

**TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS**

NOTICE IS HEREBY GIVEN that on Wednesday, May 26, 2004, commencing at 9:30 a.m., the **Governing Board** of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the Tahoe Regional Planning Agency Offices, 128 Market Street, Stateline, Nevada. The agenda is attached hereto and made a part of this notice.

Governing Board Committee Items Are Action Items Unless Otherwise Noted.

NOTICE IS FURTHER GIVEN that on Wednesday, May 26, 2004, commencing at 8:30 a.m., at the same location, the TRPA **Operations Committee** will meet. The agenda will be as follows: **1)** Public interest comments (no action); **2)** April 2004 Monthly Financial Statements; **3)** 2005 OWP Adoption; **4)** First Quarter Investment Report; **5)** TRPA Office Building – Discussion of Lease/Purchase Options **6)** Amendments to TRPA Filing Fee Schedule; **7)** Authorization to Distribute Fine and Forfeiture Funds up to \$15,000 to the City of South Lake Tahoe to Assist the Local BMP Retrofit Program; **8)** Member comments. (Committee: Chair - Perock, Aldean, Holderman, Sevison, Smith).

NOTICE IS FURTHER GIVEN that on Wednesday, May 26, 2004, commencing at 8:30 a.m., at the same location, the TRPA **Legal Committee** will meet. The agenda will be as follows: **1)** Public interest comments (no action); **2)** Resolution of Enforcement Action, Harvey's Tahoe Management Company; **3)** Closed Session to Discuss Pending and Imminent Litigation; **4)** Authorization for prosecution of litigation against Cleve Canepa for unauthorized grading, land Coverage, creation and violations of TRPA Cease and Desist Orders, 671 Lookout Road, Zephyr Cove, Douglas County, Nevada, APN 1318-10411-002; **5)** Authorization for prosecution of litigation against Charles & Cynthia Bluth/ Bluth Trust and Charles Manchester/ F & B Inc. for unauthorized backshore disturbance, grading, land coverage creation, tree removal and violations of TRPA Cease and Desist Orders, 1730 Highway 50, Logan Shoals, Douglas County, Nevada, APN 1318-10-411-002; **6)** Member comments. (Committee: Chair Waldie, DeLanoy, Quinn, Slaven, Swobe, Yount)

NOTICE IS FURTHER GIVEN that on Wednesday, May 26, 2004, following item IX, Reports, on the Tahoe Regional Planning Agency Governing Board agenda, the **Tahoe Metropolitan Planning Organization (TMPO)** will meet. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, May 26, 2004, commencing at noon, at the same location, the TRPA **Public Outreach/Environmental Education Committee** will meet. The agenda will be as follows: **1)** Public interest comments (no action); **2)** Communications Update; **3)** Discussion of Public Opinion Survey; **4)** Shorezone EIS Outreach; **5)** Member comments. (Committee: Chair – Swobe, Aldean, DeLanoy, Heller, Holderman, Solaro)

NOTICE IS FURTHER GIVEN that on Thursday, May 27, 2004, at 8:30 a.m., at the Tahoe Regional Planning Agency Offices, 128 Market Street, Stateline, Nevada, the TRPA **Pathway 2007 Committee** will meet. The agenda will be as follows: **1)** Public interest comments (no action); **2)** Report on Legal and Logistical Parameters of Pathway 2007; **3)** Outreach Program Design for P7; **4)** Water Quality Program Overview; **5)** Soils/SEZ Program Overview; **6)** Member comments. (Committee: Chair – Quinn, Cole, Delanoy, Galloway, Heller, Holderman, Yount, Slaven)

May 18, 2004



John Singlaub
Executive Director

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

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV

May 26, 2004
9:30 a.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. 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.

AGENDA

- I. PLEDGE OF ALLEGIANCE (5 minutes)
- II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)
- III. PUBLIC INTEREST COMMENTS – **All comments are to be limited to no more than five minutes per person.**

Any member of the public wishing to address the Governing Board on any Agenda item not listed as a Project Review, Public Hearing, TMPO, Appeal or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal and Planning Matter items will be taken at the time those agenda items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

- IV. APPROVAL OF AGENDA (5 minutes)
- V. APPROVAL OF MINUTES (5 minutes)
- VI. CONSENT CALENDAR (see agenda, page 4 for specific items) (5 minutes)
 - A. Consent Items
- VII. GOVERNING BOARD MEMBER REPORTS (10 minutes)
- VIII. REPORTS
 - A. Executive Director Status Report (15 minutes)

1. Monthly Status Report on Project Activities

- 2. Shorezone EIS Status Report
- 3. Fuels Management Action Plan Update
- B. Legal Division Monthly Status Report (10 minutes)

Adjourn as TRPA, convene as TMPO

IX. MEETING OF THE TAHOE METROPOLITAN PLANNING ORGANIZATION

- A. Public Interest Comments
- B. Adoption of FY 2005 Overall Work Program (OWP) for (10 minutes) [Page 95](#)
Transportation, Approval of Resolution

Adjourn as TMPO, convene as TRPA

X. PLANNING MATTERS

- A. Recommendation to Governing Board on Proposed Collaboration Process for Pathway 2007 (45 minutes) [Page 145](#)
- B. Scenic Perception Study Presentation (45 minutes) [Page 155](#)

XI. PUBLIC HEARINGS

- A. Adoption of Resolution Temporarily Deferring Processing and Acceptance of Certain Shorezone Development Applications (45 minutes) [Page 157](#)
- B. Amendments to Plan Area Statement 103, Sierra Tract Commercial and Plan Area Statement 104, Highland Woods to Add the Transfer of Development Rights Designation for Multi-Residential Units and Provide for Other Matters Properly Relating Thereto (10 minutes) [Page 159](#)
- C. Notice of Preparation and Scoping for the SR89/Fanny Bridge Improvements Project EIS. (20 minutes) [Page 171](#)
- D. Scoping of the IVGID Sewer Export Line Environmental Assessment. (20 minutes) [Page 175](#)
- E. Adoption of a Memorandum of Understanding Between TRPA and the North Lake Tahoe Fire Protection District. (30 minutes) [Page 181](#)

XII. ADMINISTRATIVE MATTERS

- A. TRPA Office Building – Discussion of Lease/Purchase Options (30 minutes) [Page 189](#)

XIII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION (10 minutes)

- A. Operations Committee
- B. Legal Committee
- C. Public Outreach/Environmental Education Committee

XIV. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>
1. April 2004 Financial Statements	Accept
2. First Quarter 2004 Investment Report	Accept
3. Douglas County Sewer Improvement District New Secondary Clarifier Treatment Tanks (#2 and #4), APN 1318-00-001-008, TRPA File Number 20040018	Approval with Findings and Conditions
4. Tahoe City Public Utility District, Upper Highlands New Water Tank, TRPA Project Number 530-309-04, TRPA File Number 20040365	Approval with Findings and Conditions
5. Resolution of Enforcement Action, Harvey's Tahoe Management Company, Inc., dba Harvey's Resort Hotel & Casino, Unauthorized Grading and Tree Removal 18 Highway 50, Stateline, NV, APN 07-140-10	Approval
6. Authorization for Prosecution of Litigation Against Charles & Cynthia Bluth/Bluth Trust and Charles Manchester/ F & B Inc. for Unauthorized Backshore Disturbance, Grading, Land Coverage Creation, Tree Removal and Violations of TRPA Cease and Desist Orders, 1730 Highway 50, Logan Shoals, Douglas County, Nevada, APN 1318-10-411-002.	Approval
7. Amendments to TRPA Filing Fee Schedule	Approval
8. Authorization to Distribute Fine and Forfeiture Funds up to \$15,000 to the City of South Lake Tahoe to Assist the Local BMP Retrofit Program.	Approval
9. Authorization for Prosecution of Litigation Against Cleve Canepa for Unauthorized Grading, Land Coverage, Creation and Violations of TRPA Cease and Desist Orders,	Approval

671 Lookout Road, Zephyr Cove, Douglas County, Nevada,
APN 1318-10411-002;

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

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

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

Article III(g) Public Law 96-551

Tahoe Regional Planning Agency Governing Board Members:

Chair David A. Solaro, El Dorado County Supervisor
Vice-Chair Wayne Perock, Nevada Department of Conservation Appointee
Shelly Aldean, Carson City Board of supervisors Member
Hal Cole, City of South Lake Tahoe Member
Drake Delanoy, Nevada Governor's Appointee
Jim Galloway, Washoe County Commissioner
Dean Heller, Nevada Secretary of State
Reed Holderman, California Assembly Speaker's Appointee
Tom Quinn, California Governor's Appointee
Larry Sevison, Placer County Board of Supervisors
Ronald Slaven, California Governor's Appointee
Tim Smith, Douglas County Commissioner
Coe Swobe, Nevada At-Large Member
Jerome Waldie, California Senate Rules Committee Appointee
Stuart Yount, Presidential Appointee

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

Tahoe Regional Planning Agency
124 Market Street
Stateline, NV

April 28, 2004

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman David Solaro called the April 28, 2004, regular meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:40 a.m. and asked Board member Ms. Aldean to lead in the Pledge of Allegiance.

II. ROLL CALL AND DETERMINATION OF QUORUM

Chairman David Solaro asked Ms. Nikkel, Clerk to the Board, to take roll call for a determination of a quorum. Roll was conducted, and a quorum of members was present. Mr. Solaro welcomed Mr. Davis and thanked him for sitting in for Mr. Cole.

Members Present: Ms. Aldean, Mr. Davis (for Mr. Cole), Mr. DeLanoy, Mr. Galloway, Mr. Holderman, Mr. Perock, Mr. Quinn, Mr. Sevison, Mr. Slaven, Mr. Smith, Mr. Solaro, Mr. Waldie, Mr. Yount

Members Absent: Mr. Heller, Mr. Swobe

III. PUBLIC INTEREST COMMENTS

No Public Comments

IV. APPROVAL OF AGENDA

Approved

V. APPROVAL OF MINUTES

- 1) It was requested that on Page 4 second paragraph change putt to put
- 2) It was also noted that Mr. Yount was typed as Young
- 3) It was also noted that Ms. Aldean was present at the last Board meeting

Motion to approve minutes with the changes noted was made and approved
Mr. Sevison and Mr. Davis abstained

Mr. Solaro announced that the meeting would be continued this evening to Zephyr Cove Lodge.

Mr. Solaro stated that in the past, some members had some concerns on lack of coverage in newspapers. There were 3 articles today with TRPA in the news and that we are getting good coverage

VI. CONSENT CALENDAR

Mr. Galloway disclosed that a representative of North Tahoe Fire Protection is a tenant in his building.

Legal says this is no conflict.

Mr. Quinn asked that item 8 and 7 be pulled off the consent calendar.

Ms. Aldean moved to approve items 1 through 6 of the consent calendar.

The motion carried

Following are items approved on the Consent Calendar for April 28, 2004.

1. March 2004 Financial Statement (Accepted)
2. Augmentation of FY 2003-04 Budget (Accepted)
3. South Tahoe Public Utility District Customer
Approve with conditions Service Facility and Waste Water Operations/ Laboratory Building, 1275 Meadow Crest Drive, City of South Lake Tahoe, El Dorado County, California, Assessor's Parcel Numbers 025-061-32, 025-041-12, 025-051-27, 023-071-22, & 025-061-35, TRPA File Number 20040076.
4. Lake Tahoe Community College Learning Resource
Approve with conditions Center, Al Tahoe & College Drive, Lake Tahoe Community College Main Campus, El Dorado County, California, APN 025-041-010, File #20040016
5. North Lake Tahoe Fire Protection District, Incline
Approve with findings Village Fire Station Addition/ Modification, 875 and conditions Tanager Way, Incline Village, Washoe County, APN 132-223-03, 06, 07, 08 & 09, TRPA File #20031350
6. Resolution of Enforcement Action, Robert Hogan,
Approve Unauthorized Material Damage to Trees, Unauthorized Construction, 9019 Scenic Drive, Adjacent Lot, and 9029 Scenic Drive, El Dorado County, APN's 016-381-18, 016-381-17 and 016-381-16;
7. Resolution of Enforcement Actions, Harvey's Approve
Tahoe Management Company, Inc., dba Harvey's Resort Hotel & Casino., Unauthorized Grading and Tree Removal, 18 Highway 50, Stateline, NV APN 07-140-10

8. Resolution of Enforcement Action, South Tahoe Approve
Public Utility District, Unauthorized Grading; 1275 Meadow
Crest Drive, El Dorado County, CA, APN 25-061-32

Mr. Waldie said that the Legal Committee doubled the fine from \$10K to \$20K. They unanimously believed that since the conduct was willful, it deserved a greater fine. The committee voted that that would be the acceptable fine.

Mr. Davis stated that the City of South Lake Tahoe has a proposal where the fine should go to the City.

Mr. Solaro wanted to make sure this was permissible legally.

Terry Jamin, Community Development Director for City of South Lake Tahoe (CSLT). As a result of conversations held with the Tahoe Resource Conservation and City staff yesterday it was suggested that TRPA fine & forfeiture funds from the STPUD grading violation be used to staff a position for BMP implementation in the CSLT. She spoke with Richard Solberg at STPUD and he said the District does not have a problem with using these funds.

Mr. Galloway: I used to be on the finance committee and we had discussed on several occasions that TRPA not use fines for their own operations. That we allow this to be used for projects and not TRPA staff salaries. Is this the case?

Ms. Jamin responded; that is the case. This would be an additional position to be housed in the City building but be supervised by TRPA.

Mr. Galloway asked if the City was involved in asking for the higher fine?

Ms Jamin stated that no the City was not involved with the fine.

Mr. Waldie: No member on the Legal Committee had any knowledge of this request.

Mr. Singlaub: It may be better to treat this funding request out of our fines and forfeitures account in general, rather than tying this to this specific fine.

Mr. Marshall: I'd rather not have our violation resolutions be used like this. It would be better to treat these requests separately from the individual violation resolution.

Ms. Aldean: Do we have a set policy as to how these assessed penalties are spent. I know this was passed on the consent calendar but the enforcement action involving Harvey's, a portion of it goes to the agency, a portion of it goes to the TRPA Environmental Education fund and a portion is to be paid to the coordinated transit system. Do we just shoot from the hip every time these violations occur to determine where to best spend the money or do we have an established policy?

Mr. Marshall: Historically there has been no established policy stating either you can or you can't do that. I know the Legal Committee has had some issues in the past about to what extent and if we are within the violation context to allocate fines to a particular purpose. We try to shy away from a specific project, but historically there has been a practice of finding creative ways to get an agreement with the alleged violator to bring a

package to the Board that might make it more palatable. I think that kind of flexibility is good to preserve staff so they can have another tool to bring an agreed upon resolution to you.

Mr. Wells: Adding to the history, there is also a legislative side with the Nevada Oversight Committee. They have asked us in the past that we not use fine and forfeitures to fund staff. They were concerned about the speed trap concept where we are increasing the agency budget through fines. Although that's not what we do there can certainly be a perception of that. So what we've agreed to is that we would spend it on special studies and projects. We have the science advisory group for example that advises on what studies we need to do for threshold evaluations and for the new update of the plan. Those types of studies and research projects we fund out of these funds collectively and we have done projects like the Strategica report for example.

Ms. Aldean: Is it safe to say then that sometimes the person who is paying the penalty drives it. Are they given the latitude to work with staff to determine the best allocation of those funds?

Mr. Singlaub: That's part of the negotiation and there are other implications in terms of taxes and things like that that make the penalties separate from other parts. In the case of Harvey, that was part of the negotiation. Harvey's is very supportive of the transportation system at South Lake Tahoe. A conversation last week with Nevada Oversight Committee indicated that there might be opportunities to use these funds in other situations as well. We proposed to put together a financial strategy that would describe what those types of projects would be.

Mr. Holderman: I suggest that we try to tie the violation to whatever the impact was. If it's a situation of cutting trees then plant more trees and restrict to the area of geography that was impacted. I think that's a fairly consistent policy at least in the world that I operate in. Not make it elective or the choice of the violator to decide where the money goes. I am generally happy with staff looking at the list of priorities and making some determination of where the money goes but I do feel that the money should be spent to offset the violation in the area that it occurred to the extent possible.

Mr. Singlaub: We normally include a restoration plan in a case like that where they repair any environmental damage over and above the fine.

Mr. Slaven: One of the concerns that I have in the Tahoe Basin as far as funding for us funding someone's position is that it is a small community and we could get into some possible conflict of interest with the speed trap scenario that you talk about. I would prefer to keep it to projects and more general than specific.

Mr. Quinn: Did the TRPA Board ever agree to accept this recommendation from the Nevada Oversight Committee; to make that a policy of TRPA?

Mr. Wells: I don't recall the Board taking a specific action but staff has conveyed this agreement to the Board through our budget development process.

Mr. Quinn: So this is just a wish of The Oversight Committee. If it's not a policy that we've adopted, I don't think that a wish from the Oversight Committee is binding on TRPA.

Mr. Singlaub: We are sensitive to their oversight and we're sensitive to the perceptions that they are expressing.

Mr. Marshall: Look on page 113 – adjust fine from \$10,000 from \$20,00. To make settlement consistent, the hammer clause from should be changed from \$20,000 – \$40,000.

Mr. Solaro: Mr. Singlaub if this goes through as a recommendation from the Legal Committee and we separate the issue to keep it cleaner what would your recommendation be for future requests like this, for example the City's request.

Mr. Singlaub: Environmental improvements projects would be an appropriate use of the fines funding and that we would accept applications for some set amount. We can come back to the Board with something that would make that kind of funding available and especially if it's tied to the kind of violation as Mr. Holderman suggested.

Mr. Davis: So your suggestion is that the City make a formal request and bring it back to May's Board meeting for the Board to take action on. This is not something the Executive Director could do by policy.

Mr. Singlaub: I think we could, but there are a number of agencies in the Basin that are doing this kind of work and it may be appropriate to open it up to them as well.

Mr. Quinn moved to approve The Legal Committee's recommendation.

Motion Carried.

Item # 7: Resolution of Enforcement Action, Harvey's Tahoe Management Company, Inc., dba Harvey's Resort Hotel & Casino, Unauthorized Grading and Tree Removal, 18 Highway 50, State-line, NV APV 07-140-10;

Mr. Waldie moved to continue this Item.

Motion Carried.

VII. GOVERNING BOARD MEMBER REPORTS

Mr. Waldie apologized to the Board and staff for his disclosure of confidential information at the last Board meeting.

Mr. DeLanoy : Regarding the Fuels Management Action Plan, I want TRPA to gather information and not to be involved in fire fighting, to have only 10% of any of taxpayer funds to be used by the fire districts for their overhead. We were going to do a buffer of 1250 ft around the entire Basin. We have our own publication on what that cost would be. Individual fire districts have notified people about their defensible space. I'm concerned that I haven't seen a plan to handle the 1250 feet. Are we going to have the legislation available within the two states or through the Federal Government that it will be mandatory for the fire suppression within the 1250 feet? We are heading into a drought season and we are going to have risk of fire. I would expect a report back next month from the Executive Director to give us a summary on the 1250 ft.

Mr. Davis: I agree with Mr. DeLanoy; we are absolutely prime for a fire this summer. To see the aftermath of what happened to the environment, the SEZ zone, and the wildlife is absolutely devastating. Whatever we need to do as a Board, as community leaders let's get it on the fast track because it's going to be sooner than later.

Mr. Singlaub: We are working feverishly throughout the Basin to develop community wildfire prevention plans that will be assembled by the Fire Safe Councils and TRPA in early August. We have community meetings next week and there was one this past week. There are a lot of people in this Basin and in this room who are participating on those to get the request for funding through the Healthy Forest Restoration Act. We will be bringing the first defensible space MOU to you next month and hopefully for the other 5 fire districts the month after that.

Mr. DeLanoy: Back to my questions about the 1250 ft; do we have a plan for that defensible space?

Mr. Singlaub: That's not really a magic number. What we are doing is identifying where the risks are and prioritizing those risks. In some cases it's a mile and in some cases it's a half-mile, depending on slopes. That's what is being done by each one of the districts right now. We are doing some additional fuels treatments already that have been funded by individual districts and we hope to have some of those as demonstration projects for the Board if you would like to see them.

Mr. DeLanoy: I insist that we have a plan for the 1250 ft. and make that part of the top priority. That has to come from outside experts. I believe we have to have outside experts to assist us on that.

Mr. Singlaub: We have used The Bureau of Reclamation. We are working on a contract which we don't have yet, but we should have the money by mid May. In anticipation of that, the Nevada Fire Safe Council has hired outside experts as well as the California side plus South Lake Tahoe. We have three outside consulting firms right now working with those fire districts to help identify where the greatest risks are whether it's in the 1250 ft. buffer or whether it's bigger than that. We are trying to prioritize where the biggest danger is so that's where we put our energy.

VIII. REPORTS

A. Executive Director Status Report.

1. Monthly Status Report on Project Activities.

Mr. Singlaub gave the Directors Status Report:

1) Making headway on backlog, but projects in March were held up because of snow covered ground conditions.

Mr. Solaro: Is there a reason we have some projects that have gone over hundreds of days, what are the issues? Could you report back on why some projects take that long?

2) Nevada Oversight Committee report

Mr. Perock felt positive about the Committee meeting. He complimented the staff on the presentations. I felt the Oversight Committee was complimentary of this Board. They felt that the Board was doing a good job. They are going to have another meeting in June and a workshop later on in the summer and it is important that Board members attend even if we just listen. It is important that especially the Nevada delegation be at their meetings.

Mr. Solaro: Do we have a June date?

Mr. Singlaub: June 14 is a field trip to Marlette Lake and we have suggested that part of that we show them some of the SEZ area where we hope to get some work done in terms of fuels treatments. On June 15 is their formal meeting.

Mr. Solaro found it interesting when he went a couple months ago that they were very open and receptive to any Board member and a very relaxed atmosphere and they are generally concerned about Lake Tahoe.

Mr. Singlaub noted that issues are being brought directly to us instead of waiting for a public meeting.

3) TTDC – Report and action items from last meeting.

b. Legal Division Monthly Status Report.

Agency Counsel John Marshall gave the Legal Committee report.

IX. PROJECT REVIEW

a. Hiroko Nakazata Trust Pier Extension, 4798 North Lake Blvd., Placer County, APN 115-060-09, TRPA File No. 20021274.

Brenda Hunt presented The Hiroko Nakazato Pier Project

Mr. Waldie: In the staff report, the primary issues include prime fish habitat and scenic quality. It also talks about the re-mapping of the Placer County paper road parcel formally known as Bay Street. I couldn't find any other reference to that in the staff report. What's that about?

Ms. Hunt: That has been resolved and if it's in the staff summary it should have been removed. Placer County has indicated that this is not an issue any longer. It was incorrectly mapped.

Mr. Waldie: Has this legally been resolved and by what means? I noticed two piers in existence and one has a residence on it. What's that all about?

Ms. Hunt: The pier with the residence has been there since 1972. So it's a super structure that's been there prior to TRPA ordinances.

Mr. Waldie: Does that make that a nonconforming pier?

Ms. Hunt: Yes

Mr. Waldie: And the pier to the other side is similarly a non-conforming pier?

Ms. Hunt: Yes, for different reasons than the pier project before us.

Mr. Waldie: Is it because of the super structure?

Ms. Hunt: Correct.

Mr. Waldie: So we have two non-conforming piers with super structures, one on each side of this applicant?

Ms. Hunt: Correct.

Mr. Waldie: Now the simulation that I'm looking at with proposed conditions suggests that this pier is considerably beyond the two adjacent piers. That's incorrect, I understand. You say it's about the same length?

Ms. Hunt: It's approximately the same length. It may be one to two feet longer, but not much more.

Mr. Quinn: I'm trying to understand when you mitigate this new pier by planting the shrubs on shore. How do you decide exactly what has to be planted and how much of it to properly mitigate the scenic impact into the Lake. Do we have a formula to do that?

Ms. Hunt: Generally the shoreline scenic ordinances allows us to measure the visual mass of the pier, the pilings and the amount that is above 6226' and we calculate how many square feet that is and then if it's in a non attainment unit then you do the 1 ½ to 1 ratio. And that's where we came up with 367 square feet.

Mr. Quinn: Then in looking at the simulation, do you take the top part of the pier; one way of looking at it you could assume that it's a solid block and say that's one visual structure even though you can see through part of it. If it was glass below the pier we would consider it solid structure even though we could see through it. My question is when you measure the square footage do you look at just the actual construction or do you consider the entire area that is being visually impacted?

Ms. Hunt: We measure from the construction drawing elevation and we calculate the whole side of the pier and the end of the pier. And yes, it is just the structure.

Mr. Quinn: I look at it is that the entire area is impacted.

Ms. Aldean: To answer Tom's question you have a perfect analogy in the adjoining rock crib pier where you have a solid structure as opposed to a pier that is supported by single pilings. Isn't that one of the reasons why staff is encouraging the use of single pilings rather than using double pilings to minimize the visual impact?

Ms. Hunt: That's correct and less fish habitat capsulation. In this instance the existing pier is a single piling pier.

Ms. Aldean: There is a startling contrast if you look at the rock crib that you cannot see through it which has a far more severe impact. The other thing I want to confirm is based on the visual simulations. This existing pier must be out of the water a large

percentage of the time because of the drought years. So it renders it basically unusable is that correct?

Mr. Yount: I agree with Shelly that it's dramatically different to look at a rock crib as opposed to an open structure.

Mr. DeLanoy : Do we have a joining beach with all the properties. What is the policy of the staff to urge a multi purpose pier? We prefer those. To urge someone maybe with their neighbor and take boathouse down that we don't like. How do we urge people to do this?

Mr. Marshall: There are a few incentives in the Code for multiple use piers where you can go beyond and deviate from standards. In this instance there may not be any motivation for the neighbors to do that because they have nonconforming structures that they don't want to loose in the permit process.

Mr. DeLanoy: If you took down the boathouse and modernized the pier and the neighbor chipped in for a multi purpose pier it might serve to make it better.

Mr. Slaven: One of the reasons I asked for these simulations is so that over the course of the first couple years we could look at it and see if we needed more or we were over board or need less or if we were actually obstructing these views. I'm pretty comfortable with what I'm seeing. I was hoping to see what is working over the next two years or do we need to tweak one way or another. But with this vegetation plan and the scenic screening how is it working out now with some of it taking awhile to grow in for instance and the new owner maybe purchases this property and how do they know there is a scenic mitigation made on this piece of property for that pier. So that someone doesn't come in and just start trimming the bushes back. Are they given something on the title saying this?

Ms. Hunt: The Shoreland ordinance does allow us to require deed restrictions. We have not taken that tactic at this stage. If people are not complying maybe that is somewhere we may want to head. Right now we just have permit condition, a monitoring plan and a security for the landscape monitoring to be done over a couple years time to ensure that the plants are growing properly.

Mr. Slaven: Are we going to look at the shoreline as a whole or are we going back to this parcel?

Ms. Hunt: That condition runs with the property but we don't have a deed restriction.

Mr. Davis: From TRPA's staff perspective this proposed pier extension complies with all of TRPA's rules and regulations and mitigations. Is that correct?

Ms. Hunt: Yes, we are recommending approval.

Chairman Solaro opened the matter for public comment.

Greg Lien, Representing the Applicant: The project does meet all of your standards. We did contact the neighbors and they don't want to share their pier. They have obtained all of the California approvals from the CA State Lands Commission and an

executed lease from the Department of Fish and Game. Army Corps of Engineers has no problem with this as well and they will issue a GP16, which is a rubber stamp kind of approval if TRPA approves today.

Mr. Holderman: This project has been in the pipeline for 2 years; what is the estimated cost of constructing a project like this?

Mr. Lien: It would be about a \$50-75K cost of construction in addition to the \$30-40K that they have in processing.

Mr. Quinn: Is the existing pier serviceable?

Mr. Lien: It depends on whether you are bringing in a sailboat or a motorboat.

Mr. DeLanoy: Do you think it would be helpful in urging people to join with each other to do multi use piers?

Mr. Lien: As of right now those incentives do not exist.

Ms. Aldean: I think the Board needs to be cautious about not abiding by the rules that are currently in place.

Mr. Quinn: There is a sentence in the staff report on page 135 that the existing pier remains serviceable. It sounds to me that is probably incorrect? When the Lake is down it is not serviceable, when it is up it is.

Mr. Wells: What is meant by serviceable versus non serviceable, is not whether the pier reaches low water but, whether it's in a good repair? The only way we can recognize existing piers is if they have not become derelict over a period of time. They cannot be in structural disrepair to the point where they are no longer acting as a pier. It's a finding we have to make to ensure that it's an existing pier. We have had situations where storms have wiped out piers and the applicants have never replaced them for over 3 or 4 years. At some point they are no longer considered an existing pier.

Mr. Quinn: The adjacent pier and the structure is non-conforming, however a few years ago we gave a permit for that. What is the background on that?

Ms. Hunt: We haven't given them a permit. It was in existence prior to our ordinances coming into force.

Mr. Quinn: So in the 90's you could build a pier or change a pier without going to TRPA?

Mr. Marshall: I don't know whether there was a TRPA action on that. But in general, even though your structure is nonconforming, under our rules, you can still maintain your non-conforming structure. You may have to do something to move it more toward conformance. They have the ability to come in to get a permit to repair or rebuild it.

Mr. Holderman: I'd like to compliment staff and the applicant for your work. Looks like it does meet our ordinances and regulations. The issue for me is public shoreline access. We hear reports where most of the shoreline is private and inaccessible to the public yet most of the people that drive this economy come here to enjoy the Lake and the

shoreline. I would like to create more shoreline access and I would like Mr. Singlaub and the staff to consider developing a policy where we collect a fee from permit applications such as this one and deposit it into an account to create more public shoreline access.

Mr. Slaven: I support the project but have comments. On the scenic simulations where you are going up the steps there are plants/shrubs that probably won't grow up high and some areas are already screened. The roof is the eye sore. I'm not sure that the square footage is realistic.

Ms. Hunt: We have asked them to provide vegetation screening which is in addition to what is already there. There are a couple sections that need to be refined.

Mr. Waldie: Non-conforming piers are allowed to be extended when there is considerable advantage to the public. And that advantage has normally been multi use, which would prohibit another pier from being built. We want to limit piers so we provide a benefit to those with nonconforming piers to expand them, if they consent to a multi use thereby denying the other property owner the right to build a pier because we don't like piers. Is that an overstatement? My problem is I can't see a great public benefit to expanding this nonconforming pier. Planting these shrubs do nothing for me.

Mr. Marshall: It is nonconforming based on the location. There is nothing in the Code that talks directly to public benefit. Mitigation is required if there is any increase in fish habitat. If there is an impact to scenic resources, that's addressed. Mitigation is applied in guidance of the Code.

Mr. Waldie: So building a pier causes damage to the public and we are going to mitigate that damage by planting some shrubs in front of a window. I know that's an overstatement.

Mr. Marshall: If your position is that any additional development that requires environmental mitigation is against the public interest then that would be the case for almost every project that the Agency approves. In this case there is the 1 ½ to 1 scenic mitigation.

Mr. Quinn: I believe that we are fooling ourselves and tricking the public if we say that planting shrubs in front of a house can mitigate a pier. I think when we adopted that ordinance the concept that we were thinking of was a house being expanded. When I look at this there is no doubt there is an adverse visual impact. Why rush to judgment when we are going to have a policy in place this summer after the Shorezone EIS is complete.

Mr. Galloway: I will vote according to the ordinance.

Mr. Sevison moved the findings outlined on Page 135 Section E.

Ms. Nikkel did a role call on the votes.

Yes: Ms Aldean, Mr. Davis (for Mr. Cole), Mr. DeLanoy, Mr. Galloway, Mr. Perock, Mr. Sevison, Mr. Slaven, Mr. Smith, Mr. Solaro

No: Mr. Holderman, Mr. Quinn and Mr. Waldie

Motion Failed

Mr. Marshall: Would the Board reconsider their action on this and then allow the applicant to withdraw the application. This would get them out of the one-year reapplication prohibition, so they could reapply when the Shorezone EIS is complete.

Mr. Holderman moved for reconsideration of the Board's previous action.

All yes votes with Mr. Severson voting no.

Motion Carried.

Mr. Lien withdrew the subject application.

X. PLANNING MATTERS

a. Fertilizer Management Program – Larry Benoit presented his report to the Board.

Mr. Slaven: What is your enforcement approach if you can't enforce a ban?

Mr. Benoit: We are working on public outreach so the public knows what's going on, but basically have a Fertilizer Management Plan which requires annual reporting, requires review and depending on the circumstances, monitoring to demonstrate that we are not creating an impact.

Mr. Galloway: So management plans are better because they are case specific to the large users. If you reduce phosphorus and keep putting 100 lbs. of Nitrate per acre on the golf courses for example, does that imply if you cut out phosphorus that you need to use just a lesser application of Nitrate to keep things from leaching out; do we have the data or do we have to work on that.

Mr. Benoit: We have an opportunity at Incline to monitor the Village Green, which is phosphorus free. We had a wetlands grant for monitoring there and there is still a lot of phosphorus coming through and they agreed to cut out the phosphorus. It is being funded by the Forest Service to see if there is more nitrogen coming through.

Mr. Galloway: Is a reserve supply forever once we build this up?

Mr. Benoit: That's hard to say.

Mr. Solaro: The common, everyday person will go on what's on sale at the store. Banning it in the Basin when a lot of people shop in Carson won't work. What might work is providing samples or providing fertilizer. Is there a way the RCD's, TRPA, local County, or environmental management departments can work to get grants to provide not just samples, but provide actual fertilizer. If it's free maybe they will use it.

Mr. Benoit: Actually the Tahoe Keys Homeowners' Association working with NRCS and the RCD gave out phosphorus free fertilizer to all the owners.

Mr. Solaro: Can we expand this through RCD's? I know there are a lot of grants through environmental management projects.

Mr. Yount: I would guess that you could go to Home Depot, etc. and put up signs that says they are approved and they would be happy to do so. How tough is it to test for phosphorus, is that a cheap and easy test?

Mr. Benoit: I do not know exact cost.

Mr. Yount: I am surprised that there were 27 large users of one acre or more?

Mr. Benoit: We looked at the obvious large users including the ball fields. We have quite a few turf managers participate in our workshops.

Mr. Yount: Perhaps in John's monthly report he could let us know how the workshops progressed.

Mr. Davis: My company manages 250 homes and vacation rentals, are you working with those companies specifically?

Mr. Benoit: We haven't been.

Mr. Galloway: We should look into a master purchasing contract to help them save considerable money.

Mr. Solaro called for a lunch break and for the Board to reconvene at 1:30.

XI. PUBLIC HEARINGS

A Amendment of PAS 068 Round Mound to Change Single Family Dwelling from a Special Use to an Allowable Use;

Long Range Planner John Hitchcock presented the amendment.

Chairman Solaro opened the matter for public comment.

Yvonne Huck, Property Manager of Pinewild said she talked to Mr. Midkiff and they agreed that the Pinewild Homeowners' Association and the homeowners that front the meadow would be informed of any changes on the meadow pertaining to the parcels adjoining Pinewild and any new plans for development that may occur in the meadow and any new plans that may occur on the property.

Gary Midkiff: As indicated by Ms. Huck, we have agreed that for any projects that would affect the area of the meadow, aspens or two parcels on upper corner, we would provide notice to the homeowners' and the effected property owners.

Mr. Smith: This probably was an oversight when placed in recreational plan area instead of residential. I want to commend the applicant and the people who opposed this two months ago for working out a compromise. I am ready to make a motion.

Mr. Galloway: I support the amendment.

Mr. Quinn: Is there some mechanism to make sure this notice happens? Is there a way to enforce this?

Mr. Marshall: They are not asking for a change to the Code. It could be put on the record that they have an agreement but it would not be enforceable by TRPA.

Mr. Quinn: Do the homeowners' have any recourse if this doesn't happen?

Ms. Huck: I have a letter from Mr. Alling who is the lawyer and he says if the Pinewild owners would agree, that the TRPA would be required to give notice.

Mr. Marshall: That wouldn't happen unless there was a special policy that you would incorporate into the plan area statement.

Ms. Aldean: My sense of this is that we should step out of this and let them resolve it between themselves.

Mr. Midkiff: We do have an agreement and we can work language out by just providing a statement in the plan area that based on prior agreement notification will be provided.

Mr. Singlaub: What have we changed? Right now it's a special use and required to be noticed. If we change it to allowed use, they don't require notice as approved by staff. So what's the point?

Mr. Midkiff: The Code does provide that at the discretion of the Executive Director, he can determine what requires notice and also to determine when it rises to the level that potentially would require a hearing even though it might not otherwise normally require a hearing. What we are providing is a reasonable mechanism whereby we file an application for something on one of these parcels and we provide notice to homeowners and if they have issues they come to TRPA and us and say they have issues. If we can't resolve them, they can request a hearing.

Mr. Yount: Can't they place a deed restriction on the property that says they will give notice? That keeps TRPA out of it.

Mr. Holderman: Why don't' the two of you just enter into an agreement and get TRPA out of completely?

Mr. Solaro: If two of you are in agreement, I think we should move beyond this.

Mr. Huck: We've been using you as our safety net and so we like coming to you if there is a problem because we feel you will listen to it and help us. Now you are going to step out of it and that is one of our big concerns. How are we going to enforce this?

Mr. Singlaub: In order for this agreement to mean something the Board would have to pass this and make a change for a single family dwelling from special use to allowable use. That means as an allowable use the staff can process that. If there is a big issue we could bring it to the Board. If there is a concern with construction on the meadow that won't happen as that is not allowed.

Mr. Galloway: I never felt that there was anything wrong with the original request. I wanted to take TRPA out of the equation.

Chairman Solaro asked for a motion for of findings.

Mr. Smith made the motion.

Motion Carried.

Mr. Smith moved to adopt the implementing ordinance

Motion Carried.

B. Amendments to Plan Area Statement 089, Lakeside Park; Plan Area Statement 093, Bijou; Plan Area Statement 085, Lakeview Heights; Plan Area Statement 099, Al Tahoe; and Stateline-Ski Run Community Plan to Add the Transfer of Development Rights for Multi-Residential Units and Add Multi-Residential Incentive Program and Other Matters Properly Related thereto;

Long Range Planner John Hitchcock presented the amendment.

Chairman Solaro opened the matter for public comment.

Lisa O'Daly, City of South Lake Tahoe: The City updated the housing element in compliance with California State Law and the City housing element was deemed compliant by the state. These are cleanup amendments and are not changing the zoning in any of these areas. Multi-family housing is already a permissible use. The Plan Area Statement 099 is already a preferred affordable housing area. We are lining things up to ensure that when people find a Plan Area Statement where multi-family is permissible, that the mechanisms are in place to build that multi-family housing.

Mr. Davis moved the findings

Motion Carried.

Mr. Davis moved to adopt the ordinance

Motion Carried.

C. Amendment of Regional Plan Goals and Policies, Attachment B, Regional Plan Glossary, to Update Certain Definitions;

Long Range Planner Peter Eichar presented the amendment to the Board.

Ms. Aldean: Under land coverage on Page 185 a minor word, but a significant difference when you are talking about what constitutes coverage. The original language was “or” on permits growth instead of “and”.

Mr. Wells: The Code language has always been “and”.

Ms. Aldean: I thought everything struck was the existing language and the “or” was struck and was replaced with “and”.

Mr. Eichar: The blue is what’s in the Code and is in everyday practice. The Red is what we are taking out of goals and policies to make it consistent.

Ms. Aldean: So you are not editing?

Mr. Eichar: No just making consistent.

Mr. Holderman: Are there any other significant changes between the two?

Mr. Eichar: No

Chairman Solaro opened the matter for public comment.

John Faulk, Governmental and Public Relations Coordinator for the Tahoe Sierra Board of Realtors: We did have some concerns in the language. If there are sections of the glossary that go beyond the Code, we would have significant concern. If it’s not pressing, at least postpone this amendment until next month so we can meet with staff.

Mr. Eichar: This is just a cleanup and we are not changing anything. It’s just lifted from the Code and is what exists today.

Mr. Galloway: If there are some differences that we passed in Code that is different in the goals and policies, I would rather not just conform the goals and policies, but take a look at what we did. I want to make sure that what we did was right. I will support a continuance but won’t support this today.

Mr. Marshall: I was the one that caught the differing definitions in the Code and the goals and policies and wanted to make them consistent so there weren’t any future problems. There hasn’t been the practice of going back to make sure the goals and policies glossary has been updated to match the policy determinations of the Board that are reflected in the definitions in Chapter 2. This only makes sure the goals and policies glossary is the same as Chapter 2 of the Code.

Mr. Holderman moved to approve the findings.

Mr. Galloway: Let’s look at the specifics that Mr. Faulk raised. There could be an issue there and I think it would have been better to get their comments. We should continue this.

Mr. Eichar: This definition was not amended last month based on vacation rentals.

Mr. Yount: Vacation rentals just brought this to light that there are inconsistencies that need to be fixed and maybe we should look at how they are fixed.

Mr. Singlaub: We've been doing the definition changes in the Code but not in the goals and policies. The current definition is the one that's in the Code and so that's reflective of the changes that have been happening through time. If you want to reevaluate all those definitions then you can do so. I would like to have one glossary in the goals and policies that is consistent with the Code and that's what we are trying to do.

Ms. Aldean: I presume that the Chapter 2 definitions prevail? Is that by custom or by law?

Mr. Marshall: This issue has not been debated.

Ms. Aldean: Are we affirming the fact that these are the controlling definitions? If so. I have a problem with that as well.

Mr. Sevison: So in your opinion this doesn't change what we already have done on vacation rentals?

Mr. Marshall: No, this is just implementing it.

Mr. Galloway: Why deny this group the opportunity to look at this?

Mr. Sevison: If this is just a transfer, are you satisfied with these areas?

Mr. Faulk : These things are open for interpretation. There are many other areas that we might have problems with but they are in the Code and they are accepted. 10% deserve a deeper look.

Mr. Holderman: P7 would be the better venue to do this?

Mr. Faulk: It would be okay if it didn't impact things from now until then.

Mr. Solaro: A glossary is a glossary and we are getting hung up on words.

Mr. Holderman moved to approve.

Yes: Mr. DeLanoy, Mr. Holderman, Mr. Perock, Mr. Quinn, Mr. Slaven, Mr. Smith, Mr. Solaro

Mr. Davis (for Mr. Cole) abstained

No: Ms. Aldean, Mr. Galloway, Mr. Sevison, Mr. Waldie

Motion Failed.

Mr. Singlaub: All of the ordinances were written geared to the Code definitions and I would rather leave the inconsistency to P7 if the Board is not willing to do this house keeping operation.

Mr. Galloway: I think we should set up a group to have these issues looked at and to have this put through to the P7 process to deal with these differences.

Mr. Singlaub: It's important to know that I'm worried now that if we don't retain the definitions in the Code and carry them over into the goals and policies, and the goals and policies rule; we are right back at having no resolution of the vacation rental issue.

Mr. Holderman: Let's reconsider now to put on the agenda for next month

Mr. Solaro: This should be reconsidered and brought back to next Board meeting because the glossary does need to be updated.

D. Amendment of Regional Plan Goals and Policies, Housing Sub-element of the Land Use Element, and Amendment to Code of Ordinances Chapter 2, Definitions, Chapter 33, Allocation of Development, Chapter 35, Bonus Unit Incentive Program, Chapter 41, Permissible Subdivisions, and Chapter 43, Subdivision Standards to Provide Incentives and Programmatic Elements for the Development of Moderate Income Housing and Other Matters Properly Relating Thereto;

Long Range Planner Peter Eichar presented this amendment to the Board.

Ms. Aldean: On page 206, Item 2 Subparagraph C; they would receive allocations but would not be eligible to receive bonus units. If it's a multi-family housing project and it's not in a PAS that has multi-residential incentive program as one of its elements, what would you do? You would have to make it a receiving area for development rights or you would have to amend the PAS to allow it to be a receiving area or an incentive program area?

Mr. Eichar: Yes, for bonus units.

Mr. Sevison: Do we want to look at that a little closer? When we try to use the bonus units for affordable employee housing where there is not the federal programs involved it would be helpful. We may want to encourage it in other areas.

Chairman Solaro opened the matter for public comment.

John Faulk, representing the Tahoe Sierra Board of Realtors: We think we are behind the intent, but we find it problematic in one aspect. In specific, it's resale price restrictions in perpetuity. We understand that it's appropriate for you to create incentives to maintain the stock of affordable housing within the region. What we would like to see in addition to the program, it should make some mention of a CPI type escalator to the resale price restrictions and it should ensure maintenance and upgrades. On Page 200, Item 3 and Page 201, the definition regarding deed restrictions exclusively for residential dwelling units by permanent residents; we ask that these be considered for amendment, considering the fact that there are a number of programs in place throughout the country, throughout the state and even locally. It seems reasonable to have a sunset clause built into this for a longer term if it's for rent and make it part of the housing stock in that range for resale.

Lisa O'daly, City of South Lake Tahoe: I'd like to mention that getting a housing element deemed compliant by the State isn't a piece of cake. We pulled it off and one of the

state's key comments to us was they were concerned about our ability to meet our moderate income housing targets. They wanted us to work through the local government committee and TRPA and coming up with exactly what you have before you today. I can't describe how cooperative that staff has been in addressing the concerns as we've raised them right up to and including the APC meeting. We feel we've had an excellent opportunity to participate in this ordinance. I feel a need to share some of our demographics and share some comments. In the City of South Lake Tahoe, 56% of our households are low income or less. Moderate income is above that. The vast majority of our population that live and work in South Lake Tahoe are moderate income or less. Long-term deed restrictions are essential in our current homeownership environment. The need for long-term deed restrictions and having an opportunity for homeownership is our only tool. It is the only way that we are going to save having a local community. South Lake Tahoe has a 9-year waiting list on our market rate allocation list. I don't want this to be a tool for people to build at today's construction costs and then in the future change to some sort of market rate housing.

Joe Serano, Placer County Redevelopment Agency: I speak from a redevelopment perspective and I agree that people should have some sort of equity in homeownership; it's only fair. As a redevelopment specialist, a lot of the funding we use comes mandated with resell restriction terms and perhaps as a part of the solution this would be to allow the jurisdiction to propose to you their resale restrictions. The home program used to allow us to restrict the resale; the actual price a person can sell their home for. They recognize you have to be able to give somebody some sort of ownership opportunity if they are going to become a homeowner. We want to try to make homeownership available to low and moderate income households. The reality is as a redevelopment agency, we have to put these restrictions on the projects that we finance, depending on the funding sources so we can't totally eliminate that idea. We look at this as a tool that is going to help produce the housing at the levels that are affordable here in Lake Tahoe.

Rachelle Pellissier, Workforce Housing Association of Truckee Tahoe: We are a nonprofit membership organization formed by businesses in the North Tahoe Region to address the affordable workforce housing crisis that we are experiencing. Staff did a really good job at giving you an idea of what the different median incomes were in the regions around the Lake. In North Lake Tahoe, median income of \$64,500 with a 5% down payment makes an affordable house price \$260,000. In 2003 the median sales price of the houses in Tahoe City was \$480,000. In Incline Village it was \$795,000. Along the main street in Tahoe City, almost every commercial building has a for lease sign in the window. The main reason is there is no local community to use the services in the shoulder season and no local community to work in the businesses. We favor these amendments.

Ms. Aldean: No where in the suggested amendment does it specifically state a length as respect to deed restrictions, is that left up to the local jurisdictions as part of their moderate housing plan?

Mr. Holderman: In California perpetuity is defined as 20 years. Is there a legal definition?

Mr. Marshall: A deed restriction has no ending date.

Mr. Slaven: Do we have a problem making the finding on this based on which set of definitions we may be using. Because there is a concern that the definition is changing and are we trying to make findings under old definitions or new definition. Are these definitions close enough that we can legally make these findings?

Mr. Marshall: I'm not certain that any of the items that the Board is being asked to change are contained in the glossary contained in The Goals and Policies..

Mr. Eichar: That is accurate. We are proposing to add one new addition that is not in the glossary in Chapter 2 of the Code; moderate income housing.

Mr. Salven: It's referring to allocations. The multi-family dwelling is one of the big concerns; what a unit is or residential unit. Are we all under a different understanding of what we are voting on?

Mr. Marshall: Updating the glossary was basically a house keeping function that didn't require any analysis because we are using already existing Code language. If they want to change the definition of residential or change the definition of coverage or something that has a substantial effect then that would have to be analyzed on it's own merits.

Ms. Aldean moved to make the findings.

Motion Carried.

Ms. Aldean moved to adopt the ordinance as amended

Motion Carried.

E. Notice of Sixty (60) Day Public Review and Comment Period for the Tahoe City Marina Master Plan Draft Environmental Impact Statement (DEIS) and Draft Environmental Impact Report (DEIR);

Long Range Planner Coleen Shade presented this to the Board. This was a no action item.

Chairman Solaro opened up for public comment.

John Paul Harries, League to Save Lake Tahoe: Per the comments that we submitted in writing:

Phase 1A TCPUD - very supportive of this part of the project.

Phase 1 - some issues on what's in the document – it needs some work

Phase 2 – leaves a lot to be desired, still a lot of studies to be done. Asking this part be removed from document.

Mr. Waldie: I would like comments on League's concerns from Ms. Shade.

Ms. Shade: There are things that need to be further defined or developed. Phase I, and Phase 2 of the administrative draft came out over a year ago and it took this long to get it out to public draft. One of the biggest issues was Phase II. The environmental

consultant came back to us with a draft saying, at this point in time, they would have to say with the information that they have right now that Phase II could not be approved because of significant impacts. We are looking at Phase 2 where additional studies need to be done.

Mr. Galloway: EIS on Phase 2 states that more slips will be made available to the public so it would improve the recreational threshold. How are you making assurances that this would continue?

F. Proposed Amendment of Plan Area Statement 153, Sugar Pine Point, to Add Preferred Affordable Housing Area and Multi-Residential Incentive Program as a Special Designation.

Long Range Planner Jason Ramos presented this amendment to the Board.

Chairman Solaro opened up to public comment.

Mr. Solaro: I have not received one single comment about this project. We have to give our deputy sheriffs an additional \$600 a month to be able to rent there. This is how serious this is.

Mr. Sevison: I'm looking at other agencies to participate in this.

Mr. Solaro: From the County standpoint, we do rent a house over there for our employees for snow removal in the winter. That's the extent of the government involvement.

Mr. Perock moved the findings.

Motion Carried.

Mr. Sevison moved to adopt the ordinance

Motion Carried.

XII. ADMINISTRATIVE MATTERS

A. Presentation on Independent Program/Operational Review of the Tahoe Regional Planning Agency.

The Strategica Report was presented by David Howe.

Ms. Aldean: In your second bullet, do TRPA policies reflect the mission of the agency's support of the Regional Plan? Your fifth recommendation was to limit changes to the Regional Plan and Plan Area Statements. In this meeting alone we had 3 changes to Plan Area Statements; two of those related to the development of affordable housing. I would hate that the agency become so ridged. The approval process is a long one. For us not to be able to submit an application except quarterly or less than that, 3 times a year basically, rather than 4 times a year would be in some cases counter productive. I think we need to respond to changes in the environment.

Mr. Howe: My recommendations are only limited to project changes where it's a change that pertains to one application or one permit. I attended about 3 Governing Board meetings. Everyone I attended there was one applicant or one permit that evolved into a recommendation to change an ordinance or something in a Plan Area Statement to just benefit that one project. It's important how they are handled. We are not making wholesale changes to benefit one applicant.

Ms. Aldean: I think we should look at the public good. Some of those projects and specific changes to Plan Area Statements relate to affordable housing projects that come before the Board, but because the Plan Area Statement doesn't permit the development of multi-family housing or access to bonus units within that PAS those changes have to be made. Just recently there was an attempt to subdivide some existing units that was rejected by the Governing Board specifically because of that concern; that it was project driven or too narrow focused. We were not doing it to accommodate one applicant.

Mr. Yount: If you don't allow them to come before the Board more frequently, and you say you are not a proponent of variance system, this seems a conflict. Don't a lot of agencies have variance systems to deal with these things?

Mr. Howe: My recommendation is that these be packaged together, so that the TRPA staff can do a policy analysis of this proposed Plan Area Statement change or ordinance change that seems to stem from one permit or one application, to determine whether there is a compelling policy consideration that needs to be addressed. And if there isn't, then I think the Board needs to consider rejecting the change.

Mr. Yount: As you speak, you say most agencies have a variance procedure and we do not. We have nothing in the Compact that says we shouldn't have a variance procedure; don't we water down or mess up our ordinances by varying in affect every ordinance to meet the needs of what a variance system would have? This leaves our ordinances streamlined and easier to understand, which is a hard thing to do without variances.

Mr. Howe: You raise a good point. I didn't see anything in the legislative record and there is nothing in the Compact that would allow a variance or stop one.

Mr. Galloway: We don't have a variance procedure. We are constantly changing the target in order to make things work; and that's the reason why over the years we have not had a variance procedure. However, maybe it is something we should consider under the P7 process. Maybe it would be better if we get to the point where we've had enough time and a track record on our old ordinances to feel comfortable with it.

