

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 **Wednesday, August 8, 2012** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

August 1, 2012



Joanne S. Marchetta
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
128 Market Street
Stateline, NV

August 8, 2012
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

Any member of the public wishing to address the Advisory Planning Commission on any item listed or not listed on the agenda 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.

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 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 Chair 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 Advisory Planning Commission. All such comments will be included as part of the public record.

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. ADMINISTRATIVE MATTERS

- A. Resolution in Memory of Alan Tolhurst

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VI. PUBLIC HEARING

- A. Recommendation for Certification of the Final EIS for the Edgewood Lodge and Golf Course Improvement Project (APN 1318-27-001-001, TRPA File Number ENVP2008-0002), recommendation on amendment of Chapter 37, Section 37.5 (Height Standards), and recommendation on the proposed project's consistency with the Final EIS (TRPA File Number ERSP2008-0396)

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VII. REPORTS

- A. Executive Director
- B. General Counsel
- C. APC Members

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
STATELINE, NV

JULY 11, 2012

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Donohue called the meeting to order at 9:31 a.m.

Members Present: Mr. Buelna, Mr. Donohue, Mr. Gaskin, Mr. Greene, Mr. Novak, Mr. Jepsen, Mr. Larsen, Mr. Loftis, Mr. Maurer, Ms. McMahan, Mr. Riley, Mr. Teshara, Mr. Upton

Members Absent: Ms. Garcia, Ms. Krause, Mr. LeFevre, Mr. Plemel, Ms. Merchant, Ms. Roverud

II. APPROVAL OF AGENDA

Mr. Riley moved approval.
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

Chair Mr. Donohue said he would like to welcome Bob Larsen, Lahontan Regional Water Board who is replacing Doug Smith. In addition, on Monday, July 9, TRPA staff was informed that our former Chair Alan Tolhurst passed away on Sunday, July 8. He suggested that the resolution staff will prepare in honor of Mr. Tolhurst be a joint resolution with the APC and Governing Board. He said he thought he was coming here today to encourage everyone to stop by and visit Alan in the hospital if they are in the Davis area or send him a card. This is very sad news and suggested the group take a few moments to think about Alan. If anyone has any ideas or thoughts about Alan, please share these during APC member comments.

There were no public interest comments.

IV. DISPOSITION OF MINUTES

Mr. Jepsen moved approval with corrections.
Motion carried unanimously.

V. PUBLIC HEARING

- A. Amendment to the North Stateline Community Plan to Split the Plan along the State Boundary and Adopt the California North Stateline Community Plan and Nevada North Stateline Community Plan as Replacements to the Existing Plan.

Staff member Mr. Dobbs provided an introduction to the proposed amendment.

Commission Comments & Questions:

Mr. Upton asked if any of the 45 TAUs from 1996 or 50 bonus units have been used during the course of time.

Mr. Dobbs said not that he understands; there were a number of TAUs assigned to the Boulder Bay project that came out of the CEP pool. The reason for this distribution is primarily administrative. It is easier to track and account for these commodities when each jurisdiction is drawing from their own pool.

Mr. Upton asked if the jurisdictions are okay with the geographically based split.

Mr. Dobbs said he would let Mr. Buelna speak for Placer County; in addition, he has a letter of support from Ms. Krause, Washoe County.

Mr. Buelna said Placer County is okay with the jurisdictional split. The allocation distributions were their primary concern but are okay with it.

Mr. Greene said he would have liked to have seen these comments earlier. He asked staff to explain how Cal Neva would be handled.

Mr. Dobbs said Cal Neva is somewhat unusual in the plan in the fact that it currently applies to both counties plans and will remain applicable to both the California and Nevada North Stateline Community Plan. He said there are no policies that specifically address Cal Neva; therefore, it remains applicable to both plans.

Mr. Greene said when the new Regional Plan is updated new plans will be done as well; so each of these new jurisdictions will update their plans. He said you could have Cal Neva with two different issues.

Mr. Dobbs said that Placer County is already underway in the plan update process and those updates only go to the Stateline; this will make for a more efficient update process.

Mr. Greene said he is not against this, but is trying to figure out how each of these two plans get updated and what happens if they get updated differently.

Mr. Buelna said Placer County has already begun the area plan process and their intention is to work with Washoe County to ensure that there is a seamless transition in the plan updates.

Mr. Greene asked if anyone has spoken with the Cal Neva.

Mr. Buelna said he is sure they have but is not part of the area plan team.

Mr. Dobbs said he has not specifically spoken with them.

Mr. Greene said a suggestion would be to contact Cal Neva and ensure they understand what is happening. Also, he is not sure that anyone spoke with the Incline Village/Crystal Bay General Improvement District.

Mr. Dobbs said no, not individually. There were residents from Incline Village that responded to the public notice.

Mr. Greene said they did not know about it and it would be appropriate to speak to limited local government that handles these issues. He suggested it would be good to notify Bill Horn and Joe Pomroy with the Incline Village General Improvement District.

Mr. Dobbs said he understands and said did have a conversation with North Tahoe Public Utility District to discuss the relationship between the GID's. Based on his discussions with Susie Gibbons this was not an issue; but based on comments today, staff will contact IVGID.

Mr. Donohue said he does not see where this administrative split would affect their operations.

Mr. Greene said it should not, but since they are the local governments in the area, they should be notified.

Mr. Teshara said we typically notify individuals in a local area if it is a project, but asked what we do if it is a plan area amendment or something similar to this. He said there should be a provision where the local utility districts and any other entities are advised so they can prepare comments. He said this is a straight forward request, but feels that staff at IVGID or NTPUD would like to know about it. He suggested that we may be able to amend our procedures to cover these types of items. He said the Community Plans down here are divided by the jurisdictional boundaries on the South Shore; this is not an unusual thing, but it is unusual it happened the way that it did.

Mr. Donohue asked staff to explain the notification process associated with this in addition to posting on the website.

Mr. Dobbs said the Community Plans are part of the Regional Plan, therefore, this is a Regional Plan amendment and differs from a project notification; and that we did not notice individual residence throughout the plan area. He said we did it through newspaper notification and website. As he is going through the findings, there is some coordination with the applicable public services in the plan; staff will ensure that the appropriate individuals are contacted prior to the Board meeting.

Mr. Donohue said thank you that is helpful.

Public Comments and Questions

None

Commission Comments and Questions

Mr. Upton said he recommends approval of the proposed action to the Governing Board. The motion would be based on the staff summary and the evidence on the record a motion to recommend approval of the required findings Attachment A and of the proposed ordinance Attachment C to the Governing Board.

Motion carried unanimously.

VI. REPORTS

A. Executive Director

Mr. Hester said there are two items today. The first is the schedule for the anticipated process for the remainder of the year for the Regional Plan Update. Please note there are places on the schedule for the APC to weigh in on the plan and are also invited to attend the Regional Plan Update Committee meetings in August. We will also be going to the Tahoe Transportation Commission meeting.

Mr. Donohue asked staff to share with everyone who the members are for the Regional Plan Update Committee.

Mr. Hester said it is a subcommittee of the Board; seven members (one half of each constituency on the Board) which six participated in the first round. Clem Shute, Robin Reedy, Steve Robinson, Shelly Aldean, Larry Sevison, Claire Fortier.

Mr. Maurer said the Board gets regular status report input and asked if the APC members could also receive status reports.

Mr. Hester said yes staff can provide APC members with updates. Currently, the EIS comment period ended on June 28 and staff is preparing for two presentations to the

Governing Board in July; one for land use and transportation and the other on water quality. In addition, there will be another presentation to the Board in August. The Regional Plan Update Committee will reconvene in August and will start to review the issues; the list of issues are items that there was not unanimity on when they went through the draft plan initially. The list of issues includes addressing DEIS comments. In addition, both governors have established a Bi State Consultation process including the Director of Conservation and Natural Resources for Nevada and the Secretary of Natural Resources for California and a group of stakeholders to review the issues and offer recommendations to the Update Committee. That will be reviewed in August and by the end of that month; we will have revised the draft to address the EIS issues and unresolved issues. We have contingency Update Committee meetings on the calendar in September; if that does not happen, we can provide you an update in August. After that we will move through revising the EIS, Plan and Regional Transportation Plan to be released in October. In November there will be a joint meeting with the APC and the Governing Board in addition to a meeting with the Tahoe Transportation Commission. In December, staff would come before the APC for their recommendation and then followed by a meeting with the Board on December 12 for final certification and adoption.

Mr. Greene asked if the California Attorney General is in that group.

Mr. Hester said it is his understanding that the Secretary of Resources for California is consulting with everyone on the California side. Although, not everyone goes to the Bi State meetings he is consulted in between meetings.

Mr. Greene said the California Attorney General's Office was specific about some of the items they were concerned about.

Mr. Hester said they are engaging that office and the hope is that through this process their issues will be resolved.

Mr. Upton said staff is currently working on responses to comments and asked what the format is going to be for those meetings that are designated on August 2, 3, 14, and 15.

