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 May 12, 1999, at the Chateau in Incline Village, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

May 3, 1999

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 Stateline 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

The Chateau, 955 Fairway Boulevard
Incline Village, Nevada

May 12, 1999
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 any 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 and Planning Matter 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 HEARINGS

A. Amendment of Chapter 4, Project Review and Exempt Activities, by Adoption of New Delegation MOU With the City of South Lake Tahoe

B. Amendment of Plan Area Statement 93, Bijou, to Create a Special Area #1

C. Amendment of Plan Area Statement 058, Glenbrook, to Prohibit the Construction of New Piers Per the Glenbrook Shorezone Plan

D. Amendment of the Stateline/Ski Run Community Plan as Follows:
   1. Amendment to the Permissible Uses Matrix
   2. Amendment to Redistribute Commercial Square Footage
   3. Amendment to Objective 2, Policy B, Regarding Construction of the Required Infrastructure Within the “Ski Run Village” District (3b)
VI. PLANNING MATTERS
   A. Staff Presentation on Tall Whitetop (Noxious Weed) and Its Potential Impact on Stream Environment Zones in the Tahoe Basin
   B. Forest Service Presentation on Status of Watershed Assessment

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

VIII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

April 14, 1999

REGULAR MEETING MINUTES

Chairperson Bob Jepsen called the regular April 14, 1999, meeting of the Advisory Planning Commission ("APC") to order at 9:40 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Hust, Mr. Doughty, Mr. Cole, Ms. Baldrica, Mr. Barham, Mr. Porta, Mr. Lane, Mr. Poppoff, Mr. Lawrence, Mr. Morgan, Mr. Haan, Ms. Kvas, Mr. Combs, Mr. Marchio, Mr. Jepsen
Members Absent: Mr. Kehne, Mr. McDowell, Ms. Kemper, Mr. Joiner

II. APPROVAL OF THE AGENDA

Executive Director Jim Baetge introduced the new APC member, Randy Lane. Mr. Baetge stated that Mr. Lane had recently been appointed by Douglas County to take Candi Rohr's place. We are pleased to have him on the APC board. Mr. Lane commented that he has lived in Lake Tahoe for 24 years in Douglas County at the Lake, and he is basically in the real estate business, development, etc. He stated that he has an infinity for Lake Tahoe or he would not have been here this long. He hoped that he could bring something to the Committee that would help, over the term that he would be involved.

Mr. Baetge stated that TRPA had a budget hearing in Sacramento this morning which both Jerry Wells and John Marshall had to attend. The meeting is over, and TRPA received good results out of the Assembly. In addition, there were no changes to the agenda.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

Mr. Morgan stated that on page 2 of the minutes, paragraph 4, second line, the sentence should read "110-feet long"; not "110-feet wide".

MOTION by Ms. Baldrica, with a second by Mr. Barham, to approve the March 10, 1999, APC minutes as amended. The motion carried unanimously.

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Chapter 4, Project Review and Exempt Activities, by Adoption of New Delegation MOU with El Dorado County

Chief of Project Review Rick Angelocci presented the staff summary amending Chapter 4, Project Review and Exempt Activities, to adopt a new Memorandum of Understanding between TRPA and El Dorado County.
A discussion ensued.

Mr. Haen suggested to Mr. Baetge that he write the Building Official in El Dorado and recognize Larry Lohman for his initiative on this delegation.

Both Mr. Angelocci and Mr. Baetge agreed.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Doughty, with a second by Mr. Hust, to recommend approval to the Governing Board amending Chapter 4, Project Review and Exempt Activities, to adopt a new Memorandum of Understanding between TRPA and El Dorado County, along with the changes to the typographical errors. The motion carried unanimously.

B. Lake Tahoe Source Water Assessment Protection Program

Associate Planner Jon Paul Kiel presented the status report on the development of the Lake Tahoe Source Water Protection Program.

A slide presentation was shown, along with a discussion.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

C. Amendment of the Boundary Line Between Special Areas #1 and #2 of The Tahoe Vista Community Plan to Include Placer County APN 117-072-012 in Special Area #1

Associate Planner John Hitchcock presented the staff summary amending the boundary line between Special Areas #1 and #2 of the Tahoe Vista Community Plan to include Placer County APN 117-072-01 in Special Area #1.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Ms. Leah Kaufman, the consultant for the project, stated that she and the owner, Bruce Eisenhard, were here primarily to answer any questions the APC may have. She encouraged the APC to adopt the additional mitigation program because the money that could be collected would be better spent in acquiring parcels for people to use. There is limited access in this area.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Combs, with a second by Mr. Morgan, to recommend approval to the Governing Board amending the boundary line between Special Areas #1 and #2 of the Tahoe Vista Community Plan to include Placer County APN 117-072-01 in Special Area #1. The motion carried unanimously.

(Break taken at 10:41 a.m.)
APC REGULAR MEETING MINUTES APRIL 14, 1999

(Reconvened at 10:59 a.m.)

D. Amendment of Chapter 20, Land Coverage, Relative to Maximum Land Coverage in Adopted Community Plans

Associate Planner John Hitchcock presented the staff summary amending Chapter 20, Land Coverage, relative to maximum land coverage in adopted community plans.

(Mr. Lane removed himself from the dais because of personal involvement with the project.)

A discussion ensued.

Mr. Haen suggested that subparagraph 3 read the same as subparagraph 2 so that it is consistent.

Ms. Kvas was of the opinion that the staff summary needed to be rewritten for more clarification.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Lew Feldman, representing Falcon Capital, commented that inconsistencies in the Code usually are generally discovered because a project comes forward that reveals the inconsistency. In this particular instance, there is an affordable housing project in Douglas County that is a 67-unit project to be constructed off of Kingsbury Grade. In order for that project to go forward this building season, we need to get this Code amendment approved so the project can come up for review because at the present time, absent this revision up to 50% coverage in the Community Plan, the project would not be approvable. I share the intellectual curiosity over the 70% versus 50%, I think it is a separate topic. Mr. Feldman encouraged the APC to take into consideration the comments that had been made with respect to clarifying the proposed language to move this forward so that we can get the Code amendment in place to approve the project, and thus the affordable housing. He stated that he would be happy to answer any questions that the APC may have.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Haen, with a second by Mr. Cole, to recommend approval to the Governing Board to amend Chapter 20, Land Coverage, relative to maximum land coverage in adopted community plans, with the provision that staff rework and redraft the staff summary before the Governing Board meeting. The motion carried with Ms. Kvas opposing.

Ms. Kvas opposed the amendment because she believed the document should be redrafted before being presented to the Governing Board.

(Mr. Lane returned to the dais.)

VI. PLANNING MATTERS

A. California Tahoe Conservancy, Discussion on Cove East Parcel 4 Restoration, City of South Lake Tahoe
Senior Planner Coleen Shade introduced Steve Goldman and Virginia Esperanza from the California Tahoe Conservancy, who would be presenting the Upper Truckee River Lower West Side Wetland Restoration Project.

Mr. Steve Goldman is the Program Manager for Erosion Control and Stream Restoration at the California Tahoe Conservancy, and the Program Manager for the Upper Truckee River project. He stated that he has been at Lake Tahoe for 14 years but this was his first time at the APC. Mr. Goldman explained that the Conservancy acquired 208 acres near the mouth of the Upper Truckee River in 1988 for the purposes of water quality improvement, wildlife habitat enhancement, wetland restoration, and public access improvement. The site was part of the historic Truckee Marsh, which was an 1100 acre wetland and is the largest in the Basin. Mr. Goldman went on to explain the history of the project.

Mr. Goldman further stated that the Upper Truckee River is the largest tributary to Lake Tahoe, and Trout Creek joins the Upper Truckee River. The combination of these two rivers is 30% of the drainage of the Lake Tahoe Basin. Lake Tahoe is drained by 63 tributaries, but this one river alone drains 30% of the basin, which makes it a very significant site, in addition to being an historic wetland that was a filtering zone for the lake. In addition, 75% of the urban wetlands in the Tahoe Basin have been disturbed or destroyed and/or altered, so the goal of TRPA is to restore 1100 acres of SEZ.

In June of 1998, the Lahontan Regional Water Quality Control Board approved a grant to the Conservancy to remove fill from Parcel 4 and restore wetlands. This is part of the Tahoe Keys Mitigation fund. Lahontan gave the Conservancy a schedule that they wanted the grant money expanded by the year 2,000. So the Conservancy is operating on a fast track.

The site has been studied for about five years now doing hydrologic studies, groundwater studies, river studies, plant community studies, wildlife studies, and more recently studying conceptual alternatives for this Parcel 4 restoration, which is called the Lower Westside Wetland Restoration. Mr. Goldman described the four conceptual alternatives for the wetland restoration.

Mr. Jepsen questioned what percentage of the river water would be treated. Mr. Goldman replied that their consultants had done a statistical analyses of lake levels and river levels, so you have to compare lake elevations and river elevations and what percent of the time is the lake on the site and when the lake isn't there, what percent of the time is the river high enough to get there. When the lake is low, it tends to be a drought period, and the river is also low. The Conservancy is going to do that analysis to figure out how much water we can get on the site, but primarily the site is going to need to function as a natural wetland that will get water through a natural process of flooding, either by the lake or by the river. If we want to maximize for water quality treatment, then we would have to either pump water out there or put some kind of diversion structure in the river to force water over there. Mr. Goldman didn't believe that was a good idea. Pumping water out there during the establishment of the plants is a good idea because flood irrigating the site to establish vegetation is probably the best way to establish wetland vegetation. In addition, we would also get some water quality treatment during the establishment period.

Mr. Baetge questioned how do the alternatives tie into Cove East project. Mr. Goldman stated that one of the requirements the Conservancy put on their consultant is that whatever we do here, needs to be compatible with the ultimate restoration of the site, and we are looking at restoring the natural function of this river to what it was. The river very rarely goes over its
banks. One of the criteria we put on the design is that whatever we do here, it has to work with the ultimate restoration.

Mr. Baetge stated that his main concern is that it wouldn’t destabilize twice. Mr. Goldman commented that he has been very assertive with the team that we have to thoroughly examine the functionality of this with later scenarios; we don’t know what exactly the river is going to be.

Mr. Popoff commented that the Conservancy’s flood plain approach would be the best for the long run. Mr. Goldman stated that the Conservancy is leaning towards this one (indicating). The drawing is probably more limited than it’s going to be. Originally, the Conservancy thought we were going to have to limit it to an area about this size because the Lahontan grant is not big enough to restore all the parcel.

Mr. Popoff commented that the $699,000 is mostly just to remove fill. Mr. Goldman stated that this figure is for fill removal and wetland planting, and $30,000 is for the monitoring that Lahontan required. That number was calculated based on a $15 per cubic yard figure for hauling the fill far away. There may be cheaper options for disposing of the fill so we might be able to do more than we thought if we can take it to the asphalt plant, which would be a lot cheaper.

Mr. Popoff questioned if the fill had to be removed from the Basin right now. Mr. Goldman stated that no, not necessarily, but we used a figure that was a conservative figure because we don’t know exactly where we will have to haul it to. The other preferred site at this point is the Globin Ponds, which are abandoned reservoirs above Pioneer Trail near the Sierra House Elementary School. When we did the Cold Creek Restoration in 1994, we had a negative declaration done for that project that proposed the use of the Globin Ponds as a disposal site for this fill. That negative declaration was approved. Part of that site has already been filled with the Lake Christopher Dam and fill from Lake Christopher, but there is still a huge hole there, and it is a fairly short haul; maybe 4 miles from this site; so that is a good disposal site also.

Mr. Popoff stated that he hoped the Conservancy didn’t go to pumping because of the cost of running those pumps will someday mean that they won’t pump; that is what’s happening in the Tahoe Keys today with that pumping system because it is too expensive. Mr. Cole reiterated that that was his immediate reaction as well. He stated that some day in the future, who knows whether sooner or later, somebody is going to say “you know, this wasn’t such a great idea”. If we can end up with a more natural wetland area that will better integrate into the bigger plans for Cove East, then that makes the most sense of all.

Mr. Morgan questioned Mr. Goldman if his concept of the flood plain was to allow this to have second and third phases perhaps that would extend this further back and remove that fill completely. Mr. Goldman replied that ultimately, we would like to remove all the fill from Parcel 4, with the exception of a buffer area on the West side to keep the water from getting into the Marina because we don’t want the river water to spill into the Marina. We would like to remove as much as possible to restore wetlands over that entire area. Mr. Morgan further supported Mr. Popoff’s comment about the pumping. Eventually, those become something that eats up all the money if it continues to work. Mr. Morgan stated that a natural system that would flow by gravity and on the elevation of the lake and the streams would be the ideal way to go.

Mr. Popoff questioned when the Conservancy plans on finalizing the restoration project and start work. Mr. Goldman stated that they have had a lot of rescheduling, and it has taken a long time to get to this point. If we plan on meeting Lahontan’s schedule of spending the money by
the year 2,000, we have to be ready to bid the job by May of 2,000 so that we can get a contractor out there hauling dirt. Mr. Goldman stated that his concern was how are we going to haul dirt out of there if the lake is at 6229' and the ground water is way up, and the site is going to be soupy and messy. If the lake is at the maximum level, we may want to wait a year to do it because it is going to be difficult.

