

**TRPA
APC
PACKETS**

**MARCH
1991**

MARCH '91
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 March 13, 1991, 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.

March 4, 1991



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

March 13, 1991
9:30 a.m.

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

AGENDA

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TAHOE REGIONAL PLANNING AGENCY

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NOTICE OF ADDITION TO AGENDA

NOTICE IS HEREBY GIVEN that the Tahoe Regional Planning Agency Advisory Planning Commission agenda for the March 13, 1991, meeting is to include a Planning Matter item as follows:

Amendment of Chapter 54, Development Standards
Lakeward of High Water, Relating to Dredging.

36-39

Date: March 5, 1991

David S. Ziegler

David S. Ziegler
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

December 12, 1990

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Former Chairman Bill Combs called the meeting of the Advisory Planning Commission (APC) to order at 9:40 a.m. and asked for a roll call.

Members Present: Mr. Jepsen, Mr. Greenwood, Ms. Jamin, Mr. Harris,
Mr. Singer, Mr. McCurry, Ms. Roberts, Mr. Brooks, Mr. Davis,
Ms. Bedard (at 11:10 a.m.), Mr. Combs
Members Absent: Mr. Renz, Mr. Tracy, Mr. DeMello, Ms. Baldrice, Mr. Jolley,
Mr. Poppoff, Mr. Harper

II APPROVAL OF THE AGENDA

MOTION by Ms. Roberts, with a second by Mr. Jepsen, to approve the agenda. The motion carried.

III DISPOSITION OF MINUTES

The minutes of the November 14, 1990 meeting were not transcribed in time for this APC packet.

IV PUBLIC HEARING AND RECOMMENDATION

- A. Adoption of Supplemental Compliance Measures for Scenic Threshold Indicators and Targets Pursuant to Chapter 32, Regional Plan and Threshold Review

Long Range Planning Division Senior Planner Andrew Strain presented the staff summary proposing to add scenic resource threshold indicators and compliance measures to previously adopted scenic resource threshold indicators and compliance measures (adopted October 1989) in preparation for the 1991 Regional Plan and Threshold Review. Staff recommends that the APC recommend approval of the proposed amendments to the Governing Board.

APC members expressed much concern with items 3 and 4 on the supplemental list.

MOTION by Ms. Roberts, with a second by Mr. Jepsen, to continue this item to next month and at that time have a workshop to further explore the nuances of the proposal. The motion carried.

- B. Recommendation on Technical Adequacy for the North Tahoe Public Utility District's Dollar Hill to North Tahoe Regional Park Bicycle Trail EIR/EIS

Project Review Division Chief Rick Angelocci presented the staff summary regarding recommendation on the technical adequacy for the North Tahoe Public

Utility District Dollar Hill to North Tahoe Regional Park bicycle trail final EIS. The subject EIS examines five alternative routes for a bicycle trail connecting the end of the existing trail from Tahoe City and the North Tahoe Regional Park. Mr. Angelocci distributed an errata sheet for the EIS and copies of comments received since the public notice for the hearing on the certification of the EIS. Staff recommends that the APC find the document technically adequate and direct staff to forward a recommendation for certification to the Governing Board.

Ken Foster, consultant of K.B. Foster Engineering, made a presentation to the APC and answered questions on the Draft and Final EIS.

APC members put questions to Mr. Foster regarding coverage and revegetation.

Mr. Foster stated that there will be revegetation with the exception of infiltration trenches.

MOTION by Mr. Jepsen, with a second by Mr. Greenwood, to recommend technical adequacy of the EIS to the Governing Board.

- C. Amendment of Chapter 4, Project Review and Exempt Activities, to Amend Existing MOU Between TRPA and Pacific Bell Regarding Replacement of Existing Telephone Lines and Poles

Long Range Planning Division Senior Planner Andrew Strain presented the staff summary proposing to amend the existing MOU between TRPA and Pacific Bell in order to add a qualified exempt activity, replacement of existing telephone lines and poles which are not located within TRPA scenic highway corridors. Staff recommends that the APC recommend approval of the amendments to the Governing Board.

Mr. Greenwood inquired if a specific project came up regarding this matter.

Mr. Strain replied that the Tahoma Erosion Control Project is one where there was a real miscommunication between the parties.

MOTION by Mr. Singer, with a second by Mr. Davis, to recommend approval of the amendments to the Governing Board. The motion carried.

VI PLANNING MATTERS

- A. Discussion on Tahoe City Community Plan EIR/EIS

Long Range Planning Community Plan Team Leader Gordon Barrett presented discussion on the Tahoe City Community Plan EIR/EIS. The EIR/EIS addresses the impacts of possible community plans for (1) Tahoe City, (2) Tahoe City Industrial Area, (3) Lake Forest, and (4) Dollar Hill. The planning team is only recommending Tahoe City for community plan status. Staff would like APC comments at this time on the EIS.

Sue Ireland, author of the EIS, made a further presentation of the EIS to the APC with regard to VMTs and scenic issues.

APC members put questions to staff and Ms. Ireland regarding project proponents for hotel expansion, traffic analysis, water quality, coverage mitigation, project monitoring, and affordable housing.

B. Movement of the IPES Line

Special Projects Attorney Susan Scholley presented the staff summary on the movement of the IPES line with four findings that need to be made in order for the IPES line to be lowered for 1991: (1) vacant lot equation; (2) compliance finding; (3) number of projects; and (4) percentage of unresolved violations. Ms. Scholley asked the APC to formulate some recommendation based on her presentation.

APC members asked questions of Ms. Scholley with regard to how the percentages were developed and on compliance measures.

MOTION by Mr. Singer, with a second by Mr. McCurry, to accept the vacant lot equation using strictly the criteria that is established in the 208 Plan. The motion carried with abstentions by Ms. Jamin and Ms. Bedard.

MOTION by Ms. Jamin, with a second by Mr. Singer, recommending the staff recommendation of compliance measures to the Board and that staff attempt to develop some sort of a waiting system for findings one and three. The motion carried.

V REPORTS

A. Executive Director

1. Notice of Preparation, Integrated Regional Transportation/Air Quality Plan EIS

Long Range Planning Division Air Quality Team Leader Leif Anderson stated that staff is in the process of preparing the environmental impact statement on the TRPA integrated regional transportation and air quality plan.

B. Legal Counsel

Agency Counsel Jeff Blanck gave an updated report to the APC on Kelly v. TRPA, Nguyen v. Lake Tahoe Cruises, Inc., et al., TRPA v. Terrace Land (Metrailer), TRPA v. Wassner, TRPA v. Henrickson, Terrace Land (Metrailer) v. TRPA, League to Save Lake Tahoe v. TRPA and El Dorado County. Mr. Blanck further updated the APC on errors and omissions insurance.

C. APC Members


Ms. Bedard reported that a \$285,000 grant has been received from UMTA for a bus fleet.

D. Public Interest Comments -- None

VI PENDING MATTERS -- None

VII ADJOURNMENT - The meeting adjourned at 1:45 p.m.

Respectfully submitted,


Janice McClure
Legal Secretary

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. Copies of documents distributed at the meeting are available at TRPA.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

February 13, 1991

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Rob Joiner called the meeting of the Advisory Planning Commission (APC) to order at 9:35 a.m. and asked for a roll call.

Members Present: Mr. Jepsen, Mr. Greenwood, Mr. Renz, Ms. Jamin, Mr. Hansen
(present at 11:05 a.m.), Mr. DeMello, Mr. Harris,
Ms. Baldrica, Mr. Singer, Mr. Jolley, Ms. Roberts,
Mr. Joiner, Mr. Poppoff, Ms. Woodbeck, Mr. Davis,
Ms. Bedard, Mr. Combs

Members Absent: Mr. Dodgion, Mr. Brooks

II APPROVAL OF AGENDA

Agency Executive Director Dave Ziegler advised that there were no agenda changes.

III DISPOSITION OF MINUTES

MOTION by Mr. Greenwood, with a second by Mr. Poppoff, to approve the January 9, 1991 regular meeting minutes as submitted. The motion carried with Ms. Baldrica and Mr. Singer abstaining.

IV PUBLIC HEARING AND RECOMMENDATIONS

- A. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt MOU Between TRPA and the City of South Lake Tahoe for Review of New Single Family and Multi-Residential (Up to Four Units) Structures

Deputy Director Jerry Wells presented the summary of the proposal to enter into an MOU with the City of South Lake Tahoe which would give the City the authority to review and approve new single family dwelling units up to four units. Because the ordinance if adopted would not take effect for 60 days, staff would be entering into a contract agreement during this time to work cooperatively with the City in a transition program.

Discussion followed on determining which projects would go to the Board, the City's added staffing needs, and the position of other local entities with regard to similar delegation efforts.

Mr. Jim DiPeso, from the League to Save Lake Tahoe, commented on insuring there was some mechanism in the agreement for compliance with TRPA ordinances and having some recourse should the process not work satisfactorily.

