TRPA
APC
PACKETS

JULY
1984
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that on July 11, 1984 at
9:30 a.m. at Ski Incline Lodge*, 1210 Ski Way, Incline Village, Nevada, the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

Date: July 2, 1984

By: Gary D. Middaugh
Acting Executive Director
Tahoe Regional Planning Agency

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

* Ski Incline Lodge is located at 1210 Ski Way in Incline Village, Nevada. Turn off Highway 28 north onto Country Club and right onto Ski Way. Continue on Ski Way for approximately one mile to the Lodge.
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PUBLIC HEARING ON CODE OF ORDINANCES (continued from June)
   A. Land Use Ordinance, Chapter 2
   B. Water Quality Ordinance, Chapter 7

V PLANNING MATTERS
   A. Determination on Technical Adequacy of Draft Environmental Impact Statement, Bitterbrush, Incline Village
   B. Regional Plan Status Report
      1. Litigation
      2. Progress of Plan Area Statements
      3. Progress of Ordinances
   C. Subcommittee Reports and Recommendations to the APC
      1. Air Quality/Transportation
      2. Shorezone
      3. Procedure
      4. Other
   D. Presentation: Water Quality Monitoring and Evaluation Program
   E. Other

VI REPORTS
   A. Staff
   B. Legal Counsel
C. Public Interest Comments

D. APC Members

E. Other

VIII RESOLUTIONS

IX CORRESPONDENCE

X PENDING MATTERS

XI ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Granlibakken Ski and Racquet Resort
Tonopah Drive, Tahoe City, California

June 13, 1984 9:30 a.m.
June 14, 1984 9:30 a.m.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Harper called the meeting of the Advisory Planning Commission to order at 10:00 a.m.

APC Members Present: Ms. Temple, Mr. Renz (arrived at 10:05 a.m.),
Mr. Heitkemper, Mr. Hoole, Mr. Ryerson, Mr. McMullen,
Mr. Hoefer, Ms. Sparbel, Mr. James, Mr. Dodgion,
Mr. Hansen (arrived at 10:30 a.m.), Mr. Curtis (arrived at 10:30 a.m.), Mr. Poppoff, Ms. Michael, Mr. Murphy,
Mr. Combs, Mr. Harper

APC Members Absent: Ms. McMorris, Mr. Pyle

II APPROVAL OF AGENDA

Acting Executive Director Gary Midkiff advised that appeal items VIII A. (Earl Stevenson) and VIII B. (Guzman) were removed from the agenda; item VIII D. (Steven T. Sederquist) was to be continued. Mr. Gregg Lien, representing Mr. Sederquist, has requested a 30 day continuance.

MOTION by Mr. Hoefer, with a second by Mr. Poppoff, to approve the agenda as amended. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Ms. Sparbel with a second by Mr. Heitkemper to approve the May 9, 1984 minutes as submitted. The motion carried unanimously.

IV ADMINISTRATIVE MATTERS

Mr. Harper read a letter from Richard Skinner, Deputy Attorney General for the State of California, responding to the letter sent on behalf of the Advisory Planning Commission regarding the temporary restraining order.

V PLANNING MATTERS

A. Determination on Technical Adequacy of Draft Environmental Impact Statement, Bitterbrush, Incline Village

Associate Planner Nora Shepard reminded the APC members that the Bitterbrush draft EIS was distributed to the APC April 11, 1984; the Agency has received only three written comments to date. One party requested additional time to submit comments on the EIS, and Agency staff felt that request warranted consideration. The EIS consultant (Sharp, Krater and Associates) would prepare a response to both written and verbal comments for APC review, and the determination on the technical adequacy of the EIS would be continued until the July APC meeting.
Ms. Shepard presented a brief summary of the Bitterbrush condominium subdivision which was conditionally approved by TRPA in January, 1971 and explained the history behind the litigation and the preparation of the EIS.

Mr. Popoff questioned the effectiveness of erosion control measures, and consultant Milton Sharp responded that the proposed mitigation measures would reduce the soil loss to less than the critical level. One of the major runoff problems is caused by the adjacent cut slope and the nearby water tank site owned by the Incline Village General Improvement District. If a complete erosion control project were implemented on the cut slope, sediment discharge would be reduced to a less-than-significant level.

Mr. Harper questioned the deletion of 18 units. Mr. Sharp explained this had been worked out after a field review conducted by former Executive Director Phil Overeynder.

Discussion followed on the proposed shuttle bus system as an off-site mitigation measure and the reliance on that system. Mr. Sharp suggested extending the TART public transportation system into this area may be something to research at a later time.

Ms. Shepard explained that, in addition to determining the technical adequacy of the EIS, the APC would also be asked to make recommendations on the alternative mitigation programs for the Governing Board's consideration in July.

Mr. Hoefer questioned the emphasis on the alternate access as a key mitigation feature, and Mr. Sharp responded that this issue was identified in the settlement agreement as a key point and at least one mitigation package did make a heavy commitment to the secondary access. Ms. Michael suggested that, while the access road would not reduce the number of vehicle trips, it would ease the congestion problem. Ms. Michael asked if part of the $750,000 for acquisition of land for an access road could be used for a shuttle bus service, and Ms. Shepard responded that the APC could recommend this as an option to the Board.

Mr. Curtis asked if coordination will continue with TVGID to supplement the existing routes. Mr. Sharp stated that it had not been included but could be addressed.

Ms. Michael suggested that funds for a bus service be included in the Alternatives Table 7-1. Mr. Sharp responded that he had hoped the developer could be persuaded to fund the service initially and the condominium association would assume the responsibility to continue operation.

No further comments were received and the determination on the technical adequacy of the Bitterbrush Draft EIS was continued to the July APC meeting.

VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps (Wednesday, June 13, 1984, 10:30 a.m.)

Steve Chilton, Senior Environmental Investigator, reminded the APC that during the May 9, 1984 APC meeting, Agency staff presented a package of area-wide land capability challenges. These challenges were a compilation of the California
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Tahoe Regional Planning Agency approvals and of Incline Village land capability challenges. The APC directed staff to return with the package at the June meeting. In the interim, approximately 2,500 property owners within or adjacent to the proposed land capability changes had been notified of meetings on this subject.

The Incline Village challenges occurred primarily during 1981-82 pursuant to submittal of soils reports and field reviews conducted by the Agency's land capability review team. The team was composed of a soil scientist, an hydrologist, a geomorphologist and a botanist. The 30 Incline challenges were incorporated into area-wide modifications primarily involving changes in incorrectly mapped slopes and soils. All but one of the California modifications relate to incorrectly mapped slopes. The team identified soil boundaries by field inspection of soil depth, soil profile, soil parent materials and slope steepness. In addition, large color aerial photos provided a means of combining the information gained from the field work and the scientist's reports with the aerial photos. The mapping changes were transferred to the Incline Village parcel map and the Soil Conservation Service soil maps. The proposed map amendments call for areas to be correctly mapped (at a higher capability in most instances), based upon the soil scientist's reports, land capability review team field inspections, slope measurements, and aerial photo interpretation. Five acres is the minimum size which can be considered for modification.

Chairman Harper advised the public that there were sign-up cards for those wishing to testify on the hearing items.

1. Incline Village Units 1, 1B, 2 and 4, and Ponderosa Units 2 and 5, Washoe County

No one in the audience wished to speak on this item.

MOTION by Mr. Curtis to approve the redelineation for these portions of Incline Village and Ponderosa as presented by staff. Second by Mr. Dodgion. The motion carried unanimously.

2. Portions of Tahoe Marina Estates and Tahoe Estates, Tahoe Vista, Placer County

Mr. Chilton explained that the California modifications were previously dealt with by the CTRPA Board in 1982; the proposed changes are set forth in the packet material. At this time, TRPA is proposing that its maps also be modified to coincide with the previous actions. The review team reviewed all California sites and the TRPA staff has also field checked the areas in question. The SCS has commented on all these and the remarks are in the APC packets. Mr. Chilton summarized the specific proposal.

Mr. Don LaTourette, owner of a 12 acre lot in Tahoe Vista, explained he had put his name in the lottery several times to no avail and questioned the current regulations. (The property was identified on the maps.) Mr. LaTourette asked that he be given the right to build on his property. Mr. Midkiff explained that the sewer lottery was not within TRPA's jurisdiction but was a Placer County process. A portion of the lot in question is being reclassified such that it would be reclassified from a 1C to a capability 6 and would be eligible for
development, assuming access and other factors are assured and there is a County allocation.

MOTION by Mr. Hoefer to approve the staff recommendation on the reclassifications for portions of Tahoe Marina Estates and Tahoe Estates, Tahoe Vista. Second by Mr. Curtis. The motion carried unanimously.

3. Vicinity of Beverly Drive, Clayton Way and Arch Way Off of Old County Road, Placer County

The proposed slope modifications to permit the capability to be adjusted from a level 3 to a level 5 were summarized by Mr. Chilton. The team determined that a boundary line had not been extended as far as it should have been on the original maps. Ms. Nancy Quirk, owner of a parcel near Old County Road outside the redelineation area, asked if she could build on her property. Staff explained that she was at this time prohibited from building even though there were structures in the area. The current houses were built prior to 1980 or were built under the 1980 case-by-case procedure, whereby property owners were able to build in capability 3 areas under a strict review procedure. If Ms. Quirk's property is on a capability boundary line and the property has a slope of less than 15%, she should contact staff for a field verification of the capability. Mr. Combs, Placer County planner, advised that all lots were eligible for inclusion in the County's random selection/allocation system. If the capability is, indeed, a capability level 3 and the regulations remain such that building is prohibited, there is a transfer of development rights program available which would allow transfer of the building right to another location. Additionally there is a Federal acquisition program for purchase of sensitive lots.

MOTION by Mr. Dodgion to approve the recommendation on item VII A. 3. Second by Mr. Curtis. The motion carried unanimously.

4. Alpine Way Near Snowflake Lane, Tahoe Tavern Heights, Placer County

Mr. Chilton explained the proposed modification was a change in slope. The team determined that this area should be mapped a capability 5, 5-15% slope, not a level 3. No public comment was received on this item.

MOTION by Mr. Hoefer with a second by Ms. Sparbel to approve the change as set forth in the summary. The motion carried unanimously.

5. Vicinity of Club and John Cain Drives, Talmont Area, Placer County

Mr. Chilton suggested this change was similar to item 4; the capability would be modified from a level 3 to 5. The slopes are all under 15%. Mr. Howard Perry, resident at 530 Joseph Court, asked for clarification on which lots were included in the modification. Mr. Perry suggested that the slope boundary on Joseph Court was very difficult to discern; staff explained that further field work would be necessary to see if other mapping adjustments were called for, and Mr. Perry should contact the TRPA office for a field verification. Ms. Temple suggested in the future when these items are on the agenda that not only the area maps be available for the public but also the forms for field verification be available.
MOTION by Mr. Dodgion, with a second by Ms. Sparbel, to approve the recommendation. The motion carried unanimously. (Mr. McMullen was absent from the room.)

6. Vicinity of Williams Lane, King George Drive, Rubicon Drive and Forest View Drive, Rubicon, El Dorado County

Mr. Chilton presented a brief summary of the modification. The team is recommending that, because there is a level 5 area within the level 3 area, there be an upward change. Ms. Martha Zemanek, a San Francisco resident and owner of a lot on Williams Avenue, expressed anger at the mapped capability and at the frustration of writing letters on the matter with no resolution. She would like her total lot classified a 5 and not a partial 5. Mr. Harper advised Ms. Zemanek to contact TRPA staff for a more accurate determination on the location of the boundary line.

MOTION by Mr. Heitkemper to approve the modification. Second by Mr. Ryerson. The motion carried unanimously.

7. Vicinity of Mohican Drive, Chippewa Street and Pawnee Drive, Tahoe Paradise #9, El Dorado County.

The Commission did not request a staff presentation on this matter. No comments were forthcoming from the public.

MOTION and second to approve this modification (voices unclear on tape). The motion carried unanimously.

8. Vicinity of Skyline and Crystal Air Drives, Tahoe Paradise #48, El Dorado County

No staff presentation was made, and no comments were made by the public.

MOTION and second to approve the staff recommendation (voices unclear on tape). The motion carried unanimously.

9. Vicinity of Grizzly Mountain Drive and Mount Rainier Drive, El Dorado County

Mr. Chilton explained that in this area the team had found a JaC soil type (level 5) within an area of JbD (level 3). The JbD soil type shows a significant area of seep within it. The team found this area as mapped did not have any seeps. The team determined it should be JaC, level 5 (no seeps).

MOTION by Ms. Mckie with a second by Mr. Dodgion to approve the recommendation as set forth. The motion carried unanimously.

The APC broke for lunch from 12:00 to 1:30 p.m.

V PLANNING MATTERS

B. Regional Plan Status Report

1. Litigation
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Mr. Midkiff described the various arguments presented at the June 11 hearing before Judge Garcia in Sacramento on the Agency's recently-adopted Regional Plan and explained a decision on the preliminary injunction would be forthcoming by the end of the week. Discussion followed on possible options and impacts of alternative decisions.

2. Schedule of Workshops and Meetings

Mr. Midkiff explained that the location of the Douglas County Plan Area Statement hearing on July 27 was not confirmed as yet. The APC will be notified as soon as a meeting location is determined.

C. Subcommittee Reports

4. Procedures

While Mr. Ziegler prepared for a discussion on Transportation/Air Quality, Mr. Harper explained that he and Bill Murphy were the only Committee members who had shown up for the subcommittee meeting. The Committee, working with League to Save Lake Tahoe member Dwight Steele and TRPA staff member Greg George, reviewed the procedures in Chapter 1, and it was decided that staff would continue to work on this section of the code.

3. Transportation/Air Quality

Mr. Ziegler distributed copies of the 6/7/84 draft of Chapter 8 and a draft dated 6/6/84 of the Table 8-1 (Trip Table) and explained that there were substantial changes between this draft chapter and previous chapters. The modifications between this and previous drafts were presented and discussed extensively and further modifications were suggested. Upon completion of the discussion, Mr. Ziegler and Ms. Michael advised that the staff would bring back another draft based on the points raised today.

Mr. Dwight Steele, League to Save Lake Tahoe, introduced Mr. Tom Martens the new Executive Director for the League, urged that the ordinances be in the best shape possible before they go to the Governing Board, and made specific recommendations on the 6/7/84 draft of Chapter 8.

