TRPA

APC

PACKETS

JANUARY

1982
January 8, 1982

To: The Advisory Planning Commission
From: The Staff
Subject: Amendment to the Agenda

The attached APC agenda should be amended to include an additional planning matter as follows:

V PLANNING MATTERS
G. 1982 Air Quality Plan

The background material for this item has been included in the packet.
NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on January 13, 1982 at
10:00 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: January 7, 1982

By:
Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

January 13, 1982
10:00 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV GENERAL PLAN AMENDMENTS
   A. Pfeifer House Restaurant/Ice House Area, Three Parcels, General Forest to General Commercial, Placer County
   B. City of South Lake Tahoe Administration Building, Johnson and Al Tahoe Boulevards, 36 Acres, High Density Residential and Rural Estates to Public Service, City of South Lake Tahoe
   C. Hyatt Lake Tahoe, 2.1 Acres Between Incline Creek and the West Property Line of Hyatt Tahoe, Recreation to Tourist Commercial, Washoe County

V PLANNING MATTERS
   A. Shorezone Ordinance Amendments
   B. Remedial Erosion and Runoff Control Ordinance
   C. Transfer of Development Rights
   D. Status Report on 208 Plan
   E. Clearinghouse Review, Master Plan for the Tahoe City Public Utility District Water System
   F. Environmental Threshold Carrying Capacities

VI REPORTS
   A. Public Interest Comments
   B. APC Members

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

November 12, 1981
10:00 a.m.

REGULAR MEETING MINUTES

I CALL OR ORDER AND DETERMINATION OF QUORUM

Chairman John Meder called the meeting of the Advisory Planning Commission to order at 10:05 a.m. Mr. Dennis Goodenow was introduced and a letter of authorization was submitted into the record from the Air Resources Board authorizing Mr. Goodenow as Mr. Randolph's designee.

APC Members Present: Mr. Hallam, Mr. Renz, Ms. Bogush, Mr. Smith, Ms. Smith, Mr. McCurry, Ms. McMorris, Mr. Hansen, Mr. Bidart, Ms. Shellhammer, Mr. Goodenow, Mr. Meder

APC Members Absent: Mr. Combs, Mr. Martens, Mr. Hoole, Mr. Schlumpf, Mr. Pyle

II APPROVAL OF AGENDA

MOTION by Mr. Hansen with Second by Mr. Smith to approve the November Agenda. The motion carried unanimously.

III DISPOSITION OF MINUTES

The disposition of the October minutes were deferred to the December meeting.

IV. PLANNING MATTERS

A. Role of the APC

Ms. Shellhammer stated that she would like to see the expertise of the APC used more to its potential but was unsure how this could be implemented. Mr. Smith commented that the APC's opportunity to express its expertise would come with participating in the steering committee of the Threshold Study.

Chairman Meder brought the subject of a resolution reaffirming the position of the APC as a technical body to advise on technical and professional matters and not get into the political matters. This resolution was passed out at the August meeting, however at that time the APC expressed concern about the wording of the resolution and it was subsequently tabled. In the interim Ms. Bogush reworked had the said resolution and explained the changes made. Chairman Meder then read the revised resolution into the record.

MOTION by Mr. Smith with Second by Mr. McCurry to adopt the the Resolution of the Tahoe Regional Planning Agency Setting Forth the Role of the Advisory Planning Commission in the Tahoe Regional Planning Agency Planning Matters. The motion carried unanimously.
B. Environmental Impact Statement, Bureau of Reclamation, 64 Acre Tract, Tahoe City, Placer County

Executive Director Philip Overeynder introduced Mr. Gary Shellhorn, a new member of the TRPA staff, and informed the APC that Mr. Shellhorn was assigned to review the EIS prepared for the above planning matter. Mr. Shellhorn summarized the EIS by giving a background on how the 64 acre parcel was acquired by the Bureau of Reclamation and who has and is utilizing this parcel at this time. Mr. Shellhorn stated that the Bureau of Reclamation no longer has a need for this parcel and therefore must dispose of it. One way to dispose of this property is to turn it over to other federal agencies, such as the Forest Service who has expressed interest in acquiring the property.

Mr. Shellhorn stated that the Bureau of Reclamation purchased the land in 1904 and then the land was given custody to the Truckee Carson Irrigation District as part of their New Lands project. The TCID leased portions of this land to other parties without knowledge or approval by the Bureau of Reclamation. These leases, which run year-to-year, provide revenue to the TCID, approximately $600,000 over the life of the lease. It has been determined that the Bureau of Reclamation has the right to turn this property over to the Forest Service for recreational purposes. Mr. Shellhorn went on by stating how the land is being utilized at this time and the concerns the EIS pointed out, e.g., traffic congestion, carbon monoxide, access to the Lake in the Tahoe City area. The alternatives addressed in the EIS were to 1) transferring the entire 64 acres to the U. S. Forest Service, 2) disposal of the land to state and local governments, 3) dispose of 8 acres north of the highway to state and local governments and the rest to the U. S. Forest Service, and 4) a no action alternative would allow the existing uses on the property to continue.

Mr. Shellhorn went into detail of the impacts that would result from the Forest Service acquisition of the land. This would include removal of all commercial and residential uses and revegetating which would cause substantial hardship to the persons occupying this area, and he stated that the EIS adequately addresses the impacts involved. The final EIS will involve public hearings and would require comments from the APC as to their views on the alternatives for the disposal of the land.

Mr. Ray Nelson, projects manager at the Lahontan basin projects office, Bureau of Reclamation in Carson City, came forward to explain what the Bureau of Reclamation was trying to do with the Forest Service here in Tahoe and to answer any questions the APC had.

Ms. Bogush inquired whether the relocation of the businesses and residents was a condition of the sale, court required or Forest Service requirement. Mr. Nelson stated that it was the Forest Service's intention to make this land recreational and the uses on the property now did not conform to recreational use. He also stated that the land was not now zoned for commercial and residential use therefore these uses were nonconforming.
There was some discussion as to how much time the businesses in the area would have to vacate and the procedure that would be used. It was also mentioned that the final EIS would address the impact that would be created if these businesses and residents were relocated elsewhere in the basin or perhaps out the basin.

Mr. Hallam inquired if there was any consideration given to relocating these business and residents on other federally owned lands.

Mr. Bidart brought up the subject of the negative impact that this type of project would have outside the basin and suggested that the final EIS address this issue.

C. U. S. Forest Service, Review of Alternative Plans for Utilization of Camp Richardson, El Dorado County

John Hoefer, Planning Staff Officer for the Lake Tahoe Basin Management unit, gave the presentation to the APC. Mr. Hoefer started by giving a background and why this item is before the APC at this time stating that Camp Richardson started out as a multi-service resort and started in about 1920 as a private resort. In 1965 the Forest Service acquired this resort along with the land. During the past fifteen years the resort has been operated under a concessionaire permit. That permit terminates December, 1982 at which time the Forest Service normally would reissue a permit for the use of the property. However, before the Forest Service does reissue a permit it decided to reexamine this use and perhaps look at some alternative uses.

Mr. Hoefer then went over some of the concerns regarding the resort, e.g., the disrepair of some of the cabins, congestion along Highway 89, density of some camp sites and vehicle parking sites, camp sites in stream environment zones, recreation vehicle sites near an Indian burial area, deviations from health and safety standards and environmental standards for some of the buildings and other facilities at that area, utilities that are not up to standard, and a pier that is in disrepair. Mr. Hoefer also mentioned that the Forest Service has some concerns over the economics of the operation.

Mr. Hoefer then pointed out some of the alternatives for the site, e.g., continue the resort as is correcting problems as they occur, having the resort used for day use only, using only recreational vehicle for camping, completely remodel the resort for same use, use most of the buildings for Forest Service headquarters and employee housing, to mix the public recreation use with Forest Service facilities, and public use with some Forest Service facilities. He mentioned that none of the alternative completely prohibit public recreation.

Mr. Hallam mentioned that Placer County held a meeting in this regard and that the overwhelming response was that the public wanted the resort to remain as is. Ann Bogush also pointed out that the residents of South Lake Tahoe felt that the character and low cost of this resort should remain the same.
Chairman Meder suggested that a motion be made that no significant changes be made until the threshold study and new general plan update was completed. There was some disagreement from other members of the APC; no motion was made. There was some question as to who would decide if there was going to be significant impacts.

No action was taken on this topic.

D. Environmental Threshold Carrying Capacities

Mr. Randy Sheffield gave an update to the APC. Mr. Sheffield pointed out a couple of important points that come out of the October Governing Board meeting, first, that an EIS would need to be prepared for the development for the Environmental Threshold Carrying Capacities, second, the steering committee would be expanded to include the federal representative making a body of seven in the steering committee. The steering committee meetings would be noticed as public meetings and the Chairman of the steering committee would seek public input at the individual meetings. There would be no public representatives included in the Core Group. There will be a technical resource team that would provide technical input. Mr. Sheffield mentioned that there will be two general public meetings, tentatively, December 9 & 10 to inform the people in the Basin and for the people outside the Basin, they will be informed through the media.

Mr. Sheffield mentioned that would be a meeting of the steering committee on the 20th of November at 9:30 a.m.

Mr. Sheffield introduced Dave Ziegler and David Groer to the APC and described each of their positions and also mentioned that he was soon to hire a new person as a transportation planner.

E. Shorezone Ordinance Amendments

Kristina Elfving, Planning Assistant, updated the APC as to the anticipated completion date of the Shorezone Ordinance Amendments, stating that at this time the said ordinance was not ready for public hearing and asked if there were questions.

Mr. Smith had a question on the addendum regarding the prohibition against discharges on page 12. There was also a question on the prohibition on buoys. Ms. Smith suggested that the APC receive the comments submitted by Lahontan.

Chairman Meder commented that the public and any other interested parties' comments are welcome and asked what procedures were being used to get these comments, e.g. workshops.

Chairman Meder questioned #7 on page 3 regarding "special events" and what it entailed. It was suggested that this item be clarified.
F. Land Use Ordinance Amendments

Executive Director, Philip Overeynder gave a status report on this item. The draft was presented to the APC and Governing Board in October. The Governing Board accepted it as the basis for the land use ordinance and that when staff has a draft copy of the ordinance ready, staff will bring it before the APC for review and comments.

G. Status of 208 Water Quality Management Plan Implementation

Senior Planner Gary Shellhorn gave the presentation to the APC on the remedial erosion control and onsite runoff and he explained that Senior Planner Dave Ziegler would give the presentation on the transfer of development rights. Mr. Shellhorn explained that they needed some sort of direction on this regulatory ordinance before December, 1981 and asked the APC for direction in its development.

Mr. Shellhorn stated that funds were needed to deal with some of the remedial problems, namely, the mitigation fund and explained to the APC how these monies would be collected and used. Mr. Shellhorn also explained some of the alternatives with regard to enforcement mechanisms for onsite runoff and erosion and alternatives that may be used to resolve these problems. A primary question is whether it should be done on a voluntary basis or mandatory basis.

The APC had several suggested areas where they felt the funds should be used and where these funds should come from.

Mr. Shellhorn pointed out that the two major problems in the 208 Plan deal with road drainage and unvegetated cut and fill slopes. The next most major problem is the service yards and then service stations.

Mr. Shellhorn asked the APC if felt it was feasible to put some enforcement on the transfer of property, e.g., having erosion and runoff problems solved prior to title change. He also suggested that it might be a better choice to prioritize as to which problems are more significant and work to solve those before working on some of the less significant situations. Ms. Bogush suggested that the funds should perhaps come from a whole neighborhood or subdivision to correct problem areas instead of charging individuals. It was the consensus of the APC that prioritized method rather than a random method would be more acceptable and that after problem areas have been sited create a timetable for individuals to correct these problem areas. It was felt that the procedure used to have problems corrected is to first make it voluntary, then request the problem be resolved or corrected and the final step would be to demand and set a time limit on the project's completion.

After much discussion Mr. Shellhorn felt he had enough suggestions to put together more specific alternatives with in the next couple of months.
Senior Planner, Dave Ziegler, came forward to present to the APC the topic of transfer of development rights (TDR). Mr. Ziegler went into four points for discussion: 1) why the Agency was interested in transfer of development rights; 2) what does a transfer of development rights system involve; 3) what is our existing situation today with respect to TDR; and 4) what are our options in proceeding. Mr. Ziegler stated that the interest stems from wanting to give relief to those people who had lots that were unbuildable, and the way to do this was through TDR. He then went on to describe what makes a good TDR and what were some of the options for implementation, namely, 1) have the Governing Board, through resolution, adopt the California system for the California side only; 2) that the TRPA take the existing California system and make a TRPA ordinance; 3) through ordinance impose or create a moratorium and extend California system and 4) take no action at this time or until the general plan was updated.

H. Status Report on Water, Sewer and Traffic in Incline Village, Washoe County

Associate Planner, James Dana, gave the presentation on water to the APC and introduced Kermit McMillin, General Manager of the the Incline Village General Improvement District. Mr. Dana asked that Mr. McMillin speak on what IVGID's future plans were as far as building and water, sewer and traffic. Mr. McMillin stated that IVGID has been negotiating for new water rights; however, due to several difficulties those rights have not been acquired at this time. Mr. McMillin also talked about the anticipated building growth and that IVGID was still within their present water rights.

Mr. Dana then gave a presentation on the sewer situation in IVGID and again asked Mr. McMillin to comment. Mr. McMillin addressed the timetables and regulations that IVGID abide by in this regard. Mr. Overeynder asked about the EPA grant and what that was to be used for. Mr. McMillin stated that it was the both the step two in their process and the land acquisition.

Mr. Dana lastly gave a presentation on the traffic situation in IVGID in which Mr. Dana explained to the APC the annual traffic flows for both through traffic and Incline Traffic and what the impacts will appear to be by the year 2000. He also looked at some of the alternatives that people would or will be using to get around Highway 28.

V. Reports

A. Governing Body Action on APC Conflict of Interest Requirements

Chairman Meder informed the APC of the results Governing Board meeting with regard to APC's filing of Conflict of Interest Statements, that a resolution was made and passed that the APC would be required to file. It was requested that all APC members who had not filed please to do so.
B. Public Interest Comments - None

C. APC Members

John Renz mentioned that today there would be some decision as to the proposed alternative to the Kale casino.

