TRPA
APC
PACKETS

AUGUST
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, August 10, 1994, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

August 1, 1994

By: [Signature]
James W. Baetge
Executive Director

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.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

August 10, 1994
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. 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 TO THE GOVERNING BOARD

A. Recommendation on Certification and Finding of Technical Adequacy for Tahoe City Urban Improvement Project EIR/EIS 1-3

B. Application by Tahoe Redevelopment Agency, Park Avenue Development Project, Amendment of the Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination, El Dorado County APN 029-190-05 4-14

C. Amendment of Chapters 2, 4, 8, 18, 20, 21, 22, 24, 30, 33, 34, 35, 37, 38, and 51 Pertaining to Technical and Clarifying Amendments 15-16

VI. PLANNING MATTERS

A. Discussion and Guidance on Development of Shorezone Ordinance Amendments 17-19

B. Discussion and Guidance on Development of Provisions Relative to Urban Boundaries, Subdivisions, and Affordable Housing 20-23

C. Discussion on Riparian Vegetation Protection 24-45
VII. ADMINISTRATIVE MATTERS

A. Role of the Advisory Planning Commission, Recommendations to the Rules Committee of the Governing Board

VIII. REPORTS

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

IX. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

July 13, 1994

REGULAR MEETING MINUTES

Chairperson Joe Thompson called the regular July 13, 1994, meeting of the Advisory Planning Commission (APC) to order at 9:50 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Jepsen, Mr. Hust, Mr. Ruben, Mr. Hansen, Ms. Baldrica, Mr. McDowell, Mr. Dodds, Mr. Popoff, Mr. Joiner, Mr. Lawrence, Mr. Mudgett, Ms. Woodbeck, Mr. Combs, Ms. Jamin, Mr. Thompson

Members Absent: Mr. Barham, Mr. McCurry, Ms. Beronio, Mr. Haen

II. APPROVAL OF AGENDA

Deputy Director Jerry Wells noted that items V.E. and V.G. had been removed from the agenda and did not require any discussion or action.

MOTION by Ms. Baldrica, with a second by Mr. Popoff, to approve the agenda as discussed. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS - There were none.

IV. DISPOSITION OF MINUTES

Mr. Mudgett asked that the words "and the Tahoe Basin" be added to paragraph 4 on page 12, after the word "Incline". Ms. Jamin commented that the motion in Item D. on page 10 should reflect that it was seconded by Mr. Mudgett.

MOTION by Ms. Jamin, with a second by Ms. Baldrica, to approve the June 8, 1994, APC minutes as amended. The motion carried with Mr. Popoff abstaining.

V. PUBLIC HEARING AND RECOMMENDATIONS

A. Recommendation on Certification and Finding of Technical Adequacy for Tahoe City Urban Improvement Project Final EIS

Associate Planner Paul Pettersen presented the staff summary recommending certification of the Final Environmental Impact Statement (EIR/EIS) for Placer County's Tahoe City Urban Improvement Project.

MOTION by Mr. Mudgett to table item V.A. because the final environmental document did not contain statements that TRPA was required to provide in the Compact and also failed to address social and economic impacts spelled out in Article VII. Mr. Mudgett also commented that the document was not available.
to the public. Seconded by Mr. Lawrence.

Mr. Thompson replied that the document had been available to the public at the local public libraries for viewing.

Agency Special Projects Attorney Susan Scholley explained that with respect to the social and economic consideration, those issues are raised in making the findings prior to approving a project for which an EIS was prepared.

Ms. Scholley commented that one of the findings could be that due to social or economic factors, TRPA would apply certain mitigation measures. There was no requirement in the body of the environmental impact statement that it discuss socioeconomic impacts of the project, although sometimes that was done.

Mr. Popoff agreed that the final EIR was inadequate and could use a better summary, and the responses to the EIR were not pertinent to the document.

Mr. Hansen stated that it was incumbent upon the preparer of an environmental document to include an executive summary for final approval.

Chairman Thompson called for a roll call vote to table item V.A.

Mr. Mudgett's motion failed on the following vote:

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

Chairman Thompson requested that due to the lengthy discussion, the environmental review process be updated and clarified as appropriately.

To clarify his vote, Mr. Hansen agreed with Mr. Mudgett's comments and was of the opinion that it was prudent to have an executive summary included in the final response to comments.

Ms. Jamin encouraged those APC members who voted yes on tabling the item to contact TRPA staff prior to the meeting to discuss their concerns in order to have them worked out.

Mr. Mudgett responded that he had had extensive talks with TRPA staff members and Tahoe City constituents and assured Ms. Jamin it was not for lack of interest, time nor application.

Mr. Jim Rienstra, consultant with K.B. Foster Civil Engineering, discussed how the project was started and how it came about, which was the desire for sidewalks. Mr. Rienstra reviewed the major components of the project; highway improvements, public parking facilities, and the storm water quality improvements.
Mr. Dodde voiced his concern over the concept of allowing property owners to connect up to the drainage system and not requiring BMPs. It was his understanding that this concept started with the Douglas County Improvement Plan, which was applicable for that particular plan. But he was of the opinion that the proper conditions are not in place to warrant such an idea. He suggested keeping the current system in place until it is proven that the treatment system works, and that we don't exempt anyone from requiring BMPs to be installed until funding and constraints are imposed.

Deputy Director Jerry Wells commented that in the Tahoe City Community Plans that was adopted by the Governing Board, a policy was included that stated the area-wide drainage systems were to be set up and had to be proven before they could be relied upon. The policy also defined what "proven" meant, which included being tested or modeled at the project review stage to demonstrate that it was reasonable and could contain a 20-year one-hour storm and treat the water. It did not require that the area-wide drainage systems had to be put in place and monitored for several years.

Mr. Mudgett questioned whether the pond was lined or unlined, and Mr. Reinstra replied that the pond was proposed to be lined and the wetlands not lined. Mr. Mudgett also inquired as to how the 33,000 square feet of impervious coverage that was being added, and Mr. Reinstra replied that it would have to be mitigated by providing the 1/2 to 1 ratio elsewhere and coverage removed.

Mr. Mudgett was concerned over the lack of knowledge about the watershed soil-types and the lack of water samples of the Tahoe City water or what storm waters were being deposited into the Lake Tahoe basin. He was of the opinion that there wasn't adequate scientific data to start an impact statement until it was known what the product was that we were dealing with. Mr. Mudgett also had concerns about the bike path and the safety of the parallel parking spaces.

Executive Director Jim Baetge made the comment that runoff in urban areas, as well as Class 2 bikeways, was not an unusual issue throughout the Basin, the state, or nationwide. He also stated that the Grove Street parking issue was project specific.

E. J. Belding, of the Tahoe City Golf Course, stated that with regards to the transportation element of the final EIS, he complimented the person who provided the responses to the questions posed. He was of the opinion that the water quality issues needed more work and several questions were unanswered. The discharge in the Truckee River needs to meet water quality standards, follow civil engineering practices and stormwater monitoring and control. Mr. Belding commented that public education and source control are keys to BMPs.

Mr. Hansen inquired as to what the solution was regarding the monitoring problem. Mr. Belding responded that the source of pollution had to be analyzed and then eliminated. He continued that structural BMPs had to be implemented and educating the people so that the water quality system would function and meet the discharge standards. For Tahoe City, he recommends an analysis of what was applied to the area, and change our attitude and method.
of application and reducing the impact of the end product.

Mr. Belding recommended BMPs be installed onsite and treatment of the water problems at their source, rather than at the end, which would enable Tahoe City to have a system that could be managed and taken care of. A quantitative analysis was required to find out what was causing the system not to work properly.

Mr. Dodds commented that Placer County was responsible for implementing public information, source control programs, street sweeping, ordinances prohibiting dumping in the right-of-ways, which would control the quality of the runoff at the source. There was no one fix to solve the water quality problems.

Mr. Craig Henderson, a Tahoe City property owner, questioned that if the property owners complied with the specifications that were laid out, would TRPA and Lahontan allow them extra square footage. He explained that this was a major issue with the Tahoe City property owners.

Mr. Thompson clarified the fact that the thrust of this discussion was to protect the waters of the Truckee system.

Mr. Combs commented that releasing commercial allocations was just a small part of a much bigger piece that made up the Tahoe City Community Plan, which was contingent upon an irrevocable commitment to fund and approve the project. He didn’t know what would happen if the monitoring indicated that the water quality standards were not being met.

Mr. Gabby Barrett, Principal Planner with the Long Range Planning Division, commented that there are numerous projects that can’t all be guaranteed of being built in the near future. The plan stated that all the incentives such as allocations and coverage would be released if the funding and approvals were provided. From that point on, all other projects would go forward until the ten years had expired. At such time, Tahoe City would be reviewed to see if the plan was being implemented and if the discharge standards were being met.

Mr. Thompson asked Mr. Reinstra if the model for Alternative 11, given the best of knowledge of treatment systems within the Tahoe Basin, given information from other sources outside the Basin relative to wetlands, and given a standard runoff design based on data collected within the Basin, would achieve adequate treatment of the 20-year, one-hour event with the system proposed. Mr. Reinstra replied yes.

Mr. Henderson commented that his question was not answered regarding the guaranty of the release of extra square footage to property owners.

Mr. Carl Pendleton, owner of the Tahoe City Travel Lodge, commented that he was also concerned with coverage. Mr. Pendleton believed that spending six million dollars on a project that had not yet been proven to work wasn’t a good idea. He said there were many BMPs that could be implemented through education.
Mr. Terry Dyer, property owner in Tahoe City, was of the understanding that the project cost was 4.2 million dollars; not 6 million dollars. His concern was with the issue of the allocation of the additional commercial floor area. He was of the opinion that once the commitment was made to build certain facilities; i.e., parking areas, the drainage system, etc., and the funding committed, then the private property owners would get the additional commercial floor area they were entitled to.

Mr. Wells replied that the project itself would also have to be approved.

Mr. Belding, representing Tahoe City Golf Course, requested that all the questions on the water quality issues with regards to the salt and transportation discharge be answered. He commented that discharge into the Truckee River had to meet EPA standards.

Since no one wished to comment, Chairman Thompson closed the hearing.

Executive Director Jim Baetge agreed with Mr. Belding that the discharge questions needed to be addressed in the EIS and suggested that the item be brought back to the APC in August.

Mr. Combs questioned where the project stood in terms of securing funding.
Mr. Roger Imsdahl, representing Placer County, replied that there were two critical parts to the project; waste discharge standards and funding received from the California Transportation Commission, which was approximately $1.4 million dollars, and also in jeopardy of being lost. Mr. Imsdahl was of the opinion that property owners were not in a position to make any financial commitments without answers to their questions.

(Mr. Ruben left the meeting at 12:25 p.m.)

Mr. Poppoff commented that the modeling was not laid out in the final document, and the response document was inadequate.

Mr. Hudgett believed that the Governing Board would not approve the adoption of the EIS, and it should be brought back to the APC in August.

Mr. Combs questioned when the funding from CalTrans would be lost and Mr. Imsdahl didn’t know.

Mr. Dodds cautioned against sending the engineers back and spending a lot of money in order to get answers to only some of the questions but not necessarily all of them. We need to make reasonable assurance that the standards are making progress towards compliance.

Chairman Mr. Thompson commented that he had a problem with the technical adequacy of the document and, conversely, was sensitive to the fact that funding was hinging on the progress of this project. Mr. Thompson would be comfortable moving the item forward to be heard at the Governing Board meeting if the TRPA staff were capable of addressing the issues presented at this meeting and pass them along to the Board when the item was reviewed.
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MOTION by Mr. Joiner that the matter be remanded to staff to address the comments presented and provide adequate comment period before bringing it back to the APC for further action. Seconded by Mr. Hansen.

Mr. Popoff asked Mr. Joiner if he understood the motion to mean the item would be brought back to the APC after being revised and presented for public review.

MOTION by Mr. Joiner to amend his previous motion and place the item on the next agenda. Seconded by Mr. Hansen with the request that an executive summary be included addressing the issues presented at this meeting.

Mr. Joiner’s motion carried on the following votes:

Ayes: Mr. Hust, Mr. Hansen, Ms. Baldrica, Mr. Dodds, Mr. Popoff, Mr. Joiner, Mr. Lawrence, Mr. Mudgett, Ms. Woodbeck, Ms. Jamin, Mr. Jepsen, Mr. Thompson
Nays: Mr. Combs
Abstain: Mr. McDowell
Absent: Mr. Ruben, Mr. Barham, Mr. McCurry, Ms. Beronio, Mr. Haen

Recessed for lunch at 12:50 p.m.

