TRPA
APC
PACKETS

NOVEMBER
1993
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

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 Wednesday, November 10, 1993, at the Tahoe Sands Inn Convention Center, 3600 U.S. 50, South Lake Tahoe, California. The agenda for said meeting is attached hereto and made a part of this notice.

November 1, 1993

By: [Signature]
David S. Ziegler
Executive Director
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Sands Inn Convention Center
3600 U.S. 50, South Lake Tahoe, California

November 10, 1993
9:30 a.m.

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

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. DISPOSITION OF MINUTES

IV. PUBLIC HEARING AND RECOMMENDATIONS
   A. Amendment of Chapter 82, Water Quality Mitigation, Limited
      Exception for Additional or Transferred Development Within Adopted
      Community Plans
   B. Findings Required to Lower the Individual Parcel Evaluation System
      Line in Washoe County
   C. Lemelson Application to Amend the Prime Fish Habitat Map for Area
      East of Second Creek in Incline Village, Washoe County
   D. Amendment of Chapter 33, Allocation of Development, Relating to
      Distribution of Residential Allocations to Parcels Below the IPES
      Line
   E. Application by Douglas County to Amend Chapter 22, Height
      Standards, Relative to Height of Appurtenant Structures
   F. Amendment of Plan Area Statement 108, Winnemucca Residential, to
      Create a New Special Area 1 and to Add Professional offices as a
      Permissible Use in Special Area 1

V. PLANNING MATTERS
   A. Draft EIR/EIS, Tahoe City Urban Improvement Project, Placer County

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

VII. PENDING MATTERS

VIII. RESOLUTIONS

IX. ADJOURNMENT
October 28, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 82, Water Quality Mitigation, Limited Exception for Additional or Transferred Development Within Adopted Community Plans

Proposed Action: Staff is requesting an APC recommendation to the Governing Board on an amendment to Chapter 82, Water Quality Mitigation, to permit community plans to have their own "equal or superior" mitigation program. The goal of this amendment is to encourage construction of water quality projects ahead of projects needing mitigation, and to encourage the use of joint efforts for area-wide implementation of water quality mitigation projects.

Staff Recommendation: Staff recommends a water quality mitigation fee substitution section similar to the one found in the air quality chapter be added as shown below. This provides the most flexibility, works for air quality, is an incentive for CPs, and should not require plan amendments; however, it does require a Code amendment and leaves the details of the program to the CP.

82.4.A Limited Exception for Additional or Transferred Development Within Adopted Community Plans: Additional or transferred development located within an adopted community plan, the water quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirements of Section 82.2 provided TRPA finds that the implementation element of the community plan, as a whole, meets the standards of Section 82.2.

Background: As explained at the September APC meeting, under the current rules, community plans may have their own programs for excess coverage mitigation and air quality mitigation, but not for water quality mitigation. The APC concurred with the staff recommendation to pursue an amendment for water quality mitigation to allow community plans to have special water quality mitigation programs.

Under the current rules, projects subject to off-site water quality mitigation must provide mitigation through payment of a fee at the time of project approval or be subject to the conditioned requirement that a water quality project must be constructed at the same time as the project under review.

GWB/rd Planning for the Protection of our Lake and Land AGENDA ITEM IV.A.
Based on a review of the following documents, staff has concluded that a Code amendment is required to allow for this provision. No other Regional Plan amendments, however, will be necessary.

**Compact or Thresholds** - There are no specific policies or standards relating to off-site water quality mitigation.

**Goals and Policies** - The Implementation Element establishes two methods of offsetting water quality project impacts. One is implementing off-site erosion control projects as a condition of project approval. The second is contributions to a fund established by TRPA for implementing off-site erosion and runoff control projects.

**208 Plan** - The Program Description in Volume I mirrors the Goals and Policies Plan; however, community planning is listed as an implementation program in the 208 Plan Implementation Schedule.

**Code** - Chapter 82 follows the direction of the Goals and Policies plan. It creates a mitigation fee schedule and system that relates to the creation of accounts for local jurisdictions, but does not address special community plan fund accounts.

**Environmental Documentation**:
Staff has reviewed the Regional Plan EISs and the most recent 208 Plan EIS in regard to community planning and water quality mitigation. Community planning is a key element of the TRPA Regional Plan package and is generally considered to be an environmental benefit. The proposed amendment is recommended by the Douglas County Community Plan EIS as a needed incentive.

Based on a review of the proposal, the EISs for TRPA plans, and the Community Plans EIS, the staff completed an Initial Environmental Check List (IEC) for the proposed action and proposes a Finding of No Significant Effect.

**Required Findings**:
The following findings must be made prior to adopting the proposed amendments:

A. **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 Area Statements and maps, the Code, and other TRPA plans and programs.

   **Rationale:** This is an EIS recommended incentive to help implement water quality improvements through community plans. A similar option now exists for air quality mitigation. See Background for discussion of plan consistency.

2. **Finding:** That the project will not cause the environmental thresholds to be exceeded.
Memorandum to Advisory Planning Commission
Amendment of Chapter 82, Water Quality Mitigation
Page 3

Rationale: The purpose of this amendment is to help achieve water quality thresholds.

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: The purpose of this amendment is to help implement projects that are needed to attain and maintain the water quality standards.

B. Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

Rationale and Evidence: The proposed amendments will help community plans implement the water quality mitigation projects needed to meet thresholds.

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

Rationale and Evidence: As was done for air quality mitigation, this provides community planning with the ability to have equal or superior provisions for providing off-site water quality mitigation.

3. One of the following findings:

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

b. 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; or

c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or

d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or
e. 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; or

f. 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.

Staff proposes to make Finding d.

Rationale and Evidence: Based on the Douglas County Community Plans EIS cost and effectiveness analysis, additional community plan incentives are needed to implement the CIP.
MEMORANDUM

November 2, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Making the Findings Required to Lower the IPES Line in Washoe County

PROPOSED ACTION: The proposed action is a recommendation to the Governing Board on making the findings for lowering the IPES line in Washoe County.

STAFF RECOMMENDATION: Staff recommends that the findings for lowering the IPES line be made for Washoe County and that the line be lowered by the number of parcels equal to the number of allocations used in Washoe County in 1992.

BACKGROUND: Chapter 37 of the Code sets forth the criteria and process for lowering the IPES line. There are five findings which must be made for a jurisdiction before the IPES line can be lowered. Those findings are:

1. All parcels included in the top rank are otherwise eligible for development under the applicable state water quality management plan for the Lake Tahoe Basin (208 plans) and other legal limitations;

2. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages:

   (i) El Dorado County - 20 percent
   (ii) Placer County - 20 percent
   (iii) Douglas County - 33 percent
   (iv) Washoe County - 33 percent

3. The monitoring program for that jurisdiction is in place pursuant to Chapter 32 and the TRPA monitoring plan;

4. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction; and

5. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory.

SSE/ 11/2/93

AGENDA ITEM NO. IV.B.

Planning for the Protection of our Lake and Land
The above findings are further defined in Volume I of the 1988 TRPA 208 Plan (see pages 118-120, attached as Exhibit A).

DISCUSSION: At the October Governing Board meeting, the Board set numerical performance standards and lowered the IPES line in Douglas County, as recommended by TRPA staff. Staff had reserved its recommendation on Washoe County pending further information and evaluation of the proposed CIP projects for 1994.

FINDING 1. ELIGIBILITY UNDER 208 PLAN

Staff recommends making the first finding regarding eligibility and legality of IPES parcels below the IPES line for development under the applicable 208 plans because the TRPA 208 Plan, which includes implementation of the IPES and the potential for lowering the line, was certified by both states and approved by U.S.E.P.A. in 1989. The 1990 TRPA amendment to the 208 Plan redefining "in place" monitoring, was certified by Nevada in 1990, by California in 1992, and approved by U.S.E.P.A. in August 1993.

FINDING 2. VACANT LOT EQUATION

The so-called "vacant lot equation" is the requirement that the number of parcels with IPES scores below the line (725 and less), divided by the number of parcels deemed sensitive (i.e., land capability districts 1, 2 and 3) on January 1, 1986, cannot exceed 20 percent in the California counties and 33 percent in the Nevada counties.

The vacant lot equation for the Washoe County is:

Washoe County 393/2350 = 17%

Staff recommends making the finding with respect to Washoe County based on numerator data from the March 1, 1993 IPES Vacant Parcel Inventory memorandum to which has been added unscored vacant parcels which are mapped predominantly land capability district 1-3. The denominators are taken from a September 1986 memorandum to the Governing Board from William Morgan.

FINDING 3. MONITORING FINDING

The monitoring finding requires a monitoring program pursuant to Chapter 32 and the TRPA monitoring plan to be in place in a given jurisdiction. "In place" is defined in the 208 Plan, Volume I, p.119, as amended, as:

"... This monitoring program shall be in place in a local jurisdiction, and shall characterize water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered. (Goals and Policies, p.VII-25). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is
physically located on the selected tributaries, and samples have been collected and analyzed for the previous water year. The monitoring program, to be effective, should remain in place on a continuing and long term basis. It is the intent of TRPA to collect, on a long term basis pursuant to stringent QA/QC procedures, improved tributary water quality data which will be used to better assess average and existing conditions and to understand water quality trends and compliance with state and federal water quality standards."

Additional detail and description of the IPES-related monitoring program is found in Volume I, pp.118-119 of the 208 Plan (Exhibit A.).

An explanation of the current TRPA tributary monitoring program is attached as Exhibit B. In summary, the program consists of permanent monitoring stations at the mouths of ten streams, stream flow gauges and monitoring at upstream locations on five of the ten streams (Incline, Trout, Ward and Edgewood Creeks and the Upper Truckee River), and eleven additional upstream sites in Nevada on both the monitored streams and in other watersheds (developed and undeveloped). The sampling frequency and site selection methodologies are discussed in Exhibit B and a map of the monitoring locations is also included.

