TRPA
APC
PACKETS

SEPTEMBER
1985
TAHOE REGIONAL PLANNING AGENCY

NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that on September 11, 1985, at 9:30 a.m. at the new TRPA office, 195 U.S. Highway 50, Round Hill, Nevada, the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

Date: September 3, 1985

By: William A. Morgan
Executive Director
Tahoe Regional Planning Agency
Filed by the Nevada Department of Taxation
7.3.11.85

TRPA Office, 195 U.S. Highway 50
Round Hill, Nevada

September 11, 1985
9:30 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM
II APPROVAL OF AGENDA
III DISPOSITION OF MINUTES
IV APPEAL

Weider/Kaufman, Appeal of Staff Determination to Approve a Single Family Dwelling Garage Addition, 3983 Beach Lane, Lot 4, El Dorado County APN 29-093-12, TRPA File #85305

V PLANNING MATTERS
A. Status of Regional Plan Work Program
B. Review of Reasonable Further Progress Report, 1982 Air Quality Plan
C. Review of Draft SEZ Restoration Program

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

VII RESOLUTIONS
For Former APC Member Bill Murphy

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT
MEMORANDUM

September 4, 1985

To: The Advisory Planning Commission
From: The Staff
Subject: Weider/Kaufman, Appeal of Staff Determination
Agenda Item IV

This item is being taken off the APC agenda because staff has learned, upon reviewing the original single family dwelling file, that the subject site does not have sufficient land coverage to meet the new application requirements for additions. Staff is therefore rescinding its intent to grant a conditional approval for a garage addition.
MEMORANDUM

September 4, 1985

To: Advisory Planning Commission

From: Agency Staff

Subject: Status of Regional Plan Work Program

At its August meeting, the APC reviewed the Long Range Planning Division work program for FY 85-86. The staff agreed to review the status of the work program with the APC each month, especially with respect to the refinement of the TRPA Regional Plan.

The following information summarizes the status of key Division objectives related to refinement of the Regional Plan which come due during the first quarter of the fiscal year:

<table>
<thead>
<tr>
<th>Objective Number</th>
<th>Description/Due Date</th>
<th>Status</th>
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<tbody>
<tr>
<td>A-1</td>
<td>Obtain consensus on key Regional Plan issues (10/85)</td>
<td>On schedule; see attached calendar and minutes</td>
</tr>
<tr>
<td>A-2</td>
<td>Complete non-controversial portions of Code of Ordinances (10/85)</td>
<td>Behind schedule; &quot;two-track&quot; process proving difficult</td>
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<tr>
<td>A-7</td>
<td>Complete BMP Handbook (8/85)</td>
<td>Slightly behind schedule; draft Handbook complete</td>
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<tr>
<td>A-8</td>
<td>Revise Rules and Regulations of Practice and Procedure (10/85)</td>
<td>Just underway; Scholley/Barrett/Houghteling</td>
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<tr>
<td>A-13</td>
<td>Document V(c) and V(d) schedules (9/85)</td>
<td>Behind schedule; traffic modelling underway</td>
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<tr>
<td>D-5</td>
<td>Complete 83-84 &quot;RFP&quot; Air Quality Report (10/85)</td>
<td>In draft; on schedule</td>
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<tr>
<td>D-9</td>
<td>Select contractor to carry out environmental education/public relations program (8/85)</td>
<td>Proposals received and under review</td>
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AGENDA ITEM V A.
The staff has also solicited proposals from potential contractors under objective A-5, "Arrange for and carry out editorial review of Code and Regional Plan framework (3/86)." The staff received three proposals, which are currently under review.

In addition, the SEZ portion of objective A-10, "Complete CIP for water quality, SEZ's, and transportation (2/86)" is on the APC Agenda for discussion at the September meeting.

At the September APC meeting, the staff will make a brief presentation on the Regional Plan Work Program and answer questions from the Commissioners. In addition, the staff anticipates that the APC will break up into committees to discuss objectives A-1 (consensus-building) and A-10 (SEZ restoration program) in more detail. The staff would like the Land Use Committee to review the recommendations of the consensus-building workshop regarding the level of detail in Plan Area Statements. The recommendations of the workshop were, in part:

- Mapping principle - amount of land shown in PAS's should reflect a reasonable projection of the amount of land available for the specific uses allowed in that area for the life of the Plan.

- The 400 scale Plan Area maps should be coordinated with other Agency maps to permit ready determination of the location of other relevant information, such as: Land Use, Land Capability, Historical Sites, etc.

- The Plan Area Statements should be drafted with more specificity. There should be fewer special uses and the standards that apply to special uses should be specified.

The staff would also like the Natural Resources Committee to review the project descriptions accompanying the draft SEZ Restoration Program in some detail. Please contact Dave Ziegler or Gordon Barrett if you have any questions on this agenda item.
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<tr>
<th>Meeting #</th>
<th>Day</th>
<th>Date</th>
<th>Location</th>
<th>Subject</th>
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<tr>
<td>#1</td>
<td>Fri.</td>
<td>9/9</td>
<td>Valhalla</td>
<td>Process</td>
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<tr>
<td>#2</td>
<td>Thurs.</td>
<td>8/15</td>
<td>Valhalla</td>
<td>Plan Framework</td>
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<tr>
<td>#3</td>
<td>Mon.</td>
<td>8/26</td>
<td>Valhalla</td>
<td>Plan Areas, Land Coverage</td>
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<tr>
<td>#4</td>
<td>Mon.</td>
<td>9/9</td>
<td>Harrah's</td>
<td>Land Coverage</td>
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<tr>
<td>#5</td>
<td>Mon.</td>
<td>9/10</td>
<td>Harrah's</td>
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<td>Wed.</td>
<td>9/18</td>
<td>Granlibakken</td>
<td>Redevelopment</td>
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<td>Thurs.</td>
<td>9/19</td>
<td>Granlibakken</td>
<td>Treatment of Sensitive Lands</td>
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<td>#6</td>
<td>Thurs.</td>
<td>9/26</td>
<td>Chateau</td>
<td>Governing Board Workshop</td>
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<td></td>
<td>Fri.</td>
<td>9/27</td>
<td>?</td>
<td>Land Coverage Wrapup</td>
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<tr>
<td>#7</td>
<td>Wed.</td>
<td>10/2</td>
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<td>Rate of Development (including pipeline projects)</td>
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<td></td>
<td>Thurs.</td>
<td>10/3</td>
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<td>Rate of Development and Allocation by PAS</td>
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<td>#8</td>
<td>Wed.</td>
<td>10/16</td>
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<td>Phasing/Monitoring/CIP</td>
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<td>Thurs.</td>
<td>10/17</td>
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<td>TDR</td>
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<td>#9</td>
<td>Thurs.</td>
<td>10/24</td>
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<td>GB Workshop</td>
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<td>#10</td>
<td>Tues.</td>
<td>10/29</td>
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<td>Complete Package</td>
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<td>Wed.</td>
<td>10/30</td>
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<td>Complete Package</td>
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**Later Issues:**
- VMT reduction/transportation - Funding CIP
- Shorezone - Economic matters
- 208 Plan Consistency
PRESENT:

Don Beck, North Tahoe Advisory Council
Mike Van Wagenen, South Tahoe Gaming Alliance
Lois Shellhammer, League of Women Voters
Bill Morgan, TRPA
Marta Adams, State of Nevada Attorney General Office
Leo Popoff, Lahontan Water Quality Control Board
David Ziegler, TRPA
Jim Coffer, South Tahoe Public Utility Office
Lew Dodgion, Nevada Div. of Environmental Protection
Bev Bedard, Tahoe City Advisory Council & No. Tahoe Chambers of Commerce
Mike Lee, Tahoe Basin Assoc. of Governments
Larry Hoffman, Tahoe Sierra Preservation Council
Keith Klein, Tahoe Sierra Preservation Council
Shirley Allen, American Assoc. of Univ. Women
E. Clement Shute, League to Save Lake Tahoe
Jim Broadway, Environmental Protection Agency
Bill Chidlaw, Tahoe Shorezone Rep.
Heidi Hopkins, Sierra Club
John Hoefer, U. S. Forest Service
Geoff Ball, facilitator, Forum on Community and the Environment
Gordon Barrett, TRPA
Tom Martens, League to Save Lake Tahoe
Susan Scholley, TRPA
Steve Tahira, KTHO
John Hassenplug, No. Tahoe PUD
Neil Eskind, No. Tahoe PUD

It was noted by Lois Shellhammer that Cathy Gordon would be her alternate.

Geoff Ball reviewed the duties of the Facilitator. After the introduction of those present Geoff Ball went over the agenda items for the day and the ground rules for the work group and for the observers. He also presented a Problem Solving Chart to the group and the proposed process for addressing issues and sequencing sub issues. Lois Shellhammer asked if the August 1982 Regional Plan Outline were the components of the Regional Plan. Bill Morgan replied that they were the working papers for the plan and that they have gone beyond that. Barrett said that that draft has been revised to reflect the chart. This brought up the subject of getting a written format prepared and distributed to the group. After some discussion, Bill Morgan said they were going to turn 3 or 4 more staff into this process of preparing written agreements for the next meeting. Shute and some others did not receive packets in the mail. They were distributed. Skinner requested that the charts be dated. There was also
discussion on whether the charts should be culled. Since the agreements have not been written up in a timely fashion, it was agreed that there was a problem with culling. Priorities were set for preparing and distributing written agreements in a timely fashion and providing copies of the wall charts. Geoff Ball asked if there were any disagreements to the press release. There were no disagreements. Geoff Ball reviewed the framework of the agreements made. Shute felt that since the committee is formulating policies for the Regional Plan, that there needs to be more detail to the agreements. Skinner, Hoffman, and Poppoff agreed. Hoffman suggested that a document be prepared that begins "it was tentatively agreed as follows;" followed by a sentence. Then put the word rationale or justification for that agreement. This format was agreed upon. This would be the first thing reviewed in the following meeting. Mailing of the packets was discussed. The goal of preparing the materials from the previous meeting in time for the next meeting was set. They are to be distributed if feasible, otherwise ready for next meeting. It was agreed the the first half hour of each meeting would be for review of the notes.