(Messrs. Hust and Lawrence left the meeting at 12:50 p.m.)

Meeting reconvened at 2:05 p.m.

B. Update of the Short-Range Transit Plan

Assistant Transportation Planner Bridget Mahern presented the staff summary reviewing the Draft Final Report for the Tahoe Basin Short Range Transit Program, holding a public hearing and recommending approval of the Program to the Governing Board.

Mr. Gordon Shaw, with the consulting firm of Leigh, Scott & Cleary, explained the transit program and the overall operations plan, including the pros and cons. Mr. Shaw reviewed the capital and financial plan. He commented that a half-cent sales tax increase would generate substantial amounts of funds to implement the ideas presented.

Ms. Mahern emphasized the need for this new, reliable funding source, which would be the half-cent sales tax increase. The money generated from the sales tax would increase new ridership up to over one million annually.

Ms. Baldrica questioned if a Carson City shuttle had been suggested and Mr. Shaw replied that it had been investigated but there was not a big demand for it. Ms. Baldrica was of the opinion that the public would not be in favor of a tax increase if cars were not being taken off the road.

Ms. Woodbeck commented that Washoe County had conducted a survey on what taxes people would be willing to pay for; i.e., gas tax or sales tax. She offered to give the information to Ms. Mahern for her information.
Mr. Hansen clarified the figures given in the report on the ski area transit demand, and stated that additional comments would be submitted in writing.

Mr. Mudgett commented on what a fine piece of work staff had done on the Tahoe Basin Short Range Transit Plan. He wanted to know what percentage the TOT tax was split up to be. Ms. Mahern replied that it varied from county to county. Mr. Mudgett questioned why a gas tax increase was not proposed and Ms. Mahern said because a sales tax generated more money than any other tax increase.

Mr. Mudgett mentioned that a waterborne operation would be very expensive and generate a lot of pollution. He was of the opinion that it would be difficult to have people use golf carts on the golf cart paths when we can't get bicycles on them. Also, golf carts were a great source of pollution.

Mr. McDowell expressed his discouragement in the fact that a half-cent sales tax increase would result in a reduction of only .6% in VMTs. He wanted to know if the .6% reduction would be from 1987 or from today, and Mr. Shaw replied as of today.

Mr. Steve Teshara, Chairman of the Board of Directors of Truckee North Tahoe TMA, Member of the Board of the South Shore TMA, and Chairman of the Tahoe Transportation Coalition, commended Ms. Mahern and Mr. Shaw on the fine report. He believed that financing was the key issue to this project. The program provided an economic motivation to encourage people to come to Lake Tahoe and visit. A study was currently being conducted by the TTD on the waterborne issue. With regards to sales tax increase, all the projects involved would have to be listed on the ballot, in addition to the cost of each one. He commented that the TTD would be meeting on Friday, July 15, 1995, to discuss several of the transportation issues.

Since no one else wished to comment, Chairman Thompson closed the hearing.

Mr. Thompson commented that it was sobering when looking at the annual costs to accomplish the level of reduction. He hoped that funds would be used for new bikepaths and sidewalks in order to eliminate cars on the highways.

Mr. Mudgett questioned if subsidizing private trolleys and casino vans would be cost effective in reducing VMTs. Mr. John Bruton, Senior Transportation Planner, remarked that TRPA had looked at private and public partnerships, as well as using capital equipment from the ski shuttle areas that was not being used during the Summer.

MOTION by Mr. Hansen to recommend to the Governing Board approval of the Tahoe Basin Short Range Transit Program (SRTP). Seconded by Mr. Mudgett. The motion carried unanimously.

C. Amendment of Plan Area 111, Tahoe Island (Residential), to Add the Special Designation of TDR Receiving Area of Multi-Residential Units.

Associate Planner John Hitchcock presented the staff summary amending Plan
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Area 111, Tahoe Island (Residential), to add special designation of TDR Receiving Area for Multi-Residential Units.

Mr. Dodds asked if TRPA had received any opposition to the proposal and Mr. Hitchcock said no.

Mr. Mudgett inquired as to whether the land classifications within Special Area 2 remained the same and if the City had any objections and Mr. Hitchcock replied no on both questions.

Chairman Thompson opened the hearing. No one wished to comment. The hearing was closed.

MOTION by Ms. Baldrica to recommend to the Governing Board approval of amendment of Plan Area 111, Tahoe Island (Residential), to add special designation of TDR receiving area for multi-residential units. Seconded by Mr. Jepsen. The motion carried with Mr. McDowell abstaining.

D. Amendment of Plan Area 067, Marla Bay/Zephyr Heights (Residential), to Add Douglas County APN 05-182-01 to Commercial Special Area #1

Associate Planner John Hitchcock presented the staff summary amending the Plan Area Statement 067 (Marla Bay/Zephyr Heights) map. The proposed amendment would modify the existing Commercial Special Area #1 boundary to include Douglas County APN 05-182-01.

Ms. Baldrica questioned if the neighbors had been contacted and Mr. Hitchcock answered yes, with no opposition.

Chairman Thompson opened the hearing. No one wished to comment. The hearing was closed.

MOTION by Mr. Mudgett to recommend to the Governing Board approval of amendment of Plan Area 067, Marla Bay/Zephyr Heights (Residential), to Add Douglas County APN 05-182-01 to Commercial Special Area #1. Seconded by Mr. Popoff. The motion carried with Mr. McDowell abstaining.

F. Amendment to Chapters 2, 3, 4, 8, 18, 20, 22, 24, 30, 38, 52, 54, 73, 78, and 91 Pertaining to clarification and Simplification of the Code

Agency Special Projects Attorney Susan Scholley presented the staff summary proposing to delete unnecessary Code provisions, make technical corrections, and add clarifying language to implement existing policies. In addition, there was a proposed amendment to Chapter 8 to permit the use of abandoned securities.

Mr. Dodds suggested that the words "prior to the clearing a security forfeited" be added to paragraph 3.(2) on page 23 under Abandonment.

Chairman Thompson opened the meeting. No one wished to comment. The hearing
MOTION by Mr. Popoff to recommend to the Governing Board approval of amendment to Chapters 2, 3, 4, 8, 18, 20, 22, 24, 30, 38, 52, 54, 73, 78, and 91 pertaining to Clarification and Simplification of the Code. Seconded by Mr. Hansen. The motion carried unanimously.

VI ADMINISTRATIVE MATTERS

A. The Role of the Advisory Planning Commission

Mr. Hansen commented that he is concerned with role of the APC members and how they are being treated by certain individuals at TRPA by not addressing the issues when they are agendized for the APC. Mr. Hansen believed that concerns about particular projects being presented were not being voiced to the APC members for their expertise. He questioned whether there was a process whereby testimony had to be heard at the APC meeting before being presented to the Governing Board members, and no new testimony on a particular item could be presented at the Board meeting. Mr. Hansen suggested that the responsibility of the APC members be increased.

Executive Director Jim Baetge agreed with Mr. Hansen and mentioned that this was something that needed to be brought before the Governing Board, with no formal action necessary.

Mr. Mulgate experienced a similar situation as Mr. Hansen and was of the opinion that base subjects should be addressed at the APC meeting before the Governing Board.

Mr. Popoff commented that some of the presentations by applicants are very expensive and time consuming so why should they have to be presented both at the APC meeting and the Governing Board meeting. He believed that they should go directly to the Governing Board and bypass the APC.

Mr. McDowell stated that there wasn’t very much public testimony at the APC meetings so how could the work that occurred at the meetings be valued.

Mr. Thompson believed that issues could be resolved and discussed at the APC meetings before they are presented to the Governing Board and thus the best advice given to the Board Members for their review.

Mr. Hansen commented that applicants sometimes use strategy to bypass the APC and go directly to the Governing Board. He also complimented Mr. Baetge on the strategic plan.

(Mr. Hansen left the meeting at 4:05 p.m.)

Mr. Mulgate was of the opinion that the planning commission played a very important part and did not review items that were covered in the ordinances. He felt that items such as variances should be brought before the APC for review.
Executive Director Jim Baetge suggested that using the local governmental agencies as a sounding board was very valuable.

Mr. Poppoff inquired as to how comments made by the APC members are forwarded to the Board, and Mr. Baetge replied there were several ways in which the way information was passed on to the Board that can be improved.

Mr. Joiner believed that the Governing Board gave the APC Commission a lot of credence. Although the TRPA Compact did not allow the APC to make binding decisions except on appeals, the Carson City Planning Commission members are allowed to do this. He suggested stipulating that projects that are not brought before the APC cannot be presented to the Governing Board. If a project was on the consent calendar, it could not be pulled off by someone who did not agree with the action taken by the Commission unless they have participated at the APC meeting. In addition, an opponent would not be able to do that either. The Governing Board relied on the APC’s expertise.

Mr. Mudgett questioned why an applicant would go before the APC Commission, subject themselves to Lahonton and the Forest Service scrutiny, when they can go directly to the Governing Board.

Ms. Woodbeck commented that the Washoe County Planning Commission had the same policy as the Carson City Planning Commission. A project couldn’t be brought before the Board unless it was heard at the Commission level. This prohibited people from bringing the same items forward time and time again.

Mr. Mudgett suggested that the Governing Board delegate items that need only be heard by the APC; not the Governing Board. Special Projects Attorney Susan Scholley agreed with him. She said that although the Governing Board had been somewhat territorial in the past, from a legal standpoint, the Governing Board could delegate that authority.

Mr. Mudgett suggested that the Governing Board set up and codify a procedure so that applicants would have to appear before the APC before going to the Governing Board. Ms. Scholley replied that she would not be comfortable doing it by policy. She believed that if it wasn’t codified and not clear what the rules were, it would be very hard for the Governing Board to say no to someone who showed up at the meeting and didn’t know the policy. If the Governing Board and APC were heading in that direction, it would be appropriate to have a written rule.

Mr. Thompson questioned whether the timing between the APC meeting and the Governing Board meeting could be extended to 30 days to alleviate the problem. Ms. Scholley said the meetings could be changed, but there would have to be a schedule. Because of the turnaround time between the APC meeting and the Governing Board meeting and getting the information to the two groups in advance, the schedule usually ends up back-to-back.

Mr. Mudgett commented that the minutes from the APC meetings were not available to the Governing Board members and thus they cannot benefit from what occurred at the APC meeting. He suggested using a court reporter to transcribe the minutes.
Ms. Woodbeck said that the Washoe County Commission included a detailed summary or a portion of the minutes into the report that went to the County Commission about a project. She suggested that one or two paragraphs be included in the Governing Board staff summary reviewing what the APC Commission had discussed.

Ms. Jamin commented that the City of South Lake Tahoe was considering using laptop computers for the recording secretary at their meetings. This would cut down on staff time because of the time it took to transcribe the minutes, which was lengthy. Ms. Woodbeck commented that Washoe County had tried using laptop computers, also.

Mr. Poppoff inquired as to how discussions at the APC meeting were translated to the Governing Board, and Mr. Baetge replied that the staff person presenting the item would summarize what the APC did. He suggested that an APC member could come to the Governing Board meeting and relate the ideas presented at the APC meeting.

Mr. Thompson requested better representation of proponents of a project or concerned publics or agencies on an issue so the APC would have the opportunity to hear the full discussion rather than partial when asked to give direction to the Governing Board. He asked what would be the appropriate way to present this issue to the Governing Board.

Special Projects Attorney Susan Scholley responded that initially, the item should be brought before the Rules Committee rather than the Board. She suggested the APC form a subcommittee and have them meet with the Rules Committee to try and formulate a joint league.

Mr. Thompson requested some type of feedback and representation from the Governing Board. He felt that a joint meeting between the Governing Board, the Rules Committee and a subcommittee from the APC would be beneficial.

Executive Director Jim Baetge wanted to know how we would approach the Rules Committee, and Ms. Scholley said that meetings are noticed and they meet once a month, usually at a local restaurant close to where the Governing Board was being held.

Deputy Director Jerry Wells suggested the Commission go to the Governing Board in July as a whole and present the ideas discussed today to get a sense of whether they would be supportive of that type of approach and concept. If they are receptive, he suggested then going to the Rules Committee to detail it out and bring something back to the Governing Board. This would be an indication of whether the Board would endorse the idea or not.

Special Projects Attorney Susan Scholley said that this could be agendized for the Governing Board meeting in July, but there was a conflict with the Rules Committee meeting. She encouraged everyone to consider that the Rules Committee typically had been the channel for proposed rule amendments before being considered by the Governing Board.
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Ms. Baldrica agreed with Ms. Scholley’s idea and believed it would be easier for a small delegation from the APC to approach the Rules Committee and then present the ideas to other Board members to see what direction they wanted to take.

