TRPA
APC
PACKETS

JUNE
1984
NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on June 13 and 14, 1984 at
9:30 a.m. at Granlibakken Ski and Racquet
Resort, located on Tonopah Drive, Tahoe City, California,
the Advisory Planning Commission of said agency will conduct
its regular meeting. The agenda for said meeting is attached
to and made a part of this notice.

Dated: June 4, 1984

By: Gary D. Midkiff
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.
PRELIMINARY AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  ADMINISTRATIVE MATTERS

V  PLANNING MATTERS

A. Determination on Technical Adequacy of Draft Environmental Impact Statement, Bitterbrush, Incline Village (Wednesday, June 13, 1984, 10:00 a.m.)

B. Regional Plan Status Report
   1. Litigation
   2. Schedule of Workshops and Meetings
   3. Other

C. Subcommittee Reports  2:00
   1. Land Use and Growth Management
   2. Resource Management and Water Quality
   3. Transportation/Air Quality
   4. Procedures
   5. Other

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

E. Discussion of Water Quality Monitoring and Evaluation Program (Thursday, June 14, 1984, 9:30 a.m.)

F. Section 8 Transportation Planning Status Report
VI SPECIAL DETERMINATION

A. Determination as to Man Modified Status

1. Gerald Martin, Determination on Man Modification of Industrial Tract Stream Environment Zone, City of South Lake Tahoe

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.)

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

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

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

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

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

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

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

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

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

B. Code of Ordinance Recommendations (Wednesday, June 13, 1984, 2:00 p.m.)

1. Land Use Ordinance, Chapter 2

2. Water Quality Ordinance, Chapter 7

VIII APPEALS

A. Earl Stevenson, Appeal of Staff Determination That Modifications to a Commercial Project With a Valid Building Permit Are Substantial and Therefore Constitute a New Project, Washoe County APN 124-163-05, TRPA File #83673

B. Guzman, Appeal of Staff Determination That a TRPA Permit Is Required, El Dorado County APN 16-081-29
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

D. Steven T. Sederquist, Appeal of Staff Determination on Expiration Date of TRPA Approval, Single Family Dwelling, Noncritical, Lot 8, Block K, Incline Village, Unit 2, Washoe County APN 125-162-08, TRPA File #81318

IX ACTION ON RECOMMENDATIONS TO GOVERNING BOARD

A. Amendments to Regional Plan, Land Capability Overlay Maps (Item VII A.)

B. Code of Ordinances (Item VII B.)
   1. Land Use Ordinance, Chapter 2
   2. Water Quality Ordinance, Chapter 7

X REPORTS

A. Staff

B. Legal Counsel

C. Public Interest Comments

D. AFC Members

E. Other

XI RESOLUTIONS

XII CORRESPONDENCE

XIII PENDING MATTERS

XIV ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California
May 9, 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 9:45 a.m.

APC Members Present: Ms. Temple, Mr. Renz, Mr. Heitkemper, Mr. Ryerson, Mr. Hoefer, Ms. Sparbel, Mr. Hampson, Mr. Dodgion, Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Poppoff, Mr. Murphy (arrived at 1:15 p.m.), Mr. Combs, Mr. Harper

APC Members Absent: Mr. Hoole, Mr. McMullen, Mr. Curtis, Ms. Michael

It was determined that a quorum would not be present for the second day of the APC meeting and the members agreed that this meeting would be conducted in one day instead of two days, as noticed.

II APPROVAL OF AGENDA

David Ziegler, Chief of Long Range Planning, stated that as staff was preparing the displays for the land capability challenges in Placer and El Dorado Counties, agenda item V D. 2 through 9, some problems arose as to how they were mapped and staff wanted to recheck these land capability challenges to be sure the maps were correct. The APC agreed to continue this item to the June 13 meeting.

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

III DISPOSITION OF MINUTES

There were no changes to the minutes.

MOTION by Mr. Poppoff, with a second by Mr. Hoefer, to approve the minutes with no changes. The motion carried unanimously.

IV ADMINISTRATIVE MATTERS

It was noted that Gary Middkiff, Acting Executive Director, was attending budget hearings in Sacramento and could not be present for the APC meeting.

At the April 11, 1984 meeting the Commission members discussed the possibility of changing the date of the APC meetings because both Mr. Hampson and Mr. Poppoff had conflicting Lahontan meeting schedules, and Mr. Harper asked if this matter had been resolved. Mr. Ziegler explained that he and Mr. Middkiff had discussed this matter, but nothing had been resolved. Mr. Poppoff stated that
the Lahontan Board agreed to move their meeting day and the problem was not quite as serious; but if the APC does have two day meetings, there would still be a conflict.

Mr. Ziegler suggested that if the APC agendas were planned further in advance by 90 or 120 days, it would allow more flexibility in the schedule. Mr. Harper stated that instead of a 30-day cycle for the APC and Governing Board review process a 60-day cycle would give staff more time to schedule and prepare for the items on the agenda. For example, the items scheduled for the APC are usually scheduled for the Governing Board meeting during the same month which does not allow enough turn-around time. Mr. Harper commented that the APC has felt pressured at times to make recommendations on certain items going to the Governing Board, and he suggested that a more systematic approach would be to schedule the items for the APC a month in advance of the Governing Board meeting.

There were no objections to leaving Wednesday as the APC meeting day.

V PLANNING MATTERS

A. Regional Plan Status Report

Mr. Ziegler reported that the Agency was being sued by the Attorney General of the State of California and the League to Save Lake Tahoe over the adoption of the Regional Plan. Mr. Ziegler explained that the complaint dealt with the completeness of the Plan and whether the Plan complies with the Compact in terms of being a complete integrated land use plan. The United States District Court of the Eastern District of California issued a temporary restraining order on May 1, 1984, which restrains the TRPA from processing and approving any permit, except in circumstances of imminent threat to public health, safety and welfare. Mr. Ziegler further explained that a hearing on the temporary restraining order was set for May 31, and that legal counsel was requesting an extension, but the hearing date was not confirmed. Mr. Ziegler said he thought if the Agency prevails at the hearing on the temporary restraining order the Agency would start processing permits again. If the plaintiffs prevail then the temporary injunction would become a preliminary restraining order and another hearing date would be set.

Principal Planner, Gordon Barrett, clarified that as soon as Agency staff knows what can or cannot be processed, the building departments will be notified. Agency legal counsel mailed a letter dated May 7, 1984 to Richard M. Skinner, Deputy Attorney General, and to Clem Shute, League to Save Lake Tahoe legal counsel, stipulating activities exempt from the terms of the temporary restraining order. Mr. Barrett pointed out that it will be up to them to agree on the exemptions and then take them to the judge at the proper time.

Mr. Hampson stated that the Lahontan Regional Water Quality Control Board, as a regulatory agency, would intervene if needed, to petition the Attorney General's office, the League to Save Lake Tahoe, and the courts to allow projects, particularly erosion type projects, to go forward. Mr. Hampson further stated that his assistant, Jim Kuykendall, and Lahontan's legal counsel were in Sacramento to talk to the Attorney General, because in the past they were supportive. Mr. Hampson pointed out that Lahontan has advised the City of South
Lake Tahoe, and Placer and El Dorado Counties that since Lahontan operates under state statute, and is responsible for implementing the Federal Water Quality Control Act, they would expect the City and Counties to comply with their laws. Mr. Hampson expressed concern that there are outstanding applications to receive state and federal grant monies for erosion control. Those grant funds are in jeopardy, based upon time restraints. Mr. Hampson also pointed out that, from a health and safety standpoint, a sewage spill could happen due to inadequate facilities and the local entity might be proposing to construct those facilities that would also come into the exclusion criteria. This information should be made known immediately to the court and the parties of interest that these projects must go forward, and there can be a showing that there will be a public hardship if these grants are lost.

Mr. Ziegler stated that the temporary restraining order does allow for projects in emergency situations to proceed, and he suggested that if there is concern about a particular project to call Greg George, Chief of Project Review, or Rick Angelocci, Acting Senior Planner to find out the status. With regard to water quality control projects, Mr. Ziegler added that there was a related issue surrounding the designation of the TRPA as the Regional Transportation Planning Agency, and in order for the TRPA to receive that designation it will be necessary to have an approved plan.

Mr. Barrett pointed out that in adopting the Regional Plan the Governing Board approved the Memorandum of Understanding with the Tahoe Basin Association of Governments (TBAG), along with a policy document concerning allocations and the Agency's position. Mr. Barrett advised the APC that local planners should become familiar with the policy document.

Mr. Poppoff was concerned with the erosion control projects that could be delayed due to the temporary restraining order, and he suggested the APC support the petition to have these projects excluded from the temporary restraining order.

Mr. Ziegler clarified that erosion control projects would have to be consistent with the 208 Water Quality Plan, because there is a set of detailed problem and solution maps included in the 208 Plan.

Mr. Harper stated that he would feel more comfortable with a general support of the exclusion of erosion control projects, however they are defined, as long as they provide enhancement to the environment of Lake Tahoe. Mr. Pyle suggested a resolution could be drafted for the APC to look at prior to adjournment of the meeting.

Ms. Sparbel commented that preparing a resolution was premature at this point and she suggested discussing this matter at the next meeting. Mr. Pyle responded that he would like to see something in writing and he did not believe it was premature to prepare a draft resolution as a technical body.

Dwight Steele, spoke on behalf of the general counsel for the League to Save Lake Tahoe. He stated that it was customary when there is a temporary restraining order for the parties to agree on what are emergencies and what is necessary for public health and safety. It would be helpful to get some technical guidance from the APC as to what they consider an emergency.
B. APC Schedule for Regional Plan Review

1. Ordinance Subcommittees

Mr. Ziegler outlined the APC schedule for review of the Regional Plan. He explained that the Agency is responsible for developing nine items to implement the Regional Plan and the APC will have to consider these items during the next four months: Code of Ordinances, including Design Review Guidelines; Monitoring and Evaluation Program; Capital Improvements Programs for Transportation and Water Quality; Financial Strategy and Program; Stream Environment Zone (SEZ) Restoration Program; Memorandums of Understanding (MOU) with implementing agencies; Plan Area Statements; Scenic Restoration Plan; and revisions to the Best Management Practices Handbook.

Mr. Ziegler stated that subject to the review and approval of the APC, staff recommended that the agendas for the next three APC meetings include:

**June** - public hearing and approval of the Air Quality, Land Use and Water Quality Ordinances; a presentation on the water quality element of monitoring and evaluation program; pilot SEZ restoration projects for APC review and comment; hearing and partial approval on Plan Area Statements.

**July** - public hearing and approval of the Subdivision and Shorezone Ordinances; all elements of the monitoring and evaluation program; review and comment on the MOU's with implementing agencies; hearing and partial approval on Plan Area Statements; review scope of work on the Scenic Restoration Program; and review preliminary BMP assessment for the BMP Handbook revisions.

**August** - public hearing and approval of the Rules and Regulations, Growth Management Ordinance, Capital Improvements Program, and Financial Strategy and Program; review and comment on MOU's with implementing agencies; and hearing and partial approval of the Plan Area Statements.

2. Plan Area Subcommittees

With respect to the Plan Area Statements, Mr. Barrett explained that the Governing Board formed subcommittees similar to the APC and staff suggested that a joint Governing Board, APC, and local government committee will work out most of the details. The role of the APC will be to conduct additional public hearings and approve the Statements by local jurisdiction. Mr. Barrett also explained that the draft Washoe County Plan Area Statements draft were being circulated; drafts of the City of South Lake Tahoe and Placer County have to be refined; and El Dorado and Douglas Counties still need to be drafted.

Mr. Harper commented that a June public hearing was too soon for Washoe County Plan Area Statements and he suggested holding the public hearing in July on Washoe and Placer Counties, and possibly the City of South Lake Tahoe. Mr. Barrett suggested that a workshop could be held and coordinated with the APC subcommittee and Governing Board if they wished to attend.
Mr. Combs reminded the APC the intent of holding a second round of the public hearings during the summer months was to get participation from the public during the peak months of July and August. Mr. Combs suggested that he and Mr. Poppoff could discuss the schedule for Placer County with Supervisor Larry Sevison.

Ms. Temple stated that El Dorado County anticipated forming a citizens advisory committee to review the Plan Area Statements once they are released, then take the comments to the APC subcommittee and then to a public hearing. She added that a small group approach would be most constructive.

Mr. Neitkemper commented he thought the City of South Lake Tahoe concurred with the small group approach at the local level.

Lawrence Hoffman, Tahoe Sierra Preservation Council, suggested that some attention should be given as to how the Plan Area Statements will be circulated, pointing out that one of the difficulties in the past was providing copies of the documents to property owners. Mr. Combs responded that prior to the first round of public hearings the Agency circulated the draft copies of the Plan Area Statements to the news media which he thought was very effective. Mr. Barrett explained that with the added detail the Plan Area Statements have tripled in size and staff will have to consider how this will be handled.

Ms. Sparbel also asked that legal counsel advise the APC on the various methods of adoption that the APC might want to give to the Design Review Guidelines. Mr. Harper suggested that staff add Design Review Guidelines to the schedule.

Mr. Barrett requested that a Procedure Committee be selected from the APC to review the Rules and Regulations and Chapter I - General Provisions. Jon Hoefer, Mike Harper, and Lew Dodgion volunteered, and Bill Murphy and Sam McMullen were selected to serve on the Procedure Committee.

3. Implementation Programs

This item was briefly mentioned in the memo to the APC dated May 2, 1984 regarding the APC schedule for Regional Plan review and included in the packet.

C. Subcommittee Reports

1. Water Quality Ordinance

Mr. Hoefer reported that the Resource Management Subcommittee had met May 4, 1984. The subcommittee made revisions to Chapter 7, Water Quality and Water Resources Ordinance dated April 11, 1984, which was included in the APC packet. Copies of the latest redraft dated May 8, 1984 were distributed to the APC. Mr. Hoefer stated that the subcommittee felt that this redraft was ready for APC consideration, with one exception, the mitigation fees. Mr. Hoefer pointed out that the subcommittee discussed various ways of reaching those mitigation fees, but they felt more work was needed before they could make recommendations. Mr. Hoefer explained that the Governing Board adopted an interim mitigation fee schedule at their April 25-26, 1984 meeting, effective until the ordinance is brought back to them.
Mr. Hampson suggested that if there were significant revisions to any of the drafts then the changes should be highlighted in the redrafts.

Mr. Ziegler outlined the revisions to Chapter 7, Water Quality and Water Resources Ordinance. Mr. Ziegler explained that the first two pages of Chapter 7, Section 7.01.01.0, Discharge Limitations, restate the thresholds for discharges of surface runoff, and discharges of surface runoff to groundwater. The preamble states that 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. The existing 208 Water Quality Plan states that we will use discharge permits to regulate discharges, i.e., storm water.

Mr. Ziegler stated that paragraph c, Prohibition of Wastewater Discharge repeats the existing prohibition of discharges of wastewater in the Basin. The subcommittee spent considerable time discussing the issue of Forest Service summer home tracts with cabins which are on gray water separation systems where sewage is disposed of in the Basin through some sort of approved technique. Mr. Ziegler explained the debate was whether that practice should be confined to existing discharges or whether it would be possible for a new cabin/cottage to be allowed in the Basin under the same type of provisions to install a gray water separation system. The final recommendation of the subcommittee was to limit that provision to existing discharges so that there would be no new gray water separation systems allowed in the Basin. Mr. Hoefler further explained that there is a law prohibiting discharge and the waivers were granted because sewage collection would have more of an impact than some other reasonably acceptable alternative. If sewage had to be collected, the decision would be to eliminate those uses. In consideration of new uses, those uses do not exist and we would have a better opportunity to make a decision that they cannot collect and that the impacts of collecting would be severe, then it would be cause along with other impacts for denying use that would require a septic or collection system. Mr. Ziegler clarified that the existing waivers were to grandfather in situations that existed prior to the Porter-Cologne Act and the Nevada executive order and not to open the door to new discharges.

Referring to Holding Tanks and other No-Discharge Systems, Mr. Ziegler explained that these systems may be used to avoid a discharge of wastewater in the Basin only under limited circumstances associated with temporary uses or remote public recreational facilities.

Mr. Ziegler stated that Section 7.01.02.0, Runoff Controls requires Best Management Practices for all development in the Basin and applies to all persons who own or manage land within the region. In cooperation with other agencies, such as the Conservation Districts, the Agency shall provide technical assistance. During the first five years of Regional Plan implementation, application of BMP's will be voluntary, with certain exceptions. 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. Mr. Ziegler pointed out the subcommittee was concerned with the statement in the preamble that the Agency shall develop a program to certify
compliance with these requirements. He stated that it is unclear at this time how the Agency will track compliance with the application of BMP's on an estimated 50,000 housing units and other development in the Basin. Mr. Ziegler added that a possible solution to the problem would be to use the parcel data base where every parcel in the Basin is recorded on the computer. Mr. Ziegler noted that Sections 7.01.02.0 through 7.01.02.06 provided details as to when and how BMP's are to be applied.

Mr. Ziegler commented that Section 7.01.03.0 covers the topic of snow disposal and that all persons conducting public, commercial or private snow removal operations in the Basin shall dispose of snow in accordance with the Best Management Practices Handbook. Paragraphs a, b, and c specifically state that removal of snow shall be limited to structures and paved areas unless the Agency issues a permit; that all new development will provide areas sufficient to contain the expected volume of snow and shall specify where those areas are on the plans; and that grading shall not occur in the act of removing snow.

Mr. Ziegler stated that under Section 7.01.04.0, the use of salt and abrasives to control ice on streets, highways, and parking areas shall be regulated, and it refers to standards for storage areas; reporting requirements; and the possibility of restrictions. Mr. Ziegler added that this is an issue that needs to be further refined after more conclusive evidence is received in the future.

Section 7.01.05.0, Sewage Spills requires that sewage collection, conveyance, and treatment districts shall have approved spill contingency, prevention, and detection plans.

Section 7.01.06.0 refers to Pesticide Use in the Basin. Mr. Ziegler pointed out that this section was changed considerably from the draft dated April 11, 1984. The use of insecticides and herbicides in the Basin shall be consistent with the Handbook of Best Management Practices. In general, the Agency discourages the use of pesticides for pest management. Prior to applying any pesticide, potential users of pesticides shall consider alternative methods. Mr. Ziegler reported that the subcommittee was concerned with both the commercial use and the quantity of pesticides. Mr. Barrett clarified that Ordinance 81-1 does not address this issue, but some standards will have to be established by the procedure committee; if the use of pesticides will have an impact on the air and water quality, therefore, the use becomes a project. If this can be established that it is a project it will take Agency review and approval. Mr. Ziegler suggested that the subcommittee should discuss this issue again, and specify at what point the Agency will become involved in review of pesticide use and when the criteria should apply.

The report and discussion on Section 7.02.00.0, Water Quality Mitigation was deferred until the afternoon portion of the meeting.

Mr. Ziegler reported that as a result of the last subcommittee meeting there were some language changes to the Water Supply and Conservation sections. Section 7.03.01.0 Water Conservation Devices - All new development shall employ appropriate water conservation measures. Section 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. Sections 7.03.03.0 Reporting Requirements and 7.03.05.0 Annual Reports pertain to the reporting requirements in accordance with the Nevada-California Interstate Water Compact for water diversion, and Section 7.03.04.0 Storage and Distribution Requirements states the need for adequate storage and distribution of water.

Dwight Steele spoke on behalf of the League to Save Lake Tahoe. He stated he thought there was a serious lack of clarity whether the water quality ordinance was intended to amend the 208 Water Quality Plan, and to amend Ordinance 79-10 as amended by Ordinance 81-5, because it appears to amend both Ordinances 81-5 and 79-10. Mr. Steele further stated that if this is intended in any way to amend the 208 Plan, or its implementing ordinances, or to supercede them, it cannot be effected until it is approved by both California and Nevada and the Environmental Protection Agency (EPA). Mr. Ziegler responded that the amendments to the 208 Plan will involve a lot of different documentation. When the implementing ordinances are either adopted by the Governing Board or are far enough along in the process that it appears the ordinances will be adopted, staff will initiate negotiations with the States of California and Nevada, and EPA on amending the 208 Plan at that point. Mr. Ziegler stated the TRPA has committed to both states and EPA that the 208 Plan will be transmitted to them as a single integrated document incorporating various parts of the thresholds, Regional Plan, implementing ordinances, and programs for certification and approval.

Mr. Ziegler explained the Water Quality Chapter covers BMP's, pesticides, and spills; in addition there are other chapters with coverage rules and rules regarding where development may occur, that will also become part of the 208 Plan. The intent is to amend the 208 Plan, but the Water Quality Ordinance is not intended to be the complete package of amendments to the 208 Plan. Mr. Barrett clarified that if the Governing Board adopts the Regional Plan with the existing 79-10 and 81-5 Ordinances, they will be faced with the dilemma again that the 208 Plan that does not mesh with the Regional Plan and ordinances. The intent eventually is for the Code of Ordinances to replace all of the existing TRPA ordinances.

