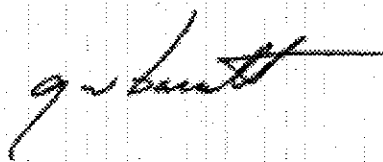


TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on January 13, 1999, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

January 4, 1999



Gordon W. Barrett, Chief
Long Range Planning Division

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

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
Stateline, Nevada

January 13, 1999
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

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

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

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS
 - A. Amendment of the Round Hill Community Plan to Transfer in Bonus Tourist Accommodation Units from Kingsbury Community Plan **PAGE 1**
 - B. Amendment of Code Chapter 81, Water Quality Controls; and Goal #2, Chapter 2, Water Quality Subelement, of the Goals and Policies Plan to Clarify the Prohibition of Certain Watercraft in the Tahoe Region **PAGE 9**
- VI. PLANNING MATTER
 - A. Status Report on Lowering the Individual Parcel Evaluation System (IPES) Line **PAGE 23**
- VII. REPORTS
 - A. Executive Director
 - B. Legal Counsel
 - C. APC Members
- VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
Kings Beach, California

December 9, 1998

REGULAR MEETING MINUTES

Chairperson Robert Jepsen called the regular December 9, 1998, meeting of the Advisory Planning Commission ("APC") to order at 9:37 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Lohman, Mr. Doughty, Mr. Cole (arrived at 9:44 a.m.), Ms. Baldrice, Mr. Barham, Ms. Kemper, Mr. Porta, Ms. Rohr, Mr. Poppoff, Mr. Morgan, Mr. Haen, Ms. Kvas, Mr. Combs, Mr. Marchio, Mr. Jepsen
Members Absent: Mr. Kehne, Mr. McDowell, Mr. Joiner, Mr. Lawrence

II. APPROVAL OF AGENDA

Executive Director Jim Baetge stated that there were no changes to the agenda.

MOTION by Ms. Baldrice, with a second by Mr. Porta, to approve the agenda as presented. The motion carried with Mr. Poppoff abstaining.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

MOTION by Ms. Baldrice, with a second by Mr. Morgan, to approve the November 12, 1998, APC minutes as presented. The motion carried unanimously.

V. PUBLIC HEARINGS

A. Amendment of Chapter 22, Height, to Provide Additional Height
For Certain Structures in Adopted Ski Area Master Plans

Associate Planner John Hitchcock presented the staff summary amending Chapter 22, Height, of the TRPA Code of Ordinances, to allow additional height for certain buildings within adopted ski area master plans.

Mr. Morgan suggested taking out the word "downhill" in Section 22.4.A and leave the words "ski facilities" so the applicant would not have to come back at a later date and amend the TRPA Code.

Mr. Andrew Strain, representing Heavenly Ski Resort, discussed the proposed project.

APC REGULAR MEETING MINUTES DECEMBER 9, 1998

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Doughty, with a second by Mr. Combs, to recommend approval to the Governing Board amending Chapter 22, Height, to allow additional height for certain buildings with adopted ski area master plans, including the words "cross country skiing" to Section 22.4.A. The motion carried unanimously.

- B. Amendment of Round Hill Community Plan to Add Bicycle Facilities And Sidewalks to the Transportation Element and the Design Standards And Guidelines and Amend Figure 20.2 of the Design Standards and Guidelines

Assistant Planner Nick Haven presented the staff summary amending the Round Hill Community Plan to add bicycle facilities and sidewalks to the transportation element and design standards and guidelines of the community plan.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Doughty commented that he appreciated TRPA's staff efforts in processing this item in a timely manner.

MOTION by Mr. Doughty, with a second by Mr. Porta, to recommend approval to the Governing Board amending the Round Hill Community Plan to add bicycle facilities and sidewalks to the transportation element and design standards and guidelines to the community plan. The motion carried unanimously.

Mr. Stan Hansen, former APC Member, commented on what a pleasure it has been working with the APC board over the last several years. He thanked all the members for their support and looked forward to working with them in the future.

Chairperson Jepsen read the resolution for Mr. Hansen.

- C. Review of 1998 Lake Tahoe Watercraft Report and Direction to Staff to Prepare Recommended Actions in Response to the Report

Principal Planner Gordon Barrett presented a review of the 1998 Lake Tahoe Motorized Watercraft Report and direction to staff to prepare recommended actions in response to the report.

A discussion ensued

Mr. Brant Allen, with the U.C. Davis, Tahoe Research Group, presented the preliminary draft report prepared by the Tahoe Research Group.

A discussion ensued.

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Mr. Haen suggested adding "BTX" after "such as" on paragraph 10 of Attachment A, Goals and Policies, Chapter 2, Land Use Element, Water Quality Subelement.

(Break taken at 11:22 a.m.)

(Reconvened at 11:30 a.m.)

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. John Kleppe, from Fallen Leaf Lake and the individual who did the MTBE studies, believed that a one-year extension on the ban should be given to the fireboat at Fallen Leaf Lake for public safety reasons.

Mr. Poppoff questioned if one a season exemption would be appropriate, and Mr. Kleppe responded yes.

Mr. Don Morrison, a boating resident from Incline Village and concerned citizen, had a question on the definition of "fuel charged crankcase scavenged two-stroke propelled watercraft". He commented that he did not understand the definition. Mr. Morrison did not believe that the term applied to the engines that TRPA is attempting to ban.

Mr. Barrett responded that the term was a recommendation from the Environmental Protection Agency. He stated that if Mr. Morrison had a better technical way of describing the watercraft, he would be willing to accept it.

Mr. Morrison stated that TRPA should use the videos of the efforts that have been made to ban the two-stroke engines as part of a public relations program. He believed that the video was very effective and convincing.

Mr. Morrison also stated that the first step in enforcing the 600 foot no-wake, 5 mph speed limit is to remove the existing buoys that are sitting at 150 feet and 200 feet and moved to 600 feet. He also stated that in fairness to the sailors, exceptions should be given to small, two-cycle engines on sailboats since they are rarely used.

