NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on August 8, 1990, at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

August 1, 1990

David S. Ziegler
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Al Tahoe and Tahoe Valley, California.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 195 U.S. Highway 50
Zephyr Cove, Nevada
August 8, 1990
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PUBLIC HEARING AND RECOMMENDATION

A. Amendment of the Land Capability Map, U.S. Forest Service, Camp Richardson, State Highway 89, El Dorado County

B. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt MOU Between TRPA and the Nevada Department of Transportation

C. Amendment of Code Chapters 2, 4, and 50 Through 55 to Implement the Recommendations of the Report Entitled, "Littoral Structure and Its Effects on the Fish Community of Lake Tahoe" and Staff Recommendations in Regards to Dredging and Setback Lines; Amendment of the Prime Fish Habitat Maps

D. Amendment of Chapter 33 to Extend the Date for Election of Conversion of Use Deadline

V PLANNING MATTERS

A. Work Plan and Proposed Schedule for Amendment of Code Chapter 54 Regarding Locating Structures in Fish Habitat

B. Amendments to Encourage Boat Storage Facilities To Be Located Out of the Shoreline Area

C. Amendment of Chapter 64 to Permit Exemption for Marinas

VI REPORTS (No Action)

A. Executive Director

B. Legal Counsel

C. APC Members

D. Public Interest Comments

VII PENDING MATTERS

VIII ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau, 995 Fairway Boulevard
Incline Village, Nevada

July 11, 1990

REGULAR MEETING MINUTES

I  CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Stan Hansen called the meeting of the Advisory Planning Commission
(APC) to order at 9:35 a.m. and asked for a roll call.

Members Present:  Mr. Jepsen, Mr. Greenwood, Ms. Jamin, Mr. DeMello,
Mr. Harris (a.m. only), Mr. Dodds, Mr. McCurry, Ms. Roberts,
Mr. Hansen, Mr. Brooks, Mr. Harper, Mr. Davis, Mr. Combs

Members Absent:  Mr. Renz, Mr. Sullivan, Ms. Baldrica, Mr. Jolley,
Mr. Popoff, Ms. Bedard

II  APPROVAL OF THE AGENDA

Deputy Director Jerry Wells requested that items IV A. and B. be reversed in
order to take up the IVGID EIS first and the Public Services Facility List
second. Chairman Hansen stated that he had been requested by Ms. Jamin for a
time certain for Kerry Miller's presentation with regard to the City of South
Lake Tahoe on results of the South Lake Tahoe Housing Study. Chairman Hansen
designated this item for 11:30 a.m. The agenda was approved with the above
changes.

III DISPOSITION OF MINUTES

The minutes of June 13, 1990 were approved with an amendment to page 5 in
Mr. Kratzski's statement that he feels dragline dredging is a better alternative
than suction dredging, with "in some cases" being added to the end of that
statement. Also, on page 18 of the June 13, 1990 minutes Mr. Greenwood amended
his statement that he feels that the main problem is that IPES gave buildable
scores to lots that had impossible driveway access, that required massive cuts
and fills to do so, requires mere setbacks, to read less than normal setbacks.
The minutes were approved with these amendments.

IV  PUBLIC HEARING AND RECOMMENDATION

B. Finding of Technical Adequacy and Recommendation on Certification of
   the Incline Village Community Center Final EIS

Deputy Director Jerry Wells presented the staff summary requesting APC determi-
nation of technical adequacy of the draft EIS for the IVGID Community Center.
Mr. Wells distributed to the APC copies of correspondence that TRPA received
after the EIS draft was completed. The proposed action includes the construc-
tion of a community center with two uses. One being recreation and one being
public service. The public service end of it is the convention facility aspect
of the project. The recreation facility consists of approximately a 34,600
square foot building that will include a gymnasium, a swimming pool, dance
studio, weight room, a therapy pool, jacuzzi facility, game room, dressing

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rooms, a child care facility, food service area and a lounge. In the same building, but a different wing, there will be a 13,400 square foot conference facility consisting of a ballroom where the primary conferences would be held. It has a maximum occupancy rating of 406 people. There is also a small conference room, related offices, and kitchen facilities. The proposed action also includes a 291-space parking lot, over 1,000 linear feet of pedestrian bike paths, which will be linked to existing paths, there will be three tennis courts that will be covered with a bubble, and an emergency access road coming off of Incline Way. There are provisions for SEZ fisheries habitat and a cultural interpretative program. Three alternatives were looked at in the EIS. For convenience these alternatives are summarized in the back of the final EIS. The convention facility and the recreation facility are considered special uses in the PAS. Therefore, both facilities need a special use approval. The project is not currently on TRPA's Public Services Facility List. Without the convention wing, there would be no requirement to add this project to the Public Services Facility List. Mr. Wells went on to explain the mitigation measures for water quality, air quality, and vegetation as set forth in the EIS. As to noise impacts, a 6-foot high, 700-foot long sound wall has been proposed for this project between the condominium development to the north of the facility and the parking lot. A noise monitoring program will be instituted for a set period of time. Mr. Wells directed to the APC that comments and discussion should focus primarily on the technical adequacy of the document, the adequate disclosure of all environmental impacts, and the appropriateness of the recommended mitigation measures.

Ms. Roberts inquired what the staff's assessment is of the technical adequacy of the EIS.

Mr. Wells responded that staff feels the EIS adequately discloses the environmental impacts of the project.

Mr. Greenwood inquired how much outdoor irrigation is being considered.

Mr. Wells replied that this is something that will be taken up at the project level. Staff has not seen a final landscape plan.

Rob Hunt of IVGID responded that there is no long-term irrigation planned associated with landscaping. There will be temporary irrigation to establish the vegetation around the building. Also, IVGID is not certain of what irrigation for vegetation will be required to screen the wall that is required between the condominiums and the parking lot.

Mr. Greenwood inquired if there is any way to require TART to expand their service to the facility or to have IVGID fund the expansion of the service.

Mr. Wells replied that the public transportation issue will be included in the conditions of the permit should the project be approved. The difficulty is that IVGID does not control the TART system, so it would have to take a coordinated effort.

Mr. Greenwood inquired what size pool is being looked at and what types of swim meets are being proposed.

Mr. Wells replied that the pool will be 75 feet square.
Doug Doolittle, Director of Parks and Recreation for Incline Village, replied that the types of swim meets would be high school swim meets, local swim club, and local and regional meets, with possibly state meets. The pool is being built to meet these standards.

Mr. Greenwood expressed his concern about a 700-foot long sound wall having a significant visual impact and that this fence might create a wildlife barrier.

Mr. Wells responded that hopefully it would be softened enough with vegetation that it would not be a problem. As to a wildlife barrier, this issue did not come up in the planning process.

Mr. Davis questioned the noise level being anticipated as not more than three decibels.

Mr. Wells responded that the ambient noise level today, without the project, is measured at 51.4. The PAS for that area allows a maximum rating of 55. CNEL is measured on an average 24-hour period. It is not a single event noise standard.

Mr. Davis pointed out that the California AG's letter indicates that VMTs will be increased drastically.

Mr. Wells replied that there was a response prepared by Resource Concepts which addresses the letter from the AG's office. TRPA's Code of Ordinances requires that projects having a local or regional cumulative impact on VMTs have to be mitigated. One way of mitigating this is to pay a mitigation fee and the other way is to do a project that will reduce VMTs, such as instituting a shuttle service or something of that nature. A shuttle service will be provided for the convention attendees to and from tourist accommodation units and also IVDGID will be working with TART to provide a regularly scheduled stop.

Ms. Roberts inquired what percentage of the Community Center is going to be used by the community versus outsiders.

Mr. Hunt replied that the recreation portion is expected to be primarily a resident facility and there is some projection for non-resident fees.

Ms. Roberts inquired if the VMTs that have been projected are based on internal trips of automobiles that are already located in Incline Village, or does this include outsiders too.

Mr. Wells understands that it is a combination of both.

Mr. Dodds pointed out that in the final EIS it states that the capital improvements program has not been completed and he believes that it was completed as part of the 208 Plan.

Mr. Zielger concurred with Mr. Dodds in that Volume IV of the 208 Plan is the capital improvements program.

Mr. Dodds asked that as a full disclosure document, should not the EIS maybe fill in a little more detail to explain what the findings are that TRPA needs to make to allow the SEZ coverage.
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Charles Zeir, Resource Concepts, referred to page 224 of the draft EIS where they have provided the conditions that have to be met in order to place new coverage in an SEZ or land capability 1b area. It is Resource Concepts' belief that they have satisfied those conditions.

At this point it was decided to combine the public testimony for items IV A. and IV B. (IVGID EIS and Public Facility Services List).

Chairman Hansen read into the record that Mr. Brooks abstains from voting on the Incline Village issues due to a conflict of interest; however, he would like Mr. Brooks' input in the discussions.

Mr. Harper questioned his participation as Washoe County is the primary funding for this project.

Chairman Hansen replied on behalf of the APC that they would like Mr. Harper's input and vote on this project.

A. Amendment of Public Services Facility List 1990-1994 for the Incline Village Community Center

Long Range Planning Division Land Use/Regulation Team Leader Gordon Barrett presented the staff summary proposing that the Incline Village Community Center be added to the TRPA Public Services Facility List (PSFL). There are two major issues in regards to making the findings. The first issue is the demonstration of need for meeting space. The second issue is the need to proceed before the community plan is adopted. Staff does not have enough evidence to recommend this project be added to the list. It is staff's hope that through the APC public hearing process, these concerns may be addressed and a recommendation can be made.

Mr. Combs inquired if the PAS in existence speaks to this and, if so, what does it have to say.

Mr. Barrett replied that the PAS addresses the recreation center but not the conference center.

Mr. Combs asked how about in terms as a permissible use.

Mr. Barrett replied that it is a permissible use.

Mr. Hunt pointed out that the County Planning Commission was advised that need was one of the criteria that they have taken in considering this project and voted affirmatively to recommend it.

Mr. Harper added that the Washoe County Planning Commission recommended the meeting space with a 5/2 vote. Final action is not anticipated until August 14.

Mr. Hunt clarified that at no time did IVGID or Washoe County seriously look at the question of need for commercial conference space. They do not believe that is a legitimate consideration in promoting this project. Meeting facilities have been part of the community center since planning for the project began in the 1970s. The use of the Chateau has increased by 55 percent in the last three years. The proposal before the APC is addressing a variety of needs in a very cost effective manner. Mr. Hunt does not feel this facility needs to be on the
PSFL to be built. The project is already on the recreation list and by TRPA's own definition a recreation center includes meeting facilities.

Chairman Hansen inquired how many public hearings have been held regarding this project.

Mr. Hunt replied that about 15 meetings on this project have been held over the last two years.

Chairman Hansen inquired if the IVGID Board of Directors is an elected body and what was their vote on the project.

Mr. Hunt replied that the IVGID Board of Directors is an elected body and that their vote on this project is 5/0.

League to Save Lake Tahoe Executive Director Laurel Ames commented on the technical adequacy of the document. Specifically, the SEZ offset that Mr. Dodds mentioned earlier. Also, this project does not address reduction of VMTs to meet TRPA thresholds. Further, their is no mitigation to maintain the CNEL.

Mr. Harper inquired of Ms. Ames if she is suggesting that every area identified as offset be evaluated as to whether, in fact, it creates an appropriate offset. Mr. Harper was always under the impression that it was a ratio that was used. Is Ms. Ames now suggesting that TRPA look at the quality of that ratio?

Ms. Ames replied that $200 million is being spent so far to do erosion control projects and stream zone offset. She would think that staff would want to know.

Mr. Wells explained that the TRPA Code allows coverage for recreational projects that go into SEZs and if it is coverage that exceeds the Bailey coefficients, which is one percent allowable within the project area, then it has to be mitigated on a one and a half to one offset. Usually, that is mitigated offsite. The language of the Code basically states that if it is within Bailey, then that one and a half to one offset is not required. They simply pay a water quality mitigation fee at $.29 per square foot for the coverage being created and they have to install BMPs. There is no restoration requirement beyond that. In this particular project, that is the case.

Mr. Harper then questioned if Ms. Ames sees any long-term VMT reductions ever with the current manner in which TRPA is operating in its project review process.

Ms. Ames replied that it is very poor planning to allow a project of this size with this amount of VMT to go by without having an equivalent VMT reduction program.

Cliff McGough, candidate for IVGID Trustee, feels that the IVGID Board does not really represent the true feelings of the residents. He believes that the community should be asked their opinion and that the opinions and the interest of the great majority of seasonal property owners should not be forgotten. They are part-time residents, but they are full-time tax payers.

Dick Morse, resident and a Board member of the Chamber, Lions Club and the Incliners (445 members), stated that the Incliners meet at the Chateau twice a
month and are pushing the walls out. Also, the Lions Club last annual crab feed consisted of over 800 people at the Chateau and it was almost an impossible task. There are large groups that would like to have a meeting wing. Mr. Morse suggested restricting the amount of outside conventions during the months of July and August to minimize the VMT impacts. Mr. Morse's view is that property values will go up substantially as a result of this project. He thinks that the people adjacent to the noise wall should be consulted with and make certain that they would like to have such a thing put up. He suggested putting this barrier in with landscape only at first and then seeing if a wall is required and justified.

Mr. Harper inquired of Mr. Morse if the organizations he belongs to are still in favor of this knowing that it appears that IVGID will need to rent out the space for conferences and conventions at least up to the 19,000-odd convention days in order to bring the level of subsidy down.

Mr. Morse indicated that he is speaking as an individual on those Boards, but as to the Incliners he believes there is strong support.

Chairman Hansen inquired if the Chamber Board took action.

Chamber of Commerce Executive Director Ann Johnson stated that the Chamber Board has addressed this issue and has spoken in favor of it on a number of different occasions to a number of Boards. She does not think she can answer this specifically because the Chamber Board has a tendency to change on how many people are in favor as opposed to how many are not. She does believe that the vast majority are in favor. Ms. Johnson feels that the economic benefits are very great.

Mr. Davis inquired if there are any contingencies on the TOT funding for the conference wing.

Mr. Harper pointed out that the money came from the Reno-Sparks Convention and Visitors Authority (RSCVA).

Chairman Hansen inquired how many members are in the Chamber.

Ms. Johnson replied that there are 433 members in the Chamber of Commerce.

Roger Steele, resident of Incline since the 60's, stated that at one time Incline had a very active property owners association. He was chairman for several years. A poll was taken in earlier years and it showed that the tax paying property owners within the Tahoe Basin were very much opposed commercially. He pointed out how projects in and around the Basin just keep adding VMTs and making the situation worse. He does not see how new projects can improve the quality of life in the Tahoe Basin.

Clint Kobly, 5-year resident in Incline, has attended all but two or three of the 15 meetings on the community center in the last couple of years and from these meetings there was a very strong consensus that the need was for a gymnasium and a pool, but he never sensed an overwhelming majority need for conference space. Mr. Kobly is a former member of the Incline Village Chamber of Commerce Board of Directors and resigned because he did not believe in the concept of the convention wing and did not believe in the competition by the local government and the duplication of some existing facilities. In answer to
an earlier question by Mr. Harper, Mr. Kobly replied that the group meeting room was initially 1200 square feet.

Don Kornreich, Incline Village resident, is for the recreation center and against the meeting wing. He feels that several of the problems with the conference wing are (1) most of the convention centers in the area are over two times the size that is being proposed for this project and none of them have had an average attendance approaching 283 (250 is the largest and most are considerably less); (2) that the noise wall should be first tried with natural vegetation only before putting up an actual wall; (3) the use of the convention center for theatrical productions -- no stage, no sloped floor and no adequate audio equipment for performing arts; and (4) the transportation and parking problems.

Chairman Hansen continued the public hearing until 1:30.

V PLANNING MATTERS

A. Presentation by the City of South Lake Tahoe on Results of South Lake Tahoe Housing Study

Kerry Miller, City Manager for the City of South Lake Tahoe, made a presentation of the Housing Study Group Report to the APC. The Housing Study Group was formed on the South Shore as a joint venture between the City and the Chamber of Commerce and several other groups consisting of approximately 40 participants representing private and public sectors in the community. The Committee met over a period of approximately five months looking at several different categories of housing in the South Shore area, not just within the City of South Lake Tahoe. They focused primarily on the provision of affordable housing in the community. As it relates specifically to TRPA's interests, the Housing Study Group came up with the following recommendations:

In the area of regulation and land use, the Housing Study Group emphasized a need, in conjunction with the community plan process, to identify opportunities and constraints for specific siting of housing rehabilitation and construction. They suggested, as action steps, the possibility of expanding the boundaries of the community plan areas to allow for development of new and rehabilitation of existing market rate and subsidize multi-family housing. Also, the Committee looked at eliminating administrative duplication by creating a one-stop permit process through working with a committee made up of local governments, including TRPA and Lahontan representatives, to commence possibly in 1991. The League to Save Lake Tahoe has requested that TRPA modify the affordable housing definition in the Code of Ordinances and review other language changes to assure maximum eligibility for housing subsidies from local, state and federal levels. Realizing that the issue here is primarily quality as opposed to quantity, the Housing Study Group suggests that a program be established that would authorize, by special use permit, existing illegally constructed units that can comply with minimum health, safety and zoning standards, which would probably be a minority of those that exist in the community; then to create an amortization program that will require health and safety building compliance for all units that cannot meet the special use permit test. Over a period of time they would eventually be phased out. The Housing Study Group understands that this kind of a program has implications in terms of TRPA's building allocation program and also to South Tahoe Utility District's sewer allocation program. So the first step to try and pursue something like this would be to convene a meeting of those interested parties. Another area of concern is in the area of special
needs housing as it relates to senior citizen housing. Lastly, the Committee is concerned that if the housing is not developed geographically proximate to the employment centers, there will probably have to be some extensions of transportation service to make alternate geographic locations viable.

Mr. Harper agrees with Mr. Miller on his suggestion of a multi-jurisdictional group. He thinks that other agencies and groups in the area should have an opportunity to monitor this program and see how it can be modified or adopted.

Ms. Roberts commends the City for the effort that they undertook to bring everyone together on this.

Mr. Ziegler commented that he would like some feedback from the APC as to whether the treatment of this housing issue is appropriate. It has been incorporated into the five-year strategy as a challenge, but not as a priority of TRPA.

Tahoe Sierra Preservation Council Executive Director Steve Teshara stated that this is an issue that has been before the Tahoe Basin Association of Governments (TBAG) and is scheduled to come back to TBAG at their next meeting. Right now in Placer County they are preparing to create a group similar to this that would look at the issues with respect to the North Shore, including both interests on the part of Washoe County, Placer County, and Nevada County.