Mr. Howe: The problem with the variance procedure is that it becomes project driven. You may be making a variance to an ordinance to benefit one project when it's counter productive to the overall policy of that particular area or the Basin. I'm assuming that's why there is no variance in the Compact or why it was never intended to be there. We wanted these policies to be iron clad and to apply Basin wide and to divorce ourselves from variances that may be counter to the policies.

Mr. Galloway: I've been hearing this from County staff for quite a while. You have this backwards way of doing variances and it doesn't leave your ordinances in tack. A

variance system had been recommended by the County. That is why most planning agencies do have such processes to keep their ordinances in tack. It is appropriate sometimes to take action limited to just one case without setting any precedent for another case.

Mr. Holderman: In your assessment of the organizational structure, are you satisfied that we have the right organizational structure to be effective? And secondly, what can be done to actually enhance cross-organizational communication?

Mr. Howe: At a high level, I like the changes that Mr. Singlaub made. I think he made good changes and removed a layer of management that helps streamline decision-making and communication. I think it would benefit the organization to combine Project Review and Compliance. As far as making changes that would recreate these cross-divisional communications, that's tough to plan. I've seen planning agencies and made recommendations to agencies in the past that they organize completely by region. I think in the TRPA where it's a little bit more cohesive, I don't think that would work so well. The recommendation that I'm making is a middle ground where you combine Project Review and Compliance to instill more communication between those two groups; and you don't need to Regionalize or combine the other areas. I think that Long Range Planning could very well be left alone.

Mr. DeLanoy: Do you only analyze public agencies?

Mr. Howe: 95% of my workload is public agencies. However, earlier in my consulting career it was the other way around and 95% was the private sector.

Mr. DeLanoy: Being from the private sector myself, things take longer in a public agency. Were you asked to comment about how the units function with our existing staff?

Mr. Howe: Which units are those?

Mr. DeLanoy: Our legal staff versus other portions of our agency. Some function better than others. Where you asked to look into the quality of the staff for instance? Or did you just go with what we got? Some people maybe are more efficient than others.

Mr. Howe: No I wasn't. That's a much bigger project than the one I did.

Mr. DeLanoy: You recommended that our enforcement group be merged with something else. Is that right?

Mr. Howe: Project Review, correct.

Mr. DeLanoy: Why was that?

Mr. Howe: It does a couple of things. There is a real continuum of service that occurs from the time that an application comes in the door and until the time that it is finally built out and inspected. I think having a break in that continuum creates a handoff of knowledge about this particular project. I think it's very difficult to make that handoff between one set of staff who looks at the permit and did all the negotiations with the point of permit and another set of staff that doesn't know what went on. All they get is a

permit and they have to read it and try to interpret what went on and what was supposed to go into the ground and they have to go out and deal with the contractor. I think this is problematic.

Mr. DeLanoy: I was thinking of our enforcement over in violations. What do you think about that?

Mr. Howe: The complaints? The same staff that handles complaints also handles the inspection, so I see no problem with taking that function and putting it together with Project Review also. The only danger is there may be a real bias towards getting permits out the door and there may be a problem with Compliance people letting these violations go for a couple weeks and help get permits out the door. I think that management needs to guard against that. There is really no perfect organization. You are going to solve some problems and create some new ones. I think I have recommended an appropriate balance.

Mr. Perock: You made some recommendations on financing the agency. One recommendation that keeps coming to my mind is charging the states for permitting; right now I think we waive the fees on project permits. Does this take into account that California pays two thirds and Nevada is already paying one third and you may run into some political problems by turning around and charging them again? By charging permit fees, you may be reducing the scope of a very beneficial project.

Mr. Howe: I think you should look at how much it's costing to service those permits for the state and localities; and see if it equates with the budget contribution that they are making. It may be costing more than they are giving.

Mr. Yount: I think it stops there. My understanding is that counties pay into TRPA annually and they also have to pay permit fees.

Mr. Quinn: Does someone know what other governments do? What happens in other jurisdictions? In Seattle, if the federal government wants to build a new building do they have to pay for building permit?

Mr. Howe: Yes, absolutely.

Mr. Quinn: Obviously they are giving a lot of federal money to Seattle. It is normal for the government agency to pay for permits?

Mr. Howe: Yes. It varies by jurisdiction.

Mr. Quinn: Did TRPA ever charge for this?

Mr. Marshall: We don't charge for application fees, but if there are mitigation fees associated; then the jurisdictions pay those fees, but not the application fees.

Mr. Wells: I don't believe we have; and part of that was based on the contribution concept. As we go along, we are finding that our costs are getting higher and higher to process these projects and somehow we have to recover our costs for these. We're not sure what the best way is to achieve this.

Mr. Quinn: The two states pay, but the counties don't.

Mr. Wells: The counties actually do under the Compact. But it's based on a total of \$150,000 per year for all of the counties combined. That amount has never been adjusted since the Compact was first adopted. If you applied inflation, the number should be considerably higher today.

Mr. Perock: How much does an application fee usually run on a project?

Mr. Wells: It varies depending on the type of project. For a residential project, it's under \$1,000 and for a large project it could be a couple thousand dollars.

Mr. Howe: I know when I did a large planning project for a planning agency in Los Angeles County, they charged about \$5,000 to do a conditional use permit. When I looked at your fee schedule; I thought these fees are really low. I'm assured that all the cost analyses have been done and these are the correct amounts to cover the costs.

Mr. Solaro: I thought our fees were really high here, so I had an analysis done between the west slope of our County and this side and they are a lot higher there than they are here, which really surprised me.

Mr. Howe: I think they are low here.

Mr. Waldie: I want to go back to that variance matter because I've had some of the same qualms about not having a variance, and I came to the conclusion, which isn't predicated on anything, that it's because this agency is so unique and is tough on its regulations that variances might be a device whereby the rigidity of the enforcement would be weakened. You must have had a reason to highlight "do not adopt a variance" because we haven't adopted one. What prompted you to make that a key objective? Were you under the impression that we were considering that? If so, what would be wrong with that?

Mr. Howe: In my stakeholder interviews, this was brought up several times that we need to have a variance procedure because we have a lot that looks like a triangle and it just won't work. We want to build something there but if we could only reduce the set back to build our project. Since it was brought up, I felt I had to address it. I feel that you shouldn't have a procedure because in the original legislative record that addressed it.

Mr. Waldie: I'm not certain what Congress intended. Your recommendation was dealing with efficiencies as you feel variances are inefficient.

Mr. Howe: The scope was much broader than just the efficiency of the agency. The reason I looked at the legislative record was because I had a lot of people make suggestions that this would work a lot better if we were to change this procedure, change the process, or change part of the ordinance. It started to trouble me that this isn't a normal County or City. If it were, TRPA would not exist. What did they intend for this unique agency because it's not a typical planning agency?

Mr. Waldie: I share that view. One final question on variances. Have you come across any other environmental planning agency that did not have variances? Are we the only one?

Mr. Howe: Most planning is done at a City or County level and the vast majority has a variance procedure. My recommendation is consistent with what the Coastal Commission has.

Mr. Yount: Do you find other agencies have a system like we do where employee's work here for 3-5 years and then leave and help others get through the system. That seems to be the outcome of not having a variance system.

Mr. Howe: Do other counties have these permit facilitators? The answer is yes.

Mr. Holderman: Did you look at the Senior Leadership Team, who is on it and what they are doing?

Mr. Howe: Yes I did.

Mr. Holderman: Do you have any observations about that?

Mr. Howe: I would have had concerns with the old organizational structure, but the way Mr. Singlaub organized is the right way to go.

Mr. Holderman: Is there a process where staff has a way to look at past mistakes on controversial issues and learn from them and incorporate new ways of doing things into future practices?

Mr. Howe: I'm not aware of one.

Mr. Wells: There is not a formal process. But anytime a project doesn't work out or a policy goes down, we certainly discuss it with management and staff to determine what went wrong. But there is nothing official.

Mr. Singlaub: We are looking in the Pathway 2007 process at adaptive management and looking at that scale. Have we set the right thresholds? Are we measuring it correctly? Those kinds of things are going to be critical to our success.

Mr. Singlaub: I really appreciate the work that Strategica has done for us. It's pointed out a lot of things and confirming a lot of things that I have observed. Tomorrow what we are going to be talking about is how we are going to incorporate many of these changes. How we want to deal with some of them in the future and then additional organizational proposals that come out of this. We've begun the process of implementing some of them.

Chairman Solaro also thanked Mr. Howe for all his hard work

B. Out-of-Basin Governing Board Meetings.

Rick Angelocci presented the summary of Estimated Out-of-Basin meeting costs suggested by Mr. Holderman.

The Committee's recommendation is that if we were going to have a

meeting out of the Basin is to make it as close as possible to the Nevada capital and the California capital.

Whether or not these meetings would incorporate a regular meeting where we have projects, planning matters and these types of things. Among staff, we started thinking this could be a great opportunity for P7 workshops for these types of meetings outside the region.

Mr. Holderman: The purpose is to have them meet us. Los Angeles County doesn't know anything about us and the Sacramento legislature is changing rapidly. So to be able to time a meeting on the eve of a new legislative session may be important. As to the future, we should let people know the good work we are doing in Lake Tahoe.

Mr. Solaro: I have a concern if we have a formal meeting because what we have is the cost for the Board. If we have staff and everybody else like today I think that would be significant. Plus the proponents and opponents to come.

Mr. Perock: In our discussions, we also talked about other resources such as the internet. In Nevada, I can go on the internet and go to all the different committee meetings; I can watch floor sessions and votes and I can do it at my own computer. I would like to try the workshops first to see what kind of response we get from the media in some of these places and also the public.

Mr. Quinn: If the goal is to meet the editorial Boards that's quite different than to have a public meeting. It seems to go to have a hearing and to do so would be to get news and press coverage in that community. One, Carson City would be inappropriate. Reno would be the place where the TV stations are. I think what we do here would be more interesting to the news media in Sacramento and San Francisco than in Los Angeles. I think it should be dedicated to issues that are important to them, like the scenic.

Mr. Galloway: These working meetings are not compatible. These people have enough trouble coming here. Now we are going to say if you want us to hear your appeal you have to go to Sacramento. That's hard on them and it's hard for the other folks to deal with some of the things we want to get across. I think the workshops are better but for them to be meaningful they need to be attended by people too. If you go further a field you can't do the normal work of the agency.

Mr. Holderman: There are several statewide commissions in California that meet in a different City every month and they have permits. The coastal commission meets for three days and has much more activity than

we do and they meet in a different location. I think we need to get out of our comfort zone and assume that people can travel. Take the show on the road a little bit and give the reality of what we're doing here to the communities that also have an interest in Lake Tahoe. It's about getting outside of the Basin because a lot of the people who rely on what we do here don't live here. We've been meeting as long as we've been in existence in this one place ignoring the rest of the universe. I don't think that two meetings a year is asking a lot.

Mr. Waldie: The money that would be expended would not produce returns we want. It's not us that people want to see; it's the Lake. What will sell what we do is when they see this place, not our faces. What's important is getting the LA Times editors up here as our guests, as well as other movers and shakers in other parts of the country including the legislature in Sacramento. Have them up here as a guest. I think we are wise to get these Public Relation opportunities up here where the action is.

Mr. Solaro: John and I signed a letter to the California Governor about a month ago inviting him to Lake Tahoe. We just received a letter back that it does not fit into his schedule at this time. But they will consider us in the future.

Mr. Waldie: There is a new Speaker of the Assembly. The Senate is going to have new leadership in California. Those people have never been invited up here. That seems to be a way to reinforce what we do.

Mr. Sevison: We at the Conservancy do some of what you are talking about where we are meeting next month in Sacramento. I have to confess, as it's a great opportunity for the legislators in that area to come have lunch and chat with us. I think this agency is somewhat different. Our jurisdiction runs just in this Basin. I would like to bring them here to see what we're trying to work on. I would certainly encourage bringing those people here somehow and if we could do that in conjunction with Heavenly Valley or some other way to make it worth their while. If this agency wants to do something with the Conservancy as a joint venture, that would be worth quite a bit and invite the Nevada folks along at the same time. I think these kinds of things work well.

Mr. DeLanoy: I think we could do both. It might be interesting to have experts in different areas speak about what they are trying to accomplish.

Mr. Slaven: I know that outside the Basin a lot of people are interested in what we are doing here. People think we aren't doing enough to help the Basin. That's what I hear and I was wishing that's not true. I think going to Reno or Sacramento is a big burden on someone who is trying to push

a project. But I think some of these hearings we have and some we want to showcase and get public input, it might be good to go outside of the Basin. Try to generate public support for what we are trying to do with P7 and to gather information. I think the internet things is a good thing too. I think we should invite people here to the Lake to get their support.

Mr. Quinn: We are not going to be news worthy outside the Tahoe Basin and I don't think members of the public in Los Angeles are going to come and give their input. We're not going to get the press to come. I think inviting key people here is a good idea.

Mr. Holderman: I think inviting key people up here is a good idea. I think you are underestimating what we can learn from what the people in Los Angeles think. They deal with the exact same issues we deal with. P7 wants to ask what they think of what we are doing in Lake Tahoe and what their input is.

Mr. Solaro asked John Singlaub to summarize this.

Mr. Singlaub: We get people all the time ask for a delay in hearing their project because it's on the South Shore rather than the North Shore, so in terms of traveling distance for projects and the public, I share the concern about going outside the Basin. On the other hand, we have a very robust, collaborative process that we are proposing for Pathway 2007 that includes a serious outreach outside of the Basin. Bringing representatives into the discussion about the future of Lake Tahoe from outside the Basin is very desirable. I think we would benefit for having perhaps a P7 Committee meeting in those locations and use that a way to talk to the local decision makers and people with influence. I have every intention taking up Mr. Holdermans' offer to come down to the Bay Area and to meet some people down there and we can incorporate that at the same time without bringing the entire Board. So I think there is something in between here that can get those benefits. I think we need to tag onto the Summit in early August. We do have things moving to get our Governor up here. We will talk about it and come up with some other ideas.

Mr. Solaro asked for Committee Reports.

XIII. COMMITTEE REPORTS (10 minutes)

A. Operations Committee

Mr. Perock: We covered all our agenda items.

B. Legal Committee

Mr. Waldie: We had a short but intense discussion on the necessity of

looking over our enforcement procedures and assessment of penalties. There is concern that we are not assessing enough and there is other concern that we are not assessing in a uniform manner. So we are to set up some sessions to deal with that and we will come back to the Board with recommendations.

C. Public Outreach/Environmental Education Committee

Ms. Aldean: In Coe's absence I chaired the committee meeting and we had a presentation by our Communications Director about some of the positive things that have been happening in connection with media coverage. She did a media content analysis showing that 58% of the news coverage has been positive. 24% has been negative and 18% had no opinion. I think that is very positive and everybody on the Outreach committee was very pleased. One of the discussions we also had was about the proposed Public Opinion Survey Project which will initially be limited to El Dorado County and discussed allocating approximately \$30,000 of the \$65,000 available in the Environmental Education Fund earmarking that to offset the costs of the Public Opinion Survey. This is a recommendation that we are making to the Executive Director for consideration. We needed a source of funding and it seemed logical to use funds from the Environmental Education Fund. We talked about eventually extending that to all the Basin jurisdictions including the valley portions of Douglas and Washoe, including Carson City and then going further a field into areas like Los Angeles and San Francisco. We wanted to confine it initially to the Basin on a trial basis to determine what the public opinions are in that particular area and based upon the input expand it to the other jurisdictions.

Julie Regan, Communications Director: Last year some research was undertaken in Placer County for a transportation project that we can use in our communications planning. The next planning process was already in play before I came on board through the EIP division to do some public opinion survey work in El Dorado County to benefit communications planning for EIP. When I came on board my thought was let's not do five different divisional surveys, let's integrate this completely into our overall public outreach plan for the agency and incorporating it with our Pathway 2007 project. The wheels were in motion in El Dorado County. But the plan would be to do the Nevada side and out of Basin as well and use all of that in our P7 efforts.

Mr. Quinn: The one place we get a good sampling of public opinion is in the Basin because they are here. We don't get sampling from outside the Basin and it seems to me that that's the more critical and urgent need and not to exclude the Basin. You will get a statistical reliable sample.

Ms. Regan: We are looking to get that statistical reliable data and the plan

is to undertake even greater research in those out of market areas as well.

Mr. Quinn: How much money are you expecting for all of these surveys?

Ms. Regan: We are pulling all our estimates together and it is going to be a couple hundred thousand dollars. It's a big picture.

Ms. Aldean: This includes the Valley portion of El Dorado County. It's going to be an interesting sampling because I've noticed that Douglas County is probably no different than Placerville or Auburn or Carson City and there is an interesting different perspective given there is not a big geographical distance between the Lake and the Valley portion of those counties. I think it is a microcosm of the rest of the area and I think that the statistical data that you gather from this sampling is going to be mirrored in most of the other jurisdictions around the Lake.

Mr. Solaro: On the Western slope of our County, El Dorado Hills is primarily Sacramento based people. In fact they think that they are in Sacramento because they all work there and they really consider themselves members of the Sacramento business and social community.

Mr. Galloway: I'm interested in getting informed opinions. I hope that with each question you ask, there is some way to determine in what way that person is informed about what they are commenting on or is it a generality. I'm not sure it's appropriate to ask the same question to someone in Los Angeles than it is to ask the same question to someone in El Dorado County who is closer to the background. I hope you take that into account.

Ms. Regan: You are absolutely right. What we are trying to ascertain from some of these surveys are how best to reach our publics. For example, some of the data that was already done in Placer County before I came on board showed that if you are talking to homeowners in the Basin recreation is the number one concern. So when you are communicating information about TRPA if it could be couched in terms of some kind of recreation. If you want people to pay attention that would be one way that might get attention. We need to learn that about all our different audiences and really learn how best to communicate with property owners in the Basin who live someplace else and find out where they might live so we will know how to communicate with them better. When we look at BMPs overtime we will need to make serious inroads with those out of Basin properties owners that own property here so this will all help in that effort. The questionnaire design is key.

Mr. Slaven: I agree with Jim Galloway. It would be nice to know where and how they are getting their information on what TRPA is doing.

Mr. Galloway: What is your main source of information about TRPA and what you are basing your answers on would be an excellent question.

Ms. Aldean: I think we need to know their level of familiarity with the Basin. Are they in a position to assimilate it and provide us with feedback that is going to be useful.

Mr. Holderman: I think it's a very dangerous path to go down. Everyone's opinion matters no matter how well informed they are.

Ms. Regan: The baseline data is critical to accessing what is that knowledge base. If we are communicating up here and they are over here, we have lost. So this will help us understand that and set measures for performance.

Mr. DeLanoy: If you had the magical questions, I would think that the newspapers in Vegas would run that for you.

XIV. CONTINUANCE OF MEETING to 6:00 P.M. tonight at Zephyr Cove Lodge and CONTINUANCE OF MEETING TO 8:00 A.M., April 29, 2004 on a boat from Zephyr Cove.

XV. RETREAT WORKSHOP

- A. Field Trip to Tahoe Paradise (discussion of planning issues including but not limited to Shorezone, Shoreland, best management practices)
- B. Discussion of Agency Mission, Administration Priorities, Core Values, and Reorganization

XVI. ADJOURNMENT

Mr. Solaro adjourned the meeting at 4:00 p.m., May 29, 2004.

Respectfully submitted,

Judy Nikkel
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

128 Market Street
 Stateline, Nevada
www.trpa.org

P.O. Box 5310
 Stateline, Nevada 89449

Phone: (775) 588-4547
 Fax (775) 588-4527
 Email: trpa@trpa.org

MEMORANDUM

May 14, 2004

To: TRPA Governing Board
 From: TRPA Staff
 Subject: April 2003/2004 Budget Status Report

Proposed Action: That the Governing Board meet its fiduciary responsibility of overseeing and assuring the Agency's fiscal status by reviewing and accepting the April 30, 2004 Budget Status Report.

Staff Recommendation: That the Governing Board and Operations Committee review and accept the April 30, 2004 Status Report.

Discussion: This report portrays the budget status of the agency as of April 30, 2004. This review includes the activities of Agency General, the several Special Revenue, and the Capital Outlay Funds of the Agency.

Analysis:

Overview. The adjoining table¹ summarizes the status of revenues and expenditures from a budgeted and actual basis for the fiscal period beginning July 1, 2003 and ending April 30, 2004. This represents 83.3% of the budget year with revenues standing slightly below target at 81.5%. Expenditures continue to lag the target at 68.0%. At this point, the Agency shows an overall operating gain of \$0.92 million.

The General Fund shows 92.0% of its revenues earned as a result of the State and County contributions attributing to this fund. Its expenditures stand at 74.1%, which is below target. These combine for a net gain of \$1.24 million. The Special Revenue Funds show 66.9% of revenues earned while expenditures are below the target-level at 61.1%. These combine for a net loss of \$330,579, which improved because the grant revenues

Agency Revenue and Expense Comparison				
FY 20003/04		Status Target	83.3%	
Fund	Original Budget	Adjusted Budget	Apr 30 Status	% of Adj. Budget
General Fund				
General Fund				
Revenue	\$6,277,368	\$6,513,921	\$5,991,003	92.0%
Expenses	\$5,864,512	\$6,405,347	\$4,749,466	74.1%
gain (loss)	\$412,856	\$108,574	\$1,241,537	
Total Special Revenue				
Revenue	\$3,182,204	\$4,680,382	\$3,133,020	66.9%
Expenses	\$3,499,417	\$5,654,024	\$3,455,566	61.1%
gain (loss)	(\$317,213)	(\$980,876)	(\$330,579)	
Total Agency Operating Budget Status				
Revenue	\$9,459,572	\$11,194,303	\$9,124,023	81.5%
Expenses	\$9,363,929	\$12,059,371	\$8,205,032	68.0%
gain (loss)	\$95,643	(\$865,068)	\$918,991	
Total Agency Capital Outlay Fund Status				
Revenue	\$0	\$0	\$0	0.0%
Expenses	\$238,826	\$241,126	\$143,160	59.4%
gain (loss)	(\$238,826)	(\$241,126)	(\$143,160)	

¹ As noted previously, this table and Enclosure I only portray the expenditure and revenue status of the Agency's funds. Please refer to Enclosure II: *Statement of Revenues, Expenditures, and Changes to Fund Balance* for a more complete fiscal picture.

for third quarter were recorded in April. The Capital Outlay Fund is 59.4% expended to date.

Analysis by Fund

General Fund. This fund supports the general operations of the Agency. This includes the budgets of the Governing Board, Executive Director, and the Operations, Project Review, Environmental Compliance, Long Range Planning, Environmental Improvement and Legal Divisions.

The General Fund revenues now stand at 92.0%, which is above target due to California and Nevada contributions. These contributions dramatically influence the Agency's fiscal picture. Interest earnings improved this month, therefore our negative yearly balance decreased once again. At the end of April, the Agency's filing fees increased by \$151,919, which is 71.6% of the new augmented projected amount. The Agency's overhead revenue is still tracking above target at 92.1% because the new Cost Allocation Plan was approved at 73.34% instead of the original 67.38%.

Expenditures continue to lag target at 74.1% with \$4,749,466 committed. The Contingency Reserve remains the same with \$36,600 charged to the reserve, leaving a balance of \$37,749.

Projections of expenses and revenues after the April augmentation along with the increase in filing fees show that the Agency is getting much closer to having a balanced budget at the end of the fiscal year.

Special Revenue Funds

The funds earned by all Special Revenue Funds combined stand at 66.9% of budget for the year. The third quarter grant and special revenue billings were completed and recorded in April bringing us closer to the budgeted amount. Expenditures are still tracking below target at 61.1%. The Special Revenue Funds show an overall operating loss of \$330,579, which is expected as grant funded programs are reimbursed quarterly after the funds have already been expended.

Threshold Fund. This fund is mostly derived from special State contributions. California's full \$400,000 share has been received while Nevada's has to be billed quarterly so revenues stand at 76.4%. Nevada's budgeted share includes \$99,791 from fiscal year 2002/03. The expenditures still lag far below the target at 42.0%.

Watercraft Fund. This \$174,000 budget is funded almost exclusively from special State funds. 100% of its revenues have now been received and posted, and expenditures are on target at 84.0%. The Watercraft Fund is expected to end the year with its revenues and expenses balanced.

Special Studies Fund. Fines and forfeitures levied by TRPA are accrued in this special fund for Tahoe-related environmental studies - once sufficient revenues are recognized and studies defined and approved by the Science Advisory Group (SAG). The scope has been expanded to include studies and activities outside the scope of the SAG including \$75,000 for the Agency's Independent Program/Operational Review requested by the Nevada Oversight Committee and \$217,450 for two of the environmental

monitoring contracts. Additionally, \$75,000 has been transferred to the Environmental Education Fund. The Special Studies Fund recognized \$325,800 in revenues and \$368,951 in expenditures by the end of April.

Environmental Education. Case settlements have resulted in the litigants “contributing” funds towards environmental education functions. So as not to confuse these monies with regular fines and forfeitures, these have been set out as a separate fund to track the contributions and the expenditures. Created at \$75,000 by the May 2002 budget augmentation, \$86,000 was received in 2002/03. No commitments were made by year-end so this fund balance rolled into the 2003/04 fiscal year. New contributions of \$5,000 have been received this fiscal year while \$25,180 has been spent from fund balance for improvements to the Agency’s website.

Pass Through Fund. This fund was not budgeted in either 2002/03 or in 2003/04. As reported last month, \$141,769 has been contributed to this fund to cover the TIIMS (Tahoe Integrated Information Management System) expenditures supported by USGS (one of several funding accounts for this project). As of the end of April expenditures remained the same at \$99,830.

EPA/CTS Fund. The Coordinated Transit System fund was created at the September 2002 Governing Board meeting to implement the computerized communications process of coordinating local transit services. It is funded by grant funds, which are matched by regional contributors. The 2003/04 budget provided for a \$100,000 per year contract for operating the system. This will be funded from revenues derived from impact fees collected by the South Tahoe Public Utilities District.

As of the end of April revenues increased to \$743,079 and expenditures to \$750,942 drawing down last year’s fund balance by \$7,863, leaving a balance of \$409,593.

Erosion Control Fund. This fund is comprised of 6 grants and special subsidies. Revenues now stand at 39.5%, which improved as the third quarter grant billings have been completed and recorded in April. The expenditures are still tracking below target at \$398,792 or 51.2%. The Erosion Control general fund has over-expended its total budget by \$9,251 and this will have to be covered by the General Fund at yearend. In the meantime, staff has been directed to spend their time working on the reimbursable grant work elements.

EPA Real-Time Fund. The EPA Grant revenues continue to record in at 53.2%, which covers this year’s expenses plus the deficit fund balance from the prior two years. There will be a minimal amount billed for the rest of the fiscal year as this grant has been extended until December 2004.

Transportation Fund. Nine budgets are operated out of this fund. The Transportation revenues jumped to \$1,064,944, which represents 55.3% of the budgeted amount because the third quarter billings were recorded in April. Expenditures are continuing to track below budget and target at \$1,291,965 (63.4%) for the year.

Capital Outlay Fund. This fund was initially created to account for the costs associated with the development of a new office facility. It has since been expanded to cover the costs of implementing a new financial accounting system, the costs of upgrading the Agency’s information technology systems to maintainable levels, and the new

audio/recording system for the APC and Governing Board meetings. As a capital fund, monies left unexpended at yearend are carried over pending project completion, at which time any remaining fund balances are returned to source. At the end of April, expenditures totaled \$143,160 or 59.4%.

Conclusions:

- With the filing fees increasing by over \$150,000 during the month of April and anticipating this trend continuing during the construction season, we are drawing closer to having a balanced budget at fiscal yearend. The April augmentation reduced the budget for the filing fee revenues to more align with the actual new projected amount. On the other hand, interest earnings have improved but are still in the negative and far below the new target amount with little chance of meeting it. Staff will continue to monitor this to assure we keep on track and make any adjustments if necessary.
- The third quarter grants and special revenues have been billed and the monies are starting to come in. This is greatly helping the Agency's tight cashflow as we move closer to the critical time period of fiscal yearend and the beginning of fiscal year 2005. We are closely monitoring this issue and we will be billing the final quarter of 2004 within thirty days of month-end to help keep a positive cashflow.
- Staff is moving closer to a balanced budget for fiscal year 2004/2005 to bring before the Governing Board for adoption in June. The Agency is planning strategies around the reduced cash balances and the budget constraints in both California and Nevada as well as researching new revenues.

Follow-up: Note that Enclosure II, *Statement of Revenues, Expenditures, and Changes to Fund Balance*, includes Fund 810, which tracks activity for the Tahoe Transportation District, not discussed or summarized above.

Questions or comments to this report may be directed to Sondra Schmidt, Acting Budget Director, telephone (775) 588-4547 ext. 233, fax (775) 588-4527, at sschmidt@trpa.org.

Enclosures:

- Enclosure I: *Agency Revenue and Expense Comparison*
- Enclosure II: *Statement of Revenue, Expenditures, and Changes in Fund Balance as of April 30, 2004*

Enclosure I

April 2003/2004 Budget Status Report
 May 26, 2004 Governing Board Agenda

Agency Revenue and Expense Comparison				
FY 20003/04		Status Target	83.3%	
Fund	Original Budget	Adjusted Budget	Apr 30 Status	% of Adj. Budget
General Fund				
General Fund				
Revenue	\$6,277,368	\$6,513,921	\$5,991,003	92.0%
Expenses	\$5,864,512	\$6,405,347	\$4,749,466	74.1%
gain (loss)	\$412,856	\$108,574	\$1,241,537	
Special Revenue Funds				
Threshold				
Revenue	\$697,000	\$699,791	\$534,705	76.4%
Expenses	\$772,000	\$1,086,239	\$455,895	42.0%
gain (loss)	(\$75,000)	(\$386,448)	\$78,810	
Watercraft				
Revenue	\$174,000	\$174,000	\$174,000	100.0%
Expenses	\$174,505	\$175,878	\$147,714	84.0%
gain (loss)	(\$505)	(\$1,878)	\$26,286	
Special Studies Fund				
Revenue	\$175,000	\$175,000	\$325,800	186.2%
Expenses	\$175,000	\$511,071	\$368,951	72.2%
gain (loss)	\$0	(\$336,071)	(\$43,151)	
Environmental Education Fund				
Revenue	\$0	\$0	\$5,000	na
Expenses	\$0	\$25,000	\$25,180	100.7%
gain (loss)	\$0	(\$25,000)	(\$20,180)	
Pass Through Fund				
Revenue	\$0	\$0	\$141,769	na
Expenses	\$0	\$0	\$99,830	na
gain (loss)	\$0	\$0	\$41,939	
EPA/CTS fund				
Revenue	\$100,000	\$1,000,000	\$743,079	74.3%
Expenses	\$100,000	\$1,000,000	\$750,942	75.1%
gain (loss)	\$0	\$0	(\$7,863)	
Erosion Control				
Revenue	\$661,897	\$661,897	\$261,332	39.5%
Expenses	\$778,474	\$778,474	\$398,792	51.2%
gain (loss)	(\$116,577)	(\$116,577)	(\$137,460)	
EPA-Real Time				
Revenue	\$0	\$45,387	\$24,160	53.2%
Expenses	\$0	\$38,153	\$16,127	42.3%
gain (loss)	\$0	\$7,234	\$8,033	
Transportation				
Revenue	\$1,374,307	\$1,924,307	\$1,064,944	55.3%
Expenses	\$1,499,438	\$2,039,209	\$1,291,965	63.4%
gain (loss)	(\$125,131)	(\$114,902)	(\$227,021)	
Total Special Revenue				
Revenue	\$3,182,204	\$4,680,382	\$3,133,020	66.9%
Expenses	\$3,499,417	\$5,654,024	\$3,455,566	61.1%
gain (loss)	(\$317,213)	(\$980,876)	(\$330,579)	
Total Agency Operating Budget Status				
Revenue	\$9,459,572	\$11,194,303	\$9,124,023	81.5%
Expenses	\$9,363,929	\$12,059,371	\$8,205,032	68.0%
gain (loss)	\$95,643	(\$865,068)	\$918,991	
Total Agency Capital Outlay Fund Status				
Revenue	\$0	\$0	\$0	0.0%
Expenses	\$238,826	\$241,126	\$143,160	59.4%
gain (loss)	(\$238,826)	(\$241,126)	(\$143,160)	

Enclosure II

**TAHOE REGIONAL PLANNING AGENCY
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
State and Local Government Revenues	4,383,132	4,383,132	-	100.00%
Grant Revenues	525,000	69,322	455,678	13.20%
Fees for Services	908,982	701,888	207,094	77.22%
Passthrough Revenue	0	294,606	(294,606)	N/A
Investment Revenue	116,439	(1,885)	118,324	-1.62%
Admin & Overhead Revenue	579,864	534,296	45,568	92.14%
Miscellaneous Revenue	504	9,644	(9,140)	1913.49%
Total Revenues	<u>6,513,921</u>	<u>5,991,003</u>	<u>522,918</u>	<u>91.97%</u>
EXPENDITURES				
Governing Board:				
Services and Supplies	15,959	15,378	581	96.36%
Contracts	8,000	5,804	2,196	72.55%
Total Governing Board	<u>23,959</u>	<u>21,182</u>	<u>2,777</u>	<u>88.41%</u>
Executive:				
Salaries and Benefits	392,161	319,174	72,987	81.39%
Services and Supplies	1,805	1,098	707	60.83%
Travel	6,316	2,202	4,114	34.86%
Contracts	0	-	0	0.00%
Total Executive	<u>400,282</u>	<u>322,474</u>	<u>77,808</u>	<u>80.56%</u>
Communications:				
Salaries and Benefits	57,831	42,741	15,090	73.91%
Services and Supplies	17,626	11,816	5,810	67.04% encumbrance
Travel	0	86	(86)	N/A
Training	0	464	(464)	N/A
Contracts	0	-	0	0.00%
Total Public Affairs	<u>75,457</u>	<u>55,107</u>	<u>20,350</u>	<u>73.03%</u>
Human Resources:				
Salaries and Benefits	106,139	81,467	24,672	76.76%
Services and Supplies	31,352	32,243	(891)	102.84% encumbrance
Contracts	7,763	499	7,264	6.43%
Training	42,848	13,894	28,954	32.43%
Total Human Resources	<u>188,102</u>	<u>128,103</u>	<u>59,999</u>	<u>68.10%</u>
Total Executive Division	<u>687,800</u>	<u>526,866</u>	<u>160,934</u>	<u>76.60%</u>
Operations:				
Special Programs				
Salaries and Benefits	97,232	79,433	17,799	81.69%
Services and Supplies	1,300	199	1,101	15.31%
Travel	0	26	(26)	N/A
Capital Outlay	0	-	0	0.00%
Total Operations	<u>98,532</u>	<u>79,658</u>	<u>18,874</u>	<u>80.84%</u>
Information Technology				
Salaries and Benefits	209,329	175,649	33,680	83.91%
Services and Supplies	2,828	1,625	1,203	57.46% encumbrance
Information Services	28,277	21,821	6,456	77.17%
Training	3,344	-	3,344	0.00%
Capital Outlay	17,000	10,457	6,543	61.51% Augmentation
Total Information Technology	<u>260,778</u>	<u>209,552</u>	<u>51,226</u>	<u>80.36%</u>

**TAHOE REGIONAL PLANNING AGENCY
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>	
Management Support					
Salaries and Benefits	125,527	104,624	20,903	83.35%	
Services and Supplies	100	-	100	0.00%	
Capital Outlay	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>	
Total Management Support	<u>125,627</u>	<u>104,624</u>	<u>21,003</u>	<u>83.28%</u>	
General Service:					
Salaries and Benefits	36,351	12,042	24,309	33.13%	
Travel	10,026	4,430	5,596	44.19%	
Services and Supplies	798,092	654,804	143,288	82.05%	encumbrance
Information Services	6,525	3,236	3,289	49.59%	
Training	5,442	4,114	1,328	75.60%	encumbrance
Contracts	0	135	(135)	N/A	
Utilities	<u>657</u>	<u>-</u>	<u>657</u>	<u>0.00%</u>	
Total General Services	<u>857,093</u>	<u>678,761</u>	<u>178,332</u>	<u>79.19%</u>	
Finance:					
Salaries and Benefits	232,929	174,025	58,904	74.71%	
Services and Supplies	<u>42,774</u>	<u>38,404</u>	<u>4,370</u>	<u>89.78%</u>	
Total Finance	<u>275,703</u>	<u>212,429</u>	<u>63,274</u>	<u>77.05%</u>	
Total Operations Division	<u>1,617,733</u>	<u>1,285,024</u>	<u>332,709</u>	<u>79.43%</u>	
Project Review:					
Salaries and Benefits	826,783	714,051	112,732	86.36%	
Services and Supplies	12,057	11,057	1,000	91.71%	encumbrance
Training	23	-	23	0.00%	
Contracts	83,278	48,911	34,367	58.73%	encumbrance
Capital Outlay	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>	
Total Project Review	<u>922,141</u>	<u>774,019</u>	<u>148,122</u>	<u>83.94%</u>	
Compliance:					
Compliance Administration:					
Salaries and Benefits	187,038	146,335	40,703	78.24%	encumbrance
Services and Supplies	1,463	716	747	48.94%	
Capital Outlay	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>	
Total Compliance Administration	<u>188,501</u>	<u>147,051</u>	<u>41,450</u>	<u>78.01%</u>	
Compliance Team:					
Salaries and Benefits	300,631	228,280	72,351	75.93%	encumbrance
Services and Supplies	5,100	5,140	(40)	100.79%	
Contracts	<u>1,990</u>	<u>-</u>	<u>1,990</u>	<u>0.00%</u>	encumbrance
Total Compliance Team	<u>307,721</u>	<u>233,420</u>	<u>74,301</u>	<u>75.85%</u>	
Compliance Vegetation:					
Salaries and Benefits	105,254	87,895	17,359	83.51%	
Services and Supplies	<u>2,393</u>	<u>406</u>	<u>1,987</u>	<u>16.97%</u>	encumbrance
Total Compliance Vegetation	<u>107,647</u>	<u>88,301</u>	<u>19,346</u>	<u>82.03%</u>	
Total Compliance Division	<u>603,869</u>	<u>468,772</u>	<u>135,097</u>	<u>77.63%</u>	

**TAHOE REGIONAL PLANNING AGENCY
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
Long Range Planning:				
Long Range Planning Administration:				
Salaries and Benefits	222,743	181,741	41,002	81.59%
Services and Supplies	1,170	-	1,170	0.00%
Capital Outlay	0	-	0	0.00%
Total Long Range Planning Admin	<u>223,913</u>	<u>181,741</u>	<u>42,172</u>	<u>81.17%</u>
Long Range Environ Monitoring:				
Salaries and Benefits	235,612	218,081	17,531	92.56%
Travel	0	15	(15)	N/A
Services and Supplies	3,779	796	2,983	21.06%
Utilities	285	375	(90)	131.58%
Contracts	299,330	78,500	220,830	26.23%
Capital Outlay	0	-	0	0.00%
Total Long Range Environ Monitor	<u>539,006</u>	<u>297,767</u>	<u>241,239</u>	<u>55.24%</u>
Long Range Program Managers				
Salaries and Benefits	267,455	222,126	45,329	83.05%
Travel	182	655	(473)	359.89%
Services and Supplies	1,074	(309)	1,383	-28.77%
Training	0	435	(435)	N/A
Contracts	180,249	81,317	98,932	45.11% encumbrance
Total Long Range Program Mgrs	<u>448,960</u>	<u>304,224</u>	<u>144,736</u>	<u>67.76%</u>
Total Long Range Planning	<u>1,211,879</u>	<u>783,732</u>	<u>428,147</u>	<u>64.67%</u>
EIP Team:				
Salaries and Benefits	356,257	290,557	65,700	81.56%
Travel	277	280	(3)	101.08%
Admin & Overhead	28,003	23,974	4,029	85.61%
Services and Supplies	829	16,434	(15,605)	1982.39%
Information Services	0	45	(45)	N/A
Training	3,000	1,607	1,393	53.57%
Contracts	486,000	38,264	447,736	7.87%
Capital Outlay	11,000	2,995	8,005	27.23%
Total EIP Team	<u>885,366</u>	<u>374,156</u>	<u>511,210</u>	<u>42.26%</u>
Legal				
Salaries and Benefits	269,197	214,090	55,107	79.53%
Travel	1,000	12	988	1.20%
Services and Supplies	16,352	14,108	2,244	86.28%
Information Services	0	31	(31)	N/A
Training	3,000	159	2,841	5.30%
Contracts	165,000	110,349	54,651	66.88%
Total Legal	<u>454,549</u>	<u>338,749</u>	<u>115,800</u>	<u>74.52%</u>
Total General Fund	<u>6,383,337</u>	<u>4,551,318</u>	<u>1,832,019</u>	<u>71.30%</u>
Passthrough Expenditures	<u>0</u>	<u>186,083</u>	<u>(186,083)</u>	<u>N/A</u>
Debt Service:				
Principal	19,542	11,354	8,188	58.10%
Interest	2,468	711	1,757	28.81%
	<u>22,010</u>	<u>12,065</u>	<u>9,945</u>	<u>54.82%</u>

**TAHOE REGIONAL PLANNING AGENCY
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
Total Expenditures	<u>6,405,347</u>	<u>4,749,466</u>	<u>1,655,881</u>	<u>74.15%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>108,574</u>	<u>1,241,537</u>	<u>1,132,963</u>	
Other Financing Sources (Uses):				
Contingency	71,349	33,600	37,749	39.24%
Operating transfers in (out)	(534,381)	(481,991)	(52,390)	90.20%
Proceeds from sale of equipment	0	-	0	0.00%
Proceeds from notes and leases	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
	<u>(463,032)</u>	<u>(448,391)</u>	<u>(14,641)</u>	<u>96.84%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	(354,458)	793,146		
Fund Balance, July 1	<u>764,003</u>	<u>764,003</u>		
Fund Balance to Date	<u>409,545</u>	<u>1,557,149</u>		

**TAHOE REGIONAL PLANNING AGENCY
THRESHOLD FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>	
REVENUES					
Federal Grants	0	16,400	(16,400)	N/A	
State and Local Government Revenues	699,791	515,805	183,986	73.71%	
Miscellaneous Revenue	0	2,500	(2,500)	N/A	
Total Revenues	<u>699,791</u>	<u>534,705</u>	<u>165,086</u>	<u>76.41%</u>	
EXPENDITURES					
SCENIC OFF-SITE MITIGATION					
Supplies	0	-	0	0.00%	
Contracts	11,119	4,968	6,151	44.68%	encumbrance
TOTAL	<u>11,119</u>	<u>4,968</u>	<u>6,151</u>	<u>44.68%</u>	
RECREATION					
Services and Supplies	0	-	0	0.00%	
Contracts	31,896	12,385	19,511	38.83%	encumbrance
TOTAL	<u>31,896</u>	<u>12,385</u>	<u>19,511</u>	<u>38.83%</u>	
FISHERIES					
Services and Supplies	0	500	(500)	N/A	
Contracts	87,500	15,000	72,500	17.14%	encumbrance
TOTAL	<u>87,500</u>	<u>15,500</u>	<u>72,000</u>	<u>17.71%</u>	
WATER QUALITY					
Contracts	26,476	11,250	15,226	42.49%	encumbrance
TOTAL	<u>26,476</u>	<u>11,250</u>	<u>15,226</u>	<u>42.49%</u>	
SOILS/SEZ					
Salaries and Benefits	28,669	-	28,669	0.00%	
Contracts	98,791	47,360	51,431	47.94%	encumbrance
TOTAL	<u>127,460</u>	<u>47,360</u>	<u>80,100</u>	<u>37.16%</u>	
AIR QUALITY					
Salaries and Benefits	0	-	0	0.00%	
Capital Outlay	25,000	-	25,000	0.00%	
Contracts	0	-	0	0.00%	
TOTAL	<u>25,000</u>	<u>-</u>	<u>25,000</u>	<u>0.00%</u>	
WILDLIFE					
Salaries and Benefits	0	-	0	0.00%	
Services and Supplies	0	-	0	0.00%	
Contracts	20,000	20,000	0	100.00%	encumbrance
Capital Outlay	0	-	0	0.00%	
TOTAL	<u>20,000</u>	<u>20,000</u>	<u>0</u>	<u>100.00%</u>	
NOISE					
Salaries and Benefits	0	-	0	0.00%	
Services and Supplies	0	-	0	0.00%	
Contracts	50,845	27,721	23,124	54.52%	encumbrance
Capital Outlay	0	-	0	0.00%	
TOTAL	<u>50,845</u>	<u>27,721</u>	<u>23,124</u>	<u>54.52%</u>	

**TAHOE REGIONAL PLANNING AGENCY
THRESHOLD FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>	
SCENIC					
Salaries and Benefits	0	-	0	0.00%	
Services and Supplies	0	-	0	0.00%	
Contracts	<u>21,502</u>	<u>24,265</u>	<u>(2,763)</u>	<u>112.85%</u>	encumbrance
TOTAL	<u>21,502</u>	<u>24,265</u>	<u>(2,763)</u>	<u>112.85%</u>	
TIMMS					
Salaries and Benefits	13,000	6,643	6,357	51.10%	
Services and Supplies	0	405	(405)	N/A	
Training	2,000	1,108	892	55.40%	
Contracts	<u>139,897</u>	<u>21,551</u>	<u>118,346</u>	<u>15.40%</u>	encumbrance
TOTAL	<u>154,897</u>	<u>29,707</u>	<u>125,190</u>	<u>19.18%</u>	
VEGETATION					
Services and Supplies	0	-	0	0.00%	
Contracts	<u>49,964</u>	<u>42,048</u>	<u>7,916</u>	<u>84.16%</u>	encumbrance
TOTAL	<u>49,964</u>	<u>42,048</u>	<u>7,916</u>	<u>84.16%</u>	
GENERAL THRESHOLD					
Salaries and Benefits	49,580	47,899	1,681	96.61%	encumbrance
Supplies	0	7,591	(7,591)	N/A	
Contracts	80,000	24,891	55,109	31.11%	encumbrance
Capital Outlay	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>	
TOTAL	<u>129,580</u>	<u>80,381</u>	<u>49,199</u>	<u>62.03%</u>	
DATA BASE SUPPORT					
Extra Help	40,000	24,067	15,933	60.17%	
Services and Supplies	0	-	0	0.00%	
Contracts	40,000	5,000	35,000	12.50%	
Hardware/Software	50,000	40,000	10,000	80.00%	
Capital Outlay	<u>20,000</u>	<u>-</u>	<u>20,000</u>	<u>0.00%</u>	
TOTAL	<u>150,000</u>	<u>69,067</u>	<u>80,933</u>	<u>46.04%</u>	
ADAPTIVE MANAGEMENT					
Services and Supplies	0	3,640	(3,640)	N/A	
Contracts	<u>200,000</u>	<u>67,603</u>	<u>132,397</u>	<u>33.80%</u>	
TOTAL	<u>200,000</u>	<u>71,243</u>	<u>128,757</u>	<u>35.62%</u>	
 Total Expenditures	 <u>1,086,239</u>	 <u>455,895</u>	 <u>630,344</u>	 <u>41.97%</u>	
 Excess (Deficiency) of Revenues over Expenditures	 <u>(386,448)</u>	 <u>78,810</u>	 <u>(465,258)</u>		
 Other Financing Sources (Uses): Operating transfers in (out)	 <u>75,000</u>	 <u>62,500</u>	 <u>12,500</u>	 <u>83.33%</u>	
 Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	 <u>(311,448)</u>	 <u>141,310</u>			
 Fund Balance, July 1	 <u>297,818</u>	 <u>297,818</u>			
 Fund Balance to Date	 <u>(13,630)</u>	 <u>614,589</u>			

**TAHOE REGIONAL PLANNING AGENCY
WATERCRAFT FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
State and Local Government Revenues	174,000	174,000	-	100.00%
Miscellaneous Revenue	<u>0</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>
Total Revenues	<u>174,000</u>	<u>174,000</u>	<u>-</u>	<u>100.00%</u>
EXPENDITURES				
Salaries and Benefits	93,012	78,341	14,671	84.23%
Travel	703	805	(102)	114.51%
Services and Supplies	19,622	14,441	5,181	73.60%
Contracts	0	-	0	0.00%
Admin & Overhead	62,331	54,127	8,204	86.84%
Training	210	-	210	0.00%
Capital Outlay	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
Total Expenditures	<u>175,878</u>	<u>147,714</u>	<u>28,164</u>	<u>83.99%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>(1,878)</u>	<u>26,286</u>	<u>28,164</u>	
Other Financing Sources (Uses):				
Proceeds from Sale of Equipment	0	-	0	0.00%
Operating transfers in (out)	<u>0</u>	<u>505</u>	<u>(505)</u>	<u>N/A</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	<u>(1,878)</u>	<u>26,791</u>		
Fund Balance, July 1	<u>4,301</u>	<u>4,301</u>		
Fund Balance to Date	<u>2,423</u>	<u>31,092</u>		

**TAHOE REGIONAL PLANNING AGENCY
SPECIAL STUDIES FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
Passthrough Revenues	0	63,092	(63,092)	N/A
Fines and Forfeitures	<u>175,000</u>	<u>262,708</u>	<u>(87,708)</u>	<u>150.12%</u>
Total Revenues	<u>175,000</u>	<u>325,800</u>	<u>(150,800)</u>	<u>186.17%</u>
EXPENDITURES				
SPECIAL STUDIES				
Supplies	0	5,448	(5,448)	N/A
Contracts	<u>511,071</u>	<u>317,906</u>	<u>193,165</u>	<u>62.20%</u> encumbrance
Total	<u>511,071</u>	<u>323,354</u>	<u>187,717</u>	<u>63.27%</u>
Passthrough Expenditures	<u>0</u>	<u>45,597</u>	<u>(45,597)</u>	<u>N/A</u>
Total Expenditures	<u>511,071</u>	<u>368,951</u>	<u>142,120</u>	<u>72.19%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>(336,071)</u>	<u>(43,151)</u>	<u>(292,920)</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	(336,071)	(43,151)		
Fund Balance, July 1	<u>543,903</u>	<u>543,903</u>		
Fund Balance to Date	<u>207,832</u>	<u>500,752</u>		

**TAHOE REGIONAL PLANNING AGENCY
ENVIRONMENTAL EDUCATION FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
Contributions to Education	<u>0</u>	<u>5,000</u>	<u>(5,000)</u>	<u>N/A</u>
Total Revenues	<u>0</u>	<u>5,000</u>	<u>(5,000)</u>	<u>N/A</u>
EXPENDITURES				
ENVIRONMENTAL EDUCATION				
Contracts	<u>25,000</u>	<u>25,180</u>	<u>(180)</u>	<u>100.72%</u>
Total	<u>25,000</u>	<u>25,180</u>	<u>(180)</u>	<u>100.72%</u>
 Total Expenditures	 <u>25,000</u>	 <u>25,180</u>	 <u>(180)</u>	
Excess (Deficiency) of Revenues over Expenditures	 <u>(25,000)</u>	 <u>(20,180)</u>	 <u>(4,820)</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
 Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	 <u>(25,000)</u>	 <u>(20,180)</u>		
Fund Balance, July 1	<u>86,000</u>	<u>86,000</u>		
Fund Balance to Date	<u>61,000</u>	<u>65,820</u>		

**TAHOE REGIONAL PLANNING AGENCY
PASSTHROUGH FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
Passthrough Revenues	<u>0</u>	<u>141,769</u>	<u>(141,769)</u>	<u>N/A</u>
Total Revenues	<u>0</u>	<u>141,769</u>	<u>(141,769)</u>	<u>N/A</u>
EXPENDITURES				
Passthrough Expenses	<u>0</u>	<u>99,830</u>	<u>(99,830)</u>	<u>N/A</u>
Total Expenditures	<u>0</u>	<u>99,830</u>	<u>(99,830)</u>	<u>N/A</u>
Excess (Deficiency) of Revenues over Expenditures	<u>-</u>	<u>41,939</u>	<u>41,939</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	<u>0</u>	<u>41,939</u>		
Fund Balance, July 1	<u>0</u>	<u>0</u>		
Fund Balance to Date	<u>0</u>	<u>41,939</u>		

**TAHOE REGIONAL PLANNING AGENCY
EPA/CTS FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
Federal Grants	260,000	402,220	(142,220)	154.70%
Grant Match	<u>740,000</u>	<u>340,859</u>	<u>399,141</u>	<u>46.06%</u>
Total Revenues	<u>1,000,000</u>	<u>743,079</u>	<u>256,921</u>	<u>74.31%</u>
EXPENDITURES				
Services and Supplies	235,300	178,796	56,504	75.99%
Information Services	0	189	(189)	N/A
Utilities	10,000	-	10,000	0.00%
Capital Outlay	120,000	12,629	107,371	10.52%
Contracts	<u>634,700</u>	<u>559,328</u>	<u>75,372</u>	<u>88.12%</u>
Total Expenditures	<u>1,000,000</u>	<u>750,942</u>	<u>249,058</u>	<u>75.09%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>(0)</u>	<u>(7,863)</u>	<u>(7,863)</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	(0)	(7,863)		
Fund Balance, July 1	<u>417,456</u>	<u>417,456</u>		
Fund Balance to Date	<u>417,456</u>	<u>409,593</u>		

