

**TRPA  
APC  
PACKETS**

**JULY  
2001**

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 July 11, 2001, at The Tahoe Seasons Resort, Saddle Road at Keller, South Lake Tahoe, California. The agenda for the meeting is attached hereto and made a part of this notice.

June 29, 2001



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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 AI 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 Tahoe Seasons Resort  
Saddle Road at Keller  
South Lake Tahoe, California

July 11, 2001  
9:30 a.m.

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

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

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

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

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS (11:00 a.m.)
  - A. Amendment of Certain Sections of the City of South Lake Tahoe Substitute Sign Ordinance Pg. 1
  - B. Amendment of PAS 058 Glenbrook, to Create a Special Area #1 for Commercial Uses, Deletion of Special Policy #6, and Providing for Other Related Matters Pg. 17
  - C. Amendment of PAS 030, Mt. Rose, and PAS 040, Incline Village #1, Boundary Line to Incorporate Portions of Washoe County APN 125-211-01 into PAS 040 and Removal of Washoe County APN 125-211-02 from PAS 040 and Incorporated into PAS 030 Pg. 19
  - D. Amendment of PAS 070B, Rabe to Extend the Urban Boundary and Create Special Area #1 Wherein Multi-Family Dwellings are a Permissible Use, and Other Matters Relating Thereto Pg. 37

- E. Amendment of PAS 067, Marla Bay/Zephyr Heights, to Amend Special Area #2 to Make Multi-Family Dwellings a Permissible Use, and Other Matters Relating Thereto

Pg. 43

VI. PLANNING MATTERS

- A. Workshop on Thresholds (9:30 a.m.)

Pg. 53

- 1. Economic
- 2. Wildlife
- 3. Noise

VII. REPORTS

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

June 13, 2001

REGULAR MEETING MINUTES

Chairperson Gary Marchio called the regular June 13, 2001, meeting of the Advisory Planning Commission ("APC") to order at 9:37 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Wysocki, Mr. Cole (arrived at 9:40 a.m.), Ms. Kemper (arrived at 9:50 a.m.), Mr. Porta, Mr. Lane, Mr. Poppoff, Mr. Plemel, Mr. McIntyre, Mr. Morgan, Mr. Tolhurst (arrived at 9:56 a.m.), Ms. Krause, Mr. Combs, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Kehne, Mr. Hust, Ms. Baldrice, Mr. McDowell

QUORUM EXISTS

II. APPROVAL OF AGENDA

No changes to the agenda were recommended. Chairperson Marchio called for a motion to approve agenda:

MOTION: Mr. Jepsen moved.

SECOND: Mr. Morgan seconded.

MOTION CARRIED

III. PUBLIC INTEREST COMMENTS (No Action)

There were no public interest comments.

IV. DISPOSITION OF MINUTES

There were no minutes.

Chairperson Marchio moved to item A of the public hearings section on the

agenda, Adoption of the Tahoe Keys Marina Master Plan and Certification of the Related Master Plan Environmental Impact Statement (EIS)

Ms. Coleen Shade, Senior Planner Long Range Planning Tahoe Regional Planning Agency, presented a staff summary on the staff recommendation of adopting the Tahoe Keys Marina Master Plan. She reviewed Marinas and there addition to the Recreation threshold around the basin as well as the Tahoe Keys Marina history of violations, violation resolution and continued violations. She passed out a staff summary from March regarding settlement, specifically the removal of boat slips, fines and the continued docking of the Paradise and the Hot Air Balloon that costs approximately \$3,000 a month and is remitted to the water quality program until such time as the master plan is adopted.

Ms. Shade discussed the issue of PAOT's (people at one time) or what she more affectionately called BAOT's (boats at one time) in the Marina. The original draft EIS offered a range of up to 263 boats maximum within the Marina at one time. However, the number of boats does not equal the same number of slips that will hold the boats because although a slip could hold two small boats it can only hold one large boat.

Ms. Shade then introduced Ms. Brady, the EIS consultant on the Tahoe Keys Marina Project who supplemented Ms. Shade's presentation with a presentation that outlined how responses on the Draft EIS were resolved on the Final EIS. Ms. Brady covered the reduced development alternative, parking spaces, land coverage error in draft EIS as rectified in final EIS, the Tahoe Keys Property Owners Association requirement to now file a plan area statement amendment and obtain necessary allocation of commercial floor area, Hydro's 1, 3, 4, 6 in depth, Vegetation 1, Milfoil, Traffic 1, Traffic 2, Traffic 3, Traffic 4 and Traffic 7.