Ms. Jamin stated that she thinks it is of equal importance to VMT and water quality issues.

IV PUBLIC HEARING AND RECOMMENDATION

A. and B. Incline Village Community Center (continued)

Brian O'Toole lives at the base of Mt. Rose and also owns a timeshare in Incline. He has found in his door-to-door campaigning that residents feel that they were excluded from the process. They feel that a project this large and this costly should have been put on a ballot.

Bill Morton, an Incline Village resident, supports the full Community Center with meeting space.

Lee Smith, Reno-Tahoe resident over the last four years, strongly opposes the convention wing of the Incline Village Community Center. He feels this will be the first step to commercialize and destroy the community and will pollute Lake Tahoe for future generations. He would like to see the residents of Incline Village be allowed to vote on this matter. He would like to see the flash flood potential addressed on Incline Creek. Mr. Smith would like to see the decision for construction postponed until potential problems are resolved.

Ellen Toto, property owner, business owner, and 14-year resident at Incline Village, asks if the community interest was foremost when the recreation facilities were advertised nationally in the North Tahoe Convention Planning Guide as part of the resort center. If this is a community project, why have the residents involved been denied to vote on it? Ms. Toto's other concern is the duplication of facilities in the area.
Paul Schmidt, an Incline Village resident, is in favor of the project for the cultural good of the community. He would like to see the fence requirement removed subject to later review.

Mr. Harper inquired of Mr. Schmidt what percentage of time in an annual period he sees as being devoted to cultural events.

Mr. Schmidt replied that he cannot put this into a number but he believes there will be quite a lot of time devoted to cultural events.

Gail Cromwell, president of the Chamber of Commerce and past president of the Symphony Association, stated that the Symphony Association puts on 12 to 15 performances per year. She believes very strongly that Incline Village needs a total community center.

Phil Edholm, an Incline Village resident since 1976, feels that the entire project may have been more palatable to this community if it had been designed in a modular phased concept. It would allow for the addition of meeting facilities and performing arts facilities in the future. This community center has evolved into the Incline Village Conference Center. Mr. Edholm referred to the North Lake Tahoe Conference Planning Guide to support his statements. He requests that the Commission consider approving the reduced alternative without the conference wing, but leave the door open for meeting and performing arts facilities to be added in the future.

James Nakada, an Incline Village resident, stated that there is a lack of performing arts in the community. He and his wife travel to San Francisco, Sacramento and Reno to attend cultural events and would like to see more cultural events take place locally. He has been involved with swim meets and swim programs for over 10 years and would like to see this also take place in the community. He pointed out that swimmers coming to meets often car pool. Therefore, he does not believe the VMT impact will be as great as has been stated. He also believes that a lot of locals car pool to activities in the area. He stressed the need for a larger space for the Incliners to meet and put on their fund raising activities. He would like to see efficient and controlled growth in the community.

Gene Murrieta, local building contractor (not for this project), stated that this project is well over budget now and is concerned that money is not budgeted for revegetation, the wall, and all of the other things. The user fees have not been set and, therefore, the operating estimates are probably way off too. He also stated that the tennis bubble and other amenities have been cut from the project.

Mr. Harper inquired of Mr. Murrieta if it was represented to the community that there would not be user fees.

Mr. Murrieta replied that the word "nominal" was always used.

Mr. Harper inquired if this fee was represented as covering the operation of the conference facility.

Mr. Murrieta replied no, but that there will be losses on both. He thinks that their losses are underestimated judging by their other budgets now. There are a lot of things that have not been priced into the project, such as the architect,
the paving, all of the revegetation, the bike paths, and a lot of other things that are not in the general contractor's bid.

George Toto, resident of Incline Village, pointed out that 88 letters were received in the EIS, excluding government agencies that were required to report. Of those 88 letters, 87 said no for the convention wing and almost all were for the recreation facility. The original recreation design team was formed of local individuals and was disbanded prior to the inception of the convention wing. No further committee was formed from the public to study this project. The original design team was opposed to this convention wing and some of the recreation design as it is now. The District 9 funds will be held and money will be made off the interest if this project is not built at this time and can be built later. So there is not a financial crisis for building this project now. He does not feel that the pedestrian path issue has been addressed properly. He thinks that the shuttle service situation is unrealistic. He is concerned with discussion of property taxes not going up if this project is built when there are losses which have already been documented. Mr. Toto also pointed out that the CalNeva has a professional showroom that the fine arts people can use. Further, the CalNeva can handle receptions, classrooms, banquet style seating and theater seating from 300 to 400 people. Apparently, no one seems to realize this or has conveniently forgotten.

Mr. Harper pointed out to Mr. Toto that 33 of the 88 letters are form letters and that there are another five form letters with the same statement and same date. He inquired of Mr. Toto who solicited these letters.

Mr. Toto replied that there was a public hearing on the convention wing and approximately 300 people attended that meeting. There were people from groups who publicized information along with IVGID and there was a time element involved. People did not know where to contact anybody or who to contact. Therefore, general information was put on those letters and the people were asked if they would comment on those, use them as is if they agreed with them or make any changes if they wanted to send those in on their own.

Mr. Harper further inquired why the CalNeva is not being used for cultural events.

Ms. Cromwell replied that she has been on the Board of Directors for the Symphony Association for the last 12 years and was president for three years. During the 15 years that the Symphony Association has been trying to put on events at the CalNeva, they have only had four follies that have been able to be put on at the CalNeva. There were years when the CalNeva was closed; there were years that it was not available because of other commitments (depending on who owned it at the time); or they would not commit because the Symphony Association tries to set up their events way in advance because of marketing and so forth. Most of the times over the years the CalNeva showroom has not been available.

Mr. Davis inquired that assuming this was an accepted project, would they not have the same conflicts with conferences coming into the center.

Mr. Hunt replied that the agreement with the visitors and convention bureau has a very specific set of arrangements for reservations. The non-local lodging properties that are booking conference groups have first dibs on the conference center until one year out. The general understanding is that those basically
are going to involve fairly sizable meetings of 150 and up, because those are
the only size meetings that book that far in advance. Starting one year before
the date of an event, local groups have the right equal with the conference
groups to book weekend and holiday events. They do not have the right to book
weekday, non-holiday periods, until six months prior to the date of event and
then all days remaining open are available to anyone. The idea behind this
approach was to take peak periods which were felt that the lodging groups did
not need and they did not want to overcrowd the community during those peak
periods with visitors.

Mr. Davis inquired what other strings does IVGID have on the money from the
RSCVA.

Mr. Hunt replied that there are a whole lot of small strings, such as it must be
available to the general public. There are probably more arrangements in the
other agreement that IVGID has with the visitors and convention bureau which is
a stepchild of the RSCVA than in the main agreement. The key feature is that
IVGID has a minimum target of visitors that they need to obtain which is set at
a fraction of the rejected amount. Mr. Hunt does not recall the exact number.
The RSCVA, in order to meet the bond covenants that are tied to state law, have
a review authority over rates, but it is the IVGID Board that will be setting
rates.

Linda Shuey, an Incline Village resident, presented 20-plus form letters in
favor of the Community Center and the meeting wing. She collected these letters
in only an hour and a half and offered to put in more time to collect more
letters if the APC so desires. She believes that it is absolutely essential
that the meeting wing be built. It is necessary not only to accommodate the
needs of tourists (the lifeline of this community), but also to make available
to the residents adequate space to hold community functions and regular
meetings. Ms. Shuey has been involved in a lot of activities and organizations
at Incline.

Mr. Harper pointed out that the previous speaker indicated that the letters that
were provided in the form manner were not solicited, but just available.
Ms. Shuey indicated that she solicited these letters. Mr. Harper inquired of
Ms. Shuey if she thinks these people would have sent a letter anyway.

Ms. Shuey replied that the people she approached would have been more than
willing to write letters. She has a few letters that were individually written
to the Bonanza.

Brad Miller, a 10-year resident at Incline and the Tahoe area since 1970, and is
a candidate for office of IVGID Trustee, addressed a couple of comments made by
prior speakers. As to enhancing property values, there is a positive and a
negative. With regards to culture, he finds it interesting that the community
plan at Incline, when it was originally implemented, was a better community with
recreational amenities that were affordable. He does not see any reason why it
is necessary now to emulate Aspen or Steamboat Springs or Sun Valley to change
this concept. Minor improvements, such as a recreational facility, indoor
swimming pool, etc., are perfectly acceptable in Mr. Miller's opinion. But this
project has gotten a little bit out of hand. The previous Board (there was a
transition in the election of 1988) got into discussing the possibility of
losing the District 9 funds. At that time the public perception was that for a
modest increase in the recreation fee, which has already been assessed, that
would cover the basic maintenance and operation of a recreational facility which would, in turn, be built by District 9 funds that were available. In the meantime, this project has grown out of hand. He does not understand why the TVGID Board of Trustees refuses to take this to a vote and put the community back together again.

Chairman Hansen inquired of Mr. Miller why there was no opposition at the time the bonds were taken out.

Mr. Miller does not know the answer to that. There are a lot of different perceptions of how this project evolved.

Fred Stugard, an Incline Village resident, a geologist, and on the Board of the League to Save Lake Tahoe, feels that they are well within reach of the mitigation required by TRPA. Two Board members of the League reside in Incline Village and spend a lot of time following the Community Center and feel it is a good project. Mr. Stugard volunteered and was appointed to the citizen's committee for the design and discussion of the Community Center to take public input. Over 30 meetings were held and he feels that he knows what the community wants and the priority in which they want them.

Nick Fornellas, an Incline resident, is in favor of the recreation center. He does not feel the convention center should have any condition on the District 9 funds. He would like to see the recreation center built and then add on the convention center as funds become available.

Barbara Stedman, an Incline resident, would like to see the project go forward with the conference wing.

Bruce Denning, a 20-year resident of North Lake Tahoe, represents Incline Village to the U.S. Olympic Committee. He lives 100 feet from the facility site and is in favor of the swimming facility for a high altitude training center.

Chairman Hansen inquired of Mr. Denning that since he lives 100 feet from the facility, what does he think of the 6-foot high 700-foot wide wall.

Mr. Denning replied that access is needed through there for the people who would come from the neighborhood.

Mr. Ziegler inquired of Mr. Denning what he feels the need is for a conference center.

Mr. Denning replied that he feels there are many needs for the conference facility.

Mr. Greenwood pointed out as to Mr. Denning's reference to a high altitude training center, that the pool is a short course pool.

Mr. Murrieta again brought up the issue of funding.

Mr. Harper inquired of staff if it is appropriate for TRPA to evaluate the budget and the funding of the project.

Mr. Wells replied that the mitigation fees have to be paid up front with the project approval. These fees must be deposited with TRPA before the permit is
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finaled for the project to go forward. As to restoration requirements and installation of BMPs, TRPA collects a security in the amount 110 percent of what it costs to install the BMPs. All of those funds would have to be set with TRPA in advance. So if they did not have the funds, they would not be able to go forward with the project.

Mr. Harper referred to the question of putting this issue to a vote in the community. He inquired of IVGID that assuming this was put to a vote, is it a binding vote.

Mr. Hunt replied that the binding part of the vote would relate to the bond issue and there is no bond financing by IVGID in the project.

Pam White, IVGID Trustee, stated that IVGID puts nothing to a vote. Ski Incline was not even put to a vote. The Trustees are elected to do what they think is best for the entire community. She thinks that most people are in favor of this project.

Mr. Harper pointed out that some question has come up about the availability of the recreation funds with Washoe County Parks and Recreation. He stated that the funds are provided through the Recreation Construction Task (RCT). All of the pre-1983 funds have been committed from this park district to the recreation portion of the project. The County's concern is that these funds are not available forever and ever. The State legislature changed the RCT program three years ago and required that funds had to be used for neighborhood parks and that after 75 percent of a subdivision was built out, if you did not have a neighborhood park the funds had to be returned. When the issue of building this project came before the Parks and Recreation Commission, there was some concern that these funds would not be available for that. After a considerable amount of discussion with the Building Association of Northern Nevada and the Associate General Contractors, they agreed not to push the issue as long as there was some timely action on spending those funds. Washoe County's concern is that they are in jeopardy of some movement toward building a portion, if not all, of this project this year. There is likely to be a legislative and judicial challenge next year to make those funds unavailable. Then the funds are refunded back to the development community pursuant to the 1987 legislative changes.

Mr. Greenwood thinks it is unfortunate that the project is not designed so that it can be built in phases. In other words, the recreational facility cannot go first and the conference facility cannot go second. As he understands it the way they are presently designed, they cannot be built separately.

Chairman Hansen reminded the APC that it is their task to determine if there is a need for the project (whether it should be added to the PSFL) and if there is a technical adequacy of the EIS.

Ms. Roberts inquired what the legal clarification is in determining the need for the project versus weighing the popularity of the recreation center and the conference center. She does not feel that the popularity of the project ties in with the APC's determination of technical adequacy.

Special Projects Attorney Susan Scholley replied that Ms. Roberts is correct in that the popularity of a project does not relate as to whether there is a need. Yet, the testimony heard today has been directed to the issue of need and that should be considered by the APC in making their recommendation.
Mr. Wells clarified that the conference center and the recreation center can physically be built separately. But if the project is to be built this building season, it probably cannot easily be separated. Also, there is a funding issue in that if it was to be added next year, would the funding be available to build it. Further, a finding has to be made as to the need for the project to go ahead of the community plan.

Mr. Harper stated that he thinks the community plan team feels that the research has been done on this project and that they would be duplicating their efforts.

Mr. McCurry commented that the APC has no authority or responsibility to turn something down just because the local agency has made a decision based upon their local elected officials or whether they put it to a voting process. What has been presented to the APC today is that there is a strong need for this total community facility and there is also a need to proceed with it now in terms of putting it ahead of the community plan.

Mr. Davis wants to make sure that staff is 100 percent convinced about VMTs and the noise issue. He still has some problems with this.

Mr. Wells replied that from staff's point of view the final of the draft EIS is technically adequate in addressing this and that the proposed action is consistent with TRPA's regulations for mitigation.

Mr. Ziegler added that the concept is that projects like this one pay mitigation fees into mitigation funds which are then, at least theoretically, managed in a unified and rational way to mitigate the overall impacts on a regional basis.

Mr. Dodds is concerned whether or not this is consistent with the 208 Plan in dealing with the matter of coverage in the SEZ. He feels there is a weakness in the SEZ coverage mitigation issue.

Mr. Ziegler commented that the conflict in which Mr. Dodds brought up has to do with the Goals and Policies and the 208 Plan language that says all disturbance in SEZs of this type for public service projects, providing the other findings can be made, has to be offset one and a half times. In the Code of Ordinances, Chapter 20, subsection 20.3.A, it clarifies that with the Bailey coverage you have essentially by right and the offset kicks in when you go above Bailey or above the one percent. The question of interpretation is which statement of the rule has more weight than the other. Staff's feeling is that the Code clarifies the intent of the Goals and Policies and the 208 Plan and that there was never any intent in the Regional Plan, taken as a whole, to take away the rights that the Bailey system gives to people or to require them to offset coverage that they could have under the Bailey system. Staff feels that the Code, in this particular case, is the dominant rule.

Mr. Dodds stated that it is such a small amount of coverage that is being talked about for this project. His concern is more from the precedent that this might set for other projects in the Basin. He would hope that the project proponent might be able to just mitigate this anyway. From a water quality standpoint, even though the Ordinances say you can put additional coverage in an SEZ, it seems that this is what we are trying to prevent. He feels it would be in the best interest of the Lake to have this coverage mitigated.
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Mr. Ziegler replied that since 1987 TRPA has approved a great many projects under Section 20.3.A and this would just be consistent with the way staff has been approving projects for the last two years. He does agree with Mr. Dodds that if the proponent voluntarily wanted to mitigate 590 square feet x 1.5, that would be a nice gesture. He pointed out that there is onsite stream zone restoration going here.

Ms. Jamin inquired, as to the finding on the top of page 5 of the staff summary as it relates to the VMT issue, what impact would building this project have on the need to reduce VMT with respect to the community plan. Will this be required over and above the 10 percent that has already been targeted.

Mr. Ziegler responded that the key there is that today TRPA is not approving a project. This deals with an EIS and listing on the PSFL. When the time comes to approve the project, the V(g) findings have to be made at which time the Board has to determine that TRPA has in place the means and the time schedules to meet the VMT threshold and that the approval of this project is consistent with that.

MOTION by Mr. McCurry, with a second by Ms. Roberts, to add this project to the Public Services Facility List ahead of the community plan along with the five findings listed in the staff summary. The motion carried with no vote by Mr. Davis and abstention by Mr. Brooks.

Discussion then continued as to the technical adequacy of the EIS.

Mr. Harper pointed out that consistently the EIS states that the community plans are not going to be done for Incline Village until late 1991. That should be changed to late 1990.

Mr. Dodds would like to see the EIS modified to reflect the applicant's agreement to mitigate the SEZ coverage.

Mr. Greenwood would like to see the wall issue modified in that its function could be obtained by vegetation.

Mr. DeMello indicated an error in the Air Pollution Standards in Tables 4 through 37 of the draft EIS as follows:

FEDERAL (Primary)

9.3 ppm (8 hr) should be 9.0 ppm (8 hr)

75 micrograms per cubic meter (annual geometric mean) should be 50 micrograms per cubic meter (annual arithmetic mean)

260 micrograms per cubic meter (24-hr) should be 150 micrograms per cubic meter (24-hr)

MOTION by Mr. Harper, with a second by Mr. McCurry, of technical adequacy with the aforementioned amendments and recommended certification of the Incline Village Community Center Final EIS.

Mr. Dodds would like to amend the motion to include the reference to the increased mitigation of 590 square feet at one and a half times in the SEZ.
Chairman Hansen added another amendment to the motion in that the wall be phased and that the property owners be notified and be in agreement as to how the wall is to be constructed.

The motion carried with abstention by Mr. Brooks.

F. Amendment of Code Chapters 4 and 26 to Extend the Date for Adoption of Substitute Sign Ordinance

Long Range Planning Division Land Use/Regulation Team Planner Andrew Strain presented the staff summary proposing to extend the deadline for TRPA adoption of the Placer County substitute sign ordinance. Placer County has advised that they fully expect to submit a draft ordinance this fall. Therefore, the County would like to see the October 1, 1990 deadline extended so as to avoid the implementation of Chapter 26 for a short period of time. TRPA staff is proposing an amendment to extend the October deadline to January 1, 1991.