The first issue to be addressed was defined as: What is the best way to apply the Bailey Land Coverage Limits? Under that issue, sub issues under new and existing construction were identified as residential, commercial, tourist/commercial, public service, and outdoor recreation. At Skinner's suggestion, discussion followed as to the length of time the policies would apply. There was disagreement regarding the five year monitoring system; whether too long or too short a period.

At Geoff Ball's suggestion, interests and needs for new residential were listed in a "brainstorming" session. He suggested capsulating the twenty two interests and needs into several questions.

Morning break from 11:45 to 12:00 p.m.

Geoff Ball proposed that four or five questions be generated that would lead to addressing the interests represented by those questions. The five questions generated that capsulated the twenty two interests and needs were as follows: (A) Small Lots: How can we apply the Bailey System so as to provide fairness to owners of small lots (i.e. less than 3000 sq. ft. approx.) (B) Thresholds: How can we meet existing environmental and other thresholds, such as water quality, visual, vegetation, soils, scenic and transportation standards? (including recreation thresholds) (C) Architecture, etc.: How can we achieve good architectural design and siting practices (under the Bailey System)? (D) Broad Acceptance (Fair & Reasonable): How can we achieve effective, fair, stable, predictable, sensible and well understood administration of the Bailey System that gains public support through responsiveness to the best available data? How to manage a recreational area such as Lake Tahoe fairly, sensibly, etc. (E) Effective Administration: How can we develop a system that can be effectively administered?

Lunch break from 12:45 to 1:30 p.m.
Gordon Barrett said that at the last meeting he was given the task of generating the number of improved and vacant lots by land capability and jurisdiction. He attempted to run these on the computer. What he has handed out is the number of sensitive lots and how they fall out by jurisdiction and in that also the buyout program numbers. In the EISs there are the basic number of high hazard or sensitive lots vs. high priority lots. Didn't get to computer readout yet, but will get to it. Committee discussed the numbers on the handout re: lots.

Geoff Ball suggested that each committee member choose two out of the five questions as a starting point. (A) Small Lots was chosen as the first question to address by highest vote. Interests linked to this question were identified as (1) provide way not to penalize small lots or place in economic bind, (2) provide equity for owners of small lots, (3) system of incentives for small lot owners, (4) relate to need for new residential, and (5) a reasonable amount of coverage for any lot deemed buildable. It was agreed that the committee needed the number of small lots. For analysis purposes it was agreed that 400 to 600 small lots are still out there owned by people in high capability lands. This figure would be used for the day, then Gordon Barrett would try to research it further through information in the computer. Bill Morgan suggested that as long as we're doing that that we look at the State Water Resources Control Board Plan and see how they arrived at 1800 small lots (1980).

Geoff Ball said we are looking for ways out of these spots, things that could be done to address the problem as stated, how can we provide fairness to owners of small lots. Ideas for ways to do this were discussed and listed. Larry Hoffman said there was a need to identify the problem. He felt the problem was where a person is trying to build on a marginal area or where do small lots make sense in the basin and where not? After discussion, it was felt that not all small lots are the same. Bill Morgan suggested a strategy to deal with this: the individual lot evaluation system, taking all these things into account. It takes into account the subdivision, the rate of buildout, the present or absence of roads, streets, sewers, as well as size and land capability. Skinner reserved judgement on this. Hoffman defined two themes: the lot evaluation system and subdivision evaluation in an area where you have substandard lots to determine whether it seems sensible to build out the remainder of that size.

Afternoon break from 2:55 to 3:05 p.m.

Forming strategies for (A) Small Lots was discussed and listed as (1) create a system of overrides and allow building to go ahead (or); (2) stay with Bailey standards and use other approaches; (3) where mergers are possible, then require this (contiguous properties); (4) where mergers are possible, then allow this; and (5) no special consideration for situations where merger is available. Bill Morgan felt that suggestions for Strategy A2 would be to make small lots eligible for purchase, transfer of development right, transfer of coverage, merger program, redevelopment program, or resubdivision of some areas. It was suggested that if in fact you were able to change the Tahoe Conservancy Policy to allow for acquisition, then presumably there needs to be some sort of priority for those paper subdivision lots that don't have adequate coverage. Skinner noted the assumption is that a small lot owner should be able to build or else should be given equity in another way.
Hoffman's criticism would be to start off by windowing out of the system those buildable sites first and look to see what constraint prevents them from building. His guess is that it's the 1200 sq. ft. minimum. Secondly, without prohibiting, let owner check out the options. Skinner said we should look at some design review criteria for small building for health and safety concerns. Goal from his standpoint is to get people off lots, give them a fair price and get their building rights somewhere where we can handle them.

After some discussion, agreements consistent with Bailey were listed as:
1. Delete 1200 sq. ft. minimum coverage requirement.
2. Develop design review guidelines for small lots.
3. See adjustments in the two buyout option programs.
4. Provide menu of options for those who want to avail themselves of it.
   a. transfer development right
   b. transfer of coverage
   c. merger
   d. redevelopment
   e. resubdivision

Skinner commented that he felt transfer development right (TDR) is a key option because merger/consolidation is limited. The result of a transfer is open space forever for adjacent property owners. Creates a situation where you have three potential buyers working together and maybe that creates a better situation for the lot owner who doesn't get to build than he otherwise would have. If a correct system could be set up there's a sharing of the purchase price by those who benefit from the retirement of the lot. Small lots will be the first one's sold in a TDR program. Discussion followed where benefits and problems/concerns were brought out. It was felt that the subject was analyzed, but that it should be written up by Gordon Barrett for future discussion/comment. Bill Morgan felt that the group had done the best possible job to develop a system which would allow us to operate within the Bailey standards. Overrides as a possible strategy should be looked at too.

Afternoon break from 4:40 to 4:55 p.m.

The following strategy was looked at and discussed: A system of overrides for small lots that would allow up to 1000 sq. ft. or Bailey, whichever is greatest. (2400 sq. ft. min.) Two options were discussed: Use grandfathering scenario in the April 1984 Regional Plan, 2400 sq. ft. min. lot, 1700 sq. ft. min. coverage; 5000 sq. ft. min. lot, 1700 sq. ft. min. coverage. Skinner said that with the Bailey System in effect, and TDR an option, then we need to consider limiting TDR to certain lots so as not to glut the market. Small lot definition was defined as "a legally subdivided lot which, under Bailey, can't generate 1200 sq. ft. of coverage; LC 4, less than 6000 sq. ft; LC 5, less than 4800 sq. ft.; LC 6, 7, less than 4000 sq. ft."

At Skinner's suggestion, it was agreed that Gordon Barrett would prepare a draft of agreements/discussions that took place in the afternoon, to be ready by noon tomorrow. It was felt that the group needed something in writing to look at and refine.
Hoffman suggested that this draft be titled "Small Lots".

Geoff Ball led the discussion on the group's evaluation of the day. The main concern was that most of the day was spent on process before getting to solutions and focusing more on issues. It was agreed that for tomorrow the following issue would be discussed: How can we achieve good architectural design and siting practices (under the Bailey System)?

The meeting was adjourned at 6:07 p.m. and will reconvene at 8:30 a.m. tomorrow.
The meeting was called to order at 8:30 a.m.

Geoff Ball reviewed the agenda for the day. Bill Chidlaw requested that the calendar be discussed after the morning break since he would be leaving at noon. This was agreed to. Discussion followed about the time the meeting should last for the day. It was voted on and decided to end at 3:00 p.m. Geoff Ball reviewed possible actions for moving faster for today and his role as facilitator. He felt that today we need to develop packages for strategies.

The first item to be addressed by the committee was issue (C): How can we achieve good architectural design and siting practices (under the Bailey system). The interests and needs to be addressed under this issue are: (1) a way to achieve good architecture, (2) allow for good siting location on the lot, (3) flexibility leading to good architecture and siting, (4) address the length of the driveway, (5) enhance the quality of the neighborhood, and (6) a reasonable amount of coverage for any lot deemed to be buildable.

Hoffman requested that we get to presentation of the facts, Shute requested we get right to the proposals. Geoff Ball proposed that ten minutes be spent on getting the facts out. He called on Gordon Barrett to present facts regarding land coverage. The committee discussed land coverage and reviewed the map "Hard Land Coverage by Watershed and Watershed Association."
Specific sub problems were discussed in relation to driveways; coverage and siting and good architecture, also existing homes with a dirt driveway; should they be encouraged to pave? After discussing the map and the data collected, Gordon Barrett suggested that we have to figure out what's best for the lake and what is the intent of the threshold and bring in all those factors and make a choice. Bill Morgan pointed out that the court's conclusion is that the Watershed Association approach is too gross and doesn't satisfy the Bailey threshold. Shute pointed out that the Regional goals and policies establishes Bailey on a parcel by parcel basis subject to the overrides that were built into that plan, the court said that the Bailey percentages apply and the Watershed Assoc.is too gross, that leaves you with parcel by parcel as being the only system that the agency has ever administered or sanctioned by its policies. He was disturbed with the discussion starting out by wanting to change the lot by lot approach rather than trying to find a way to work within it. We know that the water quality standards are not close to being met and probably becoming more gross. Discussion continued about agreement and disagreement of the lot by lot approach. Geoff Ball ended the discussion and asked to go back to the specific sub problems. Hoffman expressed desire to get to a rule dealing with coverage of driveways. Skinner suggested that a guy with a dirt driveway ought to be able to pave without penalty. Agreement was made for the following: existing home can pave old dirt driveway (at no penalty).

The next issue was new homes, siting and the amount of coverage on the property. Hoffman feels that we should encourage paved driveways to be put in and encourage the house to be sited on the lot in the best possible spot. Skinner feels that coverage is so important that it overrules the right site. He's not close to the idea of the right site but feels a need for more data that says that's a better environmental result. Ideas for architectural review/coverage allowance were made as follows: narrowing driveway, paving block, house overlap over driveway, transfer of coverage from other lots, and flexibility re: each lot.