Hydro 6 deals with an influx of potentially toxic materials, specifically PAH's, into the lagoon due to higher boat traffic in the lagoon. The detailed mitigation for this issue was the establishment of a baseline as modeled by Dr. Oris' (20  $\mu$ ) done in conjunction with Lahontan via measurements taken throughout the year at different times of the year during different levels of use. If contamination levels indicate higher than Oris' 20  $\mu$ , then that level will be determined as the baseline, if the contamination levels are lower than Oris' 20  $\mu$  then Oris' level will be used.

Vegetation 1 and the impact on the Tahoe Yellow Crest mitigation was the hiring of a qualified botanist to be contracted to establish presence and quantifies presence of Yellow crest. In addition, a Tahoe Crest Management Plan is required and will be coordinated with service agencies.

The vegetation issue of Milfoil was also discussed and is being currently taken care of within the Marina. There is no mitigation for this issue because there was no significant impact of the Marina expansion on the Milfoil expected.

There weren't any major changes in the mitigations with regard to Traffic 1, 2, 3, 4 and 7. Changes to the language with regard to specifics on funding for changes made to area of City of South Lake Tahoe were made and are at the discretion of the City. It is a requirement and when it happens will be determined by the city. City has initiated design for Hwy 50 and State Route 89 at the 'Y' so the mitigation has been reworded and is now more specific. Contributions are to be made to the City prior to the issuance of permits. With regard to the proposed boat dock islands under Traffic 7, one minor revision is the removal of the boat dock islands. Therefore the total boats included in the master plan would be 150 not 174. The island was seen as impeding circulation.

Visual impacts have not been changed. Barn 'B' was determined to remain at existing height. Required design and site plan for parcel three to accommodate boat storage barn that is compatible and does not have visual impact. With regard to long-term parking there were questions regarding definition of Long Term Parking. Determined to be anything over a few hours.

Chairperson Marchio asked for questions from staff and EIS consultant.

Paul Morgan asked Ms. Brady to clarify the issue of Milfoil. He understood that in the original EIS it was stated that the mechanical disturbances enhances the Milfoil. How will we control the smaller rhizome dispersal? Ms. Brady deferred to Ms. Shade. Ms. Shade stated that there is no mitigation because there is no other available mitigation that meets the 208 Plan or the Lahontan basin plan that will eradicate this plant. The TRPA has put the issue into the Fisheries Section and the Vegetation section for this threshold evaluation to develop methods for eradication. This is a regional issue and is not specific to the Marina. There needs to be changes made to the 208 Plan but not as a mitigation in this master plan.

Mr. Morgan asked if it was true or not that this plant started in this area. Ms. Shade could not answer this question. No one knows where started due to boats spreading the milfoil.

Paul Morgan asked Ms. Shade where oil spills are stored. Ms. Shade responded by saying that currently every marina is required to file a spill plan with Lahontan (in California). Sponges and buckets for hazardous spilled materials are available at the gas stop. Also, the TRPA and marinas are giving out free buckets and sponges for containment of spills.

Paul Morgan asked about the status of the Land Exchange. Ms. Shade said that the Tahoe Keys Marina is still in negotiations with the California Tahoe Conservancy (CTC) and deferred to Dick Horton. Mr. Horton, a co-owner of Tahoe Keys Marina (TKM), said that the negotiations are still "up in the air". Mr. Horton explained the history of the negotiations and explained that as a part of the exchange, the CTC has said that if the exchanged land is not managed the way that the CTC wants it to be managed, then the CTC should be allowed to take the land back. Mr. Horton expressed that this is a "deal breaker" for the TKM and he does not see this working out.

Paul Morgan asked about the use of the infiltration trench with large rocks for the boat wash. He said that this system has not been identified as very efficient at protecting toxic paint materials from being released and wanted to know if a better system has been identified. Ms. Shade deferred to Sheila Brady.

Ms. Brady believed that the drainage plan was changed in the appendix of the Final EIS. The new drainage system was expanded and improved and leads to a large detention base. Mr. Morgan could not determine that this detention base included the boat wash. Ms. Brady deferred to the Laurie Kemper. Ms. Kemper referred to Hydro 1 (page 15) where it is stated that the boat wash system is under cover and the runoff will be directed to the sanitary sewer and not the storm water infiltration system.