1. Land Use and Growth Management

VII PUBLIC HEARING

B. Code of Ordinance Recommendations - Land Use Ordinance, Chapter 2

In the interest of time, Chairman Harper combined the discussion and public hearing items as set forth above. Principal Planner Gordon Barrett first advised the APC that copies of Plan Area Statements for Washoe County, South Lake Tahoe and Placer County should be picked up by all APC members before leaving the meeting. Modified maps are also available for the local planners for use in the upcoming hearings. Work is still underway on Douglas and El Dorado County Plan Areas.
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Mr. Barrett summarized the discussions of the Land Use Subcommittee (Land Use Chapter 2 draft 5/15/84 mailed under separate cover to APC members) and explained the significant items of concern. Discussion followed among APC members on coverage, transfer possibilities, nonconformity, affordable housing, height limits, signs, and design review guidelines.

The meeting recessed at 5:20 p.m.

Thursday, June 14, 1984

Chairman Harper called the meeting of the Advisory Planning Commission back to order at 10:10 a.m.

Members Present: Mr. Heitkemper, Mr. Ryerson, Mr. Hoefer, Ms. Sparbel, Mr. James, Mr. Dodgion, Mr. Pyle, Mr. Curtis (present at 11:00 a.m.), Mr. Poppoff, Mr. Combs, Mr. Harper

Members Absent: Mr. Renz, Mr. Hoole, Mr. McMullen, Ms. McMorris, Mr. Hansen, Ms. Temple, Ms. Michael, Mr. Murphy

VII PUBLIC HEARING (continued)

B. Code of Ordinance Recommendations - Land Use Ordinance, Chapter 2

Mr. Steele, representing the League to Save Lake Tahoe, urged that the APC not sign off on the ordinance until it meets the requirements of the Regional Plan. Agency counsel should review the document carefully to make sure it meets all legal requirements and to ensure that ordinance language carries out the technical features desired by staff and the APC. (Mr. Steele's comments and the ensuing discussion were quite lengthy and are taped and on file in the Agency office.)

MOTION by Mr. Combs to refer specific chapters to the Governing Board with a request for a conceptual approval only, understanding that no final action will be taken until the total code is available.

Agency counsel Susan Scholley suggested that legal advice to the Board would be that separate action on each chapter not occur but that the code as a whole package be acted on because of the interrelationships between the various chapters. Mr. Poppoff asked that staff provide a flow chart for the APC and Governing Board so that both bodies could see the relationship of the various steps in the process, i.e. the Regional Plan, the Plan Areas, and the ordinances. Mr. Ryerson suggested also that staff put together a key or guide to the ordinances for the public and applicants.

Mr. Larry Hoffman, representing the Tahoe Sierra Preservation Council, suggested that the documents were getting too massive and too detailed. The Compact's intent was to leave much of the regulatory detail to local governments, allowing the Agency to concentrate on regional issues and standards wherever possible. The ordinances should be sent to the Board for initial comment on the content, with the understanding that they will come back to the APC for final recommendation.
Motion restated by Mr. Combs that the APC request the Governing Board to review the individual parts of the implementing ordinances for content while withholding action on those parts until reviewed as an integrated whole by the APC. The motion carried unanimously.

There was extensive discussion on providing an easy reference guide to the ordinances and Regional Plan documents for use by the public. Staff explained that there would be some cross-reference mechanism prepared for use by the APC, the Board and the public.

Mr. Dwight Steele continued to present his comments on this chapter of the code, and the APC members and staff responded and discussed, in particular, the Plan Areas in relation to the Regional Plan, regional standards as set forth in the code vs unique Plan Area standards, and flexibility of the standards. Due to the many as-yet unresolved issues and the extent of the discussion, Chairman Harper directed that this ordinance chapter be remanded back to the APC subcommittee for more discussion.

Discussion followed on the schedule for review and action on the code of ordinances for transmittal to the Governing Board. Because of the number of unresolved questions on the Land Use chapter, it was agreed that no action would be taken at this time. Chairman Harper asked for Mr. Steele to submit his comments in writing as a basis for review and that the public hearing be continued.

No other comments were received from the public. Chairman Harper directed that the public hearing on both the Land Use Ordinance and the Water Quality Ordinance be continued to July 11 at an Incline location (yet to be confirmed).

VI SPECIAL DETERMINATION

A. Determination as to Man Modified Status, Gerald Martin, Determination on Man Modification of Industrial Tract Stream Environment Zone, City of South Lake Tahoe

Ms. Scholley reminded the Commission that the Agency was still working under the stipulation amending the Temporary Restraining Order issued by Judge Garcia which does exempt land capability challenges. The Commission should be cautioned, however, that under the new Plan challenges which were once an administrative permit are now to be handled as General Plan amendments. The APC will first review and make a recommendation to the Governing Board on the requested challenge and at a subsequent meeting will act on a General Plan amendment after a public hearing. This is stage one of a two-step process.

Mr. Steve Chilton presented the staff summary on the request and described the physical characteristics of the property in question. Staff's analysis considered the modifications to the depth of the groundwater table, to the on-site drainage facilities, the infeasibility of restoring the SEZ, and necessary remedial drainage work. Staff finds that this 4.5 acre parcel no longer exhibits characteristics of an SEZ due to lowering of the water table. Further development will not increase the problems on the site, and restoration of the site to its original condition would be extremely difficult. Mr. Mike
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James, designee for Lahontan Executive Director Roy Hampson, asked if the APC could delay its action until after Lahontan has come out with its report. Chairman Harper suggested that the matter was continued from last month's meeting to this month because of a similar request by Mr. Hampson. Since that report is not yet available, it is only fair to the applicant that the Commission proceed if a decision can be reached.

Mr. Larry Hoffman, on behalf of Mr. Martin, asked that the Commission take action, presented a background history of the site, and responded to questions from the Commission.

MOTION by Mr. Heitkemper to recommend that the 4.5 site owned by Gerald Martin be recognized as man-modified as outlined in staff's summary and to approve the provisions with regard to a future mitigation program. The motion carried on the following vote:

Ayes: Mr. Heitkemper, Mr. Ryerson, Mr. Hoefer, Ms. Sparbel, Mr. Dodgion, Mr. Pyle, Mr. Curtis, Mr. Popoff, Mr. Combs, Mr. Harper

Nays: None

Abstain: Mr. James

Absent: Ms. Temple, Mr. Renz, Mr. Hoole, Mr. McMullen, Ms. McMorris, Mr. Hansen, Ms. Michael, Mr. Murphy

VIII APPEALS

C. Dreyfus, Appeal of Staff Determination That an Application for an Addition to a Single Family Dwelling in the Backshore Cannot Be Accepted, Washoe County APN 130-360-08

Mr. Barrett presented the staff summary on this appeal and explained that the proposed modification to the Thunderbird Lodge located on the Whitetail Estate could not be accepted at this time because it would propose a modification to a recognized historical structure. The review criteria, standards, and pertinent ordinance regulations to protect these structures have not yet been completed to allow the review of such an application to be undertaken. The applicant contends that the structure should not be designated as historically significant. In view of the limited review capability of the Agency prior to adoption of the Code of Ordinances and Plan Areas, Ms. Scholley cautioned the the Commission when in doubt to remember that only those applications be processed which clearly will not jeopardize the Plan or the thresholds at a subsequent time. The newly-adopted Plan requires that criteria be developed to review these types of applications; this criteria is not yet prepared. Clearly the Agency cannot proceed with this application at this point.

Mr. Bryce Rhoades, representing Mr. Dreyfus, described the characteristics of the structure proposed to be modified as "compounded eccentricity" and explained that the section of the home to be modified was not architecturally historical. It is requested that the Commission recommend to the Governing Board that this property be deleted from the Historical Site Map. Chairman Harper advised that
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this action was not appropriate or legal at this time. The APC at this time can only recommend on acceptance or nonacceptance of the application because the required criteria for review of historical structures are not yet prepared.

Ms. Scholley suggested that the Commission act on the staff determination to refuse the application. Mr. Rhoades can choose to return with a new approach, i.e. to change the historical designation on the map. Chairman Harper suggested instead that Mr. Roades continue his appeal for a month and come back with a response to the staff's position. Ms. Scholley suggested that, should this course be followed, discussion also occur on the modification of the historical designation of this site.

MOTION by Mr. Pyle to uphold the action by the Acting Executive Director to refuse the application by Mr. Dreyfus to modify an historical structure. Second by Ms. Sparbel.

Mr. Ryerson suggested as the bases for the action that: 1) the property is set forth on the historical map; 2) that map is a part of the Regional Plan; 3) the Plan instructs that criteria for judging modifications to such properties/structures be developed; 4) those criteria are not yet established; 5) Ordinance 84-1 limits severely the kind of applications that can be accepted by TRPA; and 6) this application does not meet those criteria.

The motion carried unanimously.

V PLANNING MATTERS

D. Review of Stream Environment Zone (SEZ) Pilot Project Descriptions

Mr. Midkiff explained that the summaries were in the packet material mailed to the members, and Mr. Ziegler presented specifics of several of the restoration projects. The restoration program for 1,200 acres of stream zones will not be completed until August, 1985. What is being given to the APC at this point is a brief summary of pilot projects or samples of projects which will be undertaken. What is being requested from the APC are comments on whether this is an appropriate way to identify and describe these programs as a first cut. Mr. Harper suggested that the field analyses presented too much of a summary and should be expanded. Further discussion followed on specific projects, and Mr. Ziegler asked for the APC members to call him with specific comments.

X REPORTS

A. Staff

Mr. Midkiff explained that the Tahoe Queen a few years ago had received approval; an EIS was to be prepared for any project modifications. This is in process now and the EIS will come before the APC for review.

B. Legal Counsel

Ms. Scholley advised that the Lake Country Estates suit has tentatively been settled. California has agreed to pass legislation to purchase the property. The trial has been continued until the fall of 1984.
Ms. Scholley advised that Mr. Sederquist (agenda item VIII D, appeal of staff determination) has filed suit against the Agency. That continued item likely will be pulled off the agenda because it is not a proper subject for APC consideration because of the litigation. She would be conferring with Mr. Sederquist's attorney.

D. APC Members

Bill Combs asked that a thank you note be sent to Granlibakken for use of the facility for the past two days at no charge. The APC concurred.

Mike Harper advised that the agency for which he worked in Washoe County was now a County planning department and a new planning commission will be established effective July 1, 1984. No change in staffing is anticipated, and no longer is there a Regional Administrative Planning Agency staff in Washoe County.

XI RESOLUTIONS - none

XII CORRESPONDENCE - none

XIII PENDING MATTERS - none

XIV ADJOURNMENT - The APC meeting adjourned at 1:30 p.m.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

Respectfully submitted

[Signature]

Julie D. Frame
Administrative Assistant
2.00.0000 LAND USE PROVISIONS

2.00.01.0 Nature of Land Use Provisions

2.01.00.0 PLAN AREAS

2.01.00.1 Plan Area Statements
2.01.00.2 Applicability
2.01.00.3 Establishment of Plan Areas
2.01.00.4 Precise Boundaries
2.01.00.5 Local Government Specific Plans

2.01.01.0 Land Use Classifications

2.01.01.1 Establishment of Land Use Districts
2.01.01.2 Conservation
2.01.01.3 Recreation
2.01.01.4 Residential
2.01.01.5 Commercial and Public Service
2.01.01.6 Tourist

2.01.02.0 Management Strategies

2.01.02.1 Establishment of Strategies

2.01.03.0 Permitted Uses

2.01.03.1 Prohibited Uses
2.01.03.2 Allowed Uses
2.01.03.3 Special Uses
2.01.03.4 Table of Uses

2.01.04.0 Plan Area Amendment

2.02.00.0 LAND CAPABILITY SYSTEM

2.02.01.0 Establishment of Districts

2.02.01.1 Precise Boundaries
2.02.01.2 Land Capability of Stream Environment Zones

2.02.02.0 Change of Land Capability District Designation

2.02.02.1 Land Capability Challenge
2.02.02.2 Land Capability Report
2.02.02.3 Line Adjustments
2.02.02.4 New Land Capability Districts

2.02.03.0 Man-Modified Challenge

2.02.03.1 Man-Modified Report

2.02.04.0 Limitations on Land Coverage
2.03.00.0 LAND USE STANDARDS

2.03.01.0 Land Coverage Standards
   2.03.01.1 Land Coverage Limitations
   2.03.01.2 Calculation of Land Coverage
   2.03.01.3 Land Coverage in Excess of Land Capability
   2.03.01.4 Transfer of Land Coverage Limitations
   2.03.01.5 Application to Regional Public Facilities
   2.03.01.6 Overhang Allowance

2.03.02.0 Height Standards
   2.03.02.1 Height Limitations
   2.03.02.2 Additional Height
   2.03.02.3 Existing Nonconforming Height

2.03.03.0 Noise Standards
   2.03.03.1 Single Noise Events
   2.03.03.2 Cumulative Noise Events
   2.03.03.3 Noise Level Management
   2.03.03.4 Noise Level Enforcement
   2.03.03.5 Exceptions to Noise Standards

2.03.04.0 Density Limitations
   2.03.04.1 Maximum Density for New Uses
   2.03.04.2 Calculation of Densities

2.03.05.0 Application of Best Management Practices
   2.03.05.1 Applicability
   2.03.05.2 Minimum Standards
   2.03.05.3 Time Limits

2.03.06.0 Prohibition of Development in Stream Environment Zones
   2.03.06.1 Applicability
   2.03.06.2 Exceptions to the Prohibition
   2.03.06.3 Stream Restoration by a Public Agency

2.03.07.0 Outdoor Advertising
   2.03.07.1 Off-Premise Signs
   2.03.07.2 On-Premise Signs Commercial
   2.03.07.3 Real Estate Signs
   2.03.07.4 Political Signs
   2.03.07.5 Directional and Safety Signs
   2.03.07.6 Other Standards

2.04.00.0 TRPA DESIGN REVIEW GUIDELINES

2.04.01.0 Applicability to Projects
2.04.02.0 Local Design Review Guidelines
2.04.03.0 Contents

2.05.00.0 SCENIC
2.05.01.0 Scenic Restoration Areas
2.05.02.0 Scenic Corridors

2.06.00.0 HISTORICAL PRESERVATION
2.06.01.0 Applicability
  2.06.01.1 New Construction on Designated Historical Site or District
  2.06.01.2 Repair, Maintenance and Reconstruction
  2.06.01.3 Demolition
  2.06.01.4 Eligible Landmarks

2.06.02.0 Criteria for Determination of Historical Significance

2.06.03.0 Variance for Historically Significant Structures and Districts

2.07.00.0 NONCONFORMITY
2.07.01.0 Nonconforming as to Use
  2.07.01.1 Right to Continue a Nonconforming Use
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CHAPTER 2 7/3/84 DRAFT

2.00.00.0 LAND USE PROVISIONS:

2.00.01.0 Nature of Land Use Provisions: This Chapter is intended to explain in general terms the nature and operation of the land use provisions of the Regional Plan. The land use provisions consist of the establishment of planning areas throughout the Region which are designated as one of five land use classifications, designated as one of three management strategies, and designated with special area regulations; the establishment of a land capability system which designates lands as to one of seven land capability districts; and other land use regulations that apply throughout the Region.

