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 November 14, 2001, at the Tahoe Seasons Resort, Saddle Road at Keller, South Lake Tahoe, California. The agenda for the meeting is attached hereto and made a part of this notice.

October 29, 2001

Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following locations: Zephyr Cove and Stateline, Nevada post offices, and South Lake Tahoe Library and Al Tahoe, California post office. 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

November 14, 2001
9:30 am

Tahoe Seasons Resort
Saddle Road at Keller
South Lake Tahoe, California

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

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. 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. APPROVAL OF MINUTES

A. April 2001
B. May 2001
C. August 2001
D. September 2001

V. PLANNING MATTERS

A. Presentation on Interim Shorezone Projects
   Recommendation and Completion of Final EIS on New Shorezone Ordinances
VI. PUBLIC HEARINGS

A. Annual Adjustment to Rental Car Mitigation Fee

B. Amendment of Chapters 52 and 54 to Allow for Expansions of Buoy Fields in Fish Habitat and Related Amendments

C. Amend Bijou / Al Tahoe Community Plan (PAS 098) to Add “Participant Sports Facilities” as a Permissible Use and Other Matters Properly Related Thereto

D. Amendment of PAS 008 to Add Existing Development to TDR Description for Special Area #1 Only

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VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative To APC Recommendations

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
MEMORANDUM

November 6, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Presentation on Interim Shorezone Projects Recommendation and Completion of Final EIS on New Shorezone Ordinances

TRPA Staff will present to the APC the approach to completing the Shorezone Final EIS and Shorezone Ordinances as well as the interim approach to reviewing shorezone projects and other upland projects that are within 300 feet of high water. Following the presentation, staff would like to discuss and receive feedback regarding these approaches.

Additional information will be supplied at the APC meeting.
October 30, 2001

To: Advisory Planning Commission
From: TRPA Transportation Staff
Subject: Approval of Annual Adjustment to Chapter 95 of the Tahoe Regional Planning Agency Code of Ordinances, Rental Car Mitigation Fee Program

Action Requested: To recommend approval of annual adjustment to Rental Car Mitigation Fee. The adjustment is to increase the Rental Car Mitigation Fee by ¼ of a dollar from $4.25 to $4.50 for each day a car is rented in the Tahoe Basin.

Staff Recommendation: Staff is recommending to increase the Rental Car Mitigation Fee by ¼ of a dollar consistent with the Consumer Price Index of the San Francisco Bay Area as stated in Chapter 95 of the TRPA Code of Ordinances. Staff recommends the Advisory Planning Commission hold a public hearing on this item and recommend approval to the TRPA Governing Board.

Background: In 1993, the Tahoe Regional Planning Agency adopted Chapter 95, the Rental Car Mitigation Fee Program, in the TRPA Code of Ordinances. This Ordinance was implemented to assist in the achievement and maintenance of environmental thresholds for air and water quality. The Ordinance applies to each rental transaction in which the rental car is rented by, or delivered to a person in the Tahoe Region (defined by watershed/TRPA jurisdiction). Each rental transaction shall be assessed a mitigation fee, with some exceptions for local residents. The primary provision of this program is the assessment of a $4.25 fee for each day the car is rented.

Since the inception of the Rental Car Mitigation Fee, the program has generated approximately $757,741 in fees collected by the TRPA. Under terms of Chapter 95 of the TRPA Code of Ordinances, TRPA disburses the fees to the Tahoe Transportation District (TTD) to be used on projects that are consistent with the TRPA Regional Transportation Plan—Air Quality Plan. Since 1993, roughly $400,000 of the Rental Car Mitigation Fees have been used to assist in the operation of the North and South Shore transit system, including the Nifty Fifty Trolley on the South Shore and the Tahoe Trolley on the North Shore. These funds have also been used as local match money for State and Federal grants to purchase vehicles within these fleets. In addition, up to 15% (annually) of the funds have been used for administrative support for Tahoe Transportation District activities.

Discussion: As stated in Chapter 95, Section 95.3 of the Tahoe Regional Planning Agency’s Code of Ordinances, “The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index of the San Francisco region, rounded to the nearest quarter-dollar.” This fee has not been increased since 1995.

At this time, staff would like to present the proposed increase to the Advisory Planning Commission for recommendation of approval to the TRPA Governing Board. The proposed increase is as follows: the CPI for the San Francisco region for 2000 was 4.2% according to the Bureau of Labor Statistics. Therefore, the adjustment is calculated by multiplying the current $4.25 mitigation fee by the 4.2% CPI increase for 2000. This equates to an increase of 17.85 cents with that being raised to the nearest quarter dollar, which is 25 cents. With this adjustment, the Rental Car Mitigation Fee would be $4.50 effective December 1, 2001.

If you have any questions regarding this matter, please feel free to contact Alfred Knotts at 775-588-4547.

AGENDA ITEM VI.A.
MEMORANDUM

November 1, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapters 52 and 54 to Allow for Expansion of Buoy Fields in Fish Habitat and Related Amendments

Proposed Action: In response to the Dollar Point Home Owner’s Buoy Field Expansion agenda item in June, the TRPA Governing Board directed TRPA Staff to bring back a revision to the Code that would directly present the policy questions of expansion of existing buoy fields located in prime fish habitat (see Attachment A, June GB minutes).

Staff Recommendation: Staff recommends the Advisory Planning Commission hold a public hearing on this item and recommend to the TRPA Governing Board to take no action on this item.

Background: The Dollar Point HOA’s buoy field expansion project was presented at the Governing Board meeting in June with a staff recommendation of denial. Staff was unable to recommend making the findings because Code of Ordinance sections 54.6.A(2) and 54.4.A(3) prohibit Dollar Point HOA from placing new buoys in areas identified as Prime Fish Habitat.

At the June GB hearing, it was presented that prior to 1993 TRPA staff interpreted the Code differently and allowed the expansion of existing buoy fields in prime fish habitat by reviewing the field as a single structure. It was also presented to the GB that since 1993 staff has interpreted each buoy as a single structure and, therefore, do not allow new buoys in prime fish habitat.

The interpretation that is used today for single buoys in or out of a buoy field is the same interpretation that was used in the early 90’s. A buoy is considered a structure. The prohibition that applies to new structures in prime fish habitat applies to each individual buoy.

