

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 October 13, 1999, 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.

October 4, 1999



Jerry Wells  
Deputy Executive Director

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

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

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

October 13, 1999  
9:30 a.m.

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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 any 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 and Planning Matter 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 HEARINGS
  - A. Amendment of Plan Area Statement 171, Tavern Heights, to Allow Government Offices (Restricted to Regional Post Office Only) as a Special Use in Special Area #1 **PAGE 1**
  - B. Adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 2, Definitions, and Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements **PAGE 9**
- VI. PLANNING MATTERS
  - A. Determination of Lands and Parcels Suitable for Multi-Residential Development in Douglas County **PAGE 31**
  - B. United States Postal Service Master Plan Progress Report **PAGE 55**
- VII. ADMINISTRATIVE MATTERS
  - A. The Role of the Advisory Planning Commission **PAGE 57**

B. Status Report on Streamlining Activities – 11:45 a.m.

PAGE 59

C. Status Report on Local Revenue Generation

PAGE 59

VIII. REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

The Chateau  
955 Fairway Boulevard  
Incline Village, Nevada

September 8, 1999

REGULAR MEETING MINUTES

APC Member Alice Baldrice called the regular September 8, 1999, meeting of the Advisory Planning Commission ("APC") to order at 9:50 a.m.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Ms. Baldrice stated that recognizing that we do not have a quorum and that we have people on the road trying to make their way to the meeting. Ms. Baldrice commented that we could not move on the agenda or dispose of the minutes, so we will move on to the Public Hearing items.

II. PUBLIC INTEREST COMMENTS

Ms. Sue Rae Irelan, Planning Consultant for the United States Postal Service, stated that she would be addressing the APC later about a plan area amendment application, but there is another item that the Postal Service is working on here in Lake Tahoe that she wanted to bring to the APC's attention because it will be coming before them in the next couple of months. This is the Tahoe Regional Master Plan effort which is underway right now. It is a joint TRPA-Postal Service document that is intended to look at the broad scope of postal service activities in the entire Region. The current document, which covers postal service activities in Tahoe, is called the "Post Office Action Plan", and it almost exclusively deals with activities in the South Shore. It is the document that has directed and first established and then expanded home mail service throughout the South Shore/California area. It also provided policy input when home mail was instituted in Incline Village.

Ms. Irelan commented that the purpose of the master plan is to extend that kind of policy to the rest of the region. The primary issue that the master plan will be addressing is how can future post office activities help to reduce VMT, and as part of that, we have completed an extensive regional survey of travel patterns and desires of postal customers in order to be able to establish real numbers for what existing VMT effects are between postal activities. There is a number that TRPA has used and been refined over the years that is a compilation of trying to use some national standards and apply them to the region, but we didn't really have a comprehensive look at how people respond to this area. The survey will be helping to answer those, and also to gauge where the interest is with the public of expanding home mail delivery. The survey is completed, and the data is in the analysis stage now.

The point where the APC will be asked to participate is at several places along the way. Ms. Irelan said that they are developing the information from the survey and putting it into a needs analyses which will be ready around the beginning of October. The needs assessment will go out to public workshops, both in the North and South Shores, and the Governing Board and APC for input and guidance on how to develop master plan policies specific to each postal service area resulting from that needs assessment, and then a working team will be taking that information and putting it into an draft plan format that will come back to the APC as well, and then the final. A focus EA will accompany that also.

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Ms. Baldrica asked the newest APC member, Ron McIntyre, to introduce himself.

Mr. Ron McIntyre introduced himself, stating that he is the Director of Infrastructure and Transportation Development for the North Lake Tahoe Resort Association. He has lived in Lake Tahoe for about 35 years. He was originally in the engineering business and then in the real estate development business here and in other areas. Mr. McIntyre commented that he was an elected member of the Tahoe City Public Utility District for 18 years before they kicked him off this last election. He currently is the Chairman of the Tahoe Transportation District and when this seat was discussed, it appeared as though those that he felt that the Tahoe Transportation District and the new Tahoe Transportation Commission would be a logical group to serve, had an internal discussion, and decided that the effort would fall to the Chair. Since he was the Chair, Mr. McIntyre has assumed the position. He considered it necessary and something he is very interested in doing and happy to have the opportunity to help.

Ms. Baldrica stated that the APC is very glad to have him, especially since transportation currently has a lot of big issues.

III. PUBLIC HEARINGS

C. Regional Transportation Plan/Air Quality Plan Public Scoping Process for an EIS

Associate Transportation Planner Jim Allison presented the scoping of the Regional Transportation Plan/Air Quality Plan EIR/EIS and elements of the Plan for TRPA, federal and state purposes. In addition, staff was requesting that the APC solicit public comments through a public hearing on the scope of the proposed EIR/EIS and the content (policies, programs, projects) of the plan at the meeting.

Ms. Baldrica opened the meeting up for a public hearing.

Ms. Zona Sahgian, a member of the public, questioned because of the snow area, is TRPA doing any comparisons to other resort areas, such as Aspen, so the public could get an idea of what they are assessing.

Mr. Allison replied that as it relates to other resort areas in mountain communities with snow, TRPA would be taking that into consideration. We are similar, but at this point in time, we are slightly different. Mr. Allison stated that Aspen is a destination area and not within two or four hours drive from metropolitan areas. We will be looking at some of the policies they have in terms of parking and those kinds of concepts. But we would have to tailor them to Tahoe because we have a large driving population; not a large population, at least at this point in time, who are coming here and staying. We will also be addressing such things as ski shuttles and those things that relate to the industry at that time of the year.