Mr. Thompson asked for any volunteers as part of the subcommittee to meet with the Governing Board to discuss the issue. Mr. Mudgett, Mr. Joiner, Mr. Hansen and Mr. Thompson all volunteered.

Mr. Popoff asked if there was a way for the APC to get feedback on what influence their recommendations had on the Board’s decisions. Mr. Baetge commented that the Governing Board Chairman Wayne Chimarusti offered to talk to the APC members about the impact of their recommendations.

Mr. Thompson commented that Mr. Chimarusti stated that the direction the APC provided to the Governing Board was very valuable to him and other Governing Board Members. Mr. Jepsen also commented that Mr. Chimarusti stressed the fact that the Governing Board was dependent upon the APC’s expertise but if they do not attend the meetings, the Board cannot get the feedback that is required.

Mr. Popoff believed there were a number of APC members who only attended the meetings when there was an issue that directly affected them. Also, some of the agendas may not be very interesting to some APC members. Some of the planners from various agencies come to the meetings in the morning and then leave after lunch, making it hard to get a quorum. If an agency wanted to have a representative on the Commission, they should allocate that time for that particular member to come and participate in the meetings. Laypersons seem to attend more than agency members and they are not being paid for their time. He thought that maybe the Commission should be restructured.

Mr. Popoff believed it is the responsibility of the agencies involved in the APC to send representatives who can spend the time to study the agenda and participate and people who can speak on behalf of the agency.

Executive Director Jim Baetge stated that attainment of the environmental thresholds in the Basin affects all the agencies. Mr. Baetge was of the opinion that an APC member is not bound by what he/she said at the meeting as a member of an agency. They can give their expertise on an item instead of representing a specific agency.

Mr. McDowell commented that under the direction of the former Acting Supervisor of the Forest Service, she was of the opinion that the federal government should not have a say in matters that had to do with private or commercial land allocation or use. Mr. Harris, the present Forest Service Supervisor, had requested a written letter of the role of each of the APC members. Mr. Harris was struggling with the concept of whether the votes that each individual member made represented agency positions or professional judgment.

Ms. Woodbeck recommended training APC members so they were aware of what role they played. She suggested a copy of the compact be provided to each planning commission and APC member so they understood what the compact said they should
do. Ms. Woodbeck didn't feel that the planners were always taking off. One of the reasons they could not attend the meetings was because of the length of the agenda items.

(Ms. Woodbeck left the meeting at 5:00 p.m.)

Chairman Thompson believed that the role of the APC members needed further discussion. Mr. Thompson was of the opinion that he carried the knowledge of the agency he worked for and the regulations that the APC was involved with, but he also carried the technical expertise that had been developed over the years and thus relied on that to address a broader range of issues and as a resident of the Basin. There may be times when an APC member said "From an agency perspective, this is how we view this situation", particularly if they were representing a regulatory agency and very specific regulations that applied were being clarified for someone's benefit. Other than that, it was the APC members as individuals and the knowledge that we possess that needed to be brought to the meeting.

Mr. McDowell questioned whether APC members vote as an agency representative or commission member. Mr. Thompson reiterated that APC members vote as commission members; not agency representatives.

Executive Director Baetge suggested writing a letter clarifying whether members vote as an agency representative or commission member.

B. 3-Year Strategic Plan

Executive Director Baetge presented the three-year strategic plan update. The purpose of the plan is to identify the key goals and objectives of the TRPA for the next three years. The strategic plan was the cornerstone of work planning and budgeting and a vehicle for discussion of strategic issues. Mr. Baetge planned to present overhead pictures at the meeting in August outlining some of the thresholds that needed to take place. The plan showed where we were going and how we were going to get there.

Mr. Poppoff requested more priority given on evaluating what TRPA has done and is doing in the area of SEZ restoration and BMPs. He would like studies done as to their effectiveness.

Mr. McDowell suggested Carl Hasty contact Carrie Lukacic at the Forest Service regarding the BMP effectiveness monitoring program initiated by the California Forest Service.

Mr. Mudgett mentioned the declining fishery in Lake Tahoe. He could not disassociate water quality and the fishery quality because they go hand in hand. He believed the fishery goes parallel with the water quality. He requested the plan include solutions to the fishery problem from both the California and Nevada Fish & Game. Mr. Mudgett wanted the Shorezone Committee included in the plan.
APC REGULAR MEETING MINUTES JULY 13, 1994

VII. REPORTS

A. Executive Director - None

B. Legal Counsel

Agency Special Projects Attorney Susan Scholley stated that TRPA had recently been served with a complaint in the action entitled Brian Stack v. TRPA. Mr. Stack was seeking to invalidate some sections of Chapter 4 and the transfer deadline for submitting an application for the commercial foundations. The case was filed in U.S. District Court in the Eastern District of California. The Douglas County Community plan settlement with the League to Save Lake Tahoe and Committee for Lake Planning was still under consideration. Ms. Scholley stated that there had been several counter offers, and the item would be going to the Governing Board in July. The issue of adoption of any ordinance amendments had been set aside at this time. A settlement offer had been received, and rejected by the Governing Board, in the Lawyers' Title action, and discussions were continuing for a possible settlement. No decision had been made in the 9th Circuit Appeal of the Tahoe Sierra Preservation Council case. The U.S. Supreme Court recently ruled in the Dolan v. City of Tigard case, involving the requirement to dedicate a flood plain and a bikepath to the City as a condition of expanding a hardware store. Agency Counsel R. J. Nicolle would be taking the Nevada Bar on July 27th & 28th at the University of Nevada.

C. APC Members - None

VII. ADJOURNMENT - Meeting adjourned at 5:20 p.m.

Sue Nikanovich
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.
July 28, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Recommendation on Certification and Finding of Technical Adequacy for the Tahoe City Urban Improvement Project EIR/EIS

Proposed Action: Advisory Planning Commission’s recommendation to the Governing Board is that the Environmental Impact Statement for the Tahoe City Urban Improvement Project is technically adequate and that it should be certified. The Final EIR/EIS consists of:

1. Draft Subsequent EIR/EIS for the Tahoe City Urban Improvement Project (September 1993)
2. Final Subsequent EIR/EIS for the Tahoe City Urban Improvement Project (May 1993)
3. Executive Summary for EIR/EIS for the Tahoe City Urban Improvement Project (August 1994)

If you do not have any of these documents, please contact Sue Mikanovich at (702) 588-4547 for a copy.

Staff Recommendation: Staff recommends that the Advisory Planning Commission make a finding of technical adequacy, and recommend to the Governing Board that they certify the Final Environmental Impact Statement for the Tahoe City Urban Improvement Project with the preferred alternative, as described.

Background: The Urban Improvement Project was proposed in 1988 as a Tahoe City Community Plan demonstration project. This public works project is a water quality, traffic, and scenic improvement project for the core of Tahoe City. A draft EIR/EIS was prepared for the project in 1989. Also, at the same time another EIR/EIS was being circulated for the Tahoe City Planning for the Protection of our Lake and Land

GWB/rd

AGENDA ITEM V.A.
Memorandum to Advisory Planning Commission
Recommendation on Certification and Finding of
Technical Adequacy for Tahoe City Urban
Improvement Project Final EIS -- Page 2

Community Plan. The Plan and the project became intertwined with controversy. Lawsuits were threatened. Without consensus on the Plan or the project, and after three meetings in 1991, the Advisory Planning Commission recommended TRPA action be deferred on the Community Plan until Placer County resolved the issues.

Although Placer County certified the project EIR in 1990, TRPA never took action on the EIS portion of the document. Further studies for drainage and traffic were contracted and numerous hearings occurred. The County selected a preferred project Alternative 13 based on the hearings and prepared the Draft Subsequent EIR/EIS in 1993.

In the meantime, the TRPA Governing Board, dissatisfied with the lack of progress in community planning, directed staff to override the Advisory Planning Commission recommendation to defer action on the Plan and to get the Tahoe City Community Plan to them as soon as possible. In February 1994, the Governing Board (with the Advisory Planning Commission's recommendation) certified the Community Plan EIS/EIR and adopted the Community Plan. The Community Plan EIS/EIR (which was also circulated twice) addressed many of the larger planning/impact issues.

The concept of the urban improvement project is fundamental to the Community Plan. The broader planning issues were resolved with the adoption of the Community Plan. The urban improvement project is required and described in Chapters IV and VII of the Community Plan. At this point, the project EIR/EIS focuses on the details of the required improvements. This required urban improvement project is important to achieving environmental targets and is required to be approved and funded prior to TRPA releasing the Community Plan incentives, i.e., commercial allocations.

In November 1993, the Advisory Planning Commission reviewed the Draft Subsequent Project EIR/EIS during the Advisory Planning Commission meeting. The Governing Board also reviewed the Draft EIR/EIS and took public testimony at the November, 1993 Governing Board meeting. The Advisory Planning Commission comments are listed and addressed in "Section O" of the Final EIR/EIS dated May 1994; no comments were received at the November 1993, Governing Board meeting. The public comment period for the Draft EIR/EIS began on September 24, 1993, and concluded on November 23, 1993.

The document labeled Final EIR/EIS addresses all the comments received during the circulation period for the Draft EIR/EIS. The Placer County Board of Supervisors unanimously certified the Environmental Impact Report (Draft and Final) at the June 7, 1994 Board of Supervisors meeting.

Analysis: In response to the Advisory Planning Commission's direction in July, TRPA staff has prepared a new executive summary explaining the recent developments (e.g., a new preferred alternative, updated mitigation requirements, community plan requirements, and other issues raised at the Advisory Planning Commission Meeting).
Advisory Planning Commission Issues:

Need for Executive Summary - Although there was a summary in the Draft EIR/EIS, the Advisory Planning Commission suggested that an updated summary would be appropriate. The Executive Summary is enclosed in this packet.

Content Requirements for an EIS - Also, because of the confusion with the location of subjects addressed in the Draft and Final EIR/EIS, the new Executive Summary summarizes the key elements required of an EIS. Questions of inadequate responses or data clarification are addressed in the errata which is included in the Summary.

Identification of Impacts/Mitigation and Findings - On the issue of findings required by the Compact prior to project approval, it appears that all impacts can be mitigated by the preferred alternative; therefore, the findings can be made without resulting in the overriding social/economic/technical finding. As required by the Compact, the actual findings will be presented with the project at the time of approval.

Proven Test for Drainage System - Regarding the issue of meeting the community plan requirement for a proven area-wide drainage system, the data indicates that the preferred alternative has the ability to meet the proven test. The final documentation will be presented with the project approval.

Consistency with the Community Plan - The new summary indicates that the preferred alternative should meet requirements of the Community Plan. Approval and funding of this project should qualify for the release of the incentives under Policy 1A of Chapter IV.

If you have any questions concerning this item, please contact Gabby Barrett of the TRPA staff at (702)588-4547.
MEMORANDUM

August 1, 1994

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination, Portion of Park Avenue Redevelopment Area, portions of APN's 29-440-04, 29-400-14, 29-200-12, 29-200-22 and 29-200-23. Park Ave and U.S. Highway 50, El Dorado County

Proposed Action: To amend the Land Capability Overlay Map (H-16) to indicate a determination of man-modified on portions of El Dorado County APN's 29-440-04, 29-400-14, 29-200-12, 29-200-22 and 29-200-23, in the vicinity of Park Avenue and U.S. Highway 50.

Staff Recommendation: Staff recommends that the Advisory Planning Commission recommend to the Governing Board approval of the plan amendment which changes the land capability of a portion of the parcels from land capability class 1b to land capability class 5, with the following conditions:

1. A schedule for the installation of standard BMPs be completed by the owner and a security deposit be posted prior to the acknowledgement of any permits on this parcel. All BMPs must be installed prior to October 15, 1997. Implementation of BMPs relating to, but not limited to, ripping of compacted areas, revegetation, and stabilization of fill sideslopes, shall be required as part of onsite mitigation. The owner shall post a security equal to 110 percent of the project cost as determined by a licensed Civil Engineer or equivalent, to ensure completion of the necessary BMPs on the parcel.

2. Prior to the acknowledgement of a permit for a new project on this parcel which relies on the increase in the allowable land coverage associated with this man-modified determination, the owner shall restore 122,392 square feet (2.8 acres) of stream environment zone (SEZ). A funded and TRPA approved plan for the restoration of the SEZ area shall be completed by the applicant prior to acknowledgement of any permits. The restoration of SEZ is to occur on parcels which have been designated as SEZ restoration sites within the Stateline/Ski Run California Community Plan area.

