarding this matter.

Sincerely,

John Hitchcock

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**From:** Ellie [mailto:tahoellie@yahoo.com]  
**Sent:** Wednesday, October 31, 2012 8:43 AM  
**To:** John Hitchcock; Arlo Stockham; Clem Shute  
**Cc:** Mara Bresnick; Byron Sher; Laurel Ames; Jennifer Quashnick Tahoe Community; Ann Nichols Tahoe Community; Alex Leff Tahoe Community FOWS; 'Darcie Goodman-Collins League to Save LT'; Dan Siegel  
**Subject:** New TAU conversion pilot program 2.2.20 in FEIS

John,

I request the new pilot program for allowing conversion of 200 TAU's to ERU's as stated below be agendized for the RPU committee. I thought this was going to be added to the the "to do" as the program was not analyzed by staff before it was presented to the RPU committee and no staff recommendation was made at that time. This is not a Bi-State Consensus team issue. Why has it be codified? Code is not clear- is this an additional 200 units? Your timely consideration is greatly appreciated  
~Ellie Waller

#### 2.2.20 TOURIST ACCOMMODATION UNIT CONVERSION CRITERIA

The Draft Plan retains the conversion-of-use provisions of the existing Regional Plan. These provisions allow existing residential units to be converted to TAUs or CFA, and allow existing TAUs to be converted to residential units or CFA (Final Draft Code Section 50.10). The total number of TAUs and residential units converted are each limited to 200 units within a calendar year. Any conversion of use is subject to environmental review and must meet specific criteria identified in the Code.

The Final Draft Plan has been revised to include a pilot program that would allow a total maximum of 200 TAUs to be converted to multi-family residential units on the same parcel (Final Draft Code Section 50.10).

Conversions under this pilot program would be limited to a maximum of 1,250 square feet of residential floor area per unit, and monitoring would be required to evaluate the success of the conversion pilot program.

As compared to existing conditions, this revision would not increase the number of units that could be converted and would not affect overall development potential or other regulations governing the conversion or

establishment of uses. Each conversion of use would still be required to undergo project-specific environmental review and would be subject to TRPA regulations and those of other applicable federal, state, and local agencies.

As such, the conversion program revision, in and of itself, would have no environmental effect. When considered in combination with other elements of the Final Draft Plan, the revision to the conversion program would not generate significant environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

## **50.10. ELECTION OF CONVERSION OF USE**

### **50.10.1. General Conversion Standards**

Existing residential units may be converted to tourist accommodation units or commercial floor area, and existing tourist accommodation units may be converted to residential units or commercial floor area, subject to the following standards:

- A.** The proposed conversion shall be evaluated for adverse impacts using the Initial Environmental Checklist (IEC) and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated;
- B.** Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit;
- C.** Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area to one square foot of commercial floor area, using the subsection 50.6.2 criteria for measurement of floor area; and
- D.** A maximum of 200 residential units and 200 tourist accommodation units may be converted within a calendar year for the region.

### **50.10.2. Conversions to Multi-family Units**

A pilot program is created under this subsection that allows for the conversion of no more than 200 TAUs to ERUs for multi-unit projects, subject to the following conditions:

- A.** Each TAU can be used for a maximum of 1,250 sq. ft. of residential floor area;
- B.** The conversion must happen on the same parcel; and
- C.** TRPA shall monitor the impacts to thresholds of pilot program.

## Arlo Stockham

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**From:** John Marshall  
**Sent:** Thursday, November 01, 2012 9:30 AM  
**To:** Jennifer Quashnick  
**Cc:** Joanne Marchetta; Julie Regan; Arlo Stockham; John Hester  
**Subject:** Re: Confirming schedules/timelines

Good morning Jennifer. Please see any responses interlineated in red below.

