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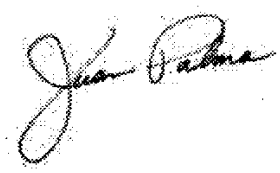
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

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 April 11, 2001, 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.

April 2, 2001



Juan Palma
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.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

April 11, 2001
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 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 to Chapter 20.5 Regarding Excess Coverage Mitigation Fees — Page 1

B. Amendment to Chapter 13, Plan Area Statements and Plan Area Maps, Relative to the Transit-Oriented Development Findings, Subsection 13.7.D — Page 13

C. EIP Update for Recommendation on Adoption — Page 29

VI. PLANNING MATTERS

A. BMP Retrofit Presentation — Page 33

B. Workshop Regarding Late Seral/Old Growth Regulation — Page 49

VII. REPORT

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau at Incline
955 Fairway Boulevard
Incline, Nevada

March 14, 2001

MEETING MINUTES

Chairperson Gary Marchio called the regular March 14, 2001, meeting of the Advisory Planning Commission ("APC") to order at 9:36 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Kehne (arrived at 9:46 a.m.), Mr. Lohman, Mr. Wysocki, Mr. Cole, Ms. Baldrica, Mr. Honcoop, Mr. McDowell, Ms. Kemper, Mr. Lane, Mr. Poppoff, Mr. McIntyre, Mr. Morgan, Mr. Tolhurst, Mr. Whitney, Mr. Combs, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Porta, Mr. Horton

II. APPROVAL OF THE AGENDA

Acting Deputy Director Gabby Barrett stated that Agenda Item V.D. is withdrawn. In addition, due to the long agenda, Mr. Barrett suggested that Items VI.A. and VI.B. be postponed.

III. PUBLIC INTEREST COMMENTS - None

Mr. Tom Manning, resident of Incline Village, here on behalf of Amendment to Chapter 20.5. Mitigation fees, questioned how the APC was going to proceed, if there was going to be public comments after each item on the agenda, or whether we should be making public comments at this particular point in time relative to items on the agenda.

Mr. Marchio stated that Agenda Items A, B, C, E & F are all public hearing items, and what he does for public hearing items is he asks for the staff report, and then the APC members can ask the staff any questions they may have on the staff report. At the conclusion of that discussion, he opens the meeting up for a public hearing – that's when the public comes forward and states his or her name and who they represent, make their presentation and comments – at the conclusion of the public's presentation, staff will ask any questions they may have, and APC members ask any questions they may have, and after all the testimony has been received, he closes the public hearing and comes back to the APC for a recommendation.

IV. DISPOSITION OF MINUTES

MOTION by Ms. Baldrica, with a second by Mr. Wysocki, to approve the February 14,

2001, APC minutes as presented. The motion carried unanimously.

Executive Director Juan Palma introduced Mr. Bill Whitney, who is Washoe County's temporary replacement on the APC. Mr. Whitney stated that they are in the process of hiring and shuffling staff members so he is not sure if he will be here for this meeting only or others.

V. PUBLIC HEARINGS

A. Amendment to Chapter 20.5 Regarding Excess Coverage Mitigation Fees Workshop

Mr. Tim Hagan, Program Manger for the Soil Conservation and Stream Environment Zone, presented the amendment to Chapter 20.5 regarding the excess coverage mitigation fees. Mr. Hagan also showed a slide presentation to explain the modifications to the proposal.

Mr. McDowell questioned how long the previous rule have been in effect, and his real question is, was it supposed to be revised periodically and that was not done, so now we are doing a catch up thing. Mr. Hagan commented that for 14 years, this was not reviewed and updated, and adjusted accordingly. One of the recommendations made at the previous APC meeting was to affirm the Code language regarding the annual review, and include direction to add the services of a certified real estate appraiser in the excess coverage mitigation fee evaluation. So we are should not only be concurring with the acquisition programs from the different states, but also retain the services of a certified appraiser to help us achieve accuracy and a repeatable methodology in achieving those fees.

Mr. Combs suggested that if these fees present a hardship for some projects, violation fees that have been collected or fees collected elsewhere could be used to subsidize worthy projects and help offset the costs.

Mr. Poppoff stated that if we go through with this amendment, someone should go through and simplify the table so people can really understand how to make the calculation. On page 9 in the write up, on Table A, the mitigation fee has been changed to square foot factor, and percentage fee has been changed to percent square foot factor, but when it was written in blue, the old terminology was used. He suggested that some proofreading be in order. Mr. Poppoff questioned how the new figures were calculated. Mr. Hagan solicited the information from a variety of sources, including the acquisition agencies; some developers that were broadly scattered across the Basin, and he did consult with Johnson & Perkins, which only shared data: they did not do any appraisal work for TRPA.

Mr. Poppoff commented that in the staff summary, it states that land in these particular areas is scarce and may not actually be available, so maybe this exercise is moot. Mr. Hagan replied that coverage is becoming hard to find, especially in the three hydrologic zones that have experienced the highest square foot increase, which would be Cave Rock, Kingsbury, and Incline Village. Mr. Poppoff replied that if this is the case, we should be looking at another way to handle this problem. Mr. Hagan commented that Mr. Barrett has mentioned previously that we would be willing to consider the adjustment

of hydrological zones, but that would require a 208 Amendment, and would be a big task to accomplish.

Ms. Baldrica questioned if the Governing Board had considered adjusting the rate in incremental stages over a short period of time because it is a big jump after 14 years of looking at it one way, and then all of a sudden, it is changed. Mr. Hagan stated that TRPA has considered that, and would be willing to consider it again. However, if we only allow it in incremental stages, we are still not achieving what we intend to do, which is be able to hand money over to Nevada State Lands so that they can compete for the coverage that is available. Mr. Barrett stated that we could look at our fines and forfeitures monies and come up with another $30,000. We are only talking about 20% of the Basin here; almost every place else is okay. But in those three zones, we could bring that in with some sort of subsidy for a year or two. Mr. Barrett stated that this was a concept he had not pursued.

Ms. Baldrica commented that considering there is less and less to purchase in the Basin, what does creating a larger amount of fees do to the existing market out there; has this issue been addressed? Mr. Barrett stated that by TRPA saying $21 in Incline Village, we are acknowledging that that is the price, and the people who are wheeling and dealing, will work off that price.

But if people are wheeling and dealing and bump up figures, Ms. Baldrica comment, then it makes it likely then that there is always going to be a goal that State Lands is never going to be able to purchase the land, because as the fees go up to $29, there will be an immediate increase because the availability of land being priceless because there isn't a lot of it left. So the price gets bumped up immediately with that $29, and then there is a goal that is not attainable. Mr. Hagan agreed that he said that could be a possible scenario, but we have a commitment to the annual adjustment and review of this, and we should try to stay abreast with that. Keeping Nevada State Lands competitive for the coverage that may be available in those hydrological zones is part of the program as it has been reaffirmed here.

Mr. Barrett replied that that is why it is very important to do like the Conservancy and get seed money to buy the land and provide a stabilizing influence. But by coming from behind and trying to keep up with the market, Ms. Baldrica's scenario is likely to happen.

Chairperson Marchio opened the meeting up for a public hearing.

Mr. Gary Midkiff, from Zephyr Cove, thanked the APC for a good, quality discussion on the subject because Mr. Barrett's comment about it being complex is about the biggest under statement heard today. This is a very complex issue, and based on the testimony today, it is not something that the APC should act quickly on. He gave the APC some examples of what the impact of this amendment would be on some projects that have been permitted and have paid fees in the last couple of years, and a couple of projects that he is working on now that would be subject to the fees. Some of the construction costs and fees are estimates, but they give a comparison of what the fee would be today versus what it would be with the proposed schedule. The reason the price of coverage has gotten so high is because there is only so much out there, and coverage is being used for several things. He reviewed the different scenarios proposed, along with some options.

In closing, Mr. Midkiff pointed out that this a very complex issue that will have dramatic economic affects on smaller projects, rehabilitation and redevelopment of existing relatively same projects. If we are willing to say we will accept not having those projects happen, and look for other ways to get BMPs accomplished and other improvements and give away the scenic and other improvements that we get from those projects, then maybe the staff recommendation is good. But he doesn't think it is. There is too much invested since 1986 in making improvements in the community, and we need to continue that investment and continue making projects possible. If we role these fees up, he believed that we would stop seeing a lot of those projects, and as a result, we are going to stop making those improvements that are so important.

Mr. Dan St. John, representing Incline Village General Improvement District ("IVGID"), he thanked staff for looking at "unintended consequences", and at times, IVGID has encountered these in the past, as well, and have suffered unintended consequences of adopted ordinances. In other words, we do it for the right reason but it causes the wrong things to happen. He believed that the Agency was doing a good job in trying to foresee those things that might occur if we are trying to do a good thing with this Ordinance amendment. IVGID has four noteworthy project areas that are significantly over covered. The price of excess coverage will go up and consequently become a disincentive for IVGID to want to do something good at these facilities.

In conclusion, Mr. St. John stated that these kinds of fees are going to hurt IVGID. They will keep them from doing some projects that would ultimately be beneficial to the public. He hoped that TRPA could look at broadening some of the potential mitigation measures. He thanked the TRPA on behalf of his Board and staff for looking at not jumping ahead and going down a path that actually keeps good things from happening.

Mr. Jim Lawrence, Tahoe Program Coordinator for Nevada State Lands, commended the TRPA for dealing with a very complex issue. On the Nevada side, there wasn't really a California Tahoe Conservancy set up on California, and he commends the efforts that they have done. State Lands stepped in regarding excess coverage mitigation fees in 1993 at the request of TRPA to help carry out this program, and they set up the program, got the staffing in place, and they never sat on any funds. As soon as they started collecting the fees, they started making their acquisitions. The unexpected consequences were the $5 per square foot was set in 1987, and it was Mr. Lawrence's understanding that it was the best shot at the time. The Code put in a system that said we would reevaluate it on an annual basis to make sure it is accurate. Nevada State Lands found themselves in a situation in the mid 1990's, when they started collecting fees from TRPA, it was at this level and the expectation was still to do it at $5 per square foot. Had we done our homework and actually evaluated the market, Mr. Lawrence wasn't sure if they would have stepped in because the reality was, once they stepped into the program, the prices had already escalated. Nevada State Lands continues to do their best; we get the fees; we purchase land coverage; make the best deals they can, but the reality is if the expectation level is here, the fees that are collected are not going to meet that expectation. Their situation is they really don't have a position on what you do with the fees; that is really a TRPA threshold issue, and something that the TRPA has to deal with the Governing Board. Nevada State Lands will continue to do their best, but, again, Mr. Lawrence stated, it gets down to an expectation level. The reality is that the $5 level is just not there. Mr. Lawrence encourages some of the recommendations

that he has heard today as far as doing annual or at least fairly regular appraisals because they don't know what the market is going to be. The fee could increase, and for all they know, the demand for land coverage might start decreasing, depending on market conditions. In addition, the prices could actually go down. He believed that it was a very good program, because it gives a lot of projects the ability to move forward and do very important work. It provides a very important function for the small property owner. When he was writing permits for TRPA, from at least of them, the fees collected were for grandfathered in coverage for a small home that was built in the 1950's or 1960's that was built on low capability land. Now, the homeowner finds himself in excess coverage. They don't really have the ability to reduce onsite coverage. Mr. Lawrence was of the opinion that to scratch the program would be doing a disservice to those people.

Mr. Phil Herback, representing Harvey's Resort Casino, South Shore, stated that he came to talk about the technicalities but he got confused and changed his mind. His understanding of what we are trying to do with the excess coverage mitigation fee is to encourage rehabilitation and redevelopment. He sees us chasing an escalating market by raising fees to purchase land that may or may not be available. He believes that we have become a competitor and have become self-defeating. We are out in the market trying to buy property that a private citizen may be trying to purchase, so you become a bidder on the property, and naturally the price goes up, so do our costs. Also, as a result, we have to come back here for more money. As Ms. Baldrica addressed, where does it end. Mr. Herback believed that we should look back at the process, and the Commission has done a great job today in taking a look at the process; is what we are doing here the correct thing to do; does it make sense; is this the right way to go? We need go back and look at what the original intent was of the excess coverage mitigation fee. With excess coverage mitigation fees being increased by 4 times, we really have to take a look at projects and whether we are justified in doing the project with that increase in cost.

Mr. Dave Roberts, representing the League to Save Lake Tahoe, stated that we need to be clear that the goal here is to reduce excess coverage and reach threshold attainment. That is the purpose of the Regional Plan, and in fact, that is the purpose of the APC and the presence of the TRPA. It should be made perfectly clear that this is mitigation, and in Lake Tahoe we are not to approve projects that cannot mitigate their impacts; whether they be redevelopment or a single family home or commercial business, or otherwise. Under the current system, this is not occurring. We are not mitigating the impact of the excess coverage mitigation fee. TPRA should not be subsidizing excess coverage at the cost of environmental degradation. As Mr. Barrett so clearly outlined, this is one option of four. In fact, this was a relatively new option, comparatively, to the other three options that are available. It was provided to give great flexibility to developers in order to mitigate excess coverage. Due to the fact that this option has not been updated, as it should have been on a yearly basis, excess coverage is not being mitigated through this option. Updating this fee is critically important and required if this option is going to continue to operate as a mitigation, despite the fact that it has not been updated in 15 years. That is the real issue here. As it is currently functioning, it is not acting as mitigation; whether it be for redevelopment or for a single family home or other. It needs to be increased to perform parity for acquisition costs in order for there to be mitigation. If it doesn't, then there isn't mitigation. In fact, we are providing project approval where they haven't fully mitigated their impact. The other option that has been brought, and

Mr. Roberts believed it should be explored, and whether or not this is a functional equivalent to reduce excess coverage and mitigation. Unless you charge a fee that allows you to purchase coverage, it doesn't. It has to be increased in order for this to operate. If it is not increased, then this is not mitigation any longer, and it shouldn't be viewed as such. In fact, it should be stricken as an option if it can't perform the original function that it was intended to perform.

Ms. Elizabeth Hale, from Tahoe City, stated that as the price of coverage goes up, it makes it harder for people who live here to get affordable housing. She questioned if this raises the cost of land and the price of homes, and does it impact affordable housing. Mr. Barrett stated that it varies from project to project. Ms. Hale questioned if we are considering that, and Mr. Barrett replied that the goal is to strike the balance between meeting those needs of all those things Ms. Hale brought up, and meeting the needs of the environment and trying to figure out some reasonable program that both can go along together without sacrificing either one.