JP/rd
8/1/94

Planning for the Protection of our Lake and Land
Amendment of Regional Plan
Man-Modified Determination, Park Avenue Redevelopment Area,
Portions of APNs 29-442-04, 29-400-14, 29-200-12, 29-200-22, 29-200-23
Page 2

Background: This site is located about one-quarter mile from the California-Nevada stateline (see map Exhibit 1). The parcels which are affected by this man-modified determination cover an area of 140,340 square feet and is located at Park Avenue and U.S. Highway 50, South Lake Tahoe, California (see map, Exhibit 2). The soils and land capability classes in this area were mapped in 1990 by TRPA as part of the planning process for the Stateline/Ski Run California Community Plan. Based on this mapping the majority of this area was placed in land capability class 1b, associated with the Ev (Elmira loamy coarse sand, wet variant) map unit (See map, Exhibit 3).

A land capability challenge request was filed in June 1993, by Design Workshop and was accompanied by a soils investigation report prepared by Resource Concepts Inc. (RCI). This report included information on the area which is the subject of this man-modified determination, as well as the remainder of the Park Avenue Redevelopment area. Information on the soils and hydrology of this area was included. This soils information involved thirteen soil pits and soil information taken in the course of completing eight well drill holes. The soils information taken at the wells consisted of logging soil properties using a split spoon drill sampler. This soil investigation was designed to verify the extent of soils at the level of soil series and relate them to soils identified in the Soil Survey for the Tahoe Basin and the mapping completed by TRPA for the Community Plan.

Gathering of hydrologic information for this report involved the installation of eight observation wells, in addition to the three that were previously installed in 1989 as part of a surface runoff infiltration study. Eight new wells were installed in January 1993, and were read on the date of installation and on February 4, March 17, and June 2, 1993.

Based on the soils and hydrologic information, RCI classified the area being considered in this man-modified determination as land capability classes 5 and 6, associated with two map units created by RCI, JcB (Jabu cobbly loamy coarse sand) and G (Gefo gravelly loamy coarse sand), respectively.

After receiving this report and application, TRPA reviewed the information provided and compared it with that previously collected on this site by TRPA staff and with historical evidence contained in aerial photographs taken of the site dating back to 1940. Staff concluded that there was sufficient information from the aerial photographs to support the conclusions made by staff in 1990, that a major portion of these parcels were part of a larger meadow which extended down to Highway 50 from above the current Montreal Road, and that the area was properly placed into land capability class 1b, stream environment zone (SEZ).

In order to narrow the focus of this evaluation to the specific areas of major concern to the applicant, it was agreed that any further work to resolve the differences between the soil and land capability classifications determined by TRPA and RCI, would be focused on the portion of the Park Avenue Redevelopment Area directly adjacent to the lower part of Park
Amendment of Regional Plan
Man-Modified Determination, Park Avenue Redevelopment Area,
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Page 3

Avenue and U.S. Highway 50. RCI and TRPA staff agreed that two backhoe pits
would be excavated in the parking lot of the Crescent V Shopping Center
half way up to the entrance of the Raley's Supermarket and near the first turn
of Park Avenue (see map Exhibit 3).

This field work was completed on January 3, 1994 by a combination of TRPA
staff and personnel from RCI. Soils work was conducted by Joseph Pepi, TRPA's
Certified Professional Soil Scientist, and Leslie M. Burnside, Senior
Resource Specialist for RCI. Soils field description reports were prepared
for each of the backhoe pits. Based on these pits, the conclusion was that
the soils located on this portion of the Crescent V parcel consisted of less
than 1 foot of imported fill material placed over the native meadow soil. The
soils had colors which are indicative of formation under soil conditions which
were saturated substantial portions of the spring and early summer. These
reports support the conclusion drawn from the historical aerial photographs
that a major portion of this and adjacent parcels were a wet meadow that has
been modified by the placement of fill material, paving, and the installation
of a storm drain system to the extent that the land capability has been
significantly altered.

After clearly establishing that based on soils information that this site was
historically a stream environment zone, the evaluation shifted from a land
capability challenge to a man-modified determination. The focus then shifted
to verifying the current hydrologic conditions on the site. A meeting was
held on February 16, 1994 between Gary Mckiff, agent for the applicant, and
TRPA staff members Carl Hasty, Kevin Hill, and Joe Pepi, to discuss the
additional information required to make the man-modified determination for
the area around the Park Avenue and Highway 50 site. At this meeting it was
agreed that additional soils investigation pits and groundwater monitoring
wells adjacent to these pits were required.

During the field work conducted the first week of March 1994, SEZ indicators
were found along the rear of the Tahoe Manor Inn and the St. Christophers
Lodge, but not adjacent to the Cecils Market parcel and the Ski Bird Lodge.
Based on this information two additional groundwater monitoring sites were
identified; one behind the Ski Bird Motel in the right of way of Park Avenue,
and the other adjacent to the lower backhoe pit in the Crescent V Parking lot.

After installation of these new wells, (No. 9 and 10), it was agreed that all
the wells in the area that were the subject of this man-modified
determination, including well TH-1 installed in 1989, and well No. 3,
installed in 1993, would be read on a weekly basis through the middle of June
1994, alternately by TRPA and RCI, with the goal of determining the current
depth of groundwater below the ground surface. In addition, the remaining
nine wells in the redevelopment area were also read at the same time.

At the end of this monitoring period, it was determined that groundwater
levels in all of the four wells (TH-1, 3, 9, and 10) stayed below the 40 inch
depth limit under which they would be classified as SEZ and land capability
class 1b.
Chapter 20, Subsection 20.2.F of the TRPA Code of Ordinances, sets forth the standards for processing man-modified determinations. A man-modified determination is appropriate when land has been altered such that it no longer exhibits the characteristics of the original mapped land capability.

**Analysis:** The following analyses are provided to complete the man-modified report:

(a) Geomorphic characteristics – The Geomorphic Analysis of the Lake Tahoe Basin (Bailey, 1974) maps this area within geomorphic unit, E-2 (Outwash, till, and lake deposits, low hazard lands). The soils mapped on the parcel (see item c) are consistent with the mapped geomorphic hazard rating. Based on an analysis of historical aerial photographs and soils information gathered onsite, it would more appropriately be placed in E-3 (Alluvial lands, high hazard lands). However, due to placement of fill material, paving, and the installation of a storm water drain system, the geomorphic unit for this parcel has been changed.

(b) Surface and subsurface hydrology – There is no evidence of near surface groundwater in the area included in this man-modified determination.

(c) Physical/chemical soil characteristics – TRPA Land Capability Map H-16 shows these parcels in one land capability district and soil map unit. The land capability is Class 7 associated with the EfB (Elmira-Gefo loamy coarse sands, 0 to 5 percent slopes) map unit. Based on a land capability verification (LCV), TRPA staff determined that they were unable to verify land capability class 7. These parcels are mapped within one Geomorphic Unit, E-2 (Outwash, till, and lake deposits, low hazard lands) in the Bailey Geomorphic Analysis of the Lake Tahoe Basin. There is little or no native vegetation on the parcel, the majority of which is under asphalt pavement.

The soils on these parcels consist of moderately coarse textured fill material placed over the native meadow soils and a moderately coarse textured glacial outwash material on the terrace just above the meadow. The soils report prepared by Joseph Pepi is on file. Two soil map units were found on these parcels. The soils found on this parcel are most similar to the JeB (Jabu coarse sandy loam, shallow variant, 0 to 5 percent slopes) and the Ev (Elmira loamy coarse sand, wet variant) map units. Both are recognized in the Lake Tahoe Basin Soil Survey (Rodgers, 1974). The JeB map unit is in land capability class 5, and Ev is in land capability class 1b.

(d) Erosion hazard – The slope on this parcel is flat and the majority of the parcel is paved. The soils on this site have moderately low runoff potential and a slight relative erosion hazard.

(e) Vegetation – There is little native vegetation on these parcels and the vegetation on the unpaved disturbed areas is sparse.
(f) Land capability district - There was one land capability class found in this detailed soil investigation. This is land capability class 5.

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

A. Chapter 6 Findings:

1. **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 proposed amendment of the Regional Plan to amend TRPA land Capability Overlay Map H-16 is consistent with the procedures set forth in Chapter 20 of the Code. No significant impacts on the Regional Plan, Goals and Policies, Plan Area Statements, the Code and other TRPA plans and programs are anticipated.

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

   **Rationale:** The amendment is consistent with the Regional Plan and will help attain the environmental thresholds. The restoration of SEZ as part of the mitigation for this project will help achieve the threshold for SEZ restoration.

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 its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

   **Rationale:** For the reasons stated in support of findings 1, 2, and 3 above, the proposed amendment will result in the Regional Plan Package continuing to achieve and maintain thresholds.
B. Section 20.2.F. Findings

Finding: The land was modified prior to February 10, 1972.

Rationale: The fill material, paving, and drainage system was placed on these parcels in the mid-1960's. Documentation of this is contained in the administrative record.

Finding: Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area.

Rationale: Development of the paved area will not increase runoff or erosion provided all new development is completed with properly designed and installed BMPs which are properly maintained. Revegetation of the graded areas not utilized for development would enhance nutrient uptake and minimize surface erosion potential. There is no evidence of near surface groundwater and further development would not interfere with groundwater.

Finding: The land no longer exhibits the characteristics of land bearing the original land capability classification.

Rationale: The land capability of the parcel was mapped class 7, based on the soil survey completed in 1972. The alterations to these parcels are such that no groundwater is currently encountered within 5 feet. Before the fill, paving and drainage system were put in place, these parcels had native soils in which a seasonal high water table was found at a depth of 12 to 24 inches. Due to the change in drainage conditions, the soils now exhibit the characteristics of a land capability class 5.

Finding: Restoration of the land in question is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by off-site restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use and the land is not identified for restoration by any TRPA program.

Rationale: Onsite restoration of the parcel to the original land form and corresponding slope gradient would require removal of existing buildings and pavement and up to 2 feet of fill material to recreate the original land surface. Restoration of the parcel to the original
land surface level would severely impact the existing legal use of the parcel. There are no current TRPA plans for restoration of these parcels. The parcel is within the area designated by the Stateline/Ski Run California Community Plan for concentrated commercial development.

**Finding:** Further development can be mitigated offsite.

**Rationale:** The major impact related to the change in land capability of this parcel would be related to increased allowed land coverage. This loss of SEZ could be mitigated by offsite restoration of SEZ within the Stateline/Ski Run California Community Plan area. All new land coverage would be subject to the standard TRPA water quality mitigation fees.

**Finding:** Mitigation to offset the losses caused by the modification of the land and pertinent land capability district shall be as follows: (i) onsite and offsite mitigation, (ii) pursuant to a maintenance program, including a schedule of maintenance proposed by the owner and approved by TRPA, and (iii) collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

**Rationale:** The man-modifications of this parcel has resulted in an increased benefit to the owner in that there is an increase in allowed land coverage. The onsite mitigation for development of land coverage would entail runoff control of storm water by infiltration. Revegetation of disturbed areas would reduce runoff and erosion potential onsite. Onsite mitigation measures shall be in compliance with the TRPA BMP Handbook. The owner of the property shall include appropriate onsite mitigation measures with any project proposal submitted to TRPA, for review and approval.

There will be an increase of 33,682 square feet in allowable coverage over the allowed land coverage associated with the previous verified land capability (lb), as a result of the man-modified determination. This increase in land coverage would not have been available to the property owner had the parcel remained in its natural state. This increase in land coverage can be mitigated offsite by the restoration of 122,392 square feet of SEZ. The restoration of SEZ within the Stateline/Ski Run California Community Plan area can be accomplished by the restoration of SEZ area on parcels designated for SEZ restoration within the boundaries of the Community Plan area.

The owner of the property shall include a program and schedule for maintenance of the required BMPs as a condition of approval by TRPA.

JP/rd
8/1/94

AGENDA ITEM V.B.
Conclusions: Agency staff has found that due to the placement of fill, paving, and installation of a storm drain system, that the original land surface has been altered to such an extent that it now has characteristics which would place it in a higher land capability class (class 5) rather than the present class 1b associated with the Ev map unit. It is infeasible to restore the 1b land capability class.