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**From:** Jennifer Quashnick <[jqtahoe@sbcglobal.net](mailto:jqtahoe@sbcglobal.net)>  
**Date:** Wednesday, October 31, 2012 9:33 AM  
**To:** John Marshall <[jmarshall@trpa.org](mailto:jmarshall@trpa.org)>  
**Cc:** Arlo Stockham <[astockham@trpa.org](mailto:astockham@trpa.org)>  
**Subject:** Confirming schedules/timelines

Hello John,

Things are happening quickly and I'd like to confirm the following timelines:

**11/7** - TRPA requests additional items for consideration by the RPU Committee be submitted by this day;

**This request applies to Governing Board members; members of the public can submit comments on the RPU in writing beforehand or during the public comment portion of the committee meeting.**

**11/14** - GB meeting Day 1, and day TRPA requests the more substantive comments on the Final RPU EIS and Final RTP EIR/S.

Question: Other documents, or just EIS at this point?

**In order for the Governing Board, APC and staff to adequately consider public comment on all documents to be considered by Governing Board and APC in December, TRPA recommends that such comments be presented on or before the November meeting.**

**12/12** - GB meeting, final hearing, AND:

- Final date to submit to TRPA ALL written and verbal comments on the RPU FEIS, RTP FEIR/S, final 2011 Threshold Evaluation Report, Final Code, Final G&P...etc.

**See response above; while TRPA will provide an opportunity for public comment at the December meeting, the efficacy of substantial written comment at that time would of course be limited since there would be little or no opportunity for the APC and Governing Board members to consider them.**

ALSO, on 12/12, will TRPA consider:

Final Certification of the EIS and EIS/R documents;  
Final *Adoption*(?) of the 2011 Threshold Evaluation Report  
Final Vote on Plans and all parts (e.g. Code, G&P, etc.) if EIS and EIR/S docs are certified



*Other?*

I see the To Do list (Attachment 5) is included with the final RP documents, so it appears a yes vote in favor of adoption of the new Plan would include adoption of the To Do List as part of the new Plan?

At this time, TRPA anticipates that the Governing Board will take final action/acceptance on the 2011 Threshold Evaluation, the two environmental documents (the RPU/Threshold Amendment EIS and the RTP-SCS EIS/EIR), the Threshold Amendments, the RTP-SCS, the RPU (Goals and Policies and Code), and the CWA 208 Plan. Also, as explained at length at the October meeting, Attachment 5 to the proposed RPU is incorporated as a potential list of work program items that at subsequent meetings, the Governing Board will prioritize for staff work and future APC and Governing Board consideration (Policy ME-3.6 addresses the applicability of Attachment 5. It's for future consideration in the priority setting process. There is no action to endorse any specific amendment or require that future action be taken.).

Please confirm these dates, processes, etc.

Thank you,  
~Jennifer

## John Hitchcock

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**From:** John Hitchcock  
**Sent:** Thursday, November 01, 2012 1:41 PM  
**To:** 'Ellie'  
**Subject:** RE: Was and EIS addendum released

Ellie,

I noticed that my response is missing a word.

We did not release an addendum.

John

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**From:** Ellie [<mailto:tahoellie@yahoo.com>]  
**Sent:** Thursday, November 01, 2012 1:34 PM  
**To:** John Hitchcock  
**Subject:** Re: Was and EIS addendum released

Thx

**From:** John Hitchcock <[jhitchcock@trpa.org](mailto:jhitchcock@trpa.org)>  
**To:** Ellie <[tahoellie@yahoo.com](mailto:tahoellie@yahoo.com)>  
**Sent:** Thursday, November 1, 2012 12:54 PM  
**Subject:** Re: Was and EIS addendum released

Ellie,

No, we did release an addendum. Any changes to the EIS are described in Chapter 2 of the Final Draft EIS.

John

Sent from my iPhone 4s

On Nov 1, 2012, at 12:30 PM, "Ellie" <[tahoellie@yahoo.com](mailto:tahoellie@yahoo.com)> wrote:

Hi John,  
Just making sure I haven't missed anything.  
Was an EIS addendum after the close of comments ever released?