Mr. Combs commented that from a water quality standpoint, this looks like a great project, but from the standpoint of other impacts and what other environmental document the Conservancy may need to do, has there been any thought about how many truck trips are involved and what neighborhoods they will be going through. Mr. Goldman replied that an analysis had not been done as to how many truck trips will be made. It is going to be a lot of truck trips. There will be a steady stream of truck trips every ten or 15 minutes during the Summer, all day long. Another option would be barging it somewhere where it could be off loaded somewhere else.

Mr. Combs commented that he supports projects like this that are going to improve water quality, but the truck trips will have a localized significant impact for the local traffic circulation. He hoped that the Conservancy could work this problem out. Mr. Goldman asked for suggestions but Mr. Combs didn’t have any.

Mr. Cole suggested that instead of taking Tahoe Keys Boulevard, they should go down Venice and then up 15th Street because at least it runs the trucks through Tahoe Keys that way and not through the more innocent neighborhood.

Mr. Cole questioned if Pope Marsh was above 6226.6 or below that level. Mr. Goldman said he didn’t know. Mr. Cole said that the reason he was asking was because the Conservancy had talked above the lake inundating this area, and he was wondering how significant that is if there is plant material there that could filter the river water anyway; even if the lake is there, the river would still be flowing through that.

Mr. Goldman did not know the elevation of Pope Marsh, but Lahontan asked the Conservancy to do a study of the feasibility of routing water from the river, through Tallac Lagoon, out the Lagoon through Pope Marsh as a way of treating some river water. During the late 1980’s, Pope Marsh was dry and it needed water and we weren’t getting treatment. The study showed that it was feasible to do this, but it would have to start back where the river is higher, and it would require a stage of the river that was three or four feet in order to really get a velocity going that way.

Mr. Cole stated that he was talking in terms of some of the other alternatives that were being discussed and the fact that the Conservancy would have the lake inundating some of this area (indicating) of Parcel 4, and he believed that this would make it not effective as a water treatment area because the lake would be inundating that area. If it is a marsh land with plant material and that sort of thing in that area, even if the lake inundates it and the river is still filtering through that, doesn’t it still function adequately as a water treatment.

Mr. Goldman replied that he believed the issue is they would be treating lake water; that lake water is a lot cleaner than river water. So when the lake back water is in there, there will be some treatment. We don’t know exactly what the quality of that lake water is in the immediate area; the mouth of the river; because it is probably dirtier near the mouth of the river than it is out in the middle of the lake. But it is still probably going to be a lot cleaner than the river, and Lahontan was initially interested in treating the river water.
Mr. Porta questioned if the $30,000 for monitoring included the sediment monitoring within the wetland area. Mr. Goldman replied that the $30,000 was set aside by Lahontan, and it was to monitor the effectiveness of the project; they wanted to know what kind of treatment are they getting upstream and downstream. One of the tasks that we gave our consultants was to develop a monitoring plan that will enable us to tell how affective this thing is. It will be difficult to monitor this project.

Mr. Porta stated that he is concerned with sediment contamination. While you are removing the nutrients, which is good, one could be building contaminants within the area that you are developing. He questioned if this issue had been addressed or looked at. Mr. Goldman stated that measuring sediment buildup would be a significant thing to measure because it is evidence of treatment effectiveness. One of the things that can be done fairly easily would be to walk around with a ruler and stick it into the mud and then you can do some analyses of deposition that way. Mr. Porta commented that he was more concerned about contaminants within the sediment because otherwise they fill up with contaminants; you get a flood, and then they are flushed out into the lake. He wondered if this had been looked at and if the Conservancy had considered monitoring that. Mr. Goldman stated that the Conservancy is considering ways of measuring the inflow and outflow and no one has come up with a good plan yet. The contract is being amended now to ask the consultant to come up with specific recommendations of how to monitor this so we can tell how effective it is.

Mr. Porta just added that the contamination issue should be looked at, especially since the project is running through an urban area that the Conservancy is trying to clean, in addition to high runoff. Mr. Goldman asked Mr. Porta if he would be willing to help the Conservancy develop a monitoring plan. Mr. Porta stated that he is with the Bureau of Water Quality Planning for the State of Nevada, and if they had something, they would be happy to look at it.

Mr. Morgan asked if the Conservancy had approached the Lahontan about extending the period of time that they could spend the money. Mr. Goldman replied that they had not approached them yet because they were not very happy with how long the Conservancy took to get this far. At some point, Mr. Goldman stated that they may have to discuss this issue with them. They have invited the Lahontan staff to all of the planning meetings, which they have been coming to. At this point, we are still pushing for 2,000.

Mr. Morgan asked if Mr. Goldman had talked to their consultants about trying to raise the level of the base of the river so that you can get a better spread of the water. Mr. Goldman responded that when we did the initial planning study, the consultant suggested raising the bed of the river about three feet. The initial study of the river showed that it has about 1,000 CFS capacity, and the natural bankfull channel for this Upper Truckee River based on two different types of studies. The study showed that the natural river was about 370 CFS channel, which is about one-third the size of the channel. The bottom of the channel and the sides of the channel would be brought up so it would be significantly smaller. The bottom would be about three feet closer to the meadow elevation. The most logical concept would be to put the water back into the historic channels. But it raises issues like flood impact that need to be studied.

Mr. Haen commented that in terms of the flood plain alternative, the Conservancy should make sure the threat of breach into the sailing lagoon while removing fill does not occur.

Mr. Haen questioned if there was an opportunity at lower levels to do a first flush, low flow pumping system if we are looking at a summer storm as a major source of contamination. Mr. Goldman stated that this would probably be one of the best ways of getting treatment of water to
take first flush water and put it out there. If it is the desire of Lahontan and the other reviewers of this project that we want to treat water, then some kind of pumping system would probably be needed. But when you do the calculations of how many pounds of nutrients and sediment you can get may not be a big number.

Mr. Cole commented that the reason some of the homes in the area were flooded a couple of years ago is that the linear part of the river is so channelized it so restricts the flow that the water backed up as a result. If the river were allowed to follow more historic channels through that area and spread out, Mr. Cole was of the opinion that it is less likely to have flooding in those developed areas than you did a couple of years ago.

Mr. Poppoff commented as a historic note, when the property was in private hands and Lahontan was looking at mitigation of the East Cove, we received an estimate of $50,000 to do this same job; remove the fill.

VII. REPORTS

A. Executive Director

Executive Director Jim Baetge stated that the Notice of Circulation on the Shorezone EIS has been published. Colleen Shade stated that there would be a meeting of the Shorezone Partnership on May 21, 1999. She commented that there would be a 90 day comment and review period that ends on July 2, 1999.

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

Mr. Cole complimented Ms. Shade on her hard work to get to this point with the document. Ms. Shade reiterated that she was out on maternity leave for a large portion of that so Gabby Barrett and Sue Rae Irelan deserve most of the credit.

Mr. Baetge complimented Gary Marchio for successfully adopting the streamlining Ordinance with the City of South Lake Tahoe and TRPA.

In addition, Mr. Baetge stated that there was a bill in Nevada that would give the local jurisdictions authority to enforce the two-cycle engine ordinance.

B. Legal Counsel

Mr. Baetge commented that Agency Counsel, John Marshall, was not able to attend the meeting today. When he returns, Mr. Baetge stated that Mr. Marshall will bring the APC up to date on the legal issues.

C. APC Members

Mr. Combs stated that the Tahoe City Sidewalk project would be starting construction this summer.

Mr. Haen suggested that half the APC meetings be held on the South Shore and the other half on the North Shore.

VIII. ADJOURNMENT - The meeting was adjourned at 12:30 p.m.
Respectfully submitted,

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Doria Court, Zephyr Cove, Nevada.
MEMORANDUM

April 30, 1999

To: Advisory Planning Commission Members

From: The Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt A New Memorandum of Understanding Between TRPA and the City of South Lake Tahoe

Proposed Action: As provided for in the Permit Integration Program Action Plan, TRPA staff is currently pursuing both the development of new MOUs as well as amendment of existing MOUs to improve coordination between certain governmental agencies and to provide clarification and expansion of certain exempt and qualified exempt activities and to increase delegation responsibilities where appropriate. The APC is requested to recommend to the Governing Board approval of the new MOU with the City of South Lake Tahoe (Attachment A) exempting certain activities reviewed by the City from TRPA review.

Description and Discussion: As provided in both the Permit Integration Program Action Plan and the California State Performance Audit (1997) it was recommended that TRPA pursue the delegation of small commercial and other activities to the local jurisdictions so that TRPA could focus on implementation of the Environmental Improvement Program (EIP).

The proposed new MOU would allow the City of South Lake Tahoe to review, permit and enforce applications for:

- Small Commercial (new, additions/modifications) where the amount of new commercial floor area does not exceed 2,500 square feet
- Multi-family Dwellings (new, additions/modifications)
- Minor Additions/Modifications to Tourist Accommodation Uses
- Existing Use/Structure Verifications
- Temporary Uses
- Temporary Structures
- Commercial Changes in Operations

4/14/99
RA

AGENDA ITEM V.A
Review by the City would be limited to only those projects identified in Chapter 4, Appendix A of the TRPA Code as staff or Hearings Officer level review. Any of the activities listed in Chapter 4, Appendix A as Governing Board level would be retained by the TRPA.

Chapter 4, Section 4 of the Code would be amended to add a new Section 4.4.1, Small Commercial and Related Activities by the City of South Lake Tahoe: As set forth in Appendix KK, dated April, 1999, of this Chapter.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for each of the proposed MOUs. Based on the checklist, staff recommends a finding of no significant effect on the environment for the proposed MOU.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

A. The project (ordinance) 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;

Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOU with the City of South Lake Tahoe are minor in nature and are subject to all the provisions of the Regional Plan. The activities will be reviewed, approved and inspected by the City of South Lake Tahoe consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of City of South Lake Tahoe and TRPA staff time as well as avoid the duplicative review process currently experienced by the City, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

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

Activities undertaken pursuant to the proposed new MOU are subject to the provisions of the Regional Plan. The activities reviewed by the City of South Lake Tahoe will be in accordance with all applicable TRPA regulations. Therefore, the activities listed in the new MOU will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

C. Wherever federal, state, and local air and water qualify standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards; and
Activities undertaken pursuant to the proposed MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

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

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings - Article VI(a) states:

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

As discussed above, all activities undertaken pursuant to this MOU will be reviewed under the provisions of the Regional Plan package, including the TRPA Code, Plan Area Statements and applicable Community Plan. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, coupled with limitations elsewhere in the Code, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed MOU will implement Section 4.4 of the Code which allows certain activities to be reviewed by local governments pursuant to a memorandum of understanding.

If you have any questions regarding this staff summary, please call Rick Angelocci at (775) 588-4547.
APPENDIX KK

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
THE CITY OF SOUTH LAKE TAHOE

This Memorandum of Understanding is entered into this _____ day of _______________, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the City of South Lake Tahoe (CITY), by and through its Mayor, as authorized by the City Council.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by CITY pursuant to the MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) requires TRPA to define which activities are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of CITY as it pertains to review of projects, within the City of South Lake Tahoe and consistent with the mandate of the Compact to defer land use regulation to local government wherever feasible, CITY and TRPA agree that CITY shall review those activities listed under 14 of this MOU to be undertaken within the CITY limits of the City of South Lake Tahoe. Such review by the CITY shall include application of all applicable TRPA regulations to such activities otherwise subject to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed a qualified exempt activity under TRPA regulations.

IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. With the exception of those applications requiring TRPA Governing Board approval (Chapter 4, Appendix A), all applications for those activities listed under 14 of this MOU located within the City of South Lake Tahoe limits are hereby exempt under Chapter 4 of the TRPA Code and shall be reviewed by CITY.

2. CITY shall administer, in accordance with the provisions of this agreement, all standards of the TRPA Code as applicable to the activities as authorized by this MOU.

CITY shall utilize the TRPA Project Review Conformance Checklist and Procedural Guidelines in its review of projects, as authorized by this MOU.

ATTACHMENT A
CITY shall coordinate with TRPA to determine whether there have been any previous TRPA actions with regard to the subject parcels and the effect of any such action on the pending applications.

3. CITY shall be authorized to collect application and mitigation fees, security deposits, and other designated fees on behalf of TRPA in accordance with fee schedules to be provided to CITY by TRPA. Such fee schedules shall be sufficient in detail to provide specific information concerning fee calculations to assist CITY in performing fee collection activities. Furthermore, CITY shall be authorized to retain a percentage of all application fees collected to offset CITY’s costs of administering the provisions of this MOU. Such percentage shall be mutually agreed upon in writing by TRPA and CITY, and may be amended from time to time by mutual agreement of the Executive Director and the Chairman of the Board of Supervisors.

All mitigation fees collected by CITY on behalf of TRPA pursuant to this MOU shall be paid to TRPA on a monthly basis under procedures mutually agree upon by the finance officers of the parties hereto.

4. All existing MOUs between the CITY and TRPA shall remain in full force and effect.

5. Nothing in this MOU shall be construed to limit the authority of CITY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the land use regulatory powers of either CITY or TRPA.