Staff recommends making the finding that the monitoring program is in place in Washoe County. The monitoring program meets the requirements of the 208 Plan and the Monitoring Subelement in the Goals and Policies. The expanded tributary monitoring program has been in place in Washoe County since the spring of 1991 so samples have been collected for at least two previous water years (WY 91-92 and WY 92-93).

FINDING 4. CIP PROGRESS

The CIP finding requires that a jurisdiction make demonstrable progress on capital improvement programs for water quality within that jurisdiction. The 208 Plan defines demonstrable progress as requiring one of the two following findings to be made:

1. Funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year. (High priority projects are projects with substantial water quality benefit.); OR

2. The performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established on pp.183-184.
-- THREE-YEAR PERIOD ALTERNATE CIP FINDING (Finding #1): Following is the list of CIP projects for Washoe County for the applicable three year period of 1992 - 1994:

Washoe County: 1994 (Upcoming Year) - Phase 3, Tyrolian Village, $57,000. Attached project list, Ex.A-1 over $.4 million.

1993 (Current Year) - One priority project: Knotty Pine (Incline Village #4), $.8 million

1992 (Previous Year) - None.

Staff will report further on the level of funding committed to the above projects at the APC meeting. The current water quality mitigation fund balance for Washoe County is $237,740.

--CIP/SEZ BENCHMARK ALTERNATE FINDING (Finding #2): The 1991 benchmark as established on pp. 183-184 of the 208 Plan for CIP expenditures in Washoe County was $3.9 million. The interim SEZ restoration target for December 1991 was 400 acres regionally.

As set forth in the 1992 Financing Plan for the 208 Plan, the 1987-1991 total for Washoe County was $4.7 million.

The amount of restored SEZ acreage up to 1991 was approximately 80 acres. Douglas County accounted for 5.3 acres, Washoe County for none, Placer County for 3.8 acres, El Dorado County for 23.5 acres, and the City of SLT for 47.7 acres.

TRPA staff recommends making Finding #1 for Washoe County provided we can confirm that the funding for the above projects is committed and that there is a strong likelihood construction will commence in 1994.

FINDING 5. COMPLIANCE WITH PROJECT CONDITIONS

The compliance finding requires satisfactory levels of compliance with project conditions. The Governing Board has set numerical performance standards for the four subparts. The four subpart standards are:

(1) The percentage of project securities which were posted within a calendar year at least three years earlier and which are currently not being returned for water quality reasons shall not exceed 30 percent of the number of project securities which were posted within that calendar year.

(2) The percentage of BMP retrofit plans behind approved schedules shall not exceed 30 percent of the number of projects which BMP retrofit schedules as a condition of project approval and have reached the

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AGENDA ITEM NO. IV.B.
either the five-year or ten-year deadlines set in Chapter 25.

(3) The percentage of projects which had Cease & Desist orders posted for failure to observe conditions of approval shall not exceed 20 percent of the number of projects which were inspected the previous fiscal year.

(4) The percentage of projects which were issued notices of violation or were identified as alleged violations and which are unresolved at the end of the fiscal year shall not exceed 20 percent of the number of projects were were issued notices of violation or were identified as alleged violations within the fiscal year. Noticed or alleged violations which are resolved within 90 days of being reported as an alleged or noticed violation shall not be counted as unresolved, even if the resolution occurs in the next fiscal year. Alleged or noticed violations for which litigation has been filed shall be deemed resolved for purposes of this finding.

Attached as Exhibit C is an updated memorandum from the Environmental Compliance Division setting forth the current data for the four categories.

Based on the above numerical performance standards, staff recommends making the compliance finding for Washoe County since it meets the recommended numerical standards for each of the four subparts.

MOVING THE LINE: The new eligible score in Washoe County will be set by moving the IPES line down by the number of parcels equal to the number of residential allocations used in Washoe County in 1992. TRPA staff has researched the exact number of allocations used in Washoe County in 1992. Used residential allocations are defined as allocations for which complete applications were filed, or transfers completed, by December 31, 1992.

The number of used residential allocations in 1992 was 61. Based on the 1993 rankings and counting down 61 parcels, the new eligible score in Washoe County would be 695.

ACTION REQUESTED: The APC should hold a public hearing (continued from October) and make a recommendation to the Governing Board on making the findings for lowering the line in Washoe County.
October 22, 1993

Kimble Corbridge
Washoe County
Dept. of Public Works
1001 E. Ninth St.
Reno, NV 89520

Re: First, Second, & Third Creek Water Quality Improvement Projects - 1994
Preliminary List of Projects, Construction Cost Estimate, and Location Maps

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Treatment</th>
<th>SEZ Distance</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Creek Basin*</td>
<td>Sediment Basin</td>
<td>First Ck/50 Ft.</td>
<td>$40,000</td>
</tr>
<tr>
<td>Second Creek Cutbank*</td>
<td>Vegetation</td>
<td>Second Ck/100 Ft.</td>
<td>$20,000</td>
</tr>
<tr>
<td>Country Club Cutbank*</td>
<td>Vegetation</td>
<td>Third Ck/100 Ft.</td>
<td>$50,000</td>
</tr>
<tr>
<td>Sugarpine Cutbank*</td>
<td>Retaining Walls</td>
<td>Second Ck/500 Ft.</td>
<td>$120,000</td>
</tr>
<tr>
<td>Jackpine Basin*</td>
<td>Sediment Basin</td>
<td>Second Ck/500 Ft.</td>
<td>$20,000</td>
</tr>
<tr>
<td>Ponderosa Cutbank</td>
<td>Retaining Walls</td>
<td>Second Ck/200 Ft.</td>
<td>$30,000</td>
</tr>
<tr>
<td>Second Creek Ditches</td>
<td>Rock Lined Ditches</td>
<td>Second Ck/100 Ft.</td>
<td>$40,000</td>
</tr>
<tr>
<td>Silvertip Basin</td>
<td>Sediment Basin</td>
<td>Second Ck/100 Ft.</td>
<td>$50,000</td>
</tr>
<tr>
<td>Village Cutbank</td>
<td>Rock Riprap</td>
<td>Third Ck/200 Ft.</td>
<td>$30,000</td>
</tr>
<tr>
<td>Village Basin</td>
<td>Sediment Basin</td>
<td>Third Ck/200 Ft.</td>
<td>$20,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$420,000</strong></td>
</tr>
</tbody>
</table>

The projects marked with an asterisk (*) are projects previously reviewed with you. The addition projects are provided as alternatives to be further evaluated and offered for comparison. This list was completed with the assistance of Carl Hasty, TRPA, on October 21, 1993 relative to the most recent TRPA 208 Water Quality Plan. Carl was very pleased with this list of projects especially due to the proximity and favorable impact to stream environment zones.
FIRST, SECOND & THIRD CREEKS
WATER QUALITY IMPROVEMENT PROJECTS
INCLINE VILLAGE, WASHOE COUNTY, NV
LOCATION MAP
Property owners may appeal their parcel's rating to an independent body of qualified experts not involved in the initial field evaluation of that parcel. These independent experts shall apply the IPES criteria, and their decision shall be final unless the property owner appeals to the TRPA Governing Board. The Board may change a rating only upon finding that the IPES criteria were not applied correctly.

TRPA shall rate all vacant residential parcels numerically and rank them from most suitable to least suitable, by jurisdiction. TRPA shall also establish a level in the ranking immediately above the most sensitive parcels, based on recommendations from the IPES technical committee. Only parcels above this level, as it may be subsequently adjusted, comprise the "top rank" and may pursue a building permit (Goals and Policies, p. VII-6).

The numerical level defining the top rank for any jurisdiction shall be lowered annually by the number of allocations utilized in that jurisdiction during the previous year, provided that the following conditions are met (Goals and Policies, pp. VII-6, -7):

-- all parcels in the top rank are otherwise eligible for development under state water quality plans and other legal limitations,

-- a monitoring program for that jurisdiction is in place as set forth in the Monitoring and Evaluation Subelement of the TRPA Goals and Policies,

-- demonstrable progress is being made on the Capital Improvements Program for water quality within that jurisdiction,

-- there is a satisfactory rate of reduction in the inventory of vacant parcels; the IPES line shall not move down in any jurisdiction unless the number of parcels below the line in that jurisdiction, compared to the number deemed sensitive on January 1, 1986, does not exceed 20 percent in El Dorado and Placer Counties, or 33 percent in Washoe and Douglas Counties, and

-- the level of compliance with conditions of project approvals within that jurisdiction is satisfactory

With respect to the requirement that a monitoring program be in place in a given jurisdiction, the Goals and Policies require TRPA to monitor representative tributaries to provide a basis for evaluating the relative health of the watershed within which development is contemplated and progress toward meeting thresholds. The monitoring program will monitor stream flows and

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EXHIBIT A
concentrations of sediments and dissolved nutrients to determine
annual pollutant loads. This monitoring program shall be in
place in a local jurisdiction, and shall establish baseline water
quality conditions, before the numerical level defining the top
rank for the jurisdiction is lowered (Goals and Policies, p.
VII-25). The term "in place" means that a TRPA-approved
monitoring system, with established procedures and
responsibilities, is physically located on the selected
tributaries, and samples have been collected and analyzed for at
least one representative water year.

The location of sampling sites, frequency of sampling, and
financial responsibilities for monitoring will be set forth in
TRPA's Monitoring Program pursuant to the Goals and Policies (p.
VII-25) and the TRPA Code of Ordinances (section 32.10), based on
the recommendations of the TRPA Monitoring Committee. The
objectives of the monitoring program are to:

(1) Characterize the water quality of streams draining
affected residential areas in relationship to the
overall water quality observed in the watershed,

(2) Identify short-term changes in water quality from
affected residential areas, and

(3) Ensure that TRPA and state water quality standards are
being attained and maintained.

The monitoring program will include quality control and quality
assurance (QA/QC) procedures to ensure that the data accurately
represent the actual water quality conditions.