If you have any questions or comments regarding this agenda item, please contact Joe Pepi at (702) 588-4547.
August 1, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Technical and Other Clarifying Amendments to Chapters 2, 4, 12, 20, 22, 24, 25, 28, 30, 33, 34, 35, 38, 78, 91, and 93

PROPOSED ACTION: The proposed action is to delete unnecessary Code provisions, make technical corrections, and add clarifying language to implement existing policies.

STAFF RECOMMENDATION: TRPA staff recommends that the APC conduct a public hearing and recommend adoption of the proposed Code amendments.

PROPOSED AMENDMENTS: The proposed amendments are set forth in Attachment A.

DISCUSSION: The amendments are the culmination of several years work compiling a list of mistakes and obsolete sections of the Code. Further, the amendments are intended to implement, in part, TRPA's goal of simplifying and clarifying the Code. The proposed amendments are the third of several phases of Code amendments designed to make the Code more consistent, to fill in the holes, to simplify language and procedures, and to delete unnecessary or obsolete sections. Staff would like to call attention to the Chapter 37 amendment which better defines "alternative building site."

ENVIRONMENTAL DOCUMENTATION: Because of the nature of the amendments, staff recommends a finding of no significant effect.

ACTION REQUESTED: The APC should conduct a public hearing and make a recommendation on the proposed amendments.

Attachment
ATTACHMENT A
August 1, 1994
Technical and Clarifying Amendments to Code
Third Phase

1. Amend Chapter 51 (Subsections 51.1.C and 51.5.A) and Chapter 21
   (Section 21.5 and Subsection 21.6.A), to insert July 1, 1987 as the
effective date of the Regional Plan. Explanation: This amendment makes the
Code more readable.

2. Amend Chapter 37 (Subsection 37.7.A) to define "alternative
   building sites" to avoid rescoring substantially identical building sites
   and to retitle the subsection to avoid confusion with "reevaluations"
   permitted under Subsection 37.10.C as follows:

   37.7 Most Likely Building Site: In determining the location of the
   most likely building site, the evaluation team shall consider: local
   building setbacks and open space easements, the relationship between the
   building site and access from the public right-of-way, and minimizing
   excavation and general site disturbance resulting from construction. Where
   the IPES field evaluation team has determined a most likely building site in
   order to undertake its evaluation, it shall make a permanent record of that
determination.

37.7.A. Reevaluation-Alternative Building Site: Where the IPES
   field evaluation team has determined a most likely building site
   in order to undertake its evaluation, it shall make a permanent
   record of that determination. If at a later time a project
   proponent selects a site other than the most likely building site,
   then TRPA shall score reevaluate the alternative building site
   selected parcel and shall, upon a written election by the project
   proponent, adjust the IPES score accordingly. In order to be
   deemed an alternative building site, the selected site shall not
   overlap the most likely building site area by more than 25
   percent. If the reevaluation causes a parcel’s score to be
   reduced below the level defining the top-ranked parcels, then the
   provisions of Subsection 67.8.B shall apply. The cost of the
   reevaluation scoring the alternative building site shall be paid
   by the project proponent.
MEMORANDUM

July 29, 1994

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Status Report on the Shorezone EIS and Cumulative Impact Analysis

The purpose of this memorandum is to provide the Advisory Planning Commission with the current status of the Shorezone EIS and Cumulative Impact Analysis. This memorandum summarizes tasks completed, lists the tasks to be completed, and discusses a conceptual approach to the review process of the Administrative Draft EIS. Progress on the document is not as far along as staff had anticipated. Since the last status report to the TRPA Governing Board in late April, a number of project applications were received requiring fisheries, wildlife, vegetation, and/or cultural technical review assistance from TRPA staff assigned to the Shorezone EIS. In addition, technical assistance from the same staff was required on larger program documents including, the California State Lands Commission’s administrative draft of the Nisqually subumbellata Management Plan, the Forest Service East Shore Timber Harvest EIS, and the Heavenly Valley Administrative Draft EIS and Master Plan.

Work Tasks Completed

The following tasks have been completed:

- Chapter I, Introduction
- Chapter II, Alternatives
- Chapter III, Affected Environment, completed and mailed to Mentors;
- Received comments from Mentors on Chapter III;
- Revising Chapter III based upon Mentor and in-house comments; and
- Selected view points to depict alternative scenarios for scenic photo simulations.

/ce
7/29/94

AGENDA ITEM VI.A.

Planning for the Protection of our Lake and Land
Work Tasks Remaining

The following list contains the tasks remaining. The tasks listed include only those items that need to be completed prior to the circulation of the Draft EIS.

- Sort and organize data collected and entered into TRPA's Geographic Information System for impact analysis;
- Generate all maps and figures;
- Analyze information and maps generated from the inventory;
- Prepare mock-ups for scenic simulation contractor of alternative scenarios;
- Complete scenic quality impact analysis based on simulations;
- Prepare draft of Chapter IV, Environmental Consequences. This chapter includes:
  Individual threshold impact analysis;
  Cumulative impact analysis;
  Mitigation measures necessary to reduce significant adverse impacts;
  Relationship between short term uses and long term productivity;
  Irreversible and irretrievable commitment of resources;
  Unavoidable adverse environmental impacts;
  Potential conflicts with other jurisdiction's plans, policies, and regulations;
  Growth inducing impacts; and
  Findings.
- Revise Chapter IV based upon mentor comments and recommendations;
- Prepare graphs, tables and diagrams for Draft EIS;
- Circulate Administrative Draft EIS;
- Revise Administrative Draft and prepare final layout for printers;
- Publish Draft EIS for distribution; and
- Initiate 60-day circulation and comment period, target date October, 1994

Conceptual Approach for Draft EIS Review

In order to proceed through the tasks of reviewing the Draft EIS and making policy decisions, it will be important to take more of a partnership approach. The conceptual approach is to involve a wide range of interests during the DEIS circulation period. This may take the form of a number of sub-groups or one large expanded version of the Shorezone Review Committee which would include public and private entities.

Staff will make a brief presentation for the APC outlining the "critical path" to completion of the Shorezone Draft EIS, public and private input, and policy development subsequent to the findings and conclusions. Staff will also present an updated schedule that includes Draft EIS circulation and comment period dates, anticipated date for certification of the Final EIS, and dates for the formulation of ordinances and Governing Board consideration thereof.
To Facilitate Completion of the Document

At this point in time other commitments are being minimized, overtime has been authorized and TRPA has employed a volunteer student intern to assist in completing the Draft EIS.

If you have any questions regarding this agenda item, please contact Coleen Shade at (702) 588-4547.
Memorandum

August 1, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Discussion and Guidance on Development of Provisions Relative to Urban Boundaries, Subdivisions, and Affordable Housing

---------------------------------------------

PROPOSED ACTION: No action is requested at this time. This item is informational only.

DISCUSSION: At the July Governing Board meeting, the Governing Board approved a litigation settlement in the League to Save Lake Tahoe v. TRPA and Committee for Lake Planning and Fuller v. TRPA actions in federal court in Sacramento. The litigation settlement summary is attached. Of special interest to the APC is the Board’s commitment to consider staff reports and recommendations on possible amendments to the subdivision rules.

The three areas of review are: 1) the definition of “existing urban areas;” 2) the addition of multi-family uses for the primary purpose of facilitating residential subdivisions; and 3) the availability of lands within the existing urban area boundaries for affordable housing, low cost rental housing and multi-family projects. The staff reports and recommendations must be presented to the Governing Board no later than December 31, 1994.

TRPA staff will conduct one or two public workshops in August and September to get public input on the issues. Further workshops will be scheduled if needed. Beginning with the September or October APC meetings, TRPA staff will present its initial reports and recommendations to the APC for public hearings and APC recommendations.

If any APC members are interested in being notified of, or attending, the public workshops, then please give your name to Sue Mikanovich at TRPA and she will add it to the current mailing list of persons interested in the subdivision ordinances.

For questions regarding this matter, please contact Susan E. Scholley, Special Projects Attorney at (702) 588-4547.

Attachment

SES/ 8/1/94

AGENDA ITEM NO. VI.B. Planning for the Protection of our Lake and Land

20
August 1, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Settlement of Douglas County Community Plan Litigation
             (League v. TRPA and Committee for Lake Planning v. TRPA)

Following is the summary of the approved settlement between the League to Save
Lake Tahoe (League), Committee for Lake Planning (Committee), Park Cattle
Company (Park) and TRPA.

1. League/Committee will dismiss their current Douglas County Community Plan
lawsuits and agree not to file lawsuits against the Ski Run/Stateline
Community Plan.

2. The parties will stipulate to the intervention of Park Cattle Company and
the consolidation of the two pending cases, for purposes of settlement.

3. TRPA and Park will agree to a waiver of the statute of limitations as to
the November 1993 PAS 070A amendment so that, if TRPA later approves a hotel,
League/Committee may contest the 1993 PAS amendment at that time.

4. TRPA will designate a SEZ restoration program manager by August 1994, will
insure that, at least, a person year is dedicated to the attainment of the SEZ
threshold in FYs 94-95 and 95-96, and will submit at least three grant
applications for SEZ restoration projects by June 30, 1995. (B-List items
from 1991 Threshold Evaluation)

5. TRPA will map the stream courses of Trout Creek, Upper Truckee River,
Third Creek, and Griff Creek, by December 31, 1995, and will prepare a written
report on the results of the mapping by June 30, 1996.

6. TRPA will identify and map all stream zones that are disturbed, subdivided
or developed, and will identify a list of SEZ restoration projects proposed

7. TRPA will use its best efforts to enter into a MOU with the Nevada State
Lands, by December 31, 1994, for SEZ mitigation banking and SEZ restoration.
The MOU will include a list of proposed projects in Nevada.

8. TRPA will complete an EA on the parking management program by June 30,
1995 or, if an EIS is required, will complete an EIS by December 31, 1995 ("B"
List item from 1991 Threshold Evaluation). Consultant selection, if any, will
be made in partnership with the Tahoe Transportation Coalition.

9. TRPA will acknowledge certain issues exist regarding the interpretation
and future application of the subdivision ordinances and will agree to have
TRPA staff prepare reports and recommendations by December 31, 1994 for
Governing Board consideration on three issues: 1) interpretation of
"existing" urban areas; 2) standards for adding multi-family uses to PASs; and 
3) preservation of areas for affordable and low cost housing. There is no 
commitment to propose specific amendments, to adopt the staff recommendations, 
or to amend the ordinances at all.

10. Pending consideration of the staff reports and recommendations, and 
action thereon, TRPA will not take action on residential subdivision 
applications for post-1987 projects filed after July 22, 1994, which are: 1) 
outside urban area boundaries existing on August 1, 1994; 2) in a PAS which 
did not permit multi-family uses on August 1, 1994; or 3) in a Preferred 
Affordable Housing Area (see attached PAHA list). This provision will not 
apply to subdivisions of affordable housing projects inside existing urban 
areas.

11. TRPA will use its best efforts to encourage expanded home mail delivery, 
including adoption of a resolution. ("B" List item from 1991 Threshold 
Evaluation).

12. TRPA will, as part of the 1996 threshold evaluation process, reevaluate 
the land coverage mitigation fee with consideration to updated cost estimates.

If there are any questions regarding this matter, please contact Susan 
Scholley, Special Projects Attorney, at (702) 588-4547.
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(BUs = bonus units assigned / Eligible = designated for Multi-Res. Incentive program)
(Uses: MF = multi-family, SFD = single family dwelling)
A= allowed use; S = special use)
August 2, 1994

MEMORANDUM

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Discussion of Riparian Vegetation Protection Provisions of the Code of Ordinances

Riparian vegetation is a primary indicator of a stream environment zone. Currently the Code of Ordinances (Code) provides for limited protection of riparian vegetation as outlined below. This item is before the Advisory Planning Commission as a discussion item to examine the current provisions of the Code and to provide guidance to staff on whether or not these provisions are adequate. Any recommended revisions to the Code or other regulations should be addressed within the context of the Agency’s 3-Year Strategic Plan and Work Plan.

Attached are sections from Chapters 4, 20, 71 and 78 of the TRPA Code of Ordinances. Section 20.4 of the Code states that "no additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2 and 3 and Land Capability District 1b (SEZs)" or as specified within Section 20.4.B. While both of these Code sections regulate coverage and permanent disturbance within SEZs, neither section prohibits trimming or other manipulation of vegetation within SEZs since this activity would not be considered permanent.

Sections 4.3.A(6) and 71.2 of the Code regulate the cutting, moving, killing or materially damaging of live trees. Cutting of trees less than six inches in diameter at breast height (d.b.h.) does not require TRPA review and approval. Section 4.3.A(6) requires a Qualified Exempt form only when the live tree is over six inches d.b.h.

