

**TRPA
GOVERNING BOARD
PACKETS**

**AUGUST
1989**

August 89 Audience Copy
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TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on August 23 and 24, 1989, commencing at 9:30 a.m. on the 23rd and at 8:30 a.m. on the 24th, at the TRPA office, 195 U.S. Highway 50, Round Hill, Zephyr Cove, Nevada, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The official agenda is attached hereto and made a part of this notice.

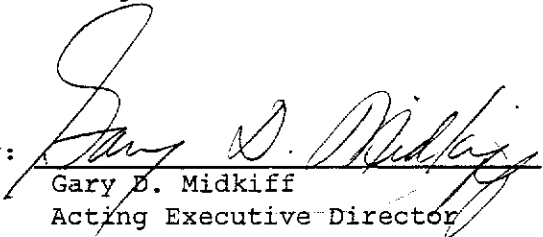
NOTICE IS FURTHER GIVEN that on August 23, 1989, at 8:30 a.m., in the same location, the Legal Committee of said agency will meet to discuss settlement of Tyrolian Village v. TRPA, U.S. District Court, District of Nevada, and recruitment of Agency counsel.

NOTICE IS FURTHER GIVEN that on August 23, 1989, at 8:30 a.m. in the same location, the Finance Committee of said agency will meet to discuss receipt of the July financial statement, the status of FY 89-91 funding from California and Nevada, authorization for the FY 90-91 budget request to California, and a request by Washoe County for air quality mitigation funds for transit shelters.

NOTICE IS FURTHER GIVEN that on August 23, during the lunch recess, the Rules Committee will meet to discuss further amendment of the Rules of Procedure.

Date: August 16, 1989

By:


Gary D. Midkiff
Acting Executive Director

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

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Office 195 U.S. Highway 50
Zephyr Cove, Round Hill, Nevada

August 23, 1989 9:30 a.m.
August 24, 1989 8:30 a.m.

OFFICIAL AGENDA

- I PLEDGE OF ALLEGIANCE
- II ROLL CALL AND DETERMINATION OF QUORUM
- III APPROVAL OF MINUTES
- IV APPROVAL OF AGENDA
- V CONSENT CALENDAR (see page 3)
- VI PROJECT REVIEW
 - A. Andy and Zaida Saberi, Land Capability Challenge,
940 Tyner Way, Washoe County APN 125-162-07
 - B. Tahoe Recreation Rental, Special Use Determination, 3433 Lake
Tahoe Boulevard, City of South Lake Tahoe, APN 27-371-01
 - C. Lakeside Nautilus, Temporary Use/Special Use Determination, Tahoe
Keys Convenience Center, City of South Lake Tahoe, APN 22-210-22
- VII PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS
 - A. Amendment of the Goals and Policies and Code to Modify Land Coverage
Transfer Requirements Relative to Erosion Control and Other
Environmentally Oriented Projects
 - B. Amendment of the Historic Resources Overlay Map to Add:
 - 1. Tahoe Meadows, City of South Lake Tahoe
 - 2. The Matt Green Property, Placer County APN 94-171-06
 - C. Amendment of Chapter 20 (Land Coverage Standards) Regarding
Application of Land Coverage Transfer Provisions to Residential
Parcels Containing Portions Below High Water Lines or Portions
Occupied by Easements for Linear Public Facilities, Streets, or
Highways
 - D. Amendment of Chapter 37 (Individual Parcel Evaluation System) to Adopt
List of Types of Water Quality Improvements Pursuant to Subsection
37.2.I.

