TRPA
APC
PACKETS

JUNE
1994

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, June 8, 1994, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

May 27, 1994

By: James W. Baetge
James W. Baetge
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

Page #'s

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

June 8, 1994
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. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on an agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing items will be taken at the time those agenda items are heard.

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

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARING AND RECOMMENDATIONS TO THE GOVERNING BOARD

A. Finding of Technical Adequacy and Certification of the U.S. Forest Service Final EIS on the East Shore Timber Harvest Project 1

B. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt MOU Between TRPA and the Lahontan Regional Water Quality Control Board to Exempt Certain Activities From TRPA Review 2-10

C. Amendment of Plan Area Statement Map Boundaries by Adding APN 01-090-05, Which is Currently in Plan Area Statement 057, Spooner Lake, to Plan Area Statement 059, Shakespeare Point, Douglas County 11-17

D. Amendment of Chapter 24, Driveway and Parking Standards; Chapter 26, Signs; Chapter 30, Design Standards; and the Stateline/Ski Run Community Plan to Adopt the Stateline/Ski Run Community Plan Standards and Guidelines for the Entire City of South Lake Tahoe 18-21

E. Amendment of Chapter 4, Project Review and Exempt Activities, to Revise City of South Lake Tahoe MOU Regarding Implementation of the City-Wide Standards and Guidelines 22-28

F. Amendment of Chapter 64, Grading Standards, Relating to Limitations on Depth of Excavation and Other Minor Amendments 29-

G. Technical and Other Clarifying Amendments to Chapters 2, 4, 12, 20, 22, 24, 25, 28, 30, 33, 34, 35, 38, 78, 91, and 93 30-33

H. Amendment of Chapters 2, 41, and 43 Relating to Subdivisions 34-36

VI. REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Sands Inn Convention Center May 11, 1994
3600 U.S. Highway 50, South Lake Tahoe, California

REGULAR MEETING MINUTES

Chairperson Joe Thompson called the regular May 11, 1994, meeting of the Advisory Planning Commission (APC) to order at 9:35 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Jepsen, Mr. Hust, Mr. Ruben (arrived at 10:15 a.m.), Mr. Hansen, Ms. Baldrica, Ms. Sweigert, Mr. Oden, Mr. Dodds, Ms. Beronio (arrived at 9:40 a.m.), Mr. Joiner, Mr. Lawrence (arrived at 9:42 a.m.), Mr. Brooks, Mr. Haen, Mr. Combs, Mr. Thompson, Ms. Jamin

Members Absent: Ms. Woodbeck, Mr. McCurry, Mr. Poppoff

II. APPROVAL OF AGENDA

Deputy Director Jerry Wells advised that staff had no changes to the agenda.

III. PUBLIC INTEREST COMMENTS (No Action)

IV. DISPOSITION OF MINUTES

MOTION by Ms. Baldrica with a second by Mr. Jepsen to approve the April 13, 1994, regular meeting minutes as presented. The motion carried with Messrs. Dodds and Joiner abstaining.

V. PUBLIC HEARING AND RECOMMENDATIONS

A. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System, Section 37.10.A., Installation of Water Quality Improvement in Vicinity of Parcel

Senior Planner Joe Pepi presented the staff summary to amend the existing map delineating water quality improvements in the vicinity of parcels as set forth in the APC packet. Mr. Pepi also presented three options for completing and updating the IPES water quality improvement scores.

(Ms. Beronio arrived at 9:40 a.m.)

(Mr. Lawrence arrived at 9:42 a.m.)

Since no one wished to comment on this issue, Mr. Thompson closed the public hearing.

MOTION by Mr. Haen to recommend adoption of staff's recommendation of Option 1, which gave partial credit for installing water quality improvements to all parcels within the water quality improvement areas as defined in the map that was produced in 1987. He also directed staff to work with the Erosion Control Task Force to investigate whether they could revise their guidelines to include an evaluation of Table G-1. Seconded by Mr. Dodds. The motion carried unanimously.

Mr. Hansen commented that the system needed to be reviewed and refined and looked at in terms of the hydrological unit and what the results of the cumulative affects are as the IPES scores were raised.

Mr. Thompson requested feedback as the system moved forward as to how efficient it was working in terms of available staff time.

B. Amendment of 1994-1998 List of Additional Public Service Facilities to Add the Following:

1. Fallen Leaf Lake New Water Intake and Treatment Facility

2. McKinney Water District Water Tank Replacement and Expansion

Associate Planner Paul Nielsen presented the staff summary amending the 1994-1998 List of Additional Public Service Facilities to add the Fallen Leaf Lake New Water Intake and Treatment Facility and the McKinney Water District Water Tank Replacement and Expansion.

Since no one wished to comment on this issue, Mr. Thompson closed the public hearing.

MOTION by Ms. Baldrica to add the Fallen Leaf Lake New Water Intake and Treatment Facility and the McKinney Water District Water Tank Replacement and Expansion to the 1994-1998 List of Additional Public Service Facilities. Seconded by Mr. Jepsen. The motion carried unanimously.

VI. REPORTS

A. Executive Director

Executive Director James Baetge commented that he was very pleased to be at the APC meeting, and particularly with the attendance. He hoped that in the future there would be closer interaction between the Advisory Planning Commission and the Governing Board.

B. Legal Counsel

Agency Counsel R. J. Nicolle commented that she and Special Projects Attorney Susan Scholley attended the 9th Circuit Court of Appeals argument in the Tahoe Sierra Preservation Council v. TRPA case in San Francisco. Ms. Scholley presented the actual arguments in the case. On May 13, 1994, a pretrial would be held in Sacramento in the TRPA v. Chase code enforcement matter involving

illegal tree cutting and construction. The Douglas County Community Plan litigation filed by the League to Save Lake Tahoe and the Committee for Lake Planning were originally scheduled for May 13 but had been reset for July 29. An appeal had been filed in the Suitum v. TRPA case. Ms. Nicolle also commented that she would be taking the Nevada State Bar Examination in July and probably would not be attending the July APC meeting and most likely working part-time in June.

C. APC Members

Chairperson Joe Thompson commented on the letter APC members received from the Governing Board Chairman Wayne Chimarusti regarding recent attendance at the APC meetings. He proposed an informal meeting between he and any interested Commission members with Mr. Baetge, Mr. Wells and the Governing Board Chairman to discuss APC attendance and the relationship between the Governing Board and the Advisory Planning Commission and how they function together, what each of their roles are, and how the Governing Board viewed the APC's function. He welcomed comments from APC members.

Mr. Joiner commented that having alternates attend APC meetings would not be a solution in his case because of the difficulty of keeping abreast of current issues. The comments of an outside entity criticizing the APC for their lack of knowledge of an issue or are not being motivated and then mentioning they stopped attending APC meetings, should be taken with a grain of salt. Mr. Joiner also mentioned that his Board of Directors would not entertain comments from an outside entity that were not addressed to the Advisory Board before going to the Governing Board. He said that it should be noted when an outside entity that represents a council or league goes before the Governing Board and voices comments and/or opinions that were not presented at the APC meeting. Mr. Joiner made the statement that it was not fair for outside people to criticize the APC for not responding to particular items when the APC members were not privileged to the information.

Ms. Baldrica agreed with Mr. Joiner's comments and believed people felt that the APC was not very important and what they do didn't matter in the scheme of things. Ms. Baldrica commented that it would be beneficial to know whether the Governing Board took the APC's comments serious. She also would like to receive some positive feedback from the Governing Board members. Ms. Baldrica believed that APC members would be more willing to attend meetings if they knew that their role as APC members was taken seriously by the Governing Board members.

(Mr. Ruben arrived at 10:15 a.m.)

Mr. Dodds commented that the day of the week in the which APC meetings were held was inconvenient for him because it conflicted with his Regional Board's meetings. He would like the role of the APC defined and the expectations of the Governing Board clearly spelled out. When a particular item was voted on, Mr. Dodds requested that the votes be reiterated and explained so APC members know exactly what they voted for. He commented that he had a personal problem with the irrelevance of some of the items that were presented on the agenda.