Mr. Fred Mesman, Boating Law Administrator with the State of Nevada, Division of Wildlife, stated that only about 3 percent of the people with non-complying motors said they would not adhere to the new regulations. He urged caution at the studies shown in the Hagler Bailly Preliminary Report. He suggested going back to the contractor and inquire as to how the data was analyzed and applied to the survey. In addition, he suggested that TRPA work with his Department to apply for Federal funding to make sure that pump out facilities are available at the marinas. The deadline for this funding is January 5, 1999. He supported TRPA's graph on EPA-Certified Clean Technology Marine Engines on page 25 of the Staff Summary. In terms of removing the buoys, Mr. Mesman stated that they are established as a safety issue and cannot be removed.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Mesman, of the Nevada Division of Wildlife, stated that his Division has transferred its current non-complying boat and motor to Southern Nevada.

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Mr. Morrison coined the term "crankcase charged fuel lubricator".

Ms. Kemper commended the TRPA staff and all the agencies and universities for working cooperatively in a timely manner to get all this information together for the hearings this month. She especially appreciated the efforts that the Tahoe Research Group made to pull all the data and synthesize and compile the information in the report that summarizes the key points.

Ms. Kvas stated that last year she was not comfortable with the research data but this year she is very comfortable with it and feels like she could support the ban. She believed that a lot of public relations work needs to be done to let them know that just because we have gone this far, that doesn't mean it is the end. This is just the beginning and as more research is done, the standards are going to be tighter. In addition, on enforcement, she suggested that once a particular personal watercraft has been checked and compliant for 1999, it would be wise to have a TRPA 1999 sticker so that the enforcement staff doesn't have to waste a lot of time continuously looking at a personal watercraft. Also, a brochure would be helpful to let people know where we are going.

Mr. Poppoff congratulated staff on doing a good job on this work but hopes that we don't let down on the continuation of the PHA work because there seems to be some potential there that we need to understand. Mr. Poppoff was concerned about the hot spots around the Lake and in and around the marinas where there are intake lines that exceed drinking water standards.

Ms. Kemper stated that the water purveyors have been notified of this and advised to do sampling right after the 4th of July weekend or in August, which would be the time of highest concentrations. She stated that Lahanton is hoping that with the new regulations, there will be a dramatic improvement next summer in the water quality.

A discussion ensued.

Ms. Rohr believed that TRPA should not be responsible for enforcing drinking water standards; the water purveyors need to take responsibility.

MOTION by Mr. Doughty, with a second by Mr. Morgan, to recommend approval by the Governing Board of the Lake Tahoe Motorized Watercraft Report with minor adjustments to the Goals and Policies and rewording the Code language for the June 1, 1999, prohibition of carbureted two stroke propelled watercraft to prohibit the operation, mooring, or launching of a fuel charged, crankcase scavenged two-stroke propelled watercraft after June 1, 1999, including the exception to the June 1, 2000 deadline of the Ordinance for public safety elements of the Lake until June 1, 2001, and rewording of the definition of fuel charged, crankcase scavenged two-stroke propelled watercraft.

Mr. Cole questioned if the APC wanted to extend the deadline for new watercraft purchased after June 25, 1997 and before December 1, 1998. Mr. Doughty agreed that the deadline should tie in with the date of the adoption of the Ordinance and left blank at this point in time.

The motion carried unanimously.

VI. PLANNING MATTERS

A. Discussion on Designating the Tahoe Region as an MTBE-Free Zone

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Associate Planner Jim Allison presented the staff summary on designating the Tahoe Region as MTBE-Free Zone.

Mr. Poppoff suggested that paragraph 3, on page 31 of the Resolution, be reworded for accuracy because he didn't think we have required people to stop using Lake water. Mr. Allison agreed.

Mr. Porta stated that he believed the jury was still out and debatable as to the issue that MTBE is carcinogenic. He was of the opinion that consensus had not been reached on that item.

Mr. Barham stated that he would have to abstain from this item because the Governor was reviewing this item and he is an employee of the Governor. Mr. Barham commented that the water runoff and rainfall washout are minor sources of MTBE and suggested that TRPA modify the resolution with a modifier such as "to a lesser extent" because they are not in the range of some of the other sources.

Mr. Morgan was of the opinion that the APC should wait and see what the State of California decides to do because this may be a non-issue in a few weeks.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Bob Baer, General Manager of the South Tahoe Public Utility District, commented that he appreciated the APC's comments and discussion and believed that this is an issue that a light has to be shined upon and appreciates the APC's support.

Mr. Cole requested that Mr. Baer give a quick overview as to what kind of ramifications MTBE has had on the water supply in South Lake Tahoe.

Mr. Baer commented that the District has 35 wells and provides water to the South Shore, California side, and 12 wells have been impacted or could be impacted which is about 17% of the water supply. Mr. Baer stated that the District has spent nearly \$2,000,000 in investigations and trying to understand how the District can meet their water demands for next year. The State of California has helped with the costs. One of the requirements to receive state funds is that the District has to seek aggressive recovery against the dischargers, which is very time consuming. Mr. Baer commented that a lot of the discharge is caused by human error when the tank truck comes up and all of a sudden he realizes that he is putting regular in the premium tank and then tries to disconnect the hose quickly and a spill occurs.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Chairperson Jepsen questioned if Mr. Allison wanted action on this item, and Mr. Allison responded that it was for discussion purposes only today. Mr. Allison stated that he would incorporate the changes to the Resolution and present it to the Governing Board for action.

VII. RESOLUTIONS

- A. For Former APC Members Hansen, Dodds, Jamin, Thompson and Caterino

Chairperson Jepsen questioned if there were any changes to the Resolutions, and Ms. Kvas stated that on page 35, fourth paragraph, the word "WHEREAS" should be indented.

APC REGULAR MEETING MINUTES DECEMBER 9, 1998

Chairperson Jepsen thanked Mr. Baetge for getting these Resolutions to the APC meeting, and Mr. Baetge stated it was Julie Frame who wrote them.

