TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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 February 14, 1990, at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Round Hill, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

February 1, 1990

By: _____________________________
    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.
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 Chapter 4 (Project Review and Exempt Activities) to Adopt Memoranda of Understanding Between TRPA and Caltrans and TRPA and the Nevada Department of Transportation (to be continued to March)

B. Amendment of Plan Area Statement 102, Tahoe Keys, Special Area #1 to Expand Permissible Commercial and Public Service Uses and to Eliminate Neighborhood-Serving Restriction

C. Amendment of Chapter 4, Appendix A, Projects Requiring Governing Board Review

D. Authorization for the Executive Director to Enter Into Memoranda of Understanding With the City of South Lake Tahoe to Exempt Sign Activities from TRPA Review

E. Amendments Relative to Recreation Uses and Resource Management Uses to Change Special Uses to Allowed Uses in Plan Area Statements Containing Forest Service Land

F. Amendment of Plan Area Statement 96, Bijou/Al Tahoe, Special Area #1, to Realign the Boundary Between the South Stateline Hydrologic Area and the Upper Truckee Hydrologic Area

G. Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings Is Calculated

H. Amendment of Chapter 18 (Permissible Uses) Regarding Regional Public Health and Safety Facilities

I. Amendment of Chapter 81 (Water Quality Control) Relative to Hazardous Waste and Toxic Spills
V  REPORTS (No Action)
   A.  Executive Director
   B.  Legal Counsel
   C.  APC Members
   D.  Public Interest Comments

VI  PENDING MATTERS

VII  ADJOURNMENT
MEMORANDUM

February 6, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 102, Tahoe Keys, Special Area #1 to Expand Permissible Commercial and Public Service Uses and to Eliminate Neighborhood-Serving Restriction

This item is being continued to the March meeting in order to conduct further analysis.
MEMORANDUM

December 29, 1989

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Appendix A and Subsection 4.10.B of Chapter 4 (Project Review and Exempt Activities) of the TRPA Code

BACKGROUND: This is a follow-up to the staff proposal to amend Chapter 4 which was presented at the August 1989 APC meeting. At the August meeting, the League to Save Lake Tahoe and others expressed concerns about the proposed amendments, especially with regard to the need for public notice and hearings on certain items. Since that meeting, staff has redrafted the proposal and met with the affected interest groups. In redrafting the proposed ordinance language, the staff considered the following items:

- The size and scale of the project,
- The required project findings,
- The amount of controversy related to the type of project,
- The staff review requirements for such projects, and
- The past three years of experience processing such projects.

TRPA staff is currently working to reduce the processing time for projects. The first attempt to reduce the backlog, in 1988, was to hire seasonal workers, which helped but did not provide a permanent solution. In 1989 four additional full-time planners were added to the project review staff. There has been a significant increase in production and the backlog has been reduced but, due to a continued large number of project applications received during the winter months, there is still a backlog problem. In addition, a significant amount of overtime was required to reduce the backlog. Therefore, staff is now considering other ways to solve the backlog problem. Some of the ideas are:

--- Reduce the number of projects that are reviewed by the Governing Board,
--- Reassess the type of activities reviewed by TRPA,
--- Streamline the project review process,
--- Obtain assistance from other sources.
Memorandum to Advisory Planning Commission
Amendment of Chapter 4, Appendix A, Projects
Requiring Governing Board Review — Page 2

PROPOSED ACTION: TRPA staff is proposing to amend Appendix A and Subsection 4.10.B of Chapter 4 of the Code to reduce the number of projects which require TRPA Governing Board Review. The proposed amendments and rationales are set forth in Attachment A.

CONSISTENCY WITH REGIONAL PLAN DOCUMENTS: The proposed action is consistent with the Compact and the Goals and Policies since they are silent as to who at TRPA must review what projects. For the same reason the action is generally consistent with the Code of Ordinances and Rules of Procedure.

ENVIRONMENTAL IMPACT ANALYSIS: Based on the completion of an Initial Environmental Checklist, the proposed action should have no environmental effect because it in no way changes the applicable standards that apply to projects.

REQUIRED FINDINGS: Prior to adopting the subject amendments, the Governing Board must make the following findings.

A. Chapter 5 of the Code requires the following findings to be made. Brief rationales are included for 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 amendment is administrative and is being proposed to help facilitate the implementation of one of the features of the Regional Plan. As discussed above, it is consistent with the Regional Plan package.

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

Rationale: Based on the IEC, there should be no significant adverse environmental impact. This matter is merely an administrative procedure.

3. 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.

Rationale: The purpose of the amendments is to simplify the procedures process projects.