Hoffman drew a diagram dealing with the problem with siting and coverage, and building on the best site. Hoffman said he is trying to move the committee to a direction that says that siting will be equally important to us as other constraints. Skinner felt that he would be more receptive to that idea if he had the notion that siting and coverage are equal factors in the environmental impact. Klein expressed concern with the environmental impact, i.e. cutting trees, grading, excavation, visual/setbacks with siting. Neal suggested that if someone couldn't transfer probable coverage by TDR technique they could contribute money which would be put into a pool to be used to buy transfer of coverage. It would make an environmental offset. Hoffman suggested that the "pool" be contributed to remedial programs in that particular watershed; something that they can see happening. Bill Morgan felt that this remedial work could be done in lieu of these extra benefits or it could be done by contributions of funds into further mitigation work or into a fund that would be used to buy up land to be donated to another public agency in order to accomplish the coverage retirement program. Jim Broadway suggested that where you have a siting problem, locate garage next to street in order to avoid over-covering the lot, and place house on better site.

Morning break from 10:25 to 10:40 a.m.
Skinner feels there are two problems: (1) house sitting building a driveway to site takes an amount of coverage that reduces the size of the house and the site that would allow the minimum driveway as an o.k. environmental site but the owner wants to place the house somewhere else for view, etc. He drew a diagram and offered a proposal: where the minimum driveway causes environmental problems, give the homeowner the option of obtaining additional coverage for the longer driveway to the better site environmentally (from the same watershed). Klein was concerned about where the incentive was in this and there has to be environmental gain. Comments that arose from this proposal were as follows: would require, case by case evaluation of designs/best site and best access criteria, would require careful implementation by agencies, purchase price for retirement could be set from equivalent sales, localizing environment gain, an alternative: use mitigation rather than retirement, or require an improvement of equal value, cost of coverage could be set by market value. Popoff doesn't agree with the concept if it requires additional money for the homeowner for the additional coverage to place home on environmentally better site. Bill Morgan addressed the concept and philosophy of it by saying that Leo's assumption is that the improvement in siting is enough to offset the additional coverage, and the other point of view is that they can not envision an improvement in siting to being sufficient to offset the additional coverage because they consider the additional coverage to be a detriment, but at least if that detriment is limited by the elimination of coverage elsewhere then they can see there is a gain by allowing this procedure to carried through. He would argue on that side more than Leo's because as long as additional coverage is allowed in every case where there is an improvement in siting we have inevitably an increase in coverage and that is a big problem in the basin. We have a definite need to reduce or at least hold the line on coverage. Larry defined the problem of siting as a problem throughout the nation that one of the constraints of the Bailey System is that it's causing people to squeeze in their houses close on poor sites so you end up with bad siting and bad architecture. Klein feels that if there are some incentives to not follow the minimum standards then we need to figure out a way to do it. The question is: is there a tradeoff that balances against strict Bailey? Hoffman said that if the agency requires an improved site, then require no payment for the coverage (the agency's problem to remove coverage), but if it's the owner's idea, then he must pay for the coverage. After some discussion, the following benefits and concerns regarding the proposal were noted. Benefits: (1) trade-off achieves environmental improvement, (2) may be o.k. with court, (3) help achieve thresholds for water quality, coverage, (4) reduces future potential for coverage, (5) provides an option. Concerns noted were: (1) cost of obtaining coverage, (2) retirement of coverage, especially from LC 1-3; owner perceive retirement as an intangible. (3) owner may chose not to exercise the option, thus add to damage, (4) mitigation approach could add to coverage problems, (5) tends to penalize the best site if greater than $1000, (6) behavior tends toward minimum standard, (7) processing time, cost of processing. After the discussion, it was agreed to decide the next course of action after lunch.

Regarding calendaring, Bill Chidlaw, expressed a desire to talk about the following two issues: present injunction prohibits repairs to piers and what can happen in the future. It was decided that Skinner, Shute, Chidlaw and Sue
would adjourn to set a date where they could all meet in Sacramento regarding these Shorezone issues.

Lunch break from 12:35 to 1:05 p.m.

Committee was requested to write dates not available on the calendar, so that future meetings could be set. Geoff Ball reviewed the afternoon agenda.

Bill Morgan talked about the variances the committee had on the siting issue. Skinner asked if there was any agreement at all? Morgan said that on this issue we agreed that there was a need for flexibility in application of the coverage limitations regarding single family dwelling siting (driveway) in application of Bailey concept. Hoffman said he would like to add: "positive approach to allow/encourage paving existing dirt driveways" to the agreement. Skinner felt that at the concept level the proposal should allow the option to the homeowner to relocate the site to a better environmental site without the penalty on house size for the extra driveway coverage (driveway also environmentally sound access road), with appropriate mitigation (unresolved: should there be mitigation and what type?). It was agreed by the committee that the above agreement is agreed to in concept (conditional). On the options list of the agreements, it was noted by Lois Shellhammer that the owner has the option not to build.

The next item to be addressed was the calendar. It was agreed that the next meeting would be September 9th and 10th. Following meetings were scheduled for September 16th and 19th, September 26th and 27th, October 2nd and 3rd, October 16th and 17th, and October 29th and 30th.

The next item to be addressed was the write-up of the draft of agreements by Gordon Barrett. Hoffman suggested that the draft be titled, Land Coverage and under that New Single Family Home Construction, and under issues: Proposed Solution for Small Lots. Discussion followed as to comments/changes regarding the draft. Certain concerns were made regarding the absence of the proposal addressing overrides for small lots and that all lots less than 2400 sq. ft. will be treated separately. Shute said that they assume application of Bailey on a lot to lot basis. Changes to the draft were noted by Gordon Barrett. He will make the changes and prepare a revised draft for the committee. Issues requiring further discussion to be discussed at a later date were listed as: redevelopment, extent of TDR, TDR go to multiple family sites for additional density, 2400 sq. ft., buyout programs (small lots).

It was agreed that the documenting of agreements should be an ongoing process with an overhead projector the same day of the meeting. TRPA will re-draft the agreements before the next meeting. Referring to the "Proposed Meeting Schedule" Gordon Barrett asked the subject for the next meeting--if we are to follow the schedule. It was agreed that the first part of the next meeting should be devoted to clearing up some of the concerns regarding Land Coverage, and then proceed with the schedule. Shute recommended that redevelopment should follow land coverage, before nonconformity-SEZ's. It was agreed.

Bedard suggested that economic impact also be addressed under redevelopment. It was felt that it would come up in the discussion. Bill Morgan asked Del
and Bev for help in addressing economic impact when dealing with redevelopment issue. They agreed. The nonconformity issue was discussed. It was agreed to move SEZ's to Treatment of Sensitive Lands. It was suggested the move the Treatment of Sensitive Lands-SEZ's immediately behind land coverage and redevelopment. It was agreed.

Geoff Ball asked the committee to respond to the plus' and minus' of the day. The committee liked the facilitator getting more involved and working out the stuck places on the positive side. On the negative side, it was felt that they were sometimes getting bogged down with details, need to discuss more about concepts and getting the proposals on the table. Hoffman suggested that after the concerns were out that a smaller group work on the details. Shute requested that meetings follow time schedule more closely.

The meeting was adjourned at 3:30 p.m.
TAHOE REGIONAL PLANNING AGENCY
CONSENSUS WORKSHOP
AUGUST 15, 1985 - MINUTES

PRESENT:

Don Beck, North Tahoe Advisory Council
Mike Van Wagenen, South Tahoe Gaming Alliance
Verne Rosse, Nevada Dept of Environmental Protection
Ken Barrow, Incline Village/Crystal Bay Advisory Board
Lois Shellhammer, League of Women Voters
Bill Morgan, TRPA
Marta Adams, State of Nevada Attorney General Office
Bill Conlon, South Lake Tahoe Chamber of Commerce
Heidi Hopkins, Sierra Club
John Hoefer, U S Forest Service
Leo Popoff, Lahontan Water Quality Control Board
E Clement Shute, League to Save Lake Tahoe
Bill Chidlaw, Tahoe Shorezone Rep.
Larry Hoffman, Tahoe Sierra Preservation Council
Bev Bedard, North Tahoe Chamber of Commerce
Bob Baer, South Tahoe Public Utility District
John Weidman, Utility Districts
Geoff Ball, facilitator, Forum on Community and the Environment
Gordon Barrett, TRPA
David Ziegler, TRPA

After the introduction of those present Geoff Ball opened the discussion by asking the committee if they had received everything they wanted in the information packet. It was noted by Clem Shute that a copy of the report of the Court of Appeal was not included as he had requested. Copies were later furnished. Several members requested that the meetings begin on time. Ball began by outlining the procedures and problem solving ideas to be used during the meeting and helped the committee to define the objective of the meeting. This was defined as 1) a workable, legally sound plan in conformance with the compact 2) resolve the lawsuits 3) broad enough to encompass all parties 4) broad public support to make the plan work.

The first issue to be taken up was defined as: What elements or parts of the TRPA plan are required to allow commencement or implementation of the plan? Morgan suggested that TRPA staff member, Gordon Barrett, give a presentation on the present state of the TRPA plan. He used a chart to show the various parts of the plan, which includes the compact, thresholds, the regional plan, regulations and programs to implement the plan, plan area statements, ordinances, design review guidelines and best management practices. The programs are designed to reach the goals set in the thresholds. Ordinances must be consistent with the plan with room for interpretation and flexibility. TRPA started operating under the plan with the assumption that the plan would override if there were any conflict between the plan and the ordinances in effect.
Van Wagenen asked what kind of assurances can be made that the threshold standards can be met? Morgan said that the standards are supposed to be achieved over time, according to the projected time schedule. Beck said the thresholds were arbitrary. Skinner disagreed, but said that it was beside the point. Poppoff said that the thresholds will be reviewed in five years. Hoffman said that the discussion should return to the question of what are the elements needed to complete the plan. Skinner asked if there was a complete plan. He said that in the rush to complete the plan, the Plan Area Statements (PAS), ordinances, programs, design review guidelines were in draft or thought process only. Morgan listed a package of elements that he proposes to have done by February 1986 as: the PASs, ordinances, design review guidelines, outline of key programs. Referred to attachment A, draft #3 3/26/85 entitled Regional Plan Framework. Hoffman said that each element of the plan must include implementation and time schedules by ordinance.

The committee agreed that what is needed is a clear statement in one place that will point to and indicate what is in the plan, to determine what constitutes the plan, and what the TRPA must do, and the legal requirements needed to reach a workable plan. At Skinner's suggestion they also agreed to defer until after agreement is reached the question of whether something should be included or not on the basis of how difficult or easy it will be to amend as part of the plan or ordinances.

