

**TRPA  
APC  
PACKETS**

**SEPTEMBER  
1993**

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, September 8, 1993, at the Tahoe Sands Inn Convention Center, 3600 U.S. 50, South Lake Tahoe, California. The agenda for said meeting is attached hereto and made a part of this notice.

August 30, 1993

By:   
Jerry Wells  
Deputy Director

Page#s

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

Tahoe Sands Inn Convention Center  
3600 U.S. 50, South Lake Tahoe, California

September 8, 1993  
9:30 a.m.

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

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. DISPOSITION OF MINUTES
- IV. PUBLIC HEARING AND RECOMMENDATIONS
  - A. Community Plans and Related Plan Area Statement Amendments for Round Hill, Kingsbury, and Stateline in Douglas County 1-6
  - B. Lowering of the Individual Parcel Evaluation System Line and Related Findings 7-28
  - C. Amendment of Scenic Threshold and Adoption of Scenic Resource Inventory for Public Recreation Areas and Related Amendments of Chapter 30, Design Standards; Chapter 12, Regional Plan Maps; and Chapter 32, Regional Plan and Threshold Review, to Implement Scenic Resource Thresholds for Views From Public Recreation Areas 29-52
- V. PLANNING MATTERS
  - A. Discussion of Chapter 82, Water Quality Mitigation, Limited Exception for Additional or Transferred Development Within Adopted Community Plans 53-60
- VI. REPORTS
  - A. Executive Director
  - B. Legal Counsel
  - C. APC Members
  - D. Public Interest Comments
- VII. PENDING MATTERS
- VIII. RESOLUTIONS
- IX. ADJOURNMENT

# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

August 30, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Community Plans and Related Plan Area Statements for Round Hill, Kingsbury, and Stateline

PROPOSED ACTION: The Advisory Planning Commission (APC) is requested to review the Planning Team recommended Community Plans and PASs for Round Hill, Kingsbury, and Stateline (see Attachment A for the Community Plan summaries). Included with these Plans are the Team recommended Design Standards and Guidelines for the Community Plans. The complete Plan package is included in a binder with this mailing.

Because of the size and complexity of the documents, staff will present the Team recommended Plans at the September meeting and the EIS and staff recommendation at the October meeting. At this time, staff is only requesting APC and public comments on the team recommended Plan.

BACKGROUND: The Douglas County Community Planning Team has completed its review and has recommended a Plan package for the Community Plans. The final EIS on the package is being completed based on the recommended package of Community Plans, Plan area statements, and design standards and guidelines.

SCHEDULE FOR ADOPTION: The following is a tentative schedule for the Community Plan adoption.

September 8	APC Hearing on Team Recommended Plans
September 20	Distribution of Final EIS
September 22	Governing Board Hearing on Team Recommended Plans
September 23	Douglas County Planning Commission Hearing
October 6	Staff Recommendation on Community Plans
October 13	APC Recommendation on Community Plans and EIS
October 21	Douglas County Commission Hearing
October 27	Governing Board Action on Community Plans and EIS

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AGENDA ITEM NO. IV.A.

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ATTACHMENT A

DESCRIPTION OF THE THREE TEAM RECOMMENDED COMMUNITY PLANS  
FOR DOUGLAS COUNTY

STATELINE

Land Use: The overall business theme proposed for Stateline is "Tourist". Within this area, the Plan propose permissible uses intended to implement the theme. This Plan provides for 80,000 square feet (SF) of additional commercial floor area. Of this, 35,000 SF comes from the allocation pool allowed for the Community Plan. Special goals and policies address: increasing pedestrian activities in the casino core through improvements along US 50 and development of a pedestrian corridor perpendicular to the highway; commercial improvements such as new commercial activities compatible with pedestrian spaces; scenic improvements such as landscaping and sign redevelopment; traffic improvements such as the loop road development and improved transit; recreation proposals such as increasing public access to Lake Tahoe and establishing a recreational trail system; and public service policies such as infrastructure design to accommodate proposed buildout.

The Community Plan promotes Plan Area Statement (PAS) amendments in the adjacent PAS 070A (Edgewood) and PAS 080 (Kingsbury Drainage). The proposal includes expanding PAS 070A and introducing two special areas. These areas, referred to as "wings" during the planning process encompass property owned by Park Cattle Company. The lower "wing" (proposed as Special Area 2) sits between the North Loop Road and Lake Tahoe and includes approximately 27 acres of the Edgewood Golf Course. The upper "wing" (proposed as Special Area 1) climbs the slope southeast of the South Loop Road and encompasses approximately 80 acres of undeveloped property. Both of these properties currently support less coverage than allowed by the Bailey system (the upland portion is vacant) and represent contiguous areas of expansion potential. The proposal allows hotel development up to 250 additional tourist accommodation units (all by transfer) in Special Area 2 and up to 155 additional residential units (75 of these must be affordable housing units to construct 80 market rate residential units) in Special Area 1.

Transportation: Several important plan proposals address traffic congestion. The major proposal includes completion of the loop road system around the congested casino core. With this proposal, US 50 between the Caesar's and Horizon entrances and the state line would narrow from 5 lanes to 3 lanes, providing space for increased pedestrian and transit opportunities. Other transit features include increased shuttle use and STAGE expansion. If warranted, a roadway connecting the Loop Road and Kingsbury Grade will be considered. The proposed parking program limits parking expansion to the currently approved number. To allow an increase, a parking study must show a need based on the concepts of shared parking and reductions for transit. The proposed trail system includes pedestrian links to the Kingsbury area along both US 50 and the proposed Kingsbury Connector route, as well as recreational routes to the lake and the mountains northeast of the Community Plan boundary.

Conservation: The Plan proposes environmental targets for seven threshold issues. The targets area:

- 1) reduce VMT by the Stateline share of the Community Plan total (12,215 VMT by 2007, 6108 VMT by 1997) and obtain level of service D at selected monitoring points;
- 2) restore approximately 2.25 acres of SEZ (one half of the 25% of existing disturbed acres);
- 3) attain the 1997 schedule for scenic improvement based on a fair share apportionment and the substitute sign ordinance requirements;
- 4) restore approximately 0.75 acres of hard coverage and stabilize approximately 3.05 acres of disturbed land and soft coverage;
- 5) implement an area wide drainage system (including increased treatment and SEZ restoration in the Edgewood Golf Course) to address water quality issues, and on-site BMPs where an area-wide approach is not desirable; and
- 6) noise limits must not exceed 65 CNEL in commercial areas and the Loop Road/US 50 corridor. Residential and urban recreation noise limits of 55 CNEL are allowed in the amended PASSES.

Recreation: The Community Plan includes proposals for increased leisure pedestrian activity through redevelopment of the casino core and the proposed perpendicular pedestrian corridor. This may include more active recreational opportunities such as a children's play area, an amphitheater, and an ice rink. Pedestrian links to the Kingsbury area will also increase access to established trails and recreational opportunities.

The Community Plan promotes recreational opportunities located in part on adjacent property. These opportunities are linked to specific land development options. In order to develop a hotel and conference facility on the Edgewood golf course property, the developer must provide, cause to occur, or partially fund, an equivalent of 250 PAOTs of public lake access located in a target area along the southeast shore of Lake Tahoe. In exchange for allowing residential development on the upland property, the developer must provide a mountain trail head and portions of a trail system. Both of these proposals compliment the CP goals for improved recreational opportunities; PAS amendments allow project proposals while relying on market conditions, ability to mitigate specific impacts, and other site design elements to dictate implementation.

Public Service: The Community Plan proposes no specific public services facilities in the area.

Implementation: The proposed Loop Road system, funded by local governments, provides implementation of the level of service (LOS) targets. Through enforcement of waste discharge requirements, the State of Nevada and TRPA will insure implementation of an area-wide drainage system or comparable on-site systems. All other environmental targets rely on the commercial allocation program to provide sufficient incentive for land use changes, on-site improvements, and off-site remedial actions. The allocation system requires implementation of all on-site Community Plan programs and distributes commercial floor area to those projects which provide off-site benefits as follows: contribution of \$5/square foot of floor area for remedial programs or membership in an assessment district which provides those programs, commercial floor area transfer on a 1:1 basis (transfer from SEZs or from existing non-conforming parcels allows a 2:1 allocation/transfer).

## KINGSBURY

Land Use: The overall land use strategy for this area is "Commercial/Public Service". Three special areas located within this Community Plan further delineate development themes and include: "Retail/Tourist/Public Service", "Commercial Service/Industrial", and "Recreation". Within these areas, the Plan proposes permissible uses designed to implement each theme. This Plan provides for 73,000 SF of additional commercial floor area, 14,050 SF of which originates from the allocation pool allowed community plans. Special goals and policies address: scenic improvements such as undergrounding utility lines, sign redevelopment and sidewalk improvements; development of a Douglas County Design Review Committee to recommend projects for Community Plan bonuses; upgrade of substandard structures through use of the incentive program; establish a special events area in the Lakeside Inn parking lot; and continued study of the alternatives for a public access road serving the elementary school.

The Plan proposes the addition of one area to the preliminary community plan boundaries. The Community Plan boundary is being enlarged to include an additional 3.5 acres. This area is the back portion of a parcel which faces Kingsbury Grade. Past disturbance of the back portion provided sufficient disturbance to warrant a man-modified designation, allowing greater land capability with mitigation. Vehicle access to the currently vacant part will originate from Market Street.

The Planning Team proposes expanding the Community Plan boundaries to include a 3.5 acre vacant parcel. Chapter 14 of the TRPA Code of Ordinances includes those findings, which must be met in order to approve an adjusted Community Plan boundary.

Transportation: The primary transportation proposal included in this Community Plan addresses the LOS at the Kingsbury Grade/US 50 intersection. The Plan proposes realignment of this intersection to form a "T" at right angles to US 50, increasing the length of the left turn stacking lanes, and reducing conflicts with the free right-turn lanes. If acceptable levels of service are not produced by this action, the Plan includes a new road to link the Loop Road to Kingsbury Grade. The Kingsbury Connector would be a 2-lane road serving local traffic and relieving the burden on the redesigned major intersection. The parking program proposed by the Plan includes possible development of a parking garage to serve many users including the existing Douglas County Administration Building, a proposed commercial office building, and possibly casino visitors and employees. The parking program also includes revised parking standards for commercial businesses to be met on-site. The proposed trail system includes pedestrian links to the Stateline area along both US 50 and the Kingsbury Connector route, as well as recreational routes to Nevada Beach and Round Hill.

Conservation: The Plan proposes environmental targets for seven threshold issues. The targets are:

- 1) reduce VMT by the Kingsbury share of the Community Plan total (1,672 VMT by 2007, 836 VMT by 1997) and obtain a minimum of level of service D at selected monitoring points;
- 2) restore approximately 0.3 acres of SEZ;
- 3) attain the 1997 schedule for scenic improvement based on a fair share apportionment and the substitute sign ordinance requirements;
- 4) restore approximately 2.3 acres of hard coverage and stabilize

approximately 2.55 acres of disturbed land and soft coverage;  
5) implement an area-wide drainage system (including an upper and lower system with SEZ treatment in the Burke Creek and Edgewood Creek stream zones) to address water quality issues, and on-site BMPs where an area-wide approach is not feasible; and  
6) noise limits of 55 CNEL for Special Area 3. Transportation corridor overrides for Kingsbury Grade and US 50 may not exceed 55 and 60 CNEL, respectively. Special Areas 1 and 2 may not exceed 65 CNEL.

Recreation: The Plan includes proposals for increased recreational opportunities located in the Douglas County Park and the surrounding USFS land. Trails linking Nevada Beach and Round Hill to this Community Plan are also proposed. In addition to these features, increased opportunity for leisure pedestrian activity through redevelopment of the US 50 corridor and establishment of a community special events area will occur. Improved pedestrian links to the Stateline area will also increase access to proposed trails and recreational opportunities.

Public Service: The Community Plan proposes no additional public service facilities in this area. It identifies potential future need for a new water storage tank, possibly located at the County park site. The Plan calls for the study of various alternatives to provide a public road accessing the Middle School and allows consideration of a recycling center in Special Area 2.