6. The CITY and TRPA staff shall review quarterly the implementation of this MOU and shall report to their respective governing boards following such reviews.

7. In carrying out the intent of this MOU, CITY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage, allocations, and any other applicable procedures. All project accounting and tracking shall be completed by CITY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, CITY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. CITY shall submit completed tracking forms to TRPA on a monthly basis.

8. CITY shall perform compliance inspections to ensure that the projects and activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved.

CITY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the TRPA Code as authorized by this MOU, including the processing of Code violations involving unpermitted activities. Settlements of violations involving civil penalties must be approved by TRPA. If a violation cannot be resolved at the staff level, CITY shall contact TRPA to institute the formal notice of violation procedure.
9. Any activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.

10. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

11. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by CITY without the prior written approval of TRPA.

12. Review of projects identified in 14, below, shall be limited to those projects identified in Chapter 4, Appendix A of the TRPA Code, as amended, as staff or Hearings Officer level. Where the review level is identified as Hearings Officer, all procedures identified in the Hearings Officer Procedural Guidelines shall be used. When feasible, joint TRPA Hearings Officer/City Zoning Administrator public hearings shall be held.

13. When required, TRPA staff shall serve as support staff to the CITY in review of the project applications listed in 14, below. Support shall include, but not be limited to, traffic analysis, scenic, and soil/hydro report reviews. All land capability verifications shall be retained by the TRPA.

14. Activities to be reviewed, permitted and enforced by the CITY:

   a. Small Commercial (new, additions/modifications) where the amount of new commercial floor area does not exceed 2,500 square feet
   b. Multi-family Dwellings (new, additions/modifications)
   c. Minor Additions/Modifications to Tourist Accommodation Uses
   d. Existing Use/Structure Verifications
   e. Temporary Uses
   f. Temporary Structures
   g. Commercial Changes in Operation

Note: Any project listed in the categories above requiring a higher level of environmental documentation than Categorical Exempt as defined under the California Environmental Quality Act (CEQA) shall automatically require TRPA review and approval.

CITY OF SOUTH LAKE TAHOE

Dated: ____________________________

__________________________________
Mayor

TAHOE REGIONAL PLANNING AGENCY

Dated: ____________________________

__________________________________
James Baetge
Executive Director
April 23, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 093, Bijou, Residential, to Add Two Areas Designated as Special Area #1 to Limit Residential Density to One Single Family Dwelling per Legal Lot of Record

Proposed Action: To amend Plan Area Statement Amendment 093, Bijou, Residential, to add two areas designated as Special Area #1. The purpose of the amendment is to reduce allowable density in the designated Special Area #1 areas by deletion of multi-family dwellings and multi-person dwellings as permissible uses. The action is necessary to make the Plan Area Statement consistent with the historical City zoning allowing residential densities of one single family dwelling per legal lot of record in the subject areas (formally Low Density Residential). This Plan Area Statement amendment is being processed at the request of the City of South Lake Tahoe. TRPA is recommending approval of the amendment.

Staff Recommendation: Staff recommends the Advisory Planning Commission recommend to the Governing Board adoption of the ordinance amending the Bijou Plan Area Statement.

Background: On April 13, 1999 the City of South Lake Tahoe City Council adopted a new General Plan. The new General Plan contains a Land Use Element incorporating the TRPA Plan Area Statements as the new City land use zoning. During the public hearing process, testimony was given to the council identifying an inconsistency between the TRPA Plan Area Statement 093 permissible uses and the then existing traditional City zoning. There were two areas within Plan Area Statement 093 which were designated under City zoning as Low Density Residential (LDR), allowing a density of one single family dwelling per legal lot of record. This conflicted with the permissible uses in the TRPA Plan Area Statement which allowed a higher density, multi-family dwellings and multi-person dwellings, throughout the Plan Area. Upon adoption of the new General Plan the City requested that TRPA amend Plan Area Statement 093 to match the traditional zoning by creating two areas designated Special Area #1 which would limit residential densities to one single family dwelling per legal lot of record. The proposed Plan Area Statement amendment would accomplish this.
Findings: Prior to amending the TRPA Code of Ordinances, TRPA must make the following Findings.

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 to the Bijou Plan Area Statement is consistent with and will not adversely affect implementation of the Regional Plan Package and is consistent with the current residential density pattern in the two areas designated Special Area #1.

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

Rationale: The amendment will not cause environmental thresholds to be exceeded. Reducing the allowable residential density in the two areas designated as Special Area #1 will result in consistent zoning with the local jurisdiction.

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

Rationale: See findings 1 and 2 above.

Chapter 13 Findings

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.

Rationale: See findings 1 and 2 above. The proposed amendment is consistent with and will not change the current Plan Area Statement designation as Residential and is consistent with the current density pattern of the areas in question.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 findings shown above.

Staff will begin this item with a brief presentation. Please contact Rick Angelocci at 702-588-4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

5/02/99
RA
PLAN DESIGNATION:

Land Use Classification: RESIDENTIAL
Management Strategy: MITIGATION
Special Designation: TDR RECEIVING AREA FOR:

1. Existing Development
PREFERRED AFFORDABLE HOUSING AREA
MULTI-RESIDENTIAL INCENTIVE PROGRAM
ELIGIBLE FOR REDEVELOPMENT PLANS

DESCRIPTION:

Location: This area is located south of Highway 50 between Ski Run Boulevard and Bijou Meadow and is located on TRPA maps G-17 and H-17.

Existing Uses: This is an older residential area of mixed residential uses and includes the Bijou Elementary School. The area is 90 percent built out.

Existing Environment: The lands in this area are classified as 70 percent low hazard and 30 percent SEZ. The area has 30 percent hard coverage with an additional 20 percent disturbed. PLANNING STATEMENT: This area should continue as residential, maintaining the existing character of the neighborhood.

PLANNING STATEMENT: This area should continue as residential, maintaining the existing character.

PLANNING CONSIDERATIONS:

1. The SEZ has been altered due to single family unit development.
2. This area has deteriorating housing.
3. There is a major drainage problem in this area.

5/02/99
RA

AGENDA ITEM V.B.
4. The existing Caltrans right-of-way passes through this area.
5. The South Lake Tahoe Demonstration Redevelopment Plan is in this plan area.

**SPECIAL POLICIES:**

1. Encourage stream restoration in this area in conjunction with the improvement of existing drainage problems.
2. Encourage the improvement of multiple housing units.
3. Encourage the consolidation of small parcels through the redevelopment process.
4. Retain Bijou School and the mini-park as recreation areas. Provide opportunities for expansion.
5. Senior citizen housing should be encouraged in this area.
6. All activities within the South Lake Tahoe Demonstration Redevelopment Plan Area shall be subject to the special provisions of the adopted redevelopment plan.
7. Commercial, tourist accommodation or residential uses on parcels abutting the Montreal Road Extension right-of-way shall not be permitted access to the Montreal Road Extension, except for new single family residences which have no alternative access. New commercial and tourist accommodation uses or signage, abutting the Montreal Road Extension, shall be restricted consistent with the limited access design of the Montreal Road Extension.

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

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

**Residential**
- Single family dwelling (A), employee housing (S), multiple family dwellings (A), and multi-person dwellings (S).

**Public Service**
- Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S),
public utility centers (S), churches (S), schools - kindergarten through secondary (A), local assembly and entertainment (S), cultural facilities (S), and day care centers/pre-schools (S).

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

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

Special Area #1: The following list of permissible uses is applicable in those areas identified as Special Area #1.

All those uses listed on the General List with the following modification:

Residential: Single family dwelling (A).

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

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwellings</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Multi-person Dwellings</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 30 units.

5/02/99
RA
AGENDA ITEM V.B.
MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 55 CNEL.

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

SUMMER DAY USES 0 PAOT  WINTER DAY USES 0 PAOT  OVERNIGHT USES 0 PAOT

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

1. Improvements required by Volume IV of the Water Quality Management Plan.

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

MEMORANDUM

May 3, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 058 – Glenbrook, to Prohibit the Construction of New Piers Per the Glenbrook Shorezone Plan

Proposed Action: The applicant, Robert Daiss, proposes to amend Plan Area Statement (PAS) 058, Glenbrook, by adding Special Policy #7 (see Exhibit A) that would prohibit new piers within the boundaries of a new Special Area #1 (see Exhibit B). Special Area #1 would include all littoral parcels beginning at 01-080-09 on the south end of the bay through the parcel containing the outlet of Slaughterhouse Creek on the north end. The purpose for this amendment is to protect and preserve the natural, historic, and scenic values of Glenbrook Bay.

Staff Recommendation: Staff recommends that the APC conduct a public hearing as noticed and recommend adoption of the proposed PAS amendment to the Governing Board.

Background: The amendment of PAS 058, Glenbrook, is to ensure that the direction of the Glenbrook Homeowners Association (GHOA) and the Glenbrook Property Owners Association (GPOA) members be implemented. The majority of members from both groups went on record during last summer’s associations’ meetings to show their continued support for prohibiting new piers in Glenbrook Bay. This application is an attempt to further codify language that was developed in the Glenbrook Bay Shorezone Plan (April, 1984) and provide more direction for Special Policy #4 which exists in PAS 058 today.

In 1983 Nevada State Lands facilitated the drafting of a plan for the shorezone of Glenbrook Bay. The purpose of the plan was to bring together all interests to develop a plan that would be useful to permitting agencies, meet the concerns of the people in Glenbrook, provide direction for resource management and planning in Glenbrook Bay, and provide direction for future decisions affecting Glenbrook Bay. The Glenbrook Bay Shorezone Plan was completed and presented to the Tahoe Regional Planning Agency Governing Board. The TRPA Governing Board did not adopt or certify the plan; however, when the TRPA adopted the Plan Area Statements in 1987, PAS 058 Special Policy #4 states the “the Glenbrook Shorezone Plan should serve as a planning guide for development in the shorezone".
"The Plan" identifies recommendations for the following: pilings, buoys, swim areas, piers, breakwaters, and watercraft. Pertinent to this proposed PAS amendment are the five recommendations listed for piers. The recommendations are listed below in their entirety:

1. A landing may be added to the south side of the existing community pier as space allows between preserved pilings and the pump house, similar in size and construction to the present landing on the north side of the pier, providing the pilings mentioned in item 1.C, under Pilings, are removed and appropriate permits obtained.

2. For the present, no additional modifications or extensions should be allowed to the community pier, including boat hoists, except the landing discussed above. A future review of this pier may be made by a representative committee of the various interests and property owner groups in the Glenbrook community to evaluate the adequacy of the pier and landing space. However, extensions and/or additions which may be approved in the future, if any are to be designed to preserve the remaining historic pilings.

3. No additional piers should be constructed on the community beaches, including the China Garden beach area.

4. Individual private piers should be kept to a minimum and allowed only where there is a special need (i.e., where littoral properties are inaccessible to the lake for boating purposes due to the terrain). Multiple ownership piers serving as many littoral property owners as possible are preferable to individual private piers. Pier applications may be reviewed by a representative committee of the various interests and property owner groups in the Glenbrook community for appropriateness and need.

5. All pier owners shall be entitled to repair or replace their piers when necessary in accordance with existing regulations.

By restricting the development of new piers in Special Area #1 in Glenbrook Bay the amendment would maintain unimpeded lateral beach access from the community pier on the south end through Slaughterhouse Creek on the north end. The amendment assists maintaining scenic quality within the Bay. Glenbrook Bay falls within the Shoreline Unit 26, Cave Rock. The overall unit scenic quality composite rating is moderate (2); however, Shoreline View 26.2 is the view specifically of the low shore with long sandy beaches of Glenbrook where the scenic quality is rated as high (3). TRPA has identified thirty-three (33) shoreline units around the entire shoreline of Lake Tahoe. Only 7 shoreline units have a high rated view of a sandy beach. Of the 7 units Rubicon Point (Paradise Flat view), Edgewood (Edgewood Golf Coarse view), and Cave Rock (Glenbrook Bay view) are privately owned. All other shoreline units’ shoreline view ratings of a sandy beach are either rated moderate or low.

Special Area #1 includes all littoral parcels where terrain does not pose a problem for lake access from the beach. The area known as Yellow Jacket Point on the south end and Deadman’s Point (or Lands End) on the north end of the bay are not included in the Special Area #1 designation because of the steep and rocky condition of the backshore.
Glenbrook has a rich and varied history. During the Comstock the bay was full of lumbering/milling activity. Logs were floated from the West Shore across the Lake to Glenbrook where they were milled at any one of a number of mills located around or over the bay and then shipped by rail and flume to the mines in Virginia City. The historic piles that dot the waters of Glenbrook bay are the only structures left to remind us of that time in Glenbrook's history and the mills that operated over the waters of Glenbrook Bay. The historic piles have been recognized by the Nevada State Historic Preservation Officer as important historic resources. By prohibiting the construction of new piers in Special Area #1 we also protect these historic resources. There is a potential conflict between safe navigation to new piers built in the bay and the hazard the piles pose to navigation to a pier along the shoreline.

Special Policy #7 language will prohibit new piers from being constructed in Special Area #1 and recognized the Glenbrook community pier as an existing permissible use.