Referring back to the Proposed Settlement Attachment A "Regional Plan Framework" Shute listed those areas that he felt should be included in the plan. He specifically suggested adding a basin-wide Land Use Map keyed to the PAS. Since the Design Review Guidelines (D, 1) are set by ordinance, they are in effect the tenth chapter of the ordinances listed under C. The Best Management Practices (D, 2) need to be updated with current information. Morgan said that the BMPs exist but can be improved. The committee agreed that standards should be mandatory, but the methods used to attain them should be advisory. The Rules and Regulations of Practice and Procedure, and Administrative Policies and Procedures (D, 3-4) are procedural, should be easy to update, and are low priority, except for project review and EIS procedures (3, e-f). Morgan said that very little has been done on Monitoring and Evaluation (E, 1). It will need a lot of work, but can be done by February. Shute suggested adding a new section (E, 3) Phasing of Development and Linkage to show the relationship between the attainment of thresholds and the rate of development and what steps would be taken at as a result of periodic assessments. Morgan said that the Memorandums of Understanding (renumbered E, 4) may not necessarily be done by February. Under Special Programs (renumbered E, 5) he added (e) BMP Installation Program, and (f) Enforcement. Skinner suggested adding under Special Programs a section on shoreline restoration, and a section on Public Service Facility Programs, a projection by local agencies of future development to plan for public facilities.

Lunch break from 12:50 to 1:30 p.m.
The following chart was developed to summarize what had been agreed was to be considered part of the plan itself, and what was part of the implementing package.

<table>
<thead>
<tr>
<th>Items</th>
<th>Plan</th>
<th>Package</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear statement of what is in the plan</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Regional Goals and Policies</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Plan Area Statements and Map</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Code of Ordinances</td>
<td>some</td>
<td>all</td>
<td></td>
</tr>
<tr>
<td>D. Other regulations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Design Review guidelines</td>
<td>some</td>
<td>all (TRPA’s)</td>
<td></td>
</tr>
<tr>
<td>part of ordinances, explain what</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>what mandatory/not</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. BMP what mandatory/not</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Rules and Regulations</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>e. Project review</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(HIGH PRIORITY FOR UPDATE)</td>
<td></td>
<td></td>
<td>e,f high</td>
</tr>
<tr>
<td>f. EIS procedures</td>
<td></td>
<td></td>
<td>priority</td>
</tr>
<tr>
<td>4. Administrative Policies and Procedures</td>
<td>no</td>
<td>no</td>
<td></td>
</tr>
<tr>
<td>E. Implementing Programs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Monitoring and Evaluation</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Capital Improvement Programs</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. MOUs</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>4. Special Programs</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>add: e. Installation of BMPs</td>
<td>?</td>
<td>all</td>
<td></td>
</tr>
<tr>
<td>f. Education and Enforcement</td>
<td>?</td>
<td>all</td>
<td></td>
</tr>
<tr>
<td>g. Restoration of Degraded Areas</td>
<td>some</td>
<td>details</td>
<td></td>
</tr>
<tr>
<td>h. Public Services Facility Program</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Other topics discussed where no decision was reached were as follows:
1. Whether or not some design and review guidelines may be delegated to
   local level agencies?
2. Whether or not the monitoring and evaluation programs should be part
   of the plan?
3. What is the difference between the amendment process in the plan vs.
   ordinances?
4. Whether or not compliance on installation of retrofitting BMPs would
   be voluntary or mandatory during the first five year period?
5. Whether an educational/informational program should be used at first
   instead of enforcement program?
6. Would it be possible to lay out an enforcement program by February
   86?

Skinner cited several reasons for a good education and enforcement
program, including: 1) A standard approach would lead to even treatment,
2) A basin-wide program to detect violations 3) Following the rules
would "make sense" 4) Necessary to determine if required mitigation is
carried out 5) Clear expectations could be outlined in advance 6) The
need for continuity between permit and enforcement. It was agreed to
take this topic up at a later date.

Skinner presented his ideas on why shorezone restoration should be
included. Others on the committee suggested that the focus should be on
restoration projects as a remedial program in general (not just in the
shorezone) which should be tied to new construction.

Baer questioned where in the plan the public utilities would fit. His
topic would be covered under various different areas including the land
use element, public service facilities program, PASs, special programs.
TRPA will contact public agencies to find out what their long range
plans are and will act as a clearing house for planning public
facilities.

Afternoon break of 15 minutes.

The committee discussed what type maps would be included as part of the
plan. Morgan said that the staff will amend the draft outline with the
committee's suggestions and more detailed information included which
will be mailed before the next meeting.

Barrett answered questions about what the concept of Planning Area
Statements was intended to accomplish and how it differs from
traditional zoning methods. He also explained procedures for allocation
of commercial space and residential density and how development rights
can be transferred from high hazard parcels to create higher density
parcels.

John Weidman said that in 1981 the STPUD requested that the
Federal EPA do an EIS with respect to the development potential on the
southshore. Barrett said that the TRPA numbers are more restrictive
that those of the utility district.
The committee discussed the problems with the PAS system and what they would like to see done differently, including:
1. To be legally defensive, PASs must show density and intensity of use, and predict potential use of neighboring parcels.
2. PASs should let public know what is/is not allowed in area (up front) and be fair about future allocations and the probability that the use will be allowed.
3. PASs need to be tightened, more definitive, along with detailed map of land use designations.
4. Should city and county zoning maps conform to PAS maps and what will be the relationship of TRPA to local zoning?

The meeting recessed for dinner from 5:00 p.m. to 6:30 p.m. and reconvened at the TRPA offices.

Present at the evening session:

The first issue to be taken up in the evening session was that of detailed maps of land use designations. Ball requested that the members list what they wanted from the maps, which resulted in the following list:
1. Specify and define density and intensity of use.
2. Let the public know what is/is not allowed in specific area.
3. Specify TRPA projects and programs in the area.
4. Leave something for local jurisdictions to decide.
5. Coordinate with other jurisdictions, state and federal agencies.

Morgan asked how much detail should be included on the maps. Shute said that land use designations should be reasonably sized for anticipated uses to be allocated during the life of the plan. The discussion covered the following points:
1. Skinner said that grandfathering in present uses assumes all existing uses are conforming, eliminates use of TDR, and locks in poor planning.
2. Barrett said that what kind and how much development can fit in an area is an educated judgement call.
3. What kind of program would address the needs of a person who owns land and now has limited development possibilities in order to have a reasonable chance to use and get a return on property.
Agreement was reached that to the extent that PASs have been thought through, worked with local jurisdiction, gone through public hearings, those decisions should be reflected on the maps. The principle to be applied in mapping is that the amount of land shown in PASs should reflect a reasonable projection of the amount of land needed for the specified uses in that area for the life of the plan.

Referring to section IV B of the Proposed Settlement Framework (page 4) Shute noted that commercial uses, stream environment zones, capital improvement projects, wildlife habitat zones, and transportation corridors have been designated to appear on maps. Skinner suggested adding public facilities. Transportation corridors apply particularly to noise standards. Others suggested adding historical sites, urban boundaries, or other factors that influence land use.

Agreement was reached that the following would be depicted on the maps:
1. Specific land uses per the above principle.
2. Land capability.
3. SEZ restoration.
4. CIP programs.
5. Public Facilities.
7. Transportation corridor
8. Historical sites.

The committee agreed to proceed with the PASs in the most revised format, coordinated with the above maps, as a conceptual planning process although each member may not agree with the results when produced. Morgan will report back on the timeline for maps.

The remaining issues for the next morning’s session were set as special uses and non-conforming uses to be limited to one hour’s discussion. The major portion of the next days’ time was set aside for discussion of the land coverage issue.

The meeting was adjourned until 8:30 am Friday, at Valhalla.
PRESENT:

Don Beck, North Tahoe Advisory Council
Bev Bedard, North Tahoe Chamber of Commerce
Heidi Hopkins, Sierra Club
Bob Twiss, Consultant to the Calif. Atty Gen. Office
Lois Shellhammer, League of Women Voters
Ken Barrow, Incline Village/Crystal Bay Advisory Board
Mike Van Wagenen, South Tahoe Gaming Alliance
Larry Hoffman, Tahoe Sierra Preservation Council
Leo Poppoff, Lahontan Water Quality Control Board
Clem Shute, League to Save Lake Tahoe
Bill Chidlaw, Tahoe Shorezone Representation
John Weidman, Utility Districts
Bill Morgan, TRPA
Vern Rosse, Nevada Div. of Environmental Protection
John Howej, U S Forest Service
Jim Broadway, EPA
Tom Martens, League to Save Lake Tahoe
Marta Adams, State of Nevada Atty Gen Office
Geoff Ball, Facilitator, Forum on Community and the Environment
Gordon Barrett, TRPA
David Zeigler, TRPA

The meeting was called to order at 8:35 a.m.

Geoff Ball opened the meeting by going over the ground rules for discussion again, and outlining the agenda and process steps.

The committee took up the subject of special uses first. Skinner said that the concept of special uses allows certain uses in an area not zoned for that use. This is appropriate in some instances, but inappropriate when it defeats planning altogether. What is needed is to set standards and criteria for special uses and conditional uses. Beck suggested that this might be too rigid. There needs to be some local control, and a determination of the relationship of county planning and zoning with TRPA. Shute the traditional system results in everything being an ad hoc decision, with too many exceptions. He said that there should be set standards for conditional uses. Skinner said that special uses allowed should be made more specific in each PAS and each use area. Once the standards are set by the governing board, wouldn't need a complicated process. Some special uses will require more complicated processes such as hearings. Morgan said that TRPA did not want to rule out arbitrarily legitimate uses that under objective evaluation could be shown to be appropriate in a given area that would be inappropriate in another area. TRPA cannot anticipate what special conditions might be applied in every case. He also said that it is not TRPAs business to regulate social issues when there is not a specific threshold to apply. In these areas local governments could be more effective. Hoffman said that the compact states that "whenever possible without diminishing the effectiveness of the regional plan the ordinances, rules and regulations
and policies should be confined to matters that are general and regional in application" and leave specific rules and ordinances to local jurisdictions. Skinner said that the compact also states that the regional plan land use element "shall provide for the integrated arrangement and general location and extent of and the criteria and standards for the uses of land including but not limited to an indication or allocation of maximum population densities and permitted uses."

