TRPA
APC
PACKETS

DECEMBER
2002
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 December 11, 2002, 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.

November 4, 2002.

Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

December 11, 2002
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. 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

Approval of November 13, 2002, APC minutes

V. PUBLIC HEARINGS

A. Amendment of the TRPA Code of Ordinances Chapter 81, Chapters 4 and 74, and Goals and Policies Land Use Element, Goal #1, Policy 6, to Implement an Improved Fertilizer Management Program, and Clarify Landscaping Exceptions under Exempt Activities and Reference Fertilizer Use Restrictions Pg.1

B. Amendment of the TRPA Code of Ordinances Chapter 25, Goals and Policies Land Use Element, Goal #1, Policy 3, for Updates on BMP Retrofit Implementation Priority Dates and Programs Pg.15

C. Amendment of Map Showing need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvements in Vicinity of Parcels Pg.27
VI. PLANNING MATTERS

A. Martis Valley Master Plan and EIR Presentation

B. Discussion of Draft South Y Industrial Community Plan and Environmental Assessment

Pg. 35

VII. Reports

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
TRPA ADVISORY PLANNING COMMISSION

November 13, 2002
9:30 a.m.

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:30 a.m.

Members Present: Ms. Baldrica, Mr. Lohman, Mr. Cole, Mr. Combs, Mr. Harris, Ms. Tschogl, Mr. Jepsen, Ms. Kemper, Ms. Krause, Mr. Marchio, Mr. McIntyre, Ms. Moss, Mr. Oden, Mr. Poppoff, Mr. Porta, Mr. Tolhurst and Mr. Sweeney

Members Absent: Mr. Lane and Mr. Plemel

II. APPROVAL OF AGENDA

No changes were made

III. PUBLIC INTEREST COMMENTS (No Action)

None

IV. APPROVAL OF AUGUST MINUTES

APC members made changes on page 4 to Ms. Krause’s response to the straw poll. She stated she could not vote for the motion at all. On “Motion Passed By Majority Vote” APC members would like to know how the vote was passed i.e. abstentions, nays, ayes, etc. On page 5 what was modified before the vote should be detailed. In general, some members believe the minutes need more detail. Finally, on page 5 performance review committee members should be project implementers rather than project review members.

MOVED Ms. Kemper moved to approve the minutes as amended.
SECOND Mr. Poppoff
MOTION CARRIES BY MAJORITY VOTE
  No Abstentions
  No Nays

V. PUBLIC HEARINGS

A. Annual Adjustment to Chapter 95, Rental Car Mitigation Fee Program

Alfred Knotts, Transportation, presented the staff summary concerning this matter.

Discussion ensued regarding how the funds are allocated and who decides how they are allocated.

There were no public comments.

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MOVED Robert Jepsen to accept staff recommendation.

Discussion ensued regarding whether this fee is raised every year, the fact that it has been raised every year since 1994 and whether or not this raise every year is appropriate because at this time we are talking about $10.00 per vehicle rental.

SECOND Richard Harris
MOTION CARRIES BY MAJORITY VOTE
   Abstention by Tom Porta due to a potential conflict of interest.
   No Nay’s

VI. PLANNING MATTERS
   B. Report and Discussion on Planning Projects and Public Process

Mr. Hasty asked to go to item B first to allow time for staff to set up the presentation of item A.

Mr. Hasty reviewed the staff summary on page 7 as an informational item to give APC an idea of what work they will be looking at over the next few years.

Discussion ensued regarding the fact that what is being considered is a monumental task and these individual items do need to be dealt with, the fact that APC has to be involved all the way through, stakeholders outside of the basin being more important than those in the basin, the need for sensitivity to those out of the basin but those in the basin have to buy in to get anywhere, the need for those in the basin to be involved the same if not more than those outside of the basin, the fact that stakeholders outside have not been engaged to a significant degree before and now they will be, the need to get the CTC governing board involved, the involvement of the Sierra Business Council, the difficulty in coordinating efforts, TRPA’s plan to coordinate and not conflict with one another, how TRPA staff and leadership are adjusting for that coordination, whether or not a schedule has been set for the review of these documents, the fact that staff is looking at coordinating efforts and planning a calendar for production and presentation, timing between the threshold update and the regional update, the fact that Lahontan is concerned about the Threshold Update being done in 2005 and implemented in 2007 and would like to see a combination of those timelines, the fact that TRPA would be concerned about the combination of these because staff and resources would be too highly taxed if both were done concurrently, the fact that data may not be ready in 2005 for the Threshold Update, that in order for the GB to adopt new thresholds they need to know whether or not there is an opportunity to attain them, the assumption that all Thresholds will be done at the same time is not valid and the fact there is no guarantee that all the data will be done.

Social economic assessing being shift in the past, concern over the need to give this more emphasis, the fact that a lot of these items are beginning to define what the economic vision for the next generation will be, the question needs to be answered to determine what the vision is for these items, the example of failings of resource being transportation where it is funded in the public corridor by allocation of money based on permanent population and therefore only ¼ of the monies necessary are received to fund transit, the fact that one of the major intents of the EIP is to get people out of their cars and only a small portion of public transportation money is made available for the EIP, the belief that this needs to be changed and made a priority, the belief of staff that this will be dealt with in the future and specifically with regard to engage groups outside of the basin with such efforts in legislation, the fact that scenic visual preference as it relates to the current shorezone policy discussion as being an affirmation or a

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change to what is going on, looking at development types, ascetics and uses, Juan Palma’s reiteration of the need for two deputy’s and what their roles are and Carl’s role with regard to planning and Jerry’s role to the day to day operations.

VI. PLANNING MATTERS

A. Improved Fertilizer Management Program Discussion

Larry Benoit, LRPD, presented a staff summary on this item.

Discussion ensued regarding the practicality of including other outlets outside of the basin, the fact that this can be done through a voluntary basis only, the fact that this proposal excludes residential properties, the need for a master gardeners program, the belief of staff that the residential properties can be affected through the BMP retrofit program and on the permitting end, Lahontan’s concerns regarding; 1) Where the commitment of what will be accomplished by TRPA can be found; staff response was that the exact commitment of the TRPA has yet to be assessed. 2) 81.7.a - Clarity on whether the entire language is referring to new use or if there is a separate context; staff stated that it would not be only new use. 3) What membership outreach meant; Staff responded that membership could be association membership, private club membership, etc. 4) Under 1.7.b - How will TRPA planners know how to apply the 11 criteria; Staff felt that potentially they could apply all of the 11 criteria so in one sense don’t want to limit those applied. Ms. Kemper thought this could be remedied by saying recommended rather than required as appropriate to the size of the project. 5) Does TRPA now requires both ground water and surface water monitoring at that golf courses on the Nevada side; staff replied they did and 6) Whether or not the TRPA can require retailers to put out information; staff responded they would have the TRPA attorney’s look at this.

Further discussion ensued regarding TRPA needing to look at appropriate verbiage for discharge standards, whether or not this verbiage captures the most restrictive regulations, whether or not current permittees monitor for weather events, the fact that they do not but this program references fertilizer management itself rather than storm events, the fact that Lahontan does require monitoring right after surface irrigation to try to get that timing event, the need for recommendations to properly apply fertilizers, the need for soil samples to be gathered and have it tested and apply fertilizer according to that result, the belief that there are no fertilizers that require additional phosphorus around the basin, why any use of phosphorous unless a soil test says you need it hasn’t been banned in retail and commercial use, the fact that staff has had a recommendation from the Sierra Club to ban phosphorous from the basin which was discussed at the management group and several UNR scientists present at that meeting did not see a need for this, the reason for the UNR scientists conclusions were not clear but overall they felt that that was too simple an answer to an otherwise more diverse problem, the fact that golf courses need to apply phosphorous to re-green golf turf, staff belief that a ban would be a much more difficult chore than to do what is being proposed especially considering people can go off the hill and get any fertilizer they wish, a request from staff the NRCS provide the findings that there is little to no soil in the basin requiring additional phosphorous in writing, the belief that the reference to the home landscaping guide is probably not great because it is not a technical guide, the status of fertilizer management now, the fact that there isn’t any fertilizer management, the fact that through monitoring there has been indication that the management program is successful particularly in the South Lake Tahoe Golf Course and the fact that Lahontan and TRPA do not feel they are producing redundant work in this area yet and will work to not do so in the future.

Ms. Baldrica asked for public comments.

