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 July 11, 1990, at the Chateau, 995 Fairway Boulevard, Incline Village, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

July 2, 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.
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 Public Services Facility List 1990-1994 for Incline Village Community Center

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

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. Adoption of Elks Point Marina Master Plan, Douglas County

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

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

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

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

V PLANNING MATTERS

A. Presentation by the City of South Lake Tahoe on Results of South Lake Tahoe Housing Study
B. Work Plan and Proposed Schedule for Amendment of Code
   Chapter 54 Regarding Locating Structures in Fish Habitat

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

D. TRPA Five-Year Strategy: July 1990 - June 1995

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

MEMORANDUM

June 30, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Public Services Facility List 1990-1994 for the Incline Village Community Center

Proposed Action: Incline Village Improvement District has requested that the proposed Incline Village Community Center be added to the TRPA Public Services List. Attached is a draft of the page that would be added to the list if approved.

Background: IVIGD and Washoe County have been pursuing a Community Center for several years. As the project evolved over the last year, it was determined that there were two primary uses being proposed. The first use was a 34,619 square foot recreation facility. The recreation use was anticipated and was added to the Recreation Facility List last January. The second use, a 13,450 square foot conference facility evolved out of a need for meeting facilities and available funding from other sources. This use is classified as a publicly owned assembly and entertainment facility and is required to be listed on the Public Services Facility List.

The Community Center project and EIS are being considered by the Governing Board this month. Prior to TRPA taking action on the conference facility portion of the project, it must be added to the Public Services Facilities List. To be added to the list, the Governing Board must make the findings listed on the attached pages.

Analysis: 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.

Issue #1 - IVIGD has submitted a 1986 and 1988 survey data indicating the residents desire a multi-purpose meeting and recreation facility. Also, there is support for a performing arts center. Table 4-9 of the draft EIS lists all locally available public facilities. Also, existing space does not meet needs, i.e., acoustics, open floor plan, etc. IVIGD indicates the multiple use of school facilities is not acceptable; therefore, additional facilities need to be constructed. This additional need for meeting/entertainment space is
Memorandum to Advisory Planning Commission
Amendment of Public Services Facility List 1990-1994
for the Incline Village Community Center
Page 2

estimated to be 6,300 square feet. Numerous letters (see EIS response to comments) indicated they did not support this portion of the facility. Recently, staff received 11 letters supporting the meeting facility. IVGID needs support data such as ULI planning factors which indicate there is an inadequate amount of local meeting space for Incline's existing and future population.

Complicating the need for local meeting space is IVGID's proposal to finance the construction and maintenance of these facilities by using them as conference facilities for tourists. The ERA feasibility report for this facility indicated that there is a market for nationally marketed conferences; and by using the facility approximately 20% of the time for national conferences, IVGID could afford the facility without raising fees. This is an important consideration, since the resident's survey also indicated they supported such facilities, but did not want to pay for them.

IVGID and TRPA have agreed there are approximately 1000 rentable tourist accommodation units and that there are 28,200 square feet of major meeting space available for conferences in the Incline area. ULI indicates for a planning guideline that you should plan 1 to 2 persons (seats) per hotel room and 10 to 12 square feet per person (seat) for meeting space. This would suggest there is a current surplus of at least 5,000 square feet of meeting space.

This strategy causes staff some concern in regards to being a practical way to provide local meeting space and directly impacts project design in regards to parking. Because of such things as cost over runs and other such events, IVGID could end up with a facility that needs to be used for tourist conferences for a majority of the time. Also, this size of a facility on this site cannot provide adequate parking, thus requiring alternative solutions not preferred by TRPA.

Issue #2 - The second issue is the finding that this project must proceed ahead of the community plan. The Washoe County CP Team is just completing its preliminary plan and will not have a final plan until 1991. IVGID's argument is that it can no longer wait, a community center is addressed in the Area Plan, it cannot split the project, and the funding is available so it must proceed.

We recognize that all the community plans are behind schedule and some adjustments have to be made. The intent of the finding was to coordinate large public service projects with the CP process. It is staff's opinion that if the project has been reviewed by the planning team, a need has been documented in the preliminary plan, and it was a noncontroversial element of the preliminary plan, then the project could proceed under rationales similar to IVGID's. Neither the draft preliminary plan nor the planning team currently address this portion of the facility.

6/30/90
Memorandum to Advisory Planning Commission
Amendment of Public Services Facility List 1990-1994
for the Incline Village Community Center
Page 3

Environmental Documentation: This project is addresses in the GIS which is included in your packet under Agenda Item IV B.

Recommendation: At this time staff does not have enough evidence to recommend this project be added to the list. It is our hope that through the APC public hearing process the above concerns may be addressed and a recommendation can be made.
Type of Use: Publicly Owned Assembly and Entertainment

Project Name: Incline Village Community Center (Conference Facility Wing)

Description: Construction of a 13,450 square foot meeting facility to be used approximately 30% for local meetings and events and approximately 70% for nationally marketed conferences. The fire rated capacity for the 6,300 square feet of meeting area is 407 people.

Applicant: IVGID

Location: Incline Way, Plan Area 048

Construction Date: 1990

Cost: $2,500,000

Eligibility Findings:

There is a need for the project: [see Issue #1 in Staff Summary]

The project complies with the Goals and Policies, the applicable Plan Area Statement, and the Code: Publicly owned assembly and entertainment facilities are a special use in this PAS. The project as described in the 1990 Draft and Final EIS is consistent with TRPA development standards.

The project is consistent with the TRPA Capital Improvement Program: NA

The project meets the findings adopted pursuant to Article V (g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity: Based on the EIS drafted by TRPA, and considering the project's service capacity in terms of (1) impacts on traffic and transportation, (2) energy consumption, (3) demand on sewer and water, (4) occupancy, and (5) similar measures of service capacity, the project is consistent with the Regional Plan Goals and Policies, the Code of Ordinances and the attainment and maintenance of thresholds and applicable air and water quality standards. The project with mitigation will not have a significant adverse effect on regional VMT, traffic congestion, energy consumption, or demand on water and sewer facilities. The change in service capacity, if any, is consistent with the disclosure of environmental impacts identified in the EISs on the Regional Plan package and will not adversely affect implementation of compliance measures necessary to attain and maintain environmental thresholds and applicable water and air quality standards. [assumes need finding above can be made]
Where the project is proposed for construction in a community plan area before
the community plan has been adopted by TRPA, the sponsoring entity shall demon-
strate that the need for such a construction schedule outweighs the need for the
prior completion of the community plan process; [see Issue #2 in Staff Summary].
This project is in a community plan for which a preliminary community plan is
just being completed. The preliminary plan calls for a community center but
does not address the need for conference facilities. The CP finding was not
required for the recreation facility portion.

Where the project was unforeseen and the action is required before the next
annual update, or the project relates to an emergency involving the public
health, safety and general welfare, the project must be placed upon the list
immediately. The recreation portion of the project was put on the Recreation
Facility List, however it was unforeseen that the recreation meeting rooms would
evolve into a conference facility and thus be required to be on the Public
Services Facilities List.
June 26, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Determination of Technical Adequacy of Draft EIS for Incline Village General Improvement District (IVGID) Community Center

The Draft Environmental Impact Statement (EIS) for the IVGID Community Center began circulation on March 13, 1990, and the comment period closed on May 11, 1990. It is anticipated that the Final EIS will be mailed to the APC members in July 2, 1990.

At the July APC meeting, TRPA staff and the EIS consultants, Resource Concepts, Inc., will make a presentation of the document.

If you have any comments or questions on this matter, please contact Jerry Wells, Deputy Director, at (702) 588-4547.
MEMORANDUM

July 2, 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
7/2/90

AGENDA ITEM IV.C.
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 area was not easily resolvable, and there are other issues, such as visual resources and *Scrippa gümümbellata*, 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

7/2/90

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

ORDINANCE 37-8 FINDINGS: Ordinance 37-8, 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.

7/2/90
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 restrooms, picnic sites, or concessions. Dispersed beach recreation usually includes the use of undeveloped shorelines by swimmers and sunbathers 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 15.

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 accomplished in practice by that source. [Amended 5/24/83]

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 5/24/83]

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.

BMFs: 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 6200.0 Feet Lake Tahoe Datum.

Mail Order and Vending: See Chapter 12.

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. CONСERNED PROJECTS INVOLVING Chapter 4, Appendix A

1. Expansion of existing structures, except conformance structures (Chapter 92)

Change to:

Expansion of existing nonconforming structures, except low level boatlift additions and reconfigurations of existing structures to increase conformance (Chapter 92).

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 II
EXISTING STRUCTURES

Chapter Contents

52.0 Purpose
52.1 Applicability
52.2 Definitions
52.3 Existing Structures in the Nearshore or Foreshore
52.4 Existing Structures in the Backshore

52.0 Purpose: Policy II, 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 52.3.4. 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.
POOR QUALITY ORIGINAL (S) TO FOLLOW
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 shoreline erosion and shorezone scenic quality in determining the number of, location of, and standards of construction for facilities 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.
54.3 Fish Habitat and Impoundment 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 works of its tributaries. The study shall also evaluate and recommend methods for restoring fish habitat.

54.3.A Schedule for Implementation 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, 1988.

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, 1988, 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;
(3) The placement of piers shall be prohibited between September 15 to June 15 in areas identified as "Feeding And/Or Escape Tower Habitat," "Spawning Habitat" or "Areas Targeted For Habitat Restoration" on TRPA's Prime Fish Habitat map, adopted on April 26, 1994.