Implementation: Douglas County and the USFS implemented a water quality treatment project in 1992 which provides treatment for runoff from a portion of the Community Plan area. Douglas County intends to pursue additional grant funding for SEZ restoration and enhanced treatment along Edgewood Creek. In addition, NDOT should fund intersection improvements at US 50/Kingsbury Grade when warrants are met. All other environmental target programs rely on a combination of public projects and private contribution to on-site and off-site improvements. The allocation system described for Stateline applies in Kingsbury as well.

#### ROUND HILL

Land Use: The overall business theme proposed for Round Hill is "Local Retail and Services with Opportunities for Tourist Accommodation and Recreation". Two special areas incorporate development themes for portions of the community including "Retail/Service", and "Commercial/Tourist/Residential". Within these areas, the Plan proposes permissible uses designed to implement each theme. This Plan provides for 40,000 sq.ft. of additional commercial floor area, although the entire amount must be transferred from other areas. The Plan also considers up to 125 additional tourist accommodation units, which also must be transferred. Special goals and policies address: improving the pedestrian experience through development of a streetscape project including sidewalks, street trees, and street lights; implement scenic improvements such as undergrounding utility wires, increased landscaping, and advertising sign replacement; extend transit to Round Hill Mall; and extend a bike/trail system from the Kingsbury Community Plan area to Round Hill.

The Planning Team proposes expanding the Community Plan boundaries to include a nine acre vacant parcel south of Dorla Court. Chapter 14 of the TRPA Code of Ordinances includes those findings, which must be met in order to approve an adjusted Community Plan boundary.



Transportation: The primary transportation proposal in this Community Plan area calls for increased transit service to Round Hill.

Conservation: The Plan proposes environmental targets for seven threshold issues. The targets are:

- 1) reduce VMT by the Round Hill share of the Community Plan total (1,500 VMT by 2007, 750 VMT by 1997) and obtain a minimum of level of service D at selected monitoring points;
- 2) restore approximately 0.1 acres of SEZ;
- 3) attain 1997 schedule for fair share improvement as it relates to scenic thresholds;
- 4) restore approximately 0.5 acres of hard coverage and stabilize approximately 1.12 acres of disturbed land and soft coverage;
- 5) implement an area-wide drainage system to address water quality issues, and on-site BMPs where an area-wide approach is not feasible; and
- 6) a noise limit of 55 CNEL for the vacant lot proposed as an addition to the Plan boundary in Special Area 2 is allowed. Transportation corridor overrides for US 50 may not exceed 65 CNEL. All other CP areas may not exceed 65 CNEL.

Recreation: The Plan envisions a trail system that provides a separated link to the Kingsbury Community Plan area via the elementary school and a link to a trail that connects Kingsbury to the Lake and the Round Hill Pines beach.

Public Service: The Community Plan proposes no altered public service facilities in this area.

Implementation: All environmental target programs rely on standard renovation and on-site improvements.

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## MEMORANDUM

August 31, 1993

To: Advisory Planning Commission  
From: TRPA Staff  
Subject: Findings Required to Lower the IPES Line

**PROPOSED ACTION:** The proposed action is consideration of the findings for lowering the IPES line; setting numerical performance standards for the subparts of the compliance finding; and making a recommendation to the Governing Board.

**STAFF RECOMMENDATION:** Staff is not making any recommendations at this time. At the September APC and Governing Board meetings, staff will be making the initial presentations on the findings for lowering the line, taking comments on the information and data presented, and answering APC and Governing Board questions about the information and process.

**BACKGROUND:** Chapter 37 of the Code sets forth the criteria and process for lowering the IPES line. There are five findings which must be made for a jurisdiction before the IPES line can be lowered. Those findings are:

1. All parcels included in the top rank are otherwise eligible for development under the applicable state water quality management plan for the Lake Tahoe Basin (208 plans) and other legal limitations;
2. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages:
  - (i) El Dorado County - 20 percent
  - (ii) Placer County - 20 percent
  - (iii) Douglas County - 33 percent
  - (iv) Washoe County - 33 percent
3. The monitoring program for that jurisdiction is in place pursuant to Chapter 32 and the TRPA monitoring plan;

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4. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction; and
5. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory.

The above findings are further defined in Volume I of the 1988 TRPA 208 Plan (see pages 118-120, attached as Exhibit A).

DISCUSSION: In 1990, the APC and Governing Board reviewed the supporting data and considered making the findings for lowering the IPES line. At that time, the 208 Plan required, as part of the definition of an "in place" monitoring program, that data be collected for "one representative water year." Because of the lack of a representative water year, the Governing Board did not make the findings. Rather, the 208 Plan language defining an "in place" monitoring program was amended in May of 1991 to delete the term "representative." That amendment was certified by Nevada in 1991, by the California State Water Resources Control Board in November of 1992, and approved by U.S.E.P.A. in August 1993.

#### FINDING 1. ELIGIBILITY UNDER 208 PLAN

The first finding regarding eligibility and legality of IPES parcels below the line for development under applicable 208 plans can be made because the 1988 TRPA 208 Plan, which includes implementation of the IPES, was certified by both states and approved by U.S.E.P.A. in 1989.

#### FINDING 2. VACANT LOT EQUATION

The so-called "vacant lot equation" is the requirement that the number of parcels with IPES scores below the line (725 and less), divided by the number of parcels deemed sensitive (i.e., land capability districts 1, 2 and 3) on January 1, 1986, cannot exceed 20 percent in the California counties and 33 percent in the Nevada counties.

In other words:

Numerator = Number of vacant parcels with IPES scores of 725 or less

Denominator = Number of vacant parcels deemed sensitive (Bailey 1-3) on January 1, 1986

The current calculations for the numerators are based on the March 1, 1993 IPES Vacant Parcel Inventory memorandum. The denominators are taken from a September 1986 memorandum to the Governing Board from William Morgan.

Douglas County	225/1067 = 21%	Placer County	935/1667 = 56%
Washoe County	393/2350 = 17%	El Dorado County	1508/4363 = 35%

The numerators need to be adjusted slightly to account for any remaining inventory of unscored parcels and for parcels which have purchased points within the last two years. Those adjustments will not result in appreciable changes to the above percentages.

Summary: Based on the above, it is clear that the finding can be made for Washoe and Douglas Counties. Accordingly, the remainder of this memorandum will focus on the two Nevada counties.

### FINDING 3. MONITORING FINDING

The monitoring finding requires a monitoring program pursuant to Chapter 32 and the TRPA monitoring plan to be in place in a given jurisdiction. "In place" is defined in the 208 Plan, Volume I, p.119, as amended, as:

"... This monitoring program shall be in place in a local jurisdiction, and shall characterize 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 the previous water year. The monitoring program, to be effective, should remain in place on a continuing and long term basis. It is the intent of TRPA to collect, on a long term basis pursuant to stringent QA/QC procedures, improved tributary water quality data which will be used to better assess average and existing conditions and to understand water quality trends and compliance with state and federal water quality standards."

An explanation of the current TRPA tributary monitoring program is attached as Exhibit B. In summary, the program consists of permanent monitoring stations at the mouths of ten streams, stream flow gauges and monitoring at upstream locations on five of the ten streams (Incline, Trout, Ward and Edgewood Creeks and the Upper Truckee River), and additional upstream sites on both the foregoing monitored streams and in other watersheds (developed and undeveloped). The sampling frequency and site selection methodologies are discussed in Exhibit B and a map of the monitoring locations is also included.

Additional detail and description of the IPES-related monitoring program is found in Volume I, pp.118-119 of the 208 Plan (Exhibit A.).

Summary: The tributary monitoring program has been expanded significantly since the adoption of the 1988 208 Plan and IPES. The program has been "in place" since at least 1991.

**FINDING 4. CIP PROGRESS**

The CIP finding requires that a jurisdiction make demonstrable progress on capital improvement programs for water quality within that jurisdiction. The 208 Plan defines demonstrable progress as requiring one of the two following findings to be made:

1. Funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year. (High priority projects are projects with substantial water quality benefit.); OR
2. The performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established on pp.183-184.

-- THREE-YEAR PERIOD ALTERNATE CIP FINDING: Following are the lists of CIP projects for Washoe and Douglas Counties for the applicable three year period of 1992 - 1994:

Douglas County: 1994 (Upcoming Year) - None.  
1993 (Current Year) - None.  
1992 (Previous Year) - Four high priority projects completed:  
1. Summit Village, \$1.4 million  
2. Kingsbury Village, \$1 million  
3. Lower Kingsbury, \$1.5 million  
4. Kahle Drive, \$.5 million

It should be noted that Douglas County has completed all its CIP projects in the Priority 1 and 2 categories as listed in Volume IV of the 208 Plan.

Washoe County: 1994 (Upcoming Year) - None.  
1993 (Current Year) - One priority project: Knotty Pine (Incline Village #4), \$.8 million  
1992 (Previous Year) - None.

--CIP/SEZ BENCHMARK ALTERNATE FINDING: Following are the 1991 benchmarks as established on pp. 183-184 of the 208 Plan for CIP expenditures and acres of restored SEZ.

Douglas County: \$2.9 million  
Washoe County: \$3.9 million  
Placer County: \$7.6 million  
El Dorado County: \$7.8 million  
City of SLT: \$10 million

The interim SEZ restoration target for December 1991 was 400 acres regionally.

As set forth in the 1992 Financing Plan for the 208 Plan, the 1987-1991 totals for the counties are as follows:

Douglas County:	\$4.4 million
Washoe County:	\$4.7 million
Placer County:	\$4.9 million
El Dorado County:	\$12.3 million
City of SLT:	\$6.7 million

The amount of restored SEZ acreage up to 1991 was approximately 80 acres. Douglas County accounted for 5.3 acres, Washoe County for none, Placer County for 3.8 acres, El Dorado County for 23.5 acres, and the City of SLT for 47.7 acres.

Summary: Absent a high priority project in 1993 or 1994, neither Washoe or Douglas County meet the three-year period alternate finding. It should be noted that an argument could be made that by completing three high priority projects in 1992, Douglas County fulfilled the intent of the finding that at least two high priority projects be completed within the three-year period. With respect to the benchmark alternate finding, both Washoe and Douglas surpassed the 1991 benchmark for CIP expenditures. Douglas County has already exceeded the next five-year benchmark. However, regional progress on SEZ restoration did not meet the benchmark.

#### FINDING 5. COMPLIANCE WITH PROJECT CONDITIONS

The compliance finding requires that the Governing Board evaluate and set numerical standards for four categories:

1. The percentage of projects which commenced construction three or more years earlier but which have not had their securities returned for water quality-related practices;
2. The number of projects which are behind approved schedules in project approvals for BMP retrofit, compared to those on schedule;
3. The number of projects which required TRPA issuance of cease and desist orders for failure to observe conditions of approval within the previous fiscal year, as compared to the number of projects inspected; and
4. The number of projects on which violations remain unresolved, compared to the number resolved.

Although the 208 Plan called for the setting of numerical standards after a review of compliance data at the end of the 1989 building season, the Governing Board postponed the setting of numerical standards in its 1990-1991 deliberations on the movement of the IPES line and the resultant 208 Plan amendment to the monitoring finding. Thus, instead of just one or two years of data, we now have up to five years of data in most categories. The specific numerical standards are to reflect TRPA's goal of achieving a very high level of compliance with conditions of project approval.

Attached as Exhibit C is a memorandum from the Environmental Compliance Division setting forth the current data for the four categories.

Summary: There was much debate in 1990-1991 over the appropriate numerical standards. The numerical standards which are chosen will apply not only for 1993 but also for future years.

ACTION REQUESTED: TRPA staff will make oral presentations on the findings as discussed above and the attached materials. The matter has been noticed as a public hearing. TRPA staff will make a similar presentation on the IPES line findings to the Governing Board at their September meeting. At the conclusion of those two meetings, TRPA will address the comments received and formulate recommendations on the numerical standards for the compliance finding and on the making of the five findings.

- 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

MONITORING



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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To make a finding of demonstrable progress in a local jurisdiction, TRPA will review the progress of that jurisdiction over a three-year period covering the previous year, the current year, and the upcoming year. For the demonstrable progress criteria to be met, TRPA must make one of the following findings: (1) funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year, or (2) the performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established on pp. 183 and 184. In this context, the term "high priority project" means a project with a substantial water quality benefit.