MOTION by Ms. Becker to recommend approval of the ordinance amendments to permit an MOU between TRPA and the City to be entered into as proposed. The motion carried unanimously.

V PLANNING MATTERS

A. Discussion of Draft Ordinances for Subdivision
of Existing Residential Structures

Agency Special Projects Counsel Susan Scholley presented staff's proposal to draft an ordinance for subdivision of existing residential structures. Of particular concern in this process was the issue of affordable housing versus incentives to upgrade units.

Issues discussed included the following:

- Meeting local building code standards in the conversions and the fact that the required modifications (fire walls, BMPs, retrofitting) were costly; the concern was that these costs would be passed on in higher rents.
- Having County review of conversions prior to TRPA review to ensure that local building code requirements would be met.
- Having some mechanism to meter or monitor conversions to ensure that the affordable housing stock was not lost.
- Not eliminating lakefront properties or lots near the shoreline from consideration as affordable housing units; such properties currently existed in the City.
- Not excluding properties for affordable housing because they were not in close proximity to transit. Transit patterns could change.
- Parking mitigation would not work.
- TRPA should not be involved in the affordable housing issue; this was a local government responsibility. Let the market place be the determining factor.
- TRPA did have a role in affordable housing.
- TRPA should wait for and/or incorporate TBAG's findings resulting from its affordable housing study.
- No one had quantified the demand for low cost housing, although some surveys had been done.
- Because of the cost for conversion and the resulting increases in rent, multiple families would be using one unit. Enforcement would be a problem.
- Do not concentrate on providing affordable housing but in improving mass transit and giving incentives to those living outside of but working in the Tahoe Basin.
- From the standpoint of having a successful destination resort, it was important to keep those who worked in a community living in that community so that they could identify with the community and have a feeling of well-being about where they lived.

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- There was a need to maintain diversity in the housing stock within the Basin.
- New projects should be required to make provision for affordable housing.
- The Agency should work on addressing the population needs that currently existed.
- It was important to have a clearly outlined procedure, whatever was ultimately adopted. Of particular importance was advising the public on whether local government or TRPA review was first.
- Because many saw the affordable housing issue as a local responsibility, TRPA could refuse to approve any conversions of units prior to local government adoption of low cost housing ordinances.

Ms. Scholley read a letter from Mike Dunsford, of the Dyer Company, into the record.

Mr. Gregg Lien, on behalf of a number of people wishing to convert properties, urged the Agency to proceed with the ordinance. The ordinance was now way behind schedule. The two-tier approach was a good one. TRPA was an environmental agency; and although it had to address "social engineering," it was really a local issue. It was important to recognize that a basinwide standard may not work because of the differing visions within each local community. From a water quality impact standpoint, conversions would be very positive.

Mr. Leroy Wood, a Douglas County resident who owned units he wished to convert, urged the resulting ordinance to clearly spell out what procedure needed to be followed and whether local government or TRPA review was required first.

MOTION by Mr. Renz, with a second by Ms. Roberts, to proceed with development of the ordinance.

Mr. Renz explained that it was his feeling that the needs of the different communities needed to be recognized. There should be room in the ordinance for localized solutions, and it should be recognized that additional concerns would be raised and further modifications would occur as the ordinance was reviewed.

The motion carried with Mr. Poppoff voting in opposition and Ms. Bedard and Mr. Hansen abstaining.

B. Movement of IPES Line

Special Projects Attorney Susan Scholley presented a status report and recommendation on the two remaining findings to be made for movement of the Individual Parcel Evaluation System (IPES) line. (A report on the other two findings was made to the APC in January.) The findings included status of monitoring in each jurisdiction and demonstrable progress on the water quality capital improvement program.

With regard to monitoring, the APC discussed types and methods for monitoring, the impracticality of attempting to establish a representative water year and

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for a series of years to establish the baseline, the definition of synoptic monitoring and how it had been used at Tahoe, the effectiveness of the synoptic monitoring, making the results of the synoptic monitoring available to the APC members, staff's recommendation to amend the 208 Plan to clarify intent of monitoring requirements (to delete reference to a "representative" water year), the need to have supplemental monitoring on an ongoing and continuous basis, the timeline for movement of the IPES line, and single family dwelling allocations for 1992 and beyond.

On the subject of capital improvement programs, the APC discussed the importance of recognizing that substantial erosion control work had been done prior to 1988 through Forest Service and California Tahoe Conservancy programs. This data was not included in the progress made on capital improvement programs.

In summary, Ms. Scholley advised that staff would like the APC's endorsement to carry the report forward to the Governing Board, with general concurrence on the approach staff was taking. The APC was not asked to make the findings. Staff felt that it could not look at 1990 as a representative water year and, based on that, could not make the required monitoring finding for any of the counties. Staff would like to amend the 208 plan to deal with the unforeseen drought situation and to address the finding not with a representative water year but rather with supplemental monitoring on a continuous and ongoing basis.

MOTION by Mr. Singer to support the staff recommendation. Second. The motion carried unanimously.

The APC meeting recessed for a lunch break from 12:15 p.m. to 1:30 p.m.

(Members present for afternoon session: Jepsen, Greenwood, Renz, Jamin, Hansen, DeMello, Harris, Baldrice, Singer, Roberts, Joiner, Poppoff, Woodbeck, Davis, Bedard, Combs)

C. Distribution of Community Planning
Reserve Commercial Allocation

Principal Planner Gordon Barrett presented a range of options for distribution of the 54,000 square feet of bonus commercial allocation reserved for community plans. A consensus group involved in community planning would be taking this up again should the APC not be ready to make a recommendation on to the Governing Board.

Points raised by the APC:

- Because the coverage amounted to only 1.25 acres, it should be allocated equally to the local governments for distribution to community plans.
- Dividing the coverage equally among jurisdictions would, in the case of El Dorado County, concentrate all the coverage in one community plan (Meyers) without there being an ability to transfer to another community plan. That may actually violate the Code.
- In allocating the coverage, population and the focus of tourist trade could also be looked at as determining factors.

APC REGULAR MEETING MINUTES FEBRUARY 13, 1991

- One option would be for the local jurisdictions to bid for the coverage.

Mr. Curtis Patrick, from the Tahoe-Douglas Community Plan Team, asked that the matter be referred back to the consensus group for more work.

Mr. Steve Teshara suggested there had been concern expressed relative to weighting the allocation towards the North Shore and the South Shore because of the number of community plans in these areas and because of the focus of development in these areas.

MOTION by Mr. Renz to refer the matter of the commercial allocation back to the consensus group and to the community plan steering committee to see if there couldn't be more accord and understanding. Second by Hansen. The motion carried unanimously.

Ms. Bedard asked that all APC members be given notice of the next consensus meeting.

VI REPORTS

A. Executive Director

Mr. Ziegler advised that the winter edition of the TRPA newsletter had been published. Additional copies were available.

In an effort to reach out to the public and make the Agency more accessible to the citizens of the Basin, TRPA was instituting office hours on the North Shore one day a week. Every Monday from 9 a.m. to 5 p.m., a TRPA staff member would be available to the public at the Placer County Building Department to take in applications, to disseminate information about the Agency, and to answer questions. This was being done on a trial basis for three months.

Mr. Wells advised that the staff and affected agencies (Lahontan, Army Corps, State Lands) had met with marina operators recently to discuss the upcoming summer season and problems caused by the drought. Most marinas wanted to dredge beyond what public entities felt was maintenance dredging. What the Agency and others would like to see was temporary facilities or structures as a first alternative. The second alternative would be maintenance dredging. Most marina operators agreed this would not be helpful this year because the water was so low. Based on previous experience, new dredging was not the preferred alternative and would require fairly substantial environmental documentation. If marina operators could get their applications submitted in the next two weeks, a design review committee would review the applications concurrently.

B. Legal Counsel

Report continued to the March meeting.

C. APC Members

Mr. Combs complimented TRPA for the North Shore office. This would go a long way towards more cooperation in achieving the Agency's goals.

APC REGULAR MEETING MINUTES FEBRUARY 13, 1991

Mr. Greenwood advised that El Dorado County was working with people in line for building allocations and advising them on the application and review process.

Mr. Poppoff advised that the Mountain Watershed Symposium proceedings were now available. Copies could be obtained from him or Leonard Jolley. In line with the reach out effort in the new North Shore office, he would like to see some of the APC meetings rotated up to the North Shore.

Mr. Ziegler responded that during the summer months starting in May the APC and Board meetings would be scheduled out of the office in other locations. With the upcoming work assignments, the APC members could plan on full day meetings.

D. Public Interest Comments - none

VII PENDING MATTERS - none

VIII ADJOURNMENT - The meeting adjourned at 2:15 p.m.

Respectfully submitted,


Julie D. Frame
Administrative Assistant

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting are available for review at the TRPA office.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

February 28, 1991

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 22 Regarding Additional
Height for Certain Buildings

Proposed Action: TRPA staff and the Incline Village General Improvement District are proposing to amend Section 22.4 of the Code of Ordinances in order to add certain recreation uses as eligible for additional building height. Proposed language is located in Attachment A.