Mr. Hester said staff is developing a summary for each issue (issue sheets) and staff will work with the RPU Chair and Vice Chair on a set group of issues for each meeting. Staff will make presentations and there will be discussions on options including public comments. Hopefully, a recommendation for what will be put in the draft plan will be made by the end of August.

Mr. Upton asked if each one issues is a different subcommittee.

Mr. Hester said it is the same committee, different issues.

Mr. Greene asked when the issues move to the next stage will there be another document produced explaining where we are at on those issues.

Mr. Hester said we will send the APC members the issue sheets that go into the discussion and if he is correct, the product of those discussions will be the revised plan and not an interim document.

Mr. Greene said he would prefer not to read through the complete revised plan just to get to that answer.

Mr. Hester said that we could possibly provide a track changes copy.

Mr. Upton asked if that is a Governing Board Committee that will be meeting on August 2, 3, 14, and 15.

Mr. Hester said that is the Regional Plan Update Committee; which the six members were named earlier in the meeting.

Mr. Donohue asked if we had received a lot of comments and if they were the usual members of the public that normally comment.

Mr. Hester said at last count there were over 600 comments and believes the longest one was 300 plus pages but is not in a position to characterize them yet. At the July 25 Governing Board workshop, we will have guest speakers which will also speak at both Wednesday and Thursday night workshops at the South and North shore. Myles Rademan from Park City, Utah will be speaking about livable, sustainable communities and Michael Ronkin from Portland, Oregon who will speak about bike and pedestrian transportation system.

Mr. Upton asked for clarification on the meeting dates and times.

Mr. Hester said they on the evenings of July 25 and 26 and will forward the information to the APC members.

B. General Counsel

None

C. APC Members

Mr. Gaskin said they are continuing their work on the Tahoe TMDL; tomorrow they are meeting with Douglas County officials to speak about their integration and next Monday, he and Mr. Larsen will be meeting others with TRPA management to discuss integrating the TMDL into the RPU. We have noticed in the past month or two opportunities to improve communication and coordination in terms of safe drinking water in the Lake

Tahoe area. They will be working with TRPA staff on ways to ensure that safe drinking water requirements are integrated into planning efforts which has been an issue on a few projects recently.

Mr. Larsen said the co-permittees on the California side; the City of South Lake Tahoe, El Dorado County and Placer County had petitioned the municipal NDEP permit that was adopted in December 2011. They had been working with the permittees to address some of their concerns and will be bring the revised permit to their Board for consideration in October. The tentative permit went out yesterday showing those revisions. There were primarily clarifying language and some additional findings. Their hope is that once the issues are resolved and the permit is adopted, that the permittees would consider dropping their petition at that time.

Mr. Teshara said there is an effort sponsored by the South Shore and North Shore Chambers to help educate the public and community on the Regional Plan Update and related processes and documents. In addition to the TRPA website, Information can be found at tahoefuture.org. The new meeting date for the TTD & C is now Friday, July 20.

Mr. Donohue asked Mr. Teshara about a contract that was awarded for a bike path.

Mr. Teshara said they had a few bids for the South Demo project (Edgewood Golf Course to Round Hill Pines) which they awarded to Herback General Engineering to start construction on the segment that goes from Kahle Drive to Elks Point Road.

Mr. Riley said he remembers when Alan would stand up; he always stood with his left hand in his pocket and his right hand out to welcome you.

Mr. Jepsen said being on this Board for many years, he has observed a lot of chairmen and he feels Alan was one of the finest individuals we had. He was an amazing person to continue to do what he did considering his medical issues. He is somebody we are going to miss and wish his family well.

Ms. McMahon said she agrees, Alan seemed like a very caring person and it is sad news.

Mr. Buelna said he echoes the previous comments.

Mr. Upton said he knew Alan as a friend and jogging buddy. He put Alan on the County Planning Commission prior to 1999 and Alan continued to serve as the District 5 representative for Dave Solaro and Norma Santiago. He was very conscientious about visiting sites for projects coming to the APC or going to Governing Board meetings to comment on the APC reports. He worked with Alan in his professional architect business during his years of building homes. He knew Alan in many respects and this is a loss to our community.

Mr. Greene said he did not know Alan nearly as well as Mr. Upton but found him to be a stall worth chairperson and had a fascinating background. Alan brought a lot of his architectural skills and talents to look at some of the issues that we dealt with here. He attended the Governing Board meetings and he represented us well. He would like to pass on his best wishes to the family.

Mr. Donohue said he would like to thank TRPA staff on how well they have been keeping him informed with these meetings as well as what was happening with Alan. He thanked Ms. Ambler for taking care of Judy Nikkel's gift from the APC. He asked Mr. Upton to work with TRPA staff on the resolution for Alan; he asked if any members have comments to route them through Mr. Upton.

Mr. Upton said Judi McCallum, Norma Santiago's assistant would also be a good source for information about Alan.

Mr. Maurer said he worked with Alan during the 15 years that he was on the El Dorado County Planning Commission. He was one of the most thoughtful and articulate members he had worked with and he has seen a lot of Planning Commissioners in his 26 years with the Planning Commission. He did a lot of work here in spear heading our drive to get the RPU moving again. He was a very dedicated and committed individual and will be missed.

Mr. Teshara said something Alan did as part of this group was to sit on the Tahoe Transportation Commission as the APC representative; which will now have to be filled. His great interest in many subjects made him a great contributor and brought a perspective that was not at the table otherwise. We appreciated his service.

VII. PUBLIC COMMENT

None

Commission Comments and Questions

Mr. Hester had one go back to the Executive Director report; there are 374 EIS comments.

Mr. Maurer asked if the 300 (+) page comment was a lot of attachments or 300 pages of written comment.

Ms. Navarro said it was a 300 (+) page letter plus a number of attachments.

Mr. Lichtig said it is primarily substantive comments with attachments; this document is a joint document submitted by a number of different conservation groups.

Mr. Upton said something that he did in 2000 on the South Shore was to pass a recreation facilities measure which built an ice arena, a field and also provided maintenance money for bike trails. The bike trails did not get constructed as fast as we wanted and there became a cash balance from the money being generated by the special tax. Last November, we were successful in passing a measure to redirect those accumulating funds to field maintenance, rehabilitation and maintenance of preexisting bicycle trails. From that we formed a couple of community committees which one is a bicycle trail advisory committee that TRPA staff member Ms. Navarro is the chairperson of.

Mr. Donohue said he would assume that this group is coordinating with TTD.

VIII. ADJOURNMENT

Chair Mr. Donohue adjourned the meeting at 10:16 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

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.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
AND
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

RESOLUTION NO. 2012-
IN MEMORY OF
ALAN TOLHURST

WHEREAS, we are saddened by and wish to acknowledge the passing on July 8, 2012 at age 61 of Alan Tolhurst, one of our own; an upstanding Tahoe community member, a dedicated professional who served the Basin and TRPA for many years, and a devoted family man;

WHEREAS, Alan graduated from the University of Colorado, Boulder in 1974 with a degree in Environmental Design. He received his graduate degree in 1982 at the Southern California Institute of Architecture;

WHEREAS, Alan started his career working with the National Aeronautics and Space Administration (NASA) Ames Research Center in the Silicon Valley in 1985 and was later employed by the City of San Jose as an architect in 1988. After moving to South Lake Tahoe, he opened a private architect practice in 1996 to the present;

WHEREAS, Alan was an extraordinary architect and structural engineer who incorporated his professional knowledge and skills into his thinking on growth, development, and environmental preservation issues of the Tahoe Basin and El Dorado County;

WHEREAS, Alan served as leader on the El Dorado County Planning Commission for 15 years and on the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission as the California Lay member from October 1999 until present, serving as its chairman for more than five years;

WHEREAS, Alan took his role on the Advisory Planning Commission very seriously, especially when it came to insure economic improvement of the Tahoe Basin and the environmentally correct development of the Western Slope of El Dorado County. He often visited the sites of projects coming before the APC for consideration to observe and evaluate the environmental and technical issues involved;

WHEREAS, Alan frequently donated his time to attend the TRPA Governing Board meetings to inform himself and the APC of any concerns to be addressed;

WHEREAS, Alan was a compassionate person with a light-sided sense of humor that chose to live in the Tahoe Basin so that the beauty and recreational opportunities would be a part of life for himself and his family;

NOW THEREFORE, BE IT RESOLVED that the Advisory Planning Commission and Governing Board of the Tahoe Regional Planning Agency wishes to express its sincere condolences to Alan's family and hereby recognizes and expresses its appreciation for Alan's invaluable contributions and dedication to the Lake Tahoe Region and his service on the TRPA Advisory Planning Commission.