**TAHOE REGIONAL PLANNING AGENCY
EROSION CONTROL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
Federal Grants	352,730	69,649	283,081	19.75%
State Grants	309,167	191,683	117,484	62.00%
Miscellaneous Revenue	0	-	0	0.00%
Total Revenues	<u>661,897</u>	<u>261,332</u>	<u>400,565</u>	<u>39.48%</u>
EXPENDITURES				
EROSION CONTROL TEAM				
Salaries and Benefits	25,043	28,545	(3,502)	113.98%
Services and Supplies	0	110	(110)	N/A
Admin & Overhead	16,729	20,935	(4,206)	125.14%
Travel	0	575	(575)	N/A
Training	0	858	(858)	N/A
Contracts	0	-	0	0.00%
Capital Outlay	0	-	0	0.00%
Total Erosion Control Team	<u>41,772</u>	<u>51,023</u>	<u>(9,251)</u>	<u>122.15%</u>
BMP 319 (NV) NEW				
Salaries and Benefits	63,288	33,603	29,685	53.10%
Services and Supplies	4,000	-	4,000	0.00%
Admin & Overhead	42,314	24,644	17,670	58.24%
Travel	3,285	-	3,285	0.00%
Contracts	102,951	4,480	98,471	4.35%
Capital Outlay	0	-	0	0.00%
TOTAL	<u>215,838</u>	<u>62,727</u>	<u>153,111</u>	<u>29.06%</u>
LAKE TAHOE LICENSE PLATE (NV)				
Salaries and Benefits	19,677	25,572	(5,895)	129.96%
Services and Supplies	0	-	0	0.00%
Admin & Overhead	13,125	18,754	(5,629)	142.89%
Contracts	2,564	5,000	(2,436)	195.01%
Capital Outlay	0	-	0	0.00%
TOTAL	<u>35,366</u>	<u>49,326</u>	<u>(13,960)</u>	<u>139.47%</u>
PROP 13 (CA)				
Salaries and Benefits	94,379	75,881	18,498	80.40%
Services and Supplies	24,149	7,542	16,607	31.23%
Admin & Overhead	62,997	55,651	7,346	88.34%
Information Services	2,000	-	2,000	0.00%
Training	3,000	287	2,713	9.57%
Contracts	139,528	64,947	74,581	46.55%
Capital Outlay	0	-	0	0.00%
TOTAL	<u>326,053</u>	<u>204,308</u>	<u>121,745</u>	<u>62.66%</u>
USFS - CURTEM				
Salaries and Benefits	15,858	2,351	13,507	14.83%
Services and Supplies	0	-	0	0.00%
Admin & Overhead	10,500	1,724	8,776	16.42%
Contracts	64,417	-	64,417	0.00%
Capital Outlay	0	-	0	0.00%

**TAHOE REGIONAL PLANNING AGENCY
EROSION CONTROL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
TOTAL	90,775	4,075	86,700	4.49%
BUREAU OF RECLAMATION				
Salaries and Benefits	34,050	15,768	18,282	46.31%
Admin & Overhead	22,968	11,565	22,968	50.35%
Contracts	11,652	-	11,652	0.00%
TOTAL	<u>68,670</u>	<u>27,333</u>	<u>52,902</u>	<u>39.80%</u>
Total Expenditures	<u>778,474</u>	<u>398,792</u>	<u>391,247</u>	<u>51.23%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>(116,577)</u>	<u>(137,460)</u>	<u>(20,883)</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>181,194</u>	<u>152,025</u>	<u>29,169</u>	<u>83.90%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	64,617	14,565		
Fund Balance, July 1	<u>(54,539)</u>	<u>(54,539)</u>		
Fund Balance to Date	<u>10,078</u>	<u>(39,974)</u>		

TAHOE REGIONAL PLANNING AGENCY
EPA-Real Time
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
State and Local Government Revenues	45,387	24,160	21,227	53.23%
Miscellaneous Revenue	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
Total Revenues	<u>45,387</u>	<u>24,160</u>	<u>21,227</u>	<u>53.23%</u>
EXPENDITURES				
Salaries and Benefits	20,153	1,500	18,653	7.44%
Services and Supplies	2,000	72	1,928	3.60%
Training	1,500	55	1,445	3.67%
Capital Outlay	<u>14,500</u>	<u>14,500</u>	<u>-</u>	<u>100.00%</u>
Total Expenditures	<u>38,153</u>	<u>16,127</u>	<u>22,026</u>	<u>42.27%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>7,234</u>	<u>8,033</u>	<u>15,267</u>	<u>111.04%</u>
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>0</u>	<u>-</u>	<u>-</u>	<u>0.00%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	7,234	8,033		
Fund Balance, July 1	<u>(7,234)</u>	<u>(7,234)</u>		
Fund Balance to Date	<u>0</u>	<u>799</u>		

**TAHOE REGIONAL PLANNING AGENCY
TRANSPORTATION FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
Grant Revenue	610,000	125,549	484,451	20.58%
State and Local Government Revenues	1,314,307	939,237	375,070	71.46%
Miscellaneous Revenue	0	158	(158)	N/A
Total Revenues	<u>1,924,307</u>	<u>1,064,944</u>	<u>859,363</u>	<u>55.34%</u>
EXPENDITURES				
TRANSPORTATION				
Salaries and Benefits	57,526	29,716	27,810	51.66%
Travel	194	2,722	(2,528)	1403.09%
Services and Supplies	4,204	11,250	(7,046)	267.60%
Admin & Overhead	28,476	21,794	6,682	76.53%
Training	3,541	1,689	1,852	47.70%
Contracts	0	5,247	(5,247)	N/A
Capital Outlays	0	-	0	0.00%
TOTAL	<u>93,941</u>	<u>72,418</u>	<u>21,523</u>	<u>77.09%</u>
RSTP EXCHANGE FUNDS				
Salaries and Benefits	12,240	10,069	2,171	82.26%
Services and Supplies	0	-	0	0.00%
Admin & Overhead	8,293	7,384	909	89.04%
Contracts	2,428	-	2,428	0.00%
TOTAL	<u>22,961</u>	<u>17,453</u>	<u>5,508</u>	<u>76.01%</u>
TDA				
Salaries and Benefits	34,883	42,350	(7,467)	121.41%
Services and Supplies	9,394	7,293	2,101	77.63%
Admin & Overhead	23,634	31,059	(7,425)	131.42%
Contracts	8,024	1,699	6,325	21.17%
Capital Outlays	0	-	0	0.00%
TOTAL	<u>75,935</u>	<u>82,401</u>	<u>(6,466)</u>	<u>108.52%</u>
FHWA PL (CA)				
Salaries and Benefits	248,459	182,471	65,988	73.44%
Services and Supplies	7,698	6,485	1,213	84.24%
Admin & Overhead	168,343	133,824	34,519	79.49%
Training	1,880	6	1,874	0.32%
Contracts	0	2,865	(2,865)	N/A
Capital Outlay	0	-	0	0.00%
TOTAL	<u>426,380</u>	<u>325,651</u>	<u>100,729</u>	<u>76.38%</u>
FHWA PL (NV)				
Salaries and Benefits	27,539	41,805	(14,266)	151.80%
Services and Supplies	272	875	(603)	321.69%
Admin & Overhead	18,659	30,660	(12,001)	164.32%
Contracts	0	1,022	(1,022)	N/A
TOTAL	<u>46,470</u>	<u>74,362</u>	<u>(27,892)</u>	<u>160.02%</u>

**TAHOE REGIONAL PLANNING AGENCY
TRANSPORTATION FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
PUBLIC LANDS & HIGHWAYS AGREMT #2				
Salaries and Benefits	231,324	133,898	97,426	57.88%
Travel	776	16	760	2.06%
Services and Supplies	462	21,747	(21,285)	4707.14%
Admin & Overhead	156,733	98,201	58,532	62.65%
Training	1,781	15	1,766	0.84%
Contracts	217,446	131,118	86,328	60.30%
Capital Outlay	0	-	0	0.00%
TOTAL	<u>608,522</u>	<u>384,995</u>	<u>223,527</u>	<u>63.27%</u>
SHA				
Salaries and Benefits	0	-	0	0.00%
Services and Supplies	0	625	(625)	N/A
Contracts	215,000	238,080	(23,080)	110.73%
Capital Outlay	0	-	0	0.00%
TOTAL	<u>215,000</u>	<u>238,705</u>	<u>(23,705)</u>	<u>111.03%</u>
RTIP				
Contracts	<u>450,000</u>	<u>95,980</u>	<u>354,020</u>	<u>21.33%</u>
TOTAL	<u>450,000</u>	<u>95,980</u>	<u>354,020</u>	<u>21.33%</u>
SP&R CA				
Contracts	<u>100,000</u>	-	<u>100,000</u>	<u>0.00%</u>
TOTAL	<u>100,000</u>	-	<u>100,000</u>	<u>0.00%</u>
Total Expenditures	<u>2,039,209</u>	<u>1,291,965</u>	<u>843,224</u>	<u>63.36%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>(114,902)</u>	<u>(227,021)</u>	<u>(341,923)</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>165,887</u>	<u>154,662</u>	<u>11,225</u>	<u>93.23%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	50,985	(72,359)		
Fund Balance, July 1	<u>(38,387)</u>	<u>(38,387)</u>		
Fund Balance to Date	<u>12,598</u>	<u>(110,746)</u>		

**TAHOE REGIONAL PLANNING AGENCY
CAPITAL EXPENDITURE FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
State and Local Government Revenues	0	-	0	0.00%
Miscellaneous Revenue	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
Total Revenues	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
EXPENDITURES				
NEW FACILITY				
Services and Supplies	0	-	0	0.00%
Contracts	59,166	210	58,956	0.35%
Capital Outlay	<u>31,964</u>	<u>22,064</u>	<u>9,900</u>	<u>69.03%</u>
Total Expenditures	<u>91,130</u>	<u>22,274</u>	<u>68,856</u>	<u>24.44%</u>
FINANCE FUND ACCOUNTING SYSTEM				
Contracts	<u>16,996</u>	<u>13,334</u>	<u>3,662</u>	<u>78.45%</u>
Total Expenditures	<u>16,996</u>	<u>13,334</u>	<u>3,662</u>	<u>78.45%</u>
IT COMPUTER UPGRADE				
Hardware/Software	<u>110,000</u>	<u>107,031</u>	<u>2,969</u>	<u>97.30%</u>
Total Expenditures	<u>110,000</u>	<u>107,031</u>	<u>2,969</u>	<u>97.30%</u>
SOUND SYSTEM				
Capital Outlay	<u>23,000</u>	<u>521</u>	<u>22,479</u>	<u>2.27%</u>
Total Expenditures	<u>23,000</u>	<u>521</u>	<u>22,479</u>	<u>2.27%</u>
Total Expenditures	<u>241,126</u>	<u>143,160</u>	<u>97,966</u>	<u>59.37%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>(241,126)</u>	<u>(143,160)</u>	<u>97,966</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>112,300</u>	<u>112,300</u>	<u>-</u>	<u>100.00%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	(128,826)	(30,860)		
Fund Balance, July 1	<u>128,827</u>	<u>128,827</u>		
Fund Balance to Date	<u>1</u>	<u>97,967</u>		

TAHOE REGIONAL PLANNING AGENCY
TTD
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
State and Local Government Revenues	3,589,500	892,417	2,697,083	24.86%
Miscellaneous Revenue	<u>100,000</u>	<u>63,156</u>	<u>36,844</u>	<u>63.16%</u>
Total Revenues	<u>3,689,500</u>	<u>955,573</u>	<u>2,733,927</u>	<u>25.90%</u>
EXPENDITURES				
RENTAL CAR MITIGATION FUND				
Services and Supplies	38,700	112,552	(73,852)	290.83%
Contracts	<u>50,000</u>	<u>-</u>	<u>50,000</u>	<u>0.00%</u>
TOTAL	<u>88,700</u>	<u>112,552</u>	<u>(23,852)</u>	<u>126.89%</u>
DOUGLAS COUNTY				
Contracts	<u>121,500</u>	<u>-</u>	<u>121,500</u>	<u>0.00%</u>
TOTAL	<u>121,500</u>	<u>-</u>	<u>121,500</u>	<u>0.00%</u>
FTA GRANTS				
FTA Transit Operating Asst	0	-	0	0.00%
Capital Outlay	<u>2,500,000</u>	<u>585,149</u>	<u>1,914,851</u>	<u>23.41%</u>
TOTAL	<u>2,500,000</u>	<u>585,149</u>	<u>1,914,851</u>	<u>23.41%</u>
CA RTSGP				
Capital Outlay	<u>968,000</u>	<u>262,622</u>	<u>705,378</u>	<u>27.13%</u>
TOTAL	<u>968,000</u>	<u>262,622</u>	<u>705,378</u>	<u>27.13%</u>
CNG FUEL SALES				
Services and Supplies	0	21,018	(21,018)	N/A
TOTAL	<u>0</u>	<u>21,018</u>	<u>(21,018)</u>	<u>N/A</u>
Total Expenditures	<u>3,678,200</u>	<u>981,341</u>	<u>2,696,859</u>	<u>26.68%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>11,300</u>	<u>(25,768)</u>	<u>(37,068)</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	11,300	(25,768)		
Fund Balance, July 1	<u>130,532</u>	<u>130,532</u>		
Fund Balance to Date	<u>141,832</u>	<u>104,764</u>		

**TAHOE REGIONAL PLANNING AGENCY
CAPITAL EXPENDITURE FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
YEAR TO DATE AS OF APRIL 30, 2004**

	<u>BUDGET</u>	<u>YEAR-TO-DATE</u>	<u>VARIANCE</u>	<u>% TO DATE</u>
REVENUES				
State and Local Government Revenues	0	-	0	0.00%
Miscellaneous Revenue	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
Total Revenues	<u>0</u>	<u>-</u>	<u>0</u>	<u>0.00%</u>
EXPENDITURES				
NEW FACILITY				
Services and Supplies	0	-	0	0.00%
Contracts	59,166	210	58,956	0.35%
Capital Outlay	<u>31,964</u>	<u>22,064</u>	<u>9,900</u>	<u>69.03%</u>
Total Expenditures	<u>91,130</u>	<u>22,274</u>	<u>68,856</u>	<u>24.44%</u>
FINANCE FUND ACCOUNTING SYSTEM				
Contracts	<u>16,996</u>	<u>13,334</u>	<u>3,662</u>	<u>78.45%</u>
Total Expenditures	<u>16,996</u>	<u>13,334</u>	<u>3,662</u>	<u>78.45%</u>
IT COMPUTER UPGRADE				
Hardware/Software	<u>110,000</u>	<u>107,031</u>	<u>2,969</u>	<u>97.30%</u>
Total Expenditures	<u>110,000</u>	<u>107,031</u>	<u>2,969</u>	<u>97.30%</u>
SOUND SYSTEM				
Capital Outlay	<u>23,000</u>	<u>521</u>	<u>22,479</u>	<u>2.27%</u>
Total Expenditures	<u>23,000</u>	<u>521</u>	<u>22,479</u>	<u>2.27%</u>
Total Expenditures	<u>241,126</u>	<u>143,160</u>	<u>97,966</u>	<u>59.37%</u>
Excess (Deficiency) of Revenues over Expenditures	<u>(241,126)</u>	<u>(143,160)</u>	<u>97,966</u>	
Other Financing Sources (Uses):				
Operating transfers in (out)	<u>112,300</u>	<u>112,300</u>	<u>-</u>	<u>100.00%</u>
Excess (Deficiency) of Revenues and Other Sources over Expenditures and Other Uses	(128,826)	(30,860)		
Fund Balance, July 1	<u>128,827</u>	<u>128,827</u>		
Fund Balance to Date	<u>1</u>	<u>97,967</u>		

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD STAFF SUMMARY

Project Name: Douglas County Sewer Improvement District Secondary Clarifiers #2 and #4

Application Type: Public Utility Center Addition

Applicant: John Hastie, District Manager, Douglas County Sewer Improvement District No. 1

Applicant's Representative: JWA Consulting Engineers, Inc

Agency Planner: Melissa Shaw, AICP, Associate Planner II

Location: 1 Treatment Plant Road, Douglas County, Nevada

Project Number/File Number: 1318-00-001-008 (formerly 005-010-04)/TRPA #20040018

Staff Recommendation: Staff recommends approval of the addition to the public utility center, based on this staff summary and evidence contained in the project record. The required actions and recommend conditions of approval are contained in the attached draft permit.

Project Description: The proposed public utility center addition consists of the replacement and new construction of clarifier treatment tanks at the Douglas County Sewer Improvement District (DCSID) No. 1 wastewater treatment plant. Secondary Clarifier #2 will be reconstructed and a new tank, Secondary Clarifier #4, constructed. This is Phase II of a four phase public health and safety project with protection of ground and surface water as the goal of the final phase, which is the lining of effluent storage reservoir. Originally constructed in 1968, the DCSID Wastewater Treatment and Export Facilities include primary and secondary treatment facilities, aeration basins, a pump station and the effluent storage reservoir. The reservoir was constructed by "placing a dam into a narrow canyon and was not lined at the time of construction".

The unlined effluent storage reservoir was the subject of a 2003 letter from TRPA and the Nevada Division of Environmental Protection (NDEP) to DCSID, requesting a plan and schedule for the lining of the reservoir. In response to this request, DCSID began Phase I, the conceptual phase, and prepared a Plant Reservoir Improvements Feasibility Report, which outlined six alternatives and 11 subalternatives. Alternatives were reviewed and the alternative to line the reservoir has been proposed by DCSID, and conceptually agreed to by TRPA and NDEP as the preferred alternative. Phase III will include the addition of new effluent storage tanks and pumps, and Phase IV the lining of the reservoir. The anticipated completion date for lining of the reservoir is September 1, 2007.

Phase II of the reservoir lining project, clarifier tank improvements, is an improvement that will be required prior to lining the effluent storage reservoir. Specifically, the clarifiers will

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/ms

increase and improve effluent treatment by providing additional “polishing”, or removal of solids. (Final disposal of treated wastewater products are either removed daily from the facility by truck (solids) or pumped (effluent) from the reservoir to the Carson Valley.) Plant treatment capacity will not be increased. The clarifier addition will take place in Land Capability District 1b, stream environment zone (SEZ) and will add at least 5,739 square feet of new land coverage in SEZ. A proposed stream environment zone restoration plan has been designed to mitigate the new land coverage.

DCSID has entered into a Project Cooperation Agreement with the Army Corps of Engineers to secure cost-shared (75% Federal and 25% non-Federal) construction funding for all phases of the project. Funding is to be made available under the Water Resources Development Act of 1999, however, on April 15, 2004, DCSID was notified that due to a funding shortfall the reimbursements anticipated to be available to DCSID during Fiscal Year 2004 are now unavailable. In spite of funding issues, DCSID is proceeding with the permitting process, and will also be preparing Phases III and IV for TRPA review during 2004. At this time the construction schedule is uncertain.

Plan Area Statement and Public Notification. The project is in Plan Area Statement 075, Douglas County Sewer Improvement District. Regional public health and safety facilities and public utility centers are allowed uses. In accordance with Chapter 4, Appendix A of the TRPA Code of Ordinances, Governing Board approval is required for public service projects involving new facilities or additions with over 3,000 square feet of new land coverage. Notification of adjacent property owners is also required for additions to public service creating over 1,000 square feet in new land coverage.

Site Description and Project Area: The treatment plant is located on the interior of a 127 acre, largely undisturbed and forested parcel, approximately $\frac{3}{4}$ mile east of Highway 50, between Elks Point Road and Kingsbury Grade. It is not visible from the roadway. See the attached location map and site plans. The property is bounded by US Forest Service land on the north, east and west sides, and Lake Village Condominiums, Douglas County School District and a Sierra Pacific Power substation parcel as adjacent to the parcel on the south side. Land Capability Districts within the project area include District 5 and District 1b.

Currently there are three clarifier tanks at the facility within the nine acre developed and fenced project area portion of the facility. Coverage for the new and reconstructed tanks will be located adjacent to the existing tanks in currently undeveloped SEZ. The SEZ area contains pines, willows and other vegetation, although during the years of site development water has been diverted and the SEZ portion does not function as it did prior to development of the plant. The proposed mitigation is restoration of an SEZ area that was utilized as a construction staging area and contains the remnants of construction debris.

Issues: The primary issues associated with the project are:

1. New Land Coverage in Stream Environment Zone (SEZ) and SEZ Restoration Plan. The new and reconstructed clarifier tanks will add at least 5,739 square feet of new coverage, all located in Land Capability District 1b, stream environment zone. However, staff has scaled approximately 6,536 square feet of new coverage. This discrepancy shall be resolved and is a condition of the permit. An SEZ restoration plan with a total restoration area of 30,142 square feet has been proposed as both mitigation and additional

“mitigation credit”. A conditional permit for the restoration plan will be issued at staff level after the clarifier project is approved.

2. Soil Excavation and Export. The 24-foot excavation depth (approved through a soils/hydrological report) required for the 316,200 gallon tanks will result in approximately 9,129 cubic yards (CY) of excavated soil. A dewatering plan will be required to address potential intercepted groundwater during construction. The excavated soil will be stockpiled and 5,477 CY backfilled between the tanks. The remaining 3,652 CY will be exported (trucked) from the Basin. Because the trucks hold approximately 30 CY, over 120 trips will be required to complete the export, and a traffic control plan approved by either TRPA or the Nevada Department of Transportation will be required.
3. Total Plant Treatment Capacity. The TRPA Compact (Public Law 96-551) addresses sewage treatment facilities in the Tahoe Basin, and states that “no facility for the treatment of sewage may be constructed or enlarged...”. Modifications to DCSID is specifically addressed “so that such facilities will be able to treat the total volume of effluent for which the were originally designed, which is 3.0 million gallons per day”. According to information provided by the applicant, the plant has experienced a downward trend over the past five years in the amount of effluent treated, and in 2003 treated approximately 2.06 million gallons per day. The clarifier project is a treatment quality improvement, not a capacity increase for the facility.
4. BMP Retrofit Plan. DCSID submitted a BMP retrofit plan to TRPA and a permit was issued in September, 2002. Staff is requesting an update and retrofit schedule for the BMP plan with this permit.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.
- B. Plan Area Statement: The Plan Area Statement is the Douglas County Sewer Improvement District (#075). The Land Use Classification is Commercial/Public Service and the Management Strategy is mitigation. Public utility center is an allowed use. The Planning Statement indicates that this area should “continue to be a public service site with no commercial services.” Based on the conclusion of the findings and on special permit conditions, this project has been determined to be consistent with the planning statement, planning considerations and special policies.
- C. Proposed Land Coverage: New land coverage in SEZ will be mitigated by the restoration of a previously disturbed area of SEZ. The total project area for the restoration plan is 30,142 square feet. The area required to be restored at a 1.5:1 ratio for the new coverage is 8,609 square feet, based on 5,739 square feet and will be adjusted if revised land coverage is calculated. The remaining SEZ restoration area will be “banked.”

D. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 20 and 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Threshold-Related Findings:

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

- i. *Land Use*. Public utility centers are permitted uses in this Plan Area. The proposed project is public service that supports and is compatible with the surrounding land uses, and with the special permit conditions, the project meets all TRPA codes and ordinances. The DCSID has taken additional measures to ensure the facility is compatible with surrounding land uses. An odor control plan has been developed that includes phasing of odor control devices over time. The newest addition will be a carbon scrubber in the spring of 2004. A copy of the odor control plan will be requested with these permit conditions.
- ii. *Transportation*. This project is not anticipated to create additional permanent daily vehicle trip ends (dvte) to the site. Air quality mitigation fees for temporary vehicle trips are not required as a condition of the permit, although traffic control for the temporary construction vehicle access onto Highway 50 will be required.
- iii. *Conservation*.
 - There are no identified special interest species or sensitive or uncommon plants located on this site. Fourteen trees will be removed for the project construction, none of which are over 24 inches in diameter.
 - Cultural or historic resources have not been identified on this site. In the event cultural resources are discovered during construction, construction will cease and an archeologist consulted.
 - Temporary and permanent BMPs will be required for the project to mitigate impacts to water quality. A special permit condition requires additional detail of the BMP plan. The applicant will be required to apply temporary Best Management Practices (BMPs), to the entire project area to mitigate impacts to water quality.
 - This project is located in a Stream Environment Zone (SEZ), Land Capability District 1B. As discussed previously, a restoration plan has been proposed to mitigate the additional land coverage. There are no mapped FEMA floodplains within the project area. The project complies with TRPA Code of Ordinances Section 82.2, required offsets. This Section permits the implementation of stream

environment zone restoration projects to offset the creation of impervious additional coverage. A new groundwater monitoring well, as shown in the soils/hydrology report, shall also be included with the construction of the clarifiers.

- The project area is not located in or visible from a scenic roadway or shorezone unit due to distance and topography.
- iv. *Recreation.* The project will not impact existing or proposed recreation areas.
- v. *Public Service and Facilities.* This Public Service project will upgrade and improve the treatment ability of this public service facility. There are no additional services or facilities added with the improvements.
- vi. *Implementation.* The project complies with the Regional Plan and TRPA Code of Ordinances and Regulations. Section 33.5 of the TRPA Code regulates additional public service facilities. This addition is not an additional public service, as defined in Section 33.5.B, which states that “modifications to legally existing public service facilities and accessory uses thereto, that do not create additional service capacity” are not additional public service facilities.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

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

(Refer to paragraph b, above.)

2. Chapter 20 – Land Coverage Standards. Prohibition of Additional Land Coverage in Land Capability Districts 1a, 1c, 3 and 1b (Sec. 20.4.A.3, Public Service Facilities). Additional land coverage (5,739 square feet) is proposed in Land Capability District 1b. Such disturbance may be permitted if TRPA finds that:

- (a) The project is necessary for public health, safety or environmental protection;

The new land coverage for this public facility project located in Land Capability District 1b is necessary to provide upgraded and improved wastewater

treatment. Improvements to the wastewater treatment facility are a required upgrade so that additional water quality protection may be implemented through subsequent project phases leading to lining of the unlined effluent storage reservoir.

- (b) There is no feasible alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and

There is no alternative to the location of the clarifier tanks as they will be located adjacent to the existing tanks and at the same topography utilizing gravity flow. The plant was constructed to operate with gravity flow, and any other location would require additional disturbance and coverage to install pumping facilities. Pumping effluent to tanks constructed in a separate location from the existing clarifier tanks be a less reliable design and less efficient than constructing adjacent to the current tanks.

- (c) The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by Subparagraph 20.4A(2)(e).

The mitigation requirements are as follows:

- i. Application of best management practices; and

Temporary and permanent BMPs will be installed during every phase of construction in order to mitigate potential impacts to water quality.

- ii. Restoration, in accordance with Section 20.4.C, of land in Land Capability Districts 1a, 1c, 2 and 3 in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Subsection 20.3.A.

A document entitled Final Stream Environment Zone Restoration Plan for the Douglas County Sewer Improvement District No. 1 has been prepared by Integrated Environmental Restoration Services, Inc., and JWA Consulting Engineers for the project applicant. TRPA staff has reviewed the plan and found it to be appropriate mitigation under this required finding. The goal of the restoration plan is to “restore hydrologic function, nutrient cycling, infiltration and to re-create a native plant community appropriate to the site”. The site to be restored was “historically a broad swale, which has been channelized...and resulted in channel flow, in contrast to the sheet/shallow flow that is observed upstream and downstream of the disturbed area. The site was used as a construction staging area and construction debris will be removed, the site re-contoured and other enhancements to restore the natural functioning. A three to five year monitoring plan is included with the restoration, and a security will be collected for the project. The draft conditional restoration plan permit is attached in Exhibit 2.

3. Chapter 64 – Grading/Excavations:

- (a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

A soils/hydrology report prepared in January, 2004 was reviewed and approved to a maximum depth of 24 feet below ground surface. This will require a dewatering plan to address the interception of groundwater.

- (b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems and hydrologic conditions of the soil.

The excavation needs for the project will not impact trees which are to remain.

- (c) Excavated material is disposed of pursuant to Section 64.5 and the project area's natural topography is maintained pursuant to Subparagraph 30.5.A(1).

All excavated material not utilized within the land coverage footprints shall be removed from the site and disposed in a location acceptable to TRPA. The excavated material will be stored in temporary stockpile locations. Location A will be located on paved surface and temporary BMPs provided around the site. Location B is near the restoration site and is a disturbed road, which will be revegetated following construction of the SEZ restoration area. Material shall be removed from these areas by Oct. 15, 2004, or as noted on a revised construction schedule.

Required Actions: Staff recommends that the Governing Board take the following actions:

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Attachment:

Exhibit 1, Location Map and Site Plan

DRAFT CONDITIONAL PERMIT

PROJECT DESCRIPTION: Douglas County Sewer Improvement District Secondary Clarifiers #2 & #4

PERMITTEE: John Hastie, District Manager, Douglas County Sewer Improvement District No. 1

APN: 1318-00-001-08

TRPA FILE NUMBER: 20040018

COUNTY/LOCATION: Douglas County, Nevada, 1 Treatment Plant Road

Having made the findings required by Agency ordinances and rules, TRPA Governing Board approved the project on **May 26, 2004**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **May 26, 2007** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED.

TRPA Executive Director/Designee

Date

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

Signature of Permittee(s) _____

Date _____

PERMIT CONTINUED ON NEXT PAGE

**APN 1318-00-001-08
FILE NO 20040018**

Air Quality Mitigation Fee: Amount \$ n/a
Water Quality Mitigation Fee (1) Amount \$ n/a
Excess Coverage Mitigation Fee (2): Amount \$ n/a
Security Posted (3): Amount \$ _____ Posted _____ Type _____ Receipt No. _____
Security Administrative Fee (4): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

- (1) Exempt from Water Quality Mitigation per subsection 20.4.C(1).
- (2) Exempt from Excess Coverage Mitigation per subsection 20.5.B(4)
- (3) Amount to be determined. See Special Condition 3.L, below.
- (4) \$141 if a cash security is posted, or \$73 if a non-cash security is posted.

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the reconstruction of Secondary Clarifier #2 and the construction of Secondary Clarifier #4 for the Douglas County Sewer Improvement District Sewer Treatment Plant. The project is located adjacent to existing Clarifiers 1, 2 and 3, and will create approximately 5,739 square feet (to be confirmed) of additional land coverage in SEZ. A restoration plan has been approved to mitigate the new SEZ land coverage with TRPA permit #20040199. Sidewalks and relocated fencing around the completed project area is also part of the project. An excavation depth of 24' below ground surface has been approved for the project. A new groundwater monitoring well, as shown in the soils/hydrology report, shall also be included with the construction of the clarifiers.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval shall be satisfied:

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/ms

- A. The site plan shall be revised to include:
- (1) The discrepancy in new land coverage between staff calculations (6,536 square feet) and the calculations submitted with the site plan (5,739) shall be resolved with a labeled and scaled site plan identifying areas of existing and new coverage. The restoration plan calculations shall be revised as necessary.
 - (2) The total project area and parcel area included with the coverage table on page T2. Include the SEZ restoration mitigation calculations on this page.
 - (3) Include the location of a groundwater monitoring well, consistent with the monitoring well described in the soils/hydrological report.
 - (4) Identify and label all willow trees that are to be salvaged within the clarifier construction area and replanted in the restoration area. Include a note that salvage shall occur prior to grading of the site.
 - (5) Include temporary irrigation plans for the revegetated slope adjacent to the clarifiers.
 - (6) Include the permanent BMPs with the tank section shown on page T3.
 - (7) A note shall be added to the site plan that states "If the revegetated slope does not establish within two years, the slope will be mechanically stabilized".
 - (8) Details of all exterior lighting. All lighting shall be consistent with the TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards.
 - (9) Details of the height of the chain link fencing.
 - (10) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment."
 - (11) Vegetation protective fencing around the entire construction site located not more than 12 feet from the construction area.
- B. The permittee shall demonstrate how the new clarifier tanks will be constructed to prevent leaching of effluent into the groundwater.
- C. The permittee shall demonstrate that the abandoned monitoring well has been or will be adequately backfilled and sealed.

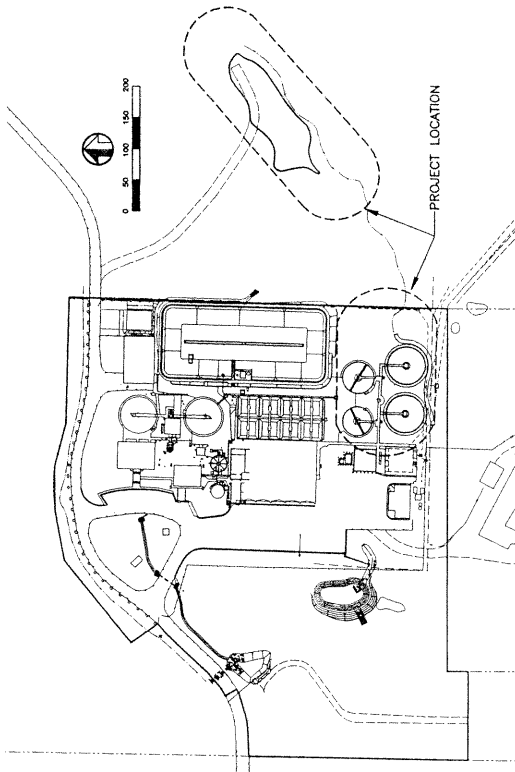
- D. The permittee shall provide a de-watering plan that demonstrates how intercepted groundwater will be treated during project excavation. Use of a "dirt-bag" filter is a recommended filter device. The plan shall redistribute groundwater intercepted during construction down-grade from the construction site, and shall certify that the discharge will not create unstable soil or erosion conditions.
- E. The permittee shall provide a revised projected construction schedule for the clarifiers, including the proposed restoration plan schedule, and for Phases III and IV of the effluent storage reservoir lining project, pursuant to the changes in availability of Federal funding for the project. Said schedule shall include projected dates for each item identified in Section 62.2 of the TRPA Code.
- F. The permittee shall provide an updated Best Management Practices Retrofit/Master plan for the entire project area of the facility, indicating all BMPs that have been installed to date, and a proposed schedule for retrofit of the remaining BMPs on the facility parcel.
- G. The permittee shall provide a copy of the Odor Control Plan and implementation schedule for the facility.
- H. The permittee shall provide a traffic control plan for TRPA approval or an approved traffic control plan from NDOT for construction vehicle access onto Highway 50.
- I. The permittee shall submit an excavated materials disposal plan to TRPA for review and approval that includes the amount of and disposal location for, and schedule for exporting all excavated material.
- J. Approval from Sierra Pacific Power for the excavation work to occur on that property.
- K. The permittee shall submit a detailed revegetation plan for the project area, including the stockpile areas and temporary construction access. The plan shall demonstrate temporary irrigation, the type of seed mixture and/or planting plan for the restoration areas.
- L. The security required under Standard Condition I.B of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. The security shall include an estimate of the cost to revegetate Stockpile Area B. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. In no case shall the security be less than \$5,000.
- M. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. Excavation equipment shall be limited to the project area to minimize site disturbance. No grading or excavation shall be permitted outside of the excavation area.
5. The permittee shall not excavate 24 feet or more below natural grade measured from the highest point of natural grade to the bottom of the clarifier tank.
6. No signage is approved with this permit. Additional signage must receive TRPA approval.
7. If any cultural resources are discovered during construction, construction will cease immediately and an archeologist consulted for an assessment and potential mitigation measures. TRPA shall be notified immediately of such discovery.

END OF PERMIT

SECONDARY CLARIFIER PROJECT DOUGLAS COUNTY SEWER IMPROVEMENT DISTRICT NO. 1

75% CONSTRUCTION PLANS



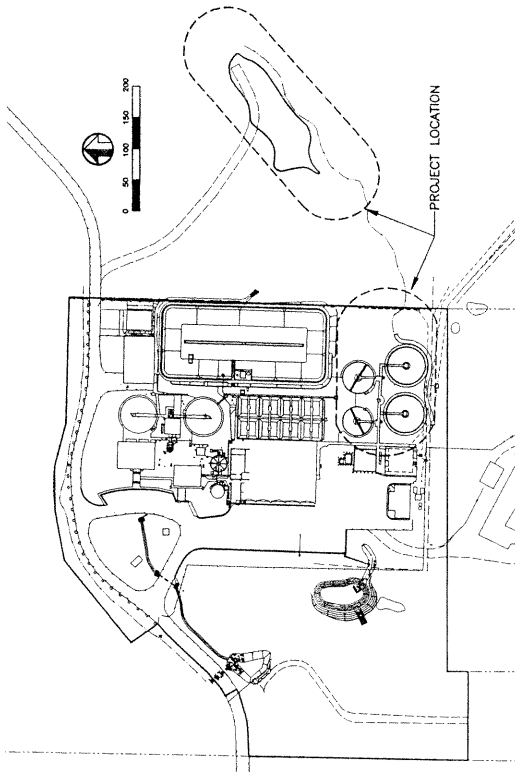
VICINITY MAP

SUBMITTED BY:

JWA CONSULTING ENGINEERS, INC.
P.O. BOX 1819
ZEPHYR COVE, NEVADA 89448

JERE E. WILLIAMS, P.E.
NO. 2219

DATE



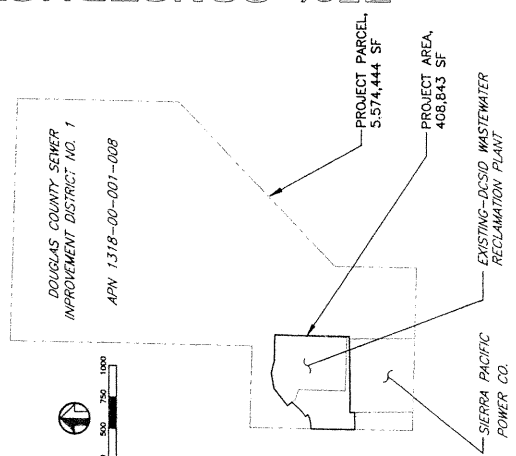
WASTEWATER RECLAMATION PLANT
LOCATION MAP

APPROVED BY:

DOUGLAS COUNTY SEWER IMPROVEMENT
DISTRICT NO. 1

JOHN H. HASTIE, JR.
DISTRICT MANAGER

DATE



JWA
JWA CONSULTING ENGINEERS, INC.
Zephyr Cove, Nevada
Parsippany Hill, California

SHEET NUMBER 1 OF 6 SHEETS



EXHIBIT **1**
Pg 1 of 3

SHEET NUMBER 11
 2 OF 6 SHEETS
 PROJECT NO. D0304.02
 DOUGLAS COUNTY SEWER IMPROVEMENT DISTRICT NO. 1
 SECONDARY CLARIFIER PROJECT
 1 TREATMENT PLANT ROAD
 DESIGNATED STOCK PILE AREAS
 APR 13 18 - 00 - 001 - 008

JVA
 JVA CONSULTING ENGINEERS, INC.
 2450 1st Ave., Nevada
 Pleasant Hill, California



DATE	BY	DESCRIPTION

75% CONSTRUCTION PLANS

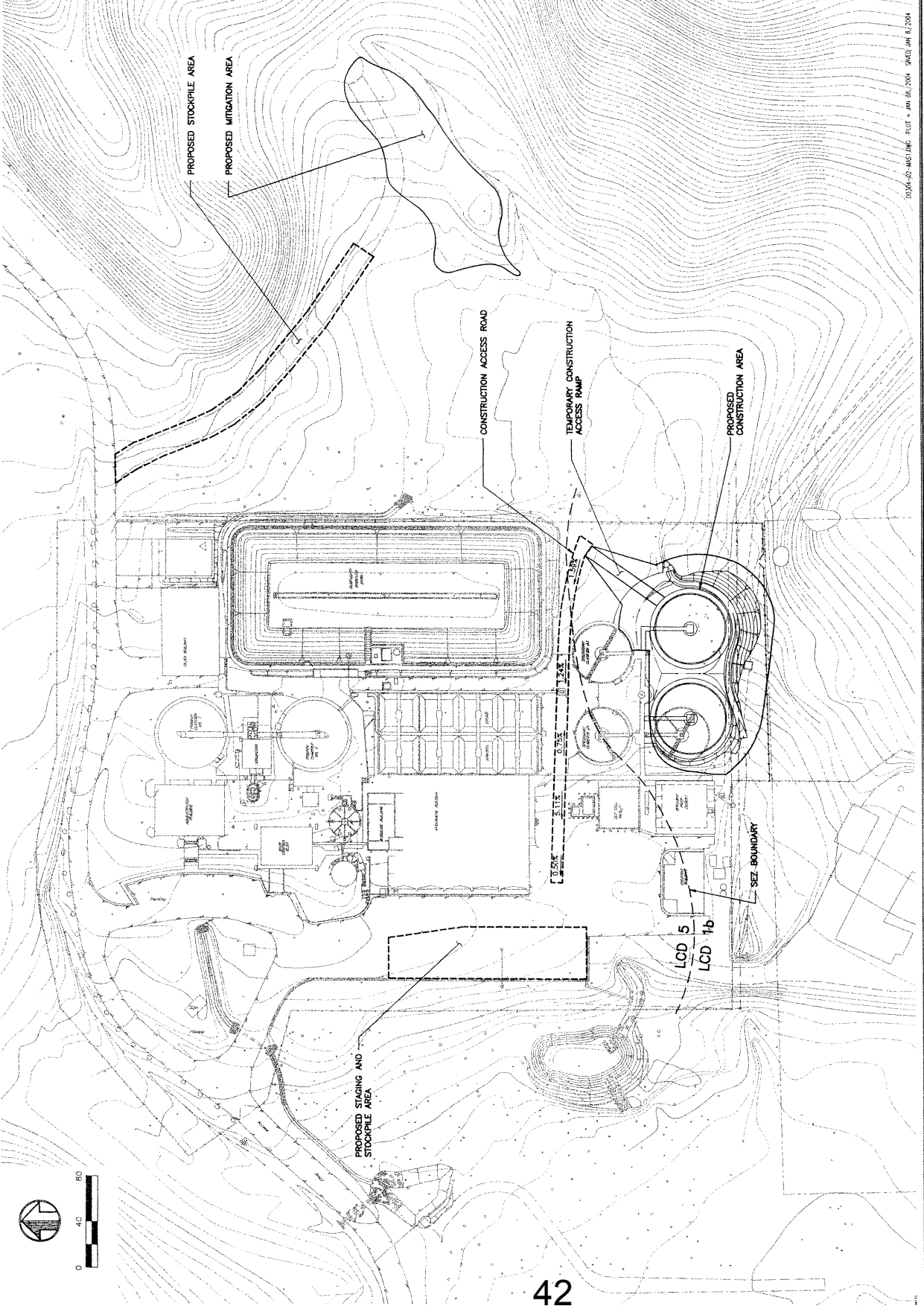
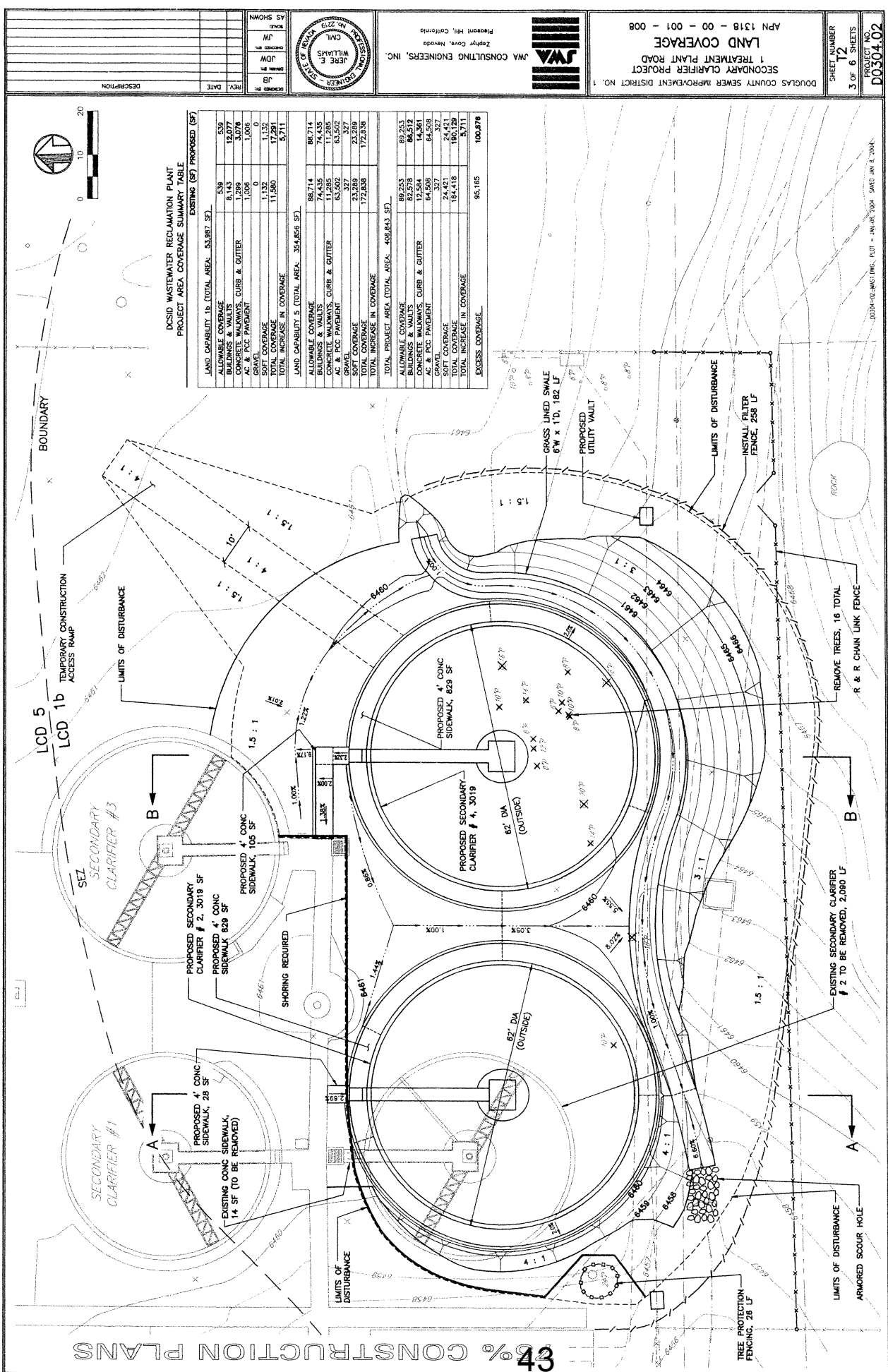
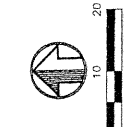


EXHIBIT **1**
 pg 2 of 3



DCSD WASTEWATER RECLAMATION PLANT
PROJECT AREA COVERAGE SUMMARY TABLE

EXISTING (SF)	PROPOSED (SF)
LAND CAPABILITY 1b (TOTAL AREA - 53,887 SF)	
ALLOWABLE COVERAGE	530
BALDWIN & VALTIS	8,143
CONCRETE WALKWAYS, CURB & GUTTER	12,959
AC & PCC PAVEMENT	1,006
GRAVEL COVERAGE	0
TOTAL COVERAGE	11,133
TOTAL INCREASE IN COVERAGE	11,960
LAND CAPABILITY 5 (TOTAL AREA - 354,858 SF)	
ALLOWABLE COVERAGE	88,714
BALDWIN & VALTIS	74,435
CONCRETE WALKWAYS, CURB & GUTTER	11,285
AC & PCC PAVEMENT	63,502
GRAVEL COVERAGE	2,327
TOTAL COVERAGE	172,838
TOTAL INCREASE IN COVERAGE	172,838
TOTAL PROJECT AREA (TOTAL AREA - 408,843 SF)	
ALLOWABLE COVERAGE	89,253
BALDWIN & VALTIS	82,578
CONCRETE WALKWAYS, CURB & GUTTER	12,584
AC & PCC PAVEMENT	64,508
GRAVEL COVERAGE	2,327
TOTAL COVERAGE	164,418
TOTAL INCREASE IN COVERAGE	5,711
EXCESS COVERAGE	95,165
	100,876



APN 1318 - 00 - 001 - 008
LAND COVERAGE
SECONDARY CLARIER PROJECT
1 TREATMENT PLANT ROAD
DOUGLAS COUNTY SEWER IMPROVEMENT DISTRICT NO. 1

Project Engineers, Inc.
Zephyr Corp., Nevada
Pleasant Hill, California

SHEET NUMBER
3 OF 6 SHEETS
PROJECT NO.
D0304-02

EXHIBIT 1
PA 3 of 3

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

TAHOE REGIONAL PLANNING AGENCY STAFF SUMMARY

Project Name: Upper Highlands New Water Tank

Application Type: Public Service Addition

Applicant: Tahoe City Public Utility District (TCPUD)

Applicant's Representative: Julie Basile, K.B. Foster Civil Engineering

Agency Planner: Kathy Canfield, Project Review Division

Location: North of the Highlands Subdivision, accessed from Cedarwood Drive, Placer County

Assessor's Parcel Number/File Number: APN 92-010-35 & 36, 92-250-25, 92-260-26, 92-270-38, 93-160-29, 32, 36, 58 & 64 / 20040365

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: TCPUD is proposing improvements to Highlands water service area. The improvements are to achieve the following results:

- Alleviate low water pressure to approximately 140 services in higher elevations served by the existing Highlands water tank, including the Tahoe Truckee Unified School District (TTUSD) school facilities on Polaris Road.
- Satisfy fire flow, storage and residual pressure requirements of the North Tahoe Fire Protection District (NTFPD) for the new TTUSD facilities. The NTFPD has established fire flow, storage and pressure requirements for the school based on the installation of fire sprinklers in the existing buildings and in any new buildings.
- Address water storage deficiencies in the Highlands sub-region.
- Improve seismic stability of the existing tank.

To achieve the above identified needs, the project proposes to construct the following:

- A new water tank will be installed approximately 3,500 lineal feet northwest of the termination of Cedarwood Drive on California Tahoe Conservancy (CTC) property. The water tank will be approximately 80 feet in diameter, 35 feet high and be able to contain approximately 1.2 million gallons of water.
- A new pipeline connecting the new water tank to the existing water system will be installed.
- A new booster pump station to deliver water to the proposed water tank. The booster pump station will be located on TCPUD property near the end of Cedarwood Drive. The booster

pump station will include new pressure reducing and control valves and will have a 200 gallon diesel fuel storage tank for emergency back-up.

- A new pipeline installed from the new booster pump station down Cedarwood Drive and then Heather Lane to connect to the existing pipeline in Polaris Road.

Site Description: The project area consists of ten parcels owned by either TCPUD or CTC. An existing water tank and an existing well house exist on the parcels, along with some dirt roadways. The project area land capability has been verified by TRPA as Classes 5 and 6. The parcels are forested.

Issues: The proposed project creates more than 3,000 square feet of land coverage, and is a special use for the plan area, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

- Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- Plan Area Statements: The new water tank is located within Plan Area 011 - Highlands and Plan Area 012 – North Tahoe High School. The Land Use Classification for 011 is Residential and for 012 the Land Use Classification is Recreation. The Management Strategy for both is Mitigation. Agency Staff has reviewed the subject plan areas and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (public utility centers) is listed as a special use for both Plan Areas.
- Land Coverage: The TRPA verified land capability classes for the project area are Class 5 and Class 6. The project area includes four parcels owned by TCPUD and 50 foot wide lineal easements across seven parcels owned by the California Tahoe Conservancy. The applicant has submitted a comprehensive land coverage table which documents a total of 48,705 square feet of newly created land coverage. This land coverage is within the base allowable land coverage for the project area. No transfers of land coverage to facilitate the project are required. As a condition of project approval, the applicant will be required to mitigate the newly created land coverage by submitting a water quality mitigation fee.
- Building Height: The applicant is proposing to construct two buildings within the project area. The booster pump station will be approximately 18 feet, 8 inches in height and is consistent with TRPA height requirements. The water tank is proposed to be approximately 35 feet in height. Additional height findings must be made to approve the water tank height. These findings are identified in Section F of this staff summary.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, 22 and 33 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Environmental Documentation:

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

- (1) Land Use: The proposed use (public utility center) is a special use for Plan Areas 011 and 012. The surrounding land uses include the North Tahoe High School and Middle School to the southwest, public forested land to the north and northeast, and a single family neighborhood to the south and southeast.
- (2) Transportation: It is not anticipated that the project will generate new additional daily vehicle trip ends. No offices for personnel will be constructed at this location.
- (3) Conservation: This project is not visible from a TRPA designated scenic bikeway, recreation area, roadway or shoreline unit. TRPA wildlife and historic/cultural maps do not indicate any items of interest in the immediate vicinity of the project area. There are no known special interest species, sensitive or uncommon plants, or cultural or historical resources within the project area.
- (4) Recreation: This project is not expected to affect recreation in the Lake Tahoe Region. The access road leading to the water tank will be gated so as to prohibit unauthorized vehicles from entering the area. There are some cross-country ski trails in the vicinity, however, the additional of the water tank and associated facilities is not expected to impact the existing trail system.
- (5) Public Service and Facilities: This project is a public service facility being proposed to address storage, water pressure and fire flow needs of the surrounding area. This project is not considered “additional” public service facility as defined by the TRPA Code of Ordinances. The project is being constructed to meet existing needs. The increased capacity for fire flow is to upgrade existing facilities which currently do not meet fire flow requirements.
- (6) Implementation: No allocations of development are associated with this project.