12/29/89
AGENDA ITEM IV C.
4. The Regional Plan and all its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See rationale for 1, 2 and 3 above.

B. Ordinance 87-8 requires that the following findings from Section 2.40 of Ordinance 87-8 be made. Brief rationales are included.

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

Rationale: The purpose of the amendments is to facilitate the project review operations of TRPA.

2. 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: The proposed amendments are administrative in nature and will help facilitate project review procedures both for TRPA and the general public.

RECOMMENDATION: Staff recommends that the APC recommend the proposed action to the Governing Board.
ATTACHMENT A

CHAPTER 4 - APPENDIX A
REVISIONS

PROJECTS AND MATTERS TO BE REVIEWED BY GOVERNING BOARD

Change title to:

PROJECTS AND MATTERS TO BE APPROVED BY GOVERNING BOARD

Rationale:

Currently all projects listed in Appendix A are required to be reviewed by the Governing Board whether approvable under the Code or not. Some examples would be projects proposing to create uses which are prohibited in the subject plan area statements, e.g., a commercial use in a residential plan area, or projects proposing more land coverage that can be approved under the Code. Projects which are clearly unapprovable under the Code should be denied at the staff level and not require Governing Board action. The applicant always has the ability to appeal staff’s denial to the Governing Board.

I. GENERAL

26. Additional height for structures (except for single family home: cross-slope and pitch) (Chapter 22)

Change to:

Additional height for structures, except for single family homes: cross-slope and pitch, and modifications to any existing roof structures consistent with Table A (Chapter 22)

Rationale:

Additional height, as defined in Chapter 20, is any building height in excess of 26 feet. The current language excepts single family homes, but does not except any other categories of buildings that have been designed to comply with Table A, but are over 26 feet in height, e.g., roof modifications on existing commercial or public service buildings to comply with building code requirements, etc. The required findings for buildings other than single family dwellings are essentially the same as for single family dwellings.

II.


Change to:

Multi-residential greater than four units.
Rationale:

Several jurisdictions are emphasizing multi-residential housing with their allotment of 1990 allocations. The subject plan area statements establish whether or not multi-residential housing is an allowed, special or prohibited use as well as the maximum allowable density. In addition, the TRPA Code establishes set requirements for coverage, height, parking, air and water quality mitigation and BMPs that each project must comply with. Staff level processing would greatly expedite the review process to allow initiation of construction during the 1990 building season. Housing advocates have requested TRPA to facilitate the construction of multi-residential projects in the basin. Projects listed as a special use will continue to be reviewed by the Governing Board.

V. PUBLIC SERVICE PROJECTS (new or transfer) INVOLVING:

1. New facilities (1,000 sq. ft. floor area or land coverage)

Change to:

New facilities (over 1,000 sq. ft. of floor area or 3,000 sq. ft. of land coverage), except linear public facilities, driveways and parking facilities, involving over 1,000 sq. ft. of additional land coverage

Rationale:

The current language requires all public service projects proposing in excess of 1,000 square feet of additional land coverage to be reviewed by the Board. An example would be a project involving an additional deck or patio and related walkways for an existing public service facility proposing over 1,000 square feet of coverage on high capability land and within allowable coverage. The 1,000 square foot threshold for coverage should be changed to a minimum of 5,000 square feet to allow staff to review these less significant projects.

VI. RECREATION PROJECTS (new or transfer) INVOLVING:

1. New facilities (1,000 sq. ft. floor area or land coverage)

Change to:

New facilities (over 1,000 sq. ft. of floor area or 3,000 sq. ft. of land coverage), except streets, driveways and parking facilities, involving over 1,000 sq. ft. of additional land coverage

Rationale:

Same as for Public Service projects, above.
**Subsection 4.10.B Amendment:**

**Governing Board Action:** The Governing Board shall review and take final action on the categories of projects and matters listed in Appendix A or as otherwise required by law. The Governing Board hereby delegates to the Executive Director review and final action on the projects and matters not listed in Appendix A.

Change to:

**Governing Board Actions:** Categories of projects and matters listed in Appendix A or as otherwise required by law shall require Governing Board approval. The Governing Board hereby delegates to the Executive Director review and final action on the projects and matters not listed in Appendix A requiring Governing Board approval.

**Rationale:**

This language requires modification to maintain consistency with the proposed Appendix A title change discussed above.
MEMORANDUM

February 2, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Authorization for the Executive Director to Enter Into Memoranda of Understanding With the City of South Lake Tahoe to Exempt Sign Activities from TRPA Review

Proposed Action: The City of South Lake Tahoe (City) has requested to enter into an MOU in order to exempt sign activities from TRPA review and take over responsibility for administering Chapter 26. The draft MOU is attached as Attachment A. This is the first local government to propose an MOU, and staff is seeking APC comments regarding the MOU.