Leo Poppoff asked about the PAOT system and how transient boats are counted in this system. Sheila Brady deferred to Coleen Shade. Ms. Shade explained that the PAOT system does not accommodate transient boats. In the master plan, slips do not equal boats. Looking at capacity of maximum number of slips do not account for all emissions. Looking at the boats only will accomplish this. Therefore the PAOT system only reflects the number of boats that can be tethered at one time not the number of slips available. Mr. Poppoff said that he read that there are 2000 PAOT's for boats allocated to Marinas. Is this an additional 2000 or does that include what is in activity now? Ms. Shade said that that is in addition to what was seen as legally existing when the plan was adopted. Mr. Poppoff asked if sometime or another we will see an additional 2000 slips or buoys around the lake. Ms. Shade answered in the affirmative but only in marinas.

Leo Poppoff asked about the PAH limit of 20  $\mu$  per liter based on a study that was not done in the Tahoe Keys and therefore does not apply to the Tahoe Keys.

Ms. Shade responded that the 20  $\mu$  should not be used until studies are done around the lake. 20  $\mu$  is probably high in terms of concentration



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because of the turbidity of the water inside that lagoon. There is no penetration of light and therefore you don't have the enhanced photo toxicity as you would in open water.

Mr. Poppoff clarified that he understood the level analysis but he did not understand that Dr. Oris came to Lake Tahoe and did a study. Ms. Shade commented that he did not. He took data from the Tahoe Keys. Mr. Poppoff understood that further research would be done. What happens if the 20  $\mu$  to the Tahoe Keys is too high? How will this affect the master plan? Ms. Shade referred to Hydro 6 where the language read "...or at such time that additional information is provided that would amend this standard." This information could come from Dr. Oris, State of California or some other standardization process. The baseline will be changed as the information changes.

Chairperson Marchio asked for other questions. There were none. Moved to public hearing.

Dick Horton, applicant for the Tahoe Keys Marina, commented on the marina and his commitment. Mr. Horton noted that many believe that the Marina is the largest activity that takes place in the lagoon but the marina is only about 1/3 of the total slips available in the marina. So when PAH's are discussed, it is important to keep in mind that there are several sources of PAH in the marina. He stated that the Marina provides fuel and holding tanks to Tahoe Keys Property Owners (TKPO) who probably have 1000 boats. Mr. Horton gave some background of the master plan and commented on the fact that it is required by the TRPA because it will hold more than 10 slips even though other groups within the lagoon have more than 10 slips and are not required to file a master plan because they are not marinas. Mr. Horton stated that even though the process is lengthy and costly, he hopes that the costs are offset by the income in the long run but he has come this far and would like to see it through.

Laurie Kemper asked in what order the new slips would go in. Mr. Horton answered utilizing the map and indicated that the first slips would go in on either side of the large dock and then depending on PAH studies, additional slips would be added in the least intrusive areas. Most likely in the South End because the North End does not have enough water. Ms. Shade interjected that because this is a problematic EIS you don't see where the slips are going in. However each phase of slip additions will be evaluated and an initial environmental checklist (IEC) will be completed when each one comes in.

Dave Roberts, League to Save Lake Tahoe, prefaced his comments with the disclaimer that comments on problems with the EIS do not necessarily represent opposition to the Marina expansion. As a matter of policy the League is not opposed to the boating Marina expansion provided that the

impacts associated with these activities and the required facilities can be fully justified and/or mitigated. The League is trying to make this a precise effort and exercise so we can establish impacts and resolve them better. Because this is a precedent setting EIS, it is important to adequately analyze all future and cumulative programmatic impacts. Mr. Roberts does not feel that there is enough information to accomplish the goal of establishing all precedent setting criteria or adequate analyses for projects associate with this specific EIS. This is why he also feels the need to distinguish between projects and program EIS's. This is also, why the EIS needs to be held to a very high bar and provide proper procedural and analytical policies that are established now rather than at later dates. The problems the League sees with this EIS are: 1) Incorrect representations of actually existing physical conditions present at the Marina at the time of notice of preparation of this document, 2) The establishment of baseline conditions is yet to be completed and 3) Runoff of related discharge is concluded to be insignificant despite any accurate justification for such a determination.

The determination of baseline water quality data is critically important especial in consideration of violations already associated with Tahoe Keys Marina. Corrections in the final EIS do not contain enough specificity. There are no specific schematics for what the final Southern Expansion will look like. We don't know what, if anything, can be developed in that area. The establishment of baseline guidelines will be compromised due to the illegal docks currently existing. The pre-project conditions are not met by mitigations and mitigations cannot be accomplished unless the pre-project conditions are accurately reflected. Although, the data that was collected last year gives an idea of what continued growth can do not the baseline levels themselves.

