

Chapter 3

LAND USE

3.1 INTRODUCTION

This chapter presents a program-level analysis of the potential environmental impacts of Alternative 6, the Density-Based, 230-Pier Alternative, on the Shorezone area with respect to land use. Information about regulatory considerations, historical and existing land use conditions in the Shorezone with respect to land use, and standards of significance was provided in the original DEIS and are not repeated here. Please refer to the DEIS.

The existing land use pattern in the Shorezone is based on topography, historical development trends, access, land use regulations, and land ownership patterns. Many agencies have regulatory jurisdiction within the Shorezone of Lake Tahoe. The DEIS focused on those agencies that have developed specific land use plans in the Region that contain a component of the Shorezone. These plans include TRPA's Plan Area Statements, Community Plans, local government zoning (when different from TRPA's plans), land management plans, and park master plans.

REGULATORY CONSIDERATIONS

This analysis of Alternative 6 uses the same established land use impact criteria that were employed in the analysis of the other alternatives. Section 3.1 of the DEIS discusses land use regulation related to the following agencies: TRPA, federal agencies (U.S. Forest Service [USFS]), state agencies (California Department of Parks and Recreation [CDPR] and Nevada Division of State Parks [NSP]), and local jurisdictions (El Dorado, Placer, Washoe and Douglas counties, and the City of South Lake Tahoe). Refer to Section 3.1 of the DEIS.

3.2 EXISTING LAND USE CONDITIONS AND TRENDS

Existing land use conditions, structures, and land ownership for Alternative 6 and land use trends for Lake Tahoe are the same as those presented in Section 3.2 of the DEIS for the other alternatives. Refer to Section 3.2 of the DEIS.

3.3 SUMMARY OF PROJECT ALTERNATIVES – ALTERNATIVE 6

As discussed in Chapter 2 of the DEIS, the different alternatives would have varied effects on Shorezone development at Lake Tahoe. Section 3.3 of the DEIS contains a summary of the alternatives, except the new Alternative 6, which is summarized below.

ALTERNATIVE 6 – THE DENSITY-BASED, 230-PIER ALTERNATIVE

Alternative 6 implements a new approach to the authorization of pier construction, based on planned density of piers within specified shoreline types and a limited annual approval rate leading to no more than 220 private and 10 public (230 total) piers within the timeframe of the PATHWAY 2007 Regional Plan update (2027). Up to 10 new private piers may be approved each year. Under this alternative, all private parcels that do not have an existing pier or deed restrictions related to access to a multi-use pier would be potentially eligible for a pier. Eligibility criteria also require that existing shoreland structures achieve a scenic contrast rating score of 25 or better and that current Best Management Practices (BMPs) are in place, among other provisions. Also, only multi-use piers could be approved in shoreline travel units that have not attained scenic thresholds. Owners of eligible parcels may apply for a new single or multi-use pier, the approval of which would be determined by the length of shoreline retired by the approval (i.e., approval of a pier would retire the parcel or parcels with access to the pier from future eligibility and first priority would be assigned to applications with the greatest length of retired shoreline). All piers must comply with design standards adopted by TRPA to ensure that scenic code requirements and thresholds are met.

Up to two buoys would be allowed on every private littoral parcel, as long as they could meet adjacent property setback, shoreline distance, and separation standards. All buoys must be set back at least 25 feet from the adjacent property line, as measured from the line extended into the water. They must be located no more than 350 feet from the high water shoreline, or within the shorezone area defined by the 6,219-foot contour line on the lakebed where shallow water makes achievement of the 350-foot distance from the high water shoreline impossible. The minimum separation distance between buoys must be 50 feet.

At public marinas, in common areas controlled by homeowners associations (or similar entities), or on public properties where piers are allowed, the buoys must be located within the area defined by the side property setback and shoreline distance standards. The maximum number of buoys would be determined by these dimensions and the minimum separation distance of 50 feet. Also, buoy fields controlled by homeowners associations may not contain more buoys than the number of participating homes in the association.

Only public boat launching ramps could be added under Alternative 6. Therefore, they would only be added where public street access to the shoreline is present with shoreland area that is suitable for the launch ramp use and other mitigation (e.g., sewer and water connection).

