NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, August 11, 2010 at the TRPA Offices, located at 128 Market Street, Stateline, NV. The agenda for the meeting is attached hereto and made a part of this notice.

August 4, 2010

Joanne S. Marchetta
Executive Director
AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Notice of Preparation (NOP) and Determination of Scope, Placer County Biomass Facility Project Environmental Impact Statement (EIS), Placer County, Assessor’s Parcel Number (APN) 090-041-006, Kings Beach, CA

B. Recommendation on Amendments for the Shorezone Program

   a. Amendment of Section 54.6 Scenic Protection and Related Chapters to modify the requirements for all projects to conform to all scenic protection requirements
   b. Amendment of Section 54.9 Relocation, Transfer or Conversion of Existing Structures and Related Chapters to add standards for banking certain types of shorezone development in order to facilitate the relocation, transfer, and conversion of such development
   c. Amendment of Subsection 52.4.C Restriction to Littoral Parcels and Related Chapters to allow parcels that were modified after July 1, 1987 without an increase in development potential to qualify for approval of existing buoys
   d. Amendment of PAS 008, 014, 016B, and 161 to delete or modify policies relating to "strip littoral parcels" to reflect new information in regards to ownership
e. Amendment of Section 54.12 Maintenance of Shorezone Structures and Section 54.13 Mitigation Fee Requirements and Related Chapters to allow and to establish fees for non-operational buoys

C. Recommendation on Amendment of Buoy Placement Limit Line at Glenbrook and Logan Shoals to extend the line further lakeward

VI. REPORTS

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

VII. ADJOURNMENT
I. CALL TO ORDER AND DETERMINATION OF QUORUM

Advisory Commission Chair Mr. Tolhurst called the meeting to order at 9:30 a.m.

Members Present: Mr. Angelocci, Mr. Donohue, Mr. Melvhill for Mr. Goldberg, Mr. Jepsen, Mr. Smith for Ms. Kemper, Mr. Morehouse for Ms. Krause, Mr. Lefevre, Mr. Maurer, Mr. McIntyre, Ms. McMahon, Mr. Plemel, Ms. Merchant, Mr. Kuchnicki for Ms. Sertic, Mr. Thompson, Mr. Tolhurst, Mr. Upton, Ms. Garcia for Mr. Walker

Members Absent: Mr. Greene, Mr. Loftis, Mr. Riley

II. APPROVAL OF AGENDA

Mr. Upton moved approval. Motion carried.

III. PUBLIC INTEREST COMMENTS

Ellie Waller commented on plans for Kings Beach/Tahoe Vista in comparison to Vale Resorts.

IV. DISPOSITION OF MINUTES

Mr. Maurer moved approval. Motion carried.

V. PLANNING MATTERS

Development and Synthesis of Technical Advice to the Governing Board on Issues Presented in Regional Plan Update FactSheet #3: Land Use

After holding a public hearing, the Advisory Planning Commission recommended the attached technical advice to the Governing Board.
VII. REPORTS

A. Executive Director - no report

B. General Counsel – no report

C. APC Members

Ms. Merchant asked when we would be discussing the TAU issue.

Mr. Zuckerman stated that the Governing Board directed staff to develop a committee to bring back recommendations on the TAU issue. We anticipate 4-5 months to work with this committee and come to agreement on what they may recommend. The committee recommendation will then be taken to the APC for comment prior to Governing Board discussion.

VIII. ADJOURNMENT

Chair Tolhurst adjourned the meeting at 12:25 p.m.
MEMORANDUM

Date: August 4, 2010
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Notice of Preparation (NOP) and Determination of Scope for a Joint Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) with Placer County, for the Lake Tahoe Basin Biomass Energy Facility, One Block North of Deer Street/Specckled Avenue Intersection, Kings Beach, Placer County, APNs 090-041-006 and 090-030-029 (Alternative location: 2501 North Lake Tahoe Blvd., Tahoe City, Placer County, APN 093-010-036), TRPA File Number ERSP2010-0837.

Requested Action: APC recommendation to the Executive Director on the determination of scope for the EIS/EIR, for the proposed Lake Tahoe Basin Energy Facility, as described in the NOP.

Staff Recommendation: Staff recommends that the APC recommend to the Executive Director approval of the topics and alternatives identified for environmental review in the NOP.

Required Motions: The APC motion to recommend approval of the proposed action requires:

1) A motion to recommend approval of the determination of scope for the EIS/EIR for the Lake Tahoe Basin Biomass Energy Facility, as set forth in the NOP and project alternative description.

Project Description/Background: The applicant, Placer County, is proposing to construct a 1 to 3 megawatt (MW) biomass energy facility at one of two locations. Either on a 1.3-acre site (APN: 090-041-006) in Kings Beach, which would require the installation of either an underground or aboveground connection to NV Energy’s Kings Beach Substation on the adjacent 21.8-acre parcel (APN: 090-030-029), or on a 9.6-acre site (APN: 090-010-036) in Tahoe City adjacent to the Placer County Administrative Offices, which would require switching equipment and a connection to NV Energy’s distribution line on the lake side of SR 28. With respect to the Kings Beach site, the 1.3-acre parcel is within the Kings Beach Industrial Community Plan area. The 21.8-acre parcel is within TRPA Plan Area Statement (PAS) Martis Peak–019. The 9.6-acre alternative site in Tahoe City is within TRPA PAS Fish Hatchery–006.

The proposed project would include construction of a ±6,400 square-foot two-story structure that would house the power generating and emissions control equipment, and an adjacent single-story ±5,500 square-foot covered materials storage structure. Additional on-site improvements would include a four-space parking lot, paved vehicle circulation area, a stormwater/snowmelt detention and treatment area, and perimeter screening and landscaping. For the Kings Beach site, all power generated at the
site would be transferred to an existing power line that transects the site and extends southward from a transformer at the Kings Beach Substation. For the Tahoe City site, all power would be transferred to the distribution line that parallels SR 28. Waste heat from electricity production would be used to heat on-site buildings and melt snow and ice from on-site roofs, parking areas, and roadways. Biomass materials (fuel for the plant) would be processed (ground and screened) at off-site locations, primarily the Cabin Creek Processing Facility and Transfer Station (formerly Eastern Regional Landfill) located outside of the Lake Tahoe Basin on SR 89. The proposed project could require that additional processing equipment be added at the Cabin Creek facility. Some biomass processing may also occur at in-forest fuels reduction sites.

This is a scoping meeting intended to elicit comments from APC members and the general public on the content and potential issues as they relate to the scoping of the EIS/EIR for the Lake Tahoe Basin Biomass Energy Facility. The EIS is intended to specifically meet the substantive and procedural requirements of the Tahoe Regional Planning Compact as set forth in TRPA's Code of Ordinances and Rules of Procedure. The EIS/EIR will identify any potential environmental or other impacts that could occur as a result of the implementation of the proposed project.

Issues/Alternatives: The key potential impact areas and project alternatives are described in the attached NOP.

Environmental Document Compliance: A Notice of Preparation has been circulated in preparation of moving forward with the joint Environmental Impact Statement/Environmental Impact Report. The joint document is an EIS prepared by the Tahoe Regional Planning Agency pursuant to its Compact and Chapter 5 of the TRPA Code of Ordinances and an EIR prepared by Placer County pursuant to the California Environmental Quality Act (CEQA). The public scoping process will consist of a hearing before the APC, and a public hearing with Placer County.

If you have any questions, please contact Jerry Wells, Special Projects Director, at jwells@trpa.org or 775-589-5303.

Attachments:

Notice of Preparation (Attachment A)
NOTICE OF PREPARATION

To: California State Clearinghouse
    Nevada State Clearinghouse
    Interested Public Agencies
    Interested Parties and Organizations
    Affected Property Owners within 300 feet of the affected parcels

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lake Tahoe Basin Biomass Energy Facility (Placer County, California)

Lead Agencies: Placer County
                Tahoe Regional Planning Agency
Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
Contact: Maywan Krach,
Community Development Technician
Phone: (530) 745-3132/Fax: (530) 745-3003
Email: cdraecs@placer.ca.gov

Project Title: Lake Tahoe Basin Biomass Energy Facility (PEIR T20100194/ERSP2010-0837)

Project Applicant: Placer County in cooperation with NV Energy

Project Location: Kings Beach Site (Project Site): One block north of the Speckled Avenue/Deer Street intersection, Kings Beach, Placer County, California 96143
Assessor’s Parcel Numbers (APN): 090-041-006 and 090-030-029

Tahoe City Site (Alternative Site): Burton Creek Drive at 2501 North Lake Tahoe Boulevard (SR 28),
Tahoe City, Placer County, California, 96146
APN: 093-010-036

Cabin Creek Processing Facility and Transfer Station (Processing Site): 900 Cabin Creek Road, Truckee, Placer County, California 96161
APN: 080-070-016

Project Description:
Placer County is proposing to construct a 1 to 3 megawatt (MW) biomass energy facility at one of two locations. Either on a 1.3-acre site (APN: 090-041-006) in Kings Beach, which would require the installation of either an underground or aboveground connection to NV Energy’s Kings Beach Substation on the adjacent 21.8-acre parcel (APN: 090-030-029), or on a 9.6-acre site (APN: 090-010-036) in Tahoe City adjacent to the Placer County Administrative Offices, which would require switching equipment and a connection to NV Energy’s distribution line on the lake side of SR 28. With respect to the Kings Beach site, the 1.3-acre parcel is within the Kings Beach Industrial Community Plan area. The 21.8-acre parcel is within TRPA Plan Area Statement (PAS) Martis Peak – 019. The 9.6-acre alternative site in Tahoe City is within TRPA PAS Fish Hatchery – 006.

The proposed project would include construction of a 6,400 square-foot, two-story structure that would house the power generating and emissions control equipment and an adjacent, single-story 5,500 square-foot covered materials storage structure. Additional on-site improvements would include a four-space parking lot, paved vehicle circulation area, a stormwater/snowmelt detention and treatment area, and perimeter screening and landscaping. For the Kings Beach site, all

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power generated at the site would be transferred to an existing power line that transects the site and extends southward from a transformer at the Kings Beach Substation. For the Tahoe City site, all power would be transferred to the distribution line that parallels SR 28. Waste heat from electricity production would be used to heat on-site buildings and melt snow and ice from on-site roofs, parking areas, and roadways. Biomass materials (fuel for the plant) would be processed (ground and screened) at off-site locations, primarily the Cabin Creek Processing Facility and Transfer Station (formerly Eastern Regional Landfill) located outside of the Lake Tahoe Basin on SR 89; the proposed project could require that additional processing equipment to be added at the Cabin Creek facility. Some biomass processing may also occur at in-forest fuels reduction sites.

The Tahoe Regional Planning Agency (TRPA) and Placer County Planning Department are initiating preparation of a joint environmental document for the proposed Lake Tahoe Basin Biomass Energy Facility. The document will be both an environmental impact statement (EIS) prepared in accordance with the TRPA Tahoe Regional Planning Compact, Goals and Policies, Code of Ordinances, and Rules of Procedure, and an environmental impact report (EIR) prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The U.S. Department of Energy (DOE) is contributing federal grant funding for the proposed project. It is anticipated that the EIR/EIS will be prepared to satisfy the requirements of an environmental assessment (EA) pursuant to the National Environmental Policy Act (NEPA). If DOE determines that an EIS is required for NEPA purposes (similar to, but not the same as an EIS prepared pursuant to TRPA regulations), separate and subsequent noticing and scoping will be conducted to satisfy DOE requirements. If DOE determines that the project, as mitigated, will not have significant effects on the environment, DOE may adopt a finding of no significant impact (FONSI) for the project.