Ms. Hale stated that she saw a lot for sale in a neighborhood, and in order to purchase the lot, one had to buy the permit to build. If somebody just wants a lot near their house, to have it open with trees on it, why should this permit to build be included in the price. Mr. Marchio commented that one could purchase an empty lot without an allocation on it; that is not an issue. It could be that the property owner that has the vacant lot went out to make some money and put an allocation on the property so he is selling the combination of the vacant lot plus the allocation together as a unit. There is nothing prohibiting you from buying the vacant property. Mr. Barrett commented that, in general, TRPA has no rules on somebody wanting to purchase a vacant lot. She is describing a situation where an owner who wants to increase the value, has gone out and got plans and a permit, which does increase the value of a lot, and is trying to market that. But if the owner just wants to sell you the lot as a non-permitted lot, TRPA has no rules against that. TRPA does not get into those land transactions. Ms. Hale stated that it makes it harder to preserve the open land if all these extra fees are attached onto. She questioned if TRPA had a position on this. Mr. Barrett replied that generally, that owner doesn't pay his fees if he is not going to build on the land. If he has already started construction, then the fees are actually in it. In the situation described, the owner gets the plans and permits, and the plans say that you have to pay these fees upon starting construction or getting your plans stamped, and then lets the new owner pay for all those fees. Mr. Barrett stated that doing business in Lake Tahoe costs extra money because of the unique environment we are in and the commitment. There are over 9 million dollars committed to try and achieve what we call the thresholds, and that's a fact. If you think it is going to be the same to build here as it is in the valley, it's not. Mitigation and construction go along hand-in-hand in Lake Tahoe because we care about the environment. Mr. Marchio that if she required more information, they would be happy to discuss it with Ms. Hale after the meeting or during the break.

Since no one else wanted to comment, Chairperson Marchio closed the public hearing.

Mr. Poppoff believed that the program would be less effective, because as the prices go up to purchase land, it would act as a disincentive for people to do their remodeling. If they don't do the remodeling, TRPA will not get the money to retire other land. It looks like it is heading into oblivion in some parts of the Basin. He believed that we should step back and look at what it is we are trying to accomplish, and what we are trying to

accomplish is to improve the environment. Mr. Poppoff believed that we could establish some reasonable fee for this excess coverage fee, and then use money either to buy land, if that is available at a reasonable price, or contribute to our various BMPs that have been planned in that particular hydrologic area that need local match. He sees the proposal as drying up the funds available for retired land, and he didn't believe that was a consequence we wanted to see.

Mr. Wysocki is concerned about what the amendment would do to the affordable housing issues; the increase in fee would be a big disincentive for redevelopment and rehabilitation of existing urban areas, and the other issue is the no cap; how far and how high would the fees go up. He believed that there was room for more alternatives or different ideas to be explored with the Ordinance.

Mr. Cole didn't believe that just adjusting the fees was going to solve the problem. He was more concerned about the private projects because it will cause disincentive to do more projects. Mr. Cole was also concerned about the affect on affordable housing on the Nevada side. This would just be another excuse for affordable housing not happening in those jurisdictions. We need to find a way to eliminate the hydrologic and jurisdictional boundaries that are getting in the way of us solving a lot of these problems and basically have the same fees across the board. We need to address the 208 problems so we can address the hydrologic boundaries. Mr. Cole commented that we need to find other ways to mitigation this stuff.

Mr. Morgan also believed that the hydrologic areas should be eliminated, and to try a system that looks at the land class, and each land class would be on a sliding scale as to what the fee would be to make up for the coverage issue on that class of land. Then, the fund would go into the two states and you could only retire with that money, land of the same land class capability, and have a sliding scale as to what each land class capability would be as far as dollars for retirement.

Mr. Barrett commented that there are localized problems that don't get addressed just by averaging the fees across the Basin.

Mr. Combs suggested that staff look to sources of revenue for subsidies for worthwhile projects, and affordable housing should be on the top of this list. He stated that maybe staff could tell the APC how much money is available in their violation revenues, and see if that is a viable option.

Ms. Baldrica sees a need for an interim ordinance, and other issues and alternatives need to be examined while the interim ordinance is in place. In addition, she suggested incremental increases in the fee structure so it is not such a shock to the system immediately. She didn't believe that this problem would be solved overnight, but we can have something in the interim in place until a lot of these other alternatives and issues are looked at and then come back with changes.

Mr. Poppoff stated that it is his experience that short-term solutions turn out to be long-term solutions.

Ms. Kemper did support staff's recommendation, and liked the notion of having an interim ordinance.

Mr. Barrett asked Mr. Marshall what would happen if the APC picks the no project alternative; just walk away from it because we can't agree; what are the repercussions on TRPA for that. Mr. Marshall didn't think that doing nothing was a viable option. We are in a situation where the mitigation value that was anticipated is not being put on the ground, and not only is that bad for the Lake, but it also puts projects at risk. You may, as a project proponent, want lower fees, but you also want certainty. A measure of certainty is gained when we are acting in a way that is consistent with our overall Compact and thresholds and Code in such that we can make an argument that yes, you are paying these fees, and we are getting the mitigation that was anticipated. If you are not, then you are opening up avenues to people who may want to oppose your project. That has to be taken into account when you are looking at yes, this is going to be an impact to projects, but there is also a benefit, because right now we are in a situation that if we don't do something, the further we move away, the more danger the risk the individual project is going to have because we can't demonstrate the connection that the program was premised upon.

Mr. Barrett stated that he is running on the assumption that we have been dealing with this for several months, and if we put this off, we are going to have to stop using that provision until we come to an agreement. So under the assumption that we don't do anything, we will stop using this section that we know doesn't work in certain areas. He agreed that the interim ordinance was a good idea. He recommended that the interim ordinance be for one year; we are just doing a patchwork here. The threshold evaluation is due out this summer; the allocations; the soils recommendations; the hydro areas; all things that we can look at. But for the time being, he suggested that we go with this as an interim one-year ordinance until next March; we are supposed to review it in a year anyway; and TRPA also look into some kind of phase in provisions in those fees for Incline and Cave Rock, particularly, and maybe the two areas across the lines. We will look at somehow in doing this phase in, work in a subsidy by going to our fines and forfeitures pool and see if that can cover this, and we will think in terms of affordable housing. In addition, we will also look at, and the APC can suggest this to the Governing Board, that we look at for this year possibly making it $7 in those other areas, and bring it down to a number that would balance out. When we are calculating the actual coverages for hydro area that is what we have to do. But people on the West shore may be paying a little bit more to come. Two possible scenarios; One, get it from a government fund source, which we identified, or we adjust these tables. We can ask the Governing Board whichever one is better. The other choice for the APC is a motion be made, requesting that the item be brought back next month, or we could go ahead and say that the APC and Governing Board recommends this set up with these changes; an interim ordinance; the phasing, and that we will continue working on the bigger picture. So we will put the new working in for one year, and unless we come back and amend the Ordinance, we go back to the old language.

Chairperson Marchio questioned if there were consensuses with Mr. Barrett's ideas, and all the members agreed.

Mr. Tolhurst believed that an interim ordinance would be appropriate.

(Break taken at 1:00 p.m.)

(Mr. Lane left at 1:00)

(Reconvened at 2:05 p.m.)

B. Extension of Existing Old Growth Interim Ordinance Section 71.2 for 60 Days

Vegetation Program Manager Gerald Dion presented the staff summary, extension of Existing Old Growth Interim Ordinance Section 71.2, as well as a slide show.

Mr. Poppoff questioned if this could really be completed in 60 days, and Mr. Dion believed that we will have something in place in 60 days, but we may not have complete consensus.

A discussion ensued.

Chairperson Marchio opened the meeting up to a public hearing.

Ms. Shirley Taylor, a private landowner in the Basin on the South Upper Truckee Road, stated she is hear to state that the private landowners are alive and well, even though there are only two of us that have consistently been attending these meetings; for me, over two years; and for J.B. Lukenberry, for over a year, and we have some grave concerns. We have been trying to beat out some provisions for our part as far as landowners' capability of doing some harvesting, if we can, and simply just cutting some firewood to help support the property. We hope that can be accomplished. If there is to be a workshop in April, she suggested that the APC plan a lot of time for that because there will be quite a few more people here in defense of the private landowner, and there are still a lot questions that the Forest Heath Consensus Group needs to address before this can come before the final Board.

Mr. Poppoff questioned Ms. Taylor if they could solve the problems if they had more time, and Ms. Taylor believed that personally, the Forest Health Consensus Group needs more time. In fact, she believed that they should go on overtime with the Forest Health Consensus Group meeting between now and the first part of May to really cover this thoroughly. There are a lot of questions that have not been answered. She thinks perhaps someone other than herself should make a definite decision as to whether more of an extension is made. We are going to have to do something to cover all of the territory that needs to be covered.

Mr. Honcoop asked Ms. Taylor if the unanswered questions are questions that have not been dealt with or there has not be consensus on. Ms. Taylor replied that as far as consensus is concerned, she wondered if there would ever be consensus with the group because members of the group have indicated that as long as the Ordinance contains flexibility for private landowners, there would not be consensus. The private landowners turn around and say if there isn't some flexibility for them, they will not consensus. On that alone, there is this dilemma. As far as other questions that she brought up to Mr. Dion, was the situation of prescribed fire, and a possibility of the Air Resources Board saying no more slash burning, no more prescribed fires, especially here in the Basin; that is still something that needs to be addressed. Mr. Dion said that he would do that apparently after this is taken care of. Down wooding material is another great concern of

hers. There is so much out there at the present time, and they want to add more. She is sure that the State and local fire agencies are going to have concern about that. These are some of the things Ms. Taylor believes need to be addressed.

Mr. Dave Roberts, representing the League to Save Lake Tahoe, stated that as the Commission has heard, there are still some issues that need to be addressed. That is certainly what their intent is, and has been with the Forest Health Consensus Group all along. We are exploring new territory here, and as such, it is a very difficult process. There are details, which need to be addressed that we have not been able to get to yet, because the process just takes so long. He shares Ms. Taylor's concerns. Mr. Roberts believed that we might need some more time. He is not up here to ask for that at this point. He believed that over the next two months, we are going to work very diligently to try to address these concerns. The group has been very willing to spend a great deal of its time; in fact, over 70% of the time spent in the last year has been dealt with trying to deal with private property issues in this regard, and how do you meet a threshold for old growth while simultaneously cutting down large trees. It is a very difficult concept. It is something that needs to be analyzed in detail. In addition, it is something that when you codify it, it's something that needs to be looked in its entirety before hand so that Ms. Taylor and the private property owners have their level of comfort and as does the Sierra Club, and as does the other stakeholders in the group. So over the next two months, we are going to try to do that. We have been using the framework as a guide, and at this point, that is probably the preeminent scientific research on how to address concerns that we have in the Tahoe Basin that go the entire length of the Sierra Nevada. That's an analysis which has been built upon from Sierra Ecosystem project, and then directly into the framework. It is probably the best science that we have on this subject right now. We have been trying very heavily to move forward with this process. But, again, there are some roadblocks that he can see. There are some bumps in the road that need to be addressed. We are going to do our best to do so. As Shirley mentioned, there are concerns with standards set. Mr. Roberts appreciated the APC's and Governing Board's patience on this, and he didn't think that there was any lack of effort to try to deal with these issues, and there certainly won't be over the next two months. But he does anticipate there will probably be some controversy.

Since no one else wished to comment, Chairperson Marchio closed the public hearing.

MOTION by Mr. Cole, with a second by Mr. Wysocki, to recommend to the Governing Board extension of Existing Old Growth Interim Ordinance Section 71.2 for 60 days. The motion carried unanimously.

C. Amendment to Chapter 22 for the City of South Lake Tahoe Ice Rink

Recreation Program Manager Peter Eichar presented the staff summary amending Chapter 22 for the City of South Lake Tahoe Ice Rink. Ms. Baldrica commented that she has been on the APC for many years and has heard many of these amendments come before the APC, and it seemed to her that every time there is a need out there, we kind of do patch work amendments, which bothers her. But she also knows that she was a part of a group that looked at this, and there were a lot of consensuses building in coming up with particular kinds of rooflines and how they should look. This has been amended a number of times. As we start putting in amendments for more and different

kinds of structures, she is feeling uneasy, coming from the Historic Preservation standpoint, and questioned what kinds of provisions were there for designing some of these buildings that will not diminish the character of the historic buildings or neighborhoods in which they might be set in. Ms. Baldrica questioned what kinds of considerations are being given in terms of historic preservation. Ms. Eichar responded that the considerations of this specific code have to do with view blocking, and things like that. He commented that there are other community design standards. There could potentially be some specific location features in the plan area statements that might state to stay consistent with the Tahoe, Alpine character of architect. There are also design review guidelines that look at the roof pitches; the materials; the colors; the size of the buildings. Mr. Eichar continued that there are other documents in place but you won't see them in this Code. Mr. Barrett stated that when we do a project, the environmental checklist is applied to everything, but single-family dwellings, as an historic impact. We have a chapter written on historicals, but it basically all relates to one particular structure, and not the structure next door. We don't have Code language that says make a finding in order to approve a project that it doesn't impact an adjacent historical property. Ms. Baldrica replied that her concern is that we are branching out in terms of some of these exceptions with all of these amendments. She would like to see some provision in the Ordinance in keeping within current design standards or giving some sort of consideration to design standards or community plans and ensuring that when these buildings are constructed, some consideration be given as to whether or not they are built around historic structures.

Chairperson Marchio opened the meeting up for a public hearing.

Ms. Elizabeth Hale, from Tahoe City, was wondering what the difference in cost would be for the skating arena in South Lake Tahoe if they had to lower the building or if they were able to built it at surface level and build it higher. Mr. McDowell believed that what we are talking about is a Code amendment; we are not talking about a project. What is pushing this is a project, but what is under consideration is whether or not to change the Code. He stated that if it is a question about a project that is not what is before the APC to decide today. Ms. Hale is curious why we are making these changes. Mr. Marchio replied that this gets back to what we were discussing previously, and that is we believed that there was an inequity in the Code in the way it was drafted. We are not trying to deal specifically with the City, but more of it appears to be an inequity in the Code. If the City could have had TRPA agree that their ice-staking rink is a public service use, we wouldn't be here presenting this amendment. But, unfortunately, TRPA classifies that as a recreational use. Those two things didn't make sense to a planner, in Mr. Marchio's position, or the TRPA's position, and that terminology didn't make sense. So this was a solution to fix that problem of inequity; it is not site specific to the City of South Lake Tahoe.

Ms. Lisa O'Daly, representing the City of South Lake Tahoe, stated that she was here to answer any questions or concerns that were raised.

Since no one else wished to comment, Chairperson Marchio closed the public hearing.

MOTION by Mr. Jepsen, with a second by Mr. Morgan, to recommend approval to the Governing Board to approve amendment to Chapter 22 for the City of South Lake Tahoe Ice Rink. The motion carried unanimously.

E. Amendment of PAS 170, Tahoe Park/Pineland, to Create a Special Area Where "Schools-Kindergartens to Secondary", Would Be a Special Use and Add Special Policy Language to Address The Above Use

Recreation Program Manager Peter Eichar presented the staff summary amending Plan Area Statement 170, Tahoe Park/Pineland, to create a Special Area where "Schools-Kindergartens to Secondary" would be a Special Use and add Special Policy Language to address the above use.

A discussion ensued.

Chairperson Marchio opened the meeting up for a public hearing.