LAND USE–RELATED PROJECT CHARACTERISTICS

Table 3-1 provides a summary of the main project features and an abbreviated overview of the differences between the five alternatives evaluated in the DEIS and Alternative 6 evaluated in this document.

The DEIS also includes a detailed table that illustrates the percentage of existing and potential piers located on privately owned vs. publicly owned Shoreland for each alternative, and the percentage of existing and potential private and public piers to miles of shoreline of Lake Tahoe. Currently, nearly half of the private lands along the shoreline are developed with piers. The table is not replicated here because Alternative 6 is unique from the other alternatives in that it reaches its planning horizon in 2027, with a new planning process to be enacted in 2027, whereas the DEIS description of the five other alternatives reflects full

buildout numbers. However, based on the allowable pier development through 2027 under Alternative 6, the percentage of private lands with piers and miles of shoreline privately developed with piers would continue to grow, thus continuing the trend toward more private access to Lake Tahoe. The amount of additional private pier development and miles of shoreline privately developed with piers would be greater under Alternative 6 than under Alternative 1. From a public pier perspective, Alternative 6 would allow a slight increase in the public lands that could have pier access to Lake Tahoe relative to current conditions, and only an incremental increase relative to Alternative 1.

Table 3-1. Summary of Project Alternatives, including Alternative 6

Project Features	Alternative 6 Density- Based, 230- Pier	Alternative 1 No Project	Alternative 2 Alternative 6	Alternative 3 No Fish Habitat Restrictions	Alternative 4 Public Structures Only	Alternative 5 Reduced Development
Streamlined Review	Yes	No	Yes	No	No	Yes
New Structures	Yes	Yes	Yes	Yes	Yes	No
Private Structures	Yes	Yes	Yes	Yes	Public Use Only	Multi Use Only
Quasi-Public Structures	No	Yes	Yes	Yes	No	Yes
Public Structures	Yes	Yes	Yes	Yes	Yes	Yes
Repairs/ Modifications	Yes	Yes	Yes	Yes	Public Use Only	Yes
Reduction in Structures	No	No	No	No	No	Yes

Alternative 6 includes the same permissible land use changes in the Shorezone area as Alternatives 2 and 4. For convenience, those land use changes are summarized in Table 3-2.

3.4 STANDARDS OF SIGNIFICANCE

Alternative 6, like other alternatives evaluated in the DEIS, has a limited potential for impacts to overall regional land use patterns, population, or housing due to the limited changes to uses in the Shorezone that could occur and the lack of proposed changes to uses in the upland. The evaluation of potential impacts to land use is based on each alternative's potential to conflict with existing or proposed land uses in the Shorezone area. The analytical basis for the evaluation of land use impacts of Alternative 6 is the same as that used for other alternatives and is not repeated here. Refer to Section 3.4 of the DEIS.

Table 3-2. Alternative 6 Permissible Land Use Changes

Change	Discussion
1. List of permissible uses in the lakezone.	The proposed list includes seven more uses than the existing list. The new uses allow operations that are water dependent such as boating and implementation of the EIP currently permissible throughout the Region. The list also incorporates the proposed distinction between "intensive" and "dispersed" for several use categories; see below. The proposal does not change the structures allowed or the actual existing uses. No impacts result. See Appendix E, Proposed Chapter 51, in the DEIS.
2. List of permissible uses in the Shorezone.	The proposed list includes eight more uses than the existing list. The new uses listed are generally allowed throughout the Shorezone areas and as such are not new uses. The list includes the proposed distinction between "intensive" and "dispersed" for several use categories; see below. No impacts result. See Appendix E, Proposed Chapter 51, in the DEIS.
3. Use Definitions.	The proposal revises many of the uses defined in Chapter 51. Generally, the revisions provide more detail about the use or repeat other Code requirements in the definition to improve clarity. For example, the definition of Tour Boat Uses now includes the requirement that all built facilities must be located in a marina, currently required in another Code section. The other definition change is to distinguish between "intensive" and "dispersed" for two uses. This revision incorporates uses currently allowed today throughout the Shorezone as "dispersed" in the use list. (The current Code identifies these allowed uses in other text and does not include them in the list.) The "intensive" type of the use is reserved for those areas that require or allow developed or commercial support activities. See Appendix E, Chapter 2, and Chapter 51, in the DEIS.