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Gary Midkiff representing Edgewood golf course and IVGID, stated this issue is incredibly important to turf grass management. He feels that the regulation as drafted is getting substantially better. He does have some concerns; 1) The first notice of this agenda did not have this item on it and he believes that is why only a few people are here; 2) The regulation restrictions in SEZ’s are in conflict with the shorezone scenic rules which will require planting in those areas. He stated that staff needs to make sure they don’t prohibit that what one rule says has to be done. In addition, since the scenic requirements will require new vegetation and when someone is trying to establish new vegetation, they may need phosphorous and this would be prohibited. Therefore he asked APC to keep all new regulations in mind; 3) He is concerned about the discussion on new or pre-existing prohibitions. He stated staff needs to be clear about what the intent is so that future staff can not misinterpret the language. 4) He does not feel it is necessary to prohibit phosphorous use as long as the areas can be appropriately managed. For example at the Edgewood golf course, the water quality monitoring data that they have shared for the last 15 years, shows that the nutrient levels in the flows coming off Highway 50 and out of the Stateline core area substantially higher then the discharge from the site. Therefore, they are getting substantial vegetative uptake and cleaning of the surface flows coming into the site. To a certain extent, that probably has something to do with the very low levels of application of fertilizer that Edgewood does; 5) He stated that he would share some of the blame regarding the outreach program as he and several others involved in the turf grass manager workshops have pointed out the greater problem is the residential user. He feels that education of the homeowner and the casual user is the greatest single tool everyone has; 6) In response to Larry stating that the first report will not be out until June of 2003, he thinks that is not likely because if the data was not collected over this last season, then there is nothing to report on. It is more likely the reports will be out in June of 2004; 7) He will continue to work with staff as this proposal is developed. 8) Under 81.7.a they are concerned that if in some cases, there is testing for nutrients, that can be a difficult process to get the data they are looking for. This can be looked into further into how that might be done; 9) While he can agree with a number of people who questioned if TRPA has the authority to regulate the sale of fertilizer and thinks that education outreach is essential; 10) He doesn’t know how realistic a prohibition of phosphorous use is while education may be very effective in reducing use. In conclusion, sometimes phosphorous has to be used and there should also be appropriate measures to deal with that.

Michael Donahoe representing the Sierra Club stated that fertilizer use is one of the first priorities of the Sierra Club and originally they thought that Golf Courses were one of the worst offenders but have since learned that they are not and in fact do quite a bit to reduce the use of fertilizer and educate their membership in appropriate individual use. They don’t think this proposal addresses effectively the residential users. The amount that Mr. Sweeney discusses is an incredible amount especially if the majority of that is contributed to by residences and not commercial areas. This suggests that the burden be on the local residential user rather than just on the turf manager. He feels that the fertilizer in the basin will continue to be sold and bought unless something dramatic is done. Something needs to be done at this level to make sure that it is done. Things like biosol or Dr. Earth are more expensive to the homeowner then standard fertilizer with phosphorous and they will buy what is cheaper. Mr. Donahoe would like to know how that can be turned around.

Mr. Donahoe passed out fertilizer use bumper stickers developed by local kids for a contest the Sierra Club held.

Jan Briscoe representing the Tahoe Lakefront Homeowners, thanked Mr. Benoit for his responsiveness. She stated they are very supportive of clarifying regulations and ordinances and would like to participate in education outreach. One of the stated goals is to eliminate the use of fertilizer in the backshore and there is a lot of pre-existing vegetation and will have more coming in that zone. They would like to know if the elimination of use in that area is really what is meant? They would also like to know what the JKW/ -4 -

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shorezone area is defined as. Most lakefront projects that come forward do provide landscape and fertilizer management plans already. That is a very positive step and TRPA staff should be credited with it. In doing this ordinance amendment, they would like to separate the large users from the residential users. They would like to know how evaluation and monitoring will take place. They want understandable criteria. They would like to know what the trigger point for the landscape is. They would like a definition of what criteria will be applied. Ms. Brisco thinks good outreach is essential for the success of this ordinance. She stated that most lakefront and commercial properties are professionally managed and maintained and there is a need to be providing education to these professionals. Over the years, she has seen poor managers and excellent managers and TRPA can help with this. She thinks TRPA should reach out to garden clubs and nurseries. Lastly, by not addressing the Canadian goose population and the production of natural fertilization we are burying our heads in the sand.

There was no further public testimony.

Discussion of APC reiterated the need for some sort of units of measurement for progress with one suggestion being BMP retrofit site assessment time be used for education and request reduced usage of fertilizer with some sort of commitment. On item 10 on public outreach TRPA could make use of the various public districts. There is a need for clarification on 81.7-d on the public outreach.

Carl Hasty summarized that staff will be looking at several comments specific to program elements that will not necessarily be included in the code language but staff will review them, especially when it comes to outreach. Other than that, staff will address the resource side, what it will take and require including some element of measurement of what will be accomplished. Staff will also look at the issue relative to phosphorous and the actual need of because that can have significant bearing on this ordinance. Staff will look at the issue of redundancy and how it comes into play with regard to standards by both states and who is more restrictive. Staff will look at the need for a resource discussion. They will also look at inclusion of other agencies particularly with regard to education with property owners and the distinction between large users and residential. All of these items will be looked at and be brought back to APC.

VI. PLANNING MATTERS
C. Regional Transportation Plan Update Process

Richard Wiggins, Transportation staff, presented the staff on this item.

Discussion ensued regarding moving the financial analysis to the foremost action in order to develop where the money is going to come from in order to do more, the fact that the TRPA has to have reasonable revenue expectations and can have a list of projects based on the anticipation of additional monies but don’t have to do it if the money does not come, staff agreement with the need to do financial evaluation first, the fact that the Compact charges TRPA staff to do what Mr. Wiggins is working on, the fact that projects can have both reasonably expected revenues and no expected revenue (tier 2), the input of the local government committee and the steering committee for the local regional revenue being very important, the fact that there needs to be a clear delineation of how reasonable expectations are being put together, the fact that there are several authorizing tools governing these issues and the effort is putting all these tools together, staff’s feeling that at the regional level staff has to make these things work, APC’s comments being valuable, the need for a better understanding of how the update will be more Compact oriented rather than Threshold oriented, whether or not an Environmental Document is required to address the impacts to other Thresholds, the fact that administratively the blending of the two plans will allow for revision of both based on the regional plan update, the water quality plan update etc., and the fact an Environmental Document will be drafted.

JKW/
Public Comments

Jim Phelan, representing the Tahoe City Marina, stated that as stated earlier, there is a master plan that is in process and has been since 1997 and projects that come forward do need to be recognized at the APC. With regard to transportation, the project of the Tahoe City Marina will be presented in July, and that is important to transportation. This project is intended to be a terminus for a water transport system. He asked APC to keep this project in mind in the future.

There were no further public comments and no further APC discussion.

VII. Reports
   A. Executive Director
      1. Report on Governing Board Actions Relative to APC Recommendations

Juan Palma, Executive Director, reported to APC on where we are on the scenic ordinances and the allocations. He presented a slide presentation and a handout to APC. Carl Hasty discussed the allocation proposal status. The first performance review committee meets on the 14th of November. A recommendation will be back to APC in December. Ensuring that communication is going on in each of the organizations including the TRPA is ongoing.

VII. REPORTS
   B. Legal Counsel

Legal counsel was not present.

VII. REPORTS
   C. APC Members

Bill Combs, will report on the Martis Valley community plan in November at the Governing Board.

Leo Poppoff, expressed his desire that Scenic Ordinances do not come back to APC.

Gary Marchio, thanked Carl for summarizing the discussion on fertilizer.

Alan Tolhurst, thanked Mr. Heller for being present at APC.

VIII. ADJOURNMENT Time: 12:15 pm
Respectfully Submitted,

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Jessica Wilson
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 ext. 230 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.
December 3, 2002

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the TRPA Code of Ordinances Chapter 81, 4 and 74, and Goals and Policies Land Use Element, Goal #1, Policy 6, to Implement an Improved Fertilizer Management Program, and Clarify Landscaping Exceptions under Exempt Activities and Reference Fertilizer Use Restrictions

Proposed Action: Amend Chapter 81, Section 81.7; Chapter 4, Subparagraph 4.2.A (8) and Chapter 74, Subparagraph 74.2.A (2); and Goals and Policies Land Use Element, Goal #1, Policy 6 relative to implementation of an improved fertilizer management program.

