TRPA
APC
PACKETS

NOVEMBER
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 November 13, 2002, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. 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.
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 September 11, 2002, APC minutes.

V. PUBLIC HEARINGS

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

VI. PLANNING MATTERS

A. Improved Fertilizer Management Program Discussion

B. Report and Discussion on Planning Projects and Public Process

C. Regional Transportation Plan Update Process

VI. Reports

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel
C. APC Members

VII. ADJOURNMENT
TRPA ADVISORY PLANNING COMMISSION

Horizon Resort Casino
Stateline, NV

September 11, 2002 9:30 am

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM
Called to order at 9:31 am

Members Present: Alice Baldrica, Larry Lohman, Kevin Cole, Bill Combs, Robert Jepsen, Lauri Kemper, Eva Krause, Randy Lane, Jennifer Merchant, Matt Alexander, Joe Oden, Paul Sweeney, Leo Poppoff, Alan Tolhurst and Teri Jamin.

Members Absent: Richard Harris, Gary Honcoop, Lee Plemel and Tom Porta.

II. APPROVAL OF AGENDA

Due to Mr. Palma’s need to leave later in the day, it is necessary to take his report first and then return the scheduled order of the agenda.

III. PUBLIC INTEREST COMMENTS (No Action)

None

IV. APPROVAL OF AUGUST MINUTES

MOVED Kevin Cole
SECOND Robert Jepsen
Terri Jamin Abstained
MOTION CARRIES BY MAJORITY VOTE

VI. Reports

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Mr. Palma reported on the scenic issue brought before the APC in August, what happened at the Governing Board, meetings what has been occurring since and the mis-information being reported to the public. He reported on the new location of the TRPA and the new count of employees at the TRPA.

Discussion ensued regarding the times and locations of the scenic meetings, a possible conclusion date of the workshops on scenic and a request from Ms. Baldrica that any changed items be brought back to the APC.

V. PUBLIC HEARINGS

A. A Resolution to Approve the Tahoe Yellow Cress Conservation Strategy

Jerry Dion, Long Range Planning, presented a slide presentation on this staff summary.

JKW/ Agenda Item IV. A.
Discussion ensued regarding how the TYC effort will affect the use of the beach and the lakefront, why TRPA is intervening versus letting evolution take its course, the fact that certain areas of a beach will be sectioned off but an entire beach will not be closed, the need to remain compliant with the law while keeping the beaches open, how success will be defined under the achievement of a numeric objective, the goal being to have a sustainable population, previous attempts to grow the plant in the past, the plant being prolific in growing seeds, that in a greenhouse the researchers get a 70% germination rate where in the sand it is less successful, how much this effort will cost and where the money will come from, what staff will be doing in this effort, City staff working with TRPA to resolve conflicts of interest with this issue and others faced by other jurisdictions, preventing the preservation of a non-native plant in an area that it was not meant to grow and the need for successful management to reduce the threat to water quality projects being compromised by this effort.

PUBLIC COMMENTS

Tony Sitko, homeowner, cannot believe this goes on over a plant. He wants to know why, if the plant has such a prolific seed production, don’t we just pass the seeds out and have people grow them. Why not just send the seeds around the world and have it grown rather than making it such an issue here.

MOVED Leo Poppoff to approve staff recommendation.
SECOND Bob Jepsen
MOTION CARRIES BY MAJORITY VOTE

V. PUBLIC HEARINGS

B. Addition of a New policy to the Vegetation Sub-Element to the Goals and Policies Pertaining to the Encouragement of Tahoe Yellow Cress Stewardship on Private Lands

Jerry Dion, Long Range Planning, presented the staff summary using a handout.

Discussion ensued regarding the cost and method of providing education to land owners, providing support to the stewardship group, educating landscaping contractors, the idea that a brochure regarding the care of TYC may be appropriate and inclusion of TYC information in the BMP Landscaping Guide.

PUBLIC COMMENTS

There were none.

MOVED Leo Poppoff to approve staff recommendation.
SECOND Laurie Kemper
MOTION CARRIED BY MAJORITY VOTE

V. PUBLIC HEARINGS

C. Amendment to the TRPA Code of Ordinances Chapter 33 and Goals & Policies Chapter VII Amendments to Allow for Residential, Commercial and TAU’s Allocations Through 2006

Carl Hasty, Larry Benoit, Lynda Hyce, Birgit Widegren and Alfred Knotts all presented pieces of this item from the staff summary, slide handout and other handouts included in the record.