COMPLIANCE

To determine whether the level of compliance in a jurisdiction is satisfactory, TRPA will evaluate: (1) the percentage of projects which commenced construction three or more years earlier but which have not had their securities returned for water quality-related practices, (2) the number of projects which are behind approved schedules in project approvals for BMP retrofit, compared to those on schedule, (3) the number of projects which required TRPA issuance of cease and desist orders for failure to observe conditions of approval within the previous fiscal year, as compared to the number of projects inspected, and (4) the number of projects on which violations remain unresolved, compared to the number resolved. TRPA will review compliance data at the end of the 1989 building season, and will then set specific numerical performance standards for the four criteria above. The specific numerical performance standard shall reflect TRPA's goal of achieving a very high level of compliance with conditions of project approval.

Since it is possible (though unlikely) that individual appeals of IPES scores may result in a significant shift in the number of single-family parcels eligible to pursue construction permits by virtue of being in the top rank, TRPA shall, in a given local jurisdiction, and provided that IPES appeals increase the size of the top rank in that jurisdiction by three percent or more, subtract the number of parcels added to the top rank by appeals during the first year from the number of parcels which would be added to the top rank any year that the IPES line is lowered, until the number of parcels added to the top rank by appeals equals the number of parcels which would have been added to the top rank due to the lowering of the IPES line.

For TRPA to approve a project on a parcel rated and ranked by IPES, the parcel must be served by a paved road, water service, sewer service, and electric utility. However, Chapter 27 of the TRPA Code of Ordinances sets forth provisions for waiver of the paved road requirement, as provided for in the Goals and Policies (p. VII-8).

## IPES-RELATED MONITORING PROGRAM

### Introduction:

Implementation of The Individual Parcel Evaluation System (IPES) began in 1989. An important element of IPES is the establishment of the numerical score delineating those parcels eligible to receive a building allocation from those that are ineligible. The Tahoe Regional Planning Agency (TRPA) may lower this score provided certain conditions are met as outlined in TRPA's Regional Plan.

One of those conditions is the establishment of an IPES-related tributary monitoring program in each of the five jurisdictions (Washoe, Douglas, El Dorado and Placer Counties, and the City of South Lake Tahoe). Pursuant to the Monitoring and Evaluation Subelement of the Goals and Policies (pp. VII-6, 7 and 25) and TRPA's Water Quality Management Plan (Volume I, p. 119), this program is designed to meet the following objectives:

1. Evaluate the relative health of the watersheds within which development is contemplated;
2. Monitor progress made toward meeting the thresholds;
3. Characterize the water quality of streams draining affected residential areas in relationship to the overall water quality observed in the watershed;
4. Identify short-term changes in water quality from affected residential areas;
5. Determine if TRPA thresholds and Nevada and California water quality standards are being attained and maintained; and
6. Incorporate adequate quality assurance and quality control procedures to ensure accurate water quality data.

### Site Selection:

The tributary monitoring sites selected are designed to satisfy a number of objectives. The data collected from the sites is integrated into and complements the existing water quality monitoring program.

The United States Geological Survey and the Tahoe Research Group (USGS/TRG) operate the existing tributary monitoring program. Stations are located at the mouths of ten tributaries. These monitoring locations are listed in Table 1 and provide data to estimate annual sediment and nutrient loads to Lake Tahoe. Table 2 lists the parameters sampled for and analytical techniques used by the USGS and TRG. The IPES related monitoring program supplements the existing tributary monitoring program to help meet the objectives listed above.

To meet the six objectives, and evaluate the effect of development on tributary water quality, TRPA has incorporated the following three concepts into the IPES-related monitoring program:

- (1) Before and after sampling;
- (2) Above and below sampling; and
- (3) Paired watershed analysis.

Additional monitoring locations have been established in five of the watersheds monitored by USGS and TRG (Incline, Trout, Ward and Edgewood Creeks, plus the Upper Truckee River). Table 3 lists the locations of these additional stations. Sampling at the Ward Creek sites began in January, 1991, while sampling at the remaining sites began in Fall, 1989. Year-round stream flow is recorded at these additional sites by the installation of permanent recording stream flow gages.

These sites were selected to: (1) complement the existing tributary monitoring; (2) provide a clean tributary site located above development for background comparisons; and (3) provide data midway through the developed portion of the watershed. Development in the monitored watersheds is variable and is comprised of different types of commercial and residential development. In addition, several other types of development are represented in the selected watersheds such as ski areas, golf courses, and grazing activities.

Sampling at these sites is coordinated with the sampling performed at the stream mouths. Sampling frequency is greater during spring runoff and large storm events with less frequent sampling performed during low, steady flow conditions. Samples collected are analyzed for the "Sample A" parameters listed in Table 2.

In the Spring of 1991, this program was supplemented by the selection of an additional 11 tributary monitoring sites. Seven of those sites are located on tributaries already monitored. These sites were chosen to provide additional monitoring of developed areas, relatively undisturbed watersheds, and large watersheds in the Tahoe Basin. Monitoring of these sites is conducted each year during spring runoff and storm event flows. TRPA has identified eight additional sites in California which will be monitored in the future. The USGS and TRG perform the monitoring tasks for these additional sites as well as those listed above.

Table 4 lists the locations of these 11 sites. To the extent possible, these sites are co-located with previously established stations monitored by the USGS. The USGS selected their sites to provide for relatively clean monitoring locations above development and to monitor additional tributaries of Lake Tahoe. Their objectives were very similar to those of TRPA.

#### Sampling:

Sampling frequency is designed with two main concerns in mind.

1. To provide adequate data for estimating annual loads of sediments and nutrients; and

2. to provide adequate data to characterize the nutrient and sediment components of the various hydrologic events encountered.

Frequency sampling for the tributary mouth stations is designed to answer both 1 and 2 above. Sampling frequency at the additional 11 non-gaged stations will primarily focus on number 2 above, and will only infrequently sample during the low flow periods that are typically characterized by low nutrient and sediment loads. Water samples collected from the 11 additional sites will be analyzed for the "Sample A" nutrient parameters listed in Table 2.

#### Data Management:

Data collected from this program will be entered into the data bases of the USGS National Water Information System and into the US EPA STORET data base where appropriate. The data is included in TRPA's Annual Water Quality Report, TRG's Annual Report, and the USGS Water Resources Data Report.

#### Data Analysis:

Other agencies in the Tahoe Region require monitoring of some project sites as a condition of permit approval. To the extent a project monitoring condition can be related to tributary stream monitoring, TRPA will seek inter-agency cooperation to integrate project monitoring with TRPA's monitoring program.

The collected data will be used for a variety of purposes. The data collected at the newly established stream mouth stations (Table 4) will be used to better define the nutrient contributions from the tributary network and assess compliance with tributary standards.

The combination of above and below sampling and paired watershed samples will enable analysis to be done to better determine cause/effect relationships of development activities on tributary water quality. Data at the clean sites and from undeveloped tributaries and the stations within and at the bottom of the developed portion of the watersheds will document changes in water quality as a result of flow through the subdivisions, and other developed areas. Before development and after development analysis will require a long period of analysis to be useful for data interpretation.

The data collected is included in the 1991 Threshold Report and TRPA's Annual Water Quality Report. The additional data will be used to determine water quality trends, compliance with thresholds and standards, and to evaluate the effectiveness of the Regional Plan and its effect on water quality.

#### Quality Assurance/Quality Control:

The USGS and TRG have a detailed Quality Assurance/Quality Control (QA/QC) program to assure proper data collection, lab analysis, and reporting procedures. Rigorous field procedures ensure proper collection techniques are employed. Lab analysis includes appropriate QA/QC procedures including split samples, spikes, and blanks for data control. The reporting of data is carefully controlled to assure the reader that reported results are accurate and reliable.

Conclusion:

The current monitoring program meets the requirements of both the Goals and Policies and TRPA's Water Quality Management Plan for IPES-related tributary monitoring. The collected data will provide for a better understanding of tributary nutrient and sediment contributions to Lake Tahoe. In addition, statistical analysis of the collected data will allow for interpretation of developmental impacts on water quality, assess compliance with water quality standards, and identify water quality trends.

TABLE 1. Lake Tahoe Tributary Stream Monitoring Sites

Location	Stream Site	Drainage Area (sq mi)	Channel Length (mi)	% of Stream Basin Monitored	Operating Agency	
					Q	S N
California El Dorado	Trout C Basin, total at Highway 50	40.97	12.20	98.6%	--	USGS TRG
	at Black Bart Road	40.40	10.70	89.6%	USGS	--
	Heavenly Valley Creek tributary inflow	--	--	--	USGS	--
California El Dorado	U. Truckee R. Basin, total at Highway 50	56.64	21.45	96.8%	USGS	USGS TRG
California Placer	General Crk. Basin, total at Highway 89	7.56	9.17	98.4%	USGS	USGS TRG
California Placer	Blackwood Crk. Basin, total at Highway 89	11.18	6.20	99.8%	USGS	USGS TRG
California Placer	Ward Crk. Basin, total at Highway 89	9.74	5.90	99.6%	USGS	USGS TRG
Nevada Washoe	Third Crk. Basin, total below Highway 28	6.06	7.05	99.8%	USGS	USGS
Nevada Washoe	Incline Crk. Basin, total below Highway 28	6.76	4.66	99.7%	USGS	USGS
Nevada Douglas	Glenbrook Crk. Basin below Highway 50	4.09	3.92	99.8%	USGS	USGS
Nevada Douglas	Logan House Crk. Basin above Highway 50	2.18	3.30	95.4%	USGS	USGS
Nevada Douglas	Edgewood Crk. Basin near Stateline	6.59	5.53	84.7%	USGS	USGS

Monitored in 1989

	Sq. MI.	% of Total	Sq. MI.	%
Lake Tahoe Basin	506.69	100%		
Lake Tahoe Drainage:	192.14	38%		
Lake Surface:	314.55	62%	142.45	47%
Tributary Basins:	77.91	25%	24.53	32%
Nevada:	236.64	75%	123.50	52%
California:				

TABLE 2. --SAMPLE ANALYSES:

LAKE TAHOE TRIBUTARY MONITORING STUDY

USGS California/Nevada Districts

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A) ROUTINE SAMPLE:

- 1) TRG Labs -
  - Total organic + ammonium nitrogen (TKN)
  - Dissolved ammonium nitrogen (DNH4)
  - Dissolved nitrite + nitrate nitrogen (DNO3)
  - Total phosphorus (TP)
  - Dissolved orthophosphate phosphorus (DOP)
  - Total biologically reactive iron (TFE)
- 2) Sediment lab -
  - Suspended sediment concentration
- 3) Field -
  - Water temperature
  - Air temperature
  - Gage-height
  - Discharge (rated or measured)
  - Specific conductance
  - Hydrologic condition and event
  - Weather

B) EXPANDED SAMPLE:

- 1) TRG Labs -
    - Total organic + ammonium nitrogen (TKN)
    - Total ammonium nitrogen (TNH4)
    - Total nitrite + nitrate nitrogen (TNO3)
    - Total phosphorus (TP)
    - Total orthophosphate phosphorus (TOP)
    - Total biologically reactive iron (TFE)
    - Total Hydrolyzable + orthophosphate (THP)
    - Dissolved hydrolyzable + orthophosphate (DHP)
    - Dissolved organic + ammonium nitrogen (DKN)
    - Dissolved ammonium nitrogen (DNH4)
    - Dissolved nitrite + nitrate nitrogen (DNO3)
    - Dissolved phosphorus (DP)
    - Dissolved orthophosphate phosphorus (DOP)
    - Dissolved biologically reactive iron (DFE)
  - 2) Sediment lab -
    - Suspended sediment concentration
    - Sand break (% finer than 0.062mm)
  - 3) Field -
    - Water temperature
    - Air temperature
    - Gage-height
    - Discharge (rated or measured)
    - Specific conductance
    - Hydrologic condition and event
    - Weather
    - pH
    - Dissolved oxygen
    - Barometric pressure
-



Table 3. IPES-Related Monitoring Sites

<u>Jurisdiction</u>	<u>Tributary</u>	<u>Location</u>
Washoe County	East Fork Incline Creek	Just above Tyrolian Village <sup>(b)</sup> and below Highway 28 <sup>(a)</sup>
Douglas County	Edgewood Creek	Two locations, one on the North Fork <sup>(a)</sup> and one on the South Fork <sup>(b)</sup> just above their confluence.
City of South Lake Tahoe	Trout Creek	Upstream from where it crosses Pioneer Trail <sup>(a)</sup> and where USFS road 8189 crosses it <sup>(b)</sup> .
El Dorado County	Upper Truckee River	At Alpine Campground <sup>(b)</sup> and where it first crosses Highway 50 in Meyers <sup>(a)</sup> .
Placer County	Ward Creek	Where Ward Creek Boulevard begins to diverge away from Ward Creek <sup>(a)</sup> and below the confluence of the main north and south tributaries <sup>(b)</sup> .