Mr. Combs felt there was a sense of frustration on the part of APC members because they are excluded from voting on some important issues which is reflected in the occasional lack of full attendance. He commented that the role of the APC seemed to be diminishing and their votes didn't seem to matter. Mr. Combs suggested reexamining the APC voting structure.

Ms. Jamin agreed with Mr. Combs and also suggested that the APC could be valuable in looking at the streamling issues that have been presented to the Governing Board and excluded from the APC. She also believed that some items could be delegated from the Governing Board to the APC that would give the APC a more valuable role. This would also streamline the process for applicants and staff members as well. Ms. Jamin also requested that the role of the APC be defined.

Executive Director Jim Baetge questioned if anything had been written as to the issues raised, and Mr. Wells replied that the APC's role was defined in the Rules of Procedures. Mr. Wells believed that a workshop would be a good way to develop a plan that would be beneficial to both the APC and Governing Board members.

Mr. Hansen commented that laypersons can't have someone substitute for them when they are not able to attend APC meetings which made it difficult in terms of achieving full attendance. He was of the opinion that a workshop with the Governing Board members would be very beneficial.

Mr. Jepsen suggested the APC agenda be sent out two months before the Governing Board meeting. He commented that sometimes items are heard by the Governing Board and not the APC.

Mr. Haen believed there was a closer peer contact between the APC and staff than the Governing Board. He wanted to make things easier for staff members so things go smoother at the Governing Board meetings.

Ms. Jamin was of the opinion that it would be beneficial for a Governing Board member to attend the APC meetings on a short-term basis.

Mr. Joiner was of the opinion that attendance at meetings was considerably less when they were held at the South Shore as opposed to the North Shore.

Mr. Dodds suggested that items of insignificant importance be omitted from the agenda.

Mr. Thompson commented that he planned to set up a meeting between the Governing Board and the APC members and hopefully, as a result, changes would be made. He thanked the APC members for their comments and suggestions.

Mr. Dodds commented that the Lahontan Regional Board approved an MOU with TRPA which would be presented to the APC in June for approval.

Mr. Hansen commented that a public hearing would be held on May 18th & 19th, 1994, regarding the Heavenly EIS on its master plan at the California Main Lodge.

Ms. Jamin commented that the City Substitute Sign Ordinance was approved at the April Governing Board meeting.

Mr. Hust commented that a general planning item in-house had been taking place in El Dorado County recently and wasn't able to attend the APC meetings. He believed that it would be appropriate for the APC to meet with the Governing Board members.

Mr. Thompson asked Mr. Hust if he had received anything in writing about his role as an APC commissioner when he was appointed, and he replied no.

Mr. Thompson suggested that new APC members receive written information and meet with the TRPA staff so they are informed about what exactly their role as a member entails.

VII. ADJOURNMENT - Meeting adjourned at 10:45 a.m.

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Elks Point, Nevada.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

May 31, 1994

To: Advisory Planning Commission

From: TRPA Staff

Subject: Final Environmental Impact Statement, U.S. Forest Service, Proposed East Shore Timber Harvest Project

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Staff Recommendation: Staff recommends that the Advisory Planning Commission make a finding of technical adequacy, and recommend to the Governing Board that they certify the Final Environmental Impact Statement (EIS) for the U.S. Forest Service's 10,000 acre East Shore Timber Harvest Project.

Background: In March 1994, the Advisory Planning Commission reviewed the Draft EIS at a public hearing and took public testimony. No recommendation was made to the Governing Board. The Governing Board also reviewed the Draft EIS and took public testimony at their March 1994 meeting. The public comment period for the Draft EIS closed on April 18, 1994.

The Final EIS addresses all the comments received during the circulation period for the Draft EIS. Staff has reviewed the Final EIS and found it to be adequate. This document is enclosed for your review. The final EIS and the project are scheduled for Governing Board action at their May 1994 meeting.

Officials from the U.S. Forest Service (who prepared the Draft EIS), will be present at the APC meeting and will give a brief summary of the document, including the identified environmental impacts of the proposed project. If you have any questions concerning this item, please contact Lyn Barnett in the TRPA Project Review Division at (702) 588-4547.

/pn
5/31/94

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

June 1, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding Between TRPA and the Lahontan Regional Water Quality Control Board (Lahontan) to Exempt Certain Activities from TRPA Review

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Proposed Action: Recommend to the TRPA Governing Board adoption of the attached MOU amending Chapter 4 of the Code of Ordinances to exempt certain activities reviewed by Lahontan from TRPA review.

Staff Recommendation

Staff recommends that the APC recommend Governing Board approval of the attached MOU and related ordinance amendments.

Description and Discussion

TRPA is required by the Tahoe Regional Planning Compact to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The Compact, Article VI(a) allows TRPA to define what activities are exempt from TRPA review. This proposed amendment to Chapter 4 will delegate the review, permitting and enforcement of all Best Management Practice (BMP) retrofit projects involving existing commercial and tourist accomodation facilities (involving less than 2 acres of soil disturbance and no expansion or remodeling of the existing facility), and sewage spill and underground storage tank cleanup activities in the California portion of the Lake Tahoe Basin to Lahontan. As stated in the attached MOU, Lahontan will be required to review these projects/activities pursuant to all applicable TRPA Code requirements. With the understanding that all applicable TRPA regulations will be complied with and enforced by Lahontan, the installation of BMP retrofit projects for existing commercial and tourist accomodation facilities (involving less than 2 acres of soil disturbance and no expansion or remodeling of the existing facility), and sewage spill and underground storage tank cleanup activities within the California portion of the Lake Tahoe Basin shall be considered qualified exempt activities pursuant to Chapter 4 of the TRPA Code.

The Lahontan Regional Water Quality Control Board held a public hearing on April 14, 1994 at which time the Board approved the proposed MOU.

JW
6/1/94

AGENDA ITEM V.B.

Proposed Ordinance Amendment

Staff proposes to amend Chapter 4, Section 4.4 of the Code by adding the following section:

4.4.F BMP Retrofit and Sewage Spill/Underground Storage Tank Cleanup Activities Within the California Portion of the Lake Tahoe Region: As set forth in Appendix AA to this Chapter.

Environmental Documentation

The proposed amendment provides for the review and approval by Lahontan of certain activities pursuant to the terms of the MOU. In order to be considered qualified exempt under Chapter 4 of the TRPA Code all such activities conducted under the MOU must be consistent with the TRPA Regional Plan and Code of Ordinances. Staff has completed an Initial Environmental Checklist (IEC), and based on the checklist recommends a finding of no significant environmental effect.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires TRPA to make four findings to amend the Code of Ordinances. These findings, and brief statements of fact and rationales upon which the findings are based, are set forth below.

A. The project (ordinance) 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;

The activities described in the proposed MOU will be reviewed, permitted and enforced by Lahontan consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of Lahontan and TRPA staff time as well as avoid the duplicative review process currently experienced by Lahontan, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project (ordinance) will not cause environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU will remain consistent with the provisions of the Regional Plan and Code. The activities will be reviewed by Lahontan in accordance with all applicable TRPA regulations and are limited to only BMP retrofit projects for existing commercial and tourist accomodation facilities (involving less than two acres of soil disturbance and no expansion or remodelling of the existing facilities), and sewage spill and underground storage tank cleanup activities.

Any required land capability, existing coverage verifications or scenic evaluations will be conducted jointly with TRPA and Lahontan staff. Any activities which currently require Governing Board review, or which involve unusual circumstances, as determined by TRPA, shall be reviewed by TRPA and are not exempt under the MOU. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

C. Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project (ordinance) meets or exceeds such standards;

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance those activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

As discussed above, all activities undertaken pursuant to this MOU will be reviewed and enforced consistent with the Regional Plan package, including the TRPA Code and Plan Area Statements. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the region.

Ordinance 87-8 Findings

Subsection 2.40 of Ordinance 87-8 requires TRPA to make one of several findings in order to amend the Code of Ordinances. The applicable required finding, and brief statement of fact and rationale upon which the finding can be made, is set forth below.