Hoefer asked how important the special use issue is relative to the objective of completing the overall plan, and suggested that it be set aside until the plan is complete. Skinner said that the PASs will eliminate a lot of what the special uses table now allows. Local government concerns should be taken care of when setting the broad standards to be applied in each specific case. Hoffman outlined four parts to the discussion: 1) more definitive mapping 2) designation of large projects that definitely need special use permits 3) more definitive standards 4) delegate some decisions to local governments provided that environmental standards are met.

Morgan said that there is a need to avoid arbitrary decisions in making choices between prohibited, permitted, special and conditional uses. Conditional uses, and conditions applied, would depend on review. Skinner said that the most important criteria to be applied is attaining the transportation model and threshold objectives. Zeigler said that the transportation model could be very useful in this problem. Beck suggested that having a map on paper would be useful to see how the process would work. Skinner said that TRPA should be concerned with general decisions, not analysis of all possible uses in detail. Morgan said that the cities and have some part to play. Skinner said that there needs to be conformity between local planning and TRPA. Hoffman suggested that the TRPA staff bring back some examples of PASs, including mapping, with more specificity as to the bigger special uses permitted in the area and under what conditions special uses would be allowed, detailing the criteria used for the decisions. Sample areas were selected including: the heavily developed PAS 110 at the "Y", the recreational area of Sunnyside, and the residential area of Tahoe Island Park.

Points of agreement on the special use issue were listed as: 1) that there should be fewer special use categories 2) that TRPA not ignore but also not focus on social issues in planning 3) that county and local agencies must play a role, and that TRPA is more of a part in region-wide planning 4) the TRPA staff will prepare examples of PASs.

Break from 10:05 to 10:20 a.m.

Ball suggested that the non-conforming use issue be deferred to the next meeting in order to devote the rest of the meeting to the coverage issue. Because of the complexity and perceived difficulty of the issue, Ball suggested a more systematic approach and not try to seek to reach agreements regarding the substance of solutions, but focus on collaboration. TRPA staff member Dave Ziegler was asked to give a presentation of the water quality problem as it relates to the coverage issue.
An understanding of the water quality issue is basic to the issues of coverage and stream environment zones. Ziegler said the mission of the TRPA is to preserve and enhance the values of Lake Tahoe which are listed in the compact as: scenic, recreational, educational, scientific, natural, and public health. The water quality problem is defined in terms of the productivity rate (PPR) and clarity. The PPR has been increasing at an exponential rate since 1960. There is irrefutable evidence of a negative trend in clarity since 1960. The reason for the growth of algae is that more nutrients are entering the lake than are leaving, which is called the nutrient budget. Storage of pollutants in the lake is increasing every year. The nitrogen budget is measured in terms of the dissolved inorganic nitrogen (DIN) present in the water. Nitrogen enters the lake from wet and dry precipitation directly on the lake (53-153 tonnes), tributaries (2-17 tonnes), and ground water (2-17 tonnes), and leaves through permanent sedimentation (20-50 tonnes) and outflow (1-5 tonnes). This leaves a net increase per year of 2-166 tonnes DIN per year, and a likely estimate is 100 tons per year. Sources of DIN are precipitation, sewage leaks and spills, vegetation, soils, lightning, nitrogen-gas fixation by plants, and fertilizer. The atmospheric sources are the hardest to estimate and the hardest to control. In the undisturbed state the watershed is extremely efficient in removing nutrients from precipitation.

Because nitrogen levels will continue to increase, at least in the short term, phosphorus levels will be a critical factor in limiting algae growth. The phosphorus budget sources are organic debris from the watershed, erosion, sediment, soils, fertilizer, sewage, detergents, dust, industry, and cities. The atmospheric component is low, and sediment particles are not available to algae. Phosphorus is not as mobile as nitrogen. Surface water and ground water contribute approximately 2 tonnes phosphorus each, and atmospheric sources contribute 1-2 tonnes for an input of 4-6 tonnes per year. The output is less than 1 tonne, for a net storage gain of 4-6 tonnes. Phosphorus is a more controllable factor. Algae need 8-16 times more nitrogen than phosphorus for growth.

Ziegler listed the sources of nutrients as 1) liberation or reduced filtration due to topsoil disturbance, coverage, other disturbance of the hydrology, and vegetation displacement 2) addition of nutrients from human sources, fertilizer, sewage, and detergents, 3) air pollution deposited directly on the lake, 4) natural inputs. A disturbed area may contribute 100 to 1000 times the amount of nutrients to enter the lake than an undisturbed area.

Ziegler ranked the sources in approximate order of importance for DIN as 1) atmospheric deposition on the surface of the lake, 2) soil disturbance 3) fertilizer and sewage 4) natural. Sources of dissolved phosphorus ranked in order are: 1) soil disturbance 2) fertilizer and sewage, 3) atmospheric, 4) natural.

The available controls, in order of feasibility, are: 1) minimize soil disturbance and damage to the vegetation and changes in hydrology so as not to make the situation worse and increase nutrients entering the lake. 2) Control fertilizer and sewage input. 3) Revegetation, and restoration, installation of BMPs to control
erosion.
4) Retain and infiltrate runoff through wetlands restoration, settlement basins, and stream zone restoration.
5) Reduce air pollution.
6) Physical/chemical remedies; treatment plants.

Coverage relates to the water quality problem because minimizing soil disturbance, damage to the vegetation and changes in hydrology is the most feasible, low cost way to make the most impact. Coverage relates also to scenic quality, alterations in stream environments and wildlife habitat, and health of vegetation.

Lunch break from 12:15 to 1:00 p.m.

After lunch Ball discussed agenda revisions and Ziegler continued his presentation.

Ziegler said that the water quality monitoring program tests the water of the lake and nine surface streams 3-4 times per week year round. Disturbing the watershed, particularly adding impervious surfaces which moves the nutrients into the water system more quickly, reduces the filtration of the watershed. The question is what is the carrying capacity of the watershed and how much coverage is too much.

Ziegler then summarized the 1974 Bailey Report and talked about what is the best way to apply the Bailey land coverage limit. Other issues involved are: how to apply it to new construction, rules for replacement construction, overrides, transfers, non-conforming uses. The Bailey system sets up criteria for classifying land to provide for use of those lands without endangering the compact goals. Land capability (LC) is the carrying capacity or the level of use an area can tolerate without permanent damage through processes like erosion. The Bailey system groups lands into hazard classifications, then evaluates the tolerance of those classifications. The two main factors considered were soil type, including erosion hazard, infiltration capacity, soil drainage, and rockiness, and geomorphic setting or geologic origin and history. These factors were combined to produce a combined capability rating. Land classified as Land Capability 1 and 2 (LC 1-2) should remain in its natural condition and be used for fish and wildlife habitat, recreation, and limited grazing or timber uses. LC 3-4 land is appropriate for some uses such as forestry, low density housing, recreation. LC 5,6,7 can be used for most urban uses, forestry, or intensive recreation. The Bailey system assigns each classification a rate of allowable impervious coverage ranging from 1-30% assuming best development practices. California law prohibits runoff discharge from new development in SEZs or not in accordance with LC classification. Nevada prohibits grading, clearing, or creating new coverage in LC 1a,1c,2,3, and SEZ. The system has been criticized (Toubier, 1985) for 1) not being sensitive to direction of water flow or what's downhill, 2) maps are inadequate on a lot-by-lot level 3) LC 3 and 4 are both grouped at moderate use with same recommended uses in the Bailey report, but in application are split 4) it tends to concentrate development on lakeshore in high capability land rather than spreading it over moderate capability land 5) downplays onsite mitigation.

Ziegler went on to review the existing situation according to the 11
watershed associations. A number of the areas already exceed the allowed coverage, using figures for both hard coverage (roofs, pavement) and soft coverage (compacted soil, unvegetated) especially on the Nevada side of the lake which has mostly high hazard land with a low carrying capacity. Even if 80% of soft coverage was restored to natural condition many areas would still be over land capacity.

Ziegler said the provisions of the 1984 plan:
1) Allowed a "window" for limited amount of review of single family lots in LC 1,2,3, according to an evaluation plan to be developed by TRPA.
2) Allowed public outdoor recreation and public works on LC 1,2,3.
3) Required additional mitigation where watershed association coverage was greater than allowed by LC classification.
4) Allows replacement of excess coverage and non-conformance rules.
5) "Grandfathered in" coverage tables in existence for single family dwellings.
6) Allowed overrides for commercial, public service, tourist, multi-residential uses.

Hoffman requested that Ziegler speak to how the coverage thresholds were derived. Some members disagreed as to whether this would be helpful. Ziegler was asked to give a brief history of how the standards were chosen. He said that in trying to find a new way to apply the standard, the 1981-2 staff examined three options 1) t-factors used to measure and describe the amount of erosion 2) a standard of 60 mg/liter suspended sediment and 3) the Bailey system. The first was dropped as not useful because it applied mainly to agricultural land and the other two were adopted. Morgan said that the Bailey system was used to define the relationship between water quality, soil conservation and land coverage.

Popoff said that the Bailey system is an untested model and may not perform the function for which it was designed. Skinner disagreed. Weidman said that it is impossible to say that it won't work if it hasn't been tried. Shute said that the court opinion has said that the plan does not meet the adopted threshold on land coverage, that TRPA interpretation of land coverage is not valid. Morgan suggested that they look for broader alternatives outside the situation if it is found that the current solutions don't work.

Ball discussed process of discussion and remaining agenda. Skinner suggested finding areas of strong disagreement, what makes the "blood boil." Hoffman said that the group identify the problems, solve the easiest first, and work through them one at a time. Issues not discussed at the meeting to be taken up next time include non-conforming uses and SEZs. Skinner asked that more data be made available on the number of people affected by the issues of land coverage, SEZs, amount of unbuilt land in commercial zones, buffer zone impact. Several members expressed appreciation for the effort expended by Ziegler on his presentation. Hoffman asked for the number of parcels currently overcovered. Shellhammer asked for current information on the buy-out program. Skinner suggested that the participants bring to the next meeting solid (not abstract) notion of the issues involved in land coverage. Hoffman suggested that they analyze needs. Shute asked that TRPA legal counsel be present to resolve what is possible under the court decision. Martens will provide a summary of redevelopment legislation which affects this issue.
The next meeting was set for Monday, August 26, 9:30-6:00 and Tuesday, August 27, 8:30-3:00.

