TRPA
APC
PACKETS

APRIL
1994
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, April 13, 1994, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for said meeting is attached hereto and made a part of this notice.

April 4, 1994

By: 

R. J. Nicelle
Agency Counsel

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
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. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on an agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARING AND RECOMMENDATIONS

A. Amendment of Chapter 64, Grading Standards, Relating to Limitations on Depth of Excavation and Other Minor Amendments

B. Amendment of Plan Area Statement 111, Tahoe Island, Special Area #2, to Allow as a Special Use Nursery, General Merchandise Stores, and Outdoor Retail Sales

C. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvement in Vicinity of Parcel

VI. PLANNING MATTERS

A. Status Report on Washoe County Regional Open Space Plan

VII. ADMINISTRATIVE MATTERS

A. Conflict of Interest and Disclosure Rules

B. Quorum and Vote-Required Rule
VIII. REPORTS

A. Executive Director
B. Legal Counsel
C. APC Members

IX. ADJOURNMENT
Senior Planner Andrew Strain presented the staff summary in which the City of South Lake Tahoe Redevelopment Agency proposes to amend TRPA Code of Ordinances Chapter 22, Height Standards, to allow additional building height for buildings within the City’s Redevelopment Plan. Related amendments are proposed to the City’s adopted Redevelopment Demonstration Plan for consistency purposes (noticed for Governing Board action).

(Mr. Hansen abstained from participating in this item because his employer, Heavenly, was involved with the Park Avenue Project.)

Ms. Beronio asked for clarification on several of the height standard definitions, and Mr. Strain explained them in detail.

Ms. Woodbeck expressed her concern that the Code amendment was intended for special height districts general for the Basin, yet the numbers required to make the findings for these districts were derived from a specific location, i.e., the South Shore, as opposed to a general numerical finding.

Mr. Combs questioned whether the environmental analysis that had been done for this amendment essentially took the place of an environmental review for subsequent projects that were presented. Mr. Strain replied no; that further environmental review would be required. Additionally, the project would not necessarily be guaranteed the heights presented in the amendment.

Ms. Mary Gilanfarr, Executive Director of the Tahoe Sierra Preservation Council and speaking as a member of the Tahoe-Truckee Regional Economic Coalition Infrastructure Task Force, commended the TRPA staff for taking on the difficult task of amending the Height Standards Code of Ordinance. Ms. Gilanfarr remarked that she wanted to remind the staff that height ordinance applied to both residential, small business uses, as well as major redevelopment and major capital investments in the Basin.

Mr. Richard Shaw, a participant in the preparation of the environmental document, as well as the organization and the amendments of the Code, expressed his opinion on the proposed amendment and thanked the TRPA staff for their involvement, energy and input in the meetings they participated in.

Ms. Judith Van Klug, Redevelopment Manager for the South Tahoe Redevelopment Agency, expressed her regrets that Mr. Kerry Miller wasn’t able to attend the meeting and was pleased with a unified proposal that both the Redevelopment Agency and the TRPA staff could support. Ms. Van Klug also thanked the TRPA staff for all their hard work and effort in reaching a conclusion that would facilitate redevelopment in the area, while protecting the scenic resources.

Since no one else wished to comment on this issue, Mr. Thompson closed the public hearing.

MOTION by Mr. Jepsen to recommend approval of the amendment of Chapter 22, Height Standards and amendments. Seconded by Ms. Beronio. The motion carried with Mr. McDowell opposed and Mr. Hansen abstaining.
G. Amendment of Chapter 11, Foundations, Relating to Commercial Foundations

Special Projects Attorney Susan Scholley presented the staff summary amending Chapter 11 to extend the deadline for transferring banked commercial floor area from qualifying commercial foundations from July 27, 1994 to July 27, 1996.

(Mr. Hansen returned to the meeting at 10:40 a.m.)

Ms. Jamin asked for clarification on the rationale behind the requirement that an EIS be certified in order for an application to be complete since in most cases, the certification occurred in conjunction with the project approval. Ms. Scholley replied that the Compact required the Agency to take action within 180 days after an application had been completed.

Mr. Combs questioned if a transfer of the commercial floor space would be the only way in which the proposed project could be exercised; another words, a building could not be constructed on the foundation. Ms. Scholley replied that the foundation had been removed, it was a low capability site and had been restored, and consequently the property was restricted from further development.

(Mr. Hansen abstained from participating in this item because his employer, Heavenly, was involved with the Park Avenue Project.)

Mr. Gary Midkiff, representing the applicant, explained in detail the proposal on behalf of the applicant.

Mr. Lew Feldman, representing the Park Avenue proponents, commented that the four other project proponents making up the Park Avenue project anticipated the utilization of the floor area as part of the project. Mr. Feldman was of the opinion that a two-year extension should be granted because it fulfilled the planning objectives that TRPA was attempting to accomplish and would be in the best interests of all the parties involved.

Since no one else wished to comment on this item, Mr. Thompson closed the public hearing.

Mr. Midkiff explained that with regards to mitigation fees, the site had been completely restored, the foundation removed, and the site had been revegetated for over three years so consequently there had been substantial mitigation of the original construction-related impacts. The Park Avenue redevelopment project would, in fact, in and of itself, be assigned as a result of the environmental document and various mitigation requirements. Mr. Midkiff continued that at that time, the overall project would require some mitigation measures. In terms of this particular floor area, his client wasn’t prepared to willingly accept a condition that would subject them to additional mitigation fees.

Ms. Beronio commented that the parcel had already been restored, a lot of money had been invested into the project, and consequently supported extending
the deadline to allow the Park Avenue project to continue.

Mr. Jepsen questioned if a one-year extension would allow the Park Avenue project to go forward, and Ms. Scholley believed that a one-year extension would be adequate to allow the EIS to be completed.

Ms. Jamin was of the opinion that due to the requirement that the EIR/EIS be certified, the two-year request for an extension would be more reasonable.

Ms. Woodbeck questioned whether it would be possible to tie the certification of the EIS to the Park Avenue project as a Code Amendment for commercial foundations and Ms. Scholley replied that would not be her first choice.

**MOTION** by Ms. Beronio to approve an extension of time for use of the commercial floor area beyond July of 1994 so long as the property was committed to being used in the Park Avenue Redevelopment Project. The extension would be for one-year or certification of the EIS, whichever was later. If the EIS was not certified, the project proponent would have six-months in order to dispose of the property elsewhere. Seconded by Ms. Jamin.

Mr. Thompson commented that he did not agree with the allowance for the continuation for disposal of the property elsewhere; he was of the opinion that the receiving area should be within a community plan area. He believed that tying the project to the certification of the EIS/EIR meant that at some point the Park Avenue project would go forward.