2.01.00.0 PLAN AREAS:

2.01.00.1 Plan Area Statements: As indicated in the Regional Plan for the Lake Tahoe Basin Part I goals and Policies, Plan Area Statements provide planning direction for specific areas of the region. Each plan area has a plan area statement which describes the specific plan direction for that area and land use regulations specific to that area. The policy direction and regulations found within a plan area statement are consistent with the adopted Environmental Threshold Carrying Capacities and the above-mentioned Goals and Policies Plan, do not individually or cumulatively exceed those regional limitations.

Each plan area statement as adopted requires the application of the standards of this code to its particular area. However, the plan area statement may modify the ordinance standards applicable to an area, providing such modification is consistent with the goals and policy plan and the Environmental Threshold Carrying Capacity Limitations. A plan area statement includes the land use classification, the management strategy, special designations, description, planning considerations, a planning statement, special policies, special regulations, estimates of development potential, and proposed improvements related to that area. Such plan area statements are set forth in the Regional Plan for the Lake Tahoe Basin, Park I, Plan Area Statements, (September, 1984) as amended.

2.01.00.2 Applicability: All projects considered under the provisions of this ordinance shall also be considered under the requirements of the Plan Area in which the project is located. In the event of a
conflict between the provisions of this ordinance and a Plan Area Statement, the Plan Area Statement requirements shall apply.

2.01.00.3 Establishment of Plan Areas: The plan areas are hereby established as depicted on the TRPA Plan Area Overlay Maps, (July 1983), as amended, at 1" = 400' scale and 1" = 2,000 scale.

2.01.00.4 Precise Boundaries: When uncertainty exists with respect to the boundaries of any plan area because of the scale of the maps or for any other reasons which make exact boundary determination difficult or uncertain, the precise boundary line shall be established by referencing the TRPA Plan Area Overlay Maps, (July 1983), as amended at 1" = 400' scale, and 1" = 2,000 scale, and in addition, if necessary, the following criteria shall be applied:

a. Where plan area boundaries appear to follow the center or right-of-way lines of streets or highways, such lines shall be treated as the plan area boundaries.

b. Where plan area boundaries appear to be approximately parallel to center or right-of-way lines of streets or highways, such boundaries shall be treated as being parallel to such lines and at distances therefrom as indicated on the Plan Area Overlay Maps, (July 1983), as amended at 1" = 400' scale and at 1" = 2000' scale.

c. Where plan area boundaries appear to follow ownership boundaries, such ownership boundaries shall be treated as the plan area boundaries.

2.01.00.5 Local Government Specific Plans: Each planning area may vary in detail or specificity depending on the nature of the area or the detail or specificity of local jurisdiction's plans. It is the intent of the planning area concept to encourage local jurisdictions to prepare specific plans consistent with the direction of this Plan. These could be substituted for plan area statements initially prepared by the Agency. However, the TRPA plan area statements will be in effect until such specific plans are presented and approved by the TRPA Governing Board. If no specific plans are submitted within two years from the adoption of this Code, the Agency will prepare more detailed plan area statements where they are needed. This does not preclude a local government or the
Agency from approving a specific plan at any time. All plans prepared by the Agency will be coordinated with affected jurisdictions. Specific plans adopted as per this section may not be less restrictive than the Plan Area Statement applicable to the area.

2.01.01.0 Land Use Classifications:

2.01.01.1 Establishment of Land Use Districts: The five (5) land use classifications that in combination with applicable management strategies establish land use direction as set forth in the TRPA, 1983 Regional Plan for the Lake Tahoe Basin, Part I, Plan Area Statements, (September 1984) as amended. The uses permitted within each of the five (5) land use districts in combination with the three (3) management strategies are established in Subsection 2.01.03.0. The following descriptions of the classifications are illustrative for the determination of the proper land use designation and types of uses consistent with the Regional Plan.

2.01.01.2 Conservation: The purpose of this district is to identify those non-urban lands with value as primitive or natural areas, with definite environmental limitations on use and with a potential for dispersed recreation use and/or low intensity resource management. Also it is to identify those areas that, in general, must be preserved and managed to attain the environmental thresholds. These areas include, (a) public lands already set aside for conservation purposes, (b) high-hazard lands, stream environment zones, and other fragile areas without substantial existing improvements, (c) isolated areas which do not contain the necessary infrastructure for development, (d) areas capable of sustaining only passive recreation or non-intensive agriculture, and (e) areas suitable for low-to-moderate resource management.

2.01.01.3 Recreation: The purpose of this district is to identify those non-urban lands with good potential for outdoor recreation, park use or concentrated recreation; and to identify (a) areas of existing private and public recreational use, (b) designated local, state and federal recreational areas, (c) areas without over-riding environmental constraints on resource management or recreation, and (d) areas with unique recreational resources which may serve public needs, such as beaches and ski areas.
2.01.01.4 Residential: The purpose of this district is to identify those urban lands having potential to provide housing for the residents of the Region; to establish density patterns related to both the physical and man made characteristics of the land and to allow accessory and nonresidential uses that complement the residential neighborhood; and to identify (a) areas now developed for residential purposes, (b) areas for new single family development which conform to the development priorities and the single family evaluation system, and (c) areas within urban boundaries and services lines.

2.01.01.5 Commercial and Public Service: The purpose of this district is to identify those urban lands that have been committed to providing commercial and public services to the Region or have the potential to provide future commercial and public services; to provide the concentration of such services for public convenience, protection of incompatible uses and to allow other noncommercial uses that are compatible with the purpose of this district and other goals of the Regional Plan; and to identify (a) areas that are now developed for commercial or public service uses, (b) areas now designated for public services or are in public ownership, (c) areas suitable to encourage the concentration of compatible services, (d) areas of good and moderate land capability, and (e) areas with adequate public services and transportation linkages.

2.01.01.6 Tourist: The purpose of this district is to identify those urban lands that have existing and potential commitments to provide intensive tourist accommodations and services or intensive recreation; and to identify, (a) areas developed with high concentrations of visitor accommodations, (b) gaming areas, (c) lands of good and moderate land capability, and (d) areas with adequate public services and transportation linkages.

2.01.02.0 Management Strategies:

2.01.02.1 Establishment of Strategies: The three (3) management strategies when in combination with the five (5) land use districts provide standards to carry out the goals and policies of the Plan and are designated in the Regional Plan for the Lake Tahoe Basin, Part I, Plan Area Statements, (September 1984) as amended. The management strategies are hereby established as follows:
a. **Maximum Regulation:** This designation applies primarily to conservation areas. Areas with this designation shall be strictly regulated to ensure preservation and enhancement of the existing environment, with little or no additional development of residential, commercial, tourist, recreational or public service uses.

b. **Development with Mitigation:** This designation is the predominant management strategy in the Regional Plan. Most areas of existing residential, tourist, commercial, public service and recreational use carry this designation. Areas with this designation can accommodate additional development if the impacts are fully mitigated and the land is capable of withstanding the use. Both on-site and off-site mitigation of environmental impacts from development shall be required.

c. **Redirection of Development:** This designation is designed to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and redevelopment of existing structures and uses. The purpose of this designation is to reduce impervious coverage, restore natural environments, improve the efficiency of transportation systems, and provide high-quality facilities for residents and visitors alike. Local government participation in redevelopment of these areas will be encouraged. Acts of development in redirection areas may require the preparation and approval of a redirection plan for all or part of the area. In the absence of a redirection plan, specific projects will be reviewed based on the management theme of development with mitigation.

2.01.03.0 **Permitted Uses:** None but the uses listed as allowed or special uses under the appropriate land use classification and management strategy in Section 2.01.03.4 shall be permitted; provided such uses are in compliance with the standards set forth in this Code, and with the use restrictions set forth in the affected planning area. The Table in Section 2.01.03.4 lists the uses permitted in the land use districts under the management strategies. Uses, as defined within this Ordinance, are categorized as prohibited, allowed, or special uses as described below.

2.01.03.1 **Prohibited Uses:** Uses listed in Section 2.01.03.4 as prohibited (P) are determined not to be appropriate uses for the subject district and therefore
are not permitted. Existing uses that are considered prohibited are allowed to continue as permitted by this Code.

2.01.03.2 **Allowed Uses:** Uses listed in Section 2.01.03.4 as allowed (A) are determined to be appropriate uses for the subject district and therefore may be permitted. Allowed uses are assumed compatible with the direction of the Plan and existing uses unless otherwise specified in the plan area statement.

2.01.03.3 **Special Uses:** Uses listed in Section 2.01.03.4 as special use(s) may be determined to be appropriate uses for the subject district. To establish a special use as an appropriate use, the Agency shall make the following findings based upon substantial evidence. Upon making such findings, the project or activity may be considered for Agency action subject to the requirements of this Code.

a. The proposed project to which the use is related is of such a nature, scale, density, intensity and type of use that it is determined to be an appropriate use for the area in which it will be located.

b. The proposed project is consistent with: (1) the direction of the plan area statement in which it is or will be located; (2) the direction of the Regional Goals and Policies Plan; (3) the criteria of the TRPA Design Review Guidelines; and (4) planned attainment of Environmental Threshold Carrying Capacities.

c. Approval of the project does not under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare nor injurious to nearby property improvements.

2.01.03.4 **Table of Uses:**
Section 2.01.03.4 TABLE OF USES: The following are the generally allowed, special or prohibited uses within a given district. A plan area statement for a given district may override this Table of Use as set forth in plan area special regulation.

<table>
<thead>
<tr>
<th>USES* BY LAND USE DISTRICT BY MANAGEMENT STRATEGIES**</th>
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<tbody>
<tr>
<td>USES</td>
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<td>Residential</td>
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<tr>
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<td>Mobile home developments</td>
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<tr>
<td>Mobile home dwellings</td>
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<tr>
<td>Multi-family dwellings</td>
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<td>Nursing and personal care</td>
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<td>Multi-person dwellings</td>
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<td>Residential accessory uses</td>
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<td>Residential care</td>
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<td>Summer homes</td>
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<td>Temporary dwelling</td>
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<tr>
<td>Tourist Accommodation</td>
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<tr>
<td>Bed and breakfast facilities</td>
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<tr>
<td>Hotel, motels, and other</td>
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<tr>
<td>transient dwelling units</td>
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<tr>
<td>Recreational vehicle park</td>
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<tr>
<td>Time sharing (Hotel/Motel Design)</td>
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<tr>
<td>Time sharing (Resid. Design)</td>
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<tr>
<td>Resort</td>
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</tbody>
</table>

* P = Prohibited; A = Allowed; S = Special Use
** MRE = Maximum Regulation; MIT = Development with Mitigation; RDI = Redirection of Development
<table>
<thead>
<tr>
<th>USES</th>
<th>CONSERVATION</th>
<th>RECREATION</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>TOURIST</th>
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<td>A. Retail (cont.)</td>
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<td>Eating and drinking places</td>
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<td>C. Services</td>
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<td>Launderies and dry cleaning</td>
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<td>Storage yards and sales</td>
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<tr>
<td>yards</td>
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</tbody>
</table>

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<td>D. Manufacturing</td>
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<td>Food and kindred products</td>
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<td>P P P P</td>
<td>P P P P</td>
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<td>P P P P</td>
<td>S A A S S S P P</td>
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<td>E. Wholesale/Storage</td>
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IV. Public Service

Broadcasting studios | P P P P | P P P P | P P P P | P P S A S A S A |
Cemeteries | P S S S P S S S S S S S S S S S S S S S S S S S |
Churches | P P P P | S S S S | S S S S | S S S S | S S S S |
Cultural facilities | P P P P | S S S S | S S S S | S S S S | S S S S |
Government offices | P P P P | P S S S | P S S S | P A A P S S |
Hospitals | P P P P | P S S S | P S S S | P S S S |
Membership organizations | P P P P | P S S S | P S S S | P A A S A A |
| Pipelines and power transmission | P S S S | S S S S | S S S S | S S S S | S S S S |
| Power generating | P S S S | S S S S | S S S S | P P P P | P S S S |
Public assembly and entertainment facilities | P P P S | P S S S | S S S S | S S S S | S A A S A |
Public safety facilities | P S S S | S S S S | S S S S | S S S S |
Public utility centers | P S S S | S S S S | S S S S | A A A S S |
Schools - pre-through secondary | P P P P | P P S S | P S S S | S S S S |

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### IV. Public Service (cont.)