Ms. Roberts wanted to clarify that this deadline has no impact on those substitute standards that come through the community plan process or in 26.9 that referred to three community plan areas.

Mr. Greenwood stated that one of the reasons that El Dorado County did not elect to develop their own substitute sign standards was because of the community plan process and also the time frame.

MOTION by Mr. Harper, with a second by Ms. Roberts, to approve the extension of the substitute sign ordinance deadline to January 1, 1991. The motion carried unanimously.

D. Adoption of Elks Point Marina Master Plan, Douglas County

Long Range Planning Division Biologist Jean Shaffer presented the staff summary proposing adoption of the Elks Point Marina Master Plan pursuant to Chapter 16. The marina was originally intended to serve the entire Elks Point Community; however, the facility does not have enough slips to accommodate a boat for each home owner. The home owners have requested that the harbor be expanded to provide room for additional slips. The proposed master plan provides for expanding the harbor to accommodate a total of no more than 91 slips so that all buildable parcels within Elks Point, except those having a pier or boathouse, could have a boat slip. The steering committee met at least two times with the members of the Elks Point Community to hear their concerns and their wishes. TRPA staff reviewed the proposed master plan, most specifically with respect to the recreation element, the land use, noise, water quality, community design, bicycle and pedestrian, vegetation, and scenic subelements, and it is consistent with the Goals and Policies. The proposed master plan was also reviewed for consistency with the Code of Ordinances. The Code does not discriminate between public and private marinas. Approval of a master plan is not an approval of any project application related to implementation of the master plan. All such project applications must also be reviewed for consistency with the Code at the time of review. All the significant impacts of the Elks Point Harbor Master Plan were identified in the Environmental Assessment (EA). The EA concluded that, with mitigation, the impacts associated with construction and operation of the preferred alternative would be reduced to a less than significant level. The impacts and mitigation are addressed in the Mitigation and Monitoring section of the master plan. The steering committee and TRPA staff recommend
that the Advisory Planning Commission review the master plan and the EA, comment as appropriate, and recommend that the Governing Board make the required findings and adopt the ordinance adopting the master plan.

League to Save Lake Tahoe Executive Director Laurel Ames does not agree that this document is technically adequate. The water quality exceeds standards and the water quality treatment system has not been addressed. This document proposes harvesting algae, but there is no analysis of algae harvesting. The document proposes moving material from the harbor and depositing it on the beach. It is stated that first the sediments will be tested to make sure that they are clean, but then there is no proposal what will be done with the sediments if they are not clean enough. The noise analysis was based on one boat at Tahoe City. Further, the ambient noise levels are shown in three different formulas; not one of which is CNEL. The TRPA threshold is CNEL. As to the SEZ offset, there is no indication as to where the offset is. There is no adequate alternative analysis. There is no visual impact analysis pertaining to the buoys. Lastly, Ms. Ames stated that four days of document distribution time is just not adequate for review.

Mr. Jepsen inquired as to the 100 percent participation as referenced in the by-laws.

John Henderson, member of the committee working on the harbor expansion and Elks Point property owner, replied that this rule was put into the by-laws because of a sale. This has never been really tested in court to decide whether this relates to sale to an outside party, or whether it relates to a land use facility. It has been used by those who oppose any venture that anybody proposes as to applying to the use of the land, but it came to pass because of a sale. Mr. Henderson stated that a lot of time was spent in the last year and a half to try to settle this project with the people voicing opposition. A final meeting was held Memorial Day weekend and four people voted against this project at that meeting. He believes if another vote were taken today, it would be down to about one or two against the project.

Mr. Ziegler pointed out that Carla Caruso, Deputy Attorney General, wrote a letter to TRPA dated July 10, 1990 in which she addresses a number of items, including the Elks Point Marina Master Plan. Ms. Caruso states that an environmental impact statement should be prepared, the EA does not adequately address cumulative impacts, and the EA is inadequate in its discussion of water quality and monitoring.

Chairman Hansen understood that TRPA had an Ordinance that required the monitoring of the water quality for one year in advance of any activity within the shorezone.

Mr. Ziegler replied that there is language similar to that in the guidelines.

Ms. Shaffer stated that because there has been several consecutive years of drought, any kind of water sampling would be just of a puddle that has been sitting there. This would provide absolutely no information. Ms. Shaffer further stated that there is a water monitoring program that will be in place after the project has been completed.

Mr. Ziegler stated that he is a member of the steering committee and one of the things discussed at great lengths with the planning team and the people from
Elks Point was that marinas around the lake tend to be associated with very poor water quality conditions. There are a number of reasons for this. A lot of marinas tend to be located at areas where there are either creek discharges or storm water discharges into the lake. Because they tend to be areas of still and warm water, you tend to get a lot of algae blooms. The Elk Point Marina does not receive any drainage from the watershed. The only drainage that it would receive at all would be any runoff that would happen to somehow migrate across the surface of the beach and go over the sheet piling. Therefore, any algae bloom that is occurring in the Elk Point Marina during normal water conditions is simply the result of the nutrients that are in the lake as a whole and the reason that they are blooming in the marina is because the water is still and warm. Typically what happens is that the algae blooms in the early spring and then dies and floats to the surface. At that point, it is easy to harvest.

Chairman Hansen inquired about the Attorney General's problems with the EA addressing the issue of cumulative impacts of marina development on the lake.

Mr. Ziegler responded that the rule on cumulative impacts comes from CEQA but in the absence of anymore detailed guidelines in the Tahoe Regional Planning Compact, we tend to look to the CEQA and NEPA guidelines for assistance. The whole point of the cumulative impact disclosure is that in an EIS, EA, or an EIR you are obliged to disclose all impacts that you can reasonably foresee whether they are a part of this project or not. For the lake as a whole, the Marina Owner's Association is doing, in cooperation with TRPA and Lahontan, a study of cumulative impacts on dredging, navigation and so on.

Mr. Greenwood inquired if the marina is just a puddle now, will there be a proposal to dredge it out for use in drought years.

Sue Ireland of Alpengroup responded that as part of the littoral study the issue of dredging was looked at for this marina. A full-scale dredging should not be necessary to enable use of the marina.

Mr. Combs pointed out that the letter received from John Mason raises some serious issues that he has not heard staff address or comment on.

Ms. Scholley replied that she has looked at Mr. Mason's letter and it seems to her that the bulk of his objection is that he complains that the existing marina and harbor were ill-planned and have caused serious erosion damage, that the Elks Point boathouse was built illegally and that the structure is a fire hazard and an eye sore and does not conform with Elks Point own building and subdivision regulations. All of these comments are addressed to the existing marina. Ms. Scholley does not think that any of these comments go to the appropriateness or the adequacy of the environmental document and the proposed master plan.

Mr. Mason's letter goes on to conclude that further development could only adversely affect the quality of the water in the lake and the quality of the beaches in the area, but there is no explanation as to how Mr. Mason arrives at this conclusion. Therefore, Ms. Scholley does not see where this letter contains any evidence which the APC could consider or that staff can address as there is no basis for Mr. Mason's statement other than a personal opinion.

Mr. Mason has stated that he will be at the Governing Board meeting, and perhaps there will be some additional information provided at that time. Ms. Scholley does not see that these issues relating to existing problems with existing
buildings and events which occurred a long time ago are relevant as to whether or not the marina should be expanded.

MOTION by Ms. Roberts, with a second by Mr. Davis, recommending that the Governing Board make the required findings and adopt the Elks Point Marina Master Plan. The motion carried with no votes by Mr. DeMello, Mr. Jepsen and Chairman Hansen. Mr. DeMello and Mr. Jepsen are not completely satisfied that all issues are resolved based on the testimony of the League to Save Lake Tahoe and the Attorney General's office. Chairman Hansen thinks that this requires an EIS.

Ms. Scholley pointed out to the APC that they are making a recommendation to the Board on a planning matter, which is the amendment of its Regional Plan to adopt this master plan.

Mr. DeMello inquired if there will be a subsequent environmental document to this project.

Ms. Scholley replied that for the master plan, no. Individual projects that are proposed would require a project application and then additional environmental documentation on that particular project. It is possible that a particular project could require an EIS, although it would be somewhat unlikely if the master plan was approved based on a finding of no significant effect.

Mr. Jepsen inquired what a master plan is.

Mr. Ziegler explained that Chapter 16 of the Code sets that out as an overlay of the plan area statement for that area. It is a more specific window in the Regional Plan. Section 16.5 of the Code states that master plans supplement but do not replace plan area statements and community plans. They must be consistent with plan area statements and community plans.

Mr. Combs inquired if a project comes forward that is consistent with the master plan, does that obligate the Board to approve the project.

Mr. Ziegler replied no, that there is other language in Chapter 16 that states a specific or master plan is not a project approval, nor does its adoption guarantee approval of any level of development.

E. Amendment of Chapter 4, Project Review and Exempt Activities, Regarding the Provision of Mail Boxes for Home and Business Mail Delivery

Long Range Planning Division Land Use/Regulation Team Planner Andrew Strain presented the staff summary proposing to amend Section 4.2 of the Code in order to exempt from TRPA review the installation of certain mail boxes and other home and business mail delivery facilities. TRPA staff has determined that the installation of certain classes of mail boxes will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and, therefore, may be exempted from TRPA review and approval. It is anticipated that the ultimate goal of providing home and business mail delivery will have a positive impact on regional air and water quality thresholds. The activities being exempted have been conditioned with appropriate design and location criteria so as not to adversely impact applicable water quality, scenic resource and community design thresholds. The implementation of home mail
delivery has been shown in TRPA's adopted Regional Transportation Plan to reduce regional VMT between 20,000 and 40,000. Staff recommends that the APC conduct the public hearing and, based on its outcome, recommend that the Governing Board adopt the proposed amendments.

Dena Schwarte, representing the U.S. Postal Service, agrees with the proposal.

MOTION by Mr. DeMello, with a second by Ms. Roberts, recommending that the Governing Board adopt the proposed amendments. The motion carried unanimously.

H. Amendment of Plan Area Statement Boundary Between Plan Area Statements 146 (Emerald Bay) and 175 (Cascade Properties)

Long Range Planning Division Land Use/Regulation Team Planner Andrew Strain presented the staff summary proposing to relocate the boundary between PAS 146 and the adjacent residential Plan Area 175 in order to place the parcel in PAS 175 and develop a single family dwelling which could be occupied year-round. Plan Area 146 permits summer homes as a special use and does not permit year-round occupied single family dwellings. The parcel once contained a residence, and now contains two derelict buildings in a state of disrepair. A site visit by TRPA staff indicates the building materials are quite old and the building may have value as a historical resource. The eastern site boundary is formed by Cascade Creek. The creek separates the parcel from the existing Cascade Properties residential subdivision. A couple of adjacent property owners have submitted letters regarding this issue. The applicant intends to connect to the STPUD sewer system which crosses the parcel. Existing electrical lines also cross the parcel and would be used to meet the service standard. The IPES building site has already been disturbed and could be used to develop the new residence. Development of one single family residence with accessory unit and buildings would minimize additional site disturbance and adverse impacts as compared to other potential uses. The potential value of an existing historic resource shall be investigated by TRPA staff or a qualified professional prior to the removal of the existing structures and building materials. An existing 8-10' wide dirt access road is in place and, with the installation of permanent BMPs, should continue to serve as the point of access. Staff recommends that based on the outcome of the public hearing, the APC recommend to the Governing Board adoption of the proposed amendments on the condition that a historic resources report pursuant to Section 29.6 be accepted by TRPA prior to removal of the existing structures and building materials.

Mr. Combs inquired if staff has had any discussion with the applicant about rezoning just a portion of the property to accommodate the home site.

Mr. Strain replied that no such discussions have occurred and that staff has been asked to move the entire parcel, yet rezoning just a portion of the parcel might be a potential solution.

Mr. Greenwood inquired when the master plan process will be completed.

Mr. Strain replied that he would like to defer this to the California State Parks representative.

Mr. Combs asked Mr. Strain to explain the access to the site.
Mr. Strain explained that there is an existing dirt road to the property that looks like it used to serve the summer house. There is a dirt road just past Cascade Creek now. Mr. Strain reminded the APC that there is not a house there now, just dilapidated structures.

Troy Duffin, representing the property owner (applicant), agrees with the staff summary and staff's recommendation for approval of the amendment. The applicant is willing to comply in any way with any necessary historic review. Mr. Duffin has a letter from the Lake Valley Fire District that in their opinion not only the building area could be confined, but also wildfires which may result from the building and spread out. Mr. Duffin addressed the letter from Mr. Bruner (adjacent property owner to the south). There is some misinformation in that letter in that Mr. Bruner states that it is not within the boundary of STPUD. STPUD has already stated that there is no problem with having this hooked up to their system. There is, in fact, at this time a sewer line running through the property and up into the State Park area. Further, Mr. Bruner states that extensive road and utility construction will result. Again, this is not true. The sewer line is there, there are power lines running through the property, and there is an existing road. Mr. Duffin then addressed the letter from the Department of Parks and Recreation. He disagrees with the language used in this letter. The property is presently undergoing evaluation for potential sale. The appraisal is being conducted now and part of the value of the property has to do with whether this amendment is approved or not. Mr. Duffin feels that the State of California is trying to delay the approval. It is Mr. Duffin's understanding that when this plan area came about that there was some discussion as to whether it should be included in Cascade Properties or not, and only because there was no use at the time and because nobody spoke out about it, it became a part of the recreational area rather than the residential area.

Mr. Combs inquired of Mr. Duffin that if his client's intention is to build a residence, would his client be agreeable to a rezoning of a portion of the property that would accommodate enough room for the home site and leave the balance of the property in its current designation.

Mr. Duffin does not know because at this point this has not been brought up with his client. He does think this may be a viable alternative to this whole issue.

Mr. Greenwood inquired what the time frame for building is if this is approved today.

Mr. Duffin replied, if possible, May 1, 1991. It is not clear right now whether this property will be sold to someone else.

Steven Musilami of California State Parks stated that the State Parks has several concerns. They are already working on a general plan for Emerald Bay along with D.L. Bliss, Third Creek, and Sugar Pine Point. That plan will take 24 to 36 months to complete. The plan evaluates areas around the units that can possibly be added to increase the activities or the effectiveness of the State Parks. At this time the State Parks does not commit to any purchase or interest to purchase because the plan is not completed. If the remains of the existing building are of historical significance, State Parks has the expertise to evaluate and interpret that. Whereas, if it is a private residence, there is no interpretation to the public of what the historical significance was. It also creates a natural boundary between Plan Areas 146 and 175, and Mr. Musilami would like staff to go back and look at that to find out if that is a very
logical division line, why now staff is even suggesting moving the boundary. Staff also reported that if the amendment is completed, it would reduce the possibility of future campgrounds. The State Parks believes this eliminates, not reduces, the possibility of future campgrounds because once that is changed to residential there is very little chance that any of it will ever be changed back to recreational. Addressing the option of developing just a portion of the parcel, at present there is only one small area on the parcel that has a land capability of 3. That one small area would be about the only area that a structure could be built on. The land that is left would be useless to State Parks other than just open space. State Parks would like a decision postponed until the general plan is completed.

Ms. Jamin inquired if there is any way that State Parks could expedite their evaluation of this particular area.

Mr. Musilami replied that it can be evaluated but it is not official until the actual general plan is adopted.

Mr. Greenwood inquired what access would be used if the property is developed.

Mr. Musilami replied that if the property was to be developed by State Parks, access would be through the existing road.

Mr. Greenwood feels that something to consider is that the property could serve as a 36-acre buffer to the State Park from Cascade Properties. If it were to go to a single family area, the only area developed would be that one area.

Mr. Brooks inquired how State Parks would exercise acquisition of the property.

Ms. Scholley interjected at this point that it would not be proper for the APC to deny this rezoning request based on the fact that the State of California is pursuing or looking into acquisition of the property. The APC's consideration should be based on what is the appropriate zoning for the property, is it properly zoned as it is now, are the uses that are currently permitted the appropriate uses, or does the APC feel that based on the evidence that additional uses or different uses should be permitted within that plan area.

That should be based on the characteristics of the property and its location, not based on whether or not the State of California is looking into acquiring it. Ms. Scholley does think that it is somewhat relevant that the State of California is preparing a recreation plan that may address this issue, but she does not think that their acquisition program should be the basis for possible denial of this request. In terms of why you would change the boundary, it would be for reasons that you think the property should be zoned for single family residential purposes in that you think those uses are appropriate on the property, that it was incorrectly zoned the first time, that it is suited for that, etc. The reasons for denying the project would be that you do not think it is appropriately zoned for year-round single family residence use and that you think that summer home use and recreational use is appropriate and it was zoned correctly the first time; not get involved in what the property owner would like to do with it.

Ms. Roberts inquired if PAS 175 includes recreation.

Mr. Strain replied that PAS 175 does contain some recreational opportunities. However, it does not contain those which are currently in PAS 146.
Mr. Greenwood inquired what if something with a high level of historical significance is found on the property.

Mr. Strain replied that under the Code you can still demolish those types of resources as long as they are designated. At this point, it is not on the list of historical resources. It is not pending for designation at this point.

Ms. Scholley added that moving the boundary has nothing to do with the treatment of the potential historic resource. Whether it is in PAS 146 or 089, potential historical resources are subject to the same ordinance provisions.

Ms. Janin inquired if the boundary line is not moved, would they have the right to rebuild a summer home on the property without even an allocation or any permit from TRPA and how would this be enforced as a summer home.

Ms. Scholley replied that it is her understanding that the building has not functioned as a residence for quite some time and it would seem to her that they would need an allocation to build a summer home also. Enforcement would be with the same situation with all of the summer homes around the Basin. The fact that it is only approved as a summer home, full-time use would be a violation of the ordinance and if TRPA were able to document that they would take the appropriate enforcement action at that time.

Mr. Barrett stated that a summer home is a regulated use. In fact, it may or may not be subject to IFES. Such structures are generally located in areas of restricted winter access.

Mr. Duffin stated that no matter what the State of California may want to do, the property owner is not obligated in any way to sell it to the State. It has historically been used as a summer home. The applicant is willing to comply with whatever conditions are placed on the property for historic analysis.

MOTION by Ms. Roberts, with a second by Mr. Greenwood, to move the plan area boundary from Plan Area 146 to Plan Area 175 for the subject parcel with the conditions that staff recommends a historic resource evaluation be conducted and with the condition that fire protection be extended to that property. The motion carried with a no vote by Mr. Combs and an abstention by Chairman Hansen. Mr. Combs voted no because he feels that it was appropriately zoned in the classification that currently exists at the time the PASs were adopted. Chairman Hansen abstains because he is an adjacent property owner.