Agency Counsel Rachelle Nicoll was concerned with the statement "if the EIS is not certified within a six-month period, allows them to dispose of the property", because it presumes that there would be a public hearing within a fixed period of time, and then someone would make a decision to accept or reject certification of the EIS. She commented that the possibility exists that no one would come forward with an EIS and the question is raised as to when the six-month period started and ended.

Ms. Beronio amended her motion by proposing that after the July 27, 1994, deadline, the applicant would have either two years upon certification of the EIS for the project or upon transfer of the commercial floor area to the Park Avenue project, whichever occurred first. If the project was not certified, then the applicant would have six-months after whichever of the above two events occurred first to complete a transfer application to an area within a community plan.

Ms. Woodbeck questioned whether it would be better to leave the deadline at two years instead of with the contingency of two years or certification of an EIS or earlier.

Ms. Beronio agreed to the modification of her motion.

Ms. Beronio withdrew her motion and the subsequent modifications, along with Ms. Jamin withdrawing her second motion.
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MOTION by Ms. Woodbeck to amend Chapter 11 to extend the deadline for transferring banked commercial floor area from qualifying commercial foundations from July 27, 1994 to July 27, 1996, along with the restriction. Second by Mr. Haen.

The motion carried on the following votes:

Ayes: Mr. Jepsen, Mr. Ruben, Ms. Baldrica, Mr. Barham, Mr. McDowell, Ms. Beronio, Mr. Lawrence, Mr. Haen, Ms. Woodbeck, Mr. Combs, Mr. Thompson, Ms. Jamin
Nayes: None
Abstain: Mr. Hansen
Absent: Mr. Hust, Mr. Dodds, Mr. McCurry, Mr. Poppoff, Mr. Joiner, Mr. Brooks

(Mr. Hansen returned to the Commission)

B. Amendment of Chapter 91, Regarding Oxy-Fuels

Assistant Transportation Planner Bridget Mahern presented the staff summary recommending approval of an amendment to Chapter 91 of the Code of Ordinances, relating to the use of oxygenated fuels in the Region. The amendment will be implementing an element of the 1992 Regional Transportation Plan - Air Quality Plan (TRP-AQP), and a requirement of the 1991 TRPA Threshold Evaluation.

Since no one wished to comment on this item, Mr. Thompson closed the public hearing.

MOTION by Ms. Baldrica recommending that the Governing Board adopt an amendment to Chapter 91 of the Code of Ordinances, relating to the use of oxygenated fuels in the Region. Seconded by Mr. Barham. The motion carried unanimously.

C. Amendment of Chapter 4, Project Review and Exempt Activities to Adopt MOU Between TRPA and the Kingsbury General Improvement District to Exempt Certain Activities from TRPA Review

Deputy Director Jerry Wells presented the staff summary proposing an amendment to Chapter 4 of the Code of Ordinances to exempt certain activities of the Kingsbury General Improvement District (KGID) from TRPA review.

Ms. Baldrica commented that since the TRPA Historic Resource Map was not modified very often, the danger exists of demolishing historic structures as part of this process because of the lack of means to identify them before the exempt activity took place. She suggested that for this, future and amended MOUs, language be added stating "demolition of structures under 45-years in age be exempt".

Mr. Wells replied that the Code exempts the demolition of structures under 50 years of age.

Since no one wished to comment on this item, Mr. Thompson closed the public
hearing.

MOTION by Mr. Ruben to approve staff’s proposal to amend Chapter 4 of the Code of Ordinances to exempt certain activities of the Kingsbury Grade Improvement District (KGID) from TRPA review. Seconded by Ms. Bersono with the amendment that staff revisit the issue regarding the demolition of structures for future and present MOUs and modify the language. The motion carried unanimously.

E. Amendment of Plan Area Statement Boundary Between Plan Areas 045, Incline Village Commercial, and 046, Incline Village Residential, to Move Washoe County APN 127-023-05 from Plan Area 045 Into Plan Area 046

Senior Planner Andrew Strain presented the staff summary proposing to amend the adjacent plan area boundary between 045 and Plan Area 046, Incline Village Residential, to move Washoe County APN 127-023-05 from Plan Area 045 Into Plan Area 046.

Ms. Nancy Sjursen, representing Sierra Planning, commented that she was not specifically involved with the project but supported staff’s decision recommending transferring APN 127-023-05 to Plan Area 046.

MOTION by Mr. Jepsen to accept staff’s recommendation amending Plan Area Statement Boundary between Plan Areas 045, Incline Village Commercial, and 046, Incline Village Residential to Move Washoe County APN 127-023-05 from Plan Area 045 Into Plan Area 046. Seconded by Ms. Baldrica. The motion carried unanimously.

Recessed for lunch at 11:57 p.m.

(Messrs. Lawrence and Barham left the meeting at 12:10 p.m.)

Meeting reconvened at 1:10 p.m.


Senior Planner Lyn Barnett presented the staff summary requesting input and comments on the technical adequacy of the Draft Environmental Impact Statement (EIS) for the U.S. Forest Service East Shore Timber Harvest. Mr. Barnett also introduced Mr. Paul Neilsen, a TRPA staff member who had been helping him review the document.

Mr. John Swanson, Fire and Timber Staff Officer for the Forest Service, introduced members of his staff who have been working with him on this project. Mr. Swanson gave a brief summary of the document, including the identified environmental impacts of the proposed project. Additionally, he presented a slide show of the forest showing the dead trees which was a direct result of the prolonged drought, insects and diseases.

Mr. Combs questioned if there was a market for the material derived from the
timber harvest and would it likely serve regional mills. Mr. Swanson replied
that at this time there was so little timber harvesting being conducted that
the market and price were very good. In terms of serving the regional mills,
the last regional mill in Camino recently announced they would be shutting
down within 30 days.

Ms. Baldrica complimented the Forest Service for their efforts in identifying
archaeological and historic sites and to evaluate them properly. She looked
forward to working with the Forest Service in attempting to expedite the
project along.

Mr. Thompson questioned whether trees reached a point where they ceased having
an economical value and were still standing and how would the material be
disposed of. Mr. Swanson replied that they do reach a point where they lose
value, and in order to dispose of the material, the Forest Service would build
into the contract that material which was no longer utilizable for saw logs,
would have to be brought to the landing area next to roads and stacked. The
public would then be encouraged to remove the material as firewood. If the
material was still standing but so rotten that it wouldn't hold together once
it fell over, the logger would either not be forced to fell the tree or be
required to fell it and leave it on the ground unless it caused an
environmental impact.

Ms. Jamin commented that in the preferred method for timber harvesting, more
prescribed burning had been proposed and she questioned whether concerns
regarding air quality, particularly visibility, had been addressed and in what
ways. Mr. Swanson replied that air quality issues had been addressed that
included a well developed air quality description analysis of consequences in
the EIS.