Monitoring will normally occur not only at the mouths of streams,
but also at locations in closer proximity to residential
subdivisions. While the stream mouth monitoring will generally
cover the entire year, monitoring at other locations higher in
the watershed will be geared toward the spring snowmelt period
and the fall storm season to contain costs. In addition to the
presently established monitoring stations, TRPA estimates that
30 to 40 additional stations will be required throughout the
Region to support the IPES conditions.

With regard to the requirement that demonstrable progress is
being made on the Capital Improvements Program within a given
jurisdiction, TRPA's evaluation will be based on the programs
adopted in Volumes III and IV of the 208 plan, including lists of
SEZ restoration and capital improvement projects for erosion and
runoff control, with priority designations, for each
jurisdiction. Pursuant to the Goals and Policies, TRPA has
established benchmarks against which the progress can be
evaluated (Goals and Policies, p. VII-25). These benchmarks are
found in Section I, Chapter VII of this volume, Plan Evaluation
and Revision.
To make a finding of demonstrable progress in a local jurisdiction, TRPA will review the progress of that jurisdiction over a three-year period covering the previous year, the current year, and the upcoming year. For the demonstrable progress criteria to be met, TRPA must make one of the following findings: (1) funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year, or (2) the performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established on pp. 183 and 184. In this context, the term "high priority project" means a project with a substantial water quality benefit.

To determine whether the level of compliance in a jurisdiction is satisfactory, TRPA will evaluate: (1) the percentage of projects which commenced construction three or more years earlier but which have not had their securities returned for water quality-related practices, (2) the number of projects which are behind approved schedules in project approvals for BMP retrofit, compared to those on schedule, (3) the number of projects which required TRPA issuance of cease and desist orders for failure to observe conditions of approval within the previous fiscal year, as compared to the number of projects inspected, and (4) the number of projects on which violations remain unresolved, compared to the number resolved. TRPA will review compliance data at the end of the 1989 building season, and will then set specific numerical performance standards for the four criteria above. The specific numerical performance standard shall reflect TRPA's goal of achieving a very high level of compliance with conditions of project approval.

Since it is possible (though unlikely) that individual appeals of IPES scores may result in a significant shift in the number of single-family parcels eligible to pursue construction permits by virtue of being in the top rank, TRPA shall, in a given local jurisdiction, and provided that IPES appeals increase the size of the top rank in that jurisdiction by three percent or more, subtract the number of parcels added to the top rank by appeals during the first year from the number of parcels which would be added to the top rank any year that the IPES line is lowered, until the number of parcels added to the top rank by appeals equals the number of parcels which would have been added to the top rank due to the lowering of the IPES line.

For TRPA to approve a project on a parcel rated and ranked by IPES, the parcel must be served by a paved road, water service, sewer service, and electric utility. However, Chapter 27 of the TRPA Code of Ordinances sets forth provisions for waiver of the paved road requirement, as provided for in the Goals and Policies (p. VII-6).
IPES-RELATED MONITORING PROGRAM

Introduction:

Implementation of The Individual Parcel Evaluation System (IPES) began in 1989. An important element of IPES is the establishment of the numerical score delineating those parcels eligible to receive a building allocation from those that are ineligible. The Tahoe Regional Planning Agency (TRPA) may lower this score provided certain conditions are met as outlined in TRPA’s Regional Plan.

One of those conditions is the establishment of an IPES-related tributary monitoring program in each of the five jurisdictions (Washoe, Douglas, El Dorado and Placer Counties, and the City of South Lake Tahoe). Pursuant to the Monitoring and Evaluation Subelement of the Goals and Policies (pp. VII-6, 7 and 25) and TRPA’s Water Quality Management Plan (Volume I, p. 119), this program is designed to meet the following objectives:

1. Evaluate the relative health of the watersheds within which development is contemplated;

2. Monitor progress made toward meeting the thresholds;

3. Characterize the water quality of streams draining affected residential areas in relationship to the overall water quality observed in the watershed;

4. Identify short-term changes in water quality from affected residential areas;

5. Determine if TRPA thresholds and Nevada and California water quality standards are being attained and maintained; and

6. Incorporate adequate quality assurance and quality control procedures to ensure accurate water quality data.

Site Selection:

The tributary monitoring sites selected are designed to satisfy a number of objectives. The data collected from the sites is integrated into and complements the existing water quality monitoring program.

The United States Geological Survey and the Tahoe Research Group (USGS/TRG) operate the existing tributary monitoring program. Stations are located at the mouths of ten tributaries. These monitoring locations are listed in Table 1 and provide data to estimate annual sediment and nutrient loads to Lake Tahoe. Table 2 lists the parameters sampled for and analytical techniques used by the USGS and TRG. The IPES related monitoring program supplements the existing tributary monitoring program to help meet the objectives listed above.
To meet the six objectives, and evaluate the effect of development on tributary water quality, TRPA has incorporated the following three concepts into the IPES-related monitoring program:

1. Before and after sampling;
2. Above and below sampling; and
3. Paired watershed analysis.

Additional monitoring locations have been established in five of the watersheds monitored by USGS and TRG (Incline, Trout, Ward and Edgewood Creeks, plus the Upper Truckee River). Table 3 lists the locations of these additional stations. Sampling at the Ward Creek sites began in January, 1991, while sampling at the remaining sites began in Fall, 1989. Year-round stream flow is recorded at these additional sites by the installation of permanent recording stream flow gages.

These sites were selected to: (1) complement the existing tributary monitoring; (2) provide a clean tributary site located above development for background comparisons; and (3) provide data midway through the developed portion of the watershed. Development in the monitored watersheds is variable and is comprised of different types of commercial and residential development. In addition, several other types of development are represented in the selected watersheds such as ski areas, golf courses, and grazing activities.

Sampling at these sites is coordinated with the sampling performed at the stream mouths. Sampling frequency is greater during spring runoff and large storm events with less frequent sampling performed during low, steady flow conditions. Samples collected are analyzed for the "Sample A" parameters listed in Table 2.

In the Spring of 1991, this program was supplemented by the selection of an additional 11 tributary monitoring sites. Seven of those sites are located on tributaries already monitored. These sites were chosen to provide additional monitoring of developed areas, relatively undisturbed watersheds, and large watersheds in the Tahoe Basin. Monitoring of these sites is conducted each year during spring runoff and storm event flows. TRPA has identified eight additional sites in California which will be monitored in the future. The USGS and TRG perform the monitoring tasks for these additional sites as well as those listed above.

Table 4 lists the locations of these 11 sites. To the extent possible, these sites are co-located with previously established stations monitored by the USGS. The USGS selected their sites to provide for relatively clean monitoring locations above development and to monitor additional tributaries of Lake Tahoe. Their objectives were very similar to those of TRPA.

**Sampling:**

Sampling frequency is designed with two main concerns in mind.

1. To provide adequate data for estimating annual loads of sediments and nutrients; and
2. to provide adequate data to characterize the nutrient and sediment components of the various hydrologic events encountered.

Frequency sampling for the tributary mouth stations is designed to answer both 1 and 2 above. Sampling frequency at the additional 11 non-gaged stations will primarily focus on number 2 above, and will only infrequently sample during the low flow periods that are typically characterized by low nutrient and sediment loads. Water samples collected from the 11 additional sites will be analyzed for the "Sample A" nutrient parameters listed in Table 2.

**Data Management:**

Data collected from this program will be entered into the data bases of the USGS National Water Information System and into the US EPA STORET data base where appropriate. The data is included in TRPA's Annual Water Quality Report, TRG's Annual Report, and the USGS Water Resources Data Report.

**Data Analysis:**

Other agencies in the Tahoe Region require monitoring of some project sites as a condition of permit approval. To the extent a project monitoring condition can be related to tributary stream monitoring, TRPA will seek inter-agency cooperation to integrate project monitoring with TRPA's monitoring program.

The collected data will be used for a variety of purposes. The data collected at the newly established stream mouth stations (Table 4) will be used to better define the nutrient contributions from the tributary network and assess compliance with tributary standards.

The combination of above and below sampling and paired watershed samples will enable analysis to be done to better determine cause/effect relationships of development activities on tributary water quality. Data at the clean sites and from undeveloped tributaries and the stations within and at the bottom of the developed portion of the watersheds will document changes in water quality as a result of flow through the subdivisions, and other developed areas. Before development and after development analysis will require a long period of analysis to be useful for data interpretation.

The data collected is included in the 1991 Threshold Report and TRPA's Annual Water Quality Report. The additional data will be used to determine water quality trends, compliance with thresholds and standards, and to evaluate the effectiveness of the Regional Plan and its effect on water quality.