(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 encompassed by lines that are parallel to and a minimum of 20 feet inward of parcel lines when extended line to line 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
14.4.3 Design and Construction Standards: Design and construction standards shall:

1. The width of piers shall be a maximum of ten feet. Deck shall be on a support structure, such as a single low-level boat lift or a single catwalk. A catwalk below the level of the main deck, and not exceeding three feet in width by 40 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 6331.5 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 6334.8 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 50 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.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. Pre-cast 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 31 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 parallel lines when extended lakeward at right angles from the high water line. Mooring buoys shall be placed within
Design and Construction Standards: Floating docks and platforms shall comply with the construction specifications set forth in the American Waterway Marking System or as otherwise determined 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.
14.8 Multiple-Use Facilities: Where otherwise allowed pursuant to Chapters 31 and 32, the placement and design of piers, boat ramps, mooring docks, and floating docks and platforms designated to serve individuals on a multiple- or commercial-use basis shall conform to the following standards. If any such structure is necessary to a marine use pursuant to Section 54.12, it 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 a: 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(2) and (3) and Subparagraphs 54.7.A(1) and (4) shall serve as guidelines.
Facilities shall comply with the design and construction standards set forth in Subsection 54.6.1, unless Subsection 54.6.3 or 54.6.4: (a) except that, if designated by TRPA as multiple-use pursuant to Section 54.6.1, the design and construction standards set forth in Subparagrap 54.6.1.3, subparagraph 54.6.1.4, and subparagraph 54.6.1.5 shall serve as guidelines.

54.6.2 Permitted Uses of Multiple-Use facilities: Facilities designated by TRPA as multiple-use are subject to the following provisions:

1. Deviation From Standards: Deviation from the standards identified in Subsections 54.6.3 and 54.6.4 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 the area 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 recording 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.

54.9 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.

54.10 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.
54.11 A Location: Jetties, and breakwaters, and rock cribs shall not be permitted in spanning bodies of water or loss of sediment from the shoreline is likely. Fences shall not be permitted "inland" of the high water line of any lake or body of water except for protection of the health or safety of the general public or to prevent injury to public or private property or areas of public interest. Any such fence or body of water shall not apply; 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 the 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 50 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.
Marinas: Marinas may be permitted as follows:

54.12 A Location: Wherever permissible under this Code, applications for new marinas and their expansions or existing marinas shall be subject to the regulations of Chapter 5 (Marinas and Yachts) and a master plan pursuant to Chapter 19. In a minimum, the MZC shall assess the potential impacts of marinas on water quality, fish habitat, water clarity, and public use for all facilities.

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

54.12 C Marina Support Facilities: All new marinas and expansions of more than ten boat slips 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;

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.
Findings: Shoreline protective structures may be permitted as follows:

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

1. Structures in the backshore or adjacent areas will be impacted by the construction and maintenance of the protective structures;
2. The protection of structures in the backshore is the enhancement of environmental threshold values that affect the adverse environmental effect 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 54.11.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 regulated as follows:

54.14.A Artificial beach construction: If beaches are to be artificially created, the artificial, artificial, and artificiality short material shall be used. Unpreferred material is which replacement is illegal.

54.14.B Filling: There shall be no fill placed in the lake. If permitted, except as otherwise associated with approved by municipal, shoreline protection structures, or with replacement projects, or is 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 to be beneficial to existing shorezone conditions and water quality and clarity, except maintenance dredging including, which may be permitted where 99% of the dead 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.
15.14.E Dredging Report: TPSA 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 headline may be permitted to facilitate lake access. Permits for the temporary use of structures shall be subject to the provisions outlined in Chapter 9, with the exception that the temporary use of a structure may be extended indefinitely provided that TPSA 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.E.
MEMORANDUM

July 2, 1990

To: The Advisory Planning Commission

From: Agency Staff

Subject: Adoption of Elks Point Marina Master Plan, Douglas County

PROPOSED ACTION

The Elks Point Country Club home owners have asked the TRPA to adopt a master plan for Elks Point Harbor and Community Beach, APN 05-250-15, pursuant to Chapter 16 (Specific and Master Plans). Although the harbor is not a commercial marina facility, it has been determined to be a marina subject to the master plan requirements of Chapter 16. Work on the master plan began in June, 1989. The proposed Master Plan and the Environmental Assessment are Attachment A, enclosed with the packet.

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 plan provides for replacement of portable sani-hut type restrooms with a permanent central restroom which would also serve the beach area, rearrangement of internal access roads and a reduction of existing coverage, erosion control, revegetation of disturbed areas, and improvement of the visual quality of the area.

BACKGROUND

The master plan process includes appointment of a steering committee to represent the project proponents, the local government, the Forest Service (if affected), and TRPA. The Elks Point Marina steering committee was composed of Richard McMillen (Elks Point), John Renz (Douglas County), Jon Hefler (USFS), and David Ziegler (TRPA). The steering committee in turn establishes a planning team, Phillip Caterino (Alpengroup), Richard McMillen (Elks Point), and Jean Shaffer (TRPA). The planning team studied the environmental limitations and

AGENDA ITEM IV.D.

7/2/90
opportunities presented by the site, assessed the need for the project, identified applicable regulations, and developed the master plan and environmental documentation. The role of the steering committee was to oversee the planning team’s work and recommend action on the final plan.

The Elks Point Country Club community beach area contains a small boat harbor with slips for 40 boats and a boat launching ramp, a shed for housing boats off-season, a deck for group activities, and an undeveloped beach area for casual recreation.

The shoreline along the entire parcel is mapped as habitat for *Rorippa subumbellata*, a TRPA designated sensitive plant species and a federal candidate for listing as threatened or endangered. A small *Rorippa subumbellata* population occupies a rocky area at the north end of the beach.

A number of possibilities for additional recreational facilities were explored, however, there was no consensus for further development of the common area. The coverage which will be removed in the implementation of the master plan will be banked should there be demand for a playground or other beach improvements in the future.

FINDINGS

Chapter 16 Findings for the Adoption of a Master Plan:

Section 16.9 Findings For Approval: Before approving or amending a specific or master Plan, the Governing Board shall find:

1. The plan is consistent with the Goals and Policies;
2. The plan is consistent with the Code;
3. The plan is consistent with the adopted plan area statement or community plan applicable to the area;
4. The plan does not propose development of residential units, tourist accommodation units, commercial floor area, recreational PAQTs, or other limitations in excess of the limits set forth in the Regional Plan for the plan area.
5. The plan is consistent with the attainment and maintenance of environmental threshold carrying capacities.

The findings can be made based on the following information:

1. TRPA staff have reviewed the proposed master plan, most specifically with respect to the Recreation Element, and the Land Use, Noise, Water Quality, Community Design, Bicycle and Pedestrian, Vegetation, and Scenic Subelements, and it is consistent with the Goals and Policies. Goal #2 of the Developed Recreation Subelement, Policy 1 states that "Expansion of recreational facilities and opportunities should be in response to demand", and Policy 4 states that "Private marinas shall be encouraged to provide public boat launching facilities" where practical. Long waiting lists for slips at marinas attest to the demand for boating facilities. The environmental constraints
posed by the lack of high capability land in the area for car and boat trailer parking makes general public access not practical.

(2) The proposed master plan has been reviewed for consistency with the Code of Ordinances. The Code does not discriminate between public and private marinas. Subsections 20.4.B(2) and 55.4.A allow for exceptions to the prohibition of land coverage and disturbance of SEZs and the backshore respectively for public outdoor recreation facilities if TRPA finds that:

(A) The project is part of a public agency's long range plans for public outdoor recreation;
(B) The project is consistent with the Recreation Element of the Regional Plan;
(C) The project, by its very nature, must be sited in a stream zone (or backshore);
(D) There is no feasible alternative which would avoid or reduce the extent of encroachment in the stream environment zone (or backshore);
(E) The impacts of the land coverage and disturbance are fully mitigated through means including, but not limited to the following:
   (a) Application of BMPs; and

For SEZs:
   (b) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A, with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zones.

For the backshore:
   (b) Restoration in accordance with Subsection 20.4.C of land in the backshore or a stream environment zone in the amount of 1.5 times the area of land in the backshore covered or disturbed for the project beyond that permitted in Section 55.3.

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.

The removal of soil above the high water line is technically excavation. Subsection 64.7.A prohibits excavation intercepting ground water with certain exceptions. Any excavation to expand a marina would presumably intercept ground water at whatever the Lake level might be at the time. There is no exception for marina expansions although they would not add or withdraw ground water, raise or lower the water table, alter the rate of flow of ground water, nor necessarily alter the direction of ground water. Marinas beside Elk Point which could be affected by this prohibition include Ski Run, Tahoe Keys, Meeks Bay, and perhaps others. It would be appropriate to add another exception to the Subsection: 64.7.A(2)(d) It is for a marina expansion approved pursuant to Chapter 16. The hearing on the Ordinance amendment could be held at the Governing Board meeting.

TRPA has reserved a minimum of 2,000 PAOTs (the measure of recreation capacity) for expansion of marinas and boat ramps to provide additional recreational
access to Lake Tahoe. The Code does not discriminate between public and private marinas nor between commercial and noncommercial marinas with regard to additional outdoor recreational capacity, and all marinas are subject to the allocation of PAOTs.