VI REPORTS (No Action)

B. Legal Counsel

Ms. Scholley reported that the proposed amendments to Article VII of the Rules of Procedure went to the Board last month and were not passed. There was quite a bit of discussion at the Board level about the appropriateness of expanding the scope of APC's involvement in projects. Several Board members were quite concerned and did not feel that was consistent with the Compact. Eric Toll and Alice Baldrica happened to be serving in place of Board members and Vivian Roberts also addressed the Board. At this point in time the Board has sent those amendments back to the Rules Committee and will be continuing to grapple with resolving the apparent conflict that is developing between the APC's needs,
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interests and desires, and the concerns of some Board members. It was defeated on the Nevada side.

D. Public Interest Comments

Tahoe Sierra Preservation Council Executive Director Steve Teshara expressed the Council’s extreme displeasure with the way that the shorezone amendments are being handled. Conclusions of the fish study are still not reflected in the work of staff and the recommendations of staff. The Council does not support the amendments that were being offered in reference to the clean-up work. They belong in the larger package and until there is a full package the Council is not going to support the changes. No one has a study showing any demonstrable negative affects of piers on fish. While we understand that the State of California continues the moratorium on its side of the Basin in terms of pier construction through the State Lands Commission, what is happening here is that Nevada interests are being subjugated to the California point of view and that is not proper. Mr. Teshara also commented that the shorezone work program is not acceptable.

Ona Sahajun, Elk Point resident, is of the opinion that the fish study is not really being addressed. A group of Elk Point residents who are property owners on the shorezone had a meeting with Jean Shaffer and Dave Ziegler in reference to the passing of the Master Plan and EA for Elk Point Harbor. Ms. Sahajun is not in opposition to the harbor; however, she does not own a pier or buoy. She feels that the fish study is erroneous.

C. APC Members

Mr. Greenwood was distressed at seeing an airplane towing an advertising banner on July 4. He would like to see something done to tone down this type of advertising.

Mr. Combs recommended taking a closer look at how many items are packed on the agendas. He thinks it is a real common situation and stated that the Placer County Planning Commission is starting to cut their agendas back as they used to pack them and go until 7:00 or 8:00 p.m. He would like to see cutting back on the number of items or going to a two-day meeting.

Chairman Hansen suggested a two-day meeting next month to catch up.

VIII PENDING MATTERS - None

IX ADJOURNMENT - The meeting adjourned at 5:35 p.m.

Respectfully submitted,

Janice McClure
Legal Secretary

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. Copies of documents distributed at the meeting are available at TRPA.

-24-
MEMORANDUM

July 27, 1990

To: Advisory Planning Commission
From: Agency Staff
Subject: Amendment of Land Capability Overlay Map by Amendment of the Regional Plan; APN 32-130-07, 08 & 09 and APN 19-050-05 & 10; Camp Richardson Resort, State Highway 89, El Dorado County

Background

The United States Forest Service (USFS) contracted with Sid Davis, Certified Professional Soil Scientist, to complete a land capability verification of the Camp Richardson property. The field investigations done by Sid Davis found the soils to be different than as mapped and, subsequently, a detailed soils report was completed. Based on the Davis soils report, the USFS filed a land capability challenge to change the land capability districts for the Camp Richardson property.

The proposed land capability changes encompass an area of 114.7 acres, comprising five parcels of record. Since the area of the land capability challenge is greater than five acres and involves multiple parcels, the proposed action is appropriately processed pursuant to Chapter 20.2.E. of the TRPA Code, Amendment of the Land Capability Overlay Maps by amendment of the Regional Plan.

Soils

The Camp Richardson property is mapped as Be (Beaches), Ev (Elmira loamy coarse sand, wet variant), Mh (Marsh), EfB (Elmira-Gefo loamy coarse sand, 0 to 5 percent slopes) and TcB (Tallac gravelly coarse sandy loam, seeped, 0 to 5 percent slopes) map units, as defined in the Soil Conservation Service Tahoe Area Soil Survey (Rodgers, 1974). The soil map units Be, Ev and Mh are assigned land capability class 1b and identified as stream environment zone (SEZ) area. The EfB soil map unit is assigned land capability class 7, and TcB is assigned class 5.

AGENDA ITEM IV A.
Memorandum to Advisory Planning Commission
Amendment of Land Capability Overlay Map by Amendment of the Regional Plan;
APN 32-130-07, 08 & 09 and 19-050-05 & 10
Page 2

The mapped geomorphic units for this area are E-3 (alluvial lands, high hazard lands) and E-2 (Outwash, Till and Lake deposits, low hazard lands).

The soils analysis of this parcel was done by Davis Consulting Earth Scientists, and a soils investigation report was prepared. The soils identified in the Davis report found three different soil types in the Tallac soil series. One of the found Tallac soils is not recognized in the Tahoe Area Soil Survey and is labeled as the TdB (Tallac gravely coarse sandy loam, 0 to 5 percent slopes) map unit. The TdB map unit is best classified as land capability class 6, allowing 30 percent land coverage. The other Tallac soils identified were the TcB (Tallac gravelly coarse sandy loam, seeped, 0 to 5 percent slopes) map unit and the TdD (Tallac stony coarse sandy loam, 5 to 15 percent slopes) map unit. Both soil map units are assigned land capability class 5. The other soil map units identified on the property are as mapped and comprise the land capability class 1b areas. There is one ephemeral SEZ which drains into the Pope marsh area. The boundaries of the land capability districts are shown on the attached site plan map.

The identified soil map units are consistent with the geomorphic units identified for this area.

REQUIRED FINDINGS

The following is a list of required findings as set forth in Chapters 6 and 20 of the TRPA Code of Ordinances. Following each finding, TRPA staff has briefly summarized the evidence on which the required finding may be made.

A. Chapter 6 Findings

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements, the Code and other TRPA Plans and programs.

Rationale and Evidence: The proposed amendment of the Regional Plan to amend TRPA Land Capability Overlay Maps (sheets F-17 and F-18) is consistent with the method set forth in Chapter 20 of the Code. No significant impacts on the Regional Plan, Goals and Policies, Plan Area Statements, the Code and other TRPA plans and programs are anticipated.

/gs
7/27/90

AGENDA ITEM IV A.
2. The project will not cause the environmental threshold carrying capacities to be exceeded.

Rationale and Evidence: The basis on which this finding can be made is provided in the checklist entitled, "Checklist: Article V(g) Findings", in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained in said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Advisory Planning Commission hearing and at TRPA.

3. Wherever Federal, State, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained, pursuant to Article V(d) of the TRPA Compact, the project meets or exceeds such standards.

Rationale and Evidence: The basis on which this finding can be made is provided in the checklist entitled, "Checklist: Article V(g) Findings", in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained in said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Advisory Planning Commission hearing and at TRPA.

4. The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale and Evidence: For the reasons stated in support of Findings 1, 2, and 3 above, the proposed amendment will result in the Regional Plan Package continuing to achieve and maintain thresholds.

B. Section 20.2.E. Findings

Finding (1): Minimum Area of Land. An amendment of the Regional Plan, pursuant to Subsection 20.2.E., shall be limited to an area of land five or more acres in size.

Rationale and Evidence:

The Camp Richardson area is approximately 114.7 acres in size.
Finding (5)b: Creation of New Land Capability Districts. Creation of a new land capability district on the Land Capability Overlays, which new district shall be five contiguous acres or more in area, which new unit shall be one square mile or more in area, unless smaller, more precise mapping units are adopted by TRPA, in which event the smaller units may be used.

Rationale and Evidence:

The recommended land capability units will entail area-wide boundary line adjustments of the land capability districts. The recommended land capability units are consistent with the land capability classification system as set forth in the Regional Plan. The reconfiguration of these land capability units will result in allowable land coverage that is different than as mapped. These boundary line adjustments affect three parcels in the Camp Richardson area.

STAFF RECOMMENDATION

Staff requests the Advisory Planning Commission recommend the Governing Board approve the proposed Regional Plan amendment to change the land capability overlay maps as depicted on the attached map for the Camp Richardson area (F-17 and F-18).
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
SOIL INVESTIGATION AND SOIL SURVEY

for

COMPTCHEA DRAIN

ELDORADO COUNTY, CALIFORNIA

Prepared

 mot

U.S. FOREST SERVICE
SOUTHERN REGIONAL DESTRICT OFFICE
WATER RESOURCES DIRECTOR

October 16, 1980

Prepared

by
October 10, 1989

Soil Investigation and Soil Survey
for
Camp Richardson
El Dorado County, California

Introduction:

A soil investigation and soil survey was made for the Camp Richardson parcel in El Dorado County in September 1989. Camp Richardson lies about one mile west of South Lake Tahoe along State Highway 89. It is bisected by Highway 89 with the northern part extending to the Lake front adjacent to Jameson Beach. The southern part includes lands roughly 500 to over 1000 feet south of the highway.

This work was done at the request of the Watershed Division of the U.S. Forest Service, South Lake Tahoe District Office. The objective of this work was to conduct a more detailed soil survey for the parcel then currently available and relate the results to Land Capability, allowable land coverage, and possible stream environment zones, as utilized in the Lake Tahoe Basin.

Personnel involved in this investigation and mapping project were Grant M. Kennedy, John H. Rogers and Sidney W. Davis, Certified Professional Soil Scientists.

Environmental Setting:

The geologic map for the south half of the Tahoe Basin (Barnett) shows Camp Richardson within an area consisting of Glacial moraines (Qm), Glacial outwash (Qg), and Recent lake beds (QI). The geomorphic analysis of the Lake Tahoe Basin by Bailey shows Camp Richardson within
two geomorphic units - Alluvial lands (E3) and Outwash, Till and Lake deposits (E2). Soils are shown on TRPA map sheets F17 and F18 as Beaches (Be), Elmira - Gefo loamy coarse sand, 0 to 5 percent slope (Efb), Elmira loamy coarse sand, wet variant (Ev), Marsh (Mh), and Tallac gravelly coarse sandy loam, 0 to 5 percent slope (TcB).

The property lies just north of Tahoe Mountain. The physiography is made up of sloping and gently sloping moraines generally south of the highway, gently sloping outwash fans north of the highway, and a marsh in the backwater area behind a beach terrace, along the lakeshore. The moraines and outwash fans are generally wooded with Jeffrey pine, White fir and some incense cedar. The understory is generally sparse except along the fringe of the marsh where perennial grasses and some shrubs are more prevalent. The marshy area has a variety of hydrophytic plants with sedges, clumps of willows, dock, mint and dense cover of perennial grasses. There are also some Lodgepole pine along the transition from marsh to outwash fan. A first order stream enters the property near the southwest corner and flows northward in the direction of the marsh.

The property has been utilized for recreation with scattered camp sites. A few cabins and headquarter buildings are principal works and structures.

Procedures:

The Soil Survey of the Tahoe Basin (Rogers, et. al.) was reviewed concerning the kinds and location of soils that are delineated on the 1:24,000 scale maps in relation to Camp Richardson. The Forest Service provided an aerial photo enlargement at a scale of about one inch equals 450 feet for use as a base map.

The soils were examined using a soil auger and shovel and a backhoe.

ESGIS® Consulting Earth Scientists P.O. Box 734 Georgetown, CA 95634 (916) 333-1405
was employed to inspect the sites most difficult to excavate with hand tools. The slopes were measured with a hand held clinometer. The boundaries between each soil unit were traversed and delineated on the aerial photo map.

Representative sites were selected for each different soil type occurring in this tract. The soil profiles of these locations were examined and described in some detail. The location of these are shown on the aerial map and copies of these soil descriptions are included in this report for reference.

Findings:

Eight different soil mapping units were found on the Camp Richardson property. These are listed and discussed as follows:

Map Symbol - Be (Beaches)
This soil unit occurs nearest the lakeshore, north of the cabins. It constitutes the wave-cut terrace at the waters edge and terminates abruptly at the toe of the glacial outwash material on the south. No formal description was made of this miscellaneous land type. It is placed in Land Capability Class 1b.

Map Symbol - EfB (Elmira - Gefo loamy coarse sand, 0 to 5 percent slopes)
This soil occurs near the east property boundary and is a small area located on both sides of Highway 89. The vegetation is an open stand of Jeffrey pine and White fir with scattered Basin sagebrush, bitterbrush and rabbit brush as an understory. These soils are deep and consist of dark gray, medium acid, gravelly loamy coarse sands overlying brown medium acid cobbly loamy coarse sands at about a 40
inch depth. Soil drainage is somewhat excessive. Soil profile No. 5 is representative of these soils. These soils would have a slight relative erosion potential and a low runoff potential. The EfB soil unit has been placed in Land Capability Class 7.

Map Symbol Ev - Elmira loamy coarse sand, wet variant
The Elmira wet variant is found just back of the beach berm of Jameson Beach in the northeast segment of the parcel. The vegetation is mostly sedges, with scattered patches of willows. These soils underlie a dense mat of sedge roots. They consist of medium acid coarse sands deposited over muck at about a 50 inch depth. They are almost black or very dark grey in the upper 2 feet. Free water was at about 36 inches at the time of inspection. Soil drainage is very poor. Soil profile No. 1 is representative of these soils. These soils are classified as being in a stream environment zone and are placed in Land Capability Class 1b.

Map Symbol - Lo (Loamy alluvial land)
These soils are found around the fringe of the marsh south of Jameson Beach. They lie in a transition zone from a glacial outwash fan to the marsh. The vegetation is numerous willow thickets, lodgepole pine and sedges. The soils are variable but generally consist of a dark gray fine sandy loam surface over a dark brown highly mottled subsoil. These soils are saturated for extended periods. Soil drainage is poor or very poor. Soil profile No. 4 is representative of these soils. This soil unit is considered a stream environment zone and receives Land Capability 1b.
Map Symbol Mh - Marsh
This soil unit is located in the northeast part of Camp Richardson south of Jameson Beach. The area is ponded for long periods. At the time of inspection the area was covered with mint, some sedges, dock and willows in thicket. Theses soils consist of about a foot or more of peat and muck over a bluish gray prominently mottled gravelly sandy clay loam. These soils are ponded and very poorly drained. Soil profile No. 2 is typical of the marsh area. This soil unit is within a stream environment zone and is placed in Land Capability 1b.

Map Symbol - TcB (Tallac gravelly coarse sandy loam seeped 0 to 5 percent slopes.)
This soil unit occurs mostly north of Highway 89 in the eastern part of the parcel. A first order stream crosses this unit. The vegetation is Jeffrey pine, white fir, incense cedar and perennial grasses. The soils occupy gently sloping topography. They can be characterized as having as grayish brown to brown, slightly acid, gravelly sandy loam topsoil over a yellowish brown, medium acid, very cobbly coarse sandy loam subsoil overlying a somewhat cemented pan of about 40 to 50 inches. These soils are moderately well drained. They are subject to seepage during the snow melt period when water accumulates above the pan. Soil profile No. 9 is representative of this unit. The soils in the unit would have a slight relative erosion potential and a moderately high runoff potential. They have been classified as being in Land Capability 5.
Map Symbol – TdB (Tallac gravelly coarse sandy loam, 0 to 5 percent slopes.)

This soil unit has not previously been defined in the Lake Tahoe Basin. It is proposed because there is presently no map unit for a well drained Tallac soil with slopes less than 5 percent. It occurs in two separate delineations on the Camp Richardson property. The largest area is on the west side of the parcel, on a glacial outwash fan, extending from the lake shore, southward, to a point about 400 feet south of Highway 89. It includes the area where most all of the buildings are situated including the cabins, headquarters and other structures south of Highway 89. The smaller delineation is near the southwest corner of the property. The vegetative cover on the larger delineation is Jeffrey pine with a few Incense cedar and Lodgepole pine. Portions have been irrigated and have more perennial grasses and forbs on ground cover. The smaller unit has White fir, Incense cedar, and Jeffrey pine with scattered Huckleberry oak and Mountain whitethorn.

These soils occur on very gently sloping topography. They are deep and well drained. They can be characterized as having a brown slightly acid gravelly sandy loam topsoil and a brownish yellow strongly acid sandy loam subsoil. The smaller unit has more coarse fragments in the subsoil and is more typical of the Tallac soil series. Soil profile No. 6 is representative of this area. The larger delineation has fewer coarse fragments as is typified by Soil Profile No. 3 but the soil is reasonably similar to the Tallac series for use and management purposes.

The soils of this mapping unit has a slight relative erosion potential and a slow runoff potential. They are placed in Land
Capability Class 6 in accordance with criteria utilized in the Basin.

Map Symbol TdD – (Tallac stony coarse sandy loam, 5 to 15 percent slopes.)
The TdD mapping unit consists of two delineations of the steeper topography of the Tallac soils in the morainal area in the southwestern part of Camp Richardson. The vegetation is mostly Jeffrey pine and fir with little understory. The soils are characterized by having a yellowish brown medium acid gravelly sandy loam topsoil over a light yellowish brown medium acid very cobbly coarse sandy loam subsoil with a silica cemented pan at about 50 to more than 60 inches depth. Soil Profile No. 7 is representative of this soil unit. These soils are well drained.

Soil included in this mapping unit would have a slight to moderate relative erosion and a low runoff potential. These soils have been placed in Land Capability Class 5.

Conclusions:
The soils of the Camp Richardson property were mapped in detail on a large scale aerial photo which is with this report. There are seven different soil mapping units. These are summarized in the following table and the Land Capability and allowable land coverage as utilized in the Tahoe Basin are shown for each unit.

<table>
<thead>
<tr>
<th>Map Symbol</th>
<th>Soil Name</th>
<th>Capability Class</th>
<th>Allowable Land Coverage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Be</td>
<td>Beeches</td>
<td>1b</td>
<td>1</td>
</tr>
<tr>
<td>E/B</td>
<td>Elmira-Gefo loamy coarse sand, 0 to 5 percent slopes</td>
<td>7</td>
<td>30</td>
</tr>
<tr>
<td>Ev</td>
<td>Elmira wet variant</td>
<td>1b</td>
<td>1</td>
</tr>
<tr>
<td>Map Symbol</td>
<td>Soil Name</td>
<td>Capability Class</td>
<td>Allowable Land Coverage (%)</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------</td>
<td>------------------</td>
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</tr>
<tr>
<td>Lo</td>
<td>Loamy alluvial land</td>
<td>1b</td>
<td>1</td>
</tr>
<tr>
<td>Mn</td>
<td>Marsh</td>
<td>1b</td>
<td>1</td>
</tr>
<tr>
<td>TcB</td>
<td>Tallac gravely coarse sandy loam, seeped, 0 to 5 percent slopes.</td>
<td>5</td>
<td>25</td>
</tr>
<tr>
<td>TdB</td>
<td>Tallac gravely coarse sandy loam, 0 to 5 percent slopes.</td>
<td>6</td>
<td>30</td>
</tr>
<tr>
<td>TdD</td>
<td>Tallac stony coarse sandy loam, 5 to 15 percent slopes.</td>
<td>5</td>
<td>25</td>
</tr>
</tbody>
</table>

Respectfully Submitted,

[Signature]

Sidney Davis
Certified Professional
Soil Scientist No. 1031
Soil Profile No. 1

Ev - Elmira wet variant
Vegetation - Dense growth of sedges, scattered willow thickets.
Slope - 1 percent
Drainage - Very poor
(Colors are for moist soil since profile is seldom dry)

0  4 to 0 inches, thick mat of fine roots.