Ms. Leah Kaufman, representing Kings Retreat, passed around a site plan, which she believed would help the APC make a decision. As part of the temporary use for the school permit, the Fire Department did come out, when through the classrooms, and issued a Will Service and issued a correction notice, and all of those things have been taken care, and upgraded. In terms of the appropriate land use off street parking, Ms. Kaufman stated that when she started planning this was an actual camp. It went through a series of owners, and didn't do very well. The conditional use permit was issued by Placer County for a 100 person weekly or daily camp. They are proposing to do a secondary school, which is a charter school under the Tahoe Truckee Unified School District. As such, there is an exemption from some of the traditional planning; they are not exempt from the Building Department but they are exempt from some of the zoning due to the fact that they are a charter school under the Tahoe Truckee Unified School District. A charter school could be held anywhere. This facility is perfect. There is a highway; there are no neighboring concerns; they keep the noise down; they are doing BMPs. In terms of the acknowledgement of the permit, she worked with three different TRPA staff planners, and she believed that she got lost in the shuffle. Every single item was submitted to TRPA for acknowledgment of the permit. Ms. Kaufman is not sure what happened, but everything that TRPA asked for, which was very little, was submitted; that was a landscape plan; three sets of site plans; no filing fees, and she asked for an extension of time. That extension of time would get them through this entire school year. She doesn't know what happened, but Ms. Kaufman feels like they did everything they could, and they just got shuffled through too many TRPA staff people.

Ms. Hale, who lives in Tahoe Park, is wondering how the use of the property across from Kilner Park is going to affect Kilner Park's use. It does affect the neighborhood, and it does affect the people on the other side of Kilner Park. Ms. Hale questioned why TRPA was only notifying the people who are direct neighbors, and there are very few of them. She believed that the community should know what is going on. Mr. Eichar replied that any public hearing item is required to have properties located within 300 feet of the property boundary noticed, so everybody within a 300-foot circumference of this property were noticed. Kilner Park is a big park, and a lot of people would not be noticed. Mr. Eichar believed that only about 10 or 12 properties were actually noticed. In addition, it was noticed in the newspaper as an agenda item.

Mr. Barrett replied that it only had to be noticed in the paper. But as a practice, when we are talking about a specific area or parcel, we use the 300-foot notice requirement and put a notice in the newspaper stating that the item would be heard at the APC meeting.

Since no one else wished to comment, Chairperson Marchio closed the public hearing.

MOTION by Mr. McIntyre, with a second by Mr. Honcoop, to recommend approval to the Governing Board to approve Amendment to PAS 170, Tahoe Park/Pineland, to create a special area where "Schools-Kindergartens to Secondary", would be a Special Use and add Special Policy Language to address the above use. The motion carried unanimously.

F. Amendment to the Boundary Line for Stateline/Ski Run Community Plan for a Deed Restricted Affordable Housing Project

Senior Planner Coleen Shade presented the staff summary amending the boundary line for Stateline/Ski Run Community Plan for a Deed Restricted Affordable Housing Project.

Mr. Lohman questioned if a lot of the housing in the area was affordable-type housing and not necessarily designed as affordable housing, and Ms. Shade stated that there are a number of multi-family types of development in that area, as well as hotels down Ski Run Boulevard. It would not be inconsistent with the housing currently in the area, Mr. Lohman questioned, and Ms. Shade replied that it is staff's opinion that this would not be inconsistent with the existing surrounding land uses.

Chairperson Marchio opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Marchio closed the public hearing.

MOTION by Mr. Wysocki, with a second by Ms. Baldrica, to recommend approval to the Governing Board to amend the Boundary Line for the Stateline/Ski Run Community Plan for a Deed Restricted Affordable Housing project. The motion carried unanimously.

Mr. Wysocki was pleased to see something coming forward from all these consensus groups we have been having on affordable housing and the CP amendments.

VI. PLANNING MATTERS

A. Discussion of Transit Oriented Development Findings Required To Amend Plan Areas Wherein Multi-Family Development is not Currently a Permissible Use

Recreation Program Manager Peter Eichar presented the staff summary discussion of TOD.

Mr. Cole believed that this is a lot close to something he feels comfortable with, and he almost believes that this operational transit item ought to be left the way it is. It needs to be the kind of thing that does provide for some discretion so that when a project comes along you consider that under project review and make those transit determinations at that time. His concern is how long the deed restriction is for; otherwise, he is comfortable recommending that this go to the Governing Board. Mr. Barrett commented

that if the APC approves it, it will come back to the APC next month as a Code Amendment and public hearing, and then it will go to the Governing Board.

Chairperson Marchio opened the meeting up for a public hearing.

Mr. Mike McLaughlin, representing Feldman, Shaw & DeVore, was generally supportive of staff's proposed amendment, but had concerns over the definition of what's operational transit. He doesn't believe that it necessarily needs to be public transportation. He suggested that the developer could bring some sort of shuttle service to provide transportation to the people who are living in the affordable housing projects, or some sort of quasi shuttle service that the other people in the area could use, as well. Mr. McLaughlin would be more comfortable with a condition of approval so if there is no public transit or quasi public transit available to a specific project site currently or at the time that an application comes forward, the opportunities made available for the developer to provide that or get a will serve letter or something to that affect to rap up the process.

Mr. Marchio suggested using language such as "functional equivalent". Mr. Eichar replied that the way it is structured now, "functional equivalent" would only be available under 13.7(d)(3), and it doesn't come into play on the affordable housing scenario.

Since no one else wished to comment, Chairperson Marchio closed the public hearing.

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Executive Director Juan Palma introduced Ms. Susan Morandi, Governing Board Chairperson Dean Heller's assistant, who was in the audience, representing Mr. Heller, who had since left the meeting. Mr. Carl Hasty has been selected as TRPA's Deputy Director, and is a welcome addition to staff. Mr. Palma thanked Gabby Barrett for all of his time and effort to being the Acting Deputy Director for the last 12 months. He could not have done it without Gabby and sincerely appreciated all of his help and dedication not only to TRPA, but to Lake Tahoe, as well. He commended Gabby for his dedication and efforts. In addition, there are some changes that are beginning to take place at the TRPA offices. We are having new signs put up, as well as pictures on the walls. Our telephone system is also being changed in the months to come. TRPA has a new office manager, Carol Watkins, who addresses all of the issues related to the office, and one of the things she is doing is putting together a program where TRPA selects a student from the local schools to paint a mural at the TRPA offices about Lake Tahoe. The student who is chosen will be rewarded monetarily, and Juan is asking for a volunteer from the APC to participate in the selection process.

B. Legal Counsel

Agency Counsel John Marshall stated that when we are dealing with situations such coverage, we can't shy away from addressing a threshold issue. Those threshold issues can come back to bite us if we don't find someway to make the findings. We need to take action, otherwise we will find ourselves in a problem, but he doesn't want to come out and say that we can't approve any more projects. We have to realize that when we get close to those threshold issues, we have to take serious the need to do something to maintain whatever mitigation benefit is there.

C. APC Members

Mr. Marchio commented that Gabby Barrett is really an institution here, and he has a lot of background and history that he downplays. But as an APC member, hearing his rationale and the reasons he has done something a certain way, it is valuable. He hopes that somehow we don't lose that in this transition to Carl. It is so important for the APC to understand why we did some of these things 10 years ago, and Gabby has that memory and knowledge. Gabby has provided fantastic service to this APC board, and we shouldn't lose that.

Mr. Morgan agreed with Mr. Marchio's comments.

Mr. McDowell he would like to bring to the APC's attention that there is a 30-page document of what's on the TRPA staff's agenda for the year. He found it very valuable, and he asked the APC if they were interested in receiving a copy of this document to see the hundreds of tasks that staff is committed to do. He believed that if the APC had an understanding of what they are about, it would help everyone as APC members. The Forest Service and TRPA had a joint meeting that Mr. McDowell believed accomplished a lot, and he was looking forward to building on teamwork. Also, he would not be at the APC meeting in April, and Mr. Joe Oden will be taking his place.

Mr. Kehne asked the APC if they would be interested in a 10-15 minute presentation in April that would pertain to the BMP requirements. Mr. Barrett stated that this would be put on the agenda for April.

Mr. Poppoff agreed with Mr. Marchio's comments about Gabby. He hoped that the EIP continues and receives greater emphasis. He will not be at the meeting in April either.

Mr. Wysocki thanked Gabby for his help, also. Douglas County has adopted policies and procedures for their land bank, and they have been working with TRPA for the last couple of years. They received their first application to bank close to 300,000 square feet of coverage from the Glenbrook Golf Course. They take in the coverage and then notifying the public that coverage is available, and the negotiations are between the two private parties.

Ms. Baldrcia also thanked Gabby for his hard work, and appreciates his memory when there have been so many changes. Mr. Combs thanked Gabby, as well.

VIII. ADJOURNMENT - The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Sue Mikanovich

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.

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MEMORANDUM

April 3, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment to Chapter 20.5 Regarding Excess Coverage Mitigation Fees Workshop

Proposed Action: At the APC's request, staff has crafted an alternate proposal to modify the Excess Coverage Mitigation Fee and Coverage Reduction formulas. The purpose of the amendment is to adjust the Square Foot Coverage Fees for specific Hydrologic Zones in California and Nevada so that they reflect current market values while still meeting the excess coverage reduction goals of the TRPA. The direction given by the APC was to draft an interim solution that implements a coverage cost phase in provision.

Staff Recommendation: Staff requests that the Advisory Planning Commission review this Code amendment as described in Attachment A and recommend adoption to the Governing Board.

Previous APC Recommendations: At the January 2001 meeting, the APC unanimously recommended adoption of the fee adjustments. At this meeting, four recommendations were identified: 1) Delete the dated code language contained in 20.5.A, Subparagraph (c); 2) Clarify the hydrologic zone titles; 3) Affirm code language regarding the required annual fee review; and 4) Include the direction in the code language to add the services of certified real estate appraisers in the Excess Coverage Mitigation Fee evaluation. At the January Governing Board meeting, GB member Mr. Jim Galloway requested that this issue be brought back to the APC for additional review.

When this amendment issue was brought back in March, the APC formed a consensus with additional concerns that required attention. These concerns included: 1) The ordinance had the potential to become a disincentive because the calculated excess coverage mitigation cost exceeded the 5% cap that was established in Table A; 2) Affordable housing and Public Service projects would be negatively affected by such an increase; 3) The interpretation of the definition for structural construction cost was perceived as vague; 4) It was unclear whether existing potential coverage could be used for mitigation for excess coverage as currently stated in Chapter 20; and 5) a provision to phase in the coverage cost increases over an interim period.

After hearing the testimony and recognizing the need for immediate action, the APC directed staff to draft an interim solution that implements a phase in provision for the sq. ft. coverage fees in the Hydrologic Zones with the highest coverage costs .

Background: The Excess Land Coverage Mitigation Program is described in Section 20.5 of the TRPA Code of Ordinances (Attachment A). This program applies to projects where the

amount of land coverage for the project area exceeds the base land coverage for that area. Land coverage in excess of the base land coverage must be mitigated by one of the four options provided for in Chapter 20.5

Excess land coverage is defined as existing coverage beyond the total of the maximum allowable base coverage, the transferred coverage, and the coverage previously mitigated under this program. In the event that the land coverage reduction is required for approval of a project, there are a number of options that an applicant may use to comply with the land coverage requirements. These options include: 1) reduction of coverage onsite; 2) reduction of coverage offsite in the hydrologic area; 3) area consolidation of parcels or adjustment of parcel boundary lines; or 4) payment of a land coverage mitigation fee to be forwarded to a land bank to retire land coverage in the same hydrologic zone. There are a number of exemptions from the Land Coverage Mitigation Program listed in Subsection 20.5.B of the Code.

Discussion: The focus of this discussion is the Excess Coverage Mitigation Fee, which is covered in TRPA Code subparagraph 20.5 A (3). The Excess Coverage Fee is calculated by determining the amount of excess coverage in square feet and using this coverage amount to determine the appropriate fee percentage from Table A, located in Chapter 20 of the TRPA Code. The fee percentage is then multiplied by the estimated construction cost of the project. The coverage reduction credit given to the parcel is calculated by dividing the mitigation fee by the newly adjusted standard TRPA coverage cost of $6.50 per square foot. Monies generated from this fee are placed in a land bank fund to be used for land coverage reduction within Hydrologic Transfer Areas where the projects are located.

Due to the complicated nature of this issue an effort was made to include all the affected parties to discuss the direction of the excess coverage mitigation fee program in Nevada and Basin-wide. This process has included discussions with the California Tahoe Conservancy (CTC) and Nevada Division of State Lands (NVSL). These meetings resulted in recommendations that required they be brought forward for review and approval by the APC and GB.

Current Program Status: From the beginning of this program TRPA has assessed a single fee that has been in place basin-wide. In the State of California, the California Tahoe Conservancy (CTC) established a land bank, which has been in place since 1990, and has been conducting a land coverage reduction program utilizing the excess coverage mitigation fees. Based on their experience over this time, the CTC has indicated that the per square foot cost for hard coverage has increased to $6.50 on the California side of the basin.

In the State of Nevada, a Memorandum of Understanding (MOU) has been in place between TRPA and Nevada Division of State Lands to serve this activity since 1986. A new MOU that formally recognizes and approves the Nevada Land Bank to receive the mitigation fees and conduct a program of coverage reduction was negotiated and approved by TRPA and Nevada Division of State Lands, effective July 10, 2000. A large balance of excess coverage mitigation fees has accumulated from projects approved since the adoption of the 1987 Regional Plan. However, at this time a large area of coverage retirement obligation has accumulated in Nevada (up to 450,000 square feet.) The amount of funds in the excess coverage mitigation account for Nevada is approximately

$2.5 million. This amount of coverage could be retired with the available funds, if the acquisition cost was equal to $5.00 per square foot and coverage was available for retirement. Since the program was initiated, the cost of coverage in Nevada has escalated substantially to the $17 to $21 per square foot range. Assuming the coverage is available, at this price it would require $6.5 to $9 million to retire this coverage obligation, $4.3 to $7 million more than is currently available in the fund.

Options: Several possible options that could address the land retirement obligation on the Nevada side of the Basin were discussed at the June 2000, January and March 2001 APC meetings. The simplest measure being recommended here is to phase in raising the excess coverage mitigation fee (for hydrologic zones with the most expensive coverage costs) to the range of current market rates.

Currently, the excess coverage mitigation fund using the $5 per square foot fee generates $300,000 to $400,000 per year in Nevada. At this rate, it would take more than 10 years to generate the funding to retire the coverage needed to date. If the fee were increased by three or four times to current market rates, $1.2 million to $1.6 million could be raised per year, and a sufficient fund could be generated to cover the cost of the needed land coverage retirement. The problem then becomes finding this coverage on the open market from private parties. Currently, there is a limited amount of land coverage of any type available on the Nevada side of the Basin. The situation is particularly acute in the Incline Village and Cave Rock Hydrologic Transfer Areas, which makes the use of this option problematic.

In response to this dilemma the following option is being offered. Staff recommends that there be a provision with this amendment for the ordinance to phase in over a two year period. This gradual increase in coverage fees for the hydrologic zones of Incline, Cave Rock and the Nevada portion of the Agate Bay and Stateline is intended to soften the impact of these needed adjustments to the program. The amendment is designed to increase the costs for the previously cited Hydrologic Zones to $13.00 a square foot from when this ordinance adopted and in effect to February 28th, 2002. From March 1st, 2002, the coverage mitigation fees will be adjusted to $19.50 a square foot. After this phase in period, the coverage mitigation fee will be adjusted annually pending analysis to the current market costs for each Hydrologic Zone.