Alternatives considered included placement of a buoy field instead of slips, and no project. The buoy field would have resulted in a severe negative impact on the visual quality from the shoreline travel unit rather than the improvement called for in the PAS. The no project alternative would not increase the recreational access to Lake Tahoe in response to demand.

(3) The master plan is consistent with PAS 070B, Rabe. Beach recreation, marinas, boat launching facilities and ramps, and breakwaters and jetties are permissible uses in the shorezone. Needed scenic improvements and BMP retrofitting on the parcel, cited in Special Policy 3, will be implemented.

(4) The plan will not cause the recreational PAOT limitation to be exceeded. A pool of 2,000 summer day use PAOTs has been reserved specifically for expansion of marinas and boat ramps to increase recreational access to Lake Tahoe. All marinas, whether public or private, require the allocation of PAOTs. The full implementation of this master plan would require allocation of up to 51 PAOTs from the pool, leaving 1,949 PAOTs available for other marina expansions.

(5) The plan is consistent with the attainment and maintenance of environmental threshold carrying capacities, including the policy statement: "It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and insure a fair share of the total Basin capacity for outdoor recreation is available to the general public." The expanded marina would increase the total Basin capacity for high quality recreation and will not cause the threshold carrying capacities to be exceeded.

Chapter 6 Findings Necessary to Approve Map Amendments, PAS Amendments, and to Approve a Master Plan:

Section 6.3 Threshold-Related Findings: The following specific findings shall be made, pursuant to Articles V(c), V(g), and VI(b) of the Compact in addition to any other findings required by law.

6.3.A Findings Necessary To Approve Any Project: To approve any project, TRPA must find, in accordance with Sections 6.1 and 6.2, that:

(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.

(2) The project will not cause the environmental threshold carrying capacities thresholds to be exceeded; and
(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 Tahoe Regional Planning Compact, the project meets or exceeds such standards.

The findings can be made based on the information provided in the Environmental Assessment and for the Chapter 15 findings above. In addition, the mitigation and monitoring programs in the master plan will provide for attainment and maintenance of air and water quality standards.

Section 6.4 Findings Necessary To Amend The Regional Plan, Including The Goals And Policies and Plan Area Statements and Maps: To approve any amendment to the Regional Plan, TRPA must find, in addition to the findings required pursuant to Subparagraphs 6.3.A(2) and 6.3.A(3) and Subsection 6.3.B, and in accordance with Sections 6.1 and 6.2, that the Regional Plan, as amended, achieves and maintains the thresholds.

For the reasons described above, the Regional Plan amended as proposed will still achieve and maintain the thresholds.

ENVIRONMENTAL DOCUMENTATION

The Environmental Assessment for the Elks Point Harbor Master Plan was submitted with the Master Plan.

All the significant impacts of the Elks Point Harbor Master Plan were identified in the 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.

RECOMMENDED ACTIONS

The steering committee and TRPA staff recommend that the Advisory Planning Commission review Master Plan and the Environmental Assessment, comment as appropriate, and recommend that the Governing Board make the required findings, and adopt the ordinance adopting the Master Plan.
July 1, 1990

To:      Advisory Planning Commission

From:    TRPA Staff

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

Proposed Action: In cooperation with the U.S. Postal Service, staff is 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. Please refer to the proposed amendment language located in Attachment A.

Background: Home and business mail delivery is an important component of the Transportation Systems Management (TSM) element of TRPA's adopted Regional Transportation Plan (RTP). Goal #7 of the TSM element states:

"PROVIDE HOME MAIL SERVICE IN THE URBAN AREAS OF THE LAKE TAHOE BASIN."

The RTP EIS estimated that home mail delivery would reduce regional VMT between 20,000 and 40,000 VMT. Recipients of home and business delivery must first install mail boxes or other delivery facilities.

As provided for in Article VI(a) of the Compact, 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. Rather, it is anticipated that the ultimate goal of providing home and business mail delivery will positively impact regional air and water quality thresholds.

Required Findings: Prior to amending the Regional Plan, the following findings pursuant to Chapter 6 and TRPA Ordinance 87-8 must be made. Brief rationales on which the findings may be based are included.

AS:rch
7/2/90

AGENDA ITEM IV E.

29
Memorandum to Advisory Planning Commission

Amendment of Chapter 4, Project Review and Exempt Activities, Regarding the Provision of Mail Boxes for Home and Business Mail Delivery -- Page 1

Chapter 6 Findings

1. Finding  
   The project is consistent with, and will not adversely affect implementation of the regional plan, including all applicable goals and policies, plan level statements and maps, the ... and other plan tools and guidance.

   Rationale: The provision of home and business mail delivery has been contemplated by the Regional Plan and Regional Transportation Plan as an important method by which to effectively implement VMT and related air quality thresholds. Specific design and location criteria have been included as part of the exempt activity in order to minimize potential adverse impacts on water quality, scenic resource, and community design thresholds which may be associated with the installation of certain mail boxes.

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 amendment will not cause applicable environmental thresholds to be exceeded. Home mail delivery has been modelled to show a net reduction of 20,000-40,000 VMT through the Region can be expected. This will assist in VMT and related air quality threshold attainment and maintenance.

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.

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

97-8 Findings:  
   The required Ordinance 87-8 findings and brief rationales are set forth below:

7/2/90

AGENDA ITEM IV E.
Memorandum to Advisory Planning Commission
Amendment of Chapter 4, Project Review and Exempt Activities, Regarding the Provision of Mail Boxes for Home and Business Mail Delivery -- Page 1

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

   **Rationale:** See Chapter 4 findings 41 and 6 above.

2. **Finding:** 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 of 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 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.

7/2/90

AGENDA ITEM IV E.
Rationale: Finding (2) is recommended based on the following:

The ability to realize "NT and threshold-related air quality benefits would be jeopardized if each home and business use had to first apply for and receive a TPFA permit. Exempting the installment of certain mail boxes under specific design and location conditions would correct a counter-productive situation between different portions of the Regional Plan (specifically Chapter 4 of the Code and the RTP), and would provide an equal or better means of implementing the Regional Plan package.

Environmental Documentation: Based on the completion of an Initial Environmental Checklist, staff proposes a Finding of No Significant Effect (FONSE), based on the following:

1. 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.

2. The implementation of home mail delivery has been shown in TRPA's adopted Regional Transportation Plan to reduce regional "NT between 20,000 and 40,000.

Recommendation: Staff recommends that the APC conduct the public hearing and, based on its outcome, recommend that the Governing Board adopt the proposed amendments.

Please contact Andrew Strain at (702) 588-4547 if you have any questions.
Add the following language:

"4.0.2 Mail Delivery Activities: The following mail delivery activities are exempt:

(1) Mail delivery receptacles which are designed and installed in accordance with design standards which are part of a PPA-approved area-wide mail delivery program.

(2) Mail delivery receptacles and support structures which comply with the following standards:

(a) One mail box for each parcel or project area which:

(i) Is mounted on a single post the exterior dimensions of which do not exceed 4" x 4"; and

(ii) Has a maximum external box size of 8" x 21" by 10¼" (equal to U.S. Postal Service standard boxes #1 and #1-A), and a maximum cantilevered arm length of 48"; and

(iii) Has a maximum height of 42" from finished grade to the top of the box; and

(iv) Is located in such a manner and place that can be accessed by mail delivery vehicles such that the vehicles will not cause compaction or disturbance of previously uncompacted or undisturbed road or driveway shoulders or aprons; and

(v) Is located within a scenic highway corridor pursuant to Section 30.13, is colored using dark shades of earthtone colors and matte finish.

(b) One set of cluster boxes where the number of boxes is equal to the number of parcels or project areas being served which:

(i) Meet the design and locations standards listed in 4.2.B(2)(a)(i) through (v) inclusive; and

(ii) Has a maximum of four mail boxes per cluster where the overall length of the cluster does not exceed 42".

(3) Mail delivery receptacles and support structures which are mounted flush with an existing building wall or are located inside buildings.

(4) One individual mail box per primary use mounted on an existing building wall which does not exceed two cubic feet in volume, and which does not increase the building footprint.

(5) One cluster of mail boxes per project area containing more than one primary use, which:

(a) Does not exceed ten cubic feet in volume exclusive of a roof;

(b) Has a non-reflective finish; and

(c) Is mounted on an existing building wall in such a manner that does not increase the building footprint; or

(d) Is ground-mounted over existing land coverage."
MEMORANDUM

June 27, 1990

To: Advisory Planning Committee
From: Agency Staff

Subject: Amendment of Chapters 1 and 26 to Extend the Date for Adoption of Substitute Sign Ordinances

PROPOSED ACTION: TRPA staff is 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.

Provided the extension is for a short period of time and is clearly understood to be the only extension, TRPA staff is proposing an amendment to extend the October deadline to January 1, 1991. The practical effect of the proposed extension would be to give the County until the October 1990 Board meeting to have a substitute ordinance adopted.

Staff concurs with the County that implementation of Chapter 26 for a short period of time would be confusing to the public and therefore counter-productive. Accordingly, staff has proposed the following amendment to Chapter 4, subparagraph 4.2.D(16):

(16) Until October 17, 1990, January 1, 1991, signs which are reviewed and approved consistent with the interim sign standards established in Ordinance 87-8, by a local government pursuant to a memorandum of understanding signed before January 25, 1990; and

BACKGROUND: In September 1989 the Governing Board adopted, as part of the Scenic Resources Management Package, a new Code chapter, Chapter 26 Signs. Also adopted at that time were amendments to Chapter 4 which exempted certain sign activities from TRPA review.