TRPA has approved the expansion of existing structures in mapped prime fish habitat when the expansion extends out beyond verified prime fish habitat substrate, as in the expansion of an existing pier or the placement of individual buoys in to sandy substrates.

Discussion: Consideration of Dollar Point HOA’s request to add new buoys in prime fish habitat raises significant issues:

1. Adding new structures in mapped and verified prime fish habitat is against the current prohibition in the Code of Ordinances.
2. The fish studies conducted by UCD Tahoe Research Group have concluded that buoys do not physically impact prime fish habitat.

3. Limited PAH studies conducted at Lake Tahoe have shown impacts to both zooplankton and larval fish.

4. Past actions did allow the expansion of buoy fields in mapped fish habitat when the buoys to be added were placed in sandy substrates.

5. The existing buoy field extends 650 lakeward of high water and exceeds the "50 foot grid" capacity proposed in the new ordinance.

6. The proposed new buoys would be placed in rows north (landward) of the existing buoys at depths that would not be navigable at lower lake elevations and would then need to be moved out to deeper water.

7. To lift the prohibition for the placement of new buoys in prime fish habitat an environmental document will be needed.

8. No one has a handle on non-permitted buoy enforcement. In the 1988 Regional Plan EIS there were an estimated 2,545 buoys around Lake Tahoe. The shorezone survey in 1994 identified 3,536 buoys with approximately 1100 of those permitted. Last summer's GPS buoy survey identified 6,262 buoys on Lake Tahoe.

9. The existing buoy field is in a scenic non-attainment unit.

With the issues listed above in mind, staff reviewed several proposals to accommodate the new buoys. The following is a discussion on each.

**Option #1:** Amend the Code to allow the one time expansion of up to 10 buoys in existing HOA buoy fields. This is consistent with what is allowed for in marinas without doing a master plan and EIS. Expansions of more than 10 buoys would need an Environmental Assessment (EA), at a minimum, which would also have to analyze cumulative impacts. Based on a conservative number of 30 HOAs who have lake access this Code amendment would have the potential to allow 300 new buoys. Based on these potential expansions, a cumulative analysis for the Code amendment would be required. This is the type of analysis that is being completed in the Shorezone EIS.

**Option #2:** A second Code amendment option would specifically allow the littoral parcel owned by the Dollar Point HOA to expand its buoy field by 14 buoys on a one-time-basis only. The potential impacts are locally limited and a baseline for PAH could be established prior to the placement of buoys and appropriate mitigation drafted to maintain the baseline levels. This approach, while very isolated, does not recognize the fact we have other buoy fields around the shorezone of Lake Tahoe that could argue they are in similar situations and would be discriminated against using the new Code language.

**Option #3:** A third Code amendment option would allow the expansion of an existing buoy field as a single structure in fish habitat when the buoys are placed landward of the...
existing buoys. No new buoys could be placed lakeward of existing buoys therefore the lakeward extent of the buoy field would not increase impacts to navigation. However, the majority of prime fish habitat substrate exists in a narrow ban along the shoreline, therefore, the capacity to moor boats would be increased in the areas of prime habitat substrate. The cumulative effects of this option would need to be analyzed for the whole lake. This option at the very least would need an inventory of all buoy fields that included, at the very least, the elevation at which the landward row of buoys were located and how many more buoys could be placed within a 50 foot grid landward of that elevation and still have navigable water.

**Option #4:** A fourth Code amendment option is to lift the prohibition for the placement of buoys in prime fish habitat. This is being analyzed in the Shorezone Ordinance Amendments EIS. It would not be an efficient use of staff’s time to prepare a separate EIS to address the impacts of the additional buoys when this analysis is included in the Shorezone Ordinance Amendments EIS that staff is currently working on to complete.

**Option #5:** A fifth Code amendment option is to provide the opportunity to amend the prime fish habitat map not only along perpendicular lines to the shoreline but also along parallel lines. Currently, prime fish habitat is mapped lakeward to the thirty foot contour. However, there are sites where the prime fish habitat substrate ends short of the thirty foot contour and becomes marginal habitat. This particular approach will not assist the Dollar Point HOA because the prime fish habitat substrate extends beyond the existing buoy field which is more than 650 feet lakeward from highwater. In addition, like the options listed above, other properties would be eligible to apply for new buoys under this scenario, and without a comprehensive analysis of this option there is no way to identify the increased capacity for the mooring of boats and the associated potential impacts to the Region’s Environmental Thresholds.

**Required Findings:** The following findings must be made prior to adopting any 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 amendments cannot be found to be consistent with the Regional Plan. There has been no comprehensive analysis for the above options that identifies a potential build out number for buoys and how the increased capacity to moor boats would affect existing water quality baseline numbers. The option that would amend the Code so that it only applied to the Dollar Point Home Owners Association would be arbitrary.

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

CS/mlw
Rationale: Without an analysis of the number of properties that could be affected by these new ordinances and the potential number of new buoys there is no way to determine the impacts to thresholds such as water quality, scenic quality and fisheries.

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.

If there are any questions regarding this agenda item, please contact Coleen L. Shade at (702) 588-4547 ext. 228 or e-mail your questions to coleens@trpa.org.

Attachments: A. June 2001 Governing Board Minutes
VI. CONSENT CALENDAR

Ms. Neft stated that the Finance Committee recommended approval on Consent Calendar Items Nos. 1, 6, 7, 8, 9, 10, 11, 12 and 13. The motion carried unanimously.

MOTION by Dr. Miner to approve Consent Calendar Item Nos. 1, 4, 6, 7, 8, 9, 10, 11, 12 and 13. The motion carried unanimously.

(The following are items approved on the consent calendar

1. Release of $150,284 in Washoe County Air Quality Mitigation Funds for Tanager Drive Pedestrian Path.
2. City of South Lake Tahoe New Ice Skating Rink, APN 26-050-04, File No. 210042
3. Adahi, New Commercial Building, 936 Southwood Boulevard, Incline Village, and Conditions Nevada, APN 132-231-13, TRPA File No. 200435
5. Release of $277,500 in air quality mitigation funds for the CNG fueling facility for TART and $50,000 for reimbursement to the North Lake Tahoe Resort Association for the purchase of three trolleys.
7. Mount Rose Publishing Company, Commercial Plan Revision, 925 Tahoe Boulevard, Washoe County, APN 132-231-06, TRPA File No. 200845
9. Request for $10,000 from the Fines and Forfeitures account for the purchase of a new Honda 130 hp 4-cycle engine for the TRPA In-Lake Monitoring Boat.