A. 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.

The review and enforcement of BMP retrofit projects for existing commercial and tourist accomodation facilities, and sewage spill and underground storage tank cleanup activities is currently conducted by both Lahontan and TRPA pursuant to each of their respective regulations. Consequently each Agency reviews the same set of construction plans and performs numerous site inspections for the same project. This duplicative process not only consumes a considerable amount of time for both agencies, but also requires substantial coordination in terms of permit conditions and the review and inspection process in general. It is the desire of both agencies to provide a regulatory structure which is consistent and makes the most efficient use of public resources. As stated above, all activities undertaken pursuant to this MOU will be reviewed and inspected in accordance with both Lahontan and TRPA regulations. In addition, Subsection 2.50 of Ordinance 87-8 provides that the finding(s) required by Subsection 2.40 are not intended to limit TRPA's authority to add policies or ordinances to make existing policies and ordinances more effective. The proposed ordinance amendment and MOU provides for an equal or better, as well as a more effective means of implementing the Regional Plan Package and complying with the Compact.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any comments or questions on this agenda item.

MEMORANDUM OF UNDERSTANDING BETWEEN THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION,
AND THE TAHOE REGIONAL PLANNING AGENCY

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Lahontan RWQCB), through direction to the RWQCB's Executive Officer, and the Tahoe Regional Planning Agency (TRPA) Governing Body, through direction to TRPA's Executive Director, have agreed to enter into this Memorandum of Understanding (MOU), and

WHEREAS, Lake Tahoe is a designated Outstanding National Resource Water whose quality and beneficial uses are threatened by sediment and nutrient loading from a variety of sources. Control of these sources is of major interest to the States of California and Nevada and the federal government, and

WHEREAS, the Lahontan RWQCB is an agency of the State of California, empowered by the federal Clean Water Act, the Porter-Cologne Water Quality Control Act, and other federal and state laws to set water quality standards and to regulate activities in the California portion of the Lake Tahoe Basin which may have an adverse effect on water quality, and

WHEREAS, California's Water Quality Control Plan for the Lake Tahoe Basin provides that State water quality regulatory programs

> "may be carried out in the absence of, or in addition to, regulation by local and regional agencies. Where review of individual projects is required, and adequate programs are adopted by local or regional agencies, review by water quality agencies can be waived to prevent duplication. State water quality programs setting general standards will be used in combination with programs by local and regional government, to provide backup enforcement."

The Lahontan RWQCB has recognized TRPA's authority and regulatory program as adequate to meet the criteria above for several types of projects and activities, and

WHEREAS, TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Lake Tahoe Basin which may have a substantial effect on the natural resources of the Basin, including water quality. The Compact also directs TRPA to ensure attainment of state and federal environmental standards, and to define which activities are exempt from TRPA review and approval. TRPA defines exempt activities in Chapter 4 of its Code of Ordinances, and

WHEREAS, all activities described in this MOU shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by the Lahontan RWQCB pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances, as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA, and

WHEREAS, the Lahontan RWQCB and TRPA are both responsible for implementing the bi-state **Water Quality Management Plan for the Lake Tahoe Region ("208 Plan")** and TRPA is recognized as one of the implementing agencies for certain California water quality control plan provisions applicable to the Lake Tahoe Basin. These plans require compliance with water quality standards and the installation of Best Management Practices (BMPs) for the control of erosion and stormwater on all improved properties in the California portion of the Lake Tahoe Basin, and prohibit disturbance of Stream Environment Zones, with limited exceptions, and

WHEREAS, the Lahontan RWQCB and TRPA are interested in developing a cooperative approach toward implementation of water quality plan provisions related to control of erosion, sediment, and wastewater, and cleanup activities for leaking underground tanks, and

WHEREAS, the Lahontan RWQCB and TRPA recognize that areas of overlapping authority and regulatory effort exist in the operations of the two agencies, and that it will be mutually beneficial to the RWQCB, TRPA, and the regulated community to avoid unnecessary duplicative regulation.

NOW THEREFORE, the Lahontan RWQCB and TRPA agree as follows:

1. Each agency will assume either primary or secondary responsibility for the types of projects listed in Paragraphs 2 and 3 below. The agency with primary responsibility will review project proposals, issue permits, conduct inspections, and take enforcement action as necessary to ensure compliance with permits. The other agency will not normally issue a permit, but may consult with staff of the primary agency as provided in Paragraph 10 below, and may also use its full regulatory authority when necessary as described in Paragraph 9 below.

2. The **Lahontan RWQCB** will have primary responsibility for the following types of projects or activities in the California portion of the Lake Tahoe Basin:

   a. Review, permitting, and enforcement to ensure retrofit of BMPs on properties which:

      (1) have existing commercial and tourist accommodation improvements, and

      (2) do not involve any expansion or remodeling of the facilities, and

      (3) the owner(s) of the property are voluntarily proposing to install the BMPs required by Section 25.3, Chapter 25 of TRPA's Code of Ordinances and have applied to the Regional Board for waste discharge requirements to regulate the installation.

   (RWQCB staff will coordinate with TRPA to determine the significance of any previous TRPA actions affecting the subject parcels in relation to pending applications for BMP retrofit.)

   b. Site assessment, investigation and enforcement related to sewage spills from sewage collection, treatment, and export facilities.

c. Specification of BMPs and ground water cleanup levels to be used at leaking underground storage tank sites (in cooperation with the appropriate County, which will specify soil cleanup levels).

3. The **Lahontan RWQCB** will assist and support TRPA in implementing and securing funding sources for the BMP retrofit, erosion control, and stream Environment Zone Restoration programs.

4. **TRPA** will have primary responsibility for the following types of projects or activities in the California portion of the Lake Tahoe Basin:

   a. Review and permitting of projects related to residential development, including new projects, expansion or remodeling of existing residential development, and residential BMP retrofit projects.

   b. Review and permitting of new commercial and tourist accommodation projects, remodeling and expansion of existing commercial and tourist accommodation facilities, and BMP retrofit in connection with such expansion or remodeling.

   c. Review and permitting of projects which are constructed for the primary purpose of erosion control or stormwater treatment, and which do not involve more than two (2) acres of soil disturbance. Prior to final approval of such projects, TRPA shall provide the opportunity to Lahontan RWQCB staff to review and comment.

   d. Review, permitting, and enforcement to ensure retrofit of BMPs on properties with existing commercial and tourist accommodation improvements subject to requirements in Chapter 25 of the TRPA Code of Ordinances and not regulated by the Lahontan RWQCB pursuant to Paragraph No. 2 above.

5. **Both agencies** will annually coordinate and prioritize appropriate permit and enforcement activities for all properties in the Tahoe Basin that are subject to the BMP retrofit deadlines specified in Section 25.3 of Chapter 25 of TRPA's Code of Ordinances. Each year the staff of both agencies will jointly prepare a work plan that will list and prioritize specific properties in each of the three Priority Group Watersheds. The work plan will also identify which agency will be responsible for ensuring that BMPs are installed at each specific property.

6. **Both agencies** will continue to review and consider permits for community stormwater treatment systems (e.g., areawide systems proposed by a local government in a Community Plan), and Capital Improvement Projects identified in the **Water Quality Management Plan for the Lake Tahoe Region**,

7. **Both agencies** will review any project involving more than 2 acres of soil disturbance.

8. **Only the agency issuing a permit** will be responsible for approval of exemptions to prohibitions related to Stream Environment Zone disturbance.

9. Projects and activities not specified in Paragraphs 2 through 6 above will continue to be reviewed and permitted by **either or both agencies** as was the case before approval of this MOU.

10. This MOU does not affect projects or activities within the mutual jurisdiction of the Lahontan RWQCB and TRPA in the Truckee River watershed downstream of Lake Tahoe.

11. Nothing in this MOU shall be construed to limit the authority of either the Lahontan RWQCB or TRPA to administer its own regulations or to impose reasonable conditions of approval on any application, or to take enforcement action as necessary to ensure compliance with its environmental standards and regulations. Any activity listed in Paragraphs 2-8 above may be considered a project requiring review by either party to this MOU, if that agency determines that the other agency has failed to comply with this MOU, or that the activity may have a substantial effect on the natural resources within its statutory responsibility.

