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TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on December 14, 1988, at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Round Hill, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

December 5, 1988

By: W. A. Morgan
William A. Morgan
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 195 U.S. Highway 50
Zephyr Cove, Nevada

December 14, 1988
9:30 a.m.

AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PUBLIC HEARING AND RECOMMENDATION

A. Amendment of Regional Plan Land Capability Overlay Pursuant to Man-Modified Determination, Buehler, APN 07-180-05, Douglas County

B. Amendment of Chapter 20 (Land Coverage Standards) and Chapter 25 (Best Management Practice Requirements) to Modify Method for Calculating Mitigation Fees for Multiple Users of Rights-of-Way and to Determine Responsibility for Retrofitting Such Rights-of-Way with Best Management Practices

C. Amendment of Chapter 91 (Air Quality Standards) to be Consistent With Federal New Source Performance Standards for Wood Heaters

D. Amendment of Chapter 15 (Redevelopment) of the Code of Ordinances

E. Approval of the Preliminary Community Plan for Douglas County (Round Hill, Kingsbury and Stateline)

F. Adoption of Redevelopment Plan for the City of South Lake Tahoe and Related Amendments of the Regional Plan Overlay Maps (PASs 089B, 091, 092 and 093) - to be continued to the January 11, 1989 meeting

V PLANNING MATTERS

A. Recommendation on Interpretation of Chapter 20, Subsection 20.2.F Regarding Man-Modified Determination and Amendments to the Land Capability Overlay Maps

B. Recommendation on Amendment of Chapter 36 (Interim Single Family Review System) to Provide for an Extension of Interim Single Family Review Procedures Pending State and Federal Approval of an Amended Lake Tahoe Basin Water Quality Management Plan (208 Plan)

C. Update on 208 Plan Amendments

D. Update on the Individual Parcel Evaluation System (Setting Line, Ranking, and Establishment of Allowable Base Coverage)

VI ADMINISTRATIVE MATTERS

A. Election of Chairman and Vice Chairman for Two Year Terms (1989-1990)

VII REPORTS

A. U.S. Forest Service, Land and Resource Management Plan, 1988

B. Executive Director

C. Legal Counsel

D. APC Members

E. Public Interest Comments

VIII RESOLUTIONS

A. For Former APC Members John Glab and Mike Van Wagenen

IX CORRESPONDENCE

X PENDING MATTERS

XI ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 6, 1988

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination, Buehler, APN 07-180-05, Douglas County

Background

Buehler's Mercantile is located along Kingsbury Grade, about one-quarter mile east of U.S. 50. This parcel is a long narrow strip which extends southward from Kingsbury Grade for over twelve hundred feet. A map of the site will be provided at the APC meeting on December 14.

Except for the commercial development at the front of the parcel, the remaining portion of the parcel is vacant. A field verification conducted on October 22, 1987 reported that the mapped soil units could not be verified and the centrally located SEZ could not be verified. In addition, the field verification reported that approximately one acre of the parcel had been affected by the addition of large boulders and fill material. The applicant was advised to apply for a land capability challenge and man-modified determination to determine the actual land capability classifications. As a result, the owner initiated an application on October 22, 1987.

Chapter 20, Section 20.2.F of the TRPA Code of Ordinances sets forth policies for processing man-modified determinations. A man-modified determination is a procedure conducted on land which has been modified such that it no longer exhibits the characteristics of land having the same, original land capability classification.

A TRPA team of experts visited APN 07-180-05 several times between February and September, 1988. The team included Sid Davis, Larry Welch, and Grant Kennedy of Davis² Consulting Earth Scientists and Jerry Budy, TRPA Senior Planner and hydrologist.

JB:rdh
12/6/88

AGENDA ITEM IV.A

Report

A portion of APN 007-180-05 was modified by the placement of fill and boulders in so substantial a fashion as to exhibit the characteristics of a land capability district different from the original, undisturbed Cagwin soils, as explained below. The area in question is approximately 44,000 sq. ft. with an average depth of fill material of 3 feet. Thus, 5,000 cu. yds. of fill material have been placed on this portion of the parcel. The following analysis is provided to complete the man-modified report:

(a) Geomorphic Characteristics - The geologic map for the south half of the Tahoe Basin shows this area to be in a delineation of granitic intrusive rocks. The geomorphic analysis of the Lake Tahoe Basin (Bailey, 1974) shows the area to be in the geomorphic unit E_2 (Outwash, till, and lake deposits). This geomorphic unit is placed in Group III, low hazard lands, the least fragile of the geomorphic units.

(b) Surface and Subsurface Hydrology - The fill soils have hydrologic characteristics similar to Cagwin soils on nearly level slopes. They have a moderately high runoff potential.

(c) Physical/Chemical Soil Characteristics - The soil units mapped for this 4.8 acre parcel by the Tahoe Area Soil Survey (Rogers, 1974) as shown on the TRPA map sheet H-16 (Stateline) are the Jabu coarse sandy loam, shallow variant, found on 5 to 15 percent slopes (map symbol JeD) and the Cagwin-Rock outcrop complex found on 5 to 15 percent slopes (map symbol CaD). The area affected by the fill is mapped in the JeD soil unit and assigned to land capability class 3, allowing 5 percent coverage. A stream environment zone (SEZ), land capability class 1B, is mapped along the Kingsbury Grade frontage and another branch of the same SEZ is mapped near the center of the parcel.

The soils on this parcel were inspected by Sid Davis, Certified Professional Soil Scientist. His report is attached.

The portion immediately south of the developed part of the parcel consists of boulders and fill and has been leveled for a pad. This area is over an acre in size and approximately 3 feet deep. The fill material has similar hydrologic characteristics as the Cagwin soils. They have a moderately high runoff potential and a slight relative erosion potential. The fill

soils range in texture from loamy coarse sands and coarse sands to sandy loams and are somewhat excessively drained. Fragments of construction materials are included in the fill soils. These soils are placed in a Rock outcrop complex, found on 0 to 3 percent slopes (map symbol CfA). The CfA unit is placed in land capability class 5, allowing 25 percent coverage.

Davis found the soils on the balance of the parcel to consist of an SEZ at the northern boundary, the Cagwin-Rock outcrop complex (CaE) adjacent to the SEZ, Elmira-Gefo loamy coarse sand (Efb) south of the filled area, and Jabu coarse sandy loams (JaC, JaD) at the south end of the parcel.

(d) Erosion Hazard - The fill soils have a slight relative erosion potential.

(e) Vegetation - The fill soils are essentially barren except for scattered sagebrush, rabbitbrush, and Jeffrey pine seedlings.

(f) Land Capability District - The fill soils most closely resemble soils which would be placed in Land Capability Class 5, according to Table 4, p. 20, Bailey (1974), as discussed in the attached soils report.

Required Findings

Finding (a): The land was modified prior to February 10, 1972.

Rationale: Black and white aerial photographs on file with TRPA indicate that the land in question was modified prior to October 1971.

Finding (b): Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area.

Rationale: Development of the filled area will not increase runoff from the disturbed area provided properly conceived and designed BMPs are put in place and properly maintained. Analysis of the soil profiles indicates that there is no evidence of high groundwater and that further development would not cause interference with groundwater.

Finding (c): The land no longer exhibits the characteristics of land bearing the same original land capability classification.

Rationale: The original land capability of the filled area was mapped a class 3; the filled area now exhibits the characteristics of class 5.

Finding (d): Restoration of the land in question is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the land is not identified for restoration by any TRPA program.

Rationale: The cost of removing 5,000 cu. yds. of fill material would be high. The cost of restoration when compared to the benefit in terms of water quality treatment capacity and other environmental benefits would produce an unsatisfactory cost-benefit ratio. The removal of fill at this location (not an SEZ) would not significantly improve water quality. In fact, any attempt to restore the site to its original condition could increase the erosion hazard and cause adverse impacts. The land is not identified for restoration by any TRPA program.

Finding (e): Further development can be mitigated off-site.

Rationale: Further development of the affected site can be mitigated offsite. The site is included within the Douglas County community plan area and offsite mitigation of development impacts will be considered both in the context of the community plan and in the context of any specific development proposal which may be forthcoming.

Finding (f): Mitigation to offset the losses caused by the modification of the land and pertinent land capability district shall be as follows: (i) onsite and offsite mitigation, (ii) pursuant to a maintenance program, including a schedule of maintenance proposed by the owner and approved by TRPA, and (iii) collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

Rationale: Onsite mitigation to offset the losses caused by previous modification of the land shall include revegetation of all disturbed areas, slope stabilization, drainage stabilization, and infiltration of runoff from existing impervious surfaces on the entire parcel. In addition, further development shall be placed on the filled area rather than the undisturbed portions of the parcel south of the filled area.

Offsite mitigation to offset the losses caused by previous modification of the land shall include a contribution to the water quality mitigation fund held in trust for Douglas County by TRPA, in the amount of $44,000, or an equivalent restoration project. This fee is based on an increment of useable allowed coverage of 8,800 sq. ft. at an approximate market value $5 per square foot. If the applicant wishes to reduce the amount of base coverage utilized on-site, the fee would be reduced accordingly.

As conditions of the approval of this man-modified determination, the applicant shall agree to (1) install and maintain the BMPs described above on the parcel, (2) submit for TRPA approval a program of BMP maintenance, (3) post a standard TRPA security to ensure installation of BMPs, and (4) make the required contribution to the water quality mitigation fund in the amount stated above.

Staff Recommendation

The approval of the man-modified determination requires a plan amendment to the Land Capability Overlay Map. Staff recommends that the APC recommend Governing Board approval of the plan amendment, with the conditions as stated under finding (b) and (f), above.

DAVIS²
Consulting Earth Scientists
P.O. Box 724 Georgetown, California 95634 (916) 333-1405

Soils Investigation
for
A.P.N. 07-180-05
Douglas County, Nevada

February 24, 1988

Introduction:

A soil investigation was made of Assessors Parcel Number 07-180-05, Douglas County, Nevada on February 17, 1988. This parcel of land consists of about 4.8 acres. It lies south of Kingsberry Grade about one-third of a mile east of the Highway 50 - Kingsberry Grade intersection. The work was done at the request of the Tahoe Regional Planning Agency for Mr. Barry Buehler. The objective of this study was to review the soils and other features of this parcel, and relate them to Land Capability classification as utilized in the Lake Tahoe Basin.

Environmental Setting:

This piece of land is a long narrow strip fronting Kingsberry Grade Road extending southward for over twelve hundred feet. Its width east to west is about one hundred and sixty-five feet. This parcel is shown on the Tahoe Regional Planning Agency soil map H-16 (Stateline) as having two soil delineations - CaD (Cagwin-Rock outcrop complex, 5 to 15 percent slopes), and JeD (Jabu coarse sandy loam, shallow variant, 5 to 15 percent slopes) and additionally, SEZ (stream environment zone), along the Kingsbury Road frontage and another arm of the same near the center of the parcel. Along the Kingsbury Road frontage is a convenience store and

associated parking area where the SEZ has been piped and paved over.

The Cagwin soil unit is shown as occupying roughly one -third of the parcel in two areas - one at the north portion of the property and the other at the south. The geologic map for the south half of the Tahoe Basin (Barnett) show this parcel to be in a delineation of granitic intrusive rocks. The geomorphic analysis of the Lake Tahoe Basin (Bailey) shows the property to be in the geomorphic unit E_2 (Outwash Till and lake Deposits).

The parcel is underlain by granitic rock and in the south part old alluvial sediments form a cap about four or more feet in thickness over the granite. A small deposit of more recent alluvium occupies concave-like topography extending across the north central part of the tract. Slopes are gentle to moderate with the exception of a small steeper area adjacent to the northeast property line. The portion immediately south of the store has been leveled for a pad. There are several prominent small knolls consisting mostly of granitic outcrops. Cut and fill slopes along the road paralleling the the west property line have been armoured with large rock and rip rap.

Except where graded and paved the vegetative cover is principally Jeffrey pine and fir with manzanita and squaw carpet as an understory. Graded or altered areas have a sparse cover of rabbit brush or basin sagebrush or are essentially barren. The soils are well or excessively drained.

Procedures:

A reconnaissance was conducted to ascertain topographic features and general soil characteristics. Representative sites were then selected for six excavations needed to further define the existing kinds and extent of soils on areas having potential for higher Land Capability. A detailed

topographic map was available for this parcel. It was used for slope analysis, and to indicate the location of backhoe pits. The soil profiles of the pits were described in detail and classified in accordance with standards used in the Tahoe Basin. Aerial photos of the area (U.S.D.A., Soil Conservation Service, 1967) were studied to ascertain the origional mapping and terraine before development and grading. The detailed topographic map was then utilized to delineate the boundaries of each soil. A copy of this map and the soil descriptions of backhoe pits are attached for reference. The ground surface was frozen to about 5 inches, and there were patches of snow 10 inches deep on shaded portions of the lot.

Findings:

Pits 1, 2 and 3 were located within the leveled pad to determine the results of cutting and filling. The soils range in depth from about 2 to 4 feet over weathered granitic rock. They range in texture from loamy coarse sands and coarse sands to sandy loams. In places the original Cagwin soils were truncated while other parts are all fill. Some minor inclusions of undistrubed Cagwin soils also exist at fill - natural slope break interfaces. Fragments of construction materials are included in the fill soils. The soils of this pad area have similar hydrologic characteristics as the Cagwin soils on nearly level slopes. They have a moderately high runoff potential and a slight relative erosion potential. Soils with these features would be classified in Land Capability Class 5.