Background: Presently, Subsection 22.4.A allows the maximum heights of public service and tourist accommodation buildings allowed under Chapter 22 to be increased up to a limit of four additional feet, but not to exceed a maximum height of 38 feet, when TRPA makes certain findings regarding the need for the additional height and the mitigation of potential impacts on scenic resources and community design thresholds (findings listed in Attachment B). It also allows for an increase of up to four additional feet, but not to exceed a maximum height of 42 feet, with a corresponding reduction in allowable land coverage. Certain findings regarding the additional height (that which is over 26 feet) must be made pursuant to Section 22.7 (findings listed in Attachment B).

As proposed, only recreation uses which generally contain gymnasiums or other sports facilities would be eligible for the additional height. The uses include participant sports facilities, recreation centers, and sport assembly. The additional height would only be permitted if TRPA finds the function of the use requires it and the additional height is only for that portion of the building housing the function. The restrictions would help avoid creating large, bulky buildings which are likely to adversely impact Community Design and scenic resource thresholds.

AS:rd
2/28/91

AGENDA ITEM IV.A

Amendment of Chapter 22 Regarding Additional
Height for Certain Buildings -- Page 2

Discussion: During design development of the proposed Incline Village Community Center (TRPA use defined as a recreation center), IVGID staff concluded that the gymnasium portion of the building could not meet TRPA height standards using a sloped roof design. In general, sloped roofs are an important architectural element which TRPA considers useful in achieving Regional Community Design goals and policies.

In order for a gymnasium to function effectively it is believed to require a minimum of 30 feet of clear space above the floor. Engineering methods necessary to span a wide space such as a gymnasium are believed to require up to eight feet of roof construction. Refer to Attachment C, letter from Incline Village Community Center architect. For roof slope of 5:12 or less, the maximum height presently allowed could not exceed 36 feet (refer to Attachment D). Combined with the restrictions on basement excavations, the designers of this project believe it infeasible to implement without the amendment.

Staff considers it appropriate at this time to add recreation centers, participant sports facilities and sport assembly uses to the uses eligible for additional height because they generally include gymnasium and other sports facilities.

Environmental Documentation: Staff has completed an Initial Environmental Checklist for this project, and proposes a Finding of No Significant Effect (FONSE), based on the following:

1. The proposed amendment is expected to continue to produce beneficial impacts with respect to soil conservation and applicable water quality thresholds by reducing maximum allowable land coverage in exchange for the additional building height. Based on the small number of applications which may be expected to take advantage of this provision the effect of the amendments on regional soil conservation threshold attainment should be insignificant, yet positive.
2. The proposed amendments will not alter the additional height findings otherwise required in Chapter 22 nor the scenic threshold maintenance requirements of Section 30.12. In this way, potential adverse impacts to scenic resources will be avoided or otherwise mitigated.

Findings: Ordinance amendments require certain findings as follows:

A. Chapter 6 Findings:

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

Rationale: The amendments would remain consistent with Goal #2, Policy 1B of the Land Use Element, Community Design Subelement of the Regional Plan (provided below) by providing limited opportunities for additional height for unique situations. Clearly, gymnasiums and other sports facilities have certain dimensional requirements which make them unique. Further, the amendments would assist in Regional Plan implementation by providing site development incentives in the form of land coverage reductions as a threshold attainment method.

Policy 1.B.

BUILDING HEIGHT, BULK AND SCALE: STANDARDS SHALL BE ADOPTED TO ENSURE ATTRACTIVE AND COMPATIBLE DEVELOPMENT. THE FOLLOWING SHALL BE CONSIDERED:

- 1) BUILDING HEIGHT SHALL BE LIMITED TO TWO STORIES EXCEPT THAT PROVISIONS FOR ADDITIONAL HEIGHT REQUIREMENTS SHALL BE PROVIDED FOR UNIQUE SITUATIONS SUCH AS LIGHTING TOWERS, SKI TOWERS, STEEP SITES, REDEVELOPMENT PROJECTS AND TOURIST ACCOMMODATION FACILITIES.
- 2) BUILDING HEIGHT LIMITS SHALL BE ESTABLISHED TO ENSURE THAT BUILDINGS DO NOT PROJECT ABOVE THE FOREST CANOPY, RIDGE LINES, OR OTHERWISE DETRACT FROM THE VIEWSHED.

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

Rationale: Based on the completion of an Article V(g) checklist, the amendments will not cause the environmental thresholds to be exceeded.

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

Rationale: For the reasons stated in Finding 2 above, the amendment will not cause the air or water quality standards to be exceeded.

4. Finding: The Regional Plan, as amended, achieves and maintains the Thresholds.

Rationale: For the reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.

- B. Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds. For the reasons stated in Findings 1-4 above, the proposed amendment is consistent with attainment or maintenance of the thresholds.
2. One of the following findings:
 - a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or
 - b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or
 - c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or
 - d. Technical or scientific information demonstrates the need for modification or a provision of the Goals and Policies or Code; or
 - e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or
 - f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

- (1) The cost of implementation outweighs the environmental gain to be achieved;
- (2) Implementation will result in unacceptable impacts on public health and safety; or
- (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

Staff recommends Finding b for the following reasons:

Presently, certain recreation uses which have unique dimensional requirements are severely restricted under the Code. The situation is made more difficult when the buildings are designed with a sloping roof in order to meet the intent of TRPA's Community Design threshold, goals and policies. This results in a counter-productive Regional Plan provision. The amendments are designed to correct the identified problem and better implement the Regional Plan by providing a more feasible opportunity to gain additional building height for recreation uses which demonstrate the additional height is absolutely necessary.

Recommended Action: Staff recommends that the Advisory Planning Commission conduct the public hearing and based on its outcome, recommend approval of the amendments to the Governing Board.

Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this item.

ATTACHMENT A

PROPOSED AMENDMENTS TO SECTION 22.4

Note: Underlined language is to added;
Stricken language is to be deleted.

22.4 Additional Height For Certain Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 in accordance with the following provisions and if TRPA makes the specified findings.

22.4.A Additional Height For Public Service, ~~And~~ Tourist Accommodation, and Certain Recreation Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 for buildings whose primary use is public service, ~~or~~ tourist accommodation, or whose primary recreation use is participant sports facilities, recreation centers, or sport assembly as follows.

- (1) Additional Height With Required Findings: The maximum heights specified in Table A may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes findings (1), (2), and (3) for tourist accommodation buildings, and findings (1), (3), and (2) or (4) for public service buildings, and findings (1), (2), (3), (4), and (7) as set forth in Section 22.7, and provided TRPA finds that for recreation buildings the additional height is limited only to the specific portion of the building function requiring it.
- (2) Additional Height For Reduced Land Coverage: The maximum heights specified in Table A may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 20. The maximum heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings (1), (2), (3) and (5) as set forth in Section 22.7.

ATTACHMENT B

EXISTING FINDINGS REQUIRED FOR
ADDITIONAL HEIGHT FOR BUILDINGS AND STRUCTURES

22.7 List Of Findings: The findings required in this chapter are as follows:

- (1) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, but not from a distance of less than 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.
- (2) When outside a community plan, the additional height is consistent with the surrounding uses.
- (3) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.
- (4) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.
- (5) That portion of the building which is permitted the additional height, is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.
 - (a) The horizontal distance from which the building is viewed;
 - (b) The extent of screening; and
 - (c) Proposed exterior colors and building materials.
- (6) The building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed.
- (7) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.
- (8) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

12/22/91 13:27

314 883 2823

H & C ARCHITECTS --- INCLINE VILLAGE

002-002

Hastings+Chivetta

Bryce Hastings, A.I.A.

Anthony J. Chivetta, A.I.A.

Principals

December 17, 1990

Mr. Dan St. John, P.E.
Director of Engineering
Incline Village General Improvement District
P.O. Drawer P
893 Southwood Boulevard
Incline Village, NV 89450

Re: Incline Village Recreation Center
Project No. 2316.00

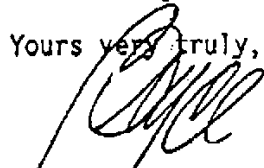
Dear Dan:

You asked me for some information on vertical height requirements we see in gymnasiums and other recreation facilities across the country.

A multipurpose gymnasium will require an unobstructed vertical dimension of 30' from the floor to accommodate volleyball, which is extremely popular today. This type of gymnasium will frequently have a clear span of 100' or more which would require 6 to 8' of roof construction in a low slope design. Including a minimum parapet wall, the vertical wall height of this very common configuration would be 38' to 39'.

A sloped roof configuration would require this 30' clearance over the game court and some reduced height at the walls. A rigid frame structural system may yield the lowest building profile. At 3 in 12 roof pitch, sized to accommodate a volleyball court perpendicular to the ridge of the roof, the vertical height of the building at the ridge including the roof structure and the roofing would be 40'.