12. Staff of the Lahontan RWQCB and TRPA shall cooperatively provide technical review and comments to each other, upon request, for any applications reviewed under this MOU.

13. A staff person from each agency shall be designated as a liaison and responsible person for the implementation of this MOU.

14. Staff of the Lahontan RWQCB and TRPA shall review the implementation of this MOU and shall report to the agencies' respective governing boards following such reviews on an annual basis.

15. For all projects and activities listed above for which the Lahontan RWQCB has primary responsibility, RWQCB staff shall maintain "accounting and tracking" records for impervious surface coverage and other parameters as required by Chapter 38 of TRPA's Code of Ordinances. Chapter 38 requirements shall be recorded by RWQCB staff on forms provided by TRPA, and shall be transmitted on a quarterly basis to TRPA for inclusion in its permanent accounting and tracking records.

    Staff of each agency shall report to the other on the implementation of the MOU as follows:

    a. For BMP retrofit, annually, with reports to be given by February 1 of each year, covering activities through the previous December 31.

    b. For exemptions to SEZ prohibitions, annually, with reports to be given by February 1 of each year, covering activities through the previous December 31. (Reports shall include the exemption findings made and a description of required mitigation measures.)

    c. Status of underground storage tank BMP installation and cleanup progress, annually, with reports to be given by February 1 of each year, covering activities through the previous December 31.

    d. Status of enforcement actions for sewage spills, as they occur.

16. Staff of the Lahontan RWQCB and TRPA will continue discussions to identify additional areas of duplication of effort and will consider expanding the scope of this MOU accordingly.

17. This MOU will continue in effect until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth herein.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION

Dated:_____

_____
Harold J. Singer
Executive Officer

TAHOE REGIONAL PLANNING AGENCY

Dated:_____

_____
Jim W. Baetge
Executive Director

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

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

(702) 588-4547
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MEMORANDUM

May 26, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Plan Area Boundary Between Plan Area 057 (Spooner Lake Recreation) and Plan Area 059 (Shakespeare Point Residential)

Proposed Action: The applicant-initiated proposal would amend the plan area boundary between Plan Area 057 and 059 to include portions of APN 01-090-05, presently in PAS 057 (Spooner Lake Recreation), in PAS 059 (Shakespeare Point Residential). See Exhibit A, Applicant's Proposed PAS Amendment Map.

Recommendation: Staff recommends the Advisory Planning Commission recommend denial of the proposed plan area boundary amendment to the TRPA Governing Board because it is inconsistent with the Regional Plan for the reasons discussed below.

Background: The applicant, the Glenbrook Company, proposes a plan area boundary amendment which would place approximately one third of their 83 acre parcel, APN 001-090-05, presently in PAS 057 which has a land use classification of recreation, into PAS 059 for which the land use classification is residential. See Exhibit B, Existing Conditions.

The entire 83-acre parcel, including the portion proposed to be relocated, is undeveloped and mapped 100% low land capability (includes Bailey classes 1a, 1b, 1c, and 2). In addition, a substantial portion of the area proposed for relocation is also mapped as a high hazard geomorphic unit, C-2. C-2 lands are characterized as steeply sloping lands with numerous intermittent drainage channels. Soils are thin and highly erodible, available water-holding capacity is low and runoff is rapid.

The parcel's boundaries are defined by U. S. Highway 50 on both the northern and western edges and U.S.D.A. Forest Service property on the south and east (see Exhibit B). There is an existing dirt road that accesses the property which is in a disturbed and unmaintained condition. There is one small parcel (APN 001-110-02) with an existing single family dwelling (older stone structure built into the cut bank along the east side of U.S. 50) that

is surrounded by the subject parcel. The existing dwelling has direct access to U.S. 50. See Exhibit B. The applicant also proposes to include this parcel in the amendment. TRPA is in receipt of a letter from the owner of this parcel, however, who strongly objects to this proposal (see Exhibit C).

Discussion: In evaluating proposed plan area amendments, staff uses a three-step procedure. The first step is to determine whether a mistake was made in mapping the original plan area boundaries in this area. The lands within this portion of PAS 057 are all low capability and are extremely sensitive due to their landform, slope, soils, and erosion potential. Highway 50 was used to delineate the boundary between the two residential plan areas (Shakespeare Point and Glenbrook) and Spooner Lake, the recreation plan area. In this area the U.S. 50 highway and right-of-way generally serves as a boundary between developed lands to the west and undeveloped lands to the east. Other than the one existing single family dwelling identified above and the small subdivision at Logan Creek, there are no other residences on the east side of Highway 50 from Cave Rock to Spooner Summit, a distance of approximately six miles. Therefore, staff believes that there was no mistake made in mapping the original plan area boundary.

The second step is to determine whether something has changed in terms of character at this location or pattern of land use to warrant amending the boundary between 057 and 059. Based on staff's review of the subject property, as well as the surrounding land use pattern, nothing has changed.

The third step is to determine whether the amendment to the Plan Area would change land use patterns such that attainment and maintenance of environmental thresholds is improved or enhanced. The area proposed to be incorporated into the Shakespeare Point Plan Area is all mapped low capability as described above. Within the special policies listed in PAS 057 it states that this visitor entry to the Basin should be enhanced with information services, recreation facilities and improved scenic quality. There are no regional benefits to be gained by approving the proposed amendment. There are presently no infrastructure services at the site (with the exception of paved access on U.S. 50) including, electricity, sewer and water (including fire flow). Development or expansion of these services which are required by the Code of Ordinances would likely create their own environmental impacts.

Findings: Prior to amending the plan area boundary, TRPA must make the following findings.

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: This Finding cannot be made. The Plan Area 057 (Spooner Lake) planning statement states that this area should provide for low to moderate resource management and expanded recreational opportunities. The proposed amendment would take approximately 26 acres from PAS 057 and add it to PAS 059 to allow for residential development on the east side of Highway 50. This is not consistent with the Plan Area Statement.

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

Rationale: The Finding cannot be made. The basis for not being able to make this finding is: the area is currently classified as low capability combined with high hazard geomorphic areas (land capability 1a, 1b, 1c, and 2) and development on lands classified as such may be expected to adversely impact environmental thresholds in both soil conservation and water quality; the current land use classification is recreation and the proposed amendment would remove approximately 26 acres from the current classification and allow residential uses; and potential development at this site may have negative impacts to scenic quality.