Chapter 78 of the Code states that no project or activity shall be undertaken within the boundaries of an SEZ except for habitat improvement, dispersed recreation, vegetation management or as otherwise provided in Chapter 20. Removal of Riparian vegetation can be considered both habitat improvement or vegetation management and is therefore not prohibited.

In addition, Volumes 1 and 3 of the Water Quality Management Plan for the Lake Tahoe Region, does not prohibit vegetation manipulation within an SEZ.

Based upon these regulations, cutting of stream zone vegetation, as long as it does not cause permanent disturbance to the SEZ, is not a violation of the Code of Ordinances as it exists today.

If you should have any questions on this Agenda item, please contact Steve Chilton, Chief of Environmental Compliance at (702) 588-4547.

SC:jsd
(3) Structural remodeling or additions to existing structures provided there is, no excavation and backfilling in excess of that exempted by paragraph (5) below, no increase in the dimensions of a structure visible from any TRPA designated scenic threshold travel route, no height created greater than that allowed by Table A of Chapter 22 of the TRPA Code, no intensification or change in use, no increase in commercial floor area, no increase in density, no increase in existing hard coverage, a BMP retrofit plan and compliance schedule as set forth in Chapter 25 is submitted to TRPA, all excess coverage mitigation requirements, if any, are satisfied in accordance with Chapter 20, and there is existing paved access and parking.

(4) Replacement of an existing mobile home in a legally-established mobile home space, which does not result in a change in use or additional land coverage.

(5) Excavation, filling or backfilling for an area not in excess of seven cubic yards is exempt provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, or on parcels with IPES scores above the line, and the excavation site is stabilized within 48 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations which, when viewed as a whole, would constitute a project.

(6) Cutting, moving, removing, killing or materially damaging up to 100 live trees six inches d.b.h. or larger, per year within a project area provided all live trees to be removed are marked and a tree removal permit is issued pursuant to a memorandum of understanding between the appropriate forestry agency and TRPA, and the tree removal does not constitute substantial tree removal as defined in Subsection 71.3.1. The memorandum of understanding shall be consistent with the standards in Chapter 71.
(20.3.D)

(3) **Calculation Of Permissible Land Coverage Under IPES:** Calculation of permissible land coverage for parcels subject to IPES shall be in accordance with Chapter 37.

(4) **Overhang Allowance:** For every three feet off of the ground surface, one foot of the horizontal overhang dimension shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

20.4 **Prohibition Of Additional Land Coverage In Land Capability Districts 1a, 1c, 2 And 3 And 1b (Stream Environment Zones):** No additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2, and 3 and Land Capability District 1b (stream environment zones) except as follows:

20.4.A **Exceptions For Land Capability Districts 1a, 1c, 2 And 3**

**Prohibition:** The following exceptions apply to the prohibition of land coverage and disturbance in Land Capability Districts 1a, 1c, 2 and 3:

(1) **IPES:** Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved pursuant to IPES in accordance with Chapter 37.

(2) **Public Outdoor Recreation Facilities:** Land coverage and disturbance for public outdoor recreation facilities, which includes public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2 and 3 if TRPA finds that:

(a) The project is a necessary part of a public agency's long-range plans for public outdoor recreation;

(b) The project is consistent with the Recreation Element of the Regional Plan;

(c) The project, by its very nature, must be sited in Land Capability Districts 1a, 1c, 2 or 3, such as a ski run or hiking trail; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very
(5) Tyrolian Village: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved in accordance with Chapter 36, on parcels in Tyrolian Village, Units #1 through 5, inclusive, for which complete applications were filed and accepted by TRPA pursuant to the "Agreement Between The Tyrolian Village, Inc. And The Tahoe Regional Planning Agency Regarding Erosion Control Improvements And Reclassification Of Upper Tyrolian Village" dated May 26, 1983."

20.4.B Exceptions For Land Capability District 1b (Stream Environment Zone): The following exceptions apply to the prohibition of land coverage and disturbance in land capability district 1b (stream environment zone):

(1) Stream Crossings: Land coverage and disturbance for projects to effect access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 27, may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:

(a) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment is necessary to reach the building site recommended by IPES; and

(b) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

(2) Public Outdoor Recreation: Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:

(a) The project is a necessary part of a public agency's long range plans for public outdoor recreation;

(b) The project is consistent with the Recreation Element of the Regional Plan;
(c) The project, by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988.

(d) There is no feasible alternative which would avoid or reduce the extent of encroachment in the stream environment zone; and

(e) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

(3) Public Service: Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:

(a) The project is necessary for public health, safety or environmental protection;

(b) There is no reasonable alternative, including a bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and

(c) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

(4) Water Quality Control Facilities: Land coverage and disturbance may be permitted in Land Capability District 1b (stream environment zones) for erosion control projects, habitat restoration projects,
wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities if TRPA finds that:

(a) The project, program, or facility is necessary for environmental protection;
(b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and
(c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.

20.4.C Restoration Requirements: The following requirements apply to restoration:

(1) The restoration requirements of Subparagraphs 20.3.C(2)(e) and 20.4.A(2)(e), may be accomplished onsite or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 82.

(2) Only land which has been disturbed or consists of hard coverage or soft coverage shall be eligible for credit for restoration. Restoration plans shall require restoration to cause the area to function in a natural state with provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored are not eligible for credit. Permanent protection from further disturbance shall include, but not be limited to, recordation by the owner of deed restrictions, or other covenants running with the land, on a form approved by TRPA, against parcels in private ownership, permanently assuring the restoration requirements of Subparagraphs 20.3.C(2)(e) or 20.4.A(2)(e), as applicable. TRPA shall obtain appropriate assurance from a public agency that the requirements of Subparagraph 20.3.C (2)(e) or 20.4.A(2)(e), as applicable are met.

20.5 Excess Land Coverage Mitigation Program: This Section applies to projects where the amount of land coverage existing prior to the project in the project area exceeds the base land coverage for the project area prescribed by Subsection 20.3.A. Land coverage in excess of the base land coverage shall be mitigated by the transfer of land coverage pursuant to Subsection 20.3.C or the land coverage mitigation program set forth in this Section.
20.5.A Implementation Of Program: Except as otherwise provided by Subsection 20.5.B, all projects on parcels, or other applicable project areas, with unmitigated excess land coverage, shall be subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in Subparagraph 20.5.A(1) and (2).

(1) Excess Coverage Calculation: Excess land coverage equals the existing amount of land coverage, less the total of the following: the maximum allowable amount of base coverage; the amount of coverage approved by transfer; and the amount of coverage previously mitigated under this Section.

Excess Coverage (% sq. ft.) = Existing Coverage (% sq. ft.) - (Maximum coverage (% sq. ft.) + Transferred Coverage (% sq. ft.) + Previously Mitigated Coverage (% sq. ft.))

(2) Excess Land Coverage Mitigation Program Options: In the event land coverage reduction is required, the applicant may choose any of the following options, or combinations thereof, to comply with the requirements of this Section:

(a) Reduce Coverage Onsite: Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(b) Reduce Coverage Offsite: Coverage may be reduced offsite as part of the project approval. The land upon which the coverage is reduced shall be in the same hydrologically related area as the project. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(c) Coverage Mitigation Fee: A land coverage mitigation fee may be paid to TRPA in lieu of reduction of land coverage pursuant to Subparagraphs 20.5.A(2)(a) or (b). The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The fee shall be calculated pursuant to Subparagraph 20.5.A(3) and shall be non-refundable once paid.

(d) Parcel Consolidation Or Parcel Line Adjustment: The percentage of excess coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.
CHAPTER 71
TREE REMOVAL

Chapter Contents
71.0 Purpose
71.1 Applicability
71.2 General Standards
71.3 Minimum Standards For Tree Removal
71.4 Reasons For Tree Removal
71.5 Commercial Tree Removal

71.0 Purpose: The purpose of this chapter is to regulate the management of forest resources to achieve and maintain the environmental thresholds for species and structural diversity, to promote the long term health of the resources, and to create and maintain suitable habitats for diverse wildlife species.

71.1 Applicability: All projects and activities affecting the forest resources and components of the forest community, such as snags and fallen logs, understory, shrubs, and forbs and grasses, in addition to trees of all ages from seedlings to overmature, shall be subject to the provisions of this chapter. Refer also to Vegetation Protection During Construction (Chapter 65), Open Space Protection (Chapter 75), Landscaping (Chapter 30), and Revegetation Requirements (Chapter 77). (Except as exempted in Chapter 4, tree removal requires the review and approval of TRPA.)

71.2 General Standards: The cutting, moving, removing, killing, or materially damaging of live trees, the removal of disease-infested and hazardous trees, and the attachment of appurtenances to trees, shall comply with this chapter. Except as provided in subsections 71.4.B, and 71.4.H, all cutting of trees six inches d.b.h. and larger shall require approval by TRPA. Permits shall be granted or denied in conformity with the provisions of this chapter. Such tree-related projects and activities also shall conform to the other provisions of the Code.

71.2.A Findings: Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal or state agency through a memorandum of understanding.

71.2.B Harvest Or Tree Removal Plan: In cases of substantial tree removal, as set forth in subsection 71.3.I, the applicant shall submit a harvest plan or tree removal plan, prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality
CHAPTER 78
WILDLIFE RESOURCES

Chapter Contents
78.0 Purpose
78.1 Applicability
78.2 Protection Of Wildlife Habitat
78.3 Special Interest, Threatened, Endangered And Rare Species

78.0 Purpose: The intent of this chapter is to protect and enhance the existing diverse wildlife habitats, with special emphasis on protecting or increasing habitats of special significance, such as deciduous trees, wetlands, meadows, and riparian areas.

78.1 Applicability: This chapter applies to any activity or project which could affect basic habitat requirements, such as hiding and thermal cover, food, water, and space as necessary for survival of wildlife populations. Standards for the preservation and management of wildlife habitat are set forth in this chapter.

78.2 Protection Of Wildlife Habitat: Wildlife habitat shall be protected as follows:

78.2.A Stream Environment Zones: No project or activity shall be undertaken within the boundaries of a SEZ except as otherwise permitted for habitat improvement, dispersed recreation, vegetation management, or as provided in Chapter 20.

78.2.B Movement And Migration Corridors: Movement and migration corridors shall be protected as follows:

(1) Stream environment zones adjoining creeks and major drainages link islands of habitat and shall be managed, in part, for use by wildlife as movement corridors. Structures, such as bridges, proposed within these movement corridors shall be designed so as not to impede the movement of wildlife.

(2) Projects and activities in the vicinity of deer migration areas shall be required to mitigate or avoid significant adverse impacts. The location of deer migration areas shall be verified by the appropriate state wildlife or fish and game agencies.
In addition, no new land coverage or other permanent disturbance shall be permitted in SEZs except as follows (Goals and Policies, pp. IV-24, 25).

--- public outdoor recreation facilities if (1) necessary for a public agency's long range plans for public outdoor recreation, (2) consistent with the recreation element of the Regional Plan, (3) the project, by its nature, must be sited in an SEZ, (4) there is no feasible alternative which would reduce the extent of SEZ encroachment, (5) impacts are fully mitigated, and (6) SEZs are restored in an amount of 1.5 times the area of SEZ disturbed or developed for the project.

--- public service facilities if (1) necessary for public health, safety, or environmental protection, (2) there is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment, (3) the impacts are fully mitigated, (4) SEZ lands are restored in an amount of 1.5 times the area of SEZ developed or disturbed by the project,

--- projects which require access across SEZs to otherwise buildable sites if (1) there is no reasonable alternative which avoids or reduces the extent of encroachment, (2) impacts are fully mitigated, (3) SEZ lands are restored in an amount 1.5 times the area of SEZ disturbed or developed by the project,

--- new development in man-modified SEZs where (1) the area no longer exhibits the characteristics of an SEZ, (2) further development will not exacerbate the problems caused by development in SEZs, (3) restoration is infeasible, and (4) mitigation is provided to at least partially offset the losses caused by modification of the SEZ, and

--- SEZ restoration and erosion control projects.

Replacement of existing coverage in SEZs may be permitted where the project will reduce impacts on SEZs and will not impede restoration efforts. Existing structures in SEZs may be repaired or rebuilt (Goals and Policies, p. IV-25).