Yours very truly,



Bryce Hastings, AIA
President

BH/ns/0592c

TABLE A
MAXIMUM HEIGHTS FOR BUILDINGS

Percent Slope Retained Across Building Site	ROOF PITCH										
	0:12	1:12	2:12	3:12	4:12	5:12	6:12	7:12	8:12	9:12	10:12 or >
0	24'-0"	25'-2"	26'-5"	27'-7"	28'-9"	30'-0"	31'-2"	32'-5"	33'-7"	34'-9"	36'-0"
2	24'-6"	25'-8"	26'-11"	28'-1"	29'-3"	30'-6"	31'-8"	32'-11"	34'-1"	35'-3"	36'-6"
4	25'-0"	26'-2"	27'-5"	28'-7"	29'-9"	31'-0"	32'-2"	33'-5"	34'-7"	35'-9"	37'-0"
6	25'-6"	26'-8"	27'-11"	29'-1"	30'-3"	31'-6"	32'-8"	33'-11"	35'-1"	36'-3"	37'-6"
8	26'-0"	27'-2"	28'-5"	29'-7"	30'-9"	32'-0"	33'-2"	34'-5"	35'-7"	36'-9"	38'-0"
10	26'-6"	27'-8"	28'-11"	30'-1"	31'-3"	32'-6"	33'-8"	34'-11"	36'-1"	37'-3"	38'-6"
12	27'-0"	28'-2"	29'-5"	30'-7"	31'-9"	33'-0"	34'-2"	35'-5"	36'-7"	37'-9"	39'-0"
14	27'-6"	28'-8"	29'-11"	31'-1"	32'-3"	33'-6"	34'-8"	35'-11"	37'-1"	38'-3"	39'-6"
16	28'-0"	29'-2"	30'-5"	31'-7"	32'-9"	34'-0"	35'-2"	36'-5"	37'-7"	38'-9"	40'-0"
18	28'-6"	29'-8"	30'-11"	32'-1"	33'-3"	34'-6"	35'-8"	36'-11"	38'-1"	39'-3"	40'-6"
20	29'-0"	30'-2"	31'-5"	32'-7"	33'-9"	35'-0"	36'-2"	37'-5"	38'-7"	39'-9"	41'-0"
22	29'-6"	30'-8"	31'-11"	33'-1"	34'-3"	35'-6"	36'-8"	37'-11"	39'-1"	40'-3"	41'-6"
24 or >	30'-0"	31'-2"	32'-5"	33'-7"	34'-9"	36'-0"	37'-2"	38'-5"	39'-7"	40'-9"	42'-0"

TAHOE REGIONAL PLANNING AGENCY

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M E M O R A N D U M

March 4, 1991

To: Tahoe Regional Planning Agency Advisory Planning Commission

From: Susan E. Scholley, Special Projects Attorney

Re: Amendment of Chapters 2, 33, 41 and 43 Relating to Subdivision of Existing Structures

BACKGROUND: At the February meeting, staff presented a conceptual outline of the standards for subdividing existing residential structures. The outline included proposals to insure that affordable housing units were not lost through "condominiumization." Based on APC comments, staff has made minor modifications to its original proposal and has drafted ordinance amendments. The minor modifications are:

1. Affordability is based solely on rental/sale history, not location.
2. In-lieu fees are not available for mitigation of lost affordable units.

TRPA staff is also compiling available inventories from state and local agencies. Anyone interested in reviewing these documents or in having copies should contact me. Due to the bulk of the documents we have not attached them to the staff summary or included them in the APC packet. Attached is an excerpt from the 1983 EIS on the Regional Plan which provides some background data on the distribution of existing residential units.

PROPOSED AMENDMENTS: The substantive amendments are to Chapters 41 (definition of affordable housing) and 43 (affordable housing determination and mitigation, parking and density standards, and relationship to election of use conversion). The amendments to Chapters 2 and 33 are cross-references for the user's convenience. Attached to the staff summary are Chapters 41 and 43 and the relevant portions of Chapters 2 and 33.

New subsection 41.2.K:

Affordable Housing Units: For purposes of the subdivision ordinances (Chapters 40 - 49, inclusive), affordable housing units are residential units occupied by households or tenants that earn not more than 120 percent of the applicable county median income as determined by state or federal regulations.

SES:ss
3/4/91

AGENDA ITEM IV B.

10

New subsection 43.2.B:

Affordable Housing: Existing residential units which are affordable housing units, as defined by Subsection 41.2.K, shall not be permitted to subdivide unless mitigation is provided on a unit for unit basis for the loss of affordable housing units. Mitigation may be in the form of construction of replacement units, conversion of other units to affordable housing units, restriction of subdivided units to affordable housing units, or a combination of the above.

(1) To determine whether the unit is affordable housing, the applicant shall submit a rental/sale history for each unit for the previous five years.

(2) TRPA shall utilize the current state and federal data on median income, rental rates, and mortgages for determining affordability of units.

(3) Restriction of subdivided units to affordable housing units shall include recordation of deed restrictions or other covenants running with the land limiting the rental rates and sale price consistent with the affordable housing designation.

New subparagraph (1) for subsection 43.2.A:

(1) Election of conversion of use as provided for in Chapter 33 shall be made in conjunction with or prior to an application to subdivide the units or, if made subsequent to TRPA approval for a subdivision, the election shall void the prior subdivision approval if the election modifies the major use classification of the subdivided units.

Amend Chapter 2 definition of Affordable Housing to add:

"For definition of affordable housing in relation to subdivision see Subsection 41.2.K."

Amend Section 33.7 to add:

"See Section 43.2 for relationship of election of conversion of use to subdivision ordinances."

Amend Subsection 43.2.E (Parking) to delete "other than residential structures".

Amend Subsection 43.2.D as follows:

Density: Subdivision of existing structures which exceed the density standards in Chapter 21 or the applicable plan area statement, by more than

ten percent shall not be permitted. For purposes of this ordinance, the Chapter 21 maximum density standard for single family residences shall be 15 units per acre.

CONCLUSION: In summary, subdivisions of residential structures are subject to the same standards as subdivisions of other existing structures, with the added requirement to mitigate the subdivision of existing affordable housing units.

ENVIRONMENTAL DOCUMENTATION: Based on the completion of an IEC, staff proposes a finding of no significant environmental effect. This finding is also based on the proposed ordinance requirement to mitigate all impacts on affordable housing stock.

STAFF RECOMMENDATION: Based on the public hearing and APC comments, staff will either:

1. Prepare further refinements of the proposed amendments for APC review and recommendation in April or,
2. If APC recommends adoption, will forward the proposed amendments to the Governing Board for adoption at their regular March meeting.

CHAPTER 2

DEFINITIONS

Chapter Contents

- 2.0 Purpose
- 2.1 Applicability
- 2.2 Definitions

2.0 Purpose: This chapter defines the terms used in the Code.

2.1 Applicability: This chapter shall be used in interpreting the Code and other TRPA plans and documents.

2.2 Definitions: The following terms are defined as set forth below.

Abandoned Road: A road not accessible to traffic due to permanent physical barriers or a road that is posted or designated for closure.

Accessory Uses: See Subsection 18.2.A and Section 51.3. For the definition of what accessory uses are exempt from the commercial floor area allocation see Subparagraph 33.3.A(1).

Active (or Indirect) Solar Energy System: A system in which the collector and thermal storage components are separated and require a pump or fan to circulate the solar-heated fluid between them. The choice of location for active collectors is flexible; rooftops are commonly used.

Activity: Any conduct, active or passive, which may have an impact on the land, air, water, space or other natural resource of the Region.

Additional Development: Development which did not exist, or was not approved, on the effective date of the Regional Plan. Relocation or reconstruction of development is not additional development.

Adjacent Parcels: Parcels near or close to each other but separated by a right-of-way in such a manner that if the right-of-way was removed, the boundaries would touch.

Administrative Road: A road, other than a dedicated public road, which is built to standards of the local jurisdiction.

Advisory Planning Commission (APC): The Advisory Planning Commission of the Agency as defined in Article III(h) of the Compact.

Affordable Housing: Residential housing for lower-income households (income not in excess of 80 percent of the Region's median income) and for very low-income households (income not in excess of 50 percent of the Region's median income), which are designed and occupied in accordance with local, regional, state and federal standards for the assistance of households with such incomes. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards.