- (a) Site located midway through development  
 (b) Relatively clean sites with little upstream  
 disturbance or development

Table 4. IPES-Related Monitoring Locations in Nevada

<u>Tributary</u>	<u>Location</u>
Edgewood Creek	At Andria Drive <sup>(d)</sup> , a tributary near Daggett Pass, and below South Benjamin Drive near Daggett Pass <sup>(d)</sup> .
Logan House Creek	At north Logan House Creek above Highway 50 near Glenbrook <sup>(b)</sup> .
Glenbrook Creek	At the old Highway 50 crossing above the meadow <sup>(a)</sup> and at old Highway 50 near Glenbrook
Incline Creek	Incline Creek tributary at Country Club near Incline Village <sup>(a)</sup> .
First Creek	Near Crystal Bay <sup>(c)</sup> .
Second Creek	Lakeshore Drive near Incline Village <sup>(c)</sup> .
Third Creek	Above Mount Rose Highway <sup>(d)</sup> and Village Boulevard at Incline Village <sup>(a)</sup> .
Wood Creek	One at Lake Shore Drive <sup>(c)</sup> and one above Jennifer Street <sup>(b)</sup> .

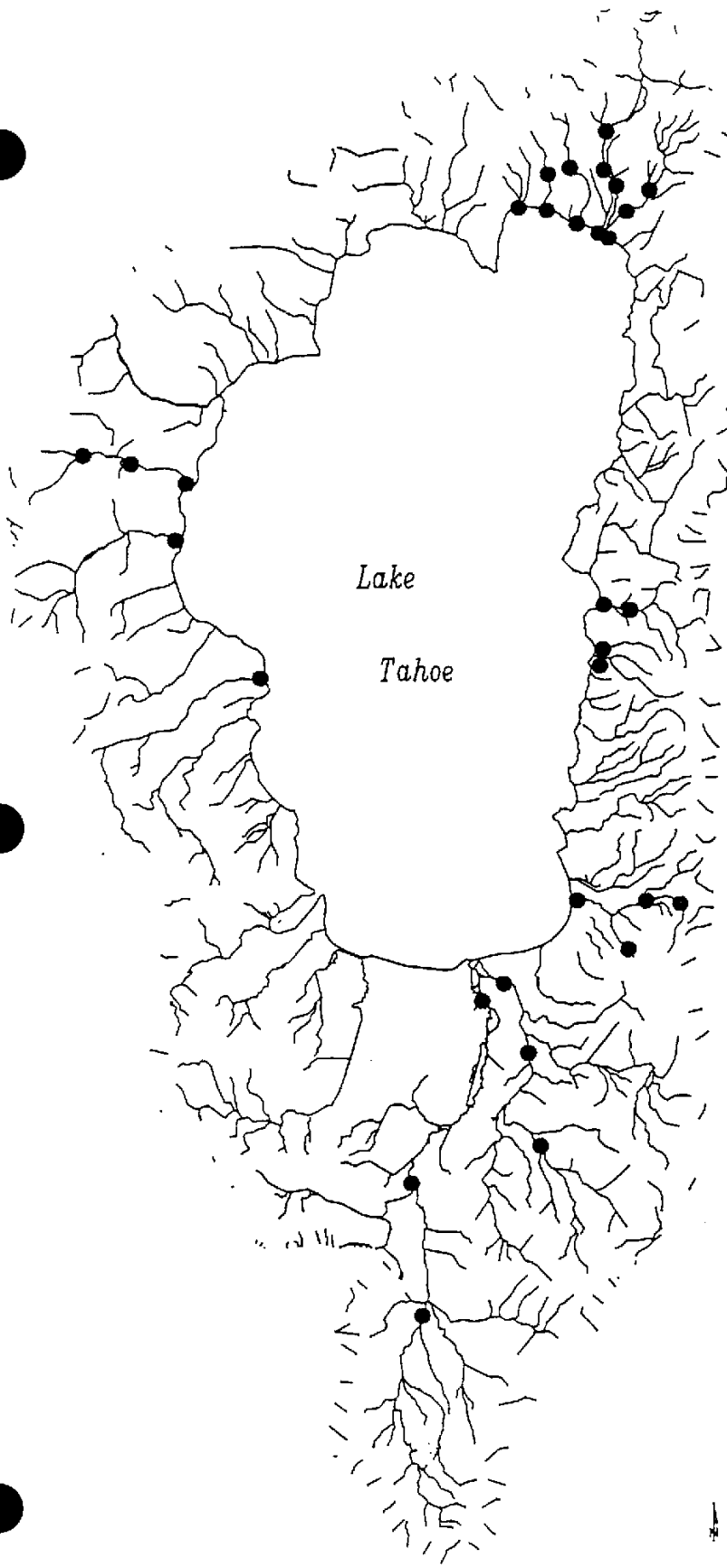
(a) Site located midway through development.

(b) Relatively clean site with little upstream disturbance or development.

(c) Site located near stream mouth.

(d) Additional site located in the upper portion of the watershed, but still influenced by upgradient disturbance or development.

Lake Tahoe  
Tributary  
Monitoring  
Locations



● USGS/TRG Monitoring Sites

0 4.5 ml.  
1 inch equals 4.5 miles



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## MEMORANDUM

August 31, 1993

To: Dave Ziegler, Executive Director  
Susan Scholley, Special Projects Attorney

From: Mike Solt, Senior Environmental Specialist *ms*

Subject: Compliance Data Associated With Lowering of the Individual Parcel Evaluation System (IPES) Line.

.....

The following compliance data, which pertains to the lowering of the IPES line, is being submitted for your review. The type and sources of data were discussed with Susan Scholley and Steve Chilton, to determine the most suitable set for use in the four criteria evaluation of the level of compliance. The four criteria listed in The Water Quality Management Plan for the Lake Tahoe Region are to be evaluated as indicators of the level of compliance within a jurisdiction. A "satisfactory level of compliance" with conditions of project approvals, within any jurisdiction, is one of the required findings for lowering the line. The data must still be reviewed for the purpose of setting specific numerical performance standards for the four criteria.

Please note that for criteria three and four, four years (fiscal years) of data are being submitted - '89-'90, '90-'91, '91-'92, and '92-'93. The security release data for criteria one is for projects started three or more years ago, going back to 1985.

The sources utilized in compiling this data include: TRPA computer database, project files, reading files, compliance personnel's inspection records and daily logs, previous compliance activity summaries, TRPA securities receipt books, and TRPA securities index card tracking system.

Criteria #1: The percentage of projects which commenced construction three or more years earlier, but which have not had their securities returned for water quality-related practices.

The set of data is based on all projects which posted a security within the specified calendar year. Data is presented for the years 1985 through 1989.

### 1985 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percentage of Securities</u>	
			<u>Not</u>	<u>Released</u>
El Dorado County	123	89	28%	
Placer County	86	68	21%	
Washoe County	39	28	28%	
Douglas County	28	21	25%	

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1986 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percentage of Securities</u>	
			<u>Not</u>	<u>Released</u>
El Dorado County	172	133		22%
Placer County	114	94		20%
Washoe County	61	46		25%
Douglas County	35	27		23%

1987 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percentage of Securities</u>	
			<u>Not</u>	<u>Released</u>
El Dorado County	146	104		29%
Placer County	158	117		26%
Washoe County	78	54		31%
Douglas County	38	27		29%

1988 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percentage of Securities</u>	
			<u>Not</u>	<u>Released</u>
El Dorado County	300	228		24%
Placer County	234	167		29%
Washoe County	127	89		30%
Douglas County	63	43		32%

1989 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percentage of Securities</u>	
			<u>Not</u>	<u>Released</u>
El Dorado County	274	170		38%
Placer County	277	183		34%
Washoe County	166	94		43%
Douglas County	81	52		36%

The Environmental Compliance Division is currently putting additional emphasis on completing security return inspections of the older projects with unreturned securities. The data included in criteria #1 may be updated, prior to this matter going to the Governing Board, once the inspections have been completed.

Criteria #2: The number of projects which are behind approved schedules in project approvals for BMP retrofit, compared to those on schedule.

The Code requires 50% completion within five years and 100% completion within ten years. A total of 20 projects have reached the five year date for completion of phase 1 of the BMP retrofit as of June 30, 1993.

<u>Jurisdiction</u>	<u>Projects</u>	<u>On Schedule</u>	<u>Behind Schedule</u>	<u>% Compliance</u>
El Dorado County	8	2	6	40%
Placer County	9	4	5	44%
Washoe County	2	2	0	100%
Douglas County	1	1	0	100%

Criteria #3: The number of projects which required TRPA issuance of CEASE AND DESIST ORDERS for failure to observe conditions of approval during the previous fiscal year as compared to the number of projects inspected.

The data for the number of projects inspected is based on the number of pre-grade inspections completed.

Fiscal year 89/90, July 1, 1989 through June 30, 1990

<u>Jurisdiction</u>	<u># of Projects Inspected</u>	<u># of Projects Issued Cease and Desist Orders</u>	<u>% of Projects Issued Cease and Desist Orders</u>
El Dorado County	213	8	4%
Placer County	200	5	3%
Washoe County	113	4	4%
Douglas County	57	3	5%

Fiscal Year 90/91, July 1, 1990 through June 30, 1991

<u>Jurisdiction</u>	<u># of Projects Inspected</u>	<u># of Projects Issued Cease and Desist Orders</u>	<u>% of Projects Issued Cease and Desist Orders</u>
El Dorado County	254	8	3%
Placer County	169	12	7%
Washoe County	111	12	11%
Douglas County	52	3	6%

Fiscal year 91/92, July 1, 1991 through June 30, 1992

<u>Jurisdiction</u>	<u># of Projects Inspected</u>	<u># of Projects Issued Cease and Desist Orders</u>	<u>% of Projects Issued Cease and Desist Orders</u>
El Dorado County	281	4	1%
Placer County	198	5	3%
Washoe County	85	17	20%
Douglas County	62	13	20%

Fiscal year 92/93, July 1, 1992 through June 30, 1993

<u>Jurisdiction</u>	<u># of Projects Inspected</u>	<u># of Projects Issued Cease and Desist Orders</u>	<u>% of Projects Issued Cease and Desist Orders</u>
El Dorado County	279	13	5%
Placer County	193	4	2%
Washoe County	101	10	10%
Douglas County	62	6	10%

Criteria #4 The number of projects on which violations remain unresolved compared to the number resolved.

All data for "Violations" includes Notices of Violations and pre-notice of violation Settlements issued during the particular fiscal year. The data does not include violations in which lawsuits have been filed.

Fiscal year 89/90, July 1, 1989 through June 30, 1990

<u>Jurisdiction</u>	<u># of Violations</u>	<u># of Violations</u>	<u>% of Violations</u>
	<u>Resolved</u>	<u>Unresolved</u>	<u>Unresolved</u>
El Dorado County	4	0	0%
Placer County	7	0	0%
Washoe County	1	0	0%
Douglas County	4	0	0%

Fiscal year 90/91, July 1, 1990 through June 30, 1991

<u>Jurisdiction</u>	<u># of Violations</u>	<u># of Violations</u>	<u>% of Violations</u>
	<u>Resolved</u>	<u>Unresolved</u>	<u>Unresolved</u>
El Dorado County	4	1	20%
Placer County	1	0	0%
Washoe County	2	0	0%
Douglas County	1	0	0%

Fiscal year 91/92, July 1, 1991 through June 30, 1992.