Pit Number 4 is situated in the small coarse textured alluvial fan. The soils can be characterized by a dark brown loamy coarse sand topsoil overlying a yellowish brown loamy coarse sand subsoil extending to a depth of 60 or more inches. These soils are like the Elmira soil series. This area is gently sloping. The soils would have a low runoff potential

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and a slight relative erosion potential. These Elmira soils would be classified within Land Capability Class 7.

Pits 5 and 6 were sited within the area of old alluvium capping the underlying granite. The soils vary from a soil fairly representative of the Jabu series in Pit No. 6 to a fairly deep friable soil over weathered granite having some features of the Jabu series. Both soils would have reasonably similar hydrologic characteristics. Thus, the whole area was considered as having soils of the Jabu series and not the Jabu shallow variant shown for portions of the parcel. The soils that were examined have a moderately low runoff potential, with a slight relative erosion potential on slopes of 9 percent or less and a moderate erosion hazard on steeper slopes. The Jabu soil series has been classified as being in Land Capability Class 5 on the gentler slopes and 3 on more sloping areas.

The steeper sloping areas along the northeast property boundary were investigated with a soil auger and the soils are of the Cagwin series. These soils are interspersed with granitic rock outcroppings and slopes exceed 15 percent. These soils have a moderately high runoff potential and a high relative erosion potential. They are classified in Land Capability Class 2.

The areas beneath the store and parking, from aerial photography study, were determined have been CaE and SEZ. These areas are now impervious cover.

The location and extent of all units are shown on the detailed topographic map.

Conclusion:

The soils on A.P.N. 007-180-05 are somewhat different in characteristics or extent as presently defined on TRPA soil map H-16,

based on a detailed on-site investigation. The soil units for this property and their Land Capability Classification are summarized as follows:

Map Symbol	Soil Mapping Unit	Capability level	Allowable coverage (%)
CaE	Cagwin-Rock outcrop complex, 15 to 30 percent slopes	2	1
CfA	Cut and fill land, 0 to 3 percent slopes	5	25
EfB	Elmira-Gefo loamy coarse sand, 0 to 5 percent slopes	7	30
JaC	Jabu coarse sandy loam, 0 to 9 percent slopes	5	25
JaD	Jabu coarse sandy loam, 9 to 20 percent slopes	3	5
SEZ	Stream environment zone	1b	1

A topographic map is attached showing the delineation of each of these soil units.

Respectfully submitted,

Sidney Davis,
CPSS # 1031

DAVIS² Consulting Earth Scientists P.O. Box 724 Georgetown, CA 95634 (916) 333-1405

Representative Soil Profiles:

Pit # 1

Note: Excavated and filled with coarse textured materials including some stones, cobbles and fragments of construction materials. Top 4 inches compacted.

Soil Classification: Sandy, mixed, frigid, Arents

C1 0 to 47 inches, grayish brown (10YR 5/2) loamy coarse sand (near sand), very dark grayish brown and dark brown (10YR 3/2, 3/3) moist; massive; slightly hard, friable, nonsticky and nonplastic; no roots; many very fine and fine interstitial pores; slightly acid; abrupt irregular boundary.

Cr 47 inches plus, light brownish gray and grayish brown (10YR 6/2, 7/2) grus crushing to coarse sand, light brownish gray and grayish brown (10 YR 6/2, 5/2) moist. Can be dug with spade.

Pit #2

Note: Soil surface truncated by grading surface nearly bare of vegetation.

Classification: Mixed, frigid Dystric Xeropsomment

Soil Series: Cagwin, graded phase

C1 0 to 8 inches, light brownish gray (10YR 6/2) gravelly coarse sand, very dark grayish brown and grayish brown (10YR 3/2, 4/2) moist; massive; slightly hard, friable, nonsticky and nonplastic; common fine and medium roots; many very fine and fine interstitial pores; slightly acid; 15 percent gravels; clear wavy boundary.

C2 8 to 24 inches, light brownish gray (10YR 6/2) gravelly coarse sand, very dark graysih brown and dark grayish brown (10YR 3/2, 4/2) moist; massive; soft, friable, nonsticky and nonplastic; few fine and medium roots; many very fine and fine interstitial pores; slightly acid; 15 percent gravels; clear irregular boundary.

Cr 24 inches, white grus interspersed with hard granitic rock.

Pit # 3

Note: Sparse cover of rabbit brush and basin sagebrush

Classification: Arent/sandy mixed frigid Entic Xerumbrept

Soil Series: Arent over Cagwin variant

A1 0 to 28 inches, dark grayish brown and brown (10YR 4/2, 4/3) gravelly coarse sandy loam, very dark gray and very dark grayish brown (10YR 3/1, 3/2) moist; massive, slightly hard, friable, nonsticky and nonplastic; common very fine and fine, few medium roots; common very fine and fine interstitial pools; moderately alkaline; 15 percent gravels; abrupt irregular boundary.

II A11b 28 to 30 inches, black (10YR 2/1) gravelly sandy loam) block (10YR 2?1) moist; moderate fine granular structure; soft friable, nonsticky and nonplastic; common very fine roots; common very fine tubular and interstitial pores; mildly alkaline; 15 percent gravels; abrupt wavy boundary.

II A12b 30 to 38 inches, dark grayish brown (10YR 4/2) loamy sand, very dark grayish brown (10YR 3/2) moist; moderate fine granular structure; soft, friable, nonsticky and nonplastic; common fine and medium roots; common very fine tubular and interstitial pores, mildly alkaline; clear wavy boundry.

II ACb 38 to 46 inches, dark grayish brown (10YR 4/2) loamy sand, very dark grayish brown (10YR 3/2) moist; massive; soft, friable, nonsticky and nonplastic; common fine, medium and coarse roots; common very fine and fine interstitial pores; mildly alkaline; gradual smooth boundary.

II C1b 46 to 53 inches, dark yellowish brown and yellowish brown (10YR 4/4, 5/4) loamy sand, dark brown (10YR 3/3) moist; massive; soft, friable,nonsticky and nonplastic, common fine and medium roots; common very fine and fine

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interstitial pores; neutral; abrupt wavy boundary.

II Cr 53 inches - grus grading into hard granitic rock.

Pit # 4

Classification: Mixed, frigid, Alfic Xeropsamment

Soil Series: Elmira

A1 0 to 5 inches, very dark grayish brown (10YR 3/2) loamy coarse sand, very dark brown (10YR 2/2) moist; moderate fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine to medium and common coarse roots; many very fine and fine interstitial pores; medium acid; 5 percent gravels; clear smooth boundary.

A3 5 to 11 inches, dark brown (10YR 4/3, 3/3) loamy coarse sand, dark yellowish brown (10YR 3/4) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; roots, pores and reaction and coarse fragments as above; gradual wavy boundary.

C1 11 to 30 inches, yellowish brown and dark yellowish brown (10YR 5/4, 4/4) loamy coarse sand, dark yellowish brown (10YR 3/4) moist; weak fine subangular blocky structures; slightly hard, friable, nonsticky and nonplastic, many very fine to medium and common coarse roots; common very fine and fine interstitial and few tubular pores; few thin clay films coating sand grains; slightly acid; 5 percent gravels; gradual boundary.

C2 30 to 44 inches, yellowish brown (10YR 5/4) gravelly loamy coarse sand, dark yellowish brown (10YR 3/4, 4/4) moist; massive; soft, friable, nonsticky and nonplastic, common very fine to medium roots; common very fine and fine tubular and interstitial pores; slightly acid; 15 percent gravels; gradual wavy boundary.

C3 44 to 55 inches, yellowish brown (10YR 5/4) loamy coarse sand, yellowish brown and dark yellowish brown (10YR 5/4, 4/4) moist; massive; soft, very friable, nonsticky and

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nonplastic; roots, pores, reaction as above; 5 percent gravels.

Pit # 5

Note: Surface has been altered.

Soil Classification: Coarse loamy, mixed, frigid, Typic Xerumbrept

Soil Series:
Jabu variant

0 1/2 to 0 inches, pine needles and duff.

A1 0 to 8 inches, dark grayish brown (10YR 4/2) loamy coarse sand, dark brown (10YR 3/3) moist; weak fine granular structure; soft, friable, nonsticky and nonplastic; many very fine to medium and common coarse roots; many very fine and fine interstitial pores; strongly acid; 5 percent gravels, abrupt wavy boundary.

A3 8 to 11 inches, dark yellowish brown (10YR 4/4) loamy coarse sand, dark brown moist; weak fine granular structure; soft, friable, nonsticky and noplastic; many very fine to medium and common coarse roots; many very fine and fine interstitial pores; medium acid; 5 percent gravels; gradual smooth boundary.

B21 11 to 26 inches, brown (7.5 YR 5/4) sandy loam (near loamy sand), dark brown (7.5YR 4/4) moist weak medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; common very fine to medium and few coarse roots; common very fine interstitial and few fine tubular pores; few thin clay films in pores; medium acid; gradual wavy boundary.

B22 26 to 39 inches, brown (7.5YR 5/4) sandy loam (near loamy sand) dark brown (7/5YR 4/4) moist; weak fine subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; roots as above; few very fine tubular pores; few thin clay films in pores; strongly acid; abrupt smooth boundary.

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II Cr 39 to 48 inches, yellowish brown and light gray (10YR 5/8, 7/2) grus that can easily be dug with spade and is a coarse sand upon rubbing.

Pit # 6

Soil Classification: Coarse; loamy, mixed, frigid, Ultic Haploxeralf

Soil Series: Jabu

O 4 to 0 inches, pine needles, litter and duff.

A1 0 to 6 inches, dark brown (7.5YR 4/2) coarse sandy loam (near loamy sand), dark brown (7.5 YR 3/4) moist; strong fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine, fine and medium roots; common very fine and fine interstitial pores; slightly acid; 5 percent gravels; clear smooth boundary.

A3 6 to 9 inches, brown (7.5YR 5/4) coarse sandy loam (near loamy sand), dark brown (7.5YR 3/4, 4/4) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; roots and pores as above; medium acid; 5 percent gravels; clear smooth boundary.

B1 9 to 22 inches, brown (7.5YR 5/4) gravelly coarse sandy loam, dark brown (7.5YR 3/4) moist; weak fine subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; many very fine to medium and common coarse roots; common very fine and fine tubular pores; few thin clay films in pores and bridging sand grains; medium acid; 15 percent gravels clear wavy boundary.

B21t 22 to 29 inches, light brown (7.5YR 6/4) and dark brown (7.5YR 3/4) gravelly coarse sandy loam, brown (7.5YR 5/4) and dark brown (7.5YR 3/4) moist; moderate medium subangular blocky structure; hard, friable, nonsticky and nonplastic; common fine and medium roots; few very fine and fine tubular pores; common thin clay films in pores and on ped faces; strongly acid; 25 percent gravels; clear

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wavy boundary.

B22t 29 to 43 inches, brown (7.5 YR 5/4) gravelly coarse sandy loam, dark brown (7.5YR 4/4) moist; weak medium platy structure; very hadr, slightly firm, slightly sticky and nonplastic; few fine roots; few very fine tubular pores; many moderately thick clay films in pores and bridging sand grains; medium acid; 30 percent gravels; gradual wavy boundary.

B23tx 43 to 60 inches, reddish yellow (7.5YR 6/6) gravelly sandy clay loam (near sandy loam), light brown and strong brown (7.5YR 5/4, 5/6) moist; massive; very hard, firm, sticky and slightly plastic, few fine roots; few very fine tubular pores; many moderately thick clay films in pores and bridging mineral grains; slightly acid; 30 percent gravels.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 1, 1988

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Chapters 20 and 25 to Modify Method for Calculating Mitigation Fees for Multiple Users of Rights-of-Way and to Determine Responsibility for Retrofitting Such Rights-of-Way With Best Management Practices

Purpose: The purpose of this amendment is to establish the procedure for determining excess coverage mitigation and BMP retrofitting requirements for projects involving minor utility service line repairs, replacements, and interconnections (i.e., cross-connections, looping) within a project area defined as public easement or right-of way. Based on the considerations presented in the Background section, TRPA staff is proposing:

1. To exempt minor utility projects from excess coverage mitigation within the right-of-way, and

2. To exempt minor utility projects from BMP retrofitting within the right-of-way where the primary right-of-way user has made a commitment to implement 208 plan capital improvements for erosion and runoff control.

Specific language is set forth in Attachment A.

Background: The Code considers utility line extensions and modifications as projects. They are subject to the excess coverage mitigation fees of Section 20.5 and the BMP retrofit requirements of Chapter 25. When these projects occur in roadway easements or rights-of-way, the utility companies must account for large amounts of excess coverage and expensive roadway BMP requirements that are not directly related to their project and not subject to their control.

Currently staff is taking security deposits on such projects with the hope of resolving this problem in the near future. If the problem is not resolved, the securities will be attributed to the required mitigation.