- E. Draft EIS, Caltrans, Emerald Bay Slope Stabilization and Highway Improvement Project

VIII APPEALS

- A. Leuthold/Mayer and Glassman, Appeal of Staff Denial of a Single Family Dwelling, Glarus Court, Tyrolian Village Unit 4, Washoe County APN 126-550-09
- B. Crystal Shores East and West Associations, Appeal of Staff Determination on Incline Interpretive Park (West Park Only), Washoe County APN 540-100-89/6
- C. Rutter and Schaffer Corporation, Appeal of Staff Denial of a 65 Unit Subdivision (Kingswood West), Placer County APN 112-210-02, -03, -05, and -06

IX PLANNING MATTERS

- A. Report on Recommendations by the Rural/Urban Design Assistance Team (R/UDAT) - August 23 in the afternoon
- B. Adoption of Resolution to Amend the Filing Fee Schedule
- C. Status Report on Scenic Resources Management Package

X ADMINISTRATIVE MATTERS

- A. California and Nevada Lay Member Appointments to the Advisory Planning Commission (Two Terms Expire August 1989)
- B. Discussion on Organizational Effectiveness Study
- C. Approval of Membership Changes for the Douglas County, Tahoe City, and Kings Beach Community Planning Teams

XI REPORTS

- A. Status Report on Recruitment for Executive Director
- B. Finance Committee Report and Board Action on Recommendations
 - 1. Receipt of the July Financial Statement
 - 2. Status Report on FY 89-91 Budget Requests to California and Nevada
 - 3. Authorization for Submittal of FY 90-91 Budget Request to California

C. Legal Committee Report and Board Action, If Necessary, on the Following:

1. Settlement of Tyrolian Village v. TRPA, U.S. District Court, District of Nevada
2. Counsel Position

D. Executive Director

1. Status Report on Projects Reviewed at Staff Level and on Emergency Permits Issued by Executive Director
2. Status Report and Board Action, If Necessary, on Code Interpretations Made by Executive Director
3. Status Report on Residential Allocations Issued in the South Tahoe Public Utility District Service Area of El Dorado County and the City of South Lake Tahoe
4. Other

E. Agency Counsel

F. Governing Board Members

XII RESOLUTIONS

XIII CORRESPONDENCE

XIV PUBLIC INTEREST COMMENTS

XV ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommended Action</u>
1. Request for Air Quality Mitigation Funds for Washoe County Transit Shelters	Approval
2. Fitz, Resolution of Enforcement Matter, Douglas County APN 03-024-04	Approval With Findings And Conditions
3. Crabtree, Pier Repair and New Boatlift, Placer County APN 98-191-27	Approval With Findings And Conditions
4. Tahoe Tavern, Buoy Field Expansion, Placer County APN 94-200-34	Approval With Findings And Conditions

Consent Calendar (continued)

5. Perennial Nursery, Commercial Addition, Placer County APN 117-071-30 Approval With Findings And Conditions

Completed Land Capability Challenges: Approval With Findings

6. Bourne, 5000 Round Hill Road, Douglas County APN 005-230-04 and 005-290-09
7. Michael Reese, Tahoe Woods #1, Placer County APN 083-360-29
8. Harriet and Arthur Reininger, Dollar Point #2, Placer County APN 093-092-03
- ~~9. Chambers, 933 Miners Ridge Court, Washoe County APN 129-500-04~~
- ~~10. Washoe County School District, Parcel D, Village Boulevard, Washoe County APN 129-500-08~~
11. Von Doepp, 161 Quiet Walk Road, El Dorado County APN 015-370-13
12. Peterson, 925 Sky Way, Talmont, Placer County APN 083-253-08
13. Konarske, 598 Sugarpine, Washoe County APN 122-142-13
14. Konarske, 594 Sugarpine, Washoe County APN 122-142-14
15. Bonnie Raymond, 610 Dorothy Court, Washoe County APN 125-172-23
16. Schroeder, Erwin Drive, Douglas County APN 007-112-15

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Governing Board at one time without discussion. If any Governing Board member or noticed affected property owner requests that any item be removed from the consent calendar, it will be taken up separately under 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

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

August 14, 1989

To: TRPA Governing Board

From: Agency Staff

Subject: Request for Air Quality Mitigation Funds for
Washoe County Transit Shelters

Washoe County has requested the release of TRPA Air Quality Mitigation funds in the amount of \$30,000 for the construction of four bus shelters in the Incline Village area. The total cost of constructing the four bus shelters is estimated at \$42,500. The Regional Transportation Commission of Washoe County is contributing \$10,000 toward the construction of the bus shelters. In addition, the Incline Rotary Club has donated \$2,500 to help pay for the shelters.