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Agenda Item IV. A.
Discussion ensued regarding the combination of the project review and the compliance review portions, the fact that both will be done on a yearly basis, why there is only 1 increment of deduction allowed for the EIP linkage, the desire for no jurisdiction to ever go down to zero, whether or not on the fertilizer issue staff can take action or will have to bring action forward, the fact that while action could be nothing it is not necessary that nothing will be done, the inclusion of the cost needs and scoring needs in the maintenance efficiency plan, the performance review committee members and whether or not that could be the project directors for the EIP programs, the need and the possibility of having the water quality plan by October, the fact that although there can be several representatives on the PRC but only one vote per agency represented, the expectation of a 70% score while a jurisdiction will not be deducted or enhanced with a score between 65% and 70%, what adequate means, each target having its own relevant criteria, whether a jurisdiction would need to allocate resources whether or not they wished to receive enhancements, whether or not the maintenance efficiency plan is new, the replacement of “or”s with “and”s in the wording, the timeline of the BMP evaluations, concerns regarding the lack of public understanding of this issue and what it means to the private homeowner community, concern regarding the incentive for BMP compliance, the fact that staff does not see this as the solution to BMP compliance but they do see it as a movement towards that end, Douglas county’s concerns of TRPA placing it’s responsibilities in the hands of the jurisdiction agencies who would be acting as advocates of this issue, what resources are being committed in BMP retrofit programs in the jurisdiction, table 1 presented in the BMP handout, properties being evaluated for BMP retrofit, Washoe County’s standing with regard to BMP retrofit, changing language from “TRPA will establish transit level of service” to “TRPA will establish transit level of service through consultation with the TTD,” Washoe County being opposed to the transportation portion of this item because RTC is in control of this not Washoe, the fact that language can be added that is specific to RTC and Washoe County’s relationship, there being a way to influence what RTC does, TRPA staff working hard on Transportation, what failure to comply for the jurisdiction under the Transportation relationship would mean, changing the language under the Transportation section where “TRPA controls the allocations” to “TRPA controls the allocation of money,” the difference between the 5 of 8 requirement for enhancement and 4 of 8 for deduction, looking at asking for a project list like is done with the BMP’s and the EIP for Transportation, the addition of language that states that “funding must be allocated on such a project list as designated by TRPA in consultation with TTD,” the rider ship number not including Washoe County or who gets on in Tahoe City, the belief that services within each jurisdiction should be separated out, the percentages of increase in dollar amounts versus level of service increases, what qualifies as a jurisdiction increase, how “transit available” is quantified by anything receiving public funds, what level of public funds makes the transit countable, language that states “Local Tahoe Transit Program,” how the Nifty Fifty trolley fits as an example, the vision of the Tahoe Transit system, the fact that jurisdictions will not get bonus points for funds that they do not have control over, how jurisdictions would make up the loss of that money, the regional revenue source concept and the allowance of time to put the jurisdiction on notice if they were to lose a revenue source and changing the wording from “decrease in allocations” to the “decrease in funding.”

Randy Lane and Alan Tolhurst left for the day during the discussion.

PUBLIC COMMENTS

Jon Paul Harries, League to Save Lake Tahoe, stated the League has been quite involved in this dynamic process. Meetings have been productive and staff has done a tremendous amount of work. The League is still reviewing the document. Some language they have just seen today. They still have to review the EA. They are not sure exactly where they are but so far they are supportive. Mr. Harries wanted to highlight two items. First, he agreed with Ms. Merchant and Mr. Cole regarding using funds for transit improvements above level of service improvements and not inflationary costs. It appeared that what Mr. Hasty is proposing could just cover inflationary costs. Second, Mr. Harries stated the League has

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Agenda Item IV. A.
concerns regarding the BMP distribution on 33.2.B.5.e.i where the need for 50% of accomplishment of the goals is stated. The League encourages that number be raised or the goals be adjusted higher. As is represented, a 5% increase is what is being looked at for the first year and although the League felt that was low they were agreeable but the do object to only 50% of that being done. Overall they are pleased with the way things are going and they think this is a much better product.

Michael Burgwin, Tahoe Area Sierra Club, had a written statement he submitted to the record. He stated he has participated in this process from the beginning. Mr. Burgwin expressed the Sierra Club’s desire that the TRPA suspend all disturbances to the soil area of the Tahoe Basin except where disturbances relate to restoration and/or public health and safety until such time as staff can effectively demonstrate that they can and are clearly performing the duties required of them by the compact and the regional plan.

Jim Lewis, resident, read a submitted written statement into the record. Mr. Lewis found that there is little chance of success of this proposal.

Kevin Cole read a letter into the record submitted by John Adamsky.

Discussion ensued regarding postponing this item for one month due to the late nature of comments and the many changes suggested by APC today, moving the deadline from October to November, staff’s desire that no more meetings be held and that if the item is to be postponed it is for wording clarification only, whether or not jurisdictions have had the chance to see what would be required from their jurisdiction under this system, the concern this system may create a panic for allocations, the need for a 10% reduction over the next 4 years, taking unused allocations and having them vanish, the desire not to create an artificial market, the belief that this system may be unreasonable or unworkable, the belief that there is unknown middle ground and the fact that the number of allocations is not an issue anymore.