MOTION by Mr. Doughty, with a second by Ms. Kemper, to recommend approval of the Resolutions for former APC Members Hansen, Dodds, Jamin, Thompson and Caterino. The motion carried unanimously.

VIII. REPORTS

A. Executive Director

Executive Director Jim Baetge stated that the ARB meeting would be held tomorrow, December 10, 1998, in Sacramento and starts at 8:30 a.m. Mr. Baetge stated that John Marshall, Agency Counsel, was in trial in Reno regarding the *TSPC v. TRPA* case.

Mr. Poppoff questioned who was representing TRPA, and Mr. Baetge replied Clem Shute with Shute, Mihaly & Weinberger, and Dan Siegel from the State of California.

B. Legal Counsel

Mr. Baetge commented that the APC would have to wait until next month for a legal report when Mr. Marshall returns.

C. APC Members

Ms. Kemper questioned what the status of the *Watercraft* case is, and Mr. Baetge responded that it is on hold until December 18, 1998. In addition, Ms. Kemper inquired about the status of *Suitum*, and Mr. Baetge did not know.

Mr. Morgan stated that he has been reappointed for another two years. Chairperson Jepsen congratulated him.

Ms. Kemper commented that Lahontan had been told by the State Water Recourse Control Board that they will be given \$84,000 starting January 1, 1999, to hire a full-time, six-month position and a part-time, six-month position to work on MTBE issues.

Mr. Barham stated that the video shown at the APC meeting last month on carbureted two-stroke engines was going to be shown on the news today.

Ms. Kemper wished everyone a Merry Christmas.

Chairperson Jepsen wished everyone a Merry Christmas and a good Holiday Season.

APC REGULAR MEETING MINUTES DECEMBER 9, 1998

IX. ADJOURNMENT – The meeting was adjourned at 12:55 p.m.

Respectfully submitted,

Sue Mikanovich

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (702) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

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MEMORANDUM

January 4, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Round Hill Community Plan to Transfer in Bonus Tourist Accommodation Units from Kingsbury Community Plan

Proposed Action: The applicant, Falcon Capital LLC, proposes to amend the Round Hill Community Plan to transfer 25 Bonus Tourist Accommodation Units (TAUs) from the Kingsbury Community Plan. In addition, the applicant proposes that the 25 TAUs be assigned to Douglas County Assessor Parcel Number 05-230-11 within Special Area #2.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend approval of the amendments in Attachments A and B to the TRPA Governing Board.

Discussion: Staff received an application from Falcon Capital LLC, proposing to amend the Kingsbury and Round Hill Community Plans. The amendment will transfer the 25 TAUs assigned to the Kingsbury Community Plan to the Round Hill Community Plan. The 25 TAUs will be assigned to Special Area #2 to develop a 138 unit residential timeshare project. The applicant has requested that the bonus units are assigned to APN 05-230-11, but the Code does not provide a mechanism to give bonus units to a property. Pursuant to Subparagraph 33.4.B(1), bonus units shall not be issued except in connection with a project approval. The amendment is a Regional Plan amendment and not a project approval. To solve this dilemma, staff proposes that the bonus units are transferred to the Round Hill pool with a special policy limiting the use of the bonus units to Special Area #2 (See Attachment C for location of Special Area 32).

Analysis: The Round Hill Community Plan has been designated as a local service retail node and tourist center. The Kingsbury Community Plan has been designated as a regional commercial area. Both plans encourage continuation of the existing land uses: Round Hill as a local retail and service commercial node with opportunities for recreation and tourist accommodation in the area, Kingsbury as a commercial, tourist, and public service node for Douglas County. Both plans recognize that a key part of the community plan is to provide the opportunity and incentive to upgrade and expand the existing uses, while providing environmental benefits and correcting past land use deficiencies.

A fundamental cornerstone of the Round Hill Community Plan is the conviction that the area should continue as a local serving retail commercial node and tourist center. Destination tourism demands a full complement of goods, services, and recreational

opportunities located within an easily accessible area. The destination tourist travels further, stays longer, is more likely to utilize transportation systems, and spend more in the local economy than the short-term or day-use visitor. The Round Hill Community Plan provides a full complement of goods, services and recreational access.

The recently upgraded Round Hill Mall provides goods and services to the local residents as well as the visitor. In addition the Round Hill Community Plan area is a gateway to recreational opportunities such as Nevada Beach and Round Hill Pines. Special Policy 1.B of the Urban Design and Development Objectives states that in Special Area #2 (Commercial/Tourist/Residential Area), storage, tourist accommodations, and housing are encouraged by the permissible use list. Although the special policy encourages development of tourist uses that would benefit from the existing services and recreational opportunities in the community plan, bonus units have not been assigned to the Round Hill Community Plan. Transferring the 25 bonus TAUs to the Round Hill Community Plan will help in achieving the goals and policies of the plan.

Staff has analyzed the traffic impacts that may occur with the transfer of the bonus units and have determined that the impact is not considered to be significant. The TRPA standard is to achieve level of service (LOS) "D" or better at signalized intersections. For roadway conditions, an increase of five percent of traffic would represent a significant impact. The existing intersection LOS currently operates at LOS "B", with a total delay of 11.0 seconds per vehicle on Highway 50. Vehicles westbound on Elks Point Road also experience a LOS "B" at the intersection with a delay of 13.5 seconds per vehicle. The transfer of the bonus units will not have an impact on the intersections and they will continue to operate at LOS "B".

Using TRPA trip generation rate of 10.10 daily vehicle trip ends (DVTE) per TAU and .60 trips per TAU generated during peak hours, it is estimated that the DVTE would be 253 and there would be 15 peak-hour trip ends as a result of transferring the bonus units. The DVTE will increase in the Round Hill Community Plan Area and an equal reduction of DVTE in the Kingsbury Community. This is not considered to be a significant impact.