Section 93.5 of the TRPA Code of Ordinances specifies the manner in which air quality mitigation funds are to be used and distributed. The mitigation account is held in trust by TRPA for disbursement to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin. Distribution of these funds to the local jurisdiction is made, provided that TRPA finds that the expenditure of these funds is consistent with TRPA's Regional Transportation Plan or the 1982 Air Quality Plan.

Staff Recommendation

Staff has reviewed the request for disbursement of Air Quality Mitigation funds to Washoe County and finds that the proposed use for these funds is consistent with the Regional Transportation Plan.

The Action Element of the RTP implements TRPA goals and policies through a series of programs and projects. In the first five-year phase of the Action Element, several transportation projects are shown for implementation in the Washoe County area of the Region. These projects include improvements to the existing transit system serving Incline Village and Crystal Bay.

LA:rdh
8/14/89

CONSENT CALENDAR ITEM 1

Memorandum to Governing Board
Request for Air Quality Mitigation Funds
for Washoe County
Page 2

Washoe County's request for Air Quality mitigation funds to construct four bus stop shelters in the Incline Village and Crystal Bay areas is consistent with the TRPA RTP. The construction of the transit shelters will improve the attractiveness of the TART system in this area, and by attracting more riders, vehicle miles of travel (VMT) will be reduced.

Staff recommends approval of the disbursement of Air Quality Mitigation funds in the amount of \$30,000 to Washoe County for the construction of four bus shelters in the Incline Village area. It is recommended that this approval be given with the condition that Washoe County coordinate the location and design of the bus shelters with Placer County, the operator of TART. In addition, Washoe County shall report to TRPA on the use of these funds as required by Section 93.5 of the Code.

The amount of air quality mitigation funds being held by TRPA for Washoe County was \$149,217, as of June 30, 1989. If this request for mitigation funds is approved, the remaining balance will be \$119,217, not including any additional funds or interest which may have accrued to the account since that time.

If you have questions or comments concerning this agenda item, please contact Leif Anderson at (702) 588-4547.

8/14/89

CONSENT CALENDAR ITEM 1

02

TAHOE REGIONAL PLANNING AGENCY

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Round Hill, Zephyr Cove, NV

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(702) 588-4547
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MEMORANDUM

August 8, 1989

To: TRPA Governing Board

From: TRPA Environmental Compliance Division

Subject: Herbert Fitz, Settlement of Enforcement Action, APN 03-024-04,
Washoe County

Based upon the following summary and the attached Notice of Violation (Exhibit A), staff recommends that the Governing Board accept a negotiated settlement between Herbert H. Fitz and the Tahoe Regional Planning Agency (TRPA).

The Notice of Violation was issued in response to unpermitted tree cutting activities. Six white fir trees were materially damaged (topped and/or excessively limbed in the upper two-thirds of the tree) and two white fir were removed. This activity is a violation of Subsections 4.3.A(7) and 71.2, TRPA Code of Ordinances.

Mr. Fitz has agreed to fulfill the conditions of the proposed settlement which consists of both assessment of a \$2,500 fine and the requirement to plant eight trees on the subject parcel. A check for \$2,500 has already been received by TRPA. This figure was calculated from the attached Guide for Fines matrix (Exhibit B) as follows:

The nature of the violation was determined to be Willful Gross Negligence and the Degree of Violation was categorized as "Minor Prohibited Activity"

The sum of \$2,500 was calculated at the rate of \$500 per tree removed and per tree sufficiently damaged to cause probable death (5 total).