A1  0 to 18 inches, black (10YR 2/1) coarse sand; single grained; loose,
     very friable, nonsticky and nonplastic; many very fine and fine roots; many fine and medium interstitial pores; medium acid; gradual smooth boundary.

AC  18 to 26 inches, very dark gray (10YR 3/1) coarse sand; single grain; loose, very friable, nonsticky and nonplastic; very few fine roots; pores as above; medium acid; gradual smooth boundary.

C1  26 to 32 inches, dark brown (10YR 3/2) coarse sand; single grained;
     loose, very friable, nonsticky and nonplastic; pores as above;
     medium acid; clear smooth boundary.

C2  32 to 54 inches, yellowish brown (10YR 5/4) coarse sand; single grain; loose, very friable nonsticky and nonplastic; slightly acid; abrupt smooth boundary.

Ab  54 to 60 inches, black (5Y 5/1) muck; neutral in reaction.

Note: Free water at 36 inches as of this date.

Soil Classification: Sandy mixed frigid Cumulic Humaquept
Soil Series: Elmira wet variant

Soil Profile No. 2

Mh - Marsh
Vegetation - mint, sedges, dock and willows in thickets
Slope < 1 percent
Drainage - very poor - ponded for long periods in some years. (Colors for moist soil)

01 14 to 10 inches, very dark brown (10YR 2/2) peaty muck; many very fine roots; slightly acid; clear smooth boundary.

02 10 to 0 inches, black (10YR 2/1) muck with common medium prominent dark bluish gray (5G 5/1) mottles; many very fine and fine roots; slightly acid; clear smooth boundary.

Cg1 0 to 36 inches, bluish gray (5GY 5/1) gravelly sandy clay loam with many coarse prominent dark bluish gray (5GY 4/1) mottles, massive; hard, friable, slightly stick and slightly plastic; few very fine tubular pores; neutral; 20 percent gravels, gradual smooth boundary.

Cg2 36 to 40 + inches, bluish gray (5Y 5/1) very gravelly sandy clay loam; massive, hard friable; slightly sticky and slightly plastic; few very fine tubular and interstitial pores; neutral; 40 percent gravels.

Free water at 36 inches as of this date

Classification: Fine loamy mixed, frigid, Histic Humaquept.
Soil Series: Marsh (Miscellaneous Land Type)

Soil Profile No. 3

TdB - Tallac gravelly coarse sandy loam, 0 to 5 percent slopes.
Vegetation- Dominantly Jeffrey pine, few incense cedar and lodgepole pine. Portions that are irrigated have some perennial grasses and forbs.
Slope - 3 percent
Drainage - Well drained

0 1/2 to One inches, conifer needles and duff

A11 0 to 8 inches, dark grayish brown (2.5Y 4/2) gravelly sandy loam, black (10YR 2/2) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; common very fine roots; common fine interstitial pores; neutral; 20 percent gravels; clear smooth boundary.
A12 8 to 18 inches, grayish brown (2.5Y 5/2) gravelly sandy loam, black (10YR 2/2) moist; massive; soft very friable, nonsticky and nonplastic; many very fine to medium, few coarse roots, many very fine and fine interstitial pores; neutral; 20 percent gravels; gradual smooth boundary.

AC 18 to 26 inches, brown (10 YR 5/3) gravelly sandy loam, dark grayish brown moist; massive, soft, very friable, nonsticky and nonplastic; common fine, medium, few coarse roots; common very fine and fine interstitial pores, few fine tubular; neutral; 25 percent gravels; clear smooth boundary.

C1 26 to 44 inches, light yellowish brown (2.5Y 6/4) gravelly sandy loam, dark grayish brown (2.5Y 4/2) moist; massive; soft, very friable, nonsticky and nonplastic; common fine and medium, few coarse roots; pores as above; slightly acid; 25 percent gravels; clear smooth boundary.

C2 44 to 60 inches, light gray and pale yellow (2.5Y 7/2, 7/4) very fine sandy loam with common fine prominent strong brown (7.5YR 5/6) mottles, pale brown and light yellowish brown (2.5Y 4/4, 6/4) with common fine prominent yellowish red mottles moist; massive; slightly hard, friable, nonsticky and slightly plastic; common fine tubular pores; neutral.

Soil Classification: Coarse-loamy, mixed, frigid Pachic Xerumbrept
Soil Series: Tallac taxadjunct

Soil Profile No. 4

Lo - Loamy alluvial land
Vegetation - Numerous willow thickets, lodgepole and sedges
Slope - 1 percent
Drainage - Poor to very poor

A1 0 to 8 inches, dark gray (10Y 4/1) fine sandy loam, black (10YR 2/1) moist; strong fine granular structure soft, very friable, nonsticky and nonplastic; many very fine and fine roots.

C1 8 inches plus, pale brown (10YR 6/3) fine sandy loam with common medium prominent strong brown (7.5YR 5/8) mottles, dark brown and dark yellowish brown (10YR 3/3,3/4) moist;
massive slightly hard, very friable, nonsticky and nonplastic.

Soil Classification - Variable
Soil Series - Loamy alluvial lands (miscellaneous Land Type)

Soil Profile No. 5

Efb  -  Eimira - Gefo loamy coarse sands, 0 to 5 percent slopes
Vegetation  -  Jeffrey pine, fir, bitterbrush, manzanita, basin sagebrush, rabbit brush.
Slope  -  3 percent
Drainage  -  Somewhat excessive

0  1/2 to 0 inches, conifer needles and duff

A11  0 to 5 inches, dark gray (10YR 4/1) loamy coarse sand, black (10YR 2/1) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine roots; many very fine and fine interstitial pores; medium acid; 10 percent gravels; clear smooth boundary.

A12  5 to 21 inches, dark grayish brown (10YR 4/2) gravelly loamy coarse sand, black (10YR 2/1) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine, common medium roots; pores as above; slightly acid; 15 percent gravels; gradual smooth boundary.

AC  21 to 36 inches, dark grayish brown (10YR 4/2) gravelly loamy coarse sand, black (10YR 2/1) moist; single grained; loose, very friable, nonsticky and nonplastic; many very fine to coarse roots; pores, reaction, and coarse fragments as above; clear wavy boundary.

C1  36 to 52 inches; brown (10YR 5/3) very cobbly loamy coarse sand, very dark brown (10YR 4/3) moist; single grained; loose, very friable, nonsticky and nonplastic; common fine to coarse roots; many very fine and fine interstitial pores; medium acid; 15 percent gravels, 25 percent cobblestones, clear wavy boundary.

C2  52 to 60 inches, pale brown (10YR 6/3) gravelly coarse sand, dark brown (10YR 4/3) moist; single grain; loose, very friable,
nonsticky and nonplastic; few medium roots; slightly acid; 15 percent gravels.

Soil Classification - Sandy mixed, Frigid, Pachic Xerumbrepts.
Soil Series - Gefo

Soil Profile No. 6

TdB - Tallac gravelly coarse sandy loam, 0 to 5 percent slopes
Vegetation - White fir, Incense Cedar, Jeffrey pine, sugar pine, scattered huckleberry oak, mountain whitehorn.
Slope - 3 percent
Drainage - Well drained

0 2 to 0 inches, conifer needles and duff

A1 0 to 11 inches, brown (10YR 4/3) gravelly sandy loam, dark brown (10YR 3/3) moist; weak fine granular structure; loose, very friable, nonsticky and nonplastic; many fine to medium roots; many very fine and fine interstitial pores; neutral; 15 percent gravels; gradual smooth boundary.

AC 11 to 26 inches, yellowish brown (10YR 5/6) gravelly sandy loam, dark yellowish brown (10YR 4/4) moist; weak medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; many fine to coarse roots, many very fine and fine interstitial pores; slightly acid; 17 percent gravels; clear smooth boundary.

C1 26 to 50 inches, brownish yellow (10YR 6/6) very stony sandy loam, yellowish brown (10YR 4/4) moist; massive; soft, very friable, nonsticky and nonplastic; many fine to coarse roots; pores and reaction as above; 15 percent gravels, 20 percent cobblestones and 25 percent stones, gradual wavy boundary.

C2 50 to 73 inches, brownish yellow (10YR 6/6) very stony sandy loam, yellowish brown (10YR 5/4) moist; massive; soft, very friable, nonsticky and nonplastic; common fine and medium roots; many very fine and fine interstitial pores; strongly acid; coarse fragments as above.

Soil Classification: Loamy skeletal, mixed, frigid, Entic Xerumbrepts.
Soil Series: Tallac
Soil Profile No. 7

TdD - Tallac stony coarse sandy loam, 5 to 15 percent slopes.
  Vegetation - Jeffrey pine, White fir
  Slope - 6 percent
  Drainage - Moderately well

A1 1 0 to 2 inches, very dark grayish brown (10YR 3/2) gravelly sandy loam, very dark brown moist; weak fine subangular blocky structure; slightly hard, very friable, nonsticky and nonplastic; common very fine and fine few medium roots; common very fine and fine interstitial pores; medium acids 15 percent gravels, abrupt smooth boundary.

A12 2 to 10 inches, yellowish brown (10YR 5/4) gravelly sandy loam, very dark grayish brown moist; weak medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; common fine and medium roots; many very fine and fine interstitial pores; medium acid 15 percent gravels; gradual smooth boundary.

C1 10 to 26 inches, yellowish brown (10YR 5/4) gravelly sandy loam, brown (10YR 4/3) moist; massive; soft, very friable, nonsticky and nonplastic; common fine to coarse roots; many very fine and fine interstitial pores; medium acid; 15 percent gravels 5 percent cobblestones; clear wavy boundary.

C2 26 to 50 inches, light yellowish brown (10YR 6/4) very cobbly coarse sandy loam, yellowish brown (10YR 5/4) moist; massive; loose, very friable, nonsticky and nonplastic; common fine to coarse roots; many very fine and fine interstitial pores; medium acid; 10 percent gravels, 45 percent cobblestones, 5 percent stones; abrupt wavy boundary.

C3sim 50 to 66 inches; light gray (5Y 7/2) silica cemented pan with reddish yellow (7.5YR 6/8) mottles; light brownish gray (2.5Y 6/2) with yellowish brown (10YR 5/6) mottles moist; massive, very hard, very firm; nonsticky and nonplastic; few medium roots; very few fine tubular pores.

Note: Surface somewhat compacted from foot traffic - few medium
roots penetrate cracks in pan.

Soil Classification: Loamy skeletal, mixed, frigid, Entic Xerumbrept
Soil Series: Tallac

Soil Profile No. 8

TcB - Tallac gravelly coarse sandy loam, seeped, 0 to 5 percent slopes.
Vegetation - Jeffrey pine, incense cedar, bitterbrush, manzanita
Slope - 3 percent
Drainage - Moderately well

0  1/2 to 0 inches, conifer needles and duff

A1  0 to 4 inches, dark grayish brown (10YR 4/2) gravelly sandy loam, very dark grayish brown moist; weak fine subangular blocky structure; slightly hard, very friable, nonsticky and nonplastic; few medium roots; common very fine and fine interstitial pores; medium acid; 15 percent gravels; clear smooth boundary.

A12 4 to 14 inches, brown (10YR 5/3) gravelly sandy loam, dark brown (10YR 3/3) moist; weak medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; many fine to coarse roots; many very fine and fine interstitial pores; medium acid; 15 percent gravels, 5 percent cobblestones; gradual wavy boundary.

C1  14 to 30 inches, light yellowish brown (2.5Y 6/4) very cobbly coarse sandy loam, brown (10YR 4/3) moist; massive; loose, very friable, nonsticky and nonplastic; many very fine to coarse roots; many very fine and fine interstitial pores; 20 percent gravels; 25 percent cobblestones, 10 percent stones; gradual wavy boundary.

C2  30 to 52 inches, light yellowish brown (10YR 6/4) very cobbly coarse sand, brown (10YR 4/3) moist; massive; loose, very friable, nonsticky and nonplastic; common fine and medium, few coarse roots; many very fine and fine interstitial pores; medium acid; 25 percent gravels, 35 percent cobblestones, 5 percent stones; clear wavy boundary.
C3  52 to 57 inches, olive brown (2.5Y 6/4) very gravelly coarse sand, olive brown (2.5Y 5/4) moist; massive; loose, very friable, nonsticky and nonplastic, few fine and medium roots; many very fine and fine interstitial pores; medium acid; 35 percent gravels, 20 percent cobblestones; clear smooth boundary.

C4  57 to 67 inches, brownish yellow (10YR 6/6) with many large faint yellowish brown (10YR 5/6) mottles, dark yellowish brown (10YR 4/4) very gravelly coarse sand, dark yellowish brown (10YR 4/4) with many large faint yellowish brown mottles moist; massive; loose, very friable, nonsticky and nonplastic; few fine and medium roots; many very fine and fine interstitial pores; strongly acid; 35 percent gravels, 20 percent cobblestones.

Note: Surface slightly compacted from foot traffic. Evidence of seasonal water table at 52 inches.

Soil Classification: Loamy skeletal mixed, frigid Entic Xerumbrept
Soil Series: Tallac

Soil Profile No. 9

TcB - Tallac gravelly coarse sandy loam, seeped, 0 to 5 percent slopes.
Vegetation - Jeffrey pine, white fir, incense cedar, perennial grasses
Slope - 3 percent
Drainage - Moderately well

0  2 to 0 inches, conifer needles and duff.

A1  0 to 6 inches, grayish brown (10YR 5/2) gravelly sandy loam, very dark grayish brown (10YR 3/2) moist; weak fine granular blocky structure; soft, very friable, nonsticky and nonplastic; many very fine and fine, common medium roots; many very fine and fine interstitial pores; slightly acid; 15 percent gravels; clear smooth boundary.

A12 6 to 19 inches, dark yellowish brown (10YR 4.4) gravelly sandy loam, dark brown (10YR 3/3) moist; weak subangular blocky structure parting to weak fine granular; soft, very friable, nonsticky and nonplastic; many fine to coarse roots; pores as
Soil Investigation and Soil Survey for Camp Richardson
El Dorado County, California

above; slightly acid; 25 percent gravels; gradual smooth boundary.

C1 19 to 43 inches, light yellowish brown (10YR 6/4) very cobbly coarse sandy loam, yellowish brown (10YR 5/4) moist; massive; soft, very friable, nonsticky and nonplastic; common fine to coarse roots; pores as above; medium acid; 25 percent gravels, 30 percent cobblestones; 5 percent stones; gradual smooth boundary.

C2sim 43 to 56 inches, light yellowish brown (2.5Y 6/4) very gravelly loamy coarse sand with many medium prominent strong brown (7.5YR 5/6) mottles, olive brown (2.5Y 4/4) with many medium prominent yellowish red (5YR 4/6) mottles; massive, slightly hard, very friable; nonsticky and nonplastic; few medium roots; common very fine and fine interstitial pores; strongly acid; 30 percent gravels, 25 percent cobblestones.

Note: Some zones of cementation in C2sim, but no a continuous cemented layer.

Soil Classification: Loamy skeletal, mixed, frigid Entic Xerumbrept
Soil Series: Tallac (seeped phase)
MEMORANDUM

July 31, 1990

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Chapter 4 Project Review and Exempt Activities, to Adopt Memoranda of Understanding between TRPA and NDOT

Staff proposes an amendment to Chapter 4 of the Code of Ordinances to exempt certain activities of the Nevada Department of Transportation (NDOT) from TRPA review.

Description and Discussion

Pursuant to Section 4.8 of the TRPA Code of Ordinances, TRPA may amend Chapter 4 to exempt those activities of public and quasi-public entities set forth in memoranda of understanding (MOUs) between TRPA and such entities. The format of the MOUs is similar to that found in Sections 4.2 and 4.3 of the Code. Activities are separated into categories of exempt and qualified exempt. Those activities are described in the MOU. NDOT may undertake exempt activities without contacting TRPA, and may commence activity on qualified exempt activities provided they give written notice five business days prior to the activity commencing. All activities, whether exempt or not, must comply with the TRPA Regional Plan, including the Code of Ordinances and Handbook of Best Management Practices.

At this time, NDOT is reviewing a final draft of the MOU. This draft MOU is identical to the Caltrans MOU reviewed by the APC in June, approved by the Governing Board on June 27, 1990, and subsequently signed by Caltrans and TRPA. NDOT and TRPA staff do not anticipate any significant changes to the draft MOU. If available, Agency staff will review any changes and the final MOU at the APC meeting. A copy of the draft MOU is attached for your information.

Environmental Documentation

Staff has completed the Environmental Checklist for the Initial Determination of Environmental Impact. Based on the Checklist, staff recommends a finding of no significant effect on the environment.

7/31/90
/la
Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

A. The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs;

Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOU are minor in nature, and are subject to all the provisions of the Regional Plan. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project will not cause the environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU are subject to the provisions of the Regional Plan. The activities are minor in nature, are subject to restrictions, and are geared toward essential activities and maintenance of existing facilities. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

C. Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards; and

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. NDOT is an agency of the State of Nevada and is also subject to the standards set forth in state statutes. Therefore, the stricter standards must be met. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

D. The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

7/31/90
Article VI(a) Findings

Article VI(a) states;

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

Section 4.8 of the Code allows for the implementation of MOUs with public entities to exempt activities from TRPA review. The proposed MOU with NDOT exempts minor activities undertaken by state agencies charged with providing essential public services. Under the MOU, NDOT will be able to more effectively and efficiently provide these services. The MOU has no impact on the regulatory structure and do not result in an increase in development. The minor nature of the activities, coupled with the limitations elsewhere in the Code, assures the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed MOU with NDOT will implement Section 4.8 of the Code which allows amendments to exempt certain activities of public and quasi-public entities.