The Goals and Policies give TRPA direction on the applicability of BMP requirements and excess coverage mitigation as follows:

Policy 3, Goal #1, Water Quality Subelement of the Goals and Policies indicates that such projects are subject to the BMP requirements:

> APPLICATION OF BMPS TO PROJECTS SHALL BE REQUIRED AS A CONDITION OF APPROVAL FOR ALL PROJECTS.
>
> All projects shall be required, as a condition of approval, to apply Best Management Practices to the project parcel during construction and as follows upon completion of construction:
>
> A. New projects on undeveloped parcels shall require application of BMPs as a condition of project approval.
>
> B. Projects which expand structures or land coverage shall require application of BMPs to those areas affected by the project. The remainder of the site shall require application of BMPs pursuant to C below.
>
> C. Rehabilitation projects shall require the preparation of a plan and schedule for application of BMPs to the entire parcel. The amount of work required pursuant to the project approval shall consider the cost and nature of the project.

Policy 3, Goal #3, Land Use Subelement of the Goals and Policies indicates that such projects are subject to the excess coverage mitigation program; however, the wording is flexible in its application:

> REHABILITATION, RECONSTRUCTION, AND UPGRADING OF THE EXISTING INVENTORY OF STRUCTURES, OR OTHER FORMS OF COVERAGE IN THE TAHOE REGION, ARE HIGH PRIORITIES OF THE REGIONAL PLAN. TO ENCOURAGE REHABILITATION AND UPGRADING OF STRUCTURES, THE FOLLOWING POLICIES SHALL APPLY:
>
> A. REPAIR OR RECONSTRUCTION OF BUILDINGS DAMAGED OR DESTROYED BY FIRE OR OTHER CALAMITY SUBJECT TO GOAL #2, POLICY 8 OF THIS SUBELEMENT IS EXEMPT FROM THIS POLICY.
>
> B. RECONSTRUCTION, REHABILITATION, MODIFICATION, RELOCATION, OR MAJOR REPAIR OF STRUCTURES OR COVERAGE OTHER THAN AS SPECIFIED IN A ABOVE MAY BE ALLOWED, PROVIDED SUCH USE IS ALLOWED UNDER THE LAND USE SUBELEMENT, GOAL #2, POLICIES 8, 9 AND 10. FOR PARCELS WITH EXISTING COVERAGE IN EXCESS OF THE BAILEY COEFFICIENTS, A LAND COVERAGE MITIGATION PROGRAM SHALL BE SET BY ORDINANCE, WHICH SHALL PROVIDE FOR THE REDUCTION OF COVERAGE IN AN AMOUNT PROPORTIONAL TO THE COST OF THE REPAIR, RECONSTRUCTION, RELOCATION, REHABILITATION, OR MODIFICATION, AND THE EXTENT OF EXCESS COVERAGE. TO ACCOMPLISH THESE REDUCTIONS, PROPERTY OWNERS SHALL HAVE AT LEAST THE FOLLOWING OPTIONS:

i. REDUCING COVERAGE ON-SITE,

ii. REDUCING COVERAGE OFF-SITE IN A HYDROLOGICALLY-RELATED AREA.

iii. PAYING A REHABILITATION FEE IN LIEU OF OFF-SITE COVERAGE REDUCTION IN AN AMOUNT ESTABLISHED BY AGENCY ORDINANCE TO HELP FUND A LAND BANK PROGRAM ESTABLISHED TO ACCOMPLISH COVERAGE REDUCTIONS.

iv. LOT CONSOLIDATION WITH A CONTIGUOUS PARCEL OR LOT LINE ADJUSTMENT TO REDUCE THE PERCENTAGE OF EXCESS COVERAGE ON THE RESULTING PARCELS, OR

v. ANY COMBINATION OF THE FOREGOING OPTIONS.

C. EXISTING COVERAGE MAY BE RELOCATED WITHIN A PARCEL PROVIDED IT IS RELOCATED TO AREAS OF EQUAL OR SUPERIOR ENVIRONMENTAL CAPABILITY, CONSISTENT WITH B ABOVE.

At the November, 1988 APC meeting, staff presented four alternatives for consideration. The alternatives ranged from completely exempting the minor utility projects, to a fair share determination made by TRPA of the relative amount of retrofitting to be done by multiple users. A public hearing was conducted, and testimony was given which addressed the range of alternatives. Based on the public hearing and on APC discussion, staff was directed to draft language similar to that proposed under Alternative #1 exempting minor utilities from excess coverage mitigation and BMP retrofitting. (See Attachment A for specific language.) Minor utility projects would still be responsible for BMP requirements within the project area, and legal right-of-way owners would still have to co-sign applications for minor utility projects done by entities other than the owner.

The proposed action would meet the intent of the applicable Goals and Policies listed earlier in this report without becoming a disincentive to upgrade or repair the existing utility infrastructure.

Environmental Documentation: Staff has completed an Initial Environmental Checklist (IEC) for the proposed action and proposes to make a finding of no significant impact based on the following:

1. All minor utility projects which would be exempted under the proposed action would still be required to mitigate any new coverage proposed as part of the project, and install and maintain BMPs on the project area. No new environmental impacts would be created which would not be mitigated.

2. Where 208 plan capital improvements for runoff and erosion control along rights-of-way are committed to, they would serve as the dominant means of attaining long-term BMP retrofit schedules and implementing water quality improvements.

3. Where 208 plan capital improvements are not committed to, the project would not be exempted from BMP retrofit. The project applicant would be responsible for BMP retrofit plans and schedule requirements per Chapter 25.

Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this agenda item.

ATTACHMENT A

Add Subparagraph 20.5.B(6):

(6) Minor Utility Projects: Those activities which replace, repair, or interconnect existing utilities which are located within a right-of-way where the applicant is not the primary right-of-way user are considered minor utility projects and shall not be subject to the land coverage mitigation program. The construction of roads is not a minor utility project. The primary right-of-way user shall be the owner or controlling party of the right-of-way.

Add to Subparagraph 25.2.B(3):

(g) Minor utility projects pursuant to Subparagraph 20.5.B(6) which are within a right-of-way for which the primary right-of-way user has made a commitment to implement the capital improvements for erosion and runoff control set forth in the Water Quality Management Plan for the Lake Tahoe Region, Volume IV.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 5, 1988

To: TRPA Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Chapter 91 (Air Quality Standards)

Background: Section 91.3.B of the TRPA Code of Ordinances adopted wood heater emission standards effective July 1, 1987. Pursuant to 91.3.B, new TRPA emission standards became effective on July 1, 1988. These standards rely heavily on the State of Oregon woodstove certification program.

On February 26, 1988, the U.S. Environmental Protection Agency promulgated emission standards for residential wood heaters. The EPA standards contain specific emission limits for wood heaters manufactured or sold in the United States. The EPA standards were effective July 1, 1988, and become more stringent in 1990.

Due to the new EPA standards, the State of Oregon has essentially deactivated its wood stove certification program and many manufacturers are seeking EPA approval only.

Currently, several Tahoe-Region wood heater dealers carry newer models of wood heaters which are EPA certified but are not certified by the State of Oregon.

Proposed Action

TRPA staff proposes to amend subparagraph 91.3.B(1) of the TRPA Code of Ordinances to be consistent with the EPA emission standards for wood heaters. The proposed language is attached.

This action is consistent with the existing text of 91.3.B(1) which states, in part:

> Upon promulgation of a federal new source performance standard (NSPS) for wood heaters, the TRPA shall amend this chapter to conform to the federal standard.

/cj
12/5/88

AGENDA ITEM IV.C

Impacts of Proposed Action

Because the EPA and the State of Oregon use different testing methods to certify wood heaters, it is difficult to directly compare the different emission limitations. However, the EPA standards appear to be slightly more restrictive than TRPA's Oregon-based standards for wood heaters without catalytic converters (8.5 grams per hour versus 9.0 gph) and slightly less restrictive for wood heaters with catalytic converters (5.5 gph versus 4.0 gph). The TRPA Code does not specify a testing method.

Because wood heater selection is normally based on factors such as cost, individual aesthetic criteria, and heating needs, not on emissions of particulate matter, it is not possible to conclude that changing the emission limitation will increase or decrease emission of particulate matter in the Region. This is especially true in view of the differing testing methods used to establish emission limitations.

If the TRPA does not amend subparagraph 91.3.B(1), many EPA certified catalytic wood heaters could not be installed in the Region. This would limit the number of certified wood heaters available to the consumer.

TRPA staff believes that the proposed action will not have a measurable environmental impact, positive or negative. The proposed action will increase the number of catalytic wood heaters available to the consumer; catalytic wood heaters generally emit less particulate matter than non-catalytic wood heaters.

Recommendation

TRPA staff recommends that the Advisory Planning Commission recommend approval of the proposed changes to subparagraph 91.3.B(1) by the Governing Board.

If you have any questions or comments about this agenda item, please contact Curtis Jordan at (702) 588-4547.

91.3.B (1) Emission Standards: Wood heaters installed in the Region shall meet the following emission standards for total suspended particulates of smoke emissions: ~~not cause emissions of more than 15 grams of smoke per hour for noncatalytic wood heaters or six grams per hour for catalytically equipped wood heaters. As of July 1, 1988, the standards shall be nine grams per hour if heat is provided by non-catalytically equipped wood heaters and four grams per hour if heat is provided by catalytically equipped wood heaters. Upon promulgation of a federal new source performance standard (NSPS) for wood heaters, the PRPA shall amend this chapter to conform to the federal standard.~~

(a) Catalytic wood heaters shall not cause emissions of greater than 4.0 grams per hour if certified by the state of Oregon Woodstove Certification Program, or greater than 5.5 grams per hour if certified by the U.S. Environmental Protection Agency under 40 CFR Part 60. Following July 1, 1990, catalytic wood heaters shall not cause emissions of more than 4.1 grams per hour as certified by the U.S. Environmental Protection Agency under 40 CFR Part 60.

(b) Non-catalytic wood heaters shall not cause emissions of greater than 9.0 grams per hour if certified by the state of Oregon Woodstove Certification Program, or greater than 8.5 grams per hour if certified by the U.S. Environmental Protection Agency under 40 CFR Part 60. Following July 1, 1990, non-catalytic wood heaters shall not cause emissions of more than 7.5 grams per hour as certified by the U.S. Environmental Protection Agency under 40 CFR Part 60.

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P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 5, 1988

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Chapter 15 (Redevelopment) of the Code of Ordinances

Proposed Amendments: The following amendments are proposed to Chapter 15. See attachment A for specific language.

(1) Amend Subparagraph 15.11.F(1)(a)(i) to change the carbon monoxide (CO) target date from 1991 to 1993.

(2) Amend Subparagraph 15.11.F(1)(b) to change the traffic volume reduction target date from 1991 to 1993.

(3) Amend Subparagraph 15.11.G(1)(a) to change the requirement for an irrevocable commitment for all Loop Road improvements before the start of redevelopment project construction to an irrevocable commitment for 50% of right-of-way acquisition.

(4) Add a new Section 15.10.H to authorize special redevelopment agreements to facilitate large redevelopment projects.

Background: As the preparation of the South Lake Tahoe Redevelopment Plan and the redevelopment agreement nears completion, certain issues have arisen with regard to Chapter 15.

The first issue is that the proposed Loop Road improvements will take longer than originally anticipated. The City of South Lake Tahoe's most recent schedule for construction of the Loop Road calls for project design to commence in March, 1989 and for completion of construction in October, 1993. Since the CO targets and traffic reduction targets rely on these improvements for attainment, the target date must be changed to 1993 or later.

GWB
12/5/88

AGENDA ITEM IV.D

A related issue is the funding of the Loop Road improvements. All the funding will likely not be available for an irrevocable commitment prior to construction of the redevelopment projects. Funding for purchasing 50% of the right-of-way should be available in the summer of 1989. A corresponding reduction in commitment would affect only the completion of the Loop Road. Mitigation of impacts resulting from the redevelopment projects is still required to be funded and approved prior to commencement of construction of the redevelopment projects.

The last issue is the status of the proposed redevelopment agreement for Project Area #1 within the TRPA regulatory framework. As explained at the November APC meeting, a proposed agreement is being drafted that includes the City of South Lake Tahoe, TRPA, the hotel proponents, the California Attorney General and the League to Save Lake Tahoe. This agreement is being drafted to provide the participants with certain assurances after the South Lake Tahoe Redevelopment Plan is adopted.

The Governing Board has expressed concern about TRPA's authority to enter into such such agreements, the limitations of such agreements, and the effect of such agreements on future TRPA actions. The Governing Board suggested staff consider an amendment of Chapter 15 to clarify this issue.

Environmental Documentation: The staff finds that there are no significant environmental effects associated with the proposed amendments.

The delay in implementing the Loop Road project will occur with or without the Chapter 15 amendments. The Loop Road project is a proposed benefit over the existing condition and not a redevelopment project mitigation measure. At issue is the delay of potential improvements to the existing traffic and air quality situation. Since TRPA has no other strategy that would implement the Loop Road improvements prior to 1993, the delay itself or reduction of funding to 50% does not result in additional adverse impacts.

The redevelopment projects may not proceed without mitigating all impacts resulting from the projects themselves. This requirement may require certain portions of the Loop Road project to be funded and approved prior to construction of the redevelopment projects. The supplemental EIS now being drafted will address this issue.