The proposed amendments to the TRPA Code of Ordinances (Code) and Goals and Policies (Goals) implement an improved fertilizer management program, clarify landscaping exceptions for Stream Environment Zones (SEZs) and the backshore, and reference fertilizer use restriction language for preexisting landscaping in the Code and Goals. The specific Regional Plan elements affected are:

- List Of Exempt Activities, General Activities, Code Chapter 4 (see Attachment A, Exhibit 1)
- Protection of Stream Environment Zones, Exceptions, Code Chapter 74 (see Attachment A, Exhibit 2)
- Fertilizer Management Program, Code Chapter 81 (see Attachment A, Exhibit 3)
- Goals and Policies, Chapter II, Land Use Element (see Attachment A, Exhibit 4)

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend adoption of the proposed amendments to the Governing Board.

Background: Surface and groundwater data, and algal productivity in the near shore demonstrate elevated concentrations of nutrients (Nitrogen and Phosphorus) in some cases. This stimulation of algal productivity is potentially from discharges resulting from excess fertilizer use. However, we do not have direct evidence linking fertilizer use to nutrient impacts on water quality in Lake Tahoe. The water quality threshold indicator standard relating to algal productivity in pelagic Lake Tahoe (Phytoplankton Primary Productivity) shows no decrease, or trend towards threshold attainment; and every available effort must be made to reduce discharge of the above algal stimulatory nutrients to Lake Tahoe.

LFB/dmc
The 2001 Threshold Evaluation recommended that the TRPA adopt an improved Fertilizer Management Program. This approach was further supported by the APC at the September 2002 meeting as a concept, included in the Chapter 33 Allocation amendments recommended for approval to the Governing Board. Details of the improved fertilizer management program were further developed with stakeholders, and in discussions at the November 2002 APC meeting. In March and September of 2002, meetings were held that included golf course and turf managers, Lahontan RWQCB staff, and other interested parties. The approach was further discussed at the October LTIMP (Lake Tahoe Interagency Monitoring Program) meeting to include a broader range of agency, academic, and other stakeholders. Comments from these discussions and participants are incorporated in Attachment A, Exhibit 3 to the extent appropriate.

Summary and Disposition of November APC Issues: The remaining issues, as restated by Carl Hasty at the November APC meeting are as follows:
1. Resource intensity of the Improved Fertilizer Management approach (covered in this staff summary under the section Effect on TRPA Work Program below, and in Attachment A, Exhibit 3);
2. Need for measures of progress (covered below and in Exhibit 3, Subsection 81.7.C);
3. Question on phosphorus ban with exceptions (covered under Alternative Approach section below);
4. Removing the potential redundancy for report requirement or fertilizer program review (covered below and in Exhibit 3, Subsection 81.7.C);
5. Question on strictest standards for Discharge Standards or Receiving Water Standards (covered below and in Exhibit 3, Subsection 81.7.A);
6. Emphasis on public education and outreach (covered below and in Exhibit 3, Subsections 81.7.A and 81.7.D);
7. Need to distinguish between large users and average residential users (covered below and in Exhibit 3, Subsections 81.7.B and 81.7.C).

Code Section 81.7 on fertilizer management serves as the basis for the improved fertilizer management program language. The section's purpose is to reduce the potential impacts of fertilizer use on groundwater and surface water quality. The approach being recommended by staff is to take the language found in the Handbook of Best Management Practices, "Fertilizers shall not be used in or near stream channels and in shorezone areas. Fertilizer use shall be lowered in stream environment zones and eliminated if possible," and add this language directly in Subsection 81.7.A, and reference this language in Code subparagraphs 4.2.A (8) and 74.2.A (2), and the Goals & Policies, Water Quality Subelement of the Land Use Element, Goal #1, Policy 6. Currently, the aforementioned document only states the requirement to be consistent with the BMP Handbook. This would make the existing restrictions on fertilizer use more obvious in the Code and Goals, without needing to refer to another document.

Alternative Approach: Should phosphorus fertilizer use be banned in Tahoe? There was a discussion at the November APC meeting on banning phosphorus fertilizer use in Tahoe, unless a property manager can demonstrate a need for phosphorus. APC member Paul Sweeney stated that data from recent soil map unit tests indicate that Tahoe soils have sufficient phosphorus for most plant growth needs, and that the form of phosphorus in Tahoe soils doesn't show up in standard soil tests for turf. In discussions with Revegetation professionals from the University of Nevada Cooperative Extension...
and others, considerable doubt has been expressed as to the effectiveness and benefit of such a ban. The phosphorus issue is addressed in Subparagraph 81.7.A (1) in the working alternative based on the amendment of Section 81.7. An alternative approach would ban phosphorus use with exceptions for revegetation and restoration, and places the burden of proof on the end user, thus reducing agency resource needs to implement the program, and review individual programs. This could be a phased approach with fertilizer sales, and commercial applications on turf. The overall approach would need to be redrafted for this alternative.

A clarification for landscaping exceptions under exempt activities in Section 4.2 includes language on exceptions for SEZ and the backshore ahead of the exempt language in Subparagraph 4.2.A (8) with a reference to Subsection 81.7.A. Language referring to the fertilizer use restriction in Subsection 81.7.A is proposed to be added to subparagraph 74.2.A (2) for pre-existing landscaping maintenance; and to the Goals & Policies, Water Quality Subelement of the Land Use Element, Goal #1, Policy 6.

Other Programs to Determine Sources of Nutrient Loading to Lake Tahoe: A focus of current TMDL research is a more detailed allocation of nutrient (nitrogen and phosphorus) and sediment sources impacting Lake Tahoe. The U.S. Army Corps is supporting studies on potential for sewer line exfiltration as a nutrient loading source, and groundwater loading to the lake as well. TRPA will be proposing groundwater follow-up studies next year for the Near Shore hot spots of algal productivity to help determine groundwater sources of nutrient loading to Lake Tahoe.

Discussion of Strategy: The amendments for an improved fertilizer management program are expected to reinvigorate the program and increase its application to existing uses. It provides clearer direction for new permits and provides more public outreach opportunities with an improved focus. In addition to adding fertilizer use restriction language, the approach is to reevaluate existing fertilizer management programs for large users, such as golf courses, that currently report on an annual basis, and broaden the application and other program requirements to cover other fertilizer users. These program reviews would be done with Water Quality staff at TRPA, or by Lahontan staff as has been done previously for California permittees and consist of looking at reducing use, location and adequacy of monitoring sites, etc. This is the approach being recommended for all large area turf managers, such as schools and other playing fields.

Aspects of the fertilizer management program will be applied through the project review of permit application process. Another anticipated outcome would be in the area of public outreach through the BMP retrofit program, including having educational materials available where fertilizers are sold in the Region and training turf managers. The goal would be to eliminate any non-conforming use of fertilizer (e.g. in the shorezone) and reduce use and impacts across the basin, especially in sensitive areas like SEZs. The following points highlight the changes and additions to formulate this improved program approach, in particular in Section 81.7.

- Additional references to the Home Landscaping Guide and Chapter 77 for general recommended approaches to landscaping and revegetation in the Tahoe Basin
- References to Shorezone definitions to facilitate understanding of that use restriction
Memorandum to TRPA Advisory Planning Commission
Amendments to Implement an Improved Fertilizer Management Program
Page 2

• Additions of reasons for the fertilizer management program to achieve water quality management and discharge standards; strictest rules apply in jurisdiction of those standards
• Under Subsection 81.7.A, several additions and modifications are made to the list of considerations for fertilizer management programs, including subparagraphs:
  (1) Addition of a phosphorus use consideration;
  (2) Added language on means and location of application;
  (3) Added language on timing of fertilizer application;
  (4) Added language on efficient irrigation systems;
  (5) Added language on intended use and site conditions for plant materials;
  (7) Added language on definition of critical areas and setbacks;
  (9) Added language on reasons for monitoring, who pays for it, and where monitoring is required;
  (10) Added public outreach consideration, with distinguishing language for small residential users; and
  (11) A soil testing consideration is added for large users and large turf projects, and application rates / fertilizer formulations based on the soil test results
• Adds plant nurseries to existing uses required to submit fertilizer management programs under Subsection 81.7.C; however the requirement would remain at TRPA's discretion
• An example of large existing users is added to Subsection 81.7.C for submission of fertilizer management programs and tracking fertilizer use
• Large users will be required to review fertilizer management programs in addition to presenting annual reports to TRPA for the prior season's use and monitoring if required for their program
• Subsection 81.7.D on Requirements for Fertilizer Sales is added including public outreach in conjunction with fertilizer sales, and consistency of seller recommendations with the Fertilizer Management Code Section

Effect on TRPA Work Program: The proposed improved fertilizer management program amendments will require more efficient review of fertilizer management programs and streamlined reporting on annual use by large users in particular. These amendments will increase scrutiny of fertilizer management programs under permit application (although there is little change in that subsection of the Code) and add existing large users to program review and annual reporting on fertilizer use. These amendments will have a significant impact for water quality program staff, project review staff for permit review and, potentially, public information, and compliance staff in situations of extended or demonstrable violation.