Thx ~Ellie

## John Hitchcock

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**To:** Arlo Stockham  
**Subject:** RE: Compact Language referenced at GB meeting

**From:** Ellie [<mailto:tahoellie@yahoo.com>]  
**Sent:** Monday, October 29, 2012 1:23 PM  
**To:** Mara Bresnick; Arlo Stockham  
**Cc:** Adam Lewandowski; Byron Sher; Joanne Marchetta; John Marshall; John Hester  
**Subject:** Re: Compact Language referenced at GB meeting

Arlo,  
Thank you for the clarification that this existed in the 1987 plan. I believe it should be brought forward to the RPU committee as stated by Mara and MUST be changed to reflect the proper Compact language.  
Please ensure this is an agenda item for discussion at the upcoming RPU committee meeting.

Regards, Ellie

**From:** Mara Bresnick <[mara.j@att.net](mailto:mara.j@att.net)>  
**To:** Arlo Stockham <[astockham@trpa.org](mailto:astockham@trpa.org)>  
**Cc:** Ellie <[tahoellie@yahoo.com](mailto:tahoellie@yahoo.com)>; Adam Lewandowski <[alewandowski@trpa.org](mailto:alewandowski@trpa.org)>; Byron Sher <[byrondsher@sbcglobal.net](mailto:byrondsher@sbcglobal.net)>; Joanne Marchetta <[jMarchetta@trpa.org](mailto:jMarchetta@trpa.org)>; John Marshall <[jmarshall@trpa.org](mailto:jmarshall@trpa.org)>; John Hester <[jhester@trpa.org](mailto:jhester@trpa.org)>  
**Sent:** Monday, October 29, 2012 12:03 PM  
**Subject:** Re: Compact Language referenced at GB meeting

Correctly quoting Compact language in RPU documents was one of the items Byron and I raised at last week's Board meeting, so I believe it should be on the RPU Committee agenda for review.

Sent from my iPhone

On Oct 29, 2012, at 11:19 AM, Arlo Stockham <[astockham@trpa.org](mailto:astockham@trpa.org)> wrote:

Hi Ellie,

Thanks for this clarification of your concerns.

I have researched the two examples you identified where the Regional Plan's summary of compact provisions does not use the exact language from the Compact.

In both cases, the language you are concerned with is introductory language from the 1987 Plan that was not modified by the RPU Committee. This language was not drafted during the 2012 plan update process and received little or no discussion during the RPU Committee meetings when the applicable sections were reviewed. I believe you were present for the discussion of both introductory sections.

Since this language was drafted nearly 30 years ago, I can't speak to the author's intent or respond to your concerns that this language "diminishes the intent of the compact to achieve and maintain environmental standards". I can say that staff would not interpret summary language in regional plan introductions as superseding specific language in the Compact.

I understand the RPU committee will be considering language adjustments at their next meeting. Would you like us to distribute your concern to the Board for their consideration?

Arlo

Arlo Stockham  
Regional Planning Manager  
775-589-5236  
<image001.jpg>

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**From:** Ellie [<mailto:tahoellie@yahoo.com>]  
**Sent:** Friday, October 26, 2012 11:36 PM  
**To:** Adam Lewandowski; Arlo Stockham; Arlo Stockham; Adam Lewandowski  
**Cc:** Byron Sher; Mara Bresnick  
**Subject:** Compact Language referenced at GB meeting

Hello Arlo and Adam,  
This is the language Byron referenced at the GB meeting ~Ellie

1) CHAPTER II LAND USE ELEMENT  
*LAND USE ELEMENT II Public Review Draft Revised 04/25/2012*

Article V(c)(1) of the Tahoe Regional Planning Agency Bi-State Compact calls for a "land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to indication or allocation of **maximum densities** and permitted uses"

Compact language

The word population was removed from the quote. The Compact MUST quoted as stated.

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of **maximum population densities** and permitted uses. Compact 79-139 O -81 (402) page 8

This was not quoted but why remove the word "will" after the word which?