Authorizing redevelopment agreements is an administrative issue and has no significant environmental effect. It should be noted that any TRPA action to enter into such an agreement would require appropriate environmental documentation.

Recommendation: Staff recommends that the APC recommend to the Governing Board approval of the proposed amendments with a finding of no significant effect.

ATTACHMENT A

PROPOSED CHAPTER 15 AMENDMENTS

Amendments to Subparagraph 15.11.F (1)

(1) Air Quality and Traffic: The following air quality and traffic targets shall be achieved within the redevelopment area:

(a) Attain the following carbon monoxide (CO) standards:

(i) 9 ppm CO (8 hr. avg.) by the year 1991~~3~~
(ii) 7 ppm CO (8 hr. avg.) by the year 2005

The demonstration redevelopment plan may consider all proposed redevelopment improvements and programs plus projected changes in fleet mix and reduce vehicle emissions due to federal requirements. All measures used by redevelopment plans to attain the CO standards shall be documented.

(b) Traffic volumes shall be reduced to no greater than 21,400 vehicles between 4:00 p.m. and midnight at the Park Avenue and Highway 50 intersection for a peak winter day by 1991~~3~~. The demonstration redevelopment plan may consider all proposed improvements and programs included in the redevelopment plan, but shall not be credited with any externally caused changes, whether negative or positive, from the conditions in 1981.

(c) Upon completion, the demonstration project shall result in a reduction of 732 vehicle trip ends from 1987 levels.

Amendments to Subparagraph 15.11.G (1)(a)

~~(a)--The-Loop-Road-Improvements-for-the-California-portion-of-the-Stateline Area-as-shown-in-the-TRPA-Regional-Transportation-Plan;~~

(a) Purchase of fifty percent of the private land within the Loop Road right-of-way in California as shown in the TRPA Regional Transportation Plan and as further defined in SLT Demonstration Redevelopment Plan;

New Subsection 15.10.H

15.10.H Redevelopment Agreements: TRPA may enter into agreements with redevelopment agencies, redevelopment project proponents, and other parties as deemed necessary to implement an adopted redevelopment plan.

(1) Adoption of Agreements: Such agreements shall be processed as memoranda of understanding in accordance with Chapter 4.

(2) Relationship to TRPA Plans and Ordinances: All agreements shall be consistent with the Code, Regional Plan and other TRPA plans and ordinances. Such agreements shall not limit TRPA's authority to adopt, amend, and enforce other plans or ordinances.

(3) Relationship to Project Approvals: TRPA may establish special review procedures, conditions of approval, and security provisions pursuant to a redevelopment agreement.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 5, 1988

To: Advisory Planning Commission

From: Agency Staff

Subject: Approval of the Preliminary Community Plan for Douglas County (Round Hill, Kingsbury and Stateline)

Background: The Douglas County community planning team has completed the preliminary plan which covers Stateline, Kingsbury, and Round Hill. This plan (attached) has been reviewed by the planning team, and a redraft has been prepared by the planning consultant, EDAW, but the redraft has not been reviewed by the planning team. John Renz, chairman of the planning team, will report on any committee concerns with the final draft at the APC meeting.

This document is not a final plan. It is a preliminary plan that is to be reviewed by the APC, Governing Board, the Douglas County Planning Commission, and the Douglas County Commissioners. The content requirements of a preliminary community plan are set forth in Subsection 14.6.B(1). If all the reviewing authorities concur, the team will proceed to the next step of the process and prepare a final plan.

Recommendation: Staff recommends the APC approve the Douglas County Community Plan, dated December 1, 1988, with the following conditions:

1. It is understood that the preliminary plan is an initial document that is intended to be flexible and still requires extensive public input and further study.

2. The status of the land capability classifications for the community plan areas is tentative and a Regional Plan amendment will be required to be approved as part of the adoption of the final community plan to delineate land capability boundaries.

3. The development targets allocated to each community plan area are tentative. They include allocations and projected transfers of residential and commercial development.

GWB
12/5/88

AGENDA ITEM IV E.

PRELIMINARY PLAN AND WORK PROGRAM

DOUGLAS COUNTY COMMUNITY PLAN

Prepared for the

Douglas County Commissioners
Tahoe Regional Planning Agency
Governing Board

By

EDAW, Inc.
ERA
TJKM

December 1, 1988

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1. INTRODUCTION

In accordance with the TRPA Code of Ordinances, Chapter 14, section 14.6.B, the following discussion presents a Preliminary Plan and Work Program for the Douglas County Community Plan. The three commercial areas covered by this plan include Round Hill (Plan Area Statement 071), Kingsbury Grade (PAS 076), and Stateline, NV (PAS 89A). Following approval of this Preliminary Plan by the TRPA Governing Board and the Douglas County Board of Commissioners, a draft plan, meeting the requirements of section 14.6.C, and an Environmental Impact Statement, will be prepared.

Because the Douglas County Steering Committee has, in an effort to recommend a preferred alternative which is considered realistic and able to be implemented, gone beyond the requirements of the preliminary plan to a greater level of detail, only a summary of their proposed plan is provided in the subsequent sections. An Administrative Draft of the Community Plan and the Initial Assessment is available upon request.

It should be noted that a key element of the proposed plan for Douglas County is the effort to link with transportation improvements and land use plans currently proposed in the City of South Lake Tahoe Redevelopment Plan. Wherever, possible, the Douglas County Community Plan recommendations match those proposed by the City of South Lake Tahoe. For example, the circulation system proposed for Stateline implements the recommendations made by the redevelopment plan to redirect and redistribute traffic as a means of reducing traffic congestion along the Highway 50 corridor. In this cooperative manner, the two plans will address critical environmental issues on a sub-regional level.

2. GOALS AND ENVIRONMENTAL TARGETS

The following goals, objectives and environmental targets are suggested by the Steering Committee as guiding principles for the Community Plan.

2.1 Goals and Objectives

GOAL: CREATE DISTINCT COMMUNITY PLAN AREAS THAT IMPROVE THE QUALITY OF THE ENVIRONMENT AND ENHANCE THE ECONOMIC VIABILITY OF DOUGLAS COUNTY AT LAKE TAHOE.

Environmental Objective

- Contribute toward meeting TRPA basin-wide environmental targets through implementation of the Douglas County Community Plan thresholds as stated in Section 2.2.

Land Use Objectives

- Encourage development of land uses that are compatible with each other and are consistent with the desired theme and character of each area.

- Encourage compact, clustered development in the Community Plan Areas and discourage continued strip commercial development.

- Broaden the range of available visitor-serving entertainment, lodging and recreational facilities in or near the casino core area in order to meet the recreational needs of families, support a year-round visitor economy and reduce the need for visitors to drive to and from resort facilities.

- Allow expansion of service commercial and warehousing uses to meet market demands.

- Recognize the limitations of the local-serving commercial economy and consolidate development in neighborhood shopping areas.

- Provide opportunities for developing housing which is close to shopping and major employment centers, and is convenient and affordable for those who work in the tourist industry.

Community Character/Urban Design Objectives

- Establish community character goals for each commercial area that will create a visually unique image throughout the area and complement its theme and desired level of activity.

- Allow each commercial area to develop a unique visual character.

- Provide landscaping improvements which identify community focal points and gateways, and establish each commercial area as a distinct and memorable place.

- Develop a series of design standards and guidelines related to site planning, landscaping, building form, scale, signage and parking which implement the goals for community character. Build upon the design guidelines established by TRPA, as appropriate.

- Improve the pedestrian environment in each commercial area as necessary to enhance the street life of the area and facilitate pedestrian travel.

Transportation Objectives

- Reduce traffic congestion, improve traffic circulation and increase the use of alternative modes of transit, such as pedestrian and bicycle facilities, and bus and shuttle services.

- Meet the TRPA thresholds for reducing vehicle miles travelled and improving level of service.

- Coordinate planning and construction of Highway 50 and other casino core area circulation and transit improvements with the City of South Lake Tahoe, Caltrans and the TRPA Regional Transportation Plan.

- Link the three Community Plan Areas with bicycle and pedestrian trails.

- Support a diverse range of land uses and physical improvements in each Community Plan Area in order to limit the need for residents and visitors to travel by car.

- Implement a consolidated shuttle system which links the casinos, ski areas, parks, shopping and residential areas. Provide incentives for both residents and visitors to use public transit.

Public Services and Facilities Objectives

- Ensure adequate provision of public services to all new development.
- Require all Community Plan Areas to adequately address the flow and treatment of storm drainage in an environmentally responsible manner.

Recreation Objectives

- Provide better connections and access to the Lake in all three plan areas.
- Provide a system of trails and paths which link the three areas and provide access to the surrounding wilderness.
- Provide more passive and active recreational facilities within walking distance of the casino core area.
- Identify sites for special events and seasonal recreation activities.

2.2 Environmental Targets

Table 1 summarizes the Environmental Targets currently being considered by the staff and Steering Committee for the three Community Plan Areas. At this draft stage, specific wording and the implementation techniques still need to be refined. However, the overall concept of the environmental targets is to achieve or exceed the TRPA basin-wide environmental thresholds for the Douglas County Community Plan Areas while providing incentives for continued economic development. The implementation techniques listed on the following table are listed by environmental target. Ultimately, many of these measures will be combined into a package and implemented simultaneously.

Table 1

Douglas County Community Plans
DRAFT COMMUNITY PLAN TARGETS

TRPA BASIN-WIDE THRESHOLD	STATUS OF DOUGLAS COUNTY COMMUNITY PLAN AREAS	PROPOSED COMMUNITY PLAN TARGET	IMPLEMENTATION TECHNIQUE
Stream Environment Zones			
• Preserve existing natural SEZ. • Restore all disturbed SEZ in undeveloped land. • Restore 25% of disturbed or developed SEZ. • Basin-wide goal of 5% increase in SEZ.	• Approximately 38 acres of SEZ lands are within the Community Plan Areas. • Approximately 5% of these SEZ are disturbed in undeveloped land and 30% are disturbed or developed.	• Complete the SEZ restoration projects listed and mapped in the Community Plan. (List still to be determined.) Projects are generally associated with lower Burke Creek, Upper Edgewood Creek and SEZ within the Round Hill and Kingsbury Grade areas.	• Completion of restoration projects or payment of mitigation fees based on size or cost of proposed project, with monies directed toward specific restoration areas, as a condition of receiving commercial floor area or transferral floor area.
Fisheries			
• Maintain 75 miles of excellent, 105 miles of good and 38 miles of marginal stream habitat. • Do not degrade instream flows. • Reintroduce Lahontan Cutthroat Trout. • Achieve the equivalent of 5,948 acres of excellent fish habitat.	• Adjacent to the Plan Areas, Burke Creek is classified as marginally good quality and Edgewood Creek is classified as good quality fish habitat.	• In conjunction with restoration of SEZ, restore all stream habitat in SEZ restoration target areas.	• Combined with SEZ target.

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TRPA BASIN-WIDE THRESHOLD	STATUS OF DOUGLAS COUNTY COMMUNITY PLAN AREAS	PROPOSED COMMUNITY PLAN TARGET	IMPLEMENTATION TECHNIQUE
Soil Conservation			
• Comply with TRPA Land Capability Classifications. • With transfers, maximum 70% allowed coverage on vacant commercial parcels and 50% allowed coverage on residential parcels and within Community Plan Areas.	• Most existing developed parcels exceed 70% maximum coverage. • Most remaining undeveloped lands are within SEZ. • Stateline Area: 75% total coverage. • Kingsbury Grade: 40% total coverage • Round Hill: 35% total coverage	• Stateline: Apply the TRPA Chapter 20 coverage regulations. Retain 25% of total area in permeable surfaces; require off-site mitigation of coverage excesses on individual parcels. • Kingsbury Grade: Mitigate 25% of existing parcel coverage excesses on-site, the remainder off-site. • Round Hill: Mitigate 25% of existing parcel excess coverage on-site, remainder off-site.	• Area-wide assessment districts for landscape/streetscape improvements will contribute. • Use design regulations to maintain a certain amount total coverage. • Results will vary between community Plan Areas because design guides are different for each area.
Scenic Resources			
• Maintain or improve the numerical rating assigned each visual unit. • Maintain or improve the visual quality from bike paths and public recreation areas. • Insure that design elements are compatible with the natural, scenic and recreational values of the region. • Passing Ratings: Travel Route Rating (TRR) 16; Scenic Resource Threshold (SRT) 3.	• Each unit covers areas outside the Plan Area Boundaries. • Unit 30, Zephyr Cove, TRR 18, • Unit 31, Meadow: TRR 14, SRT 3. • Unit 32, Casino Area: TRR 11, SRT 2. • Unit 44, Kingsbury Grade: TRR 13, SRT 3.	• Meet the TRR and SRT rating thresholds in the portions of the scenic units which are within the Community Plan Areas.	• Provide design guidelines which meet scenic goals. • Form assessment districts to implement area-wide landscape/streetscape improvements. • Strict enforcement of signage/building design guidelines prior to project approval and allocation of commercial s.f. • Visual simulations should be submitted for development approval. • Rely, in part, on CSLT to meet target in Stateline.