The adopting ordinance (Ordinance 89-16) gave the counties and city the option to postpone implementation of Chapter 26 until October 1, 1990, while they prepared substitute sign ordinances for presentation to TRPA.

SES: jm
6/27/90
Placer County took advantage of this option and to the interim sign standards (adopted by Ordinance 87-8 at the time of the new Regional Plan) have remained in effect in Placer County. The extension expires and Chapter 16 is slated to take effect in Placer County on October 1, 1990. It should be noted that the interim sign standards were based on the Placer County Uniform sign ordinance. Thus, the County felt comfortable with the interim standards and wanted to avoid implementation of a new standard for a short period of time.

Although Placer County has been diligently preparing substitute standards for presentation to the Governing Board, they will not be ready to submit a proposal for Board adoption prior to the October 1, 1990 deadline. The County does expect to be prepared to present substitute sign standards to the Board this fall. However, since ordinance amendments do not take effect for 60 days, the County will not be able to submit a draft ordinance in time to have it take effect before October 1, 1990.

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. 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 brief continuation of the interim sign standards in Placer County is a very insignificant regulatory change. Further, the interim standards are relatively restrictive regarding creation of new signs so ultimate implementation of the scenic package will not be impacted. The avoidance of shifting regulations and the confusion and inconsistencies which would result is a benefit of the amendment.

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

Rationale: Given the localized and short term extension and the restrictive content of the interim standards, the scenic thresholds will not be exceeded.

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: This finding is inapplicable.

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

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

ORDINANCE 97-3: The required Ordinance 97-3 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.

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: Staff has prepared an Initial Environmental
Checklist (IEC) for the proposed action and recommends a Finding of No
Significant Effect (FONSE) based on the following:

The existing interim sign standards will stay in effect until January 1, 1991
only in Placer County. The interim standards have previously been found by TRPA
to have No Significant Effect. The proposed action will continue to implement
the standards.

RECOMMENDATION: Staff recommends the APC hold a public hearing on the proposed
amendment and recommend to the Governing Board that the extension date be
amended to January 1, 1991 as proposed in the staff report.
July 2, 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 37.7 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 37.7 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.
Memorandum to Advisory Planning Commission
Amendment of Code Chapter II to Extend the Date for Election of Conversion of Use Deadline
Page 2

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

Chapter 6: The required Chapter 4 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 97-8 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.

7/2/90

AGENDA ITEM IV.G

49
Memorandum to Advisory Planning Commission
Amendment of Code Chapter 31 to Extend the Date for Election of Conversion of Use Deadline
Page 1

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 (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.
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 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.
June 28, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement Boundary Between Plan Areas 146, Emerald Bay and 175, Cascade Properties

Proposed Action: The owner of a 36.3 acre parcel presently located in Plan Area 146 Emerald Bay (Recreation land use classification), proposes to relocate the boundary between PAS 146 and the adjacent residential Plan Area 175, Cascade Properties, in order to place the parcel in PAS 175 and develop a single family dwelling which could be occupied year-round. See Attachment A, Vicinity Map.

Background: 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. Site visit by TRPA staff indicates the building materials (including square nails) are quite old and the building may have value as historical resources. The eastern boundary of Cascade Properties is formed by Cascade Creek. The creek separates the parcel from the existing Cascade Properties residential subdivision.

To build a residence, a new residential allocation from El Dorado County would be needed. At the request of the applicant, TRPA has performed IPES evaluations in the vicinity of the existing building site. An IPES score of 757 has been established.

The parcel lies next to the Emerald Point Campground in Emerald Bay State Park. In the past, the parcel was considered to be a good site to develop a group campground. Developed and undeveloped campgrounds are not permitted uses in Plan Area 175. The amendment would reduce the possibility of future campground development on the subject parcel.
Memorandum to Advisory Planning Commission
Amendment of Plan Area Statement Boundary Between
Plan Areas 146, Emerald Bay and 175, Cascade Properties
Page 2

Chapter 27, Basic Service Requirements, requires that residential structures shall meet minimum access, water, fire, sewer, and electrical service standards. Access to the property would be provided via California 89. The property has several existing wells; however, their fire flow capacity is unknown. In order to meet the fire flow service standard, a minimum of 500-750 gallons per minute of water for two hours must be provided. This standard may be waived by TRPA if it will be served by a recognized fire district (e.g., Lake Valley Fire District) and meet the waiver requirements listed in subparagraph 27.3.B(2). The parcel currently is not served by a fire district and the applicant has not demonstrated the ability to meet minimum fire flow.

The applicant intends to connect to the STFUD sewer system which crosses the parcel. Existing electrical lines also cross the parcel and would be used to meet the service standard.

Required Findings: Prior to amending the Regional Plan, the following findings pursuant to Chapter 6 must be made. 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 program.

Rationale: Historical use of the parcel is residential, and it is adjacent to a residential area. The permitted density of one dwelling unit per parcel (and one secondary unit) will minimize potential adverse impacts if used for a residential dwelling. The parcel will be developed in accordance with the applicable provisions of the Regional Plan and will not adversely affect its implementation.

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 amendment will not cause applicable environmental thresholds to be exceeded. Development of new single family dwelling and accessory buildings must comply with site development standards of the Code and Article V(g) findings to ensure threshold attainment and maintenance.

6/26/90
Memorandum to Advisory Planning Commission
Amendment of Plan Area Statement Boundary Between
Plan Areas 146, Emerald Bay and 175, Cascade Properties
Page 3

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.

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

Environmental Documentation: Based in part on information submitted with the
application, staff has prepared an initial Environmental Checklist and proposes
a Finding of No Significant Effect based on the following:

1. The site has historically been used as a summer home residence; and

2. The IPES building site has already been disturbed and could be used to
   develop the new residence; and

3. Development of one single family residence with accessory unit and build-
   ings would minimize additional site disturbance and adverse impacts as
   compared to other potential uses; and

4. The potential value of existing historic resources shall be investigated by
   TRPA staff or a qualified professional prior to the removal of the existing
   structures and building materials; and

5. An existing 8-10' wide dirt access road is in place and, with the installa-
   tion of permanent BMPs, should continue to serve as the point of access.

Recommendation: Staff recommends that the APC conduct the public hearing and,
based on the outcome, 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 build-
ning materials. Please contact Andrew Strain at (702) 586-4547 if you have any
questions.

6/28/90

AGENDA ITEM IV H.

54
MEMORANDUM

July 2, 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

In accordance with the direction of the Governing Board, the staff is pursuing appropriate amendments to Chapter 54 and the Prime Fish Habitat Maps in consultation with California's State Lands Commission and Department of Fish and Game and Nevada's Division of State Lands and Department of Wildlife.

Element 1:

We are working through the GIS system to develop a set of new fish habitat maps which will replace the adopted TRPA maps, the basis for the threshold for the Lake fish habitat. The preliminary base maps are close to being complete. Once finished, the habitat meeting accepted criteria as spawning, feed and cover, or marginal will be demarked and reviewed by the interested agencies.

Element 2:

The habitat quality ratings on the adopted TRPA maps will be evaluated and revised based upon the findings of the fish study and the criteria described in the Study Report for the Establishment of Environmental Threshold Carrying Capacities. It is important to establish the correct relationship between piers and the rating criteria. Physical impacts to be considered would include not only structures but also disturbance to substrate. Activities to be considered would include those associated with piers, boating, and construction. In the current rating system, piers result in a lowered habitat rating.

Element 3:

Because this type of threshold study will be conducted for the 1991 evaluations in a similar time frame, it would be efficient use of staff time for both processes to be conducted together. Then environmental documentation, the new fish habitat maps, and the Code amendments can be approved.

GWB: js
7/2/1990

AGENDA ITEM V.B.
Element 4:

The fish habitat study and the fish committee are the best source of information. The key to completing the work plan is for the committee to get preliminary results and recommendations to us in December, 1990.

Optional Element 5:

If, in December, there is sound evidence and agreement that piers and their associated activities have no negative impact on the quality of shorezone fish habitat, we could prepare the ordinance amendments and a separate environmental document. This is not recommended, since it diverts us from the much bigger issue of the 1991 review.

The attached Fish Habitat/Shorezone Amendment Schedule illustrates the proposed work plan.
FISH HABITAT/SHOREZONE AMENDMENT SCHEDULE

Target Date

<table>
<thead>
<tr>
<th></th>
<th>July 90</th>
<th>Sept 90</th>
<th>Dec 90</th>
<th>Mar 91</th>
<th>June 91</th>
</tr>
</thead>
<tbody>
<tr>
<td>Element</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Draft Revised Fish Habitat Maps</td>
<td>Establish Criteria - Spawning - Feed/Cover - Marginal</td>
<td>Committee Review of Maps</td>
<td>Draft Revised Threshold Maps - Location - Rating</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Revise Rating System - Excellent - Good - Marginal</td>
<td>Revise Rating Criteria - Physical - Chemical - Activity</td>
<td>Proposed - Thresholds - Programs - Maps - Ordinances</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>'91 Review Fish Subcommittee</td>
<td>Review Data</td>
<td>1991 Committee Status Report</td>
<td>'91 Review EIS</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Pier Ordinance (Option)</td>
<td>Draft Amendments EA - Scenic - Vegetation - Recreation - Fish</td>
<td>Adopt Ordinance Amendments</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(If no pier negative impact documented)
July 2, 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, we must first agree upon the objective. There may be benefits in regards to the environment and public access if TRPA approves the amendments. We see these potential benefits to be:

1. Relocation of unsightly storage buildings away from the shoreline area. All the shoreline is subject to scenic thresholds and construction of large storage facilities is counterproductive to attainment of that threshold. 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 close to Lake Tahoe has been a land coverage, water quality, vegetation, and scenic resource problem, especially in unimproved areas. Storage activity located away from the shoreline would be a benefit.