<u>Jurisdiction</u>	<u># of Violations</u>	<u># of Violations</u>	<u>% of Violations</u>
	<u>Resolved</u>	<u>Unresolved</u>	<u>Unresolved</u>
El Dorado County	4	0	0%
Placer County	1	1	50%
Washoe County	6	1	14%
Douglas County	2	0	0%

Fiscal year 92/93, July 1, 1992 through June 30, 1993

<u>Jurisdiction</u>	<u># of Violations</u>	<u># of Violations</u>	<u>% of Violations</u>
	<u>Resolved</u>	<u>Unresolved</u>	<u>Unresolved</u>
El Dorado County	4	1	20%
Placer County	4	0	0%
Washoe County	4	1	20%
Douglas County	3	0	0%

Please let me know if you need any clarification or further information regarding the contents of this memo.

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## MEMORANDUM

August 26, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Scenic Threshold and Adoption of Scenic Resource Inventory for Public Recreation Areas and Related Amendments of Chapter 30, Design Standards; Chapter 12, Regional Plan Maps; and Chapter 32, Regional Plan and Threshold Review, to Implement Scenic Resource Thresholds For Views From Public Recreation Areas

Proposed Action: Staff proposes the following actions: a) adopt the Lake Tahoe Basin Scenic Resource Evaluation for Public Recreation Areas; and b) amend Chapter 30 of the Code to implement scenic quality thresholds from public outdoor recreation areas; 3) make related minor amendments to Chapter 12, Regional Plan Maps (Scenic Overlay Map) and Chapter 32, Regional Plan and Threshold Review. Proposed Chapters 30 and 12 ordinance language is located in Attachment A. Proposed Chapter 32 language (amended threshold compliance form) is located in Attachment E.

This matter is a B-List item (second highest priority) from the 91 Evaluation's schedule of implementation. As a B-List item it was scheduled for adoption in June, 1993.

At the May, 1993 APC meeting, this matter was the subject of a public hearing. The APC took testimony at the public hearing which was subsequently continued. APC directed staff to contact recreation providers potentially affected by the amendments to provide an opportunity to update the inventories and recommendations. Staff has contacted them and provided copies of each area's resource evaluation. Those contacted were generally supportive of the amendments because they would help to preserve a high quality recreation experience.

Since May, staff has determined that the original 1983 Scenic Resource Evaluation was never adopted as part of the 1987 Regional Plan package. The package of amendments now includes the 1983 Evaluation, updated to reflect 1993 conditions (mailed to the APC under separate cover).

Staff Recommendation: Staff recommends that the Advisory Planning Commission recommend adoption of the Scenic Resource Evaluation and approval of the amendments to the Governing Board.

AS/rd  
8/26/93

AGENDA ITEM IV.C.

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Background: In 1982, TRPA adopted Regional Environmental Threshold Carrying Capacities for several environmental values, including scenic resources. Scenic thresholds were adopted for roadway and shoreline travel route units and for specific scenic resources visible within the travel routes. Refer to excerpts from TRPA Resolution 82-11 located in Attachment B. Scenic thresholds for 37 public outdoor recreation areas and 11 bicycle trails (generally Class I trails) were to be implemented following completion of the 1982 Visual Quality Index which was in progress at the time Resolution 82-11 was adopted.

The thresholds are intended to identify and protect significant views within each recreation area and off-site views seen from the recreation areas and bicycle trails. The Visual Quality Index was completed in 1983 under the title, "Lake Tahoe Basin Scenic Resource Evaluation 1983."

The 91 Evaluation recommended a detailed implementation strategy for the thresholds. The 91 Evaluation's schedule of implementation requires the scenic thresholds to be implemented by June 30, 1993. Refer to 91 Evaluation excerpts located in Attachment D (Summary Table of Recommendations). A threshold compliance form, required by Chapter 32 for each environmental threshold, which identifies the threshold indicators and rating criteria (Scenic Resources Threshold Compliance Form SR-3) was adopted as part of the 91 Evaluation. Refer to Attachment E.

At this time, the amendment package contains all of the pieces necessary to implement the thresholds.

Discussion: The addition of recreation area scenic resource thresholds will provide an important control measure in terms of preserving the visual quality of recreation areas. The threshold generally covers scenic resources within the recreation area and certain resources seen from the recreation area. Outdoor recreation, including viewing natural scenery is a primary reason people choose to live and visit the Tahoe Region. Over time, the ability to maintain outstanding scenic resources visible from these areas will have positive benefits to the Region's economy. Similarly, the 1992 "Report of the Nevada Legislative Committee to Investigate the Functioning of the Tahoe Regional Planning Compact" recommends that TRPA "...incorporate stronger scenic protection measures in the Agency's planning and regulatory activities"; (Nevada Legislative Counsel Bureau Bulletin 93-11, p. vi, pp. 17-18, September, 1992). It further recognizes the importance of public outdoor recreation in the Tahoe Region and that future demand for such recreation will be important to incorporate into the Regional Plan (ibid., p. vi, p. 17). Recreation areas covered by the threshold serve as an important component of the Region's economic base. Maintaining (not improving) the visual quality seen from them is a proactive action which can help to provide for sustained economic yield today and in the future. Additional letters of support from both California and Nevada State Parks departments are included as Attachments F and G.

### Inventory and Evaluation of Recreation Areas

The public recreation areas of the Lake Tahoe Basin were surveyed in June, July, and September of 1983. The areas included are listed and mapped on pages 8 and 9 of the Scenic Resource Evaluation. Scenic resources visible from each recreation area were mapped, photographed, and described in narrative text. The resource components that were identified, mapped, and photographed include: (1) views of the lake and natural landscape from the recreation area; (2) special landscape features, such as streams, beaches, rock formations, topographical features, and special vegetation patterns or areas; and (3) man-made features within the recreation area.

The 37 recreation areas are arranged in the order they would be seen in a counter-clockwise drive around the lake starting at Nevada Beach on the east shore of the lake. The narrative on each recreation area begins with a brief description of the scenic character of the area followed by a list of the identified features and their individual numerical ratings. These features are keyed to the "Scenic Resources" map of the area and each feature is also keyed to color slides. Each evaluation further divides the major elements that comprise the scenic resources into two categories: elements that contribute to the scenic quality of the area and elements which detract from the area's scenic quality. This is followed by recommendations for preserving or upgrading the scenic quality of the recreation area. These recommendations relate to specific portions of the scenic viewshed which are delineated on the "Visually Sensitive Areas" maps. Refer to the Scenic Resource Evaluation.

### Inventory and Evaluation of Bikeways

Eleven bikeways were evaluated during the summer and fall of 1983. Bicycle trail segments included in the evaluation are listed and mapped on pages 356 and 357 of the Scenic Resource Evaluation. Weather during all evaluations was clear and sunny. Each unit was travelled by bicycle. Standardized rating forms were used to evaluate components of the bikeway units, and notes regarding scenic quality were made.

Photographs of the bikeway unit scenic components were not taken, because with the exception of two short units (Al Tahoe and Tahoe Valley) scenic resources in all the units were documented with photographs in the Scenic Resource inventory prepared for the Environmental Thresholds Study. Reference to these photographs are made wherever applicable.

### Scenic Resource Evaluation Methodology

The methodology of this study has adopted many of the principles and procedures used in the original threshold study of roadway and shoreline scenic resources, although changes have been made to accommodate differences in the viewer's position. In the threshold study the inventory and evaluation of the scenic resource were based on travel route segments (i.e., shoreline and roadway units), with the viewer moving through the landscape in either a car or boat. The viewer's position and the scenic units were transient and

constantly changing. In the present study the scenic units are made up of the recreation areas, and in contrast to the roadway and shoreline units, are separate, well-defined, and static. The viewer thus has more time to take in

the scenery and can therefore see more detail and make finer distinctions. Another effect is that the viewer's surroundings play a more important role in the viewing experience. The study's evaluation system responds to these new conditions.

The study's methodology has three phases: resource inventory, resource evaluation, and policy formulation. In the resource inventory phase, field surveys of each recreation area were conducted to identify the elements of the scenic resource. The individual subcomponents that comprise the scenic resource were mapped, photo-documented, and described in narrative text. This inventory documentation will act as a baseline of the existing 1983 resources which can be referenced when changes in the recreation area are contemplated and reviewed during subsequent five-year Regional Plan and threshold evaluations.

The subcomponents that comprise the scenic resource as seen from the public recreation areas are:

1. Views of the Lake and natural landscape from the recreation area;
2. Special landscape features, such as streams, beaches, and rock formations, that add interest and variety to the views; and
3. Man-made features of the recreation area that influence the viewing experience.

The first two categories of subcomponents respond to the natural elements in the landscape. Both categories were also used in the threshold study. The third category responds to the built environment within the recreation area and has been added to account for the effect of the viewer's context upon the viewing experience. Since the viewer is stationary, or nearly so, within the recreation area, much greater attention is paid to the immediate environment. The viewer's surroundings become an integral part of the viewing experience, influencing the overall sense of scenic quality (e.g., viewing a scene from a crowded parking lot and viewing it from a secluded beach are very different visual experiences). This category was included to reflect the visual impact that the man-made elements within the recreation area have on the viewer.

In the resource evaluation phase of the study, scenic quality ratings based on sets of visual criteria were assigned to each subcomponent. The purpose of these criteria is to allow comparative evaluations of the scenic resources within each recreation area and among the different recreation areas, and to make possible recommendations for maintaining and improving the scenic quality of the area.

Four criteria are used to evaluate the scenic quality of the subcomponents in the "views" and "natural features" categories. The criteria are (1) unity; (2) vividness; (3) variety; and (4) intactness. The criteria, which were used in the threshold study and many other scenic resource studies, are generally standardized criteria for evaluating landscape quality.

Unity can be expressed in a landscape by a dominant land form with coordinated, subordinated surrounding parts, by a single well-defined enclosure, or a set or series of strong features. A unified landscape is one in which the visual resources join together to form a single, coherent, harmonious visual unit. Vividness can be expressed by contrasting elements, such as color, line, and shape, marked differences in related elements or repetition of similarities. The visual quality of vividness can also be described as distinctiveness. Variety usually refers to numerous or different parts seen together. Variety can also be described as richness. Intactness describes the degree to which a landscape retains its natural condition, or the degree to which modifications emphasize or enhance the natural condition of the landscape. Attachment H shows the visual criteria for rating views and natural features.

Originally a fifth criterion, uniqueness, was introduced to create another level of examination and create a more sensitive evaluation of the resource. Uniqueness can express the frequency with which certain landscape characteristics occur. Unique subcomponents have characteristics which are unusual and would rarely, if ever, be encountered in another landscape setting. In an area such as Lake Tahoe where the overall scenic quality of the landscape is so high, this criterion was intended to make distinctions between landscapes possessing high scenic value but relatively common individual characteristics, and those landscapes possessing both high scenic value and highly unusual or distinctive characteristics. TRPA's 1986 Draft Scenic Quality Implementation Program (adopted in 1989 as the SQIP) and the 91 Evaluation recommended dropping the uniqueness criteria from the threshold since it was not used on either the travel route rating or scenic quality thresholds. Although the uniqueness criterion is important to the recreation areas, and relates to the experience of the recreation uses, the uniqueness criterion is most important in distinguishing one recreation area from another. For this reason it was determined that conformity of rating systems among the roadway and shoreline units and recreation areas was preferable to retaining the uniqueness criterion. Threshold Compliance Form SR-3, adopted as part of the 91 Evaluation, excluded the uniqueness criteria for the reasons stated above.

Scenic quality ratings for the man-made features of the recreation area are based on a set of four different visual criteria. These criteria were selected because they specifically respond to the visual character of the built environment rather than the natural environment. The four criteria for evaluating the scenic quality of the man-made features are: (1) coherence; (2) condition; (3) compatibility; and (4) design quality. Coherence describes the degree of relationship between man-made elements that is visually apparent. A coherent built environment is one in which all the man-made elements have some characteristic or quality which visually unifies them into a harmonious whole.