Land Capability Challenges:

11. Kingman Land Capability Challenge, 2076 The Back Road, Glenbrook, Douglas County, APN 001-050-28
12. Harry & Linda Traback Land Capability Challenge, 3970 Interlaken Avenue, Placer County, APN 085-213-018
13. Rob & Karen Laurie Land Capability Challenge, 450 Jill Court, Placer County, APN 125-131-11)

VII. PROJECT REVIEW

A. Dollar Point Homeowners Association, Multiple-Use Buoy Field Expansion and Boatlift Addition, 3150 Edgewood Drive, Placer County, APN 93-072-06

Mr. Jon Paul Harries, Associate Planner with the Project Review Division, presented the staff summary for the Dollar Point Homeowners Association, Multiple-Use Buoy Field Expansion and Boatlift Addition, 3150 Edgewood Drive, Placer County, APN 93-072-06. Mr. Harries pointed out an error on page 98 of the staff summary, item 2.h., the second sentence, “Nevada Department of Wildlife” should be “California Department of Fish and Game.”
Mr. Waldie stated that he read on pages 95, 96 & 98 relative to the issue of fish habitat and the ability to put in a structure in prime fish habitat, that the Code denies that. He asked Mr. Marshall if there was any discretion on the Board's part to say, "in this instance, because there is a review pending that suggests that the prime fish habitat is erroneous; we can ignore the Code today." Mr. Marshall replied that we would have to change the Code prior to authorizing the structure, or they would be in violation. Mr. Waldie asked why did this come before the Board today on that aspect; why was this not prevented from coming forward if it is in contrary to the Code. Mr. Harries replied that the application was submitted, and it required the TRPA to do an assessment of the fish habitat. TRPA completed that assessment and informed the applicants that it was in prime fish habitat, and we did write a staff denial of the application. We have to look at the applicant and let them know one way or another; we can't just not accept an application. Mr. Marshall stated that he didn't want this application to be done at staff level; we want the Board to hear the application and make the decision. In addition, Chapter 4 of the Code requires the Board to make these types of decisions. Mr. Waldie commented that Mr. Marshall advised him that the Board couldn't make a decision because the Code prohibits it; we don't have discretion. If we don't have discretion, why is the Board listening to it? Mr. Marshall replied that one of the issues that is before the Board, and in some sense this discussion may be premature until after you have heard Ms. Brisco's presentation, but they may question the interpretation as to whether or not additions to an existing buoy field is new construction. They may present to the Board an interpretation that says within the confines of the existing Code, the Board can address this application. Notwithstanding the Board's long-term interpretation of how the Board treats buoy fields. In that sense, if the Board desires to make an interpretation that this is an expansion of existing buoys, and does not fall within the prohibition, then an action could be taken.

Mr. Waldie questioned that under a Homeowners Association is every property; every individual fee-owned property in the association, entitled to a buoy. Mr. Harries replied no. Mr. Waldie inquired how does TRPA interpret the limits of a buoy field for a Homeowners Association when there are 568 properties, and there will now be 77 buoys if this is approved; how do you determine the limit, or is there a limit? Mr. Harries said that there was no limit. He calculated that the ratio came out to one buoy per 8 properties, which on a need basis seems fairly reasonable. This also gets us into the limits of the size of the property; how many buoys they can place within the property lines.

Chairperson Heller opened the meeting up for a public hearing.

Ms. Jan Brisco, representing the Dollar Point Association, stated that she appreciated all of staff's efforts in this regard to try to come up with a way to encourage the recommendations of this project. Unfortunately, for those of us who have been around for a long period of time, remember when these types of projects were approvable, and somehow, somewhere, we got off track. She believed that the Board had the ability to make this project approvable. The existing Code as it is stated does provide the opportunity to take that action today. She is joined by Bob Peters today, who is the Chair of the Dollar Point Association Buoy Committee. He will be speaking to the Board momentarily about the Dollar Point issues and situation, and will also be here to answer any questions of the Board. Ms. Brisco reported that she will be talking about specific issues raised by the TRPA staff; buoys in general; the expansion of multi-use facilities; fish habitat issues; the recreation threshold; and, lastly, the water quality issues.

In 1992, the Dollar Point Association, numbering 568 properties, due to a subdivision, came in and was successful in obtaining permission to increase the size of the buoy field. At that time,
the Association was under the status as a “multiple use facility”. With that 1992 application, the Board gave them the multiple use status as a multiple-use facility.

In February of 2000, the Association made their application with the TRPA for the expansion of 14 additional buoys. These buoys were to be placed inside the existing field. They were going to move their slim line back, towards the beach, and were allowed 14 buoys; two rows of seven, to be placed from their property. This was done to avoid any scenic impacts and to provide for the increasing demand of the Association turnover, and the number of boats being purchased by the residents was increasing from 1997 to February 2000. Subsequent to their application, they received two letters from the TRPA; one letter was a list of nine items that the Association provide extensive information to staff. At no time in the incomplete letter was the fish habitat issue raised. The Association was under the impression that given their 1992 project, and 5 to 10 other Homeowner Association buoy extensions, that this was a project that could be approved. One issue raised was a BMP plan to deal with the water covert drainage pipe that is evident in some of the photos that they have provided. The Association proposed to remove the covert that discharges all of the drainage from Dollar Point into Lake Tahoe, and reconvert that water to an infiltration-type system that never has the water going into Lake Tahoe. We are required to provide additional offshore photographs. In approximately 30-60 days, we sent back the required information. Subsequently, they received another letter from staff, which is included in the exhibits. Again, they raised the issues relative to the BMPS. Subsequently, getting down to the 119th or 120th day review, Jon Paul Harries called and said that because this was in fish habitat, and the policy that was in place, they could not feel comfortable recommending approval before the Governing Board for that reason. She could find nothing in the Code or policies to support that. Ms. Brisco then went back to the project that Mr. Harries cited, Cedar Flats Improvement Association project, which she reviewed. That facility was not necessarily given a multiple-use status, which does provide for the expansion of multiple-use facilities. She didn’t believe the project ever got that far.