**Quality Assurance/Quality Control:**

The USGS and TRG have a detailed Quality Assurance/Quality Control (QA/QC) program to assure proper data collection, lab analysis, and reporting procedures. Rigorous field procedures ensure proper collection techniques are employed. Lab analysis includes appropriate QA/QC procedures including split samples, spikes, and blanks for data control. The reporting of data is carefully controlled to assure the reader that reported results are accurate and reliable.
Conclusion:

The current monitoring program meets the requirements of both the Goals and Policies and TRPA's Water Quality Management Plan for IPES-related tributary monitoring. The collected data will provide for a better understanding of tributary nutrient and sediment contributions to Lake Tahoe. In addition, statistical analysis of the collected data will allow for interpretation of developmental impacts on water quality, assess compliance with water quality standards, and identify water quality trends.
<table>
<thead>
<tr>
<th>Location</th>
<th>Stream Site</th>
<th>Drainage Area (sq mi)</th>
<th>Channel Length (mi)</th>
<th>% of Stream Basin Monitored</th>
<th>Operating Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>California El Dorado</td>
<td>Trout C Basin, total at Highway 50</td>
<td>40.97</td>
<td>12.20</td>
<td>98.6%</td>
<td>-- USGS TRG</td>
</tr>
<tr>
<td>California El Dorado</td>
<td>at Black Bart Road</td>
<td>40.40</td>
<td>10.70</td>
<td>89.6%</td>
<td>USGS -- --</td>
</tr>
<tr>
<td>California Placer</td>
<td>Heavenly Valley Creek tributary inflow</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>USGS -- --</td>
</tr>
<tr>
<td>California El Dorado</td>
<td>U. Truckee R. Basin, total at Highway 50</td>
<td>56.64</td>
<td>21.45</td>
<td>96.8%</td>
<td>USGS USGS TRG</td>
</tr>
<tr>
<td>California Placer</td>
<td>General Crk. Basin, total at Highway 89</td>
<td>7.56</td>
<td>9.17</td>
<td>98.4%</td>
<td>USGS USGS TRG</td>
</tr>
<tr>
<td>California Placer</td>
<td>Blackwood Crk. Basin, total at Highway 89</td>
<td>11.18</td>
<td>6.20</td>
<td>99.8%</td>
<td>USGS USGS TRG</td>
</tr>
<tr>
<td>California Placer</td>
<td>Ward Crk. Basin, total at Highway 89</td>
<td>9.74</td>
<td>5.90</td>
<td>99.6%</td>
<td>USGS USGS TRG</td>
</tr>
<tr>
<td>Nevada Washoe</td>
<td>Third Crk. Basin, total below Highway 28</td>
<td>6.06</td>
<td>7.05</td>
<td>99.8%</td>
<td>USGS USGS USGS</td>
</tr>
<tr>
<td>Nevada Washoe</td>
<td></td>
<td>6.05</td>
<td>6.94</td>
<td>--</td>
<td>USGS USGS USGS</td>
</tr>
<tr>
<td>Nevada Douglas</td>
<td>Incline Crk. Basin, total below Highway 28</td>
<td>6.76</td>
<td>4.66</td>
<td>99.7%</td>
<td>USGS USGS USGS</td>
</tr>
<tr>
<td>Nevada Douglas</td>
<td></td>
<td>6.74</td>
<td>4.55</td>
<td>--</td>
<td>USGS USGS USGS</td>
</tr>
<tr>
<td>Nevada Douglas</td>
<td>Glenbrook Crk. Basin below Highway 50</td>
<td>4.09</td>
<td>3.92</td>
<td>99.8%</td>
<td>USGS USGS USGS</td>
</tr>
<tr>
<td>Nevada Douglas</td>
<td></td>
<td>4.08</td>
<td>3.81</td>
<td>--</td>
<td>USGS USGS USGS</td>
</tr>
<tr>
<td>Nevada Douglas</td>
<td>Logan House Crk. Basin above Highway 50</td>
<td>2.18</td>
<td>3.30</td>
<td>95.4%</td>
<td>USGS USGS USGS</td>
</tr>
<tr>
<td>Nevada Douglas</td>
<td></td>
<td>2.08</td>
<td>3.00</td>
<td>--</td>
<td>USGS USGS USGS</td>
</tr>
<tr>
<td>Nevada Douglas</td>
<td>Edgewood Crk. Basin near Stateline</td>
<td>6.59</td>
<td>5.53</td>
<td>84.7%</td>
<td>USGS USGS USGS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lake Tahoe Basin</th>
<th>Sq. Mi.</th>
<th>% of Total</th>
<th>Sq. Mi.</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Tahoe Drainage</td>
<td>506.69</td>
<td>100%</td>
<td>142.45</td>
<td>47%</td>
</tr>
<tr>
<td>Lake Surface</td>
<td>192.14</td>
<td>38%</td>
<td>24.53</td>
<td>17%</td>
</tr>
<tr>
<td>Tributary Basins</td>
<td>314.55</td>
<td>62%</td>
<td>117.92</td>
<td>40%</td>
</tr>
<tr>
<td>Nevada</td>
<td>77.91</td>
<td>25%</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

Lake or basin monitored in 1989.
# TABLE 2: SAMPLE ANALYSES

**LAKE TAHOE TRIBUTARY MONITORING STUDY**

**USGS California/Nevada Districts**

## A) ROUTINE SAMPLE:

1) **TRG Labs** -
   - Total organic + ammonium nitrogen (TKN)
   - Dissolved ammonium nitrogen (DNH4)
   - Dissolved nitrite + nitrate nitrogen (DNO3)
   - Total phosphorus (TP)
   - Dissolved orthophosphate phosphorus (DP)
   - Total biologically reactive iron (TFE)

2) **Sediment lab** -
   - Suspended sediment concentration

3) **Field** -
   - Water temperature
   - Air temperature
   - Gage-height
   - Discharge (rated or measured)
   - Specific conductance
   - Hydrologic condition and event
   - Weather

## B) EXPANDED SAMPLE:

1) **TRG Labs** -
   - Total organic + ammonium nitrogen (TKN)
   - Total ammonium nitrogen (TNH4)
   - Total nitrite + nitrate nitrogen (TN03)
   - Total phosphorus (TP)
   - Total orthophosphate phosphorus (TOP)
   - Total biologically reactive iron (TFE)
   - Total hydrolyzable + orthophosphate (THP)
   - Dissolved hydrolyzable + orthophosphate (DHP)
   - Dissolved organic + ammonium nitrogen (DKN)
   - Dissolved ammonium nitrogen (DNH4)
   - Dissolved nitrite + nitrate nitrogen (DNO3)
   - Dissolved phosphorus (DP)
   - Dissolved orthophosphate phosphorus (DOP)
   - Dissolved biologically reactive iron (DFE)

2) **Sediment lab** -
   - Suspended sediment concentration
   - Sand break (% finer than 0.062mm)

3) **Field** -
   - Water temperature
   - Air temperature
   - Gage-height
   - Discharge (rated or measured)
   - Specific conductance
   - Hydrologic condition and event
   - Weather
   - pH
   - Dissolved oxygen
   - Barometric pressure
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Tributary</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>East Fork</td>
<td>Just above Tyrolian Village(^{(b)}) and below Highway 28(^{(a)})</td>
</tr>
<tr>
<td></td>
<td>Incline Creek</td>
<td></td>
</tr>
<tr>
<td>Douglas County</td>
<td>Edgewood Creek</td>
<td>Two locations, one on the North Fork(^{(a)}) and one on the South Fork(^{(b)}) just above their confluence.</td>
</tr>
<tr>
<td>City of South Lake Tahoe</td>
<td>Trout Creek</td>
<td>Upstream from where it crosses Pioneer Trail(^{(a)}) and where USFS road 8189 crosses it.</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>Upper Truckee River</td>
<td>At Alpine Campground(^{(b)}) and where it first crosses Highway 50 in Meyers(^{(a)}).</td>
</tr>
<tr>
<td>Placer County</td>
<td>Ward Creek</td>
<td>Where Ward Creek Boulevard begins to diverge away from Ward Creek(^{(a)}) and below the confluence of the main north and south tributaries(^{(b)}).</td>
</tr>
</tbody>
</table>

\(^{(a)}\) Site located midway through development  
\(^{(b)}\) Relatively clean sites with little upstream disturbance or development
### Table 4. IFES-Related Monitoring Locations in Nevada

<table>
<thead>
<tr>
<th>Tributary</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edgewood Creek</td>
<td>At Andria Drive(^{(2)}), a tributary near Daggett Pass, and below South Benjamin Drive near Daggett Pass (^{(4)}).</td>
</tr>
<tr>
<td>Logan House Creek</td>
<td>At north Logan House Creek above Highway 50 near Glenbrook (^{(5)}).</td>
</tr>
<tr>
<td>Glenbrook Creek</td>
<td>At the old Highway 50 crossing above the meadow(^{(a)}) and at old Highway 50 near Glenbrook.</td>
</tr>
<tr>
<td>Incline Creek</td>
<td>Incline Creek tributary at Country Club near Incline Village(^{(a)}).</td>
</tr>
<tr>
<td>First Creek</td>
<td>Near Crystal Bay(^{(c)}).</td>
</tr>
<tr>
<td>Second Creek</td>
<td>Lakeshore Drive near Incline Village(^{(c)}).</td>
</tr>
<tr>
<td>Third Creek</td>
<td>Above Mount Rose Highway(^{(d)}) and Village Boulevard at Incline Village(^{(a)}).</td>
</tr>
<tr>
<td>Wood Creek</td>
<td>One at Lake Shore Drive(^{(c)}) and one above Jennifer Street(^{(b)}).</td>
</tr>
</tbody>
</table>

\(^{(a)}\) Site located midway through development.
\(^{(b)}\) Relatively clean site with little upstream disturbance or development.
\(^{(c)}\) Site located near stream mouth.
\(^{(d)}\) Additional site located in the upper portion of the watershed, but still influenced by upgradient disturbance or development.
October 18, 1993

To: Dave Ziegler, Executive Director  
    Susan Scholley, Special Projects Attorney

From: Mike Solt, Senior Environmental Specialist

Subject: Compliance Data Associated With Lowering of the Individual Parcel Evaluation System (IPES) Line.

The following compliance data, which pertains to the lowering of the IPES line, is being submitted for your review. The type and sources of data were discussed with Susan Scholley and Steve Chilton, to determine the most suitable set for use in the four criteria evaluation of the level of compliance. The four criteria listed in The Water Quality Management Plan for the Lake Tahoe Region are to be evaluated as indicators of the level of compliance within a jurisdiction. A "satisfactory level of compliance" with conditions of project approvals, within any jurisdiction, is one of the required findings for lowering the line. The data must still be reviewed for the purpose of setting specific numerical performance standards for the four criteria.

Please note that for Criteria #3 and #4, four years (fiscal years) of data are being submitted: '89-'90, '90-'91, '91-'92, and '92-'93. The security release data for Criteria #1 is for projects started three or more years ago, going back to 1985.

The sources utilized in compiling this data include: TRPA computer database, project files, reading files, compliance personnel's inspection records and daily logs, previous compliance activity summaries, TRPA securities receipt books, and TRPA securities index card tracking system.