RECOMMENDED FOR APPROVAL by the Advisory Planning Commission of the Tahoe Regional Planning Agency at its regular meeting held on August 8, 2012 and **PASSED and ADOPTED** by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on August 22, 2012, by the following vote:

Charlie Donohue, Chair
Tahoe Regional Planning Agency
Advisory Planning Commission

Norma Santiago, Chair
Tahoe Regional Planning Agency
Governing Board

MEMORANDUM

Date: August 1, 2012

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Advisory Planning Commission recommendation to Governing Board regarding: (1) Certification of the Final Environmental Impact Statement (FEIS) for the Edgewood Lodge and Golf Course Improvement Project, and (2) Adoption of the proposed amendment to Chapter 37 (Height) of TRPA's Code of Ordinances, 180 Lake Parkway, Stateline, Douglas County, Nevada, Assessor's Parcel Numbers (APNs) 1318-27-001-001, 1318-27-001-002, 1318-27-001-003, 1318-27-001-004, 1318-27-001-005, and 1318-00-002-006, TRPA File Number ENVP2008-0002

Requested Action: Staff requests that the APC hold a public hearing and act on the following matters:

1. **Certification of the Final EIS:** To recommend Governing Board certification of the Final EIS for the Edgewood Lodge and Golf Course Improvement Project, the APC must recommend that the Board make the following two motions.
 - I. A motion to make the findings in Compact Article VII(d), Chapter 3 of the Code of Ordinances, and Article 6 of the Rules of Procedure for the Final EIS, (See Attachment B-1)
 - II. A motion to certify the FEIS for the Edgewood Lodge and Golf Course Improvement Project.
2. **Chapter 37 Amendment:** To recommend that the Governing Board amend Chapter 37 of the Code of Ordinances to allow additional height for tourist accommodation buildings containing 50 or more units within Special Area 1 of Plan Area Statement 070A (Edgewood), the APC must recommend that the Board make the following motions.
 - I. A motion to make the required Chapter 4 findings, including a Finding of No Significant Effect for all potential impacts, (See Attachment B-2).
 - II. A motion to adopt the attached ordinance (Attachment A) amending Chapter 37 of the Code of Ordinances.

Staff Recommendation: Staff recommends that the APC recommend that the Governing Board: (1) Certify the FEIS, and (2) Adopt the proposed Chapter 37 Code Amendment.

Site Description: The Edgewood Tahoe Golf Course property encompasses 234 acres of land located in California and Nevada; however, the proposed project area would affect only the portion of the Edgewood Tahoe Golf Course within Douglas County, Nevada, which accounts for 225 acres. The proposed project area also includes a contiguous 4 acre area east of U.S. 50 from the Edgewood Tahoe Golf Course in Nevada, on the property known as Friday's Station, and an 0.8 acre area across Lake Parkway on Douglas County Assessor Parcel Number (APN) 1318-27-001-012. The 225 acre portion of the project area is occupied by the existing golf course, which includes the Edgewood Tahoe Clubhouse, and two single-family lakefront residences.

Land uses surrounding the project area include state and federal land, primary and secondary roads, residential neighborhoods, commercial areas, the Stateline casino corridor, and the Nevada 4-H Camp. The project area extends across two Tahoe Regional Planning Agency (TRPA) Plan Area Statements (PASs). The portion of the project area west of U.S. 50 is located entirely within the Edgewood PAS 070A, which includes the Edgewood Golf Course, the 4-H Camp to the north, and miscellaneous private uses. The land use classification for PAS 070A is Recreation and the planning statement calls for providing a range of visitor and local-serving outdoor oriented recreation opportunities, integrated with the existing planned improvements within the casino corridor. The portion of the project site east of U.S. 50 is located within Special Area #2 in the Kingsbury Drainage PAS 080, which includes large acre residential uses and other miscellaneous uses. The land use classification for PAS 080 is Conservation.

Project Description: The proposed project (Alternative 1A) includes construction of a new 194-unit lodge complex with a full-service spa and wellness center, restaurant and bar, and banquet and meeting space, as well as other accessory uses at the Edgewood Tahoe Golf Course. Additionally, the proposed project includes a series of environmental improvements. The following components are proposed as part of the project:

- Threshold Improvement Projects, including enhanced BMPs for the Edgewood Lodge, water quality improvements to the Stateline Storm Water Association pond system, Edgewood Creek improvements, Friday's Station dam rehabilitation, and Edgewood Golf Course fertilizer and pond management plan.
- Three-story hotel/lodge complex, including a swimming pool, restaurant, banquet/meeting space, retail space, spa and wellness center, 154 hotel units, 10 casitas buildings with 4 multi-bedroom units in each (40 units total), and guest and employee parking facilities (499 total spaces).
- Amendment to TRPA Code Chapter 37, Height, allowing additional height for tourist accommodation buildings containing 50 or more units within Special Area #1 of Plan Area Statement 070A (Edgewood).
- 9,270 square foot expansion of the Edgewood Clubhouse, including a 2,500 square foot banquet room, an event lawn with seating capacity of 1,000 people, a relocated loading and receiving area, and additional storage, locker rooms, restrooms and mechanical facilities. In

addition, existing overhead utility lines that run along the existing golf course driving range will be undergrounded.

- Relocation of existing lakefront residential lots to higher capability land on the Edgewood golf course property near the existing maintenance facility.
- Public beach, lakefront facilities, and pedestrian paths, including a public swimming beach, food and beverage service, viewing decks, concessions, natural areas, restrooms and open space. The public beach area will be approximately 15,507 square feet in size.
- Removal, relocation, and reconstruction of the existing pier approximately 1,200 feet north of its current location. The proposed multiple-use pier would be for private use and would be accessible by Edgewood Lodge guests and future residents of the two relocated residential lots.
- Golf course and cart path modifications, including realignment and reshaping of certain golf holes and fairways, and cart paths.

Code Amendment Description: The proposed project includes a staff-initiated amendment to Chapter 37 of the TRPA Code of Ordinances to allow for additional height for tourist accommodation buildings containing 50 or more units within Special Area 1 of Plan Area 070A-Edgewood (see Attachment A). This amendment will allow for a maximum building height of up to 60 feet for buildings whose primary use is tourist accommodation, are located within Special Area 1 of Plan Area 070A (Edgewood), and are within the influence area of the Stateline Community Plan. Staff proposed this height amendment as a way to enhance the architectural appearance of the lodge building, and the community design character in general, by providing for enhanced architectural interest, articulated design and structural massing, a focal point of interest, and greater consistency with traditional Alpine architecture.

Background: In July of 2008, the Edgewood Companies submitted an initial application to TRPA for the Edgewood Lodge and Golf Course Improvement Project. Upon initial review of the Initial Environmental Checklist (IEC), TRPA determined that the IEC was inadequate to determine the impacts associated with redevelopment of the site, and required that a TRPA Environmental Impact Statement (EIS) be prepared.

This EIS has been prepared with an analysis of four separate alternatives, one of which is a no-project alternative. The consulting firm, Ascent Environmental, acted as the lead contractor for the environmental document, although subcontractors assisted in its preparation. The Draft EIS was issued in April 2012 for a 70-day circulation and public comment period. During the comment period, public hearings on the draft document were held before the TRPA APC and Governing Board.

Issues/Concerns: The scoping process for the Draft EIS identified a number of environmental issues that needed to be addressed in the EIS (see list of issues based on scoping comments in Section 1.4 in the DEIS). Twenty-nine comment letters and e-mails were received by the TRPA on the Draft EIS during the comment period, and nineteen members of the public offered oral comments at the APC and Governing Board meetings in May and June 2012, respectively. The range of comments is included within the individual comment letters and the Response to

Comments portion of the Final EIS. Among the comments raised during the DEIS circulation period were concerns related to fire-fighting equipment accessibility to the Lodge building, changes involving the urban boundary, and health concerns related to the Edgewood Water Company's lake intake line. These issues, along with the comments, are fully addressed in the FEIS response to comments (see Section 2.4 of the FEIS for details).

Regional Plan Compliance: Based on the FEIS analysis, the proposed project and Code amendment are in compliance with the Regional Plan, including the Goals and Policies, Code of Ordinances (as amended), Plan Area Statements 070A and 080, and the Stateline Community Plan. The findings the Governing Board must make in order to certify the FEIS, adopt the proposed Code amendment and approve the proposed project along with the rationale for making the findings are attached (Attachment B1 - EIS certification, Attachment B2 - Code amendment, and Attachment B3 – Project approval).

Environmental Documentation: On July 27, 2012, the FEIS was distributed to APC and Governing Board members, distributed to the Douglas County and El Dorado County libraries, and posted on the TRPA website for public viewing. The Draft EIS analyzed four project alternatives, including a no project alternative. The proposed project in the EIS is Alternative 1A. No unmitigated significant environmental impacts were identified in any of the analyzed alternatives.

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

Attachments:

- Proposed Code Amendment Adopting Ordinance (Attachment A and Exhibit 1)
- Required Findings/Rationale (Attachment B-1: EIS certification, Attachment B-2: Code amendment)
- Draft Permit (Attachment C)

Attachment A

Draft Ordinance

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2012 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9 AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED; AMENDING THE TRPA CODE OF ORDINANCE, CHAPTER 37 HEIGHT STANDARDS TO ALLOW ADDITIONAL HEIGHT FOR TOURIST ACCOMMODATION BUILDINGS CONTAINING 50 OR MORE UNITS WITHIN SPECIAL AREA 1 OF PLAN AREA STATEMENT 070A (EDGEWOOD).