VI Resolutions
VII Correspondence
VIII Pending Matters
IX Adjournment

Respectfully submitted,

Sharon A. Pick
Secretary II
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

December 9, 1981
10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman John Meder called the meeting of the Advisory Planning Commission to
order at 10:08 a.m., Executive Director Philip Overeynder introduced Judith
Unsicker to the APC as a representative for the California Regional Water Quality
Control Board - Lahontan Region and placed into the record a letter of
authorization.

APC Members Present: Mr. Hallam, Mr. Renz, Mr. Combs, Mr. Harper, Ms. Bogush,
Mr. Hoole, Mr. Smith, Ms. Unsicker, Mr. McCurry,
Mr. Schumpf, Mr. Hansen, Mr. Bidart, Ms. Shellhammer,
Mr. Pyle, Mr. Randolph, Mr. Meder

APC Members Absent: Ms. McMorris

II APPROVAL OF AGENDA

There were no additions or amendments to the Agenda and the following motion was
made:

MOTION by Mr. Bidart with Second by Mr. Hallam to approve the December Agenda.
The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Smith with Second by Mr. Harper to approve the October Minutes.
The motion carried unanimously.

IV PLANNING MATTERS

A. 1982 Nonattainment Air Quality Plan Status Report

Associate Planner, Dale Neiman summarized a memo that was in the APC pocket
bringing the APC up to date on the air quality planning development. He gave
some background stating that the Clean Air Act amendments of 1977 required states
to identify areas exceeding air quality standards and required the states to
prepare a plan to obtain those standards by December 31, 1982, however, an
extension could be obtained until 1987. He explained which agencies had the
responsibility of developing a bstate air quality plan, the steps involved in
obtaining this plan and the major issues involved, e.g., Establishing an
attainment date for the 6 ppm 8-hour high altitude carbon monoxide standard
adopted for the Basin by both California and Nevada, resolving the conflicts in
terms of what control measures should be adopted and which should be deferred,
meeting the May, 1982 submittal deadline and obtaining the implementing
agreements and implementation dates for the control measures. Mr. Neiman also
presented the proposed adoption process.
APC REGULAR MEETING MINUTES DECEMBER 9, 1981

Stan Randolph suggested that a motion be made that either the staff or the APC write a letter in opposition to the Traxler-Hillis Bill that proposes to relax automobile emission standards for automobiles. There was concern regarding the policy of APC initiating such a letter and the motion was dropped. However, it was agreed that staff would transmit a letter regarding the proposed legislation expressing concern regarding the effects on the Tahoe Basin. An additional report will be presented in December.

There was much discussion on this planning matter but no action was taken.

B. Environmental Threshold Carry Capacity Study

Mr. Randy Sheffield, Chief, Long Range Planning, updated the APC as to the status of developing environmental thresholds. Mr. Sheffield explained what happened at the November 30 meeting of the Steering Committee, e.g., finalize the work plan, bring together for the first time the technical resource team, and to review draft value statements. Mr. Sheffield mentioned that the next Steering Committee meeting will be in conjunction with the January 13 APC meeting in the afternoon and explained what he would like to accomplish at that Steering Committee meeting. He also informed the APC and public that on December 16 and 17 there were going to be four public hearings held to inform the public about the environmental threshold carrying capacity process.

There was some discussion, however, since this was a status report, no action was taken on this planning matter.

C. Water Quality (208) Plan Implementation

Senior Planner, David Ziegler, brought up the subject of EPA's approval letter on the Lake Tahoe Water Quality Management Plan stating that as a condition of approval that by December 31, 1981 TRPA shall submit to EPA a letter of commitment from each major management agency which acknowledges that agencies' acceptance of the responsibilities and time schedules assigned by the plan. Mr. Ziegler said that TRPA was working with EPA to find out exactly what it was they wanted and which agencies the EPA considers major. Also to find out if there were alternative ways to demonstrate agency commitments. He noted that when this information is available, staff would contact the agencies individually.

1. Transfer of Development Rights (TDR)

Senior Planner, David Ziegler gave a status report on where TRPA stood with regard to the TDR and summarized the outline that was a part of the APC packet. Mr. Ziegler mentioned that a meeting had been held in the beginning of December for those people who indicated interest in TDR. Mr. Ziegler then discussed some of the issues of concern regarding the TDR program; timing, whether TDR's should be considered before the update of the 208 Plan; the transition of responsibility and activity from CTRPA to TRPA. He explained that what came out of the meeting of December 2 was a recommended approach. What he proposed to do is to break the effort down into two phases, one directed to the short term and one directed to the long term. In the short term it was recommended that (1) the TRPA staff and the CTRPA staff work together to evaluate the existing system and the transition of responsibility from CTRPA to TRPA, (2) TRPA would monitor development and building activity in Nevada and consider adopting an interim TDR policy in that
state and (3) to study some specific limited transfer concepts such as land coverage transfers on contiguous lots with land coverage transfers with subdivisions. In the long term it was recommended that (1) start working on a new complete TDR system to accompany the 208 update.

There was some discussion on the how TDR's work, and it was requested that any comments or suggestions that the APC had be written down on the staff summary and turned into Mr. Ziegler and that these comments and suggestions would be incorporated in the development of the programs. No action was taken on this planning matter.

2. Remedial Erosion Controls

Senior Planner, Gary Shellhorn, summarized the preliminary draft outline on the proposed remedial erosion and runoff control ordinance that was a part of the APC packet. Mr. Shellhorn showed a flow chart which outlined the three phases of the implementation, (1) a notice phase, (2) a planning phase and (3) compliance or implementation phase. Mr. Shellhorn also went over the APC recommendation for a priority system and explained how it would work and pointed out the pros and cons connected with this method. Mr. Shellhorn also passed out the APC a Watershed Priority Criteria sheet and summarized how it would work and asked for APC comments and suggestions. There was quite a bit of discussion on cost effectiveness and the pros and cons related to concentrating on cost effective projects. Mr. Shellhorn then went over each phase individually and explained how each would be implemented.

No action was taken on this planning matter.

D. Shorezone Ordinance Amendments

Planning Assistant, Kristina Elfving, presented this item to the APC and explained the stage of development so far and explained that more work was needed before these proposed ordinance amendments were ready for adoption and clarified and answered questions presented by the APC. The question was raised whether or not an EIS would be required for these proposed amendments. Mr. Larry Hoffman came forward in favor of an EIS, however, it was the staff's opinion that an EIS would not be necessary or required in that it is required in the Compact that this ordinance be reviewed and updated every two years and the ordinance amendments were directed only at matters of clarification of the existing ordinance that are necessary to be consistent with the bi-state compact amendments. No action was taken on this planning matter. However, staff greed to conduct an additional meeting of the Shorezone Development Review Committee to solicit input from concerned property owners responding to concerns raised by Mr. Hoffman and others.

V REPORTS - None

A. Public Interest Comments - None

B. APC Members

Ms. Bogush mentioned that on Friday, December 11 the City Council and the Board of Supervisors were going to have a joint meeting and that one of the items on their agenda was the role the of local and regional governments and how they can cooperate.
APC REGULAR MEETING MINUTES DECEMBER 9, 1981

VI RESOLUTIONS

VII CORRESPONDENCE

VIII PENDING MATTERS

IX ADJOURNMENT - The APC adjourned at 3:00 p.m.

Respectfully submitted,

Sharon A. Fick
Secretary II
Obermuller/Fassbender/Koonce
(Pfeifer House Restaurant/Ice House Area)
General Plan Amendment
Placer County

Proposed General Plan Amendment

The applicants are requesting an amendment to the TRPA General Plan map to reclassify three parcels from General Forest (GF) to General Commercial (GC). The purpose of this amendment is to make the existing commercial establishments on the site conforming uses and thus permit replacement and major repairs.

Property Location

The three parcels (APN 95-110-22, -08, and -09) are located on the north side of Highway 89 at the western edge of Tahoe City.

Property Description

Use - The subject property contains the Pfeifer House Restaurant, the Ice House Office Building, and two single family residences. The surrounding uses and classifications are shown on Attachment A.

Land Coverage - The land coverage on the site is approximately 24% which is in excess of the land coverage permitted by the land capability system. As shown on Attachment B, the property is classified as High Hazard, with most of the coverage and disturbance being located in the southern portion of the property which is classified as a stream environment zone (SEZ). A site inspection indicates the SEZ may not be properly classified, but such a finding would require more data.

Impacts

The proposed reclassification to GC would make the commercial uses conforming, thus permit expansion and replacement. The two single family dwellings would become nonconforming and thus would have to be phased out. The development potential of the property would be increased in terms of permitted uses but would be physically limited to nonconforming land coverage restraints.

Conformance to:

Local Zoning - Placer County has the property zoned Commercial C-1).

CTRPA Zoning - CTRPA has the property classified the same as TRPA (GF).

Tahoe City Urban Design Plan - As shown on Attachment C, the TRPA/Placer County adopted plan indicates the long range use for this area to be highway corridor and parking.

1/7/82
GWB:jf
Issues for Discussion

1. Can this General Plan amendment qualify for a Finding of No Significant Impact?

2. Would this be a suitable urban boundary for Tahoe City?

3. Is the application premature in light of the conflict with the urban design plan and the unresolved transportation issues?
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
Long Range Objective

Tahoe City Urban Design Plan

City of Tahoe City

May 1974

ATTACHMENT C
City of South Lake Tahoe  
General Plan Amendment

**Proposed General Plan Amendment** - The City of South Lake Tahoe is requesting a General Plan amendment to the TRPA General Plan map to reclassify approximately 36 acres of a larger 145 acre parcel to Public Service (PS). (See proposed zoning attachment.) The remainder of the property is to be classified as Recreation. The existing classification is a combination of High Density Residential (HDR) and Rural Estates (RE), Recreation (Rec) and General Forest (GF). As shown on the existing zoning attachment, the purpose of this request is to construct a new city administrative center on the PS portion of the property and to preserve the recreation and open space opportunities on the remaining portion.

**Property Location** - The subject property is located in the center of South Lake Tahoe, north of Al Tahoe Boulevard and west of Johnson Boulevard near the El Dorado County Administrative Center.

**Property Description**

**Use** - The property is currently undeveloped except for a small golf course located on the northern portion of the property. The undeveloped area proposed for the City administrative center abuts the County administrative center, while the remainder of the property is surrounded by residential uses.

**Land Coverage** - The 36 acres proposed for Public Service are generally capability level 7 and would be permitted 30% land coverage; however, there is no land coverage present at this time. The remaining portion of the site is classified LB (SEZ) and has some land coverage at the north end associated with the golf course.

**Impacts** - Agency staff is unable to present an impact analysis on the proposed administrative center since no information was submitted. The comparison for reclassification would be judged against the 40± units now permitted on the site vs. a city center or any other use permitted in Public Service.

**Conformance With:**

**South Lake Tahoe** - The City has acquired the property but has not modified its General Plan or zoning to reflect this proposal.

**CTRPA** - The CTRPA has the same classification as the TRPA and is currently considering the proposal at its January 8, 1982 Board meeting.

**Issues**

1. Is this the proper location for the City’s center?

2. Will an EIS be required with the General Plan amendment and/or the project?

1/7/82
GWB:jf
CITY OF SOUTH LAKE TAHOE
ADMINISTRATIVE CENTER
EXISTING ZONING

JERE E. WILLIAMS
Consulting Engineer
P.O. Box 1162, Zephyr Cove, NV 89448  (702) 588-7178

REV. A
SUBMIT TO CTRDA
12-17-81

DRAWN BY:
CHECKED BY:
APPROVED BY:
DATE:
SCALE:
JOB NO.
DRAWING NO.

1 OF
MEMORANDUM

DATE: January 7, 1981

TO: APC

FORM: Staff

SUBJECT: Status of Hyatt Lake Tahoe - General Plan Amendment

The Governing Board considered a General Plan Amendment request to reclassify a 2.3 acre portion of the Hyatt Lake Tahoe site in Incline Village from Recreation to Tourist Commercial in March, 1981. Based on the APC recommendation and related enforcement matters, the General Plan Amendment was denied at that time and the staff was directed to work with the applicant to resolve the enforcement matters regarding the paving of a parking area within the limits of the stream environment zone of Incline Creek.

In July and August of 1981 the staff reported to the Governing Board a number of different alternatives available to resolve the enforcement matter regarding creation of land coverage within the stream environment zone boundary without the approval of TRPA. In September, 1981, the Governing Board accepted a proposed settlement of the enforcement matter which involved substantial resoration of the stream channel, fisheries improvements in Incline Creek, removal of land coverage both within and outside of the stream environment zone and a drainage and erosion control plan for the entire site.

At that time it was recognized that the proposed enforcement settlement would still require the resolution of the land use district boundaries on the site. The Governing Board evaluated three alternatives to resolve the zoning matter on the site including a special determination, an administrative permit to determine the appropriate used and initiation of a General Plan Amendment. After deliberation it was determined that a General Plan Amendment would be the most appropriate mechanism to resolve the zoning question and permit the enforcement matter to be resolved consistent with the Governing Board direction.

/sf
AN ORDINANCE ESTABLISHING REGIONAL SHOREZONE TOLERANCE DISTRICTS AND LIMITATIONS ON DEVELOPMENT WITHIN SUCH DISTRICTS; ESTABLISHING MINIMUM STANDARDS AND PROVIDING REGULATIONS FOR THE CONSTRUCTION, ALTERATION, REMOVAL AND MAINTENANCE OF PIERS, MOORING BUOYS, BOAT RAMPS, JETTIES, BREAKWATERS, AND SHORELINE PROTECTIVE STRUCTURES; FILLING AND DREDGING; AND OTHER SHOREZONE DEVELOPMENTS IN THE TAHOE REGION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR NONCONFORMING USES AND VARIANCES; PROHIBITING CERTAIN SHOREZONE CONSTRUCTION AND DEVELOPMENTS; PROVIDING THAT VIOLATIONS OF THE PROVISIONS OF THE ORDINANCE SHALL CONSTITUTE A MISDEMEANOR; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

The Governing Body of the Tahoe Regional Planning Agency finds that in order to effectuate the adopted Regional Plan, it is necessary to adopt this ordinance establishing regional shorezone tolerance districts and limitations on development within such districts; establishing minimum standards and providing regulations for the construction, alteration, removal, and maintenance of piers, mooring buoys, boat ramps, jetties, breakwaters, and shoreline protective structures; filling and dredging; and other shorezone developments in the Tahoe Region; providing for nonconforming uses and variances; prohibiting certain construction and shorezone developments; providing that violations of the provisions of the ordinance shall constitute a misdemeanor; and providing for other matters properly relating thereto. The Governing Body further finds that the provisions of this ordinance are in accordance with the provisions and purposes of the Tahoe Regional Planning Compact.