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 in the shoreline area.
In summary, there are public and environmental benefits if these large storage facilities are located away from and out of sight the shoreline. It also follows that if the storage facilities are not subject to commercial allocations, then there are benefits to the marinas.

To implement this concept, there are several paths through the Code. Each option has its advantages and disadvantages.

Option #1: No Amendments - Today's standards permit boat storage facilities under the commercial classification of warehousing. Warehousing has a special exemption from the commercial allocation rules. Warehouses only have to count the first floor when determining the amount of commercial square footage. Since boats are stored on multi-levels, this would be an advantage.

Pros 1. This is a simple no action solution.
2. This avoids controversy of changing allocation rules.

Cons 1. This may not satisfy marina owners.
2. This permits storage in both the shoreline and the upland areas.

Option #2: Accessory Use Amendments - This is the concept proposed by the marinas owners. The logic is that TRPA considers 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 good rationale for not counting the off site warehouse floor area as commercial square footage.
2. This would bring the off site parcel into the master plan process.
3. This works well with deed restriction requirements linking the properties.

Cons 1. This does not fit definition of accessory use in Chapters 18 and 33.
2. This does not fit the primary use and project area concepts in 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.
Memorandum to Advisory Planning Commission
Amendments to Encourage Boat Storage Facilities to be Located Out of the Shoreline Area
Page 3

Option #3: Commercial Allocation Exemption - Chapter 33 indicates what is subject to commercial allocations. Currently parking garages, warehousing, racquet clubs, minor expansions, and certain accessory uses have exception provisions for various reasons. This proposal is to make an exception of boat storage facilities when the benefits listed above are provided.

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 plan process.
3. This works well with deed restriction requirements linking the properties.
4. This exemption would promote a relocation, not an increase in development.

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

Option #4: Create a New Use - This proposal would create an new recreational use category called recreational storage facilities which would not be listed as 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 the difference between normal commercial storage and recreation storage is vague.
3. This requires revisiting the 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.

Recommendation: Staff recommends pursuing Option #3 with the following conditions:

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

7/2/90

AGENDA ITEM V.C
Memorandum To Advisory Planning Commission
Amendments to Encourage Boat Storage Facilities
to be Located Out of the Shoreline Area
Page 4

2. All boat storage facilities affecting attainment of scenic threshold
shall not be located on the site. The exempt storage facilities are a
relocation of what would have been located on the marina site.

3. 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 are acquired under the TRPA permitting system.
MEMORANDUM

July 2, 1990

To: Advisory Planning Commission

From: Agency Staff

Subject: TRPA Five-Year Strategy: July 1990 - June 1995

TRPA is in the process of developing a five-year strategy, which TRPA needs to implement the Tahoe Regional Planning Compact and the Regional Plan package efficiently and effectively.

The five-year strategy is a budgeting and planning document. Its purpose is to identify, for planning purposes, TRPA's priorities, approaches, and objectives for the next five years.

Attached to this memo is a revised draft of the five-year strategy. During May and June, the staff made presentations of the draft strategy to the APC and Governing Board and asked for comments. Based on the comments received, the staff has revised and condensed the strategy. The only substantive changes contained in the July 2 draft involve changes to the priorities set forth on pp. 15 and 16. Based on Governing Board recommendations, completing the airport master plan and defending the Regional Plan from legal challenges have been added as priorities.

At the July APC meeting, the staff will make a brief presentation of the revised strategy and solicit additional comments. The staff will request Governing Board approval of the strategy document at the Board's July meeting. If you have any questions or comments on this agenda item, contact Dave Ziegler at (702) 588-4547.

/dz
7-2-90

AGENDA ITEM V.D
TABLE OF CONTENTS

I. INTRODUCTION 1

II. MISSION STATEMENT 2

III. EVALUATION OF PROBLEMS AND CHALLENGES 3
    A. ENVIRONMENTAL
    B. INSTITUTIONAL, FINANCIAL, AND PROGRAMMATIC

IV. TRPA PRIORITIES: July 1990 - June 1995 15

V. THE BASIC PROGRAM: July 1990 17

VI. SPECIAL PROJECTS AND INITIATIVES: July 1990 - June 1995 19

VII. FIVE YEAR CALENDAR 21
    [to be completed]
I. INTRODUCTION

A. PURPOSE

The purpose of this five-year strategy is to identify the priorities, approaches, and objectives of the Tahoe Regional Planning Agency for the next five years. The strategy is the cornerstone of budgeting and work planning. It also provides a vehicle for discussing priorities, approaches, and necessary resources. TRPA will update the strategy annually.

TRPA invites comments on the strategy at any time. Address your comments to: Executive Director, Tahoe Regional Planning Agency, P.O. Box 1038, Zephyr Cove, NV 89448.

B. RELATIONSHIP TO THE REGIONAL PLAN

The five-year strategy is a budgeting and planning document. It is not a part of the Regional Plan package, which includes the threshold standards, the Goals and Policies, the Code of Ordinances, the Water Quality Management Plan, and numerous other documents. TRPA needs this strategy to implement the Regional Plan package efficiently and effectively.

C. THE SYSTEMS APPROACH

A systematic approach to long-range planning and problem solving includes five basic steps:

-- problem assessment
-- strategy development
-- work program development
-- implementation
-- evaluation

This strategy, which incorporates a problem assessment, is the first step in problem solving within the Tahoe Region. TRPA will use the strategy to develop annual work programs and budget requests.

Evaluation is an important part of problem solving. It provides essential feedback into the problem assessment and strategy, and it allows TRPA to adjust to changing conditions. A complete evaluation of the Regional Plan package is underway, and scheduled for completion in September 1991. Chapter II of this strategy summarizes TRPA's current evaluation of environmental, institutional, financial, and internal problems and challenges.
II. MISSION STATEMENT

TRPA's mission is set forth in the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, December 19, 1980). Article I of the Compact, Findings and Declarations of Policy, says in part:

The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region. (Art. I(a)(1))

Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin. (Art. I(a)(6))

In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment. (Art. I(a)(10))

To enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the . . . power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing for orderly growth and development consistent with such capacities. (Art. I(b))

In August 1982, TRPA adopted threshold standards for the Tahoe Region. The thresholds cover water quality, soils, air quality, vegetation, wildlife, fish, noise, recreation, and scenic resources. Several of the threshold standards require improvements in environmental quality or rollbacks of pollutant loadings, thus placing a high priority on remedial (as opposed to preventive) programs.
III. EVALUATION OF PROBLEMS AND CHALLENGES

A. ENVIRONMENTAL PROBLEMS AND CHALLENGES

The Compact directs TRPA to adopt environmental threshold carrying capacities, which are standards corresponding to desired conditions in the Tahoe Region. Monitoring programs assist in determining whether the Tahoe Region attains and maintains the threshold standards. The Region does not attain some key thresholds, including water quality and air quality thresholds.

The following paragraphs cover threshold-related problems; additional problems are discussed later:

Water Quality. Lake Tahoe does not attain standards related to its trophic state (i.e., level of algal productivity). Algal productivity will continue to increase, and clarity will continue to decrease, until the nutrient budget of Lake Tahoe is balanced, a goal that will take many years to reach under any feasible management policy. Increasing algal productivity results from eutrophication, which in turn is the result of liberation and reduced filtration of nutrients in the watershed; altered hydrology; vegetation displacement; addition of nutrients from fertilizer and sewage; and atmospheric deposition.

Compliance with state water quality standards for the tributaries varies from stream to stream, where data are sufficient to assess compliance. Violations of certain state tributary standards are common. Violations of TRPA and state standards for the quality of urban runoff at the point of discharge are also common.

Nutrient concentrations in groundwater appear to be significant in some locations in the Region, contributing to the eutrophication of Lake Tahoe.

The water quality challenge for the Tahoe Region is to roll back loads of sediments and dissolved nutrients reaching Lake Tahoe and its tributary streams through surface runoff, groundwater, and atmospheric deposition. Much of the control program to protect water quality relies on non-structural controls (e.g., fertilizer management) and decentralized structural controls on erosion and runoff (e.g., sedimentation and detention basins). These controls are known collectively as Best Management Practices or BMPs.
More research is needed on water quality cause-and-effect relationships, particularly with respect to the nutrient budget of Lake Tahoe and the role of atmospheric deposition in that budget. TRPA has been funding research aimed at development of a water quality model for Lake Tahoe.

**Soil Conservation.** The Tahoe Region includes a band of land of varying width near Lake Tahoe which is fairly tolerant of development and urbanization. These lands are known as good capability lands. The Region includes lands of moderate and low capability in the foothills and the mountainous areas farther from Lake Tahoe. The good capability lands near Lake Tahoe are interspersed with marshes, wetlands, and other stream environment zones (SEZs) which are sensitive to disturbance and require a high level of protection.