- b. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

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

(Refer to paragraph 1.b, above.)

2. Chapter 18 – Special Uses:

- a. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The project is being proposed to address water system deficiencies for the adjacent neighborhood uses. The water tank is being located at a higher elevation to allow for the water system to function to with a gravity system.

- b. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The proposed project is to provide for the health and safety of the surrounding properties by increasing water pressure and allowing for additional fire flow storage. The applicant will apply temporary erosion control during the course of construction and permanent erosion control devices and revegetation will occur after construction. All structures will be painted earthtone colors to blend with the natural backdrop.

An emergency generator is to be installed inside the booster pump station. It would operate only when electrical power is not available and when there is a need for fire suppression. The purpose of the generator is to provide for public safety.

- c. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project is a necessary for the adjacent land uses. The project is consistent with the applicable plan areas and is not located within a community, specific or master plan area.

3. Chapter 22 – Height:

- a. The function of the structure requires a greater maximum height than otherwise provided for in Chapter 22.

The height of the water tank is based on the sizing needed to handle the identified capacity of the tank.

- b. The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

The size of the tank is based on the needed capacity. To lower the height of the tank would increase the footprint of the tank which requires more grading and tree removal.

F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

- I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based on the staff summary, subject to the Standard Conditions of Approval listed in Attachment Q and the Special Conditions of Approval listed in the attached draft permit.

DRAFT

PERMIT

PROJECT DESCRIPTION: Upper Highlands Water Tank APN 92-010-35 et al

PERMITTEE(S): Tahoe City Public Utility District FILE # 20040365

COUNTY/LOCATION: Placer / North of the Highlands Subdivision, Cedarwood Drive

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on May 26, 2004, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on May 26, 2007 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS 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. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

TRPA Executive Director/Designee

Date

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

Signature of Permittee(s) _____

Date _____

APN 92-010-35
File No. 20040365

Onsite Water Quality Mitigation Fee: \$75,005.70 Paid _____ Receipt No. _____

Security Posted: \$* Paid _____ Receipt No. _____ Type: _____

Security Administrative Fee: \$** Paid _____ Receipt No. _____

*To be determined, see Special Condition 2.F, below.

**\$141 if cash security posted, \$73 if non-cash security posted, see Attachment J.

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

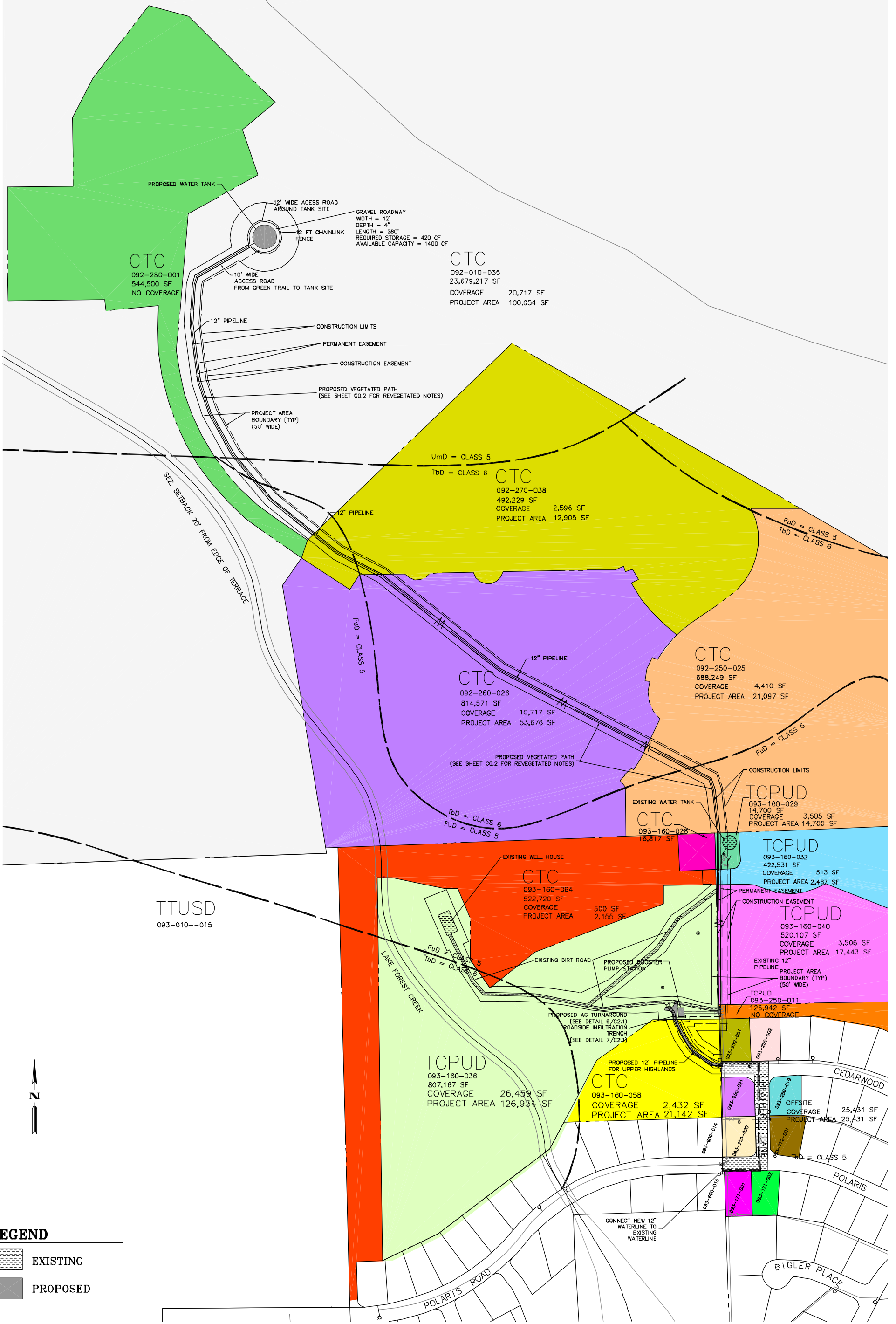
1. This permit is for the construction water system improvements on APN 92-010-35 & 36, 92-250-25, 92-260-26, 92-270-38, 93-160-29, 32, 36, 58 & 64. The approved project includes the following:
 - A new water tank will be installed approximately 3,500 lineal feet northwest of the termination of Cedarwood Drive on California Tahoe Conservancy (CTC) property. The water tank will be approximately 80 feet in diameter, 35 feet high and be able to contain approximately 1.2 million gallons of water.
 - A new pipeline connecting the new water tank to the existing water system will be installed.
 - A new booster pump station to deliver water to the proposed water tank. The booster pump station will be located on TCPUD property near the end of Cedarwood Drive. The booster pump station will include new pressure reducing and control valves and will have a 200 gallon diesel fuel storage tank for emergency back-up.
 - A new pipeline installed from the new booster pump station down Cedarwood Drive and then Heather Lane to connect to the existing pipeline in Polaris Road.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to TRPA final acknowledgement of the permit, the following special conditions of approval must be satisfied:
 - A. The Best Management Practices plan shall be revised to include the following:
 - (1) The location of proposed water bars and drywells for the newly created access driveway and for any existing driveways where existing infiltration facilities do not exist.
 - (2) Engineered calculations demonstrating that the proposed infiltration systems (trenches and drywells) are designed for the slope and soil type of the area and will capture and infiltrate a 20 year / 1 hour storm event.
 - (3) A section drawing of the proposed revegetated pathway.
 - (4) A detail of the proposed gated accessway.
 - B. The permittee shall submit evidence of recorded easements which permit the development to occur on the California Tahoe Conservancy (CTC) properties. Alternatively, written authorization for the project from the CTC may be submitted.
 - C. The permittee shall identify construction staging/storage areas. All staging and storage shall be confined to existing or proposed disturbed areas to the greatest extent feasible. Erosion control fencing shall surround the staging/storage areas.
 - D. A construction methodology plan shall be submitted for TRPA review and approval.
 - E. The permittee shall submit a detail of the proposed trenching excavation demonstrating that the total excavation will not exceed a five foot cut from natural grade
 - F. A detail of all permanent fencing proposed for the project shall be provided.
 - G. The permittee shall submit a Water Quality Mitigation fee of \$75,005.70. This fee is based on the creation of 48,705 square feet of land coverage assessed at \$1.54 per square foot.
 - H. The permittee shall submit a project security based on the cost and installation of all required Best Management Practices (BMPs) for the project area. The security shall be equal to 110% of the estimated cost. Please submit an estimate prepared by a qualified professional. Please see Attachment J, Security Procedures, to determine appropriate methods to post a security and for calculation of the required Security Administrative Fee.

- I. A spill prevention plan for the diesel tank which includes:
 1. Details of the tank construction (minimum double walled).
 2. Shut-off valve linked to an oil/water separator.
 3. A spill contingency plan consistent with the requirements of Section 81.5 of the TRPA Code of Ordinances (copy enclosed).
 - J. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
4. A construction schedule shall be submitted to TRPA for review and approval either prior to or at the TRPA pre-grade inspection. The schedule shall include documentation that the revegetation of the site will commence no later than 14 days after installation of the water tank.
 5. All new utilities within the project area shall be placed underground.
 6. By acceptance of this permit, the permittee acknowledges that adequate water rights exist for the increase in water utilized by this project.

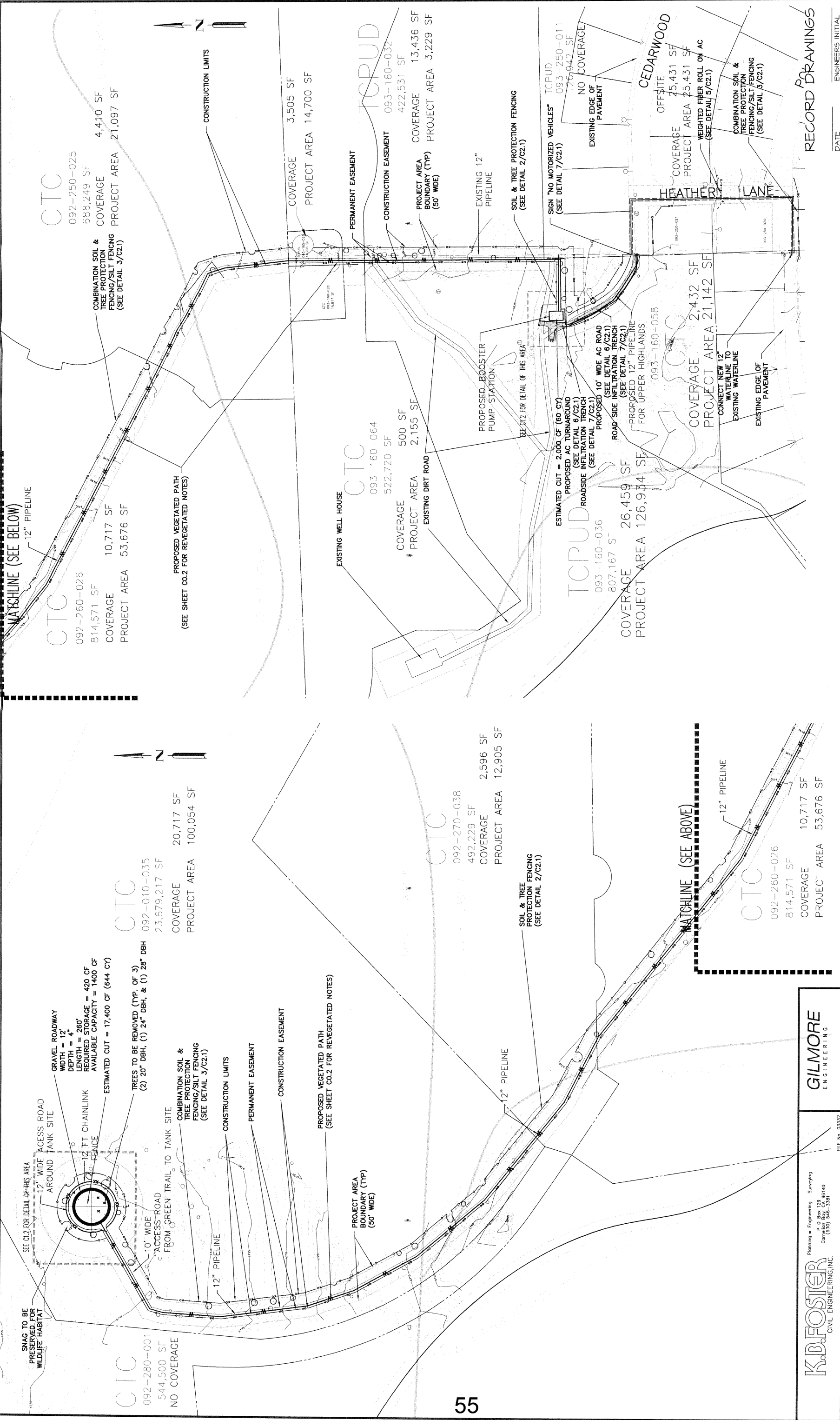
LAND CAPABILITY BOUNDARIES AS PER ORIGINAL BAILEY MAPS (TYP)

UmE = CLASS 3
UmD = CLASS 5



LEGEND

- EXISTING
- PROPOSED

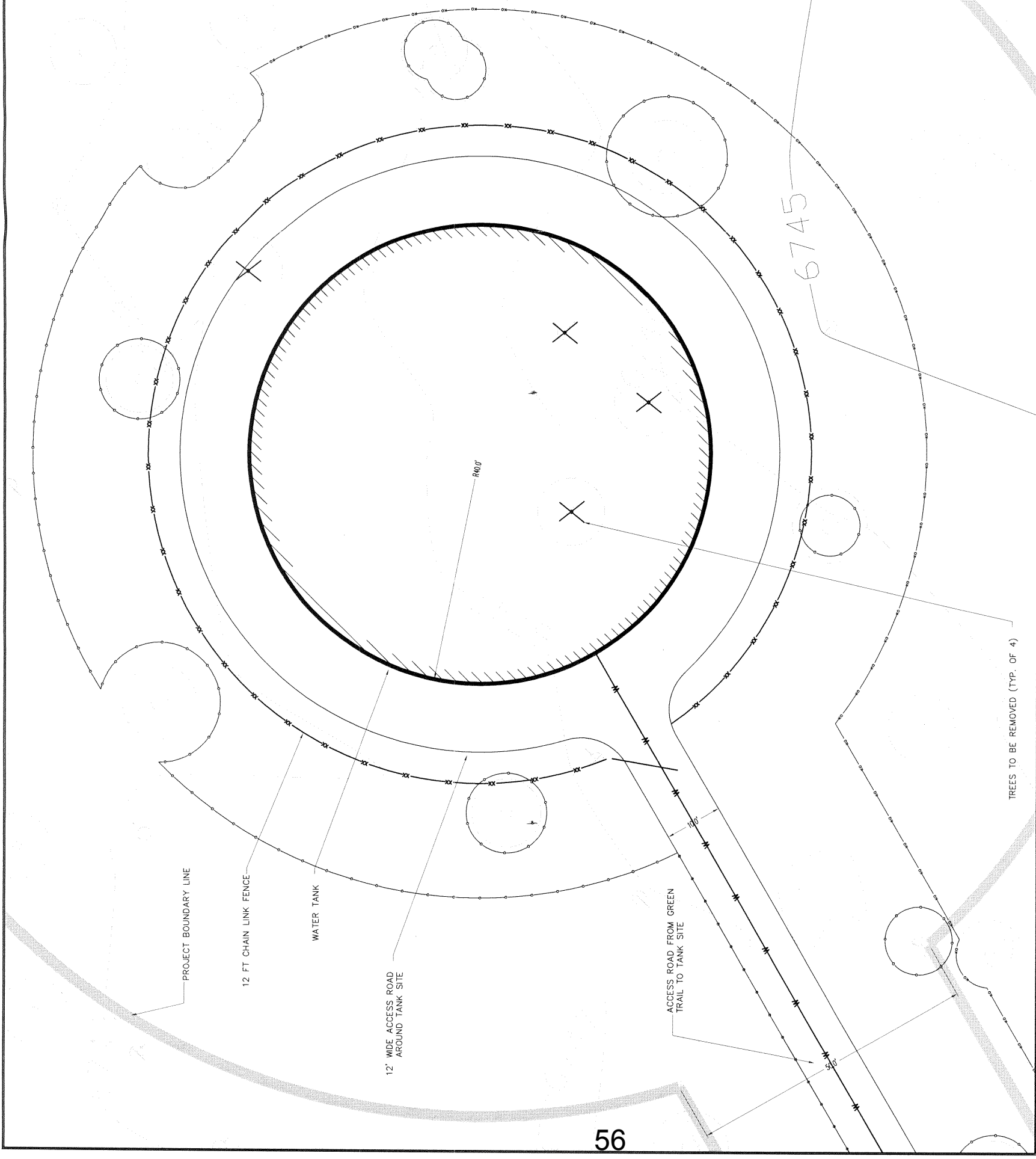
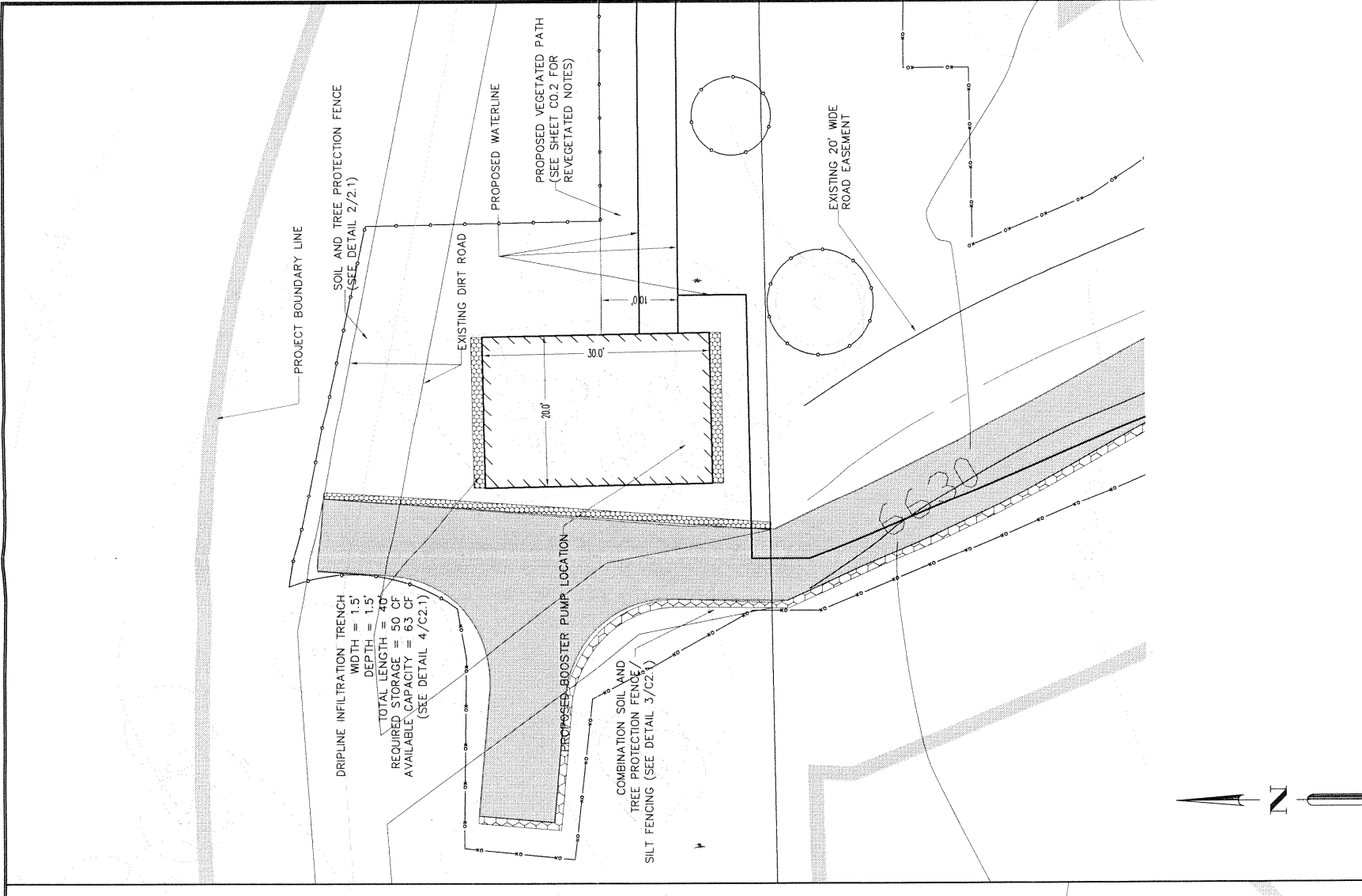


<p>TAHOE CITY PUBLIC UTILITY DISTRICT UPPER HIGHLANDS WATER TANK PROJECT</p>		<p>ENGINEERS INITIAL C1.1</p>
<p>CIVIL TANK/BPS PLAN - SITE PLAN</p>		<p>DATE 4-09-04</p>
<p>PREPARED FOR: TOPUD</p>		<p>SCALE VERTICAL: 1" = 10' HORIZONTAL: 1" = 100'</p>
<p>PROJECT NUMBER SA0160201</p>		<p>OF SHEETS 999</p>

NOTE
 BEYOND ENGINEERING
 1750 CREEKSIDE OAKS DR. SUITE 200,
 SACRAMENTO, CA 95833
 916.641.1500 TEL 916.641.9222 FAX
 WWW.NOTE.COM

<p>GILMORE ENGINEERING</p>	
<p>FILE NO. 03332</p>	
<p>DATE: 03/10/04 TIME: 10:01 a.m.</p>	<p>NO. BY DATE REVISIONS:</p>
<p>SERVER: 9990 SERVICE: PROJECT</p>	<p>NO. BY DATE REVISIONS:</p>
<p>PATH: _____</p>	<p>NO. BY DATE REVISIONS:</p>
<p>DRAWING NAME: _____</p>	<p>NO. BY DATE REVISIONS:</p>
<p>PLOTTING VIEW: NONE</p>	<p>NO. BY DATE REVISIONS:</p>
<p>DESIGNER: JMA PROJ. MGR: JMA</p>	<p>NO. BY DATE REVISIONS:</p>

CAUTION: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.



RECORD DRAWINGS

DATE _____ ENGINEERS INITIAL _____

SHEET NUMBER C1.2 OF 999 SHEETS

SCALE VERTICAL: 1" = 10' HORIZONTAL: 1" = 10'

JOB NUMBER SA0160201

TAHOE CITY PUBLIC UTILITY DISTRICT
UPPER HIGHLANDS WATER TANK PROJECT
CIVIL

TANK/BPS PLAN - SITE PLAN

DATE: 4-09-04

PREPARED FOR: TOPUD

NOTICE

BEYOND ENGINEERING

SACRAMENTO, CA 95833
WWW.NOLTE.COM

1750 CREEKSIDE OAKS DR. SUITE 200,
916.641.1500 TEL. 916.641.9222 FAX

GILMORE ENGINEERING

FILE No. 03332

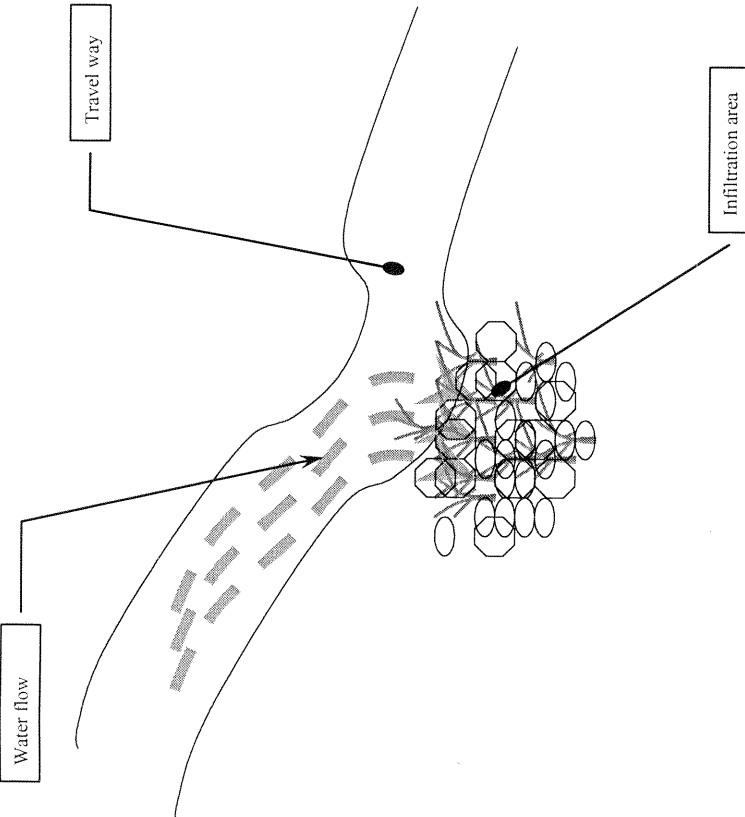
NO. BY DATE REVISIONS:

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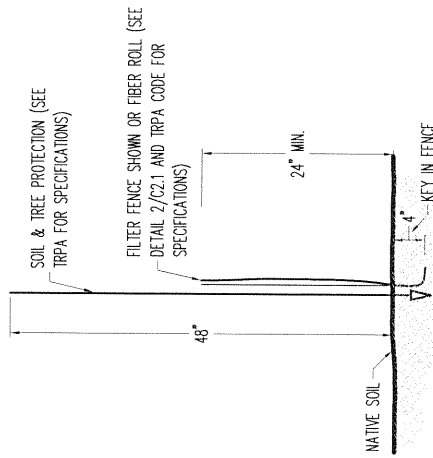
K.D. FOSTER Planning • Engineering • Surveying
P.O. Box 139
Creston Box, CA 95140
(530) 544-3381

CIVIL ENGINEERING, INC.

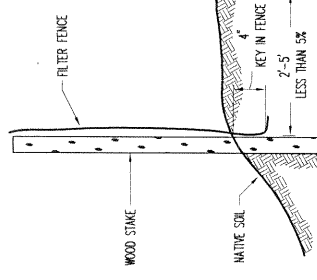
CAUTION: The engineer preparing these plans will not be responsible for or liable for unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.



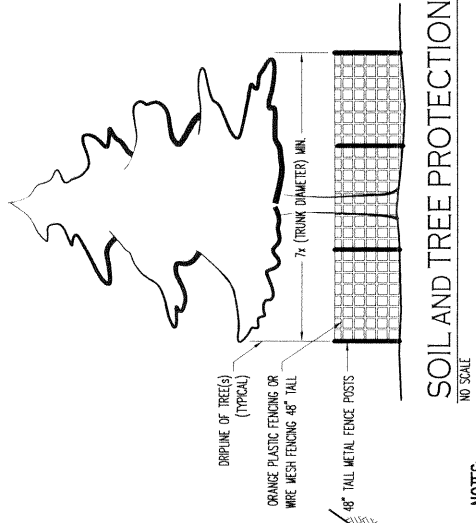
1 SWALE INFILTRATION DETAIL



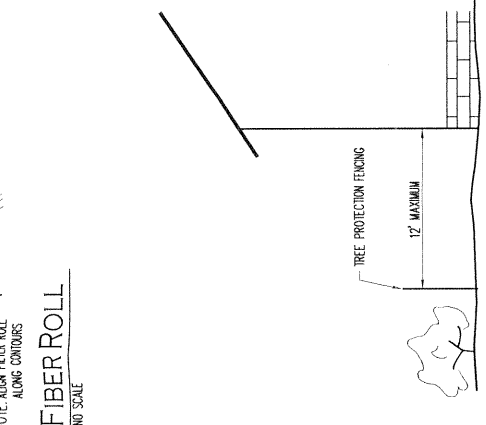
3 TEMPORARY COMBINATION SOIL & TREE PROTECTION/ FILTER FENCE



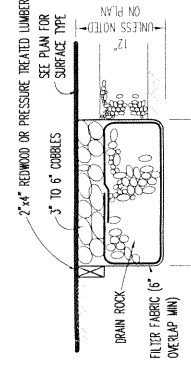
4 DRIPLINE INFILTRATION TRENCH



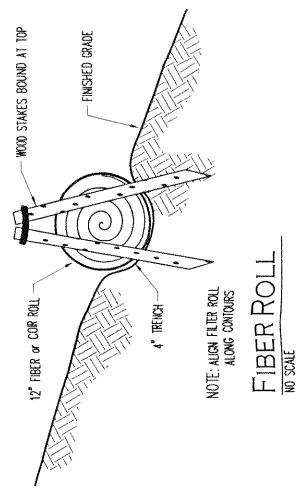
5 WEIGHTED FIBER ROLL ON AC



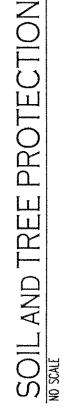
6 PAVEMENT DETAIL 'A'



7 INFILTRATION TRENCH



FIBER ROLL



SOIL AND TREE PROTECTION

- NOTES:**
1. PLACING ANY MATERIAL - TEMPORARY OR OTHERWISE - WITHIN PROTECTIVE FENCING OR ENTERING PROTECTION AREAS MAY RESULT IN UP TO A \$5,000 PENALTY PER VIOLATION PER DAY. (SECT. 65.211 AND J)
 2. THESE CONDITIONS ARE PART OF ALL PROJECTS AS CONDITIONS OF ATTACHMENTS R. S, AND Q.
 3. METAL OR WIRE MESH FENCING MAY BE REQUIRED.
 4. EQUIPMENT (BACKHOES, EXCAVATORS, ROLLERS, ETC.) ARE PROHIBITED WITHIN SOIL & TREE PROTECTION FENCE. ANY WORK REQUIRED WITHIN SOIL & TREE PROTECTION FENCE SHALL BE PERFORMED BY HAND (SHOVELS, SHOVELS, ETC.) IF IT IS NECESSARY TO CUT ANY ROOTS, THEY SHALL BE CLEAN CUT (NOT BROKEN) AND TREE SEQUENT APPLIED.
 5. SOIL FENCING IS ONLY TO BE USED ON SLOPES LESS THAN 3% FOR SLOPES GREATER THAN 3% USE FIBER ROLL

TRPA - SOIL & VEGETATION PROTECTION DETAILS

TRPA PROTECTION NOTES

1. Fencing specified shall be at least 48 inches high and shall be constructed of metal posts and either orange construction fencing or metal mesh fencing also at least 48 inches high (section 65.21.3 and 65.21.3). Job sites with violations of the fencing standards will be required to re-fence the job site with a high gauge metal fencing.
2. No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA. Fences shall not be moved without prior approval (Section 65.21.2 and 65.21.2).
3. To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance areas shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. The approved plans should show the fencing and approved exceptions (Section 30.14.A).

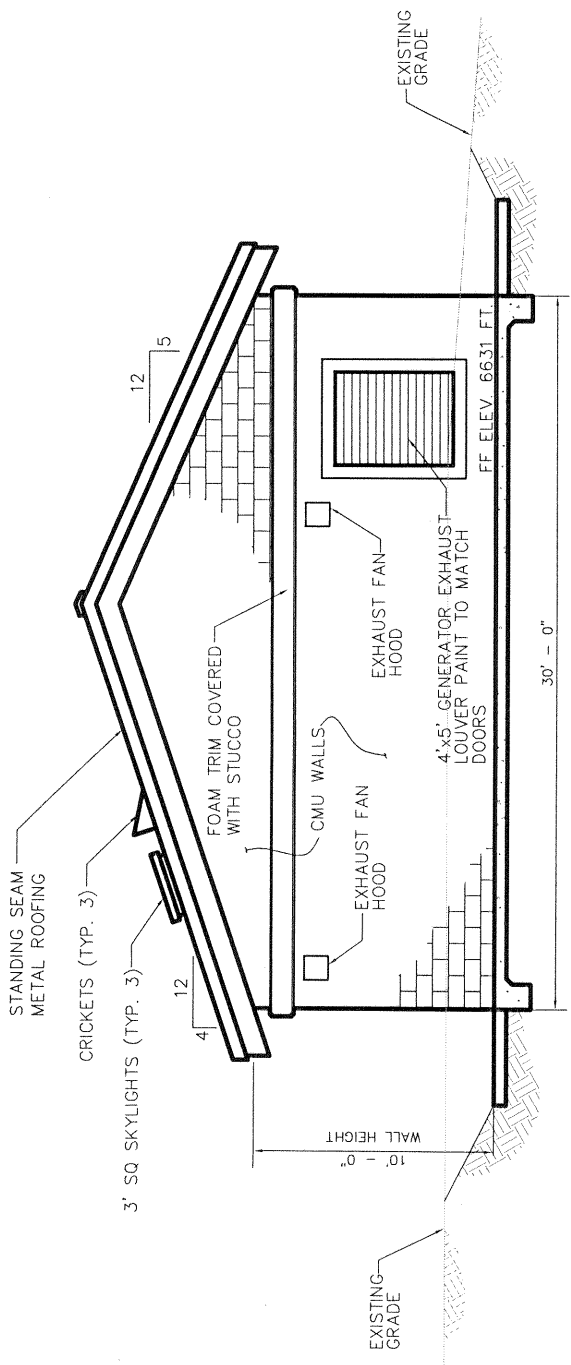
K.D.FOSTER CIVIL ENGINEERING, INC.
 Planning - Engineering - Surveying
 P. O. Box 128
 Corcoran, CA 98140
 (360) 548-3381

BEYOND ENGINEERING
 1750 CREEKSIDE OAKS DR. SUITE 200,
 SACRAMENTO, CA 95833
 916.641.1500 TEL 916.641.9222 FAX
 WWW.NOIIE.COM

NOTICE

TAHOE CITY PUBLIC UTILITY DISTRICT
 UPPER HIGHLANDS WATER TANK PROJECT
 CIVIL
 TANK/BPS PLAN - DETAIL SHEET

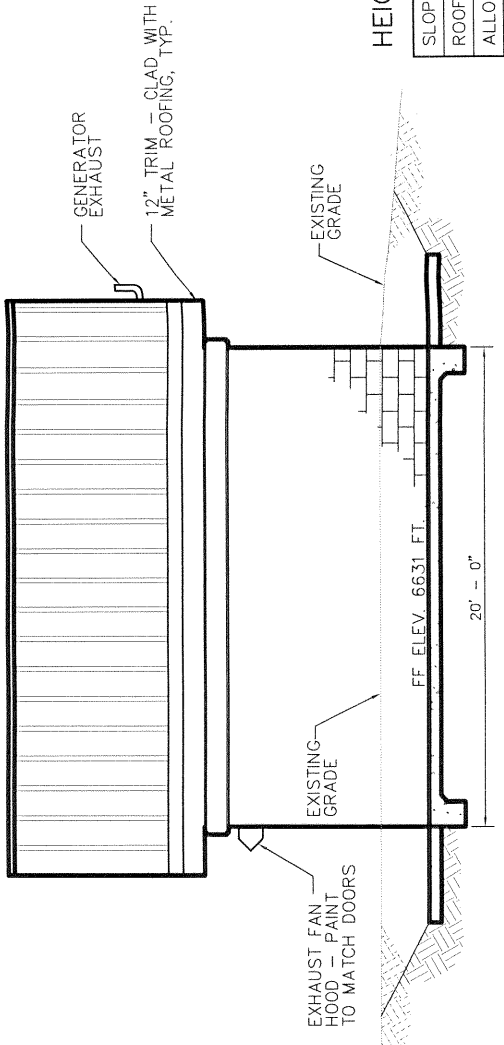
RECORD DRAWINGS -
 DATE _____ ENGINEERS' INITIAL _____
 SHEET NUMBER C2.1
 OF 999 SHEETS
 SCALE
 VERTICAL: 1" = 10'
 HORIZONTAL: 1" = 100'
 JOB NUMBER SA0160201
 DATE : 4-09-04



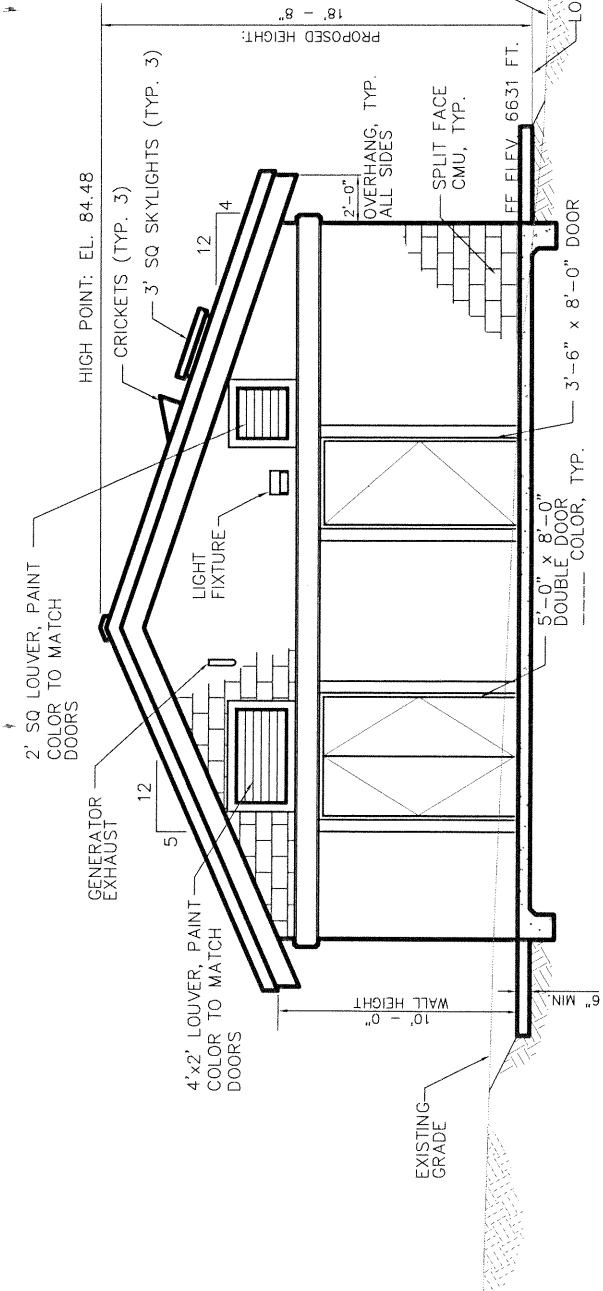
EAST ELEVATION
SCALE: 1/4" = 1'-0"

HEIGHT CALCULATIONS

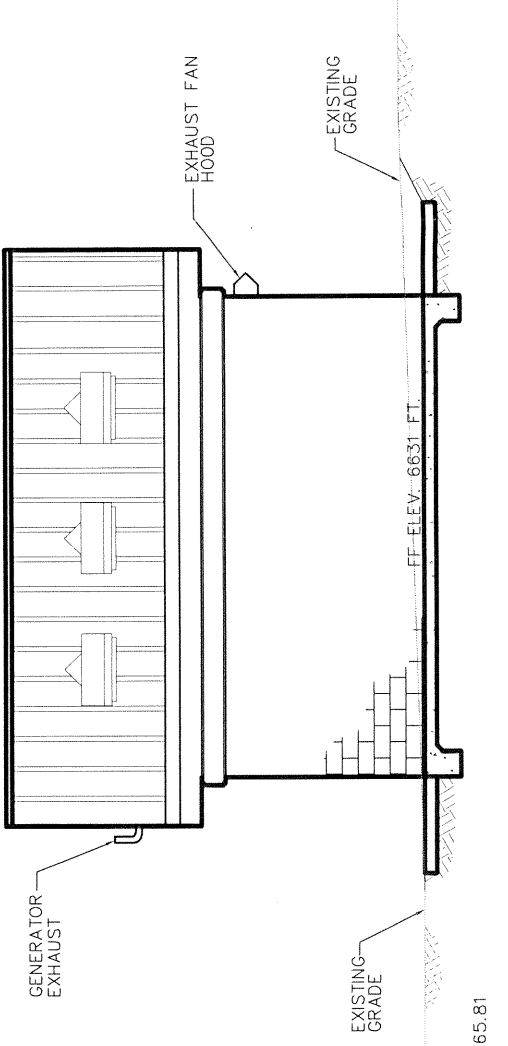
SLOPE ACROSS SITE	2%
ROOF PITCH	5:12
ALLOWABLE HEIGHT	30' - 6"
PROPOSED HEIGHT	18' - 8"



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



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



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

- GENERAL NOTES:
1. BARGE RAFTERS - CLAD WITH METAL ROOFING FOR FIRE PROTECTION, SAME COLOR AS ROOF.

K.D. FOSTER
CIVIL ENGINEERING, INC.

GILMORE
ENGINEERING

DATE: 04/20/04	TIME: 2:49 p.m.
SHEET NUMBER: 999	FIG. 1
SERVER: \\s020\backslashBec\KDFoster_4-12-04	OF SHEETS: 999
PATH: \\s020\back\Bec\KDFoster_4-12-04	SCALE: VERTICAL: 1" = 1'-0"
DRAWING NAME: ELEVATION	HORIZONTAL: 1" = 1'-0"
PLOTTING VIEW: NONE	
DESIGNER: JDL	PROJ. MGR: JWA

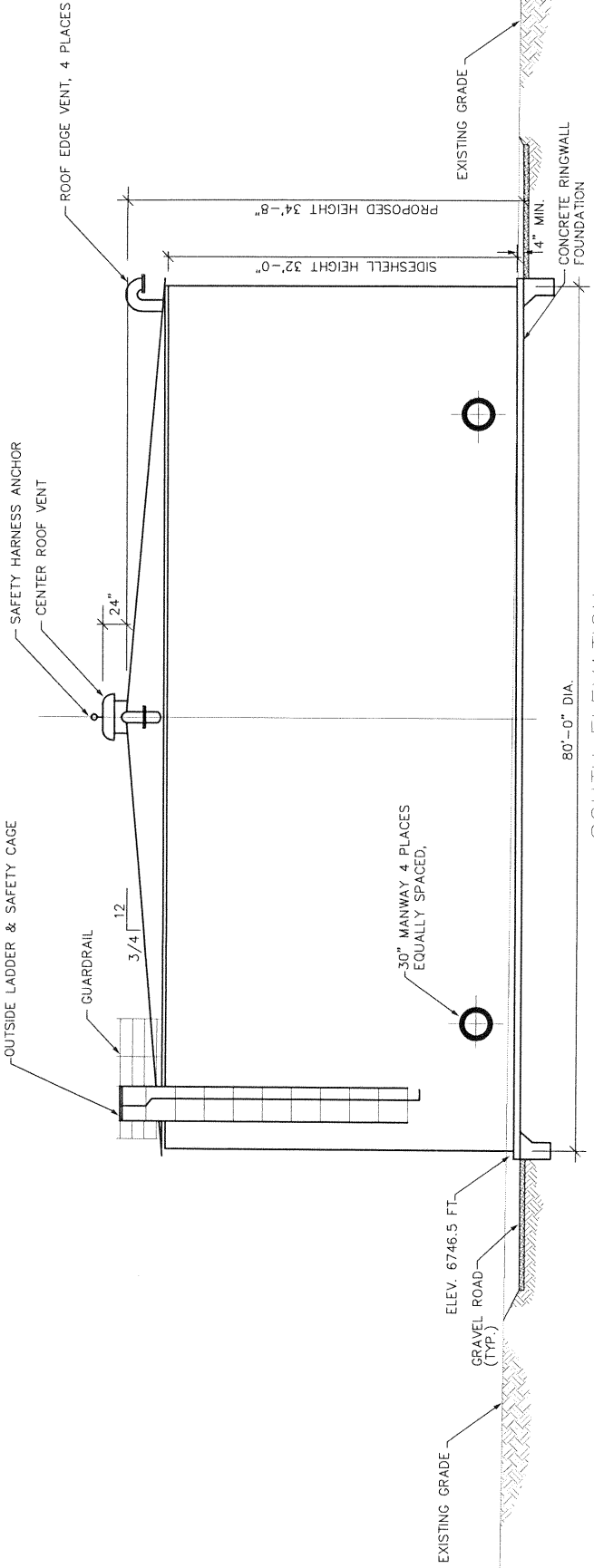
NO.	BY	DATE	REVISIONS

CAUTION: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

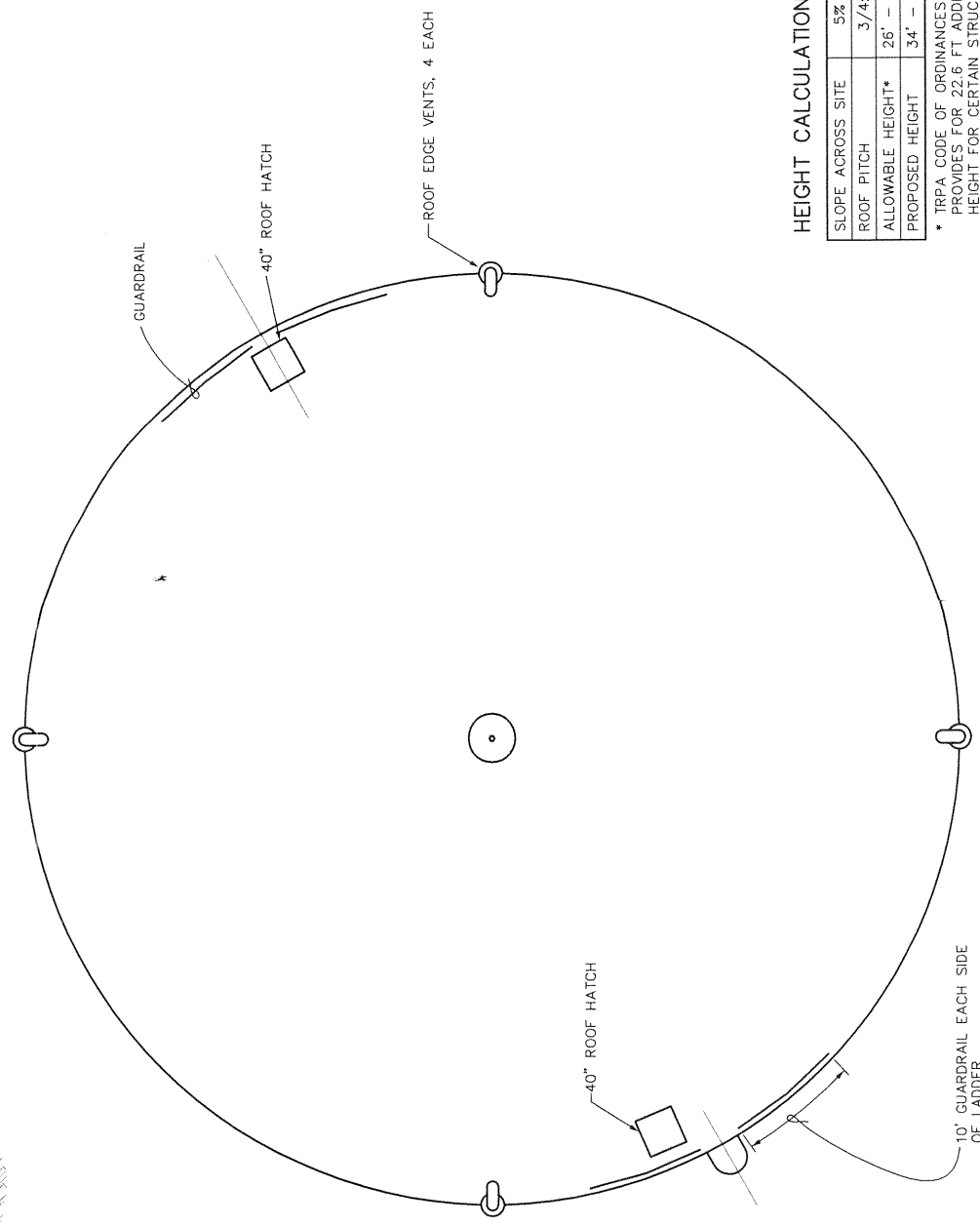
NOTE
BEYOND ENGINEERING
1750 CREEKSIDE OAKS DR. SUITE 200, SACRAMENTO, CA. 95833
916.641.1500 TEL. 916.641.9222 FAX. WWW.NOLTE.COM

TAHOE CITY PUBLIC UTILITIES DISTRICT
UPPER HIGHLANDS WATER TANK PROJECT
STRUCTURAL
UPPER HIGHLANDS PUMP STATION - ELEVATIONS
DATE: 4-09-04
PREPARED FOR: TCPUD

SHEET NUMBER: 999
FIG. 1
OF SHEETS: 999
SCALE: VERTICAL: 1" = 1'-0"
HORIZONTAL: 1" = 1'-0"
JOB NUMBER: SA0160201



SOUTH ELEVATION
SCALE: 3/16"=1'-0"



PLAN
SCALE: 3/16"=1'-0"

HEIGHT CALCULATIONS

SLOPE ACROSS SITE	5%
ROOF PITCH	3/4:12
ALLOWABLE HEIGHT*	26' - 0"
PROPOSED HEIGHT	34' - 8"

* TRPA CODE OF ORDINANCES PROVIDES FOR 22.6 FT ADDITIONAL HEIGHT FOR CERTAIN STRUCTURES

NOTE

B E Y O N D E N G I N E E R I N G
1750 CREEKSIDE OAKS DR. SUITE 200,
916.641.1500 TEL 916.641.9222 FAX
WWW.NOTE.COM
SACRAMENTO, CA 95833

GILMORE
ENGINEERING

K.D.FOSTER
CIVIL ENGINEERING, INC.
Planning • Engineering Surveying
P O Box 129
Corcoran, CA 95310
(530) 546-3381

DATE: 03/18/04	TIME: 4:27 p.m.	NO.	BY	DATE	REVISIONS:
SERVER: S:\S00	SERVICE: PROJECT				
PATH: N:\S\015620\666A\TRPA\					
DRAWING NAME: EDC2.DWG					
PLOTTING VIEW: NONE					
DESIGNER: GILMORE PROJ. MGR: WMA					

CAUTION: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

TAHOE CITY PUBLIC UTILITIES DISTRICT
UPPER HIGHLANDS WATER TANK PROJECT

MECHANICAL
UPPER HIGHLANDS TANK - PLAN & ELEVATION

PREPARED FOR: TCPUD
DATE: 4-09-04

SHEET NUMBER
FIG 2
OF
999 SHEETS
SCALE
VERTICAL: T=N/A
HORIZONTAL: T=N/A
JOB NUMBER
SA0160201

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, NV 89449-5310

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

May 12, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action, Harvey's Tahoe Management Company, Inc., dba Harvey's Resort Hotel & Casino, Unauthorized Grading and Tree Removal, 18 Highway 50, Stateline, Nevada, APN 07-140-10

Alleged Violation Type: Unauthorized grading and tree removal

Responsible Party: Harvey's Tahoe Management Company, Inc., dba Harvey's Resort Hotel & Casino (Harvey's)

Responsible Party's Representative: Don Marrantino, Senior Vice President/ General Manager, Vernon Nelson, esq., Gary Midkiff, Midkiff and Associates, and Lewis Feldman, esq.

Location: The rear parking area of Harvey's Casino located at 18 Highway 50, Stateline, Douglas County, Nevada, Assessor's Parcel Number 07-140-10 (the "Property")

Agency Staff: Sloan Gordon, Associate Environmental Specialist; Jordan Kahn, Assistant Agency Counsel

Staff Recommendation: This matter came to legal committee last month and was continued because committee members felt the penalty was not commensurate with the gravity of the violation. Staff is recommending that the Governing Board accept the renegotiated Settlement Agreement, in which Harvey's pays a penalty of \$65,000 to TRPA and implements a TRPA-approved restoration/landscaping plan.

Alleged Violation Description: Harvey's removed approximately 42,000 square feet of pavement and re-contoured approximately 4,000 cubic yards of soil to create a landscape area on the Property. Nine live Jeffery pine trees having a diameter-at-breast-height (dbh) greater than six inches were removed from the Property. TRPA neither reviewed nor approved an application for grading and tree removal on the Property. The unauthorized grading and tree removal were undertaken by Harvey's staff.