Senior Planner Lyn Barnett commented that this item would be going to the
Governing Board this month for comments. If the project stayed on schedule,
this item would be presented to the APC and then back to the Governing Board
for certification in May.

Mr. Thompson questioned if there had been significant public comment on the
project at this point and Mr. Barnett replied no.

Since no one wished to comment on this item, Mr. Thompson closed the public
hearing.

Mr. Thompson thanked the Forest Service for a good presentation.

Mr. Barnett mentioned that an errata sheet was being distributed and if anyone
cared to receive a copy, a sign up sheet was being passed around.

F. Amendment of Plan Area 111, Tahoe Island, Special Area #2, to Allow
as a Special Use Health Care Services, Nursery, and Outdoor Retail
Sales

Associate Planner Coleen Shade presented the staff summary proposing
amendment of Plan Area Statement 111, Tahoe Island, to Modify Special Area #2
to allow Health Care Services, Nursery and Outdoor Retail Sales as a special use, City of South Lake Tahoe. In addition, a staff-initiated amendment is also proposed to rectify an override made when an amendment to Plan Area Statement 111 came before the board in April 1993.

Mr. Haen questioned if there were 11 parcels in Special Area #2 and Ms. Shade replied yes, and that six of the parcels were undeveloped.

Mr. John Fellows, owner of the property in question, commented that he wanted to avoid spot zoning of the parcel but had not come up with an idea on how to do that. He was of the opinion that the West entry to South Lake Tahoe on a tourist level was as important as any entry from the East or South.

Ms. Woodbeck commented that it would be advantageous if a map of the existing uses, along with the entire plan area statement, were presented.

**MOTION** by Mr. Haen to amend Plan Area Statement 111, to modify special area #2 to allow health care services. Also, modify special area #2 to allow nursery and outdoor retail sales as a special use only in those areas adjacent to Highway 89 with the previous commercial use. Seconded by Mr. Combs.

Ms. Baldrica requested more information on how many parcels had been formally commercial if that had not yet been determined before she voted on the motion. She suggested that the applicant get together with the TRPA staff to obtain more additional information and then bring the item back to the APC.

Mr. Thompson disposed of the motion on the floor by taking a vote of APC members unless Mr. Haen withdrew his motion. Mr. Haen declined to withdraw his motion.

Ms. Shade commented that there had not be a commercial use on the property since 1986 and that was a special permit for storage of road equipment.

The motion failed on the following votes:

- **Ayes:** Mr. Haen, Mr. Combs
- **Nays:** Mr. Ruben, Mr. Hansen, Ms. Baldrica, Mr. McDowell, Ms. Beronio, Ms. Woodbeck, Mr. Thompson, Mr. Jepsen, Ms. Jamin
- **Abstain:** None
- **Absent:** Mr. Hust, Mr. Barham, Mr. Dodds, Mr. McCurry, Mr. Popoff, Mr. Joiner, Mr. Lawrence, Mr. Brooks

**MOTION** by Ms. Baldrica to permit health care use facilities within special area #2 of Plan Area Statement 111, and requested staff to work with Mr. Fellows in bringing this item back to the APC with a proposition to resolve the other issues. Seconded by Mr. Hansen.

Ms. Jamin requested that part of the proposition to resolve the other issues be the ability to use the structure for the sale of arts and crafts.

**MOTION** by Ms. Baldrica to modify her previous motion to permit health care
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facilities within special area #2 to include only those parcels that front the East Side of Tahoe Keys Boulevard. Seconded by Mr. Hansen. The motion carried unanimously.

VII. REPORTS

A. Executive Director

Executive Director David Ziegler inadvertently failed to ascertain that the parking issue was put on the agenda. He distributed a handout that described the parking issue process that needed to be followed in order to develop a parking ordinance.

Mr. Ziegler announced that this would be his last APC meeting. Deputy Director Jerry Wells announced that Mr. Ziegler’s going away party was scheduled for March 23, 1994.

Mr. Thompson inquired about the status of Mr. Ziegler’s replacement and Mr. Ziegler replied that 8 semi-finalists had been named and interviews, which are open to the public, were being held on March 17th at the TRPA offices. The second round of interviews were scheduled for March 24th.

B. Legal Counsel

R. J. Nicolle, Agency Counsel, announced that the Memorial Services for Gary Owen were being held on March 12th in Carson City. Ms. Nicolle, Susan Scholley and Tom Susich, Mr. Owen’s partner, were in the process of dividing up the cases that Mr. Owen was handling. Mr. Owen was involved in several cases being heard before the 9th Circuit Court of Appeals which were now being handled in house. Mr. Susich would be handling the Summary Judgment Motion in the Suitum v. TRPA case.

C. APC Members

Mr. Combs commented that the Tahoe City Community Plans had been adopted by the TRPA Governing Board and Placer County Board.

Ms. Jamin thanked Mr. Ziegler for all his work and wished him well in the future. She suggested that the APC prepare a resolution for Mr. Ziegler and present it at his going away party.

III. PENDING MATTERS - None

IX. RESOLUTIONS - None

X. ADJOURNMENT - The meeting adjourned at 3:10 p.m.

Sue Mikanovich
Clerk to the Commission
This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Elks Point, Nevada.
March 31, 1994

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Proposed Amendment of Chapter 64, Grading Standards, Relating to Limitations on Depth of Excavation

Proposed Action: Amend Chapter 64 of the TRPA Code of Ordinances to permit excavations in excess of 5 feet where it is demonstrated that the excavation will not result in interference or interception of groundwater. The proposed amendments are located in Attachment A. The added language is underlined and the deleted language is stricken.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct a public hearing, and if appropriate, recommend adoption of the proposed amendments to the Governing Board.

Description and Discussion: Currently, except in limited circumstances, the TRPA Code limits the depth of excavations to 5 feet or less for foundation walls. The four exceptions to this limitation are: 1) there are no feasible alternatives to locating mechanical equipment; 2) the basement is part of a passive solar structure; 3) the basement is necessary to provide two offstreet parking spaces; or 4) the project is part of a redevelopment project processed under Chapter 15 of the Code. Experience has shown that a majority of the projects reviewed do not qualify for any of the above exceptions. The depth limitation of 5 feet has been in place since adoption of the 1987 Regional Plan. This limitation has proven to be counter-productive and ineffective in allowing for scenically improved design and land use. Prior to 1987, the TRPA Code did not contain depth limitations on excavations.

The proposed Code amendments will limit the depth of excavation by prohibiting the interference or interception of groundwater. Any project which proposes excavation in excess of 5 feet must demonstrate through the preparation of a soil/hydrologic report that no interference or interception of the groundwater will occur as a result of the excavation. The Code amendments further provide that the content and methodology to be used in the required soil/hydrologic report be pre-approved by TRPA staff. The proposed amendments will not alter the environmental controls currently in place. Height would still be calculated from natural ground elevation.