<table>
<thead>
<tr>
<th>Social service organizations</th>
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<td>MIT</td>
<td>RDI</td>
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<td>MIT</td>
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<tr>
<td>Transmission and receiving facilities</td>
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<td>Waste disposal sites</td>
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### V. Recreation

#### A. Urban Recreation

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<th>Marina</th>
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<td>RDI</td>
<td>MRE</td>
<td>MIT</td>
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<td>Temporary events</td>
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#### B. Rural Recreation

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<td>S</td>
</tr>
<tr>
<td>Rural sports and group facilities</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Snow mobile courses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Undeveloped campgrounds</td>
<td>S</td>
<td>S</td>
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</tr>
</tbody>
</table>

### VI. Resource Management

#### A. Timber Management

<table>
<thead>
<tr>
<th>Reforestation</th>
<th>CONSERVATION</th>
<th>RECREATION</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>TOURIST</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MRE</td>
<td>MIT</td>
<td>RDI</td>
<td>MRE</td>
<td>MIT</td>
</tr>
<tr>
<td>Regeneration harvest</td>
<td>P</td>
<td>A</td>
<td>A</td>
<td>S</td>
<td>A</td>
</tr>
<tr>
<td>Sanitation salvage cut</td>
<td>S</td>
<td>A</td>
<td>A</td>
<td>S</td>
<td>A</td>
</tr>
<tr>
<td>Selection cut</td>
<td>P</td>
<td>A</td>
<td>A</td>
<td>P</td>
<td>A</td>
</tr>
<tr>
<td>Special cut</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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</table>

* P = Prohibited; A = Allowed; S = Special Use
** MRE = Maximum Regulation; MIT = Development with Mitigation; RDI = Redirection of Development
<table>
<thead>
<tr>
<th>USES</th>
<th>CONSERVATION MRE MIT RDI</th>
<th>RECREATION MRE MIT RDI</th>
<th>RESIDENTIAL MRE MIT RDI</th>
<th>COMMERCIAL MRE MIT RDI</th>
<th>TOURIST MRE MIT RDI</th>
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<tbody>
<tr>
<td>A. Timber Management (cont.)</td>
<td></td>
<td></td>
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<tr>
<td>Thinning</td>
<td>P A A</td>
<td>S A A</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
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<tr>
<td>Timber stand improvement</td>
<td>P A A</td>
<td>S S S</td>
<td>P P P</td>
<td>P P P</td>
<td>P P P</td>
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<tr>
<td>Tree Farms</td>
<td>P S S</td>
<td>P S S</td>
<td>P S S</td>
<td>P S S</td>
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</tr>
<tr>
<td>B. Wildlife and Fishes</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Early successional stage vegetation</td>
<td>S A A</td>
<td>S A A</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
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<tr>
<td>Non-structural fish habitat management</td>
<td>S A A</td>
<td>S A A</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
</tr>
<tr>
<td>Non-structural wildlife habitat management</td>
<td>S A A</td>
<td>S A A</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
</tr>
<tr>
<td>Structural fish habitat management</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
</tr>
<tr>
<td>Structural wildlife habitat management</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
</tr>
<tr>
<td>C. Range</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm/Ranch accessory structures</td>
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<td>Grazing</td>
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<td>P P P</td>
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<tr>
<td>Range pasture management</td>
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<td>P P P</td>
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<tr>
<td>Range improvement</td>
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<td>P P P</td>
<td>P P P</td>
<td>P P P</td>
<td>P P P</td>
</tr>
<tr>
<td>E. Vegetation Protection</td>
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<td></td>
<td></td>
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<tr>
<td>Fire detection and suppression</td>
<td>A A A</td>
<td>A A A</td>
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<td>A A A</td>
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<tr>
<td>Fuels treatment</td>
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<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
<td>S S S</td>
</tr>
<tr>
<td>Insect and disease suppression</td>
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<td>A A A</td>
<td>A A A</td>
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</tr>
<tr>
<td>Prescribed fire management</td>
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<td>S A A</td>
<td>P P P</td>
<td>P P P</td>
<td>P P P</td>
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<td>Sensitive plant management</td>
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<td>A A A</td>
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</tr>
<tr>
<td>Uncommon plant community management</td>
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<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
</tr>
<tr>
<td>F. Watershed Improvements</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Erosion control</td>
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<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
</tr>
<tr>
<td>SEZ restoration</td>
<td>S A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
</tr>
<tr>
<td>Runoff control</td>
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<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
<td>A A A</td>
</tr>
<tr>
<td>VII. Other Uses Not Listed</td>
<td>Status to be established on a case-by-case evaluation by the TRPA Governing Board.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* P = Prohibited; A = Allowed; S = Special Use
** MRE = Maximum Regulation; MIT = Development with Mitigation; RDI = Redirection of Development
2.01.04.0 **Plan Area Amendment:** A modification of plan area boundaries, a change in designation, a modification of plan area regulations or any other change affecting the land use regulations of a plan area requires a regional plan amendment pursuant to the regulations of the Agency.

2.02.00.0 **LAND CAPABILITY SYSTEM:**

2.02.01.0 **Establishment of Districts:** The (7) land capability districts in combination with 3 geomorphic groups are established in the report entitled *Land Capability Classifications of the Lake Tahoe Basin*, Bailey, R.G., 1974. These districts and groups are made part of this ordinance. The land capability district boundaries are hereby established as depicted on the TRPA Land Capability Overlays, (July 1983), as amended, at 1" = 400' scale and at 1" = 2000' scale.

2.02.01.1 **Precise Boundaries:** The location of precise boundaries of land capability districts shall reflect the ecological and other considerations that led to the classifications of the lands in the districts that the boundary lines separate. Determination of precise boundaries on a property may be made by the Agency without amendment to the land capability map subject to a project approval. The determination may not result in a major adjustment of the boundaries (i.e., creation of new districts, elimination of districts, substantially affects development potential, etc.) that would otherwise require an amendment pursuant to Subsection 2.02.02.1. Reference shall be made to the criteria set forth in the report entitled *Land Capability Classification of the Lake Tahoe Basin*, Bailey, R.G., 1974 and all boundary line determinations shall be consistent with such criteria.

2.02.01.2 **Land Capability of Stream Environment Zones (SEZ):** Lands having the characteristics of stream environment zones as defined by this ordinance shall have land capability classification 1b.

2.02.02.0 **Change of Land Capability District Designation:** The land capability districts depicted on the TRPA Land Capability Overlays, (July 1983), as amended, at 1" = 400' scale and at 1" = 2000' scale may be modified by approval of an amendment to the Regional Plan only as follows:

2.02.02.1 **Land Capability Challenge:** Upon a showing in a Land Capability Report submitted by the Agency or an applicant that a significant land area exhibits the characteristics of a land capability district other than the one depicted on the TRPA land capability maps, the land capability maps may be
so amended to reflect the change in land capability. The limitations of such other district shall apply to the subject land area.

2.02.02.2 Land Capability Report: The Land Capability Report submitted by the applicant pursuant to this section shall contain information concerning the environmental and use capacity of a land area of approximately five (5) acres or more in size, unless a more precise mapping unit is adopted, at which time the smaller unit may be used. The report shall contain detailed information (as prescribed in guides issued by the TRPA) concerning topography, soils capabilities and limitations, surface and ground water conditions, geomorphology, vegetation characteristics and related environmental factors pertinent to the subject land area. Such report shall be reviewed by an Agency team of experts to determine the adequacy of the report.

2.02.02.3 Line Adjustments: Adjustments of existing land capability lines other than minor adjustments which occur under Section 2.02.01.1 shall require amendment to the land capability maps. Such adjustments shall not create new districts, however, they may substantially affect permitted land coverages and uses and may apply to more than one property.

2.02.02.4 New Land Capability Districts: The creation of a new land capability district shall require amendment to the land capability maps. The creation of a new mapped land capability district shall be approximately 5 acres or more in size and the creation of a new mapped geomorphic unit shall be approximately one square mile or more in size, unless a more precise mapping unit is adopted, at which time the smaller unit may be used.

2.02.03.0 Man Modified Challenge: Upon a showing in a Man-Modified Report submitted by an applicant or the Agency that the land area in question was modified prior to February 10, 1972, by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a land capability district other than the one depicted for said land on the TRPA land capability maps. If such showing is made the land coverage limitations of such other district shall apply to said land area.

a. An amendment to the Regional Plan pursuant to this section may be approved by the TRPA only if, it is expressly found that:
(1) The land was modified prior to February 10, 1972, or was modified subject to an Agency permit thereafter by man's placement of fill, dredging or grading in a fashion substantially altering the land's soil and geomorphic characteristics;
(2) Further development will not exacerbate the problems caused by development that the original capability rating was meant to avoid;
(3) The area no longer exhibits the characteristics of the original capability rating;
(4) Restoration is infeasible;
(5) Further development can be mitigated off-site; and
(6) Mitigation is provided to at least partially offset the losses which were caused by modification of the land capability district.

b. Approval of an amendment to the Regional Plan pursuant to this section may be subject to reasonable conditions, including but not limited to the requirement that mitigation measures be implemented to minimize the environmental impact of the land in its modified state. The failure of the applicant to comply with any such condition, or the applicant's violation of any term or provision of the approval, shall be grounds for the Agency's enforcement thereof through any lawful means, including but not limited to revocation of said approval, after notice and hearing, and the recording in the office of the pertinent county recorder of documentation notifying interested persons of the noncompliance or violation.

2.02.03.1 Man-Modified Report: The Man-Modified Report submitted by the applicant pursuant to this Section shall contain detailed information (as prescribed in guides issued by the TRPA) concerning:

(1) A statement of geomorphic characteristics;
(2) An analysis of surface and subsurface hydrology;
(3) A statement of physical and chemical soil characteristics;
(4) An analysis of erosion hazard;
(5) An analysis of vegetation;
(6) A statement identifying the land capability characteristics resulting from the modification and an opinion by a qualified expert or experts identifying the land capability district generally exhibiting those characteristics; and
(7) Additional information as may reasonably be required by the Agency to properly assess the merits of the application.
2.02.04.0 Limitations on Land Coverage: The limits on land coverage in each of the land capability districts, except as otherwise provided in Subsection 2.03.01.0, are as established in this section. Said limits are to be calculated and are subject to modification in accordance with the provisions of this Ordinance.

<table>
<thead>
<tr>
<th>Lands Located in Land Capability District Number*</th>
<th>Percentage of Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a,b,c</td>
<td>1%</td>
</tr>
<tr>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>3</td>
<td>5%</td>
</tr>
<tr>
<td>4</td>
<td>20%</td>
</tr>
<tr>
<td>5</td>
<td>25%</td>
</tr>
<tr>
<td>6</td>
<td>30%</td>
</tr>
<tr>
<td>7</td>
<td>30%</td>
</tr>
</tbody>
</table>

*Lands located in Geomorphic Group I are automatically classified capability 1 and are permitted 1% coverage.

2.03.00.0 LAND USE STANDARDS: The following are standards applicable throughout the Region. The maximum limitations set forth in this section are not subject to variance provisions set forth in Section 1.14.00.0. When such standards are in conflict with more restrictive standards found elsewhere in the ordinance or plan the most restrictive standard shall apply unless otherwise stated such as in a plan area statement.

2.03.01.0 Land Coverage Standards: The land coverage provisions for the region are as follows. It should be noted that other regulations found elsewhere, such as in Chapter 9 Growth Management, Plan Area Statements, and provisions for non-conforming land coverage may significantly alter the following regulations:

2.03.01.1 Land Coverage Limitations: The following limitations shall apply to the creation of land coverage:

a. No person shall create land coverage in excess of the limitations set forth in this section in this ordinance.

b. The total land coverage proposed, including land coverage existing or previously approved in the land area, may not exceed the limitations of this ordinance.

c. Land coverage associated with existing regional public facilities pursuant to Subsection 2.03.01.5 shall not be considered in the calculation of land coverage except in review of the facility itself or as in (d) below.
d. Existing or proposed land coverage for nonaccess purposes, which primarily serves the development in question and is located within the existing public right-of-way, shall be accounted for by either the lot owner or the right-of-way owner.

2.03.01.2 Calculation of Land Coverage: Land coverage shall be calculated as follows.

a. Calculation of Land Area: The total land area of the project shall be calculated as follows:

(1) The permissible amount of land coverages shall be calculated using all of all contiguous land owned or controlled by the applicant.

(2) The area upon which the calculation is based shall not include lands under the high water lines of bodies of water, such as lakes and ponds, or those lands underlying covered surfaces associated with existing facilities identified as regional public facilities pursuant to Subsection 2.03.01.5.

(3) A separate calculation shall be made for the lands in such areas that are contained in different land capability districts if the limitations of Subsection 2.02.04.0 are to apply.

b. Calculation of Amount of Permissible Land Coverage: The amount of permissible land coverage shall be determined by applying the coefficients set forth in Subsection 2.02.04.0 to the land area as determined by Subsection 2.03.01.2(a). The permissible extent of land coverage for the lands within each district can only be placed on those lands within such district and cannot be transferred to lands in other districts within such areas, except as otherwise provided in this ordinance.

2.03.01.3 Land Coverage in Excess of Land Capability: The Agency may authorize land coverage in excess of that permitted by Subsection 2.02.04.0 as follows:

a. Single Family Houses:

(1) The following land coverage limitations, if greater than the amounts otherwise allowed in the land capability district
in which the lot in question is located, shall apply to lots contained in any approved vested subdivision or legally created parcels, except as provided in (2) and (3) below:

<table>
<thead>
<tr>
<th>Lot Size (Square Feet)</th>
<th>Maximum Land Coverage (Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 2,339</td>
<td>As Per Section 2.02.04.0</td>
</tr>
<tr>
<td>2,400 - 3,000</td>
<td>1,700</td>
</tr>
<tr>
<td>3,001 - 4,000</td>
<td>2,000</td>
</tr>
<tr>
<td>4,001 - 6,000</td>
<td>2,300</td>
</tr>
<tr>
<td>6,001 - 9,000</td>
<td>2,600</td>
</tr>
<tr>
<td>9,001 - 13,000</td>
<td>2,800</td>
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<td>13,001 - 15,000</td>
<td>3,000</td>
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<td>15,001 - 30,000</td>
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<td>3,400</td>
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<td>40,001 - 86,000</td>
<td>3,600</td>
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<td>86,001 - 172,000</td>
<td>3,800</td>
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<tr>
<td>172,001 - 400,000</td>
<td>4,000</td>
</tr>
<tr>
<td>Over 400,000</td>
<td>1% of the lot or parcel</td>
</tr>
</tbody>
</table>

(2) Pre-Existing Lots in Plan Unit Developments: For lots in plan unit developments, the permitted land coverage shall be up to 100% of the building envelope, but the permitted coverage shall not exceed 2,500 square feet.

(3) TRPA approvals: Except as otherwise provided in this paragraph, residential development proposals subject to an existing valid TRPA approved plan or subdivision map shall be permitted impervious coverage in accordance with the table set forth in (1) and (2) above. When TRPA approval of a subdivision allocates coverage among all lots or parcels within a subdivision so that the total coverage within the subdivision, taking into account all subdivision improvements and dedicated open space as well as allocations to individual lots does not exceed land capability coverage limitations, the allocations set by the subdivision approval shall determine the coverage allowable on each lot.

b. Areas Subject to Agency Approved Redevelopment Plans:

(1) A redevelopment plan, whose primary use is commercial or public service and is
located in a redirection planning area designated as "Commercial and Public Service or Tourist", may be permitted land coverage up to 70% of the redevelopment project area.