Principles

*TRPA – Goals and Policies Statement of Mission/Principles Page v-2 Public Review Draft Revised 04/25/2012*

**adopt and enforce a Regional plan and implementing ordinances which achieve and maintain such capacities** while providing opportunities for orderly growth and development consistent with such capacities; and

Compact language

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to **adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities** while providing opportunities for orderly growth and development consistent with such capacities.

Compact 79-139 O -81 (402) Page 2

Goals and Policies Chapter I Introduction: The Regional Plan describes the needs and goals of the Region and provides statements of policy to guide decision making as it affects the Region's resources and remaining capacities. The plan with all of its elements, as implemented through Agency ordinances and rules and regulations, **provides for the achievement** and maintenance of the adopted environmental threshold carrying capacities (thresholds) while providing opportunities for orderly growth and development.

*TRPA – Goals and Policies CHAPTER I – INTRODUCTION Page I-1 Public Review Draft Revised 04/25/2012*

Here, the author has changed the intent by using the words “provides for the achievement” **rather than “will achieve” found in the Compact, Compact Art. I (b)**. It is clear that the use of the words “provides for” instead of “will” diminishes the intent of the Compact to achieve and maintain the environmental thresholds.

Compact 79-139 O -81 (402) Page 2

## John Hitchcock

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**From:** Arlo Stockham  
**Sent:** Thursday, November 01, 2012 4:02 PM  
**To:** Ellie; John Hitchcock  
**Cc:** Adam Lewandowski  
**Subject:** RE:

Hi Ellie,

Have you read the staff summary and reviewed Exhibit B? It addresses the questions you have been sending in a systematic manner. Exhibit B lists every change to the April Draft Plan and identifies the governing board action items that the changes respond to.

The final draft plan reflects Governing Board endorsements in August. The issue sheets were prepared prior to then and informed that decision, but are no longer relevant.

The request for increased permitting delegation on public lands was not endorsed and is not included on Exhibit B of the staff summary or the final draft plan/code. As described in the staff summary, amendments in the final draft plan reduce and do not increase delegation opportunities. Limits on delegation are detailed in code section 13.7.3 (Activities requiring TRPA approval).

Arlo

Arlo Stockham  
Regional Planning Manager  
775-589-5236



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**From:** Ellie [<mailto:tahoellie@yahoo.com>]  
**Sent:** Thursday, November 01, 2012 3:36 PM  
**To:** John Hitchcock  
**Cc:** Arlo Stockham; Adam Lewandowski  
**Subject:**

Hi John,

Was any new code drafted to support this recommendation by staff to allow State and Federal agencies to approve permits on Public Lands in the Conservation District thru an Area Plan Process?

This is **new language** in Goals and Policies- is this intended to cover this from the issue sheet request noted below?

**IAP-1.3.THE AGENCY SHALL COORDINATE WITH LOCAL, STATE AND FEDERAL AGENCIES TO DEVELOP AREA PLANS AND CODES THAT CONFORM WITH THE REGIONAL PLAN. AREA PLANS MAY DELEGATE REVIEW AND APPROVAL AUTHORITY FOR ADDITIONAL DEVELOPMENT ACTIVITIES TO LOCAL, STATE AND FEDERAL AGENCIES, SUBJECT TO PROVISIONS OF POLICY LU-4.12 AND THE CODE OF ORDINANCES.**

From Issue sheet #1:

Because many State lands include property in the Conservation District, Area Plans should provide more flexibility for State and Federal agencies to approve permits on Public Land in the Conservation District. The Draft Plan requires direct TRPA review of all (public or private) development in the Conservation District, except for the exempt activities that are currently specified in Code Section 13.7.3. Code language could be updated to require TRPA review of residential, commercial, or tourist development in conservation districts.

**Recommendation:**

A significant majority of comments received on the Area Plan process address non-unanimous topics debated by the RPU Committee. These topics are addressed in the Bi-State Recommendation.

Both States and the U.S. Forest Service requested that activities within a public Conservation District be eligible for exempted or delegated permitting. These requests were not discussed by the RPU

Committee. With the additional oversight provisions in the Bi-State Recommendation and the existing administrative requirements of land management agencies, safeguards appear to be adequate to support delegation opportunities for public land permitting activities that do not exceed the maximum project size limits in the Bi-State Recommendation.