- 33.7 Election Of Conversion Of Use: Where a structure was designed and built as a tourist accommodation unit, and was operated as such on February 10, 1972 or thereafter, the owner of the unit may elect to convert the unit to a residential unit or commercial floor area, under certain circumstances as set forth below. The election shall be made, if at all, within six years of the effective date of the Regional Plan, or, if applicable, before the adoption of a community plan, whichever is sooner. If no election is made, the use in existence on the effective date of the Regional Plan shall be considered the use for purposes of the Code. An election shall be subject to the following conditions:
- 33.7.A Conversion To Residential Use: Where a tourist accommodation unit was converted to a residential unit prior to January 1, 1987 and the residential use existed on the effective date of the Regional Plan, the owner may elect to treat the unit as either a residential or tourist accommodation unit. The election shall be in writing and approved by TRPA. An election may be made only once.
- 33.7.B Conversion To Commercial Floor Area: Where a tourist accommodation unit was converted to commercial floor area prior to January 1, 1987 and the commercial use existed on the effective date of the Regional Plan, the owner may elect to treat the unit as either a tourist accommodation unit or commercial floor area. The election shall be in writing and approved by TRPA. An election may be made only once.
- 33.7.C Partial Conversion: In the event only a portion of a tourist accommodation unit has been converted to residential or commercial use, the election in accordance with Subsections 33.7.A and 33.7.B, shall be with respect to the entire unit. An election shall not result in the creation of both a residential and tourist accommodation unit or both commercial floor area and a tourist accommodation unit.
- 33.8 Other Permits: Issuance of a permit by a county or city building department, of a permit for, or relating to, the construction, conversion, or use of units, floor area, service capacity or other development subject to the requirements of this chapter, including, but not limited to, a permit for a foundation, grading, clearing or removal of vegetation, is prohibited unless the permit is issued in conjunction with a TRPA approval, in accordance with this chapter.

CHAPTER 41

PERMISSIBLE SUBDIVISIONS

Chapter Contents

- 41.0 Purpose
 - 41.1 Applicability
 - 41.2 Definitions
 - 41.3 Limitations on New Subdivisions
- 41.0 Purpose: In accordance with Goal #2, Policy 7 of the Land Use Subelement, Land Use Element of the Goals and Policies, this chapter establishes limitations on new subdivisions.
- 41.1 Applicability: This chapter applies to new subdivisions and modifications to existing subdivisions or parcels.
- 41.2 Definitions: The following terms are defined as follows:
- 41.2.A Community Apartment: A community apartment is an undivided interest in land coupled with the right of exclusive occupancy of a unit.
 - 41.2.B Condominium: A condominium is an interest in real property, or combination of such interests, recognized under applicable state law as a condominium.
 - 41.2.C Condominium Development: Condominium development is the division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.
 - 41.2.D New Development Potential: New development potential is the regional potential for additional residential, commercial, tourist accommodation, public service, recreation and related growth, as limited by the number of existing development rights currently remaining, and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987 pursuant to Chapter 21, as amended, minus development rights which have been extinguished. New development potential for piers is limited by §54.4.A(1) of the Code.

- 41.2.E Parcel Consolidation: Parcel consolidation is the merging of two or more contiguous parcels into one parcel.
- 41.2.F Parcel Line Adjustments: A parcel line adjustment is a change in the legal boundary or boundaries of a parcel.
- 41.2.G Public Entity: A public entity is a public service or quasi-public entity which is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.
- 41.2.H Stock Cooperative: A stock cooperative is a form of subdivision in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.
- 41.2.I Subdivision: Subdivision is defined in Chapter 2.
- 41.2.J Urban Area: Urban areas are those areas designated as residential, tourist or commercial/public service by the plan area statements.
- 41.3 Limitations on New Subdivisions: New subdivisions shall not create new development potential in the Region. New subdivisions shall be reviewed in accordance with the applicable provisions of this Code. Only the following types of subdivisions may be approved provided TRPA finds they do not increase new development potential:
- 41.3.A Conveyance to Public Entity: Subdivisions of land for the purpose of conveying the newly created parcel to a government agency, or public entity as defined above, provided the subdivision is in compliance with the following standards:
- (1) If the original parcel had an existing residential development right, a deed restriction or other covenant running with the land shall be recorded establishing which parcel shall be assigned the residential development right.
 - (2) The parcel conveyed to the government agency or public entity shall be permanently restricted, by deed restriction or other covenant running with the land, to public service, public recreation, public resource management uses, or open space.
 - (3) If the original parcel contains existing land coverage, deed restrictions or other covenants running with the land shall be recorded against the

original and newly created parcels ensuring that the allowable and maximum coverages on the parcels shall not exceed the amount which would have been permitted prior to the subdivision. In the case where existing land coverage exceeds the Bailey coefficients, the restriction shall ensure that future land coverage calculations shall be made as if the parcels had not been subdivided.

- 41.3.B Cemetery Lots: Divisions of land for the purpose of creating cemetery lots.
- 41.3.C Litigation: Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversary legal proceedings to which TRPA is a party or is otherwise legally bound. Any such division of land or approval of any other project or action resulting from such legal proceedings, shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Compact. Based on the above evaluation, TRPA shall make appropriate adjustments to the regional plan.
- 41.3.D Modifications to Existing Parcels and Subdivisions: Modifications to existing subdivisions or parcels, including parcel consolidations, which do not have adverse impacts upon the health, safety, general welfare, or environment of the Region. Modifications shall be reviewed in accordance with the applicable provisions of Chapter 42 of this Code. Modifications to an existing subdivision or parcel shall not create a greater number of parcels than that which currently exists.
- 41.3.E Conversions of Existing Structures: Conversion of an existing structure, as defined in Chapter 2, other than a residential structure approved by TRPA after December 19, 1980 and prior to July 1, 1987, to a stock cooperative, community apartment, condominium, or any other form of divided interest; which does not have an adverse impact upon the healthy, safety, general welfare or environment of the Region. Conversions of eligible existing structures shall be reviewed in accordance with the applicable provisions of Chapter 43 of this Code.
- 41.3.F Resubdivision: Resubdivision, adjustment, or consolidation, or parcels within an existing urban area, as part of a TRPA-approved redevelopment plan. Such projects shall be reviewed in accordance with the applicable provisions of Chapter 43.

41.3.G Subdivision of New Projects: Subdivision through condominiums, community apartments, or stock cooperatives, within an existing urban area, in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of the Regional Plan and Code. In order to subdivide a project under this subsection, the project shall be new development approved pursuant to the 1987 Regional Plan, as amended, prior to the approval of the subdivision. The subdivision shall not result in a greater amount, a different location, or a greater rate of development than otherwise permitted by the Regional Plan and Code. Subdivisions under this subsection shall be reviewed and approved in accordance with the applicable provisions of Chapter 43 of this Code.

Chapter 43

SUBDIVISION STANDARDS

Chapter Contents

- 43.0 Purpose
- 43.1 Applicability
- 43.2 Subdivision of Existing Structures
- 43.3 Resubdivisions
- 43.4 Subdivision of New Projects

- 43.0 Purpose: The purpose of this chapter is to regulate the creation of new subdivisions to ensure attainment and maintenance of the environmental thresholds and the goals of the Regional Plan.
- 43.1 Applicability: This chapter applies to the review of permissible new subdivisions.
- 43.2 Subdivision of Existing Structures: Subdivision of eligible existing structures, as set forth in subsection 41.3.E, may be permitted subject to the following requirements:
 - 43.2.A Permissible Use: Subdivisions of existing structures which result in a change of use shall comply with the requirements of Chapter 18. Subdivision of a structure shall be deemed an intensification of use and shall not be permitted if the new use is prohibited in the applicable plan area statement.
 - 43.2.B Affordable Housing: [Reserved]
 - 43.2.C Land Coverage: Prior to approving a subdivision of an existing structure, TRPA shall require submittal of a site plan showing all existing land coverage.
 - (1) Conversions of existing structures shall be subject to the excess coverage mitigation requirements in Section 20.5 to the extent the subdivision includes, or is approved in conjunction with, building modifications.
 - 43.2.D Density: Subdivision of existing structures which exceed the density standards in Chapter 21 by more than ten percent shall not be permitted.

- (1) Conversions of existing structures which exceed the density standards in Chapter 21 by no more than ten percent may be permitted provided TRPA finds that the resultant excess density is not inconsistent with the surrounding uses and the goals of the applicable plan area statement.

- 43.2.E Parking: Subdivisions of existing structures, other than residential structures, shall comply with the parking standards set forth in Chapters 24 and 30 and Ordinance 87-9, as applicable.
- 43.2.F BMPs: Existing structures approved for subdivision shall be retrofitted with BMPs. Where the subdivision includes, or is done in conjunction with, reconstruction or relocation of the existing structure, the project area shall be retrofitted no later than the completion of the reconstruction or relocation. Where the subdivision does not include reconstruction or relocation, the project area shall be retrofitted no later than one year after the recordation of the map, or other similar legal instrument, documenting the subdivision. Performance of BMP retrofitting shall be secured in accordance with Chapter 8.
- 43.2.G Basic Services: Subdivisions of existing structures shall comply with the standards in Chapter 27, except that TRPA shall not waive the paved road requirement in Section 27.2.
- 43.2.H Signage: All signage associated with, or located within the subdivision shall conform to the standards for new signs in Chapter 26.
- 43.2.I Design Review Guidelines: Existing structures approved for subdivision shall be retrofitted to comply with the standards set forth in Chapter 91 for combustion appliances, including fireplaces. Subdivisions of existing structures shall conform to the following standards in Chapter 30:
- (1) Lighting (Section 30.8);
 - (2) Snow Storage (Subsection 30.5.C); and
 - (3) Landscaping (Section 30.7).
- 43.2.J Air Quality Mitigation Fees: If the subdivision of an existing structure effects a change in use (e.g., multi-family to single family), which results in an increase in daily vehicle trips, then an air quality mitigation fee shall be assessed pursuant to Subsection 93.3.D.