In terms of Vehicle Miles Traveled (VMT) the bonus units were originally assigned to the Kingsbury Community Plan, because it was a preferred area for developing tourist accommodation uses rather than the Round Hill Community Plan. The Kingsbury area has a higher degree of existing development, goods and services, and closer to the Stateline Casino Core. Since the adoption of the two community plans the bonus units have not been used and a developer has shown an interest in using the TAUs in the Round Hill Community Plan. Since the adoption of the plans, a number of improvements have been put in the ground in the Round Hill area that can better support tourist accommodation uses. They include the upgrade to the Round Hill Mall, new pedestrian sidewalks, and NDOT has plans to link the Nevada Beach trail to the Kingsbury trail. Using the average trip length of 6.7 miles per TAU, it would result in a peak day increase of 168 vehicle miles of travel (VMT), an increase of .01 percent over the peak day VMT of 1,735,079 in the Tahoe Basin in 1997. Although the transfer will cause VMT to increase in the Round Hill Community Plan it is not considered to be significant impact.

Findings: Prior to amending Chapter 33, Allocation of Development, TRPA must make the following Findings.

Chapter 6 Findings

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

Rationale: The Regional Plan provides and encourages the development of community plans as a way to concentrate commercial and tourist uses in appropriate areas. Incentives are created to encourage continual use and expansion while providing for environmental improvements to achieve the thresholds. These environmental improvement projects are adopted as part of the community plans and are required environmental targets which the community plan must achieve.

All projects that may occur due to this amendment are still subject to the TRPA Goals and Policies, the Code of Ordinances and the adopted Round Hill Community Plan. Community Plans may replace the Plan Area Statements for the areas within the community plan boundaries, but will retain certain features of the plan area statements. All Standards of Codes shall apply to the community plans, except that the community plan may establish standards that are equal or superior measures to achieve environmental thresholds.

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

Rationale: The amendment to the Kingsbury and Round Hill Community Plans to transfer bonus TAUs will not cause the environmental thresholds to be exceeded.

The Regional Plan recognizes that a key part of the community plan is to provide the opportunity and incentive to upgrade and expand the existing uses, while providing environmental benefits and correcting past land use deficiencies. Transferring the bonus units to the Round Hill Community Plan will provide the incentive to development tourist accommodation uses, a special policy of the Round Hill Community Plan. In addition, developing tourist uses in areas which provide a full complement of goods, services, and recreational opportunities, will help achieve and maintain the environmental thresholds. Visitors will be less dependent upon the automobile and will help achieve the recreation threshold of providing access to recreational activities.

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

Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above. Furthermore, all projects that may occur because of this amendment will still be subject to the Code, Goals and Policies, and the appropriate community plan and its guidelines for achieving and maintaining environmental thresholds.

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

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 702•588•4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments

Proposed Amendments to the Kingsbury Community Plan

USE	MAXIMUM DENSITY
Residential	
Single Family Dwelling	1 unit per parcel
Multiple Family Dwelling	15 units per acre
Multi-Person Dwelling	25 people per acre
Nursing and Personal Care	25 people per acre
Residential Care	25 people per acre
Employee Housing	As per limitation above
Tourist Accommodation	
Bed and Breakfast	10 units per acre
Hotel, Motel and Other Transient Units	
• with less than 10% of units with kitchens	40 units per acre
• with 10% or more units with kitchens	15 units per acre
Timeshare	15 units per acre
Recreation	
Recreation Vehicle Parks	10 sites per acre
Developed Campground	8 sites per acre

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Community Plan Area is 130 units. [§]

TOURIST ACCOMMODATION UNITS: Pursuant to Chapter 35, the maximum number of tourist accommodation bonus units which may be permitted for this Community Plan Area is 25 0 units.

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

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

COMMERCIAL FLOOR AREA ALLOCATION: Pursuant to Chapter 33, the maximum amount of commercial floor area which may be allocated for additional development in the Community Plan Area until December 31, 1996, is 14,050 square feet.

MAXIMUM CUMULATIVE NOISE LEVEL: The maximum cumulative noise equivalent levels for this Community Plan Area is as follows:

1. Where applicable, a maximum 65 CNEL override for the U.S. Highway 50 corridor and a maximum 55 CNEL for the Highway 207 corridor is permissible.
2. The maximum CNEL for Special Area #3 is 60 CNEL.
3. The maximum CNEL for all areas of the community plan except as noted in 1 and 2 above is 65 CNEL.

[§] Amended 05/28/97

Proposed Amendments to the Round Hill Community Plan

Recreation

Group Facilities	25 persons per acre
Recreational Vehicle Parks	10 sites per acre

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

TOURIST ACCOMMODATION UNITS: Pursuant to Chapter 35, the maximum number of tourist accommodation bonus units which may be permitted for this Community Plan Area, Special Area #2 Only is 0-25 units.