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

**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 amendments to PAS 058, Glenbrook, will not adversely affect implementation of the Regional Plan. The amendment supports Special Policy #4 that is currently found in PAS 058, assists in maintaining scenic quality, is consistent with the Glenbrook Bay Shorezone Plan and maintains the historic character of the long sandy beaches.

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

   **Rationale:** The amendment will support environmental threshold maintenance and attainment. As discussed in the background section of the staff summary, the view of Glenbrook Bay's long sandy beach is one of only 3 privately owned beaches around the entire Lake that has a rating of high (3) for its shoreline view. In addition, Tahoe yellow cress (Rorippa subumbellata), a sensitive plant species listed as endangered in California and critically threatened in Nevada, and a potential listing candidate for endangered species by the U.S. Fish and Wildlife Service, is found along Glenbrook's sandy beaches. Piers tend to concentrate activity rather than disperse it and, therefore, create areas where Tahoe yellow cress can not tolerate the level of disturbance. The amendment provides for
the same level of dispersed beach recreation as is currently being experienced. Glenbrook is currently served by a community pier. This structure is still permissible and provides recreational access to Lake Tahoe for the Glenbrook Community.

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:** No new pier structures would be allowed in Special Area #1, therefore, there will be no impacts on federal, state, and local air and water quality standards due to this amendment.

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

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

5. **Finding:** The Regional Plan, as amended, achieves and maintains the thresholds.

**Rationale:** See findings 1 and 2 above

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

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

   **Rationale:** This amendment has limited application and in the area in which it applies it will assist maintain scenic quality, vegetation, water quality, and recreation thresholds.

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

   **Rationale:** The amendment provides a better means of protecting the thresholds listed above from cumulative impacts.

3. **One of the following findings:**

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

CS/dmc

AGENDA ITEM V.G.
b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

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

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

e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or

f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

(1) The cost of implementation outweighs the environmental gain to be achieved;

(2) Implementation will result in unacceptable impacts on public health and safety; or

(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

Staff proposes to make Finding d

Rationale: Through TRPA’s recent analysis of scenic shoreline units it was found that sandy beaches are one of the most vulnerable visual resources to shorezone development. The view of Glenbrook’s long sandy beach is one of only 3 in the shoreline that is privately owned and is given a high rating.

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

Staff will begin this item with a brief presentation. Please contact Coleen Shade at (702) 588-4547 if you have any questions regarding this matter.
Proposed Amendments to Plan Area Statement 058, Glenbrook

SPECIAL POLICIES:

1. The Glenbrook Master Plan should be used as a planning guide for the area subject to such a plan.

2. Designated beach areas should be set aside and protected for Rorippa subumbellata.

3. Enhancement of wildlife habitats along Glenbrook Creek should be encouraged.

4. The Glenbrook Shorezone Plan should serve as a planning guide for development in the shorezone.

5. The lots in the Glenbrook Subdivisions designated as eligible for multi-density under the approved subdivision map shall be eligible for such density with TDR.

6. New or additional commercial development shall be limited to parcels with commercial development on the effective date of this Plan or conversion to a commercial use of accessory recreation uses.

7. In Special Area #1, the existing Community pier is the only permissible pier.
MEMORANDUM

May 3, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to the Stateline/Ski Run Community Plan To Amend the Permissible Uses Matrix, Amendment to Redistribute Commercial Square Footage, and Amendment to Objective 2, Policy B, Regarding Construction of the Required Infrastructure Within the “Ski Run Village” District

Proposed Action: At the request of the City of South Lake Tahoe, staff proposes amendments to the Stateline/Ski Run Community Plan to 1) amend the permissible uses matrix; 2) amend the Ski Run Boulevard Floor Area Allocation; and 3) amend the Ski Run “Village” Infrastructure Policy. (See Attachment A for proposed language amendments to the community plan). The proposed amendments were adopted by the South Lake Tahoe City Council on March 2, 1999.

Staff Recommendation: Staff recommends that the Advisory Planning Commission (APC) conduct the public hearing as noticed and recommend approval of the amendment to the TRPA Governing Board based on:

1. A Finding of No Significant Effect (FONSE); and

2. The proposed amendments do not materially change the planned character of the districts in which the change occurs nor the Community Plan as a whole.

Discussion: As background, the Stateline/Ski Run Community Plan was adopted by the TRPA Governing Board in March, 1994 and by the CSLT in May, 1994. Subsequently, staff has brought a number of amendments of the Stateline/Ski Run Community Plan before the APC and Governing Board for adoption. The amendments are generally clean-up amendments, redirection of commercial floor area, and amendments to the special policies to achieve the goals of the plan. Below is the discussion for each proposed amendment.

Permissible Uses Matrix Amendment
Since the plan’s adoption, TRPA and City staff have discovered omissions in the matrix and proposes this clean-up amendment. The proposed changes are, for the most part, inadvertent omissions that should be corrected. The amendment changes are as follows:
Add Time Sharing (Hotel/Motel Design) no Kitchens (S) to District 1e. Hotels/motels are an allowed use in this district. A timeshare use, designed as a hotel/motel (no kitchens), is consistent in this district and is limited to 40 units per acres. It appears this is an error in preparing the original matrix.

Add Local Assembly and Entertainment (S) to Districts 1a, 1b and 2a. These districts currently allow Publicly Owned Assembly and Entertainment. The amendment will add Local Assembly and Entertainment. This difference between the uses is the maximum capacity allowed. Local Assembly has a maximum capacity of 300, while Public Assembly allows capacity greater than 300 persons.

Add Cross Country Ski Courses (S) to District 6a. District 6a is an undeveloped area south of Montreal Road where such a recreation use is appropriate. It appears to be a Community Plan Team oversight.

Add Group Facilities (S) to District 6a. District 6a is an undeveloped area south of Montreal Road where such a recreation use is appropriate. It appears to be a Community Plan Team oversight.

Add Participant Sports Facilities (S) to Districts 1b, 2a, 6a. Districts 1b and 2a are within the Park Avenue Redevelopment project where such recreation use is appropriate. District 6a is the undeveloped parcel south of Montreal Road where such recreation uses are appropriate. It appears to be a Community Plan Team oversight.

Add Recreation Centers (S) to District 6a. District 6a is the undeveloped area south of Montreal Road where such a recreation use is appropriate. It appears to be a Community Plan Team oversight.

Add Riding and Hiking Trails (S) to District 6a. District 6a is the undeveloped area south of Montreal Road where such a recreation use is appropriate. It appears to be a Community Plan Team oversight.

Add Rural Sports (S) to District 6a. District 6a is the undeveloped area south of Montreal Road where such a recreation use is appropriate. It appears to be a Community Plan Team oversight.

Add Snowmobile Courses (S) to District 6a. District 6a is the undeveloped area south of Montreal Road where such a recreation use is appropriate. It appears to be a Community Plan Team oversight.

Add Farm/Ranch Structures (A) to District 6a. District 6a is the undeveloped area south of Montreal Road where such a Farm/Ranch use is appropriate. This use is allowed in District 4a which is adjacent and undeveloped. Since these two districts are in the same location and undeveloped, the amendment provides consistency to allowed uses in this area. It appears to be a Community Plan Team oversight.
Add **Grazing (A)** to District 6a. District 6a is the undeveloped area south of Montreal Road where such a use is appropriate. This use is allowed in District 4a which is adjacent and undeveloped. The amendment will provide consistency between the two undeveloped parcels.

Add **Range Pasture Management (A)** to District 6a. District 6a is the undeveloped area south of Montreal Road where such a use is appropriate. This use is allowed in District 4a which is adjacent and undeveloped. The amendment will provide consistency between the two undeveloped parcels.

Add **Range Improvement (A)** to District 6a. District 6a is the undeveloped area south of Montreal Road where such a use is appropriate. This use is allowed in District 4a which is adjacent and undeveloped. The amendment will provide consistency between the two undeveloped parcels.

Add Footnote 14 to read “allowed only within existing buildings”. This district was originally created to restrict new construction of buildings that would affect the construction of the Loop Road/State Route 50 intersection. This amendment continues the intent but allows existing buildings within District 7a to continue to lease to certain specific uses noted below:

Add the following uses to District 7a:
- **General Merchandise Store (A)**
- **Eating and Drinking Places (A)**
- **Food and Beverage Retail Sales (A)**
- **Personal Services (A)**
- **Professional Offices (A)**

The proposed additions are consistent with the Redevelopment Plan and all the proposed uses currently exist in District 7a. The amendment will bring the existing uses into conformity with the Community and Redevelopment Plan.

**Ski Run Boulevard Commercial Floor Area Allocation**

The proposed amendment will redistribute 7,000 s.f. of commercial floor area allocation from the southeast corner of Ski Run Boulevard and State Route 50 (District 2b) to the Ski Run Corridor within the Community Plan, on the basis that the property owner did not proceed with a project within the Community Plan timelines.

The 7,000 s.f. was viewed as an economic incentive to redesign the southeast corner of Ski Run/U.S. 50 consistent with the Community and Redevelopment Plans design standard. Due to the expiration of the plan timeline, staff proposes to amend the plan to redistribute the square footage to other areas of the community plan that require commercial floor area. Although, the commercial floor area is being redistributed, that portion of District 2b (southeast corner) is still eligible for the 7,000 s.f.
The receiving areas for the redistributed commercial floor area are within the Ski Run Corridor: They are:

<table>
<thead>
<tr>
<th>No.</th>
<th>District</th>
<th>Land Use Theme</th>
</tr>
</thead>
<tbody>
<tr>
<td>3b</td>
<td>Ski Run Village</td>
<td>Local Serving Retail</td>
</tr>
<tr>
<td>5a</td>
<td>Upper Ski Run North</td>
<td>B/B and Professional Offices</td>
</tr>
<tr>
<td>5b</td>
<td>Upper Ski Run south</td>
<td>B/B and Professional Offices</td>
</tr>
<tr>
<td>6c</td>
<td>Upper Ski Run</td>
<td>Affordable Housing</td>
</tr>
</tbody>
</table>

The original policy allocating all of the 7,000 s.f. to the southeast corner will be deleted and replaced with the following language:

**Ski Run Boulevard within the Stateline/Ski Run Community Plan Area**

The four Districts on Ski Run Boulevard (3b, 5a, 5b and 6c) and only that portion of District 2b which includes the southeast corner shopping center and the adjacent car wash parcel if it is added to the shopping center design, be eligible for the 7,000 s.f. of commercial floor area, subject to:

1. A first come, first serve distribution system, based on a project application.

2. A limitation of 2,000 s.f. per parcel, and

3. Compliance with the applicable Community Design Standards. NOTE: this would still require the shopping center to comply with the Stateline/Ski Run Community Plan Standards for Lower Ski Run-South District (2b).

The proposed amendment is consistent with the goals and policies of the Community Plan and will continue to provide incentives to concentrate commercial and tourist servings uses within the Ski Run Corridor.

**Ski Run “Village” Infrastructure**

The intent of the Stateline/Ski Run Community Plan is that along the length of Ski Run Boulevard, within the boundaries of the Plan, one area should be the focus and concentration of retail and restaurant uses. District 3b, “Ski Run Village” is designated as the location. To distinguish this district from the other districts on Ski Run, the adopted Concept Plan included street parking, street trees and street lights. To implement the Concept Plan, Objective 2, Policy B required the formation of an assessment district (or other such entity) to construct the improvements at one time.

Since the adoption of the Plan in 1994, the property owners have not been able to form an assessment district for the following reasons:

1. Approximately 50% of the lineal frontage (Ski Run and the intersecting side streets within the “Village”) has curb, gutter and sidewalk constructed by the developer. The owners of the improvements were of the opinion that they were being required to pay again.
2. The "Village" is a very small area (approximately 100 feet deep and 500 feet long on both sides of Ski Run Boulevard) and the up front costs to set up a district would exceed the cost of the improvements, with no guarantee that it would pass.

3. Over the years some of the leaders of the "Village" have sold their property, leaving a very small group (two property owners) to implement the vision. The non-conforming uses, e.g., the owners of the two cabins and vacant lot, are content with the status quo and have no incentive to pay or construct their frontage improvements.

Given these reasons, City staff explored the possibility of including this district with another assessment district, such as Harrison Avenue. However, this did not garner support from the other districts, as a negative vote from Ski Run property owners could defeat their district formation.

Another alternative was to fund the improvements through the Community Block Grant (CDBG) program. This program is an over the counter grant that relies on job creation. Although the program could be used for infrastructure improvements, it does require a commitment by the "Village" property owners to create those jobs within a two-year period. If not, the City would be responsible for the payback. The property owners were uncomfortable with this commitment given the time to work through financing, regulatory approval and the uncertain economic outlook.

Another alternative was for the "Village" property owners to pool their resources to construct all the improvements in exchange for the free floor area with reimbursement by future developers. This was not supported as it required the "Village" property owners to pay up front and that would be a significant impact on their financial resources.

However, they did support the idea that once they had a project, they could include the infrastructure within their financing. This led to a scenario that would require the infrastructure improvements to be installed when the property is developed.

This piecemeal approach is not preferred by the City or TRPA staff or the property owners, as it delays the creation of a unique "Village" District. This approach could potentially have the effect of different designs for the District, without creating that unique consistent theme throughout. Without public assistance, however, the piecemeal approach may be the only economical way to fund the improvements.