Staff believes that the proposed Code amendments will provide for greater flexibility in the design of projects, while still providing adequate environmental protection. Allowing for excavations in excess of 5 feet will provide the opportunity for project proponents to design projects so that certain unsightly project components, such as parking, can be located underground.

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Planning for the Protection of our Lake and Land
Environmental Documentation: Staff has completed an Initial Environmental Checklist (IEC) for the amendment and proposes a Finding of No Significant Effect (FONSE) based on the descriptions of the identified impacts and the mitigation measures proposed to mitigate the impacts.

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

A. Chapter 6 Findings:

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

   Rationale: The existing five-foot excavation limitation is not discussed in the TRPA Goals and Policies. The two policies relating to grading in the Goals and Policies consist of grading in inclement weather and grading within a 100-year flood plain. The proposed amendments will not alter the current regulations in the TRPA Code of Ordinances pertaining to these issues. The prohibition of interception of ground water will still remain in place with the current exceptions (i.e. public health and safety, water well, etc...) remaining the same.

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

   Rationale: The Environmental Threshold Carrying Capacities for the Lake Tahoe Region relate to surface runoff infiltration into the groundwater and discharges to groundwater. The proposed amendments will not alter the current regulations relating to these two concerns. Interception of groundwater will still be prohibited unless currently allowed by the TRPA Code of Ordinances.

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

   Rationale: Project applicants utilizing the proposed Code amendments must continue to implement the Regional Plan package, including maintenance of applicable air and water standards. The proposed excavation amendment would only be permissible if the applicant has provided evidence that groundwater would not be intercepted.

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

   Rationale: Refer to paragraphs 1 through 3, above.
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.

For the reasons stated in Findings A.1 through A.4 above, the proposed amendment is consistent with attainment or maintenance of the thresholds.

2. 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 recommends Finding 2(e) for the following reasons:

The rationales listed under findings A.1 through A.4 above. Staff could find no scientific evidence to support a maximum depth of excavation of 5 feet. The current limitations have been counter-productive and ineffective in allowing for scenically improved design and land use. It has been demonstrated through a project developed under the grading provisions of Chapter 15 that attainment and maintenance can be achieved without a 5 foot limitation on depth of excavation.

Staff will begin this item with a brief presentation. Please contact Paul Pettersen, Kathy Canfield, or Rick Angelocci at (702) 588-4547 if you have any questions or comments regarding this matter.
64/5 Disposal of Materials: The methods of disposal of solid or liquid materials, including soil, silt, clay, sand or other organic or earthen materials shall be reviewed and approved by TRPA. These methods shall include, but are not limited to:

(a) Temporary stockpiling all or some of the top soil on the site for use on areas to be revegetated;
(b) Disposal of the material at a location approved by TRPA; or
(c) Export of the materials outside the Region.

64.6 Cuts And Fills: The following standards shall apply to cutting and filling of earthen material:

64.6.A Cuts: Standards-for-cuts-areas

(1) The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility.---as-shown-by-an-information-report; Additional information, which may include a subsurface soil and geological report, pursuant to Chapter 61, or other available information may be required.

(2) If the material of the slope is of such composition and character as to be unstable under anticipated conditions, TRPA shall require such measures as are necessary to ensure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.


(4) Where mechanical stabilization or containment of the slope by other than the use of natural material is employed, conditions of approval may require screening by vegetation.

64.6.B Fills: Standards-for-fills-areas

(1) The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility. as-shown-by-an-information-report; Additional information, which may include a subsurface soil and geological report pursuant to Chapter 61, or other available information, may be required.

(2) No organic material, such as vegetation or rubbish, or any other material not capable of proper compaction, or otherwise not conducive to stability, or which has the potential for environmental impact, shall be permitted in fills.
(3) Borrowing for fill is prohibited unless approved by TRPA. Borrowing of material from rockfalls and slides may be allowed pursuant to memorandums of understanding between TRPA and road maintenance organizations. Approved borrow sites shall be subject to subsection 64.6.A.

(4) All fills shall be compacted to a minimum of 90 percent of maximum density as set forth in Chapter 70 of the Uniform Building Code.

(5) Setbacks shall be as set forth in Chapter 70 of the Uniform Building Code. As a condition of approval, TRPA may impose setbacks as set forth in the Design Review Guidelines.

64.7 Excavation Limitations: The following excavation limitations apply:

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

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

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

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

(a) Excavation is required by the Uniform Building Code (UBC) or local building code for minimum depth below natural ground for above ground structures;
(b) Retaining walls are necessary to stabilize an existing unstable cut or fill slope;
(c) Drainage structures are necessary to protect the structural integrity of an existing structure;
(d) It is necessary for the public safety and health;
(e) There are not practical alternatives to ground-water interference including the possibility of denial of the project;
(f) It is a necessary measure for the protection or improvement of water quality;
(g) It is for a water well;
(h) It is pursuant to Subsection 64.7.B. or Subsection 64.7.C. or Subsection 64.7.D. or Subsection 64.7.E. or Subsection 64.7.F. or Subsection 64.7.G. or Subsection 64.7.H. or Subsection 64.7.I. or Subsection 64.7.J. or There are no feasible alternatives for locating mechanical equipment and measures are included to prevent groundwater from leaving the project area as surface flow and groundwater is rerouted in the groundwater flow to avoid adverse impacts to riparian vegetation, if any would be affected; or
(1) It is necessary to provide two offstreet parking spaces, there is no less environmentally harmful alternative, and measures are taken to prevent groundwater from leaving the project area as surface flow.

(64.7.B) Basement Excavations: Basement—Excavations in excess of 5 feet in depth or where there exists a reasonable possibility of interference or interception of a water table, shall be are prohibited unless TRPA finds that:

††† There are no feasible alternatives for locating mechanical equipment and measures are included in the project to prevent groundwater from leaving the project area as surface flow and groundwater is interfered with is rerouted in the groundwater flow to avoid adverse impacts to riparian vegetation, if any would be so affected; or

‡‡‡ A soils or hydrologic report by a qualified professional shows there will be no groundwater interference and the basement is part of a passive solar structure designed by a qualified professional; or

†§§ The basement is necessary to provide no more than two offstreet parking spaces, there is no less environmentally harmful alternative, and measures are included in the project to prevent groundwater from leaving the project area as surface flow. (See Subparagraph 64.7.A(2)†††)

(1) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation; and

(2) The excavation is designed such that no damage occurs to mature trees, including root systems and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures required to ensure damage will not occur as a result of the excavation; and

(3) Excavated material is disposed of pursuant to Subsection 64.5 and the project area's natural topography is maintained pursuant to Subsection 30.5.A(1); or

(4) If groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subsection 64.7.A(2) and measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.
64.7.C Minimum Excavation: The area and extent of all excavation shall be minimized to avoid unnecessary soil disturbance.