Mr. Don McKay, with the California State Parks, stated that he was concerned about the waterborne transportation system that is being proposed. His specific concern is as an example would be the Vikings Home in Emerald Bay. He stated that right now, they are not equipped to handle the possible input of 100 or 200 people at one time. Their sewer and water systems cannot accommodate those kinds of impacts. In addition, there are several other areas around the Lake that could be exposed to this kind of impact. The Department in general supports the use of mass transit to and from the parks. The concern is that the parks are not yet funded to provide this service to the facilities. In addition, their concern is they will be required, because

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of the public interest, to develop different kinds of facilities with greater bus access, greater bike access, and public access in general from both directions. Mr. McKay believed that they needed additional time to do this.

Mr. Jim Feelan, with the Tahoe City Marina in Tahoe City, stated that he is in favor of waterborne transit, and he agreed with Mr. McKay's comment about not having the capability of handling waterborne transit, but he believed that it should be considered seriously as a method of reducing VMTs. He commented that in the master plan that the Marina is preparing, the marina expansion is very strongly headed in the direction of providing services for waterborne transit for both short term and North Shore to South Shore. He was in favor of finding ways in which to partnership with other entities to make this happen.

Agency Counsel John Marshall commented that he had just heard from Julie Frame of TRPA and the APC would probably not have a quorum today because the members who were stuck in the traffic because of the accident and not able to turnaround won't be coming to the meeting. As a result, we won't have a quorum so there isn't much more that the APC could do today. Mr. Marshall stated that we would have to reschedule the APC items for the meeting next month.

Ms. Baldrice apologized to the members of the audience who came to the meeting. This was something completely unforeseen.

Ms. Joyce Nolan, a member of the public, questioned if the meeting was being cancelled, and Mr. Marshall replied yes. In addition, she questioned if everything on the agenda would be heard at the next APC meeting and not be on the upcoming TRPA Governing Board meeting. Mr. Marshall stated that those items that require APC action first would be heard in October, and then again at the October Governing Board meeting.

Ms. Baldrice commented that the only item that would not be on the next APC agenda would be the Regional Transportation Plan because it was heard today and it is just a scoping meeting.

Mr. Poppoff commented that he has never seen the Regional Transportation Plan, much less the EIS, and staff is asking for comments, which is hard to do in this situation. Mr. Allison stated that this is a process, and we are at the start of the process, putting ideas down in terms of priorities. If a comment were received saying that we should prioritize transit operations above all else, that would be a guiding principle behind the plan. We will be coming forward with subsequent comments on a draft EIS/EIR for the plan and the APC would have an opportunity to see it and comment on the content of it and know the direction it is going.

Mr. Poppoff was of the opinion that in order to make any intelligent comment, the APC has to know not only the elements of the plan, but have some idea of the environmental impacts. He felt that a lot needs to be done before anybody can make any intelligent comments.

Mr. Allison replied that he understood Mr. Poppoff's concerns, but he believed that the value of having this meeting at this point in time is to hear what's important because otherwise we are operating on somewhat limited knowledge. This is also an opportunity for the public to tell us what they believe is important.

Ms. Kvas questioned if a component was being included to get people from the Bay Area, or Sacramento on some type of highspeed transportation system. Mr. Allison stated that this has been included from the public comment hearings. We can indicate that we should participate in a corridor planning process, such as along Highway 50 or 80, but because we are outside of the

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Basin at that point in time, it then becomes an interactive process with Truckee, Auburn, Placer County, Sacramento and to the Bay area. It will be a matter of putting forth a project that has some funding behind it that is deemed to be very important and then prioritized and staff time allotted to it.

Mr. McIntyre believed that the Regional Plan document should be available to the APC members so they can review it. He also hoped that when we reach a conclusion in this process, the so-called priorities would have an anticipated effect on VMTs so that people were to look at those kinds of major public projects, they would have an idea that this would do some good.

Mr. Barham suggested that more emphasis be put on alternative fuels.

Ms. Rebecca Hail, a member of the public, questioned if there would be a possibility of doing a marketing study of who is actually using mass transit right now. She inquired if there was any hard data. She was of the opinion that a survey should be done before a lot of funding is put into public transit.

Mr. McIntyre stated that some of the things you do in this type of situation relate back to other destination resorts and what they have done and how successful they have been.

Ms. Kvas stated that Yosemite has a really wonderful transportation system and suggested that Mr. Allison check it out.

Mr. Allison commented that in general, the Tahoe Basin has not seriously examined origin-destination behavior which is the foundation of these decisions on how much VMT is saved, perhaps even going into who is using mass transit. The funds have not been available to do this kind of study since 1974 to do a comprehensive study. At this point in time, from looking at those numbers and not having a good track record since 1974 about what those numbers represented, he had a hard time assessing VMT benefits. With the tools we have available, he could give an educated guess as to what VMT reduction might be and this is what we can do. So one of the big things that we need to be doing now that we do have more funding coming in is to identify data gaps so that within the next three years, studies would be done stating we have a better understanding of our transportation system now. Mr. Allison stated that he could not be specific with data at this time.

Mr. Poppoff believed that it would be more advantageous to find out what people actually want to do up here and how they want to do it, and then adapt the mass transportation system to accommodate that.

Ms. Kvas questioned if there was money available for studies, and Mr. Allison replied yes and explained.

Mr. Barham commented that there was a Bill in the Legislature relating to improving the infrastructures at State Parks with an air quality aspect to it. It is a bond venture. He suggested that Mr. Allison checks into that and gets his request in early for money. Mr. Allison believed that the Transportation Coalition was aware of it.

Ms. Lain questioned what the interfacing of the different entities was. Mr. Allison replied that the government level consisted of the Tahoe Transportation District, the TRPA, along with TRPA as the Regional Transportation Planning Authority. There is the Transportation Management Association on both the North and South Shores. This is a non-profit, public, private

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partnership. In addition, there is the North Lake Tahoe Resort Association and other entities, such as the Chamber of Commerce and the Gaming Alliance.

Ms. Lain asked Mr. Allison if someone wanted to do a market research, could they, and Mr. Allison replied yes.