Required Findings: The following section provides findings for the proposed Regional Plan amendments, Chapters 81, 4, and 74 of the Code and Chapter II of the Goals and Policies.

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.
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Rationale: The amendments to the Goals and Policies, and the Code will help protect water quality by reducing fertilizer use and the potential for impacts to surface and groundwater from fertilizer use.

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

Rationale: The proposed Goals and Policies, and Code amendments will reduce the chance of impacts to surface and groundwater from fertilizer use through restrictions, monitoring, and increase public awareness of the potential for water quality impacts from fertilizer use.

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: The restrictions of the improved fertilizer management program amendments and monitoring requirements are intended to meet discharge and receiving water standards, reducing impacts of fertilizer use in sensitive areas like SEZs and the Backshore in particular.

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 Finding 1, 2, and 3 above.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: This amendment as stated in Chapter 6 findings is intended to strengthen the fertilizer management program, reduce the use of fertilizer in the Tahoe Basin, and enhance our ability to meet water quality thresholds and standards.

2. Finding: One or more of the following.

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

b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

d) That 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;

e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:

1) The cost of implementation outweights 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.

f) That the provision to be amended has 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.

Rationale: Staff proposes to make Finding c). That surface and groundwater data, and algal productivity in the near shore demonstrate elevated concentrations of nutrients (Nitrogen and phosphorus) in some cases. This stimulation of algal productivity is potentially from discharges resulting from excess fertilizer use. Since the water quality threshold indicator standard relating to algal productivity in pelagic Lake Tahoe (Phytoplankton Primary Productivity) shows no decrease, or trend towards threshold attainment, every available effort must be made to reduce discharge of the above algal stimulatory nutrients to Lake Tahoe. Therefore improving the minimumization of fertilizer use as proposed in the Goals and Policies and Code is reasonable and prudent.

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 you have any questions on this item, please contact Larry Benoit at (775) 588-4547, ext. 227, or lbenoit@trpa.org

Attachments: A. Adopting Ordinance with Exhibits

1. Code Chapter 4 Amendment
2. Code Chapter 74 Amendment
3. Code Chapter 81 Amendment
4. Goals and Policies, Chapter II, Amendment
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2002-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, TO IMPLEMENT THE 2001 THRESHOLD EVALUATION REPORT RECOMMENDATION REGARDING FERTILIZER USE; BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; BY AMENDING CODE CHAPTERS 4, 74; AND 81 AND GOALS AND POLICIES, CHAPTER II, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending Code of Ordinance Chapters 4, 74, and 81; Goals and Policies, Water Quality Subelement of the Land Use Element, Goal #1, Policy 6, Chapter II, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and unanimously recommended adoption of this ordinance. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of Chapter 4 of the Code of Ordinances

2.10 Subsection 4.2.A is hereby amended as shown on Attachment A, Exhibit 1, dated December 3, 2002.
Section 3.00 Amendment of Chapter 74 of the Code of Ordinances

3.10 Subsection 74.2.A is hereby amended as shown on Attachment A, Exhibit 2, dated December 3, 2002.

Section 4.00 Amendment of Chapter 81 of the Code of Ordinances

4.10 Subsection 81.7.A is hereby amended as shown on Attachment A, Exhibit 3, dated December 3, 2002.

Section 5.00 Amendment of Goals and Policies

5.10 Subsection 6.10 of Ordinance 87-9, as amended, does hereby further amend Goals and Policies Chapter II, Land Use Element, Water Quality Subelement, Goal #1, Policy 6 as shown on Attachment A, Exhibit 4, dated December 3, 2002.

Section 6.00 Interpretation and Severability

6.10 The provisions of this ordinance adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section 7.00 Effective Date

7.10 The provisions of this ordinance adopting the Fertilizer Management Program Amendments and amending the Code of Ordinances shall be effective 60 days after its adoption and Goals and Policies amendments shall be effective immediately.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held December 18, 2002, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

__________________________
Dean Heller, Chairman
Tahoe Regional Planning Agency
Chapter 4
PROJECT REVIEW AND EXEMPT ACTIVITIES

4.2 List Of Exempt Activities: The following activities are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or relocation of land coverage, and comply with all restrictions set forth below.

4.2.A General Activities: The following general activities are exempt:

(8) As of August 1, 1997, additional or new landscaping and gardening in stream environment zones and the backshore are not exempt. Landscaping and gardening provided any associated excavation or backfill, if any, is exempt pursuant to subparagraph (4) above and the landscaping is in accordance with Chapter 74, the BMP Handbook and Code Subsection 81.7.A requirements for fertilizer use and the TRPA plant list. As of August 1, 1997, additional or new landscaping and gardening in stream environment zones and the backshore are not exempt.
Chapter 74
VEGETATION PROTECTION AND MANAGEMENT

74.2 Protection of Stream Environment Zones: No project or activity shall be undertaken in an SEZ (land capability 1b) which converts SEZ vegetation to a non-native or artificial state, or which negatively impacts SEZ vegetation through action including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

74.2.A Exceptions: The following are exceptions:

(1) Manipulation or management of SEZ vegetation may be permitted in accordance with the Code of Ordinances for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to Subsection 74.4.B., or as provided in Subsections 20.4, 20.5.C., or 79.2, or Chapters 71 or 72.

(2) Maintenance of landscaping that was installed prior to the creation of TRPA, or pursuant to a TRPA permit, or under a TRPA exemption prior to August 1, 1997, provided that fertilizer use is restricted in accordance with the BMP Handbook and described in Subsection 81.7.A, unless a remedial action pursuant to Section 74.3 has been taken by TRPA.
Chapter 81
WATER QUALITY CONTROL

81.7 Fertilizer Management: The following criteria apply to fertilizer management:

81.7.A Fertilizer management allowing for site specific management approaches shall be consistent with the Handbook of Best Management Practices. The recommended approaches for landscaping are found in the Home Landscaping Guide for Lake Tahoe and Vicinity or its approved equivalent or superior. Chapter 77 contains requirements for revegetation approaches. Fertilizers shall not be used in or near stream and drainage channels, or in stream environment zones, including setbacks determined under Section 37.3, and in shorezone areas (see Chapter 2, and Section 55.2). Fertilizer use for maintenance of preexisting landscaping according to Subparagraph 74.2.A.(2) shall be minimized in stream environment zones and adjusted or prohibited if found, through evaluation of continuing monitoring results, to be in violation of applicable strictest water quality discharge and receiving water standards. These ordinances are applicable to both inorganic and organic fertilizer applications. Fertilizer management programs involve use and application approaches to achieve management standards and should include the following considerations where appropriate:

(1) The appropriate type of fertilizer to avoid release of excess nutrients; fertilizer management programs proposing Phosphorus use should demonstrate the need for the particular site conditions and vegetation to be maintained, consider the use of slow release and Phosphorus free fertilizer;

(2) The rate and means of application to avoid excessive application or application to non-target areas or native vegetation;

(3) The timing and frequency of application to minimize the use of fertilizer, avoid early and late season fertilizer use when vegetation growth is not active;

(4) Appropriate watering schedules and efficient irrigation systems to avoid excessive leaching and runoff of nutrients;

(5) Preferred plant materials for the intended use and site conditions to minimize the need of fertilizer;

(6) Landscape design that minimizes the use and impacts of fertilizer application;

(7) Critical areas (including such as shorezone areas and setbacks in close proximity to Lake Tahoe or other bodies of water, or water quality treatment basins) where the use of fertilizer shall be avoided;
(8) Design and maintenance of drainage control systems including holding ponds where necessary;

(9) Surface and groundwater monitoring programs to determine compliance with existing Nitrogen and Phosphorus standards; any required monitoring will be at owners expense, where appropriate where annual reporting is required in critical areas and as determined in program review or compliance determination;

(10) If appropriate, public outreach through public programs, flyers for utility district and other organization distribution, workshops, etc.; or affiliate membership outreach on fertilizer management shall be included in fertilizer management plans. Public outreach applies in particular to small residential users for agency outreach programs, owners associations, condominiums, property and landscape managers, and landscapers;

(11) For large users (defined under 81.7.C) and large turf projects, a soil testing program may be appropriate to assess the required concentrations of nitrogen and phosphorus in the soil for vegetation use, adjusting for Tahoe Basin growing conditions. This may mean no or low application rates of phosphorus-containing fertilizer for some sites and uses will be required.