(2) A redevelopment plan, whose primary use is tourist accommodation or multiple residential use and is located in a redirection planning area designated as "Commercial and Public Service", "Tourist", or "Residential" may be permitted land coverage up to 50% of the redevelopment project area.

(3) The amount of permissible land coverage in excess of that permitted by Subsection 2.02.04.0 shall be determined by the Agency upon a showing by the applicant in the preliminary redevelopment plan that such coverage is justified. Such consideration shall include the amount of existing coverage, the extent of existing disturbance, the amount of proposed restoration, the overall improvement to the area, consistency with the direction of the Plan Area Statement, the land capability characteristics of the site and other such considerations when determining the amount of excess coverage permitted.

c. Commercial and Public Service Uses: Uses listed in the Table of Uses, Subset 2.01.03.4, as commercial or public service may be permitted land coverage up to 50% of the land area of the project provided such use is located in plan area designated as "Commercial and Public Service" or is designated for such coverage in a Plan Area Statement. The amount of such land coverage in excess of that permitted by Subsection 2.02.04.0 shall be determined by the Agency upon a showing by the applicant that such coverage is justified. Such consideration shall include the amount of existing coverage, the extent of disturbance to the site, the consistency with the overall direction of the plan area, the land capability characteristics of the site and other such considerations when determining the amount of excess coverage permitted.

d. Affordable or Government Assisted Housing: Projects which provide for affordable or government assisted housing may be permitted coverage up to 50% of the land area of the
project. Such facilities shall be designed and occupied in accordance with local, state, and federal standards for lower income and/or very low income households. The consideration of excess land coverage shall include the considerations set forth in (c) above, plus the proximity to employment centers, government services, and transit.

2.03.01.4 Transfer of Land Coverage Limitations: Land coverage transferred pursuant to Subsection 9.02.04.0 shall not exceed the limitations as follows:

a. Excess Land Coverage For Commercial Uses: Lands designated as eligible to receive transferred land coverage and whose proposed use is predominately commercial use as listed in the Table of Uses may be permitted land coverage up to 70% of the land area of the project site. The amount of land coverage in excess of that permitted by Subsections 2.01.03.4(c) and 2.02.04.0 shall be determined by the Agency upon approval of the transfer of land coverage pursuant to Subsection 9.02.04.0. Such consideration shall include the amount of existing coverage, the extent of disturbance to the site, the consistency with the overall direction of the planning area, the land capability characteristics of the site and other such considerations when determining the amount of excess coverage permitted. The burden of proof in regards to reducing the land coverage permitted under this section is upon the Agency.

b. Excess Land Coverage for Tourist and Multi-Residential: Land designated as eligible to receive transferred land coverage and whose proposed or existing use is predominately multiple residential or tourist accommodation as listed in the Table of Uses may be permitted land coverage up to 50% of the land area of the project. The amount of land coverage in excess of that permitted by Subsection 2.02.04.0 shall be determined by the Agency upon approval of the transfer of land coverage pursuant to Subsection 9.02.04.0. Such consideration shall include the amount of existing coverage, the extent of disturbance to the site, the consistency with the overall direction of the planning area, the land capability characteristics of the site and other such considerations when determining
the amount of excess coverage permitted. The burden of proof in regards to reducing the land coverage permitted under this section is upon the Agency.

c. **Excess Land Coverage for a Local Road:**
Transfer of land coverages in excess of those permitted by Section 2.03.00.0 may be authorized by issuance of a TRPA permit if such excess coverage exists or is to be created in connection with the construction or improvement of a local road which construction or improvements: (a) is required to provide access to a property other than that owned by the applicant; (b) will be constructed or maintained by a public agency or is required to be so constructed or improved by the terms of a lawfully created easement recorded prior to February 10, 1972; (c) the road is designed to minimize land alteration and prevent erosion; and (d) the road as so constructed or improved will be sited in such a manner as to minimize the additional coverage.

2.03.01.5 **Application to Regional Public Facilities:**

a. As provided in Subset 2.03.01.1, the limitations on land coverage established by this ordinance shall not apply to certain existing public facilities identified by the TRPA as regional public facilities. The TRPA shall make the following findings to identify a public facility as a regional public facility:

(1) The linear configuration of the facility and associated land area makes it impractical to comply with the applicable land coverage limitations; and
(2) The facility is administered by a public agency; and
(3) The facility primarily serves the needs of persons other than those who are, or will be, residents of the lands in question, or customers of the owners or users of such land.

b. Existing regional public facilities may be permitted the land coverage that existed at the time of the adoption of this ordinance.

c. Regional public facilities may be permitted new land coverage up to 50% of the project area upon a finding by the Agency that the excess coverage is the minimum amount required to effectuate the project. Land
coverage in excess of the 50% limitation may be permitted by the Agency if the land coverage in excess of 50% is transfer as per Section 9.02.04.0.

2.03.01.6 Overhang Allowance: The Agency may not count overhangs as land coverage if the overhang allows 75 percent of the normal rainfall to reach the ground surface. For calculating overhang allowance, the following formula shall be used: For every three feet off of the ground surface, one foot of the horizontal overhang dimension may be excluded from land coverage calculations.

2.03.02.0 Height Standards:

2.03.02.1 Height Limitations: No building or other structure erected in any land use district shall have a height greater than that specified below. Appurtenances such as chimneys and vents may be erected to a fifteen (15) percent greater height than specified below. Building height shall be the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the height of the highest gable of a pitch or hip roof. Grade is the average of the finished ground level at the center of all walls of a building or structure.

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Permitted Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>25</td>
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<tr>
<td>Recreation</td>
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</tr>
<tr>
<td>Residential</td>
<td>25</td>
</tr>
<tr>
<td>Commercial/Public Service</td>
<td>30</td>
</tr>
<tr>
<td>Tourist</td>
<td>30</td>
</tr>
</tbody>
</table>

2.03.02.2 Additional Height: No building or other structure erected in any land use district shall have a greater height than specified in Subset 2.03.02.2 except that the Agency may authorize additional height if it finds that (a) provision has been made for protection from fire hazards and against aviation accidents; (b) consideration has been given to the protection of view and to the character of the neighborhood; (c) proper provision has been made for light and air; and (d) such greater height will not adversely impact, singularly or cumulatively the attainment of the scenic ratings established by the scenic thresholds. Such additional height is limited to the following provisions. Provisions a, b, and c, when cumulatively applied, can not exceed 10 feet above limitations set forth in Subset 2.03.02.1.
a. Cross Slope Allowance for Residential Structures: Permitted heights may be modified with respect to residential buildings by permitted height limits of 25 feet, plus 1 foot for each 3% of cross slope, measured at the building site.

b. Exemption for Solar Systems: Additional height, not to exceed 5 feet, shall be permitted by the Agency exclusively for the installation of solar energy collection, storage and distribution systems certified by a registered engineer to be in conformance with appropriate federal, state, and local standards.

   The Agency shall grant this exception only if it is expressly found that the proposed solar energy system could not reasonably be constructed or would not adequately operate the absence of the additional height and there would not be any adverse environmental impacts.

c. Additional Height for Roof Pitch: Permitted heights may be increased up to 5 additional feet from those specified in Subset 2.03.02.1 to increase the roof pitch of a structure. The increase in roof pitch shall not permit the floor area of the structure to increase beyond that which would have been allowed without the additional height.

d. Projects Requiring Additional Height: Permitted heights may be increased up to the minimum height required to feasibly implement certain projects. Such projects are limited to communication towers and antennas, utility poles, public safety protection facilities, ski lift towers and other projects the Agency finds to be similar in nature or infeasible without the additional height.

e. Redevelopment Projects: Projects approved pursuant to Section 9.05.0000 may be permitted heights up to 40 feet.

2.03.02.3 Existing Nonconforming Height: Structures exceeding the limitations of this subsection which existed or were approved prior to the adoption of this Code may be permitted such height subject to the required findings of Section 2.03.02.2. If the findings can not be made, such structures shall be treated as nonconforming under the provisions of Section 2.07.00.0.

2.03.03.0 Noise Standards: This section establishes cumulative and single event standards for acceptable outdoor noise levels and how noise is to be measured.
2.03.03.1 Single Noise Events: The sound levels in the following table shall not be exceeded at the location of measurement by any project or activity.

<table>
<thead>
<tr>
<th></th>
<th>Overall</th>
<th>Less Than 35 MPH</th>
<th>Greater Than 35 MPH</th>
<th>Monitoring Distances</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aircraft</strong></td>
<td>80&lt;sup&gt;1&lt;/sup&gt;</td>
<td>--</td>
<td>--</td>
<td>6,500 m - start of takeoff roll</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,000 m - runway threshold approach</td>
</tr>
<tr>
<td></td>
<td>77.1&lt;sup&gt;2&lt;/sup&gt;</td>
<td>--</td>
<td>--</td>
<td>6,500 m - start of takeoff roll</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,000 m - runway threshold approach</td>
</tr>
<tr>
<td><strong>Boats</strong></td>
<td>82</td>
<td>--</td>
<td>--</td>
<td>50 ft. - engine at 3,000 rpm</td>
</tr>
<tr>
<td><strong>Motor vehicles</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>less than 6,000 GVW</td>
<td>--</td>
<td>76</td>
<td>82</td>
<td>50 ft.</td>
</tr>
<tr>
<td>greater than 6,000 GVW</td>
<td>--</td>
<td>82</td>
<td>86</td>
<td>50 ft.</td>
</tr>
<tr>
<td><strong>Motorcycles</strong></td>
<td>--</td>
<td>77</td>
<td>86</td>
<td>50 ft.</td>
</tr>
<tr>
<td><strong>Off road vehicles</strong></td>
<td>--</td>
<td>72</td>
<td>86</td>
<td>50 ft.</td>
</tr>
<tr>
<td><strong>Snowmobiles</strong></td>
<td>--</td>
<td>82</td>
<td>--</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>
1Not to be effective until five years after adoption of Environmental Threshold Carrying Capacities. This will be accomplished by insituting a level of 84 dBA upon adoption of this Ordinance and reducing that level by 1 dBA a year until 80 dBA is reached in 1988.
2Between the hours of 8:00 p.m. and 8:00 a.m.

2.03.03.2 Cumulative Noise Events: The sound levels in the following table shall not be exceeded at the location of measurement by any one land use or combination of land uses.

Background noise levels (cumulative noise events) shall not exceed existing levels, or the following levels, which ever is less:

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Average noise level or CNEL range (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High density residential areas</td>
<td>55</td>
</tr>
<tr>
<td>Low density residential areas</td>
<td>50</td>
</tr>
<tr>
<td>Hotel/motel facilities</td>
<td>55</td>
</tr>
<tr>
<td>Commercial areas</td>
<td>65</td>
</tr>
<tr>
<td>Urban outdoor recreational areas</td>
<td>55</td>
</tr>
<tr>
<td>Rural outdoor recreational areas</td>
<td>50</td>
</tr>
<tr>
<td>Wilderness and roadless areas</td>
<td>25</td>
</tr>
<tr>
<td>Critical wildlife habitat areas</td>
<td>25</td>
</tr>
</tbody>
</table>

Transportation Corridors

- Highway 50
- Highways 89, 207, 28, 267 and 431
- South Lake Tahoe Airport

1This CNEL value overrides the land use CNEL thresholds if greater and is limited to an area within 300 feet from the edge of the road.
2This CNEL value applies to those areas impacted by the approved flight paths.

2.03.03.3 Noise Level Measurement: For the purpose of evaluating conformance with the standards of this chapter, noise levels shall be measured as follows:

a. Setting of Meter: Any single event noise level measurement made pursuant to the provisions of this ordinance is to be measured with a sound level meter using the A-weighting and "slow" response pursuant to applicable manufacturer's instructions, except that for sounds of a duration of two seconds or less the "fast" response is to be used. Any cumulative event noise measurement shall be made in the CNEL mode.
b. **Calibration of Meter:** The sound level meter is to be calibrated to assure meter accuracy within the tolerances set forth in American National Standards ANSI-SI.4.1971.

c. **Location of Microphone:** All measurements are to be taken at any lot line of the lot containing the use, except as otherwise provided by this subsection. For outside measurements, the measuring microphone is to be not less than four feet above the ground, at least four feet distant from walls or other large reflecting surfaces and shall be protected from the affects of wind noises by wind screens. In cases when the microphone must be located within 10 feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of sources, microphone and reflecting surfaces are to be noted and recorded. In no case is a noise measurement to be taken within five feet of the noise source.

d. **Measured Sound Levels:** Sound levels are to be taken at intervals of 10 seconds or less and an instant reading from the sound level meter recorded. If the noise source is an impulse sound (a duration of one second or less) then each event is to be measured and recorded.

2.03.03.4 **Noise Level Enforcement:**

a. If the Agency or other public entity receives a complaint or detects a violation related to a specific source, the Agency or other public entity will conduct a monitoring study in accordance with Subset 2.03.03.3.

b. Based on the monitoring study, the Agency or other public entity will take action to implement any appropriate enforcement measures to attain the Noise Standards in Subsection 2.03.03.0.

c. This section applies to both proposed and existing projects or activities.

d. Airports shall monitor the noise levels of craft utilizing their facilities. No craft shall be permitted to utilize such facilities if they exceed the limitation of this Subsection.

e. Marinas and boat launching facilities open to the public shall post notices of the noise requirements of this ordinance at their launching facilities.

2.03.03.5 **Exceptions to Noise Standards:** The standards of this chapter are not applicable to noise from:
a. Agency approved construction and maintenance, or the demolition of structures, between 9:00 a.m. and 5:00 p.m.;

b. Safety signals, warning devices, and emergency pressure relief valves;

c. Emergency work to protect life or property.

d. Regulation of other activity preempted by state or federal law.

2.03.04.0 Density Limitations:

2.03.04.1 Maximum Density for New Uses: No person shall create additional density beyond that legally existing upon a site in excess of the following regional limitations or that specified in a plan area statement. In the case of a use designated as special, the permitted density may be reduced to ensure compatibility with the surrounding uses.