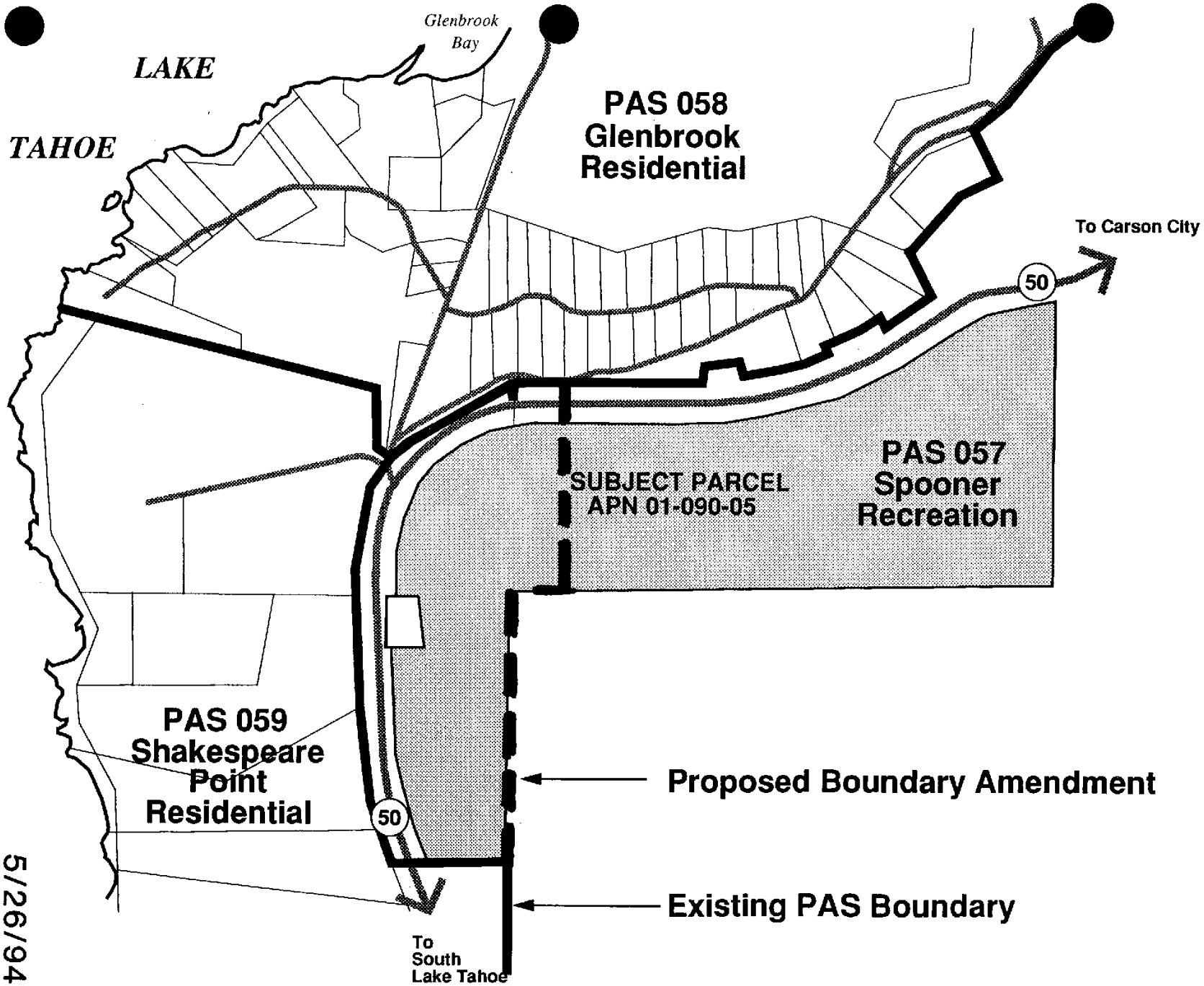
3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above.

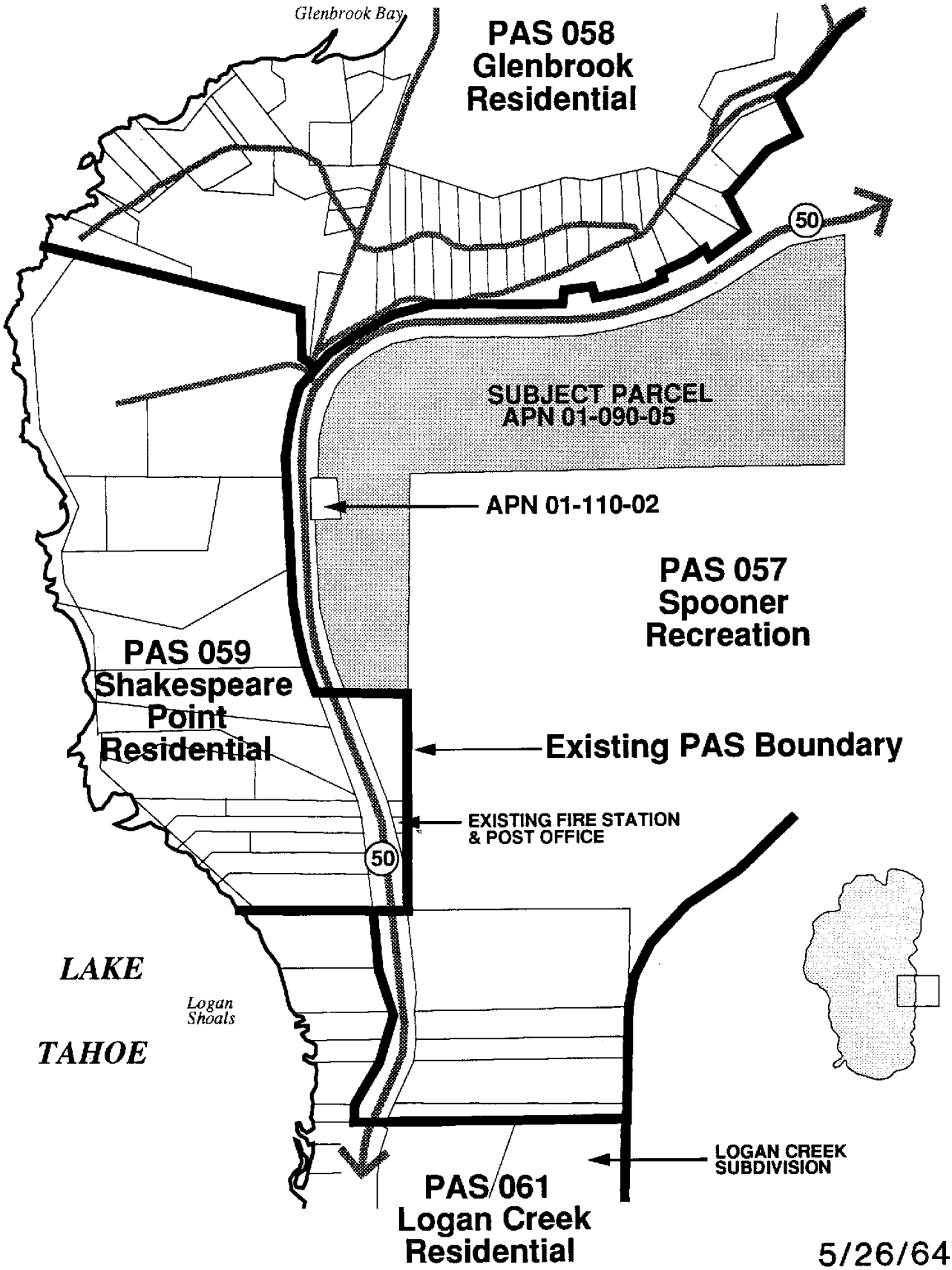
Staff will begin this item with a brief presentation. If you have any questions or comments pertaining to this agenda item, please contact Coleen Shade at (702) 588-4547.



APPLICANT'S PROPOSED PAS AMENDMENT 4

EXHIBIT A

5/26/94



5/26/64

EXHIBIT B

EXISTING CONDITIONS

EXHIBIT C
May 26, 1994

RECEIVED
FEB 0 3 1994
TAHOE REGIONAL
PLANNING AGENCY

December 22, 1993

Mr. Dave Ziegler
Director-TRPA
195 Highway 50
Zephyr Cove, Nv.

Dear Mr. Ziegler:

I am writing to strongly protest any amendment of TRPA's Plan Area Statement for Douglas County APN 01-090-05. This 83 acre parcel belongs to Glenbrook Company, and completely surrounds my home and property (Parcel 01-110-02). The 83 acre parcel has always been vacant land, and, when I discussed this with TRPA officials while purchasing my home in 1984, I was told that it would remain vacant land because of the extremely sensitive slope of the terrain.

It is listed as Land Capability Types:

CaF-Cagwin Rock Outcrop Complex 30-50% slope
1A Capability and <1% Coverage, and
MxF-Meiss Cobbly Loam 30-50% slope
1C Capability and <1% Coverage.

In October of this year, I received communication from Mr. Paul Kaleta representing Shelly Nahas Turner and Glenbrook Company. He cited their attempt to amend TRPA's Plan Area Statement to allow single family dwelling and/or multiple single family dwellings on this parcel. There was no indication as to where these would be placed, or if this amendment would limit the number of dwellings. (If limited to 5 acre parcels, this could amount to as many as 16 new dwellings). Even the slope and vegetation disturbances for ONE new dwelling seem unconscionable if TRPA is truly concerned with the preservation and protection of Lake Tahoe!