81.7.B Fertilizer Management Programs: Projects that include landscaping or revegetation shall include, as a condition of approval, a fertilizer management program that addresses each of the considerations set forth in Subsection 81.7.A, as appropriate to the size of the project.

81.7.C Existing Uses: At the request of TRPA and for large users in particular as defined below, existing uses that require regular fertilizer maintenance, including but not limited to, golf courses, parks, cemeteries, plant nurseries, recreational ball fields, and large residential yards with an acre of turf, shall be required to submit fertilizer management programs for review and approval by TRPA. Review criteria shall include the considerations listed in Subsection 81.7.A. Failure to comply with the request, or to provide a program satisfactory to TRPA, may result in an enforcement action under Chapter 9.

Following the first growing season after the approval of fertilizer management programs for large users of fertilizers such as plant nurseries and those managing more than one acre of turf, or as otherwise identified by TRPA under an existing large user survey, shall initiate a tracking program to monitor fertilizer use on lands under their control. Such users shall review fertilizer management programs with TRPA or Lahontan RWQCB staff and present annual reports for the prior season's use and monitoring if required to TRPA by June 1 (or as required by Lahontan); of each year. The report shall include information on the rate, amount, and location of use. This information shall be presented in a format developed by TRPA consistent with the reporting requirements of other agencies to eliminate duplication, and shall be verifiable. TRPA shall include this information in its annual monitoring report under Chapter 32 including such measures of progress as numbers of approved programs, annual fertilizer use reports received, and reported reductions in fertilizer use or monitored parameter improvement.
81.7.D  Requirements for Fertilizer Sales: Public outreach, including seller fertilizer recommendations consistent with Subsection 81.7.A, and provision of agency-developed fliers, and brochures of user information and recommended fertilizer rates from the Home Landscaping Guide for Lake Tahoe and Vicinity or it's authorized equivalent shall be required in conjunction with fertilizer sales in the Tahoe Basin. Outlying fertilizer retailers with potential purchases from the Tahoe Basin will be requested to provide the same public outreach.

81.7.DE  Snow Hardeners: The use of ammonium nitrate, or other substances containing nitrogen or phosphorus, to harden snow is prohibited.
NEW LANGUAGE IS UNDERLINED.

CHAPTER II
LAND USE ELEMENT

WATER QUALITY

GOAL #1
REDUCE LOADS OF SEDIMENT AND ALGAL NUTRIENTS TO LAKE TAHOE; MEET SEDIMENT AND NUTRIENT OBJECTIVES FOR TRIBUTARY STREAMS, SURFACE RUNOFF, AND SUB-SURFACE RUNOFF, AND RESTORE 80 PERCENT OF THE DISTURBED LANDS.

The most important water quality trend in Lake Tahoe involves algal productivity and clarity of the pelagic (open water) zone. Over the fifteen-year period of record, algal productivity in this zone has increased 100 percent, and clarity has decreased 15 percent. Increased algal productivity, caused by an imbalance in Lake Tahoe's nutrient budget, is one of the primary reasons for the decrease in clarity.

Another important trend involves the quality of the Lake's littoral Goal #1, Policy 2 (nearshore) waters. The quality of the littoral zone is important because these waters are the most vulnerable to aesthetic degradation and most visible to those who enjoy the lake. Data show that water quality tends to be worse in areas adjacent to development and especially in relatively shallow bays and shelves. Tributary, surface runoff, and groundwater quality also display the negative impacts of development of the watershed.

POLICIES

6. THE USE OF FERTILIZER WITHIN THE TAHOE REGION SHALL BE RESTRICTED TO USES, AREAS, AND PRACTICES IDENTIFIED IN THE HANDBOOK OF BEST MANAGEMENT PRACTICES. FERTILIZERS SHALL NOT BE USED IN OR NEAR STREAM AND DRAINAGE CHANNELS, OR IN STREAM ENVIRONMENT ZONES, INCLUDING SETBACKS, AND IN SHOREZONE AREAS. FERTILIZER USE FOR MAINTENANCE OF PREEXISTING LANDSCAPING SHALL BE MINIMIZED IN STREAM ENVIRONMENT ZONES AND ADJUSTED OR PROHIBITED IF FOUND, THROUGH EVALUATION OF CONTINUING MONITORING RESULTS, TO BE IN VIOLATION OF APPLICABLE WATER QUALITY DISCHARGE AND RECEIVING WATER STANDARDS.

Since Lake Tahoe's primary water quality problem is an imbalance in the lake's nutrient budget, control of artificial fertilizers (which add nutrients to the Basin) is an essential component of TRPA's water quality policy. Programs which carry out this policy will reduce dissolved inorganic nitrogen loads from surface runoff by about five percent, and will substantially reduce loads from groundwater.
MEMORANDUM

December 3, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the TRPA Code of Ordinances Chapter 25, Goals and Policies Land Use Element, Goal #1, Policy 3, for Updates on BMP Retrofit Implementation Priority Dates and Programs

Proposed Action: TRPA staff proposes to amend Chapter 25, Sections 25.0, and 25.6; and Subsections 25.2.B, 25.3.A., 25.3.C, 25.3.D, as part of the BMP retrofit strategic plan (see Attachment A, Exhibit 1). In addition, an amendment to 25.3.B is intended to correct an effective date, from July 2003 to January 2003. The amendments to Chapter 25 are intended to bring the BMP Requirements up to date relative to the strategic plan to be presented as an information item. In addition, staff proposes to amend the Water Quality Subelement of the Land Use Element of the Goals & Policies by amending Policy 3 of Goal #1. The amended policy would require that all BMPs for a parcel must be implemented with any project that expands a structure or increases land coverage. The specific Regional Plan elements are:

- Best Management Practice Requirements, Code Chapter 25 (see Attachment A, Exhibit 1)
- Goals and Policies, Chapter II, Land Use Element (see Attachment A, Exhibit 2)

Staff Recommendation: Staff recommends that the APC conduct a public hearing and make a recommendation to adopt the proposed amendments to the Governing Board.

Background: The 2001 Threshold Evaluation indicated that the interim targets for BMP retrofit implementation from the 1996 Evaluation were not met. BMP retrofit is seen as one of the main mitigating factors for past development that is required to attain water quality thresholds for the deep waters of Lake Tahoe. Only one of the seven water quality threshold indicator standards, Littoral Turbidity, was shown to be in attainment in the 2001 Threshold Evaluation. Based on the 2001 Evaluation there is an immediate need to accelerate programs that move the Region more quickly toward meeting threshold attainment goals. One of the Water Quality recommendations in the 2001 Evaluation is to approve and fund a BMP retrofit strategic plan including accelerated implementation target dates, and present this to the TRPA Governing Board. This need for greater implementation of BMPs has been discussed in numerous workshops since the release of the Draft 2001 Threshold Evaluation in December 2001, and adoption of the Final Evaluation in July 2002. Local BMP retrofit programs, included under Subsection 25.3.D, have also been proposed as one link to residential allocation (Chapter 33) amendments and was recommended for approval by the APC at the September 2002 meeting.

