

**TRPA
APC
PACKETS**

**SEPTEMBER
1990**

SEPT 1990
APC

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 September 12, 1990, at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

September 4, 1990



David S. Ziegler
Executive Director

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

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

September 12, 1990
9:30 a.m.

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

AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV PUBLIC HEARING AND RECOMMENDATION
 - A. Approval of Preliminary Community Plan for North Tahoe (Placer County)
 - B. Approval of Preliminary Community Plan for Washoe County
 - C. Amendment of Chapter 64 to Permit Excavations for Marinas
 - D. Adoption of Ski Area Master Plan Guidelines
- V REPORTS
 - A. Executive Director
 - 1. Applicability of Chapter 26, Signs, to Airplane Banners
 - 2. Other
 - B. Legal Counsel
 - C. APC Members
 - D. Public Interest Comments
- VI PENDING MATTERS
- VII ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

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

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

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

August 30, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Approval of the North Tahoe Preliminary Community Plan

Proposed Action: Pursuant to Subsection 14.6.B of the Code, the APC is to review the North Tahoe Preliminary Plan and work program and recommend that the Governing Board approve, deny or modify the plan and program. The draft preliminary plan is being mailed direct to you under a separate cover by Placer County.

Background: The Code requires that community plan teams submit a preliminary plan and work program for TRPA and local government approval prior to commencing work on the actual plan and environmental document. The plan team from the North Tahoe area is submitting that plan and program for the following community plan areas:

1. Kings Beach Commercial Area
2. Kings Beach Industrial Area
3. Tahoe Vista
4. Carnelian Bay
- *5. North Stateline

* In recognition of the fact that Plan Area 032, North Stateline, is located in both California and Nevada, the North Stateline preliminary community plan has been jointly prepared between the North Tahoe and the Washoe County Plan teams. It is intended to serve as an integral part of both the North Tahoe and Washoe County preliminary plans. Due to printing logistics, a summary of the joint preliminary plan is attached to this memorandum. The summary supersedes information which is located in the respective preliminary plans found in this packet.

GWB:rdh
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AGENDA ITEM IV.A.

Memorandum to Advisory Planning Commission
Approval of Preliminary Community Plans for
Washoe County and Kings Beach
Page 2

Analysis: Based on an initial assessment, the preliminary plan is required to include:

1. Boundaries - There are minor boundary adjustments in the Kings Beach Industrial area, increases in the size of the Kings Beach Commercial area for residential uses, and an increase in the size of the Tahoe Vista area for tourist or recreational use.
2. Estimates of additional commercial floor area and tourist unit requirements based on the ERA Needs Study:

Commercial

K. B. Industrial - 13,000 square feet
K. B. Commercial - 40,000 square feet
Tahoe Vista - 7,500 square feet
Carnelian Bay - 2,000 square feet
North Stateline - 7,500 square feet (additional 9,000 sq. ft.
from Washoe County)

Tourist units - as available to Tahoe Vista and Stateline

3. Public recreation objectives - See Goals and Objectives and Targets
4. Vehicle trip reduction targets - See Targets
5. Land coverage reduction targets - See Targets
6. Level of environmental documentation - EIS
7. CP theme

K. B. Industrial - Industrial, Storage, and Service

K. B. Commercial - Major Retail Services
- Major Tourist Accommodation, Retail, &
Services
- Residential

Tahoe Vista - Major Tourist Accommodation, Retail, & Services
- Industrial, Storage, and Services

Carnelian Bay - Local and Minor Recreation Area Serving Retail
and Services

8. Work program - See Work Program
9. Community Goals and Objectives - See G and P for each area

Also, required as part of the process by the 208 Plan is a remapping of the stream zones.

Recommendation: Staff recommends the APC recommend approval of the North Tahoe Preliminary Plan and work program.