Background: TRPA's Scenic Resources Management Plan which was adopted in September, 1989, gave local governments the ability to implement Chapter 26, Signs, pursuant to a memorandum of understanding (MOU) with TRPA. This is provided for in Subparagraph 4.2.D(14) of the Code.

Discussion: Currently sign applications in the City are subject to review by both City and TRPA staffs. The ability for local governments to implement Chapter 26 and issue sign permits without TRPA review and approval was an important component of the scenic plan that will streamline the review process and return sign review to local government. TRPA and the City would conduct joint review of exception requests for existing signs as provided in Subparagraph 26.12.C(10) of the TRPA Code.

Recommendation: Staff recommends that the APC recommend the Governing Board authorize the Executive Director to enter into an MOU with the City of South Lake Tahoe to exempt sign activities within the City from TRPA review.

Please contact Andrew Strain if you have any questions or comments.

AS:rdh
2/2/90
MEMORANDUM OF UNDERSTANDING BETWEEN THE 
CITY OF SOUTH LAKE TAHOE AND THE 
TAHOE REGIONAL PLANNING AGENCY BY REGARDING LOCAL 
REGULATION OF SIGNAGE AND RELATED ACTIVITIES

This memorandum of understanding is entered into this ______ day of 
__________, 1990 by and between the Tahoe Regional Planning Agency 
(TRPA), as authorized by its Governing Board, and the City of South Lake Tahoe 
(City), as authorized by its City Council. Signature shall be by the City 
Manager and Executive Director of those two agencies, respectively.

This memorandum of understanding sets forth the responsibilities of the parties 
with regard to certain aspects of the regulation of signage and related activities, in accordance with the desire of the parties to act in concert, where possible, to provide a regulatory structure which is consistent with the most 
efficient possible use of public resources.

RECITALS

A. TRPA is required by an interstate Compact (P.L. 96-551, 94 Stat. 3233, Cal 
Govt Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin 
which may have a substantial effect on the natural resources of the Basin. 
The bistate Compact specifically requires TRPA to regulate signage, but 
further provides that TRPA shall engage in joint regulatory activities with 
local government wherever feasible.

B. Given the existing comprehensive regulatory structure of signage and 
related activities maintained by City, and consistent with the mandate of 
the Compact to defer land use regulation to local government wherever feasible, City and TRPA agree that City shall accomplish the review of 
signage and related activities within the City in accordance with 
Subparagraph 4.2.D(14) of the TRPA Code. A copy of the applicable TRPA 
ordinances is attached hereto and incorporated by reference herein as if 
fully set forth.

IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES THAT:

1. Signage reviewed and approved by City, consistent with Chapter 26 
shall be exempt from TRPA review except as set forth in paragraph 2 
below. All applications for signage and related activities will be 
reviewed by City through its normal and customary review process. 
In the event City is not able to determine whether or not the appli-
cation complies with the applicable ordinances, the City shall consult 
TRPA consistent with provisions established for that purpose by the 
City Manager or his designee and the Executive Director or his 
designee.
2. The City and TRPA shall jointly review all requests for exemption or exception from any provision of Chapter 26 under the procedures established for joint review of disputed applications by the City Manager or his designee and the Executive Director or his designee.

3. Nothing in this MOU shall be construed to limit the authority of City to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the police and enforcement powers of either City or TRPA.

4. The City and TRPA staff shall review quarterly the implementation of this MOU and shall report to their respective governing boards as appropriate following such reviews.

5. This MOU shall continue until either (a) a local sign ordinance is adopted by TRPA pursuant to the regulations authorizing such certifications, or (b) 60 days written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to adopt a local City sign ordinance at the earliest practicable date so this agreement may be terminated.

CITY OF SOUTH LAKE TAHOE

__________________________________________  Dated: _____________
Kerry Miller, City Manager
City of South Lake Tahoe

TAHOE REGIONAL PLANNING AGENCY

__________________________________________  Dated: _____________
David S. Ziegler, Executive Director
Tahoe Regional Planning Agency
February 2, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Plan Area Statement Amendments Relative to Recreation Uses and Resource Management Uses to Change Special Uses to Allowed Uses in Plan Area Statements Containing Forest Service Land

Proposed Action: The U.S. Forest Service has requested that TRPA amend its Plan Area Statements which contain lands managed by the Forest Service. The amendments would change several recreation and resource management uses from special uses to allowed uses, and would add certain resource management activities as allowed uses to specific plan areas.