Criteria #1: The percentage of projects which commenced construction three or more years earlier, but which have not had their securities returned for water quality-related practices.

The set of data is based on all projects which posted a security within the specified calendar year. Data is presented for the years 1985 through 1989.

1985 Security Returns

| Jurisdiction    | Total Posted | Released | Percentage of Securities
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>123</td>
<td>89</td>
<td>28%</td>
</tr>
<tr>
<td>Placer County</td>
<td>86</td>
<td>68</td>
<td>21%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>39</td>
<td>32</td>
<td>18%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>28</td>
<td>22</td>
<td>21%</td>
</tr>
</tbody>
</table>

Planning for the Protection of our Lake and Land

EXHIBIT C
### 1986 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>172</td>
<td>133</td>
<td>22%</td>
</tr>
<tr>
<td>Placer County</td>
<td>114</td>
<td>94</td>
<td>20%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>61</td>
<td>50</td>
<td>18%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>35</td>
<td>31</td>
<td>11%</td>
</tr>
</tbody>
</table>

### 1987 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>146</td>
<td>104</td>
<td>29%</td>
</tr>
<tr>
<td>Placer County</td>
<td>158</td>
<td>117</td>
<td>26%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>78</td>
<td>63</td>
<td>19%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>38</td>
<td>32</td>
<td>16%</td>
</tr>
</tbody>
</table>

### 1988 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>300</td>
<td>228</td>
<td>24%</td>
</tr>
<tr>
<td>Placer County</td>
<td>234</td>
<td>167</td>
<td>29%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>127</td>
<td>103</td>
<td>19%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>63</td>
<td>51</td>
<td>19%</td>
</tr>
</tbody>
</table>

### 1989 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>274</td>
<td>170</td>
<td>38%</td>
</tr>
<tr>
<td>Placer County</td>
<td>277</td>
<td>183</td>
<td>34%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>160</td>
<td>114</td>
<td>29%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>81</td>
<td>64</td>
<td>21%</td>
</tr>
</tbody>
</table>

The data included in Criteria #1 have been updated as a result of recent inspections of unreleased securities and may be updated again if additional inspections are completed prior to final action by the Governing Board.

**Criteria #2:** The number of projects which are behind approved schedules in project approvals for BMP retrofit, compared to those on schedule.

The Code requires 50% completion within five years and 100% completion within ten years. A total of 20 projects have reached the five year date for completion of phase 1 of the BMP retrofit as of June 30, 1993.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Projects</th>
<th>On Schedule</th>
<th>Behind Schedule</th>
<th>% Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>8</td>
<td>2</td>
<td>6</td>
<td>40%</td>
</tr>
<tr>
<td>Placer County</td>
<td>9</td>
<td>4</td>
<td>5</td>
<td>44%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>100%</td>
</tr>
</tbody>
</table>
Criteria #3: The number of projects which required TRPA issuance of CEASE AND DESIST ORDERS for failure to observe conditions of approval during the previous fiscal year as compared to the number of projects inspected.

The data for the number of projects inspected is based on the number of pre-grade inspections completed.

**Fiscal year 89/90, July 1, 1989 through June 30, 1990**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Projects Inspected</th>
<th># of Projects Issued Cease and Desist Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>213</td>
<td>8</td>
</tr>
<tr>
<td>Placer County</td>
<td>200</td>
<td>5</td>
</tr>
<tr>
<td>Washoe County</td>
<td>113</td>
<td>4</td>
</tr>
<tr>
<td>Douglas County</td>
<td>57</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>% of Projects Issued Cease and Desist Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>4%</td>
</tr>
<tr>
<td>Placer County</td>
<td>3%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>4%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>5%</td>
</tr>
</tbody>
</table>

**Fiscal Year 90/91, July 1, 1990 through June 30, 1991**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Projects Inspected</th>
<th># of Projects Issued Cease and Desist Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>254</td>
<td>8</td>
</tr>
<tr>
<td>Placer County</td>
<td>169</td>
<td>12</td>
</tr>
<tr>
<td>Washoe County</td>
<td>111</td>
<td>12</td>
</tr>
<tr>
<td>Douglas County</td>
<td>52</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>% of Projects Issued Cease and Desist Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>3%</td>
</tr>
<tr>
<td>Placer County</td>
<td>7%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>11%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>6%</td>
</tr>
</tbody>
</table>

**Fiscal year 91/92, July 1, 1991 through June 30, 1992**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Projects Inspected</th>
<th># of Projects Issued Cease and Desist Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>281</td>
<td>4</td>
</tr>
<tr>
<td>Placer County</td>
<td>198</td>
<td>5</td>
</tr>
<tr>
<td>Washoe County</td>
<td>85</td>
<td>17</td>
</tr>
<tr>
<td>Douglas County</td>
<td>62</td>
<td>13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>% of Projects Issued Cease and Desist Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>1%</td>
</tr>
<tr>
<td>Placer County</td>
<td>3%</td>
</tr>
<tr>
<td>Washoe County</td>
<td>20%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>20%</td>
</tr>
</tbody>
</table>

**Fiscal year 92/93, July 1, 1992 through June 30, 1993**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Projects Inspected</th>
<th># of Projects Issued Cease and Desist Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>279</td>
<td>13</td>
</tr>
<tr>
<td>Placer County</td>
<td>193</td>
<td>4</td>
</tr>
<tr>
<td>Washoe County</td>
<td>101</td>
<td>10</td>
</tr>
<tr>
<td>Douglas County</td>
<td>62</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>% of Projects Issued Cease and Desist Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado County</td>
<td>5%</td>
</tr>
<tr>
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Criteria #4 The number of projects on which violations remain unresolved compared to the number resolved.

The data includes the number of Notices of Violations, and pre-notice of violation settlements requiring governing board approval, issued during the particular fiscal year. Violations which are unresolved at year end are quite often resolved early in the next fiscal year. The data does not include violations in which lawsuits have been filed.

Fiscal year 89/90, July 1, 1989 through June 30, 1990

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Fiscal year 90/91, July 1, 1990 through June 30, 1991

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Fiscal year 92/93, July 1, 1992 through June 30, 1993

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The unresolved 1993 violation in Washoe County was the Schumacher boatlift violation. A Notice of Violation was issued in May 1993 and a complaint was filed July 7, 1993 in federal district court.

Please let me know if you need any clarification or further information regarding the contents of this memo.

HS/SS:ses
November 1, 1993

To: Advisory Planning Committee

From: TRPA Staff

Subject: Lemelson Application to Amend the Prime Fish Habitat Map for the Area East of Second Creek in Incline Village, Washoe County

Proposed Action: The proposed action is an applicant-initiated request to amend the TRPA Prime Fish Habitat Map in the area adjacent to and east of Second Creek in Incline Village, Nevada. The proposed amendment would modify the designation of approximately 1600 linear feet of shoreline from the currently mapped Spawning Habitat and Feeding and/or Escape Cover Habitat designation to a clear area (marginal habitat). (See Attachment A, existing map, Attachment B, applicant's proposed map, and Attachment C, staff's recommended map amendment.)

Recommendation: TRPA staff recommends that the Advisory Planning Commission review the proposed amendment and recommend approval to the Governing Board with the following staff recommended modification. Remove the area mapped Feeding and/or Escape Cover Habitat and retain the mapped Spawning Habitat area 200 feet to the east and adjacent to Second Creek.

Discussion: Currently, the section of shoreline to the west of Second Creek is mapped and field verified as Spawning Habitat Targeted for Habitat Restoration. The area immediately to the east of Second Creek is mapped as Prime Spawning Habitat Targeted for Habitat Restoration and as Feeding and/or Escape Cover Habitat. However, the shorezone in the area east of Second Creek consists of a sandy beach with a sandy substrate extending lakeward beyond elevation 6219’, Lake Tahoe Datum.

TRPA’s Code of Ordinances in Chapter 2 defines Spawning Habitat as an “area that attracts, or is capable of attracting fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble.” When the TRPA Prime Fish Habitat Map was produced, shorelines that consisted of sandy substrates were for the most part designated as marginal habitat and were mapped as clear areas. Shoreline areas with substrates of
gravel, cobble, rock, and/or boulders were mapped as one of two types of prime fish habitat: 1) Feeding And/Or Escape Cover Habitat (typically substrates that consist of rocks and boulders with pockets of sand), or 2) Spawning Habitat (substrates consisting of gravels and/or cobble).

Those areas adjacent to stream mouths with sandy substrates, however, were also designated as spawning areas when those streams provided spawning habitat for migratory fish species or had the potential to provide spawning habitat. These areas were mapped as such because of the role they play in the spawning process as staging areas (Telephone conversation, Russ Wickwire, California Department of Fish and Game fisheries biologist 7/30/93). The Prime Fish Habitat Map was adopted by the TRPA Governing Board April 26, 1984 and is the official Agency map. According to TRPA’s previous fisheries biologist, Jean Shaffer, the 1991 Fish Habitat Study Report map referred to in the applicant’s submittal was not a map prepared by the Fish Habitat Study Report. The map referred to in the applicant’s submittal was prepared from shorezone substrate information that came from the Final Report: Littoral Structure and Its Effects on the Fish Community of Lake Tahoe, (November, 1989). TRPA staff used this information on substrate to create a map in 1990 that defined in-lake fish habitat by substrate. This map did not take into consideration the stream/lake interface areas and their importance to migratory fish species. It has never been adopted.

In Appendix D of the Study Report for the Establishment of Environmental Threshold Carrying Capacities (October, 1982), Second Creek was assessed and ranked based on its own qualities of providing fish habitat. It should be noted that these stream assessments were not based on comparisons relative to the values of other streams. A small stream can be designated as “excellent” even though it supports far fewer fish than a larger stream. Second Creek is ranked as marginal by the Threshold Study Report with the recommendation “that this stream be used as a nursery stream with the introduction, in the future, of a Tahoe strain of fry or fingerling rainbow trout for ultimate lake recruitment.”