Section 2.00 General Provisions

2.10 Compliance

Construction, alteration, removal, maintenance, and use of any structure within the shorezone, and alteration or use of the lake or lands within the shorezone shall be in compliance with the terms of this ordinance. Permits shall be granted or denied in conformity with the provisions of this ordinance and other applicable ordinances of the Agency.

2.11 The provisions of this ordinance establish the

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minimum standards applicable within the region to the subject matters of the ordinance. Any political subdivision may enforce equal or higher standards within its territory and this ordinance shall not be deemed a limitation or repeal of any other powers granted to the governments of the Tahoe Region by the United States or the respective states.

2.20 Interpretation and Severability

The provisions of this ordinance shall be liberally construed to effectuate their purposes. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.30 Short Title

This ordinance may be cited and referred to as the Shorezone Ordinance.

2.40 Applicability of Ordinance

This ordinance shall apply to all lakes and other bodies of water in the Tahoe Region, except where otherwise indicated, provided that appropriate adjustments for elevation differences shall be taken into account in the application of this ordinance to lakes other than Lake Tahoe.

Section 3.00 Definitions

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows: Words in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive, unless the context indicates that a directory meaning is intended. All references to "Sections" herein are to sections of this ordinance and all subsections thereof (e.g., "Section 4.00" means Sections 4.00 to 4.60, inclusive) unless the context indicates to the contrary.

Accessory Uses - A use, structure or other facility customarily a part of any permitted use that is clearly incidental and secondary to the permitted use and which does not change the character of the permitted use, or affect other properties in the vicinity.

[Administrative] Agency Permit - A permit issued by [a permit-issuing authority or] the Agency in accordance with Agency ordinances, respecting uses, structures, activities, and alterations under the provisions of this ordinance.

Agencies of Authority - The government agencies which have the authority to enforce their own specific rules and regulations in the
lakes and other bodies of water within the Region.

Agency - The Tahoe Regional Planning Agency including the Agency Governing Body and/or Agency staff.

Application (Complete) - Receipt by [the permit-issuing authority or the] the Agency of documents required by the TRPA Rules and Regulations which supply the data necessary for review of [something] projects subject to the provisions of this ordinance.

Area of Wave Run Up - ???  

Artificial Beach Replenishment - The importation of materials to maintain an existing beach or create a new beach.

Artificial Islands - Offshore islands created to provide additional land area in the lake.

Backshore - Land lying contiguous to the shoreline above the high water elevation and extending normal to the shoreline for a lateral distance of three hundred (300) feet or the total lateral distance of the littoral parcel of land, whichever is the lesser amount. For purposes of this ordinance, land abutting the high water line within the treated lagoons of the Tahoe Keys shall not be considered backshore.

Barrier Wall - A wall separating the lake waters from the shoreland.

Beach Recreation - Uses and facilities pertaining to recreation activities such as sunbathing, swimming and boating carried on customarily in the backshore, nearshore and foreshore.

Beach Recreation (Unintensive) - Beach recreation uses for persons who reside in structures located in the backshore or on lands immediately contiguous to the backshore (or their guests), for which no fee is charged.

Boat Launching Facility - A device allowing boats to be launched into or retrieved from the water.

Boat Ramp - A ramp allowing boats to be launched into or retrieved from the water.

Body of Water - Areas of water of natural or artificial creation on which water craft can navigate. This includes but is not limited to harbors man-made lagoons, reservoirs, and rivers.

Breakwater - A man-made barrier which diminishes the force of waves.

Chairman - The Chairman of the Governing Body of the Tahoe Regional Planning Agency.

Commercial - The retail or wholesale sale or rental of any article, substance, commodity or service.
Construction - Repair of a structure or any new construction
activity (e.g., filling, dredging or erection of a structure) unless the
context indicates that repairs are not included within the term "construction"
(i.e., "new construction").

Dredging - Removing or rearranging earthen materials which are [in
or under lake waters] lakeward of the high water line. Minor removals or
relocation of loose boulders in the vicinity of piers and other structures
for safety purposes and to improve navigation shall not be deemed dredging.

Executive Officer - The Executive Officer of the Tahoe Regional Planning
Agency.

Existing Structures or Alterations - Structures or alterations which have been
constructed before the effective date of this ordinance or for which a
permits has been issued pursuant to this ordinance. They are authorized
existing structures or alterations if all permits required under existing
law at the time of their construction were obtained and they were constructed
in conformity with such permits; they are unauthorized if constructed without
a required permit or not in conformity with existing law at the time of
their construction.

Fill - Any rock, soil, gravel, sand, or any other [earthen] material
deposited by man within the shorezone of the lake.

Find, Establish, Show - Unless the context indicates to the contrary, in each
instance where the ordinance uses "find" or "establish" or "show" the
applicant bears the burden of demonstrating the existence of the conditions
identified.

Findings - The words "findings", "found" or "expressly found" mean
a written statement of action upon an application and finding of ultimate
fact, separately stated, in support of that application. Such findings
consist of the ultimate facts supporting the conclusion that applicable
ordinances criteria are met.

Fish Spawning Areas, Fish and Aquatic Habitats - Areas containing significant
- fish spawning or fish and aquatic habitats as defined by the Agency, [of
sufficient magnitude, importance or uniqueness to warrant denial of an
application for construction or alteration.]

Floating Docks or Platforms - Structures designed to float on the water surface
which are attached either to the shoreline or to the lake bottom.

Foreshore - The zone of lake level fluctuation [wave run-up above the lake
surface being that area between 6223 and 6229.1 feet Lake Tahoe Datum.]
being that area between the high water level and the low water level. (For
Lake Tahoe, the elevations are 6229.1 feet Lake Tahoe Datum and 6223.0 feet
Lake Tahoe Datum, respectively.)

Harbor - A shorezone area that is protected from wave forces, and
which is deep enough to provide for the anchorage or moorage of boats.
High Water Elevation - The established upper elevation limit of the surface of a body of water. (For Lake Tahoe, the elevation is 6229.1 Feet Lake Tahoe Datum.)

Houseboat - A barge-like boat fitted for use primarily as a floating dwelling.

Jetty or Groin - A man-made barrier which alters natural littoral currents and transport.

Lake - Unless otherwise indicated, each of the lakes of the Tahoe Region.

Lake Tahoe Datum - Elevation Lake Tahoe Datum equals elevation USGS + 1.14 feet.

Littoral Parcel - A parcel of land (in the shorezone) adjoining or abutting the high water elevation.

Low Level Boat Lift - A device attached to a pier with forks which reach under a boat and lift it from the water for temporary storage. A boat lift does not include a boat house or boat hoist which requires super structures.

Low Water Elevation - The established lower surface elevation for fluctuation within a body of water. (For Lake Tahoe, the elevation is 6223.0 feet Lake Tahoe Datum.)

Maintenance Dredging - Dredging areas that have previously been dredged to maintain previously authorized depths. This is generally limited to confined areas such as harbors and man-made waterways.

Man-Made Lagoon - A man-made body of water connected to the lake.

Marina - A commercial facility consisting of multiple docks, moorings and/or services for boats which may include sale of boats and accessories.

Mooring Buoy - A floating device attached to a bottom anchor used for the mooring of boats.

Multiple Use - A facility customarily used by more people than the owner of the facility, his family and guests.

Navigable Water - Water capable of being traversed by pleasure craft or supporting commerce.

Navigational Structures - A structure or device maintained (primarily) solely as an aid to navigation.

Nearshore - The zone extending from low water elevation of Lake Tahoe (6223.0 feet Lake Tahoe Datum) to an elevation of 6193.0 Feet Lake Tahoe Datum, but in no case a lateral distance less than three hundred and fifty (350) feet normal to the shoreline. In other lakes of the region the depth shall extend to twenty five (25) feet below the low water elevation.
Nonconforming Structures and Alterations - Existing structures or alterations which do not conform to the requirements of this ordinance.

Owners of a Structure - In the case of a structure located within the nearshore and foreshore, the owner of land adjacent to the lake at the location of such a structure is presumed to own the structure for the purposes of this ordinance.

Parcel - An area of land owned by a person and shown on the records of the tax collector or assessor by a separate deed and/or parcel number.

[Permit-Issuing Authority - The local government within the territory of which the proposed structure or alteration is located which government has the authority and obligation to enforce the standards established by this ordinance.]

Person - An individual, partnership, corporation, association or governmental entity.

Pier - A fixed or floating platform extending from the shoreline over or upon the water.


Project - An activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

Region - All that area described in Article II(a) of the Tahoe Regional Planning Compact, as amended.

Residential Use - The occupation of water craft or structures in which the primary use is living, cooking and/or sleeping.

Shoreline - The highest line normally covered by waters of [the Lake] a lake or body of water. (For Lake Tahoe, the elevation is 6229.1 feet Lake Tahoe Datum).

Shorezone Plan - The Shorezone Plan adopted by the Agency.

Shoreline Protective Structure - Walls, earthen banks, bulkheads, revetments, [beach replenishment,] or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.

Shorezone - The area including the nearshore, foreshore and backshore.

Structural Repair - Repair of features of a structure, which
features affect the bearing capacity of the structure (e.g., pier pilings, bracing and supports).

Superstructure - Any man-made structure within the foreshore or nearshore (other than [a handrail]) those permitted in Sections 7.31(2)(b) and (c) of this ordinance) which projects above high water or ground elevation more than five (5) feet.

Wetlands - [Marshes and areas characterized by herbaceous vegetation and by a higher water table than customary in the Lake Tahoe Basin.] Wetlands - Low lying areas where the water table stands near or above the land surface for a portion of the year. These areas are characterized by poor drainage, standing water and hydrophytes and include, but are not limited to, those areas identified in the land capability classification system as Class 1B lands.

Section 4.00 Permit Procedure

4.10 When Agency Permit Is Required

4.11 (1) No person shall undertake or carry out any project or substantially modify any project within the shorezone, lakes, or other bodies of water within the Region without first obtaining a permit from the Agency. Activities which have been found not to be projects are listed in TRPA Ordinance 81-1 and subsequent amendments.

(2) No person shall undertake or carry out any project or substantially modify any project without obtaining a permit or variance from the Agency if such permit or variance is required by any section of this ordinance or other applicable Agency ordinance.

(No person shall undertake or carry out any of the following activities within the shorezone without first obtaining a permit from the Agency:

(1) New construction or placement of a buoy, pier, floating dock or platform for individual use;

(2) Repair of an existing conforming buoy, pier, floating dock or platform for individual use when said repairs exceed $500.00 in cost in any one year period;

(3) Structural repairs of a nonconforming structure;

(4) Non-structural repairs of a nonconforming structure when said repairs exceed $500.00 in cost in any one year period;

(5) Construction or placement of any multiple or commercial use facility including a pier, buoy, floating dock or platform, boat ramp, launching facility, jetties or breakwaters, marinas, or shoreline protective structure;

(6) Filling and dredging;

(7) Any construction or use for which a variance is required;
(8) Any cable, pipeline or submarine conduit to be constructed or placed in a lake including replacement of any existing facilities;

(9) Any new construction or use within the backshore which involves the creation of coverage on an area greater than two hundred (200) square feet;

(10) Construction or placement of any boat ramp, navigation structure, launching facility, jetty, breakwater, or shoreline protective structure;

(11) Any repairs of an unauthorized structure; or

(12) Any construction or use within the nearshore or foreshore not specifically enumerated above.)

4.12 Determination

The determination of whether or not Agency review is required pursuant to this ordinance rests solely with the Agency.

4.20 Permit for Existing Unauthorized Structures or Uses

4.21 (1) Within ninety (90) days after written request made by the Agency to a person who is the owner of a littoral parcel, such owner shall make application to the Agency for a permit to continue an existing unauthorized structure or use located in whole or in part in the nearshore or foreshore. The owner may remove the unauthorized structure or cease the unauthorized use in lieu of submitting the application.

(2) Prior to written request made by the Agency, application for the continuance of any existing unauthorized structure or use within the nearshore or foreshore may be made by the person having an interest in such structure or use.

4.22 If the permit is denied, the structure or use must be altered to conform to the provisions of this ordinance or the structure removed and the use discontinued. The Agency in denying the permit shall specify whether the structure or use is to be altered or removed and discontinued.

4.30 Renewal of Permit

4.31 Permits issued by the Agency pursuant to the terms of this ordinance shall not require renewal unless such permits contain an "environmental concern" designation. Any permit issued pursuant to the terms of this ordinance containing an "environmental concern" designation shall require renewal at such time as the Agency deems appropriate. Such designation shall be placed on a permitted use or
structure only when there is evidence that the structure or
use may cause significant environmental harm.

4.31 If the renewal permit is denied the structure or
use must be altered to conform to the provisions of this
ordinance or the structure removed and the use discontinued.
The Agency in denying the permit shall specify whether the
structure is to be altered or removed and discontinued.]
Rejection of Application

Any application for permit submitted without sufficient information to adequately review a proposal or use may be rejected by Agency staff or any other reviewing authority. Any such rejection may be appealed to the Agency Governing Body for a decision on the adequacy of the application.

Burden of Proof

The burden of proof in showing that an applicant is entitled to a permit or variance pursuant to this ordinance is on the applicant.

Prohibition of "In Concept" Approvals

The Agency shall not grant "in concept" approvals.

Consideration of Permits

The Governing Body of the Agency shall take final action respecting [all marinas and variances] the following projects:

1. New construction or placement of piers, boat ramps, launching facilities, jetties or breakwaters;
2. Structural repairs of a nonconforming structure;
3. New filling and dredging and beach replenishment;
4. New construction of primary use in the backshore;
5. Variances from this ordinance;
6. New construction or placement of any multiple or commercial use facility including, but not exclusively, piers, floating docks or platforms, boat ramps, launching facilities, jetties or breakwaters, marinas, or shorezone protective devices;
7. Any repairs or construction of unauthorized structures;
8. Any construction or use within the nearshore, foreshore or navigable waters of the area not specifically enumerated above which the chairman or executive officer deems so significant as to require an EIS.