The amendments would provide greater internal consistency between the U.S. Forest Service Land Management Plan and TRPA's Regional Plan Package. They would also complement the recently adopted memorandum of understanding (MOU) between TRPA and the Forest Service. Without the proposed amendments, many Forest Service resource management activities would require TRPA Governing Board review and approval due to the special use designation.

Background: This item was continued from the December, 1989 meeting at the direction of the APC in order to give local governments and community planning teams the opportunity to review and provide input on the amendments. In January, 1990 staff circulated a revised list of amendments (Attachment A) to local governments and community planning teams (listed in Attachment B) requesting their input. No comments have been received. Staff will update the APC on any additional comments at the meeting.

Environmental Documentation: Staff has completed an Initial Environmental Checklist for this project, and proposes a Finding of No Significant Effect (FONSE), based on the following:
Amendments Relative to Recreation Uses and Resource Management Uses to Change Special Uses to Allowed Uses in Plan Area Statements Containing Forest Service Land

Page 2

The proposed amendments will, in most cases, simply remove the requirement for special use findings and Governing Board approval for projects proposed in the identified plan areas. The recreation use amendments apply to plan areas which are classified primarily for recreation land uses. Riding and hiking trails are generally the least-impacting of recreation uses.

The resource management uses are generally intended to benefit and provide environmental improvements. Several of the resource management uses will actually serve as preventative treatments to protect environmental quality.

Consistency with TRPA Regional Plan Documents: The proposed amendments are generally consistent with the Regional Plan documents. The recreation use amendments will facilitate the future development and use of outdoor recreation activities. This is a stated goal of both agencies.

The resource management amendments will ensure consistency between the Plan Area Statements and the recently adopted TRPA-USFS MOU. The MOU provides the Forest Service the opportunity to conduct vegetation management, forest protection, erosion control, watershed restoration, and fish and wildlife habitat management activities on national forest lands without individual project approval from TRPA. The amendments will facilitate these activities through the MOU.

Required Findings: Prior to amending the Regional Plan, the following findings must be made pursuant to Chapter 6. Brief rationales on which the findings may be based are included.

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:

A. Recreation Uses

With respect to recreation uses on national forest land, the amendments will help implement the following recreational goals of the Regional Plan:

DISPERSED RECREATION GOAL #1. ENCOURAGE OPPORTUNITIES FOR DISPERSED RECREATION WHEN CONSISTENT WITH ENVIRONMENTAL VALUES AND PROTECTION OF THE NATURAL RESOURCES.
Policy 3. Trail systems for hiking and horseback riding shall be expanded to accommodate projected demands and provide a link with major regional or interstate trails.

GOAL #2. PROVIDE HIGH-QUALITY RECREATIONAL OPPORTUNITIES

Policy 1. Wilderness and other undeveloped and unroaded areas shall be managed for low density use.

The recreation uses being considered are currently allowed as either allowed or special uses in plan areas containing national forest land without a clear reason for the difference. The amendments would make consistent the intent of the Goals and Policies with the appropriate plan area statements.

B. Resource Management Uses

The amendments will improve implementation of the Regional Plan by making the appropriate plan area statements consistent with the intent of the TRPA-USFS MOU regarding exempt resource management activities.

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

Rationale: Based on the completion of the Article V(g) checklist, the amendments will not cause applicable environmental thresholds to be exceeded. The resource management amendments are expected to assist in the attainment and maintenance of several environmental thresholds, including uncommon plant communities, sensitive plants, wildlife special interest species, fisheries, and vegetation presentation.

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: For the reasons stated in Finding 2 above, the amendment will not cause the air or water quality standards to be exceeded.

4. Finding: The Regional Plan, as amended, achieves and maintains the Thresholds.

AGENDA ITEM IV.E

2/2/90
Amendments Relative to Recreation Uses and Resource Management Uses to Change Special Uses to Allowed Uses in Plan Area Statements Containing Forest Service Land

Page 4

Rationale: For the reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.

Recommendation: Staff recommends that the APC recommend to the Governing Board adoption of the proposed amendments.

Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments on this item.
**REvised January, 1990**

**Proposed U.S. Forest Service Changes in TRPA Plan Area Statements**

Underlined Language is to be added, lined out language is to be deleted

<table>
<thead>
<tr>
<th>Recreation Uses</th>
<th>Affected Plan Area Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Change riding and hiking trails from Special to Allowed use</td>
<td>068, 070B, 118, 121, 144A, 144B, 146, and 150</td>
</tr>
</tbody>
</table>

**Rationale:** Trails are a permissible use on all plan areas. Since trails are a common means of providing access to national forest land and recreation on the land, they should be shown as allowed. Currently there is a mixture of allowed and special use without any clear reason for the difference.