In a letter dated July 23, 1993 from David Greer, the former TRPA biologist who prepared the Prime Fish Habitat map and wrote the fisheries portions of the Threshold EIS (see Exhibit B), he states that “the adopted thresholds for fisheries is intended to protect the mouths of those tributaries that provide spawning habitat for migratory fishes. The mouth of any particular tributary may not exhibit the physical characteristics of spawning habitat but often serves a useful role in the spawning process by providing a staging area for spawning.”

The west side of Second Creek is currently and accurately mapped Spawning Habitat and Feeding And/Or Escape Cover Habitat on the adopted TRPA Prime Fish Habitat map. The substrate to the east of Second Creek provides marginal in-lake fish habitat, which has been correctly addressed in the applicant’s submittal of a “Fisheries and Fish Habitat Report.” In addition, the applicant has submitted "A Reconnaissance-Level Survey of Existing Fishery Resources
Habitat Conditions on the Lemelson Property," prepared by A. A. Rich and Associates. The conclusion states that "based on the results of this study, there was no evidence to support a 200 yard exclusion limit; and based on the results of this study, the existing 200 foot protection zone is more than adequate for the protection of rainbow trout staging and spawning, neither of which occur on the Lemelson property."

TRPA received a letter from the Nevada Department of Wildlife (Exhibit A) addressed to Mr. Normon T. Gilroy who is representing Mr. Lemelson. In the letter Mike Sevon, fisheries biologist Nevada Department of Wildlife, states that it is his "belief along with the belief of many of the knowledgeable fisheries biologist in the basin that 200 yards is the minimum figure. We will strive to obtain the data that supports that concept. At this time all current regulations in effect are for a 200 foot protection zone."

The 1989 Fish Study, mentioned above, concluded that based on observation TRPA's 200 foot setback from streams was adequate protection for migratory species of fish in Lake Tahoe. The proposed amendment reflects this 200 foot distance from the stream mouth as the new eastern boundary line for the mapped spawning habitat at this location.

In the Nevada Department of Wildlife's efforts to enhance the population of Lake Tahoe Rainbow trout they will be including an annual stocking of trout fry in Second Creek. In the future, there will be fingerling trout down-migrating from Second Creek to Lake Tahoe and there will be adult rainbow staging at the mouth of Second Creek during the spring. At a minimum, a 200 foot distance from the creek mouth should be retained to protect future efforts to stock this tributary. It should also be noted here that Mr. Lemelson applied for and has received a permit to do some restoration work on portions of Second Creek that flow through his property which includes fisheries habitat enhancement.

In retaining the Spawning Habitat designation, TRPA is complying with the adopted thresholds which intended to protect the mouths of those tributaries that provide habitat or potentially could provide habitat for migratory fishes. In addition, retaining the protective status of this creek mouth also must take into consideration the meandering nature of this tributary. In the last 12 months this creek mouth has meandered 50 feet to the east. When tributaries flow into another body of water they create a plume many times broader than the inlet's mouth. The waters contained within the plume are nutrient rich and provide environmental cues for the staging migratory fish. To insure at least a 200 foot distance east of Second Creeks mouth remains protected for future staging, the new habitat boundary line is proposed to be set at the furthest reaches of its meandering to date.
Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. 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 Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: This amendment to the TRPA Prime Fish Habitat map is a map correction and is consistent with adopted mapped marginal habitat criteria in that the existing lakebed consists of a sandy substrate which does not provide Feeding and/or Escape habitat as mapped (see Exhibit A) at this location.

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

Rationale: The proposed amendment is a map correction as supported by field verifications and applicant submitted Survey of Existing Fishery Resources. The staff recommended amendment retains 200 feet of Spawning Habitat map designation adjacent to Second Creek and changes the Feeding and/or Escape Habitat to marginal habitat (see attachment C). Since the proposed action does not involve any project approvals, the amendment poses no new impacts to water quality, air quality, vegetation, backshore stability or littoral transport, wildlife, fisheries, scenic quality or recreational access.

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: Refer to #2 above.

Environmental Documentation: Based on the above analysis and the completion of the Initial Environmental Checklist, staff finds the amendment, as proposed by staff, will not have a significant environmental effect. This Finding of No Significant Effect is based on staff's recommendation which is a modification of the applicant's application based on the information provided to TRPA by the applicant and from technical experts in Lake Tahoe fisheries.

If you have any questions or comments regarding this agenda item, please contact Colleen Shade at (702) 588-4547.
Mr. Norman T. Gilroy
P.O. Box 395
Sausalito, California 94966

Dear Mr. Gilroy:

I have received a copy of the report by A.A. Rich and Associates on the habitat conditions of Second Creek, on the Lemelson property. My first question is whether Alice A. Rich has the authority to sample fish populations in Nevada with an electroshocker. Nevada Revised Statute 503.650 indicates that to sample fish populations within the State of Nevada, written permission of Nevada Division of Wildlife is required. Our files indicate that A.A. Rich did not have a collection permit for their sampling effort.

I am assuming that the survey work on the stream was confined to the Lemelson property. I do not disagree that the stream can be characterized as generally a poor trout stream. There still remains however the potential for this stream to produce some trout.

Page 25 of the report (The Conclusions) in (4) (d) indicates that the trout were emaciated. I would hope that there is a better way to quantify the physical condition of a fish than to simply state they were emaciated. Our biologist will continue to monitor the streams that have received trout fry to determine the success of our fry stocking program.

In one of our phone conversations, you asked why we weren't interested in working on mitigating habitat improvements on the Lemelson property in turn for allowing some leeway in changing the 200 yard exclusion limit on the shoreline at the mouth of Second Creek. General improvement of the stream, as with many streams in the Tahoe Basin, will come only as a result of long term improvements of the watershed. There is little that can be done on the Lemelson property to improve conditions as long as each spring...
Mr. Norman T. Gilroy  
October 12, 1993  
Page 2

runoff has the potential of bringing tons of granitic sediment that fills pools and dominates the bottom of the stream.

As for the size of the protection zone being 200 feet vs. 200 yards, my belief and the belief of many of the knowledgeable fisheries biologist in the basin is that 200 yards is the minimum figure. We will strive to obtain the data that supports that concept. At this time all current regulations in effect are for a 200 foot protection zone and it appears that you would be best to do your future negotiating with the Tahoe Regional Planning Agency not the Nevada Division of Wildlife. If I can assist you in any other matters, feel free to contact me.

Sincerely,

WILLIAM A. MOLINI, ADMINISTRATOR

Mike Sevon  
Regional Fisheries Supervisor  
Region I

MDS: ph  
CC: Jim Curran  
Pat Sollberger  
Colleen Shade
23 July 1993

Coleen Shade
TRPA
P.O. Box 1038
Zephyr Cove, NV 89448

RE: TRIBUTARY SPAWNING HABITAT

Dear Coleen:

The adopted thresholds for fisheries is intended to protect the mouths of those tributaries that provide spawning habitat for "migratory" fishes. The mouth of any particular tributary may not exhibit the physical characteristics of spawning habitat but often serves a useful role in the spawning process by providing a staging area for spawning. Fish will usually congregate at the mouths of streams for a period of time until the environmental cues (water flow, temperature, etc.) are ideal for the upstream migration. This staging behavior was always evident at the mouth of Taylor Creek relative to the upstream migration of Kokanee.

The text of the EIS for adoption of Environmental Threshold Carrying Capacities indicates that a long standing policy by the USFWS for Lake Tahoe was to "recommen against issuance of all permits for docking facilities... in or proximate to biologically important stream inlets". Said EIS further states that "habitat may be lost to fishes.... if disturbances keep the fish away from suitable spawning or feeding areas." Increased activity associated with additional dockage use or similar activities may negatively affect the staging and upward migration of spawning fishes. The EIS for Adoption of a Regional Plan identified "artificial stream blockages" as a major impact to the Tahoe fishery. Success of attaining the fishery thresholds will "depend on the ability to limit disturbance in areas of prime fish habitat....". See pages 63 & 64 of latter EIS.

The mapped habitat at stream mouths serves a useful purpose for spawning and, to some extent, as nursery habitat. It is critical to protect these areas from any additional disturbance which may directly or indirectly influence the spawning success of the rainbow trout, kokanee, and other stream spawning fishes.

The adopted thresholds for fisheries clearly intended to minimize intrusions into the stream/lake interface areas. Please contact me if you require any additional clarification on this matter.

Sincerely,

David M. Greer
MEMORANDUM

November 2, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 33, Allocation for Development, Relating to Distribution of Residential Allocations to Parcels Below the IPES Line

PROPOSED ACTION: The proposed action is to make a recommendation to the Governing Board on Chapter 33 amendments to provide for a 1994 program for distribution of residential allocations to parcels below the IPES line for transfer.

STAFF RECOMMENDATION: Staff recommends adopting a program identical to the 1993 program except for adjustments to the percentage of set-aside allocations in Placer, Washoe and Douglas Counties of up to 30 percent. In the alternative, implementation of random selection allocation systems by those counties could substitute for a set-aside of allocations.

BACKGROUND: In 1992 Chapter 33 was amended to set-aside ten percent of each jurisdiction’s annual allocations for distribution to parcels below the IPES line for transfer. TRPA distributed the set-aside allocations in January 1993 through a random selection drawing of interested parcels below the line. (Placer County conducted their own drawing for their set-aside allocations.) Use of the allocations was limited to transfer only, no point buy-ups were permitted.

The 1993 program resulted in eight applications for allocation transfers (all but one have been completed). The remaining 22 allocations were returned to the counties in July for reissuance. All the transfers were in the City of South Lake Tahoe and El Dorado County.

DISCUSSION: The 1993 program worked well in the City of SLT and El Dorado County. The program did not work as well in the other counties. In order to create demand for transferred allocations, additional allocations should be set-aside in the Placer, Washoe and Douglas Counties. A set-aside percentage of 20 to 30 percent in those counties might reduce the pool of allocations available through the county process sufficiently to create demand for transferred allocations. The 10 percent set-aside is adequate for the City of South Lake Tahoe and El Dorado County.