The expansion of multiple-use facilities can be done under TRPA’s Code 52(3)(g). Under this Code Section, as long as you have determined it to be a multiple-use facility, one can deviate from the Code relative to location standards. In this case, it is a fish habitat standard. TRPA has been approving projects since 1987 for expanded piers and buoy fields; nothing has changed, and we are not asking for any special exemptions from what has already been practiced for 14 years. When we are talking about expansion of multi-use structures, we should also be looking at the shorezone EIS. We were hoping something would be in place to deal with these issues. Unfortunately, that is not going to happen for a very long time. She believed that everyone has been patiently waiting the results of that to go forward with some of these projects. Ms. Brisco is trying to work within the confines of the existing Code. She did not make copies of the section of the Shorezone EIS, but it does deal with this. When you ask Jon Paul whether or not this is being dealt with as far as buoy fields in our deliberations and in the most recent draft of the EIS, he stated there is a provision, and it is a provision for what they are now classifying as “quasi public multiple-use facilities”. Those are the ones that are not public facilities and are private. Ms. Brisco quoted the statement from the EIS regarding demonstrating the need for more than two more buoys per littoral parcel.

Ms. Brisco disagreed with staff’s determination that somehow now we are changing the rules as we go. We have to look at the best and most available science, which shows us those structures, whether it be a pier piling, or a buoy walk, are still a structure in fish habitat. That does not necessarily create an impact. While we are addressing some of these issues, it should be noted that most of the people who are living in Dollar Point already have boats. This is not going to increase the number of boats. The 14 buoys would not increase the number of boats
on Lake Tahoe. The additional buoys would improve the water quality aspect by getting the boats off of the boat ramps.

Mr. Cole asked if a condition would be acceptable to Ms. Brisco that this would be all of the buoys that this particular homeowners’ association would request, and she said yes.

Mr. Bob Peters, Vice-President of the Dollar Point Homeowners’ Association, and is in charge of the buoys, piers and beach activities of the Association, stated that there are six letters from people in the Association raising the questions relative to the designation of fish habitat. He is no expert in this area, but he is led to believe that fish in this escape category do like cobble. There is very little cobble in this area. If he were a fish, he would have moved on. They had Dr. Goldman’s group come out — although they would speak out on their behalf -- they shrugged their shoulders. Their objectives as an Association are to respond to the desires and needs of their members, which are part of the boating public. Their other objective is to be environmentally sensitive. Mr. Peters believed that by their proposal of the mitigation activities they are environmentally sensitive. There are 63 buoys now, and we had applications this year for 72 buoys. For three years now, they have had to run a lottery for these 63 buoys. The demand has increased by about three to five applications per year since 1995. At least 10 boat owners, and probably others, have opted for other alternatives. So they go to other marinas, which puts pressure on those facilities, and causes people to drive elsewhere. The number of boat owners per house is probably going to go up in the future. We are only asking to fill the space that we have. We believed that from a Code standpoint, TRPA has the ability to address this issue as an expansion. From an environmental standpoint, we won’t be using the boat ramps; we won’t be driving to the ramps; we won’t be driving to other marinas if we have more buoys. In addition, the Association has looked into the capability of underground utilities. It appeared that there was a feasibility study done; the Association has now downloaded that activity to a citizens group, and that feasibility study goes on. He believed that the Association was trying to be environmentally sensitive to the needs and the preservation of the Lake.

Ms. Patricia Ronald, a resident of Lake Tahoe for 20 years, has seen the water clarity decline, boats increased, and she knows that TRPA’s job is to do planning first. TRPA is in the process of shoreline planning. Ms. Ronald stated that certain things were mentioned today, like an EIS, which the TRPA has not yet certified. She didn’t believe that we had enough scientific information about gasoline. We don’t understand cumulative impacts, and it seems to her that if TRPA is going to make exceptions to the Code, perhaps TRPA should change the Code first and know where they are going. Ms. Brisco made a very good argument, so she is not arguing specifically that this is a bad project. She is arguing that maybe we don’t know, and we need an overall shoreline plan before specific projects are approved. As an idealist environmentally, she would hope that environmentally sensitive projects would move ahead without getting into one’s way.

Mr. Gary Midkiff, from Zephyr Cove, not representing any party involved in this action, stated that we began in 1984 with the Regional Plan that was adopted, then litigated, then subsequently adopted in 1987. Because we didn’t know, we put in place a restriction on new piers in feed and escape cover and other fish habitat and put in place other restrictions. TRPA said that they would do studies, and when the studies come in and tell us what the answer is, we will amend the Code. We have one study that says piers are neutral, and in some cases with rock cribs and other types of structures are actually beneficial to fish. Certain people didn’t like the results of that study, so two more studies were done. We have three studies now, not to mention the EIS that has not been certified, but has been in process and circulation for the better part of five years. The answer is fish are not negatively affected by buoys and piers. The
data shows that. We have put off for one reason or another action on amending the shorezone ordinances to deal with issue for many years. As staff has indicated, in 1993 there was a change in interpretation, but clearly the Ordinance is not clear enough or sufficient to show you that you do or don't have the ability to make a determination. However, between 1987 and 1992, TRPA made the determination that expansions of buoy fields were not a new structure but were modifications of existing structures, which is no different than the expansion of piers as being escape cover. Based on that, he would argue that TRPA had the ability to go back and review that interpretation made in 1993 to determine the exact modifications of an existing multiple-use buoy field is a modification of the expansion of the existing structure, and not the much more narrow interpretation that staff is arguing which is that each buoy is a structure, and you can't add structure.