64.8 Discovery Of Historic Resources: Whenever during the conduct of grading any historical, pre-historical, or paleontological materials appearing to be fifty years or older are discovered which have not been accounted for previously pursuant to Section 29.2, grading shall cease and TRPA shall be notified immediately. TRPA shall suspend grading for up to fifteen days, during which time TRPA shall consult with the appropriate local, state, or federal entities and determine whether the site should be nominated as a historic resource. The property owner shall provide protection for the discovered material during this period. If a nomination is made, the site shall be subject to the provisions of Chapter 29. TRPA shall advise the property owner within fifteen days from the date that TRPA was notified of the discovery whether a nomination will be made. If a nomination is not made, grading may resume.
MEMORANDUM

April 1, 1994

To: TRPA Advisory Planning Commission
From: TRPA Staff

Subject: Amendment of Plan Area Statement 111, Tahoe Island Residential, to Modify the List of Permissible Uses in Special Area #2 by Adding Nursery and General Merchandise Stores as Special Uses.

Proposed Action: The applicant-initiated proposed amendment is a modification to Plan Area Statement (PAS) 111, Tahoe Island Residential. The amendment would modify Special Area #2 along Highway 89 in this plan area by adding the commercial uses of nursery and general merchandise stores to the list of permissible uses as special uses. In addition, the amendment would add new language to Special Policy 6 in PAS 111 (refer to Attachment A, Plan Area Statement 111, Tahoe Island Residential). Special Policy 6 would limit commercial uses to those parcels in Special Area #2 that front Highway 89; they had previous commercial uses on them, and; they currently have commercial floor area credited to them pursuant chapter 38. Refer to Attachment B, Vicinity Map.

Recommendation: Staff recommends the Advisory Planning Commission review the proposed amendment and recommend approval of the amendment along with the staff’s recommended conditions found on pages 3 and 4 of this staff summary to the Governing Board.

Background: The applicant proposes to amend PAS 111, Tahoe Island, by adding nursery and general merchandise stores as permissible uses in Special Area #2 for the purpose of creating an art gallery/studio and plant nursery on the same site. Currently, Special Area #2 in the vicinity of Highway 89 permits multiple-family dwellings, nursing and personal care facilities, and bed and breakfast facilities, in addition to the General Use List (refer to Attachment A). The proposed amendment would add new language to Special Policy 6 stating that these commercial uses could only occur on parcels fronting Highway 89 that had previous commercial uses on them and that currently have existing commercial floor area credited to them. Currently, Special Area #2 along the Highway 89 corridor allows no commercial uses.

The Special Policy 6 additional language would permit commercial uses on just one parcel, APN 23-111-30. This parcel is made up of five lots and is 0.82 acres in size. The boundaries of this parcel are State Highway 89 to the south, Lukins Way on the west, Fifteenth Street (which accesses the Tahoe Keys Planning for the Protection of our Lake and Land
off of Highway 89) to east, and a multi-family residence on the parcel to the north. With the exception of the northern boundary, this parcel is separated from other parcels and uses by paved streets. (Refer to Attachment B.)

The applicant's stated purpose for the amendment is to create a unique business setting that presents the works of local artists and craftsmen in a cottage/garden setting for both tourists and locals. In addition, the applicant's intent is to create a place where workshops could be held in this outdoor setting on topics that span from painting and sculpting to landscaping.

The amendment affects one parcel (APN 23-111-30). Existing uses on the adjoining parcels that front Highway 89 and are in Special Area #2 are as follows: 3 tourist accommodation, 1 single family dwelling, and 6 undeveloped properties (two are owned by the State of California). Past land uses on the applicant's parcel include: sales office for the Dillingham Corporation, commercial sales of block ice, bicycle rentals, and construction equipment storage. Currently there are no acknowledged uses on the affected parcel. The last use, permitted through a "short-term" conditional use permit, was the storage of equipment for road repairs on Highway 89. The conditional use permit expired in 1986.

The land use classification for Plan Area Statement 111 is residential and the management strategy is mitigation. The subject plan area statement and the adopted scenic resource travel route rating threshold targets this area for scenic restoration. Special Policy 3 states that redevelopment is encouraged along Highway 89 consistent with the City of South Lake Tahoe Redevelopment Plan and that noncommercial and tourist accommodation uses should be located on Highway 89. There is presently no City redevelopment plan for this area. Special policy 6, states that extension of commercial development should be limited to Special Area #1 along Highway 89 to help facilitate concentration of commercial development. As originally proposed by the applicant, the amendment would be inconsistent with applicable elements of the Regional Plan. However, staff has incorporated conditions into the amendment to make the amendment both consistent with the Regional Plan and approvable.

Relationship to TRPA Scenic Quality Improvement Program: The affected parcel in the proposed plan area amendment is located within Roadway Unit #1, Tahoe Valley, which is not in attainment with the adopted scenic resource travel route rating threshold. In addition, the parcel is located within an Area of Concern identified in the Roadway Unit. Areas of Concern are the specific causes and locations of threshold nonattainment. TRPA's adopted Scenic Quality Improvement Program (SQIP) states that within 0.10 miles of the National Forest Boundary, signage is obstructive and distracts from the view of the forest landscape in the near distance, although development is small scale and limited to a few tourist serving uses, such as motels. From this point to a distance of about 0.40 miles north of the intersection of Highway 89 and Highway 50, commercial uses are less dominant, usually single story buildings scattered amongst areas of forest cover. The travel route rating for this Roadway Unit is 11. (Refer to Attachment C, SQIP Roadway Unit #1 Tahoe Valley.) Restoration is required and simply adding these commercial uses will not move the area toward restoration.
Nursery and general merchandise stores are both defined very broadly. Chapter 18 defines commercial use nurseries as "commercial retail and wholesale establishments where plants are grown or stored for transplanting at other sites. Outside storage or display is included as part of the use." General merchandise stores are defined as "retail trade establishments such as department stores, variety stores, drug and discount stores, and general stores engaged in retail sales of one or more lines of new and used merchandise, including: dry goods, apparel and accessories; small wares; sporting goods and equipment; bicycles and mopeds, parts and accessories. In addition, general merchandise stores include stores that sell miscellaneous shopping goods such as: Books; stationary; jewelry; hobby materials, toys and games; cameras and photographic supplies; gifts, novelties and souvenirs; luggage and leather goods; fabrics and sewing supplies; florist and houseplant stores; cigar and news stands; artists supplies; orthopedic supplies; religious goods; handcrafted items (stores for which may include space for crafting operations when such area is accessory to retail sales); and other miscellaneous retail shopping goods.