Proposed Settlement: TRPA staff recommends that the Governing Board approve the proposed Settlement Agreement (Exhibit A) through which the parties agree as follows:

1. Harvey's shall, within 30 days of Governing Board approval, pay a penalty of \$65,000 to TRPA. From this penalty, TRPA shall allocate \$30,000 to the Coordinated Transit System ("CTS") over and above any other obligation to CTS and \$10,000 to the TRPA Environmental Education Fund.
2. Harvey's shall restore the Property pursuant to a TRPA-approved restoration/ landscaping plan ("Plan"). The Plan, already submitted to TRPA for approval, includes the planting of

replacement trees on the Property. Harvey's shall implement the Plan by August 1, 2004, or within 60 days of receiving TRPA Plan approval, whichever occurs later.

3. If Harvey's fails to comply with each and every action required by this Settlement Agreement, Harvey's confesses to judgment against it and in favor of TRPA in the amount of \$130,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. Harvey's also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$130,000.
4. TRPA shall release Harvey's of all claims arising out of the actions described in this Settlement Agreement.

Following is a statement of the facts supporting the determination of a violation: In October 2003, Tahoe Regional Planning Agency (TRPA) staff received information from Harvey's that it had commenced asphalt removal and grading without TRPA authorization. In response, TRPA staff inspected the Property. Staff observed that substantial grading and fill activities had recently occurred on the Property. Approximately 42,000 square feet of pavement had been removed and approximately 4,000 cubic yards of soil had been re-contoured to create a landscape area on the Property. Based on evidence provided by Harvey's in January 2004, TRPA determined that nine live Jeffery pine trees having a dbh greater than six inches had been removed from the Property. TRPA neither reviewed nor approved an application for grading and tree removal on the Property, which activities are in violation of the TRPA Code of Ordinances. Harvey's staff was responsible for the unauthorized grading and tree removal.

TRPA Code Ordinance Violated: The above activity resulted in violation of the TRPA Code of Ordinances, Chapter 4 Project Review and Exempt Activities- Section 4.2.A.4 Excavation Limits; Chapter 71 Tree Removal- Section 71.3 General Standards.

The Tahoe Regional Planning Compact Article VI (k) Compliance provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations.

Article VI of the Compact States:

Any person who violates any ordinance or regulation of the Agency is subject to a civil penalty not to exceed \$5,000 and an additional civil penalty not to exceed \$5,000 per day, for each day on which a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

Violation Resolution: TRPA staff recommends the proposed settlement as an appropriate resolution of this matter, which is consistent with past settlements. Harvey's has submitted a restoration/ landscape plan that mitigates the unauthorized tree removal with a 7:1 replacement ratio. The penalty amount considers that some of the removed trees and much of the grading/ landscaping undertaken by Harvey's could have been approved by TRPA. Harvey's has agreed to the proposed settlement terms to resolve the alleged violation. This agreement is not binding upon the TRPA Governing Board.

This matter came to legal committee last month and was continued because committee members felt the penalty was not commensurate with the gravity of the violation. The previous proposal involved a \$45,000 settlement, of which \$25,000 was a penalty. In response, TRPA is now proposing a \$65,000 settlement, all of which is being treated as a penalty. The legal committee expressed a desire to question Harvey's staff about the circumstances resulting in

the violation. The Harvey's General Manager will be present at this months legal committee meeting to provide any information.

Required Actions: Agency staff recommends that the Governing Board resolve the alleged violation by making a motion based on this staff summary and the evidence contained in the record to ratify the proposed Settlement Agreement, attached.

If there are any questions about this Agenda Item, please contact Sloan Gordon, Associate Environmental Specialist, at (775) 588-4547, ext. 314.

Attachment: Harvey's Settlement Agreement (Exhibit A)

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, NV 89449-5310

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

EXHIBIT A

SETTLEMENT AGREEMENT

This Settlement Agreement is made by and between Harvey's Tahoe Management Co. Inc. dba Harvey's Resort Hotel and Casino ("Harvey's") and the Tahoe Regional Planning Agency ("TRPA").

This Settlement Agreement represents full and complete compromise and settlement of the certain violations alleged by TRPA, as described below:

In October 2003, Tahoe Regional Planning Agency staff received information from Harvey's that it had commenced asphalt removal and grading without TRPA authorization. In response, TRPA staff inspected the rear parking area of Harvey's Casino located at 18 Highway 50, Stateline, Nevada, having Assessor's Parcel Number 07-140-10 (the "Property"). Staff observed that substantial grading and fill activities had recently occurred on the Property. Approximately 42,000 square feet of pavement had been removed and approximately 4,000 cubic yards of soil had been re-contoured to create a landscape area on the Property. Based on evidence provided by Harvey's in January 2004, TRPA determined that nine live Jeffery pine trees having a diameter-at-breast height greater than six inches had been removed from the Property. TRPA neither reviewed nor approved an application for grading and tree removal on the Property, which activities are in violation of the TRPA Code of Ordinances. Harvey's staff was responsible for the unauthorized grading and tree removal.

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

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

1. Harvey's shall within 30 days of Governing Board approval pay a penalty of \$65,000 to TRPA. From this penalty, TRPA shall allocate \$30,000 to the Coordinated Transit System ("CTS") over and above any other obligation to CTS and \$10,000 to the TRPA Environmental Education Fund.
2. Harvey's shall restore the Property pursuant to a TRPA-approved restoration/landscaping plan ("Plan"). The Plan, already submitted to TRPA for approval, includes the planting of replacement trees on the Property. Harvey's shall implement the Plan by August 1, 2004, or within 60 days of receiving TRPA Plan approval, whichever occurs later.
3. If Harvey's fails to comply with each and every action required by this Settlement Agreement, Harvey's confesses to judgment against it and in favor of TRPA in the amount of \$130,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. Harvey's also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$130,000.

4. TRPA shall release Harvey's of all claims arising out of the actions described in this Settlement Agreement.

Harvey's has read this Settlement Agreement and understands all of its terms. Harvey's has executed this Settlement Agreement voluntarily and with full knowledge of its significance. Harvey's has been offered the opportunity to review the terms of this Settlement Agreement with an attorney prior to executing the same.

Harvey's acknowledges TRPA's contention that the above-described activities constitute a violation of TRPA regulations. Harvey's agrees to comply with all applicable TRPA requirements in the future.

Signed:

Don Marrantino
Senior Vice President/ General Manager
Harvey's Tahoe Management Co. Inc.
dba Harvey's Resort Hotel and Casino

Date

John Singlaub, Executive Director
Tahoe Regional Planning Agency

Date

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O.Box 5310
Stateline, NV 89449-5310

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

To: TRPA Governing Board

From: TRPA Staff

Date: May 10, 2004

Re: Authorization for prosecution of litigation against Charles & Cynthia Bluth/Bluth Trust and Charles Manchester/ F & B Inc. for unauthorized backshore disturbance, grading, land coverage creation, tree removal and violations of TRPA Cease and Desist Orders, 1730 Highway 50, Logan Shoals, Douglas County, Nevada, APN 1318-10-411-002

Proposed Action: Authorize staff to prosecute litigation against Charles & Cynthia Bluth/Bluth Trust and Charles Manchester/ F & B Inc. for civil penalties and injunctive relief for violating the Tahoe Regional Planning Compact, the TRPA Code of Ordinances, and TRPA Cease and Desist Orders.

Discussion: Bluth in April 2002 received a TRPA permit to construct a Single Family Residence on the above-referenced property. TRPA staff inspected the site on August 22, 2003, and observed ongoing construction activities in excess of that authorized by the TRPA permit. The backshore area was recountoured (existing vegetation was also removed) with hundreds of cubic yards of fill to create a raised, flat terrace area, a large boulder retaining wall and a small pond/ waterfall. Approximately 700 sq. ft. of backshore area was disturbed as a result. Bluth subsequently (and without authorization) removed some of this fill, but most of it remains.

The Bluth residence was rotated and constructed lakeward of the location depicted on the TRPA-approved plans. As a result, the structure encroaches over the TRPA-delineated backshore boundary. Approximately 65 sq. ft. of the actual residence and 427 square feet of the decks and patio impermissibly extend into the backshore. The residence was also constructed 10 feet closer to a 50-inch d.b.h. pine tree than shown on the TRPA-approved plans, subjecting the tree to undue stress. Another tree identified for retention was removed. Both of these trees provided screening of the residence from Lake Tahoe.

The TRPA permit for the Bluth residence did not authorize any landscaping; Bluth was required to first submit a proposed landscaping plan for review and approval. The August 22, 2003, site inspection revealed extensive landscaping activities in violation of the TRPA permit. The landscaping included the installation of a large waterfall, large pond and creek, as well as a pumphouse and other man-made structures all on sensitive lands. In all, almost three thousand square feet of coverage was created and hundreds of cubic yards of earth material were graded without authorization. Other violations include a driveway that was constructed in deviation from the approved plans and hundreds of cubic yards that were graded without authorization on an adjacent parcel owned by Bluth.

Charles "Flipper" Manchester/ F & B Inc. is the contractor who undertook the backshore disturbance and grading activities for Bluth. Manchester was responsible for three other violations of TRPA permits/ regulations resolved by the TRPA Governing Board since 2001 (involving, *inter alia*, backshore disturbance and grading). Most recently, in February 2003, Manchester paid TRPA a \$30,000 penalty for grading to create a terrace without authorization.

Staff on August 22 and September 10, 2003, issued Cease and Desist Orders requiring Bluth to cease all construction other than those expressly authorized by TRPA. Staff then commenced negotiations with Bluth and his consultant to bring the property into compliance with TRPA regulations. Negotiations with Bluth and his representative were unsuccessful. On April 21, 2004, TRPA staff observed tree planting and grading in violation of the Cease and Desist Orders and specific Agency directives. Staff now seeks authority from the Legal Committee and Governing Board to prosecute litigation against Charles & Cynthia Bluth/Bluth Trust and Charles Manchester/ F & B Inc.

The litigation will be in place of an administrative Show Cause Hearing. Pursuant to Rule 9.1(b) of the TRPA Rules of Procedure ("Rules"), the TRPA Governing Board must consent to such action.

Staff Recommendation: Staff recommends that the Governing Board authorize staff to prosecute litigation against Charles & Cynthia Bluth/ Bluth Trust and Charles Manchester/ F & B Inc., therefore bypassing the Show Cause Hearing process set forth in Article IX of the TRPA Rules.

If you have any questions concerning this agenda item, please contact Agency Counsel John L. Marshall at (775) 588-4547, Extension 226, or via e-mail at: jmarshall@trpa.org.

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

Memorandum

May 14, 2004

To: Governing Board
From: TRPA Staff
Subject: Amendments to TRPA Filing Fee Schedule

Proposed Actions: Staff proposes the following actions:

Amend the TRPA Application Filing Fee Schedule to:

1. Increase the application filing fee for "Shoreland Scenic Assessment" applications to recover actual costs for "baseline" assessments,
2. Apply the Shoreland Scenic Assessment application fee to all new development and development modification projects in the Shoreland to recover costs associated with this review (when applicable), and
3. Add a flat-rate "information technology surcharge" to the application filing fee schedule to recover costs related to information management and filing tracking.

Staff Recommendation: Staff recommends that the Governing Board approve the TRPA Filing Fee Schedule modifications described in this memorandum by adopting the attached resolution.

Discussion:

1. Increase Shoreland Scenic Assessment Application Fee. This application fee is currently being charged to applicants seeking a "baseline" scenic assessment score for properties that may be subject to future development. Staff proposes to increase the Shoreland Scenic Assessment application fee from \$206 to \$309 for standard projects, and "actual cost" for large or complex projects (such as a multi-building lakefront condominium development that requires more than one calculation per building or improvement).

TRPA implemented the new Shoreland Scenic Assessment program in 2003 to assess and regulate new development in the Shoreland for compliance with TRPA thresholds. The current application fee was developed to cover estimated costs of review for this application type. Through experience, however, staff has discovered that true costs average \$309 per application. True costs were calculated using time/resource surveys for 16 Scenic Shoreland Assessment applications.

Staff estimates that between 60 and 90 baseline Shoreland Scenic Assessment applications could be submitted during the next year. The proposed fee change may, therefore, generate between \$6,180 and \$9,270 in additional cost recovery revenue per

year for standard projects and about \$2,500 per year for large or complex projects (which will be subject to actual cost recovery).

2. Apply the Shoreland Scenic Assessment application fee to all new development and development modification projects in the Shoreland. TRPA is not currently recovering costs associated with the review of development projects in the Shoreland against the new Scenic Shoreland Assessment program, although this review is now required in the TRPA Ordinances. Through experience, staff has determined that the time and resources needed to complete this review is about the same as that required for developing a "baseline" scenic assessment score (\$309 per application, or actual cost for large or complex projects).

Staff estimates about 30 to 60 application submittals could be submitted next year subject to the Shoreland Scenic Assessment program. The proposed fee change may, therefore, generate between \$9,270 and \$18,400 in additional cost recovery revenue per year for standard projects. We also estimate that about \$2,000 per year in additional revenue may be generated for large or complex project review (which will be subject to actual cost recovery).

3. Add a flat-rate "information technology (IT) surcharge" to the Application Filing Fee Schedule to recover costs related to information management and filing tracking.

Staff is proposing the Governing Board approve a new flat-rate "information technologies" surcharge fee equal to \$75 per project application to support the following project-related activities or IT systems (this fee would not be charged to exempt or qualified exempt activities, general correspondence, etc.):

- Maintenance of automated Geographic Information System (GIS) permit system
- File scanning (data archives)
- Assessor's Parcel data maintenance
- Geographic Information Systems
- Information Technology (IT) hardware maintenance and upgrades
- Records Management software upgrades
- File and document production and replication

These developer-driven costs are not currently charged to applicants and must be paid out of the TRPA general fund. By creating this fee TRPA will create a new revenue source that will be used to maintain and modernize the TRPA database and facilitate future improvements. Staff estimates this fee will generate about \$127,500 per year in additional revenue based on 1,200 application submittals to TRPA and 500 TRPA applications submitted to our MOU delegation partners (with all of the fee going to TRPA, that is, no cost sharing).

The effective date proposed for the schedule revisions is June 23, 2004, four weeks from the May 2004 Governing Board hearing. While this deferment is not required in TRPA rules and regulations, it gives staff reasonable time inform the public of the changes.

Memorandum to Governing Board
May 14, 2004
Page 3 of 4

Please call Lyn Barnett at (775) 588-4547, extension 239, if you have any questions regarding this memorandum.

Exhibits: A – Proposed Resolution Amending Schedule for Filing Fees
B – Proposed Filing Fee Schedule (with comparison of current and proposed fees)

Exhibit "A"

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 2004 - _____

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY
AMENDING SCHEDULE FOR FILING FEES

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is required under the TRPA Compact and the Regional Plan and Code of Ordinances to review projects and reasonable fees must be charged to reimburse the Agency for such review costs; and

WHEREAS, the filing fees adjusted or created pursuant to this resolution are but compensatory, cover the actual cost of providing services in reviewing and processing project applications, bear a direct relationship to the cost of administering the Agency's ordinances and do not raise revenue in excess of the cost of such services; and

WHEREAS, the Information Technologies surcharge fee will support various TRPA project-related activities and information technology systems, and this fee, when collected by other agencies for review of projects pursuant to a Memorandum of Understanding will be forwarded to TRPA with no cost sharing;

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency, pursuant to the authority contained in Article VII(e) of the Tahoe Regional Planning Compact and Section 10.7 of the Rules of Procedure of said Agency, that the fees to be charged and collected for the filing of applications for all projects, activities and environmental documents to be reviewed or approved, or both, by the Agency shall be in accordance with the schedule thereof set forth in Exhibit "B" attached hereto and incorporated herein by this reference, and shall become effective June 23, 2004.

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency this _____ day of May 2004, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

David Solaro, Chairman
Tahoe Regional Planning Agency
Governing Board

EXHIBIT "B"

**TAHOE REGIONAL PLANNING AGENCY
FILING FEE SCHEDULE**

Adopted by Resolution No. 84-8, April 26, 1984
Amended by Resolution No. 84-15, August 23, 1984
Amended by Resolution No. 87-19, July 23, 1987
Amended by Resolution No. 88-2, January 28, 1988
Amended by Resolution No. 88-30, December 21, 1988
Amended by Resolution No. 89-32, August 24, 1989
Amended by Resolution No. 90-18, May 23, 1990
Amended by Resolution No. 90-25, November 29, 1990
Amended by Resolution No. 91-6, January 24, 1991
Amended by Resolution No. 92-4, January 22, 1992
Amended by Resolution No. 92-28, August 27, 1992
Amended by Resolution No. 94-4, January 26, 1994
Amended by Resolution No. 95-5, January 25, 1995
Amended by Resolution No. 96-3, January 24, 1996
Amended by Resolution No. 97-1, January 22, 1997
Amended by Resolution No. 98-4, February 25, 1998
Amended by Resolution No. 99-5, April 28, 1999
Amended by Resolution No. 2000-17, November 15, 2000
Amended by Resolution No. 2002-17, July 24, 2002
Amended by Resolution No. 2003-1, January 22, 2003
Amended by Resolution No. 2003-6, February 26, 2003
Amended by Resolution No. 2004-5 January 28, 2004

TRPA FILING FEE SCHEDULE

Filing fees shall be in accordance with the adopted schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule, in which case the actual cost shall be used.

All applications are subject to a \$75 information technologies fee. This fee is due to TRPA upon application submittal and is in addition to the fees listed in the schedules below, but does not apply to "Exempt" or "Qualified Exempt" applications.

Please see Section G below, for projects located in the TRPA designated "Shoreland."

A. <u>RESIDENTIAL</u>		<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
1.	Addition/Modification - MAJOR (GB Review)	SEE NOTE (1)	No Change
2.	Addition/Modification - MAJOR (HO Review)	SEE NOTE (2)	No Change
3.	Addition/Modification - MAJOR (Staff Review)	SEE NOTE (3)	No Change
4.	Addition/Modification - MINOR (GB Review)	SEE NOTE (4)	No Change
5.	Addition/Modification - MINOR (HO Review)	SEE NOTE (5)	No Change
6.	Addition/Modification - MINOR (Staff Review)	SEE NOTE (6)	No Change
7.	Driveway Paving (Staff Review)	\$146	No Change
8.	Employee Housing - NEW	\$932	No Change
9.	Mobile Home Dwelling - NEW	\$916	No Change
10.	Multi-Person Dwelling - NEW (Staff Review)	SEE NOTE (7) \$661	No Change
11.	Multiple Family Dwelling - NEW (GB Review)	SEE NOTE (7) \$1,234	No Change
12.	Multiple Family Dwelling - NEW (HO Review)	SEE NOTE (7) \$859	No Change
13.	Multiple Family Dwelling - NEW (Staff Review)	SEE NOTE (7) \$661	No Change
14.	Nursing and Personal Care - NEW	\$661	No Change
15.	Plan Revision - MAJOR	\$479	No Change
16.	Plan Revision - MINOR	\$198	No Change
17.	Residential Care - NEW	\$661	No Change
18.	Single Family Dwelling - NEW (GB Review)	SEE NOTE (8)	No Change
19.	Single Family Dwelling - NEW (HO Review)	SEE NOTE (9)	No Change
20.	Single Family Dwelling - NEW (Staff Review)	SEE NOTE (10)	No Change
21.	Summer Home - NEW (Staff Review)	\$542	No Change
22.	OTHER (GB Review)	\$463	No Change
23.	OTHER (HO Review)	\$390	No Change
24.	OTHER (Staff Review)	\$255	No Change

- (1) Fee is \$0.39/sq. ft. of new/modified floor area (covered by roof), \$786 minimum.
- (2) Fee is \$0.35/sq. ft. of new/modified floor area (covered by roof), \$699 minimum.
- (3) Fee is \$0.28/sq. ft. of new/modified floor area (covered by roof), \$578 minimum.
- (4) Fee is \$0.25/sq. ft. of new/modified floor area (covered by roof), \$510 minimum.
- (5) Fee is \$0.21/sq. ft. of new/modified floor area (covered by roof), \$430 minimum.
- (6) Fee is \$0.11/sq. ft. of new/modified floor area (covered by roof), \$218 minimum.
- (7) For projects involving greater than 4 units, add \$30/unit to the filing fee.
This additional fee does not apply to affordable housing projects.
- (8) Fee is \$0.43/sq. ft. of new floor area (covered by roof), \$877 minimum.
- (9) Fee is \$0.34/sq. ft. of new floor area (covered by roof), \$687 minimum.
- (10) Fee is \$0.25/sq. ft. of new floor area (covered by roof), \$503 minimum.

B. TOURIST ACCOMMODATION - (SEE NOTES)

CURRENT FEE

PROPOSED FEE

	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
1. Addition/Modification - MAJOR (GB Review)	\$2,197	No Change
2. Addition/Modification - MAJOR (HO Review)	\$1,648	No Change
3. Addition/Modification - MAJOR (Staff Review)	\$1,098	No Change
4. Addition/Modification - MINOR (GB Review)	\$1,648	No Change
5. Addition/Modification - MINOR (HO Review)	\$1,373	No Change
6. Addition/Modification - MINOR (Staff Review)	\$824	No Change
7. Hotel/Other Transient - NEW (GB Review)	\$2,197	No Change
8. Hotel/Other Transient - NEW (HO Review)	\$1,648	No Change
9. Hotel/Other Transient - NEW (No Staff Level Review)	NA	No Change
10. Plan Revision - MAJOR	\$824	No Change
11. Plan Revision - MINOR	\$411	No Change
12. Time Share - NEW (Staff Review)	\$1,373	No Change
13. Other (GB Review)	\$2,059	No Change
14. Other (HO Review)	\$1,373	No Change
15. Other (Staff Review)	\$824	No Change

- (1) For projects located in adopted Community Plans, the filing fee shall be multiplied by a factor of 1.25
- (2) For projects involving more than 12 units, there shall be an additional filing fee of \$30/unit.

C. COMMERCIAL - (SEE NOTE 1)

CURRENT FEE

PROPOSED FEE

	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
1. Addition/Modification - MAJOR (GB Review)	\$2,746	No Change
2. Addition/Modification - MAJOR (HO Review)	\$2,059	No Change
3. Addition/Modification - MAJOR (Staff Review)	\$1,373	No Change
4. Addition/Modification - MINOR (GB Review)	\$824	No Change
5. Addition/Modification - MINOR (HO Review)	\$618	No Change
6. Addition/Modification - MINOR (Staff Review)	\$411	No Change
7. Facility - NEW (GB Review)	\$2,197	No Change
8. Facility - NEW (HO Review)	\$1,648	No Change
9. Facility - NEW (Staff Review)	\$1,098	No Change
10. Plan Revision - MAJOR	\$549	No Change
11. Plan Revision - MINOR	\$275	No Change
12. Redevelopment (GB Review)	SEE NOTE (2)	No Change
13. Special Project Allocation	\$2,197	No Change
14. Other (GB Review)	\$2,059	No Change
15. Other (HO Review)	\$1,373	No Change
16. Other (Staff Review)	\$824	No Change

- (1) For projects located in adopted Community Plans, the filing fee shall be multiplied by a factor of 1.25.
- (2) Each project component shall be assessed a filing fee based on the adopted filing fee schedule and combined to determine the total fee. Projects reviewed under Section 15.9 of the TRPA Code shall be assessed a minimum fee of \$2,746 in any event.

D. PUBLIC SERVICECURRENT FEEPROPOSED FEE

1.	Addition/Modification - MAJOR (GB Review)	\$1,922	No Change
2.	Addition/Modification - MAJOR (HO Review)	\$1,703	No Change
3.	Addition/Modification - MAJOR (Staff Review)	\$1,126	No Change
4.	Addition/Modification - MINOR (GB Review)	\$961	No Change
5.	Addition/Modification - MINOR (HO Review)	\$768	No Change
6.	Addition/Modification - MINOR (Staff Review)	\$384	No Change
7.	General - New Facility - New (GB Review)	\$1,867	No Change
8.	General - New Facility - New (HO Review)	\$1,648	No Change
9.	General - New Facility - New (Staff Review)	\$1,098	No Change
10.	Linear Public Facility - New (GB Review)	\$1,867	No Change
11.	Linear Public Facility - New (HO Review)	\$1,648	No Change
12.	Linear Public Facility - New (Staff Review)	\$1,098	No Change
13.	Plan Revision - MAJOR	\$533	No Change
14.	Plan Revision - MINOR	\$267	No Change
15.	Other (GB Review)	\$1,716	No Change
16.	Other (HO Review)	\$1,373	No Change
17.	Other (Staff Review)	\$824	No Change

E. RECREATIONCURRENT FEEPROPOSED FEE

1.	Addition/Modification - MAJOR (GB Review)	\$2,059	No Change
2.	Addition/Modification - MAJOR (HO Review)	\$1,648	No Change
3.	Addition/Modification - MAJOR (Staff Review)	\$824	No Change
4.	Addition/Modification - MINOR (GB Review)	\$893	No Change
5.	Addition/Modification - MINOR (HO Review)	\$824	No Change
6.	Addition/Modification - MINOR (Staff Review)	\$411	No Change
7.	New Facility (GB Review)	\$1,922	No Change
8.	New Facility (HO Review)	\$1,648	No Change
9.	New Facility (Staff Review)	\$1,098	No Change
10.	Plan Revision - MAJOR	\$411	No Change
11.	Plan Revision - MINOR	\$219	No Change
12.	Other (GB Review)	\$1,373	No Change
13.	Other (HO Review)	\$1,098	No Change
14.	Other (Staff Review)	\$824	No Change

F. RESOURCE MANAGEMENT

CURRENT FEE

PROPOSED FEE

	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
1. Addition/Modification (GB Review)	\$2,059	No Change
2. Addition/Modification (Staff Review)	\$824	No Change
3. Plan Revision - MAJOR	\$824	No Change
4. Plan Revision - MINOR	\$549	No Change
5. Range (GB Review)	\$1,373	No Change
6. Range (Staff Review)	\$824	No Change
7. Timber Management (GB Review)	\$2,746	No Change
8. Timber Management (Staff Review)	\$1,648	No Change
9. Tree Removal	\$51 min. / >5 acres \$51/Hour	No Change
10. Watershed Improvement (GB Review)	\$3,844	No Change
11. Watershed Improvement (Staff Review)	\$2,746	No Change
12. Wildlife/Fishes (GB Review)	\$2,197	No Change
13. Wildlife/Fishes (Staff Review)	\$1,098	No Change
14. Other (GB Review)	\$2,197	No Change
15. Other (Staff Review)	\$1,098	No Change

G. <u>SHOREZONE</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
1. Addition/Modification (GB Review)	\$2,133	No Change
2. Addition/Modification (HO Review)	\$1,812	No Change
3. Addition/Modification (Staff Review)	\$1,235	No Change
4. Boat Ramp/Floating Dock - NEW (GB Review)	\$1,648	No Change
5. Buoy - NEW (GB Review)	\$1,373	No Change
6. Buoy - NEW (HO Review)	\$1,235	No Change
7. Buoy - NEW (Staff Review)	\$824	No Change
8. Construction Equipment Storage - NEW (Staff Review)	\$618	No Change
9. Dredging/Filling (Staff Review)	\$2,134	No Change
10. Fence Below High Water - NEW (GB Review)	\$1,098	No Change
11. Marina Modification (GB Review)	\$1,510	No Change
12. Marina Modification (HO Review)	\$1,304	No Change
13. Marina Modification (Staff Review)	\$1,235	No Change
14. Pier, Jetty, Breakwater - NEW (GB Review)	\$2,133	No Change
15. Pier, Jetty, Breakwater - NEW (HO Review)	\$1,648	No Change
16. Plan Revision - MAJOR	\$549	No Change
17. Plan Revision - MINOR	\$275	No Change
18. Safety/Navigation Facility - NEW (HO Review)	\$824	No Change
19. Shoreland Scenic Assessment	\$206	SEE 19 a. & b.
19. a. Baseline Shoreland Scenic Assessment		SEE NOTE (1)
19. b. Shoreland Scenic Assessment		SEE NOTE (1) & (2)
20. Shoreline Protective Structure - NEW (GB Review)	\$1,510	No Change
21. Shoreline Protective Structure - NEW (HO Review)	\$1,373	No Change
22. Tour Boat Operation - NEW (GB Review)	\$2,133	No Change
23. Water Intake Line - NEW (HO Review)	\$824	No Change
24. Waterborne Transit - NEW (GB Review)	\$2,133	No Change
25. Other (GB Review)	\$2,133	No Change
26. Other (HO Review)	\$1,784	No Change
27. Other (Staff Review)	\$1,648	No Change

(1) \$309 Minimum. Actual Cost for Large and Complex Projects.

(2) Applicable to All Development Projects Located in the Shoreland.

H. GENERAL

CURRENT FEE

PROPOSED FEE

1.	Additional Plan Review/Stamping	\$1 per sheet	No Change
2.	Amendment - Other Regional Plan	\$1,068	No Change
3.	Amendment to Code of Ordinances	\$1,187	No Change
4.	Amendment to Goals and Policies	\$1,068	No Change
5.	Amendment to Plan Area Statement	\$1,068	No Change
6.	Amendment to Rules of Procedure	\$812	No Change
7.	Appeal of Executive Director Decision	\$686	No Change
8.	Banking (Coverage, Unit, Development Right)	\$212	No Change
9.	Change/Conversion in Use or Operation (GB Review)	\$1,029	No Change
10.	Change/Conversion in Use or Operation (HO Review)	\$824	No Change
11.	Change/Conversion in Use or Operation (Staff Review)	\$411	No Change
12.	Construction Schedule Extension (Other)	\$137	No Change
13.	Construction Schedule Extension (Residential)	\$55	No Change
14.	Coverage Verification - Existing (<1 Acre)	\$252	No Change
15.	Coverage Verification - Existing (>1 Acre)	Actual Cost / \$294 Min.	No Change
16.	Environmental Assessment	8% of Doc. Fee / \$3,432 Min.	No Change
17.	Environmental Impact Statement	SEE NOTE (1)	No Change
18.	Existing Use/Structure - Verification	\$275	No Change
19.	Fish Habitat Verification	\$137	No Change
20.	Grading - MAJOR (Greater than 20 Cubic Yards)	\$219	No Change
21.	Grading - MINOR (20 Cubic Yards or Less)	\$137	No Change

22. IPES (Individual Parcel Evaluation System)

A.	Appeal of IPES Score	\$1,373	No Change
B.	Allowable Coverage Determination (<1 acre)	\$137	No Change
C.	Allowable Coverage Determination (>1 acre & < 5 acres)	\$275	No Change
D.	Allowable Coverage Determination (>5 acres)	Actual Cost / \$206 Minimum	No Change
E.	Appeal - Expedite	Actual Cost / \$302 Minimum	No Change
F.	Different IPES Building Site	\$137	No Change
G.	Initial IPES Evaluation	\$206	No Change
H.	Limited Incentive Program	\$102	No Change
I.	Re-Evaluation IPES (Access/Utility Connection)	\$101	No Change
23.	Land Capability Challenge (<1 Acre)	\$411	No Change
24.	Land Capability Challenge (>1 Acre)	Actual Cost / \$440 Minimum	No Change
25.	Land Capability Verification (<1 Acre)	Actual Cost / \$245 Minimum	No Change
26.	Land Capability Verification (>1 Acre)	Actual Cost / \$275 Minimum	No Change

H. GENERAL (Continued)CURRENT FEEPROPOSED FEE

	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
27. Legal Opinion/Administrative Determination	\$200	No Change
28. Legal Opinion/Administrative Determination - EXPEDITE	Actual Cost / \$275 Minimum	No Change
28. Linked Project Status Designation	\$411	No Change
30. Lot Line Adjustment	\$547	No Change
31. Master Plan	SEE NOTE (2)	No Change
32. Qualified Exempt Structural Remodels or Additions to Existing Structures as Defined in Section 4.3A. of the TRPA Code	\$27	No Change
33. Security Administration (Cash Security)	\$141	No Change
34. Security Administration (Non-Cash)	\$73	No Change
35. Security Inspection - More than One Final Inspection	\$69	No Change
36. Shorezone Tolerance District Verification (<100 linear feet)	\$137	No Change
37. Shorezone Tolerance District Verification (>100 linear feet)	Actual Cost / \$151 Minimum	No Change
38. Sign - NEW or MODIFICATION	\$227	No Change
39. Sign - Plan Revision	\$206	No Change
40. Site Assessment - COMPLETE (<1 acre)	\$329	No Change
41. Site Assessment - COMPLETE (>1 acre)	Actual Cost / \$358 Minimum	No Change
42. Site Assessment - PARTIAL (<1 acre)	\$309	No Change
43. Site Assessment - PARTIAL (>1 acre)	Actual Cost / \$347 Minimum	No Change
44. Soils/Hydro Investigation Report (<1 acre)	\$155	No Change
45. Soils/Hydro Investigation Report (>1 acre)	Actual Cost / \$275 Minimum	No Change
46. Storage Tank, Underground - MAJOR	\$501	No Change
47. Storage Tank, Underground - MINOR	\$165	No Change
48. Subdivision - NEW / Existing Structure Conversion	SEE NOTE (3) \$658	No Change
49. Subdivision for Cemetery Plots	\$411	No Change
50. Subdivision for Government Conveyance/Court Order	\$343	No Change
51. Subdivision Modification / Re-subdivision	SEE NOTE (3) \$823	No Change
52. Temporary Event/Activity - MAJOR	\$604	No Change
53. Temporary Event/Activity - MINOR	\$549	No Change
54. Temporary Use/Structure (GB Review)	\$755	No Change
55. Temporary Use/Structure (HO Review)	\$604	No Change
56. Temporary Use/Structure (Staff Review)	\$330	No Change
57. Traffic Analysis - TRPA REQUIRED	\$101	No Change
58. Transfer - Allocation	\$302	No Change
59. Transfer - Bonus Unit Allocation	\$275	No Change
60. Transfer - Coverage	\$275	No Change
61. Transfer - Development Right	\$288	No Change
62. Transfer - Unit of Use	\$288	No Change
63. Violation	2 x Application Fee	No Change
64. All Other Projects/Matters (GB Review)	\$824	No Change
65. All Other Projects/Matters (Staff Review)	\$343	No Change

(1) 10% of first \$50,000 documentation preparation cost plus 5% of any amount over \$50,000. Minimum fee of \$6,865.

(2) \$6,865 minimum, or 8% of Master Plan documentation preparation cost. Does not include fees associated with EAs or EISs which are calculated separately.

(3) For projects involving more than 10 lots there shall be an additional filing fee of \$20/lot.

MOU MONITORING ANNUAL FEES ** - [No Change](#)

I.

\$506 Annually:

- Charter Communications
- Douglas County Sewer Improvement District
- Fulton Water Company
- Kingsbury General Improvement District
- Lukins Brothers Water Company
- Nevada Bell
- Roundhill General Improvement District
- Tahoe Park Water Company
- Tahoe Truckee Unified School District
- Tahoe-Douglas Sewer District
- Verizon

\$1,011 Annually:

- North Tahoe Public Utility District
- Pacific Bell

\$1,517 Annually:

- Avista (Natural Gas)
- Incline Village General Improvement District
- Sierra Pacific Power Company
- South Tahoe Public Utility District
- Southwest Gas Corporation
- Tahoe City Public Utility District

** To be Paid by July 15 of Each Year.

CONSTRUCTION INSPECTION FEES:

J.

On larger Commercial, Tourist Accommodation, Public Service, Redevelopment, Resource Management, and Recreation projects where the cost of construction inspection services will exceed the amount included in the base filing fee, an additional construction inspection fee will be charged based on an estimate of time required.

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

May 10, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: Authorization to Distribute Fines and Forfeitures Funds to Assist Local BMP Retrofit Program

Proposed Action: Governing Board authorization to distribute up to \$15,000 of TRPA fines and forfeitures funds to the City of South Lake Tahoe for the purpose of assisting their BMP Retrofit Program.

The City of South Lake Tahoe has made a specific request for assistance to fund a seasonal staff position to conduct BMP site evaluations in association with the BMP allocation linkage. In exchange for this assistance, the city is proposing to provide substantial in-kind services including necessary supervision, training, office space, a City vehicle, automotive insurance and fuel. The total estimated match provided by the City is \$10,000 equivalent to a 75% match. Funding for this innovative partnership is proposed to come from TRPA's Fines and Forfeitures account.

Staff Recommendation: Staff recommends that the Governing Board approve the proposed distribution of funds to the City of South Lake Tahoe to assist with their BMP Retrofit Program.

Background: In December 2002, the TRPA Governing Board adopted amendments that created the system for linking environmental improvements to the allocation of additional residential development. The amendment language was the result of several TRPA sponsored stakeholder-focused workshops and numerous public hearings that were designed to solicit public input into the development of the new allocation system. The amendments reflected changes that the Performance Review Committee recommended to staff at the November 14, 2002 meeting. As a result of those workshops and hearings it was determined that additional residential development would be linked to:

1. Increased efforts in the areas of Best Management Practice (BMP) retrofits
2. Accelerated Water Quality/Air Quality/SEZ Restoration EIP implementation
3. Increased Transit Level of Service (TLOS)
4. Memorandum of Understanding (MOU) monitoring and compliance

In an effort to assist the ongoing efforts of the City of South Lake Tahoe, we are proposing to utilize \$15,000 in unallocated fines and forfeitures to augment their efforts and provide assistance to meet the BMP retrofit targets established through the approved allocation process. The City of South Lake Tahoe is proposing to use these funds to help ramp-up staff resources and meet BMP retrofit targets.

The primary expected outcome is to focus staff resources on targeted areas within the jurisdiction that are likely to result in increased BMP implementation.

Building Partnerships for Success: Although these funds have been requested for assisting the City of South Lake Tahoe, we shall consider other funding requests with 75% matching funds equally, subject to available funding.

If you have any questions, contact Matthew Graham at (775) 588-4547, ext. 260.

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MEMORANDUM

To: TRPA Governing Board

From: TRPA Staff

Date: May 10, 2004

Re: Authorization for prosecution of litigation against Cleve Canepa for unauthorized grading, land coverage creation and violations of TRPA Cease and Desist Orders, 671 Lookout Road, Zephyr Cove, Douglas County, Nevada, APN 1318-10-411-01

Proposed Action: Authorize staff to prosecute litigation against Cleve Canepa for civil penalties and injunctive relief for violating the Tahoe Regional Planning Compact, the TRPA Code of Ordinances, and TRPA Cease and Desist Orders.

Discussion: TRPA staff inspected the above-referenced property on September 10, 2003, and observed ongoing construction activities. Two floors beneath the street level of the residence had been excavated to create two bedrooms, a bathroom, a wine cellar and a shop. This activity involved the excavation of hundreds of cubic yards of earth material. Canepa did not obtain any authorization for this construction (such as TRPA or Douglas County). The fill material was dumped on nearby properties owned by the State of Nevada and the U.S. Forest Service (USFS). Canepa subsequently (and without authorization) removed some of this fill, but most of it remains.

TRPA staff further observed that Canepa had heavily landscaped his property and adjacent properties owned by Nevada and the USFS. 23 retaining walls were erected to create flat lawn areas, which involved the grading of hundreds of cubic yards of earth material. Land coverage was created on adjacent Nevada and private properties for parking areas to serve the Canepa residence. Similarly, land coverage was created for walkways around the Canepa residence. Finally, a steeple was added to the Canepa residence. Canepa did not obtain any authorization for these activities.

Staff on September 10 and 22, 2003, issued Cease and Desist Orders to Canepa prohibiting all work on the site. Staff then commenced negotiations with Canepa and his attorney to bring the properties into compliance with TRPA regulations. On April 21, 2004, TRPA staff observed construction activities in violation of the Cease and Desist Orders. Shortly thereafter, the TRPA Governing Board chairman provided the Executive Director and Agency Counsel with emergency authority to commence litigation. TRPA filed a Complaint on April 29 and Canepa was served on April 30, 2004. Staff now seeks retroactive authority for this action from the Legal Committee and Governing Board.

JM/
5/10/04

The proposed litigation will be in place of an administrative Show Cause Hearing. Pursuant to Rule 9.1(b) of the TRPA Rules of Procedure ("Rules"), the TRPA Governing Board must consent to such action.

Staff Recommendation: Staff recommends that the Governing Board authorize staff to initiate litigation, therefore bypassing the Show Cause Hearing process set forth in Article IX of the TRPA Rules.

If you have any questions concerning this agenda item or would like a copy of the Complaint in TRPA v. Canepa, please contact Agency Counsel John L. Marshall at (775) 588-4547, Extension 226, or via e-mail at: jmarshall@trpa.org.

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Stateline, Nevada
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P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

Date: May 12, 2004

To: TRPA Governing Board

From: John Singlaub, Executive Director

Prepared By: Lyn Barnett, AICP, Chief, Project Review
Mike Cavanaugh, Senior Planner, Project Review Division
Theresa Avance, Associate Planner, Project Review Division

Subject: TRPA Application Status Report
April 1, 2004 through April 30, 2004

Projects by Work Element

	<u>IN</u>	<u>OUT</u>
1000 Residential	27	33
2000 Tourist	0	0
3000 Commercial	2	6
4000 Public Service	9	18
5000 Recreation	2	1
6000 Resource Management	1	1
7000 Shorezone	3	2
8000 Administrative Projects	35	13
9000 Redevelopment	0	0
SSA Scenic Assessments	4	4
SA Site Assessments	15	24
RGN Plan Amendments	0	3
LCV-LCC-IPES	40	38
<hr/>		
TOTAL	138	143
TRPA workload as of April 30, 2004	433	
Permits acknowledged April, 2004	38	

April Project Activity Highlights

- In April, staff approved a water well expansion in Meyers for the South Tahoe Public Utility District (STPUD) to add a disinfection unit and to increase well capacity to make-up for loss of other wells due to contamination from MTBE, a gasoline additive.
- In April, staff approved an erosion control project on Nevada State Route 28 at Third Creek in Incline Village that includes a new pedestrian pathway and removes a fish passage/migration barrier.
- In April, staff approved the Lake Tahoe Park Erosion Control Project in Placer County. This project will reduce the rate of erosion in the project area and levels of sediments and nutrients discharged into Lake Tahoe. Estimated cost for the project is \$2,083,745.
- In April, the Governing Board approved an expansion of an existing fire station in Incline Village.
- The Project Review Division continued to operate with two vacant positions in April, both at the Agency's front desk. One of these positions was filled on May 3 and the other is planned to be filled in June. This is resulted in approximately 320 hours of lost productivity in April for application review, records management, and research.
- As Table 2 illustrates, the Agency was reviewing 433 applications at the end of April compared to 517 applications at the end of the same month in 2003.
- The average time taken to review applications in April was 83 days (not counting withdrawn applications and regional plan amendments). Ninety-six applications were processed in 120 days or less.
- In April, Project Review Division staff spent more than 160 hours reviewing the administrative draft of the new Shorezone EIS, and consulting on the proposed Ponderosa Ranch change in use/public buy-out project.

PROJECT REVIEW APPLICATIONS

Excluding those projects that need to have a site visit completed by TRPA staff, the projects listed exceeded 120 days in review on April 30. Absent any significant issues staff will take action during the month of May or early June.

<u>APN</u>	<u>Applicant</u>	<u>Application Type</u>	<u>Days Complete</u>
090-305-15	Cal Neva	Tourist	128
1318-27-002-06	Caesars	Commercial	133
123-101-08	Shaheen	Residential	137 *

* Scheduled for action at the June 2004 Hearings Officer meeting.

The following projects have been previously reported. Staff is working to resolve significant issues and will complete the review as expeditiously as possible.

<u>APN</u>	<u>Applicant</u>	<u>Application Type</u>	<u>Days Complete</u>
117-100-34	Johnson	Residential	140 **
115-070-10	Buccola	Residential	150
1318-26-601-005	Pierce	Residential	156
1318-26-601-005	Pierce	Public Service	156
117-130-33	Tahoe Vista	Multi-Family Subdivision	139
117-110-14	Tahoe Vista Inn	Appeal	172

** Permit complete- project requires 14 day notice to adjoining property owners

Land Capability and IPES Applications:

The following are IPES and Land Capability applications that have been complete for more than 120 days.

<u>APN</u>	<u>Applicant</u>	<u>Application Type</u>	<u>Days Complete</u>
530-105-03	Placer County	Land Capability Verification	134
116-110-26	Jeff Hough	Land Capability Challenge	135
116-060-48	Christine Marsh-Madden	Land Capability Challenge	135
122-251-07	Baker Associates Ltd.	Backshore Boundary	141
125-172-06	Clay Fisher	Land Capability Challenge	144
090-212-39	EF Bertagnolli	Land Capability Challenge	149
093-032-17	Marvin E. Locke ET AL	Land Capability Challenge	150
116-090-52	Marc Thomas	Land Capability Challenge	163
021-261-33	STPUD	Initial IPES	170
085-341-05	Andrew Palffy	IPES DOAC	170
1418-15-501-001	Postmistress Properties	Land Capability Verification	178

Land Capability and IPES Applications Continued:

<u>APN</u>	<u>Applicant</u>	<u>Application Type</u>	<u>Days Complete</u>
131-012-38	Steve Boyle	Land Capability Challenge	179
125-131-35	Ira Rodman	Land Capability Challenge	179
131-223-06	James & Deena Behnke	Land Capability Challenge	179
1418-34-301-003	Alvaro Pascotto	Land Capability Challenge	193
1418-15-701-009	Sweetland Trust	Land Capability Challenge	193
083-410-02	Robert & Diane Anderson	Land Capability Challenge	193
085-105-11	Witter/Reimer/Olson	Initial IPES	203
085-105-11	Witter/Reimer/Olson	IPES DOAC	203
117-140-06	Edgelake Beach TOA	Land Capability Verification	204
085-310-24	Joseph Lanza/Ralph Miller	IPES DOAC	204
085-310-24	Joseph Lanza/Ralph Miller	Initial IPES	204
1418-10-802-003	Postmistress Properties, LLC	Land Capability Challenge	240
018-291-10	Charles B. Ebright	IPES DOAC	267

Table 1

**2004 TRPA Application Trend
Predicted and Actual Application Submittals Based on
Mean Deviations from a Six-Year Mean**

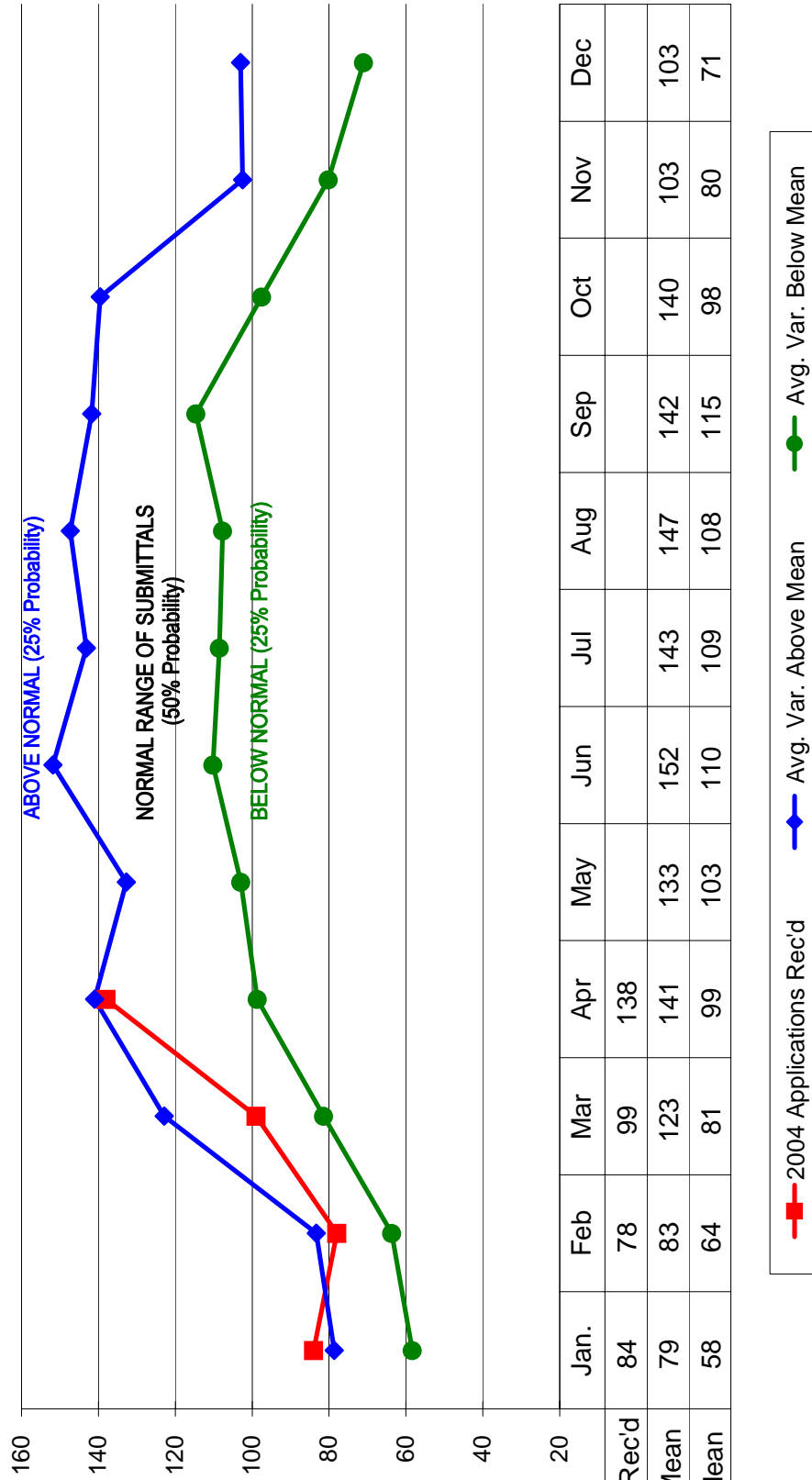


Table 2

TRPA Project Application Workload - 18-Month Period



Table 3

**Five-Year Trend in TRPA Application Submittals
Calendar Years 2000, 2001, 2002, 2003 and 2004**

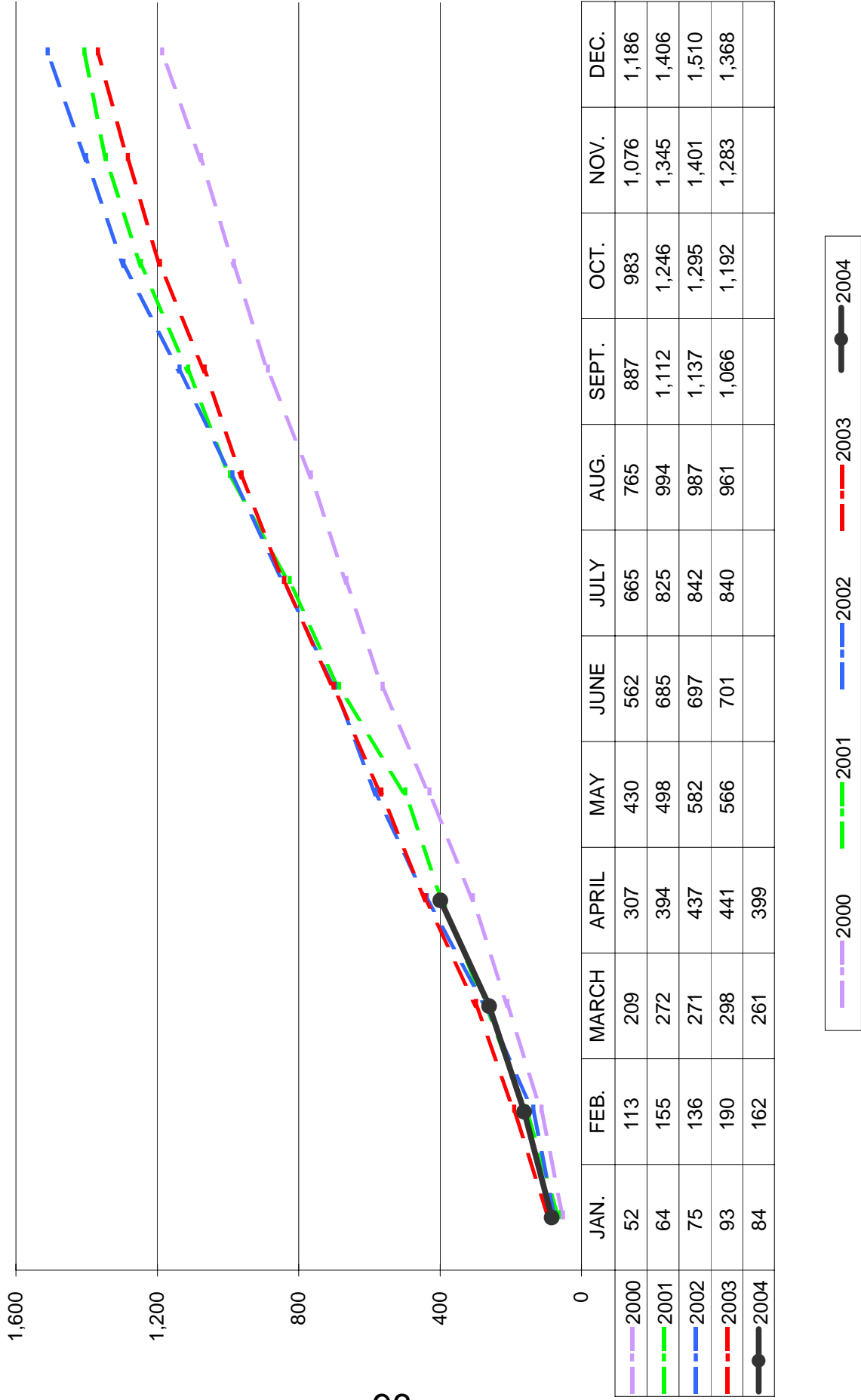
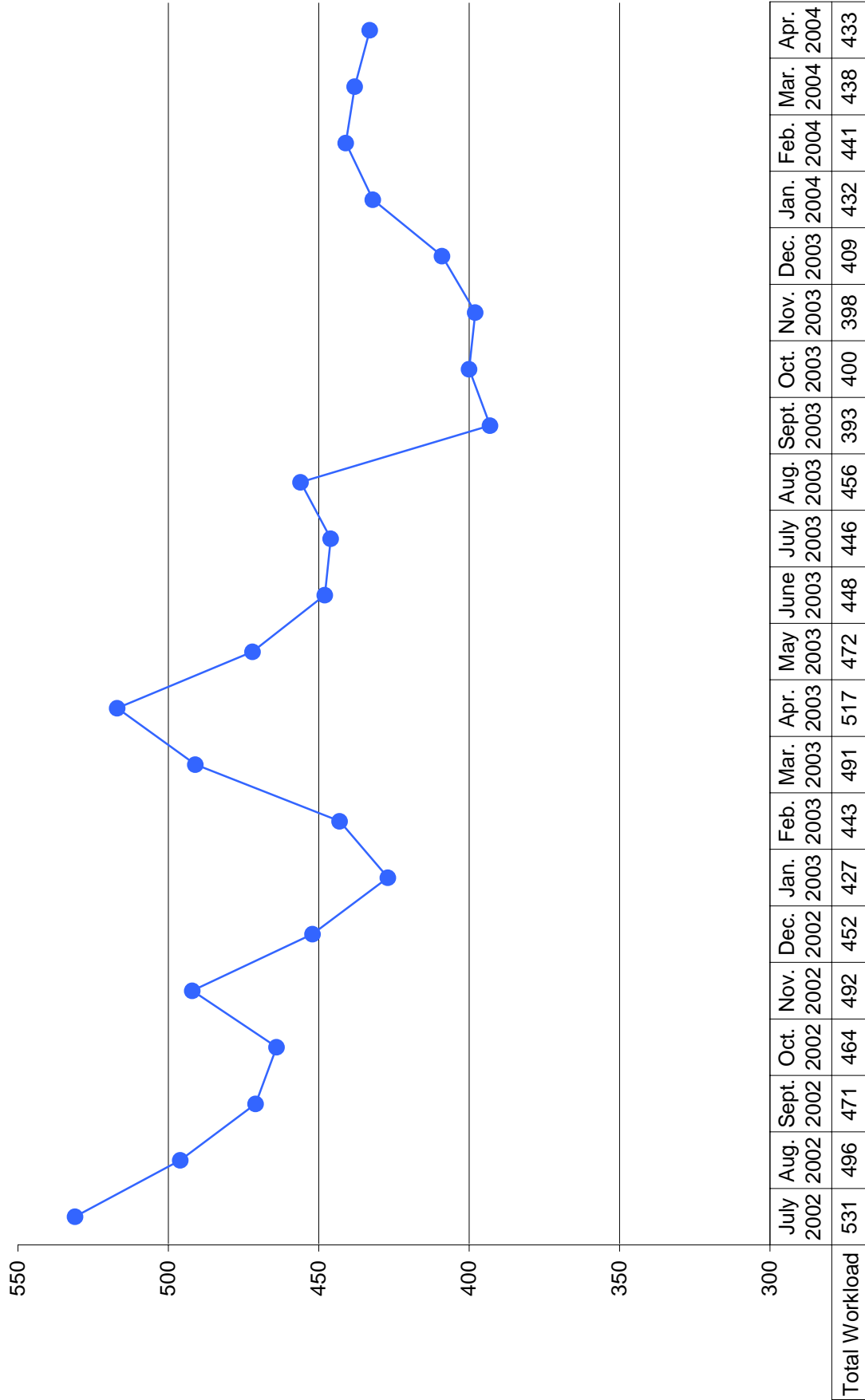


Table 4

TRPA Project Application Workload - 22-Month Trend





MEMORANDUM

May 13, 2004

To: Tahoe Metropolitan Planning Organization Governing Board
From: Transportation Staff
Subject: Adoption of the FY 2005 Overall Work Program (OWP) for
Transportation, Approval of Resolution

Action Requested: The Tahoe Metropolitan Planning Organization (TMPO) Governing Board is requested to approve the Final FY 2005 Transportation Overall Work Program (OWP) by approving the attached Resolution.