Ms. Baldrica took a straw vote of APC members;
Mr. Combs felt he would vote no for the residential portion but yes for the commercial and tourist portions.
Ms. Krause felt she couldn’t vote at all.
Ms. Kemper felt she was comfortable voting today.
Ms. Jamin stated she would like to be comfortable with all the language.
Mr. Lohman also stated he would like to be comfortable with the language but also would not recommend this with his current understanding.
Ms. Merchant stated she too would like to understand the language but would like to see this completed today.
Mr. Alexander stated he would like more information but is not comfortable voting today.
Mr. Oden felt that editorial changes would not make a real difference. He felt a rewrite would be OK and that maybe there should be a special meeting.
Mr. Poppoff stated he understands the problem but he feels that this sounds more complex than it is. He also felt that if jurisdictions are not comfortable, then that needs to be considered.
Mr. Sweeney stated that most of the jurisdictions have been in attendance at the public meetings and he would have thought they would have been analyzing this as they go along. He stated he is ready to vote today.
Mr. Cole stated he could see a need for certainty as soon as possible. He also believed that jurisdictions need to be comfortable. He would like to hear the new language.
Mr. Jepsen would like to hear the language but also feels the jurisdictions need to be comfortable.
Ms. Baldrica reiterated that the Governing Board has already set the allocation number and now the linkages need to be made. She could vote if the language is made clear. She also felt that a joint meeting

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of APC and Governing Board could be held but she believes Governing Board will vote whether APC makes a recommendation or not.

Carl Hasty reiterated the changed language.

MOVED Kevin Cole to approve the staff recommendation as modified
SECOND Leo Popoff
Ms. Baldrica asked for a roll call vote;
Ms. Baldrica Yes
Mr. Lohman Yes
Mr. Cole Yes
Mr. Combs Abstain
Mr. Jepsen Yes
Ms. Kemper Yes
Ms. Krause No
Ms. Jamin Yes
Ms. Merchant Yes
Mr. Alexander No
Mr. Oden Yes
Mr. Popoff Yes
Mr. Sweeney Yes

Eva Krause voted no due to the linkage between Washoe and the Transportation portion missing, she felt the language is squishy and she objects to the Washoe linkage to transportation.
Bill Combs abstained because he wished to vote no on the residential issue.
Matt Alexander voted no because he feels the TRPA is abdicating its responsibility to the local jurisdictions.

MOTION CARRIES BY ROLL CALL VOTE OF 10 AFFIRMATIVE, 2 NEGATIVE and 1 ABSTENTION

V. PUBLIC HEARINGS

D. Amendment to the TRPA Code of Ordinances Chapter 35 to Allow the Substitution of Bonus Units for Existing Deed Restricted Affordable Housing Units

Coleen Shade, Long Range Planning, presented this staff summary using a flip chart.

Discussion ensued regarding clarity on the fact that the 10 bonus units have to remain multi-family, whether or not this increases the capacity in the basin, what happens if you create 5 affordable housing units out of 10 TAU’s is you get 5 TAU units and 5 residential bonus units, the fact a condominium project can not be developed, whether or not you can transfer the 5 bonus units into single family units which does not exist right now and the committee was specific in designating them as multi family units and the fact that this supports urban area planning for transportation.

PUBLIC COMMENTS

None

MOVED Teri Jamin moved to approve staff recommendation.
SECOND Robert Jepsen
Discussion ensued regarding appreciation of staff work on this issue and the fact that some current hotel owners who might want to take advantage of this may require a PAS amendment.

MOTION CARRIED BY MAJORITY VOTE

V. PUBLIC HEARINGS

E. Amendment to the City of South Lake Tahoe Standard- Guidelines-Signage Relating to Sign Enforcement in the City and Signage in the Stateline Redevelopment Area

Coleen Shade, Long Range Planning, presented this staff summary and passed out a handout.

Discussion ensued regarding the City’s support of this.

PUBLIC COMMENTS

None

MOVED Eva Krause moved to approve staff recommendation with the additional language provided by the city.
SECOND Kevin Cole
MOTION CARRIED BY MAJORITY VOTE

VI. REPORTS

B. Legal Counsel

John Marshall reported on the TSPC 9th Circuit Case.

VI. REPORTS

C. APC Members

Larry Lohman thanked everyone for taking the time to hear the clarifications on the allocation language.

Leo Poppoff will not be at the next meeting.

VII. ADJOURNMENT Time: 4:18 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.
October 30, 2002

To: Advisory Planning Commission

From: TRPA Transportation Staff

Subject: Approval of Annual Adjustment to Chapter 95 of the Tahoe Regional Planning Agency Code of Ordinances, Rental Car Mitigation Fee Program

Action Requested: To recommend approval of annual adjustment to Rental Car Mitigation Fee. The adjustment is to increase the Rental Car Mitigation Fee by ¼ of a dollar from $4.50 to $4.75 for each day a car is rented in the Tahoe Basin.

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

TTAC Recommendation: The TTAC recommend approval of the annual adjustment to Rental Car Mitigation fee at the October 24, 2002 meeting.

Background: In 1993, the Tahoe Regional Planning Agency adopted Chapter 95, the Rental Car Mitigation Fee Program, in the TRPA Code of Ordinances. This Ordinance was implemented to assist in the achievement and maintenance of environmental thresholds for air and water quality. The Ordinance applies to each rental transaction in which the rental car is rented by, or delivered to a person in the Tahoe Region (defined by watershed/TRPA jurisdiction). Each rental transaction shall be assessed a mitigation fee, with some exceptions for local residents. The primary provision of this program is the assessment of a $4.50 fee for each day the car is rented.