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

Section 1.00

Findings

- 1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending Chapter 37 of the TRPA Code of Ordinances to allow for additional height for Tourist Accommodation Buildings containing 50 or more units within Special Area 1 of Plan Area Statement 070A (Edgewood) in order to further implement the Regional Plan pursuant to Compact Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.

- 1.20 The Advisory Planning Commission (APC) conducted a public hearing on the amendments and recommended adoption on August 8, 2012. The Governing Board (GB) conducted a public hearing on the amendments and recommended adoption on August 23, 2012. At those hearings, oral testimony and documentary evidence were received and considered.

- 1.30 The Chapter 37 Code of Ordinances amendment was the subject of an environmental impact statement (EIS), which was processed, reviewed and certified by TRPA in accordance with the substantive and procedural provisions of Article VII of the Compact, Chapter 3 of the Code, and Article 6 of the Rules of Procedure.

- 1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 4.5 and 4.6 of the Code and Articles V(g) and VII(d) of the Compact.

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

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

Section 2.00 Amendment of Chapter 37 of the TRPA Code of Ordinances to allow for additional height for Tourist Accommodation Buildings containing 50 or more units within Special Area 1 of Plan Area Statement 070A (Edgewood).

Subsection 6.10, subparagraph (30) of TRPA Ordinance No. 87-9, as amended, is hereby further amended to amend Chapter 37 of the TRPA Code of Ordinances as set forth in Exhibit 1, dated August 23, 2012, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The provisions of this ordinance amending Chapter 37 of the TRPA Code of Ordinances Height Standards shall be effective immediately upon adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on August 23, 2012, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Norma Santiago, Chair
Tahoe Regional Planning Agency
Governing Board

**Attachment A
Exhibit 1**

**PROPOSED AMENDMENT
TRPA CODE OF ORDINANCES
CHAPTER 37, HEIGHT STANDARDS**

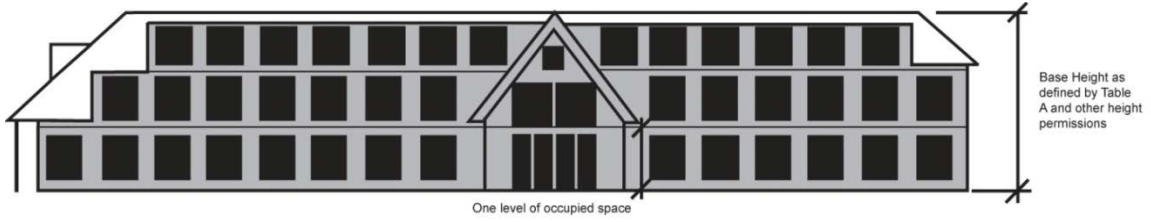
(Add new Section 37.5.8.)

37.5.8. Additional Height for Tourist Accommodation Buildings Containing 50 or More Units within Special Area 1 of Plan Area Statement 070A (Edgewood)

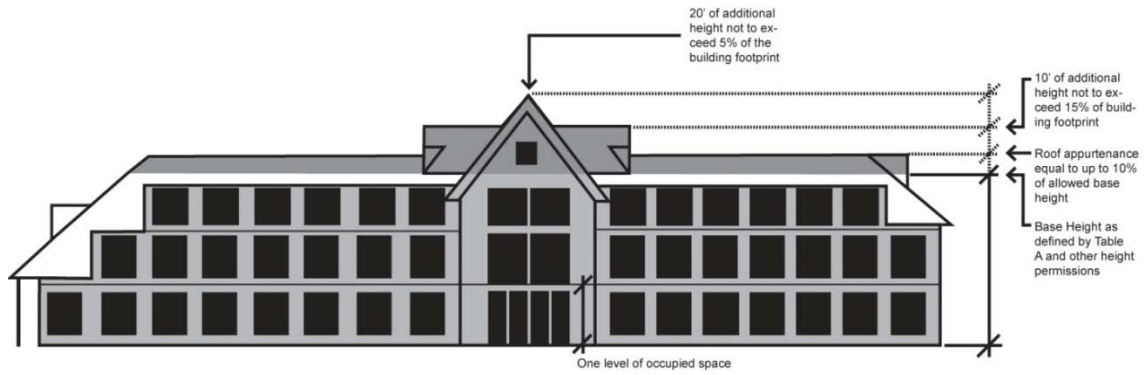
In addition to the provisions set forth in Subsection 37.5.2, TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is tourist accommodation, that contain 50 or more units, and that are located within Special Area 1 of Plan Area Statement 070A (Edgewood) and are within the influence area of the Stateline Community Plan. The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 60 feet in accordance with the following provisions, if TRPA makes the findings 1, 2, 3, and 5 in Section 37.7.

A. General Requirements

1. The maximum height is 60 feet or three-fourths of the maximum height of the tallest trees within the immediate proximity of the proposed project, whichever is lower. Determination of the tallest tree within the project area shall be based on a tree survey provided by the applicant.
2. The area proposed for additional height shall not be located within the shoreland as defined by Chapter 90.
3. The project shall not cause a decrease in numerical ratings assigned to scenic travel routes or identified scenic resources pursuant to Section 66.1.
4. Additional height may be permitted for architectural roof features that incorporate community design features such as gable roofs, hip roofs, pitched roofs, articulated roof planes and dormers as follows:
 - a. A maximum of four additional feet may be permitted to extend and articulate roofs; and
 - b. A maximum of ten additional feet may be permitted to incorporate 6:12 or greater pitched roof if the roof does not exceed 15 percent of the total roof area when viewed in plan view; and
 - c. A maximum of 20 feet may be permitted, but not to exceed a total building height of 60 feet, to incorporate 6:12 or greater pitched roof if the roof does not exceed 5 percent of the total roof area when viewed in plan view.



Existing Building Form Conforming to Base Height Limit



Application of the Additional Height for Design Improvement

Attachment B-1

Required Findings for Certification of the Final EIS

Article VII(d) and Code Chapter 3 Findings for the EIS: These findings with respect to an Environmental Impact Statement must be made prior to the certification of the Edgewood Lodge and Golf Course Improvement Project Final EIS. Specific mitigations proposed for each issue area are detailed in Table 1-1 of the Final EIS.

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

Rationale: The identified population and housing impacts associated with the project are not significant as demonstrated in the Final EIS (Chapter 6.2). Although the project may increase the visitor population to the Stateline area, it would not result in an increase in permanent residents to the region. A maximum of 200 full-time positions would likely be required to operate the project and the available employment pool already in the south shore and Douglas County areas would be expected to satisfy the employment need. Recent unemployment rates have been high in the area and the number of gaming employees at the four gaming properties has decreased by 2,879 employees. Therefore, the project is considered a positive economic benefit to the south shore region, and would not create an increase in population due to workforce needs, or result in the need for additional workforce housing. In addition, all proposed tourist accommodation units (TAUs) will be transferred in from existing development. Compliance with the TRPA Regional Plan and State of Nevada requirements relating to population and housing will provide further assurances that no adverse impacts will occur.

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

Rationale: The identified land use impacts associated with the project are less than significant as demonstrated in the Final EIS (see Chapter 5.2). The project is in compliance with the TRPA Regional Plan and Code requirements relating to land use which provides assurances that no adverse impacts will occur.

3. Finding: With respect to the significant and possibly significant effects on

GEOLOGY AND SOILS identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified geology and soil impacts associated with the project are either less than significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.5). The project is in compliance with the TRPA Regional Plan and Code requirements relating to land coverage and soils disturbance which provides assurances that no adverse impacts will occur. The primary mitigation measures identified in the Final EIS are preparation and implementation of a geotechnical engineering report, implementation of BMPs and Storm Water Pollution Prevention Plan, preparation of Emergency Response and Evacuation Plan, and implementation of a dewatering plan.

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

Rationale: The identified hydrology and water quality impacts associated with the project are either less than significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.6). The project is in compliance with the TRPA Regional Plan and Code requirements relating to water quality and provides mitigation for hydrology and water quality impacts. The primary mitigation measures identified in the Final EIS are preparation and implementation of a dewatering plan, reduce the floating section of the pier to 30 feet, prepare a floodplain delineation to meet Douglas County standards, prepare and implement a storm water pollution prevention plan and dewatering plan.

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

Rationale: The identified transportation and parking impacts associated with the project are either less than significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.10). Mitigation measures include designing landscape and tree removal to provide adequate sight distance, relocate entry gatehouse, expand site access road to the gatehouse, provide ADA- accessible path and crossing on Lake Parkway, and provide shuttle service serving off-site parking lot, implement parking strategy to address parking shortfall, provide

AGENDA ITEM NO. VI.A.

additional valet parking during peak periods. The project is in compliance with the TRPA Regional Plan and Code requirements relating to transportation and parking which provides assurances that no adverse impacts will occur.