The options to fund the improvements are:

1. The City contributes funds from the C.I.P. to construct the 5-foot asphalt sidewalk and the retrofit of the curb returns for handicap access, or

2. Install the curb and gutter only with TRPA Water Quality Mitigation funds and have the developers pay for the 5-foot sidewalk and new handicap corners.

In both options, the developer must still install the rest of the "Village" infrastructure improvements when they develop, including the additional 5-foot decorative sidewalk, street trees and street lights.
Since funding sources have not been secured at this time, staff recommends that both an area-wide and incremental approach to the frontage improvements be incorporated in this amendment. The proposed language amendments to Objective 2, Policy B are as follows:

Policy B: Projects within the Laurel-Avenue sub-area (portion of 2a) and (rev. 10/6/98). The Ski Run Pedestrian District (3b) shall be eligible for the commercial floor area allocation described in Policy A above-based on the following conditions provided:

(1) That all projects receiving a commercial floor area allocation from the Ski Run Pedestrian District or projects subject to the Design Review or Special Use Permit Process, shall either have in place (previously constructed) or shall construct all of the infrastructure improvements along the subject property frontage including:

(a) curb, gutter and 5-foot asphalt sidewalk and associated improvements including handicap access required by the City Engineering Division (Public improvements), and

(b) 5-foot additional decorative sidewalk, street trees, and street lights (Village required improvements).

The amendment will continue to achieve the goals and policies established in the plan to create a unique “Village” District and concentrate retail and restaurant uses in this area.

Findings: Prior to amending the Stateline/Ski Run Community Plan, TRPA must make the following Findings.

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 amendments to the Stateline/Ski Run Community Plan will not adversely affect implementation of the Regional Plan. The adopted Stateline/Ski Run Community Plan is consistent with the Regional Plan. The adopted plans are meant to supersede the Plan Area Statements and Maps for guiding land use decision in the Stateline/Ski Run area.

The plan encourages that the land use pattern in the proposed project area continue as a major tourist center that provides visitor accommodation and services. Emphasis should be placed on redirection through redevelopment, which will provide scenic, economic, and environmental improvements. The plans
establish goals and policies that encourage concentrated commercial uses and intensification of tourist accommodation units in the proposed project area.

The proposed amendment to the Permissible Use List will add uses that were omitted by mistake and amendments to the goals and policies will continue to provide incentives to encourage developing environmental improvements projects established in the Community Plan. The Plan will continue to encourage the concentration of commercial uses within the adopted Community Plan area.

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

Rationale: Amending the Stateline/Ski Run Community Plan will not cause the environmental thresholds to be exceeded. The Stateline/Ski Run Community Plan Conservation Element establishes the goals and policies that will ensure that physical development is consistent with environment and ecology of the area. The amendments to the plan do not change the required improvements required by the plan to meet environmental thresholds. The amendments modifies existing goals and policies to ensure that improvements are built in order to meet the environmental thresholds.

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

Rationale: See findings 1 and 2 above. The adopted documents have adopted goals and policies to achieve and maintain water and air quality standards.

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

Rationale: See above findings. The amendment will apply to projects that are located in the Stateline/Ski Run Community Plan and it Land Use Districts and must comply with all aspects of the Regional Plan, Code and the adopted Stateline/Ski Run Community and Redevelopment Plan. Any project proposed will be required to meet all standards of the Code and implement environmental projects to achieve and maintain the thresholds.

Environmental Documentation: Based on the Chapter 6 findings and because of the nature of this amendment will continue to implement the goals and policies of the Community Plan, staff recommends a Finding of No Significant Effect (FONSE).
Amendment of the Stateline/Ski Run Community Plan
May 4, 1999
Page 8

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 702-588-4547, or via email at TRPAjohnH@aol.com, if you have any comments regarding this item. Please reference the Stateline/Ski Run Community Plan in the subject box

Attachments
Objective 2:
Define receiving areas within the Community Plan boundaries and institute a system for distribution of commercial allocation and bonus TAU’s.

Policy A: Within the 45,000 square foot limitation, allocations of commercial floor area shall be issued by TRPA upon approval pursuant to Chapter 33. However, TRPA shall only consider for approval, projects recommended by the City of South Lake Tahoe. On a first come first serve basis, the City shall review proposed projects based on the following criteria and make an appropriate recommendation. The City’s recommendation shall expire two years after its action. Consistent with the findings of the “Economic Analysis and Opportunities Study”, (as provided by Rosall Remmen Cares, 1989) distribute the 45,000 sq. ft. of commercial allocation within the Stateline/Ski Run Community Plan area as follows:

S.E. Corner Ski Run Blvd./US 50 sub-area within the Lower Ski Run South District 2b:
Total Allocation: 7,000 square feet
Maximum per project: none

Ski Run Blvd. within the Stateline/Ski Run Community Plan Area:
The four Districts on Ski Run Blvd. (3b, 5a, 5b and 6c) and only that portion of District 2b which includes the southeast corner shopping center and the adjacent car wash parcel if it is added to the shopping center redesign, be eligible for the 7,000 s.f. of commercial floor area, subject to:

1. A first come, first serve distribution system, based on a project application.
2. A limitation of 2,000 s.f. per parcel, and
3. Compliance with the applicable Community Design Standards.

Policy B: The Ski Run Pedestrian District (3b) shall be eligible for the commercial floor area allocation described in Policy A, above, based on the following conditions provided:

31
(1) A property owners association, an assessment district or other such implementing entity is formed by at least 75% of those owners whose properties front Ski Run Boulevard.

(2) Each entity shall fund a study/planning and establishing parking and street improvements for portions of 3b substantially consistent with the conceptual plan in Exhibits 3, 4, 5 and 6.

(3) Upon approval of the plan by the City of South Lake Tahoe and TRPA, the allocation may be reserved for projects based on an approved implementation program administered by the City.

(4) If either of the entities are not formed and the plans not approved within two years from the adoption of this community plan, the City and TRPA shall reconsider the distribution of allocation reserved for that specific district which does not meet this requirement.

(1) That all projects receiving a commercial floor area allocation from the Ski Run Pedestrian District or projects subject to the Design Review or Special use Permit Process, shall either have in place (previously constructed) or shall construct all of the infrastructure improvements along the subject property frontage including:

a. curb, gutter and 5-foot asphalt sidewalk and associated improvements including handicap access required by the City Engineering Division (Public improvements), and

b. 5-foot additional decorative sidewalk, street trees, and street lights (Village required improvements).
MEMORANDUM

May 3, 1999

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Staff Presentation on Tall Whitetop (Noxious Weed) and Its Potential Impact on Stream Environment Zones in the Tahoe Basin

Issue: Tall Whitetop is a noxious weed that may threaten SEZs and Riparian Vegetation in the Lake Tahoe Basin. It is likely spreading from contaminated straw used in erosion control.

Proposed Action: Information only, no action required at this time.

Staff Recommendation: Encourage treatment of existing Tall Whitetop colonies in the Tahoe Basin. Caution project proponents, contractors and others on the potential spread of Tall Whitetop with the use of contaminated straw, topsoil, or equipment.

Background: Tall Whitetop or perennial pepperweed (Lepidium latifolium) is a noxious weed native to Eurasia that has spread over more than 12,000 acres of riparian and meadow systems in the lower Truckee River basin, and along Steamboat Creek. It was discovered along the southwest end of Pioneer Trail around 1994, and 35 sites infested with Tall Whitetop have been identified in the Tahoe Basin by 1998. A poster and brief presentation on Tall Whitetop identification, locations, habit will be presented at this Advisory Planning Commission meeting. In addition UNR Cooperative Extension Fact Sheets and Briefing Statements on Mapping and Control of Tall Whitetop will be provided. Several of the sites infested with Tall Whitetop occur in SEZs and appear to be spreading on the lower portions of Trout Creek in particular.

Straw Use in the Tahoe Basin. The presentation, accompanying poster and literature provided by UNR Cooperative Extension will point out the potential spread of Tall Whitetop through the use of infested straw for mulch or temporary erosion control using straw bales. Essentially all the sites now infested with Tall Whitetop had previous erosion control treatments, which included straw mulch or the use of straw bales for temporary erosion control. While erosion control and revegetation specifications for using straw have called for the use of "weed free" straw over the years, those specifications have rarely (if ever) been enforced in terms of requiring a weed free certification before such straw can be used. Relative to the threats of Tall Whitetop spread from contaminated straw use, TRPA should discourage the use of straw in favor or alternatives such as pine needle mulch. It is likely that a weed free certification, at least will be enforced in the near future. TRPA staff are working on strengthening permit conditions in order to reduce the chance of further Tall Whitetop introductions in project construction. Straw should not be used in SEZs at all, or any other area that may receive sheet or overbank flow. There was a great increase in Tall Whitetop spread during the 1997 Flood around and below

/flag

Agenda Item VI A.

33
Reno, pointing out the main means of spread through seed and pieces of this weeds woody rhizomes. There are alternatives to straw bales, such as pine needle bales, filter fabric with appropriate support, coir logs and pillows could also be used for temporary erosion control. If there can not be an adequate certification of weed free straw, the maximum potential is to ban the use of straw in the Tahoe Basin.

**Tall Whitetop Control in the Lake Tahoe Basin.** A UNR fact sheet will be provided at the meeting for recommended control methods. I believe TRPA should allow and encourage the appropriate treatment of Tall Whitetop colonies, which includes careful application of herbicides. Volume I of the 208 plan (Water Quality Management Plan for the Lake Tahoe Region), subparagraph 4.b., page 154, and the TRPA code section 81.6.A. (3) state that “No detectable concentration of any pesticide shall be allowed to enter any Stream Environment Zone unless TRPA finds that application of the pesticide is necessary to attain or maintain the environmental threshold standards.” I believe that Tall Whitetop, if allowed to spread, threatens the nondegradation standard for riparian vegetation and the management standard for riparian wildlife habitat, and in turn water quality to name a few of the threshold standards that could be negatively effected.

Who to contact, in addition to UNR Cooperative Extension, Sue Donaldson (775) 832-4150:

**EL DORADO COUNTY, CA**
Agriculture Commissioner, in Placerville (530) 621-5520

**DOUGLAS COUNTY, NV**
Weed Control, Lampe Park, Gardnerville (775) 782-9835

**PLACER COUNTY, CA**
Agriculture Commissioner, in Auburn (530) 889 7372

**WASHOE COUNTY, NV**
UNR Cooperative Extension, Incline Village (775) 832-4150

Nevada State Division of Agriculture, **Straw Inspection** (775) 688-1180

If you have any questions regarding this item please contact Larry Benoit, Associate Planner, at (775) 588-4547.
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 April 14, 1999, 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.

April 1, 1999

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 Stateline 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

April 14, 1999
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 any 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 and Planning Matter 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 HEARINGS

A. Amendment of Chapter 4, Project Review and Exempt Activities, by Adoption of New Delegation MOU With El Dorado County PAGE 1

B. Lake Tahoe Source Water Assessment and Protection Program PAGE 9

C. Amendment of the Boundary Line Between Special Areas #1 and #2 of the Tahoe Vista Community Plan to Include Placer County APN 117-072-012 in Special Area #1 PAGE 11

D. Amendment of Chapter 20, Land Coverage, Relative to Maximum Land Coverage in Adopted Community Plans PAGE 19

VI. PLANNING MATTERS

A. California Tahoe Conservancy, Discussion on Cove East Parcel 4 Restoration, City of South Lake Tahoe PAGE 25
VII. REPORTS

A. Executive Director

   1. Notice of Circulation, Lake Tahoe Shorezone Ordinance Amendments, Draft EIS, April 1999

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau
955 Fairway Boulevard
Incline Village, Nevada

March 10, 1999

REGULAR MEETING MINUTES

Chairperson Robert Jepsen called the regular March 10, 1999, meeting of the Advisory Planning Commission ("APC") to order at 9:42 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present  Mr. Lohman, Mr. Cole, Ms. Baldrica, Mr. Barham, Mr. McDowelli, Ms. Kemper, Mr. Porta, Mr. Popoff, Mr. Morgan, Ms. Kvas, Mr. Combs, Mr. Marchio, Mr. Jepsen

Members Absent:  Mr. Kehne, Mr. Doughty, Mr. Joiner, Mr. Lawrence, Mr. Haen

II. APPROVAL OF AGENDA

Deputy Director Jerry Wells commented that there were no changes to the agenda.

MOTION by Mr. Marchio, with a second by Mr. Popoff, to approve the agenda as presented. The motion carried with Ms. Baldrica abstaining.

III. PUBLIC INTEREST COMMENTS – None

IV. DISPOSITION OF MINUTES

MOTION by Mr. Marchio, with a second by Mr. Morgan, to approve the February 10, 1999, APC minutes as presented. The motion carried with Mr. Cole and Ms. Kemper abstaining.

V. PUBLIC HEARING

A. Amendment of Tahoe Vista Community Plan Boundary Line Adjustment to include the Tahoe Vista Marina Boat Launching Facility as a Special Use into Shorezone Tolerance District #1 of Special Area #3

Senior Planner Coleen Shade presented the staff summary amending the Tahoe Vista Community Plan Boundary Line Adjustment to include the Tahoe Vista Marina Boat Launching Facility as a Special Use into Shorezone Tolerance District #1 of Special Area #3.