Staff Recommendations

Staff recommends the Advisory Planning Commission recommend that the Governing Board approve the attached draft Memorandum of Understanding, make the appropriate findings, and adopt the attached ordinance amendment.

Please contact Leif Anderson at (702) 588-6782 if you have any comments or questions on this agenda item.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 90-__

AN ORDINANCE AMENDING ORDINANCE NO. 87-5, AS AMENDED, BY AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY RELATING TO EXEMPT ACTIVITIES; PROVIDING FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE TAHOE REGIONAL PLANNING AGENCY AND THE NEVADA DEPARTMENT OF TRANSPORTATION TO EXEMPT CERTAIN ACTIVITIES FROM TRPA REVIEW; AND OTHER MATTERS PROPERLY RELATED THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend Ordinance No. 87-4 by amending Chapter 4 in accordance with Section 4.8 in order to implement the Regional Plan of the Agency, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended ("Compact").

1.20 The Advisory Planning Commission ("APC") has conducted a public hearing on the amendments to be adopted by this ordinance. The APC recommended adoption of the amendments. The Governing Board has also conducted a noticed public hearing on these amendments to the Code. At said hearings, oral testimony and documentary evidence were received and considered.

1.30 The provisions of this ordinance are intended to further implement Chapter 4 of the Code, and not substantially affect the regulatory provisions of the Code and have been determined not to have a significant effect on the environment, and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and Articles V(g) and VI(a) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

1.50 The amendments to the Code adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00 Amendment of Chapter 4 of the Code of Ordinances

Chapter 4 is hereby amended to add a new subsection 4.6.G, as set forth below:

4.6.G MOU with Nevada Department of Transportation: The following activities of the Nevada Department of Transportation (NDOT) are exempt from TRPA review and approval upon execution of an MOU with the Nevada Department of Transportation as set forth in Appendix G of this Chapter.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Code adopted hereby shall be liberally construed to effect their purpose. If any section, clause, provision, or portion of this ordinance amendments is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance, or the amendments to the Code, shall not be affected. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.

Section 4.00 Effective Date

This ordinance shall become effective 60 days after the date of its adoption or the execution of the MOU by NDOT, whichever is later.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held __________________________, 1990, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
NEVADA DEPARTMENT OF TRANSPORTATION

This Memorandum of Understanding is entered into this __________ day of
__________, 1990, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA),
through its Executive Director as authorized by its Governing Board, and the
NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) by and through its designated
representative.

All activities described in this Memorandum of Understanding (MOU) are in
accordance with the Regional Plan package of TRPA as adopted by Ordinance No.
87-9, as amended. It is understood that all activities undertaken by NDOT
pursuant to this MOU shall comply with applicable Best Management Practices
(BMPs), the Design Review Guidelines, and all other provisions of the TRPA Code
of Ordinances, except for procedural provisions replaced by this MOU.

I. EXEMPT ACTIVITIES

The following NDOT activities, in addition to those activities exempt
pursuant to Section 4.2 of the TRPA Code, are not subject to review and
approval by TRPA, provided that they do not result in the creation of
additional land coverage or relocation of land coverage.

A. Streets, Roads, and Highways

1. Pavement restriping or remarking.

2. Correction of slick pavement.

3. Paved shoulder grooving.

4. Replacement of existing safety or protective devices, including;
fencing, guardrails, barriers, energy attenuators, guide posts,
markers, safety cables, ladders, light standards, hoists, traffic
signals and controllers, provided replacement devices/materials
are similar in size, coloration, and design to the existing
protective devices.

5. Asphalt/concrete blankets with less than $25,000 in material
costs, and patches on existing paved surfaces, including minor
digouts of up to 7 cubic yards.

6. Repainting of bridges and other highway appurtenances.

7. Crack seals on existing pavement.
B. Water Quality Control Facilities

1. Culvert cleaning utilizing a hydro-jet vacuum system with no direct discharge of materials to the atmosphere, and provided spoils are removed to an agreed upon temporary disposal site, and are subsequently removed from the Tahoe Basin.

2. Cleaning and repairing drainage facilities provided the toe of adjacent slopes or cutbanks are not disturbed.

3. Repair and maintenance of existing asphalt/concrete roadside gutters or drainage facilities.

4. Earthslide, avalanche debris, or embankment slipout removal and stabilization, provided spoil material is removed to TRPA approved disposal sites.

C. Snow Removal Activities

1. Snow removal from roadway or highway surfaces either by use of a rotary plow, plowing snow to the edge of the paved surface, or plowing to the center of the roadway for removal to existing snow disposal sites.

D. Sidewalks, Pedestrian Facilities, and Bicycle Trails

1. Replacement of existing sidewalks, pedestrian facilities and bicycle trails.

2. Striping and marking of bicycle trails.

3. Handicapped accessibility improvement projects, including; curb cuts and wheelchair ramps.

E. Signs

1. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

F. Miscellaneous Activities

1. Monitoring of highway or roadway traffic, including the placement of portable traffic counting equipment or weighing devices.

2. Placement of traffic detection devices in the pavement of a highway or roadway for the operation of traffic control signals or for traffic monitoring.
II. QUALIFIED EXEMPT ACTIVITIES

The following NDOT activities are not subject to TRPA review or approval provided NDOT certifies, on a form provided by TRPA, that the activity does not result in the creation of additional coverage or relocation of coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.1.B of the Code, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least 5 business days before the activity commences, or in the event of an emergency, within 3 business days after the date of the emergency.

The following activities are in addition to those activities deemed qualified exempt pursuant to Section 4.3 of the Code.

A. Streets, Roads, and Highways

1. Chip seals and fog seals of the existing pavement, provided that BMPs are in place that include dust control measures which will effectively reduce the amount of entrained dust to insignificant levels.

2. Reconstruction, resurfacing or overlaying of existing pavement.

3. Replacing existing bridge rails, provided there is no increase in height, and there is no deterioration of scenic views.

4. Maintenance or repair of existing bridge structures, provided there is no change in the width or length of the existing structure.

B. Water Quality Control Facilities

1. Shoulder grading, provided the toe of adjacent embankments, slopes, or cutbanks are not disturbed, and spoil material is removed to TRPA approved temporary disposal sites and subsequently removed to outside the Tahoe Basin.

2. Embankment repair, provided the activity occurs during the grading season (May 1, to October 15) and the repaired site is stabilized either during the repair activity or within 72 hours of the repair to prevent further erosion.

C. Signs

1. Alteration of existing signs or placement of additional signs, provided NDOT determines they are needed for safety reasons.
III. LANE CLOSURES

Lane or highway closures for exempt or qualified exempt activities are limited to the minimum amount of time needed to complete the activity and do not occur during holidays or holiday weekends.

IV. LOSS OF EXEMPTION

NDOT acknowledges that any exempt or qualified exempt activity set forth herein may be designated a project requiring TRPA review if the Executive Director of TRPA determines that, because of cumulative impacts or unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. AMENDMENT

This Memorandum of Understanding may be amended by written agreement of both parties.

VI. TERMINATION

This Memorandum of Understanding may be terminated by either party upon sixty (60) days written notice.

NEVADA DEPARTMENT OF TRANSPORTATION

Date:

TAHOE REGIONAL PLANNING AGENCY

Date:

David S. Ziegler, Executive Director

Approved as to Form:

Jeffrey S. Blanck, Agency Counsel
MEMORANDUM

July 30, 1990

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Code Chapters 2, 4, and 50 through 55 and the Prime Fish Habitat Maps to Implement the Recommendations of the Report Entitled "Littoral Structure and Its Effects on the Fish Community of Lake Tahoe" and Staff Recommendations in Regard to Dredging, Setback Lines, and Other Clean Up Items

PROPOSED ACTION: As a follow-up to the June 1990, APC discussion on proposed shorezone ordinance amendments, TRPA staff is proposing the following ordinance amendments for the APC's consideration. Changes have been made based on comments received during June and are noted below. Attachment A contains the new proposed language and maps showing locations of the additional spawning stream mouths.

- Definitional clarification of boat lift.
- Change in definition of maintenance dredging. (Changed in response to comments)
- Clarification of Governing Board review requirements for nonconforming expansions.
- Change in definition of expansion of shorezone structures. (Deleted in response to comments)
- Match spawning streams in Code and TRPA Prime Fish Habitat Overlay Maps with Overlay Maps showing migratory fish streams.
- Clarification of TRPA setback requirements for piers and buoys. (Changed in response to comments, five foot setback rule restored)
- Provisions for additional catwalk width on piers within existing pier width limits.
- Measurement criteria for boat ramps.
- Additional jetties and breakwater standards. (Minor change in response to comments)
- Additional dredging standards. (Changed in response to recommendations by Lahontan and TRPA compliance staff)
- Provision for temporary structures during low water periods.
- Prohibitions on siltation of spawning habitat.

At this time staff is not recommending any amendments in regard to prohibitions or additional development in fish habitat or spawning areas. These amendments require further study and analysis and will be scheduled for APC consideration at a later date. (See the memo for the APC agenda item V.B. for further information.)

GWB: js
7/30/90

AGENDA ITEM IV.C. 33
Shorezone Ordinance Amendments
Page Two

BACKGROUND: After the December APC meeting, staff had planned to bring a complete package of shorezone ordinance amendments back to the APC. However, meetings with the fish study steering committee and other interested parties indicated that the issue of pier construction in fish habitat and spawning areas was not easily resolvable, and there are other issues, such as visual resources and *H. subumbellata*, to be considered. Further environmental documentation is needed. Staff is pursuing this documentation.

In the meantime, it is staff’s belief that it would be helpful to TRPA project review staff and applicants to complete the amendment process for the noncontroversial amendments. The amendments noted as clean up in the margin of Attachment A are project review staff’s recommended changes to correct the day to day problems of implementing the Code. The dredging amendments (also noted in the margins of Attachment A) are the recommendations of TRPA staff based on the 1989 experience of permitting and monitoring numerous dredging operations. Generally these amendments codify field practices.

CHAPTER 6 FINDINGS: Chapter 6 requires certain findings to be made for Code amendments. The required findings are listed below along with a rationale for making each finding.

1. The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.

   **Rationale:** The proposed amendments are further refinements of the existing statutes or are minor regulatory additions recommended by the report "Littoral Structure and Its Effects on the Fish Community of Lake Tahoe" (the Shorezone Fish Habitat Study).

2. The project will not cause the environmental thresholds to be exceeded.

   **Rationale:** The proposed amendments are for the further protection of Lake Tahoe fisheries or are for clarification of existing regulations.

3. Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the compact, the project meets or exceeds such standards.

   **Rationale:** The proposed amendments strengthen water quality standards by adding regulations in regards to siltation and dredging.

4. The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

   **Rationale:** The amendments provide additional protection by clarifying
Shorezone Ordinance Amendments
Page Three

existing conflicts in the Regional Plan, by implementing recommendations of the Fish Study, and establishing more specific criteria for dredging.

ORDINANCE 87-8 FINDINGS: Ordinance 87-8, Section 2.40, requires certain findings to be made for Code amendments. The required findings and rationale for making each finding are listed below.

1. That the amendment provides for an equal or better means of attainment or maintenance of the thresholds.

Rationale: The proposed amendment provides additional protection for fish spawning habitat in Lake Tahoe and tributary streams.

2. That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: The proposed amendment provides clarification and strengthening of regulations consistent with implementation of the Compact and attainment or maintenance of the thresholds for water quality and fish habitat.

3. One or more of the following:

   a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

   d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

   e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

      (1) The cost of implementation outweighs the environmental gain to be achieved;

      (2) Implementation will result in unacceptable impacts on public health and safety; or

      (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

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Shorezone Ordinance Amendments
Page Four

f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding (c) is recommended in that the amendment is designed to respond to new technical and scientific data provided by two years of study. Finding (f) is applicable to the dredging and clean up amendments based on field experience.

ENVIRONMENTAL DOCUMENTATION: Based on the completion of an Initial Environmental Checklist, staff finds the proposed amendments will have no significant effect on the environment.

RECOMMENDATION: Staff recommend that the APC review the proposed amendments, comment as appropriate, and recommend that the Governing Board make the required findings and adopt the ordinance adopting the proposed amendments.
Beach Recreation (Dispersed): Recreation activities associated with a beach that do not require developed support facilities such as road access, picnic sites, or concessions. Dispersed beach recreation usually includes the use of undeveloped shorelines by sunbathers and swimmers where access is limited to foot trails. Dispersed recreation may be supported by sanitation facilities.

Beach Recreation (Intensive): Recreation activities associated with a beach and supported by developed support facilities such as sanitation facilities, parking, picnic sites, and nearshore facilities such as multiple-use piers and buoys.

Bed and Breakfast Facilities: See Chapter 18.

Bedding Planes: In sedimentary or stratified rocks, the division planes which separate individual layers, beds or strata.

Best Available Control Technology: An emission limitation which will achieve the most stringent emission limitation that is achieved in practice by that source. [Amended 5/24/89]

Best Available Retrofit Control Technology: An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each source. [Amended 5/24/89]

Best Management Practices: Alternative structural and nonstructural practices proven effective in erosion control and management of surface runoff in Lake Tahoe Region.

Blight: See Chapter 15.

BMPs: See Best Management Practices.

Boat Launching Facility: See Chapter 18.

Boat Lift: A mechanical device whose function is to raise and lower water craft in and out of a body of water for temporary storage. Also includes low level boat lift, boat hoist, and boat saddle.

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

Body of Water: An area of water, of natural or artificial creation, including but not limited to lakes, harbors, man-made lagoons, reservoirs, ponds and rivers.

Bole: A tree stem that has grown to a thickness capable of yielding saw timber, veneer logs, or large poles.
Lop and Scatter: A slash treatment method where limbs and tops of felled, dead or damaged trees are cut into short lengths and scattered throughout an area without any concentration. The method requires that no portion of the slash shall be more than twenty inches above the ground and that all unmerchantable chunks are scattered.

Lot: See Parcel.

Low Level Boat Lift: A device with forks attached to a pier that reaches under a boat to lift it from the water for temporary storage.

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

Mail Order and Vending: See Chapter 18.

Maintenance: Maintenance is the ordinary maintenance and repair, which is the upkeep, or preservation of the condition of a sign in order to keep the existing sign components, including color, safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age or other conditions. Maintenance does not include any changes to the sign area which result in a different message, color scheme, or graphic design, or any changes in the external dimensions of the sign or structure. [Amended 9/27/89]

Maintenance Dredging: The dredging of areas that previously have been dredged to maintain legally established lake bottom elevations and dimensions. TRPA shall determine legally established elevations and dimensions based on previous permits, plans, physical evidence, or other such documentation.

Major Arterial: U.S. Highway 50; S. R. 89, California; S. R. 28, Nevada and California; S. R. 267, California; S. R. 431, Mt. Rose, Nevada; S. R. 207 Kingsbury Grade, Nevada; Loop Road (Lake Parkway, Montreal Road from the stateline to Park Avenue, Park Avenue from Montreal Road to Pine Boulevard, and Pine Boulevard to the stateline); Ski Run; Pioneer Trail; Al Tahoe Boulevard; Lake Tahoe Boulevard; Fallen Leaf Lake Road; Tahoe Keys Boulevard; Lake Shore and Country Club Drive, Incline Village, Nevada; Sierra Boulevard; Black Bart; Venice Boulevard; and Village Boulevard.

Major Stream: A continuously flowing water body and its associated hydrologic characteristics, vegetation, fish life and other fauna, and topography. A major stream is usually identified as a permanent stream on a U.S. Geological Survey (USGS) topographic map, 7.5-minute series and are classified by TRPA as third or higher order streams.

Major Structural Repair: See Chapter 52.

Major Use Classifications: The six use classifications listed in the Table of Primary Uses in Section 18.3, being: I. Residential; II. Tourist Accommodation; III. Commercial; IV. Public Service; V. Recreation; and VI. Resource Management.
VIII. SHOREZONE PROJECTS INVOLVING: Chapter 4, Appendix A

1. Expansion of existing structures, except conforming structures (Chapter 52)

Change to:

Expansion of existing nonconforming structures, except low level boatlift additions and reconfigurations of existing structures to increase conformance (Chapter 52).

Rationale:

The definition of "expansion" includes virtually any modification, reconfiguration or addition to an existing structure. A project involving a simple reconfiguration to bring the structure into conformance with the Code, i.e., changing a "T" shaped pier to a straight pier, or reducing the pier width from 15 feet to 10 feet, is considered an "expansion", and therefore requires Board review. The simple addition of a boatlift on an existing pier is also considered an "expansion". These classes of projects do not warrant Board review and can be satisfactorily dealt with at staff level.
CHAPTER 52
EXISTING STRUCTURES

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52.3 Existing Structures In The Nearshore Or Foreshore
52.4 Existing Structures In The Backshore

52.0 Purpose: Policy 11, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies requires that TRPA regulate the maintenance, repair and modification of piers and other existing structures in the nearshore and foreshore. Since some existing structures do not conform to the Code standards for new structures, the policy requires that, for maintenance, repair and modification, the Code set requirements, appropriate for the situation, to correct environmental and navigational problems. This chapter sets forth standards in accordance with that policy.

52.1 Applicability: Structures legally existing in the shorezone or lagoons in the Region prior to the effective date of the Regional Plan or structures legally constructed after the effective date of the Regional Plan, are recognized as existing structures, provided the structure has not been unserviceable beyond the time limits set forth in Subsection 52.3.G. The maintenance, repair, or expansion of existing structures in the shorezone or lagoons shall comply with the provisions of this chapter.

52.2 Definitions: The definitions of the terms listed are as follows.

52.2.A Expansion: An increase in size or extent, including an increase in the dimensions of a structure, change in configuration of a structure, and the addition of any structure or edifice to an existing structure.