In order for TRPA staff to recommend approval of the amendment of PAS #111, conditions must be incorporated into the PAS amendment that will both mitigate the impacts that exist today and mitigate the potential impacts of the plan area amendment. The following conditions to be incorporated into the amendment of PAS #111 are summarized from the SQIP (refer to Attachment C) section b, "Recommendations for Improving the Scenic Quality." Any project proposed as a consequence of the amendment PAS #111 shall incorporate the following into the design of the project:

1. Landscaping
   The edges of the road through this area shall include landscaping within the setbacks to screen the commercial activities as well as the parking areas. Landscaping shall be an extension of the natural forest cover, and shall be integrated with the existing forest background.

2. Signs
   All signs shall comply with the TRPA sign ordinances. Any sign to be placed on the affected parcel shall not be obtrusive or distract from the view of the forest landscape in the near distance.

3. Parking Areas
   Ingress and Egress shall be limited to streets other than State Highway 89. Parking Areas shall be separated from any roadway area by a landscaped buffer.

4. Building Materials and Colors
   Building designs shall be complementary with both the surrounding natural and man-made environments. Building designs shall continue to be small scale and consistent with the rural appearance.
In addition to the above, staff recommends that the above improvements be implemented on the affected parcel no later than two years from the approval of this PAS amendment to mitigate the current scenic quality impacts. If the improvements are not completed within the two years, PAS #111 permissible uses will automatically revert back to the uses allowed prior to the approval of this amendment.

Findings: Prior to amending the plan area statement, TRPA must make certain findings.

Chapter 6 Findings

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

Rationale: The proposed addition of nursery, outdoor retail sales, and general merchandise stores to the list of permissible uses for Special Area #2 can be supported by staff with the addition of the new Special Policy 6 language. The new language allows the placement of the added commercial uses on those parcels that front Highway 89, that had previous commercial uses, and that have existing commercial floor area credited to the parcel (as verified by TRPA). This Special Policy limits the applicability of the amendment to one 0.82 acre parcel. Any project that is proposed on the parcel will be required to comply with the above conditions, and will be required to construct the listed improvements within two years of the adoption of this PAS amendment. At the time of project submittal the applicant will also have to provide supporting evidence, for the record, that all environmental thresholds will be attained and maintained. As conditioned, the proposed plan area amendment will not cause the environmental thresholds to be exceeded.

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

Rationale: The proposed amendment itself will have no negative effects on air or water quality. Any project that is proposed as a consequence of this plan area amendment will be required to analyze traffic and trip increases based on the type and extent of project. Any project proposed based on this amendment would also be required to comply with all Code standards as they pertain to water quality, including impact mitigation. Therefore, amending Plan Area Statement 111 will have no negative impact on federal, state, and local air or water quality standards.
3. **Finding:** That the Regional Plan, as amended, achieves and maintains the thresholds.

**Rationale:** See Findings 1 and 2 above.

**Environmental Documentation:** Based on the above analysis and the completion of the initial environmental checklist (IEC), staff recommends the adoption of the amendment of PAS 111 and recommends a finding of no significant environmental effect based on the IEC and the recommended conditions as stated above in the staff summary.

If you have any questions or comments regarding this agenda item, please contact Coleen Shade at (702) 588-4547.
111 -- TAHOE ISLAND

PLAN DESIGNATION:

Land Use Classification  RESIDENTIAL
Management Strategy     MITIGATION
Special Designation      TDR RECEIVING AREA FOR:
                          1. Existing Development (Special Area #2 Only)

SCENIC RESTORATION
PREFERRED AFFORDABLE HOUSING AREA
MULTI-RESIDENTIAL INCENTIVE PROGRAM

DESCRIPTION:

Location: This Plan Area is located north of the South Tahoe "Y" and south of the Tahoe Keys and is depicted on TRPA maps G18 and F-18.

Existing Uses: The predominant use of this area is residential although non-residential development includes motels, restaurants, and heavy equipment and storage area. The area is approximately 70 percent built out. Residential density is primarily one single family dwelling per parcel although some high densities are associated with duplexes, apartment buildings, and a planned unit development. Three Tahoe Keys Property Owners Association (TKPOA) single family dwelling subdivisions and TKPOA's water treatment facility are located within this area.

Existing Environment: Nearly half of this area (250 acres) is classified as SEZ. Substantial portions of the area classified as SEZ have been disturbed by existing development. Undeveloped lots within the SEZ total 322. The balance of the area is low hazard land with 238 undeveloped lots remaining. Over half of the planning area is disturbed with hard and soft coverage. Vegetation consists of fir, lodgepole pine, willow, and marsh grasses. Two TKPOA subdivisions in this area have been reclassified as man-modified.

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

PLANNING CONSIDERATIONS:

1. There is an excess of land coverage and disturbance within the SEZ.
2. Portions of the area are subject to flooding.
3. This area contains a site reserved for possible affordable housing.
4. Additional fire hydrants and water system improvements are needed in this area.
5. This area is the location of Tahoe Valley ball field and Tallac Park (20 acres).
6. Thresholds require the scenic restoration of the Highway 89 corridor.

**SPECIAL POLICIES:**

1. Drainage problems on developed parcels should be remedied.
2. Restoration of disturbed SEZ and reduction of soft coverage have high priority.
3. Redevelopment is encouraged along Highway 89 consistent with a City of South Lake Tahoe redevelopment plan. Noncommercial and tourist accommodation uses permitted in this area should be located on Highway 89.
4. Expansion of the Tahoe Valley ball field and Tallac Park may be permitted, consistent with a TRPA-approved master plan, which specifies the PAOT capacity of the improvements.
5. A senior citizen affordable housing project of up to 80 units may be permitted to be developed on a six-acre parcel optioned to the City in this area. The option must be exercised by the City prior to 1987 or the land reverts to Dillingham for any use authorized by law.
6. Extensions of commercial development should be limited to Special Area #1 along Highway 89 to help facilitate concentration of commercial development, except for parcels within Special Areas #2 adjacent to Highway 89, which had previously legally existing commercial uses and has existing commercial floor area as verified by TRPA. Any Project proposed on parcels fronting Highway 89 within Special Area #2 must comply with the Recommendation for Improving the Scenic Quality as listed in the Scenic Quality Improvement Program appendices pages B-6 thru B-7 (b/1) thru (5).
7. Special Area #2 in the Eloise area should be primarily a multi-residential area and professional offices shall be limited to parcels fronting the east side of Tahoe Keys Blvd.

**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 (except as noted in Special Areas #1 and #2):

**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), public utility centers (S), churches (S), schools-kindergarten through secondary (A), and day care centers/pre-schools (S).

**Recreation**
- Participant sports facilities (S), day use areas (A), and riding and hiking trails (A).

**Resource Management**
- Reforestation (A), sanitation salvage cut (A), Management 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).