Ms. Baldrice stated that if anyone else had questions or comments for Mr. Allison, to call him at (775) 588-4547. Since no one else wished to comment, she closed the public hearing.

Mr. Marshall asked for a roll call.

Members Present: Mr. Barham, Ms. Baldrice, Mr. Poppoff, Mr. McIntyre, Ms. Kvas

Members Absent: Mr. Kehne, Mr. Lohman, Mr. Cole, Mr. McDowell, Ms. Kemper,  
Mr. Porta, Mr. Lane, Mr. Joiner, Mr. Morgan, Mr. Combs,  
Mr. Marchio, Mr. Jepsen

IV. ADJOURNMENT - The meeting was adjourned at 10:45 a.m.

Respectfully submitted,

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Sue Mikanovich  
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.



## TAHOE REGIONAL PLANNING AGENCY

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### MEMORANDUM

August 31, 1999

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 171, Tavern Heights, Special Designation, to Allow Government Offices (restricted to regional post office only) as a use in Special Area #1

Proposed Action: The applicant, who owns APN 94-253-16, proposes to amend Plan Area Statement 171, Tavern Heights, to designate Special Area #1 as an area eligible for Government Offices (restricted to regional post office only) use. This will be accomplished through a modification to the permissible uses in the public service category and modification of the special policies for Special Area #1.

Refer to "Exhibit A" that shows the vicinity map and surrounding land uses.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and, based on its outcome, recommend approval of the amendment to the TRPA Governing Board.

Discussion: The subject parcel is located within Special Area #1 of Plan Area 171. This is a residential plan area. The parcel is along State Route (SR) 89 to the north of Cathedral Drive, just south of a portion of the Tahoe City Community Plan area. The commercial uses just to the north of Special Area #1 include various office buildings, a convenience store, restaurants, and retail shops. Special Policy #2 currently reads "Special Area #1 is designated for multi-residential use" and would be changed upon adoption to "Special Area #1 is designated for multi-residential use and Government Offices."

In the Permissible Uses under the General List, *Government Offices* will be listed as a *special use* in the public service category.

The TRPA's Scenic Quality Improvement Program (SQIP) identifies the roadway unit adjacent to Special Area #1 as an area targeted for scenic and community design restoration. TRPA's (SQIP) does not identify locations in Special Area #1 as needing to contribute toward such restoration (parcels to the north are identified as such). But, as with any use proposed on this parcel, the project will have to conform to the TRPA Design Standards so that the eventual project does not degrade scenic quality.

The impetus for this amendment came from the US Postal Service. In accordance with the definitions of uses in Chapter 18 of the TRPA Code, regional post offices are defined under Government Offices. There is also a definition of local post offices but this definition is not encompassing of the uses eventually planned for this site. A regional post office would include

JA/dmc

AGENDA ITEM V.A.

sufficient broad representation of US Postal Service activities to include planned postal box delivery and implementation of carrier service at this site.  
To appropriately limit the range of uses suggested by Government Offices to a regional post office, specific language is proposed as Special Policy #3 and reads as follows:

Government Offices use proposed in Special Area #1, shall be limited as a permissible use under the definition of Government Offices in the TRPA Code of Ordinances as regional post offices. No regional post office use shall commence until TRPA approves an updated US Postal Service Master Plan consistent with Policy 5 F of the Regional Goals and Policy Plan. Provisions for carrier service shall be required for a regional post office in Special Area #1. (If the US Postal Service Master Plan is not approved by TRPA prior to submittal of a regional post office project in Special Area #1, TRPA and the US Postal Service shall commit to an agreement concerning operations in the Tahoe City service area alone. Such an agreement would be a component and binding element to the US Postal Service Master Plan for the Tahoe City delivery area.)

A regional post office use at this location will have a variety of positive transportation impacts. The use would reduce the vehicle miles traveled (VMT) within the Region by capturing west-shore postal patrons currently utilizing the Tahoe City post office. This would also reduce congestion within the Tahoe City core area.

The US Postal Service plans to implement carrier service (business/home delivery or cluster box delivery) for the Tahoe City area by including an area for sorting mail in any new facility on this parcel. Implementation of this service is also consistent with TRPA goals to reduce VMT.

This item was noticed for the August 1999 APC meeting. Two letters of concern were received prior to the cancelled August meeting. They have been included as Attachment A with this summary.

Placer County Zoning and General Plan Designations: Placer County has adopted TRPA zoning along Tahoe's west shore. The plan designations for Placer County are the same as TRPA.

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 amendments to the Plan Area Statement will support implementation of VMT reduction measures identified in the Regional Plan.
2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: The amendment will support efforts to achieve air quality thresholds. Any projects that are proposed due to this amendment will be required to comply with all aspects of the Regional Plan package, including applicable thresholds.

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: Any new or expansion of development due to this amendment will continue to be subject to federal, state, and local air and water quality standards.

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

Rationale: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold. It will not utilize any resources, nor have any "project-type" impacts discussed in Section 6.3.B of the TRPA Code.

5. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: See findings 1 and 2 above

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: The amendment will not expand the area of residential, commercial or public service uses beyond that which presently exist and for which the area is zoned. The proposed new use for Special Area #1 would enhance the Region's ability to implement reductions in VMT that would occur due to relocation of west-shore postal patrons and (required) implementation of carrier service. Provision of Government Offices, regional post office use only, in a residential plan area is compatible with the residential patrons who are expected to utilize either the carrier service or a more convenient post office location than currently exists. Although the special designation is to provide scenic restoration within this plan area, the TRPA Scenic Quality Improvement Program does not target parcels in the vicinity of Special Area #1 for restoration. Adherence to the TRPA Design Standards will ensure that future projects do not conflict with the scenic restoration

goals identified for PAS 171. The opportunities for screening a future use from view is high due to the forested cover adjacent to SR 89. In addition, scenic design standards would be applied to any structure planned for the parcel, including a regional post office.