2. **Change Developed Campgrounds from Special to Allowed-use**

**Rationale:** Plan Area 1467—Echo Lakes is a recreation-plan-area—which allows various recreation-uses—The Forest Plan provides for developed campgrounds in the plan area—The Forest Service, and the TRPA through its review of the Forest Plan, have determined that the use is appropriate to the plan area—The Governing Board, in approval of the 5-year study, will have an opportunity to validate proposed implementation.

3. **Change Day-Use Areas from Special to Allowed-use**

**Rationale:** The Forest Plan provides for the installation of day-use recreation sites in these plan areas.

4. **Change Undeveloped Campground from Special to Allowed-use**

**Rationale:** This category of use does not necessarily require any improvements to be installed on the land—The use is permissible on all national forest land except where specifically closed for reasons—Though much of the land area in the Region is closedly portions of the listed plan areas are open to undeveloped camping.

A-1

Attachment A
<table>
<thead>
<tr>
<th>Resource Management Uses</th>
<th>Affected Plan Area Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.7 Change-Sensitive-Plant-Management from-Special-to-Allowed-use</td>
<td>1217, 1397, and 143</td>
</tr>
</tbody>
</table>

**Rationale:** Management of sensitive plants in these plan areas is provided for in the Forest Plan and is consistent with the Regional Plan package.

| 2.7 Change-Uncommon-Plant-Community Management-from-Special-to-Allowed use | 1217, 1397, and 143 |

**Rationale:** Management of these plan communities is included in the Forest Plan and is consistent with the Regional Plan package.

| 1.3 Change Erosion Control from Special to Allowed use | 143 |

**Rationale:** This is an allowed use in all plan areas except the one listed.

| 2.4 Change Insect and Disease Suppression from Special to Allowed use | 121, 139, and 150 |

**Rationale:** Activities necessary to suppress insect and disease should be handled consistently throughout the Basin. Since action on the activity must often be prompt, the requirement for Governing Board action might cause harmful delay.

| 3.5 Change fire detection and suppression from Special to Allowed use | 150 |

**Rationale:** This must, by its nature and need for timely action, be an allowed use.

| 4.6 Change non-structural fish management from Special to Allowed use | 121, 139, 140, 142, and 143 |

**Rationale:** These management activities should be allowed wherever there is habitat to be managed, which is on all national forest land.
Resource Management

5.7 Change non-structural wildlife management from Special to Allowed use

Rationale: Same as for #6 4 above.

6.8 Change structural fish management from Special to Allowed use

Rationale: Every plan area shows the use as special. For national forest land, the activity should be an allowed use. Most of the structures will have insignificant adverse environmental impacts, but create substantial habitat enhancements. If the structure is substantial in size or impact, environmental factors, such as land coverage or permanent soil disturbance, would cause the activity to receive Governing Board review.

7.9 Change structural wildlife management from Special to Allowed use

Rationale: Same as for #8 6 above.

8.10 Change fuels treatment from Special to Allowed use

Rationale: This is a routine activity associated with disposal of slash typically produced from forest management. It should be an allowed use in all plan areas and not just some.

Affected Plan Area Statements

121, 139, 140, 142, and 143

003, 004, 013, 015, 019, 024A, 030, 047, 052, 060, 066, 070B, 080, 086, 087, 095, 118, 121, 126, 127, 129, 130, 139, 140, 141, 142, 143, 144A, 144B, 146, 148, 150, 152, 157, 162, 163, 166, 174

003, 004, 013, 015, 019, 024A, 030, 047, 052, 060, 066, 070B, 080, 086, 087, 095, 118, 121, 126, 127, 129, 130, 139, 140, 141, 142, 143, 144A, 144B, 146, 148, 150, 152, 157, 162, 163, 166, 174

003, 004, 013, 015, 019, 024A, 030, 047, 052, 060, 068, 070B, 080, 086, 087, 095, 118, 121, 126, 127, 129, 130, 140, 141, 142, 143, 144A, 144B, 146, 148, 150, 157, 162
9. Add fuels treatments as an allowed use

Rationale: Same as for #10 above.

12. Change grazing from special to allowed use

Rationale: The plan areas listed are those in which grazing is permitted on national forest land. Wherever grazing is permitted, improvements may arise that are necessary to confine or direct the movement of livestock or provide support to the operation.