Your own standards of Land Use would dictate that this parcel should NEVER be considered suitable for dwelling construction and terrain disturbances, and it has always been considered to be on your "most sensitive" terrain status.

Therefore, as a resident very concerned with maintainence of TRPA Standards, and as the sole "landlocked" neighbor to this parcel, I strongly beseech you NOT to cater to further development of such a sensitive portion of the Tahoe Basin!

. It is my understanding that your "reason for being" is to protect just such areas as this from further degradation, and that is why I am writing to you now.

Sincerely,

R. T. Douthat, M.D.

R. T. Douthat, M.D.
1873 Highway 50
Glenbrook, NV. 89413

c.c. Rachelle Nicolle --TRPA Legal Dept.
Rochelle Nason--Director-League to Save Lake Tahoe

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MEMORANDUM

May 26, 1994

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 24, Driveway and Parking Standards; Chapter 26, Signs; Chapter 30, Design Standards; and the Stateline/Ski Run Community Plan Standards and Guidelines for the Entire City of South Lake Tahoe

Proposed Action: Staff is requesting the APC recommend the adoption of special design, sign, and parking standards and guidelines for the entire City of South Lake Tahoe. These standards and guidelines are the same ones adopted for the Stateline Community Plan and for the City-Wide substitute sign ordinance. These City-Wide Standards and Guidelines (enclosed with packet) will substitute for TRPA Code Chapters 24, 26, and 30 and will match a similar set of standards and guidelines recently adopted by the City.

Recommendation: Staff recommends that the APC recommend adoption of the necessary ordinance amendments to adopt the City-Wide Standards and Guidelines.

Background: At the December, 1993 APC meeting, the APC endorsed the concept of TRPA and local governments adopting joint standards and guidelines for design, signs and parking.

The community planning process and the substitute sign ordinance in the City of South Lake Tahoe has set the foundation for using one set of standards and guidelines for design, parking, and signs for the entire City.

The standards/guidelines are arranged in Parts I, II, and III covering the subjects of design, signs, and parking. There are general sections that apply to the entire City and special sections that apply to each specific community plan. Currently only, Part II Signage is adopted for the entire City.

It is the intent of this amendment that these standards/guidelines will apply to the Stateline/Ski Run Community Plan and all other areas of the City. The City, in a separate but parallel process, is adopting nearly identical standards and guidelines, hence the term joint standards. The key areas of difference are in review procedures, applicability of design standards to single family residences, and requirements for frontage improvements. The bracketed [ ] language indicates language not adopted by TRPA.

GWB/rd

AGENDA ITEM V.D.

The Code provides for substitute standards for signs and substitute design guidelines proposed by local government, as well as equal or superior standards for community plans.

Chapter 14 Community Planning - The TRPA Code provides for the authorization for community plans to have "equal or superior" substitute standards for parking, signs, and design. The adoption of the Stateline/Ski Run Community Plan (CP) included design and parking standards and guidelines. Sign standards were not included because the sign ordinance was not ready for adoption in March.

Chapter 24 Driveway and Parking - The Code is silent in regards to adopting special parking standards for each jurisdiction or for authorizing local jurisdictions to propose substitute parking standards, or for TRPA and local government to have joint substitute standards outside CPs. Currently, TRPA has not adopted any Chapter 24 parking standards, but has adopted standards for Stateline/Ski Run Community Plan. However, for areas outside the CP, the current TRPA interim parking standards use the local jurisdiction's standards except for a few basic regulations. Since the CP parking regulations are adopted by TRPA and the City has adopted the regulations City-Wide; the regulations will be used in other CPs; and the regulations were found equal or superior, the TRPA staff proposes to adopt the CP regulations as TRPA standards for all of the City.

It should be noted that TRPA is currently working on parking standards that may require changes to the City standards. If this is the case, the changes will be integrated into Part III - Parking, of the City-Wide Standards and Guidelines.

Chapter 26 Signs - The TRPA Code provides the authorization for community plans and/or local jurisdictions to have substitute sign standards. The criteria for adopting these substitutions is provided in Chapter 26. In April of 1994 the Governing Board made the findings and adopted a substitute sign ordinance (Part II) for the City. Due to a technical notice requirement the new Part II was not added to the Community Plan document at that time. It is the intent to now adopt Part II for the CP as well.

Chapter 30 Design - The TRPA Code provides for the authorization for local jurisdictions to have equal or superior substitute design guidelines. There are no provisions for; however, substitute design standards for local jurisdictions except as provided for in community plans. It is the intent to adopt the Stateline/Ski Run CPs Part I - City Design Manual for the entire City, as an equal or superior substitute design guideline.

Required Findings: The following findings must be made prior to adopting the proposed amendments:

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 proposed standards and guidelines were evaluated in an EIS/EIR and a scenic evaluation and found to be equal or superior to the standards found in Chapters 24, 26 and 30 of the Code.

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

   Rationale: The evaluation considered the proposed standards in regards to threshold attainment and found them to be equal or superior. The coordination with local government should enhance implementation of the standards and guidelines.

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

   Rationale: The evaluation considered the proposed standards in regards to threshold attainment and found them to be equal or superior. The coordination with local government should enhance to implementation of the standards and guidelines.

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

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds. The evaluation considered the proposed standards in regards to threshold attainment and found them to be equal or superior. The coordination with local government should enhance to implementation of the standards and guidelines.

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: Finding b states the rationale for the proposed amendments.

Environmental Documentation: The proposed amendments were the subject of an EIS/EIR. The Final EIS/EIR for the Stateline/Ski Run Community Plan, (January, 1994) addressed the adoption of these standards on a city-wide basis. With the recommended mitigation, the EIS/EIR determined that there was no significant impacts associated with the adoption of the City-Wide Standards and Guidelines. Said determination was made on the basis of an equal or superior test.

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

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

June 1, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Revise the Existing Delegation MOU Between the City of South Lake Tahoe and TRPA Exempting Sign Projects From TRPA Review

Proposed Action: Staff and the City of South Lake Tahoe propose to amend the existing delegation of sign review MOU so that the City can implement the new substitute sign standards recently adopted in the City-Wide Standards and Guidelines. A copy of the proposed MOU is attached.

Staff Recommendation: Staff recommends that the APC recommend approval of the proposed MOU (Attachment A), and ordinance amendment (Attachment B).

Background: Pursuant to Section 4.4.C and 26.5 of the TRPA Code of Ordinances, TRPA may amend the City of South Lake Tahoe (CSLT) and TRPA MOU dated March 13, 1990 to substitute the the recently adopted substitute sign standards contained in Part II, City-Wide Standards and Guidelines.

The APC recommended approval of these standards in February of 1994 and the Governing Board adopted them in April of 1994. These standards will become effective June 27, 1994. The approval of the amendment will permit the City to continue its delegated permitting authority under the new sign standards.

Environmental Documentation: Staff has completed the Initial Environmental Checklist (IEC) for the initial determination of no significant effect on the environment.

Findings: The following findings are required to approve the MOU amendment.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

A. 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;

Section 26.5 of the Code allows for the development and implementation of MOUs to exempt signs not otherwise considered exempt or qualified exempt under Chapter 4. The activities permitted in the proposed MOU have been evaluated in a scenic analysis and were found to be equal or superior to the provisions of Chapter 26. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

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

Activities undertaken pursuant to this MOU are subject to the provisions of the Regional Plan. The activities are subject to restrictions of the adopted TRPA sign standards, and any significant exemptions will also be subject to TRPA review. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

C. Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards; and

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

Sections 4.4.C and 26.5 of the Code allows for the implementation of MOUs with the City of South Lake Tahoe to delegate sign permitting and enforcement

activities. The current and proposed amended MOU effectively and efficiently provides these services. The MOU has no impact on the regulatory structure and does not result in an increase in development. The minor nature of the activities, and the limitations elsewhere in the Code, assure the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies or ordinances designed to make existing policies and ordinances more effective. The proposed amended MOU with the City of South Lake Tahoe will implement Section 26.5 of the Code which allows amendments to exempt certain sign review activities of public entities.