3.5 POTENTIAL LAND USE IMPACTS AND REQUIRED MITIGATION MEASURES

Table 3-3 identifies the potentially significant impacts of the five alternatives analyzed in the DEIS and Alternative 6, the Density-Based, 230-Pier Alternative, analyzed in this document.

ALTERNATIVE 6 – DENSITY-BASED, 230-PIER ALTERNATIVE

Consistent with Alternative 2, Alternative 6 would result in revisions to the provisions of the TRPA *Code of Ordinances* based on initial agreements of the Shorezone Partnership Group; direction from the Shorezone Policy Committee; and TRPA staff revisions for consistency, streamlining, and environmental adequacy. However, Alternative 6 also incorporates input provided by various commenters and stakeholder groups during and after the public review period for the DEIS. Alternative 6 implements a limited approach to development, as discussed in Section 3.3.

Significant Land Use Impacts

Alternative 6 would place restrictions on uses less sensitive to lake access. However, these restrictions would not be sufficient to alter primary land uses and, therefore, would not result in significant impacts to land use under Alternative 6.

Table 3-3. Alternatives Comparison: Land Use

Impact	Alternative 6	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Permissibility of new accessory structures.	L	L	L	L	L	L
Permissible use definition changes that allow substantial increased or limited development.	L	N/A	L	N/A	N/A	L
Creation of private, quasi-public and public uses and structures.	N/A	N/A	L	N/A	N/A	L

S - Significant
L - Non-significant
B - Beneficial
N/A - Not applicable

Non-Significant Land Use Impacts

Alternative 6 would result in new accessory structures on both public and private lands in conjunction with existing primary land uses. Alternative 6 would delete most location criteria for accessory structures, except for stream mouth setbacks, water intake setbacks (unless water supplier permission is granted), deed-restricted parcels, private parcels with restrictions placed by homeowners associations, and shorezone exclusion zones, which would not be eligible for development. Alternative 6 would also limit the pace of growth through 2027, when a new planning process would be enacted. Finally, the number of private piers allowed in any shoreline unit would be based on density criteria set forth under Alternative 6, as discussed in Chapter 2 of this document. The removal of the location prohibitions on accessory structures would not result in the alteration or prohibition of existing littoral land uses. An estimated 421 littoral parcels may be potentially eligible for consideration to receive one of the 220 potential new private piers and 10 potential new public piers. In addition, this alternative would result in up to 1,862 new buoys and 6 new public boat launching ramps. Private floating docks are not allowed under this alternative except as a substitution for a buoy. Marina slips would not be authorized separately through the Shorezone Ordinance; rather, public slips may be approved, but only through the Marina Master Plan process (which requires its own environmental review).

Alternative 6 would allow more general public access structures than Alternatives 1 and 2. Of the current uses identified as having a high sensitivity to accessory structure limitations, approximately 1/3 are part of multiple-use projects that reduce sole dependence on lake access facilities. Limitations on accessory structures for beach recreation may limit public access, yet would not force alteration in the use of the beach itself. The Alternative 6 restrictions on development would not be sufficient to alter primary land uses or cause the abandonment of primary uses. This would result in a less-than-significant impact to land use and no mitigation is required.

Alternative 6 would result in use definition changes. With Alternative 6, the proposed ordinance intends to clarify permissible uses by amending applicable Plan Area Statements to create compatibility with new use definitions. This action would not allow new land uses or create non-conforming uses, compared to existing conditions. Alternative 6 would not allow either substantially increased or limited development within the Shorezone. With Alternative 6, the increased Shorezone development and related boat use would change physical conditions in the Shorezone, as described throughout the DEIS. Although these changes, such as boating-related noise increases, could create nuisance concerns for existing neighboring land uses, the new facilities would not alter the existing Shorezone character. This would result in a less-than-significant impact to land use and no mitigation is required.

Beneficial Land Use Impacts

There would be no beneficial land use impacts as a result of Alternative 6.