SUMMARY OF

NORTH STATELINE PRELIMINARY CP

Planning Theme - Major Tourist Accommodation, Retail, and Services

Commercial Allocation - 7,500 square feet from Placer County
9,000 square feet from Washoe County

Boundaries - See attached map

Targets - attached Targets

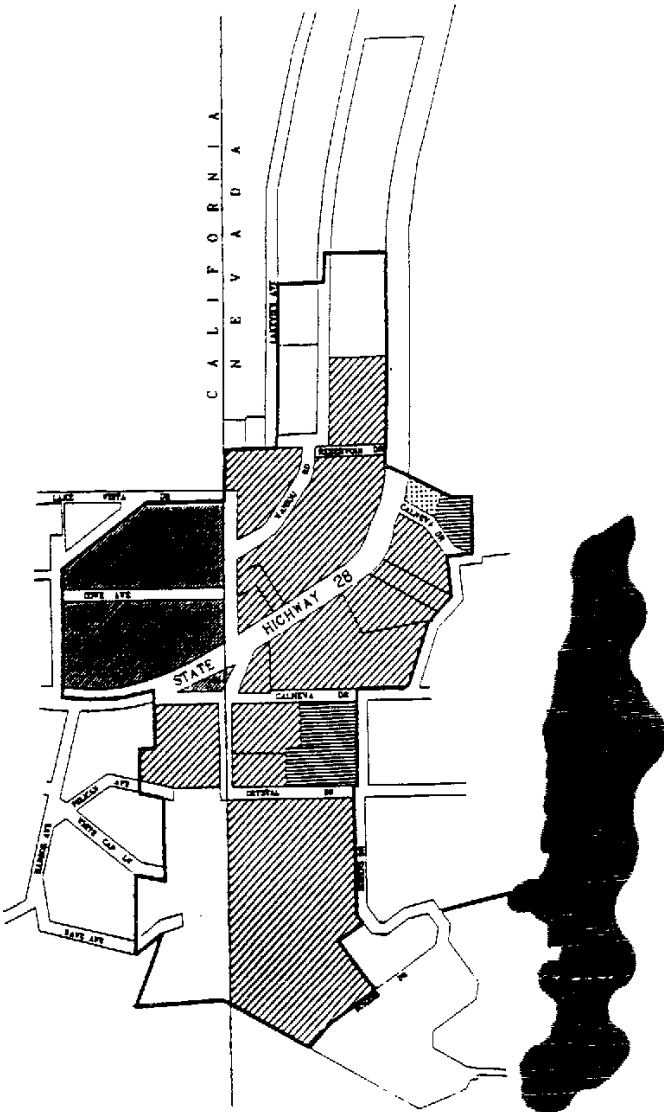
Goals and Objectives

1. The concept for North Stateline is to develop it into a more complete, family-oriented destination resort area. This would include making the area more human-scaled, encouraging pedestrian uses by developing small parks and green spaces, placing sidewalks and benches throughout, providing child care facilities, and providing a range of entertainment and recreational activities for families.
2. Improving traffic flow, through creation of a loop road system or removal of the traffic light and development of a pedestrian pass, is a priority.
3. The community should create a unique Crystal Bay atmosphere and identity through design, the theme being " Old Tahoe" of the 1930s and 1940s. Visitors would know upon entering Crystal Bay that they are in a specific area. The urban design would achieve this feeling, signs becoming secondary.
5. Development at North Stateline will provide, or assist in providing, employee housing for its employees.
6. The plan should encourage the development of a number of hotel rooms through rehabilitation, transfer, and bonus systems that would constitute a number suitable for a destination resort.

Recreation Objectives

1. Additional access to the lake should be provided for Crystal Bay residents and visitors. Although lake access is outside the community plan area, it should be noted that PAOTs may be required in the future for lake access.
2. Approximately 200 PAOTs (50 spaces) are need for a proposed recreational vehicle park in this area.

C A L I F O R N I A
N E V A D A



CRYSTAL BAY
INCLINE VILLAGE /
**COMMUNITY
PLAN AREA
032**

NORTH STATELINE
LAND USE & BOUNDARIES

- RESIDENTIAL
- PARKS AND RECREATION
- PUBLIC AND SEMI-PUBLIC FACILITIES
- GENERAL COMMERCIAL
- OFFICE COMMERCIAL
- TOURIST COMMERCIAL
- INDUSTRIAL
- WETLANDS
- EXISTING PLAN AREA BOUNDARY

NOTE: THE WASHOE COUNTY DEPARTMENT OF COMPREHENSIVE PLANNING HAS REVIEWED THE INFORMATION ON THIS MAP AND CONFIRMS THAT IT ACCURATELY REPRESENTS THE INFORMATION ON WHICH THIS MAP WAS BASED. THE WASHOE COUNTY DEPARTMENT OF COMPREHENSIVE PLANNING IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY OCCUR AS A RESULT OF CHANGES IN INFORMATION RECEIVED.