Please contact Gabby Barrett at (702) 588-4547 if you have any comments or questions on this agenda item.

GWB:rd

APPENDIX BB

MEMORANDUM OF UNDERSTANDING
BETWEEN TAHOE REGIONAL PLANNING AGENCY AND
THE CITY OF SOUTH LAKE TAHOE

JUNE 1994

This Memorandum of Understanding is entered into this _____ day of June 1994, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the CITY OF SOUTH LAKE TAHOE (CITY), by and through its Mayor, as authorized by the City Council.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by the CITY pursuant to the MOU shall comply with all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

This MOU sets forth the responsibilities of the parties with regard to the regulation of signage and related activities, in accordance with the desire of the parties to provide a regulatory structure which is consistent with the most efficient possible use of public resources.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) requires TRPA to define which activities are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of the CITY as it pertains to the installation of signs within the City of South Lake Tahoe and consistent with the mandate of the Compact to defer land use regulation to local government wherever feasible, the CITY and TRPA agree that the City shall review signage and related activities within the CITY limits of South Lake Tahoe. Such review by the CITY shall include application of all applicable TRPA regulations to signage projects otherwise subject to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed an exempt activity under TRPA regulations.

ATTACHMENT A

IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. Effective June 27, 1994, signage reviewed and approved by the City, consistent with Chapter 26, as amended by the Governing Board on April 27, 1994, and as may be further amended to adopt the City-Wide Standards and Guidelines, Part II-Signage (herein referred to as the City-Wide Signage Ordinance) shall be exempt from TRPA review except as set forth in paragraph 2 and 3 below. All applications for signage and related activities will be reviewed by the City through its normal and customary review process, except for signs exempt by statute from City review, in which case TRPA shall review said signs consistent with the provisions of the City-Wide Signage Ordinance. In the event the City is not able to determine whether or not an application is to be reviewed by the City or TRPA, the City shall consult TRPA consistent with provisions established for that purpose by the City Manager or his designee and the Executive Director and his designee.

2. Amortization of signs pursuant to the Chapter 26 schedule, located outside the Redevelopment Plan area boundaries will be the sole responsibility of TRPA to administer and enforce in accordance with the provisions of Chapter 26.

3. The CITY and TRPA shall jointly review all proposed sign projects involving exemptions or exceptions from any provision of the City-Wide Signage Ordinance and all sign projects involving an increase in or relocation of existing land coverage. These projects shall be subject to the procedures established for joint review of such applications by the City Manager or his designee and the Executive Director or his designee.

4. Nothing in this MOU shall be construed to limit the authority of the CITY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the regulatory powers of either the CITY or TRPA.

5. The CITY and TRPA staff shall review quarterly the implementation of this MOU and shall report to their respective governing boards following such reviews.

6. In carrying out the intent of this MOU, the CITY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage and any other applicable procedures. All project accounting and tracking shall be completed by the CITY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, the CITY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. The CITY shall submit completed tracking forms to TRPA on a monthly basis.

7. The CITY shall perform compliance inspections to ensure that the sign projects activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved.

The CITY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the TRPA Code as authorized by this MOU, including the processing of Code violations involving unpermitted sign activities.

In the event litigation is necessary to enforce provisions of the TRPA Code, the CITY shall contact TRPA Legal Counsel. If a show cause hearing is required, the CITY is authorized to institute legal action.

In the event an applicant desires to appeal any administrative action or decision on the part of the CITY, acting on behalf of TRPA, such appeal shall be to TRPA.

8. Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.

9. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

10. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by the CITY without the prior written approval of TRPA.

CITY OF SOUTH LAKE TAHOE

Dated:_____

_____
Keith Klein, Mayor
City of South Lake Tahoe

TAHOE REGIONAL PLANNING AGENCY

Dated:_____

_____
Jim Baetge, Executive Director
Tahoe Regional Planning Agency

CHAPTER 4 AMENDMENT

4.4.C Sign Activities Within the City of South Lake Tahoe (CSLT): As set forth in the Memorandum of Understanding regarding exemption of sign activities from TRPA review and approval between the CSLT and TRPA ~~dated March 13, 1990, as may be amended by resolution of the Governing Board~~ as set forth in Appendix BB to this Chapter.

ATTACHMENT B

TAHOE REGIONAL PLANNING AGENCY

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Fax (702) 588-4527

MEMORANDUM

May 31, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Status of Proposed Amendment of Chapter 64, Grading Standards, Relating to Limitations on Depth of Excavation

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This memorandum is to update the Advisory Planning Commission (APC) on the status of the proposed amendment to Chapter 64, Grading Standards. At the April TRPA Governing Board meeting, the Governing Board asked staff to provide additional information regarding the content and methodology of the proposed soils/hydrologic report. Staff has coordinated with the Soil Conservation Service and the California State Water Resources Control Board, Lahontan Region to develop the content and methodology of this report. Staff will be presenting this information to the Governing Board at the June meeting.

This memorandum is for information only. Since the APC already acted on the proposed amendments in April and no substantive modifications are being proposed, no additional action is required by the APC. Please contact Paul Pettersen, Kathy Canfield, or Rick Angelocci at (702) 588-4547 if you have any questions regarding this matter.

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Memorandum

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Technical and Other Clarifying Amendments to Chapters 2, 4, 12, 20, 22, 24, 25, 28, 30, 33, 34, 35, 38, 78, 91, and 93

PROPOSED ACTION: The proposed action is to delete unnecessary Code provisions, make technical corrections, and add clarifying language to implement existing policies.

STAFF RECOMMENDATION: TRPA staff recommends that the APC conduct a public hearing on the proposed amendments and recommend adoption to the Governing Board.

PROPOSED AMENDMENTS: The proposed amendments are set forth in Attachment A.

DISCUSSION: The amendments are the culmination of several years work compiling a list of mistakes and obsolete sections of the Code. Further, the amendments are intended to implement, in part, TRPA's goal of simplifying and clarifying the Code. The proposed amendments are the first of several phases of Code amendments designed to make the Code more consistent, to fill in the holes, to simply language and procedures, and to delete unnecessary sections.

ENVIRONMENTAL DOCUMENTATION: Because of the nature of the amendments, staff recommends a finding of no significant effect.

ACTION REQUESTED: The APC should conduct a public hearing and make a recommendation to the Governing Board.

SES/ss

AGENDA ITEM V.G.

ATTACHMENT A
May 31, 1994
Technical and Clarifying Amendments to Code

1. Amend Chapter 2 of the Code to delete the following definitions:

Active (or Indirect) Solar Energy System
Administrative Road
Age Class
Alternative Fuels
Animal Control Ordinance
Aspect
ASTM*
Barrier
Bedding Planes
Bole
Building Permit
Catch Basins
Christmas Tree Cultivation
Crawl Spaces
Cull Logs
Domestic Waterfowl
Erode
Fault Zone
Fan Type Central Furnace*
Fish Migration
Flag Line
Flood Water
Free-roaming
Geologic Hazards
Habitat
Harvest Debris
Household
Household Pets
Improved Roads
Integral Arch Equipment
Leaching
Light-Duty Vehicle*
Limited-use Roads*
Migration Routes
Minor Tree Species
Modal Choice
Motorcycle
Motorized Vehicle
Navigable Water
Nesting Habitat
Nesting Tree
Noncontiguous Parcels
Nonmotorized Vehicle
Onsite Mitigation
Overhead and underground Utilities
Passive (or direct) Solar Energy System
Patch Cuts
Perching Sites
Perennial Streams
PUD
Quarry

Raptors
Ridgeline
Seasonal Shutdown
Sedimentation
Seral Stage Management*
Slash
Snags
Soil Productivity
Solar Collection
Species Diversity
Spoil Piles
Stream Channel
Stream Recharge
Structural Diversity
Sulfur Dioxide
Topsoil
Tractor Trails
Transition Zone
Tree Sealer
Trolling
Turf
Unique Ecological Attributes
Useful Heat Delivered to the Heated Space
Volatile Organic Compounds
Waste Disposal Sites
Waterfowl
Water Intake Lines
Wildlife
Wildlife Habitat Management
Wood Replacement Program

2. Amend Chapter 2 to correct definition of "Structure to House Gaming" as follows: "Structure ~~to-House~~ Housing Gaming: A building or buildings joined together in some definite manner, containing ~~licensed~~ gaming, as defined in Article VI of the Compact.