A discussion ensued.
Mr. Lee Shagg, with the North Tahoe Public Utility District, the owners of the property and the applicant for a boat launching ramp improvement project, stated that the proposed changes to be made are the existing ramp, which is about 65-feet long and 10-feet wide and has a rather shallow angle. One of the problems with the angle is that cars have to drive too far into the Lake to actually get their boats floating, and they end up dropping the rear axles where exhaust pipes get into the water. This modification will make the ramp steeper and wider. The wheels are literally on the edge of the ramp now. Mr. Shagg stated they are proposing a ramp that is a compromise in the State’s standards in terms of ultimate width to allow not a full-two lane, but used as a two lane when needed. We have stack-up problems there now. The length will be a little longer than the existing ramp.

Mr. Shagg continued that in the long run, maintenance dredging at whatever pool level has been established will be done. But construction may involve replacing a key footing at the base of the ramp. He questioned whether he would be prohibited under this permit from constructing this. His understanding of construction would they would sheet pile the area, evacuate the water from the interior sheet piling, and put a concrete in that sheet piled area and then torch the sheet pile so that we will not disturb anything outside the construction area.

Mr. Popoff questioned how they make it steeper. Mr. Shagg replied that right now the sand fills in that area naturally. The District recognizes that they will not be able to keep it open during all the Lake conditions. Practically speaking, when the Lake drops to 6224’, we now have a land bridge blocking that part; that’s what has happened in the past. A minimum pool or a minimum channel or a minimum level of water to launch would be about 6224.9’ to get a boat out into the Lake. We will be changing the slope.

Mr. Popoff questioned if there would be a lot of dredging. Ms. Leah Kaufman, the project planner for the project, stated that the proposed boat ramp would be about 110-feet wide and 30-feet wide, and is currently 15-feet wide but, tapers to 10 feet at the Lake level; about 100 cubic yards total of material is proposed to be dredged. But the entire boat ramp facility is contained within a closed marina so that it is not an open structure but is open to the Lake like the boat ramp in Kings Beach; this is contained within a rock piled marina.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Don Hyatt, who lives in the Special Area #3 where the boat ramp is located, stated he has a house there that looks right onto the Marina. He has witnessed how it has changed and what has been going on all summer long and what’s going on right now. His only concern looking and seeing people parking on Highway 28 and National Avenue. If this ramp gets improved, where is everyone going to park? He also has a concern over the proposed restaurant, and the parking for that facility. Basically, it is the traffic consideration that Mr. Hyatt is concerned about.

Mr. Marchio questioned if Mr. Hyatt had any suggestions for the APC to solve this problem. Mr. Hyatt stated the restaurant is his concern, which would mean more traffic and not enough parking available. He suggested that more parking be available across the street or in the area where the restaurant is now. That would make beach access better and a lot safer for people to turn around. Mr. Hyatt stated that he saw this as the solution.

Mr. Wells stated that the action before the APC today is simply just to make this existing facility a permissible use within the Plan Area Statement; it does not approve any project at all. He
suggested that a more appropriate forum for Mr. Hyatt speak before would be at the Governing Board meeting when the actual project itself is presented.

Mr. Hyatt stated that he understood and he would come back at a more appropriate time to discuss his concerns over the parking.

Mr. Dave Roberts, representing the League to Save Lake Tahoe, stated his concern is that by adopting this amendment, would this be the standard for Lake Tahoe boat ramps or is this opening the door for other boat ramp facilities to then meet this standard if they so desire. He is also concerned that Tolerance District #1 does not list boat launch facilities as a permissible use because boat ramps generally are inconsistent with sandy shelf areas. Is this area a sandy shelf area or has it changed that would allow this in this area? Mr. Roberts believed that it was premature to make any assumptions to say that there was a mistake made or an inconsistency in the original plan. He believed that Mr. Hyatt’s concerns were very valid in terms of parking. He thought it was too premature to change the amendment that we don’t have a lot of information on; we don’t have a full understanding of what the impacts of this amendment change would be.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Poppoff questioned what the launching facility in the original plan. Ms. Shade stated that Mr. Barrett of the TRPA staff stated that at the time the Community Plan was being worked on, this was still in a private condo association that had their own harbor, and it might have been assumed at that time that nothing was ever going to happen with it.

A discussion ensued.

Mr. Poppoff was of the opinion that the APC did not have enough facts or information to decide that we ought to encourage more activity in this area; it is already crowded. He believed that the APC should skip the addition of Policy #11 that encourages lake access and go ahead and adopt the other amendments that legitimize the facility as a Special Use.

Ms. Shade commented that she was not sure how Policy #11 got into her staff summary.

Mr. Wells stated that he needed to check and see if Policy #11 is not already existing language. He commented that it may have been a clerical error in being underlined.

(Break taken at 10:40 a.m.)

(Reconvened at 10:50 a.m.)

Ms. Shade commented that the underlined language in Policy #11 is in the first chapter of the Community Plan where it sets up the goals of what they wanted to achieve so that is where this language came from. The reason why it is underlined is because it was brought over to the Recreation Chapter and then added Policy 11.a., which has to do with amending the maintenance dredging and not increasing the coverage.

MOTION by Mr. Cole, with a second by Mr. Morgan, to recommend adoption to the Governing Board to amend the Tahoe Vista Community Plan Boundary Line Adjustment to include the Tahoe Vista Marina Boat Launching Facility as a Special Use into Shorezone Tolerance District #1 of Special Area #3.
Mr. Marchio asked that the motion be clarified to make sure that the basis for the amendment is indicated that TRPA staff has determined that the shoreline area identified as Tolerance District One (1) had been altered and is no longer consistent with Tolerance District One (1) criteria.

Mr. Cole accepted Mr. Marchio’s clarification.

The motion carried unanimously.

B. Amendment of Chapter 4, Project Review and Exempt Activities, by Amending Existing Memorandum of Understanding with Sierra Pacific Power, Lahontan Regional Water Quality Control Board, and California Department of Parks and Recreation and by Adopting New Memorandum of Understanding with Tahoe Park Water Company and McKinney Water District

Chief of Project Review Rick Angelocci presented the staff summary amending Chapter 4, Project Review and Exempt Activities, to adopt Memorandum of Understanding between TRPA and the Tahoe Park Water Company and McKinney Water District; and to amend existing MOUs with the Lahontan Regional Water Quality Control Board, Sierra Pacific Power Company, and California Department of Parks and Recreation.

A discussion ensued.

Mr. Angelocci suggested incorporating the changes that K.B. Foster and the Department of Parks and Recreation submitted in their letters. In addition, Lahontan would like to add the following language on page 37 of the staff summary, the second paragraph, and after the word "wastewater", the words "water quality monitoring" and then continue with the sentence.

Mr. McDowell commented that the Code Section cited on page 28, Item No.3, had been changed.

Mr. Angelocci agreed and stated that he recommended that TRPA site chapters in the MOU’s and not specific sections of the Code.

In addition, on page 32, the second item, J.2., Mr. McDowell stated that he did not understand the sentence. On page 33, item one at the top, he questioned how a project gets into the Environmental Improvement Program.

Mr. Wells stated that the Governing Board authorized that delegation be given to the Executive Director to add or modify projects as needed. TRPA is in the process of actually coming up with a process to do that.

Mr. McDowell questioned why is No. 6 on page 39, and Ms. Kemper responded that the Lahontan Regional Water Quality Control Plan that the Lahontan Regional Board operates under, has different requirements for the Truckee River because Lahontan’s watersheds are defined on a watershed basis so TRPA’s jurisdiction does not cover the Truckee River at all; it has separate standards. Ms. Kemper stated that there are some 100-year flood plain issues that are handled differently along the Truckee River corridor than in the Basin.

Chairperson Jepsen opened the meeting up for a public hearing.
APC REGULAR MEETING MINUTES MARCH 10, 1999

Mr. Ryan Berg, representing the Sierra Pacific Power Company, stated that he played an integral part in developing the MOU, and requested that the structural repair or remodeling cost be increased from $5,000 to $225,000.

Mr. Wells stated that equipment is not normally included in those costs; it is just the actual modification.

Mr. Marchio questioned if Mr. Berg contacted local jurisdictions regarding their design standards, and Mr. Berg replied yes.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Angelocci reiterated that the APC recommend adopting the ordinances with the following amendments: 1) delete the limitations of the dollar amounts in both the California State Parks MOU and the Sierra Pacific Power Co. MOU; 2) add “water quality monitoring” as requested under the Lahontan MOU; 3) make the various typographical changes; and, 4) to modify the MOU's to show the appropriate chapters only and not specific subsections.

MOTION by Ms. Kvas, with a second by Ms. Kemper, to recommend approval to the Governing Board amending Chapter 4, Project Review and Exempt Activities, to adopt Memorandum of Understanding between TRPA and the Tahoe Park Water Company and McKinney Water District; and to amend Existing MOUs with the Lahontan Regional Water Quality Control Board, Sierra Pacific Power Company, and California Department of Parks and Recreation, with the above-mentioned changes. The motion carried unanimously.

VI. PLANNING MATTERS

A. Notice of Preparation, Environmental Impact Statement for Tahoe Keys Marina Master Plan, City of South Lake Tahoe, El Dorado County

Senior Planner Coleen Shade presented the notice of preparation, Environmental Impact Statement for the Tahoe Keys Marina Master Plan.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Dave Roberts, representing the League to Save Lake Tahoe, stated that the League had some real concerns about the marina expansion, and the affect that this will have in Lake Tahoe. In a broader context, outside what is specifically addressed in the Tahoe Keys Marina, he believed that it was very important to analyze the full impact of marinas in the Lake before we proceed with these master plans that are coming down the pike. We all recognize the fact that these marinas have an impact, but do we really understand what impacts they have on Lake Tahoe and what impact they have cumulatively. Presently, there is no carrying capacity for boating on Lake Tahoe. Mr. Roberts stated that the biological components and impacts have not been addressed. The League is concerned about the proposed increased boating capacity. Additionally, there are several issues that need to be addressed before the EIS goes forward.

Mr. Poppoff and Ms. Kemper both agreed with Mr. Roberts.

Mr. Cole suggested that Mr. Roberts address his concerns in writing and submit them to TRPA.
APC REGULAR MEETING MINUTES MARCH 10, 1999

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Ms. Kvas wondered if there was some way to tie the Marina in to being a partner with TRPA on enforcement of the different engines regarding watercraft.

Ms. Shade stated that that issue would be discussed at a meeting this Friday, March 12, 1999, at the TRPA offices, with all of the marinas on motorized watercraft, and the new Ordinances that are going into effect.

VII. RESOLUTIONS

A. For Former APC Member Candi Rohr

Mr. Wells stated that there were typographical errors in the Resolution that needed to be corrected.

MOTION by Mr. Popoff, with a second by Mr. Morgan, to approve the resolution for former APC member Candi Rohr. The motion carried unanimously.

Ms. Kemper questioned why Ms. Rohr was leaving and how does the appointment process work. Mr. Wells stated that she had had some eye surgery and was having some difficulty in recovering from that, and since the position on the APC required a lot of reading, she felt she should resign. As far as the process for this particular appointment, it is in Douglas County, and we have asked Don Miner, the Commissioner of Douglas County and a member of the Governing Board, to forward a recommendation to replace Ms. Rohr. Hopefully, we will have a new person in that position by next month.

VIII. REPORTS

A. Executive Director

Mr. Wells stated that Jim Baetge had major surgery over the last month and he is back to work on a part-time basis this week. He is recovering well and should be back to work full-time next week. There is an Ecological Forum being held this Friday from 9:00 a.m. – 5:00 p.m. at the Lake Tahoe Community College. Ms. Shade gave a more in depth review of the upcoming forum.

In addition, Mr. Wells stated that the Shorezone EIS would be released at the end of March for the normal EIS circulation process.

B. Legal Counsel

Mr. Wells stated that Agency Counsel John Marshall could not attend the APC meeting today because he is involved in an arbitration process on a violation that has taken place over the last year, and he did not have anything to report on that end.

C. APC Members

Ms. Kemper stated that Lahontan still does not have a quorum for their Regional Board. The Governor appointed a new member, but Lahontan needs one more Board member in order to hold the Board meeting. It is scheduled for April 13th and 14th and because of the backup of three months of not having a Board meeting, she stated that she probably won't be at the APC meeting in April, if, in fact, Lahontan gets an appointment in the next week or two.
Mr. McDowell commented that he would not be at the APC meeting in April because he has to go to Maui. He stated that Mr. Joe Oden will probably be taking his place. He requested that TRPA give the APC a briefing on tall white top species. He believed that the APC could benefit from this. Mr. McDowell believed that there is a lady from the Nevada Cooperative Extension that is very knowledgeable about it.

Ms. Kvas stated that Washoe County is going to be involved in a Sincap, which is a television program that will be aired on their public television channels. They will be getting four half-hour programs that they will produce for the County each month and she suggested that TRPA produce some programs that the people in Washoe County might be interested in seeing that TRPA could also show in California. Mr. Wells suggested that she give him more detailed information and a contact person.