Some of the elements that can affect coherence are architectural style, building materials, color, massing, and siting. Condition refers to the physical status of a man-made element. It reflects the amount of care that has gone into the construction and maintenance of the facility. Compatibility refers to the ability of the man-made element to co-exist with the natural landscape without detracting from it. Man-made elements that are highly compatible blend into their surroundings and defer to the forms, colors, and textures of the natural landscape. Design quality refers to the degree of visual interest inherent in a man-made element due to its built character. An element with high quality design appeals to the eye because of the uniqueness or care exhibited in its form, massing, detailing, and/or materials. Attachment I shows the visual criteria for evaluating man-made features. The Chapter 32 Threshold Compliance Form, SR-3 (Attachment E), is amended to clearly identify that man-made features are rated using a slightly different and more responsive set of criteria.

Each subcomponent was evaluated against each of the criteria and assigned a numerical rating between one and five. The ratings, ranging from a total of four to twenty, are intended to express comparative scenic quality ratings of high, moderate, and low values, and should not be mistaken for absolute measurements of scenic quality. A rating of five indicates high scenic quality; a rating of four indicates good scenic quality; a rating of three indicates moderate scenic quality; a rating of two indicates fair scenic quality; and a rating of one indicates poor scenic quality. The original study composited the individual subcomponent ratings to arrive at an average rating. The ratings have been reinserted into each inventory and are shown using cross-out and underlining. Threshold Compliance Form SR-3, adopted as part of the 91 Evaluation, deleted use of the composited average because it was found to be insensitive to incremental changes.

In the third element of the study, policy formulation, recommendations and guidelines for the protection and improvement of the scenic resource as viewed from the recreation areas were developed. This procedure had two steps, the first of which was the identification of factors which contribute to and detract from the scenic quality. The purpose of this step was to provide a list of specific data to bridge the gap between the abstract numerical standards and the concrete information required to make site-specific planning decisions. This step specifies those landscape elements which require protection and those which require mitigation.

The second step was the actual formulation of recommendations for the protection of the scenic quality of each recreation area. The recommendations fall into two categories: those which recommend actions external to the recreation area; and those which recommend actions within the recreation area itself. The recommendations dealing with lands outside the recreation area are planning oriented and are prospective in nature. They are meant to be tools to aid in the protection of existing resources. They have been organized geographically by viewshed whenever possible. The second set of recommendations is more design oriented and is meant to assist those agencies responsible for

the recreation areas by suggesting ways to improve the scenic quality of the recreation area through maintenance, rehabilitation and redesign of existing facilities.

With the assistance of recreation providers, staff has reviewed each inventory's recommendations for preserving the scenic quality. Recommended changes are shown in each inventory using the cross-out/underline format. The changes are based on: resource change (primarily changes to man-made elements); changed conditions which make certain recommendations obsolete; and recommendations which are unrealistic to implement (e.g., prohibiting any development on a nearby parcel).

Threshold Implementation: TRPA's existing project review process will be the primary means by which to disclose, analyze and mitigate impacts to the threshold.

Projects will generally be found to maintain or improve the existing threshold rating for the applicable scenic resource(s) when TRPA finds that they are consistent with the recommendations for preserving the scenic quality listed at the end of each recreation area or bike trail segment. Conditions of project approval may be used to implement the recommendations where necessary.

Summary: In many areas, the natural landscape, which is the dominant scenic resource in the basin, is being compromised by man-made development. Although natural and man-made environments are not necessarily incompatible, research in visual and scenic resource management has demonstrated that certain types of natural landscapes are especially vulnerable to scenic degradation. Three of these landscape types are frequently found in the Lake Tahoe Basin: landscape "edges", areas of simple, uniform vegetation, and areas which combine steep, sparsely vegetated terrain with light-colored soil or sub-grade.

Landscape edges, i.e., points where areas with distinctly different visual characteristics meet, are among the most vulnerable. They are extensive in the Lake Tahoe Basin, most commonly in the form of shoreline and ridgelines. The more conspicuous the edge, the more vulnerable the scenic quality.

Areas of simple, uniform vegetation occur frequently in the form of hillsides covered with dense forest of uniform height, color and texture. Development in which structures extend above the forest canopy or in which entire sections of forest are removed disrupts the existing texture. The resulting deviation contrasts negatively with the simple, homogeneous character of the natural vegetation and detracts from the viewer's experience.

Areas which combine steep, sparsely vegetated terrain with light-colored soil or subgrade do not have enough vegetative cover to visually absorb structures or other improvements. Removal of vegetation through grading reveals the light-colored soil which is visible from a considerable distance. This visual degradation has occurred in several areas, for example, around Crystal Bay, where grading for roads has left white scars across the face of some of the slopes.

Since development is often planned specifically to provide the best view of the natural landscape, it is often proposed for the most vulnerable areas, e.g., close to the lake or on top of ridges. If ridgelines and shorelines are not actively protected from development, the scenic quality of the area will be greatly diminished.

In addition to these general considerations of landscape vulnerability, there are several specific scenic issues, such as transition between public recreation areas and private properties, and construction along the lakeshore.

In many recreation areas, especially the beaches, the most critical factor in determining overall scenic quality is the quality and visibility of adjacent development. In most cases little attention had been paid to the effect development might have on the visual appeal of adjoining recreation areas. In the future, development that occurs adjacent to a recreation area or within the recreation area viewshed should be carefully reviewed.

Environmental Analysis: Staff has completed an Initial Environmental Checklist for the proposed action and proposes a finding of no significant effect (FONSE) because no potential adverse environmental impacts were identified. The proposed action will enhance the Regional Plan's regulatory control measures which protect significant scenic resources.

Required Findings: Several findings must be made prior to adopting the proposed action. The findings and brief statements of rationale on which the findings may be made are set forth below.

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 will enhance implementation of the Regional Plan by conserving significant views of scenic resources from public outdoor recreation areas and bicycle trails. This is called for in TRPA Resolution 82-11 which adopted the thresholds, in Chapter IV, Conservation Element, Scenic Subelement of the adopted Regional Plan (excerpt shown in Attachment C), and in the '91 Evaluation.

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

Rationale: The amendments are designed to attain and maintain scenic resource environmental thresholds by identifying and

conserving significant views of scenic resources. The amendment will add regulatory control measures to the Regional Plan which are designed to protect the scenic resources.

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: Not applicable. Project applicants will continue to be subject to the Regional Plan package, including maintenance of applicable air and water quality standards.

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

Rationale: For the reasons stated in Findings 1 and 2 above, the Code amendment is consistent with the Compact and with attainment and 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 of a provision of the Goals and Policies or Code; or
- e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or
- f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:
  - (1) The cost of implementation outweighs the environmental gain to be achieved;
  - (2) Implementation will result in unacceptable impacts on public health and safety; or
  - (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

Rationale: Staff recommends Finding b for the following reasons: The Regional Plan package presently has no regulatory control measure to conserve significant views of scenic resources seen from public outdoor recreation areas and certain bicycle trails. The Code amendments will provide the control measure necessary to ensure the scenic resources are conserved. TRPA's 1982 resolution adopting the environmental thresholds recognized the importance of the scenic resources and the need to protect them. The amendment is designed to implement an important part of the thresholds which were not implemented upon adoption of the 1986 Regional Plan package.

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 matter.

Note: Underlined language is to be added;  
lined out language is to be deleted

Attachment A

Implementing Scenic Quality Thresholds From Public Recreation Areas

April 27, 1993

Chapter 30 Amendments:

30.12 Scenic Quality Standards: All projects and activities shall comply with the following standards:

30.12.A Roadway and Shoreline Unit Scenic Quality: The project shall not cause a decrease in the numerical ratings assigned to roadway or shoreline units, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8 and 13-9 of the Study Report for the Establishment of Environmental Threshold Carrying Capacities, October 1982. The criteria for rating scenic quality as identified in the study report cited herein shall be used to determine if a project will cause a decrease in the numerical rating.

30.12.B Roadway and Shoreline Unit Travel Routes: The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the Study Report for the Establishment of Environmental Threshold Carrying Capacities, October 1982. The criteria for rating travel routes as identified in the study report cited herein and as further explained in the report entitled A Scenic Analysis of Principle Travel Routes In The Lake Tahoe Region, 1970, shall be used to determine if a project will cause a decrease in the numerical rating.

30.12.C Public Recreation Areas and Bicycle Trails: The project shall not cause a decrease in any numerical sub-component threshold rating or total threshold rating assigned to a scenic resource identified in the 1983 Lake Tahoe Basin Scenic Resource Evaluation. Prior to approving a project which may potentially affect an identified scenic resource, TRPA shall find that the project is consistent with applicable recommendations for preserving scenic quality of the affected recreation area or bicycle trail found in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

Chapter 12 Amendments:

12.2.B Regional Plan Overlay Maps: The following series of overlay maps at a scale of 1" = 400' and 1" = 2,000' are the Regional Plan Overlay Maps.

- (8) Scenic Units Overlay: The scenic units overlay maps indicate the location of the roadway units, the shoreline units, ~~and~~ the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, ~~and~~ transition and ~~and~~ natural corridor designations are also identified.

Please Note: Proposed Chapter 32 amendments to Threshold Compliance Form SR-3 are shown in Attachment E.

Attachment B

Excerpt From 1982 TRPA Resolution Adopting Environmental Threshold  
Carrying Capacities (Resolution 82-11, Adopted August 26, 1983)

April 27, 1993

SCENIC RESOURCES

Roadway and Shoreline Units

NUMERICAL STANDARD

Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8 and 13-9 of the Draft Study Report.

Maintain the 1982 ratings for all roadway and shoreline units as shown in Tables 13-6 and 13-7 of the Draft Study Report.

Restore scenic quality in roadway units rated 15 or below and shoreline units rated 7 or below.

Other Areas

MANAGEMENT STANDARD

Maintain or improve the visual quality of views from bike paths and outdoor recreation areas open to the general public. Upon completion of the 1983 Visual Quality Index, this standard shall become a numerical standard.

Built Environment

POLICY STATEMENT

It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region.

Attachment C

Excerpts From Regional Plan Goals and Policies,  
Conservation Element, Scenic Subbasement, Adopted September 17, 1986

April 27, 1993

SCENIC

Scenic quality is perhaps the most often identified natural resource of the Lake Tahoe Basin. The Basin affords views of a magnificent lake setting within a forested mountainous environment. The unique combination of visual elements provides for exceptionally high aesthetic values. The maintenance of the Basin's scenic quality largely depends on careful regulation of the type, location, and intensity of land uses. Environmental thresholds provide the basis for selecting appropriate strategies for maintaining scenic quality. Scenic resource thresholds are listed below:

ROADWAY AND SHORELINE UNITS

**NUMERICAL STANDARD**

Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8 and 13-9 of the Draft Study Report.

Maintain the 1982 ratings for all roadway and shoreline units as shown in Tables 13-6 and 13-7 of the Draft Study Report.

Restore scenic quality in roadway units rated 15 or below and shoreline units rated 7 or below.

OTHER AREAS

**MANAGEMENT STANDARD**

Maintain or improve the visual quality of views from bike paths and outdoor recreation areas open to the general public. Upon completion of the 1982 Visual Quality Index, this standard shall become a numerical standard.

-----

The following goals and policies directly address the issue of maintaining or restoring the natural scenic quality of the Lake Tahoe Basin. Attainment of the scenic thresholds is expected to be a long-term goal and achieved incrementally over the next 20 years.

**GOAL #1** MAINTAIN AND RESTORE THE SCENIC QUALITIES OF THE NATURAL APPEARING LANDSCAPE.

As with many of the Region's natural resources, the scenic qualities of the Basin are vulnerable to change. Modifying the natural scenic features of the Basin is a by-product of development, but such impacts

need not be devastating. A coordinated effort that incorporates architectural design and location considerations in the project review process is a useful means for promoting scenic and aesthetic values. Policies to achieve this goal are consistent with the adopted environmental thresholds.