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

Discussion: As stated in Chapter 95, Section 95.3 of the Tahoe Regional Planning Agency's Code of Ordinances, "The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index of the San Francisco region, rounded to the nearest quarter-dollar." According to the Bureau of Labor Statistics, the 2001 CPI for the San Francisco region was 5.1%. This equates to 22.95 cent rounded to the nearest quarter-dollar, which is 25 cents. With this adjustment, the Rental Car Mitigation Fee would be $4.75 effective January 1, 2003.

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

November 5, 2002

To: Advisory Planning Commission

From: TRPA Staff

Subject: Improved Fertilizer Management Program Discussion

Proposed Action: Staff is presenting this discussion as a planning matter prior to bringing amendments to Chapter 81, Water Quality Control, other minor Code amendments, and a minor Goals and Policies Land Use Element amendment for an improved fertilizer management program for adoption in December. Staff would like APC’s comments and recommendations on the approach and any suggested changes and proposed Code amendments for a public hearing on this program in December.

Discussion: The requirement for an improved fertilizer management program is pursuant to the 2001 Threshold Evaluation Recommendation, threshold stakeholder agreements, and was recommended by the APC, as part of the proposed Chapter 33 allocations amendments in September 2002, to be acted upon prior to release of 2003 allocations.

The following points highlight the changes and additions to Section 81.7, Fertilizer Management, in particular to formulate this improved program approach:

- Additional references to the Home Landscaping Guide and Chapter 77 for general recommended approaches to landscaping and re-vegetation in the Tahoe Basin
- References to Shorezone definitions to facilitate understanding of the use restriction in the shorezone area
- Additions of reasons for the fertilizer management program to achieve water quality management and discharge standards
- Several additions and modifications are made to the list of considerations for fertilizer management programs under 81.7.A (10), including public outreach
- A soil testing element is added for large users and large turf projects
- Adds plant nurseries to existing uses required to submit fertilizer management programs under Subsection 81.7.C; however, the determination of the requirement remains at TRPA’s discretion
- An example of large scale fertilizer users is added to Subsection 81.7.C requiring submission of fertilizer management programs and tracking fertilizer use
- Large users will be required to review their fertilizer management programs on an annual basis in addition to presenting annual reports to TRPA for the prior season’s use and monitoring (if required for their program)
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Other aspects of the fertilizer use reduction management program are proposed to extend through project review, public outreach through BMP retrofit programs and in conjunction with fertilizer sales in the Tahoe Basin, and training with commercial turf managers and others that deal with residential fertilizer use. Our goal would be to eliminate any non-conforming use of fertilizer (e.g. in the shorezone) and reduce use across the basin, especially in sensitive areas such as Stream Environment Zones (SEZs).

Background: The current Code Section 81.7 on fertilizer management will serve as the basis for development of an improved fertilizer management program to reduce the potential impacts of fertilizer use on groundwater and surface water quality. The initial approach is to take the specific fertilizer use restrictions from the BMP Handbook, ("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 put these requirements, with clarifying modification, directly in Subsection 81.7.A, other Code sections, and the Goals and Policies which now require consistency with the BMP Handbook. The intent is to make the existing requirements on fertilizer use more obvious in the Code, without the need to refer to another document. The language for fertilizer use in SEZs, from the recommendation in Appendix B of the 2001 Threshold Evaluation, was changed to read: "...use shall be lowered in stream environment zones and eliminated if found to be detrimental." Attachment A shows the current draft version of the amendment language in Section 81.7.

The approach to an improved fertilizer management program was discussed in March and again in September 2002, with a group of local turf managers including golf course and other managers, Lahontan RWQCB staff, and other interested parties. The approach was discussed at the October LTIMP meeting to include a broader range of agency, academic, and other stakeholders. Comments from these discussions and participants are incorporated in Attachment A, to the extent possible, in light of bringing forth an improved (strengthened) fertilizer management program.

In addition to adding the 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 consideration requirements to better cover other fertilizer users. Staff views the "improved program" for this turf managers group as a reinvigoration and evaluation of golf course management efforts (looking at reducing use, location and adequacy of monitoring sites, etc.), and adding this management program approach for other large users of fertilizer, including all managers of more than 1 acre of turf such as schoolyards and other playing fields (any public access turf). This improved fertilizer management program will be administered through the water quality program for review and tracking, with assistance from the erosion control team and environmental information for public outreach.

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

Attachment: A. Draft, Improved Fertilizer Management Program
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. Chapter 77 contains requirements for revegetation approaches. Fertilizers shall not be used in stream environment zones and drainage channels, 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 water quality discharge 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 (formulations based on need and to reduce nutrient impacts);

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 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 standards (any required monitoring will be at owners expense), where appropriate where annual reporting is required in critical areas as determined in program review.

(10) If appropriate, public outreach (through public programs, fliers, workshops, etc.) or membership outreach on fertilizer management shall be included in fertilizer management plans. Public outreach applies in particular to residential users (agency outreach program), owners associations, condominiums, property and landscape managers, and landscapers; and

(11) For large users 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 residential yards, 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 enforcement action under Chapter 3.