Staff recommends the Update Committee:

1. Review and endorse the Bi-State Recommendation (Exhibit A), which would reduce the maximum project size that may be approved without direct TRPA review; and o establish procedures to appeal final decisions of other Agencies on delegated projects to TRPA.
2. Consider public comments on the Area Plan process. New policy considerations raised in comments include the Federal/States request to make the Area Plan process and any applicable permitting exemption or delegation fully applicable to Federal and State land management agencies for public land activities in the Conservation District that do not meet the minimum "Project of Regional Significance" size limits.

## John Hitchcock

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**From:** Arlo Stockham  
**Sent:** Thursday, November 01, 2012 4:54 PM  
**To:** Ellie; John Hitchcock  
**Cc:** Adam Lewandowski  
**Subject:** RE: Exhibit B information

The plan and code sections that we have cited speak for themselves. It is not proper for us to further interpret the plan and code language. Please refer to chapter 13.

Arlo Stockham  
Regional Planning Manager  
775-589-5236



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**From:** Ellie [mailto:tahoellie@yahoo.com]  
**Sent:** Thursday, November 01, 2012 4:40 PM  
**To:** Arlo Stockham; John Hitchcock  
**Cc:** Adam Lewandowski  
**Subject:** Exhibit B information

Hi Arlo and John,

The reason I asked the question is I've been reading Exh B information and it was not clear if the recommendation was part of the Goals and Policies change.

Please explain the new Policy language:

**AREA PLANS MAY DELEGATE REVIEW AND APPROVAL AUTHORITY FOR ADDITIONAL DEVELOPMENT ACTIVITIES TO LOCAL, STATE AND FEDERAL AGENCIES, SUBJECT TO PROVISIONS OF POLICY LU-4.12 AND THE CODE OF ORDINANCES.**

**So a Placer County Area Plan can FURTHER delegate responsibilities to other agencies like the CTC for permitting for public land activities in a Conservation District ?**

**Your interpretation of applicability of the new policy language is greatly appreciated ~Ellie**



## John Hitchcock

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**From:** Arlo Stockham  
**Sent:** Thursday, November 01, 2012 4:56 PM  
**To:** Ellie  
**Cc:** sydney.coatsworth@ascentenvironmental.com; Adam Lewandowski; John Hitchcock  
**Subject:** RE: Response to comments process

Hi Ellie,

The response to comment process is outlined in the Final EIS.

Arlo

Arlo Stockham  
Regional Planning Manager  
775-589-5236



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**From:** Ellie [<mailto:tahoellie@yahoo.com>]  
**Sent:** Thursday, November 01, 2012 4:48 PM  
**To:** Arlo Stockham  
**Cc:** [sydney.coatsworth@ascentenvironmental.com](mailto:sydney.coatsworth@ascentenvironmental.com)  
**Subject:** Response to comments process

Hi Arlo and Sydney,

Please advise on the process for Response to Comments.  
I'm trying to better understand the process and want to know if staff and Ascent jointly derive the response to comments content provided in the FEIS.

Thanks, Ellie

## John Hitchcock

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**From:** Arlo Stockham  
**Sent:** Wednesday, October 31, 2012 3:13 PM  
**To:** Steve Teshara; John Hester  
**Cc:** John Hitchcock; Adam Lewandowski  
**Subject:** RE: Seeking Clarification on RPU Attachments 4  
**Attachments:** 0.1\_Summary.pdf

Hi Steve,

I'll try to answer by e-mail and will also call you tomorrow to follow-up.

As drafted, the regional plan and code implements many of the applicable mitigation measures for "Alternative 3". The other mitigation measures (those that require the development of new programs following Regional Plan Adoption) are addressed by Policy ME-3.5 in the Implementation Element (near the end). Policy ME-3.5 requires that all applicable mitigation measures from the Draft EIS be implemented by December 31, 2013. The policy references attachment 4, which is the list of the applicable mitigation measures by number and title.