TRPA confirms the interpretation; pursuant to Chapters 20 and 38 that hard, soft and potential coverage can be used to mitigate excess coverage for residential, public service and recreational projects. However, only hard coverage can be used to mitigate excess coverage when applied to commercial and tourist related projects. In addition, TRPA is willing to consider applying a certain percentage of funds generated through the collection of fines to subsidize this program. This option is presented with the intent to support the excess coverage mitigation program at a rate consistent with the expected timely attainment of the coverage threshold goals.

Unless these options prove to be viable, the excess coverage mitigation program may no longer be able to function as intended on the Nevada side of the Basin, which is to mitigate for land coverage in excess of the base allowable coverage, and contribute toward meeting TRPA's land coverage threshold goals.

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: Adoption of this new language and guidance will assist TRPA in implementing the Regional Plan, inclusive of all elements, specifically elements relating to meeting threshold objectives regarding the reduction of impervious coverage. The Code amendment will ensure the use of these amended Guidelines, which are consistent with this program's specific goals under the Regional Plan.

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

   Rationale: All participants that engage in this program under these adopted Guidelines must make the finding that no threshold will be exceeded and meet all the requirements listed within the Code of Ordinances.

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: See Findings 1 and 2 above.

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 findings 1 and 2 above.

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

   Rationale: See findings 1 and 2 above.

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

If you have any questions on this agenda item, please contact Tim Hagan, at (775) 588-4547, ext. 275.

Attachments: A. Code Chapter 20, Section 20.5, Excess Land Coverage Mitigation Program with Proposed Amendments

New language is underlined in blue; language to be deleted is struck out in red.

Chapter 20
LAND COVERAGE STANDARDS

20.5 Excess Land Coverage Mitigation Program: This Section applies to projects where the amount of land coverage existing prior to the project in the project area exceeds the base land coverage for the project area prescribed by Subsection 20.3.A. Land coverage in excess of the base land coverage shall be mitigated by the transfer of land coverage pursuant to Subsection 20.3.C or the land coverage mitigation program set forth in this Section.

20.5.A Implementation Of Program: Except as otherwise provided by Subsection 20.5.B, all projects on parcels, or other applicable project areas, with unmitigated excess land coverage, shall be subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in Subparagraph 20.5.A(1) and (2).

(1) Excess Coverage Calculation: Excess land coverage equals the existing amount of land coverage, less the total of the following: the maximum allowable amount of base coverage; the amount of coverage approved by transfer; and the amount of coverage previously mitigated under this Section.

Excess Coverage (% sq. ft.) = Existing Coverage (% sq. ft.) - (Maximum coverage (% sq. ft.) + Transferred Coverage (% sq. ft.) + Previously Mitigated Coverage (% sq. ft.)

(2) Excess Land Coverage Mitigation Program Options: In the event land coverage reduction is required, the applicant may chose any of the following options, or combinations thereof, to comply with the requirements of this Section:

(a) Reduce Coverage Onsite: Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(b) Reduce Coverage Offsite: Coverage may be reduced offsite as part of the project approval. The land upon which the coverage is reduced shall be in the same hydrologically related area as the project. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(c) Coverage Mitigation Fee: A land coverage mitigation fee may be paid to TRPA in lieu of reduction of land coverage pursuant to Subparagraphs 20.5.A(2)(a) or (b). The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The fee shall be calculated pursuant to Sub-paragraph 20.5.A(3) and shall be non-refundable once paid.

(d) Parcel Consolidation Or Parcel Line Adjustment: The percentage of excess coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.

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

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

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

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

(B) The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;

(C) Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;

(D) The public entity funding the program has received a funded commitment from another public entity as described in (i) or (iii) above; or

(E) Any combination of (i) through (iv) above.

(iii) As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 8.8, in an amount equal to the excess coverage mitigation fee otherwise required under Section 20.5. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or 3 years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.

(3) Determination Of Excess Coverage Mitigation Fee: The required excess land coverage reduction mitigation fee shall be calculated as follows:

(a) Coverage Mitigation Fee: The excess coverage mitigation fee shall be calculated by determining the amount of excess coverage (sq. ft.), in accordance with subparagraph (1), above. The appropriate percent square foot factor is then determined from Table A, below, based on the amount of excess land coverage. The fee percentage is then multiplied by the estimated coverage mitigation construction cost of the In calculating the estimated construction cost of the project, the cost of improvements that would otherwise be exempt from TRPA review and approval if proposed separately shall be subtracted from the estimated construction cost of the project. TRPA shall use the Marshall Swift Construction Cost Guide or its equivalent to determine the estimated construction cost. In no case shall the fee be less than ~~$100~~ $200.

(b) Coverage Mitigation Construction Cost: Coverage Mitigation Construction Cost is defined a cost estimate prepared by a registered engineer ,licensed architect (or other qualified professional acceptable to TRPA) of the cost to construct the bearing elements of a structure. This includes without limitation, pier pilings, bracing and supports, bearing walls, rafters foundations and base materials under asphalt or concrete. Structural cost does not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture and similar decorations and fixtures.

Mitigation Fee ($) = Fee Percentage (%) x Estimated Construction Cost of Project ($)

TABLE A
EXCESS COVERAGE MITIGATION FEE

Square Feet of Excess Coverage	Percent Fee
>400 or less	.0006
>400 - 600	. 0012
>600 - 1,000	. 0025
>1,000 - 1,500	. 0050
>1,500 - 2,000	. 0075
>2,000 - 2,800	1.0000
>2,800 - 3,800	1.2500
>3,800 - 5,000	1.5000
>5,000 - 6,400	1.7500
>6,400 - 8,000	2.0000
>8,000 - 11,000	2.2500
>11,000 - 15,000	2.5000
>15,000 - 18,000	2.7500
>18,000 - 21,780	3.0000
>21,780 - 43,560	3.2500
>43,560 - 65,340	3.5000
>65,340 - 87,120	3.7500
>87,120 - 108,900	4.0000
>108,900 - 130,680	4.2500
>130,680 - 152,460	4.5000
>152,460 - 174,240	4.7500
>174,240	5.0000

(b) Coverage Reduction: For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 38, the land coverage reduction is calculated by determining the appropriate fee percentage from Table A based on the amount of excess land coverage. The fee percentage is then multiplied by the estimated construction cost of the project and dividing the mitigation fee ($) by the standard TRPA coverage cost. The standard cost shall be based on actual land bank coverage cost, to be determined by TRPA in consultation with the land banks, certified real estate appraisers and updated ~~annually~~ prior to January 1st of each year. ~~Until a permanent program is adopted~~. The Standard TRPA coverage cost shall be ~~$5.00~~ $6.50 per square foot

Coverage Reduction Factor (Sq. Ft.) = Mitigation Fee Percentage x Construction Cost ($) / Standard TRPA Coverage Cost ($/sq. ft.).

~~(c) Fee Reductions During First Three Years of Program: For a period of one year from the effective date of this amendment, until January 1, 1990, the project cost, as calculated in accordance with subparagraph (a) above, shall be reduced by 30 percent prior to calculating the excess coverage mitigation fee. From January 1, 1990 to January 1, 1991, project cost shall be reduced by 20 percent and from January 1, 1991 to January 1, 1992, project cost shall be reduced by ten percent. Project cost shall not be reduced after January 1, 1992.~~

(c) Coverage Cost Phase in for Certain Hydrologic Zones: Unlti TRPA adopts an equal or superior standard to the excess land coverage regulations as cited in Section 20.5, the following coverage cost adjustment factor shall apply for Incline, Cave Rock and the Nevada portions of Stateline and Agate Bay Hydrologic Zones. Until February 28th, 2002, the mitigation fee and the standard TRPA construction cost in (b) above shall be multiplied by a factor of two. Starting March 1st, 2002 the factor shall be increased to three.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

April 3, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 13, Plan Area Statements and Plan Area Maps, Relative to the Transit-Oriented Development Findings, Subsection 13.7.D

Proposed Action: Staff proposes that the APC recommend approval to the TRPA Governing Board of the proposed amendment to subparagraph 13.7.D of the TRPA Code of Ordinances, (see Exhibit 1) relative to the Transit-oriented Development Findings.

Staff Recommendation: Staff recommends that the APC recommend approval of the proposed amendment to the TRPA Governing Board.

Background: In October 1999, the TRPA Governing Board directed staff to establish a group of stakeholders to look at the transit-oriented development criteria, two-step subdivision criteria and urban boundary amendment criteria, and bring back recommendations whether to leave the Code as it is currently written or suggest amendments to the existing Code language. Staff has followed the Board's direction and has worked to complete the task with the Board. TRPA has two long-time pending applications requesting the amendment of separate Plan Area Statements to allow for multi-family development. Staff has worked diligently over the past year to review, critique and craft Code language that more clearly states the conditions under which a plan area can be amended, in this case to allow for multi-family development where it is currently not permissible.

The proposal presented in Exhibit 1 reflects the outcome of numerous stakeholder meetings, additional Staff research and input from at least three prior APC meetings.

A Transportation and Quality of Life Publication: Recently, a study was published which found that sprawling development is a major factor driving up transportation costs, especially for low and very-low income families where the ownership of several cars is particularly expensive.

> According to the Federal Highway Administration, three quarters of all automobile expenses stem from the fixed cost of simply owning a car, regardless of how much it is driven. These patterns show how government decisions about community design and transportation investments affect personal pocketbooks. Taxes are just one way government decisions cost people money. Decisions about transportation infrastructure and growth have a big effect on family budgets.
> - SURFACE TRANSPORTATION POLICY PROJECT, CENTER FOR NEIGHBORHOOD TECHNOLOGY, Driven To Spend: The Impact of Sprawl on Household Transportation Expenses 7 (2000).

In relation to family finances, the decisions made by governments on land use and transportation infrastructure issues directly affect a family's finances. "Spending on vehicles erodes wealth, while spending in the other major household category – housing – can build wealth. Automobile loans are the largest category of household debt outside of home mortgages, and such debt obligations can stand in the way of qualifying for a mortgage." Ibid at 8.

In light of the findings made in this report regarding how sprawling urban areas with limited transportation options cost people an inequitable amount of money, the following recommendations were made:

1. Governments should invest in public transit, bicycle facilities, and walkable neighborhoods as strategies that can help families save money, and should stop investing in sprawl inducing highway expansions that are shown to cost families more money;
2. Developers should build according to the principles of smart growth, and include a variety of affordable housing options so everyone can benefit. Cities should revise their building and zoning codes to make this easier;
3. Banks should offer Location-Efficient Mortgages and other programs that take into account the savings made possible by living in a transportation efficient location;
4. Businesses and government should encourage programs that help reduce the high fixed cost of driving, such as pay-as-you-go auto insurance, and car-sharing programs;
5. Federal, state, and local governments should collect and analyze more detailed data about the personal costs of transportation. Ibid at 8.

Discussion: Under the current TRPA Code of Ordinances (subparagraph 13.7.D (3)), transit-oriented development findings must be made when a Plan Area Statement (PAS) is being amended to allow multi-family dwellings (MFD) as a permissible use. TOD findings are required only when a PAS is being amended. See Attachment B for a map depicting Plan Areas wherein multi-family development is currently permissible (TOD findings do not apply). Refer to Attachments C and D for lists of those Plan Areas where TOD findings do not and do apply, respectively.

The goal of transit-oriented development can be thought of as a marriage of land use planning and transportation design. Simply said, TOD strives to appropriately locate high-density residential development with complimentary surrounding land uses in addition to complimentary physical improvements. Complimentary land uses would include commercial and public services, while complimentary physical improvements would include bike/pedestrian pathways, bus stops and shelters.

The proposed Code language revision creates two sets of standards to be met when amending the permissible zoning of a Plan Area dependent upon whether or not the dwelling units subsequently developed are for market-rate or deed restricted affordable housing. The criteria for market rate housing is virtually the same as the existing Code language, with the exception that public and neighborhood services are defined via examples and the requirement for access to transit be *operational* at the time of the amendment. The opportunity for an applicant to argue that a feature not listed in the code section is a functional equivalent to those features is new to this code section. The ability to argue for a functional equivalency is only available for 'market rate' housing projects, that is, a functional equivalency can only be argued for an amendment

approved under the findings listed in (3). This is an important distinction to make, and should be considered when reviewing the proposed code language.

The criteria proposed to make the TOD findings for deed restricted affordable housing units are far more liberal than the above-mentioned criteria. Please refer to Exhibit 1 for the proposed Code language. While the features required to make the TOD findings are less cumbersome for affordable housing projects, there is also far more discretion given to staff and the Governing Board in making these findings. Note that only two features are required for the TOD findings to be made for affordable housing projects, which are to be within *close proximity* to the project site. It would be up to staff to recommend approval or denial of an application based upon staff's professional judgment and interpretation of close proximity. Moreover, the Governing Board will also be given this discretion to concur or disagree with staff's recommendation on a particular application.

Staff has struggled with the creation of the two sets of criteria and firmly believes that to truly achieve transit-oriented development, only one standards should apply. However, the desperate lack of affordable housing units has compelled staff to consider, and now recommend approval of, the proposed two tiered set of standards for amending plan areas to facilitate the development of high-density residential development.

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 amendment to Chapter 13, Plan Area Statements and Plan Area Maps is consistent with the Regional Plan. The bulk of the amendment is adding clarity to the existing Code language. The standards employed for Affordable Housing TOD findings are explicitly consistent with the Goals and Policies.

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

   Rationale: The amendment will not cause the environmental thresholds to be exceeded. Any subsequent project arising form this code provision (once amended) will have to adhere to any and all TRPA rules and regulations which have been established to ensure attainment of the Thresholds.

   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: Any proposal that may come forth due to this provision will be required to meet air and water quality standards as set forth in the TRPA Compact.

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

   Rationale: See findings 1 and 2 above.

5. 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 findings 1 and 2 above.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

   Rationale: See Chapter 6 Findings. The amendment is consistent with the Compact and with attainment or maintenance of the thresholds. Although the amendment may provide additional areas for residential development, the amendment is written in such a way as to maintain the environmental thresholds. Moreover, there can be no increase in overall residential development capacity of the Region.

2. Finding: One or more of the following.

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

   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

   d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

   e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:

      1) The cost of implementation outweighs the environmental gain to be achieved.

2) Implementation will result in unacceptable impacts on public health and safety; or

3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding d) is the most appropriate. Past actions taken on the current Code provision have been ineffective in attaining Thresholds, due mostly to confusion regarding the meaning, philosophy and intent of the TOD findings. The proposed amendments are intended to clarify the Code sections, thereby increasing the effectiveness of the provision for amending the permissible uses in a plan area.

Environmental Documentation: An Initial Environmental Checklist (IEC) has been completed and Staff proposes a Finding of No Significant Effect (FONSE) based on the IEC, Chapter 6 and Ordinance 87-8 findings shown above.

If you have questions regarding this agenda item, please contact Peter Eichar at (775) 588-4547 or, recreation@trpa.org.