Development in SEZs has resulted in approximately 10 times the amount of development that TRPA's threshold standards would allow today. Land coverage in other low capability lands is roughly equal to what the standards would allow. Compacted or denuded area which is unpaved is larger than the area covered by roofs and pavement.

The existing situation includes many examples of soil conservation problems: erosion and runoff associated with urbanization; unstable cut and fill slopes, particularly associated with roads; denuded and compacted areas; stream channelization; and damage from outdoor recreation, off-road vehicles, and grazing.

The challenge in soil conservation is to install and maintain appropriate management practices, control the contributions of additional development, protect and restore SEZs and native vegetation, and manage the impacts of urbanization as well as activities in natural areas. In addition, better mapping of stream environment zones is needed to plan restoration programs.

**Air Quality and Transportation.** The El Dorado County portion of the Region does not attain the federal air quality standard for carbon monoxide, due to the presence of a "hot spot" near the Stateline-California monitoring station. The hot spot corresponds to an area of severe traffic congestion during peak periods, the intersection of Park Avenue and U.S. 50 in South Lake Tahoe.

Although there have been no recent recorded violations of the federal standard for ozone, more stringent state and TRPA standards have been violated several times in recent years. Ozone is formed from the combination of oxides of nitrogen (NOx), hydrocarbon gases, and sunlight, and is normally found in the summer, downwind of sources of NOx and hydrocarbons. Ozone concentrations in the Tahoe Region are influenced by transport from upwind areas outside the Region.
TRPA has adopted standards to preserve good visual range, or visibility. Visibility degradation is a complex phenomenon involving many variables. TRPA is establishing a state-of-the-art visibility monitoring program and will, over time, develop additional data for evaluating compliance with the threshold standards.

Known collectively as NOx, oxides of nitrogen are gases and particulates from motor vehicle emissions, combustion heaters, industry and other sources. They occur in the Tahoe Region from both local and distant sources. TRPA has set threshold standards for NOx emissions to reduce atmospheric loading of nitrogen on Lake Tahoe. NOx is also an ozone precursor and a factor in visibility degradation.

The air quality challenge for the Tahoe Region includes reducing emissions of CO, NOx, and hydrocarbons from motor vehicles and other sources; reducing blowing dust; and reducing emissions from stationary sources of air pollution. Control of motor vehicle emissions is especially challenging. Traffic congestion is common in certain areas in both summer and winter, and TRPA estimates that 1.5 million vehicle miles were travelled in the Region on an average peak summer day in 1985. To reduce dependency on the private automobile, TRPA thresholds call for a 10 percent reduction in vehicle miles travelled (VMT) from 1981 levels.

Meeting the VMT threshold is a major challenge, since the additional development the Regional Plan allows must be more than offset by programs, such as transit, that reduce VMT. Also, additional development outside the Tahoe Region contributes VMT to the Region.

Vegetation. Vegetation in the Region suffers from poor diversity, a result of the even-aged timber stand left by logging in the late 1800's and of current fire suppression practices. Insects have attacked the forest, already weakened by drought, cold, and other factors, and have killed many trees. Runoff of road salt from highways has also killed many trees, and TRPA is working with Caltrans and NDOT on tests of alternate deicing compounds.

One sensitive plant listed in TRPA threshold standards, the Borippa subumbellata ("Tahoe Yellow Cress"), is found in moist backshore and in dry sandy soils on the shore areas of Lake Tahoe, and is susceptible to damage from human disturbance and inundation.

With respect to vegetation, the challenge for the Tahoe Region is to preserve populations of the sensitive R. subumbellata; to manage the forest stand and the risk of wildfire; and to manage the removal of trees to minimize adverse environmental impacts.
Fish. Siltation, channelization, dredging, removal of rock and gravel, culverts, bridges, diversions, urban runoff, snow disposal, and trash have all degraded stream habitat for fish. Boat traffic, siltation, and alteration of the lake bottom have contributed to degraded lake habitat. Neither stream nor lake habitat presently meets TRPA's threshold standards for protection of fish. The challenge is to develop and implement habitat restoration programs, and to protect habitat from further damage. TRPA should also adopt in-stream flow standards pursuant to the thresholds.

Wildlife. TRPA thresholds name six wildlife species of special interest: goshawk, osprey, bald eagle, golden eagle, waterfowl, and deer. Habitat modification and disturbance; noise; and harassment all interfere with maintenance of population sites. The challenge with respect to wildlife is to prevent further habitat damage, and to restore habitat, particularly in wetland areas.

Noise. Noise data indicate that violations of TRPA noise thresholds occur. Some commercial and general aviation aircraft operating at the Lake Tahoe Airport violate the single-event noise standards for aircraft. Some local communities suffer from elevated cumulative noise levels caused by traffic, snow making, power transformers, pets, aircraft, recreation areas, outdoor loudspeakers, or boats. With respect to noise, the challenge for the Tahoe Region is to preserve the quiet, tranquil atmosphere of a mountain resort area.

Since TRPA adopted the noise thresholds in 1982, it has been difficult to interpret the single-event aircraft noise threshold and the cumulative noise threshold (CNEL). An additional challenge for TRPA is to resolve these interpretations promptly, to facilitate completion of the airport master plan and the community plans now under development in each local jurisdiction.

Recreation. Outdoor recreation facilities are heavily utilized during the peak winter and summer periods. During peak summer months, there is a shortage of developed campsites, day use facilities, and trails. During peak winter days, capacity constraints at developed ski areas are sometimes exceeded. Particularly in the North Tahoe-Truckee area, highway capacity constrains the public's enjoyment of winter recreation facilities. The challenge for the Tahoe Region is to provide additional access to outdoor recreation during both summer and winter.

Scenic Resources. The outstanding scenic attributes of the Tahoe Region are reduced by roads, buildings, signs, powerlines, and fences stemming from the urbanization of the Tahoe Region. The Regional Plan designates about 50 plan areas for scenic restoration. The scenic resource challenge is to
restore the targeted areas and to maintain scenic quality in other areas. Amendments to TRPA's height ordinance may also be needed to refine regulations relating to heights of large buildings.

The following environmental problems are not directly related to TRPA's threshold standards, but are nevertheless important elements of this problem assessment and strategy:

Natural Hazards. Because of the rugged, mountainous Tahoe environment, there is human exposure to natural hazards from earthquakes, landslides, avalanches, floods, and fires. The Tahoe Region is located in an area of active and potentially-active faults. Steep slopes increase the potential for landslides and mudslides. Travellers on the highway network are exposed to avalanche hazard. A high potential for fire exists in both natural and urbanized areas. There have been large floods in the Region in 1955, 1963, 1964, and 1969. In the area of natural hazards, the challenge is to recognize natural hazards, prevent damage to property, and protect public health.

The Shorezone. The shoreline of Lake Tahoe is 71 miles long, with about 70 percent in private ownership. The shorezone contains about 72 beaches (half of them public), and 14 marinas with a total of about 950 boat slips. Nine marinas have indicated a desire to expand. There are about 1300 littoral parcels on Lake Tahoe, 511 single-use piers, 122 multi-use piers, and 25 boat launching facilities including the marinas.

Since piers, marinas, buoys, breakwaters, floating docks, and jetties are found in the water less than 30 feet in depth, which is also the location of most prime fish habitat, there is a potential for damage to fish habitat by shorezone development. Also, where natural erosion of backshore bluffs is interrupted, beach erosion and deep water beaches may result. With regard to the shorezone, the challenge is to provide access to Lake Tahoe while preserving the vital natural processes which occur in the shorezone.

Sewage Treatment and Collection. The discharge of wastewater to the surface waters and groundwater of the Tahoe Region is prohibited, with minor exceptions approved under state law. The five major wastewater collection and treatment districts in the Region all have reserve capacity. However, the South Tahoe Public Utility District (STPUD) will soon have committed all of its capacity. STPUD is pursuing financing and permits to upgrade and expand its collection, treatment, and export systems. The challenge for TRPA is to work with utility districts to provide the required level of sewage treatment for development allowed under the Regional Plan.

Water Supply. There are approximately 85 water companies, utility districts, independent domestic suppliers, and private suppliers providing water to development within the Tahoe Region. Water is obtained from public
and private wells, intakes in Lake Tahoe, and other surface water
diversions. Intakes from streams or from Lake Tahoe are affected by new
U.S. EPA regulations, and water suppliers may have to provide additional
treatment (or seek alternative supplies) by 1993 to comply with those
regulations. Many systems need upgrading to supply water for domestic and
fire suppression purposes. The challenge for TRPA is to work with water
suppliers to provide the required water supply for development allowed under
the Regional Plan.

The Economy. The Tahoe Region's economy is highly dependent on tourism.
The principal market areas are the San Francisco and Sacramento metropolitan
areas. Secondary markets include northern Nevada and California and the Los
Angeles-Orange County area. The Tahoe Region's economy declined from 1976
to 1986. Retail sales declined, and hotel and motel properties had lower
revenues, reflecting declining tourist visitation to the Region.

Other resort areas with newer and better facilities place the Tahoe Region
at a competitive disadvantage. The Region's visitor profile is dominated by
day and overnight users who spend less and have more environmental impacts
than destination visitors. Reversing the economic trends will require a
coordinated effort between the public and private sectors to improve
visitor-serving facilities. Unless a substantial reversal is achieved,
visitor numbers and expenditures could continue to decline. The challenge
for TRPA is to monitor and evaluate economic trends, and encourage—where
possible—a reversal of recent economic trends.