In regard to noise, the League feels two different noise standards were raised. Cumulative noise standards and single use noise standards. Mr. Roberts feels that the single event noise standard was discounted because it was confused with the long-term cumulative noise standard. Single use noise was dismissed as less than significant because it was determined that increased activity would not produce more than a 3-decibel increase in the long term. Mr. Roberts feels that this finding does not address the issue of single use but long term only. He feels that the single use will increase significantly due to more boats and bigger boats that make more noise.

With regard to storm water runoff, Mr. Roberts feels that the finding of less than significant was inaccurate. He feels that rather than looking at each component of the master plan individually, when taken together, there could be a significant impact.

The League is unclear what the mitigation regarding shore zone is.

Mr. Roberts urged APC to not consider the EIS final at this point. He asked that the baseline first be established and then the EIS could be finalized. There are too many inconsistencies in site plans and actual area and too many open ended questions and uncertainties. He feels that we need greater analysis.

Chairperson Marchio asked for questions.

Chairperson Marchio asked if all of the issues Mr. Roberts raised today were identified in a letter to the TRPA. Mr. Roberts responded in the affirmative saying that the EIS responded to the Leagues letter. Chairperson Marchio asked then if Mr. Roberts was disagreeing with how the EIS responded to these comments. Mr. Roberts answered in the affirmative.

Kevin Cole questioned whether what Mr. Roberts was saying was contradictory to the premise that this is a programmatic EIS. He thought what was being said was mitigations were based on build out. What he understood mitigations were supposed to do was mitigate impacts and if a particular project comes along that does not reach build out or doesn't reach those maximums, then there will be different mitigations. It seems to him that what is appropriate is mitigations that mitigate the project and not mitigations that are generally applied to everything without regard to a specific project. Mr. Roberts disagreed with relation to storm water treatment because the runoff drains to one water quality mitigation site in the entire basin.

Mr. Cole thought Mr. Roberts thought it was appropriate to call each slip equal to one boat. But he thought Coleen thought this was not appropriate. Mr. Cole was confused because it seems that by looking at the slips only would allow more boats. Mr. Roberts commented that there was not an adequate way of judging using the slips. Mr. Roberts believes that you should call a slip a boat because if we don't then a slip could be two boats.

There were no more questions of Mr. Roberts.

Jim Phelan, Tahoe City Marina, spoke in favor of the master plan process. He discussed how a marina provides a "controlled" environment as opposed to an open ramp or some other boat launch area. He explained that boating activity is only high about 4 months out of the year and that it is best to be ahead of off shore growth in terms of controlling the number of boats in the water prior to new residents with new boats in the water.

(Break at 11:20 a.m.)

(Reconvened at 11:30 a.m.)

Chairperson Marchio called for APC discussion.

Paul Morgan questioned TRPA staff with why TKPO and Tahoe Beach have unrestricted boat slips. Gabby Barrett responded that when in planning stages, the main issues were ski areas, marinas and community plans or commercial areas because of the need for control in these areas. Mr. Morgan wanted to know if we could go back and fix this. Mr. Barrett felt that we could and that would probably be the next issue with the lagoon but that the regulation of the community plans or commercial areas has helped. Mr. Morgan stated that the federal government has found a way to deal with this issue with 5-year permits.

Mr. Barrett agreed that this should be looked into later on. Coleen Shade asked if Mr. Morgan was referring to California State Lands' permits. Mr. Morgan responded that no he was referring to water quality.

Laurie Kemper stated that Lahontan would be doing some sampling in the beach and harbor area and if they see that the numbers are high in that area, and then they will be able to take some sort of action in that area. She also stated that Lahontan is funding a comprehensive study on PAH in summers of 2001 and 2002 on toxicity impacts or emissions rates of certain boats for future action.

Ms. Kemper questioned the handling of the realities versus the 1998 version that was before them. Ms. Shade responded that in the Heavenly Valley Ski Area Master Plan, the original was incorporated in the final plan as well as what was included since the original the mitigation and the monitoring.

Ms. Kemper commented on Mr. Roberts's comments about boat slips and asked if the more slips means more boats. Ms. Shade replied in the negative. Ms. Kemper asked then if we could make the language clearer in Hydro 6 and state that the boat number will not exceed 50 in the first phase. Ms. Shade pointed out that indeed this language is under V. 9. and said that they would be sure to add "...and not to exceed 50 boats."

Ms. Kemper prefers that all bilge water go to some kind of treatment facility and then to a sanitary sewer. It did not seem that this was going to happen as it was written. She noted that at one place in the EIS, it seemed that it was going to a sanitary sewer, and at another it is saying that with boats that are being pulled from the lake the water is being pre treated with a sand oil trap before being released back into the ground. Ms. Shade reiterated Ms. Kemper's preference asking if Lahontan would prefer that all

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bilge water be sent to vault and then to the sanitary sewer. Ms. Kemper agreed but added that if not a vault then needs to be adequately pre-treated.