Attachments: A Ordinance 2001-__, with Exhibit 1, Proposed Amended Code Language
B Multi-family Development Map
C List of Plan Areas Where TOD Findings Do Not Apply
D List of Plan Areas Where TOD Findings Do Apply

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2001 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING, THE CODE OF ORDINANCES, CHAPTER 13, PLAN AREAS AND PLAN AREA STATEMNTS, SUBPARAGRAPH 13.7.D, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Code of Ordinances, Chapter 13, plan Areas and Plan Area Maps, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact,

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of Chapter 13 of the Code of Ordinances

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, dated April 3, 2001, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

The provisions of this ordinance amending the Code of Ordinances, Chapter 13, Plan Areas and Plan Area Statements, shall be effective 60 days after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 25, 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency

New language is underlined in blue; language to be deleted is struck through in red.

Chapter 13
PLAN AREA STATEMENTS AND PLAN AREA MAPS

13.7 Plan Area Statement And Plan Area Map Amendment: The amendment of a plan area statement or plan area map shall be in accordance with the following procedures:

13.7.A Plan Amendments: Modification of plan area boundaries, special area boundaries, plan area name and number, Land Use Classification, Management Strategy, Special Designations, Planning Statement, Special Policies, and Additional Recreation Development shall be by plan amendment. TRPA shall modify the Plan Area Maps and Statements pursuant to 13.7.A, 13.7.B and 13.7.C to reflect current data.

13.7.B Amendment By Ordinance: Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.

13.7.C Amendment By Resolution: Modification of Description, Planning Considerations, and Improvement Programs shall be by resolution.

13.7.D Findings For Plan Area Amendments: Prior to adopting any plan area amendment, TRPA must find:

(1) The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C; and

(2) If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

(a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or

(b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or

(c) The amendment is needed to protect public health and safety and there is no reasonable alternative.

(3) If the amendment is to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in (5) below, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). ~~Factors in determining suitability for TOD may include but are not limited to~~ TRPA shall find that the following factors, or a functional equivalent as provided for in (4) below, are satisfied when determining TOD suitability:

(a) The areas ~~that~~ must have access to operational transit; and

(b) Nneighborhood services within a 10 minute walks, examples include:

(i) grocery/drug stores;

(ii) medical services;

(iii) retail stores;

(iv) laundry facilities;

and

(c) Ggood pedestrian and bike connections; and

(d) Oopportunities for residential infill (at densities greater than 8 units per acre) or infill with mixed uses; and

(e) Aadequate public facilities, examples include:

(i) public schools;

(ii) urban or developed recreation sites;

(iii) government services;

(iv) post offices.

(4) In order for TRPA to find a proposal is the functional equivalent of one of the factors listed in 13.7.D (3), the proposal must be found to facilitate TOD in a manner that is equal or superior to that feature.

(5) If the amendment is to add multiple-family dwellings as a permissible use to a plan area or for one or more parcels, and would result in deed restricted affordable housing units, the plan area or affected parcel must be within close proximity to the following urban amenities:

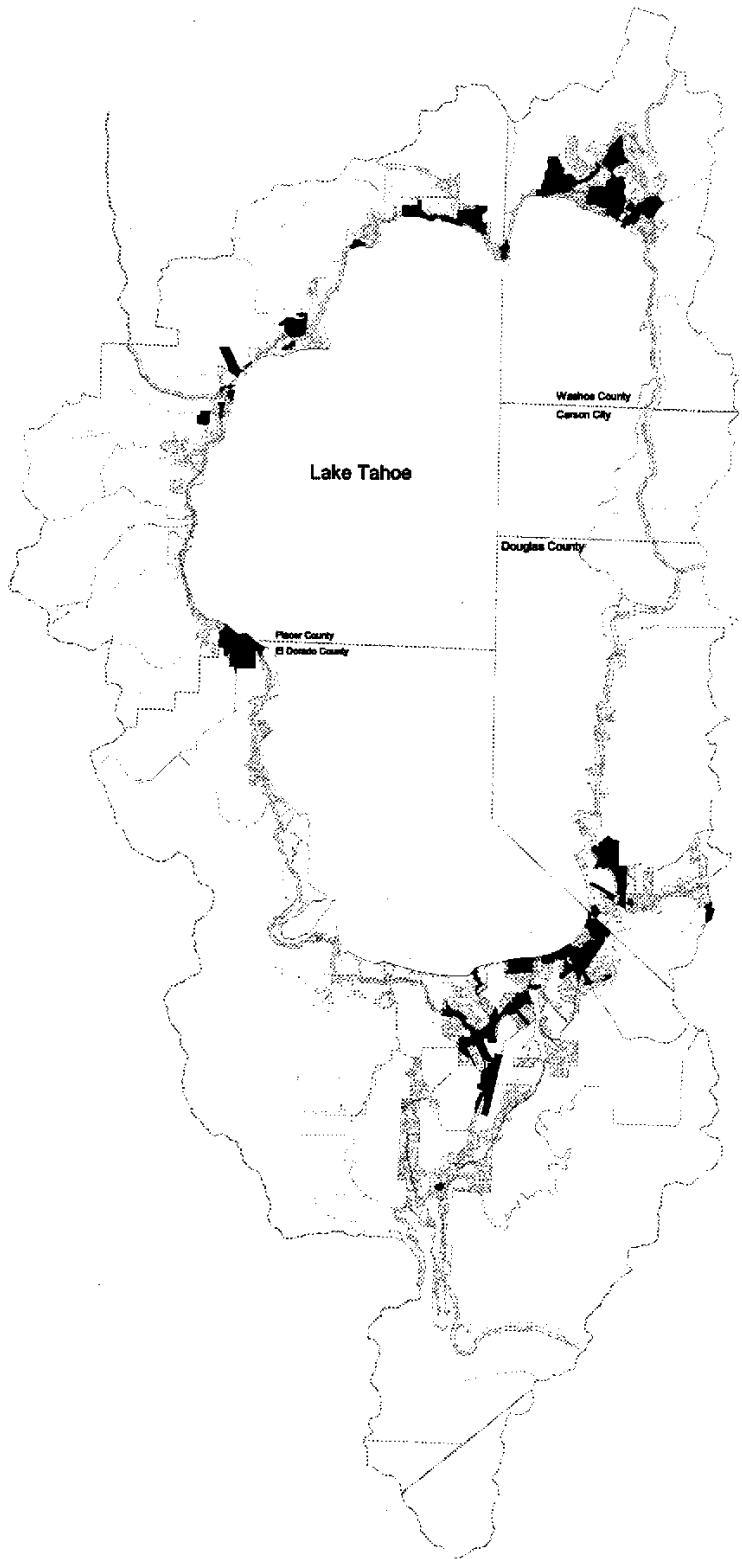
(a) operational transit; and

(b) neighborhood services; or

(c) public facilities.

Multi-family Development Plan Areas

Attachment B
4/4/01



MFD Plan Areas
- Allowed Use
- Special Use

Bike_trails
- Class 1 Trail
- Class 2 Trail
- Class 3 Trail

Other Plan Areas
- Recreation
- Conservation

7 0 7 14 Miles

N
W E
S

Plan Areas With MFD Zoning - TOD Findings Do Not Apply

Plan Area Name	Plan Area #	Special Area	County	Land Use	MFD
TAHOE CITY	001A	5	PL	COM/PS	A
TAHOE CITY	001A	4	PL	COM/PS	A
TAHOE CITY INDUSTRIAL	001B	0	PL	COM/PS	S
FAIRWAY TRACT SA#1	002	1	PL	RES	A
LAKE FOREST GLEN SA#1	007	1	PL	RES	A
LAKE FOREST COM. SA#2	009A	2	PL	COM/PS	S
LAKE FOREST COM. SA#1	009A	1	PL	COM/PS	S
DOLLAR HILL	009B	0	PL	COM/PS	S
HIGHLANDS	011	0	PL	RES	S
CARNELIAN BAY	017	0	PL	TOR	S
TAHOE VISTA COMMERCIAL	022	6	PL	TOR	A
TAHOE VISTA COMMERCIAL	022	1	PL	TOR	S
TAHOE VISTA COMMERCIAL	022	2	PL	TOR	S
TAHOE VISTA COMMERCIAL	022	3	PL	TOR	S
TAHOE VISTA COMMERCIAL	022	4	PL	TOR	S
KINGS BEACH RESIDENTIAL	028	0	PL	RES	A
KINGS BEACH COMMERCIAL	029	2	PL	COM/PS	S
KINGS BEACH COMMERCIAL	029	4	PL	COM/PS	S
KINGS BEACH COMMERCIAL	029	1	PL	COM/PS	S
NORTH STATELINE CASINO CORE	032	0	WA	TOR	S
NORTH STATELINE CASINO CORE	032	0	PL	TOR	S
INCLINE VILLAGE #4/PONDEROSA	036	0	WA	RES	A
INCLINE VILLAGE #3	041	0	WA	RES	A
INCLINE VILLAGE #3	041	1	WA	RES	S
FAIRWAY	044	1	WA	RES	A
INCLINE VILLAGE COMMERCIAL	045	3	WA	COM/PS	S
INCLINE VILLAGE COMMERCIAL	045	1	WA	COM/PS	A
INCLINE VILLAGE COMMERCIAL	045	0	WA	COM/PS	S
INCLINE VILLAGE COMMERCIAL	045	2	WA	COM/PS	S
INCLINE VILLAGE RESIDENTIAL	046	0	WA	RES	A
INCLINE VILLAGE TOURIST	048	0	WA	TOR	S
MT. SHADOWS	050	0	WA	RES	S
EDGEWOOD SA#1	070A	1	DG	REC	S
ROUNDHILL COMMERCIAL	071	2	DG	COM/PS	S
ROUNDHILL COMMERCIAL	071	1	DG	COM/PS	S
ROUND HILL/TAHOE DEMPSEY	072	0	DG	RES	S
LAKE VILLAGE	073	0	DG	RES	A
LAKE VILLAGE SA#1	073	1	DG	RES	A
ROUND HILL RESIDENTIAL	074	0	DG	RES	S
KINGSBURY COMMERCIAL	076	3	DG	COM/PS	S
KINGSBURY COMMERCIAL	076	2	DG	COM/PS	S
OLIVER PARK	077	0	DG	RES	A
LAKE VIEW HEIGHTS SA#1	085	1	EL	RES	A
TAHOE VILLAGE	088	0	DG	RES	S
LAKESIDE PARK	089	0	EL	RES	S
STATELINE/SKI RUN	089B	1A	EL	TOR	S
STATELINE/SKI RUN	089B	2A	EL	TOR	S
STATELINE/SKI RUN	089B	1B	EL	TOR	S
STATELINE/SKI RUN	089B	6A	EL	TOR	A

ATTACHMENT C
3/20/01

Plan Areas With MFD Zoning - TOD Findings Do Not Apply

Plan Area Name	Plan Area #	Special Area	County	Land Use	MFD
STATELINE/SKI RUN	089B	3A	EL	TOR	S
STATELINE/SKI RUN	089B	1C	EL	TOR	S
STATELINE/SKI RUN	091	1D	EL	TOR	S
STATELINE/SKI RUN	091	6B	EL	TOR	A
STATELINE/SKI RUN	091	1F	EL	TOR	S
STATELINE/SKI RUN	091	1E	EL	TOR	S
STATELINE/SKI RUN	091	2B	EL	TOR	S
STATELINE/SKI RUN	091	5A	EL	TOR	S
STATELINE/SKI RUN	091	3B	EL	TOR	S
STATELINE/SKI RUN	091	5B	EL	TOR	S
STATELINE/SKI RUN	091	6C	EL	TOR	A
PIONEER/SKI RUN	092	0	EL	RES	A
BIJOU	093	0	EL	RES	A
BIJOU PINES SA#1	097	1	EL	RES	A
BIJOU/AL TAHOE	098	1	EL	COM/PS	S
BIJOU/AL TAHOE	098	2	EL	COM/PS	S
AL TAHOE SA#1	099	1	EL	RES	A
TAHOE KEYS SA#2	102	2	EL	RES	A
SIERRA TRACT COMMERCIAL	103	0	EL	COM/PS	S
HIGHLAND WOODS SA#1	104	1	EL	RES	A
SIERRA TRACT SA#1	105	1	EL	RES	A
SOUTH Y	110	0	EL	COM/PS	S
SOUTH Y SA#2	110	2	EL	COM/PS	A
TAHOE ISLAND SA#2	111	2	EL	RES	A
TAHOE ISLAND SA#1	111	1	EL	RES	A
GARDNER MOUNTAIN SA#1	112	1	EL	RES	A
BONANZA SA#2	114	2	EL	RES	S
BONANZA SA#1	114	1	EL	RES	A
BONANZA SA#3	114	3	EL	RES	A
AIRPORT	116	0	EL	COM/PS	S
MEYERS COMMERCIAL	125	3	EL	COM/PS	S
TAHOMA RESIDENTIAL	154	0	PL	RES	A
TAHOMA COMMERCIAL	155	0	PL	TOR	S
TAHOMA COMMERCIAL	155	0	EL	TOR	S
TAVERN HEIGHTS SA#1	171	1	PL	RES	S
GRANLIBAKKEN	173	0	PL	TOR	S

Plan Areas Without MFD Zoning - TOD Findings Apply

Plan Area Name	Plan Area #	Special Area	County	Land Use
TAHOE CITY	001A	3	PL	COM/PS
TAHOE CITY	001A	1	PL	COM/PS
TAHOE CITY	001A	2	PL	COM/PS
FAIRWAY TRACT	002	0	PL	RES
FAIRWAY TRACT SA#2	002	2	PL	RES
LOWER TRUCKEE	003	0	PL	REC
BURTON CREEK	004	0	PL	CONS
ROCKY RIDGE	005	0	PL	RES
FISH HATCHERY	006	0	PL	REC
LAKE FOREST GLEN	007	0	PL	RES
LAKE FOREST	008	0	PL	RES
DOLLAR POINT	010	0	PL	RES
NORTH TAHOE HIGH SCHOOL	012	0	PL	REC
NORTH TAHOE HIGH SCHOOL SA#1	012	1	PL	REC
WATSON CREEK	013	0	PL	CONS
CEDAR FLAT	014	0	PL	RES
NORTH STAR	015	0	PL	REC
CARNELIAN WOODS	016A	0	PL	RES
CARNELIAN BAY SUBDIVISION	016B	0	PL	RES
FLICK POINT/AGATE BAY	018	0	PL	RES
MARTIS PEAK	019	0	PL	CONS
MARTIS PEAK	019	0	WA	CONS
KINGSWOOD WEST	020	0	PL	RES
TAHOE ESTATES	021	0	PL	RES
TAHOE VISTA COMMERCIAL	022	5	PL	TOR
TAHOE VISTA SUBDIVISION	023	0	PL	RES
NORTH TAHOE RECREATION AREA	024A	0	PL	REC
SNOW CREEK	024B	0	PL	REC
KINGSWOOD EAST	025	0	PL	RES
KINGS BEACH INDUSTRIAL	026	0	PL	COM/PS
WOODVISTA	027	0	PL	RES
KINGS BEACH COMMERCIAL	029	3	PL	COM/PS
MOUNT ROSE	030	0	WA	CONS
BROCKWAY	031	0	PL	RES
STATELINE POINT	033	0	WA	RES
CRYSTAL BAY	034	0	WA	RES
CRYSTAL BAY CONDOMINIUMS	035	0	WA	RES
CRYSTAL BAY CONDOMINIUMS SA#1	035	1	WA	RES
LAKEVIEW	037	0	WA	RES
WOOD CREEK	038	0	WA	RES
WOOD CREEK SA#1	038	1	WA	RES
INCLINE VILLAGE #2	039	0	WA	RES
INCLINE VILLAGE #1	040	0	WA	RES
INCLINE VILLAGE #5	042	0	WA	RES
CHATUEA/COUNTRY CLUB	043	0	WA	RES
FAIRWAY	044	0	WA	RES
TUNNEL CREEK	047	0	WA	CONS
INCLINE VILLAGE TOURIST	048	1	WA	TOR
MILL CREEK	049	0	WA	RES