Housing. Housing construction costs in the Tahoe Region are high, and there
is a shortage of affordable housing. The demand for affordable housing,
which already exceeds the supply, is expected to increase. Maintaining a
diversity of housing types is important to the economy of the Region. The
challenge for TRPA with respect to housing is to coordinate with local
governments on policies designed to accomplish a healthy housing mix.

Drought. For approximately five years, the Tahoe Region has been suffering
from a drought, resulting in stress on vegetation and wildlife, elevated
fire danger, and low levels in Lake Tahoe. The drought has led to an
increase in requests from marinas and boat ramps for dredging permits. If
the drought continues, downstream water users may request permission to
divert water from Lake Tahoe or its tributaries. Although the Compact gives
TRPA no authority over the interstate allocation of water, TRPA would still
be involved in environmental assessments and, possibly, permitting of
diversion structures. The challenge, with respect to the drought, is to
anticipate an elevated level of dredging requests and the need to review and
comment on drought-related environmental issues.
Cultural, Historic, and Architectural Resources. TRPA maps and records designate historic resources in the Region. These include 73 named, mapped sites and numerous Washoe cultural sites. The majority of sites are in or near urbanized areas. The challenge is to identify and preserve sites of historical, cultural, and architectural significance, to conduct additional research, and to map the sites.

Solid Waste Management. California and Nevada both prohibit the disposal of solid waste within the Tahoe Region. Wastes from the Region are exported to Gardnerville, NV; Truckee, CA; and Carson City, NV. There are nine solid waste haulers and two transfer stations within the Region. The challenge, with respect to solid waste, is to encourage community clean-ups and recycling; to incorporate changes to solid waste management programs in response to recent legislation in California; to review waste disposal programs with local government and land managers such as the U.S. Forest Service; and to ensure that these programs meet the needs of new development.

Toxic and Hazardous Wastes. Federal, state, and local units of government with jurisdiction in the Tahoe Region are developing hazardous waste management plans. Uncontrolled disposal of household hazardous wastes (e.g., waste oil, paints) and some commercial wastes (e.g., degreasers, cleaning fluids, solvents) jeopardize water quality. The challenge is to evaluate hazardous waste management plans in the context of the September 1991 evaluation and, if they are lacking, take steps to cause the responsible entities to upgrade them.

Spill Prevention and Response. Accidental releases of sewage from collection and treatment systems, and spills of toxic and hazardous substances during transport and storage, have occurred in the Tahoe Region. They endanger water quality and public health and safety. The challenge, with respect to these spills, is to: ensure that sewage collection and treatment districts have approved spill contingency and prevention plans; work with those districts to prevent spills due to inadequate capacity; ensure that underground tanks meet standards set forth in state, local, and TRPA regulations; and work with the Forest Service, U.S. EPA, the U.S. Coast Guard, state water quality and health agencies, and local units of government to develop programs to prevent and respond to spills.
B. INSTITUTIONAL, FINANCIAL, AND PROGRAMMATIC PROBLEMS AND CHALLENGES

In addition to the environmental problems and challenges addressed in the preceding pages, institutional, financial, and programmatic problems create additional challenges for the next five years. These institutional, financial, and programmatic problems add to, and complicate, the environmental problems.

Land Use and Urban Infrastructure. Development of the Tahoe Region has generally occurred in the area adjacent to Lake Tahoe and in the wide, gently-sloping valleys in the southern portions of the Region. Existing land uses, in some areas, are obsolete and poorly maintained. The land use pattern suffers from strip development; loss of view corridors; inefficiency in the distribution of uses; and automobile dependency.

Although the Regional Plan places controls on additional development, the land use challenge for TRPA is to encourage redirection, rehabilitation, and redevelopment of existing land uses, and to maintain the momentum already established in these areas.

Transportation Institutions and Financing. In the face of growing transportation problems and a public outcry for solutions, the institutional framework for solving transportation problems is fragmented among two states, five counties, one incorporated area, a bi-state transportation district, and numerous joint powers authorities and private transportation providers.

Existing institutions address the high capital and operating costs of transportation systems piecemeal. Coordination is difficult, and economies of scale are forfeited. Although public transit in the Region is relatively successful, in terms of farebox revenues, the Tahoe Transportation District (established by the Tahoe Regional Planning Compact as a special district) lacks an operating budget and funds for implementation.

The challenge for TRPA is to coordinate and integrate the provision of transportation in the Region, to ensure efficient, economical, and appropriate services for residents and visitors alike. It may be necessary to propose amendments to the Tahoe Regional Planning Compact to enhance the ability of the TTD to carry out transportation programs.
The High Cost of Environmental Quality. Given the harsh climate, mountainous landscape, and extreme environmental sensitivity, the costs of doing business within the Tahoe Region are high. Because large portions of the Region were originally developed as summer resort areas, much of the existing development took place without attention to long-term maintenance, erosion and runoff control, drainage, and other needs. Roads are particularly troublesome (TRPA estimates that 40 percent of runoff comes from streets and roads) and are expensive to rehabilitate.

With an estimated cost for erosion and runoff control, wetlands restoration, and transportation improvements of approximately $600 million, the challenge for TRPA is: to plan the financing and construction of capital improvements; to plan for their ongoing operation and maintenance; to consider the burden of these improvements on other necessary public facilities, such as schools; and to spread the financial burden not only to residents but also to the larger non-resident population of the Region during peak periods.

The dynamic nature of the Regional Plan. The Compact requires TRPA to identify and document the means and time schedule for attaining every threshold standard and applicable federal, state, and local air and water quality standard. TRPA must keep this documentation up-to-date, and make related findings on every project approval.

With this background, TRPA must ensure that a comprehensive monitoring and evaluation program is in place. Such programs are expensive and complex. Air and water quality monitoring alone now costs approximately $1 million each year. With the information gained from monitoring programs, TRPA must amend the Regional Plan periodically (at least every five years) to account for changing conditions.

The challenge for TRPA is to ensure that cost-effective and comprehensive monitoring programs are in place; that researchers conduct timely and relevant research; that TRPA and others evaluate data objectively and impartially; and that all the affected parties reach consensus on necessary plan amendments.

Complexity of the Regional Plan and increasing demands on TRPA's project review, compliance, and support functions. The Regional Plan package is large and complex. It includes: environmental threshold carrying capacities for nine environmental categories; a Goals and Policies plan; a Code of Ordinances; rules of procedure; land use controls; a water quality management plan; air quality and transportation plans; monitoring and evaluation programs; erosion control and design review guidelines; and other documents.

One element of the 1987 Regional Plan, the Individual Parcel Evaluation System (IPES), is new, and somewhat involved. TRPA needs to give more attention to explaining IPES, which is a screening system to determine eligibility of vacant parcels for building permits for new single-family homes.
The Regional Plan has created an increasing volume of permits to be issued and enforced (see Table 1), including permits for large and complex projects, such as redevelopment projects, ski area improvements, and marina expansions.

The result is a heavy and increasing workload on TRPA's permit and compliance functions, and corresponding demands on the budget, physical plant, vehicle fleet, administrative staff, legal staff, and information managers. The challenge for TRPA is threefold: the delegate activities, streamline permit processing, and simplify the Code and the rules; to anticipate change and gear up in advance; and to educate and inform the public about the requirements of the Regional Plan, and ways to minimize impacts on the public.

Large Volume of Information. Since 1981, TRPA has pursued the development of computerized information processing for geographic, permit, and compliance data. After the adoption of the the 1987 plan, however, TRPA's information processing demands increased.

Information systems must accommodate data on transfers of development rights, transfers of impervious land coverage, banking of land coverage and units of use, compliance schedules for retrofit of Best Management Practices, mitigation of existing environmental impacts, and other items not in effect prior to 1987. TRPA has used time-sharing and cooperative agreements for computer space at other agencies, but as information processing needs have grown, such arrangements have become less suitable. In addition, there is no coordinated Region-wide system for storing and retrieving interrelated data, and no effective network of data system users.

The challenge for TRPA is this area is: to provide a cost-effective, reliable, and up-to-date geographic information system; to use such a system to help manage the complexity of the Regional Plan and to support delegation of permit processing activities; and to improve networking, communications, and coordination among those who use data from TRPA's data set.

Legal Challenges to the Regional Plan. The potential for legal challenges to the Regional Plan always exists. TRPA's record in the defense of Plan-related litigation has been good, but every challenge to the Regional Plan creates a need for legal defense. TRPA's litigation roster includes about 10 inverse condemnation cases, which carry the potential for costly defense actions and, potentially, liability for TRPA, California, and Nevada.

The legal challenge for TRPA is: to use consensus-building methods to develop plan amendments which have broad-based public support; to use day-to-day "preventative medicine" to ensure that routine permitting and compliance functions do not result in litigation; to anticipate legal challenges and budget accordingly; and to vigorously defend TRPA from legal challenges.
<table>
<thead>
<tr>
<th>TABLE 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW CATEGORIES OF PERMITS RESULTING FROM</td>
</tr>
<tr>
<td>1987 REGIONAL PLAN</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Redevelopment Projects</td>
</tr>
<tr>
<td>Stationary Sources of Air Pollution</td>
</tr>
<tr>
<td>Master Planned Ski Areas and Marinas</td>
</tr>
<tr>
<td>Structures Housing Gaming</td>
</tr>
<tr>
<td>Grazing and Timber Operations</td>
</tr>
<tr>
<td>Five and Ten Year BMF Retrofit Schedules</td>
</tr>
<tr>
<td>Remedial Action Plans (Chapter 9)</td>
</tr>
<tr>
<td>Foundation Abatement</td>
</tr>
<tr>
<td>Hazardous Waste Management</td>
</tr>
</tbody>
</table>
Resource Demands Related to Environmental Disclosure Laws. Three laws create resource demands on TRPA related to the disclosure of environmental impacts of proposed activities: the National Environmental Policy Act ("NEPA"), the California Environmental Quality Act ("CEQA"), and the Tahoe Regional Planning Compact itself. All of these laws require preparation of Environmental Impact Statements (EISs) or Reports (EIRs) for large projects.