WASHOE COUNTY
DEPARTMENT OF
COMPREHENSIVE
PLANNING

PLANNING OFFICE 3000 WEST
STATE STREET, SUITE 200
SPRING VALLEY, NEVADA 89423



NORTH STATELINE
PRELIMINARY COMMUNITY PLAN TARGETS

TRPA Threshold	Status of North StateLine Community Plan Areas	Proposed Community Plan Target	Implementation Technique
<p><u>Stream Environment Zones</u></p> <ul style="list-style-type: none"> o Preserve existing natural SEZ o Restore all disturbed SEZ in undeveloped land o Restore 5% of disturbed or developed SEZ o Increase area of naturally functioning SEZ by 5% 	<p>o Approximately _____ acres of SEZ are within the community plan areas. (Data to be added)</p> <ul style="list-style-type: none"> o Approximately _____ of these SEZ are disturbed in undeveloped land and _____ are disturbed or developed. (Data to be added) 	<p>o Complete the SEZ restoration projects listed in Chapter VIII, Volume III of the Regional Water Quality Management Plan, and those in the community plan SEZ mapping.</p>	<ul style="list-style-type: none"> o Application of BMPs. o At least 5% of the water quality mitigation funds collected for each local jurisdiction shall be used for SEZ restoration projects included in the program.
<p><u>Soil Conservation</u></p> <ul style="list-style-type: none"> o Comply with TRPA land capability coefficients o With transfers, maximum 70% allowed coverage on vacant commercial parcels and 50% allowed coverage on developed parcels within Community Plan Areas 	<p>Est. Area: _____ Est. Land Cov.: 11.79 ac.</p> <p>Parcels: 27.25 ac. R.O.W.: 4.58 ac. 2.34 ac.</p>	<ul style="list-style-type: none"> o Restore and vegetate all soft coverage not needed to meet minimum parking requirements. o Reduce impervious surfaces in parking lots which are not needed for pedestrian movement or to meet minimum parking requirements. 	<ul style="list-style-type: none"> o Application of pavement and restoration BMPs to all developed and disturbed parcels within Plan areas. o Implementation of excess coverage mitigation program. o Implementation of CIP projects listed in Water Quality targets.
<p><u>Wildlife</u></p> <ul style="list-style-type: none"> o Maintain or improve wildlife habitat 			<p>The USDA Forest Service, the California Tahoe Conservancy, and Nevada's Commission on Land Acquisition in the Tahoe Basin also have the ability to fund SEZ restoration projects.</p>

North StateLine Community Plan Targets

Page 2

TRPA Threshold	Status of North StateLine Community Plan Areas	Proposed Community Plan Target	Implementation Technique
Water Quality			
Tributaries			
o Attain the following state standards:	No tributaries in this area.	o Implement Volume IV, TRPA Water Quality Management Plan Capital Improvement Program for Piston and Runoff Control (shown on Figures VIII-13 and 14) in the community plan areas as follows:	o Application of BMPs to all developed parcels within plan areas.
Constituent	Max. Concn.		o Implementation of area-wide drainage improvement and CIP projects using the following funding sources:
Diss. Inorganic Nitrogen	0.025 mg/l		o Butte-Band Ind Act; California California Tahoe Conservancy Nevada
Tot. Phosphorous	0.007 mg/l		o Commission Land Acquisition TRPA water quality mitigation (Lumb, Washoe County) Placer County.
o Attain 60 mg/l suspended sediment at the 90th percentile.		Rocklined ditches, revegetation, curb gutters, storm drain pipes, rock slope stabilization, and pavement.	
Surface Runoff		o Attain surface runoff thresholds.	
o Attain the following standards at the 90th percentile:		o Implement the Lake Vista Project within CP (Figure B-18)	
Constituent	Max. Concn.		
Total Nitrogen as N	0.5 mg/l		
Total Phosphate as P	0.1 mg/l		
Suspended Sediment	250.0 mg/l		
		Surface runoff threshold status unknown.	