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

Rationale: The identified air quality impacts associated with the project are either less than significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.11). The project is in compliance with the TRPA Regional Plan and Code requirements relating to air quality, including required dust control measures, which provides assurances that no adverse impacts will occur. Mitigation measures include reducing construction-generated emissions of ROG, NOX and PM10 and payment of an air quality mitigation fee.

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

Rationale: The identified noise impacts associated with the project are either less than significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.13). The project is in compliance with the TRPA Regional Plan and Code requirements relating to noise which provides assurances that no adverse impacts will occur. The FEIS concludes that the proposed project will not cause the 55 dBA CNEL standard to be exceeded.

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

Rationale: The identified biological resource impacts associated with the project are either less than significant, beneficial or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.7). The project is in compliance with the TRPA Regional Plan and Code requirements relating to fisheries, wildlife and vegetation which provides assurances that no adverse impacts will occur. The FEIS details comprehensive mitigation measures that include delineation of waters of the United States; implement vegetation protection measures; implement monitoring surveys and adaptive management of Tahoe Yellow Cress and, if necessary, redesign the mouth of Edgewood Creek

to retain the mouth at its current location; implement weed and aquatic invasive species management practices; and conduct preconstruction waterfowl and fish surveys.

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

Rationale: The identified scenic resource impacts associated with the project are either less than significant, beneficial or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.3). By implementing the mitigation measures outlined in the Final EIS and complying with the TRPA Regional Plan, Code and permit requirements relating to scenic resources, identified scenic impacts will be mitigated to a less than significant level.

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

Rationale: The identified cultural resource impacts associated with the project are either less than significant or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.9). The FEIS includes mitigation measures that will ensure detection and protection of any previously undiscovered cultural resources, including archaeological monitoring of known heritage resources during construction.

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

Rationale: The identified recreation and public access impacts associated with the project are less than significant or beneficial as demonstrated in the Final EIS (see Chapter 5.4). The project is in compliance with the TRPA Regional Plan, Code and permit requirements relating to recreation and public access which ensures that any impacts are less than significant.

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

Rationale: The identified human health and risk of upset impacts associated with the project are either less than significant, beneficial or are mitigated to a less than significant level as demonstrated in the Final EIS (see Chapter 5.8). By implementing the mitigation measures outlined in the Final EIS, identified effects on human health and risk of upset will be mitigated to a less than significant level. Some of the mitigation measures include preparation and implementation of a site health and safety plan, and implement radon resistant construction techniques.

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

Rationale: The identified cumulative impacts associated with the project are less than significant and no mitigation is required as demonstrated in the Final EIS (see Chapter 5.15).

Attachment B-2

Required Findings for Amendment of Chapter 37 of the TRPA Code of Ordinances

The following findings must be made prior to adopting the proposed amendments to Chapter 37 of the TRPA Code of Ordinances to allow additional height for Tourist Accommodation Buildings containing 50 or more units within Special Area 1 of the Plan Area Statement 070A (Edgewood):

A. Chapter 4 – Required Findings:

1. Finding: Section 4.4.1 Finding (A): The Code amendment 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: This amendment is consistent with and will not adversely affect implementation of the Regional Plan. The addition of Code Subsection 37.5.8 to increase the permissible height for tourist accommodation buildings with more than 50 units will provide incentives to provide architectural focal points such as gable roofs, hip roofs, pitched roofs, articulated roof planes and dormers, and improve the overall scenic interest of the structures, which is consistent with the Community Design Sub-element within the Land Use element of the Goals and Policies.

Projects eligible for the additional height must make findings 1, 2, 3, and 5 in Section 37.7., which include limitations on height in relation to existing tree canopy and ridgeline heights, consistency with surrounding uses, interference with existing views, and adequate screening from scenic locations. Additionally, any project that uses the provisions within this amendment shall not exceed a maximum of 60 feet, or ¾ of the height of the tallest trees in the vicinity, whichever is lower; shall not be located within the shoreland as defined by Chapter 90; and shall not cause a decrease in numerical ratings assigned to scenic travel routes or identified scenic resources pursuant to Section 66.1. These findings and requirements ensure that the numerical ratings for scenic travel routes and scenic resources are maintained, which is consistent with Scenic Sub-element within the Conservation element of the Goals and Policies.

Any project that takes advantage of this amendment will adhere to all provisions of the TRPA Code of Ordinances and Goals and Policies.

2. Finding: Section 4.4.1 Finding (B): The amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rational: The amendment will not cause the environmental thresholds to be exceeded. To the contrary, any project that uses the provisions within this amendment will help achieve and maintain the environmental thresholds.

The proposed amendment would increase the height of tourist accommodation buildings over what is currently allowed by TRPA Code. Eligibility to take advantage of the proposed height is limited to tourist accommodation buildings with more than 50 units located within Special Area 1 of Plan Area 070A, and within the influence of the Stateline Community Plan.

Projects that use the provisions within this amendment must demonstrate that they do not cause a decrease in the numerical ratings assigned to scenic travel routes and identified scenic resources, as required to comply with the environmental threshold for scenic quality.

Additionally, the environmental threshold for land use specifically states that architectural elements should contribute to the improvement of community design components of the Plan Area. The purpose of this amendment is to create an opportunity for use of specific architectural elements and improve the community design components of the Plan Area, and thereby help achieve and maintain the land use environmental threshold.

No other thresholds are associated with this height amendment.

3. Finding: Section 4.4.1 Finding (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.

Rationale: This amendment does not directly affect any air or water quality standards. Any new development or expansion of development due to this amendment will continue to be subject to federal, state, and local air and water quality standards.

4. Finding: Section 4.6 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:

Based on the rationale for the foregoing findings, the analysis in Edgewood Lodge and Golf Course Improvement Project EIS, and the 2006 Threshold Evaluation Report, September 2007, the Governing Board finds 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.

The thresholds and standards for the Lake Tahoe Basin essentially define the capacity of the Region to accommodate additional land development. In the current Regional Plan, 36 threshold indicators are used as the measures of success of the environmental health of the region. In adopting the Regional Plan and the Code of Ordinances, TRPA found that the Plan as a whole achieves and maintains the thresholds (Adopting Resolution No. 87-9). Since adoption of the Regional Plan package, TRPA reviews the plan every five years to ensure that it is achieving thresholds and to propose compliance measures, as necessary, to promote further attainment and to establish interim and long term targets for threshold attainment. This evaluation report provides a five-year update on the status of these threshold indicators. In September 2007, TRPA approved the 2006 Threshold Evaluation Report and the adopted updated compliance forms for the 36 indicators which include target dates, interim targets, and compliance measures needed to achieve and maintain thresholds. For those thresholds not yet in attainment, the compliance forms propose supplemental measures to promote attainment.

The TRPA Code of Ordinances amendment facilitates the development of the Edgewood Lodge and Golf Course Improvement Project, which, as described in Chapter 5 of the EIS, will have a less than significant or beneficial effect on the attainment of thresholds.

Based on the foregoing, the Regional Plan, as implemented through the existing and amended ordinances will achieve and maintain thresholds.

Attachment C

PERMIT

PROJECT DESCRIPTION: Edgewood Lodge and Golf Course Improvement Project

PERMITTEE: Edgewood Companies

TRPA FILE Nos.: ERSP 2008-0396 & ENVP 2008-0002

APNs: 1318-27-001-001, -002, -003, -004 (Golf Course Properties); 1318-27-001-005 & -006 (Friday’s Station Property); 1318-27-001-015 (Offsite Parking Area)

COUNTY/LOCATION: 180 Lake Parkway, Stateline, Nevada

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on August 23, 2012, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on August 23, 2015, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. 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 HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee _____ Date _____

PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee _____ Date _____

PERMIT CONTINUED ON NEXT PAGE

Edgewood Lodge & Golf Course Improvement Project

Douglas County APNs: 1318-27-001-001, -002, -003, -004 (Golf Course Properties); 1318-27-001-005 & -006 (Friday’s Station Properties); 1318-27-001-012 (Offsite Parking Area)

TRPA File Numbers: ERSP-2008-0396 Project); ENVP 2008-0002 (EIS)

FEES

Description	Date	Amount	Receipt No.
Excess Land Coverage (TBD per Special Cond. 4.AA)		\$	
Air Quality Mitigation (See Special Condition 4.BB)		\$	
Water Quality Mitigation (TBD, Special Cond. 4.CC)		\$	
Offsite Mitigation (TBD per Special Condition 4.DD)		\$	
Pier Expansion Mitigation Fee (Special Cond. 4.EE)		\$960.00	
Compliance Inspection Fee (see Special Cond. 4.FF)		\$25,000	

SECURITIES

Description	Type	Date	Amount	Receipt No.
Project (TBD per Special Cond. 4.Z)			\$	
Veg. Monitoring (Special Cond. 7)			\$10,000	
Admin. Fee (TBD, Attach. “J”)			\$	

PERMIT ACKNOWLEDGEMENT

Required plans determined to be in conformance with approval: Date _____

The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit.