We need to know your views as to the scope and content of the environmental information which is germane to your interests or statutory responsibilities in connection with the proposed project. If you represent an agency, your agency will be able to use the EIS/EIR prepared by TRPA and Placer County when considering your permit or other approvals for the project.

A brief description of the project and alternatives likely to be evaluated in the EIS/EIR, and a summary of the probable environmental effects of the proposed project are attached hereto, and/or are available for review on the TRPA website under the major projects link at: www.trpa.org, and on the Placer County website at: http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/EIR.aspx.

Consistent with the TRPA Tahoe Regional Planning Compact and Chapter 5 of the Code of Ordinances and CEQA Guidelines Section 15082(b), this NOP is being circulated for a period of 30 days. Therefore, your response is requested at the earliest possible date, but no later than August 19, 2010. Please send your comments to Maywan Krach at Placer County by mail, fax, or email to the address shown above under “Lead Agencies.” We also request the name of a contact person for your agency.

TRPA and the Placer County Planning Department will hold two public scoping meetings in connection with the proposed project. The scoping meetings will be held to receive comments from the public and other interested parties and agencies regarding the issues that should be addressed in the EIS/EIR. The scoping meetings will be held as follows:

- **Monday, August 9, 2010**
  - Beginning at 6:00 p.m.
  - North Tahoe Conference Center – Lakeview Shoreline/Lakeview Sunset Room
  - 8318 North Lake Boulevard
  - Kings Beach, CA 96143

- **Wednesday, August 11, 2010**
  - Beginning at 9:30 a.m.
  - TRPA Advisory Planning Commission (APC)
  - Tahoe Regional Planning Agency – Board Room
  - 128 Market Street
  - Stateline, NV 89449

The TRPA APC meeting will begin at 9:30 a.m.; however, scoping for the proposed project is not time certain. Please refer to the agenda posted at www.trpa.org up to 1 week prior to the meeting for updated information.

If you have further questions or require additional information, please contact Maywan Krach at Placer County by mail, fax, or email at the address shown above under “Lead Agencies.”

This Notice of Preparation was circulated beginning: **July 20, 2010.**
LAKE TAHOE BASIN BIOMASS ENERGY FACILITY
PLACER COUNTY, CALIFORNIA
PROJECT INFORMATION

PROJECT OVERVIEW AND LOCATION

Placer County, in cooperation with NV Energy, is requesting approval of a Minor Use Permit and TRPA Public Service Application to construct a 1 to 3 megawatt (MW) biomass energy facility at one of two locations. Either on a 1.3-acre site (APN: 090-041-006) in Kings Beach, which would require the installation of either an underground or aboveground connection to NV Energy’s Kings Beach Substation on the adjacent 21.8-acre parcel (APN: 090-030-029), or on a 9.6-acre site (APN: 093-010-036) in Tahoe City adjacent to the Placer County Administrative Offices, which would require switching equipment and a connection to NV Energy’s distribution line on the lake side of SR 28. Both parcels in Kings Beach are owned by NV Energy. The Tahoe City parcel is owned by Placer County. Both sites are located within the unincorporated portion of Placer County, California (Exhibit 1).

The Kings Beach site is located one block north of the Speckled Avenue/Deer Street intersection and approximately 800 feet east of California State Route (SR) 267 (Exhibit 2). Exhibit 3 illustrates a conceptual layout of project buildings, parking areas, and driveways on the 1.3-acre parcel. The layout is subject to refinement as the design process progresses. Please note that the proposed connection to the Kings Beach Substation is not shown, as its alignment is not known at this time. More detailed illustrations of proposed project elements on both parcels will be provided in the EIS/EIR.

The alternative site in Tahoe City is located off of Burton Creek Drive at 2501 North Lake Boulevard (SR 28) (Exhibit 1). A similar configuration of buildings as that shown for the Kings Beach site in Exhibit 3 would be constructed on the 9.6-acre site north of the main Placer County Administrative Offices building. A connection to NV Energy’s distribution line along SR 28 would also be required on this parcel. This connection would likely require jack-and-bore construction techniques and installation of conduit under SR 28.

Biomass materials (fuel for the plant) would be processed (ground and screened) at off-site locations, including primarily the Cabin Creek Processing Facility and Transfer Station (formerly Eastern Regional Landfill) (Exhibit 1). The project could require that additional processing equipment (i.e., loader and grinder) be added at the Cabin Creek Processing Facility and Transfer Station. Some biomass processing may also occur at in-forest fuels reduction sites.

PROJECT OBJECTIVES

The proposed project is part of the broader Placer County Biomass Program. The Biomass Program identifies the need to reduce fire danger, reduce air pollution from open burning, create green energy, and create future economic growth. The Placer County Board of Supervisors (BOS) created a Biomass Policy Team and adopted a Strategic Plan in 2007 for Wildfire Protection and Biomass Utilization. Specifically, the BOS created the Biomass Program to oversee and coordinate Placer County’s efforts to: (1) determine the feasibility of removing woody biomass from forest lands in the county; and (2) examine the options for using excess biomass to generate economically-sustainable forms of energy or other beneficial products. Elements of the Biomass Program are being implemented through federal funding and grants administered by the U.S. Forest Service, Placer County Air Pollution Control District, the Sierra Nevada Conservancy, and DOE. The Biomass Program includes partnerships with the California Department of Forestry and Fire Protection, the U.S. Environmental Protection Agency, the California Tahoe Conservancy, California State Parks, the North Tahoe Fire Protection District, the
Attachment A
Lake Tahoe Basin Biomass Energy Facility

Project Information

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Source: Ascent Environmental, Inc. 2010

Exhibit 1
Regional Location

Ascent Environmental Inc.
Source: Adapted from Placer County 2010
Source: Adapted from Placer County 2010
California Energy Commission, the University of California at Davis, and NV Energy. As part of this broader program, biomass material is already being processed and transported to two biomass power plants (Loyalton and Carson City) and chipped and used for ski slope stabilization.

Placer County is now proposing to construct a pilot project biomass utilization facility in the Lake Tahoe Basin. This pilot scale facility would provide the local community with renewable electrical energy from waste biomass materials, provide a demonstration model of sustainable forest waste collection and processing, and assist in continued forest treatment activities.

The objectives of the Lake Tahoe Basin Biomass Energy Facility are to:

- Construct and operate a small scale, sustainable, and low-impact biomass power plant in the Lake Tahoe Basin;
- Improve regional air quality and reduce greenhouse gas emissions associated with open burning of biomass waste;
- Improve the water quality of Lake Tahoe by reducing deposition of particulate matter associated with open burning of biomass waste;
- Support healthy forest management practices that improve watershed health and wildlife habitat through planned forest thinning operations designed to reduce catastrophic wildfire risks in the Lake Tahoe Basin;
- Contribute to California’s renewable energy production goals through the operation of a woody biomass power plant that provides a long-term renewable electrical supply to the Lake Tahoe Basin and reduces dependency on fossil fuels used to generate electricity for local consumption;
- Provide a local source of reliable, consistent power to minimize electricity disruptions and use of existing emergency back-up diesel fuel-fired generation;
- Demonstrate the use of waste heat from electricity production to heat on-site buildings and melt snow and ice on sidewalks, parking lots, and roadways;
- Create the potential for future export of waste heat energy to proposed projects and for community benefit in the North Lake Tahoe area;
- Reduce transportation costs and related air pollution associated with the current practice of trucking woody biomass out of the Lake Tahoe Basin to distant utilization facilities and/or disposal sites;
- Demonstrate the Public Private Partnership (PPP) model that includes partnerships between local, state, and federal agencies and local businesses for renewable energy development and forest health initiatives;
- Provide new employment opportunities to the residents of Lake Tahoe and surrounding areas; and
- Utilize existing appropriately zoned land for enhancement of public utility supply while minimizing impacts to commercial, residential, recreational, and open-space uses.

ENVIRONMENTAL SETTING AND PROJECT DESCRIPTION

Land Use Overview

Current Land Uses

For the proposed project site in Kings Beach, the 1.3-acre parcel is vacant, but includes perimeter fencing, a locked gate, and an access road to NV Energy’s adjacent parcel to the north. The 21.8-acre parcel includes NV Energy’s Kings Beach Substation, transmission lines, and an existing 16 MW diesel-fueled electricity generation
back-up facility that includes a structure that houses the power generating equipment, aboveground diesel fuel storage tanks, and access roads. Griff Creek traverses the 21.8-acre parcel along its western edge.

For the Tahoe City alternative site, the 9.6-acre parcel is developed to include the Placer County Administrative Offices and appurtenant structures. Burton Creek is located down slope and west of the site.

**Proposed Land Uses**

The proposed project would include construction of a +6,400 square-foot, two-story structure that would house the power generating equipment associated with a 1 to 3 MW biomass energy plant and an adjacent, single-story ±5,500 square-foot covered materials (biomass fuel) storage structure. The walls of the ±6,400 square-foot building would be lined with sound attenuating materials. Additional on-site improvements would include a four-space parking lot, paved vehicle circulation area, a stormwater/snowmelt detention and treatment area, and perimeter fencing and landscaping. These improvements would be necessary at both sites that are being considered.

All power generated at the Kings Beach site would be transferred to an existing power line that transects the site and extends southward from a transformer at the Kings Beach Substation. For the Tahoe City site, all power would be transferred to the distribution line that parallels SR 28 on the lake side.

**Adjacent Land Uses**

Land uses in the area of the Kings Beach site consist of industrial, commercial, residential, educational, and recreational uses. Residential uses within the Kings Beach Industrial Community Plan, which extend north of Cutthroat Avenue between Secline Street and Fox Street, are considered legal non-conforming uses. The nearest residences are located approximately 100 feet from the parcel boundary to the south. Kings Beach Elementary School, an Early Head Start Family Center, and a Head-Start Preschool are approximately 800 feet, 1,000 feet, and 950 feet, respectively, from the project site. Adjacent land uses generally include: industrial and non-conforming residential uses to the south; the Kings Beach Substation and National Forest System (NFS) lands to the north; and NFS lands to the east. NFS lands are managed by the U.S. Forest Service (USFS).

Land uses in the area of the Tahoe City site consist of residential, tourist accommodation, and recreational uses. The nearest residence/tourist accommodation uses are located approximately 350 feet from the parcel boundary to the east. North Tahoe Elementary School, Middle School, and High School are located in a single school complex approximately 1,800 feet north of the site. Adjacent land uses generally include: NFS lands and Burton Creek State Park to the north, west, and south; and residential/tourist accommodation uses to the east.

**Project Characteristics**

**Technologies Under Consideration**

The proposed biomass utilization project would be designed to accommodate combined heat and power (CHP) generating technologies. The heat component of the proposed project would focus on utilizing waste heat from electricity production to heat on-site buildings and melt snow and ice from on-site roofs, parking areas, and roadways as part of a demonstration portion of the project.

Two primary categories of woody biomass-to-energy technologies are being considered: direct combustion and gasification. The EIR/EIS will evaluate and compare the environmental effects of each technology option as variants of the proposed project. The building footprints and site improvements for each technology would generally be the same – the direct combustion technology would require a small cooling tower and other
appurtenant structures to be located outside the building footprints shown in Exhibit 3. The technologies for the energy and waste heat components of the project are summarized below.

**Energy Component**

**Direct Combustion**

In direct combustion systems, the biomass fuel is directly burned (combusted) in a furnace or combustion unit under controlled conditions to minimize emissions and then supplies heat generated to a boiler. The boiler then creates steam for powering the electric generator. Nearly all commercial biomass power applications today use direct combustion boiler systems in conjunction with a steam turbine to generate electricity. Exhibit 4 illustrates a direct combustion system flow process. Direct combustion also produces ash that remains as solids and must be disposed of or may be used for other products such as a soil amendment or concrete amendment.