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>1 unit per vested lot or parcel</td>
</tr>
<tr>
<td>Summer Home</td>
<td>1 unit per vested lot, parcel, or lease site</td>
</tr>
<tr>
<td>Caretaker Residence</td>
<td>1 unit per lot, parcel, or project site with TDR only</td>
</tr>
<tr>
<td>Employee Housing</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Mobile Home Development</td>
<td>8 units per acre</td>
</tr>
<tr>
<td>Mobile Home Dwellings</td>
<td>1 per approved mobile home site</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Multi-Person Dwelling</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Nursing and Personal Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Residential Care</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>

*For purposes of this Code, 2.5 persons shall be equivalent to 1 residential unit.

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourist</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>20 bedrooms per acre</td>
</tr>
<tr>
<td>Hotel, Motel and other</td>
<td></td>
</tr>
<tr>
<td>Transient Units</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>Recreation Vehicle Park</td>
<td>8 units per acre</td>
</tr>
<tr>
<td>Timeshare</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Transient Type</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>Other Types</td>
<td>as per use limitation</td>
</tr>
<tr>
<td>Resorts</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>
Recreation
Developed Campgrounds 8 sites per acre
Rural Sports & Group Facilities 25 persons per acre
(overnight accommodations)

2.03.04.2 Calculation of Densities: The number of dwelling units permitted or a lot or parcel shall be determined in the first instance on the dwelling units per acre permitted in the plan area statement in which the land is located. Such number of permitted dwelling units per acre may be limited below the maximums expressed by virtue of the limitations on land coverage applicable within the land capability district and/or the development standards set forth in this ordinance. In no case may the regional density limitations set forth in this Subsection or the special density limitations of the plan area statement be exceeded. The area upon which the density calculation is based shall be the same land area as described in Subset 2.03.01.2(a).

2.03.05.0 Application of Best Management Practices:

2.03.05.1 Applicability: No project may be approved by the Agency unless the site upon which it is located is or will comply with the minimum standards of the Handbook of Best Management Practices. Activities may be required, as a requirement of the Agency finding of exemption, to comply with the minimum standards.

2.03.05.2 Minimum Standards: The following minimum standards shall apply to all activities or projects reviewed by the Agency.

a. A drainage system which is capable of infiltrating all runoff from impervious surfaces on the site for a 20 year 1 hour storm event must be provided with overflow facilities to a stable drainageway on site. Where this is impracticable, equivalent mitigation on or off site will be provided.

b. Revegetation for all areas not approved to be land coverage or disturbed, with an emphasis on native vegetation.

c. Mechanical stabilization of all cuts and fills steeper than 2:1 including road cuts and fills.

d. Stabilization of all on site drainageways.

e. If applicable, paved vehicle access and parking and permanent protection devices for vegetated areas.
f. If applicable, temporary construction controls including temporary erosion control and vegetation protection.

2.03.05.3 Time Limits: A project must be required to comply with the minimum requirements prior to completion of a proposed activity or project. In cases of existing developed properties where bearing the cost of compliance in a single year would make the proposed project or activity infeasible the applicant may substitute a five year plan for compliance provided adequate security or conditions are imposed to insure compliance.

2.03.06.0 Prohibition of Development in Stream Environment Zones:

2.03.06.1 Applicability: The prohibition of development in stream zones applies to all projects which create new land coverage or disturbance in lands classified and field verified as stream environment zones.

2.03.06.2 Exceptions to the Prohibition: The following projects may be permitted as an exemption to Section 2.03.06.1:

a. Replacement of existing land coverage in stream environment zones may be permitted where the project will reduce impacts on stream environment zones and will not impede restoration efforts.

b. Public outdoor recreational facilities are permissible uses in stream environment zones if: (1) the project is a necessary part of a public agency's long range plans for public outdoor recreation; (2) the project is consistent with the Recreation Element of the Regional Plan; (3) the project, by its very nature must be sited in a stream environment zone; (4) there is no feasible alternative which would reduce the extent of encroachment in stream environment zones; (5) the impacts are fully mitigated; and (6) stream environment zone lands are restored in the amount of 1.5 times the area of stream environment zone which is disturbed or developed by the project.

c. Public works projects are permissible uses in stream environment zones if: (1) the project is necessary for public health, safety, or environmental protection; (2) there is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in stream environment zones; (3) the impacts are fully mitigated; and (4)
stream environment zone lands are restored in the amount of 1.5 times the area of stream environment zone which is disturbed or developed by the project.

d. New development may be permitted in man-modified stream environment zones where: (1) the area no longer exhibits the characteristics of a stream environment zone; (2) further development will not exacerbate the problems caused by development in stream environment zones; (3) restoration is infeasible; and (4) mitigation is provided to at least partially offset the losses which were caused by the original modification of the stream environment zones.

e. Where such encroachment into a stream environment zone provides the only feasible access to buildable private property for which all necessary building permits have been obtained and the stream environment zone lands are restored in the amount of 1.5 times the area of stream environment zone which is disturbed or developed by the project.

f. The construction of water quality control and treatment facilities.

g. Projects and activities specifically permitted to occur in SEZ's by this Code.

2.03.06.3 Stream Restoration by a Public Agency: The Agency through MOU's shall establish a list of TRPA approved agencies whose function includes the restoration of land through acquisition or restoration projects. An applicant whose project requires restoration of stream zone may pay to such an agency the cost of restoring stream zone lands in lieu of completing actual restoration work. The cost and types of restoration shall be similar to that which would otherwise be restored as required above.

2.03.07.0 Outdoor Advertising: All projects and activities developed within the Region requiring outdoor advertising shall be subject to the provisions of this Subsection and the TRPA Design Review Criteria.

2.03.07.1 Off-Premise Signs: Except as otherwise permitted in this Section or by variance, all off-premise signs are prohibited within the Region.

2.03.07.2 On-Premise Signs - Commercial

(a) Free Standing Signs: Any business or commercial activity requiring sign advertising may be permitted no more than one free
standing sign to be located on the lot or parcel upon which the subject business is located. The maximum height of a free standing sign shall not exceed 20 feet.

(b) Signs Located on Buildings: Any business or commercial activity requiring sign advertising may be permitted one or more signs located on the structure containing such business or activity. The maximum height of such signs shall not exceed the height of the building to which it is attached.

2.03.07.3 Real Estate Signs:

(a) One temporary real estate sign may be placed on any one parcel of property to advertise the property's availability for sale.

(b) Real estate signs will not exceed two square feet in size.

2.03.07.4 Political Signs:

(a) No signs will be placed or erected on any premises within the Region without the consent of the owner or occupant of such premises.

(b) No such sign will be placed or erected more than twenty-one (21) days prior to the date of the election to which such sign relates.

(c) A political sign will be removed within seven (7) days after the date of the election to which the sign relates.

(d) A political sign will not exceed twelve (12) square feet in total sign face area.

2.03.07.5 Directional and Safety Signs: Signs required to protect public safety, health, and welfare may be permitted as deemed necessary.

2.03.07.6 Other Standards:

(1) No sign shall be attached to any tree or other vegetation within the Region.

(2) Signs shall not rotate, move, flash, change or blink or appear to do so except to show time and temperature or if utilized by a government agency for public safety or information.

2.04.00.0 TRPA DESIGN REVIEW GUIDELINES: The intent of the TRPA Design Review Guideline criteria is to be regional in nature yet specific enough to insure that the Agency meets the mandate of specific threshold requirements and other policy requirements of this Plan as they relate to site planning. The concept is that a design review document is the
focal point for the implementation of many other Plan policies relating to transportation, noise, water quality, air quality, scenic and aesthetic considerations, etc.

2.04.01.0 Applicability to Projects: All projects and activities considered under the provisions of this ordinance shall also be considered under the TRPA Design Review Guidelines. The Agency must find prior to approving any project in the Region that the project conforms to the applicable provisions of the guidelines except where it is found that:

a. The applicant has provided suitable alternatives to the criteria of the TRPA Design Guidelines; or
b. Specific analysis by the Agency indicates that the application of such criteria upon a specific project is counter productive in obtaining the objectives for which the criteria were formulated; or

c. The project or activity conforms to local design review guidelines approved by the Agency.

2.04.02.0 Local Design Review Guidelines: The TRPA Design Review Guidelines may be superseded by local design review guidelines where such guidelines are found by the TRPA Governing Board to meet the objectives of this section.

2.04.03.0 Contents: TRPA Design Review Guidelines shall include but not limited to criteria for site design; building height, bulk and scale; grading and drainage; landscaping and revegetation; lighting; signing; parking and access; scenic highway design; design for snow; design for energy/water efficiency; design for scenic quality; design for shoreline; design for historical structures; and individual uses.

2.05.00.0 SCENIC: It is the intent of this section to insure the design elements of new, remodeled and redeveloped buildings and structures be compatible with the natural, scenic and recreational values of the region.

2.05.01.0 Scenic Restoration Areas: Projects or activities in areas designated in the Scenic Threshold Study as nonattainment or in the Plan Area Statements as Scenic Restoration Areas shall be consistent with a Scenic Restoration Plan.

a. Scenic Restoration Plans: A Scenic Restoration Plan shall be prepared for areas designated as in need of scenic restoration in order to achieve the scenic thresholds. TRPA or its designee shall develop and approve such a plan within two years from the adoption of this Code. Such a plan shall require detailed analysis, plans, and programs which will insure attainment of the scenic thresholds.

b. Development Limitations: Once a plan is adopted, all projects and activities must be found consistent with the requirements of the Scenic Restoration Plan. In
the interim period or there after there must be strict adherence to the TRPA Design Review Guidelines.

2.05.02.0 Scenic Corridors: Projects and activities in areas designated as Scenic Corridors shall be consistent with the Design Review Criteria for Scenic Corridors.

2.06.00.0 HISTORICAL PRESERVATION: The heritage of Lake Tahoe shall be recognized and protected through the identification and protection of Tahoe's significant landmarks.

2.06.01.0 Applicability: All projects and activities developed within the Region which are designated or eligible for designation as historically significant shall be subject to the special review criteria of this section.

2.06.01.1 New Construction on Designated Historical Site or District: New construction occurring as an addition to an historical structure, adjacent to an historical structure or within a designated historical district shall meet the TRPA Design Review Guidelines for new historical construction. Such new construction may be eligible for the variance provisions of Subsection 2.06.02.0 if such construction is required to attain the objectives of that section.

2.06.01.2 Repair, Maintenance and Reconstruction: All repairs, maintenance, and construction or other disturbance of buildings, structures, sites or districts designated as historically significant shall comply and be maintained in accordance with the TRPA Design Review Guidelines.

2.06.01.3 Demolition: Pursuant to this Subsection or Section 5.07.00.0, no historically significant site may be disturbed or structure designated as historically significant may be demolished, disturbed, or removed unless such action is approved by the Agency upon a finding that such action will not be detrimental to the historical significance of the site, or it is the only possible alternative to protect the health and safety of the public.

2.06.01.4 Eligible Landmarks: The Agency, upon discovery of site or structure meeting the criteria of Subsection 2.06.02.0, shall consider such site or structure for designation as significant. No eligible site or structure may be demolished, disturbed, removed, or significantly altered until such action is determined not to threaten items of historical significance, or the Agency places conditions including approved recovery plans.
pursuant to Section 5.07.00.0 a. of this Code that will protect items of historical significance. If the site is initially determined to be of historical significance or cannot be protected by appropriate conditions, it shall be referred to the Governing Board for review within sixty (60) days of the date of discovery by the Agency.

2.06.02.0 Criteria for Determination of Historical Significance: As mapped by the Agency, buildings, structures, sites, or districts eligible for consideration under this ordinance which are of historical, cultural, or architectural significance to the Tahoe Basin, the State or the Nation must meet the following criteria:

a. Buildings, structures, or sites that are associated with events that have made a significant contribution to the broad patterns of our history: Resources recognized under this section must exemplify the broad cultural, political, economic, social, civic or military history of the Tahoe Region, State or Nation. Buildings or sites of significance to the Tahoe Basin must meet one or more of the following conditions:

   (1) Association with important community function in the past;
   (2) Association with a memorable happening in the past; or
   (3) Contains outstanding qualities that remind one of an early stage of development in the area.

b. Buildings and structures that are associated with the lives of persons significant in our past: Under this section, buildings or structures that are associated with a locally, regionally or nationally known person(s) or group of people would be recognized. Notable examples or the best surviving works of a pioneer architect, designer or a master builder would be considered, as would structures associated with the life or work of significant persons.

c. Buildings or structures that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction: Work of a master builder, designer or architect would be considered significant under this section. Buildings and structures may also be classified as significant if they are prototype of, or a representative example of a period style, architectural movement, or method of construction unique in the Tahoe Basin, the State, or the Nation.

d. Buildings, structures, and sites that have yielded, or are likely to yield, information important in pre-
2.06.03.0 Variance for Historically Significant Structures and Districts: In order to encourage the maintenance or rebuilding of structures or districts possessing significant historical value, the Agency may grant a variance from the limitations of this Code to allow reconstruction or repairs to such a structure. Such variance shall be based on the findings and conditions listed below:

a. The Governing Board must first determine that structure or district possesses significant historical value;

b. The reconstruction, modification, or repair will be in the best interests of the public and the Lake Tahoe environment.

c. In no event shall any modifications permitted under this section result in or increase non-conforming land coverage, exceed the height of the existing structure or expand an existing nonconforming use.

d. All modifications proposed to the structure shall conform to the provisions of the TRPA design guidelines for historical structures.

e. No modifications may be made to a structure qualifying under the provisions of this variance that will endanger or negatively impact the historical, cultural, or architectural quality of the building structure.

2.07.00.0 NONCONFORMITY: The purpose of these regulations is to control, improve or terminate uses and developments that do not conform to the regulations of the Agency. Nonconformity includes any of the following categories of uses and developments that were lawfully established before the effective date of this code and do not conform to the regulations and plans of the Agency. If a nonconformity is specifically addressed in another section of this code, that provision shall apply.

2.07.01.0 Nonconforming As To Use: Nonconforming uses of land includes those that legally existed prior to the adoption of this ordinance, that are:

a. Identified as prohibited (P) in Subset 2.01.03.4 Table of Uses; or

b. Identified as special use (S) in Subset 2.01.03.4 Table of Uses for which the required findings cannot be made; or

c. Identified in the Plan Area Statements as prohibited.

It is the intent of this subsection that established non-conforming uses may be continued subject to the following limitations.
2.07.01.1 Right to Continue a Nonconforming Use: A nonconforming use legally established prior to the effective date of this ordinance may be continued and maintained except as otherwise provided by this code. Continuation of a nonconforming use may include a change in ownership, tenancy or management where the previous line of business or other function is substantially unchanged.