Mr. Wells also stated that TRPA has a new Board member that will be at the March Governing Board meeting. Mr. Rick Cronk has been replaced by a gentleman named Terry Giles, who is from Southern California. We don't know a lot about him right now, but he sounds very enthusiastic about being appointed to the Board by Governor Davis.

IX. ADJOURNMENT – The meeting was adjourned at 12:15 p.m.

Respectfully submitted,

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.
MEMORANDUM

March 31, 1999

To: Advisory Planning Commission Members

From: The Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt A New Memorandum of Understanding Between TRPA and El Dorado County

Proposed Action: As provided for in the Permit Integration Program Action Plan, TRPA staff is currently pursuing both the development of new MOUs as well as amendment of existing MOUs to improve coordination between certain governmental agencies and to provide clarification and expansion of certain exempt and qualified exempt activities and to increase delegation responsibilities where appropriate. The APC is requested to recommend to the Governing Board approval of a new MOU with El Dorado County (Attachment A) exempting certain activities reviewed by El Dorado County from TRPA review.

Description and Discussion: Currently, El Dorado County reviews new single family dwellings, modifications to existing residential dwellings and multi-family dwellings (4 units or less) under an existing MOU adopted in December, 1992. As shown by the annual audits of the applications processed under the MOU, El Dorado County has done an excellent job of implementing the provisions of the current MOU. During the past several years, the responsibilities of El Dorado County under the MOU have been increased to include site assessments, land capability determinations, and review of residential projects within scenic corridors.

The proposed new MOU would allow El Dorado County to review, permit and enforce applications at staff level for:

- Multi-person Dwellings (new, additions/modifications)
- Nursing and Personal Care facilities (new, additions/modifications)
- Residential Care facilities (new, additions/modifications)
- Summer Homes (new, additions/modifications)
- Minor Additions/Modifications to Tourist Accommodation Uses
- Existing Use/Structure Verifications
- Coverage Transfers

3/31/99

AGENDA ITEM V.A

RA
Review by the County would be limited to only those projects identified in Chapter 4, Appendix A of the TRPA Code as staff level review. Any of the activities listed in Chapter 4, Appendix A as Hearings Officer or Governing Board level would be retained by the TRPA.

Chapter 4, Section 4 of the Code would be amended to add a new Section 4.4.H, Various Activities Within El Dorado County: As set forth in Appendix JJ, dated April, 1999, of this Chapter.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for each of the proposed MOUs. Based on the checklist, staff recommends a finding of no significant effect on the environment for the proposed MOU.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

A. The project (ordinance) 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:

Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOU with El Dorado County are minor in nature and are subject to all the provisions of the Regional Plan. The activities will be reviewed, approved and inspected by El Dorado County consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of El Dorado County and TRPA staff time as well as avoid the duplicative review process currently experienced by El Dorado County, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.
B. The project will not cause the environmental thresholds to be exceeded:

Activities undertaken pursuant to the proposed new MOU are subject to the provisions of the Regional Plan. The activities reviewed by El Dorado County will be in accordance with all applicable TRPA regulations. Therefore, the activities listed in the new MOU will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

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

Activities undertaken pursuant to the proposed MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

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

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings – Article VI(a) states:

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

As discussed above, all activities undertaken pursuant to this MOU will be reviewed under the provisions of the Regional Plan package, including the TRPA Code, Plan Area Statements and applicable Community Plan. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, coupled with limitations elsewhere in the Code, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed MOU will implement Section 4.4 of the Code which allows certain activities to be reviewed by local governments pursuant to a memorandum of understanding.

If you have any questions regarding this staff summary, please call Rick Angelocci at (775) 588-4547.
APPENDIX JJ

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
THE COUNTY OF EL DORADO

This Memorandum of Understanding is entered into this _____ day of _________, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the COUNTY OF EL DORADO (COUNTY), by and through its Chairman of the Board of Supervisors, as authorized by the Board of Supervisors.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by COUNTY pursuant to the MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) requires TRPA to define which activities are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of COUNTY as it pertains to review of projects, within the County of El Dorado and consistent with the mandate of the Compact to defer land use regulation to local government wherever feasible, COUNTY and TRPA agree that COUNTY shall review those activities listed under 12 of this MOU to be undertaken within the COUNTY limits of El Dorado County. Such review by the COUNTY shall include application of all applicable TRPA regulations to such activities otherwise subject to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed a qualified exempt activity under TRPA regulations.

IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. With the exception of those applications requiring TRPA Governing Board or Hearings Officer approval (Chapter 4, Appendix A), all applications for those activities listed under 12 of this MOU located within the COUNTY limits are hereby exempt under Chapter 4 of the TRPA Code and shall be reviewed by COUNTY.
2. COUNTY shall administer, in accordance with the provisions of this agreement, all standards of the TRPA Code as applicable to the activities as authorized by this MOU.

COUNTY shall utilize the TRPA Project Review Conformance Checklist and Procedural Guidelines in its review of projects, as authorized by this MOU.

COUNTY shall coordinate with TRPA to determine whether there have been any previous TRPA actions with regard to the subject parcels and the effect of any such action on the pending applications.

3. COUNTY shall be authorized to collect application and mitigation fees, security deposits, and other designated fees on behalf of TRPA in accordance with fee schedules to be provided to COUNTY by TRPA. Such fee schedules shall be sufficient in detail to provide specific information concerning fee calculations to assist COUNTY in performing fee collection activities. Furthermore, COUNTY shall be authorized to retain a percentage of all application fees collected to offset COUNTY's costs of administering the provisions of this MOU. Such percentage shall be mutually agreed upon in writing by TRPA and COUNTY, and may be amended from time to time by mutual agreement of the Executive Director and the Chairman of the Board of Supervisors.

All mitigation fees collected by COUNTY on behalf of TRPA pursuant to this MOU shall be paid to TRA on a monthly basis under procedures mutually agreed upon by the finance officers of the parties hereto.

4. The existing MOU between the COUNTY and TRPA shall remain in full force and effect.

5. Nothing in this MOU shall be construed to limit the authority of COUNTY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the land use regulatory powers of either COUNTY or TRPA.

6. The COUNTY and TRPA staff shall review quarterly the implementation of this MOU and shall report their respective governing boards following such reviews.

7. In carrying out the intent of this MOU, COUNTY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage, allocations, and any other applicable procedures. All project accounting and tracking shall be completed by COUNTY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, COUNTY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. COUNTY shall submit completed tracking forms to TRPA on a monthly basis.
8. COUNTY shall perform compliance inspections to ensure that the projects and activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved.

COUNTY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the TRPA Code as authorized by this MOU, including the processing of Code violations involving unpermitted activities. Settlements of violations involving civil penalties must be approved by TRPA. If a violation cannot be resolved at the staff level, COUNTY shall contact TRPA to institute the formal notice of violation procedure.

9. Any activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.

10. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

11. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by COUNTY without the prior written approval of TRPA.

12. Activities to be reviewed, permitted and enforced by the COUNTY:

a. Multi-person Dwellings (new, additions/modifications)
b. Nursing and Personal Care facilities (new, additions/modifications)
c. Residential Care facilities (new, additions/modifications)
d. Summer Homes (new, additions/modifications)
e. Minor Additions/Modifications to Tourist Accommodation Uses
f. Existing Use/Structure Verifications
g. Coverage Transfers
h. Unit of Use Transfers
i. Allocation Transfers
j. Development Right Transfers
k. Banking (coverage, units of use, residential development rights)
l. Temporary Activities
m. Temporary Uses
n. Temporary Structures
o. Signs
p. Lot Line Adjustments
q. Grading (minor and major)
r. Recreation (new, additions/modifications)
s. Public Service (new, additions/modifications)

Note: El Dorado County shall not process any application in which the County is the applicant or where there exists a conflict of interest. Review by the County would be limited to only those projects identified in Chapter 4, Appendix A of the TRPA Code as staff level review. Any of the activities listed in Chapter 4, Appendix A as Hearings Officer or Governing Board level would be retained by the TRPA. Any project listed in the categories above requiring a higher level of environmental documentation than

ATTACHMENT
Categorical Exempt as defined under the California Environmental Quality Act (CEQA) shall automatically require TRPA review and approval.

COUNTY OF EL DORADO

Dated: ____________________________

________________________________________
Chairman of the Board

TAHOE REGIONAL PLANNING AGENCY

Dated: ____________________________

________________________________________
James Baetge
Executive Director
MEMORANDUM

April 1, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff


Proposed Action: This is an information item only; no action is required of the Advisory Planning Commission (APC) with regards to this agenda item. The purpose of this status report is to advise the APC, interested stakeholders, and the general public of the progress which has been made regarding development of the Lake Tahoe Source Water Protection Program. In addition to keeping the APC informed (this is the second status report to the APC), this public hearing item will allow interested stakeholders an opportunity to present relevant program information to the APC and staff.

Staff Action: Staff is developing this program in accordance with the U.S. EPA approved work program described in the contract by and between TRPA and U.S. EPA for the SWAPP Regional Coordination Project Assistance Agreement. The Lake Tahoe Source Water Group has been formed and is working with U.S. EPA and TRPA staff to develop the program. In addition, a list of interested parties (Stakeholders) has also been created. The Stakeholders are encouraged to review and comment on development of the program.

Background: Because Lake Tahoe is a source of drinking water for the basin, the U.S. EPA has provided funding to TRPA under the Safe Drinking Water Act to ensure protection of public health. The Lake Tahoe Water Quality Management Plan, also referred to as the 208 Plan, has served the region indirectly towards the protection of drinking water sources for many years. However, the 208 Plan is not focused on drinking water quality concerns. The requirements of the Safe Drinking Water Act are unclear where the development of source water assessment and protection plans involve interstate source water areas. The Lake Tahoe Source Water Protection Program includes development of a Coordination Plan that will integrate the preparation of state source water assessment and protection plans in the Lake Tahoe Region. The Coordination Plan will be developed using a watershed approach. U.S. EPA is looking for this plan to serve as a model for application to other interstate watersheds in the United States.
This program is one of several Presidential Commitments described in the status report entitled "The Clinton-Gore Commitments of the Lake Tahoe Presidential Forum." $50,000 has been awarded and is budgeted for this contract. The original contract period was April 1, 1998 through April 1, 1999; EPA has granted an extension of the period to September 30, 1999.

Scope of Work: TRPA staff and the Lake Tahoe Source Water Group are in the process of developing a program with at least four components: 1) Public Outreach Plan; 2) Data Management Plan; 3) Capital Improvements Plan; and 4) Coordination Plan. TRPA staff and the Source Water Group will coordinate California and Nevada's efforts towards developing Source Water Assessment and Protection Plans. TRPA will identify EIP projects and programs aimed at the protection of drinking water sources in the Lake Tahoe Region. The Draft Coordination Plan continues to be developed and, upon its completion, will be presented to the APC for approval.

One component of the data management plan currently being developed is a Regional Source Water Inventory Map. A Geographic Information System (GIS) inventory database is being compiled which forms the basis for this map. This GIS product will include the generation of buffer zones around each drinking water source (Interim Protection Zones). When proposed projects are located within an Interim Protection Zone, project planners will be alerted, and will review these projects to insure protection of the nearby drinking water source.

TRPA staff will seek Advisory Planning Commission approval of the Coordination Plan and other program deliverables on August 11, 1999. In addition, status reports will be given to and program approval will be sought from the TRPA Governing Board.

If you have any questions or comments regarding this program, please contact Jon Paul Kiel at 775-588-4547, extension 261.
April 6, 1999

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Boundary Line between Special Areas #1 and #2 of the Tahoe Vista Community Plan to include Placer County APN 117-072-01 in Special Area #1.

Proposed Action: The applicants, Bruce and Nancy Eisenhard, propose to amend the boundary line between Special Area #1 and Special Area #2 of the Tahoe Vista Community Plan to include Placer County APN 117-072-01 into Special Area 1. The purpose is to allow the construction of a single family residence. See Attachment A for applicant's proposed boundary line amendment and location map.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and, based on its outcome, recommend approval of the amendment to the TRPA Governing Board with staff modifications. The staff recommended Special Policy (see Attachment B) will require the applicant to provide a ten (10) foot public easement above highwater.

Discussion: The subject parcel is located within Special Area #2 of the Tahoe Vista Community Plan. The parcel has contained a single family residence until July of 1992 when the residence burned down. In October of 1992, the previous owner of the parcel had TRPA verify one (1) legally existing residential unit of use (see Attachment C). The Code of Ordinance provides provisions for rebuilding of such structures destroyed by fire. The Code requires that an application be submitted to TRPA within eighteen months of the damage or destruction resulting from the calamity. Structures for which applications are not timely filed shall be considered derelict and not as existing structures. Although the previous owner verified one legally existing residential unit of use, he did not rebuild the structure within the time period provided for in the Code. Since July of 1992, the parcel has not been rebuilt, but staff has completed an Existing Land Coverage Verification, and has verified onsite land coverage of 6,184 square feet and 175 square feet of off-site coverage.