![Direct Combustion Schematic](image-url)

*Source: TSS Consultants 2010*

**Exhibit 4**

Ascent Environmental Inc.
Gasification

Gasification is the thermochemical conversion of organic woody biomass into a synthetic gas (syngas) under very controlled conditions of heat and strict control of air or oxygen. The syngas formed by gasification is composed primarily of hydrogen (H₂), methane (CH₄), and carbon monoxide (CO) and is not unlike natural gas. Gasification also produces ash similar to direct combustion that remains as solids and must be disposed of or may be used for, or in, other products.

The syngas can be used as a primary fuel in electrical generating units such as a reciprocating internal combustion engine or in a gas turbine. It can also be used as fuel to produce steam or hot water for heating and/or manufacturing processes. Exhibit 5 illustrates a woody biomass gasification process flow.

Source: TSS Consultants 2010

Exhibit 5 Gasification System Schematic
Waste Heat Component
Waste heat from an electric power generation system can be used to heat buildings instead of burning natural gas or using electricity to produce heat. This is commonly done in Europe, where many municipalities use biomass-fired energy in the form of hot water and/or steam. The proposed project would include a waste heat component that includes demonstrating this technology by heating on-site buildings and melting snow and ice from on-site roofs, parking areas, and roadways.

For the Kings Beach site, as a separate and subsequent project subject to independent environmental review, the county may consider expanding the heating component to provide waste heat for buildings, sidewalks, and roadways in the surrounding area. If such a project were considered by the county, it would require the installation of additional on-site equipment and high-temperature water distribution lines to off-site locations. This potential future project is neither proposed at this time, nor required for the successful and complete operation of the biomass facility; however, because it could be considered in the future, it will be considered in a cumulative context in the EIR/EIS.

Woody Biomass Fuel Supply
The fuel supply for the project is proposed to consist predominantly of renewable woody biomass derived from forest sourced material, but would also include clean urban wood and green waste. Additionally the proposed facility is being designed to accept pine needles as a portion of the fuel mixture. As stated in California Public Resources Code Section 25743(f), the California Energy Commission (CEC) categorizes facilities generating electricity from biomass energy as in-state renewable electricity generation facilities if they report to the CEC the types and quantities of biomass fuels used and certify to the satisfaction of the Commission that the fuel utilization meets certain requirements. Facilities using wood and wood wastes must demonstrate that the fuel sources meet all of the following requirements:

- have been harvested pursuant to an approved timber harvest plan prepared in accordance with the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 [commencing with Sec. 4511] of Part 2 of Division 4, California Public Resources Code);
- have been harvested for the purpose of forest fire fuel reduction or forest stand improvement; and
- do not transport or cause the transportation of species known to harbor insect or disease nests outside zones of infestation or current quarantine zones, as identified by the California Department of Food and Agriculture or the California Department of Forestry and Fire Protection, unless approved by those agencies.

Forest sourced materials for the proposed project would generally include:

- fuels reduction residuals as a result of forest fuels reduction and defensible space activities; and
- timber harvest residues including limbs, treetops and unmerchantable logs generated as byproducts of commercial timber harvest activities.

High quality recoverable urban wood for the proposed project would generally include the following materials processed at the Cabin Creek Processing Facility and Transfer Station:

- tree trimmings and green waste; and
- clean (untreated) construction and demolition wood.

The recoverable urban wood brought to the Cabin Creek facility is principally from the Lake Tahoe Basin.
The facility would be supplied with approximately 8,000 bone dry tons (BDT) of waste wood material per year per 1 MW of power produced.\(^1\) This material would be delivered to the site already processed (chipped and ground). No materials processing would occur at either of the sites being considered. Material activities on the site would be limited to truck unloading, handling, and storage. The woody biomass fuel supply is anticipated to originate from within and around the Lake Tahoe Basin, generally within a 30 mile radius from the project site and up to a one hour drive. Costs associated with transport of woody biomass limits the market area for fuel acquisition. However, fuel sources could come from longer distances if economics allow.

**Fuel Delivery, Site Access, and Parking**

The Kings Beach site would be gated and public access would be restricted. The site would include a four-space employee parking lot and paved vehicle circulation area, and access through the site to NV Energy’s Kings Beach Substation would be retained. Processed biomass material would be transported by truck from the Cabin Creek Processing Facility and Transfer Station (formerly Eastern Regional Landfill) to the site via SR 89 (north), U.S. Highway (US) 80 (east), SR 267 (south), Speckled Avenue (east), and Deer Street north of Speckled Avenue. Speckled Avenue is designated as a truck route in the Kings Beach Industrial Community Plan.

Access to the Kings Beach site is currently provided by a main entry gate located at the end of Deer Street just north of Speckled Avenue. This access point is not expected to change, but the on-site circulation pattern would be designed to serve the proposed project (accounting for building footprints and truck turning movements) while allowing drive-through access to serve NV Energy’s adjacent parcel to the north. Both on-site and off-site circulation and turning movements will be analyzed to ensure adequate improvements are available to handle the anticipated trucks.

The Tahoe City alternative site would also be gated and public access would be restricted. Processed biomass material would be transported by truck from the Cabin Creek Processing Facility and Transfer Station to the site via SR 89 (south), SR 28 (east), and Burton Creek Drive (north). Access to the Placer County Administrative Offices and appurtenance facilities via Burton Creek would be retained.

At either location, the project could include the delivery of up to four large transfer truckloads of incoming chipped material per day — if smaller trucks are used the number of truck trips to the site could incrementally increase.

**Employment**

The project is expected to create between three and nine new jobs, depending on the facility size. Because electrical generation at the facility would occur 24 hours per day, between one and three employees would be on the site at all times with a maximum of three employees anticipated at any one time. It should also be noted that for every MW of biomass energy nearly four additional jobs are created off-site to collect, process, and transport biomass fuel to the facility.

**Materials Handling and Storage**

Material transported to the site would be unloaded and stored in the covered materials storage structure. On-site equipment would include a diesel-fueled wheeled loader used to move unloaded material into piles in the storage building and then to push material into the system that feeds the power generating equipment. The fuel storage building would be capable of storing approximately 5 days of fuel. The loader would also be used to load residual ash into outgoing dump trucks (see below).

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\(^2\) “Bone dry” refers to wood that has had the moisture removed.
Hazardous materials storage on the site would include: (1) diesel fuel in a 250 gallon above ground storage tank with secondary containment that would be used for the wheeled loader; (2) urea reagent used in the nitrogen oxide (NOx) emissions control system for the power generating facility; and (3) propane used for boiler system start up.

Ash Handling

Ash from the combustion of woody biomass in a controlled system, such as a boiler, yields approximately 3 to 5 percent ash per volume of woody biomass input. Therefore, 8,000 BDT of woody biomass per 1 MW of power produced would yield approximately 240 to 400 tons of ash per year, or up to 8 tons per week. The removal of ash from the site is anticipated to require about one to two trucks per week. The ash would be fully contained within the trucks so that no ash would be exposed to wind during its transport. No ash would be stored in open piles on the site. Ash generated at the site would either be disposed of at an appropriately permitted facility (e.g., Lockwood Regional Landfill in Sparks, Nevada), or reused in one of several non-disposal applications (e.g., building materials, road sub-base materials, or as a soil amendment). Bottom ash with metals removed can be used as road base material. Fly ash can be used as bedding for dairies, as soil amendment for agricultural operations, as alternative daily cover at landfills, and as an additive for concrete. Wood ash from wood-fired boilers can substitute for agricultural lime and can be a source of plant nutrients including potassium, phosphorous, calcium, and magnesium. The EIR/EIS will expand on the viability of reuse options for ash generated at the site.

Operating Hours

The proposed project would operate 24 hours per day, approximately 330 days per year, with fuel deliveries and unloading activities limited to daytime hours. Truck deliveries can be scheduled to meet the neighboring community needs, such as during certain specified daylight hours.

Water/Wastewater Requirements

The Kings Beach site would receive water service from the North Tahoe Public Utility District (NTPUD), whereas the Tahoe City alternative site would receive water service from the Tahoe City Public Utility District (TCPUD). Direct combustion systems consume approximately 2,500 to 3,000 gallons per day (equivalent to use by about 10 average homes) per 1 MW of power produced. Most of this water is either evaporated or recycled through the system. Residual water is high in suspended solids (e.g., calcium, salts) and would require pretreatment before discharge to NTPUD or TCPUD sewer mains that connect to the Tahoe Truckee Sanitation Agency’s sanitary sewer system. In comparison, gasification systems require little to no water.

Site Grading

The Kings Beach site is relatively flat and slopes mostly from east to west. The project would require grading and alteration of the existing site topography to accommodate both buildings and the on-site circulation and parking areas. The maximum excavation depths are expected to be approximately 4 feet. Maximum fill depths on the western portion of the 1.3-acre parcel may exceed 5 feet. Grading would be minimized as much as practical through the use of retaining walls and/or step foundations.

The Tahoe City site is steeper and slopes mostly from north to south. This site may require more substantial grading and alteration than the Kings Beach site due to the existing topography. Maximum excavation and fill depths may exceed 5 feet. Minor off-site grading may be necessary to widen roadway entrances and/or to accommodate utility (sewer, water, or natural gas) connections at both sites.
Tree Removal

A tree survey and removal/planting plan is being prepared as part of the TRPA Public Service Application. Much of the 1.3-acre parcel in Kings Beach has previously been cleared to provide access to the Kings Beach Substation. Similarly, much of the 9.6-acre parcel in Tahoe City has been cleared for the Placer County Administrative Offices and appurtenant structures. The proposed project would preserve as many large (larger than 30 inches), healthy trees as feasible.

Relevant Planning Information

With respect to the Kings Beach site, the 1.3-acre parcel where the power generating facility would be located is entirely within the Kings Beach Industrial Community Plan boundaries. Power generation is a permissible use in the Kings Beach Industrial Community Plan subject to the provisions for a special use. Special uses require either a Conditional Use Permit or Minor Use Permit, as set forth in the Placer County Zoning Ordinance, and special use findings by TRPA. Before approving a special use, TRPA must make the findings in Section 18.1.B of the TRPA Code of Ordinances. The 21.8-acre parcel is located within PAS 019 (Martis Peak), and the TRPA land use classification for this PAS is conservation. Power transmission and distribution facilities are a permissible use in this PAS subject to the provisions for a special use.

The TRPA land capability and coverage verification application for the Kings Beach site is being processed. Based on a preliminary review of the Bailey’s land capability maps it appears that the majority of the site where development would occur is on higher capability lands. The project would increase existing land coverage and may require banked land coverage to be transferred to the site in accordance with TRPA regulations. Results of the land capability and coverage verification will be incorporated into the EIS/EIR.

For the Tahoe City alternative site, the 9.6-acre parcel is entirely within PAS 006 (Fish Hatchery), and the TRPA land classification for this PAS is recreation. Power generation is not a permissible use in the PAS, and as such, developing this site with power generating facilities would require a TRPA PAS amendment. Power transmission and distribution facilities are a permissible use in this PAS subject to the TRPA provisions for a special use.

TRPA and Placer County will use the EIS/EIR to consider the environmental effects, mitigation measures, and alternatives, when reviewing the proposed project for approval. TRPA and Placer County maintain discretionary authority over the primary project approvals. A partial list of the discretionary approvals follows:

- Minor Use Permit (Placer County)
- TRPA Public Service Application and Permit (TRPA)
- Improvement Plans/Drainage Report (Placer County)
- Tree Removal Permit (Placer County)
- Building Permit (Placer County)
- Transfer of Coverage from Offsite Properties (TRPA)
- PAS Amendment (alternative Tahoe City site only) (TRPA/Placer County)

Other potential permits and/or approvals that may be required for development of the proposed project include, but are not limited to, the following:

- Authority to Construct/Permit to Operate (Placer County Air Pollution Control District [PCAPCD])
- Encroachment Permit (Placer County/California Department of Transportation [Caltrans])
- Sewer and Water Connection Permits (NTPUD or TCPUD)
- Construction Storm Water Permit (Lahontan Regional Water Quality Control Board)
The project is also required to comply with any applicable greenwaste and composting regulations administered by the California Department of Resources Recycling and Recovery’s (CalRecycle) solid waste local enforcement agency (LEA). While the issuance of these permits and/or approvals is not contingent upon EIS/EIR certification, the applicable permitting agencies may review information contained in the EIS/EIR as part of the approval process.