Large users of fertilizers such as plant nurseries and those managing more than one acre of turf, or as otherwise identified by TRPA, shall initiate a tracking program to monitor fertilizer use on lands under their control. Such users shall review fertilizer management programs and present annual reports for the prior season's use and monitoring if required to TRPA by June 1 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, and shall be verifiable. TRPA shall include this information in its annual monitoring report under Chapter 32.

81.7.D Requirements for Fertilizer Sales: Public outreach, including fertilizer recommendations consistent with Subsection 81.8.A, and provision of agency-developed fliers, and availability of the Home Landscaping Guide for Lake Tahoe and Vicinity or its authorized equivalent shall be required in conjunction with fertilizer sales in the Tahoe Basin.

81.7.DE Snow Hardeners: The use of ammonium nitrate, or other substances containing nitrogen or phosphorus, to harden snow is prohibited.
November 5, 2002

To: Advisory Planning Commission (APC) Members

From: Carl Hasty, Deputy Executive Director

Subject: Planning Projects and Public Process

**Action Requested:** None at this time. This topic is informational only to make the APC aware of some current and future planning projects and its relevancy to APC interests.

**Staff Recommendation:** Staff recommends the APC review the staff summary and asks questions of clarification, concern, etc., after staff's presentation. Staff also recommends APC discuss how it would like to be involved in master-planning public process(es) for the large scale planning projects in particular.

**Background:** TRPA has prepared a five-year strategic plan for the period 2002 to 2007. As you are aware some significant and unique events will take place during that time frame. Namely these events include updating Threshold standards and creating a revised 20-year land-use plan. This in turn will require the updating of a number of other area plans including the Lahontan Region’s (California Regional Water Board) basin management plan and the Lake Tahoe Basin Management Unit's (USFS) basin management plan to name a few. In addition there are a number of other current and potential smaller planning projects.

The list of current and potential planning projects is as follows. Please note this list is incomplete. Staff will make a presentation to the APC discussing them in more detail and how TRPA intends to proceed.

1. Threshold Update/Revision
2. Regional Land-Use Plan Update/Revision
3. Regional Transportation/Air Quality Plan Update 2004 (merge with MPO plan)
4. Regional Transportation/Air Quality Plan Update 2007
5. Establishment of Total Maximum Daily Load (TMDL) standards
6. Water Quality Management Plan Update
7. Lahontan Tahoe Basin Management Plan Update/Revision
8. LTBMU Basin Management Plan Update/Revision
9. Shorezone Policy EIS
10. Scenic Visual Preference
11. Socio-Economic Visioning Consistent with Thresholds
12. Airport Masterplan Update
13. South Stateline Community Plan Update
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14. Homewood Masterplan
15. Westshore Community Plan
16. Marina Masterplans
17. Recreation Masterplan
18. EIP Update 2003
19. EIP Update 2005
20. EIP Update 2007

Discussion: The significance of this topic is the fact that all of these planning projects require some form of staff and public process that involves a number of organizations. That is not in itself unusual but the number of projects and the scale of the interaction needed is daunting considering these projects will also need to be undertaken while the Basin stakeholders move concurrently to implement the EIP, and make the transition from the current land-use plans and programs to revised or new concepts.

If left to traditional patterns of planning each of the projects on the list will follow an independent path to involve agency staffs and public. In staff's view such an approach is disconcerting. Staff is concerned such a traditional path will overburden all stakeholders involved, can lead to mixed messages, be inefficient, redundant in some cases, and be less than constructive. It is once a generation that Thresholds and 20-year land-use plans are developed. We must be sophisticated about how we approach such a complex task.

Recommendation: No action is needed at this time except for discussion on the content. TRPA staff wants to make the APC aware of what lies ahead and invite their participation in developing a stakeholder master plan for engaging agency staffs, executives, Boards, Commissions, and the public. The intent of the master plan concept is to maximize efficiency, not overwhelm those involved, and create congruent public messages on Tahoe planning efforts and the future of the Tahoe Basin. At this time the topic is only being introduced.
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MEMORANDUM

November 1, 2002

To: Advisory Planning Commission

From: Transportation Staff

Subject: Regional Transportation Plan Update Process

Action Requested: No action is requested at this time. This is an informational item.

Staff Recommendation: Staff has no recommendation at this time.

Background: In July 2002, TRPA entered into a Professional Services Agreement with Koegel & Associates. Joanne Koegel, Principal of the firm, is the former Director of Transportation for the Sacramento Area Council of Governments. Ms. Koegel was charged with development of a timeline and process for the update and integration of the TRPA 1992 Regional Transportation Plan – Air Quality Plan and the Tahoe Metropolitan Planning Organization (TMPO) 2000 Federal Transportation Plan – Regional Transportation. The timeline and process that Ms. Koegel has developed is nearing completion, and TRPA staff is providing the Advisory Planning Commission (APC) with a review of the proposed process and timeline. Ms. Koegel made a brief presentation to the Tahoe Transportation Commission at their October 11, 2002, meeting.

Discussion: Attached is a draft of the Introduction section of Ms. Koegel’s report, Attachment 1, and a copy of the proposed timeline. As you can see, the update of the transportation plan will be major planning effort. Staff would like to initiate involvement of the APC at the November meeting. Please review these items and be prepared for discussion. The APC will be involved as the process proceeds and products are developed.