Agency staff shall review and take action whether to approve, to require modification of or to reject all other permits required pursuant to the provisions of this ordinance, and the action of Agency staff shall be final in the absence, or until disposition, of any
appeal. Action by the Governing Body or Agency staff pursuant to this ordinance shall be after reasonable notice and opportunity to be heard are given to the owners of certain affected real property, other than the applicant, as required by the Agency's Rules and Regulations of Practice and Procedure. [Agency staff shall post a written, public notice of all permits periodically approved by staff under this ordinance, posting to be at the principal office of the Agency and at two (2) other separate, prominent places within both the States of Nevada and California, and to occur no less frequently than twice each month at the times of posting of the agendas for the meetings of the Agency Governing Body and Advisory Planning Commission. Posting shall occur once for each such permit and shall include all such permits approved during the time from one posting until the next.] An appeal from the determination of Agency staff may be made by any aggrieved person by lodging with Agency staff a written notice of appeal within [ten (10)] fifteen (15) days of the date of [determination] notification. On appeal, the Agency Governing Body may affirm, reverse or modify the determination of Agency staff, and such Governing Body action shall be final.

The Agency shall notify the [permit-issuing authority] agencies of authority within fifteen (15) days of any action it takes pursuant to any permits required by this ordinance.

Governing Body consideration of permits and appeals from determinations of Agency staff lodged pursuant to Section 4.51 shall be conducted at meetings open to the public. Reports considered at said meetings shall be available to the public at a reasonable time prior to the meetings. The applicant, appellant and other interested persons shall be afforded opportunity at such meetings to comment on the proposed permit or appeal. Agency action on the proposed permit, including action by staff under Section 4.51, and disposition of any appeal shall be supported by appropriate findings setting forth the basis for the Agency action.

In considering any application for permit relating to the provisions of this ordinance the [permit-issuing authority and the] Agency shall approve such permit only if it is expressly found that it meets the applicable standards and requirements of this ordinance.
In passing upon permits required pursuant to the terms of this ordinance, the Agency may impose such reasonable conditions of development as are necessary and appropriate to minimize or eliminate the environmental effects of the development or use.

Section 5.00 Standards for Regulating All Construction and Uses Within the Shorezone, Underlying Land, or Within the Lake

5.10 No application for permit shall be granted unless the applicant shows, and the Agency finds, that the proposed construction or use will not cause significant harm to:

(1) The shorezone and underlying land;

(2) Fish and aquatic habitats and fish spawning grounds;

(3) The natural beauty of the area;

(4) Navigation, safety or health; and

(5) The water quality of the lake, including, but not limited to, its purity, its clarity, temperature, color, taste, and odor; the more restrictive of federal and state water quality standards shall set the minimum water quality standards applicable to a proposed development or use.

5.20 No application for permit shall be granted unless the [applicant shows, and the permit-authority or the] Agency finds[,] that:

(1) Granting such permit will not result in substantial interference with public use of the lake's navigable waters;

(2) There are sufficient accessory facilities to accommodate the proposed construction or use;

(3) Granting the proposed construction or use will not violate any other law (e.g., increasing shorezone coverage beyond that permitted in the Land Use Ordinance); and

(4) Granting the proposed construction or use will not be incompatible with existing shorezone uses or structures on or in the immediate vicinity of the littoral parcel, or that modifications of such existing uses or structures will be undertaken to assure such compatibility.

Section 6.00 Shorezone Tolerance Districts and Performance Standards

6.10 Establishment and Effect

There are eight (8) shorezone tolerance districts as established on the Tahoe Regional Planning Agency Shorezone Tolerance District aerial maps scaled at approximately one (1) inch equals four hundred (400) feet, which maps are presently on file with the
Agency. Each of said maps are hereby incorporated herein by this reference. In addition the portions of the Shorezone Plan hereinbelow set forth are hereby incorporated herein by this reference. Any development, construction or use within the shorezone shall comply with: (1) the applicable provisions of the Land Use Ordinance; (2) the regulations and standards applicable within the shorezone tolerance district within which it is located; (3) the other provisions of this ordinance; and (4) all other Agency ordinances, rules, regulations, and policies.

6.20 Shorezone Tolerance District 1

6.21 Nature District

Barrier shorezone where barrier beach separates lake from marshes and wetlands in the backshore. Generally, the shorezone is ecologically fragile and any substantial use or alteration can lead to excessive sedimentation, beach erosion and water turbidity, as detailed in the Shorezone Plan.

6.22 Permitted Uses and Structures

None but the following uses and structures or those found to be appropriate and similar in nature:

(1) Nearshore and Foreshore

(a) Beach recreation (unintensive).

(b) Boating.

(c) Floating platforms, buoys, piers and existing marinas only where it is established that: (1) the backshore and land adjacent to such backshore was at the effective date of this ordinance devoted to recreation or residential uses that would be substantially and detrimentally affected if such existing facilities were prohibited; (2) the use of such existing facilities will not cause substantial harmful environmental consequences; and (3) access to such existing facilities will minimize environmental harms to the backshore and foreshore.

(d) Navigational structures.

(e) Shoreline protective structures where permissible under the applicable standards of the Shorezone Plan.

(2) Backshore

As otherwise permitted; provided, however, no use or structure shall be allowed on any wetland, except such ways as are required to enjoy permitted uses of the foreshore and nearshore.
6.23 Development Standards

Except as provided in Section 6.22:

(1) No fill or dredging of the nearshore or foreshore shall be permitted.

(2) Access to wetlands shall be limited to scientific and educational purposes.

(3) Access to shoreline shall be restricted to planned footpaths.

(4) Vegetation shall be preserved to the maximum extent feasible and the standards contained in the Biological Element and Biological Recommendations of the Shorezone Plan shall apply.

(5) No drainage or modification of backshore wetlands shall be permitted.

(6) Except for existing structures, no structure (other than a handrail) more than five (5) feet in height above ground or high water level shall be located any closer to the shoreline of Lake Tahoe than the border of the wetland in such zone farthest from the shoreline.

(7) As otherwise provided in the Shorezone Plan for this Shorezone Tolerance District.

6.30 Shorezone Tolerance District 2

6.31 Nature of District

Volcanic and morainic debris shorezones with slopes thirty percent (30%) and over and alluvial shorezones at nine to thirty percent (9-30%) slopes. Present and potential shoreline erosion is high. Potential for disturbance in the nearshore is high as is potential for erosion and cliff collapse in the backshore.

6.32 Permitted uses and Structures

None but the following uses and structures, or those found to be appropriate and similar in nature:

(1) Nearshore and Foreshore

Those provided in Section 6.22

(a) Buoys, floating platforms and piers, but only where the three criteria of Section 6.22(c) are met.

(2) Backshore
As otherwise permitted, except no new use or structure shall be permitted unless it is established that such use or structure and its attendant construction activity will not accelerate backshore erosion or cliff collapse.

6.33 Development Standards

Except as provided in Section 6.32, the development standards shall be as provided in Sections 6.23(1), (3) and (4) and:

(1) Permitted construction or continued use may be conditioned upon installation and maintenance of vegetation to stabilize shorezone areas and to protect eroding areas from further destruction.

(2) As otherwise provided in the Shorezone Plan for this Shorezone Tolerance District.

6.40 Shorezone Tolerance District 3

6.41 Nature of District

Armored granite shorezones with slopes exceeding thirty percent (30%). High erosion potential immediately above the shore with moderate potential for disturbance in steep nearshore zone. Removal of vegetation in backshore will lead to mass movement and erosion.

6.42 Permitted Uses and Structures

(1) Nearshore and Foreshore

As provided in Section 6.32.

(2) Backshore

As otherwise permitted, except to the extent feasible no new structures shall be constructed on slopes greater than fifteen percent (15%), and no vegetation shall be removed except such minor removal as specifically allowed in the applicable permit.

6.43 Development Standards

Except as provided in Section 6.42, the development standards shall be as provided in Sections 6.23(3) and (4), Sections 6.33(1) and (2) and as otherwise provided in the Shorezone Plan for this Shorezone Tolerance District.

6.50 Shorezone Tolerance District 4

6.51 Nature of District

Volcanic rock shorelines with moderate potential for erosion which increases where colluvium of volcanic debris is present.
and stoney, sandy loams lie on fifteen to thirty percent (15-30%) slopes; morainic debris shorezones with high erosion potential above the shoreline; alluvial shorezones where the shoreline is characterized by steep, crumbling cliffs with continuing erosion problems.

6.52 Permitted Uses and Structures

None but the following uses and structures or those found to be appropriate and similar in nature:

(1) Nearshore and Foreshore

Those provided in Section 6.22, and

(a) Buoys where it is established the methods of access to such buoys are to be provided that will result in only minimum environmental harms, if any, to the foreshore and backshore.

(b) Piers, floating platforms and boat launching facilities, where it is established that: (1) the nearshore consists of materials capable of sustaining interference with minimal disturbance to the natural system; (2) methods of access to such piers or facilities are proposed that will avoid serious environmental harms to the foreshore and backshore; and (3) the applicant will undertake appropriate planting along existing cliffs and clifftops.

(2) Backshore

As otherwise permitted if it is found that the activity will not substantially accelerate cliff crumbling and erosion and the applicant will undertake appropriate planting along existing cliffs and clifftops.

6.53 Development Standards

Except as provided in Section 6.52, the development standards shall be as provided in Section 6.23(4) and Sections 6.33(1) and (2) and:

(1) Access to shoreline shall be restricted to planned footpaths so designed and located as to avoid erosion and minimize destruction of backshore cliffs.

(2) As otherwise provided in the Shorezone Plan for this Shorezone Tolerance District.

6.60 Shorezone Tolerance District 5

6.61 Nature of District
Armored granite shorezones with fifteen to thirty percent (15-30%) slopes with less erosion potential than similar lands in Shorezone 3.

6.62 Permitted Uses and Structures

None but the following uses and structures, or those found to be appropriate and similar in nature:

(1) Nearshore and Foreshore

As provided in Section 6.52.

(2) Backshore

As otherwise permitted, except to the extent feasible no new structures shall be constructed on slopes greater than twenty percent (20%).

6.63 Development Standards

Except as provided in Section 6.62, the development standards shall be as provided in Section 6.23(4) and Sections 6.33(1) and (2) and:

(1) Access to shoreline shall be restricted to planned footpaths so designed and located as to minimize backshore erosion and destruction of vegetation. Vehicular access to the shoreline shall not be permitted except where it is established that such access will not cause any substantial environmental harm.

(2) As otherwise provided in the Shorezone Plan for this Shorezone Tolerance District.

6.70 Shorezone Tolerance District 6

6.71 Nature of District

Shorezones underlain by weathered volcanic or morainic debris with slopes of five to fifteen percent (5-15%). Shoreline erosion problems are minimal.

6.72 Permitted Uses and Structures

None but the following uses and structures or those found to be appropriate and similar in nature:

(1) Nearshore and Foreshore

Those provided in Section 6.22 and:

(a) Beach recreation (intensive);

(b) Buoys; and

- 17 -
(c) Piers, floating platforms, boat launching facilities and marinas, where the nearshore shelf is of sufficient width to enable construction without potential for serious shelf erosion.

(2) Backshore

As otherwise permitted.

6.73 Development Standards

Except as provided in Section 6.72, development standards shall be as provided in Section 6.23(4) and Sections 6.33(1) and (2) and:

(1) Vehicular access to the shoreline shall not be permitted except where it is established that such access will not cause substantial environmental harm.

(2) Shoreline protection structures shall not be permitted unless it is established that such structures are necessary to avoid substantial environmental harm.

(3) As otherwise provided in the Shorezone Plan for this Shorezone Tolerance District.

6.80 Shorezone Tolerance Districts 7 and 8

6.81 Nature of District

(1) Tolerance District 7 - Comparatively level shorezones underlain by morainic and alluvial materials with slopes of zero to nine percent (0-9°).

(2) Tolerance District 8 - Gently sloping, armored granite shorezones with high capability for development. Shorelines are in equilibrium and potential for erosion in foreshore and nearshore is low. Backshore possesses a moderate erosion potential in some cases.

6.82 Permitted Uses and Structures

None but the following uses and structures, or those found to be appropriate and similar in nature:

(1) Nearshore and Foreshore

These provided in Section 6.22 and:

(a) Beach recreation (intensive);

(b) Buoys; and
(c) Piers, floating platforms, boat launching facilities and marinas.

(2) Backshore

As otherwise permitted.

6.83 Development Standards

Development standards shall be as provided in Sections 6.23(4), 6.33(2) and 6.73(1), and as otherwise provided in the Shorezone Plan for this Shoreline Tolerance Zone.

Section 7.00 Standards for Piers, Mooring Buoys, Boat Ramps, Launching Facilities and Floating Docks or Platforms

7.10 Permit Applications

An (administrative permit) Agency permit must be obtained before constructing a pier, boat ramp, or launching facility, or placing a buoy, floating dock or platform as provided in Section 4.00.

7.20 Types and Numbers of Piers, Boat Ramps, Launching Facilities, Mooring Buoys, Floating Docks and Platforms

7.21 Piers, Boat Ramps and Mooring Buoys for Individual Use

An owner of a littoral parcel may be permitted to place no more than two (2) mooring buoys and to construct one (1) pier with a low-level boat lift or one (1) boat ramp (and place one (1) or more mooring buoys) within the area described in Section 7.26 for the use in connection with the parcel of an individual or family and guests if such pier, boat ramp or mooring buoy is otherwise permissible.

7.22 Floating Docks and Platforms for Individual Use

An owner of a littoral parcel may be permitted to place one (1) floating dock or platform within the area described in Section 7.26 for the use in connection with the parcel of an individual or family and guests if such floating dock or platform is otherwise permissible.

7.23 Piers, Launching Facilities, Mooring Buoys, Floating Docks and Platforms for Multiple Use or Commercial Use

An owner or lessee of a littoral parcel may be permitted to construct piers and launching facilities and to place mooring buoys, floating docks and platforms within the area described in Section 7.26 for the use of individuals on a multiple or commercial use basis if such use, structure and facility is otherwise permissible. If any such structure is, or is to be, accessory to a marina, the provisions of Section 9.00 shall also apply.
7.24 Piers, Launching Facilities, Mooring Buoys, Floating Docks and Platforms for Use in Connection With a Proposed Residential Development Project

Where the littoral parcel adjacent to the proposed pier, launching facility, mooring buoy, floating dock or platform is part of a residential land development served by the shorezone which is being developed for use by, or sale or lease to, more than one (1) person, no pier, launching facility, mooring buoy, floating dock or platform shall be approved intended solely for the use of one (1) individual or family and guests.