**PROBABLE ENVIRONMENTAL EFFECTS**

This section provides a brief discussion of the probable environmental effects associated with the proposed project. For any potentially significant effects that are identified, mitigation measures will be recommended. The descriptions below focus on potential impacts at the Kings Beach and alternative Tahoe City site, but the EIS/EIR analysis will also evaluate potential changes required at the Cabin Creek Processing Facility and Transfer Station outside of the Lake Tahoe Basin (e.g., additional processing equipment and truckloads of material brought to the facility). The analysis will address whether the extent of the necessary changes are within the parameters of the facility’s existing Solid Waste Facility Permit issued by CalRecycle.

The following subject areas will be analyzed in the EIS/EIR:

**Land Use**

The proposed project would result in a change in use at both sites being considered. Land use impacts to be addressed in the EIS/EIR include changes to onsite uses, land use compatibility with surrounding land uses, effects on community character, development intensity, and consistency with local and regional plans, including the Kings Beach Industrial Community Plan and PAS 019 (Martis Peak) for the Kings Beach site and PAS 006 (Fish Hatchery) for the Tahoe City alternative site. The implications of a TRPA PAS amendment for the Tahoe City alternative site will also be evaluated for this and other resource areas.

**Air Quality, Greenhouse Gas Emissions (GHG), and Climate Change**

The proposed project would result in short-term construction, long-term operational, and cumulative air quality changes. The proposed project will be designed to comply with all federal, state, and PCAPCD laws, regulations, and rules pertaining to air quality. Specifically, the proposed power generating facility would be subject to the following rules and code provisions: PCAPCD Rule 233 (Biomass Boilers), PCAPCD Rule 502 (New Source Review), and TRPA Code Section 91.5 (New Stationary Source Review), among others. The EIS/EIR will identify sensitive receptors within 0.5 mile of the site; discuss potential emissions of odors and/or hazardous air pollutants generated by stationary, mobile, and area sources; discuss compliance with applicable rules; discuss the effect on TRPA threshold carrying capacity and Lake Tahoe Basin criteria air pollutant attainment status; include a general conformity applicability analysis; and determine the significance of air quality impacts in comparison with applicable local, state, and federal standards and significance thresholds and emissions limits adopted by TRPA and PCAPCD. The analysis will compare emissions from uncontrolled open burning of biomass with controlled emissions related to the power generating facility coupled with emissions from transporting materials to the facility. The analysis will include a discussion of the potential health risks associated with locating a small-scale power plant in proximity to nearby sensitive receptors, which includes preparation of a Health Risk Assessment (HRA) that identifies potential impacts to sensitive receptors within 1,000 feet of the site boundaries. The air quality analysis will also discuss the potential need for additional processing equipment to be added to the Cabin Creek Processing Facility and Transfer Station and the resultant air quality impacts and need for additional permits.

The EIS/EIR will include an analysis of potential project effects on global climate change. This analysis will include a quantitative estimate of operational carbon dioxide emissions, as well as potential regional reductions, from
both stationary and mobile sources (e.g., truck trips related to materials transport). The analysis will determine whether the project would result in a “net loss” or “net gain” in carbon dioxide. Carbon dioxide will be used as a proxy for all greenhouse gases potentially emitted during operation of the proposed project. The EIS/EIR analysis will also address the avoidance of GHG emissions from alternative fates (e.g., biodegradation, open burning of the biomass wastes).

**Noise**

The project will generate noise from truck trips and on-site operation. The EIS/EIR will assess potential short-term (i.e., construction) noise impacts relative to sensitive receptors and their potential exposure. Noise levels of specific construction equipment will be determined based on published resources and a list of construction equipment likely to be used during project construction. The resultant noise levels at nearby receptors (at given distances from the source) will be calculated. Long-term (i.e., operational) noise impacts, including increased noise from mobile (primarily truck traffic) and stationary (power generating equipment, and on-site equipment and truck operation) sources will be assessed for the proposed project and project alternatives. Given that the site would operate 24 hours per day within a short distance of residential uses, the ability of the project to meet stringent TRPA community noise equivalent level (CNEL) standards, and daytime and nighttime hourly $L_{eq}$ and $L_{max}$ noise performance standards at the property line of noise-sensitive receiving uses, and the need for noise mitigation measures will also be assessed. The EIS/EIR will also discuss the effect on the TRPA noise threshold carrying capacity.

**Hydrology and Water Quality**

Construction of the proposed project would create a risk that short-term increases in sediment load could occur. Both pre and post-construction impacts will be identified and analyzed in the EIS/EIR. This will include non-point pollution sources from the project, potential contaminants, proposed source control methods, and proposed best management practices (BMPs) to address potential impacts to water quality. Construction of the project has the potential to increase peak flow surface runoff downstream of the project site and overflow the actual or designed capacity of existing stormwater and flood-carrying facilities. The EIS/EIR will evaluate this impact as well as impacts to the existing drainage pattern of the site and area, the 100-year flood hazard area, important surface water resources (including Lake Tahoe and its tributaries), and the effect on the TRPA threshold carrying capacity.

**Geology, Soils, Land Capability, and Coverage**

The Kings Beach site is relatively flat and slopes mostly from east to west. The Tahoe City alternative site is steeper and slopes mostly from north to south. At either site, the project would require grading and alteration of the existing site topography to accommodate project buildings and the on-site circulation and parking areas. Minor off-site grading may be necessary to widen roadway entrances and/or to accommodate utility (sewer, water, or natural gas) connections at both sites. The project would likely increase existing land coverage on the site and may requireanked land coverage to be transferred to the site in accordance with TRPA regulations. The EIS/EIR will include a general discussion of topographic alteration, slope stability, and erosion potential. In addition, the EIR/EIS will evaluate the potential for unstable cut and fill slopes; collapsible and expansive soil; erosion of graded areas; geologic/geomorphological hazards (e.g., avalanche, earthquake, landslides, mudslides, ground failure, subsidence, and liquefaction); unprotected drainage ways, and the potential for exposure to contaminated soils.

**Hazards and Hazardous Materials**

The proposed project would involve the transportation of hazardous materials (e.g., fuel, paint) to the project site for construction purposes. The potential for these materials to be released to the environment will be evaluated. Historical uses and the potential for site contamination will be documented in the EIS/EIR to the extent that information is available, and areas of potential soil or groundwater contamination on the project site or surrounding property will be investigated. Small amounts of hazardous materials (e.g., diesel fuel) would be
stored at the site. A urea reagent and propane tank would also be stored at the site. This analysis will also address potential fire hazard risks at the site associated with storage of woody biomass feedstock materials and facility operation, as well as effects on fire protection services.

**Transportation, Circulation, and Parking**
The proposed project would generate short-term, construction related traffic. Long-term traffic related to employee trips and truck trips associated with biomass material brought to the site and removal of ash generated at the site will also be discussed. The transportation analysis will include identification of major roadways that may be affected by the proposed project, a discussion of traffic volumes and vehicle mix on those roadways and their overall operating conditions, on-site and off-site circulation and turning movements, and potential impacts to traffic flow, safety, and road wear.

**Public Services and Utilities**
The proposed project would increase the demand for public services. The EIS/EIR will investigate whether affected public service providers can adequately serve the project. Water supply and sanitary sewer disposal demands will be quantified for the project to verify adequate utility system capacities and evaluate the effect of development on current service levels. Additional resources required to maintain or meet project demands will be identified.

**Biological Resources (Vegetation and Wildlife)**
Griff Creek runs parallel to the western edge of the 21.8-acre parcel associated with the Kings Beach site. The Tahoe City alternative site is immediately east of Burton Creek. Proposed improvements would not directly affect either creek. The proposed project would preserve as many large (larger than 30 inches), healthy trees as feasible. The potential for special-status plants or wildlife to occur will be assessed based on habitat available on the site. In addition, the potential for wetlands or stream environment zone (SEZ) areas to occur on site will be discussed. The EIS/EIR will consider the effects of tree removal as it relates to habitat loss and for consistency with TRPA's Code of Ordinances. The relationship of the TRPA vegetation and wildlife threshold carrying capacities will be discussed and impacts to native vegetation and wildlife will be described based on the proposed site development. The analysis will also generally discuss impacts at fuel source areas.

**Scenic Quality**
The Kings Beach site is setback from SR 267 by about 800 feet, from SR 28 by over 2,000 feet, and from Lake Tahoe by over 2,500 feet. Intervening large trees screen views of the site from SR 267. Project buildings would be limited to one- and two-story buildings that would not likely be visible from TRPA scenic travel routes. The Tahoe City alternative site is immediately adjacent to the mountainside of SR 28, a designated scenic highway, and within several hundred feet of recreational trails within Burton Creek State Park. This site is setback from Lake Tahoe by over 2,500 feet. Intervening large trees and the main Placer County Administrative Offices building may partially or fully screen the project from these viewpoints. The EIS/EIR will evaluate whether the stack for the building that houses the power generating equipment or any other project structure will be visible from a TRPA scenic travel route, public recreation area, or bikeway. The potential impacts from construction and operation of the proposed project will be evaluated in the EIS/EIR through the use of ground-level site photographs. The proposed project would create a new source of light that could affect nighttime views in the area. The EIS/EIR will include an assessment of effects on TRPA scenic quality thresholds, potential effects on community character, consistency with local and regional plans/design guidelines, and height limits.

**Cultural Resources**
The EIS/EIR will provide an overview of project area prehistory, ethnography and history, study methodology, a discussion of documented cultural resources, the potential impacts to these and unrecorded sites, features or objects, and suitable measures designed to mitigate project-related impacts.
**Cumulative Impacts and Indirect Effects**

In consideration of the development and redevelopment that has occurred or is planned for the Kings Beach and Tahoe City areas, the EIS/EIR will identify recently approved and reasonably anticipated projects likely to occur in the broader North Tahoe area, as well as growth contemplated in the nearby community plans that may result in cumulative impacts when combined with the proposed project. Cumulative impact findings will be made for each of the resource areas described above.

The cumulative impacts and indirect effects section will also include an analysis of the cumulative demand (e.g., other existing and planned biomass power plants) for biomass resources within and outside of the Lake Tahoe Basin, the effect on forest practices, and the sustainability of forest resources over the long-term.

**Growth-Inducement**

The proposed project would increase the number of jobs available in the region on a temporary basis during construction and on a long-term basis. By providing additional power generating capacity in the Lake Tahoe Basin, the project could directly add an increment of growth. The EIS/EIR will summarize the employment projection for the proposed project and the resultant potential for growth.

In addition to the resource topics described above, the EIS/EIR will also evaluate whether the proposed project would result in impacts to mineral resources, recreation, and population and housing. The analysis will also include a discussion of the potential for the project to disproportionately affect any racial or socioeconomic group (environmental justice) and other TRPA, CEQA, and NEPA-mandated sections.