13. Change range pasture management from special to allowed use

Rationale: Same as for #12 above.

10. Change range improvements from special to allowed use

Rationale: Same as for #12 above.

11. Change regeneration harvest from special to allowed use

Rationale: Proposed amendment uses listed in items #11 through #19 are all timber management activities that the Forest Service utilizes in the management of the forest. The Forest Plan provides for the use of the practices in the plan areas listed. As an allowed use, the Forest Service could best select which specific practice or practices are appropriate, without requiring Governing Board approval.

12. Add regeneration harvest as allowed use

Rationale: Same as for #11 above.
13. Change sanitation salvage from Special to Allowed use

**Rationale:** Same as for #15 11 above.

14. Change selection cut from Special to Allowed use

**Rationale:** Same as for #15 11 above.

15. Add selection cut as an Allowed use

**Rationale:** Same as for #15 11 above.

16. Change special cut from Special to Allowed use

**Rationale:** Same as for #15 11 above.

17. Add special cut as an Allowed use

**Rationale:** Same as for #15 11 above.

18. Change thinning from Special to Allowed use

**Rationale:** Same as for #15 11 above.

19. Change timber stand improvement from Special to Allowed use

**Rationale:** Same as for #15 11 above.

**Affected Plan Area Statements**

121, 139, 140, and 142

003, 015, 019, 055, 056, 060, 066, 070B, 086, 087, 118, 126, 127, 128, 129, 130, 140, 141, 144A, 144B, 146, 150, 157, and 166

003, 004, 013, 015, 024A, 030, 047, 052, 057, 066, 068, 070B, 080, 086, 087, 095, 126, 127, 128, 129, 130, 140, 141, 144A, 144B, 146, 148, 150, 152, 157, 162, 163, 166, and 174

013, 015, 024A, 060, 066, 068, 070B, 080, 086, 087, 127, 128, 129, 130, 141, 144A, 144B, 150, 157, and 166
Resource Management

20. Change early successional stage management from Special to Allowed use

Rationale: This is a wildlife enhancement practice that should be available for use on national forest land without the need for Governing Board approval.

Affected Plan Area Statements

121, 139, 140, 142, and 143
USFS PROPOSED PAS AMENDMENTS MAILING LIST

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Romany Woodbeck
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Jon Hoefer
USFS LTBA
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Bill Combs
Placer County Planning
Drawer CC
Tahoe City, CA 95730

Terry Dyer, Chairman
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Kings Beach, CA 95719

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Curtis Patrick, Chair
Douglas County Comm. Plan
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Ginger Huber
El Dorado County
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So. Lake Tahoe, CA 95702

ATTACHMENT B
MEMORANDUM

February 2, 1990

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Plan Area Statement 98, Bijou/Al Tahoe, Special Area #1, to Realign the Boundary Between the South Stateline Hydrologic Area and the Upper Truckee Hydrologic Area

This item is being continued to the March meeting.
MEMORANDUM

February 2, 1990

To: Advisory Planning Commission
From: TRPA Staff
Subject: Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings is Calculated

Proposed Action: TRPA staff is proposing to amend subparagraph 22.4.A(2) of the Code of Ordinances in order to modify the method by which additional height for certain public service and tourist accommodation buildings is calculated. Proposed language is in Attachment A.

Background: Presently, Subsection 22.4.A(2) provides for the maximum heights specified in Table A to be increased up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, with a corresponding reduction in allowable land coverage. Given these limitations, the maximum heights may be increased by one foot for each reduction in land coverage equal to five percent of the project area provided TRPA makes findings (1), (2), (3) and (5) as set forth in Section 22.7 (findings listed in Attachment B).

The subparagraph 22.4.A(2) provision, if applied literally, results in severe coverage reductions. An example is provided below:

Example: Project Area = 100,000 sq. ft.  Land Capability = Class 6
Allotted Coverage = 30,000 sq. ft.  Additional Height = 4 ft.

Required Coverage Reduction: (4 ft. x 5% = 20% of project area)

30,000 sq. ft. allowable coverage
-20,000 sq. ft. reduction (100,000 sq. ft. x 20%)

10,000 sq. ft. remaining allowable coverage
Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings is Calculated

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The provision was intended to provide the additional height in exchange for a reduction in the allowable coverage on a site thereby establishing relationship between building height and building footprint (area).

As adopted, however, the provision required coverage reductions to be based upon the size of the project area and not the allowable coverage. This was not the intent of the original tradeoff concept, and its application would result in coverage reductions so large as to make the provision virtually useless.