Although the presence of the 100-year flood plain, alone, does not constitute an SEZ under the proposed amendments, development in the flood plain is still restricted. Construction, grading, and filling of lands within the 100-year flood plain is prohibited, except as necessary to implement the Goals and Policies. All
mechanisms (Goals and Policies, p. VII-15). On February 18, 1988, TRPA and the California Tahoe Conservancy entered into a Memorandum of Understanding to establish the respective duties and authorities of the Conservancy and TRPA with respect to a land coverage bank to be operated by the Conservancy for the California side of the Tahoe Basin. TRPA will negotiate an MOU to establish a Nevada-side land bank. Private coverage transactions are also allowed in both states.

Coverage transfers are subject to the following qualifications and constraints (Goals and Policies, p. VII-15):

--- coverage transfers shall be at a ratio of 1:1 or greater,

--- coverage transferred for a single-family house shall be from a parcel equal to, or more environmentally sensitive than, the receiving parcel, and

--- in the case of parcels containing an SEZ, the amount of coverage attributable to the SEZ portion may be transferred to the non-SEZ portion or may be utilized in the SEZ pursuant to the access provisions of the SEZ policies.

In connection with a transfer of land coverage, the transferor lot shall be appropriately restricted and restored to a natural or near natural state. All transfers must be approved by the affected jurisdictions (Goals and Policies, p. VII-16).

Transfers of residential allocations are permitted from parcels located on sensitive lands to more suitable parcels. (An allocation, in addition to a residential development right, is required before any person can commence construction of an additional residential unit, except for affordable housing units as defined in the TRPA Code.) TRPA shall permit the transfer of allocations from parcels in SEZs, land capability districts 1, 2, and 3, lands determined to be sensitive under IFES, or shorezone capability districts 1 through 4, to parcels outside these areas (Goals and Policies, p. VII-16).

When an allocation is transferred, the entire donor parcel shall be permanently retired, and the transfer shall be approved by the affected jurisdictions.
5. Stream Environment Zone Encroachment

a. Restrict New Encroachment and Vegetation Alteration (regulatory) [40 CFR 130.6(c)(4)(ii), (iii)(E) and (G); 130.6(c)(7)]

As discussed in Chapter III, Problem Assessment and Control Needs, stream environment zones (SEZs) serve many functions in the ecology of the Tahoe Region, and are very important to water quality. The Goals and Policies require that SEZs shall be protected and managed for their natural values, and that groundwater development in SEZs shall be discouraged when such development might impact associated plant communities or instream flow (Goals and Policies, pp. IV-23, 24).

In addition, no new land coverage or other permanent disturbance shall be permitted in SEZs except as follows (Goals and Policies, pp. IV-24, 25):

-- public outdoor recreation facilities if (1) necessary for a public agency's long range plans for public outdoor recreation, (2) consistent with the recreation element of the Regional Plan, (3) the project, by its nature, must be sited in an SEZ, (4) there is no feasible alternative which would reduce the extent of SEZ encroachment, (5) impacts are fully mitigated, and (6) SEZs are restored in an amount 1.5 times the area of SEZ disturbed or developed for the project,

-- public service facilities if (1) necessary for public health, safety, or environmental protection, (2) there is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment, (3) the impacts are fully mitigated, (4) SEZ lands are restored in an amount 1.5 times the area of SEZ developed or disturbed by the project,

-- projects which require access across SEZs to otherwise buildable sites if (1) there is no reasonable alternative which avoids or reduces the extent of encroachment, (2) impacts are fully mitigated, (3) SEZ lands are restored in an amount 1.5 times the area of SEZ disturbed or developed by the project,

-- new development in man-modified SEZs where (1) the area no longer exhibits the characteristics of an SEZ, (2) further development will not exacerbate the problems caused by development in SEZs, (3) restoration is infeasible, and (4) mitigation is provided to at least partially offset the losses caused by modification of the SEZ, provided that only the TRPA Governing Board may designate an area man-modified where man has
changed the vegetation type, made cuts, placed fill, compacted the soils, or altered the hydrology, and only upon making the required findings, and

-- SEZ restoration and erosion control projects.

In making decisions regarding what types of public outdoor recreation facilities, by their nature, need or need not be sited in SEZs, TRPA shall follow the guidelines set forth in Table 16. Table 16 applies to facilities and activities which create additional land coverage or permanent disturbance. Table 16 does not apply to facilities and activities which do not create additional land coverage or permanent disturbance by virtue of a replacement or relocation of existing coverage or disturbance.

Replacement of existing coverage in SEZs may be permitted where the project will reduce impacts on SEZs and will not impede restoration efforts. Existing structures in SEZs may be repaired or rebuilt (Goals and Policies, p. IV-25).

In response to the TRPA policy calling for updating of the procedures for SEZ identification and related hydrologic zones pursuant to the recommendations of the TPES Technical Committee (Goals and Policies, p. IV-25), TRPA has developed refined procedures for establishing SEZ boundaries. The Code of Ordinances sets forth the pertinent definitions (see Table 17) and the following procedure for identifying SEZs:

An SEZ is determined to be present if any one of the following key indicators is present or, in the absence of a key indicator, if any three of the following secondary indicators is present:

-- **Key Indicators:** evidence of surface water flow, including perennial, ephemeral, and intermittent streams; primary riparian vegetation; near-surface groundwater; lakes, ponds, or lagoons; beach (Be) soils; or one of the following alluvial soils: Ev and Mh.

-- **Secondary Indicators:** designated 100-year flood plain; groundwater between 20 and 40 inches; secondary riparian vegetation; and one of the following alluvial soils: Lo, Co, or Gr.

The boundary of an SEZ is the outermost limit of the key indicators; the outermost limit where three secondary indicators coincide; or, if Lo, Co, or Gr soils are present, the outermost limit where two secondary indicators coincide, whichever establishes the widest SEZ at any point. The outermost boundary of a stream is the bank full width of the stream. (Code, Section 37.3)
<table>
<thead>
<tr>
<th>Category</th>
<th>Sensitive Lands</th>
<th>Capabilities 1a, 1c, 2, 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ski Areas</td>
<td>Any activity or facility which causes additional land coverage or permanent disturbance, except for stream crossings for ski runs provided no more than five percent of SEZ area in the ski area is affected by the stream crossings and except for facilities otherwise exempted such as utilities and erosion control facilities</td>
<td>Activities or facilities such as parking areas, base lodge facilities and offices, and retail shops (unless there is no feasible non-sensitive site available, the use is a necessary part of a skiing facility, and the use is pursuant to a TRPA-approved master plan), except for facilities otherwise exempted such as utilities and erosion control facilities</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>Facilities and activities such as campsites, toilets, parking areas, maintenance facilities, offices, lodges, and entrance booths, except for facilities otherwise exempted such as pedestrian and vehicular stream crossings, utilities and erosion control facilities</td>
<td>Facilities and activities such as campsites, toilets, parking areas, maintenance facilities, offices, lodges, and entrance booths, except for facilities otherwise exempted such as utilities and erosion control facilities</td>
</tr>
<tr>
<td>ORV Courses</td>
<td>Facilities and activities such as ORV trails, staging areas, parking areas, maintenance facilities, and first aid stations, except for bridged stream crossings, and facilities otherwise exempted such as erosion control facilities</td>
<td>Facilities and activities such as ORV trails, staging areas, parking areas, maintenance facilities, and first aid stations (unless the ORV course is pursuant to a comprehensive TRPA-approved ORV management plan for resolving resource management problems associated with ORV activity), except for facilities otherwise exempted such as erosion control facilities</td>
</tr>
<tr>
<td>Golf Courses</td>
<td>Facilities and activities such as tees, greens, fairways and driving ranges which require mowing, vegetative disturbance or fertilizer; clubhouses; retail services; proshop; parking areas; offices; maintenance facilities; and accessory uses, except for facilities otherwise exempted such as pedestrian and vehicular stream crossings, utilities, and erosion control facilities</td>
<td>Facilities and activities such as tees, greens, fairways and driving ranges which require mowing, vegetative disturbance or fertilizer; clubhouses; retail services; proshop; parking areas; offices; maintenance facilities; and accessory uses, except for facilities otherwise exempted such as utilities and erosion control facilities</td>
</tr>
</tbody>
</table>
TRPA's official land capability maps shall be used to identify SEZs initially, but are subject to field verification in every instance. If changes are identified involving areas greater than five acres in size, the Regional Plan maps may be amended. (Code, Subsection 20.2.E) For the community planning process in designated commercial core areas, the community plan must include information of the location, amount, and condition of stream environment zones (Code, Subsection 14.6.C). TRPA shall require a team of experts to make these determinations for each community plan, as set forth in the Code, rather than relying on the TRPA land capability maps, and shall not approve any community plan or master plan, or commit significant resources to development or restoration in affected watersheds, until maps are prepared and approved which precisely identify the SEZ areas and applicable setbacks for the affected areas and contributing SEZ areas a reasonable distance upstream.

Whether an SEZ is determined to be present or not, the 100-year flood plain is still restricted from development under the TRPA Goals and Policies, which prohibit construction, grading, and filling of lands within the 100-year flood plain except as necessary to implement the Goals and Policies, and require all public utilities, transportation facilities, and other necessary public uses located in the 100-year flood plain to be constructed and maintained to prevent damage from flooding and to not cause flooding (Goals and Policies, p. II-24). Development in the 100-year flood plain shall be found to be necessary to implement the Goals and Policies only for:

(1) Public outdoor recreation facilities if: (1) the project is a necessary part of a public agency's long range plans for public outdoor recreation, (2) the project is consistent with the recreation element of the Regional Plan, (3) the project, by its very nature, must be sited in a flood plain, (4) there is no feasible alternative which would reduce the extent of encroachment in a flood plain, and (5) the impacts on the flood plain are minimized,

(2) Public service facilities if: (1) the project is necessary for public health, safety, or environmental protection, (2) there is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in a flood plain, and (3) the impacts on the flood plain are minimized,
### TABLE 17  Definitions of SEZ Terminology

**Alluvial Soils** - All the following soil types owe their major characteristics to the presence of surface or subsurface water:

- (a) Loamy alluvial land (Lo)
- (b) Elmira loamy coarse sand, wet variant (Ev)
- (c) Celio gravelly loamy coarse sand (Co)
- (d) Marsh (Mh)
- (e) Gravelly alluvial land (Gr)
- (f) Fill land (Fd)

**Confined** - Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System", Davis L. Rosgen, April, 1985.

**Designated Flood Plain** - The limits of the intermediate Regional Flood where established for creeks by the U.S. Army Corps of Engineers, or the limits of the 100-year flood where established for creeks by the U.S. Army Corps of Engineers.

**Ephemeral Stream** - Flows sporadically only in response to precipitation, with flows lasting a short time.

**Groundwater Between 20-40 Inches** - Evidence of ground water between 20 and 40 inches below the ground surface (somewhat poorly drained soil).

**Intermittent Stream** - Flows in response to precipitation or snow melt.

**Lake** - A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.

**Man-Made Channel** - A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.

**Near Surface Groundwater** - Evidence of ground water within 20 inches of the ground surface (poorly drained soil).

**Perennial Stream** - Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

**Pond** - A standing water body less than 20 acres in size and/or less than two meters deep at low water.

**Primary Riparian Vegetation** - The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"
TABLE 17 (continued)

(a) Type 0: Open water - Open water, swamps and pools and Vernal pools.
(b) Type 2: Herbaceous - Wet marsh or meadow and Sphagnum bog.
(c) Type 7: Riparian shrub - Willow thicket and Alder thicket.
(d) Type 9: Broadleaf - Low elevations.

SEZ Setbacks - A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in Subsection 37.3.D.

Secondary Riparian Vegetation - The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

(a) Type 2: Herbaceous - Wet mesic meadow.
(b) Type 9: Broadleaf - High elevations.
(c) Type 19: Lodgepole - Wet type.

Slope Condition - The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

(a) Good - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.
(b) Average - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.
(c) Poor - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

Terrace - A moderately flat land area, above the flood plain, generally less than 20 percent slope.

Unconfined - Stream types classified under major categories C (excluding stream type 2), D and E as defined in the report entitled "A Stream Classification System", David L. Rosgen, April 1985.
(3) Projects which require access across flood plains to otherwise buildable sites if: (1) there is no reasonable alternative which avoids or reduces the extent of encroachment in the flood plain and (2) the impacts on the flood plain are minimized, and

(4) Erosion control projects, habitat restoration projects, stream environment zone restoration projects, and similar projects provided the project is necessary for environmental protection and there is no reasonable alternative which avoids or reduces the extent of encroachment in the flood plain.