52.2.B Major Structural Repair: Replacement or reconstruction of, or modification to, the members of a structure that affect the weight bearing or strength capacity of the structure, and the total cost of such repair, including materials and labor, exceeds $5,000.00. Structural members of a pier are members such as piling, crib timbers and rocks, stringer and decking. Rocks placed to create jetties or breakwaters are structural members.
DRAFT ORDINANCE AMENDMENTS TO IMPLEMENT THE
RECOMMENDATIONS OF THE TRPA SHOREZONE STUDY

CHAPTER 54

DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER

Chapter Contents

54.0 Purpose
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54.2 Review Of Support Facilities
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54.4 Piers
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54.6 Mooring Buoys
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54.11 Jetties And Breakwaters
54.12 Marinas
54.13 Shoreline Protective Structures
54.14 Filling And Dredging
54.15 Man-Made Lagoons And Artificial Islands

54.0 Purpose: The Shorezone Subelement, Conservation Element of the
Goals and Policies requires TRPA to regulate the placement of new
piers, buoys and other structures in the nearshore and foreshore
to avoid degradation of fish habitats, creation of navigation
hazards, interference with littoral drift, interference with the
attainment of scenic thresholds and other relevant concerns. The
Goals and Policies also requires TRPA to conduct studies, as
necessary, to determine potential impacts to fish habitats and
apply the results of such studies and previous studies on shore-
line erosion and shorezone scenic quality in determining the
number of, location of, and standards of construction for facili-
ties in the nearshore and foreshore. The Shorezone Subelement
indicates that provisions should be made to allow multiple-use
piers when such uses are intended to reduce the number of single-
use piers on adjoining properties. This chapter sets forths
standards and provisions in accordance with these policies.

54.1 Applicability: All projects and activities in the nearshore or
foreshore of any lake or in lagoons in the Region shall comply
with the standards and provisions set forth in this chapter.
54.2 Review Of Support Facilities: Whenever review of a structure, use or activity is required pursuant to the terms of this chapter, review shall encompass the structures, uses and activities in the backshore, nearshore, foreshore and on the adjacent littoral parcel to ensure adequacy of all facilities related to the new or expanded structure, use or activity.

54.3 Reserved

54.3 Fish Habitat And Spawning Study: TRPA shall prepare a study assessing the impacts resulting from the construction and use of structures, including mooring buoys, on fish habitat and spawning areas in Lake Tahoe and the mouths of its tributaries. The study shall also evaluate and recommend methods for restoring fish habitat.

54.3.A Schedule For Completion Of Study: The study required pursuant to this section shall be completed in accordance with the following schedule:

(1) Funding shall be secured by December 31, 1987.
(2) The final report shall be completed by October 31, 1989.

54.3.B Reconsideration Of Location Standards: Within 90 days of a determination by TRPA that funding will not be secured by December 31, 1987 or the report completed by October 31, 1989, but not later than January 24, 1990, TRPA shall reconsider the standards set forth in Subsection 54.3.A(2) and (3) for piers, in Subparagraph 54.5.A(2) for boat ramps, in Subparagraph 54.6.A(2) for mooring buoys, and in subparagraph 54.7.A(2) for floating docks and platforms.

54.4 Piers: Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of piers shall conform to the following standards:

54.4.A Location Standards: Location standards are:

(1) A maximum of one pier may be permitted per existing littoral parcel.
(2) The placement of piers shall be prohibited within 200 feet of the migratory fish stream inlets of the following creeks and rivers:

(a) Third Creek;
(b) Incline Creek;
(c) Wood Creek;
(d) Slaughterhouse Creek;
(e) Upper Truckee River;
(f) Taylor Creek;
(g) Tallac Creek;
(h) Cascade Creek;
(i) Eagle Creek;
(j) Lake Tahoe Tributary-at-Mouth-of-Paradise Point Rubicon Creek;
(k) B_entley-Quix-Creek;
(l) Meeks Creek;
(m) General Creek;
(n) McKinney Creek;
(o) Quasi-Creek;
(p) Madden-Creek;
(q) Blackwood Creek;
(r) Ward Creek;
(s) Truckee River;
(t) Dollar Creek;
(u) Watson Creek;
(w) Griff Creek;
(x) Baldy Creek; and
(y) Glenbrook Creek
(z) Zephyr Creek
(aa) Carnelian Canyon Creek
(bb) Second Creek
(cc) Marlette Creek
(dd) Edgewood Creek
(ee) Burke Creek
(ff) Trout Creek
(gg) Burton Creek

(3) The placement of piers shall be prohibited between September 15 to June 15 in areas identified as "Feeding And/Or Escape Cover Habitat," "Spawning Habitat" or "Areas Targeted For Habitat Restoration" on TRPA's Prime Fish Habitat map., adopted on April 26, 1984.

(4) Piers shall not extend beyond lake bottom elevation 6219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting. The pierhead line is established as depicted on the TRPA Shorezone Tolerance/Pierhead Line Maps.

(5) Piers shall be placed only within an area that is enclosed by lines that are parallel to and a minimum of 20 feet inward of parcel lines when extended taward at right angles from the high water line. The setback for existing piers shall be five feet and for new piers it shall be 20 feet. Piers shall be placed within the setback lines established by TRPA. TRPA shall establish the setback lines by measuring the applicable distance
inward from each property line along the high water line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline. TRPA may adjust angle of projection to compensate for unique circumstances such as a small cove.

(6) The standards set forth in Subparagraphs (1), (4) and (5), above, may be waived for piers recognized by TRPA as multiple-use pursuant to Section 54.8.

54.4.B Design And Construction Standards: Design and construction standards are:

(1) The width of piers shall be a maximum of ten feet, which shall include all appurtenant structures except for a single low-level boat lift and a single catwalk. A catwalk below the level of the main deck, and not exceeding three feet in width by 45 feet in length, may be permitted. Additional width for a single catwalk may be permitted where TRPA finds it is necessary to facilitate barrier-free access but at no time shall the entire width of the pier and catwalk exceed 13 feet. A low-level boat lift with forks not exceeding ten feet in width may be permitted.

(2) Pier decks shall not extend above elevation 6232.0 feet, Lake Tahoe Datum. Boat lifts, pilings, and handrails and other similar safety devices, shall not extend more than four feet above the pier deck. Pier decks may extend up to elevation 6234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons or that local wave characteristics represent a real threat to the integrity of the structure.

(3) To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open.

(4) Superstructures shall not be permitted.

(5) Fueling facilities shall not be permitted on piers located adjacent to littoral parcels on which the primary use is residential.

(6) The standards set forth in Subparagraph (1), above, may be waived for piers recognized by TRPA as multiple-use pursuant to Section 54.8.

54.5 Boat Ramps: When otherwise allowed pursuant to Chapters 51 and 52, the placement and design of boat ramps shall conform to the following standards:
54.5.A **Location Standards:** Location standards are:

1. A maximum of one boat ramp may be permitted per littoral parcel.
2. The placement of boat ramps shall be subject to the prohibitions set forth in Subparagraphs 54.4.A(2) and (3).
3. Boat ramps shall be placed only within the area prescribed in Subparagraph 54.4.A(5).
4. Boat ramps shall not extend lakeward beyond an elevation of 6219.0 feet, Lake Tahoe Datum, but not to exceed 75 feet in length as measured from high water line except for marine railways, which may be permitted additional length.
5. The standards set forth in Subparagraphs (1) and (3), above, may be waived for boat ramps recognized by TRPA as multiple-use pursuant to Section 54.8.

54.5.B **Design And Construction Standards:** Design and construction standards are:

1. Boat ramps shall not exceed ten feet in width.
2. Boat ramps shall be constructed from prefabricated materials. Metal grates or rails are the preferred construction material. Precast concrete shall be permitted only when metal grates are infeasible.
3. The standard set forth in Subparagraph (1), above, may be waived for boat ramps recognized by TRPA as multiple-use pursuant to Section 54.8.

54.6 **Mooring Buoys:** Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of buoys shall conform to the following standards:

54.6.A **Location Standards:** Location standards are:

1. A maximum of two mooring buoys may be permitted per littoral parcel.
2. The placement of mooring buoys shall be subject to the prohibitions set forth in Subparagraphs 54.4.A(2) and (3).
3. Mooring buoys shall not be located any further lakeward than necessary to provide for safe mooring, but not to exceed 350 feet lakeward of the high water line.
4. **Mooring buoys shall be placed only within an area that is enclosed by lines that are parallel to and a minimum of 20 feet inward of parcel lines when extended lakeward at right angles from the high water line.** Mooring buoys shall be placed within...
the setback lines established by TRPA. TRPA shall establish the setback lines by measuring 20 feet inward from each property line along the highwater line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline. TRPA may adjust angle of projection to compensate for unique circumstances such as a small cove.

(5) The standards set forth in Subparagraphs (1) and (3) may be waived for mooring buoys recognized by TRPA as multiple-use pursuant to Section 54.8.

54.6.B Design And Construction Standards: Mooring buoys shall comply with the construction specifications set forth in the California Waterway Marking System or as otherwise recommended by the U. S. Army Corps of Engineers or Coast Guard.

54.7 Floating Docks And Platforms: Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of floating docks and platforms shall conform to the following standards:

54.7.A Location Standards: Location standards are:

(1) A maximum of one floating dock or platform may be permitted per littoral parcel.

(2) The placement of floating docks or platforms shall be subject to the prohibitions set forth in Subparagraphs 54.4.A(2) and (3).

(3) Floating docks and platforms shall not extend beyond lake bottom elevation 6219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting.

(4) Floating docks and platforms shall be placed only within the area prescribed in Subparagraph 54.4.A(5).

(5) The standards set forth in Subparagraphs (1) and (4), above, may be waived for floating docks and platforms recognized by TRPA as multiple-use pursuant to Section 54.8.

54.7.B Design And Construction Standards: Design and construction standards are:

(1) Floating docks and platforms shall not exceed an area of 100 square feet or a dimension along any side of 15 feet.

(2) Floating docks and platforms shall not project more than three feet above the surface of a lake or other body of water.
(3) Floating docks and platforms attached to a pier shall conform to the standards set forth in Subsection 54.4.B.

(4) Superstructures shall not be permitted on floating docks or platforms.

(5) The standard set forth in Subparagraph (1) above, may be waived for floating docks and platform recognized by TRPA as multiple-use pursuant to Section 54.8.

54.8 Multiple-Use Facilities: Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of piers, boat ramps, mooring buoys, and floating docks and platforms designed to serve individuals on a multiple- or commercial-use basis shall conform to the following standards. If any such structure is accessory to a marina, the provisions of Section 54.12 also shall apply.

54.8.A Limitations On Single-Use Facilities When Served By Multiple-Use Facilities: No facility shall be approved which is intended for the use of one individual or family and guests if the following circumstances apply:

(1) Proposed Residential Development: Where the littoral parcel is part of a residential land development which is being developed for use by, or sale or lease, to more than one person or family;

(2) Existing Residential Development: Where the littoral parcel is held in common ownership by owners of parcels within a residential land development, or by an association representing them, or by a person for use of such owners; or

(3) Littoral Property Owners Within An Area Of Common Ownership: Where individual lots fronting the shoreline are within a residential land development served by multiple-use facilities, such as described in Subparagraphs (1) and (2) above.

54.8.B Location Standards: Multiple-use facilities shall comply with the location standards set forth in Subsection 54.4.A for piers, Subsection 54.5.A for boat ramps, Subsection 54.6.A for mooring buoys, and Subsection 54.7.A for floating docks and platforms; except that, for facilities recognized by TRPA as multiple-use pursuant to Subsection 54.8.D, the location standards set forth in Subparagraphs 54.4.A(1), (4) and (5), Subparagraphs 54.5.A(1) and (3), Subparagraphs 54.6.A(1) and (3) and Subparagraphs 54.7.A(1) and (4) shall serve as guidelines.
Design And Construction Standards: Multiple-use facilities shall comply with the design and construction standards set forth in Subsection 54.4.B for piers, Subsection 54.5.B for boat ramps, Subsection 54.6.B for mooring buoys and Subsection 54.7.B for floating docks and platforms; except that, for facilities recognized by TRPA as multiple-use pursuant to Subsection 54.8.D, the design and construction standards set forth in Subparagraph 54.4.B(1), Subparagraph 54.5.B(1), and Subparagraph 54.7.B(1) shall serve as guidelines.

Recognition Of Facilities As Multiple-Use: Facilities recognized by TRPA as multiple-use are subject to the following provisions:

(1) Deviation From Standards: Deviation from those standards identified in Subsections 54.8.B and 54.8.C as guidelines for multiple-use facilities, shall be allowed only if TRPA recognizes such facilities as multiple-use. The extent of deviation from the standards shall be approved by TRPA and shall be dependent on:

(a) The reduction in development potential of shorezone facilities associated with the application such that the facility will be shared by other littoral property owners; and

(b) The number of people utilizing the facility or the extent to which the facility is available for general public use.

(2) Reductions In Development Potential: Reductions in development potential shall be established through the recordation by the owner of permanent deed restrictions or other covenants running with the land, reflecting use agreements and development limitations approved by TRPA on the affected properties.

Safety And Navigation Devices: New safety and navigational structures may be permitted only upon the recommendation of the Army Corps of Engineers or the Coast Guard.

Structures And Uses In Lagoons And Lakes Other Than Lake Tahoe: All projects and activities permitted by this chapter in the nearshore and foreshore of Lake Tahoe may be permitted by TRPA in lagoons and other lakes in the region pursuant to the permissible use regulations set forth in the plan area in which the project or activity is located. The location, design and construction standards for such structures shall be determined using the standards in this chapter as guidelines. These standards may be established in memorandums of understanding between TRPA and appropriate homeowner associations.
Jetties, Breakwaters, Rock Cribs And Fences: Jetties, breakwaters, rock cribs, and fences may be permitted as follows:

54.11.A Location: Jetties and breakwaters, and rock cribs shall not be permitted in locations where beach erosion or loss of sediment from the shorezone is likely. Fences shall not be permitted lakeward of the high water line of any lake or body of water except to protect the health or safety of the general public or to protect property located adjacent to areas of public access to any such lake or body of water from trespass and provided such fences are approved by agencies having jurisdiction.

54.11.B Design And Construction Standards: The design, construction and maintenance of jetties, breakwaters, rock cribs, and fences shall comply with the following standards:

(1) Except as provided in Subparagraph 54.11.B(2), jetties and breakwaters shall have openings which allow adequate free circulation of water and sediment.

(2) No jetty, breakwater, or rock crib shall be a solid or nearly solid structure unless TRPA finds that it will not interfere with littoral processes, degrade fish habitat, cause shoreline erosion, or harm water quality or clarity and:

(a) The solid or nearly solid jetty or breakwater is a necessary part of a marina for which TRPA has approved a master plan; or
(b) The solid or nearly solid jetty or breakwater is necessary to protect the safety of persons using a public boat launching facility.

(3) The size, number and locations of openings in jetties or breakwaters shall be sufficient to avoid interference with littoral drift, shoreline erosion, harm to underlying land and harm to water quality and clarity.

(4) Fences in the nearshore or foreshore shall be at least 90 percent open and shall be maintained to be kept free of debris.

(5) All nonfloating breakwaters shall have rock boulders or other similar material on the lakeward side. Such surface shall be designed to prevent the reflection of waves from it.

(6) Rock and other material for construction of structures permitted under this subsection shall not be obtained within the shorezone or lakezone of lakes in the region.
54.11.C **Report:** In order to provide the information required for the findings for the structures described in Section 54.11 TRPA shall use the procedures set forth for environmental assessments in Chapter 5.

54.12 **Marinas:** Marinas may be permitted as follows:

54.12.A **Location:** Where otherwise permitted by this Code, applications for new marinas and major expansions of existing marinas shall include an EIS pursuant to Chapter 5 and a master plan pursuant to Chapter 16. At a minimum, the EIS shall assess potential impacts on beach erosion, prime fish habitat, water quality and clarity. The EIS also shall determine the public need for such facilities.

54.12.B **Boat Access:** Marinas are encouraged to provide public boat launching facilities. All commercial and tour boat facilities shall be located within a marina facility.

54.12.C **Marina Support Facilities:** All new marinas and expansions of more than ten boatslips in existing marinas shall comply with the standards listed below. TRPA may require projects of modifications of existing marinas to comply with these standards as conditions of approval.

1. Public restrooms, fueling facilities, chemical fire retardant distribution system, trash receptacles, and pump-out facilities for boat sewage shall be provided at commercial marinas and harbors;
2. Boat washing facilities if any, shall be connected to a sewer system or an acceptable alternate shall be provided;
3. Gas pumping facilities shall include emergency and standard shut-off systems to avoid gas leakage to the Lake;
4. Adequate parking shall be provided to accommodate all uses and activities associated with a marina; and
5. Water treatment system for waters contained within marinas shall be provided.

54.12.D **Monitoring Information Requirements:** Monitoring of water quality, current patterns and intensities, wind patterns, shore alterations, and any other conditions which may be altered by the construction of the marina may be required by TRPA for a reasonable period after completion of the construction. Remedial measures shall be required to mitigate adverse impacts, when necessary.
Shoreline Protective Structures: Shoreline protective structures may be permitted as follows:

54.13.A Findings: Shoreline protective structures may be approved by TRPA to prevent erosion in the backshore if TRPA makes the following findings:

1. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures;

2. The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures;

3. Each protective structure has been designed to be sloping and permeable; provided, however, that this finding is not necessary if TRPA concurrently makes the findings required under Subparagraph 54.13.B(1); and

4. Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.

54.13.B Design And Construction Standards: Design and construction standards are:

1. Sloping permeable revetments are the preferred design for shoreline protective structures. Bulkheads, gabions, and other vertical revetments shall not be permitted unless, in addition to the findings required under Subsection 54.13.A, TRPA finds that:

   a. A sloping permeable revetment is not feasible; and

   b. The alternative structure will not cause significant erosion or modification of the foreshore.

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

3. Shoreline protective structures shall be constructed of natural materials to blend with the surrounding backshore or, if man-made materials are necessary, will be of earthtone colors.
54.14 Filling And Dredging: Filling and dredging are permitted as follows:

54.14.A Artificial Beach Replenishment: If beaches are to be artificially replenished, only nonorganic, chemically and biologically inert material shall be used. The preferred method of beach replenishment is bypass dredging.

54.14.B Filling: There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or as otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.

54.14.C Dredging: There shall be no removal or rearrangement of materials within the lakezone or shorezone, except as follows: at those locations where such removal or rearrangement is found by TRPA to be beneficial to existing shorezone conditions, and water quality and clarity, except maintenance dredging which may be permitted where TRPA finds that the dredging is necessary to continue an existing use and that the dredging is to a previously authorized depth and dimension:

1. Where maintenance dredging is found by TRPA to be necessary to continue an existing use; or
2. Where new dredging is found by TRPA to be necessary for a new marina or marina expansion subject to a master plan pursuant to Chapter 16; or
3. At those locations where such removal or rearrangement is found by TRPA to be beneficial to existing shorezone conditions, and water quality and clarity. This finding shall be determined by TRPA based upon the following criteria:
   (i) Origin and composition of materials to be removed. TRPA staff may require a pre-dredge substrate analysis to determine the above.
   (ii) Effects of newly dredged area on littoral processes, material drift, shoreline erosion, and fish habitat.
Design and Construction Standards for Dredging: The following standards shall apply to dredging projects.