7.25 Piers, Launching Facilities, Mooring Buoys, Floating Docks and Platforms for Use in Connection With an Existing Residential Land Development Project

Where the littoral parcel adjacent to the proposed pier, launching facility, mooring buoy, floating dock or platform is held in common ownership by owners of parcels within a residential land development served by the shorezone, or by an association representing them, or by a person for use of such owners, no pier or launching facility, mooring buoy, floating dock, or platform shall be approved intended solely for the use of one (1) individual or family and guests.

7.26 Placement of Piers, Mooring Buoys, Boat Ramps, Boat Launching Facilities and Floating Docks or Platforms for Lake Tahoe

(1) The pierhead line is established as depicted on the Tahoe Regional Planning Agency Shorezone Tolerance District aerial maps, scaled at approximately one (1) inch equals four-hundred (400) feet, which maps are presently on file with the Agency. Each of said maps is hereby adopted and incorporated herein by reference. Except for mooring buoys and navigational structures, no facilities shall extend beyond the pierhead line, except as provided in Section [7.26(4)] 7.40.

(2) Piers, mooring buoys, boat ramps, boat launching facilities, and floating docks and platforms shall be placed only within an area that is enclosed by lines that are parallel to and five (5) foot minimum inward of parcel lines extended lakeward at right angles from the low water line or as specified by Corps of Engineers regulations.

(3) Those facilities described in Sections 7.21 and 7.22 shall extend no further lakeward from the high water elevation than as follows:

(a) Mooring Buoys: to a depth necessary for the safe mooring of a boat, but not to exceed three hundred and fifty (350) feet;
(b) Floating Docks and Platforms: to a depth necessary for safe use, but not beyond the pierhead line.

(c) Piers shall not extend beyond an elevation of 6219.0 Feet, Lake Tahoe Datum, nor beyond the pierhead line, whichever is more limiting.

(d) Boat Ramps and Launching Facilities: to a depth necessary for safe use, but not to exceed a length of two hundred and fifty (250) feet.

7.30 Dimensions and Features of Piers, Boat Lifts, Boat Ramps and Mooring Buoys for Individual Use

7.31 Those facilities described in Section 7.21 shall conform to the following standards:

(1) Width: Ten (10) foot maximum width including all appurtenant structures [(e.g., walkways and floats,)] except low-level boat lifts and a catwalk may be permitted. [Additionally a] A catwalk below the level of the main deck not in excess of three (3) feet in width by forty-five (45) feet in length may be permitted for the loading and unloading of boats. A low-level boat lift whose forks are not in excess of ten (10) feet in width from the pier may be permitted.

(2) Height:

(a) Pier decks shall not extend above elevation 6232.0 Feet, Lake Tahoe Datum.

(b) Handrails and similar safety devices shall not extend more than three (3) feet above the pier deck.

(b) Boat lifts, pilings and handrails or similar safety devices shall not extend more than four (4) feet above the pier deck.

(3) To permit free circulation of water, piers shall be floating or shall be built on a foundation which is at least ninety (90) percent open unless it is found that it is unlikely that an impermeable structure will cause shoreline erosion or harm water quality or clarity.

(4) No superstructures shall be permitted.

(5) No fueling facilities shall be permitted.

7.32

To permit free circulation of water, piers shall be floating or shall be built on a foundation which is at least ninety percent (90%) open, unless it is found that it is unlikely that an impermeable structure will cause shoreline erosion or harm water quality or clarity.
Those facilities described in Section 7.22 shall conform to the following standards:

(1) Floating platforms and docks shall not exceed a length of ten (10) feet and a width of ten (10) feet.

(2) Floating platforms and docks shall not project more than three (3) feet above the surface of a lake or other body of water.

(3) Floating platforms and docks attached to a pier shall conform to the standards of Section 7.31.

Multiple Use Facilities

Multiple uses such as those described in Sections 7.23, 7.24, 7.25, and 9.00 [shall] may be permitted piers, launching facilities, mooring buoys, floating docks and platforms, and sundecks and superstructures in such numbers, sizes and for such water-related purposes as specified in project plans approved by the Agency, but the limitations herein above set forth respecting those facilities described in Sections 7.26 and 7.30 shall be utilized as guidelines for this purpose. In order to encourage use of the lakes and other bodies of water and to minimize the impacts of structures located therein, the amount of deviation from the standards of Sections 7.26 and 7.30 is dependent on:

(1) The reduction in development potential associated with the applicant; and

(2) The number of people utilizing the facility.

Safety Devices

Structures in the foreshore or extending lakeward beyond the foreshore shall incorporate in a conspicuous manner approved hazard lights or similar devices as aids to navigation [as may be required by the United States Coast Guard under appropriate Federal Regulations.] All such lights and devices shall meet U.S. Coast Guard standards if applicable.

Structures and Uses in Lakes and Lagoons Other Than Lake Tahoe

All structures and uses permitted by this ordinance in the nearshore and foreshore of Lake Tahoe may be permitted in other lakes and man-made lagoons within the region. The regulations for placement of such structures will be determined on an individual basis using the standards set forth in this ordinance as guidelines.
Section 8.00  Jetties, Breakwaters and Fences

8.10  Permit Application

An [administrative] Agency permit must be obtained before constructing or maintaining a jetty, [or] breakwater or fence as provided in Section 4.00.

8.20  Location of Jetties and Breakwaters

Jetties and breakwaters shall not be permitted in locations where beach erosion or loss of sediment from the shorezone is likely.

8.30  Permeability

8.31  Except as provided in Section 8.32, jetties and breakwaters shall be constructed with openings which allow adequate free circulation of water and sediment.

8.32  No jetty or breakwater having a solid or nearly solid structure may be constructed within the lake, unless it is found that it is unlikely that an impermeable structure will cause shoreline erosion or harm water quality or clarity.

8.33  Size, number and locations of openings in jetties or breakwaters shall be sufficient to avoid shoreline erosion, harm to underlying land and harm to water quality and clarity.

8.40  Fences

Fences shall be permitted lakeward of the high water line of any lake or body of water if it is found that there is a demonstrated need to protect the health and safety of the general public. Such fences must be constructed and maintained by public agencies in accordance with Section 8.30.

Section 9.00  Marinas

9.10  Permit Application

9.11  An [administrative] Agency permit must be obtained before constructing a marina as provided in Section 4.00.

9.12  The applicant may be required to post security to guarantee completion of the work undertaken and maintenance of the facilities completed.

9.20  Location of Marinas

9.21  Even where marinas are otherwise permissible, they shall not be permitted where: beach erosion is likely to occur; unstable conditions exist [locations]; or where there is no demonstrable public need for such facilities.
9.22 Marinas, when otherwise permissible, shall be located in the following areas to the extent possible:

(1) In deeper water for lower water temperature and to avoid dredging;

(2) In harbors to avoid use of breakwaters;

(3) In conformity with the Recreation, Conservation and Open Space Plan of the Agency.

9.30 Boat Access

Floating piers or piers on pilings shall be used to provide boat access.

9.40 Shore Waste Facilities

9.41 Restrooms, pump-out facilities for boat sewage and trash receptacles for other boat wastes shall be provided at commercial marinas and harbors.

9.42 Boat washing facilities shall be connected to a sewer system or an acceptable alternate shall be provided.

9.50 Monitoring Information Requirements

Monitoring of water quality, current patterns and intensities, shore alterations, and any other conditions which may be altered by the construction of the marina may be required for a reasonable period after completion thereof.

9.60 Review of Onshore Facilities

Whenever review of marinas is required pursuant to the terms of this ordinance, such review shall encompass both onshore and water-related facilities to assure adequacy of the development as a whole.

Section 10.00 Shoreline Protective Structures

10.10 Permit Application

An [administrative] Agency permit must be obtained before constructing a shoreline protective structure as provided in Section 4.00.

10.20 Location of Shoreline Protective Structures

To prevent local beach loss, shoreline protective structures shall be used only where protection of the backshore is of greater importance than beach preservation.
10.30 Design and Construction Standards

10.31 Sloping permeable revetments are the preferred shoreline protective structures. Seawalls and bulkheads shall be permitted only when it is established that sloping permeable revetments are not feasible and that the alternative structure will cause no undue beach erosion.

10.32 Where a shoreline protective structure is necessary, it shall be of sufficient strength and depth to prevent movement of backfill materials into lake waters.

10.40 Artificial Beach Replenishment

Artificial beach replenishment is the preferred solution to beach erosion and shall be of non-organic, chemically and biologically inert material.

Section 11.00 Filling and Dredging

11.10 Permit Application

An administrative Agency permit must be obtained before dredging or filling within the shorezone, as provided in Section 4.00.

11.20 Filling

Except for beach replenishment, there shall be no fill placed in the lake, nearshore or foreshore except at those locations where such fill is found to be beneficial to existing shorezone conditions or water quality and clarity.

11.30 Dredging

There shall be no removal or rearrangement of materials within the water shorezone of the lake, except at those locations where such removal or rearrangement is found to be beneficial to existing shorezone conditions, uses and water quality and clarity.

11.40 Disposal of Dredged Material

Where dredging is permitted, spoil materials shall not be deposited in the lake waters, in wetlands or within the 100 year flood plain of any tributary to the lake[, except for beach replenishment, as provided in Section 10.40.]

Section 12.00 Man-made Lagoons, Artificial Islands and [Houseboats Prohibited] Residential Uses

12.10 Construction of man-made lagoons connected to or in the backshore of the lake or the construction of artificial islands are prohibited.

12.20 There shall be no [houseboats] residential uses permitted in the [shorezone] nearshore, foreshore or on any other [the] waters [of the lake] within the region.
Section 13.00 Navigation Structures

New navigation structures in the lake are prohibited unless:

(1) Nautical safety requires such structures; or

(2) Temporary structures for regattas are necessary.

In any case, such structures shall be of a type and at a location approved by the United States Coast Guard.

Section 14.00 Construction Standards

14.10 Construction shall be performed in a manner to minimize disturbance of vegetation, the underlying lands of the lake, the nearshore and the backshore.

14.20 Materials utilized for any purpose in the foreshore or nearshore shall be chemically inert and insoluble and shall not harm water quality and clarity.

Section 15.00 Standards for Backshore Construction

[15.1]

15.10 Permit Application

An [administrative] Agency permit must be obtained before undertaking any construction or use within the backshore which is not exempt under Ordinance 81-1 and subsequent amendments. [Involves the creation of coverage of an area greater than two hundred (200) square feet in an area described as follows:

Shorezone Tolerance Districts 1, 2 and 3

300 linear feet from high water elevation or entire littoral parcel, whichever is lesser.

Shorezone Tolerance Districts 4, 5 and 6

200 linear feet from high water elevation or entire littoral parcel, whichever is lesser.

Shorezone Tolerance Districts 7 and 8

100 linear feet from high water elevation or entire littoral parcel whichever is lesser.]

15.20 Permitted Uses

Uses undertaken in the backshore above the area of wave runup shall be those uses permitted pursuant to the provisions of this ordinance and other applicable laws (e.g., the Land Use Ordinance). The uses permitted in the area of wave run up shall be those permitted in the nearshore and foreshore.
15.30 Scope of Review of Proposed Uses

[Unless the use or construction proposed violates other applicable laws or is required to be reviewed by ordinance provisions other than Section 15.00 and Section 4.11(9) hereof, no proposed backshore use or construction may be denied; provided, however, that reasonable conditions of development may be imposed with respect to:]

Review of all projects for which a permit is required pursuant to Section 15.00 shall include, but not be limited to, consideration of the following review criteria. The Agency may impose reasonable conditions of development in conjunction with such review.

(1) The shape of the proposed structures;

(2) The exterior appearance of the proposed structures, including without limitation the colors and materials utilized in construction;

(3) The siting of the proposed structures; and

(4) The size of the proposed structures; provided, however, that in imposing conditions respecting size, the reviewing authority shall be guided by an appraisal of the purposes and objectives of both the Land Use Ordinance and the Shorezone Ordinance.

15.40 Criteria for Review

In imposing conditions of development pursuant to the provisions of 15.30, the reviewing authority shall be guided by an appraisal of this ordinance in relation to the unique characteristics of the site and shall further attempt to meet the following objectives to the maximum extent feasible:

(1) The protection of significant vistas;

(2) Minimizing the visual impact of the proposed construction or use on the shorezone and area surrounding the site; and

(3) The preservation of the site and shorezone from environmental harm both during and after construction.

Section 16.00 Maintenance, Repair and Removal of Structures

16.10 Owners of all structures in the lake shall have the responsibility of maintaining them in a proper and safe condition and in accordance with the provisions and purposes of this ordinance at all times.

16.20 The owner of any installation or structure which the [permit-issuing authority or the] Agency finds is not being maintained in a proper and safe condition [or is not being maintained in accordance with the provisions and purposes of this ordinance] shall be notified in writing of said improper or unsafe condition
or unlawful operation and shall be given a reasonable time not exceeding one (1) year as determined by the [permit-issuing authority or the] Agency in which to accomplish the required corrective action. If the owner fails to act as required within that period, the [permit-issuing authority or] Agency may have the work performed at the owner's expense or have the structure removed at his expense, costs to constitute a lien against the real property of the owner until paid.

16.30 When a structure has been abandoned, it shall be removed by the owner or by the [permit-issuing authority or by the] Agency at the expense of the owner, costs to constitute a lien against the real property of the owner until paid.

16.40 Repairs to existing structures shall be performed in substantial compliance with the provisions of this ordinance.

16.50 Abatement of Nuisance

It is hereby declared to be a public nuisance and unlawful for any person to engage in any activity, use or maintain or construct any structure which has any of the following effects within the shorezone of a lake:

(1) The erosion or discharge or solid or liquid waste materials (e.g., soil, silt, clay or sand) into lake waters;

(2) Impair water quality;

(3) Impair water clarity;

(4) Impair fish spawning areas.

The person who engages in any activity, use or maintains or constructs any structure which has any of the effects declared herein to be a nuisance shall promptly abate same upon notice from Agency staff so requiring. Upon the person's failure to so abate, the [permit-issuing authority or the] Governing Body of the Agency may authorize the abatement at the person's or owner's expense, costs to constitute a lien against the real property of the owner until paid.