LB/dmc

AGENDA ITEM V.B
Memorandum to TRPA Advisory Planning Commission
Proposed Amendments to Code Chapter 25 and Goals & Policies BMP Strategic Plan
Page 2

Discussion: TRPA and discussions with many stakeholders have identified the need for an increased rate of BMP retrofit in the Tahoe Basin. Part of the solution manifests in the proposed linkage of BMP retrofit to new allocation releases, and in the Disclosure Requirement amendment (Subsection 25.3.B, adopted in July 2002). This amendment package is proposed as additional means of increasing the rate of implementation, in addition to and in coordination with the efforts of TRPA’s Erosion Control Team, and other Partners in Conservation (e.g. NRCS, LTEEC, and the RCDs). TRPA and other partners are seeking assistance and program funds aside from these strategic plan amendments to increase the rate of BMP site evaluations and parcel implementation of BMP retrofit. The following points illustrate the approach to implementing the BMP strategic plan with these amendments:

- Add a goal of meeting discharge standards to the purpose of BMP retrofit requirements under Section 25.0
- Add language to emphasize maintenance of temporary BMPs during construction until the site is winterized and permanent BMPs are in place in Subsection 25.2.A
- Make application of permanent BMPs a condition of all project approvals under Subsection 25.2.B
- Propose the pull back of the BMP target date for Priority Group 3 watersheds to October 15, 2008 for consistency with the 208 Plan, as part of the Regional Plan and distinguishes strategic plan approaches for BMP retrofit in the past due Priority Group 1 watersheds
- Amend and reserves Subsection 25.3.C Discharge Permits for future additional use, and highlights the BMP goals of that subsection
- Amend Subsection 25.3.D Alternative Residential Program to update and reflect local jurisdiction BMP Retrofit Programs to be developed as part of this strategic plan
- Add the intention for BMPs to help meet discharge standards to Additional Requirements under Section 25.6

Effect of Amendment on TRPA Work Program: It is difficult to separate this amendment from other aspects of the BMP retrofit work program. The bulk of the TRPA Erosion Control Team work program is associated with BMP activities now. The BMP strategic plan portion of the BMP work program may increase to as much as one-person year, with these amendments. Local jurisdiction program efforts are intended to add significantly to this BMP retrofit implementation effort from the work of local jurisdiction staff.

Findings: Prior to amending Code Chapter 25, TRPA must make the following findings. Code 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 amendment to the Code will help protect water quality by increasing knowledge of and implementation of required BMP retrofit on developed properties in the Tahoe Basin.

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

LFB/dmc 16 AGENDA ITEM V.B
Rationale: The proposed Code amendment will tend to increase the rate of BMP retrofit implementation in the Tahoe Region thereby contributing to the attainment of water quality 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: The proposed code amendment adds local programs and coordination with TRPA staff and Partners in Conservation in a strategic approach for BMP retrofit implementation, and simplifies BMP implementation under permits, and will contribute to meeting 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: The acceleration of the BMP retrofit schedule and the new requirement for full installation of BMPs with any project approval will contribute to achieving and maintaining thresholds.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: This amendment will contribute to increased BMP retrofit and attainment of water quality, therefore is consistent with the Compact and maintenance of threshold standards.

2. Finding: One or more of the following.

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

   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

   d) That 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;
e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:

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.

f) That the provision to be amended has 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.

**Rationale:** Staff proposes to make Findings a and c. The current Priority Group 3 watershed dates were moved out in May 1997 to provide more time for TRPA program for BMP implementation in response to the 1996 Threshold Evaluation Recommendations, but are now seen to be in conflict with the 208 Plan dates, and the Regional Plan. The BMP retrofit strategic plan amendment is proposed as an additional tool for increasing knowledge and implementation of BMP retrofit requirements on developed parcels. This amendment will tend to increase attainment of water quality thresholds.

**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 you have any questions regarding this item please contact Larry Benoit, Senior Planner, Water Quality Program Manager at (775) 588-4547

**Attachment:**

A. Adopting Ordinance
   1. Exhibit 1. Proposed changes to Code Chapter 25
   2. Exhibit 2. Proposed Goals and Policies, Chapter II Amendment
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2002-

AN ORDINANCE AMENDING ORDINANCE NO. 87.9 AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES AND THE WATER QUALITY SUBELEMENT OF THE LAND USE ELEMENT OF THE GOALS AND POLICIES, TO UPDATE BMP RETROFIT PRIORITY DATES AND PROGRAMS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87.9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA), amending the Best Management Practice Requirements by amending Chapter 25 of the Code of Ordinances and Goals and Policies, Water Quality Subelement of the Land Use Element, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and unanimously recommended adoption of this ordinance. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00  
Amendment of Chapter 25, Best Management Practice Requirements

2.10  
Subsection 6.10 subparagraph (28) of ordinance No. 87-9 as amended is hereby further amended as set forth on Exhibit 1, dated December 3, 2002, which attachment is appended hereto and incorporated herein.

Section 3.00  
Amendment of Goals and Policies

3.10  
Subsection 6.10 of Ordinance 87-9, as amended, does hereby further amend Goals and Policies Water Quality Subelement of the Land Use Element as shown on Attachment A, Exhibit 2, dated December 3, 2002.

Section 4.00  
Interpretation and Severability

4.10  
The provisions of this ordinance adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section 5.00  
Effective Date

5.10  
The provisions of this ordinance adopting the Excess Coverage Mitigation Program and amending the Code of Ordinances shall be effective 60 days after its adoption. Goals & Policies Amendments shall be effective immediately.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held December 18, 2002, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency
Chapter 25
BEST MANAGEMENT PRACTICE REQUIREMENTS

25.0 Purpose: This chapter sets forth the requirements for installation of Best Management Practices (BMPs) for the protection or restoration of water quality and attainment of minimum discharge standards.

25.2.A Temporary BMPs: Temporary BMPs in accordance with the Handbook of Best Management Practices, and as required in Chapter 62, shall be implemented on construction sites and maintained throughout the construction period until winterization and permanent BMP are in place.

25.2.B Permanent BMPs: Application of appropriate permanent BMPs to the area within the parcel or entire project area boundaries, which ever is greater, within the construction site boundary shall be a condition of project approval. Standard requirements are set forth in sections 25.4 and 25.5.

1) Conditions of project approval shall set forth a schedule for installation of permanent BMPs within the construction site boundary on the project parcels, but in no case shall it be scheduled later than the date set for the completion of the project (see Chapter 4).

2) Retrofitting of the project area outside the construction site boundary with BMPs, also shall be made a condition of project approval.

(a) If the project area involves more than one parcel, the entire project area will be treated as one parcel for purposes of this chapter.

(b) If the cost of retrofitting outside the construction site boundary is less than five percent of the estimated construction cost, exclusive of the BMP cost, the conditions of project approval shall set forth a schedule for installation of these BMPs. In no case shall it be scheduled later than the date set for the completion of the project (see Chapter 4).

(c)(b) If the cost of retrofitting is greater than five percent of the estimated construction cost, exclusive of the BMP cost, the applicant shall submit a schedule to TRPA for review and approval. In no case shall the retrofit schedule be set for completion later than the date set for retrofit of properties in Section 25.3. In circumstances where the condition of the project area is creating severe water quality problems, TRPA may require a more accelerated schedule. TRPA shall keep track of the status of retrofitting of project areas, parcels, and or project areas, as provided in Chapter 38.

25.3 BMP Retrofit Program: Persons owning property not subject to a retrofit requirement prior to January 1, 1993, under Section 25.2, or a discharge permit under Subsection 25.3.BC, shall install and maintain BMPs on their property with existing uses in accordance with the following provisions:
25.3.A Priority System: Properties with existing uses shall install BMPs in accordance with Table E-1, Appendix E, Chapter 37, and the following watershed priority system:

1. **Priority Group 1**: Properties with existing uses in watersheds with a point score less than or equal to 30, shall install BMPs not later than October 15, 2000.

2. **Priority Group 2**: Properties with existing uses in watersheds with a point score of 30 to 46, inclusive, shall install BMPs not later than October 15, 2006.

3. **Priority Group 3**: Properties with existing uses in watersheds with a point score of 47 or greater shall install BMPs not later than October 15, 2008.

4. Disclosure of a property's BMP status and provision of a copy of the disclosure form to TRPA shall be a requirement of sale.

5. Parcels and unpaved roadways without appropriate BMPs in place are subject to enforcement under Article IX Compliance Procedures, Section 9.2, of the Rules of Procedure for violation of Chapter 25.

25.3.B Disclosure Requirements: Effective July 1, 2003, owners of property for sale shall, prior to sale, disclose to a purchaser the property's BMP status on a TRPA approved form. The purchaser of the property shall provide the disclosure form to TRPA within 30 days of sale.