**ALTERNATIVES**

The EIS/EIR will likely consider three alternatives to the proposed project, including the Tahoe City alternative site, a “no build” alternative that includes the use of curtain burners to control emissions from burning forest sourced biomass materials at the site of removal, and a no project alternative. As described above, the EIS/EIR will also evaluate and compare the environmental effects of the two power generating technology options (direct combustion and gasification) being considered as variants of the proposed project.
MEMORANDUM

From: TRPA Staff
To: TRPA Advisory Planning Commission
Date: August 4, 2010
Subject: Recommendation on Amendments for the Shorezone Program

Requested Action: APC recommendation to the Governing Board on the adoption of the attached Ordinance (Attachment B, Exhibits 1 and 2) amending the TRPA Code of Ordinances (Code) and Plan Area Statements (PASs) as they relate to the Shorezone Program. The proposed amendments are as follows:

1. Amendment of Code Section 54.6: Scenic Protection to except projects located below the average lake elevation from scenic protection requirements.

2. Amendment of Code Section 54.9: Relocation, Transfer or Conversion of Existing Structures to create a banking process for certain types of shorezone development in order to facilitate the relocation, transfer, and conversion of such development.

3. Amendment of Code Subsection 52.4.C: Restriction to Littoral Parcels to allow parcels that became littoral after July 1, 1987 to qualify for approval of existing buoys as long as no increase in development potential resulted from this change in littoral status.

4. Amendment of Code Section 54.12: Maintenance of Shorezone Structures and Section 54.13: Mitigation Fee Requirements to allow and establish fees for non-operational buoys.

5. Amendment of Plan Area Statements 008, 014, 016B, and 161 to delete or modify policies relating to “strip littoral parcels” to reflect new ownership information.

Staff Recommendation: Staff recommends that the APC recommend to the Governing Board adoption of the attached Ordinance (Attachment B, Exhibits 1 and 2) amending the Code and PASs.

Required Motion for Adoption of Regional Plan Amendments for the Shorezone Program: To recommend adoption of the attached Ordinance approving the proposed Code and PAS amendments for the Shorezone Program, the APC must make the following motion, based on this staff summary and the complete administrative record:
A motion to recommend adoption of the required findings (Attachment A) and the proposed Ordinance (Attachment B, Exhibits 1 and 2).

**General Background:** At the March 2010 APC and Governing Board meetings, staff presented the 2010 Shorezone Annual Report (Report). The Report contained several proposed amendments to the shorezone ordinances. At that time staff committed to bringing these amendments back to the Board as an action item during the summer of 2010.

Since the presentation of the Report in March, staff has refined these amendments. The proposed amendments reflect not only staff suggestions, but also comments from a variety of interested stakeholders. To gather comments, staff held several formal and informal stakeholder meetings.

**Proposed Amendments:** Following is a narrative description of each of the proposed amendments. The text of each of the proposed amendment can be found in Attachment B, Exhibits 1 & 2.

1. **Amendment of Section 54.6 Scenic Protection:** Subsection 54.6 requires that all shorezone projects, except for the permitting of up to three buoys per littoral parcel, satisfy certain scenic and mitigation requirements. Staff believes that there are projects other than the permitting of up to three buoys which should also be excepted from these requirements. For example, projects such as dredging and extensions of boat ramps that occur below the Lake surface at average lake levels should not be subject to scenic assessment and mitigation requirements, since scenic assessments do not assess impacts below average lake level (Elev. 6226 LTD). Further, these projects are not generally visible to those viewing Lake Tahoe. These requirements place a significant burden on a project applicant, through both expense and time, to mitigate scenic impacts which are not created by a project. These requirements can also impede the expedited review process for qualifying emergency projects.

   Based on an IEC and review of the 2008 EIS for the Lake Tahoe Shorezone Amendments (certified 10/22/2008) (2008 EIS), staff has concluded that this amendment will not cause a significant environmental effect. The amendment is consistent with the Shorezone Program and implementation of the Regional Plan since the scenic assessment system only evaluates, and mitigation requirements only apply to, structures and conditions above average lake level.

2. **Amendment of Section 54.9: Relocation, Transfer, or Conversion of Existing Structures:** This Code section currently prescribes standards for the relocation, transfer, and conversion of certain types of shorezone development. Staff has received multiple requests from members of the public and public agencies asking that TRPA develop a process for the banking of shorezone development, which is not currently authorized through Subsection 54.9. Staff recommends amending this Code section to include a banking subsection for eligible shorezone development and to develop a banking application process. These amendments are modeled after the Code provisions for banking land coverage, in that the banked structure is subject to TRPA verification, the banked structure is assigned to the parcel rather than an individual, the structure is considered to be existing (i.e., does not constitute additional development), and the banking process implicates certain restoration requirements.
This amendment would allow certain types of shorezone development to be banked on the subject parcel, and to be eligible for relocation, transfer, or conversion at a future date. Some stakeholders suggested changing the current rules regarding eligibility for relocation, transfer, or conversion, but staff is not suggesting such changes at this time.

As part of the proposed amendments, staff has also added clarification language regarding relocations and transfers to clarify that transfers between Lake Tahoe and other lakes and lagoons are prohibited.

Based on an IEC and review of the 2008 EIS, staff has concluded that this amendment will not cause a significant environmental effect. In fact, the proposed amendment provides the opportunity for environmental improvement. The amendment is consistent with the Shorezone Program and implementation of the Regional Plan since banking facilitates the implementation of conversion, transfer, and relocation regulations currently existing in the Code. Further, the amendments do not create additional development potential beyond which was contemplated with the adoption of the 1987 Regional Plan.

3. Amendment of Subsection 52.2.C: Restriction to Littoral Parcels: Currently, in order for a parcel to be eligible for a mooring buoy(s) permit, it must have been littoral as of July 1, 1987. This amendment would allow parcels which became littoral after July 1, 1987 to qualify for approval of a buoy permit as long as this change was approved by TRPA and did not cause an increase in development potential.

Based on an IEC and review of the 2008 EIS, staff has concluded that this amendment will not cause a significant environmental effect. The amendment is consistent with the Shorezone Program and implementation of the Regional Plan for several reasons. First, unlike pier projections, most properties which may be considered littoral as a result of this amendment were already contemplated to be eligible for buoys in the 2008 EIS. Second, in order for TRPA to approve a new littoral parcel or a parcel adjustment, staff must find that there is no increase in development potential resulting from the approval, thus limiting any unforeseen additional development to that projected in the 1987 Regional Plan.

4. Amendment of Section 54.12: Maintenance of Shorezone Structures and Section 54.13: Mitigation Fee Requirements: This amendment would allow and establish fees for non-operational buoys. The proposed amendment would allow large buoy fields (40 buoys or more) to identify certain buoys as non-operational and pay a reduced registration fee of $25. This would provide some relief to permittees who are currently paying $7,000 to $23,000 per year in fees and are not using all of their permitted buoys. While permittees identifying their buoys as non-operational would not be required to pay mitigation or monitoring fees for these buoys, since they would not cause a scenic impact and thus not create a need for scenic monitoring, they would still be required to pay enforcement fees. Permittees would need to identify non-operational buoys by January of each year. Once buoys were identified as non-operational, the chains and floats for these buoys would need to be removed from the Lake. Despite their non-operational status, these buoys would still be considered existing and be permitted by TRPA, and would thus count against any regulatory limits (including the maximum amount of buoys that may be permitted by TRPA).

Staff proposes that this amendment only apply to buoy fields of forty buoys or more for administrative and budgetary reasons. Under this proposal, approximately 25 buoy fields would be eligible for non-operational status. These buoy fields contain a total of
approximately 1,600 buoys. If 25% of these buoys were identified as nonoperational, the TRPA $650,000 annual mitigation budget would be reduced by $62,500 (approximately 10%). This would be offset by $10,000 from non-operational fees, but would nonetheless impact the TRPA Shorezone budget. Since these buoys would not pose a scenic impact and would thus not require monitoring, budgetary needs would be lessened by their change to non-operational status. An overall reduction of more than 10%, however, is not recommended.

Based on an IEC and review of the 2008 EIS, staff has concluded that this amendment will not cause a significant environmental effect. The amendment is consistent with the Shorezone Program and implementation of the Regional Plan. This proposed amendment would reduce potential environmental impacts since non-operational buoys would be part of the total count of existing buoys, but would not be in use. As a result, they would have less of an environmental impact.

5. Amendment of PAS 008, 014, 016B, and 161: The purpose of these proposed amendments is to modify language relating to “strip littoral parcels” to reflect new ownership information. Placer County and California State Lands reviewed “strip littoral parcels” in Placer County and identified to TRPA their ownership interests in these parcels as relating to buoys. Placer County did not claim ownership status of these littoral parcels as related to the placement of buoys off these parcels.

Based on an IEC and review of the 2008 EIS, staff has concluded that this amendment will not cause a significant environmental effect. The amendment is consistent with the Shorezone Program and implementation of the Regional Plan since the amendments will more accurately describe ownership interests around Lake Tahoe.

TRPA Staff will begin this item with a presentation. If you should have any questions concerning this item, please contact Gordon Barrett at (775) 589-5219 or gbarrett@trpa.org or Judy Nikkel at (775) 589-5143 or jnikkel@trpa.org.

Attachments

A. Required Findings for Code & PAS Amendments
B. Adopting Ordinance with Exhibits 1 and 2
   Exhibit 1: Shorezone Code Amendments
   Exhibit 2: Plan Area Statement Amendments
Required Findings for the Ordinance and PAS Amendments

Required Findings: The following findings must be made in order to adopt the proposed Code of Ordinance and Plan Area Statement amendments:

Chapter 6 Findings: The following findings must be made prior to amending the Code of Ordinances and PASs:

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 intent of these amendments is to positively affect implementation of the Regional Plan and its elements. As noted in the Staff Summary, TRPA has reviewed these proposed amendments and found them to be consistent with the 2008 Shorezone Code amendments adopted by the TRPA Governing Board and applicable elements of the Regional Plan.

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

Rationale: The Governing Board found that, within the context of the entire Regional Plan, the 2008 Shorezone Code amendments would not cause any thresholds to be exceeded. As stated in the Staff Summary for each amendment, these amendments result in no change to that finding.

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: The Governing Board found that the 2008 Shorezone Code amendments would not cause federal, state or local air and water quality standards applicable for the Region to be exceeded. These proposed amendments result in no change to that finding.

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: Based on the TRPA Regional Plan, the five-year Regional Plan Threshold Review (2006), and the Shorezone Adaptive Management Program Annual Review (2010), TRPA is on course to achieving and maintaining thresholds. These amendments generally assist in achieving that goal and in no case are adverse to that goal.

Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires that any proposed Code amendment provide for an equal or better means of attainment or maintenance of thresholds. The required findings and their rationales are:

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

Rationale: The 2010 Shorezone Code amendments, as analyzed in the Staff Summary, are consistent with the Compact and assist with the attainment or maintenance of environmental thresholds.

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

Rationale: Based on the TRPA Regional Plan, the five-year Regional Plan Threshold Review (2006), and the Shorezone Adaptive Management Program Annual Review (2010), TRPA is on course to achieving and maintaining thresholds. These amendments generally assist in achieving that goal and in no case are adverse to that goal.

3. One of the following findings:
   a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or
   b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or
   c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or
   d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or
   e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or
f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

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

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

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

Findings b and d are applicable.

Rationale: As explained in the Staff Summary, these amendments are the result of an annual review of the Shorezone Program. These amendments will modify the Code and PASs, which will improve the Shorezone program.

Chapter 13 Findings: The following findings must be made prior to the amendment of Plan Areas:

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

Rationale: The amendment reflect minor wording changes in the considerations and policies based on new information from Placer County about land ownership of the strip parcels and are consistent with the plan area designation criteria.