43.2.K Common Areas: If subdivision of an existing structure creates common area, then TRPA shall require covenants, conditions and restrictions (CC&Rs), as needed, to ensure compliance with the Code and conditions of approval.

43.2.L Shorezone Structures: Subdivision of an existing structure in the shorezone shall not be permitted except in accordance with an adopted marina master plan pursuant to Chapter 16.

43.2.M General Standards: Except as otherwise expressly set forth in this section, subdivisions of existing structures shall conform to the standards set forth in the TRPA Code. TRPA shall not approve the subdivision of an existing structure which was not constructed in accordance with the applicable local, regional and state laws.

- (1) In conjunction with the subdivision of an existing structure, TRPA may also approve the reconstruction or relocation of the structure, within the same project area, as otherwise permitted in the Code.
- (2) This section shall not be construed to permit the transfer of an existing structure to create a lot and block subdivision, planned unit development or similar division of land.
- (3) A final map, or similar document, for an approved subdivision, shall contain a signature block for TRPA to document regional approval.
- (4) TRPA shall require compliance with applicable pre-existing permit conditions and subdivision approvals through the recordation of deed restrictions or other covenants running with the land, as deemed necessary.

43.3 Resubdivisions: [Reserved]

43.4 Subdivision of New Projects: [Reserved]

HOUSING

The mix and affordability of housing in the Basin are the 2 major socio-economic issues affecting moderate to low income people. The housing subelement of the Regional Plan will set forth strategies for resolving issues of housing needs in relationship to the housing stock and constraints affecting production of housing in the Basin.

CURRENT SITUATION

Housing within the Lake Tahoe Basin is composed of single and multifamily dwelling units occupied by permanent, seasonal, and second home owners. Tourist facilities are also available for the many visitors to the Lake. Housing for residents has increased to accommodate what has been an expanding job market associated with expanding recreational facilities and in response to demands for second homes.

Like many areas within the nation, the Tahoe region is experiencing increasing costs of land, labor, building materials, and financing; thus creating a situation in which it is difficult for low and moderate income people to afford housing in the Basin. Aggravating this situation is the seasonal employment of the tourist sector and the external demand for second homes.

TRPA data and U.S. Census data (1980) indicate that there were approximately 20,056 households in the region with a median income of \$18,622.00. The base condition is indicated by utilizing the HUD definition of lower income households (80% of the Median income) and very low income households (50% of the median income) (Table 1).

RELATIONSHIPS TO THRESHOLDS

There are no adopted thresholds for housing within the region nor is there a Compact requirement for a housing element. However, state law requires local government to address housing and it has been included in past TRPA plans.

MANAGEMENT DIRECTION

At this time, the TRPA has no housing element; however, both the California side and Nevada side Land Use Ordinances permit development of low income housing. The choice for providing subsidized housing has been left to local governments. Currently, subsidized housing within the region is only found within the City of South Lake Tahoe.

Table 1. Household income relationships by County.

Lower Income Households (Below \$14,898)

	<u>Projected Fair Share (34.2%)</u>	<u>Actual</u>	<u>Difference</u>	<u>% Deviation from Fair Share</u>
South Lake Tahoe	3,109	3,230	121	
El Dorado	877	790	[87]	
Douglas	804	695	[109]	
Total South Shore	4,790	4,715	[75]	[2]
Placer	1,179	1,468	289	
Washoe	888	674	[214]	
Total North Shore	2,067	2,142	75	3.7
Total Basin	6,857	6,857	-0-	-

Very Low Income Households (Below \$9,311)
(Projected fair share = 21.65%)

South Lake Tahoe	1,967	2,460	493	
El Dorado	556	384	[172]	
Douglas	509	416	[93]	
Total South Shore	3,032	3,260	[228]	[7.5]
Placer	746	744	[2]	
Washoe	563	337	[226]	
Total North Shore	1,309	1,081	228	[17.4]
Total Basin	4,341	4,341	-0-	-

LIMITATIONS AND POTENTIAL

The housing problems specific to the region are related to the economic base. The gaming and recreational sectors often employ only seasonal help. This tends to severely limit total annual income for many people. This problem may be less severe in the future since the gaming industry expansion has been limited by Compact moratoriums, but the existing problem remains unresolved. Lower income housing opportunities will probably require government assistance since the building restrictions of the region tend to inflate the costs of new residential construction.

Housing needs continue to be a problem within the region. The Agency should address the problems of:

Overpayment

Currently renters are overpaying according to federal guidelines (Table 2).

Table 2. Rental costs to households with income less than \$14,898.

<u>Locality</u>	<u>No. of Renters with incomes of below \$14,898</u>	<u>% Paying More Than 25% of Income</u>
El Dorado County	3,409	95%
Douglas County	316	98
Total South Shore	3,725	96
Placer County	1,624	90
Washoe County	363	95
Total North Shore	1,987	91
Total Basin	5,712	94

Overcrowding

There is evidence that renters are over-crowding to compensate for high rents.

Deterioration

Use of substandard summer cabins and Agency restriction on multiple dwelling units have not encouraged upgrading of the housing stock particularly in California.

Long Commutes

Many home buyers have been forced to purchase outside of the Basin due to high housing costs.

NOISE

Much of the noise generated in the Basin originates from transportation corridors and to a lesser extent, isolated or single event sources. With increased urbanization, Tahoe's background noise levels have risen.

CURRENT SITUATION

Average noise levels describe the general acceptability of a noise environment, but it is usually a specific noise source that annoys people. A number of factors other than just the level of noise may also contribute to impacts perceived by visitors or residents. These include the duration of the noise,

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

March 1, 1991

To: The Advisory Planning Commission

From: TRPA Staff

Subject: Determination of Technical Adequacy and Recommendation for
Certification of the Final EIS/Addendum for Incline Village General
Improvement District (IVGID) Community Center

The Draft Environmental Impact Statement (EIS) for the IVGID Community Center began circulation on March 13, 1990, and the comment period closed on May 11, 1990. The APC at its July 11, 1990 meeting recommended that the Governing Board find the Final EIS technically adequate and that it be certified. The Governing Board held public hearings on the Final EIS on July 25, August 22, and September 26, 1990. Based in part on concerns related to transportation and air quality impacts, the Governing Board chose not to certify the EIS.

An EIS Addendum for the Community Center has been prepared to provide additional information relative to transportation and air quality impacts, and to further refine the reduced project alternative (Alternative 2 in the EIS) and its associated impacts. Copies of the EIS Addendum were mailed to all affected governmental agencies, local libraries, and APC and Governing Board members on February 25, 1991. At the same time all commenters on the Draft EIS were notified of the EIS Addendum and advised as to the locations at which it could be reviewed.

TRPA staff and the EIS consultant, Resource Concepts, Inc., will make a brief presentation of the EIS Addendum at the APC meeting on March 13, 1991. Staff recommends that the APC find the EIS addendum technically adequate and make a recommendation to the Governing Board for its certification.

If you have any comments or questions on this matter, please contact Jerry Wells, Deputy Director, at (702) 588-4547.

JW:jf
3/1/91

AGENDA ITEM IV C.

25

TAHOE REGIONAL PLANNING AGENCY

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M E M O R A N D U M

March 5, 1991

To: TRPA Advisory Planning Commission

From: Susan E. Scholley, Special Projects Attorney

Re: Amendment of the Regional Plan and 208 Plan Regarding Findings for Moving the IPES Line

BACKGROUND: Both the APC and Governing Board have recently recommended amendment of the monitoring finding required for lowering the IPES line. The proposal is to delete the "representative water year" requirement and emphasize a long-term continuing commitment to monitoring.

The 208 Plan language relative to the monitoring finding is attached. The section to be amended is bracketed.

At the February 1991 Board meeting, staff advised the Board they would consult with APC and interested public organizations on the proposed amendment. Staff has not yet consulted with the various interest groups but wishes to obtain APC input in anticipation of a March action by the Governing Board.

PROPOSED AMENDMENT: The proposed amendment is to delete the term "representative" and the term "baseline" in the bracketed language in the attachment. A sentence would also be added to confirm that the IPES-related monitoring must remain in place for the line to be lowered in successive years.

The revised language is thus as follows:

"This monitoring program shall be in place in a local jurisdiction, and shall establish water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered (cite omitted). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected for the previous water year. The monitoring program must remain in place for the line to be lowered in successive years."

ACTION REQUESTED: Staff seeks APC comment and input and, if appropriate, a recommendation to the Governing Board on the proposed amendment.

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

SES:jm
3/5/91

AGENDA ITEM V A.