The specific performance standards for each mitigation measure are identified in the Draft EIS and are not repeated in Attachment 4. I've attached the DEIS executive summary, which identifies mitigation measures starting on page S-25. Measures 3.4-2, 3.4-5, 3.5-1, 3.6-1, 3.6-2, 3.6-3, 3.6-4 and 3.12-2 are required to be completed in accordance with requirements of the DEIS. More detailed rationale for each mitigation measure is provided in the chapters of the DEIS (3.4, 3.5, 3.6 and 3.12 for these measures).

Mitigation 3.5-1 relates to greenhouse gas emissions and climate change, beginning on page S-37 of the attached DEIS summary. DEIS Chapter 3.5 explains the basis for it.

You also mentioned attachment 5. These potential work priorities are very different and are addressed by Policy ME-3.6. Items in Attachment 5 are not required to be completed and are not analyzed in the EIS. The list is an adaptive management tool that is intended to inform (but not determine) the Board's priority setting process starting in 2013.

I hope this helps – we can discuss further tomorrow.

I also copied Adam and John Hitchcock, as they are tracking questions that we are receiving so we can address the topics at the November meetings.

Arlo

Arlo Stockham  
Regional Planning Manager  
775-589-5236



**From:** Steve Teshara  
**Sent:** Tuesday, October 30, 2012 1:37 PM  
**To:** John Hester; Arlo Stockham  
**Subject:** Seeking Clarification on RPU Attachments 4

**John and Arlo:** I am reviewing Attachments 4 and 5. I want to clarify the timeframe in Attachment 4 for "Develop and Implement" in measures listed as 1, 2, 5, 6 and 7 - for "Implement" in number 3; for "Establish and Implement" in number 4 and for "Prepare a Regional Housing Needs Program and Implement Recommendations" in number 8. Is the timeframe 12 months? Longer?

Also related to (#3) Mitigation Measure 3.5-1: "Implement Sustainability Measures with Performance Standard" - I cannot connect this Measure with the subject of mitigation. "Implement Sustainability Measures with Performance Standard" for ???

Thanks for your help with these clarifications.

Steve Teshara, Principal  
Sustainable Community Advocates

## John Hitchcock

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**From:** John Hitchcock  
**Sent:** Monday, November 05, 2012 8:40 AM  
**To:** 'Ellie'  
**Subject:** RE: Required Mitigations

Good morning Ellie,

Mitigation measures are found in three locations. Section S.6 beginning on page S-11 of the Final EIS provides a summary of environmental impacts and mitigations. Each resource section includes a detailed description of mitigation measures if an impact is identified. Attachment 4 of the Final Draft Regional Plan provides a list of additional mitigation measures that are to be implemented.

Please call or email me if you have further questions.

Regards,

John Hitchcock

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**From:** Ellie [<mailto:tahoellie@yahoo.com>]  
**Sent:** Friday, November 02, 2012 4:31 PM  
**To:** John Hitchcock  
**Subject:** Required Mitigations

John,  
Tell me where all the mitigations for Alt 3 can be found?

Attachment 4 in Goals and Policies seems to be a to do list - is that the case?

Thx Ellie

## John Hitchcock

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**From:** John Hitchcock  
**Sent:** Monday, November 05, 2012 10:46 AM  
**To:** 'Marsolais, Jeff -FS'; Ann Nichols NTPAC; Adam Lewandowski  
**Cc:** pwright@tahoe.ca.gov; Mike Lefevre; toddferrara@hotmail.com  
**Subject:** RE: Development Rights owned by CTC/FS/State Parks

Good morning Ann,

I will defer questions relating to any parcel transfer program between the USFS and the CTC to appropriate representatives from the respective agencies. Our environmental analysis assumes that lands purchased through the Burton-Santini Act were for recreation and environmental purposes and the associated development rights have been retired.