Chapter 5 Required Findings: Based on a finding of consistency with the EIS for the Lake Tahoe Shorezone Ordinance Amendments (certified 10/22/08) and completion of an IEC, changes or alterations to the Code will avoid or reduce any adverse environmental effects to a less than significant level.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2010 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE CODE OF ORDINANCES, CHAPTERS 50, 52, 53, AND 54, AND BY AMENDING PLAN AREA STATEMENTS 008, 014, 016B, AND 161 TO IMPLEMENT AMENDMENTS TO THE SHOREZONE ORDINANCES AND PROVIDE 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 relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Code of Ordinances, 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 are amendments to the Shorezone Program, which was the subject of an Environmental Impact Statement (EIS) and an Initial Environmental Checklist, which were processed, reviewed and certified by TRPA in accordance with substantive and procedural provisions of Article VII of the Compact, Chapter 5 of the Code and Article VI of the Rules of Procedure.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings and workshops, 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 the Code of Ordinances, Chapters 50, 52, 53, and 54:

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated August 4, 2010, which attachment is appended hereto and incorporated herein.

Section 3.00 Amendment of Plan Area Statements 008, 014, 016B, and 161:

Subsection 6.10, subparagraph (2) of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 2, dated August 4, 2010, which attachment is appended hereto and incorporated herein.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Code of Ordinances and Plan Area Statements adopted hereby shall be liberally construed to affect 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 and the amendments to the Code of Ordinances shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Code of Ordinances are hereby declared respectively severable.

Section 5.00 Effective Date

The provisions of this ordinance amending the Code of Ordinances and Plan Area Statements shall be effective immediately after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held August 25, 2010 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Allen Biaggi, Chairperson
Tahoe Regional Planning Agency
1. Amendment of Section 54.6: Scenic Protection

54.6 Scenic Protection: All projects in the shorezone unless specifically excepted, shall meet the following standards to protect scenic resources.

54.6.A Excepted Projects: The permitting of up to three buoys per littoral parcel and the permitting of projects that are located below average lake elevation (6226’ LTD), including but not limited to dredging and boat ramp extensions, shall not require a scenic assessment, shoreland improvements, or visible mass offsets.

2. Amendment of Section 54.9: Relocation, Transfer, or Conversion of Existing Structures

54.9 Relocation, Transfer, or Conversion and Banking of Existing Structures: Under the following standards, certain existing structures may be relocated within a parcel (including on a boundary line for a multi-use structure), transferred to another parcel or converted from one type of structure to another, or banked.

54.9.A Relocations:

1. Only existing piers or buoys may only be relocated within the littoral parcel or project area where the structure is located in conjunction with a project approval.

2. Relocated piers or buoys shall meet all development standards for additional structures in this Chapter except that relocated piers need not meet the location standards set forth in Sections 54.5.A(1)(b) (density), (d) (functionality) and (f) (single use prohibition).

54.9.B Transfers:

1. Only existing piers, buoys and private slips may only be transferred to another parcel in conjunction with a project approval.

2. Piers, buoys or slips constructed as a result of a transfer shall meet all development standards for additional structures in this Chapter, except Section 54.5.A(1)(d).

3. Both the sending and receiving parcels in transfers shall meet all scenic protection requirements.

4. A transfer of an existing pier may occur only if the newly constructed pier is a multiple use structure or qualifies as a single use pier pursuant to 54.5.A(1)(f) regardless of the location of the receiving parcel.
(5) The sending parcel shall be permanently restricted from additional
development of the type shorezone structure transferred (e.g.,
additional piers, buoys or slips).

(6) Private slips may only be transferred if they are converted to
public use.

(7) Transfer between lakes, lagoons, or other bodies of water of the
Region shall be prohibited.

54.9.C Conversions:

(1) Existing boat ramps located in spawning habitat may be converted
to a pier in conjunction with a project approval if:

(a) the existing boat ramp is completely removed and the
spawning habitat restored,

(b) a net reduction in habitat disturbance occurs; and,

(c) the pier constructed as a result of a conversion meets all
development standards for additional structures in this
Chapter.

(2) Buoys and boathouses may be converted to boatlifts and buoys
converted to floating platforms pursuant to applicable provisions in
Chapters 52 and 54.

54.9.D Banking:

(1) Only existing piers, buoys, boatlifts, boat ramps, boat houses and
private slips may be banked for future use. TRPA shall verify the
status, dimensions, visual mass, and any other relevant
characteristics of the structure before it is banked. Projects using
a banked structure pursuant to this Section shall be reviewed
based on these characteristics. Banked structures shall be
considered existing structures and shall not be considered
additional development. Banked structures shall not be
considered unserviceable while banked.

(2) Once a banked structure is completely removed and the site is
restored to function in a natural state, the banked structure shall
be credited to the littoral parcel or project area where the structure
was located. Banked structures which are transferred pursuant to
54.9.B shall be credited to the receiving littoral parcel.

(3) Banked structures may be reconstructed, modified, or expanded
in the credited project area pursuant to applicable standards of
this Code.

(4) Banked structures shall be subject to the relocation, transfer and
conversion standards in this Section.
3. Amendment of Subsection 52.2.C: Restriction to Littoral Parcels (additional sections are included for reference)

52.2.C Eligibility for Additional Piers: Littoral parcels meeting the following criteria shall be eligible for an additional pier.

(1) For the purposes of this chapter, “littoral parcels” refers only to those parcels that met the Chapter 2 definition of littoral parcel as of July 1, 1987, regardless of another jurisdiction’s regulatory or judicial action concerning those parcels boundaries (e.g., boundary line adjustments, quit claim deeds or quiet title/partition actions). Those parcels that did not meet the Chapter 2 definition as of that date but subsequently become littoral as a result of a TRPA-approved boundary line change may be eligible as a location for the transfer of shorezone development as long as no increase in development potential results.

52.4 Allocation of Mooring Buoys and Boat Lifts: TRPA shall regulate the number of moorings on Lake Tahoe under the following criteria. As used in this Chapter, a buoy shall refer to a mooring buoy that is either in use or capable of use to moor watercraft:

52.4.C Restriction to littoral parcels: Except as provided in Section 52.4.E(3), only littoral parcels shall be eligible to place a mooring buoy and to receive a permit for buoys from TRPA. The term “littoral parcel” shall have the same meaning as described in Section 52.2.C(1) except that those parcels that did not meet the Chapter 2 definition as of July 1, 1987 but subsequently become littoral as a result of a TRPA-approved action may be eligible for approval of existing buoys as described in Subparagraph 52.4.F(2)(a) as long as no increase in development potential results.
4. Amendment of Section 54.12 Maintenance of Shorezone Structures and Section 54.13 Mitigation Fee Requirements

54.12 Maintenance of Shorezone Structures: Existing structures in the shorezone shall be maintained in a serviceable condition. Derelict structures or structures unserviceable for more than three years shall be removed. Owners of buoys shall inspect and maintain floats and chains at least every two years to prevent loss or damage to boats, unless they are designated non-operational. Buoy owners must present proof of inspection and maintenance when paying any fee relating to buoy permitting or mitigation.

54.13.B Mooring Fees for Mooring Buoys, Berth in Boat Houses and Boat Lifts:

(2) Annual Registration Fee: All TRPA permitted buoys are required to register and pay an annual registration fee to TRPA. The annual fee shall be paid to TRPA for every mooring listed above regardless of whether it is in use or not, previously permitted by TRPA or some other agency or converted to another form of boat applicable mooring (e.g., a boatlift) or a swim platform. Mooring buoys, berths in boat houses, and boatlifts, regardless of whether they are in use or not, previously permitted by TRPA or some other agency, or converted to another form of mooring (e.g., a boatlift or a floating platform) shall register and pay the annual registration fees pursuant to Table 1 below. Mooring buoys designated non-operational shall be exempted from Table 1 and shall be subject to the provisions in Subparagraph (5) below.

When submitting the annual fee, each buoy permittee shall affirm compliance with Section 54.12. At least every 5 years, TRPA shall review and adjust, if appropriate, the annual fee to reflect the actual cost of mitigation and enforcement of buoy regulations. Annual registration fees shall be submitted as follows:

<table>
<thead>
<tr>
<th>Table 1 Mooring Fees and Payment Schedule</th>
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<tbody>
<tr>
<td>Mooring Type</td>
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<td>----------------</td>
</tr>
<tr>
<td>Private Moorings</td>
</tr>
<tr>
<td>Public Moorings</td>
</tr>
</tbody>
</table>

1 Amended 05/27/2009
Private Buoy Fields | $175.00/per mooring per year | The annual fee may be paid annually by January 31 of the upcoming registration year. For 2009 registration period, the annual fee is due October 15, 2009, or at the time of Buoy Application, which ever is sooner.

Public Buoy Fields | $100.00/per mooring per year

(3) Other Fees: The fees required by this section shall be in addition to any other fees assessed by other public agencies.

(4) Enforcement of Fee Payment: TRPA shall provide reasonable notice to buoy and swim floating platform owners of a failure to pay an annual fee. If TRPA fails to receive payment within 60 days of the notice, TRPA may remove the buoy/platform and assess the buoy/platform owner the removal expense. For all other types moorings, notification of the failure to pay the annual mooring fee shall place the mooring owner on notice of a continuing violation pursuant to Article V(j) of the Compact and TRPA shall proceed with all remedies available to include including but not limited to assessment of civil penalties and removal of the mooring. The remedies outlined in this subsection are in addition to, and do not preclude the exercise of, TRPA’s enforcement authorities and applicable penalties set forth in Article V(j) of the Compact.

(5) Non-Operational Fees: Mooring buoys in buoy fields of 40 or more buoys shall be eligible for non-operational designation on an annual basis at the time of registration. In lieu of the payment of the annual registration fees required in 54.13.B(2) above, the buoy owner shall pay an annual non-operational mooring fee of $25 per buoy.

(a) The buoy float and chain must be removed from any buoy designated as non-operational.

(b) Buoys designated non-operational shall not be considered unserviceable buoys.

(c) Permitted buoys designated non-operational shall be considered existing and shall be subject to the limitations of this Code.
August 2010 PAS Amendments

008
LAKE FOREST

PLAN DESIGNATION:

| Land Use Classification       | RESIDENTIAL |
| Management Strategy           | MITIGATION  |
| Special Designation           | NONE        |

DESCRIPTION:

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

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

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

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

PLANNING CONSIDERATIONS:§

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

§ Amended 10/22/2008 Special Policy #6
5. Scenic Shoreline Unit 16 is within this Plan Area.

6. The Shoreline Character Type within this Plan Area are “Visually Modified” and “Visually Sensitive”. Refer to “Shoreline Character Type” overlay map and TRPA Code of Ordinances Chapters 12, 50 & 54.

SPECIAL POLICIES:

1. The Skylandia property should be maintained as a subregional recreation area as should the Tahoe City Public Utility District beach. Community involvement must be encouraged in any planned development of recreation facilities in this area.

2. To be consistent with the development standards contained in Chapter 54 of the Code and Goal #1, Policy 10 of the Goals and Policies Plan, the shoreline should be limited to one multiple use pier on Placer County property in the area known as Aqua Drive. The existing piers should be allowed to remain.

3. The shoreline area should remain in public ownership, and additional access and parking should be provided at Skylandia.

4. Organization should be encouraged to eliminate traffic and congestion problems at the Tahoe City Public Utility District beach.

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

\[^{9}\text{Amended 12/20/2000}\]
014
CEDAR FLAT

PLAN DESIGNATION:

Land Use Classification  RESIDENTIAL
Management Strategy     MITIGATION
Special Designation      NONE

DESCRIPTION:

Location: This area is located in the Cedar Flat area north of Dollar Point and can be found on TRPA maps D-6 and D-5.

Existing Uses: The area consists of older low density residential subdivisions. The entire length of the shoreline below the highway is single family residential with minor access to a county-owned strip of shoreline. The area is 75 percent built out.

Existing Environment: The lands are classified 60 percent low hazard, 15 percent high hazard and 15 percent moderate hazard. The high hazard and steeper lands are located along the shoreline which is a tolerance district 2 and 4 and is designated as prime fish habitat. The land coverage is 15 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: This area should continue as a residential area of the same type and character now existing.