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

SUMMER DAY USES 25 PAOT WINTER DAY USE 0 PAOT OVERNIGHT USES 0 PAOT

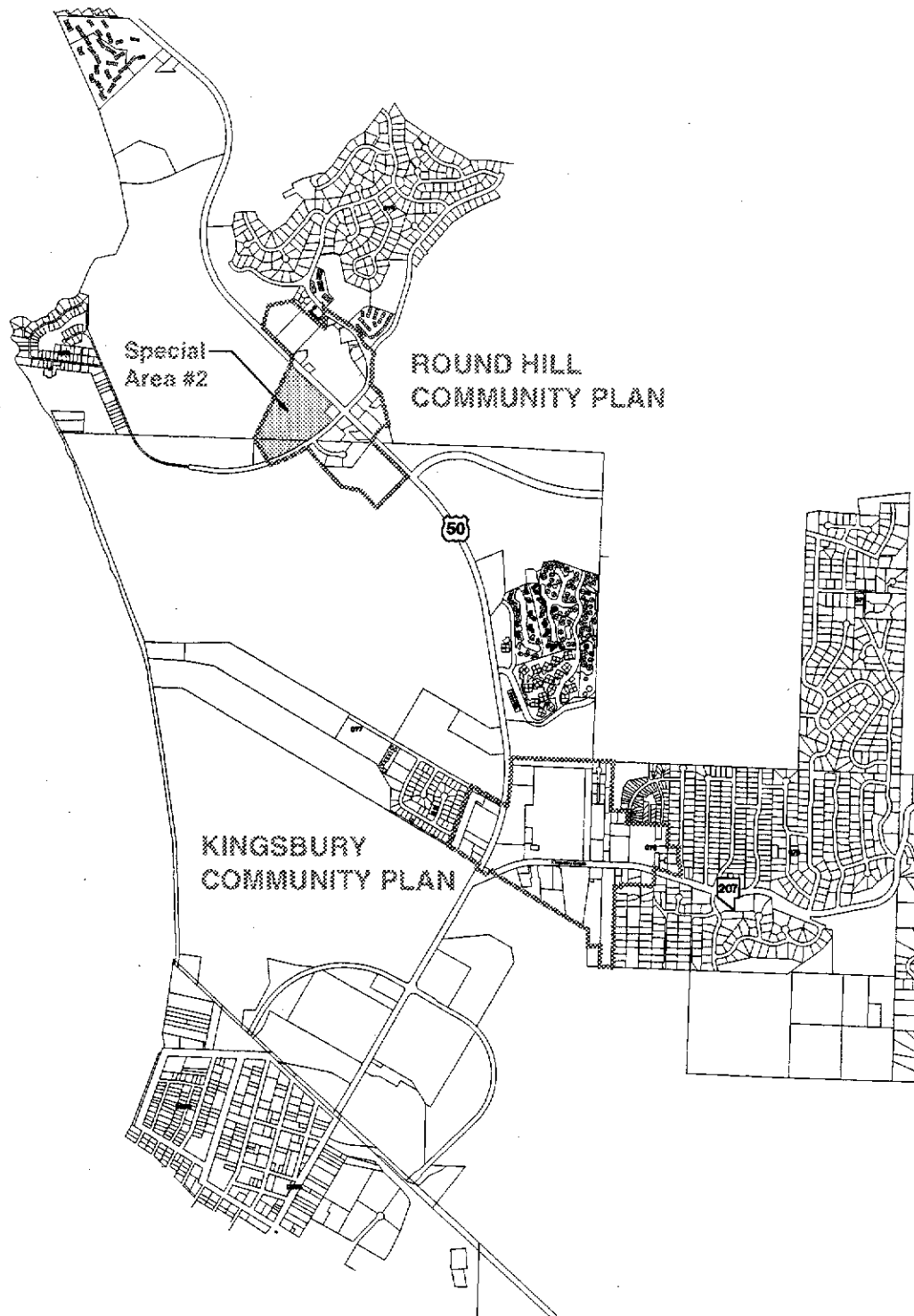
COMMERCIAL FLOOR AREA ALLOCATION: Pursuant to Chapter 33, the maximum amount of commercial floor area which may be allocated for additional development in the Community Plan Area until December 31, 1996, is 2,000 square feet. [§]

MAXIMUM CUMULATIVE NOISE LEVEL: The maximum cumulative noise equivalent levels for this Community Plan Area is as follows:

1. Where applicable, a maximum 65 CNEL override for the U.S. Highway 50 corridor is permissible.
2. The maximum CNEL for property in Special Area #2 abutting residential areas is 55 CNEL.
3. The maximum CNEL for all areas of the community plan except as noted in 1 and 2 above is 65 CNEL.

[§] Amended 10/28/98

ATTACHMENT C
01/05/99
LOCATION MAP



TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

January 5, 1999

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code Chapter 81, Water Quality Control and Goal #2, Water Quality Subelement of the Goals and Policies to Clarify the Prohibition of Certain Watercraft in the Tahoe Region

Proposed Action: In response to the APC and Governing Board's review of the *Lake Tahoe Motorized Watercraft Report – An Integration of Water Quality, Watercraft Use and Ecotoxicology Issues (Report)* in November and December, the staff drafted amendments (Attachments A and B) pursuant to the Governing Board's direction to clarify the prohibition on certain two stroke powered watercraft (Attachment C). The APC is requested to consider recommendations to the Governing Board for adoption of the proposed amendments.

Staff Recommendation: Staff recommends adoption of the amendments proposed in Attachments A and B plus the underlined additions. These recommended amendments are as follows:

- A. Minor adjustments to the Goals and Policies to clarify TRPA's role in motorized watercraft regulation.
- B. Rewording the Code language for the June 1, 1999 prohibition of carbureted two stroke propelled watercraft to prohibit the operation, mooring, or launching of watercraft powered by two stroke engines except:
 1. Any watercraft powered by a two stroke engine whose fuel is directly injected into the cylinder shall be exempt from the prohibition,
 2. Any watercraft powered by a two stroke engine whose fuel is injected into the crankcase prior to entering the cylinder and was purchased prior to January 27, 1999 shall be prohibited commencing October 1, 2001.

The underlined language is staff's recommended additions to the Governing Board's December direction. This modification is recommended to discourage concessionaires from buying fleets of electronic fuel injection PWCs instead of the direct injection PWCs. Conversations with concessionaires indicate that some are considering purchasing new electronic fuel injected two stroke PWCs for the upcoming season.

Background: In February 1997, the TRPA Governing Board held an extensive hearing on the impacts of motorized watercraft. In response to the hearing, the Governing Board

approved a course of action. Attachment D is a copy of the action. The March and June actions have been completed and the other actions are in progress.

In response to the March action item #1, the Motorized Watercraft Technical Advisory Group (MWTAG) was formed to study and further investigate the magnitude of fuel pollution from motorized watercraft. As noted in the June action item #1 and the June adopting ordinance, TRPA fully intended to continue the study of watercraft impacts on the lakes of the Region. The *Lake Tahoe Motorized Watercraft Report* is a summation of the studies occurring at Lake Tahoe since June of 1997.

Last winter the Governing Board considered possible amendments to the June 1997 action. It was decided that further action should be deferred until December 1998 so that the studies from the summer of 1998 could be considered. The December watercraft hearing was incorporated into the TRPA Work Program and into the schedule for processing the watercraft lawsuit.