POLICIES:

1. ALL PROPOSED DEVELOPMENT SHALL EXAMINE IMPACTS TO THE IDENTIFIED LANDSCAPE VIEWS FROM ROADWAYS, PIKESTAFFS, PUBLIC RECREATION AREAS, AND LAKE TAHOE.

The impact of development on the landscape views and scenic qualities of the Tahoe Region should be considered as part of the project review process. Conditions should be placed on project approval in a manner capable of mitigating any likely impacts. Impacts shall be evaluated against specific management directions provided for each identified landscape view. Management and remedial criteria for each roadway and shoreline unit shall be updated through appropriate studies so they are consistent with the format and detail of the 1983 scenic analysis of the recreation areas, Lake Tahoe Basin Scenic Resource Evaluation, 1983, Wagstaff and Brady.

Attachment D

91 Evaluation Excerpts Regarding  
Scenic Resource Thresholds From Public Recreation Areas

April 27, 1993

1. Summary of Table of Recommendations

Scenic Resources

- |                                |   |  |
|--------------------------------|---|--|
| a. Travel route ratings (TRRS) | Ratings of five roadway units and four shoreline units have decreased. These <u>do not attain</u> the threshold standard.<br><br>Decreased ratings are found in transitional (urban-rural) areas.                   | TRPA make, and encourage, greater use/of the Design Review Guidelines.<br><br>TRPA should consider separate threshold attainment criteria for urban, rural, and transitional areas.                              |
| b. Scenic quality ratings      | Ratings of five natural features have decreased. These features <u>do not attain</u> the threshold standard.<br><br>One of the five features is visible from a roadway. The other four are visible from Lake Tahoe. | TRPA should review the the Regional Plan in the areas of setbacks, setbacks, height, exempt activities, and and activities in the shorezone.<br><br>TRPA should consider the elimination of "composite" ratings. |
| c. Public recreation areas     | TRPA has not adopted numerical standards completed in 1983.   | TRPA should adopt numerical scenic quality ratings for natural features seen from bike paths and outdoor recreation areas open to the general public.  |

2. Appendix B, Schedule of Implementation

A. Scenic Resources

1. Amend Chapter 22 of the Code, Height Standards, to: clarify the definition of maximum height, redefine additional height, amend the table of maximum building and structure heights, and revise the findings necessary to permit additional height for buildings and structures. (Completion Date: June 30, 1994)
2. Amend Chapter 30, Design Standards, to: (a) clarify when design standards must be implemented; (b) clarify parking lot landscaping requirements; (c) revise setback provisions for structures adjacent to travel routes including Lake Tahoe; (d) revise exterior lighting standards; and (e) make other clarifications. (Completion date: June 30, 1994)
3. Adopt numerical scenic quality ratings for individual scenic features visible from bike paths and outdoor recreation areas open to the general public. TRPA proposes to implement the public recreation area scenic quality thresholds in the same manner as the scenic quality ratings. (Completion date: June 30, 1993)



Note: Underlined language is to be added;  
lined out language is to be deleted

Attachment E  
Recreation Area Scenic Threshold Compliance Form  
Adopted April, 1992

Index No.: SR-3

ENVIRONMENTAL THRESHOLD COMPLIANCE FORM

1. STANDARD

Category: Scenic quality

Parameter: Bike paths and outdoor recreation areas scenic quality rating

Standard: 1993 scenic quality rating (varies by resource)

2. INDICATOR (UNITS): Scenic quality rating as measured by a unitless total subcomponent rating of relative scenic quality of specific visual resources (also referred to as subcomponents) visible from 37 public outdoor recreation areas and from 11 Class I and Class II bike paths. Resource components include: views of the Lake and natural landscape from the recreation area or bike path; special landscape features such as streams, beaches, rock formations, topographical features and special vegetation patterns seen within the recreation area or along the bike path corridor; and man-made features within the recreation area. The relative value of ~~each resource visible from a given recreation area or bike path-lake views, natural landscape views and special landscape features~~ is measured using the following criteria:

- a. Unity
- b. Vividness
- c. Variety
- d. Intactness

Each criterion is scored using a unitless index from 1 (poor) to 5 (high). The threshold rating is the sum (i.e., subcomponent total) of criteria scores with a possible range of 4 to 20.

The relative value of man-made features within the recreation area is measured using the following criteria:

- a. Coherence
- b. Condition
- c. Compatibility
- d. Design quality

Each criterion is scored using a unitless index from 1 (poor) to 5 (high). The threshold rating is the sum (i.e., subcomponent total) of criteria scores with a possible range of 4 to 20.

Threshold ratings for all resources are contained in the Lake Tahoe Basin Scenic Resource Evaluation, 1993 and associated worksheets.

3. MONITORING SUMMARY: None to date. Annual photographic monitoring of selected resources is recommended. Annual monitoring would closely track potential adverse effects of development on resources. Data regarding the effects of incremental changes to the resources due to development activity could be used as a predictive tool in future project evaluations.
4. ATTAINMENT STATUS: Proposed threshold languages requires maintenance or improvement of the scenic quality threshold rating (i.e., subcomponent total rating as listed in the resource worksheets) assigned to all scenic resources. Since the 1983 ratings were developed, the effects of new land use or development activities on identified resources are not known. At the time of implementation all resources are in attainment with the threshold (i.e., non-degradation standard).
5. TARGET DATE: None established at this time.
6. EVALUATION INTERVAL: Comprehensive reevaluation of all roadway and shoreline scenic resources every five years with the next evaluation in 1996.
7. INTERIM TARGETS: None established at this time.
8. COMPLIANCE MEASURES:
  - a. MEASURES IN PLACE: 01 through 13, inclusive identified for SR-1 and SR-2 above plus the following measure.

- (14) Lake Tahoe Basin Scenic Resource Evaluation, 1993 including recommendations for preserving the scenic quality within the viewshed of each recreation area and bike path.

The recommendations fall into two categories: those which recommend actions external to the recreation area and those which recommend actions within the recreation area itself. Those dealing with lands external to the recreation area are planning oriented and are proscriptive in nature. They are meant to be tools to aid TRPA in the protection of existing resources. They have been organized according to areas that present a shared set of landscape characteristics as viewed from the recreation area. The second set of recommendations is more design oriented and is meant to assist those agencies responsible for the recreation areas by suggesting ways to improve the scenic quality of the recreation area through maintenance, rehabilitation and redesign of existing facilities. Implementation of both sets of recommendations must occur during the project review process in order to meet the intent of the threshold and meet the nondegradation standard in 30.12.C of the Code of Ordinances.

- b. EFFECTIVENESS OF MEASURES IN PLACE: The compliance measures in place include the primary ordinance standards and recommend guidelines addressing physical design and site planning. All measures in place must be implemented as part of the project review and approval process in order to maintain the scenic quality of identified resources.

c. SUPPLEMENTAL MEASURES: None established at this time.

d. EFFECTIVENESS OF SUPPLEMENTAL MEASURES: Not applicable.

9. ADEQUACY OF COMPLIANCE MEASURES

The adequacy of compliance measures is generally expected to protect and conserve the scenic quality of individual resources. Implementing recommendations contained in the section of each recreation area and bike path evaluation entitled "Recommendations for Preserving the Scenic Quality" must occur as part of the project review process in order to maintain scenic quality ratings. Since the majority of resources are located on recreation lands managed by public agencies, many of the activities may be carried out in the operations and management of the facilities not subject to TRPA review (i.e., exempted under Chapter 4). It will be incumbent upon them and their concessionaires not to inadvertently degrade the resources through operations and management activities.

DEPARTMENT OF PARKS AND RECREATION

SIERRA DISTRICT HEADQUARTERS

O. DRAWER D  
TAHOMA, CA 96142  
(916) 525-7232

July 6, 1993



Mr. Andrew Strain  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

RECEIVED

JUL 07 1993

TAHOE REGIONAL  
PLANNING AGENCY

Dear Andrew:

It is my understanding that the Advisory Planning Commission and the TRPA Governing Board are considering adopting "Design Standards to Implement Scenic Resource Thresholds From Public Recreation Areas". The California Department of Parks and Recreation fully endorses such standards. Our Department has spent millions of dollars to provide a quality recreational experience in the Lake Tahoe Basin. This experience can be significantly diminished by an incompatible development or use on adjoining land or on the lake surface. The following recent developments illustrate this point.

D.L. Bliss State Park is one of the outstanding State Parks in California. The camping and remoteness experience may be compromised by a proposed private development within five feet of the campground and beach area. Attached you will find correspondence pertaining to the proposal. A tennis court, basket ball hoop area, two story garage and large residence in such close proximity to a campground will have an adverse impact on the parks visitor experience. During the past few weeks this proposal has been reactivated.

Within the past week we have been approached concerning a "floating deli" in the Emerald Bay area. Emerald Bay is a National Natural Area that should be maintained free of commercial exploitation. Current TRPA codes may allow this use. Correspondence pertaining to this matter is also enclosed.

Another key issue that needs resolving is the unauthorized placement of buoys off of public recreation areas. The Tahoe Conservancy and this Department is experiencing this unauthorized use. It is my feeling that all buoys need to be registered and a permit issued for the legal use. All unapproved buoys need to be removed. The buoys placement and use compromises the preservation of the visual quality of the recreation areas we are attempting to protect.

We view the proposed standards as a very important issue. Please keep us apprised on the status of the adoption of the standards.

Sincerely,

Robert G. Macomber  
District Superintendent

PETER G. MORROS  
Director  
Department of Conservation and  
Natural Resources

BOB MILLER  
Governor

Address Reply to:  
123 W. Nye Lane  
Carson City, Nevada 89710  
Phone: (702) 687-4370

JOHN RICHARDSON  
Administrator

STATE OF NEVADA

Attachment G  
August 26, 1993

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF STATE PARKS

August 19, 1993

Mr. Andrew Strain, LRPD  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448-1038

Dear Andrew:

Per your request, I have reviewed the proposed amendment of Chapter 30, "Design Standards to Implement Scenic Resource Thresholds from Public Recreation Areas".

The Nevada Division of State Parks supports the concept proposed. Protection of Tahoe's scenic resources is of paramount importance.

Our only reservation we might have is a strict interpretation of the design standards that could preclude development of additional proposed facilities as outlined in the current park master plan. Among these facilities are a new visitor center and new stage at Sand Harbor, restrooms at Hidden Beach and a bike trail parallel to Highway 28. It is not inconceivable that any of these facilities could cause a decrease in at least one "numerical subcomponent threshold rating," regardless of how well they might be designed, due to the emphasis on natural elements in the subcomponent categories.

If you have any questions, please feel free to contact me.

Sincerely,



Steve Weaver, Chief  
Planning & Development

SW:sw  
strain.trp  
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AUG 23 1993

TAHOE REGIONAL  
PLANNING AGENCY

Attachment H

Visual Criteria For Evaluating Views and  
Natural Features in the Landscape

August 26, 1993

Variety:

RATING

5. Landscape offers much variety, i.e., has a richness of natural features.
3. Landscape offers some variation in topography, vegetation types, etc.
1. Landscape is monotonous, i.e., uniform and lacks variety.

Vividness:

5. Landscape offers a variety of contrasting elements which give it a distinctive quality.
3. Landscape offers some contrasts but is not particularly distinctive.
1. Landscape is bland and unmemorable because of the lack of distinctive elements.

Intactness:

5. Landscape is predominantly natural in appearance.
3. Man-made features are in evidence, but natural landscape still predominates.
1. Man-made features are prominent and demand greater or equal attention than the natural landscape.

Unity:

5. Landscape reads as a single, harmonious, coherent visual unit.
3. Landscape is partially, but not strongly, defined as a visual unit.
1. Landscape lacks any features which help to define it or delimit it as a unit.

Attachment I

Visual Criteria For Evaluating Man-Made  
Features in the Landscape

August 26, 1993

Coherence:

RATING

5. Man-made feature reads as a harmonious element of the built environment, which complements and enhances the other man-made features.
3. Man-made feature has no clear relationship to the other man-made elements, but also does not detract.
1. Man-made feature is incongruous with other man-made elements of the landscape.

Condition:

5. Man-made feature is well built, well tended, and in generally excellent condition.
3. Man-made feature appears to be in only fair condition.
1. Man-made feature is shabby, worn, poorly maintained, and generally in poor condition.