Please also refer to Master Response 3, Programmatic Coverage Assessment and Master Response 9, Consideration of Banked Commodities for an accounting of coverage and development rights. Only parcels that are vacant and meet certain criteria described in Section 50.3 of the Code are deemed to have a development right. The South Shore Drive In parcel does not meet this definition and therefore would not have a development right. However, this does not preclude the CTC from selling the parcel with a development right from their inventory (see Master Response 9). If this is the case, any future development on the parcel would require an allocation from TRPA which would be deducted from the 2600 allocations available in Alternative 3. However, an existing residential unit of use can also be transferred to the parcel and developed which would not require an allocation.

Our GIS query approximates about 105 parcels located in community centers that are owned by either the USFS or the CTC. This query does not make any determination if the parcels are developable.

Please call or email if you have any questions.

Regards,

John Hitchcock

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**From:** Marsolais, Jeff -FS [mailto:jmarsolais@fs.fed.us]  
**Sent:** Friday, November 02, 2012 3:52 PM  
**To:** Ann Nichols NTPAC; John Hitchcock; Adam Lewandowski  
**Cc:** pwright@tahoe.ca.gov; Mike Lefevre; toddferrara@hotmail.com  
**Subject:** RE: Development Rights owned by CTC/FS/State Parks

Ann –

All good questions below, and certainly things we need to think about. I want to be clear about the presentation at the last LTFAC, Patrick and I were asking for advice from the LTFAC on how we might orchestrate a public involvement process IF the two agencies wanted to move forward on the idea. I felt we had a good dialogue at the meeting and gave us all some things to consider. That said, I don't want to get the cart before the horse on this, particularly as we are still deliberating what sort of proposal, if any, we would move forward.

I am happy to have staff sit down with you to discuss further, but don't want this to be perceived as a publicly scoped project.

- Jeff

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**Jeff Marsolais**

**Deputy Forest Supervisor**

Lake Tahoe Basin Management Unit  
35 College Drive, South Lake Tahoe, Ca 96150  
Office (530) 543-2640

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**From:** Ann Nichols NTPAC [<mailto:preserve@ntpac.com>]

**Sent:** Friday, November 02, 2012 12:04 PM

**To:** 'John Hitchcock'; 'Adam Lewandowski'

**Cc:** [pwright@tahoe.ca.gov](mailto:pwright@tahoe.ca.gov); Marsolais, Jeff -FS; LeFevre, Mike -FS; [todd Ferrara@hotmail.com](mailto:todd Ferrara@hotmail.com)

**Subject:** Development Rights owned by CTC/FS/State Parks

Thanks John,

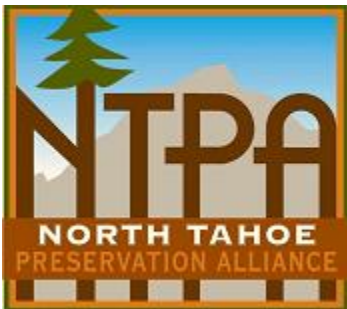
Do you know, since I haven't received an answers from the CTC or FS yet, regarding the following?:

1. Whether the Forest Service is able to transfer development rights and CVR to the CTC from the approx. 2000 residential parcels they are considering trading to the CTC? Could the CTC eventually sell those rights or does Burton/Santini disallow the sale of entitlements?
2. Are development rights and coverage owned by the FS/CTC and State Parks counted in the existing inventory of potential development entitlements in the DEIS/FEIS? It seemed as only the annual CTC coverage distribution was enumerated. I know that the CTC has designated 400 "asset" lands that can be sold. Two parcels are for sale now. Would these sales be deducted from the 2600 new residential? One is the old South Shore Drive In, which has a development right/coverage being transferred with it and CVR retained by the CTC.
3. Do you know how much land/parcels the agencies own in community centers?

I appreciate your quick response. We don't have much time to review these documents.