Plan Areas Without MFD Zoning - TOD Findings Apply

Plan Area Name	Plan Area #	Special Area	County	Land Use
TYROLIAN VILLAGE	051	0	WA	RES
INCLINE SKI	052	0	WA	REC
PONDEROSA RANCH	054	0	WA	COM/PS
EAST SHORE	055	0	WA	REC
EAST SHORE	055	0	CC	REC
MARLETTE LAKE	056	0	WA	CONS
MARLETTE LAKE	056	0	CC	CONS
SPOONER LAKE	057	0	CC	REC
SPOONER LAKE	057	0	DG	REC
GLENBROOK	058	0	DG	RES
SHAKESPEARE POINT	059	0	DG	RES
GENOA PEAK	060	0	DG	CONS
GENOA PEAK SA#1	060	1	DG	CONS
LOGAN CREEK	061	0	DG	RES
LOGAN CREEK SA#1	061	1	DG	RES
CAVE ROCK	062	0	DG	RES
LINCOLN	063	0	DG	RES
LAKERIDGE	064	0	DG	RES
SKYLAND	065	0	DG	RES
ZEPHYR COVE	066	0	DG	REC
MARLA BAY/ZEPHYR HEIGHTS	067	0	DG	RES
MARLA BAY/ZEPHYR HEIGHTS SA#1	067	1	DG	RES
ROUND MOUND	068	0	DG	REC
ELK POINT	069	0	DG	RES
EDGEWOOD	070A	0	DG	REC
EDGEWOOD	070A	0	EL	REC
RABE	070B	0	DG	REC
DOUGLAS COUNTY SEWER IMP DISTRICT	075	0	DG	COM/PS
KINGSBURY COMMERCIAL	076	1	DG	COM/PS
KINGSBURY COMMERCIAL	076	4	DG	COM/PS
MIDDLE KINGSBURY	078	0	DG	RES
CHIMNEY ROCK	079	0	DG	RES
KINGSBURY DRAINAGE	080	0	DG	CONS
KINGSBURY DRAINAGE SA#1	080	1	DG	CONS
KINGSBURY DRAINAGE SA#2	080	2	DG	CONS
KINGSBURY VILLAGE	081	0	DG	RES
UPPER KINGSBURY	082	0	DG	RES
KINGSBURY HEIGHTS	083	0	DG	RES
PALISADES	084	0	DG	RES
LAKEVIEW HEIGHTS	085	0	DG	RES
HEAVENLY VALLEY NEVADA	086	0	DG	REC
HEAVENLY VALLEY CALIFORNIA	087	0	EL	REC
STATELINE COMMUNITY PLAN	089A	0	DG	TOR
STATELINE/SKI RUN	089B	4A	EL	TOR
STATELINE/SKI RUN	089B	7A	EL	TOR
TAHOE MEADOWS	090	0	EL	RES
STATELINE/SKI RUN	091	7A	EL	TOR
STATELINE/SKI RUN	091	4B	EL	TOR
STATELINE/SKI RUN	091	4D	EL	TOR

Plan Areas Without MFD Zoning - TOD Findings Apply

Plan Area Name	Plan Area #	Special Area	County	Land Use
GLENWOOD	094	0	EL	RES
GLENWOOD SA#1	094	1	EL	RES
TROUT/COLD CREEK	095	0	EL	CONS
PIONEER VILLAGE	096	0	EL	RES
BIJOU PINES	097	0	EL	RES
BIJOU/AL TAHOE	098	0	EL	COM/PS
AL TAHOE	099	0	EL	RES
TRUCKEE MARSH	100	0	EL	CONS
BIJOU MEADOWS	101	0	EL	REC
BIJOU MEADOWS SA#1	101	1	EL	REC
TAHOE KEYS	102	0	EL	RES
TAHOE KEYS SA#1	102	1	EL	RES
HIGHLAND WOODS	104	0	EL	RES
SIERRA TRACT	105	0	EL	RES
MONTGOMERY ESTATES	106	0	EL	RES
BLACK BART	107	0	EL	RES
WINNEMUCCA	108	0	EL	RES
TAHOE VALLEY CAMPGROUND	109	0	EL	REC
SOUTH Y SA#1	110	1	EL	COM/PS
TAHOE ISLAND	111	0	EL	RES
GARDNER MOUNTAIN	112	0	EL	RES
INDUSTRIAL TRACT	113	0	EL	COM/PS
BONANZA	114	0	EL	RES
GOLDEN BEAR	115	0	EL	RES
TAHOE PARADISE WASHOAN	117	0	EL	RES
TWIN PEAKS	118	0	EL	CONS
COUNTRY CLUB MEADOW	119	0	EL	REC
TAHOE PARADISE MEADOWVALE	120	0	EL	RES
FREEL PEAK	121	0	EL	CONS
TAHOE PARADISE MANDAN	122	0	EL	RES
MEYERS FOREST	123	0	EL	CONS
MEYERS RESIDENTIAL	124	0	EL	RES
MEYERS COMMERCIAL	125	1	EL	COM/PS
MEYERS COMMERCIAL	125	2	EL	COM/PS
MEYERS COMMERCIAL	125	5	EL	COM/PS
MEYERS COMMERCIAL	125	4	EL	COM/PS
POPE BEACH	126	0	EL	REC
CAMP RICHARDSON	127	0	EL	REC
BALDWIN	128	0	EL	REC
FALLEN LEAF NORTH	129	0	EL	REC
ANGORA RIDGE	130	0	EL	CONS
ANGORA HIGHLANDS	131	0	EL	RES
MOUNTAIN VIEW	132	0	EL	RES
TAHOE PARADISE UPPER TRUCKEE	133	0	EL	RES
ECHO VIEW	134	0	EL	RES
TAHOE PARADISE CHIAPA	135	0	EL	RES
KOA/RAINBOW	136	0	EL	REC
CHRISTMAS VALLEY	137	0	EL	RES
TAHOE PARADISE NAHANE	138	0	EL	RES

Plan Areas Without MFD Zoning - TOD Findings Apply

Plan Area Name	Plan Area #	Special Area	County	Land Use
DARDENELLES	139	0	EL	CONS
ECHO SUMMIT	140	0	EL	REC
LUTHER PASS	141	0	EL	REC
ECHO LAKE	142	0	EL	REC
DESOLATION	143	0	EL	CONS
FALLEN LEAF FOREST SERVICE TRACTS	144A	0	EL	REC
LILLY/ANGORA LAKES	144B	0	EL	REC
SOUTH FALLEN LEAK LAKE	145	0	EL	RES
EMERALD BAY	146	0	EL	REC
PARADISE FLAT	147	0	EL	RES
MEEKS CREEK	148	0	EL	CONS
RUBICON	149	0	EL	RES
MEEKS BAY	150	0	EL	REC
GLENRIDGE	151	0	EL	RES
MCKINNEY LAKE	152	0	PL	CONS
SUGAR PINE POINT	153	0	EL	REC
CHAMBERS LANDING	156	0	PL	RES
HOMEWOOD/TAHOE SKI BOWL	157	0	PL	REC
MCKINNEY TRACT	158	0	PL	RES
HOMEWOOD COMMERCIAL	159	0	PL	TOR
HOMEWOOD/RESIDENTIAL	160	0	PL	RES
TAHOE PINES	161	0	PL	RES
BLACKWOOD	162	0	PL	CONS
LOWER WARD VALLEY	163	0	PL	CONS
SUNNYSIDE/SKYLAND	164	0	PL	RES
TIMBERLAND	165	0	PL	RES
UPPER WARD VALLEY	166	0	PL	REC
ALPINE PEAKS	167	0	PL	RES
TALMONT	168	0	PL	RES
SUNNYSIDE	169	0	PL	TOR
TAHOE PARK/PINELAND	170	0	PL	RES
TAVERN HEIGHTS	171	0	PL	RES
MARK TWAIN TRACT	172	0	PL	RES
64 ACRE TRACT	174	0	PL	REC
CASCADE PROPERTIES	175	0	EL	RES
CASCADE PROPERTIES SA#1	175	1	EL	RES

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MEMORANDUM

April 3, 2001

To: Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC)

From: TRPA Staff

Subject: Recommendation on Adoption of the Update of the Environmental Improvement Program (EIP)

Proposed Action: Recommend that the TRPA Governing Board adopt the final draft of the EIP update, Volumes 1, 2, and 3 dated March 2001.

Staff Recommendation: Staff recommends the APC review Volumes 1, 2, and 3 conduct a public hearing on them and approve the action.

Background: The APC reviewed an earlier draft of the update and submitted comments. Additional comments have been received by other stakeholders during the month long review period of January. Revisions have been considered and made pursuant to the comment received, and the changes are reflected in the final draft. The single largest factual change in the final draft is the cost of science related project needs, and the number of science related projects. All other changes can be characterized primarily as clarification, editorial, or adjustments in dollar amounts and dates.

This second APC hearing begins the culmination of a process that has been a year long. Thousands of cumulative hours have been spent by scores of stakeholders in the Basin on this update.

Discussion: The EIP was adopted in March of 1998 and this update is different in some fundamental ways. The program overview is expanded and stands alone as Volume 1. It also contains some recommendations pertinent to the execution of the EIP. Volume 2 represents the planning targets for projects, science, and program needs including funding apportionments for each (unlike the '98 version). The project descriptions also attempt to articulate the benefit to thresholds of each proposal. And finally the criteria for each program is cited in the appendices. This update includes a finance plan for the EIP, as required in Chapter 31 of the Code of Ordinances, and is found in Volume 3. It is these three components that are submitted for adoption. A fourth volume, Volume 4, does not require adoption. It is a report on the progress made to date, and it will be submitted to the APC at the hearing. As a set, the update contains four volumes, three of which are submitted for recommendation on adoption.

Findings:

Pursuant to Chapter 31 of the TRPA Code of Ordinances, section 31.3 and 31.3.A (1) pertaining to eligibility for inclusion on the EIP list the following findings are made:

(a) The project, program, or study is needed for the attainment or maintenance of environmental thresholds;

The list cited in the update of March 2001 have been through extensive review by TRPA Threshold Program Managers who developed a set of inclusion criteria contained in the appendices of Volume 2. Consultation with various stakeholders and resource managers have occurred and units of benefit have been described for the listings identifying the potential benefit of each activity and/or project to threshold attainment.

(b) The project, program, or study complies with the Goals and Policies, the applicable plan area statement, and the Code;

Air Quality/Transportation listings are consistent with the Regional Transportation Plan/Air Quality Plan for the region as defined in the Goals and Policies. The Water Quality and Soil Conservation listings are consistent with the Water Quality Management Plan and are consistent with relative goal policies of the Goals and Policies (G&P): Goals 1 and 2 of the Water Quality Element and Goal 1 for Soils in the Conservation Element. Scenic listings are consistent with the policies pertaining to Goal 1 of the Community Design sub-element, Goal 1 of for Shorezone in the Conservation Element, and Goals 1 and 2 for Scenic Quality in the Conservation sub-element. Vegetation listings are consistent with Goals 1,2, and 3 of the Conservation Element. Wildlife is consistent with Goals 1 and 2 of the Conservation Element. Fisheries listings is consistent with Goal 1 of the Conservation Element. And Noise listings are consistent with Goals 1 and 2 of the Noise sub-element of the Land Use Element.

All listings are considered applicable to pertinent Plan Area Statements (PAS). All projects will need to be reviewed for permit approval and inclusion in the EIP list does not constitute approval. The permit review will also assure consistency with the approved uses in each pertinent PAS.

(c) The project, program, or study is consistent with the priorities and schedule of the EIP;

This is an update of the entire list and therefore establishing a revised projection.

(d) The project, program, or study meets the findings adopted pursuant to Article V (g) of the Compact set forth in Chapter 6 in regard to consistency with threshold attainment.

For the reasons cited above and the Chapter 6 finding responses cited below, the new listings are consistent with the Regional Plan, will not cause environmental carrying capacities to be exceeded, and the execution of each is required to comply with all applicable federal, state, and local standards. Where applicable pursuant to the Code of Ordinances individual projects and actions will be reviewed and permitted for threshold protection and compliance measures and are subject to the findings in section 6.3.A and 6.3.B of the Code.

Findings pursuant to Chapter 6 of the Code of Ordinances, section 6.3.A and 6.5 are made;

> 6.3.A (1) The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.

See findings 31.A (1) (b) above. In addition the EIP update is consistent with Goals 1 and 2 of the Institutional sub-element, Goal 4 of the Development and Implementation Priorities sub-element, Goals 1, 2, 3, and 4 of the Financing sub-element, and Goals 2 and 3 of the Monitoring and Evaluation sub-element found in the Implementation Element of the Regional Plan.

> 6.3.A (2) The project will not cause the environmental threshold carrying capacities thresholds to be exceeded;

As described in section 31.2 of the Code the EIP purpose is to foster threshold attainment. See also the findings described in section 31.3.A (1) (a) and (b) above.

> 6.3.A (3) Wherever federal, state or local air and water quality standards applicable for the region, whichever is strictest, must be attained and maintained pursuant to Article V (d) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.

Inclusion in the EIP does not constitute approval of any project or activity. Each activity or project is subject to review and permitting by all applicable local, state, and federal authorities including TRPA and the Code of Ordinances and Regional Plan standards, goals, and policies. The applicable standards at the time of review of permitting will apply.

> 6.5 Findings Necessary To Amend Or Adopt TRPA Ordinances, Rules Or Other TRPA Plans and Programs: To approve any amendment or adoption of the Code, Rules or other TRPA plans and programs which implement the Regional Plan, TRPA must find, in addition to the findings required pursuant to Section 6.3, and in accordance with Sections 6.1 and 6.2, that 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 described in section 31.2 of the Code, the EIP purpose is to foster threshold attainment. See also the findings described in section 31.3.A (1) (a) and (b) above. Also see 6.3.A (1).

Environmental Documentation

Finally, based on the findings above and the Initial Environmental Checklist cited in Section 5.2 staff finds that: The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have not significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

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MEMORANDUM

April 2, 2001

To: TRPA Advisory Planning Commission

From: Matt Graham, Senior Environmental Specialist, Erosion Control Team Leader

Subject: BMP Retrofit Presentation

The attached document is being presented by Mr. Jay Kehne, representing the Natural Resources Conservation Service (NRCS). A multi-agency task force regularly meets to discuss and review technological innovations pertaining to the treatment of stormwater runoff from existing residential development.

Towards this end, several soil scientists at NRCS have developed new methodologies for the treatment of residential runoff. These new stormwater treatment practices have been peer reviewed by TRPA's Erosion Control Team.