TRPA BASIN-WIDE THRESHOLD	STATUS OF DOUGLAS COUNTY COMMUNITY PLAN AREAS	PROPOSED COMMUNITY PLAN TARGET	IMPLEMENTATION TECHNIQUE
Traffic Level of Service/Vehicle Miles Travelled			
• Reduce traffic volumes on U.S. Highway 50 Corridor by 7 percent during the winter from the 1981 base year during the period from 4 p.m. to 12 midnight. • Reduce vehicle miles of travel in the Basin by 10 percent from 1981. • Minimum Level of Service at signalized intersections in LOS D.	• Most intersections are at LOS A and B. • Kingsbury Grade at Hwy 50 is at LOS C, approaching D. • Hwy 50 at Lake Parkway is at LOS D.	• Accept a minimum LOS D. • Reduce traffic volumes on Hwy 50 by 7 percent within the Planning Area. • Reduce VTE by 10% within the Planning Area.	• Require TRPA to evaluate progress on this target. • Coordinate with CSLT to implement improvements to Loop Road and Parkway Extension. • Require additional environmental review if development exceeds proposed amount. • Encourage construction of transit facilities and continuing services. • Construct Lake Parkway Extension. • Improve Kingsbury Grade/Hwy 50 intersection, as specified. • Encourage joint public/private funding strategies.
Outdoor Recreation Facilities			
• Preserve and enhance the high quality recreational experience. • Provide access to the shorezone and high quality undeveloped areas. • Insure outdoor recreation is available to the general public.	• Public beach access available at Zephyr Cove and Nevada Beach. Private access at the Boyscout Camp, Elks Point and Edgewood Golf Course.	• Provide additional trails to lakeshore and backcountry. • Provide additional public recreational facilities within the Planning Areas. • Link the three Community Plan Areas with pedestrian paths or sidewalks.	• Require contribution to trailhead improvements as a condition of development approval. • Apply for grants.

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TRPA BASIN-WIDE THRESHOLD	STATUS OF DOUGLAS COUNTY COMMUNITY PLAN AREAS	PROPOSED COMMUNITY PLAN TARGET	IMPLEMENTATION TECHNIQUE
Tributary and Littoral Water Quality			
• Reduce dissolved inorganic nitrogen loads from surface runoff by 50%, from groundwater by 30% and from atmospheric sources by 20% from 1973-81 levels.	• Majority of necessary storm drainage facilities are in place. • An area-wide system is suggested for Stateline. • Improvements remain along Hwy 50 and Kingsbury Grade.	• Fully implement TRPA Water Quality Management Plan Capital Improvement Program for Erosion and Runoff Control as they are identified for the Community Plan Areas.	• Contribution to an assessment district or direct construction of improvements as a condition of development applications. • Require on-site drainage facilities for Round Hill (re)development. • Apply for grants. • Give credits for currently constructed storm drainage facilities.
Air Quality			
• Carbon Monoxide: 9 ppm/8hrs • Ozone: 0.08 ppm/1hr • Reduce particulates and nitrates to improve visibility	• Preliminary data shows Carbon Monoxide levels at 11ppm/8hrs.	• Reduce VMT by 10% in the Planning Area. • Reduce traffic volumes on Hwy 50 by 7% in the Planning Area.	• Land use plan will determine potential air quality impacts. • Proposed plan does meet and exceed air quality target.
Noise			
• Background noise levels shall not exceed averages of 55 dBA in hotel/motel areas and 65 dBA in Commercial areas. • Plan Area Statement Goals: -Highways 50 & 207 at 65 dBA -Stateline at 60 dBA -Kingsbury Grade at 65 dBA -Round Hill at 60 dBA	• Preliminary data for Stateline along Highway 50 shows 1987 noise levels at 60.8 dBA and 2005 noise levels at 61.4 dBA.	• Same as Plan Area Statements: -Highways 50 & 207 at 65 dBA -Stateline at 60 dBA -Kingsbury Grade at 65 dBA -Round Hill at 60 dBA	• Improved traffic flows and reduced VTE will work to meet this threshold.

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3. PLAN AREA RECOMMENDATIONS

The following subsections summarize the preliminary recommendations for the three Community Plan Areas. As the plan is further refined, specific recommendations may be modified.

The land use designations discussed below and noted on the maps reference the TRPA Code of Ordinances Chapter 18 land use categories.

3.1 Round Hill

Plan Area Boundaries

- Maintain existing plan area boundaries (Figure 1).

Plan Area Theme

- Local serving retail, services and storage, and multi-family housing (Figure 1).

Additional Commercial Floor Area

- Recognize the limited growth potential for neighborhood-serving uses. Redevelope within existing commercial floor area to make the shopping center and other commercial spaces more efficient.

Additional Tourist Accommodation Units

- None requested

Public Recreation Objectives

- No additional PAOT's requested.
- Plan proposes improved trailheads on both sides of Highway 50, with trails connecting to the three commercial areas and local recreational areas.

Additional Plan Features

- Two sites have the potential for multi-family housing, which could support the shopping center and provide additional housing opportunities for employees in Douglas County.
- Proposed landscape improvements and design guidelines for signage, could improve the scenic quality of the area.

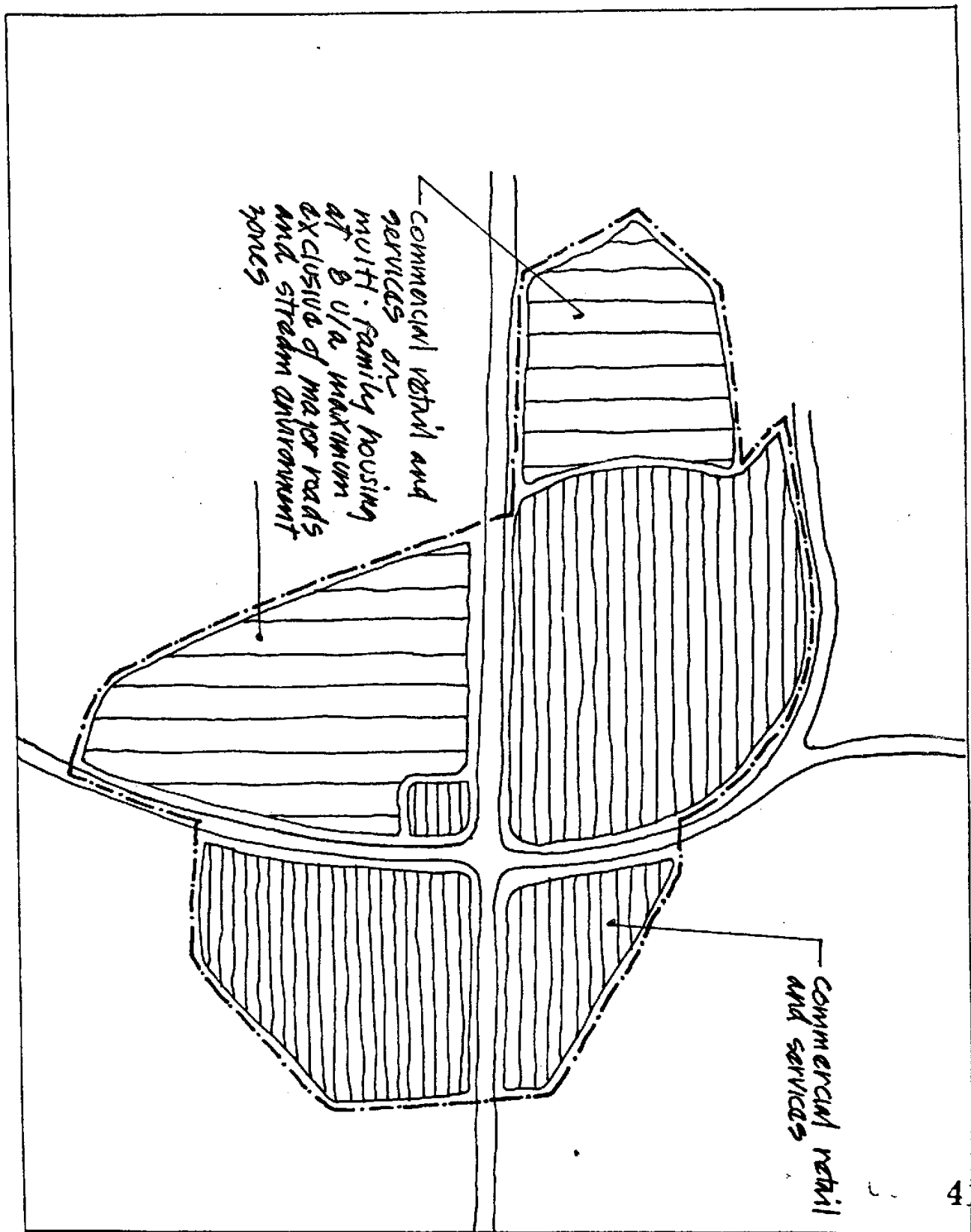

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Figure 1

ROUND HILL

Land Use

▪ Lake Tahoe-Douglas Co. Community Plan ▪

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3.2 Kingsbury Grade

Plan Area Boundaries

- Revise the Plan Area Boundary to include four vacant lots along Laura Drive (APN 07-11-09,10,11,12), the Bueler property (APN 07-18-05), and 40 acres of the Park Cattle Company land (APN 07-04-03) (Figures 2 and 3).

Plan Area Theme

- Recognize the differences in character between the Highway 50 frontage and Lower Kingsbury Grade. Land uses and landscaping improvements along the Highway 50 frontage should emphasize a tourist-commercial and government center theme. Continue to treat Lower Kingsbury Grade as a low-intensity service commercial and light industrial area (industrial, storage and services theme) (Figures 2 and 3).

Additional Commercial Floor Area

- A total of 85,000 s.f. of additional light industrial, commercial or office development is proposed for the Kingsbury Grade area.

- Allow a range of permissible land uses, in keeping with the desired theme of the area (commercial, office or tourist accommodation), on the vacant parcel located on the east side of Highway 50 and the underdeveloped parcel at the intersection of Highway 50 and Kahle Drive in order to allow developers to respond to future market trends.

- Lower Kingsbury Grade should be a target area for transfer of commercial development rights and consolidation of existing uses.

- Allow additional commercial retail, service and wholesale storage uses on APN 07-18-05, 69, along the southern side of Kingsbury Grade.

Additional Tourist Accommodation Units

- An Additional 50-80 tourist accommodation units are proposed to be located along the Highway 50 portion of the plan area.

Public Recreation Objectives

- An additional 460 PAOT's are requested for the Douglas County property to develop a 115 unit RV Park.

- The plan recommends that the Douglas County park site should be improved to provide a combination of recreational and public service facilities, as follows:

    - The approved 115 unit RV Park located on approximately 5 acres within and maintaining the existing trees. (such development, because the site is currently mapped as Land Capability Class 3 would require a change in capability or use of existing soft coverage.)

- Public access to the existing storm drainage retention pond and passive recreation and landscaping improvements to the lands surrounding the pond.

- Possible location for a water storage tank, screened from view from Kingsbury Grade.

- Improved connections to the existing trail which links to the Middle School, the Round Hill area and the surrounding backcountry.

- Improve the existing trailhead at the edge of the meadow along Highway 50 and link it with trails to the Round Hill and Stateline areas.

Additional Plan Features

- A two-lane local roadway should be constructed between Kingsbury Grade and Lake Parkway to provide an alternative route to Highway 50 and alleviate traffic congestion on Highway 50. Intersection improvements at this Lake Parkway Extension and Kingsbury Grade should be provided to ensure smooth traffic flow. A bicycle and pedestrian path should be planned in conjunction with this new roadway. The Committee will evaluate the need for the roadway to extend to the Middle School.