Compatibility:

5. Man-made feature fits into the landscape very well by blending with its surroundings and not distracting from the scenic landscape.
3. Man-made feature does not fit into landscape particularly well, but creates only temporary distraction.
1. Man-made feature is visually disruptive and does not blend well with its surroundings.

Design Quality:

5. Man-made feature has qualities which make it a visual resource in and of itself.
3. The design quality of the man-made feature lacks either positive or negative distinction.
1. Man-made feature lacks any character or quality in its design which gives it value beyond the purely functional.

# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

August 29, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Discussion of Chapter 82, Water Quality Mitigation, Limited Exception for Additional or Transferred Development Within Adopted Community Plans

Proposed Action: Staff is requesting an APC recommendation on pursuing an amendment to Chapter 82, Water Quality Mitigation to permit community plans to have their own "equal or superior" mitigation program. The goal of this amendment is to encourage the construction of water quality projects prior to the project's need for mitigation, and to encourage the use of joint efforts for area-wide implementation of water quality improvement projects.

Staff Recommendation: Staff recommends pursuing Option 1 as described below.

Background: Under the current rules, community plans may have their own programs for excess coverage mitigation and air quality mitigation, but not for water quality mitigation.

Under the current rules, projects subject to off-site water quality mitigation must either provide the mitigation through the payment of a mitigation fee at the time of project approval, or actually construct a water quality improvement project in connection with the approved project. This is based on the review of the following documents:

**Compact or Thresholds** - There are no specific policies or standards relating to off-site water quality mitigation.

**Goals and Policies** - The Implementation Element (Attachment A) establishes two methods of offsetting project water quality impacts. One is implementing off-site erosion control projects as a condition of project approval. The second method is to require contributions to a fund established by TRPA for implementing off-site erosion and runoff control projects.

AGENDA ITEM V A.

8/31/93  
GWB/rd



208 Plan - The Program Description in Volume I (Attachment B) mirrors the Goals and Policies Plan; however, community planning is listed as an implementation program in the 208 Plan Implementation Schedule.

Code - Chapter 82 follows the direction of the Goals and Policies Plan (Attachment C). It creates a mitigation fee schedule and system that relates to creation of accounts for local jurisdictions but does not address special community plan fund accounts.

Options: Staff has considered a range of alternatives from doing nothing to banking water quality mitigation throughout the region. The following options seem to require the minimum number of amendments and meet the intent of the goal stated in the proposed action.

1. Add a water quality mitigation fee substitution section similar to the one found in Chapter 93 of the Code of Ordinances for mitigation. This option provides the most flexibility, and has been successful for air quality mitigation, provides an incentive for CPs, and should not require any plan amendments. A Code amendment adding the following section would be necessary:

82.4. Limited Exception for Additional or Transferred Development Within Adopted Community Plans: Additional or transferred development located within an adopted community plan, the water quality impacts of which were evaluated in the EIS for the community plan, shall be exempt from the requirements of Section 82.2 provided TRPA finds that the implementation element of the community plan as a whole meets the standards of Section 82.2

2. Limit the community plan incentive to collecting fees (creating special fund for fees collected in CPs) and limit their use to the CP area. This is the simplest option and would not require any plan or code amendments. However, this option is very limited and would not provide an incentive for assessment districts that wish to proceed ahead of the development projects.
3. Develop a more detailed set of criteria similar to the community plan exception for excess coverage found in Chapter 20 (Attachment D). This provides more security from abuse and it would not require a plan amendment. However, this option will require more time to draft a Code amendment, and will limit the flexibility at the CP level.

Amended 4/23/92,  
Goal #4, Policy 1

In restricting or retiring a parcel, the implementing ordinances shall consider the retirement of all bonded indebtedness, site restoration, removal of future development potential, disclosure statements, public notice or recordation, and other requirements TRPA deems necessary. All transfers shall be approved by the affected jurisdictions.

6. TRANSFERS OF DEVELOPMENT RIGHTS, OTHER THAN LAND COVERAGE, SHALL BE LIMITED TO EQUIVALENT USES WITH NO INCREASE IN THE PARAMETERS BY WHICH THE USES ARE MEASURED BY THIS PLAN (E.G., FLOOR AREA, UNITS, PAOT). EQUIVALENT USES SHALL BE DEFINED BY ORDINANCE. DEVELOPMENT IMPACTS DUE TO THE RESULTING PROJECTS SHALL BE ADDRESSED AS PART OF THE PROJECT REVIEW PROCESS.

GOAL #4                   CONDITION APPROVALS FOR NEW DEVELOPMENT IN THE TAHOE REGION ON POSITIVE IMPROVEMENTS IN OFF-SITE EROSION AND RUNOFF CONTROL AND AIR QUALITY.

To generate offsetting mitigation measures, which in turn will accelerate progress toward meeting the environmental thresholds, the Agency will implement the following policies:

POLICIES

1. NEW RESIDENTIAL, COMMERCIAL, AND PUBLIC PROJECTS SHALL COMPLETELY OFFSET THEIR WATER QUALITY IMPACTS THROUGH ONE OF THE FOLLOWING METHODS:
  - A. IMPLEMENTING OFF-SITE EROSION AND RUNOFF CONTROL PROJECTS AS A CONDITION OF PROJECT APPROVAL AND SUBJECT TO AGENCY CONCURRENCE AS TO EFFECTIVENESS, OR
  - B. CONTRIBUTING TO A FUND ESTABLISHED BY THE AGENCY FOR IMPLEMENTING OFF-SITE EROSION AND RUNOFF CONTROL PROJECTS. THE AMOUNT OF SUCH CONTRIBUTIONS IS ESTABLISHED BY AGENCY ORDINANCE.

This policy continues the water quality mitigation funds established as part of TRPA's Lake Tahoe Basin Water Quality Management Plan. The fee schedules and distribution formula shall be reviewed and revised as part of the Agency's implementing ordinances and programs.

2. ALL PROJECTS SHALL OFFSET THE TRANSPORTATION AND AIR QUALITY IMPACTS OF THEIR DEVELOPMENT.

The implementing ordinances for the Regional Plan will define stationary sources of air pollution which may locate in the Region, and define what constitutes a significant environmental impact on air quality from stationary sources. Commercial and residential development contribute indirect impacts to air quality by increasing the number of vehicle trips in the Region. The cumulative impact of such trips is significant.

f. Water Quality Mitigation (regulatory)  
[40 CFR 130.6(c)(4)(ii), (iii)(E) and (G)]

To ensure that both the on-site and off-site impacts of new development in the Tahoe Region are completely mitigated, TRPA shall condition approvals for new development on positive improvements in off-site erosion and runoff control in addition to provision of BMPs on-site (Goals and Policies, p. VII-16). The conditions shall require the implementation or use of remedial erosion control measures determined by TRPA to be adequate to offset or compensate for any increased erosion caused by the construction, use, or activity permitted.

Additional development shall offset its off-site water quality impacts through one of the following methods: (1) implementing and maintaining off-site erosion and runoff control projects as a condition of project approval and subject to TRPA concurrence as to effectiveness, or (2) contributing to a fund established by TRPA for implementing and maintaining off-site erosion and runoff control projects. The amount of such contribution shall be established by TRPA ordinance (Goals and Policies, p. VII-16) and will provide sufficient funding to implement those measures needed to offset the impacts of the additional development. Mitigation funds shall be used to support those activities directly related to mitigation projects. Such activities as developing community plans are not considered to be directly related to mitigation projects.

Land coverage permitted as a result of transfer of coverage; projects included in the Capital Improvements Program for Erosion and Runoff Control; and projects and activities which provide a net water quality improvement of at least 150 percent over the conditions of the project area before the project or activity are exempt from water quality mitigation requirements (Code of Ordinances, Section 82.4).

g. Transfer of Development (regulatory)  
[40 CFR 130.6(c)(4)(ii), (iii)(E) and (G)]

To provide both TRPA and property owners with more flexibility to plan new development and, at the same time, mitigate existing land use and water quality problems, TRPA encourages consolidation of development through transfer of existing development, including and transfer of land coverage programs (Goals and Policies, p. VII-14). There are four types of transfer programs: transfers of residential development rights; transfer of units of use; transfers of land coverage; and transfer of residential allocations.

Transfers of residential development rights are permitted from vacant parcels to parcels eligible for residential or multi-residential development. Each vacant parcel is assigned one development right which, in conjunction with a residential

(20.5.A)

- (B) The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;
  - (C) Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;
  - (D) The public entity funding the program has received a funded commitment from another public entity as described in (i) or (iii) above; or
  - (E) Any combination of (i) through (iv) above.
- (iii) As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 8.8, in an amount equal to the excess coverage mitigation fee otherwise required under Section 20.5. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or 3 years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.
- (3) Determination Of Excess Coverage Mitigation Fee:  
The required excess land coverage reduction mitigation fee shall be calculated as follows:

## CHAPTER 82

## WATER QUALITY MITIGATION

## Chapter Contents

- 82.0 Purpose
- 82.1 Applicability
- 82.2 Required Offsets
- 82.3 Fee Schedule
- 82.4 Exemptions
- 82.5 Use And Distribution Of Mitigation Funds
- 82.6 Stream Zone Restoration Program
- 82.7 Water Quality Revolving Fund

- 82.0 Purpose: The purpose of this chapter is to implement the Goals and Policies, Goal #4, Policy 1, Development and Implementation Priorities Subelement, Implementation Element, and specifically the requirement that new residential, commercial, and public projects completely offset their water quality impacts.
- 82.1 Applicability: The provisions of this chapter are applicable to all projects and activities which result in the creation of additional impervious coverage.
- 82.2 Required Offsets: All projects and activities which result in the creation of additional impervious coverage shall completely offset the potential water quality impacts of the project through one, or a combination, of the following methods:
- 82.2.A Mitigation Projects: Implementation of offsite water quality control projects or stream environment zone restoration projects as a condition of project approval, and pursuant to TRPA guidance on identification, design, and effectiveness of offsite mitigation projects. Applicants who wish to exercise this option shall include plans for the offsite mitigation project with their application. TRPA shall approve the offsite mitigation plans in conjunction with the approval of the project. Before issuing an approval, TRPA shall find that the offsite mitigation proposal completely offsets the expected impacts of the project.
- 82.2.B Water Quality Mitigation Fund: Contribution to a water quality mitigation fund established by TRPA for implementing offsetting programs. The amount of contribution is established in Section 82.3.
- 82.3 Fee Schedule: A fee shall be assessed for each square foot of additional land coverage created. The current fee of 29¢ per square foot shall be increased to \$1.25 per square foot effective January 1, 1993.

82.3.A Mitigation Fee Credit: If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:

- (1) The prior project approval was granted within the same project area as the project approval for which a credit is sought;
- (2) The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and
- (3) A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.

82.3.B Mitigation Fee Refunds: Water quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.

82.4 Exemptions: The following projects and activities which create impervious coverage shall be exempt from water quality mitigation requirements:

82.4.A Transfer: Impervious coverage permitted as a result of transfer of coverage.

82.4.B 208 Projects: Capital improvement projects for erosion and runoff control and stream environment zone protection and restoration projects as described in TRPA's Water Quality Management Plan for the Lake Tahoe Region.

82.5 Use And Distribution Of Mitigation Funds: TRPA shall deposit water quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on water quality mitigation projects. TRPA shall keep track of the amount of funds collected for each local jurisdiction, with interest, and shall disburse funds to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA's Water Quality Management Plan. TRPA shall encourage the local jurisdictions to use funds as expeditiously as possible.

Amended 10/27/88,  
Subsection 20.5.A

(20.5.A)

(e) Projects Within Community Plans: Projects which are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings (i) and (ii), below. In lieu of findings (i) and (ii) being made, the TRPA may determine that a project complies with the requirements of this subparagraph by making finding (iii), below:

(i) The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in Section 20.5 (A) (1), (2), and (3). The options available for mitigating excess land coverage under any such program shall be any combination of those options set forth in subparagraphs (a), (b), (c) and (d) of this subsection.

(ii) There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, irrevocable commitment shall mean the following:

(A) The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;