If you have any questions, please contact Richard Wiggins at (775) 588-4547.

Attachment

RW/ 11/01/02

AGENDA ITEM NO. VI.C.
INTRODUCTION

Purpose

The overall purpose of this report is to prepare a strategy and timeline for the development of a TRPA Integrated Regional Transportation Plan-Air Quality Plan that will satisfy TRPA’s transportation planning requirements as a designated metropolitan planning organization and its obligations under the Tahoe Regional Planning Compact.

The analysis involved three components. First, the 2000 Federal Transportation Plan, adopted by TRPA in August, 2000, was evaluated for compliance with state and federal planning requirements and necessary steps to bring the document into full compliance. Second, the 1992 Regional Transportation Plan-Air Quality Plan was analyzed for both content requirements and content consistency between the Compact transportation planning requirements and the Metropolitan Planning Organization (MPO) planning requirements. Third, a process and timeline for the development of a Tahoe transportation plan that can meet both MPO and Tahoe Regional Planning Compact requirements was prepared.

As a result of each analysis and review, a series of recommendations were developed to update each document and to integrate the two transportation plan documents into one plan that can be used for both purposes.

Background

Metropolitan Planning Organization

TRPA was designated as a Metropolitan Planning Organization (MPO) in 1999 by the Governor of California and by the Governor of Nevada under the authority provided in federal transportation statutes.

As the MPO, TRPA is responsible for producing two documents related to the Transportation Equity Act for the 21st Century (TEA 21):

1. The long-range transportation that meets federal and state planning requirements: referred to as the Federal Transportation Plan (FTP)

2. The three-year transportation improvement program: referred to as the Federal Transportation Improvement Program (FTIP).
Together, these documents should accomplish the following:

- Identify transportation facilities designated as the metropolitan transportation system;
- Provide for the integrated management and operation of the system;
- Consider the seven planning factors included in TEA 21;
- Result in financially constrained FTP and FTIP;
- Coordinate with the State Implementation Plan and air quality agencies for maintaining air quality standards for the TRPA region through the air quality conformity process and finding;
- Establish and use a working partnership with state agencies, public transit operators, freight interests and other regional stakeholders in the planning process; and
- Support a flexible expenditure plan for federal transportation funds as well as local funds that supplement federal monies.

**Tahoe Regional Planning Compact**

TRPA is a unique MPO for a number of reasons. TRPA’s designation as an MPO in 1999 was added to TRPA’s designation as the agency responsible for regional land use and environmental resource planning for the Tahoe Region in 1969 under the Tahoe Regional Planning Compact (P.L. 91-148; 83 Stat.360). The Compact requires that TRPA provide land use planning, transportation planning, project review and approval, enforcement of TRPA ordinances, and achievement of environmental goals. With regard to transportation, the Compact charges TRPA to develop an integrated, regional transportation plan for the Tahoe Region.

The Compact provides specific direction and requirements for TRPA’s integrated, regional transportation plan. The Compact requires:

- That the goal of transportation planning is to reduce, to the extent feasible, air pollution that is caused by motor vehicles.
- Transportation planning and air quality planning by TRPA is for the express purpose of attaining or maintaining the applicable federal, state and local and TRPA air quality threshold standards.

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• That reductions in vehicle miles traveled and traffic volumes are the standards that will be used to measure achievement of the thresholds.

Other Transportation-Air Quality Planning Designations/Roles

In addition to its MPO designation and its TRPA Compact designation, TRPA is the designated Regional Transportation Planning Agency under California law (1981) and was designated as the lead air quality planning agency by the Air Resources Board (1984). There are no other designation covering the Nevada side of the basin.

An additional role for TRPA is to staff the Tahoe Transportation District. Article IX of the Regional Planning Compact created the Tahoe Transportation District, which is responsible for implementing transportation plans, programs and projects. The entity may acquire, own and operate public transportation systems and parking facilities serving the Region; and it may provide access to convenient transportation terminal outside of the Region.

These additional roles and designations add to the robust role that the TRPA plays in both long range planning and short-term project implementation.

Consistency between the MPO and Compact Transportation Plan Requirements

Both the MPO and Compact requirements are established in federal law. Neither appears to have priority over the other; however, both laws identify what must be contained in each specified document. In order to meet the legal requirements of TEA 21 and the Compact in one transportation plan, one approach is to take the most stringent requirement of each law as the baseline for the single plan document. The lesser requirement could then be contained in the document, but would most likely be addressed by meeting the more stringent requirement.

In instances where there is conflict between the requirements, the differences would need to be addressed on a case-by-case basis and with significant stakeholder input. In many instances, the flexibility can be found in the TEA 21 requirements unless the statutes are prescriptive. TEA 21 is flexible in allowing each region to address its transportation issues based on its regional planning process as long as the planning process addresses all of the mandated components. These are clearly spelled out in the CTC Regional Transportation Planning Guidelines.

The good news is that the transportation plan requirements of TEA 21 and the Compact overlap to a large extent in terms of planning analysis and plan content. Thus, in most instances, there should not be a major conflict. However, the differences between the documents and planning processes should be noted so that they can be addressed.
Generally, differences were noted in the following areas:

*Timeframe for plan updates:* MPO is required to update the Plan every three years and maintain a twenty-year horizon year in between plan updates. Compact Plan has a longer timeframe for the update process. The transportation plan will be updated before the next air quality analysis can be completed.