3. Amend Chapter 2 definition of Effective Date of the Regional Plan as follows: "The July 1, 1987 date established by ~~ordinance~~-Ordinance 87-9 as the effective date of the Regional Plan. Unless the context indicates otherwise, the calculation of time periods begins from the effective date of the Regional Plan."

4. Amend Chapter 2 to add a definition as follows: "Initial IPES Line: The line between parcel scores deemed non-sensitive and sensitive under IPES pursuant to Subsection 37.8.B., as established in 1989. The initial IPES line established a score of 726 or better as non-sensitive and a score of 725 or less as sensitive."

5. Amend Chapter 4 to delete Subparagraph 4.8.C(2)(c). This subparagraph contains a written finding which duplicates a code requirement set forth in subparagraph (1) which immediately precedes it.

6. Amend Chapter 4 to delete Subsection 4.5.P MOU with Placer County and to reletter the remaining subsections. The subsection duplicates Subsection 4.4.D.

7. Amend Subsection 4.8.B as follows: Structures That Do Not Comply with Site Development Provisions: Repair or remodeling, and reconstruction, modification or expansion, of structures that do not comply with site development provisions (Chapters 20-30), may be approved provided TRPA finds that:". The amendment clarifies what is meant by site development standards.

8. Amend Chapter 12 to update Subparagraph 12.2.B(9) and Subsection 12.2.D by deleting the December 31, 1987 deadline for drafting overlays. Amend Subparagraphs 12.2.D (1) and (2) to refer to the current 208 and RTP/AQ Plans.

9. Amend Subparagraphs 20.3.B (2) and (3) to add "Within Community Plans" to the titles. This amendment will highlight the community plan limitation of these provisions for the reader and will parallel Subparagraph (6) in that same subsection.

10. Amend Chapter 25 to delete Subparagraph (4) from Subsection 25.3.B. Subparagraph (4) was added in 1992 but it contradicts an earlier deadline for retrofitting of livestock confinement facilities in Chapter 73, Section 73.3.

11. Amend Chapter 28, Subsection 28.3.B as follows: "Prohibition of Additional ~~Construction~~-Development, Grading, and Filling of Lands Within the 100-Year Flood Plain: Additional ~~construction~~-development, grading, and filling of lands within the 100-Year flood plain is prohibited, except as follows:" This amendment will make the terms consistent with earlier sections in this chapter.

12. Amend Chapter 30, Subparagraph 30.5.B(1) to substitute "Design Review Guidelines" for "Handbook of Best Management Practices". This amendment is consistent with the 1991 Threshold Review Study.

13. Amend Chapter 30, Subparagraph 30.13.A (2) to delete the term "rural". Amend Subparagraph 30.13.A(3), Subsection 30.13.C, and Subparagraph (3) thereof, to substitute "natural" for the term "rural". These amendments are consistent with earlier amendments to the Scenic Quality Improvement Program and the Code.

14. Amend Chapter 33, Subparagraph 33.6.B.(1)(a)(ii) by deleting the comma after "day use areas". As written the qualifier after day use areas now applies to all the uses listed.

15. Amend Chapter 33 to delete Subsection 33.2.D. The subsection governed the distribution of case-by-case allocations and is now obsolete.

16. Amend Chapter 91 to: delete the obsolete woodheater list in Subparagraph 91.3.B(3); the provision regarding review of fireplaces in Subparagraph 91.3.B(4), and Section 91.8 which is already being implemented.

17. Amend Chapters 91 and 93 to delete references to the 1982 Air Quality Plan and to substitute references to the "1992 Regional Transportation Plan/Air Quality Plan, as it may be amended,".

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Memorandum

May 31, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to Chapters 2, 41 and 43

PROPOSED ACTION: The proposed action is to amend the subdivision ordinances as set forth in Attachment A. The amendments prohibit subdivisions within preferred affordable housing areas, limit the boundaries of urban areas, and relocates the definition of urban areas to Chapter 2.

STAFF RECOMMENDATION: TRPA staff recommends that the APC hold a public hearing on the proposed amendments and recommend adoption to the Governing Board.

BACKGROUND: Since the adoption of the implementing ordinances for subdivision of post-1987 projects, the Governing Board has continually expressed concerns about the ordinances. In addition, the League to Save Lake Tahoe has raised issues about the implementing ordinances. TRPA staff has held informal workshops with a number of interested persons on both sides of the issues. The Lahontan Regional Board in California also has raised issues concerning the implementation of the subdivision policies in the 208 Plan. In addition, TRPA staff conducted an informational workshop with the Governing Board to review the theory and practice of the subdivision ordinances.

More recently, the subdivision ordinances became an issue in the settlement of the Douglas County Community Plan lawsuits filed by the League to Save Lake Tahoe and the Committee for Lake Planning. The proposed amendments are the result of TRPA staff's consideration of the questions raised by the Governing Board and the League's concerns.

PROPOSED AMENDMENTS: The proposed amendments are set forth in Attachment A. The first amendment would move the definition of "urban area" from Subsection 41.2.K to Chapter 2 (Definitions). The second amendment would amend Subsection 43.4.A to permit subdivisions only within urban areas existing on June 1, 1994 and would prohibit subdivisions within areas designated in the plan area statements as "preferred affordable housing areas." The prohibition on subdivisions within preferred affordable housing areas would not apply to affordable housing projects provided they complied with Subsection 43.4.F (remained affordable housing after subdivision). The third amendment would change the term "existing" in Section 43.2 to "pre-1987" to make the language consistent with the headings and subject matter of that section.

SS/ses

AGENDA ITEM V.H.

DISCUSSION: The substantive amendments are designed to balance the need for encouraging transfers of development with the need to facilitate construction of multi-family projects and other forms of low-cost housing. The prohibition against subdivisions in preferred affordable housing areas (PAHA) will help preserve parcels for future multi-family development in those areas where multi-family and other forms of low-cost housing are most appropriate. Since the areas designated PAHA are located in the most urbanized areas of the Tahoe Region, they are also generally not appropriate for single-family condominium development. This prohibition may need to be augmented with other policies to further facilitate and encourage multi-family development in the Region.

The limitation of subdivisions to urban areas existing on June 1, 1994 will prevent the pressure to expand urban boundaries for the purpose of subdivision. This limitation is consistent with the 208 Plan (Vol.1, p.218) which states "This alternative will maintain the existing boundaries of the urban area within the Region, and will generally result in the in-fill of property in land capability districts 4 through 7 with urban land uses, consistent with the TRPA Plan Area Statements." The 208 Plan also speaks to the avoidance of new road networks as a reason for limiting the opportunities for subdivision.

ENVIRONMENTAL DOCUMENTATION: Because of the more restrictive nature of the amendments, staff recommends a finding of no significant effect.

ACTION REQUESTED: The APC should conduct a public hearing and make a recommendation to the Governing Board.

SS/ses

AGENDA ITEM V.H.

ATTACHMENT A
May 31, 1994

PROPOSED AMENDMENTS TO CHAPTERS 2, 41 AND 43

1. Delete Subsection 41.2.K from Chapter 41 and move to Chapter 2.

   "41.2.K Urban Area: Urban areas are those areas designated as residential, tourist or commercial/public service by the plan area statements."

2. Amend Subsection 43.4.A as follows:

   43.4.A Existing Urban Areas: Subdivisions may only be permitted in urban areas existing on June 1, 1994. Except for subdivisions of affordable housing projects under Subsection 43.4.F, residential subdivisions shall not be permitted in plan area statements, or special areas therein, designated as "Preferred Affordable Housing Areas".

3. Amend Section 43.2 (and subsections and subparagraphs thereunder) to change the term "existing" to "pre-1987".