Mr. Steele stated that the Water Quality Ordinance does not address the changes that it proposes to make in Ordinance 81-5, or how those fit into the general planning process, and there is no reference to the 208 Plan or its ordinances. Mr. Steele suggested there should be a warning that some parts of this ordinance will not be effective until the 208 is amended and the ordinance should refer to the existing requirements of the 208 Plan. He suggested adding a preamble to the Water Quality Ordinance, Chapter 7, that specifically explains what it does and does not do, and that the parts amending the 208 Plan will not become effective until that process is completed. Mr. Steele advised this will help people understand the ordinance better, avoid future problems and another lawsuit. Under Section 7.01.01.0, Mr. Steele also suggested it should be made clear that the TRPA will apply the strictest regional state and federal standards.
Referring to the status of BMP's under Section 7.01.01.0, Mr. Steele addressed his concern that 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, particularly in the first 5 years. He also pointed out that BMP's are not defined in the Water Quality Ordinance or in Chapter 1 under definitions; it was not clear in the context whether it is talking about BMP's as a condition to that project, or whether it is talking about remedial measures, or both. Mr. Steel stated it was his understanding that the present situation was that BMP's are required on projects; BMP's are not voluntary, but mandatory, and he recognized there has not been any enforcement to speak of because of funding and staff constraints. Mr. Ziegler responded that BMP's are presently required on all new projects; the premise of the Plan is that BMP's will be required everywhere, but he agreed that it should be specified. Mr. Steele urged that if possible avoid using the word voluntary. Mr. Popoff responded that the word voluntary refers to already developed property, not new projects, and the reason for using the word "voluntary" was because the TRPA or any other agency cannot require a mandatory retrofitting of BMP's on 50,000 units in the Basin. The idea was to provide a period in which public information education, conservation districts, and other ways can help people to get themselves going. If they don't do it within 5 years, then the TRPA can take over with mandatory requirements. Mr. Steele replied that Section 7.01.02.0 states that "during the first five years of Regional Plan implementation, application of BMP's shall be voluntary", but it should be made clear that it will be mandatory for all new projects, and for existing projects there will be a program. Mr. Steele pointed out that the way this section is written it says to a builder that he doesn't have to worry about this, and that is not what is intended.

Mr. Steele also commented that it is not clear that the items under Section 7.01.03.0 Snow Disposal and Section 7.01.04.0 Salt and Abrasive Control are exceptions to the voluntary, which obviously they are, but it should be specified that they start in the first 5 years.

Mr. Steele stated that there are some parts of the Goals and Policies are not included in the Water Quality Ordinance, e.g., fertilizer and prohibition of off-road vehicle use. He suggested there should be a cross reference in this ordinance, so that when people see sewage spills, pesticides, salt, and snow disposal, they also realize something needs to be done about fertilizers. Mr. Hoefer responded these were listed in the Resource Management Ordinance.

Mr. Steele also stated that these ordinances are supposed to have standards which are clear, understandable, and particularly enforceable. He urged avoiding the use of the words "unnecessary" and "discourage", because the intent of the Goals and Policies is that the damage to vegetation be an absolute minimum, and not balanced against whether it is necessary to the project.

2. Water Quality and Air Quality Mitigation Fees

Mr. Ziegler referred to the memo dated May 2, 1984 and the staff briefing titled "Mitigation Fees for Single Family Homes Under the Amended Plan", which also contained a table showing alternative mitigation fee schedules for water quality that was presented to the Governing Board at the April 25, 26, 1984 meeting.
Mr. Ziegler apologized to the APC for misrepresenting the subcommittee at the Governing Board meeting, oversimplifying and mis-stating the position of the subcommittee and portraying the APC's position.

Mr. Ziegler reported that the Governing Board said they would accept the recommendations for single family homes for water quality mitigation fees and for trip generation/air quality mitigation fees as interim measures until the time staff can come forward with the ordinances and complete mitigation fees and policies. A great deal of work remains to be done to the mitigation fee schedule by expanding it into commercial trip generation, and coverage beyond the Bailey coefficients.

Mr. Popoff commented that the Water Quality Subcommittee adopted the philosophy to look at marginal costs as a basis for setting mitigation fees, whereas the Air Quality - Transportation Subcommittee adopted the philosophy of making up the shortfall in the capital expenditure program. Mr. Popoff pointed out these are two different philosophies, and he asked if this would pose problems recommending mitigation fees in two different areas based on two different philosophies? Mr. Ziegler responded that in the water quality mitigation fee schedule he presented to the Governing Board, conceptually they liked the philosophy of going with a marginal cost approach, which is to ask what is the impact of the development of a single family home and what does it cost to mitigate that impact? This is a comfortable approach because the Plan says that new development shall offset its impacts by 150%, and it seems to imply a marginal cost type of approach. Mr. Ziegler added this is hard to calculate and more information is needed in order to determine what the actual marginal cost is.

Mr. Ziegler stated that in the air quality/transportation area, one of the problems is that the Plan says that new development will mitigate the impacts and does not give any guidance beyond the fact that there will be a mitigation program. Staff felt that the shortfall approach was justified because this was an opportunity to fill holes in the capital improvements program. Mr. Ziegler stated that he and staff would try to come up with a marginal cost approach to the air quality mitigation fee that is consistent with the water quality mitigation fee.

The APC received copies of a draft resolution addressing the temporary restraining order that was discussed earlier.

Mr. Hampson proposed a language change in the fourth paragraph to read: Whereas, El Dorado and Placer Counties and the City of South Lake Tahoe are threatened with administrative enforcement actions including lawsuits and civil penalties if storm runoff is not controlled in accordance with NPDES permits;

**MOTION** by Mr. Pyle, with a second by Mr. Popoff, to introduce the resolution addressing the restraining order, as amended.

Mr. Hansen stated that he felt that the staff should be allowed to approve those activities that are exempt under the existing format. He addressed his concern with the economic impacts on the area, and he felt that the resolution should address these concerns in more depth.
Mr. Barrett read the list of specific activities considered to be exempt and not considered projects prepared by TRPA staff and legal counsel as a stipulation to clarify the temporary restraining order to be submitted to the U.S. District Court, Eastern District of California.

The APC agreed to support the staff's list of specific activities considered to be exempt, as well as the draft resolution to exclude from the restraining order projects dealing with erosion control. Further discussion on the motion was deferred to later in the afternoon until Mr. Steele could be present.

F. Transportation

1. Section 8 Planning (JHK & Associates Report)

Mr. Ziegler briefly stated that TRPA and CTRPA were the grant recipients of a Section 8 grant from the Urban Mass Transit Administration (UMTA) to prepare a short term operations plan for the Tahoe Transportation District (TTD). Mr. Ziegler introduced Jerry Kaplan from JHK & Associates.

Mr. Kaplan presented a report on the short-range transit plan for the Tahoe Transportation District, based on the transportation element of the Regional Plan. With the use of charts, Mr. Kaplan explained the importance of the potential VMT reduction from transit relative to other planned reductions during the first five years.

Mr. Kaplan explained that the provisions of the short-range transit plan were specifically called for in the Goals and Policies during the first five years, with the exception of the north-south transit connection, which is programmed in the second five-year phase. The short-range plan is designed to (1) have the most impact on VMT reduction, (2) serve both residents and visitors, (3) stay within budget constraints, (4) set priorities, (5) estimate costs, and (6) estimate potential patronage.

Mr. Kaplan further explained that the funds required are equal to operating, capital, and maintenance costs minus farebox revenues. One of the policies of the Regional Plan calls for an attractive fare structure. JHK is just now firming up the budget for the short-range plan. He added that he did not know the actual VMT reductions the plan would achieve in five years, but that this estimate would be forthcoming.

Bill Murphy, Tahoe Transportation District Transit Manager, said that the TTD had not determined how the short-range plan would proceed after June 1, but that JHK and Associates would have completed their responsibilities on that date. He added that at this point, the APC was reviewing only a preliminary draft.

Mr. Popoff asked if JHK had considered free fares for the Tahoe region, similar to programs in Portland and Seattle. Mr. Kaplan answered that free-fare projects are usually demonstration projects that the federal government has funded through UMTA. In some instances, cities with free fares have gone back to charging for service when the demonstration funds supporting the free service ran out. In any case, the short-range transit plan has looked at a number of attractive fare schedules.
Mr. Kaplan explained that a transit system must be developed which attracts more riders. He said the purpose of the program is to determine whether people will use transit, rather than private autos, in the region. The short-range plan will test the willingness of residents and visitors to use mass transit. Then, when the system is running, the TTD will look for additional private-sector commitments, especially in the area of marketing.

With the use of a chart depicting proposed bus routes and satellite parking areas for the north and south shores, Mr. Kaplan showed that the percentage of riders will be split about 50-50 between residents and tourists. The plan proposes increasing from 650,000 to 2.5 million annual ridership on the south shore, and from 70,000 to 500,000 on the north shore.

Maintenance facilities are also a part of the short-range plan, which proposes to use the existing STAGE facility on the south shore, acquire some adjacent land, and possibly use some space in the City's corporation yard for bus storage. On the north shore, there is the possibility of a special use permit to store and maintain buses on the 64-acre tract near Tahoe City. Present maintenance facilities are totally inadequate.

Over a five-year period, the capital expenditures for buses and facilities will be about $81 million. The operating budget will be about $1.2 million/year. The City of South Lake Tahoe subsidizes STAGE at a cost of $400,000 per year out of their general fund. Mr. Kaplan said that he had discussed with TRPA staff the possible use of mitigation funds. The TTD decided for the first year of operating, after passage of the sales tax, that it would assume no mitigation fees coming into the District for either capital or operating costs. In the second year, some mitigation fees should come in and can be applied to operating and capital expenses. Mr. Kaplan said that if the half-cent sales tax does not pass, then the District will prepare a reasonable plan under that constraint and ask the legislature for guidance.

Mr. Murphy said that the TRPA and TTD need to determine whether programs can be developed that will attract ridership to a mass transit system. If people will ride the buses, there is a good argument to improve the system by developing a higher technology such as light rail. To attract riders, the District will have to put the basic system on the streets, with 10-minute headways on U.S. 50 during peak periods, circulation in the motel core area and neighborhoods, an imaginative marketing program, and passenger amenities to attract riders, such as shelters, attractive vehicles, and clean facilities.

Mr. Combs said that the TART operators on the north shore were hesitant to lower their fares. In their opinion, the deterrent to ridership is not the cost, but long headways and the lack of shelters. TART feels that fares should stay where they are, and that riders will pay even a little bit more for better service.

Mr. Ryerson pointed out that air quality trade-off between autos and a continuously-running bus system may be small. In addition, he said the ARB is looking into alternative fuels specifically for buses in the future. Ms. Sparbel suggested that the TTD contact the Nevada Division of State Parks about the bus system, the fare, and the master plan for serving the state park area.
As a member of the TAC and the transportation committee, Mr. Heitkemper commended Mr. Kaplan and JHK Associates for the study. He said that everyone is aware of the need to refine the study, but he felt JHK has addressed the problems and the need to compromise between tourist and resident needs and all the other variables. He also said there are two issues that the TAC and committee members still were discussing: the fare structure and the method of conducting the election on the sales tax.

The APC returned to the draft resolution addressing the temporary restraining order. The APC received copies of a letter from the Agency's legal counsel dated May 7, 1984 enclosing the stipulation to the restraining order of exemptions to the Deputy Attorney General.

Mr. Steele stated that the League to Save Lake Tahoe is a party to a suit which has been joined with the Attorney General's suit, and it was his understanding that the temporary restraining order was issued in the Attorney General's suit. Mr. Steele also stated it was not clear to him whether it was in both names, or both parties to that or not, but in any case the attorneys will be parties to the discussion about the stipulation and he did not want to preempt their authority. Mr. Steele explained that he did not want his comments to indicate that he was preempting the attorney's authority or suggesting agreement or disagreement, but that he was expressing a policy point of view of the League and his own personal opinion. Mr. Steele suggested that the resolution be as specific as possible; that it be confined to those things which are truly emergencies, or public health and safety matters, which he thought included any erosion control projects where state or federal funds are involved or there is a jeopardy or possibility they might be lost unless they are allowed to proceed. Mr. Steele commented that he thought it would be a mistake to try to include general language about any projects that involved environmental enhancement as being much too broad to be acceptable. Mr. Steele suggested to be very specific if you want to reach individual projects where there is no governmental involvement, preferably identifying the particular projects and their status. Mr. Steele suggested deleting "and environment enhancement" from the resolution and he reemphasized to the APC about including in the resolution specific types of government funded erosion control projects that could be in jeopardy of losing the funds.

Mr. Harper stated that he would not buy off on anything that is just a government erosion control projects and he did not feel it was necessary to list every individual project that was partly constructed, but to indicate the areas that need to be discussed by the parties to the suit and temporary restraining order. Mr. Steele responded that when the lawyers meet they will discuss the matter in very specific terms and he thought it would be helpful if specific projects were mentioned. Mr. Steele replied that the League will cooperate in not having things come to a halt that ought to be continuing, but if the APC wants to send a general message to the attorney's on both sides, that would be appropriate, but he thought it would be more helpful if the APC could be as specific as possible.

Acting Executive Director, Gary Midkiff, responded that the Agency's legal counsel and the attorneys for the other side have received a list of erosion control projects identified by name, and the language being discussed was proper in a general sense. If any other projects come up staff will talk to the attorneys on both sides to determine whether they should be included.
APC REGULAR MEETING MINUTES MAY 9, 1984

In the sixth paragraph of the resolution Mr. Hoefer suggested deleting "USFS" and "parks", to read: "Whereas, environmental enhancement projects by federal, state, and local governments and districts cannot proceed. . . ."

MOTION by Mr. Pyle, with a second by Mr. Hansen, to accept the recommended amendments to the resolution and to adopt Resolution 84-12. The motion carried on the following vote:

Ayes: Ms. Temple, Mr. Heitkemper, Mr. Ryerson, Mr. Hoefer, Ms. Sparbel, Mr. Hampson, Mr. Dodgion, Mr. Pyle, Mr. Hansen, Mr. Popoff, Mr. Combs, Mr. Harper

Nayes: None

Abstain: None

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

Mr. Hampson drafted a letter addressed to John Van De Kamp, California Attorney General. Mr. Midkiff read the letter informing Mr. Van De Kamp that the Advisory Planning Commission of the Tahoe Regional Planning Agency has reviewed the proposed stipulation for exemptions to the temporary restraining order submitted to him by TRPA Associate Counsel, Susan E. Scholley. The Advisory Planning Commission, with concurrence of the Governing Board Chairman, Norman C. Woods, strongly urges that the Attorney General and the League to Save Lake Tahoe agree to exempt the eleven activities enumerated in the proposed stipulation from the temporary restraining order. In addition, the APC, by resolution, specifically acted to urge that projects dealing with erosion control be exempted from the TRO, and was enclosed for his information.

Copies of the letter were directed to Richard Skinner, Deputy Attorney General; Norman C. Woods, Chairman, TRPA Governing Board; Gary D. Midkiff, TRPA Acting Executive Director; and Clem Shute, Esq., League to Save Lake Tahoe.

MOTION by Mr. Combs, with a second by Mr. Popoff, authorizing Chairman Michael Harper to sign the letter, amended by Mr. Hansen that the APC forward the letter to the Attorney General's office, with concurrence of the TRPA Governing Board Chairman. The motion carried unanimously by a voice vote.

D. Land Capability Challenges

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

Mr. Hoffman pointed out that this issue was reviewed by the Governing Board in March, 1984. At that time he spoke to the Governing Board and received confirmation from the Board of their intent to have this issue discussed during Planning Area Statement meetings in Incline and that notice would be given. Mr. Hoffman objected to this item being on the APC agenda. Mr. Midkiff responded that the Governing Board did agree that there would be a hearing before the Board prior to an action to amend the maps. Mr. Midkiff said this item was scheduled for the May Governing Board agenda. Approximately 700 property owners will be notified of a public hearing for that purpose before the Governing Board prior to any action.
Mr. Barrett stated that the effect of the land capability maps is to determine if the land is high hazard and what the restrictions are. It could affect the number of people who might be eligible to apply for a building permit.

Mr. Midkiff said the question was whether there was some previous understanding as to the timing. Staff made it clear to the Governing Board that the redefinitions of land capabilities would be noticed for a public hearing, notify all the affected land owners, and the Governing Board would consider at that time, with those people having an opportunity to comment, whether in fact the redefinitions should be adopted. Mr. Midkiff added that there apparently was some concern whether those affected property owners should have been aware or notified of the review, recommendations and potential action by the APC at this meeting.

Mr. Hampson stated if this is the administrative procedure to follow, which provides an opportunity for those people to be heard, then it should be followed and he suggested this matter be continued. Mr. Harper commented it did not make much sense for the APC to make a recommendation if is not based upon information people are willing to provide. Mr. Midkiff responded that as a practical matter if the APC agrees to continue this item to June, staff will notify the people of a public hearing before the APC. Mr. Midkiff explained that when the APC agenda was set there was not enough time to send out a notice for a public hearing. Assuming that the temporary restraining order is lifted at the hearing on June 11 and no preliminary injunction is put in place, then the Agency can begin accepting applications on June 12. Staff could present recommendations on the redefinitions of land capabilities to the APC at a scheduled public hearing on June 13.

Mr. Harper stated that he would like to see this item deferred until June to make sure that there will be no confusion about the intent of the Governing Board's action. Mr. Harper also stated that he thought it would be more convenient to hold the APC meetings in the local area of the land capability challenges.

Mr. Pyle commented that the Soil Conservation Service was unable to support the redefinitions and technically not sure what will be accomplished. Mr. Pyle stated he expects to have a written report to submit to the TRPA in the near future.

The APC members agreed to continue agenda item V D. 1, the land capability challenge redefinitions of land capabilities in portions of Incline Village Units 1, 1B, 2, and 4, and Ponderosa Unit 5, Washoe County to June 13, 1984, to notice them as public hearing before the APC, and notify the affected property owners.

VIII RESOLUTIONS

In the interest of time and because a quorum would not be present, the APC agreed to act on the resolution for Ms. Bogush. There were no amendments to the resolution.
MOTION Mr. Hoefer, with a second by Ms. Sparbel, that the Advisory Planning Commission adopt Resolution 84-11, expressing appreciation to Ms. Bogush for her service to the Agency. The motion carried unanimously on a voice vote.

E. Man Modified Determinations

1. Industrial Tract Stream Environment Zone, City of South Lake Tahoe

Mr. Harper stated that Del Laine had contacted him indicating that Bernie Frizzle of Dillingham Development Company had indicated an interest in being present. Mr. Harper pointed out that Mr. Frizzle was concerned whether this matter was a policy discussion or a more specific discussion on this particular item. Mr. Barrett responded that this was scheduled on the agenda for the APC to discuss the issue of how man modified capability challenges for stream zones should be handled.

Steve Chilton, Senior Environmental Investigator, distributed copies of a draft memorandum dated January 31, 1984 prepared by staff. He identified a large parcel of land approximately 30+ acres located in the industrial tract of South Lake Tahoe. As a result of a litigation settlement between Gerald Martin and the California Tahoe Regional Planning Agency, the TRPA was named to settle the litigation by applying the Agency’s land capability challenge process. During the review staff decided that it should be looked at as a man modified designation because the soil had not changed; it is a man modification which changes the land capability of the parcel but does not change the soil. Mr. Chilton clarified that in this instance it was a stream environment zone, but now it is man modified via draining of the area to lower the water table. The soil remains the same, but water table changes. The question before the APC was whether staff should be looking at Mr. Martin’s 4.5 acres separately, or look at the entire industrial park, and make a determination for further field review as to how far the man modification extends. Mr. Chilton stated that in order to look at the entire industrial park the Agency has to notify all of the affected property owners in that area and obtain permission to go onto the property to get soil samples to do water table determinations.

Mr. Chilton stated that the report was written in response to the land capability team report, and he explained that the land capability review team spent considerable time on the site utilizing the soil survey and water table samples completed by Grant Kennedy, Soil Scientist. The Agency’s samples were done in June, 1983 and the water table was at a relative high level for that period of time. According to the report free water was found at 44 inches. Mr. Chilton further stated that his research in the soil survey for this particular south shore area if free water is struck at 24 inches below the surface it indicates an Elmira wet variant soil, but because the water table samples were such that free water was hit at 44 inches. Mr. Pyle verified that water above 60 inches means that it would be a wet soil; 24 inches just happens to be where it is normally found in this area, and if standing water is found at 44 inches or above 60 inches it would still be called a wet variant.
Mr. Chilton also explained that the staff recommendation was that the area does show characteristics of a man modification as determined in both the existing and proposed ordinances, and also the Goals and Policies. Mr. Pyle stated he was concerned with the term man modified. He suggested it might be called a man drained soil, but he did not think it was man modified in the sense of what would be called man modified. Mr. Pyle clarified that normally when referring to man modified soil it means that it doesn't have the structure it originally had in its natural state. The soils in the industrial tract have not been dredged, filled, or removed. There may have been enough drainage in that area to change it in that way and normally that is called non-man modified soil, but it is a man modified drainage or artificially drained.

Mr. Midkiff explained the reason this item was brought to the APC was to get some direction as to whether staff should deal with Mr. Martin's parcel that is subject to a litigation settlement, or deal with the entire industrial area, and how to process it.

Mr. Hoffman representing the applicant, Gerald Martin, stated that he and Mr. Martin have worked very closely with Agency staff, and were told that this would be scheduled for the May Governing Board agenda with an affirmative recommendation for a man modified change. Mr. Hoffman was not pleased of being informed during the meeting that the Martin matter was scheduled on the APC agenda, pointing out that the agenda item referred to a man modified determination, industrial tract stream environment, but it did not reflect Gerald Martin. Mr. Hoffman further stated that it appeared that there was a change of position within the staff so that they could use this as a test vehicle to bring this question to the APC. Mr. Hoffman added that the question deals with the 4.5 acres on the back side of the city hall complex, known as the industrial tract; leveled, cleared, no trees, the roads and sewer are in, for major industrial use. Mr. Hoffman further added this is one of those cases that has been in the system since 1979 and if we are down to that point where everyone has agreed that this is an area that should be treated as a man modified, that will resolve the litigation as long as they can continue to use their land, but if it is a stream environment zone then they can't use their land.

Mr. Hampson commented that whatever is decided it will have to be consistent with what the Lahontan Board determines whether it is a composite or an individual project that is mandatory in accordance with the 208 Water Quality Plan. Mr. Hampson suggested that the APC should not take any action until the Lahontan Board takes a position on it because it might be a short term popular decision and a long term grievous disaster. He added that determinations will have to be made and public hearings will have to be held.

Mr. Pyle stated that he would like to see the Land Capability Review Team's report because it appeared there was some conflicting statements in the draft memorandum prepared by staff that the APC received.

Mr. Hampson agreed that he would provide a staff report to the APC for both the individual project and a composite that correlates with Lahontan's laws and plans to make sure there is a reasonable decision that can be made at the June APC meeting.
APC REGULAR MEETING MINUTES MAY 9, 1984

The APC agreed to continue this item to the June meeting and give staff some policy direction at that time.

F. Transportation

2. RTPA Designation

Mr. Ziegler reported that Caltrans wishes to designate the Agency as the Regional Transportation Planning Agency (RTPA) for the Tahoe Basin under California State Law to receive subvention funds from the State and to carry out transportation planning responsibilities. The CTRPA had this designation in the past and technically still has it. The 1983-84 work program of CTRPA included a number of tasks for TRPA, and the Agency has started phasing in this system. Mr. Ziegler further reported that with the adoption of the Regional Plan and the deactivation of CTRPA, the Agency desires to become designated as the RTPA. In order for this to take place, the Agency must sign a Memorandum of Understanding with Caltrans, then the designation will be made by Kirk West, Secretary of Business, Transportation and Housing. Mr. Ziegler mentioned that the timing of Mr. West's signature will depend on what happens with the temporary restraining order and any stipulation that may be made prior to or after the restraining order hearing. If the TRPA accepts and receives the designation, the Agency will be required to establish a technical advisory committee, but specific meeting requirements are not necessary. Mr. Ziegler explained that the technical advisory committee is not the same as the TTD-TAC, APC, or the Governing Board. There is a requirement for an annual work program, which staff has been working on with Caltrans for the 1984-85 fiscal year, and the work program will go to the Finance Committee later this month. The Agency will be required to do a regional transportation plan in the even-numbered years. The submittal for this year was taken care of through the adoption of the Transportation Element of the Regional Plan. There are accounting, auditing and reporting requirements, and matching requirements for the RTPA designation. CTRPA historically had the matching requirements waived, and they were waived for 1984-85 fiscal year. Assuming that TRPA receives the designation there are no promises on whether they can continue to waive the matching requirements indefinitely. Mr. Ziegler added that John Eells from the Caltrans District Office would be the staff contact. Mr. Ziegler summarized that as far as federal funding is concerned, Section 8, and Section 18 under UMFA will be left to the discretion of TRPA whether or not to pursue those funds. If the Agency does pursue federal funds and they are awarded, the funds have to be rolled into the work program for Caltrans.

3. Status Report A.B. 120

Mr. Ziegler reported that under the existing three-way work program with Caltrans, CTRPA and TRPA, the Agency was committed during the present fiscal year to complete a Social Services Transportation Plan to satisfy the requirements of A.B. 120. Mr. Ziegler explained that the Agency hired a contractor to fulfill this contract and he introduced Laurel Ames, Contractor.

The APC received copies of the Draft TRPA Social Services Transportation Plan. Ms. Ames explained that A.B. 120 was a requirement of State legislation in 1979 that required transportation commissions to develop a plan that would promote
the coordination of transportation services provided by social service agencies in order to "achieve greater operating and service efficiencies". The assumption was that there are a lot of people providing transportation services to social service agency recipients, but the transportation services were uncoordinated. Ms. Ames further explained that the CTRPA did a social services transportation plan, but did not do an action plan. CTRPA recommended that TRPA do the action plan.

A table of the inventory results was included in the report which Ms. Ames briefly outlined. The inventory focused on the low-income elderly and low-income handicapped. Seven agencies that provide transportation services were identified; six agencies at the South Shore and one on the north shore. Ms. Ames also outlined in her report the provider agencies, the recipients, mileage, funding and costs, geographical area and vehicles used, transportation across state lines, eligibility requirements, and driver information. Ms. Ames identified the issues of the plan: whether there should be North and South Shore coordination, coordination of existing programs, or coordination of financial matters. Ms. Ames explained that at this point there is no identified need for coordination across state lines in Douglas County or Incline Village. Ms. Ames summarized the action plan alternatives: Alternative 1 - Status Quo plus the coordination by TRPA; Alternative 2 - Tahoe Transportation District is designated as consolidated transportation service agency and (Scenario A) coordinates all in-basin social service transportation programs (Scenario B) provides a clearinghouse function to social service transportation providers; Alternative 3 - STAGE and TART designated as consolidated transportation service agency for South and North Shore areas, respectively, providing clearinghouse functions to social service transportation providers.

VI PUBLIC HEARING

A. Code of Ordinances

B. Plan Area Statements

There was no public testimony given on either the Code of Ordinances or the Plan Area Statements at this meeting and the public hearing was continued to the June APC meeting.

VII REPORTS

A. Staff

Mr. Midkiff explained that he was absent at the morning portion of the meeting because he attended a budget hearing. He reported that the California Assembly Ways and Means Committee and the Senate determined that they have no desire to fund the remapping effort at this time. Mr. Midkiff further explained the result was that the Agency will not receive any funds for remapping from Nevada. The Agency attempted to get approval of the funds contingent upon putting together a work program to be approved by the Department of Finance. The Department of Finance indicated that if the Agency could put together a program later we could go back through the Section 28 letter process during the year and get additional funds. Because the Agency does not have the funds, Mr. Midkiff stated that an attempt will be made to get agreement from Nevada for funds at some future time during the year.
Mr. Midkiff stated that when the initial mapping work was done in the early 1970's, a ten acre minimum size was the degree of resolution. If we go back to a one acre survey, a number of soil types will probably be identified that were never identified before. As a result many of the soil types would not be recognized as soil types by the Soil Conservation Service universal survey, and secondly most of those would not have been rated by the Bailey plan for the erosion and runoff potential. Mr. Midkiff pointed out this is a significant issue as to whether we go back and do a complete remapping to that degree of resolution and as a result have to apply those erosion and runoff potential factors. This could be further complicated by the fact that the erosion and runoff potential evaluation processes would change significantly since the original Bailey soil system was classified and put in place. Mr. Midkiff added this is a complicated process which is one reason why we were unable to get all the questions answered and put together a work program that would satisfy the legislative committees. Mr. Midkiff commented that the Agency will continue trying to answer all of these questions, and proceed with a solid proposal that can be added to the 1985-86 fiscal year budget when it will be resubmitted in the fall.

B. Legal Counsel

Legal counsel was not present.

C. Public Interest Comments - None

D. APC Members

Mr. Ryerson stated that he would be attending the APC meetings in place of Gary Agid.

Ms. Temple proposed an APC procedure for review of the Code of Ordinances. When the subcommittees come close to final review they would report to the APC and at that time the APC would set a public hearing with a finalized draft going to legal counsel; the subcommittee chairman meet with legal counsel to insure that the intent of the ordinance is kept; if there were any substantial legal issues that arose the issues could be discussed during the public hearing. Ms. Temple also suggested that a time frame should be established to determine how long it will take to get each chapter through smoothly and expeditiously.

IX CORRESPONDENCE - None

X PENDING MATTERS - None

XI ADJOURNMENT - None

The APC meeting adjourned at 4:50 p.m. This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0249.

Respectfully submitted,

Mary Bailey
Secretary II
MEMORANDUM

June 6, 1984

TO: TRPA Advisory Planning Commission
FROM: Agency Staff
SUBJECT: Comments on the Bitterbrush Draft Environmental Impact Statement

At the April 11, 1984 meeting of the APC, the Bitterbrush EIS was circulated. The Agency has received only three written comments to date. One other party has requested that they be allowed until June 7, 1984 to submit their comments. Agency staff feels that these comments should be given consideration. The determination on technical adequacy will, therefore, be continued until the July meeting. Before the July APC meeting, the consultant will prepare a response to these comments for your review. Since this item is scheduled for the agenda in June, this would be a good opportunity for the APC to verbally comment on the EIS. The consultant will also respond to these comments.

The Bitterbrush EIS is somewhat unique in that it was required by terms of a litigation settlement agreement between the Tahoe Regional Planning Agency and Leroy Land Development Corporation. According to the Settlement Agreement, the scope and extent of the EIS is to be limited to and address the impact of the on-site and off-site mitigation items, the on-site revegetation and additional matters set forth in the Agreement in comparison to the Bitterbrush project as approved immediately prior to December 18, 1980.

The EIS, therefore, generally covers the following subjects:

1. Environmental setting;
2. Project as approved prior to December 18, 1980, and effects of implementation of the Settlement Agreement on:
   a) water quality
   b) traffic
   c) air quality
   d) visual conditions
3. Evaluation of combinations of alternative off-site mitigation measures;
4. Evaluation of the "No Action" alternative.
MEMORANDUM

June 6, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Litigation Status Report

Pursuant to the outcome of the preliminary injunction hearing scheduled for June 11, 1984 staff will be prepared to report on the hearing at the June APC meeting.

GDM:md

APC Agenda Item V B. 1.
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 Statements Review Schedule

Plan Area Statements 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 WORK SHOPS/HEARINGS

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<tr>
<th>Jurisdiction</th>
<th>Key Members</th>
<th>Location/Date/Time</th>
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<tr>
<td>Washoe County</td>
<td>Jim King</td>
<td>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 Sevison</td>
<td>Heart Savings &amp; Loan, South Lake Tahoe, July 6, 1984, 9:30 a.m.</td>
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<td>Bill Combs</td>
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<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>
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<td>Liz Temple</td>
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<td>Stan Hansen</td>
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<td>City of South Lake</td>
<td>Norm Woods</td>
<td>TRPA Office, 2155 South Avenue, South Lake Tahoe, July 16, 1984 9:30 a.m.</td>
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<td>Germaine McMorris</td>
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<td>August 8, 1984</td>
<td>APC Public Hearing/Committee Recommendations</td>
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<td>August 22, 1984</td>
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MEMORANDUM

Date: June 6, 1984

To: Advisory Planning Commission

From: Agency Staff

Subject: Stream Zone Restoration Project Descriptions

Please find attached 9 pilot project descriptions and their corresponding location maps for the stream zone restoration program. These projects are only a sampling of the 150 projects identified.

Potential projects were identified by first comparing the mapped stream environment zones and land use patterns of the urbanized areas. Stream zone restoration criteria were developed and refined through field review, mapping, and evaluation of the restoration potential of each site. The individual project areas were defined by physical boundaries, land ownership boundaries, and land use patterns. Projects were then evaluated in regard to land ownership, major man made features present, and restoration difficulty.

As the APC reviews these project descriptions, please keep in mind they are a sample selection with a wide range of restoration potential and difficulty.

The staff would like comments on the adequacy of the format of presentation, technical content, and general conformance with Agency policy and goals.

KS:bl

APC Agenda Item V D.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Snow Creek Fork at Highway 28
PROJECT NUMBER: 3-6C
WATERSHED NUMBER: 20 - Snow Creek

PROJECT LOCATION: The project site is located adjacent to Highway 28 and the Wood Vista Golf Course. Approximate size of the project area is 25 acres. Affected parcels include 89-181-16, 17, 20, 22, and 89-110-03, 05. Land capability classification is 1b.

SITE DESCRIPTION: The project area consists of a filled meadow. Prior to deposition of the fill the area contained riparian vegetation and was inundated during periods of peak runoff. The fill area is approximately 2.5 acres in size and contains approximately 9,500 cubic yards of earthen material.

FIELD ANALYSIS: Due to deposition of the fill material, Snow Creek has undergone several changes including reduced water quality treatment capacity, channelized flow patterns and increased localized flooding.

RESTORATION POTENTIAL: The Snow Creek restoration project is currently being pursued as a mitigation measure to the Brockway Springs Project. The removal of the fill material, establishment of a widened flood plain and revegetation with riparian species would be undertaken. The proposed project would reduce localized flooding and significantly increase the meadow's water quality treatment capacity.

COST: Based on estimates by Brockway's consultant, this streamzone restoration project will cost approximately $65,000. This includes excavation costs, trucking the material to a designated disposal site, and revegetation of the area.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PILOT PROJECT

PROJECT NAME: Skyrock Brothers Yard and Business

PROJECT NUMBER: 8-24C

WATERSHED NUMBER: 69

PROJECT LOCATION: The project site of approximately 1 acre is located off of Tamarack Avenue in the Ski Run area of South Lake Tahoe. Affected parcel is 27-331-04, land capability 1b.

SITE DESCRIPTION: The developed parcel which comprises the project area has been, graded and compacted. There is little vegetation on the site and the surface water flow has been diverted to protect facilities. There is a single family dwelling on the lot.

FIELD ANALYSIS: Although this parcel contains a single family residence, the disturbance associated with the structure and the historic use of the parcel causes significant water quality impacts. The use associated with this parcel creates a major break in a continuous functioning stream environment zone.

RESTORATION POTENTIAL: The best solution for restoration on this property would be removal of all improvements and major earth work to decompact the area. The area should then be revegetated with wetland indigous species.

IMPLEMENTATION: Lot retirement, transfer of coverage to more suitable site.

COST: The cost of restoration based on USFS streamzone restoration of $1,000 - 200 per acre would be approximately $1,200 to $2,000, plus the cost of transferring the existing development on the site.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Optimist Club, Trailer Pad

PROJECT NUMBER: 8-20A

WATERSHED NUMBER 8 (Trout Creek)

PROJECT LOCATION: Highway 50 and Blue Lake Road next to Muffler Shop, in City of South Lake Tahoe. The affected parcel is APN 31-103-12.

SITE DESCRIPTION: The area consists of approximately 20,000 square feet (1/4 acre) of stream zone which was filled with earth material. Prior to deposition of the fill, the area contained riparian vegetation and was considered to be within the 100 year flood plain.

The site currently is highly compacted, unpaved and stripped of vegetation. There are no drainage or infiltration facilities on-site.

FIELD ANALYSIS: Although it appears to be a minor encroachment, the visible nature of the site and the downstream impacts from the fill are considerable. During peak flood stages, the entire area displaces flood waters and reduces the meadow's treatment capacity.

RESTORATION POTENTIAL: Restoration of the area would be relatively expensive in comparison to the amount of increased capacity received. The high cost is due to the expense necessary to remove the deposited fill material. Once the fill material is removed and the finish grade set equal to that of the meadow, the area should be revegetated with riparian species. As stated above, this is a highly visible project due to its location on Highway 50.

COST: The cost of the project would be substantially higher than an average stream zone restoration project due to extensive and costly earth moving requirements.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Charlesworth and Elva Street Subdivision

PROJECT NUMBER: 8-24-A

WATERSHED NUMBER 69

PROJECT LOCATION: The project site is located off Pioneer Trail just west of Ski Run Boulevard in the City of South Lake Tahoe. Affected parcels include APN's 28-141-21 through -25, 28-141-33, 28-141-40, -42 and -43. The land capability is generally 1B.

SITE DESCRIPTION: The project site is characterized by approximately 10 acres of channelized meadow and very high groundwater table. Vegetation includes quaking aspen, meadow grasses, and willows. The Caltrans freeway right-of-way comprises approximately 50% of the project site. The existing subdivision was created with TRPA approval prior to the revision of the Compact. One single family dwelling exists in the subdivision. The passage of 81-5 prevents any further development in this subdivision.

FIELD ANALYSIS: The groundwater table of the area has been lowered by subdivision improvements. Charlesworth Court, built on fill material, intercepts the stream channel and the roadside drainage ditch drains the meadow. There is one developed lot in the subdivision (APN 28-14-142) which has an undersized culvert beneath the driveway causing ponding and down stream scour.

RESTORATION POTENTIAL: Restoration should include removal of that portion of Charlesworth Court beyond the existing dwelling. For the amount of restoration, little work is involved. Heavy equipment will be needed to remove the unnecessary road. The area should be revegetated with riparian species. Additional work would be required to stabilize culvert discharge points and stabilize areas that are head cutting. The total project area is approximately 10 acres. This includes several lots and the actual roadway surface.

IMPLEMENTATION: TDR, lot retirement, open space easement.

COST: Based on U.S. Forest Service streamzone restoration costs of $1,000 - $2,000 per acre, approximate cost amounts to $12,000.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Fairview Boulevard at Mt. Rose Highway in Incline Creek Watershed

PROJECT NUMBER: 4-24

WATERSHED NUMBER: 34

PROJECT LOCATION: Fairview Drive off of Mt. Rose Highway, Incline Village, NV. Affected parcels include: 126-265-02, 126-265-03, 126-245-01 to -05, 126-244-01, -02. The land capability is 1B and 1A.

SITE DESCRIPTION: The project site is characterized by a high groundwater table and two minor stream channels. Vegetation consists of wet meadow grasses, aspen, willows, alders and lodge pole pine. A paved road (Fairway Boulevard) has been constructed in the stream environment zone on fill material, and a drainage network has been installed to protect the roadbed from the high groundwater table. The proposed site consists of vacant parcels except one single family dwelling on APN 126-244-02.

FIELD ANALYSIS: The project area consists largely of a relatively undisturbed wet recharging meadow. The physical restoration would require removal of a short length of Fairway Boulevard which acts as a surface and subsurface flow restriction. The existing single family dwelling can be serviced by the lower portion of Fairview Boulevard.

RESTORATION POTENTIAL: By removing the unnecessary paved and unpaved portions of Fairway Boulevard, approximately 12 acres of recharging meadow can be restored. The affected properties are private and vacant. For the amount of restoration, little work is involved. Heavy equipment is necessary for removal of the road.

IMPLEMENTATION: TDR, lot retirement, open space easement.

COST: Based on U.S. Forest Service streamzone restoration costs of $1,000 - $2,000 per acre, approximate cost amounts to $21,600.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Meadow and Lagoon Street in Quail Creek Watershed

PROJECT NUMBER: 11-5

WATERSHED NUMBER 98

PROJECT LOCATION: The project site of approximately 11.5 acres is located west of McKinney Drive off Meadow Road in the McKinney Shores Subdivision, Placer County. Affected parcels include 97-050-07, 27, 97-200-14, 15, and 98-023-01, 02. Land capability classification 1a, 1b & 3.

SITE DESCRIPTION: The project site is characterized by a channelized flood plain and a high groundwater table. Vegetation consists of willows and meadow grasses. A paved road exists (Meadow Drive) and an unpaved parking area used as a community earth dumping ground exists in the stream environment zone.

FIELD ANALYSIS: Considerable downstream bank erosion has resulted from upstream modifications. Flood plain channelization has resulted from dumping of earthen fill material. The unnecessary portion of Meadow Road could be removed allowing access to improved parcels 97-200-12, 13 via Lagoon Road and parcels 97-200-14, 98-023-01 via McKinney Road.

RESTORATION POTENTIAL: The unnecessary portion of Meadow Road should be removed with county approval, fill material should be removed, and the flood plain should be restored. Extensive earth work using heavy equipment will be necessary. The entire area should be revegetated with riparian species. Approximately 11.5 acres can be restored to a functioning stream environment zone by removing the earth fill in the floodplain.

IMPLEMENTATION: County approval will be necessary for removal of the road. TDR, lot retirement, and open space easements are possibilities for affected vacant properties.

COST: Approximate cost based on U.S.F.S stream restoration costs of $1,200 - $2,000 per acre, amount to $23,000.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME:    Burke Creek Meadow

PROJECT NUMBER:  7-5

WATERSHED NUMBER 66

PROJECT LOCATION: The project site consisting of approximately 19 acres is located along Burke Creek in Douglas County. Affected parcels include 07-050-02, 03, 05, 06. Land capability is 1a, 1b, & 3.

SITE DESCRIPTION: The project site is characterized by a wet meadow and flood plain. Vegetation consists of willows, meadow grasses, aspens. Unpaved road surfaces, utilized for ORV's, are found in the project area.

FIELD ANALYSIS: The meadow is relatively unimpacted. The major disturbance is illegal ORV trespass through the meadow and channel.

RESTORATION POTENTIAL: Ripping the road surface revegetating of the area, fencing, and reduction of illegal ORV use would adequately correct the water quality impacts on the site. This would be a relatively easy project for restoration of 19 acres of stream environment zone.

IMPLEMENTATION: Two of the affected parcels are in county ownership. The Rabe Estate also owns portions of the project site. Cooperation between the affected owners and mitigation funds may be a possible alternative for ripping, revegetating, and fencing. Signs should be posted to prevent illegal ORV use.

COST: Based on U.S. Forest Service streamzone restoration costs of $1,200 - $2,000 per acres, approximate cost amounts to $23,000.
PROJECT NAME: Wildwood - Ski Run Blvd. and Osgood to Paradise Avenue

PROJECT NUMBER: 8-24

WATERSHED NUMBER 69

PROJECT LOCATION: The project area consisting of approximately 3 acres encompasses the city block between Osgood, Ski Run Boulevard, Paradise and Sonora Avenues, in the City of South Lake Tahoe. Affected parcels include 27-071-01, 04, 05, 09, 11-17, 22, 23, 25, 26, 28. Land capability is: 1b & 7.

SITE DESCRIPTION: The project site is characterized by a large meadow area severely compacted from parking for the commercial businesses along the highway. Destroyed vegetation and scattered debris are evident throughout the area.

FIELD ANALYSIS: The affected parcels are unimproved. Earthen fill material should be removed, roadside drainage improved, sedimentation basins and treatment facilities constructed and compacted areas revegetated. The site should be fenced to prevent a recurrence of parking and compaction.

RESTORATION POTENTIAL: This is a relatively small project site. The Wildwood streamzone restoration program that the City of South Lake Tahoe has undertaken includes this area. Detailed field analysis and engineering work has been accomplished.

COST: The final project design is scheduled to be completed by the City in 1984 and 1985. The Wildwood project contains several smaller streamzone restoration projects.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Burton Creek Meadow West of Star Harbor

PROJECT NUMBER: 1-13

WATERSHED NUMBER: 4

PROJECT LOCATION: The Project site, encompassing approximately 13 acres is located immediately west of the Star Harbor Condominium complex in Placer County. Affected parcels include 94-140-09, 11, 12, 20, 29, 32, 33, 34, 36. Land capability 1b & 5.

SITE DESCRIPTION: The project site is characterized by a large wet meadow. It is utilized for seasonal horse facilities. Compaction and loss of vegetation have resulted from grazing and the use of corrals and feeder pens. The horse facilities are an accessory use to several Lakefront homes across the meadow. This use is seasonal and in some years the meadow is not grazed at all. Additional impacts on the meadow occur from the crossing near Star Harbor Condominium parking lot. This crossing is very stable and is located and designed to minimize encroachment into the streamzone. It provides access to the several homes across the meadow.

FIELD ANALYSIS: It appears that the natural channel has been diverted to provide flood irrigation to the meadow. The meadow is in relatively good condition aside from the seasonal horse facilities.

RESTORATION POTENTIAL: This is a highly visible area from the highway. The corrals and horse stables should be removed and compacted areas revegetated with meadow grasses. The remedial erosion control ordinance may be applicable to restore this project site. The single family dwelling units near the Lake would not be affected.

COST: Based on U.S. Forest Service streamzone restoration costs of $1,200 - $2,000 per acre, approximate cost amounts to $16,000.
MEMORANDUM

June 7, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Discussion of Water Quality Monitoring and Evaluation Program
(Thursday, June 14, 1984, 9:30 a.m.)

At the regular April, 1984 meeting of the AFC, 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 will distribute the results of that meeting to the Water Quality Committee and the full APC on June 13 at Granlibakken.

TRPA, USGS, and TRG staff will make a brief presentation on the draft water quality Monitoring and Evaluation Program on June 14 at the time announced on the agenda. 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 or Gary Shellhorn, Long Range Planning Division, (916) 541-0249.

DZ:md

APC Agenda Item V E.
MEMORANDUM

June 7, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Section 8 Transportation Planning Status Report

On June 1, 1984 JHK and Associates presented to the TTD Board a progress report regarding the final draft copy for the 5-year short range transit plan. The process of developing the plan has been an 11 week process. During this time there has been considerable input from a TAC subcommittee appointed to work with JHK, in the development of the plan. The content of the plan has five tasks defined under the work schedule; these are:

1) Planning for acquisition or transfer of the existing systems (TART and STAGE)

2) Operational Plan for Transit Expansion

3) Maintenance and Facility Planning

4) Project Control and Implementation Planning

5) Development of a Five-Year Financing Plan

Staff is scheduled to give a verbal presentation to the APC at the June 13-14, 1984 regularly scheduled meeting.

JB:md

APC Agenda Item V F.
MEMORANDUM

June 6, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Gerald Martin, Determination on Man Modification of Industrial Tract Stream Environment Zone, City of South Lake Tahoe

The man-modified determination was continued from the May 9, 1984 AFC meeting to allow time to explore the feasibility of addressing the entire industrial tract area concurrently with a 4.5 acre portion. This 4.5 acre part of the industrial tract is owned by Mr. Gerald Martin and has been the subject of much study and litigation. Staff has determined that a study of the entire industrial tract area, incorporating the criteria required for a man-modified designation of an SEZ found in the Goals and Policies of the Regional Plan for the Lake Tahoe Basin would call for substantial investigation by staff and consultants. Holding up Mr. Martin's determination any longer would place an unwarranted burden upon him.

The Agency became involved in this matter as a result of an agreement between the CTRPA Governing Board and Mr. Martin in November, 1982. The TRPA was identified as the means of settling a suit between the two parties. TRPA was to accept a land capability challenge brought by Mr. Martin in reference to the 4.5 acres (APN 122-213-37 and 122-213-38), and process it through the proper channels. Early in the processing of the challenge, the Agency determined that a request for a man-modified determination of an SEZ was a more correct means of assessing the actual land capability of the property. A land capability challenge is a process by which incorrectly mapped soil types are identified and remapped, while a man-modified determination identifies areas within a mapped stream zone area which have been changed through past construction or other actions. In order to make a determination of man-modified, criteria found in the Goals and Policies, Regional Plan for the Tahoe Basin, Conservation Element (Adopted April 26, 1984) must be met. The criteria follows that utilized by the Regional Water Quality Control Board, Lahontan Region (RWQCB). The RWQCB has been informed of the recommended man-modified designation and to date has not raised substantial objections.

6-6-84
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APC Agenda Item VI A. 1
Based upon the information found in the following technical report compiled by Agency staff, the staff recommends that the APC find that the Martin parcels (APN 122-213-37 and 122-213-38) are correctly mapped as Elmira, wet variant soils but due to the modifications of the geomorphic characteristics of the site, the land capability more closely approximates that of class 7 lands than the 1b stream environment zone classification. The staff further feels the subject parcels meet the criteria for man-modified classification and new development would not further degrade the downstream water quality. The staff recommends the subject parcels be designated as man-modified and assigned a new land capability classification with conditions for off-site mitigation of runoff and drainage for all approved development. The off-site mitigation would be part of a package for the industrial tract area and the cost would be assessed on an equal basis among those developing parcels within it when based upon this or future man modified determinations.

TECHNICAL REPORT

The property, as mapped by The Soil Survey of the Tahoe Basin Area (Soil Conservation Service and U.S. Forest Service, 1974), is Elmira loamy coarse, sandy, wet variant which is assigned to land capability class 1b and 1 percent allowable impervious surface cover. Mr. Martin contends the aforementioned parcels are not high hazard lands and are more alike to land capability class 7 lands.

As is TRPA policy in land capability challenges, a consulting team consisting of a soil scientist, a hydrologist, a geomorphologist and an ecologist were utilized to conduct a technical evaluation of the parcels and prepare a comprehensive report assessing the validity of the capability challenge.

The Land Capability Review Team (LCRT) report for the Martin parcel supports the conclusion that the soil at the site is Elmira loamy coarse sand, wet variant. It also supports a conclusion that the site has been man-modified. The man modified designation does not reflect a change in soil type, but does reflect an alteration of the geomorphic characteristics of the site due to past man-caused disturbance.

The area in question has a long history of development including subdivision of properties, installation of storm drain system facilities and the construction of paved streets. The area is 55% built out with existing development consisting of a combination of commercial, industrial, and public services. Commercial and industrial uses include materials storage, warehouse, automobile repair and storage, and an asphalt plant. Public services include some city administrative offices, and the city bus maintenance yard.
Dominant vegetation of the area is more indicative of a transition occurring from wetland species to dry land species. As stated in the LCRT report, "Dryer site species such as Jeffrey pine could not survive under constantly saturated conditions within the root zone." Jeffrey pine trees indicate a dry, well-drained site.

Testing of the water table has been conducted at various times during the past five years. The LCRT bored test holes on and adjacent to the subject parcels in June, 1983 and soil scientist, Grant Kennedy, conducted similar tests in July, 1979. The findings of the LCRT tests showed the water table varied from 44 inches below the surface to six (6) feet while the Kennedy report found the water table at ten (10) feet. These variations are most probably attributable to the difference in winter precipitation of those years the tests were made with the 1982-83 winter being much wetter than the winter of 1978-79.

The Soil Survey of the Tahoe Basin Area (SCS, USFS 1974) defines high ground water for the south shore area as the presence of free water within two feet of the surface. The particular definition of the Elmira, wet variant soils (1b) states "depth to seasonal high water table varies from 1 to 2 feet." The investigations on the Martin parcels do not show a water table which meets the criteria of the soil survey for the Elmira, wet variant soil.

The LCRT report characterizes the site as a significant groundwater recharge area with rapid percolation only limited by the suspected presence of an inverted water table. The rapid percolation are indicative of Elmira soils under land capability class 7 which are defined as "somewhat excessively drained." The presence of an inverted water table would decrease the infiltration capacity of the soils as the frequency of runoff/infiltration events increase. This would mean that as more impervious surface is created and infiltration systems are installed to mitigate runoff, the capacity of the soil to percolate is diminished. Therefore, there is an increased probability for failure of the infiltration systems to adequately handle runoff.

Based on the information of the LCRT report and field investigation, the soils of the subject parcels are Elmira with historical evidence of a high water table. The presence of dry site vegetation and the test hole water levels indicate the soils are now better drained and drier. The construction of the road and storm drain systems are possible causes for such modifications of the soil characteristics.

In order to make a determination of man-modified, certain criteria must be met. Drawing from the Goals and Policies, Regional Plan for the Tahoe Basin, Conservation Element:
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 MODIFICATION OF THE STREAM ENVIRONMENT ZONES.

In general, further development to disturbed, developed, or subdivided stream environment zones adds to the environmental problems associated with loss of riparian vegetation, concentration of stream flows, and disturbance of areas subject to periodic inundation. In a few cases, however, the stream environment zone may have been so substantially altered that further development would not add to these problems, and would not be inconsistent with stream environment zone restoration policies. After study and review by a technical review team, TRPA may designate areas as man-modified stream environment zones and assign a new land capability rating if the areas satisfy the four part test set by this policy.

The staff analysis of the criteria:

1. The existing depth of the ground water table at a minimum of forty-four inches no longer provides the basis for a high groundwater determination. One or two feet is the depth of the seasonal high water table found in the SCS description of Elmira, wet variant soils.

2. On-site drainage facilities consisting of large, shallow infiltration beds would be incorporated into any development to insure that runoff is controlled. The property no longer exhibits the special characteristics of a stream environment zone, rather it presently functions in a manner more relevant to a land capability 4 through 7 property by its vegetative cover and water table.

3. Restoration of the stream environment zone is infeasible from a legal and financial standpoint. Restoration of these parcels would not provide any measurable improvement to water quality. Only an area wide comprehensive stream zone restoration would be beneficial. Considering the number of developed parcels already in the area, buy-out would be required and would cost millions of dollars, not including the actual restoration work required, i.e., removal of buildings and ripping of streets and revegetation.

4. On-site drainage facilities in addition to remedial work on the downstream drainage would partially offset the losses caused by modification of the SEZ.
In respect to possible future planning objectives, the site lies within Plan Area 113 of the Plan Area Statements, Regional Plan for the Lake Tahoe Basin. The area statement reads:

This area should continue to serve as a commercial and industrial area for the south shore area. Additional development must be predicated from reductions in soft land coverage and application of on and off-site BMP's. This is assuming that the high water table is not a major development constraint by precluding the ability to achieve on-site infiltration of storm water flows. A specific plan for restoration of portions of the stream environment zone along with coverage transfers to be permitted to achieve an industrial use mix will be subject to TRPA approval.
MEMORANDUM

June 6, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Land Capability Challenges

During the May 9, 1984 APC meeting, Agency staff presented a package of area-wide land capability challenges. These challenges were a compilation of California Tahoe Regional Planning Agency approvals and of Incline Village land capability challenges. The APC directed staff to return with the package at the June, 1984 meeting. During the interim all property owners within or adjacent to proposed changes have been notified of the scheduled APC, Governing Board and public meetings. The scheduled meetings include the APC meeting on June 13, at Granlibakken Ski Resort, a public meeting at the Incline High School Library on June 21 at 7:00 p.m., and the Governing Board meeting on June 28 at the TRPA office.
MEMORANDUM

June 6, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Redelineations of Land Capabilities in Portions of Incline Village Units 1, 1B, 2, and 4, and Ponderosa Units 2 and 5, Washoe County

Redelineations:

In response to a number of individual land capability challenges filed during 1981-82 the Agency utilized an interdisciplinary team to reevaluate the land capability classifications of portions of Incline Village. Staff has determined that corrections of inaccuracies on land capability maps do not have a significant effect upon the environment and, therefore, are categorically exempt from environmental documentation requirements under TRPA guidelines.

Slopes in Incline Village vary from less than ten percent on benches and terraces to greater than fifty percent on steep canyon side slopes. Soils vary from Tahoma stony sandy loam (TaD) 2 to 15% slopes to rock outcrop and rubble land (Rx). Utilizing soil scientist's reports from more than thirty land capability challenges in the area the Land Capability Review Team identified soil boundaries by field inspection including observed differences in soil depth, soil profiles, soil parent materials and slope steepness. In addition, stereo interpretation of large color aerial photos provided a means of combining the information gained from the field work and the scientist's reports with that from the aerial photos themselves. That information was then transferred to the Incline Village parcel map and map sheet 1 of the Tahoe Basin Soil Survey. Soil map unit descriptions and symbols from the Soil Survey were used in the analysis and in the mapping.

An area where the slopes were in excess of thirty percent was found on the western side of Incline Village in the vicinity of Knotty Pine Drive. The Bailey "Land Capability Classification of the Lake Tahoe Basin . . ." (1974), the basis for the land capability classification system in the Tahoe Basin, shows that Inville soils (the type of soil found in these areas) located on slopes between thirty and fifty percent should be assigned to land capability class 2. On the proposed map showing the changed (redelineated) areas, these areas of Inville soils with slopes in excess of thirty percent are shown as a land capability 2. The other areas of Incline Village, where corrections were made, have land capability classifications throughout the range. The proposed map amendments call for areas to be correctly mapped at a higher capability, in

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APC Agenda Item VII A. 1.
Redelineations of Land Capabilities in Portions of Incline Village
Units 1, 1B, 2, and 4, and Ponderosa Units 2 and 5, Washoe County
June 6, 1984
Page 2

in most instances raising the land capability from the 1 through 3 classification to a 4 through 7 classification. These corrections were based upon the soil scientist's reports, Land Capability Review Team field inspections and aerial photo interpretation. Soil unit boundaries were found to be inconsistent with the scientist's reports and slope measurements and were, therefore, identified on the proposed map with the correct land capability.

Attached is the summary report accompanying the redelineation map which indicates the results of the team's field work and describes the methodology used and the team's recommendations on revised land capability designations depicted on a map of Incline Village.
PROPOSED LAND CAPABILITY AMENDMENTS
(Revised Area)
INCLINE VILLAGE UNITS 1, 2, and 4
SOIL MAP UNIT REDELINEATION
for the
Tahoe Regional Planning Agency

August 18, 1982

Review Team Members: John Munn, Soil Scientist
Paul Seidelman, Geomorphologist
Robert Coats, Ecologist
William Vandivere, Hydrologist

PURPOSE

Numerous successful land capability challenges in the Incline Village area have demonstrated that the soil units mapped in this area by the Tahoe Basin Area Soil Survey (Rogers, 1974) are, in places, incorrect. This situation has been most evident in development units 1, 2, and 4.

The review and administration of land capability challenges by the Tahoe Regional Planning Agency is expensive and time consuming. Therefore, the agency has directed the TRPA Land Capability Review Team to review and, where appropriate, remap soils in areas with numerous successful land capability challenges in the Incline Village area.

SETTING

Incline Village is located on a complex combination of geologic units. The upland areas of development units 2 and 4 are primarily composed of weathered volcanic mudflows with a few areas underlain by welded, hot andesite flows. Occasional outcroppings of underlying granitic bedrock are evident. The volcanic units are occupied by Jorge, Tahoma, Umpa, and Meiss soils. Development unit no. 1 is on dominately granitic bedrock with associated Cagwin soils. The footslopes of both volcanic and granitic areas are covered by dissected alluvial fan and outwash deposits of mixed volcanic and granitic materials. These relatively young geologic units underlie Inville soils, which are also found on isolated upslope fan remnants.

Slopes on the area vary from less than 10 percent on volcanic and granitic benches and on alluvial fan terraces to greater than 50 percent on steep canyon sideslopes.
SOIL MAPPING PROCEDURES

Landform boundaries were identified by field inspection and mapped by stereo interpretation of 4-inch per mile, color aerial photographs. Soil unit boundaries were established by stereo aerial photo interpretation with close reference to soil and slope information collected during field review and in previous land capability challenge reports. Soil map unit descriptions and symbols established by the Tahoe Basin Area Soil Survey were used in this analysis.

Soil boundaries were transferred from aerial photographs to an overlay on the 1980 parcel location map of Incline Village. Line transfer in the developed area is very accurate because of the large number of identifiable cultural features on both the map and the aerial photographs. Line placement outside of the developed area is approximate due to lack of identifiable features on the base map.

A copy of the corrected soil map for the area of Incline Village Units No. 1, 2, and 4 is enclosed with this report, and parcels with current land capability challenges within this area are listed in attached Table 1 with the recommended soil unit and land capability class based on the revised soil map.

Respectfully submitted,

John R. Munn, Jr.
John R. Munn, Jr.
Paul Seidelman
Paul Seidelman
Robert Coats
Robert Coats
William Vandivere
William Vandivere
Soil Mapping Procedures Used for Redelineation of Soil Units in Incline Village Units 1, 2, and 4.

by:

John R. Munn, Jr.
Soil Scientist
(CPSS No. 1989)

Introduction

Numerous successful land capability challenges in the Incline Village area have demonstrated that the soil units mapped in this area by the Tahoe Basin Area Soil Survey (Rogers, 1974) are, in places, incorrect. This situation has been most evident in development units 1, 2, and 4.

The review and administration of land capability challenges by the Tahoe Regional Planning Agency is expensive and time consuming. Therefore, the agency directed the TRPA Land Capability Review Team to review and, where appropriate, remap soils in areas with numerous land capability challenges in the Incline Village area.

Review team members participating in the review and redelineation of Incline Village Units 1, 2, and 4 were as follows:

Jeff Borum - Geomorphologist
Robert Coats - Ecologist
John R. Munn, Jr. - Soil Scientist
Paul Seideman - Geomorphologist
William Vandivere - Hydrologist

Setting

Incline village is located on a complex combination of geologic units. The upland areas of development units 2 and 4 are primarily composed of weathered volcanic mudflows with a few areas underlain by welded, hot andesite flows. Occasional outcrops of underlying granitic bedrock are evident. The volcanic units are occupied by Jorge, Tahoma, Umpa, and Meiss soils. Development unit no. 1 is on dominantly granitic bedrock with associated Cagwin soils. The footslopes of both volcanic and granitic areas are covered by dissected alluvial fan and outwash deposits of mixed volcanic and granitic materials. These alluvial deposits are occupied by Inville soils, which are also found on isolated upslope fan remnants.

Slope steepness in the redelineation area varies from less than 10 percent on volcanic and granitic benches and alluvial fan terraces to greater than 50 percent on canyon sideslopes.
Soil Unit Boundary Identification

Soil unit boundaries were identified by stereo analysis of 4-inch per mile, color aerial photographs. Interpretation of the photographs was guided by soil, slope, and landform information collected during review team field inspections and from previous land capability challenge reports.

Soil profiles, parent materials, and slope were observed and inspected along the cut banks of all the numerous roads within the redelineation area. In addition, soil and slope data were available from more than 30 land capability challenge reports for parcels located in units 1, 2, and 4. Each of these reports contains a soil profile description that is representative of the parcel and surrounding area. Most of these reports were prepared by soil scientist Grant Kennedy.

Following photo interpretation, the identified soil unit boundaries were spot checked in the field. Questions concerning soils, landforms, and slope steepness that originated during the photo analysis were resolved at this time.

Soil Map Preparation

Soil Unit boundaries were first delineated on the aerial photographs. The boundaries were then transferred to the 1980 Incline Village parcel map, and have now been placed on an overlay to map sheet 1 of the Tahoe Basin Area Soil Survey.

Line transfer in the developed portion of the Incline Village parcel map is very accurate because of the large number of cultural features that can be identified on both the map and the aerial photographs. Transfer of lines to the soil survey overlay is somewhat less accurate because the soil survey photo base has a much smaller scale than the aerial photos and predates development in portions of the remapped area.

Discussion of Soil Map Modifications

Soil units within the redelineation area have been substantially changed relative to soils mapped in this area by the Tahoe Basin Soil Survey. In order to describe these changes, the remapped area can be divided into western, central, and eastern parts. The western area is bounded on the west by First Creek and on the east by Second Creek; the central portion lies between Second Creek and an unnamed (on my maps) drainage east of Dorsey Drive; and the eastern area is localized east of the unnamed drainage.

Changes in the western portion of the remapped area include:

1. Delineation of Tahoma stony sandy loam, 2 to 15 percent slope (TaD) and Jorge-Tahoma very stony sandy loam, 15 to 30 percent slope (JwE) soil units in areas previously mapped as Umpa very stony sandy loams, 15 to 30 percent slope and 30 to 50 percent slope (UmE and UmF).

2. Remapping part of a Meiss cobbly loam, 30 to 50 percent slope (MxF) unit as Jorge-Tahoma very stony sandy loam, 30 to 50 percent slope (JwF).
3. Moving the Inville soils boundary upslope.

The soils in areas remapped as TaD, JwE, and JwF were observed to be deep and have well-developed subsoils that grade into weathered volcanic mudflow deposits. The Inville soils boundary change was based on roadcut exposures showing slightly developed subsoils overlaying alluvial deposits. Slope group changes are based on numerous field measurements.

Soil map changes in the central part of the redelineation area consist of several new JwE delineations. These include:

1. Mapping of JwE soils in the southern portion and along the western edge of a large area that was previously mapped as TaD. These modifications are primarily the result of slope group changes.

2. The identification of JwE soils in the area surrounding Lariat Circle, which was previously mapped as UmF and Inville stony coarse sandy loam, 15 to 30 percent slope (IsE). Soils in this area were found to have well-developed profiles and are apparently derived from volcanic mudflow materials.

3. JwE soils have been delineated adjacent to the Mount Rose Highway in an area that previously included UmF, TaD, and Inville stony coarse sandy loam, 9 to 15 percent slope (IsD). This area was observed to have well-developed soils formed from volcanic mudflow parent material and has a slope steepness in the range of 15 to 30 percent.

Soil map changes are more extreme in the eastern redelineation area. Here, modifications include the delineation of Cagwin-Rock outcrop complex, 5 to 15 percent slope (CaD) and Cagwin-Rock outcrop complex, 15 to 30 percent slope (CaE) in an area previously mapped as UmF, Meeks very stony loamy coarse sand, 15 to 30 percent slope (MsE), and Rock land (Ra). Also, a small area of TaD was mapped in an area that had been designated as UmF. The terrain in this part of the remapped area is complex and contains a number of scattered surface deposits; but the area delineated as CaD and CaE is dominated by moderately deep, coarse textured soils with undeveloped subsoils that grade into weathered granitic bedrock, which are typical of the Cagwin soils series. The area remapped as TaD was observed to have deep, well-developed soils over volcanic parent materials.

**Conclusions**

Soils within Incline Village Units 1, 2, and 4 have been remapped by the TRPA Land Capability Team in response to the large number of successful land capability challenges in this area.

The placement of new boundaries was guided by numerous field observations within the remapped area and by a large number of soil profile descriptions submitted to the Tahoe Regional Planning Agency as a requirement of the land capability challenge process. The new boundaries were delineated using stereo interpretation of 4-Inch per mile, color aerial photographs, and have been transferred to overlays of the Incline Village parcel map and map sheet 1 of the Tahoe Basin Area Soil Survey. Transfer accuracy should be greater for the Incline Village map because of the larger scale and the greater number of cultural features that could be identified.

Soil unit boundary changes were based on observed differences in soil depth, soil profile development, soil parent materials, and slope steepness.
From: John R. Munn, Jr. - Soil Scientist  
2811 Almeria Streer, Davis, California  95616

To: Tahoe Regional Planning Agency, attn: Jim Dana  
P.O. Box 8896, South Lake Tahoe, California  95731

Date: January 29, 1983

Re: Inville Soils Mapped on Slopes Steeper than 30 Percent

Dear Jim:

This memo is in response to your recent inquiry about the presence of slopes steeper than 30 percent in areas mapped by the Review Team as Inville stony coarse sandy loam, 15 to 30 percent (map symbol IsE) during last summers redelineation of the Incline Village Unit No. 1 area.

The steep slopes in question have soil profile characteristics and parent materials that are typical of the Inville soil series, but the Tahoe Basin Area Soil Survey (Rogers, 1974) did not establish a map unit for Inville soils on slopes greater than 30 percent, and the known extent of this soil and slope combination is too small to establish a new soil survey map unit. For these reasons, the Inville soils on slopes steeper than 30 percent were mapped as inclusions in the IsE unit.

Regarding your question about the land capability rating of the steeper slopes, inspection of Table 4 in Bailey’s "Land Capability Classification of the Lake Tahoe Basin ..." (1974) shows that Inville soils (which are in hydrologic group B) located on slopes between 30 and 50 percent should be assigned to land capability class 2, which allows only 1 percent impervious surface cover.

Please let me know if you have any further questions.

Yours truly,

John R. Munn, Jr.  
Soil Scientist
February 1, 1983

Tahoe Regional Planning Agency
Attention: Jim Dana
P. O. Box 8896
South Lake Tahoe, CA 95731

Re: Relative Erosion Potential of Inville Soils on Slopes Steeper Than 30 Percent

Dear Jim:

This letter is in reply to your request for an assessment of the relative erosion potential of Inville soils on slopes greater than 30 percent.

Inspection of erosion hazard and relative erosion potential interpretations listed in the "Tahoe Basin Area Soil Survey" (Rogers, 1974) and the "Geomorphic Analysis of the Lake Tahoe Basin" (Bailey, 1974) shows that the erosion hazard is rated as high for all soil units mapped on slopes steeper than 30 percent, and high erosion hazard ratings are assigned to soils that are mapped on slopes steeper than 30 percent and have profile characteristics similar to the Inville series. Therefore, Inville soils on slopes steeper than 30 percent should have a relative erosion potential rating of high. This rating is consistent with a land capability class rating of 2 as described in my memo dated January 29, 1983.

Sincerely,

John R. Munn, Jr.
Soil Scientist
2811 Almeria Street
Davis, CA 95616
MEMORANDUM

June 6, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Area Land Capability Map Amendments Previously Approved by the California Tahoe Regional Planning Agency

In 1982, the California Tahoe Regional Planning Agency, through Governing Board actions, amended their maps to reflect revised land capabilities. The action was based on the recommendations of the Interdisciplinary Land Capability Review Team (the same team utilized by TRPA). The team had identified several areas where field conditions did not coincide with the mapped land capability and the CTRPA, therefore, adjusted their maps to reflect those actual field conditions.

Maps and land capability review reports follow for each of the eight affected areas. All affected property owners have been publicly noticed per Agency requirements. The CTRPA found that the action was Categorically Exempt under Section 15101 of the CEQA Guidelines and because corrections of inaccuracies on land capability maps do not have a significant effect upon the environment, they are also categorically exempt from environmental documentation under TRPA Guidelines.

The land capability classification system was developed by Robert G. Bailey and is based largely on the "Soil Survey of the Tahoe Basin Area, California and Nevada" by J. H. Rogers, Soil Conservation Service. The Land Capability Review Team revised the Land Capability maps using a third order soil survey which includes field observations and aerial photo interpretations to delineate mapping unit boundaries. The third order survey is less intensive than a second order soil survey in that soil pits are not dug and soil profiles are not outlined. The team used the third order survey process because the changes were limited to slope differences in seven of the eight areas with the eighth area only requiring a determination of seeped or non-seeped soils. Seeped soils are found by observing road and foundation cuts for evidence of ground water seeping to the surface. Hand held clinometers are used to determine the percent of slope through an area. In both types of soil surveys surface features, such as amount and type of vegetation, degree of rockiness and soil texture and color are also reviewed.

The eight California area changes include seven areas where land capability designsations have been raised and one area, the Grizzly Mountain and Mount Rainier Drive area in El Dorado County, where the land capability has been lowered. The seven areas had their land capability raised because it was found

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APC Agenda Item VII A.2. through 9.
that the slope percentages in the areas were found to be less than the maps showed and, therefore, less of an erosion hazard. The Grizzly Mountain, Mount Rainier area was found to be an area of substantial ground water seepage, principally visible at road cuts where ground water was found to be seeping through the cuts. Further excavation would create more of a seepage problem, bringing that ground water to the surface.

Agency staff recommends that the Advisory Planning Commission recommend amending the land capability maps to reflect this CTRPA approval based upon the recommendations of the Land Capability Review Team. Should the Governing Board accept these recommendations, the amended maps will be incorporated with Agency stream environment zone maps.
To: Governing Board Members

From: Dennis Winslow, Executive Officer

Date: December 3, 1982

Re: Area Land Capability Reclassifications (7)

At the September 10, 1982 CTRPA Governing Board meeting the Board approved several land capability challenges. At that time the Board amended the land capability maps in regard to the individual parcel only and directed staff to return to the Board at a later date to amend the land capability maps on an area basis. Attached are 7 area land capability challenges. All affected property owners have been public noticed per Agency requirements.

Background:

The land capability map adopted by the Agency as part of the Land Use Ordinance is based upon the land capability classification system developed by Robert G. Bailey. Dr. Bailey's system is based largely on the "Soil Survey of the Lake Tahoe Basin Area California and Nevada" by J. H. Rogers, Soil Conservation Service (SCS).

The Tahoe Basin soil survey is based upon both a second and third order survey. A second order survey consists of field observations (pits) to determine the soil series and use of aerial photographs and field verification to delineate mapping unit boundaries. A third order survey consists of less intensive field observations and aerial photo interpretations to delineate mapping unit boundaries. Third order survey's were utilized in those portions of the basin that had potentially less intensive use, such as ridge tops, and those areas not easily accessible.

Due to the published scale of the SCS Soil Survey, the minimum mapping unit delineated was 10 acres. During field mapping of the Basin, SCS soil scientists frequently found several different soil types within a mapped soil unit, however, the different soil types did not occur in a large enough contiguous area (10 acres) to be delineated. These "islands" are referred to in the soil survey as inclusions.

In conducting individual and Agency initiated land capability challenges the 1982 Land Capability Review Team noted several areas where field conditions did not coincide with mapped land capability. To facilitate coordinated review by the CTRPA and TRPA, the Land Capability Review Team was directed to review the Land Capability Challenges in regard to a 5 acre minimum mapping unit as presently utilized by the TRPA.

The 7 acre Land Capability Challenges being brought before the Governing Board involve only those challenges where a third order survey was required to delineate mapping unit boundaries. Those areas requiring a first order survey (boundaries determined by extensive soil sampling) will be presented upon completion of field review by the Land Capability Team.
Utilizing in-house personnel, staff conducted on-site inspections of the attached areas of influence delineated by the Review Team during the 1982 Land Capability Challenges. The staff inspections included review of surface features including slope, amount and type of vegetation, degree of rockiness, texture and in some instances, color. Where slope was the principal factor between mapping unit discrepancies, a hand held clinometer was used to determine the slopes throughout the area in question.

The results of the field surveys by CTRPA staff was reviewed with the leader of the Land Capability Review Team. The attached summary of results and maps are the end product of the reviews.

Staff Recommendations:

Staff recommends the Governing Board take the following action:

1. Find that the project is Categorically Exempt under Section 15108 of the CEQA Guidelines - actions by Regulatory Agencies for the protection of the environment.

2. Amend the Land Capability Maps to reflect the findings of the Review Team and staff.

3. Direct staff to notify the TRPA and Soil Conservation Service of this action.

Dennis Winslow
Executive Officer

Rick Angelocci
Associate Planner, CTRPA/TRPA
January 26, 1983

Mr. Dennis Winslow, Executive Officer
CTRPA
P.O. Box 14467
So. Lake Tahoe CA 95702

Dear Dennis:

Attached is a copy of comments from the SCS Area Soil Scientist on the seven land capability reclassifications approved at your December 3, 1983 Governing Board meeting.

Please note particularly comment No. 2, which notes that the decision to change from one soil to another should be documented; if you are asking other agencies to agree, they should be provided the technical information. This should be done prior to Governing Board action.

Thank you for the opportunity to comment.

Sincerely,

Dick
Richard C. Pyle, CPESC
District Conservationist

cc: Bill Morgan, LTBMU
    Paul Overeynder, TRPA

RECEIVED
BY—
JAN 31 1983
TAHOE REGIONAL PLANNING AGENCY

Date: January 19, 1983

To: Dick Pyle, District Conservationist, SCS, South Lake Tahoe FO

The following are my comments on the review of the December 3, 1983 of seven (7) land capability (Bailey's) reclassifications:

1. As a general comment, when a difference is found that was originally handled by more detailed investigation and a new map unit is created there is a problem in getting this new map unit into our interpretation system. This is due to the fact that our "bookkeeping" system only accepts correlated map units. Thus, if a new slope is found and the soil at present doesn't recognize the slope (because it was an inclusion) there is no way to add it to our system. The problem is that our "bookkeeping" system doesn't deal with the inclusion. I would prefer to look at these new areas as inclusions and not be setting up new mapping units. These reclassifications always fitted the situation into an existing mapping unit.

2. As a general comment, the decision of changing from one soil to another should be documented by a soil profile description. There are exceptions of separating nonsoil (Rock Outcrop) vs soil or one map unit from another if the difference is slopes which can be determined without making a soil profile observation.

3. It would be useful that the maps to be reviewed would have a scale and north area marked on them.

4. On situations where an on site observation was made, I can't comment since I wasn't there.

5. Also, it should be recognized that 10 acres may be the minimum size delineation due to publication scale, but larger areas of inclusion can exist. Just because one can separate out 10 acres doesn't mean you have to. This goes back to what the design of the mapping unit was.

6. In cases where an inclusion is found that is similar to another soil before it is called that soil it should be identified as to how it differs and if this difference will affect the Bailey land capability unit. Just to say it is similar and therefore is a certain map unit may or may not be true. (See Calasciggeta parcel on Rim Drive).

7. Most of the challenges were over slope difference. I checked this against the topographic maps contour elevation and distances of the area in question and I agreed with the slope changes. There is only a few percentage values differences in question.
I am not sure I can answer your question, "if it meets the criteria for soil survey". I believe all of these cases are too small to be included in the map unit. Many are about 5 to 20 acres in size which is problematic. These changes won't be correlated changes and thus be put into our bookkeeping system, but I am sure this is a problem.

Wayne B. Sheldon
Area Soil Scientist
VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps

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

The Land Capability Review Team determined that areas which are mapped soil unit Rx (1C) and UmE (3) should be mapped soil unit UmD (5). Utilizing slope characteristics, the Team established a boundary between the UmE (slope 15-30%) and UmD (slope 5-15%). Vegetation was used to distinguish between the Rx and UmD classifications. Rx is described as essentially barren with scattered conifers and open stands of mountain shrubs. UmD areas characteristically support good stands of Jeffrey pines and firs and a thick understory of manzanita and other dry site species. See attached team report for further information.
Extents of the areas to be amended from soil units Rx (1c) and UmE (3) to soil unit UmD (5)
VOLKMANN PARCEL LAND CAPABILITY REVIEW
for the
California Tahoe Regional Planning Agency

August 15, 1982

Parcel Location: Lot 1 in Tahoe Estates Unit No. 1, on Laurel Drive, in Tahoe Vista, California.

Investigation Date: July 16, 1982

Review Team Members: Robert Coats, Ecologist
                      John Munn, Soil Scientist
                      Paul Seidelman, Geomorphologist
                      William Vandivere, Hydrologist

OBSERVATIONS

The Volkmann parcel is underlain by hard andesitic flow-breccias. Slope steepness on the parcel is less than 15 percent, and steepness in the surrounding area generally ranges between 5 and 15 percent.

Vegetation on the lot is a second growth mixed conifer stand, with Jeffrey pine, white fir, incense cedar and sugar pine. The shrub understory includes chinquapin, snowbrush, huckleberry oak, greenleaf manzanita, bitterbrush and snow berry. The vegetation does not indicate any unusual limitations to development.

The soil unit mapped in the area of the Volkmann parcel by the Tahoe Basin Area Soil Survey (Rogers, 1974) is Umpa very stony sandy loam, 15 to 30 percent slope (map symbol UmE), which is assigned to land capability class 3 with 5 percent allowable impervious surface cover (Bailey, 1974). The UmE soil is developed from hard andesitic parent materials on mountainous uplands and is 20 to 40 inches deep over andesite. Soil texture is sandy loam throughout the profile. The soil surface contains numerous stones and boulders, and the subsoil is 40 to 75 percent gravels, cobbles, and stones.

The landscape in the area of the Volkmann parcel is typical of Umpa soils, but the parcel slope is less than 15 percent, which is gentler than the UmE soil presently mapped at this site. This area of Umpa soils on slopes less than 15 percent is greater than 5 acres in extent. Therefore, the correct soil unit in the area of the Volkmann parcel is Umpa very stony sandy loam, 5 to 15 percent slope (map symbol UmD). This soil is assigned to land capability class 5, which allows 25 percent impervious surface cover.
CONCLUSIONS

Soils on the Volkmann parcel should be mapped as Umpa very stony sandy loam, 5 to 15 percent slope (map symbol UmD), and assigned to land capability class 5, which allows up to 25 percent impervious surface cover.

Respectfully Submitted,

Robert Coats

John R. Munn, Jr.

Paul Seidelman

William Vandivere
CALASCIGETTA PARCEL LAND CAPABILITY REVIEW

for the

California Tahoe Regional Planning Agency

August 15, 1982

Parcel Location: Rim Drive directly across from the intersection of Stag Drive, in Tahoe Vista, California.

Investigation Date: July 16, 1982

Review Team Members: Robert Coats, Ecologist
                      John Munn, Soil Scientist
                      Paul Seidelman, Geomorphologist
                      William Vandivere, Hydrologist

OBSERVATIONS

The Calascigetta parcel is underlain by hard, fractured andesite. Slope on the parcel is less than 15 percent, and the steepness of the surrounding terrain ranges between 5 and 15 percent.

Vegetation on the lot is an open stand of white fir, Jeffrey pine and sugar pine, with an understory of snow brush and chinquapin. The vegetation does not indicate any unusual limitations to development.

The soil unit mapped in the area of the Calascigetta parcel by the Tahoe Basin Area Soil Survey (Rogers, 1974) is rock outcrop and rubble land (map symbol Rx), which is assigned to land capability class 1c with only 1 percent allowable surface cover (Bailey, 1974). The Rx map unit consists of a mixture of hard, bare faced rock outcrops and stony colluvial land, which is composed of more than 90 percent stones and boulders. There is little or no vegetation.

Field observations in the parcel area show that this site is covered by an extremely stony soil that is similar to the Umpa series. There is a thick stand of vegetation, the parcel slope is less than 15 percent, and the area of similar soils exceeds 5 acres. Therefore, the correct soil unit in the area of the Calascigetta parcel is Umpa very stony sandy loam, 5 to 15 percent slopes (map symbol UmD). This soil unit is assigned to land capability class 5, which allows 25 percent impervious surface cover.
CONCLUSIONS

Soils on the Calascigetta parcel should be mapped as Umpa very stony sandy loam, 5 to 15 percent slope (map symbol UmD) and assigned to land capability class 5, which allows up to 25 percent impervious surface cover.

Respectfully Submitted,

Robert Coats

John R. Munn, Jr.

Paul Seidelman

William Vandivere
VII  PUBLIC HEARING

A.  To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps

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

The Land Capability Review Team determined that a large area which was mapped a soil unit UmE was actually a continuation of the neighboring UmD soil unit. Slope characteristics were utilized to determine the boundary line between the UmE (15 to 30% slope) and the UmD (5 to 15% slope) soil unit. See attached team report for further information.
AREA OF AMENDED LAND CAPABILITY

Vicinity of Beverly, Clayton, and Arch off of Old County Road; Placer County

Extent of the area to be amended from soil unit UmE (3) to soil unit UmD (5)
JOHANSEN PARCEL LAND CAPABILITY REVIEW

for the

California Tahoe Regional Planning Agency

August 23, 1982

Parcel Location: On Clayton Way west of Arch Way in the Ridgewood area between Carnelian Bay and Dollar Point.

Investigation Date: July 16, 1982

Review Team Members: Robert Coats, Ecologist
John Munn, Soil Scientist
Paul Seidelman, Geomorphologist
William Vandiviere, Hydrologist

OBSERVATIONS

The Johansen parcel is located on a wavecut terrace formed during a period of higher lake level and underlain by andesitic bedrock materials. Slope steepness on the parcel is less than 10 percent, and the steepness of the surrounding terrain is less than 15 percent.

Vegetation on the lot is an open second growth stand of white fir and Jeffrey pine with a well developed shrub cover. Shrub species include greenleaf manzanita, huckleberry oak, whitethorn and squaw carpet. The vegetation does not indicate any unusual limitations to development.

The soil unit mapped in the area of the Johansen parcel by the Tahoe Basin Area Soil Survey (Rogers, 1974) is Umpa very stony sandy loam, 15 to 30 percent slope (map symbol UmE), which is assigned to land capability class 3 with 5 percent allowable surface cover (Bailey, 1974). The UmE soil is developed from hard andesitic parent materials on mountainous uplands and is 20 to 40 inches deep over bedrock. Soil texture is sandy loam throughout the profile. The soil surface contains numerous stones and boulders, and the subsoil is 40 to 75 percent gravels, stones, and cobbles.

The terrain observed in the area of the Johansen parcel is typical of the Umpa series, but the slope is less than that of the mapped UmE unit. Therefore, the parcel area should be included with an adjacent area mapped as Umpa very stony sandy loam, 5 to 15 percent slope (map symbol UmD), which is assigned to land capability class 5 with 25 percent allowable impervious surface cover.
CONCLUSIONS

Soils in the area of the Johansen parcel should be mapped as Umpa very stony sandy loam, 5 to 15 percent slope (map symbol UmD) and assigned to land capability class 5, which allows 25 percent impervious surface cover.

Respectfully submitted,

Robert Coats

John R. Munn, Jr.

Paul Seidelman

William Vandivere
TAHOE REGIONAL PLANNING AGENCY
SUMMARY OF MAP AMENDMENT

VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps

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

The Land Capability Review Team determined that the boundary line between the mapped TdD (land capability 5) and TeE (land capability 3) soil units was incorrect. The principal surface differences between the two units are slope (TdD) has a 5 to 15% slope and TeE has a 15 to 30% slope) and the amount of surface stones (TdD has stones on 1 to 5% of its surface and TeE has stones covering 5 to 15% of its surface). The Team determined that an area mapped soil unit TeE (3) should be correctly mapped as soil unit TdD (5). See attached team report for further information.
AREA OF AMENDED LAND CAPABILITY

Alpine Way near Snowflake, Tahoe Tavern Heights; Placer County

Extent of the areas to be amended from soil unit TeE (3) to soil unit TdD (5)
EDWARDS PARCEL LAND CAPABILITY REVIEW

for the

California Tahoe Regional Planning Agency

August 23, 1982

Parcel Location: Alpine Way above Woodland Way in Sunnyside, California.

Investigation Date: July 15, 1982

Review Team Members: Robert Coats, Ecologist
                     John Munn, Soil Scientist
                     Paul Seidelman, Geomorphologist
                     William Vandivere, Hydrologist

OBSERVATIONS

The Edwards parcel is located on glacial deposits dominated by volcanic rocks. Slope steepness on the parcel area is 10 to 15 percent.

Vegetation on the lot is an open second growth mixed conifer stand with a discontinuous shrub understory. Tree species include Jeffrey pine, sugar pine, incense cedar and white fir. Shubs include greenleaf manzanita, snow berry and whitethorn. The vegetation does not indicate any unusual limitations to development.

The soil unit mapped in the area of the Edwards parcel by the Tahoe Basin Area Soil Survey (Rogers, 1974) is Tallac very stony coarse sandy loam, 15 to 30 percent (map symbol TeE), which is assigned to land capability class 3 with 5 percent allowable impervious surface cover (Bailey, 1974). The TeE soil is formed on glacial moraines from basic volcanic or metamorphic rock materials. Soil depth is 40 to 70 inches to a weakly silica cemented hardpan. Surface soil textures are light loam to gravelly coarse sandy loam, and subsoil texture is gravelly to very cobbly coarse sandy loam to loamy coarse sand.

The soil profile was not examined at this site because no exposure was available near the site and the high rock content of the soil precluded hand excavation. However, the terrain in the area of the parcel is typical for the Tallac series, and the parcel is located within a large area that is mapped as Tallac soils. Slope steepness on the Edwards parcel is less than 15 percent, and the site is adjacent to an area mapped as Tallac stony coarse sandy loam, 5 to 15 percent slope (map symbol TdD). Therefore, the area of the Edwards parcel should be combined with the existing TdD soil unit.
CONCLUSIONS

The soil in the area of the Edwards parcel should be mapped as Tallac stony coarse sandy loam, 5 to 15 percent slope (map symbol TdD), which is assigned to land capability class 5 with 25 percent allowable impervious surface cover.

Respectfully Submitted,

Robert Coats

John R. Munn, Jr.

Paul Seidelman

William Vandivere
TAHOE REGIONAL PLANNING AGENCY
SUMMARY OF MAP AMENDMENT

VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps

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

The Land Capability Review Team determined that a mapped area of soil unit TeE (land capability 3) surrounded by soil unit TdD (land capability 5) was not as extensive as the original soil survey showed. The principal surface distinctions between the TeE and TdD units are slope (TdD has 5 to 15% slope; TeE has 15 to 30% slope) and the amount of surface stones (TdD has stones covering 1 to 5% of its surface; TeE has stones covering 5 to 15% of its surface). The Team determined that an area mapped soil unit TeE (3) should be correctly mapped as soil unit TdD (5). See attached team report for further information.

LOCATION MAP
AREA OF AMENDED LAND CAPABILITY

Vicinity of Club and John Cain Drives; Talmont area, Placer County

Extent of the area to be amended from soil unit TeE (3) to soil unit TdD (5)
SONNENBERG PARCEL LAND CAPABILITY REVIEW

for the

California Tahoe Regional Planning Agency

August 23, 1982

Parcel Location: East side of Club Drive between Sunrise Drive and Silver Tip Crvle in Twin Peaks Estates, near Sunnyside, California.

Investigation Date: July 15, 1982

Review Team Members: Robert Coats, Ecologist
John Munn, Soil Scientist
Paul Seidelman, Geomorphologist
William Vandivere, Hydrologist

OBSERVATIONS

The Sonnemberg parcel is located on glacial moraine deposits composed of volcanic and metamorphic materials. Slope steepness on the parcel is and in the surrounding area is generally in the range of 10 to 15 percent.

Vegetation is a dense second growth stand of white fir, red fir and Jeffrey pine. The shrub herb understory contains snow berry, whitethorn, Ribes, sp., and double-fruited honeysuckle. The vegetation does not indicate any unusual limitations to development.

The soil unit mapped in the area of the Sonnemberg parcel by the Tahow Basin Area Soil Survey (Rogers, 1974) is Tallac very stony coarse sandy loam, 15 to 30 percent slope (map symbol TeE), which is assigned to land capability class 3 with 5 percent allowable impervious cover (Bailey, 1974). The TeE soil is developed on glacial moraines composed of basic volcanic or metamorphic rock materials. Soil depth is 40 to 70 inches to a weakly cemented silica hardpan. Surface soil textures are light loam to gravelly coarse sandy loam, and subsoil textures are gravelly to very cobbly coarse sandy loam to loamy coarse sand.

The terrain observed in the area of the Sonnemberg parcel is typical of the Tallac series, but the parcel slope of 10 to 15 percent on the parcel is less than that of the mapped TeE unit, and the site is adjacent to an area presently mapped as Tallac stony loamy coarse sandy loam, 5 to 15 percent slopes (map symbol TdD), which is assigned to land capability class 5 with 25 percent allowable impervious cover. Therefore, the area of the Sonnemberg parcel should be combined with the adjacent TdD soil unit.
CONCLUSIONS

Soils in the area of the Sonnenberg parcel should be mapped with the adjacent area of Tallac stony coarse sandy loam, 5 to 15 percent slope (map symbol TdD), which is assigned to land capability class 5 with 25 percent allowable impervious surface cover.

Respectfully Submitted,

Robert Coats

John R. Munn, Jr.

Paul Seidelman

William Vandivere
VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps

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

The Land Capability Review Team determined that in the area cited above, a mappable unit of JaC (land capability 5) existed within the mapped area of soil unit JaD (land capability 3). The principal surface distinction between the two units is slope (JaC has 0 to 9% slope; JaD has a 9 to 20% slope). Utilizing aerial photo interpretation and field investigations the mappable JaC (5) soil unit was delineated on the attached land capability map. See attached team report for further information.
AREA OF AMENDED LAND CAPABILITY

Vicinity of Williams, King George, Rubicon, and Forest; Rubicon, El Dorado County

Extent of the area to be amended from soil unit JaD (3) to soil unit JaC (5)
MILLER PARCEL LAND CAPABILITY REVIEW

for the

California Tahoe Regional Planning Agency

August 24, 1982

Parcel Location: North side of Williams Lane between George Drive and Rubicon Drive in the Rubicon Bay area, California.

Investigation Date: July 15, 1982

Review Team Members: Robert Coats, Ecologist
John Munn, Soil Scientist
Paul Seidelman, Geomorphologist
William Vandivere, Hydrologist

OBSERVATIONS

The Miller parcel is located on a mixture of reworked glacial moraine and outwash deposits that are dominated by granitic materials. Slope steepness on the parcel and adjoining areas is about 5 percent.

Vegetation on the lot is a dense second growth stand of white fir with some suppressed Jeffrey pine. A former shrub understory has died out as the tree canopy closed. The site appears to have good capability for revegetation and does not present any unusual limitations to development.

The soil unit mapped in the area of the Miller parcel by the Tahoe Basin Area Soil Survey (Rogers, 1974) is Jabu coarse sandy loam, 9 to 20 percent slope (map symbol JaD), which is assigned to land capability class 3 with 5 percent allowable impervious surface cover (Bailey, 1974). The JaD soil is developed on glacial outwash terraces composed of mixed materials that are dominated by granitics. Soil depth is 40 to 80 inches to a dense fragipan. Surface soil texture is loamy coarse sand to coarse sandy loam, and the subsoil is a coarse sandy loam to loamy coarse sand that contains up to 45 percent coarse fragments.

The soil and landform observed on the Miller parcel are similar to the Jabu series, but the 5 percent slope of the parcel and surrounding area is less than that of the mapped JaD soil unit. This gently sloping area extends west to Forest Drive and is easily large enough to constitute an individual map unit delineation. Therefore, the Miller parcel area should be mapped as Jabu coarse sandy loam, 0 to 9 percent slope (map symbol JaC), which is assigned to land capability class 5 with 25 percent allowable impervious cover.
CONCLUSIONS

The soil on the area of the Miller parcel should be mapped as Jabu coarse sandy loam, 0 to 9 percent slope (map symbol JaC) and assigned to land capability class 5, which allows 25 percent impervious surface cover.

Respectfully submitted,

Robert Coats

John R. Munn, Jr.

Paul Seidelman

William Vandivere
TAHOE REGIONAL PLANNING AGENCY
SUMMARY OF MAP AMENDMENT

VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps

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

The Land Capability Review Team determined that there was a substantial area between Mohican and Pawnee Drives which was originally mapped soil unit JaD (land capability 3), but should be mapped as an extension of the neighboring JaC soil unit (land capability 5). The principal surface distinction between the two units is slope (JaC has a slope of 0 to 9%; JaD has a slope of 9 to 20%). The identified JaC soil unit has a consistent slope of 6 to 8% surrounded by an area of 10 to 20% slopes. See attached team report for further information.
AREA OF AMENDED LAND CAPABILITY

Vicinity of Mohican, Chippewa, and Pawnee; Tahoe Paradise #9, El Dorado County

Extent of the area to be amended from soil unit JaD (3) to soil unit JaC (5)
ELLIS PARCEL LAND CAPABILITY REVIEW

for the

California Tahoe Regional Planning Agency

August 25, 1982

Parcel Location: Chippewa Street between Apache Avenue and Iroquois Circle near Meyers, California.

Investigation Date: July 14, 1982

Review Team Members: Robert Coats, Ecologist
John Munn, Soil Scientist
Paul Seidelman, Geomorphologist
William Vandivere, Hydrologist

OBSERVATIONS

The Ellis parcel is located on glacial moraine deposits dominated by granitic materials. Slope steepness on the parcel and the surrounding area is less than 9 percent.

Vegetation on the lot is a dense mixed conifer stand; trees include Jeffrey pine, lodgepole pine, white fir and incense cedar. Reproduction of fir and cedar is especially dense. Shrubs present include whitethorn, snow brush, Ribes sp., and service berry. The vegetation does not indicate any unusual limitations to development.

The soil unit mapped in the area of the Ellis parcel by the Tahoe Basin Area Soil Survey (Rogers, 1974) is Jabu coarse sandy loam, 9 to 20 percent slope (map symbol JaD), which is assigned to land capability class 3 with 5 percent allowable impervious cover (Bailey, 1974). The JaD soil is developed on glacial outwash terraces dominated by granitic materials and is 40 to 80 inches deep over a dense fragipan. Soil texture ranges from loamy coarse sand to coarse sandy loam with up to 45 percent gravel in the subsoil and a slight increase in clay content with depth.

The terrain observed on the Ellis parcel meets the criteria for the Jabu soil, but the slope of the parcel area is less than the 9 to 20 percent range of the JaD unit map. This area of gentler slope encompasses the area between Mohican Drive, Apache Avenue, and the slope break south of Pawnee Drive and joins an area presently mapped as Jabu coarse sandy loam, 0 to 9 percent slope (map symbol JaC) on the east. Therefore, the area of the Ellis parcel should be combined with the nearby JaC soil unit, which is assigned to land capability class 5 with 25 percent allowable impervious cover.
CONCLUSIONS

Soils on the Ellis parcel should be mapped as Jabu coarse sandy loam, 0 to 9 percent slope (map symbol JaC) and assigned to land capability class 5 with 25 percent allowable impervious surface cover.

Respectfully Submitted,

Robert Coats

John R. Munn, Jr.

Paul Seidelman

William Vandivere
VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps

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

The Land Capability Review Team determined that minor changes were needed regarding the EbC (land capability 6) and EbE (land capability 4) soil unit boundary along crystal Air Drive and between Thunderbird and Skyline Drive. The principal differences between the EbC and EbE soil units are location, slope and the presence of seeps. EbC units are described as being on the crests of moraines and characteristically have a 0 to 9% slope. EbE units are described as being on the sides of moraines, having slopes of 9 to 30% and having seeps in some areas. The field investigation showed the slope along Skyline and Crystal Air Drives from the top of the crest were 2 to 7% and slopes along the sides were 18 to 28%. No signs of seeps were noticed along Skyline or Crystal Air Drives, although both wet and dry site vegetation were observed along Thunderbird. See attached team report for further information.
AREA OF AMENDED LAND CAPABILITY

Vicinity of Skyline and Crystal Aire Drive;
Tahoe Paradise #48, El Dorado County

Extent of the area to be amended from soil unit EbC (6) to soil unit EbE (4)
STAGER PARCEL LAND CAPABILITY REVIEW
for the
California Tahoe Regional Planning Agency

August 25, 1982

Parcel Location: Northwest side of Skyline Drive between Crystal Air Drive and Coto Street near Meyers, California.

Investigation Date: July 14, 1982

Review Team Members: Robert Coats, Ecologist
                      John Munn, Soil Scientist
                      Paul Seidelman, Geomorphologist
                      William Vandivere, Hydrologist

OBSERVATIONS

The Stager parcel is located on glacial deposits dominated by granitic materials. Slope steepness on the parcel and on adjoining areas ranges between 25 and 35 percent.

Vegetation on the lot is a second growth stand of Jeffrey pine and white fir with a shrub understory. Species present include greenleaf manzanita, chinquapin, whitethorn, Ribes sp., snowberry and bitterbrush. The vegetation does not indicate any unusual limitations to development.

The soil unit mapped in the area of the Stager parcel by the Tahoe Basin Area Soil Survey (Rogers, 1974) is Elmira gravelly loamy coarse sand, 0 to 9 percent slope (map symbol EbC), which is assigned to land capability class 6 with 30 percent allowable impervious cover (Bailey, 1974). The EbC soil is formed on morainal crests and is deeper than 60 inches over weathered glacial till dominated by granitic alluvium. Soil texture is loamy sand to coarse sand and the subsoil can contain up to 40 percent gravels.

The soil in the area of the Stager parcel was examined in a nearby roadcut. The observed soil was deep, with sandy texture, and contained a small amount of rounded gravels. This soil is similar to the Elmira soil mapped in this area. However, the parcel slope of 25 to 35 percent is much steeper than the 0 to 9 percent EbC unit slope range. This area of steep slopes extends along the lower side of Skyline Drive and is contiguous with a downslope soil delineation of Elmira gravelly loamy coarse sand, 9 to 30 percent slope (map symbol EbE). Therefore, the area of the Stager parcel should be combined with the adjacent, steeper EbE soil delineation. The EbE soil unit is presently assigned to land capability class 4 with 20 percent allowable
impervious cover, but the CTRPA Governing Board is presently reviewing this rating because the large slope range of the EbE map unit results in comparatively large amounts of impervious coverage on the steeper slopes of the highly erodible Elmira soils.

CONCLUSIONS

The soil on the Stager parcel should be mapped with the adjacent EbE soils. The land capability classification of this soil unit is presently under review.

Respectfully Submitted,

Robert Coats

John R. Munn, Jr.

Paul Seidelman

William Vandivere
VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps

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

The Land Capability Review Team determined that in the area cited above, two mappable units of JaC (land capability 5) existed within the mapped area of soil unit JbD (land capability 3). The principal surface distinction between the two units is the presence of seeps (soil unit JaC does not show evidence of seeps and JbD is a seeped soil). The Team determined that portions of the area mapped soil unit JbD (3) should be correctly mapped as soil unit JaC (5). See attached team report for further information.

LOCATION MAP
AREA OF AMENDED LAND CAPABILITY

Vicinity of Grizzly Mountain Drive and Pyramid Court, El Dorado County

Extent of area to be amended from soil unit JbD (3) to soil unit JaC (5)
GRIZZLY MOUNTAIN DRIVE - MOUNT RAINER DRIVE
Area Soil Unit Redelineation
for the
California Tahoe Regional Planning Agency

August 24, 1982

Review Team Members: Robert Coats, Ecologist
                      John Munn, Soil Scientist
                      Paul Seidelman, Geomorphologist
                      William Vandivere, Hydrologist

INTRODUCTION

CTRPA staff observations and land capability reviews in the Pyramid Circle and
Grizzly Mountain Drive areas have indicated that the Jabu coarse sandy loam, seeped,
2 to 15 percent slope (map symbol JA/D) mapped in this area by the Tahoe Basin Area
Soil Survey (Roger, 1974) often lacks evidence of wetness, which is the major criteria
for the restrictive 1b land capability classification (Bailey, 1974) assigned to the JabD
soil unit.

The review and administration of land capability challenges by the California
Tahoe Regional Planning Agency is expensive and time consuming. Therefore, to
prevent unnecessary repetition of reviews on adjacent or nearby parcels, the agency
has requested a review of the JabD soil unit in the vicinity of Pyramid Circle and
Grizzly Mountain Drive, and, where needed, remapping of the soils in this area.

Project Location

The subject area is located along upper Truckee Road and Lake Tahoe Boulevard
between the southern intersection with Grizzly Mountain Drive and the northern
intersection of Mount Rainer Drive.

Method

Soils in the subject area were observed in the field for signs of wetness, including
mottles, phreatophytic vegetation, and the presence of a high water table. These
observations were noted on 4 inch per mile color aerial photographs covering the area
in question, and stereo interpretation of landforms, slope, and vegetation was combined
with field observations to locate soil unit boundaries. These boundaries were transferred
to a base map by reference to the numerous cultural features in the area.
OBSERVATIONS

As described on page 20 of the Tahoe Basin Area Soil Survey, the JbD soil occupies concave positions on glacial moraines. The soil has sandy loam to loamy coarse sand textures with up to 45 percent coarse fragments in the subsoil, and soil depth is limited to 30 to 40 inches by a dense fragipan. The downward movement of water on this soil is impeded by the fragipan and underlying compacted till, so water moving from higher slopes accumulates to develop seeps and raises the water table to a depth of 2 to 3 feet during spring and summer. Vegetation is typically a thicket of lodgepole pine and white fir.

The soils observed in large portions of the project area differed from the JbD soil in two important respects. First, they occupy convex terrace surface positions that do not receive substantial lateral subsurface flow from higher slopes. Second, soil properties and on-site vegetation do not indicate the presence of a perched water table. An alternative soil unit that does not display the wetness characteristics but is otherwise similar to the JbD unit is Jabu coarse sandy loam, 0 to 9 percent slope (map symbol JaC), which is assigned to land capability class 5 with 25 percent allowable impervious cover.

CONCLUSIONS

Corrected soil unit boundaries for the Grizzly Mountain Drive and Mount Rainer Drive areas are shown on the attached map. All of the proposed boundary changes are within areas previously mapped as JbD, and the new boundaries are substantially different than the Tahoe Basin Area Soil Survey delineations. A large part of the Pyramid Circle area is combined with the adjacent Meeks stony loamy coarse sand, 0 to 5 percent slopes (map symbol MmB) map unit, and the terrace crests surrounded by Mount Diablo Circle and the Grizzly Mountain Drive - Zuni Street area have been changed to JaC. In each case, the change in land capability rating is from class 3 with 5 percent allowable impervious cover to class 5 with 25 percent allowable cover.

Respectfully Submitted,

[Signatures]

Robert Coats
John R. Munn, Jr.
Paul Seidelman
William Vandivere
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CHAPTER 2
5/15/84 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 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.

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

2.01.00.3 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 TRFA 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.

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

2.01.00.4 Plan Area Statements: Each plan area has a plan area statement which describes the land use regulations specific to that area. 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, Part I, Plan Area Statements, (September 1984) as amended.

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.

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 nonintensive 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 additional policy direction for regulating land use 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 Ordinance, 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 Ordinance.

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 and therefore may be permitted. To establish a special use as a permitted use, the Agency shall make the following findings based on substantial evidence:

   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; and (3) the criteria of the TRPA Design Review Guidelines.

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.

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<th>USES</th>
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<th>CONSERVATION RDI</th>
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<th>COMMERCIAL MIT</th>
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III. Commercial
A. Retail
Auto, mobile home and vehicle dealers | P P P P P P P P P P S S S S P S S S | | | | | | | | | | | | |             |             |             |
Building materials and hardware | P P P P P P P P P P S S S S P S S S | | | | | | | | | | | | |             |             |             |

* P = Prohibited; A = Allowed; S = Special Use
** MRE = Maximum Regulation; MIT = Development with Mitigation; RDI = Redirection of Development
<table>
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<td>MRE MIT RDI</td>
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</table>

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** MRE = Maximum Regulation; MIT = Development with Mitigation; RDI = Redirection of Development
### D. Manufacturing

| Uses                  | Conservation MRE | MIT | RDI | Recreation MRE | MIT | RDI | Residential MRE | MIT | RDI | Commercial MRE | MIT | RDI | Tourist MRE | MIT | RDI |
|-----------------------|------------------|-----|-----|---------------|-----|-----|-----------------|-----|-----|----------------|-----|-----|-------------|-----|-----|-------------|-----|-----|
| Collection stations   | P                | P   | P   | P             | P   | P   | P               | P   | P   | P             | P   | P   | P           | P   | P   |
| Food and kindred products | P   | P   | P   | P             | P   | P   | P               | P   | P   | P             | P   | P   | P           | P   | P   |
| Large scale manufacturing | P   | P   | P   | P             | P   | P   | P               | P   | P   | P             | P   | P   | P           | P   | P   |
| Printing and publishing | P   | P   | P   | P             | P   | P   | P               | A   | A   | S             | S   | S   | S           | P   | P   |
| Recycling and scrap   | P                | P   | P   | P             | P   | P   | P               | S   | S   | S             | S   | S   | S           | P   | P   |

### E. Wholesale/Storage

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### IV. Public Service

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<table>
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<tr>
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<td>S</td>
<td>P</td>
<td>A</td>
</tr>
<tr>
<td>Riding and hiking trails</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Rural sports and group facilities</td>
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<td>Snow mobile courses</td>
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<td>Undeveloped campgrounds</td>
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<td>S</td>
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<tr>
<td>VI. Resource Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Timber Management</td>
<td></td>
<td></td>
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<tr>
<td>Reforestation</td>
<td>P</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Regeneration harvest</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>P</td>
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<td>Sanitation salvage cut</td>
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<td>A</td>
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<td>Selection cut</td>
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<td>A</td>
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<tr>
<td>Special cut</td>
<td>P</td>
<td>S</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>
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<td>MIT</td>
<td>RDI</td>
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<td>A. Timber Management (cont.)</td>
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<td>Thinning</td>
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<td>Tree Farms</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>S</td>
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<td>B. Wildlife and Fishes</td>
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<tr>
<td>Early successional stage vegetation</td>
<td>P</td>
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<tr>
<td>Non-structural fish habitat management</td>
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<td>A</td>
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<tr>
<td>Non-structural wildlife habitat management</td>
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<td>S</td>
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<tr>
<td>Structural fish habitat</td>
<td>P</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Structural wildlife habitat management</td>
<td>P</td>
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<td>S</td>
<td>S</td>
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<tr>
<td>C. Range</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Farm/Ranch accessory structures</td>
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<td>Grazing</td>
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<td>Range improvement</td>
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<td>E. Vegetation Protection</td>
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<td>Fire detection and suppression</td>
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<td>Fuels treatment</td>
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<td>Insect and disease suppression</td>
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<td>Prescribed fire management</td>
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<td>Sensitive plant management</td>
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<tr>
<td>Uncommon plant community</td>
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<td>F. Watershed Improvements</td>
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<tr>
<td>Erosion control</td>
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<td>Runoff control</td>
<td>S</td>
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<td>A</td>
<td>A</td>
<td>A</td>
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<tr>
<td>VII. Other Uses Not Listed</td>
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<tr>
<td></td>
<td>Status to be established on a case-by-case evaluation by the TRPA Governing Board.</td>
<td></td>
<td></td>
<td></td>
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</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 legally approved 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>
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<td>6,001 - 9,000</td>
<td>2,600</td>
</tr>
<tr>
<td>9,001 - 13,000</td>
<td>2,800</td>
</tr>
<tr>
<td>13,001 - 15,000</td>
<td>3,000</td>
</tr>
<tr>
<td>15,001 - 30,000</td>
<td>3,200</td>
</tr>
<tr>
<td>30,001 - 40,000</td>
<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.

e. Excess Land Coverage for Preferred Siting of a Single Family House: Additional land coverage up to 500 sq. ft. in excess of that by Subset 2.03.01.3 may be authorized by issuance of a TRPA permit if such excess coverage is to be created in connection with the construction of a single family house on an existing lot and (1) is required to provide a driveway or parking area, (2) will not result in a residential structure larger than would otherwise be permitted, (3) will result in the siting of a single family house on the existing lot in such a manner so that the natural environment on such lot, especially the preservation of trees and other flora, is better protected than if permission for such excess land coverage were denied, and (4) the site plan is designed to minimize land alterations, such as grading and the removal of vegetation.

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. Such excess land coverage transferred as is permitted pursuant to this section shall be less than fifty (50) percent of the total land coverage by the local road.

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>
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<tbody>
<tr>
<td>Conservation</td>
<td>25</td>
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<tr>
<td>Recreation</td>
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<tr>
<td>Residential</td>
<td>25</td>
</tr>
<tr>
<td>Commercial/Public Service</td>
<td>30</td>
</tr>
<tr>
<td>Tourist</td>
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</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 (4) 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:

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. **Reduction in Land Coverage:** Permitted heights may be increased up to 10 additional feet from those specified in Subset 2.03.02.1 when the land coverage on the site is reduced from that which would ordinarily be permitted. The percent reduction in land coverage must be equal to or greater than the percent addition in additional height.

e. **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.

f. 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>Maximum Noise Levels (dBA)</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>Aircraft</td>
<td>80(^1)</td>
<td>--</td>
<td>--</td>
<td>6,500 m – start of takeoff roll</td>
</tr>
<tr>
<td></td>
<td>77.1(^2)</td>
<td>--</td>
<td>--</td>
<td>2,000 m – runway threshold approach</td>
</tr>
<tr>
<td>Boats</td>
<td>82</td>
<td>--</td>
<td>--</td>
<td>6,500 m – start of takeoff roll</td>
</tr>
<tr>
<td>Motor vehicles</td>
<td></td>
<td></td>
<td></td>
<td>2,000 m – runway threshold approach</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>Motorcycles</td>
<td>--</td>
<td>77</td>
<td>86</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Off road vehicles</td>
<td>--</td>
<td>72</td>
<td>86</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Snowmobiles</td>
<td>--</td>
<td>82</td>
<td>--</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>
1 Not to be effective until five years after adoption of Environmental Threshold Carrying Capacities. This will be accomplished by instituting 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.

2 Between 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

<table>
<thead>
<tr>
<th>Highway 50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highways 89, 207, 28, 267 and 431</td>
</tr>
<tr>
<td>South Lake Tahoe Airport</td>
</tr>
<tr>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>65(^1)</td>
</tr>
<tr>
<td>55(^2)</td>
</tr>
<tr>
<td>60(^3)</td>
</tr>
</tbody>
</table>

1 This 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.

2 This 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 receives a complaint related to a specific source, the Agency will conduct a monitoring study in accordance with Subsect 2.03.03.3.

b. Based on the monitoring study, the Agency in cooperation with any interested party will take action to implement any appropriate mitigation measures to attain the Noise Standards in Subsection 2.03.03.0.

c. This section applies to both proposed projects and existing development.

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>Tourist</th>
<th></th>
</tr>
</thead>
<tbody>
<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>

- 26 -
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 on 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 shorezone; 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: 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: Works 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 prehistory or history: Under this section would be identified resources that are of potential archeological and/or paleontological significance.
Sites determined to be of historical significance are shown on the TRPA Historical Sites Map, (July 1983), as amended, a scale of 2" = 1 mile.

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

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.
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 can not 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 counter productive in obtaining the objectives for which the criteria were formulated.
SIGNING

The purpose of this section is to establish standards to insure that signs effectively and aesthetically communicate their intended message.

A. Special Definitions for Signs:

1. Freestanding sign - "Freestanding sign" means a single or multi-faced sign affixed to a supporting structure, or imbedded in and extending from the ground and detached from the building. Allowable size does not include supporting structure.

2. Lighting, indirect - "Indirect lighting" means a light source separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures.

3. Lighting, pan-channeled - "Pan-channeled lighting" means indirect, concealed light source which is recessed into any element of a sign, which element is attached directly to the face of the sign. Each element to be lighted must have an opaque surface (preferably dark) such that the light does not shine through the element.

4. Projecting or hanging sign - "Projecting or hanging sign" means any sign attached to a building and extending in whole or in part more than nine inches beyond the building line. Allowable size does not include supporting structure.

5. Reader board - "Reader board" means a sign so constructed that all letters and/or other advertising material can be readily interchanged.

6. Size, allowable - "Allowable size" means allowable area of a sign which shall be computed by using outside dimensions of the face, in the same plane, of a one or two sided sign and each face of a multi-sided sign. Computation of allowable sign area shall include all existing signs on the premises, whether the signs are conforming or nonconforming under this title. Freestanding or wall-mounted letters will be measured using the smallest geometric figure or series of figures which will enclose all letters or symbols. Spaces between individual letters or symbols will be included within the computation of allowable sign area.

B. General Criteria for Sign Design:

1. Signs are to be designed with a scale and character compatible with the appearance of the buildings or uses identified by signs, as well as other buildings and uses in the vicinity.

2. On premise signs will be integrated into new building site design. They should complement the architecture in terms of shape, placement, colors and materials.
3. Signs will not rotate, move, flash, change, blink, or appear to do so except to show time and temperature or if utilized by a governmental or agency for public safety or information.

4. Signs are to be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it. Background on internally lighted signs shall be of a dark opaque material.

5. Reflective and fluorescent colors are prohibited; earthen tones are encouraged.

6. Signs will be designed so that they do not create distractions that may jeopardize pedestrian or vehicular traffic safety and do not produce glare that adversely affects residential uses.

7. No signs will be attached to trees or vegetation.

8. Reader boards will be avoided, except as necessary for public services and certain uses such as movie theatres.

9. Shapes should be regular and not odd or irregular. Strive for simplicity in sign design.

10. Planter boxes of natural materials, or areas with native shrubs, boulders, etc. should be incorporated at the base of the sign wherever possible.

11. The maximum allowable sign height and size is seldom needed and almost never desirable.

12. It is preferred that signage is attached to buildings rather than free standing.

13. Multiple use signs are encouraged.

14. Sign attachments such as Master Charge, American Express, etc., will be placed within the sign frame and will be included in the allowed square footage (safety and directional not included).

15. Illumination should be of medium brightness (100 - 200 foot lamberts). The larger the sign, the lower the level of illumination.

16. A commercial or tourist establishment in a Recreation, Residential or Conservation area may be permitted signage up to that allowed in a Commercial or Tourist district if the following findings can be made:
   a. Compliance would result in substantial economic hardship or loss by the applicant; or

   b. The nature of the commercial establishment and the surrounding environmental setting would justify nonconformance and would not deleteriously affect the monetary or aesthetic value of the area.
17. The sign standards set forth in the TRPA Code may be exceeded in certain planning areas, if so indicated in the Plan Area Statements.

18. Signs extending into the public right-of-way are not allowed unless placed by a public agency for purposes within its charter.

19. The maximum combined square footage for all signs on a commercial site is 100 square feet.

C. Free Standing Commercial Signs:

1. One freestanding sign is allowed for each parcel containing a commercial, tourist or related use within a commercial or tourist area.

2. Unless otherwise specified by local governments, through an Agency approved design review plan, the maximum square footage for a free standing sign within a commercial or tourist district will be computed according to the parcel frontage along the street to which the sign is oriented, as follows:

<table>
<thead>
<tr>
<th>Parcel Frontage</th>
<th>Allowable Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>99 ft. or less</td>
<td>40 sq. ft.</td>
</tr>
<tr>
<td>100 - 149 ft.</td>
<td>45 sq. ft.</td>
</tr>
<tr>
<td>150 - 199 ft.</td>
<td>50 sq. ft.</td>
</tr>
<tr>
<td>200 - 249 ft.</td>
<td>55 sq. ft.</td>
</tr>
<tr>
<td>250 - 299 ft.</td>
<td>60 sq. ft.</td>
</tr>
<tr>
<td>300 - 349 ft.</td>
<td>65 sq. ft.</td>
</tr>
<tr>
<td>350 - 399 ft.</td>
<td>70 sq. ft.</td>
</tr>
<tr>
<td>400 - or over</td>
<td>75 sq. ft.</td>
</tr>
</tbody>
</table>

3. Freestanding signs will be located at least fifty (50) feet apart and will be set back at least five (5) feet from any property line.

4. The maximum height for freestanding signs is 20 feet, although a 10 foot height is recommended. Signs should be of a human scale with the preferred height at approximately eye level.

5. Lighting of freestanding signs are to be indirect or pan-channeled.

6. Single faced signs parallel to the highway are encouraged.

7. Freestanding signs will not be placed so as to impair visibility for traffic safety.

D. Signs Located on Buildings for a Single Business Use:

1. Unless otherwise specified by local government, the maximum allowable sign area for wall signs will be calculated at one square foot of sign area for each two lineal foot of the building frontage to which it is attached, provided that the total sign area is not to exceed 70 square feet.
2. Unless otherwise specified by local governments, the preferred size for a wall sign will be one square foot for each 5 front lineal feet of the building, with a maximum area of twenty square feet.

3. No part of a wall sign will extend above the wall of the building upon which it is placed, and will in no case extend over 20 feet from the existing grade.

4. Lighting for a wall sign is to be indirect or pan-channeled with a dark background.

E. **Projecting or Hanging Commercial Signs:**

1. One projecting or hanging sign may be placed in lieu of a sign attached to a wall.

2. Projecting or hanging signs may not exceed one square foot for each five front lineal feet of the building with a maximum area of 20 square feet.

3. A minimum clearance of 8 feet to the bottom of the sign is required above pedestrian ways and a minimum clearance of 15 feet above vehicular ways.

F. **Signs for Multi-tenant Commercial Buildings:**

1. **Freestanding: Joint Directory Signs**
   a. One square foot of signage is allowed for each tenant, which a maximum of twenty-five square feet.
   b. No part of the sign is to extend above 10 feet from the existing grade.
   c. One sign is allowed to be located on the grounds of the building and adjacent to the major pedestrian way which the building abuts.
   d. All joint directory signs must be kept current.

2. **Signs located on buildings - individual businesses within a multi-tenant building:**
   a. A business within a multi-tenant building may be allowed a wall sign measuring one square foot for each three front lineal feet of the business up to an overall maximum of 70 square feet.
   b. No part of the sign is to extend above the height of the wall upon which it is placed.
G. Subdivision Entrance Signs:

1. One subdivision entrance sign may be allowed to identify the entrance to a major subdivision, condominium complex, or group of apartment buildings having at least 100 linear feet of frontage along a vehicular way.

2. Unless otherwise specified by local governments, the maximum combined size of all faces of a multi-sided sign may not exceed twenty square feet.

3. No part of the sign may extend above 10 feet from existing grade.

H. Signs for Multi-tenant Residential Buildings:

1. A one sign complex to eliminate clutter is encouraged for multi-tenant residential buildings.

2. The maximum allowable sign area for all signs in a multi-tenant building is 20 square feet.

I. Banners for Temporary Events:

1. Banners for temporary events may be utilized for a period of 5 days prior to the event and for the duration of the event, not to exceed a total of 15 days.

2. Temporary banners will be approved as a part of the Agency approval for the special event.

3. The maximum height for placement of a banner for a temporary event will be 25 feet.

4. The maximum width of a banner from the top to the bottom is 3 feet.

J. Other Applicable Requirements: Other regulations which may apply to signs include: Section ______ of the Land Use Provisions of the TRPA Regional Plan; the Lighting Criteria as set forth in the Design Review Guidelines.
MEMORANDUM

May 30, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Draft Code of Ordinances, Chapter 7, Water Quality

Attached for your review is the most recent draft of the water quality chapter. This draft incorporates changes made in response to comments received through the May APC meeting. The water quality committee has not had the opportunity to review the changes.

For your convenience, new material is underlined and deleted material is dashed out. In this draft, mitigation fee schedules and certain mitigation fee policies have been reserved. The tentative schedule for ordinance adoption calls for the APC to take action on this chapter on June 13-14, in the form of a recommendation to the Governing Body. The staff recommends that the APC review this document, make necessary changes, and forward it to the Governing Body, with or without the mitigation fee schedules.

DZ:md
CHAPTER 7

7.00.00.0 WATER QUALITY AND WATER RESOURCES PROVISIONS: Along with portions of Chapters 2 and 4, this chapter carries out, as appropriate, the water quality subelement and portions of the Public Services and Facilities element of the Regional Plan. This chapter also implements, in part, the Agency's programs to attain and maintain federal, state, and local water quality standards, under Article V(d) of the Tahoe Regional Planning Compact.

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 "best management practices" (or "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:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dissolved Inorganic Nitrogen as N</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Dissolved phosphorus as P</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Dissolved Iron as Fe</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Grease and Oil</td>
<td>2.0 mg/l</td>
</tr>
<tr>
<td>Suspended Sediment</td>
<td>250 mg/l</td>
</tr>
</tbody>
</table>

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. Application of BMP's shall be mandatory for all new development. With respect to existing development, the Agency shall require BMP's as set forth in 7.01.02.4. After five years, however, all 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 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 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 offsite 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 will 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 all new development 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, the design review guidelines, 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 entities 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. Areal application, application on areas greater than one-quarter acre, and application within 100 feet of an SEZ shall require a TRPA permit.
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.

7.01.07.0 Vessel Wastes: See provisions of 4.07.02.0.

7.01.08.0 Fertilizer Management: See provisions of 6.06.02.0.

7.01.09.0 Off-Road Vehicles: See provisions of 6.05.03.0.

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.

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### 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 Subset 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

June 6, 1984

To: TRPA Advisory Planning Commission

From: The Staff

Subject: Earl Stevenson, Appeal of Staff Determination That Modifications to a Commercial Project With a Valid Building Permit Are Substantial and Therefore Constitute a New Project, Washoe County APN 124-163-05, TRPA File #83673

Applicant: Earl Stevenson

Site Location: The site contains 1.88 acres and is located at the northeasterly corner of Fairway Boulevard and Northwood Boulevard in Incline Village.

Land Use District: General Commercial (GC)

Land Capability Classification: Level 6, IsC soil type, 30% allowable land coverage

Project History: On September 12, 1980, the applicant received four building permits to construct four commercial/professional office buildings on the subject property (see Exhibit A). The exterior dimensions of each building were to be 92 feet by 52 feet, with the lower story containing 2,800 square feet for three retail commercial shops and the upper story containing 3,700 square feet for three professional offices. The four buildings would contain a combined total of 14,800 square feet of professional office space and 11,200 square feet of retail commercial space. The site plan shows 66.5% land coverage (53,500 square feet) and contains 77 parking spaces.

On February 23, 1982, the original building permits issued in September, 1980 were renewed and were valid through September 14, 1983. On September 14, 1983 the Washoe County building permits were again renewed and are valid until March 14, 1985. Therefore, the applicant has the right to construct the project for which the building permits were issued. To date, no construction has taken place on the site.

In September, 1980, TRPA review and approval was not required for commercial projects on sites of 3 acres or less in size. The subject project site is 1.88 acres in size; therefore, the building permits were properly issued by Washoe County in September, 1980. The original building permits were valid for 18 months, until March 12, 1982; therefore, the renewals issued by Washoe County in February, 1982 and September, 1983 were also proper.

6-6-84
RA:jf

APC AGENDA ITEM VIII A.
Applicant's Request: The applicant now proposes to modify the commercial project for which the building permits were issued by converting the project to a motel (see Exhibit B). The current proposal is for a two-story single structure (16,032 square foot) housing 52 motel units. The site plan shows 29.8% land coverage (24,368 square feet) and contains 52 parking spaces.

Building Permit Modifications: The Washoe County Building Department has indicated that the proposed modifications would be processed as revisions to the existing building permits. The applicant would be required to pay new plan check fees and any building permit fees in excess of those paid for the original project. The uses proposed under the valid building permits and those under the proposed modifications are permitted under Washoe County zoning without issuance of a "special use permit".

Comparison of Impacts:

Traffic - The applicant has prepared and submitted a traffic study which compares the vehicle trips generated from the commercial project against those generated from the proposed motel project. The applicant concludes that the original commercial project will generate a total of approximately 1,151 vehicle trips per day and that the proposed motel project will generate a total of 735 vehicle trips per day. Staff believes, however, that there is a potential difference between the two proposals. The original commercial project may have redistributed trips, while the motel project may result in a new trip-end generator, thereby generating new trips within the Basin.

Water Usage - Water usage will be substantially greater for the motel project than for the commercial project.

Water Quality: The proposed project represents a significant reduction in land coverage over that of the commercial project (24,368 square feet vs. 53,500 square feet). As such, potential water quality impacts associated with site disturbance and land coverage will be less for the motel project.

Agency Review: Current ordinances and regulations as well as those in effect at the time of the September, 1980 Washoe County approval provide that any activity involving the creation of new transient dwelling units requires final action by the Governing Body of the Agency, including issuance of an Agency permit. Staff believes that new construction or conversion of an existing structure resulting in an increase in tourist accommodation units is clearly defined as a "project" requiring Agency review and approval.

Further, the development priority system of the amended Regional Plan does not permit any new tourist accommodations in the early phases of the Plan. Tourist Accommodation units permitted in the later phases of the Plan will only be allowed through transfer of development rights from existing developments to more suitable sites.
Environmental Documentation: When the original project was reviewed and approved by Washoe County in September, 1980, TRPA review and approval were not required for commercial development on sites of 3 acres or less in size. As a result, no environmental documentation was ever prepared for development of this site.

Staff Findings: In light of the above, Agency staff finds that the proposed modifications to replace 11,000 square feet of professional office space and 8,124 square feet of retail commercial space with 52 motel units are substantial and result in a different project than the project for which the building permits were issued.
MEMORANDUM

June 7, 1984

TO: TRPA Advisory Planning Commission
FROM: Agency Staff

SUBJECT: Guzman, Appeal of Staff Determination That a TRPA Permit is Required, El Dorado County APN 16-081-29

Mr. Guzman's appeal has been removed from the agenda by Agency staff because the matter has been resolved.

GG:md 6-7-84

APC Agenda Item VIII B.
MEMORANDUM

June 7, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: 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

Appellant: Jack Dreyfus

Appeal: Mr. Dreyfus is appealing a determination by Agency staff that a project application cannot be accepted or processed until adoption of the TRPA Code of Ordinances. The project proposes a large second story addition to Whittel's Thunderbird Lodge which is specifically listed as a historical structure on the Agency's Historical Sites Map July, 1983. This map was adopted as part of the amended Regional Plan.

Agency Staff Position: The Cultural Subelement of the Regional Plan for the Lake Tahoe Basin, Part 1: Goals and Policies contains the following language regarding historical structures:

CULTURAL

The Tahoe Basin has a rich historical background that began prior to the arrival of white settlers. Remnants of Tahoe's past exist in the form of Indian camps, trails, way stations, mansions, and resorts. These and other historical resources often come in conflict with competing interests that threaten their preservation. Tahoe's landmarks are valuable examples of its past and should be appropriately preserved.

GOAL #1 IDENTIFY AND PRESERVE SITES OF HISTORICAL, CULTURAL AND ARCHITECTURAL SIGNIFICANCE WITHIN THE REGION.

The Tahoe Region has a heritage that should be recognized and appropriately protected. Due to the harsh weather conditions, changing development standards, and changing uses of the Region, many structures that had significant historical or architectural value have been destroyed or lost.

6-7-84
GG:md

APC Agenda Item VIII C.
POLICIES

1. HISTORICAL OR CULTURALLY SIGNIFICANT LANDMARKS IN THE BASIN SHALL BE IDENTIFIED AND PROTECTED FROM INDISCRIMINATE DAMAGE OR ALTERATION.

The Agency will establish a list of significant historical, architectural, and/or archaeological sites within the Region. Special review criteria will be established to protect such designated sites in cooperation with local governments.

2. SITES AND STRUCTURES DESIGNATED AS HISTORICALLY, CULTURALLY, OR ARCHAEOLOGICALLY SIGNIFICANT SHALL BE GIVEN SPECIAL INCENTIVES AND EXEMPTIONS TO PROMOTE THE PRESERVATION AND RESTORATION OF SUCH STRUCTURES AND SITES.

In light of the above goal and policies, and a clear intent by the Governing Board to process only very limited types of projects pending adoption of the TRPA Code of Ordinances and final adoption of the Plan Area Statements, Agency staff recommends that an application for the subject project not be accepted or processed until the TRPA Code of Ordinances is adopted, establishing the "special review criteria" referred to in Policies #1.
MEMORANDUM

June 7, 1984

TO: TRPA Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Steven T. Sederquist, Appeal of Staff Determination on Expiration Date of TRPA Approval, Single Family Dwelling, Noncritical, Lot 8, Block K, Incline Village, Unit 2, Washoe County APN 125-162-08, TRPA File #81318

Appeal:

Steven Sederquist is appealing a determination by Agency legal counsel and staff that an Agency approval for construction on a single family house has expired under the provisions of Article VI (p) of the Compact. Article VI (p) reads as follows: "Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision."

Issue: The issue is what action taken by the Agency constitutes "final action" and therefore commences the 3-year period.

History: When the amended Tahoe Regional Planning Compact was signed into law on December 19, 1980, Agency staff and the Washoe County Building Department established a joint permit process for single family dwellings on noncritical lots. The process was designed to comply with Section 3.13 of TRPA Ordinance 61-1 which requires Agency staff to issue a permit for the construction of single family houses on noncritical lots within 15 days of receipt of a complete application, provided Agency staff confirms that the activity, including the site upon which it is to be undertaken, is conforming and in compliance with the land coverage limitations of the land capability system.
A single application form was developed (copy enclosed), including a section to be completed and signed by Agency staff. Prior to signing this section Agency staff reviews the lot in the field to verify its noncritical classification and reviews the plans for conformance with Agency standards and regulations, including conformance with the land capability system. The form also includes a space where Agency staff can list changes that must be made to the plans prior to issuance of the TRPA permit.

Once the application form is signed by Agency staff the applicant is informed of the necessary changes and the plans released to Reno for final plan check. When returned from Reno and resubmitted by the applicant with changes, the plans are reviewed again by Agency staff. If all necessary changes are made Agency staff issues a TRPA permit (copy enclosed).

Appellant's Position: The appellant's position is presented best in a letter to Agency legal counsel from Gregg R. Lien, Mr. Sederquist's attorney, dated May 17, 1984 (copy enclosed). In summary, Mr. Lien argues that the 3-year period should not commence until a TRPA permit has been issued.

Agency Legal Counsel and Staff Position:

On August 26, 1983 the Agency adopted TRPA Resolution 83-21 which prevented Agency staff from issuing any approvals after that date. To determine the status of the application that had been submitted to the Washoe County Building Department, Agency legal counsel reviewed the procedure described above. Legal counsel concluded that the initial sign-off by Agency staff, indicating compliance with all Agency standards and regulations, and necessary plan changes, constituted a conditional approval. This determination allowed a substantial number of applications that had received an initial staff sign-off before August 26, 1983 to be issued a TRPA permit and allowed to commence construction.

Agency legal counsel has always taken the position that the 3-year period commences when the Agency issues a conditional approval. Issuance of a conditional approval is the final discretionary action taken on a project by the Agency. Issuance of the TRPA permit is a ministerial action that the Agency is required to take if the applicant satisfies the conditions of approval. If the 3-year period commenced only upon issuance of the TRPA permit, Agency approvals would be valid indefinitely.

Agency legal counsel will be prepared to provide additional information relative to this matter at the meeting.
Ms. Susan Scholley
SHAW, HEATON, DOESCHER & OWEN
Post Office Box 605
Carson City, Nevada  89702

Re: Sederquist, TRPA File No. 81-318, APN 125-162-08

Dear Susan:

As I understand it in talking to Gary Midkiff yesterday, you have discussed the above matter with agency staff and have concluded that Mr. and Mrs. Sederquist's permit has expired. For the reasons to be discussed in this letter, we must respectfully state our firm position to the contrary, and request your assistance in raising this issue before the Governing Board this month.

FACTUAL BACKGROUND

Application was made to TRPA on April 20, 1981. At that time, their site was within a land capability class 6 district, and after a cursory review, TRPA Staff made a preliminary determination that the project could be reviewed as a "non-critical" 4-7 project on April 28, 1981. The original TRPA application form is attached to this letter as Exhibit "A".

Significantly, the TRPA staff reviewer noted regarding this preliminary determination that, "You will need to meet the requirements of #4 and #5 before final permit is issued." (emphasis supplied). Thereafter, the Sederquist's prepared final construction drawings, presented a $1200 security amount to the agency, and fulfilled all of the other conditions that were prerequisite to final approval. Agency staff then issued a document entitled "Tahoe Regional Planning Agency Permit", dated June 4, 1981. That document is attached to this letter as Exhibit "B".

The Sederquist's had wanted to have had their home built by now, but because of unexpected financial difficulties they have been prevented from proceeding until now. (In passing, it is
interesting to note that their financial woes were in large part caused their inverse condemnation claim against the City of Tiberon over the buildability of their half acre lot in that city.) The Sederquist's had begun construction this year on their Tahoe lot, and early this month called for an inspection of their erosion control devices. TRPA staff refused to make this inspection, advising them for the first time that they believed that the permit had expired on April 28, 1984.

This was confirmed by TRPA's letter of May 9, 1984, which was received late last week by our clients. Upon being advised of these circumstances by our clients, we called your office to discuss this with you last week, but with your overriding concern as to the current litigation with the Attorney General's office and the League to Save Lake Tahoe, you have been unable to return our phone calls. Finally, just yesterday morning we discussed this matter with Gary Midkiff, who thereafter discussed it with you and perhaps other agency staff members. Gary Midkiff then called us back with your preliminary determination that you would stand by the expiration date of April 28, 1984.

DISCUSSION OF ISSUES

1. The TRPA Compact dictates that permits expire three years after the date of final action by the agency. According to Article VI (p) of the TRPA Compact, "approval by the agency of any project expires three years after the date of final action by the agency..." (emphasis supplied). In our view, this term should be defined according to its commonly accepted meaning in the English language in the absence of a definition in the Compact or subsequent ordinance. Webster defines "final" as, "being the last in a series, process or progress" or, "relating to or occurring at the end or conclusion".

2. The Agency's action of April 28, 1981 cannot be interpreted as a final action. As can be seen in Exhibit "A" attached to this letter, this "action" was taken on the application form submitted to the agency, in an area "to be completed by TRPA staff". It consists of the designation of a file number, and the verification (by three check marks) that the proposal is for a single-family dwelling that it is within a land capability 4 through 7, and is further in a non-critical area. Additionally, there is the hand-written notation that new drawings had to be prepared to show erosion control devices and that the security amount needed to be paid "before final permit is issued." The required findings for the issuance of the permit are not made. At this point, there is no indication that a review of the height of the structure has been made, that the coverage complies with
the land capability system, or that it complies with the other rules and regulations of the TRPA and other agencies having jurisdiction. Therefore, while we could agree that a preliminary verification of the category of project was made, under no circumstances could this be interpreted a "final action" by the agency.

3. "Final action" occurred with the issuance of the permit on June 4, 1981. The document entitled "Tahoe Regional Planning Agency Permit", which is attached as Exhibit "B", is the only document that can be considered "final action" by the TRPA. Exhibit "B" for the first time makes specific findings as to the project itself, including height, coverage, erosion control, and in the first full paragraph finds that the project is consistent with the regional plan and all other applicable rules and standards.

The second full paragraph goes on to say that the permit will not become effective until the permittee has agreed to abide by all the conditions placed upon the approval. My copy of the permit does not indicate that this was done, and the paragraph goes on to imply that in such circumstances the date of approval would be deemed to be 30 days later, or July 4, 1981, and that the penalty for the permittee's failure to return the signed permit would be that no application for an extension of the approval could be accepted. Under these circumstances, we can only conclude that the final action of the TRPA took place on June 4, 1981, and that the permit became effective sometime between June 4, 1981 and July 4, 1981. As permits are effective for three years, the Sederquist's permit cannot expire until some time between June 4, and July 4, 1984.

4. In the alternative, TRPA is estopped from asserting expiration of this permit on April 28, 1984. Even if you do not agree that "final action" took place on June 4, there is absolutely nothing to indicate to a person of average intelligence that April 28 was somehow a "key" date. To the contrary, all of the paperwork taken as a whole affirmatively misleads applicants into believing that their permits are not effective until the final agency permit is issued and a copy is returned to the TRPA.

An expiration date is nowhere mentioned on any of the forms, and an applicant is left to wonder if it will ever expire. Even a highly motivated and diligent applicant could review the TRPA Compact, all of the documents in this case and still be led in good faith to believe that the permit would expire in June at the earliest. Even if you believe the language to be ambiguous, it is basic textbook law that ambiguities are construed against the party creating that ambiguity or having control over its
creation. Simply stated, a court would have to find against TRPA's interpretation on this point, as the permit process was entirely within TRPA's control.

We understand your concern that our interpretation of "final action" potentially opens a 'loophole' that could greatly extend the life of permits. Nonetheless, it is not a loophole that the Sederquists have created, but rather was created by TRPA's own actions. TRPA must take responsibility for these actions, and not those who have been innocently misled.

OUR DILEMMA

In view of the above, we are convinced of the correctness of our position and now intend to file suit on behalf of our clients to protect their rights. A practical problem arises, however, because of the fact that the permit may expire as early as June 4, 1984. Article VI (p) provides that the three year period can be extended if the project is the subject of a legal action. Therefore, we presume that one way to protect our clients rights is to file suit as soon as possible before June 4.

However, we anticipate that you will see some need for us to exhaust our administrative remedies, and therefore we must request to be heard before your Governing Board on this issue at their meeting next week. While I appreciate that this is short notice, it was only yesterday that we exhausted our remedies at the staff level and only last week that the problem was raised. Our only other alternative would be to have our client proceed to construct a foundation on the property in full accord with the valid permits issued by your agency and Washoe County. Naturally, we would be reluctant to do so, and sincerely hope that we can arrive at a way to solve this problem short of this action.

Perhaps it would be possible for us to stipulate that the Sederquists were in the process of going forward with their project, but due to threatened enforcement litigation by TRPA were prevented from proceeding, and therefore the running of the "clock" is tolled under the terms of Article VI (p). We would be willing to stipulate that this has been the case since May 10, 1984, the date that our clients received the letter from the TRPA notifying them that their permit had allegedly expired on April 28. We could further stipulate that this matter could be heard by your Governing Board in June and that we would have 60 days from the date of that hearing to file suit. You may have some
other ideas on how we can attain our objective of avoiding the immediate filing of the lawsuit or the necessity of construction on the property.

I look forward to hearing from you at your earliest opportunity. For obvious reasons, we must hear from you prior to the Governing Board meeting. Once again, we apologize for the unavoidable short notice on this issue, and look forward to your cooperation.

Sincerely,

[Signature]

Gregg M. Allen

GRL:lt
Enclosures
cc: Mr. Gary Owen
Mr. Gary Midkiff
Mr. & Mrs. David Sederquist
Mr. Steven Sederquist
Mr. Larry Hoffman
TAHOE REGIONAL PLANNING AGENCY
2155 South Avenue, P.O. Box 8896
South Lake Tahoe, CA 95731 (916) 541-0246

APPLICATION FORM FOR CONSTRUCTION OF A
SINGLE FAMILY DWELLING OR PLACEMENT OF A
MOBILE HOME IN NONCRITICAL AREAS

Noncritical Areas - Those areas within the Region that are not designated on an official
Agency map as being within the following categories:
(1) Critical land capability areas, including high hazard lands (land capability
districts 1a, 1b, 1c and 2), high runoff potential lands (land capability district 3),
and high hazard geomorphic areas (group I).
(2) Stream environment zones, as depicted upon Agency 208 maps and as
defined in the Agency Grading Ordinance.
(3) Shorezone areas, as defined in the Agency's Shorezone Ordinance.

PART A
(To be completed by applicant or authorized representative)

I Type/Name of Project: A SINGLE FAMILY RESIDENCE
FOR D.N. SEDERQUIST, JR.

II Name of person authorized to represent the project, to whom all correspondence
is to be sent, and who signs this application:
Name: STEVEN T. SEDERQUIST
Mailing Address: P.O. BOX 4677, INCLINE VILLAGE,
NEVADA 89450
Phone: 831-1030

III Owner(s) of Record:
Name(s): DAVID N. AND
MARILYN SEDERQUIST, JR.
Mailing Address: P.O. BOX CE, TIBURON, CA 94920
Phone: 415.388.8307

IV Applicant (if other than owner):
Name: SAME
Mailing Address:

V Statement of applicant's legal interest in all real property affected (i.e. fee title,
leasehold interest, enforceable options, etc.) FEE TITLE

VI Location of Property: INCLINE VILLAGE, NEVADA

VII Assessor's Parcel No. and/or Legal Description: APN 12516208
LOT 8, BLK K, Unit #2.

I hereby certify under penalty of perjury to the truth, completeness, and accuracy
of the contents of this application and all information submitted and that I am
authorized to act as the representative for this application and to bind the property
in all matters concerning this application.

Signature
ARCHITECT

Date 4/20/81
PART B  (To be completed by local building or planning department personnel)

I  Date Application Filed: 11/23/80

II  Filing Fee: $100.00
   Receipt No.: 800X
   Received By: 2/22/81
   Date Received: 2/22/81

III  Compliance with local standards and regulations:  Yes  No

[Signature]  [Date]

PART C  (To be completed by TRPA staff)

I  TRPA Project File No: 8138

II  Permitted Use Verification:  Yes  No

III  Land Capability Class Verification:  Yes  No

IV  Noncritical Area Verification:  Yes  No

Brief explanation of "No" responses:

YOU WILL NEED TO MEET THE REQUIREMENTS OF #4 AND #5 BEFORE FINAL PERMIT IS ISSUED. SEE ATTACHMENT

[Signature]  [Date: 4-28-81]

Completed by: [Signature]
TAHOE REGIONAL PLANNING AGENCY PERMIT

Project Name:  
Applicant:  
Owner/Permittee:  
Location:  
County/City:  

The Tahoe Regional Planning Agency staff has reviewed the final construction drawings for the project identified above and has determined that:

1. Said drawings substantially conform to the preliminary plans approved on 4/28/81.

2. Said drawings depict a structure that conforms to the applicable TRPA height restriction.

3. Said drawings are in strict compliance with the TRPA Land Capability system.

4. Said drawings include the detail necessary to clearly depict erosion control methods, drainage facilities and revegetation specifications to be in compliance with the Lake Tahoe Basin Water Quality Management Plan.

5. Adequate security, with the Agency as a beneficiary, has been posted guaranteeing proper installation of the slope stabilization and drainage improvements and revegetation as shown on the approved final construction drawings. The security is identified as follows: $1200.00.

Based on the above stated determinations, the Tahoe Regional Planning Agency hereby finds that the project described herein is consistent with the regional plan and with the applicable plans, ordinances, regulations and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region. Based on this finding, the Tahoe Regional Planning Agency hereby grants a permit to the subject project as required under Section 3.13 of Ordinance No. 81-1, subject to the conditions listed on Attachment A. A copy of the approved site plan is attached to the permit and the approved final construction drawings, containing the TRPA approval stamp, are on file at the local building department.

This permit will not become effective until a copy hereof has been returned to the Tahoe Regional Planning Agency bearing an acknowledgement by the permittee that he has received the permit and has accepted its provisions. Such acknowledgement shall be returned within thirty (30) working days from the date of this permit and prior to commencement of construction; however, if no acknowledgement is received by the Agency prior to the expiration date of the approval, the TRPA shall not accept an application for extension of the approval.

Expedited Director or designee  
Date  6/4/81

I am the permittee for the subject application. I have read and understand the permit and all findings and agree to abide by all conditions placed on the approval.

Permittee's Signature  
Date