- Property owners may appeal their parcel's rating to an independent body of qualified experts not involved in the initial field evaluation of that parcel. These independent experts shall apply the IPES criteria, and their decision shall be final unless the property owner appeals to the TRPA Governing Board. The Board may change a rating only upon finding that the IPES criteria were not applied correctly.

TRPA shall rate all vacant residential parcels numerically and rank them from most suitable to least suitable, by jurisdiction. TRPA shall also establish a level in the ranking immediately above the most sensitive parcels, based on recommendations from the IPES technical committee. Only parcels above this level, as it may be subsequently adjusted, comprise the "top rank" and may pursue a building permit (Goals and Policies, p. VII-6).

The numerical level defining the top rank for any jurisdiction shall be lowered annually by the number of allocations utilized in that jurisdiction during the previous year, provided that the following conditions are met (Goals and Policies, pp. VII-6, -7):

- all parcels in the top rank are otherwise eligible for development under state water quality plans and other legal limitations,
- a monitoring program for that jurisdiction is in place as set forth in the Monitoring and Evaluation Subelement of the TRPA Goals and Policies,
- demonstrable progress is being made on the Capital Improvements Program for water quality within that jurisdiction,
- there is a satisfactory rate of reduction in the inventory of vacant parcels; the IPES line shall not move down in any jurisdiction unless the number of parcels below the line in that jurisdiction, compared to the number deemed sensitive on January 1, 1986, does not exceed 20 percent in El Dorado and Placer Counties, or 33 percent in Washoe and Douglas Counties, and
- the level of compliance with conditions of project approvals within that jurisdiction is satisfactory.

With respect to the requirement that a monitoring program be in place in a given jurisdiction, the Goals and Policies require TRPA to monitor representative tributaries to provide a basis for evaluating the relative health of the watershed within which development is contemplated and progress toward meeting thresholds. The monitoring program will monitor stream flows and

concentrations of sediments and dissolved nutrients to determine annual pollutant loads. [This monitoring program shall be in place in a local jurisdiction, and shall establish baseline water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered (Goals and Policies, p. VII-25). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for at least one representative water year.]

The location of sampling sites, frequency of sampling, and financial responsibilities for monitoring will be set forth in TRPA's Monitoring Program pursuant to the Goals and Policies (p. VII-25) and the TRPA Code of Ordinances (section 32.10), based on the recommendations of the TRPA Monitoring Committee. The objectives of the monitoring program are to:

- (1) Characterize the water quality of streams draining affected residential areas in relationship to the overall water quality observed in the watershed,
- (2) Identify short-term changes in water quality from affected residential areas, and
- (3) Ensure that TRPA and state water quality standards are being attained and maintained.

The monitoring program will include quality control and quality assurance (QA/QC) procedures to ensure that the data accurately represent the actual water quality conditions.

Monitoring will normally occur not only at the mouths of streams, but also at locations in closer proximity to residential subdivisions. While the stream mouth monitoring will generally cover the entire year, monitoring at other locations higher in the watershed will be geared toward the spring snowmelt period and the fall storm season to contain costs. In addition to the presently established monitoring stations, TRPA estimates that 30 to 40 additional stations will be required throughout the Region to support the IPES conditions.

With regard to the requirement that demonstrable progress is being made on the Capital Improvements Program within a given jurisdiction, TRPA's evaluation will be based on the programs adopted in Volumes III and IV of the 208 plan, including lists of SEZ restoration and capital improvement projects for erosion and runoff control, with priority designations, for each jurisdiction. Pursuant to the Goals and Policies, TRPA has established benchmarks against which the progress can be evaluated (Goals and Policies, p. VII-26). These benchmarks are found in Section I, Chapter VII of this volume, Plan Evaluation and Revision.

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March 5, 1991

To: Advisory Planning Commission
From: Agency Staff
Subject: Amendment to Chapter 37 Relative to Stream Environment Zone Indicators

Background

During the ongoing evaluation of the Individual Parcel Evaluation System (IPES), TRPA staff has identified a technical problem in the criteria for identifying stream environment zones (SEZs), primarily with respect to the secondary SEZ indicators. This problem makes it technically impossible to classify certain wet areas as SEZs. There are also other minor technical flaws in the SEZ identification criteria.

At this time, the staff desires feedback from the APC on the recommended correction of these technical problems and, if appropriate, a recommendation for Governing Board action.

Discussion

The Code of Ordinances employs, incorrectly, the terminology "alluvial soil types" to identify soils which owe their major characteristics to the presence of surface and subsurface water. The correct definition of alluvial soil types is those soils which were formed by the process of deposition by flowing water. Of the 16 soil map units identified as alluvial soils in the Tahoe Basin Area Soil Survey (Rodgers, 1974), only six are principally influenced by the presence of surface water or subsurface water within 40 inches of the surface.

TRPA staff have reviewed the criteria for SEZ identification in Chapter 37 of the Code with the IPES technical committee. The committee generally supports amending the language of the Code to employ more appropriate terminology relating to wet soil conditions. The existing identification criteria omit from the secondary indicators certain wet soils that should be included, such as the Jabu coarse sandy loam, seeped variant (JbD) soil and some of the unclassified soils known in IPES as "XXX" soils.

GS:mmi
3-5-91

Agenda Item V.B

Amendment to Chapter 37
March 5, 1991
page two

The existing criteria for identification of SEZs define four secondary indicators: (1) designated flood plain, (2) groundwater between 20 and 40 inches, (3) secondary riparian vegetation, and (4) one of the following alluvial soils: Lo, Co, and Gr. (See attachment for details.) The boundaries of an SEZ may be defined as the outermost limits where three secondary indicators coincide, or, if Lo, Co, or Gr soils are present, the outermost limits where two secondary indicators coincide.

In the field, TRPA staff have identified as SEZs many areas based on the presence of the three indicators: evidence of groundwater between 20 and 40 inches, secondary riparian vegetation, and Lo, Co, or Gr soils. However, there are many areas with the same physical characteristics in which the soils do not match the descriptions of Lo, Co, or Gr soils. Under the existing criteria, these areas cannot be classified as SEZs, even though their soils are wet variant inclusions having the same wet soil conditions as the named "alluvial" soil types.

To make the secondary SEZ indicators consistent with generally accepted criteria defining wet soil conditions, the test for wet soil conditions should consist mainly of evidence of groundwater within 40 inches of the surface.

The proposed amendments to Chapter 37 of the Code are attached. These amendments will make the Code more technically correct, allow for more uniform application of SEZ criteria, and protect sensitive areas which have wet soil conditions and support riparian vegetation communities.

When these recommended Code amendments are adopted by the Governing Board, staff will propose corresponding amendments to the Water Quality Management Plan ("208 plan"). Since the proposed Code amendments create more stringent criteria, TRPA can implement them immediately without waiting for 208 plan amendments to take effect.

If you have any questions or comments on this agenda item, please contact Gary Shellhorn or Joe Pepi at (702) 588-6787.

Age Class: Specific age make-up of a forest stand.

Agency: The Tahoe Regional Planning Agency, including the Governing Board and staff.

Agency of Jurisdiction: As used in Chapter 16, government agency with responsibility for managing land, such as the Forest Service, the state parks departments, City of South Lake Tahoe, and California Tahoe Conservancy.

Airfields, Landing Strips and Heliports: See Chapter 18.

Allocation: An apportionment of additional development opportunity for residential, commercial, tourist accommodation, and certain recreational projects.

Allowable Land Coverage: See Section 20.3.

Alluvial-Soil-Type: ~~All of the following soil types as defined in the United States Department of Agriculture Soil Survey for Lake Tahoe, as identified on Agency maps, or as determined by the Agency to be present in an area: -- Beam Alluvial land (Bo), Elmira loamy coarse sand, wet variant (Ev), Celio gravelly loamy coarse sand (Co), Marsh (Mh), Gravelly alluvial land (Gr), Fill land (Fd), Seeped soils, and Beaches (Be).~~

Alternative Fuels: Motor vehicle fuels other than gasoline or diesel such as neat methanol or propane.

Amusement and Recreational Services: See Chapter 18.

Animal Control Ordinance: Regulations established by a city, county or state government which deal with animals.

Animal Husbandry Services: See Chapter 18.

Apartment: A residential complex of two or more residential units under single ownership, usually, but not always, sharing the same structure, water distribution system, sewer collection system, parking facilities, open space and recreational amenities.

Approved Plant Species: Plants designated by TRPA as acceptable species for use in landscaping and revegetation. Such species are usually, but not always, indigenous to the Region. See also Plant List.

Appurtenant Structure: A fixed structure customarily associated with and attached to a main structure.

Area of Wave Run-Up: The area landward of the shoreline that is subjected to wave run-up during high water conditions and an extreme wind event. An extreme wind event is an 80 miles per hour onshore wind of one hour duration.

37.3 Procedure For Establishing SEZ Boundaries And Setbacks: The IPES field evaluation teams shall use the following procedures and definitions for purposes of determining the presence and boundaries of an SEZ and establishing SEZ setbacks.