25.3.C Discharge Permits: Not later than By or around December 31, 1992, TRPA shall notify property owners with existing uses in the following categories of the requirements of this subsection. Not later than March 31, 1993, the persons so notified shall inform TRPA that: (1) they have an existing valid state or federal stormwater discharge permit, (2) they will apply for a state or federal stormwater discharge permit, or (3) they will submit to TRPA a remedial action plan pursuant to Chapter 9 of the Code of Ordinances. Not later than June 30, 1994, all persons so notified shall have either a valid state or federal stormwater discharge permit or an approved remedial action plan pursuant to Chapter 9. The goals of this subsection are to meet discharge limits by implementing BMPs on the subject properties within the target dates listed under Subsection 25.3.A. TRPA reserves the right to use this Subsection in addition to TRPA enforcement to ensure the implementation and maintenance of BMPs on all properties in a timely fashion. Such permits and action plans shall be consistent with the provisions of the Water Quality Management Plan for the Tahoe Region.

1. **Commercial Uses**: Retail or entertainment facilities, greater than one acre; storage yards.

2. **Recreation Uses**: Downhill ski areas, marinas, golf courses.

3. **Public Service Uses**: Transportation routes, corporation yards.

25.3.D Alternative Residential Local Jurisdiction BMP Retrofit Assistance Programs: Not later than December 31, 1992, designation of residential areas for alternative programs may be requested as follows: Local jurisdiction programs are part of a Regional strategic plan to assist in notification, evaluation, BMP retrofit implementation, and inspections on all...
parcels and roads in their jurisdictions, and meet BMP retrofit targets shall consider the following elements:

(1) Local jurisdictions may request designation of residential areas because of their age, population density, or lack of parking and controlled access, will be difficult to install BMPs in on a neighborhood-wide basis. If TRPA approves the designation, then the local jurisdiction shall submit a proposed BMP retrofit plan no later than December 31, 1993.

(2) Affected homeowners' associations or other appropriate entities may request designation of residential areas which, because of their historical features, remoteness, seasonal use or other unique features, will present unusual issues in the design and installation of BMPs. If TRPA approves the designation, then the association or other entity shall submit a proposed BMP retrofit plan no later than December 31, 1993.

(3) Upon approval of BMP retrofit plans, the local jurisdiction or entity, as the case may be, shall implement the plan in accordance with the approved schedule. Implementation of alternative BMP retrofit plans shall be complete no later than October 15, 1997. Failure to submit a plan or denial of the designation request or submitted plan shall cause the affected properties to be subject to the priority system in Subsection 25.3.A.

(1) Public Outreach and Education: Various means of assisting public outreach and notification of BMP retrofit needs and target dates are available to local jurisdiction programs. These include, but are not limited to distribution of brochures, notices and letters to parcel owners on BMP retrofit needs and compliance dates; direct mailings and focus on BMPs in EIP project areas; sponsoring public and contractor workshops, and coordinating public meetings providing resources to implement BMPs.

(2) BMP Site Evaluations: Various means of assisting with BMP retrofit site evaluations including but not limited to providing local jurisdiction staff to carry out site evaluations during other site visits, or on request; providing self evaluations and other materials during other site visits; answering property owner questions on BMPs during site visits; providing site evaluation data and reports to TRPA for tracking purposes.

(3) Technical, Resource, Implementation Assistance: Technical assistance may include, but is not limited to providing resource list of contractors trained to implement BMP requirements; provision of technical design and logistic guidance to assist property owner in doing their own BMPs; provision of direct assistance in BMP implementation or reference to labor discount programs of TRPA Erosional Control Team and the Conservation Districts.

(4) Final Inspection on BMP implementation: Assistance with final inspection process may include, but is not limited to provision of the final inspection to insure that BMPs are installed properly per site BMP evaluation; require any changes needed in installation of BMPs, and schedule reinspection; issue a certificate of completion and ensure data recorded in the online database.

TRPA Code of Ordinances
CHAPTER 25 - BEST MANAGEMENT PRACTICE REQUIREMENTS 25-3
25.5 **Standard BMP Requirements**: Pursuant to section 25.2, standard conditions of approval for projects shall meet the following requirements:

25.5.A **Runoff Water**: Runoff water from impervious surfaces shall meet the discharge standards of Chapter 81 and shall be controlled as follows:

1. **Infiltration Requirements**: Except as provided in section 25.7, infiltration facilities to discharge runoff to groundwater shall be required. Infiltration facilities shall be designed to accommodate the volume from a six hour storm of a two year recurrence probability. An average intensity of 1 inch per hour can be used for this calculation. Infiltration facilities shall be designed utilizing the methodology set forth in the BMP Handbook. The bottom of infiltration trenches or dry wells shall be a minimum of one foot above the seasonal high water table. If TRPA finds that the runoff from impervious surfaces from a two year, six hour storm will infiltrate naturally on the parcel, TRPA may waive the requirement to install infiltration facilities.

2. **Excess Runoff**: Runoff in excess of that infiltrated pursuant to paragraph (1) above shall be controlled in accordance with the methods and design standards in the Handbook.

25.6 **Additional Requirements**: In addition to the standard requirements of section 25.5, project conditions of approval shall list any other appropriate required BMPs to meet minimum discharge standards. Construction in stream environment zones or Land Capability Districts 1 through 3, inclusive, normally will require special conditions of approval because of the sensitivity of those areas to disturbance.
CHAPTER II
LAND USE ELEMENT

WATER QUALITY

GOAL #1

REDUCE LOADS OF SEDIMENT AND ALGAL NUTRIENTS TO LAKE TAHOE; MEET SEDIMENT AND NUTRIENT OBJECTIVES FOR TRIBUTARY STREAMS, SURFACE RUNOFF, AND SUBSURFACE RUNOFF, AND RESTORE 80 PERCENT OF THE DISTURBED LANDS.

The most important water quality trend in Lake Tahoe involves algal productivity and clarity of the pelagic (open water) zone. Over the fifteen-year period of record, algal productivity in this zone has increased 100 percent, and clarity has decreased 15 percent. Increased algal productivity, caused by an imbalance in Lake Tahoe’s nutrient budget, is one of the primary reasons for the decrease in clarity.

Another important trend involves the quality of the Lake’s littoral Goal #1, Policy 2 (nearshore) waters. The quality of the littoral zone is important because these waters are the most vulnerable to aesthetic degradation and most visible to those who enjoy the lake. Data show that water quality tends to be worse in areas adjacent to development and especially in relatively shallow bays and shelves. Tributary, surface runoff, and groundwater quality also display the negative impacts of development of the watershed.

POLICIES

3. APPLICATION OF BMPS TO PROJECTS SHALL BE REQUIRED AS A CONDITION OF APPROVAL FOR ALL PROJECTS.

All projects shall be required, as a condition of approval, to apply Best Management Practices to the project parcel during construction and as follows upon completion of construction:

A. New projects on undeveloped parcels shall require application of BMPs as a condition of project approval.

B. Projects which expand structures or land coverage shall require application of BMPs to the parcel(s) on which the project is situated, those areas affected by the project. The remainder of the site shall require application of BMPs pursuant to C below.

C. Rehabilitation projects, other than minor utility projects, shall require the preparation of a plan and schedule for application of BMPs to the entire parcel. The amount of work required pursuant to the project approval shall consider the cost and nature of the project.
MEMORANDUM

November 27, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff


Proposed Action: To amend the existing map delineating water quality improvements in the vicinity of parcels as set forth below (See exhibits: 1 through 4).

Recommendation: Staff recommends that the Advisory Planning Commission conduct a public hearing and, if appropriate, adopt the map amendments and their respective scores. The APC recommendation will be presented at the December Governing Board meeting.

Background: One of the eight elements of a vacant residential parcel's IPES score is predicated on whether off-site water quality treatment improvements are present in the adjacent serving roadway system. When these types of improvements are installed by local jurisdictions, the positively affected parcel's scores can be increased to the maximum award for this category. These projects are a large component of the Environmental Improvement Program (EIP). Consequently, at the October 1987 meeting, the Governing Board adopted the map delineating water quality improvements in vicinity of affected parcels. Preparation of this map was based upon field data collected during the summer of 1987 pursuant to subsection 37.2.G of the Code of Ordinances:

37.2.G Need For Water Quality Improvements In Vicinity Of Parcel: The maximum score for this IPES element is 50 points.