Mr. Midkiff stated that from his day-to-day contacts, the public is looking for reasons to support to TRPA, but in the shorezone, you have given them every possible reason not to support you. They have drawn a narrow interpretation on what is and what isn't allowed, without changing the Ordinances. TRPA is not changed the Ordinances in any, but yet they continue to get more and more restrictive, even though the data does not support. TRPA needs to be looking at the fact that there are thousands of property owners out there; many as in the Dollar Point situation where they have littoral rights through their homeowners' association; they are trying to live within the TRPA rules, and yet, they are interpreting their rules more and more restrictively to prevent people from living within these rules. Then when staff goes out to look to see how many buoys, the affect of their actions is encouraging people to say, "well, eventually something might happen, and they might take my buoy away, but I am going to put a buoy in anyway." That is not the message that the TRPA wants to send to the public. TRPA has an opportunity to provide a small, incremental increase in the buoys available to the property owners who have littoral rights through their homeowners’ association. He urged TRPA to allow this to happen. Let people work within your rules, and let's finish the shorezone process and get the new Code into effect.

Mr. Galloway agreed with Mr. Midkiff, but he didn’t to piece meal the Ordinance at this time. He suggested setting a boat limit capacity for Lake Tahoe.

Mr. Midkiff did not agree with staff's recommendation that they wanted to treat each structure as a new structure. He is not asking the Board to piece meal the Ordinance. The Ordinance says you can't build new piers; not buoys.

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

Mr. Harries stated that Code does not allow exemptions to allow additional buoys in a fish habitat. There are the same prohibitions for piers as there are for buoys.

Ms. Neft stated that she was not a fish expert and she didn't know about spawning habitats of fish, but she did live in Dollar Point for 13 years. She and her children spent every summer down on the beach for 13 years, and she did not remember seeing any fish. If we are not permitting these 14 additional buoys because of fish habitat, her experience tells her that this was a while ago. This was in 1975 when there should have been more fish in the Lake then there are now. At that time, there were very few buoys, and they shuttled their boat from the front of her house to the Coast Guard Station when we wanted to use it, and when we were through, we brought it back and parked it in front of our house. She believed for the safety of the Lake, that didn't make much sense. Ms. Neft commented that she would like to find someway to support the addition of 14 buoys at Dollar Point.
Mr. Galloway stated that he would like to see this Ordinance revised and brought to the Shorezone Committee and increase the pressure to complete the EIS. He stated that as soon as that is completed, maybe these people can come and get their buoy, but he doesn't want to do that ahead of time.

Ms. Brisco stated that the TRPA Board, since this was identified as multiple-use, could deviate from the standards based on the number of buoys allowed and the locations allowed for those additional buoys. Mr. Marshall stated that that does not allow you to deviate from the general prohibitions. For example, if you wanted a new multiple-use pier in fish habitat, even though it is multiple-use, it does not allow you to deviate from the general prohibition.

Dr. Minner commented that he believed that we should go along with Ms. Brisco's suggestion, or we correct the Code to make it clearer, and suspend this item until staff can make a positive recommendation to this. He believed that the covert needs to be corrected. Dr. Minner believed that the impacts were minimal, and the precedent setting is also very minimal, and this would allow us to clean up the Code so the public can expect what we can do for them as opposed to a constant guesswork and years of delay.

Mr. Waldie believed that the public had a right to know if TRPA makes a significant policy decision, and this would be a significant policy change. It has not been agendized; it has not been noticed; the public had no idea that we are considering changing the definition of a buoy field and a buoy. He believed that this was a very significant decision, policy-wise, for this Board to make. To make it casually in the context of an application does not seem to be good policy to him.

Mr. Sevison believed that there was no environmental impact done by the addition of 14 more buoys. He stated that it was also important for the environmental improvements to be accomplished.

MOTION by Mr. Sevison that we make the finding that this is an expansion of existing use under ___

Mr. Marshall commented that as it stands now, making the interpretation that the buoy field is an existing structure puts a strain in our Code and is not an easy one to make. He suggested that we continue the project for 60 days, and come back to the Board with a Code amendment that says that "existing buoy fields are exempt from a pier prohibition". Otherwise, the language that is in the Code now to get to that point would be a difficult task.

Chairperson Heller also requested that public input be given on any kind of a Code amendment of that nature. Mr. Heller directed staff to continue the item for 60 days, and wait for pending language on a Code amendment.

MOTION by Mr. Sevison to continue the item for 60 days and bring back a revision to permit the process to move forward. The motion carried unanimously.

(Break taken at 11:20 a.m.)

(Reconvened at 11:25 a.m.)
Memorandum

November 5, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amend Bijou/Al Tahoe Community Plan (PAS 098) to Add “Participant Sports Facilities” as a Permissible Use and Other Matters Properly Related Thereto

Proposed Action: Staff is proposing to amend the Permissible Uses Matrix of the Bijou/Al Tahoe Community Plan (PAS 098) to Add "Participant Sports Facilities" as a Special Use to District 4 of the Community Plan to correct an error that occurred in the adoption of the Bijou/Al Tahoe Community Plan. See Attachment A.

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend the Governing Board amend the Bijou/Al Tahoe Community Plan to include Participant Sports Facilities as a Special Use within District 4 of the Community Plan.

Background: Staff discovered the inconsistency regarding permissible uses for this plan area while reviewing a pre-application by the CSLT for the development of athletic fields adjacent to the Lake Tahoe Community College campus. The inconsistency is the fact that the majority of south shores participant sports facilities lies within the Bijou/Al Tahoe Community Plan.

While finalizing the CP, "Participant Sports Facilities" was eliminated from all districts within the Community Plan (CP). In the 1995 Draft CP Permissible Uses Matrix, "Participant Sports Facilities" was proposed to be an Allowed Use in Districts 1 and 4 and as a Special Use in Districts 2 and 3. However, during the environmental evaluation of the CP, the 1995 Draft EIR/EIS proposed the following mitigation measure:

"To promote those activities near the beach which contribute to a beach front area, the following CP amendment must be made: Amend the language used in Objective 4, Policy B to exclude specific discussion of sports facilities (e.g. tennis)." (page 208, Section 5.10.6, item 1, 1995 Bijou/Al Tahoe CP Draft EIR/EIS.)