Section 17.00 Nonconforming Structures

17.10 Existing Nonconforming Uses and Structures

(1) Within the Lakes and Other Bodies of Water Within the Region:

Within the time specified by this ordinance, a nonconforming structure shall either be repaired to conform with the provisions of this ordinance or removed by the owner at his expense; provided, however, that when a structure cannot be repaired to conform with the provisions of this ordinance and its removal would cause more environmental harm than its continuance or expose additional boating hazards, the structure need not be removed, but such
alterations as are necessary to minimize the nonconformity shall be required. Existing uses and structures in the nearshore or foreshore which do not conform to the provisions of the ordinance may be continued, sold, or transferred provided that they meet the following criteria:

(a) The uses or structures were lawfully existing on the date of adoption of this ordinance; or

(b) The uses or structures had valid local, State Lands Commission, TRPA, and Corps of Engineers permits on the date of adoption of this ordinance.

(2) Within the Backshore:

Nonconforming uses and land coverage within the backshore shall be subject to the regulations established by the Agency Land Use Ordinance and other applicable Agency ordinances.

[17.10] 17.20 Piers and Appurtenant Structures

(1) Length:

Piers and appurtenant structures that extend beyond the pierhead line are declared to be nonconforming and shall be removed or made conforming on or before December 31, 1999. Existing commercial and multiple use piers may be allowed beyond the pierhead line provided an [administrative] Agency permit is granted pursuant to Section 4.00.

(2) Height and Width:

Piers and appurtenant structures exceeding the provisions of Section 7.31 including 'T' and 'L' sections of piers located within the pierhead line are declared nonconforming and may not be replaced if removed, damaged or destroyed in excess of fifty percent (50%) of the replacement cost. Existing commercial and multiple use piers and appurtenant structures in excess of Section 7.31 may be allowed provided an [administrative] Agency permit is granted pursuant to Section 4.00.

[17.20] 17.30 Mooring Buoys, Floating Docks and Platforms

Mooring buoys, floating docks and floating platforms, and their anchoring devices that do not conform to the provisions of this ordinance shall be removed or made conforming within one (1) year of the effective date hereof.

[17.30] 17.40 All Other Structures

All other structures including superstructures on piers located within the nearshore or foreshore, that do not conform with the provisions of this ordinance shall be removed or made conforming on or before December 31, 1999. Existing commercial and multiple use facilities may be allowed to remain provided an [administrative] Agency permit is granted pursuant to Section 4.00.
Conformity

Within the time specified by this ordinance, a nonconforming structure shall either be repaired to conform with the provisions of this ordinance or removed by the owner at his expense; provided, however, that when a structure cannot be repaired to conform with the provisions of this ordinance and its removal would cause more environmental harm than its continuance or expose additional boating hazards, the structure need not be removed, but such alterations as are necessary to minimize the nonconformity shall be required.

Limitations on Nonconforming Uses and Structures

The following limitations, if stricter than Sections 17.20, 17.30 and 17.40, shall apply to existing nonconforming uses and structures:

1. Structures may be kept in good condition through the employment of ordinary maintenance.

2. Damaged or deteriorated nonstructural members may be repaired or replaced.

3. Damaged or deteriorated structural members may be replaced or repaired only if:
   
   (a) The members are part of a conforming section of the structure; or

   (b) The nonconforming structure is of cultural or historic importance and is open to the general public on a regular limited or unlimited basis.

   (c) Damaged by fire or calamity less than 50% of the replacement value.

Existing Unauthorized Structures

An [administrative] Agency permit must be obtained for the use of an existing unauthorized structure located in the nearshore or foreshore, as provided in Section 4.00. Permits for such existing unauthorized structures will be granted or denied according to the provisions of this ordinance in the same manner as permits for proposed structures. If the permit is denied, the structure must be altered to conform to the provisions of this ordinance or removed by the owner at his expense. The Agency in denying the permit shall specify whether the structure is to be altered or removed.
Section 19.00 Noise and Motion Limitations and Discharge from Boats

Boats shall be operated on the waters of a lake only as follows:

(1) Noise emission levels shall not exceed eighty-six (86) dba at three thousand (3,000) rpm at a distance of fifty (50) feet.

(2) Speed of boats shall not exceed five (5) miles per hour within three hundred (300) feet of any structure or mooring buoy or the shoreline of any lake.

(3) Boats shall not discharge onto the shorezone or into waters of the Lake Tahoe Basin solid or liquid waste material of any kind excluding the normal operation of the engines (except for bilge pumps and automatic bailers) public craft and further excluding the normal operation of bilge pumps, automatic bailers and exhaust on private pleasure craft.

Section 20.00 Variances

Variances from the terms of this ordinance may be granted by the Agency Governing Body only if it is found that because of special circumstances applicable to the property involved a strict application deprives such property of privileges or safety enjoyed by other similarly situated property. Where such conditions are found, the variance permitted shall be the minimum departure from existing regulations necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences. In no case may a variance be granted that will provide the applicant with any special privileges not enjoyed by other similarly situated properties.

Section 21.00 Change of Permitted Uses in Shorezone Tolerance Districts

Uses and structures exceeding or different from those permitted in a particular shorezone tolerance district may be granted only when it is found that: the land of the applicant seeking the permit exhibits the characteristics generally existent in a shorezone tolerance district other than the one in which it has been located and the limitations of such other district are properly applicable to such land; or the proposed structure or use will not cause the harmful environmental consequences on the land of the applicant or on other lands or the waters of the lake that were the basis of the initial classification of the applicant's land in the applicable shorezone tolerance district.

Section 22.00 Violation of Ordinance

22.10 Violation of any provision of this ordinance shall be a [misdemeanor] civil offense. Upon notification of such violation, each day's violation subsequent to notification shall constitute a separate offense.
Civil Proceedings and Stop Work Orders

Violations of any provision of the ordinance may also be enforced by stop work order and/or civil judicial proceedings.

Section 23.00 Temporary Prohibition of New Pier Construction

No single or multi-use pier whose application was submitted after July 23, 1981 may be approved by the Agency. The term pier, as used in this section only, includes any fixed or floating platform extending from the shoreline over or upon the water. The term includes docks and boathouses. The prohibition does not apply to maintenance, repair, replacement, or minor extensions of currently servicable piers at the same site, or new piers located within the Tahoe Keys lagoons. The prohibition shall also be subject to the exceptions which apply to the prohibition setting restrictions on development in the TRPA 208 Water Quality Plan as amended.

This section shall expire upon the adoption by the Agency of amendments to the Regional Plan pursuant to Article V(c) of the Compact.

Section [23.00] 24.00 Effective Date

This ordinance shall be effective sixty (60) days after its adoption.

First Reading:

Second Reading:

Passed and adopted by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Chairman
MEMORANDUM

DATE: December 31, 1981

TO: APC

FROM: TRPA STAFF

SUBJECT: Draft Outline Remedial Erosion & Runoff Control Ordinance

Incorporating comments from the December APC meeting staff felt prioritization of problem areas was the major concern. Flexibility and cost effectiveness were the primary issues raised from a prioritization system. In order for a prioritization system to be acceptable it must involve the affected entities and regulatory agencies in development of the priorities to be equitable and be supported by those involved. A set prioritization criteria necessary for inclusion into an ordinance would not afford the flexibility to be responsive to the problems and programs of the local governments or people involved.

Staff recommends that the development of priorities should be planning function which evolves from consultation with the affected and responsible entities. Priorities would be determined for discrete areas utilizing the prioritization of treatment practices from the 208 Plan and evaluation of the cost effectiveness. Staff would develop priorities for remedial controls with concurrence of the affected entities to submit to the Governing Board to issue a notice for completion.

Those facilities which have discharge permits approved by the State or Federal government would generally meet the requirements for remedial controls and not be noticed. In no way would an approved remedial plan substitute or constitute a waste discharge permit.

The enforcement portion of the proposed ordinance is under the authority of the 1980 Bi-State Compact. The staff anticipates very few enforcement actions because of the involvement in the prioritization process by the people affected by control measures in the areas of concern. Present TRPA staff would be capable of handling the enforcement of the proposed ordinance.

The proposed procedure offers considerable flexibility and consultation with involved parties in developing priorities, it also recognizes the commitments made by various entities for erosion and runoff control in the prioritization system. The proposed ordinance is directed towards voluntary implementation of erosion and runoff controls and also provide TRPA with a mechanism to assure implementation in areas where the responsible entities lack initiative to implement remedial controls the staff is requesting approval of the draft outline for the Remedial Erosion and Runoff Control Ordinance.
DRAFT OUTLINE:

REMEDIAL EROSION AND RUNOFF CONTROL ORDINANCE

I. Findings

-- TRPA to implement adopted 208 Plan it is necessary to adopt this ordinance for remedial erosion runoff and control problems

-- timely implementation of remedial controls is necessary to maintain water quality at current levels and to reverse the process of degradation of water quality

-- ordinance establishes procedures, and provides for enforcement

-- provisions of this ordinance are in accordance with the Tahoe Regional Planning Compact

-- appropriate public hearings conducted as required by law

-- Provisions in the Lake Tahoe Basin Water Quality Management Plan for prioritization and cost effectiveness of erosion and runoff control treatment practices shall be a basis for scheduling and implementing remedial erosion and runoff control projects

-- The TRPA 208 Work Plan for updating the Agency's Water Quality Management Plan calls for coordination with the cities and counties within the Lake Tahoe Basin to develop management strategies on the various land capability classes and problem areas as part of the Problem Assessment component.

II. General Provisions

-- Compliance: Operation of basin-wide remedial program shall be in compliance with this ordinance; action plans shall be required for problems on a priority basis; TRPA will provide technical assistance and stress voluntary compliance with erosion and runoff control standards; where responsible parties fail to take acceptable action after sufficient time period, TRPA may take enforcement actions in accordance with the Tahoe Regional Planning Compact

-- interpretation and severability

III. Definitions

IV Procedures

A. Consultation

-- TRPA will participate in meetings with various local associations, groups, governments and the state agencies which have administrative or legal jurisdiction in areas with in the Tahoe Basin to coordinate remedial erosion and runoff control efforts.

- 1 -
-- TRPA will provide assistance to the various entities involved with remedial erosion and runoff control to aid in development of priorities for treatment to be consistent with the Lake Tahoe Basin Water Quality Management Plan.

-- TRPA with consultation and coordination of those entities directly affected by remedial actions will develop priorities for erosion and/or runoff control, on a watershed basis for each county or city. The priorities for treatment practices shall be based on reduction of sedimentation, controlling runoff, and insuring cost effectiveness.

B. Notice

-- Based on the prioritizations developed after consultation with entities affected the Governing Board may issue notices to the entities responsible for remedial erosion and/or runoff control.

C. Planning

-- Those entities responsible for remedial controls must develop acceptable action plans (per part V of this ordinance) within specified time limit set by the notice. All action plans are subject to Governing Board approval.

-- TRPA staff would provide technical advice on action plan preparation and process requests for mitigation fee funds.

-- action plan must be consistent with any applicable State or Federal discharge permit; approval of an action plan by the Governing Board does not constitute a permit to discharge to surface of ground waters

D. Compliance

-- if the responsible entity fails to submit plan within time limit, TRPA staff will prepare a plan for approval of both the responsible entity and the Governing Body

-- if staff fails to reach agreement with responsible entity on the action plan, responsible entity could appeal to TRPA Executive Director

-- if appeal to Executive Director fails to produce an acceptable action plan, responsible entity will be asked to appear to a show-cause hearing before the Governing Body

-- after show-cause hearing, Governing Board will direct staff to define an action plan for the responsible entity

-- if the terms of the final action plan are not met by the responsible entity, the Governing Body may direct staff to initiate enforcement action
V. Required Plans and Investigations

-- Those entities who are unable to abate erosion or unoff problems promptly or on a voluntary basis upon receipt of notice must submit an action plan specifying:

1) control measures to be used
2) time frame for completion
3) financial commitments
4) off-site impacts

VI. Inspections

-- After approval of action plan, TRPA staff will conduct periodic inspections to verify compliance with the Plan

VII. Standards

-- Responsible parties will base action plans on TRPA BMP Handbook; occasionally with Governing Body approval

VIII. Violations

-- failure to comply with compliance provisions of this ordinance constitutes to misdemeanor; responsible parties are subject to enforcement action under Tahoe Regional Planning Compact, Article VI, parts j, k, and l
MEMORANDUM

DATE: January 7, 1981

TO: APC
FROM: STAFF
SUBJECT: Master Plan For The Tahoe City Public Utility District Water System

Staff is reviewing the subject Master Plan at the request of the State of California under state clearinghouse requirements. TRPA's comments are due February 8. Staff is coordinating its review with the CTRPA.

Due to the inclement weather, staff was unable to prepare draft comments in time for the APC packet. At the January 13 APC meeting, we will distribute a handout, summarizing the plan, and present our proposed comments.

The 20-year Master Plan is designed to (1) correct existing TCPUD water system deficiencies, (2) accommodate full occupancy of existing dwellings, and (3) provide for some future growth under the provisions of the existing 208 Plan. For your information, a copy of Chapter 1, Conclusions and Recommendations, is attached.

If you have any comments or questions about TRPA's review of this plan, please contact Dave Siegler (916) 541-0249.

/sf
MASTER PLAN
FOR THE
TAHOE CITY PUBLIC UTILITY
DISTRICT WATER SYSTEM

CULP/WESNER/CULP
P.O. Box 518
Cameron Park, CA 95682

Dr. Alvin L. Franks, Geology Consultant

CWC Projects No. 512 & 512.1

RECEIVED
BY ______________________

JAN 28 1981

TAHOE REGIONAL PLANNING AGENCY

NOVEMBER, 1981
CHAPTER I

CONCLUSIONS AND RECOMMENDATIONS

This report presents a Master Plan for development of the Tahoe City Public Utility District (TCPUD) Water System. It is designed to correct existing system deficiencies, to accommodate full occupancy of existing dwellings at times of maximum daily water demands, and to provide for future growth permitted to the year 2002 under the State Water Resources Control Board (SWRCB) 208 Plan for Lake Tahoe. It discusses certain aspects of the Interstate Compact, the SWRCB Water Rights Report, and lawsuits and protests which could limit the amount of water available for use by the TCPUD and, therefore, affect TCPUD's ability to meet the projected year 2002 water demands.