The attached documents and discussion are being presented for information purposes only.

Attachment

MG/
4/02/01

AGENDA ITEM NO. VI.A.

RESIDENTIAL BEST MANAGEMENT PRACTICE UPDATE
GRAVEL FILLED INFILTRATION TRENCHES & DRYWELLS

BACKGROUND INFORMATION

The TRPA Water Quality Management Plan Best Management Practice (BMP) Handbook states that infiltration trenches must have a storage capacity of 0.75 to 1.00 inch of precipitation per hour depending on location. The Lahontan Region Water Quality Control Board requires that infiltration trenches be designed to have a 95% reliability with a probability of overtopping the trench not greater than 5%. The BMP Handbook also states that infiltration trenches are ineffective on slopes steeper than 15%, where slopes slant toward foundations, or in areas with high groundwater. An alternative practice identified in the BMP Handbook is to use a drain to collect and convey runoff to a drywell or contour infiltration trench.

RECOMMENDATIONS

In conjunction with the TRPA Handbook, and using the original hydrologic calculation equation for determining infiltration trench design, the Natural Resources Conservation Service at Lake Tahoe makes the following recommendations on gravel filled dripline infiltration trenches as a means to control runoff from impervious residential surfaces in the Tahoe Basin.

For residential sized roofs, **GRAVEL FILLED DRIPLINE INFILTRATION TRENCHES ARE NOT RECOMMENDED AS A BEST MANAGEMENT PRACTICE**. Gravel filled drywells should only be used where the capacity of the drywell with gravel meets the TRPA BMP Handbook criteria for storage and infiltration.

Gravel filled infiltration trenches are designed to work on flat slopes. As slope increases the capacity and function of an infiltration trench quickly diminishes and will not meet TRPA, Lahontan, or NRCS criteria even on very gradual slopes. This is especially true on soils with slow or moderate permeability. Trenches are designed to function by increasing surface area to infiltrate runoff and to store runoff water until it can be infiltrated. Gravel as a fill material in trenches only leaves 30% void space available for storage. From a storage standpoint, gravel filled infiltration trenches are dug only to be 2/3 filled up again.

The hydrologic calculation equation for determining trench design also clearly shows that gravel filled dripline infiltration trenches are not necessary on rapid or very rapid permeability soils. Soils in the Tahoe Basin with rapid or very rapid permeability already have the capacity to infiltrate a one-inch in one-hour storm event. To remove these soils and replace them with material such as gravel that contains only 30% void space serves little purpose. A gravel surface mulch under the dripline is sufficient to protect the soils from erosion, while allowing the existing rapid permeable soils to infiltrate runoff water.

ALTERNATIVES

Technology exists today that allows for a variety of alternatives to gravel infiltration trenches for capturing, storing and infiltrating dripline runoff water.

Alternatives to dripline infiltration trenches include but are not limited to:

- Subsurface or surface drain to a gravel free contour infiltration trench.
- Subsurface runoff collection system to a gravel free drywell.
- Rain gutter system to a gravel free drywell.

- Subsurface or surface drain to an open chamber type drywell system.
- Subsurface or surface drain to a basin or berm/swale.
- Other engineered runoff capture, storage and infiltration system.
- Gravel mulches on soils with rapid or very rapid permeability.

Many sites may require a combination of BMP's to meet the TRPA ordinance for erosion and runoff control.

CONCLUSION

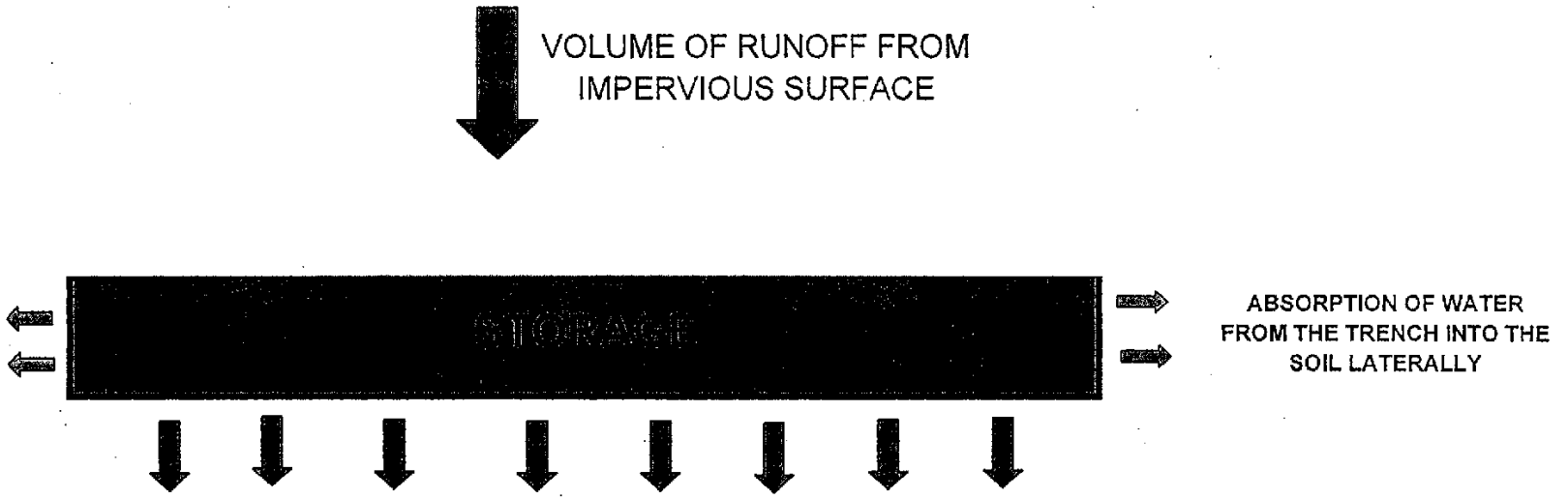
Gravel filled infiltration trenches have been an accepted best management practice at Lake Tahoe for many years. They have been considered a cost effective, easy to install, and simple way for homeowners to control runoff from roofs, driveways and other impervious surface areas. Despite this reputation, application of this type of infiltration system is not occurring at a rapid rate on residences needing retrofit BMP's. NRCS, the Tahoe Conservation District (TRCD), the Nevada Tahoe Conservation District (NTCD), TRPA, and Nevada Cooperative Extension have led efforts to assist homeowners to install BMPs around the lake for the last two summers. The most limiting factor involved with installing gravel filled BMPs is the very intensive labor involved with moving gravel to trenches using hand equipment suited to steep, urbanized lots. In essence, material costs may be low for gravel filled infiltration trenches but labor costs are so high they discourage homeowners from completing these practices.

A detailed analysis of the effectiveness and need for gravel filled infiltration trenches using the original basic equation that they were designed from has shown they have extremely limited application in the Tahoe Basin.

Many cost effective, maintenance free, longer lasting and better functioning alternatives exist to gravel filled infiltration trenches.

Considering labor costs to install, effectivness, and availability of alternatives, it is the position of NRCS at Lake Tahoe that gravel filled infiltration trenches are not an acceptable best management practice alternative on residential properties.

TRENCH DESIGN EQUATIONS



(a) volume of runoff from impervious service - ((b) absorption vertically + (c) absorption laterally) = (d) storage required

WHERE:

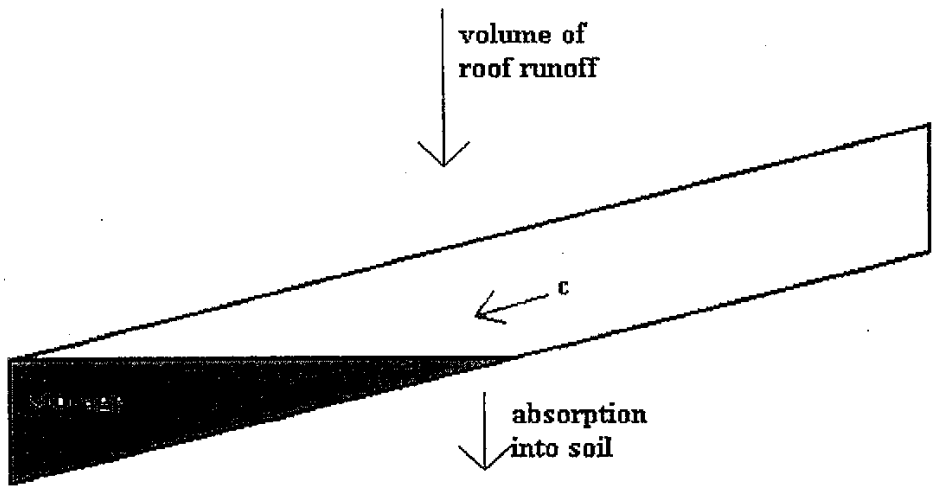
(a) volume of runoff from impervious service = surface width x surface length x rainfall amount (1 inch / one hour *20 year event*)

(b) absorption vertically = trench width x trench length x soil permeability

(c) absorption laterally = 2/3 x trench depth x trench length x soil permeability

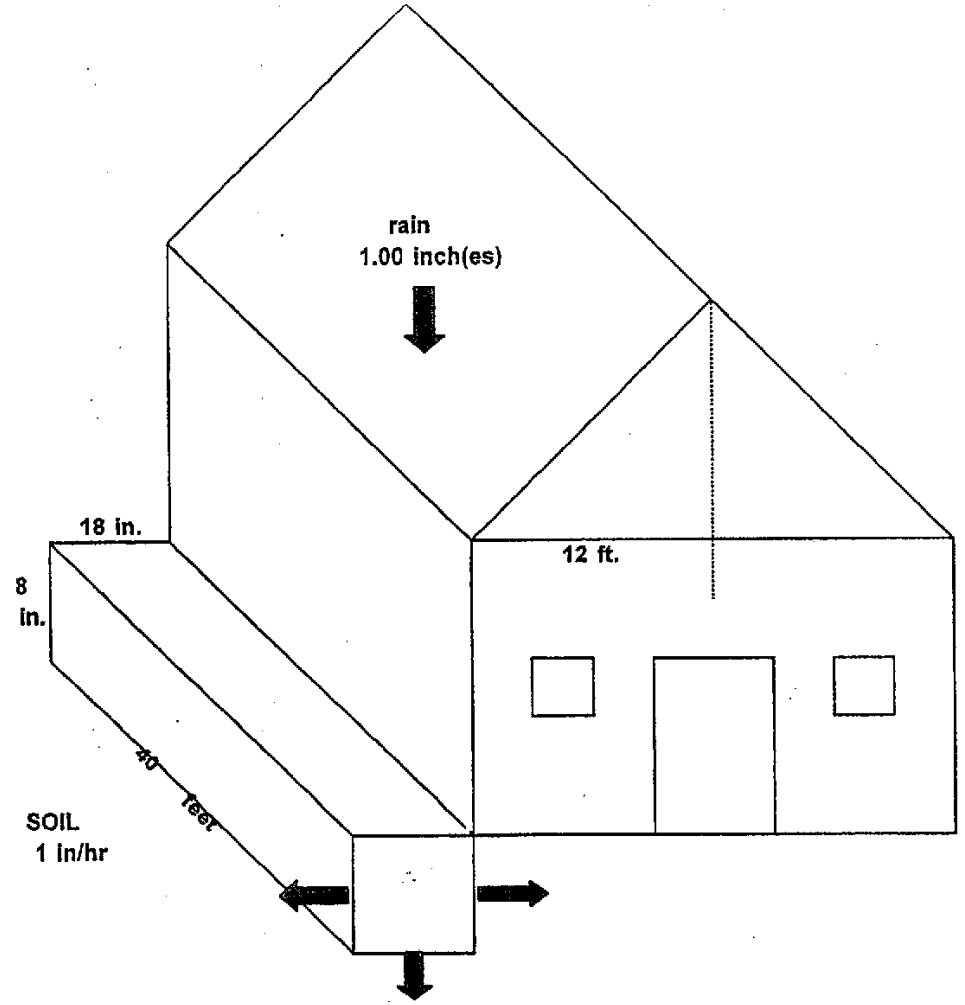
(d) storage available = 1/3 x trench width x trench length x trench depth

EXAMPLE OF A TRENCH ON A SLOPE



c = volume of roof runoff - absorption into the soil and is the amount we need accomodate with storage capacity

(b) absorption vertically = trench width x trench length x soil permeability



TRENCH *

WIDTH 18 in.

DEPTH 8 in.

LENGTH 40 ft.

ROOF 12 ft. X 40 ft.

SOIL 1 in./hr.

STORM 1.00 (Inches)

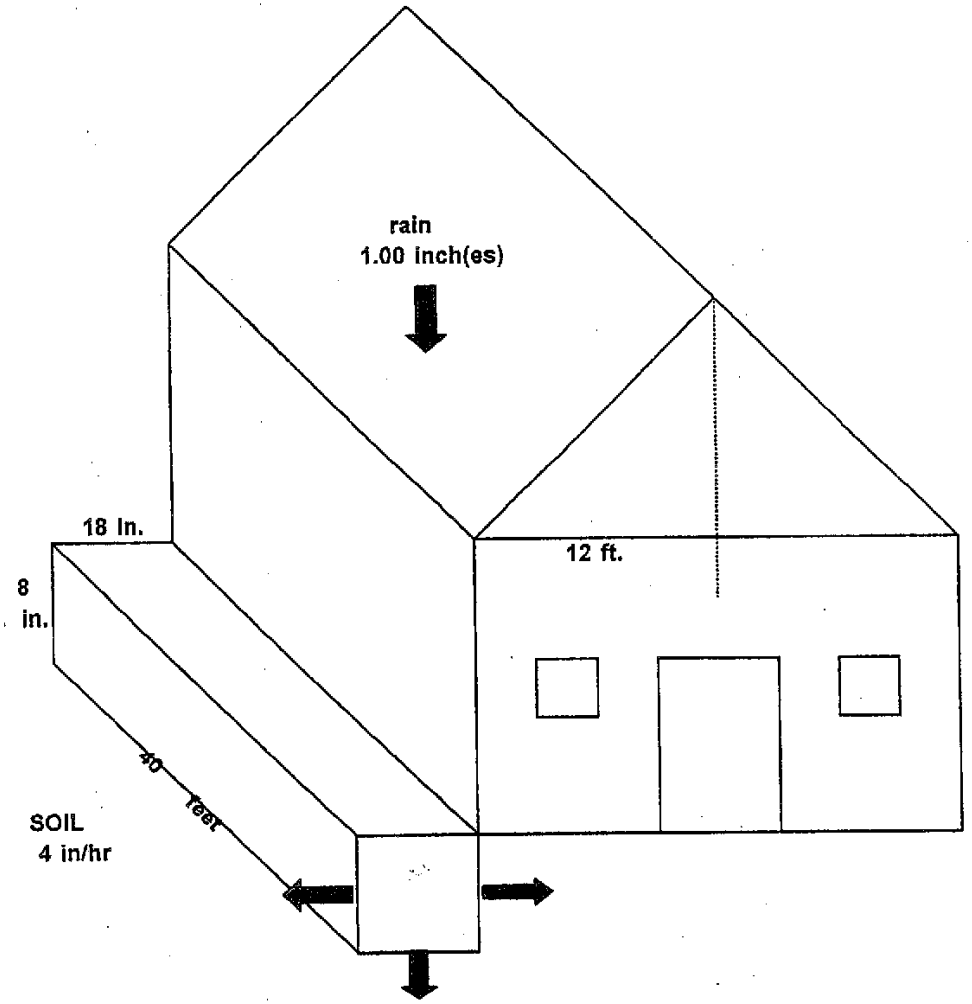
SLOWLY PERMEABLE SOILS

c.f. = cubic feet

total volume - trench permeability = storage required

40.0 c.f. - 6.5 c.f. = 33.5 c.f.

slope	0%	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%	15%	16%	17%	18%	19%	20%	21%	22%	23%	24%	25%
storage capacity c.f.	13.3	9.3	5.6	3.7	2.8	2.2	1.9	1.6	1.4	1.2	1.1	1.0	0.9	0.9	0.8	0.7	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.5	0.4
storage deficit c.f.	20.2	24.2	28.0	29.8	30.7	31.3	31.7	31.9	32.1	32.3	32.4	32.5	32.6	32.7	32.7	32.8	32.8	32.9	32.9	32.9	33.0	33.0	33.0	33.0	33.1	33.1
% failure by total volume	50%	60%	70%	75%	77%	78%	79%	80%	80%	81%	81%	81%	81%	82%	82%	82%	82%	82%	82%	82%	82%	82%	83%	83%	83%	83%



TRENCH

WIDTH 18 in.