Discussion: Under the proposed amendment, the allowable coverage and not the project area would be reduced by 5% for each additional foot of height. The additional height findings in Section 22.7 would be required. The relationship established by original tradeoff concept would be preserved at a rate that would produce environmental improvements as projects are developed.

Example: Project Area = 100,000 sq. ft. Land Capability = Class 6
Allowed Coverage = 30,000 sq. ft. Additional Height = 4 ft.

Required Coverage Reduction: (4 ft. x 5% = 20%)

30,000 sq. ft. allowable coverage
- 6,000 sq. ft. reduction (30,000 sq. ft. x 20%)

24,000 sq. ft. remaining allowable coverage

Environmental Documentation: Staff has completed an Initial Environmental Checklist for this project, and proposes a Finding of No Significant Effect (FONSE), based on the following:

1. The proposed amendment is expected to continue to produce beneficial impacts with respect to soil conservation and applicable water quality thresholds by reducing maximum allowable land coverage. The amendment is not, however, expected to reduce otherwise allowable coverages at the same rate as the existing provision. Based on the small number of applications which may be expected to take advantage of this provision the effect of the amendments on regional soil conservation threshold attainment should be insignificant.

2. The proposed amendments will not alter the additional height Findings otherwise required in Chapter 22 nor the scenic threshold maintenance requirements of Section 30.12. In this way, potential adverse impacts to scenic resources will be avoided or otherwise mitigated if the project is approved.

2/2/90

AGENDA ITEM IV.G
Amendment of Chapter 22 to Modify Method by Which Additional Height for Certain Public Service and Tourist Accommodation Buildings is Calculated

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Recommendation: Staff recommends that the APC recommend to the Governing Board adoption of the proposed amendments.

Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments on this item.
SECTION 22.4.A PROPOSED AMENDMENTS

Underlined language is to be added,
lined out language is to be deleted.

22.4 Additional Height For Certain Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 in accordance with the following provisions and if TRPA makes the specified findings.

22.4.A Additional Height For Public Service And Tourist Accommodation Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 for buildings whose primary use is public service or tourist accommodation as follows:

(1) Additional Height With Required Findings: The maximum heights specified in Table A may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes findings (1), (2), and (3) for tourist accommodation buildings, and findings (1), (3), and (2) or (4) for public service buildings, as set forth in Section 22.7.

(2) Additional Height For Reduced Land Coverage: The maximum heights specified in Table A may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 20. The maximum heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the project-area base allowable coverage, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings (1), (2), (3) and (5) as set forth in Section 22.7. The additional height provided in this subparagraph may be utilized for more than one building provided the coverage reductions and findings are made for each individual building.
22.7 **List Of Findings:** The findings required in this chapter are as follows:

(1) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, but not from a distance of less than 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

(2) When outside a community plan, the additional height is consistent with the surrounding uses.

(3) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

(4) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

(5) That portion of the building which is permitted the additional height, is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

   (a) The horizontal distance from which the building is viewed;
   (b) The extent of screening; and
   (c) Proposed exterior colors and building materials.

(6) The building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed.

(7) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

(8) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

ATTACHMENT B
MEMORANDUM

February 1, 1990

To: Tahoe Regional Planning Agency Advisory Planning Commission

From: Jeffrey S. Blanck, Agency Counsel

Re: Amendment of Chapter 18 (Permissible Uses) Regarding Regional Public Health and Safety Facilities

PROPOSED ORDINANCE AMENDMENTS: The proposed ordinance language is set forth in the adopting ordinance attached hereto as Exhibit A. This amendment allows for secondary county short-term incarceration facilities. Secondary county incarceration facility means a county jail, not state or federal prison facilities, that is not the primary jail for the county and which houses inmates that are sentenced for no longer than 90 days.

BACKGROUND: This definition was originally developed based upon the use that existed at the time of adoption. All existing jail facilities were for interim use pending trial and all facilities house less than 100 inmates at one time. Unfortunately, with an increase in population there is an increase in crime resulting in more arrests and an increase in need for incarceration facilities. Because TRPA does not want to impede effective law enforcement, this amendment is proposed to allow for expansion of some incarceration facilities.

DISCUSSION: The actual size of an incarceration facility should be determined by the needs of the government agency. These jail facilities shall be for short-term sentences or holding prisoners pending final disposition of their cases. It is not the main jail for the county. These facilities are for local needs and not state or regional facilities designed to serve areas outside the Tahoe Basin. The construction of any facility will be a project subject to TRPA review. There is also a potential in reduction for VMTs by having these facilities in the Basin and not requiring the transport back and forth of prisoners out of the Lake Tahoe Basin. This amendment better defines the scope of incarceration facilities.
FINDINGS:  Chapter 6 and Ordinance 87-8 requires certain findings to be made prior to amending the Code.