The most significant factor affecting future expansion of the TCPUD water system is that present occupancy of existing dwellings is only 51 percent and that occupancy of the remaining 49 percent can be expected soon on days of maximum demand for water. The increased water demands placed on the system as a result of full occupancy in summer months will require construction of many water system improvements. In addition, substantial improvements are required to correct existing deficiencies. The new load imposed by growth permitted under the 208 Plan adds only modestly to requirements for future expansion. The relative impacts of these factors on projected water use are given below:

1. Increased occupancy of existing dwellings 76%
2. Increased day use 8%
3. New service connections under SWRCB 208 Plan 16%

TOTAL 100%

Chapter IX of this report details a suggested Water System Improvement Plan. In Table IX-6, the recommended improvements for
all parts of the system are listed under Source of Supply, Storage, Transmission, Small Main Replacement, Telemetry, and Metering, except those for the Rubicon Project, which are separately grouped. The locations of the improvements are shown on Figures IX-17 to IX-20, which are inserted on the following pages for easy reference. At 1981 prices the cost of the 20-year improvement program is estimated to be $8,175,700, which is distributed as follows:

1. Replacement of Rubicon System $1,804,000
2. Additions and Improvements to all Other Systems:
   a. Sources of supply $  980,000
   b. Telemetry 151,000
   c. Transmission lines 699,700
   d. New storage tanks 1,097,000
   Subtotal 2,927,700
3. Small Main Replacement 2,194,000
4. Metering of All Services 1,250,000
   Total 20-year Improvement Program $8,175,700

This is an ambitious program, but one which is required to bring the existing system up to present-day standards of service and to meet future anticipated demands for water.

Item 2 above in the amount of $2,927,700 represents the estimated cost of all major improvements to the various water systems except the Rubicon system which is a separate problem. If the cost to do Item 2 work is spread uniformly over a 20-year period, annual expenditures would amount to about $146,400.

Small-main replacement and the universal metering program are low priority items.

Table I-1, which follows, sets tentative project priorities and establishes a preliminary schedule for construction of the
<table>
<thead>
<tr>
<th>Tentative Priority</th>
<th>Project Description</th>
<th>(1981 Prices) Estimated Cost</th>
<th>Preliminary Schedule For Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bean Intake Replacement (450 gpm)</td>
<td>$270,000</td>
<td>1982</td>
</tr>
<tr>
<td>2</td>
<td>Install Standby Pump Grove St. Intake (990 gpm)</td>
<td>15,000</td>
<td>1982</td>
</tr>
<tr>
<td>3</td>
<td>Replacement of Rubicon System</td>
<td>1,574,000</td>
<td>1982</td>
</tr>
<tr>
<td>3a</td>
<td>Rubicon Peak Well &amp; Gravity Pipeline (optional for energy conservation)</td>
<td>230,000</td>
<td>1992</td>
</tr>
<tr>
<td>4</td>
<td>Water System Telemetry</td>
<td>151,000</td>
<td>1982</td>
</tr>
<tr>
<td>5</td>
<td>New Source, Tahoe City Area (350 gpm)</td>
<td>270,000</td>
<td>1983</td>
</tr>
<tr>
<td>5a</td>
<td>Pipeline To Connect New Tahoe City Well to System</td>
<td>41,000</td>
<td>1983</td>
</tr>
<tr>
<td>6</td>
<td>High Elevation Gravity Supply To Serve Highlands Area (optional for energy conservation)</td>
<td>130,000</td>
<td>1985</td>
</tr>
<tr>
<td>7</td>
<td>New Truckee River Crossing - Tahoe City to 4 Seasons Booster &amp; One New Well on Highway 99 (Comstock Area) (500 gpm)</td>
<td>354,000</td>
<td>1986</td>
</tr>
<tr>
<td>8</td>
<td>New Line From Existing Meadow Park Well To Tahoe Hills System</td>
<td>14,800</td>
<td>1986</td>
</tr>
<tr>
<td>9</td>
<td>New 500,000-Gallon Tank Near Tahoe State Park (Zone 1)</td>
<td>400,000</td>
<td>1987</td>
</tr>
<tr>
<td>9a</td>
<td>Pipeline to Connect New Tank At Tahoe State Park to System</td>
<td>33,600</td>
<td>1987</td>
</tr>
<tr>
<td>10</td>
<td>New 150,000-Gallon Tank At McKinney Shores (Zone 1)</td>
<td>165,000</td>
<td>1988</td>
</tr>
<tr>
<td>Tentative Priority</td>
<td>Project Description</td>
<td>Estimated Cost</td>
<td>Preliminary Schedule For Construction</td>
</tr>
<tr>
<td>--------------------</td>
<td>---------------------</td>
<td>----------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>11</td>
<td>New 120,000-Gallon Tank At Tahoe Hills (Zone 1)</td>
<td>132,000</td>
<td>1988</td>
</tr>
<tr>
<td>12</td>
<td>New 500,000-Gallon Highlands Tank (Zone 2)</td>
<td>400,000</td>
<td>1989</td>
</tr>
<tr>
<td>12a</td>
<td>Pipeline, New Highlands Tank To Dollar Point</td>
<td>203,900</td>
<td>1990</td>
</tr>
<tr>
<td>13</td>
<td>New Pipeline From Existing 4 Seasons Tank To Tahoe Tavern Heights</td>
<td>52,400</td>
<td>1991</td>
</tr>
<tr>
<td>14</td>
<td>Lake Intakes - Install Standby Pumps, Dollar Point &amp; McKinney Shores</td>
<td>25,000</td>
<td>1995</td>
</tr>
<tr>
<td>15</td>
<td>Small Main Replacement Program</td>
<td>2,194,000</td>
<td>1992 to 2002</td>
</tr>
<tr>
<td>16</td>
<td>Individual Metering Of All Existing Unmetered Water Services</td>
<td>1,250,000</td>
<td>1992 to 2002</td>
</tr>
<tr>
<td>17</td>
<td>New Well, South of Truckee River (500 gpm)</td>
<td>270,000</td>
<td>2002</td>
</tr>
</tbody>
</table>

Total 20-year Improvement Program $8,175,700

Recommended improvements at an approximately uniform rate for 20 years. The priorities and schedule are, of course, subject to change in response to needs of consumers and by District staff and the District Board of Directors.

The top ten priority items are all immediate needs. Replacement of the Ellard Bean Intake is the top priority, but the other nine are interchangeable as to time of construction.
From a water rights standpoint, in order to implement the Master Plan's basic recommendations, the District should:

1. Proceed with groundwater development;
2. Pursue its petitions for changes in place of use and points of diversion under its existing appropriative water rights, and
3. Pursue pending water rights Application 23479.

Supporting data and details of the proposed work are given in the main body of this report, which follows.

The proposed program involves substantial capital expenditures, and some projects may have to be eliminated or postponed to keep it within the financial capabilities of the District.

The Master Plan should be subject to periodic review and updating to keep it current and to meet changing conditions as they develop.

It should be noted that the installation of meters on all water services has been given the lowest priority of all proposed projects, because they do nothing to improve water service. This may be changed by regulatory agencies or state government, which may make such meter installation mandatory at some time in the future. Another consideration in this regard is the fact that the majority of all capital expenditures are required by increased occupancy of existing dwellings rather than by new connections. If future charges are to be made in proportion to use of the water system, then metering probably will become one method considered as an equitable means for obtaining the increased funds required to amortize capital investments made in expanding the water system.
Impact on Master Plan Implementation of Potential Limitations on Water Rights

Later in this report there is a detailed discussion of the potential impacts on the Master Plan's recommendations due to the California-Nevada Interstate Compact Concerning the Waters of Lake Tahoe, Truckee River, Carson River and Walker River Basins ("Compact"), the State Water Resource Control Board staff Report on Water Use and Water Rights in the Lake Tahoe Basin, dated October, 1979 ("SWRCB Report"), and the pending lawsuits and protests to the TCPUD water right filings of the Pyramid Lake Paiute Tribe of Indians.

In brief summary, if the SWRCB Report's recommendations are carried out, the proposed 1,574 acre-foot per year (afa) allocation for use within the TCPUD systems will have the following consequences:

a. It will be insufficient to meet the Master Plan's estimated 2002 TCPUD water use requirements under SWRCB Water Quality Plan growth (3,015 acre-feet);

b. It will be insufficient to meet TCPUD water use requirements in 2002 under the growth and 78% average annual occupancy projected in the SWRCB Water Quality Plan (2,412 acre-feet); and

c. It will be sufficient to meet TCPUD water use requirements in 2002 under the SWRCB Water Quality Plan growth and current water use rates (1,467 acre-feet).

In further explanation of item "c.", the proposed 1,574 afa allocation would provide the additional water needed for increased day use and for all new service connections permitted under the 208 Plan, but would accommodate a maximum day dwelling occupancy of only 54% (rather than the 100% anticipated in the future and the current 51% occupancy).
TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

TO:            The Advisory Planning Commission
FROM:          Staff

SUBJECT:  Development of the 1982 Air Quality Plan for the Lake Tahoe Basin

I.  Introduction and Background:

The purpose of this memo is to discuss a number of issues related to the adoption of the 1982 Air Quality Plan, obtain direction for developing an acceptable control strategy, and obtain a preliminary determination concerning the deferral of implementation of any control measures which may conflict with possible long range planning options or legal requirements of the Compact.

At the December, 1981 Advisory Planning Commission and Governing Board meetings staff gave a presentation concerning the status of the development of the 1982 Air Quality Plan for the Basin. Staff discussed the background of air quality planning in the Basin, the major issues that will most likely arise during the adoption of a 1982 Air Quality Plan, and the proposed adoption process in terms of the timeframes and procedures.

The Board was concerned that the development and adoption of an air quality plan at this time would be difficult in view of the Environmental Threshold Study.

Roland Westergard stated that he would determine if submission of a plan could be deferred until after adoption of the Environmental Thresholds. James Reed also stated that the Compact may take precedence over the Clean Air Act and therefore submission could possibly be delayed. This issue will be discussed at the January Board meeting.

II.  Options for Dealing with Mass Transit Improvements, Staggered Work and/or Operating Hours and Measures to Encourage Ride Sharing:

The purpose of this section is to obtain direction on how to deal with implementation of "Mass Transit Improvements," "Staggered Work and/or Operating Hours," and "Measures to Encourage Ridesharing" in the Air Quality Plan. Implementation of these measures may be approached in two ways, which are outlined below:

1.  Goal orientation with guidelines. This approach would establish a goal for a reduction in trips resulting from implementing these measures.

   The positive aspects of this approach include the following:

   - Flexible
   - Approach on a year to year basis which is consistent with the budgetary process
DEVELOPMENT OF THE 1982 AIR QUALITY PLAN FOR THE LAKE TAHOE BASIN

- Consistent with the planning process established in the Compact
- Consistent with Environmental Threshold process and does not preclude long range planning options

The negative aspects of this approach include the following:

- A specific program is not established

2. Specific details on how to obtain a goal. This approach would identify the program in specific terms such as the number of buses, turnouts, routes, etc. it will take to attain the carbon monoxide air quality standard.

The positive aspects of this approach include the following:

- A specific program is established

The negative aspects of this approach include the following:

- May be in conflict with the legal requirements of the Compact
- No flexibility
- May conflict with or preclude long range planning options to be established after adoption of Environmental Thresholds

III. Discussion on resolving the conflicts in terms of what control measures should be implemented after adoption of the 1982 Air Quality Plan and which should be deferred until after adoption of the Transportation Plan:

The purpose of this section is to obtain direction for prioritizing the implementation of the control measures that may be included in the Air Quality Plan. After the control measures are prioritized, the staff would seek direction from the Board in terms of developing a schedule for implementation, ordinance, or policy development.

The Compact prevents the Agency from taking action on certain transportation improvements until the new TRPA Transportation Plan is adopted. This was done because the States of California and Nevada found that it was necessary to limit development in the Basin since it might absorb the entire capacity of the Basin for further development, or conflict with possible long range planning options that may be developed in the General Plan. In addition, the TRPA Transportation element of the General Plan cannot be adopted until after the Environmental Threshold study has been completed. As a result, the staff needs direction for determining which control measures should be implemented before the Transportation Plan is adopted and which should be delayed. To deal with this problem the staff has identified four potential approaches which are listed below.

1. Outline possible alternative solutions, but delay evaluation and adoption to the Transportation Plan.

2. Outline possible alternative solutions, evaluate the alternatives and set objectives for the Transportation Plan.
DEVELOPMENT OF THE 1982 AIR QUALITY PLAN FOR THE LAKE TAHOE BASIN

3. Outline possible alternative solutions, select an alternative, implement certain measures that do not conflict with long range planning options or the legal requirements of the Compact, and delay implementation of the conflicting measures until after adoption of the Transportation Plan.

4. Outline possible alternative solutions, select an alternative and pursue implementation of the alternative.

The staff is recommending that the Board adopt the third alternative because of the following concerns:

- The first alternative is in conflict with the Clean Air Act.

- The second alternative does not go far enough because certain measures can be implemented during the interim period before the Transportation Plan is adopted.

- The fourth alternative may be in conflict with the Compact.

Staff has outlined four categories for prioritizing the control measures related to the above recommended alternative. These categories are listed below.

- Measures that should be implemented before the Transportation Plan is adopted because they would not preclude long range planning options.

- Measures that could be implemented before the Transportation Plan is adopted because they are not significant in terms of impacting long range planning options.

- Measures that are costly and require a number of years to schedule implementation, or that may conflict with long range planning options.

- Measures that may conflict with the legal requirements of the Compact.

Staff has provided a suggestion which lists the control measures discussed in the next section under each of these four categories. This recommendation is provided after the next section.

IV. Potential Control Measures for Areas Exceeding the Carbon Monoxide Standard:

The purpose of this section is to discuss the control measures staff is reviewing in developing the Air Quality Plan to determine if the Board objects to any, and to determine if any other measures should be included in the Air Quality Plan.

The following list of control measures includes those that have not been implemented from the 1979 Air Quality Plans, and others that were not considered. In addition, all the measures adopted in the final Air Quality Plan will require TRPA Board approval through the permit process, or either require the staff to develop an ordinance, policy or program.

In addition, staff intends to develop alternatives next month which will be based on the air quality modeling analyses which will define the significance of the
carbon monoxide air quality problem and the improvements in air quality that can be expected if the measures are implemented.

Each of the measures to be developed further is discussed below.