Environmental Documentation: Staff has completed an Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the following:

1. The amendment will have limited applicability.
2. Threshold-related improvements that have been discussed with the applicant are anticipated and required as part of project development (including air, scenic, and water quality).
3. The amendment would not approve development greater than contemplated by the Regional Plan.
4. VMT and traffic congestion will be reduced by project development.

Staff will begin this item with a brief presentation. Please contact Jim Allison at (702) 588-4547, extension 229 or via email at [Jim Allison <trpa@sierra.net>](mailto:Jim.Allison@trpa@sierra.net), if you have any questions regarding this matter.

Attachment

## TRPA

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**From:** stan/shir woo [hawaiiwoowoo@hotmail.com]  
**Sent:** Monday, August 02, 1999 9:05 PM  
**To:** trpa@sierra.net  
**Subject:** Tavern Heights Post Office Proposal

To Whom It May Concern,

We live directly across the street on the corners of Olympic and Tarvern Drs.

We are very concerned with more traffic problems this post office site will create. As it stands now, there have been traffic tie-ups stemming from the "Y" which is a mile down the road. The back-ups have been a regular nuisance beginning at 11:00 am and does not subside until 4:00 pm. This gets worse during the summer season, especially on weekends. As a result many of the cars have been using Tarvern Dr. as a bypass. They are usually speeding down this street where many of the small children reside.

Our oppositions to this proposal are:

- 1) This will create more traffic jam along highway 89 and causing more delays.
- 2) These delays will cause vehicles to use Tavern Dr. as a means of a "short cut" and sending traffic down our neighborhood street.
- 3) These vehicles drive at fast speed down the street where young children could be outside and become endangered.
- 4) This also will create more noise to disturb our peace and tranquility as they rumble through in our neighborhood.

We come up here to get away from the hustle and bustle of city life. We want a place of refuge and not a mere extension of the urban blight. Find another suitable site closer to the heart of Tahoe City where one can do the mailing along with their other chores at the same time.

Sincerely,

Stanley and Shirley Woo  
P.O. Box 873  
690 Tarvern Drive  
Tahoe City, Ca 95730  
(530) 583-1032

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Tahoe Regional Planning Agency  
P.O.B. 1038  
Zephyr Cove, Nevada 89448-1038

25600 Moody Road  
Los Altos Hills, 94022

8/3/99

RECEIVED

AUG 09 1999

TAHOE REGIONAL  
PLANNING AGENCY

Dear Sirs,

Re: Proposed Project: Amendment of Plan Area Statement 171, Tavern Heights,  
to permit Government Offices in Special Area #1 (regional post office use only)

Applicant: David Achiro and Mary Achiro-Collins

As homeowners of 601 Steeple Court, Tahoe City we would like insist on the following conditions:-

- no access by either vehicles or pedestrians to the PO via Steeple Court.
- no increase in the traffic both vehicular and pedestrian using Steeple Court.
- no parking of vehicles in or near Steeple Court.
- assurance that noise, smell and any other form of pollution will not increase as a result of the project .
- normal working hours of 8am to 6pm excluding Sundays and public holidays.
- no negative impact to the environment or living conditions that are currently enjoyed by us at this time.

Thanking you in advance for your careful review of these matters.