Proposed activities within the Tahoe Region which may have significant adverse environmental impacts must be analyzed in an Environmental Impact Statement pursuant to Article VII of the Compact and, for portions of the Region in California, an Environmental Impact Report pursuant to CEQA. If these activities involve federal actions, an Environmental Impact Statement must be prepared pursuant to NEPA. Also, activities outside the Tahoe Region may have impacts upon the Tahoe Region, necessitating TRPA's review and comment on related EIRs and EISs.

Preparation, review, and comments on EIRs and EISs represents a very significant and increasing workload for TRPA. To improve the efficiency and effectiveness of TRPA's involvement in environmental disclosure documents, it may be necessary to dedicate staff within TRPA to handle review and comment functions.

The challenge for TRPA is to anticipate the workload associated with environmental disclosure documents, and make sure that environmental reviews are complete and consistent.

The Evolving State-of-the Art and the Need for Training. TRPA is sometimes described on the cutting edge of environmental protection and regulation, and is frequently cited as an example in university courses and national environmental literature. Nevertheless, there is a need for continuing education and training for the staff. In recent years, the staff training budget has decreased (on a per-employee basis) due to other demands on the budget.

In the area of training, the challenge for TRPA is to maintain a cost-effective, ongoing training and educational program for the staff.
IV. TRPA PRIORITIES: July 1990 - June 1995

Environmental Protection and Remedial Priorities

-- implementing BMPs for erosion and runoff control and dust control on all lands in the Region; maintaining those BMPs

-- restoring SEZs for their water quality, scenic, fish, and wildlife benefits; improving SEZ maps

-- financing capital improvements and operating costs for public sector erosion, runoff control, and transportation improvements

-- TRPA will complete a comprehensive financing strategy for erosion and runoff control, SEZ restoration, and transportation improvements in 1990, and keep the strategy current.

-- TRPA will be an advocate for financing of these programs.

-- coordinating and integrating transportation programs and policies to enhance effectiveness and reduce overlap

-- reducing CO, NOx, and hydrocarbon emissions; reducing VMT; improving LOS, and completing the airport master plan, so that the Tahoe Region meets air quality standards and basic transportation needs

-- implementing a noise control program to preserve tranquility within the Tahoe Region; resolving issues having to do with the language of the noise thresholds themselves

Institutional and Programmatic Priorities

-- monitoring, evaluating, and amending the Regional Plan to respond to changing conditions; conducting additional research

-- The first five-year evaluation of the 1987 Regional Plan will take place in September 1991, and is TRPA's highest short-term priority. The evaluation system described in Chapter 32 of TRPA's Code of Ordinance forms the foundation of the evaluation.

-- TRPA will amend the Regional Plan after September 1991 in response to the recommendations of the five-year check-up.
educating and informing the public about the Regional Plan, to implement voluntary programs, to reduce permit processing times, and to improve the public's perception of TRPA

-- TRPA will carry out a vigorous environmental education program.

-- Attaining several of TRPA's threshold standards depends upon voluntary actions.

-- Delegating, streamlining, and simplifying project review to improve service to the public while reducing and controlling TRPA's costs

-- TRPA will convene a task force to investigate the possibilities for streamlining the requirements of the Goals and Policies, Code of Ordinances, and Plan Area Statements.

-- TRPA will attempt to delegate many project review activities related to single family homes to units of local government. TRPA will attempt to complete one delegation agreement each year for the next five years.

-- Continuing to develop and utilize a GIS to facilitate information exchange, support evaluation efforts, and enable TRPA to fulfill the promise of Regional Plan (e.g., land coverage banking; coverage transfers)

-- TRPA will acquire an appropriate computer and phase out existing time-sharing arrangements.

-- TRPA will convene a geographic data base users group to help accomplish its information system goals and objectives.

-- Continuing and expanding redevelopment as the most prominent example of rehabilitation efforts: expanding redevelopment to the North Shore of Lake Tahoe; continuing community planning; pursuing master planning for marinas, ski areas, parks, and the airport

-- Preventing legal challenges to the Regional Plan through use of consensus-building methods and legal review within day-to-day activities; anticipating legal challenges and budgeting accordingly; and vigorously defending the Regional Plan from legal challenges
V. THE BASIC PROGRAM: July 1990

As TRPA enters the first year of the five-year period covered by this strategy, the following outline describes TRPA's basic program. To fulfill its mission as set forth in the Tahoe Regional Planning Compact, TRPA must carry out the functions associated with each part of the outline. The organization chart for the basic program is shown in Figure 1.

A. Long Range Planning Division

1. Standards Setting

2. Regional Planning (Goals and Policies, Plan Area Statements, community plans, master plans, air quality plan, transportation plan, water quality management plan)

3. Ordinances

4. Regional Plan Implementation (mitigation funds, mitigation projects, IPES, land classification, land banking, transfers)

5. Regional Plan Evaluation (monitoring, evaluation)

6. Program Support and Integration (technical support, maps, information systems management)

B. Project Review Division

1. Residential Projects

2. Commercial and Public Works Projects

3. Gaming-related Projects

4. Shorezone Projects (piers, marinas, dredging)

5. Emergency Projects

6. Remedial Erosion Control Projects

7. Field Verifications and Banking

8. Environmental Impact Analysis and Disclosure

9. Redevelopment Projects
C. Compliance Division
   1. Conditions of Project Approval
   2. Exempt and Qualified Exempt Activities
   3. BMP Requirements for Projects
   4. Violations
   5. Remedial Programs (action plans pursuant to Code)

D. Management Support Division
   1. Communications
   2. Clerical--Project Review
   3. Clerical--Advisory Planning Commission and Governing Board Meetings
   4. Clerical--General
   5. Special Events Host

E. Director's Office
   1. Administration (strategy, work program, grants, legislation, coordination, personnel, intergovernmental relations, training, operations, employee programs)
   2. Finance Department (budget, insurance, accounting, payroll, financial statements, investments, funds management)
   3. Environmental Education Program/Ombudsman

F. Legal Staff (outside counsel oversight, enforcement, litigation, rules, policies, procedures, ordinances)
VI. SPECIAL PROJECTS AND INITIATIVES: July 1990 - June 1995

In addition to the basic program, described in the previous chapter, TRPA will conduct a variety of special projects and initiatives during the next five years. These activities are generally supported by special state appropriations, grants, or other special funding sources.

Special projects and initiatives generally cannot be accomplished without special funding support. Most research-related activities fall into this category.

A. Current Special Projects and Initiatives—July 1, 1990

a. environmental monitoring program: water quality, air quality (visibility), noise; IPES-related water quality monitoring [funded by special appropriations from California and Nevada through June 1991; includes federal matching funds from U.S. Geological Survey]

b. integrated five-year evaluation of the Regional Plan, to be completed by September, 1991 [funded by special appropriations from California and Nevada through June 1991]

c. re-mapping of stream environment zones and flood plains [funded by special appropriations from California and Nevada through June 1991]

d. community planning support [funded by special appropriations from California and Nevada through June 1990; included in California budget for FY 90-91; not presently included in Nevada budget for FY 90-91]

e. development of Tahoe Environmental Geographic Information System (TEGIS). [funded by special appropriations from California and Nevada through June 1990; included in California budget for FY 90-91; not presently included in Nevada budget for FY 90-91; includes federal matching funds from U.S. Geological Survey]

f. Study of Littoral Structure and its Effects on the Fish Community of Lake Tahoe (Phase III) [funded by state and federal grants administered by state wildlife departments]

g. Inventory of Nevada-side historical resources (Phase II) [funded by grant administered by Nevada State Historic Preservation Office through September 1990]
B. Desired Special Projects and Initiatives—July 1990 to June 1995

1. continuation of the ongoing water quality, visibility, and noise monitoring programs

2. completion and ongoing operation of the Tahoe Environmental Geographic Information System (TEGIS)

3. tracer study to determine the importance of long-range transport of air pollutants into the Tahoe Region

4. continuation of research aimed at completing a dynamic water quality model for Lake Tahoe; investigation into utility of using existing available water quality models to predict water quality conditions in Lake Tahoe

5. research on the effectiveness of Best Management Practices

6. continuation of stream environment zone and floodplain mapping

7. natural hazards study to support development of natural hazards chapter of the Code of Ordinances

8. transportation-related studies:
   a. study of access management needs on the U.S. 50 corridor in El Dorado County and the City of South Lake Tahoe
   b. study of transit demand on the South Shore
   c. study of existing transportation mode splits in the Tahoe Region
   d. study of rental car operations in the Tahoe Region
   e. preparation of a transit marketing plan
   f. research into mitigation of diesel bus and truck exhaust

9. continued research and mapping of cultural and historical sites

10. study of possible methods of fish habitat restoration
VII. FIVE YEAR CALENDAR: July 1990 to June 1995

[To be completed.]