Barrett read a draft of the press release about that day's meeting. Morgan said that the staff report at the next meeting will be for demonstration purposes only. Skinner said that the press release did not reflect the amount of effort that had gone into reaching agreement so far.

Ball asked the group to evaluate the processes used at the meeting. Positive elements mentioned included: better lighting, heat, table arrangement; good background presentations by staff; listing of points of agreement; self-policing and abiding by rules; longer two-day meetings. Ball agreed to have his process notebook available by the next meeting, to play a larger role in the dynamics of the discussion, and spend less time recording or have someone else do it. He suggested that those participants that have not yet read "Getting to Yes" do so. A greater effort will be made to set-up and start on time.

Hoffman asked for direction from TRPA staff on what topics are most urgent to take up next. Morgan asked the participants to bring their calendars in order to be able to schedule the meetings for September.

The meeting was adjourned at 3:02 p.m.
Minnutes

Present: Neil Eskin
Bill Morgan, TRPA
Larry Hoffman, Tahoe Sierra Preservation Council
E. Clement Shute, League to Save Lake Tahoe
Tom Martens, League to Save Lake Tahoe
Dwight Steele, League to Save Lake Tahoe
Marta Adams, Nevada Attorney General
John Hoefer, U.S. Forest Service
Mike VanWagenen, South Lake Tahoe Gaming Alliance
Phil Caterino, Consultant
Ken Williams, California Attorney General
Dennis Crabb, South Lake Tahoe City Attorney
Joan Patrick,
Keith Klein,
John Wynn, South Lake Tahoe Chamber
Jim Coefer,
Rick Sawyer
David Antonucci, Tahoe City PUD
Bev Bedard, North Tahoe Chamber
John Weidman, Utility Districts
Ken Smith, Sierra Club
Lois Shellhammer, League of Women Voters
Lew Dodgion, Nevada Div. of Environ. Protection
Del Laine, Chair, Tahoe Transportation District
Craig Beck, North Tahoe Advisory Council
Ken Barrow, Incline/Crystal Bay Advisory Board
Geoff Ball, Facilitator, Forum on Community & the Environ.
Gordon Barrett, TRPA
David Ziegler, TRPA

Bill Morgan opened the meeting at 10:00 a.m. with a brief discussion of the events that led to the development of the consensus workshop. Morgan explained that the idea of the workshop is to bring together a cross-section of interests and skills that would meet and work to resolve the existing conflicts so that a workable TRPA Regional Plan can be achieved. Morgan said the workshop concept (with a facilitator) is new to many people, but he feels convinced that the group has what it takes to get the job done, which will shape the future of Lake Tahoe.

Morgan introduced Geoff Ball who spoke on the workshop process and said he has seen the process work in many impossible situations. Ball said his process will provide a context setting where work can be done. Ball described the charts on the wall as representing the working group’s discussions (who has met three times prior to this meeting) and Ball said he will reproduce the charts to hand-out size so that each person present will have a copy for reference and a record of the meetings can be kept. Ball said it is important to go through the work prepared up to this point as a background session so that there is no conflict on what has been done so far and what direction should be taken from here.

Ball described his function as facilitator; then discussed the ground rules that were developed by the working group for the workshop participants as well as the observers. During a discussion of the consensus
building process, Ball explained a Quaker tradition called "standing aside"; this means that an option discussed may not be a person's first choice, but it does not conflict with their principles or interests in a very strong way, so they are willing to step aside. Ball stressed this as a point in moving through the consensus process and the term will be used many times during the workshop process. The group agreed to the above three charts as outlined.

Ball explained that he would like to spend the morning discussing the process, then spend the afternoon looking at the issues as outlined in the agenda. Ball then described the concept in the book titled "Getting to Yes". Copies of this book are available through either the TRPA (ordering time is necessary) or through the Sierra Bookstore.

During discussion of the chart titled "Decision Making and How Agreements Get Made", Ball said it is very important for each participant to go back to their constituents and Boards for information, reflection and commitments, either positive or negative. Larry Hoffman said it is important to say to the group that you tentatively agree without committing your Board with the understanding that you will come back to the group at the next meeting with the Board's comments and/or commitment. Neil Eskind said it is important to develop a network of getting back to each constituent group quickly for a consensus agreement on the process so there is more than just commitment by individuals. Hoffman said that during the working committee meetings, after the three days those attending were in unanimity that each participant and their Board agreed to commit to the process affirmatively for a period of 90 days. Ball said he will put together a briefing book with articles and information that can be used as reference for each participant and can be taken to the Board for understanding and comment. Bill Morgan said TRPA is requesting a concrete report back on the results of this consensus workshop by October Board meeting, or they will be unable to continue the process (the Board needs 2-3 months to review materials for adoption and preparation of final plan by February 1986). Morgan said this group needs to provide the TRPA Board with alternatives that are legal and have broad support for them to make their final decision.

Eskind said it may help if this group prepared stage progress reports to be taken back to the TRPA; the first indication of progress would be sending the group's affirmative action towards the process.

Lois Shellhammer expressed concern that in the stand aside concept, it may not work in this situation because every participant here is a key person interested in voicing comments in key issues. Shellhammer said her level of influence would be to contribute her comment on each issue rather than have others vote for her. Craig Beck said each person will have the opportunity to contribute on the process. Bill Morgan said these consensus workshops are not to replace public hearings but are for the purpose of developing solutions that have been well derived, tested and supported in this forum. Public hearing will be held after the workshop sessions are complete. Morgan said his understanding of the stand aside issue is that each participant has an equal stand and they can (along with their Board's) decide which issues they are particularly interested in being involved in.
John Weidman said he sees the most important issue facing the group is: does this group want to recommend a legally sound decision that is in conformance with the compact? Ball discussed the work group's outcome sheet which describes an umbrella goal as discussed by Weidman. Lois Shillhammer also expressed concern about any recommendations being in compliance with the compact. Morgan explained that it was learned several participants had concerns that any comments they made at these workshops may be used in the litigation. Morgan said he had draft forms that could be signed by interested parties that would protect them from this. Those interested will meet during lunch to review the draft (a copy of this was included in the agenda packet.)

Eskind added another rule to Ground Rules: No Hypocrisy.

Ball discussed the chart titled "Relationship with Governing Board". One item added to this sheet was that a joint session between the workshop participants and the TRPA Governing Board will be held in September.

During a discussion of the effectiveness of the regular planning process in this workshop, Clem Shute said regular planning process may not be the way to accomplish the resolve of the conflicts. Ball said he developed a two stage planning process to deal with this: 1) Controversial Planning Process; and 2) Regular Planning Process.

Ball discussed the prepared statement in the agenda packet titled "Refused Litigation", then discussed the chart titled "Relationship of Process to Litigation". Bill Morgan said a report will be brought back to the group from the working meeting at lunch regarding litigation issues.

Ball discussed "Approach to Issues" chart. Larry Hoffman said the working committee suggested that the group begin with a moderately difficult issue first then move to very difficult to test the process and see how the group works together.

Ball discussed the graphics in the agenda titled "Principles of Collaboration" and then went on the discuss the "Relationship to the Press" chart. Hoffman said the working committee agreed that there were two issues facing the group on dealing with the press: 1) what expression of optimism or pessimism (it was agreed not to express either to the press); and 2) when getting into issues under debate, how do you handle that with the press? Bill Morgan said he feels it is appropriate to tell the press when the group is stuck; in addition, the participants should not try to speculate on the future. John Wynn added that it would not be appropriate to take a strong position when the issue is under discussion or naming individuals.

Eskind said he feels a new position should be set forth where a draft press release by TRPA should be read to the group first before going to the press. Shute said the press releases need to be more substantive. Shute said he feels the process here should be open and information should get to the public. Shute said fifteen minutes should be set aside at the end of each meeting to discuss the press release. Martens suggested that the press release can be written on agreements made, and leave disagreements open but make it clear that there were disagreements.
Ball discussed "Group Member Role/Organizational Issues". Hoffman said the working committee decided to group issues so participants can attend those meeting discussions they are interested in.

Lunch break 12:15 - 1:30

Bill Morgan reported that the legal sub-committee that met over lunch determined that further work was needed on the draft language in both agreements contained in the agenda. The committee will work to resolve this issue.

Ball discussed "Clarity of Issues" chart. The idea of this segment of the workshop is to clarify the issues. Comments on each issue as outlined in the agenda packet were as follows (numbers not mentioned had no comment):

1. Hoffman said there are many points to this (overriding add-ons, commercial, tourists, etc.)

2. Keith Klein said there is a host of issues that the group needs to resolve: what exactly is the issue; what does land coverage mean; how do you interpret land coverage; should there be any more growth at Lake Tahoe; what are the different categories of issues; etc. Klein said these unresolved issues run through the course of the problem in the Plan. Klein said there was a study done by UC Davis that showed different perceptions of the problem at Lake Tahoe. Klein said this group needs to address those issues and determine what the bottom line problem is and why.

Dwight Steele said copies ought to be available of the EIS report. Steele said this is where the reasons are for development or no development in some areas. Steele said this is what the Governing Board based its decision on. Steele said this group does not want to try to revolutionize the Governing Board's approach to development, rather the group needs to look at what refinement of those actions can be accomplished. Steele said it is necessary to work within the parameters the Board has had to use; the EIS can be looked at to see what it supports in the form of refinements. Bill Morgan said the UC Davis Study shows two different perceptions and it may be important for the group to repeat the education process to come to a consensus. Morgan said it could be possible to get this education material (depending on the issues to be taken up) by the August 16 meeting. Morgan said it may be necessary to come up with an additional EIS; Steele said that he hopes that EIS (although 20 years in concept) would be adjusted to five year increments. Hoffman said the significance of changes will determine the need to prepare a supplemental EIS.

3. Question was does this refer to compact, litigation or both? Hoffman said this is spelled out in the compact; this should not really be in the Plan. It was pointed out that a period should be put after "required". It was discussed that all ordinances and planning area statements (PAS) have to be complete before the TRPA Plan is complete.
4. Barrett said there is a 208 Plan, but by its history, there is one Federal Plan, one that came from California State Plan with its own set of rules that have been approved by that state and one from Nevada that has also been approved by that state. The EPA has approved the whole package, so there is one plan. It was questioned how can the TRPA Plan, 208 Plan and Calif. Basin Water Quality Plan be made consistent?