MPO requirements focus on multi-modal transportation emphasis that provides mobility. Compact requirements focus on environmental objectives.

MPO requirements include a financially constrained approach to the capital improvement program: Compact does not address financial constraints, but does work toward state and federal long-term financial commitments to provide for environmental improvements.

The MPO transportation planning requirements do not mandate an integrated transportation-air quality plan. The federal air quality conformity requirements are used to ensure that the transportation plan does not contribute to a worsening air quality situation. The air quality conformity analysis is tied to the State Implementation Plan for non-attainment areas, as adopted by the designated lead air quality planning agency and the California Air Resources Board. The Compact requires that the integrated transportation-air quality plan measure its success by reductions in vehicle miles traveled and reductions in traffic volumes and to have those indicators as part of the input into the air quality plan.

The Compact includes a wider range of air quality pollutants for analysis than are identified in the federal non-attainment process.

The Compact includes stricter air pollution standards, as adopted by TRPA, than either State of California or federal standards; the integrated plan may require more stringent measures than an MPO plan that must meet only federal air quality standards.

**Development of a Single Regional Transportation**

The approach for merging the MPO required regional transportation plan with the Compact integrated regional transportation plan-air quality plan is a two-phase process.

There are two regional transportation plans currently adopted by TRPA. First, the 1992 Regional Transportation Plan—Air Quality Plan is still in effect and is scheduled for update in 2007. Second, the 2000 Federal Transportation Plan...
was adopted by the TMPO Governing Board and is scheduled for update in 2004.

Regardless of the transportation plan update schedule, the air quality plan will not be updated until 2007. Thus, a truly integrated plan cannot be accomplished until both the transportation and air quality plans can be developed concurrently using the latest assumptions and baseline data. However, given that the 1992 Regional Transportation Plan provided input to the air quality plan, it is very appropriate to initiate the plan integration by developing the 2004 Regional Transportation Plan that is consistent with the 1992 Air Quality Plan as a first step. The second step is then to develop a 2006 or 2007 Regional Transportation Plan current with the air quality plan update in 2007 and adopt the new integrated regional transportation plan-air quality plan. Part of this plan adoption would provide a process and timeline for continued update of the transportation plan until the next air quality plan update occurs.

Phase 1 (Attachment 3)

A scope of work and timeline is identified in Attachment ___ for achieving the first phase. Generally, the first phase objectives are to meet all of the MPO plan requirements in a new regional transportation plan by 2004. In addition to meeting the MPO requirements, all of the Compact goals, objectives, and performance indicators from the 1992 document should be incorporated into the document to begin to define a single transportation vision for the region. For example, the baseline data used to develop the 1992 Regional Transportation Plan should be updated and incorporated into the document, and the financially unconstrained portion of the capital improvement program should be identified and listed separately from the financially constrained portion. When complete, the plan should address all of the MPO requirements and be found consistent with the 1992 Air Quality Plan. The TRPA Governing Board as well as the TMPO Board could adopt the plan as the replacement for the 1992 Regional Transportation Plan and as the 2004 Regional Transportation Plan.

A major public participation program should be initiated as part of the update to begin discussions about the merging of the transportation plans and to ensure stakeholder buy-in.

Phase 2

Phase 2 objectives are to concurrently develop a 2006/07 regional transportation plan and air quality plan.

The 2006/07 Regional Transportation Plan will incorporate new data and analytical tools into the planning process, will reflect current data and conditions and new future projections including the latest transportation emission factors.
Phase 2 also requires the identification of the scope of work for the air quality plan update and the necessary transportation and transportation emission inputs to the plan update. The timeline and milestones for the transportation plan update must be identified in order to integrate the transportation and air quality components. Early joint meetings between the transportation and air quality staff must occur to discuss issues of concern and to coordinate efforts. Any remaining deficiencies in the 2004 Regional Transportation Plan will be identified at the conclusion of the 2004 Plan and should be addressed in the 2006/07 plan.
Attachment 1

Planning Requirements
The requirements for an acceptable long range transportation plan in California are spelled out in the CTC Regional Transportation Plan Guidelines. These guidelines are somewhat detailed. However, each region has the opportunity to tailor a plan that best meets its local needs and requirements while meeting the guidelines. The style and approach to the plan can be creative as long as it meets certain criteria. Nevada does not have an equivalent planning requirements checklist.

Attached in Appendix ___ is the checklist from the RTP Transportation Plan Guidelines adopted by the California Transportation Commission. Each regional transportation plan is reviewed by Caltrans for compliance with the guideline requirements. While requirements of the plan do not impact whether the MPO may adopt a plan, not meeting the plan requirements may jeopardize or slow funding of transportation projects by the CTC or by Caltrans. The checklist should be used by the TRPA 2004 Regional Transportation Plan project manager in reviewing work plans, deliverables, draft documents, public participation events to ensure that your final document contains the appropriate information formatted in a concise and readable form.