Staff Recommendation: Approve the Final FY 2005 OWP.

Tahoe Transportation Commission Recommendation: The May 12, 2004 version of the Draft FY 2005 OWP was presented to the Tahoe Transportation Commission (TTC) on May 14, 2004 for review, comment and recommendation for approval. The TTC voted unanimously to recommend approval of the OWP to the TMPO Governing Board, with some minor comments and revisions. Those comments have been incorporated into the enclosed document.

Background: Federal regulations (Title 23, Sec. 450.314) require each Metropolitan Planning Organization to prepare an annual program of work in cooperation with the states and operators of publicly owned transit services. The regulations specify that the OWP shall discuss planning priorities for the region and all transportation and transportation-related air quality planning activities anticipated in the area during the next one or two year period. For TRPA, the transportation OWP then forms the basis for inclusion of the transportation program into the TRPA annual budget.

TRPA staff prepared the initial draft and began the 30 day comment period on March 15, 2004, distributing copies of the draft to state and federal agencies, as well as the Tahoe Transportation Commission (TTC). Staff then held the annual Region IX Intermodal Planning Group (IPG) review meeting on April 8, 2004, at which time the state and federal agencies reviewed and provided comments on the draft document. The TTC reviewed the draft at their April 9 meeting. Changes to the draft were made based on this written and verbal input, and a May 12, 2004 Revised Draft FY 2005 OWP was completed and distributed to the TTC for review at its May 14, 2004 meeting. At that meeting, the TTC provided a final recommendation on the document (see above)

Discussion: Highlights of the 2005 program are illustrated below:

Staff will provide continued support for transportation planning tasks associated with the Pathway 2007 and Threshold Update process. Adoption of the Final 2004 Regional Transportation Plan is scheduled for August 2004.

Staff will continue its focused commitment to the Transportation Development Act (TDA). Staff is responsible for implementing a number of statutorily required duties pursuant to the TDA (e.g., processing LTF and STA funding claims; audit follow up, etc.). The 2005 OWP dedicates resources so that these requirements are met.

Resources are committed to support the Tahoe Transportation District and Tahoe Transportation Commission, the Transportation Technical Advisory Committee and the two Transportation Management Associations. Provision is made here to coordinate with Caltrans and NDOT on statewide or regional issues.

The TMPO is developing outreach materials and strategies that emphasize both education regarding TMPO activities, and feedback to the TMPO. The Transportation Strategic Outreach Plan will be incorporated into the TRPA Agency outreach plan as it is developed.

Regional programming continues to play a major role in the daily activities of the TMPO. California's budget issues have limited the funding of the Regional Transportation Improvement Program, but coordination is still necessary for projects already funded, and a mid-year revision (January 2005) is likely. The Federal Transportation Improvement Program also requires substantive staff effort to maintain and amend.

Project review activities make up a significant portion of the overall staff work load. Traffic studies, environmental documents, and permit applications all require on-going review and response. Code enforcement is necessary on the transportation provisions, and participation with Caltrans and NDOT on design or environmental activities is needed on a regular basis.

We have added a new work element, Alternative Fuels and Clean Cities Program. A major objective of transportation planning is the reduction of air pollution caused by motor vehicles, so staff is proposing an aggressive program to convert public and private fleets to Compressed Natural Gas or other low emission fuels. The Clean Cities program is a forum to include regional and out of basin partners in addressing this issue.

Work Element 110 is the continuation of Work Element 111 from FY 2004 to assess interregional mobility, addressing long distance transportation travel to the Tahoe Region, and local travel within the Region. Due to circumstances related to budget issues in California, this grant was executed between Caltrans and TRPA late in the 2004 fiscal year and has been continued into FY 2005.

If you have any questions or comments regarding this item, please feel free to contact Richard Wiggins at (775) 588-4547, extension 242. Thank you.

**Tahoe Metropolitan Planning Organization
TMPO Resolution No. 2004- _____**

ADOPTION OF THE TMPO 2005 TRANSPORTATION OVERALL WORK PROGRAM

WHEREAS the Tahoe Metropolitan Planning Organization (TMPO) has been designated by the Governors of California and Nevada for the preparation of transportation plans and programs under Title 23, CFR 450; and

WHEREAS each MPO is required to adopt an Overall Work Program (OWP) that describes the planning priorities facing the Region and the planning activities anticipated for the Region over the next year; and

WHEREAS staff has prepared an OWP that describes the anticipated revenues and expenditures and planning activities and products for transportation and air quality planning purposes during FY 2005; and

WHEREAS the Federal Highway Administration, the Federal Transit Administration, Caltrans and the Nevada Department of Transportation have reviewed and commented upon a draft version of the 2005 OWP; and

WHEREAS the Tahoe Transportation Commission has conducted several meetings at which the 2005 OWP has been an officially noticed item of discussion; and

WHEREAS staff is requesting that the TMPO Governing Board adopt the 2005 OWP for submittal to state and federal agencies for approval, and authorize staff to take actions necessary for this approval; and

WHEREAS the TRPA certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of the federal statutes listed on the MPO Planning Process Certification and Federal Transit Administration certifications included in the 2005 OWP document.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Metropolitan Planning Organization adopts this resolution approving the 2005 Tahoe Basin Transportation Overall Work Program.

PASSED AND ADOPTED this _____ day of May 2004 by the Governing Board of the Tahoe Metropolitan Planning Organization, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

David Solaro, Chairman
Tahoe Metropolitan Planning
Organization

TAHOE METROPOLITAN PLANNING ORGANIZATION

TAHOE REGIONAL PLANNING AGENCY

**TAHOE BASIN
TRANSPORTATION
OVERALL WORK PROGRAM**

FISCAL YEAR 2005

JULY 1, 2004 – JUNE 30, 2005

FINAL

**BY the
Tahoe Metropolitan Planning Organization**

Adopting Resolution No. TMPO 2004 - ____

**Tahoe Metropolitan Planning Organization
TMPO Resolution No. 2004-__**

Adoption of the TMPO 2005 Transportation Overall Work Program

WHEREAS the Tahoe Metropolitan Planning Organization (TMPO) has been designated by the Governors of California and Nevada for the preparation of transportation plans and programs under Title 23, CFR 450; and

WHEREAS each MPO is required to adopt an Overall Work Program (OWP) that describes the planning priorities facing the Region and the planning activities anticipated for the Region over the next year; and

WHEREAS staff have prepared an OWP that describes the anticipated revenues and expenditures and planning activities and products for transportation and air quality planning purposes over the next year; and

WHEREAS the Federal Highway Administration, the Federal Transit Administration, Caltrans and the Nevada Department of Transportation have reviewed and commented upon a draft version of the 2005 OWP; and

WHEREAS the Tahoe Transportation Commission has conducted several meetings at which the 2005 OWP has been an officially noticed item of discussion; and

WHEREAS staff are requesting that the TMPO Governing Board to adopt a final 2005 OWP for submittal to state and federal agencies for approval, and authorize staff to take actions necessary for this approval; and

WHEREAS the TRPA certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of the federal statutes listed on the MPO Planning Process Certification and Federal Transit Administration certifications included in the 2005 OWP document.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Metropolitan Planning Organization adopts this resolution approving the 2005 Tahoe Basin Transportation Overall Work Program.

PASSED AND ADOPTED this _____ day of May 2004 by the Governing Board of the Tahoe Metropolitan Planning Organization, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

David Solaro –Chairman TMPO

Federal Certifications

FHWA and FTA require MPOs to annually self-certify their planning process. Fully executed versions of the FHWA and FTA certifications must be provided with each adopted, Final OWP.

FHWA Metropolitan Transportation Planning Process Certification

In accordance with 23 CFR 450.334 and 450.220, and the Transportation Equity Act for the 21st Century, Caltrans and the _____ Metropolitan Planning Organization for the _____ urbanized area(s) hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 through 5306 and 5323(1);
- II. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506 (c) and (d)) (**Note – only for Metropolitan Planning Organizations with non-attainment and/or maintenance areas within the metropolitan planning area boundary**);
- III. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
- IV. Section 1101(b) of the Transportation Equity Act for the 21st Century (Pub. L. 105-178 112 Stat. 107) regarding the involvement of disadvantaged business enterprises in the FHWA and FTA funded projects (FR Vol. 64 No. 21, 49 CFR part 26); and,
- V. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37 and 38).

MPO Authorizing Signature

Caltrans District Director Signature

Title

Title

Date

Date

FTA Certifications and Assurances

(The entire certification must be appropriately completed and signed as indicated.)

Name of Applicant: _____

The Applicant agrees to comply with applicable requirements of Categories 1 - 16.
(The Applicant may make this selection in lieu of individual selections below.)

OR

The Applicant agrees to comply with the applicable requirements of the following Categories it has selected:

- _____ 1. Certifications and Assurances Required of Each Applicant.
- _____ 2. Lobbying Certification.
- _____ 3. Certification Pertaining to Effects on Private Mass Transportation Companies.
- _____ 4. Public Hearing Certification for a Project with Substantial Impacts.
- _____ 5. Certification for the Purchase of Rolling Stock.
- _____ 6. Bus Testing Certification.
- _____ 7. Charter Service Agreement.
- _____ 8. School Transportation Agreement.
- _____ 9. Certification for Demand Responsive Service.
- _____ 10. Prevention of Alcohol Misuse and Prohibited Drug Use Certification.
- _____ 11. Certification Required for Interest and Other Financing Costs.
- _____ 12. Intelligent Transportation Systems Program Assurance.
- _____ 13. Certifications and Assurances for the Urbanized Area Formula Program, the Job Access and Reverse Commute Program, and the Clean Fuels Formula Program.
- _____ 14. Certifications and Assurances for the Elderly and Persons with Disabilities Program.
- _____ 15. Certifications and Assurances for the Nonurbanized Area Formula Program.
- _____ 16. Certifications and Assurances for the State Infrastructure Bank (SIB) Program.

Required of all Applicants for FTA assistance and FTA Grantees with an active capital or formula project.

Name of Applicant: _____

Name and Relationship of Authorized Representative: _____

BY SIGNING BELOW I, _____ (name), on behalf of the Applicant, declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and administrative guidance required for each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2003.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in Appendix A, should apply, as required, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2003.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, as implemented by U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with the Urbanized Area Formula Program, 49 U.S.C. 5307, and may apply to any other certification, assurance, or submission made in connection with any other program administered by FTA.

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____
Date: _____

Applicant's Attorney

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Attorney's affirmation of the Applicant's legal capacity.

AFFIRMATION OF APPLICANT'S ATTORNEY

for _____ (Name of Applicant)

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature _____ Date: _____

Name _____

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INTRODUCTION

LAKE TAHOE STRATEGIC TRANSPORTATION PLANNING OBJECTIVES

The 1980 Tahoe Regional Planning Compact includes the following provisions:...there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances with will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

The TRPA Regional Plan shall be a single enforceable plan with the following related elements:

- ✓ A Goals and Policy Plan
- ✓ A Transportation Plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities and appurtenant terminals and facilities for the movement of people and goods, within the region.
- ✓ The goal of transportation planning shall be:
 - To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and
 - To reduce to the extent feasible air pollution which is caused by motor vehicles.
- ✓ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation.
- ✓ The plan shall provide for an appropriate transit system for the region.
- ✓ The plan shall give consideration to:
 - Completion of the Loop road in the States of Nevada and California
 - Utilization of a light rail mass transit system in the So. Shore area
 - Utilization of a transit terminal in the Kingsbury Grade area

TRPA also establishes transportation policy and planning direction by virtue of the Code of Regulations and Plan Area Statements, also part of the Regional Plan.

TRPA's Mission Statement:...."leading the cooperative effort to preserve, restore, and enhance this unique natural and human environment of the Lake Tahoe Region". TRPA has developed the following Strategic Direction for Work Program and Budget Development for FY 2002-2007

- ✓ Vision Statement: The Agency will successfully transition from the closure of the 1987 20-Year Regional Plan to the opening of the next 20-Year plan, using clear strategies and action plans.
- ✓ Products:
 - ✓ A 5-Year Strategic Plan
 - ✓ An agency Finance plan
 - ✓ A 5-Year Work Program Plan
 - ✓ Annual Budgets

The Tahoe Metropolitan Planning Organization (TMPO) was created when the Governors of California and Nevada each designated the TMPO under authority provided in federal regulations. As with all federally designated MPOs, the TMPO's role is primarily a planning and programming role. The TRPA staff serves as staff to the TMPO, and the TRPA Governing Board, with the addition of a United States Forest Service representative, serve as the TMPO Board.

The TRPA adopted a regional transportation plan and air quality plan in 1992, satisfying both TRPA and Caltrans transportation planning requirements. In 2000, the TMPO adopted the Federal Transportation Plan-Regional Transportation Plan, satisfying federal and state transportation planning requirements. These two plans are to be integrated in order to have one regional transportation plan that satisfies TRPA, federal and state requirements.

Lake Tahoe's unique setting and environmental stature necessitates developing transportation plans and projects that are evaluated along three primary resource areas. Each requires a distinctive approach to mitigate impacts to that resource.

- Public Mobility: Public mobility actions are related to the need to reduce reliance on the private automobile. Specific public mobility strategies are categorized as: Regional Public Mobility, Express Public Transit, General Public Transit. It is recommended that new vehicles purchased for these actions employ reduced or zero emission engines.
- Water Quality: Water quality mitigation involves treating highway and street runoff with best available detention and suspension practices and technology, a challenge given that the Tahoe roadway network is located so close to the lake and often on steep mountainsides.
- Air Quality: Emissions from motor vehicle use are a major contributor to overall air quality impacts. Reductions in the use of gasoline powered private automobiles and increased number of zero-emission or low emission vehicles will provide air quality improvements. In addition, reductions in the type, size and other characteristics of road sand that becomes airborne will provide further improvements.
- Regional Roadway: Reduced reliance on the private automobile will require increased publicly and privately supported transportation alternatives. These alternatives include transit services, van pools, sidewalks or other means. Any such programs will require marketing to assess agreeable audiences and to develop proposals related to their specific needs.
- Land Use: Land Use improvements are those projects and regulations designed to link land use and transportation decisions such that complement each other.

TEA 21 AND FTA/FHWA REGION IX 2004 PLANNING EMPHASIS AREAS

The following planning and strategy areas described in TEA 21 and endorsed by the Federal Transit Administration and Federal Highway Administration are to be considered in development of the Tahoe Basin Transportation Planning OWP. Each Work Element includes reference to these emphasis areas in the Tasks accompanying the Work Element. The following are the 2004 Planning Emphasis Areas:

- Safety and Security in the Transportation Planning Process

This area is addressed in Work Elements 105, 107, 108

- Integrated Planning and Environmental Processes
This area is addressed in Work Elements 101, 103, 104, 105, 107, 108
- Consideration of Management and Operations within Planning Processes
This area is addressed in Work Elements 105, 107, 108
- Consultation with Local Officials
This area is addressed in Work Elements 101, 103, 104
- Enhancing the Technical Capacity of Planning Processes
This area is addressed in Work Elements 101, 105, 108

In addition to these Planning Emphasis Areas, TEA-21 requires metropolitan planning processes provide for the consideration of projects and strategies that will:

- Support economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
- Increase the safety and security of transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility options available to people and freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation;
- Emphasize the preservation of the existing transportation system.

SETTING

The Tahoe Region is located on the border of the States of California and Nevada, between the Sierra Crest and the Carson Range. Approximately two-thirds of the Region is located in California with one-third within the State of Nevada. The Tahoe Region contains an area of about 501 square miles, of which approximately 191 square miles comprise the surface waters of Lake Tahoe. Lake Tahoe dominates the features of the Region and is the primary focus of local environmental regulations to protect its exceptional water clarity.

Located within the California portion of the Tahoe Region are the City of South Lake Tahoe, and portions of El Dorado County and Placer County. This part of the Region is within the fourth Congressional District of California. The Nevada side of the Region is comprised of portions of Washoe, Carson City and Douglas Counties. The resident population of the Tahoe Region is approximately 62,891 (2000 census). Of this total, approximately 16,691 reside in the Nevada portion of the Region, and 46,200 people reside within the California portion.

Lake Tahoe and the surrounding areas provide a major recreational opportunity for residents of the surrounding states. The primary market for recreation at Lake Tahoe is from northern California, primarily the Sacramento and Bay areas. During the summer, the population of the Tahoe Region is estimated to increase by approximately 155,000 overnight visitors. Day visitors are estimated at 20,540. In winter, these numbers are 147,500 and 9,956, respectively.

Serving the resident and visitor populations are public and private fixed route transit, shuttles, trolleys, demand-responsive services, as well as air transportation via the South Lake Tahoe Airport and a local and regional highway network. There are seven major entrances to the Basin from outside the Region. The majority of traffic to the Region is from California. A variety of state route segments encircle the Lake. Portions of the Region are served by bicycle facilities and waterborne excursion services. Public transit is provided on the north shore by Tahoe Area Regional Transit (TART), operated by the Placer County. Public transit service on the south shore is provided by the City of South Lake Tahoe, El Dorado County and Douglas County, which contract the operation of Blue Go to Area Transit Management (ATM). Blue Go is a coordinated transit system that operates on the South Shore, and is made up of both the local jurisdictions named above, Heavenly Ski Area, the casino properties. It is a combination of fixed route and demand-response service.

Both the North and South Shores are served by visitor trolley, ski and rafting shuttle services, special events and others funded by a combination of public and private funds. An Amtrak feeder bus service also serves the Region and allows for links to the San Joaquin and Capitol Corridor train services.

TAHOE BASIN TRANSPORTATION PLANNING INSTITUTIONAL STRUCTURE

The following is a description of each of the bodies that has a role in the policy or technical decision-making process.

Tahoe Regional Planning Agency

The Tahoe Regional Planning Agency (TRPA) is governed by a fourteen member Governing Board, with a non-voting federal representative as the fifteenth member. Each state has seven representatives, with each local jurisdiction within the Region also being represented. TRPA is unique because of its responsibilities under the Compact for land use planning, transportation planning, project review and approval, enforcement of TRPA ordinances, and the achievement of environmental goals.

TRPA is charged by the Compact to develop an integrated, regional transportation plan for the Tahoe Region, and accordingly adopted the Regional Transportation Plan - Air Quality Plan in 1992, later affirmed in 1994, 1996 and 1998. The Compact also states that the goal of transportation planning shall be to reduce, to the extent feasible, air pollution which is caused by motor vehicles. Transportation and air quality planning by TRPA is for the express purpose of attaining or maintaining the applicable federal, state, local, and TRPA air quality threshold standards. These standards include reductions in Vehicles Miles Traveled (VMT) and traffic volumes.

Regional Transportation Planning Agency (California Only)

TRPA is statutorily designated by the State of California as a Regional Transportation Planning Agency (RTPA) for the Tahoe Region. As an RTPA, TRPA must fulfill various statutory requirements, including those of the Transportation Development Act, coordination with Caltrans on the development of Regional Transportation Plans and Regional Transportation Improvement Programs and other project related activities. The TRPA Governing Board indicates that it is sitting as the RTPA when taking a policy action, but no changes to the membership of the Governing Board occurs.

Tahoe Metropolitan Planning Organization

The Tahoe Metropolitan Planning Organization (TMPO) is the policy body responsible as the forum for the cooperative decision-making process that will take the required actions under federal regulations regarding metropolitan planning organizations. The TMPO area is the same as that of the TRPA. The TMPO Board of Directors is comprised of the fourteen voting members of the TRPA Governing Board, and a voting representative of the United States Forest Service, Lake Tahoe Basin Management Unit (USFS). The TMPO voted to provide that the Chair and Vice-Chair of the TRPA serve as Chair and Vice-Chair of the TMPO unless the TMPO votes otherwise.

The TMPO meeting is held during the TRPA meetings, so notices and agendas are mailed at the same time. The TRPA Board must adjourn and the TMPO Board then convenes after being joined by the USFS. Once TMPO actions are taken, the TMPO adjourns and the TRPA reconvenes without the USFS. Changing the fifteenth, non-voting member of the TRPA Board to the USFS are being considered.

It is important to note that these two policy bodies, although they embody many of the same individuals, have different missions and perspectives. The TRPA overriding obligation is adherence to the Compact, including attaining and maintaining environmental thresholds. The TMPO's mission, on the other hand, is to provide policy decisions on transportation plans and programs. In many circumstances these two differences will be minor, while in some cases conflicting philosophies may develop. TRPA will have ultimate authority with respect to the ability to approve any transportation projects for implementation.

Tahoe Transportation District

Article IX of the Regional Planning Compact also created the Tahoe Transportation District (TTD). TTD has responsibility for implementing of transportation plans, programs and projects. TTD may acquire, own and operate public transportation systems and parking facilities serving the Tahoe Region and providing access to convenient transportation terminals outside of the Region. The TTD was originally governed by a Board of Directors representing the counties within the Region and the City of South Lake Tahoe. Article IX was amended in 1997 to provide for private participation on the Board. Board membership now includes two Transportation Management Associations in the Basin, an at-large member representing transit providers, and representative of any special transit districts formed under California law. The California Department of Transportation (Caltrans) and the Nevada Department of Transportation (NDOT) each have non-voting members on the Board of Directors.

Tahoe Transportation Commission

Tahoe Transportation Commission

As TMPO implementation issues were being discussed following passage of TEA 21, concern was expressed that, given the nature of the TRPA meetings, transportation issues would not be afforded sufficient opportunity to be discussed in the manner envisioned by TEA 21 and regional transportation stakeholders. Using a format similar to the TRPA Advisory Planning Commission, the TMPO established the Tahoe Transportation Commission (TTC) to debate transportation and air quality issues and make policy recommendations. The TTC would then serve as policy guidance to the full TRPA and TMPO where additional debate could take place prior to final actions being taken.

The TTD serves as the basis for the TTC, much in the same manner as the TRPA forms the basis for the TMPO. In this fashion, both the TTD and the TTC meet at the same date and time; one agenda is posted, etc. Because of the distinctions between the two groups however, a different membership composition is provided. To this end, the TTC membership consists of the six local jurisdictions, the two transportation management associations, one at-large member, the USFS, and a representative of the Washoe Tribe of Nevada and California. Caltrans and NDOT serve as non-voting representatives, and the TMPO has the ability to add other members as appropriate.

Tahoe Transportation Technical Advisory Committee

To provide technical support to these various policy bodies, the Tahoe Transportation Technical Advisory Committee (TTAC) is proposed. In order to avoid duplication and to streamline as much as possible, the TTD Technical Advisory Committee is proposed as the starting point for refinement of the technical committee process. The TTD TAC has been meeting for many years, but the focus has been primarily on transit operational issues. An expanded role would include issues related to highway improvement projects, waterborne and aviation, as well as input into the plans and programs to be received by the TTC prior to approval by either the TRPA or the TMPO.

To support the TTAC, subcommittees have been identified that would serve the needs of this expanded role. A Social Service Transportation Subcommittee has been identified to replace the TRPA ad-hoc committee that was meeting infrequently. Other subcommittees include a Transit Operations Subcommittee, a Public Works Subcommittee, and an Air Quality Subcommittee. The Air Quality Subcommittee would provide the interagency conformity consultation process required as the TMPO. The role and membership of the TTAC and its subcommittees will continue to evolve over the coming year.

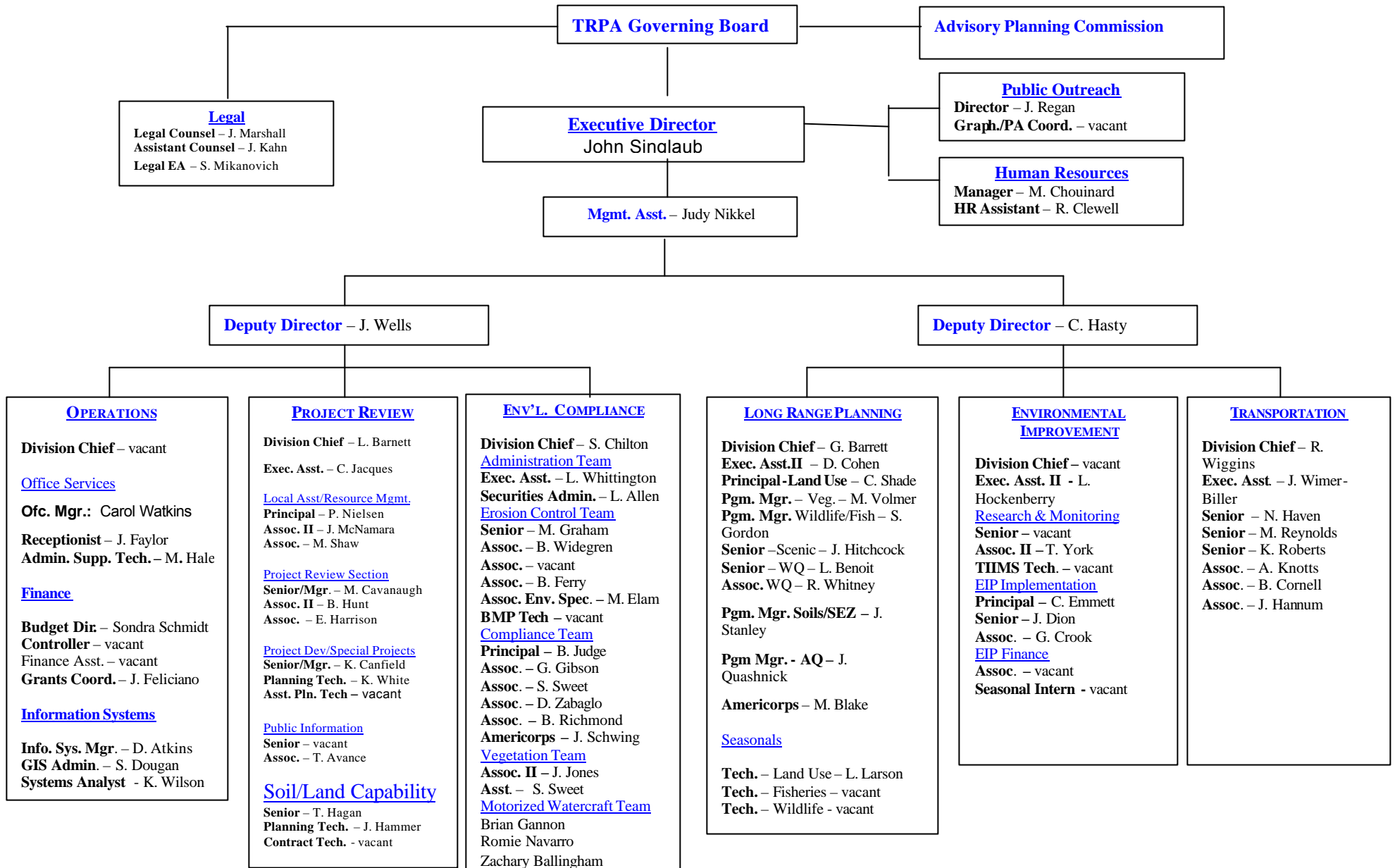
TRPA Advisory Planning Commission

The TRPA Advisory Planning Commission (APC) is established under the Compact to support the TRPA Governing Board. It is 17 member body made up of a number of state and local representatives, designed to more technically review project and regional planning plan proposals prior to review and action by the TRPA Governing Board. As a TRPA function, the APC does not review or act on TMPO or RTPA programming actions, but does have jurisdiction over planning issues related to the regional plan and therefore the transportation plan, and could have review responsibility over permits sought by the TTD. The TTD has a voting representative on the APC.

TRPA Transportation and Air Quality Staff Unit

The TRPA staff will serve as staff to each of these organizations or bodies. This provides for a single point of contact for transportation issues, reduces administrative overhead, and avoids philosophical conflicts at the staff level.

TRPA ORGANIZATIONAL CHART



**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

Solaro, David, Chairman – El Dorado County Supervisor, 3368 Lake Tahoe Blvd., Ste. 102, So. Lake Tahoe, CA 96150
Perock, Wayne, Vice-Chairman – NV Division of State Parks, 1300 So. Curry St., Carson City, NV 89703
Heller, Dean A., – Nevada Secretary of State, 101 No. Carson St., Ste. 3, Carson City, NV 89701
Sevison, Larry, Placer County Supervisors’ Appointee, P.O. Box 108 Tahoe Vista, CA 96148
Smith, Tim, Douglas County Commissioner, P.O. Box 712, Genoa, NV 89411
Aldean, Shelly - Carson City Supervisor, 504 W. 5th Street, Carson City, NV 89703
Cole, Hal – City of So. Lake Tahoe Council Member, 3025 Pioneer Trail, So. Lake Tahoe, CA 96150
DeLanoy, Drake – Governor of NV Appointee, 10409 Shoalhaven Dr., Las Vegas, NV 89134
Galloway, Jim – Washoe County Commissioner, P.O. Box 11130, Reno, NV 89520
Slaven, Ronald – Governor of California Appointee, Laborers Local 185, 1320 W. National Drive, Sacramento, CA 95834
Holderman, Reed – California Assembly Speaker Appointee, 5871 Harboard Drive, Oakland, CA 94611
Quinn, Tom – Governor of California Appointee, 326 Aeolia Dr., Auburn, CA 95603
Swobe, Coe – Nevada-at-Large Member, Law Office, 421 Court St., Reno, NV 89501
Waldie, Jerome – California Senate Rules Committee Appointee, 4521 Kruk Trail, Placerville, CA 95667
Yount, Stuart – Presidential Appointee, 1001 Tahoe Blvd, Incline Village, NV 89451
Singlaub, John – TRPA Executive Director, P.O. Box 1038, Zephyr Cove, NV 89448

**TAHOE METROPOLITAN PLANNING ORGANIZATION
GOVERNING BOARD**

Solaro, David, Chairman – El Dorado County Supervisor, P.O. Box 13212, So. Lake Tahoe, CA 96151
Perock, Wayne, Vice Chairman – Designee for Director of Nevada Dept. of Conservation & Natural Resources, NV Division of State Parks, 1300 So. Curry St., Carson City, NV
Heller, Dean A. – Nevada Secretary of State, 101 No. Carson Street, Suite #3, Carson City, NV 89701
Sevison, Larry – Placer County Supervisors’ Appointee, P.O. Box 108, Tahoe Vista, CA 96148
Aldean, Shelly - Carson City Supervisor, 504 W. 5th Street, Carson City, NV 89703
Smith, Tim, Douglas County Commissioner, P.O. Box 712, Genoa, NV 89411
Cole, Hal – City of South Lake Tahoe Council Member, 3025 Pioneer Trail, So. Lake Tahoe, CA 96150
DeLanoy, Drake – Governor of NV Appointee, 10409 Shoalhaven Drive, Las Vegas, NV 89134
Galloway, Jim – Washoe County Commissioner, P.O. Box 11130, Reno, NV 89520
Slaven, Ronald – Governor of California Appointee, Laborers Local 185, 1320 W. National Drive, Sacramento, CA 95834
Holderman, Reed – California Assembly Speaker Appointee, 5871 Harboard Drive, Oakland, CA 94611
Quinn, Tom – Governor of California Appointee, 326 Aeolia Drive, Auburn, CA 95603
Swobe, Coe – Nevada At-Large Member, Law Office, 821 Riverside Drive, Reno, NV 89503
Waldie, Jerome – California senate Rules Committee Appointee, Law Office, 136 Ridge Street, P.O. Box 1170, Reno, NV
Gustafson, Maribeth – Superintendent, USFS Forest Supervisor, LTBMU, 870 Emerald Bay Road, So. Lake Tahoe, CA 96160
Singlaub, John – TRPA Executive Director, P.O. Box 5310, Stateline, NV 89449

**TAHOE TRANSPORTATION DISTRICT (TTD)
BOARD OF DIRECTORS**

Harper, Mike, Chairman – Washoe County, P.O. Box 11130, Reno, NV 89520
McIntyre, Ron, Vice Chairman – Truckee-No. Tahoe, P.O. Box 5459, Tahoe City, CA 96145
Solaro, David – El Dorado County, P.O. Box 13212, So. Lake Tahoe, CA 96151
Flansberg, John – Carson City, 201 No. Carson St., Suite #2, Carson City, NV 89701
Teshara, Steve – Member-At-Large , P.O. Box 6749, Stateline, NV 89449
Upton, John – City of So. Lake Tahoe, 1052 Tata Lane, So. Lake Tahoe, CA 96150
Bauschke, Jim – Douglas County, P.O. Box 218, Minden, NV 89423
Marshall, Grayson – Placer County, CEO Annex/Placer County, 11491 “B” Avenue, Auburn, CA 95603
Strain, Andrew – So. Shore TMA, P.O. Box 2180, Stateline, NV 89449
Lewis, Wayne – Caltrans, P.O. Box 911, Marysville, CA 95901
Cooper, Kent – Nevada Department of Transportation, 1263 So. Stewart, St., Carson City, NV 89712
Singlaub, John – TRPA Executive Director, P.O. Box 5310, Stateline, NV 89449

**TAHOE TRANSPORTATION COMMISSION (TTC)
BOARD OF DIRECTORS**

Harper, Mike, Chairman – Washoe County, P.O. Box 11130, Reno, NV 89520
McIntyre, Ron, Vice Chairman – Truckee, No. Tahoe, P.O. Box 5459, Tahoe City, CA 96145
Solaro, David – El Dorado County, P.O. Bo x 13212, So. Lake Tahoe, CA 96151
Flansberg, John – Carson City, 201 No. Carson St., Suite #2, Carson City, NV 89701
Teshara, Steve – Member-At-Large, P.O. Box 6749, Stateline, NV 89449
Upton, John – City of So. Lake Tahoe, 1052 Tata Lane, So. Lake Tahoe, CA 96150
Bauschke, Jim – Douglas County, P.O. Box 218, Minden, NV 89423
Marshall, Grayson – Placer County, CEO Annex/Placer County, 11491 “B” Avenue, Auburn, CA 95603
Strain, Andrew – So. Shore TMA, Stateline, NV 89449
West, Colin – USFS, LTBMU, - 35 College Dr., So. Lake Tahoe, CA 96150
Wallace, Brian – Washoe Tribe of NV & CA, 919 US Highway 395 South, Gardnerville, NV 89413
Lewis, Wayne – Caltrans, P.O. Box 911, Marysville, CA 95901
Cooper, Kent – Nevada Department of Transportation, 1263 So. Stewart, St., Carson City, NV 89712
Singlaub, John – TRPA Executive Director, P.O. Box 5310, Stateline, NV 89449

**TAHOE REGIONAL TRANSPORTATION
TECHNICAL ADVISORY COMMITTEE (TTAC)**

Bob Nunes – Douglas County, P.O. Box 218, Minden, NV 89423
Brotzman, Harvey – Carson City, 300 Hot Springs Road, Suite #10, Carson City, NV 89706
Rod Savini – Washoe County, P.O. Box 11130, Reno, NV 89520

Ken Daley - El Dorado County, P.O. Box 18400, So. Lake Tahoe, CA 96151
Merchant, Jennifer – Truckee – No. Tahoe TMA, P.O. Box 7108, Tahoe City, CA 96158
Vacant – Member-At-Large,
Garner, Will, Placer County, 11528 “B” Avenue, Auburn, CA 95603
Vacant – South Shore TMA,
Dikun, Mike - City of South Lake Tahoe, 1052 Tata Lane, So. Lake Tahoe, CA 96150
Warpeha, John, Washoe Tribe of NV & CA, 919 U.S. Highway 395 South, Gardnerville, NV 89410
West, Colin –USFS, 35 College Dr. , So. Lake Tahoe, CA 96150
Norberg, Keith – Nevada Department of Transportation, 1263 South Stewart, Carson City, NV 89712
Tinney, Marlo – Caltrans, P.O. Box 942874, Sacramento, CA 94274-0001
Haven, Nick – TRPA, P.O. Box 5310, Stateline, NV 89449

RESULTS OF THE FY 2004 PROGRAM

Numerous tasks and products were completed in support of the Tahoe Basin Regional Transportation Plan and regional planning issues. These include:

- ✓ Regular attendance at Tahoe Area Coordinating Council of the Disabled.
- ✓ Completion of winter season Origin and Destination survey of travel behavior.
- ✓ Adopted Tahoe Regional Bicycle and Pedestrian Master Plan
- ✓ Development of draft proposal for Transportation Threshold Indicators
- ✓ Participation in TRPA Pathway 2007 process for update of twenty year Regional Plan, including participation in Adaptive Management Framework process.
- ✓ Implemented TRPA Chapter 33 provisions requiring local jurisdictions to document efforts to improve transit service in order to obtain residential building allocations.
- ✓ Completed TART 5 Year System Plan.
- ✓ Completed US 50 Bistate/Stateline Transportation and Community Planning project, including two community meetings to present study findings and Steering Committee Recommended Alternative.
- ✓ Completed VMT estimates for current, five-year and 20-year timeframes.

The Coordinated Transit System (CTS) went operational in FY 2004. Planning activities in support of CTS included:

- ✓ Conducting forums for review of service approaches and technology interface.
- ✓ Supported monthly Management Company Board of Directors meetings.

Air quality continued to be a major consideration of transportation planning activities. Tasks completed or on-going include:

- ✓ Completed construction of permanent Compressed Natural Gas fueling facility at the Lake Tahoe Airport.
- ✓ Conducted surveys of fleet mix used in the Basin and conducted speed studies.
- ✓ Research with the California Air Resource Board on the Lake Tahoe Air Deposition Study to assess sources of pollution, including pollution from motor vehicles, and their relative impact on air quality and water clarity, and development of effective control strategies to reduce air pollution.
- ✓ Coordination with California Air Resources Board regarding development of CO emissions and VMT estimates.
- ✓ Received US EPA approval of Nevada Department of Environmental Protection request for reclassification of the CO status on the Nevada side of the basin.
- ✓ Obtained and started using EMFAC air quality model from California Air Resources Board (CARB).

Support of the Tahoe Transportation District (TTD) continued to be a major focus, including:

- ✓ TTD Action Plan for FY 2004
- ✓ Support of monthly board meetings
- ✓ Implementation of a Strategic Financing Committee to develop approach for obtaining additional transit operational funding.

Active planning ultimately involves meeting regulatory requirements and a review by permitting agencies at the project level. TRPA transportation related project review activities involved studying design qualities and comparing with adopted standards water quality, air quality and capacity or safety and/or security related mitigation measures for each project permitted by TRPA. TRPA also reviews and coordinates many Environmental Impact Reports required by CEQA, Environmental Impact Statements required by NEPA, and EIS required under TRPA rules. The following is a partial list of projects within this review process:

- ✓ Martis Valley General Plan
- ✓ Fanny Bridge: SR 89 EIS/EIS/EIR process
- ✓ Kings Beach Commercial Core Alternatives development and traffic study
- ✓ North Tahoe High School expansion
- ✓ South Stateline Traffic study
- ✓

Public outreach was a major focus of this year's work program, as well as for the TRPA as a whole. The TRPA Governing Board implemented a new committee for Public Outreach, and hired a new Communications Director. The following were tasks or activities that were completed this year.

- ✓ Adoption of a Strategic Outreach Plan for the Transportation Division.
- ✓ Development of transit passenger surveys and contacts with local hotels regarding Blue Go operations.
- ✓ Development and mailing of postcards to thousands of property owners alerting them to various meetings, including the South Stateline Transportation Planning Study and the Fanny Bridge/SR 89 EIS project.
- ✓ Development of a brochure for employees to engage them in the Trip Reduction Program, as well as contacts with the majority of larger employers in the Basin.

The relationship of planning to programming, and the commitment of project funds through project completion is also a critical role provided. The following are a partial list of projects for which programming and project planning support were provided:

- ✓ US 50 Highway Improvement Projects Phases I and II
- ✓ Kings Beach Commercial Core Improvement Project
- ✓ Regular attendance with the California Federal Programming Group
- ✓ Coordination with the Southern Nevada Public Lands Management Act for programming of projects with this fund source.
- ✓

The TMPO ensures adequate funding is available to support transportation programs and projects, which includes completing the following tasks:

- ✓ Review of TDA claimant operations and financial elements of their transit programs.
- ✓ Definition of project costs and related federal funding opportunities
- ✓ Participation in regional forums related to understanding the California budget crisis and impact on transportation projects

- ✓ Explanation of needs relative to the Public Lands Highways 1 percent planning provision contained in TEA-21 for the Tahoe Region
- ✓ Coordination with NDOT and Caltrans regarding development of funding estimates for project programming

FINANCIAL PROGRAM

Table 1 – Historical Revenue Summary

	Allocation or Grant Amount	Amount Available for Programming	Amount Programmed	Agency Expenditures (* - Projected)	Carryover to Next FY
CA PL FY 99	255,367	255,367	255,367	0	255,367
CA PL FY 00	342,584	597,951	597,951	233,461	364,490
CA PL FY 01	349,301	713,791	342,584	325,650	388,141
CA PL FY 02	348,758	736,899	597,557	376,935	359,964
CA PL FY 03	322,920	682,884	474,144	470,532	212,352
CA PL FY 04	331,837	544,189	434,891 ¹	434,891 *	109,298
CA PL FY 05	331,837	441,135	441,135		
NV PL FY 99	32,609	32,609	32,609	0	32,609
NV PL FY 00	32,609	65,218	65,218	10,721	54,497
NV PL FY 01	32,609	87,106	87,106	11,457	75,649
NV PL FY 02	31,566	107,215	86,063	83,245	23,970
NV PL FY 03	49,809	73,779	69,809	50,897	22,882
NV PL FY 04	49,809	72,691	70,940 ¹	70,940 *	1,751
NV PL FY 05	49,809	51,560	51,560		
FHWA PLH 2000	333,750	333,750		127,598	206,152
FHWA PLH 2001		206,152	86,152	178,740	27,412
FHWA PLH 2002	340,000	367,412	340,000	152,831	241,581
FHWA PLH 2003	340,000	554,581	187,792	299,214	255,367
FHWA PLH 2004	340,000	595,367	610,000	550,000 *	45,367
FHWA PLH 2005	340,000	385,367	385,367		
CA SP&R FY 01	233,800			97,216	136,584
CA SP&R FY 02	60,550	197,134		197,134	0
CA SP&R FY 03	50,000	50,000		50,000	0
CA SP&R FY 04	100,000	100,000	100,000	10,000 *	90,000
CA SP&R FY 05	90,000	90,000	90,000		
CA SHA FY 03	300,000	300,000		85,000	215,000
CA SHA FY 04	0	215,000	215,000	215,000 *	0
CA SHA FY 05	0	0	0		

Notes:

1. Per amendment adopted by TMPO February 25, 2004.

Table 2
FY 2005 TRPA / TMPO Programmed Revenues

<u>Funding Source</u>	<u>FY 2005</u>	<u>Prior Year</u>
FHWA PL - CA	441,135	434,891
FHWA PL - NV	51,560	70,940
FHWA PLH	385,367	610,000
US Department of Energy	20,000	-
Federal Subtotal:	\$ 898,062	\$ 1,115,831
TDA - Planning	40,000	40,000
TDA - Administration	28,000	28,000
SHA - CA/NV Stateline Study	-	215,000
SP & R Interregional Study	100,000	100,000
RSTP	24,960	19,599
TRPA General Fund	138,000	138,000
NV State Energy Office	2,500	-
In-Kind	-	15,000
Non-Federal Subtotal:	\$ 333,460	\$ 555,599
GRAND TOTAL:	\$ 1,231,522	\$ 1,671,430

Table 3
FY 2005 TMPO/TRPA Salaries

<u>Position Title</u>	<u>FT/PT</u>	<u>FY 2005 Salary and Wages</u>	<u>FY 2005 Benefits</u>	<u>Overhead 66.69%</u>	<u>FY 2005 Total Salary, Benefits and Overhead</u>
Division Chief	FT	\$ 80,347.00	\$ 17,597.00	\$ 65,319.00	\$ 163,263.00
Executive Assistant	FT	37,307.00	9,333.00	\$ 31,104.00	77,744.00
Senior Planner	FT	62,753.00	14,521.00	\$ 51,534.00	128,808.00
Senior Planner	FT	62,564.00	11,720.00	\$ 49,540.00	123,824.00
Senior Planner	FT	56,377.00	14,521.00	\$ 47,282.00	118,180.00
Associate Planner	FT	47,317.00	10,279.00	\$ 38,411.00	96,007.00
Associate Planner	FT	49,549.00	10,490.00	\$ 40,040.00	100,079.00
Associate Planner	FT	52,417.00	10,765.00	\$ 42,136.00	105,318.00
Associate Planner	PT	33,705.00	13,155.00	\$ 31,251.00	78,111.00
Total FY 2005		\$482,336.00	\$112,381.00	\$396,617.00	\$ 991,334.00

Table 4
FY 2005 TMPO / TRPA Staff Costs and Revenues

WORK ELEMENTS	FHWA PLANNING		PUBLIC LANDS, etc.	TRPA General Funds	TDA - ADMIN	TDA - PLNG	SHA – Interr. Inter-modal	NV State Energy Office	US Dept. of Energy	RSTP	TOTAL
	CA	NV									
101 - TDA	-	-	-	-	20,000	-	-	-	-	-	\$ 20,000
102 - OWP	22,000	2,500	-	15,500	-	10,000	-	-	-	-	\$ 50,000
103 - Bds., comm., stakeholders	88,135	10,300	38,000	24,700	-	5,000	-	-	-	-	\$ 166,135
104 – Public Involvement	35,000	4,235	-	9,000	-	-	-	-	-	-	\$ 48,235
105 - Regional Planning	230,000	26,800	200,000	71,800	-	2,960	-	-	-	-	\$ 531,560
106 – Reg'l Prog.	31,000	3,600	-	8,000	-	5,000	-	-	-	-	\$ 47,600
107 - Project Review	-	-	37,679	-	-	-	-	-	-	-	\$ 37,679
108 - ITS Planning	35,000	4,125	-	9,000	-	5,000	-	-	-	-	\$ 53,125
109 – Alt. Fuels & Clean Cities	-	-	-	-	-	12,040	-	-	-	24,960	\$ 37,000
110 - Inter-regional Intermodal Study	-	-	-	-	-	-	-	-	-	-	\$ -
TOTAL:	\$ 441,135	\$ 51,560	\$ 275,679	\$ 138,000	\$ 20,000	\$ 40,000	\$ -	\$ -	\$ -	\$ 24,960	\$ 991,334

Table 5
FY 2005 TMPO / TRPA Direct Costs and Revenues

WORK ELEMENTS	FHWA PLANNING		PUBLIC LANDS, etc.	TRPA General Funds	TDA - ADMIN	TDA - PLNG	SHA – Interr. Inter-modal	NV State Energy Office	US Dept. of Energy	RSTP	TOTAL
	CA	NV									
101 - TDA	-	-	-	-	8,000	-	-	-	-	-	\$ 8,000
102 - OWP	-	-	-	-	-	-	-	-	-	-	\$ -
103 - Bds., comm., stakeholders	-	-	25,000	-	-	-	-	-	-	-	\$ 25,000
104 – Public Involvement	-	-	-	-	-	-	-	-	-	-	\$ -
105 - Regional Planning	-	-	77,188	-	-	-	-	-	-	-	\$ 77,188
106 – Reg'l Prog.	-	-	-	-	-	-	-	-	-	-	\$ -
107 - Project Review	-	-	-	-	-	-	-	-	-	-	\$ -
108 - ITS Planning	-	-	-	-	-	-	-	-	-	-	\$ -
109 – Alt. Fuels & Clean Cities	-	-	7,500	-	-	-	-	2,500	20,000	-	\$ 30,000
110 - Inter-regional Intermodal Study	-	-	-	-	-	-	100,000	-	-	-	\$ 100,000
TOTAL:	\$ -	\$ -	\$ 109,688	\$ -	\$ 8,000	\$ -	\$ 100,000	\$ 2,500	\$ 20,000	\$ -	\$ 240,188

Table 6
FY 2005 TMPO / TRPA Direct and Staff Costs
by Work Element

	Staff	Direct	Total
101 - Transportation Dev't. Act	\$ 20,000	\$ 8,000	\$ 28,000
102 - Overall Work Program	\$ 50,000	\$ -	50,000
103 – Board, comm., stakeholders	\$ 166,135	\$ 25,000	191,135
104 - Public Involvement	\$ 48,235	\$ -	48,235
105 - Regional Planning	\$ 531,560	\$ 77,188	608,748
106 - Regional Programming	\$ 47,600	\$ -	47,600
107 - Project Review	\$ 37,679	\$ -	37,679
108 - ITS Planning	\$ 53,125	\$ -	53,125
109 - Alternative Fuels & Clean Cities	\$ 37,000	\$ 30,000	67,000
110 - Interregional Intermodal Study	\$ -	\$100,000	100,000
TOTALS:	\$ 991,334	\$ 240,188	\$ 1,231,522

Table 7
Staff and Direct Costs by Revenue Source

	FHWA PLANNING		PUBLIC LANDS, etc.	TRPA General Funds	TDA - ADMIN	TDA - PLNG	SHA - Interregional Intermodal	NV State Energy Office	US Dept. of Energy	RSTP Exchange	TOTAL
	CA	NV									
• Staff:	441,135	51,560	275,679	138,000	20,000	40,000	-	-	-	24,960	991,334
• Direct:	-	-	109,688	-	8,000	-	100,000	2,500	20,000	-	240,188
Total:	\$441,135	\$ 51,560	\$385,367	\$138,000	\$28,000	\$40,000	\$ 100,000	\$ 2,500	\$ 20,000	\$ 24,960	\$1,231,522

TABLE 8
SERVICES AND SUPPLIES

TRPA Account Number	Description	Amount
250-00-00-7015	Admin and Overhead * Included in this table for internal accounting procedures only, and is not part of the total Services and Supplies budget for purposes of this OWP, WE 105.	\$ 396,617
250-08-65-6100	Per Diem – Out of State	\$250
250-08-65-6200	Per Diem – In State	\$250
250-08-65-7020	Office Supplies	\$250
250-08-65-7026	Other Supplies	\$250
250-08-65-7118	Rent – Meeting Rooms	\$3,000
250-08-65-7128	Legal Notices	\$1,000
250-08-65-7370	Subscriptions and Publications	\$500
250-08-65-7430	Professional Services	\$2,000
250-08-65-7500	Training Exp. – Registration	\$3,000

Note: Following a request to Caltrans seeking to change the basis for TRPA’s Indirect Cost Allocation Plan (that determines the overhead rate) to lower the Indirect Cost Rate, Caltrans informed TRPA that they have never given approval for an Indirect Cost Allocation Plan on a total cost basis.