North StateLine Community Plan Targets
Page 3

TSP/PM ₁₀ Threshold	Status of North StateLine Community Plan Areas	Proposed Community Plan Target	Implementation Technique
<u>Air Quality</u>			
o Maintain carbon monoxide levels at or below 0.0 ppm/hour.	o Carbon monoxide threshold status unknown. (Data to be added)	o Attain carbon monoxide threshold (following data collection).	o Implement applicable air quality measures identified in Regional Air Quality Plan and Regional Transportation Plan.
o Maintain ozone levels at or below 0.08 ppm/hr.	o As of 1979, StateLine was in attainment with ozone threshold. (Updated data to be added).	o Maintain ozone threshold	o Federal (and improvements) centralized parking areas; peripheral parking areas; prioritize allocation of new commercial floor area to projects incorporating VMT reduction measures; develop multi-mode transportation facility development services destination resorts.
o Maintain NO _x emissions at or below 1981 levels.	o NO _x threshold status unknown. (Data to be added)	o Attain NO _x threshold (following data collection).	o Implement applicable highway and pedestrian improvements identified in Chapter VII of the Regional Transportation Plan.
o Reduce Regional VMT by 10% of 1981 Levels. TPA's Regional Transportation Plan requires CPs to reduce to 65,000 VMT.	o 1981 VMT associated with North StateLine (3.86% of Region VMT)	o Reduce VMT from 1981 levels by 2,314 VMT.	
o Maintain level of Service (LOS) D or better at key urban intersections	o Existing Levels of Service Hwy. 28 at North StateLine: LOS B	o Maintain existing levels of service.	
o Reduce wood smoke emissions by 15% of 1981 level.	o Wood smoke and regional visibility threshold status unknown (data to be added).	o Attain wood smoke emissions threshold (following data collection).	o Install EPA approved wood burning heaters or decorative gas appliances on all new structures within plan areas.

TRPA Threshold	Status of North StateLine Community Plan Areas	Proposed Community Plan Target	Implementation Technique								
<p><u>Scenic Resources</u></p> <p>o Maintain or Improvement Scenic Resource Thresholds (SRP) numbers, at rating assigned each roadway and shoreline travel route.</p>	<p>Each travel route covers areas greater than the community plan area boundaries, however, threshold Areas of Concern are generally within community plan boundaries.</p>	<p>o Attain the TRR thresholds in the portions of the travel routes which are within the community plan areas. Improve sum of all roadway TRR scores consistent with the following schedule:</p> <table border="1" data-bbox="504 837 638 1142"> <tr> <td>1990-92</td> <td>1 point</td> </tr> <tr> <td>1993-97</td> <td>3 points</td> </tr> <tr> <td>1998-2002</td> <td>4 points</td> </tr> <tr> <td>2003-2007</td> <td>6 points</td> </tr> </table>	1990-92	1 point	1993-97	3 points	1998-2002	4 points	2003-2007	6 points	<p>o Enforce sign and design standards as part of project approval and allocation of commercial R.I.F. require visual simulations and evaluation as part of project applications along threshold travel routes.</p>
1990-92	1 point										
1993-97	3 points										
1998-2002	4 points										
2003-2007	6 points										
<p>o Insure that design elements are compatible with the natural, scenic, and recreational values of the region.</p>	<p>o Roadway Units: Unit 20, Talice Vista TRR 10 SRP 2</p> <p>o Shoreline Units: Unit 22, Broadway TRR 10 SRP 2</p> <p>Unit 21, Crystal Bay TRR 10 SRP 2</p>	<p>o Implement TRPA design guidelines of equal on all projects.</p> <p>o Form local assessment districts to implement area wide landscape and streetscape improvements.</p> <p>o Coordinate design improvements in StateLine with Kings Beach Community Plan.</p>	<p>o Implement TRPA design guidelines of equal on all projects.</p> <p>o Form local assessment districts to implement area wide landscape and streetscape improvements.</p> <p>o Coordinate design improvements in StateLine with Kings Beach Community Plan.</p>								
<p><u>Noise</u></p> <p>o Cumulative noise event levels (CNEL) shall not exceed averages of 55 dBA in hotel/motel tourist areas, and 55 dBA in high density residential areas, and 65 dBA in commercial areas and 55 dBA in urban outdoor recreation areas.</p>	<p>o Existing noise threshold status unknown.</p>	<p>o The entire area limit is 60 CNEL.</p>	<p>o TRPA shall require application of techniques for noise control such as use of setbacks, use of barriers, site design, use of vegetation, use of sound absorbing material, and building design.</p>								