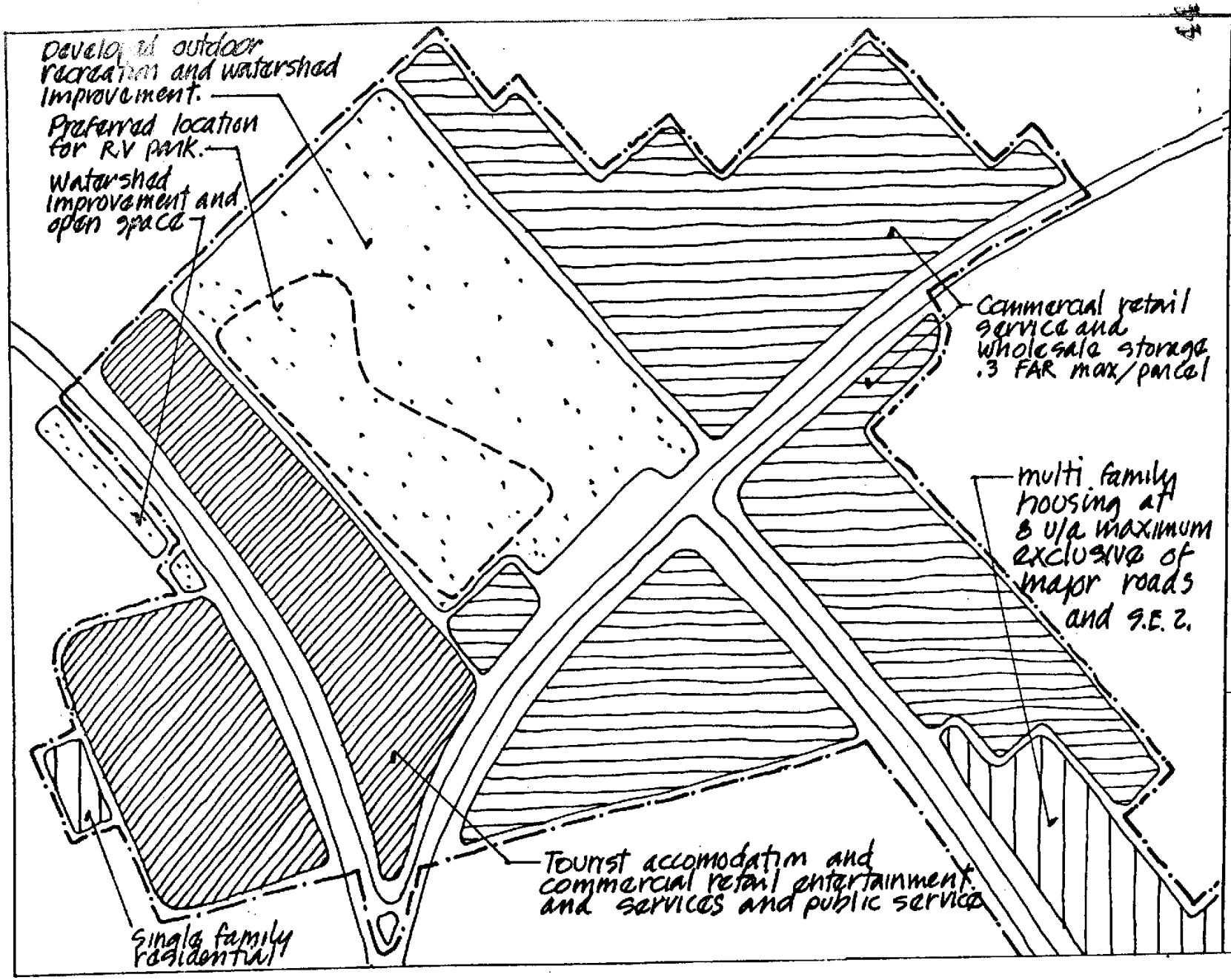
- Improve the intersection of Kingsbury Grade and Highway 50 to include an additional left turn lane from Kingsbury Grade and a longer stacking lane on Kingsbury Grade. The intersection signal should be re-timed to give greater preference to Kingsbury Grade traffic.

- Transit stops along both Kingsbury Grade and Highway 50 should be provided which link to the coordinated South Lake Tahoe transit system.

- Additional employee housing could be provided on a site adjacent to the proposed Lake Parkway Extension. This site would allow convenient access to the casino core area and might reduce the need for employees to drive their cars to work.

- Supplemental landscaping, sidewalks, special paving and street furnishing along Highway 50 should encourage pedestrians to walk between uses and cross Highway 50. Such a system would also unify the visual character and create a recognizable identity for the area.

- The character of the Lower Kingsbury Grade commercial area should be low intensive and rustic. Landscaping improvements along Kingsbury Grade should screen "out-of-character" buildings and industrial uses.



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Land Use

▪ Lake Tahoe-Douglas Co. Community Plan ▪

Figure 2

KINGSBURY GRADE

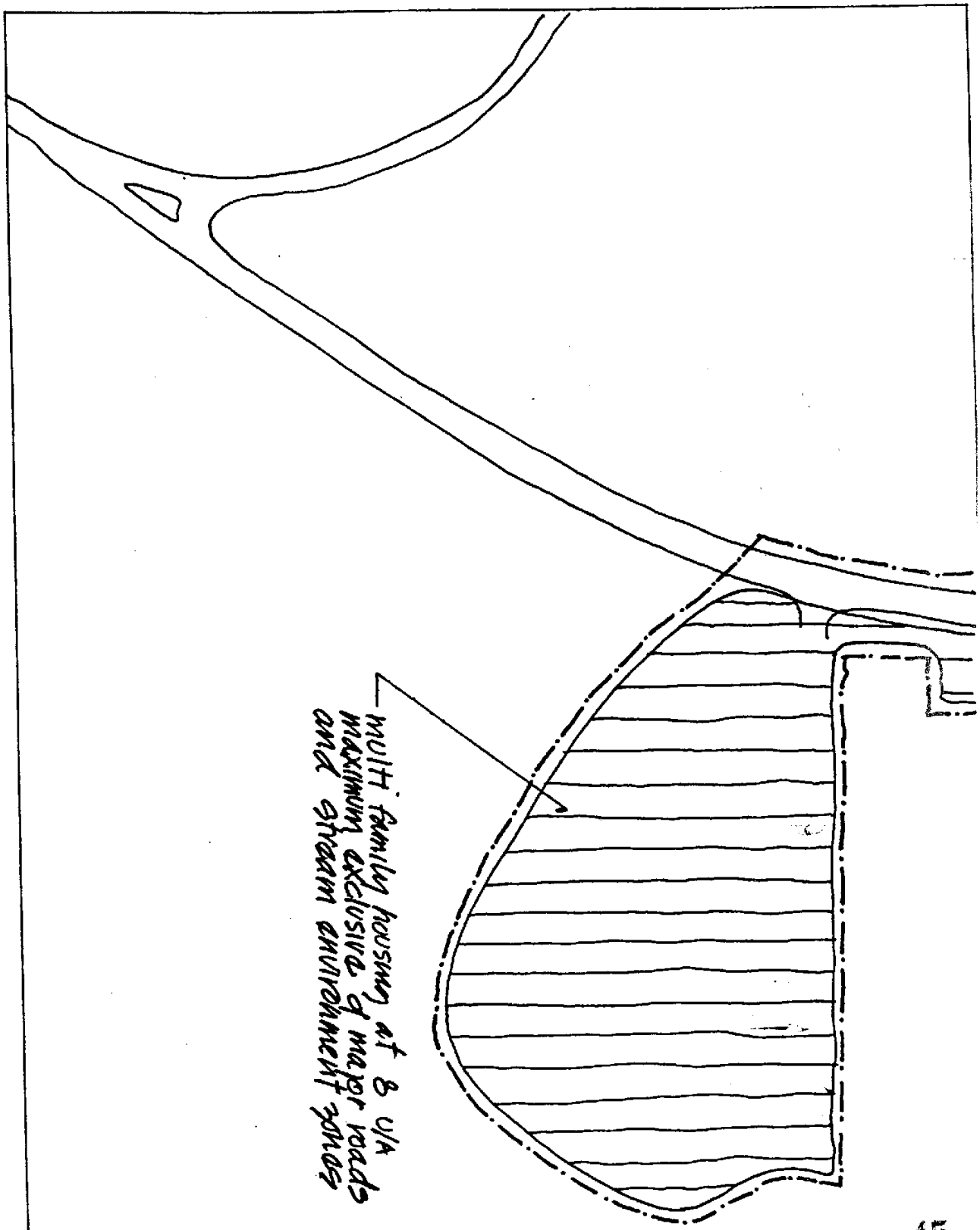

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Figure 3	Land Use	EDAW ERA TJKM
KINGSBURY GRADE	▪ Lake Tahoe-Douglas Co. Community Plan ▪	

3.3 Stateline

Plan Area Boundaries

- Maintain the area's current plan area boundaries (Figure 4).

Plan Area Theme

- Major tourist accommodation, retail and services (Figure 4).
- The casino core area should continue as a gaming and visitor recreation area. New uses and facilities should be aimed at broadening the range of recreational retail and tourist-oriented opportunities within close proximity of the casinos. The purposes of such a strategy are to enhance the visitor economy, to improve the natural and scenic environment and to contribute to basin-wide environmental thresholds.

Additional Commercial Floor Area

- Consistent with the findings of the market analysis, a total of 75,000 s.f. of additional commercial retail space will be permitted within the Stateline Area. If the 3-lane Highway 50 roadway plan is implemented, this additional commercial space should be considered in conjunction with its pedestrian-oriented spaces..

Additional Tourist Accommodations

- In addition to previously approved units, additional tourist accommodation units are proposed.
- The casinos are encouraged to rehabilitate motel and hotel rooms in the City of South Lake Tahoe, in order to gradually improve the quality of lodging facilities available within walking distance of the core area.

Public Recreation Objectives

- Encourage improvement of the undeveloped land within the casino core area with walking trails, picnic tables, nature information and other recreational facilities as allowed under the Stream Environment Zone limitations.
- Provide improved pedestrian connections between plan areas along the proposed Lake Parkway Extension and along Highway 50.
- Provide connections to recreation areas located on the outside of the loop road.

Additional Plan Features

- Coordinate transportation system improvements with the City of South Lake Tahoe as follows:
  - Narrow Highway 50 to 3 traffic lanes, plus turning bulbs (two-directional roadway).
  - Improve Highway 50 as a pedestrian oriented street with special paving, street furnishings, street coverings and transit facilities.
  - Widen the Loop Road to 5 lanes (two directions) on the east and maintain 3 lanes (two directions) on the west.
  - Improve the intersection of Highway 50 and Lake Parkway to provide additional turn lanes.
  - Construct a two lane, two directional local roadway between Lake Parkway and Kingsbury Grade (Lake Parkway Extension).
- Locate transit stops at each casino along Highway 50 which could link with the regional transit system. Coordinate with the consolidated casino shuttle program currently being developed.
- Encourage improved entries to each of the casinos from the Loop Road. Coordinate directional signage to these entries with the City of South Lake Tahoe. Maintain existing entries along Highway 50.
- Plant a solid landscape buffer along the perimeter of the Loop Road to help screen views of the casino parking lots.
- Establish a building envelope along Highway 50 which focuses all development along the casino strip, encourages infill of at-grade paved areas and sets maximum building heights. No limits are established for floor area ratios.
- Encourage construction of shared employee and possibly customer parking structures on either side of Highway 50. These facilities could be financed through area-wide assessment districts and would help alleviate current parking problems. New parking facilities are not required to be shared facilities, however, all new parking facilities should be located within the Loop Road.
- Building and parking structure heights shall be in accordance with TRPA height restrictions. Building heights shall be greatest along the Highway 50 frontage and gradual decrease towards the Loop Road.

Figure 4

STATELINE

Land Use

▪ Lake Tahoe-Douglas Co. Community Plan ▪

EDAW
ERA
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48

4. WORK PROGRAM

Douglas County has retained the EDAW team to prepare the Community Plans for the three commercial areas and a referenced Environmental Impact Statement. Following approval of this preliminary plan a Draft Plan will be prepared which meets the requirements of the TRPA Code of Ordinances, section 14.6.C. A referenced Environmental Impact Statement will also be prepared which meets NEPA requirements.

At this time the Douglas County Steering Committee is working with the County, TRPA and EDAW staff to refine the Administrative Draft Plan. A timeframe for completion has not been prepared, however, once the Steering Committee agrees upon the Administrative Draft, a Draft Plan and EIR can be issued within one month.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 6, 1988

To: Advisory Planning Commission

From: Agency Staff

Subject: Recommendation on Interpretation of Chapter 20, Subsection 20.2.F, Regarding Man-Modified Determination and Amendments to the Land Capability Overlay Maps

Introduction

At previous meetings, including the July and October 1988 meetings, the APC and the staff have discussed the topic of man-modified determinations pursuant to Subsection 20.2.F of the Code. At the October meeting, the APC adopted a motion not to endorse the guidelines for determinations on man-modification, as presented in the October APC packet.

The staff has revisited its interpretations of Subsection 20.2.F since the October APC meeting, and has developed the following discussion and recommendations for the APC's review and comment.

Background

Subsection 20.2.F states that TRPA's land capability overlay maps may be amended for man-modified areas through a Regional Plan amendment. The amendment may be initiated by TRPA or the property owner, and shall be evaluated by a team of experts including, but not limited to, a geomorphologist, soil scientist, geologist, and hydrologist, selected by TRPA.

The team of experts shall prepare a report showing that the land in question was modified by man's placement of fill, dredging, or grading, in so substantial a fashion as to generally exhibit the characteristics of a land capability district other than the one depicted on the land capability overlay maps. Paragraph 20.2.F(2) specifies the contents of the required report.

After the report is prepared, TRPA may approve the man-modified determination as a Regional Plan amendment if TRPA makes six required findings:

DZ:mmi
12-8-88

Agenda Item V.A

(a) The land was modified prior to February 10, 1972,

(b) Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area,

(c) The land no longer exhibits the characteristics of land bearing the original land capability classification,

(d) Restoration of the land is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the land is not identified for restoration by any TRPA program,

(e) Further development can be mitigated offsite, and

(f) Mitigation to offset the losses caused by modification of the land and pertinent land capability district, shall be as follows: (i) onsite and offsite mitigation, (ii) pursuant to a maintenance program, including a schedule of maintenance proposed by the owner and approved by TRPA, and (iii) collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

At the October APC meeting, the staff presented draft guidelines for the man-modified amendment process (September 28, 1988). These guidelines covered: the process; guidelines for identification of altered lands; guidelines for the determination of the preliminary land capability district; guidelines for the application of the man-modified findings; and mapping and recording of a man-modified amendment. A technical committee including Bob Twiss (consultant to the California Attorney General); Clarence Skau (IPES technical committee member); Wayne Sheldon (IPES technical committee member and SCS soil scientist); Ken Foster, P.E.; Bruce Kinney (TRPA contract soil scientist); Sid Davis (TRPA contract soil scientist); and Judith Unsicker (Lahontan Board) participated in the development of the guidelines. The APC did not endorse those guidelines.