WORK ELEMENTS

**TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)**

WORK ELEMENT 101 – TRANSPORTATION DEVELOPMENT ACT

PURPOSE

To support on-going State of California Transportation Development Act (TDA) planning and administrative requirements.

DISCUSSION

The administration of the Tahoe Basin transportation and air quality planning process involves a variety of activities, including administrative functions to comply with provisions of the TDA. TDA functions include preparation and distribution of fiscal audits, performance audits, annual financial transaction reports and audit schedules; conducting unmet transit needs hearings; and distributing and monitoring the use of LTF and STA funds by TDA claimants.

PREVIOUS WORK

The work activities listed above continue on a regular, ongoing basis.

FY 2005 PRODUCTS

COMPLETION DATE

Adoption of 2005 Operator’s Program of Projects	August 2004
Unmet Transit Needs Hearings and Adopt Findings	January 2005
Claimant and TRPA Financial Audits	November 2004
TDA Schedule of Performance Audits	September 2004
Annual Report of Financial Transactions	September 2004

FY 2005 TASKS

Prepare for, coordinate and attend monthly Tahoe Area Coordinating Council for the Disabled meetings, acting quarterly as the Social Service Advisory Council.
Fund balance tracking and claim processing, billings; annual operating presentations
Preparation and coordination for holding unmet transit needs hearings
Requests for allocations, notices to jurisdictions, audit monitoring and submittals
PEAs: Staff will discuss with claimants issues regarding transit security of facilities, equipment and operations when reviewing TDA claims and proposed operations, particularly regarding the inclusion of ITS safety components and emergency preparedness and traveler information.

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
TDA Admin	8,000	Audits	8,000
Direct Sub-total:	8,000	Direct Subtotal:	8,000
Staff		Staff	
TDA Admin	20,000		20,000
Staff Sub-total:	20,000	Staff Sub-total	20,000
Work Element Total	28,000	Work Element Total	28,000

**TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)**

WORK ELEMENT 102 – OVERALL WORK PROGRAM

PURPOSE

To support tasks necessary for the development, adoption and on-going management of the annual budget and work program for transportation planning and programming for the Tahoe Metropolitan Planning Organization.

DISCUSSION

Federal requirements for MPOs include the development and adoption of an annual Overall Work Program (OWP). The OWP must include all anticipated transportation planning activities proposed with federal and state planning funds. The OWP must describe the source and amount of funds, and planning and programming tasks and products.

PREVIOUS WORK

The FY 2004 OWP represents the fifth program adopted under the Tahoe Metropolitan Planning Organization.

FY 2005 PRODUCTS

COMPLETION DATE

Draft FY 2006 OWP	February 2005
Final FY 2006 OWP and OWPA	May 2005
FY 2006 FHWA PLH Agreement	May 2005

FY 2005 TASKS

Overall Work Program: 2005 OWP document and related amendments, mid-year review, IPG review, 2006 OWP development
PL Billings, invoicing, Finance Dept. coordination
TRPA budget development and coordination with Transportation Overall Work Program; Milestone development and SHERPA adoption
Public Land Highways: Budget and agreement administration, FHWA coordination, billings
Staff Development: Attend training both in-house and outside courses and seminars; staff reviews and mentoring; divisional and agency coordination

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
Total:	0	Total:	0
Staff		Staff	
CA PL	22,000		
NV PL	2,500		
TRPA GF	15,500		
TDA Planning	10,000		
Total:	50,000	Total:	50,000
Work Element Total	50,000	Work Element Total	50,000

TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)

**WORK ELEMENT 103 –BOARDS, COMMITTEES AND STAKEHOLDER
COORDINATION**

PURPOSE

To provide support to the TRPA Governing Board, the TMPO and TTC Board of Directors, the TTD Board of Directors, the Transportation Technical Advisory Committee, and other public agency committees. To integrate transportation planning, programming and projects activities of the TRPA, TMPO, and TTD with those of other Basin transportation stakeholders, as well as neighboring jurisdictions, state agencies and Tribal governments.

DISCUSSION

This Work Element includes activities associated with staff support for the TRPA and Governing Board such as development of staff recommendations, preparation of staff summaries based on those recommendations, attendance at meetings to present the staff recommendations, and follow-up of Governing Board actions.

The Tahoe Basin has a multitude of public agencies that have an interest in transportation in some form or another. These include local and county governments, general improvement and special purpose districts, and state, federal and regional agencies. In addition, numerous private non-profit agencies as well as special interest groups have formed, many of which are devoted solely to the issue of transportation.

At the Federal level, TRPA transportation staff deal directly with numerous offices of the Federal Highway Administration, the Federal Transit Administration, the US Forest Service, the Environmental Protection Agency, the US Postal Service and the US Department of Energy. At the state level, staff interact with Caltrans, the California Transportation Commission and NDOT in planning, programming, design, maintenance, and ITS, to name a few. Transportation staff also is involved with other agencies such as state parks, California Tahoe Conservancy, state lands, conservation districts, water agencies and others. Locally, staff supports the City of South Lake Tahoe and the counties by attending council and commission meetings and general project meetings.

Furthermore, the South and North Shore Transportation Management Associations, the Lake Tahoe Transportation and Water Quality Coalition and the League to Save Lake Tahoe are several of the monthly meetings held in which TRPA, the TTD and the TMPO have standing interests. The TMAs, in coordination with Area Transit Management, Blue Go management and the Tahoe Area Regional Transit (TART), help by conducting meetings and developing outreach materials, organize and participate in various planning activities, and provide input into TMPO plans and programs. A separate scope of services for the TMAs planning activities will be developed and approved by the TMPO in conjunction with the use of 2005 federal and state planning funds.

PREVIOUS WORK

Most of these groups and agencies have had ongoing relationships with the TRPA and the TTD for many years.

FY 2005 PRODUCTS	COMPLETION DATE
12 Meetings and Board Packets for TTD/C	Monthly
Board Materials for the TRPA and TMPO Governing Board	As Necessary
12 Meetings and Member Packets for Technical Advisory Comm.	Monthly
TTD/C annual retreat or workshop	May 2005

Meetings and member packets for CTS MCO	Monthly
Scope of Services and contracts for TNT-TMA and SS/TMA	May 2005

FY 2005 TASKS

TRPA/TMPO Boards: briefing materials preparation and distribution, attendance and issue coordination.
Technical Advisory Committee: briefing materials preparation and distribution, attendance and issue coordination.
Local Coordination: preparation for and participation in <u>local</u> committees, ad hoc meetings, workshops, etc (city, county, local PUD)
TTD/C Annual Workshop: preparation for and participation in annual retreat.
Regional Coordination: preparation for and participation in <u>regional</u> committees, ad hoc meetings, workshops, etc (TMA, League, Coalition, TROC, TIIMS, Basin Execs)
Statewide Coordination: preparation for and participation in <u>statewide</u> committees, ad hoc meetings, workshops, etc (Caltrans, NDOT, RTPA, STTAC, NV ACT, CalACT, NV or CA Legislative presentations)
Federal Coordination: preparation for and participation in <u>federal or national</u> committees, ad hoc meetings, workshops, etc (FHWA, FTA, FACA, AMPO, AASHTO, Congressional presentations)
PEAs: Through the Board and meeting process, seek out input from elected officials serving on boards, provide status and project reports to local jurisdictions

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
FHWA PLH	25,000	TNT/TMA and SS/TMA 2005 Services Agreements	25,000
Total:	25,000	Total:	\$25,000
Staff		Staff	
CA PL	88,135		
NV PL	10,300		
PLH	38,000		
TRPA GF	24,700		
TDA Planning	5,000		
Total:	166,135	Total:	166,135
Work Element Total	191,135	Work Element Total	191,135

**TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)**

WORK ELEMENT 104 – PUBLIC AND TRIBAL OUTREACH

PURPOSE

To meet the spirit and intent of federal, state and TRPA requirements for the involvement of the general public in the development and analysis of transportation plans and programs.

DISCUSSION

To support the public involvement program, TMPO proposes to conduct general public meetings to review transportation plans and processes, as well as public meetings designed specifically to address environmental justice (EJ) requirements. At a minimum, the EJ meetings will provide for Spanish interpretation, bilingual exhibits and be in locations central to minority and low income populations. TMPO and the consulting team will develop fact sheets, mailing lists, handouts, photos, graphics and other materials as part of this process. In addition, TRPA will continue to improve its website to include more information related to transportation issues.

This activity also includes outreach and involvement of the Washoe Tribe of NV and CA. The Washoe Tribe are members of the Tahoe Transportation Commission and can provide input in any number of transportation and associated environmental considerations affecting Tribal interests. Their role can also strengthen any outreach campaign for funding transportation projects. TRPA will initiate discussions with the Washoe Tribe regarding a formalized agreement specifying actions and milestones needed to ensure an open communication process.

PREVIOUS WORK

Public meetings, workshops, mailings, translations services, TRPA newsletter, legal notices. Completion of a Transportation Strategic Outreach Plan in 2004, provides a methodology for developing messages, strategies and audiences. Based on this outreach the public can have greater notice of activities and planning and can provide more informed feedback. This feedback is then included with project documentation.

FY 2005 PRODUCTS

COMPLETION DATE

Direct mail or telephone contacts with various community groups (i.e. residents, visitors, business), including research into appropriate contact lists, polling and development of report.	July 2004
2 Public Meetings for 2004 RTP	August 2004
2 Public Meetings for Environmental Justice, including translations providing written/verbal information to Hispanic populations	August 2004
Adoption of Compliance with Civil Rights Certifications and Assurance; Adoption of DBE goals for 2005, Title VI assurances	September 2004
Formal consultation with Washoe Tribe (note: prior consultation to allow for RTP review will also occur).	October 2004
Annual Report on Employer Trip Reduction Program as required by Chapter 97	November 2004

FY 2005 TASKS

Public Participation and Involvement: Preparation for and participation in public meetings, coordination with consultants, maps and display preparation. Coordination with Caltrans regarding the Lake Tahoe Basin Communications Plan. Public input for update of project lists for Bicycle and Pedestrian Master Plan. Public meetings will be conducted when significant decisions are being made regarding a particular policy, program or project.
Environmental Justice: preparation for and participation in meetings designed to inform minority and low income populations regarding the transportation planning process and to assess impacts on those communities, as well as document minority impact issues associated with various project proposals.
Employer Trip Reduction Ordinance: Meet with Employer Trip Reduction coordinators, review employer prepared plans and provide technical assistance, develop outreach materials, coordinate with TMAs
Civil Rights: compliance, monitoring, reporting, DBE program management, ADA program
Tribal Government Consultation: confer with Washoe Tribe of NV/CA regarding transportation plans and programs via meeting notices, correspondence and response to issues raised by the Tribal government.
PEAs: Survey general public about of the transportation system and related security issues, survey environmental concerns, travel patterns and mode choices.

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
Total:		Total:	
Staff		Staff	
CA PL	35,000		
NV PL	4,235		
TRPA GF	9,000		
Total:	48,235	Total:	48,235
Work Element Total:	48,235	Work Element Total:	48,235

TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)

WORK ELEMENT 105 – REGIONAL PLANNING

PURPOSE

The purpose of this work element is to support the development, integration and implementation of the 2004 Tahoe Regional Transportation Plan. This work element includes those activities and products to satisfy federal metropolitan planning requirements, and States of California and Nevada requirements. This element also includes staff activities directed toward update of the transportation elements of the TRPA 20-year Regional Plan, due in 2007.

DISCUSSION

Overriding responsibility for transportation planning in the Tahoe Region is given to TRPA by virtue of the Tahoe Regional Planning Compact. In addition, the TMPO designation and the RTPA designation also establish planning requirements. To support these mandates, transportation staff will conduct planning studies in-house, contract for planning services by consultants, conduct public hearings, hold meetings on specific issues with affected public agencies, the general public or interest groups, through various outreach, including committee design workshops for example, and recommend to the appropriate policy board plans, programs and projects that are intended to attain or maintain TRPA environmental thresholds and TMPO planning requirement and planning objectives.

The federal Compact creating TRPA required development of a regional transportation plan consistent with TRPA processes and as part of the Regional Plan. This plan has the further distinction of serving as the region's air quality plan. When designated as an MPO, the planning requirements differed from those of the TRPA, and a TMPO plan was adopted to satisfy those as well as Caltrans requirements. In many instances the TRPA Regional Plan, or the TRPA Regional Transportation Plan – Air Quality Plan, involve relationships to TRPA Environmental Thresholds, Community Plans, Plan Area Statements and the TRPA Code of Ordinances that make it a more complex planning process than that of the TMPO. It was simply not feasible at the time to adopt the TMPO plan for the TRPA, nor did the TRPA plan satisfy state and federal requirements.

Elimination of this dual plan structure is a priority of both the TMPO and the TRPA, and to this end staff is developing a plan of action for the integration of these plans. Upon implementation of this structure, one document will serve the requirements of the Federal Transportation Plan (FTP), the Regional Transportation Plan (RTP) (California requirements); and the TRPA Regional Transportation Plan – Air Quality Plan. However, until this single document is adopted, TRPA must maintain (amend) either or both plans to keep the transportation planning process moving, depending on whether it is a TRPA or state or federal issue.

CALTRANS REGIONAL PLANNING ACTIVITIES IN THE LAKE TAHOE BASIN

TRPA will engage in activities in support of Caltrans planning in the Basin, including the following:
System Planning – completion of all system planning documents used by Caltrans and its transportation partners to assist in the programming of transportation improvements

- Transportation Concept Reports for all state highways
- District System Management Plan
- Transportation System Development Plan
- Aviation System Plan

Advance Planning – Completion of all pre-programmed strategic studies and scoping documents

- Project Study Reports (to be determined prior to July 1, 2004)

Regional Planning – Participate in and assist Caltrans’ transportation partners with various regional planning projects, such as corridor studies, project study reports and special studies

- California Transportation Plan activities

Local Development Review Program – Review of all local development proposals potentially impacting the state highway system

- Recommendations to lead agencies regarding the necessary mitigation measures to maintain operating integrity of the State Highway System in concert with local development plans.

A summary of Caltrans District 3 Planning activities is attached to this work element, and includes those areas identified above.

PREVIOUS WORK

Adoption of the 2000 FTP/RTP, SR 28 Eastshore Access planning, completion of the 2001 Regional Revenue Study and follow-up planning activities, adoption of the 2001 US Postal Service Master Plan, adoption of the 2003 ITS Strategic Plan, adoption of the Lake Tahoe Regional Bicycle and Pedestrian Master Plan (2004) , adoption of the Tahoe Basin ADA Paratransit Plan, update (2003) of the Public Participation Procedures, outreach materials (including articles in Hispanic magazines and public handouts translated into Spanish) for informing minority populations of transportation plans and projects. Completion of Winter Origin and Destination survey. Data Collection for fleet mix determination and average roadway speed.

FY 2005 PRODUCTS

COMPLETION DATE

Development of long range financial planning element for RTP	July 2004
Environmental documentation for Plan or TIP Adoptions	August 2004
Development of alternative transportation forecasting tools	June 2005
Development of Measures of Progress for adoption in EIP and RTP	July 2004
Strategy and Work Plan for Pathway 2007 Update, including integration of RTP and AQP	July 2004
Bicycle and Pedestrian Master Plan annual project list update	June 2005
Draft 2004 RTP	June 2004
Final 2004 RTP	July 2004
Air Quality conformity analysis	July 2004
Establishment of TMPO Bicycle Advisory Committee	January 2005

FY 2005 TASKS

Scoping, contracts management, consultant service agreements execution and management, accounting, report writing, editing, review and distribution process, revisions, acceptance procedures.
Participation and support of Pathway 2007: Program management for the Pathways 2007, Transportation Element and related documentation, including 208 Water Quality Plan; scenic plan; desired future conditions report; public outreach and Threshold Working Group.
Analysis of collected count data, vehicle mix and capacity data for key points in the transportation network to determine past, current and future LOS. Determine problem areas. Measure success of response to problem areas. Forecast volumes and trends based on historical traffic patterns, current data and origin & destination surveys conducted in winter and summer of 2004.
Continue updates to travel demand model data sets for use in TransCAD software (census, network and zone structure, trip behavior, etc). Rerun model.
Bicycle and Pedestrian: TAC liaison, Bicycle MP amendments and project lists updates, project planning and programming, and public outreach, participation in CA Cross State Bicycle Route Study, conduct bicycle path existing condition inventory and collect bicycle count data and other mode split data. Prepare for and coordinate meetings and agendas of newly formed Bicycle Advisory Committee.
Waterborne: TAC liaison, landside project planning and programming, private sector coordination.
Aviation: TAC liaison, CA CIP review, MP and Settlement Agreement coordination, project planning and

programming, future land use coordination in Plan Area Statements to protect safety zones and reduce noise impacts, coordination with Caltrans Division of Aeronautics. TRPA will coordinate with CSLT to identify the need for updated Airport Master Plan, and other activities related to review of permit considerations, noise, operations, etc. Aviation planning will consider both people and freight, ground access and maintenance issues related to the Lake Tahoe Airport.
Alternative Fuels: steering committee membership, coordination with gas utility provider, contract and price review, regulatory review (BMP with TRPA and CSLT); coordination with Ca. Energy Commission and Nevada State Energy Office; plans for expansion of alternative fuel use (i.e. Compressed Natural Gas, electric, and biodiesel).
SR 28 Eastshore: coordination with NDOT and USFS for development of alternatives, summer parking counts.
Implementation of recommendations resulting from FY 2004 Governance Review of the Tahoe Transit Institutional Structure.
Environmental Documentation: Preparation or participation in NEPA, CEQA or TRPA level environmental analysis at the <u>planning</u> level, including efforts to streamline process, reviews of traffic studies or privately sponsored environmental documents.
PEAs: bike and pedestrian safety considerations in planning recommendations and project review process; incorporation of PR and EIP facilitation process; Board involvement and review; data collection and analysis; safety and goods movement issues

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
PLH	77,188	Consultant support for RTP	77,188
Total:	77,188	Total:	77,188
Staff		Staff	
CA PL	230,000		
NV PL	26,800		
PLH	200,000		
TRPA GF	71,800		
TDA Planning	2,960		
Total:	531,560	Total:	531,560
Work Element Total	608,748	Work Element Total	608,748

ATTACHMENT

SUMMARY LISTING OF CALTRANS, DISTRICT 3 PLANNING ACTIVITIES

CALTRANS REGIONAL PLANNING ACTIVITIES WITHIN THE TAHOE REGIONAL PLANNING AGENCY & TAHOE METROPOLITAN PLANNING ORGANIZATION FOR FISCAL YEAR 2004/05

Activity	Description	Products
System Planning	Completion of Caltrans system planning documents, including transportation concept reports, the District 3 District System Management Plan, and special corridor studies. These documents provide the basis for the mitigation of local development impacts and programming of transportation improvements on the state highway system.	<ul style="list-style-type: none"> • District 3 District System Management Plan • Transportation concept reports for the following State Routes: 28, 50, & 267 • District 3 Goods Movement Strategy
Advance Planning	Completion of preprogramming studies and project scoping documents (e.g.; project study reports)	<ul style="list-style-type: none"> • Project Study Reports for highest priority projects (list to be available in July 2004)
Regional Planning	Participate in and facilitate the regional transportation planning process. Administer various regional planning requirements and grants.	<ul style="list-style-type: none"> • Approved Overall Work Program (OWP), OWP Agreement, and appropriate amendments • Grant administration – including the Inter/Intra-regional Intermodal Study. • Implementation of the California Transportation Plan • Administration of Caltrans' responsibilities regarding the Metropolitan Transportation Improvement Program • Coordination of Caltrans activities regarding the implementation of the 511 telephone system • Participate on various policy and technical committees related to all facets of the regional planning process
Local Development Review Program	Review of all local development proposals (plans and local projects) potentially impacting the State Highway System	<ul style="list-style-type: none"> • Recommendations to lead agencies regarding necessary mitigation measures to maintain operating integrity of the State Highway System in concert with local development plans

"Caltrans improves mobility across California"

TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)

WORK ELEMENT 106 – REGIONAL PROGRAMMING

PURPOSE

To prepare and maintain the Federal Transportation Improvement Program and Regional Transportation Improvement Program, complying with state and federal programming processes and requirements. In addition, programming various federal and state program funds, including Congestion Mitigation and Air Quality (CMAQ), Transportation Enhancements and Federal Transportation Administration 5311 programs funds, and 5310 program of activities.

DESCRIPTION

The TMPO is required to adopt and maintain a Federal Transportation Improvement Program (FTIP). TRPA adopted its 2002 FTIP in July 2002, with subsequent amendments made to incorporate additional projects. Adoption of the 2004 FTIP is scheduled for July 2004. Additional projects, project funding or scope changes or other issues may necessitate amendments to the FTIP. Staff will continue to maintain the FTIP for programming purposes in California and Nevada. Any updates or amendments to the FTIP require a determination that the projects are in conformity with air quality State Implementation Plans (SIP) and other related air quality regulations. Staff will continue to provide input and analysis related to the air quality conformity process as part of the FTIP.

The RTPA is required to adopt a Regional Transportation Improvement Program (RTIP) to meet California programming requirements. A 2004 RTIP was adopted by the TMPO in March 2004. Staff will prepare the necessary documentation and support the process necessary to meet these requirements on an ongoing basis. In addition, there are federal TEA-21 programs that the TMPO receives funding allocations (CMAQ, Enhancement and 5311 programs), each require staff programming activities to ensure these funds are used in a timely manner.

TRPA adopted the Environmental Improvement Program (EIP) to document those projects necessary in the next ten years to meet or attain environmental thresholds and reverse the decline in water clarity in Lake Tahoe. The EIP includes projects for all nine threshold categories, including numerous transportation projects. EIP activities, specifically maintaining and amending the EIP projects list, supports the identification and documentation of transportation projects that address mobility and access considerations, is a major public involvement effort on the part of TRPA, supports project development and funding coordination in addition to the federal transportation improvement programs, and is a key method for determining sub-regional mitigation strategies appropriate for a variety of transportation impacts. TRPA continues to provide greater coordination between the EIP and the various federal and state transportation programming documents.

PREVIOUS WORK

Adoption of 2000 and 2002 Federal Transportation Improvement Program, and adoption of 2002 California Regional Transportation Improvement Program (as well as previous versions). Adoption of 5311 Program of Projects.

FY 2005 PRODUCTS

COMPLETION DATE

Amendments to the RTPA 2004 Regional Transportation Improvement Program	As Necessary
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Updates of TRPA Environmental Improvement Program	As Necessary
Adoption of TMPO 2004/06 Federal Transportation Improvement Program Amendments	August 2004
TMPO 04/05 CMAQ, TEA and RSTP Obligation Plans	September 2004
TMPO 04/05 FTA Programs (5309, 5310, and 5311. 5311(f)) Program of Projects	September 2004
TTD 05/06 Annual Budget	May 2005

FY 2005 TASKS

RTIP: 2004 amendments, STIP project programming and monitoring, coordination with Caltrans Project Development Teams.
EIP: preparation for and participation in the development, monitoring, update or amendment of the TRPA Environmental Improvement Program (EIP); coordination with Caltrans and NDOT, et al on project listings
FTIP: 2004/06 adoption, legislative monitoring, PLH funding requests, Caltrans and NDOT STIP coordination.
Enhancements, CMAQ and RSTP: tasks include those programming activities necessary to ensure the FTIP accurately describes the scope, schedule and costs of these projects.
RSTP Exchange: administration and updating of exchange and fund agreements, Caltrans coordination, claims processing.
Timeline: manage timeline to ensure information is timely; report monthly regarding approaching timeframes
FTA: project application review for consistency with FTIP, programming activities necessary to ensure FTA projects are accurately described in the FTIP
PEAs: safety and security discussions at the programming level; board member involvement in project selection

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
Total:	\$0	Total:	\$ 0
Staff		Staff	
CA PL	31,000		
NV PL	3,600		
TRPA GF	8,000		
TDA Planning	5,000		
Total:	47,600	Total:	47,600
Work Element Total	47,600	Work Element Total	47,600

TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)

**WORK ELEMENT 107 - PROJECT REVIEW AND TRANSPORTATION
REGULATORY INTEGRATION**

PURPOSE

To provide support for project review activities related to transportation planning, programming, and to support local mandates developed through TRPA regulations in the TRPA Code of Ordinances that support transportation planning objectives.

DISCUSSION

TRPA's regulatory authority and the TRPA and RTPA funding authorities, provide a unique relationship of transportation projects in the Basin. Given these relationships, as well as those associated with projects of cross jurisdictional nature, TRPA will review existing regulations to ensure language supports existing transportation policies and promotes transit and transportation planning objectives.

PREVIOUS WORK

TRPA approved the Code of Ordinances in 1984, including provisions dealing with transportation capacity, water and air quality impacts, and other transportation management approaches such as employer trip reduction programs. These regulations have not been updated on a regular basis, and as new policies and programs emerge from threshold reports and analysis, it is clear that additional regulatory approaches are needed to address transportation impacts. For example, staff in FY 04 continued the evaluation of environmental impacts associated with drive-up windows. It was clear there remain traffic, air quality, water quality and other direct impacts associated with idling vehicles, and the issue also transcends social and economic issues as well, including community design considerations. Transportation Planning staff reviews projects for transportation related impacts on a regular basis.

FY 2005 PRODUCTS

COMPLETION DATE

Comments on project and programmatic level EIS/EIRs	As Necessary
Comments on project level traffic studies	As Necessary
Comments on project level project applications and subsequent progress for those projects having transportation related impacts	As Necessary
Adoption of Annual Performance Review Committee recommendations regarding Transit Level of Service performance under Chapter 33	January 2005
Recommendations and possible adoption of changes regarding improvements to Chapter 93	April 2005
Recommendations and possible adoption of changes regarding improvements to Chapter 95; annual CPI adjustment of rental car mitigation fees	January 2005

FY 2005 TASKS

Draft design guidelines/permit application checklist to identify opportunities for additional project mitigation, especially transit operations, traffic management, ITS, or other innovative approaches.
NEPA, CEQA and TRPA project level review necessary to bridge the planning and programming process

Participation in TLOS subcommittee and PRC for evaluation of jurisdictions compliance with Chapter 33
Support for local requirements regarding rental car mitigation program, including rental car company educational outreach, allocations of mitigation funds
Participation on steering committees, attendance at public meetings, document review, and pre-application activities, stormwater discussions, programming status reports and coordination for projects such as US 50 and Kings Beach Highway improvements, Fanny Bridge/SR 89 realignment, Tahoe City Intermodal facility
Approval of TRPA permits which trigger Chapter 93 requirements (must follow checklist or process prior to GB review to ensure consistency with current or improved transportation policies).
PEAs: include safety and security in project development discussions; explore improved PR and EIP facilitation process; alert Board members to project issues.

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
Total:	\$0	Total:	\$0
Staff		Staff	
PLH	37,679		
Total:	37,679	Total:	37,679
Work Element Total	37,679	Work Element Total	37,679

**TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)**

**WORK ELEMENT 108 – INTELLIGENT TRANSPORTATION SYSTEMS
 PLANNING**

PURPOSE

To address Intelligent Transportation Planning (ITS) activities specifically within the overall transportation planning program, especially given the lack of physical capacity options facing the Tahoe Basin.

DISCUSSION

The Lake Tahoe Basin is often the recipient of special planning funds for various projects. This task provides for the clear delineation of the ITS funding and proposed program for the use of those funds. TMPO will host the ITS Regional Architecture and perform the overall maintenance.

PREVIOUS WORK

Adoption of Tahoe Basin Intelligent Transportation Systems Strategic Plan (2003). Initiation of CTS MCO and installation of kiosks, direct line phones, on board data terminals, centralized dispatch hardware and software (2003).

FY 2005 PRODUCTS

COMPLETION DATE

Tahoe Basin Regional ITS Architecture Update	August 2004
Tahoe Basin/Caltrans ITS project list submitted to FHWA	August 2004

FY 2005 TASKS

CTS: Preparation and participation in CTS meetings, grant management, project facilitation, consultant management.
ITS: strategic and general planning and programming, coordination with adjacent planning, technical review, project evaluation.
Coordinate with Caltrans in development of Traffic Operations System (TOS) plan
Maintenance activities in support of the ITS architecture developed for the Basin
PEAs: include safety and security in ITS project discussions, especially at the PR phase;

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
Total:	0	Total:	0
Staff		Staff	
CA PL	35,000		
NV PL	4,125		
TRPA GF	9,000		
TDA Planning	5,000		
Total:	53,125	Total:	53,125
Work Element Total	53,125	Work Element Total	53,125

**TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)**

WORK ELEMENT 109 – ALTERNATIVE FUELS / CLEAN CITIES

PURPOSE

To support TRPA’s Environmental Improvement Program (EIP) air/water quality goals through the increased use of alternative fuels in the Lake Tahoe region. Explore potential policy recommendations requiring the use of alternative fuels by fleets operating in the Tahoe Basin.

DISCUSSION

TRPA will work with the U.S. Department of Energy (DOE), California Energy Commission (CEC), and Nevada Energy Office (NSEO) to kick-off the Lake Tahoe Clean Cities Coalition (LTCCC) to promote alternative fuel use and reduce the U.S. dependency on foreign oil. The LTCCC will look to become a self sustaining non-profit coalition in the future. The LTCCC will assist with the education and training of fleet operators in alternative fuel use.

PREVIOUS WORK

The completion of a permanent compressed natural gas (CNG) fueling facility in South Lake Tahoe is a key piece of fueling infrastructure to allow for the expansion of CNG vehicle use in the Region. Placer County’s new CNG fueling facility in North Lake Tahoe will allow for fueling capacity for transit vehicles that operate on the North Shore of Lake Tahoe. Initial stakeholder outreach to fleet operators in Lake Tahoe has already taken place, which will allow for the LTCCC to progress rapidly toward completion of the tasks below.

FY 2005 PRODUCTS

COMPLETION DATE

Complete a Clean Cities Program Plan and submit to DOE	September 2004
Develop a plan for coalition financial sustainability	November 2004
Develop potential alternative fuel policy elements for review by TRPA	March 2005
Hold an Alternative Fuel Vehicle (AFV) event promoting AFVs	January 2005

FY 2005 TASKS

Organize and host Clean Cities stakeholder meetings
Meet with specific fleet operators to discuss potential use of alternative fuel vehicles
Collect region-wide alternative fuel usage figures to track performance
Maintain and update the LTCCC Program Plan as needed
Attend national Clean Cities conference
Research and disseminate grant opportunities and other alternative fuel information

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
PLH	7,500	Contract	25,000
NV State Energy Office	2,500	Travel/Training	5,000
U.S. Department of Energy	20,000		
Total:	30,000	Total:	3 30,000
Staff		Staff	
TDA Planning	12,040		37,000
RSTP	24,960		
Total:	37,000	Total	37,000
Work Element Total	67,000	Work Element Total	67,000

**TAHOE METROPOLITAN PLANNING ORGANIZATION
FY 2005 OVERALL WORK PROGRAM(OWP)**

WORK ELEMENT 110 – INTER/INTRA-REGIONAL INTERMODAL STUDY

PURPOSE

The purpose of this project is to conduct an intermodal interregional and intra-regional transit study for the Lake Tahoe and surrounding area to create a long-term coordinated multimodal system. The vision for the future of transportation options in and around the Lake Tahoe Basin will be produced as a result of this study.

DISCUSSION

Caltrans will be providing grant funding for this project. As a key part of the visioning process, this project will solicit input from community groups inside and outside the Basin in an attempt to ascertain the preferred mode of transportation users. Ideas on alternative modes will also be presented including shuttle systems, express bus routes, feeder bus service links, park and ride facilities, air and rail for outside Basin visitors. Alternative modes for in-Basin travelers will include public transit, waterborne transit, bicycle and pedestrian facilities.

PREVIOUS WORK

Various modal and sub-regional studies have been completed, such as the North Tahoe Intercity Transit study, passenger rail improvements along I-80, airport master plan for the South Lake Tahoe Airport, but there has not be an integrated assessment of travel to the basin considering all modes.

FY 2005 PRODUCTS

COMPLETION DATE

Public outreach meetings	August 2004, February 2005
Alternatives to meet purpose/need	December 2004
Quantitative and qualitative analysis of alternatives	March 2005
Final report	April 2005

FY 2005 TASKS

Minimum of three public meetings involving all potentially interested individuals, organizations, and traditionally underrepresented groups
Alternatives development and analysis
Draft final report for review and comment by TRPA
Final report

REVENUES		EXPENDITURES	
Direct Costs		Direct Costs	
CA SHA	100,000	Consultant Services	100,000
Total	100,000	Total	100,000
Staff		Staff	
Total	0	Total	
TOTAL	100,000	TOTAL	100,000

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

May 18, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: Recommendation to Governing Board on Proposed Collaboration Process for Pathway 2007

Proposed Action: TRPA staff is requesting the Governing Board consider endorsing the Final Draft Pathway 2007 Collaborative Organizational Design (see Attachment A). A representative of the Center for Collaborative Policy will make a presentation at the meeting.

Staff Recommendation: The staff recommends the Governing Board endorse the organizational design and direct staff to proceed with implementing the collaborative design.

Background: The Center for Collaborative Policy (CCP) was contracted by the US Army Corps of Engineers to assess the feasibility of implementing a collaborative process for Pathway 2007. If it was determined to be feasible, then CCP was to design a process. The P7 Executives have reviewed this proposal and approved it.

The assessment was done and a report was made to the P7 Governing Board Committee in March. The assessment found that, with conditions, the process was feasible. However, the Committee's meeting to review the proposed design was canceled in April. The Chairman of the Committee and some of the members agreed to send this item directly to the full Board in order to keep the process on schedule.

Attachment B presents an organizational chart and descriptions of the various groups that would participate in the collaborative process. The consultant will further explain this at the meeting. It should be noted that this process is designed not just for TRPA planning purposes, but includes the processes of the U.S. Forest Service, Lahontan, and NDEP.

Please contact Gabby Barrett at 775•588•4547, or via email at gbarrett@trpa.org, if you have any comments regarding this item.

Draft Final Pathway 2007 Collaborative Organizational Design

Decision-Makers

**U.S. Forest Service – Region 5
Lahontan Regional Water Quality Control Board
Nevada Division of Environmental Protection
Tahoe Regional Planning Agency – Governing Board**

Role: Make final planning / technical decisions using recommendations provided by the Pathway 2007 (P7) Stakeholder Committee.

Collaborative Process Elements

Background: The P7 collaborative process is based on a central collaborative body titled the “Stakeholder Committee”. This collective of diverse stakeholders will work closely with each other and related specialists; influencing and advising each other on Lake Tahoe Basin planning issues ranging from stakeholder consensus, regulatory and organizational practicability, and technical feasibility. Through strategic, milestone-based discussions, this central core will inform all aspects of the multi-agency planning process. All recommendations from the Stakeholder Committee will be provided to the four P7 agencies to assist them in their decision-making responsibilities.

The consensus seeking Stakeholder Committee will negotiate among themselves to identify mutually beneficial planning solutions in the Lake Tahoe Basin and will develop recommendations that are bounded by three principle factors: 1) regulatory/statutory authorities of the P7 agencies, 2) a desired future condition (public vision), and 3) practical extent of scientific capabilities.

Additional functions in the P7 process are provided by technical and planning workgroups and extensive public participation(as managed by the P7 Steering Team).

P7 Stakeholder Committee

Role: Conduct interest-based, high-level negotiation of all planning items. Prepare and commit to consensus-seeking operational rules for the collaborative process (including decision-making, communication, constituent feedback, etc). Provide multi-benefit planning recommendations (as advised on by the P7 Executives) to P7 agency decision-makers.

Participants: The Stakeholder Committee should potentially be comprised of representatives from the following interests:

- Local Business Ownership
- Local Business Employees
- Local Tourism Representatives
- Environmental / Conservation Organizations
- Public Access Advocates
- Recreation Advocates
- Private Property Owners
- Academic Institutions
- Federal, State, and Local Governments
- Public Infrastructure / Public Service Representatives
- Native American Tribes
- Community Institutions
- Realty Industry
- Basin Visitors

Particularly important will be the emphasis to include in-Basin and out-of-Basin representatives on the Stakeholder Committee to ensure that negotiated recommendations effectively represent a wide range of geographic, political, social, and economic interests.

Meeting Formats: Open to public. Focused working sessions to carry out the remaining phases of the collaborative process (Organization, Education, Negotiation, Implementation). Process may require the development of topic-specific Stakeholder Committee Subcommittees to focus on key topics (if necessary).

Decision-Making: Consensus-seeking with a high degree of commitment for unanimity. All negotiations will take place as informed by the P7 Executives for agency / regulatory feasibility. All recommendations will be in the context of the feasible regulatory and statutory authorities of the P7 agencies. Any activities conducted and recommendations provided by the Stakeholder Committee that conflict with the regulatory and statutory authorities of the P7 agencies are subject to revision or rejection by the P7 Agency decision-makers.

Meeting Frequency: Approximately every 3-4 weeks with variations that can extend to once a week for focused periods of time.

Meeting Locations: Ideally split between North/South shore and Nevada/California. Meetings may also be held outside of the Basin to provide better access to out-of-Basin participants and interested parties.

Facilitation / Coordination Support: High. Consistent facilitation/mediation support, participating organization staff support, structured presentations by consultant / agency / non-governmental organization experts, preparation of background materials / meeting dockets. Over time, the Stakeholder Committee should assume increased responsibility for providing self-support.

P7 Executives

Role: Participate as a member of the Steering Committee either as individuals, or as rotating representatives for the entire P7 Executives Group (to be determined). Review Stakeholder Committee activities on regular basis. Provide analysis, input, and oversight for all advice being negotiated by the Stakeholder Committee to ensure feasibility of the advice in the context of P7 regulatory and statutory sideboards.

Provide final leadership, direction, and interim decision-making on all P7 agency management activities, staff assignments, resource allocations, disputes, and similar issues.

Participants: USFS LTBMU Forest Supervisor, LRWQCB Executive Director, TRPA Executive Director, NDEP Deputy Administrator.

Meeting Formats: Closed to the public. Focused decision-making, candid working meetings on short and long-term P7 issues.

Decision-Making: Consensus-based. Required unanimity for all shared decision-space conditions. Issues where the decision-space is more agency-specific should be addressed as consensus-seeking with a high degree (but not binding) commitment to unanimity.

Meeting Frequency: High. Approximately every 2-4 weeks.

Meeting Locations: Generally held in South shore unless conditions dictate otherwise.

Facilitation / Coordination Support: Medium. Requires extensive initial facilitation/mediation support and continual neutral coordination support. It will require staff support from respective P7 agency staff to prepare background materials and conduct internal briefings before meetings are held.

TRPA P7 Committee

Role: Review all activities of the P7 Stakeholder Committee on behalf of TRPA interests. Provide TRPA-specific guidance to the TRPA Executive Director to be presented to the Stakeholder Committee. Provide P7, milestone-based advice to the full TRPA Governing Board for consideration and decision-making.

Participants: Eight members from the TRPA Governing Board, working with the TRPA Executive Director as TRPA's representative on the Stakeholder Committee.

Meeting Formats: Open to the public under TRPA public meeting laws.

Decision-Making: TRPA-specific decision rules.

Meeting Frequency: High. Once a month minimum with variations that can extend to once a week for focused periods of time.

Meeting Locations: TRPA headquarters unless otherwise noted. Meetings may also be held outside of the Basin to provide better access to out-of-Basin participants and interested parties.

Resource Demands: High. Requires TRPA staff and Executive Director coordination support to prepare background materials / meeting dockets etc.

P7 Steering Team

Role: Provide day-to-day, direct management and coordination of all Technical and Planning Work Group (TWG / PWG) activities, all Public Participation activities, coordination on all P7 planning activities, staff assignments, resource allocations, consultant management and similar issues.

Participants: Appropriate staff from USFS, LRWQCB, TRPA, and NDEP. With support from CARB, USEPA, and USACE (as warranted). Also includes the mediation / collaborative specialists contracted to support the P7 process.

Meeting Formats: Closed to the public. Focused working meetings on short and long-term P7 issues.

Decision-Making: Consensus-based. Required unanimity for all shared decision-space conditions. Issues where the decision-space is more agency-specific should be addressed as consensus-seeking with a high degree (but not binding) commitment to unanimity.

Meeting Frequency: High. Approximately every 2 weeks with variable frequency as high as once a week for focused periods of time.

Meeting Locations: Alternate between South Shore and Carson City.

Facilitation / Coordination Support: High. Requires facilitation/mediation and coordination support. It will require staff support from the respective P7 agency staff to prepare background materials and conduct internal briefings with respective executives when appropriate.

ETCC Update Group

Role: Author the technical portions of the ETCC Update in partnership with the Stakeholder Committee. Provide leadership-level technical support to the Stakeholder Committee negotiators (on activities coordinated with the P7 Steering Team and as directed and approved by the P7 Executives).

Participants: Topic-specific technical specialists.

Meeting Formats: Open to the public. Meetings held on an as needed basis.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Frequency: Medium to Low. As coordinated with the Stakeholder Committee; approximately every 4-6 weeks.

Meeting Locations: As coordinated with the Stakeholder Committee.

Resource Demands: High. Requires staff and coordination support to prepare background materials / meeting dockets / Stakeholder Committee briefings, etc.

Local Government Meetings

Role: Provide focused, periodic dialogue and updates between local governments and the Stakeholder Committee, and the P7 Executives.

Participants: Elected officials from each local jurisdiction.

Meeting Formats: Open the public.

Decision-Making: None. Meetings are informational only.

Meeting Frequency: Low. Meetings held as necessary to update local governments on key milestones.

Meeting Locations: To be determined.

Facilitation / Coordination Support: Medium. Requires little facilitation but some staff and coordination support to prepare background materials / meeting dockets.

Advisory Planning Commission

Role: Conduct the Regulatory System Review for the P7 process (in particular for the TRPA Regional Plan Update). Make direct recommendations on any revisions to the regulatory system and on any focused system analysis to be conducted by the Planning Work Groups. All work will be done in coordination with the P7 Steering Team.

Participants: Current APC membership plus additional private, knowledgeable stakeholders appointed to the APC for limited term, limited content P7 specific role.

Meeting Formats: Open to the public. Focused working meetings on TRPA regulatory system review.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Frequency: Medium. Approximately every 4 weeks with variable frequency as high as twice a week for focused periods of time.

Meeting Locations: Alternate between South Shore and North Shore.

Facilitation / Coordination Support: Low. Meetings should function as current managed with potential involvement of facilitation team for process continuity and information sharing.

Technical Work Groups

Role: Conduct focused, technically-based discussions on P7 issues (9 Thresholds, plus additional resource issues). Provide technical advice to the Stakeholder Committee and P7 Executives to support Stakeholder Committee /negotiations on related issues. All work group activities will be coordinated with, and will be at the direction of the P7 Steering Team.

Participants: Agency, academic, and private stakeholder technical specialists. At least one member of the Stakeholder Committee should attend each meeting.

Meeting Formats: Open to public but not encouraged. Focused working sessions based on technical issues at hand.

Meeting Frequency: Medium to High. Approximately every 4 weeks with variations that can extend to every 2 weeks for focused periods of time.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Locations: Ideally split between North/South shore and Nevada/California.

Facilitation / Coordination Support: High. All Technical Work Group (TWG) activities are overseen and directed by the Steering Team. The TWG requires initial facilitation/mediation support, participating organization staff support, structured presentations by consultant / agency / NGO experts, preparation of background materials / meeting dockets. Over time, the TWG should assume increased responsibility for accommodating resource demands.

Planning Work Group

All categories are identical to the TWG. Actual Planning Work Group (PWG) topic areas are subject to the results of the Regulatory System Review.

Public Participation Council

Role: Provide advice/ recommendations on public participation activities to the P7 Agencies and the Stakeholder Committee. All council activities will be coordinated with the P7 Steering Team.

Participants: Agency and private stakeholders familiar with their respective specific user groups / stakeholder types.

Meeting Formats: Open to public. Focused working sessions developing and revising public participation activities.

Decision-Making: Consensus-seeking with a low degree of commitment to unanimity.

Meeting Frequency: Low. Approximately every 6-8 weeks with variations that can extend to every 2 weeks for focused periods of time.

Meeting Locations: Ideally split between North/South shore and Nevada/California.

Resource Demands: Medium. The PPC requires minimal facilitation/mediation support. It will require staff support from appropriate P7 agency staff to prepare background materials / meeting dockets.

Public Workshops

Role: Provide interactive opportunities for the general public to discuss issues and advise P7 Agencies, the Stakeholder Committee, and the TWG and PWG on key issues.

Participants: General public.

Meeting Formats: Open to public. Focused interactive workshops to provide advise, receive information on P7 activities. Ideally preceding key planning milestones.

Meeting Frequency: Low. Approximately every 6-12 weeks with variations that can extend to every 4 weeks for focused periods of time.

Decision-Making: None. Meetings are informational only.

Meeting Locations: Ideally duplicated in North/South shore and Nevada/California locations including potentially out-of Basin locations such as Reno, Carson City, Auburn, Placerville, Las Vegas, the San Francisco Bay Area, and Southern California.

Facilitation / Coordination Support: High. Public workshops require extensive facilitation/mediation and coordination support. It will require staff support from appropriate P7 agency staff to prepare outreach materials / background materials / meeting dockets, etc.

Public Meetings

Role: Provide opportunities for the general public to receive P7 information and provide input.

Participants: General public.

Meeting Formats: Open to public. Informational based meetings to inform general public on P7 activities. Ideally coinciding with and/or reporting on key planning milestones.

Meeting Frequency: Low. Approximately every 10-12 weeks with variations that can extend to every 8 weeks for focused periods of time.

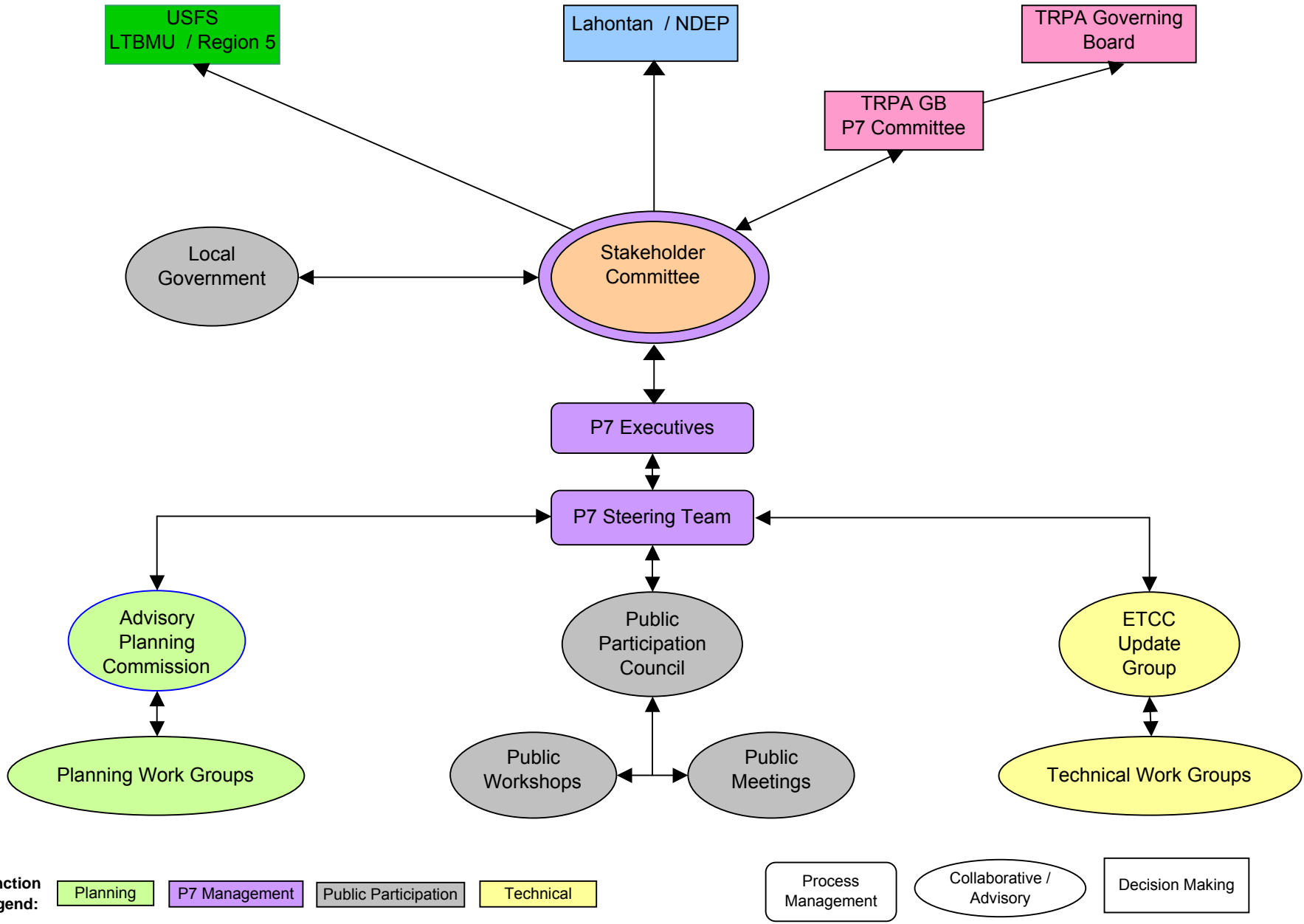
Decision-Making: None. Meetings are informational only.

Meeting Locations: Ideally duplicated in North/South shore and Nevada/California locations including potentially out-of Basin locations such as Reno, Carson City, Auburn, Placerville, Las Vegas, the San Francisco Bay Area, and Southern California.

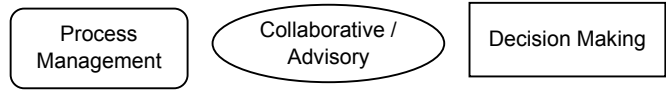
Resource Demands: High. The GPM requires facilitation and coordination support. It will require staff support from appropriate P7 agency staff to prepare outreach materials, background materials / meeting dockets, etc.

Draft Final P7 Collaborative Organizational Design

ATTACHMENT B
5/18/04



Function Legend:



TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

May 18, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: Scenic/Visual Perception Study

Proposed Action: Staff is not requesting an action on this item. Staff and the Consultant will be presenting the findings of the Scenic/Visual Perception Study to the Governing Board for discussion.

Copies of the Study will be provided as part of the Governing Board packet.

Please contact John Hitchcock at 775•588•4547, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

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P.O.Box 5310
Stateline, NV 89449-5310

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

To: TRPA Governing Board

From: John O. Singlaub, Executive Director

Date: May 18, 2004

Re: Adoption of Resolution Temporarily Deferring Processing and Acceptance of Certain Shorezone Development Applications

Proposed Action: Adoption of a resolution temporarily deferring processing and acceptance of applications for new piers and pier expansions pending update of the shorezone ordinances or nine months, whichever is less. The resolution would also direct staff to issue temporary rather than permanent permits for buoys during this same time period.