Chapter 6:  Section 6.5 requires four findings to be made.  The findings and the rationales are as follows:

1.  The amendment 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 amendment of this Code section will not adversely affect the implementation of the Regional Plan because it only better defines terminology.

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

Rationale:  This amendment will not adversely affect environmental thresholds by its implementation because all projects will be reviewed pursuant to the Code and required to meet all thresholds and mitigate any impacts.

3.  Wherever federal, state and local air 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 ordinance amendment will not affect the air or water quality standards.  It is not within the realm of Article V(d) of the Compact.  The discussion section herein indicates a possible improvement in air quality due to a reduction in VMTs.

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 implementation of this amendment will not have an impact on the environmental thresholds.  Individual projects will be reviewed to achieve attainment.

Ordinance 87-8:  Section 2.40 requires certain findings to be made when TRPA is adding or amending ordinances.  The findings are as follows:

1.  The amendment provides for an equal or better means of attainment or maintenance of the thresholds.
Rationale: This amendment provides at a minimum equal attainment or maintenance of the thresholds because it is only a definitional change that better interprets and meets the needs of the region.

2. 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 an equal or better means of implementing the Regional Plan package and complying with the Compact.

Rationale: The proposed amendment better clarifies the intent of what incarceration facilities are needed. State and federal facilities are excluded, as well as not allowing the jail to be the primary county jail facility. In addition, sentences will be limited to less than 90 days. All of the above will correct the demonstrated problem based on the needs of the surrounding counties.

ENVIRONMENTAL DOCUMENTATION: Based on the initial environmental checklist there is no significant environmental effect of this ordinance amendment.

RECOMMENDATION: Agency Counsel and the Executive Director recommend that the APC recommend adoption of the ordinance as presented herein.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 90-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY RELATING TO THE DEFINITION OF REGIONAL PUBLIC HEALTH AND SAFETY FACILITIES, SPECIFICALLY REGARDING INCARCERATION FACILITIES.

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. 87-9, as amended, by amending Chapter 18 of the Code of Ordinances in order to further implement the Regional Plan, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended ("Compact").

1.20 The Governing Board also has conducted a noticed public hearing of these amendments to the Code, at which hearing oral testimony and documentary evidence were received and considered.

1.30 The amendments have been determined to have no significant environmental effect 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 Article V(g) of the Compact and that such findings are supported by substantial evidence in the record. The Board further finds that, prior to the adoption of these amendments, the Board made the findings required by Section 2.40 of TRPA Ordinance 87-8 and that such findings are supported by a preponderance of the evidence.

1.50 The amendment to the Code adopted by this ordinance continues 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.

Section 2.00 Amendment of Chapter 18 of the Code of Ordinances

Chapter 18 is hereby amended as set forth below:

Regional Public Health and Safety Facilities: Regional facilities operated by public or quasi-public entities for protection of the public, such as fire stations and other fire prevention facilities, water and sewage
facilities, transportation maintenance/storage facilities, police and
sheriff substations and headquarters, including secondary county short-term
incarceration facilities. Secondary county short-term incarceration
facility means a county jail, not a state or federal prison facility, that
is not the primary jail for the county and which houses inmates prior to
disposition of their case or that are sentenced for no longer than 90 days.

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 purposes. If any section,
clause, provision or portion of this ordinance or amendments is declared
unconstitutional or invalid by a court of competent jurisdiction, the remainder
of this 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.

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:

Abstain:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency

2/1/90
FOR FEBRUARY GOVERNING BOARD

February 1, 1990

SUMMARY OF PROPOSED AMENDMENT TO CHAPTER 18
OF TRPA CODE OF ORDINANCES

Regional Public Health and Safety Facilities: Regional facilities operated by public or quasi-public entities for protection of the public, such as fire stations and other fire prevention facilities, water and sewage facilities, transportation maintenance/storage facilities, police and sheriff substations and headquarters, including interim-incarceration facilities able to accommodate a maximum of 100 prisoners at one time and emergency facilities; including secondary county short-term incarceration facilities. Secondary county incarceration facility means a county jail, not a state or federal prison facility, that is not the primary jail for the county and which houses inmates prior to disposition of their case or that are sentenced for no longer than 90 days.
MEMORANDUM

February 2, 1990

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Chapter 81 (Water Quality Control) Relative to Hazardous Waste and Toxic Spills

This item has been continued to the March meeting.