6. It was agreed that this item should be broken down as follows:
   a. how specific should PAS be;
   b. how non-conforming;
   c. nodal concept

7. Del Laine suggested replacing "bonuses" with "opportunities/incentives". Hoffman said that this topic has never been specifically addressed, therefore, a lot of time may not need to be spent on it. Shute said this is part of the issue of density or redevelopment of nodal area and coverage issue and it should be a sub-set of coverage issue. Del Laine said it would fit under redevelopment.

10. Hoffman said this is a broader issue than termed. The words could be changed as pending application and/or allocation approvals.

11. Hoffman said this includes tourist and/or commercial.

12. Shute asked what is the definition of a redevelopment project? Shute said this item needs to be clarified. Laine asked that bonuses be replaced as in #7.

16. Shute said this issue is linked to rates and development. Morgan added that it is also related to progress to capital improvement and remedial.

17. Morgan said this issue should be rewritten to discuss improvements to remedial programs and mitigation.

20. The parenthesis is the controversial issue here. Shute said this issue should not be taken off the list, Rick Skinner has an interest here.

22. Question raised was does the plan address the state, local and federal public service developments.

26. Bev Bedard suggested that an additional issue be added to deal with tourism facility expansion and base economy over the next five years (what revision, expansion, improvement, revitalization, redevelopment etc. will be accomplished?).

Klein asked if this list is intended to rewrite the Plan to eliminate lawsuits? Morgan responded by saying that the desired outcome is to eliminate the lawsuits, however, there are other purposes as well.

Five minute break.

Ball then proceeded with the Rate Scale to Rate the Issues between 1-5 of importance and 1-5 of difficulty. To rate hard-easy, participants were responding that the issue was difficult to resolve within the group.
The chart of the results of this process has been photographed for handout reproduction and in addition, it was preserved for viewing again at the August 15 and 16 meetings.

Comments on the rating process were as follows:

One issue that the group determined can be dropped from the list of issues at this time is #25.

Regarding the airport issue, Ken Williams said the airport issue can certainly be discussed by the group as a transportation portion of the Plan, but this is not the forum to resolve the issue (because two of the lawsuits are involving separate litigation and separate parties not present in this group – sub-issue is air service vs. thresholds). Mike VanWagenen said if there are parties of those lawsuits that need to be here to discuss this issue, we need to get them here. VanWagenen said he does not feel anything should be excluded out of the discussions of the group and the finding of a possible solution. Williams said to try to discuss this may put the entire process into a "tailspin". Del Laine said the whole group is here because there is a lawsuit, however, the group will not bog down on one issue; the airport issue can be discussed and possibly resolved. Bill Morgan said some people interested in the airport issue may be able to set up this discussion in a separate forum.

For the meetings on August 15 and 16, the group decided to discuss issues in the following order: (which represents a moderately difficult issue to start, finishing with a very difficult issue)

3. Required elements of complete Regional Plan.
6. a. How specific should PAS be?
24. SEZ issues.
1. Application of land coverage standards.

TRPA staff will provide the following materials to prepare for next week's meetings:

1. Bailey Report
2. ETCC Study Report
3. ETCC EIS
4. Regional Plan EIS
5. Regional Plan
6. Threshold Res. Docs. 82-11
7. 9th Circuit Opinion
8. Changes to PAS
9. Draft Settlement Materials
10. PAS materials

It was agreed that the August 15 and 16 meetings should be held at Valhalla. Arrangements will be made to bring in additional lighting and tables.
Barrett prepared the press release to say that the first consensus building workshop met today, reviewed and agreed to facilitator process, identified and reached 26 issues to be discussed, set meeting schedule and items for discussion will be the framework for the complete Regional Plan, SEZ PAS and land coverage recommendations.

Two day meeting schedule will proceed as follows:

Morgan will look into food for a dinner break on Thursday, August 15 and that meeting will last until approximately 7:30 p.m. Friday's meeting will begin approximately 8:30 a.m.

In response to Tom Marten's suggestion, Morgan offered to contact Don Wright of the Tahoe Daily Tribune to see about getting more reporter coverage at the meetings.

ADJOURNMENT The meeting was adjourned at 4:00 p.m.
MEMORANDUM

September 4, 1985

To: Advisory Planning Commission

From: TRPA Staff

Subject: Review of Reasonable Further Progress Report, 1982 Air Quality Plan

At the August APC meeting, the Commissioners asked the staff to investigate further several aspects of the draft Reasonable Further Progress (RFP) Report on the 1982 Air Quality Plan. Specifically, the Commissioners asked the staff to:

-- review the locations of the various CO monitors, particularly the Stateline-California monitor, against the federal criteria for placement of CO monitors

-- review the growth projections for traffic and population in the 1982 Air Quality Plan against actual growth measurements

-- review the TART ridership and route information with respect to the extension to Incline Village and addition of the Raft Bus

The staff is researching these comments and preparing a presentation for the APC's September meeting. When satisfactory responses to these comments can be made, the staff will transmit a draft RFP report to the EPA, NDEP, and CARB.
TAHOE REGIONAL PLANNING AGENCY
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MEMORANDUM

September 4, 1985

To: Advisory Planning Commission

From: Agency Staff

Subject: Review of Draft SEZ Restoration Program

Since early in 1984, the staff of the Long Range Planning Division has been developing an SEZ Restoration Program in response to the adopted environmental threshold calling for the restoration of 25% of the disturbed, divided, or developed SEZ areas in the Tahoe region. In June, 1984, the APC reviewed several pilot write-ups of SEZ restoration projects and generally concurred in the staff's approach.

At this time, the staff has completed a first working draft of the SEZ Restoration Program. Although it is far from being a polished final product, the working draft represents a starting point for review and comment. Based on comments received in the next few months, and additional field evaluations, the staff will prepare a final Program for adoption with the rest of the Regional Plan package in the spring, 1986.

Included in the APC packet are the introductory pages from the draft Restoration Program and several sample restoration write-ups. At the September APC meeting, the staff will distribute copies of all the restoration write-ups completed to date. This item is on the APC agenda to allow the staff to bring the APC up-to-date on development of this program. The staff recommends that the APC refer this matter to the Natural Resources Committee for further evaluation.

AGENDA ITEM V C.
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INTRODUCTION

On August 26, 1982, Resolution 82-11 adopted the Environmental Threshold Carrying Capacities. The TRPA Environmental Threshold numerical standard for stream environment zones reads "preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided, to attain a 5 percent total increase in the area of naturally functioning SEZ lands."

The stream environment zone (SEZ) is the area directly influenced by the presence of surface water or near surface groundwater. SEZ’s can be identified by meadows, marshes, water courses, drainageways, flood plains and riparian vegetation. SEZ’s provide critical wildlife habitat, enhance the scenic quality of the Basin, protect the soil resource, and most importantly, filter nutrients and sediments from tributary and storm runoff. As surface and subsurface water flows through a SEZ, nutrients and sediments are filtered and taken up by the vegetation before entering the Lake.

Development in the Tahoe Basin has caused a significant reduction in SEZ’s. Over 3,000 acres of SEZ’s in the Basin have been subdivided or otherwise developed. The destruction of riparian vegetation has reduced the ability of the SEZ’s to filter and uptake nutrients. Vegetation, riparian or otherwise, also stabilizes the soil and reduces the erosional capacity of surface runoff. Runoff may become channelized as disturbance continues resulting in accelerated bank erosion and increased sediment and nutrient loads. A study by EPA (1980a) on nutrient and sediment removal in SEZ’s revealed that: 1) SEZ’s provide effective treatment of surface runoff where water moves as sheet flow; 2) natural treatment capability is destroyed in SEZ’s where development causes channelized flow; and 3) channelized SEZ’s may actually increase sediment and nutrient loads. Major sources of nutrients and sediments include areas stripped of vegetation, unstable cut slopes, unpaved roads and driveways, unstable roadside drainage, and inadequate storm drainage. Furthermore, impermeable surfaces, such as paved roads, buildings, and parking lots, increase the velocity and the erosional capacity of water.

The TRPA Water Quality Plan indicates that the most cost effective management technique for erosion control and surface runoff is control at the source. Implementation of subdivision improvements such as Best Management Practices can reduce sediment and nutrient loads in runoff before it reaches the stream. Subdivision improvements can also prevent accelerated erosion of stream banks and channels by reducing the erosional energy of runoff to SEZ’s. The major components to an effective SEZ restoration program are:

1. Reduce concentrated runoff to SEZ’s with storm drainage, roadside drainage, and energy dissipators.

2. Reduce sediment loads to SEZ’s with effective slope stabilization and revegetation.

3. Remove fill material and other encroachment in SEZ’s and restore to naturally-functioning status, wherever possible.
CRITERIA FOR PROGRAM DEVELOPMENT

During the time period of March, 1984 to the present, the TRPA staff has been developing a SEZ program to comply with the Environmental Threshold Carrying Capacities. The processes of development include mapping and field evaluation and analysis.

The initial mapping phase consisted of overlaying SEZ's onto 1" = 400' scale land use maps to identify areas that have been disturbed, subdivided or developed. Project sites were identified and categorized into watershed associations and evaluated for SEZ restoration potential. Field surveys were conducted to determine the existing condition of SEZ's, the potential for active SEZ restoration and the potential for BMP incorporation.

Acreages were estimated for the project sites based on 1) actual restoration (such as fill removal and revegetation) in the SEZ's, 2) incorporation of CIP and BMP's at the project sites, and 3) beneficial downstream effects resulting from the project site improvements.
RESTORATION DIRECTION

The TRPA Water Quality Plan indicates that the most cost effective management technique for erosion control and surface runoff is control at the source. Implementation of Best Management Practices (BMP’s) and other subdivision improvements will reduce sediment and nutrient loads to the SEZ’s. Many of the project sites are in or adjacent to subdivisions and many of the single-family dwellings (SFD’s) encroach on or are in SEZ’s. Removing the existing SFD’s is unrealistic, therefore, subdivision improvements and roadside and storm drainage would help alleviate problems caused by runoff. BMP’s would include slope stabilization, drainage stabilization, infiltration, and revegetation. Treating runoff before it reaches the SEZ will decrease the amount of work for the SEZ.