Recommendation: The TRPA plan project manager should assume the responsibility for ensuring that the plan meets the CTC checklist. Use the checklist to review plan content and structure as well as oversee the planning process.

Caltrans indicated in a preliminary review of the 2000 FTP draft that this plan is considered an “interim plan”; thus they will be looking for full compliance and upgrades in the next plan submission. Also available is the set of CTC guidelines that “must” be followed and a separate section that lists what “should” be followed. Both sets of guidelines were used to develop the following recommendations. While the “must” set come from statutes and regulations, the “should” set adds clarity, better documentation and support for the plan. Discretion can be used to determine what can be accomplished given the resources of TRPA.

Recommendation: A title for the plan as well as an outline for the 2004 plan should be agreed upon early in the process and used as a reference point to clearly identify the document being produced and to monitor the content completion. A proposed outline for the 2004 FTP is prepared entitled 2004 Lake Tahoe Basin Regional Transportation Plan. The time horizon for the 2004 plan must be 2027 or later. A more recent base year (more recent than 1995) should be identified.
Plan Content

The 2000 Federal Transportation Plan was reviewed, in consultation with Caltrans, using the checklist as well as the Guidelines. Although many requirements have been addressed in the 2000 FTP, the plan content needs to be augmented in the 2004 FTP update. The additions should address all of the Caltrans comments in their letters to TRPA and PB and the additional recommendations identified below. All of these recommendations will lead to more clarity and focus in the plan.

Recommendations:

1. The plan must address the seven planning factors specified in title 23,134(f) of the US Code. The goals and policies of the plan should address these planning factors and the action element should demonstrate how the specific projects achieve those goals and objectives. There should be a section in the plan that lists each planning factor and then describes how the plan addresses each factor. Attachment lists the seven planning factors.

2. The plan must address the institutional framework of agencies involved in transportation planning, programming and implementation in the Tahoe basin and provide more depth than what was provided in the 2000 Plan. A section should describe and depict graphically the relationships between the key plans for the Basin. A flow chart showing which plans and documents provide input and/or control the content of other plans would be helpful to the reader. The relationship between the various state and federal planning requirements and state and federal designations in addition to MPO status should be described to set the stage for the integration of the Regional Transportation Plan and FTP. Specifically, this section should describe the relationship and functions of TRPA separate from the MPO function of TRPA and the relationship between each (e.g. socio-economic projections/allocation process/permitting functions of TRPA/threshold evaluations/potential incentives for meeting thresholds, etc).

3. The institutional framework should clearly describe how the Regional Plan/Tahoe Compact sets the stage for development of a regional transportation plan with its goals and transportation indicators.

4. The Tahoe Basin Intelligent Transportation Systems Strategic plan must be incorporated into a discussion in the transportation plan policy, action and financial elements; projects should be identified in the action and financial elements. In addition, the ITS Architecture adopted by TRPA should be included in the plan’s appendix either in its entirety or as an architecture summary.
5. The plan should include maps of the existing metropolitan transportation system, future transportation system alternatives studied in the planning process and the adopted transportation plan network/projects. Each area within the basin that violates an air quality standard should be shown on a map.

6. The plan should identify transportation projects, services and programs that are included in the action element of the plan on a map(s).

7. The listing of transportation (and related) projects must be sorted by lead agency first, then mode or type (e.g. water quality), and by year. The project list should only contain financially constrained projects.

8. All projects that are beyond the current financial projections should be included in a separate table and identified in separate tables. Unfunded projects cannot be part of the MPO adopted plan; however they can be part of the RTP-AQP. Potential funding sources may be identified, and these projects may be listed in section that discussed transportation needs that extend beyond the financially constrained plan.

9. The transportation plan process must including an early and open planning process with extensive opportunities for community involvement and outreach. The plan must contain, in an appendix, the public participation plan for the development of the FTP. The plan itself must contain documentation of public outreach and public participation activities and opportunities.

10. Population and employment projections should be broken into zones used in the travel demand analysis and other system performance analysis. The methodology and approach for developing the projections should be delineated and included in the plan.
Draft 2004 Transportation Plan Timeline

2002

Nov
Preparation
Dec
CIP

2003

Jan
Feb
Mar
Apr
May
Jun
July
Aug
Sep
Oct
Nov
Dec

2004

Jan
Feb
Mar

KICK OFF
INTERAGENCY MEETING
COMMUNITY ADV GROUP
WORKING PAPERS
CH 1 & CH 2
FORECASTS

GOALS
OBJECTIVES
PERFORMANCE MEASURES
EXISTING CONDITIONS
PHYSICAL SETTING
WORKING PAPERS
CH 3 & CH 4

TRAFFIC/OPERATIONS ANALYSIS
FUTURE CONDITIONS
AIR QUALITY

PREPARE DRAFT PLAN

CB APPROVAL
DRAFT PLAN
AIR QUALITY CONFORMITY
ENV. DOC.

ALTERNATIVES ANALYSIS
PROJECT LIST
FINANCIAL ANALYSIS
WORKING PAPER
CH 2

GB REVIEW

COMMUNITY OUTREACH

APPROVAL

JTRPA
Tahoe Regional Planning Agency
Planning for the Protection of our Lake and Land

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