Discussion: The above noted mitigation measure was developed in response to the CP proposal to create an urban mix of recreation uses in the beach front area. Refer to Attachment B for a map of the affected area. The uses anticipated were sports facilities, such as tennis courts and roller skating, restaurants, outdoor performing arts space and food and beverage sales. The Draft EIR/EIS stated if these uses were to be a part of an "urban plaza" that interfaced with the lake, then these uses could enhance the recreation experience. Although no such space was proposed in the CP, the Draft EIR/EIS raised a concern whether these facilities could be developed without any scenic impacts. In this
regard, the tennis courts could have a scenic impact and they were appropriately provided for elsewhere in the CP. Consequently, the deletion of tennis courts from the beach area was inserted as a mitigation measure in the Draft EIR/EIS (page 206, paragraph 2 of the 1995 Bijou/Al Tahoe CP Draft EIR/EIS.)

During the circulation period for the Draft EIR/EIS, the following comment was received: "The EIR/EIS recommends amending the CP to exclude sports facilities as a proposed recreation use in the vicinity of El Dorado Beach. Limited public lakeshore must be reserved for those types of recreation activities that require or are best suited to a lakeshore setting." A follow up letter was sent to the commenter indicating that Chapter II (Land Use Element of the CP) will be amended to exclude sports facilities.

The 1996 Final CP then deleted "Participant Sports Facilities" from all districts in the "Permissible Uses Matrix." In addition, the 1996 Final EIR/EIS was amended to delete the above noted draft mitigation measure and provided the notation:

"No CP proposals will negatively impact existing recreational facilities. The recreational opportunities proposed will provide more diverse choices for residents and visitors alike. Physical impacts resulting from this development are identified throughout the analysis." (page 209, section 5.10.6, paragraph 1 of the 1996 Bijou/Al Tahoe CP Final EIR/EIS). It should be recognized that numerous facilities currently exist within the CP boundaries and specifically within District 4 that are defined as "participant sports facilities." Softball, baseball and football fields (seasonally used as soccer fields as) in addition to tennis courts and BMX track and running track, are all located immediately next to South Tahoe Middle school.

The administrative record indicates that the concern to exclude sports facilities ("Participant Sports Facilities") within the beach areas amended from the Draft EIR/EIS and the concern about potential scenic impacts of sports facilities, but was specifically concerned about tennis facilities on the lakeshore. In the process of preparing the Final EIR/EIS, the record seems to support that the comment on the Draft EIR/EIS was concerned more about all sport facilities and whether they were appropriate for a lakeshore setting. It appears the Staff, in response to the recommendation, deleted all sports facilities (Participant Sports Facilities) from the entire CP.

This proposed amendment addresses the overall intent of avoiding environmental concerns (potential negative scenic impacts) by requiring "Participant Sports Facilities" uses to be a Special Use only within District 4. As a Special Use, a Public Hearing is required and specific findings would have to be made. The applicable TRPA Code section relating to special uses reads as follows:

18.1.B Special Uses: Uses listed in applicable plan area statements, community plans, redevelopment plans, or specific or master plans as "special" ("S") may be determined to be appropriate uses for the specified area, and projects and activities pursuant to such uses found to be appropriate may be permitted. To allow a special use, TRPA shall conduct a public hearing according to the procedures in the TRPA Rules of Procedure. Before issuing an approval, TRPA shall make the following findings:

(1) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.
(2) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

(3) The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

It is within this Special Use hearing process that the issue of appropriateness of the "Participant Sports Facilities" use next to the lakeshore would be addressed and if necessary, conditions applied to insure appropriateness is maintained or if the finding(s) can not be made, then the use would be denied at that location.

The South Shore Lake Tahoe Recreation Facilities Master Plan (September 2, 1998) prepared for El Dorado County, contains a section that has recommended facilities which are needed to meet recreational demands. Specifically, the need to provide for "Participant Sports Facilities" in the community for both youth and adults. One location identified is within the Lake Tahoe Community College area, which is in District 4 of the CP. While not adopted by the TRPA, this document was used as the Basis for the "Measure S" bond measure in El Dorado County.

TRPA's Goals and Policies of the Regional Plan for the Lake Tahoe Basin contains a Recreation Element. In that Element, it defines Urban Recreation, in which the goal is to look beyond the demands of the visitor and address the demands and needs of the residents. To implement this goal, the element establishes a policy that the local jurisdictions should determine the demand for the various forms of recreation and then insure that there is adequate land for development. Specifically:

**Goal 1:** The Tahoe Basin has an abundance of recreational facilities that would more than accommodate the needs of the local residents. However, these facilities are more regional in nature and cater to the visitors. The specialized recreational needs of the Tahoe resident need to be considered apart from the more general demands of the tourist.

**Policy 1:** Reserve sufficient public service and facility capacity to accommodate all forms of urban recreation. Urban-oriented types of recreation facilities require space and services much like any other developed facility. Areas that are suitable for these specialized facilities need to be identified, appropriately acquired, and managed by local government or service districts. The demand for such forms of recreation must be determined by local residents and local governments.

The 1996 approved Bijou/Al Tahoe Community Plan also contains a Recreational Element. This Element provided a recreational goal, objective and policy that would encourage the location of recreational activities within the Town Center (District 4) as follows:
Memorandum to Advisory Planning Commission
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Goal 1: It is the Goal of the Bijou/Al Tahoe Community Plan to preserve and enhance the high quality recreational experience within the CP area.

Objective 1: Increase the family oriented active and passive recreational activities to serve local residents as well as visitors.

Policy C: Provide a greater variety of sporting facilities in the "Town Center" District 4 (CSLT Recreation Complex, Campground by the Lake, Lake Tahoe Community College, etc), while maintaining those that are existing. Review the possibility of expanding the CSLT Parks and Recreation facilities located on Rufus Allen Blvd. Additional outdoor uses (volleyball, horse shoe pits, picnic tables/eating areas, ice rink etc.) would be an asset, when provided in conjunction with the existing uses at the complex.

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 amendment is consistent with the Goals and Policies of the Regional Plan by affording the local residents of Lake Tahoe additional urban recreation opportunities. Participant Sports Facilities is a recognized use within the TRPA Code and many plan areas, and is consistent with the Bijou/Al Tahoe CP Goals and Policies.

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

Rationale: Any projects arising from this amendment must be thoroughly evaluated to ensure that they are not injurious to the environmental thresholds. This amendment will not lead to negative effects for any of the threshold indicators.