In April of 1996, the Tahoe Vista Community Plan was adopted by the TRPA Governing Board. The community plan is designed to serve as the guiding doctrine for land use related decisions in Tahoe Vista. The Urban Design and Development Goal states that the overall theme of for the Tahoe Vista Community Plan is "Major Tourist Accommodation, Retail and Services/Industrial Storage and Services" and lake frontages should be reserved for a variety of uses that encourages the public to utilize these areas. These goals are implemented through the use of subareas called Special Areas. Special Area #1 is classified as a Tourist Area, which
Amendment of the Boundary Line of the Tahoe Vista Community Plan
April 5, 1999
Page 2

encourages tourist uses and for priority to be given to locating tourist accommodation uses and beach access in this area. Special Area #2 is classified as a Commercial Core, and encourages the mixed use of tourist and residential serving commercial uses. The permissible use list of the Tahoe Vista Community plan allows various uses which complement the tourist land use theme, and provides for single family dwellings as a special use, since they existed prior to the adoption of the Community Plan. Single family use is permissible in Special Area #1 but not Special Area #2. At the time the boundary line was drawn, the subject parcel was vacant and was included in Special Area #2, which prohibits single family dwellings.

Subsequently, the subject parcel was purchased by the current applicants and they have submitted a plan area amendment to include the subject parcel in Special Area #1. The proposed amendment will move the Special Area #1 boundary line over one parcel to include the subject parcel where as previously stated, single family dwellings are a special use.

Existing uses within the vicinity of the subject parcel include tourist accommodations uses and residential uses. The subject parcel is currently nestled between two existing tourist accommodations uses. However, at the March Governing Board meeting, the Governing Board approved a conversion project for the adjacent parcel which was a tourist accommodation use which was converted to single family uses. Because the project had impacts to public access, the applicants of the adjacent parcel agreed to provide a ten foot public easement of high water. The easement is mitigation for loss of public access in a Community Plan designated as a tourist area. As part of the approval, the applicant may opt for participation in a public access mitigation program in the future, provided they meet the criteria that will be established.

Although the amendment will allow for the potential of a residential development within a Tourist Community Plan Area, the plan did provide provisions for existing residential uses and allows for their development in certain subareas. In this case the subject parcel is adjacent to an area that allows single family uses and the subject parcel historically had a residential use present at the time of the Regional Plan Adoption. Developing the site with residential use will have an impact on public access. Under the current permissible uses, the site would be targeted for tourist accommodation uses that can provide public access to the Lake. Developing the site with a single family use will create loss of potential public access and staff recommends that it is mitigated.

Staff recommends approval of the proposed boundary line with a requirement to include a ten foot public easement lakeward of high water. The applicants may opt for participation similar to the adjacent parcel when the program is established and provided they meet the criteria. The easement will help offset loss of public access in a Community Plan area designated for tourist and recreation uses.

Placer County Zoning and General Plan Designations: Placer County has adopted the Tahoe Vista Community Plan and the applicant will be required to amend the same boundary line with Placer County.
Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

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

Rationale: The proposed amendments to the Tahoe Vista Community Plan will not adversely affect implementation of the Regional Plan because single family is a permissible use in the Community Plan area, and the subject parcel has a verified legally existing residential unit of use. The amendment will allow the subject parcel to submit an application to rebuild a single family use on the parcel. Any project that may result from this amendment must be reviewed for compliance with other Code provisions, the Tahoe Vista Community Plan and TRPA Threshold Standards.

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

Rationale: The amendment will be conditioned to require a ten foot public easement above high water as part of project development. The easement will mitigate the potential loss of public access in a Community Plan designated for tourist accommodation uses, recreation and public access. Any projects that are proposed due to this amendment will be required to comply with all aspects of the Regional Plan package, including applicable thresholds.

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

Rationale: Any new or expansion of development due to this amendment will continue to be subject to federal, state, and local air and water quality standards.

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

Rationale: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.
Amendment of the Boundary Line of the Tahoe Vista Community Plan
April 5, 1999
Page 4

5. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: See findings 1 and 2 above

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: The amendment will not expand the area of residential uses beyond that which has existed in the past. The amendment will require improvement projects by requiring scenic threshold improvements, soil conservation improvements as a condition of project development.

Environmental Documentation: The applicant has completed and staff has reviewed the Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at (702) 588-4547, or via email at John Hitchcock <trpa@sierra.net>, if you have any questions regarding this matter.
ATTACHMENT B
Proposed Amendments to the Tahoe Vista Community Plan
April 4, 1999

7. Implement the recommendations described in the Conservation Element, Scenic Improvements, for improving overall scenic quality.
   a. Policy: The Design Review Committee shall consider the recommendations of the Scenic Target of Chapter IV when reviewing projects and where appropriate, incorporate conditions of approval to implement the recommendations.

8. Preserve and enhance scenic views to Lake Tahoe and to other prominent areas of special interest.
   a. Policy: Projects located between the designated scenic corridors and Lake Tahoe shall not cause a reduction of the views of Lake Tahoe from the corridors. TRPA may consider as an alternative, off-site improvements if it is determined there is a net increase in the lake views within the scenic unit.

9. Encourage development and/or activities that will enhance the "year round" economy, such as encouraging summer business to develop winter businesses.

10. Special event area for arts and crafts shows, seasonal sales, and other similar events shall be established.
    a. Policy: Special event area for arts and crafts shows, seasonal sales, farmer's market, and other similar events shall be considered for North Tahoe PUD Regional Park. The design and regulation of the area by the NTPUD should allow such events to occur as activities not subject to TRPA review.

11. Encourage improved lake access with recreation trails and parking, increased beach access at Tahoe Vista beaches, and increased boating access consistent with the environmental tolerances of the shorezone.
    a. Policy: Projects in Tolerance District One (1) shall not increase disturbance or land coverage and shall be limited to maintenance dredging.
    b. Policy: Projects in Special Area #1 that expand or create residential or other uses that limit public access to Lake Tahoe shall provide public access easement lakeward of highwater or opt for participation in an approved community plan public access program.
October 19, 1992

Mr. John Troutwine

c/o Leah Kaufman Planning & Consulting Services

P.O. Box 283  

Carnelian Bay, California 96143

Subject: Existing Land Coverage Verification, Assessor’s Parcel Number 117-072-12, Agate Bay, Placer County

Dear Mr. Troutwine:

This letter is intended as a verification of existing land coverage for the property on 6790 North Lake Boulevard. This verification is based on a site visit, building records and other information contained in its files. The determination by the Tahoe Regional Planning Agency (TRPA) is as follows; TRPA will acknowledge one (1) legally existing residential unit and the following amounts of existing land coverage:

**Existing Land Coverage**

- **Main House**: 626 square feet
- **Decks**: 483 square feet
- **Encroachment of Cottages**: 177 square feet
- **Steps**: 10 square feet
- **Driveway**: 4,441 square feet

**Be/1b** Total on-site 5,737 square feet
**Total off-site** 175 square feet

The area on the site plan shown as compacted parking/storage could not be verified due to debris covering this area. If you have any questions regarding this letter, please give me a call.

Sincerely,

[Signature]

Ruben Mejia  
Assistant Planner  
Project Review Division

cc: John Troutwine (11/6/92)

Revised 10-28-92  
/rm
MEMORANDUM

April 5, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 20, Land Coverage, Relative to Maximum Land Coverage in Adopted Community Plans

Proposed Action: TRPA Staff requests the APC consider recommending an amendment to the TRPA Code of Ordinances Subsection 20.3.B(3), Tourist Accommodation Facilities, Multi-Residential Facilities (Five or More Units), Public Service Facilities, and Recreation Facilities Within Community Plans to be more consistent with the language in Subsection 20.3.B (2), Commercial Facilities Within Community Plans. See Attachment A for amended language.

Staff Recommendation: Staff recommends the Advisory Planning Commission hold a public hearing on this item and recommend to the TRPA Governing Board to adopt the proposed amendment to Code Subsection 20.3.B (3) as reflected in Attachment A.

Background: This staff-initiated Code amendment is to clarify and add consistency between Code sections. Under the Commercial Facilities subsection, 20.3.B (2), TRPA only considers if a development existed on a parcel on the effective date of the Regional Plan in order to be allocated 50% or 70% coverage. There is no effective date limitation on the existence of a parcel for commercial coverages. The next subsection, 20.3.B (3), deals with Tourist Accommodation, Multi-Residential, Public Service, or Recreation Facilities in a community plan and specifies that the parcel must exist on the effective date of the Regional Plan in order to be allowed 50% coverage.

The proposed language would allow parcels that have been subdivided or newly recorded, due to boundary line adjustments, to be eligible to transfer in up to a total of 50% coverage for multi-residential, recreation, tourist accommodation, or public service projects when it is located within a community plan. To clarify that this section does not permit the use of 50% coverage for residential subdivisions that result in four or less units on a parcel, staff recommends adding the language in Attachment A.
Memorandum to Advisory Planning Commission
Amendment of Code Section 20.3.B. (3)
Page 2

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

A. Chapter 6 Findings:

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

   Rationale: The proposed Code amendment is limited to community plan areas and facilitates the types of projects recommended by community plan teams. All applications must be reviewed for compliance with other Code provisions. All projects approved under this new language must meet all Regional Plan standards.

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

   Rationale: All projects that are approved under this new Code language must make the finding that no threshold will be exceeded. In addition, this amendment provides the 50% land coverage incentive to allow transfers to high capability lands in a community plan where development can be supported by transit and other amenities found in a commercial core.

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

   Rationale: See Findings 1 and 2 above.

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

   Rationale: See Findings 1 and 2 above.

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

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.
Rationale: This amendment has limited application and where it can be applied, these projects must meet all environmental standards which includes mitigating any potential impacts to a less than significant level.

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

Rationale: The amendment provides the ability for recreation, tourist accommodation, public service, or multi-residential projects to transfer up to 50% land coverage to a community plan parcel that did not exist on the effective date of the Regional Plan. This will provide an incentive for affordable housing and other projects that are appropriately located within community plans.

3. One of the following findings:

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

b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

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

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

e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or

f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

(1) The cost of implementation outweighs the environmental gain to be achieved;

(2) Implementation will result in unacceptable impacts on public health and safety; or

(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
Memorandum to Advisory Planning Commission
Amendment of Code Section 20.3.B. (3)
Page 4

Staff proposes to make Finding b.

Rationale: Currently, if a parcel existed on the effective date of the Regional Plan and is within a community plan boundary, it is allowed to transfer land coverage to total 50% land coverage. However, if a parcel has gone through a boundary line adjustment (therefore a new parcel map has been recorded) or has been legally subdivided it does not qualify for the 50% incentive. This is inconsistent with 20.3.B (2).

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

If there are any questions regarding this agenda item, please contact John Hitchcock at (702) 588-4547.
PROPOSED LANGUAGE AMENDMENTS
New Language underlined, deleted language struckthrough

(2) Commercial Facilities Within Community Plans: The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for commercial facilities located within community plans approved pursuant to Chapter 14 is as follows:

(a) For parcels upon which there is no development legally existing as of the effective date of the Regional Plan, maximum land coverage is 70 percent of the project area, which area is located within land capability districts 4 through 7, inclusive; and

(b) For parcels upon which there legally exists development as of the effective date of the Regional Plan, maximum land coverage is 50 percent of the project area, which area is located within land capability districts 4 through 7, inclusive.

(3) Tourist Accommodation Facilities Multi-Residential Facilities (Five Or More Units), Public Service Facilities, And Recreation Facilities Within Community Plans: The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities and recreation facilities is limited to 50 percent of the project area, provided the parcel is located within a community plan approved pursuant to Chapter 14. Such land coverage may be used only on the project area located within land capability districts 4 through 7, inclusive, referred to in Subsection 20.3.A. The provisions of this Subsection apply to parcels legally existing on the effective date of the Regional Plan, upon which there exists no development, or upon which there lawfully exists tourist accommodation, multi-residential (five or more units), public service, or recreation facilities. Subdivisions into parcels of 4 or less residential units shall not be eligible for the maximum permitted under this subparagraph.
MEMORANDUM

April 5, 1999

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: California Tahoe Conservancy, Discussion on Cove East Parcel 4 Restoration, City of South Lake Tahoe

This agenda item will be presented by Steve Goldman, of the California Tahoe Conservancy.
MEMORANDUM

April 2, 1999

To: Advisory Planning Commission
From: TRPA Staff
Subject: Notice of Circulation, Lake Tahoe Shorezone Ordinance Amendments
        Draft EIS, April 1999

A copy of the new draft Shorezone EIS with the proposed ordinances attached is included with the APC packet. The document analyzes proposed regulations and future development in the lakes of the Tahoe Region. The review and comment period has been extended to 90 days to allow adequate time for review and comment. The comment period ends July 2, 1999. There will be a public hearing to discuss this EIS at the June APC meeting.

In the meantime, the Shorezone Consensus Group will meet to discuss some of the EIS issues. It is staff's recommendation that the Consensus Group focus on key issues that need to be resolved before the ordinance adoption. See Table 4.15-1 for a list of issues. We have tentatively set Friday, May 21, 1999 as the Consensus Group meeting day so that the staff could report the results of the meeting to the APC in June.

If you have any questions about the EIS, the ordinances, or the process, please contact Coleen Shade at (775) 588-4547.