North StateLine Community Plan Targets

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TRPA Threshold	Status of North StateLine Community Plan Areas	Proposed Community Plan Target	Implementation Techniques
<p><u>Recreation</u></p> <ul style="list-style-type: none"> o Preserve and enhance high quality recreational experience, where possible, including additional shoreline access. 	<ul style="list-style-type: none"> o No shoreline access in/near PAS 032. 	<ul style="list-style-type: none"> o Provide public shoreline access adjacent to North StateLine. o Provide public shoreline access in PAS 004. 	<ul style="list-style-type: none"> o PAS 032: Washou County and/or Clallam acquire parcels of access adjacent to shoreline for lake access through condemnation, donation, lease or purchase.

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

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

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

August 31, 1990

To: Advisory Planning Commission

From: TRPA Staff

Subject: Approval of Preliminary Community Plans
for Washoe County

Proposed Action: In cooperation with Washoe County Department of Comprehensive Planning, TRPA staff is seeking approval of preliminary community plans and work program for: Plan Area 032, North Stateline Casino Core; Plan Area 045, Incline Commercial; Plan Area 048, Incline Tourist; and Plan Area 054, Incline Industrial (proposed to be renamed Ponderosa). The preliminary plan, commercial floor area needs assessment and community-wide economic report entitled "Incline 2000: An Economic Blueprint" (separate documents in the APC packet) together comprise the preliminary plan package.

Background: The Washoe County Community Plan Team which was formally approved by the Governing Board in June, 1989, began its work on the community plans in August, 1989. Prior to that date, the team drafted revisions to Washoe County's Tahoe Area Plan. The Area Plan is the County's long range master plan for that portion of Washoe County which is within the Tahoe Region. The Area Plan, adopted in November, 1989, by the Washoe County Commission designated the four community plan areas as specific plan areas in recognition of the subsequent community planning process.

The purpose of the preliminary plan and its approval is to serve as a intermediate checkpoint for all agencies and other parties who may be affected by it. No project approvals are considered as part of the preliminary plan. An Environmental Impact Statement (EIS) is scheduled to be prepared and circulated as part of the final community plan. As such, no findings or environmental documentation are necessary at this point.

Discussion: Subsection 14.6.B of the Code (Chapter 14, Community Plans) requires the preparation of a preliminary plan and work program which shall be approved by TRPA and the responsible local government. Pursuant to 14.6.B(1) each preliminary plan is required to include the following:

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AGENDA ITEM IV B.

Memorandum to Advisory Planning Commission
Approval of Preliminary Community Plans
for Washoe County -- Page 2

1. Boundaries: The Incline Commercial plan area is the only one proposing boundary changes. See the proposed boundary map on page 15 of the preliminary plan. Based in part on direction provided in Plan Area Statement 045, the new boundaries would include portions of adjacent residential plan areas 044 and 046. These areas consist primarily of high-density residential uses and make up the community core of Incline Village. They are logical inclusions into the community plan based on the use, density, location and the ability to coordinate transportation and other public service planning with the commercial areas.

2. Estimates of Additional Commercial Floor Area and Tourist Accommodation Units: Based on the analysis contained in the document Incline Village/Crystal Bay Commercial Floor Area Needs Study and the Incline Village Crystal Bay 2000: An Economic Blueprint, the additional needs are estimated as follows:
 - a. North Stateline: 9,000 sq. ft. of commercial space plus 7,500 sq. ft. commercial from Placer County for use on the California side.

Additional tourist units (specific number to be determined in the final plan), developed through rehabilitation, transfer, and the bonus unit incentive program (Chapter 35) to constitute an amount suitable to serve as a destination resort.
 - b. Incline Commercial: 15,200 sq. ft. of commercial space. No additional tourist units.
 - c. Incline Tourist: 7,450 sq. ft. of commercial space. No additional tourist units.
 - d. Ponderosa: 16,560 sq. ft. of commercial space. 200 additional tourist units through transfer and the bonus unit incentive program.

3. Public Recreation Objectives: See preliminary plan recreation objectives pp. 9-11, and outdoor recreation targets p. 26.