8/8/89
ES:sd

CONSENT CALENDAR ITEM 2

NOTICE OF VIOLATION AND VIOLATION REPORT

MAILED:

June 22, 1989

NOTICED PARTY:

Herbert and Mary Fitz
P. O. Box 358
Glenbrook, NV 89413

SUBJECT:

Notice of Violation and Violation Report, APN 03-024-04,
1728 Logan Creek Drive, Douglas County

This Notice of Violation and Violation Report is being issued because the tree removal, tree limbing, and tree topping activities performed by Action Tree Service, at your request on the above-referenced parcel, were activities prohibited by the Tahoe Regional Planning Agency Code of Ordinances.

Chapter IX of the TRPA Rules of Procedure (enclosed) outlines a procedure for resolving violations of the TRPA Compact, Regional Plan, or TRPA permits. This involves notices of violation and violation reports. The content of these items is specified in the Rules and is explained below for your reference:

Section 9.6 NOTICE OF VIOLATION

Nature of Violation

On our about May 3, 1989, at 1728 Logan Creek Drive, Assessor's Parcel Number (APN) 03-024-04, two trees were removed, and six trees were materially damaged (three trees were excessively limbed and three trees were topped). Tree sizes ranged from 11" to 18" diameter at breast height (dbh), all of the trees were white firs. A permit was not issued for any of this tree cutting activity. The TRPA Code of Ordinances Sections violated were 4.3.A(7) and 71.2. The limbing of tree branches in the upper two-thirds of the tree height and topping are defined by Section 2.2, TRPA Code as activities materially damaging to the trees.

Correction of the Violation

The intent of the Rules of Procedure, Article IX, is to promote resolution of violations at the administrative level. In keeping with that intent, the resolution section of this letter includes a proposed settlement.

Cease and Desist Order

A CEASE AND DESIST ORDER was posted on May 3, 1989 at the subject parcel.

The CEASE AND DESIST ORDER is still in effect and shall remain in effect until withdrawn by TRPA in writing.

Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board has been scheduled for the July 26 and 27, 1989 Governing Board meeting. The Show Cause Hearing will be cancelled if none of the noticed parties respond or if a settlement is reached.

Section 9.6 VIOLATION REPORT

(a) Noticed Party:

Herbert and Mary Fitz
P. O. Box 358
Glenbrook, NV 89413

(b) Provisions of the Tahoe Regional Planning Compact and the Regional Plan Package violated:

TRPA Code of Ordinances, Sections 4.3.A.(7), 30.7.B, and 71.2

(c) Statement of Facts

TRPA staff received a complaint regarding unpermitted tree cutting activity at 1728 Logan Creek Drive, on May 3, 1989. An inspection was performed that same day by Ed Skudlarek, TRPA Associate Environmental Specialist, discovered that two trees had been removed, three trees had been topped, and three trees had limbs removed in the upper two-thirds of the trees. All of the trees cut were white fir and ranged in size (stump diameter) from 11" to 18". The stumps left from the tree removal were covered with dirt in an apparent attempt to camouflage them. The slash had already been removed. A CEASE AND DESIST ORDER was then posted on the parcel. The parcel is owned by Mary and Herbert Fitz.

(d) Documentary evidence

Photographs of property in question are in TRPA's possession and may be reviewed upon request.

(e) Proposed Resolution of Enforcement Action

The following resolution has already been discussed with and agreed to by and between TRPA and Mike Ross, the attorney representing Mr. and Mrs. Fitz.

1. Remittance to TRPA the sum of \$2,500 as a penalty in lieu of civil litigation by July 31, 1989. This figure is calculated from the enclosed "Guide for Fines", based upon a finding that the activity is prohibited, willful, and minor in nature, and
2. Eight trees shall be planted on the parcel. Tree species shall be either White Fir, Sugar Pine, Jeffrey Pine or Aspen. Tree sizes shall conform with the landscaping standards, Subsection 30.7.B, TRPA Code of Ordinances. A site plan showing where the trees will be planted and showing the location of utility lines on the parcel shall be submitted to TRPA.