2.07.01.2 Reconstruction of Structures Containing Nonconforming Uses: Structures containing or accessory to nonconforming uses may be reconstructed provided, however, that the size and shape of the existing foundation footprints and interior floor spaces of such structures shall remain the same and the reconstruction conforms to all the requirements of this section.

2.07.01.3 Modifications to Sites Containing NonConforming Uses: Uses that are clearly accessory and secondary to the primary use and do not increase the intensity of the nonconforming use may be permitted on sites containing nonconforming uses provided the proposed modifications shall conform to the provision on this Code.

The existing foundation footprints of such structures may be modified relative to size and shape only if the site upon which such structures are located is made conforming to development standards established in this ordinance and pursuant to the provisions of the Plan Area Statements, if applicable. Such structures may be relocated on the same site provided, (a) the size of the existing foundation footprints and interior floor spaces remain equal to or less than that existing; (b) the applicant demonstrates beyond any reasonable doubt that the relocation to the alternative site will protect and enhance the natural environment of the parcel and surrounding lands to a substantially better extent than replacement on the original site; (c) the project conforms to the development standards of this Code; and (d) the criteria of the TRPA Design Review Guidelines are met.

2.07.01.4 Discontinued Use: If the nonconforming use of land is discontinued for a period of one year or more, any subsequent use shall be in conformance with all applicable use requirements of this ordinance.

2.07.02.0 Nonconforming as to Development Standards: Any building, structure, site, or land use activity that does not conform
to the standards of this Code relating to the development and maintenance of a use shall be considered nonconforming as to development standards. It is the intent of this section to promote compliance with the development standards when an opportunity allows for such compliance without adversely affecting the existing land use's ability to be maintained and continued at its existing level of use. In no case, however, shall the nonconformity of any use be permitted to increase beyond that existing as of the date of this code.

2.07.02.1 Applicability: All projects and activities deemed nonconforming as to development standards shall conform to the general requirements of this section, the specific requirements of this section, and other nonconformity sections of this code.

2.07.02.2 General Requirements: When it is found that it is consistent with the intent of this section, the following general provisions shall apply.

a. Right to Continue and Ordinary Maintenance: Any use described above as nonconforming as to development standards may be continued and maintained. Ordinary maintenance may be permitted without the requirement of compliance. Continuation of such a use may include a change in ownership, tenancy, or management where the previous line of business or other function is substantially unchanged.

b. Reconstruction or Modification Without Expansion of Buildings, Structures, Land Uses, and Activities That Are Nonconforming as to Development Standards: Reconstruction of such uses whose reconstruction cost is less than 50% of the replacement value of the subject use may be permitted without full compliance. Reconstruction of such uses, whose reconstruction cost is 50% or more of the replacement value of the use, shall require full compliance with the development standards of this code. If at any time the cumulative cost of reconstruction is 50% or more of the replacement value of all improvements on the site, full compliance with development standards for the total site shall be required.

c. Modification with Expansions of Buildings, Structures, Land Uses, and Activities That Are Nonconforming as to Development Standards: Proposed alterations or expa-
sions to any use not conforming to development standards may be permitted if the structure and the property upon which it is located is brought into conformance with the land use standards and other applicable standards of this code; except for the following alterations or expansions which do not require that the existing improvements and the site be brought into total conformity:

(1) Minor Alterations Required by Law: Minor alterations necessary to improve or maintain the health and safety of the occupants and or is required by law or ordinance; or

(2) Minor Alterations Which Result in Expansions of Existing Buildings, Structures or Land Uses: For purposes of this Subsection, minor alterations or expansions are those improvements whose cost is less than 10% of the replacement value of the building or structure or land use to be altered or expanded; or

d. Less Than Full Compliance When Less: When less than full compliance is permitted by this Code, the amount of compliance shall be determined by the Agency and the applicant based on the value of the project compared to the replacement value of the site or structure to be improved. Other considerations may include improvements proposed by the project itself and the degree of nonconformity found on the site. Less than full compliance does not waive any requirements for application of Best Management Practices.

2.07.03.0 Specific Requirements: If the consideration of a project or activity is applicable to the following specific requirements, then the specific requirements shall supersede the general requirements.

2.07.03.1 Nonconforming Land Coverage: Legal impervious coverage in existence on the date of adoption of this plan that is in excess of the limits set forth in Subsection 2.03.01.0, shall be considered non-conforming coverage and shall be subject to the following special provisions:

a. Maintenance, Repair, and Reconstruction of Nonconforming Coverage: Nonconforming land coverage may be replaced in the same location by new coverage of a similar kind, type, and use with no requirement to reduce land coverage.
b. Modifications of Nonconforming Coverage:
Existing nonconforming land coverage may be substantially modified only if the total land coverage of the parcel is reduced by an amount equal to the area of coverage associated with such modification or the total coverage is reduced to the allowed coverage set forth in Subsection 2.03.01.0. For purposes of this Code, substantial modification shall mean a modification in coverage which constitutes more than 10% of the total replacement value of the improvements on the site or $15,000 (1984 dollars) whichever is lesser.

c. Relocation of Nonconforming Coverage:
Relocation of nonconforming coverage to non-impervious areas may be allowed only if:

(1) It is found that the relocation of land coverage will be consistent with attainment of the goals and policies of this plan;
(2) It is found that the natural environment will be protected and enhanced more than if the nonconforming coverage was replaced in areas of existing coverage; and
(3) One of the following applies:

(i) The total land coverage of the parcel is reduced by an amount equal to the area of new relocated coverage;
(ii) Land coverage in an environmentally sensitive area (Class 1, 2, 3, SEZ, or shorezone lands) is reduced by the amount of coverage added in a less sensitive area; or
(iii) Total coverage is reduced to the allowed coverage set forth in Subsection 2.03.01.0.

2.07.03.2 Existing Nonconforming Density: Density exceeding the limitations of Subsection 2.03.04.2 which existed prior to the adoption of this ordinance may be permitted subject to the requirements of Subset 2.03.07.3 Special Uses.

If the findings can not be made or until such findings are made, the nonconforming density shall be considered under the provisions nonconforming as to use, Subset 2.01.03.3.

- 38 -
2.07.03.3 Existing Nonconforming Height: Structures exceeding the limitations of the height subsection which existed prior to the adoption of this Code may be permitted such height subject to the required findings of Subset 2.03.02.2.

If the findings are not made or cannot be made, the nonconforming height may be maintained, continued, and repaired. Substantial modifications proposed that provide the opportunity for reducing the nonconformity shall require such conformance.

2.07.04.0 Nonconforming as to TRPA Design Review Guidelines: Any building, structure, site, or land use activity that does not conform to the criteria of the design review guidelines may be continued under the same provision requirements of Subsection 2.07.02.0 except that the Governing Body of the TRPA may waive any of the criteria requirements upon making the following written findings:

a. The applicant has provided suitable alternatives to the criteria of the TRPA Design Review Guidelines; or
b. Specific analysis by the Agency indicates that the application of such criteria on a specific project is counterproductive in obtaining the objectives for which the criteria were formulated.
CHAPTER 7

7.00.00.0 WATER QUALITY AND WATER RESOURCES PROVISIONS:

7.01.00.0 WATER POLLUTION CONTROL:

7.01.01.0 Discharge Limitations: The intent of this Section is to set forth standards (environmental thresholds) for the discharge of runoff water from properties in the Tahoe region, and to prohibit the discharge of domestic, municipal, or industrial wastewaters in the region. These standards and prohibitions apply to discharges to both surface waters and groundwaters. The Agency presumes that compliance with the requirements of the Regional Plan, including requirements for the application of BMP's, will allow all persons to meet the runoff thresholds, until and unless monitoring tests prove otherwise. State water quality agencies will also issue discharge permits in the region under state and federal law, in accordance with the water quality management plan.

7.01.01.1 Applicability: All discharges to the waters of the region shall not exceed the following standards:

    a. Surface Runoff: Pollutant concentrations in surface runoff shall not exceed the following readings at the 90th percentile:

    | Constituent               | Maximum Concentration |
    |---------------------------|-----------------------|
    | Dissolved Inorganic Nitrogen as N | 0.5 mg/l |
    | Dissolved phosphorus as P | 0.1 mg/l |
    | Dissolved Iron as Fe      | 0.5 mg/l |
    | Grease and Oil            | 2.0 mg/l |
    | Suspended Sediment        | 250 mg/l |

1) If the constituent levels of water entering a site from upstream areas are of a superior or equal quality to the above, those waters should meet the quality level listed above prior to discharge from the site.
2) If the constituent levels of waters entering a site do not meet the above, there should be no more than a 10% increase in the concentrations of these constituents in water discharged from the site, based on a 24 hour average.

b. Discharges to Groundwaters: Waters infiltrated into soils should not contain excessive concentrations of nutrients which may not be effectively filtered out by soil and vegetation and shall not exceed the following maximum constituent levels:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Nitrogen as N</td>
<td>5 mg/l</td>
</tr>
<tr>
<td>Total Phosphate as P</td>
<td>1 mg/l</td>
</tr>
<tr>
<td>Iron</td>
<td>4 mg/l</td>
</tr>
<tr>
<td>Turbidity</td>
<td>200 JTU</td>
</tr>
<tr>
<td>Grease and Oil</td>
<td>40 mg/l</td>
</tr>
</tbody>
</table>

Where there is a direct and immediate hydrologic connection between ground and surface waters (i.e., saturated flow conditions), discharges to groundwater shall meet the standards for surface runoff. This part includes maximum turbidity values to protect infiltration devices from siltation. Persons shall utilize sediment traps consistent with the Handbook of Best Management Practices upstream of infiltration devices which may be subject to excessive levels of siltation.

c. Prohibition of Wastewater Discharge: The discharge of domestic, municipal or industrial wastewater to Lake Tahoe, its tributaries, the groundwaters of the Tahoe region, or the Truckee River within the Tahoe region is prohibited, except for existing discharges under alternative plans for wastewater disposal approved by the state agency of appropriate jurisdiction.
1) Holding Tanks and Other No-Discharge Systems: To avoid a discharge of wastewater that is prohibited under Subsection 7.01.01.0, holding tanks or other no-discharge systems may be used, only in the following instances:

i. As a temporary measure associated with a temporary use, including but not limited to sporting events, community events, and construction.

ii. As a permanent measure associated with remote public recreation sites, including but not limited to trailheads and undeveloped walk-in campgrounds.

7.01.02.0 Runoff Controls: To meet the runoff discharge standards of Subset 7.01.01.1(a) and (b), all persons who own or manage land within the region shall apply best management practices as generally set forth in the Handbook of Best Management Practices. BMP's consistent with the Handbook shall specifically be applied to all compacted areas, denuded areas, cut slopes, and fill slopes. In cooperation with other agencies, such as the Conservation Districts, the Agency shall provide technical assistance to all persons who require it for the application of BMP's. During the first five years of Regional Plan implementation, application of BMP's shall be voluntary, with certain exceptions noted below. After five years, however, persons who own or manage land within the region must either have BMP's in place, and maintain them, or have agreed to a schedule of compliance. The Agency shall develop a program to certify compliance with these requirements.

7.01.02.1 Best Management Practices: Best management practices as described in the TRPA Handbook of Best Management Practices shall include, at a minimum, the standards of Subset 2.05.05.2. Where special circumstances obviate the need for standard BMP's, the TRPA Executive Director shall prescribe required BMP's based on best professional judgment, after consultation with appropriate experts.

7.01.02.2 Other Management Practices: For situations not covered in the Handbook of Best Management Practices, the TRPA Executive Director may define required BMP's based on best professional judgment, after consultation with appropriate experts.
7.01.02.3 Off-site BMP's: Where, for technical reasons, the application of BMP's on the property is infeasible and all feasible alternatives have been exhausted, the property owner or managing public agency may propose off-site BMP's of equal or greater effectiveness, subject to the approval of the TRPA Executive Director. Required easements or purchase of additional property for off-site application of BMP's shall be the discharger's responsibility and not binding on the Agency. Such off-site BMP's shall directly treat the runoff of the property in question.

7.01.02.4 Compliance with Application of Best Management Practices (BMP's): Application of BMP's shall be mandatory five years after the adoption of this Ordinance, unless there is a approved schedule of compliance which sets a different deadline. For projects included in the Water Quality Capital Improvements Program, the schedule shall be consistent with with 20-year CIP. In addition, application of BMP's may be required as follows:

a. Under a mandatory action required to abate pollution from a gross violation requiring immediate action, pursuant to Subsection 1.16.00.0 of this Code.

b. As a mandatory condition of approval for any project approved by the Agency.

c. Under a clean-up order from the state agency of appropriate jurisdiction.

7.01.02.5 Maintenance of BMP's: All BMP's shall be maintained as described in the Handbook of Best Management Practices. For situations not covered in the Handbook, the TRPA Executive Director may prescribe appropriate maintenance practices, based on best professional judgment, after consultation with appropriate experts. Failure to maintain a BMP shall constitute a violation of this ordinance.
7.01.02.6 Vegetation Protection: All property owners and public property managers shall protect the vegetation on their property from unnecessary damage in accordance with the provisions of Chapter 6 of this ordinance.

7.01.03.0 Snow Disposal: All persons conducting public, commercial or private snow removal operations in Tahoe Region shall dispose of snow in accordance with site criteria and management standards in the Handbook of Best Management Practices, and the criteria below. The TRPA shall enforce these requirements consistent with the provisions of part 7.01.02.4.

a. Snow Removal: Removal of snow shall be limited to structures and paved areas unless a permit for such activity is issued by the Agency. No vegetation shall be removed nor shall any grading occur in the act of snow removal. The TRPA will encourage all persons to utilize appropriate provisions to confine snow removal to structures and paved areas.

b. Snow Storage: All new development shall provide areas sufficient to contain the expected volume of snow. Plans for new development shall designate snow storage areas sufficient to contain the expected volume of snow. These areas shall be stable or gravelled areas with infiltration systems of sufficient capacity for the anticipated snow melt volume. Acceptable storage areas shall not include areas adjoining streams or the shoreline of lakes.

c. Highway/Street Clearing: Public agencies involved in highway and street snow removal operations shall not grade road shoulders in the process of clearing roads unless such activity is authorized by the Agency. Sand, cinders and other materials shall not be allowed to accumulate and shall be removed utilizing highway vacuum equipment.