4. Vehicle Trip Reduction Targets: See preliminary plan targets p. 24.

5. Land Coverage Reduction Targets: See preliminary plan targets p. 22.

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AGENDA ITEM IV B.

Memorandum to Advisory Planning Commission
Approval of Preliminary Community Plans
for Washoe County -- Page 3

6. Level of Environmental Documentation: TRPA Environmental Impact Statement.
7. Community Plan Themes:
 - a. North Stateline: Major tourist accommodation, retail and services.
 - b. Incline Commercial: Major retail and services.
 - c. Incline Tourist: Major tourist accommodation, retail and services.
 - d. Ponderosa: Entertainment, local serving retail, services and storage.
8. Work Program: See Work Program pp. 27-30.
9. Community Plan Goals and Objectives: See individual community plan concepts, pp. 3-4, and overall goals p. 8.
10. Applicable Standards: See applicable standards summary p. 11 and Appendix D.

Recommendation: Staff recommends that the APC recommend to the Governing Board approval of the four preliminary community plans for Washoe County. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this matter.

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Round Hill, Zephyr Cove, NV

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

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

August 30, 1990

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Chapter 64 to Permit Excavation for Marinas

PROPOSED ACTION: TRPA staff proposes an amendment to Subparagraph 64.7.A(2) of the Code of Ordinances to add another exception to the prohibition of intercepting groundwater to allow for excavation for marinas having master plans approved pursuant to Chapter 16. Attachment A contains the proposed wording within the context of the ordinance.

BACKGROUND: Review of the the Code of Ordinances for provisions applicable to marinas revealed that Chapter 64, Grading Standards, prohibits excavation which would intercept groundwater except as noted in 64.7.A(2). Shoreward expansion above the high water line of any marina basin would require excavation, and would be assumed to intercept ground water. There is no exception in the Code for excavation to expand or create a marina. In some cases, the option of shoreward expansion could be less disturbing to the environment than expansion offshore.

It is staff's belief that at the time of the adoption of the ordinance, its potential for prohibiting marina expansion was unforeseen and unintended. The proposed amendment is consistent with the other exceptions designed to achieve otherwise necessary or beneficial ends. This prohibition could affect the Elks Point, Ski Run, Tahoe Keys, Meeks Bay, and perhaps other marinas. The marinas most likely to be affected by this ordinance are in the southern sector of the Lake Tahoe shoreline.

CHAPTER 6 FINDINGS: Chapter 6 requires certain findings to be made for Code amendments. The required findings are listed below along with a rationale for making each finding.

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

Rationale: The proposed amendment is to make it clear that excavation for marina expansions to increase public recreational capacity and access to

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AGENDA ITEM IV.C.

Lake Tahoe may be permitted provided all other Regional Plan and environmental constraints are met.

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

Rationale: The proposed amendment is to clarify the existing regulations and allow for expansion of marina capacity within the environmental threshold carrying capacities.

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

Rationale: TRPA approved marina master plans with their environmental documentation must provide for attaining and maintaining the air and water quality standards.

4. The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: The amendment would provide additional protection by clarifying Chapter 64 as it relates to permitting implementation of the Developed Recreation Subelement of the Goals and Policies and the threshold for insuring a fair share of the Basin capacity for recreation.

ORDINANCE 87-8 FINDINGS: Ordinance 87-8, Section 2.40, requires certain findings to be made for Code amendments. The required findings and rationale for making each finding are listed below.

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

Rationale: The proposed amendment provides for an equal or better means of ensuring a fair share of recreational capacity and increased access to Lake Tahoe consistent with implementation of the Compact and attainment or maintenance of the thresholds

2. That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: The proposed amendment is consistent with the threshold to ensure that a fair share of the total Basin capacity is available for public recreation.

3. One or more of the following:

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

- b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
- c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
- d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;
- e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:
 - (1) The cost of implementation outweighs the environmental gain to be achieved;
 - (2) Implementation will result in unacceptable impacts on public health and safety; or
 - (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
- f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding (c) is recommended in that the Code amendment is designed to respond to technical analysis indicating (1) it would be more desirable environmentally to upgrade and increase marina capacity at some sites already developed and which are relatively dispersed around the Basin, (2) that in some areas, extending a marina into the Lake may be more disturbing than extending into the backshore, (3) the ordinance as it is is an unnecessary limitation of alternatives for meeting the demand for additional recreational capacity, and (4) that the environmental impacts of the proposed amendment would be insignificant.