Ms. Kemper also clarified that under Hydro 6 where it discusses sample taking; the minimum sample will be 3 in June and 3 in August on days 1, 7 and 14.

Ms. Kemper also stated that she would like to change Hydro 6 where after the 3 phases and permit section, regarding the mitigation, she would like it to read, "if PH sampling after any phase of construction indicates that the additional boat slips has resulted in an upward trend in PAH concentrations..." She said that right now it looks like mitigation only applies to first phase. She stated that the wording could read "any" or "every" phase.

Also, under number one for the mitigation measure, her staff asked that the wording be changed from 4 stroke fuel injected rather than just 4 stroke engines.

Ms. Kemper noted that it mentions restricting boat launching and not the possibility of reducing the number of slips. She asked if there is an option to add that here (under mitigation 1). In terms of the storm water treatment, Ms. Kemper stated that Lahontan shares some of the same concerns as the League to Save Lake Tahoe. There seems to be inconsistencies, such as the volume of the pond. Also not sure that the proposed basin is the best type of storm water treatment that can happen at the Marina and will be working with the applicant trying to incorporate any new and innovative treatment options when construction takes place. The Lahontan permit will require monitoring of the storm water treatment plan. But does suggest that the EIS does include a mitigation measure that the Tahoe Keys marina is committed to evaluating the storm water discharge and if found in violation of the Lahontan permit that they would be committed to the correction of these violations.

Leo Poppoff asked Laurie Kemper if the plan for storm water treatment within the EIS is adequate as it stands now. Ms. Kemper said that she is concerned because the numbers are wrong and there is plan for a lined pond and they may inhibit vegetation and may not be the best BMP. There are alternatives to the lining of the pond, such as semi-permeable clay liners. Mr. Poppoff then asked if Lahontan would require alternative storm water treatment before the project gets under way. Ms. Kemper answered in the affirmative.

Mr. Poppoff expressed concerns with Mr. Roberts comments about vegetation that suggested that the requirements for vegetation cover is

only 1/3 of what is there now. Ms. Shade commented that there is currently quite a bit of cover that was there for fish cover. In putting more cover in, there would not be any benefit.

Mr. Poppoff asked then about mitigation for PAH. He stated that the treatment plant put in is impractical. Ms. Shade stated that if PAH exceeds any of those three mitigations, the plant is offered as an alternative thus making it a 4<sup>th</sup> potential mitigation. In terms of its impracticality, Toby Haines looked at the use of carbon in the plant to remove PAH. The process is very costly but it is still an alternative if the first three mitigations prove unsuccessful. Ms. Shade also elaborated that if none of the four measures work, then removal of slips from the entire lagoon would be looked at.

Ms. Kemper commented that page 4B, 6a and 7a are missing language. Ms. Brady clarified that if they were not revised, than the language was not included.

Ms. Kemper also asked about adding use inventory during the PAH sample. Ms. Shade asked for clarification on the idea of use inventory. She wanted to know if Ms. Kemper meant occupied slips or number of launches or both. She wanted to if she meant the whole lagoon. Ms. Kemper answered that she wanted both occupied slips and number of launches in the whole lagoon if that could be done.

Chairperson Marchio asked about the fifth mitigation measure that could possibly be added. Ms. Shade responded by saying that if the PAH mitigation is exceeded and the four mitigations were unsuccessful, then Tahoe Keys Marina may need to remove some slips. She stated that legal counsel is looking at requiring all of the lagoon inhabitants to remove slips. She stated that the wording needs to be added. Chairperson Marchio asked if APC wanted this wording added. Ms. Kemper stated that although the wording is not exactly here, it is clear that Lahontan and the TRPA will come together to require the whole lagoon to act. Ms. Shade expressed concern that if these four measures aren't working, the fact that it does seem that the 4 stroke boats generally used in within Tahoe Keys Marina are cleaner than the boats used by Beach and Ski and Tahoe Keys Property Owners. Ms. Shade believed that if the wording is left to include the whole marina, then it is fine the way it is.

**MOTION:** Kevin Cole moved to recommend certification to Governing Board will be to adopt changes made to the EIS and approve the Master Plan. Specific changes to be made are to Hydro 1, Hydro 4, Hydro 6 and project requirements as discussed.

**SECOND:** Paul Morgan seconded.