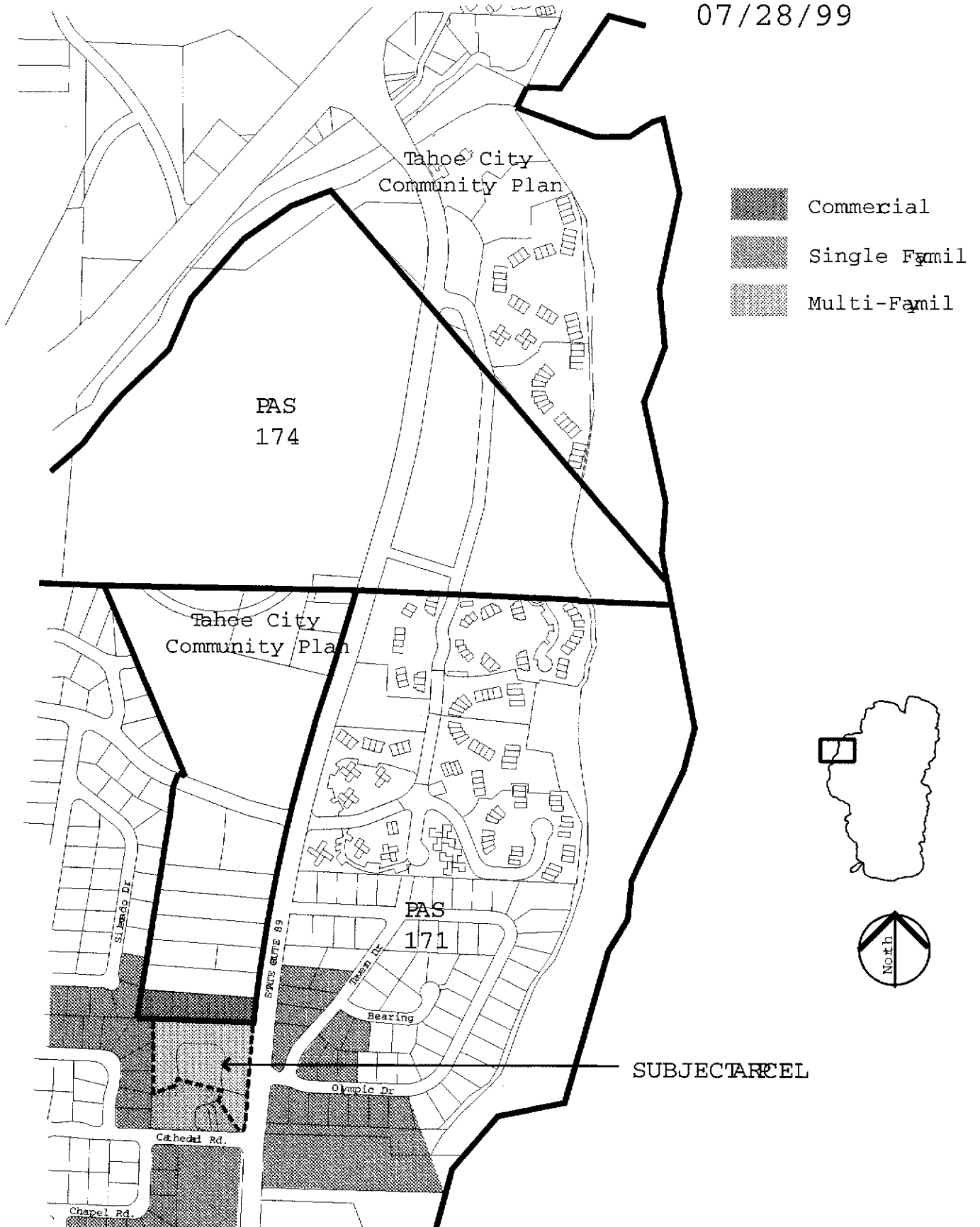
Yours truly,

Kevin and Maureen Walsh

Maureen Walsh  
Kevin Walsh

Vicinity and Surrounding Land Uses

07/28/99







## TAHOE REGIONAL PLANNING AGENCY

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### MEMORANDUM

October 4, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Adoption of Code Chapter 83, Source Water Protection, and Related Amendment of Code Chapter 12, TRPA Regional Plan Maps, and Code Chapter 25, Best Management Practice Requirements

Proposed Action: TRPA will present in workshop fashion the background, purpose, and benefit of adopting the proposed ordinances (see Attachment A) which would implement the Protection Plan Element of the *Lake Tahoe Source Water Protection Program*. TRPA staff will solicit comments and direction from the APC and interested stakeholders with regards to implementation of this element.

Staff Recommendation: Staff recommends pursuing adoption of the attached ordinances which would strengthen protection of drinking water sources. Staff has identified the elements and language of a proposed ordinance in coordination with the US Environmental Protection Agency (USEPA) and the Lake Tahoe Source Water Group.

Background: Before proceeding further towards development of a proposed source water protection ordinance, TRPA staff requests comments to determine if the Commission and interested stakeholders are receptive to moving forward with this protective measure. Because Lake Tahoe is a source of drinking water for the basin, the USEPA has provided funding under the Safe Drinking Water Act to TRPA to ensure protection of public health. The Lake Tahoe Source Water Protection Program includes development of a Coordination Plan that will integrate the preparation of state source water assessment and protection plans in the Lake Tahoe Region. USEPA anticipates using this plan as a model for application to other interstate watersheds in the United States. This program is one of several Presidential Commitments described in the status report entitled "The Clinton-Gore Commitments of the Lake Tahoe Presidential Forum."

One program product currently being developed is a Source Water Assessment Map. A Geographic Information System (GIS) inventory database is being compiled which forms the basis for this map. This GIS product includes the generation of buffer zones around each drinking water source (Protection Zones). When certain proposed projects are located within a Protection Zone, project planners could be alerted and review these projects to insure protection of the nearby drinking water source. However, to implement this protective measure, ordinance amendments must be adopted.

Findings: Prior to amending the ordinances, 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: The proposed amendments to the ordinances will not adversely affect implementation of the Regional Plan.

The Tahoe Regional Planning Compact finds that the maintenance of the social and economic health of the Region depends on maintaining public health values provided by the Lake Tahoe Basin (Article I. – Findings and Declarations of Policy.) This includes the value of drinking water. Article I is echoed in the TRPA Goals and Policies, Chapter 1. Article V(d) of the Compact states that the Regional Plan shall provide for attaining and maintaining Federal, State, or local air and water quality standards, whichever are strictest, in the respective portions of the of the region for which the standards are applicable. Article VI(A) of the Compact states that the governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan.

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

Rationale: Amending the ordinances will not cause the environmental thresholds to be exceeded. The amendments implement the Goals and Policies referred to above, and will provide for the protection of surface and groundwater resources, thereby maintaining water quality thresholds if not moving thresholds towards attainment.

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. The proposed amendments reflect goals and policies to achieve and maintain water quality standards, including state drinking water standards.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.
- Rationale: See above findings. The proposed ordinance amendments, by design, shall apply only to projects that threaten source water which are proposed to be located in an identified protection zone. Such projects proposed will be required to meet all other applicable standards of the Code and implement mitigation measures as necessary to achieve and maintain the thresholds.

Ordinance 87-8 Findings

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.
- Rationale: This amendment has limited application and where it can be applied, the affected projects must meet all environmental standards which includes mitigating any potential impacts to a less than significant level.
2. That the amendment provides for an equal or better means of attainment or maintenance of the thresholds.
- Rationale: The amendment provides for additional protection of groundwater resources consistent with water quality threshold WQ-6 – Surface Discharge to Groundwater.
3. Finding: One or more of the following.
- 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.

Staff proposes to make Finding b.

Rationale: Currently, the Code of Ordinances could be improved with respect to the protection of groundwater resources and source water. The proposed amendments strengthen existing groundwater and surface water protection measures, and provide for the protection of public health and safety.

Environmental Documentation: Based on the above analysis and completion of an IEC, and because the proposed ordinance amendments implement the goals and policies, staff recommends a Finding of No Significant Effect (FONSE).

Requested Actions: Staff recommends the Advisory Planning Commission take the following actions:

1. Motion to make a recommendation to TRPA staff to continue the pursuit of amending the ordinances to protect source water.
2. Motion to present the proposed ordinances to the APC and Governing Board for adoption subsequent to completion of the source water assessment maps and final ordinance language.