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

Need For Water Quality Improvements in Vicinity of Parcel

TABLE G-1

NEEDED WATER QUALITY IMPROVEMENTS

<table>
<thead>
<tr>
<th>Needed Improvement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revegetation</td>
<td>+ 6</td>
</tr>
<tr>
<td>Rocklined or vegetated ditches</td>
<td>+ 8</td>
</tr>
<tr>
<td>Curb gutter or paved swales</td>
<td>+ 8</td>
</tr>
<tr>
<td>Storm drain pipes</td>
<td>+ 8</td>
</tr>
<tr>
<td>Retaining walls</td>
<td>+ 4</td>
</tr>
<tr>
<td>Rock slope protection</td>
<td>+ 4</td>
</tr>
<tr>
<td>Paved roads</td>
<td>+ 8</td>
</tr>
<tr>
<td>Sediment basins</td>
<td>+ 4</td>
</tr>
</tbody>
</table>

Total Possible Points 50

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

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

1. Account for water quality improvement projects implemented since 1999; and

2. Increase the point scores for those parcels affected by these projects pursuant to 37.10.A. of the Code of Ordinances.

Discussion: The proposed amendments are based upon field data collected during the fall of 2002. Point values were assigned according to the scoring criteria in Table G-1. Properties affected by the score increases were restricted to only those parcels immediately within the vicinity of the water quality improvement project.

The proposed amendment delineated several areas that are smaller than those identified on the original map. This reflects the fact that improvements often addressed portions of the originally mapped areas.

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

Chapter 6 Findings:

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

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

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

Rationale: The amendments are consistent with the Regional Plan and will not cause the environmental thresholds to be exceeded. The adjustments in scores were planned for when such water quality improvements were realized.

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

Rationale: See findings 1 and 2 above.
4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: For the reason set forth in the rationale for finding 1 above, these amendments better implement the Code and Regional Plan as intended and will assist in the achievement and maintenance of the environmental thresholds.

If you have any questions or comments regarding this agenda item, please contact Tim Hagan at (775) 588-4547.

Exhibits: 1 through 4

<table>
<thead>
<tr>
<th>Number</th>
<th>Jurisdiction</th>
<th>Water Quality Improvements</th>
<th>Proposed Additions to Present Score</th>
<th>Exhibit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>El Dorado</td>
<td>Cascade ECP Retrofit</td>
<td>+50</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Placer</td>
<td>Fern Point ECP</td>
<td>+30</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Douglas</td>
<td>Round Hill GID-ECP</td>
<td>+50</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>Douglas</td>
<td>Elk’s Point ECP</td>
<td>+34</td>
<td>4</td>
</tr>
</tbody>
</table>
Cascade Erosion Control Project

+50 points

IPES
18-281-05
18-281-10
18-281-11
18-281-12
18-282-09
18-282-10
18-291-10
18-292-02
El Dorado Parcels
Fern & Hwy 89
Erosion Control Project

+30 points

IPES
- 86-341-15
- 97-073-11
- Placer Parcels
Round Hill General Improvement District
Erosion Control Project

+50 points

IPES
5-220-25
5-302-25
5-331-08
5-333-05
5-344-01
Dgparcel

0.1  0  0.1  0.2 Miles

N
Elks Point Road
Erosion Control Project
MEMORANDUM

December 3, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Discussion of Draft South Y Industrial Community Plan and Environmental Assessment

Proposed Action: No action is requested at this time; a public hearing will be held in January for adoption of the Community Plan. This staff summary is an introduction to the Community Plan and accompanying Environmental Assessment (enclosed with this mailing).

Staff Recommendation: Staff recommends the APC review the Community Plan and Environmental Assessment in preparation for adoption in January. Staff requests that any questions members may have after reviewing the document be directed to staff prior to the January meeting so that a thorough response may be presented at that time.

Background: The Land Use Element of TRPA’s Goals and Policies (Goals) provides for the development of specific Community Plans for designated commercial areas. Community Plans are developed in order to be responsive to the needs and opportunities of designated areas of concentrated commercial uses, or where commercial uses should be concentrated, and to guide development within those boundaries.

Consistent with the Goals, the Industrial Tract was designated a preliminary Community Plan area. The objectives of community planning in the Industrial Tract are:

- To provide incentives to encourage concentration of industrial-type commercial uses and public services needed to serve the development permitted by the TRPA Regional Plan and the City of South Lake Tahoe’s General Plan on the South Shore;
- To separate the (less compatible) industrial uses from the scenic corridor portions of the City of South Lake Tahoe;
- To allow only those commercial activities that are compatible with the Preferred Industrial Area classification to be developed within the industrial Tract.

The South Y Industrial Tract Community Plan will provide management direction for all projects proposed within its boundaries. It is an integrated land use plan addressing physical design, commercial growth, traffic circulation, the environment and restoration, and public services. Planning guidance is currently provided by Plan Area Statement (PAS) 113, which was adopted by TRPA in 1987 and replaced all former City of South Lake Tahoe zoning in 1999.
Memorandum to Advisory Planning Commission
Discussion of South Y Industrial Plan
Page 2

This plan establishes goals and objectives, special policies, and programs. Elements of the plan address land use, transportation, public services, recreation and conservation. It also encourages and provides incentives for the (re)location of industrial uses to the area. Finally, the plan assigns a Preferred Industrial Area special designation to the land within the Community Plan boundary.

Upon adoption, the South “Y” Industrial Tract Community Plan will serve as the mutual plan for both TRPA and the City of South Lake Tahoe. Pursuant to Chapter 14 of the TRPA Code of Ordinances (Code), the South “Y” Industrial Tract Community Plan supersedes certain plans and regulations established by the Plan Area Statements and the Code. TRPA will review the community plan at five-year intervals to determine conformance with approved schedules for development and adequacy of programs, standards, mitigation, and monitoring.

A pool of 5,000 square feet of commercial floor area is reserved for allocation to certain projects within the Community Plan, as well as a pool of stream environment zone restoration credit (up to 5.46 acres) available to certain projects proposed for areas where the land capability classification is eligible for a “man-modified” amendment.

Discussion: The South “Y” Industrial Tract Community Plan (CP) was prepared as a joint effort between TRPA and the City of South Lake Tahoe (CSLT). The South “Y” Industrial Tract CP area is located about one-mile southwest of the South Tahoe “Y,” east of Lake Tahoe Boulevard. It generally includes all properties south of D Street, between Industrial Avenue and Lake Tahoe Boulevard, including all properties accessed from Shop Street and Industrial Avenue. Uses within the area currently are entirely industrial, commercial, or public service. Commercial and industrial uses include inside and outside storage, warehouses, automobile repair and storage, a meat company, a shipping company, and the region’s only asphalt plant. Public services include the City’s fleet maintenance facility and facilities maintenance office, Caltrans yard, and Area Transit Management’s bus facility. The tract also includes undeveloped parcels in both public and private ownership.

The Industrial Tract is the largest area within South Lake Tahoe that is used for industrial and general commercial uses, and it is used entirely in that manner. Even its street names – “Shop Street” and Industrial Avenue – indicate that this area was envisioned at inception as the south shore’s industrial zone at the time the area was subdivided. No residential or tourist accommodation uses are interspersed within the zone; however, residential subdivisions are located on two sides of the district.

A fundamental cornerstone of this community plan is that industrial uses are consistent with existing developments in, and appropriate for, this area. Consequently, this CP recommends designation of the area as a Preferred Industrial Area.

This CP guides the enhancement of the Industrial Tract as the only designated Preferred Industrial Area for Lake Tahoe’s south shore. It will serve this purpose throughout the life of the current TRPA Regional Plan and CSLT General Plan. Through a series of programs and policies found in the plan elements, the community plan provides a strategy to achieve its Goals and Objectives. The policies and programs of the plan are designed to be flexible enough to incorporate the changes that will evolve through plan implementation.
Memorandum to Advisory Planning Commission
Discussion of South Y Industrial Plan
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Effect on TRPA Staff Work Program: The adoption of this Community Plan will not, in and of itself, create a burden on TRPA Staff workloads. Development of this CP was included in the appropriate staff member’s work program. The number of project applications are not expected to increase significantly subsequent to the adoption of the Plan. Some of them may require more involvement in deriving concepts that take advantage of the Plan’s options.

Please contact Peter Eichar at (775) 588-4547, or recreation@trpa.org, if you have any questions regarding this agenda item.

Attachment: Location Map

Enclosures: Draft South Y Industrial Community Plan
Environmental Assessment