**Special Area #1:** The following list of permissible uses is applicable in Special Area #1

All the uses listed on the General List plus the following additions:

**Residential**
Multiple family dwellings (A).

**Tourist Accommodation**
Hotel, motel and other transient dwelling units accommodations (S) and bed and breakfast facilities (S).

**Commercial**
Eating and drinking places (A), food and beverage retail sales (S), nursery (S), and outdoor retail sales (S).

**Recreation**
Outdoor recreation concessions (S).

**Special Area #2:** The following list of permissible uses is applicable in Special Area #2.

All the uses listed on the General List plus the following additions:

**Residential**
Multiple family dwellings (A), nursing and personal care (S), and residential care (S).

**Commercial**
Professional offices (S), health care services (S), nursery (S), and general merchandise stores (S).

**Tourist Accommodation**
Bed and breakfast facilities (S).

**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 Dwellings</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwellings</td>
<td>8 units per acre</td>
</tr>
<tr>
<td>Nursing and Personal Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Residential Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel and Other with less than 10% of units with kitchens</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>with 10% or more units with kitchens</td>
<td>15 units per acre</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 80 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area, including the Highway 89 corridor 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 USES 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 Volume IV of the Water Management Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 50 and 89 corridors. (To be completed.)
A. ROADWAY UNITS

1. UNIT #1: TAHOE VALLEY (transition Visual Environments)

a. Scenic Character

(1) Scenic Resources. There are two scenic resources in this unit: the narrow focal views from the roadway in both north and south directions of background mountain peaks, and the heavy forest vegetation which forms a backdrop to commercial development along the roadside. The view to the south is identified on the map as Subcomponent #6. The entire unit is within South Lake Tahoe city limits. Although visible commercial development is limited to those properties adjacent to the roadway, as one moves southwest towards the intersection of Highway 50 and Highway 89, commercial development becomes more concentrated and highly visible. The 1988 travel route rating and scenic resource threshold for this unit are as follows:

- Travel Route Rating: 11
- Scenic Resource Threshold: 3

(2) Areas of Concern. The principal concern in this unit is the area adjacent to the roadway where commercial development is concentrated. At the north end of the unit, approximately .10 miles from the National Forest Boundary, signing is obtrusive and distracts from the view of the forest landscape in the near distance, although development is small scale and limited to a few tourist-serving uses, such as motels. From this point to a distance of about .40 miles north of the intersection of Highway 89 and Highway 50, commercial uses are less dominant, usually single story buildings scattered amongst areas of forest cover. Near the intersection of Highway 89 and Highway 50, commercial uses become larger and taller, with two story buildings mixed with single story. Signing becomes larger and more distracting, and unlandscaped paved parking areas adjacent to the roadway dominate the view, especially when filled with parked cars. Parking often fills the large unplanted setbacks between the roadway and buildings. The uncoordinated signage, which tends to be large scale in proportion to the uses advertised, is particularly distracting. Many of the signs use bright lettering on white or bright plastic backgrounds.

(3) Areas of Acceptable Quality. The roadway from about .10 miles from the National Forest Boundary south to about .40 miles north of the intersection of Highway 89 and 50 generally has acceptable scenic quality, although the quality in this section could be improved.

b. Recommendations for Improving the Scenic Quality

(1) Landscaping. The edges of the roadway through this area should include landscaping within the setbacks in order to reduce the dominance of the parking areas. Landscaping should be an extension of the natural forest cover, and integrated with the existing forest background. This occurs now in a few places within the area of acceptable scenic quality shown in the accompanying figure. Landscaped buffers should be placed adjacent to the roadways in order to screen parking areas from roadway views. Predominantly native and naturalized plant species should be utilized to insure their compatibility with existing species and their chances of survival.
(2) Signs. Signs should be brought into compliance with Chapter 26. A coordinated system of signs that clearly identifies individual businesses yet minimizes the competition between signs and their contrast with the natural environment should be provided.

(3) Parking Areas. Roadway edge treatment and access provisions need to be upgraded for commercial properties. Commercial buildings should provide limited and clearly defined access drives and parking areas. Landscaping should be utilized along roadway edges and within parking areas to provide definition and screen parked cars. Wherever possible parking should be separated from the roadway with a landscaped buffer strip.

(4) Utility Lines. Overhead telephone and utility lines should be placed underground wherever possible.

(5) Building Materials and Colors. Building designs should be complementary with both the surrounding natural and man-made environments, and building materials should be predominantly natural (i.e. wood-siding, wood shakes, stone, bricks, etc.). Color hues should fall within a range of natural vegetation and earth tones. Primary and bright colors (including white and pastels) should be used sparingly as accents. Within this unit, especially as the road moves towards the National Forest Boundary, building designs should continue to be small-scale and consistent with a rural appearance. Large-scale buildings should be restricted to the area within .50 miles of the Y intersection.
March 31, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvements in Vicinity of Parcel

Proposed Action: To amend the existing map delineating water quality improvements in the vicinity of parcels as set forth below.

Recommendation: Staff recommends that the Advisory Planning Commission conduct a public hearing and, if appropriate, recommend the adoption of the map amendments and their respective scores.

Background: At the October 1987 meeting, the Governing Board adopted the map delineating water quality improvements in vicinity of parcel. Preparation of this map was based upon field data collected during the summer of 1987 pursuant to Section 37.2.G of the Code of Ordinances:

37.2.G Need For Water Quality Improvements In Vicinity Of Parcel: The maximum score for need for water quality improvements in vicinity of parcel is 50 points.

(1) Preparation Of Map: TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table G-1 of the Technical Appendices is the same. The Lake Tahoe Basin Water Quality Management Plan (208 Plan) maps shall be used as a guideline for determining the level of improvements needed. Areas shall be assigned point values in accordance with Table G-1 of the Technical Appendices. The points assigned shall be equal to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.
Assigning Scores To Parcels: Each parcel shall receive the score assigned to the area, established under Subparagraph (1), above, in which the parcel is located.

G. Need For Water Quality Improvements in Vicinity of Parcel

<table>
<thead>
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<th>Needed Improvement</th>
<th>Points</th>
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<tr>
<td>None</td>
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<tr>
<td>Revegetation</td>
<td>-6</td>
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<tr>
<td>Rocklined or vegetated ditches</td>
<td>-8</td>
</tr>
<tr>
<td>Curb gutter or paved swales</td>
<td>-8</td>
</tr>
<tr>
<td>Storm drain pipes</td>
<td>-8</td>
</tr>
<tr>
<td>Retaining walls</td>
<td>-4</td>
</tr>
<tr>
<td>Rock slope protection</td>
<td>-4</td>
</tr>
<tr>
<td>Paved roads</td>
<td>-8</td>
</tr>
<tr>
<td>Sediment basins</td>
<td>-4</td>
</tr>
</tbody>
</table>

Since adoption of this map, numerous water quality improvement projects have been implemented within the Basin. As anticipated within the IPES system, one of the ways that a parcel’s IPES score may be increased is if (37.10.A) “water quality improvements of the type considered in subsection 37.2.G are installed in an area subsequent to TRPA preparing the maps in accordance with subparagraph 37.2.G(1).”