Discussion

After the October APC meeting, TRPA staff met to review the situation and to consider a strategy for resolving the issues surrounding the processing of man-modified determinations. The following discussions summarize the staff's deliberations on the issues:

1. Needs

TRPA needs to resolve the issues surrounding the processing of man-modified determinations so that TRPA can process individual applications for man-modified determinations and so that TRPA can process community plans which involve questions regarding man-modified determinations.

TRPA needs to develop a procedures manual for its experts to use in the field, and needs to consider whether amendments to Chapter 20 may be needed to resolve some of the issues.

2. Problems, Issues, and Concerns

From the perspective of the TRPA staff, there are a number of problems and concerns regarding man-modified determinations: (1) There is a wide range of opinions and expectations among the public on what would be a reasonable basis for a man-modified determination. (2) There appears to be an awkward overlap between man-modified determinations and land capability challenges. (3) We have not had a clear set of specifications for the preparation of man-modified reports by consultants or the staff. (4) There are presently two sets of criteria for identification of SEZs--the criteria from the 1981 208 plan, which remain in effect, and the criteria from the recent 208 plan amendments, which require state and federal approval.

From the perspective of individual members of the APC, there are a number of additional problems, issues, and concerns: (1) Some APC members feel that highways and other large projects modify land capability classifications. (2) Some members feel that TRPA is being too easy on man-modified determinations and subverting the land capability system, while others feel that TRPA is being too tough, limiting the flexibility of applicants. (3) Some members feel that the technical guidance is vague. (4) Some members feel that TRPA is keying too much on soils. (5) Some members feel that creation of new terminology for the processing of man-modified determinations creates a host of new problems. (6) Some members feel that man-modified determinations should only be processed in conjunction with proposed projects, to ensure that mitigation measures are implemented. (7) Some APC members feel that the guidelines should be adopted by an ordinance or as part of an ordinance.

Finally, there appear to be problems related to the language of Subsection 20.2.F itself: (1) The rationale for limiting eligibility for man-modified determinations to lands modified prior to February 10, 1972 is not clear; this requirement creates the possibility that filling, dredging, or grading conducted legally after February 10, 1972 would not qualify for a man-modified determination even if it met all the other requirements. (2) The Code does not appear to contemplate the possibility that a man-modified determination could result in a lower land capability classification. (3) The Code does not provide procedures which reasonably deal with certain soil types, such as Px (pits and dumps), which might qualify for man-modified status but are mapped correctly in the Soil Survey and the land capability overlay maps.

3. Back to Basics--What Was the Intent of 20.2.F?

TRPA's land capability system, set forth in the Bailey report and adopted as a soil conservation threshold, is based on determinations of soil types and the presence or absence of stream environment zones, as depicted on TRPA's land capability overlay maps. Since the maps do not always classify natural lands correctly, TRPA established the process of land capability challenges to correct the maps where natural lands are classified incorrectly.

In some cases, man has filled, dredged, or graded soils so that they are not as they appear on the land capability maps. For this situation, TRPA established the process of man-modified determinations to correct the maps where lands are classified incorrectly as a result of man's action. A man-modified determination involves trade-offs not found in a land capability challenge.

4. The Trade-offs Inherent in a Man-Modified Determination

When TRPA approves a man-modified determination, it accepts certain trade-offs having to do the with future status of the filled, dredged, or graded area. On the positive side of the ledger, the determination should result in: (1) improvements in the appearance of the disturbed lands, (2) water quality benefits resulting from the mitigation requirements, (3) an on-site and off-site package of benefits resulting from mitigation of the disturbance, and (4) use of an already-disturbed area, rather than the use of new undisturbed areas for development.

On the negative side of the ledger, the determination will generally: (1) preclude restoration of the disturbed site, (2) remove TRPA's leverage to obtain reclamation of the disturbed site, (3) continue a past "error of commission," and (4) reward past activities which would be unacceptable by today's standards.

In considering approval of a man-modified determination, the TRPA Governing Board evaluates these trade-offs and determines whether the positive effects outweigh the negative effects.

5. Man-Modified Determinations and Land Capability Challenges Distinguished

Land capability challenges and man-modified determinations are mutually exclusive. A land capability challenge applies to areas which are incorrectly classified not as a result of man's action. A man-modified determination applies to areas which are incorrectly classified as a result of man's action, and carries with it the possibility that TRPA might not approve the man-modified determination even if the land is incorrectly classified because: (1) further development would exacerbate the situation, (2) restoration is feasible, or (3) adequate mitigation is not provided.

Obviously, there is a threshold of filling, dredging, or grading which would have to be crossed before TRPA would consider lands to be incorrectly classified as a result of man's action. (Example: for landscaping purposes, a property owner places one inch of topsoil over the natural soils--does this change the land capability classification of the parcel?) One purpose of the draft guidelines of September, 1988, was to define this threshold.

Recommendations

Based on the discussion, above, of needs, problems, issues, and concerns regarding application of subsection 20.2.F, and based on TRPA staff's interpretations of the intent or 20.2.F, the inherent trade-offs, and the differences between land capability challenges and man-modified determinations, the staff makes the following recommendations:

TRPA staff should continue to develop guidelines for application of subsection 20.2.F covering the threshold between land capability challenges and man-modified determinations; field procedures; and the required findings.

These actions should proceed as expeditiously as possible, so as to allow timely completion of community plans and timely action on individual applications.

At the APC meeting on December 14, the staff will discuss this staff summary with the APC and ask for APC's endorsement of these recommendations. If you have any questions or comments prior to the meeting, please contact Dave Ziegler or Jerry Budy at (702) 588-4547.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 6, 1988

TO: Advisory Planning Commission

FROM: Susan E. Scholley, Agency Counsel

RE: Recommendation on Amendment of Chapter 36 (Interim Single Family Review System) to Provide for an Extension of Interim Single Family Review Procedures Pending State and Federal Approval of an Amended Lake Tahoe Basin Water Quality Management Plan (208 Plan)

BACKGROUND: In 1987 when the Regional Plan was adopted, the Code assumed that IPES would be fully implemented by January 1, 1989. Due to the length of time the 208 Plan amendment process took, the Governing Board only recently adopted the amended 208 Plan and submitted it to the states and EPA for approval. It is unknown at this time how long the state and federal approval processes will take but, due to minimum notice requirements, the amended 208 Plan cannot be approved before mid-February 1989.

Under Chapter 33 of the Code, residential allocations will be issued to the counties before January 15, 1989. At the time of allocation issuance in 1989, however, it will not be known at what point in time IPES will be implemented and supersede Chapter 36 (Interim Single Family Review). (Chapter 36 implements the Bailey land capability system and coverage coefficients.) Without an ordinance amendment TRPA would be required to issue allocations, accept applications pursuant to Chapter 36 and review and approve applications pursuant to the system in effect at the time of permit issuance. Thus, if an application were submitted before the 208 Plan were approved, there is no guarantee that it would not be subsequently rejected due to the intervening implementation of IPES.

In order to advise persons receiving 1989 allocations as to their options, the Governing Board has proposed amendments to Chapter 36 to set forth a system for making the transition from Bailey to IPES during 1989. If the 208 Plan is not approved by the states and EPA in mid-1989, the Governing Board will have to decide whether to extend the transition system or to take some other appropriate action. The attached memo sets out the various options presented to the Governing Board at its November 30, 1988 meeting. The Board directed staff to propose a transition system which incorporated Options #2, #4 and #5 and which met the needs and concerns of the counties.

SES:jm
12/6/88

The intent of the proposed amendments is to:

1. Provide a reasonable opportunity to submit applications pursuant to Chapter 36 and provide a guarantee that the applications will be reviewed under Chapter 36 notwithstanding the intervening approval of the amended 208 Plan (and IPES).

2. Set another target date for the implementation of IPES to emphasize TRPA's commitment to the implementation of IPES.

PROPOSED AMENDMENTS: Consistent with the Board's direction and staff's understanding of local needs, the Board will be asked to amend Chapter 36 as follows:

1. Set a procedure for determining the date of allocation issuance to a specific parcel by the county.

2. Provide that 1989 allocations issued on or before March 31, 1989 will be reviewed pursuant to Chapter 36. (This provision would not change the requirement that a complete application be submitted by December 31, 1989.)

3. State that unused 1989 allocations which are reissued after March 31, 1989 will not be reviewed under Chapter 36, but that lost allocations which are replaced and issued to the same parcel will be reviewed pursuant to Chapter 36 if the original was issued on or before March 31, 1989.

4. Provide that transfers of 1989 allocations issued on or before March 31, 1989, may be transferred to parcels in land capability districts 4, 5, 6 or 7 (regardless of IPES' scores) provided the transfer is complete on or before July 31, 1989.

5. Provide that for transferred 1989 allocations issued on or before March 31, 1989, the application on the receiving (transferee) parcel shall be reviewed pursuant to Chapter 36 provided a complete application is received by TRPA no later than December 31, 1989.

DISCUSSION: The effect of the proposed amendments would be to permit certain allocation holders to submit applications, up until the end of 1989, under Chapter 36 and to be assured of review under Chapter 36. The amendments would not prohibit pre-March 31 allocation holders from filing applications under IPES or from transferring allocations to parcels eligible under IPES if IPES is implemented before the end of 1989.

SES:jm
12/6/88

As stated earlier, if IPES is still not in effect by the end of March, the Governing Board will have to decide what further action, if any, is necessary.

The counties are free to set up their own system for determining who receives 1989 allocations and when the allocations are to be issued. As always, the counties may adopt equal or more stringent rules for the distribution of allocations. At least one county, Placer, has a list of persons who are apparently eligible under Chapter 36 but who likely will not be eligible under IPES.

The line determining the top rank of IPES is scheduled for adoption by the Board at its December 21 meeting so people should know, by the first of the year, whether they are eligible under both Chapter 36 and IPES, or whether they are only eligible under Chapter 36. The counties will need to decide if the latter group is to be given preferential treatment in the distribution of allocations.

SUMMARY AND ACTION REQUESTED:

This matter was not scheduled for a noticed public hearing before the APC. The noticed public hearing will be held at the December 21, 1988 Governing Board meeting. However, staff requests APC comments and recommendations on the proposed amendment. If there are interested members of the public who wish to testify at the APC hearing, staff recommends accepting such testimony.

The proposed ordinance amendment language will be available no later than December 14, 1988. If you have questions regarding this amendment, contact Susan Scholley.

SES:jm
12/6/88

AGENDA ITEM V B.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 2, 1988

TO: Interested Members of the Public

FROM: Susan E. Scholley, Agency Counsel

RE: Amendment of Chapter 36 (Interim Single Family Review)

At its regular meeting on November 30 and December 1, 1988, the TRPA Governing Board directed staff to propose amendments to Chapter 36 which would provide for a continuation of the interim single family review system as set forth in Chapter 36 until the implementation of the Individual Parcel Evaluation System (IPES). IPES cannot be fully implemented until the 1988 Water Quality Management Plan is approved by California, Nevada, and the United States Environmental Protection Agency.

Attached to this memorandum is a staff summary which was presented to the Board at its recent meeting which outlines the various options under consideration. The Board has directed staff to consider draft amendments which would implement either Option #2, Option #4, Option #5, or a combination thereof. A final draft of the proposed amendments or options for amendment to be presented to the Board will be available for public review on December 14, 1988. If you have any questions regarding this matter, please contact Susan Scholley.

SES:jm

Attachment

TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
195 U.S. Highway 50
Round Hill, Zephyr Cove, NV
(702) 588-4547

MEMORANDUM

November 21, 1988

To: The TRPA Governing Board

From: The Staff

Subject: Approval of Strategy for Handling Single Family Dwelling Allocations Prior to EPA Approval of the Lake Tahoe Basin Water Quality Management Plan

The Regional Plan Package contemplates having approval of the 208 plan amendments necessary to achieve consistency with the Regional Plan Package by January 1, 1989. Clearly, this target date will not be met as both states and EPA need to approve the changes which we are about to send them. Chapter 36 (Interim Single Family Review System), which applies the Bailey system, is in effect "Through December 31, 1988, until IPES is implemented." Chapter 37 says IPES takes effect January 1, 1989. Because IPES is not consistent with the existing 208 plan, it cannot be implemented until the 208 plan is amended. At least most provisions of it cannot be implemented. It could be argued that the most restrictive eligibility standards of either Chapter 36 or 37 could be applied at the same time; however, when adopting the Plan package, it was never contemplated that this would occur.

The TRPA needs to follow a clear policy for handling Single Family Dwelling allocations and applications from December 31, 1988, until the 208 plan is approved. There are several alternatives to consider. They are as follows:

1) Defer issuing 1989 allocations until the 208 plan amendments are approved.

2) Issue 1989 allocations pursuant to current rules, including coverage, but if any remain unallocated at approval date, apply new rules (IPES) to them. Coverage rules applied would be the new rules which rely on IPES, and transfers of coverage would be allowed. Rules would be applied based on when allocation is issued.

3) Same as (2) except coverage allowed (base) would be current rules for those who apply before the approval of the 208 plan, and under new rules when applied for after. Transfers of coverage would be allowed only for those applying after the 208 plan approval. Rules would be applied based on when application is made, except eligibility would be based on when allocation was made.