Another major source of information was the California Air Resources Board. During 1998, the California Air Resources Board (CARB) studied and implemented regulations in regards to motorized watercraft. CARB worked with TRPA, the California State Water Quality Control Board, Lahontan Regional Water Quality Control Board and other water quality oriented agencies to establish emission standards that would also assist in the protection of water quality. CARB created a phased program (three tiers) to eliminate the undesirable watercraft through prohibition of sales. The sale of existing technology carbureted two strokes will be prohibited by 2001. These are the watercraft that are targeted for prohibition by TRPA.

At the November and December 1998 meetings, presentations were made on the findings of the various study components of the *Report*. It should be noted that the overall study is still in progress and this *Report* only reflects data collected as of November 1998. Also, because the MWTAG's role is limited to providing scientific data and findings, the *Report* does not recommend policy actions.

Analysis: The attached EA (Attachment I) has been prepared by TRPA staff based on the findings of the *Report* and other information gathered by staff after June 1997. TRPA staff has reviewed the findings and data of the *Report* and this EA. A review of the evidence confirms that the 1997 action was correct based on the facts that:

- Discharge of Petroleum Products Occurs from Boating - Petroleum products are found in the lakes of the Region where motorized watercraft operate. The discharge of the pollutants occurs during the boating season and dissipates to a less than detectable level in the winter. However, these water quality problems occur annually, particularly in shallow high boating use areas during the summer.
- Old Technology Two Strokes are a Major Source of Discharge - The old technology, two stroke watercraft (fuel charged, crankcase scavenged two stroke engines) discharge an order of magnitude more pollutants than do the four strokes or the direct injected two strokes.

The following items have discussed in the November and December hearings and are presented here in a brief analysis. See the EA for a more in depth analysis on the items related to the Governing Board's direction.

Goals and Policies Amendment Regarding Motorized Watercraft – TRPA legal counsel has suggested that the action to prohibit carbureted two strokes found in the Code should flow more directly from the language in the Goals and Policies. This is considered to be a technical supporting modification that has no impact on the substance of the TRPA prohibition. Based on APC and Governing Board input in November and December, the language has been modified and included in the recommended actions.

Criteria for Identifying Prohibited Watercraft – The Governing Board has requested drafting of amendments to the Code to refine the June 1999 prohibition. TRPA's current ordinance bans the discharge of unburned fuel and oil from the operation of carbureted two stroke engines starting June 1, 1999. This ban was adopted in response to evidence that carbureted two stroke engines discharge as much as 25% of their fuel directly into the air and waters where they operate. However, it has been recognized that the language of the existing ordinance contains a technical "loop hole" which would allow the legal operation of electronically injected two-stroke engines after June 1, 1999. The footnote in the 1997 EA notes: "The focus of the regulation is on all charged crankcase scavenged two stroke engines; however, for regulatory reasons TRPA is limiting the ban on carbureted 2 stroke engines". These engines, which electronically inject fuel into the crankcase prior to delivery to the combustion cylinder, still allow blow-by of fuel past the exhaust port. While these engines are slightly more efficient than their carbureted counterparts, their efficiency is not near that of direct injection and four-stroke engines. Attachment E indicates the EFI technology is similar to the carbureted technology based on in lake testing.

Prohibition of the Use of MTBE in Fuels – Recent studies indicate that the use of MTBE as gasoline additive is a problem. In December the Governing Board adopted a Resolution recommending the Governor of California take action prohibiting the use of MTBE as an oxygenate. The report verifies measurable levels in the lakes of the Region which allow motorized watercraft. The carbureted two strokes are a primary source of MTBE along with the BTEX compounds. Although banning MTBE would be helpful in eliminating MTBE pollution, it would not fix the problem for the other pollutants. However, the removal/replacement of MTBE as a fuel additive is a recommended mitigation measure for that type of pollution.

Possible Extensions and/or Exemptions from the June 1, 1999 Prohibition - The issue of exemptions has been raised by some Governing Board members, the plaintiffs in the watercraft lawsuit, some boating agency representatives, and some members of the general public. Generally, the issues are the cost to change engines, the unavailability of new engines, and the possibility of an insignificant impact from a selected group.

First, as to the availability of the new technology engines (e.g., four strokes and direct injection two strokes), Attachment F demonstrates the wide range of outboards

available. As to PWCs, it appears that the direct injection Polaris Genesis model and the Tigershark TS1100Li model will be available this summer. The fundamental problem is the conversion cost which can range between \$500 for a small, used outboard to \$10,000 for a new, large outboard or PWC.

The second issue relates to small horsepower engines and auxiliary engines that use only small amounts of fuel. Based on the incomplete surveys of the 1998 Hagler Bailly Watercraft Survey and some factors from the June 1997 TRPA Motorized Watercraft Environmental Assessment, TRPA staff has attempted to present an estimate of 1998 boating usage by watercraft type. In general, the new information indicates that the use of outboards is less at Lake Tahoe than was previously estimated. The boating numbers from the survey are still being compiled and may need further adjustment.

Under 10 hp two stroke carbureted outboard motors – Staff estimates that privately used, under 10 hp outboard two strokes accounted for 1.59% of the seasonal boating use in 1998 and used 0.3% (5476 gallons) of the boating season fuel. However, as one can observe in Attachments G and H, these engines are much less efficient on a horsepower basis than the larger motors and an order of magnitude more polluting than four strokes. They result in 4.49% (237 gallons) of the MTBE discharged into the Lake. In addition, these engines cost much less than the larger engines to replace. The significant contribution of pollutants and the low cost of engine replacement make it difficult to recommend exemption.

Auxiliary 2 Stroke Carbureted Outboards for Sailboats - Staff estimates that auxiliary outboard two strokes for sailboats accounted for 1.60% of the seasonal boating in 1998 and used 0.016% (2477 gallons) of the fuel boating season fuel. The hours of operation are much shorter. Although an order of magnitude smaller in discharge, the arguments regarding greater pollutant discharge and less cost for small outboards apply here. At this point, staff is not recommending pursuing these types of exemptions.