Upon implementation of these projects: “TRPA shall amend the map by increasing the point values identified in Table G-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in this subsection shall be increased to reflect the new point value.”

Amendments proposed by staff are intended to:

1. Account for water quality improvement projects implemented since 1991;
2. Increase the point scores for those parcels affected by these projects pursuant to 37.10.A. of the Code of Ordinances.

Discussion: The proposed amendments are based upon field data collected during the fall of 1993. Point values were assigned according to the scoring criteria in Table G-1. Properties affected by the score increases were restricted to only those parcels immediately within the vicinity of the water quality improvement project.

To maintain the original intention of identifying and scoring areas within which the need for improvements are the same, the proposed amendments delineated several areas that are smaller than those identified on the original map. This reflects the fact that improvements often addressed portions of the originally mapped areas.

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: The amendments are consistent with Chapter 37 of the Code of Ordinances. Subsection 37.10.A. anticipated the need for amendments and established the criteria for the related IPES parcel score increases.

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

Rationale: The amendments are consistent with the Regional Plan and will not cause the environmental thresholds to be exceeded.

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

Rationale: See findings 1 and 2 above.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.
Rationale: For the reason set forth in the rationale for finding 1 above, these amendments better implement the Code and Regional Plan and will assist in the achievement and maintenance of the environmental thresholds.

Attachments: Proposed map amendments, and proposed new scores.

If you have any questions or comments regarding this agenda item, please contact Joe Pepi at (702) 588-4547.
<table>
<thead>
<tr>
<th>Area Number</th>
<th>Jurisdiction</th>
<th>Water Quality Improvement Project</th>
<th>Proposed Score</th>
<th>Existing Score</th>
<th>Map Exhibit(s)</th>
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MEMORANDUM

April 1, 1994

To: TRPA Advisory Planning Commission

From: R. J. Nicolle, Agency Counsel

Subject: Proposed New Conflict of Interest and New Disclosure Rules and a Proposed New APC Quorum and Vote Rule

The TRPA Governing Board Rules Committee on March 23, 1994, requested the input of the TRPA Advisory Planning ("APC") on the following: 1) a proposed set of amended Conflict of Interest and Disclosure Rules, and; 2) a proposed new Advisory Planning Commission "Quorum and Vote Required" rule.

CONFLICT OF INTEREST AND DISCLOSURE RULES

The enclosed redrafted Conflict of Interest and Disclosure Rules include a requirement that TRPA economic interest statements be filed annually. The amended portions of each Rule have been underlined. We did not eliminate the provisions in the existing Rules which required that TRPA economic interest forms be updated within thirty (30) days after a change, since this requirement was mandated in the Compact. Likewise, we inserted the requirement to file a TRPA statement of economic interest within ten (10) days of taking office, since this likewise is mandated in the Compact.

QUORUM AND VOTE REQUIRED RULE

The enclosed Advisory Planning Commission "Quorum and Vote Required" rule was drafted to clarify the Rules of Procedure. The Rules state that "to the extent practicable, the rules provided herein for the Governing Body shall also govern the APC" (Rule 7.4) Rule 2.4 requires the presence of at least four (4) Governing Board members from each state for a quorum. Rule 2.4 also requires a specific numerical representation from each state depending on the type of vote. By contrast, the Compact only requires a majority of APC members for a quorum. If we apply Governing Board Rule 2.4 to APC meetings, it becomes problematic. This is because attendance of APC members is sporadic. It has been difficult at times to get a quorum of ten at the APC and extremely difficult at times to ensure that four (4) members from each state are present at each meeting. This proposed new Rule clarifies that only a majority of active APC members is necessary for a quorum, and that no
particular representation from each state is necessary. The proposed Rule also clarifies that items can be approved by a majority vote without regard to any specific numerical representation from each state. The proposed language is consistent with the provisions of the Compact.

Please feel free to call me if you have any questions.

R. J. Nicolle
Agency Counsel

RJN/sm
Enclosures
ARTICLE VIII - Conflict of Interest and Disclosure Rules

8.1 Conflict and Disclosure Rules for Governing Board Members: All members of the Governing Body, whether elected public officials or appointed members, shall abide by the conflict of interest and disclosure provisions set forth in Article III(a)(5) of the Compact. The Agency shall provide a form for said disclosure. New Governing Board members shall complete and file an economic disclosure form with the Agency within ten (10) days after taking his or her seat on the Governing Board. Thereafter, each member of the Governing Board shall annually file a new economic disclosure form with the Agency. The economic disclosure forms shall be due on the first business day in January of each year and shall be overdue after the first business day of April of each year. Acquisition of any new economic interest or modification of prior reported interest shall be reported within 30 days after the acquisition or modification of the same.

8.2 Conflict and Disclosure Rules for Designated Employees: All designated employees shall abide by the conflict of interest and disclosure provisions set forth in Article III(a)(5) of the Compact. The Agency shall provide a form for said disclosure. New designated employees shall complete and file an economic disclosure form with the Agency within ten (10) days after being employed by the Agency. Thereafter, each designated employee shall annually file a new economic disclosure form with the Agency. The economic disclosure forms shall be due on the first business day in January of each year and shall be overdue after the first business day of April of each year. Acquisition of any new economic interest or modification of a prior-reported interest shall be reported within 30 days after the acquisition or modification of same.

8.3 Conflict and Disclosure Rules for Advisory Planning Commission Members: Members of the Advisory Planning Commission shall abide by the conflict of interest and disclosure provisions set forth in Article III(a)(5) of the Compact. The Agency shall provide a form for said disclosure. New members of the Advisory Planning Commission shall complete and file an economic disclosure form with the Agency within ten (10) days after taking his or her seat on the Advisory Planning Commission. Thereafter, each member of the Advisory Planning Commission shall annually file a new economic disclosure form with the Agency. The economic disclosure forms shall be due on the first business day in January of each year and shall be overdue after the first business day of April of each year. Acquisition of any new economic interest or modification of a prior-reported interest shall be reported within 30 days after the acquisition or modification of same.
ARTICLE VII - ADVISORY PLANNING COMMISSION

7.10 Quorum and Vote Required: A majority of members of the Advisory Planning Commission constitutes a quorum for the transaction of the business of the Commission. The quorum shall be calculated on a strictly numerical basis, without regard the state each Commission member represents. A majority vote of the quorum present is required to take action, without regard to each state Commission representation.