(f) Governing Board Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board is scheduled for the August 23 and 24, 1989 meeting. The meeting commences at 9:30 a.m. and the hearing is not set for a certain time. The resolution of the violation prior to that date or a failure by the noticed parties to respond to this notice will cause the Show Cause Hearing to be cancelled. Board action (as a consent calendar item) may be necessary to ratify a settlement of the violation. Since you have decided to pursue a settlement of the violation, complete the waiver of the statute of limitations, as outlined in Election to Pursue Settlement, and submit it to TRPA no later than July 15, 1989. The Show Cause Hearing will be stayed pending the outcome of the settlement efforts. Settlement of this matter, by acceptance of the resolution already agreed to by both parties, is the preferred option.

(g) Response date

A response to this Notice must be received by TRPA or deposited in the U.S. Mail, postage prepaid, addressed to TRPA, no later than 5:00 p.m., July 15, 1989. (See Section 9.8 of the TRPA Rules of Procedure for the contents of a response).

Section 9.10 ELECTION TO PURSUE SETTLEMENT

If the responding party wishes to pursue settlement of the enforcement action, the response to the notice of violation shall contain an express waiver of the statute of limitations in Article VI(j) (4) of the Compact, an acknowledgement that the Show Cause Hearing procedure will be stayed pending the outcome of settlement efforts, and an agreement to comply with the terms of any pending CEASE AND DESIST ORDER. Waiver of the statute of limitations shall be for a definite period of time, but not less than an additional sixty (60) calendar days. An election to pursue settlement shall not relieve the responding party of the requirement to comply with Section 9.9 of these Rules in the event settlement is discontinued.

00 00

Fitz Notice of Violations
June 22, 1989
Page Four

For your convenience, a waiver form is attached. The waiver must not be for less than an additional sixty calendar days. The statute of limitations in Article VI (j) (4) of the Compact is sixty-five days, therefore the waiver must be effective, at a minimum, up to and including October 27, 1989 (a period of one hundred and twenty-five days from the date of service of this notice).

Please contact me if you have any questions on this matter.

Sincerely,

Ed Skudlarek
Environmental Specialist II
Environmental Compliance Division

ES:sd

Enclosures: Waiver of Statute of Limitations
Public Law 96-551; Tahoe Regional Planning Compact
Article IX - Compliance Procedures; Rules of Procedure
Guide for Fines
Page 2-19, TRPA Code of Ordinances; Materially Damaging
Definition
TRPA Code of Ordinances, Sections 4.3.A(7), 30.7.B, 71.2

cc: Action Tree Service
Dave Frietas, Nevada Division of Forestry
Mike Ross, Esq.
Bill Morgan, TRPA
Susan Scholley, TRPA

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Waiver of Statute of Limitations
Due to Election to Pursue Settlement

I, _____, hereby waive the applicable 65 day statute of limitations in Article VI (j) (4) of the Tahoe Regional Planning Compact for a period of not less than an additional sixty days, up to and including October 27, 1989.

I further acknowledge that the show cause hearing currently scheduled for August 23 and 24, 1989 will be continued pending the outcome of the settlement discussions I have elected to pursue.

Further, I acknowledge that a Cease and Desist order is pending against further activity and I agree to abide by and comply with the terms of that Cease and Desist order during the pendency of the settlement discussions.

Signed

Dated

TAHOE REGIONAL PLANNING AGENCY

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GUIDE FOR FINES

<u>Degree of Violation</u>		<u>Nature of Violation</u>		
		*	Simple Negligence	Willful/Gross Negligence
		*	Inadvertent	
		*		
Permitted Activity	Minor	*	31.25	125.00
	Major	*	312.50	2,500.00
		*		
Permitted Activity But Not In Compliance	Minor	*	62.50	250.00
	Major	*	625.00	5,000.00
		*		
Prohibited Activity	Minor	*	125.00	500.00
	Major	*	1,250.00	10,000.00

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Crabtree Pier Repair and Addition of New Boatlift

Application Type: Shorezone

Applicant: William Crabtree

Applicant Representative: Raymond Vail and Associates

Location: 52 Moana Circle, Placer County

Assessor Parcel Number/Project Number: 98-191-27

Project Description: The applicant proposes to repair their existing recreational pier and install one low level boatlift. The existing pier is non-conforming with pier design standard 54.4.B(1) (maximum ten foot width) due to a slight bend in the pier near the highwater line. The applicant proposes to bring the pier into conformance as part of the repair.