The benefits of creating demand for transferred allocations are increased rates of parcel retirement below the line (a plus for Placer County) and additional opportunities for parcels below the IPES line. The drawbacks to reducing the pool of available "free" allocations is an increased cost of
housing for some and reduced opportunities for parcels above the IPES line.

An alternative to a higher set-aside percentage would be the creation of random selection distribution systems in Placer, Washoe and Douglas Counties. A random selection process would have the advantage of allowing interested parcels below the line to participate without the need for regulated set-asides. A random selection process would permit the creation of a market for transferred allocations based on free market principles rather than a regulatory set-aside. The random selection systems could be based on mail-in or call-in drawings or a first-come, first-served basis, as long as all parcels, regardless of IPES scores, could participate. Parcels below the IPES line would be limited to transfer of the allocations but point buy-ups could be permitted under a random selection system.

**ACTION REQUESTED:** The AFC should conduct a public hearing and make a recommendation to the Governing Board on the 1994 program for distribution of parcels below the IPES line.
November 2, 1993

To: Advisory Planning Commission

From: Agency Staff

Subject: Douglas County Application to Amend Chapter 22 of the Code of Ordinances, Height Standards, Regarding Height of Appurtenant Structures

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Staff Recommendation

The staff recommends the APC consider the Douglas County application, with modifications and clarifications proposed by TRPA staff, conduct a public hearing, and make a recommendation to the Governing Board.

Background

Chapter 22, Height Standards, limits the height of appurtenant structures on roofs. Chapter 4, Project Review and Exempt Activities, prohibits any increase in height by modification of a structure that does not comply with height standards. For structures which comply with height standards, the Code limits the height of appurtenant structures, including flagpoles, to 10 percent of the otherwise permissible maximum height, or six feet, whichever is less. See Attachment 1 for the existing Code language.

On September 15, 1993, TRPA received an application from Douglas County to amend Chapter 22 to allow additional height for appurtenant flagpoles on certain buildings. The amendment proposed by Douglas County would allow two appurtenant flagpoles per building on commercial, tourist accommodation, and public service buildings, up to 20 feet tall on buildings less than 100 feet tall, and up to 18.5 percent of building height or a total of 37 feet on buildings over 100 feet tall. See Attachment 2 for Douglas County's proposed language.

Discussion

General Policy Considerations: The Code of Ordinances places limits on roof-mounted appurtenant structures as part of the implementation program for the scenic resource thresholds. Roof-mounted appurtenances may affect the Region's natural scenic beauty by breaking a building's silhouette and drawing the viewer's attention to building height. Appurtenant flagpoles may add bright colors and movement via the display of flags. The existing Code allows roof-mounted appurtenant flagpoles, within the stated limits.

AGENDA ITEM IV E.
Planning for the Protection of our Lake and Land
Legal Principles: (1) A regulatory agency may distinguish between commercial and non-commercial speech, and adopt different regulations for them. (2) With respect to non-commercial speech, regulations directed at flagpoles must be content-neutral. (3) The addition of an appurtenant structure to a building which does not comply with height standards constitutes an increase in height and, therefore, is prohibited by Chapter 4. Legally-existing, grandfathered, appurtenances may remain in place.

A building complies with height standards if it complies with the provisions of Sections 22.3 and 22.4 of the Code, which set the height standards for buildings. Although they do not all comply with Chapter 22, the Compact gives unique status to structures housing gaming in Article VI(e), which recognizes the height existing on May 4, 1979, and allows such structures to be rebuilt or replaced to that height without TRPA review.

Scenic Resource Threshold Considerations: The threshold standards call for the maintenance or improvement of the numerical ratings ("travel route ratings") assigned each roadway and shoreline unit, including the scenic quality ratings of the individual identified resources within each unit. The standards also call for restoration of scenic quality in roadway units rated 15 or below. The Goals and Policies say that projects proposed in areas targeted for restoration should be scrutinized to ensure that the scenic quality of the area is improved or, at a minimum, not further compromised.

The Code of Ordinances codifies the threshold standards in Section 30.12, and establishes scenic highway corridors in Section 30.13, which requires TRPA to ensure that viewsheds and view corridors along the scenic highway corridors are maintained and enhanced.

Half of the Region's 46 roadway units fall below a travel route rating of 15. Many of these units are in urbanized areas, including Tahoe City, Crystal Bay, the Ponderosa area, the South Shore casino area, the U.S. 50 strip, and Kingsbury Grade.

Scenic concerns in units targeted for scenic restoration include numerous man-made visual distortions to the disadvantage of the scenic value of Tahoe's natural setting. For these types of areas, the Scenic Quality Improvement Program (TRPA, September 1989) recommends that new development should be sensitively designed with respect to form, line, colors, and materials in order to avoid adding to the cumulative visual impact. The Scenic Quality Improvement Program makes very specific recommendations for each of the non-attainment areas to bring their ratings into compliance with threshold standards.

DSZ:mmi
11/2/93

AGENDA ITEM IV E.
To enable TRPA to make a finding of no significant effect, a proposal to amend Chapter 22 that could potentially affect travel route ratings must observe strict limits, to avoid cumulative effects on the natural beauty of the area.

Under the Douglas County proposal, all commercial, public service, and tourist accommodation buildings under 100 feet tall which comply with height standards may have two additional appurtenant poles up to 20 feet tall. Since Chapter 22 generally limits such buildings to 42 feet (48 feet in community plan areas), the Douglas County proposal would add to the currently permissible building height by over 40 percent in these instances.

Under the Douglas County proposal, commercial, public service, and tourist accommodation buildings over 100 feet tall which comply with height standards may have two additional appurtenant poles up to 37 feet tall or 18.5 percent of total building height.

In staff’s opinion, additional height for two appurtenant flagpoles in these percentage ranges (greater than 40 percent and 18.5 percent) exceed an amount for which staff can recommend a finding of no significant effect.

TRPA staff recommends the Douglas County proposal be modified to allow one appurtenant flagpole per building, not to exceed 15 percent of the otherwise permissible maximum height, or 26 feet, whichever is less, subject to the following standards: (1) the flagpoles shall be constructed of earth tone colors of dark shades and flat finish, and shall not have a shiny reflective finish, (2) the flagpoles and the flags displayed from them shall not be illuminated at night, and (3) the flagpoles shall be used to display non-commercial messages only.

The staff does not recommend limiting the amendment to commercial, tourist accommodation, and public service buildings only, since it cannot discern a rational basis for this limitation. But staff does recommend the clarification that the appurtenant flagpoles be allowed on structures which comply with Sections 22.3 and 22.4 of the Code and structures referenced in Article VI(e) of the Compact. (See Attachment 3 for modified language.)

Environmental Documentation

With the modifications recommended by TRPA staff, a finding of no significant effect can be made for this Code amendment. Buildings which comply with Sections 22.3 and 22.4 of the Code are today allowed unlimited appurtenant structures up to 10 percent of building height or 6 feet,
whichever is less. The proposed Code amendment provides additional specificity regarding flagpoles, and allows no greater number of flagpoles than the existing Code. It would allow an additional five percent of building height (for a total of 15 percent) for one appurtenant pole. On a 40-foot building, for example, this equates to an additional two feet.

On structures housing gaming referenced in Article VI(e) of the Compact, the modified proposal would allow an additional 20 feet, maximum. There are about 20 such buildings in the Region, and most have existing grandfathered appurtenant poles.

Conclusion

The staff recommends that the APC recommend for adoption the Douglas County proposal, as modified by TRPA staff. If you have any questions or comments on this agenda item, please contact Dave Ziegler at (702) 588-4547.
EXCERPTS FROM TRPA CODE OF ORDINANCES

Adopted 1987

Chapter 22 -- HEIGHT

22.3 Height Standards for Buildings: Except as provided for in Section 22.4, no building shall have a maximum height greater than set forth in Table A. Chimneys, flues, vents, antennas, and similar appurtenances, may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less.

Chapter 4 -- PROJECT REVIEW AND EXEMPT ACTIVITIES

4.8.B Structures That Do Not Comply With Site Development Provisions: Repair or remodeling, and reconstruction, modification or expansion, of structures that do not comply with site development provisions, may be approved provided TRPA finds that:

(2) The repair or remodeling, reconstruction, modification, or expansion does not increase the extent to which the structure does not comply with the site development provisions; and

(3) Any expansion complies with all applicable site development provisions.
Proposed Code Amendment – Chapter 22 TRPA Code of Ordinances

New language is underlined for clarity.

22.3 Height Standards For Buildings: Except as provided for in Section 22.4, no building shall have a maximum height greater than set forth in Table A. Chimneys, flues, vents, antennas, and similar appurtenances, may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less. Flagpoles, not to exceed 2 per building, may be permitted as additional appurtenant structures on commercial, tourist accommodation, and public service buildings. Flag poles may be up to 20’ tall on buildings <100’ tall. On buildings greater than 100’ tall, flagpoles may not exceed 18.5% of the total building height or a total of 37 feet in height. Flagpoles may also be used in the overall scheme of seasonal holiday decorations (such as lighted artificial Christmas trees).
Proposed Code Amendment -- Chapter 22, TRPA Code of Ordinances --
with modifications proposed by TRPA staff

New language is underlined.