Staff will present this item in a PowerPoint format (See printout attached.) If you have any questions or comments regarding the Lake Tahoe Source Water Protection Program or the proposed ordinances, please contact Jon Paul Kiel at 775-588-4547, extension 261.

**Attachments**

Attachment A – Draft proposed ordinance amendments.

Attachment B - Pilot source water assessment map.

Attachment C - Letters in support of a Source Water Protection Ordinance.

Attachment D - PowerPoint Handout

**Draft proposed ordinance amendments are as follows** (blue print = new ordinance language, black print = existing ordinance language, red strike-out print = deleted ordinance language):

CHAPTER 83

SOURCE WATER PROTECTION

Chapter Contents

- 83.0 Purpose
- 83.1 Applicability
- 83.2 Source Water Protection
- 83.3 Source Water Assessment

83.0 Purpose: This chapter sets forth regulations pertaining to recognition of source water, prevention of contamination to source water, and protection of public health relating to drinking water. It strengthens provisions of the Goals and Policies that address groundwater protection, and implements elements of the TRPA Source Water Protection Program.

83.1 Applicability: This chapter applies to projects that are identified as a possible contaminating activity located in identified source water protection zones as depicted on TRPA Source Water Assessment maps, and retrofit of existing development with Best Management Practices.

83.2 Source Water Protection: To protect public health and to insure the availability of safe drinking water, TRPA shall review proposed projects identified as possible contaminating activities to source water which are located within a source water protection zone depicted on TRPA Source Water Inventory maps according to the following standards and procedures:

83.2.A Source Water Defined: Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake. Such water may or may not be treated before being distributed by a drinking water system for consumption.

83.2.B Possible Contaminating Activity Defined: Activities equivalent to TRPA primary uses identified by either the California Department of Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located, as having the potential to discharge contaminants to surface or groundwaters. Such uses are listed in Table A.

83.2.C Source Water Protection Zone Defined: A zone delineated to provide added protection to drinking water sources as depicted on the TRPA Source Water Assessment maps.

- (1) Protection Zone: A protection zone consisting of a fixed 600 foot radius circle shall be initially identified around all parcels in the

Region with wells, springs, or Lake intakes that provide drinking water and that serve five (5) or more user service connections. Protection zone delineations may be modified by TRPA as follows: Upon receipt of source water assessment information collected by the California Department of Health Services, the Nevada Bureau of Health Protection Services, or other public agencies responsible for conducting drinking source water assessments in accordance with state Source Water Assessment and Protection Programs and if recommended by the California Department of Health Services or the Nevada Bureau of Health Protection Services.

83.2.D Review of Proposed Possible Contaminating Activities located in Source Water Protection Zones: Proposed uses determined by TRPA to be projects that are identified as a Possible Contaminating Activity located in a source water protection zone shall not be approved unless TRPA finds that:

- (1) The project complies with the requirements to install BMPs as set forth in Section 25.2.
- (2) TRPA has solicited comments from the operator/owner of the source water, and the department of environmental health with jurisdiction over the source water, and all such comments received were considered by TRPA prior to action being taken on the proposed project.
- (3) If determined by TRPA to be appropriate, a spill control plan is submitted to TRPA for review and approval. The plan shall contain the following elements:
  - (a) Disclosure element describing the types, quantities, and storage locations of contaminants commonly handled as part of the proposed project.
  - (b) Contaminant handling and spill prevention element.
  - (c) Spill reporting element, including a list of affected agencies to be contacted in the event of a spill.
  - (d) Spill recovery element.
  - (e) Spill clean-up element.

83.3 Source Water Assessment: An inventory of wells, springs, and lake intakes that serve five (5) or more user service connections shall be prepared for the Lake Tahoe Region. An initial inventory shall be prepared in consultation with local and state environmental health agencies. Sources omitted from the initial inventory due to a lack of information provided by local and state environmental health agencies shall be added to the inventory as appropriate if additional source information is received by TRPA. Source water protection zones delineated on the initial source water assessment maps shall be modified pursuant to subparagraph 83.2.C(1).

TABLE A  
POSSIBLE CONTAMINATING ACTIVITIES

RESIDENTIAL:

Domestic animal raising

COMMERCIAL:

Retail:

Service Stations

Services:

Auto repair and service

Business support services

Laundries and dry cleaning plant

Repair services

Light Industrial:

Batch plants

Fuel and ice dealers

Industrial Services

Recycling and scrap

Wholesale/Storage:

Storage yards

Vehicle storage and parking

Vehicle and freight terminals

PUBLIC SERVICE:

General:

Airfields, landing strips and heliports

Collection stations

Hospitals

Local public health and safety facilities

Regional public health and safety facilities

Power generating

Public utility centers

Schools

Linear Public Facilities

Transit stations and terminals

RECREATION:

- Beach recreation
- Boat launching facilities
- Developed campgrounds
- Golf courses
- Marinas
- Recreational vehicle parks
- Rural sports

RESOURCE MANAGEMENT:

- Timber Management:
  - Timber stand improvement

- Range:
  - Grazing
  - Range pasture management

- Watershed Improvements
  - Runoff control

SHOREZONE:

- Construction Equipment Storage
- Seaplane Operations
- Tour Boat Operations
- Water-Oriented Outdoor Recreation Concessions

**Supporting Ordinance Amendments:**

Amendments to Chapter 12:

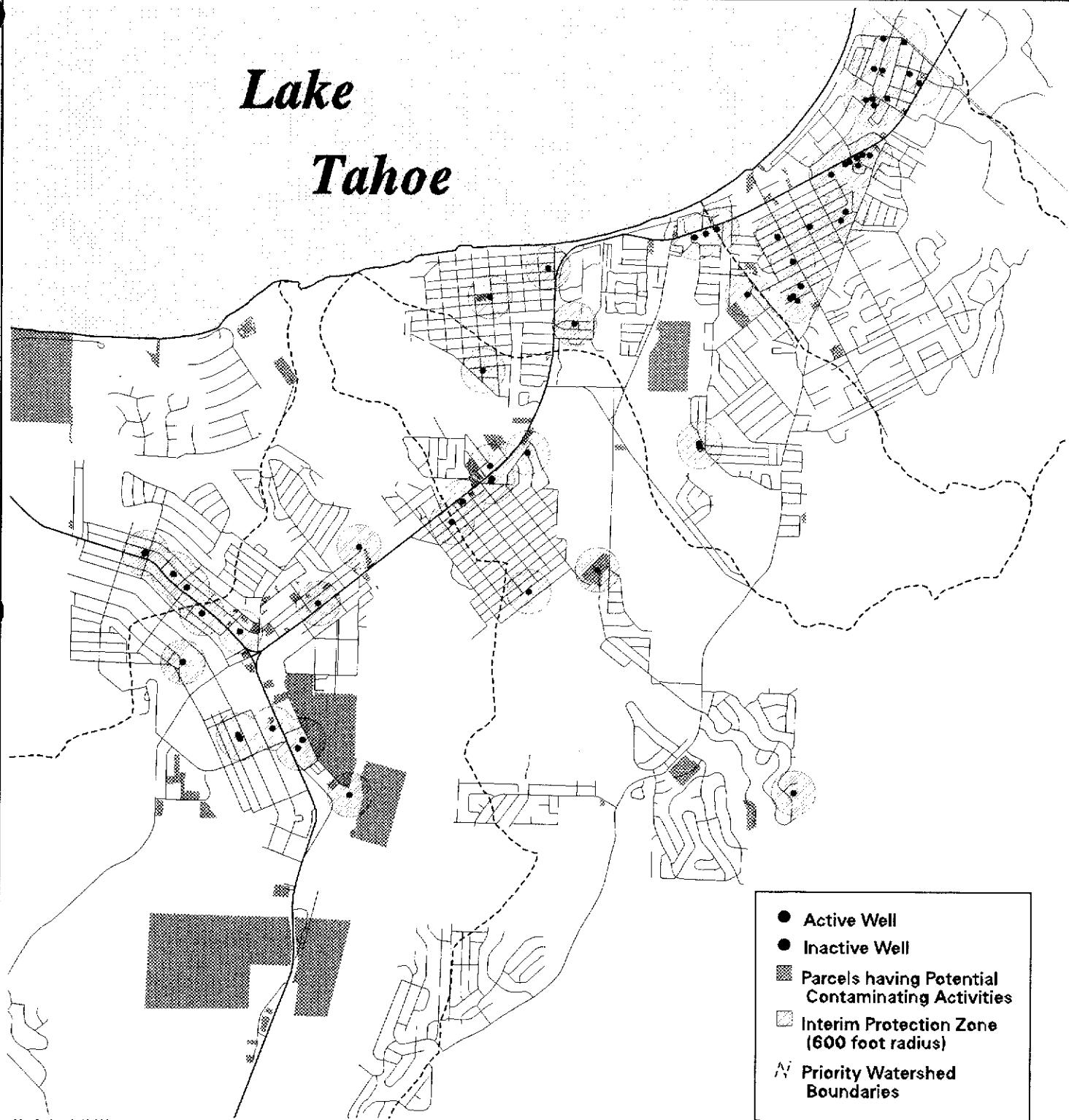
12.2.C(5). Source Water Assessment Maps: The Source Water Assessment Maps indicate the location of drinking water sources serving five (5) or more user service connections in the Region, protection zones around each source, and uses with a higher propensity to contaminate source water. Approximate scale 1" = 2,000'.

Amendments to Chapter 25:

25.7 Special Circumstances: Where special circumstances occur, alternative BMPs may be approved to meet water quality standards. Special circumstances may include, but not be limited to, streets, highways, and bike trails, existence of high ground water table, unusual up-stream or downstream flow conditions, proximity to drinking water sources, and presence of unusual concentrations of pollutants.



# Lake Tahoe



Map Scale = 1:12,000  
1 inch = 1,000 feet  
Map Drafted on 5/14/99  
Source: TRPA GIS Database

- Active Well
- Inactive Well
- Parcels having Potential Contaminating Activities
- Interim Protection Zone (600 foot radius)
- Priority Watershed Boundaries



## Source Water and Contaminant Threat Inventory Pilot Map







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

OFFICE OF THE  
REGIONAL ADMINISTRATOR

AUG 27 1999

RECEIVED

AUG 30 1999

TAHOE REGIONAL  
PLANNING AGENCY

Advisory Planning Commission  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448-1038

Dear Commissioners:

I am writing to you to express our support for the Source Water Protection ordinance that is currently proposed by the Tahoe Regional Planning Agency (TRPA). As you know, the protection of drinking water through the Source Water Assessment and Protection Program is a high priority for the U.S. Environmental Protection Agency (EPA). The protection of Lake Tahoe for its varied uses including use as a drinking water source has our full support.

The Source Water Assessment and Protection Program protects both habitat and human health. With this in mind, we were very pleased to fund the development of a local Tahoe Basin Source Water Protection Program as one of the President's commitments in 1997. Through this program, local stakeholders including water purveyors, health and water quality agencies, federal agencies, and affected industry have defined objectives and tasks that can make a real difference in the protection of Tahoe's water resources. The development of the Source Water Protection ordinance is the culmination of over a year's worth of effort by these stakeholders, and provides a mechanism for implementing some of the objectives they developed.

Safe and plentiful drinking water assures the long term success and viability of a community and its members. I hope that you will adopt the Source Water Protection ordinance, an additional tool that can be used to protect the quality of Lake Tahoe and the Basin's water resources. Thank you for your consideration.