Appreciate it,

Ann



**North Tahoe Preservation Alliance**

P.O. Box 5  
Crystal Bay, Nv. 89402

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**From:** John Hitchcock [<mailto:jhitchcock@trpa.org>]  
**Sent:** Thursday, November 01, 2012 4:14 PM  
**To:** Ann Nichols NTPAC; Adam Lewandowski  
**Cc:** [pwright@tahoe.ca.gov](mailto:pwright@tahoe.ca.gov); Jeff Marsolais; Mike Lefevre; [todd Ferrara@hotmail.com](mailto:todd Ferrara@hotmail.com)  
**Subject:** RE: Excess CVR removal/bonus units/CTC,FS

Good afternoon Ann,

The provision is silent on property ownership so theoretically a governmental agency such as the CTC, USFS or State Parks could earn bonus units. The maximum number of potential bonus units that could be earned under this provision are the same as those proposed in Alternative 3.

John

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**From:** Ann Nichols NTPAC [<mailto:preserve@ntpac.com>]  
**Sent:** Thursday, November 01, 2012 2:52 PM  
**To:** John Hitchcock; Adam Lewandowski  
**Cc:** [pwright@tahoe.ca.gov](mailto:pwright@tahoe.ca.gov); Jeff Marsolais; Mike Lefevre; [todd Ferrara@hotmail.com](mailto:todd Ferrara@hotmail.com)  
**Subject:** Excess CVR removal/bonus units/CTC,FS

**John and Adam,**  
**Would excess CVR removed by the CTC, FS, or State Parks gain bonus units?**  
**How many potential bonus units could be created and/or resold by this code?**  
**Thanks,**  
**Ann**

### 30.6.3. Onsite Removal and Retirement of Excess Coverage in Centers

- A. Before utilizing this subsection, excess coverage shall be mitigated pursuant to Section 30.6.
- B. Onsite removal and retirement of remaining excess coverage in Centers may earn multi-residential bonus units, tourist accommodation bonus units, and/or commercial floor area, pursuant to the conversion ratios in the following table:

**TABLE 30.6.3-1: CONVERSION RATIOS FOR EXCHANGE OF COVERAGE FOR RESIDENTIAL BONUS UNITS, CFA, AND TAUS**

Land Capability District 1b (SEZ)	Coverage Reduced (sq. ft.)	Bonus Units Earned <sup>1</sup>
1b (SEZ)	700	1
1a, 1c, 2, or 3	1400	1
4, 5, 6, or 7	2100	1

1

One unit is equivalent to one residential bonus unit, one TAU, or 1,000 square feet of CFA. Rounding shall not be used to round up to whole numbers of bonus units.

**Example:**

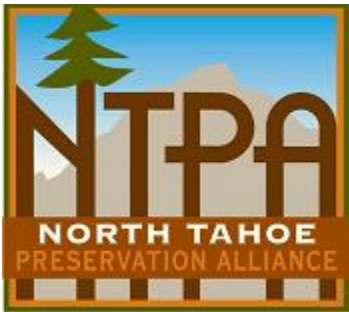
Site has 1,000 sq. ft. of excess land coverage in an SEZ.

**Step 1: Applicant must mitigate excess coverage according to Section 30.6.**

Thus, if 200 sq. ft. of coverage is mitigated under Section 30.6, then the applicant would have 800 sq. ft. (1,000 sq. ft. - 200 sq. ft. = 800 sq. ft.) of remaining excess coverage to apply under Step 2.

**Step 2: Apply options of Table 30.6.3-1 to determine the number of bonus units earned.**

Thus, if an additional 700 sq. ft. of coverage is reduced, then the applicant would earn one bonus unit because the reduced coverage is in an SEZ. This would leave 100 sq. ft. (800 sq. ft. - 700 sq. ft. = 100 sq. ft.) of excess coverage on the site.



**North Tahoe Preservation Alliance**

P.O. Box 5

Crystal Bay, Nv. 89402

[Preserve@NTPAC.com](mailto:Preserve@NTPAC.com) 775-831-0625

[www.ntpac.com](http://www.ntpac.com)

"Helping preserve the natural beauty and rural character of North Lake Tahoe"

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