ENVIRONMENTAL DOCUMENTATION:

Completion of the Initial Environmental Checklist indicates the following potential environmental impacts:

1. Water: There would be no change in the rate of flow or quantity of groundwater. There could be a small change in the direction of groundwater if the placement of sheet piling or other barrier at the inland edge of a marina redirects groundwater around the marina before the groundwater enters the Lake. Any such redirection would not change the final destination or rate of the groundwater flow. If beneficial for environmental or hydraulic purposes, weep holes could be placed in the marina bulkheads to allow groundwater to enter the marina without changing the direction or quality of the flow.

Excavation would be permissible only if a) it is necessary to implement a TRPA approved master plan, and b) the master plan environmental documentation shows that there will be no negative effect on water quality.

Nutrient uptake in the final feet of groundwater flow is insignificant, unless it is in a heavily vegetated and unfertilized shoreline area. Few marinas are in heavily vegetated areas, but it is a possibility. If the excavation were downflow and close to an existing infiltration trench, the efficacy of the infiltration trench could be impaired, and the infiltration trench would need to be rerouted to retain its water treatment capability. Such situations would be disclosed in the environmental documents and alternatives or necessary mitigation would be identified in the environmental documentation for the master plan.

2. Plant Life: Depending on the location of the marina, there could be some removal of riparian vegetation or other vegetation associated with critical wildlife habitat, and there may be Rorippa subumbellata habitat in the area. Most marinas are in developed areas where there is little critical wildlife habitat.

The environmental documentation required for marina master plans would identify any potential impacts on riparian vegetation, critical wildlife habitat, and rare or endangered plant species and specify appropriate mitigation. The requirement for enhancement of sensitive land at a rate of 1.5:1 could result in a net increase in riparian vegetation.

3. Risk of Upset: Any expansion of marina capacity carries with it the risk of upset. Spills can be more readily contained in enclosed harbor-type marinas than in open or off-shore marinas. The operations and mitigation plans required in all master plans would provide for improved prevention and management of accidental release of toxic or hazardous substances.
4. Recreation: The proposal could have a beneficial impact on the quality and quantity of existing recreational opportunities in that it would facilitate upgrading and expansion of marina capacity, particularly on the southern shoreline of the Lake Tahoe.

Based on the completion of an Initial Environmental Checklist and the V(g) checklist, staff finds the proposed amendments will have no significant effect on the environment.

RECOMMENDATION: Staff recommends that the APC review the proposed amendment, and following the public hearing, recommend that the Governing Board make the required findings and adopt the ordinance adopting the proposed amendment.

PROPOSED AMENDMENT TO CHAPTER 64

GRADING STANDARDS

64.7 Excavation Limitations: The following excavation limitations apply:

64.7.A Groundwater Interception: Groundwater interception or interference is prohibited except as set forth below:

- (1) Excavation is prohibited that interferes with or intercepts the seasonal high water table by:
 - (a) Altering the direction of ground water;
 - (b) Altering the rate of flow of ground water;
 - (c) Intercepting ground water;
 - (d) Adding or withdrawing ground water; or
 - (e) Raising or lowering the water table.

- (2) TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:
 - (a) Excavation is required by the Uniform Building Code (UBC) or local building code for minimum depth below natural ground for above ground structures;
 - (b) Retaining walls are necessary to stabilize an existing unstable cut or fill slope;
 - (c) Drainage structures are necessary to protect the structural integrity of an existing structure;
 - (d) It is necessary for the public safety and health;
 - (e) There are no practical alternatives to groundwater interference, including the possibility of denial of the project;
 - (f) It is a necessary measure for the protection or improvement of water quality;
 - (g) It is for a water well;
 - (h) It is pursuant to Subsection 64.7.B(1) or (3);
or
 - (i) It is necessary to provide two offstreet parking spaces, there is no less environmentally harmful alternative, and measures are taken to prevent groundwater from leaving the project area as surface flow;
or
 - (j) It is necessary to implement a marina master plan approved pursuant to Chapter 16, and the environmental documentation demonstrates that there will be no adverse effect on water quality.