A. Inspection & Maintenance Program:

The Clean Air Act requires that states implement inspection and maintenance (I/M) programs in large urban areas that will not have attained the ozone and carbon monoxide air quality standards by 1982. This program is intended to ensure that in-use vehicles comply with the applicable emission limitations of the automobiles.

The principal reason for excess emissions from 1975-1979 vehicles is improper maintenance. This primarily results from misadjustments of the carburetor and ignition timing. For post-1981 automobiles, misadjustments will be much more difficult because manufacturers have made them almost impossible to carry out, and most vehicles will have computer-regulated emission control systems. However, the emission control system for post-1981 automobiles can malfunction and increase emissions by a substantial amount. An I/M program is designed to detect the misadjustments and malfunctions, and have them corrected.

Tahoe is unique in that a large portion of the automobiles are from outside of the Basin, and the Basin is split geographically between the north and south shores. As a result, the following scenarios will be analyzed to estimate emission reductions for an I/M program:

- Bay Area, Sacramento and Fresno implementation (i.e., California Program)

- California Program and full implementation in the Basin

- California Program and implementation in the Basin within El Dorado and Douglas Counties

Emission reductions resulting from I/M programs in high altitude areas are likely to be greater than in low altitude areas because of the following reasons:

1. Many automobiles in high altitudes areas have not been designed or adjusted for operation at high altitude.

2. Failure of electronically controlled emissions systems would lead to extremely high emission levels at high altitudes.

EPA has estimated that an I/M program would reduce carbon monoxide emissions from automobiles by 35 percent for 1987 while the ARB has estimated emissions will be reduced by 19 percent. The staff intends to use the ARB emission reduction estimate of 19% for both the California Program and Basin implementation in the Air Quality Plan because fewer emissions are generated from automobiles sold in California and therefore such a program would probably be less effective.
DEV ELOPMENT OF THE 1982 AIR QUALITY PLAN FOR THE LAKE TAHOE BASIN

If the California program is implemented there would be more than a 19% emission reduction from these automobiles in Tahoe. This is significant because violations of the carbon monoxide standard predominately occur during peak traffic periods when a large number of the automobiles are from the Bay Area, Sacramento and Fresno. Previous data from the TART Study shows that ___% of the cars are from these areas and account for approximately ___% of the traffic during the peak periods. As a result, the ambient concentrations of carbon monoxide in Tahoe would be reduced by ___% if the California program is implemented.

The TART data also shows that trips between the North and South ends of the Lake account for only 5% of the trips. As a result, an I/M program implemented for the North Shore would essentially have no effect on air quality in the South Shore.

If an I/M program is implemented in the California urbanized areas and El Dorado and Douglas Counties, the ambient concentrations of carbon monoxide would be reduced by __%. This is also based on the TART data and the assumptions developed for the California I/M program.

B. Reduce Cold Start Conditions:

An automobile produces a substantial amount of emissions when it is started after it has sat for approximately one hour. This condition is referred to as a cold-start, and an automobile operates in this condition for approximately eight minutes after being started.

Block heater outlets can be installed which reduce the number of cold-starts. However, California automobiles are not equipped with block heater devices. Therefore, this measure would not be effective because most automobiles in the Basin are from California.

Another option is a public awareness program. If automobiles are warmed for a few minutes fewer will travel through areas that exceed the carbon monoxide standard. However, it would be difficult to assess the effectiveness of such a program and therefore a reduction in emissions cannot be determined.

C. Traffic Flow Improvements:

Traffic flow improvements improve the operational characteristics of the road system and therefore increase the speed of automobiles. Traffic flow improvements include adding turn lanes, turning movement restrictions, lane use restrictions, and signal modifications. The amount of emissions generated from automobiles is very sensitive to speed. This is shown below for emissions generated from the 1987 fleet of automobiles:

<table>
<thead>
<tr>
<th>Speed</th>
<th>Emissions in Grams</th>
<th>Percent Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>202</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>170</td>
<td>16</td>
</tr>
<tr>
<td>7</td>
<td>148</td>
<td>27</td>
</tr>
</tbody>
</table>
DEVELOPMENT OF THE 1982 AIR QUALITY PLAN FOR THE LAKE TAHOE BASIN

Therefore, transportation flow improvements can be very effective in reducing carbon monoxide emissions. However, they can also present problems because improving the operational characteristics of the road system may be detrimental. For example, if the volume of traffic continues to increase due to growth any improvements may be offset in the future because if the road system is operating at capacity people defer trips. Therefore, operational improvements may worsen an air quality problem because they increase the number of automobiles and also emissions in an area.

Traffic flow improvements are divided into two categories for the areas that exceed the federal and state carbon monoxide standards. These categories include individual intersection modifications and a computerized traffic signalization system.

1. Individual Intersection Modifications:

The following list of intersections includes those that would result in improved air quality if improvements such as adding turn lanes, turning movement restrictions, lane use restrictions, and signal modifications were made. Figure 1 shows the locations of these areas.

- South Avenue Extension
- Intersection modification at the South Lake Tahoe WYE intersection
- Intersection modification at the Sierra Boulevard and Route 50 intersection
- Intersection modification at the Route 50 and Al Tahoe Blvd. intersection
- Intersection modification at the O'Malley/Carson and Route 50 intersection
- Intersection modification at the Route 50 and Ski Run Blvd. intersection
- Installation of a free right turn lane at the Route 50 and Wildwood Ave. intersection for traffic turning onto Wildwood Ave. from Route 50
- Intersection modification at the Route 50 and Pioneer Trail intersection
- Intersection modification at the Route 50 and Park Ave. intersection
- Intersection modification at the Route 50 and Stateline intersection
- Installation of a pedestrian/vehicle separation between Sahara Tahoe and Caesar's casinos

In addition, the following operational improvements could be made between the South Lake Tahoe WYE and Route 50 and Loop Road intersections:

- Providing free right turn lanes
- Widening driveways to expedite right turn movements

2. Computerized Traffic Signalization System:
DEVELOPMENT OF THE 1982 AIR QUALITY PLAN FOR THE LAKE TAHOE BASIN

A computerized traffic signalization system would provide an integrated traffic control system for the Highway 50 corridor between Meyers and Round Hill. Such a system would coordinate signal operation along the corridor with the ability to cater to different levels and types of traffic demands. Less emissions would be generated from automobiles because such a system would optimize the traffic flow and therefore increase the average speed of automobiles within the Highway 50 corridor. In addition, there would also be fewer automobiles in the areas with traffic congestion because the system could also regulate the number of automobiles entering these areas.

D. Mail Delivery:

This measure would provide for either a system of sub-station delivery of mail or home delivery.

Mail delivery within the Tahoe Basin has been nonexistent in the past. However, the City of South Lake Tahoe has been working with the postal service to arrange for a system of sub-stations where delivery can be furnished to patrons. The first sub-station is planned for Tahoe Keys and should be completed in 1982.

Based on the TRTS data from 1974, an estimated 10,000 to 13,000 trips are made daily to and from various post offices on the California side of the Basin. Figure 2 shows the existing post office locations in South Lake Tahoe.

E. Measures to Encourage Ridesharing:

This measure would possibly include a matching service, priority treatment for carpools, employer sponsored vanpool programs, and adjustments to work schedules.

F. Transit Improvements for STAGE:

Implementation of this measure depends on the direction given from the Board from Section II. For this measure, the staff also needs direction for determining what mass transit improvements should be implemented before the Transportation Plan is adopted. Possible measures include the following:

- Increasing bus frequencies
- Improving timed transfers between routes
- Improving reliability of the system
- Improving coordination between bicycle and pedestrian access
- Improving coordination with inter-regional public transportation
- Adding bus shelters and turnouts along U.S. 50.
- Adding ski storage devices to buses
- Providing airport and casino service
- Providing recreational service
- Providing bus passes and schedules to motel and hotel patrons
- Improving the marketing program
- Improving service to Heavenly Valley

G. Driver Advisories:

This measure would alert drivers to congestion problems. This could be done by local radio stations and/or computerized road signs within the Basin.
FIGURE 2

LAKE TAHOE

SOUTH LAKE TAHOE

° Post Offices
H. Staggered Work and/or Operating Hours:

This measure would allow employee work hours to be staggered to minimize "rush hour" traffic conditions. This measure would reduce congestion by spreading out peak hour traffic and provide employees with an opportunity to adjust their schedules to accommodate other modes of travel such as transit or ridesharing.

I. Parking Management:

There are a number of concepts associated with this measure. These concepts include the following:

- Limit parking development that leads to greater dependency on the automobile
- Parking standards requiring adequate parking in the permit process

The 1979 California Air Quality Plan proposes to limit parking development that leads to greater dependency on the automobile. However, CTPPA, TRPA and local jurisdictions have implemented their own or other jurisdictions parking standards in the project review process. These parking standards require that all commercial development provide sufficient on-site parking to serve the intensity of development.

In addition, a program could be developed that would provide for the following, where possible:

- Review and implementation of parking standards in certain areas.
- Review and implementation of a program which would require the utilization of parking lot attendants or computerized signs and signals to increase the efficiency of the parking cars by lessening the search for parking spaces.
- Implement a program which would require that parking lots be closed when they become full.
- Providing parking meters or a parking fee.

J. Indirect Source Review:

This measure would establish guidelines in an ordinance for implementing Article VII, "Environmental Impact Statements" of the Compact. The ordinance would establish what projects need to be reviewed and mitigation guidelines.

In 1981 staff proposed that an Indirect Source Review ordinance be adopted. The Board approved the concept and an ordinance was noticed for public hearing in September, 1981. The ordinance was discussed at the September Board meeting and a number of issues were raised by the Board and Legal Counsel.

Legal counsel indicated that an environmental impact statement (EIS) would be required before the ordinance could be adopted by the Board, even if it had a beneficial effect. Staff stated that it was impractical to prepare an EIS at that time because (1) an EIS will be prepared, that will satisfy the EIS requirement for the ordinance as part of the 1982 Air Quality Plan, (2) CTRPA is implementing such an ordinance in California and the EIS requirements of the
COMPACT COVER any projects in Nevada, and (3) only a few projects will be coming to the Board from Nevada before next spring. However, the staff indicated that they needed direction from the Board on how to deal with those projects that did come before the Board. As a result, the Board directed the staff to prepare a policy statement.

Staff presented a policy to the Board in October, 1981 that discussed criteria for requiring review and mitigation criteria. The Board generally agreed with the policy.

There are two options that could be taken concerning development of such an ordinance until the General Plan is adopted. These include:

- Continue the current program until the Threshold Study is completed and General Plan is adopted
- Adopt a basinwide ordinance

K. Idling Restrictions:

This measure would require that projects with drive-up facilities be reviewed to determine if they have an adverse effect on air quality or a prohibition on drive-up facilities.

During the development of the 1979 Air Quality Plans the Board recommended that projects with drive-up facilities be reviewed to determine if they have an adverse effect on air quality. CTRPA adopted an ordinance that banned drive-up facilities in California. The Nevada Environmental Commission approved the concept recommended by the TRPA Board, however, an ordinance was never adopted for Nevada.

For Nevada, the staff has been requiring a review that demonstrates the effect of a drive-up facility on air quality.

There are also two options that can be taken with this measure. These include:

- Continue the current program until the General Plan is adopted
- Adopt a basin wide ordinance

V. Staff Suggestion Concerning the Categorization of the Control Measures:

The following list is staff's suggestion concerning the categorization of the control measures that were discussed in Section III. This list will be used to establish a schedule for implementation, ordinance development and policy development for the control measures discussed in Section IV.

1. Measures that should be implemented before the Transportation Plan is adopted because they would not preclude any long range planning options:

   a. Inspection and Maintenance Program
   b. Reduce Cold Start Conditions - Public Awareness Program
c. Traffic Flow Improvements:
   - South Avenue extension
   - Intersection modification at the O'Malley/Carson and Route 50 intersection
   - Installation of a free right turn lane at the Route 50 and Wildwood Avenue intersection for traffic turning onto Wildwood Avenue from Route 50.

d. The following operational improvements between the South Lake Tahoe YYE and Route 50 and Loop Road 50 intersections.
   - Providing free right turn lanes
   - Widening driveways to expedite right turn movements

e. Mail Delivery

f. Measures to Encourage Ridesharing

g. Transit Improvements for STAGE outlined in Section IV

2. Measures that could be implemented before the Transportation Plan is adopted because they are not significant in terms of impacting long range planning options:

a. Traffic Flow Improvements:
   - Intersection modifications at the South Lake Tahoe YYE intersection
   - Intersection modifications at the Sierra Boulevard and Route 50 intersection
   - Intersection modification at the Route 50 and Al Tahoe Boulevard intersection
   - Intersection modifications at the Route 50 and Ski Run Boulevard intersection
   - Computerized traffic signalization system

b. Driver Advisories

c. Staggered Work and/or Operating Hours

d. Parking Management

e. Indirect Source Review

f. Idling Restrictions

3. Measures that are costly and require a number of years to schedule implementation, or that may conflict with possible long range planning options:

a. Traffic Flow Improvements:
   - Installation of a pedestrian/vehicle separation between Sahara Tahoe and Ceasar's casinos
   - Intersection modification at the Route 50 and Stateline intersection
   - Intersection modification at the Route 50 and Park Avenue intersection
   - Intersection modification at the Route 50 and Pioneer Trail intersection

4. Measures that may conflict with the legal requirements of the Compact:

   - Loop Road
   - Rail Proposal
   - Detailed Transportation Plan

- 10 -
VI. Summary:

The purpose of this staff summary is to obtain direction from the Board on the following points:

1. Possible delay in development of an Air Quality Plan until after the Environmental Threshold Study has been completed.

2. Determine how to deal with implementation of "Mass Transit Improvements," "Staggered Work and/or Operating Hours," and "Measures to Encourage Ridesharing."

3. Establish a preliminary schedule for implementation, ordinance and policy development with respect to the control measures.

4. Discuss the control measures staff is reviewing in developing the Air Quality Plan to determine if the Board objects to any, and to determine if any other measures should be included in the Air Quality Plan.

At the February, 1982 APC and Governing Board meetings the staff will make a presentation that will discuss alternatives that will be developed from the control measures discussed in Section IV. These alternatives will be based on the air quality modeling analyses which will define the significance of the air quality problem and the improvements in air quality that can be expected if the control measures are implemented.
NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on February 10, 1982 at
10:00 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: February 1, 1982

By:

Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency