June 1985

APC Packet

NOTICE OF MEETINGS OF THE
ADVISORY PLANNING COMMISSION AND OF THE
LAND USE COMMITTEE
OF THE TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on June 12, 1985, at 9:30 a.m. at the hearing room of the Tahoe Regional Planning Agency, located at 2155 South Avenue, South Lake Tahoe, California, the Advisory Planning Commission of said agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that on June 12, 1985, at 1:30 p.m. in the same location the APC's Land Use Committee will meet to discuss Chapter I (General Provisions) of the Code of Ordinances.

Date: June 3, 1985

By: Gary D. Midkiff
Assistant Executive Director
Tahoe Regional Planning Agency
Preliminary Agenda

I. Call to Order and Determination of Quorum

II. Approval of Agenda

III. Disposition of Minutes

IV. Administrative Matter

   Election of Deputy Vice Chairman

V. Planning Matters

   A. Finding of Technical Adequacy, South Tahoe Public Utility District, EIS, Wastewater Treatment Plant Modification, TRPA File #83114

   B. Status of Regional Plan Framework


VI. Appeal

   S & M Investment Co., Brian Stack, Appeal Requesting Extension of Project Approval (Tahoe Carriage), El Dorado County

VII. Reports

   A. Staff

   B. Legal Counsel

   C. Public Interest Comments

   D. APC Members

VIII. Resolutions

IX. Correspondence

X. Pending Matters
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

May 8, 1985
9:30 a.m.

REGULAR MEETING MINUTES

Chairman Bill Combs called the meeting of the Advisory Planning Commission (APC) to order at 9:40 a.m.

Members Present:  Ms. Temple, Mr. Renz, Ms. Jamin, Mr. Ryerson, Mr. Hoefer, Ms. Becker, Mr. James, Mr. Dodgion, Mr. Pyle, Mr. Hansen, Mr. Curtis (present at 10:25 a.m.), Mr. Popoff, Mr. Harper, Mr. Combs

Members Absent:  Mr. Hoole, Ms. McMorris, Ms. Adams, Mr. McMullen

Mr. Combs asked that the APC appoint a Deputy Vice Chairman for this meeting in Vice Chairman Sam McMullen's absence.

MOTION by Mr. Hansen, with a second by Mr. Pyle, to nominate and appoint John Renz. The motion carried unanimously.

II  APPROVAL OF AGENDA

MOTION by Mr. Harper, with a second by Mr. Hansen, to approve the agenda as presented. The motion carried unanimously.

III  DISPOSITION OF MINUTES

Mr. Harper asked that the fifth line in the second paragraph on page 11 be amended to read: "The developers are anticipating possible commencement of construction late this summer, although the County believes that a start in 1985 may not be possible because of the extensive mapping process yet to be completed is-trying-to-convince-them-to-start-in-1986-because-of-the-extensive--mapping-process-yet-to-be-completed."

Mr. Combs noted typographical errors in the fourth line of the second paragraph on page two ("building license" should read business license) and in the first line in the second to last paragraph on page 3 ("Angelocci" should read Angelocci).

MOTION by Mr. Harper, with a second by Mr. Popoff, to approve the minutes as amended. The motion carried unanimously.

(Mr. Stan Hansen left the meeting for jury duty.)

IV  PLANNING MATTERS

A.  Request for Comments, South Tahoe Public Utility District, EIS, Wastewater Treatment Plant Modification, TRPA File #83114

Mr. Angelocci reminded the APC that at the last meeting copies of a supplemental report on the EIS for STFUD's wastewater treatment plant modifications were
distributed to APC members. Today, comments from APC members are being requested. It is anticipated that the APC will be asked on June 12 to recommend technical adequacy of the EIS, and, following that on June 26, the Board will be asked to certify the document. Written comments have been received from the Lahontan Regional Water Quality Control Board.

Mr. Renz commented that the underlying assumption of these modifications is that the land application of the water will meet discharge standards. Currently, the land application waters are getting into the Carson River in violation of Nevada's water standards. He could not support proceeding with this project if the water being applied to the land could not be properly managed.

Mr. Dodgion concurred with these thoughts and advised that the State of Nevada has serious concerns with this project, in light of the mismanagement of the South Tahoe PUD effluent in the past. The State is also concerned about the possible modification of the approved land application scheme in Alpine County, which is called for in the original Facilities Plan. There is reason to believe that it is the intent to make some modifications to this land application scheme that would make it not only more likely but, in fact, probable that the tail waters will get into Indian Creek and into the Carson River.

Mr. James commented that the Lahontan Regional Board is going to take measures to insure that the law, which requires that the effluent not enter surface waters and the watershed (including Indian Creek), will be complied with. The Board will take every measure to prevent this violation from occurring; the Regional Board is going to have a higher level of control than it has had in the past and is considering wastewater reclamation requirements for all of the irrigation users of the effluent in Alpine County. Lahontan's written comments were submitted to TRPA in a May 6 letter. Because the issues raised were not major, there should be no problem addressing them.

Executive Director Bill Morgan suggested that, in view of the schedule for the APC to make a finding on the technical adequacy of the EIS on June 12, staff would request that any concerns with regard to this document be transmitted to staff by June 1.

Assistant Executive Director Gary Midkiff asked if there were comments submitted by the Nevada Division of Environmental Protection or Lahontan on the documents circulated under NEPA and CEQA environmental regulations. Mr. Dodgion explained that Nevada's concern related to a change in the Facility Plan and the intent of the project. The comments to be submitted at this stage will be substantially different from earlier ones.

B. Status of Potential Settlement in State of California/League to Save Lake Tahoe v. TRPA

Mr. Morgan presented an update to the APC on the current state of the litigation, explaining that over the last several months there had been approximately 18 settlement conferences between the Special Litigation Committee and the plaintiffs in the suit. Because of the Board's acceptance in January, 1985 of a partial framework for settlement, the Committee continued to work with the plaintiffs. As new issues were explored, it became evident that there were concerns in the Nevada legislature about some of the items being negotiated. There was an effort to proceed with a pullout bill, and the Assembly did pass
such a bill. Nevertheless, the Committee and plaintiffs put together a more complete draft (known as Draft #10) in March for the Board's consideration. The Board, rather than taking action to endorse or reject it, conducted a public hearing on Draft #10 on April 15. Over 60 people testified, the majority being opposed to certain features of the proposed settlement. The Board's reaction to this was to conclude that settlement was not possible with this framework.

Staff subsequently put together a different framework in anticipation that there was still a middle ground acceptable to TRPA, the plaintiffs and the Nevada legislature. This 4/19/85 draft was released for public comment, and there were a number of meetings with Nevada legislative leaders as well as the Nevada Governor to consider this draft. This draft, however, was not acceptable to all parties concerned, and there were serious concerns in Nevada that it might still withdraw if even this revised framework were pursued. It was as late as last Wednesday that it was concluded that Nevada would support and fund TRPA, provided the Agency did not continue to attempt to resolve these major differences through settlement but instead continue on with the polishing of the Plan adopted in April 1984. It was intended that this Plan would be refined sufficiently to pass muster before the Federal court. A statement, which was mailed to APC members, summarizes this position. Nevada will remain a party to the Compact and continue to fund TRPA in its defense of the lawsuit and in its continuing work effort mandated in the Compact.

This statement was taken up before the Special Litigation Committee on May 2, and the Committee agreed to send on a recommendation to the Board calling for the Agency to get on with defending itself in court and concentrating its efforts in refining the Plan. The Agency should continue to pursue the appeal of the injunction scheduled for May 15 and invite the plaintiffs to participate through workshops or other forums that are available to refine the Plan. The Board is scheduled to hear this recommendation on May 10, and there is not reason to believe that there is much opposition to this position.

Mr. Rick Skinner, representing the California Attorney General's office, explained that the State was discouraged that the litigation mode was continuing. It is not possible to settle if TRPA does not want to settle. He is still willing to discuss ways and means by which to resolve the litigation. Obviously, the Attorney General will continue to pursue his position in the court until TRPA wants to come back and try another avenue. To the extent the Attorney General's office can participate with the Commission in revising the Plan in an appropriate fashion to meet the Compact requirements, he would be happy to participate.

Mr. Morgan explained that the appeal hearing before the Ninth Circuit Court of Appeals is scheduled for May 15 in San Francisco. Beyond that, there is no trial date set for the original case. The length of time needed to resolve this lawsuit is unknown at this time. Staff's most optimistic view is that within six months the Agency staff, with the aid of the APC and any other participants, will be able to deliver to the Governing Board all the elements of a plan that will meet the requirements of the law. The Board would need time to deliberate and to conduct hearings. Optimistically, a year from now the Agency may be able to go to the Federal court and ask for dismissal of the case.

There has been no organized reaction as yet in the California legislature. The only reading is by way of processing of TRPA's budget, and it appears that the
requested budget will be approved. Staff had intended to ask for an additional $1/2 million to be used to implement an individual lot evaluation system. The estimate to complete this program is $770,000. Because the Senate committee was initially opposed to it, it was not really brought up. There also was not time to develop a full explanation of, or support for, the program. These monies are, therefore, not expected in the coming fiscal year. There also were some random comments from some of the legislators expressing concern that the State was funding both sides of the lawsuit.

It is anticipated that a decision in the appeal hearing will be available in six to eight weeks. TRPA will continue to explore with the plaintiffs possible exemptions to the preliminary injunction for the judge's consideration. The plaintiffs have been fair in considering a while host of exemptions; another meeting to consider new proposals is scheduled for the 17th. It is anticipated that the same degree of cooperation will continue. Mr. Harper commented that Washoe County, and most likely other counties as well, have projects on line which they would like to see be able to go forward.

Mr. Combs, member of the Special Litigation Committee, commented that, while it was unfortunate that the litigation settlement activities have come to an end, it is good to know that all avenues were explored. Numerous hours were spent trying to find agreement; the process is now moving into the next phase with the knowledge that there was an absolute impasse on certain issues. Mr. Morgan agreed and suggested that these settlement talks did define very clearly what the major issues were and produced many possible solutions, some of which, no doubt, will end up in the final Plan. This was a worthwhile activity.

D. Discussion of Regional Plan Framework and Possible Recommendations to the Governing Board

Mr. Dave Ziegler, Chief of the Long Range Planning Division, distributed copies of a document entitled, "Briefing Notes: Regional Plan Framework", May 8, 1985, and outlined its contents. The goal of the Agency at this point is to create almost a perfect Regional Plan, i.e., an unassailable record. Since the Agency is not in a settlement mode at this time, the goal is to create a plan that will stand on its own merits. This briefing notes contain a listing of the elements of the Regional Goals and Policies Plan (Land Use, Transportation, Conservation, Recreation, Public Services and Facilities, and Implementation) with a statement on their status relative to the litigation, required work task, the staff lead for these tasks, and their interrelationships. Also included are additional programs to be finalized (Plan Area Statements, Code of Ordinances, Other Regulations, and Implementing Programs). Staff is shooting for a six-month time frame to deliver a complete package to the Governing Board.

Mr. Morgan explained that the Board does not intend to void the adopted Goals and Policies Plan. The Board feels it is a good plan, but it can be improved. There will be selected areas to be amended. A detailed summary of the document was presented by Mr. Ziegler.

At the conclusion of the summary, Ms. Jamin commented that the six-month time frame was very optimistic, considering the number of staff members available to carry on the work. The public tends to latch on to these deadlines, and once they have lapsed, gets very agitated about the progress that has or has not been made. It is unfair to establish this deadline, unless it is a realistic
one; six months is not adequate time to accomplish all the tasks outlined. Mr. Midkiff explained that, assuming the funding is available, TRPA will be advertising for an air quality person, someone to work on capital improvement programs and related implementation, a land use person to work on ordinances, and a land use/natural resource conservation person.

Mr. Combs asked that this process get moving as quickly as possible and that programs ready to go be brought back to the APC in June. Get as much on the agenda as possible. Mr. Ryerson agreed that the APC should start immediately; six months is very optimistic, and the time frame should be revised because of the public expectation. The APC may be facing two-day meetings to get all this work completed. Ms. Temple suggested the first priority was making amendments to the Land Use and Implementation Elements; how much of a role are the APC and the committees to play in these amendments? Mr. Ziegler responded that there first must be consensus by the Board on where the Agency is going and how it will get there. Mr. Combs asked what could be done on the Land Use Element prior to the release in six or eight weeks of the appeal court decision.

Mr. Morgan commented that the appeal was not related so much to the adequacy of the Plan as to the appropriateness of the injunction, based on the Plan that is challenged in court. The results of the Ninth Circuit review will not change the work elements listed on this outline.

Mr. Rick Skinner commented there were some substantive issues on appeal that will be resolved one way or the other. To the extent, however, the APC wants to take a look at the Land Use Element, he did not think that there was anything in the appeal beyond the coverage issue that would be addressed. There will not be a whole laundry list of substantive topics to come from the appeal.

Mr. Harper suggested that the outline has staff trying to do everything at once. He would prefer that staff identify which elements need to be revised, which code sections or other regulations or programs relate to that element and to work on those. That would be a first task. The second task would be to work on the independent unrelated code sections. These tasks would then be followed by finalizing Plan Area Statements and other programs and regulations. He would not be anxious to jump back into this planning process and to devote the hours that are necessary without a clear idea of the end goal. He would like to know that, when the APC progresses from one thing to another, it will not be revised again and again. The Agency is asking for a very difficult commitment from the APC. Mr. Renz agreed with Mr. Harper's suggestion that one element be dealt with along with all its pertinent ordinance sections. This will provide a complete package. Mr. Ryerson agreed but suggested there needed to be a good deal of front-end work to this "vertical slice" approach. It will take a lot of pre-thought to ensure that nothing is left out.

Mr. Morgan agreed that the vertical slice approach was probably the best way to proceed so that everything fits when the process is completed. Because of the time factor and because the Board will likely want to limit the amount of change in the Goals and Policies Plan, the APC should concentrate its efforts on certain areas. The Board's position is that the adopted Plan is adequate to satisfy the law; what is proposed will improve the Plan. Not every goal and policy or ordinance provision will be examined anew.

Mr. Popoff asked if staff had considered contracting with consultants to help with this work. Mr. Ziegler explained that this really would need to be a staff
effort. Some of the tasks that seem very threatening may not be as tough as they seem. He would reserve judgement on this until costs can be determined. He really didn't have a response at this time.

Mr. Pyle commented specifically on the design requirements set forth under the capital improvements program and available financing for some of these efforts. Also, because of the past commitment to the Regional Plan process and the hope that it would, by now, have been completed, he was not sure exactly how much time he could devote to this effort. Anybody working with budgeted money from the states, local governments or other sources is going to be faced with these same determinations.

Mr. James suggested that, while the vertical slice is a good approach, it is not necessarily the way to go with all aspects of the Plan. One task might be a vertical slice to include an ordinance and a related policy; a committee can be assigned to work on this specific task. Another task might warrant a horizontal approach. The time commitment is a critical factor. When more staff is hired, the APC might want to consider channeling recommendations on staff task assignments through Mr. Morgan, and much of the work can be done at staff level rather than having the APC argue over fine points. There should be a differentiation between what the staff is to do and what committees are to do.

Mr. Harper asked that the Governing Body actually "charge" the APC with the work program outlined by staff. He would like to see this assignment forwarded to all local governments; it becomes increasingly difficult for local planners to justify the expense and time for TRPA activities. Mr. Renz agreed that he was faced with the same considerations in Douglas County, and it was particularly difficult because the County did not necessarily support the Agency's efforts. Ms. Temple agreed that a determination on what time was necessary should be a first step. Once a commitment is given, however, it should be kept.

Mr. Combs summarized the APC's direction as follows: 1) to reconfirm its involvement in the planning process; 2) to focus on key changes to the Regional Goals and Policies Plan identified in the litigation process; 3) to use, for the most part, a vertical approach with some exceptions; 4) to begin with the June APC meeting to actively schedule hearings on completion of the ordinances; this may involve two day meetings, if necessary; 5) to firm up the productivity of time spent at committee meetings; this will include development of agendas and adherence to them; and 6) to be careful about any promises that are made on completion of the process, especially to the public.

D. Discussion of Provisions Regarding Changes in Use

Senior Planner Rick Angelocci explained that the Transportation/Air Quality Committee had met since the last APC meeting to discuss the change in use process and specifically to investigate what triggers review of a change in use, to simply the application form and process, to reevaluate the criteria for considering a use as vacant, to consider the 12-month vehicle credit, and to reevaluate the draft Air Quality/Transportation Ordinance in light of these points. (An addendum to the staff summary in the packet was distributed.) The Committee recommended a two-tiered process. A commercial change in use which decreases or stays within its range of vehicle trips would not be required to undergo review for traffic impacts. In this case, minor increases in vehicle trips generated would likely fall within an exempt category. The second tier
would take effect when the commercial change in use results in a higher range of vehicle trips. Under this tier, the standard trip table in the draft ordinance would be used to specifically evaluate the proposal's impacts. Thirty-five dollars per vehicle trip would be charged for increases; and, to make this consistent with the trip range concept, the first 100 vehicle trip increase would not be assessed a mitigation. A fee would be assessed from 101 trips up. The Committee also decided that changes in hours of operation or days of the week should not trigger a review unless the hours of operation increase above 16 hours per day.

In terms of the vehicle trip credit, under the terms of the Indirect Source Review Ordinance, there is a suggested guideline of a 12-month previous vehicle trip credit from the date of the application for the change in use. What the Committee has recommended is that the previous use on the site, for the purpose of comparing traffic generation, shall be the most intensive permanent use which existed for more than three consecutive months within the last 24 months, or the most recent permanent use which existed for more than three consecutive months within the last 48 months. Previous permanent use is defined as something that existed for three or more consecutive months.

With regard to further investigation of Capacity Plan Areas, staff is still working on alternative approaches to traffic mitigation. Additional modifications have been made to simplify the review process for minor changes in use, i.e. repairs and ordinary maintenance and interior and exterior remodeling. It is anticipated that approval of these minor modifications and the first tier review will be delegated to local governments.

In terms of vehicle trips generated, the Committee recommended no limit on vehicle trips under the proposed review process, feeling that the economic cost of $35 per vehicle trips relative to the mitigation fee would, in itself, limit large increases in vehicle trips. Staff, however, after further review, feels there is a possible opening here for those who are willing to pay the mitigation fee and increase traffic by a substantial amount. Under this scenario, there would not be a trigger for environmental review. As such, staff is recommending that a ceiling be placed on the increases on an interim basis of 200 vehicle trips per day. The 200 vehicle ceiling will be used to determine what is a project requiring full project review with environmental documentation. If the injunction continues over the next year, staff will approach the plaintiffs to see if they would be willing to process under a project review mode those projects which generate more than 200 vehicle trips per day. Under the current injunction, even an increase of 1 vehicle trip is not permitted. This new approach will be discussed with the plaintiffs as an interim policy. The plaintiffs are sympathetic to the problems which have arisen because of the injunction. Although it hasn't yet been determined who would be making the interpretations on similar uses within the identified ranges, to be on the safe side with the plaintiffs, these interpretations should be referred to TRPA staff.

Mr. Pyle asked that K (thousand square feet of gross floor area) and O.P.C. (off-premise concession) be defined. The transportation staff is to be complimented for this simplified form and process.

Mr. Combs asked what procedure would be followed if modifications are required in a structure to bring it up to building code standards or to install safety
features. This has become a conflict in recent months because of the injunction. Would the repairs and ordinary maintenance exemptions take care of these modifications? Mr. Angelosci explained that modifications required by the Uniform Building Code (fire safety, access for the handicapped) are being processed and approved now under the injunction. Mr. Harper asked that this be clearly set forth.

Mr. Rick Skinner asked if a project which expands its square footage and increases its trips but which remains within the same range would require review. Is such an expansion exempt because it stays within the same range? Mr. Angelosci explained that the expansion would be considered a new use where no use had existed before; it would not be exempt. Mr. Skinner suggested this was ambiguous as now drafted; it should be clarified. Similarly, how would the ordinance propose to handle remodeling or conversion of, say, storage space into a use that will generate more traffic? While this isn't an actual change of use, it is something that should be addressed. If the gross floor area is properly defined, this concern can be alleviated. The definitional problems in this process are immense, and there is a great deal of room here for dispute. As an example, an ice cream parlor falls in range two; a specialty food store is in range five; where would a yogurt shop fit? Is it an ice cream store or a specialty food store? Disputes of this sort will be common, and involve major differences in mitigation fees and levels of review. There needs to be a good deal of work on definitions at the outset to have a more objective, broader system. There are many books in the transportation planning field that can help with this.

On another point, Mr. Skinner asked how the ordinance would account for cumulative impacts of the exemptions. Most of the changes in use will not occur within the first four ranges but in the fifth range, which is well down in the exempt range. Potentially, there could be a large number of cumulative impacts not accounted for. This is something to keep in mind. Mr. Combs responded that there was an earlier concern about giving credit for changes in use that actually reduce trips; the possible answer to this concern is that the range would provide for potential reductions in trips as well.

Mr. Skinner's final comment related to credit for an abandoned use and the four-year carryover. This is too generous. There is nothing wrong with trying to accommodate a limited abandonment and something should be done to take care of the shoulder season changes. But to go four years from a closed casino, which does exist, to a new use and to give the new use credit for that previous operation really wipes out any commercial change of use mitigation, even though it is a substantial difference in traffic patterns four years later. At first glance, there does not appear to be rationale to support this approach. With the bad traffic that exists at Tahoe and particularly with the big and most intense uses, there may be a different consideration given to big generators. What policy is being addressed here? Who is being accommodated and what problems are being solved? Finally, the commercial change in use with respect to the injunction is recognized as a problem area; staff was asked to come back to the plaintiffs with a more workable way to handle these changes, and efforts will be underway shortly to come up with a more workable process.

Chairman Combs asked that this topic be placed back on the June agenda after discussion with the plaintiffs. Mr. Popoff suggested that the appropriate way to proceed, too, is to have an additional meeting of the Transportation/Air
Quality Committee before the next APC meeting. Staff agreed to meet with the plaintiffs and to schedule a subsequent meeting of the Committee before the next APC meeting.

E. Discussion of Reasonable Further Progress Report, 1982 Air Quality Plan

Mr. Ziegler explained that no action on the plan was requested today. He would just be presenting an update report. A summary of the April 12 meeting with EPA, California Air Resources Board and the Nevada Division of Environmental Protection was presented. The Air Quality Plan was adopted in 1982, and a first RFP report should have covered 1983. There is a lag time between the end of the calendar year and the date at which the regulatory agencies expect the RFP report. TRPA didn't miss a deadline until August of 1984. The next deadline to work on is August 1985, at which time it would be wise to have the report cover both calendar years 1983 and 1984. The memo in the staff packet outlines the 12 generic comments received on the RFP to date. Some of the key points relate to determining correct emissions factors for automobiles in the Tahoe region, the accuracy of an assumption of a 4% annual growth rate in traffic volumes on Highway 50, and the comparison of violations of the CO standard at Tahoe to Los Angeles.

Mr. Combs asked if the numbers for residential or commercial growth under the scenarios proposed in the litigation package had been modeled. Mr. Ziegler suggested this would have to be looked at to ensure compliance with the Regional Plan. At the meeting with EPA there was no discussion of a "reasonable efforts approach", whereby the region would have to show reasonable efforts towards meeting the standard. It was decided that certain of the technical questions should be resolved first before it is determined whether annual reports will continue to be submitted or whether there will be an amendment to the SIP. Mr. Ryerson suggested there appeared to be enough technical work to be done to justify a two-year report. There is precedence for this. If reassessment of growth and emission factors used in the 1982 Air Quality Plan yields significantly different results, is it staff's intention to modify the Air Quality Plan, and therefore the SIP? Mr. Ziegler explained it would depend on the magnitude of the change. For the APC's information, EPA did encourage TRPA to proceed with a grant application to staff up its air quality positions.

F. Scenic Corridor Designation of Highway 50 and Highway 89

Mr. Brennan explained that in 1983 El Dorado County asked Caltrans to evaluate designating Highway 50 from Echo Summit to Shaver and Highway 89 from Luther Pass to the El Dorado County/Placer County line as scenic. The Caltrans review evaluates scenic beauty and significant historical factors, and the review of these two highway segments indicates that each is eligible for designation. The designation may help in programming of projects through the State Transportation Improvement Program for erosion control, realignment, or capital improvements. It has been noted that the scenic corridor designation does appear to carry weight in processing of projects in these areas. Any segments that are not endorsed by the City of South Lake Tahoe will not receive the designation and will not affect the remainder of the proposed highways. Ms. Temple explained that the criteria for review of projects in the scenic corridor are fairly general in scope. All the designation does is permit the County to be more critical in its evaluation of projects located within the corridor.
serious ramifications, the County does not feel that there are any.

Mr. Doug Sibley, from District 3 of Caltrans, explained that before a designation is approved there must be a review process in place to consider issues relative to local standards. There are no requirements that any consideration made by the County or City be forwarded to the State for review and approval. The consideration is a local one only. The City, the County or TRPA are not prohibited from waiving or modifying their standards, and Caltrans review of such modifications would not be required. Designation does not result in Caltrans regulation or control over access or size of entrances to or from the highway. Although there is nothing in writing that says scenic highways will get a higher priority, it is a factor that is taken into account. It is hoped that this policy can be formalized. To be eligible, a highway has to be identified in the statutes passed by the State Legislature. Caltrans cannot ask for a designation if it has not been determined to be eligible by the Legislature, at the request of local governments.

Mr. Combs explained that Placer County has its own scenic highway corridor designation; there is no state designation of its highways in the Tahoe Basin.

MOTION by Mr. Ryerson to endorse the scenic highway proposal (Highway 50 from Echo Summit to the Stateline and Highway 89 from Luther Pass to the El Dorado/Placer County line). Second by Ms. Becker.

Ms. Jamin explained that there were a number of issues raised at the City Council on this designation. These issues were sufficiently answered that she could vote in favor of the motion. The underlying reason that the City did not earlier support the designation was the fear it could be utilized to create additional means for regulatory control within the Basin. She did not share this fear. Mr. Combs suggested that the designation was not necessary in Placer County because the County already has identified scenic corridors within its jurisdiction. Mr. Pyle suggested holding the matter over to next month to see if Placer County would want to participate in the program. Ms. Temple responded that the process was a lengthy one; The El Dorado County Supervisors acted on this back in June 1983. It is a long process, and there is no point in holding it up.

The motion carried on the following vote:

Ayes: Ms. Temple, Mr. Renz, Ms. Jamin, Mr. Ryerson, Mr. Hoefer, Ms. Becker, Mr. Hames, Mr. Dodgion, Mr. Pyle, Mr. Curtis, Mr. Popoff, Mr. Harper, Mr. Combs
Nays: None
Abstain: Mr. Hoole, Ms. McMorris, Mr. Hansen, Ms. Adams, Mr. McMullen

V REPORTS

A. Staff

Mr. Morgan suggested that, because Vice Chairman Sam McMullen has been unable to attend the last few meetings, the APC may want to consider appointing someone to serve in his absence. Mr. Combs suggested making Mr. Renz's temporary appointment a permanent one as Deputy Vice Chairman. Mr. Harper suggested that the Chairman should first talk to Sam to find out what his thoughts are on this.
Sam's work with the Nevada legislature over the past several months necessitated his absences. Instead of taking such drastic measures, Mr. Combs should correspond with him and suggest that if he is unable to fulfill his duties as Vice Chairman he should be able to resign or to start attending the meetings. Mr. Combs explained that the point was not to appoint a new Vice Chairman but to have a substitute Vice Chairman if Sam could not attend; he would contact Sam to get his thoughts.

B. Legal Counsel - no report

C. Public Interest Comments

Chairman Bill Combs introduced Mrs. Betty Poppoff in the audience.

D. APC Members

Ms. Jamin acknowledged Mr. Skinner's attendance and participation in the meeting. This kind of involvement at the early planning stages is what the APC has been looking for in the past. Second, there is a concern to what extent TRPA has been involved in the Sierra Pacific Power Company/Sacramento Municipal Utility District (SPPCo./SMUD) intertie. The preferred corridor at this point is through the Tahoe Basin, and it would be helpful to have interaction between the involved entities and TRPA early on, rather than to have the utilities proceed only to find out later that the project may not be able to continue. Mr. Midkiff explained there had been several meetings at staff level with the project proponents, at which time it was made very clear that there were some hurdles. They were advised not to pursue a preferred alternative in the Basin primarily for scenic threshold reasons. The response was, basically, that they would factor this information in as they continue with their program.

Mr. Hoefer explained that the proponents are analyzing three very wide (one mile) corridors; Lake Tahoe is included in the southern part of one. The Forest Service will decide its preference once the process is well enough along to know what the effects are. The Forest Service does not have a position at this time. Ms. Jamin suggested that, if TRPA is silent in the initial stages, it will come to a crisis at some point in time. Even a letter indicating the project is or is not in compliance with the Plan would be helpful. It would be wise to get involved now. Mr. Renz suggested having TRPA counsel take a look at how much regulatory control the Agency could have over a public utility. Douglas County found it did not have much at all.

Mr. Doug Sibley, Caltrans representative, pointed out that once a highway corridor is designated as scenic there is a requirement for undergrounding of new utility lines. A waiver can be granted by the California Public Utilities Commission, however. This may be a factor for consideration.

Mr. Poppoff asked that pressure be brought to bear to get copies of the final shoreline study being prepared by the California State Lands Commission and the airborne nitrate (atmospheric deposition) study. Mr. Ziegler explained that the latter report was awaiting the final material from the USGS. Staff has been hesitant to release the draft because much of the information is controversial. This material is expected in August. Staff will see what can be done to get the reports completed.
Mr. Harper commented that the most interesting topic covered at the planning conference in Montreal was groundwater planning. There was nothing on acid rain.

Mr. Hoefer announced that Mr. Ralph Cisco, the new forest supervisor, will be coming to the Basin Management Unit on June 9. He currently is the forest supervisor at the Cleveland National Forest in San Diego. He previously was supervisor in Utah and was deputy forest supervisor of the Toiyabe in Reno. As soon as he comes to Tahoe, he will be introduced to the Board and to the APC.

VI RESOLUTIONS - none

VII CORRESPONDENCE - none

VIII PENDING MATTERS - none

IX ADJOURNMENT - The meeting adjourned at 1:05 p.m.

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

Respectfully submitted,

Julie D. Frame
Administrative Assistant
MEMORANDUM

June 4, 1985

To: The Advisory Planning Commission

From: The Staff

Subject: Finding of Technical Adequacy, South Tahoe Public Utility District, EIS, Wastewater Treatment Plant Modifications, TRPA File #83114

At the April 10, 1985 APC meeting, staff distributed copies of a condensed version of the subject EIS to APC members. At the May 8 APC meeting, staff requested the APC to submit comments on the document by June 2, 1985.

To date, the only comment that has been received by staff has been from the Lahontan Regional Water Quality Control Board (LRWQCB). A copy of these comments and the STPUD response are attached.

Also attached is the executive summary for the subject document. Staff is recommending that the APC recommend a finding of technical adequacy to the TRPA Governing Board.
William Morgan, Executive Director  
Tahoe Regional Planning Agency  
P.O. Box 8896  
South Lake Tahoe, CA 95731

REVIEW OF SUPPLEMENTAL REPORT, STPUD WASTEWATER TREATMENT PLANT MODIFICATION, TRPA FILE 83114

Dear Mr. Morgan:

Thank you for giving us the opportunity to review this report. It consists mainly of environmental and technical documents which we have previously reviewed. We would agree that these reports substantially meet the requirements for contents of environmental documents in the Tahoe Regional Planning Compact. We have the following specific comments on the text of the Tahoe Regional Planning Agency (TRPA) staff report.

1. The report could benefit from additional proofreading. There are many typographical errors, and several paragraphs in which portions of sentences seem to have been omitted (e.g., page 20, discussion under Goal #1; page 21, discussion under "Housing").

2. The discussion on page 2 of the text (and on the second page of the Executive Summary) refers to the Regional Board's "increasing" waste discharge requirements for the South Tahoe Public Utility District (STPUD) and seems to imply that this was the cause of subsequent enforcement actions. The Regional Board's Cease and Desist (not "close and desist") order resulted from a variety of serious problems, including fish kills at Indian Creek Reservoir and wastewater treatment facility reliability problems, as well as from technical violations of numerical limitations.

3. Section 3.1 (page 11) should be clarified to reflect the later discussion of compliance with California Tahoe Regional Planning Agency (CTRPCA) ordinances.

4. The discussion of Goal #6 (page 21) should include the need for coordination with Alpine County and the State of Nevada.

5. The discussion of "Monitoring and Evaluation" (page 32) should include more details on how STPUD's present operating procedures follow the policies of the goals.

6. The discussion of required findings (Section 3.1.5, page 33) should identify the ordinance being cited.

7. If the project is consistent with Findings 1 through 13 in Section 3.1.5, discussion of Finding 14 (page 35) seems unnecessary.
William Morgan

Please contact Judith Unsicker at this office if you wish to discuss these comments.

Very truly yours,

[Signature]
ROY C. HAMPSON
EXECUTIVE OFFICER

cc: Regional Board
    STPUD/Cofe
June 5, 1985

Mr. Rick Angelocci
Tahoe Regional Planning Agency
P.O. Box 8896
South Lake Tahoe, Ca. 95731

Subject: Wastewater Plant Conversion Project
Response to Lahontan Comments on Supplemental Report

Dear Rick:

South Tahoe Public Utility District's response to the Lahontan Regional Water Quality Control Board's comments dated May 6, 1985, on the Plant Conversion project Supplemental Report are as follows:

Comment 1
Comment Noted.
Page 20, land use, Goal No. 1, discussion should read.
"... the plan redevelopment and recreation use recommendation."
Page 21, housing, Goal No. 1, discussion should read.
"... the plan redevelopment and recreation use recommendation."

Comment 2
Comment noted.

Comment 3
Page 11, Paragraph 1, Section 3.1, should read as follows:
"... Regional Plan/Ordinance April 1984
CTRPA Ordinance No. 1 (California Only) Sept. 1975
Comment 4

Comment noted. Please refer to Section 2.3, Mitigation Program, which discusses District's coordination with all responsible agencies.

Comment 5

Page 32, Monitoring and Evaluation, please add the following:

"Refer to Section 2.3, mitigation program, which outlines the District's monetary and target dates of monitoring the mitigation program."

Comment 6

Page 33, Section 3.1.5, please add the following:

"Refer to Section 3.1 for discussion of the ordinance cited herein."

Comment 7

Comment noted.

If you need additional information concerning the District's responses, please contact me.

Very truly yours,

[Signature]

Robert G. Baer
Assistant Manager/Engineer

cc: Mike James, LRWQCB
    Andy Hauge, Quad Consultants
    James Cofer
EXECUTIVE SUMMARY
WASTEWATER TREATMENT PLANT MODIFICATION
FINAL ENVIRONMENTAL IMPACT STATEMENT

Introduction to the Executive Summary

A Facility Plan for South Tahoe Public Utility District's (STPUD) wastewater Treatment Plant in South Lake Tahoe was adopted by the District in May 1978. The Draft and Final EIR conforming to the requirements of the California State Environmental Quality Act was certified by STPUD in March 1979 and the Draft and Final EIS conforming to the National Environmental Policy Act received certification by the District in May 1981. The EIS incorporated by reference the EIR.

The EIR and EIS evaluated the significant and environmental effects of the project, considered alternatives to the Project, and identified methods to mitigate or avoid undesirable impacts. Focus of the Draft EIR is on direct project related impacts with secondary (growth related) impacts emphasized in the Draft EIS.

The purpose of this Executive Summary is to present a brief summary of the following topics:

Description of the Project.

Project plans, environmental documents, mitigation programs, and supplemental reports proposed for this Project.

Viable Project alternatives.

Summary of the Project impacts and mitigation measures.

This Executive Summary is not intended as a substitute for the environmental document or mitigation programs, but is directed as an overview of the analysis, conclusions, and recommendations contained in these documents.

Project Description

The STPUD serves the California portion of the south shore area of the Lake Tahoe Basin from Emerald Bay in the west to the state line in the east. Existing wastewater facilities can be divided into three separate components: wastewater collection system, wastewater treatment plant, and export pipeline and pumping stations transporting effluent out of the Lake Tahoe Basin. See Figure 1 for location of the
STPUD service area, treatment plant, Luther Pass pump station, and export pipeline.

The Project is a modification of the existing wastewater treatment plant and will not alter the collection system or export pipeline and pumping stations.

STPUD has been operating an Advanced Wastewater Treatment (AWT) facility since 1965, a sophisticated process of recovering pure water from sewage water. From 1968 to 1975, discharge standards were consistently met and the Tahoe AWT facility consistently produced the highest effluent ever attained by a wastewater treatment plant. The Lahontan Water Quality Control Board increased the waste discharge requirements for the wastewater treatment plant and reservoir in February 1976. Since 1976, the discharge standards have been violated and, as a result, the Lahontan Regional Water Quality Control Board issued a close and desist order to the District in June 1977.

STPUD adopted a Wastewater Facilities Plan in 1978. This Facilities Plan calls for converting the present "tertiary" plant back to a secondary treatment plant. The essential concept is to cut costs, conserve resources, and improve reliability by modifying existing AWT (Advanced Wastewater Treatment) equipment to provide backup capability for the secondary or activated sludge process.

The chemical clarifiers or third stage, used for removing very fine particulates and phosphorus, will be converted to secondary or activated sludge clarifiers. Since filtering finer molecular-sized contaminants will not be necessary, neither will the carbon absorption filters. The sand filters will remain, but their use will be simplified by filtering water once instead of twice. With the chemical clarifiers gone, most of the recovery system can be eliminated and costs reduced, while the lime furnace will be converted into sludge incineration, thereby providing some standby capacity to the organic sludge disposal system.

A new primary clarifier will be built (while the old 1959 rectangular basin will be used for overflow) to provide standby capacity for the initial stage of reclamation. With the two chem clarifiers modified, three secondary clarifiers will allow one to stand idle for maintenance or for processing peak flows of sewage during summer months or winter storms. New equipment, such as pumps and grinders, will be installed to match the peak flow demands of the plant.

One of the most important additions will be the installation of belt presses, a superior method of sludge dewatering, in order to enhance the combustability of the sludge. Self-
burning sludge should reduce the use of natural gas required to augment combustion.

To use these processes more efficiently, three of the old aeration basins will be modified for equalization of flow. Constant flow through the plant, regardless of peak loads, will reduce wear and tear on the equipment, operational supervision, and fluctuations in the quality of treated water.

With water quality problems pressing, the District opted to move ahead with a federally funded "Headstart" construction program. This program included the construction of an emergency power system, upgrading the electrical system, providing an emergency pump station, expansion of the maintenance and vehicle facilities, and new effluent pumps and flow control, none of which increase the original plant capacity of 7.5 million gallons per day accepted in the TRPA Compact, or affect the existing tertiary capabilities of the plant. This project was approved by the TRPA. As a result of the Headstart Project, events such as the 1981 and 1982 discharges into Lake Tahoe, can now be prevented.

Project Plans, Environmental Documents, Mitigation Program, and Supplemental Reports

1. Facility Plan
The 1978 Facility Plan for the STPUD Wastewater Treatment System discusses the following topics:

1. The need for study and the purpose of the Facility Plan Report.
2. Existing and projected service area characteristics.
3. Existing and projected water and wastewater characteristics.
4. Analysis of existing wastewater facilities.
5. Waste discharge and treatment requirements.
6. Project alternative analysis.
7. Recommended alternatives.
2. Environmental Documents
The following environmental documents which address the STPUD Facility Plan Improvements have been certified by the appropriate responsible agencies:

Draft and Final EIR (CEQA)
South Tahoe Public Utility District
Wastewater Facilities Planning Program
SCH# 78051530
March 1979

Draft and Final EIS (NEPA)
Wastewater Treatment Facilities
South Shore Lake Tahoe Basin
May 1981

Draft and Final Supplemental EIR (CEQA)
South Tahoe Public Utility District
Wastewater Facilities Planning Program
SCH# 83020702
May 1983

3. Mitigation Program
The Environmental Impact Statement did not identify significant impacts for the construction project in South Lake Tahoe but did identify significant indirect effects (secondary impacts) of the proposed project and identified 134 measures which could, if implemented, mitigate the identified impacts of both the Douglas County Improvement District Project and STPUD Project. In addition to the mitigation measures, the DEIS identified 92 agencies responsible for the implementation of these measures.

The South Tahoe Public Utility District, in cooperation with the City of South Lake Tahoe and El Dorado County, formed the South Tahoe Mitigation Task Force to encourage a working relationship between the identified responsible agencies in order to develop an implementable and environmentally sound mitigation program. The Task Force, with full support of the EPA, implemented a mitigation program which addressed the secondary impacts of the STPUD project, a program consisting of 97 mitigation measures to be implemented by 28 agencies.

The progress of the mitigation program was monitored over a two year period as fully described in four status reports, the last being:

Status Report 4
South Tahoe Mitigation Program
February, 1983
Summary of the Project Impacts and Proposed Mitigation Measures

The EIS did not identify significant impacts with the wastewater treatment plant modification proposed in the Lake Tahoe Basin, but did identify significant indirect effects (secondary impacts) of the project and identified 134 measures which could, if implemented, mitigate the identified impacts.

The South Tahoe Mitigation Task Force has recommended a program consisting of 97 mitigation measures to be implemented by 28 agencies. Progress on the mitigation program has been monitored over a two year period as fully described in your status reports, the last being "Status Report 4- South Tahoe Mitigation Program, February, 1983." The responsible agencies have acknowledged satisfactory progress in the mitigation of a 7.5 mgd wastewater treatment plant.

The project approved by the State Water Resources Control Board, Lahontan Regional Water Quality Control Board, U.S. Environmental Protection Agency and South Tahoe Public Utilities District does not call for an expansion beyond existing wastewater treatment capabilities, a maximum daily flow of 7.5 mgd. This existing treatment capacity can accommodate 73,777 sewer units including 1,267 sewer units for changes of use, not new development, (a single family dwelling unit utilizes a minimum of 3 sewer units) plus 360,000 gpd capacity reserved to serve the U.S. Forest Service, State Parks, and Fallen Leaf Lake areas.

The District has present sewer capacity commitments for all but 369 sewer units (about 115 single family units). Expansion for all but the 369 sewer units will require additional environmental evaluation from the permitting agencies and is not a part of the present grant funded project.

Findings of Significant Impacts that cannot be Mitigated by the South Tahoe Public Utility District Project

No significant impacts with the wastewater treatment plant modifications have been identified in the Draft and Final EIR, Draft and Final EIS or Draft and Final Supplemental EIR.

Mitigation measures identified in the EIS can offset the significant indirect impacts associated with growth within the Lake Tahoe Basin. During the preparation of the Draft and Final EIS, the Tahoe Regional Planning Agency adopted the Bi-State Compact (12/80), Environmental Threshold Carrying Capacity (8/82), and the Regional Plan/Ordinances
4. Supplemental Reports

The South Tahoe Public Utility District has prepared the following supplemental reports on the project:

Summary of Facility Plan
For South Tahoe Public Utility District
Wastewater Treatment System
May, 1978

Plant Conversion and Agricultural Reuse Project
March, 1983

Viable Project Alternatives

Thirteen wastewater management plans were originally identified by STPUD in their Facilities Plan. From among these alternatives, the District selected the more viable plans after screening processes that involved determining technical feasibility, making preliminary cost estimates, and undertaking an environmental assessment. The viable project alternatives were then subjected to a cost effectiveness analysis which considered the economic, environmental, and social costs of the alternative plans under a prescribed period. Other factors considered were depletion of scarce resources, flexibility and reliability, potential for implementation, compatibility with local planning goals and objectives, flood protection, land use, and potential for reclamation.

Descriptions of five viable project alternatives considered in the Draft EIS are:

Alternative 1: Nitrification and discharge to Indian Creek Reservoir

Alternative 2: Nitrogen removal prior to discharge to Indian Creek Reservoir

Alternative 3a: Treatment followed by land application using flood irrigation

Alternative 3b: Secondary treatment followed by land application using flood irrigation

Alternative 4: Land application plus an In-Basin Reuse Demonstration Project

Based upon the analysis presented in the Facilities Plan, STPUD recommended alternative 3b. The recommended alternative was selected based upon a consideration of technical feasibility and economic and environmental considerations.
(4/84) which will also mitigate growth related impacts associated with this Project.
MEMORANDUM

June 5, 1985

To: The Advisory Planning Commission
From: The Staff

Subject: Status of Regional Plan Framework

Since the discussions with the APC in May, staff has been pursuing the completion of a work program that will result in the refinement of the Regional Plan. The following represents the latest thinking of the staff in preparation of this program and also demonstrates the evolution of an approach to resolving the stalemate on key issues in the Plan.

A Working Framework of the Regional Plan

The staff has prepared the attached outline as a guide in the preparation of the work program. The intent of this framework is to demonstrate all the key pieces of the Regional Plan, to report on the status of major pieces, to indicate the supplemental planning work required for the Plan, and also to focus attention on areas which may be in need of revision. The staff requests that the APC review and comment on the framework.

Analysis of Litigation

This attached document follows up on the framework and focuses in on the Regional Plan parts that are subject to litigation. The analysis breaks the problems into two major areas. The least controversial, but possibly the most time consuming, are those items identified as complete Plan issues. They involve no major policy issues but are necessary to improve the Regional Plan. The second set of issues are policy issues which are generally the most controversial and have been the subject of many discussions. Again, staff would request that the APC review and comment on this analysis.

Scheduling

Taking the above items into consideration, staff is attempting to formulate a critical path schedule for refinement of the Regional Plan. The major objective is to improve the Plan to the degree necessary to achieve consensus by those with significant stakes in the outcome and to be able to withstand any legal challenges.

GWB: jf
6/5/85

AGENDA ITEM V B.
Memo to the APC  
Regional Plan Framework  
June 5, 1985  
page two

It appears that the tasks fall out into two categories: items to add to the Plan and resolution of issues that are inhibiting consensus on the Plan.

Based on this assumption, staff is proposing two parallel paths which will commence this summer. The main path is the completion of the items as identified in the framework, for which the Agency is hiring new staff and consultant help. The second path which must commence as soon as possible is the conflict resolution path which would take the form of workshops. Utilizing a critical path analysis, it appears that there are several months during which the Agency could attempt to resolve these stumbling blocks that have delayed implementation of the Plan. It appears that there is enough gearing up work to be done on noncontroversial items to occupy the staff and the APC until fall; however, at some point in the fall, the Agency is going to have to revise the Plan based on resolution of controversial items or to forge ahead with previous provisions.

Proposed Conflict Resolution Workshop

It is staff's estimation that the current litigation stalemate centers around five key issues. These issues appear to be:

1. Land coverage limitations
2. Treatment of sensitive lands
3. Treatment of pipeline projects
4. Allocation limits on new development
5. Phasing of development and the ILES (independent lot evaluation system).

It is the staff's feeling that, if the key parties could agree on solutions to these issues, the planning and litigation problems of the Agency would be resolved. Therefore, it is being recommended that workshops, with all key parties attending, be convened. These workshops should utilize a facilitator, a set schedule for meetings, and rules established beforehand, and should attempt to resolve only a limited set of issues. For logistical purposes (as discussed above), a time limit must be set, such as the end of August.

The staff requests that the APC review and comment on the concept and would appreciate any additional information relative to facilitated meetings or people who conduct such meetings.

6/5/86  
AGENDA ITEM V B.
REGIONAL PLAN OUTLINE
TO AID IN PREPARATION OF
MANAGEMENT BY OBJECTIVE PROGRAM

A. Environmental Thresholds - adopted 8/82, to be reconsidered in 5 years

1. Water Quality
   a. Pelagic Lake Tahoe ---- DIN Estimates
   b. Littoral Lake Tahoe ----
   c. Tributaries
   d. Surface Runoff ---- JTU's to NTU's
   e. Groundwater

2. Soils
   a. Impervious Coverage ---- Bailey
   b. Stream Environment Zones

3. Air Quality
   a. Carbon Monoxide ---- 6 ppm
   b. Ozone
   c. Regional Visibility ----
   d. Subregional Visibility ---- 10% reduction VMT, NOx
   e. Nitrate Deposition ----
   f. Odor

4. Vegetation Preservation
   a. Common Vegetation ---- Bailey
   b. Uncommon Plants
   c. Sensitive Plants

5. Wildlife
   a. Special Interest Species
   b. Habitats of Special Significance

6. Fisheries
   a. Stream Habitat
   b. Instream Flows
   c. Lahontan Cutthroat Trout
   d. Lake Habitat ---- Restoration/Detail

7. Noise
   a. Single Event ---- Airport
   b. Cumulative Events ---- Habitat and Wilderness

8. Recreation

9. Scenic
   a. Roadway and Shoreline Units ---- Detail
   b. Other Areas
   c. Built Environment

* Potential Revision Areas
B. Regional Goals and Policies Plan - adopted 4/84

1. Land Use Element
   a. Land Use coverage, zoning
   b. Housing
   c. Noise airport
   d. Natural Hazards
   e. Air Quality
   f. Water Quality
   g. Community Design

2. Transportation Element
   a.* Mass Transportation transit?
   b. Transportation System Management
   c. Regional Highway System
   d. Nonmotorized
   e.* Aviation and Waterborne airport master plan
   f. Transportation Related

3. Conservation Element
   a. Vegetation
   b. Wildlife
   c. Fisheries
   d.* Soils prohibition 1-3
   f.* Shorezone fisheries study and State Lands study
   g. Scenic
   h. Open Space
   i. Stream Environment Zone
   j. Cultural
   k. Energy

4. Recreation Element
   a. Dispersed Recreation
   b.* Developed Recreation ski area master plans
   c. Urban Recreation

5. Public Service and Facilities Element

6. Implementation Element
   a. Institutional
   b. Development and Implementation phasing, allocations and sfd system
   c. Financing
   d. Monitoring and Evaluation phasing schedule, monitoring

* Potential Revision Areas
C. Plan Area Statements (180± PAS) - approved for drafting purposes 1/85

Washoe County  South Lake Tahoe  Douglas County
Placer County   El Dorado County

D. Code of Ordinances - status is as follows (X = completed review):

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<th>Chapter</th>
<th>Staff Draft</th>
<th>APC Comm.</th>
<th>APC Rec.</th>
<th>GB Comm.</th>
<th>GB Approval</th>
<th>Legal Review</th>
<th>Final Adopt.</th>
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1. General Provisions (Chapter 1)
   a. Findings
   b. Applicability
   c. Definitions
   d. Activities Exempt from Agency Review
   e. Activities Exempt from Agency EIS
   f. Projects Requiring Governing Board Review
   g. Expiration of TRPA Approvals
   h. Findings for Approval
   i. Variance
   j. Enforcement
   k. Nuisance

2. Land Use Provisions (Chapter 2)
   a.* Plan Areas ---- zoning?
   b. Land Capability
   c. Land Use Standards
      Coverage* ---- Bailey
      Height
      Noise
      Density
      BMP's
      Prohibition in SEZ's
      Outdoor Advertising
   d. Relationship to Design Review Guidelines
   e. Scenic
   f. Historical Preservation
   f. Nonconformity

3. Subdivision Provisions (Chapter 3)
   a. Applicability
   b. Prohibition of New Subdivisions

* Potential Revision Areas
c. Limitations
   Subdivisions
   Conversions
   Lot Line Adjustments
   Lot Consolidations

d. Protection of Purchasers

e. Subdivision Standards

4. Shorezone Provisions (Chapter 4)
   a. Findings
   b. Shorezone Tolerance Districts
   c. Permitted Uses
   d. Development Standards in the Backshore
   e. Development Standards Lakeward of High Water
   f. Nonconformity
   g. Motion and Discharge Limitations from Boats
   h. Mitigation Fee

5. Grading Provisions (Chapter 5)
   a. Special Information Report
   b. Inspections
   c. Construction/Inspection Schedule
   d. Winterization
   e. Standards for Grading and Filling
   f. Standards for Grading and Filling
   g. Vegetation Protection
   h. Objects of Antiquity

   a. Tree Removal
   b. Prescribed Burning Programs
   c. Livestock Grazing
   d. Remedial Vegetation Management
   e. Vegetation Protection
   f. Landscaping
   g. Revegetation
   h. Wildlife Resources
   i. Fish Resources

   a. Water Pollution Control
      Discharge Limits
      Runoff Controls
      Snow Disposal
      Salt and Abrasive Controls
      Sewage Spills
      Pesticide Use
   b. Water Quality Mitigation
   c. Water Supply and Conservation
8. Air Quality/Transportation Provisions (Chapter 8)
   a. Inspection and Maintenance
   b. Gas Heaters
   c. Wood Heaters
   d. Open Burning
   e. Stationary Source Review
   f. Traffic Mitigation Program
   g. Aviation Facilities
   h. Diesel Vehicles

9. Growth Management Provisions (Chapter 9)
   a. Allocation of Development
   b. Transfer of Development Rights
   c. Phasing of Development
   d. Single Family Dwelling Review System
   e. Redevelopment

E. Other Regulations

1. Design Review Guidelines - staff draft only
   a. Site Design
   b. Building, Height, Bulk and Scale
   c. Grading and Drainage
   d. Landscaping
   e. Lighting
   f. Signing
   g. Parking
   h. Scenic Highway
   i. Snow
   j. Energy
   k. Scenic Quality
   l. Shorezone
   m. Historical
   n. Individual Uses

2. Best Management Practices - staff redraft in progress

3. Rules and Regulations of Practice and Procedure - adopted 2/81, required revisions not yet drafted
   a. General
   b. Governing Board Meeting
   c. Adoption of Rules
   d. Adoption of Plans and Ordinances
   e. Project Review
   f. EIS Procedures
   g. APC
   h. Conflict of Interest
   i. Miscellaneous

4. Administrative Policies and Procedures - adopted 1/73, requires revision (obsolete)

* Potential Revision Areas
F. Implementing Programs
1. Monitoring and Evaluation
2. Capital Improvement Program
   a. Water Quality
   b. SEZ Restoration
   c. Transportation
   d. Coordination
3. Memoranda of Understanding
   a. USFS
   b. Project Review Agencies
   c. Implementation Agencies
   d. Monitoring Agencies

4. Special Programs Required for ETCC
   a. Inspection and Maintenance Program
   b. Wood Heater Program
   c. Gas Heater Program
   d. Fish Habitat Improvement Program
   e. Scenic Restoration Program

G. Environmental Documentation for Regional Plan

H. Supplemental Planning Work
1. Research
   a. Instream Flow Study
   b. Atmosphere Deposition Study
   c. Piers and Fisheries Study
   d. Node Study
   e. List of Exchange Properties
   f. Scenic Roadways and Shoreline Criteria
   g. Historic Site Review
2. Program Integration
   a. Mapping
      400 scale base maps
      land capability
      Plan Area Statements
      shorezone
      zoning?
      small scale Regional Plan maps
      wall maps
      aerial photos
      parcel map update
   b. Data Base
      reformatting
      land capability revisions
      permit input
      lot evaluation input
      PAS/zoning input
      maintenance/updating
   c. Printing/Documents
      Regional Plan graphics
      Print Code, Design Review, BMP, PAS, Goals and Policies Plan
      EIS
   d. Transportation Modeling
3. Other Planning Duties
   a. * Federal 208 Water Quality Plan
   b. Federal Air Quality Plan
   c. California Transportation Plan
   d. Specific Plans
   e. Environmental Education
   f. Intern Program
   g. Project Review Assistance
   h. TDA Fund Management

* Potential Revision Areas
## TRPA LAWSUITS
### ANALYSIS OF COMPLAINTS

State of California/League to Save Lake Tahoe v. TRPA

<table>
<thead>
<tr>
<th>Complaints (Court Ruling)</th>
<th>Comment</th>
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<tbody>
<tr>
<td>1  Plan adopts a system of land coverage overrides which conflicts with the soil environmental threshold carrying capacities. (Policy issue)</td>
<td>This is a major and sensitive issue. Options are: 1) revise thresholds; 2) revise method of calculation, i.e. parcel by parcel; 3) utilize banking TDR; and 4)</td>
</tr>
<tr>
<td>2  The TRPA has failed to adopt adequate V(g) findings. (Completed Plan issue)</td>
<td>This is a minor issue and requires the rewording of the existing findings and a careful establishment of the linkages between thresholds and projects.</td>
</tr>
<tr>
<td>3  Plan allows for approval of development inconsistent with thresholds (pipeline projects). (Policy issue)</td>
<td>The major problem is the 87 case-by-case applications (and 1997) and some of the vested 111. A minor problem is the requirement of reserving allocations for the California SFD's.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complaints (Not Ruled On)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Plan fails to include explicit provisions for attainment of thresholds, required time schedules, and monitor programs. (Completed Plan issue)</td>
<td>The complete Regional Plan must be drafted and the individual thresholds must be addressed. Minor problem but very time consuming unless 5-year test is made more restrictive.</td>
</tr>
<tr>
<td>2  Plan does not include an integrated Land Use Plan. (Completed Plan issue)</td>
<td>All the pieces of the framework must be completed and coordinated.</td>
</tr>
<tr>
<td>3  The Plan does not specify maximum population density or intensity of use. (Policy issue)</td>
<td>The Plan does this by Plan Area and for the region. For more detail, a traditional zoning map would resolve a major portion of this complaint, with a loss of flexibility.</td>
</tr>
<tr>
<td>4  The Plan contemplates intrusions into SEZ's. (Policy issue)</td>
<td>Very minor problem which centers around the exceptions for PS, Rec. and access for SFD's with 150% mitigation.</td>
</tr>
<tr>
<td>5  Plan contemplates illegal delegation of Agency's powers to other governments. (Policy issue)</td>
<td>No delegation at this point. Legal opinion will be required for Code and MOU's.</td>
</tr>
<tr>
<td>6  Requirements for mitigation are vague, insufficient or absent. (Completed Plan issue)</td>
<td>Generally not controversial but does require completion of major parts of the Plan.</td>
</tr>
</tbody>
</table>
7 Plan allows development of SFD's in highly sensitive locations. (Policy issue)

It is not the intent of EIS and Goals and Policy Plan. Completion of ILES in the Code should resolve this.

8 TRPA has arbitrarily adopted allocation levels. (Policy issue)

The Agency has chosen the high risk allocation from the EIS. There is no environmental threshold carrying capacity requirement; however, there are schedule requirements to be linked to new development. A lower allocation number reduces the scheduling and risk and requires Policy Plan amendments.

9 Plan fails to include schedules for attaining air quality, water quality standards. (Completed Plan issue)

Schedules need to be completed for code.

10 EIS for the Plan is inadequate. (Completed Plan issue)

Prepare an addendum fully describing the "Plan" and impacts.

City of South Lake Tahoe v. TRPA

Complaints

1 Noise environmental threshold carrying capacity for airport not supportable. (Policy issue)

The airport master plan process may resolve this.

Tahoe Sierra Preservation Council v. TRPA

Complaint

1 Plan removes all reasonable uses from SFD lots in 1-3 land. (Policy issue)

ILES should resolve this along with TDR program. SEZ policy is the most rigid. Possible legislation to allow coordination with buyout agencies may strengthen the Plan.
MEMORANDUM

June 3, 1985

To: The Advisory Planning Commission
From: The Staff
Subject: Status of Discussions Regarding Changes in Use Provisions

At the May 1985 APC meeting, staff presented a first draft of a revised change in use review process. The APC requested that this topic be placed on the June APC agenda for a report on the status of discussions with the plaintiffs concerning the proposed modified procedure.

To date, no additional meetings have occurred with the plaintiffs on this subject. It is anticipated that staff and legal counsel will be meeting with the plaintiffs on June 7, 1985, at which time the subject topic will be discussed. Staff will make a brief presentation at the June 12 APC meeting regarding the outcome of the June 7 meeting.
MEMORANDUM

June 4, 1985

To: The Advisory Planning Commission

From: Agency Legal Counsel

Subject: S & M Investment Company, Appeal Requesting Extension of Project Approval (Tahoe Carriage)

Agency legal counsel will be mailing the summary of this appeal to APC members under separate cover.