Fire Protection Boats – The APC recommended this in response to public testimony. At this point it would apply to one boat at Fallen Leaf Lake. The Governing Board did not accept this recommendation based primarily on the belief that public agencies should set the example. Information indicates that the boat was purchased after TRPA adopted Ordinance 97-12.

Two Stroke Carbureted Outboards on other Lakes of the Region – It was argued that other lakes of the Region should be exempted because they were not designated as outstanding natural water resources. The monitoring data indicates these other lakes have detectable limits of pollutants and an Echo Lake sample exceeded drinking water standards. Because both Fallen Leaf and Echo Lakes are used for drinking water and they both have detectable levels of pollutants, it would appear that exempting them would not be prudent. The alternative access choices for the Echo Lake homeowners are: get a four stroke motor, use the water taxi, or walk.

Findings: Prior to amending Chapter 81 and Goal #2 of the Water Quality Subelement, TRPA must make the following findings.

Chapter 6 Findings

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

Rationale: The Regional Plan and the Compact require the protection of the water quality of the Region. The June 1997 action by the TRPA to prohibit the use of watercraft powered by old technology two stroke engines has been affirmed by the *Lake Tahoe Motorized Watercraft Report – An Integration of Water Quality, Watercraft Use and Ecotoxicology Issues*. The amendments further clarify that June 1997 action and only assist in the implementation of the Regional Plan programs protecting water quality.

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

Rationale: The purpose of these amendments is to protect water quality, fisheries, wildlife, and recreation. These amendments to the prohibition further restrict certain fuel injected engines determined to have significant discharges while allowing for the use of cleaner, certified two stroke powered watercraft.

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

Rationale: These actions are consistent with federal and state water quality and air quality standards. These amendments help promote consistency with recent federal and state actions in regards to the regulation of watercraft and the protection of drinking water.

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

Rationale: See findings 1, 2 and 3 above. The prohibition of watercraft powered by two stroke engines (with exceptions for clean technology engines) provides for the attainment water quality thresholds while allowing for recreation threshold goals of increased public recreation capacity.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.
Rationale: See Chapter 6 Findings.
2. Finding: One or more of the following.
 - a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;
 - b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
 - c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
 - d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;
 - e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reasons:
 - 1) The cost of implementation outweighs the environmental gain to be achieved.
 - 2) Implementation will result in unacceptable impacts on public health and safety; or
 - 3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
 - f) That the provision to be amended has shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding c) is the most appropriate. The amendments are consistent with the findings of the 1998 *Lake Tahoe Motorized Watercraft Report – An Integration of Water Quality, Watercraft*

Use and Ecotoxicology Issues. Based on the rationales above,
the amendments are a better means of implementing the
Regional Plan Package and complying with the Compact.

Environmental Documentation: Staff has prepared an Environmental Assessment for the
actions considered in this summary. Based upon this EA, staff proposes a Finding of No
Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings shown
above.

At the meeting, TRPA Legal Counsel will update the APC on the current status of the
lawsuit. If you have any questions, please contact Gabby Barrett or John Marshall at
702-588-4547.

**GOALS AND POLICIES, CHAPTER 2, LAND USE ELEMENT,
WATER QUALITY SUBELEMENT**

GOAL #2

REDUCE OR ELIMINATE THE ADDITION OF OTHER POLLUTANTS WHICH AFFECT, OR POTENTIALLY AFFECT, WATER QUALITY IN THE TAHOE BASIN.

Although controlling nutrient and sediment loads to Lake Tahoe is crucial to meeting water quality standards and adopted thresholds, several other existing or potential problems also must be controlled to preserve the scenic, recreational, and other values of the Tahoe Region.

POLICIES:

- 1. ALL PERSONS ENGAGING IN PUBLIC SNOW DISPOSAL OPERATIONS IN THE TAHOE REGION SHALL DISPOSE OF SNOW IN ACCORDANCE WITH SITE CRITERIA AND MANAGEMENT STANDARDS IN THE HANDBOOK OF BEST MANAGEMENT PRACTICES.**

Melting snow in snow disposal areas can represent not only a significant source of nutrients, but also of harmful hydrocarbons, metals, and biological oxygen demand. Therefore, site criteria and management standards are required to protect Lake Tahoe's extraordinary water quality. The Handbook of Best Management Practices shall be revised to address snow disposal practices.

- 2. DISCHARGES OF SEWAGE TO LAKE TAHOE, ITS TRIBUTARIES, OR THE GROUNDWATERS OF THE LAKE TAHOE REGION ARE PROHIBITED. SEWAGE COLLECTION, CONVEYANCE AND TREATMENT DISTRICTS SHALL HAVE APPROVED SPILL CONTINGENCY, PREVENTION, AND DETECTION PLANS.**

Sewage discharges, regardless of their cause, not only contribute unnecessary nutrient loads to Lake Tahoe, but may also cause public health problems. Accidental discharges may be minimized through proper design and construction practices and comprehensive spill contingency, prevention, and detection plans. All agencies which collect or transport sewage should have plans for detecting and correcting exfiltration problems.

- 3. ALL INSTITUTIONAL USERS OF ROAD SALT IN THE LAKE TAHOE REGION SHALL KEEP RECORDS SHOWING THE TIME, RATE, AND LOCATION OF SALT APPLICATION. STORAGE OF ROAD SALT SHALL BE IN ACCORDANCE WITH THE HANDBOOK OF BEST MANAGEMENT PRACTICES.**

Road salt can be very harmful to vegetation near application and storage areas. This vegetation, in turn, is crucial to maintaining the Region's water quality. Better knowledge and control of salt application will have positive impacts on vegetation and water quality. The Handbook of Best Management Practices shall be revised to address application and storage of road salt.

- 4. UNDERGROUND STORAGE TANKS FOR SEWAGE, FUEL, OR OTHER POTENTIALLY HARMFUL SUBSTANCES SHALL MEET STANDARDS SET FORTH IN TRPA ORDINANCES, AND SHALL BE INSTALLED, MAINTAINED, AND MONITORED IN ACCORDANCE WITH THE HANDBOOK OF BEST MANAGEMENT PRACTICES.**

Leaking underground tanks are becoming a major nationwide water quality problem. In the Tahoe Basin, the environmental impacts of leaking tanks may be especially noticeable and harmful to the values of the Region. The Handbook of Best Management Practices shall be revised to address underground storage tanks.