(1) All dredging projects shall utilize suction methods unless it is demonstrated that suction dredging is infeasible, or create greater adverse impacts than other methods.

(2) Dredging projects shall include the utilization of turbidity screens around the dredging area where necessary to prevent potential negative scenic quality and water quality impacts. Turbidity screen design shall follow the specifications outlined in the TRPA Handbook of Best Management Practices.

(3) Surface water discharge limits outlined in Chapter 81 shall apply to all dredging projects. In addition to those limits, no water within the dredging area having a turbidity greater than 20 NTU’s shall be permitted to escape the dredging area.

15.14.E Dredging Report: TRPA shall require a dredging report. The dredging report should address as applicable, the origin and composition of materials to be dredged, the feasibility of suction dredging, the effects of newly dredged area on littoral processes, shoreline erosion, material dispersion, disposal areas, toxic materials, and other related subjects.

15.14.F Temporary Structures in Lieu of Dredging: Where it is found that low lake levels prevent or significantly reduce access to open water recreation and that dredging cannot be permitted pursuant to Subsection 54.14.C., temporary structures that extend beyond lake bottom elevation 6219 or the pier head line may be permitted to facilitate lake access. Permits for the temporary use of structures shall be subject to the provisions outlined in Chapter 7, with the exception that the temporary use of a structure may be extended indefinitely provided that TRPA finds that lake levels remain at or below a level that prevents or significantly reduces lake access. The use of temporary structures in conjunction with single use piers shall not be allowed.

54.14.G Disposal Of Dredged Material: Where dredging, other than bypass dredging, is permitted, spoil materials shall not be deposited in the lakezone or shorezone, in wetlands or within the 100 year flood plain of any tributary to a lake except as provided under Subsection 54.14.B.
54.14.8 Prohibition of Siltation of Spawning Habitat: No dredging, filling, or other project may be permitted which results in the permanent siltation of spawning habitat. Temporary siltation associated with construction activities may be permitted provided that the spawning area disturbed is subsequently restored within 60 days or before the spawning season begins, whichever is sooner.

54.15 Man-made Lagoons And Artificial Islands: Construction of man-made lagoons connected to any lake in the Region and artificial islands is prohibited.
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
July 30, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code Chapter 33 to Extend the Date for Election of Conversion of Use Deadline

Proposed Action: The Tahoe City Community Plan Team requested TRPA to consider extending the deadline in Section 33.7 Election of Conversion of Use until the community plans are adopted. An estimated date for the completion would be July 1, 1992. The proposed amendment is attached.

Background: Section 33.7 gave pre-1972 motels an ability to elect to be considered as their current converted use, e.g. commercial or residential, or go back to being a motel. The provision expired on July 1, 1990. The concept was that during community planning the motel owners could select their existing use or motel use depending on what was most effective under the new community plan. According to the schedule, all the community plans were to be done by December of 1989. As we know, none of the community plans are done and thus the owners are having a hard time making their selection, assuming they understand and are aware of the opportunity.

The Tahoe City Community Plan Team felt this was an important option and that the public was not aware of this option. They requested TRPA to consider the amendment to extend the deadline and for TRPA to provide some public notice of this opportunity.

Analysis: This provision was one of the many adjustments made in the Code to meet the needs of the interested parties. In general, it was added to facilitate rehabilitation of existing development. This is not considered a core provision and does not permit an increase in overall development. It does allow a shift back to more motel use at the expense of commercial and residential use. Staff can see no significant impact from extending the date two years.

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Findings: Prior to amending the Code, TRPA must make certain findings.

Chapter 6: The required Chapter 6 findings and brief rationales are set forth below:

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.

Rationale: The two year continuation of the election of use standards is an insignificant regulatory change. Further, the standards are relatively restrictive regarding election of use so the Regional Plan will not be impacted. The benefit of the amendment is that the opportunity to coordinate the community plan and motel rehabilitation might still occur.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale: Given the time-limited nature of the extension and the restrictive content of the election of use standards, the thresholds will not be exceeded.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: This finding is inapplicable.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See Findings #1, 2 and 3 above.

Ordinance 87-8: The required Ordinance 87-8 findings and brief rationales are set forth below:

1. That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: See Findings #1, 2 and 3 above.

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2. One or more of the following:

a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

(1) The cost of implementation outweighs the environmental gain to be achieved;
(2) Implementation will result in unacceptable impacts on public health and safety; or
(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding (f) is recommended for the reasons set forth above.

Environmental Documentation: Based on the completion of an Initial Environmental Checklist, staff can find no significant effect from extending the deadline two years.

Recommendation: Staff recommends the APC recommend the deadline be extended for two additional years.

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33.7 Election Of Conversion Of Use: Where a structure was designed and built as a tourist accommodation unit, and was operated as such on February 10, 1972 or thereafter, the owner of the unit may elect to convert the unit to a residential unit or commercial floor area, under certain circumstances as set forth below. The election shall be made, if at all, within three five years of the effective date of the Regional Plan, or, if applicable, before the adoption of a community plan, whichever is sooner. If no election is made, the use in existence on the effective date of the Regional Plan shall be considered the use for purposes of the Code. An election shall be subject to the following conditions:

33.7.A Conversion To Residential Use: Where a tourist accommodation unit was converted to a residential unit prior to January 1, 1987 and the residential use existed on the effective date of the Regional Plan, the owner may elect to treat the unit as either a residential or tourist accommodation unit. The election shall be in writing and approved by TRPA. An election may be made only once.

33.7.B Conversion To Commercial Floor Area: Where a tourist accommodation unit was converted to commercial floor area prior to January 1, 1987 and the commercial use existed on the effective date of the Regional Plan, the owner may elect to treat the unit as either a tourist accommodation unit or commercial floor area. The election shall be in writing and approved by TRPA. An election may be made only once.

33.7.C Partial Conversion: In the event only a portion of a tourist accommodation unit has been converted to residential or commercial use, the election in accordance with Subsections 33.7.A and 33.7.B, shall be with respect to the entire unit. An election shall not result in the creation of both a residential and tourist accommodation unit or both commercial floor area and a tourist accommodation unit.

33.8 Other Permits: Issuance of a permit by a county or city building department, of a permit for, or relating to, the construction, conversion, or use of units, floor area, service capacity or other development subject to the requirements of this chapter, including, but not limited to, a permit for a foundation, grading, clearing or removal of vegetation, is prohibited unless the permit is issued in conjunction with a TRPA approval, in accordance with this chapter.
MEMORANDUM

July 30, 1990

To: Advisory Planning Commission

From: Agency Staff

Subject: Work Plan and Proposed Schedule for Amendment of Chapter 54 Regarding Locating Structures in Fish Habitat

The Governing Board discussed the work plan and proposed schedule for amending Chapter 54 on July 26, 1990. The Board directed staff to move ahead with the amendment to permit new piers and other structures in prime fish habitat. Staff will develop a work plan and accelerated schedule and present it at the APC meeting.
MEMORANDUM

July 30, 1990

To: Advisory Planning Commission
From: TRPA Staff
Subject: Amendments to Encourage Boat Storage Facilities to be Located Out of the Shoreline Area

Proposed Action: At the request of the APC and the TRPA Governing Board, staff is commencing the process of preparing amendments to the Code that would encourage boat storage facilities to be located on parcels not adjacent to marinas. Staff requests APC consider the options and recommend a preferred option to pursue.

Background: As part of adopting the TRPA Marina Master Plan Guidelines, the APC and the Governing Board requested that staff consider the concept of permitting boat storage away from marina sites as a recreation use and not subject to the commercial allocation limitations. At the time of the Guidelines adoption, it was noted that such a concept had merit but would require Code amendments and some analysis.

Analysis: Before TRPA implements the concept, there must be agreement about the objective. There may be benefits in regards to the environment and public access if TRPA approves the amendments. Staff recognizes the following potential benefits:

1. Relocation of unsightly storage buildings away from the shoreline area. The entire shoreline is subject to Regional scenic quality thresholds. Construction of large storage facilities is generally detrimental to threshold attainment and maintenance due to the bulk and mass of such structures, and their relative visual magnitude. In some cases these facilities are identified as a cause of threshold nonattainment.

2. Reduction in Boat Storage in the Shoreline Area: The storage of boats in areas closest to Lake Tahoe has been a land coverage, water quality and vegetation problem, especially in unimproved areas. Storage activity located away from shoreline could avoid further adverse impacts to the areas identified.

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3. Increase in the Opportunity for Public Access. TRPA has a policy to increase public access to Lake Tahoe. Boat storage is an important feature; but it also takes up valuable space the public could use for access purposes in the shoreline area.

To implement the concept, there are several paths through the Code. Each option has its advantages and disadvantages. At this time, there appears to be no consensus among the special interest groups involved in this issue as to a preferred option.

Option #1: No Amendments - TRPA standards presently permit boat storage facilities under the commercial classification of warehousing. Warehousing currently enjoys a special exemption in the Code from the commercial allocation rules which no other storage-type uses have. Only the first floor of warehouses is counted when determining the amount of commercial square footage. Since boats are generally stored on multiple levels, this would be an advantage.

Pros
1. This is a simple no-action solution using existing Regional Plan provisions.
2. This avoids controversy associated with changing allocation rules.
3. Warehouse uses are treated equally with respect to the allocation and measurement of commercial floor area. This includes existing warehouse uses which may contain boat storage.
4. All storage space which is not located on the first floor is not subject to the allocation.

Cons
1. This permits continuation of boat storage in shoreline areas, and little or no incentive to remove it.

Option #2: Accessory Use Amendments - This is the concept proposed by the marina owners. Under this option, TRPA would consider the on-site storage buildings as part of the marina use and not as commercial floor area. Since boat storage is an accessory use on-site, the owners propose to make it an accessory use off-site.

Pros
1. This provides a rationale for not counting the off-site warehouse floor area as commercial square footage.
2. This would bring the off-site parcel used for boat storage into the master plan process.
3. Deed restriction requirements linking the properties could be applied.
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Cons
1. This does not fit definition of accessory use in Chapters 18 and 33 (i.e., accessory uses must occur on-site).
2. This does not fit the primary use and project area concepts in the Code.
3. There would be no PAS regulation of use location other than where marinas are permitted.
4. This may create unfair competition with existing commercial boat storage facilities which are subject to allocations.
5. This may create an unwanted precedent when applied to other types of uses regarding the nature and location of accessory uses.

Option #3: Commercial Allocation Exemption - Chapter 33 indicates activities which are subject to commercial allocations. Currently parking garages, warehousing, racquet clubs, minor expansions, and certain accessory uses have exception provisions for various reasons. Option #3 would make an exception for boat storage facilities only under the following conditions:

A. The exemption is only permissible when a master plan is approved for the marina.

B. All boat storage facilities affecting attainment of scenic thresholds shall not be located in the viewshed of the applicable roadway or shoreline travel route. The exempt storage facilities are a relocation of what would have been located on the marina site.

C. The exempted storage facility is deed restricted as to use and cannot be sold separately from the marina unless the site is restored or other permits or appropriate units of use are acquired from TRPA.

D. When boat storage facilities are moved out of the shoreline area, the area occupied by the facilities shall be restored and used for public outdoor recreation.

Pros
1. This utilizes an existing use (warehousing) which currently is regulated in the PASs as to use location.
2. This would bring the off-site parcel into the master planning process.
3. Deed restriction requirements linking the properties could be applied.
4. This exemption would promote a relocation, not an increase in development.

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5. Existing warehouse facilities not in the shoreline could be used to satisfy the newly created demand. This would retain some amount of equity among warehouse uses which presently store boats.

Cons
1. This creates additional rules.
2. The rationale is dependent on the relocation concept which may be seen as overly restrictive.

Option #4: Create a New Use - This proposal would create a new recreational use category called recreational storage facilities which would not be listed as a commercial use. It would not be subject to PAOT limitations.

Pros
1. This would regulate the use to appropriate locations.
2. This may resolve other recreation storage needs.

Cons
1. This would not require relocation of existing storage facilities.
2. There could be change-in-use problems because the difference between normal commercial storage and recreation storage is not clear and specific.
3. This requires amending one or more PASs to add the new use.
4. This would require resolution of the status of existing commercial boat storage facilities as to inclusion in this new use.
5. This may create an unwanted precedent when applied to other types of uses (i.e., off-site storage allowed for other recreational uses).

Staff Recommendation: Staff recommends pursuing option #3.

This item is for discussion purposes only, and not for APC action. Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments.
MEMORANDUM

July 30, 1990

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Chapter 64 to Permit Exemption for Marinas

PROPOSED ACTION: TRPA staff would like to discuss with the APC a proposal to amend Subparagraph 64.7.A(2) of the Code of Ordinances to add an exception to the prohibition of intercepting groundwater to allow for marina expansion approved pursuant to Chapter 16. Attachment A contains the proposed wording within the context of the ordinance.

BACKGROUND: Review of the Elks Point Marina Master Plan for consistency with the Code revealed a conflict with Chapter 64, Grading Standards, in that excavation which would intercept groundwater is prohibited except as noted in 64.7.A(2).

Shoreward expansion of any harbor would be excavation, and would be assumed to intercept ground water. There is no exception for excavation to expand a harbor-type marina. This prohibition could affect the Elks Point, Ski Run, Tahoe Keys, Meeks Bay, and perhaps other marinas. The marinas most likely to be affected by this ordinance are in the southern sector of the Lake Tahoe shoreline.

It is staff's belief that at the time of the adoption of the ordinance, the potential for interference with marina expansion was not foreseen, and the effect was unintended. The proposed amendment is consistent with the other exceptions in allowing for achieving otherwise necessary or beneficial ends.

CHAPTER 6 FINDINGS: Chapter 6 requires certain findings to be made for Code amendments. The required findings are listed below along with a rationale for making each finding.

1. The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.

Rationale: The proposed amendment is to make it clear that certain marina expansions to increase public recreational capacity and access to Lake Tahoe may be permitted provided all other Regional Plan and environmental constraints are met.

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2. The project will not cause the environmental thresholds to be exceeded.

**Rationale:** The proposed amendment is to clarify the existing regulations and allow for marina expansion within the environmental thresholds.

3. Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the compact, the project meets or exceeds such standards.

**Rationale:** The marina master plans with their environmental documentation provide for attaining and maintaining the air and water quality standards.

4. The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

**Rationale:** The amendment would provide additional protection by clarifying Chapter 64 as it relates to implementing the Developed Recreation Subelement of the Goals and Policies.

**ORDINANCE 87-8 FINDINGS:** Ordinance 87-8, Section 2.40, requires certain findings to be made for Code amendments. The required findings and rationale for making each finding are listed below.

1. That the amendment provides for an equal or better means of attainment or maintenance of the thresholds.

**Rationale:** The proposed amendment provides for an equal or better means of ensuring a fair share of recreational capacity and increased access to Lake Tahoe consistent with implementation of the Compact and attainment or maintenance of the thresholds.

2. That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

**Rationale:** The proposed amendment is consistent with the threshold to ensure that a fair share of the total Basin capacity is available to the general public.

3. One or more of the following:

   a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

(1) The cost of implementation outweighs the environmental gain to be achieved;

(2) Implementation will result in unacceptable impacts on public health and safety; or

(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding (c) is recommended in that the amendment is designed to respond to technical analysis indicating (1) it would be more desirable environmentally to upgrade and increase marina capacity at sites already developed and which are relatively dispersed around the Basin, (2) the ordinance as it is is an unnecessary impediment to meeting the demand for recreational capacity, and (3) that the environmental impacts of the proposed amendment would be insignificant.

ENVIRONMENTAL DOCUMENTATION:

Completion of the Initial Environmental Checklist indicates the following potential environmental impacts:

1. Water: There could be a small change in the direction of groundwater if the placement of sheet piling or other barrier at the inland edge of a marina redirects the groundwater around the marina before the groundwater enters the Lake. If desirable for environmental or hydraulic purposes, weep holes could be placed to allow groundwater to enter the marina without changing direction. There would be no change in the quality or rate of flow of groundwater.

2. Plant Life: Depending on the location of the marina, there could be some removal of riparian vegetation or other vegetation associated with critical wildlife habitat, and there may be Rorippa subumbellata habitat in the area. Most marinas are in developed areas where there is little critical wildlife habitat. The environmental documentation required for marina master plans would identify the impacts on riparian vegetation, critical wildlife habitat, and rare or endangered plant species and specify

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appropriate mitigation. The requirement for enhancement of sensitive land at a rate of 1.5:1 could result in a net increase in riparian vegetation.

3. **Risk of Upset:** Any marina expansion carries with it the increased risk of upset. Spills can be more readily contained in harbor-type marinas than in open or off-shore marinas. The operations and mitigation plans required in all master plans would provide for improved prevention and management of accidental release of hazardous substances.

4. **Recreation:** The proposal could have a beneficial impact on the quality and quantity of existing recreational opportunities in that it would facilitate upgrading and expansion of several existing marinas, particularly on the southern shoreline of the Lake Tahoe.

Based on the completion of an Initial Environmental Checklist, staff finds the proposed amendments will have no significant effect on the environment.

**RECOMMENDATION:** Staff requests the APC to provide feedback on the proposal and a recommendation, if appropriate, to pursue the Code amendment at the Governing Board level.
64.7 Excavation Limitations: The following excavation limitations apply:

64.7.A Groundwater Interception: Groundwater interception or interference is prohibited except as set forth below:

(1) Excavation is prohibited that interferes with or intercepts the seasonal high water table by:

(a) Altering the direction of ground water;
(b) Altering the rate of flow of ground water;
(c) Intercepting ground water;
(d) Adding or withdrawing ground water; or
(e) Raising or lowering the water table.

(2) TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:

(a) Excavation is required by the Uniform Building Code (UBC) or local building code for minimum depth below natural ground for above ground structures;
(b) Retaining walls are necessary to stabilize an existing unstable cut or fill slope;
(c) Drainage structures are necessary to protect the structural integrity of an existing structure;
(d) It is necessary for the public safety and health;
(e) There are no practical alternatives to groundwater interference, including the possibility of denial of the project;
(f) It is a necessary measure for the protection or improvement of water quality;
(g) It is for a water well;
(h) It is pursuant to Subsection 64.7.B(1) or (3); or
(i) It is necessary to provide two offstreet parking spaces, there is no less environmentally harmful alternative, and measures are taken to prevent groundwater from leaving the project area as surface flow;

or

(i) It is necessary for a marina expansion approved pursuant to Chapter 16.