22.3 Height Standards for Buildings: Except as provided for in
Section 22.4, no building shall have a maximum height
greater than set forth in Table A. Chimneys, flues, vents,
antennas, and similar appurtenances, may be erected to a
height ten percent greater than the otherwise permissible
maximum height of a building, or a height of six feet,
whichever is less. One flagpole per building may be
permitted as an appurtenant structure, not to exceed 15
percent of the otherwise permissible maximum height, or 26
feet, whichever is less, provided that: (1) the flagpole
shall be constructed of earth tone colors of dark shades and
flat finish, and shall not have a shiny reflective finish,
(2) the flagpole and flags displayed from it shall not be
illuminated at night, and (3) the flagpole shall be used for
non-commercial displays only. For purposes of this
section, structures referenced in Article VI(e) of the
Compact shall be deemed to comply with site development
provisions related to height.
October 28, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 108, Winnemucca Residential, to Create a New Special Area 1 and to Add Professional Offices as a Permissible Use in Special Area 1

Proposed Action: The owner of two vacant parcels, approximately 0.5 acres in total size, located in Plan Area Statement 108, Winnemucca Residential (in the City of South Lake Tahoe), proposes to create a new Special Area for the parcels and allow professional offices (commercial use category) as a permissible use in the Special Area. Refer to the applicant's proposed Plan Area Statement map shown in Exhibit A. The subject parcels are located immediately adjacent to Plan Area 110, South Wye Commercial/Public Service, a preliminary community plan area.

Staff Recommendation: Staff recommends that the APC recommend denial of the amendments to the Governing Board for the following reasons:

1. The addition of a commercial use would be inconsistent with the adopted land use classification and planning statement of Plan Area 108. The land use classification is residential. The planning statement for the plan area states: "This area should continue to be residential, maintaining the existing character of the neighborhood." Refer to Exhibit B, Plan Area Statement 108;

2. Rezoning approximately 0.5 acres within an existing residential plan area for commercial uses results in spot zoning for two specific parcels;

3. The proposed amendment has the effect of expanding the adjacent commercial plan area prior to preparation of the South Wye Community Plan. The community plan process should determine the appropriate boundary for the commercial area;

4. The neighborhood surrounding Barton Memorial Hospital contains several high capability, vacant parcels presently zoned within the commercial plan area which can accommodate additional professional office uses without the need to rezone residential lands until the community plan is completed. Refer to Exhibit C, Existing Land Use Map; and
5. Since the City of South Lake Tahoe has decided to allocate its remaining supply of commercial allocations to the Al Tahoe Community Plan and Plan Area 108 is not a designated as a receiving area for the transfer of existing development, it would not be possible to develop projects requiring new or relocated commercial floor area at this time.

Discussion: With the recent addition to Barton Memorial Hospital, the applicant believes the subject parcels to be a good location for medical offices. The neighborhood surrounding the hospital is a mixture of professional offices, mainly doctor's offices and residences.

Rather than apply to move the adjacent commercial plan area boundary to include the parcels in the commercial Plan Area 110, South Wye commercial/public service, the applicant proposes to allow professional offices in the residential plan area.

Existing City of South Lake Tahoe zoning for the subject parcels is low density residential (LDR). The zoning is consistent with the existing TRPA Plan Area Statement. The City's LDR zone does not permit professional offices, therefore, the proposed use would also require amendment of the City's zoning. Unlike recent PAS amendments which adjusted TRPA plan area boundaries to be consistent with the City of South Lake Tahoe zoning, this proposal requires a change in zoning by both TRPA and the City.

Based on the parcels' proximity to the hospital, medical offices may ultimately prove to be a reasonable use for the site. The community planning process for the South Wye Community Plan is the appropriate mechanism to decide the boundary for commercial uses in this area. Chapter 14 of TRPA's Code establishes a set of findings which must be made prior to expanding a community plan boundary. Refer to Exhibit D, Chapter 14 excerpt. Establishing community plan boundaries is an important step in the planning process and must recognize and take into account the "big picture" goals and objectives of the entire plan area, not simply a small corner of it. The process includes preparing a needs assessment which will identify whether additional lands outside of the existing commercially zoned areas are necessary for commercial development.

The South Wye Community Plan has not yet begun. It is expected to be at least one to two years before it will be adopted. If the applicant is unwilling to wait and participate in the community planning process, he could consider revising the plan area amendment proposal to include the subject parcels in Plan Area 110 and, at the same time, remove parcels with an area equal or greater in size to the subject parcels from Plan Area 110 subject to the Chapter 14 findings. The overall size of Plan Area 110 could remain the same prior to preparation of the community plan.

Environmental Documentation: Based on completion of an Initial Environmental Checklist (IEC) for the proposed action, staff is unable to recommend a Finding of No Significant Effect (FONSE) due to expected traffic impacts. The applicant's submitted traffic information identifies a potential of up to 144
new daily vehicle trip ends (DVTE) with project buildout. This is expected to cumulatively worsen existing Levels of Service at two nearby intersections (US 50/California 89—the Wye, and US 50/Tahoe Keys Boulevard) which are among the worst in the Region in terms of Level of Service. Several new commercial and public service projects have recently been developed in this area and no mitigation measures or projects have been constructed to offset the incremental cumulative impacts. The change in permissible uses would exacerbate the existing traffic problem.

Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this agenda item.
Plan Area 108

Area to become special area 1 in plan area 108.

Plan Area 110
Special Area 2

Subject Parcels

Plan Area 109

Proposed Plan Area Amendment
APN's 23-393-17 and 21

Basin Strategies
Planning and Consulting Services
P. O. Box 11945, Zephyr Cove, NV 89448
(702) 588-8722 (Fax) 588-8689

A portion of TRPA map G-18 and G-19
Lake Tahoe Region showing plan area boundaries
Prepared By: VEB 5/23/93
108 -- WINNEMUCCA

PLAN DESIGNATION:

Land Use Classification  RESIDENTIAL
Management Strategy      MITIGATION
Special Designation      NONE

DESCRIPTION:

Location: This Plan Area is located south of Highway 50 adjacent to the meadow surrounding the Upper Truckee River and is located on TRPA maps G-18 and G-19.

Existing Uses: The area is approximately 75 percent built out with residential uses. The primary use is single family residences.

Existing Environment: The area is primarily low hazard with ten percent of the land identified as SEZ. Existing hard coverage is 30 percent plus an additional 15 percent disturbed.

PLANNING STATEMENT: This area should continue to be residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. This area has a lack of adequate drainage improvements.
2. This area is in need for additional fire hydrants and an improved water system.

SPECIAL POLICIES: No special policies.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area.

Residential     Single family dwelling (A).
Public Service  Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), and public utility centers (S).
Recreation      Participant sports facilities (S), day use areas (A), and riding and hiking trails (A).
Resource Management

Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
</tbody>
</table>

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 55 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

- SUMMER DAY USES 0 PAOT
- WINTER DAY USE 0 PAOT
- OVERNIGHT USES 0 PAOT

**IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

3. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program.
   (To be completed.)
CHAPTER 14 EXCERPTS REGARDING AREAS ELIGIBLE FOR COMMUNITY PLANS

14.3 Eligible Areas: Areas eligible for community plans are designated on the map referred to in the Goals and Policies, Land Use Subelement, Land Use Element Goal #2, Policy 6.1. Preliminary boundaries for those areas are shown on plan area maps. The preliminary boundaries may be adjusted as part of the community plan process. A community plan area may consist of more than one part, provided each part, distinctly enclosed within its own boundary, complies with the requirements of this section. Any adjustment of boundaries, including the establishment of parts, shall be subject to TRPA making the following findings at the time of community plan adoption:

14.3.A Commercial Uses: The area within the boundaries is an area where commercial uses are concentrated or should be concentrated; is served or easily served by transit systems; which has adequate highway access; which has or can have housing in the vicinity available for employees working in the area; and which otherwise qualifies as an area suitable for continued or increased levels of commercial activity. Some areas, because of their existing and proposed development patterns, may incorporate more than commercial use classifications.

14.3.B Traffic Considerations: The nature and intensity of uses proposed for the area within the boundaries is demonstrably consistent with the achievement of VMT reduction policies and level of service goals for street and highway traffic established for the plan area.

14.3.C Concentration: The area within the boundaries will encourage concentration of commercial development, discourage the maintenance or exacerbation of strip commercial development and shall not allow isolated areas of commercial or tourist accommodations unrelated to the central commercial area.

14.3.D Size: The area within the boundaries is a size consistent with the needs for additional commercial development established by the needs assessment which evaluated the entire area of the community plan, taking into account the needs and opportunities of the Region taken altogether.
MEMORANDUM

October 27, 1993

TO: TRPA Advisory Planning Commission
FROM: TRPA Staff
SUBJECT: Draft EIR/EIS for the Tahoe City Urban Improvement Project

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Staff Recommendation: There is no action requested on this item at this time. Agency staff is requesting input and comments on the technical adequacy of the Draft EIR/EIS.

Background: On September 22, 1993, copies of the Draft EIR/EIS were mailed to members of the APC. The public comment period began September 24, 1993, and is scheduled to conclude on November 23, 1993. The document has been prepared to analyze the potential environmental impacts associated with the proposed construction and operation of the Tahoe City Urban Improvement Project. The project area extends from the California 89/28 “wye” to the Tahoe State Recreation Area in Tahoe City. The proposed project consists of the following three components.

COMPONENT 1: Placer County proposes to re-construct Highway 28 street frontage improvements by changing on-street parking from a diagonal configuration to a parallel configuration. This component will also include the construction of curb, gutter, drainage inlets, sidewalk and bicycle lane along Highway 28 from the Tahoe State Recreation Area to the California 89/28 “wye”.

COMPONENT 2: Placer County proposes to construct two paved parking lot facilities within the project area. The proposed facilities are located at Grove Street and Jack Pine Street. Both facilities propose landscaping and drainage improvements.

COMPONENT 3: Placer County proposes to construct a regional storm water collection and treatment system, which would involve placement of an interceptor pipeline under California 28 and on property owned by the Tahoe Truckee Unified School District and the Tahoe City Golf Course for conveyance of storm water to a detention basin and wetland system to be located on the “Payless” site for treatment and discharge to the Truckee River.

The consultant who prepared the document will be present at the APC meeting and will give a brief summary of the draft EIR/EIS and the identified environmental impacts of the proposed project. If you have any questions concerning this item, please contact Paul Pettersen of the TRPA staff at (702) 588-4547.

/agenda
10/27/93
Planning for the Protection of our Lake and Land