Site Description: This area of foreshore contains scattered small cobbles. One single family dwelling is located on the littoral parcel.

Code Review:

Chapter 4 - Project Review	Chapter 51 - Permissible Uses
Chapter 5 - Environmental Documentation	Chapter 52 - Existing Structures
Chapter 6 - Findings	Chapter 53 - Shorezone Tolerance Districts
Chapter 13 - Plan Area Statements	Chapter 54 - Development Standards- Nearshore/Foreshore
Chapter 18 - Permissible Uses	Chapter 55 - Development Standards- Backshore
Chapter 20 - Land Coverage	Chapter 56 - Mitigation Fees
Chapter 25 - Best Management Practices	Chapter 79 - Fish Resources
Chapter 38 - Tracking/Banking	Chapter 81 - Water Quality Control
Chapter 50 - Shorezone/Lakezone Review	

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment.

TC:cs
8/10/89

CONSENT CALENDAR ITEM 3.

B. Plan Area Statement: The project is located within Plan Area Statement 154, Tahoma Residential. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area Statement and has identified the following items (underlined) as being applicable to the project. Following each item is a brief statement addressing consistency.

1. Planning Statement:

This area should continue to be residential, maintaining the existing character of the neighborhood.

This proposal will not change the residential character of the neighborhood.

2. Planning Considerations:

The prime fish habitat in Lake Tahoe is tentatively identified for habitat improvement.

The project is located within an area designated as "Spawning Habitat Area" targeted for restoration on TRPA's adopted fish habitat map. However, TRPA's staff biologist has concluded that the project, as conditioned, will not have an impact on fish habitat.

Scenic Shoreline Unit 12 is within this Plan Area.

Scenic Shoreline Unit 12 has a travel rating of 9 which is above the threshold standard. Staff has determined that the project will not cause a degradation of the threshold standard.

C. Land Coverage:

1. Land Capability Districts: The land capability of the project area is class 5 and backshore. The total project area is approximately 27,000 square feet in size.

2. Existing Coverage:

Buildings	3,750 square feet
Paving	800 square feet
Other	<u>2,450 square feet</u>
Total	7,000 square feet

3. Proposed Coverage:

Buildings	3,750 square feet
Paving	800 square feet
Other	<u>2,450 square feet</u>
Total	7,000 square feet

4. Allowed Coverage: To be determined upon submittal of final plans which delineate the backshore and land capability districts and their respective coverages.

5. Coverage Mitigation: The applicant shall submit a site plan delineating the backshore and class 5 areas. Excess land coverage, if any, shall be mitigated pursuant to Section 20.5.A(3) of the TRPA Code of Ordinances. No increase in land coverage will occur as a result of the proposed project.

D. Pier Height: The existing and proposed pier deck elevation is 6,231 feet, Lake Tahoe Datum. The low-level boatlift will extend four feet above the pier deck elevation. This is consistent with Section 54.4.B(2) of the TRPA Code.

E. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 6. The project, as conditioned, complies with the shorezone tolerance district standards.

F. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 50, and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

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

a. Land Use: The applicants will be required to mitigate any existing excess coverage and to apply BMPs to the project area. This project will not affect the allowed land use on this site. Residential piers are allowed accessory structures in the Plan Area for this property.

b. Transportation: This pier will not adversely impact transportation in the Lake Tahoe Basin. Piers located within the limits of the TRPA-approved pierhead line have been determined not to pose a threat to navigation. No extension of the pier is proposed.