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 numbers 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.
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Rationale: See numbers 1 and 2 above.

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

Rationale: See numbers 1 and 2 above.

B. 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: The proposed amendment would expand recreation uses within a commercial/public service plan area. The urban recreation use type is not inconsistent with the commercial/public service designation. This is supported by the existing mixture in and around the community plan of other urban recreation uses, good transportation links, and the foreseeable project resulting from this amendment will result in the concentration of existing services (urban recreation serving the local residents) on publicly owned land with good to moderate land capability.

Adding the use in District #4, “Town Center” is consistent with the CP theme for that area.

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 Peter Eichar at (775) 588-4547 or, recreation@trpa.org.

Attachments: A. Bijou/Al Tahoe CP Permissible Uses Matrix
B. Map of Bijou/Al Tahoe Community Plan
BIJOU / AL TAHOE CP AMENDMENT

BIJOU / AL TAHOE COMMUNITY PLAN PERMISSIBLE USES MATRIX

New language is highlighted and underlined.

**KEY:**
1 - Bijou District
2 - Harrison District
3 - Lucky/Payless District
4 - Town Center

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<th>Distincts</th>
<th>Maximum Units/Acre</th>
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<td>IV. PUBLIC SERVICE</td>
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<td>Airfields, landing strips &amp; heliports (new non-emergency sites prohibited)</td>
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<td>V. RECREATION</td>
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<td>Cross country ski courses</td>
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<td>Downhill ski facilities</td>
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# BIJOU / AL TAHOE COMMUNITY PLAN PERMISSIBLE USES MATRIX

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<th>Districts</th>
<th>Maximum Units/Acre</th>
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<td>Golf courses</td>
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<td>Group facilities</td>
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<td>Marinas</td>
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<td>Off-road vehicle courses</td>
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<td>Oldr Recreation Concessions</td>
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<td>Participant sports facilities</td>
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<td>Riding and hiking trails</td>
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<td>Visitor information centers</td>
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## VI. RESOURCE MANAGEMENT

### A. Timber Management
- Reforestation | A | A | A | A |
- Regeneration harvest |     |    |    |    |
- Sanitation salvage cut | A | A | A | A |
- Selection cut | A | A | A | A |
- Special cut | A | A | A | A |
- Thinning | A | A | A | A |
- Timber stand improvement | A | A | A | A |
- Tree farms |     |    |    |    |

### B. Wildlife and Fishes
- Early successional vegetation | A | A | A | A |
- management |     |    |    |    |
- Nonstructural fish habitat |     |    |    |    |
- management |     |    |    |    |

### C. Range
- Farm/ranch structures |     |    |    |    |
- Grazing |     |    |    |    |
- Range Pasture Mgmt |     |    |    |    |
- Range improvement |     |    |    |    |

### D. Open Space
- Allowed in all areas of the region | A | A | A | A |
**BIJOU / ALTahoE COMMUNITY PLAN PERMISSIBLE USEs MATRIX**

<table>
<thead>
<tr>
<th>Land Use Categories</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>Maximum Units/Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Vegetation Protection</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Fire Detection and suppression</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
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<tr>
<td>Fuels treatment/management</td>
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<td></td>
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<tr>
<td>Insect and disease suppression</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
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<tr>
<td>Prescribed fire/burning management</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Sensitive plant management</td>
<td>A1</td>
<td>A1</td>
<td>A1</td>
<td>A1</td>
<td></td>
</tr>
<tr>
<td>Uncommon plant community management</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>F. Watershed Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Erosion control</td>
<td>A1</td>
<td>A1</td>
<td>A1</td>
<td>A1</td>
<td></td>
</tr>
<tr>
<td>Runoff control</td>
<td>A1</td>
<td>A1</td>
<td>A1</td>
<td>A1</td>
<td></td>
</tr>
<tr>
<td>Stream environment zone restoration</td>
<td>\</td>
<td>A1</td>
<td>A1</td>
<td>A1</td>
<td></td>
</tr>
</tbody>
</table>

Footnotes:

A = Allowed use
S = Special Use Permit Required

CSLT & TRPA

1. Requires Design Review
2. Pumps/Use Permit
3. CSLT
4. No Outside Storage
5. Specific Parcels Only
6. College

Staff Analysis

Special Area

1/24/98
MEMORANDUM

November 1, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of PAS 008 to Add Existing Development to TDR Description for Special Area #1 Only

Proposed Action: The applicant, Linda Catron, who is the owner of the TRPA designated historic Matt Green property, proposes to amend Plan Area Statement 008, Lake Forest Special Designation to add Transfer of Development Rights (TDR) Receiving Area for Existing Development (Special Area #1 Only). See Attachment A for amendments to PAS 008 and Attachment B for the plan area location map.

Staff Recommendation: Staff recommends the Advisory Planning Commission hold a public hearing on this item and recommends approval of the proposed amendments to the TRPA Governing Board.

Background: The applicant previously applied to TRPA in November 2000 to amend PAS 008 to add the commercial use "Personal Services" as a Special Use. The purpose of the amendment was to allow weddings to occur onsite at the historic Matt Green house, which was to be converted into a Bed and Breakfast.

Although "Bed and Breakfast" is a permissible use in the plan area, staff informed the applicant the conversion would require the transfer of TAU's and/or commercial floor area to the site. In order to transfer TAU's or commercial floor area to the property, the plan area is required to be designated as a "Receiving area for existing development". PAS 008 did not have this designation and therefore the transfer and ultimately the conversion could not occur. Due to noticing requirements, staff gave the option to the applicant to postpone the amendment and correct the omission or proceed with the proposed amendment. The applicant requested staff proceed with the proposed amendment and an application for the designation would be submitted at a later date.

The item was brought before the APC for a public hearing. The APC recommended adoption of the proposed amendment to the Governing Board with special conditions added to the plan area to protect the historic resource, implement BMPs, and limit parking to the special area. The special policies are:

A. All Best Management Practices (BMPs) shall be installed within Special Area #1 prior to the commencement of the use being added to the permissible use list. TRPA will require a security deposit to assure compliance with this special policy section.