WAM:jf
11/21/88

4) Issue 1989 allocations pursuant to current rules and allow applications to be filed under current rules (same as (2) above) but after approval of 208 plan, allow those applicants choice of using IPES rules, including eligibility rules, or current rules. Applications after 208 plan approval would be subject to new rules, including IPES eligibility. Rules would be applied based on date of application, with the pre-208 plan amendment applications having a choice.

5) Set a date establishing a period during which the current rules would be applied, and, if the 208 plan is not yet approved, suspend accepting applications after that date. Rules would be applied based on the date set in advance, and applications accepted before that date would apply current rules. If EPA approval has not been obtained by that date, consider extending the filing date by monthly increments.

6) Accept applications based on current rules, but issue permits based on rules then in effect.

7) Apply the stricter of Chapters 36 or 37 to eligibility determinations from January 1, 1989, until EPA approval, then switch to IPES on that date. Apply whatever coverage rules are in effect at the time the permits are issued.

Staff feels that alternative 5 is preferred. It provides more certainty to local governments and to those who receive allocations and apply for permits. At least they could be assured the rules would not change before a certain date, even if the 208 plan amendments are approved. Some individuals (about 25) in the "pipeline" in Placer County who were picked in 1983 to receive allocations and who were led to believe by CTRPA they were eligible under the Bailey system, may not be initially eligible under IPES. This alternative would allow them time to apply. Because we have used the Bailey system and other criteria in Chapter 36 for some time and will continue to do so in may instances, we consider it to adequately protect the environment.

To implement that alternative, which applies the rules in effect at the time of application instead of those in effect at the time the permit is issued (the current procedure), we would need an ordinance amendment in effect before EPA approves the 208 plan changes.

We recommend such an ordinance amendment be prepared to establish the date describing the period during which current rules would apply and that such date be March 31, 1989.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 5, 1988

To: Advisory Planning Commission

From: Agency Staff

Subject: Update on 208 Plan Amendments

On November 30, 1988, the Governing Board voted unanimously to certify the EIS on the proposed 208 plan amendments and to adopt those amendments. The Board's action followed a public hearing in which the members of the public testifying (including the League to Save Lake Tahoe, California Attorney General's office, and the Tahoe Sierra Preservation Council) expressed their support for the 208 amendments. The Board also adopted, by resolution, those portions of the documents prepared pursuant to Chapter 32 of the Code which relate to water quality.

The two remaining issues that required resolution prior to adoption of the 208 amendments (interim performance targets for the CIP and guidelines on placement of land coverage for public outdoor recreation in land capability districts 1, 2 and 3 and SEZs) were resolved to the satisfaction of the affected parties during November. The staff will brief the APC on the resolutions of these issues at the December meeting.

The staff is now preparing the final 208 documents for formal submission to the states and EPA for their certification and approval. TRPA will make these submissions the week of December 5. Although TRPA does not know how long the state and federal action will take, it appears that the certification by the California State Water Resources Control Board (SWRCB) will be the "critical path," due to their state requirements for environmental documentation and public notice. The SWRCB will not be able to certify the amendments before February, 1989.

If you have any questions or comments on this agenda item, please contact Dave Ziegler at (702) 588-4547.

DZ:mmi
12-5-88

Agenda Item V.C

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

December 7, 1988

To: Advisory Planning Commission

From: Agency Staff

Subject: Update on the Individual Parcel Evaluation System (Setting Line, Ranking, and Establishment of Allowable Base Coverage)

Attached for your information is a memorandum to the Governing Board dated November 10, 1988 on upcoming actions to set the IPES line and establish the IPES land coverage formula.

At the December 14 APC meeting, the staff will make a short presentation on this subject and answer any questions the APC may have. If you have any questions or comments on this agenda item, please contact Dave Ziegler at (702) 588-4547.

DZ:mmi
12-7-88

AGENDA ITEM V.D

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

November 10, 1988

To: TRPA Governing Board

From: Agency Staff

Subject: Briefing on Upcoming Board Actions to Set the Numerical Level of the Individual Parcel Evaluation System (IPES) Line and to Establish the IPES Land Coverage Formula

Introduction

This memorandum contains general information with respect to three IPES related items scheduled for action at the December 21, 1988 Governing Board meeting. To allow for an orderly implementation of IPES, the Governing Board must take three actions in December: (1) adopt the parcel rankings within each jurisdiction; (2) adopt the numerical value identifying the "top rank" parcels; and (3) adopt the formula for determining allowable land coverage based on a parcel's IPES score. This briefing has been placed on the November agenda to provide an opportunity for the Governing Board to become more familiar with the procedures for establishing the rankings, the numerical value for the line, and the land coverage formula and to receive and consider public testimony.

This report does not identify any numerical values with respect to the three items. The ranking of parcels cannot be completed until all eligible parcels have received a score. Likewise, the numerical values used to calculate the line and develop the land coverage formula are derived from analysis of the scores of all eligible parcels and, therefore, cannot be derived until all eligible parcels have received a score. Scoring of the entire inventory of eligible parcels is expected to be completed by the end of November. Therefore, it will not be possible to present the actual rankings, the numerical value for the line, or the land coverage formula to the Governing Board until the December meeting.

Ranking Of Parcels

Chapter 37 (Section 37.8) requires that once all parcels eligible for evaluation under IPES have received a score and TRPA has taken action on requests for reevaluation, the parcels within each local jurisdiction be

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ranked from highest to lowest scoring. Generally, vacant parcels that are permitted a single family dwelling as an allowed or a special use are eligible to be evaluated under IPES. Limited exceptions to this general eligibility standard are set forth in Section 37.6. There are less than 14,000 parcels in the Region that are eligible to receive a score under IPES. Subsection 37.8.A requires the Governing Board to adopt this ranking of parcels for each jurisdiction by December 31, 1988. These rankings will be presented for consideration and adoption at the December 21, 1988 Governing Board meeting. Additional information will be provided at the December meeting, including a comparison, by local jurisdiction and Region-wide, of the number of parcels with scores above and the number of parcels with scores below the line to found and mapped land capability.

Line Identifying The "Top Rank" Parcels

Chapter 37 (Subsection 37.8.B) also requires TRPA to establish a numerical value for a line identifying the "top rank" parcels. The Code requires that this initial line be established by January 1, 1989 and be the same for all jurisdictions. In subsequent years the line may move down in those jurisdictions where TRPA finds that certain environmental safeguards have been satisfied. The findings that must be made by TRPA for the line to move down are set forth in Subparagraph 37.8.C(1). Once allowed to do so, the line is to move down to include in the "top rank" the same number of parcels that utilized allocations in that jurisdiction during the previous year. Since the number of parcels and the distributions of scores are different in each jurisdiction, the line will move down at different rates.

Although all parcels receiving an IPES score are eligible to compete for a residential allocation beginning in 1989, only those parcels with scores above the line identifying the "top rank" parcels may be issued a permit to construct a new single family residence. Allocations received by parcels with scores below the line may be transferred to parcels with scores above the line or relinquished to the local jurisdiction of origin. Allocations that are relinquished may be reissued at the discretion of the local jurisdiction.

Procedure For Establishing Numerical Value For Line

Chapter 37 (Subsection 37.8.B(1)) sets forth a detailed, two step procedure for calculating the numerical value for the initial line identifying the

"top rank" parcels. This procedure requires comparisons to be made between the land capability system and IPES scores to assure that the number of parcels with scores above the line is within 10% of the number of parcels that were classified as capability levels 4, 5, 6, or 7 as of March 1, 1988.

Step One: A numerical value (for purposes of this explanation referred to as X) is established so that the number of parcels with IPES scores above the line is equal to the number of parcels classified as land capability levels 4, 5, 6, or 7 as of March 1, 1988. A zone is then created with its limits being at numerical values 10% greater and 10% less than numerical value X.

Step Two: The mean average IPES score is calculated for all parcels that, based on the soil types and average slopes found by the IPES field teams, would be classified as capability 3. Based on the same criteria, the mean average score is calculated for all parcels that would have been classified as capability 4. The average of these two scores is then calculated (for purposes of this explanation referred to as value S). If value S falls within the zone created in step one, the line identifying the "top rank" parcels is located at value S. If value S falls above the zone, the line identifying the "top rank" parcels is located at the upper limit of the zone. If value S falls below the zone, the line identifying the "top rank" parcels is located at the lower limit of the zone. These adjustments insure that the number of parcels eligible to compete for a permit to construct a new single family residence under IPES is within 10% of the number of parcels that would have been eligible to compete for new construction permits under the land capability system.

Allowable Land Coverage Under IPES

Chapter 37 (Subsection 37.11.A) sets forth a detailed procedure for developing formula to determine allowable land coverage based on a parcel's IPES score. The environmental threshold for soil conservation requires impervious coverage in the Region to comply with the land capability system. To be consistent with this threshold, the formula are developed from the two IPES elements that are also the factors on which the land capability system is based, relative erosion hazard and runoff potential.

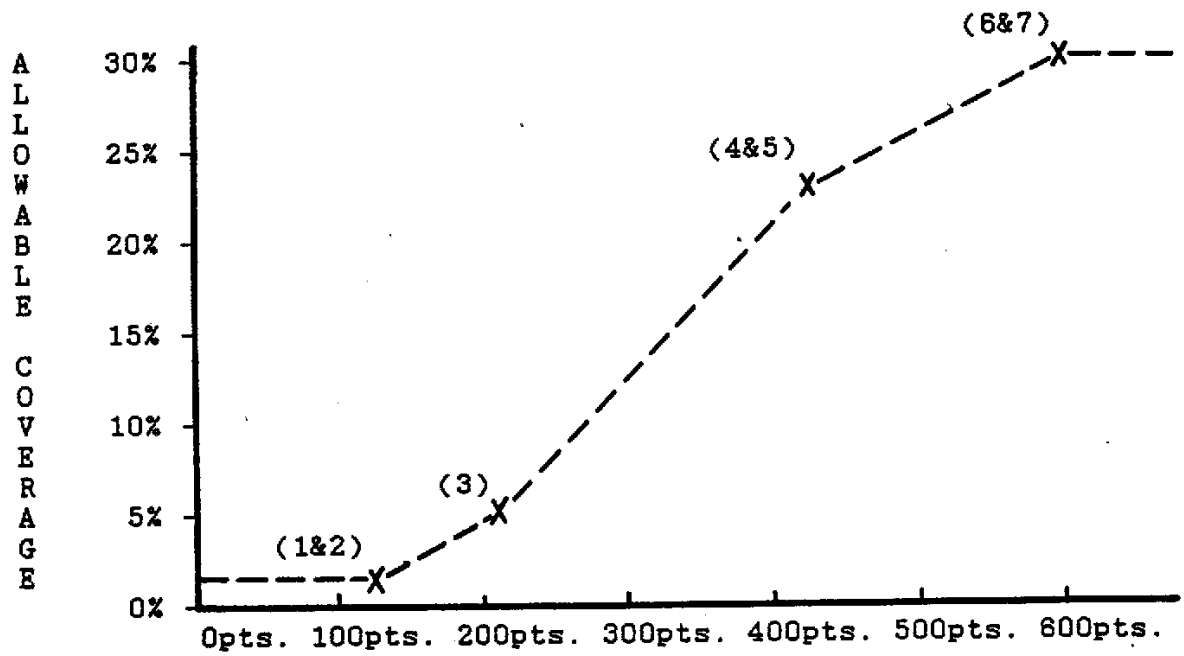
Generally, all parcels that were found by the IPES field teams to be in a soil type identified in the land capability system are categorized by land capability based on the soil type and average slope found by the field teams. Parcels found to be in soil types not identified in the land capability system are not included in this procedure since it is difficult to categorize such parcels by land capability. Points are then plotted on a graph corresponding to: (1) the central tendency score under relative erosion hazard and runoff potential for the parcels in each capability (on the "x" axis) and the percentage of land coverage allowed under the land capability system for each capability (on the "y" axis). Attachment A shows such a graph using hypothetical values for central tendency scores. Lines are then drawn to connect the points and a formula is developed for each line segment. These formula are then used to determine the percentages of allowable land coverage for parcels evaluated under IPES. Percentages will range from 1% to 30% and will be rounded to the nearest whole percentage. How these percentages are applied to areas of a parcel will be explained at the November Board meeting.

The amendments to Chapter 37 approved in October, 1988 made some technical changes to the general procedure described above. The amendments allow for: (1) the use of the most appropriate statistical methods for determining central tendency scores; (2) the combining of capability levels when their central tendency scores are statistically indistinguishable and; (3) the exclusion of parcels found to be 100% SEZ from the calculation of central tendency scores for land capabilities levels allowed 1% land coverage.

Action Required In December

Adoption of the parcel rankings within each jurisdiction, the numerical value identifying the "top rank" parcels, and the formula for determining allowable land coverage can be accomplished by resolution. The findings required to adopt such a resolution will be identified and evidence upon which to base the findings will be provided in the staff memorandum on this subject contained in the December Governing Board packet.

November 15, 1988

"ATTACHMENT A"

HYPOTHETICAL GRAPH FOR ALLOWABLE
BASE LAND COVERAGE UNDER IPES