37.3.A Definitions: The definitions are as follows:

- ~~(1) Alluvial Soils -- All the following soil types owe their major characteristics to the presence of surface or subsurface water:~~
- ~~(a) -- Loamy alluvial land -- (Lo)~~
 - ~~(b) -- Elmira loamy coarse sand wet variant -- (Ev)~~
 - ~~(c) -- Celio gravelly loamy coarse sand -- (Co)~~
 - ~~(d) -- Marsh -- (Mh)~~
 - ~~(e) -- Gravelly alluvial land -- (Gr)~~
 - ~~(f) -- Fill land -- (Fd)~~
- (1) (2) Confined - Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System," David L. Rosgen, April, 1985.
- (2) (3) Designated Flood Plain - The limits of the Intermediate Regional Flood where established for creeks by the U.S. Army Corps of Engineers, or the limits of the 100-year flood where established for creeks by the U.S. Army Corps of Engineers.
- (3) (4) Ephemeral Stream - Flows sporadically only in response to precipitation, with flows lasting a short time.
- (4) (5) Groundwater Between 20-40 Inches - Evidence of groundwater or low chroma mottles between 20 and 40 inches below the existing ground surface (somewhat poorly drained soil).
- (5) (6) Intermittent Stream - Flows in response to precipitation or snow melt.
- (6) (7) Lake - A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.
- (7) (8) Man-Made Channel - A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.
- (8) (9) Near Surface Groundwater - Evidence of ground water or low chroma mottles within 20 inches of the existing ground surface (poorly drained soil).
- (9) (10) Perennial Stream - Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

- (10) ~~411~~ Pond - A standing water body less than 20 acres in size and/or less than two meters deep at low water.
- (11) ~~412~~ Primary Riparian Vegetation - The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"
- (a) Type 0: Open water - Open water, Swamps and pools and Vernal pools.
 - (b) Type 2: Herbaceous - Wet marsh or meadow and Sphagnum bog.
 - (c) Type 7: Riparian shrub - Willow thicket and Alder thicket.
 - (d) Type 9: Broadleaf - Low elevations.
- (12) Primary Soil Map Units - The following soil map units owe their major characteristics to the presence of near surface groundwater and are considered primary indicators of soil wetness:
- (a) Elmira loamy coarse sand, wet variant (Ev)
 - (b) Marsh (Mh)
- (13) SEZ Setbacks - A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in Sub-section 37.3.D.
- (14) Secondary Riparian Vegetation - The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"
- (a) Type 2: Herbaceous - Wet mesic meadow.
 - (b) Type 9: Broadleaf - High elevations.
 - (c) Type 19: Lodgepole - Wet type.
- (15) Secondary Soil Map Units - The following soil map units are considered indicators of soil wetness when there is evidence of groundwater within 40 inches:
- (a) Celio gravelly loamy coarse sand (Co)
 - (b) Gravelly alluvial land (Gr)
 - (c) Loamy alluvial land (Lo)
 - (d) Jabu coarse sandy loam, seeped (JbD)

(16) ~~(15)~~ Slope Condition - The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

(a) Good - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.

(b) Average - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.

(c) Poor - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

(17) ~~(16)~~ Terrace - A moderately flat land area, above the flood plain, generally less than 20 percent slope.

(18) ~~(17)~~ Unconfined - Stream types classified under major categories C (excluding stream type C2), D and E as defined in the report entitled "A Stream Classification System," David L. Rosgen, April 1985.

37.3.B Identification: A stream environment zone (SEZ) shall be determined to be present if any one of the following key indicators is present or, in absence of a key indicator,

if any ~~three~~ two of the following secondary indicators are present. Plant communities shall be identified in accordance with the definitions and procedures contained in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning."

(1) Key Indicators: Key indicators are:

- (a) Evidence of surface water flow, including perennial, ephemeral and intermittent streams, but not including rills or man-made channels;
- (b) Primary riparian vegetation;
- (c) Evidence of near surface groundwater;
- (d) Lakes or ponds;
- (e) Beach (Be) soil; or
- (f) One of the following primary alluvial soils map units:
 - (i) Elmira loamy coarse sand, wet variant (Ev).
 - (ii) Marsh (Mh).

(2) Secondary Indicators: Secondary indicators are:

- (a) Designated 100 year flood plain;
- (b) Evidence of groundwater between 20 and 40 inches; or
- (d) one of the following secondary alluvial soils map units:
 - (i) Loamy alluvial land (Lo);
 - (ii) Celio gravelly loamy coarse sand (Co);
 - (iii) Gravelly alluvial land (Gr);
 - (iv) Jabu coarse sandy loam, seeped (JbD)

(c) Secondary riparian vegetation.

37.3.C Boundaries: The boundaries of an SEZ shall be the outermost limits of the key indicators; or the outermost limits where ~~three any two~~ three any two secondary indicators coincide, ~~or, if Lo, Co, or Gr soils are present, the outermost limits where two secondary indicators coincide,~~ whichever limits establish the widest SEZ at any particular point. The outermost boundaries of a stream shall be the bank full width of such stream, which shall be defined as the level of frequent high flow, i.e., the level of flood with a recurrence interval of approximately 1.5 years.

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MEMORANDUM

March 5, 1991

To: Advisory Planning Commission
From: Agency Staff
Subject: Amendment of Chapter 54, Development Standards Lakeward of High Water, Relating to Dredging

The Lake Tahoe Marina Association filed an application with TRPA on March 4, 1991, for a Regional Plan amendment, amending Chapter 54 of the Code of Ordinances in response to the current drought and implementing certain emergency actions which the applicant feels are necessary. The text of the Association's proposed amendment is attached.

It should be emphasized that this is not a staff-initiated Regional Plan amendment and the staff is not recommending an action by the APC calling for Governing Board approval of this amendment.

At the direction of the Governing Board, the staff has given public notice of a public hearing on this amendment, to be conducted at the March Governing Board meeting. This item is on the APC agenda as a planning matter because there was insufficient time to properly notice a public hearing. The APC may take public testimony on the proposed amendment at the discretion of the Chairman.

If you have any questions on this agenda item, please contact Jerry Wells or Jim Hamilton at (702) 588-4547.

JW:mmi
3-5-91

Agenda Item V.C

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 91-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY IN RESPONSE TO THE CURRENT DROUGHT, AND IMPLEMENTING CERTAIN NECESSARY EMERGENCY ACTIONS; AND OTHER MATTERS PROPERLY RELATED THERETO.

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

Section 1.00 Findings

- 1.10 It is necessary and desirable to amend Ordinance No. 87-9, as amended, by amending Chapter 54 of the Code of Ordinances relating to development standards in the shorezone in order to better implement the Regional Plan, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended ("Compact").
- 1.20 The Advisory Planning Commission has conducted a noticed public hearing and recommended adoption of the amendments. The Governing Board also has conducted a noticed public hearing of these amendments to the Code, at which hearing oral testimony and documentary evidence were received and considered.
- 1.30 The amendments have been determined to have no significant environmental effect and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.
- 1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and V(g) of the Compact and that such findings are supported by substantial evidence in the record. The Board further finds that, prior to the adoption of these amendments, the Board made the findings required by Section 2.40 of TRPA Ordinance 87-8 and that such findings are supported by a preponderance of the evidence.
- 1.50 The amendment to the Code adopted by this ordinance continues to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 These findings are supported by substantial evidence in the record.

Section 2.00 Amendment of Chapter 54 of the Code of Ordinances

Chapter 54 is hereby amended to add the following new subsections, as set forth below:

§54.14.G Emergency Dredging: During the period of time that the level of Lake Tahoe is below its natural rim at elevation 6223.0, an emergency exists, and emergency new dredging may be performed. Emergency dredging shall be limited to that which is necessary to provide navigational access to an existing marina or existing boat ramp facility. Such projects shall be approved without the necessity for a formal environmental document if the applicant agrees to pay a mitigation fee equal to one hundred ten percent of the anticipated cost of off-site water quality improvements designed to offset any such impacts which may remain after imposition of reasonable conditions of approval. Agreement by the applicant to pay such a mitigation fee shall constitute a mitigated finding of no significant effect as set forth in Section 5.7 of the Code. For the purposes of emergency dredging only, the findings required in Section 54.14.C shall be the same as for maintenance dredging.

§54.11.B(6) Temporary emergency breakwaters of a solid or nearly solid structure may be approved for the period of time that Lake Tahoe remains below the 6223.0 elevation provided TRPA finds that such structures are necessary to continue access to an existing marina, and such a structure is likely to reduce the need for dredging to maintain access to that marina. For the limited purpose of such temporary emergency breakwaters, the findings set forth in 54.11.B(2) need not be made if the applicant agrees to post a security with TRPA equal to the cost of removal of the structure, and agrees that that structure shall be removed if TRPA finds that the structure, in fact, interferes with littoral processes, causes shoreline erosion, or harms water quality and clarity.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The ordinance shall be effective 60 days after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at the regular meeting held _____, 1991, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

W.F. Cronk, Chairman
Tahoe Regional Planning Agency