PLANNING CONSIDERATIONS:

1. Erosion is evident on over steepened lands adjacent to the lake.
2. Subdivision and highway improvements are not up to minimal BMP standards.
3. Private use of the county-owned shorezone strip has created conflicts between public and private uses.
4. The prime fish habitat in Lake Tahoe is tentatively identified for habitat restoration.
5. Severe flooding and erosion problems associated with development within SEZs and channelization of natural drainages.
6. Scenic Roadway Unit 17 and Scenic Shoreline Unit 18 are within this Plan Area.
7. The Shoreline Character Type within this Plan Area is "Visually Modified". Refer to
SPECIAL POLICIES:

1. A specific plan shall be developed by Placer County for the county littoral strip of land known as Lake Forest #2 prior to any further pier shorezone development. The plan should balance private pier and buoy uses with public recreation and fishery management.

2. Attention should be given to an overall hydrologic study of the area and appropriate remedial actions to correct the problems.

3. The provisions of this Plan Area shall apply to Special Area #1 if TRPA finds that the threshold findings set forth in TRPA Ordinance 95-4 have been completed. If the findings have not been satisfied then the provisions of Plan Area 013 shall apply.

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§ Amended 10/22/2008
016B
CARNELIAN BAY SUBDIVISION

PLAN DESIGNATION:

Land Use Classification: RESIDENTIAL
Management Strategy: MITIGATION
Special Designation: NONE

DESCRIPTION:

Location: This area is located west of Carnelian Creek and can be found on TRPA map D-4.

Existing Uses: The area includes the older residential area to the west of Carnelian Creek. The shoreline is low density residential with a small county-owned strip of land. The area is 75 percent built out.

Existing Environment: This area is classified primarily low hazard with some SEZ. Land coverage and disturbance is high. The shorezone is classified as tolerance districts 4 and 6 and prime fish habitat.

PLANNING STATEMENT: This area should continue to be residential, maintaining the established character of the neighborhood.

PLANNING CONSIDERATIONS:

1. The prime fish habitat in Lake Tahoe is tentatively identified for habitat restoration.
2. The older subdivision is not up to minimal BMP standards.
3. Scenic Roadway Unit 18 and Scenic Shoreline Unit 19 are within the Plan Area.
4. The Shoreline Character Type within this Plan Area is “Visually Modified”. Refer to “Shoreline Character Type” overlay map and TRPA Code of Ordinances Chapters 12, 50 & 54.\(^\text{1}\)

SPECIAL POLICIES:

1. A specific plan shall be developed by Placer County for the county littoral strip of land known as Bay Street Lake Forest #2 prior to any further pier shorezone development. The plan should balance private pier and buoy uses with public recreation and fishery management.

\(^{1}\) Amended 10/22/2008
PLAN DESIGNATION:

- Land Use Classification: RESIDENTIAL
- Management Strategy: MITIGATION
- Special Designation: NONE

DESCRIPTION:

**Location:** The Tahoe Pines Plan Area is located approximately one mile north of Homewood on Lake Tahoe's west shore. It includes the outlet of Blackwood Creek, some shorezone area on the east side of Highway 89 and the residential area to the west of Highway 89. The Plan Area may be located on TRPA maps B-10 and C-10.

**Existing Uses:** The existing use is residential, primarily at a density of one single family dwelling per lot of record. There is an existing commercial use of the old Tahoe Pines post office building. There is also one fairly large condominium project. The area is approximately 50 percent built out. Two public beaches exist in this area.

**Existing Environment:** The area is comprised of approximately 25 percent high hazard lands, 20 percent moderate hazard lands, 45 percent low hazard lands, and 10 percent SEZ lands. Land coverage is approximately 17 percent and land disturbance is approximately 25 percent. The shorezone tolerance districts are 6 and 7. Blackwood Creek within this area has been fairly to highly modified. The entire shoreline within this area is a prime fish habitat, although it has been degraded.

PLANNING STATEMENT: This area should remain residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. There is relatively little public access to the lake.
2. Blackwood Creek is an important stream for fish migration, but the stream is extensively disturbed and unstable.
3. The status of paper subdivisions located in high hazard lands is unresolved.
4. Dirt roads within the subdivision are a continuing sediment source.
5. There are areas of local flooding near Blackwood Creek.
6. Scenic Roadway Unit 12 and Scenic Shoreline Unit 13 are within this Plan Area.
7. The prime fish habitat in Lake Tahoe is tentatively identified for habitat restoration.
8. The Shoreline Character Type “Visually Modified” is within this Plan Area. Refer to “Shoreline Character Type” overlay map and TRPA Code of Ordinances Chapters 12, 50 & 54.

SPECIAL POLICIES:

1. Efforts to restore Blackwood Creek should continue.

2. Public access to the shoreline should be maintained or expanded on public lands, particularly on the county lands at Tahoe Pines.

3. Commercial use of the old Tahoe Pines post office building as it exists upon the adoption of this Plan Area is considered an allowed use.

\[\text{Amended 10/22/2008}\]
MEMORANDUM

Date: August 4, 2010
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Recommendation on Buoy Placement Limit Line Amendments for Glenbrook Bay and Logan Shoals

Requested Action: Staff requests that the APC consider recommending that the Governing Board adopt the attached ordinance (Attachment B, Exhibits 1 and 2) amending the Buoy Placement Limit Line (Buoy Line) in Glenbrook Bay and Logan Shoals.

Staff Recommendation: Staff recommends that the APC recommend that the Governing Board not adopt the proposed amendments. Staff believes that, while there are reasons to support adoption, there are other mechanisms in the Code of Ordinances (Code) today that can address the concerns regarding buoy location in these areas, and that adoption is unnecessary.

Required Motion: To make a recommendation to the Governing Board, the APC must make one of the following motions, based on this staff summary and the complete administrative record:

A motion to recommend that the Governing Board not adopt the proposed Ordinance;

Or, if the APC desires to recommend approval:

A motion to recommend that the Governing Board make the required findings (Attachment A) and adopt the proposed Ordinance (Attachment B, Exhibits 1 and 2).

General Background: The Governing Board adopted the Buoy Line in December of 2009. The Buoy Line was established at 6,213 feet lake bottom elevation but not inward of 350 feet lakeward of the high waterline nor further lakeward than 600 feet from the high waterline, with a single exception in the Tahoe City area. At this time, the Governing Board recommended that staff evaluate whether any other areas around the Lake, in addition to the existing exception in Tahoe City, warranted an extension beyond 600 feet.

Based on stakeholder suggestions and staff analysis of areas around the Lake where a Buoy Line at 600 feet may not provide adequate mooring depth, staff considered seven possible areas for additional exceptions to the Buoy Line. Staff presented these potential areas to the APC in May of 2010 (see Figure 1). The APC unanimously recommended...
that the Governing Board direct staff to bring forward an amendment for consideration extending the Buoy Line at the north end of Glenbrook Bay and in the Logan Shoals. The Governing Board followed APC’s recommendation and directed staff to bring back such an amendment for consideration.

Figure 1: Location Map

Proposed Amendments: Since the Governing Board’s recommendation, staff has further evaluated these areas, including conducting site visits to assess the need for the potential amendments. In conducting its evaluation, staff considered the rationale for adoption of the Buoy Line in December of 2009.

In adopting the Buoy Line, TRPA chose not to set the line lakeward of 600 feet except for one exception. The 600 foot limit corresponds to TRPA’s no wake zone, and is supported by both the U.S. Coast Guard and the Nevada Department of Wildlife. The one exception sets the Buoy Line at approximately 1,000 feet from high water in the Tahoe City area, where two legally existing piers currently extend 1,050 feet lakeward from high water. The APC and Governing Board believed this exception was appropriate given that there are two exceptionally long piers in this area, and people generally navigate around these piers (i.e., navigate in waters more lakeward than 1,000 feet in order to avoid the existing piers).

Using the rationale described above, staff developed the below-listed criteria to evaluate possible exceptions to the Buoy Line in Glenbrook Bay and Logan Shoals. Staff assessed whether, in each area:
1. There are permanent structures or physical features which require watercraft to navigate in waters more lakeward than 600 feet, meaning the additional area included within the exception would be functionally equivalent to, and therefore consistent with, the no wake zone.

2. The Coast Guard or other appropriate agencies of jurisdiction would not require additional navigational markers or lighting to delineate the area within the proposed exception.

3. The current Code, including existing exceptions to the Buoy Line, cannot address safety concerns posed in this area.

4. The amendment better promotes both navigational safety and safe mooring.

5. Wave hazards area high.

Staff analyzed the two areas using the criteria above. The analysis, maps, and photos are based on the current TRPA database.

Staff believes that the current adopted Buoy Line is well founded. Its unanimous adoption was based on numerous hearings and supporting documents, as well as stakeholder review, and staff believes that it is most appropriate to not create further exceptions to the Buoy Line. Staff's analysis and recommendation is more fully explained in the discussion of each area below. Staff has prepared findings and adopting ordinances if the APC's conclusions are different than staff's; and, the APC desires to recommend approval.

1. Proposed Glenbrook Bay Amendment: A buoy applicant suggested that the Buoy Line be moved to approximately 800 feet lakeward of the high waterline in the north end of Glenbrook Bay. Figure 2 displays the adopted Buoy Line with a red line and the proposed amended line with a black dashed line.

   **Area Description:** In this area, the adopted Buoy Line is at 600 feet lakeward of the high waterline at the south end of Glenbrook Bay, but moves toward 350 feet in a cove area at the north end of Glenbrook Bay. The Buoy Line generally provides sufficient mooring depth in this area, except that the lake bottom is variable in the shallow areas due to drifting sand. The general problem is that between the high waterline and approximately 500 feet from the shoreline, there is a shallow shelf with a sandy bottom and drifts. There is no evidence that the shallow shelf continues lakeward of 500 feet from high water. However, buoys need be located beyond this shelf and there are limited areas within 600 feet lakeward of high water which provide ten feet of mooring depth in low water conditions. In addition to the shelf, the cove further limits the space for placing buoys. See Figure 2 and the Attachment B, Exhibit 2 photo.

   **Current Location and Permitting Status of Buoys:** The ten or so buoys in this area are generally located at lake bottom depths of 6210 or greater, which is further lakeward than the Buoy Line. These ten buoys will have to be relocated if this exception is not adopted or a buoy field is not approved. Originally staff thought that Nevada State Lands (State Lands) had approved buoys located at 850 feet; but, that was found not to be the case. In fact, State Lands has not approved buoys beyond 350 feet lakeward of high water, although the Buoy Line allows these buoys to be permitted out to 600 feet lakeward of high water.
Wave Hazard: Based on a June 2001 wave report submitted to TRPA by Ken Adams, the wave hazard in this area is high. This is based on a design winter storm of 1 hour of southwest winds at 80 mph and a fetch of 19.3 miles, during which deep water waves could get up to 8.5 feet. This event would be very rare and would be similar to one in a hundred year event. The summer wave situation would be much less severe. A typical summer wave of 1.6 feet is based on 17 mph winds for 2.5 hours. It appears that a low water mooring depth of 10 feet or less is adequate for this area.

There are permanent structures or physical features which require watercraft to navigate in waters more lakeward than 600 feet, meaning the additional area included within the exception would be functionally equivalent to, and therefore consistent with, the no wake zone: There are historical pilings at the south end of the cove which might inhibit high speed boating. There are marker buoys set out by the property owners’ association. With the addition of lighting, these could be used for buoy field markers.

The Coast Guard or other appropriate agencies of jurisdiction would not require additional navigational markers or lighting to delineate the proposed Buoy Line: Staff contacted Paul Dankowski of Nevada Department of Wildlife who makes recommendations to Nevada State Lands and TRPA in regards to navigation and buoy fields. His recommendation was for a buoy field with marker buoys but would consider a line extension with marker buoys if Nevada and TRPA agreed on the amendment.