B. In Special Area #1 the only personal service permissible is wedding chapels.

JH/mlw

AGENDA ITEM VI. D.
C. All parking needs generated by the uses within Special Area #1 are required to be accommodated within the boundaries of Special Area #1. No off-site parking shall be permissible.

D. If, at such time in the future, the Matt Green Property loses its historical integrity due to on-site modifications or developments, the commercial use, personal services will no longer be a permissible use in this plan area.

Subsequently, the applicant has submitted a PAS amendment to TRPA to amend the Special Designation in order to transfer in TAU's and commercial floor area to the site and proceed with the conversion of the Matt Green House.

The proposed amendment would correct an omission in the original application and would provide the means to facilitate the conversion of the historic resource and provides, though limited, an opportunity for the public to experience a Tahoe setting that existed during the 1920's.

The TRPA Bi-State Compact directs TRPA to preserve and plan for the management of historical resources. Though historical and cultural resources are not identified as specific thresholds the TRPA Goals and Policies document states “The Tahoe Region has a heritage that should be recognized and appropriately protected. Due to the harsh weather conditions, changing development standards, and changing uses of the Region, many structures that had significant historical or architectural value have been destroyed or lost.” The Cultural sub-element Policy 2 within the Conservation Element of the Goals and Policies also states that, “Sites and structures designated as historically, culturally, or archaeologically significant shall be given special incentives and exemptions to promote the preservation and restoration of such structures and sites.”

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 plan area statement amendment is limited to the identified plan area, does not amend any boundary lines, and would only facilitate the transfer of TAU's to a Special Area where the use is permissible and appropriate. The amendment will assist TRPA in attaining and maintaining thresholds and provide an incentive to preserve an identified architectural/historic resource on private property. All future applications must be reviewed for compliance with other Code and Plan Area 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.

JH/mlw

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Memorandum to Advisory Planning Commission
Amendment to Plan Area Statement 008
Page 3

Rationale: All projects that are approved under this provision must make the finding that no threshold will be exceeded and meet all the requirements listed within the new special policy language.

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. 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 proposed plan area statement amendment is limited to the identified plan area, and are substantially consistent with the plan area designation. The amendment would only facilitate the restoration and conversion of a historic structure to a tourist accommodation use, which is currently permissible in the plan area.

Environmental Documentation: Staff has reviewed the Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the following:

1. The amendment would have limited applicability. Transfer of Development provisions would facilitate the transfer of TAUUs to an area where tourist accommodation uses are currently permissible.

2. The amendment would not approve development greater than contemplated by the Regional Plan. Allowing the Special Designation to existing developed sites merely rearranges the location of transferred development.

3. The applicant and her consultant worked with their neighbor and adjacent church property to create one project area and worked out an agreement for shared parking on the church parcel.

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 (775) 588-4547 ext. 220 or email at jhitchcock@trpa.org.

Attachments: A. Proposed Amendment PAS 008
B. Plan Area Location Map

JH/mlw

AGENDA ITEM VI. D.
New language is underlined; language to be deleted is struck out.

008
LAKE FOREST

PLAN DESIGNATION:

Land Use Classification: RESIDENTIAL
Management Strategy: MITIGATION
Special Designation: NONE TDR RECEIVING AREA FOR

DESCRIPTION:

Location: This area includes the old residential area along Lake Forest Road near Tahoe City and can be found on TRPA map D-6.

Existing Uses: This is an area of mixed residential uses which range from old summer homes to newer condominium projects. There is extensive shoreline which is in public ownership. The area is 90 percent built out in the private lands.

Existing Environment: This area is 75 percent low hazard and 25 percent SEZ. The land coverage is 20 percent plus an additional 15 percent disturbed. The shorezone is classified as tolerance districts 1, 4 and 7 and as prime fish habitat. A large portion of the SEZ on the State of California's Skylandia parcel is relatively undisturbed.

PLANNING STATEMENT: This area should continue to serve as a residential neighborhood of the existing type and character.

PLANNING CONSIDERATIONS:

1. There are eroding cliffs and public access problems on the shoreline.
2. The older portions of the area are not up to minimal BMP standards.
3. This area has some scenic problems identified with being an older area of mixed uses.
4. The prime fish habitat in Lake Tahoe is tentatively identified for habitat restoration.
5. Scenic Shoreline Unit 16 is within this Plan Area.

SPECIAL POLICIES:

1. The Skylandia property should be maintained as a subregional recreation area as should the Tahoe City Public Utility District beach. Community involvement must be encouraged in any planned development of recreation facilities in this area.
2. To be consistent with the development standards contained in Chapter 54 of the Code and Goal #1, Policy 10 of the Goals and Policies Plan, the shoreline should be limited to one multiple use pier on Placer County property. The existing piers should be allowed to remain.
3. The shoreline area should remain in public ownership, and additional access and parking should be provided at Skylandia.
4. Organization should be encouraged to eliminate traffic and congestion problems at the Tahoe City Public Utility District beach.

5. Special Area #1 shall be considered one project area and the only personal service permissible is wedding chapels. The special use findings to add this use shall include that the project area has functional BMPs and the Historic Integrity of the property is being protected.⁶

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).

- **Tourist Accommodation**
  - Bed and breakfast facilities (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), local post offices (S), and churches (S).

- **Recreation**
  - Participant sports facilities (S), day use areas (A), riding and hiking trails (A), and beach recreation (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 Special Area #1. All uses listed in the General List plus the following uses are permissible.

- **Commercial**
  - Personal Services (S) (See Special Policy #5).⁶

**Shorezone:** Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

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⁶ Amended 12/20/00
Tolerance District 1

Primary Uses  Safety and navigational devices (A) and salvage operations (A).

Accessory Structures  Buoys (A), piers (A), fences (S), boat ramps (S), floating docks and platforms (A), and water intake lines (S).

Tolerance Districts 4 and 7

Primary Uses  Beach recreation (A), safety and navigational devices (A), water oriented outdoor recreation concessions (S), and salvage operations (A).

Accessory Structures  Buoys (A), piers (A), fences (S), boat ramps (S), breakwaters or jetties (S), floating docks and platforms (A), shoreline protective structures (S), and water intake lines (S).

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

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Facilities</td>
<td>10 units per acre</td>
</tr>
</tbody>
</table>

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

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

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

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

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Program (EIP) 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.