7.01.04.0 Salt and Abrasive Control: Salt and abrasives used to control ice on streets, highways, and parking areas shall be regulated in accordance with the following standards:

a. Storage Areas: Storage areas for deicing salt shall be in conformance with the TRPA Handbook of Best Management Practices.
b. **Reporting:** The Highway Departments and other large users of salt identified by the TRPA Executive Director shall initiate a tracking program to monitor the use of deicing salt in their respective jurisdictions. Annual reports shall be presented to the Agency on June 1st and shall include information on the rate, amount, and distribution of use. This information shall be presented in a format developed by TRPA, and must be verifiable.

c. **Restrictions:** The use of deicing salt and abrasives may be restricted where damage to vegetation in specific areas can be linked to their use, or where their use results in other environmental impacts. Mitigation for the use of road deicing salt or abrasives may be required and may include requirements to use alternative substances, and changes as to distribution patterns, frequency of application, and amount of application. Revegetation of some sites will be required where evidence indicates deicing salts have caused vegetation mortality.

7.01.05.0 **Sewage Spills:** Sewage collection, conveyance, and treatment districts shall have spill contingency, prevention, and detection plans approved by the TRPA at least every three years.

7.01.05.1 **Cooperative Plans:** Such agencies may join together to develop cooperative plans, provided that the plans clearly identify those agencies covered by the plan and are agreed to by each agency.

7.01.05.2 **Spill Plan Criteria:** Spill contingency, prevention, and detection plans shall comply with the criteria set forth by the Agency. Such plans shall include provisions for detecting and eliminating sewage exfiltration from sewer lines and facilities.

7.01.06.0 **Pesticide Use:** The use of insecticides and herbicides within the Tahoe Basin shall be consistent with the Handbook of Best Management Practices. In general, the Agency shall discourage pesticide use for pest management. Prior to applying any pesticide, potential users of pesticides shall consider integrated pest management practices including alternatives to chemical applications, management of forest resources in a manner less conducive to pests, reduced reliance on potentially hazardous chemicals, and additional environmentally-sound pest management tactics.
7.01.06.1 Criteria for Agency Review:

a. Registered Chemicals: Only chemicals registered with the Environmental Protection Agency and the state agency of relevant jurisdiction shall be used and only for their registered application.

b. Alternatives: Alternatives to chemical application must be employed where practical.

c. Stream Environment Zones: No detectable concentration of any pesticide shall be allowed to enter any stream environment zone unless approved for use in accordance with a TRPA permit.

7.02.00.0 WATER QUALITY MITIGATION:

7.02.01.0 Required Offsets: New residential, commercial, and public projects in the Tahoe region shall offset 150% of the water quality impacts of the project through one of the following methods:

a. Mitigation Projects: Implementing off-site water quality control projects as a condition of project approval and subject to Agency concurrence as to effectiveness. Should the applicant wish to exercise this option, the plans for the offsite project must be included with the project application and be approved in conjunction with the project; or

b. Mitigation Fund: Contributing to a fund established by the Agency for implementing offsetting programs. The amount of such contributions is established in Subsection 7.02.03.0.

7.02.02.0 Fee Schedule: When a person or public entity responsible for a new residential, commercial, or public project elects to offset the water quality impacts by contributing to a fund established by the Agency for implementing such offsets, a fee shall be assessed in accordance with the table below. Such fees must be received by the Agency within 30 days of project approval.
a. Base Fees: The following base fees shall be assessed for each new square foot of land coverage (net for the site) created within the limits of the coefficients set forth in Subsection 2.02.04.0, Limitations on Land Coverage. [Fees reserved.]

b. Additional Fees: Additional fees will be added to the base mitigation fee for the number of square feet of impervious coverage in excess of the land capability system, as follows: [Fees reserved.]

c. Reduction of Coverage: Where there is a net reduction of coverage which existed prior to development of the proposed project and total resulting coverage is less than allowable coverage the project is exempt from offset requirements. (This rule shall apply to approved redevelopment plans under Section 9.05.00.0.)

d. Multiple Land Capabilities: The Agency will assess fees for addition of impervious coverage on parcels with multiple land capabilities based on the actual coverage located on each specific land capability class.

e. Transfer of Development: Impervious coverage which is permitted as a result of TDR for a project is exempt from offset requirements.

7.02.04.0 Use and Distribution of Mitigation Funds: The Agency shall collect and administer mitigation fees based on the offset requirements and such fees shall be known collectively as the Water Quality Mitigation Fund. The mitigation fees shall be deposited into commercial bank accounts, liquid asset funds, and/or purchase of certificates of deposits. [Language reserved on the distribution of mitigation funds.]

Water Quality Mitigation Funds shall be dispersed to the counties or city upon request for expenditure on remedial erosion control projects within the jurisdiction of origin for such funds as set forth in the Regional Plan and with the approval of the Agency.

7.02.05.0 Monitoring Set-Aside: To evaluate the effectiveness of water quality mitigation measures, 5% of collected mitigation funds will be spent on water quality monitoring under the Interagency Tahoe Monitoring Program, for carrying out, in part, the Monitoring and Evaluation Program of the Regional Plan.
7.02.06.0 Administration Set-Aside: One-half percent of the total Water Quality Mitigation fund balance per month will be utilized for the TRPA administration of the fund. However, at no time shall such administration costs exceed 1/2 of the monthly investment income.

7.02.07.0 TRPA Revolving Fund: The TRPA shall also establish a fund, to be known as the Water Quality Revolving Fund, for the purpose of depositing funds received through grants, fines, and contributions. The TRPA may make grants from this fund to units of local government, and other public entities as appropriate, for abatement and control of water quality problems in the Tahoe region.

7.03.00.0 WATER SUPPLY AND CONSERVATION:

7.03.01.0 Water Conservation Devices: All new development shall employ appropriate measures to conserve water and reduce energy consumption. Existing development shall be retrofitted voluntarily in conjunction with a public education program operated by the water purveyors and the utility districts. (See also the Design Review Guidelines, Water Conservation Element.) Implementation of these measures shall, however, be completed within 5 years of plan adoption.

7.03.02.0 Water Rights Demonstration: No additional development requiring water shall be allowed in any area unless it can be demonstrated that there is adequate water supply with an existing water right. Where the adequacy of a water supply or water right is challenged by Agency staff or any other person or party, the water purveyor shall provide documentation of adequate rights and supplies prior to the issuance of a permit by the TRPA.

7.03.03.0 Reporting Requirements: TRPA, water purveyors, and the states shall monitor the use of water within the Tahoe Region and evaluate conformance with the California-Nevada Interstate Compact (1969) which addresses water diversions in the Basin. All water purveyors shall report their total gross diversion for use for the previous water year (October through September) to the TRPA by February 1 each year. No water purveyor shall supply or cause to be supplied water to any proposed or existing subdivision so that the total gross diversion as stated in the Nevada-California Interstate Compact, is exceeded.
7.03.04.0 **Storage and Distribution Requirements:** No additional development requiring water shall be allowed in any area unless there exists adequate storage and distribution systems to deliver adequate quantity and quality of water for domestic consumption and fire protection. The Agency shall not accept applications for new developments without adequate proof from the appropriate fire protection agency. Proof of adequate water supply and distribution systems are contained in Subsection 3.06.02.2.

7.03.05.0 **Annual Reports:** In accordance with the Nevada-California Interstate Water Compact and the TRPA plan, the California State Water Resources Control Board and the Nevada State Engineer shall report annually on the uses of waters within the Basin. This report shall be received by June 1 of each year and shall be in a format developed by the Agency.
MEMORANDUM

July 3, 1984

To: TRPA Advisory Planning Commission

From: Agency Staff

Subject: Determination on Technical Adequacy of Draft Environmental Impact Statement, Bitterbrush, Incline Village

Following this memo are copies of letters received by the Agency that contain comments on the subject EIS. Following each letter, you will find the responses to the comments contained in that letter. Under separate cover, please find a report entitled "Supplementary Evaluation of Traffic and Transportation Impacts and Mitigation Measures". This supplemental report was prepared in response to comments received from several agencies and individuals suggesting that one-way traffic controls on the Bitterbrush streets, combined with one of the access alternatives, be evaluated.

These documents, along with the Draft EIS constitute the Final EIS for Bitterbrush.

Staff Recommendation: Agency staff recommends that the APC find that the Final EIS for Bitterbrush is technically adequate and recommend that the Final EIS be certified by the Governing Board.

Agency staff further recommends that the following combination of mitigation measures be considered by the APC.

- First priority, energy dissipation devices;
- Second priority, expenditure of approximately $200,000 on construction of a portion of the cut slope stabilization project;
- Third priority, $100,000 to be held in trust for use by the homeowners of Bitterbrush No. 1 and/or Leroy Land Development Company to provide secondary access.
- Construction of the remainder of the cut slope stabilization project;
- Preparation and implementation of operation and maintenance plan for surface water management facilities; and
- Expenditure of remaining funds, approximately $273,900, on additional erosion control projects.

Implementation of this combination of mitigation measures optimizes funding for erosion control projects and provides $100,000 for use toward construction of a secondary access. Agency staff and Sharp, Krater and Associates will be prepared to discuss in more detail the advantages and disadvantages of this alternative of the APC meeting.

GG:b1
7/3/84

AGENDA ITEM V A.
MEMORANDUM

July 3, 1984

To: The APC Governing Board

From: The Staff

Subject: Status of Ordinances and Plan Area Statements

At the June APC meeting, the APC recommended that the staff prepare a flow or organizational chart of the Regional Plan so that it might be easier to understand the relationships between the various elements of the Plan, i.e. the Regional Goals and Policies Plan, the Plan Area Statements, the Code of Ordinances, capital improvement programs, etc. Staff presented such a chart at the June Governing Board meeting, along with a further update of the Plan process. The chart is attached to this memorandum.

Ordinances: The nine chapter Code of Ordinances is currently under review, and the status of each chapter is as follows:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Staff Draft</th>
<th>APC Committee</th>
<th>APC Recommendation</th>
<th>GB Committee</th>
<th>GB Approval</th>
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<tbody>
<tr>
<td>1 Procedure</td>
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<td>9 Growth</td>
<td>X</td>
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</tbody>
</table>

X = Completed Review

The APC and the Governing Board have recommended that the Code of Ordinances be reviewed by chapter but be adopted as a whole package. This generally is the same procedure that was followed for the Regional Goals and Policy Plan.

6/20/84
GWB:jf
Memo to the TRPA Advisory Planning Commission
Status of Plan Areas and Ordinances
July 3, 1984    Page Two

Plan Area Statements

The status of each jurisdiction at the date of the APC meeting will be as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>1st Draft</th>
<th>Hearing</th>
<th>2nd Draft</th>
<th>Workshop</th>
<th>APC</th>
<th>GB</th>
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<tr>
<td>Washoe</td>
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</tbody>
</table>

X = Completed

The status of the Plan Areas was discussed at the May Governing Board meeting, and the attached schedule and procedure for review were approved. It appears these workshops will require more than one meeting to review the Draft Plan Area Statement.
TAHOE REGIONAL PLANNING AGENCY
PLAN AREA STATEMENT SCHEDULE

May 23, 1984  Review Schedule With Governing Board
June 1, 1984   Send out Public Notice of Plan Area Statement Review
               Schedule

Plan Area Statement Release Dates:
June 1, 1984   Washoe County
June 1, 1984   Placer County
June 1, 1984   City of South Lake Tahoe
June 22, 1984  El Dorado County
June 29, 1984  Douglas County

COMMITTEE WORKSHOPS/HEARINGS

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Key Members</th>
<th>Location/Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>Jim King</td>
<td>The Chateau, 955 Fairway Boulevard, Incline Village, June 22, 1984 10:30 a.m.</td>
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<td>Mike Harper</td>
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<td>Bill Curtis</td>
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<td>Placer County</td>
<td>Larry Sevson</td>
<td>Heart Savings &amp; Loan, 705 North Lake Boulevard, Tahoe City, July 6, 1984 9:30 a.m.</td>
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<td></td>
<td>Bill Combs</td>
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<td></td>
<td>Leo Poppoff</td>
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<td>El Dorado County</td>
<td>Tom Stewart</td>
<td>TRPA Office, 2155 South Avenue, South Lake Tahoe, July 13, 1984 9:30 a.m.</td>
</tr>
<tr>
<td></td>
<td>Liz Temple</td>
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<td>Stan Hansen</td>
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<tr>
<td>City of South Lake</td>
<td>Norm Woods</td>
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<td>August 22, 1984</td>
<td>Governing Board</td>
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FRAMEWORK OF REGIONAL PLAN

Thresholds
Water, Air, Noise, Veg, Wildlife
Fisheries, Scenic, Soils, etc.

Regional Goals & Policies Plan
Land Use, Trans., Cons., Rec.,
Public Serv., & Implementation
Elements

Plan Area
Statements, Policy

Plan Area
Statements, Regs. & Programs

Regulations
Code of Ord.
1. Procedure
2. Land
4. Shorezone
5. Grading
6. Resource
7. Trans/Air
8. Water
9. Growth Mgmt.

Rules & Regs

Design Guidelines & BMP's

Programs
Monitor
Capit. Improv.
SEZ
Other

Support Plans & Documents
1. 208
2. Air
3. Bailey, etc.
MEMORANDUM

July 3, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Discussion of Water Quality Monitoring and Evaluation Program

At the regular April, 1984 meeting of the APC, the staff and Tim Durbin from the USGS briefed the APC on the rough draft of the Monitoring and Evaluation Program, particularly the water quality portion. The APC and staff agreed to continue to refine the Monitoring and Evaluation Program, and to work with the APC committees on the details.

On May 21, 1984 Agency staff met with representatives from the USGS and the Tahoe Research Group to refine the draft water quality Monitoring and Evaluation Program presented to the APC in April. Staff planned to distribute the results of that meeting to the Water Quality Committee and the full APC on June 13 at Granlibakken, but due to circumstances beyond our control, this item was continued to the July meeting.

Staff will make a brief presentation on the draft water quality Monitoring and Evaluation Program on July 11. The staff desires to obtain APC feedback and concept approval of the draft program.

If you have any questions on this matter, direct them to Dave Ziegler, Chief, Long Range Planning Division, (916) 541-0249.

DZ:bl

APC Agenda Item V D.