_____ Date _____

TRPA Executive Director/Designee

SPECIAL CONDITIONS

1. This permit authorizes the grading, construction, and commencement of new and modified land uses and environmental improvements associated with the *Edgewood Lodge and Golf Course Improvement Project*, as described in Alternative 1A of the *Edgewood Lodge and Golf Course Improvement Project Environmental Impact Statement* (EIS) certified by the TRPA Governing Board on August 23, 2012, and as illustrated in the latest set of plans preceding the approval of this permit. Major project components are described in detail in Section 3.4 of the Draft EIS (beginning on page 3-18), and include:

Hotel Complex

The hotel complex consists of 11 buildings, including a main lodge (defined as “Hotel, Motel and Other Transient Dwelling Units” in Chapter 21 of the TRPA Code), and ten free-standing *casita* buildings, defined as either “Time Sharing (Residential Design)” or “Hotel, Motel and Other Transient Units” in Chapter 21 of the Code. See Special Condition 4.GG, below, for requirements related to an election of use for the *casita* units. A total of 194 Tourist Accommodation Units (TAUs) are permitted, as follows:

- **Main Lodge:** One three-story building containing 154 TAUs (without kitchens), and accessory space containing, but not limited to: a parking garage for guest and employee parking, wellness center with spa and fitness facilities, a restaurant and bar area, banquet/conference space, lobby, hallways, reception and check-in area, employee/management space, restrooms and similar space delineated on the preliminary plans.
- **Casitas:** Ten stand-alone two-story buildings with four multi-bedroom units for a total of 40 TAUs. Each TAU is allowed one kitchen.

There is an outdoor pool area, driveways, *porte cochere*, pathways, landscaping, lighting, and similar exterior improvements that are considered accessory to the hotel complex.

Parking and Circulation

In addition to the parking garage contained within the main lodge building, this permit authorizes the construction of a two-story free-standing parking garage (located immediately south of the public driveway entrance) plus various surface parking areas and offsite employee and overflow parking (located across the street from the hotel property on Lake Parkway) for a grand total of 499 onsite and offsite parking spaces. This permit also authorizes the relocation of the entrance driveway and construction of various paved pedestrian paths and motor vehicle driveways.

Expansion of Golf Course Clubhouse

The “south room” of the existing golf course clubhouse (an accessory recreation facility to the Golf Course) is approved for a 6,770 square foot expansion on man-modified land capability Class 6 soil, as follows:

- **First (Main) Floor:** The first floor is approved for a 2,500 square foot banquet room expansion with seating capacity for 200 people to supplement the existing

100 person capacity “south room.” The first floor is also approved for a terrace area and natural gas fire pit.

- **Basement:** The basement is approved for 4,270 square feet of enclosed space containing a relocated loading and receiving area, storage space, locker rooms, restrooms, and mechanical facilities. The basement restrooms shall be available to beach users (including hotel guests and the general public).

Lakefront Recreation Areas

This permit requires and approves a new lakefront recreation area including a new swimming beach (defined as “Beach Recreation”) located adjacent to and south of the golf course clubhouse, as illustrated on the preliminary plans and Exhibits 5.4-1 and 5.4-2 in the Draft EIS. This recreation area shall be open to the general public as required in Plan Area 070A – Edgewood; Special Policies 7 and 8 (c), and Special Condition 4.X of this permit.

This permit also allows food and beverage service, viewing decks, pathways, and concessions such as kayak and bicycle rentals to invite the public to the lake. (Please note that this permit limits point of sale/rental to areas outside of the backshore.) Total lakefront recreation area available to the general public shall be designed to accommodate no fewer than 194 persons at one time (PAOTS), half of which must be in active recreation areas.

Multiple-Use Pier Removal, Relocation and Reconstruction/Modification

This permit authorizes the demolition of the existing multiple use pier on Douglas County APN 1318-27-001-002 to a location adjacent to the golf course clubhouse on APN 1318-27-0001-001, as illustrated on the preliminary plans. This pier shall not be rented or otherwise used as a commercial facility (except as allowed in the TRPA Code for exempt activities). The length of this pier shall not exceed 123 feet (measured from the high waterline). The final pier design shall be in substantial conformance to the pier description found on pages 3-28 and 3-29, and Exhibits 3-10 and 3-11, in the Draft EIS, with the exception that the floating section shall not exceed 30 feet in length to prevent interference with long shore sand transport (littoral drift) pursuant to the report prepared by Randy Morey for the project and reflected in Mitigation Measure 5.6.1-6 in the Draft EIS.

Golf Course and Cart Path Modifications

This permit authorizes the following golf course and cart path modifications:

- Realignment of golf holes and fairways 7, 8 and 9

- Reshaping of golf holes and fairways 3, 13, and 14 associated with Pond 1 enhancements
- Reshaping of golf hole and fairway 6 associated with pond 6 enhancements
- Realignment and reshaping of tees for golf holes 1 and 10 in association with wetland and creek improvements
- Realignment and reshaping of the putting greens
- Realignment and shaping of golf hole 18 cart part in association with pond 18 and related SEZ enhancements
- Realignment of various golf cart paths in conjunction with the golf course modifications listed above

Also see Special Condition 4.F for grading restrictions within the 100-year flood plain.

Tree Removal

This permit authorizes the removal of approximately 540 trees greater than 14 inches diameter at breast height (dbh) in accordance with a Limited Forest Plan reviewed and approved by TRPA pursuant to Subparagraph 61.1.4.C.2 of the TRPA Code. Also see Special Conditions and 3.C and 4.C related to the Limited Forest Plan.

Threshold Improvement Projects

This permit requires the construction of the following threshold improvement projects in conjunction with the construction the major project components described above as particularly set forth in the construction phasing schedule approved by TRPA (see Special Condition 4.A, below).

- **Threshold Improvement Project A:** Hotel complex storm water improvements as described on page 3-51 (and other locations) in the Draft EIS.
- **Threshold Improvement Project B:** Water quality improvements to the Stateline storm water association pond system as described on page 3-55 (and other locations) in the Draft EIS.
- **Threshold Improvement Project C:** Edgewood Creek improvements as described on page 3-60 (and other locations) in the Draft EIS.
- **Threshold Improvement Project D:** Friday's Dam rehabilitation as described on page 3-60 (and other locations) in the Draft EIS.
- **Threshold Improvement Project E:** Edgewood Tahoe Golf Course fertilizer and pond management plan as described on page 3-65 (and other locations) in the Draft EIS.

Certain Project Components Not Covered by This Permit

This permit does not authorize:

- A. New signs or modifications to existing signs related to the approved project.
 - B. Adjustment of lot lines for the new location of residential dwellings as described in the EIS.
 - C. Construction of two existing single family dwellings and residential garage.
 - D. Uses or structures not analyzed or otherwise included in the EIS.
 - E. New commercial uses, except those uses determined by TRPA to be of appropriate size, scale and intensity to be considered “accessory” to the tourist accommodation and recreation uses in accordance with Section 90.2 and related sections of the TRPA Code.
 - F. New swimming buoys or other structures in Lake Tahoe (except structures specifically related to the approved pier as described in Special Condition 1, above). These Shorezone structures require TRPA review and approval under separate application.
2. The Standard Conditions of Approval in Attachments Q shall apply to all landward structures this project. In addition, the pier shall conform to the Standard Conditions of Approval in Attachment S.
 3. All mitigation measures identified in the Edgewood Lodge and Golf Course Project Environmental Project Impact Statement, certified by the TRPA Governing Board on August 23, 2012, are hereby incorporated by reference as conditions of approval. In addition, all project components offered or proposed by the permittee to offset potential environmental impacts (but not listed in the EIS mitigation measures) are incorporated by reference as conditions of project approval. Modifications to these mitigation measures may only occur through separate TRPA review and approval. These components include, but are not limited to the following:
 - A. Project Elements
 - New lakefront recreation area extending from the proposed relocated pier to the golf safety setback zone near realigned golf hole 9. Total lakefront recreation area available to the general public shall be designed to accommodate no fewer than 194 persons at one time (PAOTS), half of which must be in active recreation areas.

- Public restrooms on the first floor of the clubhouse expansion with direct access from beach area
- Separated shared-use pathway from Lake Parkway to the lakefront recreation area
- Removal of the existing golf course snack bar and restroom building
- Extra “space” for the Alternative 1A lodge design shall not be used for TAU units or accessory space, but rather would be used to create additional airspace and/or to accommodate mechanical equipment or limited storage
- The two existing lakefront residences and the existing Pruett pier shall be demolished and removed
- The proposed pier shall not include any of the following: sewage, boat lift, or refueling facilities
- The existing remnant pier pilings (near clubhouse) shall be retained under this permit
- Existing legal buoys shall not be modified under this permit
- Ten (10) off-site employee parking spaces provided on Douglas County APN 1318-27-001-012 or other location acceptable to TRPA after approval of a parking agreement
- An emergency access road, south of the main access road, shall be maintained at all times to fire department standards
- The overhead utility lines north and south of the clubhouse shall be placed underground
- A designated swim area would be roped off along the shore within the limits of the public beach to protect swimmers from boating activities associated with the relocated pier. (Note: These swim buoys are not included in this permit and require separate TRPA review and approval following TRPA approval of new Shorezone regulations allowing such structures, and the lifting of the Shorezone moratorium on such structures in effect at the time of approval for this permit.)