5. **NO PERSON SHALL DISCHARGE SOLID WASTES IN THE LAKE TAHOE REGION BY DEPOSITING THEM ON OR IN THE LAND, EXCEPT AS PROVIDED BY TRPA ORDINANCE.**

Landfilling or other practices for disposing of solid wastes can add harmful biological oxygen demand, nutrients, and toxic substances to the watershed of Lake Tahoe. Therefore, the control of solid waste disposal is necessary to protect and enhance water quality. Existing state policies and laws will continue to govern solid waste disposal in the Tahoe Region.

6. **TRPA SHALL COOPERATE WITH OTHER AGENCIES WITH JURISDICTION IN THE LAKE TAHOE REGION IN THE PREPARATION, EVALUATION, AND IMPLEMENTATION OF TOXIC AND HAZARDOUS SPILL CONTROL PLANS.**

A single spill of a toxic or hazardous material in the Basin could reverse progress in attaining water quality goals gained at great local expense and effort. TRPA will cooperate with the Forest Service, the EPA, and state water quality and health agencies to prevent and control toxic and hazardous spills.

7. **THE BMPs WILL BE AMENDED TO INCLUDE SPECIAL CONSTRUCTION TECHNIQUES, DISCHARGE STANDARDS, AND DEVELOPMENT CRITERIA APPLICABLE TO PROJECTS IN THE SHOREZONE.**

Sediment and other discharges from shorezone construction or dredging have an immediate and obvious impact on water clarity in localized areas, and are harmful to fish. Proper construction techniques and other measures will be required as necessary to mitigate activities in the shore zone and to protect the natural values of the shorezone.

8. **LIQUID OR SOLID WASTES FROM RECREATIONAL VEHICLES AND BOATS SHALL BE DISCHARGED AT APPROVED PUMP-OUT FACILITIES. PUMP-OUT FACILITIES WILL BE PROVIDED BY PUBLIC UTILITY DISTRICTS, MARINAS, CAMPGROUNDS, AND OTHER RELEVANT FACILITIES IN ACCORDANCE WITH STANDARDS SET FORTH IN THE HANDBOOK OF BEST MANAGEMENT PRACTICES.**

Attempts to control the addition of pollutants to Lake Tahoe and its tributaries should not overlook vehicle and vessel wastes. The present shortage of pump-out facilities contributes to the size of this problem. The Handbook of Best Management Practices shall be revised to address pump-out facilities.

9. **EVALUATE THE FEASIBILITY AND EFFECTIVENESS OF PONDING FACILITIES ALONG STREAM CORRIDORS AS A STRATEGY FOR REMOVING INSTREAM LOADS OF SEDIMENT AND NUTRIENTS.**

Streams in the Lake Tahoe Basin act as receiving waters for overland runoff which may contain substantial quantities of sediments, nutrients, and other impurities. In the absence of an effective filtering mechanism along the stream such as a marsh, these contaminants eventually will be deposited into Lake Tahoe. Diversions of stream water into settling ponds or marshes might be an effective mechanism for cleansing the stream water prior to it emptying into the Lake. The feasibility of this concept should be further evaluated based on its technical and environmental merits and consistency with the other goals and policies of this Plan.

10. REDUCE THE IMPACTS OF MOTORIZED WATERCRAFT ON WATER QUALITY.

The use of motorized watercraft on lakes within the region can adversely affect water quality through the discharge of pollutants such as methyl-tertiary-butyl ether (MTBE), polycyclic aromatic hydrocarbons (PAHs), human waste, and hydrocarbons. TRPA shall implement measures to attain and maintain TRPA, state, and federal water quality standards because these pollutants can adversely impact fish and wildlife, recreation and water supplies.

**Proposed Amendment to Chapter 81 of the TRPA Code
Proposed by the Governing Board**

81.2.D Prohibition of Toxic or Hazardous Waste Discharge: The discharge of toxic hazardous waste to Lake Tahoe, other lakes in the Region, their tributaries, the groundwaters of the Tahoe Region, the lands of the Tahoe Region, and the Truckee River within the Tahoe Region, is prohibited. The discharge of unburned fuel and oil from the operation of watercraft propelled by carbureted two stroke engines shall be prohibited commencing June 1, 1999.

~~81.2.E Prohibition of Certain Marine Engine Types: Commencing June 1, 1999, the launching, mooring, or operation of all fuel-charged crankcase-scavenged two stroke engine powered watercraft within the Region is prohibited, except that any new watercraft purchased after June 25, 1997 and before December 1, 1998 and propelled by a fuel injected, fuel-charged crankcase-scavenged two stroke engine shall be prohibited commencing June 1, 2000.~~

81.2.E Prohibition of Certain Watercraft: Commencing June 1, 1999, the launching, mooring, or operation of all two stroke engine powered watercraft within the Region is prohibited, except:

- 1) Any two stroke engine powered watercraft whose fuel is directly injected into the cylinder shall be exempt from the prohibition, or
- 2) Any watercraft powered by a two stroke engine whose fuel is injected in to the crankcase prior to entering the cylinder shall be prohibited commencing October 1, 2001.

GOVERNING BOARD ACTION
Regular Meeting - December 16, 1998

MOTION by Ms. Bresnick to direct staff to draft an ordinance essentially as presented – not with the changes presented by Mr. Fagan of the NNMA – with the two exceptions being number one as worded by staff and exception two as revised by the Board to delete the dates and to commence the prohibition October 1, 2001. The motion failed.

(Numerous other motions and amendments were presented in the interim but failed. The following motion passed.)

MOTION by Mr. Upton to approve Ms. Bresnick's motion with direct injected and extended time on the good faith purchase and, secondly, to have an evaluation come back to deal with the other reasonable exemptions. The motion carried.