Staff Recommendation: In order to promote a timely, orderly and efficient process to develop new shorezone ordinances, I recommend that the Governing Board adopt the proposed resolution (Attachment A).

Discussion: As set forth in the recitals to the proposed ordinance, TRPA will shortly publish a draft Shorezone Environmental Impact Statement ("EIS") to support the Governing Board's update of TRPA's shorezone ordinances. The Agency has sought to update these ordinances since the prohibition on new shorezone structures in fish habitat (Code Section 54.4.A) is not supported by recent fisheries studies.

The timely and efficient update of the Shorezone ordinances is critical for a number of reasons. As concern about the adverse effects of shorezone development has risen (particularly with the falling scores of TRPA's scenic threshold ratings), Governing Board consideration of applications for shorezone development have proven difficult and controversial. One set of concerns center on the potential cumulative impact of piers and other shorezone development around the Lake. Other interests advocate that projects that arguably meet the current standards set forth in the current Code should be approved. Over the last several meetings, the Governing Board has been conducting important and necessary shorezone policy discussions, unfortunately in the context of project applications. I do not believe this to be the appropriate context for such debate. I also do not believe this debate will cease if pier projects continue to come before the Governing Board during the next few months. Therefore, I recommend that the Governing Board adopt the attached resolution. Moreover, as set forth in the proposed resolution, significant staff resources are consumed by processing shorezone applications. Adoption of the proposed resolution will permit me to direct the staff expertise and hours to the critical task of completing the Shorezone EIS and development of the related ordinances.

Resolution to Defer Pier Application Processing

May 18, 2004

Page 2 of 2

The proposed resolution may result in a short-term delay for some applicants. On the other hand, investment in shorezone applications is not insignificant and should occur only when a fixed and acceptable set of ordinances have been endorsed by the Governing Board

The proposed deferral is limited to a reasonable time to publish the draft Shorezone EIS on July 1, 2004, receive public comment for 90 days, several months to respond to comment and finalize the document for Governing Board certification, preparation of a set of ordinances, a hearing before the Governing Board, and 60 days for the revised ordinances to become effective.

The proposed resolution is narrow in scope. It is directed at the main component of allowable shorezone development that has caused environmental degradation in the past: piers. New and expanded piers are expensive to construct and permanent structures that cannot easily be removed. On the other hand, buoys – which can cause similar adverse environmental effects as piers – are more easily removed and involve fewer resources to construct. Furthermore, TRPA generally receives fewer applications for new buoys and these applications generally require less staff time to review and forward for consideration (usually at the hearings officer level). I therefore recommend that new piers and pier expansions be the only shorezone development application subject to the deferral and that any new buoy permit be made temporary during this same time period.

A thorough discussion needs to occur about TRPA direction on shorezone policy. I want to facilitate that public discussion through timely completion of the Shorezone EIS. In order to accomplish this task with the greatest efficiency and least short-term acrimony, I recommend that the Governing Board temporarily defer processing of pending and acceptance of new pier and pier expansion applications. To ameliorate adverse effects on pending applicants, the proposed resolution gives pending applicants a priority when the deferral period expires. Deferring the acceptance of new applications will preclude a rush to file in order to gain any real or perceived advantage to pending applicants.

If you have any questions concerning this agenda item, please contact John O. Singlaub, Executive Director, at (775) 588-4547.

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Email: trpa@trpa.org

MEMORANDUM

May 18, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendments to Plan Area Statement 103, Sierra Tract Commercial; Plan Area Statement 104, Highland Woods, to Add the Transfer of Development Rights Designation for Multi-Residential Units and Provide for Other Matters Properly Relating Thereto.

Proposed Action: Staff proposes to amend Plan Area Statements (PAS) 103 and 104, to designate these plan areas as a receiving areas for development right transfers needed for the development of multi-family housing in areas that currently permit multi-family dwelling as a permissible use.

These proposed amendments were included in a Public Hearing item that was adopted by the Governing Board at last month's meeting. However, due to an error by staff, the amendments for PAS 103 and 104 were inadvertently left off the public notice. Therefore, staff is required to bring back the items that were not noticed properly, for consideration by the GB.

Staff Recommendation: Staff recommends that the GB conduct the public hearing as noticed and approve the proposed amendments to PAS 103, Sierra Tract Commercial, and PAS 104, Highland Woods (see Exhibits 1 and 2).

APC Recommendation: The APC conducted a public hearing on this matter and voted unanimously to recommend approval of the amendments to the Governing Board.

Background: TRPA received a request from the City of South Lake Tahoe that these proposed changes be made in order to: 1) Reduce confusion for project applications; 2) Enable multi-family housing to be constructed where it is a permissible use using residential development rights; and 3) Allow bonus units to be used for development of affordable multiple family housing within designated Preferred Affordable Housing Areas.

Consistency with the City of South Lake Tahoe Zoning: The City of South Lake Tahoe (CSLT) has adopted TRPA's Plan Area Statements and Community Plans for its zoning. The Regional Plan amendment requires public hearings and adoption by both TRPA Governing Board and the City Council. This item was heard before the City Council at their meeting on September 16, 2003. The City Council voted to approve the amendments as recommended by City staff.

Discussion: The City has been working diligently with realtors and others in the community to educate potential project proponents regarding the use of the Plan Area Statements and Community Plans. In some plan areas within the City multi-residential dwelling is a permissible use but the mechanisms to transfer residential development

rights for such use were omitted. This effectively limits the ability to develop multi-family dwelling in areas that have existing multi-family uses such as duplexes. In some cases this was done purposely by the original framers of the Regional Plan. Their intent was to allow existing multi-residential uses to remain without becoming non-conforming and, in some cases, to preserve the vacant land base for commercial development.

Today the City believes promoting mixed-use and affordable development is a more appropriate strategy for the community. The City Council has voted to endorse changing the designations requested in this amendment to correspond with that belief.

Under current market conditions, the likelihood of a private developer proposing an affordable housing project is increased if there is a market-rate residential component. Furthermore neighbors can also perceive such projects as more palatable, overcoming another typical obstacle for such projects. The ability to create this type of project is facilitated if a proponent can transfer development rights to an area to develop multi-family projects that are currently a permissible use.

TRPA staff concurs with the City's assessment and strategy of providing housing through the mixed-use concept and that the plan areas should be amended to provide incentives to develop such projects. It is staff's opinion that the changes to the plan areas would not have an environmental impact on the thresholds or the land use goals and policies of the region. Multi-family dwelling is currently a recognized and permissible use in the plan areas proposed for amending and would not result in triggering the Transit-Oriented Designation (TOD) findings required in Chapter 13 of the Code. The intent of the TOD findings is to encourage the development of higher density multi-family projects within close proximity of transit and services and not in outlying single family residential plan areas. Although this finding is not triggered by this amendment it should be noted that all the plan areas meet the TOD criteria for distance from transit and services.

The amendments themselves would not result in any additional development than that allowed by the Regional Plan. The transfer of development rights would come through purchase of existing rights or retirement of sensitive lots, bonus units would be allocated by TRPA within the limits established in the Regional Plan, and allocations are still required for that portion of a project that is not deeded as restricted affordable. Although the amendments do not result in increased development potential than that permitted by the Regional Plan, they do result in the movement of development rights into the targeted plan areas that result in higher density development. From a land use perspective this is consistent with TRPA findings to locate higher density development within the urban corridors close to operational transit, work centers, and services.

Land Use Consistency: The proposed amendments do not result in any changes to the permissible use list that would result in inconsistent land uses or inconsistent land use patterns or the planning statement for the plan areas. All the plan areas targeted in these amendments currently have multi-family dwelling as a permissible use in the allowed and special use category. The increased opportunity for multi-family development in these plan areas is consistent with the land use classifications as follows:

Residential Areas are those areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non-residential uses that complement the residential neighborhood. These lands include areas now developed for

residential purposes; areas of moderate-to-good land capability; areas serviced by utilities; or areas of centralized location in close proximity to commercial services and public facilities. The amendment is consistent with this classification because multi-family is currently permissible and the amendment would further enhance the ability to develop multi-family projects within the appropriate areas.

Commercial and Public Service Areas have been designated to provide commercial and public services to the Region or have the potential to provide future commercial and public services. The purpose of this classification is to concentrate such services for public convenience, separate incompatible uses, and allow other non-commercial uses if they are compatible with the purpose of this classification and other goals of the Regional Plan. These lands include areas now developed for commercial or public service uses; in the case of public services, lands designated for, or in, public ownership; areas suitable to encourage the concentration of compatible services; areas of good-to-moderate land capability; or areas with adequate public services and transportation linkages. The amendments are consistent with this classification. Although multi-family is a non-commercial use, it is compatible with this classification. A goal of the Regional Plan is to concentrate higher density development closer to commercial nodes, to allow access to services, work centers, and transportation linkages, which reduces the dependence on the automobile and reduces the amount of Vehicle Miles Traveled (VMT). The amendment would facilitate and encourage the transfer of development rights to develop higher density projects closer to commercial and public service nodes.

Plan Area Designations: Consistent with the TPRA Goals and Policies, TRPA has created incentive programs for developing affordable and higher density housing in the Region. The programs include designating areas as “Preferred Affordable Housing” and “Multi-Residential Incentive Program” and allowing the transfer of multi-residential development rights to a single parcel. The “Multi-Residential Incentive Program” permits the use of incentives outlined in Chapter 35 to obtain multi-residential bonus units; however, they are not restricted to affordable housing units. The designation of a plan area as a receiving area for multi-residential units allows the transfer of one or more residential development rights, as defined in Chapter 2, to be transferred to the parcel within a designated plan area. The designations proposed in these amendments are consistent with the plan areas that currently permit the development of multi-family and would further enhance and provide the incentive to develop higher density mix-use projects to be developed. The designation would permit the applicant to transfer development rights to develop higher density housing in appropriate areas or apply for bonus units to develop affordable units and get an exemption from the allocation requirements.

Transit Oriented Development: As discussed earlier, all the targeted plan areas and community plan currently allow multi-family dwelling as a permissible use and the TOD findings are not relevant. However it is important to note that all the targeted areas meet the criteria established for the TOD findings which include close proximity to transportation linkages, work centers, public services, and commercial services and provide the ability to infill as a higher density.

Transportation: No significant impacts to Level of Service are anticipated. It’s anticipated that the close proximity to services and work centers will reduce the dependence upon

the automobile. However, any subsequent project implemented, as a result of the amendment would have to provide adequate parking and mitigate any trips generated.

Effect on TRPA Work Program: No significant impact is expected on TRPA's work program as a result of this amendment since it does not result in any increased development potential. The amendment will likely only affect the type of development being reviewed by staff.

Findings: Prior to amending the plan areas, TRPA must make the following Findings.

A. Chapter 6 Findings

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

Rationale: The amendments to the plan areas will not adversely affect implementation of the Regional Plan. The proposed amendments are consistent with the intent of the plan areas to allow multi-family residential development. In light of the need to provide affordable housing in the region, the amendments provide a mechanism to develop such projects while providing an incentive to the private developer. The amendments provide the opportunity to facilitate mixed-use development, which includes a combination of affordable, and market rates. As discussed in the staff summary, the amendments are consistent with the plan areas and do not result in any increased development potential than that established in the Regional Plan. The amendments themselves will result in transfer of development rights to develop higher density projects that are currently permissible in the plan areas.

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

Rationale: The amendments will not cause the environmental thresholds to be exceeded. The amendments do not result in any additional development potential beyond that established by the Regional Plan but rather provides opportunities and encourages higher density development within close proximity to commercial nodes to reduce the dependency on the automobile. Providing opportunities for higher density development closer to commercial nodes is consistent with the Transit Oriented Findings and will provide access to services, work centers, and transportation linkages, which reduces the vehicle miles traveled (VMTs) in the Basin.

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

Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above.

B. Chapter 13 Findings

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.

Rationale: As discussed in the Land Use Consistency Section above the ability to develop multi-residential projects in areas designated for multi-residential land uses is consistent. The ability to develop residential projects within areas designated as Commercial/Public Service and Tourist Areas is also consistent with the goals of the Regional Plan to encourage higher density development within close proximity of commercial and tourist nodes that provide transportation linkages, public services, close proximity to work centers and neighborhood services. In addition the designations of Multi-Residential Incentive Program and allowing the plan areas to be designated as a receiving area will provide the mechanism to develop these multi-family projects within the plan area.

Environmental Documentation: Staff has reviewed the Initial Environmental Checklist (IEC) submitted by the City for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Chapter 13 findings and the IEC.

Requested Action: Staff request the Governing Board conduct a public hearing on this matter and take the following actions:

1. Make a Finding of No Significant Effect (FONSE); and,
2. Make the Chapter 6 and Chapter 13 Findings; and,
3. Adopt the implementing ordinance

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 775•588•4547, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

- Attachments A. Adopting Ordinance, with Exhibit 1, Proposed Changes to PAS 103, Sierra Tract Commercial, and Exhibit 2, Proposed Changes to PAS 104, Highland Woods
B. Location Map

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2004 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING PLAN AREA STATEMENT 103, SIERRA TRACT COMMERCIAL, AND PLAN AREA STATEMENT 104, HIGHLANDS WOODS, TO ADD THE TRANSFER OF DEVELOPMENT RIGHTS DESIGNATION FOR MULTI-RESIDENTIAL UNITS, AND PROVIDING FOR OTHER MATTERS PROPERLY REALATING THERETO.

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

<u>Section 1.00</u>	<u>Findings</u>
1.10	It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending Plan Area Statement 103, Sierra Tract Commercial, and Plan Area Statement 104, Highland Woods, to add the transfer of development rights designation for multi-residential units, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
1.20	These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.
1.30	The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.
1.40	The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code, and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.
1.50	The Governing Board finds that the amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities 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 Plan Area Statement 103, Sierra Tract Commercial

2.10

Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph () as follows:

6.10 Plan Document

(2) Plan Area Statement for Plan Area 103, Sierra Tract Commercial, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added () for PAS 085, Exhibit 1, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 3.00

Amendment of Plan Area Statement 104, Highland Woods

3.10

Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph () as follows:

6.10 Plan Document

(2) Plan Area Statement for Plan Area 104, Highland Woods, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added () for PAS 089, Exhibit 2, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 4.00 Interpretation and Severability

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

Section 8.00 Effective Date

The provisions of this ordinance amending Plan Area Statement 103, Sierra Tract Commercial; and Plan Area Statement 104, Highland Woods, shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held May 26, 2004, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency

New language is underlined in blue; language to be deleted is ~~struck-out~~ in red.

103 SIERRA TRACT-COMMERCIAL

PLAN DESIGNATION:

Land Use Classification	COMMERCIAL/PUBLIC SERVICE
Management Strategy	REDIRECTION
Special Designation	TDR RECEIVING AREA FOR: <ol style="list-style-type: none">Existing Development<u>Multi-Residential Units</u> SCENIC RESTORATION AREA

DESCRIPTION:

Location: This area is located along Highway 50 between the Truckee River and Trout Creek and is located on TRPA map G-18.

Existing Uses: This area contains a mixture of commercial uses including motels. The area is 90 percent built out.

Existing Environment: The lands are classified ten percent SEZ and 90 percent low hazard. The land coverage is 70 percent plus an additional ten percent disturbed.

PLANNING STATEMENT: This area should continue to provide commercial services for the residents and visitors of the south shore- and provide opportunities for developing mixed-use projects.

PLANNING CONSIDERATIONS:

- The area experiences periods of traffic congestion.
- Scenic Roadway Unit 35 is in this area and is targeted for restoration as required by the scenic threshold.
- Within this area, major development is located in the SEZ.
- The present community college will be relocated from its present site
- Additional fire hydrants and water system improvements are needed in this area.

New language is underlined in blue; language to be deleted is ~~struck-out~~ in red.

104 HIGHLAND WOODS

PLAN DESIGNATION:

Land Use Classification	RESIDENTIAL
Management Strategy	MITIGATION
Special Designation	NONE

TDR RECEIVING AREA FOR:

1. Multi-Residential Units (Special Area #1 Only)

DESCRIPTION:

Location: Highland Woods is the residential area located north of Highway 50 between the Upper Truckee River and Trout Creek and is located on TRPA map G-18.

Existing Uses: The primary use of the area is residential. The primary density is one single family dwelling per lot or parcel. Several apartment buildings, a planned unit development, and several duplexes also exist. These higher density uses are located primarily near the Highway 50 corridor. The area is 70 percent built out.

Existing Environment: The Highland Woods area is comprised of ten percent SEZ lands and 90 percent low hazard lands. The land coverage is 30 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: The area should remain residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

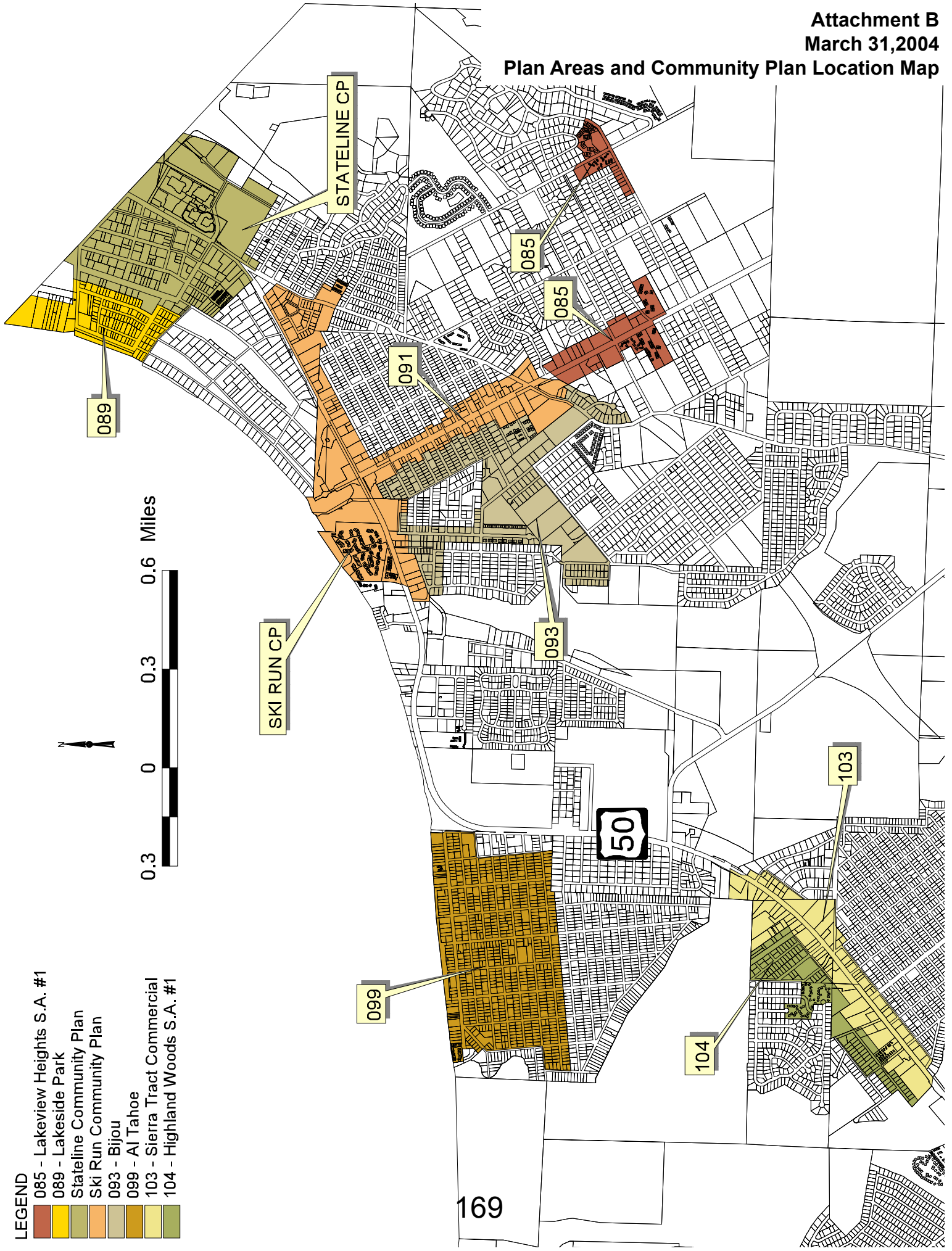
- This area is impacted by the airport transportation corridor.
- Additional fire hydrants and water system improvements are needed in this area.

SPECIAL POLICIES:

- The area adjacent to the Highway 50 corridor should be considered in redevelopment plans for Plan Area 103.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

Plan Areas and Community Plan Location Map



LEGEND

- 085 - Lakeview Heights S.A. #1
- 089 - Lakeside Park
- Stalene Community Plan
- Ski Run Community Plan
- 093 - Bijou
- 099 - Al Tahoe
- 103 - Sierra Tract Commercial
- 104 - Highland Woods S.A. #1



STATELINE CP

SKI RUN CP

089

085

085

091

093

099

50

104

103

169

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O.Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

May 17, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: Preparation and Scoping for the SR 89 Realignment/Fanny Bridge Improvements Project – EIS

Action Required: No formal action is proposed at this time. Staff is requesting comments on the scope and content of the EIS/EIS/EIR for the SR 89 Realignment/Fanny Bridge Improvements Project.

Background: The Tahoe Regional Planning Agency in conjunction with Caltrans, Placer County, the Federal Highway Administration and the United States Forest Service is in the process of developing a project that addresses two primary objectives: to alleviate traffic congestion on SR 89 northbound at Fanny Bridge in Tahoe City, and to consider options regarding the replacement or repair of Fanny Bridge itself. A series of community advisory committee meetings, in addition to Steering Committee meetings (open to the general public) and a general public meeting, were held recently to determine the alternatives going forward through the environmental document phase.

As a result, the SR 89 Realignment/Fanny Bridge project will carry forward five alternatives: No Project; Widen Existing Bridge; Repair Existing Bridge; New Alignment with Roundabouts and keep Old SR 89 Closed; and New Alignment with Roundabouts and keep Old SR 89 Open. A more detailed description of the alternatives is attached for your review. LSC Transportation Consultants, Inc. and Entrix, Inc. are the consultants for this project.

Discussion: Due to increasing seasonal traffic in Tahoe City and on the west shore, this project proposes to alleviate congestion on SR 89 in the area of Fanny Bridge. Analysis of the problem has shown that Fanny Bridge, with the size of the bridge, its location and the amount of bicycle and pedestrian traffic crossing at and standing on the bridge (totaling over 500 persons per hour in peak summer periods), is the major cause of congestion in the area. There are two basic options to deal with this problem; widen the bridge and analyze an overpass/underpass solution for the pedestrians, or relocate the roadway away from Fanny Bridge through the 64-Acre Tract. In response to overwhelming public input, the option of keeping old SR 89 (current roadway) open in addition to the new alignment road is being considered as one of the alternatives.

Some concerns with this latter option are the additional roadway capacity that would be created, and the structural integrity of Fanny Bridge. Fanny Bridge was constructed in the 1920's. Caltrans estimates the lifespan of Fanny Bridge in its current condition at 10-15 years. Caltrans traffic data also shows that the greatest peak-month Average Daily Traffic (ADT) in the region occurs in this project area with an average of 26,500

vehicles per day in August. Over the ten year period of 1991-2001, the greatest growth in peak month traffic volumes occurred in this project area with an increase in ADT of 42%.

The project will require documentation prepared under TRPA's Environmental Process, the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). In addition to the public meetings already held, the public has been invited to this Governing Board meeting and the June APC meeting to provide additional comments regarding this project. More public hearings will be held with the release of the draft document and the final document. TRPA has a deadline of June 30, 2005 to complete this environmental document in accordance with contractual funding obligations. Funding is provided from the 2002 Regional Transportation Improvement Program.

Additional information may be obtained on the project website: www.fannybridge.com.

If you have any questions regarding this matter, please feel free to contact Jennifer Hannum at (775) 588-4547, x. 297.

Jh:jrwb

Attachments: Notice of Preparation and Scoping, Alternatives Description

SR 89/Fanny Bridge Improvements Project

Alternatives Description

1. **No project.** Continued maintenance of Fanny Bridge, including anything short of actions that would require environmental documentation (replace piers, replace deck). This may also include near-term modifications to the Wye or pedestrian crossing (short of anything that would require environmental documentation).
2. **Widen Existing Bridge.** Though the group did not specifically vote on details, this would include the 14-feet of downstream widening. Roundabout vs. signal at existing Wye to be studied -- if roundabout feasible without eliminating Albertsons parking, then roundabout preferred. As part of evaluation of potential mitigation measures, serious study of pedestrian overpass and underpass would be conducted.
3. **Repair Existing Bridge, Provide Adjacent Pedestrian Bridge(s), Prohibit Pedestrians on Existing Bridge.** Assuming that simply forcing all pedestrians to use new pedestrian bridge on the lake side of the dam is not practicable, this would at a minimum include a new pedestrian bridge immediately upstream from Fanny Bridge, and probably one immediately downstream as well. Roundabout vs. signal at existing Wye to be studied -- if roundabout feasible without eliminating Albertsons parking, then roundabout preferred.
4. **New Alignment, Close Old 89.** New alignment to a new Wye intersection (configured similar to existing Wye) at east end of Caltrans Yard. Provide roundabout at new Wye. Provide bicycle trail underpass of new alignment on north shore of Truckee River. Provide roundabout at southern end of 64 acre tract, as far south as possible without significant impacts, with 3rd approach serving only recreational parking. North closure of existing 89 at the Tavern Shores driveway (could also provide the access to the Tahoe City Transit Center). Roundabout vs. signal at existing Wye to be studied -- if roundabout feasible without eliminating Albertsons parking, then roundabout preferred.
5. **New Alignment, Keep Old 89 Open.** New alignment to a new Wye intersection (configured similar to existing Wye) at east end of Caltrans Yard. Provide roundabout at new Wye. Provide bicycle trail underpass of new alignment on north shore of Truckee River. Provide roundabout at southern end of 64 acre tract, as far south as possible without significant impacts, with 3rd approach serving Old 89. (No change in access to existing recreational parking area from Old 89). Roundabout vs. signal at existing Wye to be studied -- if roundabout feasible without eliminating Albertsons parking, then roundabout preferred. Old 89 signed as a local road only.

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

May 12, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: Scoping of the Incline Village General Improvement District Sewer Export Line Replacement Environmental Assessment, TRPA File 20031076

The Incline Village General Improvement District (IVGID) has submitted an application to the Tahoe Regional Planning Agency (TRPA) to replace portions of their sewer export line. The existing line runs from the IVGID sewer plant (located at the eastern end of Incline Village) along Highway 28 to Spooner Summit and then out of the Lake Tahoe Basin to Carson Valley.

TRPA staff have determined that the project will require an Environmental Assessment (EA) in accordance with Chapter 5 of the TRPA Code of Ordinances. The EA will be a joint document for TRPA and for the United States Army Corps of Engineers (USACE) NEPA (National Environmental Policy Act) requirements.

The document preparation is at the beginning stages. Although not a TRPA legal requirement, TRPA staff is requesting input from the Governing Board on the scoping of the document content. In addition, if any members of the public desire to comment, their input is also welcome.

Resource Concepts, Inc. (RCI), was selected to prepare the EA by TRPA and the USACE through a competitive Request for Proposal process. Staff will provide a brief presentation of the project and a discussion of identified potential environmental issues at the Governing Board hearing.

If you should have any questions, please contact Kathy Canfield, TRPA Project Review Division at (775) 588-4547, ext. 232, or kcanfield@trpa.org.

Fact Sheet 1

Introduction

- Incline Village is a year round community on Lake Tahoe serving a population that varies from 7,000 to 20,000 people during peak season. The Incline Village General Improvement District (IVGID) collects and treats an annual average domestic wastewater flow of ~1.5 million gallons per day.
- The Incline Village General Improvement District (IVGID) exports all secondary effluent from the wastewater treatment plant located at Incline Village in the Lake Tahoe Basin, over Spooner Summit to the wetlands disposal site located approximately six miles southeast of Carson City.
- The 22-mile export pipeline was installed in 1970 as part of a regional effort to eliminate all wastewater effluent discharges in the Lake Tahoe Basin and has been in continuous operation for 33 years.
- The condition of the pipeline and recent leaks has drawn the attention of the Nevada Bureau of Health Protection Services. These leaks have occurred in several sections of the 16-inch pipeline. IVGID began investigating potential export line corrosion and failure issues in August 2001 by conducting a video inspection and sampling at a location on the export line. The conclusion was that corrosion is occurring at the pipe joints and the mortar linings are exhibiting corrosion effects, and in certain areas the pipe has sustained third party damage.
- IVGID proposes to construct improvements to the export pipeline in order to correct known corrosion problems, restore the reliability of the system and prevent the unauthorized discharge of treated effluent in the Tahoe Basin. Repair or replacement is needed for approximately 5 miles of the pipeline within the Tahoe Basin and less than 1 mile in the Carson Valley.

Fact Sheet 2

Preliminary Resource Concerns To Be Addressed In The EA

Resource	Space for Notes
Cultural Historic and Ethnographic Resources	
Water Quality	
SEZ/Wetlands	
Transportation	
Biological Resources	
Growth Inducing Impacts	
Scenic Quality	
Land Use	

Preliminary Regulatory Authority and Permits

Regulatory Authority	Permit
TRPA <ul style="list-style-type: none"> • Regional Plan for the Lake Tahoe Basin • Goals and Policies • Code of Ordinances (TRPA Code) • Rules of Procedure • Plan Area Statements • 208 Water Quality Plan 	<ul style="list-style-type: none"> • TRPA Construction Permit • Environmental Assessment Approval
Federal <ul style="list-style-type: none"> • US Army Corps of Engineers • National Environmental Policy Act • USDA Forest Service Land and Resource Management Plan • Endangered Species Act – USFWS • Clean Water Act – EPA • National Historic Preservation Act 	<ul style="list-style-type: none"> • Finding of No Significant Impact (FONSI) • USDA Forest Service Special Use Permit • 404 Permit
State of Nevada <ul style="list-style-type: none"> • Nevada Administrative Code • Nevada Revised Statutes 	<ul style="list-style-type: none"> • Easement (State Lands) • Encroachment Permit (NDOT) • Surface Area Disturbance Permit (BAPC) • Stormwater Construction Permit (BWPC) • Working in Waterways (BWPC) • 401 Certification (BWQP)
Washoe County Carson City Douglas County	<ul style="list-style-type: none"> • Dust Control Plan • Engineering / Site Improvement Permit

Resource Concepts, Inc.

Fact Sheet 3

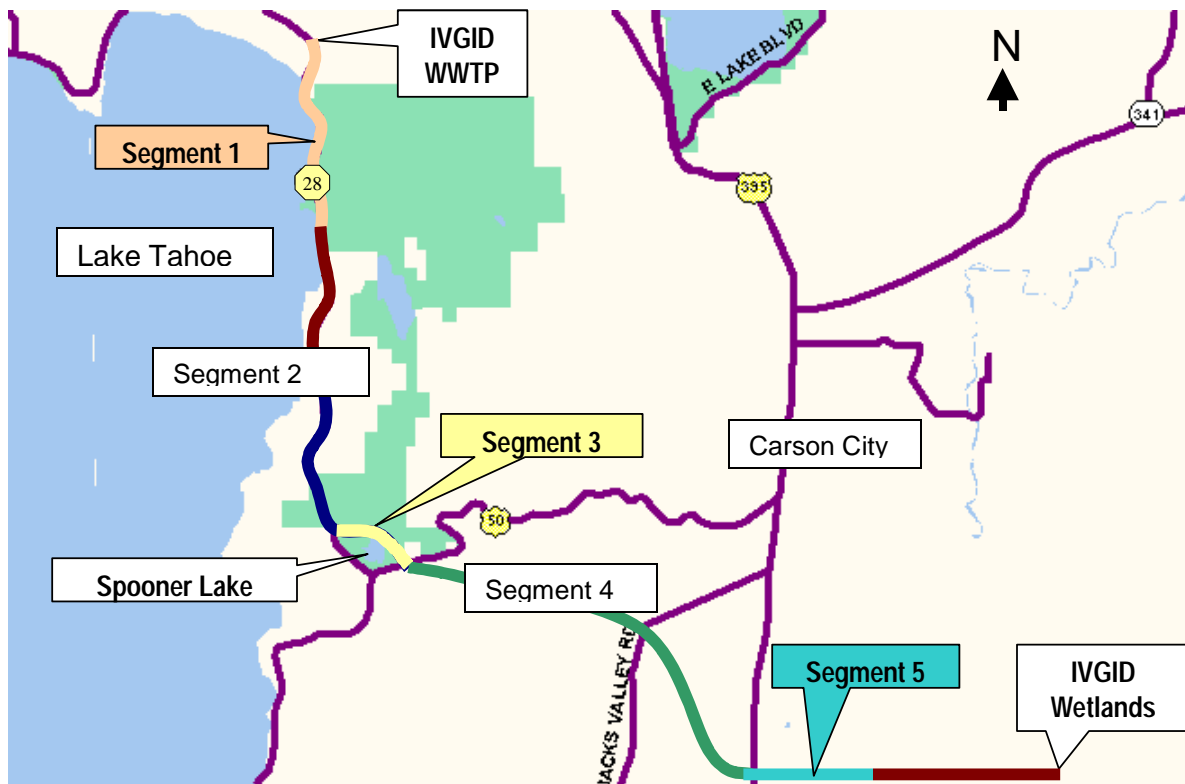
General Project Area Description

Project Area	Location	Proposed Improvements
IVGID Treatment Plant	Wastewater treatment and storage facilities including: a 0.5 M gallon steel tank, a 2.4 M gallon storage reservoir, and a 17 M gallon emergency storage reservoir (Mill Creek Dam# 2).	Provided adequate capacity in lined storage facilities to retain effluent under normal and emergency conditions when pipeline is under construction. Route Mill Creek around the dam to separate creek flow from effluent storage area.
Segment 1	20,000 feet of 16-inch pipe, extending from the treatment plant, along SR 28, to just south of Sand Harbor (Spooner Pump Station). Operating pressure 0 to 100 psi.	Replace or rehabilitate 18,000 feet of pipeline that is in danger of failing.
Spooner Pump Station	Pumps, stand-by generator, and surge control equipment to transport effluent over Spooner Summit located south of Sand Harbor on the east side of SR 28 separating pipeline Segments 1 and 2.	Increase surge protection; increase reliability of pumping capacity and stand-by power.
Segment 2	17,300 feet of 16-inch pipe, extending from just south of Sand Harbor, along SR 28, to a point near Secret Creek. Operating pressure up to 450 psi.	None needed – pipe materials in good condition.
Segment 3	22,700 feet of 16-inch pipe, extending from Secret Creek, along SR 28, across the meadow at Spooner State Park, around the north side of Spooner Lake, to US 50. Operating pressure up to 150 psi.	Relocate, replace or rehabilitate 110 feet of pipe at Secret Creek and 10,000 feet of pipe from SR28 to US 50 that is in danger of failing.
Segment 4	39,000 feet of pipe with varying diameter extending from US 50 cross country to US 395 at S. Sunridge Drive. Operating with gravity flow.	None needed – pipe materials in good condition.
Segment 5	2,800 feet of 14-inch pipe extending from 395 to the east edge of the Carson River. Operating with low pressure.	Relocate and replace 1,000 feet of pipeline to prevent failures and potential impingement of the Carson River on the pipeline.
Segment 6	4,500 feet of 14-inch pipe extending under the Carson River to the IVGID Wetlands disposal site. Operating at low pressure.	None needed – pipe materials in good condition.
Alternatives Considered and Dismissed	<ol style="list-style-type: none"> 1. Reconstruction of entire 22 mile pipeline 2. New overland location and discharge point 3. Parallel location uphill of SR 28 	Excessive disturbance for cross country routes, functional difficulty, compatibility with existing treatment and disposal facilities.

Location Map

Three segments of the export pipeline are recommended for replacement based on 2003 corrosion study:

- Segment 1
- Segment 3 (around Spooner Lake)
- Segment 5.



Source: *Incline Village General Improvement District, Export Pipeline Rehabilitation, Draft Predesign Report, HDR, February 13, 2004*

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128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

May 12, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: Memorandum of Understanding (MOU) Between TRPA and the North Lake Tahoe Fire Protection District (NLTFPD) for the Purpose of Reducing Fire Danger.

Proposed Action: Approve the above-referenced MOU, authorizing the Executive Director to enter into the agreement.

Staff Recommendation: Approve the proposed MOU.

Description and Discussion: This proposed MOU is authorized by Code section 71.1.A, adopted in January, 2004 to address fire and fuels concerns in the Region. The MOU provides for the North Lake Tahoe Fire Protection District to issue permits for tree removal and vegetation management within 30 feet of structures on all properties within its area of jurisdiction, except for state and federal lands.

The proposed MOU, attached as Exhibit A, is a component of TRPA's efforts to coordinate with local fire districts to address fire and fuels concerns around the Region. TRPA staff has enjoyed good relations with NLTFPD staff, who have taken a leadership role in addressing fire safety issues in the Washoe County portion of the Region.

The MOU provides the opportunity for NLTFPD staff to issue tree removal permits in conjunction with defensible space inspections. This "one-stop-shopping" concept facilitates improved coordination between TRPA and NLTFPD staff and improved public education by the NLTFPD staff. The NLTFPD staff, TRPA and others are cooperating to develop and disseminate educational materials regarding defensible space issues, including the "Living With Fire" materials prepared by Mr. Ed Smith of the UNR Extension. Residents receive additional benefit from on-site, specific information presented by fire professionals. The MOU requires that a qualified forester approve tree removals, and the NLTFPD has a qualified forester on staff who has been working closely with the TRPA forester to establish consistent direction and review.

The Tahoe Regional Planning Agency has an MOU with the Nevada Division of Forestry (NDF) allowing this state forestry agency to issue tree removal permits on behalf of TRPA. However, due to funding and staffing issues, NDF discontinued issuing significant numbers of tree removal permits in the fall of 2001. Since that time, TRPA staff has issued the vast majority of tree removal permits in the Lake Tahoe Region, including the area of jurisdiction of the NLTFPD.

As part of TRPA's efforts to expedite fuels treatments in the Lake Tahoe Region, TRPA staff developed, and the TRPA Governing Board adopted, amendments to the Code of Ordinances in January, 2004. Included in these amendments was a new Code section, 71.1.A, providing for TRPA to delegate project review and permit determination to qualified agencies or third party designees.

Staff has interpreted Code section 71.1.A as allowing these delegation agreements (MOUs) to be approved without adopting them as a Chapter 4 Code amendment. The intent and the amended Code language that was added to Chapter 71 in January 2004, provides the basis for this interpretation. Chapter 4, Appendix A requires that all MOUs be approved by the Governing Board. Placing this item on the Governing Board agenda as a public hearing item for Governing Board action is consistent with this Chapter 4 language. By approving the MOU, the Governing Board is also approving staff's interpretation that a specific Chapter 4 exemption for the removal of trees (for defensible space purposes) pursuant to a permit issued by the North Lake Tahoe Fire Protection District is not required. It is staff's intent to bring back a Chapter 71 cleanup amendment in the near future to clarify this staff interpretation.

The NLTFPD has carried out prescribed burning and fuels management programs in the past and has shown the ability to integrate forest health and fuels considerations when developing projects. NLTFPD staff has shown an awareness of TRPA regulations and policies, as well as a willingness to call TRPA when they have questions. TRPA staff worked with NLTFPD's qualified forester in 2002 on a project to thin small trees and insect and disease affected trees along the visually sensitive State Route 28 scenic corridor, with excellent results.

APC Recommendation: The APC reviewed the proposed MOU at their May 12, 2004 meeting. The APC recommended that the MOU be amended to clarify the reasons for tree removal and to include more specific language concerning identification and addressing of potential threshold concerns, such as stream environment zone issues. With these conditions, the APC unanimously recommended the MOU for Governing Board approval.

The APC discussion of the proposed MOU included concerns that TRPA approved projects requiring specific trees to be retained may be impacted by later fire district tree removal approvals. The MOU includes provisions for NLTFPD/TRPA coordination regarding impacts to past TRPA approvals. In addition, the Washoe County Building Department issues permits through a delegation agreement with TRPA. The NLTFPD currently works with the County on implementation of its fire code provisions governing construction design and materials, wiring and fire prevention measures. This MOU provides additional opportunities for improved coordination between the local fire district and local planners during the site design phase of the project review process.

The League To Save lake Tahoe was the sole public comment during the APC hearing. The League provided their support to the proposed MOU.

The MOU has been amended to address the amendments the APC attached to its recommendation for Governing Board approval.

The language regarding which trees the NLTFPD forester may approve for removal has been clarified. The draft provided to the APC provided for NLTFPD to approve removal of “hazardous trees”. The final document provides for issuing tree removal permits consistent with chapter 71 (Tree Removal) and Code section 75.3 (Vegetation Management to Prevent the Spread of Wildfire). These Code sections provide the NLTFPD forester with direction to issue tree removal permits consistent with the TRPA Code and other provisions of the Regional Plan. These Code sections have guided TRPA forestry staff and state foresters in issuing tree removal permits.

Item #7 of the “it is understood” section of the MOU has been amended to include TRPA provision of protocol to District staff so that potential threshold issues are identified and addressed in the District’s tree removal permitting work. Specific potential threshold issues discussed at the APC hearing are included in the list of issues to be addressed through ongoing communication between TRPA and NLTFPD staff.

Although not required by the APC, provision 6, was adjusted, from requiring coordination with respect to prior TRPA approvals, to include coordination with respect to pending approvals. This promotes integration of vegetation management with site development planning and project review.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for the proposed MOU. Based on the checklist, staff recommends a finding of no significant effect on the environment for the proposed MOU.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made:

- A. The project (MOU) 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;

Section 71.1.A of the Code allows for the development and implementation of MOUs to allow qualified agencies to review tree removal and vegetation management in accordance with the TRPA Regional Plan and Code of Ordinances. The activities described in the proposed MOU are subject to all provisions of the Regional Plan. The MOU will allow for NLTFPD staff to address public safety concerns and for better utilization of TRPA staff time. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

The MOU contains provisions that build in TRPA consultation in conjunction with NLTFPD permitting activity, including consultation with TRPA regarding the effects of prior TRPA approvals on subject parcels and TRPA coordination in review of applications on properties which may be visually sensitive.

- B. The project will not cause the environmental thresholds to be exceeded;

Activities undertaken pursuant to the proposed new MOU are subject to the provisions of the Regional Plan. Tree removal permitting and vegetation management prescription are subject to TRPA ordinances and policy language which direct management of forest vegetation for ecological health, while providing for human safety. Tree removal permitted by qualified foresters may reduce the potential for environmental damage due to insects, disease, other natural and human causes, and fire.

The 2001 Threshold Evaluation identified loss of trees as a factor adversely impacting scenic quality in shoreline scenic units. Both shoreland and upland tree loss were implicated. The MOU requires that TRPA and the NLTFPD coordinate to ensure that if tree removal necessary for public safety has the potential to impact scenic quality, the permit will include appropriate mitigation.

Another desirable feature of the MOU is that it provides for NLTFPD monitoring of satisfactory performance of permitted activity. In the past, NDF did not monitor permits it issued, and TRPA also lacked staffing to monitor permits adequately. NLTFPD, a local agency, is able to effectively monitor permitted activities in its limited area of jurisdiction.

- 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(d) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.

Activities undertaken pursuant to the MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklists completed for the proposed MOU.

- D. 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.

As explained under findings A, B, and C, above, the MOU, implemented in accordance with the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states:

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

Section 71.1.A of the Code allows for the implementation of MOUs with qualified agencies to review and approve tree removal and vegetation management activities. The proposed MOU with the NLTFPD allows NLTFPD to issue tree removal permits based on the report of a qualified forester in accordance with the Regional Plan

package. The MOU provides for permitting activity to be carried out by qualified NLTFPD staff, for TRPA training and coordination, and for NLTFPD monitoring of permits. This combination assures the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed MOU will implement Section 71.1.A of the Code which allows for delegation of tree removal permitting to qualified agencies.

If you have any questions regarding this item, please feel free to contact Jesse Jones at (775) 588 – 4547, ext. 266.

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128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

EXHIBIT A

MEMORANDUM OF UNDERSTANDING BETWEEN THE TAHOE REGIONAL PLANNING AGENCY AND THE NORTH LAKE TAHOE FIRE PROTECTION DISTRICT

This memorandum of understanding is entered into this 26th day of May, 2004 between the Tahoe Regional Planning Agency ("TRPA"), a bi-state agency created under the Tahoe Regional Planning Compact and the North Lake Tahoe Fire Protection District ("District"), a political subdivision of the State of Nevada.

Recitals

A. Pursuant to the authority of the Lake Tahoe Regional Planning Compact ("Compact"), P.L. 96-551, the TRPA issues permits for activities that may affect the natural resources of the Lake Tahoe Basin. Under this authority, TRPA can issue permits to land owners who want to remove trees to promote fire safety on their property.

B. The District, created by N.R.S. 474.010 to 474.450, has statutory responsibility for protecting life and property from fire in the unincorporated area of Incline Village and Crystal Bay Nevada. The District has the authority to require property owners to maintain defensible space around their structures to promote fire safety.

C. TRPA generally seeks to defer land use permitting decisions to local jurisdictions where feasible. Under TRPA Code of Ordinances Section 71.1.A, TRPA may delegate its tree removal permitting authority to qualified agencies as long as those agencies ensure compliance with all other provisions of the Compact, Regional Plan and Code of Ordinances.

D. The District employs a qualified forester, able to issue tree removal permits consistent with Chapter 71, inclusive, and Code section 75.3, of the TRPA Code of Ordinances.

E. TRPA and the District are collaborating on a plan to protect Lake Tahoe and its residents from catastrophic wildfire. Educating private property owners about defensible space is a key component in the plan to restore the forest to healthy conditions. In an effort to encourage public participation, this MOU is intended to streamline the process for homeowners seeking defensible space and tree removal permit review inspections. By delegating authority, TRPA and the District desire to encourage a "one-stop shopping" concept. TRPA and the District seek to provide homeowners with a convenient process that encourages fuels management on their

property and therefore makes it efficient for them to do their part to protect the forest from wildfire.

F. The procedures outlined in this MOU will ensure that tree removal permits issued by the District will comply with the Compact, Regional Plan and Code of Ordinances.

NOW THEREFORE, IT IS UNDERSTOOD BY THE TRPA AND THE DISTRICT:

1. TRPA hereby delegates to the District its authority to issue permits for the removal or treatment of trees and other vegetation within 30 feet of structures on all lands within the unincorporated areas of Incline Village and Crystal Bay, excluding state and federal lands.

2. The District Chief, based upon a report from a qualified forester under his/her supervision, shall issue tree removal permits in accordance with the provisions of this MOU and all applicable standards of the TRPA Code of Ordinances.

3. This MOU shall be effective when signed by both of the parties hereto and may be terminated at any time by either party with 30 days prior written notice to the other party.

4. The District shall provide all material necessary for the administration of this MOU including, but not limited to, marking paint, and application and permit forms. The District shall obtain TRPA's consent to the application and permit forms used to administer this MOU.

5. The District shall coordinate with TRPA to determine whether there are prior or pending TRPA actions with regard to any particular property under review and the effect of the proposed tree removal on TRPA's prior or pending action, if any.

6. TRPA shall provide guidance, training and protocol to District personnel to help determine whether any particular tree removal would raise concerns regarding TRPA's environmental threshold carry capacities ("thresholds"), including, but not limited to concerns about water quality impacts, treatment of SEZ vegetation, or scenic impacts. If threshold concerns arise, TRPA shall provide the District with the appropriate mitigation measure prior to District issuance of the permit. The District shall incorporate the mitigation measures into the District's tree removal permit.

7. The District shall provide to TRPA on a weekly basis copies of all tree removal permits issued during that week.

8. Any appeals from permits related to TRPA's delegated authority shall be filed with TRPA.

9. Nothing in this MOU shall be construed to limit the authority of the District to administer state or local regulations or to impose reasonable conditions of approval on any tree removal permit. Furthermore, nothing in this MOU shall be deemed to limit the land use regulatory powers of either the District or TRPA.

10. The District may perform compliance inspections to ensure compliance with the conditions of approval of tree removal permits issued under the MOU. The District shall report immediately to TRPA all violations of permit conditions or other applicable regulations.

11. The Executive Director may determine that any tree removal activity proposed to the District may have a substantial adverse effect on the natural resources of Lake Tahoe and requires TRPA review and approval.

12. None of the authorities, duties or responsibilities set forth in this MOU shall be assigned, transferred or subcontracted by the District without the prior written consent of TRPA.

In witness whereof, the parties have entered into this Memorandum of Understanding.

Date: TAHOE REGIONAL PLANNING AGENCY

By: JOHN O. SINGLAUB

Date: NORTH LAKE TAHOE FIRE PROTECTION
DISTRICT

By:

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O.Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

May 11, 2004

To: TRPA Governing Board

From: TRPA Staff

Subject: TRPA Office Building – Discussion of Lease/Purchase Options

Proposed Action: Governing Board discussion and direction to staff on options to purchase Agency office building.

Staff Recommendation: Direct staff to investigate the feasibility of financing, purchasing and operating the current TRPA-leased building and associated property and report back to the Governing Board at the August Board meeting. If determined feasible, direct staff to exercise the option to purchase by October 1, 2006. If determined to be infeasible, then direct staff to immediately pursue alternative office building purchase opportunities through a competitive request for proposal (RFP) process with the goal of owning and occupying the new building by April 1, 2007 (current lease expiration date).

Background: TRPA staff began pursuing the acquisition of alternative office space in early 2001 due to space limitations and the pending lease expiration date of its then leased office facility located at 308 Dorla Court, Zephyr Cove, Nevada. One of the alternatives that the Agency was most seriously considering involved constructing and purchasing a new office building located on the Lake Tahoe Community College Campus in the City of South Lake Tahoe. The building was designed to also house the California Tahoe Conservancy. For a variety of reasons the Governing Board in early 2002 chose to not go through with the building plans at the College site and directed staff to redirect its efforts at securing an alternative office building. Given the Agency was facing a lease expiration deadline on the Dorla Court facility that was only a year away (April 30, 2003), the option for building a new office building was not possible within the time constraints. Therefore, the Agency opted to pursue leasing or purchasing an existing office building that could be remodeled or redeveloped to meet its needs within the required time constraints. The Agency solicited proposals from both Nevada and California office building owners and based on the proposals submitted, entered into a lease and option to purchase agreement with the owners of our current office facility located at 128 Market Street, Stateline, Nevada.

The current building lease for the Agency's office space, located at 128 Market Street, includes an initial 4-year lease term plus four 4-year lease extension options. In addition, the lease includes an option to purchase the entire office building at the conclusion of the first 4-year lease term (April 1, 2007). If the option to purchase is to be exercised, the Agency must do so no less than 6 months prior to the April 1, 2007 expiration date of the initial lease term (October 1, 2006). Under the terms of our purchase option, the sales price is to be based on the appraised value of the property at the time the option is exercised.

Financing options available to the Agency were researched rather extensively when considering the previously proposed office building at the College site, including leaseback financing through certificates of participation (COP). Both Nevada and

California statutes have provisions for this type of financing for government agencies. Other financing options, such as private party financing may also be available.

JW

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Discussion: It was discussed throughout the above-described office building acquisition process that it would be in the Agency's (as well as the two states) best financial interest to purchase its own office building. We are again approaching an important decision point for the Agency on this issue; whether to continue leasing office space or to purchase its own building. Should the Governing Board decide to pursue the purchase of our current facility, we have approximately 2 ½ years to make the decision to exercise the purchase option. On the other hand, should the Board decide that the Agency should pursue other building purchase options, e.g., the previously proposed new building at the College site or other potential building sites, staff would need to commence efforts immediately in order to accomplish this by the end of our current lease term. Given that we have only 3 years remaining on our initial lease term, it is important for the Governing Board to provide guidance on this issue as soon as possible.

In order to help facilitate the Board's discussion, the following general information comparing our current office facility with the previously proposed office building at the College site is provided. This information is provided for discussion purposes only and is not intended to limit in any way the Agency's options in terms of acquiring its own office building.

Current Office Facility

22,000 sq. ft. (TRPA floor area)
28,000 sq. ft. (leased/future expansion floor area)
50,000 sq. ft. (total building floor area)
Board Room (TRPA)
Indoor Boat Storage
Parking (136 total on-site)
Building (available for purchase)
Land (4.69 acres available for purchase)
Lake Views
Redeveloped Site

Previously Proposed Office Facility

18,000 sq. ft. (TRPA floor area)
15,000 sq. ft. (Conservancy floor area)
33,000 sq. ft. (total building floor area)
Board Room (shared w/Conservancy)
Outdoor Boat Storage
Parking (132 total on-site)
Building (available for purchase)
Land (long-term lease only)
Forest Views
Undeveloped Site