DEPTH 8 in.

LENGTH 40 ft.

ROOF 12 ft. X 40 ft.

SOIL 4 in./hr.

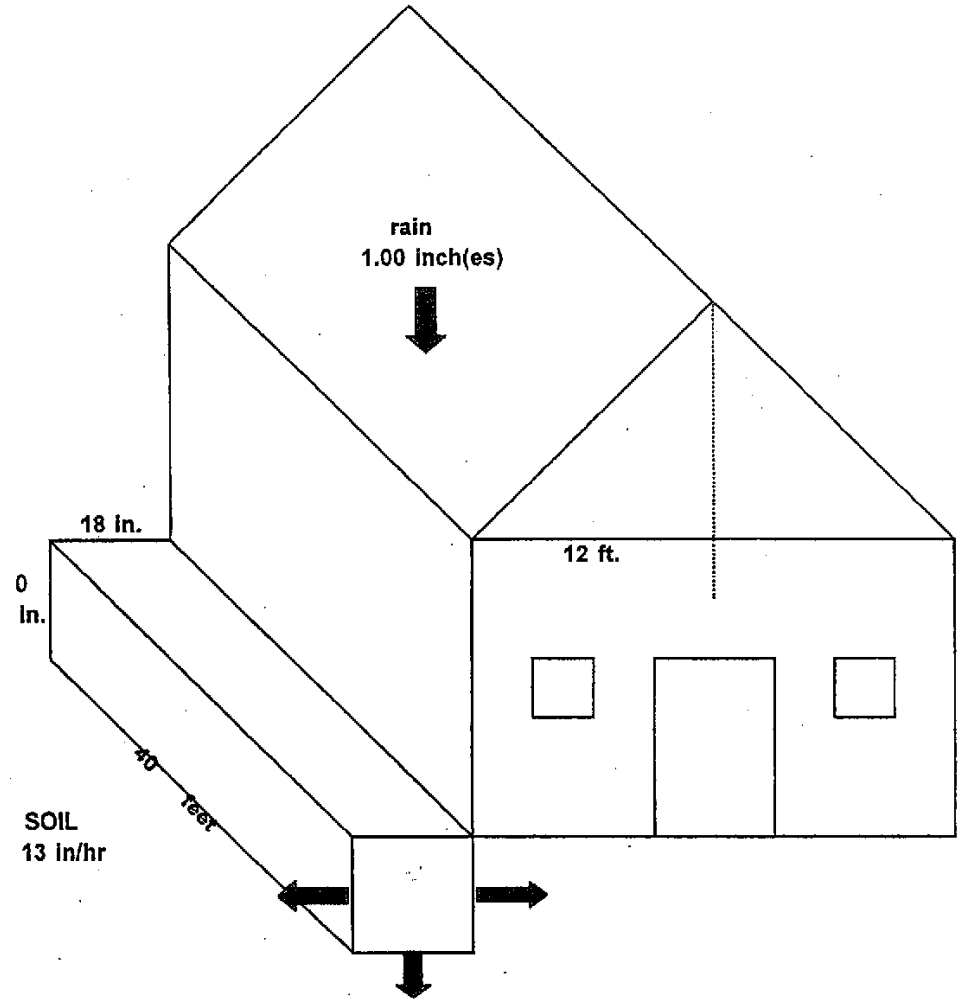
STORM 1.00 (inches)

MODERATELY PERMEABLE SOILS

c.f. = cubic feet

total volume	-	trench permeability	=	storage required
40.0 c.f.	-	25.9 c.f.	=	14.1 c.f.

slope	0%	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%	15%	16%	17%	18%	19%	20%	21%	22%	23%	24%	25%
storage capacity c.f.	13.3	9.3	5.6	3.7	2.8	2.2	1.9	1.6	1.4	1.2	1.1	1.0	0.9	0.9	0.8	0.7	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.5	0.4
storage deficit c.f.	0.7	4.7	8.5	10.4	11.3	11.9	12.2	12.5	12.7	12.8	13.0	13.1	13.1	13.2	13.3	13.3	13.4	13.4	13.5	13.5	13.5	13.5	13.6	13.6	13.6	13.6
% failure by total volume	2%	12%	21%	26%	28%	30%	31%	31%	32%	32%	32%	33%	33%	33%	33%	33%	33%	34%	34%	34%	34%	34%	34%	34%	34%	34%



40

SOIL ALONE *

WIDTH 18 in.

DEPTH 0 in.

LENGTH 40 ft.

ROOF 12 ft. X 40 ft.

SOIL 13 in./hr.

STORM 1.00 (inches)

* The amount of water an area of soil with the above dimensions could permeate. Depth of 0 inches because there is no trench.

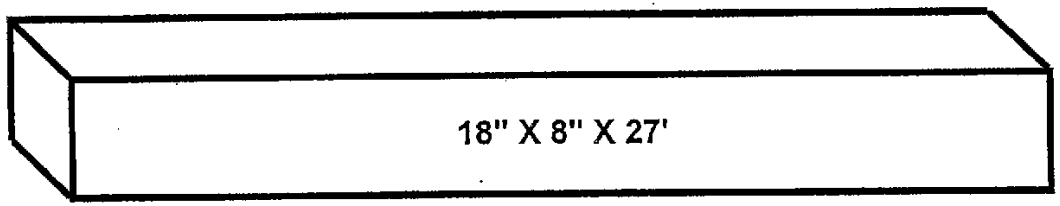
RAPIDLY PERMEABLE SOILS

total volume	-	soil alone	=	storage required
40.0 c.f.	-	65.0 c.f.	=	0.0 c.f.

c.f. = cubic feet

slope	0%	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%	15%	16%	17%	18%	19%	20%	21%	22%	23%	24%	25%
soil alone	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0
storage deficit c.f.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
% failure by total volume	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

TRENCH VERSUS DRYWELL

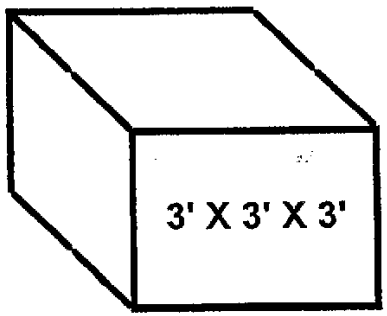


VOLUME = 27 cu.ft.

SURFACE AREA = 56 sq.ft.

ABSORPTION = 43.8 cu.ft./hour

assuming a rapid soil permeability (10 inches per hour)



VOLUME = 27 cu.ft.

SURFACE AREA = 45 sq.ft.

ABSORPTION = 12.5 cu.ft./hour

IMPERVIOUS SURFACE LENGTH IN FEET

IMPERVIOUS SURFACE WIDTH IN FEET	5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
5	2	4	6	8	10	13	15	17	19	21	23	25	27	29	31	33	35	38	40	42
10	4	8	13	17	21	25	29	33	38	42	46	50	54	58	63	67	71	75	79	83
15	6	13	19	25	31	38	44	50	56	63	69	75	81	88	94	100	106	113	119	125
20	8	17	25	33	42	50	58	67	75	83	92	100	108	117	125	133	142	150	158	167
25	10	21	31	42	52	63	73	83	94	104	115	125	135	146	156	167	177	188	198	208
30	13	25	38	50	63	75	88	100	113	125	138	150	163	175	188	200	213	225	238	250
35	15	29	44	58	73	88	102	117	131	146	160	175	190	204	219	233	248			
40	17	33	50	67	83	100	117	133	150	167	183	200	217	233	250					
45	19	38	56	75	94	113	131	150	169	188	206	225	244							
50	21	42	63	83	104	125	146	167	188	208	229	250								
55	23	46	69	92	115	138	160	183	206	229										
60	25	50	75	100	125	150	175	200	225	250										
65	27	54	81	108	135	163	190	217	244											
70	29	58	88	117	146	175	204	233												
75	31	63	94	125	156	188	219	250												
80	33	67	100	133	167	200	233													
85	35	71	106	142	177	213	248													
90	38	75	113	150	188	225														
95	40	79	119	158	198	238														
100	42	83	125	167	208	250														

VOLUME OF RUNOFF IN CUBIC FEET FOR A ONE INCH IN ONE HOUR STORM EVENT ON AN IMPERVIOUS SURFACE

CUBIC FEET OF WATER HANDLING CAPABILITIES FOR A 40" X 40" DRYWELL WITH 94% VOID SPACE AND THE FOLLOWING DEPTHS IN INCHES

	4	8	12	16	20	24	28	32	36	40	44
SLOW	3.5	7.1	10.6	14.2	17.7	21.3	24.8	28.3	31.9	35.4	39.0
MODERATE	6.5	10.2	14.0	17.7	21.4	25.1	28.9	32.6	36.3	40.1	43.8
RAPID	15.4	19.7	24.0	28.2	32.5	36.8	41.1	45.4	49.7	54.0	58.2

WIDTH OF ROOF IN FEET A 40" X 40" DRYWELL WITH 94% VOID SPACE AND THE FOLLOWING DEPTHS IN INCHES CAN ACCOMMODATE

	4	8	12	16	20	24	28	32	36	40	44
SLOW	12.8	25.5	38.3	51.0	63.8	76.5	89.3	102.0	114.8	127.6	140.3
MODERATE	23.4	36.8	50.3	63.7	77.1	90.5	104.0	117.4	130.8	144.2	157.6
RAPID	55.4	70.8	86.3	101.7	117.1	132.5	148.0	163.4	178.8	194.2	209.6

Assessor's Parcel Number: _____ County: _____ Priority Watershed: 1 | 2 | 3

Property Owner: _____ Home Phone: _____ Work Phone: _____

Property Address: _____

Mailing Address: _____

Today's Date: _____ Target Completion Date: _____ Init: _____ Agency: _____

Soil Permeability: SLOW | MODERATE | RAPID East-shore ___ West-shore ___

PAVING NEEDS: *(CIRCLE ALL THAT APPLY)*

DRIVEWAY | PARKING AREA | WALKWAY | SWALE / BERM |

RUNOFF TREATMENTS:

INFILTRATION TRENCH | VEGETATED DRIP LINE | SHALLOW SUB-SURFACE DRAIN
GRAVEL MULCH | RAINGUTTERS WITH DOWNSPOUTS | GRASS BUFFER | DRYWELL

SLOPE STABILIZATION:

RETAINING WALL | TERRACES | RIP RAP | DRAINAGE | VEGETATIVE METHODS

****VEGETATE OR MULCH ALL BARE SOIL AREAS****

VICINITY MAP

SITE PLAN Please include slope percent and direction.

#	RUNOFF	TREATMENT	DIMENSIONS	QUANTITY
1				
2				
3				
4				
5				
6				
7				

Homeowners are responsible for meeting all codes, ordinances and permits, and for maintenance of practices.
For more information contact the Tahoe Resource Conservation District and
the Nevada Tahoe Conservation District at (530) 573-2210 or TRPA at (775) 588-4547 Ext. 217.

☐ ENGINEERING ASSISTANCE REQUESTED: DRAINAGE | SLOPE STABILIZATION | OTHER
☐ GRAVEL ASSISTANCE REQUESTED

REVISED: 2/21/2001 by NRCS Tahoe Basin Field Office

Assessor's Parcel Number: _____ County: _____ Priority Watershed: 1 | 2 | 3

Property Owner: _____ Home Phone: _____ Work Phone: _____

Property Address: _____

Mailing Address: _____

Today's Date: _____ Target Completion Date: _____ Init: _____ Agency: _____

Soil Permeability: SLOW | MODERATE | RAPID East-shore ___ West-shore ___

PAVING NEEDS: *(CIRCLE ALL THAT APPLY)*

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****VEGETATE OR MULCH ALL BARE SOIL AREAS****

VICINITY MAP

SITE PLAN Please include slope percent and direction.

#	VOL. DIMENSIONS	TREATMENT QTY.
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

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☐ ENGINEERING ASSISTANCE REQUESTED: DRAINAGE | SLOPE STABILIZATION | OTHER
☐ GRAVEL ASSISTANCE REQUESTED

REVISED: 2/21/2001 by NRCS Tahoe Basin Field Office

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MEMORANDUM

April 4, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Workshop Regarding Late Seral/Old Growth Regulation

Proposed Action: Staff requests that the Advisory Planning Commission hold a workshop on the proposed regulation and provide recommendations.

Staff Recommendation: Staff recommends the APC hold a workshop on this item and recommend the staff returns in May with a final ordinance.

Background: The Governing Board extended the interim old growth regulation at the April 2000 meeting on the condition that staff return in May 2001 with changes that provide flexibility for private landowners. The Forest Health Consensus Group has been working to develop the final regulation, and will be prepared to bring a final package in May.

Discussion: This workshop focused on the late seral/old growth regulation is an important step in the consensus process. The new regulation will not be completely finalized before the APC meeting, however the discussion and debate at the APC will help the Forest Health Consensus Group finish its work on the difficult remaining issues.

Members of the Forest Health Consensus Group will be present and offer their different viewpoints to the APC. The workshop setting will allow APC members to pose questions to different members of the Forest Health Consensus Group.

The proposed workshop agenda is: 1) overview of history and framework for new regulation, 2) presentation of the new threshold, goals and polices, and discussion of the new threshold, goals and polices, 3) overview of elements of code and different viewpoints, 4) significant code details and discussion, and 5) APC recommendations.

Enclosed within the APC packet is the "working memo" of the Forest Health Consensus Group. This memo represents the latest work of the group, and has been through five full drafts and many small changes. Staff's presentation will focus on this memo and the biological and policy reasons for the specific regulation language.

If you have any questions regarding this agenda item, please contact Gerald Dion at (775) 588–4547 or, jdion@trpa.org.

Enclosure: Working Memo of the Forest Health Consensus Group

GD/dmc