Yours,

Felicia Marcus  
Regional Administrator



Winston H. Hickox  
Secretary for  
Environmental  
Protection

## Lahontan Region

Internet Address: <http://www.mscomm.com/~rwqcb6>  
2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
Phone (530) 542-5400 • FAX (530) 544-2271



Gray Davis  
Governor

August 30, 1999

James Baetge, Director  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448

Dear Mr. Baetge:

### **SUPPORT FOR TRPA'S PROPOSED ORDINANCE TO PROVIDE ADDITIONAL PROTECTION TO WELLS, SPRINGS AND LAKE INTAKES IN THE LAKE TAHOE REGION**

Thank you for the opportunity to participate in the Lake Tahoe Source Water Protection Group. The Lake Tahoe Source Water Protection Program was initiated after being identified as a Presidential Deliverable. The intent of this program is to ensure protection of drinking water sources and public health. The California Regional Water Quality Control Board-Lahontan Region (Regional Board) commends TRPA's active and successful role in this program. The Regional Board strongly supports the much needed ordinance TRPA is proposing for the long-term protection of source water in the Lake Tahoe Region.

Currently, ground and surface water supplies in the Lake Tahoe Basin adequately serve local and visitor populations. As the populations of both year-around residents and visitors to Lake Tahoe Basin continue to increase, so does the demand for drinking water. Unfortunately, as the population increases, so do the industries, commercial and residential properties, and recreational facilities needed to support these populations. Because current and proposed land uses have the potential to contaminate viable surface and ground water resources, strict management practices must be applied to assure existing and potential sources of drinking water are protected. Regulatory agencies and the community need to implement control measures to secure the availability of safe drinking water. Currently, water consumers in the Lake Tahoe Basin are exercising water conservation because leaking underground storage tanks impacted nearly a third of South Lake Tahoe's municipal drinking supply.

To avoid future water contamination and water shortage situations, it is necessary to critically review proposed projects that have been identified as possible contaminating activities. If current and proposed projects are associated with contaminating activities (auto-body shops, dry cleaners, horse stables, marinas etc.) then stringent best management practices shall be implemented on-site to prevent source water contamination. The proposed ordinance is designed to ensure a proposed project having

the potential to impact source water complies with certain protective standards including the preparation of a spill prevention and contamination discharge plan. The proposed ordinance will also allow nearby residents, the jurisdictional water purveyor, and the Department of Health Services to comment on the proposed project. All of the above-mentioned conditions of the ordinance will be necessary to ensure source water protection.

As part of the Lake Tahoe Source Water Assessment and Protection Program, source waters in the Lake Tahoe Basin have been identified, inventoried, and mapped. Possible contaminating activities have been defined and source water protection zones have been delineated. The Regional Board commends TRPA for its efforts in facilitating this vital program and supports TRPA's proposed ordinance designed to protect wells, springs, and lake intakes, in the Lake Tahoe Region.

We look forward to working together to protect source water quality. Should you wish to discuss this matter further, please contact me at (530) 542-5436 or Mary Fiore at (530) 542-5425.

Sincerely,

*Lauri Kemper*

Lauri Kemper

Senior Water Resource Control Engineer

KENNY C. GUINN  
Governor

CHARLOTTE CRAWFORD  
Director



YVONNE SYLVA  
Administrator

MARY E. GUINAN, M.D., Ph.D.  
State Health Officer

STATE OF NEVADA  
DEPARTMENT OF HUMAN RESOURCES  
**HEALTH DIVISION**  
BUREAU OF HEALTH PROTECTION SERVICES

- Bureau Administration  
1179 Fairview Drive  
Suite 201  
Carson City, NV 89701-5405  
(775) 687-6353  
Fax (775) 687-5197
- Public Health Engineering  
1179 Fairview Drive  
Suite 101  
Carson City, NV 89701-5405  
(775) 687-4754
- Drinking Water  
State Revolving Fund  
1179 Fairview Drive  
Suite 204  
Carson City, NV 89701-5405  
(775) 687-4750
- Radiological Health  
1179 Fairview Drive  
Suite 102  
Carson City, NV 89701-5405  
(775) 687-5394  
Fax (775) 687-5751
- Environmental Health  
1179 Fairview Drive  
Suite 104  
Carson City, NV 89701-5405  
(775) 687-4750
- Health Protection Services  
620 Beirose Street  
Suite A  
Las Vegas, NV 89107  
Engineering and Food  
(702) 486-5088  
Radiological Health  
(702) 486-5280  
Fax (702) 486-5024
- Health Protection Services  
850 Elm Street  
Elko, NV 89801-3349  
(775) 753-1138/1140
- Health Protection Services  
475 W. Haskell Street  
Room 38  
Winnemucca, NV 89445  
(775) 623-8588
- Health Protection Services  
155 N. Taylor Street  
Suite 199  
Fallon, NV 89406-3324  
(775) 423-2281
- Health Protection Services  
P.O. Box 939  
Ely, NV 89301-0939  
(775) 289-3325
- Health Protection Services  
P.O. Box 667  
Tonopah, NV 89049-0667  
(775) 482-3997

August 27, 1999

Jon Paul Kiel  
Water Quality Program Manager  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448

Dear Mr. Kiel:

The Nevada State Health Division, Bureau of Health Protection Services wishes to express its support for the proposed ordinance that seeks to protect drinking water sources in the Lake Tahoe region.

Through its Source Water Assessment Program, Nevada is committed to the concept of prevention of contamination of drinking water sources. This is cost effective and prudent public health practice. The ordinance proposed by the Tahoe Regional Planning Agency promotes this concept.

The Bureau of Health Protection Services serves as a member of the Lake Tahoe Source Water Assessment and Protection Group along with TRPA, the California Department of Health Services, the United States Environmental Protection Agency, and other interested parties. We appreciate the opportunity to coordinate our source water efforts with this group.

If you have any questions, please contact me.

Sincerely,

Jonathan C. Palm, Ph.D., P.E.  
Manager, Public Health Engineering  
Bureau of Health Protection Services

cc: Leah Walker, CDH  
Judy Bloom, USEPA