Current exceptions in the Code cannot address the safety concerns: This is true for some buoys. The limited space in the Glenbrook Bay cove makes it difficult to place the buoys in a manner that give all the buoys 10 feet of depth at low water. As noted in past staff summaries, however, the intent of the Buoy Line is not to guarantee 10 feet of mooring depth at low water to every buoy owner.

The amendment better promotes navigation safety and safe mooring: The historical pilings, marker buoys, and the land form of the cove generally eliminate conflicts between boating navigation and mooring. However, marker buoys would better promote navigation safety and safe mooring in the area.

Staff Analysis: Based on a site visit, further research, and the review criteria established above, staff does not recommend that the Buoy Line be extended in Glenbrook Bay. The overall purpose of this amendment, if it were adopted, would be to provide additional mooring depth for buoys in this area. It is difficult for staff to recommend amending the Buoy Line in this area when there are other similar areas, such as Kings Beach and Tahoe Vista, which could also benefit from an extension. Although Glenbrook Bay is a smaller area, staff believes that the Buoy Line, although it does not provide adequate mooring depth to every buoy owner around the Lake, is well founded and should not be changed. Further influencing staff’s position is input from navigation expert Paul Dankowski, and the fact that Nevada State Lands has not been permitting buoys at these distances. There are other mechanisms in the Code such as buoy field and cove set-back provisions today that can address the concerns regarding buoy location in these areas.
Notwithstanding the above discussion, based on an Initial Environmental Checklist (IEC) and review of the 2009 IEC for the Buoy Line adoption, staff analysis concludes that this amendment would have no significant environmental effect. This conclusion is based on the limited number of buoys affected.
Figure 2: Glenbrook Site Plan Map
2. Proposed Logan Shoals Amendment: A stakeholder suggested TRPA move the Buoy Line lakeward to approximately 800 feet in the Logan Shoals Area. See the red line for the adopted Buoy Line and the black dashed line for the proposed buoy line on Figure 3.

Area Description: In this area the adopted Buoy Line is variable from 600 feet lakeward of high water moving toward 350 feet on a rocky point. There is generally sufficient depth, but the lake bottom is variable (between 0 and 30 feet) due to a sandy bottom and rock formations. This is typical of feed and cover habitat areas. See Figure 3 and the Attachment B, Exhibit 2 photo.

Current Location and Permitting Status of Buoys: According to TRPA's GPS data, there are no buoys beyond the adopted Buoy Line in this area. Based on APC and Governing Board meeting testimony, it appears at least one future applicant may want to locate buoys past the current Buoy Line. This applicant has five parcels to the south of Logan Shoals and has applied for a multi-use pier on these parcels.

Wave Hazard: Based on a June 2001 report submitted to TRPA by Ken Adams, the wave hazard is high. This is based on a design winter storm of 1 hour of southwest winds at 80 mph and a fetch of 19.3 miles, during which deep water waves could get up to 8.5 feet. This event would be very rare and would be similar to one in a hundred year event. The summer situation would be much less severe. A typical summer wave of 1.6 feet is based on 17 mph winds for 2.5 hours. The area outside of the rocks is exposed to wind events.

There are permanent structures or physical features which require watercraft to navigate in waters more lakeward than 600 feet, meaning the additional area included within the exception would be functionally equivalent to, and therefore consistent with, the no wake zone: Two Coast Guard charted buoys and natural rock formations tend to establish a line further out than 600 feet.

The Coast Guard or other appropriate agencies of jurisdiction would not require additional navigational markers or lighting to delineate the new Buoy Line: Like in the Glenbrook Bay area, Paul Dankowski of the Nevada Department of Wildlife recommends that a buoy field with marker buoys be established in this area. He however would consider a line extension utilizing the existing marker buoys if Nevada and TRPA agreed on the amendment.

Current exceptions in the Code can address the safety concerns: There are opportunities in the northern areas to relocate buoys to areas with sufficient mooring depth while staying within 600 feet lakeward of high water. All permitted buoys in this area are within the Buoy Line. Historically, buoys have not been located past the current Buoy Line.

The amendment better promotes navigation safety and safe mooring: The rocky bottom makes it impossible to navigate at speed within the area; therefore, the conflicts between navigation and mooring are minimal. But, the lake bottom makes it difficult to place moorings and to allow boats to access the buoys and for moored boats to swing.

Staff Analysis: Based on a site visit, further research, and the review criteria established above, staff does not recommend that the Buoy Line be extended in
this area. Staff’s belief is that there is no need for this amendment. The single applicant who has expressed a desire to move the Buoy Line in this area is currently applying as a multi-use facility. As such, the five parcels could apply for a buoy field. Further, the overall purpose of this amendment, if it were adopted, would be to provide additional mooring depth for buoys in this area. It is difficult for staff to recommend amending the Buoy Line in this area when there are other similar areas which could also benefit from an extension. Although Logan Shoals is a smaller area, staff believes that the Buoy Line, although it does not provide adequate mooring depth to every buoy owner around the Lake, is well founded and should not be changed. Further influencing staff’s recommendation is input from navigation expert Paul Dankowski, and the fact that the area inside and outside Logan Shoals is not a desirable mooring area due to the rocky bottom, shallow mooring depth, and exposure to wind and high waves, among other things.

Notwithstanding the above discussion, based on an Initial Environmental Checklist (IEC) and review of the 2009 IEC for the Buoy Line adoption, staff analysis concludes that this amendment would have no significant environmental effect. This conclusion is based on the limited number of parcels (15) affected and general compliance with the criteria above.
Figure 3: Logan Shoals Site Plan Map
If you have any questions concerning this agenda item, please contact Gordon Barrett at (775) 589-5219 or gbarrett@trpa.org.

Attachments & Enclosures

A. Required Findings for Ordinance Adoption
B. Adopting Ordinance with:
   Exhibit 1 – Buoy Line Code Amendments
   Exhibit 2 – Glenbrook Bay and Logan Shoals Buoy Line Map Amendments
Required Findings for the Ordinance Amendments

Required Findings: The following findings must be made in order to adopt the proposed Code of Ordinance Amendments:

Chapter 6 Findings: The following findings must be made prior to amending the Code of Ordinances, which constitutes a Regional Plan Amendment.

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 Buoy Line provides a long range planning tool for the location of buoys and the protection of the unique qualities found in the shorezone of Lake Tahoe. It accounts for safe mooring, navigational safety, and TRPA's existing no-wake zone. It is consistent with all other provisions of the Regional Plan and requires no other amendments. These two amendments are minor and make the Buoy Line consistent with the criteria by which the existing Buoy Line was adopted.

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

Rationale: The December 2009 Initial Environmental Checklist ("IEC") analyzed the potential for environmental impacts to soils, air quality, water quality, vegetation, wildlife, scenic resources, recreation, noise, and fisheries thresholds. Based on this detailed analysis, the IEC found there was no potential for any significant adverse effects to any of these threshold values. Indeed, in certain threshold categories, the IEC concluded that there was potential for beneficial effects to the threshold standard. Accordingly, the IEC is the basis for concluding that thresholds would not be exceeded. The amendments are predicted to have a positive impact on scenic and fishery threshold attainment. The annual adaptive management program will require corrections if monitoring proves there is a need for more mitigation.

The IEC prepared for these two amendments assumes the proposed amendments are consistent with the December 2009 IEC findings. The 2010 IEC did identify any threshold exceedances as a result of implementing the two amendments.
3. Finding: Federal, state, and local air and water quality standards applicable to the Region, whichever are strictest, must be attained and maintained pursuant to Article V (d) of the Compact.

Rationale: These amendments do not affect federal, state, or local air and water quality standards applicable to the Region.

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: Based on the TRPA Regional Plan, the five-year Regional Plan Threshold Review (2006), and the Shorezone Adaptive Management Program Annual Review (2010), TRPA is on course to achieving and maintaining thresholds. These amendments generally assist in achieving that goal and no case adversely achieving that goal.

Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The required findings and their rationales are:

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

Rationale: The Buoy Line, as analyzed in the expanded 2009 IEC, meet all environmental standards, which includes mitigating any potential impacts to a less than significant level. These two amendments are predicted to have no adverse impact.

2. Finding: The amendments provide for an equal or better means of attainment or maintenance of the thresholds.

Rationale: These two amendments would not cause a decrease in any scenic threshold ratings or their numerical subcomponent ratings. The amendments maintain fisheries thresholds as they do not have an impact on fisheries. The noise threshold not be affected as a result of the amendments. Finally, the amendments encourage attainment of the recreational threshold by allowing motorized and non-motorized recreation to co-exist throughout the Lake. The movement of the buoy location limit further lakeward will allow for more opportunities for non-motorized recreation further landward. Monitoring will be conducted to ensure that thresholds are attained or maintained.

3. One of the following findings:

a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or
b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

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

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

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

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

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

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

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

Finding d is the most applicable:

Rationale: These amendments provide for a practicable buoy placement limit line which is based on technical information. The amendments will not increase the number of buoys permissible under the Shorezone Program. It will allow for placement of buoys which is safer and reduces navigational hazards, will promote efficient and effective administrative of the Code, and will make enforcement more consistent.

Chapter 5 Required Findings: Based on the above analysis and the completion of an Initial Environmental Checklist, it has been found that these amendments would not have a significant effect on the environment. A major assumption is that these amendments affect a small number of parcels would not set a precedent for more amendments that may have cumulative impacts.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2009 -

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE CODE OF ORDINANCES, CHAPTER 12 REGIONAL PLAN MAPS TO AMEND THE BUOY PLACEMENT LIMIT LINE 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 the Code of Ordinances, 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 were the subject of an initial environmental checklist (IEC), as well as the 2009 Expanded Environmental Checklist (EEC), which were processed, reviewed and certified by TRPA in accordance with substantive and procedural provisions of Article VII of the Compact, Chapter 5 of the Code and Article VI of the Rules of Procedures.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings and workshops, 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 the Code of Ordinances, Chapter 12

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated December 16, 2009, which attachment is appended hereto and incorporated herein.

Section 3.00 Amendment of Ordinance No. 87-9 to Amend Subsection 6.41 GIS Data Layers Maps and to add Buoy Line Maps Amendments

New Subsection 6.41 of Ordinance No. 87-9, as amended, is hereby adopted as set forth in Exhibit 2, dated August 4, 2010, which attachment is appended hereto and incorporated herein.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Code of Ordinances 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 and the amendments to the Code of Ordinances shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Code of Ordinances are hereby declared respectively severable.

Section 5.00 Effective Date

The provisions of this ordinance amending the Code of Ordinances shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held August 25, 2010 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Allen Biaggi, Chair
Tahoe Regional Planning Agency
Governing Board
Buoy Line Code Amendments

Chapter 12

12.2.E GIS Data Layers: The following GIS data layers are official TRPA GIS data layers. The following series of data layers can be produced at any given scale:

(6) Buoy Line: The Buoy Line data layer establishes the maximum distance lakeward of high water where mooring buoys not associated with a buoy field may be placed in Lake Tahoe. The Buoy Line was mapped at a lake bottom elevation of 6213’, but not landward of 350’ from the high waterline, and not farther lakeward of high water than 600’, except for a location specified and mapped at Tahoe City, Glenbrook and Logan Shoals [GIS File: Buoy Line, Adopted 12/16/2009, Amended 8/25/10].
Buoy Line Map Amendments

Proposed Glenbrook Bay Amendment
The red line is the existing Buoy Placement Line and the black line is the proposed Line.
Proposed Logan Shoals Amendment
The red line is the existing Buoy Placement Line and the black line is the proposed Line.