In making decisions regarding what types of public outdoor recreation facilities, by their nature, must be sited in flood plains, TRPA shall follow the guidelines set forth in Table 16. Also, the above restrictions on development within the 100-year flood plain shall not apply to the shorezone of Lake Tahoe, except where it is determined to be within the 100-year flood plain of a tributary stream. Development within the shorezone is governed by the shorezone provisions of the TRPA Code of Ordinances.

In remote locations and other locations where TRPA or the Corps of Engineers or FEMA has not yet prepared 100-year flood plain maps and TRPA has reason to believe that a flood hazard may exist, TRPA shall require project applicants to accurately delineate the 100-year flood plain in their project applications.

b. SEZ Restoration (capital improvement program, private/public)
   [40 CFR 130.6(c)(4)(i), (iii)(G);
   130.6(c)(7)]

The setting, above, describes existing disturbance in SEZs within the Tahoe Region. To restore a portion of the natural treatment capacity lost from this disturbance, disturbed SEZs in undeveloped, unsubdivided lands shall be restored. In addition, 25 percent of the SEZs that have been disturbed, developed, or subdivided shall be restored (Goals and Policies, p. IV-23).

TRPA shall identify the number of acres to be restored and prepare a list of projects to achieve the threshold for SEZ restoration (Goals and Policies, p. IV-23). This restoration program is set forth in Volume III, Stream Environment Zone Protection and Restoration Program.
TRPA shall also develop an implementation program and establish an annual tracking system for SEZ restoration. The implementation program shall provide for restoration over a 20-year period (Goals and Policies, p. IV-23). Volume III of this 208 plan sets forth a more detailed schedule for refinement and implementation of the SEZ restoration program. The materials prepared by TRPA in accordance with the requirements of Chapter 32 of the Code of Ordinances provide detail on tracking of progress in SEZ restoration, and an interim target for SEZ restoration appears in Section I, Chapter VII of this volume, Plan Evaluation and Revision.

Golf courses in SEZs shall be encouraged to redesign layouts and modify fertilization to prevent the release of nutrients to adjoining ground and surface waters (Goals and Policies, p. IV-24).

c. SEZ Setbacks (regulatory)
   [40 CFR 130.6(c)(4)(ii), (iii)(E) and (G),
   130.6(c)(7)]

It is important to set new development back from the edge of SEZs, both to preserve the integrity of the SEZ itself, and also to preserve the important wildlife and scenic values of the edge zone created by the SEZ and the adjoining vegetation types. Buildings, other structures, and land coverage shall be set back from SEZs in accordance with Table 18, also contained in Chapter 37 of the TRPA Code as Technical Appendix I (Code, Subsection 30.5.D).

These SEZ setbacks represent a more refined system of setbacks than the buffers contained in the 1981 208 plan. The setbacks consider stream type (perennial, ephemeral, or intermittent), channel type (confined or unconfined), slope condition (good, average, poor), and situations where a channel is absent or man-made.

6. Vegetation Displacement

a. Protection of native vegetation during use and construction (regulatory)
   [40 CFR 130.6(c)(4)(ii), (iii)(E) and (G)]

The Problem Assessment, above, identifies damage or displacement of vegetation and the surface duff layer as a water quality problem, and calls for controls on such activities. Permanent disturbance or unnecessary alteration of natural vegetation associated with development activities shall not exceed the approved boundaries of the building, driveway, or parking structures, or that which is necessary to reduce the risk of fire or erosion (Goals and Policies, p. IV-4).
# Table of SEZ Setbacks

## Channel Present

<table>
<thead>
<tr>
<th>Perennial Stream</th>
<th>Ephemeral or Intermittent Stream</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confined</td>
<td>Unconfined</td>
</tr>
<tr>
<td>Slope</td>
<td>Condition</td>
</tr>
<tr>
<td>Good</td>
<td>Average</td>
</tr>
<tr>
<td>25' from edge of SEZ or 15' from edge of terrace, whichever is less.</td>
<td>50' from edge of SEZ</td>
</tr>
<tr>
<td>35' from edge of SEZ or 20' from edge of terrace, whichever is less.</td>
<td>10' from edge of SEZ or 15' from edge of terrace, whichever is less.</td>
</tr>
<tr>
<td>60' from edge of SEZ or 35' from edge of terrace, whichever is less.</td>
<td>25' from edge of SEZ or 15' from edge of terrace, whichever is less.</td>
</tr>
</tbody>
</table>

## Channel Absent

10' from Edge of SEZ

## Man-Made Channels

10' from edge of channel or primary riparian vegetation, whichever is greater.
7. **Fertilizer**

a. **Best Management Practices regarding the amounts, methods, rates, types, and locations of fertilizer application (voluntary/regulatory/remedial)**

[40 CFR 130.6(c)(4)(i), (ii), (iii)(C), (E) and (G); 130.6(c)(9)]

To help control water quality problems caused by the use of fertilizer, the use of fertilizer within the Tahoe Region shall be restricted to uses, areas, and practices identified in the BMP Handbook (Goals and Policies, p. II-43).

Revegetation of disturbed sites requires the use of species approved by the TRPA. A list of approved species is included in the BMP Handbook. TRPA shall prepare specific policies designed to avoid the unnecessary use of landscaping which requires long-term fertilizer use (Goals and Policies, p. IV-5).

According to the TRPA Code, projects that include landscaping or revegetation shall, as a condition of approval, be required to prepare fertilizer management programs that address: (1) the appropriate type of fertilizer to avoid the release of excess nutrients, (2) the rate of application, (3) the frequency of application, (4) appropriate watering schedules, (5) preferred plant materials, (6) landscape design that minimizes the use and impacts of fertilizer application, (7) critical areas, (8) the design and maintenance of drainage control systems, and (9) surface water and groundwater monitoring programs, where appropriate. (Code, Subsection 81.7.B).

Because of the large number of potential sites where property owners or managers may wish to apply fertilizer, and the ready availability of fertilizer from commercial outlets, public education is a very important aspect of the implementation program for fertilizer management BMPs. TRPA shall emphasize fertilizer management in its public education program, and shall make educational materials such as the Guide to Fertilizer Use in the Lake Tahoe Basin (TRPA, 1987) available to the widest possible audience.
Disturbance or removal of forest litter and the natural duff layer should also be avoided to promote the natural catchment of nutrients. A public awareness program will be implemented to inform local landowners of the value of needle litter (Goals and Policies, p. IV-5).

b. Use of native and adapted plants for revegetation (voluntary/regulatory)
   \[40 \text{ CFR 130.6(c)(4)(i), (ii), (iii)(E) and (G)}\]

Revegetation of disturbed sites requires the use of species approved by TRPA. TRPA shall prepare specific policies designed to avoid the unnecessary use of landscaping which requires long-term irrigation and fertilizer use (Goals and Policies, p. IV-5). A list of approved species has been prepared, and is part of Volume II, the BMP Handbook.

c. Restoration of areas of disturbed vegetation (voluntary/regulatory/remedial)
   \[40 \text{ CFR 130.6(c)(4)(i), (ii), (iii)(E) and (G)}\]

In addition to the program of SEZ restoration described above, restoration of areas which have been denuded of vegetation, or where vegetation has been badly disturbed or altered, is considered a Best Management Practice, and is subject to the implementation programs for BMPs described in this part. All persons who own land and all public agencies which manage public lands in the Region shall protect vegetation from damage, and restore the disturbed soils. This restoration of disturbed areas will have a positive impact on water quality (Goals and Policies, pp. II-41, 42).

TRPA's goal is to restore at least 80 percent of the disturbed lands within the Region to a natural or near-natural state by the application of BMPs (Goals and Policies, p. II-42). Riparian plant communities shall be restored or expanded whenever and wherever possible (Goals and Policies, p. IV-6).

Where TRPA has identified specific problems associated with the loss or alteration of vegetation, TRPA may require remedial actions to correct those problems under the provisions of Chapter 9 of the Code.
Memorandum

August 2, 1994

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Role of the Advisory Planning Commission, Recommendations to the Rules Committee of the Governing Board

ACTION REQUESTED: In order to prepare an agenda for the joint meeting of the Governing Board Rules Committee and the APC committee on the role of the APC, the APC should direct staff on what discussion items they wish to have agendized for the August 24th joint meeting.

BACKGROUND: At the July APC meeting, the Chairman appointed Stan Hansen, Dick Mudgett, Rob Joiner and himself (Joe Thompson), to an APC committee on the role of the APC. The APC committee will be meeting jointly with the Governing Board Rules Committee (DeLanoy, Bradhurst, Lau, Hagedorn, Waldie (chair)). The joint committee meeting will be held on August 24th at lunch during the Governing Board meeting at the North Tahoe Conference Center, Kings Beach. The general purpose of the joint meeting is to discuss possible amendments to the Rules of Procedure relating to the APC.

DISCUSSION: At the July meeting, the APC raised several possible issues for further discussion. Those issues are: 1) a requirement to have testimony presented to the APC prior to submittal of the matter to the Governing Board; 2) clarification of the role of "official" members of the APC; 3) APC review of "variances"; 4) a change in the APC meeting dates; and 5) an APC consent calendar for non-controversial items.

The APC should consider which of these issues are to be agendized for the joint meeting with the Rules Committee and what other issues, if any, should be discussed at the joint meeting. Attached is a copy of the current Rules of Procedure relating to the APC and Article V of the Tahoe Regional Planning Compact, as it relates to the APC.

Attachment

SES/
8/2/94

AGENDA ITEM NO. VII.A.
Planning for the Protection of our Lake and Land
ARTICLE VII - ADVISORY PLANNING COMMISSION

7.1 General: The Compact provides for the appointment of an Advisory Planning Commission (APC) by the Agency and establishes and sets forth certain functions and duties of the APC relating to the Regional Plan and amendments thereto. In addition, it is contemplated that the APC make recommendations to the Agency respecting matters over which the Agency has jurisdiction and exercises powers.

7.2 APC Review: Matters regarding Agency plans and ordinances and other matters the Governing Body determines appropriate for APC consideration shall first be submitted to the APC for review and recommendation. The Governing Body may determine that a particular matter is of such urgency that the public interest requires it to act without delay and without review and recommendation of the APC.

7.3 Recommendations: The APC shall consider each matter submitted concerning conformity with the Tahoe Regional Planning Compact, as amended, the Regional Plan and the ordinances, rules, regulations and policies of the Agency. Based upon such consideration, the APC shall submit a report and recommendation of the pertinent matters to the Governing Body. The report shall show the vote of the members of the APC and may include the position of the minority, if any.

7.4 Procedures: The APC shall be governed by these Rules and Regulations of Practice and Procedure. To the extent practicable, the rules provided herein for the Governing Body shall also govern the APC, but the APC may provide a different time and place of meeting from that set forth herein for the Governing Body and may also adopt different rules in those cases where these rules and regulations are not applicable or would be impracticable for the APC to follow. The APC shall notify the Governing Body in writing of any such rule or regulation which the APC has determined to be inapplicable or impracticable when applied to it and the change or substitute for such rule or regulation adopted by the APC.

7.5 Transmittal of Reports: Copies of reports and recommendations made by the APC shall be mailed or delivered to the Governing Body and to every interested party, including the local governments affected by the matter reported upon.

7.6 Consideration by Governing Body: At the next regular meeting of the Governing Body, or at any special meeting that may be scheduled, the Governing Body shall consider the report and recommendations of the APC. The Governing Body may hear additional testimony and argument concerning any matter or proposal submitted before acting thereon.

7.7 Participation by Governing Body Members: Members of the Governing Body may attend and participate in APC meetings, but their presence shall not be counted in determining whether a quorum is present nor shall Governing Body members be entitled to vote.

VII - 1
7.8 **Continuances:** The APC may continue to a specific date any matter which it determines lacks sufficient information for proper consideration.

7.9 **Meeting-Date:** Regular meetings of the APC shall be held on the second Wednesday of the month. Should any meeting day fall on a holiday, the meeting shall be held on the next business day thereafter which is not a holiday.
EXHIBIT "B"

ARTICLE VII - ADVISORY PLANNING COMMISSION

7.10 Quorum and Vote Required: A majority of members (not counting vacant positions) 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 to the state or entity each Commission member represents. A majority vote of the quorum present is required to take action, without regard to the state of representation.
ARTICLE IV.—PERSONNEL

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bilateral in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either State, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V.—PLANNING

(1) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(3) The agency shall develop, in cooperation with the States of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the U.S. Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities.
carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and
(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the States of Nevada and California;
(B) Utilization of a light rail mass transit system in the South Shore area; and
(C) Utilization of a transit terminal in the Kingsbury Grade area.

Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(2) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.