B. Operational Commitments:

- The permittee shall maintain a shuttle service (see Special Condition 4.E, below)
- Reduction of 24 acres in fertilized turf area to an estimated 105.5 acres of fertilized turf in the project area existing on the date of permit approval
- Installation of surface and groundwater monitoring sites and wells on the golf course property as described in Figure 1 of Appendix I and Figure 1 of Appendix II of the March 2012 draft *Monitoring, Inspection, and Operations Plan* (MIOP).
- Existing and proposed accessory uses interior to the lodge will be open to the public, but would not be separately advertised and would be accessed through the lodge building

C. Additional Design Details & Plan Commitments by the Permittee

- The permittee shall prepare an Operations Plan for the adjustable pier as part of final design and permitting subject to review by TRPA. The Plan shall include routine (every 2 weeks or once per month) adjustments to correspond to the seasonal rise and fall of Lake Tahoe.
- All new buildings shall be designed to achieve a minimum LEED Silver rating from the United States Green Building Council (USGBC)
- The permittee shall implement the Limited Forest Plan appended to the EIS (except as modified in Special Condition 4.C) and shall not remove in excess of 10 percent of the trees greater than or equal to 24-inches dbh within the project area
- The permittee shall develop and implement a Stormwater Pollution Prevention Plan; BMPs listed in Section 3.7 (p. 3-74 of the Draft EIS) shall be implemented
- Implementation of a Maintenance Inspection and Operations Plan (MIOP), including golf course monitoring, lodge monitoring, and storm water inspection and maintenance plan for the lodge complex and the golf course; and threshold improvement projects. This also includes revising the MIOP as necessary to include adaptive management measures to control and limit the spread of invasive aquatic species.

These adaptive management measures shall identify and target invasive species, control measures, timing, and removal techniques appropriate for the ponds and Edgewood Creek.

- Construct the improvements described in the *Threshold Improvement Project Quantification Report*
- In association with Threshold Improvement Project C, the permittee shall develop the necessary hydrologic, hydraulic, and geomorphic design studies for regulatory review and approval. The types of studies that are required are described on p. 3-62 of the Draft EIS, and they would generally address the following types of information: design flows, fish passage, hydrologic and hydraulic criteria, hydraulics of the channel and floodplain including transition areas, potential scour depths and scour protection measures, and stability of the bed and bank materials.
- Construction staging for the pier relocation would be provided by a barge on the lake. A turbidity curtain would be used at all times during construction.
- Landing mats shall be used for access across marshy, wet or saturated soils to reach construction, restoration, or environmental improvement sites. These mats are intended to minimize soil disturbance and compaction in sensitive soil areas by distributing the weight loads of construction equipment.
- Construction access to the project area would be provided via Lake Parkway
- Ensure that final vegetative screening complies with the predicted scenic ratings analyzed in the EIS scenic analysis
- The permittee shall provide mitigation for existing excess land coverage at the site in accordance with Section 30.6 of the TRPA Code
- Submittal of a soils/hydrological reports to TRPA for each building and infiltration site.
- Maintain proposed buffer strips around ponds and wetlands
- Create 4.6 acres of new, enhanced or restored SEZ, riparian, and/or wetland habitat along Edgewood Creek and Golf Course Creek and within the existing pond system

4. Prior to permit acknowledgement, the following special conditions shall be satisfied:

Reports, Plans and Schedules:

- A. The permittee shall submit a Construction/Phasing Schedule to TRPA for review and approval. This plan schedule shall clearly describe the components of each proposed phase and how they relate to other phases for elements such as, but not limited to: construction staging, BMPs, etc. All required permanent water quality improvements shall be installed upon completion of each respective phase of the project.
- B. The permittee shall submit an EIS Mitigation Measure Compliance Report for TRPA review and approval. This report shall list all required mitigation measures in the TRPA certified *Edgewood Lodge and Golf Course Improvement Project EIS*, and permittee proposed mitigation (see Special Condition 3, above) and shall describe how and where these mitigation measures are addressed in the final plans for the project.
- C. The permittee shall submit a final Limited Forest Plan to TRPA for review and approval. This plan shall consider changes to the project (if any) as reflected in this permit and the final plan sets.
- D. The permittee shall submit a Tree Height Survey to TRPA that identifies the height and location of the tallest trees in the vicinity of the proposed Lodge building. This survey data shall be referenced in the height calculations for the proposed Lodge to demonstrate compliance with the requirements for the additional height for tourist accommodation buildings containing 50 or more units within Special Area 1 of Plan Area 070A.
- E. The permittee shall submit a Shuttle Service Operational Plan to TRPA for review and approval for the shuttle service described in the Traffic and Circulation section of the project description in the Draft EIS (Chapter 3). At minimum, this plan shall include type of shuttle proposed, its capacity, hours of operation, parking location for off hour storage, and shuttle stop locations.
- F. The permittee shall submit a final Grading Plan to TRPA for review and approval that demonstrates that the project, in its entirety, conforms to the prohibitions of additional development, grading and filling of lands within the 100-year floodplain contained in Subparagraph 35.4.2 of the TRPA Code. The 100-year flood plain, as verified by a qualified engineer, shall be clearly delineated on this plan. This plan shall also illustrate:

- i. Existing and proposed site elevation contours (at 1 foot intervals) for areas of cut and fill
- ii. Total volume of cut and fill (in cubic yards)
- iii. Cut and fill volume (in cubic yards) in the 100-year flood plain
- iv. Cut and fill volume (in cubic yards) in all SEZ areas, including the backshore

TRPA shall approve all excavations in building and infiltration sites, even if less than 5 feet below ground surface (bgs). The permittee shall provide evidence demonstrating a minimum of 2 feet of separation from the bottom of building footings and a minimum of 1 foot separation from the bottom of any infiltrating areas to seasonal high groundwater. The Grading Plan shall also contain:

- Details on-site archeological monitoring of known heritage resources during project construction, and onsite monitoring for previously undiscovered heritage resource and human remains specific to Measures 5.9.1-1 and 5.9.1-2 in the Draft EIS.
- Measures that minimize disturbance to ground and vegetation in the project area with special attention to construction access in the backshore related to the pier access walkway

G. The permittee shall submit an Underground Utility Plan that shows the location of all utility trenches for water, sewer, storm water conveyance, irrigation, gas, electricity, cable and similar underground utilities. The locations of trees within twenty feet of the centerline of these facilities shall be delineated.

H. To ensure protection and health of trees not proposed for removal, the permittee shall submit a Tree Protection Plan prepared by a qualified arborist to TRPA for review and approval. Trees between the main lodge/golf course clubhouse and Lake Tahoe not identified for removal on the preliminary plans, which may become damaged or are planned for removal due to potential damage, shall be evaluated for their impacts to scenic quality. Appropriate mitigation measures shall be developed for the loss of any trees significant to the scenic quality analysis in the EIS.

This plan shall, at minimum:

- i. Identify measures to prevent or minimize damage to trees such as utility boring to accommodate underground work rather than trenching. This plan shall also include measures to minimize damage to trees from soil stock

piling, soil desiccation from grading activities, and other measures appropriate for construction sites in the project area.

- ii. Contain recommendations on planting of replacement trees (in kind by existing species) to improve their survival.

- I. The permittee shall submit a Pond Dredging Plan to TRPA for review and approval for Friday's Pond and other ponds in the project area that will have accumulated sediments removed. This plan shall include, at minimum: dewatering methods, creek bypass methods, staging areas, methods and equipment proposed for sediment removal, location of sediment disposal sites, cubic volume of sediment to be removed by pond, methods to remove or relocate fish, and methods to re-water ponds while minimizing impacts to water quality.

- J. The permittee shall submit a final Monitoring, Inspections and Operations Plan (MIOP) for to TRPA for review and approval.

- K. The permittee shall submit a Dust Control and Soil Disposal Plan to be implemented during construction to TRPA for review and approval. This plan shall, at minimum, include techniques to control fugitive dust generated during construction, and disposal locations for all debris and soil. This condition can be met separately or can be incorporated into the Grading Plan.

- L. The permittee shall submit an Exterior Lighting Plan for TRPA review and approval in conformance with Section 36.8 of the Code. In addition to Code standards, exterior lighting as viewed from Lake Tahoe, shall be limited to safety lighting only.