BMP’s, such as infiltration trenches, check dams, sediment basins, and revegetation practices will also reduce the velocity and energy of runoff, thus reducing the erosive potential. Roadside drainage, storm drainage and energy dissipators should be installed to reduce runoff energy from paved or impermeable surfaces. These practices may prevent channel scouring, streambank slumping, and sedimentation. Unmaintained unpaved roads in or adjacent to SEZ’s also provide direct pathways for runoff. Many unpaved roads furnish access to streams or dissect through them. In order to restore these SEZ’s to naturally functioning status, the unpaved roads should be closed and revegetated.

Filling of SEZ’s with soil or other material is another problem encountered in the Tahoe Basin. Fill has been placed in many SEZ’s to provide foundations for houses, roads or other development. In many cases, fill has been placed in the SEZ and abandoned. Unless the fill is providing a base for SFD’s or other structures it should be removed. If it is unrealistic to remove the fill, the fill should then be revegetated.

Destruction of vegetation and compaction of soil can create erosion and sedimentation problems in SEZ’s. Construction, vehicle parking, OHV use, grazing and foot traffic can lead to these conditions. Activities that cause water quality degradation by interfering with the natural function of SEZ’s should be restricted to areas outside of SEZ’s or ceased altogether. Restoration direction would include stopping the activity, revegetation or restoration to a natural condition.

Incorporation of BMP’s and subdivision improvements will add significantly to the streamzone restoration program. Treating runoff at the source will assist SEZ’s by removing much of the sediment and nutrient load before it reaches the stream. This will prevent erosion and improve the quality of the runoff and stream waters.
IMPLEMENTATION

Successful implementation of the SEZ Restoration Program depends on several measures: The Code of Ordinances, the Capital Improvements Program (CIP), the Handbook of Best Management Practices, transfer of development rights, open space easements, and lot donations. A project site may require a combination of measures to achieve the desired result. For example, restoration of a streamzone project may result from combining the CIP with transfer of development rights, removal of fill material or other measures.

Specific measures of implementation include the following:

The TRPA Draft Code of Ordinances for the 1984 Regional Plan requires compliance with the SEZ Restoration Program.

Section 7.02.07 of the Water Quality Ordinance, SEZ Restoration Set Aside, indicates that 5% of collected mitigation funds will be set aside for SEZ restoration projects.

Section 6.03, Livestock Grazing, subsections a, d, e, f and h place restrictions on grazing and confinement facilities in SEZ's.

Section 6.05.03, Open Space Protection, subsections b and d, indicate locations for barriers to prevent vehicular encroachment onto sensitive lands.

Section 1.16, Nuisance, subsections 1.16.01, 02, 03, and 04, indicate that the Agency can use voluntary or mandatory action plans to abate public nuisance as listed in subsection 1.16.01 a, b, c, d, e, f and g. Specific to the SEZ Restoration Program, two subsections apply: b) An action plan can be required when a nuisance[s] impair[s] water quality or implementation of remedial water pollution control provisions of this code, and g) threatens immediate degradation with respect to any adopted environmental threshold carrying capacity standard.

Chapter 9 of the Code of Ordinances addresses options for retaining undeveloped properties in SEZ's and methods of improving the function of SEZ's.

Section 9.01.05, Transfer of Allocations, are eligible from a lot or parcel determined to be environmentally sensitive.

Section 9.02, Transfer of Development Rights, permits two or more properties which do not abut or adjoin each other to be developed as a single development. The property from which development is transferred must remain in open space.

Section 9.02.01.2 allows transfer from a sensitive lot.

Section 9.02.02, Transfer of Residential Development Rights from Undeveloped Properties indicates the lot from which the right is transferred is determined to be an undeveloped lot classified as sensitive.
Section 9.02.03, **Transfer of Land Coverage** can occur when a lot or parcel is determined to be sensitive. Before any project may be approved relying on a transfer of any or all of the subject land coverage, the lot or parcel must be retired.

Section 9.02.03.4, **Retirement of Land Coverage** by a Public Agency, can occur through MOU's. The Agency shall establish a list of TRPA approved agencies whose function includes the restoration of land through acquisition or restoration projects. An applicant for transfer of coverage may pay to such an Agency the cost of retiring land coverage in lieu of retiring a lot or parcel.

Section 9.02.04, **Retirement of Lots or Parcels**, indicates that all future development potential must be eliminated from the lot or parcel to be retired, and all existing development and land coverage must be removed and the property restored to natural condition as feasible.

In addition to the Code of Ordinances, compliance with the Handbook of Best Management Practices will assist in SEZ restoration. It addresses controls and proper methods for slope stabilization, temporary and permanent erosion control, storm runoff and drainage, infiltration, and vegetation management.

Implementation of the Capital Improvements Program will assist in making the SEZ Restoration Program effective and successful. Many of the project sites included in the SEZ Restoration Program, especially those in subdivisions, would benefit from an effective Capital Improvements Program.
FUTURE OBJECTIVES

This report consists of a first draft of a Stream Environment Zone Restoration Program. Projects and programs still to be included in the SEZ Restoration Program are:

- Wildwood-Bijou Erosion Control Project
- Major ski areas
  - Heavenly Valley
  - Incline Ski Area
  - Homewood Ski Area
- Golf Courses, fertilizer management in SEZ’s
- USDA Burton-Santini Restoration Projects
- Additional SEZ areas that have not yet been identified
  unpaved roads along SEZ’s
  yard encroachment

These additional project areas and others will be considered and evaluated for possible inclusion in the final SEZ Restoration Program.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Aspen Way Channel
PROJECT NUMBER: 7-8, Map #I-15
WATERSHED NUMBER: 68 Edgewood Creek Watershed

PROJECT LOCATION: Aspen Way is located off North Benjamin in Kingsbury Village Drive in Douglas County. Affected properties include the residences along Aspen Way and the adjacent upstream parcel 11-070-07 and the adjacent downstream property across N. Benjamin (11-070-05). Soil types are Ev, land capability 1b, and CeE with streamzone (1b) land capability rating. There are approximately 10 acres of restorable SEZ in this project site.

SITE DESCRIPTION/FIELD ANALYSIS: Aspen Way Road sits in the stream channel; flow has been diverted to inadequate roadside drainage. Most properties along Aspen Way have been developed; some subdivision drainage improvements have been installed. Upstream a small check dam has been installed. Downstream a USFS unpaved road borders the stream. Rocklined roadside drainage has been installed, but is inadequate to meet the stream flow. A small gabion check dam has been installed upstream of the subdivision. Ponding and bank erosion have resulted from flow diversion to the roadside drainage through an undersized culvert. The upper portion of rocklined trenches are eroding away. Water flows freely at the base of Aspen Way into the cul-de-sac. Across N. Benjamin USFS unpaved road 13N82 parallels the stream. There is severe erosion and gullying on this road. Presently access is unrestricted to vehicles.

RESTORATION POTENTIAL: Extensive upstream stabilization work should be commenced. Further check dam work should be utilized to slow the stream flow and an adequate culvert should be installed to prevent ponding above the subdivision. Bankside erosion will have to be controlled. The unpaved USFS road should be closed to ORV use and evaluated as to need. CIP Area 40C indicates closure and revegetation of the USFS road. Extensive storm drainage improvements as indicated in CIP Area 40A should be installed above Aspen Way.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Upper Truckee; Elks Club Area

PROJECT NUMBER: 8-8, Map G-20

WATERSHED NUMBER: 73 (Upper Truckee Watershed)

PROJECT LOCATION: The project site is located in Tahoe Paradise, El Dorado County in the vicinity of the intersection of Elks Club Drive and Highway 50. Affected parcels include 33-191-02, 04, 05 and 06. Soil type is Lo, land capability 1b.

SITE DESCRIPTION/FIELD ANALYSIS: The project area, consisting of approximately 15 acres, is immediately adjacent to the Upper Truckee River and the Highway 50 bridge crossing. The Elks Clubhouse is situated on parcel 33-101-05. Caltrans owns parcel 33-101-04 where vehicles are stored during road construction. Access to the river is unobstructed from several locations and vehicle tracks are evident throughout the area. There is evidence of past revegetation work on the Caltrans parcel but it appears ineffective due to continued vehicle access to the river. The project site is over covered with impermeable surface on fill material which encroaches into the stream channel. Rock riprap has been placed in the channel to protect the Elks Club parking area. Extensive bank erosion is evident both upstream and downstream of the project site. The entire site is denuded of vegetation; vehicles access the river via several unpaved roads across the site. The area is generally unkempt; trash is evident throughout.

RESTORATION POTENTIAL: Vehicle access to the river should be restricted by fencing and signing. Unnecessary roads should be removed and revegetated. Stream bank stabilization is necessary in several spots. Elks Club should remove excessive land coverage and install BMP’s. Excessive fill material should be removed and the area revegetated with meadow species. As indicated in CIP Area 44L, roadside drainage on Elks Club Drive and storm drainage along the Elks Club development should be installed in the project area.
TAHOE REGIONAL PLANNING AGENCY
STREAMZONE RESTORATION PROJECT DESCRIPTION

PROJECT NAME: Ravine St. off Cold Creek Drive

PROJECT NUMBER: 8 - 18A

WATERSHED NUMBER: 72, Cold Creek, Map H-19

PROJECT LOCATION: The project site of approximately 5 acres is located in Montgomery Estates off Cold Creek Trail south of Pioneer Trail in El Dorado County.

SITE DESCRIPTION/FIELD ANALYSIS: Ravine Street, a paved cul-de-sac, situated directly in the stream channel, presently does not access any residences. An unpaved street continues from the end of the cul-de-sac up a steep slope. There are also approximately 10 vacant parcels in the project area along Cold Creek and Fortune Way.

Riparian vegetation is present throughout the project area. The unpaved portion of Ravine Street is severely gullied. The stream channel is diverted around Ravine Street and flows into a culvert under Cold Creek Trail. Channelization and bankside erosion are evident downstream of Fortune Way. Several yards encroach into the SEZ from Fortune and Del Norte Streets.

RESTORATION DIRECTION: Ravine Street, both the paved and unpaved portions, should be removed, fenced and revegetated with riparian species. The culvert under Cold Creek should be modified to accommodate peak stream flow. BMP's should be installed on all developed properties in the SEZ and yard encroachment should be curtailed. CIP Area 43D calls for roadside drainage, storm drainage, slope stabilization and revegetation in the project area.