- M. The Permittee shall submit a Pier Operations Plan for the adjustable pier for TRPA review and approval. This plan shall include details on routine adjustments to pier height (at least once per month) to correspond to the seasonal rise and fall of Lake Tahoe.

- N. The Permittee shall submit a Spill Control Plan for TRPA review and approval. In accordance with Subsection 60.3.3.D.3 of the Code, this plan shall include the following elements:
 - i. Disclosure element describing the types, quantities, and storage locations of contaminants commonly handled as part of the proposed project;

 - ii. Contaminant handling and spill prevention element;

- iii. Spill reporting element, including a list of affected agencies to be contacted in the event of a spill;
- iv. Spill recovery element; and
- v. Spill clean-up element.

Construction:

- O. Final site plans shall be submitted to TRPA for review and approval that include the following:
 - i. Land coverage calculations by land capability district.
 - ii. Delineation of all trees to be saved or removed (see Special Condition 4.G for related condition).
 - iii. Location of all construction staging areas. Staging areas are limited to existing disturbed areas in accordance with project narrative found in pg. 1-5 in the DEIS.
 - iv. Location of all temporary erosion control and vegetation protection structures.
 - v. Location of all proposed structures and land coverage.
 - vi. Setback lines for Land Capability Class 1b soils (stream environment zones; SEZ). Final plans shall demonstrate that no increases in land coverage shall occur within SEZ setback areas.
 - vii. Permanent onsite potential (base allowable) land coverage reduction to allow additional building height for the main lodge building (equal to 307,539 square feet).
 - viii. Final land coverage calculations to account for the fire equipment access road for the main lodge, and other adjustments incidental to the final plans and TRPA requirements in this permit.

- P. The permittee shall submit plans, cost estimates, and a schedule for the installation of all proposed Best Management Practices (BMPs) to TRPA for review and approval.

- Q. The permittee shall submit a will serve letter from the Edgewood Water Company for the project.
- R. The permittee shall submit final building elevations and architectural plans to TRPA for review and approval for all new or modified buildings and structures in the project area, including, but not limited to: buildings, fences, and the relocated/modified pier. These plans shall indicate proposed and allowable building height for each new structure. The *casita* buildings, and all other buildings, shall each have their own height calculations based on building elevations distinctive to those structures. The pier shall conform to TRPA design standards for multiple-use piers and shall substantially conform to the design illustrated on sheet C-A-11 in the preliminary plan set submitted to TRPA in April 2012.
- S. The permittee shall submit final building and pier color samples to TRPA for review and approval. These colors and materials shall be in substantial conformance with the colors and materials illustrated in scenic quality simulations contained in the EIS.
- T. The permittee shall provide an offsite parking agreement to TRPA for review and approval for ten (10) offsite employee and overflow parking spaces on APN 1318-27-001-015, or other location acceptable to TRPA.
- U. The permittee shall provide evidence that all basic service requirements for minimum fire flow shall be met or exceeded in accordance with Subparagraph 34.4.2.A of the Code.
- V. The permittee shall transfer 194 tourist accommodation units for the hotel (including *casita* units) under separate application to TRPA. Prior to permit acknowledgement, the permittee shall provide to TRPA a copy of the signed "City of South Lake Tahoe Authorization to Transfer Rights" form for TAUs originating in that jurisdiction.
- W. The permittee shall provide the TRPA with the latest recorded grant deeds for all parcels within the project area. Once these grant deeds have been received, TRPA will prepare a project area deed restriction that will permanently treat land coverage for these parcels as though the parcels had been consolidated.
- X. The permittee shall record a public access easement (that can be relocated) against the project area (acceptable to and approved by TRPA) permanently assuring that lakefront recreation area described in the EIS shall be available to the general public.

- Y. The permittee shall submit three sets of final construction drawings and site plans to TRPA for review and approval.

Fees and Securities:

- Z. The security required under Standard Condition I.2 of Attachment Q shall be determined upon submittal of the final BMP and Environmental Threshold Improvement Project plans. The permittee shall submit a security calculation pursuant to Attachment Q requirements for TRPA review and approval.
- AA. The project area has a total of 181,616 square feet of excess land coverage (181,616 square feet in 1b/SEZ and 127 square feet in Class 3). The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 4 (South Stateline – Nevada) or by submitting an excess coverage mitigation fee, or a combination of fees and land coverage removal and/or relocation.

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

Estimated project construction cost (structural) multiplied by the fee percentage of 5 percent (as identified in Table 30.6.1-2 of Subsection 30.6.1.C.3. of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$15 per square foot for projects within Hydrologic Transfer Area 4 – South Stateline (Nevada Side). Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

- BB. The permittee shall submit a \$13,502.60 air quality mitigation fee. This fee is based on the addition of 373 additional daily vehicle trip ends at \$36.20/trip.
- CC. A water quality mitigation fee of \$87,334.44 shall be paid to TRPA. This fee is based on the creation of 46,954 square feet of land coverage at a rate of \$1.86 per square foot of new land coverage created (all within Land Capability Class 4), based on the preliminary plans. This fee shall be adjusted based on changes to land coverage in the final plans, if any. As an alternative to payment of the fee,

the permittee may receive a fee credit for “above and beyond” water quality improvements associated with Threshold Improvement Projects B, C and D provided cost estimates are provided to TRPA for review and approval.

- DD. The permittee shall submit an offsite land coverage fee equal to \$15.00 per square foot of new land coverage created in public rights-of-way. Relocated land coverage in the right of way is not considered “new” and not subject to this fee for this reason.
- EE. The permittee shall submit a pier expansion mitigation fee of \$960.00 to mitigate 32 additional feet of pier length for the relocated/modified multiple use pier (equal to \$30 per additional foot of pier length).
- FF. The permittee shall pay all TRPA inspection costs for TRPA inspections for the project (including inspections by a TRPA contractor). An initial deposit of \$25,000 shall be required at permit acknowledgement, and a summary of inspection costs will be provided to the permittee monthly, if applicable. In the event the initial deposit is insufficient to cover inspection costs, an additional deposit will be requested to cover the remaining costs, and shall be due to TRPA within 30 days of the request.

Other:

- GG. The permittee shall elect in writing, and shall delineate this election on the project plans, the specific tourist accommodation use(s) for the *casita* units. These units shall be designated as either “Hotel, Motel and Other Transient Units” or “Time Sharing (Residential Design),” or a combination thereof, as defined in Table 21.4-A of the TRPA Code. Individual unit designations shall be delineated on the plans for a mixed-unit election. Changes to unit designations after permit acknowledgement shall not occur except as allowed under separate TRPA review and approval.
 - HH. The permittee shall submit evidence that TRPA has reviewed and approved lot line adjustments for the relocated residential lots. Lot line adjustments shall be reviewed under separate application to TRPA.
5. The two existing residential units of use shall be considered as “banked” by TRPA in the project area following demolition and restoration of the building sites in accordance with this permit. The lot line adjustment and reconstruction of the existing residential units and accessory structures at the new locations identified in the EIS and preliminary plans shall require separate TRPA review and approval.
 6. Three hundred and ten (310) Summer Day Use Persons at One Time (PAOTS) are allocated to this project.

7. Prior to the return of the project security (per completed phase), the permittee shall submit post-construction photos taken within 30 days of the project completion date documenting resultant impacts to scenic quality as viewed from 300 feet off-shore looking landward. The final scenic impacts of the project (development and vegetation) shall fall within the scenic impacts predicted in the EIS. By acceptance of this permit the permittee agrees to monitor post-construction vegetation for 5 years from the date of release of the project security, and TRPA shall retain a “vegetation monitoring security” deposit from the project security equal to \$10,000 to ensure additional vegetation screening or other measures are implemented in the event the screening depicted in the approved simulations is not achieved after the 5-year post-construction monitoring period.
8. The approved hotel (including *casitas*) shall not contain any lock-off units for separate TAU occupancy or rental.
9. By acceptance of this permit, the permittee agrees to the restrictions on accessory uses in the property in accordance with Subparagraph 50.5.1.A of the Code. Future changes and/modifications to accessory uses with the project area may be subject to TRPA review and approval.
10. Point of Sale/rental of Water-Oriented Outdoor Recreation Concessions (including, but not limited to: kayak rentals and beach toys) is prohibited in the backshore area of Lake Tahoe.
11. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.
12. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
13. Best practical control technology shall be employed to prevent earthen materials re-suspended as a result of pier construction from being transported to adjacent lake waters. Prior to construction, the permittee shall install caissons around proposed pilings, a turbidity screen around the entire pier construction site (in the water), and/or other appropriate measures as proposed by the designing engineer and as approved by TRPA. These measures may be removed upon project completion only upon satisfactory inspection by TRPA to insure that all suspended materials have settled.
14. The discharge of petroleum products, construction waste and litter (including sawdust) or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

15. No containers of fuel, paint or other hazardous materials may be stored on the pier.
16. Only the boulders designated on the site plan to be moved (including boulders in Lake Tahoe, if any) shall be moved. Boulders shall be moved to an approved location.

END PERMIT

